

# 7 RECOMMENDATIONS AND WAY FORWARD

To preserve the legacy of the ECCC and strengthen Cambodia's long-term capacity for atrocity prevention, the post-ECCC programme should pursue the following actions:

## Institutionalize survivor support services

Promote access to subsidized health care, social assistance schemes and legal identity assistance among survivors via coordination with MoSVY, MoH and MOI, so as to enhance chronic illness treatment, livelihood support and social cohesion, especially for elderly survivors, widows and at-risk households.

## Enhance community dialogue and trust-building platforms

Collaborate with local authorities, survivors and minority communities to create dialogue forums and channels of communication that promote understanding of minority needs, reduce tensions, and reinforce community-level early-warning capacities.

## Strengthen national atrocity prevention frameworks and mechanisms

Embed minority perspectives and inclusion into national legal and policy prevention frameworks to strengthen Cambodia's resilience against future atrocities, including by boosting the capacities of the R2P focal point and considering the contribution, mandate and role of the new ECCC legacy institution in atrocity prevention.

## Preserve memory and strengthen prevention learning

Continue documenting past atrocities against minorities, preserve testimonies and community experiences, and identify lessons learned before they are lost. Integrate these materials into national education, training curricula, and prevention strategies to ensure intergenerational learning and awareness.

## RESOURCES

United Nations, Responsibility to Protect (R2P): 2005 World Summit Outcome Document (A/RES/60/1, 24 October 2005): [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_60\\_1.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf)

United Nations, Framework of Analysis for Atrocity Crimes. Office on Genocide Prevention and the Responsibility to Protect (2014): [https://www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide\\_Framework%20of%20Analysis-English.pdf](https://www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide_Framework%20of%20Analysis-English.pdf)

United Nations, Responsibility to Protect: The Commitment to Prevent and Protect Populations from Atrocity Crimes' (A/78/901, 3 June 2024): <https://docs.un.org/en/A/78/901>

'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', 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).

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>>

## Urgency

With survivors passing away every month, urgent action is required to protect their rights, preserve memory, and ensure that the achievements of the ECCC translate into a durable, community-centered prevention framework for Cambodia's future.

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# FROM JUSTICE TO PREVENTION

Enhancing Atrocity Prevention Post-ECCC by Listening to Survivors from Minorities

## 1 BACKGROUND AND RATIONALE

The Extraordinary Chambers in the Courts of Cambodia (ECCC) delivered historic accountability for the mass atrocities committed under the Khmer Rouge regime. As the ECCC has ended its judicial work and is in a residual phase, Cambodia has entered a post-ECCC period, where the Court's legacy needs to be mobilized in the pursuit of prevention of future atrocities – safeguarding the 'never again' for future generations of Cambodians.

The ECCC's judgment and convictions demonstrated how the Khmer Rouge targeted many of Cambodia's minorities, including through discriminatory policies and measures aimed at ethnic, national and religious groups throughout the country, culminating in identity-based persecution and genocide. Yet, the prevention of future atrocities requires more than partial accountability. It requires repairing structural harms and strengthening the dignity, well-being, and inclusion of Khmer Rouge survivors, including those belonging to ethnic and religious minorities. Policies are needed to ensure that minority survivors today are not left behind and are able to

access protection, recognition, and national services. Preventing future atrocities also requires embedding prevention into Cambodia's laws, structures and mechanisms, including through collaborative action of government and civil society.

Women Peace Makers (WPM) has long worked to support the empowerment of minority women and youth with the goal of transforming conflict and preventing violence. In recent years, our work has extended to Khmer Krom and ethnic Vietnamese communities that experienced forced displacement, forced labor, killings, and denial of identity during the Khmer Rouge regime. Members of these communities participated as civil parties in ECCC proceedings, representing an important step toward recognition and justice. However, these aging survivors and their families received limited post-trial support to address ongoing hardship, discrimination, and vulnerabilities. Their voices need to be amplified in the design of a more structured and holistic approach to survivor support and atrocity prevention post-ECCC.

### Why This Factsheet

The end of the ECCC doesn't mean the end of efforts to prevent atrocities. Rather, there is a need for ongoing vigilance against such violations in the future. Survivors, especially those belonging to minority communities, tell us about ongoing discrimination, exclusion, poverty, trauma, and unequal access to citizenship and state protection mechanisms. These are risk conditions that have historically enabled mass violence.

This factsheet highlights what vulnerabilities and risks exist, and how collective action can prevent future harm, including practical actions that government and civil society can take post-ECCC.

## Core Message

Justice alone is not enough. Atrocity prevention requires ongoing vigilance, listening to and supporting survivors, including those belonging to minorities affected by past violence, and enacting structural measures and reform for prevention.

## 2 WHAT IS ATROCITY PREVENTION?

The notion of 'atrocity crimes' has been used as an umbrella term to refer to international mass crimes, particularly genocide, crimes against humanity and war crimes. Atrocity prevention refers to the prevention of these international crimes.

Atrocity prevention received more 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 in 2005, to prevent and respond to mass atrocities. Referred to as the 'Responsibility to Protect' (or R2P), this principle affirms the primary responsibility of the state for protecting its population from mass atrocity crimes. R2P puts 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, including raising awareness and educating the public.

Cambodia has accepted that atrocity crimes are unlawful by ratifying the relevant international legal instruments. It joined the Rome Statute of the International Criminal Court and incorporated genocide, war crimes and crimes against humanity into its Criminal Code. Cambodia has also ratified most core international human rights treaties, all of which impose additional obligations to prevent serious and gross human rights violations. These human rights obligations are enshrined in Cambodia's constitution via Article 31. More practically, Cambodia appointed a national R2P focal point to support domestic atrocities prevention efforts.

## 3 LISTENING TO SURVIVORS: ONGOING HARMS AND RISKS

Thousands of civil parties were recognized by the ECCC, among them women, elderly, and minority communities affected by forced marriage, genocide, religious persecution, and displacement. Minority survivor groups include particularly Cham/Muslim communities, ethnic Vietnamese, and Khmer Krom women and elderly. These groups were historically targeted during the Khmer Rouge period and some still face discrimination and exclusion today.

In 2024, WPM interviewed 87 respondents from Khmer Krom and ethnic Vietnamese, all of whom were either civil parties themselves or close family or other members from their communities. Many civil parties have passed away and numerous ethnic Vietnamese civil parties could no longer be found due to relocations of their communities along the Tonle Sap.

Survivors describe the ECCC, including their involvement, as meaningful but incomplete. One survivor noted "Justice came, but then silence followed."

### They continue to face:

Chronic illness and limited access to healthcare

Psychological trauma and loss of family members

Discrimination and exclusion from services

Landlessness and poverty, worsened by age and disability

Loss or otherwise lack of legal identity documents, especially among stateless long-term Vietnamese residents

Many respondents fear recurrence of violence, with numerous interviewees saying, "I am afraid it could happen again." For some this fear is real, and some ethnic Vietnamese survivors still recall Khmer Rouge attacks on their communities in more recent history during the 1990s.

These survivors link prevention to accountability, equality, social justice, rule of law and minority protection, calling for actions to:

Enforce laws and human rights equally

Address corruption and discrimination

Continue the pursuit of justice and education about past wrongs

Promote inclusive governance and reconciliation at national and local levels

## 4 WHY THIS MATTERS FOR PREVENTION

Research globally shows that atrocity risks remain, if the root causes of violence are not or only insufficiently addressed. For historically persecuted minorities this includes social and legal exclusion (including statelessness), lack of access to social services and livelihood opportunities, forced displacement, and insufficient institutional recognition or protection.

Failing to address these risks after the ECCC means that symbolic justice does not translate into lived justice, the root conditions of discrimination and violence persist, and the Cambodian state and society miss a key opportunity to consolidate reconciliation and advance prevention.

Supporting minority survivors, such as from the Khmer Krom and ethnic Vietnamese communities, is therefore not charity, it is prevention. Their inclusion strengthens community trust, social cohesion, institutional legitimacy, and national resilience.

## 5 WHAT SURVIVORS SAY THEY NEED

Survivors identified five priority needs:

**Health care and support for chronic illness:** Many survivors are elderly, widowed, or disabled, often as a consequence of their suffering under the Khmer Rouge

**Livelihood assistance:** Small grants for housing, income generation, and food security

**Legal identity and inclusive citizenship:** Long-term ethnic Vietnamese residents and some Khmer Krom frequently lack proof of a robust legal identity (some have lived through intergenerational statelessness) and as a consequence face barriers in accessing services, education, and legal protection

**Recognition and non-discrimination:** Continued documentation and acknowledgement of past atrocities against minority victims, including Khmer Krom and Vietnamese, in national memory and history education for future generations

**Continued justice and prevention efforts:** Survivors are aware that the ECCC judgments are final, but their needs and expectations for justice and the prevention of future atrocities are not – continued commitments and efforts are needed

## 6 CONCLUSION

Throughout the ECCC's existence, stakeholders have mostly looked into the past to deliver justice to the survivors of the Khmer Rouge regime. As the ECCC is coming to an end, it is now time to look ahead and leverage the ECCC'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.

A comprehensive atrocity prevention agenda starts with awareness and understanding of how particular groups within a society may be more vulnerable (based on ethnicity, race, gender, religion or other factors). Building effective and gender-sensitive national mechanisms for atrocity prevention is key to ensuring that genocide and other atrocity crimes do not recur. 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 operationalising an atrocity prevention at domestic levels.

A Khmer Krom survivor of a forced marriage from Battambang Province, who lost her father, siblings, and relatives during the Khmer Rouge regime.

