

# SPOTLIGHT ON R2P

## The 45th Anniversary of Khmer Rouge Victory: What Lessons Could Cambodia Share?



The Asia Pacific Centre for Responsibility to Protect (APR2P), University of Queensland, in cooperation with the Cambodia Institute for Cooperation and Peace (CICP), co-organised a virtual public seminar titled “The 45th Anniversary of Khmer Rouge Victory: What Lessons Could Cambodia Share?” The online seminar aimed to commemorate the 45th anniversary of Cambodia’s tragic history under the Khmer Rouge regime. The event also sought to unpack the atrocity crimes that the Cambodian people experienced under the Khmer Rouge, examine how the use of the universal norm of the

Responsibility to Protect (R2P) could help in preventing future atrocities, as well as provide perspectives on the various lessons that Cambodians learned from dismantling the Khmer Rouge structure.

Six distinguished speakers were invited to deliberate issues related to the above objectives, namely, Ambassador Pou Sothriak, CICP Executive Director; Professor the Honorable Gareth Evans, Former Chancellor of the Australian National University and Former Foreign Minister of Australia; H.E. Tuy Ry, Under-Secretary of State, Ministry of Foreign Affairs and Internation-

al Cooperation of Cambodia; Dr. Ly Sok-Kheang, Director of Anlong Veng Peace Center, Documentation Center of Cambodia (DC-Cam); Mr. Soeung Bunly, Lecturer of Svay Rieng University; and Ms. Hing Vandantet, Researcher at the Center for Studies of Humanitarian Law, Royal University of Law and Economics.

In addition to more than 20 core members of the Network of Friends of R2P-Cambodia physically attending the lecture at CICP office, there were 30 other participants who joined the event online via Zoom.



Ambassador Pou Sothirak, Executive Director of CICP, welcomed and thanked the distinguished speakers for their valuable time and contributions in the public lecture. He also extended his appreciation to other viewers who joined seminar. He pointed out that the primary objectives of this seminar are to untangle the tragic history of Khmer Rouge regime as well as to examine the past lessons on the prevention of atrocity crimes in the context of the R2P norm. He also pointed out that CICP accept no responsibilities for the remarks made by each speaker. He then introduced each speaker and announced briefly what each of the speaker will speak about.

In his keynote, Professor the Honorable Gareth Evans described the unimaginable sufferings that Cambodian people endured during the Cold War, and particularly during the Pol Pot Regime. He identified five key lessons to be learnt from Khmer Rouge's atrocities. First, do not assume that any country is immune from mass crimes. Any factors ranging from hate speech to authoritarian regime could trigger to atrocities. Second, do not assume the world will help when atrocities happen. The international will to prevent that kind of violence has been almost non-existent both in the past and present day. The most effective ways to stop atrocities rest on internal actors. Third, diplomacy can make a difference. Peacemaking and preventive diplomacy could help stop violent crimes. However, moving from rhetoric to implementation remains a big challenge. Fourth, do not assume atrocities are over when they are over. History could repeat all over again. Fifth, do not give up on the principle of R2P. Each sovereign state and the international community have roles to prevent atrocity crimes through universal mechanisms such as R2P.

For his part, Dr. Ly Sok-Kheang highlighted the numerous activities undertaken by the Document Centre of Cambodia (DC-Cam). He explained the unique role of the center in its relentless efforts to gather all relevant documents and meticulously compile them as part of the



history of Democratic Kampuchea. He also mentioned that DC-Cam serves as promoter of democracy and human rights. Currently, DC-Cam is focusing on two main objectives, which are memory and justice. For him, Anlong Veng represents one of the best studies in thinking of peace, memory, and reconciliation in the contemporary Cambodia given its significance as the Khmer Rouge's last stronghold. Around 70% to 80% of populations in Anlong Veng were former Khmer Rouge cadres that used to adhere to living according to the Khmer Rouge's ideology.

Meanwhile, Mr. Soeung Bunly shared his views on Cambodian experiences on reconciliation with former Khmer Rouge cadres. He discussed two main challenges of reconciliation. The first obstacle is

appreciation of their experiences. Mr. Bunly recommended three measures for Cambodia to undertake in overcoming the challenges of reconciliation. First, former Khmer Rouge members should have opportunities to make their voices heard and enable them to express remorse and regrets over the atrocity crimes they perpetrated through confessions in criminal trials, public ceremonies, or individual conversations that help them to acknowledge and mentally deal with their guilt. Second, outreach programs aimed at socializing the Khmer Rouge history should be expanded and enhanced to further raise public awareness of the country's dark past, especially among Cambodian youth. Sensitization projects should include participations from perpetrators, surviving victims and the youth to encourage deep discussions about relevant issues concerning the Khmer Rouge.



related to mental health aspects such as anger, resentment, and desire for revenge by victims former Khmer Rouge supporters. The second hurdle is that the voices of former Khmer Rouge cadres have been under-represented during the reconciliation process. Reconciliation can be achieved through recognition, understanding, and

Third, more attention should be given to how the Khmer Rouge issues are commemorated and remembered in local communities. Memorial sites across the country need to be well taken care of. The commemorative places should be localized through active engagements and the sense of ownership by local communities.

In her presentation, Ms. Hing Vandamet focused on the role of International Humanitarian Law in holding Khmer Rouge perpetrators accountable. She highlighted the essence of the legal framework over atrocities as well as the important role of the Extraordinary Chambers in the Court of Cambodia (ECCC) and Cambodian academics. She said that the Cambodian Government has delivered messages to the population about lessons that have been learned from the past atrocities as part of preventing future atrocity crimes from happening. This includes ratifying or adopting international conventions, sending troops to the UN peacekeeping missions, and establishing the ECCC.

H.E. Tuy Ry, Undersecretary of State, Ministry of Foreign Affairs and International Cooperation, delivered a keynote address on Samdech Prime Minister Hun Sen's Win Win Policy that aims to reintegrate the Khmer Rouge back in Cambodian society as part of fostering national unity. The Win Win Policy comprises of three key principles: guarantees of physical safety, positions and property ownership. The premier's initiative dismantled the Khmer Rouge organization, brought peace, and ended the war in the late 1990s without a single bullet. He pointed out that the policy stressed that peace in the Kingdom was brought by Cambodians, without any instructions or orders from external actors. For the government, peace is the top priority that has to be kept by all means.

A number of points were raised by participants in the seminar. The Most Venerable Samdech Dr. Ky Sovanratana, Vice Rector of Sihanoukraj Buddhist University and a core member of Friends of

R2P-Cambodia, said that Buddhism plays an important role in trauma healings for elderly surviving victims. He expressed hope that Buddhism could still continue to contribute in that regard to the Cambodian society. He then asked a question to Mr. Soeung Bunly on the responsibilities that the young generation should have and how they carry on forward the Khmer Rouge memory when they do not witness first-hand the atrocities. In response, Mr. Bunly answered that the young generation could learn more about their country's history through having conversations with their parents, former Khmer Rouge members, and surviving victims who experienced the mass atrocities. He also stated the importance of educational institutions as well as local NGOs in promoting open discussions in communities about this dark history.

A participant from New Zealand raised a question regarding inter-generational dialogues that Anlong Veng Peace Center has conducted and the understanding of youth in Anlong Veng on the Khmer Rouge history. Dr. Sok-Kheang answered that his center gathered hundreds of students across the country to interact with former Khmer Rouge members and their families in the last few years. In addition to dialogues, there were also public events, such as organizing a marathon run in Anlong Veng in order to raise awareness about reconciliation among Cambodian people. Dr. Sok-Kheang observed that people in Anlong Veng started to open up in discussing matters related to Khmer Rouge. Furthermore, in recent years, communities in Anlong Veng started to send their young generation to study in universities in Phnom Penh and other provinces to pursue higher education.

Mr. Soeung Bunly expressed serious concerns about stupas being used for commercial purposes instead of serving as memorial places. He also inquired whether there are arrangements between the ECCC and local communities. In response, Ms. Hing Vandamet said she is not fully aware of the issue but she commented that to her knowledge, there are two ways that local communities can engage with the ECCC. The first way is through public participation where the ECCC allows the public to take part in court hearings. As of 2019, there were more than 600,000 people attending the ECCC hearings. The second way is through victim participation where surviving victims can apply to become a civil party in the ECCC procedures. The hybrid court has programs and lawyers to empower victims in their pursuit of justice. With regard to whether or not the ECCC has done a good job and justice has been served, Ms. Vandamet said that the hybrid court has done good job in terms of empowering the victims' voices. However, there were some controversies on the court's expenditure and perpetrators' prosecutions.

A representative from the International Committee of the Red Cross – Cambodia also raised questions on the fundamental differences between the International Humanitarian Law (IHL) and R2P and whether Cambodia could share best practices in civilian protections in the region. Ms. Vandamet explained that IHL is a legally binding document in which some of its provisions have become customary international laws. IHL is only applied during armed conflicts with two purposes – protection of civilians and surrendered combatants as well as limitation

of means of warfare. Meanwhile, R2P is a norm that indicates states' responsibility to protect their own populations. However, the principle is not legally binding. For the second question, Ms. Vandanel said Cambodia has so far been able to do a good job in promoting civilian protection. The country ratified the Rome Statute in 2002, incorporated IHL in its own Criminal Code, as well as sent troops for the UN peace-keeping missions abroad. These are among practices that Cambodia could share to the region.

With regard to the question raised about Cambodia's current position on R2P, H.E. Tuy Ry pointed out that Cambodia still continues to support and will move forward implementing the norm. However, the Kingdom suggested that consensus spirit was the common wish of all UN Member States on this issue. He recognized that many states have expressed reservations on R2P because of their concerns about Pillar III.

In his closing remarks, Ambassador Sothirak said that he was pleased with the discussions in the seminar as it generated important take-aways or lessons Cambodia could share with other nations that also experienced mass atrocities. For the younger Cambodian generation who were born after the Khmer Rouge atrocities, they need to learn and understand their history in order to prevent future atrocities from happening again in the country. They need to learn to appreciate the peaceful dispute settlement, con-

flict prevention, respect for and tolerance of diversity, as well as avoiding the use of hate speech and incitement to violence. He stressed that this public lecture could serve as useful platform to promote greater awareness on a compelling need for the public to have better understanding of this concept called Responsibility to Protect and how it can be applied in the context of today's Cambodia. Cambodia should aspire to promote R2P and find ways to increase public understanding of the importance of preventing mass atrocities such as genocide, war crimes, crimes against humanity, and ethnic cleansing.

He also expressed his gratitude to APR2P for supporting the public seminar and the distinguished panel of speakers. In particular, he also thanked H.E. Prak Sokhonn, Deputy Prime Minister and Minister of Ministry of Foreign Affairs and International Cooperation for appointing a high representative to take part in this online public lecture.

