



Project on Gender-Based Violence during the Khmer Rouge Regime

Women's Hearing for Youth

Concept Note

As of March 26, 2013

A. Background

The Khmer Rouge regime ruled Cambodia from 1975 to 1979 and caused the death of more than 1.7 Million people. This ultra-communist group tried to establish an agrarian society by forcing the entire population to hard labor and destroying any personal bonds between individuals. Arbitrary imprisonment, torture and executions were carried out by Khmer Rouge cadres against any person suspected of opposing the revolution and during purges within their own ranks. Among the atrocities committed, cases of gender-based violence, such as rape, sexual torture, and systematic forced marriages, have been gradually revealed.

The belief that sexual violence did not occur during that era is widespread due to the fact that the regime purported to punish any contact or relation between men and women as so-called "moral offenses". Because of the lack of research on the extent of violence against women in this period, there are no statistics on the percentage of affected women or type of crime committed. However, individual testimonies from survivors and witnesses collected by researchers and non-governmental organizations (NGO) show the occurrence of gender crimes throughout the country. In particular the policy of forced marriage is unique to the Cambodian context. Under the Khmer Rouge, thousands of women were forced to wed a stranger and have sexual intercourse with this person. Other cases of sexual violence have been even less studied.

In 2003, a hybrid-international court, the ECCC was established to try the senior leaders of the Khmer Rouge regime. Victims have the right to join the proceedings as civil parties with certain procedural rights such as right to legal counsel, right to question the accused, right to request investigations, right to demand collective and moral reparations. So far, the ECCC has addressed sexual violence to a very limited extent. In the judgment of case 001, the accused was convicted of one case of rape as form of torture. Other cases submitted by civil party lawyers were disregarded. In case 002, the accused are indicted of forced marriage as a crime against humanity in the form of other inhumane acts. Any other forms of sexual crimes, in particular rape outside of the context of forced marriage, were not included in the charges.

The ECCC is the major transitional justice mechanism in existence in Cambodia. Other forms, e.g. truth commissions, were not established by the government. The civil society is filling this gap by various projects, e.g. via radio shows, village dialogues, participatory film productions. None of them, however, are specifically focusing on the perspective of women survivors, especially survivors of sexual violence. As a result, their stories remain untold entrenching the myth that rape did not happen under the Khmer Rouge regime. CDP is responding to this gap by establishing Women's Hearings as a platform for truth-telling, advocacy and awareness-raisin. In 2011 and 2012, two Hearing were held with different scopes and testifiers.

B. Objectives and Target Groups

1. AWARENESS-RAISING AND EDUCATION

The primary target group for the Women's Hearing 2013 is **young people** since most of the students are not familiar with this topic because of the lack of documentation of women's experiences and many survivors have expressed their wish to share their experience with the post-war generation. With the Women's Hearing we intend to contribute to the historical record and present it to the young people in a form that engages them to become active in ending violence against women. It is also important to let them understand that even though the ECCC is not charging rape, impunity is not acceptable by acknowledging the crimes reported by the women.

The outcomes we are striving for are:

- Participants know that sexual violence happened during the Khmer Rouge regime.
- Participants share this knowledge with others.
- Participants become active in the fight against impunity.
- The Women's Hearing is documented audio-visually and through a report which are distributed to a wider audience.

2. EMPOWERMENT

The second objective of the event is to empower women who testify as well as those who listen or hear about the event. Most Cambodian women, especially those who survived the Khmer Rouge regime, are shy and do not dare to speak in public. The process of having participated in the Women's Hearing will increase the self-confidence and self-esteem of the testifiers. The positive impact of testifying can be seen when looking at Khmer Rouge survivors who testified before the ECCC. Finding themselves backed by the public and not blamed for what happened to them, will significantly further their personal healing. Given the culture of silence and silencing in Cambodia, it is essential to demonstrate the courage and strength to demand accountability for the crimes committed against them to other women. With such a role model, we aim at encouraging other survivors of violence to claim their rights and call for justice.

The outcomes we are striving for are:

- After participating, the testifiers feel stronger, less afraid and less ashamed.
- After participating, the testifiers feel the satisfaction of being acknowledged and supported by the public.

C. Topics Addressed

The overall theme of the Women's Hearings revolves around the experience of female survivors during the Khmer Rouge regime. This year's Women's Hearing will cover the topic of all forms of **gender-based violence against women** under the Khmer Rouge regime. With regard to the problem of impunity in Cambodia today, revealing this topic can be linked to a call for action in the present society.

D. Format

The procedure of the Women's Hearing 2013 will consist of testimonies of survivors and witnesses before a panel of students and advisors. At the closing, the panel will issue a statement voicing their messages to the public.

Key Actors and their Roles

Actor	Roles and Responsibilities
3 Testifiers	-tell their stories during Hearing
3 persons leading questions	-prepare testifiers before Hearing -ask questions to testifiers during Hearing
1 general facilitator	-guides through entire Hearing
4 student panel members	-is part of student task force -participate in preparation training to learn about their role, GBV, KR, statement, etc. -participate in pre-Hearing workshop (one day before Hearing) to get know testifiers and to prepare the statement -participate in Hearing to listen to testimonies, ask questions following testimonies if they like, make public statement at the end of Hearing with summary of main messages -develop full written statement after Hearing -receive certificates
4 student task forces (4-5 students per group)	-participate in preparation training to learn about their role and prepare for statement -participate in pre-Hearing workshop (one day before Hearing) to get know testifiers and to prepare the statement -participate in Hearing to listen to testimonies, discuss and prepare statement with student panel members -develop full written statement after Hearing -receive certificates
2 panel advisers	-training of student on statement writing -help prepare statement during pre-Hearing workshop -participate in Hearing to listen to testimonies and help prepare summary of main messages -help develop full written statement after Hearing
1 expert speaker	-introduce background (history of KR, ECCC, Civil Parties, GBV etc.) during Hearing -answer questions from audience during open floor discussion if necessary

audience	-listen to testimonies -participate in open floor discussion
psycho-social support team	-develop support scheme

E. Working with Testifiers

1. Selection Process

Testifiers will be selected by the Project Team from a pool of potential testifiers that consists of civil parties, respondents from a research conducted by CDP, interview partners for a booklet prepared by CDP and other cases referred to CDP.

The testifiers need to be

- survivors or direct witnesses of sexual violence during the KR outside of forced marriage,
- physically and mentally fit to attend the entire hearing,
- willing to testify and being able to benefit from speaking in public.

After shortlisting potential testifiers, the Operating Committee will meet with them individually, thoroughly inform them on the process, the potential risks and consequences and ask for their willingness to participate using an informed consent form. If testifiers do not wish to reveal their identity, their testimonies can be pre-recorded without showing their face or written down prior to the hearing. The recording will be shown or the document will be read during the hearing. The testifiers will be asked in the informed consent if they seek identity protection.

2. Preparation

The Operating Committee will prepare the testimonies together with the witness according to the following schedule:

- Individual meeting at their home to write down the testimony together using a questionnaire and to learn about positive and possible negative psychological effects of testifying.
- Workshop with all testifiers in Phnom Penh to continue working on their testimonies and to practice speaking in front of the group. They also learn about coping with psychological effects of testifying.
- Pre-Meeting one day before the hearing to review and practice their testimony and to meet Hearing Panel. They also learn about methods for relaxing and calming.

The team's psychologist and lawyer will be involved throughout the preparation process.

3. Support and Protection during the Hearing

In the beginning of the hearing, the audience will be reminded to pay respect to the testifiers to create a safe space for them to speak out. This can be done through a ceremony or ritual. To protect the testifiers from inappropriate or disrespectful questions, direct questions from the audience will not be allowed. Questions can be collected at the end of the first day, filtered and asked via the facilitator or the panel on the second day.

During the hearing, the testifiers will be guided through their statement by the facilitator or a panel member who will ask the questions from the questionnaire used for the preparation. The psychologist and lawyer will be present throughout the entire hearing to provide on-site support.

At the end of the hearing, a public ceremony to thank the testifiers and acknowledge their courage will take place. This can be done by handing over the written testimony, a photo of the event and a small present.

4. Follow-up after the Hearing

The day after the hearing, the testifiers will meet with the psychologist and the lawyer again for de-briefing. During this meeting, the impact of the participation in the hearing on the testifiers will be measured through a survey among them.

The psychologist will continue to follow-up with the testifiers via telephone a few weeks after their testimony. The follow-up support will be provided as long as the testifiers feel it is necessary.

5. Risks and Solutions

There is a risk that testifiers will have difficulties testifying on the day of the hearing despite the preparations and rehearsal. In this, their testimonies can be read out by one member of the Operating Committee standing next to the testifier.

In case testifiers name individual perpetrators publicly, the accused person should have the right to be heard in the hearing. To retain credibility the hearing needs to adhere to international standards of fair trial. This consequence should be made clear to testifiers during the preparation when asking them about the perpetrator. They can be given the option to only characterize the perpetrator generally (e.g. Khmer Rouge or not, high- or low-ranking) to avoid individual accusations.

F. Student Panel

1. Selection Process

During the Introduction Workshop at the universities, students who are interested in participating in this event will be asked to sign up for the Preparation Training. At the training, each field of study will elect students among them who volunteer to be in the task force and one student to be on the panel.

2. Preparation of Student Panel Members

All student panel members and task force member will receive a Preparation Training where they learn about various aspects of GBV and about how to prepare the panel statement. At the pre-Hearing Workshop they have the chance to meet the testifiers and start to prepare their statement. They will be guided throughout the entire process by the Panel Advisors who are experts in their fields and have teaching experience.

G. Media Strategy

The Operating Committee with the support of the Advisory Committee will establish a media plan to attract as much attention as possible for the event. Targeted media include TV, press, radio and internet. Activities can be based on the following suggestions:

- announce event in general at all CDP outreach activities

- in newspaper: engage Phnom Penh Post, Cambodia Daily, Reaksmey Kampuchea, Koh Santphiep to write an article on GBV which mentions event; invitations to press 2 weeks before; press release afterwards for results
- radio: include topic in shows of YfP, CHRAC, WMC; invitations to radio stations 2 weeks before
- TV: invitation to TV stations 2 week before
- internet: post articles on Open Institute webportal which mentions event; post announcement of event 2 weeks before
- e-mail: announcement of event 2 weeks before to all former participants of student forums
- newsletter: VSS, CHRAC, Adhoc, ECCC; publish article in newsletters which mentions event
- universities: announcement via poster, leaflet and e-mail 2 weeks before

H. Documentation

In order to use the results of the Women's Hearing for future awareness-raising and outreach activities, CDP plans to capture the entire process through a short documentary which explains the objectives, the preparations and the results. The statement of the Hearing Panel and the proceedings will be published in a report which will be distributed to relevant organizations and institutions. The entire hearing will be recorded on audio.