

**GENDER-BASED VIOLENCE DURING THE KHMER ROUGE:  
A FORGOTTEN ISSUE?**

**CAMBODIAN DEFENDERS PROJECT  
GENDER-BASED VIOLENCE PROJECT, 2010 – 2012  
EVALUATION REPORT**

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## **LIST OF ABBREVIATIONS**

ADHOC:	Cambodian Human Rights and Development Association
ASRIC:	Applied Social Research Institute of Cambodia
CAMBOW:	Cambodian Committee of Women
CDP:	Cambodian Defenders Project
CHRAC:	Cambodian Human Rights Action Committee
CPs:	Civil Parties
CPLCLs:	Civil Party Lead Co-Lawyers
CPLs:	Civil Party Lawyers
ECCC:	Extraordinary Chambers in the Courts of Cambodia
GBV:	Gender-Based Violence
KR:	Khmer Rouge
KRR:	Khmer Rouge Regime
Ksaem Ksan:	Association of Victims of Democratic Kampuchea
LAC:	Legal Aid of Cambodia
NGOs:	Non-Governmental Organizations
OCIJ:	Office of the Co-Investigating Judges
SRSG:	Special Representative to the Secretary General
TPO:	Transcultural Psychosocial Organization
UN:	United Nations
VSS:	Victims Support Section
WHs:	Women’s Hearings
WMC:	Women’s Media Center
ZIVIK IFA:	ZIVIK funding program of the Institut für Auslandsbeziehungen (IFA, Institute for Foreign Cultural Relations)

## **EXECUTIVE SUMMARY**

This report assesses the results of the Cambodian Defenders Project (CDP) on Gender-Based Violence (GBV) during the Khmer Rouge (KR) regime.

The issue of gender-based violence during the KR regime has re-entered the public discourse only recently. The interest follows studies that demonstrate the nature and the existence of GBV during the Khmer Rouge. It is also associated with the operation of the Extraordinary Chambers in the Courts of Cambodia (ECCC), a criminal justice process that addresses crimes committed during the KR regime. The CDP GBV project is anchored in the ECCC as its clients are Civil Parties to the proceedings, and the subject matter is gender-based violence during the KR regime. In the last three years, the project has been successful in implementing its activities and achieving several of its intended outcomes and expected impacts.

In tackling the issue, the CDP GBV project has contributed to the empowerment of CDP clients, also victims of GBV during the KR. CDP clients showed some knowledge of the ECCC and understanding of its limitations especially in regard to the prosecution of GBV during the KR. They reported psychological benefits, and said they are more comfortable talking about their past. Team leaders saw themselves as multipliers bonding with other GBV victims, sharing their stories and experience, and taking actions in their community.

Additionally, the CDP GBV project has contributed to increased societal support for the victims through outreach to the Cambodian population, NGOs and the youth. It has re-initiated and sustained a public conversation about GBV during the KR, challenging established views about the issue. The Women's Hearings, a new initiative, has attracted the attention of international organizations such as the United Nations. The project has triggered interest in GBV during the KR among other NGOs.

Finally, through its advocacy component, CPLs in collaboration with the project have contributed to the investigation of forced marriage into Case 002. Forced marriage, but no other forms of GBV (e.g., rape), is now included in the indictment of the ECCC Case 002, and there is hope that GBV during the KR could be investigated in Cases 003 and 004. Nonetheless, forced marriage might never be prosecuted in Case 002, and Cases 003 and 004 might never reach the trial stage.

The advocacy component had limited impact. The ECCC Case 002 is coming to a close. It is time for the project to develop its long-term strategic vision and goals. Notwithstanding its future direction, it is recommended that the project (1) develop common strategies about GBV during the KR with human rights and women's NGOs so they become engaged and that their interest is sustained, (2) conduct further research on GBV during the KR and its effects on the victims, their families, and the Cambodian society, and that (3) efforts are sustained to link GBV during the KR and GBV today.

## INTRODUCTION

This report evaluates the CDP GBV during the Khmer Rouge regime project funded by ZIVIK IFA from May 2010 through December 2012. During that period, the project intended to contribute to:

1. the empowerment of GBV victims and their families in claiming justice for the suffering experienced during the Khmer Rouge regime (KRR);
2. Cambodian society's social support to and memorialization efforts for victims of GBV during the Khmer Rouge (KR); and
3. the recognition that GBV during the Khmer Rouge is a crime against humanity, and its inclusion (investigation and prosecution, if warranted) in the Extraordinary Chambers in the Courts of Cambodia's (ECCC) proceedings.

As stipulated in the Terms of References,<sup>1</sup> the report discusses whether the key activities funded by ZIVIK IFA contributed to the three areas of the project. It assesses whether the project activities were conducted in an efficient and effective manner. It identifies external factors that influenced the successes and challenges of the project, and describes lessons learned. Finally, it looks at the sustainability of the project, its contribution to the Cambodian transitional justice process and makes recommendations for the implementation of future activities.

The evaluation report comprises six parts. Part I describes the methodology of the evaluation and its limitations. Part II presents the context surrounding the project. Part III addresses the project's strategy, the strengths and weaknesses of the implementation, and its accomplishments. Part IV describes the external factors and the lessons learned. Part V discusses sustainability and contribution to the transitional justice process, and Part VI suggests recommendations.

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<sup>1</sup> See Terms of Reference, Appendix A.

## I. METHODOLOGY

The evaluation was conducted by one external evaluator. A total of ten days was allocated for the evaluation. The field work in Cambodia took place from January 23 through February 22, 2013. During the first week, the evaluator met with Mr. Duong Savorn, Project Coordinator, and Ms. Beini Ye, GIZ Civil Peace Service Advisor (GIZ Advisor),<sup>2</sup> scheduled interviews and wrote the evaluation plan. The latter was submitted to the Project Coordinator and the GIZ Advisor for comments prior to its implementation.<sup>3</sup>

The evaluation is based on desk review<sup>4</sup> and semi-structured interviews with clients, partners, collaborators, observers, and donors. Interviews were based on guidelines developed after the inception meeting and adjusted, as needed.

The evaluator conducted two group discussions and seven individual interviews with CDP clients. The project staff was responsible for contacting and organizing interviews with their clients. The interviews were conducted in English with translation in Khmer. There were two Khmer female interpreters. The first interpreter did the translation for the group discussions and four individual interviews. The second interpreter assisted in the three remaining interviews. The choice of female interpreters was deliberate so female interviewees would be more at ease during the interviews. The evaluator met and briefed the interpreters on the project prior to their first encounter with the clients.



Group discussion, February 2013. Photo taken by Ms. Hellina Sarin.

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<sup>2</sup> The Civil Peace Service was under German Development Service (DED) until its merge with *Gesellschaft für Internationale Zusammenarbeit* (GIZ) in 2011.

<sup>3</sup> The evaluation plan is a separate document, not included in the evaluation report.

<sup>4</sup> Desk review included literature review as well as review of proposals and reports sent to ZIVIK IFA, material and documents produced by the project, and evaluation forms and results of the different activities.

A total number of 22 people attended the group discussions. The first group took place in Kandal province on February 1. It included seven women and three men. The second group was held in Kampong Speu province on February 5. It comprised eleven women and one man.<sup>5</sup> The locations were chosen for their proximity to Phnom Penh. A project staff person accompanied and introduced the evaluator and the interpreter to the group but did not participate in the discussion. Each group discussion lasted about two hours.

Among the clients, 13 people are team leaders. Six team leaders and one female testifier of a Women's Hearing (WH) were interviewed individually in Phnom Penh on February 6 and 7. The team leaders were selected randomly. The testifier was chosen to maximize the number of WHs testifiers interviewed or met during the evaluation. Each interview lasted about one hour. CDP clients received financial assistance for transportation and accommodation.

Finally, 22 representatives of partner organizations, collaborators, observers, and donors were interviewed.<sup>6</sup> They were chosen mostly based on their presence in Phnom Penh at the time of the evaluation. All but two were interviewed in person; two people were interviewed on Skype. All interviews were conducted in English and lasted about one hour.

The frame of reference for data analysis is based on the method "Movie" developed by ZIVIK IFA.<sup>7</sup> Preliminary findings and recommendations were discussed with Mr. Duong Savorn and Ms. Beini Ye. A draft of this report was shared with them for verification of facts and feedback. All interviews were confidential.<sup>8</sup>

There are limitations to the evaluation:

1. The design of the evaluation is cross sectional, preventing the establishment of causality between the project activities and the outcomes or impacts of the project. The viewpoints of the interviewees are those expressed at the time of the interview, solely.
2. There is no baseline against which to measure evaluation results. Changes are assessed retrospectively based on interviewees' comments.

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<sup>5</sup> The man was replacing his sick wife, a CDP client. Several women requested his presence and all participants agreed to his attendance. He listened but did not participate in the meeting.

<sup>6</sup> See list of people interviewed and contacted in Appendix B.

<sup>7</sup> "Movie" focuses on effects instead of objectives. For details, see Dirk Sprenger, "Monitoring of effects. Effects-oriented planning and implementation of projects working to promote peace – a manual" (Berlin: Institut für Auslandsbeziehungen e.V., Zivik – civil conflict resolution, 2007).

<sup>8</sup> To respect confidentiality of the interviews, quotes from partners, collaborators, observers, advisors, or donors are mentioned as interviews with CDP collaborators.



3. Results of the evaluation are based on a limited number of clients and partners. People who were not part of the evaluation might have different points of views or experiences with the project.
4. Client and group discussions were conducted in English with translation in Khmer. Errors in translation or misinterpretation by the evaluator might have introduced some inaccuracies.

## **II. THE CONFLICT, THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC) AND GENDER-BASED VIOLENCE DURING THE KHMER ROUGE**

It is only recently that gender-based violence during the Khmer Rouge has been considered in the public discourse. The nature and the extent of the human rights violations that occurred during the Khmer Rouge regime are well documented. During the Khmer Rouge regime, from April 17, 1975 to January 7, 1979, it is estimated that approximately one quarter of the Cambodian population<sup>9</sup> - 1.6 to 2.2 million people - died from illness, starvation, forced labor, summary executions, and torture.<sup>10</sup> However, detailed accounts of gender-based violence during the regime, to the exception of forced marriage, are rather scarce.

In 1990, a study conducted at the Thai border camps showed that 17% of the respondents reported rape or sexual abuse during the Khmer Rouge.<sup>11</sup> Studies conducted in Cambodia presented evidence of forced marriage, rape, rape outside of marriage, and other forms of sexual assault including sexual abuse, sexual mutilation, and forced nudity experienced by women and men under the Khmer Rouge regime.<sup>12</sup>

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<sup>9</sup> Ewa Tabeau and They Kheam, "Demographic Expert Report. Khmer Rouge Victims in Cambodia, April 1975 - January 1979. A Critical Assessment of Major Estimates (redacted)" (Phnom Penh, Cambodia: The Extraordinary Chambers in the Courts of Cambodia. Co-Investigating Judges Office, 2009).

<sup>10</sup> For detailed accounts of what happened during the Khmer Rouge, see in general, David Chandler, *A History of Cambodia* (Boulder, Colorado: Westview Press, 1983); Evan Gottesman, *Cambodia After the Khmer Rouge. Inside the Politics of Nation Building* (New Haven: Yale University, 2003); Philip Short, *Pol Pot. The History of a Nightmare* (London: John Murray, 2004); Craig Etcheson, *After The Killing Fields. Lessons from the Cambodian Genocide* (Westport, CT: Praeger, 2005).

<sup>11</sup> Richard F. Mollica et al, "The Effect of Trauma and Confinement on Functional Health and Mental Health Status of Cambodians Living in Thailand- Cambodian Border Camps." *Journal of the American Medical Association (JAMA)* (1993) 270: 581-586.

<sup>12</sup> Results of these studies are described in Katrina Natale, "I Could Feel My Soul Flying Away From My Body." A Study on Gender-Based Violence During Democratic Kampuchea in Battambang and Svay Rieng Provinces" (Phnom Penh, Cambodia: Project on GBV during the Khmer Rouge Regime, Cambodian Defenders Project, November 2011) [Hereinafter: "I Could Feel My Soul Flying Away From My Body"]. See also Katrina Anderson, "Turning Reconciliation on Its Head: Responding to Sexual Violence under the Khmer Rouge." *Seattle Journal for Social Justice* (2012) 3 (2): 785-832 [Hereinafter: "Turning Reconciliation on its Head"]. See also Phuong Pham,

In 2010, results of a study of 104 respondents from two provinces in Cambodia corroborated evidence of GBV during the KR. Among all study respondents, 65.4% were aware that rape occurred during the regime and 28.8% directly witnessed rape, whereas 24.0% knew of sexual mutilations, and 16.3% witnessed those perpetrated by the Khmer Rouge during the regime. Additionally, 6.8% of the respondents reported experiencing sexual abuse and humiliations, 13.5% reported witnessing such acts, and more than 20% mentioned knowing about sexual abuse and humiliation. Although not asked specifically about forced marriage, 20% of the respondents brought up the issue themselves.<sup>13</sup>

This developing body of literature demonstrates the existence of GBV during the Khmer Rouge but also points to the necessity of further research on the prevalence and geographic dispersion of GBV during the Khmer Rouge in Cambodia.

There is no systematic study of the consequences of GBV during the KR on the victims. Anecdotal evidence shows that victims suffer consequences<sup>14</sup> similar to those documented in other conflicts or post-conflict settings.<sup>15</sup> Results of a study on forced marriage demonstrate that perceptions and consequences may vary across people who experienced it.<sup>16</sup> Further research is needed on the effects of GBV during the KR on the victims, their families, and Cambodian society, in general.

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Patrick Vinck, Mychelle Balthazard, Sokhom Hean, and Eric Stover, “So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia” (CA: Human Rights Center, University of California, Berkeley, 2009).

<sup>13</sup> Katrina Natale, “I Could Feel My Soul Flying Away From My Body.”

<sup>14</sup> For information on mental health of the Cambodian population, see for example, Jeffrey Sonis et al., “Probable Posttraumatic Stress Disorder and Disability in Cambodia.” *Journal of the American Medical Association (JAMA)* (2009) 302(5): 527-536. For information on mental health of the victims participating in the ECCC proceedings, see Phuong N. Pham et al., “Victim Participation and the Trial of Duch at the Extraordinary Chambers in the Courts of Cambodia.” *Journal of Human Rights Practice* (2011) 3(3): 264–287, or *Cambodia’s Hidden Scars: Trauma Psychology in the Wake of the Khmer Rouge. An Edited Volume on Cambodia’s Mental Health*. B. Van Schaack, D. Reichert, and Y. Chhang, ed. (Phnom Penh, Cambodia: Documentation Center of Cambodia, 2011). For information on mental health of victims of GBV during the KR, see Sotheary Yim, “The Past and the Present of Forced Marriage Survivors. Experience toward Healing” (Phnom Penh, Cambodia: Project on GBV during the Khmer Rouge Regime, Cambodian Defenders Project, April 2013) [Hereinafter: “The Past and the Present of Forced Marriage Survivors”].

<sup>15</sup> See, for example, Lauren Harris and Julie Freccero, “Sexual Violence: Medical and Psychosocial Support. Sexual Violence & Accountability Project Working Paper Series” (CA: Human Rights Center, University of California, Berkeley, May 2011).

<sup>16</sup> For discussion on forced marriage, see Peg LeVine, *Love and Dread in Cambodia: Weddings, Births, and Ritual Harm under the Khmer Rouge* (Singapore: NUS Press, 2010).

## TRANSITIONAL JUSTICE MEASURE: THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

The Extraordinary Chambers in the Courts of Cambodia is the latest transitional justice measure implemented in Cambodia.<sup>17</sup> The ECCC – the Khmer Rouge Tribunal (KRT) - is a hybrid tribunal that operates under a French-inspired civil law system. Its jurisdiction covers senior leaders and those most responsible for crimes committed during the Khmer Rouge regime such as genocide, crimes against humanity, and war crimes.<sup>18</sup>

As of today, the ECCC has four cases. Case 001 against Kaing Guek Eav (alias Duch), head of the Tuol Sleng or S-21 prison is completed. The Trial Chamber convicted Duch of war crimes and crimes against humanity, including a single charge of rape as one form of torture. The Supreme Court Chamber overturned the rule on ‘rape’ arguing that, during the period cover by the jurisdiction of the court, ‘rape’ was not a distinct crime against humanity. Duch was sentenced to life in prison.<sup>19</sup>

Case 002 is before the Trial Chamber. Initially, the case involved four aged defendants: Nuon Chea, Ieng Sary, Khieu Samphan and Ieng Thirith.<sup>20</sup> Since the initial hearing in June 2011, Ieng Thirith was found unfit to stand trial and Ieng Sary died on March 14, 2103.<sup>21</sup> In Case 002, the charges include forced marriage and rape in the context of forced marriage, but no other forms of GBV.<sup>22</sup>

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<sup>17</sup> For details on transitional justice measures implemented since the end of the Khmer Rouge regime, see John D. Ciorciari and Sok-Kheang Ly, “The ECCC’s Role in Reconciliation,” In John D. Ciorciari and Anne Heindel, ed. *On Trial: The Khmer Rouge Accountability Process, Document Series no 14* (Phnom Penh, Cambodia: Documentation Center of Cambodia, 2009), 307-13. See also, Craig Etcheson, “Reconciliation in Cambodia: Theory and Practice” (Phnom Penh, Cambodia, 2004); Laura McGrew, “Transitional Justice Approaches in Cambodia,” in *Justice Initiatives* (New York, New York: Open Society Institute, Spring 2006).

<sup>18</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 (June 2003, ratified October 19, 2004), available at <http://www.eccc.gov.kh/en/document/legal/agreement> [accessed March 4 2013].

<sup>19</sup> See “Judgment, Criminal Case File No. 001/18-07-2007/ECCC/TC”, Cambodia: ECCC Trial Chamber, 26 July 2010; and “Duch Appeal Judgment, Criminal Case File No. 001/18-07-2007/ECCC/SC”, Cambodia: ECCC Supreme Court Chamber, 3 February 2012, available at <http://www.eccc.gov.kh/en/document/court/case-001-appeal-judgement> [accessed March 4 2013].

<sup>20</sup> Under the Khmer Rouge regime, Nuon Chea, also known as “Brother Number Two”, was second in command and Deputy Secretary of the Communist Party of Kampuchea; Ieng Sary, was Deputy Prime Minister for Foreign Affairs, Khieu Samphan, was Head of State, and Ieng Thirith was former Social Action Minister. The initial hearing started on June 27, 2011. The substantive part of the trial commenced on November 21, 2011.

<sup>21</sup> Following an appeal by the Co-Prosecutors, the Supreme Court Chamber attached conditions to Ieng Thirith’s release. See “ECCC, Case 002”, available at <http://www.eccc.gov.kh/en/case/topic/2> [accessed March 4 2013].

<sup>22</sup> For the full charges, see “Closing Order (Public Redacted Version), Criminal Case File No. 002/19-09-2007-ECCC/OCIJ”, Cambodia: ECCC Office of the Co-Investigating Judges, 15 September 2010. For information on forced marriage, see Para. 842-861, 1442-1447.

To speed up the trial, the Trial Chamber ordered the division of Case 002 into a series of smaller trials to be tried and adjudicated separately.<sup>23</sup> The scope of the first sub-trial (Case 002/01) is limited to forced movements of the population (Phases I and II), and to related crimes against humanity. It also involves the structure of Democratic Kampuchea (DK) and the role of each accused before and during the regime.<sup>24</sup> Following a decision by the Supreme Court Chamber to invalidate the severance of Case 002, the Trial Chamber heard the parties but reiterated the severance of Case 002 and the previous subject matters.<sup>25</sup> Forced marriage is still not part of the scope of Case 002/01 but is tentatively scheduled under Case 002/03, the final sub-trial. Nonetheless, the Trial Chamber allows mention of GBV in the KR regime during testimonies.<sup>26</sup>

In Case 003, the National Co-Investigating Judge considers the investigation closed, whereas the International Co-Investigating Judge is of the opinion that the case remains open.<sup>27</sup> Case 004 is still under investigation by the Office of the Co-Investigating Judges (OCIJ).<sup>28</sup> Both cases are marred with allegations of political interference, judicial misconduct, and disagreements between the national and international sides of the court.<sup>29</sup>

The ECCC's Internal Rules allow victims<sup>30</sup> to participate in the criminal proceedings as complainants or Civil Parties (CPs).<sup>31</sup> The Victims Support Section (VSS) is the focal point for

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<sup>23</sup> See "Severance Order Pursuant to Internal Rule 89ter, Criminal Case File No. 002/19-09-2007-ECCC/TC," Cambodia: ECCC Trial Chamber, 22 September 2011, available at [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 March 4 2013].

<sup>24</sup> Ibid.

<sup>25</sup> See "Case 002 severed and Nuon Chea found fit to stand trial," Phnom Penh, ECCC News, 29 March 2013, available at <http://www.eccc.gov.kh/en/articles/case-002-severed-and-nuon-chea-found-fit-stand-trial> [accessed April 22 2013].

<sup>26</sup> See "Decision on Severance of Case 002 Following Supreme Court Chamber Decision of 8 February 2013, Criminal Case File No. 002/19-09-2007/ECCC/TC," Cambodia: ECCC Trial Chamber, 26 April 2013, available at <http://www.eccc.gov.kh/en/document/court/decision-severance-case-00201-following-supreme-court-chamber-decision-8-february-201> [accessed May 29, 2013]. See also, Mary Kozlovski, "I Am Not the Khmer Rouge": Khieu Samphan Responds to Civil Parties," The Trial Observer, Cambodia Tribunal Monitor, May 27, 2013, available at <http://www.cambodiatribunal.org/blog/2013/05/%E2%80%9Ci-am-not-khmer-rouge%E2%80%9D-khieu-samphan-responds-civil-parties> [accessed May 31, 2013].

<sup>27</sup> See, Office of the Co-Investigating Judges, "Statement by the Co-Investigating Judges regarding Case 003," Phnom Penh, ECCC Press Release, 28 February 2013.

<sup>28</sup> "Judicial Updates. Office of the Co-Investigating Judges," ECCC Court Report, Issue 58, Phnom Penh, March 2013, 8.

<sup>29</sup> For details on allegations of political interference and corruption, see reports of the Open Society Justice Initiative, "Recent Developments at the Extraordinary Chambers of the Courts in Cambodia," available at <http://www.opensocietyfoundations.org/topics/international-justice>.

<sup>30</sup> In the Internal Rules, victim refers to a natural person or legal entity that has suffered harm as a result of the commission of any crime within the jurisdiction of the ECCC. See "Internal Rules of the ECCC (Rev. 8), Rule 23" (Cambodia: The Extraordinary Chambers in the Courts of Cambodia, 12 August 2011) [Hereinafter: "Internal

complainants and CPs. The VSS is responsible for the implementation of reparation projects and is entrusted with the development and implementation of non-judicial measures addressing the interests of all victims.<sup>32</sup> CPs have procedural rights similar to those of the prosecution and the defense. They are also entitled to legal representation and “moral and collective” reparations. Before trial, CPs are represented by Civil Party Lawyers (CPLs). At trial and beyond, CPs are considered a single consolidated group represented by the Civil Party Lead Co-Lawyers (CPLCLs). Reparations are awarded based on a single claim by the consolidated group. Claims for reparation are categorized as (1) remembrance and memorialization, (2) rehabilitation and health services, (3) documentation and education, and (4) other projects aimed at assisting specific victim groups, such as those subjected to forced marriage.<sup>33</sup> There are about 3,800 CPs in Case 002.<sup>34</sup> Among those, 780 are admitted under forced marriage.<sup>35</sup>

Considering the financial situation of the ECCC, the age and health of the accused, and their combative defense teams, it is unclear whether Case 002 will go beyond the first sub-trial. This could mean that the charge of forced marriage might never be prosecuted. It could also signify that CPs admitted under forced marriage might not be admissible for reparation. Although unknown, it is doubtful that Cases 003 and 004 will reach trial stage.

As an alternative, GBV can be addressed through non-judicial justice measures. Without replacing criminal prosecution, this option could tackle needs of GBV victims. Since 2011, the CDP GBV project is partnering with the Transcultural Psychosocial Organization (TPO) and the VSS to implement the project “Women and Transitional Justice in Cambodia” funded by UN

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Rules”]. All revisions of the ECCC Internal Rules are available at <http://www.eccc.gov.kh/en/document/legal/internal-rules> [accessed March 4 2013].

<sup>31</sup> Civil Parties are victims or relatives of victims of the Khmer Rouge who have established that they suffered physical, material, or psychological injury as a direct consequence of at least one of the crimes alleged against the Charged Person. Once admitted by the Court, the mandate of the ECCC allows for these victims to participate in the proceedings before the court to support the efforts of the prosecution and request reparations for the harm they have suffered. For details on Civil Party role and participation in the criminal proceedings, see “Internal Rules, Rule 23.”

<sup>32</sup> “Internal Rules, Rule 12.”

<sup>33</sup> “Initial Specifications of the Substance of the Awards that the Civil Party Lead Co-Lawyers Intend to Seek – Hearing of 19 October 2011, Criminal Case File No. 002/19-09-2007-ECCC.TC,” Cambodia: ECCC Civil Party Lead Co-Lawyers, 12 March 2012, available at

[http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E125\\_2\\_EN.PDF](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E125_2_EN.PDF), [accessed March 4 2013].

<sup>34</sup> “Pre-Trial Chamber Overturns Previous Rejection of 98% of Appealing Civil Party Applicants in Case 002,” Phnom Penh, ECCCC Press Release, 24 June 2011, available at <http://www.eccc.gov.kh/en/news?page=1> [accessed March 4 2013].

<sup>35</sup> Theresa de Langis and Silke Studzinsky, “Briefing Paper on the ECCC, the Cambodian Women’s Hearing, and Steps for Addressing Sexual Violence under the Khmer Rouge Regime,” (Cambodia, Phnom Penh: 07 February 2012) [Hereinafter: “Briefing Paper”].

Trust Fund to End Violence Against Women.<sup>36</sup> This project, perceived by the VSS as the non-judicial measure related to GBV during the KR, provides avenues similar to those of a community-approach (e.g., a safe place for GBV victims to tell their story and share their experience during the Khmer Rouge)<sup>37</sup> that could be beneficial for victims of GBV during the KR.

## GENDER-BASED VIOLENCE DURING THE KHMER ROUGE: A FORGOTTEN ISSUE?

In the last decades, activists, jurists, and practitioners advocated for the necessity of addressing GBV<sup>38</sup> during conflicts and in post-conflict settings. In response, the United Nations Security Council adopted a series of resolutions recognizing that gender sensitivity, GBV during and after conflicts, and gender inequalities should be considered during and after conflicts.<sup>39</sup> In April 2013, the G8 countries joined the United Nations, and human rights groups in tackling impunity for sexual violence in conflicts.<sup>40</sup> In parallel, strides in international law, notably at the International Criminal Tribunals for former Yugoslavia and Rwanda – ICTY and ICTR - have developed jurisprudence that “...establish[ed] rape and sexual violence as constituent elements of genocide, crimes against humanity, and war crimes.”<sup>41</sup>

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<sup>36</sup> For information on this project, see “GBV Under the Khmer Rouge. Information Platform,” 2013, available at <http://gbvkr.org/en/> [accessed April 29 2013].

<sup>37</sup> Julie Freccero, Lauren Harris, Melissa Carnay and Cole Taylor, “Responding to Sexual Violence: Community Approaches. Sexual Violence & Accountability Project Working Paper Series” (CA: Human Rights Center, University of California, Berkeley, May 2011).

<sup>38</sup> Gender-Based Violence is defined as “any harm that is perpetrated against a person’s will, and that results from power inequities that are based on gender roles.” See, “Gender-based Violence Tools Manual” (New York: Reproductive Health Response in Conflict (RHRC) Consortium, 2003), 9.

<sup>39</sup> See United Nations Security Council Resolutions 1325, 1860, 1888, 1889, and 1960, under Women’s International League for Peace and Freedom, United Nations Office, “Peace Women. Themes, General Women, Peace and Security,” available at [http://www.peacewomen.org/themes\\_theme.php?id=1](http://www.peacewomen.org/themes_theme.php?id=1) [Accessed April 22 2013]. See also, “Effective Responses for Gender Based Violence Addressing GBV in Post-Conflict & Fragile States: A Case Study of Sierra Leone. Learning Brief No.7” (Dublin, Ireland: The Irish Joint Consortium on GBV, 2010), available at

<http://www.gbv.ie/wp-content/uploads/2010/01/Learning-Brief-7.pdf> [accessed May 29, 2013]. [Hereinafter: “Effective Responses for Gender Based Violence Addressing GBV in Post-Conflict & Fragile States”]

<sup>40</sup> “G8 Commitment to tackle impunity for rape in conflicts welcomed by human rights groups,” London/Geneva: Amnesty International UK, Trial and Redress, Press Release, 12 April 2013.

<sup>41</sup> K. Alexa Koenig, Ryan Lincoln, and Lauren Goth, “The Jurisprudence of Sexual Violence.” Sexual Violence & Accountability Project Working Paper Series” (CA: Human Rights Center, University of California, Berkeley, May 2011), 14.

Although they acknowledge that investigating and prosecuting GBV pose challenges,<sup>42</sup> many people interviewed for this evaluation mentioned that the ECCC gave little attention to GBV during the Khmer Rouge, at least publicly. CPLs supported by non-governmental organizations (NGOs) championed the issue<sup>43</sup> arguing that there is evidence of GBV during the Khmer Rouge, and contesting the effectiveness of the “Khmer Rouge Policy against Abuse of Women”<sup>44</sup> in deterring GBV.<sup>45</sup> CPLs called for the investigation of GBV during the Khmer Rouge and its prosecution by the ECCC, if warranted. They were instrumental in bringing forced marriages in the indictment of Case 002.

## A CHANGE PROCESS: STARTING POINTS

There are several points of entry for change. Some are associated with the ECCC, judicial and non-judicial processes. Others are beyond the court.

As expressed by the project staff, the ECCC is an opportunity to find the truth and to establish an official record of what happened during the Khmer Rouge. Little is known about GBV during the KR. The investigation of GBV during the KR is important so that its existence and nature is officially recognized. The participation of GBV victims in the ECCC proceedings and in the non-judicial process is also essential so that their stories and experiences are incorporated in the official record, and that their involvement in truth-telling activities facilitates their healing process.

But the influence of the CDP GBV project could also go beyond the ECCC. There are no comprehensive data on sexual violence in Cambodia. Nonetheless, there is evidence that sexual violence, especially rape, is on the rise.<sup>46</sup> Several reasons could explain this phenomenon. First, Cambodian laws are lacking in protective measures for women and girls. Second, laws are not

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<sup>42</sup> See, for example, Kim Thuy Seelinger, Helene Silverberg, and Robin Mejia, “The Investigation and Prosecution of Sexual Violence.” Sexual Violence & Accountability Project Working Paper Series” (CA: Human Rights Center, University of California, Berkeley, May 2011). See also Katrina Anderson, “Turning Reconciliation on Its Head.”

<sup>43</sup> See, Theresa de Langis and Silke Studzinsky, “Briefing Paper.” See also “Civil Society Requests Expansion of More Charges in the Current Case 002 Trials,” Phnom Penh, Cambodia: ASRIC, CHRAC, and Ksaem Ksan, Joint Press Release, March 24, 2013, and “Recent Developments at the Extraordinary Chambers in the Courts of Cambodia. Briefing Paper” (New York, New York: Open Society Justice Initiative, March 2013), available at <http://www.opensocietyfoundations.org/topics/international-justice>.

<sup>44</sup> Theresa de Langis and Silke Studzinsky, “Briefing Paper,” 4.

<sup>45</sup> Ibid. For a discussion on the policy, see also Theresa de Langis, “Engendering Atrocity: Code #6 and Sexualized Violence Under the Khmer Rouge Regime,” currently under peer review, 2012 [Hereinafter: “Engendering Atrocity”].

<sup>46</sup> “Breaking the Silence. Sexual Violence in Cambodia. Stop Violence Against Women. Summary” (London: Amnesty International, April 2010).

enforced across the nation and not well-understood by the legal community. Third, the legal culture is hostile towards the victims, hampering the prosecution of GBV cases. Fourth, victims, often stigmatized by their community and their family, are reluctant to tell what happened to them and to report to the police. Fifth, Cambodians distrust the legal system in general and disparage its associated corruption. Finally, the general public, and women in particular, do not know or understand the laws that could protect them.<sup>47</sup> It is hoped that the project could influence today's perspective on GBV and facilitate prosecution of such cases.

### **III. THE CDP GENDER-BASED VIOLENCE DURING THE KHMER ROUGE PROJECT**

The Gender-Based Violence during the Khmer Rouge project was initiated by CDP in collaboration with the Civil Peace Service (ZFD) under the guidance of Dr. Andreas Selmici, ZFD Coordinator in Cambodia, and Silke Studzinsky, ZFD Advisor and International Lawyer for ECCC Civil Parties. It emerged following studies demonstrating the existence of GBV during the KR.<sup>48</sup> In 2009, GIZ provided funding for the orientation phase of the project.

In its beginning, the project focused on establishing its foundation. This included but was not limited to networking with potential partners, fund-raising, identifying GBV victims and gathering Civil Party applications. In doing the latter activities, the project staff hoped that a substantial number of applicants would draw the attention of the court to GBV during the KR, and as such be an incentive for the inclusion of the issue in the court's proceedings. By bringing up the issue to the public, the project also aimed to increase awareness about GBV during the KR among the general population, the survivors, and the young generation.

#### **ORGANIZATIONAL STRUCTURE**

Established in 1994, CDP is a human rights NGO. Its vision encompasses the values of liberal democracy and rule of law. Its mission is to promote the full range of human rights to all

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<sup>47</sup> "Violence Against Women: How Cambodian Laws Discriminate Against Women. A CAMBOW Report" (Phnom Penh, Cambodia: The Cambodian Committee of Women, 2007) [Hereinafter: Violence Against Women]. See also Katrina Anderson, "Turning Reconciliation on Its Head."

<sup>48</sup> See summaries of different studies in Katrina Natale, "I Could Feel My Soul Flying Away From My Body." See also, Kasumi Nakagawa, "Gender-Based Violence during the Khmer Rouge Regime. Stories of Survivors from the Democratic Kampuchea (1975-1979)," (Phnom Penh, Cambodia: June 2007) [Hereinafter: "Gender-Based Violence during the Khmer Rouge Regime"].



Cambodians. Its core activity is free legal aid to the poor and vulnerable people including women. In the context of the ECCC, CDP provides legal assistance to victims of the KRR who apply as Civil Parties at the ECCC.

CDP is a member of the Cambodian Human Rights Action Committee (CHRAC)<sup>49</sup> and an active member of its Sub-Committee on the Khmer Rouge Tribunal (SKRT). The NGO is also a member of the Cambodian Committee of Women (CAMBOW).<sup>50</sup>

CDP is governed by a Board of Directors, an Executive Committee, and the Executive Director. The GBV project is integrated structurally and financially to CDP. Its Executive Director is technical advisor to the project. Ms. Sin Soworn, CDP lawyer, is actively involved with the project.

The project has a total staff of three full-time employees and an intern. The three positions are: Project Coordinator, Program Officer (previously Project Assistant), and a Psychologist. Like other CDP projects, the GBV Project Coordinator is responsible for the overall design, planning and implementation of the project activities, and the funding of the project. The Program Officer assists in preparing and organizing the activities, in supporting the national lawyers, when appropriate, and is responsible for administrative tasks. The psychologist's main duties include providing psychological support, informing about psychological consequences of GBV during the Khmer Rouge, and teaching coping mechanisms to the clients of the project.

In addition, GIZ provides a full-time Civil Peace Service Advisor – part-time since 2013. Her role is to supply technical advice and support to the Project Coordinator and the team. She contributes inputs and ideas to the overall design and planning of the activities, and is directly involved in the implementation of activities, when needed. Her assistance is especially valuable in planning and fundraising. As expressed by the Project Coordinator, “her contribution to the project and support to the team are very significant.”

The staff is young and, with the exception of the project coordinator, has limited work experience in general, and in the area of GBV especially. Since their involvement in the project, they became proficient on the issue of GBV during the KR through their daily activities and internal and external trainings. In the last few years, advisors have noted increased confidence

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<sup>49</sup> CHRAC is a coalition of 21 NGOs promoting human rights, democracy, and rule of law in Cambodia.

<sup>50</sup> CAMBOW is a coalition of 34 local organizations that advances the causes of women in Cambodia. CAMBOW addresses issues related to violence against women. See “Violence Against Women,” second page after the cover.

and abilities among the staff. Nevertheless, there is room for improvement in areas such as planning, networking, especially with donors, fundraising, and reporting.

Participants<sup>51</sup> in the project are ECCC Civil Parties. Although not part of the staff, international and national lawyers from or associated with CDP are responsible for the legal work related to CPs at the ECCC. They assist CDP GBV staff in updating project participants on ECCC new developments and on their case, and help in gathering CPs' needs and concerns about the court proceedings and reparations.<sup>52</sup>

The staff is supported by informal advisors and, for specific activities such as the Women's Hearings, by an Advisory Committee. The Advisory Committee and advisors are also some of the CDP GBV Project's partners.<sup>53</sup>

So far, the project has been very successful in securing funds from diverse sources. From 2010 to 2012, ZIVIK IFA provided funding to the project. In 2010 and 2011, its contribution is estimated at 75% of the overall funding of the project. This included the Project Coordinator and one intern, or in 2012, the Program Officer and an intern. Throughout the project, in addition to the Civil Peace Service Advisor, GIZ provided money for two local experts. Since 2009, in addition to ZIVIK IFA and GIZ, the CDP GBV project has received funds from the British Embassy, Open Society Initiative, Medica Mondiale, and the UN Trust Fund to End Violence Against Women. It is a great achievement to have many donors, but it could also be a burden. In the future, the project staff should assess the needs of the project and request funding based on those needs to avoid donor-driven activities.

## PROJECT STRATEGY

Figure 1 depicts the project's strategy. In the last three years, the project worked at the individual, community, national, and international levels, but has focused its activities at the individual and national levels. The strategy is based on three main interventions: empowerment, outreach, and advocacy. Central to the strategy is the ECCC, the current transitional justice process.

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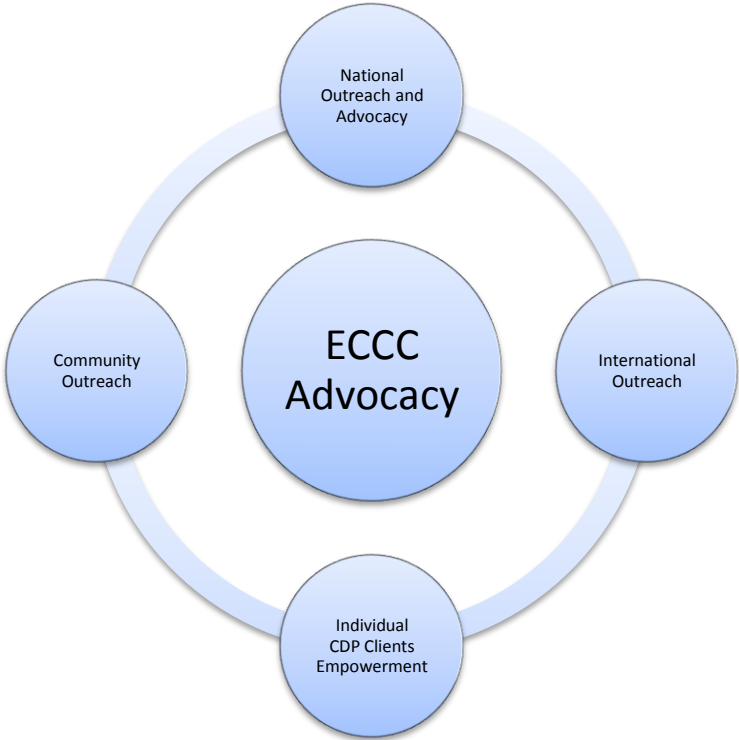
<sup>51</sup> In this document, the terms clients and participants are interchangeable.

<sup>52</sup> Ms. Silke Studzinsky was the international lawyer until the beginning of 2013 when she was replaced by Ms. Beini Ye. The national lawyer is Ms. Sin Soworn (CDP).

<sup>53</sup> Some of the partners are the TPO, CHRAC, LAC, YfP, Open Institute, Legal Services for Children and Women, and Khmer Youth Association.

Empowerment was linked to CDP clients. Outreach targeted mostly NGOs and youth at the national level, whereas advocacy was directed towards the ECCC and the national justice system. The work at the community level was minimal and consisted mostly of meetings with Cambodian authorities and some intermediaries. Outreach at the international level was not planned, but a consequence of activities such as the Women’s Hearings.

Figure 1. Strategy of the CDP GBV during the KR project



In general, the three-pronged strategy (e.g., empowerment, outreach, and advocacy) is sound but could be more integrated. One example is to link clients and organizations at the community level. Human rights and women NGOs were targeted at the national level. Intermediaries were invited to meetings. Human rights and women organizations at the community level were not necessarily involved. Providing information to and linking clients with organizations, services, and associations active in their community could maximize the effects of the project and facilitate future associations and collaborations. In parallel, CDP clients could benefit from knowing and interacting with organizations, services, and associations in their community.

The central idea that anchors the project is the ECCC. Participants are ECCC CPs and the subject matter is GBV under the KR. This association renders it more difficult to address the issue of GBV during the KR beyond the justice context. More importantly, it raises questions about the future of the project beyond the ECCC.

Notwithstanding these elements, empowerment and outreach were well thought out and realistic. The advocacy component was rather bold as it targets audiences and has expected outcomes for which the project has limited influence.

As portrayed in table 1, each intervention has specific key actors, as well as expected outcomes and impacts. Following ‘Movie’, project goals are replaced by outcomes or effects that occur within the sphere of the project. The overall objectives or aims are named impacts and represent the project contribution to large scale effects such as the transitional justice process.

Table 1. CDP GBV project’s impacts, outcomes, and key actors, as implemented during the ZIVIK IFA funded period.

<b>Key actors</b>	<b>Outcomes</b>	<b>Impacts</b>
<b>EMPOWERMENT</b>		
137 GBV victims recognized as ECCC Civil Parties	<p>Project participants participate in and develop an increased knowledge and understanding of ECCC proceedings</p> <p>Survivors and victims of GBV develop a victim network that strengthens bonds between participants</p> <p>Project participants develop and apply psychological coping mechanisms and leadership skills</p> <p>Project participants participate in truth-telling and truth-seeking activities, seek reparations, and develop their own initiatives in their communities</p>	The project contributes to GBV victims and their families’ empowerment in claiming justice for the suffering experienced during the Khmer Rouge, and fight human rights violations today
NGOs involved in ECCC-related activities, other NGOs, and youth	<p>NGOs and youth participating in the project have an increased understanding of the scope and the criminal nature of GBV under the Khmer Rouge, and increased empathy for the victims</p> <p>NGOs acknowledge that today GBV is not acceptable and call for preventive measures and support to the victims</p>	The project contributes in increasing social support to victims of GBV during the KR and encouraging memorialization efforts on the issue

Key actors	Outcomes	Impacts
<b>OUTREACH</b>		
NGOs involved in ECCC-related activities, other NGOs and youth	<p>NGOs and the youth acknowledge GBV victims and develop projects commemorating victims</p> <p>The youth have an increased interest in the past as well as in identifying sources of conflict and potential solutions</p> <p>The project documents and disseminates survivors' and witnesses' testimonies as well as research on GBV during the KR</p>	The project contributes to increasing social support to victims of GBV during the KR and encouraging memorialization efforts on the issue
<b>ADVOCACY</b>		
ECCC and national justice system officials	<p>OCIJ recognizes victims of GBV during the KR as Civil Parties</p> <p>OCIJ includes charges of rape, forced marriage, and other types of GBV within the indictment of Case 002</p> <p>The Trial Chamber will have hearings on the policy of GBV during the KR</p> <p>WESU ensures safe environment for GBV victims who make a statement at the ECCC</p> <p>The domestic courts apply knowledge gained about the investigation and prosecution of GBV during the KR to GBV today</p>	The project contributes to the recognition of GBV during the Khmer Rouge as crimes against humanity at the ECCC and its inclusion in the ECCC proceedings

**EFFICIENCY AND EFFECTIVENESS**

In general, the staff was efficient and effective in designing and implementing a tremendous number of activities. The activities were well-designed and most were implemented as planned. Efficiency refers to the project's implementation process. Effectiveness looks at the performance of the project including immediate changes or outcomes and its contribution to impacts. The following discusses efficiency and effectiveness for each of the main interventions.

## A. EMPOWERMENT

Empowerment is a process and a goal. It is defined as gaining control over one's life. Ultimately, it is hoped that the CDP clients will become "citizens, physically and mentally healthy, who are not afraid to voice their needs and concerns, and are active in all aspects of their lives".<sup>54</sup>

The project has 137 clients, 106 women and 31 men. They are from 16 provinces in Cambodia. The majority is 48 to 65 years old, but some are as old as 79 years old. All have experienced the Khmer Rouge regime. Among all clients, 13 people were selected by their peers to be team leaders. They are from different areas across the country. Their role is to act as an intermediary between CDP and a group of clients or team members. Their number is not proportional to the number of CDP clients they represent in their area. The following activities were implemented

- *Six Study Tours, four Regional Client Meetings and four Trial Attendance Workshops.*
- *Truth-telling and truth-seeking activities* such as trial attendance at the ECCC, two Women's Hearings, and victims' testimonies<sup>55</sup> in the documentary *Red Wedding* and the book "The Mystery of Sexual Violence under the Khmer Rouge."<sup>56</sup> In 2011, the Women's Hearing focused on GBV during the KR. In 2012, the scope of the WH was broadening to include "survivors of sexual violence during conflict from other countries in the Asia-Pacific Region."<sup>57</sup>
- *Two one-day trainings.* The trainings were implemented at the end of 2011 and at the beginning of 2013.

### *Efficiency*

All project participants are considered victims of GBV during the KR. They were admitted as Civil Parties under forced marriage or other grounds even though they all

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<sup>54</sup> Inception Meeting Phnom Penh, January 24 2013.

<sup>55</sup> The project considers attendance at ECCC hearings as a judicial measure, but participation in Women's Hearings or publication of victims' testimonies as non-judicial measures.

<sup>56</sup> See, Duong Savorn, "The Mystery of Sexual Violence under the Khmer Rouge," (Phnom Penh, Cambodia: Project on GBV during the Khmer Rouge Regime, Cambodian Defenders Project, June 2011). The book tells the story of 18 people. Among those, two persons were subsequently interviewed in the context of this evaluation.

<sup>57</sup> "Women's Hearing. True Voices of Women under the Khmer Rouge. Report on the proceedings of the 2011 Women's Hearing on Sexual Violence under the Khmer Rouge," Alison Barclay and Beini Ye, ed. (Phnom Penh, Cambodia: Project on GBV during the Khmer Rouge Regime, Cambodian Defenders Project, May 2012) [Hereinafter: "Women's Hearing, 2011"].

experienced GBV during the KR. The number of CDP clients represents approximately 18% of all CPs admitted under forced marriage. Since the inception of the project, the number of clients was kept small to ensure participation of each client in the project activities and the ECCC proceedings.

The project has supplied a comprehensive array of services and activities, reaching 77% to 100% of its clients depending on the activity. Through the Study Tours, the Regional Clients Meetings or the Trial Attendance Workshops, the project provided direct services, including legal and psychological support, to its clients. As Civil Parties, CDP clients are represented legally by CPLs at the ECCC. As such, clients receive information about ECCC developments, meet with their lawyers, and 37 clients had the opportunity to give their input on reparation.

Psychological support is an integrated component of the project. It is available in all activities. Psychological services included information on trauma, stress, and coping mechanisms (meditation, relaxation, and breathing), art therapy, support groups, and counseling. The psychologist provided telephone counseling to 36 clients, and organized self-help groups in collaboration with TPO. One group of eight participants led by the CDP psychologist met on a monthly basis over a year.

All GBV project clients attended at least one official hearing at the ECCC, one woman shared her story in “Red Wedding,” at least two clients had their testimonies published in “The Mystery of Sexual Violence under the Khmer Rouge,” and project participants attended one or two Women’s Hearings. In 2011, the exact number of clients in attendance at the WH is unknown. In 2012, 131 out of 137 clients participated in the Women’s Hearing. Four Cambodians testified at each Hearing.<sup>58</sup> Among those, two were CDP clients.

Throughout the interviews, CDP GBV clients praised the staff. “The staff is taking care of us.”<sup>59</sup> They enjoyed all activities, but especially attending the trial, participating in the Women’s Hearings, and meetings with the psychologist “to release the stress.” CDP clients support the Women’s Hearings as an avenue to “tell their story and learn about other women’s stories.” From the clients’ point of view, all activities should continue.

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<sup>58</sup> In 2011, five clients were selected as testifiers. One person passed away prior to the hearing. See, “Women’s Hearing, 2011.”

<sup>59</sup> Unless otherwise specified, quotes in the Empowerment section are from the author’s interviews with CDP clients, February 2013.

To the project staff, CDP clients made the following recommendations:

- To organize more Women’s Hearings.
- To ensure that testifiers have enough time to tell their story when they testify.
- To inform testifier of the impact of his/her testimony. As mentioned by one testifier, “I told my story [at the Women’s Hearing], but then nothing happened.”

Training was conducted for team leaders. With the exception of one person in 2011, all team leaders attended both training sessions. During the training, they learned about GBV during the Khmer Rouge, and about their role and responsibilities. A team leader is responsible for a group of 4 to 15 people. The team leaders contact their team members in person or by phone. The frequency of contact depends on the team leader’s proximity to other team members and of his/her resources. The team leaders update their team members about the court developments. Some are responsible for identifying and helping other GBV victims to apply as CPs in Case 004.

Team leaders received updated information about the ECCC once every two or three months, and maintain regular contact with CPLs. Many reported feeling comfortable calling the lawyers directly. In general, they said they can answer questions from their team members because most are related to CDP activities rather than the ECCC proceedings. “Why don’t we have news from CDP?” or “When will I go to Phnom Penh to see the trial?”

To the project staff, the team leaders made the following recommendations:

- To go through the team leaders when inviting or transmitting a message to the team members.
- To provide money so they can contact their members more frequently.
- To provide additional training and meetings with Civil Party Lawyers.
- To facilitate attendance at the ECCC hearings for team leaders but also for all project participants.
- To organize a meeting involving all CDP clients so they can share information and ideas.

### ***Immediate Changes***

The CDP’s comprehensive set of activities and constant support have contributed to changes among project participants. Physical and emotional changes were observed by the



project staff and CDP partners. “One testifier at a Women’s Hearing takes better [physical] care of herself now.” “Victims of GBV do not want to talk about what happened to them. [But CDP clients] deal with their emotions and take better care of their feelings. ...Before they were silenced; now they talked.”<sup>60</sup> This author noticed positive changes in the physical appearance and demeanor of one interviewee, already interviewed in 2009 in a different context. Clients themselves, especially team leaders and WHs testifiers, mentioned changes they attributed to their participation in CDP activities.

First, interviewees demonstrated some knowledge of the KR and the ECCC. “Before I knew what happened in my community only. Now I know that it happened in other communities as well” or “[During the Khmer Rouge,] I followed the leaders but I did not know who they were. Now I know the leaders are the accused.” Throughout the interviews, team leaders showed some basic understanding of the ECCC and its limitations. Many volunteered information about the accused and their crimes. They were aware that even though “the lawyers are trying very hard” forced marriage might not be heard in Case 002/01. They also reported realistic expectations towards the court. “We will not get much from the court,” especially in terms of reparation. Less educated team leaders acknowledged their difficulty in retaining the information.

Second, several interviewees reported psychological benefits similar to those observed in CPs who were supported psychologically.<sup>61</sup> During the interviews, many said they “feel happier and less stressed” after meeting with the psychologist, or participating in CDP activities such as art therapy, and self-help groups. Some mentioned they feel supported and less lonely or have gained respect from other members of the community. People who have participated in a self-help group reported positive effects, such as being more communicative, and taking actions to stay healthy.<sup>62</sup>

Third, most interviewees said they were comfortable talking about their past. “I am more confident about speaking about the past. Before [participating in the project], everything was inside. Now, I feel less stressed.....I can talk about my past. I have a voice.” For many, the

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<sup>60</sup> Author’s interviews with CDP collaborators, February 2013.

<sup>61</sup> Judith Strasser et al, Justice and Healing at the Khmer Rouge Tribunal: The Psychological Impact of Civil Party Participation in B. Van Schaack, D. Reicherter, and Y. Chhang, ed. *Cambodia’s Hidden Scars: Trauma Psychology in the Wake of the Khmer Rouge. An Edited Volume on Cambodia’s Mental Health* (Phnom Penh, Cambodia: Documentation Center of Cambodia, 2011).

<sup>62</sup> Sotheary Yim, “The Past and the Present of Forced Marriage Survivors.”

WHs served as a platform to be recognized and acknowledged. It is a safe place where their voice could be heard. “Before the Women’s Hearing, I did not want to tell my story. ....But CDP encouraged me to tell my story at the WH. After [telling my story], I felt relieved. .... I visited my neighbors and talked with them.” Several clients mentioned wanting to share their story at a Women’s Hearing, with the court, or to tell their story to a large public. “I want everyone to know [my story].” Others specified conditions under which they would tell their story; “I want to tell my story [at the Women’s Hearing]. I do not want to tell my story in my community. I have a bad story. I do not want my children and family to know about it.” Others wanted to limit their story to their lawyers, to other survivors, or to provide an anonymous testimony for publication. Few had no desire to share their experience.

Fourth, team leaders recognized themselves as multipliers. Many reported bonding with their team members and checking on them regularly. Others mentioned taking care of their needs. They also said they were active in the community talking about the KRR and GBV, sharing their story and experiences, or actively searching for GBV victims who might want to apply as CPs in Case 004.

Finally, there were differences between the team leaders and the participants to the group discussions. The team leaders showed some knowledge about the ECCC, whereas participants in the group discussions had trouble providing information about the court. “We go to a meeting but after the meeting we forget everything. We cannot read and write or take notes. We forget.” Team leaders were also talkative about their expectations and actions in the community. Participants in group discussions reverted spontaneously to their experiences during the Khmer Rouge talking about all aspects of their experience, including but not limited to sexual violence. As mentioned by certain clients, they would like information and activities to expand the discussion beyond forced marriage and GBV, to ensure that “their whole experience is considered.”

### ***Towards Impacts***

Based on the outcomes in table 1, so far, the project has been successful in stimulating changes among CDP clients. Through the interviews, clients reported (1) some knowledge and understanding of the ECCC and their case, (2) psychological benefits, (3) multiple contacts with

CPLs initiated by the team leaders, (4) the development of an informal network of survivors, (5) eagerness to talk about their past, and (6) willingness to take actions in the community.

These achievements are more noticeable among team leaders and WHs testifiers. They are positive steps towards empowerment. Because the project makes use of the law, the approach is also associated with legal empowerment.<sup>63</sup> In the context of the project, this means that the existence of GBV is recognized and that CDP clients participate in the implementation of judicial and non-judicial measures to alleviate their suffering.<sup>64</sup> The project has facilitated increased awareness and knowledge of the issue, and has provided access to legal support for their clients. To go further in the empowerment process would necessitate additional steps to trigger active participation of the CDP clients in the planning and implementation of activities, at least in the non-judicial measures.<sup>65</sup>

Finally, although families of GBV during the KR were not direct targets of the project, it is possible that changes among clients have spilled over to their families. Further assessment is needed to determine any outcomes or impacts of the project on the families of the victims.

## B. OUTREACH

In creating a social environment supportive of victims of GBV during the KR, a first step is for the population to know about the issue. As such, the staff developed and produced informational material to be distributed to segments of the population. Initially, the project targeted the Cambodian population at large but, soon, concentrated on the youth, NGOs involved in ECCC-related activities, as well as human rights and women organizations. The following were achieved.

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<sup>63</sup> Legal empowerment is defined as the ability of women and disadvantaged groups to use legal and administrative processes and structures to access resources, services, and opportunities. See, “Legal Empowerment for Women and Disadvantaged Groups. Final Report” (Manila, Philippines: The Asia Foundation, and the Asian Development Bank, 2009), 10 [Hereinafter: “Legal Empowerment for Women and Disadvantaged Groups”].

<sup>64</sup> This is derived from Stephen Golub, “What is Legal Empowerment? An Introduction”, in Stephen Golub, ed., *Legal Empowerment: Practitioners’ Perspectives, Legal and Governance Reform: Lessons Learned. No. 2/2010* (Italy, Rome: International Development Law Organization, 2010), 13.

<sup>65</sup> Impacts of legal empowerment encompass (1) increased awareness of rights and legal protection, (2) increased knowledge of specific rights and issues, (3) improved access to the legal and informal legal system and public decision-making process, (4) enhancement of practical legal skills, (5) increased confidence and higher expectations, (6) successful participation in legal implementation and public decision-making process, (7) participation in law, regulatory and budgetary reforms, (8) improvements in material circumstances, and (9) greater sensitivity, responsiveness, and accountability from government officials. See “Legal Empowerment for Women and Disadvantaged Groups”, 49.

To raise awareness among the general population:

- *Cooperation on Red Wedding*, a documentary produced by the Bophana Center in collaboration with the CDP GBV project. The film has generated interest in the media (e.g., Voice of America) and has won two international awards.
- *Publications and distribution of reports documenting GBV during the Khmer Rouge*, including (1) “I Could Feel My Soul Flying Away From My Body” - a study on GBV during the Khmer Rouge, (2) “The Mystery of Sexual Violence under the Khmer Rouge” - a publication of victims’ testimonies, (3) “Women’s Hearing. True Voices of Women under the Khmer Rouge. Report on the proceedings of the 2011 Women’s Hearing on Sexual Violence under the Khmer Rouge,” and (4) “Asia-Pacific Regional Women’s Hearing on Gender-Based Violence in Conflict. Report on the Proceedings 2012.”
- *Cooperation on the production of 14 call-in radio shows featuring GBV during the Khmer Rouge*, produced by the Women’s Media Center (WMC). These were not funded by IFA but are an important means to increase awareness of the issue among the general population.

To raise awareness among the youth, and human rights and women NGOs:

- *Production and distribution of 900 leaflets explaining GBV during the Khmer Rouge*. The leaflet was distributed to students, partner NGOs, and CDP clients. The NGOs were perceived as multipliers who could disseminate the leaflet to their own constituencies. A second edition of the leaflet was published in 2012.
- *Nine Student Forums*. These reached up to 432 students in at least three universities in Phnom Penh.
- *Two workshops to raise awareness and promote advocacy on GBV during the KR*. The Advocacy Workshop was funded by IFA. It attracted 55 participants from 21 NGOs and the ECCC. A second workshop funded by other donors had 190 attendees.

To raise awareness among international:

- *One article on forced marriage during the Khmer Rouge*. This article was published in Peace Review, a peer-review journal. It was written by Beini Ye.

In addition, the WHs have contributed to raising awareness and, potentially, knowledge about GBV during the KR among national and international audiences.

### ***Efficiency***

In general, the production of material about GBV during the KR was successful but the distribution was limited. *Red Wedding* was shown to general audiences at the Bophana Center in Phnom Penh but only once in rural areas. Following discussions with the Bophana Center, the screenings in rural areas were interrupted to avoid potential red tape by the Ministry of Culture and Fine Arts. The study on GBV during the KR and the victims' testimonies were published in Khmer and in English, but mostly distributed to civil society and clients. The Cambodian population had limited participation or access to information generated by the WHs. The reports were published in English, only. The student forums were conducted in universities in Phnom Penh only. There was no follow-up to assess if or encourage NGOs who participated in the workshops to address GBV during the KR in their activities.

TV, radio, and to a lesser extent newspapers, are important vehicles in raising awareness among the general population.<sup>66</sup> The WHs were widely covered by the national and international media. Reports were broadcasted on the radio (WMC, Voice of America, and Radio France International), and published in the print media (the Phnom Penh Post, Cambodia Daily, The Guardian, and le Petit Journal). Victims of forced marriage were interviewed on TV (Al Jazeera, ARD, Deutsche Welle, and France 24). Nevertheless, media coverage was fostered by media requests rather than developed by the project.

### ***Immediate Changes***

Almost unanimously, CDP partners, collaborators, observers, donors, and ECCC personnel mentioned that the main accomplishment of the project was the increased awareness about GBV during the Khmer Rouge, nationally and internationally. Prior to the implementation of the project, the issue was mostly absent in the public debate. Since then, and almost solely

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<sup>66</sup> Everett M. Rogers, *Diffusion of Innovation*. Fifth ed. (New York: Free Press, 2003). In two population-based surveys conducted in Cambodia, the majority of respondents received their information about the ECCC from radio and TV. See Phuong Pham, Patrick Vinck, Mychelle Balthazard, and Sokhom Hean, "After the First Trial: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia. Berkeley" (CA: Human Rights Center, School of Law, University of California, Berkeley, 2011).

driven by CDP, the project has re-initiated and sustained a public conversation about GBV during the KR.<sup>67</sup>

According to many interviewees, the public conversation has broken the silence surrounding GBV during the KR. “Before people would not speak about GBV. They would be ashamed. Now people share their experience under the Khmer Rouge and talk about sexual violence.”<sup>68</sup> The WHs are credited for drawing the attention of the UN Women in Cambodia, and the UN Special Representative to the Secretary-General on Sexual Violence in Conflict (SRSG), raising the profile of the issue in Cambodia and internationally. Following the 2011 Women’s Hearing, the SRSG wrote to the Prime Minister Hun Sen and the judges of the ECCC “to express [her] concerns that survivors face obstacles in their quest for justice...”<sup>69</sup> Her plea “not to [forget] the victims” was published in the Phnom Penh Post. In parallel, a network of interested activists, researchers, and practitioners has emerged contributing to the documentation of GBV during the KR, but also questioning established views on topics such as “moral offenses” or Code 6.<sup>70</sup> As mentioned by several interviewees, all those elements have inspired the ECCC to address the issue publicly.

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<sup>67</sup> The first study on GBV during the Khmer Rouge was published before the beginning of the CDP GBV project. See, Kasumi Nakagawa, “Gender-Based Violence during the Khmer Rouge Regime.”

<sup>68</sup> Author’s interviews with CDP collaborators, February 2013.

<sup>69</sup> Margot Wallstrom, “The Forgotten KR Victims,” *The Phnom Penh Post*, May 29 2012, Letter to the Editor.

<sup>70</sup> For a discussion on this issue, see Theresa de Langis, “Engendering Atrocity.”



Flyer, Women's Hearing 2011, CDP GBV Project

Finally, the project has triggered interest among NGOs, especially those involved in ECCC-related activities. Some organizations have put information about GBV during the KR on their website or disseminated information to their constituencies. The project has also contributed to knowledge of GBV during the KR by documenting and publishing stories of victims of GBV during the KR.

In the last three years, the project has focused on increasing awareness and knowledge about the issue. This should continue, but new interventions are needed if the project's goal is to increase empathy for the victims, to develop projects commemorating victims, or to facilitate the identification of sources of conflicts and solutions among the young generation.

All interviewees praised the Women's Hearings as a vehicle to increase awareness and knowledge. But several partners, collaborators, or advisors suggested a format more suitable to the Cambodian audiences:

- less technical language
- fewer experts
- more testimonies

The Women's Hearings should also be open to the public or, alternatively, to ensure the absence of hostile participants, the Hearings could be filmed and a redacted version could be used in public forums. Films of the 2011 and 2012 Women's Hearings are currently available on YouTube.

### ***Towards Impacts***

Data are not available to assess awareness and knowledge of the general population about GBV during the KR. But, the interviews showed anecdotal evidence that the project has contributed, through information dissemination and the WHs, to awareness and knowledge of the issue among the international community, local NGOs, and some strata of Cambodian society such as the youth. This is a first step in building societal support to victims of GBV during the KR.

Nonetheless, awareness and knowledge not to mention understanding of the issue could be largely improved. Moreover, awareness and knowledge alone are not sufficient to induce attitudinal or behavioral changes. Outreach would benefit from being designed on behavioral models that inform on stages of changes and that address societal barriers (e.g., stigma attached to GBV victims or beliefs of KR's behavior in regard to sexual offense). A model such as Roger's diffusion of innovation would also suggest actions such as the use of the media to increase awareness and basic knowledge among the general population, in addition to face-to-face activities (e.g., training and Women's Hearings) to improve understanding of the issue.<sup>71</sup>

Outreach activities need to be pursued but should be complemented by increased efforts to document the nature and consequences of GBV during the KR for the victims, their families, and Cambodian society. As pointed out by several interviewees, the window of opportunity for research is closing rapidly; people who experienced the Khmer Rouge are aging and dying.

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<sup>71</sup> Everett M. Rogers, *Diffusion of Innovation*. Fifth ed. (New York: Free Press, 2003).



### C. ADVOCACY

The CPLs have mostly driven the advocacy component of the project. For the public, their actions were visible in the media. At the court, they were active in (1) facilitating GBV victims to apply as CPs, (2) representing them legally until the trial, (3) ensuring that their needs on reparation are known and met, and (4) advocating the investigation of GBV and its inclusion into the ECCC proceedings at every step of the legal process. The court received its first GBV during the KR Civil Party application in 2008.<sup>72</sup>

The project complemented lawyers' actions by documenting and publicizing GBV during the Khmer Rouge. The staff invited the ECCC personnel to attend events such as the Women's Hearings. The project shared publications on GBV during the KR with ECCC personnel, and published articles in the ECCC Court Report. Finally, the project was instrumental in ensuring that their clients' needs and concerns were taken into account in reparation and non-judicial measures.

#### *Efficiency*

The CPLs sustained the issue of GBV during the KR in the media at every opportunity. Already in 2009, CDP was calling for the investigation of forced marriage by the ECCC. In 2011 and 2012, following the Women's Hearings, the media joined the call for the investigation of forced marriage and GBV by the ECCC.<sup>73</sup>

The WHs served as an advocacy tool. At the end of each Hearing, a panel of experts delivered a statement outlining recommendations to different constituencies including the ECCC. In each statement, the experts recommended several measures so GBV during the Khmer Rouge is recognized, investigated, and prosecuted, if warranted. Several interviewees stipulated that the WH and its aftermaths (e.g., media coverage) attracted the attention of the ECCC.

The ECCC was not the only target. In 2011, project staff planned a legacy workshop aimed at sharing lessons learned from the ECCC about investigating and prosecuting sexual

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<sup>72</sup> Civil Parties Lawyer Silke Studzinsky, "First Civil Party Application before the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Gender-Based Violence under the Khmer Rouge Regime," Phnom Penh, ECCC Press Statement, 3 September 2008.

<sup>73</sup> See, for example, Bethany Lindsay, "Mass Weddings Under KR Need Further Investigation, Says CDP," *The Cambodia Daily*, Wednesday, October 7 2009. See also, Sin Sowom and Silke Studzinsky, "Judge Wrong in Saying KR an Anomaly on Gender Violence," *The Cambodia Daily*, Tuesday, September 27 2011, Letter to the Editor, or Hanna Hindstrom, "Cambodia's future rests on punishing past sexual crimes, argue campaigners," *The Guardian*, Friday, 16 December 2011.

violence. By inviting Cambodian judges and prosecutors, it was hoped that the lessons of the ECCC could be transferred to the national justice system. The national judiciary was not interested. The legacy of the ECCC was limited to forced marriage. The activity was never implemented. In 2012, the advocacy component was dropped.

### ***Immediate Changes***

The CPLs associated with the CDP project are credited with identifying victims and assisting them in applying as CPs, thus providing some evidence of GBV during the KR to the court. Their work contributed to the inclusion of forced marriage in the indictment of Case 002, and the recognition of 779 CPs. Additionally, the project is a partner with VSS and TPO for the implementation of the non-judicial measure entitled “Gender and Transitional Justice Process.”<sup>74</sup>

It is doubtful that forced marriage would be prosecuted in Case 002, but the interviews showed hope that GBV could be investigated in Cases 003 and 004. This is corroborated by the fact that the International Co-Investigating Judge has just welcomed a new female investigator specialized in gender-based violence.<sup>75</sup> Additionally, there is a call for victims, including GBV victims, to come forward by telling their stories to the International Co-Investigating Judge or by applying as CPs. As of April 2013, there were 321 and 760 people who filed a CP application in Cases 003 and 004 respectively.<sup>76</sup>

### ***Towards Impacts***

The main targets of the advocacy component were the ECCC and the national justice system. In both cases, the impacts were limited. The shortfalls associated with advocacy could explain part of the results. First, in the best case scenario, the project has limited influence over ECCC legal processes. Second, advocacy processes could alienate people targeted by the advocacy process, resulting in a setback rather than advancing the advocated cause. Third, not all CPLs prioritized the inclusion of GBV in Case 002/01, rendering it difficult for the Lead Co-Lawyers to defend the issue before the Trial Chamber. The interest of the national judiciary was muted, making it difficult to involve Cambodian legal officials.

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<sup>74</sup> “Reparations & Non-judicial Measures Program Underway. Partner Outreach,” ECCC Court Report, Issue 59, April 2013, 7.

<sup>75</sup> “Judicial Updates. Office of the Co-Investigating Judges,” *The Court Report*, Issue 59 (Cambodia: Extraordinary Chambers in the Courts of Cambodia, Trial Chamber, April 2013), 8.

<sup>76</sup> “Judicial Updates. Office of the Co-Investigating Judges,” ECCC Court Report, Issue 59, April 2013, 8.

Nonetheless, the project had unintended impact among some Cambodian CPLs. All CPLs interviewed<sup>77</sup> expressed their appreciation for working with an international lawyer, and learning about the law and advocacy. As a result of their experience, some suggested educating their colleagues about GBV during the KR and GBV in general, and advocating for the enforcement of the laws related to GBV today. This should be taken into account in future activities.

## SUPERVISION AND EVALUATION

The project staff has integrated supervision and evaluation mechanisms in its daily activities. The staff has regular meetings, and meets with partners on a monthly basis. These are adequate means to coordinate and to assess the progress of the project globally. However, partners and collaborators have noted that roles and responsibilities are not well-defined, rendering the decision-making process slow and, at times, inefficient. Some sensed that the project was sometimes driven by foreigners. To address these issues, the author recommends clarifying the roles and responsibilities of each member of the team, including the GIZ Advisor. Cambodians should also continue to take on more and more responsibilities especially in planning, monitoring, networking, and reporting. The role of the GIZ Advisor has already diminished. The Cambodia team should aim to be independent by 2014 when the Civil Peace Service program is expected to end.

The staff has put in place a monitoring system that evaluates each activity. In general, the assessment of one activity includes participants' satisfaction, knowledge about GBV during the Khmer Rouge, and strengths and weaknesses of the activity. It is done systematically, but the design, the administration, and the reporting of the results must be improved. The design of the monitoring system should include elements such as a client's baseline to be able to measure changes. The technical part of the evaluation could be enhanced by avoiding leading questions. The administration of the evaluation forms (e.g., when, how, number of people) has to be detailed, and evaluation results need to be reported accurately and systematically. These points are important to understand the results of the evaluation and their significance.

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<sup>77</sup> Author's interviews with CPLs, in the context of this evaluation and informally, February 2013.

## NETWORKING AND COOPERATION WITH OTHER ACTORS

The project has collaborated with several entities. The staff has met with Cambodian authorities<sup>78</sup> at the commune level while identifying or assisting GBV victims. The staff has also worked with and invited Cambodian authorities, intermediaries and community leaders at the provincial and district levels while implementing its Regional Clients meetings. People helped identifying crimes sites or performed religious ceremonies, for example. In the last year, efforts to work closely with the Ministry of Women's Affairs were facilitated by one informal project advisor who works at the Ministry of Women's Affairs.

The project has also partnered with civil society and the ECCC. All partners and collaborators to the project were positive about their collaboration, work of the staff, and the accomplishments of the project. But, beyond formal partnership with CDP lawyers, TPO, the VSS, and some NGOs already involved in ECCC-related activities, the staff did not sustain long-term collaboration with women, human rights, or youth organizations.

The GBV project was first intended to be part of CAMBOW but did not gain support from its members and was subsequently integrated to CDP. The Cambodian Human Rights and Development Association (ADHOC) collaborated with the CDP project in identifying victims of GBV during the Khmer Rouge in the communities but, subsequently, did not participate in some of the activities aimed at increasing awareness and knowledge about GBV during the KR. The relationship with ADHOC is further complicated by the fact that some CDP clients also received ADHOC services as CPs,<sup>79</sup> and that at least one CDP team leader is also ADHOC Civil Party Representative.<sup>80</sup> There is a long-term collaboration with WMC, producer of the radio shows, but the collaboration is more tenuous with the Bophana Center, producer of *Red Wedding*. Some youth organizations (e.g., Khmer Youth Association and the Youth Resources Development Program) have been contacted or have participated in one activity. But no long-term cooperation has been established yet.

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<sup>78</sup> The Cambodia administrative structure includes provincial, district, commune, and village levels.

<sup>79</sup> During the evaluation period, at least four participants in CDP group discussions were also present at an ADHOC meeting.

<sup>80</sup> ADHOC Civil Party representatives act as intermediary between CPs, assisted by ADHOC, the ECCC, and the lawyers. For discussion on the concept, see Nadine Kirchenbauer, Mychelle Balthazard, Latt Ky, Patrick Vinck, and Phuong. N. Pham, "Victims Participation before the Extraordinary Chambers in the Courts of Cambodia" (Phnom Penh, Cambodia: Cambodian Human Rights and Development Association and Harvard Humanitarian Initiative, January 2013).

The CDP project has reached out to NGOs but has not been able to create or maintain interest and engagement among women and human rights organizations. The issue of GBV during the KR is a new topic and other organizations might be reluctant to add to their already busy agenda. Furthermore, the CDP project is linked to the ECCC which could be a deterrent for organizations not interested in getting involved with the court. In the long-term, the issue of GBV during the KR needs support from other organizations. This emphasizes the importance for CDP to network and find common ground to attract other organizations to the issue.

At a minimum, CDP needs to coordinate with NGOs involved in ECCC-related activities and the VSS to ensure that CPs take advantage of all activities available and receive coherent information. For example, some of the CDP clients did not participate in VSS regional meetings because their CPLs were not available. Additionally, without being contradictory, the CDP project and ADHOC have different positions on CP applications in Case 004. This could be confusing for participants who received information from both CDP and ADHOC.

#### **IV. EXTERNAL FACTORS AND LESSONS LEARNED**

At the inception of the project, the climate was ripe to address women rights and gender-based violence. Internationally, there was an increased attention given to GBV in post-conflict situations. Advances in international law had been made, and, as pointed out by interviewees, there was global interest in addressing GBV as a human rights issue. In Cambodia, the government through its Ministry of Women Affairs had prioritized women issues.<sup>81</sup> GBV during the Khmer Rouge was not part of the platform. But, following the Women's Hearings, the issue attracted the attention of the international community, local audiences, and might have stimulated new opportunities such as the investigation of GBV in Cases 003 and 004 at the ECCC. The project, however, faces many challenges for which the staff has limited influence.

*The future of the court is uncertain.* First, out of the four originally accused, one has been declared unfit to stand trial and a second died. The last two defendants are old and in poor health. Their frequent visits to the hospital delay the proceedings and worry CPs about the prospect of a judgment. Second, forced marriage might not be prosecuted in Case 002. Cases 003 and 004 might never see the trial stage. The project has no control over the legal decision of the court but

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<sup>81</sup> Author's interviews with partners of the CDP GBV project, February 2013.

should manage expectations to diminish potential disappointments, especially for those who might apply as CPs in Case 004. The situation is compounded by disagreements between the national and the international sides, creating situations that hinder the legal process.

*As ECCC Civil Parties, CDP clients' participation is restricted by the ECCC internal rules.* Their rights are mostly exercised through their lawyers and the Lead Co-Lawyers, limiting their active participation in the judicial process. As a consolidated group, they also have diminished possibilities to have their individual needs addressed.

*The characteristics of the victims render their participation in the process more complex.* Many clients are old, in poor health including psychological trauma, and have limited education or resources. These characteristics limit a client's participation in project activities or their involvement in the community. Moreover, they reduce a client's understanding of the legal process, and potentially fuel disappointments.

*The lack of awareness and knowledge about GBV during the KR.* Many Cambodians, including the youth, believe the Khmer Rouge were disciplined and thus could not commit GBV. Furthermore, they do not believe that sexual violence occurred during that period. These cultural beliefs could hamper empathy for the victims.

*GBV is a sensitive issue.* Many victims preferred not to disclose their experience. As mentioned by one CDP client, "I know of a lady who was raped but she does not dare talking about it because she is afraid that something could happen to her." This is not specific to GBV during the Khmer Rouge but illustrates that even decades after the fact "victims are still being punished by the community."<sup>82</sup> It does, however, reflect today's situation in which GBV victims are still ostracized and stigmatized, and for which there is limited legal recourse.

*CDP's financial difficulties.* The GBV project is integrated within the Cambodian Defenders Project. As for other CDP projects, the GBV project staff is responsible for the implementation of its activities and its funding. As of January 2013, among all CDP projects, only the GBV project and the CPLs have funding. The lack of financial support for CDP overhead renders the implementation of the GBV project more difficult.

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<sup>82</sup> Author's interview with CDP clients, February 2013.

Lessons have been learned in the last years.

*Comprehensive services including legal and psychological support are key components of the project.* As expressed by CDP clients, it is important for many to receive legal information so they can follow the legal process. Furthermore, experiences have shown that psychological support and its connected activities (e.g. self-help group) are instrumental for CDP clients to engage fully in the process.

*GBV victims are willing to tell their stories, given the right conditions.* These conditions could include: (1) ensuring that psychological support is available while people are testifying, (2) adopting safeguards to protect the identities of the victims and the perpetrators, when appropriate, and (3) to understand where and to whom victims of GBV during the KR are willing to testify. The latter point depends on the people. Some are comfortable to tell their story in a large forum but not in the community. Others feel at ease sharing their experience with strangers or anonymously, but not if they could be recognized.

*One activity could accomplish several objectives, given the right design.* Women's Hearings were an effective medium to contribute to the empowerment of testifiers and participants, to increase the profile of GBV during the KR, and to advocate for the inclusion of the issue in the ECCC proceedings. The changes facilitated by the project cannot be attributed to one activity. But, the WHs were instrumental in highlighting the issue by attracting high profile organizations such as the UN Women and the SRSG, getting the attention of the media internationally and domestically, and involving actors at many levels of Cambodian society.

*Establishing a network of partners to address GBV during the KR will take time and energy.* Engaging and sustaining the interest of human rights and women NGOs is a challenge. Steps forwards were implemented to develop a relationship with organizations, but dialogues and follow-ups might be necessary to sustain their engagement. The staff is aware of the difficulty and is willing to explore different avenues.

*Results are more effective when the project exercises control over the activities.* Results with the ECCC or the Cambodian government, notably the Ministry of Justice were mixed. New efforts are underway with Case 004 at the ECCC and the Ministry of Women Affairs within the Cambodian government. Considering previous experiences, expectations should be limited.

## V. CONCLUSION

Overall, the evaluation of the CDP GBV project is very positive. The staff is committed, and has been efficient and effective in implementing project activities. With limited resources, the staff was able to achieve several of their intended outcomes as well as to contribute to their expected impacts. Their main accomplishments are (1) the development of a core group of victims of GBV during the KR who are willing to share their story and to take actions in their community, (2) a renewed conversation about GBV during the KR that has challenged established views about GBV during the KR (e.g., Code 6), and (3) the documentation of the existence of GBV during the KR that, based on interviews, has contributed to the attention given to the issue by the ECCC. These are notable results considering the time frame of the project. Two questions remain: What is the sustainability of the project? What is its contribution to the transitional justice process?

### SUSTAINABILITY OF THE PROJECT

The CDP GBV project is the main organization driving the issue of GBV during the KR. In the last three years, the project has engaged in activities including services to their clients, outreach to strata of the Cambodian population, and advocacy at the court and organ of the Cambodian government. As the ECCC is getting closer to its end, the sustainability of the project is questioned. Should the project end with the ECCC or should the project detach itself from the ECCC? Many partners and collaborators suggested that the project should go beyond the ECCC but added that, in doing so, it should refocus its activities and determine its long-term goals. The questions are then: Where should the project be in 10 or 20 years? What does the staff need to accomplish to get there? The project could continue empowering victims of GBV during the KR and develop a favorable societal environment towards the victims of GBV during the KR through education. Alternatively, the staff could try to link the issue of GBV during the KR with GBV today and invest in its prevention, investigation, and prosecution.

Notwithstanding which long-term alternative is favored, a more immediate concern is the financial sustainability of CDP. Many partners and collaborators questioned the future of the GBV project within CDP.<sup>83</sup> To ensure its sustainability, the project needs to engage in a dialogue with CDP and devise alternatives aligned with their long-term vision.

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<sup>83</sup> Author's interviews with partners, collaborators, and external observers, February 2013.



Finally, one of the main interventions of the project was aimed at empowering victims of GBV during the KR. In terms of sustainability, there must be an autonomous structure or core of people invested in the issue of GBV during the KR. This has been partially achieved with the team leaders. Nevertheless, they would, in the short-term, benefit from additional training to increase their understanding of the ECCC process and their rights, and to improve their abilities in transmitting accurate information and supporting their team members. This is especially important for those involved in searching for new Civil Party applicants in Case 004 so they can explain the limitations of such application. In the long-term, the project should gradually diminish its direct services but improve clients' capacity in seeking support and services within their community. Team leaders should be given an increased role and responsibilities.

## CONTRIBUTION TO THE TRANSITIONAL JUSTICE PROCESS

The CDP GBV project has contributed to the Cambodian transitional justice process<sup>84</sup> in several ways. In the context of the ECCC, the project has assisted victims of GBV during the KR in participating in the ECCC proceedings. It has facilitated gathering their needs and concerns on reparation, and has documented the issue. Through its advocacy, the project was instrumental in the investigation of forced marriage in Case 002.

Beyond the ECCC, the project is instrumental in ensuring that GBV is addressed in non-judicial measures. Furthermore, it has implemented non-judicial measures such as the Women's Hearings and the publications of victims' testimonies that address GBV during the KR and document its existence. These activities would not and could not replace the prosecution of GBV during the KR by the ECCC, but represent an outlet through which GBV victims have a voice and during which their suffering is recognized. The project has a role in continuing to stimulate the integration of GBV during the KR in each aspect and step of the ongoing Cambodian transitional justice process. A next step could be to institutionalize the issue by integrating GBV during the KR in education and GBV in the domestic justice system.

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<sup>84</sup> Transitional justice processes can be defined in various ways. In the context of this report, transitional justice is the set of practices and mechanisms that help move Cambodian society from a period of serious human rights violations to one in which human rights, democracy, and rule of law prevail. Transitional justice recognizes the rights of the victims to justice, reparations, truth, and institutional reforms processes to ensure that atrocities do not happen again. For a discussion on this topic, see Clara Sandoval Villalba, "Briefing Paper (IDCR-BP-07/11). Transitional Justice: Key Concepts, Processes, and Challenges" (University of Essex, Institute for Democracy & Conflict Resolution, 2011).

## **VI. RECOMMENDATIONS**

The CDP GBV project is young and has already facilitated changes at many levels. Going forward, it is recommended:

### **(1) To develop a project medium (5 years) and long-term (15-20 years) strategic vision and plan including elements such as**

- Medium goals addressing what the project wants or can achieve in the context of the ECCC, Cases 002, 003, and 004
- Long-term goals questioning where the project should be in 10 or 20 years and the needed steps to get there
- Approach and model that facilitate attitudinal and behavioral changes beyond awareness and knowledge
- Activities controlled by the staff of the project and not a third party (e.g., ECCC or Cambodian government)

One person should be in charge of the process but all members of the team and potentially some clients should participate in the strategic planning.

### **(2) To design common strategies related to GBV during the KR with human rights, women, and youth organizations at the national and community levels.**

To sustain interest and long-term involvement, the project needs to engage in a meaningful dialogue with human rights, women, and youth NGOs. As part of the agenda, they assess an organization's barriers in getting involved in the issue of GBV during the KR, and solutions to overcome these constraints. They also look at connections between GBV during the KR and issues prioritized by NGOs today.

### **(3) To conduct further research about GBV during the KR.**

So far, through research and victims' testimonies, the project has been instrumental in documenting the existence of GBV during the KR. The result is part of the historical record, at the ECCC and outside the court. As the cohort of people who experienced the KR regime is dying, the need for further research is pressing. Areas of inquiries include (1) prevalence and geographic dispersion of GBV during the KR, (2) consequences of GBV during the KR for the

victims and their families, (3) Khmer Rouge policies, nature, and consequences of GBV for the perpetrators, (4) myths and beliefs associated with GBV during the KR among different strata of Cambodian society, and (5) associations between mass violence of the past, including GBV, and violence today (e.g., domestic violence, abuse of children, trafficking).

**(4) To link GBV during the Khmer Rouge to GBV today**

The ECCC is a temporary institution. The number of victims of the GBV during the KR will erode over time. Today, sexual violence, especially rape, is on the rise. Several issues such as stigmatization of the victims are similar. Linking GBV during the KR to GBV today is an avenue to engage human rights and women NGOs, but also victims of GBV during the KR. Testifiers of GBV during the KR could talk to victims of GBV today, explaining the benefits of speaking out, for example.

At an operational level, it is recommended:

**(5) To clarify role and responsibilities, decision-making process, and communication channels.**

This should be done for each member of the team, including the GIZ Advisor and the team leaders. It will help determine steps in the decision-making process, and when the staff and the team leaders contact CDP clients. Results will be communicated to partners and collaborators and the CDP clients, as applicable.

**(6) To improve staff's capacities.**

The staff is about to embark in a strategic planning process. In general, the team needs to improve their skills in planning, but additionally the Project Coordinator would benefit from increased skills in management, networking with donors, and monitoring. The latter focuses on designing a monitoring system that looks at changes, maximizing the possibility of detecting problems early in the implementation process.

## LOOKING FORWARD

Taking into account the limited impact of the project on the ECCC, the project should consider limiting its efforts towards the court. Staff continues providing legal and psychological support to CDP clients participating in the justice process, and to those who apply as CPs in Case 004. But, at the same time, the project gradually withdraws from direct services. In doing so, the staff coordinates with community organizations and associations to understand their position on GBV during the KR and assesses their needs in providing future services to CDP clients.

This involves devising a withdrawal strategy including: (1) mapping services offered by organizations and associations in the community, (2) disseminating information about existing services to CDP clients, and (3) gradually introducing CDP clients to community services or activities, when appropriate.

In parallel, the project continues to act as a watchdog, monitoring the issue of GBV during the KR at the ECCC, especially in regards to the investigation of GBV during the KR in Cases 003 and 004. The project also maintains its involvement in the development and implementation of non-judicial measures.

In the future, apart from and beyond the ECCC, two options are suggested: first, a bottom-up approach centers on victims; and, second, a top-down approach working mostly at the national level. Each option has advantages and disadvantages. All options would involve collaborating with other actors.

### **Bottom-Up Approach**

The expected impact is the prevention of GBV in the community. It has two main components: (1) the development of a network of human rights activists who address GBV during the KR and GBV today, and (2) modification of attitudes and behavior in regard to GBV during the KR and GBV today, at the community level. By combining legal empowerment of the team leaders and community outreach, the project works closely with victims of GBV during the KR but also with people in the community, including formal and informal leaders (e.g., local authorities, police, religious leaders, teachers, health professionals, traditional healers and elderly). If favored, this approach implies the following:

- To conduct a community and gender analysis<sup>85</sup>
- To begin a dialogue with community leaders and organizations on GBV during the KR and GBV today
- To inform and educate leaders in the community on the nature and consequences of GBV during the KR and GBV today
- To conduct additional team leaders' trainings to increase their understanding of their rights and improve their skills in supporting their team members
- To involve project participants, especially team leaders, in planning and implementation of activities in order for them to gain skills and confidence in addressing the issue of GBV during the KR, and today (activities could include participating in an advisory committee, planning and implementing WHs at the community level, recording testimonies, or documenting cases of GBV during the KR)
- To use GBV during the KR as a platform to address GBV today by addressing the topic in WHs or documenting cases of GBV today

Advantages: Working at the community level maximizes the potential of making a difference. First, it is possible to get a pulse of the community, and thus to determine how the project fits within the priorities of the community. Second, it is possible to rapidly adjust the project activities to local priorities. Third, it provides opportunities for dialogue and responses to people's concerns and needs in a timely matter. Finally, it is easier to coordinate with organizations and associations at the community level because of their number and proximity.

Disadvantages: The main disadvantages are time and resources. Creating a skillful network of people able to intervene on a subject such as GBV requires time. Modifying attitudes and behavior is a long process. Both demand resources. Over time, the result would be visible in the community or communities engaged in the project, but not necessarily nationwide. An impact at the national level would require changes in several communities. This is compounded by the fact that currently there are only 13 team leaders and not all of them are ready to act at the community level.

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<sup>85</sup> Bureau for Crisis Prevention and Recovery, "Gender Approaches in Conflict and Post-Conflict Situations"(New York, New York: United Nations Development Program, October 2002) + learning brief – already there

Finally, increased awareness and knowledge of GBV during the KR can inspire victims of GBV today to seek services, increasing the demands for police, justice (formal and informal), or health services. Those services are mostly implemented by the State implying actions at that level as well.<sup>86</sup>

### **Top-Down Approach**

A second option is to create a favorable climate to address GBV during the KR and to facilitate a discussion about policies against GBV today. This approach focuses on providing information to the general population and segments within, and to advocate for the inclusion of GBV during the KR into the Action Plans of the Cambodian Government. In doing so, this option links GBV during the KR and GBV today.

Under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Cambodian government has an obligation to “adequately address and deal with the issue of Sexual and Gender-based Violence (SGBV) committed in past conflict, especially during the Khmer Rouge regime.”<sup>87</sup> So far, the efforts of the Royal Government of Cambodia (RGC) in addressing SGBV have been inadequate. As the Government develops its second National Action Plan to End Violence Against Women, there is an opportunity to stress the importance of addressing GBV during the Khmer Rouge and to bridge the gap between the past and today. If preferred, this approach means, for example:

In general:

- To establish contacts and to develop potential allies with international or regional organizations such as United Nations, the ASEAN Committee on Women, or its Commission on Human Rights, and to continue to participate in Cambodian coalitions such as CHRAC and CAMBOW as part of a strategy to end violence against women

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<sup>86</sup> “Effective Responses for Gender Based Violence Addressing GBV in Post-Conflict & Fragile States”

<sup>87</sup> “List of Critical Issues submitted to the Committee on Elimination of Discrimination Against Women regarding Sexual and Gender-Based Violence (SGBV) in Conflict in Cambodia” (Phnom Penh, Cambodia: Cambodian Defenders Project, January 2013)

In relation to education:

- To document and publish stories of victims of GBV during the KR, and engage victims in outreach so they can share their experiences of GBV during the KR in large forums such as the WHs, or in different avenues such as radio shows, or information sessions to the youth.
- To develop a media campaign to inform and educate the general population, and to bridge the gap between GBV during the KR and GBV today.
- To increase knowledge and develop understanding of GBV during the KR among different strata of the Cambodian population such as the youth, human rights, women and youth NGOs, but also among development organizations, Ministries personnel, police and judiciary. Some constituencies are more ready than others to receive such information. The material and means of dissemination needs to be tailored to each audience (e.g., written material, radio shows, as well as small group discussions to specific audiences or victims' testimonies).
- To act as an advisor for groups or associations who want or need to adapt their services to victims of GBV during the KR.
- To engage the Ministry of Women Affairs (MoWA) in educating the youth as well as organizations and associations associated with the Ministry on GBV during the KR but also on GBV today. Taking advantage of the National Action Plan to End Violence Against Women, assess activities with people at the Ministry that can be expanded to include both GBV during the KR and GBV today. This could mean adding a paragraph in a pamphlet, or inviting people associated with MoWA to an information session, for example.

In relation to justice:

- To collaborate with Civil Party Lawyers in identifying potential audiences among the domestic justice system interested in learning about the experiences of the ECCC on GBV during the KR but also on any topics such as victim participation that could get their interest.
- To explore the interest of different audiences in the national justice system in a manual on gender sensitivity or GBV investigation.
- To link the issue of GBV during the KR and GBV today in all forums. Topics of discussion could encompass 1) the existence of GBV during the KR and the reasons GBV is still

happening today, 2) the stigma associated with GBV and the benefits of speaking out, or 3) the policies and the laws related to GBV during the KR and GBV today.

Advantages: The main advantage of a top-down approach is the potential reach of the interventions. Additionally, making contacts and establishing relationships with the government or different Ministries within the government, is a first step in building state-level capacity on the issue. It is also a first step towards mainstreaming GBV into programs.

Disadvantages: The main difficulty is the reluctance of the Cambodian government in general, and the Ministry of Justice in particular to be involved in the issue of GBV during the KR. This lack of will renders difficult for the project to achieve any changes or to implement any activities, at the national level. Advocacy involving actors such as the UN and ASEAN might assist in that matter.

In conclusion, the two suggested options represent two positions on a large spectrum of interventions. It is possible to pick and chose depending on the overall aims. However, as a guideline, the project staff should be cautious not to aim too broad but to think small and realistic.



## APPENDIX A. TERMS OF REFERENCE



**ក្រុមអ្នកច្បាប់ការពារសិទ្ធិកម្ពុជា**  
**CAMBODIAN DEFENDERS PROJECT**

### TERMS OF REFERENCE

#### **External Evaluation of Gender Based Violence (GBV) Project of Cambodian Defenders Project**

##### ***Background***

Cambodian Defenders Project (CDP) is non-governmental organization established in 1994 to provide legal services to the poor and venerable people. As the Extraordinary Chambers in the Court of Cambodia (ECCC) established to trial high responsible persons and top leaders of the Khmer Rouge regime, CDP also provided lawyers to represent the victims during the Khmer Rouge regime before this court.

In early 2009, CDP initiated a new project, Gender Based Violence (GBV), to support victim of gender based crime during the Khmer Rouge. The main activities include providing legal services, information and assistance their participation for the court proceedings, updates on new development at the ECCC, and psychological support and trauma counselling. The project also aims to raise awareness among the general public, survivors and the young generation about GBV during the Khmer Rouge, through advocacy, truth telling and documentation activities.

Since 2010, CDP (GBV project) received funding from Zivik ifa and with this grant the GBV project team has been working with GBV victims, NGOs and the key stakeholders to increase the participation of the GBV survivors in the ECCC proceedings, increase access to psychological supports, foster victim empowerment, raise awareness about GBV during Khmer Rouge and increase documentation.

##### ***Overall Purpose of the Consultancy***

The purpose of consultancy is to evaluate the access of the project in meeting the overall objectives. This includes evaluating the impact of key activities and identifying strengths and weaknesses of program implementation and external factors that influenced the success of the project. This evaluation report should highlight key lessons and make recommendation for improving the implementation of future activities.

##### ***Activities to be undertaken***

The evaluation will use a participatory approach with qualitative and quantitative data collections, meeting CDP civil parties, CDP staff (civil party lawyers, project staff and management team), key NGOs working with victims of Khmer Rouge regime, and the support section of the ECCC.

The consultant will be responsible for all stages of evaluation, including:

- Meeting with the project team to further develop the evaluation
- Designing the methodology
- Designing the evaluation tools including the survey and questions, etc
- Arranging the logistics for evaluation process such interview

- Data collection and analysis
- Report the result and make recommendations for impact could be enhance in the future project

CDP will provide assistance for facilitating contact with the interview, key stake holders that will participate in the evaluation.

### **Outputs**

The consultant is expected to deliver the following outputs:

- Evaluation plan including detailed methodology
- Evaluation tools, including surveys, interview questions etc
- A detailed evaluation report including recommendation for how impact could be enhanced in future projects

### **Duration of assignment**

The consultancy will begin in Jan 2013. The overall duration of the consultancy covers a total of 7 working days including:

- Preparation 1 day
- Evaluation implementation 4 days
- Data analysis and report writing 2 days

### **Required Qualifications/Experience**

#### **Remuneration**

The consultancy remuneration is negotiable. The consultant will be responsible for paying all expenses such as communication, transport etc with the exception of materials and printing which is covered in a separate project budget. While it is expected that the consultancy should be completed within 7 days, the consultant is required to work additional days at their own expense to meet the outputs.

#### **Expected Profile**

The consultant recruited for this position should fulfill the following profile:

- Master degree or equivalent in law, political science, social science or any other related field;
- Minimum of 3 years work experience in the field of project evaluation and consultation;
- Experience working gender-based violence and women in peace processes;
- Fluency in spoken and written English and Khmer;
- Understand well about the Cambodian context;
- Understanding the transitional justice process, in particular, the participation of victims and support before the ECCC;

*Interested candidate submit application by 14 Dec. 2012 to Cambodian Defender Project, No. 1L, St.450, Sangkat Tuol Tumpoung I, Khan Chamka Mon, Phnom Penh or contact Mr. Duong Savorn, Project Coordinator, email: savorn@cdpcambodia.org, Tel:012 800 816*

## APPENDIX B. PEOPLE INTERVIEWED AND CONTACTED

### PEOPLE INTERVIEWED

Name, title	Type of Organization
David Boyle, Legal Consultant, International Co-Investigating Judge Office	ECCC
CHIM Manavy, Executive Director, Open Institute	NGO
Theresa de LANGIS, Senior Expert in Women’s Human Rights in Conflict Settings	Advisor
IM Sophea, Chief, Victims Support Section (VSS)	ECCC
Ayako IOROI, former Intern, UN Women Cambodia	United Nations
Michelle STAGGS KELSALL, former Human Rights Officer, Office of the UN High Commissioner for Human Rights	Advisor
KIM Thida, Mental Health Technical Assistant and TPO GBV Project Coordinator	NGO
Nadine KIRCHENBAUER, GIZ Advisor to ADHOC	NGO
Wendy LOBWEIN, Coordinator, Witnesses/Experts Support Unit	ECCC
LONG, Panhavuth, Program Officer, CJI/OSJI	NGO
LOR Chunty, Civil Party Lawyer, LAC	NGO
NAKAGAWA Kasumi, Advisor on Gender Mainstreaming at the Ministry of Women’s Affairs	Government
Salim Nakhkavani, Assistant Co-Prosecutor, International Co-Prosecutor Office	ECCC
Katrina NATALE, former CDP Research Fellow	NGO
NOEUN, Sam, Executive Producer, Women Media Center	NGO
OEUNG, Jeudy, KRT Program Officer, CHRAC	NGO
PICH Ang, National Civil Party Lead Co-Lawyer	ECCC
Caitlin REIGER, Consultant	Advisor
SAM Sokong, Civil Party Lawyer, LAC	NGO

PEOPLE INTERVIEWED (Con't)

<b>Name, title</b>	<b>Type of Organization</b>
Elisabeth Simonneau-Fort, International Civil Party Lead Co-Lawyer	ECCC
Marcos SMITH, Coordinator, Civil Peace Service, GIZ Cambodia	German Development Aid
Christoph Sperfeldt, former GIZ Advisor to CHRAC and VSS	NGO/ECCC

PEOPLE CONTACTED BUT NOT AVAILABLE FOR AN INTERVIEW

<b>NAME AND ORGANIZATION</b>	<b>NATURE OF THE ORGANIZATION</b>
Vichuta LY, Legal Services to Children and Women	NGO
Choun Sambo, Khmer Youth Association	NGO
Sonja Meyer, former GIZ Advisor to Youth for Peace	NGO

## **ACKNOWLEDGEMENTS AND AUTHOR**

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My gratitude goes especially to all the people who took the time to answer my questions, most notably the CDP clients. All interviewees were most helpful and insightful. The views express in this report or any factual errors or misinterpretations are mine only.

## **AUTHOR**

Mychelle Balthazard, Ph.D. has specialized in international development with an emphasis on transitional justice processes in post-conflict societies. She has worked in Sri Lanka, Uganda and Cambodia. Recently, her work has focused on the Extraordinary Chambers in the Courts of Cambodia, more specifically on outreach. As a fellow and in-country coordinator for the Human Rights Center, University of California Berkeley, she has collaborated in studies and co-authored reports and articles on knowledge and attitudes of the Cambodians population about the ECCC, and Civil Parties' participation in the ECCC judicial process.

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