

# **Justice for the Crimes of the Khmer Rouge**

**May 9-13, 2011**

**University of Lucerne**

## **Instructor**

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## **Course Description**

For four years during the late 1970s the Khmer Rouge ruled Cambodia with the goal of converting it into a communist utopia. The cities were abandoned and everyone was forced into the countryside to become workers in a vast network of labor camps and agricultural cooperatives. All “capitalists” and “imperialists” were deemed enemies of the state and vast numbers were executed. As a result of these policies approximately two million Cambodians died, roughly a quarter of the entire population. Nearly thirty years later the Cambodian government and the international community have finally begun the process of finding justice for the crimes of the Khmer Rouge, primarily through the establishment of a hybrid international criminal court called the Extraordinary Chambers in the Courts of Cambodia (ECCC).

## **What do I expect you to learn from this course?**

There are four key things I expect you to learn from this course:

1. The context in which the crimes of the Khmer Rouge took place, including a little of Cambodia’s recent history and the role of the Cold War and regional rivalries.
2. What it was like to live in Cambodia during the period of Democratic Kampuchea. We will spend a lot of time talking about life in the “killing fields” including forced movements, forced labour and the pervasive use of torture and executions at security centers.
3. The structure and operation of the Extraordinary Chambers in the Courts of Cambodia (ECCC).
4. Whether the “atrocities” committed by the Khmer Rouge constitute crimes within the jurisdiction of the ECCC (and if so, who should be legally responsible).

Finally, we will discuss the question of whether the ECCC is a success. I do not expect us to reach a definitive conclusion about this question, but I want us to think about how one should measure the success of an international criminal court.

### **Class Participation**

Class participation is critical to the success of this class. While I will lecture a fair amount of the time, there are parts of the class that are designed to be participatory. The class will be a lot more enjoyable for all of us if you have read the material in advance and if you are willing to share your thoughts with the group during class discussions.

### **Reading Materials**

We will be using three documents in this class. The first document is the ECCC Law. This is the Cambodian law which created the ECCC. It describes the structure and operation of the ECCC. It is available in French and English, and I will make both versions available to you. The second document we will use is the Closing Order in Case File 002 (the “Leadership Case”). This is the public version of the charges against the most senior leaders of the Khmer Rouge. It is a very long document (more than 400 pages), so I have assigned only certain paragraphs from it. The Closing Order contains a comprehensive summary of what happened in Cambodia when the Khmer Rouge were in power. It is also available in both French and English and I will make both versions available to you. The final document we will use is a short compilation of statements made by former guards and workers at S-21, which we will use to illustrate how former Khmer Rouge perceive themselves and their movement.

Feel free to use either the French or the English versions of the ECCC Law and Closing Order, but remember that the class will be conducted in English.

## **Description of Classes**

### **Class 1 (Monday)**

1. Introduction, course description and learning goals
2. A brief history of Cambodia and the context of the Khmer Rouge
3. A brief overview of the period of Democratic Kampuchea
4. Forced movements (the forced evacuation of Phnom Penh)

#### **Readings:**

Closing Order, paragraphs 37-47 (CPK structure), 64-71 (CPK structure), 156-220 (CPK policy), 221-260 (evacuation of Phnom Penh)

### **Class 2 (Tuesday)**

1. Life in cooperatives (the cooperatives of Tram Kok)
2. Life at worksites (the 1<sup>st</sup> January Dam)
3. Security centers and execution sites (S-21/Tuol Sleng)

#### **Readings:**

Closing Order, paragraphs 302-321 (Tram Kok cooperatives), 351-367 (1<sup>st</sup> January Dam), 415-474 (S-21)

### **Class 3 (Wednesday)**

1. Security centers and execution sites (Kraing Ta Chan Security Center)
2. Persecution of Buddhists, Cham and Vietnamese
3. Forced marriage
4. The aftermath of the period of Democratic Kampuchea
5. Negotiations over the creation of the ECCC
6. The structure of the ECCC
7. Trials at the ECCC

#### **Readings:**

1. Closing Order, paragraphs 489-514 (Kraing Ta Chan), 740-770 (persecution), 784-789 (persecution), 791-801 (persecution), 822 (persecution), 842-853 (forced marriage)
2. ECCC Law, Articles 2-6, 9, 14, 16, 20, 23, 29, 33, 35

#### **Class 4 (Thursday)**

1. What crimes have been committed?
2. Who is responsible?

#### **Readings:**

Closing Order paragraphs 72-112 (communication), 869-879 (Nuon Chea), 895-900 (Nuon Chea), 903-915 (Nuon Chea), 916-919 (Nuon Chea), 923-924 (Nuon Chea), 931 (Nuon Chea), 970 (Nuon Chea), 1001-1014 (Ieng Sary), 1031 (Ieng Sary), 1037 (Ieng Sary), 1063 (Ieng Sary), 1131-1134 (Khieu Samphan), 1139-1144 (Khieu Samphan), 1168 (Khieu Samphan), 1186-1189 (Khieu Samphan), 1207-1221 (Ieng Thirith), 1253-1259 (Ieng Thirith), 1267-1271 (Ieng Thirith)

#### **Class 5 (Friday)**

1. The perspective of the Khmer Rouge
2. What should international criminal courts do?
3. Is the ECCC a success?

#### **Readings:**

Guard Stories