

Social Memory & Civil Society in Post-Conflict Cambodia

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Abstract

Under the auspices of the United Nations and the Royal Government of Cambodia, a unique mixed tribunal known as the Khmer Rouge Tribunal is now underway to try former high-level perpetrators of a regime that left up to 1.7 million people dead and a nation decimated. While there is no lack of literature on the historical and political background of this movement and its policies, there is considerably more to be done on social and collective memory in Cambodia, trauma, narratives of survival and perceptions of due legal process and justice. This paper posits that civil society organisations in Cambodia have been, and will continue to play a critical role in influencing attitudes and knowledge about justice, memory and reconciliation among the nation's citizenry. In particular, the advent of the Khmer Rouge Tribunal has provided a space for memories to emerge in the form of testimony in court, documentation for archives and cathartic exchanges between survivors and former perpetrators in the public domain. Civil society organisations exist in this space and are key players in promulgating how such memories should be articulated, what justice means and what sort of reconciliation Cambodians can aspire for.

I am acutely aware as I begin this presentation that I wrote it in February 2008 and that a lot has changed in the interim one and half years with regards to the concerns I am about to address in my paper. I chose to write my paper about the role of civil society organisations and social memory in relation to the Khmer Rouge Tribunal (hereafter 'KRT'). Those among you who have completed your PhD know full well that it's a little unwise, if not wholly foolish, to choose to write about something that is ongoing and subject to change even as you are completing a chapter here or a paragraph there. Your research work is perpetually, slightly irrelevant and outdated! So let me just say that we can deal with the situation as it stands now during the discussion session at the end.

I decided to focus on the KRT because the subject of justice and how it is perceived by people fascinates me. In a country like Cambodia where no sound apology or explanation has been provided for why 1.7 million died between 1975-1979, justice is even more complex, paradoxical and elusive a concept. But even if its purpose is only symbolic, I wanted to try to understand *why* the KRT means so much to Cambodians, if at all and *how* it would affect their understanding of memory and trauma.

I focused my research on two civil society organisations (CSOs) the Centre for Social Development ('CSD') and the Documentation Centre of Cambodia (DC-Cam). Both are local CSOs and both are roughly a decade old. Organisations like these are key players in Cambodia because they are a vital link connecting Cambodians to past atrocities, political misfeasance and public demands for a fair and inclusive legal system. I believe they have had, and will continue to have, a great impact on how people process their trauma and think about justice in their still fragile country. I didn't set out to examine these two CSOs. I was based at these CSOs and the staff in general made me feel at home, by opening up avenues for me to make contact with their networks and employees. On the other hand, after a brief period of immersion, I took a step back and realised that *their* role in the grand scheme of things itself warranted further study. It was fascinating case of the tables being turned: to watch those whose function is to watch over others.

Just to give you a brief overview: CSD holds Public Forums on Justice and National Reconciliation which are increasingly being regarded as "informal truth and reconciliation commissions", encouraging Cambodians to gather, speak their personal truths and begin the process of healing and recovery that is so necessary to move on from these atrocities.

DC-Cam is both the repository of data pertaining to the KR and an organisation deeply committed to reconciliation through ensuring legal accountability. Their motto is: "searching for the truth" and this spirit seems to permeate every aspect of their work. For one, they believe that truth itself must be validated with tangible evidence and I think, in this regard, they are playing a

role in how we receive memory and what we regard to be “true”, as opposed to distorted narratives, biased recollection and half-forgotten details of critical events. As someone who is also interested in literature like many of you in the room, you’ll feel the sense of distress I feel when this kind of distinction is made with regards to people’s experiences and personal narratives!

And why did I choose to focus on social in Cambodia? What little I’ve perused so far in terms of memory studies has revealed one thing to me: much of the work seems to be rooted in reflecting, theorising on and understanding the Holocaust. I haven’t, as yet, encountered a lot of literature on genocide, conflict, trauma and social memory as it pertains to Southeast Asia. Unfortunately trauma has far greater scope today. It is against this background that I set out to carry out what I feel is a preliminary study on the role of civil society organisations in Cambodia, particularly in the context of the KR. So, with the preamble out of the way, I’d like to take you through what I was able to witness during my 6 months in Cambodia.

The crimes that were committed from 1975 to 1979 by the KR in what was then known as Democratic Kampuchea are some of the most heinous acts witnessed in the last century. Over 25 per cent of the population (or 1.7 million people according to the most widely accepted estimates) died in the “3 years, 8 months and 20 days” under Pol Pot’s regime. Exhaustive research on what led to these terrible crimes provides for some clarity on the genealogy of the KR and its ideological underpinnings, rooted in what the movement branded as its own rendition of communism (Kiernan 1996, 1985; Short 2004). In their study of a dictator and authoritarian regimes in general, some scholars have also provided essential insights into why a radical disjuncture or split occurs between revolutionary ideals and its subsequent application in praxis (Short 2004; Chandler 1993, 1999, 2000; Cook [ed.] 2006; Heder 2005; Jackson [ed.] 1989), and others have extended their study to a general overview of the “anatomy” of genocide in an attempt to understand what persuades a movement to annihilate an ethnic or religious group, a class or an entire nation (Hinton 2002; Weitz 2003). These studies lay the foundation for understanding the historical and political roots of what transpired in Cambodia.

One of the most poignant and important additions in this area is 27-year old Cambodian Khamboly Dy's history textbook for high school students. A DC-Cam staff member and academic, Dy's 100-page book has not (at the time of writing) been officially approved for use in schools. However, 3,000 copies of the Khmer version will be distributed for free to libraries, students and teachers as a significant step in the right direction.¹ These are all positive developments in terms of openly discussing the period under the KR.

Quite a lot of us might work under the misguided notion though that conflict in Cambodia squarely occurred only in that 4-year period. In fact, political instability continued well into the 1990s, with a coup d'état in 1997, a tumultuous election in 1998 and the death of the KR's leader Pol Pot on 15 April of the same year.² The Royal Government of Cambodia requested the assistance of the UN in establishing a tribunal to prosecute senior leaders of the KR and those most responsible for the atrocities. It took until 2001 for the country's National Assembly to pass a law to create the court that is now known as the Extraordinary Chambers in the Courts of Cambodia ('ECCC' or the 'Khmer Rouge Tribunal', shortened to KRT).

There has been much debate on whether the atrocities committed by the KR constitute "genocide" (Weitz 2003; Short 2004). The general consensus seems to be that certainly in the case of ethnic Vietnamese, Cham Muslims and tribal minorities, the term genocide can be safely used. Just to clarify, I am generally working with both "crimes against humanity" and "genocide" as reference points. Article 6 of the Rome Statute of the International Criminal Court, which represents contemporary international law, states: "For the purpose of this Statute, 'genocide' means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group" and lists, among other things, "killing members of the group, causing serious bodily or mental harm to members of the group" and generally carrying out acts calculated to bring about the destruction of the group in whole, or in part. Article 7 states: "For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any

civilian population, with knowledge of the attack” and lists, among other things, “murder, enslavement, extermination, deportation, torture.”³

Though the preparatory work for the trials has been ongoing, the five senior leaders widely seen to be the architects of the regime (apart from its deceased leader Pol Pot, née Saloth Sar) were only arrested and detained from July to November 2007. Cambodian people have not been denied justice just yet, but they are undoubtedly receiving it after a considerable delay. Now they are faced with the daunting prospect of trying to grasp a complex legal process which takes both Cambodian and international laws into account in a unique mixed tribunal setting. Given that both the Cambodian government and the UN wish to reach out to as many Cambodians as possible, public dissatisfaction or worse still, disinterest in the KRT, could be politically and socially disastrous.

Again, I have to leave room here to add the most recent developments as they stand in July 2008. All I can say at this juncture is that I hope none of the senior leaders have passed away in the interim one and a half years that will have passed before I make this presentation.

Given the delays that are inevitable with any such legal process, observers might say that the Cambodian government and the KRT are delegating if not abdicating their duties. They ask CSOs to conduct legal outreach, educate people about the KRT and even facilitate the trial process by submitting either victim’s complaints or civil party applications on behalf of survivors: documents which could become critical during the course of the trial.⁴ But far from being obedient institutions doing their master’s bidding, many CSOs in Cambodia are engaged in “uncoerced collective action around shared interests, purposes and values.”⁵

I’ll give you all a brief overview of both organisations before I delve into the work I did while in Cambodia. CSD was established in 1995 in Phnom Penh, Cambodia as a non-profit, non-governmental organisation. Its main goals are to promote democratic values and improve the

quality of life of Cambodians. It has five units that focus on the following areas: legal, governance, public forum, elections, parliamentary issues and research publications.

DC-Cam's inception, quite ironically, has its roots in a statute that was passed by the U.S. Congress in April 1994. That piece of legislation, the 'Cambodian Genocide Justice Act', established the Office of Cambodian Genocide Investigations, which funded Yale University's Cambodian Genocide Program in 1995 to take this work forward. DC-Cam was Yale's formal base in the country and carried out much of its day to day work. Thereafter, DC-Cam became an autonomous Cambodian research institute in 1997, entirely staffed by Cambodians. In fulfilling its role as the main source of information to document and record evidence of the KR regime and its war crimes, the organisation has also become the central repository of documentary evidence for the KRT. Apart from assisting the trial process, DC-Cam conducts outreach and education programs to raise awareness across the country on the KR period and justice.

So this is the context and the scene into which we are about to enter. Before we do that, I want to quote a survivor from Kampong Thom who spoke during one of CSD's Public Forums, held on 27 July 2007:

"I feel that after the trial conducted by the ECCC, we will have peace. Nothing like this regime should ever happen again and it is good if both the local and international community supports this trial. We will feel comforted if that happens. We will still have the memories, but we won't have vengeful feelings. I know some people who were KR cadres and they still live here. So we try not to take revenge on those people and we will focus on the top people of the KR."

Between July and November 2007, I attended a series of Public Forums titled 'Justice and National Reconciliation' at various provinces. CSD's Public Forum Unit devotes at least a month prior to the day of the forum towards building relationships with villagers, chiefs, heads of organisations and other key parties who will be present at the forum later on. These "ground preparation" tours involve trips to the district where the forum will be held. The last ground preparation tour works in reverse: villagers with some influence and reach in their community are gathered and brought to Phnom Penh where they spend a day visiting three critical sites

pertaining to the KR period and the Tribunal. These sites are the Tuol Sleng Genocide Museum (formerly the notorious Security Prison 21, or S-21 which was headed by Comrade Kaeng Geak Eav or Duch), the Cheung Ek Killing Fields and the ECCC itself.

In the organisation's own words, these forums are structured to work like "town-hall meetings" and take an entire day, starting at 7.30am and wrapping up by 4pm.⁶ A panel is always present and usually consists of public affairs representatives from the ECCC, Dr. Helen Jarvis and Mr. Reach Sambath. Apart from this, floating panellists include key people from the court, including Chief of Defence Support Section Rupert Skilbeck, Co-Prosecutor Robert Petit, Co-Investigating Judge Marcel Lemonde, Assistant to the International Co-Investigating Judges David Boyle and Cambodian representatives from the provincial government, governors as well as DC-Cam representatives such as historian and researcher Kamboly Dy.

The Forum wraps up with an interactive question and answer session during which participants are given an opportunity to ask questions and share their experiences. I attended the Public Forums held in the central province of Kampong Thom, and the southwest province of Kep. I also went as an observer on the ground tour of Tuol Sleng and Cheung Ek for the residents of Battambang.

The act of remembering and articulating one's memories does not happen in a vacuum. After all, to remember is to have a "reading" of the past which "requires linguistic skills derived from the traditions of explanation and story-telling within a culture and which [presents] issues in a narrative that owes its meaning ultimately to the interpretative practices of a community of speakers." (Bakhurst, 1990: 209).

In the case of CSD Public Forums, a particular kind of space has been created, which to some degree pre-determines the kind of discourse that can take place, namely: the discourse of law, the discourse of reconciliation and finally, what I will term "survivor speech", or the very act of coming into being by speaking as a survivor of a traumatic event.

It was amply evident to me that the forum participants had been prepared for the event when I heard sharp, legalistic points many raised during the various discussion sessions held at the tail-end of the forum. One asked: “Recently, you accused five people. What kind of evidence will you bring against these people? And how many witnesses will you use for the potential case? So how many burial grounds have you found for that case? So I ask the Co-Prosecutors how you will try this case, what evidence are you going to use, if you don’t know who was at the top position at that time?” Many asked questions about the technicalities of how the court has decided who is a “top leader” and why it is that foreign countries such as China and the U.S. that might have had a role in the formation and subsequent survival of the regime, are not being indicted. In other words, the politics that play into even the most ethical of processes was not lost on many of the participants I listened to during these forums. Perhaps the most cogent summation of emotions came from a survivor, originally from Preah Vihear province, who tellingly insisted: “We need *clear and exact facts/cases* for Cambodian people. In the past they didn’t collect written evidence but they can tell what they have suffered. But in law it is not enough to be regarded as evidence.”

These statements and queries show recognition of the distinction between social memories as they know it in a personal sense and oral texts that are regarded as sound documentary evidence before the court. This is profound and I would suggest that it demonstrates at least two things. First, despite recurrently stating during these forums that they were kept in the dark about historical events around them, and that “Angkar is so large and we don’t know who or what is Angkar”, Cambodians have a good grasp of their legal and political reality to understand that for prosecutions to take place and for some semblance of closure to occur, *facts* in no ambiguous terms must be gathered and established once and for all.⁷

Second, CSOs are actively engaged in a process of *training* the citizenry to understand law, which is primarily about *facts* and this is already having a profound impact on *how* people are expressing their memories; how they understand justice and the law. In her report on the Truth

and Reconciliation Commission in Sierra Leone, Rosalind Shaw aptly stated that: “Different regions and localities, moreover, have their own memory practices and often their own techniques of social recovery that may have developed during the course of their own history. How do these practices intersect with public truth telling during a truth commission?”⁸ Shaw’s words are applicable in the Cambodian context as well. The combined effect of these informal public forums and the legal outreach work of CSOs in the context of the KRT is to extol “truth telling” and positivist ideas of the law as the main paths to reconciliation. As Shaw says: “It is important to examine, through ethnographic rather than quantitative survey methods, the range of practices of conflict resolution and reconciliation that people and communities are adapting and retooling *now*” (Shaw, 2005: 12).

What I find interesting with regards to reconciliation is many of the statements forum participants made had an oddly prescriptive tone to them. One *must not* take revenge because that will foment anger and rage; one *must* get educated, because knowledge is power. That in itself says something about the nature of the Public Forums with their emphasis on “national reconciliation”. They produce a discourse that is considerably moral or didactic in tone and which often manifests in the form of stock clichés about “what is best for us all”. Unfortunately, they seldom focus on what the people do to express, forget or deal with their memories of that period.

My final observation about CSD’s Public Forums concerns how a victim comes into being through the memories s/he shares in a public arena designed specifically to hear such narratives. Gender theorist Judith Butler, drawing from the writings of French theorist Althusser, says that this “name-calling”, while potentially socially injurious, is the conventional manner in which a person is called forth to act in a political context. In sum, “interpellation” constitutes a subject. Based on this reasoning, I want to suggest that a CSO like CSD calls or labels its forum participants “survivors”, “witnesses” and “victims” with stories to tell. This act of *interpellation* is interesting for two reasons.

First, Cambodians are fearful of expressing political views explicitly. Given that the present establishment that is the Royal Government of Cambodia has many former high ranking KR cadres in its midst, the fear is not unfounded. CSOs like CSD are well aware that this may encourage a culture of silence and acquiescence to the powers that be. To counter that trend, CSD creates a safe space where *victims* can speak openly and honestly about their personal experiences. On one level, this is a powerful process and is perhaps even redemptive for survivors who have remained silent for nearly three decades. However, the potential catch-22 such a scenario presents is that the “injunction to testify” also includes an “imperative”; namely “to be enclosed within a single identity, that of the inmate; and to be, as an inmate, nothing but one who testifies.” (Wieviorka, 2006: 128). Put simply, the person who is asked to share his/her memories becomes and is imprisoned by that memory, without any other nuance or dimension.

Second, this *name-calling*, or interpellation, is not lost on the participants. Many consciously used the opportunity to question the very establishment that holds itself out to be fair and inclusive. They did not hesitate to ask: “where were you when we really needed assistance and when we really required intervention?” Many demanded to know: “Why are we only putting the KR on trial?” In simple terms, it was almost as though they were saying: “okay yes, I am a victim and I will speak as one. But you are a court and you are an international organisation, so you too need to respond from that position.” This was a remarkable thing to witness: despite the labelling, survivors had learnt to use the identity to interrogate those who are ostensibly trying to seek justice on the “people’s behalf”.

I want to begin this portion of my presentation about DC-Cam by quoting something its Director, Youk Chhang said in an interview:

"When I was an undergraduate in the United States people kept asking me, 'Is it true about the Killing Fields?' I felt upset, how can you explain the death of your sister, your parents? Then I realized a story is just a story. You have to scientifically explain it." (Youk Chhang, Director, Documentation Center of Cambodia, in ‘The Man who tracked Cambodia’s war crimes’, by Adam Piore, Christian Science Monitor. July 24, 2006)

DC-Cam aspires to do something memory theorist Maurice Halbwachs wrote about in his seminal text, 'On Collective Memory' (1980): namely, to glean an accurate rendition of this past, leaving the social influences aside to produce what one could term a dispassionate picture of events as they occurred. In its determination to seek the truth, DC-Cam stands alone and has the aura of an institution with its roots firmly in academia. Its main goal is to engage in an "impartial inquiry into facts and history" (from the DC-Cam website) and function as an archival centre.

In that sense, the emotional exigencies of memory, its profoundly tactile or sense-oriented aspects, are kept firmly in the background. In taking such an approach to archiving memory, the institution and its actors want memory "to be taken seriously", rather than being viewed as the subjective and partial interpretations of random individuals whose minds filter experiences as and when they happen and without the benefit of hindsight.

I went along with four DC-Cam student volunteers and their supervisor Mr. Eng Kok-Thay to the province of Kandal, where they were assigned the task of conducting interviews and disseminating literature on the Tribunal. For most part, the questions are kept as objective as possible and are intended to fill gaps in knowledge about daily life under the regime. For example, I heard questions such as: "Can you tell us about life under the KR? How many siblings did you have and how many do you have now? What kind of work did you do under the KR regime's rule? What do you know about the KR Tribunal? Where do you get your information if you know anything about it? Do you know anything in detail?" Other questions were slightly more subjective in nature and allowed for greater nuance in the recollections by respondents. They included: "Did the KR soldiers/regime punish you if you did not do your work properly? What kind of trial do you think the regime should get? Do you think the trial will be fair or not fair because nowadays, trials in Cambodia tend not to be fair (in the national judiciary)?"⁹

Faced with disbelief and a younger generation that is firmly focused on the future and is reluctant to believe in such tales of the past, survivors have a need to *legitimise* their experience. Chhang, most of all, feels this need and stated as much in an interview with the media: “They say that time heals all wounds, but time alone can do nothing. You will always have time. To me, research heals. Knowing and understanding what happened has set me free.”¹⁰ In the same interview, Chhang went on to state that DC-Cam’s job is not to pass judgments, but to record “who did what to whom, so the puzzle can be put together”. In searching for answers to that puzzle, DC-Cam is “analysing an oral text, and correlating it with other, written documents and other pieces of information” to “‘restore’ the text to its ‘original’ version, and situation this version in its social context, establishing the particular perspective on the past that the ‘oral document’ takes” (Fentress and Wickham, 1992: 5).

So right here we have some fascinating contrasts in the methods CSD and DC-Cam have chosen to employ for their work. CSD’s Public Forums are cathartic, *public* events that allow for explosive sessions of victim testimony. DC-Cam’s approach is a more studied, quiet gathering of data and an attempt to show that, despite its origins in a highly reputed American Ivy League university, it is now an *indigenous* or local archive that wishes to be taken seriously by historians, foreigners and Cambodians alike.

I am not suggesting that DC-Cam’s Youk Chhang only focuses on the methodical gathering of data as a way to find peace. In various interviews over the past decade or so, he has come out to share his personal story: the death of his sister under gruesome circumstances, the torture inflicted upon him by KR soldiers, while his mother was forced to watch and the death and disappearances of family members. But he has separated his archival work from his personal experience. However, people like Youk have chosen to divorce their individual memory from that of the collective, in case the former overtakes or usurps the latter. That is a personal choice and in all probability, the only way to deal with the exigencies of the work.

But do Cambodians in general have that choice or ability? Some people have spoken after a long silence. If “memory can be social only if it is capable of being transmitted”, then CSOs like CSD and DC-Cam are acting as conduits for this transformative process. Memories are being re-contextualised in the present under the looming shadow of the KRT. As to what the outcome of such a process will be, only time will tell.

My final example is yet another project that brings together civil society and academic institutions in an attempt to disseminate information and foster dialogue about the Tribunal, particularly among Cambodian youth.

The Asian International Justice Initiative (‘AIJI’) is a collaborative initiative between the War Crimes Studies Center at the University of California (Berkeley) and the East-West Center at the University of Hawaii. They chose CSD to coordinate countrywide dissemination of films produced by Khmer Mekong Films (‘KMF’) for AIJI’s Cambodian NGO Film Project.

Written to resemble the day-time family drama genre, the film series centres on a typical Cambodian family and follows them on a day-trip through the city, outskirts and ECCC for the KRT as they remember their past and share what they wish for in the future. The first two films, *“What Did They Do?”* and *“How Will They Be Held To Account?”* have just been released. These films were shown at two events I attended: one, the Youth Festival held in the south-eastern province of Svay Rieng on 23 August 2007, and the other at the Pannasastra University in Phnom Penh on 23 October 2007. I was able to speak to students in terms of the issues the films raised. I also simply interviewed students to see where they stood on the KRT, the genocide and justice in their country.

In all my conversations with Cambodian youth, who were between 17 to about 25 years old, two common threads kept emerging. One was their general sense of precocious cynicism and

profound distrust of the country's legal system.¹¹ Two, in tandem with this cynicism, students said they wanted clear evidence, proper record and accessible materials detailing KR activities and policies. An 18-year old female student I spoke to after the film screening echoed this cautionary position when she asked us point-blank why there had to be a trial. When asked why she felt this, she expressed fears about the trial triggering "civil war again". Her friend, also 18 years old, reiterated the position, adding that "the people who are dead are dead. We can't bring them back."¹²

In just a few of the statements I heard, I realised that Cambodian youth are struggling to strike a delicate balance. On the one hand, they want official acknowledgement of what happened. On the other hand, they want this information to be managed and they do not want the trial to stoke tensions and political instability in a country that has a track record of state-sponsored corruption, murders, oppression and gross violations of human rights. One astute 22-year old law student from Pannasastra University, who I interviewed in Phnom Penh, summed it up accurately, albeit sadly when he said, "right now, people are not living in peace. It's not a proper peace."¹³ His point is simple: how do you achieve reconciliation when you do not have its precursor – inner and outer peace?

In the surveys I conducted, several students felt that, (a) there was an absence of justice in Cambodia, (b) that justice is for the rich, and prison is for the poor and, (c) that the gap between the ideal and the reality on the ground was so wide that it may not be breached anytime in the near future. I believe some of these sentiments and perceptions are a by-product of the KR years and the civil war that followed. It is the creeping effect of what Craig Etcheson terms the "culture of impunity" that still exists in Cambodia.

Apart from answers, many young Cambodians are well aware that they have inadequate or "imperfect information", in the words of an 18-year old Cambodian student I interviewed. For Cambodian youth, even before they can comprehend the concept of counselling for trauma and

reconciliation, they seem to want this current imbalance to be corrected. When I asked the same student how she would define “healing” in the context of her country and its dubious legacy, she said: “The *truth*. They *must* know who was involved; how did it happen and how many died and why is our government filled with people from the regime? The truth is freedom. Sometimes people think things are worse or better than it really is (so we need the truth)”.¹⁴

This quest for knowledge or truth is familiar. DC-Cam’s Youk Chhang also said “knowledge” would set him free. Despite the dramatic difference in their experiences, survivors and the post-conflict generation *do* have this desire in common. They are acutely aware that information was improperly used to recruit and manipulate several KR cadres who did not know any better.

I’d like to conclude here by suggesting via Annette Wieviorka that Cambodian youth may serve as “witnesses for the witness” (Wieviorka, 2006: 136). Wieviorka writes that testimony is a way for survivors to feel validated in their experience and to “begin the work of mourning” (ibid: 128). If the KRT includes Cambodian youth in its process and participates in outreach efforts focused on inter-generational dialogue, it would allow survivors to share their experiences with young Cambodians – a process that I believe could be vital for the healing process to really work.

The final portion of my paper focuses on the role of the witness and on memory writing. In her work on Holocaust survivors and the survivor’s ‘duty to remember’, Annette Wieviorka states that “testimony returns their dignity to them” (Wieviorka, 2006: 126). Apart from the moral imperative to remember, the voluntary act of testifying “validates an experience that, as many survivors have said and written, quickly began to seem unreal to them” (ibid).

But what can we make of memories that emerge after almost three decades of silence? How is a survivor to understand the enormity of breaking this silence when s/he has never been provided

counselling for trauma or an explanation for why such events occurred? In her discussions with CSOs on witnesses/victims, testimony and trauma, Wendy Lobwein, witness support officer at the International Criminal Tribunal for the former Yugoslavia ('ICTY') said that witnesses often feel there is a "sense of duty or responsibility" involved in being a witness. She also said that testifying can be so positive an experience for survivors that it becomes a part of their family legacy – a story they share over generations.¹⁵ Some volunteer to speak out about atrocities they might have witnessed and thus become what Lobwein loosely labelled "witness activists". My intention here is to give you just two brief examples of how such roles are complicated or blurred in a country where memories are being articulated after (and amidst) a period of silence and fear.

One particular incident involved the "discovery" of a survivor by the media and CSD, which quickly exploded into a media circus. As is the policy, in preparation for their public forum in Kampong Thom, CSD staff took selected participants from the province on a tour of the court, the Cheung Ek Killing Fields and Tuol Sleng Genocide Museum on 17 July, 2007. Often, photographers or a couple of members of the media (who are advised to be discreet), tag along on these tours to record the responses of survivors, many of whom are seeing these places for the first time.

Nobody could have anticipated that of the thousands of photographs lining the boards inside Tuol Sleng, any could have triggered a memory or a cry of recognition – at least not of somebody thought to still be alive. Reports and anecdotes from the CSD tour of that day indicate that two elderly women saw a photograph of an 18-year old girl with the characteristic cropped haircut of most KR female cadres and claimed that she was still alive, that they had in fact met her recently and that she lived in Phnom Penh.¹⁶ The press was the first to hear this and, as with any breaking news story, word of the "sole female survivor of Tuol Sleng" quickly hit the world media.¹⁷

In her statements to the press, this survivor, Chim Math, appears to be the “witness activist” that Lobwein describes. In an interview with Voice of America, she said: “We should contribute to the trial. For me, and what happened to me, the suffering, when I don't think about it, it is OK. But, when I do think about it, I see everything. I want them to be killed, or put them for life in prison.”¹⁸

But this gumption was missing when she spoke to CSD staff in a personal interview we conducted just 2 days prior to the media blitz. Instead, she said: “It is painful to talk about it (what happened in the past)... That is why I never even told my husband. I thought that maybe one day somebody would find out about me and that I was a victim of Tuol Sleng.”¹⁹

If this wasn't bad enough, Chim Math subsequently became the metaphorical “site” of conflict between a journalist associated with a well-known European newswire and CSD on the issue of who had the authority to claim they had “discovered” her – this “sole” survivor, this living, gendered body brimming with memories and evidence. An insidious objectification of the victim soon took hold. Even DC-Cam, which is solely devoted to archiving both deceased victims and survivors, stated that she was not the sole survivor and that her identity was suspect. With this flurry of activity little thought was given to the fact that her identity was no longer protected. At the present time, no clarifications have been made on whether she would in fact be called by the court to be an official witness in the trial of Duch, commander of Tuol Sleng or S-21 prison, where she had been interned. Worse still, after the circus had died down, we were only left to wonder how her husband and family would cope with these revelations, nearly thirty years after the fact.

In a brief burst, Chim Math experienced both the terror of public scrutiny and the peculiar sense of righteousness that comes from the “duty to remember”. But is she a witness activist, as Lobwein suggests about survivors? That question seems to hinge a great deal on how accessible the KRT is to a witness like Chim Math and on whether the witness can continue to have her

voice heard, long after the media has switched off its tape-recorders and video cameras. In other words, her testimony has to be made to *matter*; it is not enough that her testimony is intrinsically important.

CSD's Executive Director Theary Seng stands in stark contrast to Chim Math. In many ways, they are united by their experience as Cambodian women who survived the KR regime. What separates them is their varying ability to make their experience or testimony *matter*. Anthropologist Jennifer Biddle captures this urgency aptly when she states that, "The mandate is to demonstrate beyond doubt that my discourse matters and that my trauma matters; that I matter. The undeniable terror is, of course, that it doesn't, and I don't (Biddle, 2003: 45). To hold memories in silence and to subsequently reveal these narratives in fragments as Chim Math did, is to contend with a "chain of memories" which, if shattered "and all the links held separately", would drastically impact upon our very capacity to re-member and re-call (Fentress and Wickham, 1992: 6). On the other hand, to commit one's memories to paper by determining the nature of the narrative is to have some degree of control over *what* memories the public is privy to.

Theary wrote and published a memoir in 2005 detailing her family life and their collective struggles following the arrival of the KR as the ruling regime in Cambodia.²⁰ Widely reviewed and distributed in the UK by Fusion Press, it allowed the 37-year old authoress to become a part of that community of Cambodian survivors who had found some degree of solace and even freedom by committing their experiences to writing (Vann Nath 1998; Loung Ung 2000; Dith Pran 1997; Criddle and Mam Teeda Butt 1987; May Someth 1986; Ngor Haing and Warner 1988; Vek Huong 1980; Pin Yathay with John Man 1987; Ung and Fox 1998).²¹

With the advent of the trials, Theary decided to take things a step further by filing an application to become a civil party to the proceedings in late 2007.²² She filed her application against Nuon Chea, one of the five senior leaders who are seen to be the most responsible in the crimes

committed during the regime's rule.²³ I was fortunate to witness Theory, the witness, undertaking this rite of passage towards becoming a participant in the trial process in mid-September one day, when she sat with my husband Mahdev Mohan, a lawyer by training, to draft her application, for which no template had existed at the time.

They had to read carefully through the Rome Statute of the International Criminal Court and find corresponding experiences that Theory had suffered in order to create a "check-list" of crimes she had been subject to.²⁴ It was, in Theory's words, "a surreal experience". Trauma scholar Cathy Caruth claims that "we experience traumatic events at the cost of not understanding them, and that we understand or 'possess' them at the cost of denying their traumatic nature" (Caruth, 1995: 5). Theory had to methodically categorise her experiences and capture them in tangible, positivist legal language. She told us afterwards that it was maddeningly intense to have to think about her life and her personal story in this way.²⁵ But through the act of *writing* her experiences and then contextualising her trauma in the legal domain, Theory had found a way to be heard – even if filing an application meant she had to use referential, empirical language that reduced the sheer depth and enormity of her trauma to mere categories.²⁶

This is not always a given outcome for victims like Chim Math, who is neither a writer, nor a well-educated woman with access to legal aid. In an ideal world, Lobwein's theory that witness activists will be empowered by testifying will prove to be true. However, in practice, Chim Math's role in the KRT is uncertain and the media blitz was, at the most, only fleetingly empowering. In Theory's case, we see that memoirists are given credence and even an audience that not every survivor can hope for. Yet, even in her case, the legal process involved a ritual of framing her trauma in terms that were simultaneously disarming and empowering. The hope which Theory expressed after her application was submitted is that acts such as these by empowered women and men will encourage survivors who suffer quietly and anonymously to step forward and play a role, however small, in the KRT.

I'd like to conclude here because a lot will be said in the time I finally present this paper to you with regards to present developments with the KRT. This is a deeply contingent process: will the leaders in detention still be alive a year and a half from when this paper is being written and I am presenting it to you? Will more civil parties have joined the proceedings? Will Cambodians have already witnessed the first of many hearings? Long before we can establish guilt or innocence, Cambodians will go through cycles of catharsis, discovery and surprise. But I've already noticed from the first hearing of the Tribunal, held on 20 November 2007, that they have a sense of humour about it all – albeit a very dark one. Mention human rights to them, particularly in the context of the leaders who are standing trial, and they will laugh. Some have told me survivors can even laugh – weakly, ironically, disbelievingly – at the deathly pale photos of dead Cambodians in Tuol Sleng. It is not for lack of sensitivity. Maybe it is what Peter Ustinov said: “Comedy is simply a funny way of being serious.” When we've covered some ground with regards to looking at trauma and social memory in Southeast Asia, perhaps we'll need to turn our attention to laughter and humour and its role in dealing with traumatic histories in our region.

¹ Dy, Khamboly. *A History of Democratic Kampuchea (1975-1979)*. Cambodia: Documentation Centre of Cambodia, 2007. Also see: Ker Munthit. “New Textbook Details Khmer Rouge Horrors.” *Associated Press*. 18 June, 2007.

² Despite widespread defections of Khmer Rouge soldiers to the government military, rebellions continued in many parts of the country, including Anlong Veng. See the Volume 7, Issue 7, April 10-23 1998 of the Phnom Penh Post for various articles on ongoing political executions and rebellions.

³ The Rome Statute of the International Criminal Court can be found online at: <http://untreaty.un.org/cod/icc/statute/rome.htm>

⁴ See “Witnesses Have Little Faith in KR Trial Security” (The Cambodia Daily, October 24, 2007) and “Victims Slow to Heed KR Trial Prosecutors’ Call” (The Cambodia Daily, August 30, 2007) for just a brief glimpse into the many problems already evident in the trial process, as far as victim/survivor participation is concerned.

⁵ “What is Civil Society?” in the Centre for Civil Society, London School of Economics (LSE) website: http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm

⁶ For more on the preparations undertaken by CSD prior to its Public Forums, see <http://www.csdcambodia.org/justice.html>

⁷ The quote on “Angkar” is from a Kep public forum participant (August 31, 2007). “Angkar” was the name used by the Khmer Rouge regime to force compliance and allegiance to a kind of abstract entity, a collective, a powerful force that wielded control over all. Art historian Ingrid Muan of the Reyum Art Gallery space aptly described the sense of foreboding and fear the word resonates with, in her description of Cambodian artist Phyl Chan Than’s work “Angkar” in The Legacy Project’s virtual gallery: http://www.legacy-project.org/index.php?page=art_detail&artID=568

⁸ Shaw, Rosalind: “Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone” in United States Institute of Peace, Special Report No. 130. February 2005. Full report can be found at: <http://www.usip.org/pubs/specialreports/sr130.html>

⁹ While the questionnaires are not the same, the book ‘Reconciliation in Cambodia’ by Suzannah Linton is an interesting summation of data collated by DC-Cam in 2002, when the center conducted a survey through its magazine to find out how survivors felt about reconciliation, the Khmer Rouge and accountability. Linton’s book clarifies that while the survey methods and questions asked may not be scientifically sound, the amassed data nonetheless provides fascinating insights into public sentiments about these issues across the country. Linton, Suzannah: ‘Reconciliation in Cambodia’. Phnom Penh: Documentation Center of Cambodia: 2004.

¹⁰ Lovgren, Stefan. “Documenting Cambodia’s Genocide, Survivor Finds Peace” (2 December, 2005) National Geographic News. 23 January 2008
<http://news.nationalgeographic.com/news/2005/12/1202_051202_cambodia.html>

¹¹ I conducted an informal survey with 72 young Cambodians from both Pannasastra University and the Royal University of Phnom Penh. This was not an attempt at collating quantitative data for analysis. Rather, I wanted to get a quick glimpse into how young Cambodians from across the country who had had the financial means to attend university in the city, felt about the Khmer Rouge and their personal histories.

¹² Two 18-year old female respondents. Svay Rieng University students. Interview in Khmer and translation by Duong Savorn. Modifications and transcribing by author. Svay Rieng University, Svay Rieng province. 23 August 2007.

¹³ 22-year old Male Respondent. Interview in English by author. Phnom Penh. 18 September 2007.

¹⁴ 18-year old Female Respondent. Interview in English, originally conducted in Singapore, where the student is studying on a scholarship. Singapore, 9 March 2007.

¹⁵ Lobwein, Wendy. Presentation at a Briefing by the KRT to CSOs on Victim Participation. Raffles Hotel, Phnom Penh, Cambodia. 20 August 2007. Briefing at a meeting for trauma social workers. Trans-cultural Psychosocial Organisation office, Phnom Penh, Cambodia. 14 September 2007.

¹⁶ CSD Staff. Personal Interview. 30 July 2007.

¹⁷ Sloan, Bronwyn. “Unique Pol Pot Survivor.” DPA Wire News Agency. 24 July, 2007. Mean, Veasna. “Purported Survivor Claims She was tortured in Tuol Sleng.” VOA Khmer. 3 August 2007.
<<http://www.voanews.com/Khmer/archive/2007-08/2007-08-03-voa1.cfm>> Righter, Rosemary. “A Paralysed Nation, afraid to unlock its tortured past.” Times Online. 3 August, 2007.
<http://www.timesonline.co.uk/tol/comment/columnists/rosemary_righter/article2189345.ece>

¹⁸ Mean, Veasna. “Purported Survivor Claims She was tortured in Tuol Sleng.” VOA Khmer. 3 August 2007.
<<http://www.voanews.com/Khmer/archive/2007-08/2007-08-03-voa1.cfm>>

¹⁹ Chim Math. Interview in Khmer by Yim Sotheary, Chuon Sokunthy and Om Chariya. Modifications of translations and clarifications by author. 1 August 2007. There is a gender dimension to these debates I was not able to consider within the purview of this paper. For an excellent, brief study, see: Kasumi, Nakagawa. “Gender-Based Violence During the Khmer Rouge Regime.” Asia Pacific Year Book of International Humanitarian Law, Vol. 2, 2006.

²⁰ Seng, Theory C. Daughter of the Killing Fields – Asrei’s Story. UK: Fusion Press, 2005.

²¹ Streed, Sarah. Leaving the House of Ghosts – Cambodian Refugees in the American Midwest. North Carolina and London: McFarland & Company, 2002. Streed’s book is a useful and poignant addition to existing narratives or

memoirs, as it gives readers a window into the lives and memories of the Cambodian diaspora in the United States. Also see: Gay Becker; Yewoubdar Beyene; Pauline Ken. "Memory, Trauma, and Embodied Distress: The Management of Disruption in the Stories of Cambodians in Exile." *Ethos*, Vol. 28, No. 3. September 2000, pp. 320-345.

²² There are three roles that survivors can play in the trial. First, they can be called by either the prosecution or defence to be a witness. Second, they can be a victim complainant. Such complaints raise additional issues of violations against human rights other than what has already been identified by the prosecution. For example, Cham Muslims can make a case for genocide against their community in particular, or victims can raise issues like rape, or starvation, which the prosecution has not chosen to address specifically. Finally, survivors can become a civil party to the proceedings. This means a survivor's rights are represented and the civil party applicant's lawyer has the right to, among other things: challenge the defence, query the prosecution and cross-examine witnesses. In some cases, they can also propose a new offence that they feel ought to be considered. The author would like to thank Mahdev Mohan for his clarifications on these legal definitions.

²³ Ms Seng writes regular columns in the Phnom Penh Post, under the banner 'Voice of Justice'. She wrote an article about the importance of signing on as victims or civil party applicants and provided details of her own application in one of these columns. See Phnom Penh Post, Issue 16 / 22, November 2 – 15, 2007.

²⁴ The Rome Statute of the International Criminal Court can be found at:
<http://www.un.org/law/icc/statute/99_corr/2.htm>

²⁵ Theary Seng. Personal Conversation. 22 September 2007.

²⁶ "Khmer Rouge Victims Address Court." BBC News, 8 February 2008. The news article can be found at:
<<http://news.bbc.co.uk/2/hi/asia-pacific/7234133.stm>> In BBC TV news coverage of the trial, the 8 February 2008 broadcast showed footage of Nuon Chea asking for bail. As a civil party applicant, Theary was seated in the pre-trial chamber and spoke. She told the court that she and her brother had been jailed as children, had lost their parents and had suffered, yet had no opportunity for due process or for justice; so Nuon Chea's demands now seem unpalatable at best. I paraphrase here to capture the spirit of what she said. For what it is worth, the painful and alienating process of filing an application allowed for her to speak at this juncture and hopefully in several more instances in the future.

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