

MEMORY OF NATIONS

Democratic Transition Guide

[The Cambodian Experience]



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TRANSFORMATIONS OF POLITICAL SYSTEMS

BERND SCHAEFER

INTRODUCTION

With the exception of Thailand, after 1945 all gradually emerging new states in Southeast Asia were post-colonial countries (Brunei, Burma/Myanmar, Cambodia, Indonesia, Laos, Malaya splitting into Malaysia and Singapore, the Philippines, Vietnam). They had all shed their imperialist rulers and patrons (France, Great Britain, Netherlands, United States) in more or less bloody, or more or less protracted, struggles for independence. In 1949, the largest and most populous country in Asia had turned into a socialist one-party state following the Soviet model and calling itself the People's Republic of China (PRC). This new China was supposed to wield ever growing influence on local Southeast Asian communists, and thus most Southeast Asian countries, before it became a financial and economic giant in Asia, with an exponentially oversized impact on everyone's investment and trade relations.

Cambodia obtained its independence from France in 1953 under Norodom Sihanouk (1922–2012) as the country's King (over the course of later history he also figured as Head of State, Prime Minister, ruler in exile, and again King). Norodom Sihanouk, like all Cambodian rulers after him, be it as President (Lon Nol, 1913–1985), "Brother Number One" (Pol Pot, 1925–1998), or Prime Minister (Hun Sen, born 1952), wanted to stay in power indefinitely, once they had attained it, temporary tactical power-sharing arrangements notwithstanding. All of them were, respectively are, disinclined to lose power through coup d'états, uprisings, wars, or as a result of elections. While only Hun Sen succeeded in this regard, all the rulers of Cambodia were always fully aware that survival in power required control over a regime's armed units, this is the military, special forces and guards, the police, and the intelligence apparatus.

With the exception of the period of internationalization of Cambodian politics following the 1991 Paris Agreement, and the aftermath of the United Nations (UN) intervention of 1992/1993, the country did not transition from a one-party to a multi-party democratic system based on shared acceptance of potential regime change as a result of elections. However, despite the absence of regime change, after 1993 the country went through partial democratization and developed features that differentiated it from patterns of authoritarianism in other Southeast Asian states.

The dynamics culminating in the 1992/1993 UN presence in Cambodia were a late result of the experience and aftermath of the utter devastation of the country with up to 1.7 million killed and dead Cambodians during the reign of the Communist Party of Kampuchea (CPK) under its leader Saloth Sar, who called himself Pol Pot, between April 1975 and January 1979.

DEMOCRATIC KAMPUCHEA [DK] (1975–1979)

Democratic Kampuchea (DK) replaced the Cambodian Republic under President Lon Nol after the complete military victory of its forces, with the occupation of Phnom Penh on 17 April 1975. Immediately afterwards, the CPK began with an evacuation of

Cambodian cities, which it viewed as brewing places of "bourgeois" habits and the most important obstacle to the implementation of true communism. Exiled leader Norodom Sihanouk was lured from Beijing into Phnom Penh later in 1975 as 'Head of State' and used for one speech and a visit to the UN, before he disappeared into house arrest for the duration of DK.

In 1976 a Four-Year-Plan was promulgated that enforced collectivization and organized the entire population into CPK-run "Work Groups" to toil in hard manual labor for the production of rice and other crops. Ever afraid of infiltrations of "spies" and "enemies", in December 1976 Pol Pot decried a "sickness in the party" that led to never-ending, cascading chain effects of denunciations, arrests, torture, and executions. During the entire DK period, as results of malnutrition, exhaustion, and politically motivated killings, about 1.7 million Cambodians died or were executed.

The end of the DK came about as a result of external events and foreign military intervention. The PRC, the patron and partner of the DK in an anti-Vietnamese alliance, had hosted a DK delegation in October and a delegation of the Socialist Republic of Vietnam (SRV) in November 1977. As a result of these visits, PRC-SRV relations broke down into open hostility and the DK felt emboldened in late 1977 to go ahead with attacking the SRV to expand Kampuchea's borders. The DK and the SRV terminated mutual diplomatic relations and were in a de facto state of war with each other.

The Kampuchean incursions and the Vietnamese counterattacks temporarily occupying DK territory fostered a Vietnamese national security doctrine regarding Cambodia: Never can any anti-Vietnamese government be allowed to rule in Phnom Penh. From early 1978, Vietnam pursued a course of regime change in the DK: Plan A, as the preferred solution wanted to manage the overthrow from within the country with Cambodian forces, Plan B was SRV military intervention from outside. While Plan A began to fizzle due to a lack of sufficient numbers of Cambodian cadres and forces to overthrow the DK regime militarily, the SRV was afraid of Chinese military intervention, both into the DK and simultaneously into Northern Vietnam in case of an implementation of Plan B. Ultimately seizing on Chinese domestic political distraction through the highly important December 1978 Third Plenum of the Chinese Communist Party in Beijing, the SRV invaded the DK during this month and captured most of the country until early January 1979. China did not intervene militarily on the side of the DK, as Pol Pot had hoped. Instead, the PRC engineered the flight of CPK leaders and fighters to the Cambodian/Thai border region and brought Norodom Sihanouk back to Beijing into exile.

PEOPLE'S REPUBLIC OF KAMPUCHEA [PRK] (1979–1989)

Former Cambodian CPK cadres, who had defected to the SRV since 1977, and anti-CPK Cambodian exiles from Vietnam, formed the nucleus of the new Cambodian government, installed in Phnom Penh under SRV guidance and supervision. Following the Vietnamese political model, a "People's Republic

of Kampuchea” (PRK) was supposed to emerge, and was tied to the SRV through an official Treaty of Friendship early in 1979.

It was a dilemma, however, from the perspectives of the Vietnamese advisers and their Cambodian allies that building up socialism SRV-style required the creation of a new all-controlling Marxist-Leninist Cambodian party basically from scratch. With the CPK gone, few non-compromised former Pol Pot supporters were left, and overall weariness to join another communist party in a widely ruined country, the efforts of the new Kampuchean People’s Revolutionary Party (KPRP) fell mostly flat. It took two years until the first official Party Congress was held in 1981, followed by a 2nd, and what turned out to be the last Party Congress in 1985. Cadre recruitment and training was constantly deficient, membership numbers remained insufficiently low. It was not just that Kampuchea was infertile ground for another communist party after the DK experience. Party problems were also due to the fact that in the eyes of most Cambodians the KPRP was suffering from a “national deficit”: It was viewed as a SRV-managed political entity, and accordingly treated as a Vietnamese appendix by friends and foes alike.

Furthermore, from its onset the PRK suffered from an anti-Vietnamese and anti-KPRP insurgency. Remnants of Pol Pot forces, the former DK leadership, and Cambodian refugees from the Northwestern part of the country were equipped with arms and other means by Chinese, Thai, and American efforts. Together with forces loyal to exiled Norodom Sihanouk, in 1982 a Coalition Government of Democratic Kampuchea (CGDK) was formed that operated in parts of the country with bases near the Thai border. Its military wings created disarray and disruptions in the country through sabotage and tenacious guerrilla fighting. The new PRK Army and the Vietnamese started counter-offensives and mined the country. For most of the 1980s, Cambodia experienced protracted civil war within its borders. It took both sides painful experiences of exhaustion, before realizing that there would not be any decisive military solution in the cards for either side to end this Civil War.

The situation in Cambodia would not have changed without changes in the Soviet Union (“Perestrojka” or “Reform”) from 1986 and subsequent changes in the SRV beginning in the same year (“Doi Moi” or “Renovation”). In the shadow of Vietnamese domestic preoccupation and open debate within the Vietnamese Workers Party about the costs and worthiness of SRV engagement in Cambodia, the PRK leadership under Hun Sen began from 1987 to propagate national reconciliation with non-CPK forces of the Cambodian opposition with the intention of marginalizing and isolating Pol Pot and his supporters. In December of 1987 Hun Sen met Sihanouk for talks in Paris, followed by further two- and multi-party meetings during subsequent years including the DK. At the same time, the KPRP began to correct Marxist-Leninist “errors” from the doctrinal Party Congresses of 1981 and 1985. It allowed for limited pluralism and debate without touching One-Party-Rule for now, but the PRK began to change gradually and soon significantly from the model of the other four communist states in Asia (China, Vietnam, Laos, North Korea).

STATE OF CAMBODIA [SOC] (1989–1993)

Four-Party talks between Hun Sen, Sihanouk, Son Sann, and Pol Pot representatives to resolve the Cambodian civil war and allow for a Vietnamese military withdrawal continued in Jakarta

in July 1988 and February 1989, culminating in extended Four-Party talks in Paris throughout July and August 1989. However, it turned out there was no solution possible if brokered exclusively by Cambodian parties. Foreign disengagement (Vietnam, China, USA) from the Cambodian conflict was needed first, and a final breakthrough was to be realized only through an internationalization of Cambodia peace talks mediated by the United Nations.

In the meantime, Hun Sen had undertaken measures at the home front that made a Cambodian solution more conducive. On 1 May 1989 the PRK was officially replaced by a new “State of Cambodia” (SOC) with a new flag and anthem. The Hun Sen government invited exiles from previous Cambodian regimes to return to the country, capitalist investment was encouraged, Buddhism officially recognized, minority rights were acknowledged. The complete withdrawal of the large Vietnamese military forces from Cambodia was arranged for December 1989 (though some undercover residual forces stayed behind).

After the fall of communism in Eastern Europe and the transformation of the Soviet Union, the years of 1990/1991 witnessed an international euphoria to solve all remaining global conflict spots through multilateralism. Cambodia became an early and prominent showcase in this regard. It was Australia that official proposed an UN role on site in Cambodia during a period of transition. The United States and China withdrew their support for the former Pol Pot government as the official Cambodian UN representation. After many rounds of negotiations, on 23 October 1991 the Paris Peace Agreement (Framework for a Comprehensive Political Settlement of the Cambodia Conflict) was signed by the four domestic factions (Hun Sen, Sihanouk, Son Sann, Pol Pot), the members of the UN Security Council, and the members of the Association of Southeast Asian Nations. A Supreme National Council (SNC) was to be formed in Cambodia during a transition period leading to free elections.

As a direct consequence of the agreement, in 1992/1993, an international peacekeeping United Nations Transitional Authority in Cambodia (UNTAC) was established to pacify the country and to prepare for elections in May 1993. UNTAC was the biggest and most ambitious UN mission ever: It was tasked with establishing a ceasefire, disarmament, repatriating refugees, supervision of a democratic political process and the drafting of a new Cambodian constitution and the preservation of human rights. This agenda was too ambitious to meet all expectations, but it achieved most of its objectives. Hun Sen and his Cambodian People’s Party (CPP), renamed in 1991 after the end of the KPRP, displayed only limited cooperation with UNTAC, and the remaining Pol Pot forces were non-cooperative to openly hostile, boycotted the parliamentary elections, and turned out to become the future losers. What the massive international effort by UNTAC had paradoxically achieved, however, was the final “de-internationalization” of Cambodian domestic politics. For the first time in its history, Cambodian political factions were no longer an instrument of outside players (Vietnam, China, United States), but from now on they had to solve, or fight out, their differences by and on their own.

KINGDOM OF CAMBODIA (SINCE 1993)

In UNTAC-supervised elections between 23 and 28 May 1993, almost 90 % of Cambodians turned out to vote. In the 120-member Cambodian National Assembly, the royalist party “United National Front for an Independent, Neutral, Peaceful, and

Cooperative Cambodia” (Funcinpec) under Prince Norodom Ranariddh, a son of Norodom Sihanouk, won 58 seats (45.5 %), Hun Sen’s CPP 51 (38.2 %) and 11 seats went to different parties. The CPP disputed the results and, after much haggling and threats of violence and secession, a compromise was brokered with Norodom Sihanouk featuring Sihanouk, first as Head of State and, from September 1993, again as King. Ministries were divided evenly between Funcinpec and CPP, with Ranariddh serving as First, and Hun Sen as Second Prime Minister. Relations between both sides were contentious from the beginning, and in July 1997 CPP armed groups, especially Hun Sen’s Bodyguard Unit, staged a conflict with Ranariddh’s networks. In a violent coup they arrested opponents and ousted Funcinpec from the government. Ranariddh fled into exile and returned for the 1998 Cambodian elections, where the CPP won an absolute majority of 64 seats while gaining 41.7 % of the national vote.

In 1997 rivalries broke out among the remaining former DK leaders in their remote holdout. After Son Sen and his family were murdered, Pol Pot was arrested and tried by his former comrades. He died in house arrest in 1998 facing deportation, while his decimated former fighters ultimately surrendered after several military defeats and defections. For the first time since the 1960s, Cambodia was free of violent conflict and the government in full control of Cambodian territory within its internationally recognized borders.

In subsequent elections, the CCP gained absolute majorities in 2003 (73 seats / 47.4 %), 2008 (90 / 58.1 %), and 2013 (68/48.8). In that last election, the opposition Cambodian National Rescue Party (CNRP) led by Sam Rainsy and Kem Sokha came close and won 55 seats. The latter protested the vote count and weren’t seated in parliament until a compromise was signed with Hun Sen in July 2014. In 2016 Sam Rainsy was forced into exile again, a year later Kem Sokha was arrested and the CNRP stripped of its assembly seats and dissolved by Cambodia’s Supreme Court in November 2017. The next national assembly elections were scheduled for July 29, 2018. They featured Hun Sen’s CPP and a large number of smaller, if not dubious parties. With just token opposition, the CPP won with 78 % of the vote claiming all 125 seats in the National Assembly. The ruling party’s nervousness over low turnout and significant numbers of invalid ballots before the election gave way to the CPP’s elation afterwards of having the country turned into a de facto one-party-state. With Prime Minister Hun Sen in power for a time of his choosing, future trends to observe include the role of the military and dynastic politics in terms of the roles for Hun Sen’s sons Hun Manet and Hun Many.

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LESSONS LEARNT

The geographical location of Cambodia with its neighbor, the one-party, nominally communist Socialist Republic of Vietnam (SRV), plus its proximity to the one-party, nominally communist People’s Republic of China (PRC), has determined, to very high degree, Cambodia’s foreign relations and political systems since the 1950s. Relations between Cambodia and Vietnam on the one hand, and with China on the other hand, were always asymmetric in military and political terms. After 1993, and especially so during the recent decade, the economic disparity between Cambodia and China, as well as with Vietnam, has grown enormously and is ever widening. According to 2015 numbers, China’s ‘poorest’ province alone (Yunnan in the Southwest north of Laos) has a higher GDP per capita than the three poorest members of ASEAN combined (Cambodia, Laos, and Myanmar). Vietnam’s GDP per capita, with a much larger population, is now double the GDP of Cambodia, after both countries were on comparably low levels about 25 years ago. This economic gap and corresponding dependencies are providing both China and Vietnam with leverage over Cambodia, with Chinese influence growing, and now dominating at the expense of previous Vietnamese influence.

All Southeast Asian countries organized in ASEAN have a solid history of authoritarian one-party systems with a high aversion to, and skillful avoidance of, peaceful regime change through elections. Only the Philippines, Thailand once in a while, Indonesia after 1998, and Malaysia in May 2018, have gone through such an experience. After 1993, Cambodia had for the first time a two-party-system with relative freedom of expression. However, this turned out as unsustainable by as early as 1997. With China and Vietnam encouraging, the United States disengaging after 2016, and members of ASEAN non-interfering, if not understanding, the CCP was able to cement Cambodia de facto as a one-party state with a lifelong ruler.

Cambodia’s weak economic and political foundations, in combination with a widespread system of patronage, corruption, and coopted elites, did not prove solid enough to establish a multi-party democracy with regime change options through elections. Throughout the entire history of Cambodia after 1953 the respective government in power wanted to stay so permanently. The current CCP government under Prime Minister Hun Sen, the longest serving ruler in Asia, and for now basically 37 years the leading figure in Cambodian politics, is so far the only government in Cambodian history that has succeeded in this quest.

CONSOLIDATING THE STATE SECURITY APPARATUS

KOSAL PATH

POSITION AND STRUCTURE OF THE STATE SECURITY APPARATUS PRIOR TO THE TRANSFORMATION

When the Vietnamese invaded Cambodia in December 1978, 180,000 Khmer Rouge forces fled to seek refuge in camps in Thailand, and remobilized to wage war against the Vietnamese occupying forces and the pro-Vietnam People's Republic of Kampuchea (PRK). In post-genocide nation building in Cambodia, the Vietnamese Communist Party (VCP) and Government immensely assisted the PRK in building the structure and foundation of its security forces and training PRK officers. The Vietnamese government established four special committees to oversee the building of the PRK government, namely B68 (in charge of building political bodies of the party and machinery of the government), A40 (economic advisers), Unit 478 (military experts), and K79 (public security experts). The PRK security apparatus was controlled by military officers, some of whom were former Khmer Rouge cadres. The current state security apparatus of the Royal Government of Cambodia mainly consists of the national gendarmerie, the national police, the prime minister body-guard unit, and the intelligence and counter-terrorism units of the Ministry of Defense.

THE ROYAL KHMER GENDARMERIE

The establishment of the gendarmerie as a militarized policing force with jurisdiction over both civilians and military personnel was envisaged in the July 1993 government decree, encouraged by the United Nations Transitional Authority in Cambodia (UNTAC), supported by King Norodom Sihanouk, and largely financed by France. However, Prime Minister Hun Sen managed to transform the supposedly politically neutral gendarmerie into the CPP-controlled armed forces. As a unit of the PRK security forces, Regiment 70 was military police and had jurisdiction only over military personnel, while civilian policing was under the jurisdiction of the Ministry of Interior. The Royal Khmer Gendarmerie (GRK) has institutional origins in Regiment 70, which was dissolved in October 1991 at the time of the Paris Peace Accords (PPA). The GRK was formally inaugurated in November 1993, under the command of General Keo Samuon, with General Sao Sokha as his sole deputy. In May 1994, former Regiment 70 commander Kieng Savut, who also served as Deputy Chief of Military Council's Political Department and Head of the Phnom Penh Military Command during the PRK, replaced Keo Samuon as the head of the gendarmerie. A government sub-decree issued in December 1994 widened its jurisdiction to cover crimes committed by military personnel and civilians alike. The 2007 Criminal Procedure Code of the Royal Government of Cambodia reaffirmed the GRK's powerful authority over civilian and military matters nationwide. In May

1999, General Sao Sokha, a close ally of Prime Minister Hun Sen, was appointed head of the national GRK and has built the national gendarmerie into a powerful 10,000-member security force spreading across the country.

PRIME MINISTER BODY GUARD UNIT

In October 1994, a year after the first democratic general election sponsored by the United Nations, an elite body guard unit, also formerly known as Brigade 70, was set up to protect the country's political leadership in addition to national defense duties. In its early stage, Brigade 70 consisted of five units including a light-armored squadron, totaling 2,262 men under the command of Lieutenant General Mao Sophan.

POLICING FORCES

As Vietnam completed its withdrawal of Vietnamese troops from Cambodia in 1988, the police fell under the expanded jurisdiction of the Ministry of Interior under the control of Party secretary Chea Sim and his brother-in-law Sar Kheng. By the mid-1980s, there were more than 10,000 police officers, and increased to 36,038 officers in 1986. In 1991 when the Paris Peace Accords was signed, which paved the way for the first democratically elected government in 1993, the Ministry of Interior oversaw the "defense of political security" all over the country with a total force of 70,000 nationwide. The total police force was reduced to, according to Minister of Interior Sar Kheng, 54,700 members in 2001 and the government planned to cut a total of 24,000 [ghost] police posts. In 2005, the police force only slightly dropped to 44,000. In 2007, Cambodia's national police had a combined force of 52,000 officers. Ever since, the police's expansion of its force has been steady. Just before the July 29, 2018 elections, the Cambodian government claimed to deploy 80,000 security forces. This figure marked a notable rise from the 50,000 personnel deployed in the commune elections and 70,000 personnel deployed in the 2013 national assembly elections.

Of the 80,000 security personnel deployed to provide public security at the July 2018 polling stations across the country, 20,000 are citizen guards (*pro-chea ka-pea* in Khmer), a new addition to the state security forces. These citizen guards are actually village guards; they fall under the framework of the Ministry of the Interior, but officially they are not part of the state security forces and not in the government payroll. They are just citizen volunteers from their villages or communes who are chosen by the local council to help monitor security. In reality, these citizen guards receive selective gifts from the ruling Cambodian People's Party (CPP), and are used by the ruling party to address a twin problem of beefing up local security in the absence of active and competent local state police and monitoring political opposition's activities without

the appearance of intimidation. While providing village security against thefts more effectively than the state police, these citizen guards units can act as the eyes and ears of party leaders in charge of those districts.

REACTION TO THE POLITICAL CHANGES

In response to the growing threat his political rival Prince Norodom Ranariddh's security force buildup posed to his power, Hun Sen built up his own personal security forces under the command of his most reliable allies within the CPP-controlled security apparatus in the mid-1990s. In July 1997, Hun Sen's loyal generals mounted a successful coup against the royalist FUNCINPEC headed by Prince Norodom Ranariddh. The reluctant party president Chea Sim, who was Hun Sen's political rival within the CPP, was sidelined during the coup. Simultaneously, through his trusted generals, secret negotiations with the outlawed Khmer Rouge commanders under Hun Sen's "Win-Win Policy" – an amnesty-for-peace strategy – were also fruitful. Hun Sen's "the Win-Win Policy" guaranteed Khmer Rouge guerrilla personal security, employment, and ownership for their defection. As much as this policy ended the civil war between the government and the Khmer Rouge rebels, it also enabled Hun Sen to undercut Prince Ranariddh's plot to lure the 40,000–50,000-strong Khmer Rouge soldiers and integrate them under the command of FUNCINPEC military wing.

The rise of Hun Sen's generals to the top of the security force pyramid today can be traced back to Hun Sen's three-pronged victory in 1997–98, which paved the way for his consolidation of power – that is, defeated the Khmer Rouge outlaw, clipped the military wing of the FUNCINPEC political opponents, and neutralized his intimate political rival, the Chea Sim faction, within the ruling CPP. The coup in July 1997 marks a critical turning point in Cambodia's security apparatus – thanks to Hun Sen's decisive victory over the Royalist FUNCINPEC. Hun Sen then elevated his loyalists, who put their life on the line to help Hun Sen stage the coup against Prince Ranariddh's faction, to the upper echelon of the state security apparatus, while purging all security commanders loyal to the prince. In the military, in 1996–97, Co-Defense Minister Tea Banh, General Pol Saroeun, and General Sao Sokha outmaneuvered FUNCINPEC generals in striking a peace deal with the Khmer Rouge rebels; they played a key role in conducting negotiations with Khmer Rouge commanders and convincing them to integrate with the Royal Cambodian Armed Forces (RCAF) under Hun Sen's "Win-Win Policy." These generals significantly helped Hun Sen put an end to the Khmer Rouge political and military organization by 1998, while bringing the majority of Khmer Rouge armed forces under Hun Sen's control.

Since the July 1997 coup, the Ministry of Interior has been under the control of Sar Kheng as deputy prime minister and minister. However, the national police chiefs have always been under the command of Prime Minister Hun Sen's loyalists and family members, General Hok Lungdy, who was appointed National Police Supreme Director in August 1999, and General Neth Savoeun, who replaced Lundy after he died in a helicopter crash in November 2008. Neth Savoeun, who is Hun Sen's nephew-in-law and one of Hun Sen's ardent loyalists within the police force, is currently national police chief; his deputy is General Dy Vichea, who is Lundy's son and Hun Sen's son-in-law; Dy is married to Hun Sen's eldest daughter Hun Mana. In July 1994, Neth

Savoeun played a key role in foiling an attempted coup against Hun Sen by CPP elements dissatisfied with his domination of the party. According to Human Rights Watch, through Neth Savoeun and Hok Lundy, Hun Sen subverted the formal national police chain of command, almost totally bypassing FUNCINPEC police officers and also marginalizing CPP Minister of Interior Sar Kheng, his party rival who had been implicated in the failed coup in the mid-1990s.

Today the official police chain of operation command over municipal, provincial and other local police formations had been short-circuited to bypass Sar Kheng. Instead, the chain of command goes from Hun Sen as prime minister to these forces via a designated secretary of state at the ministry. Sar Keng's authority is largely reduced to oversight of government at the provincial level. This account is corroborated by Sar Kheng's own statement. In 2001, he told a *Phnom Penh Post* reporter in an interview: "My major responsibility is to control administration of authority at the provincial, district, and commune level in pursuit of the decentralization policy. I am also involved in drafting the law about the control of the provinces, the districts and the commune level decentralization." By his own statement, he did not fail to take direction from Hun Sen. When asked about his work consultation with the Prime Minister, Sar Kheng replied, "I share some of the Prime Minister's workload by handling certain documents, I cannot tell you how many times I call the Prime Minister – some days I call him 10 times. My relationship with the Prime Minister is conducted in three main ways: first by letter, second by telephone, and third by face-to-face discussion."

A December 1993 RGC sub-degree (an official order that has the force of law) restructured the security forces at the Ministry of Interior, creating a Supreme Directorate of National Police, which exercised considerable authority over a number of Central Directorates. One of these was the General Information Unit, placed under the Security Central Directorate. This unit name was then changed back to Intelligence Directorate under the command of General Sok Phal. According to HRW, Sok Phal's directorate was one of the most powerful center-level security force units in Cambodia. Hun Sen used it to assert his authority over not only FUNCINPEC, but also the CPP Minister of Interior Sar Kheng, whom Hun Sen did not trust. On July 11, 2003, Hun Sen promoted Sok Phal to be Chairman of the Security Central Directorate. In 2005, he was awarded another top police position as a Deputy Supreme Commissioner of National Police, and joined the CPP Central Committee at the same time as other Hun Sen's top security force commanders like Kun Kim and Neth Saveoun.

Thus far Prime Minister Hun Sen has successfully coopted Minister of Interior Sar Kheng. Speaking at a ceremony on May 16, 2016 to mark the 71st anniversary of the national police, Kheng toed Hun Sen's call on the leaders of state security forces to preempt the "color revolution", referring to massive popular uprising, staged by the opposition. In January 2018, Dy Vichea, Hun Sen's son-in-law, was promoted to deputy National Police chief after already replacing Sok Phal as Chairman of the Interior Ministry's powerful Central Security Directorate in August 2014. In a National Police document dated February 28, 2018, Dy Vichea's security portfolio was further expanded and now he is in charge of central security and combatting money laundering and terrorism financing. As part of an inter-clan arrangement, Sar Thet, Interior Minister Sar Kheng's nephew, was promoted to be in charge of the order police, a national-level unit that focuses on anti-demonstration activities.

FORMS OF TRANSFORMATION OF THE SECURITY APPARATUS

At present, the entire security apparatus is controlled by the ruling Cambodian People's Party (CPP), and in turn the CPP is dominated by Prime Minister Hun Sen's family. Notably heads of these security agencies are members of the CPP Central Committee and close allies of Prime Minister Hun Sen, who also serves as the head of the CPP. In February 2015, the ruling CPP added at least 80 commanders and senior officers from the country's security forces to its expanded Central Committee consisting of 545 members. At the January 2018 CPP Congress, 64 military officers were added into the Central Committee.

Within the security apparatus, the prime minister bodyguard unit, officially known as the Bodyguard Headquarters (BHQ), with a force of at least 3,000 soldiers and 100 tanks is Hun Sen's most trusted security force. Hun Sen's two sons and son-in-law sit atop of spy agencies, armed forces, and the national police. As of 2014, the total number of police in Cambodia was officially said to be 52,000. In February 2016, Hun Sen ordered the recruitment of 4,500 new police officers to replace those who left the police force in 2014, citing the need to "keep public order" and for "society's security." As of 2017, the official figure for police nation-wide was 58,198, of whom 17,897 were center-level.

In 2018, Cambodia's defense and internal security expense makes up approximately 16 percent of the national budget, at close to US\$ 973 million, and has risen with an annual 15 percent in the past three years, according to the Cambodian Finance Ministry figures. China now is the main source of military aid to Cambodia; one month before the controversial elections on July 29, 2018, China pledged US\$100 million during Chinese defense minister Wei Fenghe's visit to Cambodia in June. In May, just a month earlier, Chinese public security minister Zhao Kezi visited Cambodia, according to Prime Minister Hun Sen's personal secretary Eang Sophalleth, to "strengthen cooperation on law enforcement and security" between China and Cambodia. During Zhao's visit, China and Cambodia signed an MoU on fighting terrorism and cybercrimes within the broader goal of close cooperation in matter of law enforcement and internal security. Kezi also met with General Hing Bun Heang, the commander of the Prime Minister's Bodyguard Unit, but the content of that meeting is not revealed to the public. China has been more assertive in ensuring the survival of its ironclad ally, the CPP. Since the dissolution of the main opposition party in Cambodia, there has been closer cooperation between the CCP-controlled security apparatus and China's Ministry of Public Security.

LEGAL AND POLITICAL FRAMEWORK OF THE CHANGES OF THE SECURITY APPARATUS

Since his takeover as the sole prime minister of the Cambodian government in 1998, plots to assassinate Hun Sen and "color revolutions" – popular uprising – to overthrow the Hun Sen's regime has been the main driving force for the Prime Minister's decision to build up personal security forces under his direct control. On August 23, 1998, a crowd of 10,000 people from the capital and the countryside attended the opposition-organized protest against the results of the July 26 elections allegedly rigged in favor of the CPP. On September 7, 1998, three grenades were thrown at Hun Sen's unoccupied former residence in central Phnom Penh.

According to the UN's assessment, the attack was likely orchestrated by national police chief Hok Lundy, Hun Sen's reliable ally, in order to create a pretext for suppressing opposition protest and back up Hun Sen's narrative of the opposition attempting a "real revolution or coup." In a speech to security forces in February 2011, Hun Sen stressed: "Peace, security, social order and stability are fragile, and can become chaotic at any time without an advanced prediction." Hun Sen's paranoia and fear of losing power is central to his decision to continue to build up his personal security forces.

Prime Minister Bodyguard Unit (BHQ) has been under the Prime Minister Hun Sen's direct control since its creation in 1995. It was formed as a distinct force from Brigade 70, but a government directive in September 2009 moved it out of Brigade 70. This special force unit has the duty to protect the safety of the government's top leaders and institutions and follow the policies of the legal government that was created by the election. However, its commander General Hing Bun Heang, a senior CPP military official who earned Hun Sen's trust for his role in the July 1997 coup, has long pledged his loyalty to Hun Sen. And the Prime Minister has the authority to order the Ministry of Defense to recruit and train more security personnel to expand the PMBU. For instance, a decree signed by the Prime Minister on July 21, 2016 instructed the Ministry of Defense to recruit 500 soldiers, of which 350 designated as personnel for the PMBU.

By the controversial elections in July 2018, Cambodia is a new one-party dominant state backed by the CPP-controlled security forces, and sitting atop of this power pyramid is the Hun family. General Hun Manith, Prime Minister Hun Sen's second son, was promoted in 2015 to be Director of the Military Intelligence Department under the Ministry of Defense; under his leadership, this spy agency has grown rapidly powerful in terms of its human resources and broad jurisdiction over national security affairs. In October 2017, Hun Manith was promoted to a three-star general continuing his rise through the ranks of the armed forces and ruling party. He is widely believed to have played a key role in generating the "evidence" of the CNRP's conspiracy to plot a "color revolution" against the government, which provided the legal basis for the Supreme Court's dissolution of the main opposition on November 16, 2017. With Manith in charge of the nation's top spy agency, Hun Sen can exercise close surveillance of hostile forces, domestic and foreign, and enable him to monitor his top generals' activities.

Emerging as a national hero after commanding Cambodian troops in the battle with Thai army over Preah Vihear Temple in 2010–2011, Prime Minister Hun Sen's eldest son, Hun Manet, was on a rapid rise to become one of the top military commanders and his father designated successor after the July election of 2018. In July 2018, just two weeks before the elections, Lieutenant General Hun Manet was promoted to a four-star General and Deputy Commander-in-Chief of the Royal Cambodian Armed Forces. Two months later, in September, the 41-year-old Hun Manet was promoted again to the rank of Commander of the RCAF – the second most powerful position in the Kingdom's military. In October, Prime Minister Hun Sen openly spoke of General Hun Manet as his potential successor

REACTION OF THE CITIZENS TO THE TRANSFORMATION

Cambodian citizens are divided along partisan lines, with pro-CPP voters seeing the CPP-controlled security forces as

a necessary bulwark against hostile domestic and foreign forces and the guarantor of political stability, which is crucial to continued economic development. Supporters of the ruling CPP believe in the singularity of truth that only their party has the human resources, institutional capabilities, and the vision to lead the Cambodian nation to greater prosperity, a modern version of national salvation built on its legacy of liberating Cambodian people from the Pol Pot genocidal regime in January 1979. This unique “truth,” they believe, can be attained by steering Cambodian youth into a conscious accord with the CPP’s continued rule. CPP supporters who refuse to bow to the party line risk being labelled vacillators or deviationists.

On the contrary, the pro-change population has come to see these CPP-controlled forces merely as repressive tools of the ruling party to prolong their rule in Cambodia, as well as a major obstacle to the promotion of democracy, rule of law, and social justice. CNRP supporters were either suppressed or forced to exercise self-censorship before the July 2018 elections. While repeated threats of violent crackdown on popular uprising by Hun Sen’s security forces have succeeded in striking terror into the heart of the opposition, the ruling party’s economic achievement have given renewed hope for a better future. Fear and hope has offered Hun Sen’s flawed victory a refuge after the July 2018 elections, and prevented mass protests.

LESSONS LEARNT

First, the underlying socialist client-patron networks which structured the security apparatus during the PRK and SOC (1978–1992) was not dismantled by UNTAC, which hindered the formation of

a robust and impartial security institution for the post-1993 election government. Partisan use of security forces sowed the seeds of later conflict between the CPP and FUNCINPEC, which won the 1993 elections but failed to build an independent state security apparatus. Revolutionary leaders like Hun Sen rely on highly disciplined and loyal security force commanders to cling on to power and it is more likely to develop a strong, cohesive, and loyal security organization during their sustained struggles against their political enemies. The resultant use of partisan and personalized state security by the Hun Sen faction to maintain political domination significantly spoiled the democratic process after the historic UN-sponsored free and fair elections in 1993.

Second, since the 1993 election, the CPP elites, especially Prime Minister Hun Sen, believed that the West is more interested in removing Hun Sen from power than pursuing a balanced and fair approach to both the CPP and CNRP. When the media in the West keeps demonizing Hun Sen and his generals for human rights abuses, Hun Sen’s security organization became even more cohesive as all of its members depend on the organizational unity for survival. While some of Hun Sen’s top generals are rights abusers, they helped Hun Sen end the civil war with the Khmer Rouge, bring peace, and avert all political dangers for Hun Sen and CPP. It is this strong bond of comradeship forged during war and political crises that makes Hun Sen’s security organization coherent as it is.

Third, without clear mechanisms of succession of power that would allow the losers to enter into office, and genuine reconciliation and mutual trust between political opponents in the post-war transition, incumbent leaders fear political reprisal and rely even more on personal security forces as Hun Sen has done since 1994.

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[REGIME] ARCHIVES

BERND SCHAEFER

THE NATIONAL ARCHIVES OF CAMBODIA

On 20 August 2012, the author spent some time in the National Archives of Cambodia and had an extensive and detailed talk with its Director in the presence of a (silent) representative from the Council of Ministers. Below the author is drawing on his contemporary notes from this meeting, which are still extremely pertinent and current.¹

The National Archives (NA) are best known for their extensive and exclusive collections from the French colonial period.²

The periods since 1953 are represented in the NA as follows:

- Sihanouk as King and Prime Minister, 1953–1970: extensive collections of public speeches, state bulletins, newspapers, publications, and more than 10,000 photos of the King's activities and visits in Cambodia and abroad. Material mostly in Khmer and French. However, the NA do not have internal policy documents, not even one single transcript or memorandum of conversation from the Cambodian leader. Those materials are with the Royal Palace, the Norodom family, in Paris (see below) or Sihanouk's personal and official biographer Julio Jeldres (see below).
- Lon Nol Period, 1970–1975: It is basically the same pattern, though much less material is available. Nobody could answer questions about the Cambodian memoranda of conversations of the Lon Nol government's bilateral dealings; neither whether they existed, or whether they were really all “destroyed by the Khmer Rouge” (a familiar refrain; the KR left the National Archives completely unscathed, for instance). The fact is, though, no internal policy documents of the Lon Nol period are in the National Archives.
- DK Period, 1975–1979: This is by far the best documented and researched period of Cambodian post-1953 history. Though the material is not in the National Archives, but in the non-governmental Documentation Center of Cambodia (DC Cam) in Phnom Penh (see below). Also, the prosecution and defense teams with the current Khmer Rouge Tribunal (KRT) have left no stone unturned and uncovered much more material. Most of it is still with the ECCC (the KRT court).
- Vietnamese Tribunal against the “Pol Pot – Ieng Sary Clique” held in 1979 in Phnom Penh: This material is at the National Archives and accessible upon request.
- PRK Period, 1979–1989: According to the NA, this material has not been completely transferred to the NA and is “not yet processed”. Since the current government of Cambodia is on its top mostly identical with PRK protagonists, no substantial research access is to be expected here (definitely not during the KRT trial where defense lawyers try to implicate the current government). The NA are under the supervision of the Council of Ministers of Cambodia. The latter has to permit any post-1978 research.
- The NA does not hold post-1989 materials. Those are with respective ministries and government agency archives as well

as with the CCP archive. Do not expect them to be open for public research.

Other noteworthy things:

- The NA do not have any holdings from the various Cambodian Ministries of Foreign Affairs where the country's international relations unfolded (e.g. embassy reports and correspondence). The Cambodian MFA has its own documentation department that must be addressed for any inquiries.
- The NA has an excellent online database where all holdings are searchable for names, subjects, etc. Respective research will yield detailed results down to each individual records box stored at the NA.

THE DOCUMENTATION CENTER OF CAMBODIA (DC CAM)

DC Cam in Phnom Penh, originally founded in 1995 and supported by Yale University, is the largest repository holding documents and other material on the period of Democratic Kampuchea between 1975 and 1979. Some of its documentation is quite unique. The DK years are the only period of post-1953 Cambodian history that are well documented in archival terms and openly accessible. An overview of DC Cam holdings can be found here: <http://www.dccam.org/Archives/index.htm>. For more details on DC Cam see also the respective paragraphs in Savina Sirik's chapter “Education and Preservation of Sites of Conscience” in this guide.

Its origin lies with Yale's Cambodian Genocide Program based on the access by historian Ben Kiernan to 100,000 pages of files from the DK security police, the Santebal,³ during the 1975–79 period.⁴ After the files stored with DC Cam were microfilmed in 1999,⁵ fully searchable Cambodian Genocide databases were established.⁶

1 The National Archives of Cambodia can be found on Street 61 (Oknha Hing Penn), directly next to the National Library Building, in-between streets 90 and 92 (very close to Wat Phnom). Basically, tell a taxi or tuk-tuk to go to Wat Phnom; every Cambodian knows that Buddhist monastery and temple, nobody knows the National Archives.

2 See also: William B. Noseworthy, “National Archives of Cambodia,” University of Wisconsin-Madison, 13 March 2014, http://dissertationreviews.org/archives/8169?utm_source=rss&utm_medium=rss&utm_campaign=national-archives-cambodia

3 Santebal Microfilms, Yale University Genocide Studies Program, <https://gsp.yale.edu/santebal-microfilms>

4 See “Yale scholar of Cambodia, Ben Kiernan, uncovers rare 19th-century Khmer-language documents”, Department of History at Yale University, 17 May 2018, <https://history.yale.edu/news/yale-scholar-cambodia-ben-kiernan-uncovers-rare-19th-century-khmer-language-documents>. The headline is wrong, those are 20th century Khmer documents of course, not 19th century.

5 Richard Richie, “Preserving Khmer Rouge Archives”, in *Focus on Global Resources*, Fall 2005, Vol. 25, Num.1, <https://www.crl.edu/focus/article/493>

6 Cambodia Genocide Databases (CGDB), Yale University Genocide Studies Program, <https://gsp.yale.edu/cambodian-genocide-databases-cgdb>

PAPERS OF KING/PRINCE/PRIME MINISTER NORODOM SIHANOUK

A/ PAPERS IN PARIS

The late King Norodom Sihanouk did not trust a Cambodian institution with holding his papers from 1970 to 2007, but had them transferred to the French National Archives in Paris in 2009.⁷

B/ JULIO JELDRES

The former Chilean diplomat Julio Jeldres became a confidant and close friend of Norodom Sihanouk who shared some papers with him and expected him to become his official biographer. Being affiliated with Monash University in Canberra, Australia, in 2012, Ambassador Jeldres published a sort of book⁸ after he had translated a memoir volume of King Sihanouk from 2005. In September 2015, and in 2016, Ambassador Jeldres donated copies of material he had researched in from public archives, or received from Norodom Sihanouk himself, to DC Cambodia in Phnom Penh where they are accessible to the public.⁹

FOREIGN ARCHIVES WITH HOLDINGS ON CAMBODIA

A/ FORMER COMMUNIST COUNTRIES OF CENTRAL AND EASTERN EUROPE

The Foreign Ministry and other archives of the former Soviet Union, Poland, the GDR, Czechoslovakia, Hungary, Bulgaria, and Romania, as well as of Yugoslavia, are holding material regarding their country's relations with Cambodia. During the DK period between 1975 and 1979 only Romania and Yugoslavia maintained embassies in Phnom Penh. The densest and revealing material comes from the Phnom Penh embassies of pro-Soviet countries pertaining to the period between 1979 and 1989, due to the very close relationship of those countries with Vietnam, which wielded major influence over domestic and foreign policies of Cambodia in those years.

B/ WESTERN COUNTRIES

The same applies in principle to Foreign Ministry archives of Western countries, only that their embassies had valuable insights only up to 1975. Most of them did not return to Cambodia until after 1990. More recent material in Western archives

is subject to 25-years-or-higher-rules of declassification schedules. U.S. archives and the Freedom of Information Act (FOIA) of the United States provide the best opportunity to gain access to certain material on Cambodian developments since the 1991 Paris Agreement.

C/ OTHER COUNTRIES

Very significant holdings on Cambodia are contained in the archives of the Socialist Republic of Vietnam and the People's Republic of China, but they are generally not accessible to researchers.

LESSONS LEARNT

The period between 1975 and 1979 is the only period in Cambodian post-independence history that is well documented in terms of archival access. This is extraordinary since the DK years represent zealous communist ideology and genocidal history at its most extreme. Access to those files laid the groundwork for the international court prosecuting Khmer Rouge leaders and perpetrators, offered the opportunity to Cambodians to come to terms with crimes and criminals, but also exposed limits of doling out justice in contemporary political environments. The relative inaccessibility of records from other periods of Cambodian history, and the subsequent focus on the DK years, make the latter appear to be more representative of Cambodia and its history than they might deserve. Despite the enormous death toll and regression in the country between 1975 and 1979, other periods like the 1960s, 1980s, and 1990s had more lasting long-term effects on Cambodian politics and society. However, their archival documentation remains inaccessible for the foreseeable future.

7 See 2009 reports on holdings and the transfer here in newspaper articles from "Bangkok Post" and "Phnom Penh Post": "In Sihanouk's words: the Cambodian monarch's private archives", in *Bangkok Post*, 25 February 2009, <https://www.pressreader.com/thailand/bangkok-post/20090301/282720517870470>; Pheaktra, Neth, "Sihanouk donates archives", in *The Phnom Penh Post*, 24 February 2009, <https://www.phnompenhpost.com/national/sihanouk-donates-archives>

8 Norodom Arunrasmy, Julio A. Jeldres, *A Life Dedicated to Cambodia: Commemorating the Life and Times of His Majesty the King Father, Preah Bat Samdech Preah Norodom Sihanouk of Cambodia*, Phnom Penh: The Princess Royal Norodom Arunrasmy, 2012.

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LUSTRATION

KOSAL PATH

INTRODUCTION

Lustration as a mechanism of transitional justice in post-conflict society refers to official state policies enacted to purge individuals from their current positions or ban them from holding specific positions in the future because of their political acts or identity. These policies are often referred to in terms of the banned group: de-Nazification, de-Sovietization, de-Communization, de-Baathification, and so on. Since Cambodia gained independence from France in 1953, the supposedly neutral state security apparatus has often been used, to a varying degree, by the country's political leaders (Sihanouk, Lon Nol, Pol Pot and now Hun Sen) to suppress political dissent and maintain power. During Cambodia's tumultuous democratic transition from 1993 to 2017, no policy close to any of these post-communist lustration policies ever took place. The security forces of the People's Republic of Kampuchea (PRK) from 1979 to 1989, and its successor the State of Cambodia (SOC) from 1989 to 1993 were transferred, together with the FUNCINPEC's security forces, into the new state apparatus of the CPP-FUNCINPEC coalition government after the United Nations-sponsored general election in 1993. Since 1993, the state security apparatus has been dominated by the Cambodian People's Party (CPP) and commanded by Prime Minister Hun Sen's most loyal generals. The results of the July 29, 2018 election with the main opposition the Cambodian National Rescue Party (CNRP) banned a year before, which were widely condemned by the West but strongly recognized by the People's Republic of China, delivered all 125 National Assembly seats to the CPP. This victory gave Prime Minister Hun Sen's absolute control, with his family members and loyalists in the high command of Cambodia's security forces and state security apparatus. Cambodia is on a fast lane to joining the global one-party authoritarian state.

ABSENCE OF LUSTRATION AFTER THE UN-SPONSORED ELECTIONS IN 1993

In the ensuing years, after the Democratic Kampuchea (DK), widely known as the Khmer Rouge regime, came to power in April 1975, members of the defeated US-backed Lon Nol regime were either murdered or later purged by the Khmer Rouge security apparatus when their identity was revealed. After driving the Khmer Rouge forces to seek refuge in the jungle along the Thai-Cambodian border, the PRK, installed by the Socialist Republic of Vietnam, set up a revolutionary tribunal in 1979 to try Pol Pot and Ieng Sary in absentia for the atrocities they committed during the KR regime from 1975 to 1979. Throughout the 1980s, the PRK security forces hunted down the fifth-column elements burrowing within the ranks and files of the new socialist government. In 1983 when the military intelligence unit of Front 479 – a division of the Vietnamese occupying force in charge of combat in the northeastern part of Cambodia – launched a swift campaign to purge the “two-faced enemy” – referring to Cambodian officials and citizens who worked for the PRK government, but

secretly supported the Cambodian resistance forces against the Vietnamese and the PRK. Many PRK officials in Siem Reap were arrested, interrogated, and even tortured in this brief but brutal purging campaign called the “Siem Reap Affairs.” Until the Paris Peace Accords (PPA) in 1991, which offered a political solution to the Cambodian conflict, the PRK and Vietnamese police jailed at least 5,000 political prisoners in the mid 1980s.

After the 1991 PPA, the PRK security apparatus did not go away, but rather morphed into the new state security apparatus of a democratically elected government after 1993. The difference is that the state security forces changed from a communist state security under the control of the politburo of the PRK into “mixed forces” under Prime Minister Hun Sen's control in 1998, after successfully defeating the security forces of his political rival Prince Norodom Ranariddh in the July 1997 coup. The locus of power of the PRK and SOC was the military and police, and thus the Cambodian People's Party (CPP) sought to maintain these security apparatus as important institutions in the new democratic regime – a coalition government – that emerged after the UN-sponsored election in 1993. The CPP continued to dominate the security forces of the new government. According to Article 51 of the constitution of the Kingdom of Cambodia, the government adopts a policy of “liberal democracy and pluralism.” Cambodia, as Article 56 stipulates, also adopts a market economic system. In 1991, the Hun Sen's government officially abandoned its commitment to Marxism-Leninism in favor of a free market economy under authoritarian government. During the transition from SOC to the Royal Government of Cambodia, formed after the 1993 elections, the CPP retained numerous posts at the local level, including those of powerful district chiefs and police. The CPP has secured a majority of ministries in the power-sharing arrangement; it controlled the bureaucracy, most of the military, and the state security apparatus; the CPP also retained entrenched power in the provinces. Law enforcement and punishment remain a state responsibility, i.e. the enforcement authorities of SOC, and other Cambodian factions in their respective territories. UNTAC's responsibility was to “promote or facilitate, but cannot replace” the state's enforcement responsibilities. UNTAC's weak and vague mandate resulted in the CPP-dominated state security forces, with most of their PRK/SOC security officers holding key positions in the new government.

The royalist party FUNCINPEC, which won the first democratic elections in 1993, became fractured from within and weak by 1995, and failed in its attempt to build up its own security forces to counter the CPP domination. Cambodia's first prime minister Prince Norodom Ranariddh was outmaneuvered by second prime minister Hun Sen, who then dismantled security forces under FUNCINPEC after the July 1997 coup. The FUNCINPEC, as biographer of King Sihanouk Julio Jeldres put it, “operated since its inception more as a royal court than a political party [...]. The courtier's style, however, is not likely to be of much help in a power struggle against the hard-bitten cadres of the CPP.” In protest against the results of the 1993 elections, Hun Sen accused the UN and foreign countries of engineering a conspiracy of

massive electoral fraud, which had deprived his party of victory. This was followed by the CPP hard-liners' attempt in July 1994 to stage a secessionist coup, led by Prince Norodom Chakrapong and Sin Song, a former SOC Minister of Interior. This forced Prince Norodom Ranariddh, head of the FUNCINPEC, to make compromises with the CPP in the form of a CPP-FUNCINPEC coalition government, which set the conditions for a power struggle and eventually a violent coup in July 1997 by the Hun Sen faction within the CPP. In retrospect, the failure to dismantle the security forces of former PRK/SOC was partly due to UNTAC's lack of political will and clear and enforceable mandate.

UNTAC's mission was not aimed at lustration of the former PRK/SOC security apparatus, and rather relied on their cooperation to maintain social order. In fact, the UNTAC Civilian Police Component was ineffective, under-staffed, and widely perceived as incapable of disciplining SOC generals for their violation of human rights. Under the 1991 PPA, UNTAC had the responsibility for "the investigation of human rights complaints, and, where appropriate, corrective action." The head of UNTAC Yasushi Akashi interpreted "corrective action" to be largely limited to actions specified in the PPA, such as the dismissal or transfer of government officials. In reality, UNTAC's enforcement of human rights was limited to the use of threats to remove some of the government leaders from their authority. In 1994, senior CPP military intelligence officers were reportedly continuing to conduct a reign of terror in western Cambodia a year after UNTAC's departure. On the military side, the PPA had assumed cooperation on the part of the SOC. However, in 1992, when the Khmer Rouge began violating the PPA, the SOC also became un-cooperative. As a result, the UNTAC was unable to supervise and control the SOC's military and police. The PPA failed to bring peace to Cambodia, and the Royal Government of Cambodia plunged into a civil war with the Khmer Rouge rebels until 1998 when Prime Minister Hun Sen put an end to that civil war with his "Win-Win" policy.

In 1996–98, Hun Sen initiated his own style of conflict resolution and war termination strategies, known as the "Win-Win" Policy, which offered former Khmer Rouge soldiers and their commanders three guarantees, namely personal security from prosecution, positions within the government, and individual ownership (home and farm land). Notably, a number of Hun Sen's most trusted generals today, including General Sao Sokha, who is commander of the national military police, were his ardent supporters in the July 1997 coup against Prince Ranariddh and secret negotiations with Khmer Rouge commanders to end the civil war in 1996–98. Hun Sen's "Win-Win" Policy successfully brought about mass defection and integration of former Khmer Rouge soldiers and commanders into the Cambodian society. His policy terminated the Khmer Rouge political and military organization and put an end to the bloody civil war in Cambodia, which UNTAC failed to deliver.

Hun Sen's "Win-Win" Policy not only put an end to the civil war in 1998, but has also fostered national reconciliation and economic development in the former battleground regions. Former Khmer Rouge officers were given military posts within the RCAF, and administrative positions at the commune, district and provincial levels in regions they previously controlled such as Pailin, Malai, Samlot, and Anlong Veng. Combined with the UN-backed trials of the top surviving Khmer Rouge leaders for the eleven years from 2006 to 2017, Hun Sen's amnesty-for-peace model certainly defines Cambodia's unique transitional justice experience after the 1991 PPA.

THE IMPACT OF NON-LUSTRATION ON STATE AND SOCIETY

The state security apparatus from 1994 to 2013 was dominated by a small, cohesive and privileged organization made up of former PRK/SOC military and police officers loyal to strongman Hun Sen. This elite security organization is nearly defection-proof; the social status within this organization and members' close ties to the leader (Prime Minister Hun Sen) makes it very difficult for any members to defect. Prime Minister Hun Sen has used material rewards or sanctions to get every member to toe the organization's line. Hun Sen ostracized his recalcitrant generals and invited the cooperative ones into the inner circle. Prime Minister Hun Sen is first and foremost a military commander. As sociologist Daniel Bultmann, who specializes in Cambodian military culture, succinctly observes: "The strongman's subordinates were organized in concentric circles according to their degree of loyalty and trustworthiness, with intimates held close and always in sight. A strong man promoted and rewarded only those who were trusted and close, those who proved their loyalty by bravery in many battles for him – be it at combat operations or the 'home front'". For instance, in 2009, Hun Sen removed General Ke Kim Yan, who was long-time loyalist of Cambodian People's Party President Chea Sim and Interior Minister Sar Kheng, from the post of Commander-in-Chief of the RCAF. Hun Sen then promoted his loyalists General Pol Saroeun, General Kun Kim and General Meas Sophea to the posts of Commander-in-Chief and Deputy Commander-in-Chief. Hun Sen had his loyalist General Sao Sokha as the commander of the military police, General Hok Lungdy, and now, General Neth Savoeun as Chiefs of the national police, and Hing Bun Heang as commander of his bodyguard unit. With the widely condemned July 2018 elections in which the only political opposition was banned from participating, Hun Sen installed his two sons and son-in-law in charge of all the top spy agencies within the state security forces.

From 1998 to 2018, the control over the state security apparatus shifted from Prime Minister Hun Sen's trusted generals to his family in his quest of absolute power in Cambodia. Over the past decade, *Oknha*, a business elite class (at least 700 members) with close tie with the Prime Minister's family, has engaged in sponsoring units of security forces, adding another layer of patronage between corporate interests and the state security forces. In February 2010, the government passed a sub-decree enshrining the *Oknha*-RCAF relationship in which wealthy business elites can donate to security force units in what Defense Minister Tea Banh once called "a culture of sharing and distributing" to the nation between private institutions and RCAF. For instance, a number of *Oknha* including Ly Yong Phat and Kith Meng reportedly contributed significant funding to the Prime Minister's Bodyguard Unit.

As he prepared to eliminate the main opposition party, the Cambodian National Rescue Party (CNRP) in the run-up to the July 2018 elections, Hun Sen elevated his sons, son-in-law, and nephew-in-law to top positions in the security forces. The results of the 2013 elections and the 2017 commune elections showed that the CNRP was getting close to defeating the ruling CPP in a free and fair election. By promoting his own family members to the top positions of the state security apparatus and the army before the one-sided elections of July 2018, Hun Sen has established firm control over the state security apparatus. From 2014 to 2018, as Hun Sen's fear of losing the election and contemplated a bold move to dissolve the opposition, he made a final move to ensure

that this important organization is controlled by his family. Before the 2018 elections which the CPP won all national assembly seats, his two sons, Hun Manet and Hun Manith became the heads of counter-terrorism and military intelligence at the Ministry of Defense and son-in-law Dy Vichea serve as director of the central intelligence of the national police at the Ministry of Interior. His third son, Hun Many, is a colonel in the prime minister's bodyguard unit. In 2017–18, Hun Sen's sons and son-in-law are groomed to take over the top positions of the armed forces and the state security apparatus as a number of his top generals stepped down to assume their new roles as National Assembly representatives. The kinship tie becomes of prime importance in Hun Sen's security apparatus he continues to primarily depend on, as he would expect to face a legitimacy crisis and possible sanctions by the Western democracies after the flawed July 2018 elections.

LESSONS LEARNT

One important lesson from Cambodia's democratic transition is that the security apparatus from the communist regime morphed into the newly democratic regime, setting the stage for these spoilers to undermine the democratic process itself.

The absence of lustration policies allowed former security officers from the communist regimes (PRK/SOC), who are familiar with popular repression, to continue to dominate the state security apparatus of the new coalition government after the first free and fair elections in 1993. UNTAC's reluctance to ban former communist security officers from assuming offices in the new democratic government is a missed opportunity, and has stifled Cambodia's democratic process over the next two and a half decades. Some of the PRK/SOC security officers have been promoted to top positions within the state security apparatus after 1993, members of the ruling party CPP's Central Committee, and privileged status within Prime Minister Hun Sen's inner circle. They have helped Hun Sen avert danger and crush his political rivals during the most perilous and chaotic period from 1994 to 1998. In the run-up towards the July 2018 elections, they backed Hun Sen's plot to get rid of the only viable political opposition, the CNRP, in an attempt to put an end to Cambodia's experiment with liberal democracy. In Cambodia today, a non-partisan state security apparatus does not exist, and in its place is a concentric structure of symbiotic relationship between security forces, business and political elites, with Prime Minister Hun Sen as its sole arbitrator. And Prime Minister Hun Sen has China as a reliable great power friend to back his regime.

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INVESTIGATION AND PROSECUTION OF THE CRIMES OF THE REGIME

PECHET MEN

CRIMINAL PROSECUTION OF CRIMES OF THE KHMER ROUGE REGIME

From 1975 to 1979, the Khmer Rouge regime wreaked havoc upon Cambodian society, causing the deaths of around 1.7 million people, nearly 25 % of the country's population of 8 million.¹ Despite the fall of the regime in 1979, the horror of the Khmer Rouge continued. Throughout the 1980s and 1990s, the Khmer Rouge remained active along the Cambodian–Thai border, waging civil war against the successor government. Only in 1999 did the Khmer Rouge's reign of terror finally come to an end, when most of its followers surrendered; their crimes essentially going unpunished. It was only in 1997 that the United Nations (UN) and Royal Government of Cambodia (RGC) began to discuss the establishment of a tribunal to prosecute the crimes of the Khmer Rouge. It took almost six years of negotiation before the two parties came to an agreement in 2003, establishing a tribunal known officially as the Extraordinary Chambers in the Courts of Cambodia (ECCC).

In January 2001, while negotiation was still underway, the Cambodian National Assembly adopted the draft law (hereinafter “ECCC Law”) establishing the ECCC. In October 2004, the UN-RGC Agreement, and Amendments to the 2001 ECCC Law were approved by the National Assembly, making them official legislation. After waiting for so long, the ECCC began its operation in 2006 as a hybrid tribunal in Phnom Penh. Being hybrid, the ECCC is part of Cambodia's domestic court sitting in Cambodia, which applies both to Cambodian law and international law, and is staffed by both local and international staff. A unique and complicated feature of the tribunal is that Cambodian judges make up the majority of the judges at all levels of the Chambers including the pre-trial Chamber, trial Chamber and Supreme Court Chamber. The prosecution office and investigation office are composed of two co-prosecutors and two co-investigating judges respectively – one national and one international. The ECCC offers legal aid to defendants who can select both local and international lawyers to represent them. Another exceptional feature of the ECCC concerns the recognition of victims as a formal party to the case. Victims are also entitled to lawyers to represent their interest before the ECCC.

PEOPLE'S REVOLUTIONARY TRIBUNAL (PRT)

As a matter of fact, the ECCC was not the first tribunal to look into the crimes committed by the Khmer Rouge. Immediately after the fall of the Khmer Rouge regime in January 1979, the new government of the People's Republic of Kampuchea (PRK) attempted to bring about some forms of accountability. The little-known People's Revolutionary Tribunal (PRT) conducted a trial *in absentia* in Phnom Penh of the Khmer Rouge's former Prime Minister Pol Pot and former Minister of Foreign Affairs, Ieng Sary.

The trial that lasted just five days from 15 to 19 August 1979 found the two defendants guilty of genocide and sentenced both of them to death, and ordered the confiscation of all their property. Although it was the world's first tribunal to prosecute individuals for crimes defined under the 1948 Genocide Convention, the tribunal bore no legal significance, and was considered a “sham trial” by the international community.² The trials failed far short of upholding international due process; the two defendants still actively controlled parts of the country and were not in custody.

Clearly, the right of the defendants to be presumed innocent was not respected by the PRT. Just one day before the trials began, the presiding judge Keo Chenda issued a political statement indicating the already decided objective of the tribunal, which was meant to “expose all the criminal acts... and... the true face of the criminals who are posing as representative of the people of Kampuchea[.]”³ The defense lawyers were appointed without the knowledge and consent of the defendants, and had no communication with them relative to the trials. The defense counsels accepted all crimes charged, and did not carry out any cross-examination of witnesses. Regardless of the quality of the lawyers, the ultimate result was already pre-determined, and that was conviction. Regardless of the respect for due process, the politics of the cold war at the time already dictated that the verdict of the revolutionary tribunal was a politicized one, and would have made no impact whatsoever. Both the survivors and the international community rejected the PRT and continued to advocate for a legitimate prosecution.

INVESTIGATION OF CRIMES OF THE KHMER ROUGE

Although Cambodia and the international community had failed to put an end to the impunity of the Khmer Rouge, they were not forgotten. Relentless efforts by survivors and activists led to the adoption of the Cambodian Genocide Justice Act in April 1994 by the US Congress. President Bill Clinton signed the Act in May of that year. The Act mandated the US State Department to support the effort to look into the crimes committed by the Khmer Rouge between April 17, 1975 and January 7, 1979, and to arrange

1 The most cited figure for the death toll of 1.7 million was given by Ben Kiernan in his book “The Pol Pot Regime: Race, Power and Genocide in Cambodia under the Khmer Rouge, 1975–79,” (New Haven: Yale University Press, 1996). The ECCC estimated the death toll to be between 1.8 and 2.2 million and about 800,000 died of violent deaths. The exact figure is not known. The total death figure is controversial, ranging from 740,000 to 3.314 million; please see Tom Fawthrop, Helen Jarvis, *Getting Away With Genocide, Elusive Justice and the Khmer Rouge Tribunal*, University of New South Wales Press, 2005, 3–4.

2 Ibid.

3 Kelly Whitley, History of the Khmer Rouge Tribunal: Origins, Negotiations, and Establishment, in John D. Ciorciari (ed.), *The Khmer Rouge Tribunal*, Phnom Penh: DC-Cam, 2006.

for an investigation into that period.⁴ As part of this investigation, Lawyers Jason Abrams and Stephen Ratner were commissioned in 1994–5 to produce a legal analysis of the criminal responsibility of members of the Khmer Rouge relating to war crimes, crimes against humanity and genocide. The two lawyers concluded in their findings that they found *prima facie* evidence for all identified crimes and suggested a number of options for prosecution.

The Cambodian Genocide Program (CGP) of Yale University was awarded the grant from the US State Department to carry out research, training and documentation, and thereafter established a field office in Phnom Penh known as the Documentation Center of Cambodia (DC-Cam). Immediately, DC-Cam started to collect and document primary materials from the Khmer Rouge regime. In 1995, CGP and DC-Cam hosted an international conference where the two lawyers presented their findings. In 1995 and 1996, DC-Cam held its first legal training program for government officials, legal practitioners and judges on international justice. By early 1997, DC-Cam had gathered and documented a huge amount of primary documents. In January 1997, DC-Cam became an independent non-governmental organization (NGO) in Cambodia and, since then, continued to document crimes of the Khmer Rouge.

The Khmer Rouge ran their regime with extreme secrecy using code names and numbers in their documents. This has presented as a huge challenge to those looking into their conduct. In addition, the Khmer Rouge leaders managed to burn many of their documents before the Vietnamese army and Cambodian resistance force took control of the country in January 1979. Further, in the post-Khmer Rouge era, people did not understand the value of materials from the Khmer Rouge period. There were reports of these primary documents being used to wrap fried banana sold on the streets of Phnom Penh.⁵

According to DC-Cam, there are two major categories of documentary materials collected and documented since its inception.⁶ The first category involves original materials produced during the Khmer Rouge regime, and contains mostly documents produced during the era, and by the Khmer Rouge officials themselves, prisoner confessions, and documents from foreign countries. The second includes materials produced after the fall of the Khmer Rouge in 1979. They consist primarily of survivor petitions, interview transcripts of survivors, and mapping reports of extensive mass grave and memorial studies. DC-Cam has uncovered roughly 20,000 mass graves and about 200 detention centers where those deemed enemy of the state were kept and tortured. These documents have become an important source of evidences in the trials of the surviving Khmer Rouge leaders.

IDENTIFICATION OF LEADERS OF THE KHMER ROUGE

The prosecution of those responsible for the crimes of the Khmer Rouge is a political as much as a legal matter. The negotiations on the establishment of the tribunal involved complex political issues taking place between 1997 and 2003. The Cambodian government and the United Nations had differences on almost every aspect of the tribunal. The differences included the type of tribunal – special or domestic –, who would make up the majority of judges, which legitimate authority would appoint the judges and prosecutors, the number of defendants and, among other things, the issue of amnesty.⁷

PERSONAL JURISDICTION

One of the most heated aspects of the negotiation was, perhaps, who were to be included under the tribunal's personal jurisdiction. The discussion on the personal jurisdiction of the tribunal was a complicated political negotiation.⁸ The UN argued that both “senior leaders” and “those most responsible” for the crimes committed during the Khmer Rouge regime should fall under the jurisdiction of the tribunal. A group of experts – Ninian Stephen, Rajsoomer Lallah, and Steven Ratner – sent by the UN Secretary General to carry out legal assessment of the feasible prosecution in 1999, put forward an estimate of 20–30 individuals.⁹ The Cambodian government strongly rejected the number. Cambodia's Prime Minister Hun Sen announced publicly in late 1999 that only a limited number of individuals would be prosecuted, limiting the number to 4 or 5 individuals.¹⁰ He cited the risk of civil war. Critics argued that this move serve self-interest. The Prime Minister himself, before defecting to Vietnam in 1977, and other high-ranking officials were once serving parts of the Khmer Rouge regime. A large number of defendants may put these officials in the hot seat.¹¹

Prior to discussions on the personal jurisdiction of the tribunal, according to Professor David Scheffer who was one of the UN negotiators, the prosecutorial targets referred to during 1997 and 1998 were surviving senior leaders of the Khmer Rouge leadership. At the time, the negotiators were not even aware that Duch, the chairman of the Khmer Rouge's notorious torture chamber S-21, who was later convicted and sentenced in 2012 to life in prison by the ECCC, was still alive.¹² Scheffer emphasized that the focus, then, was on securing the arrest or surrender of surviving Khmer Rouge leaders, including Pol Pot (who died in 1998), Ta Mok (who died in 2006), Ke Pauk (who died in 2002), Ieng Sary (who died while on trial in 2013), Khieu Samphan and Nuon Chea (who both have been sentenced to life imprisonment in Case 002), Ieng Thirith (the spouse of Ieng Sary, who was found unfit to stand trial by the ECCC in 2011, and later died in 2015) and other senior leaders, as opposed to the actual number of individuals. According

4 Tom Fawthrop, Helen Jarvis, *Getting Away With Genocide, Elusive Justice and the Khmer Rouge Tribunal*, University of New South Wales Press, 2005.

5 Michelle Vachon, “When I Believed in the Khmer Rouge”, in *The Cambodia Daily*, 2006, <https://www.cambodiadaily.com/stories-of-the-month/when-i-believed-in-the-khmer-rouge-438/>

6 John D. Ciorciari, Youk Chhang, Documenting the Crimes of Democratic Kampuchea, in Jaya Ramji, Beth V. Schaack (ed.), *Bringing the Khmer Rouge to Justice, Prosecuting Mass Violence Before the Cambodian Courts*, Edwin Mellen Pr., 2005.

7 Kelly Whitley, History of the Khmer Rouge Tribunal: Origins, Negotiations, and Establishment, in John D. Ciorciari (ed.), *The Khmer Rouge Tribunal*, Phnom Penh: DC-Cam, 2006.

8 Steve Heder, “A Review of the Negotiations Leading to the Establishment of the Personal Jurisdiction of the Extraordinary Chambers in the Courts of Cambodia”, *Cambodia Tribunal Monitor*, 2011; David Scheffer, “The Negotiating History of the ECCC's Personal Jurisdiction”, *Cambodia Tribunal Monitor*, 2011.

9 Kelly Whitley, History of the Khmer Rouge Tribunal: Origins, Negotiations, and Establishment, in John D. Ciorciari (ed.), *The Khmer Rouge Tribunal*, Phnom Penh: DC-Cam, 2006.

10 David Scheffer, “The Negotiating History of the ECCC's Personal Jurisdiction”, *Cambodia Tribunal Monitor*, 2011.

11 John D. Ciorciari, History and Politics Behind the Khmer Rouge Trials, in John D. Ciorciari, and Anne Heindel, (ed.), *On Trial: The Khmer Rouge Accountability Process*, Phnom Penh: DC-Cam, 2009.

12 David Scheffer, “The Negotiating History of the ECCC's Personal Jurisdiction”, *Cambodia Tribunal Monitor*, 2011.

to Scheffer, before the tense discussion on personal jurisdiction, the estimate was about 10 individuals. Despite this initial estimate, the proposal of 20–30 suspects was a firm position by the UN.

The UN's initial draft law in late 1999 establishing the Khmer Rouge tribunal, drafted by Scheffer, described the tribunal's personal jurisdiction as "senior leaders of Democratic Kampuchea and *all persons* responsible for the most serious violation of Cambodian law..." Such a description would have given wide discretion to the prosecution, but was rejected by the Cambodian government.¹³ By January 2000, the Cambodian government returned with the language "senior leaders of Democratic Kampuchea and those who were responsible for serious violation..." In a letter to Prime Minister Hun Sen in March 2000, UN Secretary General Kofi Annan referred to personal jurisdiction as "senior leaders of Democratic Kampuchea and those responsible for crimes and serious violation of Cambodian penal law, international law and custom, and international conventions recognized by Cambodia..."¹⁴

All along, the assumption of the negotiators was that there were two distinct groups that would fall under the jurisdiction of the tribunal – "senior leaders" and "those responsible". The remaining concern was how large the second group would be. In a letter dated March 24, 2000 to his Cambodian counterpart, Hans Corell, the UN Legal Counsel was concerned that the Cambodian government would propose too many potential suspects to be included in the second group, and implicitly reflect a reduction in number from the 20–30 suspects. It was only then that the UN negotiators proposed the second group to be "those who were most responsible" taking into consideration the capacity of the discussed tribunal.¹⁵ The agreed language went into the ECCC draft law.

On January 2, 2001, the Cambodian National Assembly adopted the ECCC draft law even before the agreement with the UN was reached. Article 1 of the law described the ECCC's personal jurisdiction as "... senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian laws..." Hans Corell raised the problems he saw in the adopted law in a letter to the late Senior Minister Sok An who led the Cambodian Task Force in negotiations with the UN on the establishment of the tribunal; personal jurisdiction was not one of them. From then on, both parties appeared to be silent on the issue of personal jurisdiction, which seemed to suggest that the issue was resolved. On January 19, 2001, Prime Minister Hun Sen visited the Khmer Rouge's last stronghold of Anlong Veng and spoke to over 1000 Khmer Rouge residents of the area. He assured them that "[J]ust top leaders" would be prosecuted and that would include Duch as one of those who were most responsible. He also softened his previous position on a controversial issue related to a royal pardon granted by the King to Ieng Sary, the Khmer Rouge's Minister of Foreign Affairs, by stating that the King had "no right to protect anyone from prosecution."¹⁶ According to the news coverage of his visit to Anlong Veng, the Premier described the number of suspects to be between 4 and 10 individuals only.¹⁷

CASE 001 AND CASE 002

Although negotiations on personal jurisdiction appeared to be agreed upon on the surface, the negotiating teams had reached an impasse on other aspects of the tribunal, leading the UN team to formally withdraw from the negotiations by early 2002. The cessation of the negotiation had drawn condemnation from UN member states. The UN was later pressured to return to the negotiating

table. In a resolution sponsored by France and Japan in late 2002, the UN began its engagement with the Cambodian government. By the end of 2003, the UN agreed that it was assumed that the number indicted would range from 5 to 10, but stressed that this number could change based on the court's investigation.¹⁸ The two parties reached an agreement in 2003 and, in October 2004, the UN-RGC Agreement and Amendments to the 2001 ECCC Law were approved by the National Assembly. The ECCC began its legal operation in 2006 as a hybrid tribunal in Phnom Penh.

Soon after its inception, the ECCC indicted 5 persons, two of whom have since died, in two cases – Case 001 and Case 002.¹⁹ Case 001 concerned Duch and Case 002 Nuon Chea, Ieng Sary (deceased), Khieu Samphan and Ieng Thirith (deceased).

- *Kaing Guek Eav* (known as "Duch") was Chairman of the notorious torture chamber S-21 in Phnom Penh where an estimated 14,000 victims were tortured and killed. His case, Case 001, began its trials in February 2009 and he was convicted and sentenced to life imprisonment by the Supreme Court Chamber in February 2012. In June 2013, Duch was transferred to Kandal Provincial Prison to serve his life sentence.
- Nuon Chea (known as "Brother Number Two") was Deputy Secretary of the Communist Party of Kampuchea (CPK) and a member of the CPK Central and Standing Committee. Case 002 began its trial in 2011 and was severed into two trials: Case 002/01 and Case 002/02. Nuon Chea together with Khieu Samphan were found guilty by the Trial Chamber in August 2014 and confirmed by the Supreme Court Chamber in November 2016 for crimes against humanity in Case 002/01. The Trial Chamber of the ECCC announced on November 16, 2018 that Nuon Chea and Khieu Samphan were sentenced to life imprisonment in Case 002/02 for genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949. The crimes were committed at various locations throughout Cambodia between 1975 and 1979. While Nuon Chea was convicted for genocide against the Cham and Vietnamese ethnics, Khieu Samphan was convicted for genocide against only the Vietnamese ethnic. Lasting for 283 hearing days, the Chamber heard the testimony of 185 individuals, including 114 witnesses, 63 Civil Parties and 8 experts.²⁰

13 Ibid.

14 Ibid.

15 Steve Heder, "A Review of the Negotiations Leading to the Establishment of the Personal Jurisdiction of the Extraordinary Chambers in the Courts of Cambodia", Cambodia Tribunal Monitor, 2011; David Scheffer, "The Negotiating History of the ECCC's Personal Jurisdiction", Cambodia Tribunal Monitor, 2011.

16 David Scheffer, "The Negotiating History of the ECCC's Personal Jurisdiction", Cambodia Tribunal Monitor, 2011.

17 Steve Heder, "A Review of the Negotiations Leading to the Establishment of the Personal Jurisdiction of the Extraordinary Chambers in the Courts of Cambodia", Cambodia Tribunal Monitor, 2011.

18 Ibid.

19 Anne Heindel, Overview of the Extraordinary Chambers, in John Ciorciari and Anne Heindel (ed.), *On Trial: The Khmer Rouge Accountability Process*, Phnom Penh: DC-Cam, 2009.

20 Public Affairs Section of the Extraordinary Chambers in the Courts of Cambodia (ECCC) (2018), "Nuon Chea and Khieu Samphan Sentenced to Life Imprisonment in Case 002/02", Press Release dated on November 16, https://www.eccc.gov.kh/sites/default/files/media/20181116%20Case%20002.02%20Press%20Release_ENG_Final.pdf. For Trial Chamber's Summary of Judgement Case 002/02, please visit: https://www.eccc.gov.kh/sites/default/files/media/20181116%20Summary%20of%20Judgement%20Case%20002-02_Courtesy%20Copy_Public%20version_Final-ENG.pdf

- Khieu Samphan was head of state and a member of CPK Central Committee.
- Ieng Sary, husband of Ieng Thirith, was Deputy Prime Minister and Minister of Foreign Affairs and a member of the CPK Central and Standing Committees. He died in detention while on trial in March 2013.
- Ieng Thirith, wife of Ieng Sary and sister-in-law of Pol Pot, was Minister of Social Affairs and Action and also a candidate member of the CPK Central Committee. In November 2011, the ECCC found her unfit to stand trial, due to dementia, and was released from the tribunal detention in 2012. She later died in August 2015 in Pailin near the Thai border.

CONTROVERSIAL DISPUTE ON PERSONAL JURISDICTION

A few months before the start of the Duch trial, former international Co-Prosecutor Robert Petit filed on November 18, 2008 a notice of disagreement between him and his Cambodian counterpart with regard to judicial investigation into additional suspects. He filed two new introductory submissions and one supplementary submission, which had since been withdrawn. These new submissions contained charges against six additional suspects, one of whom had since died. The author did confirm at the time that the sixth suspect had died. This new investigation was strongly contested by the national Co-Prosecutor Chea Leang, and later by the national side of this hybrid tribunal and the Cambodian government.

The views on this dispute between the two co-prosecutors were mixed. NGOs, outside observers and a large portion of the Cambodian public, held the view that they support additional prosecution and this additional prosecution would prove the court's independence and legitimacy.²¹ While others argued that it made no difference and the ECCC should focus on the five already accused and charged, and get it done quickly. Based on the ECCC Law, the disagreement had to be resolved before a five-membered Pre-Trial Chamber, whose decision needed an affirmative vote of at least four judges. This complicated feature was a compromise agreed during the complex negotiation. This meant that at least one international judge had to agree with the decision of the three Cambodian judges in order to stop the investigation. In this case, the three Cambodian judges voted against additional investigation and the two international judges voted in favor. Because of the lack of a super majority decision to stop the requested investigations, the new investigations moved forward by default.

The ECCC then began its investigation into an additional 5 suspects and they became known as Case 003 (Meas Muth and Sou Met), Case 004 (Yim Tith), Case 004/01 (Im Chaem) and Case 004/02 (Ao An).²² Sou Met died in 2013. The four surviving suspects have since been charged, but the ECCC found one of them (Im Chaem) to be outside of its jurisdiction.

- Case 003: Meas Muth was alleged to be a member of the CPK Central Committee, General Staff Deputy Secretary, Division 164 (including the navy) Secretary and Kampong Som Autonomous Sector Secretary. He has been charged with genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949 and violations of the 1956 Cambodian Penal Code.
- Case 004: Yim Tith (also known as "Ta Tith") was alleged to be Southwest Zone Sector 13 Secretary, Kirivong District Secretary and Northwest Zone Deputy Secretary and Sector 1, 3

and 4 Secretary. He has been charged with genocide of ethnic Khmer Krom and ethnic Vietnamese, crimes against humanity, grave breaches of the Geneva Conventions of 1949, and violations of the 1956 Cambodian Penal Code.

- Case 004/02: Ao An (also known as "Ta An") was alleged to be Central Zone Deputy Secretary and Sector 41 Secretary. He has been charged with genocide of ethnic Cham, crimes against humanity, and violations of the 1956 Cambodian Penal Code.
- Case 004/01: Im Chaem was alleged to be Preah Net Preah District Secretary and Northwest Zone Sector 5 Deputy Secretary. She was charged with homicide and crimes against humanity. On February 2017, the Co-Investigating Judges dismissed the case against her by deciding that she did fall within the personal jurisdiction of the tribunal. The International Co-Prosecutor, without the support of his National Co-Prosecutor, appealed against the decision. The Pre-Trial Chamber had again had split decision between the national and international judges. Three national judges found that the ECCC lacks personal jurisdiction over Im Chaem, while the two international judges found that Im Chaem was among those most responsible, and thereby under ECCC jurisdiction. However, because the ECCC needed four out of five votes to overturn the decision of the Co-Investigating Judges, the Case against Im Chaem was dismissed in June 2018.

Without the support and cooperation of their national counterparts and of the Cambodian government, the investigation was extremely challenging. The ECCC needs the cooperation of their national counterpart to make arrests and, among others, call witnesses to testify. It was widely believed that the Cambodian government was working to prevent additional cases from moving forward.²³ Prime Minister Hun Sen was reported to have said in his meeting with UN Secretary General Ban Ki-moon that additional cases were not allowed.²⁴ This perception is strongly reflected in the consistent position of Cambodian lawyers, judges and staff at the ECCC by their opposition in moving these two cases forward.²⁵ The controversy in Case 003 and 004 has drawn strong criticism and allegation of political interference and even corruption.²⁶ Three international investigating judges have either resigned or have been blocked from their official function since the start of the controversy. Although the legal process has seemed to move forward more smoothly recently, the rift between the national and international staff at the tribunal appeared to remain as evidenced by the recent split decision to dismiss the Case against Im Chaem.

21 Terith Chy, "Questions on Additional Prosecution Posted by the Co-Prosecutors at the Extraordinary Chambers in the Courts of Cambodia (ECCC)", 2009.

22 "ECCC at a glance", January 2018, https://www.eccc.gov.kh/sites/default/files/publications/ECCC%20at%20a%20glance%20-%20january%202018_5.pdf

23 Randle DeFalco, "Case 003 and 004 at the Khmer Rouge Tribunal: The Definition of 'Most Responsible' Individuals According to International Criminal Law", in *Genocide Studies and Prevention: An International Journal*: Vol. 8: Issue 2: 45-65, 2014.

24 "No third Khmer Rouge trial, says Hun Sen", in *RFI*, 2010, <http://en.rfi.fr/asia-pacific/20101027-no-third-khmer-rouge-trial-says-pm>

25 Open Society Justice Initiative, "Political Interference at the Extraordinary Chambers in the Courts of Cambodia", July 2010, <https://www.opensocietyfoundations.org/sites/default/files/political-interference-courts-cambodia-20100706.pdf>

26 John D. Ciorciari, Anne Heindel, "Experiments in International Criminal Justice: Lessons from the Khmer Rouge Tribunal", 35 *Mich. J. Int'l L.* 369, 2014.

LESSONS LEARNT

For the victims who are still alive today, the ECCC is their last hope of bringing to justice the Khmer Rouge leaders who had inflicted so much pain and devastation. But the journey has not been an easy one. There have been so many challenges along the way. The negotiation on the establishment of the ECCC took 6 years, and the UN had to walk away once before an agreement was reached. While the investigation and trials of Case 001 and Case 002 seemed to be proceeding rather smoothly and two surviving leaders of Khmer Rouge have been sentenced to life imprisonment in Case 002 for genocide and crimes against humanity, a few charged persons and suspects have died along the way. Case 003 and Case 004 have proceeded with so much controversy that the credibility of the tribunal itself has been questioned. A few observers of the tribunal went so far as to

suggest that the UN should pull out of the process completely.²⁷ Personal jurisdiction and, perhaps, balance of influence have been central to this controversy. The ECCC has accomplished 3 convictions and spent over 200 million over ten years, while at the same time the status of Case 003 and Case 004 remain uncertain and the credibility of the tribunal has been seriously affected. Despite some limited success, many observers suggest avoiding the ECCC model for future tribunal, mainly due to its complicated features and being politically vulnerable.²⁸

27 John D. Ciorciari, "Justice and Judicial Corruption", Cambodia Tribunal Monitor, 2007; Open Society Justice Initiative, "Recent Developments at the Extraordinary Chambers in the Courts of Cambodia", 2012.

28 John D. Ciorciari, Anne Heindel, "Experiments in International Criminal Justice: Lessons from the Khmer Rouge Tribunal", 35 Mich. J. Int'l L. 369, 2014.

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REHABILITATION OF VICTIMS

PECHET MEN

SCOPE AND TYPOLOGY OF THE REHABILITATION

In a broader term, rehabilitation refers to services and programs that are designed to assist individuals who have experienced a trauma or illness resulting in impairment, which creates a loss of function (physical, psychological, social, or vocational).¹

However, this paper specifically defines rehabilitation as various measures that Cambodia and the survivors of the Khmer Rouge Regime (1975–1979) have taken to come to terms with their past traumatic experiences, during which time almost two million Cambodian people died from exhaustion, starvation, torture, and mass execution.

LEGAL FRAMEWORK OF THE REHABILITATION

After the Khmer Rouge regime collapsed in 1979, Cambodia and the survivors of the regime have struggled to rebuild their lives, reconstruct their society, restore relationships, and resolve collective psychological trauma. Significant efforts have been observed throughout the time. Below illustrates those efforts made by Cambodia and her people.

THE PEOPLE'S REVOLUTIONARY TRIBUNAL (PRT)

Legally, the first and foremost effort was to hold the senior Khmer Rouge leaders accountable for their crimes. Shortly after the fall of the Khmer Rouge regime, Cambodia made a considerable effort to put two senior Khmer Rouge leaders on trial, namely Ieng Sary and Pol Pot, by establishing the People's Revolutionary Tribunal in 1979.²

While the People's Revolutionary Tribunal was neither internationally recognized nor in compliance with fair trial principles, and was viewed as a show trial that was projected to legitimize the Vietnamese occupation in Cambodia,³ to some certain extent, the tribunal contributed to the lifting of Cambodia's spirit,⁴ and in the meantime, provided the chance for reconciliation and improved socio-political condition in Cambodia.⁵

THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

In 2006, almost 30 years later, a hybrid court, the Extraordinary Chambers in the Courts of Cambodia (ECCC), or the Khmer Rouge Tribunal, was co-established by the government of Cambodia and the United Nations to address grave human right violations and crimes committed under the Khmer Rouge regime (ECCC).

Located in the Capital of Phnom Penh, Cambodia, the ECCC has brought nine senior Khmer Rouge leaders and other responsible persons to justice in four different cases (ECCC), which has helped Cambodians to achieve a measure of justice and reconciliation.⁶

VICTIM PARTICIPATION BEFORE THE ECCC

The ECCC has claimed that, "One of the major innovations of the [court] is the enhanced recognition of victims in its proceedings. Victims of crimes that fall under the jurisdiction of the court are given a fundamental role in the ECCC [...] Victims may also participate as Civil Parties. In this capacity, they are recognized as parties to the proceedings and are allowed to seek collective and moral reparations."⁷

Victim participation before the ECCC provides exceptional prospects for a more victim-oriented justice process in Cambodia. In addition to telling their stories through their legal application, victims could share their stories in the formal courtroom and even ask questions to the accused.⁸

For some people, the sharing of stories and testimonies are rehabilitating in and of themselves. Victims are also entitled to legal representation and can seek reparations. Victims could participate as either a Civil Party or a complainant.⁹

Subsequently, about 5,124 Civil Party application forms have been submitted before the ECCC, among which 90 were in Case 001,¹⁰ 3,866 in Case 002,¹¹ 321 in Case 003,¹² and 847 in Case 004.^{13,14}

- 1 Robin E. Remsburg, Barbara Carson, Rehabilitation, in Ilene Lubkin, Pamela Larsen (Eds.), *Chronic Illness: Impact and Interventions*, Sudbury, MA: Jones and Bartlett Publishers, 2006, 579-16.
- 2 Ly Sok-Kheang, *Reconciliation Process in Cambodia: 1979–2007 before the Khmer Rouge Tribunal*, Phnom Penh: Documentation Center of Cambodia, 2017.
- 3 John D. Ciociari, Ly Sok-Kheang, The ECCC's Role in Reconciliation, in John D. Ciociari, Anne Hendel (Eds.), *On Trial: The Khmer Rouge Accountability Process*, Phnom Penh: Documentation Center of Cambodia, 2009.
- 4 Savina Sirik, Kunthy Seng, Pechet Men, "Museum of Memory: Promoting Healing in Cambodia through History, Culture and Arts", in Sandra Dudley, Kylie Message (Eds.), "Museum Worlds: Advances in Research", *Berghahn Journals*, Vol. 2, 2014.
- 5 Ly Sok-Kheang, *Reconciliation Process in Cambodia: 1979–2007 before the Khmer Rouge Tribunal*, Phnom Penh: Documentation Center of Cambodia, 2017.
- 6 Savina Sirik, Kunthy Seng, Pechet Men, "Museum of Memory: Promoting Healing in Cambodia through History, Culture and Arts", in Sandra Dudley, Kylie Message (Eds.), "Museum Worlds: Advances in Research", *Berghahn Journals*, Vol. 2, 2014.
- 7 Sarah Thomas, Terith Chy, Including the Survivors in the Tribunal Process, in John D. Ciociari, Anne Hendel (Eds.), *On Trial: The Khmer Rouge Accountability Process*, Phnom Penh: Documentation Center of Cambodia, 2009.
- 8 Ibid.
- 9 Nadine Kirchenbauer et al., "Victims Participation before the Extraordinary Chambers in the Courts of Cambodia: Baseline Study of the Cambodian Human Rights and Development Association's Civil Party Scheme for Case 002", Phnom Penh: ADHOC, 2013.
- 10 In Case 001 against the S-21 prison chief, Kaing Guek Eav (alias Duch), there were 90 civil parties, 22 of whom were able to testify before the court. A total of 36,493 people attended the trial and appeal hearings in Case 001 during 80 days of hearings. Duch began serving his prison term in the ECCC detention center in 2012 and was transferred to Kandal Provincial Prison in June 2013 to serve the remainder of his term.

This is the first endeavor of its kind that allows victims to participate, not only as witness, but also as full participants in the proceedings.¹⁵

THE REPARATIONS BEFORE THE ECCC

As part of the proceedings, Civil Parties are entitled to reparations, should the accused be found guilty. However, pursuant to the Internal Rules of the ECCC, Civil Parties may only be granted collective and moral reparations, but not in monetary form, and Civil Parties cannot receive individual compensation.¹⁶

Besides the judicial reparations, the Victims Support Section (VSS) of the ECCC is tasked to develop Non-Judicial Measures with external partners in order to address broader interests of victims.¹⁷

Between 2013 and 2017, 16 reparations and non-judicial measures have been proposed to the ECCC, among which nine are judicial reparations. Projected to be about USD 7 million, those 16 projects have been divided into four different categories, including documentation, education, rehabilitation, and remembrance that have been, and will be, implemented by the Victims Support Section, non-governmental organizations, and the Cambodian government.¹⁸

In regards to Education, three projects have been identified, namely a Chapter on Victims Participation in a National History Textbook, Community Peace Learning Centers, and the ECCC Virtual Tribunal; Documentation includes four projects, such as the ECCC Documentation Center, the Forced Transfer Exhibition, the Publication of ECCC Verdict, and the Victims Register; Rehabilitation consists of four projects, including the Gender & Transitional Justice Project, a National Reconciliation Event, Self Help Groups for Rehabilitation, and the Testimonial Therapy Initiative; Remembrance includes, the Community Memorials Initiative, a National Remembrance Day, Preservation of Crimes Sites, and the Tuol Sleng Stupa Project; the last one is the Victims Foundation of Cambodia.¹⁹

In conclusion, a number of notably legal efforts have been made by the Cambodian government, in collaboration with non-state actors, in order to address and acknowledge the suffering inflicted by the Khmer Rouge on the Cambodian people between 1975 and 1979. As a result, some of the senior Khmer Rouge leaders, and other responsible persons have been brought to justice, and a number of reparations as well as non-judicial measures have been proposed to restore the dignity, and to remember the victims of the Khmer Rouge.

SOCIAL FRAMEWORK OF THE REHABILITATION

While we have looked at legal aspect of the rehabilitation of the victims in Cambodia of the Khmer Rouge regime, we should not neglect the social framework established by Cambodia and the survivors, on one hand, the 1979 People's Revolutionary Tribunal was not internationally acknowledged, and on the other hand, the ECCC was established almost 30 years later. Therefore, in the absence of these legal mechanisms in addressing past atrocities, substantial struggles have been endured by Cambodia, and the survivors, in order to cope with the past. These achievements should be taken into account and should serve as model for other post conflict societies.

SOCIAL MOVEMENT

In addition to the abovementioned legal mechanisms, Cambodia has made other, formal and informal, efforts to cope with the legacy of the Khmer Rouge regime. Social movements driven by both individuals and the state have contributed to relieving the suffering of the survivors. These include commemorating remembrance days, such as the Day of Victory on January 7 and the Day of Remembrance on May 20.²⁰

Another novel triumph of such an effort is the construction of memorials that are dedicated to those who lost their lives during the Khmer Rouge regime. According to data from the Mapping Project of the Documentation Center of Cambodia (DC-Cam), approximately 81 genocide memorials have been constructed by survivors (Mapping Project).²¹

Even though healing and reconciliation is a personal matter, these continuous social efforts have made an extensive impact on the Cambodian people. For instance, every year on May 20, Cambodians visit various memorial sites throughout the country to celebrate the Day of Remembrance. The process through which they participate in the ceremony, allow for space to remember the victims and find their own reconciliation.²²

The above movement reflects the Cambodian effort to inspire healing and forgiveness through national events that encourage

11 Case 002, which was split into two smaller cases, involves two senior Khmer Rouge leaders, Nuon Chea and Khieu Samphan. The two accused were charged with crimes against humanity, grave breaches of the Geneva Conventions of 1949, and genocide against the Muslim Cham and the Vietnamese. The Trial Chamber held the initial hearing in June 2011. Since then, Case 002 has been severed into at least to separate trials, each addressing a different section of the indictment.

12 Case 003 involves Meas Muth, former Central Committee Member, General Staff Deputy Secretary, Division 164 (including the navy) Secretary and Kampong Som Autonomous Sector Secretary.

13 Case 004 involves Ao An, Im Chaem, and Yim Tith. There are about 847 Civil Party applicants in Case 004. Ao An was former Central Zone Deputy Secretary and Sector 41 Secretary. Im Chaem was former Preah Net Preah District Secretary and Northwest Zone Sector 5 Deputy Secretary. Yim Tith was former Southwest Zone Sector 13 Secretary, Kirovong District Secretary and Northwest Zone Deputy Secretary and Sectors 1, 3 and 4 Secretary.

14 Victims Support Section and Civil Party Lead Co-Lawyers of the ECCC, "ECCC Reparation Program 2013–2017 for the Victims of the Khmer Rouge Regime 1975–1979," 2013, <http://vss.eccc.gov.kh/images/stories/2014/Reparation.pdf>

15 Terith Chy, *When the Criminal Laughs*, Phnom Penh: Documentation Center of Cambodia, 2014.

16 Yim Charline, "Scope of Victim Participation before the ICC and the ECCC", Memorandum, Phnom Penh: Documentation Center of Cambodia, 2011, http://www.d.dccam.org/Abouts/Intern/ECCC_ICC_Victim_Participation_C_Yim.pdf

17 Victims Support Section and Civil Party Lead Co-Lawyers of the ECCC, "ECCC Reparation Program 2013–2017 for the Victims of the Khmer Rouge Regime 1975–1979," 2013, <http://vss.eccc.gov.kh/images/stories/2014/Reparation.pdf>

18 Ibid.

19 Ibid.

20 Savina Sirik, Kunthy Seng, Pechet Men, "Museum of Memory: Promoting Healing in Cambodia through History, Culture and Arts", in Sandra Dudley, Kylie Message (Eds.), "Museum Worlds: Advances in Research", *Berghahn Journals*, Vol. 2, 2014.

21 In addition to memorials, about 196 Khmer Rouge prisons, 388 killing sites, and 20,000 mass graves have been recorded by the Mapping Project of the Documentation Center of Cambodia.

22 Ly Sok-Kheang, "Remember 17 April", in *Searching for the Truth Magazine*, First Quarter, Phnom Penh: Documentation Center of Cambodia, 2012.

a shared victimhood among the survivors, which in turn helps alleviate society, restore victims' dignity and honor, and allow them to come to terms with the past.²³

RESTORATION OF CULTURE AND ARTS

Culture and the arts play a vital role in building peace and reconciliation in a post conflict society,²⁴ although very few efforts have been made to deal with the past trauma in the form of culture and the arts, since the justice process has been the dominant topic for Cambodian and international communities. The arts can contribute to the healing of past painful memories by bringing people and society together to understand its history and learn from past mistakes, and thus, be able to move forward and reconcile the past. However, very few such efforts have been formalized and acknowledged at the national level.²⁵

Presumably, the song "Oh, Phnom Penh", which was composed and written in 1979 about the sorrow of Cambodian people during the Khmer Rouge regime, and the love for Phnom Penh, the city from where the Khmer Rouge had evacuated its residents to do forced labor in the countryside, has been the only healing song for the Khmer Rouge survivors to commemorate the past.²⁶

Apart from the song "Oh, Phnom Penh", the play *"Breaking the Silence"*, produced by the Amrita Performing Arts, is among the few artistic efforts to promote dialogue as part of the reconciliation process.²⁷

GENOCIDE EDUCATION IN CAMBODIA²⁸

Shortly after the Khmer Rouge regime collapsed, the effort to bring the Khmer Rouge history into formal classroom has been very minimal, given political sensitivity and instability of the country. It took almost 28 years before the Khmer Rouge history textbook "A History of Democratic Kampuchea (1975–1979)" was published in 2007, and a few years later in 2009, the Teacher's Guidebook: The Teaching of "A History of Democratic Kampuchea (1975–1979)" came into existence.²⁹

Since then, there have been more efforts to document and disseminate what happened during the Khmer Rouge to Cambodia's younger generation. One such effort was the development of a smart-device mobile application for learning the Khmer Rouge history.³⁰

PSYCHOLOGICAL SUPPORT

The experiences during the Khmer Rouge regime have depressed Cambodian society and the survivors. A number of studies have estimated that millions of Cambodians have suffered from trauma related illnesses as a result of the Khmer Rouge regime.³¹

In an effort to provide psychological support in regard to mental health, Transcultural Psychosocial Organization (TPO Cambodia), Cambodia's leading NGO in the field of mental health care and psychosocial support, has provided mental health care and support to more than 200,000 Cambodians since 1995, in collaboration with both governmental and non-governmental institutions (TPO Cambodia).

While access to psychological and psycho-social rehabilitation is crucial, mental healthcare in Cambodia is still inadequate to address the needs of the people.³² The number of psychiatrists – 26 of them – cannot fulfill the needs of the Cambodian

population. Thus, the Cambodian government needs to allocate more resources, both finance and human resources, to increase awareness to the issue, and facilitate coordination among various players in the field in order to address the issue, properly and adequately.³³

In conclusion, substantial efforts have been made by both state and non-state actors in order to rehabilitate victims of the Khmer Rouge regime, and socially to restore people's dignity, honor, and to achieve reconciliation; and thus, those efforts should be continued and improved.

ORGANIZATIONS OF FORMER VICTIMS

DOCUMENTATION CENTER OF CAMBODIA (DC-CAM)³⁴

DC-Cam is an autonomous Cambodian research institute that records and preserves the history of the Khmer Rouge regime for future generations. Link: www.dccam.org

ANLONG VENG PEACE CENTER³⁵

The Anlong Veng Peace Center is dedicated to memory, reconciliation, and peace building, and it achieves these objectives through peace studies and genocide education. Link: <http://www.dccam.org/Projects/AVPC/avpc.htm>

23 Ly Sok-Kheang, *Reconciliation Process in Cambodia: 1979–2007 before the Khmer Rouge Tribunal*, Phnom Penh: Documentation Center of Cambodia, 2017.

24 Youk Chhang, "Restoring Cambodian Community and Way of Life: Breaking the Silence", in *Searching for the Truth Magazine*, First Quarter, Phnom Penh: Documentation Center of Cambodia, 2010.

25 Savina Sirik, Kunthy Seng, Pechet Men, "Museum of Memory: Promoting Healing in Cambodia through History, Culture and Arts", in Sandra Dudley, Kylie Message (Eds.), "Museum Worlds: Advances in Research", *Berghahn Journals*, Vol. 2, 2014.

26 Ibid.

27 Ibid.

28 Please see the chapter by Savina Sirik entitled "Education and Preservation of Sites of Conscience" for further details on Genocide Education in Cambodia.

29 Khamboly Dy, *Genocide Education in Cambodia: Local Initiatives, Global connections*, Rutgers University, PhD Dissertation, 2015

30 Rayna Stackhouse, "Khmer Rouge History Phone App to Educate Cambodian Youth", in *The Cambodia Daily*, August 29, 2016.

31 Beth Van Schaack, Daryn Reicherter, Youk Chhang, (Eds.), *Cambodia's Hidden Scars: Trauma Psychology and the Extraordinary Chambers in the Courts of Cambodia*, Phnom Penh: Documentation Center of Cambodia, 2nd Edition, 2016.

32 The Human Rights in Trauma Mental Health Laboratory, "The Mental Health Outcomes Resulting From Crimes Committed by the Khmer Rouge Regime", Stanford University Department of Psychiatry and Behavioral Sciences, Stanford University School of Medicine for Draft Submission to the ECCC in Case 002/02, in Beth Van Schaack, Daryn Reicherter, Youk Chhang, (Eds.), *Cambodia's Hidden Scars: Trauma Psychology and the Extraordinary Chambers in the Courts of Cambodia*, Phnom Penh: Documentation Center of Cambodia, 2nd Edition, 2016.

33 Beth Van Schaack, Daryn Reicherter, Youk Chhang, (Eds.), *Cambodia's Hidden Scars: Trauma Psychology and the Extraordinary Chambers in the Courts of Cambodia*, Phnom Penh: Documentation Center of Cambodia, 2nd Edition, 2016.

34 Please see the chapter by Savina Sirik entitled "Education and Preservation of Sites of Conscience" for further details on Documentation Center of Cambodia.

35 Please see the chapter by Savina Sirik entitled "Education and Preservation of Sites of Conscience" for further details on Anlong Veng Peace Center.

VICTIMS SUPPORT SECTION OF THE ECCC

The Victims Support Section (VSS) was established to support the ECCC by assisting Victims who want to participate in the proceedings. The VSS is the central contact point between the ECCC and Victims or their representatives. The VSS aims to facilitate the effective participation of Victims in the proceedings. This consists of processing complaints and applications of Victims who seek to exercise their right to participate. It also oversees that Victims have access to legal representation of a high quality. To that end, the VSS also provides legal and administrative support to the Civil Party lawyers. Finally, the VSS serves as a meeting place where all the actors involved in the proceedings that is the Victims, the Court members, the lawyers and intermediary organizations can gather and thus share their views for the most efficient representation of the Victims' interests. Link: <https://www.eccc.gov.kh/en/victims-support-section>

LEGAL DOCUMENTATION CENTER

Launched in 2017, the Legal Documentation Center houses legal and related documents from the ECCC's trial proceedings and serves as a place for the public, as well as national and international researchers, to explore topics pertaining to the trial of former senior leaders of the Khmer Rouge regime.

KDEI KARUNA

Kdei Karuna is a politically-neutral peacebuilding NGO aiming to contribute to sustainable peace efforts in Cambodia. Through an expertise in dialogue facilitation and sustained engagement with communities, Kdei Karuna encourages locally-driven approaches to address conflict, encourage mutual understanding, and promote healing. Link: <http://kdeikaruna-organization.squarespace.com>

TUOL SLENG GENOCIDE MUSEUM³⁶

The Tuol Sleng Genocide Museum is the memorial site of the S-21 interrogation and detention center of the Khmer Rouge regime. Tuol Sleng Genocide Museum aims to serve as a place of reflection and education by preserving and presenting evidence of the past prison system and keeping alive the memory of the Khmer Rouge Regime. Link: www.tuolsleng.gov.kh

TRANSCULTURAL PSYCHOSOCIAL ORGANIZATION (TPO)

TPO Cambodia is Cambodia's leading NGO in the field of mental health care and psychosocial support. TPO Cambodia was established in February 1995 as a branch of the Netherlands-based NGO 'TPO International' with the aim to alleviate psychological and mental health problems of Cambodians. In 2000, it was registered as an independent local NGO, 'TPO Cambodia,' run and staffed by Cambodians. Since its beginnings in 1995, TPO Cambodia has provided mental health care and support to more than 200,000 Cambodians. Link: www.tpocambodia.org

YOUTH FOR PEACE (YFP)

YFP is a Cambodian NGO that offers education in peace, leadership, conflict resolution, and reconciliation to Cambodia's youth. YFP aims to bring about a society of peace and social justice in Cambodia, through the development of good role models and active citizenship of youth who understand and practice a culture of peace. Through its program, YFP anticipates that youth are equipped with peacebuilding tools and skills and are empowered to be agents of social change, and civil society is challenged and impacted for change through education and awareness of peaceful solutions to problems of social injustice. Link: www.yfpcambodia.org

YOUTH RESOURCE DEVELOPMENT PROGRAM (YRDP)

YRDP envisions a society in which youth are empowered to exercise their civil and political rights as leaders for a peaceful, equitable and sustainable development in Cambodia. YRDP engages youth in the development of their critical thinking skills, empowers them to utilize their civil and political rights, and strengthens their social conscience for positive social action on behalf of their own future, family, community and country. YRDP anticipates that youth become committed and active citizens with a better quality of life through taking concrete initiatives and motivating others for the promotion of sustainable peace, justice, and a democratic society. Link: www.yrdp.org

BOPHANA AUDIOVISUAL RESOURCE CENTER

The Bophana Center acquires film, television, photography and sound archives on Cambodia from all around the world and gives free public access to this precious heritage. From the very beginning, the Bophana Center's main objective was to offer young Cambodians vocational training as well as professional support over the long run. Link: www.bophana.org

LESSONS LEARNT AND RECOMMENDATIONS

From Cambodian experiences, rehabilitation of victims of the past traumatic events, like the Khmer Rouge Genocide, has been accomplished in both a legal and a social framework, and both components should not be left out of the process.

Though a legal framework, for some reasons, did not take place soon enough after the fall of the Khmer Rouge regime, it is still important in the rehabilitation process, for it acknowledges the serious crimes committed in the past, ends impunity, and provides justice for the victims.

Additionally, while the Cambodian government initiated a social framework and her people have played significant roles in restoring Cambodian society, relationships, dignity, culture and arts, education, and reconciliation, it is advised that imitation of any activities might not work in other countries. Local, cultural and religious context should be placed into consideration before designing any activities.

³⁶ Please see the chapter by Savina Sirik entitled "Education and Preservation of Sites of Conscience" for further details on Tuol Sleng Genocide Museum.

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EDUCATION AND PRESERVATION OF SITES OF CONSCIENCE

SAVINA SIRIK

MEMORIALIZATION OF THE DIFFICULT PAST

Memorialization has been a prominent practice in societies emerging from war, genocide and mass atrocities. The use of memorialization as a tool to unite state subjects is especially evident in transitional states. However, memorialization practices can be very politicized. For example, one can regard memorials as sites of power struggle; where power relations interplay and different actors are involved in the process.

Memorials have often been constructed in order to produce a collective memory. Given that memorials are important symbolic sites in the articulation of nation-statehood, the decision to commemorate or dismiss the past is frequently made by individuals or institutions of authority or power. Indeed, many prominent memorials constitute official or state-sanctioned practices designed to promote a particular version of the past in an attempt to provide legitimacy for the present and future rule. This is especially true in the case of Cambodia, where sites of violence, including prisons and mass graves, were immediately converted to official memorials for genocide remembrance. Consequently, the public landscape has been used by the People's Republic of Kampuchea (PRK) government to serve the politics of memory, rightly observed by Dwyer and Alderman, that "historical representation is not only a product of social power but also a tool or resource for achieving it."¹ Therefore, commemoration and education of past atrocities is often linked to the construction of national narratives and memories that serve the state interest in enforcing state legitimacy and political power.

These processes have suppressed personal memories for a long time. However, this has begun to change in the context of Cambodia. Recent initiatives by local civil society organizations have supported and promoted processes through which individual accounts and experiences of survivors have been brought to the fore. Memorials and history education have increasingly included personal accounts into their content and structure, providing individual voices and spaces for survivors to get involved in the process. Thus, the process of remembrance of past atrocities have gradually moved from state-sponsored to local-driven initiatives, with support from civil society organizations, who are important actors in the transitional process.

MEMORY INSTITUTIONS

Immediately after the fall of the Democratic Kampuchea (DK) regime in 1979, a new state, the People's Republic of Kampuchea (PRK) was announced. This new government faced significant challenges in the reconstruction of the country, as there was scarcely an adequate infrastructure remaining. Despite these challenges, the most important task for PRK leaders was to initiate a political agenda to justify its invasion of the DK regime,

and thus legitimize its right to exist. The PRK realized a political opportunity through recognition of the landscapes of violence left behind by the DK regime. This landscape of violence provided evidence of the crimes committed against Cambodians by the Khmer Rouge government. Thus, in the early period of their occupation, the PRK began memorializing past violence through the transformation of sites of violence into memorials of memory.

One of the first major memorial initiatives was the transformation of two significant sites of the violence perpetrated by the DK state: the S-21 Khmer Rouge prison and the killing fields and mass graves at Choeung Ek. The PRK government saw a new opportunity in legitimizing the regime through establishing official narratives. As David Chandler argues, memories of the DK period and what was written about it were channeled by the new regime to suit the 'demonizing' policies favored by the regime.² Among the sites of violence left behind by the Khmer Rouge, the PRK quickly memorialized the two prominent sites mentioned above, and several other local prisons and mass grave sites. The S-21 Prison was transformed into the Tuol Sleng Genocide Museum; the killing fields and mass graves at Choeung Ek became a memorial site. Ultimately, the PRK used these two places as major landmarks, and 80 other local memorials, to convey the national narrative for remembrance and memorialization of "genocide".

TUOL SLENG GENOCIDE MUSEUM

Before the DK regime, Tuol Sleng had been a high school in the inner city of Phnom Penh. The Khmer Rouge converted it into a security center designated as 'S-21' – a facility utilized by Khmer Rouge security forces for imprisonment, torture and interrogation. David Chandler has extensively examined the role and function of S-21 and notes that the facility functioned as a place of incarceration, investigation, punishment and counterespionage.³ During its existence from 1976 to 1979, Chandler estimates that the prison processed approximately 14,000 prisoners.⁴ Approximately 300 people are known to have survived the prison.⁵ Soon after Phnom Penh was captured by Vietnamese forces and

1 Owen J. Dwyer, Derek H. Alderman, "Memorial landscapes: analytic questions and metaphors", in *GeoJournal*, 2008, (73), 3, 171.

2 David Chandler, "Cambodia deals with its past: Collective memory, demonisation and induced amnesia", in *Totalitarian Movements and Political Religions*, 2008, (9), 2-3, 358.

3 David Chandler, *Voices from S-21: Terror and history in Pol Pot's secret prison*, University of California Press, 1999, 15.

4 *Ibid.*, 36. The Extraordinary Chambers in the Courts of Cambodia (ECCC) provides an update list of S-21 prisoners with a total of 12,272 victims based on the documentary evidence available to the court.

5 Dacil Keo, Nean Yin, *Fact Sheet*, Phnom Penh: Documentation Center of Cambodia, 2011.

the National Salvation United Front, S-21 was discovered by two Vietnamese journalists who had been accompanying the troops, and were drawn to the site by the smell of decomposing bodies.⁶ The journalists took photographs of the bodies remaining in all of the interrogation rooms; some of those photos are now exhibited throughout the Tuol Sleng Museum. A few days after the initial discovery of the prison, vast stacks of documents – including thousands of pages of documented confessions, mug-shot photographs, and notebooks of cadres – were found in the S-21 compound.⁷

Realizing the importance and potential propaganda value of these discoveries, the PRK government officials proceeded to have the documents organized and archived, and to convert the site into a museum. Mai Lam, who had extensive experience in legal studies and museology, arrived in Phnom Penh in March 1979 to lead the transformation of the site into an internationally-recognized museum of genocide.⁸ A couple of weeks after the renovation of the site, the museum hosted its first group of foreign visitors. As asserted in PRK documentation, “the site was intended primarily to show... international guests the cruel torture committed by the traitors against the Khmer people.”⁹ By January 25 – a mere two weeks after the “discovery” of Tuol Sleng – a group of journalists from socialist countries was invited; these were the first official visitors to Tuol Sleng.¹⁰ The museum was officially opened to the public in July 1980. Local Cambodians were transported from various places throughout the country to visit the museum and learn about the crimes against humanity, as well as other crimes committed by the Khmer Rouge. Cambodians were indoctrinated by the PRK government with such political messages to justify the government’s legitimacy and to promote a reliance on the PRK, thus preventing the return to power of the Khmer Rouge. Prominently featured throughout the curation of S-21 were clear messages of legitimacy; in addition to this display, exposed display of skulls and bones were featured at the Choeng Ek mass graves site. Displays in the museum feature mug shots of victims and Khmer Rouge cadres, graphic images of torture and the corpses of prisoners, and a map of Cambodia depicted in skulls and bones which was later removed from the exhibition due to controversies around skull display.¹¹ Through these images, the curator intended to establish a connection between the DK regime and the atrocious crimes that took place at S-21 and Choeng Ek.

In March 2015, a Memorial to the Victims of the DK regime was unveiled inside Tuol Sleng, dedicated to the victims of the DK regime, especially to the 14,000 victims who were detained and executed at S-21 prison, and the Choeng Ek killing site. The memorial, designed and erected by Cambodia’s Ministry of Culture and Fine Arts,¹² replaced an old stupa memorial that was built in the 1980s, and destroyed by a storm in 2008. While the memorial was warmly welcomed, the inscription of the names of the victims of S-21 prompted debate over whether the inscribed names represent victims or perpetrators.¹³ Given that the majority of the victims at S-21 had been former Khmer Rouge cadres, survivors and academics were concerned that the name inscriptions would offend other victims and their surviving families.¹⁴ The Extraordinary Chambers in the Courts of Cambodia (ECCC) approved the memorial project as symbolic reparation for the victims and survivors of the Khmer Rouge regime in ECCC’s Case 001 against the S-21 prison chief, Kaing Guek Eav or Duch.

CHOEUNG EK MEMORIAL CENTER

The history of the Tuol Sleng Genocide Museum is directly linked to the killing fields of Choeng Ek, located approximately 15 kilometers southwest of Phnom Penh. The mass graves at Choeng Ek were selected for excavation, also under Mai Lam’s supervision. Over 9,000 bodies were exhumed from the graves and initially placed in a wooden structure, which was later replaced with a monumental memorial stupa made of concrete and glass, built in the style of a Khmer Buddhist stupa. The memorial was inaugurated and opened to visitors in 1988. The excavated pits were left exposed, forming open-air exhibitions with signs attesting to the horrific activities that took place on that landscape. Along with the Tuol Sleng Museum, the Choeng Ek Memorial reinforced the political message of the PRK in condemning the genocidal crimes committed by the Khmer Rouge. Due to the lack of background information on the site, a museum was later built and opened to the public to provide additional information and historical context on the Khmer Rouge regime. Audio tours containing a history of the site as well as personal stories of victims and former Khmer Rouge guards were added to the site. In addition, public ceremonies are held annually at the memorial site to celebrate the May 20 day of remembrance. The site still represents the official narrative of the genocide, which occurred during the DK regime.

LOCAL MEMORIALS

While sites such as Tuol Sleng and Choeng Ek provide visible evidence of memorialization, many other sites of violence have scarcely been memorialized. Only about 81 sites of the innumerable documented sites of mass violence that are widespread throughout the country, including 196 security prison sites, 300 burial sites, and 200,000 mass graves,¹⁵ have been memorialized. Hundreds of other burial sites and labor camps stand as silent testimony to the pervasive violence, which took place in Cambodia. These sites constitute unmarked, violent landscapes, identifiable only by local residents, and remain invisible to visitors who merely pass by the area. This is especially true for members of the younger generation who were born after

6 David Chandler, *Voices from S-21: Terror and history in Pol Pot’s secret prison*, University of California Press, 1999, 2.

7 *Ibid.*, 3.

8 *Ibid.*, 4.

9 *Ibid.*, 8.

10 *Ibid.*, 4.

11 See the discussion in Wynne Cougill, “Buddhist cremation traditions for the dead and the need to preserve forensic evidence in Cambodia”, Documentation Center of Cambodia, http://www.dccam.org/Projects/Maps/Buddhist_Cremation_Traditions.htm

12 “Inauguration of the Memorial to Victims of the Democratic Kampuchea Regime at Tuol Sleng Genocide Museum”, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 26 March 2015, <http://giz-cambodia.com/inauguration-of-the-memorial-to-victims-of-the-democratic-kampuchea-regime-at-tuol-sleng-genocide-museum/>

13 Poppy McPherson, “Memorial plan prompts debate about victims and perpetrators of genocide”, in *The Phnom Penh Post*, 9 May 2014, <https://www.phnompenhpost.com/7days/memorial-plan-prompts-debate-about-victims-and-perpetrators-genocide>

14 *Ibid.*

15 Documentation Center of Cambodia (DC-Cam), *Mapping Report*, unpublished report, 1998.

the atrocities. The potential for these sites to become memorialized or representative of past violence have largely been associated with the politics of memory, which have been employed as a tool to justify the political regime. Most local memorial sites have decayed over time since they have not been properly taken care of. A few of them are maintained and developed into community learning centers.

WAT SAMROUNG KNONG, BATTAMBANG

Following the consultation process on memory initiatives in 2009, Youth for Peace (YFP)¹⁶ – a local organization, based in Phnom Penh, working to promote peace and social justice through youth development – started a memory project at Samroung Knong commune, Battambang province. A community memorial committee was established and a vocational training program was developed. Funded by a Swiss Agency for Development and Cooperation through the Victims Support Section of the ECCC, the Samroung Knong Community Peace Learning Center was built, with the purpose of preserving the mass grave site in Wat (Buddhist Temple) Samroung Knong, for its rich history and transforming it into a place where intergenerational dialogue and peace education can take place.¹⁷ Wat Samroung Knong was turned into a prison by the Khmer Rouge. The majority of prisoners were former soldiers, government officials of the Lon Nol regime and their families and relatives. In 1980, approximately a hundred mass graves were excavated to recover victims' remains.¹⁸

In 2015, the Community Peace Learning Centre was in the process of developing an information center, so that the community could access information and participate in the key activities of the Center. Some of these activities include public forums, vocational training programs for youth (such as computer training courses), film screening, radio programs, religious festivals, fundraising and documenting historic cities.¹⁹ The Peace Learning Center has been approved by the ECCC as symbolic reparation for victims and survivors of the Khmer Rouge regime in the Case 002/01 against Khieu Samphan and Nuon Chea.

GENOCIDE EDUCATION AFTER THE KHMER ROUGE REGIME

The education system and infrastructure were revived and rehabilitated after the fall of the Khmer Rouge regime. Under the PRK government, the Khmer Rouge history education was integrated into political education, which emphasized the importance of socialism and civic revolution. Khmer Rouge history was subsequently developed and taught to promote a political agenda and ideology to which the PRK subscribed.²⁰ The school curricula outlined political contents that condemned the Khmer Rouge's brutal violence, while praising the revolutionary figures, who liberated the country from the Khmer Rouge's occupation. The textbook content, at the time, included language that provoked anger and vengeance toward the Khmer Rouge leaders including phrases such as "Pol Pot-Ieng Sary-Khieu Samphan genocidal cliques" or "KR genocidal massacres of innocent people."²¹ Consequently, such political propaganda was emphasized and utilized as a tool to maintain the political survival and legitimacy of the state.²²

From 1993 to the early 2000s, the contents of Khmer Rouge history became marginalized and at times disappeared from

the textbook. During this period, Cambodia faced continued challenges in resolving its internal political conflict and building peace and reconciliation. Even so, politics continued to dictate Cambodian history content to the extent that the Khmer Rouge history was kept silent or marginalized. When the curriculum and teaching materials were being revised, the content on Khmer Rouge atrocities were not prioritized. During the academic year of 2000 and 2001, social studies textbook for grade 9 and 12, for example, was revised to include a modern history of Cambodia from 1953 to 1998 with a brief narration of the Khmer Rouge regime, which did not provide a clear account of what had happened or allow for a critical or in-depth understanding of the historical events at that time.²³ Also, in the middle of academic year of 2002, the government withdrew the social studies textbook from the curriculum. The textbook did not return until 2011.²⁴ Thus, the national interests in teaching Khmer Rouge history during that time slowly decreased and the Khmer Rouge history content became marginalized due to internal political conflicts and efforts to integrate different political fractions into society.

Nonetheless, increased international interests and influences in the concepts of human rights and genocide in Cambodia during the transitional period contributed to the reconstruction Khmer Rouge history education, and development of a local genocide education initiative.²⁵ The works of NGOs, the flow of human rights concepts, and the global influence of Holocaust education became one of the driving forces for the emergence of a local genocide education. Local NGOs that devote their work to promoting democracy and human rights in the country stepped up and worked in collaboration with the government to develop genocide education. Among local civil society organizations, the Documentation Center of Cambodia (DC-Cam) took the initiative in establishing Cambodian genocide education, particularly developing the Khmer Rouge history content for the secondary high school level. DC-Cam has worked in collaboration with the Ministry of Education to provide formal education on the Khmer Rouge history for young people. This effort represents one among many local initiatives to formalize Khmer Rouge history education through the formal education system.

DOCUMENTATION CENTER OF CAMBODIA (DC-CAM)²⁶

Established in 1995 as a field office of Yale University's Cambodian Genocide Program to facilitate field research on the Khmer Rouge's crimes in Cambodia, DC-Cam became an independent research institute in 1997. DC-Cam has collected, catalogued, and disseminated information on the DK regime to survivors, researchers, students, and the general public. Its archive stores a million pages of Khmer Rouge documents, photographs, interviews, and physical evidence of the genocide. The documentary

16 See Youth for Peace, <http://www.yfpcambodia.org/>

17 Ibid.

18 Documentation Center of Cambodia (DC-Cam), *Mapping Report*, unpublished report, 1998.

19 Youth for Peace, <http://www.yfpcambodia.org/>

20 Khamboly Dy, *Genocide Education in Cambodia: Local Initiatives, Global connections*, Rutgers University, PhD Dissertation, 2015, 143.

21 Ibid., 97.

22 Ibid., 144.

23 Ibid., 163.

24 Ibid., 166.

25 Ibid.

26 See Documentation Center of Cambodia, <http://d.dccam.org/>

collections held by the Center have informed much of the preparation for the prosecution cases against the former Khmer Rouge leaders in trials underway at the Extraordinary Chambers in the Courts of Cambodia.

DC-Cam has played an important role in the dissemination of Khmer Rouge history education to the public. It has made a significant effort to educate the public about the Khmer Rouge regime through outreach, public education forums, exhibitions, and genocide education programs. As part of the genocide education program, DC-Cam published a textbook, in 2007, entitled *A History of Democratic Kampuchea 1975–1979*, and distributed hundreds of thousand copies to all secondary high schools throughout the country. In addition, the Center has integrated the textbook and the lessons of the Khmer Rouge regime into the formal curriculum at the secondary high school level and provided training to all history and social science high school teachers.²⁷ The integration of Khmer Rouge history in the formal curriculum has become a major initiative in institutionalizing genocide education in Cambodia's education system. In addition to these efforts, DC-Cam has also initiated other memory and education efforts through establishing of two institutions: Sleuk Rith Institute and Anlong Veng Peace Center.

SLEUK RITH INSTITUTE²⁸

The Sleuk Rith Institute is intended to be a permanent site for DC-Cam. SRI aims to preserve the memory of the Khmer Rouge genocide, provide a sense of justice, and contribute to the healing of Cambodian society. SRI plans to expand its archival core by incorporating a genocide museum, a research center, and a school of genocide, conflict, and human rights into an integrated research institute focused on the studies of human rights and sustainable development. The project is supported by an architectural partner of the renowned London bureau, the Iraqi-born architect Zaha Hadid. She calls her design a structure of hell, earth, and heaven, tracing the hoped-for progression from the silence of the present generation of Cambodians about their unthinkable past, to a future of openness and vitality. The new SRI building, to be established alongside a respected and still functioning high school in central Phnom Penh, is intended to support deeper research into the past atrocity and to disseminate information through the country's educational system.

The Sleuk Rith Institute also plans activities and events at the heart of the capital, which will promote healing through cultural revival and celebration. The SRI plans to incorporate into its programs the issues of culture, history, gender, and environment. In addition, SRI plans to present to the future generations of Cambodians and global tourists the ways in which Cambodian survivors and their children may strive to deal with the horrendous tragedy through acts of commemoration and genocide education.

ANLONG VENG PEACE CENTER ²⁹

Situated in Anlong Veng district, the last stronghold of the Khmer Rouge regime, the Anlong Veng Peace Center is a new initiative of the Documentation Center of Cambodia. Created in 2014, the Peace Center aims to achieve memory, reconciliation, and peacebuilding through peace studies, genocide education, and sustainable tourism. Peace studies and genocide education represent the Center's efforts in promoting a critical understanding

of different forms of violence, conflict resolutions, and root causes of what happened under the Khmer Rouge regime. Guided tours to historical sites and meetings with local community members provide space for interactive discussions and shared understanding of individual stories. These concerted efforts are critical to peacebuilding, education, and rule of law in the country.

Using the Center's core approach of historical empathy, key activities that have been conducted at the Peace Center include a variety of educational and tourism related programs that help preserve the oral and physical history of the region, as well as building peace and reconciliation between generations and across society.³⁰ In order to achieve the stated objectives, the Center works in close collaboration with the local community, schools, and tourism officials in order to implement these activities. In addition to providing an understanding of the past, its main activities also involve providing guided tours of historical sites, conversations between local community members and students, as well as developing a curriculum that utilizes individual stories to promote an understanding of different human experiences.

LESSONS LEARNT AND RECOMMENDATIONS

In addition to memorialization at the state level, such as the construction of the major memorial sites of Tuol Sleng Genocide Museum and Choeung Ek Memorial Center, memorialization has emerged from the concerted effort of local civil society organization and local communities, which is essential in the larger process of memory construction, peacebuilding and reconciliation in Cambodia. As discussed above, the preservation and development of historical sites such as Wat Samroung Knong and Anlong Veng, initiated by YFP and DC-Cam, in collaboration with local communities and other stakeholders, can contribute to promoting local ownership of the process of establishing historical truth, reconciliation, and bridging the generational divide. On the one hand, memorial sites serve as significant means through which to commemorate victims of atrocities and preserving memories of the past; on the other hand, providing history education of past atrocities to the younger generation and engaging them in the processes of memory preservation are critical to processes of building peace and democracy in post-conflict societies.

Furthermore, creating fair history content on a difficult past requires political commitment and support from a variety of actors, including domestic and international actors. Historical content can only provide an accurate historical account to young people, if it is created and developed based on scientific research. Such a difficult history should be delivered to the younger generation in such a way that helps promote harmony, empathy, reconciliation, and critical thinking, rather than serving as a propaganda tool to achieve a certain political aim. Cambodian genocide education must go through many years of turbulence and political

27 For further details see "Genocide education 2004–present", http://d.dccam.org/Projects/Genocide/Genocide_Education.htm

28 See The Sleuk Rith Institute, <http://www.cambodiasri.org/>

29 See Anlong Veng Peace Center, <http://d.dccam.org/Projects/AVPC/avpc.htm>

30 Ibid.

controversy, before it can begin to establish historical content that is more objective and scientific. This is just the beginning of a long journey toward peace and reconciliation that Cambodia has to make.

What we can learn from the Cambodian experiences is that local actors who initiate and develop local genocide education program, formally or informally, could benefit from working with various actors at multiple levels to provide legitimacy and effectiveness to the processes. These actors may be formal or non-formal, global or regional, state or local. More importantly, working with a variety of actors will help improve the capability

of local implementers and to balance the dominant power of the authorities or political elites. Furthermore, the institutionalization of genocide education will be complemented by other transitional mechanisms, whether they are formal or informal efforts (such as criminal prosecution and memorialization), to educate younger generations about the past. Developing public education to teach children about the Khmer Rouge regime is well resonated among survivors of the atrocities, many of whom are mainly concerned that their children will not receive a proper education about their horrendous past, and thus fail to acknowledge their sufferings.

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- Youth for Peace: <http://www.yfpcambodia.org/>

TIMELINE OF THE MAJOR EVENTS

BERND SCHAEFER

1950	Cambodian communists join forces with Vietnamese against French colonialism
November 9, 1953	Cambodia declares its independence from France
1954	Geneva Conference: France withdraws from all of Indochina
1954–70	Kingdom of Cambodia under Prince, from 1955 Prime Minister Norodom Sihanouk
March 18, 1970	Coup against Prime Minister Norodom Sihanouk
1970–75	The Khmer Republic, General Lon Nol as President; Sihanouk, in exile in China, forms exile government with Cambodian communists ('Khmer Rouge'/KR).
April 17, 1975	KR forces led by Pol Pot defeat Lon Nol army and take the capital Phnom Penh
1975–79	Democratic Kampuchea (DK)
October 1975	Sihanouk returns to Cambodia, nominal Head of State, disappears in house arrest soon after
1976	DK Government is announced with Khieu Samphan as Head of State and Pol Pot as Prime Minister and Secretary-General of the Communist Party of Kampuchea (CPK)
1977	Cambodia launches military attacks across all three of its borders in Thailand, Vietnam, and Laos
1978	Vietnam fights back, occupies Cambodian territory, fully withdraws by March, but returns with full force in December 1978 and defeats Pol Pot forces by January 1979
1979–1989	People's Republic of Kampuchea (PRK) Heng Samrin President; Prime Ministers Pen Sovan (until 1981), Chan Sy (until 1984), Hun Sen (since 1985)
1989–1993	State of Cambodia (SOC), Hun Sen Prime Minister
1989	First Paris Conference with Cambodian government and opposition factions fails. Vietnamese troops withdraw from Cambodia by December
1990	Formation of the Supreme National Council (SNC), composed of six SOC members and two from each of the three opposition factions, including former DK President Khieu Samphan
October 23, 1991	Paris Agreement on Cambodia signed by all four Cambodian factions and eighteen Foreign Ministers of interested countries
May 23 and 28, 1993	General elections with 90 % turnout, boycotted by KR. Coalition government formed with a First and Second Prime Minister: Prince Norodom Ranariddh (FUNCINPEC Party) with 45.5 % and 58 seats and Hun Sen (Cambodian People's Party/CPP) with 38.2 % and 51 seats
1993 to the Present	Kingdom of Cambodia
June 1993	Norodom Sihanouk becomes Head of State, on 23 September King of Cambodia
1994	KR movement outlawed by Cambodia's National Assembly.
1997/98	Turmoil within KR, defections and struggles, Pol Pot dies in 1998. KR dissolve
July 1997	Power struggle within government, Hun Sen and CPP oust Prince Ranariddh and his allies in a coup, Hun Sen the only Prime Minister, Ranariddh in exile
July 26, 1998	National Assembly Election, CCP gets 41.4 % of vote and 64 seats, FUNCINPEC 31.7 % and 43 seats, the Sam Rainsy Party (SRP) 14.3 % and 15 seats, Hun Sen Prime Minister
July 27, 2003	National Assembly Election, CCP gets 47.3 % of vote and 73 seats, FUNCINPEC 20.7 % and 26 seats, the SRP 21.9 % and 24 seats, Hun Sen Prime Minister
July 27, 2008	National Assembly Election, CCP gets 58.1 % of vote and 90 seats, SRP 21.9 % and 26 seats, Hun Sen Prime Minister
July 28, 2013	National Assembly Election, CCP gets 48.8 % of vote and 68 seats, opposition Cambodian National Rescue Party (CNRP) 44.6 % and 55 seats, disputed election until compromise in July 2014, Hun Sen Prime Minister

June 4, 2017	CNRP wins 43.8 % in Cambodian communal elections with a 90 % turnout, a significant swing away from CPP and towards CNRP
November 16, 2017	Cambodian Constitutional Court bans and dissolves CNRP, its National Assembly seats are distributed to other parties, opposition leaders in exile or under arrest
July 27, 2018	CCP runs basically unopposed and wins 76.9 % of the vote and all 125 National Assembly seats, Hun Sen Prime Minister
November 16, 2018	The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) sentences surviving KR leaders Nuon Chea and Khieu Samphan to life imprisonment in Case 002/02 for genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949

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