

VOICES OF LEGACY:

Amplifying Minority Survivors'
Perspectives in Cambodia's Transitional
Justice and Future Atrocity
Prevention Efforts



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organization

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INTRODUCTION

When rendering its last appeal judgment, in 2022, the Extraordinary Chambers in the Courts of Cambodia (ECCC) concluded its judicial functions and entered a residual phase with the goal of safeguarding and augmenting the ECCC's legacy in Cambodia. One of the key legacies is that the ECCC trials and judgments brought to light and documented the multifaceted violence and suffering inflicted on the people of Cambodia, including minorities. Indeed, the Case 002/02 judgment concluded that the Khmer Rouge targeted specific minority groups, including the Cham and ethnic Vietnamese, through genocide and persecution.¹ More extensive charges in relation to crimes committed against the Khmer Krom were raised in the investigations of subsequent cases but never made it to trial. In the more than 15 years of its operations, the ECCC has become platform to raise the plight of minority victims of the Khmer Rouge. One key mechanism was the court's civil party mechanism, with many survivors from these minorities participating in the ECCC's proceedings.² However, now that the ECCC is coming to a close,

however, questions remain as to whether the trials' lessons have been utilised to transform Cambodia's relationship with its minorities for a more inclusive and peaceful society, and whether enough has been done to mobilise this knowledge to prevent future atrocities and genocide.

With this question in mind, Women Peace Makers (WPM) initiated a scoping study to contribute to identifying lessons in relation to minorities raised during the ECCC's transnational justice process that can be utilised to enhance future conflict transformation and atrocity prevention work in Cambodia. This endeavour has resulted from and built on WPM's previous work on minority inclusion, which highlighted the need for mobilising the ECCC's legacy for more structural changes that address the social exclusion experienced by some minority groups and contribute to preventing future atrocities.³ This social exclusion extends to the statelessness and legal identity challenges faced by some long-term ethnic Vietnamese and Khmer Krom residents.⁴

¹ Trial Chamber, 'Case 002/02 Judgment', Case File No 002/19-09-2007/ECCC/TC, 16 November 2018 (published on 27 March 2019), Extraordinary Chambers in the Courts of Cambodia ('Case 002/02 TC judgement').

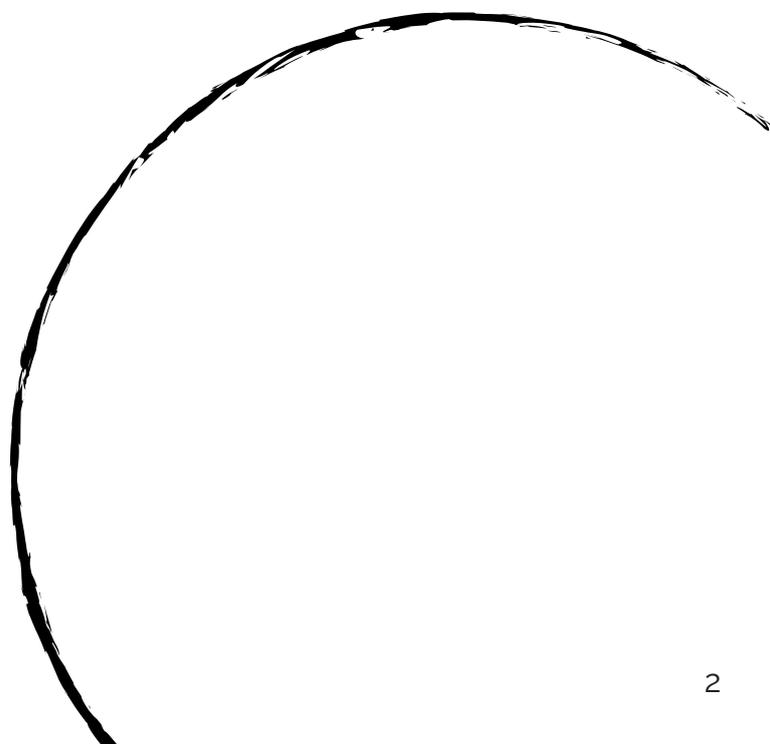
² Rachel Killean (2018) *Victims, Atrocity and International Criminal Justice*, Routledge; and Lyma Nguyen and Christoph Sperfeldt (2014) 'Victim Participation and Minorities in Internationalised Criminal Trials: Ethnic Vietnamese Civil Parties at the Extraordinary Chambers in the Courts of Cambodia', *Macquarie Law Journal* 14: 97-126, <<https://classic.austlii.edu.au/au/journals/MqLawJl/2014/17.html>> (22 March 2025)

³ See for instance Le Sen, Suyheang Kry, and Raymond Hyma (2022) *Making the Space: Voices from the Girls of Cambodian Minority Communities*, Phnom Penh: Women Peace Makers, <<https://wpmcambodia.org/wp-content/uploads/2022/04/makingthespace.pdf>> (23 March 2025).

⁴ See Christoph Sperfeldt, Keat Bophal, and Ang Chanrith (2024) 'Mapping Statelessness in Cambodia', Phnom Penh: Women Peace Makers, <https://wpmcambodia.org/wp-content/uploads/2024/09/Mapping-Statelessness-in-Cambodia_2024.pdf> (23 March 2025).

This report brings together the preliminary findings from this scoping study. The study addressed the issue through two objectives: (1) exploring the interconnections between the ECCC's temporary transitional justice process and international frameworks on atrocity or genocide prevention and the Women, Peace and Security (WPS) agenda, so as to augment the ECCC's legacy by linking it to broader and ongoing international initiatives; and (2) seeking the voices from Khmer Rouge survivors, civil parties and others from affected minority groups to inform the approach and future initiatives. Better understanding the concerns, fears and hopes in affected communities will assist with designing more appropriate and sustainable strategies and actions supported by the communities themselves. For the purpose of this scoping study, WPM initially focused on field research in Khmer Krom and ethnic Vietnamese communities, whose voices are often less heard. These two objectives are addressed in the two parts of this report: a first part on the linkages between the ECCC's legacy and relevant international frameworks, and a second part summarising our preliminary fieldwork findings.

The overall purpose of this report is to stimulate a discussion among stakeholders about lessons and measures for leveraging the ECCC's legacy to enhance future conflict transformation and atrocity prevention work in Cambodia. It does so by identifying the interconnections between the ECCC's transitional justice process and relevant international atrocity prevention frameworks, with the goal of translating and anchoring the ECCC's legacy in longer-term work on atrocity prevention and sustainable peace in Cambodia, including by addressing the social and legal exclusion of certain minority groups. The study's findings will also inform WPM's approach to future work in this space.



Part I:

Transitional Justice, Atrocity Prevention, and the Women, Peace & Security Agenda

This first part of our scoping study shares some preliminary findings from an analysis of the nexus and synergies between the ECCC's transitional justice process and international frameworks on conflict and atrocity prevention. It will first provide a general overview of relevant international frameworks for the benefit of local stakeholders, focusing specifically in two broader areas, namely genocide and atrocity prevention, and the Women, Peace and Security (WPS) agenda. For those seeking more detailed information, we provide additional resources in the references and the attached resource list. Part I also examines the extent to which Cambodia has engaged with these international frameworks in support of domestic processes. This part concludes with some observations about how the legacy of the ECCC's transitional justice process could both be utilised for, and strengthened by, enhanced engagement with these international frameworks.

1.1 Genocide and atrocity prevention frameworks and policies

To begin with, it is important to understand the subject and scope of initiatives that seek to prevent atrocities. As such, we will first explain what is generally meant when we talk about ‘atrocity crimes’. We will then lay out in very general terms some of the relevant international and regional frameworks before exploring how these apply to Cambodia.

Atrocity crimes

The notion of ‘atrocity crimes’ has frequently been used as an umbrella term to refer to four mass crimes, namely genocide, crimes against humanity and war crimes (all are independent crimes under international law), as well as ethnic cleansing (not explicitly defined as an independent crime under international law). Former US Ambassador-at-Large for War Crimes, David Scheffer, who was deeply involved with the ECCC process, supported the use of the term ‘mass atrocity crimes’ with the objective “to enable public and academic discourse to describe genocide, crimes against humanity (including ethnic cleansing), and war crimes with a single term that is easily understood by the public and accurately reflects the magnitude and character of the crimes ...”, without getting caught up in the complexities of legal definitions.⁵ The definitions for these atrocity crimes are laid down in associated international protection instruments:

- **Genocide:** The 1948 *Convention on the Prevention and Punishment of the Crimes of Genocide* (hereinafter ‘Genocide Convention’) first codified this international crime, defined as a set of enumerated acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group.⁶ Cambodia acceded to the Genocide Convention in 1950.
- **War crimes:** The 1949 Geneva Conventions and its additional protocols prohibit certain behaviour in the conduct of armed conflict.⁷ While there is no one single international law instrument that codifies all war crimes, lists of war crimes can be found in international humanitarian law (e.g. the Geneva Conventions) and international criminal law (e.g. the Rome Statute of the International Criminal Court). Cambodia acceded to the Geneva Conventions in 1958 and to two additional protocols in 1998.
- **Crimes against humanity:** These refer to serious violations committed as part of a systematic and widespread attack against any civilian population. Unlike genocide and war crimes, crimes against humanity have not yet been codified in a dedicated international law treaty. The latest international consensus is laid down in Art. 7 of the ICC Rome Statute, which lists a number of acts that can amount

⁵ Scheffer, David (2006) ‘Genocide and Atrocity Crimes’, *Genocide Studies and Prevention* 1(3): 229-250, 248.

⁶ *Convention on the Prevention and Punishment of the Crime of Genocide* (1948), Art. 2.

⁷ *The Geneva Conventions* (1949) comprise four conventions. The Geneva Convention IV specifically deals with the protection of civilians in time of war. Two additional protocols were added in 1977 to supplement the conventions, namely one relating to the protection of victims in international armed conflict, and one relating to the protection of victims in non-international armed conflict. See more at the International Committee of the Red Cross: <<https://www.icrc.org/en/law-and-policy/geneva-conventions-and-their-commentaries>> (23 March 2025)

to crimes against humanity.⁸ The International Law Commission has worked on a draft convention specifically dedicated to crimes against humanity, which will be put to states for negotiation. Cambodia ratified the ICC Rome Statute in 2002.

- **Ethnic cleansing:** While not recognised as an independent crime under international law, ethnic cleansing has been a concern of the international community at least since the wars in the former Yugoslavia. It has been described by United Nations ('UN') experts as policies and practices designed to remove by violent means the civilian population of one ethnic or religious group from certain geographic areas.⁹ The experts found that ethnic cleansing may be captured by the other above-mentioned international crimes, especially crimes against humanity.

Cambodia has accepted that these atrocity crimes are unlawful by ratifying the relevant international legal instruments. After joining the ICC Rome Statute, it also incorporated genocide, war crimes and crimes against humanity into its 2009 Criminal Code.¹⁰ As such, these crimes form part of Cambodia's national law and can be prosecuted before domestic courts. Cambodia has also ratified most core international human rights treaties and the 1951 Refugee Convention, all of which impose additional obligations on the state party to address and prevent serious and gross human rights violations. These human rights

obligations are also enshrined in Cambodia's constitution via Article 31.

In summary, Cambodia has a robust legal framework in place and accepted obligations under international law to prevent and punish atrocity crimes. While the international frameworks for the punishment of such crimes are often spelled out in great detail, the prevention of atrocity crimes is less prescriptive and requires designing more context-specific and effective domestic legal and policy frameworks. The imperative of prevention has been enshrined in a number of international frameworks.

International frameworks for the prevention of atrocity crimes

"Atrocity prevention" refers to the prevention of the above-mentioned international crimes. While atrocity prevention is closely related to conflict prevention, the two are often seen as having distinct characteristics.¹¹ Atrocity prevention focuses specifically on the prevention of the mass atrocity crimes discussed above, such as genocide, war crimes and crimes against humanity, while conflict prevention encompasses efforts to prevent violence and conflict more broadly, including those that may not escalate to the threshold of mass atrocities. It should also be noted that mass atrocities can take place both during times of armed conflict but also during peacetime, including in the context of repressive regimes. As such, atrocity prevention has a different and more narrow scope and focus that brings to the fore distinct

⁸ *Rome Statute of the International Criminal Court* (1998), Art. 7.

⁹ 'Report of the Commission of Experts Established Pursuant to United Nations Security Council Resolution 780 (1992)', UN doc. S/1994/674 (27 May 1994), paras. 129-150.

¹⁰ Kingdom of Cambodia, *Criminal Code* (2009), Arts. 183-198.

¹¹ 'Joint Study on the Contribution of Transitional Justice to the Prevention of Gross Violations and Abuses of Human Rights and Serious Violations of International Humanitarian Law, including Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity, and their Recurrence', Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide, UN doc. A/HRC/37/65 (6 June 2018), para. 6.

protection mechanisms and tools, such as in relation to early warning and protection of civilian populations. Hence, while conflict and atrocity prevention overlap, they are frequently seen as distinct and yet complementary concepts and programs of action.¹²

Atrocity prevention received more dedicated attention in the aftermath of the international community's failure to prevent or stop a series of mass atrocities during the 1990s, such as in Rwanda. This culminated in a global commitment, adopted by UN member states at the 2005 World Summit, to the international community's responsibility to prevent and respond to mass atrocities, including genocide, war crimes, ethnic cleansing, and crimes against humanity.¹³ This '**Responsibility to Protect**' (or R2P) resulted from prior work co-led by Gareth Evans, former Australian foreign minister, who was previously involved in the Paris peace negotiations for Cambodia.¹⁴ In essence, this principle reaffirms the primary responsibility of the state for protecting its population from mass atrocity crimes. However, if a state manifestly fails to fulfill its responsibility, the international community has a parallel responsibility to take action, but only as a last resort and through collective action, in line with the principles of the United Nations Charter and international law.¹⁵

Important for the discussion in this report is R2P's renewed **emphasis on the**

prevention of mass atrocities, including through the identification of risks, early warning, capacity building, addressing the root causes of conflict and the implementation of preventive measures through international cooperation. The UN Secretary-General was subsequently tasked with submitting annual reports to the UN General Assembly on the implementation of R2P. Over the years, these reports addressed various themes of relevance to the prevention of mass atrocities, including early warning,¹⁶ prevention as state responsibility,¹⁷ early action,¹⁸ lessons learned for prevention,¹⁹ and protecting populations, including by addressing structural forms of discrimination against minority populations.²⁰ These reports and associated debates in the UN General Assembly and UN Security Council have kept alive an ongoing discussion among UN member states on effective frameworks and practical solutions to the prevention of atrocity crimes.

For the effective implementation of these responsibilities, the UN Secretary General has established an **UN Office on Genocide Prevention and the Responsibility to Protect**, which consists of two Special Advisers with complementary mandates, namely the Special Adviser on the Prevention of Genocide (created in 2004) and the Special Adviser on the Responsibility to Protect (created in 2008).²¹ The main role of the **Special Adviser on the Prevention of Genocide**

¹² Alex Bellamy (2011) 'Mass Atrocities and Armed Conflict: Links, Distinctions and Implications for the Responsibility to Prevent', Policy Analysis Brief, The Stanley Foundation, <<https://stanleycenter.org/publications/pab/BellamyPAB22011.pdf>> (22 March 2025).

¹³ '2005 World Summit Outcome', UN doc. A/RES/60/1 (24 October 2005), paras. 138-139.

¹⁴ 'The Responsibility to Protect', Report of the International Commission on Intervention and State Sovereignty (ICISS), December 2001, <<https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/>> (22 March 2025)

¹⁵ '2005 World Summit Outcome', UN doc. A/RES/60/1 (24 October 2005).

¹⁶ 'Early Warning, Assessment and the Responsibility to Protect', Report of the Secretary-General, UN doc. A/64/864 (14 July 2010).

¹⁷ 'Responsibility to Protect: State Responsibility and Prevention', Report of the Secretary-General, UN doc. A/67/929-S/2013/399 (9 July 2013).

¹⁸ 'Responsibility to Protect: From Early Warning to Early Action', Report of the Secretary-General, UN doc. A/72/884-S/2018/525 (1 June 2018).

¹⁹ 'Responsibility to Protect: Lessons Learned for Prevention', Report of the Secretary-General, UN doc. A/73/898-S/2019/463 (10 June 2019).

²⁰ 'Responsibility to Protect: The Commitment to Prevent and Protect Populations from Atrocity Crimes', Report of the Secretary-General, UN doc. A/78/901-S/2024/434 (3 June 2024).

²¹ Douglas Irvin-Erickson, and Ernesto Verdeja (2024) 'An Assessment of the UN Office on Genocide Prevention and the Responsibility to Protect', Stimson Center, <<https://www.stimson.org/2024/an-assessment-of-the-un-office-on-genocide-prevention-and-the-responsibility-to-protect/>> (23 March 2025).

is to mobilise action for the prevention of atrocity crimes. This role includes collecting information on serious and mass human rights violations, acting as an early warning mechanism by bringing risk situations to the attention of the Secretary General and the Security Council, and coordinating UN agencies to strengthen information sharing and analysis.²² The mandate has been interpreted in practice by successive advisers as encompassing atrocity crimes more broadly, despite the position title only referring to genocide. Since its creation, the Office and the Special Advisers have developed a series of resources, including a framework of analysis for atrocity crimes (2014),²³ and strategy and plan of action on hate speech (2019).²⁴ The UN Special Adviser on the Prevention of Genocide has also engaged with Cambodia, as demonstrated more recently by UN Special Adviser Alice Wairimu Nderitu's visit to Cambodia in 2024.

Regional frameworks for atrocity prevention

The Association of Southeast Asian Nations (ASEAN) remains the main point of reference for Cambodia when it comes to relevant regional frameworks.²⁵ It is one of the main purposes of ASEAN to maintain peace between member states.²⁶ As a consequence, regional frameworks tend to focus on inter-state relations in the region, including by rejecting aggression and the threat of force against other members. Yet, regional frame-

works are less specific and robust when it comes to addressing internal violence and atrocities within member states. This does not mean, however, that ASEAN and member states' commitments have no role to play in atrocity prevention. While not specifically mentioned, many of the stated goals of the ASEAN Political-Security Community, established in 2009, broadly align with R2P principles and goals, including in relation to early warning, conflict prevention and resolution, post-conflict peacebuilding, and promotion of human rights.²⁷ As part of these efforts, an ASEAN Institute for Peace and Reconciliation (ASEAN-IPR) was established in Jakarta, as a research institution to support ASEAN bodies on the issues of peace, reconciliation, conflict management and conflict resolution.²⁸

ASEAN human rights bodies also remain relevant to atrocity prevention efforts. Other than reaffirming general and fundamental human rights protections for the citizens of member states, the 2012 ASEAN Human Rights Declaration also enshrines a right to peace.²⁹ The establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) provide focal points for addressing important interconnections between human rights and atrocity prevention. Both institutions can play vitally important roles in the prevention of atrocity crimes, such as by

²² Special Adviser on the Prevention of Genocide, official website: <<https://www.un.org/en/genocide-prevention/prevention-genocide-related-crimes/special-adviser>> (23 March 2025).

²³ 'Framework of Analysis for Atrocity Crimes: A Tool for Prevention' (2014), UN Office on Genocide Prevention and the Responsibility to Protect, <https://www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide_Framework%20of%20Analysis-English.pdf> (23 March 2025).

²⁴ 'United Nations Strategy and Plan of Action on Hate Speech: Synopsis' (2019), UN Office on Genocide Prevention and the Responsibility to Protect, <<https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>> (22 March 2025).

²⁵ See more generally, 'Mainstreaming the Responsibility to Protect in Southeast Asia: Pathway towards a Caring ASEAN Community', Report of the High-Level Advisory Panel on the Responsibility to Protect in Southeast Asia, 9 Dec 2014, <https://www.un.org/en/genocideprevention/documents/responsibility-to-protect/HLAP%20Report_FINAL.pdf> (22 March 2025).

²⁶ *Charter of the Association of Southeast Asian Nations* (2008) ('ASEAN Charter').

²⁷ 'ASEAN 2025: Forging Ahead Together' (2015), APSC Blueprint 2025, sections A3.2, B2 & B4, <<https://aichr.org/wp-content/uploads/2019/01/ASEAN-2025-Forging-Ahead-Together-final.pdf>> (22 March 2025).

²⁸ ASEAN Institute for Peace and Reconciliation, official website: <https://asean-aipr.org> (22 March 2025)

²⁹ ASEAN Human Rights Declaration (2012), Art. 38.

resolving human rights related disputes, helping to eliminate discrimination, and promoting the peaceful management of difference within societies.³⁰ However, these ASEAN human rights bodies have so far not successfully engaged with mass atrocities situations in the region, such as in Myanmar.³¹

Cambodia and atrocity prevention

In addition to having a comprehensive legal framework in place to outlaw mass atrocities, as discussed earlier, Cambodia has taken further steps domestically for the prevention of atrocities. Cambodia has long committed to **remembrance** of the Khmer Rouge atrocities as a means to prevent such atrocities from recurring.³² A National Day of Remembrance, as well as the Tuol Sleng Genocide Museum and other sites have explicitly served such purpose.³³ More recently, the government enhanced these efforts by establishing a Remembrance Memorial on Crime and Peace, which combines three key sites, namely the Tuol Sleng Genocide Museum, the former M13 detention center, and the Cheung Ek 'killing fields'. The memorial seeks to protect and preserve historical evidence to serve as a lesson for future generations and prevent genocide and other atrocity crimes.³⁴ Moreover, in 2025, Cambodia passed a new *Law Against Non-Recognition of Crimes Committed During Democratic Kampuchea Period*

(often simply referred to as 'genocide denial law'), which replaced an earlier 2013 law. The law imposes penalties on those who deny or glorify the crimes committed during the Khmer Rouge regime, as recognised by the ECCC.³⁵ The more recent measures have frequently been connected to the government's Pentagonal Strategy Phase I that seeks to realise a Cambodia vision 2050 that maintains the momentum of peace pursued in previous strategies.

Cambodia has also enacted some mechanisms to more closely align its domestic efforts with international atrocity prevention frameworks. The country was the first ASEAN member to appoint a senior government official as **national R2P focal point**. Many UN member states have created such focal points, usually through the appointment of a senior government official, with the goal of bolstering the national and international R2P commitments, such as by establishing or facilitating national mechanisms for atrocity prevention and promoting international cooperation.³⁶ A Global Network of R2P Focal Points was launched in 2010 to promote collaboration among national focal points.³⁷

Cambodia is also a founding member of the **Global Action Against Mass Atrocity Crimes** (GAAMAC) network, which has initiated a series of regional meetings and conferences on atrocity prevention. GAAMAC is a state-led network of states,

³⁰ Report of the High-Level Advisory Panel on the Responsibility to Protect in Southeast Asia (2014), 23.

³¹ See also Asia Pacific Centre for the Responsibility to Protect (2022) 'Assessment on the Role of ASEAN Intergovernmental Commission on Human Rights in atrocities prevention', <https://r2pasiapacific.org/files/8030/2022_ASEAN_AICHR_atrocityprevention.pdf> (23 March 2025)

³² See Impunity Watch (2014) 'Memorialisation as Related to Transitional Justice Processes in Cambodia', <https://www.impunitywatch.org/wp-content/uploads/2022/08/ResearchReport_Memorialisation_Transitional_Justice_Processes_Cambodia_2014_eng-1.pdf> (22 March 2025).

³³ Sub-Decree 19 on National Day of Remembrance (2018), Art. 1.

³⁴ 'Monuments to Promote Memory of Peace from Crime', *Khmer Times*, 5 March 2025, <<https://www.khmertimeskh.com/501648871/monuments-to-promote-memory-of-peace-from-crime/>> (23 March 2025)

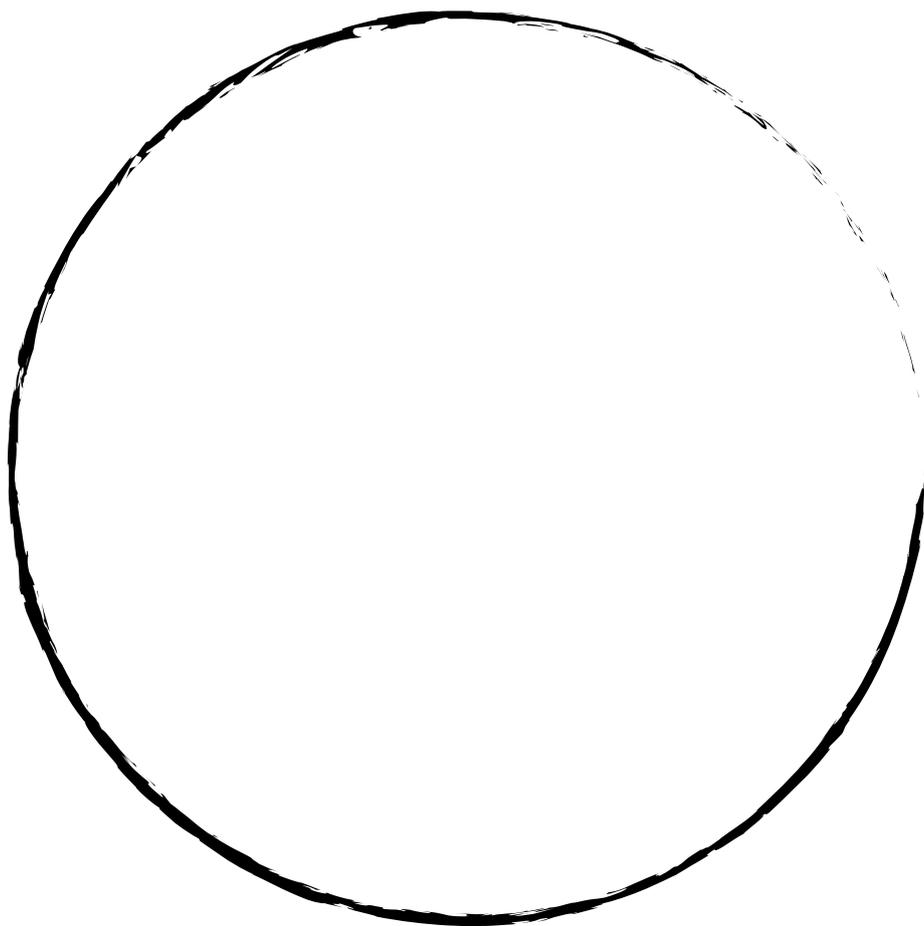
³⁵ 'Genocide-Denial Law Sails through National Assembly', *Phnom Penh Post*, 19 February 2025, <<https://www.phnompenhpost.com/politics/genocide-denial-law-sails-through-national-assembly>> (23 March 2025).

³⁶ See Global Network for R2P Focal Points (2024) 'Manual for R2P Focal Points', Global Centre for the Responsibility to Protect, <<https://www.globalr2p.org/wp-content/uploads/2024/02/R2P-Focal-Points-Manual-6-Feb-2024-FINAL.pdf>> (23 March 2025).

³⁷ Global Centre for the Responsibility to Protect (2022) 'Members of the Global Network of R2P Focal Points', <<https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>> (22 March 2025).

civil society and academic institutions committed to preventing atrocities worldwide.³⁸ As a platform where actors can come together to cooperate and share experiences, GAAMAC supports states in establishing national mechanisms and policies for atrocity prevention. An Asia Pacific working group was created in 2018.³⁹ Among Cambodian civil society, the Cambodian Institute for Cooperation and Peace (CICP) initiated in 2016 a network of **Friends of R2P Cambodia** that aspires for a society without genocide, war crimes, crimes against humanity and ethnic cleansing.⁴⁰ This network aims to enhance public awareness of R2P, strengthen domestic capacities and support state institutions to develop a national action plan for the prevention of mass atrocities.

While acknowledging Cambodia's role as R2P and atrocity prevention trailblazer in the region, the Asia-Pacific Centre for the Responsibility to Protect, which regularly assesses the state of R2P implementation in the region, found that the country has "struggled to translate its international commitment to R2P into domestic change".⁴¹ The country assessment commends the relatively well developed legal and policy frameworks, including the national focal point, but it also highlights areas for improvement, including the domestic institutionalisation of atrocity prevention commitments and associated protections.⁴² The Centre has co-organised important workshops, conferences and public seminars on the subject in Cambodia.⁴³



³⁸ See Global Action Against Mass Atrocity Crimes, official website: <<https://gaamac.org>> (23 March 2025).

³⁹ GAAMAC Asia Pacific Working Group: <<https://gaamac.org/asia-pacific-working-group/>> (23 March 2025).

⁴⁰ Cambodian Institute for Cooperation and Peace (CICP), Friends of R2P: <<https://cicp.org.kh/r2p/>> (22 March 2025).

⁴¹ Asia Pacific Centre for the Responsibility to Protect (2023) 'Updated Assessment of R2P Implementation 2023, Cambodia', 2, <<https://r2pasiapacific.org/files/12059/Cambodia%202023%20.pdf>> (23 March 2025).

⁴² Ibid.

⁴³ A list of relevant initiatives and sources can be found here: <<https://r2pasiapacific.org/r2p-and-atrocity-prevention-asia-and-pacific#9>> (23 March 2025).

1.2. The Women, Peace and Security agenda

Interconnected, yet separate to the atrocity prevention agenda, is the Women, Peace and Security (WPS) agenda.⁴⁴ It serves as a critical framework for addressing gendered dimensions of conflict and violence. Recognizing the intersection between gender, peace and security, the WPS agenda also provides entry points for atrocity prevention. In the following, we will provide a brief general overview of the international and regional frameworks associated with WPS and then discuss their relevance for Cambodia.

International frameworks associated with the WPS agenda

The WPS agenda is a global commitment rooted in **UN Security Council Resolution 1325 (2000)**, which acknowledges the impact of conflict on women and their role in peacebuilding.⁴⁵ The WPS agenda emphasizes the importance of women's equal and full participation in peace processes, protection of women and girls in conflict-affected situations, and the prevention of conflict and violence. The WPS agenda builds upon four pillars: prevention, participation, protection, and relief and recovery. WPS commitments have been further articulated in a series of UN Security Council resolutions.

Similar to the atrocity prevention agenda, WPS has a strong emphasis on **prevention**, further highlighting the normative, institutional and operational parallels between both agendas.⁴⁶ The distinctive contribution of WPS is its promotion of gender-sensitive approaches to conflict and atrocity prevention, including addressing the roots causes and structural drivers of gender violence and gender discrimination. Effective prevention efforts demand both the recognition of the gendered dynamics of conflict and violence, and women participation and leadership in planning, designing and implementing preventative policies and programs.⁴⁷ In essence, the WPS agenda is a call to action for mainstreaming gender across all areas of conflict and atrocity prevention.

An important strategy for the national-level implementation of states' international commitments to the WPS agenda are **WPS national action plans** and national WPS focal points. WPS national action plans are national-level strategy documents that outline a government's approach and course of action for localising action on the WPS Agenda. The plans usually state objectives and activities that countries take to implement the WPS agenda at domestic level. UN member states are encouraged to collaborate with civil society, particularly with local women's net-

⁴⁴ See <<https://peacemaker.un.org/en/thematic-areas/gender-women-peace-security>> (22 March 2025).

⁴⁵ United Nations Security Council Resolution 1325 on Women, Peace and Security, UN doc. S/RES/1325 (31 October 2000). <<https://www.globalr2p.org/resources/the-relationship-between-r2p-and-the-wps-agenda-addressing-the-gender-dimensions-of-atrocity-prevention/>> (22 March 2025)

⁴⁶ 'The Relationship between R2P and the WPS Agenda', UN Special Representative on Sexual Violence in Armed Conflict (2022), <<https://www.globalr2p.org/resources/the-relationship-between-r2p-and-the-wps-agenda-addressing-the-gender-dimensions-of-atrocity-prevention/>> (22 March 2025)

⁴⁷ See NGO working Group on Women, Peace and Security: conflict prevention and resolution, <<https://www.womenpeacesecurity.org/issue/conflict-prevention-resolution/>> (23 March 2025)

⁴⁸ National Action Plans on Women, Peace and Security: <<https://1325naps.peacewomen.org>> (22 March 2025).

⁴⁹ WPS Focal Points Network: <<https://wpsfocalpointnetwork.org>> (22 March 2025).

works and organizations, on the design and implementation of such national actions plans. Over 100 states around the globe have devised and adopted such national action plans.⁴⁸ National **WPS focal points** are individuals who can assist with coordinating and facilitating the national-level implementation of the WPS agenda. In 2016, national WPS focal points have launched a dedicated network in 2016 to share their experiences and promote cross-country learning.⁴⁹

Regional frameworks

ASEAN has shown great commitment to implementing the WPS agenda in the region.⁵⁰ Building on earlier efforts relating to the *Declaration on the Elimination of Violence against Women and Elimination of Violence Against Children in ASEAN* (2013) and the ASEAN Regional Plan of Action on the Elimination of Violence against Women (2015), the ASEAN Committee of Women (ACM) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) have become driving forces for a regional approach to WPS. In 2017, ACM and ACWC produced a joint statement on Promoting Women, Peace, and Security in the ASEAN region, which was subsequently reaffirmed by the ASEAN foreign ministers. ACM and ACWC formed the core of a new **ASEAN WPS Advisory Group** that was created in 2019 and closely collaborated with ASEAN sectoral bodies. This coordinated approach triggered the completion of a

comprehensive ASEAN regional study on women, peace and security, which provided important insights and recommendations for the localisation of the WPS agenda in ASEAN and its member states.⁵¹ These efforts eventually culminated in 2022 in the adoption by ASEAN member states of an **ASEAN Regional Action Plan on Women, Peace and Security**.⁵² Cambodian representatives played an important role in the development of the regional action plan.

The WPS agenda has been operationalised across ASEAN in various ways. For instance, regional efforts are supported by an **ASEAN Women for Peace Registry** (AWPR), a pool of expertise already established in 2013 under the auspices of the ASEAN Institute for Peace and Reconciliation.⁵³ ASEAN has also set up a dedicated website to raise awareness and share information about WPS.⁵⁴ Importantly, and in line with international efforts, the ASEAN Regional Action Plan on WPS called on all members states to develop **WPS national action plans** for further localising the WPS agenda. While many ASEAN member states already have such action plans, such as Indonesia, the Philippines or Vietnam, others are still in the process of developing their first national action plans at the time of writing, such as Thailand and Cambodia. A **localisation toolkit** assists ASEAN member states with developing such national action plans and adapting the WPS agenda to the specificities of their national contexts.⁵⁵

⁵⁰ ASEAN: Women, Peace and Security, <<https://asean.org/our-communities/asean-political-security-community/rules-based-people-oriented-people-centred/women-peace-and-security/>> (23 March 2025)

⁵¹ ASEAN, USAID, and UN Women (2021) 'ASEAN Regional Study on Women, Peace and Security', <<https://asean.org/book/asean-regional-study-on-women-peace-and-security/>> (23 March 2025)

⁵² ASEAN Regional Plan of Action on Women, Peace and Security: <<https://asean.org/asean-regional-plan-of-action-on-women-peace-and-security/>> (23 March 2025)

⁵³ ASEAN Women for Peace Registry: <<https://asean-aipr.org/asean-women-for-peace-registry-awpr/>> (23 March 2025)

⁵⁴ Women, Peace and Security in ASEAN: <<https://wps.asean.org/>> (23 March 2025)

⁵⁵ ASEAN (2023) 'Localisation Toolkit and Guidelines for the ASEAN Regional Action Plan on women, Peace and Security', <<https://wps.asean.org/resources/localisation-toolkit-and-guidelines-for-the-asean-regional-plan-of-action-on-women-peace-and-security/>> (23 March 2025)

WPS in Cambodia

Cambodia has long considered specific legal and policy measures to promote and protect the rights of women. Legislative action on sexual and gender-based violence has been a priority, including through the Law on Prevention of Domestic Violence and Protection of Victims (2005) and the Law on Suppression of Human Trafficking and Sexual Exploitation (2008). The government also instituted three National Action Plans to Prevent Violence against Women (NAPVAW) from 2009-2012, NAPVAW 2014-2018, and NAPVAW 2019-2023.⁵⁶ Cambodia has also adopted a series of strategic plans since 1999 to promote gender equality and women empow-

erment, known as Neary Rattanak. The most recent plan, Neary Rattanak VI, covers the year 2024-2028.⁵⁷

At the time of writing, Cambodia is in the process of complementing these policies through its commitment to **develop a WPS national action plan**, in line with its international and ASEAN commitments.⁵⁸ The efforts are informed by a situational analysis on WPS in Cambodia, completed in December 2024, and ongoing consultations with stakeholders.⁵⁹ A WPS national action plan for Cambodia provides an important opportunity for incorporating gender-sensitive approaches to atrocity prevention in domestic policies, frameworks and practices.



This memorial stupa at Preah Theat Pagoda in Kirivong District, Takeo Province, marks the site of a former Khmer Rouge prison and killing field. It honors victims of the regime, including Khmer Krom people evacuated from Vietnam and later executed as perceived enemies.

⁵⁶ See Ministry of Women Affairs: <<https://www.mowa.gov.kh/en>>

⁵⁷ 'Neary Rattanak VI five-year strategic plan for promoting gender equality and empowering women and girls 2024-2028' (2024), <https://nepcambodia.org/wp-content/uploads/2024/10/NR6-English-V10_Web.pdf> (23 March 2025)

⁵⁸ The CEDAW Committee also recommended a WPS national action plan, see Committee on the Elimination of Discrimination against Women, 'Concluding observations on the sixth periodic report of Cambodia', UN doc. CEDAW/C/KHM/CO/6, 12 November 2019, paras. 12-13.

⁵⁹ UN Women (2024) 'Situation Analysis Report on Women, Peace and Security in Cambodia', Draft 19 November 2024. See also UN Women (2025) 'Cambodia Moves to Develop its first National Action Plan on Women, Peace and Security', <<https://asiapacific.unwomen.org/en/stories/news/2025/02/cambodia-moves-to-develop-its-first-national-action-plan-on-wps>> (22 March 2025)

1.3. Transitional justice, atrocity prevention and the ECCC in Cambodia

As the ECCC in Cambodia is nearing its end, questions arise as to how its processes and outcomes can positively influence future atrocity prevention efforts in the country. At a more general level, a joint 2018 report by the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, and the Special Adviser to the Secretary-General on the Prevention of Genocide examined the contribution of transitional justice to atrocity prevention.⁶⁰ The UN experts drew attention to the preventative potential of transitional justice, such as by contributing to breaking cycles of impunity and marginalisation, which, if left unaddressed, harbour risks of recurrence. They also highlighted the insufficient investment in prevention measures and the fragmentation of knowledge and expertise. The experts call for fostering a **'culture of prevention'**, including through history education and collaboration with civil society.⁶¹

There has also been discussion about how **international (criminal)**

courts, as transitional mechanisms, contribute to atrocity prevention. While there is ongoing debate about the deterrent effect of tribunals, it has been suggested that the punishment of perpetrators rendered by such courts contributes to preventing future violence through an expression of the international and national norms that prohibit such mass crimes.⁶² Others have pointed to the truth-revealing potential of courts and the authoritative historical record they establish, often on the basis of a large evidence base and numerous witness accounts.⁶³ Outreach and participation of victims and civil society are also seen as contributing to prevention.⁶⁴ However, the extent to which tribunals can contribute to atrocity prevention will be contingent on the context of each situation, and how the preventative potential is mobilised through complementary policies and actions.

Following the conclusion of its judicial operations, the ECCC now also faces the question of how to use and maximise its preventive potential.

⁶⁰ 'Joint Study on the Contribution of Transitional Justice to the Prevention of Gross Violations and Abuses of Human Rights and Serious Violations of International Humanitarian Law, including Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity, and their Recurrence', Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide, UN doc. A/HRC/37/65 (6 June 2018).

⁶¹ Ibid, para. 84-97.

⁶² Geoff Dancy (2024) 'International Punishment, Expression, and Atrocity Prevention', in: *Research Handbook on the Punishment of Atrocity Crimes*, Edward Elgar, 13-34.

⁶³ See more at 'Guidance Note of the Secretary General: Transitional Justice, A Strategic Tool for People, Prevention and Peace' (2024), <<https://peacemaker.un.org/sites/default/files/document/files/2024/04/202307guidancenotetransitionaljusticeen.pdf>> (25 March 2025).

⁶⁴ See for instance Clara Ramirez-Barat, and Roger Duthie (2015) 'Education and Transitional Justice: Opportunities and Challenges for Peacebuilding', International Center for Transitional Justice, <<https://www.ictj.org/sites/default/files/ICTJ-UNICEF-Report-EducationTJ-2015.pdf>> (23 March 2025)

The ECCC was established in 2003 by agreement between the Cambodian government and the UN to address the mass atrocities committed during the Khmer Rouge regime (1975-1979). The court's establishment evinces Cambodia's commitment to international norms of accountability for atrocity crimes. The court's judicial operations lasted from 2007 to 2022. The ECCC's investigations covered around 100 crimes and sites across Cambodia, targeting ten individuals – three were eventually convicted. According to the ECCC, the investigations and proceedings amassed a large judicial archive encompassing over 232,000 documents totalling almost 2.4 million pages. In total, 335 individuals testified before the court, including witnesses, experts and civil parties. Joint outreach by the ECCC and Cambodian civil society enabled more than 244,000 to attend public hearings, even more visited the court in person or participated in outreach activities across the country.⁶⁵ Survivor involvement was an important feature of the ECCC, with almost 4,000 civil parties participating in Cases 001 and 002. Civil parties ben-

efited from 26 collective reparation initiatives endorsed by the court's judges, including measures relating to memorialisation, documentation and education.⁶⁶

Many of these achievements align with broader norms and measures associated with the **atrocity prevention agenda**, including those relating to accountability for atrocity crimes, reinforcing norms prohibiting such crimes, as well as raising awareness and educating the population about the crimes and the need for ongoing vigilance against such violations in the future.⁶⁷ However, it has been noted that the focus on a single transitional justice mechanism in form of the ECCC has not been accompanied by more comprehensive reforms to prevent recurrence of serious human rights violations.⁶⁸ That said, many of the reparation measures and other ECCC-related civil society initiatives have created a wealth of knowledge and expertise that can be leveraged for prevention efforts, such as in the field of genocide education, inter-generational dialogue and memorialisation efforts.⁶⁹

⁶⁵ All data from ECCC (2024) 'Understanding the Extraordinary Chambers in the Courts of Cambodia', <https://backend.eccc.gov.kh/uploads/ENG_ECCC_Q_and_A_Booklet_53a8672f65.pdf> (23 March 2025)

⁶⁶ Christoph Sperfeldt (2022) *Practices of Reparations in International Criminal Justice*, Cambridge University Press.

⁶⁷ See Caitlin McCaffrie et al. (2018) "'So We Can Know What Happened': The Educational Potential of the ECCC", Center for Human Rights and International Justice at Stanford University, <https://humanrights.stanford.edu/sites/humanrights/files/so_we_can_know_what_happened_2018.pdf> (23 March 2025). See also Elke Evrard, and Tine Destrooper (2024) 'Learning from the Past? How the Khmer Rouge Tribunal, Civil Society Initiatives and Survivor Stories Shape Young Cambodians' Understanding of Non-Recurrence', *International Journal of Human Rights* (published online 11 Dec 2024)

⁶⁸ Asia Justice and Rights, AJAR (2021) 'Transitional Justice: Cambodia Case Study', 8, <https://asia-ajar.org/wp-content/uploads/2022/02/Transitional-Justice_Cambodia-Case-Study.pdf> (23 March 2025).

⁶⁹ See Christoph Sperfeldt and Oeung Jeudy, 'The Evolution of Cambodian Civil Society's Involvement with Victim Participation at the Khmer Rouge Trials' in Lia Kent, Joanne Wallis, Claire Cronin (eds), *Civil Society and Transitional Justice in Asia and the Pacific* (ANU Press, 2019) 85-105. <<https://research-management.mq.edu.au/ws/portalfiles/portal/207753742/207131095.pdf>> (23 March 2025)

The ECCC also contributed to efforts that broadly align with the **WSP agenda**. Observers have frequently pointed out that the court has not pursued through its investigative or prosecutorial strategies and practices a more comprehensive account of conflict-related sexual and gender-based violence during the Khmer Rouge regime.⁷⁰ While the ECCC shares these shortcomings with many other international criminal justice institutions, the court has prosecuted the Khmer Rouges' policy of forced marriages and the violence associated with it.⁷¹

The participation of women in the proceedings as civil parties and associated civil society initiatives, such as the women hearings, have further contributed to examining the gendered dynamics of the Khmer Rouge atrocities and empowering women survivors.⁷² These efforts were further supported by a project implemented from 2011 to 2019 by the ECCC Victim Support Section and civil society partners with funding from the UN Trust Fund to End Violence against Women.⁷³ However, more comprehensive gender-sensitive reparations have not emerged from the ECCC process.⁷⁴ Overall, the numerous gender-related initiatives and measures

implemented in the context of the ECCC have not yet been examined and leveraged more systematically in furtherance of gender-sensitive approaches to atrocity prevention, and women participation and leadership in such efforts. The recent WPS situational analysis for Cambodia acknowledges the ECCC's legacy and suggests actions to build on its lessons and programs, including with women, survivors and ethnic minority communities.⁷⁵

The ECCC experience confirms that transitional justice institutions have the potential to contribute to the atrocity prevention and Women, Peace and Security agendas. Relevant knowledge, lessons learned and expertise will be required to identify, preserve and mobilise for future prevention efforts. The question is therefore now how to ensure that the ECCC is not regarded as a closed chapter, but rather that its achievements are translated into efforts that foster a 'culture of prevention' in Cambodia. The announcement of the creation of a national ECCC legacy institution to carry on with this agenda represents a significant opportunity.⁷⁶ As the UN Special Adviser on the Prevention of Genocide mentioned during her 2024 visit to Cambodia,

⁷⁰ See UN Secretary-General, 'Sexual Violence in Conflict', A/67/792-S/2013/149 (14 March 2013), para. 114. See also Rosemary Grey (2022) 'Beyond Forced Marriage: Sexual, Gender-Based and Reproductive Crimes in the ECCC', *Opinio Juris* blog, <<https://opiniojuris.org/2022/11/03/symposium-on-the-eccc-beyond-forced-marriage-sexual-gender-based-and-reproductive-crimes-in-the-eccc/>> (22 March 2025)

⁷¹ See Rosemary Grey (2019) 'Seen and Unseen: Sexual and Gender-Based Crimes in the Khmer Rouge Tribunal's Case 002/02 Judgment', *Australian Journal of Human Rights* 25(3): 466-487.

⁷² See Samphoas Huy (2024) 'Gender Justice in the Vernacular: Victims' Participation and Empowerment at the Extraordinary Chambers in the Courts of Cambodia', PhD thesis, Rutgers University. For more resources refer to <<http://gbvkr.org>> (22 March 2025)

⁷³ 'Final Evaluation Report Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime' (2019), <<https://untf.unwomen.org/en/learning-hub/evaluations/2019/07/the-eccc-non-judicial-gender-project-phase-2>> (23 March 2025)

⁷⁴ REDRESS and Kdei Karuna (2022) 'Cambodia Study on Opportunities for Reparations for Survivors of Conflict-related Sexual Violence', Global Survivors Fund, <https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Global_Reparation_Studies/GSF_Report_Cambodia_EN_March2022_WEB.pdf> (22 March 2025)

⁷⁵ UN Women (2024) 'Situation Analysis Report on Women, Peace and Security in Cambodia', Draft 19 November 2024, 42 & 62.

⁷⁶ 'New ECCC Working Group Outlines Remaining Tasks', *Phnom Penh Post*, 4 July 2024, <<https://www.phnompenhpost.com/national/new-eccc-working-group-outlines-remaining-tasks>> (22 March 2025)

*'to enable delivery on prevention in a purposeful and meaningful manner, focused and sustained attention must be given to knowledge sharing, education and information dissemination across all levels and aspects of Cambodian society. Contemporary calls for a dedicated and permanent state institution to work on these issues and to continue delivering on Cambodia's impressive work to date are both timely and pertinent.'*⁷⁷

The time is right to explore how the ECCC's legacy can inform a future approach to atrocity prevention in Cambodia, one that is gender-sensitive and sensitive to the needs of minority populations. In this process, listening to the voices of Khmer Rouge survivors, civil parties and others from affected minority groups will assist with designing more appropriate and more targeted atrocity prevention strategies and actions.



This photo shows the front yard of a Khmer Krom survivor's home in Bakan District, Pursat Province. The survivor lost both parents and five siblings during the final days of Khmer Rouge control, as killings continued even after the fall of Phnom Penh in 1979.

⁷⁷ Remarks by Ms. Alice Wairimu Nderitu, Under-Secretary-General of the United Nations and Special Adviser on the Prevention of Genocide; and Mr. Joseph Scheuer, Resident Coordinator of the United Nations in Cambodia, 20 May 2024. <<https://www.eccc.gov.kh/en/articles/genocide-convention-and-cambodia-lessons-past-prevention-future>> (23 March 2025).

Part II:

Voices from Minorities Communities

Following this overview of international atrocity prevention frameworks and their relevance for Cambodia, we will now present some preliminary findings from fieldwork among minority communities carried out for the purpose of this scoping study.

2.1. Introduction: Atrocities, minorities and the ECCC

The work of Cambodian civil society and scholars over the past decades has brought to light the distinct suffering of minorities under the Khmer Rouge regime, including the Cham, Vietnamese, Khmer Krom and indigenous peoples.⁷⁸ For instance, the religious-based persecution of the Cham and other Muslim populations has been well documented in scholarly research.⁷⁹ The Cham Oral History Project of the Documentation Center of Cambodia in particular has made a significant contribution to enhancing our understanding of the experiences of Cham communities under the Khmer Rouge.⁸⁰ The persecution and atrocities committed against Cambodia's Vietnamese minority have in recent years received more attention.⁸¹ This research has also shed light on the mass deportations of the Vietnamese from Cambodia to Vietnam and their eventual return to Cambodia.⁸² A prominent feature in the experiences of Vietnamese communities before, during and after the Khmer Rouge has been their exclusion from Cambodian citizenship and the associated risks of statelessness.⁸³ The

atrocities committed against both of these minorities were investigated by the ECCC and led to genocide convictions relation to both groups in Case 002/02, amongst other crimes.⁸⁴ The atrocities committed against the Khmer Krom were initially overlooked.⁸⁵ Eventually, investigators and prosecutors brought more Khmer Krom-specific charges in Case 004, but these never made it to trial. In these cases, civil party participation at the ECCC played an instrumental role to ensure that minority voices were heard at trial, providing a platform for often marginalised communities to share their distinct suffering.⁸⁶

The experiences of Cambodia's minorities under the Khmer Rouge and their long-lasting consequences have also been a feature in previous research conducted by Women Peace Makers.⁸⁷ WPM's facilitative listening design methodology also highlighted the often-times difficult inter-group relations between majority and minority populations and how these relations shape social inclusion or exclusion - with relevance for atrocity prevention work.⁸⁸ Acknowledg-

⁷⁸See Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–1979* (Yale University Press / Silkworm Books, 1996) 251-309.

⁷⁹See Ysa Osman (2006) *The Cham Rebellion: Survivors' Stories from the Villages* (Documentation Center of Cambodia); and Rachel Killean (2021) 'Religion, Resistance, and Responding to Genocide: The Cham in Cambodia', in: Sara Brown and Stephen Smith (eds.) *The Routledge Handbook of Religion, Mass Atrocity, and Genocide* (Routledge) 227-236.

⁸⁰See So Farina (2011) *The Hijab of Cambodia: Memories of Cham Muslim Women after the Khmer Rouge* (Documentation Center of Cambodia).

⁸¹See Keo Duong (2018) *Khmer Rouge Nationalism and Mass Killing: Perception of the Vietnamese* (Institute of Asian Studies); and Ramses Amer (2006) 'Cambodia's Ethnic Vietnamese: Minority Rights and Domestic Politics', *Asian Journal of Social Science* 34(3): 388-409.

⁸²See Path Kosal (2021) 'The Khmer Republic's Mass Persecution of the Vietnamese Minority in Cambodia' in Eve M. Zucker and Ben Kiernan (eds), *Political Violence in Southeast Asia since 1945: Case Studies from Six Countries* (Routledge) 134-147; and Christoph Sperfeldt (2024) 'Statelessness, Genocide and Mass Deportations on Trial: Observations from the Khmer Rouge Trials in Cambodia', *Griffith Law Review* (published online, 2 December 2024).

⁸³See Lucrezia Canzutti (2019) 'Precarious (non-)citizens: a historical analysis of ethnic Vietnamese' access to citizenship in Cambodia', *Journal of Ethnic and Migration Studies* 48(7): 764; and Stefan Ehrentraut (2011) 'Perpetually Temporary: Citizenship and Ethnic Vietnamese in Cambodia', *Ethnic and Racial Studies* 34(5): 779.

⁸⁴See Rachel Killean (2022) 'The Case 002/02 Appeal Judgment's Implications for Genocide Recognition in Cambodia', *Opinio Juris* blog, <<https://opiniojuris.org/2022/10/31/symposium-on-the-eccc-the-case-002-02-appeal-judgments-implications-for-genocide-recognition-in-cambodia/>> (23 March 2025)

⁸⁵See account from the Khmer Krom's initial international civil party lawyer, Mahdev Mohan (2008) 'Reconstituting the "Un-Person": The Khmer Krom and the Khmer Rouge Tribunal', *Singapore Yearbook of International Law* 12: 43-55.

⁸⁶See Lyma Nguyen and Christoph Sperfeldt (2014) 'Victim Participation and Minorities in Internationalised Criminal Trials: Ethnic Vietnamese Civil Parties at the Extraordinary Chambers in the Courts of Cambodia', *Macquarie Law Journal* 14: 97-126.

⁸⁷See for instance Le Sen, Suyheang Kry, and Raymond Hyma (2022) *Making the Space: Voices from the Girls of Cambodian Minority Communities*, Phnom Penh: Women Peace Makers, <<https://wpmcambodia.org/wp-content/uploads/2022/04/makingthespace.pdf>> (23 March 2025).

ing the larger body of work done in relation to the Cham, this scoping study has focused on the experiences and voices of Khmer Krom and Vietnamese communities in Cambodia. This approach is not meant to exclude other minority communities, whose voices are equally important. Rather, the focus on these two communities resulted from the narrow scope of this scoping study and WPM's prior relationships in these communities.

It is one of the objectives of this study to identify lessons in relation to minorities raised during the ECCC process that can be utilised to enhance future conflict transformation and atrocity prevention work in Cambodia. WPM hopes that these lessons can be mobilised to promote more structural changes that address the social exclusion experienced by some minority groups in Cambodia and contribute to preventing future atrocities. As highlighted in past work by WPM and other partners, this social exclusion extends to the statelessness and legal identity challenges faced by long-term ethnic Vietnamese and Khmer Krom residents.⁸⁹ In line with this objective, this scoping study will initially focus on members of the Khmer Krom and ethnic Vietnamese minorities who participated at the ECCC (including civil parties) and their immediate family members. Gauging their views about the ECCC legacy is hoped to yield some insights into how future atrocity prevention work should be conceived to account for the concerns and expectations in these communities.

Fieldwork methodology

In identifying former ECCC civil parties or complainants, the researchers relied on their own networks, based on prior work

with these communities over the course of the ECCC's operations. As such, the research design represents a convenient sample that is not representative of the broader views and attitudes in both communities – nor is it representative of the views held by minority civil parties. In total, our research team interviewed 87 individuals through a semi-structured research instrument. This sample is gender balanced and includes 47 Khmer Krom and 40 individuals of Vietnamese descent (of which 18 identified as ethnic Vietnamese and 22 as being of mixed origin). Data collection was carried out from August to December 2024 across six Cambodian provinces, namely Battambang, Kampong Chhnang, Prey Veng, Pursat, Svay Rieng and Takeo, where Khmer Krom and Vietnamese communities reside (covering a total of 37 villages). Among the 87 individuals, 60 stated that they participated as civil parties at the ECCC,⁹⁰ including 43 Khmer Krom (not counting interviews with spouses of civil parties who had passed away) and 17 of Vietnamese descent (of which 6 identified as ethnic Vietnamese and 11 as being of mixed origin). It was much harder to reach former civil parties of Vietnamese descent, as many had died because of old age or chronic diseases; others could no longer be found or contacted due to the large-scale relocations of former floating communities in the Tonle Sap area.

Originally, according to the list of Khmer Krom and Vietnamese civil parties at the ECCC of the national and international civil parties lawyers, there were 134 Khmer Krom and 77 Vietnamese civil parties admitted. Nearly half of 134 Khmer Krom civil parties passed away once the researchers reached out to their family members/descents as a result of old ages and chronic diseases.

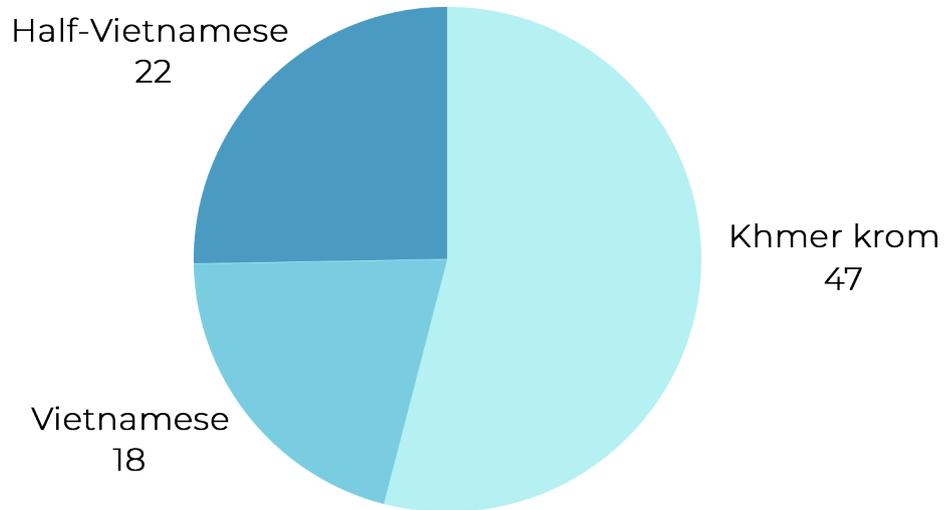
⁸⁸ Suyheang Kry and Raymond Hyma (2017) *Who's Listening? Tackling Hard Issues with Empathy* (Women Peace Makers), <<https://wpmcambodia.org/project/whos-listening-tackling-hard-issues-with-empathy/>> (22 March 2025).

⁸⁹ Christoph Sperfeldt, Keat Bopha, and Ang Chanrith (2024) 'Mapping Statelessness in Cambodia', Phnom Penh: Women Peace Makers, <https://wpmcambodia.org/wp-content/uploads/2024/09/Mapping-Statelessness-in-Cambodia_2024.pdf> (23 March 2025).

⁹⁰ Based on the statements made by respondents. While the researchers were able to verify the civil party status of some respondents, based on their own records, civil party status could not be cross-checked for all respondents.

Figure 1: Origin of Respondents

● Khmer krom ● Vietnamese ● Half-Vietnamese



An interviewer speaks with a Khmer Krom woman in Bakan District, Pursat Province—a survivor and civil party who witnessed the Khmer Rouge’s persecution and mass killings of Khmer Krom people in the North-West Zone.

2.2. Preliminary Findings

Demographics of respondents

The gender of interviewees was practically evenly split with 49% (43 out of 87) being female and 51% (44 out of 87) being male (Figure 2). Considering that the main target groups were survivors of the Khmer Rouge period, the sample features a high average age, with the youngest interviewee 49 years old and the oldest 87 (Figure

3). More than half of the respondents stayed at home (or were otherwise unemployed, also in light of the high age average) and relied on the support of their relatives or neighbours. The rest were farmers (20%), fishermen (11%), worked as local authority at village and commune level (6%), mechanic and small vendor (5%), provide religious services (3%), and teacher (2%).

Figure 2: Gender

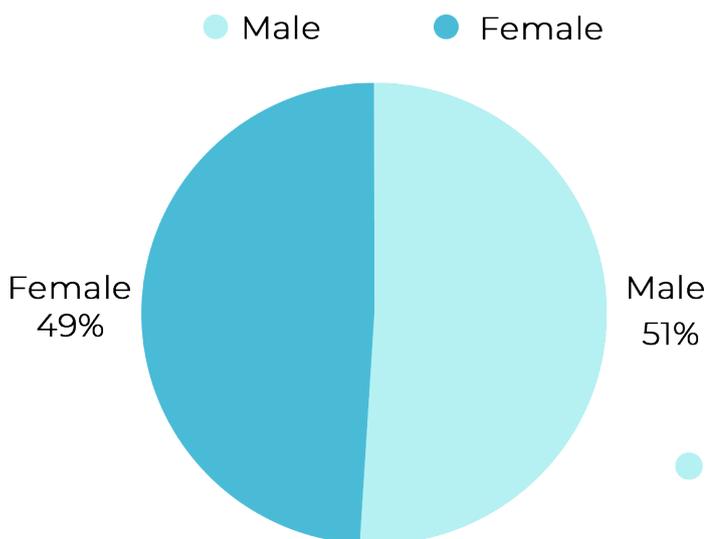
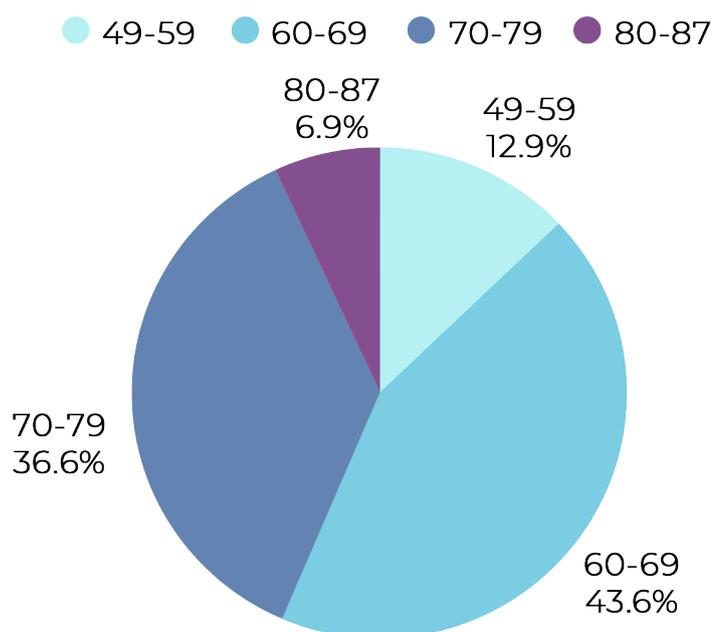


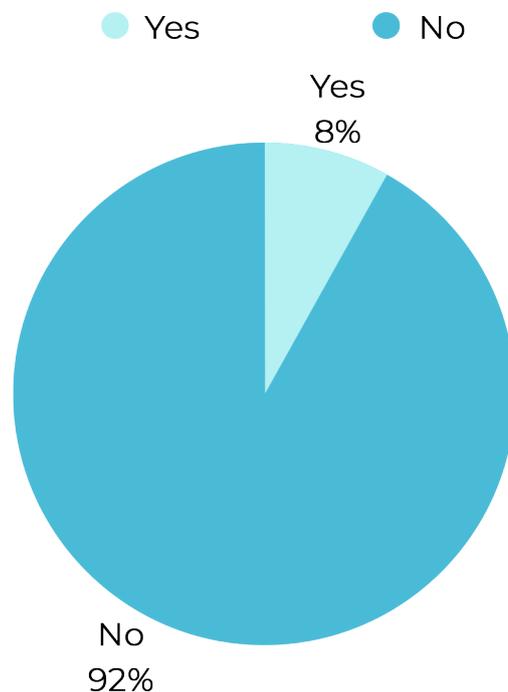
Figure 3: Age



60 percent of the individuals of Vietnamese descent (24 out of 40), including many among those of mixed origin, lacked important **proof of legal identity** in Cambodia, including birth certificates, family books and national ID cards. The widespread lack of foundational birth registration is a concern among those of Vietnamese descent. This situation is despite their ancestors having lived in Cambodia for many generations and their own births in the country. The main identification document among this co-

hort was the two-year renewable Permanent Resident Card (PRC), which identifies them as foreigners residing in Cambodia. All of the Khmer Krom interviewees held a Cambodian national ID card or equivalent. Only 8 percent of all respondents (7 out of 87), all of whom are Khmer Krom, held any form of social security card, such as ID Poor card, equity card or vulnerable person card, despite most of them living in poverty or otherwise poor conditions.

Figure 4: Proof of Social Security Assistance



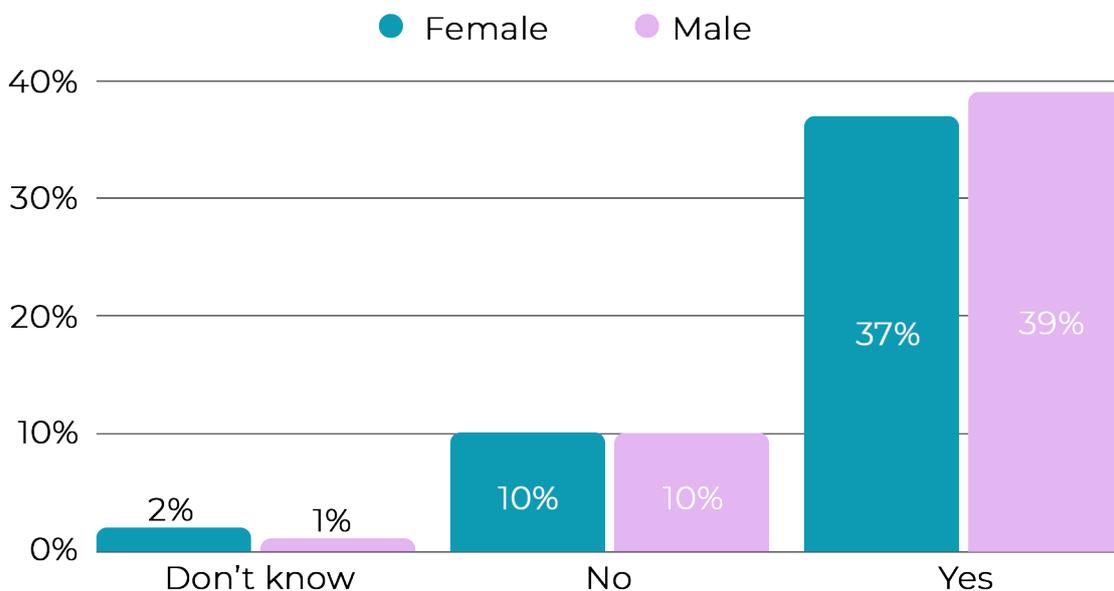
⁹¹ VN004KC.

Experience under the Khmer Rouge regime

Since this study addressed primarily former ECCC civil parties and other Khmer Rouge survivors, we were interested in their experiences under the Khmer Rouge and whether they felt that their minority community was specifically targeted. In response to an open question, most re-

spondents among the Khmer Krom and those of Vietnamese origin felt that they were persecuted or otherwise targeted by the Khmer Rouge on grounds of ethnicity, race, language or nationality. There were also no noteworthy differences in the responses to this question between women and men (Figure 5). Many of the stories share similarities with those recounted by civil parties or survivor witnesses before the ECCC.

Figure 5: Views on Being Targeted by the Khmer Rouge



Khmer Krom communities and those of Vietnamese descent had both shared and distinct experiences under the Khmer Rouge. Almost all had to leave their homes after the Khmer Rouge came to power, in April 1975, and were often initially relocated to collectives or brought to work sites. All respondents of Vietnamese descent reported that they were separated from their Khmer neighbours early on and worked on separate sites for a few months. Those among the

Vietnamese who survived the Khmer Rouge only did so because they were eventually deported to Vietnam, often in exchange for rice and salt at the Vietnamese border. *“The Vietnamese soldiers came and exchanged ethnic Vietnamese with rice and salt with the Khmer Rouge. I moved to Vietnam together with the family which adopted me. We came back to Cambodia in 1981 after the Khmer Rouge was overthrown...”*, noted a 66-year-old Vietnamese man in Kampong

Chhnang. Many Vietnamese lost important legal documentation during the relocations and deportations.

Those of Vietnamese descent who did not go to Vietnam were systematically killed, including those who were married to Khmer spouses and had mixed children. *"...all [Vietnamese] were killed including my husband's ex-wife [who was Vietnamese], his parents-in law and relatives. First, my husband was brought together with his ex-wife's family members to be killed by hitting behind their heads and threw into the pits, but he was spared because he is Khmer. His ex-wife and five small children were killed",* said a wife of a civil party who passed away living in Kampong Chhnang province. This experience among mixed Vietnamese-Khmer couples was widespread and acknowledged in the ECCC judgment in Case 002/02.

Many of the Khmer Krom interviewees spoke about their experiences under forced labour and in collectives. Khmer Krom respondents in Takeo highlighted how their families or relatives fell victim to the fighting between the Khmer Rouge and the Vietnamese army during the border wars in 1977-78. A distinct feature of the Khmer Krom experience was that many were tortured or even killed because of accusations that they were Vietnamese spies or 'Vietnamese heads with Khmer bodies'. *"My grand-parents and entire aunt's family were killed because they were accused of being [Vietnamese]. Meanwhile, many other Khmer Krom were also killed by being accused of being [Vietnamese] in 1977-78",* said a Khmer Krom civil party in Battambang province. Likewise, many

Khmer Krom in Pursat provinces reported about accusations of being Vietnamese spies, often due to their backgrounds or accents.

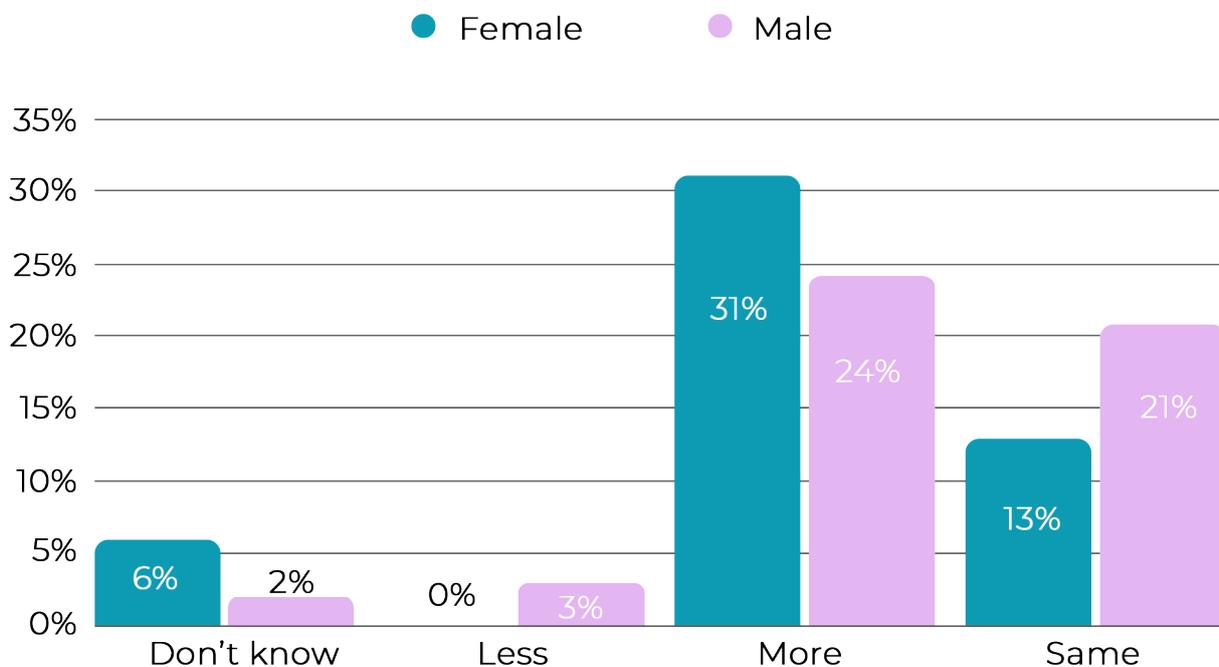
There were also shared and distinct experiences of sexual and gender-based violence among the Vietnamese and Khmer Krom respondents.⁹¹ Respondents among both groups spoke about instances of sexual harassment and rape by the Khmer Rouge. Some Vietnamese women were reportedly killed or committed suicide after the incidents. While survivors of Vietnamese descent usually did not become subject to the Khmer Rouge's forced marriage policy – mainly because of their deportation to Vietnam – Khmer Krom respondents frequently talked about forced marriages. *"In 1978, my husband as Khmer Krom was taken away and killed at Tuol Ses Nhev. About ten days later, I was forced to marry. At that time, I could not reject; if I rejected, I would be killed as well. The marriage ceremony was conducted for about 50 couples all at once",* said a 68-year-old Khmer Krom woman living in Pursat province.

Both groups had a strong sense of differential treatment, as compared to the majority population. More women than men among both groups thought that their respective community had suffered more than the general population. The accounts often linked their distinct experience to their ethnicity, race, skin colour or accent, highlighting the racialized nature of Khmer Rouge persecution. *"All ethnic Vietnamese who married to Khmer spouse were screened to be executed in 1975. Meanwhile, Khmer Krom people were also accused of being Vietnamese spies and killed*

in 1977/1978. Vietnamese were targeted because of their white skin. Khmer Krom and Vietnamese were always asked to pick up the corns but in fact, they were brought to be killed, because they were never seen to return to their collectives”, said an 87-year-old Khmer Krom man from Pursat province.⁹⁶ And a 79-year-old Vietnamese male from Kampong Chhnang added that “if we were not

sent to Vietnam, all of us would be killed entirely”.⁹⁷ There were different views among respondents from both groups about whether they had suffered more or less than the general population. But both groups expressed their view that many of their experiences were group-specific and in some significant part distinct from the general population.

Figure 6: Views on Suffering Compared to General Population



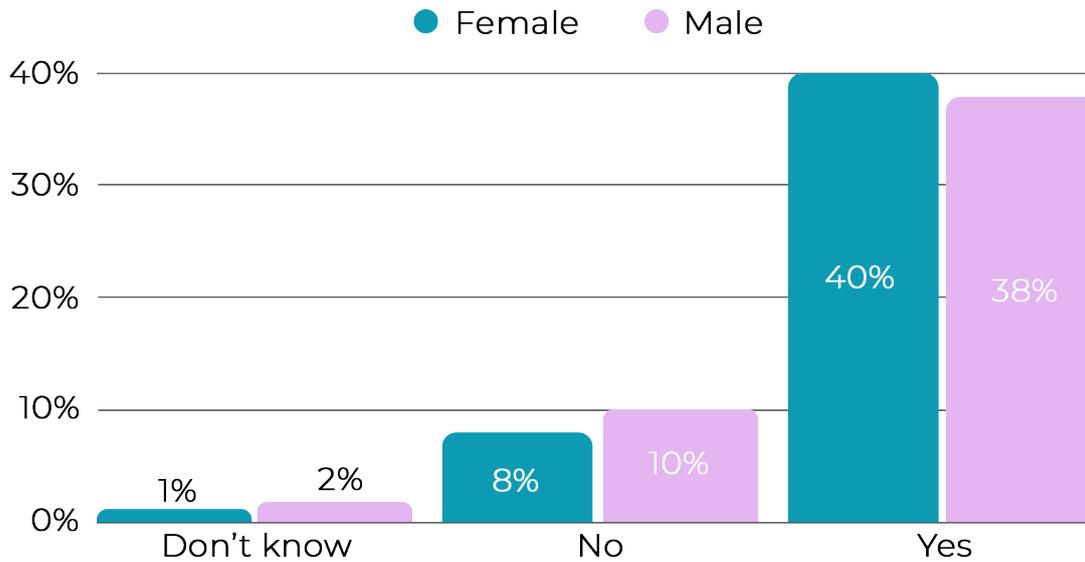
Involvement in and views of the ECCC process

As noted earlier, all of our respondents were victim-survivors of the Khmer Rouge regime who had either participated at the ECCC or were their relatives. Indeed, 78 percent (or 68 out of 87) stated that they had participated in the ECCC process, either as civil parties, complainants, witnesses or

otherwise. 60 individuals self-reported as civil parties, although we were not able to verify this information for all respondents.⁹² Most of these stated that they were civil parties in Case 002, while a larger number of Khmer Krom additionally noted that they had also been civil parties in Cases 003 and 004. Many spoke about other fellow civil parties having passed away in the preceding years.

⁹² The researchers had some records from previous activities about civil party status among respondents.

Figure 7: Participation in the ECCC Process



Interviewees participated in the ECCC process through a range of activities. A high number 62 (out of 87) interviewees stated that they had visited the court in person – including non-civil parties. Moreover, 52 interviewees reported that they had at least once participated in other outreach activities organised by NGOs or the ECCC. These figures speak to the relative success of the combined outreach of NGOs and the ECCC. Many interviewees spoke about feeling supported by NGOs or the ECCC in their participation process.

Most of those who participated in the ECCC, including civil parties, expressed their overall **satisfaction with the court** (61%, with women being slightly more satisfied than men) because they were able to share their stories and experiences under the Khmer Rouge regime (Figure 8). Many felt a sense of relief after the arrest and conviction of former Khmer Rouge leaders, or simply because they were able to attend the trials or see the ECCC in person. A female

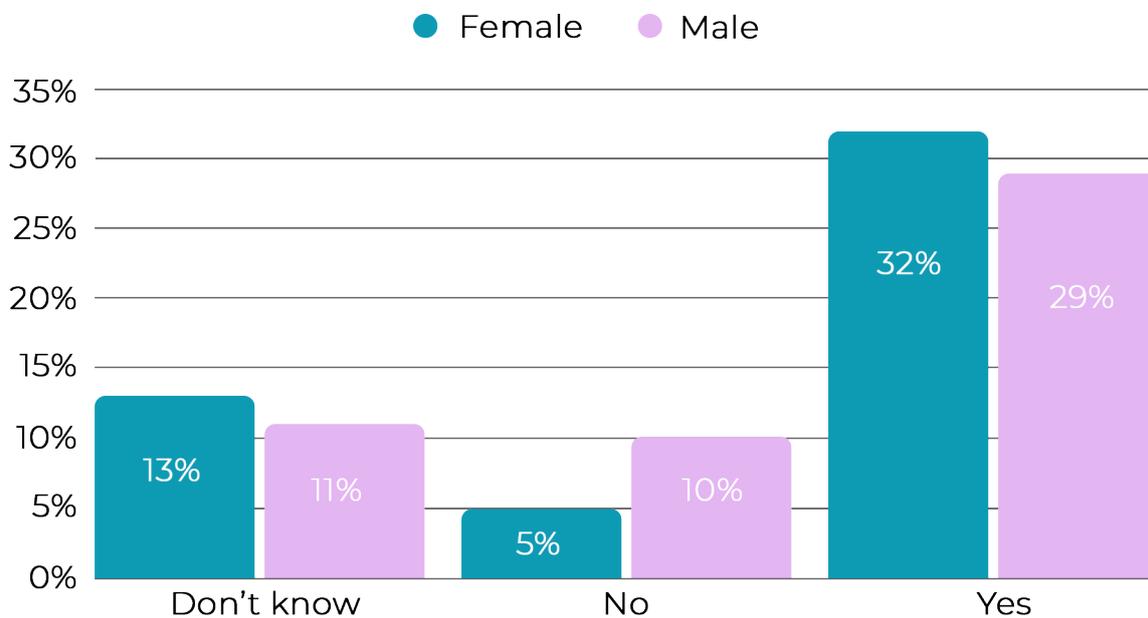
Khmer Krom respondent from Pursat stated, *“I am satisfied with the clear explanation of the lawyers, and I saw with my own eyes the face of the KR top leaders who were tried.”*

There was also a sizeable group among Khmer Krom and Vietnamese participants who expressed some dissatisfaction with the ECCC because of a range of issues, such as that they did not feel the process has achieved justice for their loved ones who were killed, or that the investigations had not targeted their specific areas or the crimes that they suffered. A male Khmer Krom respondent from Takeo stated, *“I got [some justice] but at a level that I am not satisfied because only few Khmer Rouge leaders were sentenced but many other related individuals were not sentenced or summoned.”* Many Khmer Krom civil parties would have also liked to see some of the cases go to trial that more specifically addressed their suffering. While most respondents thought that their participation at the ECCC was important,

many expressed how it did not help to change their lives or living condition. Many elderly civil parties spoke about their worsening health condition. Finally, interviewees who did not take part in the ECCC, had generally

little knowledge of the ECCC and its trials. Many said that they have never paid attention to the trials, as they were focused on making their daily living or because no one had come to inform them about the ECCC

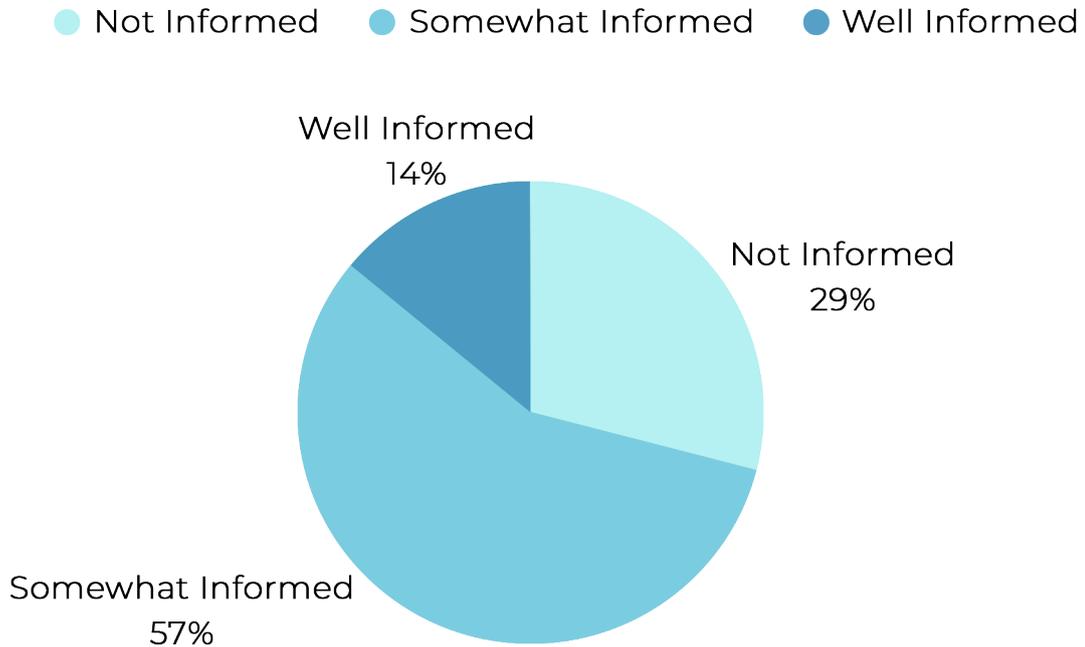
Figure 8: Satisfaction with the ECCC Process



Most of our interviewees felt that they had only little **information about the ECCC's** proceedings and its outcomes (Figure 9). The reasons provided by respondents included receiving few updates and no regular information about significant developments, such as judgments and reparations. Those who felt better informed often did so because they were communi-

cation focal points for the ECCC (and its Victim Support Section) or NGOs and therefore more frequently invited to the ECCC. Many respondents noted the lack of activities at community level. While civil parties appreciated their participation at the court, their overall knowledge about key ECCC events, judgments and other significant outcomes remained limited.

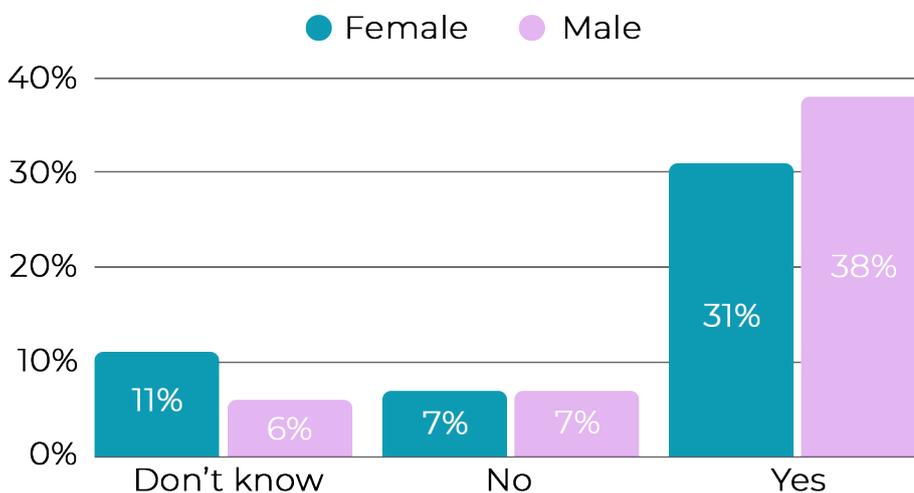
Figure 9: Information about the ECCC



Despite this general lack of deeper knowledge about the ECCC, most of our respondents came away from their participation with a feeling of some sense of justice (69%, with men having a somewhat stronger sense of justice through the ECCC compared to women). For instance, respondents noted the professionalism of

the court and its staff, giving them a certain level of trust in the institution. Others highlighted the positive experience of their participation, allowing them to speak about their suffering and share their stories. Most frequently cited were the convictions of the senior Khmer Rouge leaders before the ECCC.

Figure 10: Sense of Justice through the ECCC



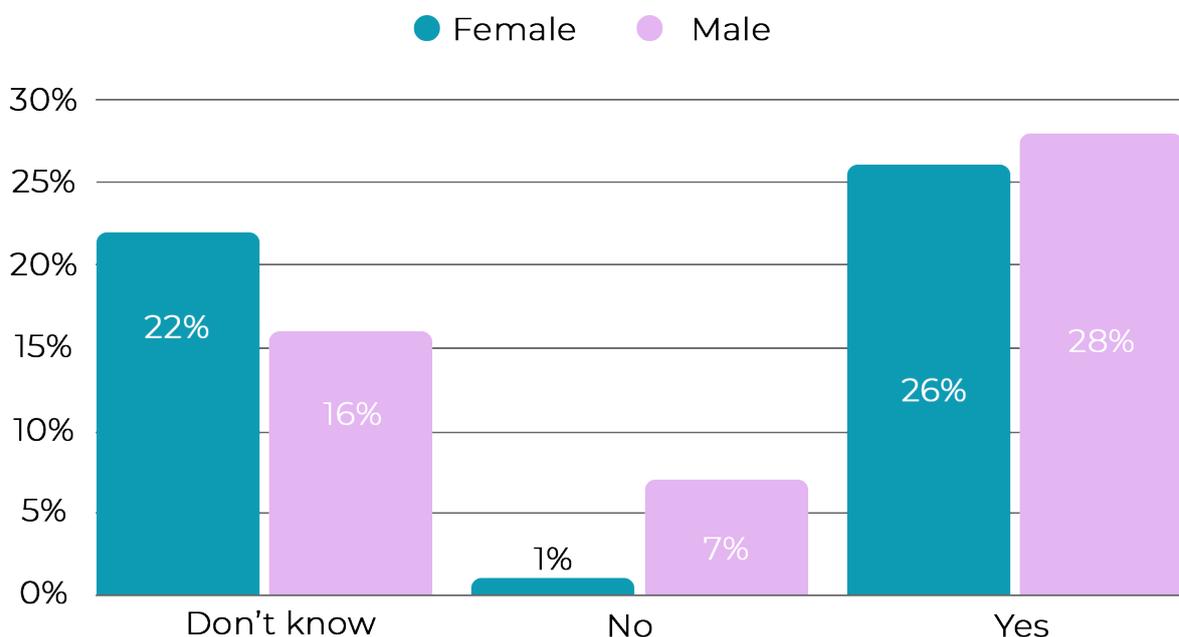
However, other interviewees were more dissatisfied and expressed a partial or complete absence of a sense of justice. Among the most cited reasons were insufficient reparations to civil parties and survivors (which we will discuss further below) – an issue that became more relevant as civil parties grew older and struggled with various health conditions. Many expressed dissatisfactions at the conviction of only a very few individuals, while others who were responsible were not brought to justice. Other respondents doubted the effectiveness of the court and pointed to the funding the ECCC had received over the years, with little of it trickling through to their communities.

Views about the ECCC’s attention to minority voices

Interviewees showed a greater divergence in responses when asked whether the ECCC paid sufficient at-

tention to the crimes committed by the Khmer Rouge against their minority group (Figure 11). Those who answered in the affirmative (54%, with little difference among women and men), generally remembered that they were listened to by ECCC or NGO staff. The chance for Khmer Krom and Vietnamese civil parties to share their stories about the suffering of their group or community was significant to them. Many interviewees spoke about both Cambodian and international staff or lawyers (be they from the ECCC or NGOs) coming to their house and listening to their experiences under the Khmer Rouge. According to a female Khmer Krom respondent from Takeo, *“the ECCC listened and learnt a lot from me, and I hoped that the ECCC can use my statement to convict the top leaders of the Khmer Rouge.”* Many felt that their stories were listened to and taken seriously – even if they never had a chance to personally testify in court.

Figure 11: ECCC’s Attention to Minorities



A large group of respondents, however, noted that they were unsure how or the extent to which the ECCC had considered their information or what it had done regarding the atrocities committed against their minority group (38%, with more women reporting not knowing). Many reported submitting a civil party application or complaint and never hearing about how their information was used. These statements correlate with the general limited level of knowledge among respondents, civil parties and non-civil parties alike. Some Khmer Krom, such as those in Bakan, expressed dissatisfaction that their suffering (often at specific crime sites) was not included earlier in the ECCC's scope of investigation. The fact that this was done in a more systematic way in the investigations for Case 004 proved little consolation, as these cases never went to trial. A few interviewees of Vietnamese descent felt that their voices were not given much attention as the issues that these communities have been facing before, during and after the Khmer Rouge regime, such as social exclusion and exclusion from citizenship, have not been addressed to this day. For instance, a male respondent of Vietnamese descent in Kampong Chhnang said, *"I don't believe the court paid much attention to the*

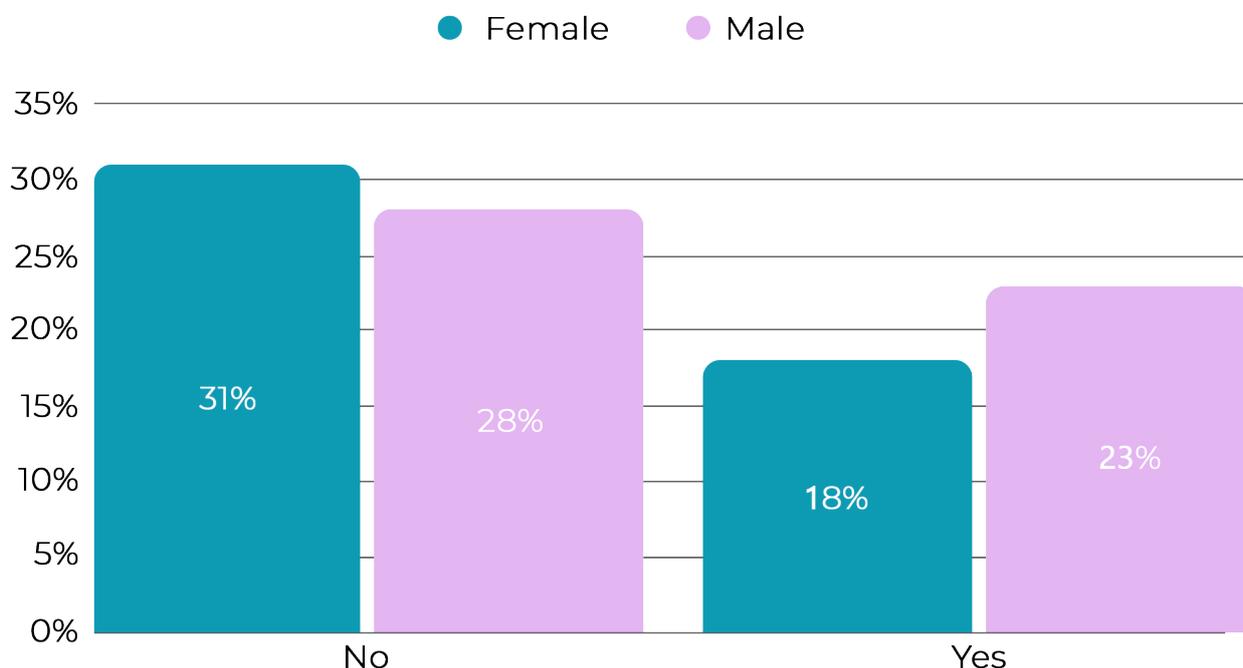
ethnic Vietnamese issues since up to now the Government could not help Vietnamese to access Cambodian citizenship. I and my parents and grandparents were born in Cambodia, but we have never had a chance to get it."

Reparations for minority victims

The ECCC had a mandate for 'collective and moral' reparations recognised by ECCC judges for the benefit of the participating civil parties. 26 reparation projects were recognised by the ECCC judges across Cases 001, 002/01 and 002/02.⁹³ Many of our respondents had no or very little knowledge about these ECCC reparation projects (59%, with women reporting slightly less knowledge compared to men) (Figure 12). Even among those who reported to have some knowledge (41%), few were able to name some of the recognised projects. Most interviewees demonstrated an understanding that the reparations were given collectively and not individually, but few had heard about any of the ECCC reparations. Some remembered their requests for reparations but had then forgotten about reparations due to long periods of disengagement from the ECCC.

⁹³ Christoph Sperfeldt and Rachel Hughes (2020) 'The Projectification of Reparation', *Journal of Human Rights Practice* 12(3): 545-565.

Figure 12: Knowledge about the ECCC Recognized Reparations



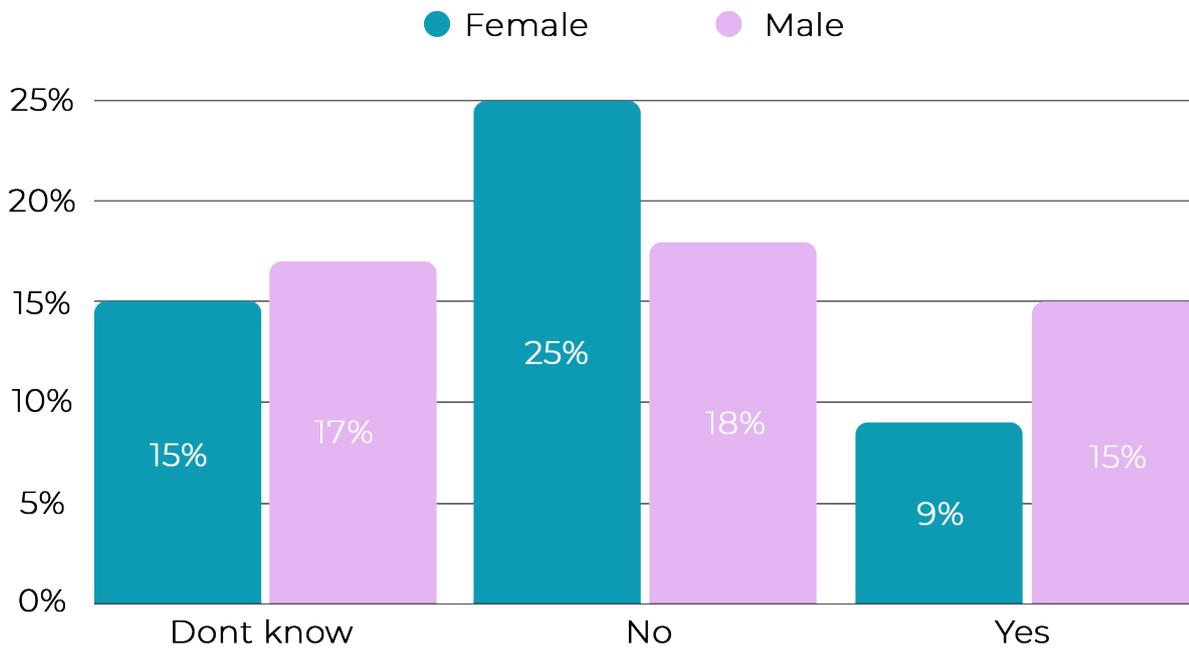
The lack of knowledge of ECCC reparations was also reflected in **people's satisfaction with the ECCC reparation measures** (Figure 13). Many interviewees (24%) were generally satisfied with the ECCC's collective reparations, as they understood the challenges involved with individual reparations due to the large numbers of survivors. The most common response, however, involved a degree of dissatisfaction with ECCC reparations (44%, with women being markedly less satisfied compared to men). Many lamented the lack of stupas and other activities in their communities or areas and hoped that this could be addressed in future, alongside with ceremonies. A female Khmer Krom interviewee from Svay Rieng said, *"I am satisfied with the promise and what generally the reparations are; however, we still haven't seen any progress towards building what we wanted for the reparations."*

Others highlighted their difficult health or poor living conditions and wished that services would be made available to them (such as by providing access to equity cards). Financial assistance was also requested by some.

Vietnamese civil parties spoke about their initial request for recognition of, or access to, Cambodian citizenship (which was later turned into a modest reparation project on legal and civic education).⁹⁴ They recognised the complexity of the request but were ultimately disappointed that this matter had not progressed over the course of the 15 years of ECCC operations. A male respondent of Vietnamese origin from Kampong Chhnang also stated, *"None of my requests were granted. For the Cambodian nationality, they said it was complicated and could not be done now. The provincial ceremonial building was not built, because they said there already were many memorial buildings (though mostly dedicated to Khmer). Schools and roads did not happen."*

⁹⁴ Christoph Sperfeldt (2023) 'Case Note: Nationality as Reparation? The Case 002/02 Trial Judgment at the Extraordinary Chambers in the Courts of Cambodia', *Statelessness & Citizenship Review* 5(1): 118-126. <https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/503>

Figure 13: Satisfaction with the ECCC Reparations



Interviewees were also asked about what reparations more generally would appropriately acknowledge their suffering and that of their minority community during the Khmer Rouge regime. Many of the elderly respondents, both Khmer Krom and of Vietnamese descent, asked for free or subsidised health care as one of their main concerns. Many specifically asked for access to equity cards or ID Poor cards; others asked for financial support to improve poor housing conditions. There was also great demand for more stupas – either in people’s communities or near crime sites – and support for traditional ceremonies, especially among the Khmer Krom respondents, to commemorate the souls of those who lost their lives, including their family members and relatives. A male Khmer Krom respondent from Battambang stated, *“I want a stupa that is close to go, we can pay respect closer and easier to get to.”* Interviewees of Vietnamese

descent – almost all residing in Cambodia for multiple generations (i.e. born in Cambodia, often from parents and grandparents also born in Cambodia) – strongly felt how their social and legal exclusion from Cambodian society had informed the genocidal dynamics targeting their community. Most therefore articulated requests for a more secure legal status in Cambodia, including citizenship, so that they could enjoy the same rights as other citizens. This was seen to directly relate to their socio-economic situation, including insecure tenure and housing, threats of evictions, lack of education for children and the burden of being subjected to Cambodia’s immigration regime for all their life.

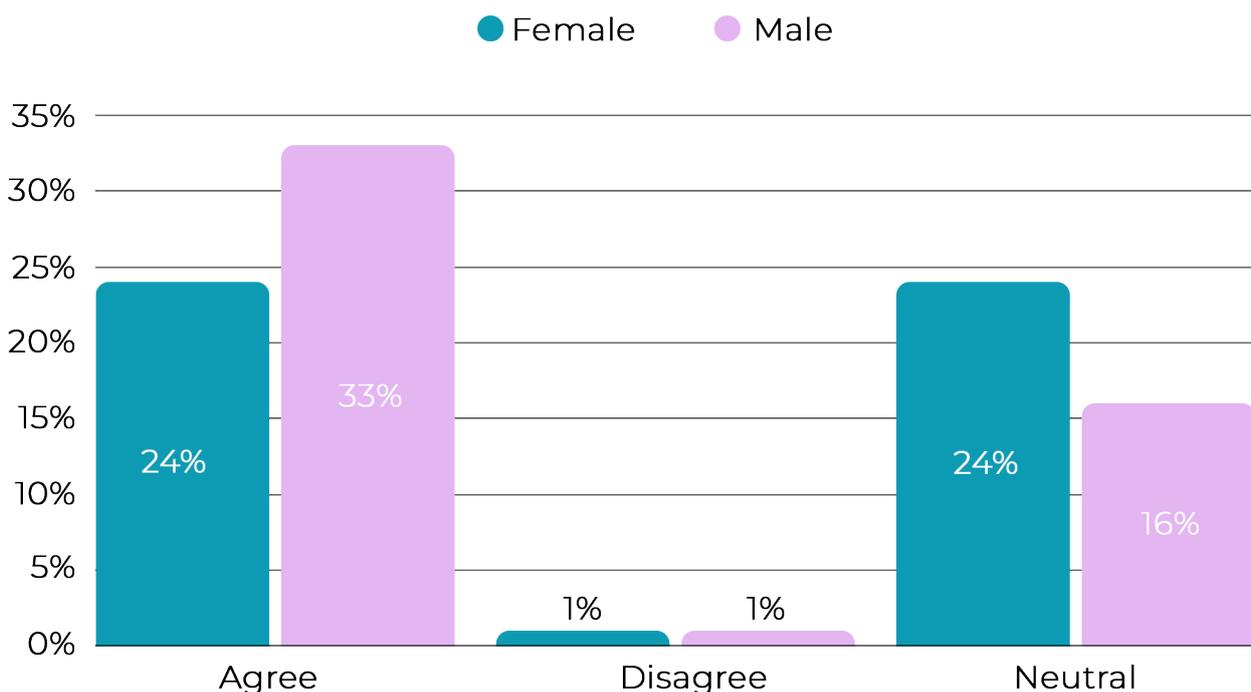
The experience of minority groups under the Khmer Rouge regime has raised important questions in relation to inter-group relationships in Cambodia. We therefore asked re-

spondents about the extent to which they felt the ECCC process had contributed to **reconciliation** (Figure 14). Interviewees had rather diverging views on the subject. While the difference between respondents from the Khmer Krom and those of Vietnamese origin was not significant, a larger share of respondents of Vietnamese descent expressed neutral responses or said they did not know. Among the interviewees who believed that the ECCC contributed to reconciliation (57%, markedly more men than women agreeing), most said that the court played role in calming emotions and relieving the pain of the victims (many civil parties had also benefited from TPO mental health support interventions). Disseminating information about Khmer Rouge atrocities and educating the young-

er generations was also seen as important for fostering understanding and solidarity among the people of Cambodia. A female Khmer Krom interviewee from Svay Rieng said, “We want a place to educate the younger generations to understand and learn about history and a place to pay tribute.”

A large group among the respondents, however, gave neutral responses (40 percent) or sought to evade an answer – some were sceptical. Some pointed to the limited degree of accountability (with only three convictions), others expressed feelings regarding insecurity, social disorder or the human rights situation. A number of interviewees stated that they wanted to see more specific action to promote reconciliation.

Figure 14: ECCC's Contribution to Reconciliation in Cambodia



The respondents were also asked more generally if there are any activities which were implemented in the context of the ECCC – either by the court, NGOs or other actors – that should continue or be expanded in future. Most interviewees generally appreciated the attention and assistance they received as result of their involvement in the ECCC process. Many wanted such activities to continue, including meetings, mental health support and ongoing involvement. As to future activities, respondents generally repeated measures that they had previously raised in relation to reparations, namely providing social protection (such as poor cards, equity cards or health cards), promoting education about the Khmer Rouge atrocities, as well as places and activities for remembrance and commemoration. A male Khmer Krom respondent from Svay Rieng noted, *“I think further actions should take place and have civil parties join and speak about what should be done to support other survivors, to further reflect and provide support for civil parties.”*

A number of respondents also raised issues relating to the promotion of peace and development in country and ending the intergenerational exclusion from legal identity and citizenship (interviewees of Vietnamese descent). There were only a few interviewees who thought that no further activities were necessary, as the surviving generation is very old now.

Respondents’ views on atrocity prevention

In relation to atrocity prevention, we first sought interviewees’ views on the longer-term individual and col-

lective **consequences of the Khmer Rouge** atrocities that continue to affect the minority communities until today. The responses can be categorised into three main points.

The first, and most frequently raised, were the longer-term physical and mental health issues that had resulted from the atrocities. Most physical health problems related to the long-lasting effects of injuries and exposure to forced labour, prolonged starvation, torture, and imprisonment. Such treatment and the loss of loved ones further resulted in trauma that many respondents still struggled with.

Injuries and loss of family members also contributed to the second issue raised by respondents, namely the lasting socio-economic consequences and poverty. Many interviewees were not able to work as before, and some widows still lived alone and had no family member to assist them. Some had lost property from before the Khmer Rouge that they have never been able to recover.

The last major issue relates to the ongoing challenges with obtaining a secure legal identity, including through birth registration, and proof of citizenship in Cambodia. This issue was raised by almost all respondents of Vietnamese descent and a few Khmer Krom interviewees. Many interviewees of Vietnamese descent highlighted how important legal documentation had been confiscated or otherwise lost during the Khmer Rouge regime, mainly due to forced relocations and the eventual deportation to Vietnam. For instance, a male respondent of Vietnamese origin from Kampong Chhnang said,

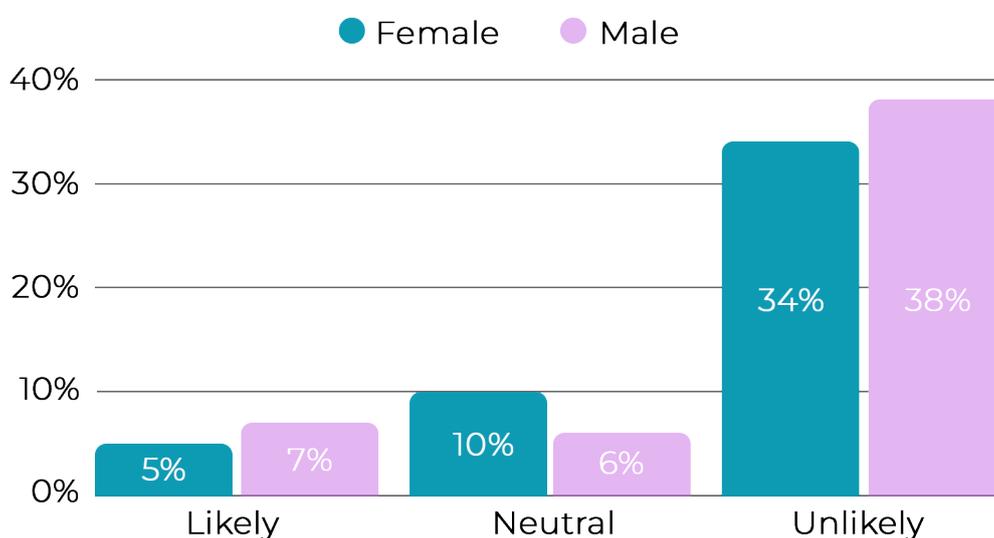
“I am poor because all my wealth lost during the Khmer Rouge regime. We burnt or buried all documents because if they saw it, would be dangerous for us.” Most continue to be treated as immigrants by the Cambodian authorities, despite their multigenerational ties to Cambodia. One Khmer Krom interviewee also stated that there were some Khmer Krom people in his community who still had problems with obtaining certain proof of legal identity, and babies born to Khmer Krom parents who just came from Vietnam were not given birth certificates.

We also inquired about respondents’ views on the likelihood of the *reoccurrence of atrocities* similar to those committed by the Khmer Rouge (Figure 15). While there were some variations in the responses to this question between Khmer Krom and those of Vietnamese descent, many respondents continued to associate such atrocities with the Khmer Rouge, and as such believed that they were unlikely to reoccur (72%, with slightly more men than women

feeling that way). Most felt that the Khmer Rouge threat has vanished, and that the country was more stable and peaceful now. Many said that the current government would not treat its people as cruelly as the Khmer Rouge did, or that the government would take measures to prevent such atrocities from reoccurring, such as through education. A female Khmer Krom interviewee from Prey Veng stated, *“The current leadership is strong and stable, which means that it is unlikely that atrocities happen again.”* Some believed that the younger generations, who were better educated and had better means of communication that allow news to spread quickly, would help to prevent atrocities from happening.

Despite this confidence among the majority of the interviewees, some respondents (12%) felt that it was likely that such atrocities could reoccur. These respondents were less confident in the stability and security in the country and felt more likely that public concerns regarding the sustainable peace and social cohesion

Figure 15: Recurrence of Mass Atrocities



were neglected. Among the most frequent concerns highlighted by these respondents was the country's current socio-political condition. Some noted widespread corruption, lack of accountability and social injustice as concerns, others felt there was a lack of human rights and equal enforcement of the law. Some pointed to unresolved disputes, including at the borders, which contributed to their anxiety, even before the recent conflict with Thailand happened. These respondents felt less confident that the government was doing enough to address the problems faced by citizens and the country at large; and some feared it may be a source for future violence, if left unaddressed for too long. One respondent simply stated, "I am afraid it could happen again." Some respondents of Vietnamese origin vividly recalled Khmer Rouge attacks on their communities in the Tonle Sap area that still occurred until the mid-1990s and expressed fears that such events may reoccur.

Considering the Khmer Rouge atrocities against the Khmer Krom and Vietnamese minority, we also asked interviewees about what should happen or **what measures should be taken to prevent such atrocities from reoccurring** in future. Male and female respondents alike believed that the government and other actors like NGOs have the duty and enough capacity to prevent future atrocities. Many believed proactive steps were important in preventing future violence, including through assistance by the international community. A female Khmer Krom interviewee from Takeo said, "*the Government and NGOs have to work together to prevent these atrocities*

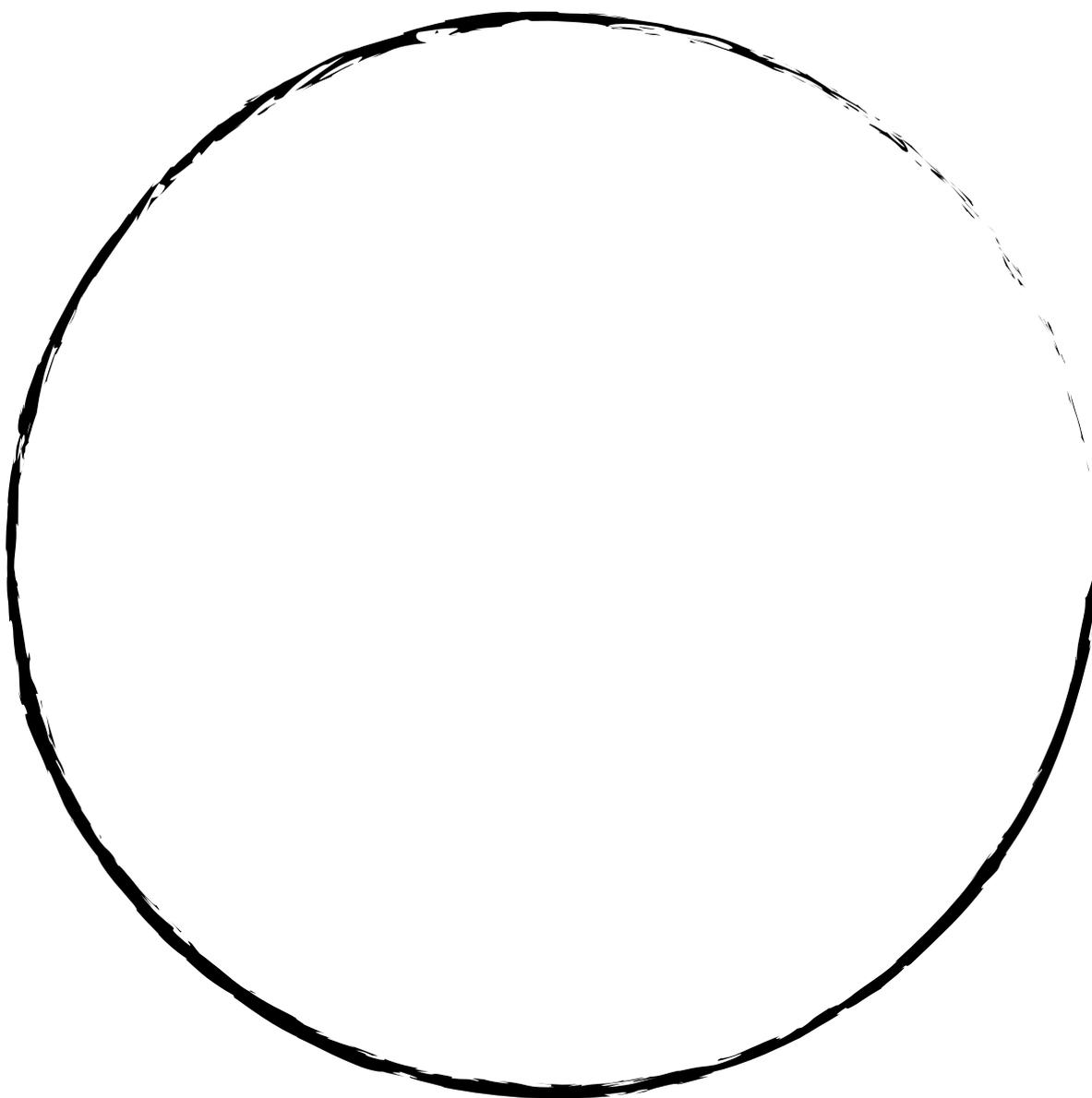
from happening in the future." A vast majority of interviewees pointed to the necessity for the government to document and provide information about the past atrocities, including against the minorities. Some Khmer Krom respondents felt that their suffering was not sufficiently addressed by the ECCC, as it only played a more prominent role in the investigations that did not make it to trial. All respondent groups felt it was necessary to educate younger generations not to follow this path. Many thought that such education efforts would benefit from cooperation among different actors, such as from government, civil society and universities. A female Khmer Krom respondent from Svay Rieng stated, "*the Government should prevent it from happening, and our new generation should be educated about the past histories so that they won't follow if happens again.*" And an interviewee of Vietnamese descent from Kampong Chhnang similarly said, "*educate people about the past atrocities and how to prevent them from happening – especially the Government must have an obligation.*"

Others stressed the importance of good leadership in prevention, suggesting actions against corruption and nepotism, and the misuse of power – issues more frequently raised by men. For instance, a male Khmer Krom respondent from Takeo stated, "*Avoid nepotism, allow people to choose any groups they prefer. Don't prohibit and upset them, because it could lead to hatred. Live with transparency, don't discriminate and be corrupt. The politics should involve peaceful competition. Don't misuse the power.*" Other respondents stressed the need to end discrimi-

nation and promote the rights of all people in Cambodia, including those of marginalised communities. More concrete steps to reduce corruption and safeguard the rights and interests of all citizens, including through equal enforcement of the laws and strengthening justice mechanisms, were requested by others.

Beyond politics, interviewees believed that people should be understanding and tolerant of each other, regardless of their ethnicity or socio-economic situation. This emphasis on building

good relationships among people was seen to promote the kind of solidarity and unity among the people of Cambodia that would help prevent future atrocities. Some highlighted that the ECCC provided useful lessons to the government and public to not commit atrocities like the Khmer Rouge, thereby contributing to the prevention of such acts in the future. A female Khmer Krom respondent from Pursat said, “The current Government can learn from the ECCC to rule the country peacefully.”



2.3. Minority voices: Concluding observations

While our fieldwork was limited in scope, it shared some voices from Khmer Krom communities and people of Vietnamese descent. Both communities have a strong sense that they were specifically targeted by Khmer Rouge persecution and atrocity crimes, which was – at least in part – distinct from that of the majority population. Most had a keen awareness that this related to their origin, skin colour, accent or ethnicity. Some of the longer-term consequences, such as the frequent lack of legal identity, was also group-specific.

Most of our respondents said that they were former ECCC civil parties or had otherwise participated in the ECCC process. The majority came away from their participation with a sense of justice and relief. Most felt supported during their involvement. While the ECCC's acknowledgement of the crimes against their minority communities was important to both groups, the Khmer Krom in particular felt that the ECCC's investigations had not fully accounted for the crimes against their community. A widespread lack of knowledge about the ECCC's collective reparations was a notable feature in our interviews.

There was also a sense across our interviews that not all long-term consequences of the Khmer Rouge policies and atrocities had been addressed. This was particularly true for the ongoing social and legal exclusion of the majority of interviewees of Vietnamese descent (and to a lesser

extent certain Khmer Krom). Many had raised these issues as part of the Khmer Rouge genocide during the ECCC proceedings but felt that more awareness had not translated into any meaningful change in their communities. Most have been treated as immigrants across multiple generations, despite regarding Cambodia as their home.

Yet, most interviewees were of the view that Cambodia has come a long way since the Khmer Rouge. Most felt that the country was more stable and secure. At the same time, however, respondents felt it was necessary that atrocity prevention should continue beyond the ECCC, emphasising the importance of documenting past atrocities, educating young generations, and promoting the rights of all people in Cambodia, and good and responsible leadership in atrocity prevention. Our research confirms that atrocity prevention efforts benefit from the views and voices from minority communities in Cambodia. Their voices should be heard in the formulation of prevention policies and strategies.

3 Conclusions and recommendations

Our scoping study has shown the many connections and potential synergies that exist between the ECC's legacy and international atrocity prevention and WPS frameworks. Throughout the ECC's existence, stakeholders have mostly looked into the past to deliver justice to the survivors of the Khmer Rouge regime. As the ECC is coming to an end, it is now time to look ahead and leverage the ECC's legacy for sustainable peace in Cambodia, where such atrocities will not recur. This will require raising awareness, building capacities and institutionalising prevention in Cambodia. Scholars have called this task the mainstreaming of an 'atrocity prevention lens', meaning "the infusion of atrocity-specific analysis and perspective into existing policy frameworks and the tailoring of existing policies and activities to address causes of risk and escalation, support sources of resilience, and prepare policymakers...".⁹⁵ Thus, the atrocity prevention and WPS agendas provide us with such a lens and

frameworks to assess risks of potential atrocities in particular situations and means to address such risks. An **atrocity prevention lens** can increase our awareness and understanding of how particular groups within a society may be more vulnerable (based on ethnicity, race, gender, religion or other factors), including through policies or social processes that marginalise or discriminate against them.⁹⁶ Building effective and gender-sensitive national mechanisms for atrocity prevention is key to ensuring that genocide and other atrocity crimes do not recur.⁹⁷ National level actions plans, focal points and other mechanisms can assist in this endeavour.

The **protection of minorities** plays an important role in atrocity prevention, as minorities are frequently the target of atrocity crimes, as witnessed during the Khmer Rouge regime. Incorporating their views into the design and development of national mechanisms and frameworks is therefore important to operation-

⁹⁵ Alex Bellamy (2015) 'Operationalizing the "Atrocity Prevention Lens": Making Prevention a Living Reality', in: Sheri Rosenberg, Tibi Galis, and Alex Zucker (eds.) *Reconstructing Atrocity Prevention*, Cambridge University Press, 61-80, 62.

⁹⁶ Global Network for R2P Focal Points (2024) 'Manual for R2P Focal Points', Global Centre for the Responsibility to Protect, 11.

⁹⁷ Auschwitz Institute for Peace and Reconciliation (2018) 'National Mechanisms for the Prevention of Genocide and other Atrocity Crimes', <https://cdn.prod.website-files.com/637ffc4c331dad74168d5c91/63ebe125ab1aa01f7f5e978e_2018-National-Mechanisms-Booklet-web-1.pdf> (23 March 2025).

alising an atrocity prevention lens at domestic levels. Our preliminary findings have shown that former ECCC participants from among the Khmer Krom and those of Vietnamese descent believe that ongoing prevention work is necessary. Our interviewees recommended a range of measures for this purpose, including: continuing to document past atrocities against their communities; educating future generations about the atrocities; building a tolerant and inclusive society; respecting the rights of all people and ending all forms of discrimination affecting minorities; and support to survivors of atrocity crimes. There is also a need to address the legal exclusion and inter-generational statelessness faced by many survivors, considering the close interconnection of statelessness and atrocity crimes, as observed in Myanmar.⁹⁸ Ending statelessness and other legal identity problems will ultimately promote social inclusion and social cohesion, and thereby contribute to preventing future atrocities.

Cambodia has played a leading role in the ASEAN region in acting on and promoting the atrocity prevention and WPS agendas. As the country is turning to further institutionalising these agenda domestically, it can draw on the **outcomes and lessons from the ECCC process**. Many of the preventative actions recommended by our interviewees align with activities implemented in the context of the ECCC's investigations and adjudication, and its work on outreach, victim participation and collective reparations. Future prevention work will therefore benefit from preserving and mobilising these lessons for building effective domestic atrocity prevention frameworks and institutions that are gender-sensitive and sensitive to the needs of minorities. We provide in the following some recommendations to inform future discussion with stakeholders in Cambodia:

⁹⁸ See Priya Pillai (2019) 'Taking Statelessness Seriously: Linkages to Mass Atrocities?', Opinio Juris blog, <<https://opiniojuris.org/2019/01/28/taking-statelessness-seriously-linkages-to-mass-atrocities/>> (22 March 2025)

Recommendations

- Consider the contribution, mandate and role of the new **ECCC legacy institution** within the framework of national mechanisms for atrocity prevention;
- Engage with the **national focal points on R2P and WPS** to start a conversation about how to mobilise and incorporate lessons from the ECCC process to strengthen Cambodia's national atrocity prevention framework;
- Use the opportunity of the development of a **WPS national action plan** for Cambodia to incorporate awareness of atrocity prevention that is gender-sensitive and sensitive to the needs of minorities, including by building on lessons from the ECCC process;
- Consider the **perspectives and views of minority communities** in Cambodia in the development of national frameworks and mechanisms for atrocity prevention, including the WPS national action plan and the new ECCC legacy institution;
- Continue the work of civil society and the ECCC in **documenting past atrocities against minorities** in Cambodia, including the Khmer Krom and the communities of Vietnamese descent, and making this information publicly available;
- Build on the significant efforts in the field of **genocide education** by the Ministry of Education, DC-Cam and the ECCC to include education on the prevention of future atrocities as a component in education curricula at school and university levels;⁹⁹
- Expand **support to survivors of the Khmer Rouge regime and other atrocity crimes** by facilitating access to social protection services, including ID Poor, equity cards and health cards, and providing mental health support;
- Adopt a more **inclusive approach to legal identity** and citizenship to promote social inclusion and cohesion, including through assistance services to promote universal birth registration among minority communities;
- Promote and **protect the human rights of minorities and women & girls**, and ensure that everyone is treated equally and fairly, regardless of gender, ethnicity, race, language or religion.

⁹⁹ Building also on initial activities implemented by DC-Cam in collaboration with the UN Special Adviser on Genocide Prevention, see <https://www.un.org/en/genocideprevention/documents/Opening-remarks-Asia-Education-Project-Secondary-Education_DC-Cam_Bangkok-workshop.pdf> (23 March 2025)

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Atrocity prevention

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Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide (2018) Joint study on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence (A/HRC/37/65), UN Human Rights Council: <https://documents.un.org/doc/undoc/gen/g18/170/58/pdf/g1817058.pdf>

UN Office on Genocide Prevention and the Responsibility to Protect: <https://www.un.org/en/genocide-prevention>

UN Office on Genocide Prevention and the Responsibility to Protect (2014) Framework of Analysis for Atrocity Crimes: A Tool for Prevention: https://www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide_Framework%20of%20Analysis-English.pdf

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ASEAN Institute for Peace and Reconciliation (ASEAN-IPR): <https://asean-aipr.org>

GAAMAC Asia Pacific Working Group: <https://gaamac.org/asia-pacific-working-group/>

Auschwitz Institute for the Prevention of Genocide and Mass Atrocities: <https://www.auschwitzinstitute.org>

Asia-Pacific Centre for the Responsibility to Protect: <https://r2pasiapacific.org>

Women, Peace and Security

United Nations Security Council Resolution 1325 on Women, Peace and Security, UN doc. S/RES/1325: <https://peacemaker.un.org/en/thematic-areas/gender-women-peace-security>

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ASEAN (2023) Localisation Toolkit and Guidelines for the ASEAN Regional Action Plan on women, Peace and Security: <https://wps.asean.org/resources/localisation-toolkit-and-guidelines-for-the-asean-regional-plan-of-action-on-women-peace-and-security/>

National Action Plans on Women, Peace and Security: <https://1325naps.peacewomen.org>

WPS Focal Points Network: <https://wpsfocalpointsnetwork.org>

Cambodia

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