

IDEAS FOR RESIDUAL PROJECTS
By Sim Sorya, 15 October 2021

Dear Judge You, Judge Fenz, Mr. Keo Sothie:

In response to the call for contributions of ideas, I am honored to submit the followings. There are two parts. Part I shapes as one short concept. Part II lists ideas which may not be closely connected.

Best regards,
SIM Sorya

I. FREE OF STIGMA

Former Khmer Rouge-Victim Dialogue through skills of Alternative Dispute Resolution (ADR)

ECCC has shown that accountability and reconciliation are not mutually exclusive. The ECCC not only renders justice. It also identifies perpetrators in court discharging many others from stigma in the communities.

OBJECTIVE: This project aims to trace community members who feel healed or reconciled through engaging with or knowing of ECCC and to sustain communities in peace and development. The objectives are:

1. To maintain reconciliation through ADR-fashioned dialogue and healing stigma
2. To empower communities with ADR skills that both heal the past and enrich the present well-beings.
3. To have meaningful, tangible, and sustainable impact at grassroots by having victims represent themselves and by using visual media to engage communities.

ACTIVITY: Review of projects and materials of ECCC/VSS/PAS and CSOs have illuminated healing stories like from court visit, PAS outreach, VSS forum, and more. The best project that meets all objectives above shall be the current “free of stigma project,” in partnership with Kdei Karuna and Trans-Psychological Organization (TPO). Steps include 1. Identification and assessment of project participants. 2. Dialogues through video exchanges 3. Face to face dialogue 4. Tangible Results. Steps 1-3 follows mediation approaches comprising of getting consents, exploring fact and position (fear/stereotypes), exploring options and common interests. Dialogue facilitators are trained or to be trained so that later they train community members in step 4 results. Deliverables include a) training of community members with ADR skills helps effective communications, removing stigma from the past and discrimination at present/future. b) Film and media including c) a short video clip of the process and impact should be made and posted on social media to reach to maximum audience. d) a handbook of healing the past and using ADR skills to resolve the present disputes are sustainability actions of the project. e) A google feedback survey sites where target communities can express themselves, as means of evaluation for ongoing project improvement.

The Existing Activities

Victim-Former Khmer Rouge Dialogue Project (GIZ/Kdei Karuna/TPO, 2011) identified victims and former Khmer Rouge comrades who lived in a community. They assessed the need of the dialogue by letting people described the past incidents, expressed consents in joining the project, and their current feelings and percepts about those events and comrades. With permission of level of disclosure of identities, they videoed accounts and showed to relevant victims or Khmer Rouge. With Kdei Karuna facilitated dialogue, TPO took care of psychological support and intervention. One of the end results was communities working together to build a stupa. Overall, the assessment showed that communities better interacted with each other. This would be a means of having stereotype or stigma reduced if not removed.ⁱ

The ADR approach to combine with existing therapy and dialogue

ADR approach uses neutral languages and dispute resolving skills. It explores all facts of an account in closed/open sessions, then methodically let parties communicate directly thereby removing fear (prejudice/stereotype) to find out and accept a common interest. These skills can be introduced and built into victims and comrades. They not only can relieve from misunderstanding of the pasts but also will use this skill for their daily life---a dispute settlement skills in business and other interactions. In this way, a form of training of trainers could generate a project sustainability.

SUCCESS AND CHALLENGE: The success depends on whether project team can find stories of stigma. Assumption is that TPO/Kdei Karuna find them. If not, the backup plan is ECCC team reviews lists of former Khmer Rouge witnesses and interview them. This is achievable.

II. ACADEMIC AND LEGAL LEGACY

1. ECCC Digest of key facts and legal issues. Use ECCC archive, have students do research, and produce publications.
2. International Criminal Law Moot Court project. Partner with existing Cambodian university moot programs, by providing the digest and access to resources, involve former officials of ECCC and other professionals to coach or share experience. Link this moot to other international university programs.
3. Cambodia Criminal Law class. Cambodian substantive and procedural laws find its precedence in ECCC. Organize this as part of the digest (1).
4. Technological and technical improvement of Cambodian courts by using the ECCC experience or similar resource. This can be done by first creating a committee to do feasibility study and planning. It should start one with one court, where a new court system (case management, courtroom presentation, for example) go through a separate digital or physical structure, registering a new case from start to end of proceeding and archive, without having to interrupt existing case number and legal procedure. When a new system is working, consideration can be done later whether to enter old cases into it, and to what extent. Again, former ECCC and other professionals can be useful in this regard.
5. A diplomatic and professional team tasked to campaign and promote locally and internationally for the use of ECCC as a model for other internationalized courts.

ENDNOTE

ⁱ <https://www.kdei-karuna.org/publication>
<https://www.youtube.com/watch?v=F-yVZup2xI&t=4s>

Rothany SRUN, TIM Minea, Judith STRASSER, Dr. MUNY Sothara, CHHAY Marideth, YOUNG Sarath. Victim-Former Khmer Rouge Dialogue Project: Lessons Learned. Phnom Penh: International Center for Conciliation (Kdei Karuna) & Transcultural Psychological Organization, December 2011 (47 pages/Funded by GIZ) (Dialogue Report)