

## Research Brief

# Transitional Justice and DDR: The Case of Cambodia

June 2009

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Demobilization was first initiated in Cambodia in 1992, but there have been few attempts to link disarmament, demobilization, and reintegration (DDR) processes to transitional justice measures. The ruling Cambodian People's Party (CPP) increased its military and political control by capitalizing on a demobilization strategy based on general amnesty. The government's overriding consideration has been the preservation of stability, narrowly interpreted by the CPP elite in terms of its own security. The international community has broadly supported the CPP in these policies and priorities.

## Background

Cambodia was at war from the time the Khmer Rouge commenced its armed struggle in 1968 until early 1999, when the last of the movement yielded to the Royal Government of Cambodia (RGC). The conflict reached its devastating climax on April 17, 1975, when the Khmer Rouge took Phnom Penh and launched a revolution aimed at creating a "pure Khmer race." Cities were emptied, while money and religion were abolished. The widespread violence and starvation in newly renamed Democratic Kampuchea (DK) resulted in the genocide of 1975-1978 and the death of 1.7 million Cambodians. DK is the name the regime used for the country and the party once it took power in 1975, although many still use Khmer Rouge to describe the Communist Party of Kampuchea and those associated with it.

Protracted negotiations between the major Cambodian factions finally brought an end to fighting with the signing of the Paris Peace Agreements (PPA) in 1991. The rise of the CPP paralleled the dissolution of the DK in a series of violent internal purges that ultimately saw Khmer Rouge leader Pol Pot placed on trial by his own generals in 1997 and the final surrender of the last pockets of the DK in 1999.

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**Research Project**

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**Transitional Justice and DDR**

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ.

## DDR

The first wave of DDR spanned 1991 to 1993 as a component of the United Nations Transitional Authority in Cambodia (UNTAC) established by the PPA. The factions agreed to a phased demobilization of at least 70 percent of their armed forces. UNTAC aimed to regroup and canton 200,000 regular troops, disarm 420,000 combatants, and secure and guard 300,000 weapons along with 80 million rounds of ammunition.

UNTAC set aside US\$27 million for food and basic shelter for the demobilized soldiers and another US\$14 million for vocational programs. The cost of actual disarmament activities, including expenditures on regrouping, cantonment, disarmament, and demobilization, was to be borne by the factions themselves—a policy that overlooked the destitution of these armed groups. UNTAC also failed to take into account the difficulty of absorbing a large number of ex-combatants into the war-torn economy, especially one already swollen with an influx of 360,000 returning refugees.

The UNTAC DDR process ceased after only 52,000 troops were cantoned, many of whom never completed a comprehensive DDR program and were simply released on agricultural leave after surrendering their weapons and receiving ID cards. In May 1993, the UN released weapons back to the factions to stem a growing security threat from the remaining vestiges of the DK. Many of the disarmed soldiers were soon channelled back into the newly established Royal Cambodian Armed Forces (RCAF).

In an effort to backtrack from this trend of rearming ex-combatants, the World Bank, along with the RGC, prepared the Cambodian Veterans' Assistance Program (CVAP) in 1995 and 1996. The CVAP was mandated to demobilize 40,000 RCAF soldiers and 3,000 DK defectors; however, the program never became fully operational. The sequence of curtailed DDR efforts described here reflects the political reality that recruitment was more important for stability than demobilization.

The coalition government that controlled Cambodia throughout the 1990s pursued a disarmament strategy independent from UNTAC. The RGC saw disarmament as a discrete objective, separate from demobilization and reintegration processes. In July 1994, the government passed the Law on the Outlawing of the Democratic Kampuchea Group, accompanied by a policy of encouraging DK combatants and their families to defect by promising them security, preservation of their property rights, and reintegration aid. The policy resulted in 7,000 defections during the six-month amnesty period. The strategy was so effective at breaking the vestiges of the Khmer Rouge that the government extended the amnesty period indefinitely and committed to the protection of all defecting DK members, including high-ranking officials.

The government rearmed many ex-combatants from all the factions and integrated them into the RCAF, pushing the total number of troops in the national army upwards of 155,000. In an effort to reduce these numbers, the government began a revamped

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Cambodian Veterans' Assistance Program (CVAP) in May 1999. Demobilized soldiers received the equivalent of one year's pay and a medical check. Over the course of the following year, three packages would be delivered to the soldier containing food, tools such as axes and cooking instruments, and, in some cases, larger items including mosquito nets, farming implements, animals, or a motorbike. The program targeted disabled RCAF members as well as those who were too old or ill for service. Overall, the success of the CVAP demobilization phase was minimal; despite three different DDR rounds in the last fifteen years, the RCAF still employs some 110,000 troops.

Further reintegration assistance in Cambodia was channeled through community-based programming, including counseling, referrals, and general information on reintegration options, as well as skill enhancement sessions, micro-projects, community social and physical infrastructure development, assistance to community social activities, and vocational training. Studies of demobilized combatants have found that a large percentage are unemployed, with most either being dependent on family members to provide them with money, food, and shelter or else engaged in ad hoc informal sector activities. More than a third of the respondents indicated that they suffered from psychological problems. Women reported facing additional psychological challenges: apart from exposure to war-related violence, some were the victims of sexual abuse by commanders.

## **Transitional Justice**

Although the demise of the Khmer Rouge is often heralded as a triumph of national reconciliation, many Cambodians and observers alike feel the inclusion of the DK in the peace process was a deeply flawed compromise that continues to impede the prospects of justice. The DDR process outlined in the PPA disjointed transitional justice from demobilization throughout the transition period. Nevertheless, transitional justice mechanisms have independently gained momentum in recent years.

### **Prosecutions**

The Extraordinary Chambers in the Courts of Cambodia (ECCC) was established in 2003 to bring to trial those Khmer Rouge leaders "most responsible" for the atrocities committed in Cambodia between 1975 and 1979. The ECCC works closely with the Documentation Center of Cambodia (DC-Cam). On July 18, 2007, when prosecutors submitted the names of the five Khmer Rouge leaders selected to stand trial for alleged crimes against humanity, war crimes, torture, and genocide, these names were accompanied by thousands of documents collected by DC-Cam. The center also completed extensive mapping reports of the majority of Cambodian districts, providing evidence of the systematic nature of the Khmer Rouge killings. ECCC proponents hope that the trials will have a "demonstrative" effect, positively influence Cambodia's "culture of impunity," and catalyze wider reforms in the legal and criminal justice sectors.

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### **About the Authors**

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## Truth-Telling

Although no formal truth-telling process was implemented in Cambodia, DC-Cam's investigative work involves extensive interviews with victims and perpetrators (over 40,000 by 2003). Its journal, *Searching for the Truth*, could also be considered a form of national truth-telling. The journal provides background articles on the DK period as well as updates on the progress of the ECCC. In 2006, DC-Cam distributed as many as 5,000 copies per month at the district level in Cambodia at no cost. DC-Cam also sponsors visits for victims and perpetrators to the Tuol Sleng interrogation center, the Choeng Ek killing field site, and the ECCC venue.

Public forums organized by the Cambodian Center for Social Development (CSD), a local NGO, further serve as a de facto truth-telling mechanism. These forums on national reconciliation bring victims and perpetrators together to discuss reconciliation and to provide a voice for regular citizens who otherwise would not be heard. The first CSD forum, held in Battambang in January 2000, was attended by 120 former DK cadres and victims, and signaled the first time members of both groups met face to face in a formal venue. There is demand from all parties for further research and discussion regarding Cambodian history.

## Conclusion

DDR and transitional justice initiatives were not explicitly linked by donors or by the government of Cambodia. Likewise, the DDR process outlined in the PPA was not linked to transitional justice. The government used demobilization linked to amnesty as a tool to end the conflict with the DK. Under UNTAC, the past was contractually erased in a bid to promote a forward-looking process of "ongoing reconciliation." The policy was doomed from the start by continuing distrust and animosity among factions. Nevertheless, transitional justice mechanisms have independently gained momentum in recent years. The tremendous work of documentation efforts on the part of DC-Cam and others, the continued emergence of local efforts to understand the past, and the first trials of the ECCC provide some hope for changing the culture of impunity that has reigned in Cambodia.

*The International Center for Transitional Justice (ICTJ) wishes to thank the Federal Public Service of Foreign Affairs of the Government of the Kingdom of Belgium, the Ministry of Foreign Affairs of the Republic of Finland, the Ministry of Foreign Affairs of the Kingdom of the Netherlands, and the Ministry for Foreign Affairs of the Kingdom of Sweden, whose financial contributions made this research project possible.*

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