



ASIA-EUROPE DEMOCRATISATION AND JUSTICE SERIES



Asia-Europe Lecture Tour "TRANSITIONAL JUSTICE AND HUMAN RIGHTS IN CAMBODIA"

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ABSTRACT

Cambodia is marked by its turbulent history. Despite the fact that the political situation has been relatively stable in recent years, Cambodia has had long periods of instability. From 1863 until 1953, Cambodia stood under the authority of France, just as its neighbours Vietnam and Laos. On the 17th of April 1975, the Khmer Rouge took power and attempted to transform the country into a communist agrarian utopia in the course of a single generation. Cities and towns were emptied and people were forced into heavy work in labor camps. Within the period of 1975-1979, 1.7 million people were believed to have died of starvation, exhaustion or have been tortured and killed under the Khmer Rouge government. By mid 1985, peace negotiations brokered by the French and the Australian foreign ministers, with diplomatic support from countries in the region of South East Asia; the talks concluded with the signing of the Peace Accord in Paris in October 1990. 19 countries, including former Yugoslavian countries, endorsed and witnessed the historic event. In 1993, the unprecedented UN-organised general elections were held under the eyes of the UN peace keeping forces. Institutional reforms started with military demobilisation, public finance, public administration and most importantly legal and judicial reforms to improve the criminal justice system in the country.

In Cambodia's volatile past, the notion of human rights was nearly non-existent. Yet, after the 1993 UN organised elections, the new constitution upholds human rights to its highest degree. Like many countries in Europe, Cambodia became party to many international conventions, covenants and treaties. Women and children have become more vulnerable while the disparity between rich and poor is widening. However, justice for ordinary crimes is rarely attained by the poor and defenceless even today; and serious violations of human rights are almost never dealt with effectively. In this environment of impunity, Cambodia seems to be still in a state of transition, although there have been attempts to restore justice and reform relevant institutions.

With the establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC), which became operational in 2006, the UN reached an agreement with the government of Cambodia to hold surviving senior leaders of the Khmer Rouge accountable, to demonstrate that a fair and just process is possible. The outcomes remain yet to be seen.

This presentation will focus on approaches of transitional justice in Cambodia and the present status of such a process. What will the real impact of the ECCC in Cambodia be? What other means or mechanisms are available to address human rights abuses?

As there has been little attempt to compare similar events in Europe and Asia, the speaker will also encourage questions to discuss similarities and differences between the two regions. For instance: what comparison can be made with the tribunal for the former Yugoslavia? How do countries from the former communist block deal with their past?

Are there lessons on prevention, reconciliation and accountability that can be gleaned from the Cambodian case? What major obstacles impede transitional justice in both Asia and Europe? What has been achieved so far and what perspectives of transitional justice are there in the two regions?

PROFILE OF SPEAKER



Neou Kassie was the former Secretary of State at the Ministry of Justice in Cambodia (until 2006) and is the current President of the Peace and Development Institute in Phnom Penh.

Under Khmer Rouge rule, Kassie was forcibly evacuated to Battambang North-western province. Suspected of speaking English, Kassie was arrested and repeatedly tortured at the Kach Roteh prison-execution center. He devoted his life to human rights work and received an Award from the United Nations Association of the United States for his advancement of Human Rights and Fundamental freedoms in 1991. Kassie was a recipient of a 1989 Award from Refugee International, and was selected as one of the ten Human Rights World's Heroes for the 1989 by the New York-based Lawyer Committee for Human Rights.

Kassie was the human rights director of the Cambodia Documentation Commission and an occasional consultant to the UN Center for Human Rights. He was Chairman of the Human Rights Committee of the Cambodian Network Council (CNC), a consultant to various human rights NGOs and a member of the nomination committee for the Robert F. Kennedy Memorial Award. He worked for the United Nations Transitional Authorities in Cambodia (UNTAC) as an international translator specializing in law and human rights.

Born at the old Capital of Oudong, Kassie was educated in Phnom Penh, at Lycee Sisowath and the University of Phnom Penh Teacher training College.

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The Democratisation and Justice Series is a platform to engage in exploring differences, similarities and challenges of democratisation processes, particularly in countries undergoing political transition in Asia and Europe.

¹ **ASEM** (the Asia-Europe Meeting) is an informal process of dialogue and cooperation. It brings together Austria, Belgium, Brunei, Bulgaria, Cambodia, China, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, India, Indonesia, Ireland, Italy, Japan, Laos, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mongolia, Myanmar, The Netherlands, Pakistan, The Philippines, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Thailand, United Kingdom, Vietnam, the ASEAN Secretariat and the European Commission. <http://www.aseminfoboard.org>