



# VICTIMS PARTICIPATION BEFORE THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

BASELINE STUDY OF THE  
CAMBODIAN HUMAN RIGHTS  
AND DEVELOPMENT  
ASSOCIATION'S CIVIL PARTY  
SCHEME FOR CASE 002

ADHOC  
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# EXECUTIVE SUMMARY

Victims' participation is one of the unique features of the trials held by the Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal (KRT). In November 2011, the ECCC Trial Chamber began its second trial, hearing evidence against three former top ranking Khmer Rouge leaders.

Nearly 4,000 victims participate as Civil Parties in this second case (Case 002), over ten times more than in the first trial. This unprecedented large number of Civil Parties in an already complex trial poses challenges for the Court, lawyers and NGOs alike to achieve a balance between the rights of victims to an effective participation and the rights of the accused to a timely trial.

Considering this challenge and the limited resources available, ADHOC, the Cambodian Human Rights and Development Association (French Acronym), has established in 2010 a Civil Party Representative (CPR) scheme, to facilitate a two-way communication process between Civil Parties, their lawyers, and the Court. ADHOC acts as the intermediary organisation for nearly half of the Civil Parties admitted in Case 002, providing assistance for their participation in the ECCC's legal proceedings. The CPR scheme is centred on the role of 122 Civil Party Representatives who act as the focal point and link between the majority of the Civil Parties assisted by ADHOC, their lawyers, ADHOC staff, and the Court.

This study constitutes a baseline analysis for the monitoring and evaluation of the CPR scheme implemented by ADHOC. Specifically, among Civil Parties assisted by ADHOC in Case 002, it aims to examine: (1) awareness, knowledge and attitudes of the ECCC; (2) their perceptions and expectations about justice; and (3) their expectations in regards to collective and moral reparations. It is anticipated that the findings will have broader lessons-learned to inform the participation of large numbers of victims in criminal trials in international and hybrid tribunals dealing with mass atrocities.

The results are based on interviews with 120 out of 122 Civil Party Representatives (CPRs) and a random sample of 294 Civil Parties (CPs) from a remaining list of ADHOC-assisted Civil Parties in Case 002, as of May 2011. Out of the total 414 interviews, 366 were conducted in May 2011 prior the initial hearing in Case 002. The remaining interviews (48) were conducted from July to mid-November 2011, prior to the beginning of the substantive part of the Case 002 trial. Comparisons between Civil Parties' and Civil Party representatives' are discussed where significant differences are present and relevant to the study questions. The views of Civil Parties and Civil Party representatives assisted by ADHOC may not represent the views of all Civil Parties represented in the trials.

## KEY FINDINGS

### Demographics and current priorities

- The majority of the Civil Parties were female (69.0%) and ethnic Khmer (87.8%). Most described themselves as Buddhists (89.1%). The average age was 59.2 years old (S.D. = 10.1). About three out of five among CPs stated they can read and write (61.9%). Nearly 12 percent attended secondary school or higher. Civil Party Representatives were more likely to be men (62.5% CPRs vs. 31.0% CPs), younger, (55.3 years old; S.D.: 7.7 CPRs vs. 59.1 years old; S.D. 10.1 CPs), married (85.8% CPRs vs. 61.2% CPs), more educated (30.0% CPRs vs. 11.9% CPs attended secondary school or higher), and to report a higher monthly income (94.64; S.D. 100.81 CPRs vs. US\$ 72.84; S.D. 96.15 CPs). These characteristics may reflect unspecified selection criteria for the CPRs – most were elected by their

peers. All study participants lived through the Khmer Rouge regime, and experienced potentially traumatic events.

- Respondents were asked an open question about their current concerns and could provide up to three answers. Civil Parties' current priorities were jobs, health services and basic needs such as food and shelter. The CPRs were more likely to be concerned about: 1) costs and prices (30.0% CPRs vs. 19.4% CPs), 2) justice, rule of law, governance, and KRT issues (22.5% CPRs vs. 8.5% CPs), and 3) safety issues such as theft and drugs (10.8% CPRs vs. 5.1% CPs), but less about basic needs (15.8% CPRs vs. 26.5% CPs), and health (32.5% CPRs vs. 43.9% CPs). Compared to CPs, the high percentage of CPRs who mentioned justice, rule of law, governance and KRT issues could be attributed to increased information and trainings provided to CPRs. Despite their focus on daily needs, when asked what they would like to see happen to those responsible for what happened during the Khmer Rouge regime, the vast majority of the respondents (93.5% CPs and 90.8% CPRs) mentioned at least one measure associated with retributive justice, such as a trial.

## The Civil Party Application Process

- The majority of the respondents stated that ADHOC was their main **source of information** regarding the possibility of applying as Civil Party, and that they were assisted by ADHOC with their application. Among those assisted by ADHOC, about half of the CPs (48.5%) and seven out of ten of the CPRs (71.4%) received information at least once a month. About three-quarters of the CPs (77.8%), and a vast majority of the CPRs (95.9%) felt moderately, quite a bit or extremely supported by ADHOC.
- Among all respondents, the main three **reasons for participating in the ECCC as Civil Party** were: (1) to receive justice for their relatives who died under the Khmer Rouge (70.1% CPs and 89.2% CPRs); (2) to tell their personal story and receive acknowledgment for their suffering (40.8% CPs and 46.7% CPRs); and (3) to receive individual reparations (36.7% for both CPs and CPRs). Some of these motivations might not be fulfilled by their participation in the ECCC proceedings. The results indicate a need to monitor expectations as well as to inform about the limitations of the reparations that will be granted by the court to Civil Parties.
- The ECCC Internal Rules require Civil Parties to have **legal representation**. ADHOC works closely with Civil Party attorneys to ensure that accurate information is communicated to CPRs and CPs. Among all respondents, 52.4% of CPs and 74.2% of CPRs said they had chosen their Civil Party lawyers (CPL) in the second case (Case 002) and a majority stated that they had already met with their Civil Party lawyers at least once. However, participants could name only a handful of national or international Civil Party lawyers. CPRs were more likely to: (1) report that they had chosen their Civil Party lawyers, (2) have met with their Civil Party lawyers more frequently, and (3) feel more supported by them. These results are congruent with the nature of the CPRs' role which permits attending trainings and court proceedings, and therefore increases opportunities to interact with their lawyers.

## The Civil Party Representatives Scheme

- Civil Party Representatives act as **focal points**, their role being to serve as a nexus of information between the Civil Parties, their lawyers and the court. Compared to the CPs, the CPRs had a more comprehensive understanding of their role. Notably, a very small percentage of the CPs (about 10%) knew that one of the tasks of the CPRs was to convey information from and to the Civil Party lawyers. As focal points, CPRs transmit information to CPs through different means of communication, formal and informal. They also interact with Civil Party lawyers and ADHOC staff.
- Overall, the majority of CPRs reported having **shared information** from one to four times (70.9%) since they began acting as CPRs, while a smaller percentage (25.0%) had five or more interactions with fellow Civil Parties about related topics concerning the ECCC. More precisely, at the time of the study, the majority of CPRs stated that they had organized one to three district meetings (76.7%), and

contacted other Civil Parties individually one to three times (57.5%). Additionally, half of the CPRs transmitted one to three questions from the Civil Parties to Civil Party lawyers (52.5%) while one out of five CPRs has conveyed four or five questions from CPs to CPLs (20.8%). Conversely, a little more than half of CPRs submitted information from Civil Party lawyers to the Civil Parties one to three times (58.3%), whereas almost one out of five have transmitted information four or five times (18.3%).

- The CPRs are supported by ADHOC through regular **contacts and trainings**. The main training topics reported by the CPRs were related to: 1) the role of a Civil Party Representative (64.9%); 2) information about reparations and non-judicial measures (NJMs) (64.1%); 3) information about the ECCC Case 002 and the accused (41.9%); and 4) the rights and role of the CPs (30.8%). Overall, the CPRs were comfortable with their tasks, although they acknowledged that they needed help from ADHOC staff to answer questions from CPs. They reported also not being comfortable speaking in front of a group. About half expressed a desire for more explanations and updates about the tribunal and the cases (57.5%). One out of five mentioned additional trainings about being a CPR (21.7%). Other requests included more financial support when acting as a CPR (17.5%), and more support from ADHOC regional staff (14.2%).
- **District meetings** are the main means of sharing information between CPRs and CPs. The majority reported having attended between one to three meetings (76.9%) with most CPs participating in two meetings (31.0%). Two particular topics were mentioned by the Civil Parties as having been discussed at these meetings. These were reparations and non-judicial measures (46.2%), and information about the ECCC including its mandate, structure and information about Case 002 (39.3%). Overall, among those who had met with their CPRs, CPs reported being satisfied with their meetings (97.3%), got new information (88.0%), and said they understood this new information (88.6%). More than half of the Civil Parties said they would have preferred meeting only with their lawyers (59.9%), but at the same time, almost all stated they wanted a CPR (98.3%) and mentioned they will meet with their representative again (93.2%). Their main recommendation to ADHOC was to continue to inform them about the ECCC, its procedures and proceedings, as well as Case 002 and the accused.
- The respondents' answers demonstrated positive and strong **attitudes towards being a Civil Party** as of the time of this study. Among all participants, the interviewees stated that being a Civil Party gave them hope for the future (96.3% CPs and 95.0% CPRs), made them feel "mentally" stronger (87.8% CPs and 80.8% CPRs), and that meeting and exchanging dialogue with other KR survivors made them feel better about their painful past (97.6% CPs and 92.5% CPRs) With regards to justice, respondents answered that being a Civil Party thus far gave them a sense of justice (99.0% CPs and 97.5% CPRs), and greater trust in the law (98.0% CPs and 97.5% CPRs). At the time of the study, the overall experience of Civil Party participants was perceived to be positive (99.7% CPs and 98.3% CPRs).

## **The Extraordinary Chambers in the Courts of Cambodia**

- **The results strongly indicate that respondents have positive attitudes towards the ECCC.** The vast majority believed the ECCC will bring justice to the victims of the Khmer Rouge and/or their families (95.2% CPs and 95.8% CPRs). About seven out of ten respondents believed the ECCC is doing enough for the victims (74.5% CPs and 71.7% CPRs), while almost everyone stated the ECCC will help in rebuilding trust in Cambodia (92.5% for both CPs and CPRs) and will promote national reconciliation (91.5% CPs and 93.3% CPRs). Nonetheless, a quarter of respondents (25.2% CPs and 28.3% CPRs) recommended spending money on something other than the ECCC, and a substantial percentage (58.2% CPs and 40.8% CPRs) said it was more important to focus on problems faced by Cambodians today than to address crimes committed by the Khmer Rouge. A small percentage of respondents (5.8% CPs and 10.0% CPRs) questioned the neutrality of the court. Among those, the main reasons cited by the CPs and CPRs alike, were government influence on the ECCC and a prolonged trial. The CPs also mentioned corruption and the sentence of Duch.

- Respondents' **main sources of information** about the ECCC were the media – TV (46.9% CPs and 59.2% CPRs) and radio (45.6% CPs and 67.5% CPRs) – and ADHOC (31.0% CPs and 54.2% CPRs). A substantial proportion of the respondents (60.2% CPs and 78.3% CPRs) indicated they had seen a TV program about the court. Among those, the show “Duch on Trial“ was the most frequently cited (42.4% CPs and 54.3% CPRs). The Civil Party Representatives were more likely to state that the media, TV and radio, were their main sources of information about the ECCC, and that they had seen a TV program about the court. A significantly greater percentage of CPRs also mentioned ADHOC as a main source of information about the court. This latter result is not surprising considering their regular contacts with ADHOC as representatives.
- The respondents (37.1% CPs and 66.7% CPRs) were aware that the overall **jail sentence** handed down by the Trial Chamber against Duch was 35 years. When asked how long Duch was actually required to stay in prison, about one out of five CPs (20.7%), and half of the CPRs (50.0%) stated that the actual jail sentence would effectively be 18/19 years (the correct answer), but more than half of the CPs (56.8%) and one-third of the CPRs (33.3%) did not provide any answer. Compared to the Civil Parties, the Civil Party Representatives were more likely to state the correct answers.
- When examining participants' **factual knowledge about Case 002**, roughly two thirds of CPs (66.7%) and the vast majority of the CPRs (90.8%) were aware that four senior leaders were to be put on trial in Case 002 before the ECCC. About half of the CPs and a majority of the CPRs were able to name all four accused in Case 002 without error (43.9% CPs and 85.0% CPRs), and a majority (77.2% CPs and 90.8% CPRs) knew at least one of the crimes with which the accused are charged – the crime of genocide.
- In term of **legal awareness and knowledge**, respondents named the Civil Party lawyers (55.1% CPs and 80.8% CPRs) and the Civil Party Lead Co-Lawyers (31.3% CPs and 68.3% CPRs) as their representatives in the courtroom. On average, respondents provided correct responses to 5 out of 7 statements about the rights of the Civil Parties. Overall, the CPRs were significantly more knowledgeable than the CPs in regards to their own legal representatives, the rights of the Civil Parties, the accused, and the crimes with which the accused are charged. Nonetheless, the results show that knowledge of Case 002 and legal understanding of the proceedings need to be strengthened for CPRs and CPs alike.

## **Reparations and Non-Judicial Measures**

- Almost all respondents (97.6% CPs and 97.5% CPRs) mentioned it was important to provide reparations to the victims of the Khmer Rouge. Respondents stated that reparations will help to alleviate physical and mental health suffering (32.3% CPs and 44.2% CPRs) as well as safeguard the memory of crimes committed during the KR regime and raise awareness for the next generations so that those atrocities are not forgotten (30.3% CPs and 35.0% CPRs). Respondents added that reparations will provide justice to the victims and to those who died during the regime (29.6% CPs and 21.7% CPRs) and potentially improve access to health care and education for the next generation (10.2% CPs and 10.0% CPRs).
- According to the ECCC Statute, the Court may award only collective and symbolic reparations. With regards to the type of **collective and symbolic reparations**, the majority of respondents mentioned that a memorial, stupa or funeral monument should be built in each province to remember the victims (56.5% CPs and 76.7% CPRs). Further suggestions included health and mental health services (23.5% CPs and 39.2% CPRs), a museum (15.0% CPs and 47.5% CPRs), or a ceremony or public event for the dead (24.8% CPs and 17.5% CPRs). More than one out of ten (13.9% CPs and 18.3% CPRs) wished for an almshouse or rest place in their village for the benefit of elderly and poor people. Respondents favoured the implementation of reparations at the district level (32.0% CPs and 57.5% CPRs) and provincial level (33.7% CPs and 44.2% CPRs) followed by the village and commune levels. About one

out of five (20.1% CPs and 24.2% CPRs) would like to see reparations implemented at mass grave sites.

- With regard to **Non-Judicial Measures**, the large majority of respondents mentioned they would assist and/or contribute if a small project was implemented in their community (99% CPs and 98.3% CPRs).

## **Recommendations**

This report includes lessons-learned from the study and recommendations based on the study findings and on ADHOC's experience with victim participation since the inception of the ECCC.

*To all representatives and intermediaries working with Civil Parties (i.e. ADHOC, CDP/GBV, VSS, CP Lawyers, CPLCL):*

- **Maintain resources and efforts to reach, inform, educate, and manage expectations among Civil Parties using multiple and interactive methods.** Knowledge about the courts and the trials remains relatively low. For example just one third of the CPs knew the sentence given to Duch in the first trial, and just half knew who represent them at trials. Educational methods include logistic support for physical participation, meetings and trainings, as well as participatory activities such as the CPR scheme, community dialogues, mock tribunals, or interactive radio programs. These activities should take advantage of key moments in the ECCC process such as the final judgement in Case 002 for example, and continue until the end of the tribunal and beyond;
- **Develop activities outside of the ECCC related activities to foster a sense of justice, recognition, dialogue and exchange.** No participation scheme will fulfill all expectations of the CPs and CPRs. Activities may include building a memorial in a village, telling one's story to the next generation, avenues for testimony, or planning a museum in a community.
- **Develop an inclusive consultation mechanism** to gather and unify the voice of CPs and CPRs in recommending reparation measures to the judges and designing non-judicial measures in general. Mechanisms should also be put in place to ensure gendered understanding of reparations and victim assistance as well as regional or local needs.

*To the CPLs/CPLCLs and intermediaries working with Civil Parties:*

- **Ensure increased contacts and information sharing between CPs and their lawyers either directly or through intermediaries.** The information related to the ECCC is often complex and difficult to understand for ordinary Cambodians. Civil Parties Lawyers are key actors to explain legal concepts and transmit information to the Civil Parties. As legal representatives of the Civil Parties, they would also benefit from knowing and understanding the interests of their clients. Civil Party lawyers should coordinate with intermediary organizations and/or Civil Party Representatives to increase their level of contact with the Civil Parties. This would improve both Civil Parties' understanding of the ECCC proceedings and Civil Party lawyers' knowledge of their clients' interests.

*To the CPLs/ CPLCLs:*

- **Actively engage and contact clients and be responsive to their demands and needs.** Few respondents could name their national and international lawyers and many expressed that they felt only partially supported by their attorney. Lawyers can correct this by finding creative ways to communicate with Civil Parties. For example, CPLs could distribute ID cards with, the names, picture and, and VSS Identification number of the lawyers so they could be easily recognized.
- **Develop clear messages about the process of the trial and a two-way communication mechanism** (e.g. voice messages, sms,...) to let CPs ask questions directly. Disseminate messages through

intermediary network using audio messages, pictures, or a combination of very simple written messages and pictures;

*To the ECCC:*

- **Provide transparent updates to NGOs, Civil Parties, and the public regarding the future of the trials.** Proceed in a timely and transparent manner with improved efforts to have an open discourse with civil society organizations about the current case and, for example, the possibility of further sub-trials.
- **Establish a clear Court – civil society liaison mechanism** with an officer tasked with coordinating and collaborating with civil society, intermediaries, and the court through regular contacts, and developing clear and consistent outreach messages to be disseminated to the Civil Parties and the Cambodian population in general.
- **Design clear, consistent and systematic messages with regards of reparations and its realistic expected outcomes** in collaboration with intermediary organizations and Civil Party lawyers to manage expectations and avoid post-ECCC disappointment and disillusionment.

*To the Royal Government of Cambodia (RGC):*

- **Work to develop and ensure the legacy of the ECCC** especially regarding transfer of the ECCC experience of victim participation and support to the domestic system. Many aspects of the ECCC legacy have the potential to positively affect the rule of law and legal system in Cambodia. The experience and capacity-building of the victim participation scheme provides an outline for victim participation in domestic courts, as well as a transition towards more victim-oriented justice in Cambodia in general.
- **Continue to work with victims and the civil society to develop non-judicial mechanisms to deal with the legacy of the Khmer Rouge**, including strengthening existing education and history curriculum, creating avenues for truth telling and testimonials, and developing memorials and recognition for the victims

*To the Donors:*

- **Continue to support victim participation, until the end of the trials.** Victim participation is a unique feature of the Court. While there is a need to manage expectations among civil parties, the commitment to the rights of victims must be upheld and remain an important legacy of the court.
- **Support programs that ensure the work of the Court and its legacy goes beyond the trials** to inform broader social programs to deal with the past, including programs to strengthen education, truth telling and testimonials, and memorialization.
- **Support consultative processes** that involve the population to identify and address priorities and needs beyond justice.
- **Demand increased transparency and coordination** among all actors involved in the ECCC and providing assistance to victims

# សេចក្តីសង្ខេបទូទៅ

ការចូលរួមរបស់ជនរងគ្រោះ គឺជាលក្ខណៈពិសេសមួយក្នុងចំណោមលក្ខណៈពិសេសនានានៃការជំនុំជម្រះក្តីនៅអង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា (អ.វ.ត.ក) ដែលគេស្គាល់ផងដែរជា សាលាក្តីខ្មែរក្រហម។ ក្នុងខែវិច្ឆិកា ឆ្នាំ២០១១ អង្គជំនុំជម្រះសាលាដំបូងនៃអ.វ.ត.ក បានចាប់ផ្តើមការជំនុំជម្រះក្តីលើកទីពីររបស់ខ្លួន ដោយស្តាប់ភស្តុតាងប្រឆាំងនឹងអតីតមេដឹកនាំខ្មែរក្រហមទាំងបីនាក់។

ជនរងគ្រោះជិត៤០០០នាក់ ចូលរួមជាដើមបណ្តឹងរដ្ឋប្បវេណីក្នុងសំណុំរឿងទីពីរនេះ (សំណុំរឿង០០២) គឺច្រើនជាង១០ដង បើធៀបនឹងដើមបណ្តឹងរដ្ឋប្បវេណីក្នុងសំណុំរឿងទីមួយ។ ការចូលរួមនៃដើមបណ្តឹងរដ្ឋប្បវេណីជំនុំជម្រះសន្តិកសន្ធាប់ មិនដែលធ្លាប់មានពីមុនបែបនេះក្នុងការជំនុំជម្រះដ៏ស្មុគស្មាញហើយនោះ គឺជាបញ្ហាប្រឈមធំៗ ចំពោះតុលាការ, មេធាវី និងអង្គការមិនមែនរដ្ឋាភិបាល ដើម្បីសម្រេចបាននូវតុល្យភាពរវាងសិទ្ធិរបស់ជនរងគ្រោះ ក្នុងការចូលរួមប្រកបដោយប្រសិទ្ធភាព និងសិទ្ធិរបស់ជនជាប់ចោទ ក្នុងការទទួលបានការជំនុំជម្រះទាន់ពេលវេលា។

ដោយពិចារណាអំពីបញ្ហាប្រឈមនេះ និងធនធានដ៏មានកម្រិត សមាគមការពារសិទ្ធិមនុស្ស និងអភិវឌ្ឍន៍នៅកម្ពុជា (ហៅកាត់ សមាគមអាដហុក) ក្នុងឆ្នាំ២០១០ បានបង្កើតជាគម្រោងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដើម្បីសម្របសម្រួលដំណើរការប្រាស្រ័យទាក់ទងពីរផ្លូវរវាងដើមបណ្តឹងរដ្ឋប្បវេណី មេធាវីរបស់ពួកគេ និងតុលាការ។ សមាគមអាដហុកដើរតួជាអង្គការអន្តរការីសម្រាប់ជិតពាក់កណ្តាលនៃដើមបណ្តឹងរដ្ឋប្បវេណី ដែលត្រូវបានទទួលស្គាល់ក្នុងសំណុំរឿង០០២ ដោយផ្តល់ការឧបត្ថម្ភសម្រាប់ការចូលរួមរបស់ពួកគេក្នុងដំណើរការនីតិវិធីច្បាប់របស់អ.វ.ត.ក។ គម្រោង តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីផ្តោតទៅលើតួនាទីរបស់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី១២២នាក់ ដែលដើរតួជាចំណុចទំនាក់ទំនង និងចំណុចផ្សារភ្ជាប់រវាងភាគច្រើននៃដើមបណ្តឹងរដ្ឋប្បវេណី ដែលទទួលបានការឧបត្ថម្ភពីសមាគមអាដហុក, មេធាវីរបស់ពួកគេ, បុគ្គលិកសមាគមអាដហុក និងតុលាការ។

ការសិក្សានេះ គឺជាការវិភាគមូលដ្ឋានមួយសម្រាប់ការត្រួតពិនិត្យ និងការវាយតម្លៃអំពីគម្រោងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដែលអនុវត្តដោយសមាគមអាដហុក។ ជាពិសេសទៅទៀតនោះ ក្នុងចំណោមដើមបណ្តឹងរដ្ឋប្បវេណី ដែលទទួលបានការឧបត្ថម្ភពីសមាគមអាដហុកក្នុងសំណុំរឿង០០២ ការសិក្សានេះមានបំណងពិនិត្យអំពី៖ (១)ការយល់ដឹង, ចំណេះដឹង និងឥរិយាបថ

ចំពោះអ.វ.ត.ក (២) ចំណាប់អារម្មណ៍ និងការរំពឹងទុកអំពីយុត្តិធម៌ និង (៣) ការរំពឹងទុករបស់ ដើមបណ្តឹងរដ្ឋប្បវេណី ពាក់ព័ន្ធនឹងសំណងជូនចិត្ត និងសមូហភាព។ គេប៉ាន់ប្រមាណថា គំហើញ ទាំងនេះនឹងមានមេរៀនដែលបានរៀនសូត្រទូលំទូលាយជាង ដើម្បីជូនដំណឹងអំពីការចូលរួមនៃ ចំនួនជនរងគ្រោះដ៏ច្រើនសន្លឹកសន្លាប់ក្នុងការជំនុំជម្រះព្រហ្មទណ្ឌ ក្នុងតុលាការអន្តរជាតិ និង តុលាការកូនកាត់ ដែលដោះស្រាយនឹងអំពើព្រៃផ្សេងទៀតទ្រង់ទ្រាយធំ។

លទ្ធផលទាំងនេះ គឺផ្អែកទៅលើបទសម្ភាសន៍ជាមួយសមាជិក១២០នាក់ ក្នុងចំណោម តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណីទាំង១២២នាក់ និងប៉ាន់ជ្រើសរើសដោយព្រារនៃ ដើមបណ្តឹង រដ្ឋប្បវេណី២៩៤នាក់ ពីបញ្ជី ដើមបណ្តឹងរដ្ឋប្បវេណីក្នុងសំណុំរឿង០០២ ដែលទទួល ការឧបត្ថម្ភពី សមាគមអាដហុក ត្រឹមខែឧសភា ឆ្នាំ២០១១។ ក្នុងចំណោមបទសម្ភាសន៍ទាំង៤១៤ យើងបាន ធ្វើសម្ភាសន៍ចំនួន៣៦៦ ក្នុងខែឧសភា ឆ្នាំ ២០១១ គឺមុនសវនាការបឋមក្នុងសំណុំរឿង០០២។ បទសម្ភាសន៍ផ្សេងទៀត (៤៨) ត្រូវបានធ្វើ ចាប់ពីខែកក្កដា ដល់ពាក់កណ្តាលខែវិច្ឆិកា ឆ្នាំ២០១១ គឺមុនពេលចាប់ផ្តើមនៃសវនាការលើអង្គសេចក្តីក្នុងសំណុំរឿង០០២។ ការប្រៀបធៀបរវាងចម្លើយ តបរបស់ដើមបណ្តឹងរដ្ឋប្បវេណី និងចម្លើយតបរបស់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ត្រូវបាន ពិភាក្សាត្រង់ចំណុចខុសគ្នា ដែលសំខាន់ៗ និងពាក់ព័ន្ធនឹងសំណួរក្នុងការសិក្សានេះ។ ទស្សនៈ របស់ដើមបណ្តឹងរដ្ឋប្បវេណី និងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដែលទទួលការឧបត្ថម្ភពីសមាគម អាដហុកអាចមិនតំណាងឲ្យទស្សនៈរបស់ដើមបណ្តឹងរដ្ឋប្បវេណីទាំងអស់ ដែលមានមេធាវីក្នុង ការជំនុំជម្រះទេ។

# តំបន់សំខាន់ៗ

## អាទិភាពបច្ចុប្បន្ន និងអាទិភាពប្រជាសាស្ត្រ

- ភាគច្រើននៃ ដើមបណ្តឹងរដ្ឋប្បវេណីជាស្ត្រី (69.0%) និងជនជាតិខ្មែរ (87.8%)។ ភាគច្រើនបញ្ជាក់ដោយខ្លួនឯងថាជា ពុទ្ធសាសនិក (89.1%)។ អាយុជាមធ្យម គឺ 59.2 ឆ្នាំ (S.D. = 10.1)។ ប្រមាណបីក្នុងចំណោមដើមបណ្តឹងរដ្ឋប្បវេណីបួននាក់ ថ្លែងថា ពួកគេចេះអាន និងសរសេរ (61.9%)។ ក្បែរនឹង 12% បានចូលរៀនមធ្យមសិក្សា ឬខ្ពស់ជាងនេះ។ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីច្រើនជាបុរស (62.5% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 31.0% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី ) វ័យក្មេង (55.3 ឆ្នាំ, S.D.:7.7 សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 59.1 ឆ្នាំ, S.D.: 10.1 សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី) រៀបការហើយ (85.8% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 61.2%សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី) និងមានការអប់រំច្រើនជាង (30.0% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 11.9%សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី បានចូលរួមមធ្យមសិក្សា ឬខ្ពស់ជាងនេះ) និងមានប្រាក់ចំណូលប្រចាំខែច្រើនជាង (US\$94.64, S.D. 100.81 សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង US\$72.84, S.D. 96.15 សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី )។

លក្ខណៈទាំងនេះ អាចឆ្លុះបញ្ចាំងអំពីលក្ខណវិនិច្ឆ័យមិនកំណត់ សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដែលភាគច្រើនត្រូវបានជ្រើសតាំងដោយគ្នាគាត់។ អ្នកចូលរួមក្នុងការសិក្សានេះទាំងអស់បានឆ្លងកាត់របបខ្មែរក្រហម ហើយជួបប្រទះព្រឹត្តិការណ៍នៃការប៉ះពាល់ផ្លូវចិត្ត។
- អ្នកផ្តល់ចម្លើយត្រូវបានសួរនូវសំណួរលើកចំហរមួយអំពីការក្តីបារម្ភបច្ចុប្បន្នរបស់ពួកគេ និងអាចផ្តល់រហូតដល់បីចម្លើយ។ អាទិភាពបច្ចុប្បន្នរបស់ដើមបណ្តឹងរដ្ឋប្បវេណីគឺ៖ មុខរបរសេវាសុខភាព និងតម្រូវការជាមូលដ្ឋាន ដូចជាម្ហូបអាហារ និងទីជម្រក។ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីទំនងជាព្រួយបារម្ភជាងអំពី៖ ១)ចំណាយ និងតម្លៃ (30.0% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 19.4% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី), ២)យុត្តិធម៌ នីតិវិធី និងអភិបាលកិច្ច និងបញ្ហាសាលាក្តីខ្មែរក្រហម (22.5% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 8.5% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី), ៣)បញ្ហាសុវត្ថិភាពដូចជា ការលួច និងគ្រឿងញៀន (10.8% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 5.1% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី) ប៉ុន្តែពួកគេមានក្តីបារម្ភតិចតួចចំពោះតម្រូវការជាមូលដ្ឋាន (15.8% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 26.5% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី) និងសុខភាព (32.5% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 43.9% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី)។ បើប្រៀបធៀបនឹងដើមបណ្តឹងរដ្ឋប្បវេណីភាគរយដ៏ខ្ពស់នៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដែលបាននិយាយអំពី យុត្តិធម៌ នីតិវិធី និងអភិបាលកិច្ច និងបញ្ហាសាលាក្តីខ្មែរក្រហម អាចបណ្តាលមកពីកំណើនព័ត៌មាន និងការបណ្តុះបណ្តាល ដែលបានផ្តល់ដល់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី។ បើទោះជាពួកគេ

ផ្ដោតទៅលើតម្រូវការប្រចាំថ្ងៃក្តី នៅពេលសួរនាំអំពីអ្វីដែលពួកគេចង់ឃើញកើតឡើង ចំពោះអ្នកដែលទទួលខុសត្រូវចំពោះអ្វីដែលបានកើតឡើងក្នុងអំឡុងរបបខ្មែរក្រហម អ្នកផ្តល់ចម្លើយភាគច្រើនបំផុត (93.5% សម្រាប់ ដើមបណ្តឹងរដ្ឋប្បវេណី ធៀបនឹង 90.8% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) លើកឡើងយ៉ាងហោចណាស់នូវវិធានការមួយ ពាក់ព័ន្ធនឹងយុត្តិធម៌ តាមការពិន័យ ដូចជា ការជំនុំជម្រះជាដើម។ និងប្រាំពីរនាក់ក្នុង ចំណោមតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី១០នាក់

**ដំណើរការដាក់ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណី**

- ភាគច្រើននៃអ្នកផ្តល់ចម្លើយថ្លែងថា សមាគមអាដហុក គឺជា **ប្រភពចម្បងរបស់ពួកគេ** ពាក់ព័ន្ធនឹងការដាក់ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណី និងថា ពួកគេត្រូវបានជួយ គាំទ្រដោយសមាគមអាដហុកក្នុងការដាក់ពាក្យរបស់ពួកគេ។ ក្នុងចំណោម អ្នកដែលជួយ គាំទ្រដោយសមាគមអាដហុក ពាក់កណ្តាលនៃដើមបណ្តឹងរដ្ឋប្បវេណី (48.5%) និងប្រាំពីរ នាក់ក្នុងចំណោមតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី១០នាក់ (71.4%) ទទួលបានព័ត៌មានយ៉ាង តិចម្តងក្នុងមួយខែ។ ប្រមាណបីភាគបួននៃដើមបណ្តឹងរដ្ឋប្បវេណី (77.8%) និងភាគច្រើន បំផុតនៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (95.9%) មានអារម្មណ៍ថាទទួលបានការគាំទ្រល្អ គួរសម និងច្រើន ពីសមាគមអាដហុក។
- ក្នុងចំណោមអ្នកចូលរួមផ្តល់ចម្លើយទាំងអស់ **មូលហេតុចម្បងទាំងបីក្នុងការចូលរួមនៅ អ.វ.ត.ក ជាដើមបណ្តឹងរដ្ឋប្បវេណី** គឺ៖ ១)ដើម្បីរកយុត្តិធម៌ឲ្យសាច់ញាតិ ដែលបានស្លាប់ ក្នុងរបបខ្មែរក្រហម (70.1% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 89.2% សម្រាប់តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី) ២)ដើម្បីប្រាប់រឿងរ៉ាវផ្ទាល់ខ្លួន និងទទួលបានការទទួលស្គាល់ ចំពោះទុក្ខវេទនារបស់ខ្លួន (40.8% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 46.7% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និង ៣)ទទួលបានសំណងផ្ទាល់ខ្លួន (36.7% សម្រាប់ ទាំង ដើមបណ្តឹងរដ្ឋប្បវេណី និងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ មួយចំនួននៃការរំពឹងទុកទាំង នេះអាចមិនបំពេញបានឡើយ តាមរយៈការចូលរួមរបស់ពួកគាត់ក្នុងដំណើរការនីតិវិធី របស់អ.វ.ត.ក។ លទ្ធផលបង្ហាញអំពីតម្រូវការ ក្នុងការត្រួតពិនិត្យការរំពឹងទុក ក៏ដូចជា ក្នុង ការជូនព័ត៌មានអំពីព្រំដែននៃសំណង ដែលនឹងត្រូវបានផ្តល់ជូនដោយតុលាការទៅដល់ ដើមបណ្តឹងរដ្ឋប្បវេណី។
- វិធានផ្ទៃក្នុងនៃ អ.វ.ត.ក តម្រូវឲ្យដើមបណ្តឹងរដ្ឋប្បវេណីមាន**តំណាងផ្លូវច្បាប់**។ សមាគម អាដហុកធ្វើការយ៉ាងជិតស្និទ្ធជាមួយនឹងមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដើម្បីធានា ថា ព័ត៌មានត្រឹមត្រូវត្រូវបានផ្តល់ឲ្យតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី និងដើមបណ្តឹង រដ្ឋប្បវេណី។ ក្នុងចំណោមអ្នកផ្តល់សម្ភាសន៍ទាំងអស់ (52.4% នៃដើមបណ្តឹងរដ្ឋប្បវេណី និង74.2% នៃតំណាង ដើមបណ្តឹង រដ្ឋប្បវេណី) និយាយថា ពួកគេបានជ្រើសរើស មេធាវី តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី របស់ខ្លួនក្នុងសំណុំរឿងទីពីរ (សំណុំរឿង០០២) និង ភាគច្រើនថ្លែងថា ពួកគេធ្លាប់បានជួបមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ខ្លួនយ៉ាង

តិចណាស់ម្តង។ យ៉ាងណាមិញ អ្នកចូលរួមក្នុងការសិក្សានេះអាចប្រាប់ឈ្មោះមេធាវីជាតិ និងមេធាវីអន្តរជាតិតិចតួចបំផុត។ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីទំនងជា ១) បានរាយការណ៍ថា ខ្លួនបានជ្រើសរើសមេធាវីរបស់ខ្លួន២) បានជួបជាមួយមេធាវីរបស់ខ្លួនញឹកញាប់ជាង និង ៣)មានអារម្មណ៍ថា ទទួលបានការឧបត្ថម្ភច្រើនជាងដោយមេធាវីខ្លួន។ លទ្ធផលទាំងនេះ គឺស្របគ្នានឹងលក្ខណៈ និងតួនាទីក្នុងនាមជាតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដែលអនុញ្ញាតឲ្យមានការចូលរួមក្នុងការបណ្តុះបណ្តាល និងដំណើរការនីតិវិធីហើយដូច្នោះហើយ ក៏បង្កើនឪកាសឲ្យជួបជាមួយមេធាវីរបស់ពួកគេ។

**គម្រោងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី**

- **តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីដើរតួជាចំណុចប្រាស្រ័យទំនាក់ទំនង**។ តួនាទីរបស់ពួកគេ គឺបម្រើជាទំនាក់ទំនងនៃព័ត៌មានរវាងដើមបណ្តឹងរដ្ឋប្បវេណី, មេធាវី និងតុលាការ។ បើធៀបនឹងដើមបណ្តឹងរដ្ឋប្បវេណី តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីមានការយល់ដឹងទូលំទូលាយជាងអំពីតួនាទីរបស់ពួកគេ។ គួរឲ្យកត់សម្គាល់ ភាគរយតិចតួចបំផុតនៃដើមបណ្តឹងរដ្ឋប្បវេណី (ប្រមាណ 10%) ដឹងថា មួយក្នុងចំណោមកិច្ចការរបស់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី គឺចែករំលែកព័ត៌មានពី និងទៅមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី។ ក្នុងនាមជាចំណុចប្រាស្រ័យទាក់ទង តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីបញ្ជូនព័ត៌មានទៅដើមបណ្តឹងរដ្ឋប្បវេណីតាមរយៈមធ្យោបាយទាក់ទងខុសៗគ្នា ទាំងផ្លូវការ និងក្រៅផ្លូវការ។ ពួកគេក៏ប្រាស្រ័យទាក់ទងផងដែរជាមួយមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី និងបុគ្គលិកសមាគមអាដហុក។
- ជាទូទៅ ភាគច្រើននៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីបានរាយការណ៍ថា **បានចែករំលែកព័ត៌មាន**ពីម្តងទៅម្តងដង (70.9%) ចាប់តាំងពីពួកគេចាប់ផ្តើមក្លាយជាតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ខណៈដែលភាគរយដ៏តិចតួច (25.0%) មានការប្រាស្រ័យទាក់ទងប្រាំដង ឬច្រើនជាងហ្នឹងជាមួយនឹងដើមបណ្តឹងរដ្ឋប្បវេណីដូចគ្នាអំពីប្រធានបទ ទាក់ទងនឹងសាលាក្តីខ្មែរក្រហម។ ជាងនេះទៅទៀត ក្នុងអំឡុងពេលនៃការសិក្សានេះ ភាគច្រើននៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីថ្លែងថា ពួកគេធ្លាប់បានរៀបចំការប្រជុំផ្ទុកស្រុកម្តងទៅបីដង(76.7%) និងបានទាក់ទងដើមបណ្តឹងរដ្ឋប្បវេណី ផ្សេងៗទៀត ជាលក្ខណៈបុគ្គល ចន្លោះពីម្តងទៅបីដង (57.5%)។ បន្ថែមលើនេះទៀត ពាក់កណ្តាលនៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីបានបញ្ជូនសំណួរចន្លោះពីមួយទៅបីដើមបណ្តឹងរដ្ឋប្បវេណី ទៅមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (52.5%) ខណៈដែល ម្នាក់ក្នុងចំណោមតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីប្រាំនាក់បានបញ្ជូនបួន ឬប្រាំសំណួរពីដើមបណ្តឹងរដ្ឋប្បវេណីទៅមេធាវី (20.8%) ។ ផ្ទុយទៅវិញ ច្រើនជាងពាក់កណ្តាលនៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីបានបញ្ជូនព័ត៌មានពីមេធាវី ទៅ ដើមបណ្តឹងរដ្ឋប្បវេណី ចន្លោះពីម្តងទៅបីដង (58.3%) ខណៈដែលស្ទើរតែម្នាក់ក្នុងចំណោមប្រាំនាក់បានបញ្ជូនព័ត៌មានបួន ឬប្រាំដង (18.3%)។

- តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីត្រូវបានគាំទ្រដោយសមាគមអាដហុក តាមរយៈ **ទំនាក់ទំនងគ្នា និងការបណ្តុះបណ្តាលជាប្រចាំ**។ ប្រធានបទចម្បងៗក្នុងវគ្គបណ្តុះបណ្តាល ត្រូវបានរាយការណ៍ដោយតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីគឺពាក់ព័ន្ធនឹង ១) តួនាទីរបស់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (64.9%) ២) ព័ត៌មានអំពីសំណង និងវិធានការក្រៅបច្ចេកទេសតុលាការ (64.1%) ៣) ព័ត៌មានអំពីសំណុំរឿង០០២របស់អ.វ.ត.ក និងជនជាប់ចោទ (41.9%) និង ៤) សិទ្ធិ និងតួនាទីរបស់ដើមបណ្តឹងរដ្ឋប្បវេណី (30.8%)។ ជាទូទៅ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីមានអារម្មណ៍សុខស្រួលនឹងការងាររបស់ពួកគេ បើទោះជាពួកគេទទួលស្គាល់ថា ពួកគេនៅតែត្រូវការជំនួយពីបុគ្គលិកសមាគមអាដហុក ដើម្បីឆ្លើយទៅនឹងសំណួររបស់ដើមបណ្តឹងរដ្ឋប្បវេណី។ ពួកគេក៏បានរាយការណ៍ថា ពុំសូវមានអារម្មណ៍ស្រណុកចិត្តប៉ុន្មានដែរ ក្នុងការនិយាយនៅមុខក្រុមមនុស្ស។ ប្រមាណចំនួនពាក់កណ្តាលបង្ហាញអំពីចំណង់ចំណូលចិត្តមានការពន្យល់ និងបច្ចុប្បន្នភាពបន្ថែមទៀតអំពីសាលាក្តី និងសំណុំរឿង (57.5%)។ ម្នាក់ក្នុងចំណោមប្រាំនាក់ថ្លែងថា ត្រូវការវគ្គបណ្តុះបណ្តាលបន្ថែមទៀតអំពីការងាររបស់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (21.7%)។ សំណើផ្សេងៗទៀត រួមមានការឧបត្ថម្ភផ្នែកហិរញ្ញវត្ថុបន្ថែម នៅពេលបំពេញការងារក្នុងនាមជាតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (17.5%) និងការគាំទ្របន្ថែមពីបុគ្គលិកប្រចាំតំបន់របស់សមាគមអាដហុក (14.2%)។
- **ការប្រជុំថ្នាក់ស្រុក** គឺជាមធ្យោបាយដ៏ចម្បងនៃការចែករំលែកព័ត៌មានរវាង តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី និងដើមបណ្តឹងរដ្ឋប្បវេណី។ ភាគច្រើនរាយការណ៍ថា បានចូលរួមការប្រជុំនេះម្តងទៅបីដង (76.9%) ដែលដើមបណ្តឹងរដ្ឋប្បវេណីភាគច្រើនបានចូលរួមពីរដង (31.0%)។ ដើមបណ្តឹងរដ្ឋប្បវេណីលើកឡើងប្រធានបទពិសេសពីរ ដែលត្រូវបានពិភាក្សាក្នុងការប្រជុំទាំងនេះ។ ប្រធានបទទាំងនេះស្តីពីសំណង និងវិធានការក្រៅបច្ចេកទេសតុលាការ (46.2%) និងព័ត៌មានអំពីអ.វ.ត.ក រួមទាំង រចនាសម្ព័ន្ធ, អាណត្តិ និងព័ត៌មានអំពីសំណុំរឿង០០២ (39.3%)។ ជាទូទៅ ក្នុងចំណោមអ្នកដែលបានជួបជាមួយតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ពួកគេ ដើមបណ្តឹងរដ្ឋប្បវេណីមានអារម្មណ៍ពេញចិត្តនឹងការប្រជុំរបស់ពួកគេ (97.3%) ទទួលបានព័ត៌មានថ្មីៗ(88.0%) ហើយនិយាយថា ពួកគេ យល់អំពីព័ត៌មានថ្មីៗទាំងនេះ(88.6%)។ ច្រើនជាងចំនួនពាក់កណ្តាលនៃដើមបណ្តឹងរដ្ឋប្បវេណីនិយាយថា ពួកគេពេញចិត្តនឹងជួបជាមួយតែមេធាវីពួកគាត់ជាង(59.9%) ប៉ុន្តែក្នុងពេលដូចគ្នាដែរ ស្ទើរតែទាំងអស់គ្នាថ្លែងថា ពួកគេចង់បានតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (98.3%) និងបាននិយាយថា ពួកគេនឹងជួបជាមួយតំណាងរបស់ពួកគាត់ម្តងទៀត(93.2%)។ អនុសាសន៍ចម្បងរបស់ពួកគេផ្តល់ឲ្យសមាគមអាដហុកគឺ ត្រូវបន្តផ្តល់ព័ត៌មានអំពីអ.វ.ត.ក, នីតិវិធីនៅអ.វ.ត.ក និងកិច្ចដំណើរការនីតិវិធី ក៏ដូចជាសំណុំរឿង០០២ និងជនជាប់ចោទតទៅទៀត។
- ចម្លើយរបស់អ្នកផ្តល់សម្ភាសន៍បង្ហាញអំពី**វិយាបទវិជ្ជមានដ៏មុតមាំ ក្នុងនាមជាដើមបណ្តឹងរដ្ឋប្បវេណី**។ អ្នកផ្តល់សម្ភាសន៍ទាំងអស់ ថ្លែងថា ភាពជាដើមបណ្តឹងរដ្ឋប្បវេណីផ្តល់ឲ្យពួកគេក្តីសង្ឃឹមសម្រាប់ថ្ងៃអនាគត (96.3% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 95.0%

សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ធ្វើឲ្យមានអារម្មណ៍ “ផ្នែកផ្លូវចិត្ត” កាន់តែរឹងមាំ (87.8% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 80.8% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និងថា ការជួបប្រជុំ និងការសន្ទនាគ្នាជាមួយនឹងអ្នកនៅរស់រានមានជីវិតផ្សេងៗទៀតធ្វើឲ្យ ពួកគេមានអារម្មណ៍ធូរស្បើយពីអតីតកាលដ៏សែនឈឺចាប់របស់ខ្លួន (97.6% សម្រាប់ ដើមបណ្តឹងរដ្ឋប្បវេណី និង 92.5% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ ពាក់ព័ន្ធនឹង យុត្តិធម៌ អ្នកផ្តល់សម្ភាសន៍ឆ្លើយថា ភាពជាដើមបណ្តឹងរដ្ឋប្បវេណីផ្តល់ឲ្យពួកគេនូវ អារម្មណ៍ទទួលបានយុត្តិធម៌ (99.0% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 97.5% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ហើយថា ពួកគេមានទំនុកចិត្តយ៉ាងមុតមាំទៅលើច្បាប់ (98.0% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 97.5% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ។ នៅអំឡុងពេលធ្វើការសិក្សានេះ បទពិសោធន៍ជាទូទៅរបស់អ្នកចូលរួមជាដើមបណ្តឹង រដ្ឋប្បវេណីក្នុងពេលកន្លងមក ត្រូវបានគេចាប់អារម្មណ៍ថា មានលក្ខណៈវិជ្ជមាន (99.7% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 98.3% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

- **លទ្ធផលបង្ហាញយ៉ាងច្បាស់ថា អ្នកផ្តល់ចម្លើយក្នុងការសិក្សានេះមានឥរិយាបថវិជ្ជមាន ចំពោះអ.វ.ត.ក។** ភាគច្រើនលើសលប់ជឿជាក់ថា អ.វ.ត.ក នឹងនាំមកនូវយុត្តិធម៌ដល់ ជនរងគ្រោះនៃរបបខ្មែរក្រហម និង/ឬ ក្រុមគ្រួសាររបស់ពួកគេ (95.2% សម្រាប់ដើមបណ្តឹង រដ្ឋប្បវេណី និង 95.8% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ ប្រមាណប្រាំពីរនាក់ក្នុង ចំណោមអ្នកផ្តល់ចម្លើយដប់នាក់ ជឿជាក់ថា អ.វ.ត.ក កំពុងបំពេញភារកិច្ចគ្រប់គ្រាន់ហើយ សម្រាប់ជនរងគ្រោះ (74.5% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 71.7% សម្រាប់ តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី) ខណៈដែលស្ទើរតែគ្រប់គ្នាថ្លែងថា អ.វ.ត.កនឹងជួយកសាងទំនុក ចិត្តឡើងវិញនៅប្រទេសកម្ពុជា (92.5% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និងតំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី) និង លើកកម្ពស់ការផ្សះផ្សារជាតិ (91.5% សម្រាប់ដើមបណ្តឹង រដ្ឋប្បវេណី និង 93.3% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ យ៉ាងណាមិញ មួយភាគ បួននៃអ្នកផ្តល់ចម្លើយ (25.2% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 28.3% សម្រាប់ តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី)ឲ្យយោបល់ថា ការចំណាយថវិកាលើអ្វីម្យ៉ាងជាជាងលើអវតក ហើយភាគរយគួរសម (58.2% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 40.8% សម្រាប់ តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី)និយាយថា វាសំខាន់ជាងក្នុងការផ្តោតទៅលើបញ្ហានានា ដែល ប្រជាជនកម្ពុជាកំពុងប្រឈមមុខនាពេលបច្ចុប្បន្ននេះ ជាជាង ការដោះស្រាយឧក្រិដ្ឋកម្ម ដែលបានប្រព្រឹត្តដោយពួកខ្មែរក្រហម។ ភាគរយដ៏ស្តួចស្តើងនៃអ្នកផ្តល់ចម្លើយ (5.8% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 10.0% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ឆ្ងល់ អំពីអព្យាក្រឹតភាពរបស់តុលាការ។ ក្នុងចំណោមនោះ មូលហេតុចម្បងដែលបានលើក ឡើងដោយដើមបណ្តឹងរដ្ឋប្បវេណី និងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីដូចគ្នានោះគឺ តើ

រដ្ឋាភិបាលមានឥទ្ធិពលលើអវតក និងការពន្យារការជំនុំជម្រះឬយ៉ាងណា។ ដើមបណ្តឹង រដ្ឋប្បវេណីក៏បានលើកឡើងអំពីបញ្ហាអំពើពុករលួយ និងការកាត់ទោស ខុច ដែរ។

- អ្នកផ្តល់ចម្លើយថ្លែងថា **ប្រភពចម្បងនៃព័ត៌មានអំពីអ.វ.ត.ក** គឺប្រព័ន្ធផ្សព្វផ្សាយ ពេលគឺ និងទូរទស្សន៍ (46.9% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 59.2% សម្រាប់តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី) និង វិទ្យុ (45.6% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 67.5% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និងសមាគមអាដហុក (31.0% សម្រាប់ដើមបណ្តឹង រដ្ឋប្បវេណី និង 54.2% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ ភាគរយគួរសមនៃអ្នក ផ្តល់ចម្លើយ (60.2% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 78.3% សម្រាប់តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី) ចង្អុលបង្ហាញថា ពួកគេបានមើលកម្មវិធីអំពីអ.វ.ត.ក តាម ទូរទស្សន៍។ ក្នុងចំណោមនោះ កម្មវិធី “ការជំនុំជម្រះរឿងក្តី ខុច” ត្រូវបានលើកឡើង ញឹកញាប់ជាងគេ (42.4% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 54.3% សម្រាប់ តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី)។ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីទំនងថ្លែងច្រើនជាងអំពីប្រព័ន្ធ ផ្សព្វផ្សាយ ពេលគឺទូរទស្សន៍ និងវិទ្យុ គឺជាប្រភពព័ត៌មានដ៏ចម្បងរបស់ពួកគេអំពីអ.វ.ត.ក និងថា ពួកគេបានមើលកម្មវិធីទូរទស្សន៍អំពីតុលាការ។ ភាគរយដ៏ធំនៃតំណាងដើមបណ្តឹង រដ្ឋប្បវេណីបានថ្លែងថា សមាគមអាដហុក ក៏ជាប្រភពព័ត៌មានដ៏ចម្បងអំពីតុលាការ។ លទ្ធផលលើកឡើងចុងក្រោយនេះ គឺពុំមានអ្វីឲ្យភ្ញាក់ផ្អើលឡើយ ដោយសារតែទំនាក់ ទំនងជាប្រចាំរបស់ពួកគេជាមួយនឹងសមាគមអាដហុក ក្នុងនាមជាតំណាងដើមបណ្តឹង រដ្ឋប្បវេណី។
- អ្នកផ្តល់ចម្លើយ (37.1% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 66.7% សម្រាប់តំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី) ដឹងថា **ការកាត់ទោសឲ្យជាប់ពន្ធនាគារចំពោះ ខុច សម្រេចដោយ អង្គជំនុំជម្រះសាលាដំបូង** គឺរយៈពេល៣៥ឆ្នាំ។ នៅពេលសាកសួរអំពីរយៈពេលដែល ខុច ត្រូវជាប់ពន្ធនាគារជាក់ស្តែង ម្នាក់ក្នុងចំណោមដើមបណ្តឹងរដ្ឋប្បវេណីប្រាំនាក់ (20.7%) និង ពាក់កណ្តាលនៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (50.0%) ថ្លែងថា ការជាប់ពន្ធនាគារ ជាក់ស្តែងនឹងមានប្រសិទ្ធភាព១៨/១៩ឆ្នាំ (ចម្លើយត្រឹមត្រូវ) ប៉ុន្តែលើសពាក់កណ្តាលនៃ ដើមបណ្តឹងរដ្ឋប្បវេណី (56.8%) និងមួយភាគបីនៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (33.3%) ពុំ មានផ្តល់ចម្លើយទេ។ បើធៀបនឹងដើមបណ្តឹងរដ្ឋប្បវេណី តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ទំនងនឹងផ្តល់ចម្លើយបានត្រឹមត្រូវជាង។
- នៅពេលពិនិត្យទៅលើ **ចំណេះដឹងជាក់ស្តែងអំពីសំណុំរឿង០០២** របស់អ្នកផ្តល់ចម្លើយ ប្រមាណពីភាគបីនៃដើមបណ្តឹងរដ្ឋប្បវេណី (66.7%) និងភាគច្រើនលើសលប់នៃតំណាង ដើមបណ្តឹងរដ្ឋប្បវេណី (90.8%) ដឹងថា មេដឹកនាំជាន់ខ្ពស់បួនរូបនឹងត្រូវបានជំនុំជម្រះក្នុង សំណុំរឿង០០២ នៅចំពោះមុខអ.វ.ត.ក ។ ប្រមាណពាក់កណ្តាលនៃ ដើមបណ្តឹង រដ្ឋប្បវេណី និងភាគច្រើននៃតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី អាចប្រាប់ឈ្មោះជនជាប់ចោទ ទាំងបួននាក់ ក្នុងសំណុំរឿង០០២ ដោយគ្មានកំហុស (43.9% សម្រាប់ដើមបណ្តឹង រដ្ឋប្បវេណី និង 85.0% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និង ភាគច្រើន (77.2% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 90.8% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ដឹង

យ៉ាងតិចណាស់មួយនៃឧក្រិដ្ឋកម្ម ដែលជនជាប់ចោទត្រូវបានចោទប្រកាន់ ជាអាទិ៍ ឧក្រិដ្ឋកម្មប្រល័យពូជសាសន៍។

- បើនិយាយអំពីការយល់ដឹង និងចំណេះដឹងផ្លូវច្បាប់វិញ អ្នកផ្តល់ចម្លើយបានប្រាប់ឈ្មោះមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (55.1% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 80.8% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និងសហមេធាវីនាំមុខតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី (31.3% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 68.3% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ថាជាអ្នកតំណាងរបស់ពួកគេនៅក្នុងបន្ទប់សវនាការ។ ជាមធ្យម អ្នកផ្តល់ចម្លើយបានផ្តល់ ចម្លើយ ត្រឹមត្រូវរហូតដល់៥ក្នុងចំណោមសំណួរទាំង៧អំពីសិទ្ធិរបស់ដើមបណ្តឹងរដ្ឋប្បវេណី។ ជាទូទៅ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណីមានចំណេះដឹងច្រើនជាងដើមបណ្តឹងរដ្ឋប្បវេណី ពាក់ព័ន្ធនឹងជនជាប់ចោទ, ឧក្រិដ្ឋកម្មដែលត្រូវបានចោទ, តំណាងផ្លូវច្បាប់របស់ពួកគេ និងសិទ្ធិរបស់ដើមបណ្តឹងរដ្ឋប្បវេណី។ យ៉ាងណាមិញ លទ្ធផលបង្ហាញថា ចំណេះដឹងអំពីសំណុំរឿង០០២ និងការយល់ដឹងផ្នែកច្បាប់អំពីដំណើរការនីតិវិធី ចាំបាច់ត្រូវពង្រឹងបន្ថែមសម្រាប់ទាំងដើមបណ្តឹងរដ្ឋប្បវេណី និងទាំងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី។

**សំណង និងវិធានការក្រៅបច្ចេកទេសតុលាការ**

- ស្ទើរតែអ្នកផ្តល់ចម្លើយទាំងអស់ (97.6% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 97.5% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ថ្លែងថា វាសំខាន់ណាស់ដែលត្រូវផ្តល់សំណងដល់ជនរងគ្រោះនៃរបបខ្មែរក្រហម។ អ្នកផ្តល់ចម្លើយថ្លែងថា សំណងនឹងជួយសម្រាលការឈឺចាប់ផ្នែកសុខភាពផ្លូវចិត្ត និងផ្លូវកាយ (32.3% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 44.2% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ក៏ដូចជា ការពារការចងចាំអំពីឧក្រិដ្ឋកម្មដែលបានប្រព្រឹត្ត ក្នុងអំឡុងរបបខ្មែរក្រហម និងលើកកម្ពស់ការយល់ដឹងដល់មនុស្សជំនាន់ក្រោយ ដើម្បីកុំឱ្យភ្លេចអំពីហេរយោរយោទាំងនោះ (33.3% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 35.0% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ អ្នកផ្តល់ចម្លើយបានបន្ថែមថា សំណងនឹងផ្តល់យុត្តិធម៌ដល់ជនរងគ្រោះ និងអ្នកដែលបានស្លាប់ក្នុងរបបនោះ (29.6% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 21.7% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និងអាចជួយបង្កើនការទទួលបានការថែទាំសុខភាព និងការអប់រំសម្រាប់ជំនាន់ក្រោយ (10.2% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 10.0% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។
- យោងតាមលក្ខន្តិកៈរបស់អ.វ.ត.ក តុលាការអាចផ្តល់តែសំណងជានិមិត្តរូប និងសមូហភាពប៉ុណ្ណោះ។ ពាក់ព័ន្ធនឹងប្រភេទនៃ សំណងជានិមិត្តរូប និងសមូហភាព ភាគច្រើននៃអ្នកផ្តល់ចម្លើយថ្លែងថា វិមានវិញ្ញាណខន្ធ ឬចេតិយ គួរត្រូវបានសាងសង់តាមខេត្តនីមួយៗ ដើម្បីវិញ្ញាណដល់ជនរងគ្រោះ (56.5% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 76.7% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ មតិយោបល់បន្ថែមទៀត រួមមាន សេវាសុខភាព និងសេវាសុខភាពផ្លូវចិត្ត (23.5% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 39.2% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) សារមន្ទីរ (15.0% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី

និង 47.5% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និង ពិធីបុណ្យ ឬព្រឹត្តិការណ៍ សាធារណៈសម្រាប់អ្នកដែលបានស្លាប់ (24.8% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 17.5% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី)។ លើសពីម្នាក់ក្នុងចំណោមដប់នាក់ (13.9% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 18.3% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ចង់ឲ្យ សាងសង់សាលាធននៅតាមភូមិខ្លួន សម្រាប់ជាប្រយោជន៍ដល់មនុស្សចាស់ និងអ្នក ក្រីក្រ។ អ្នកផ្តល់ចម្លើយចង់ឲ្យអនុវត្តការផ្តល់សំណងនៅថ្នាក់ស្រុក (32.0% សម្រាប់ ដើមបណ្តឹងរដ្ឋប្បវេណី និង 57.5% សម្រាប់ តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) និង នៅថ្នាក់ ខេត្ត (33.7% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 44.2% សម្រាប់តំណាងដើមបណ្តឹង រដ្ឋប្បវេណី) និងបន្ទាប់មក នៅថ្នាក់ភូមិ និងឃុំ។ ច្រើនជាងម្នាក់ក្នុងចំណោមប្រាំនាក់ (20.1% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 24.2% សម្រាប់តំណាងដើមបណ្តឹងរដ្ឋប្បវេណី) ចង់ឃើញគេអនុវត្តសំណងនៅទីតាំងរណ្តៅសាកសពរួម។

- ពាក់ព័ន្ធនឹង វិធានការក្រៅបច្ចេកទេសតុលាការ អ្នកផ្តល់ចម្លើយភាគច្រើនថា ពួកគេចង់ ជួយ និង/ឬចូលរួមវិភាគទាន ប្រសិនបើមានគម្រោងតូចមួយត្រូវបានអនុវត្តក្នុងសហគមន៍ របស់ពួកគេ (99% សម្រាប់ដើមបណ្តឹងរដ្ឋប្បវេណី និង 98.3% សម្រាប់តំណាងដើមបណ្តឹង រដ្ឋប្បវេណី)។

**អនុសាសន៍**

របាយការណ៍នេះដាក់បញ្ចូលនូវមេរៀនដែលបានរៀនសូត្រពីការសិក្សានេះ និង អនុសាសន៍នានា ផ្អែកលើគំហើញពីការសិក្សា និងផ្អែកលើបទពិសោធន៍របស់សមាគមអាដហុក ជាមួយនឹងការចូលរួមរបស់ជនរងគ្រោះ តាំងពីអ.វ.ត.កចាប់ផ្តើមបើកទ្វារ។

*ចំពោះ គ្រប់តំណាង និងអន្តរការីទាំងអស់ ដែលធ្វើការជាមួយដើមបណ្តឹងរដ្ឋប្បវេណី (ឧ. សមាគម អាដហុក, គម្រោងអំពើហិង្សាផ្លូវភេទ/អង្គការក្រុមអ្នកច្បាប់ការពារសិទ្ធិកម្ពុជា, អង្គការគាំពារ ជនរងគ្រោះ, មេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី និងសហមេធាវីនាំមុខតំណាងដើមបណ្តឹង រដ្ឋប្បវេណី) ៖*

- រក្សាធនធាន និងកិច្ចខិតខំប្រឹងប្រែង ដើម្បីផ្សព្វផ្សាយ ជូនដំណឹង អប់រំ និងគ្រប់គ្រង ការរំពឹងទុកក្នុងចំណោមដើមបណ្តឹងរដ្ឋប្បវេណី ដោយប្រើប្រាស់វិធីសាស្ត្រពហុអន្តរកម្ម។ ចំណេះដឹងអំពីតុលាការ និងការជំនុំជម្រះនៅមានកម្រិតទាបនៅឡើយ។ ឧទាហរណ៍ មាន តែមួយភាគបីប៉ុណ្ណោះនៃដើមបណ្តឹងរដ្ឋប្បវេណីដឹងអំពីការកាត់ទោសចំពោះ ឌុច ក្នុង សំណុំរឿងទីមួយ និងពាក់កណ្តាលប៉ុណ្ណោះដឹងថា នរណាដែលតំណាងឲ្យពួកគេនៅពេល ជំនុំជម្រះក្តី។ វិធីសាស្ត្រអប់រំ រាប់បញ្ចូលទាំងការគាំទ្រផ្នែកភស្តុតាង សម្រាប់ការចូលរួម, ការប្រជុំ និងវគ្គបណ្តុះបណ្តាលផ្សេងៗ ក៏ដូចជា សកម្មភាពដែលមានការចូលរួម ដូចជា គម្រោងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី, ការសន្ទនាសហគមន៍, តុលាការសម្តែង ឬ

កម្មវិធីវិទ្យុអន្តរកម្ម។ សកម្មភាពទាំងនេះគួរយកផលចំណេញពីឪកាសសំខាន់ៗក្នុងដំណើរការអ.វ.ត.ក ដូចជា សាលាក្រមស្ថាពរក្នុងសំណុំរឿង០០២ និងបន្តរហូតដល់ពេលតុលាការអស់អាណត្តិ និងពេលក្រោយហ្នឹងទៀត។

- បង្កើតសកម្មភាពនៅក្រៅសកម្មភាពពាក់ព័ន្ធនឹងអ.វ.ត.ក ដើម្បីជួយឲ្យយល់ដឹងអំពីខ្លឹមសារនៃយុត្តិធម៌, ការទទួលស្គាល់, កិច្ចសន្ទនា និងការផ្លាស់ប្តូរយោបល់គ្នា។ ពុំមានគម្រោងចូលរួមណាមួយនឹងបំពេញនូវគ្រប់ការរំពឹងទុករបស់ដើមបណ្តឹងរដ្ឋប្បវេណី និងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីបានទេ។ សកម្មភាពអាច រាប់បញ្ចូលទាំង ការសាងសង់ទីវិញ្ញាណខន្ធក្នុងភូមិមួយ ប្រាប់រឿងរ៉ាវរបស់ខ្លួនទៅកាន់មនុស្សជំនាក់ក្រោយ, ការផ្តល់សក្ខីកម្ម ឬ ការធ្វើផែនការសាងសង់សារមន្ទីរមួយក្នុងសហគមន៍។
- បង្កើតនូវយន្តការប្រឹក្សាយោបល់ ដែលមានលក្ខណៈរាប់បញ្ចូល ដើម្បីប្រមែបម្រួល និងធ្វើឲ្យប្រមូលនូវសំឡេងរបស់ដើមបណ្តឹងរដ្ឋប្បវេណី និងតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ក្នុងវិធានការផ្តល់សំណងដែលបានផ្តល់ជាអនុសាសន៍ ទៅកាន់ចៅក្រម និងរៀបចំវិធានការក្រៅបច្ចេកទេសតុលាការជាទូទៅ។ យន្តការក៏គួរតែមាននៅហ្នឹងកន្លែងផងដែរ ដើម្បីធានានូវការយល់ដឹងបែបយេនឌ័រអំពីសំណង និងការជួយគាំទ្រដល់ជនរងគ្រោះ ក៏ដូចជាតម្រូវការក្នុងមូលដ្ឋាន ឬក្នុងតំបន់។

**ចំពោះមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី/សហមេធាវីនាំមុខតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី និងអន្តរការី ដែលធ្វើការជាមួយដើមបណ្តឹងរដ្ឋប្បវេណី៖**

- ធានាកំណើនទំនាក់ទំនង និងការចែករំលែកព័ត៌មានរវាងដើមបណ្តឹងរដ្ឋប្បវេណី និងមេធាវីដោយផ្ទាល់ ឬតាមរយៈអង្គការអន្តរការី។ ជាញឹកញាប់ ព័ត៌មានទាក់ទិននឹងអ.វ.ត.ក មានលក្ខណៈស្មុគស្មាញ និងពិបាកនឹងយល់ សម្រាប់ប្រជាពលរដ្ឋកម្ពុជាសាមញ្ញ។ មេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណីជាតួអង្គគន្លឹះ ក្នុងការពន្យល់គោលគំនិតពិបាកៗ និងបញ្ជូនព័ត៌មានទៅឲ្យដើមបណ្តឹងរដ្ឋប្បវេណី។ ក្នុងនាមជាអ្នកតំណាងផ្នែកច្បាប់របស់ដើមបណ្តឹងរដ្ឋប្បវេណី ពួកគេក៏នឹងទទួលអត្ថប្រយោជន៍ពីការដឹង និងយល់អំពីផលប្រយោជន៍របស់កូនក្តីខ្លួនដែរ។ មេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី គួរសម្របសម្រួលជាមួយអង្គការអន្តរការី និង/ឬតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដើម្បី បង្កើនកម្រិតទំនាក់ទំនងរបស់ពួកគេជាមួយ ដើមបណ្តឹងរដ្ឋប្បវេណី។ នេះនឹងជួយបង្កើនទាំងការយល់ដឹងរបស់ដើមបណ្តឹងរដ្ឋប្បវេណីអំពីកិច្ចដំណើរការនីតិវិធីរបស់អ.វ.ត.ក និងទាំងចំណេះដឹងរបស់មេធាវីអំពីផលប្រយោជន៍របស់កូនក្តីខ្លួន។

**ចំពោះមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី និង សហមេធាវីនាំមុខតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី៖**

- ចូលរួមយ៉ាងសកម្ម និង ទាក់ទងកូនក្តី និងឆ្លើយតបទៅនឹងតម្រូវការ និងការចង់បានរបស់កូនក្តី។ អ្នកផ្តល់ចម្លើយមួយចំនួនប៉ុណ្ណោះអាចប្រាប់ឈ្មោះមេធាវីជាតិ និងអន្តរជាតិរបស់ខ្លួន ហើយជាច្រើននាក់បង្ហាញថា ពួកគេមានអារម្មណ៍ថា ទទួលបានការគាំទ្រមួយចំណែកប៉ុណ្ណោះពីមេធាវីខ្លួន។ មេធាវីអាចកែតម្រូវបញ្ហានេះ ដោយរិះរកមធ្យោបាយប្រកបដោយ

ការច្នៃប្រឌិត ក្នុងការទាក់ទងជាមួយដើមបណ្តឹងរដ្ឋប្បវេណី។ ឧទាហរណ៍ មេធាវី អាចចែក  
នាមប័ណ្ណទៅដល់ដើមបណ្តឹងរដ្ឋប្បវេណី ដែលក្នុងនោះមាន ឈ្មោះ និងរូបថតមេធាវី និង  
ប័ណ្ណរបស់មេធាវីផង ដើម្បីឲ្យពួកគេងាយស្រួលចំណាំ។

- បង្កើតសារច្បាស់ៗអំពីដំណើរការនៃការជំនុំជម្រះ និងយន្តការទំនាក់ទំនងពីរផ្លូវ (ឧ. សារ  
សំឡេង, សារជាអក្សរ) ដើម្បីអនុញ្ញាតឲ្យដើមបណ្តឹងរដ្ឋប្បវេណីសួរសំណួរផ្ទាល់។  
ផ្សព្វផ្សាយសារទាំងនោះតាមរយៈបណ្តាញអង្គការអន្តរការី ដោយប្រើប្រាស់សារសំឡេង,  
រូបភាព, ឬសារជាអក្សរសាមញ្ញៗ ជាមួយនឹងរូបភាព។

**ចំពោះ អ.វ.ត.ក ៖**

- ផ្តល់បច្ចុប្បន្នភាពដែលមានតម្លាភាពឲ្យអង្គការមិនមែនរដ្ឋាភិបាល, ដើមបណ្តឹងរដ្ឋប្បវេណី  
និងសាធារណជនអំពីអនាគតនៃការជំនុំជម្រះ។ ដំណើរការឲ្យបានទាន់ពេលវេលា និង  
មានតម្លាភាព ជាមួយនឹងកិច្ចខិតខំប្រឹងប្រែងបង្កើតឲ្យមានការប្រាស្រ័យទាក់ទងបើកចំហ  
ជាមួយនឹងអង្គការសង្គមស៊ីវិល អំពីសំណុំរឿងបច្ចុប្បន្ន និង ឧទាហរណ៍ លទ្ធភាពនៃ  
ការជំនុំជម្រះតូចៗបន្ថែមទៀត។
- បង្កើតនូវយន្តការទំនាក់ទំនងតុលាការ-សង្គមស៊ីវិលដ៏ច្បាស់លាស់មួយ ជាមួយនឹងមន្ត្រីម្នាក់  
ដែលទទួលបានការងារសម្របសម្រួល និងធ្វើសហប្រតិបត្តិការជាមួយសង្គមស៊ីវិល, អន្តរការី  
និងតុលាការតាមរយៈការប្រាស្រ័យទាក់ទងជាប្រចាំ និងបង្កើតនូវសារសម្រាប់ចុះផ្សព្វ  
ផ្សាយដ៏ច្បាស់លាស់ និងស្របគ្នាមួយ សម្រាប់ផ្សព្វផ្សាយទៅដើមបណ្តឹងរដ្ឋប្បវេណី និង  
ប្រជាពលរដ្ឋកម្ពុជាទូទៅ។
- រៀបចំសារ ដែលមានលក្ខណៈប្រព័ន្ធ, ស្របគ្នា និងច្បាស់លាស់មួយ ពាក់ព័ន្ធនឹងសំណង  
និងលទ្ធផលរំពឹងទុកជាក់ស្តែងរបស់វា ដោយមានកិច្ចសហប្រតិបត្តិការជាមួយអង្គការ  
អន្តរការី និងមេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី ដើម្បីគ្រប់គ្រងការរំពឹងទុក និង  
ជៀសវាងនូវសេចក្តីស្រងាកចិត្ត និងសេចក្តីខកចិត្តក្រោយពីអ.វ.ត.ក អស់អាណត្តិ។

**ចំពោះរាជរដ្ឋាភិបាលកម្ពុជា ៖**

- ធ្វើការដើម្បីបង្កើត និងធានានូវកេរ្តិ៍ឈ្មោះរបស់អ.វ.ត.ក ពិសេសពាក់ព័ន្ធនឹងការផ្ទេរ  
បទពិសោធន៍នៅអ.វ.ត.កនៃការចូលរួមរបស់ជនរងគ្រោះ និងការគាំទ្រដល់ប្រព័ន្ធតុលាការ  
ក្នុងស្រុក។ ទិដ្ឋភាពជាច្រើននៃកេរ្តិ៍ឈ្មោះរបស់អ.វ.ត.ក មានសក្តានុពលនឹងមាន  
ឥទ្ធិពលជាវិជ្ជមានទៅលើនីតិវិធី និងប្រព័ន្ធច្បាប់នៅកម្ពុជា។ បទពិសោធន៍ និងការកសាង  
សមត្ថភាពនៃគម្រោងចូលរួមរបស់ជនរងគ្រោះ ផ្តល់ជាគំរូសម្រាប់ការចូលរួមរបស់ជនរង  
គ្រោះក្នុងតុលាការក្នុងស្រុក ក៏ដូចជាអន្តរកាលផ្ទុះទៅរកប្រព័ន្ធយត្តិធម៌ដែលផ្តល់  
អត្ថប្រយោជន៍ដល់ជនរងគ្រោះកាន់តែច្រើន នៅកម្ពុជាជាទូទៅ។

- បន្តធ្វើការជាមួយជនរងគ្រោះ និងសង្គមស៊ីវិល ដើម្បីបង្កើតនូវយន្តការក្រៅបច្ចេកទេស តុលាការ ដើម្បីដោះស្រាយនឹងកេរដំណែលរបបខ្មែរក្រហម រួមបញ្ចូលទាំងការពង្រឹង ការអប់រំ និងកម្មវិធីប្រវត្តិសាស្ត្រដែលមានស្រាប់ ដោយបង្កើតឲ្យមានមតិសម្រាប់ការ និយាយអំពីការពិត និងសក្ខីកម្ម និងកសាងទីរំលឹកវិញ្ញាត្តិ និងការទទួលស្គាល់ ជនរងគ្រោះ។

**ចំពោះម្ចាស់ជំនួយ ៖**

- បន្តគាំទ្រការចូលរួមរបស់ជនរងគ្រោះរហូតដល់ចប់ការជំនុំជម្រះ។ ការចូលរួមរបស់ ជនរងគ្រោះ គឺជាលក្ខណៈពិសេសមួយរបស់តុលាការ។ ខណៈដែលមានតម្រូវការក្នុង ការគ្រប់គ្រងការរំពឹងទុកក្នុងចំណោមដើមបណ្តឹងរដ្ឋប្បវេណី ការប្តេជ្ញាធានានូវសិទ្ធិរបស់ ជនរងគ្រោះចាំបាច់ត្រូវរក្សាឲ្យបាន និងនៅតែជាកេរដំណែលដ៏មានសារៈសំខាន់របស់ តុលាការ។
- គាំទ្រកម្មវិធី ដែលធានានូវការងាររបស់តុលាការ និងកេរដំណែលរបស់តុលាការ ក្រោយ ពេលបញ្ចប់ការជំនុំជម្រះ ដើម្បីជូនដំណឹងដល់កម្មវិធីសង្គម ដែលមានលក្ខណៈកាន់តែ ទូលំទូលាយ ក្នុងការដោះស្រាយជាមួយនឹងអតីតកាល រាប់បញ្ចូលទាំង កម្មវិធី ដើម្បីពង្រឹង ការអប់រំ, ការនិយាយអំពីការពិត និងទីបន្ទាល់ និងការកើនរំលឹក ។
- គាំទ្រដំណើរការប្រឹក្សាយោបល់ ដែលឲ្យប្រជាពលរដ្ឋកំណត់ និងដោះស្រាយបញ្ហា អាទិភាព និងតម្រូវការ លើសពីយុត្តិធម៌។
- ទាមទារនូវកំណើនតម្លាភាព និងកិច្ចសហប្រតិបត្តិការ ក្នុងចំណោមអង្គសំខាន់ៗ ដែល ពាក់ព័ន្ធក្នុងការងារអ.វ.ត.ក និងផ្តល់ការគាំទ្រដល់ជនរងគ្រោះ។

# INTRODUCTION

In November 2011, the Extraordinary Chamber in the Courts of Cambodia's (ECCC) Trial Chamber began hearing evidence in a complex case against three former top ranking Khmer Rouge leaders, Nuon Chea, Ieng Sary, and Khieu Samphan. This is the second trial held at the ECCC in an effort to bring justice to the victims of the Khmer Rouge regime, nearly 30 years after the violence. The ECCC is one of the rare efforts at securing criminal accountability for mass atrocities that allows victims of the alleged crimes to participate directly in the proceedings as Civil Parties.

While the first trial at the ECCC included less than 100 Civil Parties, an unprecedented large number of Cambodians (nearly 4,000) participate as Civil Parties in this second case (Case 002). The Cambodian Human Rights and Development Association (French acronym: ADHOC) acts as the intermediary organisation for more than 1,700 of the Civil Parties admitted in Case 002, providing assistance for their participation in the ECCC's legal proceedings.

Such a large number of participants poses great challenges to the Court, lawyers and NGOs alike, as Civil Party legal representative have the right to question witness, experts, and the accused, resulting in lengthy procedures.<sup>1</sup> In an attempt to consolidate the effective participation of victims, and considering the limited resources available for victims' representation, ADHOC established a Civil Party Representative (CPR) scheme, to facilitate a two-way communication process between ADHOC-assisted Civil Parties, their lawyers, and the Court. ADHOC's CPR scheme includes 122 Civil Party Representatives acting as the focal point and link between the majority of the ADHOC-assisted Civil Parties, their lawyers, ADHOC staff, and the Court.

This study is the first of a series that will monitor and evaluate this Civil Party Representatives scheme, and more broadly the process of Civil Party participation at the ECCC, to ensure that the rights, opinions, and expectations of individual victims are respected and taken into account. Results of this study may also generate ideas for the involvement of large numbers of victims in other international and hybrid courts set up to deal with mass atrocities.

## Objectives of the Study

The specific objective of this baseline study was to examine, among Civil Parties assisted by ADHOC in Case 002: (1) their awareness, knowledge and attitudes of the ECCC; (2) their perceptions and expectations about justice; and (3) their expectations in regards to collective and moral reparations. The results inform the on-going monitoring and evaluation of ADHOC's civil party representation scheme.

This paper begins with a background which provides context to the ADHOC Civil Party scheme. This consists of a brief presentation of the evolution of the ECCC and its victim participation scheme. Next, there is a brief explanation of the methodology of the survey followed by the survey results. The final section presents lessons learned and general recommendations. Overall, the study contributes to a base understanding of Civil Party participation in the ECCC proceedings and provides a guide for ADHOC, and other relevant entities, to adjust the structure and implementation of Civil Party schemes, related advocacy programs, and funding.

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<sup>1</sup> Werner, A., and D. Rudy, "Civil Party Representation at the ECCC: Sounding the Retreat in International Criminal Law?" *Northwestern Journal of International Human Rights* 8(3) (2010): 301-9.

# BACKGROUND

## ECCC and victims' participation

The prosecution of crimes of mass atrocity has gained increasing attention in the international community as a means to address widespread and large-scale human rights abuses and their aftermath. Regarded as an obligation under international law,<sup>2</sup> the primary aim of prosecution is to hold responsible those individuals who have committed massive human rights abuses, to end impunity, and consequently, to deliver justice to the victims who have suffered from the atrocities committed. In cases where national institutions are either incapable or unwilling to accomplish these goals independently, the international community may become involved in establishing appropriate mechanisms.

In the wake of the wide spread atrocities committed by the Khmer Rouge regime from 1975-79, victims in Cambodia demanded justice. Out of a population of 7 million, scholars estimate that from 1.1 to 2.1 million people died from torture, summary executions, forced labour, starvation or illness.<sup>3</sup> However, it was not until more than 25 years later that the Extraordinary Chamber in the Courts of Cambodia (ECCC), an in-country hybrid court, was jointly established by the Royal Government of Cambodia and the United Nations not only to prosecute senior leaders and those most responsible for the atrocities, but also to support the reconciliation process.<sup>4</sup>

Although a hybrid-court with integrated international staff and mandates, the ECCC is part of the Cambodian Court system. It uses Cambodian criminal laws and procedure, which are derived from the French civil law tradition, but also incorporates and is supplemented by international law.<sup>5</sup> In accordance with the civil law tradition, the court allows for the participation of victims in the court proceedings as Civil Parties.

With the exception of the International Criminal Court (ICC) and the Special Tribunal for Lebanon (STL), victim participation has been rather limited in other internationalized tribunals.<sup>6</sup> Previously, focus had been placed predominantly on retributive justice elements, with greater concern for compliance with rule of law, the

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<sup>2</sup> Diane Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violation of Prior Regime," *Yale Law Journal* no. 100 (1991): 2537-2615.

<sup>3</sup> See David Chandler, Ben Kiernan and Boua Chanthou, *Pol Pot Plans the Future* (Connecticut: Yale University Southeast Asia Studies, 1988), 236; and Ben Kiernan, *The Pol Pot Regime* (Connecticut: Yale University Press, 2002), 456. For a discussion and assessment of the broad range of casualty estimates, see Bruce Sharp, "Counting Hell: Beauty and Darkness in Cambodia in Modern History," <http://www.mekong.net/cambodia/deaths.htm#fn22>, accessed August 2012.

<sup>4</sup> 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 (July 2003, ratified October 19, 2004) (hereinafter "ECCC Agreement"), [http://www.eccc.gov.kh/english/cabinet/agreement/5/Agreement\\_between\\_UN\\_and\\_RGC.pdf](http://www.eccc.gov.kh/english/cabinet/agreement/5/Agreement_between_UN_and_RGC.pdf), accessed August 2012.

<sup>5</sup> Article 33 (new), Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, 27 October 2004, (hereinafter "ECCC Law"); Article 12, ECCC Agreement, [http://www.eccc.gov.kh/sites/default/files/legal-documents/KR\\_Law\\_as\\_amended\\_27\\_Oct\\_2004\\_Eng.pdf](http://www.eccc.gov.kh/sites/default/files/legal-documents/KR_Law_as_amended_27_Oct_2004_Eng.pdf), accessed August 2012.

<sup>6</sup> For example, the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda, as well as the Special Court for Sierra Leone and the Special Panels for East Timor, have no provision for victim participation. See International Federation for Human Rights (FIDH), "Victims' Rights Before The International Criminal Court: A Guide for Victims, their Legal Representatives and NGOs", *The International Federation for Human Rights*, (Paris: 2007), <http://www.fidh.org/Victims-Rights-Before-the-International-Criminal>, accessed August 2012.

rights of the accused, and fair trial proceedings. However, these criminal tribunals mostly “failed to provide a significant progress in the recognition of victims.”<sup>7</sup>

These shortcomings, and the burgeoning advocacy for a more victim-centred approach, were formally acknowledged by the international community in the establishment of the first permanent international criminal court. By successfully incorporating victims’ rights into the Rome Statute, the International Criminal Court (ICC)<sup>8</sup> acknowledges victims as key stakeholders in the judicial process and affords them the right to participate in the proceedings and to claim reparations awards.<sup>9</sup>

The ECCC allows victims to participate in its proceedings as Civil Parties or complainants. As such, victim participation at the ECCC provides a unique opportunity to initiate a more victim-oriented process of justice in Cambodia, which, concurrently, is a means of combining traditional retributive justice with elements of restorative justice. Civil Parties share many of the same procedural rights afforded to the prosecution and the defence. They are also entitled to legal representation and may seek moral and collective reparations. Pursuant to the ECCC Internal Rules, their role is to participate by supporting the prosecution.<sup>10</sup> In addition to the possibility of becoming Civil Parties, victims may participate in the proceedings by becoming complainants. In this role a victim submits, to the Co-Prosecutors, information related to the crimes within the jurisdiction of the court, and which have bearing on the case.<sup>11</sup> They may be called as a witness to the court, but are not a party to the proceedings or eligible to seek reparations.

The Victims Support Section (VSS) – the last unit to be fully operative after receiving funding from the German Foreign office in the end of 2008<sup>12</sup> - is responsible for facilitating victims’ participation before the ECCC. Its mandate is to assist victims in filing complaints or Civil Party applications, to assist and support Civil Parties and complainants’ attendance in court proceedings, and to conduct outreach activities to provide general information in particular to Civil Parties.<sup>13</sup>

Case 001, the first case to be tried in the ECCC, was brought against Kaing Guek Eav, alias *Duch*, the former chief of the torture prison S-21. This marked the first internationalized criminal trial in which victims joined the criminal proceedings as Civil Parties. Ninety<sup>14</sup> Civil Parties or Civil Party applicants participated in the trial. They were represented by four groups of lawyers including at least one international and one national lawyer per

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<sup>7</sup> Christine Evans, “Reparations for Victims in International Criminal Law”, in Online Festschrift in honour of Katarina Tomaševski (Raoul Wallenberg Institute, 2011), <http://rwi.lu.se/what-we-do/academic-activities/publications/tomasevski/>, accessed July 2012.

<sup>8</sup> Ibid.

<sup>9</sup> Article 68(3), Rome Statute. See also Articles 17 and 25, Statute of the Special Tribunal for Lebanon, allowing victims’ participation.

<sup>10</sup> Rule 23(1), ECCC Internal Rules (Rev 8), as revised on 3 August 2011 (hereinafter “ECCC Internal Rules”), [http://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20\(Rev.8\)%20English.pdf](http://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20(Rev.8)%20English.pdf), accessed August 2012.

<sup>11</sup> The ECCC is a hybrid court composed of Cambodian and international professionals. The Office of the Prosecution and the Office of the Investigating Judges are both co-headed by one Cambodian national and one foreigner. For details on the organizational chart of the ECCC, see [http://www.unakrt-online.org/02\\_court.htm](http://www.unakrt-online.org/02_court.htm).

<sup>12</sup> “Media Alert on Signing Ceremony of German Contribution,” ECCC press release, November 6, 2008, [www.eccc.gov.kh/sites/default/files/media/Media\\_Alert\\_German\\_contribution-En.pdf](http://www.eccc.gov.kh/sites/default/files/media/Media_Alert_German_contribution-En.pdf), accessed August 2012.

<sup>13</sup> Rule 12bis (1), ECCC Internal Rules.

<sup>14</sup> Initially, there were 94 civil parties or Civil Party applicants. Subsequently, one application was denied and three people withdrew from the process. The Trial Chamber recognized 66 participants as Civil Parties. The Supreme Court Chamber granted Civil Party status to ten additional applicants increasing the number of Case 001 Civil Parties to 76 out of the 90 original applicants. See *Duch* Judgement, ECCC Trial Chamber, 001/18-07-2007/ECCC/TC, 26 July 2010, paras. 645 and 650; [http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/20100726\\_Judgement\\_Case\\_001\\_ENG\\_PUBLIC.pdf](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/20100726_Judgement_Case_001_ENG_PUBLIC.pdf), accessed August 2012, and *Duch* Appeal Judgement, ECCC Supreme Court Chamber, 001/18-07-2007/ECCC/SC, 3 February 2012, para. 537ff, <http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/Case%20001AppealJudgementEn.pdf>, accessed September 2012.

group.<sup>15</sup> Victim's participation in the first trial proved challenging. On numerous occasions, the defence counsel argued that Civil Party lawyers (CPL) were acting as 'prosecutors', challenging the principle of equality of arms.<sup>16</sup> The beginning of the trial was overwhelmed by Civil Party lawyers' interventions resulting in the Chamber restricting the time they were permitted to intervene.<sup>17</sup> In some instances, Civil Party lawyers presented opposing positions demonstrating a lack of coordination and 'support' for the prosecution.

In the course of the trial of Case 001, the rights of Civil Parties were increasingly curtailed. Civil Party lawyers requested to make submissions on provisional detentions and the Co-Prosecutor's opening statements and sentencing. These requests were all denied. Civil Parties themselves were not able to make opening statements at the beginning of the trial, a right granted to the Civil Parties at the ICC.<sup>18</sup> Additionally, and on its own motion, the Trial Chamber excluded the CPLs from questioning experts who had examined the accused person and character witnesses. This was especially infuriating for Civil Parties spurring them to boycott the courtroom for a week.<sup>19</sup>

The second trial, Case 002, is incredibly complex. It involves three aging defendants,<sup>20</sup> Nuon Chea, Ieng Sary, and Khieu Samphan;<sup>21</sup> three defence teams, and crimes that occurred across the country. These senior leaders of the Khmer Rouge regime are accused of crimes against humanity, grave breaches of the Geneva Conventions of 1949, and genocide. As of January 2010, the Co-Investigating Judges had received nearly 4,000 Civil Parties applications.

Beginning 2010, considering the magnitude of Case 002, the number of Civil Parties applications, as well as in an attempt to conform to efficient trial management, the judges designed a new concept of Civil Party participation. This 'new' concept included the following changes:

- The Co-Investigating Judges were charged with vetting Civil Party applications ensuring that Civil Party admissibility will be determined prior to the beginning of the trial;<sup>22</sup>

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<sup>15</sup> "List of Legal Teams Case 001", ECCC VSS website, [www.eccc.gov.kh/sites/default/files/List\\_of\\_Legal\\_Teams\\_001.pdf](http://www.eccc.gov.kh/sites/default/files/List_of_Legal_Teams_001.pdf), accessed August 2012.

<sup>16</sup> KRT Trial Monitor, Reports No. 7 (week ending 31 May 2009), 9 (week ending 21 June 2009), and 21 (week ending 21 September 2009).

<sup>17</sup> Michelle Staggs Kelsall et al., "Lessons Learned from the Duch's Trial: A Comprehensive Review of the First Case before the ECCC," Report produced by The Asian International Justice Initiative's KRT Trial Monitoring Group (Phnom Penh: December 2009) 28.

<sup>18</sup> *Ibid.*, 31-32.

<sup>19</sup> For discussion about the participation of Case 001 Civil parties at the ECCC, see Phuong N. Pham et al. "Victim Participation in Duch's Trial at the Extraordinary Chambers in the Courts of Cambodia," *Journal of Human Rights Practice* no. 3, vol. 3 (2011): 264-287.

<sup>20</sup> On the eve of the second trial, the Trial Chamber found Ieng Thirith, former DK Minister of Social Affairs, unfit to stand trial. The Chamber ordered a stay of proceedings against her. The ECCC Supreme Court Chamber overturned the Trial Chamber's decision ordering Ieng Thirith's continued detention and additional medical treatment. ECCC document E138, "Trial Chamber Decision on Ieng Thirith's Fitness to Stand Trial," November 17, 2011 ([www.eccc.gov.kh/sites/default/files/documents/courtdoc/E138\\_EN.PDF](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E138_EN.PDF), accessed August 2012, and ECCC document E138/1/7, "Supreme Court Chamber Decision on Immediate Appeal against Trial Chamber's Order to Release the Accused Ieng Thirith," December 13, 2011, [www.eccc.gov.kh/sites/default/files/documents/courtdoc/E138\\_1\\_7\\_EN-1.PDF](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E138_1_7_EN-1.PDF), accessed August 2012. On September 13, 2012, the Trial Chamber reaffirmed that Ieng Thirith was unfit to stand trial, and ordered the accused' release from detention. The Chamber also confirmed the severance of the charges and indefinitely stayed proceedings against her, see "Trial Chamber Decision on Reassessment of Ieng Thirith's Fitness to Stand Trial," ECCC press release, 13 September 2012, <http://www.eccc.gov.kh/en/indicted-person/ieng-thirith/press-releases>, accessed November 2012.

<sup>21</sup> Under the Khmer Rouge regime, Nuon Chea, also known as "Brother no. 2", was second in command and Deputy Secretary of the Communist Party of Kampuchea; Ieng Sary, was Deputy Prime Minister for Foreign Affairs, and Khieu Samphan, was Head of State. The initial hearing started on June 27 2011. The substantive part of the trial commenced on November 21, 2011, see <http://www.eccc.gov.kh/en/case/topic/2>, accessed August 2012.

<sup>22</sup> Previously, Civil Party applications could be vetted by the Office of the Co-Investigating Judges (OCIJ) or by the Trial Chamber, before or at trial. The OCIJ is now solely charged with vetting. For details on the previous Civil Party participation scheme see ECCC Internal Rules as of 12 June 2007, <http://www.eccc.gov.kh/en/documents/legal/internal-rules>, accessed August 2012.

- All Civil Parties will be part of a single, consolidated group represented by two Co-lead lawyers, supported by Civil Party lawyers;
- A single claim for collective and moral reparations will be formulated for all Civil Parties that comprised the single, consolidated group and;
- The Victims Support Section (VSS) will be responsible for a new mandate entailing the development of non-judicial measures.<sup>23</sup>

These amendments effectively recreated the participation mechanism before the ECCC. The new mechanism for vetting of Civil Party applications was an improvement. However, the inclusion of a single, consolidated group of Civil Parties represented by two Lead Co-Lawyers raised questions and presented new challenges. In the pre-trial stage, a Civil Party had the right to be represented by counsel of his/her choice. Beginning at the trial stage (and beyond), all Civil Parties were required to form one consolidated group represented by the newly created body of Civil Party Lead Co-Lawyers (CPLCL).<sup>24</sup> The lawyers chosen by the Civil Parties, who still retain the power of attorney with their clients, are coordinated by the Lead-Co Lawyers and are to support them in submissions and examinations of their clients and witnesses.<sup>25</sup> This new mechanism, some have argued, is an adaption designed to align the victims' participation mechanism with that of the ICC, at the expense of eroding the legal meaning of a Civil Party and the extensive rights it entails in a civil judicial system.<sup>26</sup>

Additionally, the recent consolidation of the CP lawyers under the CPLCL system poses further challenges in terms of attorney-client relations and provides no mechanism to resolve disputes between Lead Co-Lawyers and Civil Party lawyers.<sup>27</sup> As such, many Civil Party lawyers believe the scheme requires further revision.

With regard to reparations, the reinvented participation scheme allows for collective and moral reparations to be awarded (including a limited number of awards) if a single claim is made by the consolidated group. This claim must identify the harm suffered as a result of the crime committed by the convicted person and outline how the requested reparations will provide specific benefits to the Civil Parties to address this particular harm.<sup>28</sup> The moral and collective nature of the reparations limits their potential scope. This is further constrained by the financial means of the accused or the lack thereof. To address this latter limitation, the ECCC Internal Rules were amended opening an additional avenue for the Civil Party reparations claim to be funded from other sources. Civil Party Lead Co-Lawyers were permitted to request the Trial Chamber to recognize that specific reparations measures, which have been designed or identified in coordination with the Victims Support Section, are appropriate for implementation with external funding.<sup>29</sup> This opens up the possibility for certain measures to be funded by donor contributions and developed in collaboration with governmental and non-governmental organizations, not only by the ECCC.

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<sup>23</sup> "7th Plenary Session of the ECCC Concludes," ECCC press release, 9 February 2010, [www.eccc.gov.kh/sites/default/files/media/Press\\_Release\\_Conclusion\\_7th\\_Plenary\\_Session\\_\(ENG\).pdf](http://www.eccc.gov.kh/sites/default/files/media/Press_Release_Conclusion_7th_Plenary_Session_(ENG).pdf), accessed August 2012.

<sup>24</sup> Rule 12ter, ECCC Internal Rules.

<sup>25</sup> Ibid.

<sup>26</sup> Andrew F. Diamond, "Victims Once Again?: Civil Party Participation before the Extraordinary Chambers in the Courts of Cambodia," Rutgers Law Record no. 38 (2010-2011); see also Susana SáCouto, "Victim Participation at the International Criminal Court and the Extraordinary Chambers in the Courts of Cambodia: A Feminist Project?," American University, Washington College of Law Research Paper No. 2011-30 (2012). <http://ssrn.com/abstract=1934320>.

<sup>27</sup> For example, German lawyer Silke Studzinsky, who represents hundreds of Civil Parties, has voiced frustration over the rejection of her submissions on behalf of her clients which seemed to be lacking in justification. Speaking of the unrestricted power of the CPLCL, she said: "We have no body to complain to about whatever decision they take. We are fully in their hands. They do not have only a coordinating role, they decide which content is submitted and which is excluded. They have uncontrolled power." Julia Wallace, "Losing Civil Parties in Cambodia," International Justice Tribune, 18 January 2012, <http://www.rnw.nl/international-justice/article/losing-civil-parties-cambodia>, accessed August 13, 2012.

<sup>28</sup> Rule 23quinquies (1) (2), ECCC Internal Rules.

<sup>29</sup> Rule 23quinquies (3)b, ECCC Internal Rules.

Following the initial hearing on June 20 2011, the Trial Chamber requested more specifications on possible reparations awards sought by the Civil Party Lead-Co Lawyers.<sup>30</sup> A special hearing was set on October 19, 2011 to address Civil Party reparations claims. Subsequently, this provided the opportunity for the Civil Party Lead Co-Lawyers to “supplement, update and, remedy the initial specifications given at the Initial Hearing,”<sup>31</sup> where appropriate. Accordingly, the Civil Party Lead Co-Lawyers presented four categories of reparations representing ideas and needs expressed by the Civil Parties:<sup>32</sup>

1. Remembrance and Memorialization (e.g. memorial day, stupas/monuments to pay tribute to the victims);
2. Rehabilitation and Health Services (e.g. mental health services);
3. Documentation and Education; (e.g. preservation of Khmer Rouge documents; museums and libraries);
4. Other projects (activities aimed at assisting specific victim groups such as those subjected to forced marriage, Cham Muslims, or Vietnamese-Cambodians forcibly deported from Cambodia by the Khmer Rouge).

The amendments of the internal rules on the reparations mandate give hope that collective measures will be granted in future judgements.<sup>33</sup> They also give the VSS a unique opportunity to develop and implement non-judicial measures for the broader interest of the victims in collaboration with governmental and non-governmental organizations.<sup>34</sup> Other legal decisions are also liable to affect reparations. To speed up proceedings, and considering the advanced age of the accused, the Trial Chamber ordered the severance of the Case 002 into several sub-trials. The first sub-trial in Case 002 (Case 002/001) commenced on November 21, 2011. Its scope is limited to forced movements of the population, Phases I and II, and related crimes against humanity, as well as to the structure of Democratic Kampuchea (DK),<sup>35</sup> and the role of each accused before and during the DK regime.<sup>36</sup> Thus far, the Trial Chamber’s stance remains unclear as to whether this limited scope of the first trial will have an impact on the nature of the reparations, since the consolidated group will need to prove the harm and demonstrate the possible benefits provided by the reparations should they be awarded.

With both mandates - reparations and non-judicial measures - the hopes and expectations of the Civil Parties and key stakeholders are high that at least some projects acknowledging the crimes committed by the Khmer Rouge, addressing the suffering of the victims, and leaving a positive legacy for the victims will be realized and implemented. These mandates are of prime importance to ADHOC. Reparations and non-judicial measures are key topics during CPRs trainings and CPs district meetings.

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<sup>30</sup> ECCC Document E125, “Trial Chamber Memorandum: Initial Specification of the Substance of Reparations Awards Sought by the Civil Party Lead-Co-Lawyers pursuant to Internal Rule 23quinquies (3),” September 23, 2011, [http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E125\\_EN.PDF](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E125_EN.PDF), accessed August 2012.

<sup>31</sup> *Ibid.*, 3.

<sup>32</sup> ECCC Document E125/2, “Civil Party Lead Co-Lawyers Initial Specifications of the Substance of the Awards that the Civil Party Lead Co-Lawyers Intend to Seek – Hearing of 19 October 2011,” March 12, 2012, para. 55ff, [http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E125\\_EN.PDF](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E125_EN.PDF), accessed August 2012.

<sup>33</sup> The Case 001 judgements by both the Trial Chamber and the Supreme Court Chamber limited reparations to compile all statements of apology and acknowledgement of responsibility by Duch during the trial including the appeal stage to post in on the ECCC website (see Duch Trial Judgement, para. 683; Duch Appeal Judgement).

<sup>34</sup> Rule 12bis (3), ECCC Internal Rules.

<sup>35</sup> Democratic Kampuchea refers to the Khmer Rouge regime.

<sup>36</sup> See ECCC Document D427, “Closing Order Case 002,” 002/19-09-2007-ECCC-OCIJ, 15 September 2010; Phase I (Movement of the Population from Phnom Penh), para. 221; Phase 2 (Movement of the Population from the Central (Old North, Southwest, West and East Zones), para. 262, <http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D427Eng.pdf>, accessed August 2012. See also Document E124, “Severance Order Pursuant to Internal Rule 89ter,” 22 September 2011, paras. 1 and 5, [http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E124\\_EN.PDF](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E124_EN.PDF), accessed August 2012.

As of June 2011, nearly 4,000 Civil Parties were admitted<sup>37</sup> and around 38 national and international Civil Party lawyers are representing clients on diverse issues including forced marriage, genocide on the Cham and Vietnamese, and Diaspora cases.<sup>38</sup> Case 002/001 must set out to fulfil not only the court's main mandate – prosecution- but also some of the victims' needs and hopes. In the special hearing on reparations, CPLCL Simmoneau-Fort rightly referred to the ICC Pre-Trial Chamber Judgement in the case of *Prosecutor v Lubanga Dyilo*, stating that “the success of the Court is, to some extent, linked to the success of its reparations mandate.”<sup>39</sup>

Regardless of the challenges that remain, the ECCC victim participation scheme is innovative. It makes significant headway towards providing victims a certain level of partnership with international criminal tribunals. Nevertheless, it is important to accurately assess and understand the impact and efficacy of the current ECCC victim participation scheme. Only this will provide the understanding to inform its improvement in the future and by extension its legacy. In general, the experience of the ECCC reinforces the lessons learned but not always heeded from the ICC.

Bearing this in mind, the evaluation of the ECCC participation scheme takes on further significance as it offers a guide for future tribunals' victim participation mechanisms. The experience of the ECCC demonstrates the changes and accommodations which could be made in order to accommodate large numbers of Civil Party participants. The experience of the CP participation scheme in Cambodia also offers a critical example of how victim participation can work in an evolving environment that challenges and scrutinizes the role of Civil Parties at every step of its implementation. .

## **ADHOC activities Case 001 - Case 002**

The ECCC victim participation scheme formulates the legal basis under which victims participate in its proceedings as Civil Parties, and seek reparations. Cambodian civil society organizations are preoccupied with engaging victims into the ECCC proceedings, and with making sure that their participation is meaningful.

In Case 001, because of the small number of Civil Parties, ADHOC was able to organize regular meetings during which Civil Party lawyers would provide accurate and continuous information about the case. This facilitated Case 001 ADHOC-assisted Civil Parties to make informed decisions and act on their legal options (e.g., to give their views on legal matters, to ask questions to the accused or witnesses through their lawyers, to testify). In Case 002, the sheer number of Civil Parties, compounded with limited resources to support their participation, raises difficulties in informing Civil Parties about the case on a regular basis and/or for a substantial proportion of Civil Parties to testify or question witnesses through their lawyers. Taking these limitations into consideration, the Cambodian Human Rights and Development Association came up with an innovative approach, the **Civil Party Representative scheme**, to facilitate active and meaningful participation among the Civil Parties.

ADHOC has been involved from the beginning in the long process of advocating for the establishment of a Khmer Rouge tribunal (KRT) to bring the former senior leaders and most responsible of the Khmer Rouge to

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<sup>37</sup> In September 2010, at the time of the Closing Order, the Office of the Investigating Judges recognized 2,124 applicants as Civil Party. In June 2011, the Pre-Trial Chamber granted Civil Party status to an additional 1,728 applicants. The number of Civil Parties is now 3,866 taking into consideration duplications and deaths. See ECCC Court Report, Issue 29 September 2010, p. 4, <http://www.eccc.gov.kh/en/publication/court-report-september-2010>, accessed August 2012; D411/3/6, Decision on Appeals against Orders of the Co-Investigating Judges on the Admissibility of Civil Party Applications, 24 June 2011, <http://www.eccc.gov.kh/en/document/court/decision-appeals-against-orders-co-investigating-judges-admissibility-civil-party-app>, accessed August 2012; “Victims: We Receive Some Justice by Becoming Civil Parties”, ECCC website, 2 August 2011, <http://www.eccc.gov.kh/en/articles/victims-we-receive-some-justice-becoming-civil-parties>, accessed August 2012.

<sup>38</sup> The majority of the Civil Party Lawyers are working pro bono with limited funding to meet with clients. Contacts between CPs and their lawyers are mostly provided through civil society involved in Khmer Rouge Tribunal projects.

<sup>39</sup> See *Prosecutor v. Thomas Lubanga Dyilo*, ICC Pre-Trial Chamber I, Decision no. ICC-01/04-01/06-8 (24 February 2006), para. 136.

justice. With the establishment of the Extraordinary Chambers in the Courts of Cambodia in 2006, ADHOC started a nationwide outreach campaign to inform the population about this tribunal. In almost three years more than 100,000 Cambodian citizens have been reached.<sup>40</sup> During this time ADHOC informed the population about the possibility to apply as a Civil Party before the ECCC. With the assistance of ADHOC, 1,827 people submitted an application as Civil Party to the Victims Support Section. In the end almost all applicants were admitted as Civil Party, which meant that almost 50%<sup>41</sup> of the Civil Parties in Case 002 have either chosen ADHOC as their intermediary organization or have received assistance from ADHOC in order to participate in the ECCC's legal proceedings.<sup>42</sup>

For logistical reasons, ADHOC has divided the 24 Cambodian provinces into six regional hubs.<sup>43</sup> Each hub is covered by one member of ADHOC's provincial staff who is responsible for implementing project activities in the provinces. This nationwide engagement resulted in ADHOC being the only intermediary who provides assistance to Civil Parties in Cambodia's most remote provinces of Rattanakiri, Mondulakiri and Oddar Meanchey.<sup>44</sup>

In consideration of the high number of Civil Parties, ADHOC re-focused its projects to allow for meaningful participation of Civil Parties before the ECCC in Case 002, establishing the **Civil Party Representative scheme**. This scheme involved solely ADHOC-assisted Civil Parties, and is independent from the court, administratively and logistically.<sup>45</sup>

The general goals of the project are to facilitate and foster civic engagement, and empower the project beneficiaries. The immediate objectives are to increase participation of Civil Parties in the ECCC proceedings, and to develop a comprehensive understanding and knowledge of the current ECCC Case 002 proceedings among 122 Civil Party Representatives (CPRs), who, in turn, share their knowledge with the remaining ADHOC-assisted Civil Parties. Facilitating and fostering civic engagement and empowerment of the Civil Parties is an additional goal. ADHOC project staff is working closely with the Civil Party Representatives and are contact persons for both CPRs and CPs.

A Civil Party Representative does not legally represent or speak on behalf of Civil Parties, but rather acts as the nexus or focal point between Civil Parties, the court and the lawyers to ensure that Civil Parties are provided with sufficient information and are regularly updated on the latest developments in the ECCC Case 002.<sup>46</sup> They facilitate communication between victims, ADHOC project staff, their respective Civil Party lawyers and the ECCC itself as well as among individual victims. The CPRs have been either "elected" by other Civil Parties or appointed by ADHOC from among the Civil Parties in a particular geographical area. CPRs were mostly elected during ADHOC regional meetings held in the beginning of 2010. The "election" was a two-step process: Civil Parties volunteered to be a CPR then their fellow Civil Parties accepted them as their representative. Subsequently however, some CPRs, challenged by their CPR tasks, were replaced by ADHOC-appointed CPRs. There are no specific criteria to become a CPR except that they must be accepted as such by other Civil Parties.

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<sup>40</sup> Michaela Raab and J. Poluda, "Justice for the Survivors and for Future Generations - ADHOC's ECCC/ICC Justice Project Dec. 2006 until March 2010 Evaluation Report" (Phnom Penh: March 2010).

<sup>41</sup> As of June 2011, 1791 ADHOC-assisted applicants were recognized as Civil Parties and are part of ADHOC Civil Party support scheme. Out of the 1827 submitted Civil Party applications, some applications were double and some applicants passed away.

<sup>42</sup> An overview of submitted Civil Party applications by intermediary organizations was distributed in a meeting with the ECCC Victims Support Section. See ECCC Victims Support Section Progress Report, 25 June 2010.

<sup>43</sup> To the exception of Phnom Penh and Kampong Speu, each staff covers four provinces. The person in Kampong Speu has three provinces. Phnom Penh is not part of the hubs and is serviced by ADHOC Headquarter.

<sup>44</sup> Civil Party applications submitted to the VSS in these provinces were forwarded and collected by ADHOC. In each of these provinces, people recognized as Civil Party by the office of the Co-Investigating Judges were ADHOC assisted civil parties.

<sup>45</sup> Several other organisations are assisting Civil Parties. These include the Cambodian Defenders Project (CDP), Legal Aid of Cambodia (LAC), and Avocats Sans Frontieres (ASF).

<sup>46</sup> The CDP Gender-based violence project has a similar concept of focal points.

To ensure accurate dissemination of information by the CPRs to the CPs, ADHOC has organized trainings<sup>47</sup> to provide basic legal knowledge and enhance their understanding of topics such as fair trial rights, Civil Party rights before the ECCC, and the legal framework of the ECCC. From the inception of the program up to the time of this survey, CPRs have received about four days of training. Additionally, the CPRs are attending ECCC proceedings in Case 002/001 on a frequent basis, and meet with Civil Party lawyers before and after the proceedings, to get answers to their questions and to understand and clarify the content of the current proceedings.

CPRs use different means to transmit information to CPs. These include individual meetings, phone calls, and group meetings or district meetings. Every three months, Civil Parties are invited to participate in half day *Civil Party district meetings* in their area to get information about developments in Case 002 and convey basic legal understanding. These meetings are also an opportunity for exchange among the survivors. Finally, in addition to informing each other through these channels, ADHOC has organised nationwide Civil Party district meetings. These meetings serve as a platform for CPRs and Civil Parties to exchange information, and provide an opportunity to update all Civil Parties on current developments at the ECCC.<sup>48</sup>

The CPRs scheme has engaged a large number of ADHOC-assisted Civil Parties in Case 002 proceedings who would have been otherwise sidelined. Additionally, it is expected that the CPRs, and to a lesser extent the CPs, will also gain a better understanding of the legal principles that underlined the work of the ECCC. Ultimately, it is hoped that this knowledge could translate into a better understanding of the concepts of rule of law and democratic institutions that can be used in their communities and in the Cambodian society. Nonetheless, the CPRs scheme still has its challenges and limitations. First, the large number of Civil Parties renders it difficult to ensure that all, or at least a majority, will be reached regularly and effectively. Second, the scheme is based on dissemination of information and contacts. ADHOC gets its information from the ECCC or other sources (e.g. Civil Party lawyers, experts/consultants or trainings), trains the CPRs who, in turn, transmit the information to the CPs. However, like the telephone game, dissemination of information through several people can result in information content modifications. The accuracy of the information is dependent on how people understand it and are able to transmit it. This is further exacerbated by several factors. Legal language and vocabulary is often foreign to ordinary Cambodians and, thus, difficult to understand and relate to for the CPRs and the CPs. CPRs have a broad range of education and knowledge levels that could influence their understanding and ability to transmit the information. Finally, CPRs' own perception or expectations of the justice system could also affect understanding and transmission of information.

Third, there is a limited number of experienced ADHOC staff to support the CPRs. As a result, they do not always have the time and skills needed to adequately reinforce CPRs work. Fourth, all CPRs are volunteers. Nevertheless, their role requires contacting CPs and organizing meetings and, thus, points out to the needs for reimbursement of associated expenses such as prepaid mobile phone cards and travel allowances. ADHOC provides some financial reimbursement of expenses but the limited budget makes it difficult to guarantee regular contacts with CPs. All these elements hamper the possibility of ensuring a comprehensive and sustainable project that would maximize capacity building and buttress CPRs and CPs.

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<sup>47</sup> At the time of the survey, Civil Party Representatives had attended a total of four days of training. The first training rounds were conducted in November and December 2010. CPRs attended two-day training either in Kampot, Kampong Cham, Pursat or Siem Reap. This training was followed by 2-day training in March 17 -18, 2011 in Phnom Penh. (ADHOC KRT Justice Project, "Annual Project Report 2010 to OxfamNovib" and "Annual Project Report 2011 to OxfamNovib", see Annex V ADHOC District Meetings).

<sup>48</sup> Essentially, eight rounds of Civil Party meetings are planned during the course of the project from 2010 to 2012. One round consists of 50 nationwide meetings over a time span of three months. The average participant's number at one meeting is around 35 (Annual Project Report 2011 to OxfamNovib, Annex V ADHOC District Meetings).

## METHODOLOGY

In Case 002, ADHOC assists nearly half of all admitted Civil Parties. Specifically, at the time of the closing order in September 2010, ADHOC assisted 1,058 out of 2,124 admitted Civil Parties. The number of ADHOC-assisted Civil Parties increased to 1,791 in June 2011, when the Pre-Trial Chamber admitted additional applicants. For logistical reasons, the present study focuses on ADHOC-assisted Civil Parties as of May 2011, thus a total number of 1,058 ADHOC-assisted Civil Parties in Case 002, or 49.3% of the total number of Civil Parties prior the ECCC Pre-Trial Chamber's ruling. Out of this number, 122 were subsequently appointed as Civil Party Representatives.

The sampling for this survey was done in two phases. In phase 1, a total of 422 Civil Parties were selected based on the following process. The list of 1058 ADHOC-assisted Civil Parties was first divided in two groups: 1) CPRs and 2) Civil Parties. All CPRs were invited to be part of the study. Then among a comprehensive list of the remaining 936 ADHOC-assisted Civil Parties as of May 2011, 300 Civil Parties were randomly selected.

ADHOC invited respondents to be interviewed and get information about the ECCC at 23 meetings points, ADHOC office or a pagoda, across the country. Each group encompassed nine to 33 participants. Through this process, 247 Civil Parties and 119 Civil Party Representatives were interviewed. The remaining participants were contacted directly or through a third person (a neighbour, a relative, ADHOC staff or a Civil Party Representative), and an individual appointment was made for an interview at their home. This follow-up allowed reaching out to 15 additional participants including one Civil Party Representative and 14 Civil Parties. Thus, phase 1 resulted in interviews with 120 Civil Party Representatives and 261 Civil Parties out of the 300 Civil Parties originally selected.<sup>49</sup>

In phase 2, after excluding the 300 Civil Parties already selected in phase 1, a second sample of 57 people were randomly selected from the list of Civil Parties. Out of these 57 people, the first 40 randomly selected individuals were contacted directly or through a third person. Out of these 40, 33 were interviewed at their homes and seven could not be reached. The final sample included 120 Civil Party Representatives and 294 Civil Parties from across Cambodia, for a total of 414 respondents.

Among the people who were selected in Phases 1 or 2, a total of 48 were not interviewed. These were two Civil Party Representatives and 46 Civil Parties. One Civil Party Representative could not be reached because the contact information was not available. The second could not be interviewed because the person had moved during the data collection process. Among Civil Parties, 26 could not be interviewed because they were working, they had moved or their contact information was not longer accurate. Additionally, seven were found to be deceased, seven were too sick to be interviewed or the family refused the interview, three had withdrawn as Civil Parties, two had their status changed from Civil Party to Civil Party Representative after the sampling but before the interview, and one did not complete the interview.

In phase 1, the majority of the interviews took place in May 2011 over a 21 day-period. The data collection was conducted by the Centre for Advanced Studies (CAS), a Cambodian research organization. CAS was not affiliated with ADHOC, and conducted the interviews entirely independently from ADHOC. Seven interviewers conducted the interviews. In one location, one external interviewer joined the core team to ensure that all participants could be interviewed in the allocated time. Interviewers were supervised by one supervisor. The

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<sup>49</sup> In Phase 1, the comprehensive list of Civil Parties included two people twice, and one person did not exist. Prior the second selection, the list was verified to ensure that such problems did not occur again.

external interviewer conducted the subsequent individual interviews from July to mid-November 2011. He was supervised by one of the authors.

All interviewers were trained during a 5-day period. The training included familiarization with the objectives of the study and the civil participation process, understanding of the questionnaires and discussions on interview methods and techniques specific to the Civil Party population (e.g., older population, experiences of violence under the Khmer Rouge). Face to face interviews were conducted with each participant using a structured questionnaire.<sup>50</sup> Prior to the interview, all interviewees were informed of the objectives of the study and the voluntary and confidential nature of the interview, and given the opportunity to refuse or stop the interview at any time. Verbal consent was obtained before the interview began.

The questionnaire covered the following items: 1) demographics; 2) priorities; 3) application, legal representation and participation as a Civil Party in Case 002; 4) participation in and results of the Duch trial; 5) justice and rule of law; 6) the Khmer Rouge regime; 7) knowledge, attitudes, and perceptions of the ECCC; (7) establishment of a historical record, truth-telling, and reparations; (8) exposure to violence; and (9) mental health. Additionally, a series of questions about CPRs' role and activities performed to date were asked to CPRs only, and a series of questions about CPRs' role and participation in CPRs' organized activities were asked to CPs only.<sup>51</sup>

The questionnaire included response options and coding for the interviewers. However, those were not read to the participants, with the exception of few questions and those with a scaling format (e.g., the Likert scale). Most of the questions had an open-ended field and interviewers were asked to record complete responses from the participants. The questionnaire was developed in English, translated in Khmer and then back translated in English. Additionally, consultation with local experts ensured quality of the translation. Finally, the questionnaire was pre-tested with CPs not selected in the study and refined to ensure understanding of the questions by the participants. An interview lasted 1 hour 53 minutes on average. Qualitative responses were coded by the interviewers and the supervisor and entered in a spreadsheet.

Data were analysed using SPSS Version 18 and 20. The samples are based on a comprehensive list of all ADHOC-assisted Civil Parties at the time of the survey and all CPRs. No weighting system or statistical extrapolation was needed.

## **Limitations to the study**

The questionnaire was carefully phrased and tested. The interviewers were trained to reduce misinterpretations of the questions or leading answers to the participants. Despite these precautions, there are limitations to the study. First, respondents did not receive any explanations of the questions and were not given definitions of terms. As a result, participants were left with their own interpretation and understanding of the questions and terms used. This lack of understanding could have been exacerbated by the age and literacy levels of the participants and the use of judicial terms. Second, ADHOC was not involved in the interviews. Nonetheless, ADHOC brought people to the location of the interviews, and respondents were aware that the purpose of the study was to evaluate ADHOC's program. It is possible that certain participants responded in a manner that they perceived would be viewed favourably by ADHOC, introducing desirability bias. Third, participants were asked questions about events that took place more than 30 years ago and the passage of time could have resulted in recall errors or bias. Additionally, 60.1% of the participants reported having been interviewed about their

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<sup>50</sup> This questionnaire was developed based on previous work by Phuong Pham, Ph.D. and Patrick Vinck, Ph.D.

<sup>51</sup> At the time of the interview, one person mentioned s/he was a Civil Party Representative, and answered the section of the questionnaire dedicated to CPR only. However, after verification with ADHOC and after the interview, his/her status was changed to Civil Party. The person had not answered the section related to Civil Party alone. As a result, the total of participants who responded to that section is 293 instead of 294. All other sections have a total of 294 Civil Party respondents.

participation and experience of being a Civil Party before. It is possible that previous interviews have contributed to develop a better understanding of similar questions. However, it is also possible that answering similar questions several times could have created certain degree of habituation (i.e. respondents get in the habit of answering similar questions in a certain way) and acquiescence (i.e. passively agreeing with statements), introducing bias. Fourth, contemporaneous events may have affected people's views and attitudes. Therefore, the study represents a snapshot of respondents' views as they were at the time of the survey. Finally, results of the survey are representative of the ADHOC-assisted Civil Party Representatives and to a certain extent, of ADHOC-assisted Civil Parties at the time of the survey. However, it is acknowledged that among Civil Parties, some could not be interviewed, and it is unknown how these people would have responded to the questionnaire. Additionally, the results are relevant for ADHOC-assisted Civil Parties only and cannot be generalized to all Case 002 Civil Parties.

The results of the survey are presented in the next sections. They include demographic characteristics of the respondents; the Civil Party application process; the Civil Party Representatives scheme; Civil Parties' attitudes to and knowledge of the court; and finally, respondents' perspectives and wishes regarding reparations and non-judicial measures (NJMs).

# THE RESPONDENTS

This section depicts the demographic characteristics of the Civil Parties (CPs) and the Civil Party Representatives (CPRs), their exposure to violence during and after the Khmer Rouge regime, and their current concerns.

As described in table 1, the majority of the Civil Parties were female (69.0%). The average age was 59.2 years old (S.D. = 10.1) with two-thirds of the respondents between the age of 46 and 65 years old. The majority was ethnic Khmer (87.8%) and Cham (9.2%). The ethnicity corresponds to the religious faith, with the majority of the Civil Parties being Buddhists (89.1%), and a small percentage Muslims (9.2%). Seven out of ten stated they were head of their household (70.7%). Among CPs, three out of five said they were married (61.2%), while one third reported to be widowed (36.7%).

*Table 1: Demographics Characteristics*

	Sample Size (n)	% Female	Mean Age (S.D.)	Age Groups (%)			
				36-45	46-55	56-65	> 65
CPRs (n=120)	120	37.5	55.3 (7.7)	10.0	43.3	35.8	10.8
CPs (n=294)	294	69.0	59.2 (10.1)	7.8	31.6	35.7	24.8

	Ethnicity (%)			Religion (%)			Head of household (% yes)	Marital status (%)		
	Khmer	Cham	Other	Buddhist	Muslim	Other		Married	Widow	Other
CPRs (n=120)	88.3	7.5	4.2	86.7	8.3	5.0	79.2	85.8	11.7	2.5
CPs (n=294)	87.8	9.2	3.1	89.1	9.2	1.7	70.7	61.2	36.7	2.1

	Literacy (%)								Monthly income (US \$) Mean (S.D.)
	Read/write (% yes)	No schooling	Informal	Primary Incompl.	Primary Compl.	Lower sec. Incompl.	Lower sec. Compl.	≥ Higher sec. Compl.	
CPRs (n=120)	92.5	5.8	5.0	38.3	20.8	8.3	10.0	11.7	94.64 (100.81)
CPs (n=294)	61.9	31.3	12.9	33.7	10.2	6.1	3.7	2.1	72.84 (96.15)

Among CPs, about three out of five stated they can read and write (61.9%). Nonetheless, educational attainment was low. One-third of the CPs had no schooling (31.3%), about one out of ten had informal education (12.9%), whereas four out of ten had some primary schooling (43.9%). Only 11.9% attended secondary school or higher. Half of the CPs stated they were farmers (52.0%), whereas about one out of ten was a street or market seller (14.3%), or unpaid family worker (13.3%). Only a small percentage said they were civil servants, health staff or NGO workers (6.1%). Their average monthly income was US\$ 72.84 (S. D. = 96.15).

In contrast, the CPRs tended to be men (62.5% CPRs vs. 31.0% CPs), younger (55.3 years old; S.D.: 7.7 CPRs vs. 59.1 years old; S.D. 10.1 CPs), married (85.8% CPRs vs. 61.2% CPs), and more educated. The majority reported they can read and write (92.5% CPRs vs. 61.9% CPs). Small percentages had either no schooling (5.8% CPRs vs. 31.3% CPs) or informal education (5.0% CPRs vs. 12.9% CPs). About half attended primary school (59.1% CPRs vs. 43.9% CPs), and one-third attended secondary school or higher (30.0% CPRs vs. 11.9% CPs).

The CPRs also reported a significantly higher monthly income (US\$ 94.64; S.D. 100.81 CPRs vs. 72.84; S.D. 96.15 CPs) which might be explained by their main occupations. As for the CPs, half of the CPRs said they were farmers (50.8%), and one out of ten stated they were street or market sellers (11.7%). However, in contrast to CPs, only 5.0% reported being unpaid family worker (compared to 13.3% CPs), and 22.5% mentioned being civil servants, health staff or NGO workers (compared to 6.1% among CPs). Compared to CPs, similar percentages of CPRs were ethnic Khmer (88.3%), Buddhists (86.7%), and head of their household (79.2%). There were no specific criteria to become CPRs, and although not originally intended, Civil Party Representatives have certain characteristics (e.g., education, main occupation) that could be beneficial in their role as CPRs.

All study participants, CPs and CPRs, lived through the Khmer Rouge regime. When asked how the Khmer Rouge considered them, there was no significant difference between CPs and CPRs. The majority of the CPs and CPRs said they were New People (64.6% CPs and 66.7% CPRs), and about one-third in both groups mentioned they were Old or Base people (32.7% CPs and 28.3% CPRs).<sup>52</sup> Small percentages described themselves as a Khmer Rouge soldier or as having been in the army (2.0% CPs and 5.0% CPRs), or did not know how the Khmer Rouge defined them during the regime (0.7% CPs and 0% CPRs). These answers reflect the main categories that characterized people under the Khmer Rouge regime. The New People or April 17 people were Cambodians who became under the control of the Khmer Rouge when the Khmer Rouge took power on April 17 1975. The Old or Base people lived in zones already controlled by the Khmer Rouge before the fall of Phnom Penh on April 17, 1975.<sup>53</sup>

## **Exposure to violence**

From April 17, 1975 to January 7, 1979, the Khmer Rouge instigated a regime of violence and terror during which basic needs were barely met.<sup>54</sup> This is depicted by the respondents' experiences under the regime.

As presented in Figure 1, almost all respondents reported that during the regime they experienced starvation (98.6% CPs and 100% CPRs), forced labour (96.9% CPs and 95.8% CPRs), lack of shelter (92.5% CPs and 95.0% CPRs), forced evacuation (91.5% CPs and 93.3% CPRs), or had their personal property confiscated, stolen, or destroyed (97.6% CPs and 99.2% CPRs). A majority of respondents were in combat situations (68.4% CPs and 64.2% CPRs), or were tortured (57.1% CPs and 60.0% CPRs). About one out of ten witnessed rape or sexual abuses (13.9% CPs and 10.8% CPRs). These experiences echo the policies implemented by the Khmer Rouge throughout the regime and across the country. There were some significant differences between Civil Parties and Civil Party Representatives. The latter were more likely to report 1) disability following combat situations (7.5% CPRs vs. 3.1% CPs), 2) imprisonment (43.3% CPRs vs. 26.2% CPs), 3) being forced to find and bury bodies (25.0% CPRs vs. 12.9% CPs), 4) witnessing killings (59.2% CPRs vs. 42.9% CPs), 5) witnessing beatings or torture (72.5% CPRs vs. 55.1% CPs), and 6) being threatened with death (71.7% CPRs vs. 53.4% CPs).

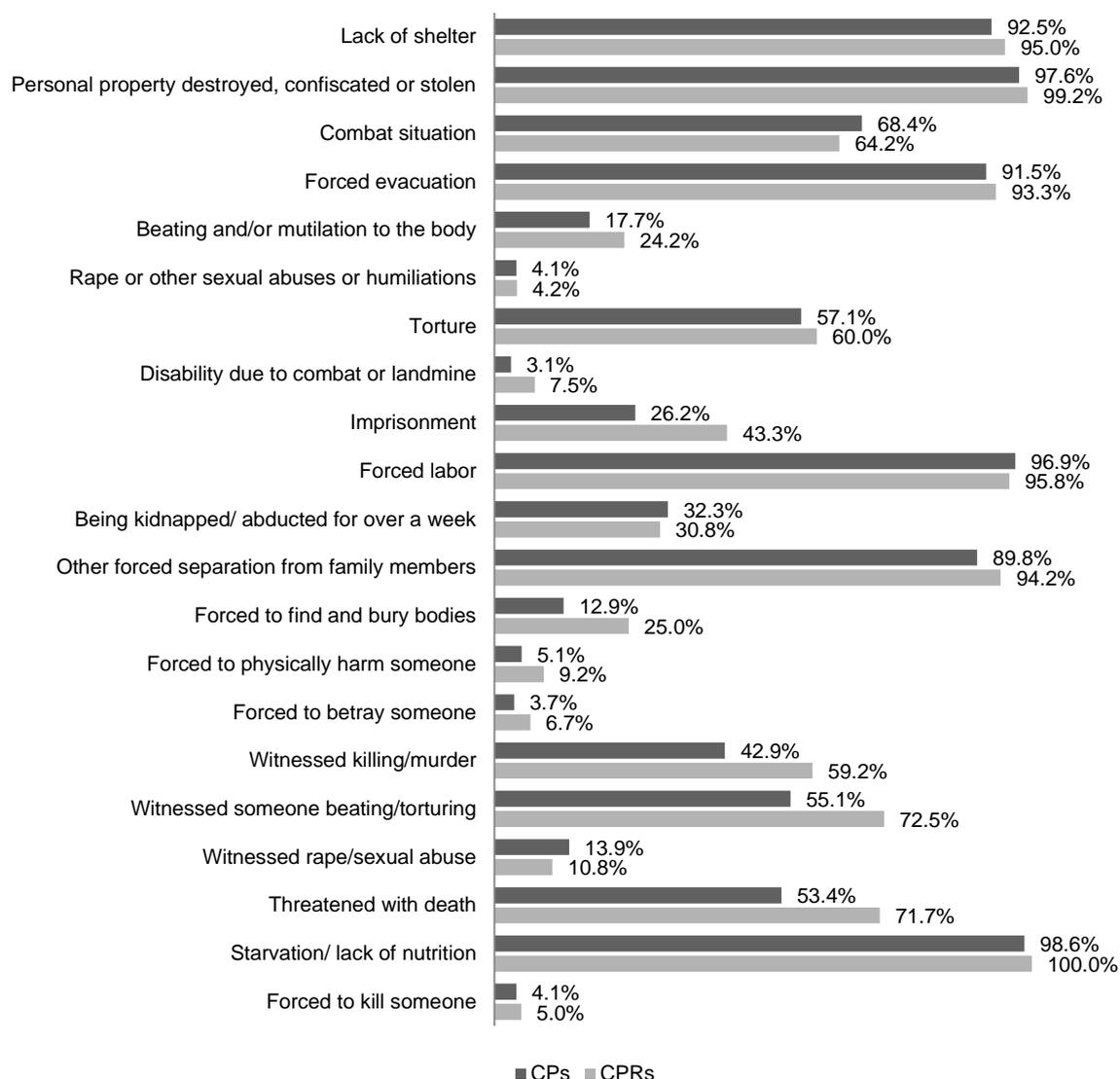
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<sup>52</sup> The respondents were not given a definition of new or old/base people, and choices were not read to them. Therefore, the answers are based on their own interpretation and might not reflect the scholarly definition of the terms.

<sup>53</sup> See Elizabeth Becker, *When the War Was Over: Cambodia and the Khmer Rouge Revolution* (New York: Simon and Schuster, 1986) 226-229; Michael Vickery, *Cambodia 1975 – 1982* (Boston, MA: South End Press, 1984) 81-82.

<sup>54</sup> Evan Gottesman, *Cambodia: After the Khmer Rouge* (Connecticut: Yale University Press, 2003).

Figure 1: Exposure to violence during the Khmer Rouge regime  
 (% of respondents; CPs: n = 294; CPRs: n = 120)



On January 7, 1979, the Vietnamese took Phnom Penh marking the end of the Khmer Rouge regime or Democratic Kampuchea. The country gradually entered a reconstruction phase hampered by a guerrilla movement and an embargo by the international community. The violence persisted although to a lesser degree until the collapse of the Khmer Rouge movement in late '90s. Less than 10% of the respondents, CPs or CPRs, mentioned exposure to any other violent events. The CPRs were more likely to report experiencing combat situations after the Khmer Rouge regime (42.5% CPRs vs. 21.1% CPs).

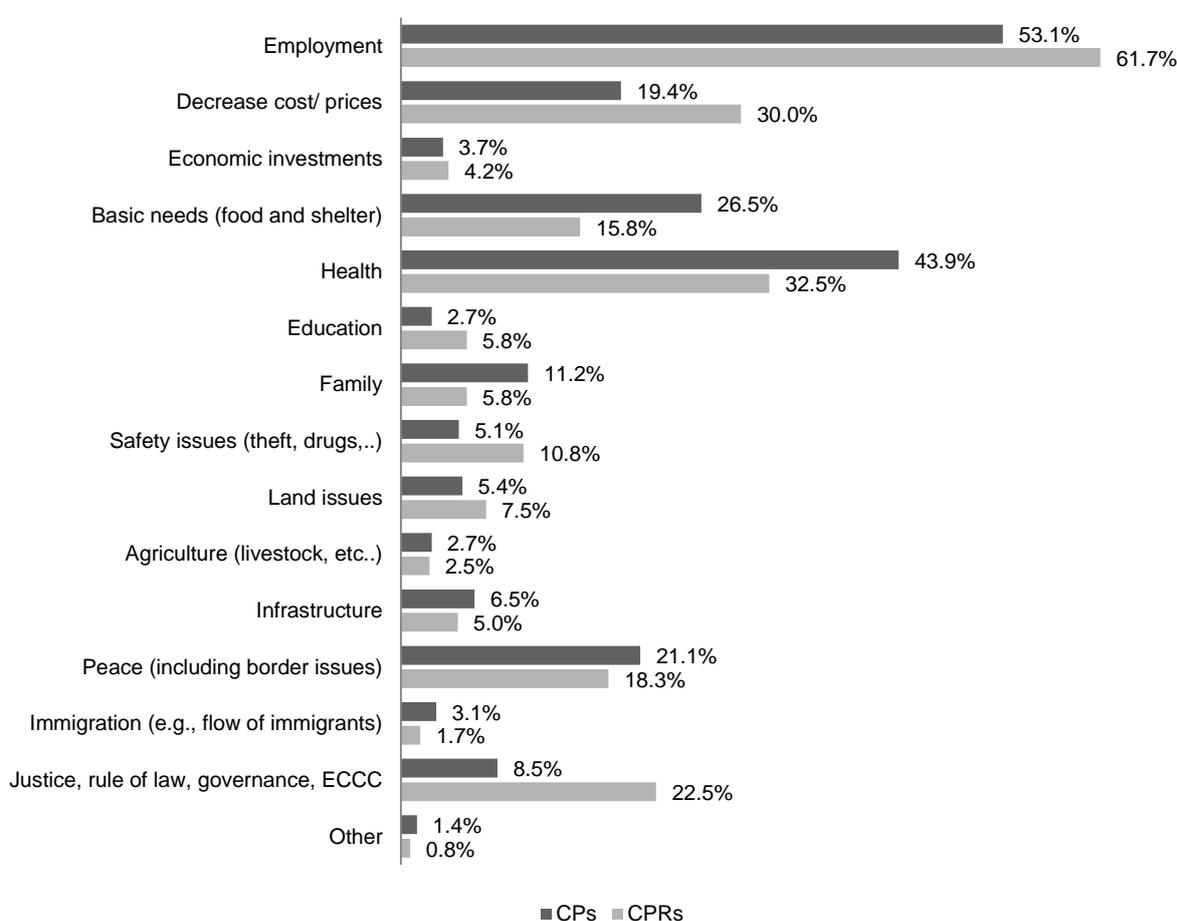
### Current Priorities and Accountability

Overall, respondents were concerned about their daily life needs. An open question was asked about their current concerns and up to three answers could be provided. Respondents prioritized employment (53.1% CPs and 61.7% CPRs) and health (43.9% CPs and 32.5% CPRs). Basic needs such as food and shelter or cost of living and prices came in third position for both the Civil Parties and the Civil Party Representatives. These

results are comparable to those of other studies conducted in Cambodia.<sup>55</sup> The CPRs were more likely to be concerned about: 1) costs and prices (30.0% CPRs vs. 19.4% CPs); 2) justice, rule of law, governance, and KRT issues (22.5% CPRs vs. 8.5% CPs); and 3) safety issues (10.8% CPRs vs. 5.1% CPs). Conversely, they were less likely to prioritize basic needs (15.8% CPRs vs. 26.5% CPs), and health (32.5% CPRs vs. 43.9% CPs).

Two results are notable. Firstly, two out of ten CPRs mentioned justice, rule of law and governance as a priority. This is high compared to the CPs and might be related to the nature of being CPRs (e.g., increased information and trainings). Secondly, in both CPRs and CPs groups, about one out of five respondents mentioned peace as a concern (21.1% CPs and 18.3% CPRs). Among these, 95% of the respondents in both groups referred directly to border conflicts. This could be explained in part by the extensive media coverage of and interest in border disputes at that time, notably with Thailand.<sup>56</sup>

Figure 2: Current individual priorities  
(% of respondents; CPs: n = 294; CPRs: n = 120)\*



\*Respondents could provide up to three answers.

<sup>55</sup> Phuong Pham et al., “After the First Trial. A Population-based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Court of Cambodia”, Human Rights Center University of California, Berkley, June 2011, [http://www.law.berkeley.edu/files/HRC/Publications\\_After-the-First-Trial\\_06-2011.pdf](http://www.law.berkeley.edu/files/HRC/Publications_After-the-First-Trial_06-2011.pdf), accessed August 2012.

<sup>56</sup> The main clashes were related to the Preah Vihear temple located on the Cambodian/Thai border. In the last 50 years, disputes have occurred periodically between the Cambodian and the Thai governments, and their armies, over the Preah Vihear temple. In 2011, it turned into an active armed conflict. See “Waging Peace: ASEAN and the Thai-Cambodian Border Conflict Crisis Group,” International Crisis Group, 6 December 2011, <http://www.crisisgroup.org/en/regions/asia/south-east-asia/cambodia/215-waging-peace-asean-and-the-thai-cambodian-border-conflict.aspx>, accessed August 2012.

Despite their focus on daily life needs, when asked specifically “what they would like to see happen to those who were responsible for what happened during the Khmer Rouge regime”, the vast majority of the respondents (93.5% CPs and 90.8% CPRs) stated at least one measure associated with retributive justice (e.g. put them on trial, put them in prison, punish, torture or kill them). Smaller proportions of participants (18.7% CPs and 33.3% CPRs) mentioned at least one measure related to restorative justice (e.g., getting the truth, perpetrators’ confession or apologies, justice or compensation for the victims). Respondents could provide several answers. The overall preference for retributive justice mechanisms could, however, have been influenced by the type of justice mechanisms available in Cambodia at the time of the survey (i.e. tribunal). Compared to Civil Parties, Civil Party Representatives were more likely to mention a restorative justice measure.

# CIVIL PARTY APPLICATION PROCESS

Since the inception of the ECCC, Cambodian Civil Society has served “as an intersection between the Court and Cambodian Society.”<sup>57</sup> They engaged in extensive outreach activities informing the Cambodian people about the ECCC and its mandate, and explaining to people that there was an opportunity to apply as Civil Party and thus be part of the court proceedings. In case 002, approximately 84% of the 4,000 Civil Party applications were submitted with support from NGOs.<sup>58</sup>

Not surprisingly, the majority of the respondents stated that ADHOC was their main source of information regarding the possibility of applying as Civil Party (65.0% CPs and 86.7% CPRs). In addition to ADHOC, CPRs mentioned the media (7.5%), whereas the CPs cited family and friends (10.9%), local leaders (10.2%), and the media (5.4%). Civil Party Representatives were more likely to mention ADHOC (86.7% CPRs vs. 65.0% CPs), and to remember their source of information (do not remember; 0% CPRs vs. 7.5% CPs). Conversely, CPRs were less likely to state they had been informed by family and friends (CPRs 1.7% vs. 10.9% CPs) or local leaders (1.7% CPRs vs. 10.2% CPs).

*Table 2: Sources of information and assistance about Civil Party application and process  
(% of all respondents; CPs: n = 294; CPRs: n = 120)\**

	Media	Family/ Friends	Local Leaders	ADHOC/ CPR	ECCC/ VSS	Nat. Lawyers	Int. Lawyers	Other NGOs	Do not remember
<b>Main Source of information</b>									
CPRs (n = 120)	7.5%	1.7%	1.7%	86.7%	1.7%	0.0%	0.0%	0.8%	0.0%
CPs (n = 294)	5.4%	10.9%	10.2%	65.0%	0.7%	0.0%	0.0%	0.3%	7.5%
<b>Assistance with Application</b>									
CPRs (n = 120)	0.0%	0.8%	2.5%	99.2%	10.0%	21.7%	5.8%	6.7%	0.0%
CPs (n = 294)	0.0%	7.5%	11.6%	82.3%	3.1%	11.9%	3.1%	4.8%	4.4%

\*Respondents could provide up to three answers.

The process of applying as ECCC Civil Party could be cumbersome and difficult to understand for ordinary Cambodians. Participants were asked to name three organizations or individuals who helped and assisted them in the application process (e.g. filling in the application form), how often they had received information from the source and to what extent they felt supported by the organization or the individual. A majority of CPs (82.3%)<sup>59</sup> and almost all CPRs (99.2%) mentioned ADHOC as their main source of information. Cambodian lawyers were the second most frequently mentioned main source of information (11.9% CPs and 21.7% CPRs). Additionally, CPs named local leaders (11.6%), family & friends (7.5%), other NGOs (4.8%),<sup>60</sup> the ECCC (3.1%), and their international lawyers (3.1%). The CPRs mentioned the ECCC (10.0%), other NGOs (6.7%), their international lawyers (5.8%), and local leaders (2.5%). CPRs were more likely to mention assistance by ADHOC (99.2% CPRs vs. 80.6%), their Cambodian lawyers (21.7% CPRs vs. 11.9% CPs), or the ECCC (10.0% CPRs vs. 3.1%

<sup>57</sup> Christoph Sperfeldt, ‘Cambodian Civil Society and the Khmer Rouge Tribunal’, International Journal for Transitional Justice 6 (2012): 151.

<sup>58</sup> “Victims Support Section Progress Report”, VSS/ECCC, 25 June 2010, Handout.

<sup>59</sup> A majority of CPs named specifically ADHOC (80.6%), whereas a small percentage mentioned CPRs (1.7%).

<sup>60</sup> Other than ADHOC, the most frequently cited NGO was the Transcultural Psychological Organization, a Cambodian NGO which provides mental health services to, among other populations, the ECCC Civil parties.

CPs). On the other hand, they were less likely to state being assisted by local leaders (2.5% CPRs vs. 11.6% CPs), or family and friends (0.8% CPRs vs. 7.5% CPs).

Additionally, respondents reported ADHOC as their main source of assistance. There were 237 Civil Parties (80.6%), and 119 Civil Party Representatives (99.2%) who mentioned that ADHOC helped them with their application process. Among those who mentioned ADHOC as a source of assistance, CPRs said they received information more frequently and felt more supported by ADHOC than the CPs.

Among CPRs assisted by ADHOC, 71.4% said they received information at least once a month and a majority said they felt at least moderately supported by the organization (17.7% said they felt moderately supported; 43.7% said they felt quite a bit supported; and 34.5% stated they felt extremely supported). By contrast, among CPs supported by ADHOC, 51.5% mentioned they rarely received information, while 48.5% stated they were informed at least once a month. One out of five said they felt supported only a little (19.0%), about one-third felt supported either moderately (33.0%) or quite a bit (32.1%), and one out of ten said they felt extremely supported (12.7%). There are indications that the extent of which respondents felt supported increased with the frequency of contacts.

Considering the nature of the CPR scheme, it is not surprising that CPRs had more interactions with ADHOC than the CPs. As the project moves forward, it would be important for ADHOC to ensure that CPs are met on a regular basis and feel adequately supported. This has already been integrated into ADHOC's planning.

Finally, at the time of the survey, all respondents were accepted Civil Parties in Case 002. Nonetheless, 3.4% of all study participants were confused about their application or status as Civil Party; a low level considering the age and education profile of the respondents.

Several reasons could explain the confusion. First, people might not have understood the application process. Second, some applications had been on appeal but the result of the appeal had not been disseminated to the applicants, yet. Third, there may have been instances of lack of information and follow-up by ADHOC. Notwithstanding the reasons, the confusion among certain Civil Parties points out to the importance for ADHOC of ensuring that all participants know about their application and their status. Without this information, the applicants would not be able to participate in any activities implemented by the organization.

## **Motivation to participate as a Civil Party in Case 002**

ADHOC provided information about the possibility to apply as a Civil Party to one hundred thousand Cambodians. Only a small portion decided to take the opportunity. To better understand the reasons for their application, study participants were asked about their motivation to participate as a Civil Party in Case 002.

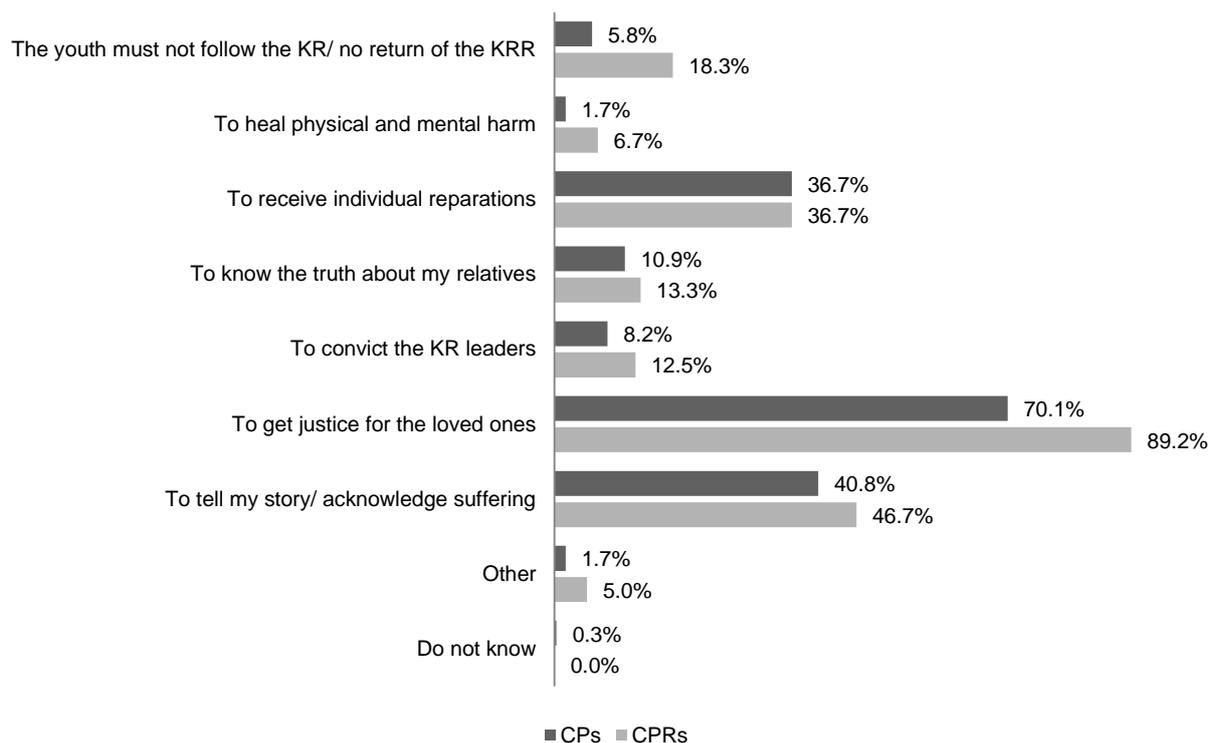
As presented in Figure 3, respondents in both groups, CPs and CPRs, stated that their main motivations to participate in the ECCC as a Civil Party were: 1) to receive justice for the relatives who died under the Khmer Rouge (70.1% CPs and 89.2% CPRs); 2) to tell their personal story and receive acknowledgment for their suffering (40.8% CPs and 46.7% CPRs); and 3) to receive individual reparations (36.7% for both CPs and CPRs). Other reasons included to know the truth about what happened to their relatives during the regime (10.9% CPs and 13.3% CPRs), to get a conviction for the Khmer Rouge leaders (8.2% CPs and 12.5% CPRs), to prevent the next generation from committing such atrocities (5.8% CPs and 18.3% CPRs), and to heal physical and mental harm (1.7% CPs and 6.7% CPRs). The CPRs were more likely to have applied as Civil Party to get justice for their loved ones, to prevent the atrocities from happening again, or to heal physical and psychological harm.

While justice for the loved ones was the main motivation to become a Civil Party, the respondents' meaning of justice is more complex than the legal perspective alone. Mainly, respondents defined justice as being fair

(59.5% CPs and 65.0% CPRs), knowing who is right and who is wrong (or knowing who is good and who is bad) (29.6% CPs and 21.7% CPRs), applying the law (16.7% CPs and 25.0% CPRs), being equal (15.6% CPs and 23.3% CPRs), being honest and transparent (18.0% CPs and 16.7% CPRs), or as the absence of corruption (15.3% CPs and 20.0% CPRs). The CPRs, maybe influenced by trainings, were more likely to define justice as applying the law (16.7% CPs vs. 25.0% CPRs), but less likely to state that it is finding the truth (10.2% CPs vs. 4.2% CPRs).

Nonetheless, certain motivations such as telling their personal story and receiving acknowledgement for their suffering, getting the truth about their relatives, or receiving individual reparations, reflect expectations from the CPs and CPRs that will be difficult to fulfil in the context of the court. It is possible that the ECCC will acknowledge the suffering of the accepted Civil Parties by, as it was done in Case 001, naming them in the judgement. It is unlikely that the ECCC will provide the truth of what happened to the relatives of all Civil Parties or be a forum for a large number of CPs to tell their personal story. It is also clear that under the Internal Rules, reparations are limited to collective and moral measures, leaving out any possibility for individual reparations. These motivations suggest exploring additional avenues to discovering the truth or telling stories. They also point to the necessity of informing and reinforcing the limitations of the reparations that will be granted by the court to Civil Parties.

*Figure 3: Motivation to participate as Civil Party in Case 002  
(% of all respondents; CPs: n = 294; CPRs: n = 120)\**



\*Respondents could provide multiple answers.

Finally, 84 out of 294 CPs and 44 out of 120 CPRs were concerned about their personal safety as a result of their Civil Party application (28.6% CPs and 36.7% CPRs). Among those who were concerned about their safety, 71.1% of the CPs<sup>61</sup> and 88.6% of the CPRs were afraid there will be revenge from the accused after they were set free. Other reasons included being afraid of being accused of political involvement (4.8% CPs and

<sup>61</sup> Only 83 out of 84 CPs provided reasons.

4.5% CPRs), being afraid of being accused of disinformation (4.8% CPs and 2.3% CPRs), or that the accused would be government officials (2.4% CPs and 4.5% CPRs).

## Civil Party and lawyer client relationship

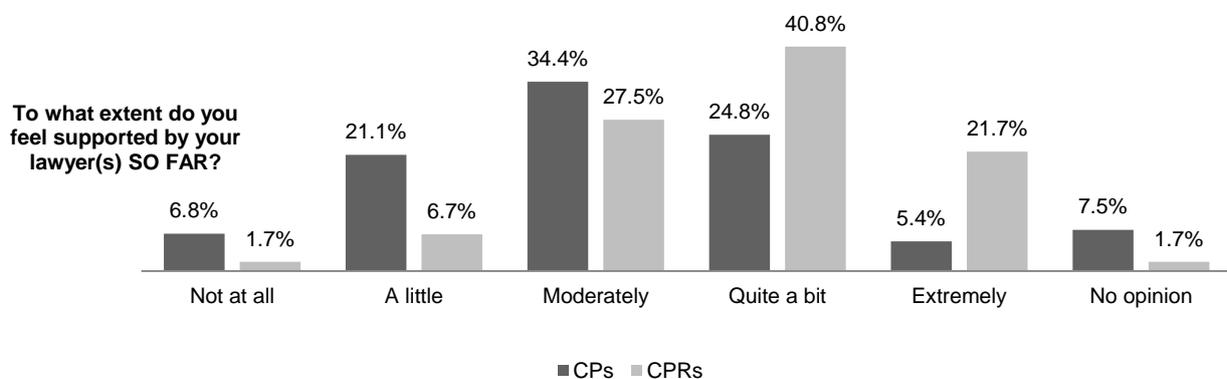
According to the ECCC Internal Rules, every Civil Party has to be represented by a lawyer at all times, and every international lawyer has to be paired to at least one national lawyer.<sup>62</sup> As mentioned previously, the Civil Party lawyers, especially the national lawyers, were instrumental in assisting Civil Parties in their application process. In addition, ADHOC works closely with Civil Party lawyers to ensure accurate information to CPRs and CPs alike. A series of questions tried to shed some light on the attorney-client relationship.

Among respondents, 52.4% of CPs and 74.2% of CPRs stated they had chosen their Civil Party lawyers in the second case (Case 002). However, when asked about the name of their international and national lawyer, 59.5% CPs and 10.0% CPRs could not remember the names of their national counsel, and 96.3% CPs and 65.0% CPRs could not remember the names of their international Civil Party lawyer. In fact, only a handful of lawyers could be named.

Nevertheless, when asked about the number of times they had met with their Civil Party lawyers so far, a vast majority said they had met with their lawyers between one to five times (82.0% CPs and 63.3% CPRs). A small percentage of CPs (1.7%) but about one-third of the CPRs (35.8%) mentioned they had met more than five times, while 14.6% CPs but only 0.8% of the CPRs had never met with their counsel so far.<sup>63</sup>

Yet, when asked to what extent they felt supported by their lawyers so far in Case 002, 64.6% CPs felt at least moderately supported, while 62.5% CPRs expressed they were at least a bit supported. Only a small percentage of the CPS (5.4%), but one out of five CPRs (21.7%), felt extremely supported.

Figure 4: Support from Civil Party lawyers to Civil Parties  
(% of all respondents; CPs: n = 294; CPRs: n = 120)



Compared to Civil Parties, Civil Party Representatives were more likely to state they had chosen their Civil Party lawyers, had met with their Civil Party lawyers more frequently or felt more supported by them. These results are congruent with the nature of their role as CPRs which permits attending trainings and court proceedings, and therefore increases the opportunities to meet with their lawyers.

<sup>62</sup> Rule 22, ECCC Internal Rules.

<sup>63</sup> However, it is noted that most CPs should have met with their national and/or international counsel at least once to sign the Powers of Attorney forms.

# CIVIL PARTY REPRESENTATIVE SCHEME

The Civil Party Representatives (CPR) scheme is the core of ADHOC’s Khmer Rouge Tribunal project. The program is based on the role of the Civil Party Representatives as the focal point between the Civil Parties, the Civil Party lawyers, and ADHOC staff. ADHOC trains CPRs about key topics related to the ECCC. CPRs transmit the information to the CPs. Additionally, CPRs act as the nexus between Civil Parties and their Civil Party lawyers transmitting questions from and to Civil Parties to the lawyers.

To assess the basic components of the CPRs scheme, respondents were asked a series of questions related to the role of the CPR, the process of becoming CPRs and their perception of their role and challenges as well as CPRs’ interactions with ADHOC, the Civil Parties and the Civil Party lawyers.

## Overall perception of the CPR role

Respondents were first asked to openly describe how they understood the role of CPRs at the ECCC using an open ended question.

The CPRs had a more comprehensive understanding of their role than the CPs. CPRs were significantly more likely to define their tasks as sharing information about the ECCC and Case 002 (60.8% CPRs vs. 36.7% CPs), as well as transmitting information from Civil Parties to Civil Party lawyers (60.8% CPRs vs. 8.8% CPs) and from Civil Party lawyers to CPs (56.7% CPRs vs. 10.2% CPs). They were also more likely to be able to define their role (26.2% CPs did not know what the CPRs’ role was). Conversely, they were less likely to say that their task was to organize district meetings (29.2% CPRs vs. 46.9% CPs). The latter could be explained by the fact that currently district meetings are organized and facilitated by ADHOC staff in conjunction with the CPRs instead of solely by the CPRs. As the project evolved, it is hoped that the CPRs would be able to facilitate these meetings alone.

On the other hand, only a small proportion of CPRs and CPs alike, perceived that the role of the CPRs was to meet individually with CPs (8.2% CPs and 5.8% CPRs). Finally, a small percentage (3.1% CPs and 5.0% CPRs) mentioned other tasks such as ADHOC helping to fill out the application form or explaining the CPR scheme indicating certain confusion between the role of the CPRs and the role of ADHOC staff.

*Table 3: Understanding the role of the CPR*

	Understanding of the role of CPR (% of respondents)						
	To share information about the ECCC/Case 002 with CPs	To transmit questions from CPs to their CPLs	To transmit information from CPLs to CPs	To organize district meetings with CPs	To meet CPs individually	Other	Do not know
CPRs (n = 120)	60.8	60.8	56.7	29.2	5.8	5.0	0.0
CPs (n = 294)	36.7	8.8	10.2	46.9	8.2	3.1	26.2

These results indicate the importance of ensuring that the Civil Parties understand the role of the CPRs. This is especially notable regarding the CPRs task of transmitting information from the Civil Party lawyers to Civil Parties and vice versa since the CPRs were almost the only ones who mentioned these tasks. Additionally, it would be important that both, but especially the CPRs, could distinguish between CPRs and ADHOC staff’s tasks.

## Civil Party Representatives' motivation, selection, capacity building, and perception

To gather specific information from the Civil Party Representatives (CPRs) and their involvement with other Civil Parties, questions were asked to the CPRs or the CPs alone. The next sections focus on the CPRs. Questions included motivations for becoming a CPR and the selection process, capacity building, CPRs' perceptions of their role and its challenges, as well as the interactions between CPRs and other actors, and CPRs' recommendations to ADHOC to improve the CPR scheme. The CPRs sections are followed by sections that give voice to the CPs.

### *Motivation to become CPRs and the selection process*

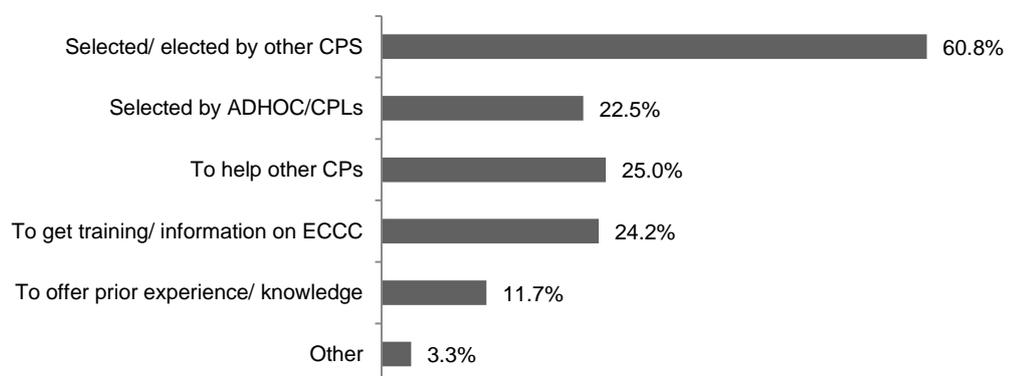
The Civil Party Representatives were asked to describe their motivation to become a representative. Several talked about the selection process rather than about their own motivation in becoming a Civil Party Representative. About two-thirds of the representatives mentioned they were selected, elected by other CPs or volunteered (60.8%),<sup>64</sup> while others stated they were selected by ADHOC or Civil Party lawyers (22.5%). Motivating factors to become a representative were to help and support other Civil Parties (25.0%), and to receive further and detailed information and training about the ECCC and Case 002 (24.2%). Some respondents stated that prior knowledge and experience (e.g., experience during the Khmer Rouge regime) motivated them to become a representative (11.7%).

When asked specifically how they were selected to become representatives, most CPRs mentioned they were selected by other CPs (40.8%) or volunteered (25.8%). Others were selected by ADHOC (31.7%). Two people mentioned they were simply told they were a CPR (1.7%).

The results show small discrepancies between the percentages of CPRs who said they were selected by ADHOC. This discrepancy could be explained by the nature and structure of the questions. The question about motivation was an open question with potentially multiple answers, whereas the question about the selection process was a closed question with specific choices read to the interviewees, and only one response.

Notwithstanding the discrepancy, about one-third of the CPRs were selected by ADHOC. It is not clear that the replacement of CPRs by ADHOC has influenced the work of the CPRs, or the relationship between the CPRs and CPs. This could be explored in a subsequent study.

*Figure 5: Motivation to become Civil Party Representative  
(% of CPRs; n = 120)\**



\*Respondents could provide multiple responses.

<sup>64</sup> First, Civil Parties volunteered as CPR. They were then “selected/elected” by other CPs. However, as mentioned earlier, some CPRs were subsequently replaced by ADHOC-appointed CPRs.

### ***Capacity building for the Representatives***

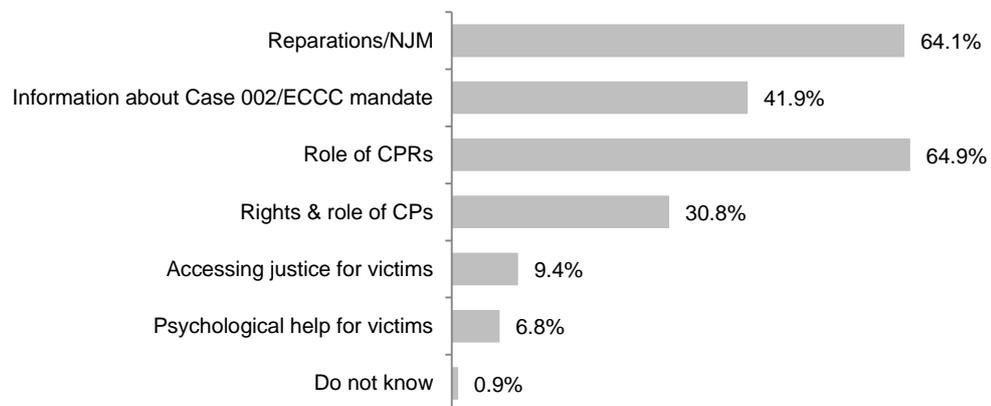
ADHOC established the Civil Party Representative scheme in the beginning of 2010. Since its inception, ADHOC has organized several training sessions to prepare CPRs for their role as the CPs' focal point. The first round of trainings was held in the first half of 2010 and focused on ECCC mandate and the structure of the court. The second training round happened at the end of 2010/beginning of 2011. It consisted of a series of trainings on the rights of the Civil Parties and the legal framework of the ECCC. In essence the trainings aim to enhance the legal understanding of the participants about the ECCC.

The next set of survey questions focused on the capacity-building of the CPRs. The survey found that to this point of data collection (second quarter 2011) 80.0% of the Representatives have participated in three or more training sessions, whereas 12.5% have attended two, and 4.2% had only one training session. One person did not remember the number of training sessions s/he attended (0.8%). Three people did not participate in any training (2.5%).

Among CPRs, 117 people had participated in at least one training session. Those who had participated in a training session were asked to list the main three topics they have learned. As presented in Figure 6, the main topics were: 1) what it entails to be a Civil Party Representative and its role (e.g. being a focal point and facilitator) (64.9%); 2) information about reparations and non-judicial measures (NJMs) (64.1%); 3) information about the ECCC Case 002 and the accused (41.9%); and 4) the rights and role of the CPs (30.8%). Smaller percentages indicated accessing justice for the victims (9.4%) or psychological help for victims (6.8%).

These answers do reflect topics actually presented during the trainings. They also indicate that further trainings were needed to ensure that all CPRs understand their role, the role of the CPs and their rights as well as the ECCC's mandate and information about Case 002.

*Figure 6: Main three topics learned in the trainings  
(% among CPRs who attended at least one training; n = 117)\**



\*Respondents could provide up to three responses.

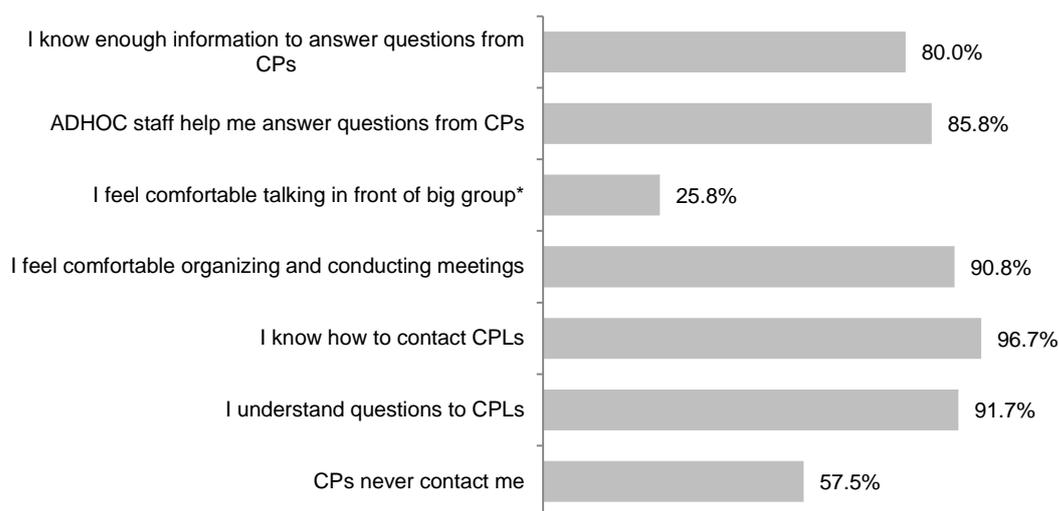
### ***CPRs' Perception of Their Role and Challenges***

For many CPRs, their expected role and responsibilities are new and challenging. To better understand how CPRs feel in their role, participants were asked to answer true or false to a series of statements.

As depicted in Figure 7, the CPRs felt they had sufficient information about the KRT and Case 002 to answer questions from other Civil Parties about these topics (80.0%). Nonetheless, the CPRs felt that they needed help from ADHOC staff to answer questions about the court (85.8%).

On the other hand, 90.8% indicated they felt comfortable organizing and conducting meetings with Civil Parties despite the fact that only 25.8% stated that they felt comfortable speaking in front of a big group. Additionally, 96.7% stated they knew how to contact Civil Party lawyers and that they understood questions they transmitted to the Civil Party lawyers in the name of the Civil Parties (91.7%). However, about half of the CPRs stated that they felt that CPs never contacted them (57.5%). This was true for at least one CPR in each province but Takeo province.

Figure 7: CPRs' perception of their role and challenges  
(% stated "true" among CPRs; n = 120)



\*Results were recoded for consistent reporting

These results suggest that CPRs seem to be comfortable with the technical part of their work (e.g., organizing meetings, contacting CPLs) but less so with the content of the information. The latter needs to be reinforced in future trainings.

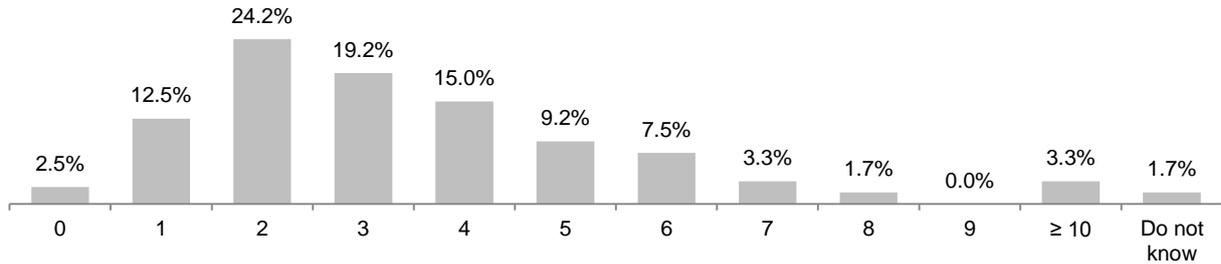
### **Civil Party Representatives' point of view: Interactions with other Civil Parties, Lawyers, and ADHOC staff**

As focal points, CPRs interact with CPs, lawyers and ADHOC staff, formally and informally. CPRs interact formally with the CPs and the CPLs through the district meetings. These are organized by ADHOC regional staff in collaboration with the CPRs. Both CPs and CPLs are invited to participate to the district meetings although CPLs attend sporadically. CPRs also have formal contacts with ADHOC staff, headquarters and regional staff, through meetings and trainings organized by ADHOC. In addition to these formal means of communication, CPRs contact CPs, CPLs or ADHOC staff individually by phone or meet them in person. To facilitate contacts, ADHOC is providing phone cards but has limited financial resources to pay for CPRs travel. This section presents the number of interactions between CPRs and other actors since the beginning of the program in April 2010.

To gather information about the frequency of contact between Representatives and Civil Parties, the CPRs were asked to assess how many times they shared information about the ECCC with other Civil Parties in their area.

Figure 8 shows the variety of answers. The majority shared information one to four times (70.9%) with a greater percentage of CPRs stating they had two interactions. A smaller percentage (25.0%) had five or more interactions with fellow Civil Parties about related topics concerning the ECCC. Three CPRs (2.5%) had no interaction with Civil Parties, and 1.7% did not know

Figure 8: Information-sharing interactions between individual CPRs and CPs  
 (% of CPRs per number of interactions; n = 120)



CPRs have different means of sharing information with CPs. These include district meetings, individual meetings with CPs, as well as transmitting questions from CPs to their CPLs, and vice versa.

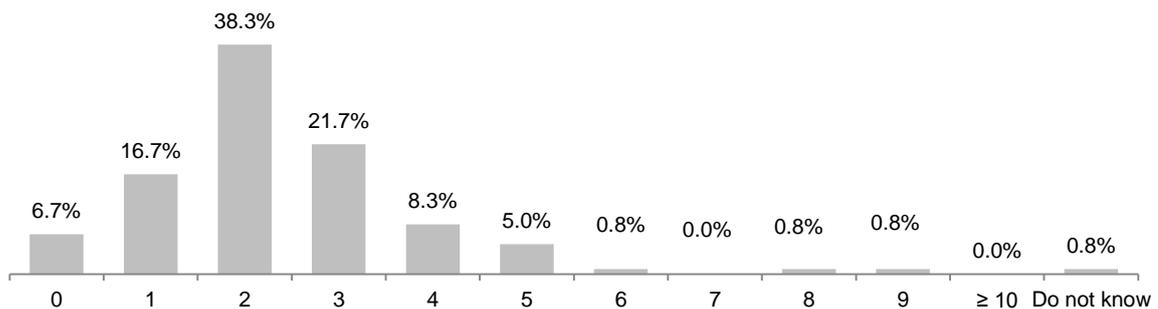
### ***CPRs facilitation of Civil Party District meetings***

One of ADHOC’s main outreach activities is to organize nationwide Civil Party district meetings. The district meetings are organized and facilitated by ADHOC’s KRT regional staff in conjunction with the Civil Party Representatives. The meetings serve to update the Civil Parties on a regular basis about the newest developments of the ECCC as well as provide a platform to exchange and show solidarity with other victims.

In the interview, the majority of CPRs stated they had organized between one and three district meetings at the time of data collection (76.7%) with a greater percentage of CPRs mentioning two district meetings (38.3%). A small percentage (15.7%) had organized four or more meetings.

These results correspond with the project activities as planned. At the time of the interviews the second round of district meetings were conducted throughout Cambodia. In some areas representatives were only involved in one meeting. In others locations, representatives were involved in more district meetings due to the high number of Civil Parties in the area and/or his/her level of personal engagement. These elements could explain the wide range in the number of meetings.

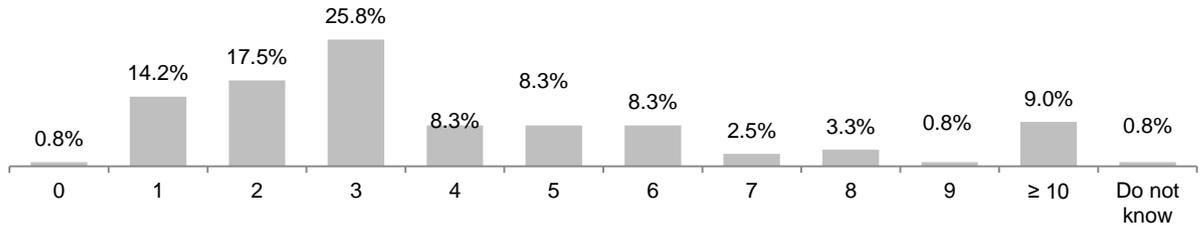
Figure 9: District meetings with CPs  
 (% of CPRs per number of district meetings; n = 120)



### ***Individual meetings between CPRs and CPs***

In addition to district meetings, CPRs contact CPs either in person or by phone. To better understand mode of contact, the next question aimed at the individual contacts between the CPRs and Civil Parties. The majority declared they had contacted other Civil Parties individually between one to three times (57.5%) with a greater percentage of CPRs stating three contacts. Four out of ten respondents showed even more frequent contacts (≥ 4) with Civil Parties in their district (40.5%).

Figure 10: Individual meetings with CPs  
 (% of CPRs per number of individual meetings; n = 120)



### Transmitting questions from and to CPs to CPLs

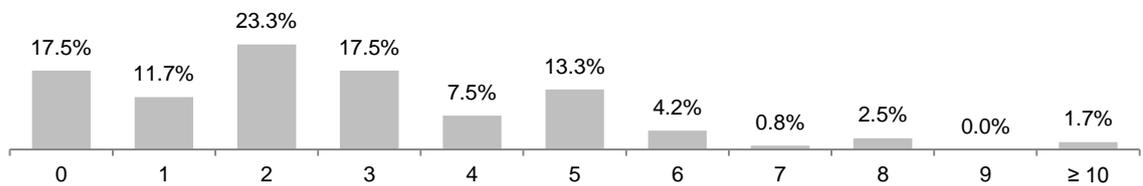
One important component of Civil Party participation is the interaction between Civil Parties and their lawyers. Lawyers and indigent Civil Parties have scarce resources for frequent travel and communication. In many places access to mobile phones is not available. The Civil Party Representatives constitute the link to overcome these obstacles ensuring more frequent communications between both parties.

To get information about this communication link, the CPRs were asked how often they had transmitted questions from Civil Parties to the lawyers and vice versa. Figure 11 compares the variety of answers. The majority of CPRs transmitted one to three questions from the Civil Parties to Civil Party lawyers (52.5%). One out of five CPRs has conveyed four or five questions from CPs to CPLs (20.8%), whereas 9.2% have transmitted more than five questions.

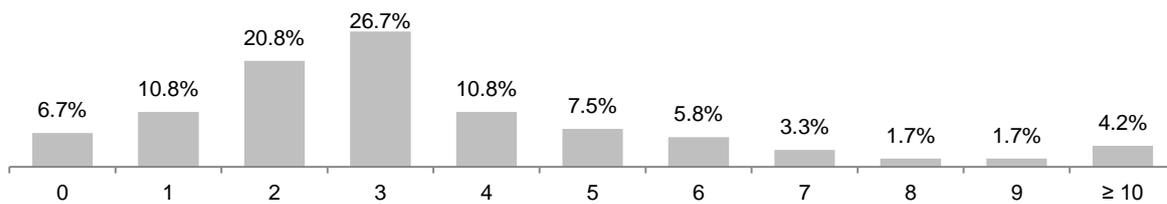
Conversely, the majority of CPRs submitted information from Civil Party lawyers to the Civil Parties one to three times (58.3%), whereas almost one out of five have transmitted information four or five times (18.3%). A smaller percentage (16.7%) had submitted inquiries more than five times from the lawyers to their clients. On average, the number of questions transmitted from CPs to CPLs was slightly less than the number of times information was transmitted from CPLs to CPs (CPLs to CPs: mean = 3.77, mode = 3; for CP to CPLs: mean = 3.17, mode = 2). Nonetheless, the number of questions from the CPs to their lawyers is notable considering that only a very small percentage of CPs (8.8%) associated transmission of information to CPLs as one of tasks of the CPRs.

Figure 11: Instances of CPR-facilitated communication between CPL <-> CP  
 (% of CPRs per interactions; n = 120)

CP to CPL



CPL to CP



The majority of CPRs stated numerous interactions with CPs either through district meetings, individual meetings or by transmitting questions or information from and to CPs. However, establishing a nationwide network of empowered volunteers with legal understanding is a long-term process and takes time to accomplish. The obvious challenges are compounded by the fact that the court’s procedures are always evolving. Experienced ADHOC provincial staff is instrumental in strengthening the network of CPRs.

### **CPRs’ Recommendations to ADHOC**

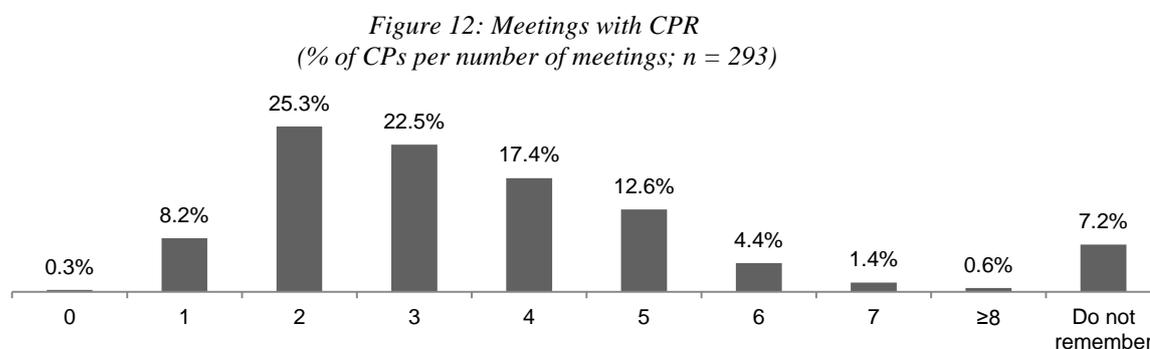
CPRs have the possibility to communicate with ADHOC staff either in person or by talking on the phone. In regards to communication with ADHOC staff, 55.8% of the CPRs had between two to five interactions with ADHOC project personnel, while 27.4% had been in contact between five to ten times. A small percentage contacted ADHOC staff more than ten times (9.0%).

Supervision of the CPRs by ADHOC and regular trainings between ADHOC and CPRs are crucial in supporting CPRs. To improve the capacity of the representatives and adjust project activities accordingly, the study sought to understand more about the needs of the CPRs. When asked about their needs, most respondents expressed a desire for more explanations and updates about the tribunal and the cases (57.5%), additional trainings about being a CPR (21.7%), more financial support such as reimbursements for travel and food when acting as a CPR (17.5%), and more support from ADHOC regional staff (14.2%). Other requests were to hold monthly meetings between ADHOC staff and CPs (10.8%), to attend an official hearing at the court (10.0%), and to meet with CPLs (8.3%). Since the beginning of 2012, regular meetings between ADHOC regional staff and CPRs have been incorporated into the activity plan and implemented. Suggestions related to content of information have also been integrated.

### **Civil Parties point of view: Interactions and Support between Civil Parties and Civil Party Representatives<sup>65</sup>**

This section gives a voice to the CPs, covering their contacts with CPRs, their assessment of their meetings, and their recommendations. One of the main roles of a Civil Party Representative is to be a focal point for the Civil Parties in their area. When asked about the frequency of meetings with their representatives, the analysis shows that all but one person had met at least once with their representative. In the context of this question, a meeting could be individual, in a group, in person or on the phone.

Almost half of the CPs had met or had been in contact with their CPRs two or three times (47.8%). One-third (30.0%) had met with their CPRs four or five times and a small percentage had met more than five times (6.4%).

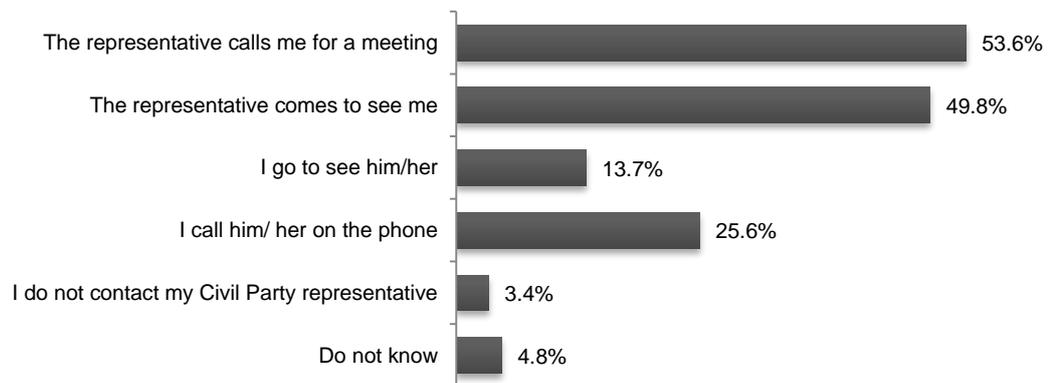


<sup>65</sup> The section on CPs is based on 293 respondents instead of 294. One respondent had its status changed from CPR to CP and thus did not answer the section to Civil Party only.

Regarding the modes of interaction and communication with their CPR, the respondents stated that either their representative called and invited them to a meeting (53.6%) and/or the representative came for a personal visit (49.8%). A quarter replied that they communicated over the phone with their representative (25.6%) and about one out of ten (13.7%) visited their representative in person. Small percentages had not contacted their CPR (3.4%) or did not know how to do so (4.8%). Although only one person had not met with his/her representative, 8.2% of the CPs had not contacted their CPR or do not know how to contact their representative. It is possible that these respondents attended district meetings but had never contacted their representative by themselves. The result indicates however that the representatives should ensure that all CPs know how to contact them.

Among people who met with their representatives, 97.3% felt satisfied with their meeting(s), and 93.2% believed they will meet the representative again. Furthermore, many respondents stated that at the meetings with the CPR they received new information about the ECCC and Case 002 (88.0%) and many said that they understood this new information (88.6%). In regards to their legal counsel, more than half of the Civil Parties said they would prefer meeting with only their lawyers (59.9%), but at the same time, almost all stated they wanted a CPR (98.3%).

*Figure 13: Means of contacting CPRs  
(% of CPs; n = 293)\**



\*Respondents could provide multiple answers

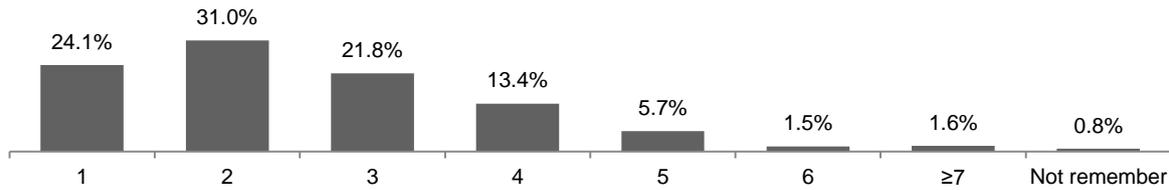
### ***Civil Parties participation and perception of district meetings***

Every Civil Party is invited about every three months to participate in a meeting to receive updated information about current developments at the ECCC and in Case 002. The meetings are facilitated by ADHOC provincial staff and the Civil Party Representatives.

At the time of the survey, the first round of Civil Party district meetings had just taken place and the second had just begun.<sup>66</sup> The majority of the CPs said they had participated in a district meeting (261 people or 89.1% of the CPs alone). Among those who participated in a district meeting, when asked how many times, their answers varied from 1 to 11 times.

<sup>66</sup> ADHOC project activity plan: District Meetings Rounds: 1st round from December 2010 until March 2011 and 2nd round starting in April until June 2012.

*Figure 14: District Meetings Attended*  
 (% among CPs who attended district meetings; n = 261)

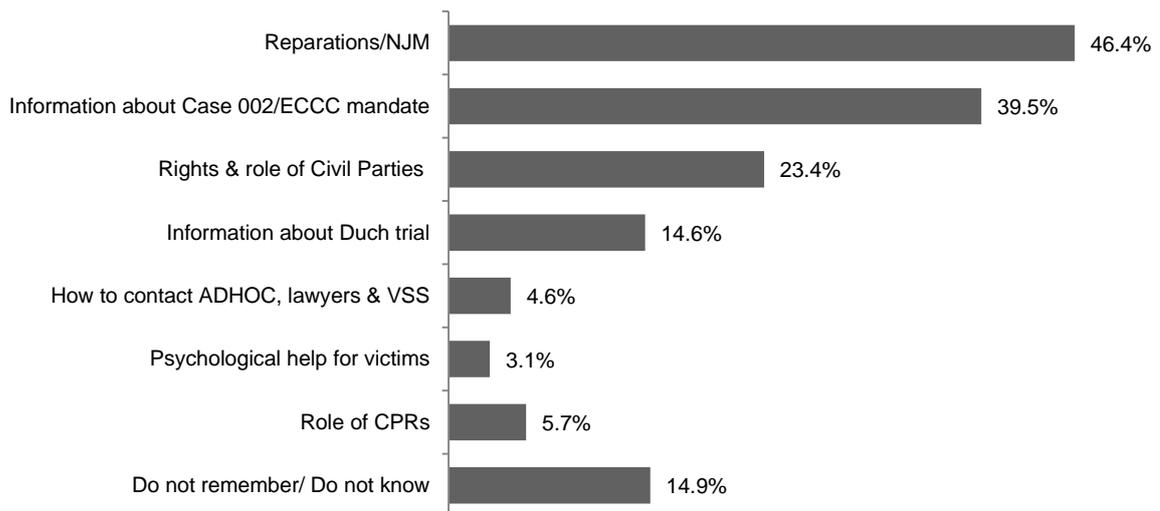


Among CPs who attended at least one district meeting, the majority attended one to three meetings (76.9%) with most participating in two meetings (31.0%). The higher numbers of meetings may be explained by the fact that the respondents were probably participating in other activities such as workshops and forums with ADHOC or other intermediary organizations over the last years and therefore counted these as well.

According to the training schedule, the topics in the first round were to focus particularly on the responsibilities of the Civil Party Representatives and their roles (e.g. how to contact CPRs, how to transmit questions), rights and roles of Civil Parties, information about the ECCC’s reparations mandate, and updates about the Duch trial and the ECCC.

The survey inquired as to what kind of content CPs had learned at the district meetings. Their answers reflect topics discussed during the meetings. Almost half of the respondents named reparations or non-judicial measures (46.4%). More than one-third stated information about Case 002 and the structure and mandate of the ECCC (39.5%), and more than one out of five mentioned the rights and role of CPs (23.4%). Other topics included information about Case 001 (14.6%), the role of the CPRs (5.7%), how to contact ADHOC, lawyers and the VSS (4.6%), and psychological help for victims (3.1%). However, more than one out of ten (14.9%) could not remember or did not know the topics at all.

*Figure 15: Topics Addressed in District Meetings*  
 (% among CPs who attended district meetings; n = 261)\*



\*Respondents provided up to three answers

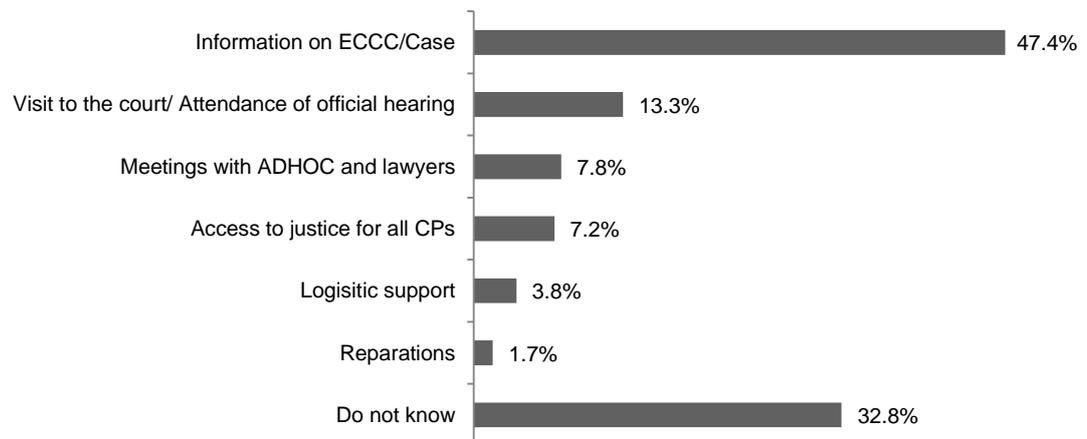
Although it is crucial for CPs to be informed about the ECCC (e.g., case 002 and reparations/ NJM), it is equally important that CPs understand the role of their CPR. Their topic should be emphasized in further district meeting so that the CPs can maximize the communication link with their Civil Party lawyer for example.

## CPs' Recommendations to ADHOC

Through the ADHOC CPRs scheme, CPs have been provided with information on different topics and involved in many activities. However, being a Civil Party is a new role. To better understand their needs, Civil Parties were asked what they would recommend to ADHOC to help them in their role. This question was asked to all Civil Parties who were not CPRs.

The respondent's main recommendation to ADHOC was to continue to provide information about the ECCC, its procedures and proceedings, as well as Case 002 and the accused (47.4%). Other recommendations included arranging for CPs to visit the court and/or attend an official hearing (13.3%), meetings with ADHOC or CPLs (7.8%), and greater access to justice for all CPs (7.2%). A very small percentage asked for logistical support such as travel money (3.8%). Only 1.7% asked specifically about reparations indicating either that respondents had enough information on that topic or that they did not consider it an important recommendation to ADHOC. Nevertheless, about one third did not make any recommendation (32.8%). Some of these recommendations such as additional information about the ECCC and Case 002 are similar to those of the CPRs indicating that information is perceived as crucial for both groups.

*Figure 16: Recommendations from CPs to ADHOC  
(% of CPs; n = 293)\**



\*Respondents could provide multiple answers

Overall, the respondents' answers demonstrated positive and strong attitudes towards being a Civil Party thus far. The interviewees stated that being a Civil Party gave them hope for the future (96.3% CPs and 95.0% CPRs), made them feel "mentally" stronger (87.8% CPs and 80.8% CPRs), and meeting and exchanging dialogue with other KR survivors made them feel better about their painful past (97.6% CPs and 92.5% CPRs). Additionally, CPs were more likely than CPRs to state that being a Civil Party helped them to accept the loss of their loved ones (85.7% CPs vs. 75.0% CPRs). With regards to justice, respondents answered that being a Civil Party gave them a sense of justice (99.0% CPs and 97.5% CPRs) and greater trust in the law (98.0% CPs and 97.5% CPRs). The overall experience of Civil Party participants at the time of this study was perceived to be positive (99.7% CPs and 98.3% CPRs).

# **PARTICIPATION, ATTITUDES AND KNOWLEDGE ABOUT THE ECCC**

## **Participation before the ECCC**

The previous sections examined the Civil Party Representative scheme. However, the scheme is there to facilitate meaningful participation in the ECCC. This section turns to respondents' interest in participating in ECCC activities, their perception and knowledge of the court and its proceedings.

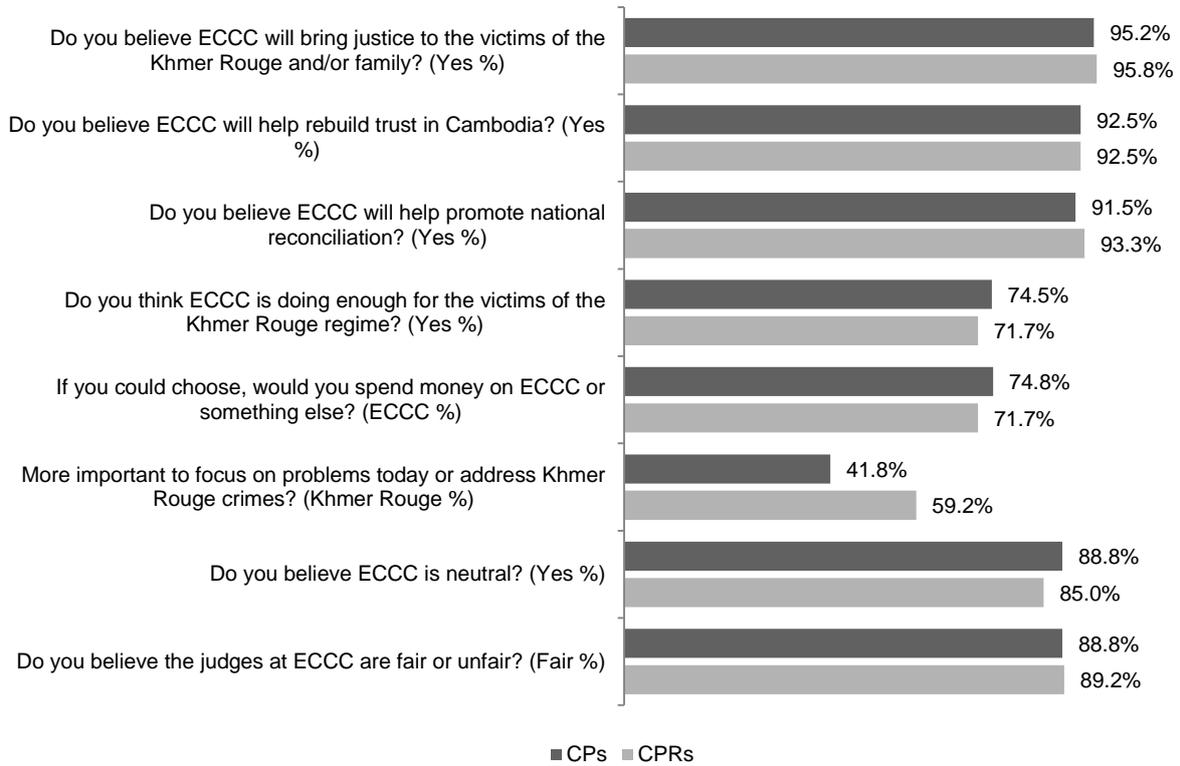
The participants stated that they would like to visit the court even when there is no official hearing (89.5% CPs and 95.0% CPRs), attend Civil Party district meetings to receive information updates about the tribunal (97.3% CPs and 99.2% CPRs), and talk to their lawyers about their case (95.6% CPs and 99.2% CPRs). In general, Civil Party Representatives were more likely to want to attend an official hearing at the ECCC (93.2% CPs vs. 99.2% CPRs). This is congruent with CPRs' role. Nonetheless, the large percentage of Civil Parties who wanted to attend an official hearing at the court and the percentage who wanted to talk to their lawyer about their case indicate that ADHOC needs to be aware of CPs' interests and be able to explain the limitations of the CPRs scheme as well as to work closely with Civil Party lawyers to ensure contacts between CPs and CPLs.

## **Attitudes towards the ECCC**

Respondents' answers suggested that overall the ECCC is seen in a positive light by CPs and CPRs alike. A vast majority of CPs and CPRs thought the ECCC will bring justice to the victims of the Khmer Rouge and/or their families (95.2% CPs and 95.8% CPRs), will help in rebuilding trust in Cambodia (92.5% CPs and 92.5% CPRs), and will promote national reconciliation (91.5% CPs and 93.3% CPRs). Seven out of ten respondents thought the ECCC was doing enough for the victims (74.5% CPs and 71.7% CPRs). Nonetheless, a quarter of respondents (25.2% CPs and 28.3% CPRs) recommended spending money on something other than the ECCC, and a substantial percentage (58.2% CPs and 40.8% CPRs) said it was more important to focus on problems faced by Cambodians today than to address crimes committed by the Khmer Rouge.

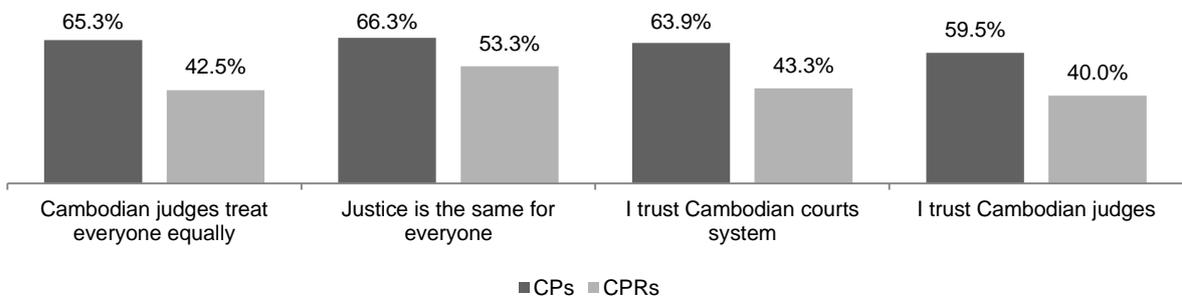
In regards to fairness and impartiality, more than four out of five CPs and CPRs believed that the ECCC was neutral (88.8% CPs and 85.0% CPRs), and that the judges at the ECCC were fair (88.8% CPs and 89.2% CPRs). A small percentage of respondents (5.8% CPs and 10.0% CPRs) questioned the neutrality of the court. Among these, the main reasons cited by the CPs and CPRs alike were government influence on the ECCC and a prolonged trial. The CPs also mentioned corruption and the sentence of Duch.

*Figure 17: Attitudes towards the ECCC*  
 (% of all respondents; CPs: n = 294; CPRs: n = 120)



Respondents' perception of the ECCC contrasts with their perception of the Cambodian justice system. Among CPs, about three out of five agreed that the Cambodian judges treat everyone equally (65.3%), and that justice is the same for everyone (66.3%). Similar percentages of CPs trusted the Cambodian courts (63.9%), or the Cambodian judges (59.5%). On the other hand, among CPRs, about two out of five agreed that the Cambodian judges treat everyone equally (42.5%), whereas about half agreed that justice is the same for everyone (53.3%). About two out of five also trusted the Cambodian courts (43.3%), or the Cambodian judges (40.0%). Overall, on these four questions, a significantly greater proportion of the CPs have a more positive perception of the Cambodian justice system than the CPRs.

*Figure 18: Perception of the Cambodian justice system*  
 (% among all respondents who agreed or strongly agreed; CPs: n = 294; CPRs: n = 120)



## Knowledge about the ECCC Case 001 and Case 002

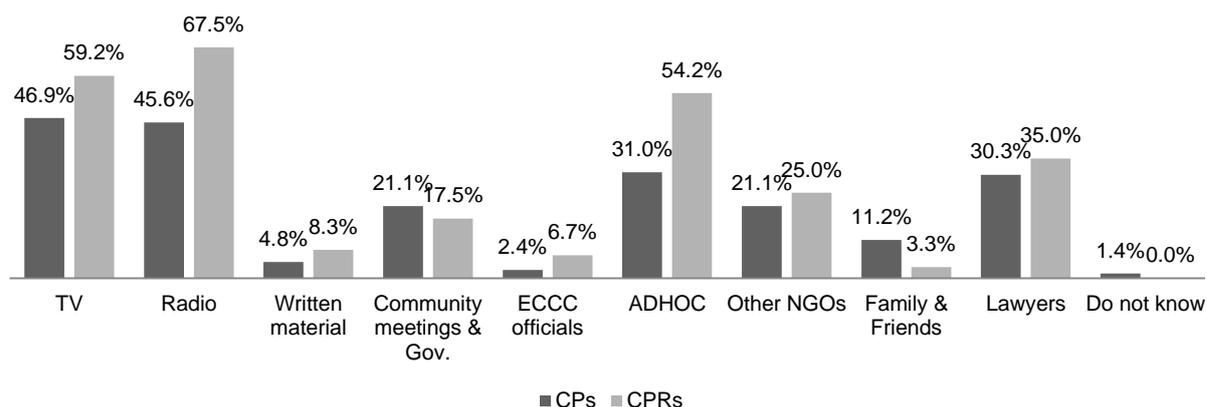
Measuring knowledge of the ECCC and its Cases is challenging. One of ADHOC’s outreach project components, and part of many other intermediaries’ programs, is to enhance and strengthen domestic capacities and build a sustainable base of legal and democratic knowledge. This is not only to raise awareness of the existence of the ECCC and its general mandate, but also to ensure that participants have a deeper understanding of the ECCC, as well as the legal values and principles that come with it.

First, respondents were asked about their main source of information about the ECCC. Second, they were interviewed about their factual knowledge of ECCC Cases 001 and 002.

### Main source of information

Among both the CPs and the CPRs, the most frequently mentioned sources of information were the media – TV (46.9% CPs and 59.2% CPRs) and radio (45.6% CPs and 67.5% CPRs) – and ADHOC (31.0% CPs and 54.2% CPRs). Other sources of information included Civil Party lawyers (30.3% CPs and 35.0% CPRs), other NGOs (21.1% CPs and 25.0% CPRs), community meetings and government officials (21.1% CPs and 17.5% CPRs) and family and friends (11.2% CPs and 3.3% CPRs).

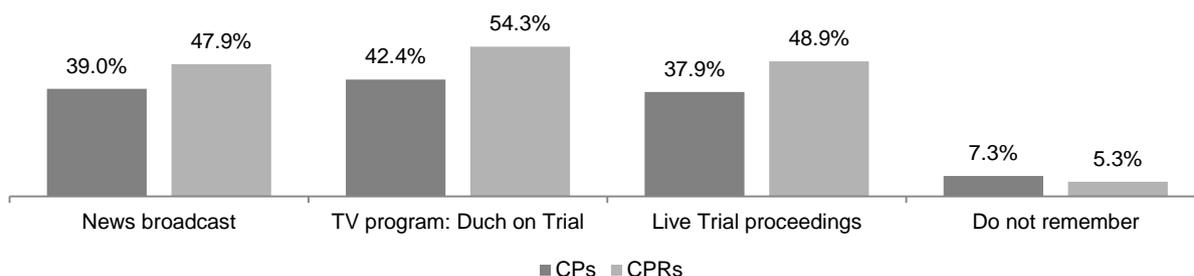
Figure 19: Main source of information about the ECCC  
(% of respondents; CPs: n = 294; CPRs: n = 120)\*



\*Respondents could provide multiple responses.

When asked specifically if they had seen a TV program about the ECCC, 60.2% of the CPs and 78.3% answered positively. Among people who had seen a TV program about the ECCC, the show “Duch on Trial” was the most frequently cited (42.4% CPs and 53.3% CPRs) followed by news broadcast (39.0% CPs and 47.9% CPRs), and Live Trial proceedings (37.9% CPs and 48.9% CPRs).

Figure 20: TV Programs  
(% among respondents who had seen a TV program about the ECCC; CPs: n = 177; CPRs: n = 94)



Both, CPRs and CPs relied on radio and TV to receive information about the ECCC and its cases. Compared to CPs, the Civil Party Representatives were more likely to state that the media, TV and radio, were their main sources of information about the ECCC, and that they had seen a TV program about the court. Additionally, they were more likely to mention ADHOC, but less likely to name family and friends as a source of information about the court.

Mentioning ADHOC is not surprising for the CPRs. Firstly, CPRs, in their role as representative, have more extensive exchanges with ADHOC staff. Secondly, at the time of the survey, the CPRs had already participated in project activities such as trainings, while the activities for the Civil Parties, namely the Civil Party district meetings, had only just begun.

Overall, when asked to describe their knowledge of the ECCC, about half of the CPs and three-quarters of the CPRs said that they had moderate or high knowledge of the ECCC (46.2% CPs and 73.3% CPRs). About half of the CPs (49.0%) but one quarter of the CPRs (24.2%) stated they had little knowledge of the court. Only small percentages of the respondents said they had no knowledge of the court (4.8% CPs and 2.5% CPRs). Compared to CPs, the CPRs were more likely to say they were moderately, quite a bit or extremely knowledgeable about the ECCC, and less likely to describe their knowledge of the court as little.

Awareness of the ECCC does not necessarily translate into factual knowledge about the court and its judicial process. The participants were asked specific questions about procedures and outcomes in Case 001 and Case 002.

### ***Case 001 - Duch Trial***

In regards to Case 001, some CPs and CPRs had attended a live proceeding of the Duch trial (14.6% CPs and 20.8% CPRs). When asked why they did not attend, respondents provided multiple answers. Among those who did not attend any proceedings, about two out of five did not know about the possibility to attend the proceedings in person (39.0% CPs and 42.1% CPRs), and about one third received no invitation or were not asked to attend an official hearing (31.5% CPs and 33.9% CPRs). In addition, among those who did not attend, 16.3% of the CPs and 31.6% of the CPRs cited limited resources such as money, transportation, time, and distance, to go to the court. These results indicate the importance of providing information but also logistical support for people to attend an ECCC official hearing, if they wish to do so.

At the time of the interviews, it had been about a year since the Trial Chamber had passed its judgement in the first trial against Duch.<sup>67</sup> The Trial Chamber sentenced Duch to 35 years in prison. Due to mitigating factors 5 years were suspended and the 11 years he had already spent in prison were deducted which resulted in 18/19 years left to serve.<sup>68</sup> All parties appealed the judgement and the appeal hearings took place not long before the interviews began.<sup>69</sup> The questions pertaining to the Duch trial focused particularly on the sentencing and the appeal.

Among CPs, 37.1% were aware that the overall jail sentence handed down by the Trial Chamber against Duch was 35 years. Among the CPRs, the percentage increased to 66.7% of the respondents. Nonetheless, when asked how long Duch was actually required to stay in prison, the answers varied considerably (from 2 years to life in prison). About one out of five CPs (20.7%), but half of the CPRs (50.0%) stated that the actual jail sentence would effectively be 18/19 years. More than half of the CPs (56.8%) and one-third of the CPRs (33.3%) did not know the answer.

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<sup>67</sup> The interviews took place from May to mid November 2011. The judgement from the Trial Chamber was issued on 26 July 2010.

<sup>68</sup> The Trial Chamber's judgement did not specify the number of years that Duch would spend in prison. The number of years could vary slightly depending on when it was estimated.

<sup>69</sup> The appeal hearings before the Supreme Court Chamber were held on 28-30 March 2011.

Table 4: DUCH's overall jail sentence & actual jail sentence, comparison of CPRs and CPs

		Overall jail sentence (% of respondents)					
		10-19	20-29	30-33	35	≥36	Do not know
CPRs	(n = 120)	1.7%	0.0%	5.8%	66.7%	11.7%	14.2%
CPs	(n = 294)	1.4%	2.0%	8.2%	37.1%	5.4%	45.9%

		Actual jail sentence (% of respondents)					
		0 -9	10-17	18/19	20-29	≥30	Do not know
CPRs	(n = 120)	2.5%	9.2%	50.0%	0.8%	4.2%	33.3%
CPs	(n = 294)	1.7%	8.8%	20.7%	4.1%	7.8%	56.8%

Furthermore, it was inquired whether the participants were aware that the Trial Chamber judgement could be appealed – 35.7% CPs and 61.7% CPRs stated that they were aware of the appeal, whereas 38.8% CPs and 28.3% CPRs were not. About a quarter of CPs (25.5%) and one out of ten CPRs (10.0%) acknowledged they did not know. Nearly two-thirds of the CPs and the CPRs (64.6% CPs and 67.5% CPRs) felt that Duch should spend a longer time in prison, while about one-third (33.0% CPs and 30.0% CPRs) stated that the number of years was appropriate and fair.

Overall, the Civil Party Representatives were significantly more knowledgeable about the sentencing and appeal process in Case 001 than the CPs. The CPRs were more likely to mention the correct number of years of the overall and the actual jail sentence. Additionally, a significantly greater percentage of CPRs were aware of the appeal. This is congruent with the opportunities for information associated with their role. Nonetheless, the wide spectrum of responses among CPs and CPRs alike indicated that the details of the verdict and the appeal were not fully understood.

### **Knowledge level about Case 002**

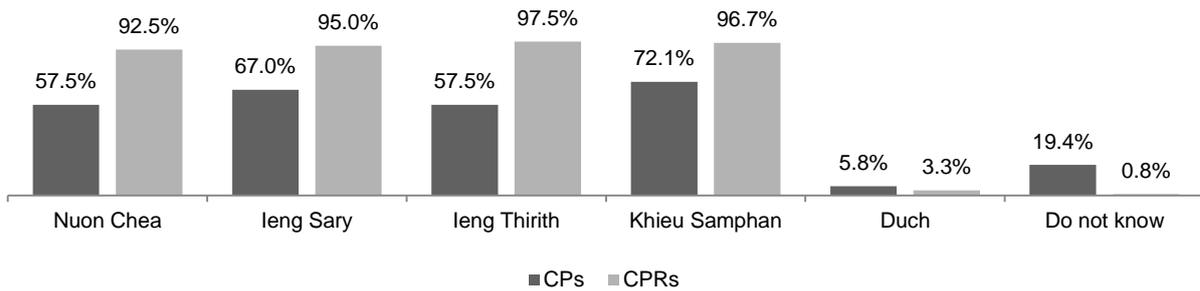
Knowledge in Case 002 and Civil Parties' rights is at the core of the information provided to CPs and CPRs by ADHOC. To better understand respondents' knowledge on these topics, participants were asked a series of questions about the accused, the crimes with which the accused were charged, Civil Party legal representatives, the role of the prosecution and Civil Parties' rights.

When examining participants' factual knowledge about the accused in Case 002, two-thirds of the CPs (66.7%) and the vast majority of the CPRs (90.8%) were aware that four senior leaders<sup>70</sup> were to be put on trial in Case 002 before the ECCC. When asked the names of the accused in Case 002, about half to three-quarters of the CPs but the vast majority of the CPRs were able to recall individual names – Nuon Chea (57.5% CPs and 92.5% CPRs), Ieng Sary (67.0% CPs and 95.0% CPRs), Ieng Thirith (57.5% CPs and 97.5% CPRs), and Khieu Samphan (72.1% CPs and 96.7% CPRs).

The only incorrect name mentioned by all the respondents was Duch (5.8% CPs and 3.3% CPRs). It is possible that those who mentioned Duch were genuinely mistaken. It might also be possible that the question, asking the name of the accused in Case 002, confused some of the respondents who had not understood the distinction between Case 001 and Case 002. About two out of ten of the CPs said they did not know any of the names (19.4%). About half of the CPs and a majority of the CPRs were able to name all four accused in Case 002 without error (43.9% CPs and 85.0% CPRs).

<sup>70</sup> At the time of the survey Ieng Thirith had not been declared unfit to stand trial.

Figure 21: Names of the Accused  
 (% of respondents; CPs: n = 294; CPRs: n = 120)\*



\* Respondents could provide multiple answers.

In regards to the general nature of the crimes for which the accused are indicted, the respondents could state multiple answers. The majority of the CPs mentioned genocide (77.2%), crimes against humanity (16.7%), war crimes (6.1%), and murders (8.8%). A small percentage described other elements such as violating human rights or destroying property (3.7%), or did not know what crimes the accused were charged with (6.5%). In general, the CPRs were able to state more specific terms when citing the crimes. They were significantly more likely to mention genocide (90.8% CPRs vs. 77.2% CPs), crimes against humanity (41.7% CPRs vs. 16.7% CPs), and war crimes (20.0% CPRs vs. 6.1% CPs).

Civil Parties are a party to the proceedings. Their interests are represented by their lawyers and, in Case 002, by their lawyers under the umbrella of the Civil Party Lead Co-Lawyers. When asked about who represents Civil Parties at the ECCC, about half of the CPs (55.1%) and four out of five CPRs (80.8%) stated Civil Party lawyers. One-third of the CPs (31.3%) and two-third of the CPRs (68.3%) mentioned the Lead Co-Lawyers. Some respondents named other actors such as the Co-Prosecutors (21.4% CPs and 35.8% CPRs) or the Co-Investigating Judges (20.1% CPs and 30.8% CPRs). Nearly one-third of the CPs (28.6%) but only a small percentage of the CPRs (4.2%) did not know who represented them at the ECCC.

Table 5: Who is representing Civil Parties?  
 (% of respondents)\*

	Co-Prosecutors	Co-Investigating Judges	Civil Party lawyers	Lead Co-Lawyers	Do not know
CPRs (n = 120)	35.8%	30.8%	80.8%	68.3%	4.2%
CPs (n = 294)	21.4%	20.1%	55.1%	31.3%	28.6%

\* Choices were read to the respondents. Respondents could provide multiple answers.

About one-quarter of the CPs and half of the CPRs had correct answers stating both the Civil Party lawyers and the Civil Party Lead Co-Lawyers as their representatives (23.1% CPs and 56.7% CPRs), but only 8.8% of the CPs and 25.0% of the CPRs mentioned both without error.

Both the CPL and the CPLCL represent the Civil Parties at the ECCC. The lower percentages of respondents who mentioned the CPLCL might be explained by the fact that the CPLCL is a newly mechanism and that many CPRs and CPs had not been exposed to the CPLCL yet.

Finally, in order to test participants' understanding of the role of the prosecution and CPs' rights, participants were asked to say if a series of statements were true or false. Overall, respondents tended to respond correctly. A

majority of the CPs and CPRs agreed with the statement that the Co-Prosecutors were responsible to prove that the defendants were guilty beyond any reasonable doubt (85.7% CPs and 87.5% CPRs).

Similarly, a majority of CPs and CPRs were correct in stating that the rights of the Civil parties included: 1) choosing legal representation (97.6% CPs and 98.3% CPRs); 2) requesting investigation of alleged crimes (79.3% CPs and 81.7% CPRs); 3) requesting the judges to ask questions to the witnesses or the accused (92.5% CPs and 97.5% CPRs); as well as 4) to ask for protective measures (93.9% CPs and 99.2% CPRs); and 5) to request collective and moral reparations (98.0% CPs and 100% CPRs). Smaller percentages of respondents knew that the Civil Parties do not have the right to request the arrest of a person (15.3% CPs and 33.3% CPRs), and almost none of the respondents knew that the Civil Parties cannot appeal the sentence of a convicted person (1.0% CPs and 1.7% CPRs). It is noted that the structure of the series of questions might have influenced some respondents' answers.

*Table 6: Knowledge of Civil Party' rights*

Statements about Civil Parties' rights <sup>71</sup> (% stated "true" among all respondents)							
	To choose legal representative	To request investigation of alleged crimes	To request judges to ask questions to witnesses/ accused	To ask the court for protective measures	Cannot appeal the sentence to a convicted person*	Cannot request the arrest of a person*	To request collective/ moral reparations
CPRs (n = 120)	98.3%	81.7%	97.5%	99.2%	1.7%	33.3%	100.0%
CPs (n = 294)	97.6%	79.3%	92.5%	93.9%	1.0%	15.3%	98.0%

\*Results were recoded for consistent reporting

Civil Parties and Civil Party Representatives responded similarly on most of the questions related to the rights of the Civil Parties. Nonetheless, when considering the correct answers only, CPRs were more likely to respond that CPs could request protective measures, but cannot request the arrest of a person.

Overall, the CPRs were significantly more knowledgeable than the CPs in regards to the accused, the crimes the accused are charged with, the Civil Party legal representatives, and the rights of the Civil Parties. CPRs were more likely to state the correct number of accused in Case 002 and to name the accused accurately and without error. They were also more likely to state correctly and without error their representatives (e.g., the Civil Party lawyers and the Civil Party Lead Co-Lawyers). Finally, a significantly greater proportion of CPRs mentioned that Civil Parties could request protective measures, but not request the arrest of a person. Nonetheless, the results show that knowledge of Case 002 and legal understanding of the proceedings need to be strengthened for CPRs and CPs alike.

## **Reparations and non-judicial measures**

The ECCC Internal Rules allow Civil Parties to seek collective and symbolic or moral reparations only. This topic was discussed repeatedly with Civil Party Representatives and Civil Parties during trainings and district meetings.

First, regardless of the Court's definition of reparations, the respondents were asked what should be done for the victims of the Khmer Rouge regime in general. Each respondent could provide several answers. The responses from the CPs and the CPRs varied widely. The main categories were: 1) money (36.4% CPs and 23.3% CPRs); 2) punishment for those responsible for the crimes committed during the Khmer Rouge Regime (24.8% CPs and 30.8% CPRs); 3) basic needs such as housing, food, clothing (19.0% CPs and 10.0% CPRs); 4) health services (17.0% CPs and 20.8% CPRs); 5) mental health services (8.2% CPs and 22.5% CPRs); and 6) justice for the victims (11.9% CPs and 12.5% CPRs). Interestingly, these suggestions (e.g., money, basic needs or health)

<sup>71</sup> The statements in the questionnaire were slightly different than those in the table.

overlapped somewhat with respondents' current concerns and motivations to apply as a Civil Party.<sup>72</sup> CPRs were more likely to mention mental health services, whereas CPs were more likely to focus on money and basic needs. These significant differences between CPs and CPRs might be attributed to information about reparations given to the CPRs by the Civil Party lawyers and the Civil Party Lead Co-Lawyers.

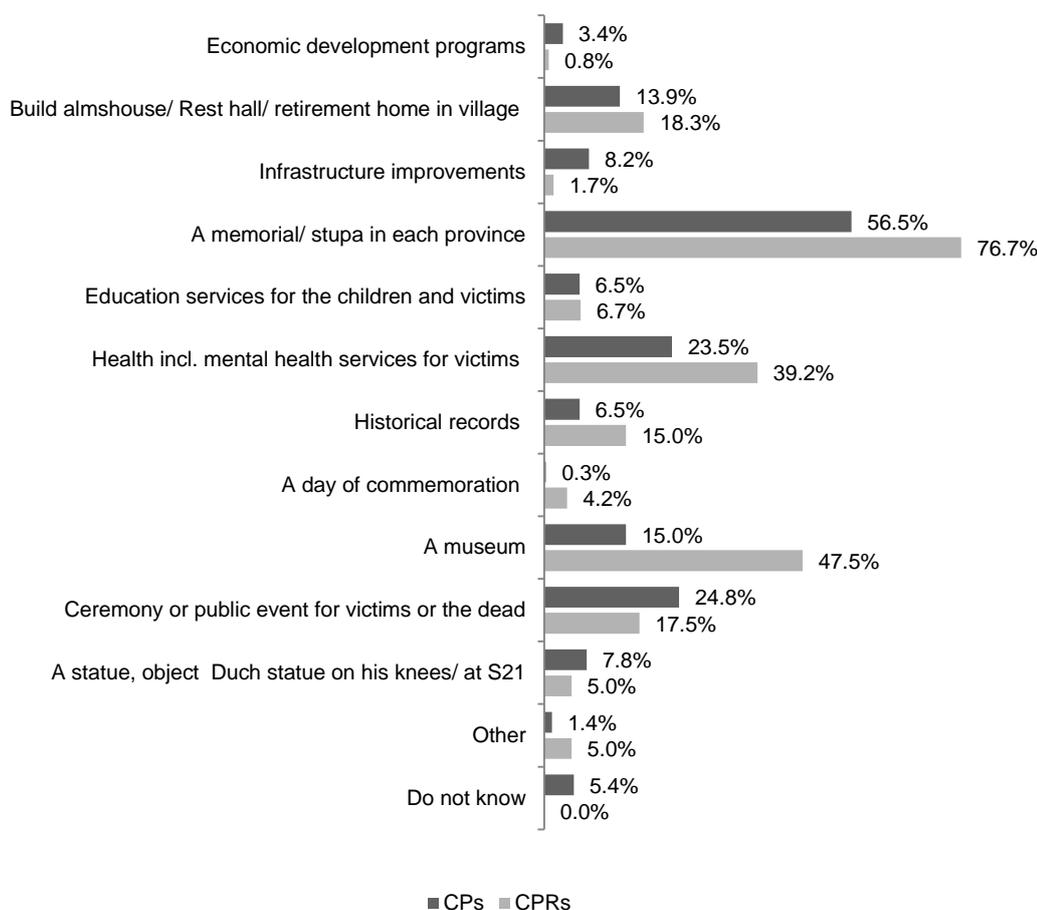
When asked about reparations in general, about two-thirds of the respondents, CPs and CPRs alike, said that reparations should be provided to communities as a whole (65.3% CPs and 70.0% CPRs), whereas one out of five stated that reparations should be provided to both individuals and communities (20.4% CPs 20.0% and CPRs). About 14.3% CPs and 10.0% CPRs stated that individuals should received reparations.

After reading a statement that specified and defined collective and symbolic reparations, respondents were asked a series of questions about reparations. When asked about the nature of the reparation that should be provided, about half of the CPs and three-quarters of the CPRs mentioned that a memorial, stupa or funeral monument should be built in each province to remember the victims (56.5% CPs and 76.7% CPRs). CPs and CPRs also suggested a ceremony or public event for the victims or the dead (24.8% CPs and 17.5% CPRs), health and mental health services (23.5% CPs and 39.2% CPRs), a museum (15.0% CPs and 47.5% CPRs) and an almshouse, a rest place in their villages where elderly and poor people can receive relief (13.9% CPs and 18.3% CPRs).

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<sup>72</sup> Based on the proportion of CPs and CPRs, health was their second concern, whereas basic needs, and cost and prices were a third concern for the CPs and CPRs respectively. Both CPs and CPRs said that individual reparations was one of their three main reasons for applying as a Civil Party

Figure 22: Type of collective and symbolic reparations to be provided  
 (% of all respondents; CPs: n = 294; CPRs: n = 120)\*

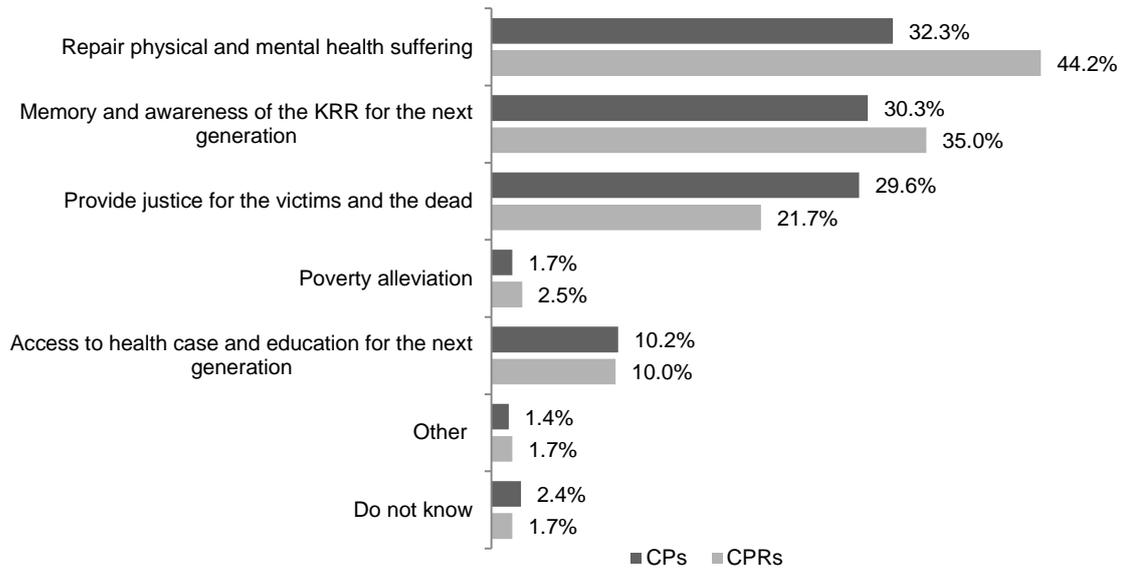


\*Respondents could provide multiple answers

CPs and the CPRs stated that reparations will help to alleviate physical and mental health suffering (32.3% CPs and 44.2% CPRs), as well as protect the memory of crimes committed during the KR regime and raise awareness for the next generations so that those atrocities are not forgotten (30.3% CPs and 35.0% CPRs). Moreover, respondents mentioned that reparations will provide justice to the victims of the KR and to those who died during the regime (29.6% CPs and 21.7% CPRs) and improve access to health care and education for the next generation (10.2% CPs and 10.0% CPRs). In general, CPs and CPRs responded similarly to the question of why reparation is important, although CPRs were more likely to state that reparations could repair physical and mental health suffering.

CPs and CPRs asserted that the perpetrators (41.2% CPs and 50.0% CPRs), the international community (30.3% CPs and 43.3% CPRs), the Cambodian government (22.4% CPs and 35.0% CPRs), the ECCC (15.6% CPs and 26.7% CPRs), and NGOs (13.3% CPs and 16.7% CPRs) should be financially responsible for the implementation of the reparations. CPRs were more likely to mention the international community, the Cambodian government, and the ECCC. A greater percentage of CPs did not know who should pay for reparations (6.1% CPs and 0% CPRs).

*Figure 23: Importance of reparations for Civil Parties*  
 (% of all respondents; CPs: n = 294; CPRs: n = 120)\*

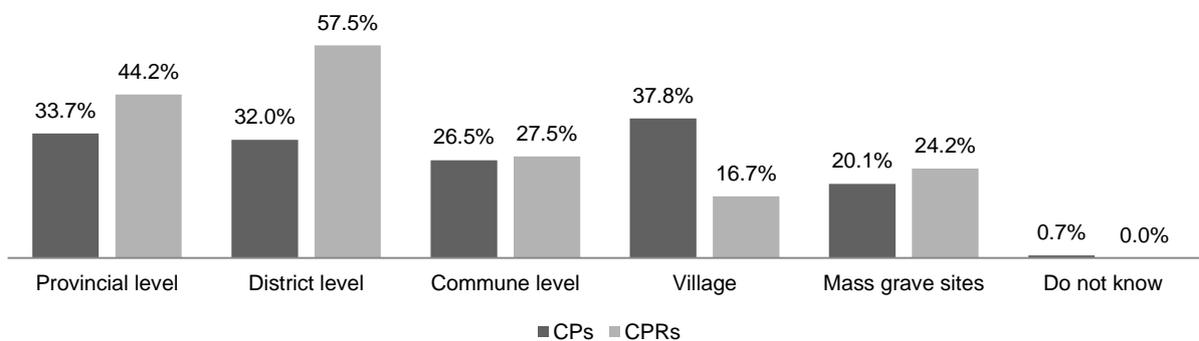


\*Respondents could provide more than one answer

As shown in Figure 24, similar proportions of CPs mentioned the implementation of collective reparations at the village level (37.8%), the provincial level (33.7%), the district level (32.0%), and then the commune level (26.5%). About one out of five (20.1%) would like to see the implementation of such projects at mass grave sites.

Compared to the CPs, the CPRs indicated a significant preference for the district level (57.5% CPRs vs. 32.0% CPs), and the provincial level (44.2% CPRs vs. 33.7% CPs), while the CPs favoured the implementation of projects at the village level. This might be explained by the fact that the CPRs, being a focal point for several CPs, are active in areas covering sometimes several villages, whereas CPs are mostly active in their immediate community.

*Figure 24: Level of implementation of possible collective reparations*  
 (% of all respondents; CPs: n = 294; CPRs: n = 120)\*



\* Choices were read to the respondents. Respondents could provide multiple answers.

Almost all respondents, CPs and CPRs, said that it was important to provide collective and symbolic reparations to the victims of the Khmer Rouge (97.6% CPs and 97.5% CPRs). In general, when asked about the nature of

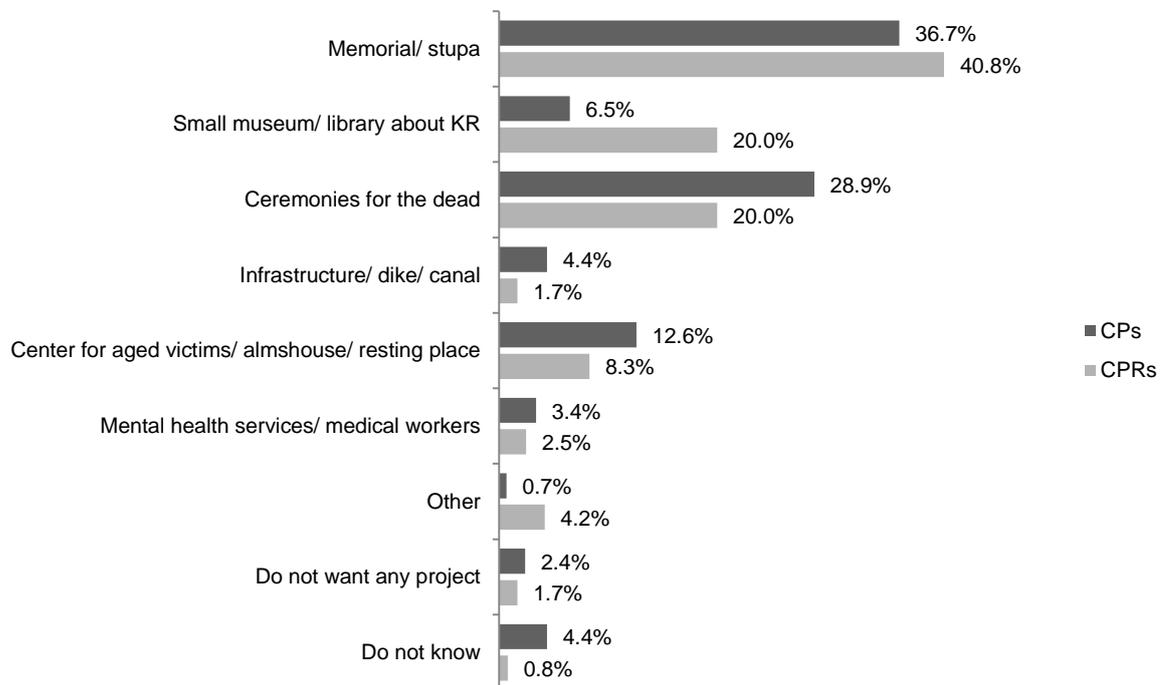
reparations, different views were expressed than for what should be done for the benefit of victims, favouring the building of a memorial, stupa or funeral monument each province. CPs and CPRs stated that reparation was important to repair physical and mental health suffering, to protect memories and awareness of the Khmer Rouge regime for the next generation, and to provide justice for the victims. In general, respondents were divided on who should be financially responsible for reparations or at what administrative level reparations should be implemented. CPs and CPRs' responses might have been influenced by discussions during trainings or district meetings.

### Non-Judicial Measures: implementation at the community level

The non-judicial measures mandate gives victims and Civil Parties the opportunity to propose small projects in their communities to address the suffering of the KR victims. To find out more about those preferences, the respondents were asked the nature of these projects, and who should be involved.

The next question encouraged the participants to give further details about what kind of small projects they would like to establish in their communities. The main suggestions were a memorial or stupa (36.7% CPs and 40.8% CPRs), ceremonies for the dead (28.9% CPs and 20.0% CPRs), and a museum or a library about the Khmer Rouge (6.5% CPs and 20.0% CPRs). CPRs were significantly more inclined to suggest a museum or a library about the Khmer Rouge. These answers were similar to the kind of collective and symbolic reparations favoured by the respondents with the exception of health and mental health services. The absence of health and mental health services as small community projects could be because participants did not perceive that such services should be implemented at the community level or did not consider health and mental health services as a potential "small community projects".

Figure 25: Small project in the Communities (% of all respondents; CPs: n = 294; CPRs: n = 120)\*



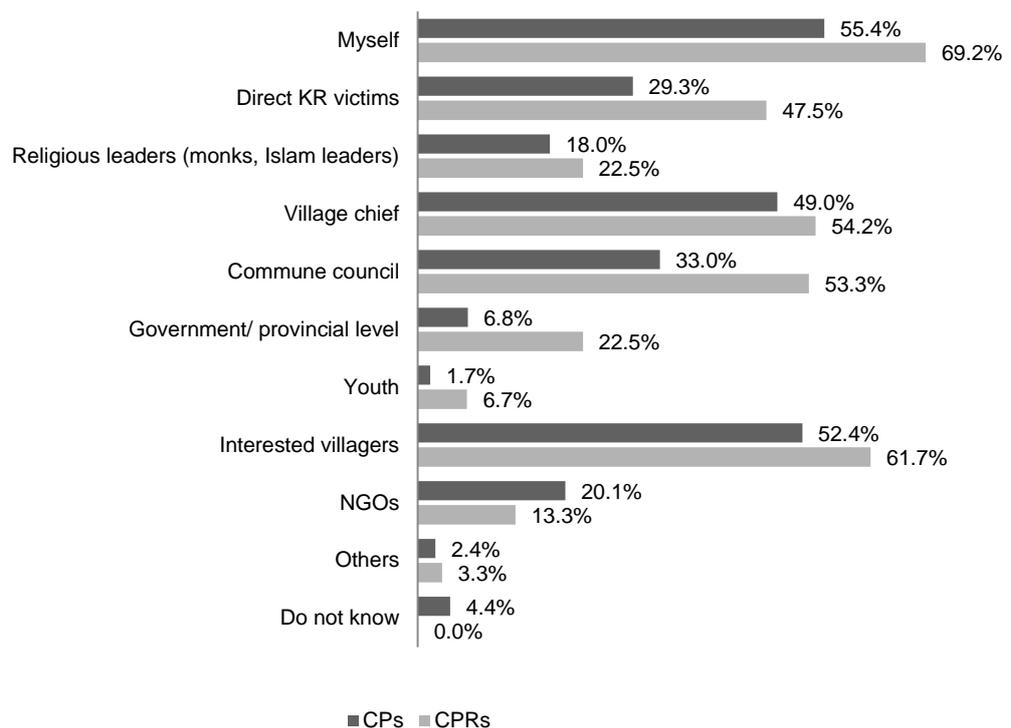
\*Respondents could provide multiple answers

Almost all respondents mentioned they would like to assist in and/or contribute to a small project implemented in their community (99% CPs and 98.3% CPRs). However, when asked who should be involved, only 55.4% of CPs and 69.2% of CPRs mentioned themselves. It is possible that some respondents associated participation in a

project with financial or material contribution and thus did not mention themselves if their resources did not allow it.

In addition to themselves, respondents mentioned that interested villagers (52.4% CPs and 61.7% CPRs), the village chief (49.0% CPs and 54.2% CPRs), commune council (33.0% CPs and 53.3% CPRs), direct victims of the KR (29.3% CPs and 47.5% CPRs), as well as NGOs (20.1% CPs and 13.3% CPRs) and the government, including provincial government (6.8% CPs and 22.5% CPRs) should be involved. Significantly greater percentages of CPRs mentioned themselves, direct victims of the Khmer Rouge, and different levels of authorities such as commune council and government.

*Figure 26: “Who should be involved in a possible project?”*  
 (% of all respondents; CPs: n = 294; CPRs: n = 120)\*

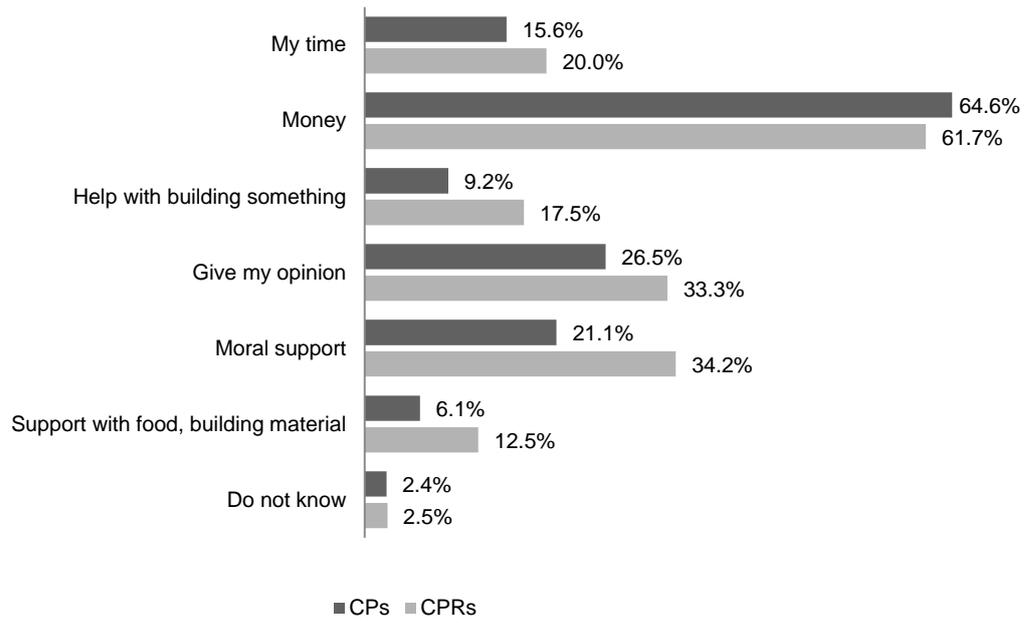


\*Respondents could provide multiple answers

When asked how they could contribute to or assist in such projects, respondents expressed that they would like to provide financial support (64.6% CPs and 61.7% CPRs), have an opportunity to be involved in the design and conception of the project (26.5% CPs and 33.3% CPRs), as well as to provide moral support (21.1% CPs and 34.2% CPRs), and time (15.6% CPs and 20.0% CPRs). CPRs were more likely to state they would provide moral support, help with building something (17.5% CPRs vs. 9.2% CPs), and provide food and/or building material (12.5% CPRs vs. 6.1% CPs).

In general, a majority of CPs and CPRs said they would not accept the absence of reparation to the victims and their family (74.1% CPs and 85.0% CPRs), whereas small percentages said it would be acceptable to have no reparation (22.4% CPs and 12.5% CPRs), or did not know (3.4% CPs and 2.5% CPRs).

Figure 27: Assistance in a community-based project (% of all respondents; CPs: n = 294; CPRs: n = 120)\*



\*Respondents could provide multiple answers

# CONCLUSION

This baseline study provides a starting point for monitoring and evaluating Case 002 Civil Party participation before the ECCC. It uses ADHOC's KRT Civil Party scheme as a basis, focusing on a network of Civil Party Representatives.

The goals of the ADHOC project are to facilitate and foster civic engagement and empower the beneficiaries of this project by informing Civil Parties and increasing their participation in the ECCC proceedings. On the one hand, this means rendering legal material more accessible. On the other hand, it emphasizes giving volunteers and interested persons from the community meaningful role as information and communication focal points for other Civil Parties in their areas.

It is hoped that the knowledge, understanding and experiences gained by CPRs and CPs could translate into a better understanding of concepts of rule of law and democratic institutions, which could in turn have a sustainable and lasting impact, first in their community and second in the Cambodian society.

Many challenges have to be overcome to attain these objectives. The project is at the beginning of its program and has potential for improvements. Thus far, the study findings suggest that the CPR scheme is a step in the right direction. In general, the respondents, CPs and CPRs, were positive about their experience of being Civil Parties. CPRs were more knowledgeable than the CPs about the ECCC and its cases. Nevertheless, contacts between CPRs and CPs were uneven, and only a small percentage of CPs recognized that the role of the CPRs includes transmitting information from and to the CPLs. Moreover, although knowledgeable and comfortable with the information about the ECCC and its proceedings, CPRs acknowledged some difficulties with content information and with speaking in front of a group. Finally, although respondents seemed to differentiate reparation measures through the ECCC from what they would like to happen for the victims in general, some of their motivations for applying as a Civil Party might not be fulfilled by their participation in the ECCC proceedings. These elements point to the importance of:

1. Strengthening the CPRs scheme by encouraging contacts between CPRs and CPs and setting out criteria and standards to achieve a similar number of contacts between CPRs and CPs across all provinces. Additionally, the results reflect the necessity for the Civil Parties to be aware of and to clearly understand the role of the CPRs, more specifically the CPRs' task of transmitting information from and to the Civil Party lawyers. This latter point should be included and reiterated more systematically in trainings and district meetings;
2. Improving capacity building of the CPRs through supervision and trainings. CPRs acknowledged some difficulties and requested additional trainings on content information. As the trial develops and the information becomes potentially more complex, ADHOC should devise a strategy to improve supervision, and increase training focusing on information content about the ECCC but also on ways to improve dissemination of information to the CPs;
3. Monitoring expectations and ensuring that CPs and CPRs alike understand the opportunities and limitations of the Civil Party Representatives scheme as well as the ECCC. This is especially important in terms of participation in the ECCC proceedings and reparations.

## Recommendations

This report includes lessons-learned from the study and recommendations based on the study findings and on ADHOC's experience with victim participation since the inception of the ECCC.

*To all representatives and intermediaries working with Civil Parties (i.e. ADHOC, CDP/GBV, VSS, CP Lawyers, CPLCL):*

- **Maintain resources and efforts to reach, inform, educate, and manage expectations among Civil Parties using multiple and interactive methods.** Knowledge about the courts and the trials remains relatively low. For example just one third of the CPs knew the sentence given to Duch in the first trial, and just half knew who represent them at trials. Educational methods include logistic support for physical participation, meetings and trainings, as well as participatory activities such as the CPR scheme, community dialogues, mock tribunals, or interactive radio programs. These activities should take advantage of key moments in the ECCC process such as the final judgement in Case 002 for example, and continue until the end of the tribunal and beyond;
- **Develop activities outside of the ECCC related activities to foster a sense of justice, recognition, dialogue and exchange.** No participation scheme will fulfill all expectations of the CPs and CPRs. Activities may include building a memorial in a village, telling one's story to the next generation, avenues for testimony, or planning a museum in a community.
- **Develop an inclusive consultation mechanism** to gather and unify the voice of CPs and CPRs in recommending reparation measures to the judges and designing non-judicial measures in general. Mechanisms should also be put in place to ensure gendered understanding of reparations and victim assistance as well as regional or local needs.

*To the CPLs/CPLCLs and intermediaries working with Civil Parties:*

- **Ensure increased contacts and information sharing between CPs and their lawyers either directly or through intermediaries.** The information related to the ECCC is often complex and difficult to understand for ordinary Cambodians. Civil Parties Lawyers are key actors to explain legal concepts and transmit information to the Civil Parties. As legal representatives of the Civil Parties, they would also benefit from knowing and understanding the interests of their clients. Civil Party lawyers should coordinate with intermediary organizations and/or Civil Party Representatives to increase their level of contact with the Civil Parties. This would improve both Civil Parties' understanding of the ECCC proceedings and Civil Party lawyers' knowledge of their clients' interests.

*To the CPLs/ CPLCLs:*

- **Actively engage and contact clients and be responsive to their demands and needs.** Few respondents could name their national and international lawyers and many expressed that they felt only partially supported by their attorney. Lawyers can correct this by finding creative ways to communicate with Civil Parties. For example, CPLs could distribute ID cards with the names, picture and, and VSS Identification number of the lawyers so they could be easily recognized.
- **Develop clear messages about the process of the trial and a two-way communication mechanism** (e.g. voice messages, sms,...) to let CPs ask questions directly. Disseminate messages through intermediary network using audio messages, pictures, or a combination of very simple written messages and pictures;

*To the ECCC:*

- **Provide transparent updates to NGOs, Civil Parties, and the public regarding the future of the trials.** Proceed in a timely and transparent manner with improved efforts to have an open discourse with civil society organizations about the current case and, for example, the possibility of further sub-trials.
- **Establish a clear Court – civil society liaison mechanism** with an officer tasked with coordinating and collaborating with civil society, intermediaries, and the court through regular contacts, and developing clear and consistent outreach messages to be disseminated to the Civil Parties and the Cambodian population in general.
- **Design clear, consistent and systematic messages with regards of reparations and its realistic expected outcomes** in collaboration with intermediary organizations and civil party lawyers to manage expectations and avoid post-ECCC disappointment and disillusionment.

*To the Royal Government of Cambodia (RGC):*

- **Work to develop and ensure the legacy of the ECCC** especially regarding transfer of the ECCC experience of victim participation and support to the domestic system. Many aspects of the ECCC legacy have the potential to positively affect the rule of law and legal system in Cambodia. The experience and capacity-building of the victim participation scheme provides an outline for victim participation in domestic courts, as well as a transition towards more victim-oriented justice in Cambodia in general.
- **Continue to work with victims and the civil society to develop non-judicial mechanisms to deal with the legacy of the Khmer Rouge**, including strengthening existing education and history curriculum, creating avenues for truth telling and testimonials, and developing memorials and recognition for the victims

*To the Donors:*

- **Continue to support victim participation, until the end of the trials.** Victim participation is a unique feature of the Court. While there is a need to manage expectations among civil parties, the commitment to the rights of victims must be upheld and remain an important legacy of the court.
- **Support programs that ensure the work of the Court and its legacy goes beyond the trials** to inform broader social programs to deal with the past, including programs to strengthen education, truth telling and testimonials, and memorialization.
- **Support consultative processes** that involve the population to identify and address priorities and needs beyond justice.
- **Demand increased transparency and coordination** among all actors involved in the ECCC and providing assistance to victims

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