

Working Paper

Translating Global Norms:

the Role of NGOs in Transitional Justice in
Cambodia

Cambodia Working Paper Series

Samphoas HUY

Abstract

The Khmer Rouge Tribunal is an ideal case in which to study the vernacularization concept since, as a hybrid criminal tribunal, it is located within the crime site. I refer to vernacularization as the process through which international transitional justice norms are translated into a local context and appropriated by local actors. During this translation process, friction or turbulence is an expected occurrence. This research will examine the role of non-governmental organizations (NGOs) as vernacularizers in victim participation at the ECCC. I argue that through exposure to global justice norms, NGOs play a crucial role in translating those norms to fit within the local historical, social and cultural contexts. Benefiting from international education and experience, NGO staff have generated effective strategies to vernacularize global transitional justice within a Cambodian Buddhist context. Through their broad range of activities, they have facilitated the full participation of victims in court proceedings.

Keywords: vernacularization, Extraordinary Chambers in the Courts of Cambodia, intermediary organizations

Imprint

Acknowledgments

The editors of this Working Paper series on Cambodia, Julie Bernath and Ratana Ly, would like to thank the Embassy of Switzerland in Thailand for their generous support to this publication project. They are also very grateful to Phalthy Hap, Christoph Sperfeldt, Rachel Killean, Natalia Szablewska and Kosal Path for providing important advice and support to authors, and to Alice Williams for proofreading this collection of papers. At the Center for the Study of Humanitarian Law, they warmly thank Champa Sy for her assistance. At swisspeace, they thank the team of the Working Paper series for their support of this project: Joschka Philipps, Elisabeth Mesok and Amélie Lustenberger.

Working Papers

In its working paper series, swisspeace publishes original contributions by staff members and international experts, covering current issues in peace research and peacebuilding. Please refer to our publication list at the end of this paper or on www.swisspeace.ch/publications.

The views expressed in this Working Paper are those of the author and do not necessarily reflect the swisspeace standpoint.

Series Editor

Joschka Philipps, Elisabeth Mesok

Publisher

swisspeace is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation.

Guideline for authors of swisspeace Working Papers can be found at swisspeace.ch/publications.html

swisspeace
Steinengraben 22
4051 Basel
Sonnenbergstrasse 17
3013 Bern
Switzerland
www.swisspeace.ch
info@swisspeace.ch

ISBN 978-3-906841-15-1
© 2019 swisspeace

Table of Contents

Abstract	03
Foreword to the Working Paper Series on Cambodia	07
1 <u>Introduction</u>	13
2 <u>Transitional Justice and Vernacularization</u>	15
3 <u>Education and Vision of Vernacularizers</u>	18
4 <u>Vernacularization in NGO's Outreach and Inreach Efforts</u>	21
5 <u>Critiques and Frictions</u>	27
6 <u>Conclusion</u>	30
Bibliography of the Foreword	32
Bibliography	34
About the Authors	36
About swisspeace and the CSHL	37
<u>swisspeace Publications</u>	38

List of Acronyms

ADHOC	Association des Droits de l'Homme au Cambodge (Cambodian Human Rights and Development Association)
CSD	Center for Social Development
CDP	Cambodian Defense Project
CPs	Civil Parties
DC-Cam	Documentation Center of Cambodia
ECCC	Extraordinary Chambers in the Courts of Cambodia
IO	Intermediary Organization
KID	Khmer Institute for Democracy
KR	Khmer Rouge
NGO	Non-Governmental Organization
PTSD	Post Traumatic Stress Disorder
TJ	Transitional Justice
TPO	Transcultural Psychosocial Organization
UNTAC	United Nations Transitional Authority in Cambodia
UN	United Nations
VIF	Victim Information Form
VSS	Victims Support Section
VU	Victims Unit

Foreword to the Working Paper Series on Cambodia

Julie Bernath and Ratana Ly, editors of the Cambodia series

The year 2019 was an important milestone for transitional justice in Cambodia. It marks both 40 years after the end of the Khmer Rouge regime in early 1979, and 15 years after the establishment in 2004 of the Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge tribunal.

On this occasion, this Working Paper series brings together a collection of papers by Cambodian early career researchers to reflect upon the transitional justice process in Cambodia. It is the result of a one-year publication project of the Center for the Study of Humanitarian Law at the Royal University of Law and Economics in Phnom Penh and swisspeace, supported by the Embassy of Switzerland in Thailand. This series aims to give more visibility to Cambodian researchers in academic writings on transitional justice. As such, it is an attempt at working against the problematic politics of knowledge production that exist in the field of transitional justice. Although transitional justice scholarship has increasingly questioned the marginalization of local voices and perspectives when it comes to policy-making and practices of transitional justice, researchers from contexts in the Global South in which transitional justice processes take place still have less visibility in, and access to, academic debates on transitional justice in comparison to their peers from the Global North.

This set of papers highlights the important achievements made in pursuing justice, accountability and reconciliation in Cambodia. It also illustrates the vast experiences that Cambodian practitioners and researchers alike have gained in the transitional justice field in the last decade and more. At the same time, the papers reflect the ways in which transitional justice inherently constitutes a long-term process. Fifteen years after the establishment of the Khmer Rouge tribunal, the authors discuss the many challenges that remain in order for the transitional justice process to truly unfold its emancipatory and transformative aspirations.

Taken together, this collection of papers speaks to key issues that, beyond the case study of Cambodia, have become central in transitional justice scholarship ever since it has taken a critical turn. The papers identify the difficulties for transitional justice processes to contribute to long-term socio-political change, at the structural level, in order to guarantee the non-recurrence of human rights violations. They highlight the need to attend to the specific socio-political contexts in which transitional justice processes unfold. The papers also point to the selectivity of formal, state-sanctioned transitional justice processes, which contrast with continuities of violence and discrimination across time that parts of the population may experience, for instance women. They shed light on the diversity of actors involved in transitional justice processes, which cannot neatly be captured by a binary distinction of international versus local, and which include not only state actors or legal professionals, but also civil society actors or donors.

Transitional Justice in Cambodia: Fifteen Years After the Establishment of the ECCC

The Khmer Rouge regime was arguably the most totalitarian of the 20th century (Bruneteau 1999). Between April 17, 1975 and January 6, 1979, the Communist Party of Kampuchea, known as the Khmer Rouge, held power over the national territory. The Khmer Rouge aimed at creating a new people and a communist agrarian utopia within the timeframe of a single generation, in a surpassing of Mao Tse Tung's policies in communist China (Ibid). Under the rule of the Khmer Rouge, an estimated 1.5 to 2.2 million people died from starvation, torture, execution, forced labour and malnutrition — at least one in five of the 1975 population (Kiernan 2003).

Given the geopolitical context of the Cold War, the involvement of foreign countries in the conflicts in Cambodia and the political interests of the regimes succeeding the Khmer Rouge, it was only in 1997 that negotiations started between the United Nations and the Royal Government of Cambodia regarding accountability for crimes committed under the Khmer Rouge regime. After protracted negotiations, the ECCC was established in 2004 with the mandate of trying the senior leaders and those most responsible for crimes committed between April 17, 1975 and January 6, 1979 in Cambodia.

Ever since its establishment, the ECCC has attracted a lot of international attention from researchers, policy-makers and practitioners. It displays unique features as a transitional justice process. First, it is a hybrid tribunal or mixed tribunal, i.e. a court of mixed staff, which applies international and Cambodian law. While several hybrid tribunals were established elsewhere, the ECCC arguably represents the most national of all (Petit 2010, 195). Second, although the scope and form of victim participation has been significantly reshaped over time at the ECCC, it grants victims the right to formally participate as parties — a first in the history of international criminal justice (Ciorciari and Heindel 2014). Victims can indeed participate at the ECCC not only as witnesses or complainants, but also as civil parties. Finally, the ECCC's mandate also includes the provision of moral and collective reparations. While the exclusion of individual and financial reparations led to frustrations from civil parties (see e.g. Williams et al. 2018, 109-120), the ECCC's provisions on reparations significantly expanded over time to include non-judicial measures developed and implemented by the ECCC's Victims Support Section with governmental and non-governmental partners.

At the time of writing, three accused persons have been tried and sentenced in separate legal proceedings at the ECCC. In Case 001, the Supreme Court Chamber sentenced Kaing Guek Eav alias Duch, the former deputy and chairman of the security centre S-21, to life imprisonment for crimes against humanity, grave violations of the Geneva Convention, murder and torture (see Soy 2016). Case 002 consists of charges against former senior Khmer Rouge leaders. In light of its complexity and the advanced age of the accused, the Case was split in two to expedite the trial proceedings. The first portion of the trial, Case 002/01, focused on a set of crimes committed during the early stages of the Khmer Rouge regime: forced transfers of the population and the

execution of soldiers of the regime preceding the Khmer Rouge. This Case was completed in November 2016, however two of the accused died prior to its completion: the former Minister of Foreign Affairs, Ieng Sary, and the former Minister of Social Affairs, Ieng Thirith. Case 002/02 examines far-ranging charges related to key policies of the Khmer Rouge, including forced labour, security centres, forced marriages and treatment of minorities. The Trial Chamber judgment handed in November 2018 is currently under appeal. One of the two remaining accused, Nuon Chea, died in August 2019 at the age of 93 before the pronouncement of the Supreme Court Chamber judgment (see Kum 2019). The former Head of State of the Khmer Rouge regime Khieu Samphan, born in 1931, is the only accused in Case 002 now still alive.

Four suspects have additionally been indicted in Cases 003 and 004. However, the national and international side of the ECCC mostly disagreed on whether these cases should move to trial, with the national side arguing that the accused do not fall under the category of 'most responsible' of the ECCC's mandate (see e.g. Naidu 2018). Since the Cambodian ruling party has repeatedly voiced their opposition to these cases (Ciorciari & Heindel 2014, 177), they have become the focus of allegations of political interference (see e.g. OSJI 2010).

Besides the ECCC, civil society actors have significantly shaped the transitional justice process in Cambodia. Their work has been complementary to the ECCC, in particular when it came to victim participation, legal services, psychosocial support and outreach, as civil society organisations provided many key services for the ECCC due to the tribunal's limited funding or mandate in this field (Ryan and McGrew 2016; Sperfeldt 2012). Civil society organisations have also been key in designing and implementing reparations and non-judicial measures. Over time, many creative and artistic initiatives have emerged. NGOs were able to make use of the attention of the international donor community on transitional justice in Cambodia that arose with the establishment of the ECCC (Un 2013), although they have now for the past few years faced significant 'donor fatigue' (Sperfeldt 2012).

The establishment of the ECCC thus initiated a diverse process of transitional justice in Cambodia focusing on the Khmer Rouge regime. This process is also characterized by a significant transnational circulation of practices, since the ECCC was established in a time during which transitional justice had become institutionalized and professionalized as a field of policy-making, research and practice (see e.g. Sharp 2013; Rubli 2012). Several cohorts of international practitioners sojourned in Cambodia, including not only international criminal justice professionals — some of whom Kent (2013) described as 'tribunal hoppers', given their high mobility across internationalized tribunals — but also practitioners from the fields of civilian peacebuilding, media, arts and memory work.

Today, a rich and increasingly diverse body of scholarship also exists on transitional justice in Cambodia, with works from various disciplinary perspectives. This includes not only the dominant field of law (e.g. Werner and Rudy 2010; McGonigle 2009) but also socio-legal studies (e.g. Killean 2018; Ly

2017; Manning 2012), political science (e.g. Path 2017; McCargo 2015), anthropology (e.g. Hinton 2014; Kent 2013), geography (Sirik 2016; Hughes 2015), psychiatry (Chhim 2014) or history (Gidley 2019). As elsewhere in the field of transitional justice, this scholarship is also characterized by numerous publications of authors who have themselves been closely involved in the transitional justice process in various functions (e.g. Jarvis 2014, Lemonde 2013, Studzinsky 2011, Mohan 2009).

Ever since the establishment of the ECCC, the literature has discussed its relevance as a transitional justice institution. Some analysts highlighted that the tribunal was important and better than none (see e.g. OSJI 2006). Others argued that given the political context, and most importantly the political control of the national judiciary in Cambodia, a hybrid tribunal would only lead to a flawed accountability process (see e.g. Human Rights Watch 2014). The ECCC's extremely limited temporal scope has also been subject to much discussion. The tribunal's mandate only focuses on the Khmer Rouge regime, although this period is embedded in decades of political violence, war and authoritarian rule. Civil society organisations, while complementing the ECCC's limitations in diverse ways, arguably reproduced to an important extent the focus on the Khmer Rouge period in their transitional justice work.

Today, given current political developments in Cambodia, reflecting upon the transitional justice process and its long-term, transformative potential is of particular relevance. With the dissolution of Cambodia's main political opposition party in 2017 and its exclusion from the 2018 election (see e.g. KOFF 2018), the country has moved further away from its scheduled trajectory towards democracy. In an increasingly authoritarian context, civil society organisations, journalists but also researchers working on human rights advocacy face significant difficulties to conduct their work in an independent manner, free from political pressure. Debates over the impact of international interventions in Cambodia have thus re-emerged, most notably over the UN peacebuilding mission of 1992-93. But the political situation in contemporary Cambodia also raises questions regarding the legacies of the ECCC and the transitional justice process.

Overview on the Collection of Working Papers on Cambodia

This collection of papers contributes to these discussions. It brings together the perspectives of eight authors with various disciplinary backgrounds, including law, social sciences, development studies and international affairs. Many of these authors also draw from their previous experiences and insights as practitioners in Cambodia's transitional justice process.

A first group of authors discusses how far the transitional justice process has gone in Cambodia, and what has been achieved in terms of the goals initially set for this process.

In their paper, Kimsan Soy and Vandanet Hing examine how the ECCC has contributed to improving fair trial rights in the national judiciary. One of the main hopes associated with hybrid tribunals has been that these tribunals

would contribute to strengthening the national judiciary, as they are set in the country where the crimes have taken place and employ national staff. This was also one of the strong aspirations shared by actors involved in the establishment of the ECCC. Fifteen years later, Soy and Hing ask how defense counsels and experiences of legal representation at the ECCC have contributed to developments in the national justice system. Drawing from qualitative interviews conducted with Cambodian legal professionals, they argue that although the ECCC clearly demonstrates international fair trial standards, in particular the right to effective legal representation, the greatest challenge standing in the way of positive legacies for the domestic judicial system remains political control of the judiciary.

In her paper, Sotheary You also reflects on the impact of transitional justice on contemporary Cambodia, but with a focus on sexual and gender-based violence against women. In order to do so, she draws from the concept of guarantees of non-recurrence and from feminist scholarship on gender justice. You discusses how the ECCC has addressed sexual and gender-based violence so far, in the legal proceedings and in the reparations projects endorsed by the ECCC. She also examines measures taken by the Cambodian government to address the non-recurrence of sexual and gender-based violence. She argues that in light of the ongoing discrimination against women in Cambodia, the transitional justice process has failed to effectively address the issue. She proposes policy recommendations and the adoption of a comprehensive approach, beyond the remit of the ECCC, to ensure the non-recurrence of sexual and gender-based violence against women.

In his paper, Sovann Mam reflects on to what degree reconciliation has been achieved in Cambodia after the Khmer Rouge regime. Drawing from qualitative interviews conducted in Anlong Veng, the former Khmer Rouge stronghold in the North-West of Cambodia, he argues that reconciliation is still missing at the community level. Mam thereby questions the prevalent political narrative in Cambodia that reconciliation has been fully achieved since the end of the 1990s. He shows that while the policies of the Cambodian government in the 1990s secured stability and negative peace, they also delayed the quest for justice and the establishment of the ECCC. Based on his field research in Anlong Veng and interviews with civil society actors working on reconciliation, Mam suggests that more attention should be paid to facilitating processes of acknowledgment and empathy between victims and perpetrators.

In addition to these three papers reflecting on the achievements and limitations of the transitional justice process in Cambodia, the second group of authors focuses on the roles and views of various actors.

In her paper, Samphoas Huy reflects upon the role of intermediary organisations in facilitating, implementing and shaping victim participation at the ECCC. She conceptualizes the role of Cambodian civil society organisations as 'vernacularizers', or actors intimately involved in the translation of international transitional justice norms into the Cambodian context. She analyses this process of vernacularization in various, rich examples of outreach

and inreach that have taken place around the ECCC over the past years. Huy argues that through this process of translation and appropriation, which similarly to previous human rights work in Cambodia significantly draws upon Buddhist understandings, local actors created a transnational space that allowed for meaningful victim participation. But her paper also shows that this process was not without creating ‘frictions’: actors involved faced challenges in translation but also difficulties related to questions of representation, agency and voice in victim participation.

In her paper, Somaly Kum focuses on donors – a group of actors that is not researched enough in the field of transitional justice, although being key in shaping transitional justice interventions. She provides an overview of the various types of donors that have been funding transitional justice in Cambodia – state donors; non-state donors; multilateral donors. She asks what their role has been in shaping the transitional justice process, both directly and indirectly, through funding the ECCC and civil society projects. Kum draws from qualitative semi-structured interviews conducted with current and former donor representatives, as well as transitional justice practitioners. She discusses how donors reflect upon their roles and societal impact 15 years after the establishment of the ECCC, and shows that one of the main motivations mentioned by her respondents for funding transitional justice, besides contributing to justice and accountability, was to contribute to the rule of law and capacity building.

Finally, Boravin Tann and Khuochsopheaktra Tim discuss the perspectives of an important segment of the Cambodian population: the younger generations born after the Khmer Rouge regime. Although representing the majority of the population today, this group has been rather sidelined in transitional justice discussions in comparison to the elder generations of direct victims. Drawing from rich empirical data, including a recent quantitative survey and focus group discussion, Tann and Tim describe how their respondents, keen to learn more about the Khmer Rouge past, deplored the limitations of information on this matter. They analyse how they view the memorialization processes on the Khmer Rouge regime. They also discuss the existing scope for youth participation in Cambodia’s transitional justice process and the intersections between memorialization, the ECCC and the non-recurrence of human rights violations.

Taken together, these papers show avenues for further research and initiatives on transitional justice in Cambodia, from the perspective of Cambodian authors. They also illustrate the relevance of the Cambodian case study for the broader field of transitional justice today. Fifteen years after the establishment of the ECCC, these papers examine from various academic perspectives whether, how and to what extent the transitional justice endeavors in Cambodia have created change. They thereby speak to questions of agency, power and representation that are at the core of critical transitional justice scholarship, and to the long-term emancipatory and transformative aspirations that continue to shape the field.

1 Introduction

On 17 April 1975, when the Khmer Rouge (KR) marched victoriously into Phnom Penh ending the Cambodian civil war, residents of the city, including my family, were joyful. Everyone was thrilled that the war was ending and anticipated the reunification of the country. However, that hope was quickly washed away by the violent acts committed by the KR troops. They immediately evacuated all urban areas, relocating residents to the countryside. My parents were forced to relocate my maternal grandfather, who was a patient at Ang Duong Hospital recovering from eye surgery which had been performed only two days earlier. In fulfilling its mission of a ‘great leap forward’— implementing socialism in Cambodia and defending the country from invasion — the KR completely isolated the nation and committed mass atrocities in a timeframe of less than four years, which impacted the entire population. Our family lost at least ten immediate members. My aunt (who lost her parents, a brother and her only son) refuses to discuss the regime at all and warns others not to mention those years in her presence. Most historians agree that the regime is responsible for the deaths of at least 1.5 to 2 million Cambodians due to starvation, torture, execution and forced labor (Ciorciari 2009, 14). The regime came to an end on 7 January 1979 but that was not the end of the human suffering, which persisted for almost two more decades of civil war until 1998, when the military forces of the last KR stronghold were totally dismantled.

Extended negotiations were held to establish a tribunal to prosecute the architects of the KR crimes; however, concluding victims in the legal process was not part of the agreement (Thomas and Chy 2009, 231). The Cambodian government exerted influence over the UN in an effort to locate the tribunal in Cambodia, allowing for application of both international and Cambodian law, the latter permitting victims to participate in court proceedings.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) differs from other international tribunals, which include the International Criminal Tribunal for the former Yugoslavia in the Netherlands, and the International Criminal Tribunal for Rwanda in Tanzania. The ECCC was established in June 2003 through a joint agreement between the UN and the Government of Cambodia. It is located in Cambodia and is considered a Cambodian court with an international component which applies international standards of justice (ECCC Agreement 2003, 2). Importantly, victims are allowed to participate as civil parties, complainants and witnesses in the tribunal. Victims are one of the parties in the tribunal. Criticism had been leveled at the international tribunals for the former Yugoslavia and Rwanda for their lack of victim engagement since both courts are located far from where the victims reside in their home country. Further criticism of these two international tribunals has centered on their tendency to render justice to satisfy international audiences rather than victims’ interests (Ciorciari 2009, 20).

At the ECCC the Victims Unit (VU) was established as an afterthought since resources were not initially allocated for victim participation. The VU was understaffed and underfunded until early 2008 when a grant of 1.5 million euros from the German Technical Cooperation Agency allowed the VU to hire additional personnel. However, the funds were delayed and this further exacerbated the Unit’s initial organizational efforts. Funding issues precluded the

unit from efficiently processing the rapidly growing number of Victim Information Forms (VIFs) submitted by NGOs/intermediary organizations (IOs). The IOs conducted outreach to inform the public about the tribunal's mission to seek justice for Cambodians, and their work preceded the formation of the tribunal. Later, these intermediary organizations received additional funding as well as consultants from the international community, which enabled them to take the lead in ECCC's victim participation process. Additionally, due to allegations of rampant corruption within the tribunal, potential donors did not fully trust the tribunal to properly conduct the outreach work (Lambourne 2012, 248). Thus, the Public Affairs Section of the ECCC was underfunded in its outreach budget.

My research argues that through the exposure to transitional justice (TJ), local IOs played a crucial role in translating TJ norms within a Cambodian setting. Programs implemented by the IOs have empowered victims to fully participate in the court proceedings; they generated strategies which vernacularized TJ within the local Cambodian Buddhist context. Vernacularization is the process through which IOs translated international justice norms into Cambodian context.

The research is based upon personal observation as a staff member of the VU of the ECCC and an employee of a non-governmental organization (NGO) with responsibility for documenting the history of the KR. During my research, I interviewed KR victims as well as NGO members and ECCC officials. My experience as a former ECCC employee and NGO staff member enabled me to easily identify the most relevant potential interviewees. My previous ECCC-related experience facilitated my search for information related to NGOs and the ECCC. Though I had previously worked for both institutions, the information that I gleaned from victim interviews in my research was more critical and profound than what I had encountered in my former work assignments. My research as an advocate for the victims allowed interviewees to more freely share the totality of their experiences during the KR years.

Firstly, the article will highlight the concept of TJ and vernacularization, moving from a global context to the local environment in Cambodia. Secondly, it considers the education and visions of NGO leaders which may influence the vernacularization processes. Thirdly, through analysis of NGO outreach projects, I am able to clearly demonstrate how they interweave global concepts into their programs while empowering victims in the process. Finally, I address critiques of NGOs' work and the friction or turbulence which naturally occurs throughout the vernacularization process. I argue that NGOs have played a major role in enriching the ECCC's victim participation program, which has resulted in empowerment of the victims.

2 Transitional Justice and Vernacularization

2.1 Transitional Justice

Transitional justice began in the late 1980s at the end of the Cold War and, in Latin America, as an attempt to determine an effective way to confront the violent crimes which had occurred in Argentina and Chile as they transitioned to democracy (Hinton 2018, 13). The concept centers on building a new world order which emphasizes human rights and peacebuilding during the rebuilding of nations which have experienced serious human rights violations (Hinton 2018, 5). The process includes criminal tribunals, truth and reconciliation commissions, memorialization and institutional reforms, all of which contribute to a positive, gradual development in countries suffering from a difficult past experience (ICTJ, 2019; Teitel 2000, 213). Sikkink and Kim introduced the concept of the justice cascade as 'a rapid and dramatic shift in the legitimacy of the norms of individual criminal accountability for human rights violations and increase in actions (such as trials) on behalf of those norms (2011, 270)'. Dissemination of human rights concepts has advanced globally through the establishment of International Criminal Tribunals (Sikkink and Kim, 270). The ECCC is considered part of the justice cascade, in which international and Cambodian actors have formed a tribunal with the mission of prosecuting the senior persons in the Democratic Kampuchea regime (1975-1979). Hinton, in his work *Justice Façade*, examined the international concepts of TJ, referring to them as 'an assemblage of discourse, institutions, capital flows, technologies, practices, and people devoted to providing redress for mass human rights violations and enabling a transformation of a society from this violent past to a better future' (Hinton 2018, 5). He further argues that 'the justice façade masks complicated histories, politics, organizational structures, and other flows that constitute the everyday experiences and understanding of transitional justice' (Hinton 2018, 251).

The assumption of progress, development and transformation from an authoritarian state to a democratic one is a concept Hinton (2018, 18) labels the 'TJ imaginary'; the many contributing factors are masked behind what he calls a 'justice façade'. Therefore, unpacking those imaginaries and viewing the role of NGOs as vernacularizers in the victim participation process helps to identify what has been masked by the justice façade. The next section discusses the background of the NGOs and their involvement in the vernacularization of human rights concepts in Cambodia.

2.2 Vernacularizers and Human Rights Vernacularization

During Cambodia's transition to democracy, the peace keeping mission of the United Nations Transitional Authority in Cambodia (UNTAC) aspired to build a strong foundation in which human rights could be upheld (Hinton 2018, 52). Human rights provisions were incorporated into the Cambodian Constitution and, with the oversight of UNTAC, Cambodia signed a number of human rights treaties (Ledgerwood and Un 2003, 533-534). To foster a human rights environment in a country like Cambodia, which had experienced decades of devastating violence, a well-planned outreach effort had to be implemented in accordance with Cambodian circumstances and culture (Hinton 2018, 54). UNTAC carried out a great deal of both formal and informal human rights

education. Students have learned human rights through training courses and mass media. Ordinary Cambodians were able to learn about human rights through radio, television, slogans, posters and videos (Hinton 2018, 54). Vernacularization began during that period. For instance, NGOs provided human rights education to ordinary Cambodians by simplifying the concepts and incorporating Cambodian traditions and idioms, songs, storytelling, and comic styles. These strategies proved to be very effective.

UNTAC also realized that human rights NGOs would be crucial to the future sustainability of human rights as Cambodia progressed toward rule of law and democracy in the long term (Hinton 2018, 54). The NGOs assisted citizens in securing their rights as victims and offered services which the Cambodian government and the ECCC were as unable to provide. As Gready and Robins (2017, 2) described, the role of the NGOs was to fill gaps, or act as an intermediary between institutions and citizens. They continue to reinforce and support human rights component within the TJ mechanism that was installed in Cambodia. They have common goals in supporting the quest for justice and enhancement of the rule of law, human rights and democracy. They have the same imaginary, which is the desire for positive social change. The NGOs have been viewed as mediators between 'global' and 'local' actors in TJ (Gready and Robins 2017, 35). Leaders of human rights NGOs agree that the concept of human rights is similar to Buddhist concepts that are already deeply rooted in Cambodian culture. Ledgerwood and Un (2003, 541) have also identified links between human rights and Buddhism. The Buddhist doctrine of non-violence and the middle path is essential in ensuring the limitation of greed and the resolution of conflict in a non-violent manner. They also note that focusing solely on the global and legal aspects of human rights is not sufficient to promote and sustain the concept. The restoration of individual morality, based on Buddhist discipline, is seen by advocates as more effective in sustaining human rights for social harmony and prosperity. For example, Noeu Kassie, who worked for UNTAC and later headed the outreach effort for VSS (as well as having spent time in the U.S.), found that the most effective way to help Cambodian rural residents understand human rights concepts was to link the explanation to the five Buddhist precepts, one of which is not to kill. Therefore, he incorporated Buddhist stories into their training materials, emphasizing the mutual goals of Buddhism and human rights, such as living in 'human harmony' and respecting others (Hinton 2018, 56). As Levitt and Merry have argued, 'things that are culturally and cognitively compatible with values already in place are more likely to be adopted' (2009, 444). These leaders have been able to incorporate human rights concepts into the existing Cambodian Buddhist value system, tailoring and simplifying the ideas so that each individual might easily understand.

As human rights advocates, the role of NGOs is inevitably in conflict with certain powers whose interests are adversely affected by such intervention and changing the nexus of power is not simple. The influence of NGOs has been described as 'undercutting the traditional source of power and seeking to empower local communities, [thus] creating new dynamics of conflict' (Christie 2013, 12). In particular, NGOs which advanced the mission of the ECCC did not encounter difficulty in gaining support from local authorities since the government of Cambodia was a co-sponsor of the transitional

justice. NGOs interfaced with government entities and the ECCC to find optimal solutions for representation of victims in the court. At least eleven NGOs¹ have contributed enormously to assisting victim participation in the ECCC proceedings and other extra-judicial mechanisms. These NGOs have played a crucial role as vernacularizers and translators by designing outreach programs to simplify and reframe the difficult concept of TJ within an ordinary viewpoint. They mediate and control the flow of information between global and local perspectives (Levitt and Merry 2009, 449). In his article related to norm localization, Acharya defined 'localization as the active construction (through discourse, framing, grafting and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practice' (2004, 243). For instance, NGOs localized the concept of TJ by framing it within relevant cultural practices and Buddhist concepts, which are easily understood by rural Cambodians.

In addition to providing Cambodians with information about court proceedings and basic human rights, these organizations have created a safe and democratic space in which victims may express their feelings and communicate among themselves about their families' experiences during a very dark period of the country's history. This has enabled civil parties (CPs) who were victims of the KR, as well as former KR cadres, to understand and exercise their rights through participation, thus contributing to the healing of their wounds and the chance to move forward in life. However, when this process does not proceed as smoothly as desired, it produces friction or turbulence, which are metaphors referring to the unsmooth process of grafting new or foreign ideas into local culture (Tsing 2015, 4; Hinton 2018, 101). As mentioned by Acharya, throughout the process the 'foreign norms' are difficult to incorporate into local norms since they are not consistent with the local milieu. The success of the norm diffusion strategies and processes more likely depends on opportunities for localization (Acharya 2004, 241). People need time to digest and adapt those foreign norms.

¹ NGOs such as the Documentation Center of Cambodia (DC-Cam), ADHOC, Khmer Institute for Democracy (KID), Center for Social Development (CSD), Open Society Justice Initiative (OSJI), Cambodian Defense Project (CDP), Avocat Sans Frontières (ASF) (Lawyers without Borders), Youth for Peace (YFP), Transcultural Psychological Organization (TPO) and Kdei Karuna (KDK).

3 Education and Vision of Vernacularizers

In the following section I examine how local intermediary organizations have assisted victims of the KR in participating in the TJ process at the ECCC. I detail how the local NGOs process global ideas and norms of justice and then vernacularize them to fit within a Cambodian Buddhist context. I will analyze cultural circulation and translation from a global-to-local perspective by examining the programs of the IOs, including their outreach activities and leadership vision. I will also discuss the ways in which the education and vision of NGO leaders may impact the vernacularization process.

Usually, as Levitt and Merry argue, ‘vernacularizers take ideas and practices of one group and present them in terms that another group will accept’ (2009, 446-47). Most of the leaders of human rights NGOs in Cambodia have received their education abroad. Some NGO leaders were raised in Western countries and later adapted the ideas and practices they learned there and applied them to Cambodian discourse and culture. For instance, Chea Vannath (1998-2006) and later, Seng Theary, both served as the Director of the Center for Social Development (CSD), a local NGO which works to promote democratic values and advocate good governance and respect for human rights through research, training, and advocacy. Both of them were educated in the United States.

In 1996 Chea Vannath established a public forum for debate in order to move Cambodia toward a democratic society. She modeled a program based on the town hall format, as conducted on U.S. television, in which people are invited to discuss their concerns about different issues. She also applied ideas for debates pertaining to female voters that would be appropriate for Cambodian culture (Hinton 2018, 94). The CSD forums took place throughout Cambodia and included participants with different backgrounds, ranging from local officials, monks, nuns, students, teachers, ordinary people, members of civil societies and diplomats. Topics centered on a variety of issues, such as elections, sanitation, hygiene, and later, the ECCC. CSD organized two thousand forums focused on the work of the ECCC and national reconciliation in Battambang, Phnom Penh and Sihanoukville (Hinton 2008, 95).

Similar to Chea, Lao Mong Hay, a former Director of the Khmer Institute for Democracy (KID) (1995-2002), proposed the idea of citizen advisors to enhance rule of law in Cambodia. He was educated in England and felt that using citizen advisors to advocate for people with legal issues would be effective at the grassroots level in Cambodia (Hinton 2018, 72). As director of KID, he established a Citizen Advisor Program, which he described as ‘serving as a local-level mechanism to ensure human rights, accountability, and good governance’ (Hinton 2018, 69). He selected the citizen advisors by considering local tradition and selecting the most educated and respected persons in the communities, such as teachers. To better explain the concepts of democracy and human rights to rural Cambodians, teachers were selected to be trained in basic concepts of the rule of law, with the intent that they could then mediate peaceful relations by providing simple legal services and conflict resolution in the more remote and illiterate communities (Hinton 2018, 70). Association des Droits de l’Homme au Cambodge (ADHOC) also developed a network of Civil

Party representatives (CPR) who served as liaisons between ADHOC, the lawyers and the ECCC in assisting 122 CPs with their court participation as victims. Citizen advisors and ADHOC have established human rights networks throughout most of the country. Their staff members have extensive experience working with local authorities as well as with rural residents who have limited knowledge and low levels of literacy. They serve as focal points and, as vernacularizers, have a full understanding of their local audience and how to best convey messages to them. Moreover, they live in the community (or nearby), so the local people are comfortable consulting with them. The Victim Support Section (VSS) of the court ultimately requested that KID’s CA and ADHOC staff facilitate the participation of victims in the initial programs. Later, the CA idea was borrowed by the VSS and they created their own vernacularizers by selecting active CPs in Cases 001 and 002 as their key messengers and focal points.

Chhang Youk, a survivor of the KR regime, has committed himself to bringing justice to the people of Cambodia and preserving the memory of the regime. He was educated in the U.S. and served on the staff of a Yale University project which was designed to collect evidence for a possible trial of the KR. He later became the Director of the Documentation Center of Cambodia (DC-Cam), which was an outgrowth of the Yale project. Chhang directs his staff, most of whom were educated abroad, to be cognizant of the need to vernacularize the ideas of international justice. Staff members who spent years abroad usually adapted to the foreign culture and became less likely to consider the need to integrate local culture into their work upon their return. DC-Cam took a similar approach to KID to empowering educated members of the community, along with those who held local positions of power, such as commune leaders and religious leaders. Approximately 1,200 commune representatives were invited to Phnom Penh for a week-long visit to the Tribunal (DC-Cam: Living Documents, 2019). The knowledge they gained from the proceedings could then be shared with their fellow community members. Projects such as these not only created momentum for democracy in Cambodia by allowing ‘the participants to serve as surrogate witnesses and “judges” at the Tribunal, holding open, participatory discussions, making people aware of their “right to know”’ (DC-Cam: Living Documents, 2019), but also strengthened the skills of future leaders through leadership training. Aside from the knowledge that NGO staff gained from formal education abroad, local NGOs also benefitted from working with international NGOs such as the Open Society Justice Initiative and other experts in the field of TJ, including advisors, who provided relevant training. During these workshops, local NGOs gained knowledge and experience from experts in other countries, enabling them to better develop programs that conform to Cambodian culture.

For instance, in an interview, Latt Ky, a former project manager for ADHOC, pointed out, that ‘we acknowledge that the reparation concepts are not ours; they were practiced by other international courts, but we did not copy and paste from them’.² Such concepts have been vernacularized and reframed based on victims’ needs and also on ECCC internal rules. Additionally, these

² Skype Interview with Latt Ky, former ADHOC staff member, July 02, 2019.

³ See next section for more discussion of the concept of 'inreach'.

concepts must be acknowledged and accepted by both local and international communities. To take global ideas of TJ and infuse them with local input creates 'transnational spaces in which global values circulate and are inherently powerful because they are imbued with the appeal, power, and legitimacy of the international' (Levitt and Merry 2009, 447). In this way, Latt noted that the reparation work of the NGOs and their partners was supported by donors and judges as well as victims themselves. I found the process of creating reparation mechanisms for survivors was conducted with more proper inreach³, compared with the previous mechanisms, as not only were the processes clearly explained to the victims but the victims were also consulted throughout. The NGOs and VSS have facilitated meetings with survivors and their lawyers to work out reparation claims that are meaningful to them and their communities. Therefore, the NGOs worked together by taking one set of ideas and reframing them to advocate for reparations for the survivors of the KR. The vernacularizers in this case interpret and relay the survivors' needs back to the ECCC. Finally, the ECCC agreed to accept reparation projects submitted by consolidated groups of Civil Party lawyers and granted certain reparation projects that were sufficiently funded. In Case 002/01, the ECCC granted 11 out of 13 proposed projects as appropriate reparations (Case 002/01 Summary of Judgment, 2014, 18). Case 002/02 granted judicial recognition for 12 out of 14 proposed projects. We can see the success of the efforts of NGOs and their donors, who have been able to provide some degree of reparation measures to address the harm experienced by survivors (Case 002/02 Summary of Judgment, 2018, 27).

In short, local NGO leaders play a significant role as vernacularizers. They understand local needs and apply experiences they learned abroad within their local setting. They created the transitional spaces that permit the global concepts to move to Cambodia with legitimacy. They use appropriate content to develop useful programs and discard the extraneous material. The following section further discusses how they vernacularized the global ideas into their outreach and inreach programs.

4 Vernacularization in NGO's Outreach and Inreach Efforts

Transitional Justice mechanisms unavoidably established complex institutions and concepts which are not easily understood by the public. In order to build relationships and receive support from the public, it is significant that TJ reaches out to all the population. Outreach refers to 'a set of tools — the combination of materials and activities that a TJ measure puts in place to build direct channels of communication with affected communities, in order to raise awareness of the justice process and promote understanding of the measure' (Ramirez-Barat 2011, 7). The concept of inreach was coined by Lambourne and refers to 'the process of obtaining ideas, opinions and feedback from local populations about their expectations and responses to the TJ process' (Lambourne 2012, 238). Analyzing the outreach/inreach work of the NGOs reveals that they have played an important role in assisting victim participants at the ECCC. They vernacularized the difficult concepts presented through the global TJ process and simplified them for local understanding. They utilized their resources, art and culture to develop programs which produced a beneficial result. By complementing the ECCC's work, vernacularizers empowered victims to find the courage to ask questions, voice their concerns and share their thoughts throughout the justice-seeking process.

⁴ Interview Chhang Youk, Director of DC-Cam on 28 January 2019, at DC-Cam office.

4.1 Outreach and Inreach Programs

Dharma Yetra (Peace and Justice Walk)

NGOs developed outreach and inreach programs that complemented many aspects of the ECCC's work with regard to victim participation. For instance, DC-Cam developed a very creative outreach campaign to introduce the ECCC to the public. In 2008, DC-Cam organized a Dharma Yetra (Peace and Justice Walk) to the ECCC courtroom, led by hundreds of nuns, monks, tons and mitouns (Cham Muslim leaders) from across Cambodia (Thomas and Chy 2009, 222). Chhang, the Director of DC-Cam, remarked that these particular survivors of the KR represent purity and strive for peace in their thoughts as they serve Buddha. The march to the court served as a metaphor for the road to peace and justice. It attracted the attention of many people, including the press, along National Road Number 4 as DC-Cam disseminated information about the establishment of the ECCC.⁴

Public Forums

Public forums represent another type of important outreach activity conducted by NGOs in Cambodia. The well-known public forum organized by CSD began in 1999 — very early compared to other NGO programs. The organizer structured the program to include representatives from both survivors and former KR. The objective of the debate, as recalled by Chea (former director of CSD), was 'a long-standing peace and national reconciliation, of which a tribunal would be a component' (Hinton 2018, 96). The main purpose of the forum was to create dialogue and provide a safe space for people to voice their concerns, since the NGOs had foreseen that the court had its limitations in terms of conducting sessions such as these. Seng considered the forum to be a court of public opinion. She also remarked that Cambodians were not afraid to

discuss the KR or the broader history of the time, which contains many social, political and economic issues that can be linked to present circumstances (Hinton 2009, 102).

In 2008 in Kratie, I participated as a representative of the VU to discuss its role as coordinator of victim participants within the court. Attendees came from many different backgrounds — there were monks, nuns, students and survivors — regardless of religious affiliation or former KR status. The sessions were formally opened by Seng Theary and Im Sophea, after which a short presentation was given by the ECCC representatives from its different sections.

I observed that the organizers had a lot of experience in dealing with survivors. They engaged people by providing time for them to ask questions, recollect their memories, and compose themselves if they found it difficult to talk about past trauma. Although the translator and moderator simplified legal terms, when necessary, to enable the audience to more easily understand the concepts, the use of unfamiliar legal terms remained a problem for ordinary citizens throughout the course of the Tribunal. I recall a participant who found it difficult to share the experience of losing her family members and was unable to continue talking. She began crying but the moderator was patient, providing her with time to compose herself with assistance from a staff member who had a background in psychology. Later she was able to continue with her story. Cambodians benefit from such a forum to express their thoughts, not just with regard to the KR period but also to discuss current social circumstances.

Ritual Testimony (Testimonial Therapy)

The NGOs also provided a very important addition to the limited possibilities for victims to testify in Court. From a local perspective, testifying in court earns merit for the dead relatives of victims and provides victims with a safe space in which to reveal what has been profoundly hidden in their hearts, helping them to heal and move forward in life. However, there are limitations regarding victim testimony in Court proceedings, not only related to the number of victims who can actually testify, but also to the content of what they can say in the courtroom. This can be illustrated with an anecdote from Case 001 against Kaing Guek Eav alias Duch, the former head of the KR security center Tuol Sleng. During the testimony of Chum Mey, a former Tuol Sleng prisoner, he mocked the accused Duch by saying 'I'd like to tell Duch that he did not beat me, personally, directly; otherwise [if he would have beaten me] he would not have the day to see the sunlight [he would not have survived].. I just would like to be frank' (Kaing Guek Eav Trial, Day 36, ECCC Transcript English, 12). Following this, Chum Mey was warned by Judge Nil Non to 'please be well-behaved and make sure that you are more ethical and try to avoid attacking any individual because we need to focus on the legal proceedings' (Kaing Guek Eav Trial, Day 36, ECCC Transcript English, 12).

Chum Mey could have said something of this nature in testimonial therapy or in a forum organized by an NGO. People would have listened to him and

would not have reprimanded him as the Trial Chamber judge did in the courtroom. Testimonial Therapy was organized by the NGO TPO to complement the transitional justice process at the ECCC. To address mental health issues, the ECCC approved Testimonial Therapy as a reparation project in Case 002/01, which was funded by Australian, German and Swiss governments (Schaak 2016, 12). According to Agger et al., cited by Hinton, 'testimonial therapy was developed in Chile as a therapeutic treatment for victims of torture; testimonial therapy holds that narrative expression can transform negative emotions and help a survivor better cope with trauma' (Hinton 2008, 244). Testimonial therapy is practiced to acknowledge the suffering and restore the dignity of KR victims. Through truth-telling, traumatic memories are believed to be restored, helping victims heal and experience closure.

I remember the day in 2010 when CP Ngem Kimheurn visited DC-Cam to tell me what had happened during the testimony organized by TPO. She and some CP friends felt emotional release after giving sakei kam (testimony) to TPO, although CP Ngem did not have a chance to testify directly before the ECCC. I asked her to tell me in detail about the events. She related her entire life story, including how her brothers, sister and niece had died during the KR regime. She regretted that she had not accepted her brother's request for her to look after her niece, with whom she had a close relationship. However, her mother had said, 'Let them go together; don't separate them'. She cried and said that if she had refused her mother's order, at least she would have been able to save her niece. She had never told the story to anyone because of the guilt and suffering associated with recalling those years.⁵ She had included all the details in the sakei kam (testimony) recorded by TPO staff. They told her to try to stop dwelling on those events. She was also given advice on how to deal with her emotions when she became sad or sleepless. During the ceremony she was able to offer money to a monk through bang sokol, a Cambodian tradition of sending merit to deceased relatives through a monk. She prayed for her brothers, sister-in-law and niece to be released from this human world and reincarnate. In traditional Cambodian culture, victims have an obligation to seek justice for their dead relatives because individuals who die of unjust causes will wander after death and not be able to reincarnate.

I found testimonial therapy to be very useful for KR victims such as my aunt, who became trapped in the past and chose to silently cope with her trauma. When victims break their silence, they restore their dignity and are able to reconnect with the dark world and seek forgiveness, as Ngem did during her prayer and bang sokol ceremony. Not all of the CPs in Cases 001 and 002 were able to testify before the ECCC. This approach uses testimony that has proven very effective for victims of mass crimes, such as Ngem. By incorporating traditional Cambodian culture into the testimony process, victims are able to communicate with the dark world silently and in a personal way. According to Ungerman, who wrote about testimonial therapy, 'the benefits of testimonial therapy are beyond the individual, helping families and communities to heal...and it is a ritual with empowering and spiritual effects' (Ungerman 2017, 1). Incorporating ritual into the therapy has a positive effect on the rebuilding of a sense of belonging within broken communities and helps to foster reconciliation (Ungerman 2017, 1). Other programs and rituals that

⁵ Interview with Ngem, January 16, 2019, at her home Kampong Cham Province.

6 A phone interview with a project assistant, Victim Support Section's staff on September 26, 2019.

7 Interview with victim of forced marriage on January 24, 2019 at Battambang Province.

NGOs have incorporated into their outreach have engaged the community, enhanced relationships among CPs and decreased the social stigma against victims.

The Women's Hearing

Another well-known program created by NGOs for victims of gender-based violence is the Women's Hearing. The Women's Hearing format was adapted from the Commission for Reception, Truth and Reconciliation in Timor-Leste, which established Courts of Women and hearings for women on sexual and gender-based violence programs initiated by NGOs (Ye 2014, 26). The program was designed to empower victims, especially women, to speak out about their past, but in the process it helped restore their dignity and motivate the international community to take such crimes seriously.

According to the organizers of the Women's Hearings in Cambodia, their purpose was to empower victims of sexual violence by encouraging them to break their silence about what happened to them during the KR years, in the hope of achieving a sense of closure. I discovered that these local groups applied new methods for framing the problems; for instance, female victims of sexual violence who are severely haunted by Post Traumatic Stress Disorder (PTSD) need to be empowered to speak out so that they can break the culture of silence and heal from trauma. The Cambodian Defense Project (CDP) worked together with ADHOC and VSS to support victims who experienced sexual violence during the KR regime by recruiting lawyers to represent them at the Tribunal. The first hearing was held in 2011 on the topic of sexual violence during the KR in Cambodia. The second hearing in 2012 focused on sexual violence in the Asia-Pacific and women from three countries testified about the violence they experienced during armed conflict. The third hearing in 2013 addressed the post-war generation in Cambodia, which focused on the younger generation, which has limited knowledge of sexual and gender-based violence. Such opportunities for truth-telling are valuable since the ECCC has not included rape outside forced marriage as an offence in its trial proceedings. International NGOs have assisted Cambodian women, as well as women from other parts of the Asia-Pacific region, in narrating their stories of suffering. Victims of sexual violence have found it less stressful to relate their experiences in these venues rather than in the courtroom. Documentation and impact of past crimes were also part of the healing process. The hearing combined elements of justice, reparation and assurance that the crimes would not recur (Ye 2014, 28-30).

In addition to the Women's hearings, a radio program on gender-based violence under the KR was organized by CDP in first phase project supported by UN Women from 1 October 2011 to 30 September 2014.⁶ In Cambodia, neither victims nor perpetrators would talk about their past in order to maintain the peace. Victims tended not to interact with people who had served the KR in very cruel ways. Therefore, the radio call-in program provided not only a safe platform for victims, witnesses and wrongdoers to share their life experiences in public, but also allowed them to heal silently. This was especially true for victims of sexual violence. The experiences of victims touched the

listeners; the concern and empathy expressed toward victims helped to ease their pain.⁷ Sharing stories of painful experiences is believed to be an effective method to heal for victims of mass violence. In the second phase of the UN Women Project, the radio program Women in the KR Regime was mainly organized by VSS. The program was broadcast on FM 102 of the Women's Media of Cambodia (FM102) beginning 25 April 2016. The radio call-in show created a dialogue which helped to document history and reveal the existence of sexual and gender-based violent crimes which occurred during the regime (Westoby 2017, 7). This dialogue raised awareness among listeners of the importance of preventing sexual crimes and rape, a matter which remains relevant in contemporary Cambodia.

In brief, outreach programs initiated by both the ECCC and various NGOs have empowered victims to actively participate in the legal process, establish a dialogue with the tribunal and thereby form expectations for results from the tribunal.

4.2 Outreach Materials

Effective outreach materials are crucial to the success of outreach programs. DC-Cam, a local research institute, made use of its photo archive and other important information related to the former KR leaders by incorporating Khmer artwork, films, exhibitions and theater. For instance, a play entitled *Breaking the Silence* was produced in 2008 by director Annemarie Prins with the assistance of DC-Cam research. In cooperation with Amrita, an arts-related Cambodian NGO, Prins blended contemporary Dutch theater with traditional and contemporary Cambodian performing arts. Throughout all elements of the play, we can observe the hybrid nature of the performance, including Khmer traditional music and performance of the monkey dance without masks. The musicians played the instruments in a creative and contemporary way. The play was created to appeal to a broad audience, including rural residents (Hinton 2018, 231). I personally observed *Breaking the Silence* performed at Chaktomok Conference Hall in Phnom Penh on August 8, 2010; I found the play touching and useful for the victims in its message of forgiveness, healing and reconciliation. Victims as well as former KR cadres can experience the actors describe what is in their hearts, but what they themselves have never had the chance to say. The play toured in many provinces, for instance in Takeo, Battambang, Siem Reap and Kandal and was also broadcast on Voice of America during court-sanctioned outreach efforts. DC-Cam has arranged to have it performed again as the ECCC proceedings come to a conclusion (DC-Cam 2019). The play continues to initiate discussion and keeps alive the theme of national reconciliation (Hinton 2018, 234).

All of these outreach materials serve educational purposes in the Genocide Education Program as well as in other educational projects. For instance, a Case 002 booklet entitled *Genocide: The Importance of Case 002* included enlarged photos and short biographies of the leaders who are on trial. It has an artistic, red design and contains useful information for both the general

⁸ Interview with Ngem, January 16, 2019, at her home in Kampong Cham Province.

population and trainers. The enlarged photos are very helpful for aging survivors and illiterate participants to identify the defendants and they can easily share them with others who were not able to attend the meetings.

I could observe the usefulness of such outreach material during an interview with a CP in Kampong Cham. She attended a meeting organized by KID at the home of her village chief at which she filed an application with the ECCC to be a CP. The KID staff explained the process to her through the use of a comic-style booklet, flipchart and poster that depicted the timeframe of the ECCC prosecution (April 17, 1975 to January 6, 1979) and its jurisdiction. It was explained that only senior leaders and individuals considered most responsible would be tried by the ECCC, a hybrid international/Cambodian court. The ECCC had been established to seek justice for Cambodians who, like her, had lost family members during the KR years. The depictions of the tribunal in the materials used by the KID staff members were designed using informal images and rural colloquial language in an effort to reach out to the rural population (e.g. Uncle San and Aunt Yarn) and encourage them to consider participating in the court proceedings. It was hoped that victims who chose to become civil parties would feel justice was served and be able to release some of their trauma. Ngem was gradually able to understand the nature of the ECCC's work and overcame her apprehension enough to file an application with the assistance of KID. She was seeking justice for her brothers, sister-in-law and niece.⁸ Ultimately, she was able to locate her two brothers in the archives of Tuol Sleng Prison, a torture center in Phnom Penh which had been run by Kaing Guek Ev, alias Duch.

Ngem is a very active CP and VSS focal point; she assisted three sectors of the ECCC (Public Affairs, Lead Co-lawyers and VSS) in inviting survivors and members of the public to attend the trial. A lot of people in her village and nearby commune followed her lead and filed applications as civil parties in Cases 002, 003 and 004 at the VSS. In brief, NGOs have incorporated Khmer artworks, films, exhibitions and theater to their outreach program. These artworks attract a wide audience especially among the rural population. These processes of sharing and discussing promote national healing and reconciliation. In the next section, I will discuss the critiques and frictions which appeared during the vernacularization process.

5 Critiques and Frictions

Due to the decades of prolonged civil war and the repressiveness of the KR regime, victims lacked the skills and confidence to advocate for themselves in legal matters. Even though NGOs were working hard to support and represent victims, at times it seemed as if they unintentionally assumed control over the victim's voice, rendering the victim passive and dependent on the NGOs for decision-making. This can be seen, for instance, in Case 001, in which almost all of the CPs allowed their lawyers to seek reparations on their behalf. For other CPs, important decisions were referred to the NGOs who were assisting them.

As stated by Madlingozi (2010, 210), 'the practice of speaking for and about victims further perpetuates their disempowerment and marginality'. In several events of the Victims Support group, I observed that ECCC officials and NGO staff were not pleased when victims critiqued the work of the NGOs and advocated for themselves in the reparations case. Similar findings appear in research released in November 2018, in which participants commented that 'they were chided when they were too vocal or critical' (Williams et al. 2018, 11).

NGOs have played an important role in finding legal representation for victims in both Cases 001 and 002, since the ECCC did not allocate resources to hire lawyers to represent victims. Most of the victims in Case 001 were not able to choose their legal representatives; they had no recourse if they were dissatisfied with the work of their lawyers, since those lawyers had been hired by NGOs or were representing them voluntarily.

Some ECCC officials with whom I spoke expressed a concern that the NGOs who collected the VIFs were primarily focused on quantity rather than quality. The tribunal received almost 4,000 victim applications in Case 002. However, some of the civil party applications were deemed inadmissible after information written in the testimony was reviewed and found unacceptable by the Office of Co-Investigating Judges. A staff member of this office commented to me that during their investigation some CPs revealed that they had never testified to details that appeared on the written form.⁹

Shifting the concept of human rights from a global to a local context is challenging and often rife with friction. In discussing capitalism and environmental issues in Indonesia, Tsing (2005, 4) used the term friction to refer to 'the awkward, unequal, unstable, and creative qualities of interconnection across difference'. Consider trauma, for instance; it is a new concept for Cambodians and it was a challenging task for Seng Theary to create the trauma handbook. She was strongly criticized for applying a foreign concept of trauma to Cambodia without considering the local culture. Some people criticized her work and said, 'Seng thinks every Cambodian is crazy' (Hinton 2018, 101). After relating her own past traumatic experiences during the KR, her colleagues realized that a trauma booklet would be very useful for victims of the KR. The difficulty arose as a result of trying to insert western 'psychobiological

⁹ Discussion with former OCLJ in January 28, 2019 at DC-Cam.

¹⁰ Skype Interview with Latt Ky, former ADHOC staff member, July 02, 2019.

concepts' into Cambodian culture and the ECCC (Hinton 2008, 101). As mentioned by Levitt and Merry (2009, 444), 'the easier the diffused material is to comprehend, theorize and put into practice, the quicker it is adopted'. Cambodian people need time to comprehend these western techniques and consider putting them into practice. Chhim Sotheara, psychologist, scholar and director of the Transcultural Psychology Organization (TPO), introduced the term Baksbat, which is familiar to Cambodian understanding and refers to a 'Cambodian idiom of distress with sufficient characteristics to be recognized as a formal cultural trauma syndrome distinct from PTSD' (Chhim 2013, 160). By using Khmer term Baksbat and in-depth studies about cultural distress, he could provide effective mental care service for the KR survivors.

A further problem is translation in vernacularization processes by NGOs due to a 'lack of leadership and proactive action from the ECCC' (Thomas and Chy 2009, 204). Without clear information from the ECCC, even IOs with knowledge in legal matters found it difficult to assist victims with the filing of applications. A former Victim Participation Team Leader of an NGO indicated that no instruction was provided by the ECCC for NGO staff who were assisting victims. The VIF was merely posted on the internet and the NGOs had to consult with legal experts to create a guideline for assisting survivors in completing the forms. The lack of instruction made it very difficult to vernacularize the ECCC documents (which contained extensive legal terms) to staff members who needed a full understanding of the court's requirements. The process was even more difficult for the regime survivors, who are less familiar with the court process (or even illiterate), to comply with requests for information since the vernacularizers themselves were not clear about the requirements. This point is crucial because the success of vernacularization relies upon maintaining the integrity of the process and minimizing distortion of the original intent to avoid misunderstanding.

Contributing to the confusion was the fact that forms had been translated from English into Khmer and important content was potentially lost or misconstrued. In an interview Latt Ky, ADHOC's Project Coordinator, recalled the difficulty his organization experienced in getting his local staff and subsequent CPs to understand the legal proceedings and terms. For instance, he tried to explain to his local staff that they were responsible for assisting survivors to have a meaningful participation in the court's proceedings. The participants commented that the title should be changed since it was difficult to understand the term in Khmer. Meaningful participation is easily understood by English speakers but loses meaning when translated into the Khmer language.¹⁰

As we know, the processing of victim forms underwent many layers of filters and translation. In the case of the ECCC, many VIFs submitted to VSS by IOs were lacking necessary information related to crimes. In a press release from the Office of Co-prosecutors, this issue was specifically addressed: 'Co-prosecutors have received complaints that do not relate to the current judicial investigation and must determine whether to open a new investigation. Where complaints do not contain enough information for the Court to act, for

example where the complaint does not describe clearly when, where and what crimes are alleged to have occurred... Of the over 500 complaints received, currently about a fifth are missing key information' (ECCC 2008, 2).

I agree with the International Lead Co-lawyer, who informed the ECCC that most written testimonies were collected by NGOs, not by ECCC officials; content varied depending upon who was asking the questions (Trial 002/02 Trial Day 224, 31 August 2016). In some cases, these issues resulted in negative consequences for victims who testified before the ECCC and impacted their credibility as a victim or witness. For instance, in the Case 001 trial of Duch, a CP testified that he joined the KR in 1971 at age 15. He was arrested, blindfolded and taken to a detention center he believed to be S-21. He was later taken to a killing field but survived because he managed to avoid the blow aimed at his neck. The defense and judges found inconsistencies between the CP's written and oral testimony. He had submitted his VIF through ADHOC but refuted portions of this written application during his oral testimony. He testified that the NGO staff member who assisted him in filing the form on 12 March 2008 might have made a mistake. When the CP returned to the waiting room, I recall an NGO staff member asking him why he made those statements in his testimony because NGO staff always read the form to the person filing the application before letting them sign. The NGO staff member said it was not reasonable to blame the NGO which had assisted him. The CP did not reply to the NGO staff member.

It is difficult to recall exact details when an event, especially one with traumatic memories, occurred more than thirty years earlier. The CP lawyer should have allowed him to read his own written testimony before he testified.

6 Conclusion

In conclusion, NGOs have played a crucial role in translating global justice norms to fit the Cambodian milieu. As vernacularizers, NGO leaders took global justice ideas and practices they had learned from the West and then applied them to local discourse and culture, making them unique to Cambodia. They have not only created a transnational space that allows the global ideas to circulate but they also received power and legitimacy to perform their work. NGOs' networks and their outreach and inreach programs, for instance the Testimonial Therapy, the Women Hearings, Forums, peace walk, exhibitions, films, and theatre, have served to facilitate, mobilize, mediate, accommodate and empower victims, enabling them to meaningfully participate in the court proceedings and allowing their wounds to heal.

Victims experienced 'toursal', or emotional release, through their participation in the creative activities sponsored by the NGOs. Behind a justice façade, Cambodian survivors were able to communicate with the dark world of their past and seek justice for their loved ones and themselves. They regained a sense of dignity and felt empowered as they contributed more and more to the ECCC, standing up for their rights and interests throughout the process. Through the research, we can observe how transitional justice in Cambodia is affected by the local understanding of justice, which includes everyday life experiences.

In order to address issues identified as problems in the victim participation program at the ECCC, future similar courts should provide more clearly-defined guidelines to victims and their IO facilitators, and court officials or NGO staff who process complaint forms of civil parties through court officials should receive proper training.

Bibliography of the Foreword

Bibliography of the Foreword

- Bruneteau, Bernard. 1999. *Les totalitarismes*. Paris: Armand Colin.
- Chhim, Sothea. 2014. "A Place for Baksbat (Broken Courage) in Forensic Psychiatry at the ECCC." *Journal of Psychiatry, Psychology and the Law* 21, no. 2: 286-296.
- Ciorciari, John D., and Anne Heindel. 2014. *Hybrid Justice: The Extraordinary Chambers in the Courts of Cambodia*. Ann Arbor: The University of Michigan Press.
- Gidley, Rebecca. 2019. *Illiberal Transitional Justice and the Extraordinary Chambers in the Courts of Cambodia*, Switzerland: Palgrave Macmillan.
- Hinton, Alexander L. 2014. "Justice and Time at the Khmer Rouge Tribunal: In Memory of Vann Nath, Painter and S-21 Survivor." *Genocide Studies and Prevention: An International Journal* 8, no. 2: 7-17.
- Hughes, Rachel. 2015. "Ordinary Theatre and Extraordinary Law at the Khmer Rouge Tribunal." *Environment and Planning D: Society and Space* 33: 714-731.
- Human Rights Watch. 2014. "Cambodia: Khmer Rouge Convictions 'Too Little, Too Late': Political Interference, Delays, Corruption Make Tribunal a Failure." News release. August 8. Accessed April 26, 2016. www.hrw.org/news/2014/08/08/cambodia-khmer-rouge-convictions-too-little-too-late.
- Jarvis, Helen. 2014. "'Justice for the Deceased': Victims' Participation in the ECCC." *Genocide Studies and Prevention: An International Journal* 8, no. 2: 19-27.
- Kent, Alexandra. 2013. "Friction and Security at the Khmer Rouge Tribunal." *SOJOURN: Journal of Social Issues in Southeast Asia* 28, no. 2: 299-328.
- Kiernan, Ben. 2003. "The Demography of Genocide in Southeast Asia: The Death Tolls in Cambodia, 1975-1979, and East Timor, 1975-1980." *Critical Asian Studies* 35, no. 4: 585-597.
- Killean, Rachel. 2018. *Constructing Victimhood at the Khmer Rouge Tribunal: Visibility, Selectivity and Participation*. International Review of Victimology 23: 273-296.
- KOFF. 2018. "Cambodia: Elections and Violence", KOFF peacebuilding magazine: à propos 156. August 2018. <https://www.swisspeace.ch/apropos/august-en-2018/>
- Lemonde, Marcel. 2013. *Un juge face aux Khmers Rouges*. Paris: Editions du Seuil.
- Kum, Somaly. 2019. "Brother No. 2 of the Khmer Rouge becomes a Lesson Learned at the ECCC?" *New Mandala*. August 19, 2019. <https://www.newmandala.org/lesson-learned-at-the-eccc/>
- Ly, Ratana. 2017. 'Prosecuting the Khmer Rouge: Views from the Inside.' In *After Nuremberg. Exploring Multiple Dimensions of the Acceptance of International Criminal Justice*, edited by Susanne Buckley-Zistel, Friederike Mieth and Marjana Papa. Nuremberg: International Nuremberg Principles Academy. Accessed October 10, 2019. www.nurembergacademy.org/fileadmin/user_upload/Cambodia.pdf
- Manning, Peter. 2012. "Legitimacy, Power and Memory at the ECCC." In *Critical Perspectives in Transitional Justice*, edited by Nicola Palmer, Phil Clark and Danielle Granville: 217-33. Cambridge: Intersentia.
- McCargo, Duncan. 2015. "Transitional Justice and Its Discontents". *Journal of Democracy* 26, no. 2: 5-20.
- McGonigle, Brianne. 2009. "Two for the Price of One: Attempts by the ECCC to Combine Retributive and Restorative Justice Principles." *Leiden Journal of International Law* 22: 127-49.
- Mohan, Mahdev. 2009. "The Paradox of Victim-Centrism: Victim Participation at the Khmer Rouge Tribunal." *International Criminal Law Review* 9, no. 5: 733-75.
- Naidu, Natasha. 2018. "Disagreements and Design Flaws at Cambodia's Khmer Rouge tribunal", *New Mandala*. August 14, 2018. www.newmandala.org/disagreements-design-flaws-cambodias-khmer-rouge-tribunal/
- OSJI (Open Society Justice Initiative). 2006. "'No Perfect Justice': Interviews with Thun Saray, Son Chhay and Ouk Vannath", *Justice Initiatives: The Extraordinary Chambers*. Accessed October 10, 2019. www.justiceinitiative.org/publications/justice-initiatives-extraordinary-chambers
- OSJI. 2010. "Political Interference at the ECCC." Accessed April 27, 2016. www.opensocietyfoundations.org/reports/political-interference-extraordinary-chambers-courts-cambodia.
- Path, Kosal. 2017. "Multivocal Resistance to Transitional Justice in Post-Genocide Cambodia." In *Resistance and Transitional Justice*, edited by Jones, Briony and Julie Bernath, 123-141. New York: Routledge.
- Petit, Robert. 2010. "Lawfare and International Tribunals: A Question of Definition? A Reflection on the Creation of the 'Khmer Rouge Tribunal'." *Case Western Reserve Journal of International Law* 43, no. 1/2: 189-99.
- Ryan, Heather and Laura McGrew. 2016. *Performance and Perception: The Impact of the Extraordinary Chambers in the Courts of Cambodia*. New York: Open Society Justice Initiative (OSJI). Accessed December 2, 2019. <https://www.justiceinitiative.org/publications/performance-and-perception-impact-extraordinary-chambers-court-cambodia>
- Rubli, Sandra. 2012. "Transitional Justice: Justice by Bureaucratic Means?" *swisspeace Working Paper* 4. October 2012. www.swisspeace.ch/fileadmin/user_upload/Media/Publications/WP4_2012.pdf
- Sharp, Dustin. 2013. "Interrogating the Peripheries: the Preoccupations of Fourth Generation Transitional Justice." *Harvard Human Rights Journal* 26, no. 1: 149-78.
- Sirik, Savina. 2016. *Everyday Experiences of Genocide Survivors in Landscapes of Violence in Cambodia*, Phnom Penh: Documentation-Centre of Cambodia.
- Soy, Kimsan. 2016. 'Understanding Acceptance of International Justice through Duch's Sentence at the Extraordinary Chambers in the Courts of Cambodia', In *After Nuremberg. Exploring Multiple Dimensions of the Acceptance of International Criminal Justice*, edited by Susanne Buckley-Zistel, Friederike Mieth and Marjana Papa. Nuremberg: International Nuremberg Principles Academy. Accessed October 10, 2019. www.nurembergacademy.org/fileadmin/media/pdf/acceptance/Cambodia.pdf
- Sperfeldt, Christoph. 2012. "Collective Reparations at the Extraordinary Chambers in the Courts of Cambodia." *International Criminal Law Review* 12, no. 3: 457-90.
- Un, Kheang. 2013. "The Khmer Rouge Tribunal: A politically compromised search for justice." *The Journal of Asian Studies* 72, no. 4: 783-792.
- Studzinsky, Silke. 2011. "Neglected Crimes: The Challenge of Raising Sexual and Gender-Based Crimes before the ECCC." In *Gender in Transitional Justice*, edited by Susanne Buckley-Zistel and Ruth Stanley, 88-112. Basingstoke: Palgrave Macmillan.
- Werner, Alain and Daniella Rudy. 2010. "Civil Party Representation at the ECCC: Sounding the Retreat in International Criminal Law?" *Northwestern Journal of International Human Rights* 8, no. 3: 301-309.
- Williams, Timothy, Julie Bernath, Boravin Tann and Somaly Kum. 2018. "Justice and Reconciliation for the Victims of the Khmer Rouge? Victim Participation in Cambodia's Transitional Justice Process." *Marburg: Centre for Conflict Studies; Phnom Penh: Center for the Study of Humanitarian Law; Bern: swisspeace*. Accessed December 3, 2019. <https://www.swisspeace.ch/publications/reports/justice-and-reconciliation-for-the-victims-of-the-khmer-rouge-2>

Bibliography

- Acharya, Amitav. 2004. "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asia Regionalism." Cambridge University Press 58 (2): 239-275. Accessed May 13, 2015. <http://www.jstor.org/stable/3877858>.
- Chhim, Sothea. 2013. "Baksbat (Broken Courage): A Trauma-Based Cultural Syndrome in Cambodia." *Medical Anthropology: Cross-Cultural Studies in Health and Illness* 32 (2):160-173.
- Christie, R. 2003. *Peacebuilding and NGOs: State-Civil Society Interactions*. New York: Routledge.
- Ciorciari, John D. 2009. "Introduction." In *On Trial: The Khmer Rouge Accountability Process*, edited by John D. Ciorciari and Anne Heindel, 13-32. Phnom Penh: Documentation Center of Cambodia.
- Ciorciari, John D. and Anne Heindel 2014. "Experiments in International Criminal Justice: Lessons from the Khmer Rouge Tribunal." *Michigan Journal of International Law* 35 (2): 369-437. <https://repository.law.umich.edu/mjil/vol35/iss2/2>.
- DC-Cam. 2019. "List of Victim Participation Assisted Civil Parties and Complainants." Accessed April, 2019. http://d.dccam.org/Projects/Tribunal_Response_Team/Victim_Participation/PDF/List_of_VPA_Assisted_Civil_Parties_and-or_Complainants.pdf.
- DC-Cam. 2019. "Performing Art: A New Cambodian Play: Breaking the Silence." Accessed November 18, 2019. <http://dccam.org/performing-arts/>
- ECCC. 2003. "Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian law of Crimes Committed during the Period of Democratic Kampuchea." Accessed September 5, 2019. www.eccc.gov.kh/sites/default/files/legal-documents/Agreement_between_UN_and_RGC.pdf.
- ECCC. 2008. "ECCC Press Statement: OCP-VU Statement on Status of Victims Complaints on 7 February 2008." Accessed March 15, 2019. http://d.dccam.org/Projects/Tribunal_Response_Team/Victim_Participation/PDF/2008-02-07_OCP-VU_Press_Release.pdf.
- ECCC. 2014. "Summary of Judgment of Case 002/01." (7 August 2014). Accessed March 25, 2019. <https://www.eccc.gov.kh/sites/default/files/articles/20140807%20FINAL%20Summary%20of%20Judgement%20ENG.pdf>
- ECCC. 2019. "English Transcript of Kaing Guek Eav Trial. Day 36, 12." Accessed March 14, 2019. www.eccc.gov.kh/en/document/court/transcript-proceedings-duch-trial-trial-day-36.
- ECCC. 2019. "Summary of Judgment of Case 002/02." (16 November 2019). Accessed March 25, 2019. https://www.eccc.gov.kh/sites/default/files/media/20181217%20Summary%20of%20Judgement%20Case%20002-02%20ENG_FINAL%20FOR%20PUBLICATION.pdf.
- ECCC. 2019. "Trial Day 240-Case 002/02". Accessed March 20, 2019. www.eccc.gov.kh/en/video/trial-video/session-2-13-october-2016-case-00202-enfr
- ECCC. 2019. "'Duch' Trial Chamber Day 41, 08 July 2009." Accessed March 14, 2019. <https://www.youtube.com/watch?v=PkdZnTUFxs>
- Gready, Paul and Simon Robins. 2017. "Rethinking Civil Society and Transitional Justice: Lessons from Social Movements and 'New' Civil Society." *The International Journal of Human Rights* 21(7): 956-975
- Heindel, Anne. 2007. "In the Matter of the Appeal by Nuon Chea Against the Order of Provisional Detention by the Office of the Co-Investigating Judges dated 19 September 2007: On the Issue of Civil Party Participation in Appeals Against Provisional Detention Orders." Case No. 002/19-09-2007-ECCC/OCIJ (PT01). Accessed January 6, 2019. http://www.d.dccam.org/Projects/Tribunal_Response_Team/Victim_Participation/PDF/Amicus%20VP%20Anne.pdf
- Heindel, Anne. 2010. "The Duch Verdict: A DC-Cam Report from the Former Khmer Rouge Stronghold of Malai: Witnessing Justice, Village Screenings of the First Khmer Rouge Verdict of the Extraordinary Chambers in the Court of Cambodia (ECCC)." Phnom Penh: DC-Cam. Accessed March 15, 2019. http://d.dccam.org/Projects/Living_Doc/pdf/DCCAM_MALAI_Duch_Verdict_Provincial_Screenings.pdf.
- Hinton, Alexander L. 2016. *The Trial of a Khmer Rouge Torturer*. Durham, NC:Duke University Press.
- Hinton, Alexander L. 2018. *The Justice Façade: Trial of Transition in Cambodia*. Oxford, UK: Oxford University Press.
- ICTJ (International Center for Transitional Justice). 2019. "What is Transitional Justice." Accessed August 23, 2019. www.ictj.org.
- Ledgerwood, Judy and Kheang Un. 2010. "Global Concepts and Local Meaning: Human Rights and Buddhism in Cambodia." *Journal of Human Rights* 2 (4):531-549.
- Levitt, Peggy and Sally Merry. 2009. "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States." *Global Networks* 9: 441-461.
- Madlingozi, Tshepo. 2010. "On Transitional Justice Entrepreneurs and the Production of Victims." *Journal of Human Rights Practice* 2 (2): 208-228.
- Ramirez-Barat, Clara. 2011. "Making an Impact: Guidelines on Designing and Implementing Outreach Programs for Transitional Justice." International Center for Transitional Justice. Accessed September 13, 2019. <https://www.ictj.org/making-an-impact-guidelines-designing-implementing-outreach-programs-for-transitional-justice>.
- Sikkink, Kathryn and Hun Joon Kim. 2013. "The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations." *Annual Review of Law and Social Sciences* 9: 269-285.
- Sperfeldt, Christoph. 2012. "Cambodia Civil Society and the Khmer Rouge Tribunal." *The International Journal of Transitional Justice* 6: 149-160.
- Teitel, Ruti. 2000. *Transitional Justice*. Oxford, UK: Oxford University Press.
- Thomas, Sarah and Terith Chy. 2009. "Including the Survivors in the Tribunal Process." In *On Trial: The Khmer Rouge Accountability Process*, edited by John D. Ciorciari and Anne Heindel, 214-293. Phnom Penh: Documentation Center of Cambodia.
- Tsing, Anna. 2005. *Friction: An Ethnography of Global Connection*. Princeton, NJ: Princeton University Press.
- Ungerman Sears, D. 2019. "The Power of Testimonial Therapy: Healing, Closure, and Dignity for Victims." Accessed March 19, 2019. www.eccc.gov.kh/en/blog/2018/01/08/power-testimonial-therapy-healing-closure-and-dignity-victims.
- Van Schaak, Beth. 2016. "Preface to the Second Edition." In *Cambodia's Hidden Scars: Trauma Psychology and the Extraordinary Chambers in the Courts of Cambodia, Second Edition*, edited by Beth Van Schaack and Daryn Reicherter, 7-15. Phnom Penh: Documentation Center of Cambodia.
- Westoby, Ross. 2017. "Creating Safety, Finding Voice and Remembering: Local NGOs Work Towards Dealing with Cambodia's Legacies Through Non-Judicial and Social Processes of Dialogue and Restoring Cultural Memory." *Dialogues on Historical Justice and Memory Network Working Paper Series*. Accessed February 15, 2019. <https://historicaldialogues.org/2017/04/12/working-paper-series-no-12-creating-safety-finding-voice-and-remembering-local-ngos-work-towards-dealing-with-cambodias-legacies-through-non-judicial-and-social-processes-of-dialogue-a/>.
- Williams, Timothy, Julie Bernath, Boravin Tann and Somaly Kum. 2018. "Justice and Reconciliation for the Victims of the Khmer Rouge? Victim Participation in Cambodia's Transitional Justice Process." Marburg: Centre for Conflict Studies; Phnom Penh: Centre for the Study of Humanitarian Law; Bern: swisspeace. Accessed January 13, 2019. www.uni-marburg.de/cambodia-victimhood.
- Ye, Beini. 2014. "Transitional Justice through the Cambodian Women's Hearing." *Cambodia Law and Policy Journal* 3: 23-38. <http://cambodialpj.org/article/transitional-justice-through-the-cambodian-womens-hearings/>

About the Authors

Samphoas HUY is a Ph.D. candidate in Global Affairs at Rutgers University. Inspired by the work of the Khmer Rouge Tribunal and of civil parties, who bravely recounted the history of atrocious crimes under the regime, she conducted Master's and PhD research on the treatment of gender crimes and women's contributions in transitional justice and peacebuilding. Previously, she worked as an expert consultant to put up the special exhibition on the Khmer Rouge Genocide and Tribunal for the U.S. Holocaust Museum. She also worked as an Outreach Coordinator for the Documentation Center of Cambodia.

Co-editors of the Cambodia Working Paper Series:

Ratana LY is a senior research fellow at the Center for the Study of Humanitarian Law, Cambodia, and a PhD candidate at the University of Victoria, Canada. Her research interests are in international criminal law, business & human rights, law & society, and transnational regulation. She is also experienced in empirical research.

Julie BERNATH is a senior researcher and program officer in the Dealing with the Past program at swisspeace. Her research specializations include the politics of transitional justice, victims' participation in transitional justice and dealing with the past in Cambodia. She holds a PhD in political science from the University of Basel.

About swisspeace and the CSHL

swisspeace is a practice-oriented peace research institute. It analyses the causes of violent conflicts and develops strategies for their peaceful transformation. swisspeace aims to contribute to the improvement of conflict prevention and conflict transformation by producing innovative research, shaping discourses on international peace policy, developing and applying new peacebuilding tools and methodologies, supporting and advising other peace actors, as well as by providing and facilitating spaces for analysis, discussion, critical reflection and learning. swisspeace is an associated Institute of the University of Basel and member of the Swiss Academy of Humanities and Social Sciences. Its most important partners and clients are the Swiss Federal Department of Foreign Affairs, the State Secretariat for Education, Research and Innovation, international organizations, think tanks and NGOs.

The Center for the Study of Humanitarian Law (CSHL) was established in August 2014 with the mission to advance a wider understanding of human rights and international humanitarian law through rigorous research, high quality education, and academic collaborations. To date, CSHL is the only university-based research center of its kind in Cambodia. It is attached to the English Language Based Bachelor of Law program (ELBBL) at the Royal University of Law and Economics (RULE). It is a non-monitoring academic research center, intended to be at the forefront of academic research in Cambodia and the region. Through its research, publications and educational activities the Center has enhanced awareness of human rights and humanitarian law across all strata of Cambodian society and this is making the difference of optimism in Cambodian societal aspirations. CSHL's mission is not possible without the generous support from RULE, ELBBL, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), and various partners, institutions and experts.

Working Papers

CHF 15.– plus postage & packing

2 | 2019

Sibel Gürler & Joschka Philipps
Judicial Reform and Civil Society in Guinea

1 | 2019

Laurie Nathan
The Ties That Bind: Peace Negotiations, Credible Commitment and Constitutional Reform

4 | 2018

Friederike Mieth
Transitional Justice and Social Transformation

3 | 2018

Markus Bayer
The democratizing effect of nonviolent resistance

2 | 2018

Lisa Ott & Ulrike Lühe
Conflict Prevention: Connecting Policy and Practice

1 | 2018

Briony Jones (ed.)
Knowledge for Peace: Transitional Justice, Knowledge Production and an Agenda for Research

4 | 2017

Laura Dominique Knöpfel
Contesting the UN Guiding Principles on Business and Human Rights from below

4 | 2017

Laura Dominique Knöpfel
Contesting the UN Guiding Principles on Business and Human Rights from below

3 | 2017

Sara Hellmüller, Julia Palmiano Federer, Jamie Pring
Are Mediators Norm Entrepreneurs?

2 | 2017

Huma Haider
Breaking the Cycle of Violence: Applying Conflict Sensitivity to Transitional Justice

1 | 2017

Melanie Altanian
Archives against Genocide Denialism?

4 | 2016

Vincent Hug
The Role of Personal Relationships in Peacebuilding Interventions

3 | 2016

Joshua Rogers
Civil War and State Formation: Exploring Linkages and Potential Causality

2 | 2016

Sabina Handschin, Eric Abitbol, Rina Alluri (eds.)
Conflict Sensitivity: Taking it to the Next Level

1 | 2016

Jolyon Ford
Promoting Conflict-Sensitive Business Activity during Peacebuilding

2 | 2015

Virginia Arsenault
Resistance to the Canadian Truth and Reconciliation Commission

1 | 2015

Didier Péclard and Delphine Mechoulan
Rebel Governance and the Politics of Civil War

7 | 2014

Laurent Goetschel and Sandra Pfluger (eds.)
Challenges of Peace Research

6 | 2014

Elizabeth Shelley
Canadian Reconciliation in an International Context

5 | 2014

Stefan Bächtold, Rachel Gasser, Julia Palmiano, Rina M. Alluri, Sabina Stein
Working in and on Myanmar: Reflections on a 'light footprint' approach

4 | 2014

Sara Hellmüller
International and Local Actors in Peacebuilding: Why Don't They Cooperate?

Further Working Papers can be found at www.swisspeace.ch/publications/working-papers.html

Information

swisspeace brochure and annual report in German, French and English can be found at www.swisspeace.ch/aboutus

Newsletter

Free subscription to the KOFF e-newsletter koff.swisspeace.ch

Other Publications

A complete list of publications and order forms can be found at www.swisspeace.ch/publications

[swisspeace](http://www.swisspeace.ch)

Steingraben 22, 4051 Basel

Sonnenbergstrasse 17, P.O. Box, CH-3000 Bern 7

www.swisspeace.ch



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embassy of Switzerland in Thailand



**University
of Basel**



**SAGW
ASSH**