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Transitional (In)Justice: How French Cambodian Communities Claim Political Space from Below

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Abstract

This article evaluates transitional justice and remembrance in relation to the Cambodian genocide by using the concept of political space to capture the act of political participation by the Cambodian government and the French Cambodian community, as well as the physical and discursive space in which this participation occurs beyond formal institutional politics. Using an actor-focused approach, it highlights how actors experience and practice the meaning and relevance of transitional justice. This article argues that while formal transitional justice mechanisms such as the ECCC have contributed to legal accountability, they risk institutional monopolisation of the use of transitional justice and remembrance, which limits the political space of individuals rooted in Cambodian communities. Moreover, this monopolisation may limit the ideas in this discursive space to standardised, often Western-centric notions of transitional justice and ideas that serve the interests of the Cambodian government. Nevertheless, institutions do not hold arbitrary power over political space, and French Cambodian communities continue to claim and expand political space through bottom-up practices rooted in community and cultural dynamics. Using such initiatives, including FRAGMENTS #KH50 and the work of Rithy Panh and Vann Nath, this article explores how survivors engage with institutional transitional justice frameworks and challenge this institutional monopoly and how, in doing so, they claim and expand political space. French Cambodian communities challenge the distinction between victim and perpetrator, extend responsibility beyond high cadres, and conduct remembrance through cultural and everyday practices.

Keywords: Cambodian genocide, transitional justice, remembrance, political space, bottom-up.

The Extraordinary Chambers of the Courts of Cambodia (ECCC), a hybrid tribunal jointly established by the United Nations and the Cambodian government, with millions of Cambodians following the trials on television and tens of thousands of survivors attending or participating in the hearings. Despite widespread access and opportunity for participation, however, many survivors felt that their testimonies about their experiences during the genocide were insufficiently considered.¹ By taking the notion of political space as a starting point, this article argues that transitional justice does not have to be limited to formal institutions. This article follows the conceptualisation of Eva Weiss and Meredith Hansson, who use the term political space to capture the act of political participation and the physical or discursive space in which this participation takes place beyond formal institutional politics. The emphasis on space helps to conceptualise that political space has boundaries that define which actors, interests, and ideas may be included or excluded. Various actors with conflicting interests and/or unequal power may seek to establish, delimit, or enforce the boundaries of political space to advance their interests. In this case, the Cambodian government pushes its own narrative of responsibility and selective approaches to genocide remembrance and accountability. Other actors seek to claim presence in this political space by expanding its boundaries through activism and even through everyday practices, to advance (whether intended or not) the interest of, in this case, the French Cambodian community.²

Based on this concept, how can the French Cambodian community challenge the institutional monopoly on the use of

¹ “Cambodia,” International Center for Transitional Justice, accessed 17 February, 2026, [https://www.ictj.org/where-we-work/cambodia#:~:text=Over%2030%2C000%20people%20have%20visited,is%20now%20appealing%20his%20sentence](https://www.ictj.org/where-we-work/cambodia#:~:text=Over%2030%2C000%20people%20have%20visited,is%20now%20appealing%20his%20sentence;); “Cambodia: On final day of UN-backed trial, former leaders deny war crimes charges,” United Nations, accessed 17 February, 2026, <https://news.un.org/en/story/2013/10/454282>.

² Eva Hansson, and Meredith L Weiss, “The Contested Domain of Political Space in Southeast Asia.” In *The Palgrave Handbook of Political Norms in Southeast Asia*, ed. by Elsa Lafaye de Micheaux, Astrid Norén-Nilsson, and Gabriel Facal (Singapore: Palgrave Macmillan, 2024), 467–71, https://doi.org/10.1007/978-981-99-9655-1_27.

transitional justice to claim political space? By analysing three examples of the French Cambodian community, this article examines how actors' experiences and practices can shape the meaning and relevance of transitional justice and, in doing so, how they claim political space.

Therefore, this article argues that while formal transitional justice mechanisms such as the ECCC have contributed to legal accountability, they risk institutional monopolisation of the use of transitional justice, which limits the political space of individuals rooted in Cambodian communities. Moreover, it may limit the ideas in this discursive space to standardised, often Western-centric notions of transitional justice and narratives that serve the interests of the Cambodian government. This article, however, highlights three French Cambodian projects and practices that challenge these ideas and narratives through bottom-up practices rooted in their community and cultural dynamics. After examining the top-down judicial mechanisms and how they seek to limit the boundaries, actors, and ideas within transitional justice, this article analyses how the French Cambodian community challenges the institutional monopoly on the use of transitional justice to claim political space. By using the bottom-up initiatives such as FRAGMENTS #KH50, the work of Vann Nath and Rithy Panh, and everyday practices, this article argues that survivors and their descendants engage with institutional transitional justice frameworks, challenging the institutional monopoly on the use of transitional justice, and claim and expand political space.

Transitional Justice

From a theoretical perspective, transitional justice is broadly understood as a practice and framework of justice to address the perpetrators and survivors of past human rights abuses during political change. It comprises legal and non-legal measures.³

³ Michal Krotoszynski, "Transitional Justice Models and Analytic Philosophy: Towards Theory," *Polish Political Science* 46, no. 2 (2017): 10-11. <https://doi.org/10.15804/ppsy2017201>; Phil Clark and Nicola Palmer, "Challenging Transitional Justice," In *Critical Perspectives in Transitional Justice*, ed. Nicola Palmer, Phil Clark, and Danielle Granville (Cambridge:

Attempts are made to identify idealised models of transitional justice based on common elements or empirical cases that are deemed successful, such as the tribunals discussed hereafter.

However, such models risk portraying justice as something delivered by states or international institutions to a passive society. Transitional justice is shaped by the dominant political orthodoxy of the time, meaning that chosen approaches often serve to legitimise policy agendas. This can sideline local social movements and local needs, which can ultimately undermine the effectiveness of measures. Moreover, even the meaning of the seemingly accepted goal of justice differs from cultural and ideological perspectives.⁴ During the process of transitional justice, actors thus forge the boundaries of this political space by determining which narrative gets included, how the genocide is remembered, and how it should be rectified. Herein, governments and international institutions are powerful actors that can advance their interests. In the case of the ECCC and the Cambodian government, both actors frame their approach as necessary for political stability, although the Cambodian government also pursues political consolidation.⁵

Indeed, while the ECCC, located in Phnom Penh, created a physical political space that was accessible to the public, established an official record, and offered survivors a platform for recognition, it also contributed to their sense of alienation. Its international structure, foreign personnel, and reliance on international legal standards created a sense of alienation among rural populations, making justice appear performative and aimed at an international

Intersentia, 2012) 1–3, <https://doi-org.leidenuniv.idm.oclc.org/10.1017/9781839700224>.

⁴ Michael Newman, *Transitional Justice: Contending with the Past* (Newark: Polity Press, 2019), 9–17, <https://ebookcentral.proquest.com/lib/leidenuniv/detail.action?docID=5808419>; Tine Destrooper, "Introduction. On Travel, Translation, and Transformation" In *Human Rights Transformation in Practice*, ed. Tine Destrooper and Sally Engle Merry (Philadelphia: University of Pennsylvania Press, 2018) 3–13. <https://doi-org.leidenuniv.idm.oclc.org/10.9783/9780812295467-003>.

⁵ Khamboly Dy, "Challenges of Teaching Genocide in Cambodian Secondary Schools," in *Policy and Practice: Pedagogy about the Holocaust and Genocide Papers*, 2013, 1–10, <https://dokumen.pub/the-justice-facade-trials-of-transition-in-cambodia-2017958197-9780198820956-9780198820949.html>.

audience, thereby excluding them from the discursive political space.⁶ Similar patterns appeared in other international tribunals, such as those for Rwanda and former Yugoslavia, where symbolic justice often prevailed. In both cases, trials were held far from affected communities in Arusha and The Hague, making the procedures difficult to access for many survivors, something the ECCC did manage to improve. Moreover, international justice in these contexts has been shaped by political negotiation and selective accountability. The International Criminal Tribunal for the former Yugoslavia, for instance, was criticised for its bias as the attention following the Srebrenica massacre led to a focus on Serbian perpetrators in its early years.⁷ Similarly, the International Criminal Tribunal for Rwanda, established after the 1994 genocide, failed to address crimes committed by the Rwandan Patriotic Front, reflecting a form of selective accountability that directly limits the boundaries of the political space by determining what actors, ideas, and interests matter in transitional justice.⁸ However, despite attempts to delimit this space and exert a monopoly on transitional justice, institutions do not hold arbitrary power over it.⁹

Top-Down Actors: Institutional Organisations

Following the collapse of the Khmer Rouge regime, Cambodia entered a period of political reconstruction and a prolonged and contested transitional justice process. While institutional justice mechanisms such as the ECCC would emerge decades later, the state already started to set the boundaries of political space by producing the foundations for transitional justice and the remembrance of the genocide. The Vietnamese-backed People's Republic of Kampuchea (PRK), and later the Cambodian People's

⁶ Alexander Hinton, *The Justice Facade: Trials of Transition in Cambodia*, (Oxford: Oxford University Press, 2018), 243, <https://doi.org/10.1093/oso/9780198820949.001.0001>.

⁷ Klaus Bachmann and Aleksandar Fatić, "Accepting the Political Face of International Criminal Justice," *International Journal of Law, Crime and Justice* 57 (2019): 26–35, <https://doi.org/10.1016/j.ijlcj.2019.01.005>.

⁸ Peter M. Juma, *An Assessment of the ICTR's Failures and Successes* (31 December, 2022), SSRN, 9, <https://ssrn.com/abstract=4315844>.

⁹ Hansson and Weiss, "The Contested Domain of Political Space," 471–72.

Party (CPP), positioned themselves as liberators of the nation. Even though many CPP leaders had been affiliated with the Khmer Rouge, the ruling elite constructed a political identity rooted in victimhood. This framing offered a simple narrative where the “evil” was embodied by Pol Pot and a narrow circle of leaders, while the broader society, including reintegrated cadres, was recast primarily as victims.¹⁰

In theory, transitional justice seeks to balance accountability, reconciliation, and institutional reform. However, in Cambodia, the state prioritised political stability and political consolidation.¹¹ Memorial sites such as Tuol Sleng (S-21) and Choeun Ek (The Killing Fields) were rapidly transformed into genocide museums. Whilst they preserved evidence of atrocities, they also served to legitimise the new regime, justify the Vietnamese intervention, and establish the Cambodian government as the arbitrator of memory (and remembrance) of the genocide. The state shaped how the genocide was understood, and who, how, what, and why it is remembered. This limited genocide acknowledgment to serving the Cambodian government’s interests, a dynamic fostered by international actors who primarily engaged with the Cambodian government’s version of its memory.

The clearest account of this international dimension is the ECCC, which illustrates both the promises and limits of transitional justice. According to Alexander Hinton, the court’s hybrid structure and procedures transformed justice into a staged event that cements power’s hierarchies and inequalities. The ECCC then re-enacts traumas rather than resolving them; it only offers the appearance of closure without profound transformation.¹² International interventions have at times been perceived as intrusive or neocolonial, privileging westernised models of justice while sidelining local practices of mourning and reconciliation.¹³ Moreover, global frameworks often overshadow the complicity of

¹⁰ Dy, “Challenges of Teaching Genocide,” 1–10.

¹¹ Dy, “Challenges of Teaching Genocide,” 1–10.

¹² Hinton, *The Justice Facade*, 243.

¹³ Briggittine M. French, “Technologies of Telling: Discourse, Transparency, and Erasure in Guatemalan Truth Commission Testimony,” *Journal of Human Rights* 8, no. 1 (2009): 92–109, <https://doi.org/10.1080/14754830902717734>.

external powers in Cambodia's troubled history, producing selective narratives of responsibility. These tensions highlight the contested nature of memory and remembrance in post-genocide Cambodia, where questions of legitimacy and ownership remain unresolved within transitional justice, which ultimately excludes many communities from the political space. Thus, this article will examine two dimensions of international use of transitional justice and Cambodian remembrance: first, the role and limitations of the ECCC and broader international justice frameworks; and second, critiques of internationalisation, including issues of neocolonialism and the legitimacy of international actors in defining which ideas and practices may be included or excluded in political space.

Following the end of the United Nations Transitional Authority in Cambodia (UNTAC) in 1993, a more stable political context allowed for a better prosecution of the Khmer Rouge perpetrators. Despite the earlier establishment of the People's Revolutionary Tribunal trial in 1979, overseen by Vietnamese advisors that convicted Pol Pot and Ieng Sary of genocide in absentia with a death sentence, the international community did not pay much attention as they were deemed "mere show trials" inscribed in Cold War politics.¹⁴ Most early discussions centred around political considerations rather than the pursuit of justice for victims. "Trying the Pol Pot-Ieng Sary clique for the crime of genocide will, on the one hand, expose all the criminal acts that they have committed and mobilise the Kampuchean people more actively to defend and build up the people's power, and on the other hand, show the peoples of the world the face of the criminals who are posing as the representatives of the people of Kampuchea."¹⁵ From the 21st of June 1997 onwards, negotiations between the Cambodian government and the United Nations over the establishment of a justice mechanism to address the crimes of the Khmer Rouge began.

¹⁴ Cheryl S. White, "The Creation of the Extraordinary Chambers in the Courts of Cambodia," in *Bridging Divides in Transitional Justice: The Extraordinary Chambers in the Courts of Cambodia* (Cambridge: Intersentia, 2017), 111, <https://doi-org.leidenuniv.idm.oclc.org/10.1017/9781780684970>.

¹⁵ Tom Fawthrop and Helen Jarvis, *Getting Away with Genocide: Elusive Justice and the Khmer Rouge Tribunal* (Sydney: University of New South Wales Press, 2005), 44.

These negotiations were lengthy; for the then Prime Minister Hun Sen, “it was important to distinguish between those members of the Khmer Rouge who committed genocide and those who helped to overthrow the genocidal regime,” such as himself.¹⁶ The attitude of the government was to “dig a hole and bury the past,” whereas the tribunal was “restrictive vis-à-vis its temporal jurisdiction.”¹⁷ The ECCC was established in 2003 after a back-and-forth between the two parties regarding the interpretation of the language that would be the basis of the prosecution. It was designed to combine national and international law, reflecting Cambodia’s sovereignty and its dependence on global legitimacy. Nevertheless, only a handful of leaders were convicted: Kang Kek Ieu (Duch), Nuon Chea, and Khieu Samphan, all important cadres from the Khmer Rouge, convicted for crimes against humanity and genocide, while other important figures died before trial, such as Ieng Sary and Ieng Thirith. Though the procedure did create a space for survivors to testify publicly, putting an end to long silences and gaining recognition of their suffering, and bringing valuable archives and recordings towards the international understanding of the genocide.¹⁸ Nevertheless, the tribunal, designed as a mechanism of transitional justice, faced significant limitations.¹⁹ Hun Sen and his party leveraged their collaboration with the UN to show an appeal for justice while remaining in control of the process. Indeed,

¹⁶ Hans Corell, “Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea,” *United Nations Audiovisual Library of International Law*, accessed February 20, 2026, <https://legal.un.org/avl/ha/abunac/abunac.html>

¹⁷ James A. Tyner, Gabriela Brindis Alvarez, and Alex R. Colucci, “Memory and the Everyday Landscape of Violence in Post-Genocide Cambodia,” *Social & Cultural Geography* 13, no. 8 (2012): 862, <https://doi.org/10.1080/14649365.2012.73484>.

¹⁸ Extraordinary Chambers in the Courts of Cambodia (ECCC), *Official Website of the Extraordinary Chambers in the Courts of Cambodia*, accessed October 5, 2025, <https://www.eccc.gov.kh/en>

¹⁹ Hinton, *The Justice Facade*, “Refer to an assemblage of discourses, institutions, capital flows, technologies, practices, and people devoted to providing redress for mass human rights violations and enabling a transformation of a society from this violent past to a better future.” 5, <https://doi.org/10.1093/oso/9780198820949.001.0001>.

interference from the government was not insignificant. Chea Leang, Cambodian co-prosecutor, rejected several new cases proposed by her Canadian co-prosecutor, arguing that Cambodia is an unstable land and needs to prioritise national stability over the prosecution of a greater number of Khmer Rouge.²⁰ An argument repeated by Hun Sen, who declared that prosecuting more people could endanger the current peace in Cambodia and plunge the country back into war.²¹ As a majority of the judges were Cambodians and appointed by the government, negotiations over expanding the tribunal's reach were rendered unsuccessful. The ECCC thus illustrates the paradox of international justice in post-conflict societies. While it established an official historical record and offered survivors a platform for recognition, the ECCC also reproduced existing hierarchies of power and created a sense of alienation among rural populations.²² Justice felt performative and aimed at an international audience rather than taking into consideration the plurality of the Cambodian community.

Furthermore, in all these cases, international justice has been shaped by political negotiation and selective accountability. For many observers and participants, the tribunal embodied the illusion of international justice. Hinton argued that the ECCC operates as a performance of justice, a facade whose purpose is to please international audiences while failing to address the deeper wounds and traumas of Cambodians.²³ Then, the ECCC simultaneously offered recognition, participation from victims, control from the government, and international frameworks. The tribunal reflected unequal relations of power and interpretation. Western notions of justice, trauma, and remembrance often diverged from the various local cultural practices in Cambodia. Despite facilitating a physical political space for transitional justice, the ECCC and Cambodian government directly limited the boundaries of the political space by

²⁰ Human Rights Watch, "Cambodge : Les pressions politiques fragilisent le tribunal," *Human Rights Watch*, accessed 22 April, 2025, <https://www.hrw.org/fr/news/2009/07/22/cambodge-les-pressions-politiques-fragilisent-le-tribunal>

²¹ Human Rights Watch, "Cambodge."

²² Hinton, *The Justice Facade*. 243.

²³ Hinton, *The Justice Façade*, 21–23.

determining what actors, practices, ideas, and interests should be included.

For the 50th anniversary of the fall of Phnom Penh, the Institut Français in Phnom Penh curated the exhibition: “Face aux Khmers rouges - L’Ambassade de France prise dans la chute de Phnom Penh (17 avril-8 mai 1975)”, which focused on the role of the French embassy during the events.²⁴ These cultural exchanges contributed to historical awareness while also reinforcing France’s long-standing influence in Cambodia’s intellectual and cultural spheres. Indeed, governments pursue influence through the tools of culture, education, and humanitarian support as pathways for soft power. Genocide commemoration becomes likewise a ‘moral’ tool through which states assert their commitment to universal values while consolidating diplomatic ties. Yet, the transformation of the genocide into a diplomatic asset raises questions about who truly owns this memory and whose voices are sidelined in the process of its internationalisation.

When memory is managed through these broad international frameworks, it can develop significant blind spots regarding contextual causes of the tragedy. Specifically, the global discourse surrounding the Khmer Rouge genocide tends to isolate the 1975-1979 period as a catastrophe fairly disconnected from the whole political landscape at the time. This is even noticeable in everyday life, for example, in a conversation with retired American tourists he was serving at work, co-author of this article, David Sary, found himself explaining his background and his family’s history as refugees. Their response left a lasting impression on him: “Communism is hell,” they remarked, shaking their heads. Yet, he perceived their reaction as reflecting a limited awareness of the U.S. bombing campaigns of the early 1970s that were part of the Vietnam War.²⁵ The bombings of the Ho Chi Minh trail that ran through Cambodia destabilised the country and accelerated the Khmer

²⁴ Personal communication with an intern who participated in the curation of the exhibition, November 5, 2025.

²⁵ Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–79*, (New Haven: Yale University Press, 2008), 19, <https://research-ebsco-com.leidenuniv.idm.oclc.org/c/5ntpxs/search/details/vmgcson5z?request-context=plink&db=e000xww>.

Rouge's rise, who took over Lon Nol's government, which was supporting the US agenda; they were using the damages done "by B-52 strikes as the main theme of their propaganda."²⁶ This selective remembering illustrates what Trouillot wrote concerning the Haitian revolution and the systematic silences of inconvenient narratives that would complicate or degrade one's moral clarity.²⁷ By projecting Cambodia's suffering as an isolated tragedy, those international narratives preserve the image of the magnanimous arbiter. This obscures the structural violence and geopolitical complicity that enabled the Khmer Rouge's emergence and rise to power. Moreover, this silence is not only external but also reinforced by domestic politics. The past has indeed been streamlined; the Cambodian government's portrayal of itself as both a victim and a saviour creates a Manichean simplification that leaves little room for the turmoil of history.²⁸ It thus becomes easier for the CPP to contain narratives that may disturb their political authority.

The internationalisation of remembrance has also provoked issues concerning its cultural dissonance.²⁹ While these frameworks enable recognition and funding, they risk weakening the cultural and historical specificity of Cambodian suffering. The western models of transitional justice emphasise individual accountability, public testimony, and historical documentation. In many Cambodian communities shaped by Theravada Buddhism, mourning practices often involve restoring relationships between the living and the dead through ritual offerings and prayers intended to guide restless spirits. For these communities, annual ceremonies such as Pchum Ben thus embody a shared conception where justice is restorative rather than punitive, where communities collectively address the consequences

²⁶ Sony Ouch and George Wright, "Henry Kissinger's Cambodia Legacy of Bombs and Chaos," *BBC News*, 3 December, 2023, <https://www.bbc.com/news/world-asia-675828>.

²⁷ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 2015), 96, <https://hdl.handle-net.leidenuniv.idm.oclc.org/2027/heb04595.0001.001>.

²⁸ Roth Santepheap, "Thailand's Dangerous Game of Accusations: Who's Really the Victim?" *Khmer Times*, 19 July, 2025, <https://www.khmertimeskh.com/501719774/thailands-dangerous-game-of-accusations-whos-really-the-victim/>

²⁹ Hinton, *The Justice Facade*, 243.

of the genocide.³⁰ However, such practices are fairly invisible in international reports and memorial initiatives, which privilege tangible juridical forms of remembrances such as trials, archives, exhibitions, and more generally, narratives embedded in ‘truth’. This creates a gap in which the universalising language of international justice fails to incorporate local understandings of mourning and remembrance. Legal mechanisms and museums, while essential for documentation, cannot substitute for the spiritual dimensions of mourning central to many survivors. Thus, while the ECCC and related projects have preserved evidence and provided recognition to victims, they have not necessarily facilitated remembrance in the cultural and spiritual sense understood by many Cambodians who are still mourning.

A meaningful engagement with Cambodia’s past would incorporate the plurality of memories of those whose voices remain outside of the official scripts. This approach would allow for a shift in emphasis, where sharing the memory would take priority over its management, facilitating the expansion of political space by furthering transitional justice and remembrance beyond institutions. Thus, the internationalisation of Cambodian memory has many achievements, such as the preservation of records, affirming victims’ dignity, and inscribing the genocide within the global realm. Yet, the same processes have also cemented hierarchies of power and interpretations, limiting political space, especially for minority or disadvantaged communities. Justice, as envisioned through international frameworks, remains entangled with neocolonial patterns of authority and Western paradigms. The challenge in Cambodia’s case lies in reconciling the worlds of the legal and spiritual into a more inclusive remembrance and transitional justice, enhancing its effectiveness. These tensions reveal that transitional justice for the Cambodian genocide is not only negotiated in tribunals and museums, but also across borders, generations, and communities. Standardised practices need not be rejected, but local

³⁰ Anne Yvonne Guillou, “An Alternative Memory of the Khmer Rouge Genocide: The Dead of the Mass Graves and the Land Guardian Spirits (Neak Ta),” *South East Asia Research* 20, no. 2 (2012): 207–226, <https://doi.org/10.5367/sear.2012.0102>.

actors must be treated as active participants rather than passive recipients.

Bottom-Up Actors: Local Communities

Institutional actors thus forge the boundaries of political space by attempting to monopolise the use of transitional justice and remembrance. This section, therefore, focuses on three bottom-up projects and practices emerging from French Cambodian communities whose experiences of commemoration and remembrance illustrate how they interact with transitional justice and how it can be used beyond institutions to challenge the institutional monopoly to claim and expand their political space.³¹ In this community, the genocide is mainly remembered through fragments: oral stories, rituals (such as Pchum Ben), and memorials.³² Yet, these memories are not solely reflections of the past; they are also acts of reconstruction and survival. While the Cambodian state and international institutions have crafted official narratives of justice and reconciliation, Cambodian voices originating outside of Cambodia often feel alienated. Survivors reimagine memory in specific forms, through film, literature, and cultural practices, to claim a certain space over their history and identity. Indeed, in local French Cambodian communities, the genocide is not transmitted through official histories as it is rarely present in school curricula abroad, but rather through fragmented anecdotes and quiet gestures. Marianne Hirsch defines postmemory as the inheritance of trauma and silence by those who did not directly live through it. This concept “describes the relationship of the second generation to powerful, often traumatic, experiences that

³¹ Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle,” *American Anthropologist* 108, no. 1 (2006): 41–49, <https://doi.org/10.1525/aa.2006.108.1.38>; Destrooper, “Introduction,” 3–13.

³² “‘L’oubli est une seconde mort’ : Lognes accueille un monument dédié à la mémoire des victimes des Khmers rouges,” *Le Parisien*, Seine-et-Marne, accessed 22 April, 2025, <https://www.leparisien.fr/seine-et-marne-77/loubli-est-une-seconde-mort-lognes-accueille-un-monument-dedie-a-la-memoire-des-victimes-des-khmers-rouges-18-04-2025-3GCANNMGVBGUPLZSFWMV7FXLG U.php>.

preceded their births but that were nevertheless transmitted to them so deeply as to seem to constitute memories in their own right.”³³

For these communities, then, remembrance can be seen as both a burden and a duty to connect their lives with the history that preceded them yet still remains impactful to their present life. Cambodian communities are actively reclaiming political space through grassroots remembrance initiatives, thereby challenging the dominant control that formal institutions hold over transitional justice. Despite being conceptualised in the context of the Holocaust, Hirsch’s concept of postmemory offers us a useful framework for understanding how the Cambodian genocide is transmitted across generations within Cambodian-rooted communities abroad and how it could be transformed into a movement that would allow them to claim and expand political space.³⁴ The events happened in the past, but their effects are still present for those who succeeded the events. Despite its importance, this intergenerational dimension has often been neglected by the government and by the ECCC during the tribunal’s early years.³⁵ It was only later on that the court introduced a form of “Testimonial Therapy” which focuses on the expression of traumas by incorporating a “Buddhist offering ceremony.”³⁶ Survivors received blessings from Buddhist monks through Bangsokol ceremonies.³⁷ Thus, “exposure to traumatic material through the narrative creation process was followed by transformation and release through an embodied form of ‘culture-as-treatment’.”³⁸ For many survivors and

³³ Marianne Hirsch, “The Generation of Postmemory”, *Poetics Today* 29, no. 1 (2008): 103, <https://doi.org/10.1215/03335372-2007-019>.

³⁴ Hirsch, “The Generation of Postmemory”, 104.

³⁵ Sarah J. Parry et Ewan Wilkinson, “Mental Health Services in Cambodia: An Overview,” *BJPsych International* 17, no. 2 (2020) : 29–31, <https://doi.org/10.1192/bji.2019.24>.

³⁶ Elena Lesley, “Therapeutic Improvisation in Cambodia: Moderated Exposure, the Tuol Sleng Museum of Genocidal Crimes, and the Quest to Weave the ‘World’s Longest Krama,’” *Memory Studies* 16, no. 3 (2023): 593, <https://doi.org/10.1177/17506980231162334>.

³⁷ Ceremony held after the passing of an individual. A white cloth is placed over the body of the dead and then removed by a monk to represent the passing of the spirit.

³⁸ Lesley, “Therapeutic Improvisation in Cambodia,” 594.

their descendants, the memory of the Cambodian genocide is neither unified nor state driven. Instead, it emerges as an embodied and intergenerational process that manifests through silence, gestures, and emotions that persist in plurality and in everyday life. More attention to this dimension would challenge dominant, state-centred narratives of transitional justice and instead foreground the lived and fragmented ways in which survivors are dealing with their past.

Fragments #KH50

Prior to the Khmer Rouge period, Cambodian social identity was strongly structured around kinship, with its inhabitants' identity trickling down from that relationship.³⁹ The genocide heavily disrupted these social foundations, leaving the diverse Cambodian identity intertwined with the genocide. This dynamic becomes apparent as co-author of this article, David Sary, personally recounts asking his parents about that period; even after fifty years, they continue to express enduring anger toward the regime. For them, the regime persists as a lingering presence in their memory: "il faut vivre avec, mais on n'oublie pas, et je vois toujours les mêmes images," as his mother explained.⁴⁰ This four-year period has become a key reference in time through which they interpret both past and present. It continues to shape their perception of their home country, which remains associated with trauma and recurring memories of violence. Simultaneously, it has also been influencing their "new life" where they have migrated and built a family. In such instances, oral history plays a relevant role in better grasping first-hand experience in research.⁴¹ Since the year 2025 marked the 50th anniversary of the fall of Phnom Penh, it was an occasion to commemorate the genocide. One of the commemorations took place in France, in Lognes, with the creation of a monument. The

³⁹ Alexander Laban Hinton, *Why Did They Kill?: Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2004), 107, <https://hdl-handle-net.leidenuniv.idm.oclc.org/2027/heb33862.0001.001>.

⁴⁰ Translation: We must live with it, but we cannot forget, and I still see the same images.

⁴¹ Donald A. Ritchie, *Doing Oral History*, (Oxford: Oxford University Press, 2015), 103–136.

project called “FRAGMENTS #KH50” was initiated by descendants of survivors who fled to France, with the aim of doing a *devoir de mémoire*, considering that because of exile and war, those individuals only possess a few fragments of history and of their family’s past.⁴²

Thus, the objective of this organisation was to gather fragments from Cambodians who were forced into exile, and to then combine them to reconstitute a collective memory. This oral history is not solely about remembering, but also about claiming their agency and legitimacy. Their stories are not being told through court documents or state museums, but rather through their own perspective. “For many in the diaspora, rebuilding lives and community means weaving meaning and continuity from fragments and disorder, and transnationally re-stitching relational fabrics that have been frayed by time, distance, and politics.”⁴³ Despite this bottom-up project taking place in France, the essence of this project challenges the institutional monopoly of the Cambodian government on transitional justice and remembrance by reclaiming the agency of the victims, thereby claiming and expanding political space. The monument erected for the project is only written in Khmer, meaning that it is directed to survivors and their descendants. Therefore, remembrance creates this sense of belonging and continuity despite the forced displacement. To remember and, perhaps more importantly, to not forget becomes a duty for future generations, an important contrast with the official narratives that will favour memories that are politically beneficial for the party. National stability is still crucial for ordinary Cambodians, but in the making of those memories, the sieve of the politics has been reinterpreted. Yet, while these Cambodian-rooted spaces encourage remembrance and resilience, they also expose profound tensions. Between silence and speech, belonging and estrangement, displaced and official versions of history, these tensions form the core of the transnational struggle over remembrance.

⁴² Fragmentis Vitae Asia, “Fragments #KH50,” accessed 16 November, 2025, <https://www.fragmentis-vitae.org/>.

⁴³ Khatharya Um, *From the Land of Shadows: War, Revolution, and the Making of the Cambodian Diaspora*, 1st ed., vol. 14 (New York: New York University Press, 2015), 6, <https://doi.org/10.18574/9781479801978>.

Rithy Panh and Vann Nath

“Justice is not a spectacle,” claimed the filmmaker Rithy Panh, who came to France as a refugee.⁴⁴ Yet, as seen earlier, places such as Tuol Sleng and Choeung Ek have been depoliticised to the point of commodifying death. For many French Cambodians, for example, such forms of institutional memorialisation feel deeply inadequate.⁴⁵ The spectacle of the suffering in museums curated for tourists, the selective narratives of the ECCC, and the Cambodian government’s shying away from their responsibilities seem to be disconnected from the lived experiences of survivors, local and abroad. Albeit difficult, it still seems possible to at least promote healing for those who carry their traumas. Bottom-up projects and practices matter, as they allow the use of various media and practices, reflecting the specific needs of various communities, which may then open up political spaces for survivors. Rithy Panh and his filmography are examples of such bottom-up projects. His work constitutes a quest toward creating spaces through narratives and experiences that have been erased in the genocide, often using archival material and evidence often overlooked in institutional transitional justice, and working together with survivors.⁴⁶

French Cambodian communities often perceive this official narrative as incomplete and distorted to serve political agendas rather than collective healing.⁴⁷ Their expectations of justice extend beyond the legal framework of the ECCC; a deeper acknowledgement is required for the traumatised. This gap has generated a distance between the French Cambodian communities and the Cambodian state. Indeed, while the CPP promotes a narrative centred on national unity and closure, many survivors abroad struggle to forgive or move on.⁴⁸ The institutional remembrance that has been offered by this hybrid tribunal does not

⁴⁴ Soko Phay-Vakalis, “Le génocide cambodgien: Déni et justice,” *Études* 408, no. 3 (2008): 300, <https://doi.org/10.3917/etu.083.0297>.

⁴⁵ Phay-Vakalis, “Le génocide cambodgien,” 297–307.

⁴⁶ Katarzyna Grabska, “Visual Storytelling about Genocide, Displacement, and Exile: Encounters with Rithy Panh,” *Conflict and Society* 8, no. 1 (2022): 193, <https://doi.org/10.3167/arcs.2022.080112>.

⁴⁷ Hinton, *The Justice Facade*, 241–252.

⁴⁸ Phay-Vakalis, “Le génocide cambodgien,” 297–307.

necessarily align with personal remembrance, which in turn becomes the responsibility of families and, more generally, communities. This divergence produces competing claims where the state asserts its authority to define national remembrance, while the individuals rooted in Cambodian communities assert their right to interpret the past from a point of view of exile, loss, and trauma. There seems to be a discrepancy between this specific narrative and the international ones. Western humanitarian frameworks tend to universalise genocidal trauma, thus sidelining cultural particularities.⁴⁹ Indeed, while such terms can provide recognition, they also risk depersonalising lived experiences and imposing a specific vocabulary on what many Cambodians understand through Buddhist moral frameworks. Local critics, therefore, highlight the limitations of international justice, which often prioritises documentation and archives over spiritual reconciliation, rituals, and everyday forms of remembrance.⁵⁰

Throughout *S-21: The Khmer Rouge Killing Machine*, Rithy Panh brings together Vann Nath and Chum Mey, survivors of the S-21 prison, with the guards who subjugated them to torture.⁵¹ The victims then become interrogators as they are given a platform to directly question the perpetrators to try to understand how their behaviour came to be. Rithy Panh allows for Vann Nath and Chum Mey to show their suffering and the torture they have been through with the reenactment of guards on duty. Vann Nath survived the S-21 prison by being a painter, as he was forced to paint for propaganda purposes. Following the end of the regime, his painting abilities were used to document and convey his experience inside the prison and were presented during his testimony at the ECCC. He gave the context of each painting that was presented, which were

⁴⁹ Sonya Andermahr, ed., *Decolonizing Trauma Studies: Trauma and Postcolonialism* (Reprint; Basel: MDPI Books, 2016), 1–5. <https://doi.org/10.3390/books978-3-03842-196-2>.

⁵⁰ Hinton, *The Justice Façade*, 241–252.

⁵¹ *S-21: The Khmer Rouge Killing Machine*, directed by Rithy Panh. (2003; INA), Streaming video.

all representations of torture.⁵² By showing the atrocities committed on a daily basis by the guards, this blurs the Manichean narrative of the Cambodian government.

The *Missing Pictures* also has links to transitional justice.⁵³ Through a blend of archival footage and Rithy Panh's lived experiences, illustrated with clay figures, the director constructed a semi-fictional story to demonstrate the lived realities of survivors. This perspective challenges the view that only the high cadres were perpetrators; instead, it offers us a more nuanced narrative that highlights the implication of low-level Khmer Rouge in the everyday regime. Both of these movies demonstrate the everyday workings of the regime through the perspective of ordinary citizens, highlighting the atrocities rather than pointing responsibilities, a contrast from the Cambodian government, which is trying to pin the responsibility of the genocide on a few officials. By being a filmmaker based in France who operates independently from the Western industry, he is able to portray narratives unrestricted by the Cambodian government and Western narratives, thus offering us a different perspective, built bottom-up, thereby challenging institutional monopoly on transitional justice and remembrance.

Everyday Practices: Sinn Sasamouth and Ros Serey Sothea, and GoGoCambodia

Regarding ordinary everyday practices, musicians/music from Sinn Sisamouth and Ros Serey Sothea, who were killed during the genocide, are still being listened to by older and newer generations in Cambodia or abroad. Their music was almost lost during the Khmer Rouge regime, but a few individuals made sure to keep their creations alive. The reminiscence Cambodians might experience from listening to their music is difficult to measure, but it does create a counter space for what has been engulfed, as these two artists

⁵² Extraordinary Chambers in the Courts of Cambodia (ECCC), "Vann Nath," accessed 10 April, 2026, <https://www.eccc.gov.kh/en/directory/witness-profile/vann-nath>.

⁵³ *The Missing Pictures*, directed by Rithy Panh. (2013; Les Acacias), Streaming video.

represent so much of the culture they have lost.⁵⁴ Those small everyday practices are necessary to deal with mental health issues that are lingering and also to instate the suffering into the politics. History exists within relations of power, and certain voices are systematically marginalised not by accident but by the structure. The bottom-up remembrance disrupts these silences by refusing the closure proposed by both the Cambodian government and the narrative of the international community. However, it is essential to acknowledge the power dynamics that are prevalent within this resistance itself. Yes, there is a grassroots resistance, but this resistance is also subjugated to specific structures and powers.

A relevant parallel could be made with the Jeju model of transitional justice in South Korea, which integrated elements of mutual forgiveness, government-civilian cooperation, and perpetrator-victim reconciliation. Despite all the bottom-up initiatives, this model of transitional justice is still incomplete as it overlooks state accountability.⁵⁵ In a recent paper, co-author Daniëlle Baan argues that an additional element should be included in the Jeju model: citizen-to-citizen cooperation. This would allow for the model to rely on “the local community, especially activists supported by local governance, which are the driving force behind transitional justice.”⁵⁶ Thus, local practices, mainly bottom-up, could embody the action of creating the political space for survivors. Here, a claim of the agency over the narratives imposed by the state and international actors can be observed from the bottom up. A similar approach by Cambodian communities can then be envisioned. To remember is insufficient for survivors; there needs to be an active movement to transform this remembrance into an object that would reclaim their dignity and restore a sense of belonging. Discussions of reconciliation must include a bottom-up approach that centres

⁵⁴ Chris G. Parkhurst, dir., *Elvis of Cambodia: The Legacy of Sinn Sisamouth* (USA/Cambodia: Barang Films, 2023), Streaming video. <https://elvisofcambodia.vhx.tv/packages/elvis-of-cambodia-the-legacy-of-sinn-sisamouth/videos/eoc-vimeo-20240314>.

⁵⁵ Daniëlle Baan, “The Jeju Model of Transitional Justice: A Replicable Model or Adaptable Framework for Localization?,” *The New Scholar* 4 (2025): 1, <https://www.thenewscholar.nl/index.php/tns/article/view/jeju>.

⁵⁶ Baan, “The Jeju Model,” 15.

those who continue to suffer today. Initiatives such as the world's longest krama made by GoGoCambodia in Phnom Penh transform everyday cultural practices into meaningful acts through which people can reclaim identities shaped and disrupted by history.⁵⁷ The krama, a multi-versatile cloth, becomes then a symbol of unity and resilience that allows Cambodians to turn away from certain imagery, specifically those "that triggered memories of mass starvation", and instead those that focus on the aesthetic and Khmer tradition.⁵⁸ This krama turns into a metaphor for reappropriating what has been severed by the violence: a cultural and communal link between individuals that now needs to be reconciled. Claiming and expanding political space, by challenging the institutional monopoly on remembrance and transitional justice, then makes it possible for Cambodian communities to actively narrate and practice transitional justice. Such multiplex narratives and practices may reflect the complexities of their different experiences, survivorhood, and backgrounds. Such consideration is primordial as government accountability remains difficult to achieve.

Conclusion

It has now been more than fifty years since the Khmer Rouge took over; fifty years of Cambodians enduring their past. While a cacophony of the genocide has been ringing through their ruined memories, can survivors claim the political space that is mainly dominated by the Cambodian government and international institutions?

This article has examined how top-down institutional transitional justice by the Cambodian government and the ECCC limits the boundaries, actors, and ideas in transitional justice. Subsequently, this article has explored the projects, and FRAGMENTS#KH50 and the work by Rithy Panh and Vann Nath to exemplify how survivors interact with institutional justice frameworks and challenge the institutional monopoly on the use of transitional justice through bottom-up projects. These examples

⁵⁷ Living Cambodia Team, "Weaving the BIG Krama," *Living Cambodia Blog*, accessed 20 April, 2025, <https://www.livingcambodia.asia/2018/weaving-the-big-krama/>

⁵⁸ Lesley, "Therapeutic Improvisation in Cambodia," 607.

demonstrate how the Cambodian community challenges the institutional monopoly on the use of transitional justice to claim political space.

What seemed to be effective for claiming and expanding political space has been highlighted by Lesley: a bottom-up approach that focuses on grassroots initiatives. The project **FRAGMENT#KH50**, led by survivors and second-generation Cambodians, was directly aimed towards the Cambodian community in France. It created a physical space for commemoration without influence from the Cambodian government. The cultural productions of Rithy Panh and Vann Nath highlighted lived experiences that would dismiss the Manichean conception of the Cambodian government regarding responsibility. And lastly, ordinary everyday practices such as listening to Cambodian music can allow survivors and their descendants to better grasp a culture that almost disappeared in the genocide. Or more specifically, in the case of GoGoCambodia, the act of weaving was turned into a project to reclaim identities disrupted by the genocide. The political space that seems constrained by international institutions and the Cambodian government can be claimed and expanded by bottom-up initiatives, as seen above, which in turn would allow for a better recognition of survivors' experiences in that space.

Albeit difficult, considering the political landscape of Cambodia with the presence of ex-Khmer Rouge in the government and society, the claiming of the political space by survivors and their descendants remains a possibility that needs to be envisioned. This motion is a continuous project that allows for perpetual (re)adjustment. The French Cambodian communities challenge this monopoly by creating political space through their own practices of remembrance, reorienting transitional justice towards the very communities that the government claims to serve.

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