Local Memory and Transitional Justice Process: A Practical Experience in Transitional Justice

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In Cambodia context, Democratic of Kampuchea (DK) is generally known as Khmer Rouge (KR) regime. KR regime remains negative impact of physical and emotional on many Cambodian people today. Non-governmental organization (NOG) partners with local administrations have implemented projects to support victims and to contribute transitional justice and memory initiative processes. The article aims to draw attentions on the processes at the ground. In addition, an article illustrated the works and processes of implementing projects at local community as it is considered very significant approaches to builds stronger from victimhood. The first part describes the differences of perspective of terminologies defined widely from scholars, researchers, and community level. The second part explained variety of local community projects contribute objective of dealing with the past, transitional justice and memory initiative. The last part briefed challenges of the process in working at local communities. Exploring local community context, such as issue, need, culture, history, and so on is best approach to deal community issue. Furthermore, the usage of participatory method motivates victims to open and to confidently engage in transitional process after the harsh atrocity of Khmer Rouge.

Keywords: transitional justice, memory initiative, dealing with the past, local community context

Introduction

After Khmer Rouge (KR) regime collapsed on 7 January 1979, and there are about two million people died (Kamboly, 2007). KR forced people to evacuate from one to another places crossed the nation, killing, disease, torturing, and starvation. What was happening during the KR still impacts on people’s life today (Quackenbush, 2019), such as social relationship, infrastructure, education, and mental health of survivors.

Transitional justice and memory initiative are widely talk by scholars and researchers on the terms and methodologies. There are also many terminologies used in the context of dealing with the context of post conflict. Practitioners and researchers have discussed a lot on related terms, especially when bringing into the real practise. There are differences of meaning from diverse background of researchers, scholars, and practitioners. Researcher’s perspective is that transitional justice is most often implemented as a component of state building level (Gready & Robins, 2014). However, Cambodia defines that building at the state or community level is crucial needs. Cambodia practitioners tried more effort to acknowledge and differentiate the concepts where existing discussed differently. What and how are those perspectives define?

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The Cambodia history is challenging and complex as there are many narratives in place. There are variety of project activities implemented addressing to local needs to promote transitional justice and memory initiative. Cambodian communities require extensive history education and strategy how to deal with the past. Local and international non-governmental organizations (NOGs) have designed programmes and projects to deal existing issue after KR regime.

To achieve transitional justice objectives, learning community’s context and culture are the key elements. Implementers and donors should consider as well to contribute to the process because those key actors facilitate all the processes and fill the gap of victims’ need and transitional justice objectives. The context and need are main challenge due to focusing much on the result, but not process of achievement the community needs.

**Understanding the Concept of Transitional Justice and Memory Initiative**

**National and International Perspective**

Transitional justice, memory initiative, and related topic have defined differently based on context or history, education, religion, experience, economy, etc. Transitional justice (TJ) addresses to human right violence and the process is to promote peace, reconciliation, and democracy (International Centre for Transitional Justice [ICTJ], 2009). Gready and Robins (2014) discussed a lot about transitional justice. Transitional justice has broadened its meaning to many other terms. Some of those terms related meaning, such as memory work, conflict transformation, peace building, reconciliation, and dealing with the past. The German Federal Foreign Office (2019) discussed that transitional justice has reconciliation as primary goal. The reconciliation enables to restore social relation on the basic of fundamental value of human dignity, respect, right to life and right to physical and psychological integrity. The reconciliation contributes to conflict transformation (Dirmstorfer & Bahadur, 2020). In reconciliation training handbook for dealing with the past indicated that reconciliation is the fundamental concept using in dealing with the past context (Franovic, Vukosavljevic, & Smidling, 2014).

Scholars and researchers have explained different terminologies. However, the meaning or objective is inter-related. Implementers have to understand clearly the different terminologies to be able to mainstream and to transfer to local communities. Centre for Nonviolent Action demonstrated memory as individual and collective memory. Individual memory focuses on words and ideas as a part of personal and collective identity (Franovic et al., 2014). Memory itself connected with initiative of memory work in dealing with the past.

Practitioners have to discover to many concepts as possible to be able to demonstrate in practice in community. Therefore, practitioners especially in Cambodia context require profound discussing and researching, and ways of mainstreaming concept into local community.

**Local Community Perspective**

Local people need a simple way of communication and learning with interactive methods. Researchers and local communities in Cambodia have defined different terms and words; however, the objectives are defined the same. The practical experiences working in Cambodia community in the KR context have understood differently and directly define based on the needs and feelings by survivors, such as:

I am happy when my story is compiled…
I feel good when young people hurt about that…
If they (their own children) listen to me, I feel calm…
I feel relax when I have opportunity to participate and to share…
I want to draw my personal experience from the Khmer Rouge regime…
I would like young people learn about history, to understand how hard it was…
I like to have a place for commemorate to my relative and those who lost in the Khmer Rouge regime…

said survivors who participated transitional justice and memory initiatives programme in community.

Since the concept of terms is not clearly defined differently, practitioners realized that the concepts have contributed meaning toward each other in dealing with the past context. However, working directly with communities has formulated the concept to be simple topics or direct question regarding to the needs. Terminologies are considered difficult to reflect by local context. Thus, practitioner facilitated the process carefully and critically how can encourage local people to understand the concept. Furthermore, practitioner defines definition from community by exploring more on how survivors heal their own painful memory. Transitional justice by local community has widely meaning according to individual and collective memory.

“How would you like to deal with your memory/suffering?” the question helps to assess community issue and need by investing time to dialogues. There are many different stories from conversation by using the question. This process defines what transitional justice and memory initiative mean for individual survivor.

Regarding to this concern, Williams, Bernath, Tann, and Kum (2018) illustrated research finding in the report on “Justice and Reconciliation for the Victims of the Khmer Rouge? Victim Participation in Cambodia’s Transitional Justice Process” about the perspective of local community on justice and reconciliation definition as Tables 1 and 2:

Table 1
What Does the Notion of Justice Mean to You?²

| No. | Answers                              | Percentage (%) |
|-----|--------------------------------------|----------------|
| 1   | Knowing who is right and wrong       | 28             |
| 2   | Being fair                           | 14.4           |
| 3   | Revealing or establishing the truth  | 13.2           |
| 4   | Enforcing and respecting the law     | 4.6            |
| 5   | Don’t know                           | 31.9           |

Table 2
What Does the Notion of Reconciliation Mean to You?

| No. | Answers                              | Percentage (%) |
|-----|--------------------------------------|----------------|
| 1   | Unity and living together            | 47.2           |
| 2   | Absence of violence and conflict     | 22.3           |
| 3   | Communicating with and understanding other | 13.9   |
| 4   | Good education                       | 6.4            |
| 5   | Don’t know                           | 29.0           |

Note: Source: Williams et al. (2018, pp. 38, 42).

¹ These expressions are from survivors of Khmer Rouge regime who participated in reconciliation project of Kdei Karuna organization. This reflects on own understanding of concepts by their individual needs. Their needs can reflect to the meaning they want to share.
² This is to note that the respondents were able to provide multiple answer to the questions (with pre-defined answer categories). The total sample was 439, including Civil Parties, Complainant, Non-Participant, and NGO participants. 65 respondents from 439 who are Khmer Rouge survivors were selected to do in-depth interview.
According to Table 1, 31.9% of respondent do not know what justice mean to them. It illustrated the reality knowledge and understanding of Cambodia local people. It is following by 28% knowing what is right and wrong. When using the word “justice” with local community, the first impression from community is talking about justice through court system. Local people do not think of justice or reconciliation in post conflict context, unless implementer introduces what justice is about. Local community will not really reflect to justice about the past conflict. The question in Table 2 is quite understandable by community. In supporting to this research finding, people feel ease to talk about reconciliation because it has direct meaning in Khmer language called “Psas Psa” for “reconciliation”. The word mean “after something is broken, we come to reconnect, heal, and/or come to dialogue about the problem again” with each other.

In the memory or memorialization concept that practitioners bring, community is not able to generate bigger picture of dialogue unless implementer introduce the context of discussion. People understand and reflect only to what happened to them in the past at individual live through word and idea or experience as Centre for Nonviolent Action discussed in “reconciliation” training hand book about dealing with the past (2014).

In brief of perspective from local people, transitional justice and memorization initiative are limited to dialogue about, but community would love to share the real experience which already reflects memory initiative.

Impunity Watch understands memory [memorialisation] initiatives to mean any activity that aims to commemorate or enhance understanding of a conflictive past, including—but not limited to—the erection and maintenance of memorials and monuments, the operation of museums and exhibits, traditional ceremonies and rituals, musical and theatrical performances on relevant topics, the running of educational, awareness-raising, dialogue and remembrance programmes, the teaching of history and the gathering and preservation of information. (IW Policy Brief: Guiding Principles of Memorialisation, as cited in Impunity Watch, 2015, p. 17)

**Grassroots Initiatives in Cambodia Community**

Transitional justice’s process and mechanism can be achieved through judicial and non-judicial measure (United Nation, 2010). Several years after KR regime, an Extraordinary Chamber in the Court of Cambodia (ECCC) was operated in July 2007. ECCC is called hybrid court. The hybrid court is for educating young Cambodian people about history, strengthening the rule of law, and setting as example for other crime related, supporting and learning about justice to contribute reconciliation in Cambodia through prosecution (ECCC, 2008). In this process, ECCC also approved many type of reparation projects where implemented at national and community level.

Beside hybrid court system, international and local non-governmental organizations (NGOs) have implemented variety of activities to contribute to transitional justice and memorialization initiatives. In this part, the author brings three organizations in local Cambodia communities of three—working areas of reconciliation and memorialization, mental health, and peace-building and conflict transformation to emphasis what and how projects implement in rural community.

**Kdei Karuna Organization (KdK)**

KdK is a non-governmental organization that has been working to contribute to the context of dealing with the past and reconciliation for more than 10 years. There are project activities that practise in local community as follow:
Justice and history outreach project as formally called “Social Need Project”. KdK grows from this project at the beginning. The project is in community by staying seven to 10 days in community. The aim is to learn the situation, issue, and needs of community and be able to address needs of local people in the context of KR regime. Listening is the key technique in working with survivors. The discussion paper about “Memory of Change” of Impunity Watch (n.a) illustrated the fundamental element deal dynamic and structure of violence is the need and expectation of local people. After listing the stories and needs, implementer facilitates the dialogue with participants in contributing to how to address local need. Survivors are really welcomed and appreciated\(^3\) the process since they have fully opportunity to share stories. The stories are being heard and survivors tackle on dealing process with their own needs. KdK facilitates process and dialogue. Staying in community, participation and listening are the best approach to support survivors in healing the painful memory.

Publishing personal and collective story/oral history\(^4\)—the stories from the ground of individual and community. Survivors are happy to have their story compiled. After story collection and publication, survivors are keen to testify in dialogue with youth in community. Dialogue opens the sharing and acknowledges the story. Survivors feel supported in a way their hidden hardship reach to people, especially youth. In this regard, former Khmer Rouge stories are included as they need to speak out as well.

Drawing and painting—this is the technique that helps survivors to dialogue. It is a way of expressing the stories/experiences when people cannot talk. Some survivor is able to draw their own story, but others traumatized and could not talk about the KR regime. They are starting to cry. Drawing and painting motivates people to enjoy and to tell stories. Survivors are even happier when young people help them to draw their story of experience and have conversation to clarify what was happening in the KR time.

Capacity building for local community—KdK provided mediation training and listening skill to key community members who committed in reconciliation process. The training improves critical thinking ability, is a good listener, and understands trauma sensitivity. The trained key members support a lot in healing process as example; talking with traumatized people to release suffering, and being a mediator when victim and former Khmer Rouge who live in the same community does not have good relationship. Key local people would understand community better than outsiders. They could assess community, issues, needs, and they are influence to members in learning and reflecting the connection between past and present. Thus, members of community could enjoy practise together with survivors for better future.

Community dialogue—many organisations in community use dialogue method for project implements to share and to exchange knowledge. Dialogue helps survivor of KR regime to release painful memory to those who

\(^3\) Related to author experience from 2009 to 2017: Survivors of the Khmer Rouge were really happy because there was no one come and talk about the Khmer Rouge regime (people called “Dark Regime”). Survivors would like to tell the story to their generation; however, not many of their children like to listen carefully to the story. It was observed that survivor who already experienced suffering in the regime; they mentioned that sometime they even suffered today because their children do not listen to them and do not follow some of good advice. In daily life, an experience of the Khmer Rouge regime influence to today living. Some survivor blame or giving advice to young people by bringing example of Khmer Rouge experience during the regime such young people have to be working hard, study hard, and do not want Khmer Rouge happen again.

\(^4\) Related oral history, Document Center of Cambodia (DCCam), Youth for Peace organization (YFP), Transcultural Psychosocial Organization (TPO), and others working in this project and many other organizations are also having oral history project.
have similar experience and different generation: Victim-Former Khmer Dialogue\(^5\), dialogue about gender-based violence, dialogue on peace building, etc. Survivors could have opportunity to express what already experience and what wish to be. Main key important need is young generation acknowledge their stories, then suffering is being heal.

Memory activity or memorial (in Cambodian context, we called Stupa). This stupa is always attached with culture and religion practice in Cambodia community. Memorial is symbolic of reparation to acknowledge the stories of victim and it key principle remembrance of Cambodian young generation (Carranza, 2009). Survivors put their feeling to attach with religious element or spiritual because it makes survivor feeling better and relieve when they ask to spirit take care of those who lost during KR regime. It is considered the healing site where people come together to wish for their life getting better. Survivors and community as a whole community is motivated to contribute through this healing process, such as idea, money, and other maintaining building process. Survivor feel calmed and delighted to contribute because community believe that, blessing would be a good mental support for healing memory and wishing relative to live in better future.

Family dialogue\(^6\)—the process is about dialogue within family member of old and young generation. The process helps children to learn the experience of parent or grandparent. In addition to that, parent who experienced from KR regime appreciated to tell the story because many young children do not really listen to parent or grandparent on KR experience. Listening and dialogue skill help children to understand better the life within family. Parent and grandparent are thankful to their children respect and listen to their stories.

**The Transcultural Psychosocial Organization (TPO)**

TPO envision is for Cambodian people living with good mental health and achieve a satisfactory quality of life. There are several project activities have contributed to the goal of transitional justice and memory initiatives\(^7\).

On-Site Psychological Support during the ECCC Legal Proceedings—TPO provides mental support to witnesses and Civil Parties (CP) before, during, and after the trail. The process is to contribute to take care of emotion and feeling Civil Parties and survivors to recognize reaction of traumatized events. This helps survivors to be able to control frustrating feeling and painful memory.

Phone Counselling and Psychological Service at the TPO Treatment Centre—the process of counselling is provided to all victims of KR regime. Providing free counselling service would encourage victims to express while there is no one wanting to listen to the story and there is no body who would motivate them from overwhelm memory, even their family members do not really understand those experiences. Victims would feel supported and encouraged to share through personal consultant through the phone. Moreover, victims will also get treatment according to individual case, if the case in serious condition.

Testimonial therapy-culturally adapted trauma treatment—this is essential way to motivate victims in healing process as technique to their personal narrative of suffering. The story has been gathered and compiled,

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\(^5\) Can also have further read the report through https://tpocambodia.org/research-publication-and-reports/.

\(^6\) As part of Cambodia’s culture, relationship is very important among family and even in community. Old people have more concern with their generation and take care very much. Though, it is really affect to their emotional when young generation listen and respect to old people.

\(^7\) More information on: https://tpocambodia.org/justice-and-relief-for-survivors-of-the-khmer-rouge/.
then to do testimony of victims’ story. The stories are acknowledged by community members around, especially young generation. Gathering and story-telling process take place at pagoda and engage with blessing religious practise for victims’ emotion.

Radio broadcasts—on-air broadcast program educates basic understanding of trauma sensitivity. General audiences, especially victims of KR regime learn on what is trauma, what are symptoms, and how to cope with trauma events. Victims would practise of controlling emotion and figure out ways of healing. In addition to that, victims would seek for monks’ blessing by their own way. Monks represent the respective person who advice for inner peace.

Mental health training—training is one of method to improve knowledge on mental health, how to cope with trauma, and other skill to work and to heal own traumatization. From the training, the trained participants could know how to cope with their own trauma and help other to release the suffering. Mental health training is a crucial knowledge and skill for practitioners who work closely with victims to be well informed about trauma.

Truth telling and memorialization initiative—it is a cooperated documentary work with two other organizations: Khmer Institute of Democracy (KID) and International Centre for Conciliation8 (ICFC). The documentary “We Want (U) to Know”9 is participatory film. Community people encourage to share and to act in the film. Victims are appreciated to express individual story in the film and participate all activity regarding to dialogue about the past of KR regime. The process encourages young people engage with victims to questions to who experienced from the regime. Victims are so proud of themselves to have opportunities in telling the hardship story to everyone. They feel relaxing from their suffering memory.

**Challenges and Elements to Be Considered**

To reach the objective of transitional justice and memory initiative at community level, implementers have to pay more attention and hardworking with the process. Especially, the purpose is to motivate all community members after the conflict context to learn from the past and to live in the present. The effort is to bring all programmes to reach to communities.

Terminology and time—the terms used in the context of dealing with the past in practise are complex and difficult to clearly demonstrate to the point. Practitioners have to spend energy and time to learn and to research more as due to practitioner have no basic knowledge on topic. Since there are many terms used have similar meaning or concept, practitioner is challenging in transferring knowledge to local people with limited time of project implementation. The concepts are quite new to practitioner and community members. Therefore, practitioners spend amount of time to learn themselves and to be creative methodology in practice with people to be easy to understand the concept such using role play, drawing, or others participatory approaches. Time is vital element to engage with community and mainstream the concept into individual and community level.

Donors and implementers—as typical value, donors have its own vision and mission on addressing issues. Funding always come with regulations or guideline. In this perspective, there are limitations to support

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8 The International Center for Conciliation (ICFC) is a former of Kdei Karuna Organization (KDK).
9 More information about documentary “We Want (U) to Know”: http://www.facebook.com/wwu2k; or website http://www.we-want-u-to-know.com.
local initiatives or local needs toward dealing with issue. Organizations or implementers could understand well the perspective or community needs; however, sometime it is not what donor works on. In this regard, implementers are not able to relay on too much to community need, but it is need to follow some donor’s principle guideline. The organization in community requires maintaining funding to run the programme. In this context, implementer tries to facilitate as much as possible to address the community needs. As for example, Impunity Watch (2015) remarked that top-down memorialization initiative is not really interested; it should apply bottom-up approach where it served for victims and communities as highly recommended. By facilitating dialogue about memory and history in local community could provide safe space to disclose painful memories from the past (Srun et al., 2011). Thus, there are more programmes at the ground and address to the need of local people and many other minority groups are recommended to focus on. The Guidance Note of the Secretary-General of United Nation (2010) mentioned that transitional justice should assess the factors as root cause of conflict, vulnerable group, such as minorities, women, and children in community to understand how can improve the situation.

Livelihood and economic—Cambodian are poor and 12.9% of population is living below the national poverty line (Asian Development Bank [ADB], 2020). The Cambodian people in rural area concern more about family economy every day. Dealing with the past programme is hardly to see the results and take long time to achieve which does not like the development programme. Therefore, to engage community in the process incentives is needed. The project requires long term investment and gets result. In this context, implementers reflect to what extend peace or transitional justice works with the poor would be? Or how we can implement in this context? Seriously, economic and social rights are often prioritized by victims and local people. In addition, economic focus helps to increase the process of transitional justice (Gready & Robins, 2014). It is the cross cutting issue which needs to be included into strategic plan of peacebuilding field. As an evaluation report on “Healing and Reconciliation for Victims of Torture of the Khmer Rouge Trauma” by Poluda, Siv, and Khut (2019) found that the victims’ needs are not only the project of reconciliation and justice, but also small business development, agricultural skill, etc., as implementers in Cambodia context recommend to engage with income generation institutions or programme.

Education—implementer has limited knowledge on the concept which requires more time and energy. In addition, it is also need to be sensitive how talk about with local people and explain very simple way of meaning to community. Talking in their language and spending time are only ways to go forward with capacity building and support local people. Implementer has to be motivated in this field and be able to encourage local people to reflect critically about their life. Key people in community play important role in the transitional justice and memory work because they are influencers. While local people have limited knowledge in certain field, building capacity to key local people is better mechanism as connector to engage and to mobilize community members to get involve in the project and help to inform community about the concept of transitional justice (Kdei Karuna, 2019).

Culture—culture is key part of Cambodian context. Before implementing the project, implementers have to assess community not only to understand what and how project should be implemented, but also to comprehend culture and how to engage with people. Community is different from one to others which is difficult to generalize by one or two community to all. Working with ethnic or indigenous group has different culture and context to
learn such there are many cultural practise to get along. Implementer has to follow some traditional practise, if we want to engage closely with local people. In the lesson learned report of Srun et al. (2011, p. 19) it explained that coping with violence is constructed link to culture. We must address the cultural context and include into the project implementation process.

Personality—implementer’s personality is important notice. Local people are really sensitive and observe with people who approach with them. It is because local people would evaluate as good or bad person. If local people observe that implementers are good person, community people consider implementer as model or educated people and they most likely listen to implementer. Community is learning from implementer’s behaviour and action. At the same time, implementers have to respect community in the way they do. Behaviour and attitude effect to communication and relationship a lot at all level in community.

Conclusions

In Cambodia context, history is significant challenging. After the KR regime, victims remain questions to leaders of regime who committed to the crime. In addition, scholars and researchers published many books and journals to discuss about this issue as well. Beside questions to debate on the topic, international communities supported Cambodia in addressing the existing issues after conflict. Then, Cambodian community became active to get involved to talk about reconciliation, transitional justice, and/or memory initiative; however, it still limited in spreading to local community.

Victims were appreciated to participate in the process in sharing personal experience and feeling because they have opportunities to express the suffering and memory through community programme activities. International communities supported several programmes at national level known as ECCC and community level as many programmes related to transitional justice process and memory initiatives. NGOs implemented various project activities to support victims in healing process for Cambodian. Those project activities are important and benefit a lot to reduce suffering and encourage people value their future not focusing on the past. Victims are welcomed and felt well supported especially emotional support in the process.

While local people appreciate with the programme, they find that new concept is bit difficult to understand. The concepts are broadly use in international communities; however, in Cambodia, rural community has to spend longer term on exchanging perspective of the new concepts. Local people have different concept according to local context and culture. Practitioners are central actor to facilitate the gape of community in learning concepts and practise. In addition, time and relationship are essential to engage community members in all process. Moreover, working in Cambodian communities has to consider the context and culture, personality, education, livelihood, and history to successfully implement the programmes.

In Cambodia communities, transitional justice process is depending a lot on donation from international communities. Therefore, communities suggest continuing support local people in building capacity and opportunities in learning various ways for positive life. Lastly, continuing to support local authorities and also engaging in policy making at the ground level could bring more impact for community in general.

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