

CAMBODIA

Engaging Communities - Easing the Pain:

Outreach and Psychosocial Interventions in the Context of the Khmer Rouge Tribunal

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The search for the Enforced Disappeared after the Khmer Rouge regime in Cambodia

Cambodians experienced appalling atrocities committed by the Khmer Rouge regime from 1975 to 1979 when nearly 2 million Cambodians, a full one quarter of the population, died, from execution, starvation, forced labor, malnutrition and torture¹. Many Cambodians refer to the period of Democratic Kampuchea as “the regime of three years, eight months and twenty days”, as if every single moment of that period has been permanently seared into their memories.

The Khmer Rouge (KR) leaders turned Cambodia into a killing field. Throughout the regime, they purged their own ranks and carried out brutal executions against perceived "enemies" – politicians or soldiers of the former government, "intellectuals" such as teachers, doctors or artists, and any other Cambodian perceived to be dangerous to the regime - depleting Cambodia of its social capital.

They also implemented radical social transformations destroying the way people made sense of their own existence through their relationships to others and to the spiritual world². The family, Cambodians’ social unit that offers emotional support, was destroyed and supplanted by ‘collectives’; husbands and wives were separated and children were put into children units. Numerous survivors report that adults were forced to marry in mass ceremonies.³ In order to spread fear and terror people

¹ David P. Chandler (1998). *The Burden of Cambodia's Past*. In Frederick Z. Brown & David G. Timberman (Eds.). *Cambodia and the International Community: The Quest for Peace, Development, and Democracy* (pp. 33-47). New York: Institute of Southeast Asian Studies.

² Alexander Laban Hinton (2005). *Why did they kill? Cambodia in the Shadow of Genocide*. University of California Press, Berkeley (pp. 285)

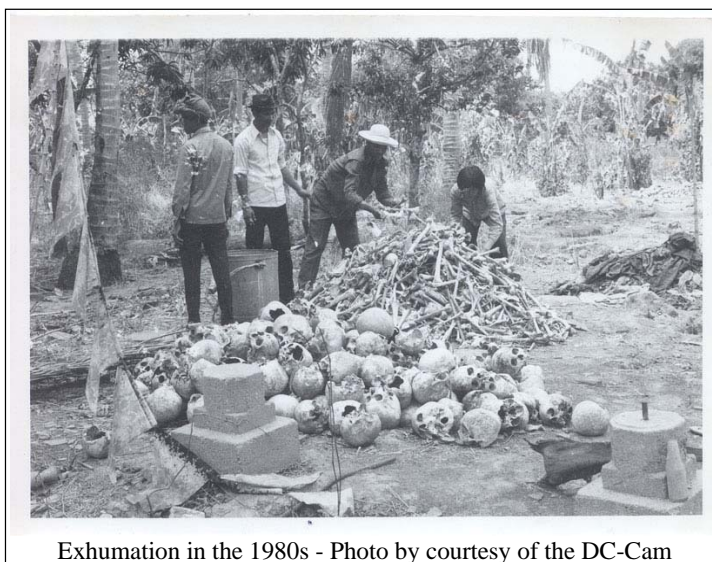
³ There is anecdotal evidence substantiating that rape and other sexual abuse including forced marriage happened frequently during the KR regime; most of the victims were executed. See: Nakagawa Kasumi (2007). *Gender-Based Violence During the Khmer Rouge Regime. Stories of Survivors from the Democratic Kampuchea (1975-1979)*. Phnom Penh

were systematically taken away from their homes ("Yok Tou"), sent to education camps ("Ab Rum") or evacuated to new locations ("Bdaur Phum"). For most, this usually meant death.

On January 7 1979, the KR regime collapsed overthrown by the Vietnamese. The KR leaders and some 30 to 50 thousand supporters, fled to remote areas in north and west Cambodia⁴ Throughout and after the KR regime more than 300,000 Cambodian fled to Thailand or Vietnam. Countless Cambodians live in the US or are scattered around the world.

Today, examples of the torture methods used under the KR can be seen at "S-21", a former school, which was turned into a national torture centre operated by "Comrade Kaing Guek Eav", (alias Duch) during the KR regime. It is estimated that at least 12,000 people passed through this centre. They were then taken to a site outside of Phnom Penh, called "Choeung Ek" also known as the "Killing Fields", executed and buried in mass graves.

In 1980, the pro-Vietnamese government of Cambodia turned S-21 into a museum. The same year, "Choeung Ek" was excavated with the help of Vietnamese forensic specialists. As of today, at least 8,985 bodies have been exhumed.⁵ Scientific exhumations in most other killing sites received less attention and were generally not conducted for lack of expertise.



In October 1983, the People's Republic of Kampuchea's Ministry of Culture directed municipal and local authorities to "inspect local genocide sites, prepare statistical data on the sites, create a file of evidence on genocidal crimes committed in their locality and to report this information to the ministry."⁶ Over the years, local authorities continued to identify and excavate mass graves in Cambodia; survivors stumbled over mass graves gathering remains, but unfortunately a large number have also been opened by local grave robbers.⁷ Based on the Documentation Center of Cambodia's

⁴ David P. Chandler (1983). *A History of Cambodia*. Boulder, Colorado: Westview Press (pp.192)

⁵ Louis Bickford (2009). *Transforming a Legacy of Genocide: Pedagogy and Tourism at the Killing Fields of Choeung Ek*. International Centre for Transitional Justice (p.4).

⁶ Rachel Hughes (2005). Memory and sovereignty in post-1979 Cambodia: Choeung Ek and local genocide memorials. In S. Cook (Ed.). *Genocide in Cambodia and Rwanda: New Perspectives*. Transaction, New Jersey (pp. 257-280)

⁷ Craig Etcheson (2005). *After the Killing Fields. Lessons from the Cambodian Genocide*. Westport, Connecticut: Praeger (p. 125)

experience,⁸ many survivors participated in the exhumation process seeking for clarity about the destiny of their relatives and helping to build stupas in local pagodas to preserve the human remains. Throughout that period very limited mental health services were available to help survivors alleviate the trauma of the KR era.

Experiences from the field: the Documentation Center of Cambodia's (DC-Cam) Mass Grave Mapping Project



From 1995 to 2005, DC-Cam conducted two major research studies on the Khmer Rouge prison system and the mass graves. This ten-year project involved seeking out and mapping mass graves, former Khmer Rouge prisons, and genocide memorials throughout the country, (See map on the left by courtesy of the DC-Cam). The initial information on the locations of these sites was generally obtained through interviews with villagers. The sites uncovered during the project included 390 killing sites with 28,833 mass graves, 196 former

Khmer Rouge prisons, many of them schools and pagodas, and 81 genocide memorials constructed by survivors of the Khmer Rouge regime. The Center also marked each location with a global positioning system device. Almost all Khmer Rouge prisons and killing sites were found in the central plain area of Cambodia, in particular around the Tonle Sap lake, along the Mekong river system and the coastline. DC-Cam produced a 297-page field report on this project with 180 photographs.⁹

In March 2010, the newly formed Association of Victims of Democratic Kampuchea (Ksaem Ksan) headed by S-21 survivor Chum Mey, declared that all bones of KR victims should be preserved and not cremated. The association hopes that advanced DNA techniques could allow future identification of the remains at S21 and Choeung Ek. One of the most prominent opponents of this idea is

⁸ The Documentation Center of Cambodia (DC-CAM) is a non-profit organization aiming at documenting the crimes committed during the KR era. See DC-CAM, History and description of DC-CAM, available at <http://www.dccam.org/Abouts/History/Histories.htm>

⁹ Documentation Centre of Cambodia: Mapping Project, available at <http://www.dccam.org/Projects/Maps/Mapping.htm>

Cambodia's King Norodom Sihanouk. On April 17, 2004, he called for the cremation of all remains from the KR era: "We are Buddhists whose belief and customs since ancient times have always been to cremate the corpses and then bring the remains to be placed in stupas at pagodas."¹⁰

However, Cambodians have always treated the remains of their deceased in many different ways. For instance, many families bury their dead relatives near a pagoda or even in the backyard of their homes and many Sino-Cambodians believe that inhumation burials are vital to ensure the happiness and prosperity of the family. Today, it is common practice to enshrine excavated bones in stupas at pagodas and memorials. This has been supported by the government as well as by the majority of Buddhist monks.¹¹

Victim participation at the ECCC

After a decade of negotiations leading to the adoption of its internal rules in June 2007, the Extraordinary Chambers in the Courts of Cambodia (ECCC) is the first serious international effort to prosecute the senior leaders of the Khmer Rouge and those most responsible for crimes committed between April 17 1975 and January 6 1979.¹² In 2007, the ECCC arrested 5 people. The trial of "Comrade Duch" began in February and ended in November 2009 (Case 001). The verdict is expected in the summer 2010. The investigation against the four additional suspects, Ieng Sary, Khieu Samphan, Nuon Chea and Ieng Thirith¹³ (Case 002) closed in January 2010. The trial is expected to commence in the first quarter of 2011.

In contrast to other international tribunals, to the exception of the International Criminal Court, the ECCC offers a unique and unprecedented mechanism for victims to participate in the trial. In addition to be called as witnesses, victims can apply as complainant or as a civil party. Complainants provide information to support the prosecution whereas civil parties are an independent party to the judicial proceeding like the prosecution or the defence. In Case 001, 90 Khmer Rouge victims applied as civil parties. As of March 12, 2010, 8202 victims had applied either as complainant or civil party. Out of

¹⁰ The Cambodia Daily, April 19, 2004

¹¹ Wynne Cougill (2006). *Buddhist Cremation Traditions for the Dead and the Need to Preserve Forensic Evidence in Cambodia*. In Jack Lohman and Katherine Goodnow (Eds.). *Human Remains and Museum Practice*. Paris: UNESCO

¹² Article 1, *Law on the Establishment of the Extraordinary Chambers, with Inclusion of Amendments as Promulgated on 27 October 2004 U A*, Public Law NS/RKM/1004/006, <http://www.eccc.gov.kh/english/law.list.aspx> (accessed January 23 2010)

¹³ During the DK regime, Ieng Sary was Deputy Prime Minister and Foreign Minister; Khieu Samphan was DK Head of State; Nuon Chea, also known as "Brother No 2", was former Deputy Chairman of the Communist Party of Kampuchea, second in command; Ieng Thirith was Minister of Social Affairs.

that number, 4003¹⁴ are civil party applicants indicating an enormous interest by Khmer Rouge victims to participate into the trial process.

It is only with the adoption of the Internal Rules in 2007 that victim participation was introduced into ECCC's proceedings. Thus, the original ECCC's budget did not include any provision to inform of or support victims' participation. To fill in the gap, several local non-governmental organizations, such as the *Cambodian Human Rights and Development Association (ADHOC)*, *Khmer Institute of Democracy (KID)*, *Centre for Social Development (CSD)*, *Cambodian Defenders Project (CDP)*, *Legal Aid of Cambodia (LAC)* and *DC-Cam*, established programs to facilitate the application and secure the legal representation of civil parties, as well as to advocate – through their lawyers and the human rights umbrella network *Cambodian Human Rights Action Committee (CHRAC)* - for victims' rights during the proceedings. For example, ADHOC facilitate half of all civil party applications in Case 001 and 002.

Mental health challenges and psychosocial interventions in the context of the ECCC

In a nationwide survey conducted in 2007, results have demonstrated that 11.2% of the overall Cambodian adult population presented probable Post Traumatic Stress Disorder (PTSD).¹⁵ An additional study, conducted in 2008, non-random sample of direct Khmer Rouge victims, indicated similar prevalence of PTSD, as well as approximately 30% of depression and 37% of anxiety among respondents. Civil parties, in particular, experienced more traumatic events than other KR victims and had higher rates of posttraumatic stress symptoms.¹⁶

There are claims that active participation in a criminal court for perpetrators of mass atrocities or any other transitional justice mechanism could have a highly empowering impact on victims of mass atrocity.¹⁷ Some authors argue that transitional justice mechanisms dealing with legacies of violence - such as tribunals – may also reduce mental health symptoms and associated impairment.¹⁸ In addition, facing the past and seeking for truth and justice are seen as crucial processes to recover from

¹⁴ See “Victim Information Forms Received Per Intermediary Organizations”, Victims Support Section, Extraordinary Chambers in the Courts of Cambodia

¹⁵ Jeffrey Sonis et al. (2009). *Probable Posttraumatic Stress Disorder and Disability in Cambodia Associations With Perceived Justice, Desire for Revenge, and Attitudes Toward the Khmer Rouge Trials*. JAMA 302/5 (p. 527-36)

¹⁶ Nadine Stammel et al. (2009). *Readiness to reconcile and mental health in the context of the Khmer Rouge trials in Cambodia*. Conference on Mental Health Phnom Penh, Cambodia, December 3 2009. Files with authors.

¹⁷ For discussion on that point, see Laurel E. Fletcher and Harvey M. Weinstein (2002). *Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation*. Human Rights Quarterly 24/3 (pp 593)

¹⁸ For a review of the literature on that topic, See David Mendeloff (2009), “Trauma and Vengeance: Assessing the Psychological and Emotional Effects of Post-Conflict Justice” Human Rights Quarterly, 31 (pp 592-623)

traumatization as they provide recognition of the victims' suffering.¹⁹ Moreover, by contributing to the ECCC's historical record, victims can help improving the understanding of the Khmer Rouge period and create a valuable resource for future generations.

However, the participatory engagement of Khmer Rouge victims is not without dangers. Trauma clinicians point out that painful memories may resurface during the course of a tribunal.²⁰ Additional dangers for the mental well-being of civil parties and witnesses in the ECCC include potential frustration as the trial may not allow to fully recount traumatic experiences, the need to provide criminal evidences to the defense, the confrontation with complex legal procedures and the unfamiliar surroundings of the courtroom, a lack of logistical support such as inadequate subsistence allowances, and no full coverage of transport costs and accommodation, the encounter with and denial by the accused and, last but not least, the possibility that the accused will be acquitted.

Thus, civil parties and witnesses are under special threat of secondary traumatization, retraumatization and revictimisation.²¹ As stated by Eric Stover, "war crimes trials, like most criminal trials, have the potential for producing the unexpected at any stage of the proceedings. [...] This constant state of uncertainty places witnesses in an intimidating position and throws into doubt the very idea that bearing witness can be therapeutic."²²

In response, the Transcultural Psychosocial Organization (TPO) provides direct psychological support to civil parties and witnesses at the tribunal.

Experiences from the field: Psychological services of the Transcultural Psychosocial Organization (TPO) at the ECCC

Working in close cooperation with the Witness and Expert Support Unit (WESU) as well as the Victims Support Services (VSS) of the ECCC, the Transcultural Psychosocial Organization (TPO) provides a variety of psychological services through its Cambodian mental health experts. Those services range from preparatory psychological interventions to on-site psychological support during the ECCC proceedings to intense psychological and psychiatric follow-up care.

¹⁹ See for example, Judith Herman (1997). *Trauma and Recovery*. Basic Books, New York (Part II)

²⁰ B. A. van der Kolk (1996). The body keeps the score: Approaches to the psychobiology of post-traumatic stress disorder. In: B.A. van der Kolk, A. McFarlane and L. Weisaeth (Eds.). *Traumatic Stress - The Effects of Overwhelming Experience on Mind, Body and Society*. New York/London: The Guilford Press (pp. 214-241)

²¹ Zoran Ilic (2004). Psychological preparation of torture victims as witnesses toward the prevention of retraumatization. In: Zeljko Spiric, Goran Knezevic, Vladimir Jovic, Goran Opacic (Eds.). *Torture in war: consequences and rehabilitation of victims: Yugoslav experience*. Belgrade : IAN Center for Rehabilitation of Torture Victims (pp. 377-387)

²² Eric Stover (2005). *The Witnesses. War Crimes and the Promise of Justice in The Hague*. University of Pennsylvania Press, Philadelphia (pp. 82)

On-site psychological support services include reducing anticipatory anxiety through psychological briefing prior to the proceedings, monitoring participants' mental health condition and offering emotional support during the trial and debriefing after the proceedings.

Psychological services outside the courtroom include the assessment and, treatment of psychological/psychiatric disorders if necessary, supportive psychotherapy by trained psychiatrists and psychologists and follow-up counseling services after the proceedings.

Additional services consist of sharing information, education and training on trauma and its after-effects to staff for the ECCC Victims Support Services, civil party lawyers and NGO staff.

In their communities, civil parties and witnesses face additional potential threats to their mental well-being. These include the confrontation by community members after appearance in the court, concerns about safety and security, limited awareness of trauma symptoms by outreach staff, limited access to legal and psychosocial counseling in preparation and after the trial, or a lack of follow-up information on ECCC proceedings.

Some of the potential mental health dangers originate from shortcomings during outreach work and may generate disappointment with the ECCC and potentially cause psychological distress among victims. Mental health practitioners emphasize that greater efforts are needed to identify severely traumatized KR survivors and provide them time and support so they can join in the ECCC's proceedings.

In response, TPO and other non-governmental organizations implemented a series of psychosocial activities during and after outreach activities conducted by the ECCC Victims Support Section and other partner organizations. Examples include the showing of a participatory film on trauma coping strategies, phone counseling for civil parties, the introduction of new psychological treatment schemes culturally adapted to the Cambodian context, the construction of local memorials and reconciliation events such as public ceremonies.

Experiences from the field: TPO - a cultural adapted trauma treatment approach

The Transcultural Psychosocial Organization (TPO) has developed and implemented an innovative trauma treatment approach derived from the "Testimonial Therapy" that takes into account the cultural and human rights dimensions of mental health in Cambodia. KR survivors are invited



Buddhist ceremony, part of the Testimonial Therapy, photo by courtesy of TPO

to talk about their traumatic experiences. In cooperation with a counselor they can restore their painful memories and convert them into a written document: a testimony. The testimony is read aloud and delivered to the survivors during a Buddhist ceremony in presence of other survivors and/or community members. This practice allows victims to express and process traumatic experiences, to honor the spirits of the dead and document human rights violations.

Experiences from the field: KID - a participatory film project

The film "WE WANT (U) TO KNOW", produced by the Khmer Institute of Democracy in collaboration with TPO, reveals through artistic engagement, how Cambodians are struggling with painful memories and cope with them at the time of the Khmer Rouge Tribunal²³. It is a participatory film: villagers from around Cambodia took the camera in their own hands to document what they have gone through during and after the Khmer Rouge era. Through sharing their stories with the young generation, survivors are breaking 30 years of silence. Film screenings in villages across the country offer a public space for dialogue about the past and challenges of the present.

Experiences from the field: Youth for Peace - From Mass Killing Places to Peace Building Places

Youth for Peace (YfP) works with Khmer Rouge survivors and the youth on how to transform mass killing places into vivid historical sites and places of remembrance. YfP invites both older and young generations to local mass killing sites and facilitates intergenerational dialogue. In some of the sites, "Memory Culture Committees" and "Peace libraries" have been set up in cooperation with local communities. Through a participatory and artistic approach, participants create wall paintings and maps indicating former killing places and install information signs and boards at the sites. Moreover, stories of survivors are collected and published by local youth in cooperation with young Cambodian

23 See: <http://www.we-want-u-to-know.com/>

journalists. Those stories reveal insights into the unknown history of former mass killing places in Cambodia.²⁴

Experiences from the field: Two psychologists describe the trauma related aspects in their work

During three years, the Center for Social Development (CSD) organized public forums in several provinces in Cambodia. At least 150 participants attended each forum including a wide variety of participants. The “Emotional Support Team” supported forum participants and develop strategies so that the Public Forums can help individual coping and healing.

During the preparation phase, the “Emotional Support Team” explained the concept of trauma and its after-effects and supported participants who wished to speak about their experiences under the Khmer Rouge regime. For many, it was the first time in 30 years that they talked about their experiences, opening their "unhealed wounds". As a second step, the team brought some participants to visit S-21 museum and the killing fields, providing people an opportunity to find out about the destiny of their deceased relatives. In three years, at least 15 participants found the picture of a killed relative in the photo gallery of S-21. One lady who discovered the photo of her disappeared nephew recalled: "At First, it was really bad for me to find out that my ‘son’ died, but later I realized that it helped me to overcome the uncertainty of not knowing whether he has survived or not."

At the public forum, the “Emotional Support Team” provided the support of psychosocial counselors and of a counseling room so that participants who wanted to recount how they were treated and how they suffered during the Khmer Rouge regime could do so. Unsurprisingly, many were anxious to tell their story and felt more comfortable in a secure and respectful environment with professional psychological support.

Outreach and its impact on dialogue processes about the Khmer Rouge era

The first mandate of the Extraordinary Chambers in the Courts of Cambodia (ECCC) is to trial Khmer Rouge senior leaders and those most responsible for the crimes committed during the KR regime. However, activists and observers also hope that the court could contribute to the rule of law and the healing and reconciliation processes of the communities. One of the challenges is to ensure that the tribunal and its judicial process are meaningful to Cambodians. In that respect, outreach is crucial.

Outreach has many layers. It could be associated to a public information program aiming at informing the population about and increasing its understanding of the work of the court. But it could

24 Stories from the Ground – Memorial Sites in Cambodia, 2010. Available at Youth for Peace

also be viewed as an opportunity to strengthen the national justice system, and involve the population and civil society into a reflection on the justice system, the law and its civil rights.²⁵ For that to be achieved, “[I]t necessitates a consistent and interactive dialogue, or real conversation, between the court and a wide network of target audiences.”²⁶

Similar to most international tribunals, the ECCC Public Affairs Section (PAS) and Victims Support Section (VSS), respectively responsible of reaching out to the general public and the victims²⁷, have adopted a public information strategy aiming primary at informing the population about court’s activities and increasing its understanding of the court’s processes. This outreach program had a difficult start, hampered by lack of funding and resources. Consequently, in 2008, despite awareness of the existence of the court²⁸, many Cambodians in rural areas had limited knowledge of the ECCC proceedings²⁹ and the opportunity to act as civil parties, complainants or witnesses for the tribunal.

PAS has distributed information material and conducted field trips in all provinces in Cambodia, participated in public forums organized by NGOs, and received more than 65,000 people visiting the court. The VSS focuses its outreach on victims, and through its regional forums has assisted a countless number of people to participate in the legal proceedings.³⁰

NGOs have long been at the forefront of outreach related to the ECCC. They work independently but in collaboration with the ECCC. They usually have a mixed approach but each organization has its specific focus. Several NGOs concentrate on activities such as distribution of newsletters and other publications, radio call in shows, films and village-based information sessions. These activities clearly aim at informing and updating Cambodians about the Court’s events and provide some opportunities to facilitate victims’ participatory engagement into the tribunal process. For example, ADHOC provided information to 103,000 women and men from 171 districts who participated in their outreach

²⁵ Wanda Hall. Presentation of various perspectives of outreach and the need to understand each and choose priorities and goals. ICTJ Workshop on Outreach, Phnom Penh, Cambodia, March 4 2010. On file with authors.

²⁶ Ibid.

²⁷ Based on civil law system, the *Internal Rules* of the ECCC allow victims to participate in its proceedings as complainants or as civil party. See Internal Rules, (Rev. 5), February 9, 2010, Rules 49, 23; In the ECCC internal rules, “victims” refers to a natural person or legal entity that has suffered harm as a result of the commission of any crime within the jurisdiction of the ECCC, and “civil party” refers to a victim whose application to become a civil party and participate in the proceedings against an accused has been declared admissible by the court. See Glossary to Internal Rules, Rev. 5, February 9, 2010

²⁸ *Survey of Cambodian Public Opinion*. Phnom Penh, Cambodia: International Republican Institute, January 27 – February 26, 2008 (pp. 42-44)

²⁹ Phuong Pham, Patrick Vinck, Mychelle Balthazard, Sokhom Hean, Eric Stover. *So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia*. Human Rights Center, University of California, Berkeley, January 2009, (p. 36)

³⁰ VU/VSS Outreach. Brief Report for ICTJ Workshop, presented at ICTJ Workshop on Outreach, ECCC, Phnom Penh Cambodia, March 3 2010

training sessions. Other organizations such as DC-CAM, International Center for Conciliation, Youth for Peace and the Centre for Justice and Reconciliation, focus more on national and community-based truth finding processes, such as public forums, leading to progress in the field of dialogue and engagement.

Experiences from the field: Outreach activities by the Centre for Justice and Reconciliation (CJR)

The Center for Justice and Reconciliation's (CJR) Khmer Rouge Victims' Participation Program aims to engage survivors of the Democratic Kampuchea Regime (1975-1979) in active and meaningful participation in the criminal proceeding of the court. Activities by CJR include: organizing public forums on the functioning and meaning of the tribunal, organizing workshops on what it means to be and how to apply as a civil party, providing psychosocial/emotional support before, during and after the public forum, collecting stories of Khmer Rouge victims and strengthening the independent Association of Khmer Rouge Victims in Cambodia (AKRVC). CJR further facilitates victims' participation in the ECCC by advocating for and communicating victims' demands to the court.



CJR outreach activity to promote understanding and participation in the Khmer Rouge trials, and beyond. Photo by courtesy of the CJR.

CJR has a sustained presence and impact on each community where it holds a public forum. CJR conducts an initial fact-finding mission, two ground preparation meetings and a follow-up mission. It further disseminates information in the community through the regular broadcast of a radio show. During the forum, participants receive updates on the ECCC proceedings through guest speakers and can ask questions and engage in discussions. They also learn about opportunities to participate in the proceedings, the work of the AKRVC and mental health issues. Moreover, psychosocial staff offers counseling for participants. Before and after each forum, CJR monitors the level of knowledge on the ECCC. All forums are recorded and broadcasted bi-weekly through the radio in order to reach a wider audience.

After more than three years into the judicial process, it could be argued that Cambodians know of the existence of the tribunal. Results of the International Republican Institute's survey conducted in 2009 indicate that 82% of the respondents were aware of the Khmer Rouge tribunal, an increase from

71% in 2008.³¹ Facilitated by PAS, more than 27,700 Cambodians attended the public hearings in Case 001.³²

However, has outreach to the ECCC engaged in a real dialogue with victims and the Cambodian society? The response could be "some". Clearly, important initiatives by many NGOs and the Court have led to progress in this area. However, in large parts of rural Cambodia, long-term, community-based dialogue processes still remain the exception. Some observers have therefore questioned the extent to which the ECCC can contribute to national reconciliation and suggest more emphasis on decentralized dialogue and truth finding processes. They hope that by creating opportunities to see the past in terms of shared suffering and collective responsibility, community-based dialogue processes may contribute more effectively to healing and societal reconciliation.

A holistic approach to outreach

The Trial Chamber is about to pronounce its verdict on the first trial and the second trial, even more complex and complicated, is expected in 2011. Those events are likely to raise questions, comments, and concerns from the Cambodians. In a nationwide survey conducted in the fall 2008, among respondents who had some knowledge of the tribunal, 26% and 20% believed respectively, that the ECCC would bring justice or punish those who committed atrocities during the KR regime.³³ Making sure that the Cambodian population understands and has access to the tribunal will continue to be a priority for future outreach programs set up by the ECCC and civil society organizations. However, it is also necessary to go beyond the judicial process. As such, the ECCC's Victims Support Section (VSS) extra funding and enlarged mandate to engage in the implementation of "restorative measures" for victims of KR are timely.³⁴

Additionally, the experiences of outreach work during Case 001 highlight the advantages of a more participatory approach to outreach in which the population actively engages in long-term dialogue and truth-telling processes at the community level. The value of outreach activities by the ECCC and non-governmental actors could be further enhanced by additional supportive psychosocial interventions. Other important transitional justice measures could include the construction of local and national memorials and reconciliation events such as religious or other memorial ceremonies. They appear to be important elements in reconciliation and healing by providing frameworks wherein victims can

³¹ International Republican Institute (2009). Survey of Cambodian Public Opinion. Phnom Penh, Cambodia.

³² ECCC Public Affairs Section. Outreach Work, presented at ICTJ Workshop on Outreach, ECCC, Phnom Penh Cambodia, March 3 2010

³³ Phuong Pham, Patrick Vinck, Mychelle Balthazard, Sokhom Hean, Eric Stover (2009). *So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia*. Human Rights Center, University of California, Berkeley.

³⁴ Internal Rules, (rev. 5), Rule 12 bis, Cambodia: Extraordinary Chambers in the Courts of Cambodia, February 9, 2010.

begin to understand, create and integrate new meaning. Ultimately, this will lead to more participation and an increased sense of ownership of the ECCC's work.

Conclusion

In order to transform Cambodian society, a more holistic vision of social reconstruction is required; one that includes restorative, socioeconomic, political and psychosocial aspects among others.³⁵ At the individual level, the psychological aspect is especially important as many Cambodians are still struggling with personal and social history of human rights abuses.

The Court could contribute to achieve that vision. NGOs, with their local perspective and technical experience, are also well-suited to take on a major role. However, taken separately, the ECCC and NGOs are still underfunded and lack expertise in aspects such as psychological support. Thus they are limited in their ability to fully satisfy the needs of justice for the Cambodian people. Moreover, beyond the ECCC, the government has a role to play in ensuring that the population has access to, for example public psychological services to heal the wounds of the past. Therefore, for transformation to be fully attained, all actors including the ECCC, the NGOs, and the government need to work in concert multiplying activities in order to implement an integrated program. That also means that a broader vision of outreach needs to be implemented ensuring that the Cambodian population as a whole is not only aware of, but also participates in the judicial process and is involved into a more community-based process of truth-telling and education outside the courtroom.

Ultimately, the voices of the victims need to be heard. As a first step, two victims' associations are now active and have taken initiative to present their interests more effectively. Their work is essential to ensure victims' participation in the court proceedings and to contribute to non-judicial measures. But more importantly, their involvement could contribute to a culture of peace, memory, healing and reconciliation beyond the mandate of the court.

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³⁵ Laurel E. Fletcher and Harvey M. Weinstein (2002). *Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation*. *Human Rights Quarterly*, 24/3 (p. 586)

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