

DOCUMENTING CAMBODIA

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Documenting and preserving a record of human rights abuses perpetrated by despotic regimes is indispensable to assigning culpability, ensuring accountability, preserving memory, and establishing truth. Archives designed to collect and protect evidence of human rights violations enable courts and researchers to analyze conflicting versions of history to determine responsibility and restore to victims their fundamental right to know.

Given its importance, it comes as no surprise that the process of documenting and preserving these records is complex and sometimes controversial. Seemingly simple questions such as where archives should be housed, who should control access, and how best to provide access while safeguarding originals and the identities of protected witnesses present difficulties. Moreover, the political instability that frequently follows large-scale atrocities renders the process of documenting abuses logistically daunting and sometimes dangerous. Nonetheless, the herculean tasks associated with documentation efforts are essential for preserving memory, promoting justice and establishing truth.

Cambodia is a case in point. Three decades ago, the infamous Khmer Rouge brought suffering on an unimaginable scale to the Cambodian people. More than a quarter Cambodians died at the KR's hands — beaten, tortured, overworked and underfed. In the words of the KR national anthem, Cambodians became “glittering red blood which blankets the towns and countryside of the Kampuchean motherland.” The KR effectively transformed the country into a modern-day slave state, obliterating money, markets, private property — even the family unit — in an effort to destroy all semblance of individuality. Before the Vietnamese army captured Phnom Penh in 1979, the KR government managed to destroy many of its documents, but not all. Today, much of the existing KR documentation in Cambodia and abroad has been collected and is serving as a basis for trials of the surviving Khmer Rouge leaders at the ECCC. This article will examine the five separate and distinct documentation efforts in Cambodia related to the Khmer Rouge period — three well established, one incipient, and one apparently still in the planning stages.

Tuol Sleng Genocide Museum



Tuol Sleng (S21) Confession Archives, 1979.

When the Vietnamese arrived in Phnom Penh, they discovered the S-21 detention center, with its meticulously documented archive of the detention, torture, and murder of approximately 14,000 people. In 1980, S-21 was turned into a museum. In 1992 its treasure trove of 4000 “confessions” by persons killed at S-21 and 6147 photos, which for years was left to the mercy of the physical elements, rapacious researchers, and souvenir hunters, was catalogued, scanned, and microfilmed by Cornell University. Copies of the microfilm are now preserved at Tuol Sleng, the Ministry of Culture and Fine Arts, the Documentation Center of Cambodia, and Cornell and Yale Universities. The originals are safeguarded in a climate controlled room. These documents were a primary source of evidence in the 2010 ECCC trial of Kaing Guek Eav, *alias* Duch, the former Chief of S-21 prison; moreover, their existence is the primary reason *why* Duch confessed, and why he was prosecuted and convicted.

Documentation Center of Cambodia



[KR] Revolutionary Red flag, 1977.

Originally part of the Cambodia Genocide Program of Yale University, the Documentation Center of Cambodia (DC-Cam) became an independent Cambodian nonprofit organization in 1997. In 1999, DC-Cam received official authorization from the Cambodian government and was tasked with collecting Khmer Rouge documents in Cambodia and abroad.¹ It has since partnered with diverse educational institutions, private researchers, and funders to develop the world's most comprehensive archive on the Khmer Rouge.

Today, its collection comprises nearly one million pages of documents from the Khmer Rouge period, including meeting minutes and reports, regime correspondence, diaries and personal notebooks, party periodicals, records of foreign governments, and 1000 secret police (Santebal) files, including biographies of KR officials and prisoners not forming part of the Tuol Sleng archives. The Center is currently pursuing efforts to make the entire collection fully searchable on line globally; it is currently key-word searchable at <http://www.d.dccam.org/Database/Index1.htm>.

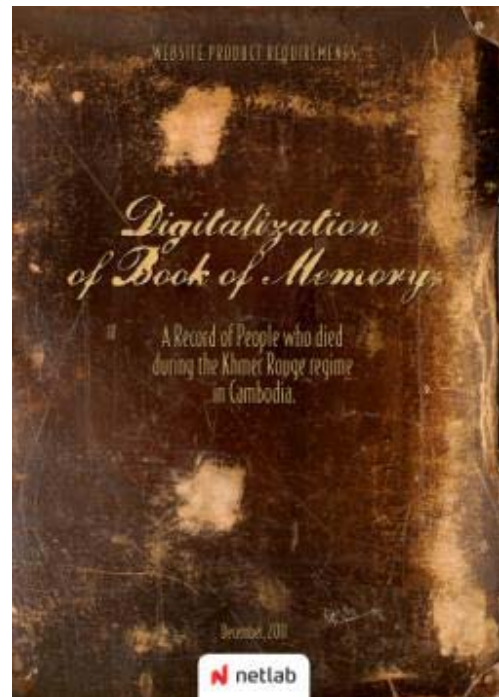
The DC-Cam archives also contain physical documentation of 20,000 mass grave sites, 196 prisons, and 128 memorials (88 government-sponsored *stupas* and 40 privately funded *stupas*), 60,000 photos from the Khmer Rouge period (not including those forming part of the Tuol Sleng collection), and 260 documentary films shot both during and directly after the KR era. These materials were collected both in Cambodia and abroad, including from countries such as Sweden, Norway, and the Netherlands. DC-Cam's collection also includes post-regime documentation: petitions signed by over a million KR survivors detailing the harms suffered in their communities; and approximately 50,000 interviews by Center staff with perpetrators and victims, collected over the past 15 years.

In addition, since 2006 through a joint project with Northwestern University, the Center is collecting, cataloging physically, and posting all public ECCC documents;² video of hearings in French, Khmer and English; a daily trial blog; news coverage; expert commentary; and video interviews with civil parties and other Cambodian participants at <http://www.cambodiatribunal.org/>. A large percentage of the ECCC's currently confidential collection consists of copies of DC-Cam documents provided for free to the Court, leading the ECCC to recognize DC-Cam as an in-kind donor of more than 300,000 USD.

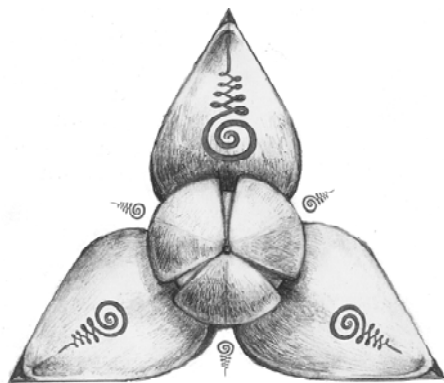
¹ See letter of permission at http://www.d.dccam.org/Abouts/History/DC-Cam_Permission_in_Eng.htm

² Available at <http://www.eccc.gov.kh/en/documents/court-documents/latest/en>.

DC-Cam's archive has been vital research tool and source of evidence for the ECCC. But beyond the trials, DC-Cam's archive supports a variety of research and education projects intended to restore Cambodian's right to know the truth about past human rights violations. For example, DC-Cam has published the only textbook on the Khmer Rouge and is working with the Ministry of Education to train teachers and incorporate KR education throughout the country. The Center also conducts ECCC outreach and supports scholarship by publishing books and a magazine in both Khmer and English, and by producing video documentaries. Currently it is compiling a book of records of names of those who died and those who disappeared under the KR regime, beginning with nearly one million names already in its database. It will be distributed in free of charge to all commune offices throughout Cambodia so that



people can see the names of their lost relatives and search for names of victims for whom DC-Cam has information. The Center is also working together with the Norwegian Stiltfelsen Arkivet to add the names into an electronic database accessible world-wide.



The Sleuk Rith Institute, 2011.

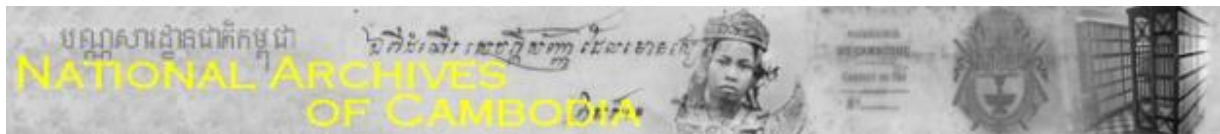
DC-Cam is currently transitioning into the "Sleuk Rith Institute," intended to be locus of genocide studies in Asia. In 2010, the Ministry of Interior authorized DC-Cam to use this name and build a permanent center on land donated by the government, "to further its mission of 'collecting and researching documents relating to genocide in Cambodia and other countries' in order to serve memory, justice and reconciliation in the Kingdom of Cambodia." The Sleuk Rith Institute will include a museum, where locals and visitors can learn about the history of the Khmer Rouge, and find solace in a space designed for contemplation and healing. The Institute will also house a library and research center, promoting continued compilation, analysis, and preservation of information about the KR era, and enabling scholars from around the world to study human rights abuses throughout the region. Additionally, the Institute will include as a school where exceptional Cambodian and foreign students can take accredited graduate level courses on regional human rights issues. More information about the Institute is available at <http://www.cambodiasri.org/>.

The Virtual Tribunal Project at the University of California-Berkeley



In February 2010, the University of California-Berkeley (UC Berkeley) partnered with the ECCC to create an interactive website designed to recreate a complete and accurate representation of the courtroom environment, preserve trial materials and present trial information to educators, legal experts, practitioners and the broader public. The Khmer Rouge Virtual Tribunal will collect and consolidate all relevant trial materials — for example, courtroom transcripts, documents, exhibits, statements and other evidence, as well as contextual information such as newspapers and photographs — in a permanent, online archive available at vt.eccc.gov.kh. It will also include expert commentary, interviews with court personnel and participants, and civil society created outreach material. By providing access to court materials at schools, information centers and memorials throughout the country, the Virtual Tribunal Project seeks to expand Cambodian's access to tribunal related information and the overall impact of the Court's work in Cambodia.

National Archives of Cambodia



The National Archives of Cambodia, a department of the Council of Ministers, "is responsible for preserving documents, created by the Government of Cambodia, which possess enduring legal and historic value... It manages 1800 linear meters of documents, covering every field of government administration." Among its collection are 100,000 pages of documents from the Commerce Ministry of Democratic Kampuchea and the testimonies of survivors who appeared as witnesses at the 1979 trial *in absentia* against Ieng Sary and Pol Pot. The National Archives "is a public institution that works towards making these documents accessible to the current Cambodian administration, organizations and individual researchers."

The Legal Document's Center

Whereas the Cambodia Tribunal Monitor and the Virtual Tribunal websites host digital copies of ECCC documents, the Japanese government has announced plans to provide \$2 million to construct a legal document's center to house the physical collection of the Court's records somewhere near the Phnom Penh airport. It is expected to be managed by the Cambodian Bar Association. In its 2009 announcement, the Japanese Embassy defined the project as follows: "The legal document center of the ECCC will store the records of the Khmer

Rouge Tribunal, disclose those declassified documents to the public and enable Cambodian and foreign nationals, who have interests in the tribunal, such as researchers, lawyers and students, to have access to those records." No project timeframe for the project or specific plans governing public access has yet been made available.

Conclusion

Each of these documentation initiatives contributes to the preservation of information about the Khmer Rouge regime for future generations of Cambodians and foreign researchers. However, the necessity of the only project that has not yet begun — the Legal Document's Center — is unclear.

Rather than build a new separate facility to store the ECCC paper archives, the National Archives could store them along with the records from the first KR trial in 1979. The National Archives already has staff trained to handle a large quantity of historically important papers, and all KR trial archives would physically in the same location for interested members of the public. The National Archives should have enough physical capacity, as they recently built an extra building and a school of archives. Moreover, any funding from foreign governments to help preserve the ECCC archives would leave a deeper legacy if it also support modernization of facilities and development of staff expertise of the primary government institution responsible for the preservation of Cambodian history.

