

Personal reflections on the conference – Dealing with the Past: Engaging in the Present

6. February 2017 by Jonas Kramp

Sunday the 22nd Feb 2017– the unofficial start of the upcoming week’s conference. Near the banks of the Mekong river a part of the conferences attendees gathered to see the performance of Phka Sla in the Chaktomuk theatre. The Khmer name of the play translates into “areca flowers”, which are normally distributed at Cambodian weddings. However, this tradition did not continue under the Khmer Rouge regime, where forced marriage was widely enforced and all luxury was demonized. In that sense, the absence of the wedding flower during an undesired wedding ceremony in the play symbolized the absence of freedom in the Khmer Rouge time. Using dance and music the performance gave a glimpse into the horrors of this dark period of Cambodia’s history (1975-1979).

Precisely this period and its aftermath until the present day was the major focus of the conference Dealing with the Past: Engaging in the Present. From various different countries experts on the topic of the Khmer Rouge, the Holocaust and more generally genocide, came together to discuss and share their perspectives framed by the conferences leitmotif – how to deal with the past and how to make sure it will never happen again. The amalgam of the attendee’s disciplines, both academic and practical, can be seen as to reflect the complexity of the topic and the challenge to draw similarities between different contexts of mass atrocities to find out what lessons are to be learned from them.

During the week’s five days each one was assigned a specific theme: space, justice, prevention, healing and memory. Starting on Monday, the abstract concept of space was approached by visiting the Toul Sleng Genocide Museum. This museum space in a former school building in the middle of Phnom Penh offers a tour through the chambers of the Khmer Rouge torcher prison. In the block houses on the compound the paranoia of the totalitarian regime was taken out on “the enemy” which was also suspected to be within their own ranks. Many people suffered and died in these walls, those who survived the terror at Toul Sleng were brought to their certain death at Choeung Ek one of Cambodia’s killing fields.

Both sights are spaces of remembrance and have the purpose to let visitors experience the past in terms of the present. The role of technology in this regard was debated at Meta House, for example how technology can enrich a museum space by adding information to the plain sights with the help of an audio guide. Therefore, it is crucial what information is selected and how this shapes the experience of the visitor. During the debate, it was mentioned that the framing of the information selected in both Toul Sleng and Choeung Ek was widely constrained on the

cruelties done in these two places. Additionally, some information on how life in the countryside was, where most of the population was brought, would have been helpful. This debate tied in with the further discussion on genocide education – composed of history and prevention. Here, the distinction between emotions with a short-term learning effect and information with a long-term learning effect was made by Timothy Williams. Hence, the emotional approach by using the element of shock was exposed to its lack of information on topics like collectivization and forced marriage.

Duong Keo from the Bophana Center presented a new smartphone application on the history of the Khmer Rouge period that is designed to reach out to the younger generation of Cambodians and to achieve a long-term learning effect. Visoth Chayy, head of the Toul Sleng Museum stated: “it’s not easy” in regard to interest in genocide education of the Cambodian youth. However, he and his museum are offering multiple activities ranging from artwork and poetry workshops to temporary exhibitions. According to Mr. Chayy it is a big challenge to get Cambodian people to visit the museum because many do not want to stir up the dark memories of this period.

The second day of the conference started with a trip to the Extraordinary Chambers in the Courts of Cambodia (ECCC) or more commonly known as the Khmer Rouge Tribunal. Special about the ECCC is its establishment as a hybrid court after a bilateral agreement between the UN and the Royal Government of Cambodia, thus consisting out of national and international structures. In 2006, nearly 27 years after the Khmer Rouge regime fell, the court began its work.

After a short tour through the courtroom, three different perspectives on the Khmer Rouge trials were presented by an attorney of the prosecution, an attorney of the defense and a lawyer who took a more neutral position. In order to have a fair trial by international standards, the defense lawyer mentioned the presumption of innocence which has to be applied to the Khmer Rouge leaders who are facing charges of crimes against humanity. Intuitively, one would declare the senior leaders instantly as guilty, nevertheless in court the process of reconstructing and enshrining a judicial truth took in case 002/01 roughly four years and is still ongoing in case 002/02. The lengthy process is especially frustrating for the civil parties who in the history of international mass crimes are the first victims participating in trial proceedings as accessory prosecutors. Moreover, the judicial truth constructed may differ from the actual historic events by excluding or not considering certain material.

The ECCC claims that the trials and the participation of the civil parties contribute to peace and reconciliation. This and the question “Can there be appropriate justice after genocide?” were debated in the afternoon panel discussion featuring international law experts. Marie Guiraud representing the ECCC and the civil parties added to the debate that to every person justice means something different. To her, the participation of victims is a huge development of victims’ rights and human rights law. However, feeding into the debate whether there can be appropriate justice, she also mentioned that the ECCC is disconnected from the Cambodian youth and larger parts of society, thus only reaching a fraction of Cambodian society. Participation in the process of bringing the senior leaders of the Khmer Rouge to justice is thus limited to the civil parties. The same applies for the eligibility for moral and collective reparations.

Another factor limiting “full justice” (whatever that may be) is the time frame adopted in the Tribunal ranging only from 1975-1979, excluding all crimes before and after. A metaphor used by Cambodians to describe this is that of a crocodile with a missing head and tail. The main part of the crimes in this image are visible but crimes of the Khmer Rouge after their defeat by the Vietnamese troops or American bombings on Cambodia in 1969 are excluded. Posing once again the complex question “Can there be appropriate justice after genocide?” Julie Bernath abstracted the multiple answers into two tendencies: idealistic and pragmatic approaches.

Furthermore, Ms. Bernath stated that some civil party members think of the ECCC as insufficient in receiving justice and that they distrust the ECCC and more generally the Cambodian judicial system. Moreover, even simple cases were extremely complicated and thus underperformed the high expectations of the civil parties in the trials. In regard to the limited number of cases, the satisfaction of the civil parties, the political interference in cases 003 and 004, limited participation in the trials and the socioeconomic aspect of poverty it is more than open to question whether justice has been or can be achieved in the ECCC. With this in mind, the government’s warning of civil war if the trials are taken too far, drawing on the discourse of peace versus justice, is highly doubtful and as Ali Al-Nasani remarked, there was no case in recent years where justice led to conflict but rather the opposite is true that injustice leads to conflict.

Another debate centered on the issue of appropriate justice was who is a victim and who is a perpetrator? The official Cambodian narrative “we are all victims” which entails a synchronization of perpetrators with victims was questioned by Timothy Williams who observed, that by agreeing with this narrative one abandons the question of agency. Not accepting guilt may work to a certain degree to achieve peace in the Cambodian society but from a perspective of prevention this nullification of agency seems very problematic. Especially, in regard to the omnipresent hate speech directed at the ethnic minority of Vietnamese in Cambodia. Here, parallels were drawn to Poland and Germany for example the German way of dealing with the past (*Vergangenheitsbewältigung*) and the acknowledgement of guilt. But particularly the Polish way of dealing with the past shows some similarities to the Cambodian narrative of victimhood, in terms of a governmental narrative that dictates the remembrance of history and rejects guilt. According to Rafał Pankowski any kind of acknowledgement of Polish participation in the Holocaust and Polish guilt is received as anti-Polish and an affront to all Poles.

Related to these debates over appropriate justice are questions how reconciliation and healing can be achieved in regard to the impunity of perpetrators. During the Khmer Rouge period killings, torture, forced marriage as a pretense to legitimize rape and gender based violence were committed leaving the victims in trauma.

The process of reconciliation was metaphorically described by a member of the Documentation Center of Cambodia (DC-Cam) in the Choeung Ek audio guide as putting back together broken glass piece by piece. Assisting in these individual processes to overcome trauma are Cambodian organizations like Kdei Karuna and the Transcultural Psychological Organization (TPO). A major obstacle in the assistance was the so called “culture of silence” described by both Solida Sun and Sotheary Yim. To break this silence over the past and to create new trust in an inter-generational

dialogue is the goal in order to contribute to the healing process of the Khmer Rouge victims. According to Jeannine Suurmond a process has to be undergone leading from grief to mourn to being able to listen to the people who triggered the pain to finally achieve reconciliation.

During the conference links between the contexts of Cambodia, Poland, Rwanda and Germany were made such as different genocide educations or current politics of dealing with the past. However, one presentation by Timothy Williams managed not only to compare but to de-contextualize with the help of his model asking the question “Why do people participate in genocide?”. By “understanding“ reasons like coercion, obedience, social dynamics, better food and more sleep which can lead to participation, one can easily start to be trapped once again in the narrative of victimhood. However, as Mr. Williams emphasized throughout the conference, it is important to challenge this notion that no one is a perpetrator to achieve a better prevention.

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