

## The Renakse Petitions: Background and Suggestions for Future Use Amy Gordon

### Background

After the liberation of Cambodia in January 1979, the People's Republic of Kampuchea ("PRK") became the de facto government of the country. The PRK was created from the Salvation Front, a group that had formed in December of 1978 with the goal of overthrowing the Pol Pot regime.<sup>1</sup> On 5 October 1982, the Salvation Front, as part of the PRK government, established a Research Committee into the Crimes of the Pol Pot regime.<sup>2</sup> Chaired by Min Khin, the Acting Secretary General of the Council of the Salvation Front, the Research Committee was tasked with preparing an overview of crimes committed under the Pol Pot regime and with compiling documents that could be disseminated nationally and internationally to raise awareness about these crimes. In 1979, Khin had also been in charge of the collection of evidence for the People's Revolutionary Tribunal, which tried *in absentia* Pol Pot, the former Prime Minister of Democratic Kampuchea, and Ieng Sary, the former Deputy Prime Minister of Foreign Affairs of Democratic Kampuchea, for genocide and other crimes; both men were convicted and sentenced to death.

The Research Committee was established chiefly to collect evidence that could be used to persuade the U.N. to deny recognition to the Khmer Rouge as Cambodia's representative to the U.N. and to convince the U.N. or other countries to recognize the suffering of the Cambodian people and bring the Khmer Rouge leaders to justice. Although the PRK had hoped that the verdict of the People's Revolutionary Tribunal would influence foreign governments' attitudes toward the Khmer Rouge, the verdict did not have the desired

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<sup>1</sup> The Salvation Front was originally called the National United Front for the Salvation of Kampuchea. The Salvation Front is also sometimes referred to as "Renakse," the Khmer word for "front." In the early 1980s, the Salvation Front is called the "Front for National Solidarity, Reconstruction and Defense."

<sup>2</sup> Council of the Front for National Solidarity, Reconstruction and Defense, No. 1619-82/NCC (5 October 1982). The members of the Research Committee were: Min Khin (Chairman), Tith Sunthan (vice Chairman), Chea Kean (Vice Chairman), Kim Ly, Srun Seang Lim, and Tes Heng.

effect, and in 1982, the fourth attempt to credential the People's Republic of Kampuchea as Cambodia's representative failed.<sup>3</sup> Thus, the Committee was supposed to collect data that could be used to persuade the U.N. to alter its stance and achieve what the People's Revolutionary Tribunal had failed to do.

## **Overview of the petitions**

The Research Committee traveled to 19 provinces throughout the country,<sup>4</sup> gathering petitions from victims of the Khmer Rouge regime. The petitions are sometimes referred to as the "Renakse documents" or the "Renakse records." All of the petitions were directed at the United Nations in an appeal to deny recognition to the Khmer Rouge as the representative of Cambodia. Virtually all of the petitions also expressed gratitude to the Salvation Front for liberating Cambodia and to Vietnam for its support of the liberation effort and of the new government. Most petitions also denounced "Peking expansionists," "U.S. imperialism," and the crimes of the Pol Pot, Ieng Sary, Khieu Semphan clique. In total, the Committee collected 1,250 handwritten petitions, signed by or bearing the fingerprint of over one million people.<sup>5</sup>

Aside from containing an appeal to the UN, the substance of the petitions varies greatly, as does the number of people who signed or endorsed each petition with a fingerprint. For instance, some petitions were written and signed by an individual; these petitions generally detail the experience of a person or a family under the Khmer Rouge and give relatively specific details about the time, place and cause of death of a family member and about other types of torture and suffering, such as forced labor and starvation, that the

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<sup>3</sup> Tom Fawthrop & Helen Jarvis, *Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal* 72 (Pluto Press 2004).

<sup>4</sup> The Committee gathered petitions from: Battambang, Kratie, Stung Treng, Prey Veng, Kampong Speu, Preah Vihear, Siem Reap Utdarmeanchey, Kampong Cham, Pursat, Kampong Chhnang, Kampong Som, Phnom Penh, Takeo, Kampot, Mondulhiri, Koh Kong, Kampong Thom, Svay Rieng, Kandal, and all the Ministries and Departments in Cambodia.

<sup>5</sup> Youk Chhang, *Renakse Records*, 13 SEARCHING FOR THE TRUTH 9 (January 2001).

petitioner or relatives endured. Other petitions were written on behalf of communes or districts; these petitions are often more general and list figures such as the total number of dead in the village or district, the number of disabled people, the number of orphans and widows, and the value of lost property. Many of these petitions also describe the methods of killing and torture employed by the Khmer Rouge and other forms of suffering, such as forced marriage, that people endured. Some petitions also reveal the location of prisons, interrogation centers, and mass graves, and some name specific victims, witnesses and perpetrators. Minority ethnic groups in a particular area, employee groups, such as the staff of the Kampong Som Port, and other groups of victims also authored collective petitions. Finally, some of the petitions were extremely general, consisting solely of appeals to the UN to condemn and refuse to recognize the Khmer Rouge.

On 25 July 1983, after reviewing and analyzing the petitions and after looking at physical evidence, the Research Committee released a report of its work.<sup>6</sup> The Committee reported that approximately 1,165,307 people either signed or fingerprinted the petitions and that 3,314,768 people died under the Pol Pot regime (this figure was obtained by adding up the number of deaths reported by each of the provinces). Because the petitions reported estimates of numbers of deaths and because the Committee did not consider the existence of double reporting—that several family members had reported the death of the same person—the figure of over 3.3 million deaths is generally viewed as an exaggeration; in the 1990s, the government admitted that the figure was too high. The most likely estimate is that about 1.7 million people died under the Khmer Rouge regime.<sup>7</sup>

The Committee's report also broke down the number of deaths in each province according to the following categories: farmers; monks; ethnic minorities; workers, officials

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<sup>6</sup> *Crimes Committed by Peking Expansionists and their Stooges—Pol Pot, Ieng Sary, Khieu Samphan—Against the People of Kampuchea in the Period from 1974 to 1989*, No. 1051/83/NCC, published by the Council of the Front for National Solidarity, Reconstruction and Defense, Phnom Penh, (25 July 1983).

<sup>7</sup> Fawthrop & Jarvis, *supra* note 3, at 73.

and other practitioners; local writers and newspaper persons; foreigners, aged, women and children; and people who died in the jungle as a result of overwork and/or starvation. Additionally, the report lists methods of death and other violence, including, inter alia, shocking people with electrical wire, removing people's livers, burning people, and injecting people with poison. Moreover, the report explains that people were left disabled by the Pol Pot regime, children were orphaned and wives widowed, many people lost relatives, and women were forced to marry. The Khmer Rouge also destroyed houses, schools, hospitals, laboratories, temples, mosques, and religious books. Cattle were lost. Minority cultures were destroyed. The Khmer Rouge emptied out Phnom Penh, killed Vietnamese on the border and burned and destroyed houses and villages in Vietnam.

In addition to offering specific figures and details, the report and a subsequent motion by the Salvation Front Nationwide Council<sup>8</sup> made some more general pleas with respect to international attitudes toward the Khmer Rouge and Cambodia. The Report and motion warned of the threat of a resurgence of the Khmer Rouge, backed by the Chinese and Americans, and urged Cambodians and other countries to fight against such resurgence. The Salvation Front also sought international recognition for the suffering of the Cambodian people and condemnation for the crimes of the Pol Pot regime and expressed a desire bring members of the Khmer Rouge to justice. Finally, in line with perhaps the main motivation behind the establishment of the Research Committee, the Report called on the international community to deny to the Khmer Rouge Cambodia's seat at the U.N.

Despite the original goal of the Research Committee, the petitions were never presented to the U.N. or to other countries in a position to influence international recognition of the PRK government. However, the PRK attempted to disseminate within the country the findings of the Committee. On 18 August 1983, the National Assembly of the People's

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<sup>8</sup> Council of the Front for National Solidarity, Reconstruction and Defense, No. 1052/83/NCC, Motion on Crime of Beijing Chinese Hegemony Enlargement and Pol Pot, Ieng Sary, Khieu Samphan with Cambodian People During 1975-1978 (3 August 1983).

Republic of Cambodia passed a resolution sanctioning the Committee's report and stating that the crimes listed in the report "happened genuinely."<sup>9</sup> The resolution also established the 20th of May as a commemoration day to remember the crimes of the Pol Pot regime, called for the construction of memorials countrywide to the victims of the Pol Pot regime, and asked each province to report to the National Assembly about the crimes committed by the Khmer Rouge. It is unclear where any such reports were issued.

Some further attempts to garner international support for the new Cambodian government and weaken support for the Khmer Rouge also stemmed from the findings of the Research Committee and the National Assembly resolution. For instance, on 12 September 1982, 300 intellectuals, monks and representatives of various professions and minority groups attended a conference and issued open letters seeking support for the struggle of the Cambodian people, calling on the world to recognize the PRK as the sole legitimate government of Cambodia, and asking for other countries to condemn Khmer Rouge leaders.<sup>10</sup> Men Chhorn, the Vice Chief of Salvation Front, presided over the conference, and the attendees issued the letters after listening to the conclusions of the Research Committee and in accordance with the National Assembly's resolution calling for people to express anger with the crimes of the Pol Pot regime. Teachers and professors, health professionals, artists, monks, and representatives of all minority races in Cambodia each wrote a separate open letter.

Aside from the National Assembly resolution endorsing the Report and calling for more action to support the PRK government and weaken the Khmer Rouge and the open letters issued in September 1983, it appears as if the work of the Research Committee spurred

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<sup>9</sup> National Assembly of the People's Republic of Cambodia, No. 052/RS, Decisions of the National Assembly of the People's Republic of Cambodia 5th Session, 1st Legislature (18 August 1983).

<sup>10</sup> *Conference of Cambodian Intellectuals and Monks: Sentence the crime caused by Pol Pot genocidal regime with Cambodian People* (12 September 1983), in *Crimes Committed by Peking Expansionists and their Stooges—Pol Pot, Ieng Sary, Khieu Samphan—Against the People of Kampuchea in the Period from 1974 to 1989*, on file at DC-Cam.

little action by either Cambodians or the U.N. or other foreign powers. Between 1983 and 1997, the petitions remained in boxes in the Salvation Front Office, which later became the Cambodian Ministry of International Ceremonies. In 1997, with the approval of the Prime Minister Hun Sen, the documents were handed over to the Documentation Center of Cambodia (“DC-Cam”). DC-Cam still possesses the original petitions and the Committee’s 1983 report about the petitions. Copies of the petitions are available in the Public Information Room at the Center.

### **Possible uses for the petitions in the Khmer Rouge Tribunal**

There are a variety of roles that the petitions could potentially play in the Extraordinary Chamber in the Courts of Cambodia (“ECCC” or the “Khmer Rouge Tribunal”). However, the evidentiary and legal value of the petitions is somewhat uncertain: the petitions were not authored under the penalty of perjury; many of the victims may have died since 1983; verifying fingerprints may be difficult; and the petitions are somewhat political in nature. The Cambodian government collected the petitions to convince the U.N. to deny recognition to the Khmer Rouge, indicating that the government did not approach the task from an unbiased perspective. Moreover, because virtually all of the petitions express support for the new PRK government and for Vietnamese assistance, one might question whether the officials responsible for interviewing the victims influenced the content of the petitions either intentionally or unintentionally.

Notwithstanding the potential of political bias, DC-Cam has had the opportunity to interview a small number of the petitioners and has found that virtually all verify their original statements. For instance, in 1999 and 2000, while working with DC-Cam on a report about crimes committed against women during Khmer Rouge regime, Kalyanee Mam used the petitions as a source of interviewees. Acknowledging the hesitation to rely on these

documents due to their political nature, Mam found that the testimony given 16 years later was the same as that given originally.<sup>11</sup> Mam also stated that village chiefs were often able to locate individuals to confirm their stories or were able to direct her to former chiefs who could be of assistance in locating individuals. Thus, while it would take a large amount of manpower, it might be possible to locate many of the original petitioners and verify their statements.

There are various ways in which the petitions could potentially be used in the tribunal. The abovementioned concerns related to the petitions will impact on their legal value and use in legal proceedings. Additionally, until the Rules of Procedure for the ECCC are passed, which is supposed to occur in March, a lot of procedural aspects of all phases of the tribunal's proceedings remain uncertain; thus, determining precisely what role the petitions could play in the tribunal is a difficult task. The following analysis will discuss several ways in which the petitions, depending on the final rules adopted, could prove useful in the ECCC.<sup>12</sup>

#### *Source of information for investigations*

The substance of the petitions varies, but those that contain more detailed information could be used by the Investigating Judges as a source of information. For example, petitions that describe the location of mass graves, interrogation centers or prisons could provide useful information for investigators. Similarly, petitions from communes or from groups, such as workers at a particular location or minority groups, could help guide investigators as they determine where to do their investigations. Some petitions also describe the methods of killing and of torture that the Khmer Rouge employed, and the investigators could use these petitions as a basis for further research into Khmer Rouge tactics and specific crimes.

While the petitions could be treated as information for investigators or prosecutors,

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<sup>11</sup> Kalyanee Mam, *Crimes Committed Against Women During the Pol Pot regime*, DC-Cam, Progress Report (19 January 2000).

<sup>12</sup> This analysis is based in part on interviews conducted on January 10, 2007 with members of the Prosecutor's Office.

members of the Prosecutor's Office indicated that the ECCC does not have the analytical capacity to sort through the mass of petitions to find those containing useful information. However, rather than sort through the petitions for general information, the investigator could choose to look at a certain category of complaints, such as those from a particular commune or minority group. Additionally, as some people both at DC-Cam and at the ECCC suggested, DC-Cam staff could help sift through the petitions and identify those that contain more detailed or otherwise useful information. However, it is important to recognize that if DC-Cam or another NGO were to play this role, the NGO would be assisting the prosecutors. In the interests of transparency, the NGO would have to admit publicly its role and might thus compromise its impartiality with respect to the tribunal.

#### *Means of identifying potential witnesses*

In addition to providing leads for investigators, the petitions could be used to identify potential witnesses. Individual petitions, for instance, in which the victims describe the death of a family member or the torture that they endured under the Khmer Rouge, could prove useful in identifying and seeking out witnesses. As Mam discovered while doing her research, it is still possible to find petitioners who are willing to discuss their experiences. Returning to a petitioner's commune and speaking with the commune chief led Mam to many of the victims she had identified as useful interviewees for her project. Moreover, given that in 1983 they were willing to speak openly about their experiences, it is possible that the petitioners will again be willing to testify in court.

#### *Means of identifying victims*

As with identifying witnesses, the petitions could provide useful information for identifying victims who wish to participate in some capacity in the Tribunal. Because the Rules of Procedure have not yet been adopted, the ways in which victims will be able to participate directly in the ECCC's proceedings are still unclear. However, it seems as if



victims will be able to lodge complaints and/or join the action as civil parties, although the specific details of each procedure are still being debated. Victim of crimes during the Khmer Rouge regime will most likely be able to lodge formal complaints through either the Prosecutor's Office or a specialized, yet to be created, Victim's Unit or Complaint Registration and Case File Management Unit.<sup>13</sup> How the prosecutor will handle such complaints—whether he or she will investigate each complaint individually or focus only on those that pertain to a case already being investigated, for instance—will be clarified in the Rules of Procedure. Lodging a complaint does not require that the victim participate any further in the investigation or in the court proceedings.

On the other hand, joining the action as a civil party requires that the victim actually become a party to and participate in the trial.<sup>14</sup> Under normal Cambodian law, a victim can join a criminal trial as a civil party to claim compensation for damages he or she suffered as a direct result of the crimes being tried or just to participate in the criminal proceedings. Due to the potentially large number of victims who could claim compensation for damages suffered as a result of the crimes being tried by the ECCC and due to the ECCC's lack of sufficient funds to provide compensation to everyone deserving of it, it is unlikely that civil parties to ECCC criminal trials will be able to obtain monetary compensation. Symbolic reparations may still be available, but the details have yet to be determined. Victims joining as civil parties might also have a right to participate in the sentencing phase of the trial and give their view as to the appropriate sentence for a defendant found guilty by the court. Civil parties must have legal representation, and as the draft rules of procedure provide, victims wishing to make civil claims will most likely have the option of forming larger groups and choosing a representative to speak on behalf of all of them.<sup>15</sup>

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<sup>13</sup> Draft Internal Rules Rules 13 & 14 (3 November 2006), available at [http://www.eccc.gov.kh/english/internal\\_rules.aspx](http://www.eccc.gov.kh/english/internal_rules.aspx).

<sup>14</sup> See *id.* at Rule 27

<sup>15</sup> ECCC Draft Rules, *supra* note 13, at Rule 27(8).

The Renakse petitions could be used to identify victims who might wish to lodge complaints and/or join the criminal trials as civil parties. However, using the petitions in this manner raises questions concerning conflict of interest and the proper role of the court and NGOs. While the ECCC should publicize the complaint and civil action procedures, try to ensure that all interested parties are aware that these options exist, and make the procedures relatively easy to use and accessible, it is not the role of the court to search actively for victims who wish to participate in the tribunal. Many NGOs, such as DC-Cam and the Cambodia Human Rights and Development Association (“Adhoc”), are doing outreach associated with the tribunal, and some of these organizations might be interested in using the petitions to identify victims who want to make complaints, or, once the indictments have been issued, join as civil parties. At the same time, by seeking out victims to participate in the tribunal, the NGOs would, in essence, be working for the prosecution side of the tribunal and might have a hard time claiming neutrality with respect to the ECCC. However, if an NGO or other group were interested in identifying victims, the petitions could provide a useful means of doing so.

*Basis for complaints:*

Some people have raised the question of whether the petitions themselves could be turned into complaints: whether someone, without having located and consulted the victims, could transfer the information from the petitions onto a complaint form and submit the form to the tribunal. For a variety of reasons, the court will probably refuse to permit this procedure. First, as members of the Prosecutor’s Office explained, the original purpose and structure of the petitions was political, not legal, so using them as the basis of legal complaints is inappropriate. Moreover, some of the petitioners will have died since signing the petitions in 1983, so filing claims in their names would be improper. The defense, if he or she desires, must have the opportunity to contact and consult victims who make

complaints, so it would be unfair to accept complaints on behalf of victims who may no longer be alive. Additionally, because many petitioners endorsed the petitions with fingerprints instead of signatures, it would be difficult for the court to authenticate all of the fingerprints and ensure that each complaint is from a different person. Essentially, as the Deputy Prosecutor and other members of the Prosecutor’s Office explained, victims themselves must lodge complaints and the petitions, while possibly useful in identifying victims, could not themselves be converted into complaints.

### *Evidence at trial*

Another possible use for the petitions is as evidence during the trials. For instance, if the prosecutor were trying to prove that a defendant is guilty of crimes against humanity, the prosecutor might be able to use petitions from communes around the country as evidence that certain tactics were “widespread and systematic.” The evidentiary value of the petitions will depend on the rules of evidence that the ECCC adopts and on the manner in which the prosecutor tries to use the petitions. According to the ECC Draft Internal Rules, unless otherwise provided, all evidence is admissible at trial.<sup>16</sup> Under Cambodian criminal law,<sup>17</sup> the rules of evidence are similarly permissive: the prosecution can introduce any evidence of a criminal offense, and the defense and other parties have the right to examine, rebut and

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<sup>16</sup> *Id.*, at Rule 86.

<sup>17</sup> Cambodian criminal law is relatively confusing. Two main laws govern criminal procedure and substance: (1) the “UNTAC Code”—Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period, decision of the Supreme National Council (10 September 1992), and (2) the SOC Law—State of Cambodia Law on Criminal Procedure 1993I, promulgated by Decree No. 21 of the State of Cambodia (8 March 1993). The UNTAC Code was passed by the Supreme National Council in 1992 and was intended to apply only during the transitional period—the period in which UNTAC had authority over Cambodia. However, because the National Assembly has neither amended the Code nor passed legislation to replace it, the Code remains in force. The SOC Law was adopted by the National Assembly of the State of Cambodia in January, 1993; at that time, however, according to the Paris Peace Agreements only the Supreme National Council had authority to govern Cambodia. Thus, because the State of Cambodia had no power to make such a law, the law is technically invalid. However, judges, lawyers and other people involved in the Cambodian justice system rely on the SOC Law and treat it as valid. Where the two laws conflict, the UNTAC Code prevails. Stuart Coghill, *Resource Guide to the Criminal Law of Cambodia* 63-64 (International Human Rights Law Group, Cambodian Defenders Project 2000). Moreover, in June 2006 the government introduced a Draft Code of Criminal Procedure that, if passed, would replace both the UNTAC Code and the SOC Law.

challenge all evidence put forward.<sup>18</sup> Thus, the ECCC, following both Cambodian and more general civil law practice, will most likely have relatively lenient rules concerning the introduction of evidence at trial, and the prosecution might be able to find a way to introduce the petitions.

The prosecution could, for instance, call an expert witness, such as an expert in starvation or forced labor, who could use the petitions as part of his or her testimony. The defense would likely try to challenge the reliability of the petitions, due largely to the political motivations behind their collection, so the judge would have to decide how much credibility the petitions deserve and how much value they should have as evidence. The prosecution might also consider calling as a witness either a member of the Research Committee or another person involved in the collection of the petitions, thus providing a means of substantiating the content of the petitions and a reason to enter the petitions into evidence. However, using such a tactic would likely raise similar questions about the political bias and thus reliability of the witness.

Moreover, if the prosecution tries to introduce the petitions as evidence, the defense might try to argue that the petitions are equivalent to witness testimony and should not be admissible because the accused has the right to examine all witnesses. While the defense could examine the petitions and raise questions about their validity, the defense would not have the opportunity to question the petitioners themselves about the substance of the petitions. In other words, the defense might argue that the judge should not permit the petitions to stand-in for witness testimony because doing so would contravene the generally accepted belief that the defense has the right to cross-examine all witnesses.<sup>19</sup> Again, the prosecution might be forced to find some of the petitioners and have them testify in person,

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<sup>18</sup> UNTAC Code, *supra* note 15, art. 24(2); SOC Law, *supra* note 15, art. 125. The Draft Code of Criminal Procedure similarly states that all evidence is admissible unless otherwise required by law and that the court has the discretion to determine the value of the evidence submitted. Art L.513-6.

<sup>19</sup> UNTAC Code, *supra* note 15, art. 24(1); SOC Law, *supra* note 15, art. 125.

rather than rely on the petitions themselves as evidence of criminal acts.

### **Possible uses for the petitions in restorative justice approaches**

In addition to using the Renakse petitions in some form in the ECCC trials, the petitions could play a role in restorative justice mechanisms or in other attempts to address the past. Craig Etcheson, an expert on the Cambodian genocide, believes that the collection of the petitions and the work of the Renakse Research Committee during 1982 and 1983 constituted a type of truth commission.<sup>20</sup> Etcheson explains the Committee “interviewed people all over the country, compiled statistics on the damage to Cambodia’s infrastructure that was done during the Khmer Rouge regime, collected information about who killed whom, where and when, exhumed mass graves, [ ] studied Khmer Rouge documents,” and compiled all this information in a report, which it presented it to the government; thus acting somewhat like a classic truth commission.<sup>21</sup> However, as Etcheson points out, very few people in Cambodia know about the work of this “truth commission” so one of the main goals of such a mechanism—publicizing information in an attempt to ensure that all of society knows about the past—was not fulfilled. Moreover, the work of the Committee seems relatively one-sided insofar as the Committee was striving to convince the U.N. to deny recognition to the Khmer Rouge and seems to have focused solely on gathering testimony and other evidence from victims; the Committee does not appear to have elicited testimony from Khmer Rouge cadre. Thus, although the process of collecting the petitions and writing the report might resemble a truth commission in some ways, there is arguably still a need for another truth commission that can better address the needs of all of society.

The petitions could serve several functions in a future truth commission. For instance, as with criminal trials, the petitions could provide a useful means of identifying

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<sup>20</sup> Craig Etcheson, *Reconciliation in Cambodia: Theory and Practice* 42-43 (School of Advanced International Studies, The Johns Hopkins University 2004).

<sup>21</sup> *Id.* at 43.

victims who might want to testify in a truth commission. Moreover, if the truth commission were to hold hearing in communes around the country, the petitions could offer a useful guide for determining which communes the commission should target. By reading through the petitions, the designers of the truth commission could help ensure that no communes, minority groups or other types of victims are overlooked. The truth commission could even address the process that victims went through in 1982 and 1983 when writing and signing the petitions and examine how victims felt about the way in which the petitions were used (or not used) by the PRK government. Finally, the petitions themselves could be entered into the record of the truth commission, not to provide a definitive account of what happened under the Khmer Rouge regime but to serve as an historical record of the response of the PRK to the genocide and to offer to the victims some sense that their original testimony was not in vain.

In addition to playing a role in a formal truth commission, the petitions could be the foundation for other activities recognizing the victims who authored the petitions and who evidently received little recognition, official or otherwise, for their suffering and willingness to speak about it. Although the Committee wrote a final report and although the National Assembly passed a resolution in 1983 endorsing the report and the petitions, it is unlikely that the majority of victims ever learned about either of these acts. Because the petitions call on the international community to deny recognition to the Khmer Rouge, the victims probably believed that the petitions would be sent to the U.N.; thus, the petitioners may wonder whether the petitions were in fact sent and, if not, why the PRK failed to act on its original plan. Many of the petitioners whom DC-Cam staff have interviewed have asked about the fate of the petitions and have expressed gratitude at someone's finally recognizing their suffering and acknowledging their earlier testimony. Thus, findings ways to educate people about the petitions and to offer some type of recognition to the petitioners could prove

valuable both to victims and to society at large.

Several means exist for publicizing the petitions and appealing to the petitioners. For instance, an NGO such as DC-Cam could use its extensive country-wide networks and media influence to teach people about the history of the petitions. Staff could write newspaper editorials, encourage radio and television shows to discuss the petitions, and refer to the petitions in interviews about the ECCC or other transitional justice issues. Additionally, many NGOs are currently conducting public fora about the ECCC; information about the petitions could be included in these fora.<sup>22</sup> NGOs could also provide information about the petitions on their websites, as a source both for victims who are trying to learn about the fate of the petitions and for outside researchers curious about official attempts to respond to the Khmer Rouge regime.

Moreover, given that the government has expressed willingness to include in school textbooks information about the Pol Pot era, NGOs or other interested parties could also encourage the government to include a section about the petitions and the work of the Research Committee. Teaching students not only about the petitions but also about other attempts, such as the building of stupa and other memorials, to address the crimes of and suffering under the Khmer Rouge regime could also prove useful in fostering overall reconciliation and understanding of the past. Moreover, conducting more research about the petitions and why they never made it to the U.N. would be useful and interesting as an historical study. Someone could also look into publishing the petitions, or a representative sample of the petitions, in a book that could be distributed to communes around the country and sold to other interested people.

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<sup>22</sup>It is important to note that NGOs running public fora should not use the petitions as a means of finding complainants or witnesses because doing so would compromise the neutrality of the fora, which are meant to educate Cambodians about the ECCC, not to serve as a tool of the prosecution. At the same time, as mentioned earlier, NGOs that choose to seek out and encourage victims to lodge complaints and/or act as witnesses at trials can use the petitions as a means of doing so, as long as these NGOs are clear about their objectives.

In addition to more general activities aimed at increasing overall awareness of the petitions and the Research Committee's work, NGOs or even the government could take action targeted at the petitioners. Before deciding on a specific course of action, more research is probably necessary to determine the interests of the petitioners and thus figure out an appropriate way of addressing their needs. If for instance, the petitioners want official recognition for their suffering and for their participation in the collection of the petitions, NGOs or other interested parties could try to lobby the current government to pass some sort of resolution or make some sort of formal statement recognizing the Renakse documents and the victims who told their stories. Furthermore, if victims wanted to discuss either their experiences during the Khmer Rouge or their experiences writing the petitions and speaking with members of the Research Committee, an NGO could start a program related to the documents and do workshops with petitioners around the country. If most petitioners are mainly curious about the fate of the petitions, an NGO, particularly one with a strong country-wide network of contacts, could take on the task of meeting with commune chiefs and explaining to them the history and current status of the petitions, so that the chiefs could then pass on the information to their community members.

## **Conclusion**

The Renakse documents offer interesting insight into both the suffering endured by millions of victims of the Khmer Rouge regime and the PRK government's reaction to the crimes committed by the Khmer Rouge and to the attitude of the international community. While not regarded as such at the time, the process of collecting petitions in 1983 and the other work of the Research Committee could be viewed as a form of truth commission. Moreover, although relatively unknown in Cambodia today, the documents could prove a valuable source of information for the ECCC or for future restorative justice processes. At



the very least, educating Cambodians about the Renakse documents and providing petitioners with information about the fate of the petitions are important in helping build an historical record both of the Khmer Rouge regime and of the response of the Cambodian government to the genocide. As with other attempts, such as the building of memorials and the declaration of days of commemoration, to promote reconciliation and foster healing, the Renakse documents should not be lost to history but should become part of Cambodia's history and be used, to the extent possible, to further the goals of reconciliation and recovery.

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