

European Institute for Asian Studies
Luncheon Briefing: “Transitional Justice and Human Rights in Cambodia”
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The European Institute for Asian Studies, in cooperation with the Asia-Europe Foundation (ASEF) and Human Rights Without Frontiers (HRWF), hosted a luncheon briefing on “Transitional Justice and Human Rights in Cambodia” on 10th March 2008 with Mr. Kassie Neou, President of the Peace and Development Institute from Cambodia, as a main speaker. The briefing was chaired by Mr. Dick Gupwell, Secretary General of the European Institute for Asian Studies.

Firstly, Ms. Sol Dorotea Iglesias, Assistant Director Intellectual Exchange, introduced the Asia-Europe Foundation, which seeks to promote better mutual understanding and closer cooperation between the peoples of Asia and Europe through greater intellectual, cultural, and people-to-people exchanges. This lecture was organized under the ASEF Democratization and Justice Series. Next, Mr. Willy Fautré, Director of Human Rights Without Frontiers International, gave a short introduction on the activities of the Human Rights Without Frontiers International. He explained that the organization is focused on the EU-institutions and interfaces between NGOs around the world.

Mr. Gupwell, the chairman, introduced the guest speaker by giving a brief summary on Mr. Neou’s experiences in Cambodia, who was forcibly evacuated to the Kach Rotech prison-execution centre under the Khmer Rouge rule in 1975. There he was, suspected of speaking English and repeatedly tortured. He managed to escape an execution and, finally, he emigrated to the United States. Until recently he was the former Secretary of State at the Ministry of Justice in Cambodia and now he is the current President of the Peace and Development Institute in Phnom Penh.

Then, the floor was given to Mr. Kassie Neou, who first started with a short historical overview of Cambodia. According to him, Cambodia has had a long period of instability and changes of political regimes. In the late 1960s, early 1970s Cambodia was dragged into a conflict with Vietnam. The country was soon taken over by the Khmer Rouge. During this authoritarian regime from 1975-1979, 1.7 million people were believed to have died of starvation, exhaustion or had been tortured and killed. From 1979 to 1989, Cambodia was called the People’s Republic of Kampuchea, under the rule of a Vietnamese-sponsored government. Though it was supposed to be a period of liberation, the Vietnamese troops invaded and occupied the country. Next, from 1989 to 1993, Cambodia was known as the State of Cambodia. From 1993 till present it is called the Kingdom of Cambodia. Currently, Cambodia is enjoying peace and stability and it is a good time for Western investments. In Mr. Neou’s opinion, Cambodia is making tremendous progress. There is stability, but, on the other hand, there is still a lack of freedom of expression, press and information. Furthermore, the climate of fear among the people caused a culture of silence.

Afterwards, he focused on the transitional justice, which is “a range of approaches undertaken to reckon with legacies of widespread or systematic human rights abuses”. For Mr. Neou Kassie, the term refers to the transition from violent conflicts or oppression toward democracy, peace, the rule of law, and most important – respect for individual and collective rights. Transitional justice exists in different forms and operates with different mechanisms, e.g., trials and prosecutions, truth commissions, institutional reforms, reconciliation, and others. Mr. Kassie Neou stressed that the main purposes of transitional justice are sending a warning to rulers who continue to violate human rights with impunity and raising hope among people and human rights proponents that justice will prevail. Transitional justice cannot be exercised at any time and in any country: it depends on the historical background, the degree

of militarization, the resulting balance of power, the strength of civil society and public opinion, etc. For instance, it took Cambodia about 30 years to introduce this system.

He then proceeded with the explanation of the instrument of transitional justice – the Extraordinary Chambers in the Courts of Cambodia (ECCC), which is a “mixed tribunal” established jointly by the Royal Government of Cambodia and the United Nations. However, Mr. Neou Kassie emphasized that the ECCC is not a UN Security Council mandated body; it is a “Cambodian baby”. The ECCC consists of a Trial Chamber and a Supreme Court Chamber.

The speaker stated that the Khmer Rouge Tribunal is important for the Cambodian Community. Firstly, prosecution is needed in order to reach true forgiveness and reconciliation; secondly, to prevent people from taking the law in their own hands as happened in the early 80s. Finally, it is needed to create a better future for the country.

Mr. Neou Kassie concluded his speech with the requirements for successful implementation of the transitional justice system. This includes justice for all, not merely for those in power; open and fair government; support of the UN, and transparency of the ECCC activities.

Mr. Dick Gupwell opened the question-answer session. Mr. Xavier Nuttin, Administrator External Policy Unit, European Parliament, asked about the timetable of the Khmer Rouge Trial and, in addition, he wondered which measures were undertaken by the government regarding the protection of witnesses. Mr. Neou Kassie said that the elections in June would determine the schedule of the Trial. He also mentioned that the protection of the witnesses is under serious consideration.

Mr. Rafael Dochao Moreno, Chargé d’Affaires EC Delegation, asked questions concerning the attitude of the young generation about the work of the Tribunal, and the role and influence of the donor countries on the outcome of the Trial. Mr. Neou Kassie agreed that it is important to raise awareness of the young generation regarding the tragic past of Cambodia in order to make them more concerned. With regard to the second question, he expressed his opinion that a successful effort of the Tribunal fully depends on the money provided by the donor states. He was critical of some countries, such as China, Russia and Vietnam, which are rather unwilling to provide financial support due to their ‘troubled’ past and consider the Trial a waste of money.

The last question was put forward by Ms. Brigitte Dufour, International Partnership for Human Rights. She asked clarification to whether the trials in the Tribunal were opened to the public, and whether there was access to the investigation process. Mr. Neou Kassie remarked that the trials are open to the public, but there is still need for better understanding of the process. Furthermore, he raised the question of the journalists’ ability to provide comprehensive and adequate information to the people. Finally, he said transparency and openness are needed to make the system work efficiently.