RECONCILIATION OPPORTUNITIES FOR ETHNIC CHINESE IN CAMBODIA THROUGH NON-JUDICIAL REPARATIONS AT THE ECCC

Johannes Kast
ABSTRACT:

The Extraordinary Chambers in the Courts of Cambodia (ECCC) have been tasked with bringing justice to the survivors of the Khmer Rouge genocide. Almost ten years later, three people have been sentenced to life imprisonment. This study examines the perceptions of justice and opportunities of reconciliation from somewhat neglected perspective of Chinese-Cambodian genocide survivors. Through the unique tool of non-judicial measures (NJMs), I am exploring opportunities and chances that might arise for a broader victim support in the future.

I have conducted two focus groups in Kampot and Battambang, as well as eleven semi-structured interviews in Battambang and Phnom Penh with Chinese-Cambodian survivors of the Khmer Rouge. As a bridge to the quantitative research, I additionally have conducted a Qualitative Comparative Analysis (QCA) with existing surveys and studies.

Research Questions:

(1) How do Chinese-Cambodian survivors feel about the transitional justice process after the Khmer Rouge?
(2) What are the expectations and needs of Chinese-Cambodian survivors with regard to future transitional justice measures?

Key Words: Chinese-Cambodians, Khmer Rouge Tribunal, Transitional Justice, Khmer Rouge, Non-Judicial Measures, Reconciliation
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<tr>
<td>CDP</td>
<td>Cambodian Defenders Project</td>
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<td>CHRAC</td>
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<td>CP</td>
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<td>Documentation Center of Cambodia</td>
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<td>DK</td>
<td>Democratic Kampuchea</td>
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<td>ECCC</td>
<td>Extraordinary Chambers in the Courts of Cambodia</td>
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<td>KR</td>
<td>Khmer Rouge</td>
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<td>KRT</td>
<td>Khmer Rouge Tribunal</td>
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<td>LICADHO</td>
<td>Cambodian League for the Promotion and Defence of Human Rights</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NMJ</td>
<td>Non-Judicial Measures</td>
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<td>TPO</td>
<td>Transcultural Psychosocial Organization (TPO)</td>
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1. Introduction

1.1 Structure and Literary Review

The first chapter provides theoretical background on Cambodian and the Khmer Rouge genocide with references to the notable scholars David P. Chandler and Benedict Kiernan. Further information is derived from John Tully’s “A Short History of Cambodia: From Empire to Survival” and Sebastian Strangio’s “Hun Sen’s Cambodia”. Works by Vickery, Bockers and Widyono were cited as well.

The second chapter discusses the importance of communication for the transitional justice process and reconciliation, a recurring theme picked up again in chapters 4.3 and 5. It also discusses transitional justice in the Cambodian context. The discussion was based off of Julia Hoffmann’s “Conceptualizing ‘Communication for Peace’, Monroe Price and Nicole Stremlau’s “Media and Transitional Justice: Towards a Systematic Approach”, Clara Ramirez-Barat’s “Transitional Justice, Culture and Society: Beyond Outreach”, as well as “The Handbook of Development Communication and Social Change” by Wilkins, Tufte and Obregon. Transitional justice in Cambodia was based on “Reconciliation in Cambodia” by Suzannah Linton, “International Law Obligations to Provide Reparations for Human Rights Abuses” by Antonio Buti, “Defining Beneficiaries of Collective Reparations by Diana Contreas-Garduño, “Transition and Reconciliation” by Eva Mysliwiec and “Reconciliation in Cambodia: Thirty Years after the Terror of the Khmer Rouge Regime” by Bockers, Stammel and Knaevelsrud.

For the purpose of this study, Ben Kiernan’s “Kampuchea’s Ethnic Chinese Under Pol Pot: A Case of Systematic Social Discrimination” was an essential reading for the third chapter, which discusses the persecution of ethnic Chinese under Pol Pot. Other cited works include “Racial Discrimination in the Cambodian Genocide” by Lai Duong, as well as studies by Ehrentraut, Jelonek and Hawk. The chapter also discusses Chinese identity in Cambodia, with further references to the work of William Willmott, who is regarded as the
foremost authority on ethnic Chinese. Other important works were written by Penny Edwards, Sambath Chan.

The fourth chapter discusses the Extraordinary Chambers in the Courts of Cambodia with a focus on its goals, process and current state, reconciliation and reparations, as well as limitations. The ECCC and its structure, as well as the approach towards victim participation, have been widely discussed in academic papers published by international universities, as well as reports published by civil society organisations working with the court and the ECCC itself. An example for a notable paper on the Khmer Rouge Tribunal and its methods is Kate Yesberg’s “Accessing Justice Through Victim Participation at the Khmer Rouge Tribunal”, which examines the role of victims in the process of national reconciliation and how to further advance the healing process. Other literature used in this study include the comprehensive reports published by the ECCC in 2013 and 2014, as well as reports by NGOs affiliated with the court, including ADHOH, LICADHO, CHRAC, TPO and CDP. A comprehensive source for the ECCC is the book “The Khmer Rouge Tribunal” by John D. Ciorciari.

The research was designed with the help of Cambodia-based researcher Julian Poluda and includes qualitative research with semi-structured, individual interviews and focus groups. Further references to Bruce Berg’s “Qualitative Research Methods for the Social Sciences”, Bridget Somekh’s (et al) “Research Methods in the Social Sciences”, Anders Hansen and Simon Cottle’s “Mass Communication Research Methods”, John W. Creswell’s “Educational Research: Planning, Conducting and Evaluating Quantitative and Qualitative Research, “Michael Pickering's “Research Methods for Cultural Studies” and finally David Morgan’s “Sage Encyclopaedia of Qualitative Research Method” were made. Additionally a qualitative comparative analysis was conducted.
1.2 Cambodian Geography and Demography

With just around 15.5 million inhabitants, Cambodia is a relatively small country between Vietnam, Thailand and Laos, bordering the gulf of Thailand in the west. It is mostly shallow with steep, mountainous edges to the north, east and south (Tully 2005: 2). The tropical jungles are home to a variety of birds and other animals, including tigers, elephants and the Siamese crocodiles (Tully 2005: 2). Most Cambodians live in rural areas and are engaged in traditional ways of life. The vast majority are ethnic Khmer, which make up about 90% of the population, followed by Vietnamese at around 5% and Chinese at 1% (Khet 2009: 1). Much of rural Cambodia’s life revolves around religious practices of Theravada Buddhism, mixed with elements of folklore, superstition and remnants of Hinduism (Tully 2005: 6).

Map of Cambodia, United Nations Cartographic Section, 2013

1 15,458,332 Million according to the CIA World Factbook, July 2014 est, http://1.usa.gov/1pIAsH7 [last accessed: April 27th 2015]
1.3 The Cambodian Civil War, Genocide and Occupation

Political changes attributed to the intensifying Vietnam War caused political instability at the end of the 1960s in Cambodia, which led to the removal of the highly regarded Prince Norodom Sihanouk (Chandler 2008: 233). In a coup in 1970, Sihanouk was voted out of office and replaced with US-backed prime minister Lon Nol, a popular move in the capital, however despised in the rural provinces (Bockers 2011: 74, Chandler 2008: 251). He was not able to remain in political control, which led the country down the path of civil war and the revolution supported by the Khmer Rouge insurgents. The violent struggles between the Khmer Rouge and the armed forces of Phnom Penh further created tension between the two sides (Vickery 1984). Additionally the United States armed forces dropped around 540,000 tons of bombs on Cambodia. By comparison, the total amount of bombs dropped on Japan during World War 2 amounted to 160,000 tons (Tully 2005: 167).

After the Paris Peace Accords in 1973 put an end to the attacks against Vietnam, the carpet-combings in Cambodia reached a crescendo in 1973 with an estimated death toll of approximately 600,000 between the years of 1970 and 1975 (Tully 2015: 167). These actions further fuelled the hatred towards the “treacherous” urban population. On April 17th 1975 Phnom Penh surrendered to the Khmer Rouge, which were seen as liberators after years of struggle, who set up a state they named Democratic Kampuchea, effectively ending 2000 years of Cambodian history (Chandler 2008: 255). Under the rule of Pol Pot, they abolished currency, markets, formal education, Buddhism, books, private property, diverse clothing styles and freedom of movement. In the time that the Khmer Rouge were in power, between 1.7 and 2.2 million have lost their lives due to forced labour, disease and extermination. In an attempt to establish an agrarian, egalitarian society, any form of intellectualism was grounds for extermination. (Tully 2015: 172, Bockers 2011, 74).
After the regime ended on January 17th, 1979 through the liberation of the Vietnamese forces, low intensity warfare continued for over another decade, as the Vietnamese occupation remained hard on the country. Furthermore the USA, China and ASEAN countries carried out an international boycott of the Vietnam-backed government, prohibiting foreign and economic aid from entering Cambodia (Widyono 2008: 28). This international isolation was further devastating for Cambodia after a decade of conflict (Tully 2005: 203). Although the heavy impact of the Khmer Rouge ended forty years ago, its legacy continues still today. Every Cambodian alive during the time experienced on average ten traumatic events including starvation, hard labour, death of loved ones, near death and the witnessing of death (Bockers 2011: 75).

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2 Vann Nath was one of only seven survivors that made it out of the infamous S21 Prison. His life was spared, so that he could be used to create portraits of Pol Pot.
2. Transitional Justice and Reconciliation

2.1 Transitional Justice and Communication

The importance of communication processes in the study of conflict formation has been identified, well researched and recognized (Hoffmann 2014: 4). Communication has great impact, and is often used as an instrument of war in times of conflict and a tool for reconciliation in times of peace (Price 2012: 18). Broadly speaking, the role of development communication is to help understand the role of information, communication and media in relations to social change (Wilkins 2014: 8f). The importance of communication and media in the advancement of transitional justice and peace is to reach and engage the recipients through access to information, participation and by giving them a voice, as well as to build critical analyses and discourse both in theory and practice (Wilkins 2014: 138). However challenges include the subjective nature of terms, such as justice or participation, as diverse interpretations are based on culture, region or socio-economic standing. It is only through direct participation in the process that information becomes desirable and its value apparent (Wilkins 2014: 17). Ultimately there can be no democracy without dialogue and no development without cultural inclusion (Wilkins 2014: 120).

Yet still today media and communication both in research and in the field often remain an afterthought and an emerging consensus concerning the aims, methods or purpose of the ‘use’ of communication in post-conflict environments is hardly visible (Hoffmann 2014: 7, Price 2012: 1). Communication for development might present a well-developed and theorized starting point into the role of communication for peace (Hoffmann 2014: 6). The International Criminal Court (ICC) plays a prominent role in transitional justice processes. In addition to national and international measures, the role of local initiatives with explicit communication components, like education projects, memorialization or traditional rituals of reconciliation, become more important (Price 2012: 1). For new approaches to work, a close reading of the local environment and an understanding of the different
information institutions, as well as controlling power structures is vital (Price 2012: 6). Transitional justice efforts can be seen as introducing new voices into the market or supporting existing ones that are thought to advance conflict resolution (Price 2012: 8).

The transitional justice process has a fundamental public dimension, as it seeks to reconcile a difficult past, as well as contribute to the construction of a peaceful society in the future. Public perception of the justice process and the level of participation in transitional justice measures play an important part in creating more durable and concrete legacies (Ramirez-Barat 2014: 27). However distrust, social indifference, political criticism, as well as denial or disappointment can greatly affect public perception, especially since the international judicial process is often very technical and difficult to understand. The gap between transitional justice measures and the public is called “outreach”, which essentially describes the building of direct channels of communication with the societies in the public sphere (Ramirez-Barat 2014: 28). The most important aspects of this relationship are the participation and contribution of community members in the justice process, the building of trust within the society and the legitimation of the institutions, by broadly publicizing the results of the process (Ramirez-Barat 2014: 30). Awareness and dialogue are vital pillars for lasting social transformation and are equally important to the court proceedings. Communication interactions exceed the purpose of mere informational practices, forms of expression or vehicles of socialization, as their potential grows for promoting a culture of participation, engagement and democratic citizenship, as well as functioning as an analytical tool to identify social necessities and the role of the public in the transitional justice process (Ramirez-Barat 2014: 33).

Of course the media is important in communicating the progress and advocating social change, as well as forming public opinion. Lisa Laplante, Associate Professor at the Center for International Law and Policy, questions the role of traditional media in the transitional justice process. “Without the collaboration of print, radio and TV, the work of transitional justice mechanisms occurs in a vacuum. […] They are the gatekeepers of
information deciding what voices, messages and narratives get into the public domain” (Laplante 2014). Often times the public might not be informed about how the justice process works or how they can participate in it and access to public information in post-conflict societies can be limited. (Wilkins 2014: 279).

In this context, alternative media is instrumental to information in a post-conflict society, as it guarantees horizontal communication between cultures and offers an alternative to official news channels (Wilkins 2014: 111). This includes participatory- and community based media approaches, which can offer access to information, open doors for participation, as well as reinforce the voices and establish dialogue. As an additional communication channel to public media, it adds an important dimension to advancing social change. With the rapid growth in access to new information and communication technologies, especially in developing countries, the opportunities of alternative communication practices become increasingly apparent (Wilkins 2014: 112).

2.2 On Justice and Reconciliation in Cambodia

It is a difficult task to bring justice, a subjective term in itself, to people that have suffered under crimes of the magnitude seen during the Khmer Rouge regime. Even more difficult is reaching comprehensive justice faced with systematic barriers influencing the process. Due to restricted personal and temporal jurisdictions, investigations into further perpetrators, as well as crimes committed before and after the Khmer Rouge, are not being considered (Yesberg 2009: 558). The long delay between crime and trial additionally complicates the justice process. One of the greatest risks in comprehensive justice is the lack of transparency, as it affects public opinion. In 2007 Transparency International concluded that the Cambodian judicial system remained extremely weak and unable to deliver justice (Yesberg 2009: 560). Since the ECCC is established within the structure of the Cambodian court system, the United Nations have less control in comparison to other international courts. Public trust towards the ECCC is a key factor in determining if justice has been successfully achieved.
Justice is also a means to accomplish reconciliation, a term that generally describes the coming together of two parties after a conflict and the process by which they make up or come to terms with the past (Linton 2004: 67). It can also be described as a process of forgiveness or the process of healing traumas. The most common definition describes reconciliation through five key components: the reduction of feelings of anger and revenge, the ability to take an opponent’s perspective, reduction of personal avoidance of the opponent, openness to positive relations with an opponent and the renunciation of violence (Bockers 2011: 73). Retributive justice describes a focus on individual accountability and punishment. It contributes to reconciliation in the sense that the perpetrators are imprisoned and no longer able to commit crimes, increasing the sense of security. Furthermore, the punishment creates a feeling of individual justice, satisfying the sense of a “moral equilibrium” (Bockers 2011: 72). Restorative justice emphasizes the needs of the victim. It includes non-punitive measures of finding out the truth and encouraging the perpetrators to take responsibility for their crimes (Bockers 2011: 73).

International Law dictates the obligation to repair wrongdoings (Buti 1999: 6). Van Boven stated in a UN Commission report on human rights in 1993 that “it is obvious that gross violations of human rights and fundamental freedoms, particularly when they have been committed on a massive scale, are by their nature irreparable. […] It is nevertheless an imperative form of justice” (Van Boeven 1993). Reparations, while not claiming to offer a full substitute, are a critical part of justice, restoration, reconciliation and the promotion of peace (Contreras-Garduño 2012, 41).

In countries facing political and social difficulties following the end of a repressive era, reconciliation has become a highly regarded aspect of peace building and democratisation (Linton 2004: 67). However, how reconciliation can be achieved differs vastly depending on the circumstances, such as cultural norms, religious beliefs or political environment. In Cambodia, transition is regarded as a process of moving from authoritarianism towards democracy (Linton 2004: 75). The reconciliation process had begun with the Paris Peace Accords in 1991. The challenge on the way to reconciliation has
been to simultaneously hold on to the positive changes of the past, while taking further steps into implementing the vision of the future, by putting new structures into place, punishing the wrongdoers and making reparations to the victims (Mysliwiec 1999: 6).

In the Cambodian context, state-led measures have been few and far between. Perceived dangers of revealing uncomfortable truths have led the Royal Government of Cambodia to adapt the policy of equating reconciliation with “forgive and forget” (Linton 2004: 12). As of today, only three of the former Khmer Rouge leaders have been sentenced to life imprisonment and only one trial has been completed. In 2012 a report by the Open Society Justice Initiative about the future of cases 003 and 004 against Meas Muth and Im Chaem quoted prime minister Hun Sen addressing UN Secretary-General Ban Ki-Moon that “Case 003 will not be allowed… [t]he court will try the four senior leaders successfully and then finish with Case 002” (OSJI 2012). International Co-Investigating Judge Mark Harmon has begun investigations into these cases, while receiving no support from the national counterparts, thus charging them in absentia (CHRAC 2015). It is unclear if the cases will go to trial, however the ongoing controversy has shaken the trust of the public in the judicial process, thus complicating the process of reconciliation.

Reparations can be further tools to promote reconciliation. The court announced that reparations will be moral and collective in nature, no individual or material requests can be made thus far (CPLCL 2014: 2). The United Nations lists Cambodia as one of the poorest countries in the world. During the Khmer Rouge, all social and technical infrastructure has been destroyed and many people lost all of their belongings in addition to their suffering and loss. As many people today are living in poverty as a consequence of the Khmer Rouge regime, not receiving any individual compensation might hurt the reconciliation process as victims perceive it as injustice (Bockers 2011: 78). Other reconciliation methods include building places and days of remembrance, or religious sites, educational measures and therapeutic measures.
The process of reconciliation after crimes committed 40 years ago has been lengthy and difficult in Cambodia. However another component has been pushing it forward: the Cambodian practice of Theravada Buddhism. Reconciliation translates in the Khmer language to “the act of healing”. As a religion of tolerance, compassion and forgiveness, it is in itself a restorative justice approach (Linton 2004: 75). Founder of the NGO Buddhists for Development Heng Monychenda has written that “forgiveness is not the only step in reconciliation – the first step is that you want to start doing good acts.” Also the late King Norodom Sihanouk, the descendant of the God-Kings of Angkor, has been a symbol of reconciliation to some Cambodians (Linton 2004: 78).
3. Ethnic Chinese in Cambodia

3.1 Chinese Identity in Cambodia

Chinese have a migration history in Southeast Asia dating back into the Angkor period. As international trade boomed and due to open Cambodian immigration policies, a Chinese community has already emerged in the 14th century (Ehrentraut 2004: 47, 50). Since 1860 a steady stream of one thousand Chinese per year migrated to Cambodia until the 1920s, when the number rose to around 5000 (Willmott 1967: 112). Virtually all Chinese immigrants were male, marrying into the Cambodian culture and society, however when French legislators encouraged female migration in 1911, more Chinese women immigrated to Cambodia, gradually decreasing the number of mixed marriages (Jelonek 2008: 38). The Chinese have long become an integral part of Cambodian society and a key element to the Cambodian economy as skilled traders (Hawk 1995: 14). Their success in Cambodia showed as in 1963 the nine reportedly richest men in Cambodia were all of Chinese extraction (Willmott 1967: 99). The stereotype of the wealthy Chinese-Cambodian can still sometimes be observed from NGO and United Nations officials, who falsely identify the ethnic Chinese as a powerful bloc, capable of looking after ones own interest (Jelonek 2008: 49). This view disregards however the diversity in dialect, economic interests and provincial identities.

It is relatively difficult to clearly define the term Chinese-Cambodian, as many different variables come into play. The anthropologist William E. Willmot, who is generally accepted as an authority on the role of contemporary Chinese Cambodians defined it broadly as “any individual who supports or participates in some or all of the Chinese associations available to him” (Willmott 1970: 5). In Cambodia people refer to Chinese, who directly immigrated from China as “Cenchiw” (Engl.: raw Chinese). As the first migrants were mostly male, they married Cambodian women and settled in Chinese communities. However in the 20th century also women migrated to marry Cambodian men. There are only very few “Cenchiw” left alive today. Second or third generation Chinese
are known as “Cen” (Chinese), “Kouncen” (children of Chinese), or “Kounciwcen” (grandchildren of Chinese) (Jelonek 2008: 36). Ethnic Chinese in Cambodia might refer to themselves as any of these terms or as Kmae-yeung (we Khmer) or “coul Kmae” (entered Cambodia) with an indication towards an ethnic background although belonging to Cambodia (Chan 2005). They generally have assimilated with Khmer society merging Cambodian and Chinese traditions. They have also been known to enjoy an economic position envied by many Khmer (Hawk 2004: 14). Cambodian society today provides a significant space for expression for the Chinese cultural and ethnic identity (Edwards 2006: 165).

The vast majority Chinese in Cambodia have come from Singapore, Taiwan, Hong Kong and mainland China. They can be divided into five major language groups (Willmott 1970: 6). The Cantonese (20%), Hainanese (4%), Hakka (4%), Hokkien (7%) and Teochew (60%) also reflect the five major dialect groups of southern China (Ehrentraut 2004: 47, Chan 2005: 29).

Ethnic Chinese in Cambodia from a documentation project by Michael Liu

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3 Michael Liu is a Chinese civil lawyer at the ECCC. In 2011 he came to Cambodia and became fascinated with the Chinese identity in Cambodia. He went on to travel through the country documenting the Chinese experience through personal stories and portraits.
The Teochew Chinese are the largest sub group with a large percentage living in the provinces (Willmott 1967: 17). In Phnom Penh they generally hold the occupations of traders, pharmacists and street pedlars, while in the provinces they are often shop-keepers, merchants or farmers (Willmott 1967: 18). There are still Teochew Chinese communities in Kampong Cham that operate tobacco farms and other occupations range from woodcutting to vegetable and fruit farming (Chan 2005: 32). The urban Cantonese Chinese are often mechanics and craftsmen, while rural Cantonese grow tobacco, corn and beans. Hainanese Chinese in Phnom Penh had specialized in the food industry as bakers, cooks and coffee shop operators and became. In Kampot rural Hainanese Chinese used to operate the pepper farms, while today they make their living off fishing, farming and petty trade (Chan 2005: 37). Different from the other dialects, the Hakka Chinese have no single place of origin. They have filled many high political and economic positions in Asia and have made themselves a name for being hard-working and honest (Chan 2005: 38). In Phnom Penh many Hakka dominate professions of Traditional Chinese Medicine (Willmott 1967: 23). Finally the Hokkien have historically settled around Battambang, where they specialized in distilling rice wine (Chan 2005: 40). In Phnom Penh Hokkien Chinese were known for strong careers in politics and banking (Willmott 1967: 25). Today the majority of the members of the Hokkien Association of Phnom Penh are coffee-shop operators, machine and air-conditioning repairmen and carpenters. Although an acculturation through intermarriage may have also led to the loss of identity, to the point that many Hokkien Chinese are not aware of the origins (Chan 2005: 41).

Today the question of Chinese identity in Cambodia is complex. After years of political turmoil and suppression of Chinese customs and language, as well as through intermarriage and cultural approximation, there is a no clear definition of what Chinese in Cambodia means. Additionally a strong influx of capital from China since 1999 fundamentally altered the political economy of Chinese ethnicity, as well as the relationship between Chinese-Cambodians and new migrants from China (Nyíri 2012: 93).
3.2 Chinese Ethnic Minorities under the Khmer Rouge

While the Chinese enjoyed a high social standing in Cambodia until the 1960s, things took a very different turn during the expansion of the US-Vietnam war, which saw the destruction of much of the ethnic Chinese community’s socio-cultural landscape (Jelonek 2008: 44). During the rule of US-backed military general Lon Nol from 1970 to 1975, the Chinese in Cambodia were systematically threatened by the non-ethnic, nationalist “neo-Khmer” ideology, as Chinese schools and temples were closed down (Ehrentraut 2004: 50, Jelonek 2008: 44, Chan 2005: 25). Many Sino-Cambodians were driven into “liberated zones” and Khmer Rouge territory. While in the beginning the Khmer Rouge had a relatively open policy towards the Chinese even maintaining their schools and upholding their customs, this was about to be drastically changed: In 1973 the Khmer Rouge movement experienced a shift towards a strict, totalitarian identity, which disallowed any other forms of ethnic identity. Further they began spreading racist propaganda, proclaiming that “all Chinese are capitalist, who sucked the Cambodian people's blood” (Kiernan 1985: 382).

During the Khmer Rouge regime between 1975 and 1979, the Vietnamese government has accused Pol Pot of massacring the Chinese population in Cambodia. And even as China invaded Vietnam in 1979 forcing half a million Chinese to flee Vietnam, little attention was given to the roughly 425,000 ethnic Chinese inhabitants of Cambodia (Kiernan 1986: 18). Famed historian Ben Kiernan describes what happened to the Chinese-Cambodians under the Khmer Rouge as “the greatest tragedy yet to befall any communities of Southeast Asian Chinese, in proportional and even in absolute terms”.

Different from the Vietnamese and Cham minorities, the Chinese were not targeted, because of their race, but because of their often high socio-economical standing and tendency towards capitalism, which most of the Chinese in Cambodia shared (Kiernan 1986: 25, 27). They died in large numbers due to forced labour, starvation, disease and executions. Between 200,000 and 225,000 Chinese died between 1975 and 1979, which is half of the overall population and twice the rate of the deaths in the general Khmer
During a second massive forced evacuation of Phnom Penh in late 1975, most Chinese were transferred to labour camps in the northwest region of Cambodia, which became known as one of the most violent. According to a survey conducted, many Cambodians thought that Chinese suffered the most, because they were not used to manual labour (Kiernan 1986: 19) and they also experienced greater losses than neighbouring Khmer communities.

Willmott argued that the discrimination of the Chinese under the Khmer Rouge was not based on ethnicity, but on class (Willmott 1981: 43). By the time the Khmer Rouge took over the country in 1975, most of the Chinese population in Cambodia has moved to urban areas. The Khmer Rouge were formed in the provinces and saw the city population or “new people” as enemies to the cause. In several camps, there was a segregation between Khmer, Chinese and so called “base-people.” Dark skin colour was seen as a mark of the “pure Khmer” and the “white faces” of the Chinese carried negative connotations (Jelonek 2008: 46). Additionally there was a nationwide ban on the Chinese language, which resulted in the loss of the language among many families that remain today (Duong 2006: 25).

The extent of racial discrimination towards the Chinese during the Khmer Rouge is debated and it is possible that there was no central policies, but discrimination on an individual and geographic basis (Jelonek 2008: 46). As there was obvious discrimination against the Vietnamese and Cham communities, they were represented in the Khmer Rouge Tribunal, while the Chinese Cambodian population remains excluded. However several other reports, such as the journal by Dr. Gregory H. Stanton of Yale Law School, state that there was “evidence beyond a reasonable doubt” that Chinese minorities were targeted with the intent to destroy them (Stanton 1999:1). Liai Duong of the Genocide Program at Yale University argues that not only the Cham and Vietnamese, but also the Chinese, were racially discriminated against, however for this group it is extremely difficult to make a certain

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4 The people were divided into two major groups. The „new people“ that lived mostly under Lon Nol in Phnom Penh and the „base people“ or „old people“ that lived in the countryside under the Khmer Rouge.
statement (Duong 2006: 25). Seen as “new people”, they were generally treated harsher than Khmer (Duong 2006:3). However, she goes on to argue that the act of eliminating an ethnic identity in order to achieve uniformity is inherently racial discriminatory (Duon 2006: 30).

Ironically, the Chinese government was the largest financial supporter of the Khmer Rouge providing at least 90% of the military and economic aid, effectively funding the slaughter of their own people (Levin 2015) and sending up to 15,000 advisors to Democratic Kampuchea, who looked down on the “capitalist” Chinese-Cambodians (Strangio 2014: 16, Jelonek 2008: 46). This is despite pledging to protect the “rights and interests of Chinese residents abroad” in their constitution established in 1956 (Jelonek 2008: 40). According to Andrew Mertha, director of the China and Asia-Pacific Studies program at Cornell University, without Chinese assistance the Khmer Rouge would not have lasted a week. As a response to the Vietnamese invasion of Cambodia, which essentially liberated the country from the Khmer Rouge in 1979, the Chinese invaded Vietnam for three weeks. The Chinese government further secured Khmer Rouge representation during the peace talks until the late 1980s (Strangio 2014: 19-20, 26).

Tensions between Vietnam and China had been ongoing and the Chinese-Cambodians experienced further discrimination under the People’s Republic of Kampuchea (PRK) following the Vietnamese liberation from the Khmer Rouge. The new government under strong Vietnamese control vigorously repressed any manifestations of Chineseness and discriminated harshly (Jelonek 2008: 47, 48). As many of the Khmer Rouge leaders were of Chinese descent, the Chinese-Cambodian population was also blamed for their actions (Kiernan 1990). Chinese-Cambodians were classified with the number “351”, a policy that became shorthand for years of discrimination policies (Chan 2005: 27). As a consequence many more Sino-Khmer left the country. By 1984 only 61,400 Chinese were left in Cambodia. The restrictions on the Chinese only relaxed after the formation of the State of Cambodia (SOC) after the 1989 Pars Peace Accords and speaking Chinese remained banned until then. The formation of the Royal Government of Cambodia
further improved the conditions for ethnic Chinese in Cambodia. However the unsolved problem of a number of Chinese schools, temples, burial sites and other properties remain unreturned to their rightful owners, who are often obliged to buy back buildings originally financed by their associates within living memory (Jelonek 2008: 48).
4. Extraordinary Chambers in the Courts of Cambodia (ECCC)

The Extraordinary Chambers in the Courts of Cambodia (ECCC) is the combined effort of the United Nations and the Royal Government of Cambodia to hold the members of the Khmer Rouge regime accountable. The bilateral agreement was signed in 2003 (Ciorciari 2006: 14, Yesberg 2009: 557). It officially began on July 2nd 2006, almost 30 years after the Khmer Rouge were driven from power by the Vietnamese forces. The court has jurisdiction about both the national and international law, which makes the suspects punishable for the domestic laws against homicide, torture and religious persecution, but also for the international laws of genocide and crimes against humanity, according to the 1949 Geneva convention (ECCC 2004).

Our modern perception of international criminal law and the international prosecution of “crimes against humanity” is strongly influenced by the Nuremberg Tribunal after the second world war (Ciorciari 2006: 14). Inspired by this model, more international courts have been set up in order to prosecute war crimes, such as the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for former Yugoslavia (ICTY).
However the ECCC is also modelled after the Cambodian national courts and operates according to a system of civil law. The hybrid court consists of a majority of Cambodian judges, as well as international judges (Pham 2005: 9). It is separated into three Chambers: the Pre-Trial Chamber, the Trial Chamber and the Supreme Court. The judicial offices are lead by two Co-Prosecutors and two Co-Investigating Judges, always consisting of one Cambodian national and one international. The conditions agreed on between the Royal Government of Cambodia and the United Nations give the UN less control in comparison to the ICTR and ICTY (Yesberg 2009: 561). In 2007 an audit report by the United Nations Development Programme (UNDP) criticized the lack of transparency and oversight⁵.

4.1 Purpose and Goals

According to the ECCC, its chief goal is to provide justice to the Cambodian people, those who died and those who survived through a fair trial that will hold the senior leaders of the Khmer Rouge regime accountable.⁶ Further goals are to educate Cambodia’s future generations, to strengthen the rule of law by punishing the accused, as well as contributing to the reconstruction of the Cambodian society.

The Khmer Rouge Tribunal recognizes the moral obligation of proving the crimes committed beyond any reasonable doubt in the context of national and international law, including the charges of “crimes against humanity” and “genocide” (Ciorciari 2006: 23). In a fair trial, guilt must be proven through undisputable evidence, directly linking the accused to the crimes beyond, which is especially challenging for crimes with such gravity. Delivering guilty verdicts and sentencing the accused accordingly is a central aim of the court and an important part of ensuring that the “retributive” justice is met, which focuses on individual criminal acts and punishing the offenders (Ciorciari 2006: 134).

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4.2 Process and Current State

The first case titled “Case 001” was that of Kaing Guek Eav, also known as Duch, who was found guilty on July 26, 2010, of crimes against humanity for operating the infamous Toul Sleng prison, in which at least 12,200 Cambodians were tortured and killed. The second case began shortly after with the four remaining leaders of the Khmer Rouge cadre. During the court proceedings Ieng Sary died in March 2013 and his wife, Ieng Tirith, was found unfit to stand trial. Finally on August 7th, 2014, two of the remaining accused, Khieu Samphan (83) and Nuon Chea (88), were found guilty of “crimes against humanity” and sentenced to life imprisonment, nearly four years after their indictment in August 2010. However, due to its complicated nature and long list of accusations, the trial was split into two separate cases. The guilty verdict in August 2014 only marks the middle of an ongoing trial, which continues now with case 002/02 and charges of genocide.

2015 marks the 40 year anniversary of the violent takeover of the Khmer Rouge regime in Cambodia in 1975. It is a significant year for remembering what happened, as both survivors and perpetrators are now of advanced age, leaving little time and opportunity to hear from first hand accounts about the genocide committed. As of the count in 2014, over 200 million US Dollar have been spent on the ECCC with only one case having been brought to
completion. A lot of controversy has been surrounding the closing of the cases 003 and 004 against high to mid ranking Khmer Rouge officials, with allegations of political pressure stalling investigations.

However there are other factors that weigh in on the importance of the Khmer Rouge Tribunal beyond the punishment of the accused. During the first trial, an unprecedented number of over 31,000 people attended the court hearings. For many of the survivors, the official recognition of the heinous crimes committed against them and the opportunity to be heard by a national and international audience, provides a significant aspect towards a reconciliation process. Additionally the investigation process provides further insights into the mechanisms of the Khmer Rouge and serves as a basis for truth-finding and as an educative and cautionary example for present and future generations.

4.3 Outreach of the ECCC and Civil Society Organisations

As discussed in chapter 3.1 communication is a central aspect of any outreach and reconciliation activities, as they involve reaching people often in remote locations, engaging them in participation and dialogue, as well as offering a platform for additional voices to be heard. This is reflected in the major programmes of the NGOs in regards to transitional justice following the Khmer Rouge genocide. The ECCC outreach program has distributed information booklets, posters and stickers throughout Cambodia (Yesberg 2006: 563). A weekly radio programme is offered, which can also be downloaded from the website. Radio is still a very common medium in Cambodia and proves an excellent method of spreading information, especially in remote areas.

However since the closing statements of case 002/01 on October 31st 2013, no significant outreach activities can be found in the regularly updated calendar, aside from the weekly radio show, which stopped two weeks into the trials of case 002/02 and has been inactive since February 5th. A monthly report is still being published through the “Media Center”, which also includes other information publications, video streams and archives. Although it is
unlikely that many Cambodians read the regular updates, as they are only accessible online and require often in depth knowledge⁷.

**PAS Outreach Overview (2009 – 2014)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Public Hearings (people/day)</th>
<th>KRT Study Tours (participants/tours)</th>
<th>Court Visits (people/group)</th>
<th>VIP Visits (people/delegations)</th>
<th>Video Screenings (viewers/screenings)</th>
<th>School Lectures (students/schools)</th>
<th>TOTAL (people)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>35,010/87*</td>
<td>3,018/10</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>4,000/1</td>
<td>40,028*</td>
</tr>
<tr>
<td>2010</td>
<td>3,367/5</td>
<td>29,391/80</td>
<td>1,780/69</td>
<td>151/23</td>
<td>31,118/71</td>
<td>16,100/5</td>
<td>81,766</td>
</tr>
<tr>
<td>2011</td>
<td>19,207/25**</td>
<td>25,400/74**</td>
<td>200/32</td>
<td>119/32</td>
<td>23,991/56</td>
<td>31,620/13</td>
<td>100,784</td>
</tr>
<tr>
<td>2012</td>
<td>60,492/133</td>
<td>10,147/31</td>
<td>949/46</td>
<td>90/18</td>
<td>10,696/23</td>
<td>14,100/20</td>
<td>96,474</td>
</tr>
<tr>
<td>2013</td>
<td>36,871/84</td>
<td>11,040/39</td>
<td>594/52</td>
<td>95/24</td>
<td>2,583/9</td>
<td>8,000/7</td>
<td>59,183</td>
</tr>
<tr>
<td>2014 (Jan-June)</td>
<td>457/1</td>
<td>14,093/47</td>
<td>289/22</td>
<td>17/7</td>
<td>0/0</td>
<td>12,710/12</td>
<td>31,601</td>
</tr>
<tr>
<td>TOTAL</td>
<td>153,363/335</td>
<td>92,969/281</td>
<td>4,059/225</td>
<td>472/104</td>
<td>68,388/159</td>
<td>86,530/58</td>
<td>409,836</td>
</tr>
</tbody>
</table>

* Data on 2009 hearings are now including TC’s 2-day initial hearing in Case 001 and PTC’s hearings in Case 002.
** Data on 2011 hearings and KRT study tours were re-calculated in Jan 2013 as two groups brought on 9 Dec 2011 were reclassified from the category of KRT Study Tours to Public Hearings in accordance with TC’s trial day counting. On that day, the hearing was adjourned within 15 minutes, and the groups were treated as usual study tour groups.

Other ECCC outreach activities (image) include Khmer Rouge Trial study tours, court visits, VIP visits, video screenings and school lectures. However the latest data is not yet available and statistics only go up until mid-2014. While certain areas clearly experience a decline, such as visits and involvement by the people involved and video screenings. However KRT study groups appear to have experienced a spike in numbers.

Outreach and community-based participation are often a strong focus among civil society organisations. TPO, ADHOC, CHRAC and Kdei Karuna are among the most active civil society organisations that conduct outreach in regards to reconciliation after the Khmer Rouge.

Transcultural Psychosocial Organization (TPO) offers an extensive outreach program that focuses heavily on reconciliation on a community level, providing a variety of psychological services and trainings⁸. The Khmer Rouge Tribunal Project seeks justice and relief for the survivors of the Khmer Rouge with on-site psychological support, psychological services at the treatment centre, active phone lines for counselling and a radio program that raises awareness on symptoms and treatments of trauma. In cooperation with the NGO Kdei Karuna and the Center of Conciliation, the Former Khmer Rouge Dialogue Project⁹ seeks to establish dialogue among victims within communities, but also between victims and former Khmer Rouge perpetrators on a grassroots

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⁸ TPO Cambodia - www.tpocambodia.com [last accessed on May 20th, 2015]
level (Srun 2011). Another approach was taken for the interactive, community-based video project titled *We Want (U) To Know*. Focusing on truth-telling and memorialization as key components for the transitional justice process, TPO, in cooperation with the Institute of Democracy, conducted a participatory film project that allowed Khmer Rouge survivors to design, film and direct their own documentary to share their stories around the world\(^\text{10}\). Furthermore TPO has submitted several judicial reparation measures, including testimonial therapy for civil parties and self-help groups for rehabilitation (Appendix 3).

The NGO Kdei Karuna is the Cambodian branch of the Boston-based International Center for Conciliation (Kdei Karuna 2012: 14). Their main outreach program is titled “The Justice and History Outreach” (JHO). Additionally to the *Former Khmer Rouge Dialogue Project* and the participatory film project *We Want (U) To Know* in cooperation with TPO, it includes the *Training of Trainers* (TOT) project and the *Community Memory Initiative* (CMI). By offering training, TOT hopes to provide practical means of mitigating conflicts, to increase the confidence of villagers and to enhance social relations. By the example of using the Khmer Rouge experience, the program also seeks to foster openness and dialogue (Kdei Karuna 2013: 5).

\(^{10}\) *We Want (U) To Know* - http://www.we-want-u-to-know.com/ [last accessed on May 20th, 2015]
The Community Memory Initiative aims to empower local people to take ownership of their healing process by engaging in community activities about sharing Khmer Rouge memories and experiences (Kdei Karuna 2013: 7).

The Khmer Rouge Tribunal Project\(^\text{11}\) run by the human rights NGO ADHOC focuses on the delivery of justice towards the victims participating at the ECCC. Their primary goal is to make the ECCC’s mandate known to Cambodians through outreach workshops by distributing information material and regular radio broadcasts, as well as with the help of local officials, teachers and monks. Furthermore they engage in lobbying for the interests of the selected civil parties at the ECCC. In Case 002, ADHOC supported 1,791 accepted CPs of the total of 3,866 (Bhalthazard 2013).

The NGO CHRAC has created and publicized a Civil Party Story Book, titled “The Stories from Civil Parties participating in the Extraordinary Chambers in the Courts of Cambodia”, which became a small reparation project of Case 002/01 (CHRAC 2015: 8). 500 Copies were printed and distributed on the day of the guilty verdict. Another 1000 copies were printed with the support of other NGOs as part of the Mobile Exhibition Project and 1530 copies have been printed with the remaining budget of the project. CHRAC conducts outreach through the KRT Watch radio show with one live show and one rebroadcasting show per month, beginning in March 2014 (CHRAC 2015: 3). Topics include “the Proceedings of Case 002/02”, “Update of Victims Reparation Projects” and “Cases 003 and 004 under investigation”. While there are between two to five callers per show, there is no collectable data on the total number of listeners.

4.4 Reparations and Non-Judicial Measures

The framework in which the ECCC operates is narrowly defined. Only specific groups of people are legally represented and acknowledged during the court proceedings and only events that happened between April 17th 1975 and

January 7th 1979 are considered. Consequently only the groups that have legal representation can be included in the reconciliation and peace-building process. For example the ethnic Vietnamese minority and the Muslim Cham, as well as the Buddhist monks are represented, however the ethnic Chinese-Cambodians are not (Beckerle 2013).

The ECCC is the first internationalized criminal court to allow civil party-victims the possibility to make a legal claim for moral and collective reparations (CPLCL 2014: 2). “Collective” refers to measures that, while possible to benefit a smaller subgroup of people, should “benefit as many victims as possible”, due to the mass nature of violations. “Moral” refers to the reparation of moral, rather than material harm, including trauma, harm to private and family life, harm of reputation, harm of traditions and culture, loss of freedom, loss of future life prospects and loss of “enjoyment” of life. Reparations fall into the categories of remembrance and memorialization, rehabilitation and health services, as well as documentation and education (Kirchenbauer 2013: 6). An additional section covers activities aimed at aiding specific victims, such as those subjected to forced marriage, Cham Muslims or Vietnamese-Cambodians. However victim groups that are not listed can not apply for these reparations, such as the Chinese-Cambodian minority.

“The Victims Support Section shall be entrusted with the development and implementation of non-judicial programs and measures addressing the broader interests of victims. Such programs may, where appropriate, be developed and implemented in collaboration with governmental and non-governmental organisations external to the ECCC.”

(Rule 12bis (3), ECCC Internal Rules)

To broaden the scope of possible reparations, the Victim Support Section of the ECCC has introduced “non-judicial measures (NJM)” as an additional instrument that describe any initiatives developed and implemented for the broader benefit for the victims of the Khmer Rouge. According to a roadmap outlining reparation strategies presented by the Victim Support Section for the trial case 002/02 in September 2014, the Victim Support Section is in charge
of developing and implementing non-judicial projects in collaboration with governmental and non-governmental organizations that are external of the ECCC. Furthermore the projects can be implemented at any point during the trial and may address groups and individuals that are not considered in the process of the tribunal.

4.5 Limits and Criticisms

As the Khmer Rouge Tribunal only began nearly three decades after the Khmer Rouge were forced from power, many of its former leaders had already passed on never having to face their crimes, including the figurehead Pol Pot, but also Defence Minister Son Sen, Education Minister Yun Yat, and Zone Commander Ke Phauk (Ciorciari 2006: 12). Ta Mok, also known as “the Butcher” for his brutal methods, died in July 2006, just before the trial could begin (ECCC 2014). Of the four accused leaders, only two remain. Deputy prime minister Ieng Sary has passed away during the proceedings on March 14th 2013 and his wife, former minister of foreign affairs under the Khmer Rouge, has been found unfit to stand trial in 2011 (ECCC 2014). She was released from prison in September 2012. To this day, only Case 001 has been brought to completion. Due to its heavy case load, Case 002 has been split into two separate trials. However Nuon Chea is already 8812 years old and Khieu Samphan is 8313. Furthermore the court has continuously faced criticism in regards to interferences into investigations (Yesberg 2009: 558). Given its structure and basis in the Cambodian system, only few accusation are being made over a very specific timeframe.

Transparency is very important to achieve national reconciliation. Human Rights Watch warned from “closed sessions” as they may lead to mistrust in the Cambodian population. Cambodians cannot be expected to put their trust into trial proceedings they cannot see (Yesberg 2006: 562). However a visible process may increase chances of trust, acceptance and ultimately reconciliation.

12 Nuon Chea was born 7 July 1926
13 Khieu Samphan was born 27 July 1931
5. Research Methodology

5.1 Research Questions and Context

Non-judicial measures were introduced to the Extraordinary Chambers in the Courts of Cambodia as a means to extend the scope in which victims of the Khmer Rouge may receive justice and support. These measures are valuable for introducing reparation measures that focus on groups of victims and crimes of the Khmer Rouge that have not been specifically addressed during the trial. Against the backdrop of no legal representation of ethnic Chinese-Cambodians at the Khmer Rouge Tribunal, this study seeks to find meaningful opportunities to broaden the field of collective reparation measures and reconciliation through the non-judicial process unique to the ECCC.

(1) How do Chinese-Cambodian survivors feel about the transitional justice process after the Khmer Rouge?

(2) What are the expectations and needs of Chinese-Cambodian survivors with regard to future transitional justice measures?

5.2 Research Design and Methodology

The role of the researcher in quantitative studies is non-existent, as data is collected without interference. This is different in qualitative research, where the researcher is considered an instrument of human data collection (Denzin 2003). In this context, it is common for the researcher to disclose their personal role and a possible bias (Greenbank 2003). For the past five years I have worked in a cultural organisation in Phnom Penh. In this context, I have been part of the facilitation of a number of events that also related to the Khmer Rouge Tribunal and events in cooperation with many non-governmental organisations, including those named in this paper. However I am neither affiliated with said NGOs nor the judicial process of the ECCC. Furthermore I have developed the questionnaire with another researcher and have used similar, quantitative findings to compare my data to.
Based on my research on the court proceedings and inspired by my personal experiences, I have decided to conduct a case study to give voice to a segment of the Cambodian population in a context that has not been addressed so far. A case study systematically gathers information about a particular person, social setting, event, group, or entire community to permit an understanding on how it operates or functions (Berg 2001: 225). It also emphasizes on the in-depth study on individual cases in the context of the social construction, thus representing the meanings of the individuals in the social reality (Somekh 2005: 33). Case studies don’t attempt to generalize, but give context. There are a number of different methods that can be applied to a case study, in this case it is based off of semi-structured, individual interviews and focus groups (Somekh 2005: 34).

A common criticism of case studies is the selective nature of information and the difficulty of drawing the line of the ‘boundaries of knowledge’. Furthermore each research method has a specific perspective, which influences the results to a degree. That’s why it is common to rely on two or more commonly three techniques, a practice called triangulation (Berg 2001: 5). In social sciences the term was first used to describe multiple operationalism, a multiple data-collection technique targeted at a single concept or construct. The two main methods are interviews and focus groups. To address the larger, quantifiable implications, I have combined these findings with a qualitative comparative analysis of related, quantitative data from surveys conducted in the past (Somekh 2005: 35).

To present the social framework of the data necessary to place the findings, the relevant context has been given in the previous chapters. This thesis may be called an “exploratory case study”, in which the research questions and conclusions are drawn after the collection of data (Berg 2001: 230). Due to their qualitative and investigative nature, explorative case studies are often useful in providing frameworks for larger research projects.

For the crimes committed against the Chinese-Cambodians, the discriminatory patterns are often described as more geographical in nature
and less racially motivated. According to Ben Kiernan, a large portion of the Chinese population in Cambodia was moved from Phnom Penh to either the Kampot region in the southwest or Battambang region to the northwest, where most people have died (Kiernan 1986: 20f). Choosing the interview locations based on these statements, I have conducted focus groups and individual semi-structured interviews with a strong focus on Battambang, followed by Phnom Penh and Kampot.

Focus Group in Kampot and Battambang

Focus groups may be defined as an interview style designed for small groups using discussion to gather insights about the participants (Berg 2001: 111). Focus groups have attained a lot of popularity among researchers. They are especially useful as an additional research method, as power structures, social positions, value, confidence and trust can influence the course and outcome of the discussion (Somekh 2005: 42). Similar problems may arise during interviews, however the group dynamic might have a stronger impact. However bringing a group together also adds the value of a social process, interaction and the co-production of information that might not have been possible during individual interviews (Somekh 2005: 43, Berg 2001: 114).

In Kampot I met with a group of five civil party representatives, who had Chinese-Cambodian background and still identified with their Chinese heritage. In a first meeting, I decided that a focus group was the best method, as the group have made similar experiences with the transitional justice experiences connected through representation by the local human rights group ADHOC. The discussions were held in Khmer and recorded, while simultaneously being translated. The questions of the focus group were based on the interview guide for the individual interviews. Additional questions were asked during the discussion and further individual questions were asked after the group discussion was over.

Although originally not planned, a small focus group with four participants was also held in Battambang after more interest was sparked among community members during an interview session. None of the participants were civil
parties, however they did know each other for a long time. In fact three of them were held captive during the Khmer Rouge time together and endured hard labour, like having to pull heavy farming equipment usually reserved for cattle. While they tended to agree on most issues, the participants felt comfortable with each other and were more open to sharing their experiences and thoughts. This lead to a more free flowing discussion and less necessity for guidance.

**Individual, semi-structured interviews Battambang and Phnom Penh**

Semi-structured, or semi-standardized interviews, a popular research method in qualitative research, consist of sets of questions derived through a framework put together to find answers to a set of research questions (Hansen 1998: 257, Berg 2001: 70). Different from structured interviews, which are mostly used in quantitative research, semi-structured questions are open, allowing new ideas and results in the process (Creswell 2004). While certain assumptions are implied, each participant is given the freedom to digress (Berg 2001: 70). The interview guide (Appendix 3) was derived from a set of specific research themes in order to gather information and the questions were framed and ordered accordingly (Pickering 2008: 90, Hansen 1998: 244).

For this paper, eleven semi-structured interviews with Chinese-Cambodian survivors of the Khmer Rouge regime have been conducted in Phnom Penh and Battambang. After finding initial respondents, the interviewees were selected through a the chain-referral sampling method or “snowball sampling”, which describes the non-probability technique of using social networks of initial informants to meet and interview other participants that met the criteria (Morgan 2008: 816).

**Qualitative Comparative Analysis (QCA) of related surveys**

To further fulfil the triangulation standards of research, I have decided to compare the findings of the interviews and focus groups to the quantitative research done into the expectations of Cambodian civil parties towards the outcome of the ECCC and possible reparation measures. There has not been
a comparable study conducted into the specific expectations of Chinese-Cambodians, however it can be expected that the core needs and opinions will at least show some similarities, as all but one of the participants of this study have been born in Cambodia and have in many ways adapted to Khmer culture.

Qualitative comparative analysis (QCA) is a concept that is used to compare few (small-N) or many (macro-comparative) sets of data with overlapping similarities, however often from different social environments (Berg 2000: 3). Initially in the 1980s and 1990s, it was developed as an application for political sciences, comparing and cross-referencing information from different countries (Finifter 1993: 105). Scientific analysis is in its nature comparative, however this method can be more broad and general. Furthermore QCA is often used to provide a connection between quantitative and qualitative data sets.

5.3 Significance
Non-judicial measures in the framework of the ECCC provide the opportunity to broaden the ability of development organisations and state actors to provide extended support for victims that exceed the limitations of judicial restrictions. Introduced just before the second case of the trial, NJMs are a new mechanism that can be beneficial towards aiding victims and society and should thus be explored further. As any organisation can submit project proposals and secure outside funding, the limitations are lifted on the number, variety and focus of future reparations. Victim groups that have received no representation and are not able to apply for reparations can be addressed through NJMs and be included in the healing process.

The struggles and discrimination of ethnic Chinese in Cambodia under Lon Nol, the Khmer Rouge and the pro-Vietnamese PRK government have received relatively little attention both in literature and research, as well as public perception. Part of this is that the Chinese-Cambodians are not included as a group in the trial proceedings and thus receive less attention through research projects and outreach programs. Civil parties and civil party representatives registered with the Victim Support Section and within NGO

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data bases have more exposure to the court proceedings and NGO activities. However in the data bases of the VSS, no Chinese-Cambodian civil parties were registered in Battambang or Phnom Penh. The data base of the NGO ADHOC also had no Chinese-Cambodian entries. This study argues for a more inclusive approach given the new opportunities of NJMs.

5.4 Risks and Limitations

Only limited research has been conducted towards Chinese-Cambodians in general and even less in regards Chinese at the Khmer Rouge Tribunal. Furthermore virtually no research has been conducted into non-judicial measures so far. However there are studies and surveys that address the expectations towards reparations and attitudes towards the ECCC within the general population.

As discussed in this paper, Chinese identity in Cambodia is complex and versatile. It was not easy to find Khmer Rouge survivors that identify as Chinese and still have strong Chinese roots. Even with the ones that took part in the study, the majority still firstly identifies as Khmer. Additionally Chineseness was strongly discouraged between 1970 and 1991, which caused many ethnic Chinese to hide and disassociate from. While Chinese traditions have made a strong come back and celebrations, such as Chinese New Year are widely celebrated, even by Cambodians, the distinct Chinese perspective can not be expected to significantly differ from that of the majority population of the same socio-demographic background.

For the scope of this research, no quantifiable methods were possible. However the qualitative research in this paper can be compared to the quantitative research conducted by other institutions, as discussed in the analysis. Due to the limitation in sample size and much migration before, during and after the Khmer Rouge, it is difficult to create geographical relevance with this research. However the literature shows that geographic and individual factors greatly contributed to the extent of discrimination that Chinese experienced under the Khmer Rouge. I recommend further research,
especially within pure Chinese communities rebuilt after the Khmer Rouge, like those discussed in Chan Sambath’s paper.

Finally the questionnaire was written to have open, non-guiding questions towards the expectations of transitional justice activities. However the understanding of the participants, while varied, was limited. Some of the terminology was difficult to understand or to differentiate. With no background knowledge of reconciliation practices, answers were sometimes vague or misdirected. As most of the participants were regular citizens, they had no contact with NGOs working in this field and thus received no training.

5.5 Findings and Analysis

After familiarizing myself with the content, I began by structuring the transcribed interviews by clarifying information, eliminating digressions and distinguishing between essential and non-essential information (Kvale: 189-190) and finding appropriate groups, codes and labels. Following deductive thematic analysis of codes, patterns and relationships, I organized the core answers according to the research themes and questions that served as a foundation for determining the interviews.

The audio recordings of the interviews were translated into the English language and transcribed prior the analysis of the data. No computer assisted qualitative data analysis software was used. The data was manually organized according to the research themes and different codes were used by tagging and through use of colour, to determine relationships and patterns.

Focus Group in Kampot (5)

Different from the individual interviews conducted in Battambang and Phnom Penh, this group was put together with the help of a civil party representative in Kampot, who was put in contact with me through the Victim Support Section of the ECCC. They ranged in age between 49 and 56 years old and have had all taken part in briefings and information sessions in Kampot facilitated by the local human rights NGO ADHOC. Further they have all visited the trial proceedings between one and two times, although not at the
same time. While they all registered as civil parties, none of them took an active role as a witness during the procedure. Being represented by civil society organisations during the trial, their knowledge of the overall process and especially of the perspectives and involvement of NGOs during the tribunal above average, however I also felt that through more regular discussions and guidance, there was more consensus within the group.

All participants were of ethnic Chinese backgrounds: Two of them were Cantonese, another two were Teochew and one was Hainanese. However none of them were still able to speak the language, although they actively take part in Chinese traditions, for example during the Chinese New Year celebrations and Chinese rituals at wedding ceremonies and funerals. Three of the older participants were able to speak the language as a child, however having to hide Chinese during the Khmer Rouge and through loss of their family, they lost that part of their culture. Two stated that Chinese family members were killed, specifically because they were not fluent in Khmer and could not conceal their Chinese background. One participant noted that “everyone knew that most of the Chinese were killed, because Pol Pot hated Chinese”. Everyone agreed that acknowledging their Chinese heritage was an important part of their identity and it would be good to include them as an ethnic group in the reconciliation process.

Although everyone in the group joined activities about the Khmer Rouge and actually had been to the court either once and twice in the years between 2011 and 2014, the understanding of the process and knowledge towards specific collective reparations was limited. One participant said that even the court hearings themselves were difficult to follow, all she really knew was that five people were accused in total and that they were responsible for the crimes committed under the Khmer Rouge. Three of the participants named television and radio as ways to continuously retrieve information, while two of them barely followed what was going. One woman commented that information activities in the countryside were useful, as otherwise the people in her community would not know about the court proceedings at all. Improving information and communication channels to be more inclusive
towards elderly and those with low educational background would improve the understanding and sense of participation of the process.

The general opinion of the ECCC, NGOs and Cambodian government was very favourable, which is not surprising as they are direct beneficiaries of the outreach activities due to their civil party status. While the participants had a general understanding of the role of the ECCC and NGOs, none could name the active role taken by the Cambodian government. The efforts of the court and the programs of NGOs were seen as useful and are generally trusted. However they still had suggestions and some critique. But all of them were very happy about being able to voice their opinions and participate in the process. One woman mentioned that she would like to be invited to the court more often and would indeed join every day if possible, a sentiment that was strongly shared by the rest of the group and brought up on two more occasions specifically. Two of the women expressed their hope of being able to take the witness stand themselves, however they were disappointed as they were not chosen after applying several times. These findings reflect the communication theory, which name participation and being able to speak out as significant pillars of reconciliation. Only one participant expressed doubt about the usefulness of the community meetings in Kampot.

He followed by bringing up individual reparations as the most important way to compensate the survivors for the death of their family members and property, which resonated well with the rest of the group. A woman stated that she felt that USD 1000 per victim was an adequate number that others agreed to. The group was aware of the ECCC not agreeing to individual reparations, however asked to reconsider. One man criticized the NGOs for only trying to help groups and disregarding individual needs. A woman mentioned that in addition to losing family members, she has lost her house, her jewellery and other belongings and requests replacement. Two women suggested individual reparations to support Buddhist rituals, ceremonies and the building of stupas as good measures, but they were afraid that the funding would not make it to the people and that middlemen from NGOs and the government would take it
for themselves. They suggested giving the funds directly to the people or communities.

Justice is the most frequent word used by this group of survivors in the context of the Khmer Rouge and the ECCC, however it may have different meaning to people and was at times conflated with other terms, such as truth-seeking and reconciliation, which also clearly are important to the justice process. For four of the participants truth-seeking was most important. One woman explained that many young people don’t really know about the extent of the Khmer Rouge and many would in fact not believe her, so for her proving the crimes committed by the Khmer Rouge to younger generations meant justice and reparations should go into this effort. She further mentioned that there are still many more offenders that should be prosecuted in front of the court, which other participants agreed to. One woman also wanted to know more details about other offenders, however she acknowledged that it would not be possible to find them all. Another woman was upset that the offenders in court did not admit to their crimes and felt they were not held accountable to the highest extent.

Four of the participants expressed that including the Chinese-Cambodian perspective is important as it brings justice to the many who have died and also is important to acknowledge for the larger picture. The group generally agreed that the Chinese-Cambodians should have representation in the court, not dissimilar to the Vietnamese or Cham minorities. One man said that the Chinese were killed much faster than the Khmer and that there were separated from other groups. Two women and one man lost Chinese family members, because of their heritage. The man also referred to the discrimination of the Chinese after the Khmer Rouge, who were categorized with the number “351” and said that much of their culture had been lost.

Focus Group in Battambang (4)

The focus group discussion in Battambang was more fluent and needed less guidance or follow up questions. Contrary to asking a series of questions, we focused on themes according to the research objectives. None of them were
aware of any specific activities by NGOs or any judicial or non-judicial measures that were planned, however they did follow the general proceedings of the court on TV and through radio, the most common means of information. Furthermore they all were strongly in favour of including the Chinese-Cambodian perspective and to include them in both the court and through reparation measures. The focus of the discussion was on the meaning of justice, the importance of truth-finding, the healing process for survivors, memorial and educational measures, as well as individual reparations. These approaches are all very important to the transitional justice process and should have at its core a communication strategy as discussed in chapter two. The lack of knowledge and participation suggest a lack of or faulty communication that should be addressed.

By starting the discussion with what might bring justice to the survivors of the Khmer Rouge, the oldest participant of the group with 73 years old spoke first: “Killing the leaders of the Khmer Rouge won’t bring justice to the people.” She continued by explaining that exposing them and putting them in jail was the better option. The others agreed and discussed that according to their Buddhist belief, they should not harbour revengeful feelings. However another noted that it is important that they would be publically shown so that people can see their faces, they should be exposed for what they have done. Another comment was made towards finding more of the lower ranking perpetrators to prosecute, as they were the ones that actually carried out the killings.

Truth-seeking was generally regarded as a very important aspect of justice that was shared by nearly everyone interviewed during the research. Two participants of this group stated that the most important reason for finding out the truth was to educate the generations that have not experienced the Khmer Rouge themselves and often either don’t understand or cannot believe the extend of the violence. One of the women said that it was important, so that Pol Pot’s army would never be able to return. Another replied that we also need to know who the people are that have the blood on their hands. When asked if they thought that finding the truth has been successful so far, they felt that there were still a lot of former Khmer Rouge perpetrators that stayed
hidden or were protected. “I don’t trust them to find out all the truth”, one remarked. When asked how the truth-finding process could be improved, the male participant replied that the authority should be put in the hands of international NGOs to make them more independent of the current government. Another remarked that most people learn about the court from TV only and have limited knowledge about what is going on and suggested to distribute more materials by international human rights organisation, clearly outlining the process. This idea was enthusiastically accepted by all members of the group. Especially the national media outlets, such as newspapers, radio and TV, are all strongly controlled by the government. The power relations within the media are known among Cambodians, so often times the media will not be followed. This lack of trust also extended to the ECCC notably by the majority of participants. However the trust towards NGOs and the international community seemed to be strong, so exploring independent information channels, such as distributing leaflets or other information material that summarize the court proceedings both independently and in an appropriate matter, might provide a good opportunity to enhance the knowledge, interest, participation and ultimately reconciliation within the population.

Moving on to what could be done to advance the healing process of the survivors, the first remark was that by not prosecuting enough of the Khmer Rouge, it was difficult to bring justice or even begin a true healing process: “Exposing more of the people and crimes would help the healing.” Finding out the real truth was then named as an important condition for being able to heal. Another participant said that it would help to see remorse in the faces of the convicted Nuon Chea and Khieu Samphan. The discussion moved towards possible measures that could be implemented in support of the reconciliation. Memorials and public events to remind people regularly of the crimes were welcomed mostly for the good of the young and future generations. Psychological support through community support groups and professionals were regarded as generally beneficial. One woman mentioned that it would make more sense in the provinces as people in the cities were usually too busy. Another commented that especially older people would benefit, as it is more difficult for them to overcome the ongoing nightmares. Improving
educative and documentative measures was also seen as useful in order to improve the truth-finding process and to understand what happened. “They also need to teach it well in school”, one of them added.

When asking about their thoughts on individual, material measures as opposed to the collective ones that are planned, the first participant replied that the money would “never get to the people”. Less cynically, another agreed that it made more sense to put the money together to help more people, rather than giving each one of them just a small percentage. She continued that it should be invested into reminding people of the past. When asked for any last recommendations or remarks, two of the participants expressed their wish of the international justice system of the ECCC influencing the local courts to improve the justice process beyond.

**Individual Interviews in Phnom Penh (5) and Battambang (7)**

The interviewees in Phnom Penh and Battambang were between the ages of 51 and 75 and came from different backgrounds, socio-economic standings and with vastly different life experiences before, during and after the Khmer Rouge. Furthermore the role that the Chinese ethnicity played in their past and present also differed among participants. Different from the group in Kampot, the Chinese heritage of the interviewees in Battambang and Phnom Penh was more central, yet still a lot of culture, language and identity has been lost, as ethnic Chinese in Cambodia experienced tremendous hardships in the years leading up to the Khmer Rouge under Lon Nol, during the Khmer Rouge regime and during the following Vietnamese occupation, when Chinese-Cambodian citizens were branded with the number “351”. Counting in the factor that Chinese schools and religious sites were closed and the language was forbidden from being spoken for nearly fifteen years between 1975 and 1989, the majority have never been able to reconnect fully with their heritage. The number of “Cenchiw” or “raw Chinese” that are still alive is small and most of their Children have, either by necessity or choice, assimilated into Cambodian society. All participants in Phnom Penh and Battambang had at least one fully Chinese mother or father, yet two of them identified only as Khmer. Seven of the participants were at some point able to speak Chinese or
had regular exposure to the Chinese language, however only three of them were still able to speak at least some today. Six of the participants did not experience personal discrimination because of their heritage, while five have reported being separated into Chinese encampments or having to hide all Chinese affiliation. Two of them changed their names to sound Khmer. Only one of the interviewed I had met was actually born in China and migrated to Cambodia with his parents at the age of two years. Coincidentally he went to a Chinese school in 1967, where he was taught by the Chinese-Cambodian “Kang Kek Iew”, who later became known as “Comrade Duch”, the director of the infamous S-21 prison and first Khmer Rouge leader to be sentenced to life in prison by the Extraordinary Chambers in the Courts of Cambodia.

All participants had general knowledge about the court proceedings and all but one viewed the efforts as generally favourable. Nine named television as a source of information on the Khmer Rouge proceedings, five listened to the radio, only two checked the internet and not one read the newspaper. The participants were generally aware of when the ECCC began, who was being prosecuted and what the current state was. The detailed knowledge regarding the trial varied, but was mostly limited to the main events and announcements. Knowledge on additional activities, such as reconciliation projects by international NGOs and the Cambodian government, as well as planned reparation projects for Khmer Rouge survivors, was limited. Only one participant has been to the court, four have heard about reparations in general and three could name specific reparation activities. Four participants stated that it was too complicated to follow and six participants said that they would like to receive more clear and concise information through independent channels. Offering alternative information channels, like discussed in chapter two and concluded during the focus groups in Battambang and Kampot, would be a useful additional tool.

Of all the interview participants in Phnom Penh and Battambang, only one was fully satisfied when asked if justice was successfully brought by the ECCC and that sentencing the highest leaders was enough. Two more agreed with the sentiment that punishment alone equals justice. Four
participants mentioned that justice is very important, but said that too much time has passed already. Seven stated that in order to bring punitive justice, the court would need to be able to independently investigate other Khmer Rouge leaders and expressed concern about the prosecution of the pending cases 003 and 004. Six of them feared however that government involvement and corruption would prevent further cases from being brought in front of the court. Of the eleven participants, one felt that the court brought no justice and one stated that he didn’t care about justice anymore. When asked if the accused have been held accountable, six have stated that there was no real justice, as the accused do not admit their crimes or have lied about their involvement and expressed the need for admission of guilt as part of the sentencing.

Only two of the participants, both from Phnom Penh, felt that survivors have received adequate compensation for their loss and suffering. One named the Khmer Rouge Tribunal itself as enough compensation. The other felt that the United Nations Transitional Authority in Cambodia (UNTAC), which was an unprecedented effort of setting up a transitional government, as well as foreign aid as enough compensation. While seven of the participants stated that there was only minimal or no compensation given to victims, only one of them felt that financial reparations should be made. Just like the participants of the focus group in Kampot, he thought 1000 USD per victim would be a reasonable amount, although he was not registered as a civil party and therefor would not be eligible in the first place. Six people said that collective measures were more reasonable and also more likely. Five participants stated that it was more important to carry on the trial proceedings into cases 003 and 004 or to invest that money into truth-finding efforts. Also five stated that financial reparations were unnecessary, could not make up for the loss or would be generally unlikely to happen.

Throughout all discussions and interviews, finding out the truth was the most important to most of the participants. It was very important to all but one, who felt that since a long time has passed, he didn’t care anymore. Although he still noted that it was important to preserve the information for future
generations. The term truth took on different meanings, but the most common interpretations were either to understand exactly why the genocide happened or who else was responsible. Eight interviewees stated that finding out the truth was important to preserve Cambodian history and to educate future generations and to prevent the Khmer Rouge or similar totalitarian regimes to return. Six of the interviewees said that knowing who else was responsible in carrying out the crimes was very important, while four stated that no justice would ever be possible otherwise. Also six interviewees expressed a need to understand the reasons behind the crimes, four of them stated that it could provide them with some closure. When I asked about the importance of memorialization, the sentiment was similar. Seven interviewees stated that remembering the Khmer Rouge was very important for fear of a similar regime returning. The memory would serve both as a reminder for the youth and a warning for the country’s leaders. Five of the interviewees felt that young people often don’t believe what happened, so they felt memory and some form of proof given to youth would convey them not to dismiss or underestimate the crimes that were committed under the Khmer Rouge regime. Similar to the findings and the focus groups, the needs of the survivors are deeply rooted within communication theory of transitional justice. Memorialization, the education of future generations, as well as the need for truth and understanding are all common and important for reconciliation, but require a nuanced and central communication strategy.

For a number of participants, there was a direct link between memorialization, suffering and healing. Overall nine of the participants said that remembering the time is painful or creates new suffering. However only two of them felt that it would be better to forget and another two stated that remembering might be helpful to some, while detrimental to others. Six of them noted that, while painful, remembering the past also helped them to overcome their pain to an extent. Five said that it would be impossible to ever fully heal, while four said that time was the main factor of moving past the trauma. One participant, a former student of the Chao Ponhea Yat High School, which became the notorious S-21 security prison during the Khmer Rouge and is known today as the Tuol Sleng Genocide Museum, likes to bring friends and acquaintances to
visit it so he can remember and share his experiences. “The last forty years only seem like a week to me. I will remember [the Khmer Rouge time] until I die. But it helps me to talk about it. Many young people don’t believe what happened, so we have to always remind them.” In fact six interviewees have expressed concern and noted personal experiences of young people not believing the stories of their parents and grandparents or knowing only little about what happened. “We are obligated to remind them all the time,” he continued.

With only few exceptions, most of the interviewees were open in answering their questions and seemed to have no issues with thinking back and revealing very personal and painful experiences. In fact interviewees found it generally easier to do that than to think and discuss abstract terms, such as justice and reconciliation. Aside from healing through memory and time discussed in the previous paragraph, the Buddhist belief was brought up by seven people when discussing the healing process. Five of them clearly stated that it was the most important mechanism towards reconciliation and four said that they don’t feel anger anymore, because of their belief in Buddhism.

As discussed in the beginning of this chapter, the Chinese identity and experience was unique to each individual and it is difficult to decipher a collective need or approach towards reparations with only the ethnicity in mind. However ten of them stated that Chinese-Cambodians should definitely be represented in the court proceedings, as well as be considered for reparation measures, just like the ethnic Vietnamese and Cham communities. Only one found that the Chinese-Cambodians didn’t need special mention as he felt the survivors have assimilated into Khmer culture at this point. When asked about a specific focus in support of Chinese-Cambodians, five people suggested more research and documentation into the role of Chinese-Cambodians during the Khmer Rouge. One man with two Chinese parents, who has lost between twenty to thirty family members as consequence to the Khmer Rouge has strongly turned to religion since then. For him, it is important to know where the Chinese-Cambodians are buried. “We have very
ancient traditions in China. Part of it is that we want to pray for [the victims] at their burial sites.” Furthermore he suggested building stupas in each provinces with the names of the Chinese-Cambodian victims, so they can be honoured and prayed for correctly.

Most of the answers were more general in regards to expectations towards future judicial and non-judicial reparation measures. The most common recommendation was towards the improvement of education with a very strong focus on today’s youth and future generations, which was named by eight interviewees. They felt that the school curriculum should be improved and more money should be invested into the educational system. Further points made were the generation of more interest among children into Cambodia’s past by making them more appealing and creating more education material, such as films and books. Other ideas were exhibitions, documentary films and making the information easily understandable and accessible. Four participants said that building stupas as memorials for the victims of the Khmer Rouge time was important, which is also reflected in other surveys discussed in this paper, as well as the focus group in Kampot. Also four people remarked that it is important to document as many stories of survivors as possible, while they are still able to tell. Furthermore the stories of the victims, also those told in court and court material in general, should be more widely distributed. One interviewee noted that only by asking the witnesses can we ever hope to learn the truth. Three participants asked to put more effort into improving the truth-seeking process, in hopes of a better understanding of the reasons behind the Khmer Rouge, as well as the possible prosecution of more Khmer Rouge. Finally three people asked for more health care support for the survivors. “We had to work very hard. I had to pull farming equipment like a cow. Today I am still weak.” Another remarked that this is especially important in rural areas and that elderly and weak survivors should be able to receive care at their local community hospitals.
5.6 Qualitative Comparative Analysis (QCA)

In 2014 Johanna Herman wrote in a report on research she did on the experiences of civil parties during the trial proceedings, noting that they “had clear ideas of what they wanted from the trials” (Herman 2014: 3). The civil parties expressed a desire for the accused to take responsibility and admit to the crimes they have committed. This seems to be very common and of high importance to many Cambodians and was mentioned several times during the interviews. A civil party from Battambang is quoted saying “I don’t care much about reparations, but I just want them to confess, to tell the truth and to be responsible for that.” Secondly they expressed for the ECCC to be held to international standards, including for the United Nations to act stronger on political interferences. Finally many civil parties were concerned with the length of time that has passed and wished for a more speedy trial. When asked about their expectations towards collective and moral reparations, many responded with resignation towards the impossibility of individual reparations. However they described a desire for “infrastructural improvements to schools, training programs, stupas, national holidays, memorials and other kinds of commemorative legacies”. Overall the statements collected by the civil parties mirror the wishes of the interviews conducted in this case study, especially the hope for justice through the hope of international institutions and NGOs. If recommended, reparation strategies were also aimed at educational and memorial measures.

In 2013, a study conducted by ADHOC and the Harvard Humanitarian Initiative of Harvard University in collaboration with the Center for Advanced Study (CSA). Its objective was to assess the (1) awareness, knowledge and attitude towards the ECCC, (2) the expectations and perceptions of justice and (3) their expectations in regards to collective and moral reparations among the Civil Parties of ADHOC (Kirchenbauer 2013: 1). 120 Civil Party Representatives and 294 Civil Parties were surveyed (Kirchenbauer 2013: 13). The attitudes towards the ECCC were overall much more favourable, with over 90% of CPs and CPRs believing that the process will bring justice, helps to build trust and will ultimately promote national reconciliation (Kirchenbauer 2013: 32). Seven out of ten respondents felt that the ECCC was doing enough
for Cambodians and more than four out of five felt that the ECCC was neutral. Only a small percentage felt that the Cambodian government was influencing the court. Criticism of lacking independence and government control were much more prevalent during my research, which might be either explained by the fact that CPs and CPRs are connected to the court and will therefore see it more favourably. Another reason might be that qualitative questioning leaves more room for expanding opinions and criticism. Equally to the answers in this study, most of the participants learned about the Khmer Rouge Tribunal proceedings through TV and radio (Kirchenbauer 2013: 38).

When questioned about Reparations in general, respondents replied most often with money, then punishment of the responsible, basic needs, health services, mental health services and finally justice. CPRs however were more likely to focus on health services and collective measures (Kirchenbauer 2013: 38). However more than half stated that reparations should be done to the communities as a whole. When asked about non-material reparations, respondents named memorials or stupas in each province, public events for the victims and the dead, mental health services and a museum. These answers were also given during the individual interviews conducted in this study. As in the study conducted by Harvard Humanitarian Initiative, the need for material and basic needs rises with lower economic conditions, which was also apparent during the interviews. The answers were similar for non-judicial measures, as participants asked for stupas, memorials, ceremonies and a museum or library (Kirchenbauer 2013: 42). During the research in this study, less participants asked for material reparations.

The research design followed the structure of a study conducted by the Human Rights Center of the University of California, Berkeley in 2011 titled “After the First Trial: A Population-based Survey on Knowledge and Perception of Justice and the ECCC”. It was a follow up to a survey conducted in 2008. It found that for many Cambodians justice was not a priority and it was more important to address problems in Cambodians’ daily lives. In regards to the Tribunal, admission of guilt by the accused was more important than justice in general (Pham 2010: 19). However compared to the
survey in 2008, a lot more people believed that the ECCC helps the process of reconciliation (76%), helps to rebuild trust (81%) and will bring justice to the victims and their families (75%) (Pham 2010: 29). Similarly to the study by ADHOC and Harvard, the survivors viewed the Khmer Rouge Tribunal more favourable. Participants in both studies agreed that truth and reconciliation are very important and should be pursued, but the success of the court so far was viewed more critically in my research. The most common recommendation towards the court were speeding up the process, independence and punishment (Pham 2010: 34). In my research truth-finding and justice were the most important to the participants. However during the Berkeley study only 7% recommended finding the truth and no one called for educative measures. Requests for reparations were mostly geared towards social services, justice, supporting farming, money and the building of infrastructure (Pham 2010: 35). Less people in my research asked for individual support, which could possibly be explained due to different social standings and needs at the point of the survey.
6. Conclusions

An important question on whether or not the ethnic Chinese in Cambodia should be considered in reparation efforts seems to be very dependent on the level of discrimination they experienced under the Khmer Rouge because of their ethnic background. During the interviews and discussions with ethnic Chinese survivors, some remember distinct discrimination, while others stated that there was no notable difference in how Chinese and Khmer were treated. This supports the literature, which claims that individual and geographical discrimination were the biggest factors for discrimination. Still the Chinese in Cambodia were a popular target throughout, as they represented ideals that were strongly opposed by the Khmer Rouge. As a consequence, about half of the Chinese in Cambodia died and much of the Chinese identity in Cambodia had been destroyed, which is still noticeable today. These reasons alone should be grounds for the consideration of Chinese victims for non-judicial reparation measures, if not in the judicial process itself. Future projects may also employ strategies that are more sensitive to culture and background.

Chinese identity in Cambodia today is diverse. Reflected in the interviews conducted for this study, the opinions were varied and often times overlapped with responses of the Khmer population in other surveys. Similar to the extend of discrimination under the Khmer Rouge, it could be argued that differences in opinion on reconciliation had less to do with ethnicity and more with the socio-economic standing of the individual. However it was wholly agreed on that Chinese-Cambodians should be recognized as victims under the Khmer Rouge and should be considered as such at the ECCC and in regards to reparation measures.

The majority of the people shared similar priorities and criticisms in regards to their expectations with the Khmer Rouge, like the importance to remember the atrocities and the victims, to educate future generations and the need to learn more about the reasons for the genocide. As discussed in the second chapter on communication theory and transitional justice, access to information, participation and the chance of ones voice to be heard are vital aspects of
transitional justice. All of these require a central communication strategy in place in order to be effective. Concluded from the research conducted in this study, the level of understanding and knowledge, both of the process and the new findings of the Khmer Rouge, was limited, even though most of them were interested in receiving more information or being able to participate. Of those interested in participating in the reconciliation process, some were unaware of how to receive additional information and the chance to join. Others were doubtful of the control of the Cambodian government, the independence of the court and its ability to create justice. As trust in the United Nations and international NGOs was generally much higher, alternative information and participation activities were welcomed.

6.1 Recommendations

Towards Chinese-Cambodians
- Including Chinese-Cambodians to the list of Khmer Rouge victims
- Consideration of Chinese-Cambodians for future reparation projects and non-judicial measures
- Further research into crimes committed against Chinese-Cambodians
- Engagement with Chinese communities rebuilt after destruction of Khmer Rouge through cultural sensitivity programs

Towards survivors in general:
- Stronger focus towards educational measures
- Stronger focus towards truth-finding measures
- Stronger support from international institutions to ensure independence of the court and into the investigation of additional cases
- Increased measures to build trust between the Cambodian population, the Khmer Rouge Tribunal and Royal Government of Cambodia
- More research into the perceptions of the ECCC within the general population of Cambodia in comparison to Civil Parties

Outreach and communication
- Improving communication strategies in order to reach more people.
- Distribution of clear and independent information material to inform the general public of the process of the Khmer Rouge Tribunal
- Offering alternative information channels to increase trust
- Extending outreach strategies to include more non-CP Cambodians
- Stronger commitment towards outreach activities from the ECCC
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Appendix 1

RESEARCH THEMES AND QUESTIONS

(1) How do Chinese-Cambodian survivors feel about the transitional justice process after the Khmer Rouge?
   b. Attitudes towards judicial measures by the ECCC and the state.
      i. Level of knowledge.
      ii. Level of participation.
      iii. Access to information.
   c. Attitudes towards reparations and non-judicial measures by the ECCC, Civil Society and the state.
      i. Level of knowledge.
      ii. Level of participation.
      iii. Attitudes towards individual versus collective reparations.
      iv. Attitudes towards truth-seeking and memorialization initiatives.
      v. Attitudes towards mental health/rehabilitation activities.

(2) What are the expectations and needs of Chinese-Cambodian survivors with regard to future transitional justice measures?
   a. Current needs and priorities by Chinese-Cambodian survivors.
   b. Expectations with regard to future (non-)judicial measures.
Appendix 2: List of Interview and Focus Group Participants

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Appendix 3 – Questionnaire

As you know, the ECCC, the government and many NGOs try to help survivors of the Khmer Rouge. They worked on this for many years, especially since 2006 when the ECCC was established.

Do you know about any of these transitional justice measures? If yes, what activities do you know about?

Have you ever participated in any of these activities? Which activities? By who?

Do you get any information on these activities? How? By who?

Do you get any information on the Khmer Rouge time in general? If yes, how? By who?

When you think about the activities time (by the ECCC, the government and NGOs), do you believe that any of these activities were useful? Or do you think they were not useful? Why or why not? Which activities exactly were useful/not useful? By who? Why?

[Potential deepening sub-questions]
What do you think about the Khmer Rouge tribunal (ECCC)? What do you like about the ECCC? What do you not like about the ECCC? Why?
What do you think about the work of NGOs on this issue? Useful? Not useful? Why?
What do you think about the work of the government on this issue? Useful? Not useful? Why?

Do you believe that these activities and organizations led to some ‘justice’ for (Chinese-Cambodian) survivors? If yes, why? How? If no, why not? How?
Which activities do you consider as especially good to advance ‘justice’? In particular, what should be done in the future to advance ‘justice’ for Chinese-Cambodian survivors?

[Potential deepening sub-questions]
Do you believe that the Khmer Rouge perpetrators have been held accountable for their crimes? For their crimes against Chinese-Cambodians? Why or why not?

Do you believe that these activities helped Cambodians to learn about the crimes committed against Chinese-Cambodians? Has the whole truth come to light? Why or why not? How did they learn about it? By who? What should be done in the future so that people know about the crimes against Chinese-Cambodians?

Do you believe that these activities helped Chinese-Cambodians to mourn, and to remember the crimes committed against Chinese-Cambodians? Why
or why not? How do people remember today? What should be done in the future to remember the past?

Do you believe that these activities helped survivors to feel better and to find some peace? Or do they cause new suffering by remembering people about the past? Which activities? How? What should be done in the future to make survivors feel better?

Do you believe that survivors have received sufficient compensation for their suffering, the loss of family members and the loss of property? Why or why not? How? What should be done in the future to provide survivors with some form of compensation for their suffering under the Khmer Rouge?

What are the most important needs of survivors of crimes under the Khmer Rouge? Please tell me what you need. We will make recommendations to the ECCC so that they can develop projects to respond to these needs.

Do you have any specific recommendations for Chinese-Cambodian survivors? What should the ECCC, the NGOs and the government do in the future to support Chinese-Cambodian survivors? What should be done to raise awareness on the suffering of Chinese-Cambodians under the Khmer Rouge? How can Cambodians remember the crimes against Chinese-Cambodians under the Khmer Rouge? And who should do what (the government, the ECCC, the NGOs)?

[Deepening sub-questions/explanations]

Are you aware of ‘reparations’ by the ECCC? If yes, what do you like/do not like about the reparation scheme by the ECCC? Unfortunately, the ECCC does not pay any individual reparations to survivors. They only provide ‘collective’ reparations to whole groups of survivors. However, the group of Chinese-Cambodians has not been acknowledged as a specific group of survivors by the ECCC. Therefore, there are no special reparations for Chinese-Cambodians.

But are you aware of the second ‘reparation scheme’ by the ECCC? The so-called ‘non-judicial measures’? These are ‘reparation measures’ for all survivors of crimes under the Khmer Rouge. Unfortunately, you will still not get individual reparations such as money. This has been decided by the judges at the ECCC. They said that the government should pay for individual reparations. But the ECCC will make many projects for all (!) survivors of the Khmer rouge time. These projects are also for Chinese-Cambodians who suffered under the Khmer Rouge.