

Genocide Education Project
The Teaching of "A History of Democratic Kampuchea (1975-1979)"

Teacher Workshop-Working Group on Reclaiming Cambodian History
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DISCUSSION PAPER I

Complementary Justice: Designing a Mechanism for Memory and Reconciliation in Cambodia

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Introduction

The Extraordinary Chambers in the Courts of Cambodia (ECCC) has achieved its ambitious goals of prosecuting "top leaders" of the Khmer rouge.¹ A transitional justice mechanism that focuses on Cambodian preferences, addresses their desires for justice, and provides the reparations that Cambodians see fit would be a natural complement to the tribunal. Truth commissions are often proposed because of their flexible nature and ability to provide culturally relevant accountability processes. A successful transitional justice system in Cambodia must be tailored to Cambodian

¹ Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, Oct. 27, 2004; UN Assistance to the Khmer Rouge Trials, Report of the Group of Experts for Cambodia established pursuant to General Assembly resolution 52/135, Introduction, ¶ 35 (Feb. 18, 1999).

preferences and the Cambodian cultural context.²

A truth commission offers promise in addressing the needs of the Cambodian society; however, like any other form of transitional justice, it will pose challenges. To date, almost all truth commissions have been established in predominantly Christian nations.³ In order for a truth commission to enable reconciliation and justice in an overwhelmingly non-Christian nation, it will have to incorporate Buddhist and Muslim reconciliation processes.⁴ A culturally-sensitive truth telling commission in Cambodia should highlight Buddhist and Muslim values, placing these religious leaders at the center of the process; address the needs of Cambodians; and include both symbolic reparations and those that would develop social capital.⁵ In exploring the best designed model this memo draws upon needs of the Cambodian society as highlighted in a 2009 survey carried out by the Human Rights Center at the University of California at Berkeley, experiences learned in other truth commissions, and Cambodian responses to the ECCC. Ultimately a successful truth telling commission could lead to accountability and help Cambodians to paint a larger picture of this dark period in their country's history.⁶

Truth Commissions

A truth commission is a transitional justice mechanism empowered to

² Interview with Youk Chhang, Director of the Documentation Center of Cambodia, in SWEDISH GOVERNMENT, *BEYOND THE "NEVER AGAINs"* 14 (Eva Fried ed. 2005) (hereinafter "*BEYOND THE 'NEVER AGAINs'*"); Tara Urs, *Imagining locally-motivated accountability for mass atrocities: Voices from Cambodia*, 7 *SUR INT'L J. ON HUM. RTS.* 61, 63 (2007). See also Mark Drumbl, *Punishment post genocide: from guilt to shame to 'Civis' in Rwanda*, 75 *N.Y.U. L. REV.* 1258, 1225 (2000).

³ With the exception of Sierra Leone. Rosalind Shaw, *Rethinking Truth and Reconciliation Commissions: Lessons From Sierra Leone*, SPECIAL REPORT FOR THE UNITED STATES INSTITUTE OF PEACE, at 8-9 (2005), available at <http://www.usip.org/resources/rethinking-truth-and-reconciliation-commissions-lessons-sierra-leone>.

⁴ *BEYOND THE "NEVER AGAINs," supra* note 2, at 15.

⁵ Phuong Pham, Patrick Vinck, Mychelle Balthazard, Sokhom Hean, and Eric Stover, Human Rights Center, University of California, Berkeley, *So We Will Never Forget: A Population-Based Survey on Attitudes About Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia*, at 43 (2009), available at <http://hrc.berkeley.edu/pdfs/So-We-Will-Never-Forget.pdf> (hereinafter "*UC Study 2009*").

⁶ Jaya Ramji, "Reclaiming Cambodian History: The Case for a Truth Commission," *FLETCHER FORUM OF WORLD AFFAIRS* 24:143 (2000).

investigate and remedy past human rights abuses.⁷ Truth commissions are harder to define than other forms of transitional justice, such as international tribunals, because they tend to be more narrowly-tailored to each society and situation.⁸ Some general characteristics of a truth commission include “an attempt to provide a larger picture of abuses rather than an emphasis on a discrete event, . . . and the possession of some authority allowing greater access to information and security.”⁹ Unlike international courts, truth commissions are not prosecutorial bodies and therefore do not conduct judicial proceedings that result in the declaration of guilt.¹⁰ Some of the most crucial ambitions of a truth commission can be acknowledging crimes, enabling victims to have a voice, and providing a historical account of the various factors that lead to mass atrocities.¹¹ Truth commissions aim to ensure that future generations understand what happened in their country’s history with the ultimate goal of preventing the recurrence of such atrocities.¹²

Much like international tribunals, truth commissions have a variety of strengths and weaknesses in addressing human rights abuses. The two most common concerns voiced by scholars are that truth commissions, despite being viewed as responsive to local preferences, can fail to expose the whole truth;¹³ and that a thorough investigation of past abuses might not be appropriate or culturally sensitive to a truth to a society traumatized by mass violence.¹⁴ For example, truth commissions have failed to address international actors’ involvement in mass atrocities, been unable to incorporate cultural preferences, or overlooked indigenous

⁷ Ramji, *supra* note 6, at 143.

⁸ *Id.* at 142.

⁹ Priscilla B. Hayner, "Fifteen Truth Commissions-- 1974 to 1994: A Comparative Study," 16 Human Rights Quarterly 597, 604 (1994).

¹⁰ *Id.*

¹¹ Gregory L. Smith, *Immune to Truth? Latin American Truth Commissions and U.S. Support for Abusive Regimes*, 33 COLUM. HUM. RTS.L. REV. 241, 267 (2001).

¹² *Id.*; Urs, *supra* note 2, at 88.

¹³ Smith, *supra* note 11, at 242.

¹⁴ Rosalind Shaw, *Rethinking Truth and Reconciliation Commissions: Lessons From Sierra Leone*, SPECIAL REPORT FOR THE UNITED STATES INSTITUTE OF PEACE, at 8-9 (2005), available at <http://www.usip.org/resources/rethinking-truth-and-reconciliation-commissions-lessons-sierra-leone>.

forms of resolving conflicts¹⁵

Although generally held out as highly successful example of the form, the South African Truth and Reconciliation Commission had its share of detractors. Some victim participants felt as though they were unable to tell the “truth” or receive the reparations that they most desired.¹⁶ The TRC in Sierra Leone raised other concerns about a truth commissions in the aftermath of mass atrocities. For example, Sierra Leoneans had a particular way of dealing with conflicts that “reintegrating combatants, reworking relationships, and rebuilding moral communities”, and practice social forgetting as a mechanism used to “cool the heart” and reestablish the community. It is possible that the TRC in Sierra Leone disrupted this process.¹⁷

Cambodian preferences

A Cambodian truth commission, if carried out in a manner which has Cambodian preferences as its main consideration, can complement the work of the tribunal through a long-term mandate with wide-reaching participation and recognition of victims. The 2009 UC Berkeley study of Cambodian preferences found that 85.5% of respondents agreed with the statement that “it is necessary to find the truth about what happened during the Khmer Rouge.”¹⁸ A Cambodian truth commission should aim to document and analyze experiences of the Cambodian people in the periods leading up to, during, and in the aftermath of Democratic Kampuchea; produce a historical narrative of the Khmer Rouge regime and abuses, including rationale and motivation; and educate survivors and younger generations about Cambodian history.

¹⁵ Smith, *supra* note 11, at 272-273 (discussing Latin American truth commissions’ failure to incorporate U.S. involvement in the region).

¹⁶ Richard A. Wilson, THE POLITICS OF TRUTH AND RECONCILIATION IN SOUTH AFRICA: LEGITIMIZING THE POST-APARTHEID STATE xxvii-iii, 48-49 (2001) (based on ethnographies of over 50 victims of political violence in townships south of Johannesburg between 1995 and 1998).

¹⁷ *Id.*

¹⁸ UC Study 2009, *supra* note 5, at 27. The study found that younger generations have particularly limited knowledge about the Khmer Rouge regime. *Id.* at 26.

Any response to the Democratic Kampuchea period that aims to contribute to the rule of law, feelings of justice and reconciliation must begin by asking what the members of the society that lived under the regime want.¹⁹ The UC Berkeley study highlights a couple of important themes that should be addressed in establishing a truth commission so that it may reflect contemporary Cambodian preferences.

First, the study reveals that Cambodians are eager to find out the truth about what occurred during the Khmer Rouge regime.²⁰ Second, Cambodian attitudes towards living together with former members of the regime highlight the complexity of reconciliation and punishment in the Cambodian culture.²¹ Truth commissions are heavily dependent on the cooperation of perpetrators and therefore understanding Cambodian attitudes towards lower level cadres is vital. Overall, the study showed that Cambodians wanted to see those responsible for the Khmer Rouge regime to be held accountable, and believed that justice was a process of revealing the truth.²²

The UC survey depicts a Cambodian population that for the most part, wants to know what occurred during the Khmer Rouge.²³ Seventy seven percent of those living under the regime stated that they wanted to know more about what had happened during the Khmer Rouge and eighty five percent of those who did not live under the Khmer Rouge regime wanted to learn more. Although Cambodians, both of whom had lived under the regime and those who had not, were eager to find out the truth about what had happened during the regime, less than fifty percent of those surveyed were willing to be part of a public hearing and talk about their experiences.²⁴

The views expressed by contemporary Cambodians on accountability reflect an overwhelmingly strong support for holding those responsible for the Khmer Rouge regime accountable. Though ninety-four percent of those surveyed in the UC

¹⁹ Urs, *supra* note 1, at 89.

²⁰ UC Study 2009, *supra* note 5.

²¹ *Id.* at 28-30.

²² *Id.* at 27, 30, 32.

²³ *Id.*

²⁴ *Id.*

Berkeley study defined themselves as Buddhist,²⁵ the survey did not focus on culturally relevant punishment. Further research is needed to determine exactly what shape such punishment might take. Moreover, though the Muslim minority is small, their religious views should also be incorporated into the truth commission, particularly in predominantly Cham areas.

Ian Harris, an expert on Theravada Buddhism, has argued that there are three consistent themes for Cambodian Buddhists when it comes to accountability. These are limited support for international dimension to any tribunal, a desire to ensure that accountability conforms in some manner to Theravada Buddhism, and a focus on reconciliation “understood as a reconciliation of the world in accord with *dhamma*.”²⁶

Cambodian Buddhist *sangha* provide further guidance on what a culturally relevant sense of reconciliation would look like.²⁷ For example, Dr Lao Mong Hay, Executive Director of the Khmer Institute of Democracy, has advocated for national reconciliation because it is consistent with Buddhist philosophy.²⁸ The emphasis on uprooting anger in Buddhism is to clear the mind through mental calming and protect relationships between the parties.²⁹

Scholars have argued that national apology, a formal truth act, witnessed by members of ecclesiastical hierarchy, and presided over by the king, “could be a symbolically potent focus for national reconciliation.”³⁰ A communal ceremony, resembling *Pchum Ben*, could be organized to address the souls of those who lost

²⁵ UC Study 2008, *supra* note 5, at 29.

²⁶ Ian Harris, “Onslaught on Beings”: A Theravada Buddhist Perspective on Accountability for Crimes Committed in the Democratic Kampuchea Period, in BRINGING THE KHMER ROUGE TO JUSTICE: PROSECUTING MASS VIOLENCE BEFORE THE CAMBODIAN COURTS 59, 82 (Jaya Ramji and Beth Van Schaack eds., 2005).

²⁷ *Id.* at 85.

²⁸ *Id.* Though reconciliation may be more closely aligned with Buddhist values than a tribunal, the UC Berkeley study’s findings on Cambodian desires for punishment suggests that the situation is more nuanced than it might at first appear.

²⁹ Harris, *supra* note 26, at 85. Punishment therefore would only make sense if the guilty are encouraged to be mindful of their offenses.

³⁰ *Id.* at 87.; See also William W. Burke-White, *Preferences Matter: Conversations with Cambodians on the Prosecution of the Khmer Rouge Leadership*, in BRINGING THE KHMER ROUGE TO JUSTICE: PROSECUTING MASS VIOLENCE BEFORE THE CAMBODIAN COURTS 97, 99 (Jaya Ramji and Beth Van Schaack eds., 2005).

their lives under the Khmer Rouge regime and to begin the mourning, healing, and reconciliation process.³¹ Addressing individual and collective needs for mourning will be no easy task; however, Cambodian culture provides guidance. Much like in *Pchum Ben*, a successful truth commission should provide a space for individuals to remember those who have passed away in a manner that is culturally significant and sensitive.³² Finally, a truth commission will be dependent upon the contributions of each individual and therefore fostering an environment which does not divide between perpetrators, victims, and mourners may very well foster memorializing, mourning and reconciliation.³³

For a large number of those surveyed, living with former members of the Khmer Rouge evoked strong feelings of animosity; many wished to seek some form of revenge.³⁴ This is especially troublesome because those who have experienced deep, long-term fear, trauma and direct violence may sustain an image of the enemy and may be extremely vulnerable and susceptible to manipulation.³⁵ Another problem is that former middle and lower level Khmer rouge cadres are now living closely with victims.³⁶ As the UC Berkeley study notes, it is possible that respondents "could forgive individual Khmer Rouge but still have feelings of anger towards the leaders or the Khmer Rouge violence in general."³⁷ Given Cambodian attitudes a proper mechanism to address suppressed anger may be necessary. Reconciliation is a deeply personal endeavor, but perhaps a conflict resolution system based on Cambodian principles could give people the chance to tell their stories as both victims and perpetrators and address issues of culpability.

Though a large body of information on the crimes of the Khmer Rouge has

³¹ Ly Daravuth Notes on Pchum Ben: A working paper of Recasting Reconciliation through Culture and the Arts (2005) (unpublished manuscript)(on file with author). *Pchum Ben* is a ceremony, lasting over two weeks, during which Cambodian Buddhists give offerings to the dead at pagodas.

³² *Id.*

³³ *Id.*

³⁴ UC Study 2009, *supra* note 5, at 29.

³⁵ JOHN P. LEDERACH, BUILDING PEACE: SUSTAINABLE RECONCILIATION IN DIVIDED SOCIETIES, 23 (U.S Institute of Peace press 1997).

³⁶ UC Study 2009, *supra* note 5, at 28.

³⁷ *Id.*

been gathered over the years by various organizations, this information has yet to be compiled and distributed in a form that is accessible to the average Cambodian. For example, the Renakse Petitions brought together testimony from thousands, yet that information was not publicized.³⁸ A truth commission could analyze and disseminate such information, involving Cambodian villagers in the process.

To this end, the truth commission might draw upon the Swedish Government's experience. Faced with concerns that young Swedes knew little about the Holocaust, with some doubting its existence, and the growth of right-wing groups spreading their propaganda in schools, the Swedish Parliament created the Living History project.³⁹ This project aimed to tell the story of the Holocaust through various mechanisms, including resource packages for schools, films, conferences, and concerts. It convened the Stockholm International Forum, which consisted of four international conferences that aimed to create a "meeting place for an exchange of information, knowledge, ideas and perspectives between experts, decision-makers and practitioners."⁴⁰ Before the first conference, the Swedish government published a book, titled *Tell Ye Your Children*, that discussed the Holocaust in Europe. Over 1.2 million copies of the book, which was translated into Finnish, Arabic, Turkish, Serbo-Croatian, English, Spanish, and Persian, were distributed to every Swedish family with school age children. After the conferences, the Swedish government published another book, *Beyond the "Never Again"*, highlighting the findings of the conferences and including interviews with select participants. Of course, a similar project of awareness-raising in Cambodia would need to be tailored to the

³⁸ Amy Gordon, "The Renakse Petitions: Background and Suggestions for Future Use," DC-Cam (2007), available at: <http://www.dccam.org/Projects/Tribunal_Response_Team/Victim_Participation/PDF/Renakse%20by%20Amy.pdf>.

³⁹ Government of Sweden, *The Stockholm International Forum Conferences (2000-2004)*, at 5, available at <http://www.sweden.gov.se/content/1/c6/06/66/96/52af23bc.pdf>

⁴⁰ Government of Sweden, *The Stockholm International Forum Conferences (2000-2004)*, at 20, available at <http://www.sweden.gov.se/content/1/c6/06/66/96/52af23bc.pdf>. The conferences focused on "Education, Remembrance, and Research on the Holocaust" (2000); "Combating Intolerance" (2001); "Truth, Justice, and Reconciliation" (2002); and "Preventing Genocide: Threats and Responsibilities" (2004).

Cambodian cultural context, but this multi-pronged approach provides a useful model for a Cambodian truth commission.

Proposal

The current proposal is for a project that will begin with simple collection of testimony from Cambodian people about their experiences related to the Khmer Rouge regime by trained teachers at the community level, aided by monks; the effort will evolve over the next three to five years to feature more prominently on the national level and attempt to answer questions about Khmer Rouge motivations and impact on Cambodia.

Teachers could be best employed to conduct interviews, compile information and lead educational campaigns. DC-Cam's ongoing Genocide Education Program seeks to reverse the recent trend to avoid teaching Khmer Rouge history in Cambodian schools; current students of all ages have received nearly no formal education on this period, despite its importance in modern Cambodian history and in shaping the trajectory of the country today. After the creation of a history textbook, *A History of Democratic Kampuchea*, and corresponding teacher guidebook, DC-Cam provided training sessions to teachers at three levels to introduce this curriculum into high school classrooms. These teachers, because of the respect they receive in their local communities and the knowledge gained through DC-Cam trainings, are well positioned to expand their activities from teaching students to broader community outreach on history-related efforts.

The textbook forms one part of a program of educational outreach aimed at those born after the Khmer Rouge regime. Recently, DC-Cam has been working on placing anti-genocide slogans in Cambodian schools to raise awareness among students and teachers about genocide and genocide prevention.⁴¹ A Cambodian truth commissions could build upon and systematize these efforts.

⁴¹ AFP, *Cambodian school displays anti-genocide slogans*, Oct. 1, 2010, http://www.google.com/hostednews/afp/article/ALeqM5idoZ5QFOZ7auVdMX_2t7q_hKppTA?docId=CNG.50cde88a891bb4f2c3adb2ce3e936445.01. The slogan placed at Indra Devi High School in Phnom

In a country that is overwhelmingly Buddhist, monks are well-respected sources of advice and wisdom.⁴² Though the French introduced a Western judicial system, an indigenous conflict resolution model has persisted.⁴³ Like in other dispute resolution systems, the relationship between the parties is of vital importance.⁴⁴ Moreover, Cambodians “view conflict as an occurrence that naturally punctuates all long-term relationships.” Religious elements also play an integral part in dispute resolution models. Monks continue to hold a place of reverence and would be considered interested third parties in traditional conflict resolution forms. As such monks are in a strong position to design strategies for co-existence in Cambodian villages and discuss punishments that are in line with Theravada Buddhism. Religious leaders from the Cham minority should also be involved in designing a Cambodian truth commission.

The project will start with a working group of teachers who have been trained by DC-Cam through the Genocide Education program. These teachers will be primarily from high schools, drawn from national, provincial, and commune levels to allow for greater representation and reach across the country. Of the two hundred teachers who will be initially involved in the project, a small executive committee will be selected to help organize and lead the group. The executive committee will consist of five to seven teachers selected by DC-Cam based on interest and interactions during past Genocide Education training sessions to ensure these teachers are committed to collecting and teaching Cambodian history; as with the larger working group, attention will be paid to ensuring the group is representative of regional geography, gender, ethnicity, religion, teaching experience, and other demographics. The Executive Committee will work on a volunteer basis and their

Penh says "Talking about experiences during the Khmer Rouge regime is to promote reconciliation and to educate children about forgiveness and tolerance."

⁴² Harris, *supra* note 29, at 82.

⁴³ Urs, *supra* note 1, at 67. *Somroh-somruel* is a process of “third party” assisted negotiation or mediation.

⁴⁴ *Id.*

tasks will include keeping open lines of communication with all teachers, establishing timelines for information collection, and planning annual meetings.

The project's opening ceremony and initial annual meeting will bring religious leaders from different regions and 200 teachers together to start discussion and training for the additional skills needed throughout the course of the work. For example, teachers will be instructed in basic psycho-social support skills, interview techniques, and methods of facilitating group discussions. Throughout the year, teachers will work with members in their community to record and collect testimonies about the rise, rule, fall and aftermath of the Khmer Rouge, while monks will design reconciliation strategies.

The overarching goal will be to establish a big picture narrative of this important period of Cambodian history. An exploration of narrative will be the first step in establishing an environment that fosters social healing.⁴⁵ This process can begin by engaging communities in narrative which focuses on the way the past has been framed, the current repercussions of the Pol Pot regime, and the victim-perpetrator dynamic.⁴⁶ The process should focus on narratives at the village level, indigenous forms of restorative justice, and education initiatives that promote unity.⁴⁷

The testimony of former "perpetrators" will be essential since these individuals are in the best position to understand the philosophy of the Khmer Rouge, the regime's structure and functioning, and chain of command. Stories from lower level cadre and victim's stories about people's complicity will help create a comprehensive picture of what led to the crimes. In an ideal situation former perpetrators can work with local teachers and monks to share their own testimony and experience within the truth commission project in order to increase participation from others like them. Getting former perpetrators to cooperate will undoubtedly be a great challenge to

⁴⁵ James O'Dea, *Social Healing: Rwanda Has Much To Teach Us*, INSTITUTE OF NEOTIC SCIENCES, <http://www.noetic.org/blog/social-healing-rwanda-has-much-to-teach-us/>

⁴⁶ *Id.*

any of these processes particularly given that the line between victim and perpetrator is not always so clear.⁴⁸

Each year, an annual meeting will be held with all teacher participants to aggregate the information gathered throughout the year. For participants willing to share their statements, this data can be published directly as testimony and also analyzed by the executive committee of teachers, DC-Cam experts, and other leading Cambodian historians to create a common narrative informed by people across the country on all sides of past events. For any truth commission process, an independent yet authoritative body must be able to use the data as research in answering questions such as regime motivation and most common experiences. Resulting publications will be used to supplement the teaching of genocide in high schools and colleges through DC-Cam's program, and will be made available to the general public to increase understanding of this historical period. Over time, events can be held at provincial and national levels to collect data and disseminate findings.

In addition to the written and oral testimony collection from all affected by the Khmer Rouge period and its aftermath, it is recommended that the teachers in each village or township organize community forums. It must remain clear at all times to community members that they are under no compulsion to participate. The event will create space for sharing and dialogue around the Khmer Rouge era facilitated by a teacher. Local religious leaders should also be involved as they will be able to draw on the trust they have with the area's residents and their experience dealing with sensitive emotional and moral issues. Beyond public testimony, other forms of culturally relevant expression such as music or poetry can also be used upon initiation by villagers. These forums set the project apart from prior collection of testimony.

The forums might adopt a structure similar to that used in events like the Day

⁴⁷ *Id.* (highlighting some of the ways in which the Rwandan government set about to change the narrative between Hutus and Tutsis).

⁴⁸ Ek Madra, *Land Rights the Preserve of Cambodia's Elite*, REUTERS, Nov. 23, 2005.

of Anger.⁴⁹ Since the 1990s DC-Cam has promoted remembrance of the Pol Pot regime by encouraging hospitals, schools and factories to make banners and posters against the regime to be used in various public meetings and commemoration events.⁵⁰ Participants in the Day of Anger meetings, which are often held in culturally relevant sites, are encouraged to come forward and tell their story.⁵¹ These individual acts are balanced with “by an official rhetoric which emphasizes the necessity of a unified emotion and vigilance against forgetting as being essential to national reconstruction.”⁵² In a similar vein, community fora must reinforce these two goals and provide a place where individuals feel comfortable with expressing anger and pain.⁵³

While the teachers will be the primary actors and organizers of the truth-seeking exercise, both the Royal Government of Cambodia (RGC) and DC-Cam will bring essential resources and experience to the undertaking. The government will be able to lend authority and legitimacy to the process as well as garner media and popular attention. In addition, government officials who have been involved in planning events, such as commemoration ceremonies for May 20th or January 7th, have expertise and extensive knowledge to share. Non-monetary resources such as meeting space, official press releases, and public support could be contributed by the government as well. DC-Cam brings over a decade of experience in testimony collection and analysis and can provide technical advice for publications. Both will have a large role in launching the commission, but as it continues, a long-term advisory committee can be established with representatives from the RGC, DC-Cam, and former commissioners from other truth-seeking bodies.

As the project moves on to stages of publication and events are held above the level of individual communities, high school and university students will also have

⁴⁹ Memorandum “*Remembering May 20 — Day of Anger* ” from the Documentation Center of Cambodia (on file with author).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

a role to play. As a hands-on extension of genocide education in the classroom, these students can volunteer to help collect, arrange, and publish the supplementary material. Not only does this fully engage the younger generation and assist in the goal of atrocity prevention, but also aids in lowering the costs of producing new materials. University students may be able to assist the teacher working group in arranging high profile testimony and sharing events as well as ceremonies to celebrate the progress of the truth commission project.

Program Structure Analysis and Recommendations

The proposed model above has many positive aspects for understanding the past in the Cambodian context. First, this process is informal and minimally intrusive on the lives of Cambodian people or national politics; participation is voluntary for all people at all levels. In addition, the truth commission is complementary to the hybrid tribunal, yet due to its low cost structure can be sustained for a longer period of time. Unlike a trial in which the guilt or innocence of a defendant is the ultimate goal, here, a much larger number of people can be engaged and have their experience officially acknowledged.

As discussed above, Buddhist principles support the idea of a truth commission project as a complement to the tribunal. A truth commission falls closer to restorative justice, unlike punitive measures pursued through prosecution. In Theravada Buddhism, recognition of wrong action and right intention for the future are essential elements in moving forward beyond abuse; public fora and testimony are avenues through which acknowledgment can take place and set the foundation for healing.

One of the greatest benefits of this model of truth commission is that it begins at the community level. Regional variations can be captured through this grassroots process and real engagement can occur between Cambodian people, not

always possible at the national level.⁵⁴ Visits and outreach into villages will be performed in a manner sensitive to village dynamics that engages villagers both in public organizational meetings and one-on-one home visits.

Yet as events are held at higher levels and data analyzed to find an overall narrative of the past, lessons from the past and for the future become part of the national consciousness.⁵⁵ All generations can be engaged through submission of testimony and/or participation in forums. By extending the time period from which experiences can be shared, the labels of “victim” and “perpetrator” can be understood in a more nuanced way. As Nwogu writes, each can be a temporary state into which a person can enter.⁵⁶ A victim during Democratic Kampuchea may have carried out revenge killings after; by opening space for sharing, these varied experiences can be brought to light.

As in any context, truth-seeking and establishing a historical narrative will also have challenges. A major obstacle in the process will be ensuring involvement and testimony submission from former perpetrators. One way to address this challenge would be to reassure perpetrators that if they provide their stories, they will not be prosecuted for their actions. Fora must also be planned in a way that encourages a safe space for all to share and learn from one another, rather than reinforcing labels or stereotypes of individuals. This model would resemble restorative justice and could help foster a peaceful future and rebuild social connections.⁵⁷ Most importantly, further studies should be performed to determine how Cambodians think this question of perpetrator involvement should be approached. The involvement of religious leaders will be an important component in ensuring

⁵⁴ Laura Arriaza and Naomi Roht-Arriaza, “Social Reconstruction as a Local Process,” *The International Journal of Transitional Justice* Vol. 2 (2008): 152-172.

⁵⁵ Mneesha Gellman, “No Justice, No Peace? National Reconciliation and Local Conflict Resolution in Cambodia,” *Asian Perspective* 32:2 (2008): 37-57.

⁵⁶ Nneoma Nwogu, “When and Why It Started: Deconstructing Victim-Centered Truth Commissions in the Context of Ethnicity-Based Conflict,” *The International Journal of Transitional Justice* Vol. 4 (2010): 275-289.

⁵⁷ William W. Burke-White, *Preferences Matter: Conversations with Cambodians on the Prosecution of the Khmer Rouge Leadership*, in *BRINGING THE KHMER ROUGE TO JUSTICE: PROSECUTING MASS VIOLENCE BEFORE THE CAMBODIAN COURTS* 97 (Jaya Ramji and Beth Van Schaack eds., 2005).

perpetrator participation.

Another challenge will be creating the group to compile and analyze the information. More than just publishing stories, the project must attempt to answer question of “why” the killings took place found to be so important to the Cambodian public. While much of this will come from perpetrator and victim testimony, experts who will be viewed as knowledgeable, independent, and impartial will need to be invited to join in the effort to analyze and record data as historical truth.

Another challenge, which could ultimately be a springboard for addressing other important issues, is that Cambodians might see land disputes, access to education and health care, as more pressing issues in their life and be less willing to participate in the truth commission. For some Cambodians, like those living on the Thai border, the end of the Khmer rouge regime has brought little justice. These frustrations and indignations could be used as a springboard to not only bring villagers together but also to plant seeds for a more demanding citizenry.⁵⁸ While there is no easy answer as to how a truth commission might address these other needs, an innovative and creative mechanism could incorporate these important issues.

One of the first concerns to keep in mind during the planning and implementation process will be how to manage expectations. People must understand the goals of the commission project without expecting that reparations, additional trials, or individual level justice will result. The framing of the activities to each community will be extremely important to the overall success of the effort; before the project launches in a community, those involved in its implementation locally must carefully explain the parameters of the project and what participation

⁵⁸ BEYOND THE “NEVER AGAINs”, *supra* n. 5 at 11 (in the words of Youk Chhang, Cambodians often “don’t understand their own value, their own worth in life. They tend to think that if the Government beats them, it is acceptable, it is for the sake of the nation. But the nation is formed of individuals. Cambodians don’t understand the individual’s rights and responsibilities. That is another source of my motivation, that’s why I want to teach, because each one of us is important. It doesn’t matter who we are: we are all part of society and our rights have to be protected.”)

entails. During testimony collection or events, continual reminders must be in all printed materials, spoken announcements, and one-on-one interviews or interactions so that the local people view the mechanism as a unique opportunity for sharing and dialogue and have corresponding expectations from the process.

Because speaking or writing about such difficult experiences has the potential to provoke psychological issues in participants, resources for support should be provided, such as contact information for professional psychologists. Partnerships can be formed with mental health NGOs for sustained presence of trained professionals in the communities during and after testimony collection, particularly when public events are held. Religious leaders can provide religious perspective and faith-based support in this regard as well.

Once teachers are trained to add these facilitation tasks to their mission, the project is fairly low-cost. However, the trainings will take a larger amount of resources. In addition, by using domestic teachers, overseas Cambodians are not reached. Because the individuals who left Cambodia during the 1970's and after also have important stories to contribute to discovering historical truth, an outreach committee should be created in the future to ensure testimony can be collected outside Cambodia's borders. In the case of Liberia, commission representations as well as NGOs in the United States joined together to collect stories from Liberians living abroad; individuals involved in designing that process could help advise how best to accomplish this with the Cambodian diaspora.

The mandate of the project and the goals of the exercise must be clear. These bodies are often called "Truth and Reconciliation Commissions." However, this name confuses multiple goals and sets high expectations for a healing process that cannot be forced; some in Cambodia have also reconciled with their own experiences and with those individuals who harmed or were harmed them. Others will never find reconciliation, regardless of what processes are available to help people come to terms with the past. For Cambodia at this time, the need is to determine the facts and establish an informed narrative that helps to put each individual's experience

into a larger context and answer the question of “why” the Khmer Rouge committed such atrocities. For some Cambodians, the process of giving testimony and participating in a public forum may provide healing. For others, knowledge will be the biggest benefit gained. Ultimately, to have a successful and sustained project aimed at uncovering truth and documenting the past, a focused mandate may produce the best results in seeking historical truth.

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