

The London School of Economics and Political Science

*Justice, Reconciliation and Memorial Politics in
Cambodia*

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Declaration

I certify that the thesis I have presented for examination for the PhD degree of the London School of Economics and Political Science is solely my own work other than where I have clearly indicated that it is the work of others (in which case the extent of any work carried out jointly by me and any other person is clearly identified in it).

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Abstract

This thesis examines conflicts and congruities between memories of past political violence, and the implications these have for attempts to enable 'justice' and 'reconciliation' in Cambodia. The project takes the establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC) as a starting point that seeks to stabilise a narrow account of past political violence. The ECCC is important as a point of departure because it is the main institutional site through which Cambodia is confronting past political violence. Tasked with prosecuting crimes perpetrated by Khmer Rouge between 1975 and 1979, the ECCC promotes a restricted reading of political violence in Cambodia, attempting to silence some pasts whilst calling attention to others. At the same time, the work of the ECCC situates the past as a field of intervention that can yield particular ameliorative social and political outcomes: providing a sense of justice, establishing the truth of political violence in Cambodia, deterring the future perpetration of atrocity, and enabling reconciliation. Memory is integral to these ends as the key target of civic renewal. Based on eight months of fieldwork in 2008/9 conducted at multiple sites in Cambodia, the project critically reflects on the ECCC's attempt to generate a unified and consensual account of political violence in Cambodia. Three key findings are evidenced. Firstly, whilst the ECCC attempts to frame and stabilise a preferred account of political violence through a judicial process that reconstructs memory through *disclosure* and *concealment*, this process itself is contested by the subjects it animates (its 'victims' and 'perpetrators'). Moreover, I argue that the work of the ECCC actually catalyses multiple, often conflicted claims over what justice and reconciliation mean as socio-political strategies. The ECCC continues to generate unintended and unexpected results in the way that it platforms, recues and generates demands of the past. Secondly, the research findings evidence diverse and competing regimes of memory in Cambodia that call into question the possibilities of the ECCC in reconstructing a unified, shared public memory of political violence in Cambodia, and providing a sense of justice and reconciliation on that basis. These are frequently encountered exactly at the propagation of the ECCC preferred reading of past political violence, gesturing to the way that conflicting memory occurs – or is foregrounded – in resistance to power. Thirdly, the research findings evidence competing rationales for remembering and forgetting political violence in varied ways (for example, material priorities, tourism, and attendant commercial interests). Moreover, the thesis documents ambivalence among some Cambodians toward memorials and museums and

the pasts that they call attention to. In this sense, the project shows how these ambivalences are dislocated from and eschew the moral authority of the rationales grounding the ECCC's work (providing a sense of justice and facilitating reconciliation in the name of continued memories of political violence).

Acknowledgements

I read recently in the *Times Higher Education* that PhD students should expect their supervisors to be ‘selfish, career-obsessed bastards’, failing to attend meetings or even read their written work. The bottom line, the article seemed to suggest, was that PhD students were an inconvenient obstacle to a world of otherwise unmitigated research fulfilment. My experience of supervision with Claire Moon could not be further from these expectations. Claire has continuously offered patient, incisive input that has shaped this thesis hugely. Claire has constantly supported my studies over the years, from letters of reference to her warm advice and humorous encouragement. Claire is a brilliant academic and remains an inspiration for me.

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Chapter One

Remembering political violence in Cambodia

This thesis examines conflicts and congruities between different ‘regimes of memory’ of past political violence (Radstone and Hodgkin 2005: 1).¹ The project takes the establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC) as a starting point because it seeks to stabilise and anchor a narrow account of past political violence in Cambodia. The ECCC is important as a point of departure because it is the main institutional site through which Cambodia is confronting past political violence. Tasked with prosecuting crimes perpetrated by Khmer Rouge (KR), the ECCC promotes a particular reading of political violence in Cambodia, silencing some pasts whilst calling attention to others. At the same time, the work of the ECCC situates the past as a field of intervention that can yield particular ameliorative social and political outcomes: providing a sense of justice, establishing the *truth* of political violence in Cambodia, deterring the future perpetration of atrocity, and enabling reconciliation. In doing so, the work of the ECCC relies upon the construction, dissemination and public acceptance of its account of the past.

The thesis has three aims. Firstly, it examines the way in which the ECCC generates a claim over what is remembered and how it is remembered, the way that this claim shapes and furnishes justice and reconciliation, and the ‘victims’ and ‘perpetrators’ it animates and

¹ Radstone and Hodgkin use the term ‘regimes of memory’ to emphasise the discursive qualities of memory: that memory is constituted through discourse and that memory has emerged as an object of discourse (to be known and acted on).

licenses. The thesis seeks to mine the tensions and conflicts within these processes. Secondly, it offers an engagement with the sites, 'technologies of memory', and agents that are involved in presenting these claims. Thirdly, the project contrasts localised 'regimes of memory', examining the role and meaning of museum and memorial sites that may exist in conflict (or in congruence) with the regime of memory sanctioned at the ECCC. This part of the project focuses on accounts of the past mobilised within two Cambodian communities: Siem Reap, in Cambodia's North-West, and Anlong Veng, on Cambodia's Northern border with Thailand. Siem Reap is home to a prominent memorial to the victims of the KR. Anlong Veng, a former KR stronghold, hosts a memorial to Pol Pot, a memorial to Ta Mok (a former KR military leader), and state sponsored conservation sites including the former residences and safe houses of former KR leaders (a number of whom are now indicted by the ECCC).

Based on eight months of fieldwork conducted in Cambodia in 2008/9, the project critically reflects on the ECCC's attempt to generate a unified and consensual account of political violence in Cambodia. Three key findings are evidenced.

Firstly, whilst the ECCC attempts to frame and stabilise a preferred account of political violence through a judicial process that is characterised by *disclosure* and *concealment*, this process itself is contested by the subjects it calls upon to speak about the past (its 'victims' and 'perpetrators'). Moreover, we see that the work of the ECCC actually catalyses multiple, often conflicted claims over what justice and reconciliation mean socially and politically. The ECCC continues to generate unintended and unexpected results in the way that it makes demands of the past.

Secondly, the research findings evidence diverse and competing regimes of memory in Cambodia that call into question the possibilities of the ECCC in reconstructing a unified, shared public memory of political violence in Cambodia, and providing a sense of justice and reconciliation on that basis. These are frequently encountered exactly at the propagation of the ECCC preferred reading of past political violence, gesturing to the way that conflicting memory occurs – or is foregrounded – in resistance to power.

Thirdly, the research findings evidence competing rationales for remembering and forgetting political violence (for example tourism and its attendant commercial interests). Moreover, the findings document ambivalence among some Cambodians toward memorial

sites and the pasts that they call attention to. In this sense, the project shows how these ambivalences are dislocated from and eschew the moral authority of the rationales grounding the ECCC's work (the imperative to provide a sense of justice and the need to facilitate reconciliation in the name of problematic memory).

This chapter has four sections that contextualise the thesis more broadly. The first section examines how the ECCC can be understood as a vehicle for the construction of memory. In that section I provide a basic background of the Democratic Kampuchea (DK) period of KR rule, and then the domestic and international contexts within which the ECCC emerged. I examine the way the ECCC treats the past as a site of political practice before considering the way that this treatment is underpinned by assumptions about memory in Cambodia that are singular, generalising, and risk positioning Cambodians as passive and amnesiac in their relationship to memories of political violence. I then explain how these singular and generalising claims can be challenged by examining localised representations and accounts of the past in order to foreground the ethnographic research strategy employed by the project, discussed in Chapter Two, *Researching Regimes of Memory*. The second section of this chapter situates the thesis within two key areas of relevant literature: the sociology of memory and approaches to transitional justice and human rights. I show how research questions raised by the Cambodian case reflect important debates within the sociology of memory and transitional justice concerning the workings and reproduction of regimes of memory, and around the rationales for 'intervening' on the past employed and theorised by transitional justice practitioners and scholars.² I highlight the way that these two fields are unified by assumed verities about the transformative potential of memory, a set of assumptions that this research seeks to challenge. The third section offers a statement on the emergence of the project research questions, discussing the implications the key findings may have for case and the field. A final section offers chapter outlines for the thesis overall.

² The thesis uses relevant literature in two ways. I employ contextual literature in this chapter to situate the project rationale and research questions within key debates on memory and transitional justice. I then use case specific research as it is variously relevant throughout the four substantive, empirically driven chapters presented by the thesis.

1.1 Democratic Kampuchea and the Extraordinary Chambers in the Courts of Cambodia

The Khmer Rouge (KR) took control of Cambodia on 17th April 1975, founding the 'Democratic Kampuchea' (DK) state (1975-1979). Four years later, 1.5 million people had been executed or died of starvation or disease (Kiernan 1996: 460). The KR sought to build a classless, agrarian society and upon taking power began to evacuate urban centres across the country. The evacuation of Phnom Penh in April 1975 alone cost the lives of 10,400 people (Kiernan 1996: 48). The KR quickly set about eliminating members of the former Lon Nol regime (1970-1975), against whom the communist insurgents had fought a protracted civil war. Those associated with the former government, including members of the civil service, teachers, and other educated professionals were considered by the KR to be 'American lackeys', 'class enemies', not 'real' or 'true' Khmers and targeted for particularly harsh treatment once resettled (Hinton 1998: 363). Religion was banned and monks de-robed. Moreover, ethnic minorities including the Cham Muslims, ethnic Chinese-Khmers, and the Vietnamese were severely persecuted. From 1977 onwards, internal purges of those perceived to be disloyal to the regime intensified and rebellion erupted in the East of Cambodia. At the same time, KR troops began to perpetrate cross-border massacres of civilians in Vietnamese territory and by late 1978 the Vietnamese were forced to intervene militarily. The Vietnamese army alongside Cambodian rebel forces captured Phnom Penh on 7th January 1979 establishing the 'People's Republic of Kampuchea' (PRK), forcing KR troops across Cambodia's Western border with Thailand. The Vietnamese intervention inaugurated an end to widespread KR atrocities, but also signalled the beginning of ten years of foreign occupation and nearly twenty years of further civil war (Kiernan 2002b).

The Paris Peace Agreement was reached between Government, KR and other conflicting factions in 1991. The agreement sanctioned the presence of a United Nations (UN) peacekeeping force in Cambodia – the United Nations Transitional Authority for Cambodia (UNTAC) – to oversee a 'transition' to democracy, with elections held in 1993. The elections were boycotted by the KR and no mention of the DK years was made by UNTAC beyond a preference for "a non-return to the practices and policies of the past" (cited in Rajagopal

1998: 190), and the civil war continued after the peace keeping mission departed. Royal Government of Cambodia (RGC) amnesty initiatives launched in 1994 and 1996 enticed defections from the KR, eroding the insurgents' fighting capacity (Fawthrop and Jarvis 2004). By 1997, with peace a real prospect, the question of accountability for crimes perpetrated under DK resurfaced. The then Cambodian Co-Prime Ministers Hun Sen and Norodom Ranaridh approached the UN in late 1997 requesting assistance for the establishment of a tribunal to prosecute crimes perpetrated by KR leaders under DK. Meanwhile, the KR movement eventually crumbled in 1998 after factional infighting and the death of Pol Pot (see Rowley 2006). After several years of negotiations between the RGC and UN over the make-up and remit of the tribunal, an agreement mandating the prosecution of 'senior leaders' and 'those most responsible' for crimes perpetrated under the KR regime was reached in 2004.³ The Extraordinary Chambers in the Courts of Cambodia (ECCC) began its work in 2006.

The ECCC are now the central institutional site through which Cambodia is confronting the legacies of political violence. The ECCC is has been mandated with the prosecution of the 'classic' crimes under international law, including genocide, crimes against humanity and war crimes (Menzel 2007). Moreover, as one of a recent wave of 'mixed' international and domestic tribunals that have been established to prosecute past human rights abuses, the ECCC exists as a part-internationalised body within Cambodia's existing judicial system, employs both Cambodian and international staff, and draws upon both international and domestic law for its prosecutions. In this sense, the ECCC is reflective of a trend within transitional justice scholarship and practice toward the 'localisation' of attempts to reckon with past human rights violations, purportedly offering international standards of justice within a localised context, whilst at the same time affording a strong sense of domestic public ownership over proceedings (see Leebaw 2008: 102). Furthermore, the ECCC is novel – as a principally punitive mechanism – to the extent that it offers collective and moral

³ Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006).

reparations to the collective groups of victims that it recognises (these include initiatives such as the construction of memorials, the funding of non-profit services for victims, or the publication of statements of apology).

The emergence of the ECCC must be understood within a broader international historical context. The ECCC historically follows precedents originating at the Nuremberg trials and, more recently, seen at the *'ad hoc'* prosecutions at the International Criminal Tribunals for Yugoslavia and Rwanda (Ciociari 2006). These precedents are manifestations of retributivist human rights norms that demand punishment for perpetrators of human rights violations. In this sense, the ECCC is principally validated by an international legalism that promotes punishment as the most appropriate response to atrocity. Proponents of the ECCC invoke retributive and legalist justifications when validating the ECCC, demanding that perpetrators of human rights violations must be punished; that such punishment can deter future human rights abuses; that the deterrence of further violence fosters peace and reconciliation; and that a transparent prosecution can act as a pedagogical exercise for local judicial institutions thus enhancing the rule of law (see Zalaquett 1990; Orentlicher 1991; Borneman 1997). The invocation of retributivist human rights norms stands in contrast to 'restorative' justice techniques – principally manifest at the site of truth commissions – that (purport to) centre the experiences of victims, whilst tending to implement amnesties for perpetrators of violations of human rights (Hayner 2002; Minow and Rosenblum 2002; Moon 2008). Furthermore, the didactic role of prosecutions as exercises of 'history writing' and identity formation is significant (Simpson 1996; Douglas 2001; Koskenniemi 2002; Nimaga 2007), and proponents of the ECCC have supplemented legalist justifications for prosecution by invoking validations for the court associated with non-punitive mechanisms that respond to atrocity. In particular, the ECCC process is understood to facilitate reconciliation; its reparative procedure is a novel complement to its punitive mechanism; it can play a key role as a truth seeking exercise; and participation in the ECCC process has been argued to offer catharsis, dignity and redress for victims of the regime (Fawthrop and Jarvis 2004; Chhang 2007; Chhang 2010). I elaborate on the way that these 'headline' validations of the court are intertwined with processes of disclosure and concealment in further detail in Chapter Three, *Trials and Tribulations*.

These justifications for the ECCC raise important questions about memory in two ways. Firstly, it implicates a question of how the ECCC attends selectively to some periods of past political violence, but not to others, in the way it (re)constructs a public account of what happened in Cambodia (i.e. the victims and perpetrators it recognises and the story of events it tells and animates). Although the ECCC is predicated on retributivist norms that oblige the punishment of *all* perpetrators of human rights violations, the ECCC has a notably selective remit for prosecutions, the core content furnishing the account of the past it seeks to stabilise. Secondly, questions are raised by the way the ECCC situates the past as a site that must be disinterred as a means to ameliorate the present (i.e. as a field of knowledge and practice that can be acted upon to produce particular social outcomes). The personal and temporal jurisdiction of the ECCC can be examined as a 'politics of memory' in the first instance. In the second instance, we must examine the assumptions made about the 'state' of memory in Cambodia that are visible in attempts to justify the ECCC as a panacea to 'problematic' memory, and those outcomes of the ECCC's work that are believed to constitute such a remedy through justice and reconciliation. I now discuss each set of issues in turn.

The ECCC is mandated to bring charges against senior leaders and 'those most responsible' under the KR regime. As of July 2013 the ECCC had completed its first case, '001', finding 'Duch' – head of the notorious S-21 interrogation and execution centre – guilty of crimes against humanity. Duch was sentenced to life imprisonment after appeal. A second case, '002', bringing charges of genocide, crimes against humanity and war crimes against four 'senior leaders', began in 2011 though one defendant, Ieng Thirith, was severed from proceedings in 2012 due to suffering dementia, and another, Ieng Sary, died in March 2013. The trials of Khieu Samphan, former DK head of state, and Nuon Chea, chief ideologue of the KR regime, are ongoing. Further prosecutions of other former KR figures under third and fourth cases are now under investigation, but these have met resistance from the Royal Government of Cambodia. The RGC's reluctance to see prosecutions beyond the five figures currently indicted has in turn provoked accusations of political interference in the work of the court (Menzel 2007; Claussen 2008; Banner 2009). In October 2010, Hor Namhong

(Cambodia's serving Foreign Minister) expressed Prime Minister Hun Sen's view that "Case 003 will not be allowed... We have to think about peace in Cambodia or the court will fail" (Cheang 2010). For the Cambodian government, restricting the number of prosecutions at the ECCC to a handful of figures is considered a key tool in maintaining stability and the broader process of 'national reconciliation': a narrow claim that reconciliation equals peace (and the exculpation of the majority of 'lower-level' KR) underpins Government consent for the ECCC proceedings, conditional on only a handful of leaders facing charges. As Koskeniemi has argued, the (restrictive) 'individualisation' of prosecutions at war crimes trials is not neutral in effect because it serves to obfuscate the social and political contexts under which crimes may have occurred, and can exculpate broader sections of less senior perpetrators (2002: 14). In this sense, we must understand the formalisation of the ECCC's individualised/personal jurisdiction as a tool for the reconstruction of the past in the service of particular present interests.

The ECCC's mandated timeframe (1975-1979) poses equally important questions surrounding the way that the UN and RGC have selectively sanctioned the scrutiny of political violence as worthy of redress and acknowledgement. The framing of the ECCC's temporal jurisdiction to 1975-1979 was a key condition for international support for the trials (Ciociari 2006: 20), and delivers a timeframe that excludes the possibility of examining serious political violence perpetrated before and after the DK period (deemed to be important by many informants involved in this project). These include purges against left-leaning dissidents under the Sihanouk regime in the 1960's, pogroms against ethnic Vietnamese during Lon Nol's Khmer Republic (1970-1975), the hundreds of thousands killed by the illegal carpet bombing of Cambodia by the US in 1973, the widespread use of forced labour and detention without trial by the People's Republic of Kampuchea (PRK) (1979-1989), and the continuing Khmer Rouge perpetrated massacres of civilians that occurred after their removal from power in 1979 (Kiernan 2002b).

Institutions tasked with confronting problematic pasts emerge within and subject to particular hierarchies of power: the delimitation of the ECCC's temporal and personal

mandates emerged from both domestic and international influences (Fawthrop and Jarvis 2004; Ciociari 2006; Ainley 2013). As a mechanism that acts on and (re)produces memory, we must understand the ECCC as framed through these national and international political interests as much as through human rights prerogatives. This shows how transitional justice mechanisms can reflect potentially ‘irreconcilable’ aims: law can be applied in the name of preventing or exposing abuses of power, whilst simultaneously sustaining the interests of power or concealing abuses conducted under its exercise (Leebaw 2008).

While we can see that the ECCC acts on memory in the way it selectively attends to some pasts but not others, we can also see that memory is invoked when rationalising the need for the court. ECCC publicity relies on metaphors about memory when justifying the court’s work: outreach posters describe processes of the record being ‘set straight’ and ‘moving forward through justice’ (see Figure 1).⁴ In stating it is ‘time for the record to be set straight’, the poster positions the ECCC as a mechanism able to produce a ‘truthful’ and unified account of what happened. By ‘moving forward through justice’, the ECCC positions itself as the progressive agent that can ameliorate or ‘work through’ memories of political violence. Similar invocations of memory are made by ECCC partner organisations when addressing the need for the court. Youk Chhang, head of the Documentation Centre of Cambodia (DC-Cam), has suggested that “...a society cannot know itself if it does not have an accurate memory of its own history” (Chhang 2010). Chhang’s comment appeals to a process of self-examination and self-disclosure that hinges upon the assumption that a consensual public memory is ‘retrievable’ through particular forms of engagement with the past (DC-Cam is a key ECCC partner in publicising the work of the ECCC in provincial areas, whilst also soliciting applications for participation in the ECCC process). Foundational to all of the above are the presuppositions the past is the central site for civic renewal, that memory is an essential location of ‘collective identity’, and that the ECCC acts on and behalf of all Cambodians. This is important because, as I will show in the next section, mainstream debates within transitional justice and the sociology of memory are characterised by assumptions that treat the need to confront past political violence as self-evident and

⁴ Available at <http://www.eccc.gov.kh/en/public-affair/publication/poster>

objectively possible, rather than an emergent and contingent feature of late modern political life that can only ever be realised subject to and within relations of power, and that are hence always already partial.

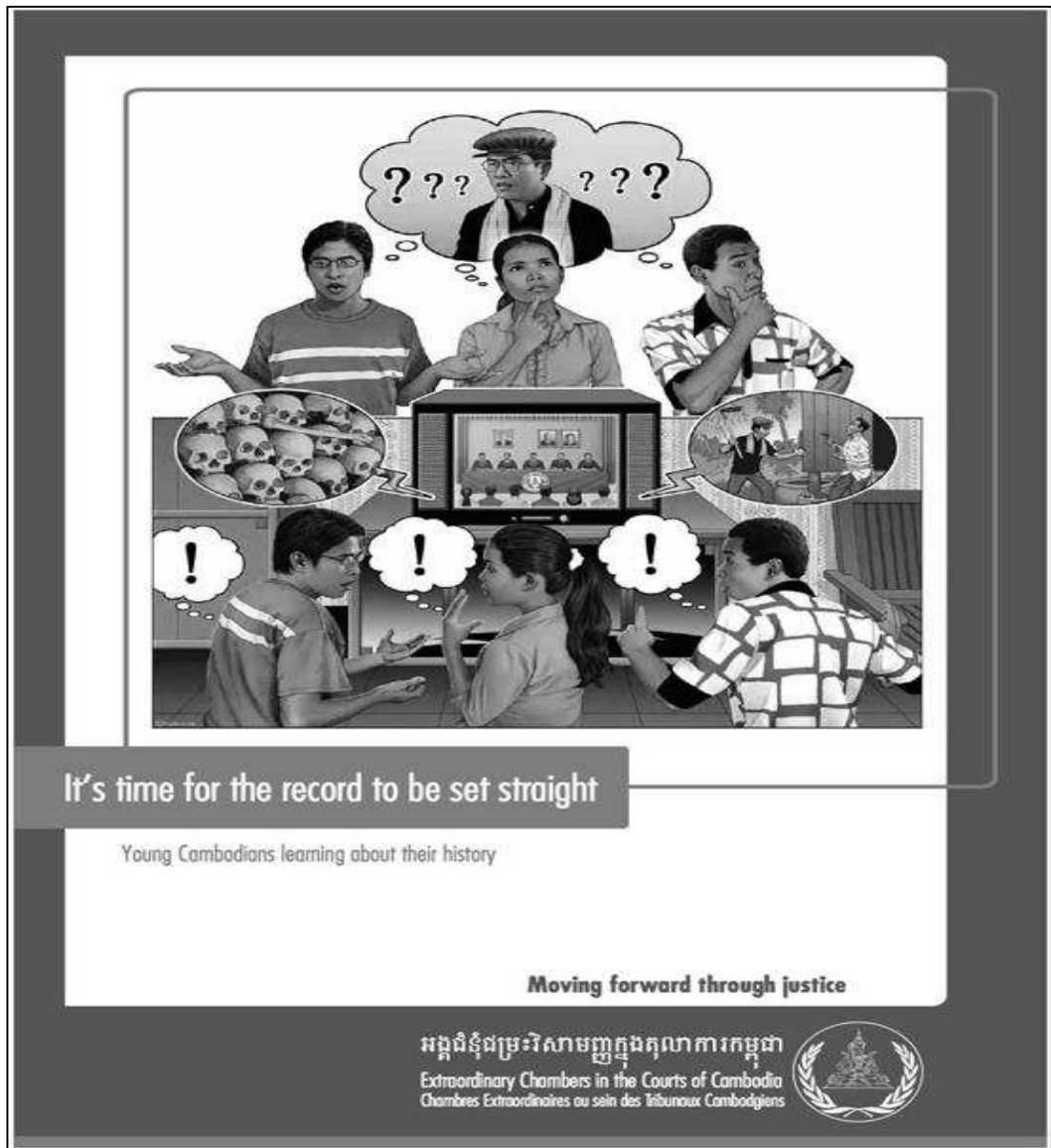


Figure 1 ECCC publicity poster

Statements such as 'moving forward through justice' and 'setting the record straight' hinge on the idea that there is a collective memory today that can be ameliorated or corrected. In the first instance, the claim that it is 'time for the record to be set straight' suggests

distortion or inaccuracy in the 'public' memory of what happened. To 'move forward through justice' implies that Cambodia has not until now 'moved forward' and remains hamstrung by that past. Youk Chhang's remarks further rely on assumptions about the possibility of retrieving a unified and 'accurate' memory of the past, gesturing to psychological and medical approaches on issues of memory reintegration and trauma. These claims are indicative of the way 'individual' qualities about memory are ascribed to and read from collective groupings when arguments for the need to disinter the past are advanced: as Hamber and Wilson note, this is problematic because it suggests that memory is a '...static and collective *object*' (2002: 36). The danger here is that when the ECCC mobilises claims like 'moving forward through justice' as a means of validating the need for the court, the Cambodian body politic as a whole is implied as amnesiac and passive in its relationship to past political violence (a key issue that this project looks to challenge) (Hughes and Pupavac 2005). In this sense, the validation of the need for the ECCC can hinge on (and run the risk of sustaining) representations of a 'collective' memory in Cambodia today that are pathologising, disempowering, animate infantilising relations of management and supervision, and therefore subordinate the agency of the subjects it seeks to redress.

Whilst the ECCC is principally justified through claims that presume a collective or national memory as an object of renewal (the focus of discussion in Chapter Three, *Trials and Tribulations*), it is worth noting that attitudes toward the importance of ECCC among Cambodians remain mixed. In 2008 a nationwide study by the Berkley Centre for Human Rights showed that many Cambodians (85%) have little or no knowledge of the ECCC (Pham, Vinck et al. 2009). This calls into question the capability of the ECCC in disseminating a shared and unified account of past political violence. Moreover, the Berkley study further suggests that whilst many Cambodians do look favourably toward a process of 'accountability',

...respondents said their [immediate] priorities were jobs (83%), services to meet basic needs including health (20%), and food (17%). When asked what the priorities of the

government should be, justice was again seldom mentioned (2%), with the most frequent answers being the economy (56%) and building infrastructure (48%). (2009: 34)

A second survey in 2010, conducted in the wake of the Duch trial, found improvements with knowledge and familiarity of the work of the ECCC, but that those Cambodians more concerned about their material day to day priorities – rather than the topic of accountability for the KR – had actually increased from 76% in 2008 to 83% in 2010 (Pham, Vinck et al. 2011). This means that that even when the work of the ECCC is successfully disseminated, it does not necessarily translate into immediate, unequivocal acceptance of the need for the court. The implications for the work of the ECCC are significant. There continues to be a dislocation among the public between the importance afforded to the ECCC as an intervention on the past and other priorities in the present. The ambivalence of respondents toward the court as compared to other material priorities indicates that there may be other imperatives at work that can subsume (or co-opt) the importance of ‘remembering’. I examine this point at length through a discussion of the role of memorial spaces within localised tourist economies in Chapters Five, *The Wat Thmey Genocide Memorial* and Six, *The Heroes and Villains of Anlong Veng*. In sum, the ECCC and its concomitant politics of justice and reconciliation are threatened by the ambivalence felt towards it by the Cambodian public. Indeed, this thesis attempts to show how the ECCC (regime of memory) is ‘sold’ through outreach work that works to combat such ambivalences (and seeks recourse to pre-existing memorials and museums to make its case, as I show in Chapter Four, *Mediating Memory*).

In sum, the Berkley studies point to important dissonances between the ECCC process and wider attitudes toward past political violence (as noted, a key recommendation of both Berkley studies is deployment of enhanced outreach initiatives to combat this dissonance). On the one hand, the ECCC has been positioned by non-governmental organisations, the UN, RGC, and the media as the central institutional site through which Cambodia is confronting past political violence. On the other, the Berkley studies gesture toward the possibility of alternative or ambivalent attitudes to the work of the ECCC and past political

violence. Given the selective and restrictive period examined by the ECCC's personal and temporal jurisdiction, and the protracted experiences of war and atrocity experienced in Cambodia beyond the 1975-1979 period, this project examines regimes of memory that may exist in conflict with that sanctioned by the ECCC. Moreover, this project looks to challenge the way justifications for the ECCC situate the Cambodian body politic as passive in its relationship to memories of political violence (a key finding of this project is that Cambodians have been active in reconstructing and renegotiating accounts of political violence in ways that are dislocated from a formal mechanism that is intended to break an impasse in their abilities to do so). In order to examine each of these issues, it is crucial to examine the way the past is rendered meaningful within localised Cambodian communities. The role and meaning of memorial and museum sites that call attention to memories of political violence present themselves as key locations in doing so.

To conclude this section, regimes of memory that exist in conflict with the ECCC have serious implications for the resonance, legitimacy and efficacy of the ECCC in delivering its purported aims. As noted, the ECCC's work is a bid to formalise a singular, stable and unified reading of past events (that can be contested only within tightly defined institutional legal parameters). This regime of memory looks to formally map the contours of how justice is to be delivered and demarcates the field of memory around which conflicted parties should reconcile. As I argue in Chapter Three, *Trials and Tribulations*, the court has enjoyed mixed successes in this regard, and continues to produce unexpected and unanticipated outcomes as the subjects it licenses – its 'victims' and 'perpetrators' – contest its memory work. At the same time, as I show in Chapter Four, *Mediating Memory*, whilst the different shape and form of claims over what justice and reconciliation actually entail varies according to the actors and agents proposing them, they are unified by the parameters of the ECCC's jurisdiction, focusing on the guilt of senior leaders only whilst presenting lower-level perpetrators as victims of the KR. More broadly, reconciliatory claims advanced in Cambodia are conditioned by the acceptance of the ECCC's particular retributive exercises as a response to memories of political violence, acceding to the courts authority as arbiter of the past. In this sense, strategies of justice and reconciliation hinge on a public and mutual acceptance of what to remember and accept the primacy of

prosecutions as a panacea to problematic memory. On this basis, we can understand that the existence of conflicting regimes of memory can challenge both the 'content' of memory and the appropriateness of punishment as a response to it. Moreover, conflicting regimes of memory may present different accounts of the past, grievances and appeals that may remain irreconcilable to the ECCC (and the politics of reconciliation more broadly) by presenting alternative sets of 'victims' and 'perpetrators' of atrocity.

1.2 Key literatures

Sociology and memory

Sociological approaches to questions of memory have been principally preoccupied with two questions: how does memory work (a social 'mechanics' of memory); and secondly, why has memory emerged as such an important issue for contemporary societies which demands attention and action? These two questions are important for this research because they speak directly to the issues of how the past shapes who we are and how it can place moral burdens on the present. This section outlines each in turn. Halbwachs' work on the 'collective memory' (1992) - heavily influenced by Durkheim's concept of the 'conscience collective' and his analysis of the affirmation of social groups through ritual (1984; 2001) - was the first sociological contribution to describe the group dynamics involved in remembering. For Halbwachs, it is membership in social groups that renders memory meaningful, because it is membership in social groups that organises and arranges what should be remembered and which images of the past are thus maintained. Although Halbwachs' approach has been criticised (much like Durkheim's) for providing a reified and totalised understanding of the 'collective memory' as an entity in itself, his work remains important as a point of departure because it sensitises us to the role and uses of memory by groups in the present (such as the maintenance of moral boundaries through the punishment of past crimes), and the pivotal role memory plays as a basis for identity formation (and therefore in processes of reconciling different groups).

The relationship between memory and identity has remained central to sociological debates on memory. On the one hand, sociological contributions have addressed shared memories as a pivotal force in the realisation of cultural identity (Assmann 1996), generational memory (Schuman and Scott 1989), and 'public memory' (Bodnar 1993; Bodnar 1994). Indeed, the idea that the past (as group memory) persists and constitutes group identities is central to ethno-symbolist accounts of nations and nationalism (Smith 1998). On the other, critical contributions have looked to the relationship between memory and identity formation as a process of construction, through which memory is a vehicle for the legitimisation of elite and state power (Hobsbawm and Ranger 1983; Gillis 1994), or a terrain for resistance to dominant or imposed accounts of the past (Johnson and BCCCS 1982). This opposition between, on the one hand, collective memory as an authentic reflection of the past, versus, on the other, memory as purely artefactual, synthetic and 'top down' has plagued sociological approaches to memory. There are a number of notable contributions that have sought to escape this impasse by eschewing assessment of either the 'truth' of memory or approaches that foreground the fictitious production of the past in the present. Middleton and Edwards (1990), Wertsch (2002), and Olick (1998; 2007) have called for the rejection of an opposition between 'illusionary' versus 'authentic' accounts of collective memory, positing all *remembering* as an active and mediated process between individuals, groups, social texts, representations and social narratives. Anderson's arguments on nations as 'imagined communities' provides a useful example of such an approach at work because it hinges upon an inter-subjective sense of belonging based on the social mediation of a shared sense of past, through texts like newspapers (2006). Approaches to memory that emphasise the 'dynamics' of remembering are therefore useful because they lead us away from conceptions of social memory that 'naturalise' memory as archival or which prematurely dismiss the formative role experience and agency may play in making particular memories persistent. Understanding memory as a dynamic and negotiated field allows us to critically reflect on the possible production of a unified and shared understanding of the past as a contested process. Moreover, crucially, theories of memory that recognise its realisation as negotiated and continuous allow analytical space for agency in remembering. In this sense, we can begin to ask different sets of questions: on

what terms are accounts of the past mobilised, why do some events persist as/in social memories, and on what terms are they resisted?

Taking memory as an active and mediated process complements more recent contributions that have posited memory as a discursive field. These approaches are foundational to the methodological and analytical strategies I outline in the next chapter on methods (*Researching Regimes of Memory*). In particular, Antze and Lambek (1996) and Radstone and Hodgkin (2005) have called for an appreciation of the 'uses' of memory. Both sets of authors ground potential analysis of the way memory is situated as a field of knowledge to be 'known' and acted upon, as well as how memory 'itself' (the 'contents' of memory), is a product of discourse. This is significant because it sensitises us to how collective memories are situated as objects of practice and therefore embedded within relationships of power and social hierarchy. In the next chapter, *Researching Regimes of Memory*, I revisit this point to foreground the analytical and empirical approach adopted by the thesis through a closer reading of Foucault's concept of discourse (1980; 1991; 2002).

This brings us to the second set of questions arising from the literature: how and why has memory – and in particular, memories of political violence – become so important in contemporary societies as an object of social and political practice? From the 1990s debates turned to focus on a 'crisis' of memory (Terdiman 1993). Nora (1989) has suggested that the proliferation of 'memory' as ossified in sites and objects – '*lieux de memoire*' – is a response to the absence of organic and contextual forms of community remembering under conditions of modernity. In this sense, it is the decline of tradition – a stable past – that inspires the current interest in cultural memory. In a similar vein, Huyssen has pointed to the 'twilight' of memory: as the experience of modernity accelerates, the dislocation with a sense of past engenders an obsession with memory as an anchoring social reference point (Huyssen 1995). These accounts have pointed to a broad cultural memory 'boom', key features of which have been the growth in heritage and conservation industries and the proliferation of museum and memorial sites.

One prominent aspect of the recent interest in the past is a focus on memories of suffering, conflict and atrocity. Whilst glorified accounts of war, conflict, sacrifice and valour have been (and remain) foundational to legitimating stories about the nation (Hobsbawm and Ranger 1983; Renan 1990 [1882]; Gillis 1994; Anderson 2006), Williams has pointed to a growing willingness of political elites to recover and acknowledge histories of state crime and political violence (2007: 165). Olick has described the increasing imperative to self-examine, self-disclose, disinter, prosecute and apologise for histories of conflict and suffering as bound to a nascent 'politics of regret', exemplifying 'regret' as a new principle of political legitimacy (2007: 22). Olick presents us with an argument that traces the 'ethic' of regret as an emergent condition of modernity. Drawing on Weber and Nietzsche, Olick points to the Enlightenment decline of theodicy and the demystification of public life as centring 'secular man' in linear time: secular humanitarianism increasingly supplants theological redemption as a form of directed '*ressentiment*' (a politics of protecting the vulnerable); rational humanist 'progress' replaces Christian teleology as the prevailing moral narrative for the world view of (Western) man. Under such conditions of rational modernity, rapid technological development firstly enables and then obviates the arbitrary nature of human suffering resulting from conflict, as seen in the most dramatic form with 'total warfare' during WWII and the experience of the Holocaust (2007: 172). Olick's account seeks to conceptually map and empirically demonstrate how the thought and experience of modernity germinates regret as a moral and political imperative.

Levy and Sznajder have argued, along similar lines to Olick, that memories of the experiences of suffering during WWII and the Holocaust contributed to a 'cosmopolitanisation' of state sovereignty – the orientation of states' rational interests around (human rights) principles of regret – premised on a willingness to remember and prevent the recurrence of such events (Levy and Sznajder 2002; 2004; 2006). In this sense, we can see how the emergence of an ethic of regret is most visible in the political-judicial responses to the Holocaust and WWII: the formalisation of the modern human rights regime – specifically privileging the dignity of the individual victim – with the Universal Declaration of Human Rights, the United Nations Genocide Convention, the Geneva Conventions, and the Nuremberg prosecutions for Nazi war crimes.

Sociological contributions that theorise the obligations of memory tend to rely on the experience of the Holocaust and WWII as reference points, indicating the significance of these events for the formation of an *ethic* of remembrance. Moreover, these approaches tend to have accepted a 'duty' to remember suffering in order to counter forgetting, locating forgetting as a recapitulation to violence. For example, Adorno suggests that "(t)he abundance of real suffering tolerates no forgetting" (Adorno 1974: 84). Baudrillard has written that "forgetting extermination is part of extermination, because it is also the extermination of memory, of history, of the social..." (1994: 49). Baudrillard is at the same time anxious to diagnose the way that the 'artificial' mass simulation of memory through cultural channels such as film and television equally debases and surrenders itself to the 'violence' of forgetting. Similarly central to sociological debates on the importance of memory is the assumption that the past promises lessons for the present. Bauman's seminal *Modernity and the Holocaust* (2000), for example, diagnoses the Holocaust as the apotheosis of modernity – the accomplishments of rationalisation, efficiency and bureaucracy – revealing the immanent potential toward violence within modern social life that must be combated by a 'duty' of memory. Indeed, the potential for memory work to yield preventative, educational or ameliorative socio-political outcomes in the present has been treated as a truism within sociological accounts of the relationship of remembering to democratisation, trust, forgiveness and dignification (Misztal 2005; 2010; 2013), and the stabilisation the modern human rights project more broadly (Levy and Sznajder 2010). The structure of these claims is significant because they again posit a linear relationship between 'correct' practices of remembering translating neatly into social and political outcomes in the present, such as deterrence or democratisation. Sociological literature on memory has largely treated the normative injunction to remember as in itself apolitical, even when these accounts acknowledge that its emergence is historically contingent and conditioned.

It is important here to examine the conditions and forms under which 'regret' as a principle of political life has become entrenched as a norm for the governance of post-conflict contexts, specifically within the fields of transitional justice and human rights. Whilst the Nuremberg prosecutions represent one of the first formal attempts to legally respond to

atrocities, the entrenchment of global norms and mechanisms that reckon with legacies of past political violence was impaired by the intractable bi-polar politics of the Cold War (Cassese 1998; Teitel 2003; Teitel 2005). In this sense, the realisation of a 'politics of regret' was enabled and conditioned by the fracturing of the international Cold War political landscape. Transitions to democracy across Latin America during the 1980s and in Eastern Europe from 1989 onwards have played a crucial role in shaping and cementing the current transitional justice regime in its varying approaches and aims (Cohen 1995). I now turn to the relationship between memory – and transitional justice-specific mechanisms – war crimes prosecutions, truth commissions and memorial projects – in the following section.

Transitional justice

It is beyond the scope of this section to provide an exhaustive account of the accumulation of writing that attends to the field now called 'transitional justice'. Instead, I seek here to stake out a critical position in relation to some of the key assumptions at play in prevailing transitional justice practices and scholarship by examining some of the tensions at work in debates over what transitional justice has done and is *meant* to do, and the contingency of its core frameworks. I then link these approaches to the previous section on memory in order to foreground the contribution of this research to the sociology of memory and transitional justice. The term transitional justice came into use following the shifts away from authoritarian rule in Latin America and Eastern Europe in the 1980s and 1990s (Kritz 1996), and, constitutively, in the transition from apartheid in South Africa. Transitional justice has been broadly defined as a set of tools and strategies 'associated with periods of political change' (Teitel 2005: 837) that respond to the question of 'how to reckon with massive crimes and abuses' (Hayner 2002: 11). The scope of the field continues to be debated (Roht-Arriaza and Mariezcurrena 2006), and despite attempts to develop 'models' of transition (see Winter 2013, for example), scholarship has not yielded a 'general' theory of transitional justice or techniques for confronting past political violence (Arthur 2009). Transitional justice – as a field of knowledge and practice – remains conflicted, contested, and in flux.

Trevino-Rangel has identified three tendencies or 'clusters' within transitional scholarship that (loosely) map its conceptual and historical emergence (2012: chapter two). The first cluster is defined by the dilemmas and political trade-offs thought to characterise the first Latin American and Eastern European transitions. Transitional justice (as a field of scholarship and practice) was initially preoccupied by two purportedly conflicting imperatives: retribution on the one hand, and restoration and reconciliation on the other. Retribution follows from a legalist imperative to punish those that perpetrate violations of human rights. This retributive legalism is visible as it materialises at war crimes trials and tribunals (beginning at Nuremberg, and more recently visible at the *ad hoc* prosecutions for crimes perpetrated in the former Yugoslavia and Rwanda, and at the permanent International Criminal Court). These approaches have framed punishment through the lens of human rights (Kritz 1996; Mallinder 2007). Advocates of retributivist techniques stress the value of prosecutions as delineating individual and collective guilt for mass crimes (Méndez 1997), helping to establish the rule of law and foster democratic institutions (Borneman 1997), promoting memory and deterring the future perpetration of atrocity (Zalaquett 1990), enhancing social solidarity (Osiel 1997), and purportedly de-politicizing the treatment of perpetrators in the wake of political violence (Orentlicher 1991).

As an alternative response to conflict and atrocity, restorative strategies situate 'victims' as the site of civic renewal, hinging on the deployment of mechanisms such as apology, reparation, and in particular, the recovery of 'truth' (through various techniques, i.e. public testimony at commissions, the disclosure of records from previous authorities, and the production of reports). Restorative approaches purport to better satisfy victims' needs (Hayner 2002), offer victims dignity (Minow and Rosenblum 2002), prevent further atrocity by virtue of truth (Rotberg and Thompson 2000), reform offenders (Braithwaite 1999), and reconcile and restore relationships between conflicted parties (Johnstone 2002). At the same time, restorative justice techniques – characterised by forms of disclosure manifest primarily at the site of truth commissions – have historically been bound to discourses of reconciliation and the use of amnesty agreements, visible (in early instances) in the institutional demands for 'truth' across the Latin American transitions, and most famously at the South African Truth and Reconciliation Commission. In South Africa, amnesty was granted to perpetrators of crimes committed during South Africa's conflict in the name of 'truth', 'healing' and 'national reconciliation' (see Moon 2006; 2008). Reconciliation and

restoration were thought to stand in conflict with retribution because they have tended to eschew punishment in the name of peace building.

The second cluster of research on transitional justice departs from the first in important ways. These contributions tend to be more critical of the realisation of the goals of transitional justice whilst broadly still agreeing with the belief that interventions following political violence are necessary. They reformulate the debates about transitional justice through registers of the efficacy and outcomes yielded by the various approaches, rather than through a necessary trade-off between the imperatives to punishment on the one hand, and restoration and reconciliation on the other. Lastly, they shift the scope of debates in transitional justice to encompass a generalised and routine set of strategies for confronting political violence; they consider a broader range of techniques within the remit of the field; and they have focused on a wider range of problems (for example, incorporating the concept of 'historical injustice') (Trevino-Rangel 2012: 90 - 99).

The second cluster of research has critically departed from the concepts and dilemmas examined by the first in important ways. For example, the concept of reconciliation itself has been questioned for its ambiguity (Pankhurst 1999). That said, the second cluster largely remains haunted by the assumption that to do 'nothing' in the wake of political violence is to leave unattended potentially vexing questions for societies that have suffered, which risks leaving them unable to 'develop' or 'move on' (Arenhövel 2008; Roehrig 2009). At the same time, the outcomes of transitional justice interventions have remained a key preoccupation for scholars within the field, framed as a question of 'best practice' (demonstrating again the way that transitional justice has emerged as field that mutually implicates knowledge and practice). For example, in the South African context, Gibson sought to quantify and test the causal relationship between 'truth' (as a technique) and 'reconciliation' as an observable and measurable output (2004). Interest in maximising the ameliorative socio-political impacts of transitional justice interventions has emerged co-extensively with an increasing interest in 'localising' justice initiatives. Calls for 'grassroots' justice initiatives suggest that transitional justice mechanisms are most meaningful when they are sensitive to the variety and richness of the experiences they are intended to redress, and embedded within the communities that they are intended to renew (Arriaza and Roht-Arriaza 2008). As is visible with the Cambodian case, hybrid institutions were

rationalised on the basis of their ability to provide 'international' standards of justice whilst rendering resonant, meaningful verdicts for the local population and enhancing local judicial capacity (addressing critiques of the international tribunals for the former Yugoslavia and Rwanda) (Urs 2007; Gellman 2008; Stensrud 2009). Moreover, the second cluster of research on transitional justice expands its scope in two senses. Firstly, the targets of transitional justice strategies are broadened to include the wider category of 'historical injustice' (Torpey 2003). This extends the scope of the field to include questions of redress for crimes many years previous, in post-colonial contexts such as slavery (Posner and Vermeule 2003), or the treatment of aboriginal communities (Short 2003), principally through mechanisms of apology or compensation. Secondly, as indicated by the aforementioned interest in the use of apology and compensation, research into the techniques of the field are expanded to include, for example, memorialisation (Jelin 2007; Barsalou and Baxter 2009), or the public education system and school curricula (Cole 2007). Importantly, we must remind ourselves that scholarship in transitional justice mutually implicates its practice, and the widening of the field points to the normalisation of a generalised, continuous set of claims for the governance of societies that have suffered political violence.

The third cluster of research is characterised by a more critical approach to the assumptions, concepts and frameworks underpinning transitional justice as a field of knowledge and practice. This line of enquiry moves beyond the (important) question of whether transitional justice mechanisms do – or even are able to do – what they claim to do (Mendeloff 2004). The first issue of importance that emerges from this cluster is the foregrounding of an interest in power. Rather than offering an institutional de-politicization of confronting past political violence (cf. Orentlicher 1991), transitional justice interventions emerge and work subject to and conditioned by hierarchies of power (Koskenniemi 2002; Moon 2008; Nagy 2008; Ainley 2011; Trevino-Rangel 2012; Ainley 2013). Recognising the role of power in shaping interventions is important because it gestures to the way that the vocabulary and concepts of transitional justice are treated by practitioners and many mainstream scholars as neutral, stable and apolitical. Indeed, Wilson's work on reconciliation in South Africa specifically focused on the way that the language of human

rights had the effect of concealing a (pragmatic) politics of nation building, which was at points in conflict with locally embedded imperatives for retributive justice (2001). By appreciating the role of power and hierarchy in shaping specific 'moments' of intervention, we are historically better sensitised to the specific interests and actions that shape each case. Moreover, a key point of departure for this research is an appreciation of how the language of human rights and transitional justice possesses specific structures and templates for thinking about suffering (Moon 2004), are discursively contested, appropriated and opposed, and buttress relationships of domination and resistance (Evans 2005). This has consequences for how we approach the concepts at play in researching transitional justice. For example, Moon's examination of discourses of reconciliation in South Africa shows that it is more fruitful analytically to interrogate the specific architecture of reconciliatory claims as they are propagated on a case by case basis, rather than presuming a universal end or state that can be observed and judged as reconciled or not across contexts (2008).

A second crucial issue concerns the representation of transitional justice contexts, bearing in mind that the particular construction or depiction of a problem tends to 'obviate' its resolution. Unifying the contributions of the first and second cluster is a tendency to acquiesce to the self-evident necessity or inevitability of transitional justice (Trevino-Rangel 2012: 102). This acceptance is dangerous because it establishes teleological schemas that objectify states of suffering or 'progression' on a linear trajectory. It is on this basis that societies that have experienced political violence are framed and represented through the language of transitional justice in dichotomous functional/dysfunctional terms, implicating the need for (or purported success of) particular techniques of intervention (Hughes and Pupavac 2005). Indeed, as Short has argued, claims advanced within transitional justice must be understood as mediated by political interests, and not necessarily benevolent (2007). Moreover, a key methodological issue pertinent to questions of memory arises on this basis, because 'individual' qualities about the psyche are ascribed onto and read from collective groupings when arguments for the need to intervene are advanced. As Hamber and Wilson note, this is problematic because it positions memory as a '...static and collective *object*' (2002: 36). The key problem here is that transitional justice tends to treat

its objects of intervention as homogenous, singular, passive entities, particularly in the way that such interventions tend to be bound to political nation building projects (Wilson 2001).

At this point it is worth briefly revisiting the way that these various approaches and terms relate to memory. On the one hand, retributive and restorative vocabularies of transitional governance invoke and implicate memory in different ways. On the other, they are unified in the way they situate the past as a site that can renew and ameliorate the social and political conditions of the present. This is a significant overlap with the sociology of memory which I will return to shortly. Retribution, expressed through the spectacle of the war crimes trial, looks to the past to furnish its narrative content through the way it reckons with past conflict. It bids to produce an account of past crimes through the techniques and interplays of evidence, interpretation, performance and contextual political interests (Lynch and Bogen 1996; Koskenniemi 2002). Retribution simultaneously has one eye on the future, in the way it asks trials to act as both didactic agents (enhancing the rule of law or deterring future crimes, for example) and bodies that can affirm social solidarity (Osiel 1997: 18). Restoration, with its concomitant vocabulary of healing and renewal, more explicitly invokes memory as an object that must be ameliorated: as Moon (2009) notes, adopting a more critical lens, the South African Truth and Reconciliation commission specifically drew its authority from a medicalised and therapeutic language of (memory) repression, denial, trauma, and catharsis in the way it represented the national body politic (and its collective memory). Crucially, in the way they make demands of, act upon and (re)produce memory, both retributive and restorative vocabularies and frameworks presume to act on objects of collective memory, and the efficacy of their work therefore hinges on the construction of a unified and shared account of 'what happened'. As each claim seeks to 'reckon with' and 'settle' the past, the resonance of each requires the broad acceptance of its particular version of events, in either the provision of a sense of justice, or the realisation of bids to reconciliation (Osiel 1997; Douglas 2001; Hamber and Wilson 2002).

There are two key common problems arising within the sociology of memory and the literatures on transitional justice that premise the thesis research questions. Firstly,

prevailing assumptions in both earlier approaches to transitional justice and the early sociology of memory assume the need to confront, disinter, and intervene in memories of political violence as a means of social progression, primarily through the formal processes and mechanisms of transitional justice (broadly defined). This research departs from this assumption by questioning the necessity of a formal mechanism for 'moving on' and the benefits it purports to yield on that basis. This project draws on the more critical approaches outlined in the third 'cluster' of transitional justice scholarship and examines the relationships and hierarchies of power at play in this process. Secondly, the first wave of transitional justice scholarship, as well as much of the sociology of memory, relies upon fixed and objectified collective memory frameworks. This research employs a dynamic and discursive understanding of memory to explore the mediations, renegotiations, and resistances at play in transitional justice contexts. In doing so, it accommodates the roles of agency and difference to critically reflect on the validity of the collective memory frameworks that transitional justice presumes to act on, and the outcomes it purports to deliver.

1.3 Research questions

It is worth briefly reflecting on the development of the project's research questions in light of eight months of fieldwork in Cambodia. The project began with the assumption that, given the narrow mandate of the ECCC and widespread suffering resulting from a conflict spanning nearly half a century, there would be alternative and conflicting memories of that period being advanced in Cambodia today. As Hamber and Wilson have noted, generating a shared sense of 'what happened' is crucial for the efficacy of mechanisms intended to provide symbolic 'closure' following political violence (Hamber and Wilson 2002: 36). The ECCC animates particular sets of 'victims' and a set of 'perpetrators', in turn calling attention to a restricted universe of past events. In order to ascertain the possibilities of the ECCC realising 'closing' ends, such as providing a sense of justice or realising claims for reconciliation, it would be important to assess the extent to which these categories resonated with the groups to which they were being attached. If localised accounts were in

conflict with the version of the past sanctioned by the ECCC, then the goals of the court could be and remain contested and resisted. As such, in order to explore these potential conflicts, the research began with the aim of explaining, as means of comparison to the account of ‘what happened’ formalised at the ECCC, the role of publicly available symbols and representations (memorials and museums) of the conflict within communities that were being ascribed positions within social groups broadly categorised as ‘victim’ (Siem Reap) and ‘perpetrator’ (Anlong Veng).⁵

These questions changed as a period of eight months of fieldwork in Cambodia unfolded. In taking the ECCC as a point of departure, I was able to secure a hosting position within an ECCC-affiliated organisation, the Centre for Social Development, assisting with their outreach initiatives in support of the ECCC. This period of the fieldwork made it clear that fruitful questions could focus not only on the contrast between ‘central’ and ‘local’ accounts of political violence in Cambodia, as if the two were exclusive, but should also pay specific attention to the interfaces between the two; the particular avenues through which the ECCC account of the past was being mobilised; where and for whom these exercises were targeted; how they presumed to act upon conflicting memory at a local level; how these exercises supplemented the ECCC account through their own forms of expertise; and, most importantly, whether conflicting accounts of the past remained. Importantly, in establishing the importance of mediation within this process, the resonance of a neat, binary understanding of memory between ‘officially’ sanctioned memory and locally ‘authentic’ memory diminished and could not do justice to the multiple and locally-contingent claims on the past. An explanatory framework that could identify the discursive

⁵ The categories of ‘victim’ and ‘perpetrator’ are not stable. In using them, I recognise that both are terms that are negotiated, contested and produced within specific political contexts and around particular institutional bodies. Specifically, each emerge as subjects formalised by the ECCC (though there are important irregularities within this process, which I examine in Chapter 3 ‘Trials and Tribulations’). This opposition informed my decision to base the latter half of the fieldwork in Siem Reap and Anlong Veng.

qualities of competing regimes of memory became increasingly central in order to appreciate the complexities of the 'remembering' (and forgetting) process.

This question of conflicting memory proved (and remains) particularly vexed. In the latter half of my fieldwork, I turned to concentrate on the meanings and roles of localised representations of the past in 'victim' and 'perpetrator' communities. I was specifically interested in what localised accounts of the past were 'doing', independent of the ECCC, in order to address an emergent question: what if the 'conflicting' nature of memory is only rendered meaningful in opposition to that of the ECCC; in other words, does resistance to the ECCC's reading of the past emerge only at its points of propagation (i.e. does the ECCC actually generate – or exacerbate – the conflicts and divisions it is meant to resolve)? On the one hand, in light of the initial phase of fieldwork, I identified a particular tendency for ECCC outreach work to concentrate on and elicit 'memory spectacles'; exceptional moments of grief, remorse, contrition or reconciliation. On the other hand, it was striking that when conflicting memory was manifest, it tended to emerge only in relation to, and as a response to, the *demands* made on behalf of the ECCC, rather than with the 'story' itself. This should not discount the importance of appeals for the recognition of suffering that the research still encountered that occurred beyond the mandate of the ECCC, as these remain an important point of contention and pose challenges for the efficacy of the ECCC in 'reconciling' conflicting memory.

It became clear to me that local, community-level representations of the past were already being renegotiated as meaningful under alternative sets of both localised and national imperatives (particularly questions around a nexus of community development and support, varying practices of tourism, and wealth augmentation; but also quite simply through ambivalence and disinterest). These alternative imperatives provide vehicles for memory claims in ways that are dislocated from the ECCC, but not necessarily in 'direct' conflict with it. The challenge of rethinking these alternative renegotiations of the past in relation to the more singular demands of the ECCC – that justice and reconciliation must be achieved through particular institutional mechanisms and programs, and through the

acceptance of a particular account of political violence – is crucial because they displace and subsume the ‘exceptional’ politics of memory to one that is ‘everyday’ and banal. Moreover, instead of an exclusive focus on the conflicts of memory, it became important to examine both the conflicts *and* the commensurabilities of seemingly diverse and inchoate rationales for knowing the past, in order to grasp a more nuanced picture of the politics of memory in Cambodia today.

The following research questions therefore emerged:

How does the ECCC organise a particular regime of memory and how is this presented and contested?

How is this reading of the past mediated with the public? Through what agents and technologies of memory?

On what basis do localised regimes of memory in ‘victim’ and ‘perpetrator’ communities exist in conflict or congruence with the ECCC? What implications do these have for the goals of the ECCC?

The implications of these research questions are threefold. In the first instance, by examining memories of past violence that conflict with, or are ambivalent towards, the official memory sanctioned by the ECCC, the project problematizes the possibility that the ECCC can deliver a unified and shared account of political violence in Cambodia. As stressed, this poses a serious challenge to the resonance of the ECCC among the wider Cambodian public, and calls into question the capacity of the ECCC in delivering a sense of justice or reconciliation. Conflicting regimes of memory can mobilise claims and grievances around past political violence and suffering outside the ECCC mandate that directly challenges the moral authority of the ECCC’s privileging of the 1975-1979 period. Moreover, examination of Cambodian ambivalences toward the past can render questions of justice and reconciliation moot. This again poses challenges for the ECCC, to the extent that it

problematizes the way in which the stakeholders of the court and the bulk of transitional justice scholarship and practice have treated such interventions as self-evidently necessary.

The second key set of implications is theoretical. By furnishing an analysis of memory as discursive – a contested, ongoing, (re)negotiated set of practices and performances – the project critically contributes to the literature on the sociology of memory. Analysis of ‘regimes of memory’ invites us away from reified and singular understandings of collective memory that appear to treat national collectivities, society and collective memory as synonymous. This, in turn, has important implications for the way transitional justice and human rights practices treat social groupings as objects of ‘memory’ policy.

Transitional justice mechanisms are a form of memory politics because they intervene in the past in two ways. Firstly, in the way they act on memory and (re)construct an account of ‘what happened’. As I have suggested, this is not a neutral process because it emerges through and subject to particular power interests (be they state or international). Secondly, transitional justice mechanisms are principally rationalised and validated by situating memory and the past as a problematic field that must be ameliorated. In doing so, memory is positioned as an ‘object’ of political practice. The tendency here, following the above, is to conceptualise these approaches through ‘collective’ memory frameworks; i.e. that they act in the name of, or to ameliorate, the problematic memory of national groups or societies. Beyond the methodological issue posed here – that these assumptions posit an overly reified notion of collective memory – the risk is that interventions position whole collective groups as passive and disempowered in their relationship to memories of suffering. In this sense, by pointing to the active role communities play in renegotiating memories of atrocity, the project looks to challenge the more singular (and potentially pathologising) claims advanced by transitional justice practitioners and scholars in order to justify interventions on memory.

1.4 Outline of the thesis

Chapter Two

Researching Regimes of Memory

This chapter is divided into four sections. The first section is devoted to the key conceptual frameworks employed by the project. I begin with an elaboration of Hodgkin and Radstone's concept of 'regimes of memory' by examining the discursive characteristics and foundations of remembering. I then define and explain the key empirical foci of the project – technologies of memory – and situate the role they occupy within regimes of memory. The second section links the project research questions to the case sites studied over eight months of fieldwork in Cambodia. The third section offers a methodological statement, introducing an ethnographic rationale for fieldwork, before briefly discussing the specific data gathering techniques employed by the project. The final section comprises the second half of this chapter. It offers a critical reflection on the research biography that discusses three overlapping issues related to the practicalities of the fieldwork: the ethics and politics resulting from institutional hosting, methodological dilemmas arising from cross-language research, and the methodological, ethical and political issues emergent from variously positioned field relationships. I use this section to suggest a methodological and substantive parallel exists between the co-production of research data and the reconstruction of memory as conditioned within the social and political contexts within which they occur.

Chapter Three

Trials and Tribulations

This chapter has three sections that examine how the ECCC makes claims that seek to stabilise an account of political violence in Cambodia. I argue that it enjoys mixed successes to this end. The chapter opens with a discussion of the framing of the ECCC's jurisdiction within speeches and press releases by ECCC stakeholders. I argue that the restriction of prosecutions to 'senior leaders' only reactivates a longstanding reconciliatory politics in

Cambodia because it obscures and exculpates the role of lower-level perpetrators of political violence. This is a crucial premise for the varied forms of reconciliatory claim deployed in Cambodia (and memory work more broadly) because it underpins an individualised rather than collective construction of guilt. The ECCC focus on senior leaders only is reflective of processes of disclosure and concealment in the way it looks to set the parameters for memory work. On this basis, I turn to examine the subjects animated by the court, its 'victims' and 'perpetrators', and the techniques of memory that they are bound to, or employ. Three specific moments in the ECCC's work are considered as examples of memory work. I examine patterns of defence testimony by Khieu Samphan and Nuon Chea to identify particular scripts and strategies of denial and rupture. On the one hand, these types of strategy seek to challenge the authority of the ECCC as an arbiter of punishment. On the other, we must understand these forms of resistance as bound to the adversarial process as a form of memory work, and thus actually constitutive of the authority of the ECCC as a memory-making site. The second moment examined is the Duch verdict, whereby a continuously pliant and contrite defendant reneged on his previous remorse in requesting release in his closing statement. I argue that this is an example of the unintended outcomes of the ECCC that continue to generate unexpected claims over the past. The last examples examined are the responses to the Duch verdict by victims groups, who, disappointed with an initially lenient 19 year sentence, lobbied for an appeal by the prosecution to have Duch's sentence increased to life in prison. This is a notable example of the way that the meaning of particular actions in the past – here signified by the verdict – can be contested in ways that the ECCC struggles to satisfy.

Chapter Four

Mediating Memory

This chapter explores how outreach and public education work for the ECCC acts to shape and reframe potentially ambivalent and conflicting memories of political violence through the use of particular technologies of memory: existing memorial and museum sites, educational seminars and provincially held public forums on 'justice' and 'reconciliation'.

The chapter is based on participant observation data yielded from working with the Centre for Social Development during the build up to, and day of, the 'Pailin' public forum. The case is important because it involves the targeting of a community comprised of former lower-level KR (and the home of a number of 'senior leaders' facing prosecution at the ECCC). This group has been situated as a key party within wider processes of 'justice' and 'reconciliation', a key feature of which is the articulation of lower-level KR as victims of the regime. The chapter begins with a discussion of the role of civil society groups in the provision of public education about the ECCC, and the way that such groups bring complementary expertise to posit supplementary outcomes of the work of the ECCC. The chapter then explores the Pailin residents' encounters with the sites and crucibles of memory that outreach work for the ECCC utilises in licensing its preferred reading of Cambodia's experiences of war and genocide. Specifically, the chapter shows how existing museum and memorial sites are 'reactivated' to work as technologies of memory. I show how these can produce acquiescent, ambivalent and resistant effects among the former KR visitors. I then consider the consolidation and contestation of memory at a public forum event, noting the ways in which the forum attempts to disarm and reconstitute memory that conflicts with the officially sanctioned reading of Cambodia's past political violence formalised by the ECCC. The outreach exercise enjoys mixed successes to these ends as a practical, programmatic task; this raises important questions about the possibility of producing a unified and shared understanding about Cambodia's past, but also the contexts in which resistance or ambivalence is manifested and provoked. I argue that the case is instructive of regimes of memory that may potentially remain incongruous to that enacted by the ECCC. Moreover, I suggest that the case reveals persisting regimes of memory that, when activated, challenge the inconsistency of the ECCC prosecutorial strategy, and the moral legitimacy of two of the ECCC's wider aims: providing a sense of justice and enabling reconciliation.

*Chapter Five**The Wat Thmey Genocide Memorial*

This chapter is based on four months of participant observation data gathering at the Wat Thmey genocide memorial in Siem Reap. The chapter explores the ways in which the memorial to victims of the KR can be understood to reproduce or 'carry' memory; the way that those living near or attending the memorial respond to its representation of loss; and the way that the memorial is appropriable and directed to purposes that are potentially in conflict with the site's religious role. The chapter has four sections. The first section introduces the Wat Thmey pagoda (that hosts the memorial) and maps the role of pagodas as spaces within Cambodian communities today. The second section situates the Wat Thmey memorial within a history of Cambodian state-sanctioned memorial initiatives originating in the 1980s. The third section problematizes the key representational technologies at work at the memorial site: the display of mass human remains and the employment of an information board that opens the possibility of multiple 'audiencings' of the memorial. The fourth section offers an extended discussion of Cambodian responses and perspectives regarding the Wat Thmey memorial site. I outline the varied and uneven way the memorial cues and provokes conflicted, resistant and ambivalent memories of political violence. The final section contrasts these 'everyday' accounts of Wat Thmey to a significant state-led commemorative initiative: the Day of Remembrance.

The Wat Thmey pagoda and genocide memorial, its role within the community and its reception by Cambodians is haunted by a series of seemingly stark oppositions. It is first and foremost an explicitly political representation of political violence that employs the display of 'profane' human remains within a 'pure' and 'sacred' space that is intended to be immune from the secular field of politics. The display of bones continues to produce resistant and uncomfortable responses among Cambodian attendees at the pagoda. In this sense, as a technology of memory, the memorial does not necessarily produce the deterrent or pedagogical lessons it is intended to generate. Moreover, it appeared from the accounts of respondents I met that the memorial itself should not be understood specifically as a 'carrier' of collective memory. Rather, in calling attention to loss, the

memorial at times served to cue alternative accounts of the past that challenge the preferred reading of the past offered by the memorial. These alternative accounts of the past also exist in conflict with that sanctioned by the ECCC, evidencing regimes of memory that seem incompatible with the central tenets of Cambodia's bids to provide justice and reconciliation.

Chapter Six

The Heroes and Villains of Anlong Veng

This chapter examines the reproduction of memory around heritage and memorial sites in Anlong Veng. Anlong Veng is a key research site for understanding the relationship between memory and reconciliation because it is governed and populated by former KR cadre and was home to several senior KR leaders (two of whom are currently held at the ECCC). As such, Anlong Veng has been positioned by ECCC outreach groups like DC-Cam as an important locale for reconciliation initiatives and the provision of genocide education. Moreover, as the final 'stronghold' of the KR insurgency until 1999, the town has achieved a level of notoriety that attracts large numbers of both Cambodian and foreign tourists, implicating the uses of heritage sites and memory within processes of demobilisation, reintegration and reconciliation of former combatants. As such, the Anlong Veng area is a compelling case for understanding the limits and resonance of the ECCC and state-sanctioned readings of past political violence among 'perpetrator' groups that may subscribe to or maintain 'counter' memories.

The chapter draws three key conclusions. The first is that the KR heritage and memorial sites do not seem to play an active role in furnishing collective memory. Rather, these sites tend to operate as equivocal spaces that allow room for the expression of ambivalent and conflicting memories toward the past. The second identifies a tendency towards the hagiography of a (now deceased) KR leader, Chit Chuon, alias Ta Mok, noting the way that similar generous remembrances are not observed for other KR leaders. Ta Mok was the KR

military chief from 1977 and responsible for some of the worst atrocities perpetrated under the KR, earning him the moniker of 'the butcher'. From the 1990s, Ta Mok supervised the Anlong Veng area and was responsible for the 1997 arrest and detention of Pol Pot. I examine the way that *both* former KR cadre and Cambodians from non-KR backgrounds celebrate, or are allured by, his memory as a 'patriot' that defended national borders from invading forces (and I consider important contextual factors in such tendencies, including a high profile territorial dispute occurring between Cambodia and Thailand at the time of fieldwork). The final conclusion drawn from this chapter concerns the implications of such counter-memories for reconciliation and the resonance of the work of the ECCC. I argue that a regime of memory exists in Anlong Veng that, superficially, appears in conflict with the way that the ECCC works to denounce the KR leadership and stabilise a consensual popular account of the past on that basis. I suggest that the existence of memories that celebrate KR figures like Ta Mok actually emerge from a sense of nostalgia and obligation, rather than through the maintenance of a grievance that compels political action in the present. On this basis I argue that these counter-memories are highly ambivalent and render questions of reconciliation moot.

Chapter Two

Researching Regimes of Memory

This chapter is divided into four sections. The first section is devoted to the key conceptual frameworks employed by the project. I begin with an elaboration of Hodgkin and Radstone's concept of 'regimes of memory' (2005) by unpacking the discursive characteristics and foundations of remembering. I then define and explain the key empirical foci of the project – technologies of memory – and situate the role they occupy within regimes of memory. The second section links the project research questions to the case sites studied over eight months of fieldwork in Cambodia. The third section offers a methodological statement, introducing an ethnographic rationale for fieldwork, before briefly discussing the specific data gathering techniques employed by the project. The final section comprises the second half of this chapter. It offers a critical reflection on the research biography that discusses three overlapping issues related to the practicalities of the fieldwork: the ethics and politics resulting from institutional hosting, methodological dilemmas arising from cross-language research, and the methodological, ethical and political issues emergent from variously positioned field relationships. I use this section to suggest a methodological and substantive parallel exists between the co-production of research data and the reconstruction of memory as conditioned within the social and political contexts within which they occur; that is, memory, like qualitative data, is constituted by, and specific to, the interactions within which it is (re)constructed.

2.1 Regimes of memory: memory as discourse

This project is concerned with the relationships between different 'regimes of memory' of political violence in Cambodia. Radstone and Hodgkin use the term 'regimes of memory' to describe the social organisation, institutionalisation, systems and figurations of memory. Their emphasis on the 'discursive productions of memory' and a 'politics of memory discourses' necessitates an appreciation of the way that social formations of memory exist as contestable bodies of knowledge (and power) that are historically situated and conditioned (Radstone and Hodgkin 2005 1-2). For Radstone and Hodgkin, regimes of memory can be understood as discursive in two senses. Regimes of memory can constitute bodies of knowledge that lay claim over what has happened, i.e. over specific events, telling specific stories about the past. Moreover, regimes of memory can offer lenses for knowing what memory 'is'. In this sense, we must be attentive to the way in which a discourse of memory can be constitutive of subjectivity, gesturing to the relationship between memory and identity. At the same time, we must be aware of the way in which particular discourses situate memory as an object of knowledge and a field of practice and intervention.

Unpacking the discursive character of regimes of memory requires a closer reading of the concept of discourse. In doing so, we can further furnish the groundwork and assumptions underpinning the documentary analysis strategies utilised by this project (visual and transcript based). According to Foucault (2002), discourse can be understood as a body of knowledge and statements that structure the way we think about particular things. In this sense, we must think of memory discourses – or regimes of memory – as groups of statements about the past that define particular objects of knowledge (i.e. particular events; the memories of individuals as a field of knowledge and practice). Moreover, we must recognise the ways that individuals as social beings are constituted within and produced by these (potentially conflicting) discourses. Specifically, according to Foucault, a discourse is more than a system of representation (i.e. language and signs) (2002: 54). The way that discourse operates as a form of practice that designates 'things' is crucial in the process of constituting the meaning of objects of knowledge (2002: 35). The relationships

and 'regularities' between potentially dispersed groups of statements are unified by 'rules': such rules represent the conditions for the 'existence', 'maintenance', and 'modification' of a 'discursive formation' (2002: 32-42). For example, in Chapter Three, *Trials and Tribulations*, I show how there have historically been, and there continues to be, a variety of claims at work in Cambodia over what 'justice' and 'reconciliation' mean and involve, though these are unified by a basic set of 'rules' that posit the responsibility of senior KR leaders for the perpetration of atrocity.

Foucault's method is specifically concerned with the conditions under which we have come to know particular things in particular ways. In *'Politics and the Study of Discourse'* (1991), Foucault examines the ways in which discourse defines the parameters of what is 'sayable' (pg. 59); 'what it is possible to speak of'; and 'those utterances that are destined to disappear without a trace' (pg. 60). He explicitly refers to 'the limits and forms of memory as it appears in different discursive formations', encouraging the recognition of those 'utterances' that have been marginalised or excluded as 'unmemorable'. Foucault specifically calls attention to the '...types of relationship that are established between the system of present statements and past ones', the ways that some 'discourses' (but not others) are 'valued', or can be 'reactivated', and, more broadly, the 'limits of appropriation': how particular discourses are accessible to or contested by some but not others (pg. 60). Three issues are pertinent here. Foucault's corpus offers a methodological manifesto for the study of regimes of memory by highlighting the way they render some things 'forgettable' whilst calling attention to others. This manifesto shows that remembering is deeply implicated and embedded within relations of power. Secondly, by showing how discourses organise meaning to render certain memories permissible but not others, Foucault shows that discourses of memory are formative of subjectivity (and social identity).⁶ Lastly, by considering 'the limits of appropriation', Foucault gestures toward the

⁶ The mutually constitutive relationship of memory to identity is foundational to literature on 'collective' and 'social' memory. See, for example, Schuman, H. and J. Scott (1989). "Generations and Collective Memories." *American Sociological Review* 54(3): 359-381, Halbwachs, M. and L. A. Coser (1992). *On collective memory*. Chicago, University of Chicago Press, Gillis, J. R. (1994). *Commemorations : the politics of national identity*. Princeton, N.J, Princeton University Press, Olick, J. K. and J. Robbins (1998). "Social memory studies: From collective memory" to the historical sociology of mnemonic practices." *Annual Review of*

ways in which memory has been established as a particular discursive field of expertise by authoritative speakers who are legitimated to 'intervene' upon memory in particular ways.

Understanding regimes of memory as fields of practice brings us to the key empirical foci to which this project has attended: technologies of memory, their contexts, and how they are mobilised. Foucault defines technologies – “specific techniques that human beings use to understand themselves” (1997: 224) – through four overlapping types:

- (1) technologies of production, which permit us to produce, transform or manipulate things
- (2) technologies of sign systems, which permit us to use signs, symbols, or signification
- (3) technologies of power, which determine the conduct of individuals, and submit them to certain ends or domination, an objectivising of the subject
- (4) technologies of the self, which permit individuals to effect by their own means, or with the help of others, a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality. (Foucault 1997: 225)

Foucault emphasises that these four forms of technology ‘...hardly ever function separately, although each one is associated with a different type of domination’ (1997: 225). These forms are particularly fruitful when considered as technologies of memory. Firstly, memory is embedded, depicted and can be reproduced within visual systems of representation, iconographies and images that render the past ‘knowable’. Taken with Foucault’s first definition, we can see that a visual technology of memory can be both material and symbolic at once. This is a particularly important conception of technologies of memory for the analysis of displays and representational devices, and their organisation within memorial and museum sites; but also in the visual materials produced for public consumption by the ECCC. Secondly, the production of memory within more coercive

'objectivising' discourses for the ends of domination is a notable hallmark for the theorisation of the relationship between memory and the legitimisation of authority (in particular the state). This is a particularly important conception of technologies of memory for an analysis of the role of institutional bodies and the memories they affirm at the service of wider systems of power. Thirdly, memory can also be understood through 'self-subjectivising' practices that enable individuals to remember things, by their own effects, in the name of particular ends. Foucault's work in the *History of Sexuality Vol. 1* on the 'confessional' as a technique of self-disclosure for the production of truth is particularly resonant as a technology of memory in this case (1998: 58). This conception of technologies of memory is crucial for an analysis of the practices of memory visible at, for example, public forums on the ECCC (see Chapter Four, *Mediating Memory*) or when analysing practices of visitation at memorial and museum spaces (Chapter Five, *The Wat Thmey Genocide Memorial*, and Chapter Six, *The Heroes and Villains of Anlong Veng*).

Understanding technologies of memory as embedded in regimes of memory necessitates an appreciation of the institutional and social contexts within which they operate, and the ends to which they are mobilised. Foucault's concept of 'strategies' is particularly useful in this regard, specifically in relation to the way memory is situated as a field of knowledge amenable to intervention. For Foucault, 'strategies' are not 'anterior to discourse' (2002: 77), but rather flow from particular 'discursive formations' (i.e. bodies of knowledge, sets of relational statements), that structure the way our choices are oriented to particular ends or outcomes (2002: 76-78). For example, as Moon has argued (drawing on Foucault) in relation to South Africa's Truth and Reconciliation Commission, a specific discursive strategy of 'reconciliation' emerged to act as a 'template-script' of what reconciliation should entail, which subjects were called into being by such a process, and what acts were alleged to be conducive to the realisation of such ends (2008: 54-55). As Moon notes, the confessional practice was foundational to this process (2008: chapter four). Thus we can see how technologies of memory are bound to (and become meaningful when deployed within) particular institutional sites and contexts, or rather, within particular regimes of memory. In Chapter Three, *Trials and Tribulations*, I examine how the ECCC anchors strategies of justice and reconciliation that are principally targeted at the level of the

population (i.e. a national memory). In Chapter Four, *'Mediating Memory'*, I show how strategic public education and outreach programs bid to license the ECCC-sanctioned reading of past political violence in Cambodia specifically through the use of museums and memorial technologies.

Foucault suggests that strategies are deeply embedded within (potentially diffuse and dispersed) systems and networks of power, but eschews the notion that strategies flow cleanly from a neat opposition of 'dominator' to 'dominated'. Rather, for Foucault, strategies and power should be understood as operating on potentially diverse, multiple platforms and layers, while retaining a 'more or less unitary strategic form' (1980: 142). This is important because, as I argue in Chapter Four, *'Mediating Memory'*, discourses of reconciliation in Cambodia vary in form according to the agendas of the agents promoting them; but they still share a 'unitary strategic form' that is characterised by acceptance of the authority of the ECCC as an arbiter of the past, the guilt of the senior leaders only, and the exculpation of lower-level KR perpetrators. The concept of 'strategy' – organised tactics informed by particular bodies of knowledge about populations, designed to bring about particular ameliorative effects among those populations – became increasingly prominent in Foucault's latter work on 'governmentality' (Foucault 1979; Rose, O'Malley et al. 2006). Crucially, Foucault notes that '...there are no relations of power without resistances' and that these resistances are manifest at the point of the exercise of power (1980: 142). This is an important issue for an appreciation of an account of the pervasiveness of power that is at the same time not omnipotent and totalising. As this research claims in *'Mediating Memory'* (Chapter Four), in many instances, resistance to an officially sanctioned regime of memory that is formalised by and flows from the ECCC is most pronounced exactly at the point of its propagation (potentially where divergent regimes of memory conflict). Moreover, any failure of a particular 'strategy' – an attempt to bring about particular effects among the social body (or formal programming of such a strategy) – can provide fertile terrain for analysis. As Gordon suggests, the imperfections in the correspondence of 'strategies', 'technologies' and the effects they are enacted to bring about remains an area that is significant for the investigation of the '...real but unprogrammed effects' of strategies and technologies (1980: 247-248). This is a particularly vexed issue explored in the final empirical Chapter Six, *'The Heroes and Villains of Anlong Veng'*, which is concerned with the existence of conflicting memory in a former KR stronghold in the context of a

(stalled) state-sponsored effort to disarm and mute 'counter' memory through the commodification of memorial and museum spaces.

Questions of 'resistance' and 'de-correspondence' within and between strategies⁷, as they are deployed within or constitute regimes of memory, necessitate a methodological approach that focuses on both the figuration of regimes of memory and analysis of the specific technologies employed therein, but also the specific instances, interactions and renegotiations between social groups' encounters with those technologies of memory as they are activated. This entails a focus on both technologies of memory themselves, and also their mobilisation and reception. For example, in Chapter Four, '*Mediating Memory*', I show how the mobilisation of the ECCC's preferred reading of the past, through outreach exercises which centre memorial sites, actually provokes resistant and conflicting memory. Moreover, this necessitates the recognition that a focus on the discursive character of regimes of memory (and their technologies) does not entail an 'objectivising' denial of subjectivity, but rather those conflicts and discontinuities within its production can be constitutive of varied forms of active political agency. As Willis and Trondman suggest, we need to understand that '...discourses/ideologies cannot be treated as if their constructed contents can be equated with lived outcomes' (2000: 395). This final point is foundational to the ethnographic rationale underpinning this project and the various qualitative data gathering approaches employed over fieldwork.

⁷ It should be stressed that a regime of memory is not necessarily expressed as a form of 'strategy': this concept is however particularly fruitful when analysing the formal deployment of particular technologies of memory to bring about particular social and political effects, i.e. justice or reconciliation. Similarly, technologies of memory may exist outside of particular strategies or programs (though, as I will show, particular strategies may seek recourse to or 'reactivate' them in doing so). The final two substantive chapters this project offers on localised regimes of memory - '*The Wat Thmey Genocide Memorial*' and '*The Heroes and Villains of Anlong Veng*' - specifically point to the way technologies of memory are appropriated or renegotiated outside of, or despite, formal or programmatic contexts.

2.2 Case sites

Before detailing the methodological rationale that informed data collection, it is important to establish the link between the project's research questions and the sites addressed over eight months of fieldwork. As a premise, the project takes the ECCC as animating particular sets of 'victims' and 'perpetrators' through the ways that it calls attention to some events (but not others) through registers of individual responsibility. In order to weigh the efficacy of the ECCC in realising strategic normative ends, such as providing a sense of justice or enabling reconciliation, I deemed it crucial to assess the extent to which these categories resonated with the groups to which they were being attached. If localised accounts were in conflict with the version of the past sanctioned by the ECCC, then the normative goals of the court would remain contested, unsettled and/or moot. In order to explore these potential conflicts, the project began with the aim of explaining, as means of comparison to the account of 'what happened' developed by the ECCC, the role of publicly available symbols and representations (memorials and museums) of the conflict within communities that were being ascribed positions within the 'victim' and 'perpetrator' opposition. Following this, the project examines three questions:

- 1) How does the ECCC organise a particular regime of memory and how is this validated, constituted, and contested?
- 2) How is this reading of the past mediated with the public? Through what agents and technologies of memory?
- 3) On what basis do localised regimes of memory in 'victim' and 'perpetrator' communities exist in conflict or congruence with the ECCC? What implications do these have for the goals of the ECCC?

The project can loosely be divided into three stages (though, as I will detail, these overlapped to an extent and the final stage was truncated for practical reasons). Each stage

loosely reflects a distinct corpora of data from which analysis for the project has been based. The first stage of this project was conducted from Phnom Penh between September and December 2008. During this period I was attached to and worked with the Centre for Social Development (CSD)⁸ in its Phnom Penh office. The period attached to CSD facilitated three important means of interrogating how the ECCC has licensed a particular regime of memory. In the first instance it provided a space from which to examine ECCC court documents, speeches, press releases and media coverage of the court process, as well as access to ECCC hearings, showing how the ECCC has enacted and now works on a particular set of 'victims' and 'perpetrators'. Secondly, attachment to CSD allowed daily participant observation with and around staff that are active in working on 'victim' and 'perpetrator' participation at the ECCC and an opportunity to engage 'first hand' in the politics of justice and reconciliation more broadly. Thirdly, hosting with CSD generated an important research angle as I came to acknowledge the importance of the mediation of the ECCC's work with the public, specifically through outreach work. I was able to assist and observe at a number of the CSD-organised provincial forums on national reconciliation (constituting the substantive data examined in Chapter Four, *'Mediating Memory'*), allowing particular insight at the points of contact, convergence and friction between local communities and the official memory authorised by the ECCC.

⁸ I return to the importance of this relationship in the subsequent section 2.4 'Research biography'.



Figure 2 Map of Cambodia (Sourced at <http://www.canbypublications.com/maps/camroad.htm>)

From January-March 2009 the research turned to focus upon memorial and museum sites within a 'victim' community. Siem Reap is Cambodia's third largest city and is located in Cambodia's North-West. It is also a tourist hub that has experienced rapid economic development since the cessation of the war in 1999. In this sense, Siem Reap was chosen as a case site because it could yield insight into the active, competing demands that shape and renegotiate regimes of memory. As Cohen has suggested, 'memory' is interrupted by 'regimes of discontinuity' or rapid change as new demands are placed on people (2001: 243). I have taken the Wat Thmey genocide memorial as the principal focus in this context. Wat Thmey is located just north of the city and was one of many genocide memorials

constructed during the 1980s by the local authorities at the direction of the Cambodian government. It is one of approximately seventy provincial genocide memorials constructed across the country during the protracted civil war in the 1980s (Hughes 2006:121-122). These memorials served as loci for consolidation of popular support against the KR, and are still the location for a number of commemorative ceremonies today, such as Tivea Chang Khmang (the May 20th Day of Anger). Today the memorial site is managed and maintained by monks resident at the site and is dependent on visitor donations for its upkeep. The transition from Government to independent control is a factor that presented this site as a particularly interesting research context because it raises questions about the persistence of state sanctioned accounts of the past outside of the stewardship of state authorities.

Following the 1979 Vietnamese intervention, KR troops regrouped along Cambodia's Western and Northern borders with Thailand. Senior KR leaders, a number of whom have now been indicted by the ECCC, operated from these areas during the civil war until as recently as 1999, and many of these areas are populated by former KR members. Anlong Veng is located on Cambodia's Northern border. Fieldwork in Anlong Veng took place in late April and May 2009. Anlong Veng was the KR's final stronghold, the site of Pol Pot's house arrest and cremation, and the residence of other leaders of the DK period such as Nuon Chea and Khieu Samphan (both currently indicted), and Ta Mok 'the butcher' who died in custody in 2006. An elaborate memorial site for Ta Mok was erected shortly after his death in 2006, funded by donations from the local community. In contrast, a few miles away, the site of Pol Pot's cremation is marked simply by a small corrugated iron roof to protect the ashes from rain, and a small fence to mark the area off. Anlong Veng was chosen as a case site because these sites host a distinct politics of memory in these processes of memorialisation and conservation. Moreover, the area has also been subject to a state-sponsored conservation initiative in the last decade, with a number of other sites in this vicinity set aside as 'historically significant' by the Cambodian Ministry of Tourism. These include Ta Mok's former house, the site of Pol Pot's 1997 trial and house arrest by the KR, and Nuon Chea and Khieu Samphan's former residences.

2.3 Methodological rationale

The data collection strategies employed by this project are informed by an ethnographic rationale. On the one hand, it is worth noting that ethnography is not a settled field of methodological practice that lends a prescriptive, 'ready-made', 'one-size-fits-all' or fixed set of data gathering strategies (beyond, loosely, the centrality of participant observation as a principal mode of enquiry). I use the term 'ethnographic rationale' to indicate the gathering of data, by a variety of different methods, as and when it presented itself to the project as useful. Ethnography should be broadly understood as distinctive in that it encompasses a set of methods emphasising:

the close-up, on the-ground observation of people and institutions in real time and space, in which the investigator embeds herself near (or within) the phenomenon so as to detect how and why agents on the scene act, think and feel the way they do (Wacquant 2003: 5)

This broad definition of ethnography sensitises us to the key empirical foci of the project. On the one hand, this project is concerned with the production and organisation of a particular regime of memory around the ECCC, as an institutional site, and the validation of this institution through particular expert knowledge on memory and politics in the wake of conflict (this forms the basis of Chapter Three, *'Trials and Tribulations'*). Data gathering for this aspect of the project foregrounded analysis of ECCC documents (such as the Law on the Establishment of the ECCC, the ECCC's internal rules, court publications, press releases and transcripts of speeches by ECCC officials and Government spokesmen, transcripts of trial proceedings). This aspect of the project, however, was also informed by three months of participant observation in which I occupied specific roles under hosting with a domestic NGO: this involved reporting on ECCC hearings; assisting the organisation in conducting public education on the ECCC's work, drafting press releases and speeches; and, more directly, conducting interviews with civil society leaders involved in the process. The

importance that this project places on the contexts, mobilisation, reception and conflicts between regimes of memory invited a more unambiguously ethnographic approach (in the sense that it took participant observation rather than documentary sources as a principal focus). Appreciation of how the regime of memory propagated by the ECCC is mobilised, and to what effect, entailed participant observation (PO) strategies at outreach and public education events on the ECCC (see Chapter Four, *'Mediating Memory'*) and examination of localised regimes of memory – community level sites and technologies of memory – grounded the decision to conduct (participant) observation and interviewing strategies at memorial and museum sites in Siem Reap and Anlong Veng.

The range and diversity of contexts across which fieldwork for this project took place, and the diversity of roles and research informants occupied within them, means that the project resists neat categorisation as an 'ethnography' in a 'classical' sense. The project did not exclusively confine fieldwork to a single locale or group, thus arguably under-appreciating the 'direct and sustained contact with social agents' that Willis and Trondman emphasise as a qualification for what constitutes 'ethnography' (2000: 5). Ethnography, however, does not offer a 'one size fits all' methodological strategy. Various disciplinary orientations have generated sub-genres of ethnography with their own distinctive methodological and thematic emphases that can sensitise us to the range of social settings and phenomena to which ethnography has been applied, and the varying research strategies employed therein. Of particular relevance here are ethnographies that have focused on, for example, both the wider contexts and interactive minutiae of political processes and institutions, or 'political ethnography' (Tilly 2006); the instances and formalisations of transnational ideas, institutions, and legal technologies across national borders and sites (Merry 2006); ethnography that has examined the role of non-governmental organisations in order to challenge conventional theorisations of 'state' level and local processes as discretely sealed from one another, or necessarily in opposition for the processes of 'governance' (Ferguson and Gupta 2002); ethnography that has emphasised the local reception, renegotiation and contestation of political processes, specifically in the field of transitional justice (Borneman 1997; Wilson 2003); ethnography that recognises the social 'accomplishment' of memory and its role within 'collective ventures' (Prus 2007: 378); and ethnography that has explored

the importance of the production of sites and representations of memory – memorials and museums – as key for understanding locally embedded forms of ‘community’ memory (Scott 1996). The listed examples gesture to the diversity of sites, processes and groups that ethnography has and can attend to (reflected in the diversity of sites, processes and groups that inform this project). For the purposes of this research, it is important to emphasise that the fieldwork was informed by an ethnographic rationale that examined both the institutional establishment, propagation and reception of different regimes of memory; the way that institutional processes are mediated with the Cambodian public; and the way that (less formal) localised regimes of memory are still pivotal to, conditioned within and potentially conflicting with wider political processes and systems.

Before turning to outline the specific methodological strategies used during fieldwork, it is worth examining a further set of (cautionary) issues concerning the ethnographic rationale employed by this project. A number of key debates about ethnographic practice have yielded important lessons for the analysis of data presented here. The ‘classical’ ethnographic accounts that sought to provide exhaustive descriptions of cultural groups as discrete, observable objects have come under sustained criticism. Specifically, a number of key texts emerging in the late 1970s and 1980s have challenged the legitimacy of the ethnographer as the principal observer, source and author of the ethnographic representation of ‘difference’. Said’s *Orientalism* (1995 [1978]) was influential in pointing to the discursive relationships at play in securing the authority of the ‘West’ as defined against particular images of the ‘Other’ (pg. 1). The construction and representation of different cultural groupings depends on ‘positional superiority’ of the ‘Westerner’ that affirms, in varied ways, specific systems of hierarchy and subordination (pg. 7). Writing specifically about ethnographic practice, James Clifford has questioned how ‘unruly experience’ is translated into ‘an authoritative written account’ and called for the acknowledgement that ethnographic encounters are ‘shot through with power relations and personal cross purposes’ (1983: 120). Clifford urges the appreciation of the ‘relations of production’ at play in the process of ethnographic representation in any ethnographic encounter (as a co-productive, reciprocal and dialogical relationship between ‘researcher’ and ‘researched’) (1986: 13-15). Moreover, understanding the ethnographer as a ‘positioned subject’ entails

the recognition of the ‘particular angle of vision’, dependent on various relations of difference and subjectivity, that conditions what insights an ethnographer and informants may co-produce (Rosaldo 1993: 19). These lessons are crucial for understanding the specific production and conditioning of the data presented by this project. This follows Willis’ emphasis on the importance of research to recognise ‘one’s role in a social relationship and its variable patterning’ (1980: 94). I specifically examine issues of positionality, representation and ethics as practical concerns arising from fieldwork in the latter half of this chapter. Three issues remain important here nevertheless. Firstly, that an analysis of a particular regime or technology of memory cannot furnish an exhaustive account of either the cultural life of a community and neither can it disinter a stable ‘archival’ memory of any permanence: Clifford’s work gestures to the possibility that memory, like culture, is realised as an unfolding, contested and shifting set of meanings, rooted as much in speech and practice than a ‘black box’ recording. Secondly, it follows that we can begin to appreciate a methodological and substantive parallel in the discursive co-production of both qualitative data and (reconstructed) memory. Lastly, the research encounters informing this project cannot be understood as ‘extractive’ exercises of ‘naturally’ occurring data (memory), but hinge upon the specific relationships at play in the co-production of texts.

2.4 Overview of Research Strategies

In this section, I briefly outline the specific data gathering strategies employed during fieldwork (I turn to discuss the practical, political and ethical issues arising from their implementation in the next section). As noted above, this project is informed by an ethnographic rationale that informed an interlinked set of methodological strategies. It is important to emphasise that these are not discrete approaches and the process of fieldwork frequently interspersed the employment of each.⁹ I examine the analysis of documentary sources, the PO strategy, and strategies for interviewing in turn, loosely

⁹ For example, PO at memorial sites involved both informal interviews with attendees and analysis of memorial installations in their own right. Similarly, analysis of ECCC documentary sources frequently informed and prompted areas of conversation with CSD staff under the rubric of a wider PO strategy.

reflecting the structure of the thesis as the emphasis shifted from 'institutional' to 'informal' contexts.

Analysis of documentary sources (and transcripts)

In the opening section of this chapter, I outlined how regimes of memory can be understood as discursive in the way that they organise and structure knowledge about the past: as practical fields involving groups of relational statements, and particular subject positions differentiated by power from which to 'speak' them e.g. the authority of court judges over witnesses within the structure of legal proceedings. This project has not conducted formal 'discourse analysis' to the extent that it has been less attentive to rhetoric or language through its systematic organisation (and issues of language and translation addressed later in this chapter may have rendered such an approach moot irrespective). Rather, in examining the construction and representation of past conflict by looking at documentary sources (including visual imagery) we can borrow from the principles of discourse analysis to think in more thematic terms about power, inclusion/exclusion, and hierarchy as they relate to memory. Similar approaches have been adopted by, for example, Peled-Elhanan in examining the legitimisation of past massacres through Israeli school textbooks (2010: 377); Oddo in showing how US Presidential speeches can produce inclusions and exclusions based on past violence that justify war in the present (2011: 287); and Achugar in explaining how memory can be discursively constructed through particular narratives that exculpate state authorities for the perpetration of human rights violations (2007: 521). In each of these examples we can see how the core principles of discourse analysis – a focus on power, inclusion/exclusion, and hierarchy – can help illuminate the construction of the past subject to particular relations of power in the present. Moreover, crucially, the gathering and analysis of documents can be understood as a constitutive dimension of a wider PO strategy (analysis of such documents actually started whilst on fieldwork in order to develop interview strategies). In terms of substantive focus, it is Chapter Three, *'Trials and Tribulations'*, that foregrounds an examination of the way the ECCC formalises a particular regime of memory: I examine legal

documents,¹⁰ ECCC outreach publications (see next section on visual analysis), speeches and press releases by ECCC staff.

Rose has suggested that visual images and representations can be understood as discursive; they can render particular things visible in particular ways whilst obscuring or hiding others (2007: 143). In this sense, images are key for the promotion of meanings as ‘memorable’. Visual analysis works to situate images within broader ‘systems of representation’ (discursive formations) through which

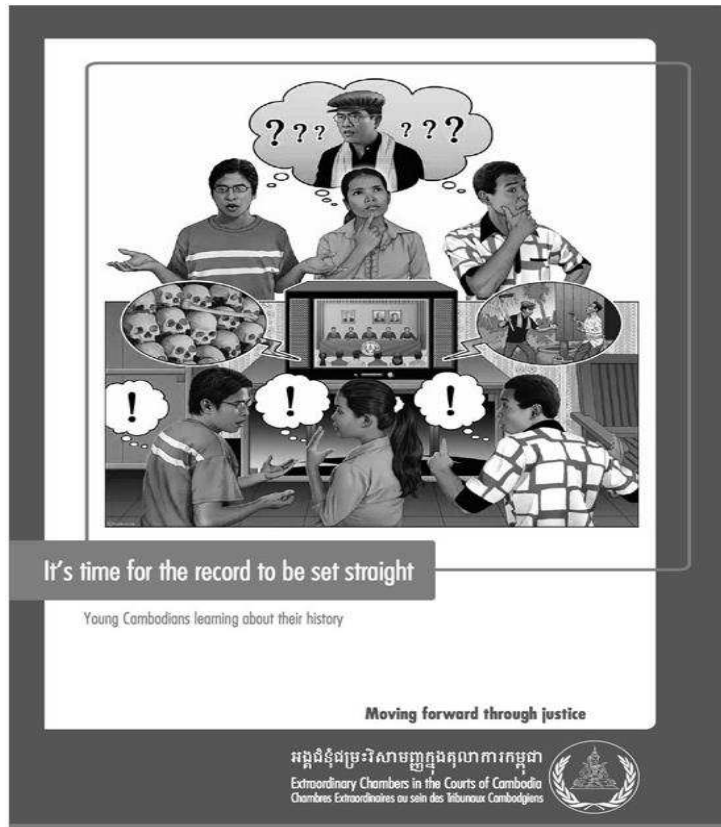


Figure 3 ECCC publicity poster

particular images gain their meanings (Hall 1997: 7). For

Hall, this means that the process of meaning making is dynamic – preferred meanings may be ‘encoded’ during image production but must also be (variously) ‘decoded’ by audiences (Hall 1980:130-131) – and that the meaning of particular images cannot be understood as ‘finally fixed’ (1997: 23). Rather, visual analysis must be attentive the particular meanings carried by images at particular points (and for particular audiences), and the means through which images gain authority or are presented as truthful.

¹⁰ The two most important documents are the Law on the Establishment of the ECCC (2004) and the ECCC internal rules (2008) both available at <http://www.eccc.gov.kh/en/document/court>

As Foucault notes, (visual) sign systems can work as particular forms of political technology (1997: 225). This project has examined two forms of visual technology (of memory): images produced by the ECCC and civil society groups that articulate meaning about past violence, and images and representations displayed at memorial and museum sites in 'victim' and 'perpetrator' communities. Analysis of a series of ECCC publicity and educational posters (see example above) is incorporated in the Chapter Three, *Trials and Tribulations*, and Chapter Four, *Mediating Memory*, includes analysis of visual representations of traumatic memory in an NGO sponsored handbook. Moreover, the final two chapters '*The Wat Thmey Genocide Memorial*' and Chapter Six, *The Heroes and Villains of Anlong Veng*, are also attentive to the representational devices, images and displays at memorial and museum sites. As Young notes, displays and images at memorial and museum sites may also be read as 'texts' (1993: viii), and Williams has suggested that particular memorial and museum sites organise objects, artefacts and displays to communicate a 'cluster' of meanings about victimhood and responsibility (2007: 25).

Visual analysis must also be understood as part of a wider PO strategy. This entails analysis of images, displays and representational devices, but also practices of visitation and audience engagement with visual technologies. This means that attention to the institutional organisation of displays and objects at memorial and museum sites is also important in gaining insight into how each site is authenticated and presented as truthful. As a final note, I have taken evidential documentary photographs of displays and images at memorial and museum sites in order to support the analysis (see examples in the subsequent section).

Participant observation

Ethnographic fieldwork is (usually) distinguished by the use of participant observation as a principal or encompassing fieldwork strategy. Hammersly and Atkinson suggest this can entail (but not be reduced to) participating '...in people's daily lives... watching what happens, listening to what is said, and/or asking questions through informal and formal interviews, collecting documents and artefacts...' (2007: 3). Participant observation, as defined under these broad terms, captures the breadth of methods employed by this

project over the course of the fieldwork. The range and diversity of potential roles that constitute PO can be qualified further. As Willis has urged, it is important to ‘break down’ the ‘spectrum’ of possible positions that may fall under the rubric of ‘participant observation’ as a distinct form of social encounter in order to sensitise us to the researcher’s ‘role in a social relationship and its variable patterning’ (1980: 94). For Willis, PO may involve:

participation; observation; participant as observer; observation as participant; just ‘being around’; group discussion; recorded group conversation; unfocused interview; recorded unfocused interview (Willis 1980: 94)

During eight months of fieldwork, I occupied a range of different positions across this spectrum and utilised a number of the related interview techniques (which I discuss below). For example, early stages of the fieldwork were hosted by a Cambodian NGO, foregrounding a role as a *participant* observer, whereas latter encounters at memorial sites often involved blurred positions of ‘just being around’ and ‘observation as participant’. In the latter half of this chapter I offer a more sustained engagement with the methodological, ethical and political realities of conducting fieldwork within differentially positioned political and social settings, reflecting on how these issues serve to structure data in specific ways. For the purposes of this summary, it should be noted that these various roles generated data that was gathered in written field notes, personally recorded audio notes and noted informal interviews.

Interviewing

Interviewing is frequently employed within wider PO research strategies. Atkinson and Coffey have suggested that PO and interviewing should not necessarily be understood as competing research techniques (2003). Re-reading Becker and Geer’s commentary on the merits of PO over interviewing (1957), Atkinson and Coffey (2003) suggest that any distinction between ‘talk’ (in interviews) and ‘action’ (as something to participate in and observe) provides a false opposition. Atkinson and Coffey eschew the view that one technique may yield more or less ‘authentic’ data than the other, suggesting that both interviewing and PO should be understood as forms of social encounter that involve the

production rather than disinterment of data. I discuss examples of these encounters in the subsequent Research Biography.

The majority of interviews conducted for this project could not be described as interviews in a 'formal' sense; the principal source of data, particularly arising from work with CSD and at memorials and museums in Siem Reap and Anlong Veng, was based around informal, unstructured conversations. These interviews should be understood as constitutive of the broader PO strategy to the extent that they sought to address, in the loosest sense, how and on what basis different groups understood the meanings and role of various technologies of memory, for themselves, for their communities, and for the country. Before fieldwork I had designed (loose) topic guides for possible interviews at memorial and museum sites, but these proved too clumsy and formalistic to yield data of much interest. Similarly, while based in Phnom Penh, early attempts to conduct more formal semi-structured interviews with 'key players' – civil society and ECCC staff – did not produce the data that I hoped for (in fact I felt that I wasted a number of opportunities with senior ECCC staff because I attempted interviews with them too early during fieldwork). During the latter half of the fieldwork, I began to conduct more directed and formal interviews which were planned on a case by case basis and informed by the wider PO strategy. These encounters must still be understood to implicate the aforementioned issues of positionality discussed in relation to PO: rather than accessing informant subjectivity, or extracting information, loosely structured interviewing involves an active negotiation between researcher and informant that co-produces interview data. This relationship generates data within and subject to particular power dynamics that, at given points, may be appropriated or held by either interviewer or informant, for example through the way an interview agenda is directed or circumscribed, or through more implicit power dynamics patterned by difference between researcher and informant (Hoffman 2007: 320-321).

The formal interviews were all recorded on dictaphone, while informal conversations tended to be written up within field notes.

2.6 Research biography

Appointment at the Centre for Social Development

My decision to concentrate on the ECCC as an initial research focus dictated that the early stages of fieldwork were based in Phnom Penh. The research design was grounded in the assumption that examining the regime of memory formalised by the ECCC – quite simply, how, what and why the ECCC was trying to tell a story about past political violence – would mean exploring the details of the court mechanism: who was being blamed for what exactly, who was seeking redress or compensation, and the rules governing this process. My intention was to look at these issues by following court hearings, talking to court staff, and analysing court documents and public affairs output. I was aware that a number of non-Cambodian researchers working on issues of memory and transitional justice in Cambodia had sought institutional hosting within civil society organisations to facilitate fieldwork (Hughes 2006; Gellman 2008), and with help from London-based colleagues that had previously worked on Cambodia, I secured a Visiting Researcher appointment with a local Cambodian NGO based in Phnom Penh, the Centre for Social Development.¹¹ CSD has been conducting public education and outreach in cooperation with the ECCC Public Affairs Office since 2006 and on issues of justice and reconciliation since 2000. As such, hosting with CSD proved to be an extremely fruitful platform from which to look at the ways the ECCC had formally animated and began to administer a particular regime of memory: it allowed exposure to practitioners in the field, easy access to court documents and the court itself, and very practically, office space, internet access and a more structured daily working pattern in Phnom Penh. I arrived in Phnom Penh and started working with CSD in late September 2008.

Rachel Hughes' (2006) fieldwork on Cambodia's principal memorial sites, hosted by the Documentation Centre of Cambodia (DC-Cam), shows how institutional placement can facilitate a process of research co-production. For Hughes, this was in part due to the direction yielded as a result of DC-Cam's institutional expertise as a key player in

¹¹ I would like to thank Margo Picken for suggesting CSD as a host group and helping establish contact with the organisation.

preservation efforts regarding documents and artefacts relevant to the KR period. DC-Cam has been heavily involved in recording the history of Cambodian memorial sites, and is affiliated closely with the ongoing management of the Tuol Sleng Museum (2006: 69). The organisation was therefore both an ideal host for Hughes' work on visitation practices at the Tuol Sleng Museum site, and an important potential site of research data in its own right. However, as Hughes notes, institutional hosting can also pose complications and dilemmas in terms of access and ethics. For Hughes the reciprocal working relationship she developed with DC-Cam engendered a reluctance from scrutinising the work of DC-Cam as an *'object'* in itself, which she felt may constitute a betrayal of trust from the original working relationship negotiated with the organisation (2006: 70). In accepting appointment at CSD, I was aware that mining the specific modes and vocabularies through which the ECCC account of political violence was disseminated (as a form of practice) was also crucial for understanding how such a reading may become persuasive or authoritative. The early stages of fieldwork confirmed that civil society groups such as CSD were also 'key players', leading public education and outreach for the court – the interfacing of the ECCC's regime of memory and the public – rather than the ECCC Public Affairs Office itself. As a key 'carrier' for the ECCC's outreach it became increasingly important to foreground analysis of CSD's public education work; for example, the ECCC Public Affairs Office considered CSD-organised public forums to be an important context in which to conduct public education on the trials (and therefore where memory is mediated between the ECCC and the Cambodian public: see Chapter Four, *'Mediating Memory'*).

My relationship with the organisation, therefore, raised specific ethical issues concerning trust, access to data and a broader practical and political engagement with a public process heavily invested with ethical and normative value among stakeholders and sections of the Cambodian public. These three issues share significant overlap. I had ensured that, during discussions about my appointment with CSD, my research aims were clear: to understand the way memory is mediated between the ECCC and the public, the subject groups this creates, and what role museum and memorial sites play in this process (and otherwise). On the one hand, the principal source of data I sought to examine were *public* forums, and as public events open to all, I deemed these not to pose an ethical or political dilemma for my analysis. On the other hand, my fieldwork more broadly enjoyed the support and input of working with an organisation invested in the ECCC process, and my time spent based with

CSD constituted a key period of PO. Crucially, the basis of trust grounding this relationship was reciprocal in that it hinged upon the expectation to fulfil duties and obligations toward the organisation, constituting my role as a *participant* observer.¹² I was asked to assist in the drafting and editing of funding proposals, press releases and reports on CSD's court monitoring work, and to attend meetings with other local NGOs and ECCC staff in the role of CSD representative. I also developed friendships within these groups that were an important form of support and insight outside of the immediate research context.

In particular, as an English language speaker, as part of the reciprocal relationship with CSD I was expected to take 'verbatim' written transcripts at the public forums on 'justice and reconciliation' (bi-monthly provincial meetings between court staff and community groups; I attended forums in October, February, and April in Pailin, Sisophon and Stung Treng). The public forum format operates through a 'continuous' audio translation system as the attendees frequently include non-Khmer speaking ECCC staff. The role transcribing at the public forums posed particular practical research dilemmas. My role at the forums was circumscribed by the need to sit, listen and record proceedings word for word (at the latter forums in February and April I overcame this by making a personal recording of proceedings and transcribing them for CSD at later points). I was less able to observe the non-verbal interactions occurring at the October forum in Pailin, where I could only infer the way that participants were articulating emphasis or meaning through intonation, rather than, for example, gestures. Importantly, the obligation toward CSD to provide full transcripts of the forums entailed a form of co-production of data. In the first instance, the transcripts emerged through interactions between CSD staff, attendees at public forums, a professional translator employed by CSD, and myself as 'transcriber'.¹³ On the one hand,

¹² One important way to ensure ethical good practice is to feedback research findings to informants, particularly prior to publication (see Ali and Kelly 2011). I ensured that CSD staff (and all other key informants) are able to contact me about research findings and I have disseminated relevant sections to those informants that provided me with an email address. In December 2010 I was fortunate enough to return to Cambodia and was able to discuss the chapter '*Mediating Memory*' with a number of CSD staff prior to its publication in the journal *Memory Studies* (2012).

¹³ In Chapter Four, '*Mediating Memory*', I show how the CSD public forum itinerary represents a practical attempt to act upon ambivalent and conflicting memory (in specific ways). I emphasises that it is an active process between varying social agents that are

this allowed access to ‘verbatim’ transcripts (despite what I felt at the time to be a laborious task). On the other, this did not mean that there were not specific issues arising from the translation and transcription process as a form of co-production of data; the CSD public forum team insisted, for example, that I ‘tidy up’ the English language transcripts before their use or dissemination (I return to issues of language and power in the next section on cross-language research).

Importantly, as a visiting Ph.D. student and active member of CSD staff working on issues of ‘justice’ and ‘reconciliation’, I was aware of a tension between my dual roles as a ‘critical’ researcher, on the one hand, and an implicit commitment to the normative cause of the ECCC required by my duties as a ‘practitioner’ on the other. Despite my initial (misguided) intention to remain as ‘neutral’ and ‘objective’ as possible in my observance of the actual machinations and work going on around and for the court, my obligations toward CSD meant that I was involved in CSD outreach programs and therefore entangled in the broader dissemination of the ECCC’s reading of the past, a key research site. Moreover, I had personally held reservations and concerns about the normative benefits of the ECCC process that were assumed as a result of my pre-existing academic interest on Cambodia’s transitional justice strategy which I found difficult to articulate to colleagues in both working and non-working contexts without conflicting my role as a committed ‘practitioner’. Transitional justice as a field of practice invites and is established through a discursive moral authority embodied within particular human rights tropes (specifically around the dignity and rights of individuals). These can lend themselves to more prescriptive, normatively directed forms of output (that my research specifically does not provide). This tension remained a vexed issue; because this project emerged from a more critically oriented research direction (eschewing policy prescriptive output regarding the trials and/or outreach) – a point emphasised during my first contact with CSD prior to appointment – my role at the organisation remained in some ways conflicted. Tania Murray

differentially positioned in the social world. I would suggest that there is a methodological and substantive parallel between the way memory is socially reconstructed and the way that qualitative data is co-produced, because knowledge (data or memory) emerges through social processes and is constantly revised subject to the social settings within which it is called into being.

Li (2007) has noted the ethical and methodological tensions within critical, ethnographic research into processes of 'governmental improvement'. Her research on Indonesian developmental practices revealed a conflict between her academic positioning as an 'expert', an inductive and ethnographic research design that did not 'test' or 'evaluate' specific policy initiatives, and the expectations of her informants concerning her 'expertise' in developmental practice in Indonesia (2007: 3). For Li, this tension was both 'diagnostic' of specific modes of thought within developmental practice and 'productive' in that her research was (politically) committed in its intention to evidence the specific ways of thinking that underpin ameliorative (developmental) assumptions. My own reluctance (and inability) to engage either programmatically or prescriptively with the tasks of 'justice' and 'reconciliation' both confounded and grounded my relationships with CSD staff. After three weeks with the organisation, Sok Leang, head of CSD's outreach initiatives, asked what my final thesis was. I replied that after three weeks, I didn't really know, but that I wanted to understand how justice and reconciliation had come to mean exactly what they had. Sok Leang then asked what the research could do for wider processes of justice and reconciliation. Again, I was taken off guard and replied that I wasn't particularly sure. The fact that I'd spent a large sum of money to travel to Cambodia to conduct fieldwork on this basis was something we agreed was quite funny.

In spite of the fact that there emerged something of a shared joke among some staff regarding 'Peter's research into the justice that he doesn't think exists'¹⁴ – I was constantly reminded that the project was occurring in an environment burdened with expectation about what the ECCC could actually achieve – it must be stressed that the relationship that developed with the CSD staff was itself productive of research data. Staff provided a number of detailed interviews throughout my period of hosting, but also helped facilitate interviews and conversations during outreach events that wouldn't have otherwise occurred (I return to issues of positionality in the coming sections). For example, in preparation for the October public forum in Pailin, a group of largely former KR were taken to tour Tuol Sleng Genocide Museum, the Cheung Ek Memorial site and to visit the ECCC for a seminar with the public affairs group (see Chapter Four, '*Mediating Memory*'). At the

¹⁴ This became a running gag among some of the other members of the CSD staff.

time, my Khmer language skills remained limited. This meant that whilst I was able to participate in the group visit and obtain a good understanding of the forms of observance occurring at the site, I was largely excluded from the verbal interactions occurring between participants. As Willis has suggested, researchers must be flexible as they negotiate a balance between 'participant' and 'observer' roles because neither are stable as social roles (1980: 94). At the CSD-led tours of Tuol Sleng, specific linguistic constraints foregrounded my role as 'observer' as opposed to 'participant'. I was engaged in a form of 'participant' or 'engaged listening' (Gerard Forsey 2010: 560), as I relied upon CSD staff assisting the tour to relay conversations between participants and staff back to me in English. I was subsequently able to undertake a number of informal interviews with participants through CSD staff acting as interpreters. This is not to suggest that my presence and the specific positioning of the CSD staff within these encounters did not structure the data yielded in specific ways, as I discuss in the next section.

Cross-language research

Over the course of the fieldwork I was confronted with the issue of how to access and analyse data that was not immediately available in English. Conducting cross-language research poses a problem for researchers because the interplay between languages is a critical part of the way data is constructed as meaningful (Spivak 1992: 177). Moreover, it is now commonly accepted that the presumed availability of equivalent terms with equivalent meanings across languages does not necessarily exist; there may not be a single correct translation of a text across languages, and that translators/interpreters must actively choose the words used from a potential variety of options to reconstruct meaning transfer (Temple and Edwards 2002). Whilst some cross-language researchers rely upon a criterion of 'accuracy' in order to ensure the validity of research - assuming that informants' accounts are objectively accessible research sites that can simply be translated 'validly' with the elimination of error (see, for example, Esposito 2001) - commentators such as Temple and Young (2004) stress that the meaning produced in qualitative research is contingent on the location of researchers and informants within the social world, and their perceptions of

the social world therein. To this end, the role of translators/translation and interpreters/interpretation is critically important in explaining the conditioning of cross-language research data.

During the initial phase of the fieldwork, my own Khmer language skills were very limited (despite weekly lessons). Towards the latter stages of the project I was able to communicate in Khmer at a conversational level, though I remained uncomfortable about the prospect of conducting interviews in more formalised contexts where appropriate terms for addressing individuals in positions of relative authority may apply (for example toward older individuals, Government officials, and particularly for monks whereby whole alternative sets of vocabulary are required to convey respect and reverence). I adopted a number of (often highly opportunistic) strategies to work around these problems: using bilingual speakers on hand to conduct *ad hoc* interpretation (for example using CSD staff at the tour of Tuol Sleng and Cheoung Ek by Pailin residents); transcribing the already available CSD 'continuous' translation at public forums myself; negotiating less formalised encounters using my own K'mai language skills; and formally employing an interpreter (as I did on an *ad hoc* basis in Siem Reap and during my time in Anlong Veng).

The first important encounter that raised issues of accessing cross-language data occurred at the CSD-organised tour of Tuol Sleng and Cheoung Ek by a group of Pailin residents, held in preparation for the public forum in Pailin province later that month. The research opportunity was significant because Tuol Sleng and Cheoung Ek are Cambodia's principal memorial sites to the DK period and the participants from Pailin included a large number of former KR and their families (key parties to Cambodia's reconciliation strategy). As noted, I relied on CSD staff facilitating the tour to help mediate conversations with the tour participants. This occurred as a form of 'consecutive' interpretation, rather than through 'continuous' translation. By 'consecutive' interpretation and 'continuous' (verbal) translation, I adopt two terms used by CSD staff to indicate whether 'translation' occurs as the source speaks, or whether the 'interpreter' allows a source to make pauses, at which point the interpreted 'text' is then spoken.

The attachment of the terms 'translation' and 'interpretation' to differentiate 'continuous' and 'consecutive' styles is useful because it shows that the aims of the mediator are different according to each approach; one lends itself toward the production of

instantaneous verbatim texts whilst the other is (arguably) better able to reflect context or any particular points of emphasis in the source text. On the one hand, both of these styles of emphasis are useful in the way they may offer the particular criterion of accuracy to ensure validity. In the first instance, according to the continuous method, this may be by attempting to make word-for-word matches in continuous translation. In the second, using the consecutive system, this may be by reflecting particular complexities and nuances that elucidate the 'true' meaning of the text under consecutive interpretation, emphasising the active role of the interpreter in the production of an accurate text. That said, these two approaches both represent aspirations toward an unrealistic standard of 'objectivity' that can be misleading for our understanding of cross-language data. The deployment of each style must be scrutinised for the potential to 'write out' the translator/interpreter from the data production process as a 'neutral' mediating agent, a danger that ignores the fact that 'authors' and 'speakers' are not situated equally within the social world (Temple and Young 2004).

Two examples are pertinent here. During the tour of the Tuol Sleng Genocide Museum, CSD staff members helped with an *ad hoc* consecutive interview of a former student of the high school that occupied the site before its use as an interrogation facility. In a similar scenario, bilingual CSD staff mediated informal consecutive conversations with former KR cadre at the Cheung Ek mass grave site. It is important to stress how the style of interpretation (consecutive), and the positioning of the interpreter specifically conditions the data elicited. It was clear that the former KR cadre were, unsurprisingly, particularly cautious about speaking to unknown non-Cambodians. As it was relatively early in the fieldwork my own strategies for approaching informants, explaining my research aims clearly, and negotiating permission to speak about sites such as Tuol Sleng were quite underdeveloped; in this instance the 'brokerage' provided by a CSD staff member conducting consecutive interpretation proved crucial in securing these conversations (as short as they were). These early interviews and conversations, mediated through CSD staff, allowed me to watch the pauses offered (through the consecutive style of interpretation), and the particular conversational styles employed proved instructive for latter interviews I conducted (both on my own and through an interpreter). The approach adopted by an interpreter can have highly specific effects (sometimes encouraging and sometimes, it seemed, discouraging informants). Perhaps more importantly as a methodological lesson, during those initial

encounters, I recognised the way that the pauses offered using the consecutive translation style allowed more room for thought about introducing new or unanticipated areas of conversation. The ‘messiness’ of these forms of encounter remained; as successful as I felt these conversations were, I was told afterwards that the informants may have expressed very different views regarding the authenticity of the museum and memorial site had we not been on a CSD-organised tour with CSD staff present. In the first instance, this was an important lesson for future research encounters in Anlong Veng (a former KR stronghold) in that I would introduce myself to informants as a researcher working on issues about the ECCC, and not specifically for the ECCC itself, an implicit risk at ECCC-licensed outreach exercises. This is indicative of the politically sensitive dynamics involving locale, social and political context, and language. Moreover, the production of data as it emerged from specific interplays between sites visited, informants and the authority of various speakers leading the tours, reflects the importance of recognising the co-productive construction of qualitative data.

The contextual conditioning and co-production of research data through and across languages was a particularly vexed issue at public forums. Translation or interpretation involves the re-writing of meaning, as opposed to its transfer (Venuti 1998). When using a ‘continuous’ translation style at public forums, the resulting text was treated by CSD staff as confused and incoherent in appearance. This was in part a result of the speed required to translate ‘verbatim’, but also reflective of the contention that there are no necessary equivalences in the meanings of terms across languages. At the first public forum I attended, I was tasked with transcribing first-hand the continuous oral text of proceedings (which was relayed through an audio system from a professional Cambodian translator). The speed of the exchanges between Cambodian participants at the forum meant that it was difficult for the audio translator to keep up with the proceedings. Moreover, English language structures do not necessarily have a neat correspondence to Khmer, further precluding any clean, ‘objective’, ‘verbatim’ text-for-text translation. Anticipating what could potentially look like a ‘messy’ text in English, the CSD staff encouraged me to ‘tidy-up’ the text (public forum transcripts were an important indicator of ‘output’ for donors). This represented a ‘secondary’ reconstruction of the forum data. It has been noted that the requirement for researchers to produce direct quotation in English can create an ethical dilemma in the way it ‘hides’ the source language (Ladd 2003): through initial Khmer-

English translation, and then through ‘tidying’, particular meanings were reconstructed in the production of English language transcripts. In the case of the public forums, the need to edit a ‘high quality’ (tidied) transcript arguably reflects the need for a Cambodian NGO financially dependent on donors to produce tangible research output in English; this in turn reflects a concern that languages are themselves perceived hierarchically, as mediums for the promotion of dominant or ‘correct’ perspectives, and that non-English language research may be perceived as holding less ‘value’.

Positioning in the field

The CSD appointment enabled access to data at public forums and provided exposure to the ‘hands on’ workings of the ECCC and its staff. Moreover, the *ad hoc* help and assistance lent by CSD staff as interpreters and ‘brokers’ at public forum events was key to securing a number of interviews focusing on visitation at Cambodian memorial sites during ECCC outreach exercises. Conversely, I have noted that the role of CSD staff as interpreters also had an impact on the shape and content of those interviews. Most importantly for the fieldwork ‘learning curve’, hosting by CSD proved to be a form of introduction to the field of Cambodian ‘memory politics’ that rendered visible one particularly active perspective on the importance of the ECCC, its role in reckoning with the legacy of political violence, and particularly, its role as an entity that facilitates ‘reconciliation’. The public forum events consistently revealed the diversity of provincial perspectives on the history of the Cambodian conflict – specific regimes of memory laying claim over what had actually happened – but also pointed to the tendency toward quite particular responses among provincial groups to NGO outreach licensed by the ECCC: the CSD forums were powerful in prioritising both particular events worthy of remembering but also the ‘moral’ meaning of memory. In this sense, we must understand the reconstruction and performance of memory as contextually dependent, emergent through relations between specific positions within the social world (again, crucially, in parallel with the way qualitative data is co-produced). Recognising this sensitised me to the fact that groups or communities may think very differently about the legacies of the conflict outside of the context of ECCC outreach and the human rights agenda that is part and parcel of NGO public education. Whilst I felt this was an important validation of my decision to conduct fieldwork from January 2009 in

Siem Reap and Anlong Veng 'un-hosted', conducting research independently presented a series of new positions from which research data emerged and 'regimes of memory' were accessed. At the end of December 2008 the appointment at CSD's Phnom Penh office finished. I continued to assist CSD and gather data at the public forums in Sisophon (February, North-West Cambodia) and Stung Treng (March, North-East Cambodia). However, from January 2009 the research focus had shifted to concentrate on exploring specifically localised memorial sites and contexts, rather than attending to the production and dissemination of a central account of political violence in Cambodia stemming from the ECCC. The first site the fieldwork looked to address was the Wat Thmei pagoda, located just to the North of Siem Reap.

After a number of visits to Wat Thmey it became apparent that I would have to adopt particular strategies through which to negotiate my role as a participant observer. Qualitative data is structured by the relationships, encounters and specific positions of informants and researchers (Willis 1980; Clifford, Marcus et al. 1986). Overt participant observation requires a researcher to adopt particular roles, and maintaining such roles, and the relationships they entail, is productive of the specific data that is generated. The differential positioning of subjects in the field is 'read' and established through varying lenses. The initial phase of fieldwork at Wat Thmei illuminated and 'fixed' two distinct, conflicting roles. On the one hand, as a researcher, the process of ensuring informants were briefed on the scope and aims of the project served to 'fix' specific positions defined between 'researcher' and 'researched'. On the other, as a 'participant' observer at the memorial site, residents, monks and other attendees had basic expectations about what a Western visitor was doing there, i.e. also visiting as tourist, the principal use of museum and memorial sites in Cambodia. These two basic structuring relationships were present across encounters at the memorial and museum research sites in the latter sections of fieldwork and germinated two possible research strategies: 'anchoring', understood as adopting a role more embedded within the expectations of field groups, and 'withdrawing' to adopt a more distanced position as 'researcher' (Castellano 2007: 707). I now turn to examples of how each was manifest and the practical-methodological and ethical dilemmas they presented.

The reluctance of senior monks to talk about the decision making processes behind display installations can be interpreted in a number of ways.¹⁵ In the first instance, this reluctance gestures to how sensitive the topic of conflict and genocide remains as a public issue in Cambodia. Moreover, specific research encounters appeared to be governed by the detail; some monks appeared particularly uncomfortable when I visibly wore or presented my 'official' LSE (library) card on a lanyard; conversely, other visitors (particularly European and American) were intrigued by what I was doing (loitering) at the memorial site and about my research more broadly. Resolving to wait for a week and to present myself less formally, I strategically chose to speak with monks only incidentally in future. Whilst this approach bore results, yielding a number of informal interviews with younger attendees about visitors to the site and also perceptions of Cambodia's emergence from conflict more generally, the tension between my aims and position as 'researcher' and the expectations of my assumed presence as 'tourist' was particularly visible. The presence and confrontation of a 'researcher' did not sit comfortably with the expectations of informants of the everyday 'tourist': ethnographic fieldwork necessarily generates specific field dynamics that structure data. This reflects the aforementioned critiques of the assumed accessibility of 'naturally' available field data.

¹⁵ Broadly, across research sites in the latter half of fieldwork, informants tended to be reluctant to speak whilst recorded on dictaphone; they were, however, happy for me to make notes about informal conversations and interviews.

The Wat Thmei genocide memorial, a site I continuously visited between January and April 2009, evidences dynamic, often confusing field relations. As noted, the early conversations I had with monks and local residents attending the pagoda were confounded by an entrenched assumption (despite an explanation of my research aims) that I was attending as a visitor to witness and observe the memorial as a tourist. My continued attendance at the site became a matter of considerable mirth to residents of the site pagoda because of the perceived banality of my interests; on a day to day basis I would watch and speak to large tour groups bussed

into the pagoda compound, observing visits usually lasting less than fifteen minutes comprising of a rushed circle of the memorial exhibit and brief examination of the information board. Residents of the pagoda asked why I seemed to repeatedly need to witness what was considered a daily and seemingly routine practice. On

Figure 4 A tour group visits the Wat Thmey memorial stupa



the one hand, my continued insistence on the importance of these observations involved a process of ‘withdrawal’, a directed attempt to establish my position as researcher. On the other, my continued presence generated relationships that specifically ‘anchored’ and embedded my presence: I spent much of the time discussing the visitor groups to practice my own K’mai with Cambodian pagoda attendees and monks – as they practiced their English skills with me –while I attempted to ascertain a sense of whether this form of visitation was considered problematic (a question I address in Chapter Five, *The Wat*

Thmey Genocide Memorial). In this sense, a peculiar research dynamic emerged between the gradual blurring of my position as either 'researcher' or 'tourist'. Data emerged specifically from informants' renegotiation of my 'fit' within either category, catalysed by a seemingly bemused suspicion that I was wasting my time.

In March 2009 I made contact with a professional Cambodian interpreter, Yout, as I turned my attention to the memorial and museum sites located in Anlong Veng on the Northern border with Thailand. Yout had previously worked on politically sensitive issues having been employed by international election observers in Cambodia and so was particularly well equipped to help with the fieldwork. As noted, field interpreters co-produce data, rather than neutrally mediating its transfer. In understanding this process, we must be attentive to the specific positionalities that govern these encounters. Suki Ali has suggested '...that we cannot ever hope to escape (non)hierarchical power relations in research, that all research is inevitably, to an extent, racialising' (Ali 2006: 471). In Anlong Veng, Yout was active in managing specifically localised forms of racialised hierarchy. Data emerging from encounters with former KR in Anlong Veng were generated through a prism of mistrust of the non-Cambodian (white) researcher *but* trust in a racially-located positioning of Yout as a Khmer interpreter: Yout explained that because he had a darker skin complexion, a complexion understood as hierarchically inferior according to schemas employed by some urban and affluent Cambodians, he appeared more like a 'real' or 'true' Khmer in the eyes of the KR cadre, and distinct from 'untrustworthy' paler 'Vietnam-ised' Khmers (several former KR informants had communicated this to him). These encounters are important to note because they show how the production of data hinges upon multiple levels and constructions of difference: the former KR felt authorised to speak about memory in specific ways because of a perceived racialised 'solidarity' with Ben. Moreover, these encounters show how potentially stigmatized social groups are able to negotiate research encounters in specific ways (Crowley 2007: 605) (as a form of resistance for many former KR). Beyond the immediate 'Western'/'local' barrier that emerged frequently during fieldwork, this reveals exclusions and inclusions with and between Cambodians that condition the way memory is rearticulated, through differentiated racialised and culturally-located lenses and schemas. It further supports the contention that the binary insider/outsider opposition conventionally thought to constitute ethnographic encounters

needs to be re-thought as able to generate different, multiple texts from multiple 'insider' or 'outsider' positions (Twine 2000).

Ethics

During the research design I was keenly aware that the fieldwork would explore political technologies pertaining to 'sensitive' fields of memory. Research on memories of suffering poses a number of ethical concerns surrounding issues of intrusion, mental distress and harm to informants. I specifically chose to base the research around analysis of technologies of memory (rather than, for example, oral histories) as a research strategy to mitigate against this. As such, I judged the fieldwork would not pose serious ethical concerns beyond the need to obtain consent before conducting research at sites. As I found during the proceedings at CSD public forums, publicly engaging with personal memory of political violence was, on the one hand, a prominent and frequently deployed testimonial technique and technology of memory and, on the other, an often deeply distressing experience for the attendees. These instances, however, represent examples of how potentially problematic ethical issues concerning harm arise from a research context before a research methodology is brought to bear on it (Hobbs 1988). In this sense, the research did not cause or exacerbate any harm. Rather, I deemed the deployment of intrusive testimonial technologies of memory by groups such as CSD and the ECCC to be an ethically important area to highlight as part of the research (see, for example, Ross 2003 on the ethical implications of public testimony in these contexts).

Despite my intention to avoid the elicitation of personal memory, the issue of testimony haunted many fieldwork encounters. As noted above, data produced in qualitative research is governed by the specific positionalities occupied by various subjects in the field. I was confronted with quite frequent ethical dilemmas regarding the way in which informants thought they should 'speak' to or for the research. In both explicitly research-focused and more casual contexts, many Cambodians appeared intent on re-telling personal stories concerning both the DK period and the civil war more broadly. I had not intended to elicit personal narrative and had taken care to word conversation to evade personal biography. Important ethical inferences are available here that can reflect more broadly on the politics of memory in Cambodia. On the one hand, the tendency to testify without invitation could

mean that those informants felt compelled to do so, arguably as an affirmative act. On the other, bearing in mind the insider/outsider positioning of these encounters, it is possible that they felt compelled to do so on the assumption that personal narrative *must* be what a non-Cambodian researcher was interested by. The two dominant modalities of remembering political violence in Cambodia today are the ECCC proceedings and the centrality of museums and memorials to the tourist economy. This speaks to a serious power imbalance implicating the expectations of Cambodians and non-Cambodians as they encounter: through practices of tourism and research, non-Cambodians may have entrenched the assumption among Cambodians that non-Cambodians want to bear witness or *consume* memories of political violence. Irrespective, in such circumstances I often felt that to close down such personal narrative could potentially present more ethical problems than to let the stories, simply, be told.

Conclusion

The latter half of this chapter has identified some of the key (overlapping) methodological, political, and ethical dilemmas arising from the period of fieldwork. I have noted how institutional hosting with an NGO working on issues surrounding the ECCC generated particular conflicts between my roles as a 'participant' practitioner and 'non-expert' researcher, with ensuing ethical dilemmas concerning trust; I have shown how language and interpretation involved both practical research dilemmas as well as reflecting broader methodological issues on the co-production of research data and the need to acknowledge a politics of translation; and I have examined the way in which field relations were governed by differentially positioned, shifting sets of assumptions and expectations between researcher and research informants. On the one hand, through a more critical reflection on the period of fieldwork, I have shown that the substantive focus of this project – regimes of memory – is a field of negotiated practice (whether exceptional and programmatic at public forums, or seemingly banal and 'everyday' around localised memorial forms). Similarly, we can understand the process of researching regimes of memory as a form of practice that further has effects on the way memory is understood, articulated and reconstructed. In this sense there is a methodological and substantive

parallel between the co-production of qualitative data and the context dependent process of remembering *as reconstruction* around and through various technologies of memory.

The ethical and political questions that arise from the aforementioned issues are significant. Researchers must negotiate (vexed) ethical issues that may be not be easily resolved. I would suggest, however, that such issues can (in some circumstances) be harnessed to more broadly reflect on the politics of a particular research context. Two examples specifically gesture to the dominant 'regimes of memory' licensed in Cambodia today. Firstly, whilst hosted by CSD, conflicts between my role as 'researcher' and 'participant practitioner' illuminate the normative authority embodied by the regime of memory at the ECCC, as it attempts to provide justice and reconciliation. Practical field encounters within this context were haunted by the way a regime of memory directed to such ends could discursively structure the way particular pasts were to be thought about and acted upon. Secondly, issues of positionality and power, specifically the varied multiple relations of 'outsider' as 'researcher' or 'tourist' to 'insider', reflected more broadly on assumptions and expectations among informants about what non-Cambodians would want to know about the past. Both the ECCC process and the now-burgeoning tourist economy have situated memories of political violence as objects to be known, witnessed, or transformed with important and outstanding implications for the politics of memory, justice and reconciliation.

Chapter Three

Trials and Tribulations

I do not pity them – I want history to write about them as killers

(Anonymous civil party member)

By August 2013 the ongoing work of the ECCC faced serious challenges. Whilst the sentencing of Duch, former head of the S-21 interrogation centre, to life imprisonment in 'Case 001' in 2012 was celebrated by ECCC staff and civil society leaders as a landmark success of the court, the fate of the 'headline' trials of the four more senior KR leaders in 'Case 002' appeared uncertain. Ieng Thirith, former Minister of Social Affairs under DK, was 'severed' from proceedings in November 2011 as being unfit to stand trial due to dementia. Ieng Sary, former Foreign Minister of DK, died in March 2013, and the health of the remaining defendants, Nuon Chea and Khieu Samphan, was also ailing. In response to the need to expedite proceedings, ECCC judicial staff broke the remainder of Case 002 into 'mini' trials, with each meant to focus on specific events that occurred under DK. The mini trial of Case 002/1, examining the evacuation of Phnom Penh in 1975, is ongoing, though widely expected to be the last significant verdict reached by the ECCC: prospective

prosecutions beyond the five indicted individuals appear unlikely to materialise in the face of opposition from the Royal Government of Cambodia (RGC). More broadly, the tribunal remains beset by funding problems, with unpaid Cambodian staff observing a series of strike actions in July 2013, with international backers increasingly suffering ‘donor fatigue’ (Sperfeldt 2012). As one former civil society colleague recently remarked as a joke, the ECCC began to resemble the insatiable ‘monster plant’ in the 1980s film *The Little Shop of Horrors*: “Feed me Seymour”.

The ongoing uncertainty emanating from the ECCC contrasts sharply with the early rhetoric and exuberance among stakeholders toward the court, which was *defined* by the assertion that the ECCC could and would remedy the past. Moreover, the continued work of the court remains underpinned by specific assumptions about memory: that disinterring, reframing, retelling, and denouncing memory in appropriate ways can and will lead to ameliorative outcomes in the present. The purpose of this chapter is to examine the way that the disappointments, uncertainties, and unanticipated outcomes of the ECCC should be understood to follow from the rigidity of the progressive and necessary linearity of the claim that disinterring the past remedies the present. In order to do this, I highlight the way that Cambodian government, UN and civil society staff ‘sold’ the ECCC to the Cambodian public, presenting the court as an ameliorative agent; I examine the contingent, political constitution of the ECCC mechanism; and then consider the contestation of the preferred ‘scripts’ of the ECCC that were thought to flow neatly into states of ‘justice’ and ‘reconciliation’.

Legal interventions into the past converge with, and constitute, political techniques of memory. The relationship between law and collective memory has been theorised as mutually constitutive: law provides a framework for the reconstruction of memory whilst memories shape and furnish the content and authority of law (Savelsberg and King 2007). For example, Levy and Sznajder specifically point to the ‘institutional’ memory of the Nuremberg trials as a reference point for all subsequent tribunals (2010). The use of trials and punishment as both a political technique for the construction of history and a means of

rectifying 'problematic' pasts has been approached by sociologists in a number of ways. Within classical sociology, Durkheim suggested that the role of the trial is a ritual performance that affirms the norms and values of given collectivities (1984). In a similar vein, Osiel has pointed to the potential for trials to enable 'discursive solidarity' in the way trials act as a crucible for the resolution of conflicting stories about the past (1997: 51). Misztal has further evaluated the varying contributions that ritual interventions on the past may yield for the promotion of democratic values (2005). Indeed, from Nuremberg to the more recent Milosevic trials, prosecutions for past injustices are now understood as much through their didactic function (and outputs) as their basic discharging of *lex talionis* (Koskenniemi 2002). At the same time, we must be attentive to how transitional justice interventions emerge and work subject to hierarchies of power (Moon 2008; Ainley 2011; Ainley 2013), and the implications for a politically-directed framing of memory therein.

The chapter has three sections. The first section examines the way that the ECCC has been presented through claims for 'justice' and 'reconciliation' by UN and RGC staff. These claims are important because they construct the meaning of justice and reconciliation on varied terms, revealing the political conditioning of the terms through which the ECCC is validated (and the outcomes thought to flow from it). Moreover, they implicate memory in problematic ways because, as I show, they invoke and naturalise collective memory frameworks that position the national community as passive and uniform in relation to past political violence. The second section examines the formalisation of the ECCC process by examining the court's law to interrogate the way in which the ECCC worked to produce a stable account of the past; the ECCC law, it is argued, 'hides' memories as much as it calls attention to them, animating a specific universe of victims and perpetrators. On this basis, I argue that trials must be understood through varied processes of *disclosure* and *concealment* in the way in which they reconstruct memory. The final section of the chapter challenges the extent to which the ECCC can be understood to 'predetermine' a stable account of past political violence. I consider patterns and 'scripts' employed by prosecution and defence teams as they contest *necessarily* equivocal competing memory claims, before examining some of the 'unexpected' outcomes of the ECCC process. The minutiae of memory work rests in these details.

3.1 Presenting the ECCC

This section looks at the claims presented to justify the need for the ECCC. These claims are important to examine because they are the main way in which the terms ‘justice’ and ‘reconciliation’ are given meaning as outcomes of the ECCC process. Moreover, these claims implicate memory by naturalising an understanding of the nation as a wounded entity, thus invoking and promoting collective memory frameworks. A number of important caveats are crucial to bear in mind at this point. Justice and reconciliation are presented as meaning different things according to the actors invoking them (i.e. the RGC, civil society or UN staff). The ECCC should not be understood as a monolithic entity in the way it reconstructs the past, but it is *purported* to be. At the same time, claims that the ECCC acts to remedy a national memory share a loose conformity – specifically around the scope of culpability to senior leaders only – that is traceable to conditions set by the RGC in establishing the court (i.e. a framing of memory in the interests of the present). In this sense, I argue that the terms ‘justice’ and ‘reconciliation’ operate subject to power, or as a discursive formation that has a set of ‘rules’ (but are necessarily contestable) (Foucault 2002). Two arguments follow from this. Firstly, that the meanings of justice or reconciliation are not self-evident, but are negotiated. Secondly, that discourses of justice and reconciliation tend to naturalise collective memory frameworks about the nation in problematic ways because they treat the national community as a homogenous entity that has a uniform relation to the past.

Shortly after the establishment of the ECCC, a high profile international conference titled ‘Dealing with a Past Holocaust and National Reconciliation: Learning from Experiences’¹⁶

¹⁶ ‘Dealing with a Past Holocaust and National Reconciliation: Learning from Experiences’, 28th-29th August 2006, available at http://ipf-ssg-sea.net/1st_WS/D+C_3-2006.pdf

was held in Phnom Penh to discuss the importance of the court. The conference brought together a range of experts in transitional justice, legal practitioners and human rights scholars, newly appointed ECCC staff, Cambodian government officials and the then speaker of the Cambodian National Assembly, His Royal Highness Prince Norodom Ranariddh. His Excellency Sean Visoth, a senior Cambodian government official and the then Director of the ECCC's Office of Administration remarked:

The first [principle] is respect for and the search for justice. We condemn the crimes of the Khmer Rouge as crimes of genocide and crimes against humanity. We seek justice for their victims, and for the entire Cambodian people, and we wish also to contribute to the development of international humanitarian principles, condemning genocidal crimes and seeking to prevent their recurrence...

The second principle is maintaining peace, political stability and national unity, which Cambodia has achieved only in recent years... we are proud of moving forward in the process of strengthening political stability, peace and security in Cambodia, and this is a valuable achievement for our beloved motherland after a whole generation of conflict. Whatever we do must not damage our peace and stability, and throughout the process over the past four years of designing the Khmer Rouge trials we have always sought to gain consensus, based on respect for the highest national interests.

Visoth was outlining the RGC's position in regard to the ECCC trials. His comments are notable in the way in which they counterpose, on the one hand, the imperative to punish KR crimes and, on the other, a national imperative to maintain stability (ensuring reconciliation) in the name of the 'motherland'. Visoth's remarks present important tensions that haunt justifications of the ECCC because the imperatives of accountability and punishment are seemingly tempered by the constraints of the need for reconciliation and stability. This type of statement is notable for the way it reproduces and invokes the oppositions between punishment and reconciliation visible in the first cluster of research on transitional justice outlined in Chapter One, *'Remembering Political Violence'* (see, for example, Zalaquett 1990; Rotberg and Thompson 2000; Hayner 2002).

In the closing remarks of the conference, His Excellency Sok An, Deputy Prime Minister, reiterated the ECCC's principal goal of rendering 'justice for the victims of the tragedy' while stressing 'reconciliation' as a state to be maintained:

Today the former Khmer Rouge have resumed their lives within the general community, and all the former factions have taken up the challenge of working together to develop the country. This precious achievement must not be undermined by the [ECCC] judicial process

Furthermore, reconciliation was defined as the

...prevention and non-recurrence of the genocide, maintaining peace, political stability and national unity; and respect for national sovereignty.¹⁷

Similarly, at the 2006 ceremony to mark the swearing in of ECCC judicial staff, Sok An remarked again that:

Our foremost objective is to provide justice for the victims, and for the entire Cambodian people. In striving to achieve this long-awaited justice we must not jeopardise our country's newly-won national peace and stability.¹⁸

¹⁷ 'Dealing with a Past Holocaust and National Reconciliation: Learning from Experiences', 28th-29th August 2006, available at http://ipf-ssg-sea.net/1st_WS/D+C_3-2006.pdf

¹⁸ 'Remarks at the reception following the swearing in of the national and international judicial officers for the Extraordinary Chambers in the Courts of Cambodia', 3rd July 2006. Available at

Two sets of issues are notable in these claims in regard to what the ECCC is trying to do, and who it is trying to do it for. Firstly, these remarks present a view that prosecutions of former KR figures can be politically destabilising. The 'national' memory of the KR period, in this sense, is invoked as a site to be acted on for potential national renewal – achieving justice – but through the application of techniques of memory (prosecutions) that are specifically limited and constrained by present political interests (stability, peace, reconciliation). Notably, the appeals to sovereignty and national unity foreground the 'nation' as the referential point and site for amelioration through the ECCC process, rather than, for example, adherence to internationalised human rights norms. Secondly, important irregularities are also visible here. The distinction made between the need for justice for 'the victims' and the 'entire Cambodian people' points to gaps between the subjects to whom calls for justice and reconciliation are addressed. At the establishment of ECCC, divisions between formally recognised communities of victims (as civil parties or complainants) and informally addressed communities (constituting the wounded nation) were in play. This distinction continues to play an important role because, seven years later in 2013, constraints of time, funding problems and a lack of political impetus meant that the ECCC could not feasibly address the formal complaints of all potential victims of the KR. On this basis, the role of the ECCC as a mechanism that renews a 'national' collective memory has been foregrounded at the same time as it has been unable to satisfy the formal demands of all 'individual' victims.

At the time of the establishment of the ECCC, statements made by the international and Cambodian court staff reflected the 'narrow' anchoring aims and conditions of the ECCC process as staked out by the RGC: that justice must be served, but not at the expense of reconciliation. The national and international judicial staff remarked in a joint statement:

http://www.genocidewatch.org/images/Cambodia_3_Jul_06_Remarks_at_the_Reception_Following_the_Swearing-In_of_National_and_International_Judicial_Officers.pdf

We wish to acknowledge above all the importance of these proceedings for the people of Cambodia... We recognise how important our work is in bringing justice to the Cambodian people for crimes committed almost thirty years ago in order to help to continue the process of ensuring social harmony.¹⁹

Again, broad reference is made to 'the Cambodian people' as a subject category, in whose name justice must be delivered. This claim is again important because it references and invokes a collective, national memory of past political violence as the object and target of renewal following prosecutions. Furthermore, this statement also begins to show how the conceptualisation of justice and reconciliation varies between different stakeholders that are embedded within the ECCC process. Rather than positioning prosecutions as a threat to 'reconciliation', as stressed by the RGC, the joint judicial staffs' statement positions prosecution as a technique of memory that actually contributes to the 'process of ensuring social harmony': in other words, still supporting a claim that reconciliation is constituted by political stability, but placing the past as the site for its realisation, rather than as an impediment. In this sense, we can see that there are constraints on appeals for justice and reconciliation as memory claims, but we can equally see that each operates in contestable and negotiated ways, depending on the agents making them.

ECCC and UN staff have propagated further 'secondary' or supplementary validations of the purported outcomes yielded by the ECCC process that implicate memory in the work of the court. The UN Office for the High Commissioner of Human Rights (UNHCHR) has highlighted enhanced judicial capacity as a key 'legacy' of the ECCC because it can 'act as a model court' that could enhance the 'rule of law':

¹⁹ 'Joint Statement by National and International Judicial Officers of the ECCC', 25th November 2006. Available at http://www.eccc.gov.kh/sites/default/files/media/PRESSRELEASE_PLENARY_in_ENG_FREN_CH_.pdf

Although the primary aim of the ECCC is to provide Cambodians with a measure of justice for the suffering experienced during the Khmer Rouge era, a secondary and equally significant aim is for the court to act as a role model for Cambodia's domestic courts. The ECCC can do so both through creating a 'demonstration effect' – by evincing the independence and impartiality of proceedings and the credibility of its process – as well as by actively engaging in programs that ensure the effective transfer of knowledge, skills and practices from the ECCC to the national legal sector. Broadly speaking, this is known as a hybrid tribunal's legal and judicial 'legacy'.²⁰

Notably, the UNHCHR explicitly differentiates between 'primary' and 'secondary' aims of the ECCC process. In effect, the emphasis placed on enhancing domestic judicial capacity and independence as a secondary outcome of the ECCC is not in itself neutral. In ascribing a capacity-building role to the ECCC – by virtue of international (i.e. hybrid) participation – the UNHCHR's statement implies a domestic inability to conduct prosecutions properly. In the first instance, this shows again how the work of the ECCC is understood by different stakeholders involved in the process in different ways, i.e. as simply a dispensation of *lex talionis*, or a wider inculcation of human rights norms. Moreover, by positioning the Cambodian side as incapable of prosecuting proceedings transparently, the UNHCHR statement implies a supervisory and managerial relationship over Cambodia overseen by international agents (Hughes and Pupavac 2005), reflecting Said's famous concern that the 'Orient' is a political space that is constructed without agency, only ever subject to action and intervention by 'the West' (1995 [1978]).

Other actors have proved more accomplished in negotiating the apparent opposition between international and domestic (state-sanctioned) imperatives that underpin

²⁰ United Nations Office for the High Commissioner for Human Rights, 'Supporting the Legacy of the Extraordinary Chambers in the Courts of Cambodia'. Available at http://cambodia.ohchr.org/EN/PagesFiles/ECCC_legacy_program.htm

justifications for the ECCC. Speaking at a public forum event in 2007, Dr. Helen Jarvis,²¹ then the Chief of ECCC Public Affairs, again stressed that the principal goal of the ECCC was to ‘give justice to Cambodian victims’, whilst noting that:

We are working to prevent [these events] from happening again in Cambodian society and other countries in the world. We must record this story for the next generation to be clearly aware of what happened in Democratic Kampuchea. Also, we must think of establishment of the court and the roles of keeping peace, freedom, political stability, national consolidation and reconciliation, and the respect of principles of national democracy stipulated in the constitution of the United Nations.²²

In connecting the prevention of the recurrence of ‘these’ events in Cambodia and ‘other countries’, Jarvis’ remarks attempt to link the ECCC process to a wider consolidation of internationalised human rights norms that demands punishment for the perpetration of atrocity as a means of deterring its recurrence. Indeed, we are reminded that transitional justice and international criminal justice are unified by the belief that deterrence is one of the key outcomes of prosecution (Cronin-Furman 2013). As this relates to memory, prosecutions (as techniques of remembering and denunciation) are situated as contributing

²¹ Jarvis’ position within this process is significant. Jarvis worked over a long period advocating prosecutions for senior KR figures in Cambodia, co-authoring a prominent text on the negotiations leading to the establishment of the ECCC (Fawthrop, T. and H. Jarvis (2004). *Getting away with genocide? : elusive justice and the Khmer Rouge Tribunal*. London ; Ann Arbor, MI, Pluto Press.) Jarvis was then appointed as a senior member of the ECCC staff as Chief of Public Affairs. Notably, Jarvis has worked in the past as an advisor to the RGC and is believed to be sympathetic to RGC views on the ECCC process. Moreover, Jarvis’ subsequent appointment as head of the ECCC Victims Unit attracted criticism from civil society leaders because of the belief that her role as a government advisor presented a conflict of interest, and that a non-Cambodian would be unsuitable due to linguistic and cultural barriers (see Kong, S. (2009). "Head of Tribunal Victim Unit Under Fire." Retrieved 19/01/2012, 2012, from <http://www.voanews.com/khmer-english/news/a-40-2009-06-09-voa3-90170167.html>.)

²² Center for Social Development Public Forum on “Justice and National Reconciliation” at Parady Angkor Hotel, Seim Reap, 2nd March, 2007

to wider internationalised human rights imperatives for the prevention of genocide. Moreover, the capacity of the ECCC to deter the future perpetration of atrocity directly establishes a relationship between the past, present action and the future, implicating assumptions about the progressive, linear sequence of memory work. At the same time, haunting these comments, the RGC's constraints are visible in the invocation of political stability *as* reconciliation. Jarvis' remarks can be read as negotiating a position between the national community and human rights norms as referents for the court. It is these two referents that the ECCC is thought to act in the name of: human rights, on the one hand, and the integrity of the national community on the other.

Importantly, Jarvis' 2007 comments supplement the imperative to offer justice and maintain reconciliation by offering a further appeal for the ECCC to record an account of 'what happened' during the KR regime. This is important because claims that the ECCC acts as a truth-seeking mechanism posit the court as able to consolidate and acknowledge public memory. As Koskenniemi has suggested, the sheer scope of the actions that fall under internationally categorised crimes means that trials to be '...less about judging a person than about establishing the truth of the events' (2002: 3). The role of the ECCC in 'setting the record straight' – implying an absent or distorted record, 'truth' or public memory – has increasingly been articulated as a key strategy for the court.²³ This is important because its truth-seeking situates public memory as incomplete, 'unresolved', or unacknowledged without the ECCC. The positioning of public memory as a site that must be corrected is again here employed by the ECCC as a way of justifying the court as an intervention on the past.

To summarise, the presentation of the ECCC has involved varied conceptualisations of what justice and reconciliation mean, differing according to the actors propagating them. On the one hand, this evidences the way that neither term has a self-evident meaning, but are

²³ ECCC Poster campaign. Available at <http://www.eccc.gov.kh/en/publication/its-time-record-be-set-straight>

contingent, contestable and unresolved. In other words, the meaning of the terms justice and reconciliation emerges subject to power and they are therefore necessarily preferential in the way they construct memory. On the other, I have attempted to show the way in which the varied conceptualisations of justice and reconciliation do share a loose uniformity, or rules, defined around the scope of culpability for past human rights violations. This reflects the conditions of the RGC for the establishment of the ECCC and will be explored in further detail through an examination on the law establishing the court in the next section. Lastly, memory is invoked by these claims in important ways. Firstly, as is common across transitional justice (see Hamber and Wilson 2002), the ECCC is presented in a way that invokes and naturalises collective memory frameworks, specifically around the concept of the national community. As I have suggested, this poses problems for the way it assumes that the national community, as collective memory, has a uniform and passive relationship to past political violence. In the next section, I point out how this enacts tensions with the process of formal recognition of victims, which tends to narrow and at points individualise memories of suffering.

3.2 The objects and subjects of the courtroom

“I was wondering, I’m not sure, I want to talk about the Pol Pot regime. I want the prosecutors to clarify whether... what do you mean by Khmer Rouge? From what time to what time?”

(Resident of Battambang province)

This section examines the formal parameters of the ECCC process: the legal frameworks that set the limits of memory work at the court; the key protagonists animated by these frameworks; and lastly, the events and agents that are omitted, ignored, or neglected by

these frameworks. I argue that this process is characterised by *disclosure* and *concealment* in the way in which the past is reconstructed.

As noted in the preceding section, the ECCC is now the authoritative body from which, and around which, claims over the KR period are made. There exists a tension between the way the ECCC predetermines a stable and unified account of what happened and yet underpins a contested process of memory work. The first part of this section considers the way in which it works to predetermine what is remembered, in demarcating a particular timeframe for examining past violence and specifying particular criminal acts to prosecute therein. The ECCC law designates a narrow formal universe of ‘memorable’ events, calling attention to some pasts but not others. In this context, the law works as a technology of memory in an objectivising way because it seeks to define the parameters upon which a renewed collective memory can be stabilised. Moreover, as well as attempting to demarcate the outer limits of political action (and remembering), the law furnishes further ‘rules’ around which memory can be contested in the courtroom. It is on this basis that the formal subjects of the ECCC – officially recognised victims and perpetrators, the ‘arbiters’ of the justice process – are animated and licensed. However, and as I will suggest in the final section of this chapter, the contestation of the ‘rules’ and ‘scripts’ of the ECCC reveal important limitations in the ability of political trials to stabilise any account of the past.

Who and what to remember?

In the first instance, the ECCC was meant to code specific memories *as acts of criminality* through the Cambodian 1956 Penal Code, ascribing memory meaning by binding it to criminal law.²⁴

²⁴ Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006), Article 3

- Homicide (Article 501, 503, 504, 505, 506, 507 and 508)
- Torture (Article 500)
- Religious Persecution (Articles 209 and 210)

The incorporation and use of existing domestic law was meant to be a key feature of the 'hybrid' composition of the ECCC. Notably, however, the application of domestic law could not be agreed for Case 001 and no domestic charges were levelled in Case 002/01. The possible application of domestic law in further cases is unclear. The ECCC is more visibly faithful to the heritage (and influences) of precedent international tribunals such as the International Criminal Tribunal for Yugoslavia and International Criminal Tribunal for Rwanda in the international law at work in its prosecutions. This includes the 'classic' international prosecutions as outlined in the ECCC law:²⁵ Article 4 specifies the power to prosecute genocide as defined by the 1948 United Nations Genocide Convention; Article 5 specifies the power to prosecute crimes against humanity; Article 6 specifies the power to prosecute crimes that fall under grave breaches of the Geneva Conventions of 1949; Article 7 specifies the power to prosecute the crime of the destruction of cultural property during armed conflict pursuant to the 1954 Hague Convention for Protection of Cultural Property in the Event of Armed Conflict; lastly, Article 8 specifies the power to prosecute crimes against internationally protected persons pursuant to the 1961 Vienna Convention on Diplomatic Relations.

The invocation of such bodies of law consolidates a field of objects which represent a field of memorable events (or the *content* of a regime of memory). Moreover, the ECCC's employment of international criminal categories serves to 'code' memory as meaningful with important consequences. In the first instance, it situates the events of 1975-1979

²⁵ Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006).

within universal categories of human rights violation. This is important because these categories carry the additional weight of memories of past internationally-recognised experiences of political violence (Levy and Sznajder 2010: 14). In this sense, human rights legal frameworks help to reconstitute the meaning of memories of suffering. At the same time, as outlined in the preceding section on the justifications for the ECCC, we can see that the 'target' of intervention by the ECCC process is the renewal of the national community and its collective memory.

The mandate of the Law on the Establishment of the ECCC represents the main constraint as to what the Cambodian state has sanctioned as permissibly 'memorable'. This is crucial because it is a form of both *disclosure* and *concealment* (and it provides the terrain in which further processes of *disclosure* and *concealment* can occur within the courtroom). The Law on the Establishment of the ECCC must therefore be understood as a bid to *contain* the trials because it follows directly as a condition of the RGC for the establishment of the tribunal in the first place. The ECCC law, in this sense, seeks to fix and stabilise memory in narrowing the account of the past examined by the court (but, as I will argue, is not entirely successful to this end):

The purpose of this law is to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.²⁶

²⁶ Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006). Articles 1 and 2

During preliminary investigations into the feasibility of a trial for KR figures, the UN initially envisaged a prosecution of up to twenty five former KR leaders.²⁷ Against this, the RGC (as visible in their heavily caveated justifications for the ECCC outlined in the first section) has consistently opposed prosecutions beyond the five figures indicted between 2006 and 2010: these focus on the role of Duch, the head of the former S-21 security centre as the focus of case 001, and the former ‘senior leaders’, Khieu Samphan and Nuon Chea, comprising those charged under case 002. As noted, the justification for the restriction of prosecutions to senior figures only is made on the basis of maintaining stability and reconciliation. Reconciliation, in this iteration, acts as both a constraint over what can be remembered and a purported outcome of the court process. It is both dependent on and purportedly endangered by the ECCC’s prosecutions (as acts of remembering), because it hinges on a narrow reconstruction of the past around the actions of a small field of persons. Moreover, it frames both processes of disclosure and concealment within the courtroom. One important consequence of this restriction is that the culpability of lower-level KR figures is, in the first instance, left unexplained by the ECCC, and the restriction of the prosecutions can be read to enact a *de facto* amnesty in this regard. This represents an important technology of memory in the way it recasts the actions of lower-level perpetrators as exculpable.

The ECCC should be re-situated again here in the context of Cambodia’s history since the fall of the KR, because the narrow restriction of blame to only a handful of KR leaders has been the defining characteristic of the way the Cambodian state has narrated KR history since 1979. This is important to note because it evidences the Cambodian government’s longstanding interest in protecting lower- and mid-level KR by winnowing and personalising the framing of responsibility for DK. There is an important parallel with the 1979 People’s Revolutionary Tribunal (PRT) manifest in this restriction of culpability at the ECCC. In 1979, the Cambodian state justified retributive action against only a handful of KR leaders – the ‘Pol Pot Ieng Sary clique’ – in the name of maintaining stability and facilitating national

²⁷ Report of the Group of Experts for Cambodia established pursuant to General Assembly resolution 52/135, 1999.

reconciliation. Similar 'international' crimes were prosecuted, including genocide and crimes against humanity and then, as now, the trials attracted criticism from international groups as illegitimate predetermined 'show trials' due to perceived state interference and control. Gottesman explains that in 1979 the newly founded PRK had an interest in offering public redress for the atrocities perpetrated under DK as a means of cleanly demarcating a new era of government and symbolically discharging the popular anger against the KR regime (2002: chapter three). At the same time, while anxious and divided on whether to re-integrate (lower-level) KR holding 'blood debts', the PRK needed to find strategies for co-opting lower-level KR as a means of consolidating domestic control and eroding the fighting strength of the resistance. In this sense, blame for crimes perpetrated during the KR period established at the PRT neatly matches that enacted at the ECCC: a personalised and individualised story of the guilt of the few rather than the many emerged, eliding the moral status of mid- and lower-level KR. This *de facto* amnesty (a key technology of memory *by omission*) has remained a crucial component in state attempts to narrate the past: on the one hand, it was established immediately by the Cambodian state in the aftermath of the KR and, on the other, it is visible in the RGC's conditions for the establishment of the ECCC. The RGC's interest in restricting prosecutions is bound to a longstanding reading of blame that has been 'reactivated' at the ECCC (see Foucault 1991a: 60).

The narrow remit for prosecutions at the ECCC also reflects a wider tendency to individualise proceedings at international legal tribunals. This reflects the way that law, as a discursive system, is preoccupied with an understanding of individual rational responsibility, rather than considering, for example, wider socio-political histories. Moreover, as Koskeniemi suggests, the tendency to individualise prosecutions (because of expediency, logistics and/or politics) is not neutral in its effects (2002). In the broadest sense, because international law is predicated on a universal imperative that all perpetrators of human rights violations be punished, restricted prosecutions reduce attempts to provide 'justice' to a symbolic level. This is specifically visible in the Law on the Establishment of the ECCC (Chapter VIII 'Individual Responsibility') that specifically locates the adjudicative and fact-finding process as directed toward establishing 'individual' responsibility. Moreover, a wider legal tendency that situates individual agents as rational

actors, with particular intentions and 'free will', is the liberal ideology underpinning the logistics of punishment and its institutionalisation in and by liberal democracies which obfuscates wider contexts and meanings that are integral to the understanding of the events at hand and the reconstruction of a coherent public 'memory' (Koskenniemi 2002: 13-14). In this sense, one unintended consequence of the attempts to delimit what is and is not counted as 'memorable' is that legal defence teams in political trials reach to wider historical contexts in order to contest the legitimacy of trials as arbiters of memory and truth. I return to how this generates strategies of 'rupture' and 'denial' – contesting the possibilities of a consensual account of political violence – in the final section, though notable examples include the defence appealing to periods of political violence beyond the mandate of the ECCC such as the 1970s US bombing campaigns, or the role of current leading political figures (who have refused calls to participate at the ECCC) during the KR years.

The invocation of wider histories by defence teams, beyond the limited mandate of the ECCC, is important because the RGC and UN deliberately framed the temporal jurisdiction to avoid scrutiny of periods that implicate other powerful state actors in the perpetration of human rights violations. More broadly, the history of international law (and international tribunals in particular) is characterised by powerful states specifically suspending their own regulation *by law* (Bartholomew 2006). Specifically in regard to the Cambodian case, the temporal jurisdiction neatly circumscribes the dates of the DK regime's existence (1975-1979). As such, actions that may fall under the criminal categories employed by the ECCC (outlined above) but occurring beyond this period are omitted from consideration, despite the *imperative* to punish *all* perpetrators of human rights abuses (as a purported universality). Commentators have pointed to serious violations of human rights both before and after the 1975-1979 period as examples: in the context of the protracted Indochina conflicts, pogroms against intellectuals and Vietnamese by subsequent royalist and republic regimes constitute serious violations of human rights (Kiernan 2002b); the US carpet bombing campaigns launched over Cambodia in the context of the Vietnam War are believed to have killed 600,000 (Kiljunen 1984), acting as a key contributory factor to the growth of the KR insurgency (Kiernan 1996) and constituting a *prima facie* case of war

crimes (Barrett 2000; Kiernan and Owen 2006); moreover, systemic abuses of human rights by the PRK successor regime throughout the 1980s has been suggested to constitute crimes against humanity (Etcheson 2005) and the Khmer Rouge continued to perpetrate atrocities against ethnic minorities and civilian groups into the 1990s (Fawthrop and Jarvis 2004). In sum, the ECCC is notable as a site of memory-making in the extent to which it *conceals* as much as *discloses*.

The personal jurisdiction of the ECCC is restricted to senior leaders and the most responsible figures only. Alongside the delimitation of the ECCC temporal jurisdiction to 1975-1979, the containment of the personal jurisdiction narrows the reconstruction of a field of criminal actions, or *objects of memory*. These constraints represent the main determinants over the construction of who may be considered 'perpetrators'. The reverse of these constraints is the foreclosure of the field of formal victims eligible for representation within the ECCC process (in contrast to the more vague renewal of the national community illustrated in the first section). In this sense, we must understand the ECCC trials as fundamentally politicised sites of memory-making because they enact a series of thorny inclusions and exclusions as to who and what they can acknowledge and punish. Moreover, one notable implication of the containment of the ECCC prosecutions is a contradiction of process and presentation. The ECCC must be presented as a deliberative and unresolved exercise at the same time as serious constraints act on its possible outcomes: it must be deliberative because it purports to enhance the rule of law and act as an agent of democratisation; it must be contained because the political interests that sanctioned its existence dictate so; and yet it must also deliver justice and civic repair, outcomes purported to follow from *both* deliberation and containment. Jacques Verges has noted that for political trials to fail to account, reckon or condemn is a failure of the intended process of national renewal: "Louis cannot be judged; either he is already condemned or the Republic is not acquitted" (1968: 97-99). At the same time, the ECCC must be presented as the neutral application of the legal process in order to fulfil its credentials as a progressive agent of democratisation. Addressing this tension, Christodoulidis suggests, "What becomes possible... is not just the containment of the trial

but also the redemption of that containment through democratic categories. Containment and justification stand and fall together” (2009: 132).

The narrow mandate of the ECCC can be read as a means of predetermining its legal outcomes for present political purposes, i.e. gesturing to the qualification for what constitutes a ‘show trial’ (Findlay 1989; Osiel 1997; Peterson 2007). The role of the ‘suspect’/‘perpetrator’ is the key site for the work of the court. In this sense, the ‘suspect’/‘perpetrator’ acts as both an object and subject of governance within the courtroom. On the one hand, the court mechanism is necessarily geared to the punishment of the guilty party as its object or target, the prime technology of memory at play in a retributive intervention on the past. On the other, as I show in the latter section on the contestation of memory at the ECCC, the ‘suspect’/‘perpetrator’ is allowed only limited degrees of strategy available within this process: they may acquiesce to the legitimacy of the court process and confess (as did Duch during case 001), they may seek exculpation on the terms of the trial employing strategies of ‘connivance’ or ‘denial’ (Cohen 2001), or they may employ strategies of ‘rupture’, resisting and disrupting the legitimacy of the court process itself by contesting the terms of the past that are grounding the legal process. In the last section of this chapter, I will return to discuss the ‘suspect’/‘perpetrator’ and the varying scripts to which they can seek recourse.

The implications of the ECCC law for framing memory are significant. The formal jurisdictions of the ECCC demarcate claims over the contours of what can and cannot be remembered. In this sense, they present bids to ‘limit’ the contours and ‘rules’ of what is permissibly memorable at the ECCC (but, as I will show, this does not neatly translate into an uncontested process, or the determination of a stable ‘collective memory’). The mandate of the ECCC presents the parameters of a ‘regime of memory’ both inside and ‘outside’ the courtroom, and the *content* of that regime of memory is furnished by the ‘objects’ of discourse *as memory*, i.e. specific criminal categories of knowledge. Crucially, this must be understood as a form of *practice* that involves the designation of events as

meaningful in different ways by different actors. We must therefore understand the ECCC as anchoring a contestable, negotiated process of memory-making (Foucault 2002: 35).

Victims and civil parties

The location of the ECCC within Cambodia has been suggested to present a prime opportunity for engagement with the victims of the KR. This poses serious implications for memory in the way it enacts an inconsistent politics of acknowledgement. Cockayne has described the ECCC as a 'degradation' and 'denouncement ceremony' that can 'restore' victims by virtue of their proximity to the trial proceedings (2005). Moreover, the ECCC mechanism allows for the formal recognition of victims as 'civil parties', providing 'unique' and 'unprecedented' roles for victim participation within trial proceedings (Bair 2008), and the possibilities of 'collective and moral reparation'.²⁸ McGonigle has suggested that the level of participatory rights allowed for victims represents a combination of 'retributive' and 'restorative' imperatives, and that the ECCC should be understood (on this basis) as a 'quasi truth commission' (2009: 129). This section examines the question of how 'victims' are formally recognised and constructed, how their participatory rights within the ECCC are endowed on that basis, and some of the notable omissions and irregularities that have occurred within this process. This has serious consequences for the construction of memory because it implicates an uneven politics of acknowledgement over whose shared memories are recognised and whose are ignored.

The ECCC allows scope for any person who suffered under the DK regime to file complaints to the Co-Prosecutors, who may use the information detailed within their investigations. The ECCC Internal Rules, however, further enact and specify the category of 'Civil Party'

²⁸ Internal Rules (Rev.8), 3 August 2011, Rule 23. 1 b) 'General Principles of Victims Participation as Civil Parties'

through which victims may seek formal recognition by the ECCC, participate within court proceedings, and seek collective and moral reparations.

“In order for Civil Party action to be admissible, the Civil Party applicant shall:

- a) be clearly identified; and

- b) demonstrate as a direct consequence of at least one of the crimes alleged against the Charged Person, that he or she has in fact suffered physical, material or psychological injury upon which a claim of collective and moral reparation might be based.”²⁹

The distinction between complainants (as victims in a loose sense) and formally recognised civil parties (as those who are entitled to reparation) represents the first important inconsistency within the official category of victimhood because it enacts a hierarchy of entitlements based on the demonstration of suffering. Moreover, on the one hand we see how the ECCC identifies a narrow universe of formally acknowledged victims whilst, on the other, the appeals for the work of the ECCC outlined in the first section of this chapter operate in the name of renewing a national community and national memory that is meant to be inclusive and equitable in its treatment of the past for all Cambodians.

The ‘clearly identified’ victims’ ability to ‘demonstrate’ their injury is assessed, in the first instance, by the Co-Investigating Judges during the investigative stages of ECCC proceedings. Immediately prior to a case closing order, indicating the start of trial proceedings or the case dismissal, Co-Investigating Judges rule on the final admissibility of civil party applications. Under initial formulations, the ECCC’s internal rules prescribed civil parties with a range of participatory rights, broadly on par with the defence and

²⁹ Internal Rules (Rev.8), 3 August 2011, Rule 23 bis. 1. ‘Application and admission of Civil Parties’

prosecution. These rights included access to case files, the right to address the pre-trial and trial chambers and, as an outcome of guilty verdicts, the right to collective and moral reparations. However, following delays and procedural teething problems during early proceedings, the rights of civil parties were increasingly curtailed (Chy 2008) and the internal rules subsequently reformulated to provide a far narrower role. In particular, the rights of civil parties to address the court chambers were significantly reduced, arguably subordinating the key participatory role of 'victims' within the legal process, a key 'selling point' of the court. The final section of this chapter examines several examples among the 15 victim testimonials [selected from 3850 recognised civil parties] heard during case 002.

Civil party applications accepted to a case, i.e. those able to prove injury resulting from a link to the criminal proceedings, have been amalgamated into broader 'Victims Associations' before trial proceedings commenced. The collectivisation of victim groups is determined by the particular types of harm suffered. This process is overseen by the ECCC 'Victims Support Section' (VSS, formerly the Victims Unit). This process has serious consequences for the reframing of memory and bridging the 'individual' and 'national' memory work of the court because the specificities of individual memories of suffering are recast, obfuscated and defined by collectivised frameworks. The VSS further coordinates victim support, witness protection and access to civil party lawyers, though much of this work has occurred in conjunction with advocacy and civil society groups. For example, in the investigative stages of both cases 001 and 002, the CSD appealed for the recognition of a collective 'orphans class' association (the unifying, shared harm being the loss of both parents under the KR). This example is notable because it reflects the way that civil society groups have been key in acting to collectivise victim groups: the emergence and formalisation of the specific category of victim occurred through the collection and processing of 'orphans class' complaints, in the first instance, filtered through and led by CSD, before then being passed on to the ECCC. The agents constructing the category of victim – as a memory framework – are, in this instance, actively furnishing and renegotiating memory within the frameworks afforded by the ECCC law. Similar collective arrangements have been sponsored by 'intermediary' civil society groups including the DC-Cam, the Cambodia Defenders Project, the Cambodian Centre for Human Rights, the Khmer

Institute for Democracy and the Cambodian Human Rights & Development Association. These groups have been active in soliciting complaints on behalf of various civil party collectivities. Beyond the 'orphans class', these include: victims of S-21 (Tuol Sleng), victims of forced marriage, victims of forced labour, victims of torture, and victims of gender-based and sexual crimes, amongst others. The elicitation, compilation and filing of complaints and civil party applications through intermediary organisations is striking for a further reason. It shows that there is a field of actors negotiating the interplays between the ECCC, the 'state' (as a purportedly determining force over memory) and a universe of ('pre-existing') victims. In other words, civil society organisations are active in renegotiating the interface between the ECCC and the public. At the same time, they are legitimated in doing so through particular agendas toward the past: as I will show in the following chapter, *'Mediating Memory'*, organisations active in the construction of victim groups rationalise their work through specific techniques of memory and of knowing victims' suffering, such as the trauma paradigm and its concomitant medicalisation of memory.

Two further sets of issues are pertinent here: the contingency of the specific civil parties animated by the ECCC and the negotiated process through which they are recognised. It is important to note that victims groups are not afforded equal access or recognition by the ECCC. This means that the ECCC is uneven in the acknowledgement of their memory claims to suffering. In the first instance, we can point to groups that have not been formally recognised by the ECCC. For example, Khmer Krom applications for civil party representation (an ethnic minority group resident of the Mekong delta regions of Cambodia and Vietnam) are instructive of these inconsistencies because the ECCC has rejected the legitimacy of their applications. According to Mohan:

The Khmer Krom's conspicuous absence from the legal record stems, in part, from a presumption amongst ECCC affiliates that the average Khmer Krom victim living in Cambodia's rural provinces is not concerned about the legal characterization of the mass crimes they suffered. (Mohan 2008: 45)

Mohan's comments point to the contested process through which victim groups are constructed. This is another important example of *disclosure* and *concealment* in the way that memories are acknowledged. Mohan's research suggests that the deliberative process over the eligibility of civil parties is not 'neutral', and further, the effect of the omission of the Khmer Krom is the construction of a category of legal 'unperson'. This again contrasts sharply with the wider framing construction of a wounded national community discussed in the first section of this chapter and implies that groups omitted from the court process are either unworthy or not part of the national account of past political violence.

To summarise, we can see that the recognition of formal victims within the ECCC process is a negotiated, constructed and, at points, contested process. The universe of formal victims animated by the court is contingent on the events that the court recognises as criminal. The effects of this process are powerful: there exists a hierarchy of entitlements and acknowledgement rooted in the recognition of civil parties, and as exemplified by the Khmer Krom omission, to reject the legitimacy of a claim is necessarily an act that denies (the validity or worthiness of) particular groups' memories. This is dangerous because it potentially inflicts a secondary violence on memory. Finally, to reiterate, the narrow universe of formally recognised civil parties presents an important irregularity between the victims within and outside of the courtroom: the ECCC is validated as an intervention in the name of a wounded nation but the politics of formal acknowledgement within the court process shows us that not all members of the national community are afforded the same entitlements within this endeavour.

3.3 Memory work at the ECCC

This section identifies some of the prevailing 'scripts' that have been deployed within the courtroom in order to reflect on how the court works as a site of memory-making in closer detail. It should be stressed again that memory is invoked specifically within the courtroom in complex and varied ways. For example, probing the 'reliability' of memories, hearing

accounts of victims suffering, and examining artefacts of memory that are thought to disclose knowledge of the past, such as order papers, meeting minutes, or propaganda texts. Crucially, the first purpose of the trial as a (deliberative) spectacle is the adjudication of the guilt or innocence of suspects. It therefore either vindicates or denounces past actions, reframing memory under new moral terms. Moreover, the arrival at (and reception of) such adjudications is a contested process, gesturing to the way in which the courtroom can act as a crucible for competing memories. In this section I firstly identify specific patterns, or 'scripts', evident in prosecutorial and victim statements within the courtroom, locating memory claims that are registered on the basis of their 'reliability' or their 'theatre'. I then examine how defence teams have contested these memory claims, focusing in particular on strategies of 'acquiescence', 'denial' and 'rupture'. Lastly, I examine examples of how the outcomes of the court process can be 'unscripted', and the way they can be received by stakeholders – specifically civil parties – in problematic ways. The aim of this section is to examine how *disclosure and concealment* operate in their minutiae, but also how the process of memory work within the courtroom generates unexpected and unforeseen outcomes and resistances that challenge the containment of the ECCC process.

The Prosecution

Lynch and Bogen explain that the basic discursive structure of a trial process is a 'question' and 'answer' format; this is necessarily contested according to adversarial positioning of accusatory and defendant subjects, and their various accounts of past events (1996: 130). In this sense, we can see one characteristic of the way memory is reconstructed within the courtroom: competing claims over the past that are located on 'factual' registers of legal *truth*. Importantly, these claims are structured within and around the mandate of the ECCC. There are several useful examples from the ECCC proceedings that illustrate this. The prosecutorial strategy against Duch in case 001, running through 2009 and 2010, emphasised his role as a 'most responsible' figure within the perpetration of atrocity at the S-21 site, utilising documentary evidence such as confessions extracted from prisoners, and

the testimony of his subordinates and the survivors of the centre. The prosecutorial strategy during case 002 has been characterised by attempts to *prove* or *refute* – again, a specific genre of memory claim – the roles of ‘senior leaders’ on the basis of their position and authority within the DK command structure. For example, substantive hearings against Nuon Chea and Khieu Samphan have seen the prosecution attempting to corroborate and ‘triangulate’ proof between documents such as civil party testimony on ‘self-criticism’³⁰ (as a mode of ‘confession’ encouraged by the leadership), reports from lower-level KR to the leadership outlining the ‘situation of internal enemy’³¹, and communications between districts and *Angkar* (command) on the policy of ‘smashing enemies’ (members of the former regime)³². Together, these submissions were intended to evidence eliminatory intent and/or complicity on the behalf of the accused. As such they characterise a central genre of memory claim at work at tribunals: that knowledge of the past, as a set of memories and artefacts, can be objectively reproduced as a set of unequivocal facts. This is pivotal to the way trials seek to authorise a renewed collective memory of past political violence because of the assumption that the past can be disinterred, definitively resolved, and placed on record.

Victims

A second genre of memory claim that has been particularly notable within the prosecutorial strategy at the ECCC is victim testimony. A number of victims have been afforded the

³⁰ Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC 26 June 2013 (pg. 72)

³¹ Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC 26 June 2013 (pg. 17)

³² Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC 26 June 2013 (pg. 8)

opportunity to testify within the courtroom (termed ‘Victim Impact Hearings’) on the basis of the participatory role afforded to civil parties at the ECCC. As the ECCC has declared, “over the last two weeks of trial hearings, 15 victims [out of 3,866] who are participating in Case 002 as Civil Parties provided emotional testimonies about the harm they suffered personally during and in the aftermath of the Khmer Rouge regime”³³. These types of memory claim are endowed with authority on the basis of an ‘emotive’ rather than ‘factual’ register. In this sense, their participation and role within the process is authorised by emphasising the severity of the harm they have suffered as an expressive and performative gesture. This works in contrast to interchanges over the *authenticity* or factual truth of particular documents or testimonies, which have been frequently curtailed on the basis of evidential relevance, i.e. the extent to which they conform to registers of ‘proof’. Moreover, it should be stressed again that under the terms of civil party participation, victims are *obliged* to evidence the harm they have suffered (to not do so contradicts their formal status as civil parties), further retelling their experiences as a form of spectacle of remembering. To this extent, victim testimony has tended to take on specific temporal structures and formats that include (and move through) general descriptions of routine suffering, specific instances of loss, enduring effects and harms, and appeals for redress. In this sense, the process of remembering – of pressing a memory claim – has a particular linear format. One example from the hearings on 22nd October 2012 is useful in illustrating this point. Yim Sovann’s testimony opens by locating itself as an ‘expression of suffering’:³⁴

I thank you very much Mr President and Your Honours, for allowing me this opportunity to read out my expression of suffering. From 1975 to 1976, I was mistreated. I was accused of being a 17 of April Person. Although I was falling sick, I was still forced to work. I was very young at that time. I worked at cooperatives; the cooperatives that I had been working after I had been evacuated by Phnom Penh... As

³³ ECCC Blog, ‘[The purpose of hearing victims’ suffering](http://www.eccc.gov.kh/en/blog/2013/06/07/purpose-hearing-victims-suffering)’, 7th June 2013. Available at <http://www.eccc.gov.kh/en/blog/2013/06/07/purpose-hearing-victims-suffering>

³⁴ Transcript of Trial Proceedings, Case File N^o 002/19-09-2007-ECCC/TC, 22 October 2012 (pp. 18-22)

one of the 17 People (sic), I was accused by the Base People as an enemy. I did not have enough to eat. I started to pick some grains of corns, and with that I was accused of being an enemy... When I was at home, I was accused of being too liberal. And every now and -- every time I recall the moment, I am traumatized, and I am always shocked to recollect the events, the times when I were forced to work days and nights. I am a good person; I was forcing myself to commit some petty crimes by stealing to survive.

...They gave me only very little food. And at one point, before the second phase of evacuation, I said to myself, if I was not allowed to go and see my parents, I would die anyway. And I lost everything. I lost my properties, cattle, and the farmland.

The opening of Yim's statement offers a general portrayal of hunger and exclusion. Memory, here, operates in a way that furnishes a broad and contextual depiction of injustice; Yim's sense of shock and mistreatment at the hands of the KR is bound to her categorisation as an 'enemy' and 'criminal'. Moreover, the enduring impact of suffering is invoked specifically through the vocabulary of trauma.³⁵ Yim's testimony here, in the act of remembering, establishes a specific relation between memories of loss and suffering in the present. Memory is thus visible in two ways: as a performative act of remembrance, or recollection and retelling (by the subject); and, through the invocation of trauma, as a set of references, frames and descriptors for the state of memory (as an object of knowledge). Yim follows this by detailing a particular incident of loss:

When I saw my father being arrested and his hands being tied up by the Khmer Rouge militia, I was shocked and traumatized and I could feel the pain.

³⁵ The invocation of trauma concepts is notable here because the medical implications of the term do not translate neatly into a pre-existing set of terms in the Khmer language.

The specific incident detailed emphasises the personal dimensions of loss and suffering (as distinct from the broader references to the systemic and generalised suffering of the period), a key criteria for recognition by the ECCC as a civil party. Yim's testimony then shifts to the present, where broader societal maladies in the present are linked to the KR period:

I have been living in the society where I have had a lot of suffering. I have not been well educated. I have faced difficulties and all of the bad things that happened to me. I have been deprived of all my education, the dreams that I would like to be highly educated. But these dreams were destroyed by the darkest period of the Khmer Rouge.

Lastly, an appeal is made for the ECCC to rectify this past:

And before my appearance before this Court, I did not ever imagine that I would be given such opportunity... I am grateful to this Court and I hope that you find justice both for me and for the Cambodian people -- that is, those victims and civil parties.

Here we can see that a vital connection is established between past suffering, present suffering and the ECCC as a remedial mechanism, through a specific, linear sequence of memory claims: there are memories of past suffering bound to present states of malady; these can be rectified by the ECCC as the appropriate moral agent for their amelioration. This is an important sequence to take because it shows how agents within the courtroom conform to and reproduce the overarching progressive schemas that validate the ECCC, as outlined in the first section about the level of detail.

There are notable tensions within this process. On the one hand, victim testimony has been crucial for the presentation of the ECCC as a retributive mechanism that is more sensitive

toward the needs of its constituents. On the other, there have been occasions where testimony has appeared to exceed the limits of the scripts afforded to victims. On one occasion, a speaker had their microphone silenced, and on another, a civil party was explicitly told to 'keep grief concise' (Freeman 2012). Silencing victim testimony appears at odds with the restorative ambit of the ECCC, and further points to the way in which proceedings in the courtroom are 'contained' in accordance with preferred scripts.

Strategies of the accused

The defence teams at the ECCC have conventionally sought to undermine the prosecution on the basis of the credibility of its evidence. Although this is a truism within the criminal legal process, it has consequences when considered as a technique of memory work. For example, archival documents held by DC-Cam have been called into question on the basis of the partiality of the stewards of the repository: defence lawyers specifically probed DC-Cam Director Youk Chhang on whether the organisation was acting in the capacity of human rights advocacy or of 'neutral' documentation,³⁶ illustrating the way in which artefacts of memory (as *evidence*) are themselves bound to specific histories of conservation and preservation. This again further implicates the way in which frames of representation, or 'knowing', tend to be bound to appeals for action within the production of knowledge on human rights problems (Moon 2012a). In a similar vein, the testimony and research of expert witnesses such as Philip Shaw³⁷ (Pol Pot's biographer) or David Chandler³⁸ (a historian of Cambodia) have been attacked on the basis of their academic credibility, or their 'poetic license', attempting to undermine their 'validity'. Moreover, memory is further invoked in the way that more performative acts of remembrance are

³⁶ Transcript of Trial Proceedings Case File N° 002/19-09-2007-ECCC/TC, 2 February 2012 (Pg. 83)

³⁷ Transcript of Trial Proceedings Case File N° 002/19-09-2007-ECCC/TC, May 8th 2013

³⁸ Transcript of Trial Proceedings Case File N° 002/19-09-2007-ECCC/TC, 23 July 2012 (Pp. 139-140)

contested. For example, the memory of witness Sao Sarun was specifically challenged as unreliable.³⁹ Again, this implicates the way that the trial process is presented as a means of stabilising an objective and unequivocal account of the past. By contesting the credibility of the prosecution's claims, the defence attempts to refute the substance – or 'story' – of the way in which the prosecutorial strategy seeks to stabilise an objective account of the past. At the same time, it is important to note that it does so on the terms offered by the trial, i.e. through refuting or corroborating proof and evidence. As a form of memory work, this constitutes the trial as deliberative exercise, on the basis of which the trial is bound to broader progressive agendas underpinning the ECCC as an exercise that is meant to establish the rule of law and promote democratisation.

Two further, more complex strategies are afforded to defence teams in the way that memory is contested: firstly, again on the terms offered by the trial, by acquiescing to or denying the memory claims of the prosecution; and secondly, by contesting the legitimacy of the trial as an adjudicative exercise, or through strategies of 'rupture'. The substantive hearing against Duch in case 001, and Nuon Chea and Khieu Samphan in case 002 provide useful, mixed examples in these regards.

The case against Duch principally focused on his role at the S-21 interrogation centre. Duch's contribution to the proceedings was notable for his public displays of remorse, admittance, and inculpation. At the same time, Duch's gestures of contrition tended to be

³⁹ One interesting example of 'memory work' within legal proceedings is offered by the appearance of Sao Sarun as a witness for the prosecution. Throughout proceedings, Sao Sarun confessed to problems of 'recollection', as the prosecution sought to corroborate proof of conversations implicating the accused in plans to purge Vietnamese minorities within Cambodia. As the defence counsel pointed out, to probe a witness by presupposing the existence and nature of such conversations can be objected to as a 'leading question', or, in other words, a memory cue or invitation. Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC, 6 June 2012 (pp. 35-36)

balanced against his accounts of hierarchy and blame within the KR apparatus, locating responsibility firmly at the hands of ‘senior leaders’:

One, I would like to give analysis on the crimes across the country from the 17th of April 1975 to 6th of January 1979. After the 17th of April 1975, Pol Pot was wild... Mainly, Pol Pot had thousands of candidates in his hands. The crimes in that period was huge. In addition, the loss of life of the people is calculated as equal to one million people, and as a member of the CPK [Communist Party of Kampuchea] I recognise that I am responsible mentally for the crimes committed by the CPK in those periods of time. I would like to express my regretfulness and my heartfelt sorrow and loss for all the crimes committed by the CPK from 1975 to 1979. I would like to express separately about the crimes at S-21. I would like to acknowledge my responsibility through legal means, legally. I mean, I would like to emphasize that I am responsible for the crimes committed at S-21, especially the tortures and execution of the people there.⁴⁰

This statement is notable for several reasons. Firstly, it is an example of one of a range of Duch’s statements compiled by the ECCC as a form of ‘moral and symbolic’ reparation for victims.⁴¹ Secondly, the statement is notable because of the way it acquiesces neatly to the terms of the ECCC law: Duch accepts his role and responsibility for the killings perpetrated at S-21, yet locates blame for nationwide atrocities to the ‘wild’ Pol Pot (or leadership). In this sense, thirdly, we can see that Duch’s bid to reframe memories of his role during the KR involve claims that both inculcate *and* downplay his actions. This ambivalence is important as a form of memory work because it was deployed as a bid to cooperate with the ECCC and garner a reduction in the severity of his sentence. As a caveat, it is important to note that Duch reneged on the key tenets of his admissions – that he was a ‘most responsible

⁴⁰ Transcript of Trial Proceedings ‘The Duch Trial’ Case File N° 001/18-07-2007-ECCC/TC31, March 2009 0903H (pg. 67)

⁴¹ ‘Compilation of statements of apology made by Kaing Guek Eav alias Duch during the proceedings’ available at http://www.eccc.gov.kh/sites/default/files/publications/Case001Apology_En_low_res.pdf

figure’ – during his closing statement, and I return to Duch’s change of strategy as an example of the unanticipated outcomes of the ECCC in the final section of this chapter.

In situating his own role as a ‘subordinate’ within the KR hierarchy, aspects of Duch’s memory claims can be read as an example of (discursive) ‘denial’ at work.⁴² Cohen has suggested that the ‘discourse of official denial’ is characterised by three tendencies (2001: 101): ‘literal’ denial (i.e. that something didn’t actually happen); ‘interpretive’ denial, where the significance of events are downplayed or modulated; and lastly, ‘implicatory’ denial, which entails the minimization or displacement of the moral implications of the events in question (2001: 7-9). Duch’s statement, in this sense, can be seen as an attempt to displace his own moral agency on the basis that, firstly, his actions were one part of a national pattern of abuses and, secondly, he was following the directives of malign (more responsible) senior leaders. The ‘upward’ displacement of moral agency by Duch’s defence team is mirrored by the ‘downward’ denials of responsibility by the defence teams of the ‘senior leaders’. For example, in his opening statement, Nuon Chea remarked that:

Some people were wearing black shirts and were disguised as the resistance group in order to liberate the country, but actually they were arresting, they were killing people. It was very, very complicated at that time. So it was very hard for us to understand, everything is chaotic.⁴³

⁴² Two caveats concerning the use of Cohen’s denial framework should be noted here. Firstly, as Cohen himself argues, an analysis of various forms of ‘denial’ should not be registered against criteria of truth or falsehood, but should proceed in circumstances where knowledge of the past is contested and/or ambiguous (2001: 4-5). Moreover, and on this basis, in treating ‘denial’ as a set of discursive repertoires, we eschew analysis of the internal or psychoanalytic machinations of knowing and not knowing memory. For the purposes of this research, ‘denial’ operates allegorically to signify types of ‘script’ adopted in the process of reconstructing the past.

⁴³ Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC, 5th December 2011 (pg. 51)

Nuon Chea is here suggesting that there was no state-directed policy of internal purges, emphasising the ‘chaos’ of the period (and therefore denying the ability of the authorities to direct such policies). Moreover, on this basis, Nuon Chea’s suggestion is that any atrocities must have been perpetrated by rogue elements in ‘disguise’, and therefore solely the fault of lower-level perpetrators. Nuon Chea continued to advance more elaborate denials of responsibility, whilst acknowledging the occurrence of ‘crimes’ in the period:

So these crimes -- war crimes and crimes against humanity -- were not -- and genocide -- were not for Cambodian people. It was Vietnam who killed Cambodians.... I don't want to misunderstand that the Khmer Rouge are bad people, are criminals. Nothing is true about that. There were nationalists who wished to protect the country, to liberate the country from Vietnam.⁴⁴

Here we can see Nuon Chea advancing the claim that the KR could not have been responsible for the perpetration of atrocities because of their patriotic loyalties (this is a recurrent belief among former KR cadre, as I identify in Chapter Four, ‘*Mediating Memory*’ and Chapter Seven, ‘*The Heroes and Villains of Anlong Veng*’). Nuon Chea is in this instance relying on (popular) claims about Cambodian national identity and memory that are defined against, and on the basis of, racial difference with Vietnam. This is an important example of both interpretive and implicative ‘denial’ (Cohen 2001) because, as a memory claim, Nuon Chea is suggesting that *something happened* but is recasting the protagonists involved and, secondly, that the KR could not be responsible because they were *moral agents* operating in contradistinction to the Vietnamese.

⁴⁴ Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC, 5th December 2011 (pg. 52)

In a similar vein, Khieu Samphan has utilised several scripts that seek to displace the moral implications of the suffering that occurred under DK. In one instance, Khieu Samphan appealed to the popular support enjoyed by the KR in their ascent to power as a bid to exculpate and justify his role within the KR leadership:

Regardless you like or dislike it, majority of Cambodian people gave their support to us for our opposition against the Lon Nol regime...⁴⁵

In further comments, the key 'paradox' of denial scripts is visible in the way Khieu Samphan both knows and disavows the occurrence of atrocities:

You also stated that I must have been aware of the conditions endured by Cambodians during the period and the examination because I visited the dam work sites. But do you really think, Mr. Co-Prosecutor, that, when I visited these work sites alone or accompanied by the King, workers were being murdered in front of us with hoes or bullets in the back of the neck?⁴⁶

As Stan Cohen notes, one can only 'deny' what one is already aware of (1993). In this example, Khieu Samphan is promoting his apparent ignorance of atrocities that he simultaneously depicts in detail. As a memory claim, the statement works to deny his knowledge of atrocities of the period by appealing to the gravity and exceptionality of the crimes at hand, implying that such actions could not have been 'routine'.

⁴⁵ Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC, 23 November 2011 (pg. 12)

⁴⁶ Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC, 23 November 2011 (pg. 16)

A final technique that has been employed by Nuon Chea and Khieu Samphan at the ECCC more explicitly resists the legitimacy of the court as an adjudicative process. Strategies of ‘rupture’ represent challenges to the legitimacy of the court that are not reducible to its terms (Christodoulidis 2009). These strategies, most famously invoked by Jacques Vergès, essentially pivot on a *‘tu quoque’* question (or *‘who are you to judge?’*) focusing on inconsistencies in the application of the moral imperative to punish. Several examples from the ECCC are illuminating on these terms:

Mr. Co-Prosecutor, you seem to forget that, between January 1970 and August 1973, that is the period of two and a half years, the United States carpeted the small Kampuchean territory with bombs, outnumbered those numbers of bombs the alliance used during the Second World War everywhere, including the two big bombs dropped on Hiroshima and Nagasaki. Could you imagine what my country faced after such a bloody killing and war? You may assist in thinking what the future is and what's like for Cambodian people and the country as a whole during such carpet bombing. No, I can see you cannot make such an imagination.⁴⁷ pg 12

In the first instance, Khieu Samphan again employs a form of ‘implicatory’ denial by suggesting that the destruction wrought through carpet bombing either determined or constrained the range of options available to the KR on taking power. At the same time, by pointing to patterns of political violence that are unexamined by the ECCC, Khieu Samphan is probing an inconsistency in the way that punishments for perpetrators of human rights abuses are applied. As Koskenniemi suggests, such strategies of ‘rupture’ haunt international tribunals because, as purportedly deliberative exercises that seek to adjudicate over and authorise an account of past political violence, defence teams can reach for the wider historical context in order to exploit the necessarily equivocal

⁴⁷ Transcript of Trial Proceedings Case File N° 002/19-09-2007-ECCC/TC, 23 November 2011 (pg. 12)

reconstruction of 'historical truth' (2002: 33). This strategy of highlighting inconsistency is again visible in the way Khieu Samphan questions why other individuals that occupied roles in the DK hierarchy are not being prosecuted (controversially, in this instance, with regard to the late King Sihanouk):

Mr. Co-Prosecutor, you will also say that the fact that I was appointed the President of the State Presidium of the Democratic Kampuchea committed me to a joint criminal enterprise; in which case, why are you not prosecuting King Norodom Sihanouk?⁴⁸

The strategies of 'rupture' employed by defence teams have met notable resistance by judicial staff. On one occasion, the defence team sought to question Nuon Chea on the role of members of the current during within the KR:

BY MR. PESTMAN:

I have almost finished. One last question: Do you know what Heng Samrin's [current Chairman of the National Assembly] other position was? He was your messenger, he was your guide; but what was his official function within the Party? And I'm talking about the period shortly before 1975 -- April 1975, the liberation of Phnom Penh.

MR. NUON CHEA:

A. (Microphone not activated)

MR. PRESIDENT:

⁴⁸ Transcript of Trial Proceedings Case File N° 002/19-09-2007-ECCC/TC, 23 November 2011 (pg. 16)

Nuon Chea, you are instructed not to respond to the question, since it is irrelevant to the historical background of the Democratic Kampuchea.⁴⁹

Again, this example begins with a strategy of ‘rupture’ seeking to outflank and destabilise the ECCC jurisdiction over “senior leaders” that is (figuratively and literally) silenced here. This is important because it shows that, as a site of memory work, the ECCC judges maintain an active involvement in containing the scope of concealment and disclosure of the past at the same time as the defence teams seek to contest it.

Resistance to the ECCC as a form of memory work is therefore typified by two tendencies. Firstly, defence teams resist engagement with the ECCC account of past political violence *on* the terms authorised by the ECCC; that is, they attempt to refute the ‘veracity’ of evidence presented by the prosecution, or employ codes of ‘denial’ to disavow, or work to minimise, their responsibility for the crimes in question. The second tendency works *against* the terms authorised by the ECCC, through strategies of ‘rupture’ that call into question the legitimacy of the court as a neutral arbiter over competing memory claims. In the first instance, it seems that the performance of resistance is necessary for the legitimacy of the court because it constitutes a process of contested deliberation, and that resistance therefore mutually constitutes the power of the court. The second form of memory work is far more ambivalent in its relation to the ECCC. It challenges the terms and moral authority of the court by calling attention to competing accounts of violence and perpetration, and yet can be subsumed within seemingly trivial strategies of shutdown, such as the silencing of microphones within the courtroom.

Unanticipated outcomes of the ECCC

⁴⁹ Transcript of Trial Proceedings Case File N^o 002/19-09-2007-ECCC/TC 9 February 2012 (pp. 48-49)

The ECCC process has been characterised by bids to 'contain' the account of the past that it sanctions. As the preceding sections have sought to show, this occurs at the level of the mandates of the court (as determined by the ECCC law) and also within the minutiae of the courtroom (through *active* processes of disclosure and concealment by victims, perpetrators and the arbiters of the court). At the same time, it is important to consider examples of how the ECCC remains an unresolved site of memory work that continues to reveal unanticipated and uneven outcomes, beyond 'scripts' that can be neatly characterised as resistant or contested. For example, the winnowing of case 002 into shortened 'mini' trials was spurred by the severance of Ieng Thirith (former Minister of Social Affairs under DK) in October 2011, and then the subsequent death of Ieng Sary (former Foreign Minister of DK) in March 2013.

Another useful example that brings into question the capacity of the ECCC in stabilising an account of past political violence is visible in Duch's closing statement (and the responses to it). As noted, the trial of Duch was characterised by the defendant's admissions of responsibility and remorse (though these were mixed alongside more subtle forms of 'upward' denial, as noted). On this basis, the defence team embarked on a peculiar change of direction in their closing statements, requesting release for Duch and hardening their stance in relation to Duch's subordinate role. This raises unresolved questions about the process of memory work that operates according to 'scripts': why self-incriminate and then deny one's role in within the perpetration of atrocity?

I clearly understand that any theory or ideology which mentions love for the people in a class-based concept and class struggle is definitely driving us into endless tragedy and misery... I still maintain that a decision to choose which path to walk is made in a matter of seconds. However, its repercussions, if it is a wrong choice, will result in lifelong remorse.

All santebal offices were equal before the party. Each prison used the same torture, the same murder, under the same order from Angkar.⁵⁰

Duch here attempts to downplay both his own moral agency by the ‘accidence’ of path, before denying the significance of his role at S-21 and drawing equivalences with other sites of killing. This is notable because it is so at odds with his earlier acquiescence to the preferred ‘scripts’ of the prosecution. Moreover, it is problematic for the ECCC’s preferred reading of violence under DK that works to centre S-21 and the evacuation of Phnom Penh (the focus of Case 002/01) as synecdoches for a national experience of violence and suffering under the KR.

Duch was initially sentenced to 19 years imprisonment, based on a 16 year reduction for time already served, cooperation, and violations of rights specifying unlawful pre-trial detention. Research by DC-Cam at the time documented ‘confusion’ and ‘disappointment’ of victim organisations.

One audience member queried:

“The sentencing was unclear, so just how many years will Duch serve in prison?”

(2010: 87)

Another suggested that:

⁵⁰ Transcript of Trial Proceedings ‘Duch Trial’ Case File N^o 001/18-07-2007-ECCC/TC 25 November 2009, 0901H (pg. 68)

“If I were the judge, I would torture Duch in the same way he tortured others.”

(2010: 91)

The dissatisfaction of these responses is illuminating for two reasons. Firstly, the reception of interventions that are designed to satisfy memories of political violence is uneven, and can sometimes actually disappoint and provoke those invested in such processes in problematic ways (see, for example, Moon 2012b on initiatives to materially compensate families of the disappeared in Argentina). Secondly, as a form of memory work, the adjudication of guilt or innocence operates to stabilise a ‘story’ of past political violence and, inseparably, recast the moral meaning of those events through the technique of sentencing as a form of denunciation. In this sense, even when parties are in agreement of the events under question, the efficacy of the techniques of memory that denounce those events can themselves be contested as appropriate responses to memory.

Both the prosecution and defence appealed against the initial 2010 sentencing and, two years later, Duch’s term was increased to life imprisonment. The recalibration of Duch’s sentence to reflect ‘the gravity of the crimes at hand’⁵¹ cannot be traced directly to be a consequence of the disappointment felt toward the initial term; at the same time, it illuminates again an imminent tension in the work of the court between satisfying due legal process and the popular demands of its key constituents.

Conclusion

⁵¹ ECCC ‘Case 001’ summary. Available at <http://www.eccc.gov.kh/en/case/topic/1>

This chapter has examined how the ECCC works on memory at several different levels: through the invocation of collective memory frameworks in the presentation of justice and reconciliation (as socio-political strategies); through the formal construction a 'universe' of memorable events and the concomitant (uneven) animation of perpetrators and victims therein; and at the level of detail, through specific 'scripts' that advance competing memory claims and the unanticipated outcomes and responses to ECCC memory work. The ECCC must be understood as a bid to stabilise an account of past political violence in Cambodia in the name of justice and reconciliation. As I have shown, it enjoys highly mixed successes to these ends.

The varying claims advanced for the ECCC in the name of justice and reconciliation are illuminating because they reveal that neither term operates with a permanently fixed, stabilised meaning. Rethinking the contingency of these claims is important within transitional justice specifically because, within the context of a particular intervention, as much tends to be omitted, ignored and neglected as acknowledged. At the same time, in noting the 'loose' uniformity of justice and reconciliation, defined around the scope of culpability for past human rights violations, we are again reminded of the way in which transitional justice mechanisms emerge subject to hierarchies of power. The claims for justice and reconciliation have further consequences in the way memory is invoked. Firstly, the ECCC is presented in a way that invokes and naturalises a 'national' memory, relying on cruder, reified collective frameworks. As I have suggested, this poses problems for the way it assumes that the national community, as collective memory, has a uniform and passive relationship to past political violence that must be intervened upon. These assumptions structure the basic, managerial tendencies visible in the treatment of (non-Western) countries that have suffered past political violence.

The ECCC is notable as an exercise in *disclosure* and *concealment*. The ECCC law is particularly pivotal in the way in which the ECCC has been constrained as a site of memory-making. The temporal jurisdiction of the court omits important human rights abuses from scrutiny as it calls attention to others. Moreover, the personal jurisdiction of the ECCC

narrows the focus of the court to a highly personalised 'clique' of senior leaders, necessarily enacting a *de facto* amnesty for lower-level KR. It is on this basis that the ECCC must be understood as 'reactivating' a longstanding politics of reconciliation staked out by the Cambodian government(s) since 1979. Lastly, we can equally see that the recognition of formal victims within the ECCC process is a contingent and, at points, contested process. The effects of this process are powerful: there exists a hierarchy of entitlements and acknowledgement rooted in the recognition of civil parties, and as exemplified by the Kampuchea Krom omission (or the universe of victims that might have suffered beyond the 1975-1979 period); to reject the legitimacy of a claim is necessarily an act to deny (the validity or worthiness of) particular groups' memories. This is dangerous because it potentially inflicts a secondary violence on memory. Finally, to reiterate, the narrow universe of formally recognised civil parties presents an important irregularity between victims within and outside of the courtroom: the ECCC is validated as an intervention in the name of a wounded nation but the politics of formal acknowledgement within the court process shows us that not all members of the national community are afforded the same entitlements within this endeavour.

As I have argued, there are two tendencies that characterise the way in which the ECCC allows memory work at the level of detail. The first tendency occurs on the terms afforded by the court. The prosecution and defence teams contest memory against criteria of accuracy, reliability, and validity. This is important for our understanding of legal mechanisms within transitional justice because it specifically presupposes that the past can be resolved and stabilised. Moreover, appeals to registers of 'objectivity' can be complemented by the testimony of (some) victims that (must operate according to scripts that) allow expressions of suffering, emphasising the gravity of the memories at hand. These moments are highly performative gestures of memory claims making. Against these attacks, the defence teams can employ more elaborate codes of 'denial' that work to disavow or to minimise their responsibility for the crimes in question. As I have suggested, these strategies actually have the effect of constituting the legitimacy and power of the trial as a deliberative exercise.

A second tendency works *against* the terms authorised by the ECCC, through strategies of 'rupture'. These strategies attack the legitimacy of the court as an arbiter over competing memory claims, probing double standards, and relying on equivocation in the reconstruction of the past. This second form of memory work is far more ambivalent in its relation to the ECCC. It challenges the terms and moral authority of the court by calling attention to competing accounts of violence and perpetration, and yet can be subsumed within seemingly trivial strategies of shutdown, such as the silencing of microphones within the courtroom, that again reinforce the way in which the ECCC operates as a mechanism of containment, disclosure and concealment.

Chapter Four

Mediating Memory

This chapter explores how outreach and public education work for the ECCC acted to shape and reframe potentially ambivalent and conflicting memories of political violence through the use of particular technologies of memory: existing memorial and museum sites, educational seminars and provincially held public forums on ‘justice’ and ‘reconciliation’. This chapter is based on participant observation data yielded from working with the Centre for Social Development (CSD) during the build up to, and day of, the ‘Pailin’ public forum. The forum is important because it involves the targeting of a community comprised of former lower-level KR (and the home of a number of ‘senior leaders’ facing prosecution at the ECCC). This group has been situated as a key party within wider processes of ‘justice’ and ‘reconciliation’, a central feature of which is the articulation of lower-level KR as victims of the regime. The chapter begins with a discussion of the role of civil society groups in the provision of public education about the ECCC, and the way that such groups bring complementary expertise to support supplementary outcomes of the work of the ECCC. The chapter then explores the Pailin residents’ encounters with the sites and crucibles of memory that outreach work for the ECCC utilises in licensing its reading of Cambodia’s experiences of war and genocide. Specifically, the chapter shows how existing museum and memorial sites are ‘reactivated’ to work as technologies of memory. I show how these can produce acquiescent, ambivalent and resistant effects among the former KR visitors. I then consider the consolidation and contestation of memory at a public forum event, noting the ways in which the forum attempts to disarm and reconstitute memory in ways that conflict with the ECCC’s interpretation of Cambodia’s past political violence. The outreach exercise enjoys mixed successes in reframing memory as a practical, programmatic task: this raises important questions about the possibility of producing a unified and shared understanding about Cambodia’s past, but also the contexts in which resistance or ambivalence is manifested and provoked. I argue that the forum is instructive about regimes of memory that make counter-claims about political violence and may potentially remain incongruous to that enacted by the ECCC. Moreover, I suggest that the forum reveals persisting regimes of memory that, when ‘reactivated’, challenge the terms of two of the ECCC’s wider aims: providing a sense of ‘justice’ and enabling ‘reconciliation’.

4.1 ECCC Outreach and Centre for Social Development public forums

The ECCC has attracted criticism on the basis of its perceived failure to provide comprehensive public education on its work. In 2009, the nationwide Berkley Human Rights Centre study, 'So We Will Never Forget', found that 85% of Cambodians had little or no knowledge of the ECCC and improving outreach in order to maximise domestic legitimacy in the public mind was one of the key recommendations of the report (Pham, Vinck et al. 2009: 5). NGOs have increasingly taken the lead in conducting public education on the work of the court, and the ECCC has now come to rely on civil society "partner" groups to supply its outreach. As a result of this, and depending on the focus of the particular NGO, outreach work extends beyond the specific remit of public education on the ECCC mechanism, but is generally directed around four combined aims (although the balance of these vary).⁵² Firstly, as noted, outreach work has been concerned with disseminating information on the work of the court itself and updating provincial groups on judicial proceedings. Secondly, outreach focuses on encouraging and enabling participation in ECCC proceedings as witnesses, complainants, or as 'civil parties' seeking reparation. Thirdly, extending beyond information on the detail of the ECCC mechanism, some groups involved in ECCC outreach have conducted public education and seminars on the history and detail of the Democratic Kampuchea (DK) regime itself. Lastly, some civil society groups look to provide information on mental health issues and trauma, as well as providing psychotherapeutic support services where possible.

Each of these four features of ECCC outreach can be understood as mutually validating in presenting the ECCC as a necessary form of intervention on memory: we can see how each can be combined as a form of 'program' to balance processes of presenting 'what is to be known' about the past (effects of 'veridiction') and 'what is to be done' about the past (effects of 'jurisdiction') (Foucault 1991b: 75). In other words, frameworks through which we know social problems tend to obviate and oblige what is to be done about them. For example, the Documentation Centre of Cambodia (DC-Cam) has held provincial film screenings that are intended to educate the population about the atrocities of the DK regime, eliciting public testimony from survivors and, at the same time, soliciting legal applications for participation in ECCC proceedings (Ly 2008: 24-27). More recently, DC-Cam has been actively promoting the education of younger Cambodians about the DK period, attempting to further enhance youth

⁵² The ECCC published monthly 'Court Report' has a dedicated section in each issue to NGO and civil society "partner" outreach that details ECCC-endorsed initiatives. The Court Report is available at <http://www.eccc.gov.kh/english/publications.courtReport.aspx>

engagement with the ECCC, and ‘dignifying’ the experiences of DK survivors on this basis. The ‘dignification’ of memory is an emergent outcome that is believed by DC-Cam to flow from the work of the ECCC and is an example of the way new socio-cultural effects and outcomes are authored onto transitional justice projects more broadly (see the ICTJ guidance report, Ramírez-Barat 2012: 19). Alternatively, the Transcultural Psychosocial Organization (TPO) works in partnership with both the ECCC and other civil society groups at outreach events to “raise awareness about trauma”, advocating testimonial techniques in order to document and recover memories of DK, whilst positioning (participation in and observation of) the ECCC as one means of empowering victims in overcoming trauma.⁵³ These approaches therefore conceptualise DK as a problematic site of memory (be it through historical, legal, or medical lenses), specifically in relation to its purported remedy and amelioration through the ECCC process. In this sense, outreach hinges upon techniques for rendering ‘knowable’ a problem that simultaneously implies and validates its solution.

CSD initially ran a series of provincial public forum programs on issues of ‘justice and national reconciliation’ in 2000, whilst negotiations over the formation of the ECCC were ongoing. As Chea Vannath (then CSD Director) notes on the initial three forums ‘...the idea was to ask whether a trial of former KR leaders should or should not be held’ (Vannath 2002: 304). After a gap of six years, following the establishment of the ECCC, the CSD forums were re-launched under the direction of Theary Seng, a prominent American-Khmer activist, and following the establishment of the ECCC in 2006 CSD provincial public forums became an important component in the courts outreach strategy. The recent forums have conducted outreach principally through a combination of public education on the court mechanism, encouraging participation in the court process, and holding seminars and forums on the history of DK that ran alongside attempts to raise awareness of mental health issues and trauma stemming from conflict.⁵⁴ The provincially-held forums were organised to include a preparatory visit to Phnom Penh to tour the Tuol Sleng Museum of Genocide Crimes, the Choeung Ek Killing Field

⁵³ Details of the TPO outreach initiatives can be found on their website at http://www.tpocambodia.org/index.php?option=com_content&view=article&id=48&Itemid=60 (accessed 2 September 2010)

⁵⁴ In July 2009 CSD underwent significant restructuring and a change of leadership as a result of an internal dispute. Parts of the projects related to ECCC outreach on victim participation and a ‘National Dialogue on Justice and Reconciliation’ have been taken up by the Centre for Justice and Reconciliation (led by many former CSD staff) – now incorporated under <http://www.cjr-cam.org/>.

genocide memorial, and the ECCC court buildings by a section of the forum participants.⁵⁵ The visits were therefore structured in such a way as to 1) reveal the factual evidence of KR atrocities (the ‘truth’), 2) encounter a site that is of significant symbolic and iconic memorial importance dedicated to those atrocities (rendering central ideas of the ‘nation’), and 3) demonstrate the ECCC as the now authoritative moral response to those atrocities (justice and reconciliation through the ECCC).

The forums were intended to ‘facilitate dialogue on issues of justice and reconciliation’ but the creation of the ECCC in 2006 meant that the forums became less able to accommodate debate about whether a court mechanism is or is not *necessary or desirable*. The ECCC prosecutions and the increasing pronouncement of justice and reconciliation as broader socio-political processes have provided the dominant frames that lend themselves to the delimitation of what can and cannot be said about the KR period (and the protracted 1945-1998 civil conflict altogether). For example, the forum leader discouraged discussion of political violence that occurred after 1979, but accepted discussion and comparisons between the Cambodian experience and other episodes of genocide. Rather, following the establishment of the ECCC in 2006, the CSD forums became predisposed to disseminate information about how justice will be administered and how reconciliation follows from this. In this vein, the forums were explicitly intended to spread information about the work of the ECCC, broadcasting proceedings on television and radio, and encouraging participants to act as:

‘...ambassadors for their village or commune by returning with printed materials and resources, and by retelling their experiences of the forum at a local level. Participants therefore work as *multipliers* by spreading high quality information about justice and reconciliation within their communities more broadly. Public forums are further broadcast on provincial television and local radio in order to ensure the widest possible dissemination of information on the topics of justice and national reconciliation.’⁵⁶

Notably, like TPO, the more recent CSD public forums drew heavily on a therapeutic conception of memory in an attempt to reconfigure the stigmatised notion of ‘national

⁵⁵ The Tuol Sleng and Cheoung Ek sites have specific histories, playing a key role as evidential sites – in terms of legal and public ‘proof’ of KR atrocities – within the post 1979 Cambodian state’s master narrative about the DK era. In the subsequent sections, I return to these histories and explain why they lend themselves to ‘reactivation’ under ECCC outreach work.

⁵⁶ Excerpt from “Justice and National Reconciliation” A summary report of the public forum series held in 2008’ distributed at the 2nd Annual Conference on Justice and Reconciliation, 5th November 2008, Centre for Social Development, Phnom Penh.

reconciliation’ – associated with the Royal Government of Cambodia-sponsored amnesty and pardon policies launched in the 1990s that are purportedly in conflict with the ECCC’s prosecutions – to an understanding of reconciliation that includes a therapeutic transformative lens: that reconciliation begins with individual ‘healing’, understanding personal and community trauma (a reconciliation of ‘self’ to ‘self’ and ‘self’ to others) and, by virtue of this, the generation of broader catharsis for Cambodia’s social ‘wounds’. This follows from the increasing influence of international psychological and therapeutic assumptions about the nature and role of memory that now govern transitional justice strategies :that memory is a site of renewal and malady if ‘untreated’ (Moon 2009: 76). These therapeutic assumptions are applied by civil society groups within Cambodia’s attempts to reckon with its history of political violence, and the CSD public forums were specifically organised into two sessions; in the morning emphasis was placed on ‘justice and history’, and in the afternoon the discussion shifted to focus upon ‘reconciliation and healing’.

It is worth briefly considering two documentary examples of the way that CSD provided information about mental health and trauma, because it is not neutral in its communication or effects: the trauma paradigm tends to pathologise post conflict communities, whilst the ‘medicalisation’ of memory can have implications for the construction of categories of victims. The two examples are central features of the ‘Understanding Trauma in Cambodia Handbook’, funded by the German Development Service (DED), written in both English and Khmer, and distributed across Cambodia at provincial public forums (dissemination aside, the handbook is equally important for understanding the types of ‘thinking’ behind reconciliatory ‘healing’ initiatives and the way these have been ‘grafted’ onto the ECCC process) (CSD 2008). The ‘Trauma Tree’ image provides a pictorial ‘map’ of the way that trauma is ‘rooted’ (invisible, hidden) in a specific set of events or experiences. The patterning of (observable) behaviours through the ‘branches’ illustrates the “physical”, “emotional”, “rational” and “behavioural” effects of being traumatised. Cambodians encountering the image are invited to ‘code’ their own ongoing ‘symptoms’ as consequences of traumatic events. Summerfield has pointed out how the sequencing of such communication – the necessary and inevitable translation of experiences of suffering into traumatic states – serves to situate ‘trauma’ as biologically automated, objectively locatable (across cultural contexts), and amenable to ‘technical’ intervention (1999: 1452). Summerfield further stresses that an effect of this sequence is the situation of suffering people as pathologically passive entities that must be supervised and managed by authoritative psychotherapeutic responses and techniques (in this case, specific invitations to self-disclose, testify and engage with the ECCC process). Moreover, we can (tentatively) see how the representation of traumatic experiences and symptoms in cartoon

form (which occurs throughout the text) could be interpreted as infantilising its audience. Conversely, this could be read to implicitly elevate the authority and supervisory role of 'medicalised' arbiters of reconciliation because it subordinates the agency of its audience.



Figure 5 The 'Trauma Tree' in the CSD Trauma Handbook

One important aspect of both the 'Trauma Tree' and the diagnostic checklist (below) are the way in which they act as means of self-identification as traumatised. They are, in this sense, examples of technologies of power and memory that are 'self-subjectifying' (Foucault and Rabinow 1997; Foucault 1998). The subject encounters and 'knows' themselves as traumatised through specific templates and categories of self-understanding. In post-conflict settings, this can have important consequences. As Moon suggests, the trauma paradigm has an influential role to play in discourses of reconciliation because it is powerfully exculpatory – dislodging

'retributive' moral orders – and opens up space for subjects' self-understanding as 'victims' of conflict and atrocity (2009: 80-81). In this sense, we can begin to see how these examples of medicalised, therapeutic reconciliation – of 'self' to 'self' or 'self' to 'past' – are very compatible with the ongoing ECCC prosecutions, and therefore permitted and increasingly prominent in ECCC outreach in general. Three issues are pertinent in this regard. Firstly, the diagnostic self-checklist works by inviting subjects to locate their 'symptoms' of Post-Traumatic Stress Disorder (PTSD) in the broad period of 'events during the Khmer Rouge years'. This is a vague periodisation that works with the jurisdiction of the ECCC, to the extent that it obfuscates the specific origin of trauma or traumatic events (as arising from 1975-1979 specifically or the decades long war more generally). The consequence is to make the ECCC appear to redress broader periods of political violence than it is actually tasked to. Secondly, in locating trauma in the 'frightening and dangerous events during the Khmer Rouge years', the checklist further obscures questions of agency, culpability and responsibility (in line with Moon's suggestion that a therapeutic ethos undermines retributive moral orders). Moreover, as Moon suggests, the trauma paradigm effects a denial of the agency of victims, positioning those affected by trauma as requiring supervision and management. Lastly, it is important to note that these materials are disseminated across Cambodia, to both former and non-KR communities. In this sense, we can see an example of how therapeutic knowledge is licensed to help sustain the ECCC's reconciliatory claim that lower-level KR are also victims of DK.

DOES THIS SOUND LIKE YOU?

Did you live through frightening and dangerous events during the Khmer Rouge years?
Please check the box next to any problem you still have:

- Sometimes, all of a sudden, I feel like it is happening over again.
- Sometimes I have nightmares and bad memories of the past.
- I stay away from places and situations that remind me of the event.
- I am easily surprised and feel very upset when something happens without warning.
- I have a hard time trusting or feeling close to other people.
- I get mad very easily.
- I feel guilty because others died and I lived.
- I have trouble sleeping and my muscles are tense.

If you put a check in the box next to all or most of these problems, you may have Post-Traumatic Stress Disorder.²³

Figure 6 Post-Traumatic Stress Disorder checklist in the CSD Trauma Handbook

The CSD forums were endorsed by the ECCC, as evidenced by the attendance of at least two ECCC staff at each event. ECCC attendees have included staff from the co-prosecutors office, defence, judges, and the Victims Unit, as well as the ECCC's own media and outreach personnel. Whilst ECCC and CSD staff have suggested that the forums could act as a space within which the attending ECCC staff could listen to the ideas and perspectives of local communities to take back to the ECCC's stakeholders, in reality, the attendance of individuals occupying authoritative positions within the 'justice' process means that large periods of each forum often resemble more of a 'question and answer' session than a forum for open dialogue. There are clear structures in operation that circumscribe what can be said and at exactly which points, with the forum leader formally arbitrating this process.

The forums worked to centre personal testimony and experience in the discussion (within particular constraints), pointing to the importance of testimonial techniques as a key technology of memory: self-disclosure is foregrounded at the forum as a technique for personal and collective renewal. It was evident that, by retelling or stating experiences of the DK regime, participants were legitimised to speak further on the broader topics of justice and reconciliation. Nevertheless, the divided format of the public forums since 2006, between history and justice on the one hand, and reconciliation and healing on the other, delimits clear fields which both enable and constrain what is spoken about the KR period (and the protracted 1945-1998 conflict more broadly) and how and when it is spoken. As I will illustrate in the coming sections, the ECCC reading of the past is contested at points. Whilst the public forums operate in such a way as to marginalise and reframe possible alternative readings and responses to the KR period, the forum is not entirely successful as a space that reframes memory in accordance with the memorial account sanctioned by the ECCC.

Having introduced the CSD public forums in the context of ECCC outreach, I now turn to explore the experiences of the Pailin residents as they encountered the three key components of the outreach exercise: guided visits to memorial and museum sites, public seminars at the ECCC court building, and the provincially-held public forum.

4.2 Outreach through the Tuol Sleng Museum of Genocide Crimes

Tuol Sleng (along with the 'killing field' at Choeung Ek) is today the principal Cambodian museum site dedicated to the atrocities of the KR. The museum building is a former high school in Phnom Penh, though during DK the site was put to use as an incarceration centre,

dubbed 'S-21'. At that time it was the largest of a network of prisons operated by the KR security apparatus. Chandler's approximation of the numbers interred at S-21 indicates that around 14,000 people were held at the centre, the overwhelming majority of whom were killed (1999: 36).

The site was discovered by the Vietnamese after the capture of Phnom Penh in January 1979 and the founding of the People's Republic of Kampuchea (PRK). The PRK government quickly recognised the potential of the site in purchasing popular support and legitimacy on a domestic footing. The site was thus projected within Cambodia as proof of the atrocities of the KR and, in the context of an ongoing civil war, to legitimate the new PRK state (Hughes 2003b: 176-178). As Ledgerwood notes, the curation of Tuol Sleng revolved around a state master-narrative that told of a 'glorious revolution' in 1975 that was stolen and hijacked by a small number of 'murderous criminals' (1997: 91). This highly personalised attribution of guilt for the DK period also materialised in particular significance at the 1979 'People's Revolutionary Tribunal' (PRT, the only formal retributive response to the DK period prior to the ECCC). The court was dismissed as a 'show trial' by the West, but this particular construction of culpability around the 'Ieng Sary – Pol Pot' clique was an important step in the deployment of the reconciliatory politics throughout the 1980s and 1990s in Cambodia. With the blame for the DK period focused upon two individuals, the PRT remained highly ambivalent about the responsibility of lower-level KR, playing to absolve the guilt of lower-level KR under a *de facto* amnesty (Gottesman 2003: 60-62), and leaving enough room to entice defections of other senior KR leaders (Fawthrop and Jarvis 2004: 42). As Fawthrop and Jarvis have noted, the fact that the court provided a formal space for Cambodians to express their experiences of DK has largely been neglected (2004: 49).

Today Tuol Sleng operates principally as a tourist attraction, with non-Cambodians comprising the majority of visitors to the site (Williams 2004; Hughes 2008).⁵⁷ However the site and its documentation are considered to constitute important evidence in the legal prosecutions at the ECCC, and the recent trial of Duch even involved a 're-enactment' of his role at the site.⁵⁸ More importantly, Tuol Sleng attributes blame for the atrocities of DK to senior KR leaders (and ambivalence about the role of lower-level KR) which represents a construction of culpability that corresponds neatly to the restricted prosecutions at the ECCC today. In this

⁵⁷ See Hughes (2008) on practices of visitation at Tuol Sleng by non-Cambodians

⁵⁸ See BBC News (2008). Khmer Rouge Leader 'enacts role'
<http://news.bbc.co.uk/1/hi/world/asia-pacific/7264203.stm>. Accessed 31 August 2010

sense, Tuol Sleng today serves to mirror both the reconciliatory politics of the 1980s and the politics of personal jurisdiction surrounding the current ECCC prosecutions: we can see that ECCC outreach ‘reactivates’ Tuol Sleng as a technology of memory because of its correspondence in this regard. As I will discuss below, civil society organisations such as CSD have utilised the site (and Choeung Ek) as a form of public proof about the KR regime in order to show the need for the ECCC. Much as in 1979, Tuol Sleng today plays a double role in promoting and licensing a ‘factual/forensic’ and ‘public/historical’ *‘truth’* about the DK period, serving to buttress the regime of memory formalised by the ECCC. In 1979 this entailed the legitimisation of the new state; in 2008 this entailed the legitimisation of the ECCC.

On 7 October 2008, a group of around sixty residents of the Pailin region⁵⁹ of Western Cambodia were brought to Phnom Penh to tour Tuol Sleng, Choeung Ek and the ECCC. CSD staff intended the visit to Phnom Penh to be principally pedagogic, designed to enhance participation at the ensuing public forum. As Sok Leang, head of CSD Public Education, remarked:

...it is about building their schema, their existing knowledge. Even though they may have experienced those four years [of DK] they have never been to these two or three places. In their imagination Tuol Sleng is like this, or like this – they have absolutely no information. We want people to get more active and involved on public forum day. We want to activate their memory. On the road from the province to Tuol Sleng, we don’t see emotion [in the participants]. But when they come to Tuol Sleng they start to remember whatever happened at that time⁶⁰

In the absence of comprehensive textual supporting information, it is the ‘untouched’ appearance of the artefacts on display that make Tuol Sleng persuasive (Hughes 2003b: 176-178; Williams 2004: 242). In this sense, the technologies of memory at work are authenticated by their visual presentation and organisation alone, on the basis of their role as ‘primary’ artefacts of atrocity. The museum includes photographs of corpses found in cells when the site was first discovered; torture implements and shackles remain in place as they were left in 1979; blood stains remain unwashed on some of the walls; and in building B displays include

⁵⁹ A large number of this group were former KR and their families, although one resident of Phnom Penh was invited exceptionally as a former student of Tuol Sleng High School.

⁶⁰ Personal interview, Phnom Penh, 7 October 2008

the iconic portrait photos taken upon entry of those interred at the centre. The little textual information that is available at Tuol Sleng communicates culpability for the atrocities committed at the site around the Pol-Pot - leng Sary clique.⁶¹ A board at the entrance to the museum complex notes the transformation of the site from high school to prison on the orders of the Pol Pot - leng Sary clique. Whilst the museum attributes guilt to senior KR leaders that were intent on genocide, and is silent about the role of lower-level KR (a construction of culpability that corresponds to the prosecutions at the ECCC today), it communicates suffering as nationally generalised (Ledgerwood 1997), the entrance board noting that S-21 was the largest of a nationwide prison system.

Ledgerwood has suggested that ‘...Cambodians generally accept the story of the museum as true to their experiences’ (1997:82). As I toured the site with the CSD staff and Pailin residents, the reactions and responses of the public forum attendees did not necessarily refute or corroborate Ledgerwood’s claim. Rather, their responses provide insight into the importance of the ‘knowledge’ that visitors bring to bear on a site, and how meaning emerges through a relationship between site, audience, and (particularly) the context of visitation. One resident of Pailin, when viewing the shackles left in a cell, recalled in detail the types of punishment he had witnessed during DK. Upon entering a cell in ‘Block A’ of Tuol Sleng, another former KR soldier asked ‘who gave these orders?’ On the one hand this shows that the visitors were highly attuned to issues of culpability represented at the site, possibly in part as a result of the fact the tour was organised directly as a means of understanding the current ECCC prosecutions. On the other hand, what was occurring during the visit was a struggle by the visitors to situate their own experiences of KR rule within the regime of memory propagated at Tuol Sleng.

The pedagogical aims of the tour reflect the assumption by CSD staff that many attendees did not know, or have information, about Tuol Sleng prior to their visit. Moreover, their struggle (and at points disbelief) in rationalising what was witnessed is evidence that members of communities like Pailin largely experienced KR rule in a setting of agrarian cooperativism receiving more favourable treatment, rather than in the exceptional spaces through which DK images of DK are principally reproduced (portrait photos from incarceration and torture

⁶¹ All information at the site is in Khmer, English and French

facilities in an urban setting; or organised human remains). Importantly, though, it also reveals the dissonance that existed between the localised memories of the group and a projection of blame – as substantiated and exemplified by Tuol Sleng – *prior to* the CSD visit.

The visit to Tuol Sleng provoked very mixed responses among the visitors. A former student of the Tuol Sleng school prior to 1975, who was invited onto the tour exceptionally by Theary Seng, had not returned to the site since the DK era, despite awareness of its existence. For him, returning to Tuol Sleng had simply been too painful to contemplate. By the time the tour had reached the last block of the museum he began to publicly denounce the trial (despite his self-identification as a ‘victim that lost many relatives; when I am here, I am shaking with anger’). The rest of the Pailin attendees remained impassive as the former student proclaimed that the ECCC is a ‘theatre’, that he felt hopeless about ‘justice’, and that he would not file a complaint with the court.

The former student’s reaction to Tuol Sleng is instructive about the diversity of lenses through which Cambodians can question the legitimacy or are critical of the ECCC. His dismissal of the ECCC as an effective enterprise arose in the first instance from his feeling that the evidence presented at Tuol Sleng was, in itself, so *overwhelming* he could not understand the delay in prosecutions. In his eyes, the ECCC proceedings were suffering set-backs because of political influences: ‘I bet my life that this court will not have a fair trial. If it was a pure international tribunal, justice would be satisfied’. This remark could be understood in part as an anxiety about the influence of the Government on proceedings. This view is pervasive among international and domestic Cambodian civil society groups, but also among those ordinary Cambodians that question the legitimacy of the current Cambodian government. In this sense, he accepted and approved of Tuol Sleng as a site of historical and factual evidence but simultaneously dislocated the appropriateness of the ECCC institution as the authoritative moral response to those truths.

In a change of tack, the former student continued to note that ‘...the revolution began in 1954, but the jurisdiction is only four years [1975-1979]. Where there is smoke there is fire. The ECCC is not interested in the root causes’. The interest in publicly disinterring aspects of the broader conflict outside of the 1975-1979 period is indicative of a desire in some sections of Cambodian society to address a broader historical and contextual truth about the KR period. This appears to reflect a frustration with the temporally delimited factual and forensic truth licensed by the ECCC’s jurisdiction. As became evident during the visit to the Choeung Ek ‘Killing Field’, the ECCC, and at the public forum, many of the former KR shared this concern.

4.3 Outreach through Choeng Ek ‘Killing Field’ memorial

Choeng Ek ‘killing field’, roughly 15km South of Phnom Penh, was the site of execution for many of those held at S-21. The site is comprised of 129 mass graves, around 40 of which have not been disinterred. Alongside Tuol Sleng, Choeng Ek became pivotal in the PRK’s construction of a coherent reading of the DK period. As Rachel Hughes has noted, following discovery, Choeng Ek was cast as ‘a centre for typical evidences’ (2005: 258-259), providing further ‘proof’ about the ‘genocidal’ intentions of Pol Pot, thus attributing culpability for DK to senior KR leaders. Again, the construction of the memorial around this attribution of responsibility is important because it corresponds neatly to the prosecutions currently administered by the ECCC. In this sense, we can see how the Choeng Ek site promises itself for ‘reactivation’ under ECCC outreach exercises as a form of ‘proof’ and legitimation.



Figure 7 The Choeng Ek stupa

Today clothing and shards of human bone can often be found whilst walking between the disinterred mass graves, contributing to the “shocking” and “raw” impression the site offers

(Bickford 2009: 8). The central focus of the site is a memorial Buddhist *stupa* constructed in 1988 to display the remains of some 9000 of those killed there.

The memorial *stupa* at Choeung Ek evidences a tension between a secular politics of nation building and the imperative to create forums that could memorialise the loss of life during DK in accordance with Buddhist practice. As Hughes suggests, the public display of human remains within a memorial *stupa* represented an attempt to nationally reclaim, memorialise, or re-‘know’ victims that cannot be understood as having been ‘sacrificed’ (2006: 259). Hughes’ analysis of Choeung Ek reflects the concern that some Cambodians struggle to comprehend DK as Khmer-on-Khmer violence. Traditionally memorial *stupa* forms act as sacred spaces containing the cremated remains of one person, usually of venerable status (Hughes 2006: 105). In contrast, the Choeung Ek memorial visibly interred the remains of many victims of the KR, the large numbers of unidentifiable skulls reinforcing the general and anonymous image of suffering under the KR. The tension between the Choeung Ek’s role as a religious and political site is further evidenced by the fact that, in Buddhist tradition, deaths from inauspicious circumstance (like murder) require urgent cremation (Hughes 2006: 105-6). The continued display of mass-human remains therefore contravenes Buddhist funerary practice, but moreover makes some Cambodians uneasy and fearful about visiting the site (Hughes 2006: 106). Indeed, as I show in Chapter Five, *‘The Wat Thmey Genocide Memorial’*, fear of human remains (and the attendant presence of spirits) can make Cambodians suspicious and wary of the meanings conveyed at memorial sites. Compounding the tension in enmeshing religious and political meaning at the Choeung Ek installation is the problematic issue of ‘ownership’. Today, the overwhelming majority of visitors to the site are non-Cambodian, and the site’s ticket concession has been awarded to a Japanese-Korean firm. As Youk Chhang, head of DC-Cam, has argued, ‘memories cannot be contracted, cannot be sold, cannot be purchased’.⁶² The site must be understood to exist through conflicting positions in the Cambodian moral imagination because the site implies both reverence for the memories of victims of the KR, and the possibility that those memories can be deployed to generate revenue.

Following the visit to Tuol Sleng, the Pailin residents were taken to tour Choeung Ek ‘killing field’. Hughes’ analysis of Choeung Ek as a site depicting ‘unsacrificed’ victims was corroborated when commencing the tour. Whilst walking around the graves, one participant questioned how Khmers could commit such violence against Khmers. This is important

⁶² See BBC News (2005) ‘Killing Fields Deal Sparks Anger’
<http://news.bbc.co.uk/1/hi/world/asia-pacific/4415873.stm>

because it reflects a view that characterises the Cambodian conflict and KR period as a crisis of national solidarity. He compared the KR period of rule to Nazi Germany, whereby he rationalised the violence perpetrated there in the name of territory and sovereignty. In Cambodia, he could not understand how a government could ‘undercut’ its own people, in what he considered ‘non-sensical’ violence.

The difficulty the participants had in encountering the display of victims of Cambodian mass violence manifested itself through the lens of an offence to the Khmer ‘nation’. Yet this did not necessarily translate into anti-KR responses to the Choeung Ek displays. Whilst the Choeung Ek site references a narrative of generalised suffering of the Cambodian nation at the hands of the KR leadership, counter-claims resisting this narrative emerged on the tour. For example, one participant, claimed that ‘if only the KR had fed the people better and asked the people to join the army, we could have fought the Vietnamese invaders and won the battle’, contradicting the claims made at Tuol Sleng and Choeung Ek about the nature of the Vietnamese intervention as *salvation* for the Cambodian people. This response eschews the narrative of the guilt of the ‘Pol Pot – Ieng Sary clique’ referenced at Choeung Ek, but also disrupts a conceptualisation of the memorial as means of deterring future violence (an expectation of many international visitors to the site) (Bickford 2009: 12).

As one former KR soldier remarked:

‘Something happened here that I cannot understand. I was a soldier for the Khmer Rouge. The battle [Khmer Rouge attacks against the Vietnamese border before the 1979 Vietnamese intervention] should have been taken to Ho Chi Minh city already, and I can’t understand why the army was ordered back. This site, this place – it’s politics. There are lots of things I cannot understand, this violence was political.

On the one hand, the former soldier was not necessarily denying the immediate truth presented by the site (that Cambodians died there). However, aligning his personal understanding of DK to the collective violence represented was problematic. This type of reaction is again dislocated from the ECCC as an authoritative moral response to the DK period, because the reading of violence as ‘political’ could be seen as ambivalent toward culpability for the 1975-1979 period when the claims made at Choeung Ek (and the context of visitation) explicitly link the ‘proof’ and nature of mass violence to the guilt and ‘cruel’ intentions of senior KR leaders. Instead, the former soldier eschews the dominant meanings of the site and purposes of visitation to state a competing claim about nationhood and memory:

that the 'real' threat to Cambodia was from Vietnam (rather than the KR leadership). Moreover, by linking the existence (and display) of mass remains to the conflict with Vietnam, and 'politics' more broadly, the soldier's remarks can be read to question the legitimacy (and authenticity) of the site. The former soldier expressed further scepticism concerning the function of the Choeung Ek memorial. In his eyes, the site was 'well established', '...good for attracting tourists and helping to develop the country, but it is very superficial'. This reflected his perception that Choeung Ek did not represent '...the essence of the problem. The memorial is planned, made for a vision.' These comments appear to show important relationships between the role and function of a memorial space, contexts of visitation, and the ways in which these feed into the multiple 'meanings' negotiated (or resisted) between visitors and the technologies of memory at play. Moreover, it is evidence of the imperfections in correspondence between a program (outreach exercise) that seeks recourse to a technology of memory (memorial site) in order to bring about particular effects on the social body (evidencing the need for the ECCC).

The contested meaning and function of the Choeung Ek site is noteworthy because the Choeung Ek centre invites particular practices of observance, religious and otherwise. The display of mass graves and visible shards of bone and clothing littering the pathways between unfenced walkways provides an intimate and immediate encounter with a legacy of mass killing. The Pailin residents were very subdued whilst traversing between the pits, as the tour guide explained the role and scope of each section of the extermination centre. The circuit then looped back to the central memorial where human remains are displayed within a *stupa*, therefore as sacred. Yet these remains are organised in glass cases by age and gender, reflecting an imperative to classify and categorise the remains as evidence. Overlapping (but not necessarily complimentary) meanings around nation, religion, and forensic truth or 'proof' played into the construction of the site (Hughes 2006: chapter four). Arguably these translated in turn into particular responses from the Pailin residents; the younger attendees ascended the *stupa* before a sign reading 'Please pay your respects to the millions of victims of the Pol Pot regime', then knelt in prayer, before burning incense. The older attendees were not inclined to participate in religious observance at the site, but then would peer inquisitively at the human skulls in the display.

4.4 Outreach at the ECCC building

Following the tours of Tuol Sleng and Choeung Ek, the Pailin residents were taken by bus to visit the ECCC court building and attend a seminar with Reach Sambath, at the time an ECCC press officer (and subsequent head of ECCC Public Affairs). As noted above, the tours to Tuol Sleng and Choeung Ek in part evidenced some dislocation between acceptance of the proof of KR atrocities and the perceived necessity and efficacy of the ECCC as the appropriate moral response to those atrocities. The seminar at the ECCC was framed in such a way as to consolidate this 'proof' and obviate the necessity of the ECCC as the *only* moral response to those atrocities. In this sense, outreach exercises at the court can be understood as a way of acting upon and reframing otherwise ambivalent or conflicting regimes of memory.

The seminar opened with a discussion of the displays at Tuol Sleng and Choeung Ek, with Reach Sambath enquiring, 'Those objects [at Tuol Sleng and Choeung Ek] are real, everything is real. How closely did you watch the skulls?' In response, one Pailin resident remarked 'Close, very close, to ensure that they were real'. Such an exchange, that hinges on the accepted authenticity of the objects displayed, is illustrative of an anxiety held by practitioners within Cambodia's transitional justice process that there are provincial groups within Cambodia that are not aware of Tuol Sleng or Choeung Ek, and do not trust the sites (for political or religious reasons). This is in conflict with the work of the ECCC because Tuol Sleng and Choeung Ek have been cast as crucial evidential and symbolic sites for understanding the KR period and the ECCC response to it. Moreover, it shows again that Cambodians do not necessarily remember the DK era through the lens of Tuol Sleng or Choeung Ek as representations of their experiences, despite past and present efforts to make the sites stand for those experiences (Hughes 2006: 154).

The problem of situating personal experience in relation to representations that generalise claims about the past was further broached in the seminar, with Reach Sambath asking 'did you believe the killing was true?' A woman from Pailin responded that relatives had told her about atrocities, but she had not witnessed anything. In reply, Sambath explained that '...no one could see the killing, the killing was kept secret. And people were afraid of the killing sites so they would not go near them.' In this sense, Tuol Sleng is used here as an evidential premise of 'secretive' and 'unfamiliar' violence that can be extrapolated to generalise about experiences nationally. This locates the participant's uncertainty about her local experience

within a national explanatory framework. This is evidence of the way attempts to consolidate particular accounts of the past must be understood as negotiated forms of practice.

By attempting to reinforce and establish the truth and authenticity of Tuol Sleng and Choeung Ek, the seminar was able to refocus around the imperatives used to validate the ECCC. In the first instance, the proof of death plays to the need for justice, specifically through the lens of evidence and legal prosecution. As I have noted above, Tuol Sleng and Choeung Ek lend themselves to this purpose because they portray culpability for DK crimes as being restricted to senior leaders only whilst remaining ambivalent about lower-level KR. This corresponds neatly to the current restricted ECCC prosecutions, and thus is also in keeping with the politics of national reconciliation because there is a *de facto* blanket amnesty for lower-level KR. Secondly, the 'truth' of the sites plays to an educational imperative encouraging younger Cambodian generations to learn about 'their' history (a politics of dignification that has been inspired by the work of groups like DC-Cam), and purportedly helping to prevent future crimes (a politics of deterrence). This second imperative implicitly cites the internationalised human rights call of 'never again', positioning younger Cambodian generations as obliged to take ownership of that history.

The truth presented at Tuol Sleng and Choeung Ek was deployed in the seminar as justification for the ECCC, yet acceptance of the court's necessity was not unanimous among attendees, even among those that had witnessed killings. One participant recalled that 'I eye-witnessed some killing. But when I walked around Tuol Sleng and Choeung Ek I felt that I didn't want to see prosecutions. I wanted to see the five leaders live longer'. Another former KR soldier explained that he had lost relatives, including brothers and uncles. 'The killing happened continuously, from one to one to one. But why do we need this trial? I want to know why the regime killed people.' Apprehension toward the ECCC as a response to atrocity can be understood as evidence for the fact that there may be memories and perspectives lingering in Cambodia that remain in conflict with the ECCC project. Moreover, questions of 'why the regime killed', that are interested in more contextual histories of violence, raise concerns about the appropriateness of a legal mechanism as a truth-seeking exercise, given that it is governed by ascertaining the weight of proof to conclude only the guilt or innocence of a handful of individuals.

The Pailin attendees further pressed questions regarding atrocities committed before and after the DK, challenging the limited ECCC jurisdiction. Whilst Reach Sambath stressed that the court's jurisdiction could only attend to the 1975-1979 period, for some of the Pailin

attendees, 'real' history for future generations could not be documented without formal attention to the periods of violence outside of the ECCC mandate, which includes bombing by the US in the 1970s and violence perpetrated by the Vietnamese during the civil war after 1979. In the eyes of a number of the Pailin participants, acknowledgement and reckoning with these issues were also important to their understanding of reconciliation.

The seminar had noticeable effects in diffusing these points of conflict when explicitly addressing the role former lower-level KR may play within the ECCC process. In this sense, the seminar worked to act upon and couch potentially conflicting memory in 'reconcilable' frames: the mobilisation of the ECCC's *de facto* amnesty for lower-level KR was a visibly effective technology of memory (exculpation). ECCC outreach materials have been quick to emphasise that only senior leaders will be prosecuted and accordingly the seminar stressed that the restricted prosecution was a necessary element within the process of national reconciliation. CSD staff were also quick to point out that former KR may have lost relatives or suffered themselves and may therefore be 'victims' that could file complaints or join as civil parties. The tentative offer of enfranchisement within the ECCC process, in tandem with reassurance of the fact that lower-level KR would not be prosecuted, appeared to assuage some of the Pailin attendees' reservations about the trials. In this sense, it was clear that the stakes of reconciliation as defined by the ECCC – that 1975-1979 was the 'rupture' around which to reconcile, and that only senior leaders are to blame – had gone some distance in positioning the court as a *necessary and acceptable* endeavour.

Large periods of the discussion focused upon the ECCC mechanism and practical problems facing the court; the procedural delays, uncertainty over funding, how much the trials may cost, what presumed innocence entailed, the ailing health of defendants, and the duration of a given trial. As evidenced by the number of questions fielded by the ECCC staff on these matters, the Pailin residents were clearly engaged by the process. At one point a resident quizzed 'Why do those five detainees receive such good treatment?' to which Reach Sambath jokingly asked 'Are you jealous? We have some spare rooms'. The seminar was characterised by this type of convivial exchange and this contributed to a far more clement mood among the Pailin residents than upon leaving Tuol Sleng and Choeng Ek. This shows again that analysis of various technologies of memory requires attention to both *what* is being remembered (meaning/message) and the specific contexts and modalities of memory that they are mobilised within (Tuol Sleng or Choeng Ek tours, ECCC seminars): they are at the same time relational, but also not necessarily mutually validating. This captures the variable imperfections in the correspondence of the intended and unintended effects of technologies of memory as

they are mobilised. On the one hand, the deployment of Tuol Sleng and Choeung Ek as evidential agents that ‘license’ the premise of the ECCC account (i.e. killing occurred, the senior leaders are to blame) still provoked specific types of resistance, potentially as a result of distrust of both their particular political histories, but also the specific artefacts through which they articulate meaning (human remains, the arguably ‘inauthentic’ Buddhist *stupa* etc). The attendees that were sceptical about Tuol Sleng and Choeung Ek were not necessarily all against the ECCC; the attendees that were accepting of the ‘proof’ of Tuol Sleng and Choeung Ek were not necessarily in agreement that the ECCC is the appropriate moral response to that ‘proof’. On the other hand, it should be stressed that the ECCC became less problematic for the Pailin residents as the day continued and they were exposed to more information about the court mechanism. This appears to show that individuals may resist a particular ‘story’, or struggle to align their experiences within a collective account of violence, but then may still accede to authoritative mnemonic responses to the past, such as the ECCC. The ECCC mobilises, and is contingent upon, a particular totalising (mono-logical) account of the DK era that many participants could not completely accept as ‘valid’. Yet still the power of this account was increasingly felt during the seminar as attempts were made to render the ECCC intelligible. The seminar thus proved to be a powerful crucible within which the ‘moral meaning’ of memory was re-forged, and undoubtedly the ordering of the day’s schedule played to this, demonstrating sites of atrocity, or moral ‘wrong’, leading to the site of moral resolution of those ‘wrongs’.

4.5 The Pailin public forum – 24th October 2008

“This morning we focus on the past, history, and now the ECCC. The past is important, but we don’t want to be stuck there. We need to look back to move forward to a peaceful and harmonious future. We don’t want to be trapped by the past, we must focus on peace, justice, reconciliation, and emotional healing.”

Theary Seng, CSD Executive Director, opening remarks.

Following the tours to Phnom Penh, the Pailin public forum was held on 24 October, with over 150 local residents in attendance to discuss issues of ‘Justice and Reconciliation’. ECCC staff, including co-prosecutors, co-investigating judges, domestic and international judges, and outreach personnel were all present to participate in the discussion. International court monitoring staff and representatives from donors groups were also present, including the

British Ambassador, Stephen Mace. The local authorities were also represented with the attendance of Deputy Governor of Pailin, Mey Mak, a former KR official.

The morning session of the forum was intended to focus upon issues of justice and history. Participants were allowed up to three minutes to ask questions of the ECCC staff, which pre-disposed the format of the session to focus more on questions about the ECCC mechanism itself, rather than history (the ECCC staff were generally reluctant to speak about anything other than the ECCC mechanism). Moreover, whilst each participant was encouraged to introduce aspects of their own experiences of DK within their allotted three minutes, this did not provide enough time for them to elaborate in detail or greater length about either those experiences or their own perspectives about the ECCC. Whilst unstated, the CSD forum implicitly positioned questions on the history of DK to have been addressed during the visit to Phnom Penh at the museum and memorial sites. Moreover, the format of the dialogue became increasingly one of 'question and answer' than an exchange of ideas. In this sense, the ECCC staff were not (and could not be) attentive to questions outside of the framing of the ECCC jurisdiction. By focusing on questions about the detail of the ECCC apparatus, the explanations of the mechanism became indistinguishable from justifications for it: a process of rationalising and validating the ECCC mechanism in a circular fashion emerged (it exists because it is important and it is important in its existence). This was in part reinforced by the authoritative positions the attending ECCC staff occupied within the court: judges, prosecutors, witness protection staff etc.

The forum was instructive about the assumptions held by ECCC staff about the processes of both justice and reconciliation in the Cambodian context. In the first instance, the ECCC outreach personnel were quick to introduce the court as a necessary form of redress for the victims of the KR period which could also act as an institution that would consolidate the government's existing policy of 'national reconciliation'. Further governmental rationalisations were then also given: the ECCC could deter such crimes occurring in the future and the court could act as a model example for the improvement of Cambodia's existing judicial system. As I showed in Chapter Three, *Trials and Tribulations*, these imperatives are among the prominent benefits deployed by ECCC stakeholders when presenting the importance of the court. Whilst the imperative to confront 'problematic pasts' was in this sense re-hitched to a progressive and ameliorative narrative toward state 'development', the remarks of the ECCC staff also implicitly revealed entrenched assumptions about the capacity of Cambodia to conduct proceedings in accordance with international standards. As a staff from the co-investigating judges stated:

There are many countries that are friends with Cambodia and many would like to strengthen that. If Cambodia can show the world that they can establish the rule of law and hold fair trials, other governments will have more faith in Cambodia; in trade, information... it [the ECCC prosecutions] is an important and necessary process that will benefit Cambodia and the rest of the world.

This statement is particularly interesting as it implies both a paternalism and mistrust in the way it situates the relationship of the 'the world' to the Cambodian body politic. The statement constructs a standard of international legitimacy contingent on the rule of law, as demonstrated by 'fair trials'. In the first instance, this evidences the perceived authority of human rights standards as legitimating criteria for political governance. These forms of hierarchy work less, as Said explains in *Orientalism*, as a 'veridical discourse' in which claims should be proven or refuted, as much a means of cementing the particular power dynamics involved in defining those standards (1995 [1978]: 6). The possibility that 'Cambodia can show' the international community successful 'fair trials' suggests Cambodia has not yet done so, but also implicitly subordinates Cambodia's ability (or willingness) to do so, or its capacity to judge whether it has done so. These types of public pronouncement constitute an active process of maintaining pathologising images about Cambodia as a dysfunctional space, whilst re-centring and maintaining the perceived efficacy of the ECCC, as a part-internationalised body, as its remedy.

Whilst the 'international' imperatives to do justice were pronounced in rationalising and validating the work of the ECCC at the public forum, with frequent references to other cases of intervention following atrocity, a specifically 'national' imperative to reconcile also dominated the discussion (again particularly evident in the comments by the ECCC staff themselves). The Pailin residents were repeatedly encouraged to go back to their communes, tell their friends and spread the word that lower-level KR have nothing to fear. The emphasis on assuaging the anxieties of lower-level KR about the absence of lower-level prosecutions must be understood as a reconciliatory endeavour as it is mobilised through a *de facto* blanket amnesty, at the same time as positioning lower-level KR (Pailin residents) as key parties to the reconciliation process. Again, this mirrors and reproduces the reconciliatory politics deployed during the civil war in the 1980s and 1990s, reflecting the restriction of blame at Tuol Sleng and Choeung Ek to senior leaders only: those who would live in peace are reconciled, and therefore 'peace' equates to 'reconciliation'.

Despite the ECCC's restricted prosecutions, which tightly define the stakes of justice around the guilt of senior leaders whilst constructing moral lacunae for lower-level KR (thus inviting reconciliatory politics), there are memories and beliefs manifest in communities like Pailin that can be understood to remain in conflict with the ECCC project. As one former cadre remarked during the morning session on his own self-understanding as 'Khmer Rouge':

When people hear the name 'Khmer Rouge' they are scared. I am proud of what I went through but I am also sorry for the destruction in the period. These people [Khmer Rouge] were true nationalists, they protected the territory. No matter what the perception of the KR, we know there was destruction. We are not ashamed, we did not do any bad things. Some people, when they think of the KR, they think they have red eyes and eat human flesh. We tried to struggle, we made sacrifices for Cambodia.

The nation/patriot lens through which this former cadre understood his own experiences of the Cambodian conflict is at odds with the ECCC reading of the past, because on the one hand it acknowledges the suffering of the conflict but denies KR responsibility for 'any bad things'. Moreover, the valorisation of the KR as 'true nationalists', or martyrs would not seem congruous to the ECCC explanation of the DK period, or that articulated at Tuol Sleng or Choeung Ek, despite the court's ambivalence about the moral status of lower-level KR. Another resident of Pailin remarked further that '...the KR leaders did good things. Without the leaders there would have been no agreement in Paris [1991 Peace Accords]. The KR leaders did not intend to kill people, this is our belief.' Clearly this type of remark is a notable incongruity to the central ECCC reading of DK.

The afternoon session on 'healing and reconciliation' attempted to adopt a marked reconceptualisation of what reconciliation entails. As the host declared:

These people are former KR. They are victims and they lost family. We need reconciliation. We don't want to point the finger at anybody. We just want to look back to the past, and we need joint participation... You can contribute to justice, peace, and emotional healing.

The refocus upon individual trauma healing as a criterion of reconciliation – as opposed to peace equals reconciliation – shows the encroachment of psychological therapeutic assumptions into Cambodia's transitional justice strategy. The casting of lower-level KR as 'victims', that must also know their own trauma in order to facilitate individual and community healing, borrows from an increasingly authoritative set of international therapeutic norms that are applied to transitional justice problems. Moreover, as noted, it plays as a powerful

reconciliation strategy because the construction of former soldiers and communities party to a conflict as 'victims' that require healing is exculpatory (Moon 2009). Approaches that use a more 'therapeutic' understanding of reconciliation, borrowing from medicalised trauma concepts, could still comfortably operate in tandem with the construction of culpability mobilised by the ECCC (senior leaders are guilty) and alongside the existing politics of 'national' reconciliation mobilised by the Cambodian state (*de facto* blanket amnesties for lower-level KR).

The afternoon session allowed greater license for the attendees to speak at length about the issues they felt important for reconciliation and 'healing'. What became evident was a notion among the participants that 'truth' was at stake. This did not consistently manifest itself around contestation over what had taken place during the DK period, but was more centrally concerned with 'why violence had occurred?' As one female resident of Pailin asked:

During the KR I lost all my family members, I saw this with my own eyes. I saw people taken on trucks and then shot on the hillside. During the Pol Pot regime, why did they kill people, what was the purpose of the massacre, who backed the massacre, which countries?

The attendee's memory of violence is attended by a contextual question about the origins of generalised violence. Moreover, the struggle to rationalise Khmer-on-Khmer violence is again manifest, evidenced in that she seeks to locate culpability outside of Cambodia. This type of concern seems to point again to a tension between a legal mechanism, such as the ECCC, that relies on types of knowledge/memory that are factual/forensic, with a desire among sections of the Cambodian public to explore contextual questions about the nature of Cambodia's history of political violence.

The demand for the recognition of 'unacknowledged' memory also emerged among former KR cadre too:

I want those who are scared of Khmer Rouge to understand the Khmer Rouge. They assume [that the] Khmer Rouge is the most responsible offender. Pol Pot died, but people still respect his grave. Because they know him, and they know he was not bad. People need to understand the Khmer Rouge in order to not be scared of them. We have to understand what Pol Pot did. Of course they are responsible for the massacre and they must be held responsible. But why did they have so many followers? I was a willing follower. They need to understand us.

For a number of the former soldiers, the civil war and violence perpetrated before and after the 1975-1979 period was central to this 'truth', reflecting their concern that 'legitimate' memorial narratives in the national biography were being subordinated within a picture that did not address the 'whole story'. Reconciliation and justice were considered problematic without acknowledgement of these broader periods of conflict. One exchange between Theary Seng, the forum leader and a former-KR encapsulated this well:

KR: I went through the regime, and each regime up to now. The killings happened in every regime. During the Pol Pot regime there was a massacre, and during the PRK, so the ECCC doesn't bring real reconciliation, with those who commit crimes outside the regime. After 1979 a lot of people were killed too. People were killed by hunger, foreigners, and KR. If the trial cannot bring justice for people, we should give pardons, join hands and work for the people. Justice does not exist at the court – there is still injustice. There are problems today with injustice, the equality of poor and rich. We should concentrate on this not the trial.

Forum Leader: The size of the crimes was big and cruel. This court will not convict ideology. It will convict criminals. Now we have a lot of evidence to prove the massacres did happen.

KR: I am not worried that I will be convicted. The criminals should get real punishment. They are nationalists, but are responsible for the loss of life during that period. But you left after the regime, you didn't suffer. Or see the suffering after that period, all my family were imprisoned. What we need is real reconciliation. The trial of senior leaders will not cause insecurity amongst the people. But there are many victims, and those who committed the crimes who are now in power.

This exchange is of particular interest because of the way the former KR attendee has disrupted the forum's understanding of reconciliation as an ensuing and complimentary outcome of the ECCC. It is noteworthy that he does not deny the factual basis of the ECCC claims about the 1975-1979 violence (an outcome of senior leaders' guilt). Rather, his reconceptualisation of victimhood as a substantive category for all of those involved in political violence within and outside 1975-1979 contests the legitimacy of the ECCC as a reconciliatory strategy because it presents alternative sets of victims and perpetrators. The court is validated on a universal claim that demands accountability and redress for all perpetrators and victims of political violence. The ECCC is then challenged when communities such as Pailin present claims about the occurrence of serious political violence that the ECCC will not attend to.

Conclusion

The regime of memory enacted by the ECCC hinges on the prosecution of a 'neat' set of perpetrators in the name of an understanding of all Cambodians as 'victims' of the 1975-1979 violence (this is notwithstanding those Cambodians formally recognised by the court as civil parties, who remain only a small section out of the universe of possible DK victims). The ECCC prosecutions formalise an account of the DK period in which blame is placed at the hands of a few senior KR leaders. Such restricted prosecutions play to the politics of national reconciliation by (re)constructing a *de facto* blanket amnesty for lower-level KR. Crucially, the ECCC prosecutions are reflective of the way blame for DK is represented at Tuol Sleng and Choeung Ek and, as such, they are deployed to help persuade groups that participate in ECCC outreach about the truth of the DK period and the need of the ECCC as a response to it. These sites were initially pivotal in the 1980s political construction of a national account of what happened under the KR, reflective of a politics of reconciliation therein, and must be understood as 'reactivated' for ECCC outreach purposes because of the correspondence in the way they mirror the articulation of culpability today.

As this chapter has demonstrated, the success of these sites in disseminating a reading of the past in the name of the ECCC is mixed. Some of the forum visitors attempted to contest the meaning of the sites and some questioned whether they accepted the ECCC as valid or necessary response to the suffering represented. Others among the visitors found Tuol Sleng and Choeung Ek to correspond to their own experiences of DK and many considered the ECCC otherwise important: accepting the ECCC's preferred reading of the past articulated at the memorial and museum sites past did not neatly translate into accepting the normative legitimacy or efficacy of the ECCC and vice versa. This shows that technologies of memory can produce multiple, varied responses and explains imperfections in the correspondence of their actual and intended effects when programmatically deployed (as part of outreach exercises).

The public forum evidenced complementary technologies of memory brought to bear on the outreach process. As noted, outreach allows license for the introduction of particular lenses for 'knowing' the DK period that at the same time implies the necessity of the ECCC as a response to it. A more transformative notion of reconciliation is invoked in the work of civil society groups that situate the ECCC within internationalised therapeutic imperatives for the 'healing' of a traumatised society. The therapeutic understanding of reconciliation invoked by CSD, with a focus on individual healing, centred testimonial (confessional) techniques at the

public forum as a premise and condition of reconciliation. At the same time, this approach complements the construction of lower-level KR as victims of the DK period. It can still be understood to exculpate lower-level KR, situating them as 'victims' of the regime, reframing memory of the DK period in 'reconcilable' terms. In this sense, the ECCC seminar and public forum worked to soften potential conflicts between regimes of memory by representing DK in these terms.

Memory must be understood as constantly contested and renegotiated. The active and negotiated interactions between the Pailin residents and ECCC and CSD staff show that regimes of memory (and their technologies) operate as fields of practical action. This suggests that oppositions between 'inauthentic' and 'authentic' memory present a false choice: memory is constantly reconstructed in ways that can produce changing (and persistent) interpretations of what accounts of the past mean. Crucially, we must understand this process to occur between differentially positioned social agents, each with shifting and varied access to the power and authority to speak about the past. At the ECCC public seminar and public forum, the demands of the regime of memory enacted by the ECCC were consolidated by the presence of authoritative voices and the arbiters of 'justice and reconciliation', but it seems they also 'provoked' resistances on this basis as they sought to make demands of memory. Moreover, this hints at the possibility that the personal and embodied - rather than 'still' - means of remembering violence were more strongly felt in these instances of mediating justice and reconciliation.

The Pailin participants' visit to Tuol Sleng and Choeung Ek demonstrates that particular accounts of the past emerging, and the meanings or moral imperatives arising from them, are rarely singular, unified, or completely shared, even within a localised community. In the first instance, this suggests that the production of a unified 'collective memory' will remain problematic for institutions such as the ECCC, whose strategic aims, justice and reconciliation, hinge upon the acceptance of a shared understanding of both 'what happened' and 'what must be done'. More problematically, responses from the Pailin residents indicate the existence of localised regimes of memory that directly conflict with and challenge the normative legitimacy of the regime of memory sanctioned by the ECCC. The outreach exercises and forum evidenced the existence of alternative regimes of memory that are silenced by the ECCC proceedings, particularly those based around accounts of suffering that occurred before and after the ECCC's temporal jurisdiction. These are important because they can make counter-claims about victimhood that challenge the ECCC privileging of the 1975-1979 period.

They are also disruptive because they necessarily involve counter-claims about perpetration too, bearing in mind that the creation of the court by the UN, Cambodian government and international community was contingent on a 1975-1979 jurisdiction that could prosecute only senior leaders of the KR.

Chapter Five

Cambodian Accounts of the Wat Thmey Genocide Memorial

This chapter focuses on examples of ambivalent and conflicting memories of the KR that emerged during fieldwork in the context of a prominent genocide memorial in Siem Reap, Cambodia's third largest city. As I argued in the previous chapter, *'Mediating Memory'*, 'counter' memories conflict with the account of the past sanctioned by the ECCC because they illuminate the perpetration of political violence outside of the terms sanctioned by the court. The examples offered in this chapter build on this, though notably the conflicting memories presented here exist in a community of victims that suffered severely at the hands of the KR. Moreover, I argue that ambivalent memory actually renders questions of reconciling divided memories moot. Furthermore, it is important to recognise that ambivalent memory must be understood as actively renegotiated, foregrounding the importance of agency in remembering political violence. This contrasts with the way in which the ECCC has invoked a 'national' memory that tends to position Cambodians as passive and uniform in their relationship to memories of past political violence. The chapter is based on four months of participant observation at the Wat Thmey genocide memorial in Siem Reap. The chapter explores the ways in which the memorial to victims of the KR can be understood to reproduce, 'carry' and recue memories of past political violence in uneven and conflicting ways. In the context of the ECCC, the Wat Thmey genocide memorial represents an important site of memory work in because it anchors claims about past political violence that are consistent with the ECCC prosecutions, specifically around the guilt of a handful of leaders. Moreover, like the ECCC, the Wat Thmey genocide memorial isolates aspects and experiences of the KR – specifically, representations of the Tuol Sleng S-21 interrogation site – to act as a synecdoche for 1975-1979; that is the memorial depicts a particular part or aspect of DK that is made to stand for the whole. This is important to note because, like the ECCC, the account of the past authorised by the memorial is politically winnowed to suit a politics of reconciliation. On this basis, it is important to examine how Cambodians living and working around the site respond to the memory claims anchored at the memorial as a way of thinking through the resonance of the ECCC's preferred reading of past political violence on an 'everyday' basis.

The Wat Thmey genocide memorial performs several overlapping and, at points, conflicting roles for the local community. It is worth briefly reconsidering some of the tasks that memorial

sites can play for societies in the wake of political violence that are identified within the literature on memory. These vary between 'formal' state-led and informally enacted functions (although, as this chapter shows, this division is not exclusive; formal strategies of memorialisation can develop 'lives' of their own, and indigenous or cultural memorial codes can be appropriated by formal state-led commemorative strategies). In the first instance, as technologies of memory, memorials call our attention to absence and loss (Young 1993). In this sense, memorial practices (and the practice of memorialisation) may be explicitly focused around processes of bereavement and loss. As Winter highlights in *Sites of Memory, Sites of Mourning*, the collective confrontation with massive loss following World War I required a common language of bereavement, to which less formal 'grassroots' memorialisation was a key feature (1995: chapter four). At the same time, memorial and commemorative practices have been and continue to be subject to formal, programmatic direction (and appropriation) by state elites in the way that they can valorise or glorify national pasts, legitimating power and present interests (Hobsbawm and Ranger 1983). Moreover, the task of memorials in anchoring and representing national biographies mean that they can fast become crucibles for the contestation of competing accounts of the past. For example, White has shown how the (aborted) commemorations of the Hiroshima and Nagasaki bombings in 1995 raised serious questions in the US public imagination over the extent to which Japanese victims of the atomic bombs should be acknowledged in the national narration of the 50th anniversary of the end of the World War II (1997). Thirdly, memorials have also performed more 'everyday' and functional roles: in the wake of World War II, the proliferation of 'living' memorials, such as hospitals, schools, or other public spaces, combined both symbolic public importance alongside specifically functional, community responsibilities (Barber 1949). More recently, a fourth role for memorials has emerged as the authority of the 'urge to remember' and politics of regret have become increasingly entrenched (Barsalou and Baxter 2009). Memorialisation has been foregrounded as specific technique within transitional justice approaches through the pedagogical, deterrent, and 'restorative' meanings that memorials may convey (Bickford 2005; Hamber, Ševčenko et al. 2010). Lastly, the increasing number of (global) visitors to memorials to political violence and war indicates the way in which the tourism industry has bloomed around sites of atrocity. Various practices of visitation are invited by the curation of memorials and sites of atrocity, ranging from 'dutiful' or 'humanitarian' witnessing (Hughes 2008), to more 'transient' experiences rooted in the practices of mass tourism (Sturken 2007). On the one hand, a key task of this chapter is to explore the extent to which each of these roles is visibly performed at the Wat Thmey genocide memorial. On the other, there are important conflicts between these different roles that have serious consequences for remembering political violence in the context of the ECCC.

This chapter has four sections. The first section introduces the Wat Thmey site (that hosts the memorial) and maps the social and political role of pagodas within Cambodian communities today. The second section situates the Wat Thmey memorial within a history of Cambodian state-sanctioned memorial initiatives that started in the 1980s. The third section problematises the key representational technologies at work at the memorial site: the display of mass human remains and the employment of an information board that opens the possibility of multiple ‘audiencings’ of the memorial, noting the way that the memorial specifically appropriates images from S-21 and depicts them ‘*in situ*’ as authentic to the site. The fourth section offers an extended discussion of Cambodian responses and perspectives about the Wat Thmey memorial. I outline the varied and uneven way the memorial cues and provokes conflicted, resistant and ambivalent memories of political violence. The final section contrasts these ‘everyday’ accounts of Wat Thmey to a significant state led commemorative initiative, the May 20th ‘Day of Remembrance’.

The chapter draws three key conclusions. The first links the representational frames at play at the Wat Thmey memorial to local residents’ and visitors’ discomfort when encountering it. Local authorities and religious leaders appropriated Buddhist funerary iconographies when curating the Wat Thmey memorial in the mid-1990s. Moreover, the memorial is maintained by the monastic community at the pagoda and the location of the memorial at the heart of a temple compound situates the memorial as the central focus of a ‘sacred’ space. At the same time, the Wat Thmey memorial is not immune to the ‘profane’ field of politics in the present, and is bound to a history of state directed commemorative initiatives that began in the 1980s. Moreover, the memorial utilises ‘profane’ techniques of representation as it anchors a claim about political violence, such as the display of human remains. The political meanings attached to the memorial and the use of profane artefacts of memory stirs discomfort and suspicion among many Cambodians living near or visiting the site. Resistance to the memorial, on these terms, is important to note because the memorial does not convey the educational meanings about past political violence that it is intended to. Moreover, mistrust and suspicion of the memorial among Cambodians can actually cue and engender conflicting claims about past political violence that eschew and challenge the preferred reading of the past depicted by the memorial. These alternative claims over the past are important to note because they also exist in conflict with the preferred reading of political violence sanctioned by the ECCC, evidencing regimes of memory that appear incongruous to the central tenets of Cambodia’s bids to provide justice and reconciliation.

A second key conclusion follows from this. On the one hand, the memorial appears able to cue resistant and conflicting memories of the KR period that challenge the account of the past anchored by the memorial and sanctioned by the ECCC (that the loss of life during DK should focus memories of political violence in Cambodia and that only a handful of senior leaders were responsible). On the other, over the period of fieldwork, I found ambivalence toward the past that the memorial lays claim to. Ambivalent memory is important to note because it is dislocated from the imperatives invoked by Cambodian government and ECCC staff that position the ECCC as necessary as a panacea to memories of past suffering and renders the questions of reconciling conflicting memory moot. I contrast 'everyday', ambivalent appreciations of the memorial with a 'spectacular', active or 'hot' national commemorative exercise (see Jones and Merriman 2009), the 'Day of Remembrance' on May 20th 2009. The exceptionality of the Day of Remembrance at Wat Thmey contrasts sharply with the day to day appreciations of the memorial within the community, which were far more passive. Moreover, there is a reflexive point to be made about how memory works here: in interviewing, directing or focusing respondents on the memorial site, the memorial (and past) is 'activated' in uneven ways. Likewise, the Day of Remembrance represents a reactivation, reassertion and imposition of prevailing state-sanctioned discourses of vigilance and national solidarity in the wake of atrocity that are elided in the more 'everyday' explanations of the memorial I encountered.

A third key conclusion concerns the way in which the role and function of the memorial has been renegotiated under terms that disrupt the imperatives used to justify ECCC. The Wat Thmey memorial today principally caters to an international, transient tourist audience. The role of the memorial within the tourist economy represents, on the one hand, an objectification of memories of political violence. The memorial acts as a referent to a wider experience of political violence, through S-21 as a synecdoche, as it attempts to 'fix' a claim over the past that can be witnessed or consumed by transient tourist groups. On the other hand, the monastic community did not seem uncomfortable with this function of the memorial, and in this sense the harnessing of the memorial for the maintenance and upkeep of the temple more broadly should best be understood as a pragmatic initiative to ensure that it can continue to provide its wider functions within the community (for example, schooling, accommodation, or religious ritual). In this sense, although the memorial itself remained a source of discomfort for some, it continues to be functionally important for the community. In the first instance, this represents a further instrumental use of the past in the service of the present. More importantly, this shows that Cambodian communities are active in making the

past meaningful in the present in varied ways. This again has implications for justifications for the ECCC because, as I showed in Chapter Three, *'Trials and Tribulations'*, the court is predicated on the idea that Cambodians have been unable to deal with the past until its advent.

5.1 The Wat Thmey pagoda and memorial

Wat Thmey⁶³ – translated in English as 'new temple' – is located roughly 3km North of Siem Reap on the 'back' road toward the UNESCO World Heritage Angkor temples (Cambodia's principal tourist attraction). I first visited Wat Thmey in 2005. At the time, the surrounding area around the pagoda⁶⁴ remained relatively 'rural', to the extent that the tourism boom in Siem Reap witnessed over the past decade (and attendant increases in land values) had not encroached on the area through visible property development or intensive construction work. To the south of the pagoda was a major local children's hospital and, at the time, the early signs of some building development. To the north lay a forested area protected by the APSARA Angkor heritage authorities (the group charged with the management of the Angkor conservation area) and to the west of the compound land use remained principally agricultural, with the roads unpaved and the only immediately proximal public amenity a small children's school.

By 2008 the area had changed quite dramatically. Since the end of the war, Siem Reap has sprawled from its centre outward in all directions, but particularly along arterial routes, and the area around Wat Thmey had visibly 'urbanised': instead of fields, much of the 'back' road from Siem Reap to the temples was itself now lined with hotels, newly constructed properties and, directly opposite the Wat Thmey pagoda compound, a large development of pink condominiums with ground floor office and retail units. Many of these apartments were

⁶³ Wat Thmey is officially called Wat Ateh Smaw Sann

⁶⁴ I use the terms 'temple' and 'pagoda' interchangeably to describe the research site. Specifically though, the temple is one of – but the most important amongst – a set of buildings inside a pagoda compound.

vacant, with for sale or rental signs placed in the windows, and only a few of the ground floor units were in use. Cambodia's recent tourism and land value 'booms' has been characterised by the pricing out of less affluent sections of society, especially those without access to established patrimonial political networks, from the property and rental markets, particularly in 'high end' developments such as condominiums. As commentators such as Springer have noted, the marketisation of Cambodia's post-conflict economy has afforded opportunities for existing elites to (often kleptocratically) consolidate, expand, and acquire capital through existing patronage networks; importantly, this has conterminously afforded new forms of political control and regulation through the distribution of capital, i.e. property titles, or material and economic support for social, public and religious bodies (Springer 2009; Springer 2011). Monastic institutions (and Wat Thmey in particular) are not exempt from or insusceptible to the political and economic interests that are bound to those patronage networks, which is at odds with their purported apolitical and market exempt role within Cambodian public life (Kent 2007). This has important implications for the imperatives to remember past violence because memorials erected at religious sites exist within locally embedded political networks, but are also subject to economic demands that can entail the 'commoditisation' of memories of violence. The politicisation and 'marketisation' of memory challenges the injunction to remember the past underpinning the ECCC because the court is predicated on affording a sense of justice and dignity for victims of the regime, rather than through generating revenue or political capital.

As Kent has noted, the proliferation of newly constructed pagodas and the re-assertion of Buddhism as central component of public life has been a hallmark of Cambodia's transition to peace and its attempts to re-establish social and moral order (Kent 2007). At the same time, because Cambodia's economic fortunes have blossomed in uneven ways – principally in favour of existing political patronage networks – pagodas are increasingly embedded within the demands of localised political and economic environments. Traditionally, pagodas were maintained and funded by donations from members of the local community. As a result of the uneven distribution of the fruits of economic expansion, pagodas increasingly must seek recourse to political support and patronage – which in turn confers religious authority, 'merit' and political capital to the patron – or seek alternative means of generating revenue. As I will outline, the negotiation of a role as a 'sacred space' within both political networks and relations of economic exchange remains a vexed issue for pagodas and their perception by Cambodians, specifically in this case because religious leaders have put representations of the KR period to use in ways that are 'inauthentic' to the '*in situ*' history of the site.

In accordance with Buddhist practice in Cambodia, the pagoda site is comprised of and structured around a central *vihear* (temple), the focus of daily ritual activity (Chouléan 1988; Marston 2006), although the pagoda also houses a community of around forty monks and includes a school facility that teaches basic general education and *pali*⁶⁵. To the rear of a pagoda compound are usually a set of memorial *chedais* (*stupas*), dedicated to and preserving the remains of deceased venerable monks and abbots. Crucially the central *vihear* is the lynchpin from which the outer perimeter boundaries of the pagoda compound are demarcated. Drawing on Mary Douglas' seminal 'Purity and Danger' (1991), Kent explains how the perimeter limits of any pagoda are important for the wider community because they also designate the boundaries of a key set of distinctions and dichotomies that are crucial for the maintenance of social order, namely: sacred and profane; religious and secular; but also, importantly, the designation of a purified space that is *intended* to be 'immune' from the realm of politics and economic exchange (Kent 2007: 337-338).

As the point of mediation between spiritual and secular realms, pagodas are also the focus of exceptional religious observances and holy days. These include *Visaka Bochea* (honouring the birth, enlightenment and passing of Buddha); *Meak Bochea* (venerating the teachings of Buddha); and whilst the Khmer New remains a largely secular observance, traditionally falling to mark the end of the harvest season, offerings and rites are performed at pagodas to 'make merit'⁶⁶ for the new year ahead. One of the most important annual Buddhist observances is *P'Chum Ben*, or the 'ancestors festival'. *P'Chum Ben* usually falls in September or October and is observed over two weeks to honour and pacify the spiritual realm of past ancestors. During *P'Chum Ben*, the monks and the pagoda act as the key points of mediation between the living and the dead. Cambodian communities provide offerings of rice balls, representing 'merit' transfer and the thus the spiritual rejuvenation of community and country. Notably, Kent has suggested that the '...rapid revival of *P'Chum Ben* since the end of the war may be understood in part as an attempt to reassert the distinction between the realm of the dead and the living, and thus to mollify the country's traumatic history' (2007: 342). This is an important point to

⁶⁵ Pali is the language through which the majority of Therrevada Buddhist scripts are written and ceremonies performed.

⁶⁶ Making merit refers to a specific set of Buddhist/animistic ceremonies that were intended to ward off inauspicious spiritual forces (or spirits). As one monk explained to me, these are essentially 'good luck' or 'good fortune' rituals.

bear in mind, as the state directed memorialisation and commemoration of the KR period – practices that do not originate in religious or theological tradition – have increasingly appropriated religious elements, rites and iconographies in order to convey authority.

In the centre of the Wat Thmey pagoda compound is a memorial *stupa* to victims of the DK KR period. The centrality, size and form of the *stupa* immediately set it aside as exceptional from

the other *stupas* at the rear of the compound (that, notably, only memorialise individuals: revered religious leaders and abbots). The local authorities and religious leaders ordered the construction of the memorial *stupa* in 1996, in accordance with the design of Cambodia's 'principal' national memorial site outside Phnom Penh at Cheoung Ek (examined in Chapter Four, '*Mediating Memory*'): there is an elevated pavilion and awnings decorated according to Buddhist iconographies and a lower half devoted to the public display of human remains – 'primary



Figure 8 The Wat Thmey Memorial *stupa*

artefacts' – of victims of the KR. As Hughes has suggested, the deployment of pavilion structures at such memorial sites is intended to indicate both a place of 'cultural learning', whilst the use of traditional Buddhist funerary colouration around the lower half of the *stupa* (white) infers meanings of death and impermanence, alongside the availability of incense sticks for prayer to those deceased. Against this, as noted in Chapter Four, '*Mediating Memory*', the mass display of human remains runs counter to traditional funerary practice, with the preservation of human remains usually reserved only for individuals of venerable status (Hughes 2005: 274-275). The memorial is, in this sense, conflicted in its religious and political meanings because it is laden with both 'sacred' and 'profane' associations, complicating its role as a carrier and cue of memories of atrocity. This means that the Wat

Thmey *stupa* potentially stirs similar discomfort for Khmer audiences, a recurring response I encountered during fieldwork at the memorial.

5.2 The memorial in context

It is important to situate the memorial within the broader use of memorial practices in post-KR Cambodia before considering its role within the community today. The Wat Thmey site has its own history that must be traced back to the state directed practices of memorialisation conducted in the 1980s. Local authorities and religious leaders ordered the construction of the current *stupa* (in its religious form) in 1996, though importantly the site hosted and is haunted by earlier memorial initiatives launched under the Vietnamese backed PRK government (1979-1989). The PRK fought a protracted civil war against KR and anti-Vietnamese forces throughout the 1980s. During this period, the PRK needed to find ways to secure support from the domestic population, justifying the Vietnamese intervention and presence in Cambodia, as well as enticing defections from the KR insurgency (a reconciliatory endeavour), despite the widespread evidence of KR atrocities under the DK regime. From 1983, the PRK established a 'Genocide Research Committee' tasked with disinterring provincial mass graves across the country. The PRK state instructed local and district authorities to display anonymous human remains in public – often simply in wooden display boxes – in order to provide public evidence of the atrocities of the 'Pol Pot – Ieng Sary clique', cautioning the population against their return to power (Hughes 2006: 109-111). The PRK's linking of human remains with a depiction of blame around the 'Pol Pot – Ieng Sary clique' in the 1980s is important to note because it corresponds neatly with the narrow reading of responsibility – to 'senior leaders' – at play at the ECCC today. Moreover, as this chapter documents, local authorities have more recently made explicit connections between the memorial and the ECCC by publicising ECCC outreach materials in display cases at Wat Thmey. This is important because it shows both the persistence, reactivation and reframing of memories of atrocity, specifically around the question of blame.

The Wat Thmey case evidences the international mobility of 'national' memorial practices in two senses. Firstly, Anderson's writing on the rise of the 'tomb of the unknown soldier' reminds us of the incongruity of anonymous, mass memorialisation as a technique for remembering anything but the sacrifice of *national subjects*: one cannot imagine "...a Tomb of

the Unknown Marxist or a cenotaph of fallen liberals” (2006: 10-11). The possibilities of a national subject and national sacrifice are mutually authorising. This is important because it animates and reinforces the idea of a wounded national community in the same way that the ECCC purports to remedy a national injustice. Moreover, anonymity in memorial practices – beyond allowing the memory of ‘everyone but no one in particular’ (Gillis 1994: 11) - emerged as way of capturing the arbitrariness of mass violence afflicting ‘national’ populations, a defining feature of ‘total warfare’ during World War II. This is an important bridging point for the case at hand because it begins to blur the memorialisation of combatants and civilians. In Cambodia, Hughes has noted how state-led memorial practices in the 1980s, employing anonymous human remains, represented a bid to nationally reclaim, or re-‘know’ victims that cannot be understood as having been ‘sacrificed’ (Hughes 2006: 259). As a technology of memory, the power of the display of anonymous remains hinges on the possibility that, for the audience, one of those persons *could* have been a lost mother, father, brother, sister, friend or other relative (Blair, Balthrop et al. 2011).

The Wat Thmey memorial was one of many memorials erected across Cambodia’s provinces in the wake of the KR in the 1980s. The PRK intended these memorials to address Cambodians through the possibility of personal bereavement and a prevailing national narrative about loss and salvation from the KR. This is a powerful platform from which to generate claims about blame for political violence: the PRK built the provincial memorials to represent culpability around a narrow number of senior KR figures, cautioning against the return of the KR, and thus to legitimate the 1980s PRK state as the saviour of the Khmer nation (Hughes 2000; 2005; 2006). Moreover, because the PRK built the memorials to focus on the guilt of the few, these local-level memorials remained silent about the role of the ‘many’ (thus maintaining compatibility with continuous *de facto* amnesty policies directed toward lower-level KR by the Cambodian state). Again, this initial anchoring meaning remains important today because it corresponds neatly to the ECCC prosecutions of ‘senior leaders’. These are the conditions that make possible the ‘reactivation’ of such memorials for the purposes of the ECCC, as indicated in the previous chapter, *‘Mediating Memory’*.

Provincial memorial sites also provided the foci for a key state-led commemorative activity that began in the 1983 but continues today (in a differing guise): *‘Tivea Chang Khmaeng’*, or ‘The Day of Maintaining Anger’ (Hughes 2006: 33). From 1983, local communities were

encouraged by their authorities to attend mass grave sites every May 20th⁶⁷ in order to denounce the atrocities of ‘Pol Pot’. ‘Victims representatives’ were asked to testify about their experiences under the KR; prominent figures from the local authorities would offer speeches condemning the Pol Pot regime; and vigilance was urged against a return of the KR. Hughes has suggested that although ‘The Day of Maintaining Anger’ was an explicitly state choreographed commemoration, the ceremony still at least resonated with Cambodian peoples’ experiences of the KR (2000).⁶⁸ Observance of the May 20th commemoration has varied since then, essentially depending on political currents and the Cambodian state’s military and political strategy toward the KR resistance. The commemoration was observed at memorial sites through the late 1980s while the insurgency continued; with the advent of peace negotiations in 1991, the UN intervention during the UNTAC period (1992-3), and the RGC’s explicit aim of reconciling former KR from 1994 onwards, ‘maintaining’ public ‘anger’ became less of a political priority. The RGC resumed the ceremonies in 1999 as negotiations with the UN for the establishment of the ECCC began, demonstrating their commitment to pursuing accountability. The ‘The Day of Maintaining Anger’ continues to be subject to state direction today: the commemoration has continued to be observed since the establishment of the ECCC, though today under the guise of the ‘Day of Remembrance’. The renaming of the commemoration can be read as reflecting the end of the civil war: the Cambodian state no longer needed to ‘maintain’ an active public grievance or resoluteness, but could still garner political legitimacy from promoting the memory of its victory over the KR. In the final section of this chapter, I discuss my attendance at this event at Wat Thmey in 2009.

5.3 The information board and audience(s)

Alongside the display of bones in the *stupa* casing at the Wat Thmey memorial is an information board. The way that memorials generate meaning operates through a relationship between the representation of objects alongside supporting text; the audiences these invite;

⁶⁷ May 20th is observed as the anniversary of the KR’s embracing of full scale collectivisation of agricultural production and communal eating in 1973.

⁶⁸ This argument is advanced along similar lines to Ledgerwood’s (1997) account of the curation of the Tuol Sleng Museum in Phnom Penh: that although deployed for explicitly political purposes, the representation of life under the KR visible at Tuol Sleng still rang ‘true’ with many Cambodians experiences of DK.

and the knowledge that audiences bring to bear when encountering them. The accompanying information board at Wat Thmey is important in this regard.

At Wat Thmey in 2008, the headline text on the display board reads:

DEAR TOURIST THE COLLECTION OF BONES THAT YOU SEE IN THIS STUPA WHERE BONES HAVE BEEN COLLECTED FROM NEAR BY THE FIELD. THESE WERE FROM THE INNOCENT PEOPLE WHO DIED AT THE HANDS OF THE SAVAGE POL POT REGIME IN 1975 – 1979.

The lower half of the board was covered over⁶⁹ to display photographs of former KR leaders (those still under detention at the ECCC, as well as the deceased Ieng Sary, Ta Mok and Pol Pot); public education materials from the ECCC (absent in 2005); and, notably, (unqualified/unexplained) images from S-21. I return to each of these issues in turn.

⁶⁹ Hughes' (2006) fieldwork includes a photograph of the Wat Thmey information board in 2000 which featured text now seemingly plastered over. Additionally, the board read:

“WE DO NOT HAVE ENOUGH MONEY TO BUILD A DIGNIFIED AND PROPER MEMORIAL TO HONOUR THESE INNOCENT PEOPLE. THE WORLD STOOD BY AND LET ANOTHER DICTATOR MURDER 3,000,000 IN FOUR YEARS. NOW WE CAN HELP PROVIDE COMFORT TO THESE DEAR DEPARTED SOULS WITH DONATION. THANK YOU.”

Frustratingly, I became aware of this amendment to the board following the completion of my fieldwork in 2009 (it could otherwise have been pursued as a line of interview enquiry). In the first instance, it is a basic indication of the way that memorials change and are changed, or develop ‘lives of their own’, potentially beyond their initially intended function. I return to discuss issues of witnessing and the commodification of memory later in the chapter; but the explicit appeal for donations in English shows that the site has functioned within an internationalised ‘tourist’ economy for over a decade: local donations through ‘merit making’ tend to be mediated through performative rites by monks. It remains important to question the possible reasons for the excision of the lower text. There are several possible reasons for this. Firstly, the implication that the memorial was ‘undignified’ might have been deemed problematic in the context of increased tourism. Secondly, the implication of international complicity in the KR atrocities could be in tension with the appeal (to tourists) to donate. Thirdly, the (inaccurate) 3,000,000 death toll cited is increasingly recognised as an overstatement (though leading government figures still invoke it on occasion). Lastly, the establishment of the ECCC in 2006 could have taken precedence as a topically resonant issue to be displayed alongside the remains of KR victims. Unfortunately, this cannot be answered conclusively here.

The text on the information board raises the immediate question of to whom the memorial is addressed. Because the memorial appropriates both religious and national iconographies, it is laden with potential meanings for a Khmer audience and, as I will show in this chapter, it conveys these meanings for Cambodians in complicated ways. At the same time, 'DEAR TOURIST' immediately repositions the memorial to an international (and transient) audience, and a box marked 'donation' is located alongside incense sticks that may be burned as offerings to the dead. The implications for a sense of 'ownership' are significant: the promotion of Cambodia's memorial sites as tourist attractions, or sites of consumption or witnessing, can be problematic for many Khmers, and as noted in the previous chapter, the location of memorials within the tourist economy complicates Cambodian encounters with such sites. Perhaps most prominently (commenting on the deal to 'franchise' the ticket concession at the Cheoung Ek memorial site to a Japanese/Korean firm) Youk Chhang, head of DC-Cam, remarked that "...This is about the memory of a country, of a nation - and that's something important for the survivors. Memories cannot be contracted, cannot be sold, cannot be purchased - and therefore it should be in the hands of Cambodian survivors to maintain the place" (BBC 2005). Wat Thmey is 'owned' by the local monastic community, in a proprietorial sense, but it relies on tourist donations for its maintenance and upkeep. The role of the memorial is therefore complicated for Cambodians living and working around the site.

Williams has suggested that particular memorial and museum sites organise objects, artefacts and displays to communicate a 'cluster' of meanings about victimhood and responsibility (2007: 25). The text on the board, in conjunction with the *stupa*, is complicated in this regard because new meanings have been 'layered' over the display (through the addition of photographs of Khmer Rouge leaders and ECCC education materials). Importantly, the category of victimhood is not elaborated or explained. The board provides no information, in either Khmer or English, about who died at the site (or nearby): the board is silent about origins of the unnamed victims; the gender and ages are unstipulated; the specific reasons for execution unspecified. The concomitant question of whether there should be an acknowledgement of these details is itself unaddressed. Moreover, the board again provides no contextual background on why they might have died more broadly (or any historical information about the regime); and beyond the imported imagery from Tuol Sleng, there is nothing to indicate how they may have died (whether it be from execution, starvation, disease), beyond the claim that they died nearby, between the years of 1975-1979. In this sense, the text and *stupa* operate together to maintain the anonymity of victims to be

remembered, beyond the broad understanding that the victims were ‘innocent’ Cambodian subjects that died during the 1975-1979 period. The memorial serves to obfuscate details of any local specificity, while promoting the categories of ‘innocence’ and nationality. This is important because it again constructs and affirms a ‘national’ memory of political violence that corresponds to the way the ECCC is justified as a remedy for national suffering.

Throughout the 1980s, the PRK described DK through the ‘savagery’ of Pol Pot (keeping the specific 1975-1979 framing in mind), and the continuity between the PRK government and the RGC today mean that such terms remain in circulation by leading political figures in the present. The key point here is that then, as now, a narrow range of persons are depicted as responsible for KR atrocities in 1975-1979. Religious leaders tasked with managing the site have supported this with the presentation of pictures of those accused at the ECCC (Nuon Chea, Khieu Samphan and the now deceased Ieng Sary) underneath the headline text, alongside images of Pol Pot’s corpse and Ta Mok (formerly detained awaiting trial at the ECCC, but now deceased). Notably, these images are captioned in Khmer, calling Cambodian attendees to the representation of blame depicted through the board. In one of the corners of the display case is the ECCC text ‘Introduction to the Khmer Rouge Trials’. In this sense, religious leaders at the site have made a direct connection between the memorial and the ECCC (beyond the implied and visible correspondence of the ECCC jurisdictions to the way the memorial depicts responsibility). The inclusion of ECCC materials raises important issues concerning the ‘layering’ of memory cues, specifically through the assemblage and addition of new objects, images, or texts in particular sequences or orders. It shows again, as I argued in the previous chapter, that the older or pre-existing bids to stabilise memories of ‘what happened’ can be re-circulated alongside or ‘reactivated’ in the name of new ones (such as the ECCC).

A final issue that complicates the assemblage of meanings on the information board is the deployment of imagery from the Tuol Sleng ‘S-21’ Museum of Genocide Crimes in Phnom Penh. Images directly taken from the S-21 prison cells, portrait photographs, pictures of torture instruments used at Tuol Sleng and the paintings of S-21 survivor Vann Nath are displayed on the board as if authentic to the ‘*in situ*’ history of violence at the Wat Thmey pagoda itself. As I note in the coming section, a number of local pagoda attendees remarked that these photographs were specifically not from the Wat Thmey site. The question of the local ‘inauthenticity’ of such images is, on the one hand, in tension with the authority and

persuasiveness of the site as a display of human remains, or *in situ* ‘primary’ evidence of political violence. On the other, local accounts of the Wat Thmey site state that the pagoda had been used as an incarceration facility by the KR, and therefore images of imprisonment are not ‘thematically’ misleading or in conflict with accounts of the events that took place at the site. This again chimes with Ledgerwood’s argument that although museum sites might have explicitly political overtones in their curation – overtly synthetic, politically directed representations of loss – the meanings they convey may still ring true with the populations’ experiences they seek to depict (1997). Hughes has discussed the removal of S-21 imagery from its original site in Phnom Penh in her analysis of the presence of S-21 ‘mugshots’ internationally, specifically audienced at New York’s MoMA 1997 *Photographs from S-21* exhibition (Hughes 2003a). Hughes seeks to show how internationalised discourses of ‘humanitarian management’ render such images appropriable in the international construction of an ‘ex-locus memorial’ to the KR. One effect, Hughes argues, is to pathologise violence as endemic to Cambodia (2003a). The presence of S-21 imagery at Wat Thmey raises a different question in the context of the work of the ECCC. The importing and re-circulation of the prevailing, dominant imagery of the KR period from Tuol Sleng in order to help represent past suffering at Wat Thmey shows how specific experiences of the KR period can act as a synecdoche for the wider whole. This is again a key parallel with the work of the ECCC because, as I showed in Chapter Three, ‘*Trials and Tribulations*’, the legal process increasingly focuses on ‘spectacular’ moments or sites of atrocity to furnish its account of political violence. Specifically, the ECCC, like Wat Thmey, promotes S-21 as emblematic of the national experience of 1975-1979.

5.4 Ambivalent encounters

The fieldwork for this part of the research involved mornings and afternoons between January and April 2009 at the Wat Thmey memorial site, talking to monks, occasionally more formally interviewing senior *achars* (religious figures that lead ceremonies, and who were tasked with upkeep of the memorial), larking around with students at the pagoda, and speaking to Cambodians that lived and worked in the vicinity of the site. Most Cambodian visitors attended the pagoda to *make merit*, a specific set of Buddhist/animistic ceremonies that were intended to ward off inauspicious spiritual forces (or spirits), a rite removed from engagement with the memorial *stupa* itself. As one monk explained to me, these are essentially ‘good luck’ or ‘good fortune’ rituals. Amongst those most regularly present at Wat Thmey were students attending

school or being supported in terms of food and board by the monastic community. Others were longer-staying visitors from other provinces seeking the pagoda's provision of affordable accommodation. In this sense, whilst the memorial to the victims of the KR was central to the layout and composition of the pagoda, I began to understand that the memorial was at most only secondary to Cambodians' 'everyday' daily experiences at and around the pagoda. This did not mean that respondents were not attuned to a variety of roles and meanings the memorial site had for Khmers. The remainder of this section reflects on how attendees of the pagoda and local residents understood the role of the memorial in relation to their sense of community and the past, and to what extent the memorial itself – with human remains seemingly immutable evidence of suffering and political violence – can be understood to mediate a 'regime of memory'.

The monks attending the pagoda and those living around Wat Thmey were very familiar with the history of the memorial itself. Many informants displayed a tendency to describe the *stupa* in fairly 'bland' terms when asked about the memorial, almost taking its presence (and specifically processes of decay) for granted:

Before the monks collected the bones from the field nearby and put them in the *stupa*. Before it was full, you see [gesturing to the *stupa*] it is now not full. It is difficult to protect the bones. Now it is not full. In the past the bones were in a wooden box, before the *stupa* was built [in 1996].

The informant's reference to the 'wooden box' situates the Wat Thmey memorial within the wider history of nationwide memorial practices outlined in the preceding section. At the same time, the biographical 'life' specific to the Wat Thmey memorial was also a common concern. Another monk was keen to point out that:

The bones are rotting. It's gone down [the volume/number of bones] because the bones are rotting. They are almost soil inside. They are eroded. Maybe it's leaking from the rain.

I would often ask Cambodian local residents at Wat Thmey about the local area and community as a way into conversation. Respondents would sometimes make their own

connections between the memorial site and their perspectives on Cambodian history. Specifically, these conversations could turn toward the context of the memorial as a marker of a site of mass violence. As one local resident pointed out:

Before no people were living here. Many people were living nearer [Siem Reap] the city, but not here. Here, you know, they just grew rice, just a few people, but I know what happened here.

Peter Manning [PM]: What happened?

This place, here, they stand the people in line. Many, many... [lost conversation] You know Khmer Rouge? The killing field [pointing away from the compound], they take them from far away and come here and kill them near here... One day, one car would come. One by one, people from Siem Reap city, they cut, they kill many people near here.

As noted in Chapter Two, *'Researching Regimes of Memory'*, I was reluctant to pursue conversation that directly solicited testimony or personal experiences of the KR regime on ethical terms (due to attendant risks of invasiveness or harm). Encounters around the memorial 'cue', however, seemed to affect quite contradictory responses in this regard. On the one hand, some local residents seemed inclined (sometimes insistent) to recount their knowledge and experiences of the KR history, *in situ* of the memorial (although I have previously noted that this often seemed as if that was what was what they expected a Western researcher to want to hear). Notably, these accounts were uneven in the way they constructed blame for past suffering:

I know the person who killed my children and my husband. I still know him. They [the children and husband] were accused of being Lon Nol soldiers.

I remember before they removed [King] Norodom Sihanouk from the head of state [1970]. It made the Cambodian people in remote area protest and hold weapons to overthrow the traitor Lon Nol. At that time, the shots were fired each other like rain [referring to the war preceding the KR takeover in 1975]. I wonder where they got the modern weapons from because Cambodia could not produce weapons before. Cambodia was destroyed from then. I wonder where the

both sides got the weapons from to wage the war because we could not produce weapons. There must have been foreign countries behind.

These remarks are significant given that the anchoring claim of the memorial site is to depict a generalised experience of blame for political violence at the hands of a few ‘savage’ KR leaders, both through the explicit text on the notice board, the assemblage of photographs and the ‘primary’ artefacts – bones on display – of political violence. Blaming lower-level KR and the influence of foreign countries eschews the anchored meaning of the site (and conflicts with the way in which the ECCC seeks to demarcate blame for the KR period).

Other attendees were agnostic or reluctant to make connections between memories of violence and questions of responsibility. A motodop⁷⁰ driver that accompanied me on a trip to the Wat Thmey site had asked why I wanted to visit the memorial. After I explained my research interests he remarked:

I don't know much about the KR period. But I know my uncles and my brothers were killed by a stick. My aunt was put in jail for seven months. They ate shit in order to survive.

At times – though rarely, it should be noted – those living around the memorial that had ventured recollections of the KR period made direct connections with the ongoing ECCC trials and questions of responsibility. These would frequently be framed as questions about trial proceedings:⁷¹

I was on the side of Vietnam to fight against Lon Nol at that time [before 1975]. One day they lost faith in me. They say that I forget my real loyalty. Why does the tribunal only look at the leaders at that time, you know 1975-1979? Why not before that?

⁷⁰ A ‘motodop’ is a motorbike taxi – a commonly used, inexpensive mode of transport.

⁷¹ This isn't surprising as my introductory letter explained I was working on issues of memory, memorials and the trials. It is probably more significant that there were not more questions along these lines.

The people who were tortured and killed during Pol Pot regime [gesturing to the memorial]. It was not four or five leaders, there were many leaders. I wonder why the KR tribunal sentences a few leaders. Why doesn't the court sentence the Khmer Rouge at low levels who committed the crime [gesturing to the memorial again], allowing them to live freely?

Again, these responses are important because they show how both 'personal' and 'general' accounts of political violence can conflict with the regime of memory sanctioned by the ECCC, i.e. the personal and temporal jurisdictions of the court. Interestingly, the first respondent tacitly implies that he was fighting *for* the KR against the Lon Nol regime (1970-75), but in response to an accusation of disloyalty, he probes questions of responsibility of the KR leadership prior to the ECCC-mandated timeframe. Likewise, the second respondent challenges the way that the court defines responsibility only around senior leaders and those most responsible. In this sense, these types of response – by Cambodians that identify themselves as victims of the KR – are significant because they diverge in their memories of the past (what must be remembered, and how) with the immediate, public representation of the KR period (the memorial) and the regime of memory enacted by the ECCC. The representation of suffering depicted by the memorial seemed not to play a role in the maintenance of accounts of the KR period for these respondents. Rather, in these instances, the memorial itself seemed to cue alternative accounts of the past. We can read these responses as examples of ambivalence and resistance amongst the community toward the Cambodian state's preferred account of the past, represented at the memorial but also underpinning the prosecutions at the ECCC. On this basis, ambivalent memory among Cambodians renders questions of reconciling conflicting memories moot. It is also crucial to note that these forms of resistance and ambivalence to the Cambodian state's preferred reading of the past become pronounced exactly at the point of its propagation. This again evidences the need for a more 'reflexive' appreciation of memory because, as I argued in Chapter Four, '*Mediating Memory*', memory can emerge in *relation* to (but not necessarily in accordance with) the demands that are made of it.

The memorial *itself* remained a source of discomfort for many respondents I met. Over the course of the fieldwork I frequently spoke to one group of students that had grown up in the area. They seemed to enjoy the novelty of a foreigner being present and would try to practice their English with me. I would often try to ask them what they thought about the memorial

site in these conversations. The issue of locality, community and human remains were bound together problematically, as one interchange indicates:

When I was young I went to play over there [pointing away, toward the East of the pagoda]. When I finished, I'd come back past. I'm afraid, you know. I was always very afraid. Because the bones are like that, there are ghosts. I'm afraid.

PM: Are Cambodians scared of this place?

Yes they are scared of this place... before I lived here. I have seen something. The bones were on the field, behind the pagoda, near here. But behind, in a small river, they cut one by one and they use the gun... And also over there in the forest and on the road to Angkor Wat [pointing East again]. Many people here died because of Pol Pot. When I was young I wanted to play here. But I saw the bones. We were too small, just young boys, we just picked the fruit, but near the tree I looked and I thought 'oh, many bones'.

The presence of bones within the *stupa* and the pagoda compound can be read in a secondary, problematic sense. On the one hand, the student clearly accedes to the principal meaning intended by the memorial: that 'Pol Pot' was responsible for mass atrocity. On the other, the recounting of knowledge of both killing sites and the remains of violence (danger) is positioned against adolescent accounts of 'play' and recreation (safety). Collecting the 'primary artefacts' of violence – human remains – and displaying them within a space that is demarcated as 'sacred' and functional for the community is in this sense transgressive. For Cambodians



Figure 9 Bones collected and displayed in the Wat They Memorial *stupa*

of all ages, human remains are closely associated with notions of spirit, spirituality and, in lay terms, the topics of ghosts and spirits tends to stir fear (particularly visible in these accounts of adolescence). At the same time, the pagoda, temple and monks are considered the key agents in the mediating the relationship between 'life' and 'death', or rather, between the fields of mortality and fields of spirituality. As it became clearer to me that the memorial itself was problematic in some Khmer encounters with it, or at least stirred discomfort,, the role of the memorial for the community was increasingly illuminated as important.

PM: So who comes here then [pointing at the memorial *stupa*]?

It's only tourists here. But sometimes [Cambodian] people come for the teachers, about Buddhism and the Buddhist story. Sometimes [Cambodians come] for the ceremony, like *P'Chum Ben*. They come here to enjoy, giving offerings to the monks. Something like an offering, to pray. They pray to their grandfather, grandmother, like that.

One of the other students added:

After the monks got the money from the tourists the pagoda got bigger. All the pictures you see, they're from Tuol Sleng!

The students were evidently attuned to the point that the photographs on display were not *in situ*, and therefore 'authentic' to the history of the site. This is important to note because it shows that Cambodian audiences are aware of the way in which the Cambodian state has made Tuol Sleng stand for the broader experience of the KR. Moreover, while the students pointed to both the role of memorial in attracting tourists (linked through the Tuol Sleng pictures) as well as its religious functions, the students tended to shift conversation away from the topic of memorial itself. As Hughes has argued (2005), this may stem from their discomfort of confronting human bones because of the spiritual implications of un-cremated remains, both as a 'topic' and physical act of *presence*: there are difficult questions posed by the remains because they violate appropriate funerary practice, and the presence of the remains connotes danger and the presence of 'ghosts'. The students generally preferred other conversation (about the players of different English football teams, mostly).

Older and younger attendees at the pagoda were often very reluctant to talk about the memorial itself. As one of the students interrupted another of my attempts to prompt discussion about the memorial:

I live here but I don't have a salary. I want to study. I learn English, I want to teach English. When I speak with you I use strong words, I am always thinking though, practice get better.

Indeed, the group of students preferred talking about their own stories of who had come to visit Wat Thmey, eschewing my interest in visitations specifically to observe the memorial:

You know, Peter? Before Jackie Chan came here! You know him? He is a handsome man. He came here with the USA people.

PM: Bong tom song ha [Famous, handsome man]! What did he do here?

He came to support the children that got HIV. Also the parent got HIV. He came to support the pagoda, he gave the money.

PM: What about the pagoda, the monks, how do they help people?

The monks also help people, of course. They support the parents without the ability, without the money. If parents find it difficult to find money for studying or if they need to find a place to stay. They pay a little for rice and the room.

These exchanges show how pagodas in Cambodia play an important role as loci of the community, in their various religious, pastoral and pedagogical capacities (providing schooling and accommodation). For the students, the memorial itself seemed secondary, incidental, or unwelcome as a central feature of the compound otherwise (a point of issue I return to).

Moreover, many visitors and nearby residents seemed unfamiliar with the memorial. 'Oh that place. I don't know about that' remarked one local resident. Another replied: 'What does that matter now? Look around, this place changed very fast, I don't think that is important now.' This type of response is important to note for two reasons. Firstly, it shows ambivalence toward attempts to call attention to memories of KR, as demanded by the memorial. Moreover, these responses gestures to Connerton's claim that in calling attention to absence, memorials themselves are poor vehicles for the reproduction of the past, and that the maintenance of memories hinges on a stable and unchanging built environment (2009). In this sense, the rapid urbanisation and changes affecting the area could be understood to undermine the 'continuity' of memory (Cohen 2001: 243). Other respondents were less sanguine about the role of the memorial itself:

I don't think we need to think about that now [the past]. That time, the trouble, that was all politics.⁷² The people *yuon* came and now they go. We don't need to think about that at all, I don't think this place is good for Cambodia. Now Cambodia is a better country. Why remember that, Khmer kill Khmer?

Beyond the dismissal of any obligation 'to remember', this comment is notable for a number of reasons. The reference to '*yuon*' is a (highly) derogatory slang term used to describe Vietnamese people (implying that the Vietnamese were 'coming and going' as a cause of violence or 'the trouble'. The respondent enacts a 'racial' blame for 'that time, that trouble', which reflects a problem of remembering encountered throughout fieldwork: why would Cambodians (as a race/nation) kill other Cambodians? Emphasising solidarity between Khmers (as a race/nation) is one of the key prevailing political currencies visible in Cambodia today, notably employed recently during the 2013 national elections by opposition parties that are keen to label the current government as unduly influenced by the Vietnamese (the Vietnamese embassy actually complained about the use of the term by the opposition, see Khy 2013). At the same time, it is a discursive repertoire that embargoes memories of 'civil war' and political violence between members of the same national/racial group as such. In this sense, it can act

⁷² The reference to 'that time' as '*...all politics...*' has also been noted by other researchers working on Cambodia as a tactic to indicate topics or conversations that are 'off limits' (See Wood, T. D. (2009). *Tracing the last breath: Movements in Anlong Veng*, ProQuest, Norén-Nilsson, A. (2011). "Children of Former Khmer Rouge Cadres." *Peace Review* **23**(4): 462-468.)

as a form of *forgetting* because it denies past ruptures of national solidarity. Blame, in these instances, will always rest at the hands of ‘foreigners’. This theme is a notable recurrence from the responses of the Pailin visitors to the outreach sites in Phnom Penh (described in the preceding chapter, ‘*Mediating Memory*’). Moreover, this response again shows how ordinary people tend not to accede to formal ‘regimes of memory’ – or more formal strategies – according to neat periodisations of the past: the ‘trouble’ encompasses a far wider and enduring experience of war, conflict and genocide that escapes the rigidity of institutional or legal coding, i.e. the four years mandated by the ECCC.

More overt appreciation of the memorial itself was notably rare and tended to slip into, or reflect, overtly politicised explanations when forthcoming. One junior monk’s comments notably correspond to government preferred ‘script’ about ‘salvation’ from the KR:

On January 7 [liberation day, marking the fall of the KR] then people come here, because they know. It’s because Khmer people are very grateful to the [current] Prime Minister, his name Hun Sen. They know from him, know that he helped them, they nearly all died [under the Khmer Rouge], but after that he helped them so much and saved Cambodia.

The appreciative remarks thanking Hun Sen can be read to illuminate a number of issues. The explanation of ‘salvation’ thanks to Hun Sen reaches for the official state-sanctioned narrative about KR violence that the memorial reflects and anchors (also reflected at the ECCC proceedings). At the same time, the exceptionality of this encounter seems to point to a broader ‘banality’ in everyday perspectives about the past that the memorial lays claim to (I develop this further when considering the May 20th observation in the next section). These are aside from a third trend which, as I have pointed to above, either rejects the premises of the memorial (that violence occurred in the way the memorial depicts) or advances counter-claims about the need to remember or acknowledge wider histories than those authorised at the site.

The potential pedagogical or deterrent meanings of the memorial were absent in the majority of Cambodian perspectives about the site. One exception to this tendency was provided by an older resident living in the vicinity of Wat Thmey. I asked if and how the memorial was important for the community:

Maybe if they keep those things [bones] the young might learn what happened during the Pol Pot time

PM: Do you think it is important for younger people to learn about the Pol Pot time?

Sure. Maybe they learn the history more, they understand old person better, maybe listen more. But that place [points in direction of memorial] is most important make money.

There are two distinct imperatives invoked in this response. In the first instance, the older resident appeals to the importance of younger Cambodians learning about the ‘Pol Pot time’ as a way of enabling a ‘better’ understanding of the older generation. The key implication is that learning – fashioning knowledge of the KR period, (re)constructing a regime of memory about the national past – enables understanding or acknowledgement. This imperative corresponds neatly to the work of advocacy groups such as DC-Cam that have principally targeted the education of young Cambodians as a way of ‘dignifying’ the experiences of survivors of the KR regime. For example, DC-Cam is currently working on a compendium listing the names of those that died under DK, which will be distributed to commune offices nationwide and supported by plaques in municipal office grounds as means of promoting legacies of ‘memory’ and ‘dignity’⁷³. Notably, the education of the younger generation is also a key outcome purported to follow from the ECCC proceedings. At the same time, the informant invokes a second imperative here – understanding the site as a source of revenue – and suggests this is more ‘important’. Although left unelaborated, the role of the site within the tourist economy is heavily implied. This points to important issues regarding the representation of the past and practices of witnessing or consumption at Wat Thmey. Memorials lend themselves to these ends because they offer a reference point that bids to signify a particular past; in doing so, memorials *can* treat that past as fixed, or as an object, which, like a commodity, can be consumed.

⁷³ See

http://www.cambodiatribunal.org/assets/pdf/reports/Dealing_With_The_Past_Moving_Into_The_Future_0.pdf last accessed November 2013

The monks seemed to take the role of the memorial as a source of revenue for the pagoda for granted. At the same time, respondents at Wat Thmey provided little evidence that this posed questions about the ‘ownership’ of memory. Monks would frequently explain that very few Cambodians visited Wat Thmey in comparison with foreign visitors, emphasising the importance of tourism as a revenue stream for the upkeep and maintenance of the pagoda as a whole. As noted above, religious leaders had addressed the memorial to an international audience, with the information board (principally captioned in English) and donation box both addressed to tourists. Over the time I spent at Wat Thmey, it was clear that these groups were not infrequent in number. On a given morning four or five buses would arrive in the compound, with groups of tour groups staying at nearby hotels and accompanied by pre-arranged, independent guides. The larger group visits tended to include an examination of the information board and an encirclement of the memorial itself. Occasionally, the groups would oblige the donation box next to the memorial. As noted, the local authorities and religious leaders at Wat Thmey had curated the memorial information board to deliberately include (and imply the *in situ* authenticity) of imagery from Tuol Sleng, a more recognisable reference point of the Cambodian experience of the KR for international audiences. Tourism represents another role for the memorial that involves a ‘part’ (S-21) being made to stand for the wider memory of the KR.



Figure 10 A tour group looks at the Wat Thmey information board

Understanding the Wat Thmey memorial as a site that offers a narrow representation of the KR period, through human remains, Tuol Sleng portrait photos and its insertion into a tourist economy, raises troubling questions. On the one hand, the 'commodification' of the past as an 'object' to be consumed gestures to arguments advanced by 'dark tourism' approaches. These suggest that the promotion and 'reification' of sites of suffering is directed to sate the appetite of globally mobile 'impulse purchasers' (Lennon and Foley 2000). Moreover, drawing on Marx's *Economic and Philosophical Manuscripts* (1988 [1844]), when we think about the reification of the past as a commodity for consumption, we can understand the way that 'objectified' memory may become 'estranged' and 'alien' to its constituents, i.e. that community members can no longer feel attachments to memories that they have experienced. On the other hand, and bearing in mind the varied interpretations of the memorial I have mapped above, Hughes has argued that one the key *practices* of visitation to memorials (to Tuol Sleng specifically) includes 'dutiful' or 'humanitarian' witnessing. Such dutiful tourism is in turn constitutive of the meaning of sites of suffering as globally significant spaces. The tension here reflects debates about the role of memorial spaces as sites of either pilgrimage or tourism and consumption, an opposition purportedly in conflict. As Lloyd notes, practices of pilgrimage imply mourning, reverence and 'dignification' (Lloyd 1998: 4); to 'tour' implies consumption, transience, 'kitsch' and trivialisation (Sturken 2007). Moreover, that religious leaders and community members have renegotiated the role of the memorial could be understood to demonstrate an active bond with memories of political violence that rebuts the way the ECCC has situated Cambodians as passive in their relationship to the past.

In April 2009 I had a brief conversation with one of the more senior monks at Wat Thmey that seems now to bring together some of the varied issues and themes outlined above.

PM: What do Cambodian people think of this memorial?

You see not many Cambodians come. Only for the ceremonies, you know *P'Chum Ben* day, or Khmer new year day. That's just what we believe.

PM: But what about the bones on display?

We don't want to keep the bones like this. It's not natural. We want to burn them, so all the ghosts can go away, to the new world.

PM: After the court?

We're not sure about the tribunal. They [the authorities] want us to keep here for the younger generation to see. But young people don't come here much. Only international tourists come here. But that's good – for the building and for the food. There are many people coming here everyday, 100, 200, 300 – forty people on every bus. Look [pointing at a Korean group arriving]! There are many buses.

PM: Have you lived here for a long time?

Yes, since the 1990s. The *stupa* is now only half full because it eroded. It's not really good for the people of Cambodia. But for the next generation, it is good for the history – so this will never happen again. You know, many young Cambodians do not believe that this happened. They cannot believe that Khmer fight Khmer like this. Maybe this [memorial] help them understand. After the trial, I wish for all these bones to be cremated.

The senior monk was notably savvy in the way he captured and evaluated the varied, competing demands that are being placed on the memorial site: between the religious obligation to observe appropriate funerary practice and the political demand to preserve public evidence of the KR atrocities; between the functional roles of the pagoda as a sacred site of learning and the demands placed upon it through its insertion into the tourist economy; and, more broadly, the peripheral role the memorial itself had in relation to other Cambodian practices of visitation to the site. The memorial, in its everyday existence, seemed not to play a significant role as a 'carrier' of collective memory.

5.5 May 20th 2009: The Day of Remembrance

The May 20th commemoration – previously the ‘Day of Maintaining Anger’, changed to the ‘Day of Remembrance’ in 2001⁷⁴ – is observed at sites of atrocity and mass graves under the direction of local Cambodian People’s Party (CPP) authorities across Cambodia. The May 20th commemorations are distinct in that their focus is ordered around memorial *stupas* that display the remains of KR victims (as opposed to, for example, *P’Chum Ben* which is a more prolonged ceremony that involves prayer and offerings to all passed ancestors at temples (*vihear*) – beyond victims of the KR). The key elements of the May 20th commemoration have included public testimony from victims of the regime about their experiences of KR rule, the public denouncement of the ‘savagery’ of senior KR leaders, and the urging of vigilance, previously against the KR’s return to power but now toward the preservation of ‘evidence’ about their atrocities. From their introduction in 1983, the provincial ceremonies encouraged the public to make and present placards along these themes at mass grave sites, though as the PRK state adopted an increasingly tolerant approach toward the public practice of religion in the latter 1980s, the commemorations have also come to appropriate and incorporate religious themes: wreath laying, chanting in *pali* and collective prayer are now also key elements in the May 20th observations. It should be also be noted that opposition political parties reject the legitimacy of the May 20th commemorations, considering the observance a CPP engineered form of propaganda.

It is worth briefly considering another observation of the Day of Remembrance before turning to discuss the proceedings I observed at Wat Thmey in Siem Reap. At the Cheoung Ek ‘killing field’ memorial outside Phnom Penh – Cambodia’s principal national memorial site – the observance of May 20th has become increasingly elaborate over recent years. Since 2009, students from the Royal University of Phnom Penh School of Fine Arts performed a re-enactment of the DK period to an audience of monks, Government authorities (including the

⁷⁴ The Cambodian government has not publicly explained the change in the title of the commemoration. The change is likely reflective of previous gaps in its observance, such as during peace talks in 1991 when ‘maintaining anger’ was deemed incompatible with the push for a political solution to the civil war. In this sense, the change in name could be read to reflect the end of the civil war in 1999, shifting the obligation of ‘maintaining anger’ to one of memory.

Phnom Penh Governor and other leading CPP officials), and groups of school children as well as selectively

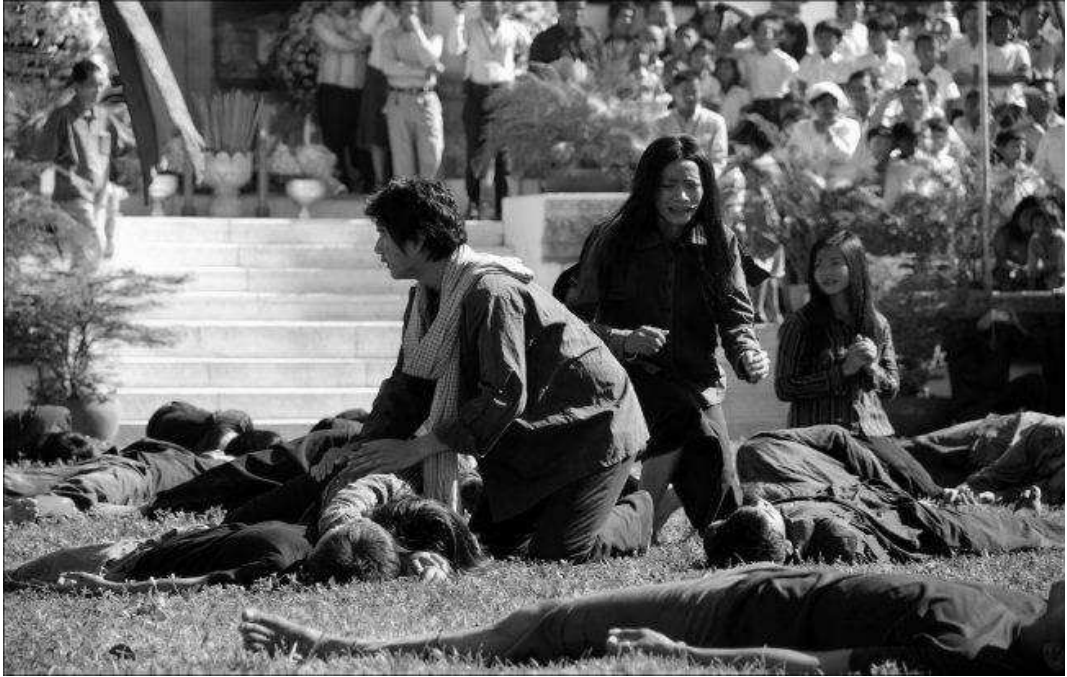


Figure 11 The Day of Remembrance at Cheung EK (Photograph by Nhean Socheat and DC-Cam, 2011)

inv and educate on the ‘...inhuman acts of the regime through performance’ (Sreinith 2011). The ceremony has offered a narrative performance of the KR’s seizure of power, a depiction of life under the KR, before finally liberation (as salvation) by the Kampuchean United Front for National Salvation (the vanguard of the 1979 liberating forces and successor PRK and now CPP governments). The Fine Arts students, dressed in black KR uniform, recreated scenes of mass killing with KR cadre binding and executing men, women and children, leaving the grass in front of the Cheung Ek *stupa* littered with ‘dead’ bodies. Survivors are depicted searching through the ‘corpses’ for lost relatives. The KR figures are then chased from the field by the liberating green uniformed forces of the Front, to be greeted by celebration and thanks by those survivors left. The performance ended with a parade of CPP and Cambodian national flags.



Figure 12 The Day of Remembrance at Cheoung Ek
(Photograph by Nhean Socheat and DC-Cam, 2011)

The commemoration appears to be a peculiar means of aestheticising and representing genocide memory: re-enactments as a representational device tend to be reserved for the ‘glorification’ of memories of political violence, such as through imitating famous battles (Mayo 1988). This is important to note because, as Hughes suggests, victims of the KR cannot be understood as having been ‘sacrificed’ (2006). Moreover, Mayo has pointed out that the re-enactment of political violence within sacred spaces is often problematic because violence is considered sacrilegious. This raises questions about how appropriate the depiction of mass atrocity so proximal to the Cheoung Ek religious *stupa* is. In this sense, we must think about the

Day of Remembrance as an example of ‘invented tradition’ (Hobsbawm and Ranger 1983). The explicitly political narrative in the performances – hinging upon salvation from the KR and obliging national gratitude to the Vietnamese and PRK ‘saviours’ – is bound to the legitimation of the present Cambodian government, heirs of the PRK successor regimes. Moreover, in the context of the ECCC, the revival of the commemoration can be further understood as an attempt to rebuff the (widespread) accusation that the Cambodian government is reluctant to disinter the past transparently or offer accountability for KR atrocities, and intends to induce ‘collective amnesia’ (see Chandler 2008).

At Wat Thmey in Siem Reap, proceedings were less elaborate, though still similarly choreographed and led by the local CPP officials. I arrived mid-way through the commemoration (the proceedings began at 7am and lasted until midday). Around 2000 people were in attendance, including school children bussed in from the surrounding districts and communes.⁷⁵ The front rows of the audience were reserved for monks, CPP officials and their

⁷⁵ Yout also encountered a number of friends from his commune. He was unaware that they intended to attend; Yout also voiced his own surprise about the scale and scope of the proceedings.

uniform of bodyguards, followed by rows of nuns and community leaders. The proceedings were also being filmed for broadcast on local television.



Figure 13 The 2009 Day of Remembrance at Wat Thmey

As I arrived, the monks were leading the commemoration chanting in *Pali*, alternating between offering a dedication of merit to the dead and emphasising the ‘impermanence of material existence’. One of the senior monks invited the audience to participate in the chanting:

Please ladies and gentleman and excellences, please chant after me to dedicate the memory to the dead. Please be rid of suffering and reach nirvana. We dedicate this to our ancestors, our fathers and mothers. We wish for a peaceful world.

The deliberate co-optation of a religious format shows again how memorial and pagoda sites can be appropriated for political purposes. Moreover, the role of the monks leading the chant

– borrowing from other Buddhist rituals, specifically *P'Chum Ben* – is evidence of a political colonisation of the religious spaces and themes. I asked one monk to explain to me what was happening:

Every year it is like this, it's never been changed. More people are coming every year – counting the bowls – offering food to the monks – this is merit making. This is the time to offer rice and food to the monks. We are making offerings directly to ancestors.

The monk describes the commemoration under terms commonly referring to the *P'Chum Ben* ancestors festival (particularly the reference to 'counting the bowls'), rather than the Day of Remembrance. I pressed this issue, asking the monk to explain further:

We are Buddhists. We believe that this ceremony will release spirits. 'Bonn' in K'mai means merit.

PM: So how is this ceremony different from *P'Chum Ben*?

Not the same as *P'Chum Ben*. *P'Chum Ben* lasts for 14 days. This is just one day. And this one is just for some dignitaries and politicians. *P'Chum Ben* doesn't have the eulogies [to the victims of the KR]. Today they were teaching. Things like not to kill their own race, like in Pol Pot time.

Another monk added:

This morning they testified about the Khmer Rouge time. It is public denouncement. This is the way that the dead will be in peace. When we see the bones in this place, and we do this ceremony, everyone will be happier.

The commemoration in this sense hinges on two key memory techniques, working in tandem. Again, this is an example of presenting 'what is to be known' about the past (effects of

‘veridiction’) and ‘what is to be done’ about the past (effects of ‘jurisdiction’) (Foucault 1991b: 75). In the morning, eulogy and testimonial are intended to recognise, remember and ‘honour’ experiences of life and loss under the KR. On this premise, the lesson of the commemoration, according to the monk, is a specifically national imperative: that the killing of one’s *national/racial* kin is an exceptionally grave form of atrocity that must be prevented at all costs. This is essentially an appeal to national and racial solidarity.

The local authorities that organised the commemoration have harnessed religious ritual and language to the performance of an exercise in (secular) national mourning. This should not be read as a bid to conceal the political direction of the commemoration, but rather a means of ‘authenticating’ and legitimising the messages and meanings that the commemoration conveys. A series of placards were embedded within wreaths of white funeral flowers (which would usually be portraits or pictures of deceased individuals). These were clear in their political message:

VICTORIOUS CPP!

WE ALWAYS REMEMBER THE ATROCITIES MADE BY POL POT IN CAMBODIA!

LONG LIVE CAMBODIA!

WE PROMISE TO PROTECT, WHATEVER IT TAKES, TO PROTECT ALL THE EVIDENCE!

Alongside the CPP placards, more politically neutral banners were erected around the compound:

NATION-RELIGION-KING

HAPPINESS, PEACE AND DEVELOPMENT: THE TEACHINGS OF THE BUDDHA FOR ALL PEOPLE

NO OTHER PEACE IS BETTER THAN PEACE IN THE MIND

EARNING MERIT BRINGS YOU HAPPINESS AND PEACE

The colonisation of the pagoda space, the appropriation of Buddhist funerary practices, and the deployment of explicitly political messages through the Day of Remembrance illuminates a number of important issues. On the one hand, the Day of Remembrance can be understood as an example of an ‘invented tradition’ (Hobsbawm and Ranger 1983), whereby state elites harness the past in the service of present interests and political legitimisation. Specifically here, the Buddhist framing of the performance serves to confer religious currency and

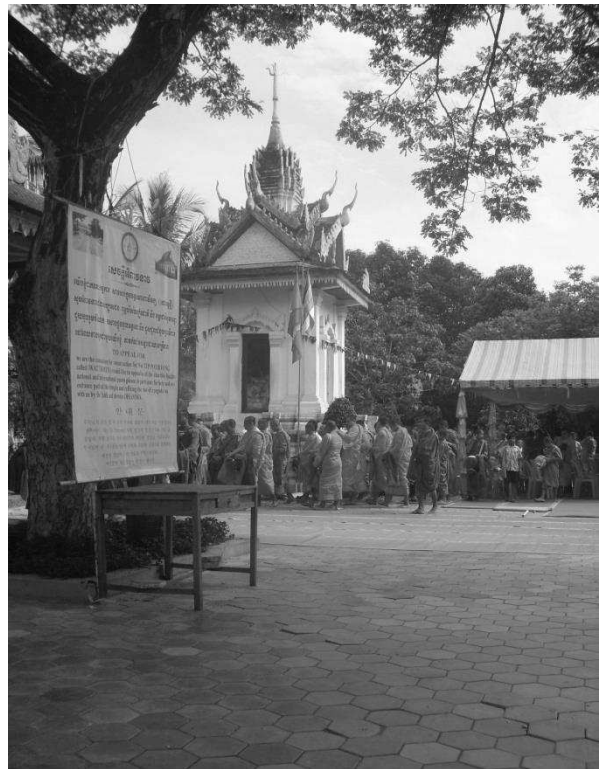


Figure 14 The Day of Remembrance at Wat Thmey

authority onto the proceedings. The caveat here, recalling Ledgerwood (1997) and Hughes’ (2006) arguments, is that even if memory work is so overtly constructed on the terms of political interests, the past it seeks to represent may still resonate with the population to which it is directed. On the other hand, we know that opposition parties reject the legitimacy of the CPP, the participation by the public on the Day of Remembrance was solicited directly from the CPP support base, and the presence of the school children as an audience was mandatory. It is clear that the Day of Remembrance is an exceptional commemoration that is not observed in an even or entirely consensual way.

As the proceedings began to conclude, monks and then figures from the local authority approached the memorial, lit incense sticks and began to pray. I spoke briefly to one senior party official about why he thought the Day of Remembrance was important:

This ceremony was initiated by the CPP. The purpose is to dedicate merit to the ancestors. And secondly to teach the younger people about the Khmer Rouge time, the hunger the hardships and the anger.

PM: I know that some Cambodians aren't sure about this place though. Perhaps they don't agree with the story that is told here. I know some people are afraid of the bones too. What would you say to them?

I think they should keep the bones for historical fact. If we cremate, we'll lose the evidence and the all the facts. Even after the trial, even after we find out who is responsible, we should keep the bones. To my understanding the tribunal is not about finding justice for everyone. It's about finding out about the techniques and approaches used by the Khmer Rouge.

The forthcoming connection between the importance of preserving the bones, the ECCC process and ensuring that the younger generation learn about the KR period was surprising. The response appears to reflect a commitment by the Cambodian government to promote a collective memory of the KR period that counters claims by human rights groups and some commentators claims that the CPP's principal interest is inducing a state of 'amnesia' (see, for example, Chandler 2008). This is, as evidenced above, an account of past political violence that is winnowed to suit the interests of the state, reflective again of the ECCC prosecutions in the way that it focuses on the guilt of a handful of senior leaders while ignoring the role of lower-level perpetrators. What appears problematic about these bids to promote memory – the display of human remains, public testimony of experiences of the KR, the re-enactment of atrocities – is that there is very little room for more ambivalent or equivocal understandings of the past (a problem that corresponds to the rigid coding of memory as legal knowledge at the ECCC).

As the ceremony ended, a Korean tour bus entered the compound. The tour group left the bus and proceeded to observe the (now familiar, cursory) tour of the genocide memorial and information board, in a state of visible confusion about the disembarking crowd of two thousand Cambodians and rows of empty plastic seats.

Conclusion

The Wat Thmey pagoda and genocide memorial, its role within the community, and its reception by Cambodians is haunted by a series of seemingly stark oppositions. It is first and foremost an explicitly political representation of political violence that employs the display of 'profane' human remains within a 'pure' and 'sacred' space. Moreover, Buddhist theology dictates that pagodas *should* be immune from the secular field of politics. The display of bones continues to produce resistant and uncomfortable responses among Cambodian attendees at the pagoda and, on this basis, the memorial does not necessarily produce the deterrent or pedagogical lessons it is intended to generate. Moreover, it appeared from the accounts of respondents I met that the memorial itself should not be understood specifically as a 'carrier' of collective memory. Rather, in calling attention to loss, the memorial at times served to cue alternative accounts of the past – memories of the perpetration of abuses or disinterest in memories of political violence – that challenge the preferred reading of the past offered by the memorial. These alternative accounts of the past also exist in conflict with that sanctioned by the ECCC, evidencing regimes of memory that seem incompatible with the central tenets of Cambodia's bids to provide justice and reconciliation.

The Wat Thmey memorial has, to an extent, developed a life of its own. The projection and insertion of the site within the tourist economy presents, on the one hand, an objectification of memories of political violence to be witnessed or consumed by transient tourist groups. On the other hand, the monastic community did not seem uncomfortable with this function of the memorial, and in this sense the harnessing of the memorial for the maintenance and upkeep of the temple more broadly should be best understood as a pragmatic initiative to ensure that the pagoda can continue to provide its pastoral and pedagogical roles within the community. In this sense, although the memorial itself remained a source of discomfort for some, it continues to be functionally important for the community. This represents a further instrumentalisation of the past in the service of the present nonetheless, and can be read as

showing an active relationship with memories of past political violence that the ECCC has treated as absent.

The 'exceptionality' and observation of the Day of Remembrance at Wat Thmey contrasts sharply with the 'everyday' appreciation of the memorial within the community. There is a reflexive point to be made about how memory works here: in interviewing, directing or focusing respondents on the memorial site, the memorial (and past) is 'activated' in uneven ways. This has serious consequences for the study of memory in the wake of past atrocity because it shows that remembering occurs in relation to and, importantly, sometimes in resistance to the demands that are made of it. In a similar vein, the Day of Remembrance represents a reactivation, reassertion and imposition of prevailing state-sanctioned discourses of vigilance and national solidarity in the wake of atrocity that are elided in the more 'everyday' explanations of the memorial I encountered.

Chapter Six

The 'Heroes' and 'Villains' of Anlong Veng

This chapter examines the reproduction of memory around heritage and memorial sites in Anlong Veng. Anlong Veng is a key research site for understanding the relationship between memory and reconciliation because it is governed and populated by former KR cadre and was home to several senior KR leaders (two of whom are currently held at the ECCC). As such, Anlong Veng has been positioned by ECCC outreach groups like DC-Cam as an important locale for reconciliation initiatives and the provision of genocide education. Moreover, as the final 'stronghold' of the KR insurgency until 1999, the town has achieved a level of notoriety that attracts large numbers of both Cambodian and foreign tourists, implicating the uses of heritage sites and memory within processes of demobilisation, reintegration and reconciliation of former combatants. As such, the Anlong Veng area is a compelling case for understanding the limits and resonance of the ECCC and state-sanctioned readings of past political violence among 'perpetrator' groups that may subscribe to or maintain 'counter' memories.

The chapter draws three key conclusions. The first is that the KR heritage and memorial sites do not seem to play an active role in furnishing collective memory. Rather, these sites tend to operate as equivocal spaces that allow room for the expression of ambivalent and conflicting memories toward the past. The second identifies a tendency towards the hagiography of a (now deceased) KR leader, Chit Chuon, alias Ta Mok, noting the way that similar generous remembrances are not observed for other KR leaders. Ta Mok was the KR military chief from 1977 and responsible for some of the worst atrocities perpetrated under the KR, earning him the moniker of 'the butcher'. From the 1990s, Ta Mok supervised the Anlong Veng area and was responsible for the 1997 arrest and detention of Pol Pot. I examine the way that *both* former KR cadre and Cambodians from non-KR backgrounds celebrate or are allured by his memory as a 'patriot' that defended national borders from invading forces (and I consider important contextual factors in such tendencies, including a high profile territorial dispute occurring between Cambodia and Thailand at the time of fieldwork). The final conclusion drawn from this chapter concerns the implications of such counter-memories for reconciliation and the resonance of the work of the ECCC. I argue that a regime of memory exists in Anlong Veng that, superficially, appears in conflict with the way in which the ECCC works to denounce

the KR leadership and stabilise a consensual popular account of the past on that basis. I suggest that the existence of memories that celebrate KR figures like Ta Mok actually emerge from a sense of nostalgia and obligation, rather than through the maintenance of a grievance that compels political action in the present. On this basis I argue that these counter-memories are highly ambivalent and render questions of reconciliation moot.

The chapter examines four sections based on a series of interviews and informal conversations conducted in Anlong Veng in late April and early May 2009. I begin by briefly outlining the background history of the region and relevant research contributions on issues of memory and heritage in the area. The second section explores encounters with former KR cadre at a series of Cambodian Ministry of Tourism (MoT)-designated 'historic' heritage sites, including Pol Pot's cremation site and memorial. The third section shifts to examine Ta Mok's 'Historic House' in Anlong Veng town, another MoT designated heritage site, exploring a number of conversations with serving Cambodian soldiers visiting the site. The fourth section examines the Sra Chouk Pagoda, site of Ta Mok's memorial *stupa*, and includes a brief interview with one of his daughters.

6.1 A local story

Anlong Veng is today infamous for its role as the final stronghold of the KR insurgency in the late 1990s and the site of Pol Pot's detention by the remaining KR factions, his death and his cremation. The history of the town and its role in the Cambodian conflicts stretches back further than this, though. Oddar Meanchey province (then part of the wider Siem Reap provincial boundaries) was one the earliest liberated zones in the KR's rise to power in the early 1970s. The region's geographical remoteness and densely forested landscape meant that the area was an important foothold for KR forces during the war against the Lon Nol Republic (1970-1975). Following the DK period, and after the Vietnamese captured much of the Cambodian interior in 1979 in ousting the KR from power, KR troops and swathes of displaced refugees were pushed into and across the border regions with Thailand. The Anlong Veng area became a key site of conflict between KR guerrillas and Vietnamese and PRK troops. Located directly across the border from refugee centres used by the KR to launch attacks against the PRK, the region was part of the PRK state's attempt to fortify, secure and seal the Thai border,

known as the 'K5 plan' (see Slocomb 2001). As a consequence, the area is still badly contaminated by landmines and other unexploded ordinance (UXO).

From 1990 onward the town changed hands repeatedly between Government and KR, though following successive amnesty programs deployed by the Cambodian government in the mid-1990s Anlong Veng was the final bastion of control for the remaining KR leadership. In mid-1997, Pol Pot ordered the execution of Son Sen (another senior KR figure) and his family, accusing him of attempting to bargain an amnesty deal with the Government side. The purge of Son Sen and family forced the other remaining KR factions into action and in June 1997 Pol Pot was arrested by KR forces near the Thai border in Anlong Veng under the direction of Ta Mok. Ta Mok was head of the military under DK from 1977 and (alleged) perpetrator of some of the most brutal massacres under KR rule earning him the notorious title of 'the butcher'. Pol Pot was subsequently placed on trial, denounced by the remaining KR factions and held under house arrest. In April 1998 Pol Pot died – reportedly as a consequence of heart failure – and his body was cremated on a bed of rubber tyres. The site of Pol Pot's cremation is now marked by the MoT as a historical site.⁷⁶

As this chapter will show, this specific local history has serious consequences for the form and content of memories that are reproduced in the Anlong Veng area. I argue that we can identify a 'local' regime of memory that is constituted by these formative experiences in making memories enduring and persistent, and celebrating some 'heroes' of the KR but not others. For example, recent oral history research conducted by DC-Cam⁷⁷ in the Anlong Veng area is

⁷⁶ The MoT marking of Pol Pot's grave site as historically significant is silent about his role within Cambodian history. In this sense, it neither denounces nor celebrates his life. On the one hand, this means that the MoT marking of perpetrator sites is not congruent to the way that the ECCC denounces the KR leadership. Moreover, as I show in this chapter, the silence of sites of 'perpetrator' memory in Anlong Veng opens up space for the expression of varied, equivocal and ambivalent memories of the KR leadership that are at odds with the ECCC. On the other hand, the 'silence' of the MoT markers can be read as congruous to a politics of reconciliation that forecloses past grievances generating demands over the present.

⁷⁷ DC-Cam has conducted oral history work in the Anlong Veng area, though in June 2012 DC-Cam also erected 'anti-genocide' plaques at the local high school as part of its nationwide strategy to educate young Cambodians about the DK period. I would suggest that this is an example of a strategy of 'dignifying' genocide memory. This was followed by a public forum meeting between school children, local authorities and former mid-ranking members of the KR.

striking in the way that respondents principally locate memories of the war in the 1990s within constant experiences of transience and displacement by conflict (Eng 2012). Conversely, these accounts broadly point to a localised 'regime of memory' that specifically celebrates efforts by Ta Mok, a senior KR military commander and later leader of the insurgency, to build more permanent infrastructure in the area such as schools, a hospital, roads and a dam for fishing and irrigation. The valorisation of Ta Mok through a paternalist lens (numerous former KR described Ta Mok as the 'father' of the area) – rather than other senior KR leaders such as Pol Pot, Nuon Chea and Khieu Samphan (both currently held at the ECCC), for example – is articulated through memories that reference the fixed points of community support, development and resources that Ta Mok's leadership provided. Crucially, the maintenance of memory in these cases appears galvanised as much by practical benefit and benevolence as ideological commitment to the cause of the KR at the time.

A number of other significant recent research contributions on issues of memory and heritage among former KR cadre in the Anlong Veng area are worth outlining at this point (though will remain relevant throughout the chapter). Noren-Nilsson's work on questions of nationalism and identity among children of former KR – based in part on interviews collected in Anlong Veng – argues that the intergenerational transmission of memories of genocide, war and conflict is "cloaked in silence" (2011: 464). In other words, Noren-Nilsson suggests that memories of the KR are not reproduced through public channels. Noren-Nilsson argues that such 'silence' helps enable children to integrate into the national community more broadly by embargoing problematic portions of the past that might be in conflict with the state-sanctioned public history of the KR. At the same time, a 'revolutionary' heritage that promotes specifically ascetic values is still communicated, remembered and celebrated within former KR communities. This is notable in the sense that revolutionary ethical imperatives are reproduced (nostalgically) in the context of rapid (consumer driven) economic development in ways that place competing demands on young people in the area. Noren-Nilsson argues that 'revolutionary' and 'national' identities and memories remain in conflict in Anlong Veng, raising important questions for processes of reconciliation in former KR communities, and the different forms that reconciliation purports to take, i.e. the reconciliation of formerly partitioned economies, the reconciliation of previously conflicting social groups, or the political reconciliation of divergent power interests.

The role of Anlong Veng's 'revolutionary' heritage has been examined by Timothy Wood in his doctoral research into state-sponsored conservation efforts in Anlong Veng (2009). In 2002 the local authorities (that include numerous former KR) were instructed by the MoT to preserve and conserve a series of 'historical' locations in the area as part of a tourism and development strategy (coinciding, notably, with the national 'Visit Cambodia 2003' tourism campaign). These locations include: the site of Pol Pot's trial, detention and cremation; the 'secret' and 'safe' houses of KR leaders including Ta Mok, Nuon Chea, and Khieu Samphan; Ta Mok's sawmill, which is also the site of the execution and cremation of Son Sen and his family (it is now also the site of Ta Mok's family memorial); and Ta Mok's lakeside residence. The preservation and conservation of these locations involved the erection of MoT markers and boards to designate 'historical importance' but, Wood is keen to emphasise, very little else. Specifically, the preservation of these sites was premised on the recreation of 'life' as they were lived in. Wood suggests that the main effect of 'minimal' conservation efforts – the absence of supporting textual information and the poor training of tour guides, for example – serves to silence localised, celebratory accounts of KR leaders that may conflict with the 'official' state-sanctioned narrative that lays blame for the atrocities perpetrated under DK neatly at their feet. The existence of such accounts again has important outstanding implications for the possible 'reconciling' of former members of the KR living around the Anlong Veng to the cause of the ECCC, the national community and a shared sense of 'what happened'. The problems for reconciliation arise because regimes of memory that valorise KR leaders may exist in direct opposition to the way in which the Cambodian state has narrated blame for atrocities and war at their hands. The existence of such 'counter' memories, their maintenance and their relation to KR heritage sites will be the focus of this chapter.

Wood further documents efforts by district officials to establish a museum in Anlong Veng that subsequently failed to materialise due to a lack of funding and political will. Moreover, the failure to establish a single, central museum in the area is reflected in the gradual dilapidation of the varied 'historic' sites and their attendant markers, despite the purported intention to conserve the sites under the auspices of heritage tourism. Wood argues that these failures can be explained by corruption and patronage networks stifling state attempts to integrate and develop the region through tourism, but also confusion about the efforts to 'conserve' (i.e. leave untouched) or 'reconstruct' (i.e. replicate according to memory) the sites. On the one hand, Wood's ethnography can be read as documenting an example of the way in which the state situates a specifically localised collective past and shared history as an object that can

yield beneficial social and political effects, including attracting investment, providing jobs and enticing tourists through the establishment of memorial and museum technologies. On the other, these beneficial social and political ends are not realised and can provoke unintended resistances. In this sense, the case reveals how the promotion of a localised tourist economy relates directly to (self-effecting) better economic integration (and therefore the reconciliation) of former insurgents. Yet we are again reminded of Gordon's caution that the 'imperfections' in the correspondence of a 'strategy', its 'technologies' and the 'un-programmed' outcomes of such policies are fertile terrain for analysis because the intended outcomes of institutional programs rarely equate to their lived effects (Gordon 1980: 247-248). In this case, I suggest that attempts to silence counter-memories among former KR (by minimising the 'substance', content or 'story' depicted by representations of the past) actually provides (political) space for the articulation of potentially conflicting memory. At the same time, I argue, as a question of reconciliation, the regimes of memory reproduced and maintained by former KR cadre living and working around these sites does not necessarily clash with the ECCC (or state-sanctioned account of the past) because it seems not to place political demands over the present in the name of an ongoing grievance that actively maintains a conflict over the past.

6.2 Sites on the Dangrek

Roughly 14km north of Anlong Veng town are the Choam pass into Thailand and the Dangrek escarpment, an elevated rocky 'shelf' running along Cambodia's Northern border. The Dangrek escarpment and border area hosts a series of the MoT designated 'historical' sites. In the vicinity of the border checkpoint (and a recently erected border market) is the site of Pol Pot's 1998 show trial by the remaining KR leadership and his subsequent cremation following his death under house arrest. To the East, along a small unpaved track along the cusp of the escarpment, are the former safe houses of Ta Mok, Khieu Samphan and Nuon Chea, all sites designated as 'historically significant' by the MoT. Given the inaccessible terrain, it is understandable why these locations were chosen as points of withdrawal and escape, allowing for the former leaders to slip to and from Thai territory with relative ease. Today, under the auspices of the MoT conservation efforts, the sites are now designated as historically significant. However, little has been done to preserve them and, as Wood has noted, no

contextual or supplementary information is provided to assist visitors' understandings of their significance. Moreover, Wood suggests that the meaning of the sites for Cambodians living and working in the vicinity – many of whom are former KR fighters and cadre – also remains mixed because a conflict arises from the MoT directive to curate these sites: the instruction to present these sites 'as they were lived in' is seemingly problematic because 'replication' or 'reconstruction' clash with an apparent 'conservationist' imperative to leave the sites untouched (Wood 2009: 227).

In my early visits to the Dangrek sites I was eager to develop a more general sense of the different perspectives on the relationship of former KR cadre to their insurgent past (but also their perspectives on the factional infighting that characterised the last days of the KR leadership). Near Khieu Samphan's 'safe house' site I asked one former fighter if people still thought about the KR and the war:

People in Anlong Veng don't all think the same way. A lot of people think that Ta Mok was a good man, but mostly people talk about the past less. Over the past thirty years it is like two different lives, from the worst to the best. People talk about that time [the war/KR] less and less. The younger generation will forget about the Khmer Rouge. Because now is better, with the roads and all that. This place will be like Poipet⁷⁸, another prosperous border crossing, of course people will forget the harder times.

PM: Why do you think prosperity means forgetting?

People don't want to remember those times when things become peaceful. Now with the court [the ECCC], people don't want to talk about that time. People here, they don't want to get called as a witness.

On the one hand, the former fighter's comment illuminates the belief held among (some) former KR fighters that 'history' (as retold by the state) has unfairly demonised senior KR figures like Ta Mok (it is notable too that no mention is made of Khieu Samphan, indicating an

⁷⁸ Poipet is another border town into Thailand in Western Cambodia.

active renegotiation and resistance to the state-sanctioned denunciation of the KR leadership). In the first instance, we could see how this poses challenges in terms of reconciling such perspectives to the cause of the ECCC, and the direct reference to residents' reluctance to testify points to fears and suspicion about the work of the court and a betrayal of loyalties. Moreover, the conviction that the younger generation will 'forget' the KR seems to challenge the broader attempts by groups such as DC-Cam to dignify memories of the KR by educating younger sections of society about the need to remember DK. On the other hand, the comment gestures toward how complicated the relationship between memory and reconciliation can be. In downplaying the significance of memories of the conflict and its key protagonists in the wake of peace, the former fighter points to the way in which communities are active in negotiating and demarcating their own senses of 'old' and 'new' eras (without necessarily needing a formal mechanism to do so). The description of 'two lives' – then and now – points to Cohen's suggestion that flux, change and rapid development can effect 'discontinuities' of memory or 'slippage' (Cohen 2001: 243). For Cohen, this is one feature of the key paradox of denial: knowing and not knowing the past all at once. At the same time, the link between prosperity and forgetting seems to imply the possibility that problematic or challenging memories are less likely to be maintained under conditions of material improvement, i.e. that economic development seems to act as a mitigating influence on the collective remembrance of painful pasts. In this sense, it is perhaps less a question of 'knowing' and yet 'not knowing' and more a process of negotiating which aspects of the past are congruent with ongoing material priorities.⁷⁹ This is important because it shows that Cambodians can actively renegotiate the significance of memories of political violence against present economic priorities; such economic priorities are dislocated from a reconciliatory process that is principally legal and juridical.

I continued to ask the former fighter whether he agreed with the MoT plan to mark the Dangrek sites as historically significant:

⁷⁹ There is a notable parallel here with the findings of the national Berkley sponsored survey 'So we will never forget'. The Berkley survey found that a majority of Cambodians welcomed the current ECCC prosecutions but ranked them lower on a list of government policy priorities to other forms of basic material development, i.e. job security, infrastructure building, and food prices: Pham, P., P. Vinck, et al. (2009). "So We Will Never Forget: A Population-Based Survey On Attitudes About Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia." [University of California, Berkeley](#).

Pol Pot's house - people have already destroyed it, the government troops first by looting, but everyone else now too. You cannot keep these places for history if all the things have been taken.

PM: And the Khmer Rouge statues on the road up the mountain? Who destroyed them?

They got destroyed first.

Some of the key problems of conservation and historical meaning are addressed directly here.

The Dangrek sites have been continuously looted as local residents, locally based military units and visitors have recognised (and created) a market for KR 'artefacts'.⁸⁰ Moreover, many sites, such as Ta Mok's safe house on the Dangrek, have been vandalised by tourists (see the picture left). In this sense, the former fighter's comments reflect Wood's suggestion that many former KR members in the Anlong Veng area are uncomfortable with the way in which MoT conservation efforts have failed to represent



Figure 15 Ta Mok's former 'safe house'



Figure 16 Khmer Rouge statues

their pasts: the absence of 'artefacts' and the dilapidation of the sites means that they do not adequately reflect the histories that they are intended to call attention to or represent (in accordance with the perspectives of some of the main protagonists in those histories). This speaks to an important dimension in both the ownership and representation of memory, specifically through registers of

⁸⁰ Pol Pot's toilet seat, for example, is on display at a guesthouse in Siem Reap.

authenticity. The fighter suggests that these spaces cannot be ‘historical’ – implicating the potential pedagogical function of the former KR sites – if they fail to convey meanings (as he sees them) in a historically faithful fashion. That means, for him, the inclusion of objects and artefacts now lost and the preservation of the sites as they literally were. The extent to which the way the KR past is represented satisfies former cadre (that lived and fought around these spaces) is judged against an accuracy criterion in this instance. This is important because it shows that former cadre and fighters are attuned to, and sensitive to, the way in which the local authorities are making sites pertaining to the lives of their former leaders stand for a collective KR history. The fighter continued to raise a (serious) objection to his perception of the uses (and abuses) of KR ‘artefacts’ by former KR cadre (Nhem En is famous for his role photographing arrivals at S-21 in Phnom Penh):

You know Nhem En and the museum? They said the cost at \$100,000. But he is trying to sell a pair of shoes – he says Pol Pot’s shoes – for \$50,000. How can we tell if these are the genuine shoes? Even the small Khmer Rouge soldiers had these shoes. There is no way to know.

At Pol Pot’s cremation site, again a MoT conserved site, efforts had been made to protect both the remains and the presentation of the grave. A number of small offerings and incense sticks were present at the foot of the memorial structure, though the corrugated iron roofing and small wooden perimeter fencing did not convey great ‘reverence’. The MoT sign simply read ‘Pol Pot was cremated’ here and no further information is supplied concerning the circumstance or background to his death (which itself is contested by different KR figures in Anlong Veng). As noted, Wood has claimed that this reflects the Cambodian state’s intention to minimise resistant KR accounts of the past.

Another former fighter worked occasionally at the time collecting money for ‘entry’ fees to see the site (noting that rarely more than a handful of visitors attended the site each week). I had begun to recognise that asking about the lives of the former leaders – the only real thematic



Figure 17 The site of Pol Pot's cremation

representational work at play at the Dangrek sites – tended to be an effective way of inviting former cadre to reflect on the movement more broadly:

Pol Pot was at the top. The top was responsible. He was responsible for everything. This why everyone labels him a bad man, because he was responsible for the destruction of Cambodia.

PM: So people here remember him that way?

Even the smaller generals did terrible things. But it's not clear, we have different ideas. Yes, Ta Mok is a hero for the people here, but we cannot say this in public. We cannot say [here] but we can say with our friends, with our families.

In the first instance, the former fighter was happy to acknowledge the 'destruction' of Cambodia, locating responsibility at the hands of Pol Pot. This is important because it corresponds to the narrative of blame propagated by the Cambodian state since the fall of the KR: that the revolution was hijacked by a genocidal KR leadership, and the subsequent PRK government were true heirs to the revolution. This account of blame at the hands of the KR leadership underpins the ECCC as a reconciliatory endeavour because it obscures and exculpates the role of lower- and mid-ranking KR figures, and further distracts from grievances arising from periods of conflict and political violence before and after DK. At the same time, crucially, we again can see the existence of regimes of memory that conflict with the state-sanctioned account of the KR because Ta Mok – a specifically local hero – is celebrated and the fighter further complicates his reading of responsibility by noting the responsibility of 'smaller generals' (a hugely sensitive topic given the role of formerly mid-ranking KR officials within Anlong Veng's local government). Perhaps most tellingly, the view that Ta Mok could not be celebrated in public points to a rupture and disjunction between 'community' level and 'private' remembrances of the life of the former KR leader, supporting Noren-Nilsson's claim that discussion of the KR past is 'off limits' (Noren-Nilsson 2011: 464) . I pressed this issue further:

PM: Why can't you say that in public?

In this area, most of the hierarchy people [authorities] are from the Khmer Rouge. But a lot of the local authorities are from the government too. So the smaller Khmer Rouge people, some of them are worried about saying the wrong thing. I don't care. I can say what I like. People talk with their friends about that time. That time was troubled. Yes, Pol Pot brought destruction, but now everyone just sees his faults. It is disappointing, he was a strong man.

It is revealing that, following the former fighter's suggestion that there are limits to what can and cannot be said in public and private about the KR as a topic, the fighter returns to discuss Pol Pot, suggesting that people only see his faults (and therefore implying that there are virtues to be remembered). It is unclear whether the fighter means *all* Cambodians or the Anlong Veng community specifically when he suggests that 'everyone' remembers Pol Pot this way; that said, the fighter's nostalgic suggestion that Pol Pot was a 'strong man' may be offensive to many other Cambodians and complicates the resonance of the ECCC's narration of blame for KR atrocities at the hands of the DK leadership amongst groups that subscribe to such beliefs, if only even in 'private' conversation. On the one hand, we can see how the fighter may be at first acceding to what he considers publicly acceptable comments on the KR leadership. On the other, we can read his latter comments as evidence of mixed or conflicted interpretations and views concerning the role, responsibility and remembrance of the KR leadership. These types of perspective, on the surface at least, pose questions for reconciliation because they seem to conflict with state-sanctioned denunciation of KR leadership. Moreover, they challenge Wood's claim that the 'minimalist' conservation of KR heritage sites is effective in the suppression of 'counter' memory.

6.3 Ta Mok's 'Historic House'

In Anlong Veng town, the most prominent heritage site pertaining to the conflict is Ta Mok's 'Historic House'. As Cabral notes, 'historic house' sites are a special genre of museum because they represent the life of an individual through a specific interplay and fusion of person and place (2001). Historic houses can act as didactic spaces in the way that they provide an assemblage of 'cultural assets' within a site deemed to capture the seemingly 'everyday' life of a specific person (or persons); at the same time, the authorisation of a historic house hinges on the way an individual "...exerts an attraction and fascination on the imagination" (Cabral 2001: 43). Ta Mok's attraction and fascination in this regard stems exclusively from his role as a KR

military leader, his national notoriety as ‘the butcher’, and according to local KR cadre, his role as defender of the nation against the Vietnamese and ‘father’ figure of the Anlong Veng area.

The example of Ta Mok’s historic house is interesting because we know that, prior to his capture and death, Ta Mok planned for the property to be turned into a museum about DK, the fight against the Vietnamese occupation and a showcase of Cambodian cultural



Figure 18 Mural of Angkor Wat at Ta Mok’s Lakeside Villa

artefacts more broadly (Wood 2009: 159). Ta Mok commissioned murals and paintings on the walls of the property in anticipation of this purpose, and these still remain at the site. These depict the (nationally significant) temples of Angkor, maps of Cambodia and religious artwork. These are the few ‘cultural artefacts’ that remain on the site as the house was looted by Government forces at the end of the war. Wood suggests that this feeds into a ‘minimalism’ in the way the site is presented, failing to yield any contextual or historical information to support visitation. For Wood, this is again evidence of the way the state has, on the one hand, designated such spaces as historically significant, yet on the other, licensed the suppression of possible representations of the past that glorify the KR. In this sense, it is ironic that given Ta Mok’s intended plan to establish a museum on the site, the house has today still been put to use as a heritage site by the MoT, though in accordance with the Cambodian state’s preferred agenda (according to Wood, by attempting to marginalise the possibility celebratory accounts of the KR).

The house itself looks out over one of Ta Mok’s local infrastructure projects, a dam across a river and a large lake on the flooded land created as a result. At the entrance to the compound

is a small ticket concession run by one of Ta Mok's former bodyguards. I asked him who tended to visit and why they came:

Some domestic tourists come here, but just as a vacation, for relaxation. People come here because they want to know the history. They want to know the life of Ta Mok, the way he lived. He was a hero in this region because he protected the country, he moved his troops here, fighting the Vietnamese.

PM: Do mostly Khmer people come here?

Mostly Cambodians. Some from Anlong Veng, but also many from outside. More so at weekends. The place is good for a picnic. A few foreigners come also to learn the history also.

Three points are notable in these comments that help us understand how the site is perceived by Cambodian audiences (both former KR and beyond). In the first instance, the site is described as recreational space (there is a restaurant next door and I was informed that many local couples choose to hold their weddings on or next to the site). This is important because the understanding of the site as a recreational space is not necessarily perceived to be in conflict with its links to the war and the more sinister meanings bound to Ta Mok's moniker, 'the butcher'. In the second instance, the site is specifically described as a 'historical' place for people to learn about the life of Ta Mok, ascribing the 'historic house with didactic value. Thirdly, seemingly underpinning the above, and the root of the authority of the site as a historic house, is an 'attraction' and 'fascination' with Ta Mok as a 'hero' or national 'protector'. This complicates the role of Ta Mok's historic house because it transcends (apparently) 'un-reconciled' parties: the attraction of a patriotic protector arises specifically from discourses of nation and nationalism that resonate with both former KR audiences and visitors from outside Anlong Veng. This poses important questions concerning the reconciliation of memory between parties to the Cambodian conflict.

As the former bodyguard noted, the majority of visitors were Cambodians from outside the local area. The former bodyguard continued to make reference to 'inside' and 'outside' people

(meaning former KR residents and or those visiting/settling since the end of the war): “Now the outside people come more and more, they visit and we are fine with them. We were not responsible for the conflict, it was the leaders.” Again, this comment gestures to further complications concerning memory and reconciliation. The bodyguard suggests that there are no divisions between ‘insiders’ and ‘outsiders’ because (the prevailing state and ECCC-sanctioned regime of memory tells us that) only senior KR leaders were responsible for the conflict. At the same, the bodyguard is hagiographic in his previous description of Ta Mok, and suggests that non-KR audiences are attracted to the site because of his role as a patriotic figure. The key question that arises here is as follows: how can the ‘patriotic’ celebration of a national figure coincide with acquiescence to an attempt to settle a (conflicted) past that revolves around denouncing that same figure’s life; i.e. is it problematic (or even possible) for Ta Mok to be remembered as both a ‘butcher’ and ‘hero’ to *both* his acolytes and adversaries? The implication here is that memory that appears irreconcilable to the ECCC does not conflict with its punitive function; in other words, reconciliation is rendered a moot outcome of the ECCC.

The themes of reconciliation, patriotism and the integrity of national borders became increasingly pronounced in a series of conversations I had with a group of serving Royal Cambodian Armed Forces soldiers visiting Ta Mok’s lakeside house. These conversations, in particular, perhaps help us understand the conflicted positioning of Ta Mok as ‘hero’ and ‘villain’. A crucial contextual factor that coloured much of the fieldwork in Anlong Veng was a simmering border dispute between Thailand and Cambodia arising from the contested territorial ownership of the UNESCO-designated Preah Vihear temple World Heritage Site (located roughly 120km East of Anlong Veng). The dispute had stoked nationalist sentiments on either side of the border and a series of clashes between Cambodian and Thai forces near the temple in October 2008 and January and April 2009 had led to a number of casualties and several fatalities. As a consequence, the border with Thailand as a whole had become an increasingly sensitive political issue, with a build-up of military forces in the area. Moreover, as well as its proximity to the border itself, Anlong Veng was also located along one of the main routes to the disputed Preah Vihear temple. Royal Cambodian Armed Forces (RCAF) troops on leave or breaking journeys to and from Preah Vihear were among the frequent visitors to Ta Mok’s house.

In general, the soldiers visiting the 'historic house' of a former KR leader were not keen to speak to a Western researcher and their remarks in general were abrupt.⁸¹ That said, a number that I spoke to were willing to explain why they had chosen to visit, notably advancing similar reasoning to those offered by Ta Mok's former bodyguard:

This man was a patriot. He fought for Cambodia. Of course I want to see this place.

The recognition of the site's historical significance stems again from the remembrance of Ta Mok through a patriotic lens. Another suggested that:

This is a historic site. It is an important place for Cambodia.

PM: Why is it important? I read that before during the war the army was fighting this man.

That time is gone and his followers left him so now we are a country at peace.

In the second instance, I attempted to probe any potential conflict between loyalties to the 'state' (army) and reasons for visitation. It is telling that the soldier's response coincides with the state-sponsored understanding of reconciliation, i.e. that in the absence of conflict the nation is at peace, and with the disintegration of the KR as a military force, there is no (ideological) conflict around which to reconcile. It seems in this context Ta Mok can be recast (or re-remembered) through this seemingly resonant national lens. On a separate occasion, standing in front of a large map of Cambodia in Ta Mok's villa, another soldier remarked that:

⁸¹ This is possibly due to the politicisation of their presence on the border (and the assumption that I was a journalist). It may equally also have arisen because of sensitivities around the politics of the ECCC and KR as a topic in general: across fieldwork sites and locales, informants working closely with the Government were less inclined to discuss questions of the KR, the ECCC, memory and reconciliation at any length.

He protected Cambodia. He was fighting the invaders. Just like now, we have problems again. The Thai people want to take Cambodian land. That is why we are going to the border.

The direct parallel attempted here between the two ‘invading’ forces illuminates how the nation, its borders and its vulnerabilities is *felt* by remembering ‘national’ subjects: threat and obligation are foregrounded. Moreover, a reflexive point on memory is crucial here: the contextual anxieties



Figure 19 Royal Cambodian Armed Forces troops look at a map of Cambodia at Ta Mok's Lakeside Villa

concerning national defence, the role of soldiers in maintaining the integrity of borders and the historical equivalence suggested here between Vietnamese occupation (fought by Ta Mok) and Thai incursions (fought by the current RCAF soldiers) not only allows for more sympathetic remembrances of KR figures like Ta Mok, but allows and obliges a ‘celebratory’ reframing of the past conflict. In terms of how we understand collective memory, we must again be attentive to the range of influences that recast, rescue, or oblige specific forms of remembering (the ‘what’ and ‘how’), rather than treating the past as a stable archive for excavation or extraction. In this case, we could say that (state-sanctioned but highly dispersed) discourses of nation and nationalism coincide with the ‘reactivation’ of regimes of remembering that elevate and celebrate figures such as Ta Mok, specifically because his life can be recast as characterised by national sacrifice.

During my final visit to Ta Mok’s ‘historic house’ I attempted to invite some visiting RCAF soldiers to discuss issues of reconciliation and the ECCC more directly. As one soldier’s remarks indicate, the topics seemed almost inert:

“Before Khmer fought Khmer. Now Cambodia is peaceful and it doesn’t matter what faction [you were on] before. I know the history of this man. And this place. Before, in the Pol Pot time, some people in my family died. But it is complicated politics. I know that people here think Ta Mok was right to fight and he defended Cambodia.”

It is notable again that the thorny issue of Khmers in conflict with other Khmers is remembered as the central problematic characteristic of Cambodia's experiences of war and genocide, i.e. a crisis of national solidarity. Moreover, within this framework, peace is again equated with reconciliation with the 'erasure' of those factions, or the closing of that 'national' rupture. As Dunnage suggests with reference to memories of 'perpetrators' (and a generous hat-tip to Renan's famous essay on nationhood), 're-visitations of the past are inevitably conditioned by the imperative of national or group cohesion in the present' (2010: 91). On the one hand, the soldier remembers both those 'factionalisms' and his personal experiences of loss. In this sense, it would be problematic to read his comments as downplaying the significance of the KR past. Yet on the other, the soldier acknowledges and is erudite toward the specific views of former KR cadre in Anlong Veng, without reflecting any explicit grievance. It seems, in this instance, that there does not appear to be a conflict between regimes of memory that acknowledge the wrongs of the KR, and tolerance toward regimes of memory that celebrate their leaders. This, it seems, is an instance of personal reconciliation without any spectacle or institutional inauguration.

Another soldier was keen to find out if I worked for the court (a persistent problem I encountered in Anlong Veng). Despite my denials, his questions were illuminating in regards to his understanding of reconciliation:

If we have the court, is it true that there will be war again? I don't believe that.

PM: Why do you think that there would not be another war?

I don't know. I think that people are not angry anymore.

The connection made between the ECCC and further conflict references fears circulated by both the Cambodian state and KR factions in the late 1990s that prosecutions of former insurgents would provoke another war. Yet the soldier's framing of this connection as a question, and its subsequent dismissal, points to the way in which fears of a resumption of violence do not resonate with some Cambodians anymore, which is particularly notable given the occupation and location of the soldier at the time of the encounter. On the one hand, for

some supporters of the ECCC, this may nullify objections to unrestricted prosecutions of KR figures. On the other hand, when taking the soldier's final comment that suggests a diminishing public 'anger', we must also begin to think about the extent to which the ECCC can satisfy a popular grievance arising from past political violence. Similarly, we can rethink the depth of grievance around which conflicted parties should purportedly reconcile. In this sense, states of memory are visible that are no longer 'hot' to the extent that (potentially irreconcilable) memories or grievances may linger but no longer be 'active' or demanding of political or collective action today.

6.4 Ta Mok's memorial *stupa* (and sawmill)

Several kilometres north of Anlong Veng town, off the road to the Choam pass, is the site of the Srah Chouk Pagoda which hosts Ta Mok's memorial *stupa*. In 2003 the MoT designated the site as 'historically significant' as part of the area heritage tourism strategy because it had hosted a large sawmill during the civil war (now marked 'Ta Mok's Saw Mill' on blue MoT signage), the revenue from which was a key source of income for the KR insurgency. The site also includes the graves of Son Sen and his family, the murders of whom sparked the final internal purges of the KR leadership in 1997. In July 2006, after Ta Mok's death under detention in Phnom Penh, Ta Mok's body was taken to the site at the behest of his daughter, Preak Lin (who tends a small shop outside the pagoda compound). Hundreds of local residents attended his funeral and the erection of a memorial *stupa* that month (BBC 2006). At the time of fieldwork (April and May 2009), work was nearing completion on the construction of a larger, more ornate memorial to replace the initial structure erected at the time of his death.

The Srah Chouk Pagoda was built in the years after the end of the war and relies on donations from local residents and the Khmer diaspora for its upkeep (a list of donations is provided, the highest visible at the time amounting to the equivalent of £120). The pagoda now also houses a small community of monks who provide teaching and religious rites for some local people. Given the KR's past ideological commitment to the abolition of organised religion, I asked one monk about the relationship between former KR local residents and the pagoda:

People in this area were all Khmer Rouge. You know, some of them don't want to make merit at all and people are very sensitive about talking about the Ta Mok history and taking part at the pagoda. You know this area is just developing in the last three or four years.

Most notably, given his role as a religious community figure, the monk again points to frictions in what can and cannot be said in public in Anlong Veng about the 'Ta Mok history'. Moreover, the monk's comments suggest a reluctance to participate in Buddhist religious life among former KR members. Perhaps most telling, however, is his apparent anticipation of development and change. I pressed this issue in relation to the remembrance of Ta Mok:

PM: It has changed quickly. I first came to Anlong Veng in 2003 just after the war and it's very different. Should people remember Ta Mok by building places like this? This is the biggest *stupa* here, are there many others?

Soon there will be many *stupas* because people will start to understand. Some local people think the *stupa* [to Ta Mok] is good, some people say it is not relevant. Some people think he deserves this place [the *stupa*], and for the memory, that it is important to remember. But you know, many people just want to forget. They don't care.

PM: Why don't they care anymore?

I'm not sure. It is not like people don't care, but it is just not so important now.

In the first instance, these comments show a belief that the Anlong Veng community will increasingly engage in Buddhist public life. This could be read as gesturing to the precariousness of the various funding streams that pagodas in Cambodia enjoy, but it also indicates the importance of pagodas to the normative ordering and anchoring of Khmer public life (Kent 2007). At the same time, despite the monk's earlier remarks that former KR members were less inclined to engage in religious practice, the monk's comment indicates an important

(but ambivalent) link between the *stupa* and community remembrance of Ta Mok. To 'deserve' a *stupa* in accordance with Khmer Buddhist practice is to be revered as a public figure of great significance (Marston 2006). At the same time, the monk's suggestion that people are eager to forget Ta Mok is located on a register of contemporary material and economic priorities. This shows again that a regime of memory that valorises Ta Mok is, firstly, contested and uneven in itself and, secondly, that it is arguably only in tenuous conflict with the stakes of reconciliation enacted at the ECCC because it places no demands over the present. If anything, the passive celebration of Ta Mok (alongside the broader acceptance in Anlong Veng of the ECCC claim that KR leaders were responsible for atrocity and war) could arguably be read to suggest that questions of reconciliation in Anlong Veng are moot.

As Winter has suggested, the connection between memorial sites and the memories that they anchor varies over time, and that visitations, rituals and commemorations at memorial sites can mediate processes of mourning, remembering and forgetting in equal measure (Winter 1995: chapter four). On the one hand, the reproduction of memories anchored by memorials depends, in part, on such visitations. On the other, and conversely, practices of visitation reflect and illuminate the resonance of the pasts represented at memorial sites. One muted discussion with another monk at the Srah Chouk Pagoda was telling in this regard:

PM: Do many people come to visit?

Of course, many people.

PM: Who visits? Khmers or foreigners?

Some foreigners [visit]. A few foreign journalists. Khmer people visit too.

PM: Why do you think the Khmer people come?

I'm not sure. Just to come and see. You know, this man was famous. Of course people come also on the religious days.

PM: What religious days?

On *P'Chum Ben*, Ta Mok's children always visit. And people from around Anlong Veng.

In the first instance, the life of Ta Mok is again depicted as exerting an attraction and fascination for Cambodian audiences. These practices of visitation are described in tentative and uncertain terms, as visits of curiosity rather than any clearly defined notion of pilgrimage or reverence. It seems, in this sense, that at both Ta Mok's 'historic house' and at the Srah Chouk Pagoda memorial *stupa*, (former KR and other) visitors may in part be captivated by Ta Mok's patriotic 'allure' – defined through a defence of borders, against 'others' (Vietnamese/Thais) – but this does not (necessarily) translate into readings of the past that are in *active* conflict with either the ECCC or the Cambodian state's denunciation of other KR leaders. Rather, we could perhaps begin to see how, ten years after the war and thirty years after the fall of the KR, a process of Ta Mok being re-remembered is at play. This specifically occurs through emerging and negotiated lenses based on present priorities and anxieties that foreground some aspects of his life but not others, or the re-crafting of memory through negotiated forgetting and remembrance. The practices of visitation cited on religious days such as *P'Chum Ben* – an ancestors festival intended to pacify restless spirits for the coming year – are as much a cultural obligation (in that it would be rare for Cambodian families not to observe the festival) as a specific form of reverence of Ta Mok. This is notable only in so far as religious practices that were once prohibited by the KR are now being practiced by their former members and their families.

Outside the grounds of the Srah Chouk Pagoda, one of Ta Mok's daughters runs a small shop. A large portrait of her father hangs on the back wall, depicting him in his younger years. As noted, at the time of fieldwork Ta Mok's *stupa* was undergoing reconstruction. I was keen to ascertain how and why a more ornate memorial was being erected:

PM: I was told there was a memorial here previously. Why did they rebuild the memorial for Ta Mok?

It's the kindness and generosity of his children toward the family, and because he is one of the heroes. Not only his children, our neighbours, and friends too. He was the owner of the land, the waters. We built the previous one just temporarily, this is the permanent one.



Figure 20 Ta Mok's memorial *stupa*

The upkeep and erection of *stupas* in Cambodia tends to rely on family and community donations, particularly in the case of community or religious leaders that are deemed worthy of exceptional reverence (Marston 2006). In this instance, Ta Mok's daughter locates this through an understanding of her father as 'heroic' (again), but also employs a specific K'mai phrase – 'the owner of the land, the waters' – that conveys a spiritual and paternalist quality to both his life and the obligation to remember. On the one hand, it is unsurprising that Ta Mok's family have led acts of memorialisation to his life. On the other, it is notable again that reverence is expressed through what can be read as a sacralisation of his memory, especially given the (apparently ongoing) frictions between former KR cadre and religious practice arising from the KR's past approach to Buddhism cited earlier. The descriptive consecration of Ta Mok's memory is another example of the way his life is being re-remembered or recued under new and shifting terms. Moreover, the erection of a new, more ornate *stupa* also shows again how specific memories can be understood through changing memorial biographies, i.e. that memorials have lives of their own, in this case evidenced by the refurbishment and expansion of Ta Mok's *stupa*.

The presence of a well-established memorial to Ta Mok, in comparison to Pol Pot's cremation site, was a key point of interest for me in developing an understanding of how local experiences had played a formative role in the (re)production of a regime of memory in Anlong

Veng. Given her direct connection to the KR leadership, I was keen to explore this with Ta Mok's daughter:

PM: Why does Ta Mok have this memorial but Pol Pot doesn't have one? In Europe we know Pol Pot was the leader, do people here not remember him?

Pol Pot ran the whole country. But for Ta Mok he was responsible for this area only, but only last. There's a local history.

PM: A local story?

Yes. He built the infrastructure. He built the roads, the foundations for how they are now, they are still used. He built many schools and the hospital, and the bridge too. People know this. They know it was him that he gave the services.

PM: And do people still talk about the time when Ta Mok was in charge?

I don't know. You'd have to ask them about it... He was the father to all people in this area. Even his children, he didn't give much money to us. The money went to services for everyone. He looked after everyone in the area. He gave people land and money to poor people. Everyone must have something, he believed... I am his daughter; of course I am proud of him. He was a hero of the Khmer Rouge. Everyone had enough to eat. The irrigation system meant that there was plenty of fish, so much fish. If I say he is a hero, of course I would think that. To understand Ta Mok you need to ask other people in Anlong Veng.

PM: What about the other leaders? Khieu Samphan, Nuon Chea? The ones on trial.

I don't really know about them... [Continued below]

These comments help us to further understand the reproduction and maintenance of a specifically local regime of memory. This is important because it lends weight to theories of social memory that emphasise the importance of lived experience in shaping collective accounts of the past as much as its discursive or ideological construction and imposition by the state (see, for example, Schuman and Scott 1989). In the first instance, the eschewal or marginalisation of memories of Pol Pot (and other KR leaders) could be read to follow from the specific factional infighting that characterised the final days of the KR insurgency. Pol Pot's internal purges of Son Sen and his family in 1997 led to his public denunciation by other senior KR figures, including Ta Mok. Moreover, other senior members of the KR leadership like Khieu Samphan and Nuon Chea (both currently held on charges at the ECCC) had surrendered by 1998. In this sense, the maintenance of a regime of memory that celebrates Ta Mok could be argued to hinge upon his role as the last champion of the KR cause: he was, so to speak, the 'last man standing'. On the one hand, we could read this as memory that conflicts with the ECCC because it seems to illuminate a resistant "victor's" narrative within the wider context of a defeated insurgency. On the other, it is striking that Ta Mok's daughter specifically suggests his contributions to Anlong Veng as obliging his remembrance there. The way that the physical 'artefacts' of Ta Mok's life are pointed to as memory 'cues' – schools, a hospital, bridges, the irrigation system – seems to again show how the reproduction of celebratory accounts of Ta Mok are coloured by nostalgia, pride and gratitude rather than through a (continuing) grievance that places conflictive demands on the present. This also shows that functional 'artefacts' (infrastructure such as schools or hospitals) of the past – 'place memory' according to Connerton (2009: 5) – shape remembering as much as specific technologies of memory, such as museums and memorials. Moreover, Ta Mok's daughter seemed to acknowledge (quite self-reflexively) her reasoning for cherishing his memory: how could she not be proud of her father? In this sense, we must again be careful about the terms under which memories that laud the KR leadership are understood to challenge reconciliation as such: in this instance, the celebration of Ta Mok is rooted in a familial relationship, rather than his role within a history of political violence over which the ECCC adjudicates.

The contrast between a tendency toward hagiography and the more 'everyday' priorities of memory was captured in one of Ta Mok's daughter's final remarks:

[Continued from above]...People in this area believe he [Ta Mok] possessed a spiritual power. When they brought his body here [from custody in Phnom Penh]. It rained, such strong rain, all day it rained. And the people felt very cold.

PM: What lessons are there to learn from your father's life?

People here just want peace now. They want their children to feel peace and be secure, to make money and earn a living.

Again, Ta Mok's daughter sacralises Ta Mok's memory (as embodying a spiritual power) – in this instance, on animistic rather than Buddhist terms – and juxtaposes this representation with the 'lessons' of his life: that people simply want peace and prosperity. The apparent contradiction between the lionisation of 'the butcher' and the suggestion that people 'just' want peace (arguably a call for forgetting) seems to capture the peculiar, ambivalent states of memory that exist in Anlong Veng.

Conclusions

We can (tentatively) identify the contours of a 'regime of memory' in Anlong Veng. Firstly, it is important to recognise the extent to which memory in Anlong Veng is rooted in the specific local history of the area (factional infighting, Ta Mok's stewardship), reminding us of how important formative experiences can be in making certain collective memories persistent. Secondly, on this basis, Ta Mok ('the butcher') is lionised as the 'father' of the region, whilst other important KR leaders like Pol Pot, Nuon Chea and Khieu Samphan receive scant or no celebration. Thirdly, this regime of memory is in itself uneven (and contested) among residents of Anlong Veng. Finally, it seems apparent that the 'historical sites' (technologies of memory) I examined during fieldwork play a peripheral (and seemingly provocative) role in the reproduction of the past, and there remains an important outstanding question concerning dislocations in 'public'- and 'private'-level discussion of the KR past. There are several important conclusions we can draw from this.

Wood's suggestion that the directive by the MoT to 'minimise' the conservation efforts at KR heritage sites has been effective in the suppression of celebratory accounts of the KR leadership seems wide of the mark. Whilst we can understand the 'minimal' representational work at the sites as a technique that works to close down the possibility of counter-memory – the absence of (contestable) background information, the absence/poor training of tour guides, the stripping of 'artefacts' – we can also see that the outcomes are far from intended effects. If anything, the presentation of the Dangrek sites and Ta Mok's 'historic house' renders history more equivocal and allows for or cues (potentially but not necessarily) resistant or conflictive memory. It is safe to say that these sites play a marginal role in the reproduction of memory for the residents of Anlong Veng.

It is clear that, on the surface at least, accounts of the past that are resistant or in conflict with both the ECCC and the Cambodian state's preferred account of past political violence do exist. These should, in many senses, challenge the possibility of reconciling parties to a consensual reading of past violence, and the resonance of the ECCC on that basis. Two issues are noteworthy here. Firstly, the potentially conflictive, celebratory accounts of Ta Mok were apparent among both former KR and non-KR subjects. As I have suggested, this may be contextually explained (in part) by the ongoing territorial dispute with Thailand serving to elevate nationalist and patriotic frames through which to remember the life of the former KR commander. In this sense, a more flexible appreciation of the way in which collective memory is (discursively) re-cued is important.

Secondly, the implications of these examples of conflictive or resistant remembering for reconciliation are uncertain. On the one hand, the hagiographic celebration of Ta Mok is directly in conflict with the way that the ECCC operates as a mechanism for the public denouncement of the KR leadership, and the consolidation of a shared 'reconciled' past on that basis. In this sense, their presence and maintenance means that their 'reactivation' under conflictive terms remains possible. On the other, as I have tried to show, these counter-memories seem ambivalent toward the state-sanctioned reading of past political violence in many senses because they make no demands of the present in terms of political action and seem to be emerging less from a continuing grievance as a sense of obligation and nostalgia. Moreover, the former KR of Anlong Veng located such reflections as diminishing in relevance or significance for their everyday lives.

Chapter Seven

Conclusions

This thesis posed three questions. Firstly, how does the ECCC organise a particular regime of memory about past political violence in Cambodia and how this is presented and contested? Secondly, how is this regime of memory mediated with the public; through what agents and technologies? Thirdly, on what basis do local regimes of memory in victim and perpetrator communities exist in conflict or congruence with the ECCC, and what implications do these have for both 'accountability' and 'reconciliation'? This thesis has shown that the ECCC attempts to advance an account of political violence through a process that reconstructs memory through *disclosure* and *concealment*. On the one hand, the ECCC mandate sanctions the reconstruction of memory based upon the role of 'senior leaders' only in the events of 1975-1979, thus protecting the interests of the Cambodian government (and obscuring the role of Vietnam, China and the USA in the perpetration of political violence before and after DK). At the same time, the ECCC interpretation of past political violence is contested by the subjects it animates (its victims and perpetrators); both the ECCC's victims and perpetrators disrupt the preferred scripts of the court by invoking incidences of political violence beyond its mandate. As I have argued, the work of the ECCC advances multiple, often conflicted claims over what justice and reconciliation mean for its constituents. Moreover, the varied meanings reconciliation carries as a form of political practice further foregrounds the likelihood that justice and reconciliation will remain unstable, contested terms in the public imagination: because the past remains contested and the demands of reconciliation equivocal, the ECCC will struggle to stabilise a definitive reading of the KR among the Cambodian public.

This research has evidenced diverse and competing regimes of memory in Cambodia that challenge the possibilities of the ECCC in reconstructing a unified, shared public memory of political violence in Cambodia. This poses challenges for the realisation of justice and reconciliation as socio-political strategies. On the one hand, I have shown that claims for justice and reconciliation are structured in different ways according to the agents propagating them. For example, RGC claims for reconciliation are focused principally on peace and stability, whereas claims for reconciliation by NGOs such as CSD involved more elaborate psychotherapeutic understandings of reconciliation and trauma. On the other hand, I have tried to show that claims for reconciliation in Cambodia are unified by the need for public

acceptance of the ECCC's interpretation of past political violence. On this basis, it is crucial to note that conflicting memory has been shown to occur at the points when the ECCC's preferred reading of past political violence is propagated (i.e. outreach events and memorial sites). The point that 'counter' memory occurs in the face the ECCC-sanctioned reading of DK shows the way that memory emerges, or is foregrounded, in resistance to power. Moreover, I have shown how 'counter' memories that challenge the way in which the ECCC denounces the KR leadership can be reproduced within communities that simultaneously agree with the need for the ECCC. This is important to note because memories that would appear to conflict with the purposes of the ECCC are ambivalent toward the punishment of some KR leaders. I have argued that this calls into question a politics of reconciliation between previously conflicted parties, and that we can question whether issues of reconciliation in these contexts are moot. The research findings have also evidenced competing, alternative rationales for remembering and forgetting political violence (for example tourism, attendant commercial interests, or simply disinterest) and ambivalence among some Cambodians toward memorials and museums, and the pasts to which they call attention. These ambivalences are important to note because they exist alongside, but not in support of, the moral authority of the rationales grounding the ECCC's work (providing a sense of justice and facilitating reconciliation in the name of continued memories of political violence). The urge to remember the past out of material benefit in the present actually brings the particularity of a purely juridical and legal obligation to remember into sharper relief.

On the one hand, this thesis has identified conflicts and failures of 'memory work' that emerge from the ECCC and are specific to the Cambodian case and context. However, importantly, my intention in this conclusion is to consider how these conflicts and failures are reflective of problems beyond Cambodia that are endemic to the prevailing assumptions of memory studies and transitional justice scholarship and practice: I argue that the failures of the ECCC that seem specific to the Cambodian case are in many ways illustrative of wider problems haunting international tribunals, truth-seeking processes and reconciliatory politics. In arguing this, I seek to critically re-evaluate some of the expectations that are brought to bear on post-atrocity contexts. This final chapter briefly connects the key findings in four stages. The first stage reflects on some of the methodological and theoretical implications of the research, specifically for how we study collective memory in the wake of past atrocity. I argue that we must be attentive to the way that transitional justice mechanisms construct – and therefore *effect* – national (collective) memory frameworks, but only as part of a more reflexive and relational understanding of remembering that is more sensitive to the role of agency among

societies addressed by interventions intended to remedy memories of past suffering. The second stage examines the implications of the research findings for the ECCC. I have argued that the memory constructed by the ECCC is mono-logical (in its framing of culpability and obfuscation of historical context), and runs the risk of situating the Cambodian public in a passive and uniform relationship to memories of past political violence, eliding the complex variations in the way that Cambodians (actively) renegotiate memories of the KR. It is because of the complex variations of memory and remembering that reconciliation and justice, as forms of political practice, struggle for traction among the Cambodian public. Thirdly, on this basis, I look in closer detail at the way that conflicting and ambivalent memory has consequences for justice and reconciliation. I point to the way in which conflicting accounts of the past remain irreconcilable by the ECCC, whilst noting the way in which multiple and contesting memories can eschew claims over culpability, calling into question the valence and traction of reconciliatory politics. The fourth section critically reflects on the implications of the findings for transitional justice scholarship. I conclude by reflecting on the way in which the ECCC can be understood to contribute to the environments of impunity it seeks to challenge.

Memory and Remembering

Hamber and Wilson have argued that transitional justice interventions are characterised by the invocation of collective memory frameworks (2002). These tend to appeal to the existence of a national memory or wounded national psyche that must be remedied. As I showed in Chapter Three, *'Trials and Tribulations'*, the ECCC and RGC staff have relied on the framework of a national memory as a way of justifying the creation and existence of the court. Halbwachs emphasized the way in which collective memories operate to structure individual remembering (1992). This remains important because the ECCC appeals to a national memory of past violence and the possibility of constructing a new national memory in the service of reconciliation, and it invites Cambodians to identify themselves as part of a national community with a national memory. An immediate problem in this regard is that the ECCC's claims over national memory have been structured around partial or narrow representations of the past, focusing on the experiences of S-21 (during the Duch case) or the evacuation of Phnom Penh in 1975 (during case 002). In this sense, the ECCC, like memorial sites, tends to isolate aspects of the past that are then made to stand for the whole. The key point here is

that collective memory claims cannot reflect or authentically exhaust complete 'truths' of past experience, or 'set the record straight', as the ECCC purports to do. On the one hand, the evidence presented by this thesis from public forum work, the memories of those living around state-sponsored memorial sites and the 'counter' memories of perpetrators, shows how heterogeneous and varied claims over the national biography can be; this further evidences problems for a consensual collective memory and attendant issues of reconciliation, as I will discuss below. As referenced in Chapter Six, *'The Heroes and Villains of Anlong Veng'*, memories can be maintained within local communities that are bound to specific, local events, but have serious implications for the formation of national memory in the way in which they stake out claims over the national biography. On the other hand, we can see how, despite the varied emphases of these claims, the *assumed* framework of a national memory (that underpins reconciliatory politics) calls national subjects into being. It is this (discursive) possibility of national belonging as a form of memory (and vice versa) that underpins Anderson's central claims about the 'imagined community' (2006).

The contribution of this research toward an appreciation of the discursive role of collective memory *claims* should be elaborated in two further ways. The first is through a greater appreciation of the role of agency within the societies to which they are addressed. The study of social memory has increasingly recognised the way in which the past is actively reconstructed, negotiated and contested by social agents, rather than existing as an archival 'black box' that can be extracted (Middleton and Edwards 1990; Olick and Robbins 1998; Wertsch 2002; Radstone and Hodgkin 2005). This research, drawing on Foucault, has sought to show how memory operates discursively, as a series of claims between (differently positioned) social agents. Importantly, this research has sought to show how memory operates reflexively; that is, memory claims are shaped in relation to one another, and must be understood as specifically conditioned by the contexts and pressures within which they emerge. As Foucault famously claims, power generates resistance (1980); in this context, it follows that, when the ECCC makes demands to remember, memory is unlikely to correspond in neat acquiescence to those demands. As I showed in Chapter Four, *'Mediating Memory'*, memory claims that challenge the ECCC-sanctioned reading of past violence actually emerged at the points of its propagation, in resistance to its account of past violence. This kind of resistance was in contrast to the levels of ambivalence among perpetrators found in Chapter Six, *'The Heroes and Villains of Anlong Veng'*, which should still be understood to eschew the demands of reconciliation in their own right. These findings on the workings of memory have significant implications for transitional justice because they show that mechanisms intended to

ameliorate memories of conflict, atrocity and social rupture can actually generate their own frictions as they make demands of the social groups they seek to reconcile or redress.

The second contribution of this research to the (discursive) study of memory concerns the role of memorial sites. On the one hand, memorial spaces have been considered by some to 'carry' or constitute collective memory (Nora 1989; Halbwachs and Coser 1992; Bodnar 1993; Bodnar 1994). On the other, commentators like Young (1993) and Williams (2007) have suggested that memorial sites can be read as texts because they depict clusters of meaning about victimhood and culpability. To this extent, we can see how they discursively anchor specific claims about the past. They signify absence, loss, and violence, but tend to do so in partial and politically directed ways. It is on this basis that memorials seem to lend themselves to the purposes of transitional justice because they are thought to confer meaning about past events (notably, the International Centre for Transitional Justice specifically devotes research to the role of memorialisation as a technique within transitional contexts). I have argued that memorials can act as poor carriers of memory in and of themselves. Rather, the evidence presented by this research in Chapter Four, '*Mediating Memory*', shows how making memorials stand as definitive 'proof' or 'evidence' of the past can actually generate conflicting memory. Moreover, Chapters Five, '*The Wat Thmey Genocide Memorial*', and Six, '*The Heroes and Villains of Anlong Veng*', evidenced the ways in which Cambodian communities *actively* remember atrocity on terms that are dislocated from (or at odds with) the way community memorials represent it.

The Extraordinary Chambers in the Courts of Cambodia

In Chapter Three, '*Trials and Tribulations*', I argued that the ECCC attempts to construct a collective, national memory as it tries to stabilise a particular interpretation of the past: the ECCC works to denounce the KR leadership for their role in the events of 1975-1979, obscuring the role of lower-level KR in the perpetration of atrocity and episodes of political violence before and after DK. I showed how this process is mono-logical in three senses. Firstly, it isolates a particular period of political violence for scrutiny (amongst many). Secondly, it limits the scope of responsibility to a narrow range of individuals, whilst foregrounding the remedy

of the past through individual punishment. Thirdly, as a legal mechanism that focuses on the role of individual 'rational' actors, it obscures the social, political and historical context in which the perpetration of atrocity occurs. There is an important tension to note here because it is on these three terms that the ECCC actually furnishes the terrain on which its account of past political violence is contested. As I argued in Chapter Four, '*Mediating Memory*', the ECCC is challenged when it is confronted by appeals to periods of political violence that occurred outside 1975-1979 to which it will not attend, and these challenges can emerge in response to calls for the need for the ECCC. Similarly, memories that foregrounded the role of lower-level KR in the perpetration of atrocity emerged at outreach events specifically as ECCC staff called attention to the guilt of senior KR leaders. Moreover, whilst the ECCC obscures and forecloses scrutiny of political violence outside of 1975-1979, I showed in Chapter Three, '*Trials and Tribulations*', that defence teams are able to invoke wider histories to contest the terms of prosecutions.

The problems the ECCC faces in reconstructing a national memory of past political violence are rooted in two sets of issues. On the one hand, we can see that there are specific conflicts of memory that are rooted in competing accounts of political violence that are specific to Cambodia. For example, former KR cadre frequently queried why the ECCC could not punish those responsible for the perpetration of atrocity before and after DK. Likewise, the ECCC engages selectively in acknowledging victims groups as civil parties, such as the Khmer Krom. On the other hand, the broader task of settling or resolving the past definitively remains vexed; this is an issue that is endemic to international criminal tribunals because, as Koskeniemi argues (2002), histories of political violence will always be equivocal and contested. The fundamental issue here is that legal registers are used to construct public histories. This thesis has tried to show how there is an incommensurability between the legal production and codification of memory with the contextual and complex reproduction of memory within Cambodian communities. It is the more contextual and complex reproduction of (competing) memories to which appeals for reconciliation are addressed, but they are elided by the ECCC process.

Justice and Reconciliation

In 2008, the nationwide Berkley Centre for Human Rights study showed that 85% Cambodians had little or no knowledge of the ECCC (Pham, Vinck et al. 2009). The study recommended improved outreach work as a means of enhancing and consolidating understanding of the ECCC among the Cambodian public. The suggestion that the ECCC needed to work on its public presentation is notable. In Chapter Three, *'Trials and Tribulations'*, and Chapter Four, *'Mediating Memory'*, I examined instances of how the ECCC has been 'sold' to the Cambodian public; that is, attempts through speeches and outreach activities by ECCC and civil society groups to secure an understanding of the ECCC as a necessary endeavour among the public. Importantly, this shows how the ECCC has been actively engaging with and managing Cambodian expectations concerning what it can and will achieve. In this sense, the intangibility of the purported ECCC outcomes, such as challenging impunity, providing justice and enabling reconciliation, means that the ECCC foregrounded its own likelihood of disappointing the expectations of its key constituents. Beyond practical problems like the old age, poor health and death of defendants, we have seen how the ECCC does not satisfy those invested in the process, even when it works as it is meant to: as I highlighted in Chapter Three, *'Trials and Tribulations'*, the dispensation of the Duch sentence was met by outcry. In the first instance, the implications for memory are significant because this shows again that political interventions on the past do not cleanly deliver their intended outcomes, and can have unintended effects. Moreover, the public dissatisfaction with the Duch sentencing gestures to Koskeniemi's point that, in the context of international criminal prosecutions, punishments can never match or satisfy the scale of the crimes at hand.

Transitional justice scholarship has increasingly pointed to the ambiguities, difficulties and problems in pinning down a definition of what reconciliation actually means and entails in the wake of political violence (Clark 2007; Moon 2008; Bell 2009). This research has tried to show how reconciliatory discourses in Cambodia emerge in varied forms and make varied claims over memory. For example, the RGC suggests that reconciliation is constituted by political stability in the present, whereas CSD fora on reconciliation have been supported by materials that invite Cambodians to use trauma frameworks to understand their memories of atrocity (Chapter Four, *'Mediating Memory'*). Furthermore, this shows how we must be attentive to

the specificities of reconciliatory claims, and the way in which they are rooted in forms of political practice that actively make demands of societies to which they are addressed. At the same time, recalling Foucault (2002), the different political appeals (for reconciliation) can still be unified by rules or structures that tend to shape how people can think and talk about particular things. In the case at hand, as I argued in Chapter Three, *'Trials and Tribulations'*, these rules follow from the mandate of the ECCC and operate around the concealment of the culpability of lower-level KR (and the protection of members of the current Cambodian government). This supports Wilson's argument that the language of reconciliation within transitional justice is malleable, without a self-evident meaning, acting as a cover and conduit for the political strategies of state authorities in the wake of political violence (2001). In Cambodia, we can see that reconciliation has become a catch-all term that (loosely) indicates engagement with memories of the KR, whilst foreclosing the possibility of acknowledging political violence perpetrated before or after DK, the role of lower-level KR in the perpetration of atrocity, and the potential culpability of current members of the Cambodian government.

As this research has shown, the reconciliatory claims advanced in Cambodia in the context of the ECCC – broadly articulated and underpinned by two central justice manoeuvres, namely, the denunciation of KR leaders and the exculpation of lower-level KR – are confronted by varying forms of resistance and ambivalence amongst the Cambodian public. As I showed in Chapter Four, *'Mediating Memory'*, within the scope of this research, it was ECCC outreach exercises that actually encountered instances of conflicting memory that most directly challenged the terms of reconciliation. Again, this is important to note because it seems to show that, as transitional justice processes and mechanisms make demands of the past, they also generate or exacerbate frictions among their constituents.

The ECCC officially-sanctioned regime of memory was also contested in the context of memorial sites in Siem Reap and Anlong Veng though, more often, this research found Cambodians highly ambivalent toward memories of political violence and atrocity. On the one hand, justice and reconciliation have emerged as international norms that guide state authorities in the wake of conflict and violence because part of the valence of the field of transitional justice is the idea that *something* must be done. I have suggested that one problematic effect of the idea that *something* must be done, illustrated in Cambodia through the way ECCC and civil society groups have articulated the need for the court as self-evident, is the presupposition that the population is passive in its relation to memories of political

violence. As I showed in Chapter Five, *'The Wat Thmey Genocide Memorial'*, Cambodian communities that suffered at the hands of the KR have actively renegotiated the meaning of the past on terms that are dislocated from and eschew the ECCC. In that context, memories of political violence had been co-opted from their (overtly political) purposes and put to use by community leaders for banal and everyday functions, such as tourism, demonstrating again the importance of agency in post-atrocity contexts. In Chapter Six, *'The Heroes and Villains of Anlong Veng'*, former KR cadre remembered (some of) their former leaders in reverential terms. At the same time, their acknowledgement of the *criminality* of DK and the absence of an active grievance in the way in which memories of conflict were reproduced seemed to render their sense of the past highly ambivalent to the demands of the ECCC. In this context, reconciliation seemed a moot question. Both 'victims' and 'perpetrators' are in many instances agnostic or ambivalent toward the appeals for justice and reconciliation.

Transitional Justice

As I showed in Chapter Three, *'Trials and Tribulations'*, the RGC and UN presented the ECCC as a mechanism that can establish the rule of law and challenge impunity. However the work of the ECCC, in many senses, could be read to contribute to impunity. In the first instance, the implementation of human rights prosecutions for KR crimes could be read as distracting attention from the RGC's ongoing failings on its own human rights record. Critics of the Cambodian government frequently point to the way in which the ECCC prosecutions have been restricted to a handful of KR leaders as emblematic of a domestic 'culture' of impunity (see, for example, Etcheson 2005). At the same time, as at other international prosecutions such as the International Criminal Tribunal for Yugoslavia, the ECCC is not unique in concentrating on only a limited range of figures. Moreover, the precedents of other international tribunals indicate that impunity through selective prosecutions is actually a tendency within transitional justice. In much the same way as the Nuremberg trials ignored the Allied bombing of Dresden, or the Tokyo trials ignored the bombings of Hiroshima and Nagasaki, the ECCC has turned a blind eye to periods of serious political violence before and after DK that implicates powerful regional actors who continue to have geo-political interests in Cambodia, like China, Vietnam and the USA. In this sense, the ECCC actually contributes to and is emblematic of patterns of domestic and international impunity. Moreover, as this research has found, it is often the perception of inconsistency in punishing, redressing and acknowledging the perpetration of political violence that generates public frustration toward

these mechanisms, because the constituents of transitional justice processes are aware of the double standards of punishing some criminal actions and actors but not others.

This research has sought to challenge some of the dominant assumptions at work within the first and second clusters of research on transitional justice scholarship, particularly in terms of the self-evident necessity of transitional justice interventions in the wake of atrocity. As I argued in Chapter Three, *'Trials and Tribulations'*, presenting tribunal mechanisms through collective memory frameworks poses several problems. Firstly, it treats post-conflict societies as having a uniform and homogenous memory of past political violence, denying and obfuscating the complexity of local experience. Secondly, this is problematic because it feeds the representation of post-conflict societies as passive and incapable of responding to memories of past political violence without supervision (Hughes and Pupavac 2005). This frequently bleeds into (Orientalist) arguments about the need for the (Western) management and guidance of post-conflict governance (particularly through claims of due process and 'international' legal standards in the case of Cambodia). Thirdly, we can critically reflect on the structure of the prevailing modes of thought underpinning transitional justice mechanisms. Transitional justice mechanisms that seek to act on collective national psyches imply a simple sequence of intervention (through punishment, truth or apology) leading to remedy (reconciliation or justice) that is linear and teleological. The structure of such a claim makes the efficacy and need for transitional justice interventions seem self-evident; moreover, it also obscures the possibility that interventions *can* be disruptive because they generate unrealistic expectations about what prosecutions and truth-seeking can achieve, or (re)animate (old or) new frictions in the way societies understand their relationship to past violence.

This research has shown how Cambodian communities actively renegotiate the meaning of memories of atrocity, in the context of the demands of the ECCC and beyond. As I argued in Chapter Three, *'Trials and Tribulations'*, UN, RGC and civil society staff employ representations that imply that communities cannot 'normalise' a relationship with memories of political violence in the absence of intervention. This is important to note because it is reflective of justifications for transitional justice interventions more broadly. In Chapters Five, *'The Wat Thmey Genocide Memorial'*, and Six, *'The Heroes and Villains of Anlong Veng'*, I sought to show how different Cambodian communities had negotiated and developed meaningful relationships with memories of the KR independently, often on terms dislocated from the way the UN, RGC and civil society staff had appealed for the need for the ECCC. Importantly, this

shows that ambivalence, disinterest, and even apathy do not imply an absence of agency; rather, these are meaningful responses to legacies of political violence that do not necessarily imply or obviate states of 'non-reconciliation' or failures of societal acknowledgement.

Bibliography

- Achugar, M. (2007). "Between remembering and forgetting: Uruguayan military discourse about human rights (1976—2004)." *Discourse & Society* 18(5): 521.
- Adorno, T. (1974). "Commitment." *New Left Review*(87-88).
- Ainley, K. (2011). "Excesses of responsibility: the limits of law and the possibilities of politics." *Ethics & international affairs* 25(04): 407-431.
- Ainley, K. (2013). "Transitional justice in Cambodia: the coincidence of power and principle." In *Transitional justice in the Asia-Pacific*. R. Jeffery (ed). Cambridge, UK., Cambridge University Press.
- Ali, S. (2006). "Racializing research: Managing power and politics?" *Ethnic and racial studies* 29(3): 471-486.
- Anderson, B. R. O. G. (2006). *Imagined communities : reflections on the origin and spread of nationalism*. London, New York: Verso.
- Antze, P. and M. Lambek (1996). *Tense past : cultural essays in trauma and memory*. New York , London: Routledge.
- Arenhövel, M. (2008). "Democratization and transitional justice." *Democratisation* 15(3): 570-587.
- Arriaza, L. and N. Roht-Arriaza (2008). "Social reconstruction as a local process." *International Journal of Transitional Justice* 2(2): 152-172.
- Arthur, P. (2009). "How" Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice." *Human Rights Quarterly* 31(2): 321-367.
- Assmann, A. (1996). "Texts, traces, trash: The changing media of cultural memory." *Representations*(56): 123-134.
- Atkinson, P. and A. Coffey (2003). "Revisiting the Relationship Between Participant Observation and Interviewing." In *Inside Interviewing: New Lenses, New Concerns*. J. A. Holstein and J. F. Gubrium. London, Sage.
- Bair, J. P. (2008). "From the Numbers Who Died to Those Who Survived: Victim Participation in the Extraordinary Chambers in the Courts of Cambodia." *U. Haw. L. Rev.* 31: 507.
- Banner, L. (2009). "What kind of justice long after genocide?" *Criminal Justice Matters* 76(1): 4 - 5.
- Barber, B. (1949). "Place, Symbol, and Utilitarian Function in War Memorials." *Social Forces* 28: 67-67.

- Barrett, N. (2000). "Holding Individual Leaders Responsible for Violations of Customary International Law: The US Bombardment of Cambodia and Laos." *Colum. Hum. Rts. L. Rev.* 32: 429.
- Barsalou, J. and V. Baxter (2009). "The urge to remember: the role of memorials in social reconstruction and transitional justice." *Stabilisation and Reconstruction Series* (5)
- Bartholomew, A. (2006). "Empire's Law and the Contradictory Politics of Human Rights." *Empire's Law The American Imperial Project and the War to Remake the World* A. Bartholomew (ed). London, Pluto Press.
- Baudrillard, J. (1994). *Simulacra and simulation*, Ann Arbor: University of Michigan Press.
- Bauman, Z. (2000). *Modernity and the Holocaust*. Ithaca, N.Y.: Cornell University Press.
- BBC. (2005). "Killing Fields deal sparks anger." Retrieved 4th October, 2012, from <http://news.bbc.co.uk/1/hi/world/asia-pacific/4415873.stm>.
- BBC. (2006). "Hundreds pay respects to Ta Mok." Retrieved 20th November, 2012, from <http://news.bbc.co.uk/1/hi/world/asia-pacific/5205534.stm>.
- Becker, H. S. and B. Geer (1957). "Participant observation and interviewing: A comparison." *Human Organization* 16(3): 28-32.
- Bell, C. (2009). "Transitional justice, interdisciplinarity and the state of the 'field' or 'non-field'." *International Journal of Transitional Justice* 3(1): 5-27.
- Bickford, L. (2005). "Transitional Justice in Mexico ." *Journal of Human Rights* 4(4): 537-557.
- Bickford, L. (2009). *Transforming a Legacy of Genocide: Pedagogy and Tourism at the Killing Fields of Choeung Ek*. Report for the Memory, Memorials, and Museums Program. New York, ICTJ.
- Blair, C., V. W. Balthrop, et al. (2011). "The Arguments of the Tombs of the Unknown: Relationality and National Legitimation." *Argumentation*: 1-20.
- Bodnar, J. (1993). *Remaking America: Public memory, commemoration, and patriotism in the twentieth century*, Princeton NJ, Princeton Univ Press.
- Bodnar, J. (1994). "Public memory in an American city: Commemoration in Cleveland." In Gillis, J (ed) *Commemorations: The politics of national identity*: 74–89.
- Borneman, J. (1997). *Settling accounts : violence, justice, and accountability in postsocialist Europe*. Princeton, N.J., Princeton University Press.
- Braithwaite, J. (1999). "Restorative justice: Assessing optimistic and pessimistic accounts." *Crime and Justice*: 1-127.

- Cabral, M. (2001). "Exhibiting and communicating history and society in historic house museums." *Museum International* 53(2): 41-46.
- Cassese, A. (1998). "On the current trends towards criminal prosecution and punishment of breaches of international humanitarian law." *European Journal of International Law* 9(1): 2-17.
- Castellano, U. (2007). "Becoming a nonexpert and other strategies for managing fieldwork dilemmas in the criminal justice system." *Journal of contemporary ethnography* 36(6): 704.
- Chandler, D. (2008). "Cambodia Deals with its Past: Collective Memory, Demonisation and Induced Amnesia." *Totalitarian Movements and Political Religions* 9(2): 355-369.
- Chandler, D. P. (1999). *Voices from S-21 : terror and history in Pol Pot's secret prison*. Berkeley, University of California Press.
- Cheang, S. (2010). Hun Sen to Ban Ki-Moon: Case 002 last trial at ECCC. *Phnom Penh Post*. Phnom Penh.
- Chhang, Y. (2007). "The Thief of History—Cambodia and the Special Court." *International Journal of Transitional Justice* 1(1): 157.
- Chhang, Y. (2010). "...a society cannot know itself if it does not have an accurate memory of its own history". *Phnom Penh Post*. Phnom penh.
- Chouléan, A. (1988). "The Place of Animism within Popular Buddhism in Cambodia the Example of the Monastery." *Asian Folklore Studies* 47(1): 35-41.
- Christodoulidis, E. (2009). "Political trials as events." in Johns, F., Joyce, R. and Pahuja, S. (eds.) *Events: The Force of International Law*. Routledge Glasshouse Press, London.
- Christodoulidis, E. (2009). "Strategies of rupture." *Law and Critique* 20(1): 3-26.
- Chy, T. (2008). Civil party participation. *Phnom Penh Post*. Phnom Penh.
- Ciociari, J. e. (2006). *The Khmer Rouge Tribunal*. Phnom Penh, Documentation Centre of Cambodia
- Clark, P. (2007). "Hybridity, Holism, and Traditional Justice: The Case of the Gacaca Courts in Post-Genocide Rwanda." *Geo. Wash. Int'l L. Rev.* 39: 765.
- Claussen, K. (2008). "Up to the Bar? Designing the Hybrid Khmer Rouge Tribunal in Cambodia." *Yale J. Int'l L.* 33: 253-513.
- Clifford, J. (1983). "On ethnographic authority." *Representations*(2): 118-146.

- Clifford, J., G. E. Marcus, et al. (1986). *Writing culture: the poetics and politics of ethnography*. A School of American Research advanced seminar. Berkeley, University of California Press.
- Cockayne, J. (2005). "Hybrids or Mongrels? Internationalized War Crimes Trials as Unsuccessful Degradation Ceremonies." *Journal of Human Rights* 4(4): 455-473.
- Cohen, S. (1993). "Human Rights and Crimes of The State: The Culture of Denial." *Australian & New Zealand Journal of Criminology* 26(2): 97-115.
- Cohen, S. (1995). "State crimes of previous regimes: Knowledge, accountability, and the policing of the past." *Law & Social Inquiry* 20(1): 7-50.
- Cohen, S. (2001). *States of denial : knowing about atrocities and suffering*. Cambridge, UK. Malden, MA, Polity. Blackwell Publishers.
- Cole, E. A. (2007). "Transitional justice and the reform of history education." *International Journal of Transitional Justice* 1(1): 115-137.
- Connerton, P. (2009). *How Modernity Forgets*. Cambridge, Cambridge University Press.
- Cronin-Furman, K. (2013). "Managing Expectations: International Criminal Trials and the Prospects for Deterrence of Mass Atrocity." *International Journal of Transitional Justice*. 7 (3)
- Crowley, J. E. (2007). "Friend or Foe?" *Journal of contemporary ethnography* 36(6): 603.
- Centre Social Development (2008). *Understanding Trauma in Cambodia: Basic Psychological Concepts*. Phnom Penh, Centre for Social Development.
- Douglas, L. (2001). *The memory of judgment : making law and history in the trials of the holocaust*. New Haven, CT, Yale University Press.
- Douglas, M. (1991). *Purity and danger : an analysis of the concepts of pollution and taboo*. London, Routledge.
- Dunnage, J. (2010). "Perpetrator memory and memories about perpetrators." *Memory Studies* 3(2): 91-94.
- Durkheim, É. (1984). *The division of labour in society*. Basingstoke, Macmillan.
- Durkheim, É. (2001). *The elementary forms of the religious life*. Oxford, Oxford University Press.
- Eng, K.-T. (2012). "Anlong Veng Then and Now: A Story of Its People." *Searching for the Truth*. Phnom Penh, Documentation Centre of Cambodia.
- Esposito, N. (2001). "From Meaning to Meaning: The Influence of Translation Techniques on Non-English Focus Group Research." *Qualitative Health Research* 11(4): 568-579.

- Etcheson, C. (2005). *After the killing fields : lessons from the Cambodian genocide*. Westport, Conn., Praeger Publishers.
- Evans, T. (2005). "International human rights law as power/knowledge." *Human Rights Quarterly* 27(3): 1046-1068.
- Fawthrop, T. and H. Jarvis (2004). *Getting away with genocide? : elusive justice and the Khmer Rouge Tribunal*. London ; Ann Arbor, MI, Pluto Press.
- Ferguson, J. and A. Gupta (2002). "Spatializing states: toward an ethnography of neoliberal governmentality." *American Ethnologist* 29 (4)
- Findlay, M. (1989). "Show Trials in China: After Tiananmen Square." *JL & Soc'y* 16: 352.
- Foucault, M. (1979). "Governmentality." *Ideology and Consciousness* 6: 5-21.
- Foucault, M. (1980). "Power and Strategies." *Power-knowledge : selected interviews and other writings, 1972-1977*. C. Gordon. Brighton, Harvester Press.
- Foucault, M. (1991a). Politics and the Study of Discourse. *The Foucault effect : studies in governmentality ; with two lectures by and an interview with Michel Foucault*. G. Burchell, C. Gordon, P. Miller and M. Foucault. London, Chicago: University of Chicago Press
- Foucault, M. (1991b). "Question of Method." *The Foucault effect : studies in governmentality ; with two lectures by and an interview with Michel Foucault*. G. Burchell, C. Gordon, P. Miller and M. Foucault. London, Chicago: University of Chicago Press
- Foucault, M. (1997). "Technologies of the Self." *Ethics : subjectivity and truth*. M. Foucault and P. Rabinow. New York, W.W. Norton
- Foucault, M. (1998). *The history of sexuality, Vol. 1: The will to knowledge*. London, Penguin.
- Foucault, M. (2002). *Archaeology of knowledge*. London ; New York, Routledge.
- Foucault, M. and C. Gordon (1980). *Power-knowledge : selected interviews and other writings, 1972-1977*. Brighton, Harvester Press.
- Foucault, M. and P. Rabinow (1997). *Ethics : subjectivity and truth*. New York: W.W. Norton.
- Freeman, J. (2012). "Khmer Rouge court civil parties told to keep grief concise." *Phnom Penh Post*. Phnom Penh.
- Gellman, M. (2008). "No Justice, No Peace? National Reconciliation and Conflict Resolution in Cambodia." *Asian Perspective* 32(2): 37-57.
- Gerard Forsey, M. (2010). "Ethnography as participant listening." *Ethnography* 11(4): 558.

- Gibson, J. L. (2004). "Does truth lead to reconciliation? Testing the causal assumptions of the South African truth and reconciliation process." *American Journal of Political Science* 48(2): 201-217.
- Gillis, J. R. (1994). *Commemorations : the politics of national identity*. Princeton, N.J, Princeton University Press.
- Gordon, C. (1980). "Afterword." *Power-knowledge : selected interviews and other writings, 1972-1977*. C. Gordon. Brighton, Harvester: 207p.
- Gottesman, E. R. (2002). *Cambodia after the Khmer Rouge : inside the politics of nation building*. New Haven, Yale University Press.
- Halbwachs, M. and L. A. Coser (1992). *On collective memory*. Chicago, University of Chicago Press.
- Hall, S. (1980). "Encoding/decoding." *Culture, media, language: Working papers in cultural studies*. S. Hall, D. Hobson and P. Willis. London, Hutchinson: 128-138.
- Hall, S. (1997). *Representation : cultural representations and signifying practices*. London, SAGE.
- Hamber, B., L. Ševčenko, et al. (2010). "Utopian dreams or practical possibilities? The challenges of evaluating the impact of memorialization in societies in transition." *International Journal of Transitional Justice* 4(3): 397-420.
- Hamber, B. and R. A. Wilson (2002). "Symbolic closure through memory, reparation and revenge in post-conflict societies." *Journal of Human Rights* 1(1): 35 - 53.
- Hayner, P. (2002). *Unspeakable truths: facing the challenge of truth commissions*. New York, Routledge.
- Hinton, A. (1998). "A Head for an Eye: Revenge in the Cambodian Genocide." *American Ethnologist* 25(3): 352-377.
- Hobbs, D. (1988). *Doing the business : entrepreneurship, the working class and detectives in the East End of London*. Oxford, Clarendon Press.
- Hobsbawm, E. J. and T. O. Ranger (1983). *The invention of tradition*. Cambridge, Cambridge University Press.
- Hoffman, E. A. (2007). "Open-Ended Interviews, Power, and Emotional Labor." *Ethnography* 36(3): 318-346.
- Hughes, C. and V. Pupavac (2005). "Framing post-conflict societies: International pathologisation of Cambodia and the post-Yugoslav states." *Third World Quarterly* 26(6): 873-889.
- Hughes, R. (2000). Remembering May 20 Day of Anger. *Searching for the Truth*. 12.

- Hughes, R. (2003a). "The abject artefacts of memory: photographs from Cambodia's genocide." *Media, Culture & Society* 25(1): 23-44.
- Hughes, R. (2003b). "Nationalism and Memory at the Tuol Sleng Museum of Genocide Crimes, Phnom Penh, Cambodia." *Contested pasts: The politics of memory*: 175–192. Hodgkin and Radstone (eds).
- Hughes, R. (2005). "Memory and sovereignty in post-1979 Cambodia: Choeung Ek and local genocide memorials." *Genocide in Cambodia and Rwanda: New Perspectives*. S. Cook (ed) New Haven, Conn.: Yale University Center for International and Area Studies
- Hughes, R.. (2006). *Fielding genocide: post-1979 Cambodia and the geopolitics of memory*. Faculty of Arts. Melbourne, The University of Melbourne. Ph.D.
- Hughes, R. (2008). "Dutiful tourism: Encountering the Cambodian genocide." *Asia Pacific Viewpoint* 49(3): 318-330.
- Huyssen, A. (1995). *Twilight Memories: Marking time in a Culture of Amnesia*. New York, Routledge.
- Jelin, E. (2007). "Public memorialization in perspective: Truth, justice and memory of past repression in the southern cone of South America." *International Journal of Transitional Justice* 1(1): 138-156.
- Johnson, R. and BCCCS (1982). *Making histories : studies in history-writing and politics*. London, Hutchinson in association with the Centre.
- Johnstone, G. (2002). *Restorative justice : ideas, values, debates*. Cullompton, Willan.
- Jones, R. and P. Merriman (2009). "Hot, banal and everyday nationalism: bilingual road signs in Wales." *Political Geography* 28(3): 164-173.
- Kampuchea Inquiry Commission and K. Kiljunen (1984). *Kampuchea : decade of the genocide : report of a Finnish inquiry commission*. London, Zed.
- Kent, A. (2007). "Purchasing power and pagodas: The Sīma monastic boundary and consumer politics in Cambodia." *Journal of Southeast Asian Studies* 38(02): 335-354.
- Khy, S. (2013). Vietnamese Embassy Official Criticizes CNRP's Racial Rhetoric. *The Cambodia Daily*. Phnom Penh.
- Kiernan, B. (1996). *The Pol Pot regime : race, power, and genocide in Cambodia under the Khmer Rouge, 1975-79*. New Haven, Conn., Yale University Press.
- Kiernan, B. (2002). "Introduction: Conflict in Cambodia, 1945-2002." *Critical Asian Studies* 34(4): 483 - 495

- Kiernan, B. and T. Owen (2006). "Bombs over Cambodia: new information reveals that Cambodia was bombed far more heavily than previously believed." *The Walrus*, October.
- Kong, S. (2009). "Head of Tribunal Victim Unit Under Fire." Retrieved 19/01/2012, 2012, from <http://www.voanews.com/khmer-english/news/a-40-2009-06-09-voa3-90170167.html>.
- Koskenniemi, M. (2002). "Between impunity and show trials." *Max Planck Yearbook of United Nations Law* 6(1): 1-32.
- Kritz, N. J. (1996). "Coming to Terms with Atrocities: A Review of Accountability Mechanisms for Mass Violations of Human Rights." *Law and Contemporary Problems* 59(4): 127-152.
- Ladd, P. (2003). *Understanding Deaf Culture*. Clevedon, Multilingual Matters.
- Ledgerwood, J. (1997). "The Cambodian Tuol Sleng Museum of Genocidal Crimes: National Narrative:." *Museum Anthropology* 21(1): 82-98.
- Leebaw, B. A. (2008). "The irreconcilable goals of transitional justice." *Human Rights Quarterly* 30(1): 95-118.
- Lennon, J. and M. Foley (2000). *Dark tourism*. London, Continuum.
- Levy, D. and N. Sznajder (2002). "Memory Unbound The Holocaust and the Formation of Cosmopolitan Memory." *European Journal of Social Theory* 5(1): 87-106.
- Levy, D. and N. Sznajder (2004). "The institutionalization of cosmopolitan morality: The Holocaust and human rights." *Journal of Human Rights* 3(2): 143-157.
- Levy, D. and N. Sznajder (2006). "Sovereignty transformed: a sociology of human rights." *The British Journal of Sociology* 57(4): 657-676.
- Levy, D. and N. Sznajder (2010). *Human rights and memory*. University Park, Pennsylvania State University Press.
- Li, T. (2007). *The will to improve : governmentality, development, and the practice of politics*. Durham, NC, Duke University Press.
- Lloyd, D. W. (1998). *Battlefield tourism : pilgrimage and the commemoration of the Great War in Britain, Australia and Canada, 1919-1939*. Oxford, UK ; New York, Berg.
- Ly, S.-K. (2008). "CONVEYING KHMER ROUGE HISTORY TO YOUNG PEOPLE". *Searching for the Truth*. Phnom Penh, Cambodia, Documentation Centre of Cambodia: 24-27.
- Lynch, M. and D. Bogen (1996). *The spectacle of history : speech, text, and memory at the Iran-Contra hearings*. Durham, Duke University Press.

- Mallinder, L. (2007). "Can amnesties and international justice be reconciled?" *International Journal of Transitional Justice* 1(2): 208-230.
- Marston, J. (2006). "Death, memory and building: The non-cremation of a cambodian monk." *Journal of Southeast Asian Studies* 37(3): 491.
- Marx, K. (1988 [1844]). *The economic and philosophical manuscripts of 1844*.
- Mayo, J. M. (1988). "War memorials as political memory." *Geographical Review*: 62-75.
- McGonigle, B. (2009). "Two for the price of one: Attempts at the Extraordinary Chambers in the Courts of Cambodia to combine retributive and restorative justice principles." *Leiden Journal of International Law* 22.
- Mendeloff, D. (2004). "Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?" *International Studies Review* 6(3): 355-380.
- Méndez, J. E. (1997). "Accountability for past abuses." *Human Rights Quarterly* 19(2): 255-282.
- Menzel, J. (2007). "Justice delayed or too late for justice? The Khmer Rouge Tribunal and the Cambodian "genocide" 1975–79." *Journal of Genocide Research* 9(2): 215-233.
- Merry, S. E. (2006). "New Legal Realism and the Ethnography of Transnational Law." *Law & Social Inquiry* 31(4): 975-995.
- Middleton, D. E. and D. E. Edwards (1990). *Collective remembering*. Sage Publications, Inc.
- Minow, M. and N. L. Rosenblum (2002). *Breaking the cycles of hatred : memory, law, and repair*. Princeton, NJ, Princeton University Press.
- Misztal, B. A. (2005). "Memory and Democracy." *American Behavioral Scientist* 48(10): 1320-1338.
- Misztal, B. A. (2010). "Collective Memory in a Global Age Learning How and What to Remember." *Current Sociology* 58(1): 24-44.
- Misztal, B. A. (2013). "The idea of dignity Its modern significance." *European Journal of Social Theory* 16(1): 101-121.
- Mohan, M. (2008). "Reconstituting the "Un-Person": The Khmer Krom & the Khmer Rouge Tribunal." *SYBIL* 12: 43.
- Moon, C. (2004). "Prelapsarian state: forgiveness and reconciliation in transitional justice." *International journal for the semiotics of law* 17(2): 185-197.
- Moon, C. (2006). "Narrating political reconciliation: Truth and reconciliation in South Africa." *Social & Legal Studies* 15(2): 257-275.

- Moon, C. (2008). *Narrating political reconciliation : South Africa's Truth and Reconciliation Commission*. Lanham, Lexington Books.
- Moon, C. (2009). "Healing Past Violence: Traumatic Assumptions and Therapeutic Interventions in War and Reconciliation." *Journal of Human Rights* 8(1): 71-91.
- Moon, C. (2012a). "What One Sees and How One Files Seeing: Human Rights Reporting, Representation and Action." *Sociology* 46(5): 876-890.
- Moon, C. (2012b). "'Who'll Pay Reparations on My Soul?' Compensation, Social Control and Social Suffering." *Social & Legal Studies* 21(2): 187-199.
- Nagy, R. (2008). "Transitional justice as global project: critical reflections." *Third World Quarterly* 29(2): 275-289.
- Nimaga, S. (2007). "An International Conscience Collective? A Durkheimian Analysis of International Criminal Law." *International Criminal Law Review* 7(4): 561.
- Nora, P. (1989). "Between Memory and History: Les Lieux de Memoire." *Representations*(26): 7-24.
- Norén-Nilsson, A. (2011). "Children of Former Khmer Rouge Cadres." *Peace Review* 23(4): 462-468.
- Oddo, J. (2011). "War legitimization discourse: Representing 'Us' and 'Them' in four US presidential addresses." *Discourse & Society* 22(3): 287.
- Olick, J. K. (2007). *The politics of regret : on collective memory and historical responsibility*. New York, London: Routledge.
- Olick, J. K. and J. Robbins (1998). "Social memory studies: From collective memory" to the historical sociology of mnemonic practices." *Annual Review of Sociology* 24(1): 105-140.
- Orentlicher, D. F. (1991). "Settling accounts: the duty to prosecute human rights violations of a prior regime." *Yale Law Journal*: 2537-2615.
- Osiel, M. (1997). *Mass atrocity, collective memory, and the law*. New Brunswick, N.J., Transaction Publishers.
- Pankhurst, D. (1999). "Issues of justice and reconciliation in complex political emergencies: conceptualising reconciliation, justice and peace." *Third World Quarterly* 20(1): 239-255.
- Peled-Elhanan, N. (2010). "Legitimation of massacres in Israeli school history books." *Discourse & Society* 21(4): 377.
- Peterson, J. (2007). "Unpacking show trials: Situating the trial of Saddam Hussein." *Harv. Int'l LJ* 48: 257.

- Pham, P., P. Vinck, et al. (2011). *After the First Trial: A Population-Based Survey on Knowledge and Perceptions of Justice and the Extraordinary Chambers in the Courts of Cambodia*. Available at SSRN 1860963.
- Pham, P., P. Vinck, et al. (2009). *So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia*. University of California, Berkeley.
- Posner, E. A. and A. Vermeule (2003). "Reparations for slavery and other historical injustices." *Columbia Law Review*: 689-748.
- Prus, R. (2007). "Human Memory, Social Process, and the Pragmatist Metamorphosis." *Journal of Contemporary Ethnography* 36(4): 378.
- Radstone, S. and K. Hodgkin (2005). *Memory cultures : memory, subjectivity, and recognition*. New Brunswick, N.J, Transaction Publishers.
- Rajagopal, B. (1998). "The pragmatics of prosecuting the Khmer Rouge." *Yearbook of International Humanitarian Law* 1: 189-204.
- Ramírez-Barat, C. (2012). *Engaging Children and Youth in Transitional Justice Processes: Guidance for Outreach Programs*. New York, ICTJ.
- Renan, E. (1990 [1882]). "What is a nation?" In *Nation and Narration*. H. K. Bhabha (ed). London, Routledge.
- Roehrig, T. (2009). "Executive Leadership and the Continuing Quest for Justice in Argentina." *Human Rights Quarterly* 31(3): 721-747.
- Roht-Arriaza, N. and J. Mariezcurrena (2006). *Transitional justice in the twenty-first century : beyond truth versus justice*. Cambridge, UK ; New York, Cambridge University Press.
- Rosaldo, R. (1993). *Culture and truth : the remaking of social analysis*. London, Routledge.
- Rose, G. (2007). *Visual methodologies : an introduction to the interpretation of visual materials*. London ; Thousand Oaks, Calif., SAGE Publications.
- Rose, N., P. O'Malley, et al. (2006). "Governmentality." *Annu. Rev. Law Soc. Sci.* 2: 83-104.
- Ross, F. C. (2003). "On having voice and being heard." *Anthropological Theory* 3(3): 325.
- Rotberg, R. I. and D. Thompson (2000). *Truth v. justice : the morality of truth commissions*. Princeton, N.J., Princeton University Press.
- Rowley, K. (2006). "Second life, second death: the Khmer Rouge after 1978." *Genocide in Cambodia and Rwanda: New Perspectives*. Cook (ed). New Haven, Conn.: Yale University Center for International and Area Studies

- Said, E. W. (1995 [1978]). *Orientalism*. Harmondsworth, Penguin.
- Savelsberg, J. J. and R. D. King (2007). "Law and collective memory." *Annu. Rev. Law Soc. Sci.* 3: 189-211.
- Schuman, H. and J. Scott (1989). "Generations and Collective Memories." *American Sociological Review* 54(3): 359-381.
- Scott, S. L. (1996). "Dead work: The construction and reconstruction of the Harlan Miners Memorial." *Qualitative Sociology* 19(3): 365-393.
- Short, D. (2003). "Australian Aboriginal Reconciliation: The Latest Phase in the Colonial Project." *Citizenship Studies* 7(3): 291-312.
- Short, D. (2007). "The Social Construction of Indigenous Native Title Land Rights in Australia." *Current Sociology* 55(6): 857-876.
- Simpson, G. J. (1996). "Didactic and dissident histories in war crimes trials." *Alb. L. Rev.* 60: 801.
- Slocomb, M. (2001). "The K5 Gamble: National Defence and Nation Building under the People's Republic of Kampuchea." *Journal of Southeast Asian Studies* 32(02): 195-210.
- Smith, A. D. (1998). *Nationalism and modernism : a critical survey of recent theories of nations and nationalism*. New York, Routledge.
- Sperfeldt, C. (2012). "Cambodian Civil Society and the Khmer Rouge Tribunal." *International Journal of Transitional Justice* 6(1): 149-160.
- Spivak, G. (1992). "The politics of translation." In *Destabilising theory: contemporary feminist debates*. M. Barrett and A. Phillips. Cambridge, Polity Press.
- Springer, S. (2009). "Culture of violence or violent Orientalism? Neoliberalisation and imagining the 'savage other' in post-transitional Cambodia." *Transactions of the Institute of British Geographers* 34(3): 305-319.
- Springer, S. (2011). "Articulated neoliberalism: the specificity of patronage, kleptocracy, and violence in Cambodia's neoliberalization." *Environment and Planning* 43(11): 2554.
- Sreinith, T. (2011). Day of Commemoration and Education. *Phnom Penh Post*. Phnom Penh.
- Stensrud, E. E. (2009). "New dilemmas in transitional justice: lessons from the mixed courts in Sierra Leone and Cambodia." *Journal of Peace Research* 46(1): 5.
- Sturken, M. (2007). *Tourists of history : memory, kitsch, and consumerism from Oklahoma City to Ground Zero*. Durham, NC, Duke University Press.
- Summerfield, D. (1999). "A critique of seven assumptions behind psychological trauma programmes in war-affected areas." *Social Science & Medicine* 48

- Teitel, R. (2003). "Transitional justice genealogy." *Harv. Hum. Rts. J.* 16: 69.
- Teitel, R. (2005). "The Law and Politics of Contemporary Transitional Justice." *Cornell International Law Journal* 38.
- Temple, B. and R. Edwards (2002). "Interpreters/translators and cross-language research: Reflexivity and border crossings " *International Journal of Qualitative Methods* 1(2).
- Temple, B. and A. Young (2004). "Qualitative research and translation dilemmas." *Qualitative Research* 4(2): 161-178.
- Tilly, C. (2006). "Afterword: Political ethnography as art and science." *Qualitative Sociology* 29: 247-250.
- Torpey, J. (2003). *Politics and the past : on repairing historical injustices*. Lanham, Md., Rowman & Littlefield.
- Trevino-Rangel, J. (2012). *Policing the past: transitional justice and the special prosecutor's office in Mexico, 2000-2006*. PhD thesis. The London School of Economics and Political Science (LSE).
- Twine, F. W. (2000). "Racial Ideologies and Racial Methodologies." In *Racing research, researching race: methodological dilemmas in critical race studies* F. W. Twine and J. W. Warren. New York, New York University Press.
- Urs, T. (2007). "Imagining locally-motivated accountability for mass atrocities: voices from Cambodia." *Sur. Revista Internacional de Direitos Humanos* 4: 58-99.
- Vannath, C. (2002). "Khmer Rouge and National Reconciliation." *Peace Review* 14(3): 303-307.
- Venuti, L. (1998). *The scandals of translation: Towards an ethic of difference*. London, Routledge.
- Vergès, J. and A. Bentoumi (1968). *De la stratégie judiciaire*. Paris, Éditions de Minuit.
- Wacquant, L. (2003). "A progress report on the practice and promise of ethnography." *Ethnography* 4(1): 2.
- Wertsch, J. V. (2002). *Voices of Collective Remembering*. Cambridge: Cambridge University Press.
- White, G. (1997). "Museum/Memorial/Shrine: National narrative in national spaces." *Museum Anthropology* 21(1): 8-26.
- Williams, P. (2004). "Witnessing Genocide: Vigilance and Remembrance at Tuol Sleng and Choeung Ek " *Holocaust and Genocide Studies* 18(2): 234-254.

- Williams, P. H. (2007). *Memorial museums : the global rush to commemorate atrocities*. Oxford ; New York, Berg.
- Willis, P. (1980). "Notes on method." In *Culture, Media, Language*. S. Hall, D. Hobson, A. Lowe and P. Willis. London, Hutchinson & Co. Working papers in Cultural Studies.
- Willis, P. and M. Trondman (2000). "Manifesto for ethnography." *Ethnography* 1(1): 5-16.
- Wilson, R. (2001). *The politics of truth and reconciliation in South Africa : legitimizing the post-apartheid state*. Cambridge, New York: Cambridge University Press.
- Wilson, R. A. (2003). "Anthropological studies of national reconciliation processes." *Anthropological Theory* 3(3): 367.
- Winter, J. M. (1995). *Sites of memory, sites of mourning : the Great War in European cultural history*. Cambridge, Cambridge University Press.
- Winter, S. (2013). "Towards a Unified Theory of Transitional Justice." *International Journal of Transitional Justice* 7(2): 224-244.
- Wood, T. D. (2009). *Tracing the last breath: Movements in Anlong Veng*. Doctoral Thesis, Rice University. <http://hdl.handle.net/1911/21955>
- Young, J. E. (1993). *The texture of memory : Holocaust memorials and meaning in Europe, Israel, and America*. New Haven. Yale University Press.
- Zalaquett, J. (1990). "Confronting Human Rights Violations Committed by Former Governments: Applicable Principles and Political Constraints." *Hamline L. Rev.* 13: 623.