

The Sights over Outreach at the Extraordinary Chamber in the Court of Cambodia

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▪ Outreach Activities by the Bodies of the ECCC

Since the Extraordinary Chamber in the Court of Cambodia (ECCC) was created in 2004 pursuant to a 2003 agreement between the Royal Government of Cambodia and the United Nations, "to bring[ing] to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and senior violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia that were committed during the period from April 17, 1975 to January 6, 1979¹", the landmark hybrid tribunal officially launched its work in February 2006² and started its proceedings in July 2007³.

Operating as a hybrid tribunal within the Courts of Cambodia is split administratively and financially between two different sides, one Cambodian and one international⁴. The Court is divided between the Chamber and Judicial Offices (including the Office of the Co-Prosecutor and the Office of the Co-Investigating Judges), and the Office of the Administration. The Office of Administration in turn is divided between the Director of the Office of Administration (under which is the Public Affairs Section),⁵ and also includes other sections: the Defence Support

¹ The Draft 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 was approved by the General Assembly on May 13, 2003 UN Doc.A/RES/57/228B ,p.2. It was signed on June 6, 2003. (See www.eccc.gov.kh/sites/default/files/legal_documents/Agreement_between_UN_and_RGC.pdf)

² The ECCC was established in February 2006 when the Director and Deputy Director of the Administration commenced their work. The judicial work of the ECCC began in July 2006 with the swearing of the judicial officials. Available at http://www.eccc.gov.kh/english/news.view.aspx?doc_id=20

³ 18 July 2007 The Co-Prosecutors file their first introductory Submission requesting the Co-Investigating Judges to investigate Noun Chea, Ieng Sary, Ieng Thirith, Khieu Samphan and Kaing Guek Eav alias Duch. The Court Report ,March 2011, Special Focus (TIMELINE), at 4, available at www.eccc.gov.kh/en/publication/court-report-march-2011 (last visit on 06 June 2011).

⁴ ICTJ | Report of the ICTJ-ECCC Workshop on Outreach Strategies in International and Hybrid Courts, Phnom Penh, March 3-5, 2010, at 4, conducted by the International Center for Transitional Justice. Available at www.ictj.org [hereinafter ICTJ].

⁵ *Id.*

Section (DSS), the Victims Support Section (VSS) (formerly known as the Victim Unit), and the Witness and Expert Support Unit (WESU).⁶ Within the Court, the ECCC Public Affairs Section (PAS) and the Victims Support Section (VSS) were set up to be the main interfaces between the Court and external audiences.⁷ At the ECCC outreach activities are divided between the mandates of PAS and VSS. The mission of former, acting as the court's external face, is to provide information on the activities of the court to the general public and build confidence in the judicial process. The latter has a more specific focus on outreach to civil party applicants and complainants. While the objectives of PAS include raising awareness of the ECCC among the general population, in order to win support and encourage participation in the court proceedings, VSS works more specifically on a one-to-one basis with victims, especially civil party applicants and complainants, to explain and guide them through the judicial process.⁸

1. The Public Affairs Sections (PAS)

After the loss of Mr. Reach Sambath, who had worked for the Public Affairs Section first as Press Officer and then as Chief for the last five years⁹, The Office of Administration of the Extraordinary Chambers in the Courts of Cambodia (ECCC) announced some changes made to fill vacancies and to strengthen the Public Affairs Section of the ECCC.¹⁰ Mr. DIM Sovannarom, who until recently served as Press Officer, will be Officer in Charge of the Public Affairs Section¹¹. Mr. HUY Vannak has been appointed to a new position as Public Affairs Officer within the Public Affairs Section¹². Mr. NETH Pheaktra has been appointed as Press Officer within the Public Affairs Section¹³. Public Affairs also have Cambodian directors and international deputies.¹⁴At the present time, the outreach activities of the Public Affairs Section

⁶ AFTER THE FIRST TRIAL: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia, Author: Vinck, Patrick, Pham, Phuong N, Balthazard, Mychelle, Hean, Sokhom, at 10, Publication Date: 06-01-2011, Series: Reports, Publication Info: Reports, Human Rights Center, UC Berkeley Permalink: <http://escholarship.org/uc/item/2f42q5vx>, [hereinafter AFTER THE FIRST TRIAL].

⁷ *Id.*

⁸ ICTJ, *supra* note 4, at 7.

⁹ The Court Report, May 2011, Message from the Director, at 3, available at www.eccc.gov.kh/en/publication/court-report-may-2011. (last visit on 06 June 2011)

¹⁰ New Appointments in the Public Affairs Section, Press Release, available at www.eccc.gov.kh/en/media-center/press-releases (last visit 06 June 2011).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ AFTER THE FIRST TRIAL, *supra* note 6, at 9.

have attracted keen attention from the national and international's eyes. PAS, which has conducted the bulk of the Court's outreach activities, is in charge of providing information regarding the ECCC to the public at large¹⁵, so as to build public confidence in the process.¹⁶ Even if the commencement of proceedings it has primarily relied on local and international NGOs to conduct the bulk of the outreach activities relating to the Tribunal,¹⁷ due mainly to budgetary constrains.¹⁸ Since the beginning of the Duch trial, PAS has taken lead in ECCC outreach.¹⁹ PAS has focused its outreach efforts in the past year on facilitating public access to the Duch trial through different activities such as organizing public visits, live video feeds, assisting in production of weekly TV shows, uploading transcripts of the daily proceedings on the ECCC website, and holding weekly press briefings.²⁰ After the Duch trial was over, PAS is focusing on raising awareness about the benefits of public participation in the judicial process and on promoting public support for the progress in the court²¹. Furthermore, The Public Affairs Section have been doing works, as aimed at ensuring that accurate and reliable information is widely disseminated to maximize participation and understanding,²² such as the publications of Duch's Verdict on 26 July 2010²³ (both the entire verdict and the judgment summary in Khmer Language) the court monthly reports, stickers, posters, leaflets, booklets²⁴ to hand out to the general public. The Public Affairs Section is also organized the Public Forums throughout the country via the training course and visits high schools and universities to brief students on the work of the Khmer Rouge tribunal²⁵. In addition, the section hosts Khmer Rouge Tribunal Study Tours every Tuesday and Thursday, bringing a group of villagers from areas throughout the Cambodia to have a guide tour of genocide museum and briefings by the court

¹⁵ ECCC Internal Rules (Rev.7) As Revised On 23 February 2011, R. 9 (4). [hereinafter Internal Rules].

¹⁶ Available at <http://www.eccc.gov.kh/en/office-of-administration/public-affairs>

¹⁷ Norman Henry Pentelovitch, Georgetown Journal of International Law, Spring 2008, at 9, Note 130 [hereinafter Norman].

¹⁸ ICTJ, *supra* note 4, at 4.

¹⁹ AFTER THE FIRST TRIAL, *supra* note 6, at 11.

²⁰ ICTJ, *supra* note 4, at 9.

²¹ *Id.* at 10

²² Norman, *supra* note 14, at 2, note 5.

²³ The Trial Chamber finds Duch guilty of Crimes against Humanity and Grave Breaches of the Geneva Conventions of 1949. He is sentenced to 35 years imprisonment with a 5-year reduction as a remedy. The Chamber also admits 66 Civil Parties and awarded reparations.

²⁴ Available at www.eccc.gov.kh/en/public_affair/publication

²⁵ Available at www.eccc.gov.kh/en/outreach

officials at the ECCC.²⁶ On the other hand, in an effort to make it more user-friendly and interactive, the Extraordinary Chamber in the Court of Cambodia has renewed its website and launched it on 25 March 2011.²⁷ When the trial proceedings begin, the ECCC will post edited audio clips for the proceedings on a website which can be listened to wherever there is a functioning Internet connection.²⁸

1.1. Publications

As mentioning above, to spread the information and the proceedings of the tribunal to residents and the people across the country and the international media also, Public Affairs Section has produced materials relevant in its outreach activities, including producing monthly newsletter in English, producing a one-off publication on the Duch trial, revising the ECCC booklets and producing leaflets, stickers, posters.

a. Duch's Verdict

A week after the announcement of the Duch's guilty, the Extraordinary Chambers in the Courts of Cambodia started to produce 5,000 printed copies of the entire Duch's verdict and 17,000 copies of the judgment summary in Khmer language.²⁹ The publications are to be distributed to the public free of charge.³⁰ The ECCC has distributed these printed versions of the judgment to 24 provinces/municipalities, 188 districts, 1,621 communes, ministries, institutions, universities, high schools, libraries, NGOs, Civil Parties and the general public for the purpose of additional studies and better understanding of Case File 001 in which charges have been brought against KAING Guek Eav, alias Duch.³¹ 5,000 copies of the 450-page judgment and 17,000 copies of 36-page summary version have been printed. This summary judgment was read out by His Excellency NIL Non, the President of the Trial Chamber, on 26 July 2010, subsequent to the 77 days of trial proceedings which were conducted on 30 March through 27 November 2009.³² These publications will become the historic documents of great value for lawyers, law students and professors to further their appreciation of the judicial proceedings, of this court in

²⁶ The Court Report, May 2011, ECCC's Outreach, at 11, available at www.eccc.gov.kh/en/publication/court-report-may-2011

²⁷ The Court Report, April 2011, ECCC Website Renewed, at 3, available at www.eccc.gov.kh/en/publication/court-report-april-2011

²⁸ Norman, *supra* note 14, at 10.

²⁹ ECCC to distribute the " Duch " verdict nationwide available at www.eccc.gov.kh/en/articles/eccc-distribute-quotduchquot-verdict-nationwide

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

particular.³³ But due to the high number of demands, the tribunal has printed an extra 5,000 copies of the full verdict, as well as another 1,500 copies in English and 1,000 in French.³⁴ However, the 10,000 copies of the full-length Duch's verdict and 17,000 copies of the summary in Khmer language it seems not to be sufficed for the thereabouts 14-million Cambodian people. Even though, the ECCC has uploaded the Duch's verdict documents in its website, the internet users in Cambodia by the March 2010 have only 78,500 around 0.5 percent of the population³⁵. It is the very small numbers that expected to access and see the Duch's verdict in the ECCC website, so the ECCC needs to produces some more the copies of the entire verdict and the summary judgment to expose the awareness and understanding to those who did not known about the Khmer Rouge tribunal yet. According to a survey of the Documentation Center of Cambodia (DC-Cam) staffs leaded by Mr. Chy Terith, Team Leader of Victims Participation Project, found that almost half of the respondents (44.2%) said that they had heard a little bit about the Khmer Rouge Tribunal and 26.8% felt that they had received a medium amount of the information about the tribunal. Only 11.6% of all the respondents said that they had heard a lot about the tribunal process. 17.3% told that they never heard of the tribunal at all.³⁶

b. Monthly Newsletter

Since the ECCC was established in 2004, 38th editions of the formal court reports had been published publicly and seen in the ECCC's website. These newsletters were published monthly in an effort to keep the public better informed about what is happening at the ECCC.³⁷ There are seven sections in the court reports, New and Notes, Judicial Updates, NGO Page, Special Focus, Outreach/Court Decision, Outreach Calendar, and Find out more. In the judicial part of those reports, updated from the Pre-Trial Chamber, the Trial Chamber, the Supreme Court Chamber, the Office of the Co-Prosecutors, The Co-Investigating Judges and the Victim's Unit are included.³⁸ Furthermore, in the Public Information & Outreach section, mostly wrote about the ECCC's outreach activities made by the Public Affairs Section, Victims Support Section or Defense Support Section. Whereas, the NGO page talked about the outreach activities of the NGOs and other events related to the ECCC efforts. For the Outreach Calendar

³³ *Id.*

³⁴ Court Report, August 2010, Khmer Rouge Tribunal Distributes Copies of Duch Verdict, at 3, available at www.eccc.gov.kh/en/publication/court-report-august-2010

³⁵ Available at http://www.indexmundi.com/cambodia/internet_users.html (last visit 09 June 9, 2011)

³⁶ A Thousand Voices, Searching For THE TRUTH Magazine, Special English Edition, First Quarter 2009, at 16. available at www.dccam.org/Projects/Magazines/English_version.htm

³⁷ Available at <http://www.eccc.gov.kh/en/articles/eccc-court-report-july-2009> (Last visit 09 June 2011)

³⁸ *Id.*

has included calendars with upcoming Court and Outreach Information. And the last page of the Court Report, Find out more, show of the addresses and website of the ECCC to be reach the court room and find some information about the hybrid court.³⁹ However, there are only some institutions which received the court reports, it were not handed publicly. On the other hand the court reports mostly published only as the English language.

c. Poster/Leaflets/Stickers/Booklets

In addition to facilitating visits to the court, Public Affairs Section (PAS) makes trips to the provinces, visits schools, and participates in public forums. All the events PAS distributes booklets in Khmer, as well as posters, t-shirts, stickers.⁴⁰ The PAS has produced a set of four posters intended to convey discrete messages about the ECCC. The messages are: "everyone can be involved in the process" and "Only the senior Khmer Rouge leaders and those most responsible for committing serious crimes will be tried". The Posters were designed by Peter Foster, the former UN Deputy Director of the PAS.⁴¹

Moreover, the PAS has also printed the fourth edition booklets entitle: "An Introduction to the Khmer Rouge Trials" both Khmer and English to introduce the public to the Extraordinary Chambers and answer some of the questions people commonly ask about the trials.⁴² Whereas, the stickers were produced with the words "I Support the KR Tribunal" both in Khmer and English.⁴³ In addition, the PAS has also published leaflet, the headline is The Trial Chamber Verdict Case 001 Kaing Guek Eav alias Duch, in Khmer and English to assist ordinary citizens in understanding the Trial Chamber verdict in the case against Kaing Guek Eav alias Duch.⁴⁴

1.2. Khmer Rouge Tribunal (KRT) Study Tours

The KRT Study Tours are educational for many participants as well as cathartic for some. Many young generations who were born after the regime was toppled in 1979 find the tour programme very useful in learning the true history of their country.⁴⁵ People from all of

³⁹ Please see the Monthly Court Report of the ECCC, at 12. www.eccc.gov.kh/en/publication/court-report

⁴⁰ ICTJ, *supra* note 4, at 10.

⁴¹ Norman, *supra* note 14, at 10.

⁴² An Introduction to the Khmer Rouge Trials, Fourth Edition, at 4, By Mr. Sok An Deputy Prime Minister and Chairman of the Royal Government of Cambodia Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders.

⁴³ Stickers, available at www.eccc.gov.kh/en/public_affair/publication

⁴⁴ Leaflets, available at www.eccc.gov.kh/en/public_affair/publication

⁴⁵ The Court Report, January 2011, KRT Study Tours Mark 29,000 Visitors From Across Cambodia in 2010, at 1-3, available at www.eccc.gov.kh/en/publication/court-report-january-2011. (last visit on 06 June 2011)

Cambodia's 24 provinces have now visited the court through the Khmer Rouge Tribunal Study Tours, a flagship outreach programme of the Extraordinary Chambers in the Courts of Cambodia which was officially launched a year ago.⁴⁶ About 29,300 people participated in the 80 study tours organized by the ECCC's Public Affairs Section in 2010 and visited the Tuol Sleng Genocide Museum, the Chhoeung Ek killing fields⁴⁷ in the morning⁴⁸ and in the afternoon,⁴⁹ taking the visitors to the main courtroom and providing a brief introduction to the Tribunal,⁵⁰ such as presented a slideshow explaining the ECCC grounds and the court room layout to participants. They then listened to officials discuss the importance of having the Khmer Rouge Tribunal, the role of the co-prosecutors, and the possibility for victims' participation in the proceedings before the ECCC.⁵¹ Later on, they receive the chance to ask question.⁵² On the night before each of these Khmer Rouge Tribunal (KRT) Study Tours, PAS staff members stay over in the provinces and host the Khmer Rouge-related film screenings in conjunction with the Bophana Center.⁵³ Where possible, trips are often combined with Khmer Rouge and ECCC history lectures and the delivery of printed copies of the Case 001 verdict at area schools.⁵⁴ The number of the participants reportedly increased to 32,633 from all provinces across the country,⁵⁵ if combined with the visitors who attended four public hearings at the Pre Trial Chamber earlier in 2010 and the first case's judgment hearing at the Trial Chamber in July.⁵⁶ This figure exceeds the number of people who came to the public hearings in the first case in 2009. Kampong Cham, Siem Reap, Kampong Thom, Kampot and Kandal were the top five participating provinces with more than 2,000 villagers joining the tours each, but residents in as remote provinces as Ratannakiri and Oddar Meanchey also participated in the programme to see

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ ICTJ, *supra* note 4.

⁴⁹ *Id.*

⁵⁰ Norman, *supra* note 14, at 11.

⁵¹ Court Report, November 2010, Pailin Residents Visit ECCC & Toul Sleng, at 4, available at www.eccc.gov.kh/en/publication/court-report-november-2010 (last visit on 06 June 2011)

⁵² *Id.* at 11.

⁵³ The Court Report, November 2010, ECCC's Regular Outreach-KRT Study Tours and School Lectures (19 Oct-14 Dec), at 11, available at www.eccc.gov.kh/en/publication/court-report-november-2010

⁵⁴ *Id.*

⁵⁵ AFTER THE FIRST TRIAL, *supra* note 6, at 9.

⁵⁶ The Court Report, January 2011, KRT Study Tours Mark 29,000 Visitors From Across Cambodia in 2010, at 1-3, available at www.eccc.gov.kh/en/publication/court-report-january-2011. (last visit on 06 June 2011)

the major crime sites in question before the court and to learn how the court is working to bring justice to the Cambodian people.⁵⁷

On the other hand, in an attempt to reach “multipliers,” those who are influential at a grass root level, the Extraordinary Chambers in the Courts of Cambodia began the year with a special collaborative effort with a national association of local governments.⁵⁸ This partnership will strive to include village leaders in the court’s flagship Khmer Rouge Tribunal Study Tours.⁵⁹ The National League of Commune/Sangkat Councils, an umbrella organization for local representatives, has become an ECCC’s new partner in this effort. Together with the league, the ECCC’s Public Affairs Section will organize one KRT study tour each month for a group of commune and sangkat leaders.⁶⁰ The new collaboration with the league kicked off with their first tour on 28 January when about 200 commune leaders from Cambodia’s 24 provinces were brought down from Battambang where they had gathered for a seminar. The group toured the museum to hear a survivor’s story and view the remnants of the former torture centre before visiting the court.⁶¹ Representatives of the court’s Office of Administration welcomed the group and discussed the importance of holding former Khmer Rouge leaders accountable and educating younger generations about this dark chapter of Cambodian history.⁶²

1.3. School Visit

The school visit was the part of the ECCC's outreach initiatives to inform the young generation about the tribunal in the hope that it would deter them from committing similar crimes. PAS is developing an “ECCC briefing” for schools, for which it is seeking endorsement from the Ministry of Education.⁶³

The court’s Public Affairs Section visited the high school to give lectures on the history and the tribunal. The school visit was part of the ECCC’s outreach initiatives to inform the young generation about the tribunal in the hope that it would deter them from committing similar crimes.⁶⁴ Apparently the school visit by the court left an impact on the students.⁶⁵

⁵⁷ *Id.*

⁵⁸ The Court Report, February 2011, KRT Study Tours Extend to Commune Leaders in 2011, at 4, available at www.eccc.gov.kh/en/publication/court-report-february-2011 (last visit on 06 June 2011)

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ The Court Report, available at www.eccc.gov.kh/en/publication/court-report

⁶⁴ The Court Report, April 2011, 5,000 Students at Sisowath High School Meet KRT Officials, at 3, available at www.eccc.gov.kh/en/publication/court-report-april-2011

⁶⁵ *Id.*

1.4. Web-based Information

Innovatively, PAS has used several social networking tools such as Facebook and Twitter, and has created a Flickr page, from which people can access free, up to date images from the court.⁶⁶

In addition, the Extraordinary Chambers in the Courts of Cambodia has renewed its website and launched it on 25 March 2011.⁶⁷ The new website, which can be accessed at (www.eccc.gov.kh), carries more visual images and easy to use reference functions in addition to the ECCC's core legal documents. The search engine enables viewers to navigate from content to content freely, and the list of definitions of legal terminology would help viewers to understand the basics. Even its website was changed to the new one, but the ECCC still remains their old website for those who want to find the old information in that website, and they can access to it at (<http://old.eccc.gov.kh>). Although this old site is no longer updated, it can be still viewed for old data and contents.⁶⁸

2. Victims Support Section (VSS)

In February 2010 there were important changes to the mandate of the Victims Unit, the name was changed to the Victim Support Section (VSS) and its activities expanded to include the development and implementation of programs and measures other than legal ones.⁶⁹ The Judges made changes to the Internal Rules regarding the participation of Civil Parties.⁷⁰ In the seventh revised on 23 February 2011 of the Internal Rules,⁷¹ in rule 12, the VSS was tasked with various responsibilities, such as assisting Victims in lodging complaints and in submitting Civil Party application, maintaining a list of lawyers willing to present civil party applications, providing general information to victims, especially Civil Parties, assisting and supporting Civil Party and complainants' attendance in the court proceedings, facilitating participation and common representation of civil parties, and assisting victim-related outreach.⁷²

⁶⁶ ICTJ, *supra* note 4, at 10

⁶⁷ The Court Report, April 2011, ECCC Website Renewed, at 3, available at www.eccc.gov.kh/en/publication/court-report-april-2011

⁶⁸ *Id.*

⁶⁹ REACHING FOR JUSTICE, Johanna Herman, Centre on Human Rights in Conflict Policy Paper No.5, University of East London September 2010, at 5. [hereinafter REACHING FOR JUSTICE]. Available at <http://www.uel.ac.uk/chrc/documents/CHRCReachingforJustice2010.pdf>

⁷⁰ *Id.*

⁷¹ The seventh revised of the Internal Rules was amended on 23 February 2011.

⁷² Internal Rules, *supra* note 14, R.12 *bis* (1)

Due to inadequate funding, at the beginning, the Victims Unit has delegated responsibility for one of its core mandated task—outreach—almost entirely to NGOs operating in Phnom Penh.⁷³ In the Cambodian context, effective outreach proves critical to the success of the survivor participation initiative due to poor access to information, poor education and illiteracy.⁷⁴ The Victim Information Form is far too complex for the average Cambodian to complete without assistance. As such, survivors require direct assistance in order to exercise their participation rights.⁷⁵ Crippled by a tiny budget throughout 2008 and into the first half of 2009, the Unit has been unable to conduct outreach to inform survivors of their participation rights.⁷⁶ It was not until it received a large grant from the German Technical Cooperation agency (GTZ)⁷⁷, announced in November 2008 about USD \$1.9 million⁷⁸, for improvement of victim participation that the office recruited more staff and was able to take on more activities.⁷⁹ Although it did provide victims with a list of names of lawyers, it did not have the funds to provide them with any representation.⁸⁰ Until early 2009, the Unit was severely understaffed and relied heavily on interns and volunteers.⁸¹ But, this changed in late 2009 when it began recruiting an ECCC-funded legal team that could represent unrepresented Civil Parties. In June 2010, the GTZ provided a further 400,000 Euros⁸² and 1.2 million euro in December 2010⁸³ to VSS to assist this Section fulfill its mandate.

In 2009, the VSS had begun to reach out proactively to victims of the Khmer Rouge. The Section's outreach activities include using the media (radio talk shows, radio spots and advertisements in newspapers) to inform Cambodian about the application process for becoming a complainant or Civil Party in Case 002; participating in NGO meeting and forums; assisting people to visit the Court;⁸⁴ and setting up a 24-hour phone line, where victims from around the

⁷³ ON TRIAL: The Khmer Rouge Accountability Process/ John D. Ciorciari and Anne Heindel, September 2009, Documentation Center of Cambodia (DC-Cam), at 234-235. [hereinafter ON TRIAL].

⁷⁴ ON TRIAL, *supra* note 73, at 237

⁷⁵ *Id.*

⁷⁶ ON TRIAL, *supra* note 73.

⁷⁷ The GTZ has changed to GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) since 01 January 2011.

⁷⁸ ON TRIAL, *supra* note 73, at 234-235.

⁷⁹ REACHING FOR JUSTICE, *supra* note 65.

⁸⁰ *Id.*

⁸¹ ON TRIAL, *supra* note 73.

⁸² REACHING FOR JUSTICE, *supra* note 65.

⁸³ Available at www.vss.eccc.gov.kh/press-release/21-germany-contributes-12-million-euro-to-cambodia-side-of-the-eccc

⁸⁴ AFTER THE FIRST TRIAL, *supra* note 6, at 12.

country could call, seek support and ask questions.⁸⁵ It also in 2009 organized its own series of Regional Forums to hear the views and concerns of Civil Party applicants and Civil Parties, and to answer their questions. Those Regional Forums continue today.⁸⁶ The Regional Forum for CPAs aims to promote victims' participation by providing a safe venue and opportunities for Civil Parties to meet ECCC officials and their Civil Parties Lawyers to discuss their judicial participation.⁸⁷ Other outreach efforts have included TV and radio spots on the scope of the investigation and deadlines for applications, screening the documentary "Long-awaited Day" on victim participation and an updated brochure and website.⁸⁸ In addition, since the late of 2010 the VSS had been published 16-page Newsletter both Khmer and English languages entitled "Victims Participation in the Proceedings of the ECCC" on a quarterly basis.⁸⁹

The VSS has recently developed its 3-year Strategic Plan 2011-2013 to serve as a road map for directing its activities in order to prepare to cope with potential challenges and newly emerging trends, including mass participation of victims in the legal proceedings, outreach activities, reparations, and non-judicial measures.⁹⁰ One of the factors that contribute to the success of the ECCC is the outreach program.⁹¹

2.1. Assisting Victims Participation

Victim participation, beyond their role as witness and in providing evidence, is a new development for international courts.⁹² It presents substantial outreach issues in regard to making information available to the population about the opportunity to participate and the method of participation; providing resources to victims to facilitate their participation; and

⁸⁵ ICTJ, *supra* note 4, at 14, footnote 13.

⁸⁶ AFTER THE FIRST TRIAL, *supra* note 6, at 12.

⁸⁷ VSS Hosted Public Forums For Civil Parties in Battambang and CPs in Kratie, Newsletter, Victims' Participation in the Proceedings of the Extraordinary Chambers in the Court of Cambodia, at 3, Vol.1 Issue No.01, October-December 2010. Available at <http://vss.eccc.gov.kh/en/documentation/newsletter>

⁸⁸ ICTJ, *supra* note 4, at 13

⁸⁹ See <http://vss.eccc.gov.kh/en/documentation/newsletter>

⁹⁰ Victims Support Section prepares for the ECCC second trial, available at <http://www.eccc.gov.kh/node/10476>.

⁹¹ Voice of Victims Through Radio Talk-Show, Newsletter Victims' Participation in the Proceedings of the ECCC, at 5, Vol.1 Issue No.03, April– June 2011. [The recent release of survey result called "A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia," indicated that television and radio broadcasting are the most popular platforms that the 1,000 respondents can (victims and the public in general) access information from. The percentage was from about 71%-82% compared to other print and social media network.] Available at <http://vss.eccc.gov.kh/en/documentation/newsletter>

⁹² ICTJ, *supra* note 4, at 12

supporting victims through the process, including those whose applications are rejected.⁹³ At the ECCC, victims are able to file a Victim Information Form to apply either as complainant with the Co-Prosecutors or as Civil Party with the Co-Investigating Judges. VSS is responsible for collecting and processing Victims Information Forms.⁹⁴ During Case 001, the VSS was the designated support body to Civil Parties, for example, by assisting with transportation to some hearings and finding private places to rest at break times. It also organized meetings between all Civil Parties before and at the end of the trial.⁹⁵ VSS staff were assigned to help the Office of Co-Prosecutors to deliver approximately 2,000 notifications of complaints files by applicants, who live in the provinces of Cambodia and abroad.⁹⁶ For Case 001, there were a total of 94 applicants;⁹⁷ while for Case 002, the number of Civil Party has reached 3,867.⁹⁸ The challenges regarding accessibility to proceedings and the management of expectations are enormous.⁹⁹ The number of Civil Parties puts resource strains on every aspect of the court's work and presents difficult challenges for VSS.¹⁰⁰ Due to VSS' limited resources, NGOs were at the forefront of victim support, which included assisting people to file applications, notifying applicants of the results of their applications, providing legal representation, informing and supporting accepted Civil Parties and applicants,¹⁰¹ such as the Documentation Center of Cambodia(DC-Cam), the Cambodian Human Rights and Development Association(Adhoc). The VSS, in close collaboration with lawyers and civil society partners, is committed to maximizing its resources to reach out to those victims, in particular Civil Parties, and to make their participation meaningful.¹⁰²

2.2. Radio Talk Shows Program

Radio has been used to broadcast weekly ECCC updates, discuss ECCC proceedings and respond to listener questions through call-in sessions.¹⁰³ The ECCC has become an official

⁹³ *Id.* at 12-13.

⁹⁴ *Id.* at 13.

⁹⁵ AFTER THE FIRST TRIAL, *supra* note 6, at 12.

⁹⁶ Newsletter, Victims' Participation in the Proceedings of the Extraordinary Chambers in the Court of Cambodia, at 3, Vol.1 Issue No.03, April-June 2011. Available at <http://vss.eccc.gov.kh/en/documentation/newsletter>

⁹⁷ ICTJ, *supra* note 4, at 13.

⁹⁸ Newsletter, Victims' Participation in the Proceedings of the Extraordinary Chambers in the Court of Cambodia, at 5, Vol.1 Issue No.04, July-September 2011.

⁹⁹ Victims Support Section prepares for the ECCC second trial, available at <http://www.eccc.gov.kh/node/10476>.

¹⁰⁰ ICTJ, *supra* note 4, at 13.

¹⁰¹ AFTER THE FIRST TRIAL, *supra* note 6, at 12-13.

¹⁰² Victims Support Section prepares for the ECCC second trial, available at <http://www.eccc.gov.kh/node/10476>.

¹⁰³ AFTER THE FIRST TRIAL, *supra* note 6, at 12.

sponsor of a Cambodian radio show which educates listeners about the traumatic impact of the Khmer Rouge regime and offers on-air counseling to Khmer Rouge survivors.¹⁰⁴ *"The Past in the Present"* is a one-hour Radio Talk Shows program that was formulated by the Transcultural Psychosocial Organization (TPO) in collaboration with the VSS in 2011. This program was designed to discuss what has been impacted from the Khmer Regime and how the victims could live with that sufferings in the past up to now and how they reflect on the mechanism for victim participation in the proceedings of the ECCC to seek justice and reparations.¹⁰⁵ Schedule of Radio Talk Show by Radio Stations of the Women Media Center in Cambodia (WMC) in 2011 is live broadcast every Friday from 3pm to 4pm via Women's media Center of Cambodia in Phnom Penh via FM 102 MHz, Kampong Thom Province via 104.5 MHz and Svay Rieng Province via FM 93.75 MHz. Re-broadcast every Thursday from 6:30-7:00 and Saturday from 3:30-4:30 by other radio stations in eight provinces such as Pursat Province, Battambang Province, Oddar Meanchey Province, Kampong Cham Province, Kampot Province, Preah Sihanouk Province, Trung Treng Province and Ratanakiri Province.¹⁰⁶ In improving its better coverage information distribution through different channels of media broadcasting to victims and Civil Parties and to get their feedback, the VSS plans to extend the current radio program to next fiscal year, 2012 and beyond.¹⁰⁷ This program helped victims to access information and understand the complicated legal proceedings and fair trial rights.¹⁰⁸ Radio remains the top source of information on the ECCC but is losing ground to television, according to A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia. With respect to radio, the percentage decreased from 80% in 2008 to 73% in 2010.¹⁰⁹

¹⁰⁴ See, ECCC sponsors radio counseling show for Khmer Rouge survivors, available at

<http://www.eccc.gov.kh/en/articles/eccc-sponsors-radio-counseling-show-khmer-rouge-survivors>

¹⁰⁵ Duch Verdict Viewed by S-21 Survivor on Radio Talk Show, "The Past in the Present", Newsletter Victims' Participation in the Proceedings of the ECCC, Victims Support Section, at 11, Vol.1 Issue No.02, January– March 2011.

¹⁰⁶ *Id.*

¹⁰⁷ Voice of Victims Through Radio Talk-Show, Newsletter Victims' Participation in the Proceedings of the ECCC, at 5, Vol.1 Issue No.03, April– June 2011. Available at <http://vss.eccc.gov.kh/en/documentation/newsletter>

¹⁰⁸ Duch Verdict Viewed by S-21 Survivor on Radio Talk Show, "The Past in the Present", Newsletter Victims' Participation in the Proceedings of the ECCC, at 11, Vol.1 Issue No.02, January–March 2011.

¹⁰⁹ AFTER THE FIRST TRIAL, *supra* note 6, at 22

2.3. Newsletter

Since December 2010, 4th editions of official Newsletters both Khmer and English had been published by the VSS and it also seen in the VSS' website¹¹⁰. These Newsletters were published quarterly basis, in an effort to inform the Victims; Complainants; Civil Parties; domestic and international community about the VSS's activities and Court updates.¹¹¹ The first page of the Newsletter starts with the letter of Mr. RONG Chhorng, Chief of VSS, describing the new development of the ECCC and the VSS' commitment to reach out their activities. In the next pages, it describes the activities of the VSS; news from the hearings; and it has photos gallery at the last page as well.

2.4. Regional Civil Party Forum

The Regional Forum is one of the ways through which the VSS implements its project on wider victims' improved participation in the proceedings of the ECCC and empowers Civil Parties in judicial proceedings in Case 002.¹¹² The Regional Civil Party Forum is the first forum for the 16-month project, which was funded by Federal Republic of Germany through GTZ.¹¹³

The purpose of the Regional Forum is to promote victims' participation by providing a safe venue for dialogue for Civil Parties from the provinces and:

- To meet Civil Party Lawyers to discuss their rights at the trial stage and to generate ideas from Civil Parties on collective reparations in order to formulate their civil claim.
- To meet officials from various offices of the ECCC and civil society representatives in order to learn about recent progress of the ECCC.
- To meet Civil Parties from Case 001 in order to learn about their experiences for a better involvement in Case 002.¹¹⁴

¹¹⁰ The official website of the VSS has two languages both Khmer and English, it could be found at <http://vss.eccc.gov.kh/en>. (Last visit November 2011)

¹¹¹ Mr. RONG Chhorng, Editorial, Newsletter Victims' Participation in the Proceedings of the ECCC, at 1, Vol.1 Issue No.01, October–December 2010. Available at <http://vss.eccc.gov.kh/en/documentation/newsletter>

¹¹² MEDIA ALERT, 10th Regional Forum for 300 Civil Parties in Case 002 to be held in Chba Morn Town, Kampong Speu Province, October 26, 2011, Victims Support Section. Available at http://vss.eccc.gov.kh/images/stories/Regional_Civil_Party_Forum_in_Kampong_Speu_province_English_.pdf (last visit 17 November 2011)

¹¹³ «Moving Forward Through Justice», Regional Public Forum at Hor Bunny Conference Room, Kratie Provincial Town, Monday, 28, December, 2010, Victims Support Section, at 3. (The document was deducted from the website, if you want to know the source please contact the author).

¹¹⁴ MEDIA ALERT, 10th Regional Forum for 300 Civil Parties in Case 002 to be held in Chba Morn Town, Kampong Speu Province, October 26, 2011, Victims Support Section. Available at

The VSS held its 10th Regional Forum for the 300 Civil Parties recently admitted in Case 002 on Friday, October 28, 2011 in Kompong Speu Province.¹¹⁵ The 300 Civil Parties are part of the group of 1,745 Civil Parties admitted by the Pre-Trial Chamber from 24 of June 2011 onwards. The total number of Civil Parties in Case 002 is currently 3,867.¹¹⁶

The one-day forum was organized to provide Civil Parties from the respective provinces with the opportunity to meet judicial officers from Office of the Co-Prosecutors, Public Affair Section, Civil Party Lead Co-Lawyer Unit, the Victims Support Section, Witness/Expert Support Unit, Civil Party Lawyers, staff members of some intermediary organizations, Civil Parties from Case 001 and other current Case 002 Civil Parties, enriching their experience by being able to share their experiences with each other and feeling more comfortable with the judicial process.¹¹⁷ All Regional Civil Party Forums were set with the integration of experience sharing from Civil Parties of Case 001 to be speakers for the Civil Parties of Case 002 to get deeper understanding on how they would encounter in the proceeding if they are called upon to be testified.¹¹⁸ In each Regional Forums, the TPO always provides the psychosocial service in order to deal and explain how Post-traumatic Stress Disorder (PTSD) can be coped.¹¹⁹ On the other hand, all the Civil Parties can meet with their legal representatives and exchanged their views with their lawyers. They discussed thoroughly on the specification of the types of the reparation (collective or symbolic gesture) for the proposal that the Civil Party Lawyers have to prepare for the Lead Co-Lawyers to submit to the Court. This proposal is part of the process to demand for the preparation of reparation plan for the victims through the judicial proceedings of Case 002.¹²⁰

However, due to the huge number and poor access to information, poor education and illiteracy of the Civil Parties in the Case 002, the Civil Party lawyers facing the difficult problems in order to consult with their clients to obtain the important facts that occurred during the Democratic Kampuchea. Some Civil Parties remaining unclear what the court could provide to them when the Accused found guilty. During the forums, the most of Civil Parties seem likely

http://vss.eccc.gov.kh/images/stories/Regional_Civil_Party_Forum_in_Kampong_Speu_province_English_.pdf
(last visit 17 November 2011)

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Additional Three Regional Forums of Civil Party Case 002 Held in the 1st Quarter of 2011, Newsletter Victims' Participation in the Proceedings of the ECCC, at 4, Vol.1 Issue No.02, January–March 2011. Available at <http://vss.eccc.gov.kh/en/documentation/newsletter>

¹¹⁸ *Id.* at 5.

¹¹⁹ *Id.* at 5.

¹²⁰ *Id.* at 5.

did not understand about what the speakers or their Civil Party Lawyers said. The VSS should organize a small meeting for each group of Civil Parties so that they can meet their Lawyers often, and could be aware their rights as the Civil Party by effectively exercise those rights, and seeking the potential Civil Parties to be testified in the upcoming substantial hearings.

2.5 Civil Party Training

In the late 2010, the VSS was organizing a Training of Trainers program for around 200 Focal Persons, from different 21 provinces of Cambodia, who are working with civil party victims in the upcoming second trial against former Khmer Rouge leaders Nuon Chea, Khieu Samphan, Ieng Sary, and Ieng Thirith.¹²¹ The training offers the Focal Persons an opportunity to meet with officials from various offices of the ECCC and officials from the civil society.¹²²

The training program aims to enable the selected Focal Persons to be able in an efficient manner to receive and transfer correct, updated information from the VSS to their fellow Civil Parties in Case 002 and to ensure that the Focal Persons will be capable of organizing further trainings among other Civil Parties within their respectively communities/provinces throughout the country.¹²³

3. Defense Support Section (DSS)

The Defense Support Section (DSS) is established to ensure fair trials through effective representation of the accused. The Section is responsible for providing indigent accused with a list of lawyers who can defend them, and for providing legal and administrative support to lawyers assigned to work on cases, including the payment of fees.¹²⁴ The DSS undertakes detailed legal research and analysis for Co-Lawyers who are assigned to cases in order to assist in the preparation of legal arguments before the Court.¹²⁵

The DSS also acts as a voice for the defense at outreach events and in the media, liaises with other tribunals and NGOs, runs training courses and organizes an internship program for young lawyers. The DSS works with the Bar Association of the Kingdom of Cambodia to offer a range of training courses for lawyers who wish to appear before the ECCC.¹²⁶

¹²¹ See, PRESS RELEASE, entitled: «Victims Support Section organizes a Training of Trainers for Focal Persons from 21 Provinces, for further training to the Civil Parties in Case 002», Victims Support Section, Extraordinary Chamber in the Court of Cambodia, 25 November 2010.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Available at <http://www.eccc.gov.kh/en/dss/legacy>

¹²⁵ Available at <http://www.eccc.gov.kh/en/dss/defence-support-section-dss>

¹²⁶ *Id.*

3.1. Training: Building capacity

The DSS has provided several one-week training courses to better equip Cambodian lawyers to defend cases at the ECCC.¹²⁷ These courses utilized the International Criminal Law Training Materials for the ECCC, produced in English and Khmer by International Criminal Law Services and Open Society Justice Initiative (consultation and cooperation with the Bar Association of the Kingdom of Cambodia)¹²⁸. The DSS organized internal seminars for Co-Lawyers and staff within the DSS. These seminars involve presentations and round-table discussions between visiting legal experts and ECCC Defense Teams.¹²⁹

3.2. Media

The DSS is also a voice for the defense in the media. The Head of the DSS is able to deal with enquiries from journalists and to give interviews on defense rights, allowing for a wider understanding of the issues that arise at the Court.¹³⁰ At the request of international and local NGOs, the DSS has provided 6 days of training to Cambodian journalists. This has allowed the journalists to understand better the work of the ECCC, as well as the elements of the crimes.¹³¹

3.3. The Academic Community

The DSS has given presentations to schools and universities in the Phnom Penh area to explain the importance of fair trial and the role of the defense. Presentations were given to Cambodian University for Specialties, Royal University of Law and Economics, Paññāsāstra University of Cambodia, Build Bright University, Norton University.¹³²

The DSS, in conjunction with the Institute of Human Rights of the Montpellier Bar, organised a mock trial in the ECCC courtroom, and invited Cambodian law students to attend. This provided an opportunity to observe a typical French criminal trial and to gain a better understanding of the role of each party in the proceedings.¹³³

4. Current Challenge for Outreach at the ECCC

The ECCC is at a unique moment for outreach. With a new budget for 2010 that provides a substantial increase in resources, PAS has an opportunity to sustaining the momentum created from the Duch trial through to Case 002. Furthermore, the break in trial

¹²⁷ Available at <http://www.eccc.gov.kh/en/dss/legacy>

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

activity provides PAS, VSS, and the institution as a whole an opportunity to develop a unified message and plan for outreach.¹³⁴

As PAS works to plan activities and devise a strategy, it is faced with many challenges, including:

- Sustaining public interest during the coming months of minimal trial activity.
- Giving visibility to the work of the judicial offices while maintaining confidentiality.
- Maximizing human resources.
- Producing public information tools in a timely manner.
- Coordinating between PAS and VSS and between the ECCC and NGOs.
- Preparing for the verdict of Case 001.

VSS has identified as its current main challenges:

- Sustaining one-to-one relationships with larger numbers of victims in Case 002.
- Dealing with financial uncertainty.
- Meeting other non-outreach responsibilities: processing applications, support of legal representatives, and new “non-legal measures.”¹³⁵

¹³⁴ ICTJ, *supra* note 4, at 7.

¹³⁵ *Id.*