

Event Report: How To Do Transitional Justice?

Lessons learned from Cambodia's ECCC (23 August 2021)

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The webinar on the Extraordinary Chambers in the Courts of Cambodia (ECCC) was opened with welcoming remarks by the KAS country representative **Ms. Isabel Weininger**. As the establishment of the tribunal marks 25 years in Cambodia next year, Ms. Weininger emphasized the opportunity offered by the webinar to recap and reflect on the proceedings so far, discuss its obstacles and conclusions and celebrate its achievements and successes.

Challenges and Successes

First, the role of the media in the ECCC was discussed and to what extent it helped or hindered the transitional justice process. It was pointed out in this regard that the media's responsibility is not to actively engage in the trials but to provide all relevant information to the involved stakeholders as well as the general public. Particularly important is the objectivity of the reporting since the narrative of the Khmer rouge regime has often been politically instrumentalized in the past. However, in order to inform independently and extensively about the trial, journalists need access to information on the inside as well as relevant documents which are often kept under lock and key

Another challenge for the media is posed by the public's fading interest in the procedure. The perception of waning interest by society was a shared concern which in this regard referred to the big hopes and goals of justice and reconciliation by the time the ECCC was established. With more understanding of the complexities and challenges of the tribunal, the discussions have shifted to questions of power, agency, representation and disconnects between international approaches and local understandings of justice.

The hybrid system can be seen as challenging and successful at the same time. The panellists agreed on the involvement and participation of the survivors as a positive characteristic of the tribunal. However, the initial hope of close involvement has been disappointing for many as they felt little informed and were questioning whether the tribunal will bring justice eventually. Studies actually show a two-sided perception among the survivors with one group feeling involved and the other one rather isolated.

Another hope was for the international setting to serve as a role model and have a spill-over effect for the national judiciary. While experiencing this trial in an international setting was valuable for the

Cambodian lawyers and staff, one panellist felt that with the judiciary becoming more dependent, the hope of a transition and adoption of best practices by the national judiciary was disappointed as well. Generally, the panellists agreed on the difficulties to measure the success of the ECCC.

The controversial question of reparations was also taken into account. Since the reparations for the survivors of the Khmer Rouge regime are limited to collective and symbolic reparations, most funding for individuals was provided by NGOs. Many criticize this aspect of the tribunal while to some of the survivors the process and their participation in it is of greater importance than the actual outcome.

Consequences and Conclusion

One significant outcome of the tribunal is the lessons learned on the national level as well as internationally regarding the role of civic participation, criticism of the procedure and questions of the dealing with Cambodia's past before and after the Khmer Rouge regime. Responding to a question by the audience on the socio-political consequences of the trial, one panellist referred to the efforts by the ministry of education to integrate the genocide and the ECCC into the school's curricula and textbooks. Besides objective sources, the methodology and pedagogy of teaching about the genocide is important and whether the priority is to memorize history or discussing it critically. The discussion was concluded by directing the gaze at the bigger picture of Cambodia's history and what still has to be done in order to heal and come to terms with the past.