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CAMBODIAN DEFENDERS PROJECT

CONFERENCE REPORT

INTERNATIONAL GENDER JUSTICE CONFERENCE

- Prosecuting Gender-Based Violence
at the Extraordinary Chambers in
the Courts of Cambodia and Other
International Tribunals -

3 and 4 November, 2010
Phnom Penh, Cambodia

The Organizer

Cambodian Defenders Project (CDP) established in 1994 is one of the first non-governmental organizations founded in Cambodia. Initially, CDP provided free legal aid to disadvantaged and marginalized groups. Soon the field of work was expanded to include advocacy for human rights by commenting on draft legislation and lobbying for change. In addition, CDP is disseminating legal knowledge to improve law enforcement and respect for the rule of law. Since the beginning of the trials against former Khmer Rouge leaders CDP has been providing lawyers to civil parties.

CDP has been targeting women's issues from the very beginning. In 1997, CDP established a legal centre for victims of domestic violence. CDP also set up a network of sentinels monitoring the situation of women in local communities in every province in Cambodia. In 2007 CDP published one of the first studies on gender-based violence under the Khmer Rouge regime by conducting interviews in target provinces. In response to the results of this study CDP initiated a project on gender-based violence during the Khmer Rouge regime to support this specific group of survivors.

The Project on Gender-Based Violence during the Khmer Rouge Regime is aimed at assisting and empowering survivors of gender-based violence during this period by providing legal representation before the ECCC and advocating for their interests. By conducting outreach activities the project also aims to raise public awareness to enhance social support for these victims and change negative perceptions held in society.

FOREWORD



The history of violence against women is tied to the history of women being viewed as property and their assigned gender role being subservient to men and also other women. The United Nations Declaration on the Elimination of Violence against Women (1993) states that *“violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”*

Because of this many politicians use the term “equality between men and women” or “stopping discrimination against women” to gain support from women. During the

Khmer Rouge time, in order to gain support from the people the leaders prohibited sexual relations between unmarried couples and violators of this rule were to be executed. As a result, many people do not believe that there were a lot of cases of rape, sexual harassment etc. during that time. But in fact, rape, including before execution, forced marriage, using power to force to marry, etc. occurred widely.

The Khmer Rouge made many Cambodian people fear their own country, distrust the government and be afraid to live in their homeland. But according to the discussion in this conference, gender-based violence is a common crime in the world. In order to combat those crimes it is very important for us to learn from each other on how to deal with these issues and how to fight against these problems.

We hope that people who read this report will learn about what happened, in particular in Cambodia and in other countries and hope that all of you will support and jointly fight against gender-based violence.

Sok Sam Oeun,
Executive Director
Cambodian Defenders Project

ABBREVIATIONS

| | |
|------|---|
| CDP | Cambodian Defenders Project |
| ECCC | Extraordinary Chambers in the Courts of Cambodia |
| GBV | gender-based violence |
| ICC | International Criminal Court |
| ICTR | International Criminal Tribunal for Rwanda |
| ICTY | International Criminal Tribunal for the Former Yugoslavia |
| NGO | non-governmental organization |
| SCSL | Special Court for Sierra Leone |
| UN | United Nations |
| VSS | Victims Support Section |

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I. Introduction

The communist regime of Democratic Kampuchea, known as Khmer Rouge, ruled the country from 1975 to 1979 and led to the killing of more than one million people. To address the mass atrocities of this period the United Nations (UN) and the Cambodian Government established the Extraordinary Chambers in the Courts of Cambodia (ECCC) in 2003. The ECCC has the jurisdiction to try the senior leaders and those who were most responsible for crimes committed between 17 April 1975 and 6 January 1979, such as genocide, crimes against humanity, war crimes and other international and national offenses.

At the ECCC, victims of the Khmer Rouge time are allowed to participate in the proceedings as civil parties. To gain this status, they need to follow a specific application procedure and fulfil certain requirements. Once admitted, they are granted full procedural rights, such as the right to legal representation, to participate, to instigate investigations as well as the right to demand collective and moral reparations.



ECCC building in Phnom Penh

In 2010, the ECCC passed the first judgment against one of the accused – Kaing Guek Eav, known as Duch – sentencing the former director of a detention center in Phnom Penh to 35 years of imprisonment. 90 civil parties participated in these proceedings by attending the public hearings, giving testimonies, questioning the accused and filing submissions through their lawyers. The hearing on the appeals against this judgment is scheduled for March 2011. The investigations for the second trial against four more people were concluded in 2010

and the main trial is due to begin in 2011. In this case, the ECCC received 3988 civil party applications out of which 2123 have been admitted so far. Most of the rejected civil party applicants appealed the inadmissibility decision.

Many victims of gender-based violence (GBV) can be found among these civil parties. Their stories show that various forms of gender crimes, such as rape, sexual mutilation, sexual exploitation and forced marriage occurred under the rule of the Khmer Rouge. The ECCC addressed these types of crimes to some extent in the first judgment by convicting the accused Duch for one case of rape in the context of torture. In the second case, forced marriage ordered by the Khmer Rouge is charged as a crime against humanity under the category of “other inhumane acts”.



Public gallery and court room at the ECCC

In order to stimulate further discussions on the inclusion of GBV in the proceedings at the ECCC and to raise awareness among court staff and the public, CDP convened the International Gender Justice Conference on 3 to 4 November, 2010, in Phnom Penh, Cambodia. International and national experts on gender issues were invited to share their experience with participants from NGOs, the ECCC, donor institutions and scholars (see **Annex 1** for the agenda). This conference report summarizes the proceedings.

II. Key Results

- ***The ECCC needs to give a sign against impunity for GBV, in particular in Asia.***

Impunity for gender crimes committed in conflict situations has had a long standing tradition throughout history. Despite the fact that some progress has been made in the past decade to bring those who are responsible to trial, GBV is still often treated secondary to other human rights violations. In particular in Asian countries such crimes are rarely addressed. Being one of the first internationalized tribunals in Asia, the ECCC has the opportunity to send a clear message against impunity and for accountability which it should not miss.

- ***When considering GBV during the Khmer Rouge regime, the ECCC should use the entire spectrum of international law and jurisprudence related to such crimes.***

In the course of the last decade, a variety of international precedents and legal regulations on gender crimes have been developed. These range from the legal characterization of different forms of GBV to the definition of rape and other sexual crimes and the modes of liability for these crimes. Given the unique context of the Cambodian past, these might not apply directly. However, to ensure accountability for gender crimes, it is necessary to carefully consider each and all avenues opened up by international law, in particular with regard to forced marriage under the Khmer Rouge regime.

- ***Commitment to include a gender perspective on all levels of the ECCC and leadership for its implementation is necessary to ensure accountability for GBV.***

From previous international trials it became clear that the willingness and commitment of individuals was what brought about landmark decisions on sexual crimes. Such leadership is also necessary at the ECCC because prosecuting GBV is part of the mandate conferred to this court by the international community. Although some efforts have been made by the ECCC, there is still a need for more dedication to implement this mandate and for more awareness on gender issues throughout all steps of the proceedings.

- ***It is the responsibility of civil society and the international community to monitor the level of gender awareness at the ECCC.***

As a historic event, the trial at the ECCC is constantly being monitored and observed by national and international organizations. Advocacy is used as a tool to ensure that the proceedings are consistent with international standards. Adequately addressing GBV forms part of such standards and should be incorporated by the monitors when judging the performance of the ECCC.

- ***Fully including victims of GBV in transitional justice processes in Cambodia, inside and outside of the ECCC courtroom, is crucial for personal healing and fighting impunity.***

With its unique tool of civil party participation, the ECCC has the possibility to actively involve victims in the trial. Survivors of GBV should not be left out of this process but given a safe environment to share their experience and voice their interests. This is an essential step towards more empowerment. Through publicly acknowledging these crimes, the ECCC can contribute to reversing the stigma and shame that is laid upon the survivors.

Justice will not only be found in the courtrooms of the ECCC but also beyond. GBV victims need non-judicial mechanisms to acknowledge their suffering. Their memories should be included in historic documentation to shed light on the connection between violence in the past and today.

III. Conference Summary

This chapter outlines the presentations made by the international and national guest speakers at the conference and captures the key points of the group discussions. Information on the background of the speakers can be found in **Annex 2**.



Back row from left: Sar Sophyrad, Kasumi Nakagawa, Patricia Sellers, Silke Studzinsky, Susana SaCouto, Anne-Marie de Brouwer, Jane Mukangira, Galuh Wandita

Front row from left: Teresa Doherty, Kelly Askin, Sok Sam Oeun, Michiko Nakahara, Vahida Nainar, Sin Soworn

1. Definition of Gender-Based Violence

presented by Vahida Nainar, Independent Consultant

At the outset of the discussion on prosecution and accountability, it is important to have a common understanding of the term “gender-based violence”. As an expert on gender issues, Ms. Nainar framed the definition by connecting it to the concept of gender.



Vahida Nainar

Gender refers to the role assigned to men and women by society through establishing social norms that create certain expectation as to their behavior, attitude and way of living. Ms. Nainar pointed out that it is not only about social roles and appropriate demeanour but that the significance of gender roles lies in the fact that these attributions create a power imbalance which leads to discrimination and inequality against women. Thus, by seeing men as independent and women as dependant or by attaching public space to men and the private sphere to women, women are denied certain rights and freedoms that men are allowed to enjoy.

GBV hinges on this understanding of gender because it is the social norms attributed to men and women that constitute the roots of such violence. Any violence targeted against a person because of the role this person is expected to fulfill in society is gender-based. Women seen as weak are thus disproportionately targeted. However, it was emphasized by Ms. Nainar that men can also be victims of GBV because of the perception that they are stronger. In particular in armed conflicts, it is the men who are targeted for hard labor or killings. Forced marriage during the Khmer Rouge time in Cambodia can be seen as based on the social norm that children must obey their parents' wishes.

GBV occurs in physical, psychological or structural forms which vary according to different countries and cultures. What is common in all societies is that GBV escalates in conflict situations by becoming more prevalent and more acceptable. Violence against women in wartimes is mostly of sexual nature and often consciously integrated in strategies to destroy the enemy. This shows the close connection between gender roles and GBV: when women are viewed to be owned by men and as representative of their honor, women are targeted to humiliate the enemy.

If GBV committed during conflict is not punished, such crimes remain acceptable in the post-conflict environment. Accountability and finding justice for the victims are key measures to address GBV.

2. History of International Prosecution of GBV

presented by Dr. Kelly Askin, Senior Legal Officer, International Justice Open Society Justice Initiative

Accountability for GBV committed in armed conflicts should be inherent in any transitional justice and peace-building process to acknowledge the gravity of such crimes and prevent future offenses. As the author of *War Crimes Against Women: Prosecution in International War Crimes Tribunals* (1997), Dr. Askin showed in her presentation how prosecuting and punishing sexual violence in wartimes has evolved from total impunity to recognition as serious international crimes. She stressed, however, that the cases dealt with represent only a miniscule number of the offences that are committed leaving the international community with the task to continue the fight against impunity.

Before the 16th century, rape in times of war was not considered a crime but rather a right of the victor. While later on, some customary laws on war prohibited rape, there was little enforcement as women were seen as a reward for the soldiers. The first codified law of war to prohibit rape can be found in the Lieber Code of 1863 which was established during the civil war in the United States.

After World War I, the War Crimes Commission was established to set up mechanisms to include crimes committed in that period included rape and forced prostitution in the list of offenses to be tried by an international tribunal. However, such a tribunal was never installed.



Kelly Askin

Following World War II, two international military tribunals in Nuremburg and Tokyo conducted trials against the German and Japanese forces. Sexual violence was not explicitly mentioned in either of these courts' charters. Nevertheless, rape and other forms of GBV appeared in the evidence at trial or were convicted as other crimes such as inhuman treatment, persecution, ill treatment or failure to respect family honor and rights. Additionally, neither tribunal had a female judge or prosecutor involved in the tribunals. In the years after 1949, many international conventions were signed which prohibited rape, however up to the early 90s impunity was the norm.

In 1993, with the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) came the turning point in prosecuting sexual violence on the international level. The statute of this first court to be set up by the United Nations (UN) listed rape as a crime against humanity. The court set

significant precedents by recognizing rape as a war crime, crime against humanity, form of torture, persecution and enslavement. Other international courts, such as the International Criminal Tribunal for Rwanda (ICTR) followed this example and continued to set precedents for convictions of GBV.

From her experience and research, Dr. Askin concluded that in some instances, sexual violence is more difficult to prosecute given the fact that evidence is not necessarily as visible as a death or a stab wound or other more obvious violence. But in many instances it is easier to prosecute because many of the rapes are public and used as an instrument to terrorize the community. She also found out that victims of GBV are willing to speak out. Women in decision-making positions and gender experts on high levels play a crucial role in encouraging this process. Accountability is necessary to place the stigma and shame on the perpetrator.



Conference participants

3. The Cambodian Context

The reign of the Khmer Rouge which lasted 5 years brought about the most devastating armed conflict in recent Cambodian history. As in any war setting, gender crimes such as rape and sexual torture were committed. However, the issue of GBV during that time has been given little attention by historians, jurists and the public until recently. In 2006, a few pioneers started researching on this subject and working with survivors.



Forced marriage procedure during the Khmer Rouge regime

a) GBV during the Khmer Rouge Regime

presented by Kasumi Nakagawa, Gender Studies Lecturer at Pannasastra University of Cambodia, and Sin Soworn, National Civil Party Lawyer before the ECCC

As one of these pioneers, Ms. Nakagawa conducted the first study in 2006 which solely focused on researching sexual violence during the Khmer Rouge regime. The research team interviewed 1500 people and collected stories of survivors. In a second round, 600 people took part in the survey.



Kasumi Nakagawa

The stories included various forms of GBV, including rape, forced marriage, prostitution for survival, sexual mutilation and forced nudity.

In particular the context of forced marriages in Cambodia was unique as all marriages were organized by the Khmer Rouge. The ceremony consisted of taking an oath to the governing body called “Angkar” (which is the Cambodian word for organization). Mass weddings were conducted without any traditional rites and no relatives present. In the night following the ceremony, the couples were forced to have sexual intercourse with their spouse. Those who refused were sent to re-education camps where they were punished or killed.



Sin Soworn

Another pioneer in this field, Ms. Soworn, represents the first GBV victims to file civil party applications at the ECCC. Currently, around 100 clients from 16 provinces in Cambodia were admitted to join the trial. In total, 474 direct victims of forced marriage are civil parties at the ECCC which represents 22 % of all admitted civil parties. This shows the extent and significance of forced marriages. Another interesting aspect was that both women and men were affected.

Given the widespread nature of forced marriages, it is easier for victims to share their stories. They do not feel ashamed because it was a policy of the Khmer Rouge throughout the entire country which affected all levels and groups. Rape victims on the other hand are afraid to lose their honor, dignity and respect of their spouses. For this reason Ms. Soworn calls for female interviewers with relevant experience to question them.

b) Prosecuting GBV at the ECCC

presented by Silke Studzinsky, International Senior Legal Advisor to Legal Aid of Cambodia (LAC) and International Civil Party Lawyer before the ECCC

Accountability for GBV committed during the Khmer Rouge era can be achieved by the ECCC as the hybrid international tribunal trying the senior leaders on the basis of international criminal law. Ms. Studzinsky, having initiated the discussion on this issue at the ECCC together with her Cambodian colleagues, described the situation at this court from the very outset. She emphasized the need for involving a gender perspective in all decision making, especially for planning of investigations, by inviting experts, hiring gender advisors, maintaining a gender balance and training court staff. In the Introductory Submission which summarizes the findings of the Co-Prosecutors, the first entity at the ECCC to conduct investigations, sexual crimes were not included for lack of evidence. However, this was partly amended by the second body for investigations, the Co-Investigating Judges.



Silke Studzinsky

In Case 001 against Duch, the former director of a major detention center in Phnom Penh, the court of first instance – the Trial Chamber – passed a judgment in July 2010. The accused was convicted of one case of rape committed in this prison by an interrogator. The Trial Chamber considered this to be a crime of torture. Other cases of rape and forced marriage which were revealed and presented to the court by civil party lawyers in the course of the trial were not dealt with. One of the reasons was the alleged belated revelation of this information to the court.

In Case 002 against four other senior leaders of the Khmer Rouge regime, the investigations are closed and the court is preparing for the main trial. This case distinguishes between rape in the context of forced marriage and rape outside of forced marriage.

Following requests from civil party lawyers to include forced marriage in the investigations, the Co-Investigating Judges investigated and eventually indicted this form of GBV as a crime against humanity. Ms. Studzinsky suggests considering additional legal characterization of this crime as (sexual) enslavement, forced pregnancy and sexual violence under crimes against humanity.

As for rape and other types of sexual violence not related to forced marriage, the Co-Investigating Judges concluded that there was not enough evidence to show the link from the lower cadres to the senior leaders because of the official policy to punish any sexual offenses. Ms. Studzinsky expressed her doubts as to whether this policy was in fact strictly implemented to prevent rape. Evidence suggests that an environment of impunity reigned if cadres and merited revolutionaries were involved as perpetrators. In addition, the policy of the regime to dehumanize anyone considered to be an “enemy” made it easier to commit crimes of sexual violence against such persons.

Cases of sexual violence against ethnic and sexual minorities were not taken into consideration. Such violence was not charged as part of the genocide despite evidence in the case file. Ms. Studzinsky expressed her sincere hope that the Trial Chamber will carefully consider all factual and legal aspects of sexual violence in Case 002.



Provinces where CDP collected cases of forced marriage

4. International Lessons Learnt

Throughout the 20th century armed conflicts occurred on all continents and always involved various forms of GBV. Many countries, often with the support of the UN, established international courts to investigate and prosecute crimes committed during these wars. Some of them set benchmark precedents for convicting gender crimes. Others failed to do so and accountability for these offences was raised by civil society. Members of both international courts, academia and NGOs have gathered extensive lessons learnt on how to prosecute GBV on the international level.



Guest speaker panel from the right: Patricia Sellers, Jane Mukangira, Anne-Marie de Brouwer, Catherine Marchi-Uhel, Teresa Doherty, Michelle Staggs

a) International Criminal Tribunal for the Former Yugoslavia (ICTY)

presented by Patricia Sellers, Independent Consultant

The trials at the ICTY represent the turning point in acknowledging GBV as an international crime after decades of impunity. Ms. Sellers, who worked as both the Legal Advisor for Gender and one of the prosecutors at the ICTY, presented why and how the ICTY was able to play the leading role in prosecuting sexual violence.

In the area of personnel management, the decision was made early on at the ICTY to integrate crimes of sexual violence into all aspects of the work of the prosecutor's office. Every investigative team included men and women to give witnesses the option of choosing to be interviewed by a male or female. Although all teams were responsible for investigating sexual violence under their geographic mandate, one team specialized in this field and served as a resource for the others. One legal advisor of GBV was appointed to influence strategy and policy making of the prosecution.

Courts are made up of individuals and it is the commitment of these individuals to address sexual violence that allows the full integration of such crimes in the trial. Therefore, it is paramount that decision making levels completely accept their responsibility mandated to them by the international community to prosecute GBV. Gender advisors should be placed in each office of the tribunal (including the registry) and have a rank that allows them to influence crucial decisions.



Patricia Sellers

With regard to legal arguments, the ICTY passed ground-breaking jurisprudence on substantive law as well as on the question of liability. Most notably, rape was convicted as torture when inflicted for the purpose of intimidating the victim and other female prisoners and as enslavement when it entailed exercising full control over someone sexually and psychologically. At the same time, different modes of liability were applied to all forms of GBV. Even if rape committed by a third person was not explicitly ordered, the accused was held liable when such crimes were the foreseeable and natural consequence of other crimes directly ordered. The fact that an individual is in a role of authority or responsibility and does not prevent a third person from committing sexual violence led to liability under command responsibility.

With regard to Case 002 which will soon be prosecuted before the ECCC, Ms. Sellers suggested consideration of the concept of enslavement as it is understood in international law when subsuming the act of forced marriage in Cambodia. By marrying men and women the Khmer Rouge exercised power of ownership over the couple for

the purpose of “breeding”. The marriages were a mechanism to breed the future children of the Khmer Rouge regime, and not just an end in and of themselves. Children bred in this manner are enslaved at birth. Therefore, enslavement seems to be a more appropriate manner to legally characterize the conduct and the harm to all the victims. This approach goes beyond forced pregnancy, sexual slavery or inhumane acts and would avoid problems on the principle of legality since enslavement has been recognized as a crime in customary international law since 1926.

b) International Criminal Tribunal for Rwanda (ICTR)

*presented by Anne-Marie de Brouwer, Associate Professor in International Criminal Law, Tilburg University, and
Jane Mukangira, Assistant Appeals Counsel, ICTR*

Parallel to the ICTY, the proceedings at the ICTR addressed GBV committed during the 100 days of genocide in Rwanda. Given the prevalence of sexual violence in this conflict, the ICTR ruled on several important aspects concerning rape and developed investigation methods specifically tailored to meet the challenges of these crimes.



Anne-Marie de Brouwer

Having conducted in depth research on the ICTR case law on sexual crimes, Ms. de Brouwer's presentation first drew a clear picture of the nature and characteristics of the sexual violence committed during the genocide in Rwanda and its effect on the victims. She also offered an overview of the successes and failures in prosecuting these crimes before the ICTR.

During the Rwandan genocide, it is estimated that between 250,000 and 500,000 Tutsi and moderate Hutu fell victim to sexual violence. Sexual violence included individual rape, gang rape, sexual slavery, forced marriage, sexual mutilation, etc. Rapes were committed over time and by multiple perpetrators. As a consequence, 70% of female rape survivors contracted HIV/Aids. Men were targeted for sexual violence as well, including

sexual mutilation, being forced to rape others, and being raped themselves. Those responsible for these crimes included not only men, but also women who raped young men, ordered or assisted rape. The practice in Rwanda significantly differed from what has occurred in other genocides due to its organized campaign of propaganda, its public nature and the high level of brutality.

Despite the low number of convictions for GBV (only 8 accused out of 24 so far), the ICTR passed landmark decisions on the legal requirements for rape and the definition of rape amongst other things. Rape was convicted as genocide when it was committed with the intent to destroy a particular group. In Rwanda sexual violence was used as an integral part of the process of destroying the Tutsi group as a whole. In addition, some chambers at the ICTR developed the definition of rape to include any physical invasion of a sexual nature committed on a person under circumstances which are coercive. This expands another definition used by the ICTY and other chambers at the ICTR which requires penetration of the body by other body parts or objects and the lack of consent. Ms. de Brouwer calls on the ECCC to use the broader definition for rape (and for sexual violence in all its forms), in particular not to include "lack of consent" as an element of this crime because this could expose victims to painful and humiliating questions. Furthermore, in many cases that appear before international criminal tribunals, if not all, acts of sexual violence will have been committed under (threat of) force, coercion or coercive circumstances, and therefore the issue of consent becomes redundant.



Jane Mukangira

In many international tribunals sexual violence is often taken as “second-class crimes” compared to others such as killing or torture because of the difficulty in investigating them. Thus, the methods used in prosecuting GBV become very important. Being a member of the *Committee on the Review of the Investigation and Prosecution of Sexual Violence Crimes* at the ICTR, Ms. Jane Mukangira enumerated the key points to take into consideration when investigating GBV.

Creating a specialized unit to deal with sexual violence facilitates greater focus and commitment to the issue. The unit should include prosecutors, investigators, trial attorneys, trauma counselors, nurses, and support personnel, each of whom is specially trained. It should be formed on a gendered basis (including men and women) and other criteria including age and ethnicity are very important considerations. In addition, court

personnel generally need to be sensitive and responsive to survivors – an attitude that requires knowledge of the conflict and the context in which GBV was committed.

Developing methods and procedures enhances consistency in the investigation of these crimes. A key set of questions should be asked of every witness. In approaching the witness, investigators should give witnesses the time that they need to speak about the event to minimize the potential for retraumatization and unnecessary stress. In addition, investigators should be mindful of the gestures, posture, form of dress, word choice, and tone of voice that the survivor uses in the interview process. Interviews should be conducted where there is privacy and the witness will be as comfortable as possible.

c) Special Court for Sierra Leone (SCSL)

presented by Teresa Doherty, Hon. Justice, SCSL, and

Michelle Staggs, Human Rights Officer, UN Office of the High Commissioner for Human Rights

As the first hybrid court to sit in the country where the crimes were committed, the SCSL came on the heels of a decade-long civil war notable for its atrocities, including many forms of GBV (rape, forced abduction, forced marriage, gang rape, etc.). These types of crimes were already acknowledged by the UN Secretary General at the establishment of the court. Hence the court's statute specifically requires that due consideration be given to prosecutors and investigators with experience in dealing with GBV. In addition, a special psychologist was appointed for witness support. The crimes indicted in three of the four trials included: rape, outrages on personal dignity, sexual slavery and forced marriage.



Teresa Doherty

In particular, the decision on forced marriage as a crime against humanity, namely as other inhumane act, represented a new approach. Having initiated this process, H.J. Doherty described the situation of so-called "bush wives" and the discussion on the legal qualification of these marriages.

During the conflict in Sierra Leone, certain rebel groups abducted girls for sexual purposes. Some of them were allocated as wives with a fairly bureaucratic system while others were not allocated, but made available to men who raped them at their leisure. Girls who were considered wives were forced to fulfill various tasks, including domestic chores and child rearing. Some would be responsible for allocating jobs to women and distributed looted goods. Women who were not wives had no protections – they were abused by anybody and had to work for everyone. This practice of forced marriage varied from the tradition of arranged marriage in the sense that traditionally the parents or an older male relative had to agree.

The discussion among the judges sitting on this case evolved around the question whether there was a separate crime of forced marriage or whether the acts described should be subsumed under sexual slavery. In her dissenting opinion which was ultimately backed by the Appeals Chamber, H.J. Doherty saw forced marriage as unique because of the additional duties and responsibilities conferred to the women. This is also backed by a consistent theme in national laws throughout the world that marrying a woman without her consent constitutes a crime.

Drawing a parallel to the Cambodian context where some of the couples are still together, H.J. Doherty pointed out that the fact that the women stayed with the men does not negate the abduction or force at the beginning. Most of them did not have a choice since their communities refused to accept them back or provide any support for their children.



Michelle Staggs

In addition to the difficulties on the legal classification, the SCSL also faced practical challenges when investigating GBV. Compared to other courts, the question of gender balanced court staff was less of a concern in Sierra Leone, as the court had a clear mandate to ensure that many of the investigators hired were women. However, Ms. Staggs, former court monitor at the SCSL, pointed out that the key issue was the fact that victims and perpetrators were still living in the same communities so that gathering evidence was delayed because victims feared reprisal.

She presented one case where the struggle to bring evidence on rape to the trial resulted in an unsatisfactory solution for the victims. Due to the initial reluctance of victims to give testimony, the prosecutor was unsuccessful in amending the indictment to include acts of sexual violence. Eventually, victims of rape were put on the witness stand but were allowed to testify on everything but sexual violence. This seriously affected the women testifying as they had the desire to tell their stories and confront the perpetrators. This example demonstrates the importance of structuring an investigation in a way that ensures the timely and complete collection of evidence.

On the point of forced marriage, Ms. Staggs suggested that the way forced marriage is understood in Sierra Leone differs significantly from what happened in Cambodia under the Khmer Rouge. She questions whether the latter is a form of GBV. In Sierra Leone, the policy was implemented at an individual level and represents a level of control between the perpetrators and victims themselves. By doing so, the social role of women as housewives was perpetuated reflecting typical gender roles. The Khmer Rouge on the other hand used forced marriages as part of the social revolution to control population growth and human resource for labor. Such a policy is therefore directed against the entire society rather than a gender issue.

d) International Criminal Court (ICC)

presented by Susana SaCouto, Director, War Crimes Research Office American University Washington College of Law

Following ad hoc tribunals dealing with particular locations and conflicts, the jurisdiction of the ICC encompasses international crimes worldwide. Currently, proceedings relating to five countries are being conducted. As the ICC was established after other international courts have dealt with GBV, the underlying provisions of the ICC are based on previous experiences. From her observations on the ICC, Ms. SaCouto shows the achievements of this court in the area of GBV as well as the challenges that the court is still facing.



Susana SaCouto

The major success of the ICC is the inclusion of a broad range of GBV as specific crimes in the substantive provisions enumerating crimes against humanity and war crimes. The statute also codifies, for the first time, gender-based persecution. Additionally, structural provisions were set up to ensure the adequate prosecution of gender crimes, including the requirement to include judges with legal expertise on GBV, to hire investigators with experience in investigating sexual violence, to appoint legal advisors on gender issues, and to recruit experts on trauma related to GBV. One positive result of this progressive statute is that rape and other forms of sexual violence are included in charges against accused from each of the five countries. This is a good starting point to address the prevalence of GBV in these areas.

However, there are cases, in particular from the early years, where a lack of sufficient prosecutorial planning resulted in a failure to properly include GBV in the charges despite the discovery of evidence. Such a shortcoming is difficult to remedy in the later stages of trial. It is therefore of great importance to fully investigate, charge, and explain the complete spectrum of the harm caused by acts of GBV from the very outset. The experience at the ICC showed that it is not enough to have extensive substantive and structural provisions because these might not be fully implemented. The most important ingredient is commitment and strong leadership from the top which constantly encourages their staff to pursue cases of GBV.

e) *Women's International War Crime Tribunal in Japan*

presented by Professor Emerita at Waseda University Michiko Nakahara, Co-Representative, Violence Against Women in War Network Japan

One of the first international courts to try crimes committed in war was the International Military Tribunal for the Far East in Tokyo following World War II. Although no sexual crimes were explicitly listed in the charter, some accused were convicted of rape in conjunction with other crimes. However, this tribunal failed to address the system of military sexual slavery that was set up by the Japanese government in occupied countries – so-called “comfort stations”. Prof. Nakahara, one of the organizers of the Women’s International War Crime Tribunal in Japan (Women’s Tribunal), introduced the background, the messages and the lessons learnt from this court.

Beginning in 1942, Japan established a system of “rape centres” in many occupied countries where women from nearly all South-Eastern nations were forced to work as prostitutes for Japanese soldiers. In 1990, survivors of these centres broke the silence and filed lawsuits in Japanese domestic courts demanding an apology, recognition of their suffering and compensation from the Japanese Government. All of these lawsuits were dismissed by the Japanese Supreme Court leading to the formation of the Women’s Tribunal by NGOs which tried and convicted Emperor Hirohito and nine high-ranking generals for implementing the system of sexual slavery. 64 survivors testified on their experience in this trial. The Japanese Government has not taken any action up to today.

The Women’s Tribunal served as a platform for historic recognition of the stories of individual women. It also incited researchers and historians to collect the official documents and testimonies. One of the lessons learnt was that including memories of survivors in historic documentation is essential for a complete picture of the past. The most important message was to demonstrate to the international community that violence against women in war is a crime and needs to be punished to end impunity. This process may facilitate victims becoming actors for change.



Michiko Nakahara

f) Hybrid-International Court in East Timor

presented by Galuh Wandita, Senior Associate, International Centre for Transitional Justice

Within the region of South-East Asia, the hybrid-international court established by the UN in 2000 in East Timor has a similar structure to the ECCC in Cambodia. It also faced the aftermath of a violent conflict during which different forms of GBV occurred. Having worked as a member of the truth commission which was set up in addition to the court, Ms. Wandita explained the context and the lessons to be drawn from the East Timor Court. She emphasized that victims and perpetrators all over Asia are watching the actions taken by the ECCC to end impunity.



Galuh Wandita

Following the end of Portuguese colonial rule in 1974, the left-wing party took over control. Backed by the United States, Indonesia invaded East Timor and retained occupation until 1998. In the wake of an independence ballot initiated by the UN in 1999, Indonesian militia organized a campaign of violence to influence the outcome. This period as well as the preceding occupation was marked by grave human rights abuses on the side of the Indonesian forces. In 2000, the East Timor Court was established to prosecute the violations of 1999.

The court had a good basis for holding the accused responsible for GBV as its statutes used best practices from previous international tribunals on prosecuting GBV, for example by including definitions of the crimes, rules of procedure, and victims and witness support

unit. NGOs submitted a database of cases collected on sexual crimes to be used as a starting point for further investigations. Nevertheless, the lack of leadership, unclear prosecution strategies and inadequate recruitment of staff resulted in the failure to show the extent of GBV, in particular its systematic nature.

This missed opportunity shows that a good mandate alone is not sufficient to ensure justice for victims of gender crimes. The international community has to monitor and maintain an interest in advancing this topic. Another lesson learnt from East Timor was that justice is not found only in courts. Civil society needs to take the discussion beyond the courtroom and find alternative ways to acknowledge the truth, in particular by considering non-judicial mechanisms. Such means need to address impunity for GBV, which has been the norm in Asia for years, in a comprehensive way by understanding the connection between impunity in the past and violence today.

5. Transferring Lessons Learnt

The above lessons learnt show that there are certain prerequisites, common to all contexts, that are necessary to adequately address GBV in post-conflict settings. However, at the same time, it is essential to give thought to the specific surroundings and background of each country to assess which mechanisms are most suitable to ensure accountability. In order to find a well-balanced and comprehensive approach, all participants were invited to discuss how to transfer the lessons learnt to the Cambodian context according to the main topics that evolved from the guest speakers' presentations.



Presentation of group discussions

Topic 1: Gender Mainstreaming at the ECCC

One of the major components for including GBV in transitional justice processes is the commitment on all levels of a court, in particular decision-making echelons, to prosecute such crimes. With regard to the ECCC, the following tools were suggested:

- Distribute the conference results to all offices at the ECCC, international organizations such as UN agencies, embassies and donors to raise awareness.
- Evaluate gender competence in each chamber of the ECCC.
- Invite experts to testify on sexual violence during the Khmer Rouge regime.
- Recruit a GBV specialist with adequate rank and term to advocate on this issue from within the court.
- Train and hire investigators to provide an investigatory staff with expertise on working with survivors/victims of GBV. Train and provide capacity building for all ECCC staff on gender issues and GBV.
- Hire investigators from a variety of age ranges and of both sexes.
- Develop guidelines for interviewing GBV victims in cooperation with a psychologist.
- Allow lawyers to participate in interviews of clients.

Topic 2: Legacy of the ECCC

In the long run, fighting impunity on the international level should serve as a model and good practice for domestic legal systems. As mentioned in the presentations, it is vital to link accountability for past violations to the violence against women that is still prevalent in today's society. Being a hybrid court, the ECCC can have a strong impact on the Cambodian justice system, in particular with regard to prosecuting GBV. To ensure the legacy of this court, the following measure should be considered:

- Document best practice of prosecuting GBV.
- Develop a list of legal terminology, in particular with regard to fair trial standards and rights of the accused.
- Build capacity of lawyers working at the ECCC on important principles and procedures.
- Archive and document all material of the ECCC, e.g. via the Virtual Tribunal Project.
- Advocate for social acceptance of consent for marriage. Motivate society to re-think norms.
- Train national judges and lawyers to understand why the charges in Case 002 are limited to forced marriage.
- Learn from ECCC procedure through open dialogue on failure and successes.



Group discussion on the legacy of the ECCC

Topic 3: Giving a Voice to Victims

As mentioned in various presentations, victims of GBV have the need to tell their stories. Their experience and memories should not be left out of the historic record. Given that rape is not indicted by the ECCC, chances are high that this form of GBV which happened during the Khmer Rouge regime will not be addressed during the trial itself. To give a voice to these victims outside of the courtroom, the participants suggested the following mechanisms:

- GBV Victim/Survivor Association or Self-Help Groups: Such groups could be modelled on similar activities in Rwanda who come together for communal activities (such as weaving) during which a participant in the group will facilitate discussion on a GBV related topic or issue. This model encourages discussion and story-sharing in a less threatening and more general way.
- Publications: Create books or a series of publications documenting GBV during Democratic Kampuchea.
- Victim Registry: Advocate for the creation of a centralized registry that will hold the names and stories of survivors of the Khmer Rouge genocide.
- Radio Programming: Continue and/or expand radio programming to include stories told by victims, witnesses and others who know of GBV that occurred during the rule of the Khmer Rouge regime.
- Women's Tribunal: Organize a "Women's Tribunal" that will hear evidence and render a verdict on GBV that occurred in Democratic Kampuchea. This could be modelled on Women's International War Crime Tribunal in Japan.
- Research: By conducting rigorous research using a variety of methods, more information on the experience of GBV survivors could be brought into the public sphere. This would also be a way to enable those who are not willing to come forward to share their stories; a lower-risk method for voicing their experience.
- Self-Expression: Include programming that allows survivors to express or voice their story in their own way. For example, dance performance, drawing, etc.
- Official Recognition of GBV by ECCC: This could include the court making statements in its final judgment mentioning evidence they have received on GBV even though it hasn't been indicted or found.

To realize these methods, concerted efforts of the ECCC and civil society is the key. The participants suggested the following cooperation channels:

- GBV Working Group: Form network of civil society organizations, ECCC representatives, victim's associations, and donors to coordinate efforts in working with victims of GBV and plan programming, outreach, research and other efforts targeting GBV during Democratic Kampuchea.

- Collaboration with the ECCC Victim Support Section (VSS): In light of the VSS's mandate to design and implement non-judicial measures, the ECCC and civil society should work together to identify and move forward projects to aid GBV victims. This could include accompaniment, partnership and funding assistance on proposed mechanisms.

Topic 4: Outreach and Advocacy on GBV

Through the past experience it became clear that merely codifying principles and procedures on paper does not necessarily bring the gender perspective on the agenda of international tribunals. Pressure from civil society as well as the international community and the support of the local population are key elements to push for effective implementation. This can be achieved through outreach and advocacy on accountability for GBV. In the context of Cambodia, the following ideas were expressed:

- Include the topic of gender in meetings between NGOs and ECCC Public Affairs Section.
- Provide gender training for NGO female staff.
- Use a multi-media approach, e.g. radio program, publications, research.
- Provide gender training to university students.
- Initiate women's networks, such as a women's victim associations/ group.
- Seek cooperation with Ministry of Women's Affairs.
- Lobby at Ministry of Education to include gender aspects in curriculum on Khmer Rouge period and train history teachers.

IV. Conclusion

Looking back at a history of merely a decade, prosecuting GBV in armed conflict is still in its infancy. Advancing this progress is the responsibility of all existing and future international tribunals, including the ECCC. Rape, sexual mutilation, sexual torture, and forced marriage were part of the Khmer Rouge's oppressive rule. The aspect of "breeding" or forcing couples to copulate and produce children is among the horrendous gender violence legacies of the Khmer Rouge genocide. These crimes need to be addressed and acknowledged in order to understand the full picture. Based on the lessons learnt from previous experiences, the ECCC should seize the opportunity to develop new approaches and further accountability.

This conference was a first step to bring the topic of GBV during the Khmer Rouge regime to global attention. We hope that the international community will continue monitoring the efforts made by the ECCC. This opportunity to send a clear message to other Asian countries to fight impunity for gender crimes should not be missed.

ANNEX

*Annex 1: International Gender Justice Conference Agenda***Project on Gender-Based Violence during the Khmer Rouge Regime****International Gender Justice Conference**

on 3 and 4 November 2010
at Hotel Cambodiana, Phnom Penh, Cambodia

Funded by German Development Service (DED)
and Open Society Institute (OSI)

AGENDA**DAY 1**

- 8:00 – 8:10 **Welcome**
- Duong Savorn, Project Coordinator, Cambodian Defenders Project (CDP) -
- 8:10 – 8:30 **Opening Remarks**
- Dr. Andreas Selmecki, Coordinator of the Civil Peace Service, German Development Service (DED), and Sok Sam Oeun, Executive Director, CDP -
- 8:30 – 9:00 **Introduction on Gender-based Violence (GBV) in Conflict – Definition and History**
- Dr. Kelly Askin, Senior Legal Officer, International Justice Open Society Justice Initiative, and Vahida Nainar, Independent Consultant -
- 9:00 – 9:30 **GBV during the Khmer Rouge Regime**
- Kasumi Nakagawa, Gender Studies Lecturer, Pannasastra University of Cambodia, and Sin Soworn, National Civil Party Lawyer before the ECCC, CDP -
- 9:30 – 10:00 - **Coffee Break** -
- 10:00 – 10:30 **Prosecuting GBV at the Extraordinary Chambers in the Courts of Cambodia (ECCC) – Necessity and Challenges**
- Silke Studzinsky, International Senior Legal Advisor to Legal Aid of Cambodia (LAC) and International Civil Party Lawyer before the ECCC -
- 10:30 – 12:00 **Questions and Answers**
- chair: Chim Manavy, Executive Director, Open Institute -
- 12:00 – 13:30 - **Lunch Break** -
- 13:30 – 14:00 **Lessons Learnt from the International Criminal Tribunal for the Former Yugoslavia (ICTY)**
- Patricia Sellers, Independent Consultant -

- 14:00 – 14:30 **Lessons Learnt from the International Criminal Tribunal for Ruanda (ICTR)**
- Anne-Marie de Brouwer, Associate Professor in International Criminal Law, Tilburg University, and Jane Mukangira, Assistant Appeals Counsel, ICTR -
- 14:30 – 15:00 **Lessons Learnt from the Special Court for Sierra Leone (SCSL)**
- Teresa Doherty, Hon. Justice, SCSL, and Michelle Staggs, Human Rights Officer (ECCC Legacy), UN OHCHR -
- 15:00 – 15:30 **- Coffee Break -**
- 15:30 – 17:00 **Questions and Answers**
- chair: Catherine Marchi-Uhel, Hon. Justice, ECCC -

DAY 2

- 8:00 – 8:30 **Welcome and Recapture**
- Duong Savorn, Project Coordinator, CDP -
- 8:30 – 9:00 **Lessons Learnt from the International Criminal Court (ICC)**
- Susana SaCouto, Director, War Crimes Research Office American University Washington College of Law -
- 9:00 – 9:30 **Lessons Learnt from Japan**
- Professor Emerita at Waseda University Michiko Nakahara, Co-Representative, Violence Against Women in War Network Japan -
- 9:30 – 10:00 **Lessons Learnt from East-Timor**
- Galuh Wandita, Senior Associate, International Center for Transitional Justice -
- 10:00 – 10:30 **- Coffee Break -**
- 10:30 – 12:00 **Questions and Answers**
- chair: Sok Sam Oeun, Executive Director, CDP -
- 12:00 – 13:30 **- Lunch Break -**
- 13:30 – 15:00 **Group Work on Recommendations to the ECCC**
- 15:00 – 15:30 **- Coffee Break -**
- 15:30 – 17:00 **Presentation and Discussion of Group Work Results**
- 17:00 – 17:30 **Evaluation**
- 17:30 **Closing**
- H.E. Chiv Songhak, President of the Bar Association of the Kingdom of Cambodia -

Annex 2: Background of Guest Speakers

Kelly Askin

Dr. Kelly Dawn Askin, BS, JD, PhD (law) is a senior legal officer for International Justice in the Open Society Justice Initiative. Ms. Askin served as a legal advisor to the judges of the International Criminal Tribunal for the former Yugoslavia and for Rwanda from 2000-2002, and for over ten years has also served as an expert consultant, legal advisor, and international law trainer to prosecutors, judges, and registry at the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Serious Crimes Unit in East Timor, the International Criminal Court, the Special Court for Sierra Leone, and the Extraordinary Chambers in the Courts of Cambodia.

Anne-Marie de Brouwer

Anne-Marie de Brouwer is an Associate Professor in international criminal law at the Department of Criminal Law of Tilburg University, the Netherlands, and a senior researcher with the International Victimology Institute Tilburg (INTERVICT). She is the author of the book "Supranational Criminal Prosecution of Sexual Violence: The ICC and the Practice of the ICTY and the ICTR (Oxford – Antwerp: Intersentia, 2005)", for which she received the Max van der Stoep Human Rights Award 2006. She also co-edited the book "The Men Who Killed Me: Rwandan Survivors of Sexual Violence (Vancouver/Toronto/Berkely: Douglas & McIntyre, 2009)", which features seventeen testimonials of survivors. She is the chair of the Mukomeze Foundation, which aims to improve the lives of women and girls who survived sexual violence during the Rwandan genocide.

Teresa Doherty

Hon Justice T.A. Doherty C.B.E. is from Northern Ireland. She worked in Papua New Guinea from 1976-1987 first in the Public Solicitor's (public defence) office and as provincial legal officer for Morobe Province. She was appointed as the Principal Magistrate for the Momase region of Papua New Guinea in 1987 and as National and later Supreme Court judge in 1988, the first woman to hold any high judicial office in the South Pacific Islands Region. She served as a judge of the High Court and Court of Appeal of Sierra Leone. She is presently dealing with the Charles Taylor trial in the Hague, Netherlands.

Jane Mukangira

Jane Mukangira is an Assistant Appeals Counsel with the United Nations International Criminal Tribunal for Rwanda ("ICTR"), Office of the Prosecutor, where she has prosecuted war criminals in complex, multi-defendant cases. After the 1994 genocide in Rwanda Ms. Mukangira worked with IBUKA and AVEGA, both of which are associations of genocide survivors. Particularly, AVEGA deals with the victims of sexual violence and rape who were widowed by the 1994 genocide of Rwanda. Ms. Mukangira is also a member of the Committee on the Review of the Investigation and Prosecution of Sexual Violence Crimes established by the Prosecutor of the ICTR which has been charged with compiling a lessons-learned manual to assist in improving the record of the Office.

Vahida Nainar

Vahida Nainar has investigated, written and presented extensively on gender issues and women's human rights both independently and at the behest of numerous non-governmental and international organizations. She is an expert on the reception of claims of gender-based violence in international and regional courts and has led several non-governmental organizations advocating gender justice. Ms. Nainar holds an L.L.B from the University of Bombay, a master's degree in Women and Development Studies from the Institute of Social Studies at the Hague and is a Ph.D. candidate in Law at the Law School at SNDT Women's University in Mumbai, India. She currently works as consultant providing expert study and advice on women's human rights issues to a variety of international and non-governmental organizations.

Kasumi Nakagawa

Kasumi Nakagawa obtained a M.A. in International Public Policy at Osaka University in Japan. Since 1997, she has been based in Phnom Penh and working for the empowerment of women. From 2008 to 2010, she worked as an advisor on gender mainstreaming to the Ministry of Women's Affairs in Cambodia. She is the author of several publications on women's rights in Cambodia, including "Street Sex Workers in Phnom Penh" (2006), "More than White Cloth? – Women's Rights in Cambodia" (2006) and "Gender-based Violence during the Khmer Rouge Regime" (2007 and 2008). Currently, she teaches Genders Studies at Pannasastra University in Phnom Penh.

Michiko Nakahara

Professor Michiko Nakahara worked as a research fellow at SOAS, University of London and Wolfson College, Oxford University. She taught Asian History for 35 years at Waseda University in Tokyo and retired in 2004. She also taught at Tsuda Womens College, Jochi University, Tokyo University, University of Malaya, Yokohama National University, Grinnell College, USA, Fletcher School of Law and Diplomacy, and Birkbeck College, University of London. After she retired from Waseda University she has been working in several non-governmental organizations as an activist, including as a co-representative of Violence against Women in War Network Japan (VAWW NET JAPAN) and as director of NPO Women's Fund for Peace and Human Rights. She is advocating for the survivors of Japanese Military Slavery and promoting the knowledge of gender justice through education and is involved in many activities for "comfort women" issue.

Susana SáCouto

Susana SáCouto is the Director of the War Crimes Research Office (WCRO) at the Washington College of Law (WCL), which promotes the development and enforcement of international criminal and humanitarian law. In addition, Ms. SáCouto is a Professorial Lecturer in Residence at WCL, where she teaches courses on advanced topics in international criminal law, gender and human rights law and international legal responses to women affected by conflict. Prior to joining the WCRO, Ms. SáCouto directed the Legal Services Program at Women Empowered Against Violence (WEAVE), clerked for the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY) and worked with the Center for Human Rights Legal Action in Guatemala. She also served as

co-chair of the Women's International Law Interest Group of the American Society for International Law (2006-2009 term), and was awarded The Women's Law Center 22nd Annual Dorothy Beatty Memorial Award for significant contributions to women's rights.

Patricia Sellers

Patricia Sellers was the Legal Advisor for Gender and a prosecutor at the ICTY from 1994 until February 2007. Ms. Sellers is presently a Visiting Fellow at Kellogg College the University of Oxford and an independent legal expert. She has been a Special Legal Consultant to the Gender and Women's Rights Division of the United Nation's High Commissioner for Human Rights and to the Secretary's General's Special Representative to Children in Armed Conflict. At the Rwanda Tribunal (ICTR), she was co-counsel and a legal strategist in the Prosecutor v. Akayesu, the first international case to hold sexual violence as an act of genocide and rape as a crime against humanity. Ms. Sellers was the legal advisor on the Prosecutor v. Kunarac, the first international case that led to a conviction of enslavement as a crime against humanity, based in part on acts of sexual violence. In 2002, in Tokyo, Japan, Ms. Sellers was a Co-Chief Prosecutor responsible for the legal submissions of nine national prosecution teams from Southeast Asia, at the Women's War Crimes Tribunal, a symbolic trial that highlighted the absence of legal redress for thousands of "Comfort Women" who were enslaved by the Japanese army during World War II.

Soworn Sin

Since 2008, Ms. Sin has served as the Gender Based Violence Project's national co-lawyer representing civil parties before the Extraordinary Chambers in the Courts of Cambodia (ECCC). She and her co-counsel, Silke Studzinsky, represent a large number of survivors of gender-based violence under the Khmer Rouge. Prior to her work with the ECCC, Ms. Sin worked as a lawyer for both the Cambodian Defenders Project and the Bar Association of the Kingdom of Cambodia as well as clerking with Cambodia's Supreme Court. Ms. Sin holds a bachelor degree in law from the Royal University of Law and Economics and is currently completing a master's degree at the same institution.

Michelle Staggs

Michelle Staggs Kelsall is an Australian lawyer with a Masters in Public International Law/Human Rights from the London School of Economics and Political Science. She is currently a Human Rights Officer with the Office of the High Commissioner for Human Rights, Cambodia. Prior to joining OHCHR, she worked as Deputy Director of the East-West Center's Asian International Justice Initiative, where she oversaw the initiative's regional trial monitoring and outreach programs at the Extraordinary Chambers in the Courts of Cambodia. Her co-authored article on sexual violence victims was selected by Judge Navanethem Pillay for publication in the International Journal of Transitional Justice's Special Issue on Gender in 2007. Her current research interests include the legacy of internationalized tribunals, gender and human rights in Southeast Asia.

Silke Studzinsky

Silke Studzinsky has been working for more than 17 years as a criminal defense lawyer and as a legal representative for civil parties before criminal courts in Germany and elsewhere in Europe. One of her main working areas is fostering the rights of victims of sexual violence, sexual abuse, trafficking and racial discrimination in and outside of courtrooms. She joined the “Association of European Democratic Lawyers” in 2000 and acted as their Secretary General from 2005 until the end of 2007. She organized and participated in several human rights missions and trial observations and delegations in Turkey, Spain, Greece, Israel, South Korea and Kashmir. Since February 2008, she has been working in the framework of the Civil Peace Service of the GIZ in Cambodia to represent Civil Parties before the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Galuh Wandita

For more than twenty years, Galuh Wandita has worked on a broad range of human rights issues in Indonesia. This has included extensive involvement in the reception, truth, and reconciliation process in Indonesia as well as roles documenting gender-based violence during conflict and developing interventions for its survivors. Ms. Wandita has trained and advised numerous governmental and non-governmental organizations on gender-based violence and topics related to gender and development. Currently, she serves as the Senior Associate for Indonesia and Timor-Leste with the International Center for Transitional Justice (ICTJ). Ms. Wandita holds a master’s degree from Oxford University in International Human Rights Law and a bachelor’s degree in sociology and anthropology from Swarthmore College.



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