

PROJECT EVALUATION: LIVING DOCUMENTS PROJECT

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I. OVERVIEW OF THE PROJECT

The “Living Documents Project” (LDP) is an ongoing program run by the Documentation Center of Cambodia (DC-Cam) that seeks to increase the political participation of ordinary Cambodians, help them better understand legal processes and the role they can play in those processes, and provide an opportunity to see justice done. The LDP is being conducted in two phases. Phase I involved bringing more than 5,500 individuals (including ordinary citizens, commune chiefs, Buddhist nuns, Cham Muslim leaders, and teachers and students from all of Cambodia’s provinces to tour the Tuol Sleng Genocide museum, Choeung Ek Killing Fields Memorial, and the Extraordinary Chambers in the Courts of Cambodia (ECCC). Following the arrest of two Khmer Rouge leaders in September 2007, Phase I of the LDP began assisting individuals in filing complaints with the ECCC.

Phase II of the LDP is the subject of the current evaluation. Phase II involves bringing 50 community and religious leaders and religious citizens from rural areas of Cambodia to Phnom Penh each month to receive legal training, observe proceedings before the ECCC, and participate in discussions about what they have seen. After visiting Phnom Penh, the LDP team follows up with participants in their villages through village forums that update and expand on the experiences that the LDP participants had in Phnom Penh.

The LDP has produced three quarterly reports and this evaluation is undertaken after interviews with the project leader Savina Sirik, the deputy director of DC-Cam Dara Vanthan, the director of DC-Cam Youk Chhang, and conversations with several LDP participants over a three day period during which the participants received legal training at DC-Cam and viewed trial proceedings at the ECCC. The author is a former legal associate of DC-Cam and continues to consult on various projects for DC-Cam on a case-by-case basis.

a. Project Goals

Stated goals

Phase II of the LDP initially set as a short-term goal for itself to “increase the participation of ordinary citizens in Cambodia’s political life . . . and political system.” The LDP also planned to provide a liaison function for people wishing to file complaints or serve as witnesses at the ECCC.

The project’s long-term goals as stated in LDP documents are “working toward a better educated populace and encouraging ordinary Cambodians to become active in seeking a more open and just society.”

Team-defined goals

Savina Sirik, LDP project leader, describes the goals of the LDP as including engaging more Cambodians in the trial process, and getting villagers to act as leaders in their communities in discussions about the ECCC.

Dara Vanthan, DC-Cam's Deputy Director and legal advisor to the LDP, describes his goals for the project as ensuring that as many people as possible can attend the hearings and bear witness to what occurs. Though Dara finds it important that participants understand the proceedings, he believes that the greatest value for the LDP at present lies in helping participants to feel happy and confident and develop a feeling of understanding and perhaps reconciliation. He also believes that an important goal of the project is that participants describe their experience to others in their villages to broaden the impact of the proceedings and the project.

Youk Chhang, director of DC-Cam, sees the LDP as fulfilling two functions though broadly his vision is for the LDP to lay the ground-work for a Cambodian truth commission. First, the LDP can be viewed a stand-alone project whose value lies in bringing those who lived through the Khmer Rouge period to the ECCC to bear witness to the trials and other proceedings. The hope is that bringing the victims of the Khmer Rouge regime to see and hear ECCC proceedings will give them a greater understanding of the history and crimes of that period and that information can be re-broadcast to others in the villagers' communities. Essentially, the LDP is designed to bring the ECCC to the village level, and to create a platform for discussion and education at the village level that can be spread by villagers themselves.

Youk Chhang defines the second function of the LDP as a complementary program to a broader DC-Cam effort to deal with the crimes of lower-level Khmer Rouge cadres who are unlikely to face legal consequences for their crimes during the Khmer Rouge period. DC-Cam is engaged in a multi-faceted approach to this issue, and the Victims of Torture Project, Victims Participation Project, Student Outreach, and Living Documents Project, all contribute to a program of informal national education and reconciliation. Though the prospect of a formal "truth commission" has been raised and rejected a number of times by various parties (including the Cambodian government), the combination of DC-Cam's programs is intended to function in much the same capacity as a truth commission, by reaching out to individuals on a community-by-community basis and continuing to develop and disseminate a historical record of the Khmer Rouge period.

b. Project methodology

Participant selection

The participants in the LDP are selected from a pre-existing pool of 5,500 individuals from rural areas of Cambodia who have toured the ECCC since early 2006 under Phase I of the LDP. The criteria used to select the participants includes:

- Influence and respect within their community
- Interest and knowledge exhibited during earlier tours
- Gender equity
- Geographic equity

Savina reports that typically everyone who is invited to come to Phnom Penh does so, with some people needing to cancel last minute and a few people deciding to attend at the last minute due to social events or holidays.

Activities

Training at DC-Cam



Legal Training at DC-Cam

Each participant in the Living Documents Program receives one day of legal training on the ECCC, including training on how to monitor a hearing, witness protection, defense, the legal terms likely to be heard, legal concepts likely to be raised at the trial, a summation of the arguments that will likely be put forward, and a profile of the person on trial.

Dara Vanthan provides legal training to LDP participants (and occasionally to ECCC officials). This training typically consists of a briefing on the issues that will be presented at the hearing the participants will be viewing. Dara notes that since the LDP participants have received basic training on the ECCC in the past, he tries to focus the training on issues that will likely arise at the hearing. However, the LDP team remains sensitive to issues of confusion related to the court, and usually spends about half of the legal training session answering questions from participants.

Additionally, the LDP project leader provides information about:

- How to go through security and other issues relating to entering the court, logistics (IDs, metal detectors, properly dressed etc.)
- Introduction to DC-Cam (collect documents of Khmer Rouge, different projects relating to mapping, outreach, magazine, etc.)
- Describes the Living Documents Program (working with survivors, explaining Phase I, Phase II)
- Introduces program and program purpose
- Information about the physical structure of the courtroom to better understand what they will see

Significant portions of each training session are used for question and answer sessions, which are reportedly well liked by participants.

ECCC Visits

Each group of villagers that comes to Phnom Penh with the Living Documents Project visits the ECCC. During this evaluation, 50 villagers viewed the first two days of the substantive hearing of Duch, the former head of Tuol Sleng prison. The visits last the entire day, and a sample itinerary is attached to this report.



Villagers in front of ECCC Court Building

During the period of evaluation, the villagers were picked up by a bus at their hotel after breakfast and driven to the court where they watched the morning's proceedings. The same bus took them to lunch and back to the court where they viewed the afternoon proceedings, returning to Phnom Penh for dinner in the evening.

Village Forums

After LDP participants visit the ECCC in Phnom Penh, the LDP team follows up with some of them by visiting the provinces of the participants and hosting discussions with the participants and others from nearby villages. The details of each forum are described in the quarterly reports, however each forum has several common elements such as:

- Screening of a film (usually *Preparing for Justice*, or *Behind the Walls of S-21*).
- Discussion of what LDP participants experienced when they visited the ECCC.
- Briefing and updating both LDP participants and villagers on developments since the LDP participants visited Phnom Penh.
- Interviews with individuals following the forum to document the experiences of those who survived the Khmer Rouge period.

The LDP team typically requests that a representative of the participants lead the meeting. The village forums are well attended and LDP team members are typically able to record several interviews with Khmer Rouge survivors and get feedback about how to improve forums in the future.



Film screening in Kampong Thom

II. OVERVIEW OF PROGRESS TO DATE

a. Quantitative data

Anticipated participation

Initial Proposal

The initial proposal for the LDP anticipated that 600 people would gain direct knowledge of the workings of the ECCC. This proposal was predicated on the trials of Khmer Rouge leaders beginning during 2008. Due to numerous delays, the first substantive trial of a Khmer Rouge leader did not occur until March 2009.

The proposal also estimated that 1,200 rural Cambodians would gain indirect knowledge of the ECCC and the Cambodian legal system through twelve village forums held in 6 provinces.

Revised Proposal

The revised proposal anticipates that 350 Cambodians will gain direct knowledge of the workings of the ECCC by January 2010, and that 700 Cambodians will gain indirect knowledge of the ECCC and the Cambodian legal system through village forums and other communication with LDP participants by January 2010.

Actual participation

Phase II of the LDP has brought approximately 315 Cambodians from 11 provinces (Kampong Cham, Preah Vihear, Kampong Thom, Kampong Speu, Kampot, Prey Veng, Sihanoukville, Svay Rieng, Kratie, Kampong Chhnang, and Pursat) to view the pre-trial hearings of Khieu Samphan, Duch, Ieng Sary, and Ieng Terith, and the first two days of Duch's substantive trial. The LDP team has collected approximately 122 questionnaires from participants while they are in Phnom Penh.

The LDP has conducted ten village forums in 10 of Cambodia's 21 provinces (Kampot, Kampong Cham, Takeo, Siem Reap, Pursat, Kandal, Svay Rieng, Kampong Chhnang, and Prey Veng, Kampong Thom), with approximately 698 or 700 villagers participating. The LDP has collected 170 questionnaires from participants in village forums.

b. Quarterly reports

The LDP has produced three quarterly reports. These reports detail the overall goals of the project, the activities that the LDP has conducted during that quarter in extensive detail, provides a chart comparing participation with past quarters, and identifies challenges that need to be addressed, as well as proposed plans to remedy problems.

Overall, the quarterly reports are comprehensive, well-written, and informative. They adeptly convey the progress of the LDP, while honestly pointing out issues that need addressing. Perhaps most impressive, issues that are raised in early quarterly reports are discussed in later reports, often after having been solved. However this does not prevent the

LDP team from continuing to search out resolutions to challenges as they arise. It would be easy to identify a problem, resolve it, then stop trying to identify or fix new problems as they arise, however the LDP team continues to honestly evaluate itself and its progress and to fix problems when possible.

c. Challenges

Limited Staff

At present, Savina Sirik is the only full-time staff member of the LDP. She receives help with legal training and village forums from Dara Vanthan, Deputy Director of DC-Cam. However, as Deputy Director Mr. Vanthan is not able to assist in the administration of the LDP, which is a massive effort that only continues to increase as trials at the ECCC begin. I have been told that DC-Cam staff member Ly Sok Kheang has returned from his Ph.D. studies in the US and will join the LDP team.

Though a great deal of video footage has been shot of village forums, it has not yet been utilized as the video team at DC-Cam has been engaged in other projects. Without dedicated time for the video team to work on LDP initiatives, it will be difficult to fully realize the LDP's potential.

Embarrassment of riches

An early issue with the LDP was that hearings were infrequent, and constantly shifted days, making it difficult for the LDP team to coordinate training sessions with hearing-visits. Though the team dealt with this issue by improving communication with the ECCC, the problem has now reversed itself in that with the trial of Duch underway, there are ECCC proceedings every week which could be attended by LDP participants, and the limited staff of the LDP will find it increasingly difficult to coordinate hearing visits and keep up with village forum follow-up sessions. As trial dates and hearings proceed, it will become increasingly difficult to take full advantage of the court proceedings with frequent visits.

Managing expectations

LDP team members report that participants occasionally expect DC-Cam to pay them for coming to Phnom Penh. This expectation likely arises out of experiences with other NGOs which reportedly pay villagers up to 100 dollars a day to come to Phnom Penh to participate in various training and education sessions. Obviously such unscrupulous practices should be discouraged, however the LDP team leader indicated that these expectations, once addressed, typically do not interfere with the overall experience.

Generating analyzable data

Little of the LDP lends itself to numerical measurement. Besides overall numbers of participants and questionnaires collected, it is difficult to find any metric to calculate. Though much work that DC-Cam conducts is difficult to quantify, this program presents particularly challenging analysis issues. However because of the importance of understanding the effectiveness of the project and improving whatever aspects require improvement, a method of at least evaluating existing efforts needs to be devised in order to improve the program.

III. OBSERVATIONS DURING PERIOD OF EVALUATION

a. Organization of visits to Phnom Penh

The organization and preparedness of the LDP for visitors to Phnom Penh is to be particularly commended. Throughout the time observed during this evaluation, 50 villagers from Kampong Chhnang, Kampong Cham, Pursat, and Prey Veng arrived in Phnom Penh by bus and had full itineraries consisting of hotel reservations, bus trips, and meals spread out over three days. All activities occurred without a hitch and the villagers were able to spend their time in Phnom Penh focused on trainings and viewing the ECCC proceedings without needing to be concerned with logistics. Further, this programming is reportedly typical of LDP activities. This is likely due in large part to the fact that DC-Cam has been bringing large groups of people from provinces throughout Cambodia to Phnom Penh for years, and is familiar with the logistical challenges of such an undertaking. However this should not detract from the exceptional organizational and administrative capacity of the current LDP team, which is impressive independent of previous institutional success.

Such organization is particularly valuable because the activities undertaken by the villagers are often emotionally difficult and complex. If there was a great deal of stress related to planning and other ancillary issues, it is possible that the overall experience would be less valuable. Therefore, logistical smoothness, while a seemingly minor detail, actually becomes an integral part of the success of the LDP.

The ease with which the LDP participants moved in and out of the court is also a testament to the effective organizational relationship maintained between the ECCC and DC-Cam. Proper previous planning allows DC-Cam to bring large numbers of participants and have tickets and seating available as soon as they arrive. Briefing on what to expect once participants arrive at the court also makes the process go more smoothly.

b. Conversations with participants

Immediately following the second day of Duch's substantive trial, I (through the LDP team leader) asked the participants a number of questions relating to their experiences at the court and with the Living Documents Project. The overall response to the program was excellent. A number of participants commented that they were glad Duch admitted to what he did, and that though they personally believed they could forgive him, they still wanted him to be convicted. In response to questions about the helpfulness of the training, one participant said that the training was beneficial and helped him understand what to expect once he arrived at the court.¹

Another LDP participant commented that the legal training had helped her to understand the basic structure of the court and the background on what would be discussed helped her follow the proceedings. Despite this positive input, one participant said that they didn't understand why only five people would go on trial and hoped that during the hearings

¹ The LDP team briefed the participants on the security at the court, so they would not be surprised by the metal detectors and other security measures. Previewing security procedures was also used to great effect during outreach undertaken by the Special Court for Sierra Leone.

more people would be brought into custody. This is a common question among Cambodians and one that is not easily answered without going into the political and technical difficulties of starting up and maintaining an international criminal process.

In response to a question about participants' plans once they returned to their villages, one participant said that she planned to tell others what she observed, particularly she wanted to speak with older women and young children during a ceremony at the pagoda in her village. She wanted to tell people about Duch's words.

The LDP participants observed during the evaluation period were engaged in the proceedings and had at least a basic understanding of the court officers and the purposes of the proceedings. It is hard to know how much of the legal training was retained which can be retransmitted, however it seems a strong possibility that the participants who viewed Duch's apology felt that it was a very important moment and will tell others in their villages about it.

IV. SUGGESTIONS

a. Increase staff levels

The LDP would benefit from increased staff. Savina Sirik is the only full time LDP staff member and is largely responsible for organizing forums, arranging for accommodation, food, and travel in Phnom Penh, conducting training sessions, compiling and writing quarterly reports, and following up on all correspondence and other administrative tasks. She is assisted in her work by Dara Vanthan, however Dara typically is not involved in administration of the project. With an additional permanent staff member the LDP would be able to increase the number of follow-up village forums and be able to conduct more extensive interviews of LDP participants. Some of the burden may be relieved now that Ly Sok Kheang has returned to DC-Cam, however if he will not be a full-staff member for the project, another person working or volunteering on the LDP full time would be beneficial.

To increase the number of villagers reached through forums, an additional staff member or volunteer is needed. LDP team members report that it is best if forums can be kept to 50-70 people to facilitate dialogue, not merely single questions and one-time answers. Since forums tend to be between 1.5 to 2 hours, there is a point of diminishing returns where too many participants dilute the effectiveness of the forum.

The LDP would also benefit from a legal intern or legal associate who would be on hand to answer procedural and substantive legal questions that arise related to the ECCC, as well as provide analysis of court proceedings in an accessible fashion.

There is also an immediate need for a technical staff, at least for discrete periods of time. A great deal of video footage from village forums has been recorded which is not currently being used. Savina believes this footage could be used effectively at village forums to show villagers how others participate, and also to generate discussion. A video editing team is needed to edit and create a video of village forums, as well as combine relevant clips from trial proceedings to form short videos that can be discussed.

b. Expand program to reach into all provinces

At present, the LDP reaches a majority of Cambodian provinces, but does not yet reach into all provinces. Notably, Mondul Kiri, and Ratanak Kiri, provinces are not included in the LDP. The LDP project did not initially include these provinces in its budget because reaching these hill tribes and bringing them to Phnom Penh is very expensive, and the logistics are far more complicated. However, because the LDP seeks to affect *all* Cambodians, a more conscious effort should be made to reach out to each province.

It is important to reach out into Mondul Kiri and Ratanak Kiri because these provinces contain a disproportionate percentage (to the rest of Cambodia) of ethnic minorities. The combination of distance and minority status means that people who live in Mondul Kiri and Ratanak Kiri are among those least likely to have learned about or currently understand the ECCC. Based on these factors, the LDP should dedicate an entire session to bringing villagers from Mondul Kiri and Ratanak Kiri to Phnom Penh and providing them with the same opportunities that are currently afforded to those in other provinces.

Additionally, villagers from “tourist” provinces (Siem Reap, Sihanoukville, etc.) should continue to be included in the Living Documents Project. Though these areas generally have greater access to media sources such as television and the internet, the majority of people living in these provinces do not have such access and would benefit from the LDP. In fact, it may be that *because* of the easier access to media sources in “tourist” provinces, there is a higher likelihood that villagers will be successful in following proceedings after participating in the LDP.

c. Questionnaires

The LDP routinely collects questionnaires from LDP participants, but has not yet used the questionnaires for any program-related purpose yet.

Youk Chhang and Savina Sirik believe that using questionnaires prompts overly formal answers which respond more to what the respondent believes the LDP team wants to hear, instead of what the participants really think. To remedy this problem, Youk suggests that the LDP project members memorize the questions on the form and have informal conversations with LDP participants to generate answers that would have been included on the forms in a more relaxed and unstructured environment.

The LDP team has also reported a great deal of difficulty in collecting completed questionnaires during village forums, both due to time constraints and illiteracy or confusion of villagers. This problem could largely be dealt with by the participation of additional staff members who would be on hand to answer questions and to help those who don’t understand the questionnaire. Smaller village forums, coupled with an additional staff member would likely generate much more feedback that could be used in future planning.

d. Training format

Training about how to conduct forums

I have suggested to the LDP leader that a way to increase the dissemination of information once villagers return home is to give specific training and materials to LDP participants on how to hold a conversation about the ECCC along with materials designed to facilitate discussions.

LDP participants benefit from grant funding by having their travel costs reimbursed, meals and lodging paid for, and all court logistics handled prior to their arrival in Phnom Penh which ensures an enjoyable and informative experience. I have suggested to the Living Documents Project leader that an informal, tacit agreement to hold a conversation upon a villager's return home could improve the likelihood that such a conversation will occur. This would take occur by discussing the responsibilities of the participants after attending a hearing. Then specific training and materials (such as a one-page handout) could be provided to get the ball rolling on village-level discussions. Though of course such measures would not guarantee later conversations, it is possible that describing their visit in terms of a responsibility to educate may make it more likely that LDP participants return to their villages and discuss what they have seen and learned.

Format of time in Phnom Penh

Following conversations with the LDP leader, it may be the case that a more effective format for the three day-two night Phnom Penh visits can be established. Savina noted that few questionnaires are completed and returned due to illiteracy, confusion, or tiredness after three days of complicated emotional activities.

Thus, changing the format as follows may improve both the overall experience that participants have, as well as provide better feedback to the LDP team.

The new format would keep the first two days of activities unchanged, with the modifications suggested above in this section. However, the third day of activities would change by having the participants attend only a half day of the hearings in the morning, then return to the office for follow up discussions in the afternoon. Savina believes that this format will allow a longer time for reflection on the shared experiences, and will be a benefit to the villagers, by engaging in a discussion about what they just saw and being able to ask questions to team members about particularly confusing points.

Additionally, this longer time-frame to complete the questionnaire means that more questionnaires can be filled out with more thoughtful answers. This could help alleviate some of the problems that Savina and Youk have noted with the questionnaires (force rushed answers, villagers say what they think the LDP wants them to say) by allowing the abovementioned informal conversations to happen prior to filling out the forms. Staff will also be able to provide more individual assistance with regard to the forms, which at present are not believed to be well understood by the villagers, thus answers do not have as much value as they may if the villagers could spend more time initially understanding, then answering the questions.

V. CONCLUSION

The Living Documents Project is already having an impact in Cambodia. It has brought a significant number of people to Phnom Penh to witness the beginning of the Khmer Rouge Tribunals. The LDP educates those people and follows up on that education with village level discussions that serve to reinforce the experiences that LDP participants have in Phnom Penh.

Overall, the LDP staff are professional and organized, and are able to do handle a great deal of administrative and substantive work. Participants in the LDP report that the experience is worthwhile and many say that they will share their experience with others in their village.

The LDP faces several challenges and would benefit from increased staff and a reorganization of some of its activities. The LDP could also generate better feedback about its own success and efficacy by using questionnaires or one on one interviews after a hearing to find out what areas of the Project could be improved. Finally, the full potential of the LDP will not be realized until a DC-Cam video team can dedicate some time to editing the film taken of village forums to be used for future LDP events.

The Living Documents Project is an excellent program that should continue to increase its reach across Cambodia to ensure that everyone who wishes to learn about the crimes of the Khmer Rouge and the judicial process to hold the worst perpetrators accountable has the opportunity to do so.