

Making Memory Accessible: “Memoriel” in the hands of Cambodians

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September 4, 2007

All Cambodians should have the opportunity to join as a community in the remembrance of the Khmer Rouge regime’s genocide. This is in direct opposition to the regime’s policies that sought to tear apart social bonds. Remembering or, more broadly, memorialization provides public acknowledgment that is a much overlooked form for achieving reparation and combating denial. Reparative justice is different from the retributive justice that can be seen in the form of the tribunal: reparative justice focuses on improving the victim’s situation, while retributive justice focuses on punishing the perpetrator. Where the Extraordinary Chambers in the Courts of Cambodia (ECCC) are designed to only put on trial those individuals thought to be ‘most responsible’ for the genocide, it is important to understand the search for justice as involving more than just the trial. As it is, most Cambodians do not know much about the trial, if at all. Although educative efforts are underway by non-governmental organizations, there remains a need for state-sponsored acknowledgment of the atrocity and commitment by the government to restore dignity to the victims.

The UN and even the ECCC recognize that all victims of mass atrocity like Cambodians have a right to reparation.<sup>1</sup> Reparation, according to the UN Basic Principles and Guidelines on the subject, is separated into five forms: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Although this UN document requires that victims be provided full and effective reparation proportional to the violation, the language of the ECCC’s Internal Rules limits reparations to only collective and moral forms. This limitation is basically reflective of the realistic impediments the ECCC faces: too little time, too little money, and too many victims. Individual financial compensation is not possible for the victims of the Khmer Rouge. And so creative forms of reparation must be considered that will be feasible to enforce and yet not be without meaning for the victims.

For any form of memorialization to bring reparative value to the victims of the Khmer Rouge regime, it must have some meaningful impact on those victims and they must be able to engage with it. Thus, a memorial benefits from the more victims who are able to access it. It is thus that I propose the following as one possible reparative memorial: the placement on one of the commonly used *riel* bank notes an image or symbol that represents this period of history and commands our memory of it. Cambodian bank notes customarily include cultural images on one side and economic activities on the other. The Khmer Rouge regime was the complete opposite of both of these themes, having sought to destroy Cambodia’s culture and economic system. But by creating an image on a bank note that remembers this history, Cambodian culture and economic activities today achieve greater value. The tribunal itself as a symbol of accountability, justice and the rule of law is an important factor in Cambodia’s ability to develop its economy to international trading standards.

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<sup>1</sup> *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law*. UN GA Res. 60/147 (21 March 2006); and Rule 23(10)-(12) of the Internal Rules at the ECCC.

Symbolically, since reparations are about giving compensation and in this case no financial compensation will be possible, placing a memorial image on money can reflect the desire to “repay” the victims. Such a note should be able to fit within the various limitations for reparations while still achieving the major goals of reparation for victims. The key aspects to the note include: (1) the relatively low costs to printing new bank notes; (2) the collective nature of such money that is also individualized in its accessibility to all people without prejudice; and (3) the moral effect of a symbol that can affirm that the Khmer Rouge regime was not above justice and the law. Such government support to this reparative effort will be able to provide official government acknowledgment of the wrongs of the Khmer Rouge regime in a way that can bring a measure of justice to its victims.

This opportunity to create a commemorative bank note provides an affordable way in which the state can establish official acknowledgement of the wrongs of the Khmer Rouge regime and national support for reparation to victims. This is in alignment with international expectations since Cambodia is a member of the UN and the UN Basic Principles and Guidelines on the subject expect states to assist with reparations where the responsible parties are unable or unwilling. Thus, even where the current government is not at fault for the actions of the prior regime, it is responsible for ensuring appropriate reparations are made. This means that in the case that insufficient funds are collected through the tribunal from the perpetrators to be used for reparative purposes, there is some expectation placed on the government to make a gesture of reparation. Given that new bills are printed anyways on a regular basis, a commemorative bank note would be a form of memorial that is not too costly for the government to support and that can also give legitimacy to the government for upholding international standards of human rights.

Using a bank note to convey a message of reparation ensures that the symbolic nature of memorialization is attached to a physical object. And this physical object is of no inconsequential matter as it is already an inherent symbol of value. It currently serves a useful economic purpose and passes through the hands of all Cambodians. The value of the riel is greatest to people living in Cambodia, who deal in the currency daily, and thus it is not likely to likely to be faced with the problematic imbalance of other currently existing memorials which are more popular to international visitors than locals. By choosing a form for a memorial that is inherently most valuable to Cambodians means that the memorial can be embraced by the people who are in the greatest need of a reminder that they are remembered and that their healing is essential to the achievement of justice. A bank note memorial will address victims as a collective, for it cannot identify or address individual instances of suffering specifically. But what collective memorials lack in being unable to address individuals uniquely, they gain in their ability to bring communities back together through this shared connection. The bank note is unique however in that it offers some individual attention as each Cambodian will be able to touch and take home a piece of this official commitment to justice. Memorialization thus occurs in the hands of each victim and each Cambodian individually, and is then shared with and passed on to others.

Finally, the dissemination of a symbol that conveys a message that the perpetrators of the atrocities were wrong will have the important moral effect of affirming and spreading the judgements that will be made at the tribunal. In this sense, it may be useful to design an image

for the bank note that is reflective of these outcomes at the ECCC, emphasizing a concrete commitment for the future in this memory of the past. A commitment to international standards of justice, human rights, and the rule of law will be reflected in such a *memorial*.