Re-imagining the community?
Cambodian Cham Muslims – experience, identity, intergenerational knowledge transfer and the Extraordinary Chambers in the Courts of Cambodia

Tallyn Gray

Abstract: This article focuses on the experience of the Cham Muslim minority in the Cambodian holocaust, which almost obliterated them. It explores the impact of the United Nations/Royal Government of Cambodia’s hybrid tribunal system, the Extraordinary Chambers in the Courts of Cambodia (ECCC), on Cham cultural identity since the fall of the Democratic Kampuchean regime in 1979. In particular, it examines social and historical knowledge transfer between those who survived the regime and the generation born after 1979, and the respective roles of globalized Islam and the ECCC in addressing this knowledge transfer. It uses interviews with a Cham scholar, imams and community leaders, ECCC staff, and a lawyer who represents many Cham civil party clients at the Courts.

Keywords: identity; Cham Islam; ECCC; Khmer Rouge; Cambodia

Author details: Dr Tallyn Gray is a Fellow at The Westminster Law and Theory Centre, School of Law, University of Westminster, 4–12 Little Titchfield Street, London W1W 7BY, UK. E-mail: tallyngray@gmail.com.

This article examines one specific ethnic minority in Cambodia, the Chams, who were almost annihilated during the genocide of 1975–1979. I discuss their understanding of this period and their approach to the reconstruction of their identity, including intergenerational knowledge transfer concerning their heritage and experience, particularly in relation to their interaction with two phenomena: the UN-backed hybrid tribunal currently trying some of the perpetrators, the Extraordinary Chambers in the Courts of Cambodia (ECCC), and globalized Islam.

I draw on data gathered through semi-structured interviews I conducted between 2010 and 2012 with Cham imams, Cham scholars and the legal team representing Cham clients at the ECCC. During this period I observed community religious activities, shared some aspects of daily life in Cham communities, and observed proceedings at the ECCC.

I would like to thank my interpreter Mr Sina Thor, and all those referred to in this paper who generously gave me their time.

Research is in accordance with the University of Westminster’s Code of Research Practice. All research followed approval from its Research Ethics Committee. Participants have been anonymized, apart from those speaking on behalf of their organizations. English speakers are recorded verbatim. All the interviews with imams were conducted in Khmer. Here the words of the translator are reproduced verbatim.

South East Asia Research, 23, 1, pp 101–119 doi: 10.5367/sear.2015.0249
This paper takes a sociological rather than a legalistic approach. It does not discuss the judicial and legal issues surrounding the extremely controversial and heavily criticized tribunal. Rather, it examines the interactions between the ECCC as an institution and one of the multiple constituencies that it serves. Wherever possible, I have given space to members of the Cham communities I visited to speak for themselves.

I stress that this article focuses on only one group. This is not to diminish the impact of the Democratic Kampuchea (hereafter DK) period or the ECCC mechanism on other ethnic minorities or the majority Khmer who suffered under DK. Nor do I state that this paper is one from which general conclusions can be drawn about the ECCC beyond the Chams.

The Chams

The Chams trace their presence in Cambodia from the eleventh century, and their language and cultural heritage distinguish them from the majority ethnic group, the Khmer. Many (though not all) think of themselves as descendants of the Kingdom of Champa (c 192 AD–1832 AD). The majority practise Sunni Islam rather than the Buddhism of the Khmers. Broadly speaking, one can identify two forms of Islamic practice among the Chams, within three groups tracing their origins in Cambodia separately. The majority practise an ‘orthodox’ Islam, praying five times a day and adhering to the Five Pillars of Islam, as do the majority of Muslims in Malaysia, Thailand and the Gulf States. There is also a ‘Traditionalist Cambodian’ Islam, with some distinctive practices – for example, once-weekly rather than daily prayer, circumcision for boys at approximately 15, no obligation to make pilgrimage to Mecca and retention of some ancestral Hindu and Buddhist traditions. Such variations exist across South East Asia. What is unique in the case of Cambodian Islam in all its manifestations is its near-annihilation in the 1970s. Figures on the number of dead are not clear-cut. (Indeed, the definitive total death toll of the Cambodian holocaust is contested.) An example of this is the debate raised in the Phnom Penh Post in 2006, in which Ysa Osman addresses criticisms by Ben Kiernan regarding the number of Cham killed, and situates the debate in wider scholarly debates concerning the number murdered. It is beyond the scope of this article to investigate precise numbers. However, I will state for the purposes of clarity that the Co-investigating Judges at the ECCC accept that 36% of Cham died in DK (as opposed to 18.7% ethnic Khmer).
The DK period and genocide

From 17 April 1975 to 7 January 1979, the Communist Party of Kampuchea (CPK), commonly known as the Khmer Rouge (KR), enacted a nationwide social engineering programme, resulting in famine, disease and mass murder. Its aim was total self-reliance, restarting society from ‘Year Zero’ in the renamed Democratic Kampuchea (DK). This meant the destruction of traditions deemed to be ‘capitalist’, ‘class oppressive’ and ‘bourgeois’.

Traditional art, music, dance, literature and customs were banned; all languages except Khmer were forbidden. Total uniformity was enforced: everyone wore the same clothes and haircut. The regime evacuated urban areas, sending residents to work on collectivized agricultural projects. All religion was anathema; the regime reiterated, ‘It was Angkar\textsuperscript{11} that saved your life, neither God nor genii’\textsuperscript{12}. All religious institutions were targeted. For example, Buddhist \textit{wats} and Christian churches used by Vietnamese Catholics were destroyed or the buildings were converted for other uses. Angkar was presented as omniscient – effectively, as Locard suggests, competing with the notion of God.\textsuperscript{13} Le Vine notes that a residue of this awareness persists in the way some people still conceive of Angkar.\textsuperscript{14} The mixture of terror and surveillance could only turn religious practice into an ordeal.

In total, between 1.7 and 3.5 million Cambodians died from torture, execution, starvation or disease.\textsuperscript{15} The regime ascribed the label of ‘enemy’ on the basis of perceived class\textsuperscript{16} rather than ethnicity to refer to ‘the bourgeoisie’, ‘April 17\textsuperscript{10} People’ or ‘New People’ (city dwellers and professionals as opposed to peasant farmers or ‘Old People’).\textsuperscript{17} Khmer killed Khmer in vast numbers. It should be noted here that for this reason the word ‘genocide’ and its use in terms of what happened under DK is controversial and complex. The 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide (UNCPPCG) defines genocide as ‘an attempt to destroy ethnic and religious groups and/or a “people”, in part or in whole’.\textsuperscript{18} Raphael Lemkin (who coined the term in 1944) defined it in


\textsuperscript{11} Angkar is the Khmer word for ‘organization’; it was used as a term to obscure the party and the people behind it.

\textsuperscript{12} Taken from Henri Locard (2004), \textit{Pol Pot’s Little Red Book: The Sayings of Angkar}, Silkworm Books, Chiang Mai, p 175.

\textsuperscript{13} Ibid.

\textsuperscript{14} Peg Le Vine (2010), \textit{Love and Dread in Cambodia: Weddings, Births and Ritual Harm under the Khmer Rouge}, NIS Press, Singapore, pp 157–158.

\textsuperscript{15} The exact number of those who died is a point of contention. For a discussion, see Ben Kiernan (1996), \textit{The Pol Pot Regime: Race, Power, and Genocide in Cambodia Under the Khmer Rouge}, Yale University Press, New Haven, CT, pp 460–463; Tom Fawthrop and Helen Jarvis (2004), \textit{Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal}, Pluto Press, London; and Craig Etcheson (1999), \textit{‘The number’: quantifying crimes against humanity in Cambodia}, \textit{Mapping Project 1999: The Analysis}, Documentation Center of Cambodia, Phnom Penh.


a broader sense. The definition of genocide is a topic vigorously debated in the academic literature, and it is beyond the scope of this paper to engage with that debate. I deploy the word hereinafter in the sense that Fawthrop and Jarvis adopt in their book Getting Away With Genocide – ‘in a generic or sociological sense, fully aware of its legal constraints’. Here I add a caveat. Two surviving senior CPK leaders, Nuon Chea and Khieu Samphan, are currently on trial at the ECCC for genocide specifically in relation to Cham Muslims and Vietnamese minorities. The ECCC has yet to reach its verdict on their role in the orchestration of genocide. It has also yet to consider the question of ‘slippage’ between the top leadership and the lower-ranking cadres. This can be deployed to argue that extremes of violence emerged from the lower cadres acting without central direction, and that genocide was not a policy of the leadership. Pol Pot himself made this argument.

The ECCC’s co-investigating judges’ investigation into the Cham experience under the KR challenges a previous assumption that the Chams were not singled out for elimination on ethnic grounds, but were simply more resistant to the KR’s rabid anti-religiosity, and therefore more exposed to the ‘punishments’ they inflicted for such resistance. While some scholars reached this conclusion during the difficult process of extracting information from the chaos of the post-DK period, it must be reassessed following the uncovering of new material. Indeed, many Chams assert that what they experienced was ethnic cleansing. They affirm the conclusions of Ben Kiernan, who emphasizes the racial politics at the heart of the CPK, and demonstrates race as a driving factor in Cham persecution.

**Destroying the ‘social stock of knowledge’**

What Burger and Luckman describe as the ‘social stock of knowledge’ – “‘what everybody knows’ about a social world, an assemblage of maxims, morals, proverbial nuggets of wisdom, values and beliefs, myths, and so forth” – was brought to the brink of annihilation for the Chams. The processes through which knowledge is created, preserved, institutionalized and transmitted were rendered impossible for them, as social interaction could only occur within the language and forms approved by the KR. The Cham national population was divided and

---

20 A good concise introduction to this debate can be found in: Anson Rabinbach (2005), ‘Raphael Lemkin’s concept of genocide: fifty years later, the first conviction was handed down’, *IP Journal* Transatlantic Edition, spring, pp 70–75.
21 Fawthrop and Jarvis *supra* note 15, at p 5.
dispersed across the nation. The effect of this was to shatter a mode of living described to me by an imam as follows:

‘Cham culture was always to live in a group – for example, in this village there are only two Khmer families living here, the others are Cham.’

Under the KR, Cham children were (like children across all ethnic groups) separated from their parents on a massive scale, removing them from the transmission of history and indoctrinating them with the new reality of Angkar, so they were not ‘tainted’ with too much knowledge of what came before the revolution. Ysa Osman points out that, as these children grew up, a new generation would be brought in to kill them, further ‘purifying’ the regime’s social stock of knowledge from any pre-Year Zero influence.

The ‘symbolic Universe’, which legitimizes social institutions through ‘conceptual machineries’ such as religion, myth, folklore and philosophy underwent the process known as ‘smashing’, a concept described by the head of the S-21 prison as ‘not just a physical smashing but also a psychological smashing, dehumanization and debasement of the individual psyche… Smash means something more than merely kill.’ Knowledge itself was the target. Hence, not only were books, artefacts and buildings destroyed en masse, but also the human carriers of knowledge – teachers, academics and religious leaders – were murdered and ‘smashed’.

One of the imams I interviewed attested to what he saw at the time and the effect that it had on his community:

‘During the Pol Pot time Mosques were turned into kitchens, or torture chambers. So many Muslims at that time had to see the place they regarded as the holiest place … degraded as a torture centre or kitchen.’

This process of making mosques and pagodas into sites of misery and fear, or the frequent desecration of turning them into pigsties, further warped the Chams’ social stock of knowledge, distorting it and changing the meaning of the institutions from which people individually and communally drew the knowledge of their own social reality.

---

28 Imam 2, Kandal province, interview by the author, 6 August 2012.
29 Ysa Osman (2002), Oukouabah: Justice for the Cham Muslims under the Democratic Kampuchea Regime, DC-Cam, Phnom Penh.
30 Trial Chamber (26 July 2010), Judgment (Case 001), Doc No E188, p 37.
31 Trial Chamber (20 July 2012), Trial Day 81 (Case 002), Doc No E1/93.1, p 142.
32 Imam 5, Kompong Cham, interview by author, 3 October 2010.
33 Mohammad Zain Bin Musa et al, supra note 3, at p 83.
Peg Le Vine has coined the term *ritualcide*\(^{34}\) to describe the KR policy of cutting the Khmer majority off from their perception of personal connection in cosmic ordering, in turn forcing people to disengage from, and thus betray, their connection with the spirits and ancestors. The term can also be adapted to fit the Cham Muslim experience. Muslims were not only stripped of their ability to engage in religious practice and ritual, but were also forced actively to do things counter to their religious orientation – to commit acts that were *haram*.

As one of the Cham imams I spoke to explained:

‘Cham Muslim families regard their religion as paramount – when we lose our religion we lose everything. We have to pray five times a day and observe Ramadan. The biggest impact on us was that we could not practise our religion. People who in Pol Pot time tried to practise their religion in private, and were caught, were executed. To Muslim families prayer is the number one thing; people would be killed even as they were praying. They forced us to eat pork, we had no choice, but Allah will not be angry, he knows that we had to, as there was no other food.’\(^{35}\)

I interjected at this point to ask him,

‘During DK there were widespread famines and shortages – are you saying that the KR went out of their way to make sure you only got pork? I mean that they obtained it specially to make you eat it?’

He replied:

‘Of course! At that time there were food shortages. Often there were other foods, cows, fish, rice etc, but they feed us pork. Because they knew we would not be allowed because we were Muslim they would deliberately offer only pork. They did it to distress us.’\(^{36}\)

Such individual acts of vindictiveness must be placed in the context of a wider attack on traditional culture and lifestyle. This was particularly torturous for a community in which religious textual knowledge is not widespread and living out one’s faith is as much about ritual access as theological knowledge. When intertwined with culture, religion is not only a framework for morality but also a force that shapes the rhythm of lived reality. Again, this was stolen by the CPK.

**Characterizing the experience: haemorrhaging culture and a rupture in history**

Before examining the various means adopted by the Cham to restore and repair their community, it is important to characterize adequately what they endured. To discuss their experience as if it were possible for a culture to ‘adapt’ to it, as it

---

\(^{34}\) Le Vine, *supra* note 14.

\(^{35}\) Imam 3, Phnom Penh, interview by author, 7 August 2012.

\(^{36}\) *Ibid.*
might ‘adapt’ to phenomena such as new technology, effectively normalizes genocide. Yet genocide is uniquely aberrant. It cannot be placed within the normal discourses of cultural encounter, and any attempt to maintain cultural heritage in such a context is akin to putting hand pressure on a haemorrhaging wound: the objective is to limit the loss of blood until the wound can be sealed. Le Vine, for instance, discusses how in some cases there were attempts during DK to modify traditional practices such as funerals, in ways deeply unsatisfactory to the people practising them. This is not a description of the modification of culture to context, but of a desperate attempt to retain a culture in the context of it being lost, hour by hour.

I would describe the Chams’ experience between 1975 and 1979 as a ‘rupture in the process of the construction of reality’. Here I follow Bruce Mazlish’s view that while historians tend to ‘draw a smooth line through the past’, exploring shifts in dynasty, for example, it is important to identify such points of ‘rupture’, which mark an abrupt change in history.

David Gottlieb develops this argument in relation to the Shoah. He explores the idea of ‘rupture’ in terms of the ‘intersection of the mystical and the socio-theoretical’ on a vertical (mystical/religious) axis and a horizontal axis (the ‘line’ of history). For him, the effects of rupture on a culture are profound and irrevocable. ‘Rupture most often can be seen as a spike of “vertical” energy into the flow of “horizontal” history, where it initiates a cascade of ruptures and begins its flow toward the stream-bed of cultural memory’ with which it interacts. He argues that following the Shoah, the Holocaust became an intrinsic part of Jewish cultural memory.

I quote Gottlieb deliberately because I maintain that what happened to the Chams was a ‘rupture’ comparable in its magnitude with the experience of the Shoah; however, the Cham experience of attempting to preserve their culture, and the changes that resulted from its rupture, took place in a very different context. While the Chams were able, through strategies akin to those discussed by Le Vine, to maintain elements of their culture during DK, the priority after its fall was not memory but survival. Unlike the period following the Nazi Holocaust, when memories of the Shoah could be deposited in cultural institutions – especially after the creation of the State of Israel in 1948 – the Chams’ first attempts at reconstruction of their culture were taking place in the context of an ongoing war, a Soviet-backed Vietnamese government, and the very real fear of a KR return to power. (At this point the United Nations officially recognized Pol Pot and the KR as the legitimate government-in-exile.) There was no place to deposit memory, cultural and religious knowledge. The Vietnamese government was concerned with national redevelopment, and while culture did play a part in that redevelopment, preventing starvation was paramount.

**Early reconstruction**

I situate the reconstructive experience of the Cham community from 7 January 1979 to the late 1980s in the praxes of memory and imagination. As Benedict
Anderson outlines, people are socialized into the ‘imagined communities’ they construct through narratives of collective identity – the ‘biography’ of the community. In this process of socialization, two kinds of memory are at work, as distinguished by Jan Assmann: ‘communicative memory’, which operates between generations in daily discourse; and ‘cultural memory’, which links generations long dead to the present. As the eldest of a society die away, there comes a turning point at which communicative memory becomes cultural memory. Once this happens, those memories have to be deliberately maintained within the culture by generations of people who were not themselves alive to witness the events and do not know anyone who was. As these memories become ever more distant until no one is around to contest them, later generations interpret the distant past in the light of the present context. The distant past is constructed as the foundation of contemporary identity. The three years, eight months and 20 days of DK were the period of rupture in the capacity to construct reality, to carry out ‘communicative memory’ between generations and interpret ‘cultural memory’ of a fixed point in light of the present. While not ‘long dead’, the sheer number of dead, coupled with the physical destruction of artefacts and literature, and the total immobilization of the process of the social construction of knowledge, meant that the ‘communicative’ and ‘cultural’ processes were forced to overlap and occur at a greatly accelerated pace.

Both Anderson and Assmann presume, first, that socialization can occur and, second, that the binding chronological sequence of events making up a community’s history/biography can be ‘emplotted’ into a linear narrative nourished by personal and public memories with sources (texts, buildings, photographs, letters – all meaningful texts and artefacts that contribute to the narrative) which provide meaning to that sequence and make it into a coherent story to be told. An imam I interviewed described the difficulties inherent in both these processes after absence, damage and silence:

‘In 1979 there were few people about, no temples, no mosques. Many people went back to their homeland. We tried to find family or friends. Muslims tried to find communities together. Of course after 1979 we lost all, no clothes, no money or material to carry out our traditions, the way we used to – weddings for example. But we remembered all, we kept the spirit alive, we didn’t lose our traditional culture.’

The process of memory production, the transmission of knowledge and cultural memory and the ability to construct personal and communal reality had to begin with the most basic element – a community of people have to be together in the first place. Following this immediate need just to be together, the question of ‘What makes us Cham?’ had to be affirmed. Here two imams explain to me the situation following the end of the regime:

44 Imam 3, Phnom Penh, interview with the author, 7 August 2012.
‘The religion was almost totally destroyed by the Pol Pot regime. Not many Muslims with a high education were left alive. In some villages they had some older people who would try to pass on their knowledge to the younger generation. For women they explained about the Hijab. They explained what they knew of the religious teachings. At the time we didn’t have a Mosque. We had to do this all in each other’s homes, or maybe build a small house that acted as a kind of Mosque in the village. We had to update and develop from day to day, year to year. After 1979 there were no written records left in the country; mostly everything had to occur from one person passing it on orally to another. This included the Koran; people had to pass on what they could remember from the past to the young generation.’

‘Only a few places in Cambodia still had any documents or Korans … we tried to copy it by hand.’

The identity of the Chams is predicated on multiple factors, not simply on practising a different religion from the majority; yet, after genocide it was to their religion that the Cham community initially reached out as the most significant factor in rebuilding their sense of themselves. Cham scholar Farina So argues that Cham people after DK ‘tend to identify more in terms of their religious rather than their cultural identity. So this is something we can say in terms of change due partly to the impact of the KR policy and partly because of modernity, globalization.’

The Chams had to recoup as much of their pre-DK cultural knowledge as they could. Often this meant identifying elements that could be recalled out of the ‘ruins of memory’. This comprised small scraps out of context, personal memories and an imagined version of their pre-genocide culture. One imam described how the KR forced him to eat pork and then asked:

‘Why are Muslims not allowed to eat pork? I don’t know. Many people in the world that take the Muslim religion do not eat pork.’

This man knew that Muslims did not eat pork. It is a piece of knowledge he has about his religion, as is the fact that women wear Hijabs. The wider ontological reasoning is not immediately important. This scrap of knowledge is a starting place. In a context where few imams had survived to explain details of practice, the community had to find the most basic elements of their culture: diet and clothing were the first available ways to demonstrate faith and reclaim culture, especially as no mosques and very few copies of the Koran remained to reinforce them.

Later reconstruction: foreign influence and local memory

Several interviewees noted that their attempts to redevelop cultural memory and re-imagine their community occurred without external assistance on a large scale.
until the mid-to-late 1980s. These three imams explained their experiences; and although all three live in different places and have never met, they have similar comments to make, as demonstrated below:

‘Mostly we have to do this internally, from ourselves … in terms of identity and culture it is on us that we have to reaffirm this.’\(^{50}\)

‘At the time we built a mosque by taking the wood from an old house and then we prayed in small mosque. We were not helped at that time by Muslims from overseas.’\(^{51}\)

‘We had to do everything ourselves. People donated rope or wood or some money to rebuilding. The UN did not help. Buddhist and Muslims worked together at the time. Many countries recognised Pol Pot’s government as the real government of Cambodia; this is why they gave us nothing.’\(^{52}\)

Stoddard contends that Cham culture, particularly among ‘traditionalist’ adherents,\(^{53}\) has latterly been subjected to an influx of foreign Islamic practice, which undermines Cham tradition. Likewise, Agnès De Féo argues that the influx of foreign proselytizers has meant that cultural variants of Islam are threatened with disdain in their quest to bring ‘true’ Islam to the Cham.\(^{54}\) Islamologist Oliver Roy also argues that the globalization of Islam promoted by foreign proselytizers actively seeks to ‘de-culturalize’\(^{55}\) Islam, advocating a non-territorially bound, universal form of Islam, which simultaneously promotes a ‘delinking of Islamic religiosity from ethnic cultural identity’.\(^{56}\)

Undeniably there have been great efforts from the Gulf States, Malaysia and India, which have altered the character of Cambodian Islam, and I do not argue with this analysis. However, I would nevertheless place the impact of KR eliminationist\(^{57}\) policies as central to modern Cham culture. It is the destruction the KR wrought that makes cultural reconstruction on a huge scale so complex. It is not so much that Cham communities have been overwhelmed by the new globalized Islamic influences as that the magnitude of the vacuum since 1979 has made these influences harder to balance. As Farina So explains:

‘After the regime they tried to carry on, but minorities were fearful of being targeted again, singled out, so they tried even to hide their identity. They didn’t want to talk in Cham, because the KR targeted anyone who spoke in that language, so they felt a fear that the KR would come back, fear that they would be treated badly. After the regime they started to reconstruct their identity, reviving

\(^{50}\) Imam 5, Kompong Cham, interview by author, 3 October 2012.

\(^{51}\) Imam 1, Kandal province, interview by author, 6 August 2012.

\(^{52}\) Imam 3, Phnom Penh, interview by author, 7 August 2012.

\(^{53}\) Stoddard, supra note 4, at p 242.

\(^{54}\) Agnès De Féo (2007), ‘Transnational Islamic movement in Cambodia’, conference paper presented at Dynamics of Contemporary Islam and Economic Development in Asia From the Caucasus to China, India International Centre (IIC), 16–17 April, New Delhi.


\(^{56}\) Ibid, p 25.

the same as before. However, in 1993 when Cambodia adopted free market economics and we had UNTAC [The United Nations Transitional Authority in Cambodia] people made contact with foreigners, and so this influenced their process of rebuilding their identity and culture, because they [the foreigners] offered something to the community and the people. So partly due to the international efforts, people from around the world – like Saudi Arabia, Malaysia, India – came, and also spread the teaching of Islam. And sometimes these were very different … so people adopted and combined with their local practice. So now it’s very diverse.”

What emerges from this discussion is a history of a community asserting itself, recouping tradition in extremely difficult circumstances. Identity is reformed in the aftermath of genocide. To draw again on the experience of the Shoah: Cham identity, like Jewish identity, is of course not clear-cut or universally internally agreed upon; however, just as the Shoah is core to the modern Jewish identity, what Cham communities endured under DK is now core to the ‘biography’ of their community, regardless of diversity within the group. While a single experience does not create a homogeneous identity, it is a source of something that binds the group. Indeed, it allows for a particular kind of imagining of group identity that cuts across the differences in religious practice I described earlier.

William Collins argues that the ancient cultural memory of the Champa kingdom, which prior to 1975 formed the basis of Cham cultural identity, has given way to a religious-based identity. By asserting selfhood through a religious rather than an ethnic identity, the Cham community is able to demarcate a space for itself amongst the Khmer majority in a way that does not pit it against that majority. Collins suggests that the Chams turn to foreign Islamic cultures as the ancient ethnic identities surrounding the Kingdom of Champa marginalize them from the rest of Cambodian society. I offer an alternative reading. All Muslim Cham had to rebuild with minimal resources in the 1980s. In the context of war, food shortages and global political isolation, the ability to create and pass on the social knowledge that would enable a continuity of cultural identity from the pre-1979 period was impeded. Assembling cultural memories about the ancient Kingdom of Champa was not a priority, or even practical, in the 1980s. Religion was available; and the most widely known cultural factor – the most prominent piece of cultural self-knowledge – was the religious tradition. Religious heritage became the prime mode of cultural affirmation. But with sparse resources for a long time, the capacity to assemble a cultural memory based on the imagined version of the past was extremely difficult. Hence the arrival of foreign assistance was welcomed, as one of the imams I spoke to explains:

‘The Cham were helped by the Arab countries. We wanted them to take the young generation to those countries to study so that they would have knowledge of their religion; after that they can come back and teach in Cambodia as Islamic teachers because in Cambodia we have so few.’

58 Farina So, interview by author, 29 June 2012.
59 Professor Yehuda Bauer, interviewed by Amos Goldberg, 18 January 1998.
61 Imam 2, Kandal province, interview by author, 6 August 2012.
Foreigners, explain another two imams, offered a way to fill the gaps in social knowledge:

‘The Muslim religion in Cambodia now has more than in the past…. Compared to the 1960s everything is larger and more detailed than before and up-to-date. Today communication is better. The way of practice in the mosque, and worship to God, is more detailed than before… In Pol Pot, we lost everything, now we take everything, so we have not lost anything now.’\(^{62}\)

‘Now the young generation, if you compare this time to the Pol Pot time, they get a lot of help from overseas, from the government, so they can understand more the Muslim cultures more than the old people. During the Pol Pot time people were unable to properly respect their religion or have knowledge of it. [The young] have more knowledge and understanding of Islam.’\(^{63}\)

In these conversations, the main point being made was not that foreign influences were undermining the culture, but rather that the arrival of foreign Muslims presented an opportunity to fill the social and cultural gaps created by DK. However, while it is on the one hand a source of pride that the younger generation should receive such knowledge, and the imams I interviewed were pleased to feel part of the global *Ummah* in a way they had not in the pre-DK era, there was on the other hand, as the above quotation illustrates, some anxiety about practising Islam ‘properly’. There is even a sense that the foreigners are able to practise Islam ‘better’ than the local population, a welcoming of the foreign influences because older domestic actors do not feel so well qualified to teach Islam.

The older generation was perhaps anxious to embrace the universalizing form of Islam offered by proselytizers as the most readily available connection to the *Ummah*. Chams were able to find some manifestation of their religion, without necessarily making a conscious choice to override local tradition in so doing. Given the cultural destruction of the KR, foreign proselytizers were able to fill a vacuum without having to contend with local cultural forms to the extent they may have experienced in other locations. The younger generation has been educated in this newer mode, which does not conceive religion as something one is culturally born into, but rather as an abstract, de-culturalized philosophy/practice de-linked from ethnicity, and this has consequences for the way they understand their Cham identity.

**The post-DK generation**

Without a place where pre-1975 culture could be stored and accessed, globalized Islamic movements could overwhelm any local manifestations and push the old customs out of cultural memory. Hence it is important to explore how the history of the ‘rupture’ of 1975 (the story of the DK period) has flowed, as Gottlieb puts it, ‘toward the stream-bed of cultural memory’.\(^{64}\) The struggles of the 1980s and the arrival of international influences have marginalized not only traditional cultural

---

\(^{62}\) Imam 5, Kompong Cham, interview by author, 3 October 2012.

\(^{63}\) Imam 1, Kandal province, interview by author, 6 August 2012.

\(^{64}\) Gottlieb, *supra* note 39.
memory, but also the experience of the older generation who lived through DK – the story so intrinsic to understanding modern Cham society and culture. One of the most shocking things to encounter amongst the post-1979 generation (not just in the Cham community but also amongst many Cambodians born after 1979) is a widespread ignorance of the Cambodian holocaust – disbelief that it ever happened, or the assumption that the older generation are exaggerating, a tendency described by one interviewee, as follows:

‘Often I tell the younger generation in my village and also I have taken them to S-21.\textsuperscript{65} Before they do not believe, but afterwards when I took them to see, they believe the story. Also in Pol Pot there were no mosques, no religion at all, so sometimes when talking to young people they can’t believe me but after showing them they believe.’\textsuperscript{66}

I asked this same imam, ‘Why do you think that it is difficult for young people to believe it happened?’ He replied:

‘Kids who are teenagers or twenty-somethings just only hear [about what happened]. They have never seen this kind of thing, so are reluctant to believe. But if they see some evidence it builds up their ability to believe.’\textsuperscript{67}

The young are unable to reconcile what they see today with the past described to them by their (grand)parents. In their lifetime they have never experienced or seen Cambodia as it was in the late 1970s to the mid-1980s. It is difficult to imagine their nation in such a state. Nor have they ever seen a Cambodia in which they were unable to practise their religion or were forced to commit acts that were haram. As the imam quoted below indicates, the younger generation are unable to comprehend a situation in which a beloved and devout grandparent would eat pork.

‘Sometimes some families have told this story as they think it’s important for the young generation to know, to understand, but for the young generation I do not think they are so interested…. Because they have never themselves encountered such an experience, some of the experiences that they are told they find unbelievable – like for people to eat trees, or eat one corn for two people over a day. To eat pig – the grandparents will say, “I eat the pig meat”. The younger generation don’t believe it. For now they do not eat it. They say that “Pork is not for us”. The young never see this themselves, so they can’t believe.’\textsuperscript{68}

This lack of knowledge about the DK period is compounded by the lack of formal memorialization of the Cham experience. There has never been a space to ‘store’ the cultural memory of the DK era, from which it could later be disseminated to the younger generation. Indeed, in my interviews I encountered different approaches. Some imams spoke of a concerted effort to discuss DK in the mosque, while

\textsuperscript{65} Former DK era prison and torture centre and now the site of the Tuol Sleng Genocide Museum.
\textsuperscript{66} Imam 1, Kandal province, interview by author, 6 August 2012.
\textsuperscript{67} Ibid.
\textsuperscript{68} Imam 2, Kandal province, interview by author, 6 August 2012.
others left the topic to be discussed within families. This has led to a younger generation often ignorant of one of the defining elements of its social, historical, ethnic and religious identity.

In sum, lack of assistance in rebuilding ethnic and religious identity immediately after the fall of DK in the 1980s played a role in diminishing the confidence of the survivors to transmit religion and culture – as there were so few resources available for them to do so. The subsequent ever-increasing presence of foreign proselytizers, preaching universalizing forms of Islam, was embraced by a community seeking out a religious/cultural marker to affirm its identity. Yet the effect was further to facilitate the fading of pre-1975 cultural forms of Islamic practice from the popular memory and the imagination of the younger generation. Similarly, as the situation in Cambodia improved and there was development of Islam (in the form of mosque building and teaching) by foreign Islamic bodies, the reality of DK became increasingly unimaginable, especially as the Cham as a group began to identify in terms of religion rather than ethnicity.

The impact of the ECCC

More than 30 years after DK, the ECCC seeks to hold to account those ‘most responsible and senior leaders’.\(^\text{69}\) Within this process there is a degree of space for victims to participate directly.\(^\text{70}\) Those who believe they have been subject to physical, psychological or material harm as a result of the crimes under investigation can apply to be a ‘civil party’ and be represented by one of the co-lawyers.\(^\text{71}\)

In this respect, the Tribunal is what the Legal Outreach Officer calls ‘kind of an experiment … [an] attempt to address some of the shortcomings of the models of ICTR/ICTY [International Criminal Tribunal for Rwanda/International Criminal Tribunal for former Yugoslavia], where you had a process that was completely distanced from the people in the countries involved…[Those courts] happened in completely different places and you had no national ownership of the process.’\(^\text{72}\)

Placing the international legal process ‘in-country’ with a civil party process attempts to address this problem of institutional disconnect. The civil party element of the ECCC process provides ‘moral and collective reparations’, defined as measures that:

‘(a) acknowledge the harm suffered by Civil Parties as a result of the commission of the crimes for which an Accused is convicted;
(b) provide benefits to the Civil Parties, which address this harm. These benefits shall not take the form of monetary payments to Civil Parties.’\(^\text{73}\)

In practice, the term is somewhat vague and open to interpretation, especially

\(^\text{69}\) Extraordinary Chambers in the Courts of Cambodia – ECCC (2009), An Introduction to the Khmer Rouge Trials, 2 ed, University of Oslo/Australian Government/Office of Public Affairs, ECCC, Phnom Penh.


\(^\text{71}\) Ibid

\(^\text{72}\) Lars Olsen, Legal Affairs Spokesman at the ECCC, Interview with author, 18 March 2010.

since the accused people are indigent. However, as Maître Olivier Bahougne, the International co-Lawyer for the Cham civil parties in court, states, the process in itself constitutes a form of ‘reparation’:

‘This definition is made by the court – for me, it is new to me. From my point of view, “moral reparations” means the most important thing is to show that the active participation as civil parties in the court is moral reparations.’

Civil parties have their experience represented in a forum that is a trusted mechanism. This is not to say that there have never been previous public discussions, but their trustworthiness and relevance were questionable. For example, the National Day of Remembrance (20 May) in Cambodia was brought into existence only in 1983 by the Vietnamese occupying government as the ‘Day of Maintaining Rage Against the Genocidal Pol Pot-Ieng Sary-Khieu Samphan Clique and the Sihanouk-Son Sen Reactionary Groups (also against the Americans, and Chinese)’. The focus of this holiday (only named the ‘Day of Remembrance’ in the mid-1990s) was on legitimizing the government, not on commemorating the events of DK. Some of those I interviewed are aware that the focus of the Day of Remembrance is political rather than genuinely commemorative. While they do participate, this is due to a lack of alternative options. As one imam explained to me,

‘We don’t have a specific date to [remember the past]. It’s perhaps up to the individual families who may come to the mosque to pray or dedicate food, but mostly those who lost their relatives. We don’t have a specific event.’

Another imam expressed his concern that, while they participate in the 20 May events, specifically Cham experience of DK is subsumed into this generalized narrative. He told me:

‘We would like a specific day or place to commemorate this Khmer Rouge time but this is not up to us, it’s up to the highest Muslim leader in Phnom Penh; and even though we don’t have a specifically Muslim/Cham event to commemorate this time we are invited by the government to join the national day, the May 20th Day of Remembrance; we never miss it, and go to participate.’

In contrast to the state mechanism of commemoration, the ECCC currently offers a forum whereby specifically Cham narratives are affirmed. New evidence presented in court and in the investigations of the Office of the Co-investigating Judges affirms the rupture endured by the Chams and helps to underpin emerging

---

74 Olivier Bahougne, Civil Party Co-Lawyer (representing Cham Civil Parties), interview by author, 25 July 2012.
75 Imam 6, Kompong Cham, interview by author, 3 October 2012.
76 Imam 5, Kompong Cham, interview by author, 3 October 2012.
77 Trial Chamber (20 July 2012), Trial Day 81 (Case 002), Doc No E1/93.1, pp 142–147. David Chandler was the witness, and states that he ‘revised my previous statement’ after an exchange with Civil Party Lawyer Olivier Bahougne, when Bahougne presented Chandler with documents that he had not previously seen – this was connected with a discussion of the dates of revolts.
new scholarship on the subject. The UN backing of the ECCC is key to the representation of the Cham experience: their words are not simply spoken, but noted down, scrutinized and affirmed by the nation and the international community. For possibly the first time since the end of DK, there is a public demonstration to the younger generation of an element of Cham identity that survivors have found difficult to transmit to them. The UN presence affirms to the younger generation both the legitimacy of the mechanism and the truth of the story.

One of the imams explained to me the impact of the ECCC:

‘Every day … we can see the high leaders’ prosecution on the TV broadcasts. People believe it when they see in the court. People believe it because a lot of countries are spending millions of dollars for this prosecution; so this is the reason people believe it to be a true story. For the young generation, before they think it is a joke story when their parents [tell it] to them but after seeing the ECCC and their parents’ words, plus other sources, they will believe… It’s very important as a document of history. It’s a real story, and useful for the younger generation and those who don’t believe it: they can observe and listen to the history… During the Pol Pot time, many of the Cham people were forced to betray their heritage. We were forced to eat pork, not allowed a mosque, not allowed to worship to our God. So when the court asked the story related to the Cham, what the Pol Pot Cadre and leaders forced them to do… now we can take everything back. We can take the story from court as a souvenir of history, and take it back to talk about again, and then we can think more clearly about our culture. We lost our traditions during the Pol Pot time, many of the Cham people were forced to betray their heritage. We can take the story from court as a souvenir of history, and take it back to talk about again, and then we can think more clearly about our culture. We lost our traditions during the Pol Pot time, so I am grateful for the court that takes our story, our Cham story, to be heard and prosecuted in the court. It’s very important for our people, especially the young generation, that they should know how bad the Pol Pot do to own people, to the religion, to Allah’s followers during the Pol Pot.’

For the first time ever, the Cham people can discuss pre-KR culture free from civil war and struggle for survival, and with less emphasis on foreign religious influences with a possible agenda to override ‘non-orthodox’ Islamic practice. The court is filling the gap in the cultural memory of Cham history in DK that is central to the ‘biography’ of the community. Farina So explains the significance of the ECCC as a tool to build a collective memory in the following terms:

‘… Memory is very important. If we don’t have a trial, people would lose the past experience. So the tribunal does secure their memory, to think and to recall and to share with the next generation and their children. This is very important. Before, they tried to hide their identity, or to try to survive in the Khmer Rouge time, this is very important.’

---

79 For example, Ysa Osman, supra note 29; and Ysa Osman (2006), Cham Rebellion: Survivors’ Stories from the Villages, Documentation Center of Cambodia, Phnom Penh; Carol Wagner and Valentina DuBasky (2002), Soul Survivors: Stories of Women and Children in Cambodia, Creative Arts Book Co, Berkeley, CA; Farina So (2010), ‘An oral history of Cham Muslim women in Cambodia under the Khmer Rouge (KR) regime’, dissertation, Ohio University, Athens, OH.
80 Imam 3, Phnom Penh, interview by author, 7 August 2012.
81 Farina So, interview by author, 29 June 2012.
However, one potential anxiety expressed to me by my interviewees is that the ECCC may focus only on narrow legal arguments surrounding criminal charges; the most important issue for them was the destruction of their culture. One imam discussed with me the inadequacy of a legal process as a means to convey the story of the Cham:

‘We listen to the court mostly from the TV; mostly they talk about all the killings in the court, [the criminal charges of murder, genocide] but not much about the religious persecution or the destruction of traditions…. The young generation know that the Khmer Rouge killed, but they do not know the experience of that time … the way the practice and tradition was attacked … and the impact this had … the full story of what was done to our culture and traditions. Of course there was much killing during the Pol Pot time, and this is what the ECCC talks about, but there were other things done to us, like forcing to eat pork and other haram practices that impacted hugely on us, but is not something that is covered by the legal case… We want them to discuss the cultural destruction and the impact of that… The ECCC is famous, so it makes people remember the story and what happened to the older generation. It shows the young people… It’s very important for the young generation to understand their culture and tradition – that Pol Pot attacked our culture – and it is most important for the young Muslims to understand these things. In the Pol Pot time you could not do what you want, now we can.’

Thus there is an explicit desire for the court to address the cultural destruction of the DK era. A discussion of pre-1975 culture can affirm in the imaginations of those born from the mid-1980s onwards an imagined sense of their community. Addressing this is of great importance to Olivier Bahougne, who is concerned to assert the centrality of lived experience:

‘For me this is not just a hearing. For me it is a social and individual process. I am here to help these people and speak for these persons, to explain what, how, they suffered. And to talk about their identity: my job is to show what is this identity. It is my personal point of view that a lot of lawyers would not agree. I try to inject empathy into my work. To understand what they want, their rights to speak and I try to help them in this.

…They [the Khmer Rouge] changed the organization of the family by saying, “You are no longer a child of your parents, you are the child of Angkar”. It’s a way to break down the psychology of everyone and take away their reference points. So people don’t know where they are, who they are, with no cultural reference point. When we write in documents to the court, we don’t quote the law, but discuss experience as a reference. And at this time, I am working on the treatment of the body and the preservation of commemoration ceremonies – imagine living or working on the landscape and you see the body of your mother being eaten by a pig or something.’

Bahougne is thus seeking through his work to represent the Cham civil parties on

---

82 Imam 6, Kompong Cham, interview by author, 3 October 2012.
83 Olivier Bahougne, interview by author, 25 July 2012.
the ECCC and address not only the way that culture was destroyed, but also how it was used by the KR as a weapon against the Cham. The enforced leaving unburied of relatives or loved ones, for example, obstructed the ritual obligations that a family would normally carry out. The KR went further and employed the most obscene method within the Cham cultural context to abuse them, by allowing pigs to eat the bodies.

Frustration at the length of the ECCC process is difficult for all Cambodians; there are concerns that the octogenarian defendants will die before the end of their trial; one, Ieng Sary, already has. Bahougne and his organization (Operation MAÂT) engage directly with civil parties to explain what is happening in the court and its relevance for Cham people. Hence, as he explains here, the Civil Party mechanism has a prominent role in aiding the Cham community to link with their pre-KR heritage, and opens a space to include the experience of DK as core to their current identity formulation.

‘… We go out and speak … with old men, and ask for a narration through which the young learn what happened during the period. And at the first the young people appeared not interested by the story. But if you wait a little, they become interested. So the hearing is a good way to educate the young about what happened, for the Cham specifically it is a way to help them find their identity. For example, we made them a photographic report. We took some pictures in one village and another from different points in time. You can see a wedding ceremony, for example, was once like this, and now it’s like that, like how they did before [DK]. It was a way to help them find the way they used to do things, because they lost part of their ceremonial traditions.

… And when we go out in a village and show them a video of a witness or something, and you compare with the beginning, where there is maybe three people attending, and by the end you have almost half the village. And they speak about it together. Sometimes, people for the first time discuss this. Before this, they never discussed this. I remember one time, I went in a village, and there was a guy and his sister, and they talked about this and said, “Oh, you remember this” etc, and at the end the sister said, “Do you remember that time when we take a chicken and the Khmer Rouge didn’t see?” And for the first time they begin to speak in the family. And they lost their parents, the young people, they lost so much. This is an effect of what we do.’

In sum, part of the ‘reparations’ the ECCC aspires to provide are in the telling of the story, in an institution that is perceived to be neutral. The ECCC is thus enabling a unique contribution to the biography of the community. Among the people I spoke to, the ECCC is not just about proving a legal point of genocide, or even about providing a body count. It is also an institution which facilitates intergenerational knowledge transfer. It demonstrates the lived experiences of the DK period to the young. It also highlights to the larger community that the Cham had a culture prior to 1975, which was almost annihilated by the KR. Today that culture is less well known, and the ECCC plays a vital role in addressing the risk that as the older generation dies out, it will fade out of the collective and historical

84 Olivier Bahougne, interview by author, 25 July 2012.
memory of the community. The ECCC (the MAÂT team) generates discussion to
this end.

Today the group identifying as Muslim Cham is a much more confident com-
munity, and the ECCC process is embraced as an opportunity to add to the social
stock of knowledge forming the basis of their identity. It is possible to establish
continuity with the past. Information is emerging about the once ‘black hole’ era
of the DK, and is nourishing modern identity construction. The younger genera-
tion can now imagine the past and how it connects with their present, through the
representation in court not of a list of single crimes (murder, torture) but of an
attack on the culture. The ‘biography’ of a community is being rewritten through
the process. The court provides a vessel in which knowledge can be stored and
accessed and a more complete understanding of the Cham community’s history
becomes possible.

This paper focuses on only one of the legal teams and one group of civil parties
in what is a large and complex institution (the ECCC), so any conclusions drawn
have to be understood in terms of this specific case, rather than as generalizations
about the entire ECCC’s Center for Advanced Study (2006), Justice for the Poor?
An Explanatory Study of Collective Grievances over Land and Local Governance
in Cambodia, CAS/World Bank, Phnom Penh’s impact on the wider nation or
other minority groups.

For those to whom I spoke, the ECCC offers a unique opportunity to discuss
life before, during and after DK. The evidence provided in this paper points to the
fact that those who lived before and during DK are able to use the ECCC to open
dialogue with the post-1979 generation and address the latter’s lack of awareness
about Cham culture and history. The fact that the ECCC’s process is taking so
very long is problematic. It causes great anxiety, in that there is a finite time in
which to obtain as much information about the story as possible before the de-
fendants die and the process comes to an end. Yet what this paper demonstrates is
a sense of the legacy of the court amongst a particular community. The ECCC is
part of a three-decade process of cultural reconstruction. But it is providing a
unique addition to this process. For the younger generation, much of this informa-
tion is new, and both the institution and the discussion it generates enable that
generation to ‘re-imagine’ its community and identity.