

# Voices for Reconciliation:

Assessing media outreach and survivor engagement  
for Case 002 at the Khmer Rouge trials



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Assessing media outreach and survivor engagement  
for Case 002 at the Khmer Rouge trials

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## TABLE OF CONTENTS

|           |   |
|-----------|---|
| <b>7</b>  | <b>Main Findings</b>  |
| <b>14</b> | <b>Introduction</b>   |
| 15        | Background to Media Outreach at the Khmer Rouge Trials      |
| 15        | Tribunal-Related Outreach Programs                          |
| 16        | Expanding Khmer Rouge Trial Television Outreach             |
| 17        | Reach and Impact: Broadcasting <i>Duch on Trial</i>         |
| 18        | Seeking ‘Tangible Justice’                                  |
| <b>19</b> | <b>Project Overview</b>                                     |
| 22        | Media Outreach  |
| 22        | Community based outreach                                    |
| 23        | Capacity Building Component                                 |
| <b>24</b> | <b>Methodology</b>  |
| 24        | The Survey  |
| 26        | Focus Groups  |
| 27        | Limitations of the Study                                    |
| <b>28</b> | <b>Study Findings</b>                                       |
| <b>28</b> | <b>The Respondents</b>                                      |
| <b>30</b> | <b>Participation in project activities</b>                  |
| 30        | Attendance  |
| 31        | Activities to the Project                                   |
| 31        | Motivation and Enabling Factors                             |
| 33        | Gains from the Community Meetings                           |
| 41        | Civil Party Representatives                                 |
| <b>45</b> | <b>The Extraordinary Chambers in the Courts of Cambodia</b> |
| 45        | Awareness and Sources of Information                        |
| 47        | Perception of the Court and the Justice Process             |
| 48        | Knowledge and Understanding of the ECCC Cases               |
| 56        | Historical Record and Truth-Seeking                         |
| 57        | Knowledge and Expectations of Reparation in Case 002        |
| <b>62</b> | <b>Trust in the National Justice System</b>                 |
| <b>63</b> | <b>Communication and Reconciliation</b>                     |
| 63        | Communicating about the Past                                |
| 65        | Attitudes towards Former Khmer Rouge                        |
| 67        | Future actions  |
| <b>70</b> | <b>Lessons learned</b>                                      |
| 70        | Outreach  |
| 71        | Use of media  |
| 71        | Use networks and involving target groups                    |
| 72        | Further research is necessary                               |

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### List of Tables

- 17 **Table 1** *Duch on Trial* TV Program  
28 **Table 2** Demographics Characteristics  
48 **Table 3** Attitude towards the ECCC \*  
49 **Table 4** CPs' and CPRs' Knowledge \*  
56 **Table 5** Historical Record and Truth Seeking \*  
62 **Table 6** Perception of the National Justice System  
(% of respondents who strongly agreed or agreed)  
65 **Table 7** Feelings of Revenge (% of respondents who said yes)
- 

### List of Figures

- 20 **Figure 1** Map of CPs and CPRs  
30 **Figure 2** Number of Meetings  
32 **Figure 3** Motivating Factors to Attend Community Meetings \*  
32 **Figure 4** Enabling Factors to Attend Community Meetings \*  
34 **Figure 5** Main Topics learned during Community Meetings\*  
34 **Figure 6** Topics better Understood through Community Meetings  
(% of respondents who said very well and well combined)  
35 **Figure 7** Benefits from Community Meetings \*  
36 **Figure 8** Major Problems associated with Community Meetings \*  
37 **Figure 9** Minor Problems associated with Community Meetings \*  
41 **Figure 10** Role of the CPRs (% of CPRs; n=38)  
42 **Figure 11** Number of Trainings (% of CPRs; n=38)  
42 **Figure 12** Main Topics learned during Trainings (% of CPRs; n=38)  
43 **Figure 13** Attitude towards CPRs' Tasks (% of CPRs; n=38)  
44 **Figure 14** Number of Times the Tasks were Performed (% of CPRs; n=38)  
45 **Figure 15** Awareness of the ECCC \*  
51 **Figure 16** Topics of Case 002/01 \*  
52 **Figure 17** Conviction of the Accused \*  
53 **Figure 18** Topics of Case 002/02 \*  
54 **Figure 19** Perception of Case 002/01 Trial  
(% of respondents who strongly agreed and agreed)  
55 **Figure 20** Feelings about the Sentence \*  
58 **Figure 21** Reparation Measures in Case 002/01 \*  
59 **Figure 22** Importance of Reparation \*  
60 **Figure 23** Reparation Measures in Case 002/02 \*  
61 **Figure 24** Who Should Pay for Reparation \*  
64 **Figure 25** Social Support \*  
65 **Figure 26** Willingness to Talk about the Past  
(% of respondents who said very much willing and willing combined)  
66 **Figure 27** Comfortable with Former KR  
(% of respondents being comfortable)  
67 **Figure 28** Actions following Community Meetings \*  
68 **Figure 29** Actions to talk about the KR regime and Reconciliation \*

\* (% of respondents)



# Main Findings

In September 2013, the East-West Center’s collaborative project with the WSD Handa Center for Human Rights and International Justice at Stanford University – the Asian International Justice Initiative (AIJI) – partnered with the Cambodian Human Rights and Development Association (ADHOC), Khmer Mekong Films (KMF) and the Cambodian Defenders Project (CDP) (hereinafter referred to as the “Project Partners”) and commenced the implementation of the Voices for Reconciliation: Promoting Nationwide Dialogue on the Khmer Rouge Past through the Mass Media and Community-Level Survivor Networks project, a two-year project funded by USAID (hereinafter referred to as the ‘Project’).

Using outreach-friendly television broadcasting of the Khmer Rouge (KR) trials in Cambodia in conjunction with community-based dialogue meetings, the Project aimed to 1) increase community awareness and understanding of the Extraordinary Chambers in the Courts of Cambodia (ECCC) trials, 2) empower conflict-affected groups to create spaces for dialogue at the community level, and 3) build the necessary capacities among those groups and civil society intermediaries to create environments favorable for longer-term reconciliatory processes beyond the ECCC. The Project engaged with ADHOC’s Civil Party Representative Scheme, which supports a network of Civil Parties (CPs) and Civil Party Representatives (CPRs) who are party to the ECCC proceedings.<sup>1</sup> To achieve the objectives, the Project had a three-prong strategy: 1) the production and broadcasting of television programs and media outreach to the general population, 2) the organization of community-based dialogue meetings using outreach films to inform Cambodians in rural areas about the ECCC and its developments, and 3) capacity building to civil society groups and 46 CPRs who were directly involved with the Project.

This report was produced as part of an evaluation of the Project in Cambodia, and involved an assessment of the Project outcomes in relation to the participation of the CPs and CPRs in the Project and lessons learned from the Project implementation. The results are based on interviews with a non-random sample of 101 CPs and 38 out of 46 CPRs who participated in the Project. To complement the survey, four focus group discussions including a total of 18 women and 14 men, were conducted in four different provinces. The interviews and the focus group discussions took place during the first two weeks of July 2015 at the end of the Project. The results represent the points of view of study participants at the time of the survey and focus groups discussions only.

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<sup>1</sup> CPRs are part of the ADHOC CPR scheme and are themselves CPs. CPRs act as nexus between CPs, the court, and the lawyers. For more information, see the Project Overview section of this report. Also, see Nadine Kirchenbauer et al., “Victims Participation before the Extraordinary Chambers in the Courts of Cambodia. Baseline Study of the Cambodian Human Rights and Development Association’s Civil Party Scheme for Case 002”, (Phnom Penh: ADHOC, January 2013).



## STUDY FINDINGS

### PARTICIPATION IN THE PROJECT<sup>2</sup>

Overall, CPs and CPRs (CPs: 98.8%; CPRs: 100%) were satisfied with their participation in the community-based dialogue meetings. CPs and CPRs reported that through community meetings, they gained information but also benefits beyond knowledge and understanding of the ECCC. They said that the community meetings gave them opportunities to talk about what happened during the KR regime (CPs: 58.1%; CPRs: 86.8%), that meeting other survivors made them feel better about their past (CPs: 96.8%; CPRs: 94.7%), and that the community meetings gave them hope for the future (CPs: 97.8%; CPRs: 92.1%), a sense of justice (CPs: 94.6%; CPRs: 89.5%) and more trust in the law (CPs: 94.6%; CPRs: 78.9%). These findings were confirmed by focus group participants who mentioned gaining benefits from attending the meetings such as reflecting on the experience of people who lived through the regime, their own experience or sharing with other survivors. The latter helped them feel better about the past and decrease their suffering.

Survey respondents also identified some areas for improvement. CPs and CPRs suggested getting more youth to participate in the meetings, making participants feel comfortable to talk about their past, and reducing talk about irrelevant topics. CPs and CPRs were also concerned about the lack of opportunity for women to talk and the lack of support from local officials.<sup>3</sup>

In general, survey respondents were positive about the use of film as an information medium. They perceived the films as helpful to understand the information (CPs: 96.8%; CPRs: 97.4%) and to keep their attention during the meetings (CPs: 98.9%; CPRs: 100%). Focus group participants added that they felt the film was a good reflection of the reality under the KR regime and thus a good educational tool. However, a percentage of CPs and CPRs in the survey said the film content was too difficult to understand (major problem CPs: 28.0%; CPRs: 21.1%; minor problem CPs: 46.2%; CPRs: 28.9%) indicating that media could increase meeting participants' interest but that the content needs to be adapted to the targeted audiences. However, it is noted that the complexity of the legal proceedings coupled with a lack of exposure to the judicial system is a challenge to the production of media content accessible to an audience resembling the respondents. CPs and CPRs also said the Civil Party lawyers helped them to understand the information about the ECCC and the KR regime.

### Civil Party Representatives

CPRs were a group of survivors actively involved in organizing the community-level activities of the Project and were therefore asked a number of additional questions. To build their capacity to take on a more active role, the CPRs participated in training workshops organized by the Project Partners. At those trainings, CPRs reported that they learned information about the ECCC, Case 002 and the accused (65.8%), legal procedures (39.5%), the rights of victims (28.9%), and gained skills such as contacting people, sharing experiences, facilitating women's participation, or being the link between CPs and Civil Party lawyers (26.3%). The topics learned during trainings and CPRs' attitudes towards certain tasks suggest that, for the most part, CPRs perceived that, with ADHOC's assistance, they have the knowledge and skills to organize and facilitate the meetings.

CPRs' attitude towards their involvement was very positive. A vast majority mentioned that they knew enough information to answer questions about the ECCC and Case 002 (94.7%), felt comfortable to organize the meetings (94.7%), and felt comfortable to encourage participation during the meetings (100%). Moreover, being involved in community meetings was rewarding for CPRs. They mentioned that organizing the meetings made them feel good (97.4%), people appreciated them because they organized the meetings (100%), and that they had a very important

<sup>2</sup> This section is based on those who reported attending community meetings only, a total of 93 CPs and 38 CPRs. The remaining sections are based on 101 CPs and 38 CPRs.

<sup>3</sup> Respondents were asked about major and minor problems. The areas for improvement are deducted from their answers. See Participation in Project Activities, Improvements of community meetings.



role at the community meetings (100%). Nonetheless, if they felt comfortable talking in front of a group (71.1%), the majority were uncomfortable when a participant became emotional (63.2%), or if they had to conduct the meeting alone (73.7%).

Overall, CPRs reported a favorable attitude towards and positive gains from their role in organizing and facilitating the meetings. The latter is a positive factor that could contribute to CPRs' perseverance in continuing those tasks in the future. It is also possible they could use those skills in other topics as many of these organizational and communication skills are transferrable to other areas.<sup>4</sup> However, it is notable that the majority of CPRs stated that they did not organize the logistics of the meetings alone (68.4%) and less than one-third felt comfortable conducting the meeting alone. The results suggest positive outcomes for involving CPRs in project activities but also demonstrate the importance of ongoing capacity building and mentoring.

## THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

### Knowledge and Understanding of the ECCC

One of the objectives of the Project was to increase knowledge and understanding of the ECCC among the target groups. In general, respondents to the survey reported an awareness of the Court and were satisfied with their source of information. All interviewees reported at least some knowledge of the ECCC and the vast majority of respondents felt at least moderately informed about the Court (CPs: 85.1%; CPRs: 81.5%). They mentioned that their main sources of information about the ECCC were ADHOC (CPs: 70.3%; CPRs: 84.2%), the radio (CPs: 31.7%; 52.6%), television (CPs: 20.8%; CPRs: 52.6%), and their lawyer or their Civil Party representative (CPs: 20.8%; CPRs: 28.9%).

When asked if they had ever seen a television program about the ECCC, about half of the CPs (47.5%) and a vast majority of the CPRs (84.2%) responded positively. Among those who had seen a television program, CPs and CPRs mainly reported seeing live trial proceedings (CPs: 77.1%; CPRs: 71.9%), or news broadcast (CPs: 27.1%; CPRs: 25.0%). However, few respondents mentioned seeing 'Facing Justice', the television program produced under this Project. That could be because 'Facing Justice' broadcasts were irregular due to lengthy adjournments between trial proceedings, the respondents did not identify the name of the television program, or because CPs and CPRs' interest in the trials had generally decreased over time. That said, this study is very limited in scope, and a larger study of the general population would provide a better picture of the success of television programs. Those who had seen *Facing Justice* agreed that the program was informative and helpful to understand what happened during the KR regime and the legal procedures at the ECCC. They also agreed that more people should watch the program.

In general, respondents favored retributive rather than restorative justice mechanisms. Respondents mainly reported that those responsible should be put in prison, (CPs: 58.4%; CPRs: 44.7%), put on trial (CPs: 26.7%; CPRs: 31.6%), or be punished (CPs: 14.9%; CPRs: 24.4%). Conversely, a majority of respondents were positive about the Court and rated its' work as very good or good (CPs: 73.3%; CPRs: 50.0%). They also believed the ECCC would bring justice to victims of the KR and /or their family (CPs: 90.1%; CPRs: 63.2%), help rebuild trust in Cambodia (CPs: 87.1%; CPRs: 76.3%), and promote national reconciliation (CPs: 85.1%; CPRs: 78.9%). Moreover, respondents said the ECCC had already helped reconciliation in their community (CPs: 89.1%; CPRs: 81.6%). Nonetheless, four out of ten would like to see money spent on something else other than the ECCC (CPs: 41.6%; CPRs: 39.5%).

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4 Diffusion of Innovation theory indicates the role of positive reinforcement in pursuing a behavior. See Everett M. Rogers, *Diffusion of Innovation*. Fifth ed. (New York: Free Press, 2003), chapter 5.

Respondents to the survey reported some knowledge of the ECCC and mostly felt sufficiently informed about the Court. They also showed factual knowledge about the Court and of its cases. Most CPs and almost all CPRs knew the jail sentence of the convicted person in Case 001, ‘Duch’ (CPs: 85.1%; CPRs: 97.4%). About two-thirds of the CPs (63.4%) and almost all CPRs (97.4%) stated correctly that four people were accused at the beginning of the trial of Case 002, and 52.5% CPs and 97.4% of CPRs were able to name the accused without error. When asked how many accused were on trial in Case 002 at the time of the survey, 78.2% CPs and 97.4% of CPRs correctly mentioned two accused and 72.3% CPs and 97.4% CPRs named the accused without error. Additionally, 74.3% of CPs knew that Ieng Thirith was found unfit to stand trial and 66.3% CPs knew that Ieng Sary was dead, respectively. All CPRs knew what happened to Ieng Thirith and Ieng Sary. A majority of CPs (75.2%) and almost all CPRs (92.1%) knew the Trial Chamber’s verdict in Case 002/01, as well as Nuon Chea’s and Khieu Samphan’s sentences (Nuon Chea: CPs: 82.2%; CPRs: 100%; Khieu Samphan: CPs: 81.2%; CPRs: 97.4%). Only half of the CPs knew there was an appeal (53.5%), whereas almost all CPRs said the case was on appeal (92.1%). Finally, only small percentages of CPs knew why Case 002 was severed (20.7%), whereas a substantial percentage of CPRs could answer the question correctly (81.6%).

In addition to factual knowledge, respondents were asked some questions to assess their understanding of Case 002. Overall, the results indicate two prominent issues of confusion for the respondents. First, the severance of Case 002 and its legal and practical implications for the trial process, and second, the legal qualification of criminal acts. Regarding the latter, when asked about crimes for which the accused were convicted of, CPs and CPRs confused facts (i.e. evacuation of the cities), what they thought were facts (i.e. genocide) and legal terms (i.e. crimes against humanity). About half of the CPs (51.5%) mentioned genocide, 33.7% stated crimes against humanity, but 12.9% did not know. The majority of CPRs mentioned genocide (73.7%), but also crimes against humanity (60.5%), and the evacuation of the cities (31.6%). It is acknowledged that the ECCC’s message about the charges in Case 002 varied over time rendering it difficult for CPs and CPRs to follow the different trial segments of Case 002. But the answers also raises the question of the importance or even the relevance of distinguishing between facts and legal terms especially in a context in which the population’s experiential knowledge could clash with the legal nomenclature or content. Moreover, it could show the limitations of outreach trying to convey complex legal processes and interpretations to populations with little previous experience with justice systems and international law. That said, CPRs generally showed a greater level of knowledge and understanding about Case 002 than CPs. Additional trainings and support to CPRs during and before the Project might thus explain the difference in knowledge and understanding between the two groups. The results might also indicate that regular outreach activities have a positive benefit on knowledge.

### **Perception of the ECCC and the justice process**

In general, survey respondents were positive about the trial in Case 002/01 and its outcomes but continued to recognize the importance of truth seeking. The majority of CPs and the vast majority of CPRs agreed that Case 002/01 was conducted fairly (CPs: 85.1%; CPRs: 84.2%), that the Court was right to find Nuon Chea and Khieu Samphan guilty for what they did during the KR regime (both accused CPs: 94.1%; CPRs: 100%) but also that the Court gave too much time to the accused to explain themselves (CPs: 71.3%; CPRs: 88.8%). A vast majority of the respondents agreed that they knew more about what happened during the KR regime after listening to the trial (CPs: 88.1%; CPRs: 100%), it was necessary to find the truth about what happened during the KR regime (CPs: 95.0%; CPRs: 94.7%), and that people cannot reconcile without knowing the truth about the regime (CPs: 97.1%; CPRs: 86.8%). Strong support for truth seeking and a historical record suggest the need for transitional justice measures beyond and after the current prosecution process.

## **Reparations at the ECCC**

CPs before the ECCC have the right to seek moral and collective reparations. In Case 002/01, 13 projects were submitted to the ECCC Trial Chamber and 11 were recognized as reparation measures. The results show that a large number of the respondents were not aware of the reparation aspects of the judgment in Case 002/01. The vast majority of the CPs said they did not know the number of projects recognized by the Trial Chamber (92.1%). Among CPRs, about one-third reported the correct number of projects the Trial Chamber recommended (i.e. 11 projects) (28.9%). Among respondents who knew about reparation measures, the majority of respondents agreed they were satisfied with the reparation measures (CPs: 88.5%; CPRs: 63.9%), and that the award of reparations could help them alleviate the suffering they experienced during the KR regime (CPs: 94.2%; CPRs: 75.0%). Respondents also agreed that it was important to provide collective and moral reparations to victims of the regime or their family (CPs: 85.1%; CPRs: 78.9%) in Case 002/02.

## **Trust in the national justice system**

A majority of the CPs but two-thirds of the CPRs believed the ECCC was neutral (CPs: 84.2%; CPRs: 68.4%) and that its judges were fair (CPs: 86.1%; CPRs: 65.8%). Equally, when asked about the national court system, greater percentages of CPs showed a favorable attitude towards the justice system than the CPRs. Between six and seven CPs out of ten felt that the justice system and its actors (i.e. judges and police) treated everyone the same way (61.4% to 71.3%). Lesser percentages stated they trusted the Cambodian court and the judges (56.4% and 57.4%). Only about one out of five CPRs felt the same way on those items. In general, CPRs were more critical of the national justice system than the CPs. These results suggest that greater knowledge of the ECCC and its cases might lead to higher expectations of the national justice system. Further research is needed to confirm the results.

## **Communication and reconciliation**

In general, respondents were already engaged in dialogue about the KR regime with members of their community. They reported that they had already talked about the KR regime and reconciliation (CPs: 95.7%; CPRs: 100%) to two to five people (CPs: 29.2%; CPRs: 13.2%), six to ten people (CPs: 34.8%; CPRs: 15.8%), or more than ten people (CPs: 36.0%; CPRs: 71.1%). Despite reporting that they had to keep their feelings about their experience during the KR regime hidden because people felt uncomfortable (CPs: 84.2%; CPRs: 86.8%) or that they felt that people did not understand what they went through during the regime (CPs: 56.4%; CPRs: 36.8%), CPs and CPRs described a supportive environment to talk about the past. They agreed that in the community there were people that could help them if they were in need, and trustworthy people they could turn to for advice if they had a problem (both: CPs: 99.0%; CPRs: 94.7%). They also mentioned that they could talk openly and freely about anything related to the KR regime (CPs: 93.1%; CPRs: 94.7%), and that the village chief (CPs: 78.2%; CPRs: 68.4%) and, to a lesser extent, the government encourage talking about the regime (CPs: 76.2%; CPRs: 57.9%). A majority of CPs and half of CPRs, women more than men, said it was easier to talk to women than men about the KR regime (CPs: 85.1%; CPRs: 50.0%). Respondents showed some willingness to talk about their experience during the regime to diverse audiences.

While respondents were willing to talk about the past and their experiences, they might not be ready to establish relationships with former KR cadres. A majority of respondents reported having feelings of hatred towards those responsible for what happened in the regime (CPs: 94.1%; CPRs: 78.9%), and wished to see those responsible being hurt or miserable (CPs: 89.1%; CPRs: 68.4%). Among the CPs, less than 10% reported feeling comfortable enough to be involved in activities with former KR in the community. Nonetheless, talking about the past within their community was on their agenda. CPs and CPRs reported that they would disseminate information in their community (CPs: 51.6%; CPRs: 65.8%) and educate the youth (CPs: 15.1%; CPRs: 15.8%). CPRs added that they would like to join or create a victims' association and help victims (28.9%) or organize activities and advocate for change in their community. They also identified other actions they could take including talking about the KR regime and reconciliation interacting with their neighbors (CPs: 51.6%; CPRs: 42.1%), organizing activities with the village chief, NGOs, or working together (CPs: 16.1%; CPRs: 57.9%) and disseminating information or organizing group discussions (CPs: 4.3%; CPRs: 26.3%).

## LESSONS LEARNED

The following section summarizes lessons learned following the implementation of the Project. More detailed lessons learned are described in the final section of this report.

### Outreach

- **Desire for ECCC Information:** Study participants were interested in being informed about the ECCC and its developments. It is therefore imperative to keep CPs informed as the Trial Chamber moves ahead with Case 002/02.
- **Outreach in rural areas was particularly well-received:** The study results support the need for sustained outreach in rural areas. Conducting outreach activities at the community level maximized rural Cambodians' access to information but also benefitted participants with opportunities to meet other survivors and share experiences.
- **Different audiences responded to different messages:** The study results suggest that means of information and messages should be tailored to different audiences. The complexity of the ECCC trial process renders it difficult for many Cambodians to grasp the proceedings. Legal language and information should be kept at a level that is meaningful and understandable to each audience.
- **More involvement of youth is desired:** Several respondents suggested or recommended the need to educate youth. While the youth was not targeted under the current Project intervention, the few youth attending focus groups were positive and eager to be informed about the KR regime. Based on the results of this survey, more should be done to ensure that youth are informed about the KR regime and involved in dialogues about the past.
- **More support for outreach is needed:** The results highlight the ongoing relevance of outreach and support other organizations' calls for maintaining an adequate level of ECCC-related outreach. This is not new. Since the inception of the Court, this has been suggested to the donor community. Outreach activities are still essential to enable Cambodians to see and hear about justice, especially with the ongoing Case 002/02.

## Use of media

- **The use of films was perceived positively but gains were mixed:** The study results suggest that the use of media can support outreach activities, but that the format and content must be tailored to specific target audiences. The complexity of the legal proceedings coupled with the lack of exposure to the judicial system pose challenges to the production of accessible media content.
- **The media remained a main source of information on the ECCC:** Radio and television remained an important source of information on the ECCC for survey respondents. Since Case 001, media coverage has drastically diminished. As Case 002/02 continues, the results speak in favor of bolstering media coverage of the ECCC and its proceedings.

## Use networks and involving target groups

- **Study participants were willing to inform their community:** Most study participants said they would disseminate information to family members, relatives, neighbors or villagers, or educate the youth. The Project's experience in enlisting and involving some of the target groups, notably the CPRs, has proven beneficial for the Project not only in the organization of community meetings but also in the willingness of those involved to continue informing and engaging with the community beyond the end of the Project.
- **Broadcast CPR Scheme was an asset:** The support and training provided to CPRs over the last five years (first with ADHOC and then with the Project) should be maximized and reinvested in additional activities related to the KR regime, the ECCC, and beyond.

## Research

- **Little is known about the outreach needs of the general population:** This is a small study involving a small number of respondents, focusing only on CPs. A population-based study would give a more representative picture of knowledge of and attitudes towards the ECCC amongst the Cambodian population.

# Introduction

The ECCC, a post-conflict criminal justice process, was established to address human rights violations committed during the KR regime. Apart from deterring future perpetrators and fostering a sense of justice in the wake of violent conflict, it is often hoped that internationalized criminal tribunals will make a contribution to longer-term societal processes, including promoting the rule of law, and perhaps even building reconciliation among survivors. While there is no agreement among observers and practitioners about the extent or strategies through which tribunals should contribute to these broader socio-political processes, most concur that a tribunal's operations, impact and legitimacy are strongly shaped by its relationship with concerned populations. The vehicle for a tribunal to engage this relationship is through outreach. Although there is no common definition, outreach is the term that generally describes the set of activities or tools that a tribunal or other related stakeholders put in place to communicate with affected populations and survivors, in order to raise awareness and promote understanding of the justice process.<sup>5</sup>

The Project was designed to address this challenge through an approach to outreach, which integrated mass media, community based outreach and capacity building components. This report is part of the Project evaluation. It describes the results of a survey and focus group discussions conducted at the end of the Project to assess the outcomes of the Project amongst some of the target population. The report includes four main sections. The first section presents the Project's background. The second section describes the Project. The third and fourth sections outline the study methodology and the findings, respectively. The report concludes with some lessons learned.

This study and report was made possible by the generous support of the American people through the US Agency for International Development (USAID).

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<sup>5</sup> Clara Ramirez-Barat, "Making an Impact. Guidelines on Designing and Implementing Outreach Programs for Transitional Justice", (New York: International Center for Transitional Justice, 2011), 5-8.

## BACKGROUND TO MEDIA OUTREACH AT THE KHMER ROUGE TRIALS

The following section examines the Project, as a complement to the outreach program of the ECCC by providing outreach-friendly television broadcasting of the KR trials in Cambodia. It contextualizes the media component of the Project by providing an overview of past activities and some of the lessons learned so far.<sup>6</sup>

### TRIBUNAL-RELATED OUTREACH PROGRAMS

Although the ECCC was established in Phnom Penh, reaching out to survivors and the general population has been a difficult task given that most Cambodians reside in rural areas, often with limited access to information. The complexities and technicalities in legal procedure in internationalized criminal litigation make it all the more difficult for ordinary Cambodians to fully understand the proceedings.

At the ECCC, the Public Affairs Section (PAS) and the Victims Support Section (VSS) are the main sections responsible for reaching out to the general public and victims. No separate unit exclusively dedicated to outreach exists at the Court. The activities of these two sections have mainly been directed toward providing public information about the ECCC and its legal proceedings to the population. The ECCC outreach program has connected with the population mainly through publications and reading materials, forums or seminars around the country, videos, and radio programs. Notably, the Court has assisted large number of Cambodians to visit the ECCC and observe the trial hearings. In addition, the VSS has organized events for the participating CPs, including trial attendance and provincial forums in regional areas where survivors reside.

During the ECCC's early years, however, these outreach programs were under-prioritized within the Court in terms of resources, and their operations and capacities were therefore limited. Because of this, at least until 2009, Cambodian NGOs were at the forefront of ECCC-related outreach.<sup>7</sup> More than a dozen NGOs have been involved at different stages and through various means in outreach activities, often by modifying their existing programs to engage in ECCC-related outreach. Despite the efforts of ECCC and local civil society, large parts of the Cambodian population had only limited knowledge of the Court more than three years after it had begun operating. A population-based survey conducted by the Human Rights Center, UC Berkeley, in 2008—just before the beginning of trial hearings in Case 001—showed that 39% of respondents reported having no knowledge of the ECCC, and 46% said they only had limited knowledge.<sup>8</sup>

The same survey showed that, among those who had heard about the ECCC, the main media sources of information were radio (80%), television (44%), and newspapers (11%). Particularly during the early years of the ECCC's existence, radio has been an important outreach medium, and there has generally been more information available on radio than on television, mainly due to the substantially lower costs of this medium. Less than a third of the entire sample of respondents in the survey had seen television programs about the ECCC, but almost all of them (98%) said they would watch the ECCC proceedings, if they were broadcasted on television.<sup>9</sup> On the eve of the beginning of trial proceedings in the ECCC's first ever case, these statistics highlighted the need for more extensive outreach efforts—and television was to play a critical role in this endeavor.

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6 This section is an abbreviated summary of a piece that was published in the East-West Center's Asia Pacific Issues. See Christoph Sperfeldt, "Broadcasting Justice: Media Outreach at the Khmer Rouge Trials", *Asia Pacific Issues* 115, 2014.

7 Christoph Sperfeldt, "Cambodian Civil Society and the Khmer Rouge Tribunal", *International Journal of Transitional Justice* 6 (2012): 149–60.

8 Phuong Pham et al., "So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia", (Berkeley, CA: Human Rights Center, UC Berkeley, January 2009), 36–37.

9 Pham et al, 2009, "So We Will Never Forget", 37–38.



## EXPANDING KHMER ROUGE TRIAL TELEVISION OUTREACH

It is in this context that AIJI together with a local film production company, KMF, designed a project that complemented the ECCC's outreach efforts by addressing the vital need to make the trial proceedings more accessible and comprehensible to the public. This project built able to build upon previous collaborations by creating a series of pre-trial outreach films called 'Time for Justice'. In the 18 months leading up to the first trial at the ECCC, this initiative produced five pre-trial *Time for Justice* films, which described to a general audience the reasons for the establishment of the tribunal and explained its structure and mission. These films were broadcasted on television, and also used by Cambodian NGOs in their respective outreach activities. The Center for Social Development, for instance, screened these films in dozens of provincial outreach forums.

While the KR trials are historically significant, the proceedings themselves were always expected to be very lengthy and, in many respects, arduous. The Cambodian public would likely find watching the proceedings for more than a few hours difficult. Further, most Cambodians were unlikely to follow daily hour-long live broadcasts, and even if they did, most of what they would see would likely appear obscure without commentary. The main idea of the new television program was therefore to create a weekly half-hour film series, which would explain the cases to a layperson audience by focusing public attention on key issues relating to accountability and explaining fair trial rights. AIJI and KMF decided to use a talk show format, with well-known journalists as moderators showing viewers highlights from the proceedings, and providing commentary by Cambodian legal experts on issues that emerge during the trial. Importantly, the project's organizers secured the support of the Cambodian Television Network (CTN)—one of Cambodia's largest television networks—which agreed to air the show as a public service.<sup>10</sup>

In 2009, with the start of trial hearings in the ECCC's first case *Prosecutor v Kaing Guek Eav alias 'Duch'*, the project organizers began with weekly broadcasts of trial summaries. Known as 'Duch on Trial', the series soon became very popular in Cambodia. Time magazine called the show a "sleepers hit" and estimated that it had an audience viewership of up to 3 million people per week, or 20 percent of Cambodia's population.<sup>11</sup> Journalist Brendan Brady wrote, "Perhaps no development has been more effective in disseminating the often-baffling work of the tribunal than [this] new weekly television program."<sup>12</sup> In this endeavor, the program was able to rely on the legal input of AIJI's trial monitoring team, which provided an important element of quality control by analyzing and presenting legal issues in a balanced and objective manner. These Cambodian and regional trial monitors observed the hearings on a daily basis and selected courtroom video footage for inclusion into the show. With funding provided by the British Foreign and Commonwealth Office, the project organizers were able to provide full coverage of the entire trial hearings in the ECCC's first case, complemented by additional shows covering the trial and appeals judgments.

Considering the success of this initial outreach television program, the project organizers decided to continue broadcasting weekly trial summaries, this time in Case 002, against the remaining KR leaders. This Case 002 program began broadcasting in 2011 under the new name 'Facing Justice'. Covering 212 days of evidence hearings proved considerably more challenging than the 72 days during Case 001, both in terms of logistics as well as funding. A grant by the US Department of State allowed AIJI and KMF to produce and broadcast an initial 27 weekly TV shows on CTN, complemented by a concurrent radio call-in show. At the same time, live broadcasting of the lengthy trial proceedings by national television stations had progressively declined, while *Facing Justice* continued to enjoy an average probable audience of 1 to 1.5 million viewers per week,

10 For more information about the project and online versions of the films, visit AIJI's Khmer Rouge Tribunal Monitor Blog at <http://krtmonitor.org> (accessed 26 January 2014).

11 Christopher Shay, "Cambodia's Trial of the Century, Televised", TIME Magazine, 11 September 2009. See also Robert Carmichael, "Khmer Rouge Trial a Cambodian TV Hit", ABC News, 25 August 2009.

12 Brendan Brady, "Khmer Rouge Trial TV Show Draws Cambodians", GlobalPost, 20 November 2009.

according to estimates by CTN—while occupying a less favorable broadcast time slot than *Duch on Trial*.<sup>13</sup> However, by the end of 2012, the program ran into the same donor fatigue and funding difficulties as the ECCC itself, leading to a temporary suspension of the *Facing Justice* television program. Keeping up interest among the Cambodian public and the ECCC’s supporters over a long period of trial hearings proved to be a challenge. After more than half a year of interruption, *Facing Justice* was able to resume—thanks to additional support provided by USAID under the Voices for Reconciliation Project—to cover the closing statements in Case 002/01, as well as the opening of Case 002/02.

## REACH AND IMPACT: BROADCASTING DUCH ON TRIAL

Although it is too early to assess the overall impact of this television broadcasting, some preliminary observations can be made with regards to *Duch on Trial* and its impact on the Cambodian population and survivors. A follow-on population-based survey was conducted by UC Berkeley’s Human Rights Center in 2010, a few months after the pronouncement of the verdict in that case. Overall, awareness of the ECCC had increased among the adult population, with only 25% of all respondents saying that they had no knowledge of the ECCC (compared to 39% in 2008).<sup>14</sup>

It can only be inferred from the survey data that much of this relative accomplishment is due to an expanded television coverage, as well as the combined activities of Cambodian NGOs and the ECCC’s outreach program. Of those who had heard about the ECCC, 72% said the main source of information was television (compared to 44% in 2008), confirming the growing prominence of television. In addition, 47% of the respondents said that they had seen television programs about the ECCC, and among those, 46% (meaning about one-quarter of all respondents or 23%) reported having specifically seen *Duch on Trial* (see Table 1).

|   | DID NOT LIVE UNDER KR | LIVED UNDER KR | TOTAL |  |
|---|-----------------------|----------------|-------|--|
| Have you seen “Duch on Trial” one half hour that is shown weekly? | 19%                   | 24%            | 23%   | <b>Table 1</b><br>Duch on Trial TV Program<br><br><i>Source</i><br>Human Rights Center, <i>After the First Trial</i> , 2011 (reprinted with permission from the authors) |
| If yes, how often did you watch the program                       | Once                  | 16%            | 19%   |  |
|   | Two to six times      | 73%            | 63%   |  |
|   | More than six times   | 10%            | 11%   |  |
|   | Every week            | 1%             | 7%    |  |

13 *Duch on Trial* was broadcasted at lunchtime—a time slot considered to be prime time for Cambodian television, whereas *Facing Justice* was broadcasted at varying times over Case 002, but generally in the afternoon/early evening.

14 Phuong Pham et al., “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, UC Berkeley, June 2011), 21.

A more selective survey among victim participants was conducted in 2011 by a Cambodian NGO, ADHOC. Overall, the results of this survey generally supported the findings of the earlier population-based survey. When asked if they had seen a television program about the ECCC, 60% of the civil party respondents answered positively. Among those people, 42% mentioned the TV program *Duch on Trial*.<sup>15</sup>

Although these survey findings cannot provide a reliable estimate of the full impact of the outreach television programs *Duch on Trial* and *Facing Justice*, it is possible to make some general inferences from these data. Broadcast media now plays an important role in informing the general public and survivor populations about the justice process. This is also true for a developing country such as Cambodia, where the global progress in media communication has considerably reshaped the media and information environment. These observations highlight the importance and reach of television, even in rural areas of Cambodia. Access to television has improved further since the beginning of the tribunal's trial proceedings—it is currently one of the main media format for Cambodians. In addition, the experience presented here supports the view that more outreach-friendly contents and media strategies—such as summaries of often-complex trial proceedings—designed in accordance with local needs and combined with additional explanations and analysis, can enhance awareness-raising and build knowledge of these justice processes.

## SEEKING ‘TANGIBLE JUSTICE’

Renowned painter and former S-21 detainee, Van Nath, testified at the ECCC in Case 001, “What I seek is tangible, it’s justice: I hope justice becomes tangible, one that everyone can see.” In order for this hope to be realized, proceedings before the ECCC need to be accessible, understandable and engaging in a manner that provides Cambodians the space to develop their own views and opinions, and ultimately some sense of ownership of the justice process. Using a relatively simple but comprehensive media strategy that makes use of film and radio and in addition makes videos accessible on other digital mediums has proven to be an efficient way to provide Cambodians this opportunity, as well as to ensure that the proceedings before the tribunal are documented for generations to come. Thus, combining the use of media with designing adequate contents and strategies that consider the information needs, competencies, and culture of local populations offers new opportunities for promoting local and national debates about justice and truth-seeking. In doing so, innovative outreach programs can, without using a large amount of resources, make a significant contribution to maximizing the legacy of international and hybrid tribunals.

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15 Kirchenbauer et al, “Victim Participation before the Extraordinary Chambers in the Courts of Cambodia. Baseline Study of the Cambodian Human Rights and Development Association’s Civil Party Scheme for Case 002”, 34.

# Project overview

## BACKGROUND

On 25 September 2013, the Project Partners commenced implementation of the Project: a two-year multi-organization collaboration aimed to increase community awareness and understanding of the trials conducted at the ECCC by disseminating outreach-friendly media, empowering conflict-affected groups to create spaces for dialogue at the community level, and building the necessary capacities among those groups and civil society intermediaries to create environments favorable for longer-term reconciliatory processes after the ECCC has ceased operations. Using an innovative people-to-people approach that combined broadcast media with community-based forums, the Project engaged a large proportion of victims, including those participating in the trial, to foster healthy and empowered attitudes towards a culture of peace.

A unique feature of the ECCC's proceedings is the Court's victim participation scheme, through which survivors have become active stakeholders in the judicial process. In accordance with this system, victims with civil claims against an accused person may apply to become parties to the criminal proceeding, enjoying many of the same rights as the Defense and Prosecution.<sup>16</sup> While several other internationalized criminal courts including the International Criminal Court, have provisions for victim participation, the ECCC was the first court to have had such large numbers of victims participating in a criminal trial. In the first trial against *Kaing Guek Eav alias 'Duch'*, 76 victims were eventually admitted as CPs. The second trial against the KR Senior Leaders saw a dramatic increase in victim participants, with almost 4,000 victims accepted to participate in the trial. Concerns over how such large numbers of victims would participate meaningfully in the trial given the resource constraints within the Court, resulted in civil society organizations such as ADHOC shouldering much of the responsibility to act as the interface between the victims, the Court and their lawyers.<sup>17</sup>

Since 2006, ADHOC has supported a large proportion of CPs and Civil Party applicants to participate in the trials before the ECCC. The support structure created and maintained by ADHOC, commonly known as the Civil Party Representative Scheme (**CPR Scheme**)<sup>18</sup> has been integral to enable communication channels between the ECCC and a large proportion of victims the ECCC. It has also served as a primary means to link victims with access to information and support. The support provided to victims has been wide ranging and has included assisting victims to make applications for Civil Party status, providing information on the status of applications and the proceedings generally and providing ongoing legal support for their participation as parties to the proceedings. During Case 001, ADHOC supported more than one-third of all CPs and Civil Party applicants. In Case 002, this grew to almost half of all the accepted CPs (1,791 of 3,866).<sup>19</sup>

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16 See Extraordinary Chambers in the Courts of Cambodia, Internal Rule 23(1), Revision 9. [Hereinafter: ECCC Internal Rules]. At the time of publication of this report, the ECCC Internal Rules were on their ninth revision. All revised iterations of the Internal Rules are available online at <http://www.eccc.gov.kh/en/document/legal/internal-rules> (last accessed 7 September 2015); Law on the Establishment of the Extraordinary Chambers, with the inclusion of amendments dated 27 October, 2004 (NS/RKM/1004/006), Article 33(new) (hereinafter "ECCC Law").

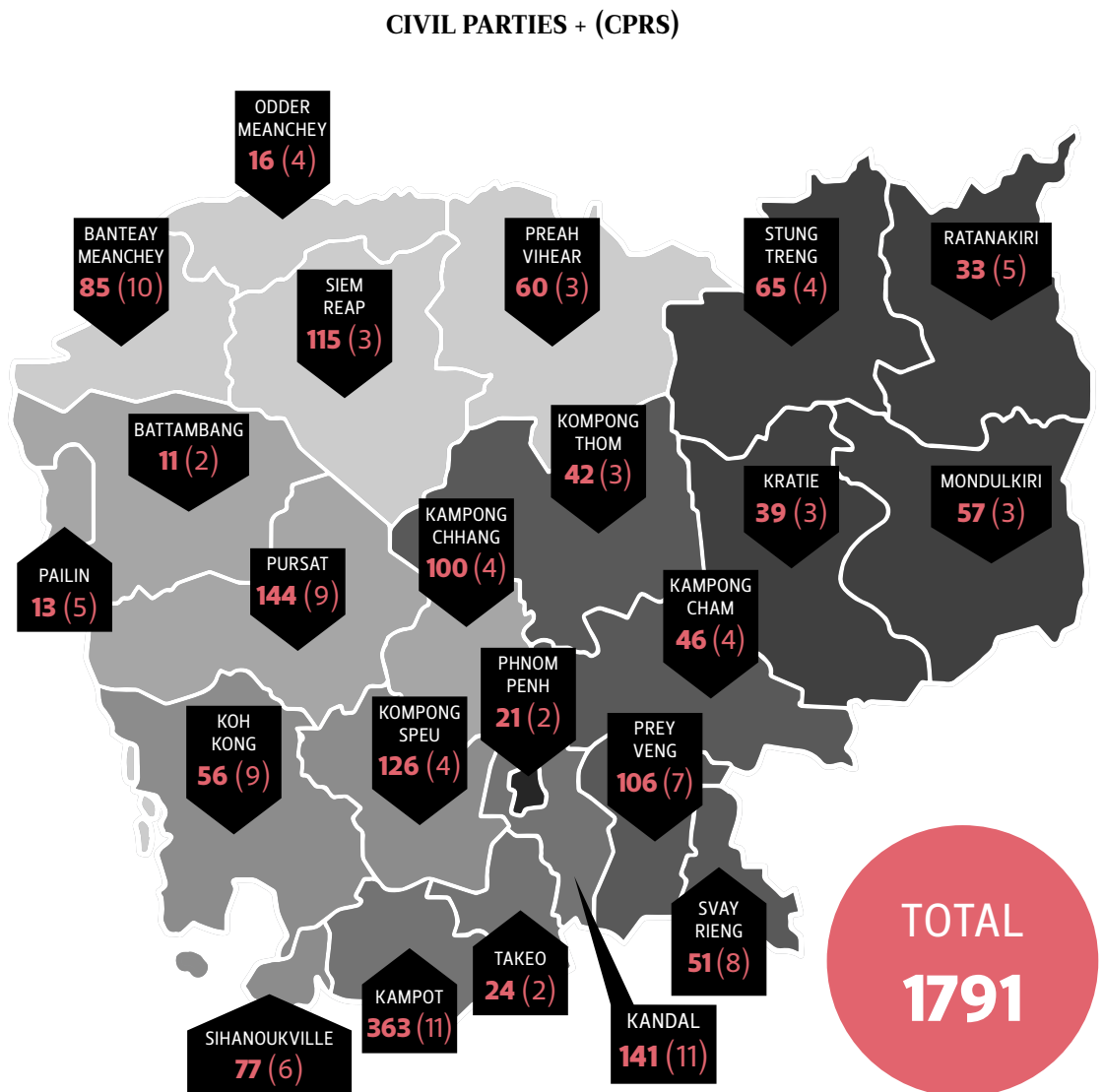
17 See Sperfeldt, Christoph. "Cambodian Civil Society and the Khmer Rouge Tribunal", 149-160.

18 See Nadine Kirchenbauer, et al., "Victim Participation before the Extraordinary Chambers in the Courts of Cambodia. Baseline Study of the Cambodian Human Rights and Development Association's Civil Party Scheme for Case 002".

19 For further details on the creation and functioning of the Civil Party Representative Scheme, see Julian Poluda and Michaela Raab, "Justice for the Survivors and for Future Generations", (ADHOC: March 2010), Mychelle Balthazard, "Khmer Rouge Tribunal Justice Project Evaluation Report", (revised August 2013), and Kirchenbauer et al., "Victims Participation before the Extraordinary Chambers in the Courts of Cambodia. Baseline Study of the Cambodian Human Rights and Development Association's Civil Party Scheme for Case 002", all available at [www.adhoc-cambodia.org](http://www.adhoc-cambodia.org).

The CPR Scheme was created by selecting, from this larger group of CPs, a smaller core group of 122 CPRs, who were able to act as focal points and maintain communication between the ECCC, the Civil Party Lawyers and the thousands of ADHOC-assisted CPs living across Cambodia. The 122 CPRs were initially selected on the basis of their geographical location, but subsequently maintained as part of the group due to other factors related to their status in the community and their interest and capacity to act as voluntary representatives for the larger group. ADHOC divided the network into six regional hubs, in which one of ADHOC’s regional staff was responsible to assist CPRs within his/her area of responsibility (see colored areas in the map).<sup>20</sup> The below diagram shows the breakdown of CPs admitted to Case 002 who are supported by the CPR Scheme.

**Figure 1**  
Map of CPs and CPRs



<sup>20</sup> The regional hubs were reduced to five one year later.

Over the years, a core group of particularly active CPRs emerged (approximately 46 members of the CPR Scheme). This core group of CPRs was actively involved in the implementation of the Project. Adopting an innovative multi-layered approach to education, information and training passed through the following five levels to reach the target beneficiaries: ADHOC headquarter staffs—regional ADHOC staffs—the core 46 CPRs—the wider community of CPs and local communities. By supporting the CPR Scheme, the Project aimed to actively involve survivors who had direct engagement with the ECCC in broader discussions about the work of the Court and the KR period. Acknowledging the grassroots network of CPRs as potential drivers of change and leaders in their communities, the Project used these representatives to spread the message of ‘never again’ to mass atrocity and supported their increased engagement in ongoing peace-building activities. Sexual and gender-based violence also formed an important component of the discussion and dialogue, having been omitted from public discourse until very recently.

The Project was designed to combine the diverse organizational expertise and experience of each of the four Project Partners: AIJI, KMF, ADHOC and CDP. The collaboration sought to avoid duplication and maximize the existing expertise in producing credible monitoring, reporting and outreach products in tandem with the ECCC (AIJI and KMF), expertise in the creation and sustenance of grassroots nationwide networks (ADHOC) and experience working with survivors of gender-based violence to bring their claims to national attention (CDP).

Each organization played a key role in the effective implementation of distinct, but interrelated components of the project with overall objectives:

- To increase knowledge and understanding about the work of the ECCC, the historic context of the KR regime and the experiences of conflict-affected groups among the Cambodians population and the most affected by the legacy of violence;
- To provide safe open spaces for local communities with particular attention to deeply conflict-affected groups such as women and ethnic/religious minorities, to critically reflect on the KR past, their roles during the conflict and their roles in the reconciliation process today;
- To increase local engagement in and capacities for Cambodia’s process of dealing with the past so as to enable conflict-affected groups and most notably women to initiate steps towards mutual dialogue and become active stakeholders in that process.

The three main activity components, each relevant to the above objectives included: 1) Media outreach, 2) Community-based outreach, and 3) Capacity building. The core activities conducted under each pillar are discussed in the sections below.

## MEDIA OUTREACH

The Project produced a series of television reports, which were broadcast on the most popular national television network in Cambodia and internationally to diaspora communities. Following the success of the *Duch on Trial* television program covering Case 001, the *Facing Justice* television program aimed to provide the Cambodian population with the opportunity to follow and better understand the second trial to be heard by the ECCC (Case 002).<sup>21</sup> Adapting to an uncertain and shifting schedule at the ECCC (due to delays caused by funding constraints, legal issues and the poor health of the Accused) presented difficulties for the implementation of activities, however, AIJL's constant presence monitoring the proceedings at the ECCC enabled the Project Partners to produce 16 television programs covering the closing statements and verdict in Case 002/01 and the commencement of hearings in Case 002/02.<sup>22</sup> The programs were broadcasted on CTN and CTN International and reached an estimated 1–1.5 million viewers per episode – based on CTN estimates.

Together with ADHOC and CDP, the Project Partners adapted these 16 television programs to create specially designed outreach-friendly films for use in the local communities (hereinafter referred to as the **Outreach Film**). The first of the Outreach Films focused on the closing statements in Case 002/01 and included highlights from the trial proceedings and a summary of the final arguments put forward by the Defense, Prosecution and CPs. The second Outreach Film was produced following the guilty verdict against Khieu Samphan and Nuon Chea, delivered by the ECCC Trial Chamber on 7 August 2014. This film updated local communities about the charges and the factual findings made by the Court. The third Outreach Film focused on the second segment of Case 002 (Case 002/02), which following the severance of Case 002, included a broader range of charges including genocide and forced marriage.<sup>23</sup>

## COMMUNITY BASED OUTREACH

In addition to the television show, the Project, in partnership with ADHOC, worked directly with communities to inform Cambodians about the trials and the judicial process more generally at the ECCC. The community based dialogue meetings aimed to open safe spaces for victims and members of the broader community to reflect on the KR history and become active stakeholders in the reconciliation process. A total of 181 meetings were held across the country over the life of the Project, reaching over 9,000 Cambodians across five provinces. ADHOC regional staffs were in charge of organizing and facilitating the meetings, with the support of the 46 CPRs in each of the provinces. Participants included community members as well as CPs and CPRs, who were members of the ADHOC network.

In each community meeting, participants watched an Outreach Film about the KR regime and the ECCC proceedings, received information from ADHOC regional staff and discussed the film content and information. The first 91 dialogue meetings held across the country screened the first Outreach Film, and updated communities about the progress of Case 002/01, awaiting a final judgment. Following the delivery of the judgment in August 2014, the next 45 meetings screened the second Outreach Film, and aimed to explain aspects of the guilty verdict delivered against

21 The “Duch on Trial” television series and “Facing Justice” television series is available to watch freely online through the krtmonitor.org website.

22 In 2011, the Trial Chamber ordered the severance of Case 002 into several sub-trials, beginning with Case 002/01. See “Severance Order Pursuant to Internal Rule 89ter,” 22 September 2011, paras. 1 and 5. See Case 002/01 Judgment, *supra* note 1, at para 5: regarding the explanation of severance, the Trial Chamber stated, “in order to safeguard its ability to reach a timely judgment in Case 002 given the length and complexity of the Closing Order as well as the physical frailty and advanced age of all Accused, the Chamber issued a severance order pursuant to Internal Rule 89ter.”

23 See Decision, Nuon Chea and Khieu Samphan (Case 00219-9-2007/ECCC/TC), “Decision on Severance of Case 002 Following Supreme Court Chamber Decision of 8 February 2013,” Trial Chamber, 26 April 2013.



the Senior Leaders of Democratic Kampuchea. For many participants, this was the first time they had heard that such a verdict had been delivered. The final 45 meetings then aimed to update the participants about the ongoing proceedings against the same Accused—Khieu Samphan and Nuon Chea—but in relation to broader charges including genocide and forced marriage (Case 002/02). The third Outreach Film was screened at these meetings.

An important aspect of the outreach component of the Project was its' focus on integrating discussions about sexual and gender-based violence into the dialogue meetings. In addition to the ADHOC staff, at least one Civil Party Lawyer from Project Partner CDP also participated in 24 of the 181 dialogue meetings. The CDP lawyers who attended these meetings are Civil Party Lawyers who represent clients at the ECCC and have worked extensively with survivors of sexual and gender-based violence during the KR. Their presence at the meetings aimed to ensure that the meetings adopted a gender-sensitive outreach format and moreover, that discussions included the effects of gender-based crimes committed during the war. The lawyers also played an important role to field questions from the participants during and following the screening of the Outreach Film.

## **CAPACITY BUILDING COMPONENT**

A key aspect of the Project was also to strengthen the capacities of local NGO partners and Project Partners to act as effective intermediaries between local communities and the ECCC. Addressing this aspect of the Project, Project Partner AIJI provided technical assistance to deliver needs-based training workshops to the Project Partners and other civil society organizations. Topics for the trainings were assessed jointly during the initial planning workshop and ranged from enhancing facilitation skills and building empathy, to building more effective use of social media in community engagement and advocacy. Four workshops were held in the first year of implementation, providing training to over 120 representatives from a variety of civil society organizations which implement ECCC related programs. In addition to the targeted trainings for civil society groups, the Project Partners also combined expertise to deliver two training workshops to the core group of 46 CPRs. These workshops aimed to build the facilitation skills of the core group of CPRs and improve the effectiveness and gender-sensitivity of the meetings through expert training on effective responses to trauma and sexual violence experienced by survivors of the KR regime.

Taking into account the overall objectives of the Project, this report addresses specifically, the participation of the CPs and the CPRs in the Project, their knowledge and understanding of the ECCC trials as well the outcomes of project activities including factors that might influence future engagement of CPs and CPRs in dealing with the past.

# Methodology

The aim of the study was to assess the outcomes of the Project on direct beneficiaries and draw lessons from the implementation of an outreach-friendly media approach. More specifically, the objectives of this study were:

- to assess participant CPs and CPRs' knowledge and understanding of the work of the ECCC and the historic context of the KR regime;
- to look at opportunities for the participant CPs and CPRs to have safe open spaces to reflect on the KR past; and
- to explore participant CPs and CPRs' future engagement in addressing the past.

To achieve these objectives, the study combined quantitative and qualitative methods including a survey and focus group discussions. The evaluation design was cross-sectional post-intervention only. The sampling strategy for the CPs and focus groups was purposive and convenience,<sup>24</sup> and the sampling frame for the CPRs included all CPRs who were directly involved in the Project. The study was conducted in the first two weeks of July 2015. The results represent the points of view of study participants at the time of the survey and focus groups only.

## THE SURVEY

Largely due to budget constraints, the survey targeted two different groups: CPs who participated in the community meetings, and CPRs who were actively involved in the Project through the organization and facilitation of the meetings.

The study aimed to interview 100 CPs, who were selected based on their geographic proximity to Phnom Penh and their availability at the time of the survey. A total of 101 CPs ultimately participated in the study. Although 107 CPs traveled from Kampong Cham, Kampong Chhnang, Kampong Speu, Kampot and Kandal provinces to Phnom Penh to be part of the study, six people could not be interviewed because of physical impairment, illness or because they were not CPs.

The second target group involved the 46 CPRs who had worked closely with the Project. Thirty-eight CPRs were interviewed for the survey either at one of two legacy meetings organized by ADHOC at the beginning of July 2015 (36 people) or in Phnom Penh (2 people). Eight CPRs were unable to be interviewed due to illness, work commitments or difficulties establishing contact. Ultimately, 83% of the CPRs involved in the Project participated in the study.

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<sup>24</sup> The samples were not random but based on specific characteristics such as being Civil Parties or community members and having participated in at least one community meeting. They were also selected based on their availability at the time of the survey or focus groups. See, William M. K. Trochim, *The Research Methods*. Knowledge Base. Second ed. (Cincinnati, OH: Atomic Dog Publishing, 2001), 55-56

The survey instrument was a standardized structured questionnaire with several opened-ended questions. It included eight main sections 1) demographics, 2) participation in the Project, 3) justice and rule of law, 4) the KR regime, 5) communication, social support and constraints, 6) knowledge and understanding of the ECCC, 7) historical record, truth telling and reparation, and 8) mental health. A series of questions about training and involvement in the Project were asked to CPRs only.

The survey instrument was adapted from previous surveys but also included new questions in the sections: participation in the Project, knowledge and understanding of the ECCC, and reparations.<sup>25</sup> Those were developed in collaboration with the Project staff to reflect the activities of the Project and developments at the ECCC. They were first developed in English, translated into Khmer, then translated back into English to ensure the accuracy of the translation. The options and coding of the opened-ended questions were for the interviewers and were not read to respondents, with the exception of few questions and those with scaling format (i.e. Likert scale).

The Center for Advanced Study (CAS), a Cambodian research organization (not affiliated with the Project) administered the survey. CAS' team included one supervisor and six interviewers. They underwent a five-day training covering topics such as objectives of the study, activities of the Project, review of the questionnaire, interview methods and techniques, as well as a pre-test with CPs not participating in the survey and final revision of the survey instrument. The CAS team interviewed the CPRs at one of the two ADHOC legacy meetings or at the Project's office in Phnom Penh. The location of the interviews was based on budget constraints. Face-to-face interviews were conducted independently from the Project staff, in a private location, and away from other respondents. The supervisor ensured data collection quality but also interviewed respondents, when required.

As much as possible, the gender of the interviewers was matched with the gender of the respondents. Prior to the interviews, all respondents were informed of the objectives of the study as well as the voluntary and confidential nature of the interview. They were also made aware they could refuse to answer any question or stop the interview at any time. Verbal consent was obtained before the interview began. Study participants received no monetary or other benefits with the exception of their transport and a minimum per diem if they had to stay overnight. On average, CPs' interviews lasted 1 hour 11 minutes, whereas interviews with CPRs lasted 1 hour 38 minutes.

CAS team recorded complete responses from respondents and subsequently coded them. Data were entered in spreadsheets. The supervisor and Dr. Sokhom Hean, CAS president, supervised the process. Data was analyzed using Statistical Package for Social Science (SPSS) version 16.0.

In consultation with the Project staff, an external consultant developed the study design and instruments, oversaw data collection and analyzed the data, and submitted a final report to the Project.

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25 Sections on justice and rule of law, the KR regime, historical record, truth telling as well as part of reparations, participation in the project, and knowledge and understanding of the ECCC were previously developed by Phuong Pham, Ph.D. and Patrick Vinck, Ph.D. See Phuong Pham et al., "So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia", and Phuong Pham et al., "After the First Trial: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia". The section on communication, social support and constraints were developed by Nigel Field, Ph.D. and used by the Transcultural Psychosocial Organization, Cambodia. Some questions related to participation to the Project and reparation were adapted from the survey on CPs released in 2013. See Nadine Kirchenbauer et al., "Victims Participation before the Extraordinary Chambers in the Courts of Cambodia. Baseline Study of the Cambodian Human Rights and Development Association's Civil Party Scheme for Case 002".

## FOCUS GROUPS

A total of four focus groups were conducted, one in each of the following provinces: Kampot, Takeo, Kampong Speu and Kampong Chhnang. Project staff conducted the group discussions in two teams. Each team included a facilitator, a note taker, and a person in charge of the recording. The facilitator's gender matched the gender of the group participants. The Project coordinator in Phnom Penh supervised the women's groups. Each single sex focus group (2 male and 2 female) encompassed between six and ten participants. Focus groups were conducted at the time of the last round of community meetings and participants were invited by ADHOC. The focus groups aimed to have ten ordinary community members (not local authorities or CPRs / CPs) who had attended at least one community meeting. Beyond those characteristics, participants were recruited based on availability, and presence at the community meeting.

Project staff underwent a two-day training including theory and practices on conducting focus groups. During this training, they reviewed and adjusted a series of seven questions to be used during the focus groups. The guideline focused on participants' experience of and gains from the community meetings. Written guidelines on note taking supplemented the training material.

After watching the film at the community meeting, focus group participants were invited to join a group discussion that lasted on average one hour and 23 minutes. The group discussion was recorded after obtaining verbal consent from the participants. The focus groups were conducted in a quiet place, under a tree or a house with beverages and food available, while the community meeting continued. Beside the occasional interruptions by community meeting participants or the owner of the house, focus groups were conducted without any problems.

Each team was debriefed on the day of the focus group either by the Project coordinator or the consultant. The debriefing documented the team's first impressions, a brief summary of participants' reactions and responses, and identified any difficulties. Project staff transcribed the focus group recordings in English and complemented this with notes and observations. Content analysis of the transcriptions was done manually looking at each question similitudes and differences within and across focus groups.

## LIMITATIONS OF THE STUDY

The survey was conducted as rigorously as possible. Nonetheless, there were limitations to the study. First, samples for CPs and community members were not randomized. Their views might not reflect those of other CPs or community members. Therefore, the results of the study could not be generalized to other CPs, to other people within the respondents' communities, or to people in other communities of the Project. Second, despite several attempts to reach the whole group of 46 CPRs who were directly involved in the Project, only 83% of the CPRs could be interviewed. The opinion of those who could not be reached is unknown. Additionally, any comparison with previous surveys related to the ECCC, including results of the ADHOC survey on CPs and CPRs conducted previously, should be done with caution due to the different populations and respondents in each survey.<sup>26</sup>

Third, the results of the evaluation represent a snapshot of the participants' points of views at the time of the survey only. There is no baseline or control group to compare the results to. Fourth, respondents did not receive explanations of the questions or definitions of terms, opening the possibility that certain participants misinterpreted questions and terms. Fifth, CPs and CPRs have been interviewed many times on their knowledge and attitudes towards the ECCC. Previous interviews might have contributed to better understanding of similar questions or created a degree of habituation or acquiescence.<sup>27</sup>

Sixth, Project staffs conducted the focus groups and were present, if not involved, at the time of the interviews. It is possible that their involvement triggered 'social desirability' making certain participants respond in a manner that they perceived would please the organization. On the other hand, it is also possible that certain respondents might have been reluctant to disclose their true feelings.

Finally, the number of focus groups and of the participants, and logistical problems (participants informed at the last minute, small number of participants, or modification in participants' characteristics) render results of the focus groups anecdotal although informative. This is compounded by the absence of community assessment, which could have informed on similarities and differences among communities.

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26 Nadine Kirchenbauer et al., "Victims Participation before the Extraordinary Chambers in the Courts of Cambodia. Baseline Study of the Cambodian Human Rights and Development Association's Civil Party Scheme for Case 002".

27 Habituation is present when respondents get into the habit of answering similar questions in a certain way. Acquiescence is reflected by respondents passively agreeing with statements.

# Study Findings

## THE RESPONDENTS

Study respondents included those who participated in the survey, CPs and CPRs, and those who were part of the focus group discussions.

Among those who were interviewed for the survey, the majority of CPs were female (78.2%), ethnic Khmer (94.1%), and Buddhist (94.1%). The average age was 61.3 years old (S.D. = 7.5) with 71.2% of the CPs between the age of 46 and 65 years old, and 28.8% older than 65 years old. About half of the CPs said they were married (55.4%), while four out of ten reported to be widowed (40.6%). The majority said they were head of their household (72.3%).

**Table 2**  
Demographics  
Characteristics

|                         |                                   | CPRs       | CPs        |
|-------------------------|-----------------------------------|------------|------------|
| Demographics            | Sample size (n)                   | 38         | 101        |
|                         | Female (%)                        | 36.8       | 78.2       |
|                         | Mean Age (S.D.)                   | 57.9 (6.8) | 61.3 (7.5) |
| Age Groups (%)          | 44 - 45                           | 5.3        | 0          |
|                         | 46 - 55                           | 26.3       | 24.7       |
|                         | 56 - 65                           | 60.5       | 46.5       |
|                         | > 65                              | 7.9        | 28.8       |
| Ethnicity (%)           | Khmer                             | 92.1       | 94.1       |
|                         | Cham                              | 2.6        | 5.9        |
|                         | Other                             | 5.2        | 0          |
| Religion (%)            | Buddhist                          | 97.4       | 94.1       |
|                         | Muslim                            | 2.6        | 5.9        |
| Head of Household (yes) |                                   | 78.9       | 72.3       |
| Marital status          | Married                           | 78.9       | 55.4       |
|                         | Widow                             | 13.2       | 40.6       |
|                         | Divorced / Separated              | 7.9        | 4.0        |
| Literacy                | Can read and write (yes)          | 100        | 55.4       |
|                         | No schooling                      | 2.6        | 23.8       |
|                         | Informal education                | 0          | 11.9       |
|                         | Incomplete primary                | 28.9       | 49.5       |
|                         | Primary completed                 | 15.8       | 4.0        |
|                         | Lower secondary school incomplete | 21.1       | 7.9        |
|                         | Lower secondary school complete   | 13.2       | 1.0        |
| >Higher sec. complete   | 18.4                              | 3.0        |            |

Despite the fact that about half of the CPs reported they could read and write (55.4%) only a small percentage mentioned having completed a primary degree or higher (15.9%). The remaining CPs said they had no schooling (23.8%), informal education (11.9%), or some primary schooling (49.5%) only. The majority of CPs reported being subsistence farmers (63.4%), followed by small business owner such as street or market seller (11.9%), or unpaid family worker (16.8%). About one out of ten CPs said they were businessman, civil servants, or were retired (8.0%).

The majority of the CPRs reported being ethnic Khmer (92.1%), Buddhists (97.4%), and head of their household (78.9%). Compared to CPs, CPRs reported more frequently to be men (CPRs: 63.2% vs. CPs: 21.8%), and married (CPRs: 78.5% vs. CPs: 55.4%). They were also younger (CPRs: 57.9 years old; S.D.: 6.8 vs. CPs: 61.3 years old; S.D. 7.5), and more educated. All CPRs reported they could read and write (CPRs: 100.0% vs. CPs: 55.4%). Two-thirds of the CPRs said they had completed primary school or higher (68.5%). Only a small percentage had no schooling (CPRs: 2.6% vs. CPs: 23.8%) and none of the CPRs reported informal education (CPRs: 0.0% vs. CPs: 11.9%). Education was not a criterion for becoming a CPR. Nonetheless, being able to read and write are skills that could enhance their ability to perform their tasks. The CPRs' main occupation reflects their educational achievement. About one-third of the CPRs said they were farmers (31.6%), but one-quarter reported being civil servant (26.3%), and one out of ten mentioned having a business or acting as local official (13.1%).

All study participants, CPs and CPRs, lived through the KR regime. When asked how the KR considered them, respondents referred to the main categories that characterized people under the KR regime. Four out of ten CPs (47.5%) and the majority of the CPRs (63.4%) said they were New People. About half of the CPs (48.5%) and about one out of four CPRs (23.7%) mentioned they were Old or Base people.<sup>28</sup> Compared to CPRs, a greater percentage of CPs reported depression symptoms (CPs: 74.3%; CPRs: 60.5%).<sup>29</sup>

## FOCUS GROUPS

Thirty-two people, 18 females and 14 males, participated in the focus groups. The two female groups included 8 and 10 participants respectively. The two male groups had 6 and 9 people respectively. Participants of one female group were Muslims. No specific information was available on age but some participants reported experiencing the KR regime, while others said they did not recall their parents' or relatives' experiences or said they knew nothing about the regime.

Three groups encompassed community members. One of the male groups included mostly local officials. Based on Project team's observations, local officials seemed to be educated; they requested written material and follow-up documentation.

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28 The respondents were not given a definition of new or old/base people, and choices were not read to them. Therefore, the answers are based on their own interpretation and might not reflect the scholarly definition of the terms. The New People or April 17 people were Cambodians who became under the control of the Khmer Rouge when the Khmer Rouge took power on April 17 1975. The Old or Base people lived in zones already controlled by the Khmer Rouge before the fall of Phnom Penh on April 17, 1975. See for example, Elizabeth Becker, *When the War Was Over: Cambodia and the Khmer Rouge Revolution* (New York: Simon and Schuster, 1986) 226-229; Michael Vickery, *Cambodia 1975 - 1982* (Boston, MA: South End Press, 1984) 81-82.

29 Depression symptoms were assessed using the depression section of Hopkins Symptom Checklist (HSCL - 25), a standard scale tested with the Cambodian population. See, Richard Mollica et al. "Measuring Trauma, measuring Torture. Instruction and Guidance on the Utilization of the Harvard Program in Refugee Trauma's Versions of the Hopkins Symptom Checklist-25 (HSCL-25) & The Harvard Trauma Questionnaire (HTQ)" (Cambridge, MA: Harvard Program in Refugee Trauma, 2004). Mental health was not considered further in the report.

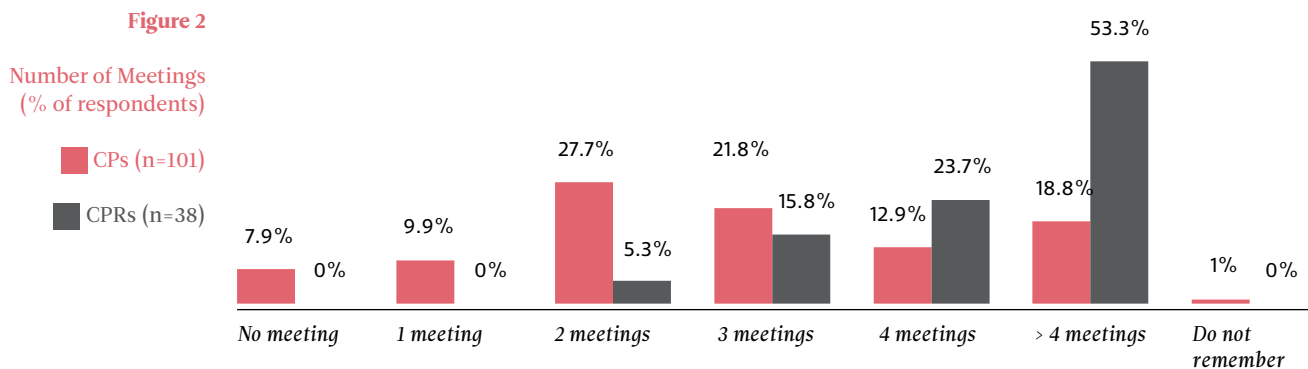


## PARTICIPATION IN PROJECT ACTIVITIES

The main activity of the Project was a series of 181 community meetings held over a two-year period. Community meetings were an opportunity for participants to be informed about the ECCC and the KR regime. Means of information included short films produced by the Project, as well as the presentation of information from ADHOC regional staff. Opinions of the focus groups participants are integrated, when appropriate.<sup>30</sup>

### ATTENDANCE

As expected, and because of their direct involvement in the Project, CPRs reported on average participating in more meetings than CPs. About 90% of CPs participated in one to up to more than four community meetings with nearly half of the CPs attending two or three meetings (49.5%). A small percentage (eight respondents) said they did not attend any meeting.<sup>31</sup> CPRs, on the other hand, reported attending at least two meetings with more than half of the CPRs participating in more than four meetings (55.3%).



In the last two years, the Project implemented four rounds of community meetings. Respondents were asked explicitly the number of community meetings they attended in the last two years, at which they watched a film. However although the number of meetings attended by the study respondents does not seem to match the number of meetings organized by the Project, it is possible that CPs and CPRs included in their count other categories of meetings within the Project (i.e. training workshops), that they had participated in more than one meeting per round within the project or that they attended community meetings or training conducted by other organizations (other NGOs or the ECCC VSS).<sup>32</sup> Participation in several meetings provided opportunities to respondents to be more informed about the developments at the ECCC but renders it difficult to associate results directly to the Project. The remainder of the Participation in Project Activities section is based on 93 CPs and 38 CPRs who said they had attended at least one meeting organized by the Project.<sup>33</sup>

30 Unless mentioned, all quotes are from focus group participants.

31 After verification with ADHOC and Project staff, all survey respondents, including those who reported attending no meeting, attended at least one community meeting. It is possible that those who reported attending no meeting had a lapse of memory, were tired, or had trouble understanding the questions because of hearing impairment or age.

32 Victims Support Section (VSS) is, within the ECCC, the focal point for CPs.

33 Those who reported no meeting were not considered in the remaining participation section because the questions were specifically linked to the community meetings. Nonetheless, all respondents were considered in the other sections of the report.

## **Focus Group Discussions**

Focus group participants reported attending one to three meetings, including the community meeting at which the focus group was conducted. People for whom it was their first meeting had time to watch the film or part of the film only before they were asked to join the focus group discussions. Some were confused about the purpose of the focus group. It could be because the pre-meeting explanations were not clear. For some, participating in the community meeting, then being switched to a focus group discussion might have exacerbated the confusion. Others had difficulty responding to the focus group questions (gains from community meetings, suggestions to improve the meetings for example). This seems to indicate that the purpose of the community meetings and their specificity compared to other activities the participants may have been exposed to was sometimes not well explained or understood by participants.

## **ACTIVITIES TO THE PROJECT**

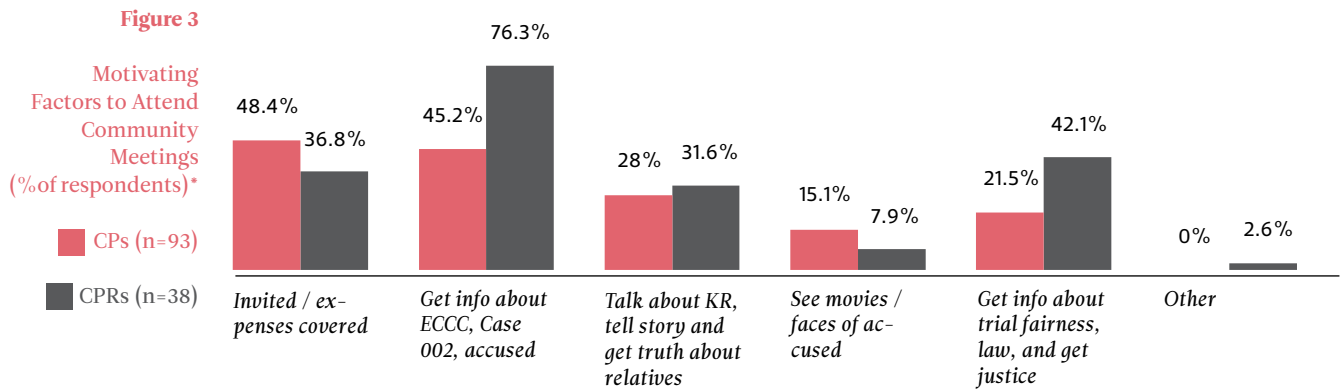
In general, respondents to the survey and focus group participants were satisfied with their participation in community meetings and reported gaining knowledge and understanding of the KR regime and the ECCC, an objective of the Project. Additionally, community meetings seem to provide open spaces for local communities to reflect on the KR past, a second objective of the Project. Specifically, respondents reported opportunities to talk about the regime and to meet others survivors. The latter helped them to feel better about their past and for some, helped decrease their suffering. CPs also mentioned gaining some tangibles such as money and food for lunch and feeling stronger mentally. CPRs reported being informed about the fairness of the trial, their rights and legal procedures, and gaining skills.

## **MOTIVATION AND ENABLING FACTORS**

CPs and CPRs (CPs: 98.8%; CPRs: 100%) were satisfied with their participation in the community meetings. CPs' main motivating factors to participate in the meetings were 1) ADHOC's invitation and monetary support to cover their transport and expenses (48.4%), 2) to be informed about the ECCC, Case 002, and the accused (45.2%), 3) to talk about the KR regime, to tell their story or to get the truth about their relatives (28.0%), and 4) to get explanations about the trial fairness, the law and the justice process (21.5%).

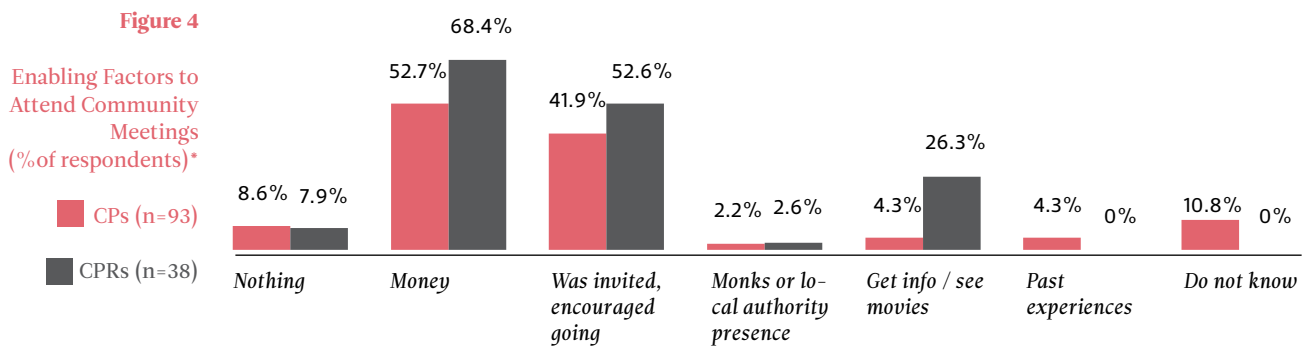
CPRs had similar motivations although emphasized different items. CPRs more frequently mentioned that they participated in the meetings to get information about the ECCC, Case 002, and the accused (76.3%), and explanations about the fairness of the trial, the law and the justice process (42.1%) but reported less frequently ADHOC's invitation and support with expenses for attendance (36.8%). There was no clear difference with respect to talking about the KR regime, telling their story or knowing the truth about their relatives (31.6%).

Notably, 15.1% of the CPs and 7.9% of the CPRs attended the community meetings to see the films and the faces of the accused. Echoing survivors' comments about the elusive Angkar organization, they were pleased to associate a face with the KR leaders.



\*Respondents provided multiple answers.

When asked what was done to help them to attend the meetings, CPs and CPRs mentioned 1) monetary support for lunch and transport (CPs: 52.7%; CPRs: 68.4%), 2) getting a formal invitation or being encouraged to attend community meetings by the village chief or relatives (CPs: 41.9%; CPRs: 52.6%), and 3) the possibility of getting information about the Court or watching the films (CPs: 4.3%; CPRs: 26.3%; three people specifically mentioned the film). One out of ten CPs (10.8%) said they did not know.



\*Respondents provided multiple answers.

CPs' and CPRs' responses suggest that if information about the ECCC, the Case and the accused and opportunity to talk about the KR regime were important motivators, incentives such as covering travel and participation expenses and a formal invitation also enabled and facilitated attendance to community meetings.<sup>34</sup>

34 Not all meetings took place in the communities where the Civil Parties resided. Often these meetings were organized at the district level, requiring a number of Civil Parties to travel to the meeting location. Expenses were paid for by ADHOC to enable participation, but no additional monetary incentives were provided.

## **Focus groups**

In general, focus group participants expressed satisfaction with the community meetings. “It is my second meeting, the second time I watched the film. The first time, I was so happy. Now, I feel the same. I hope there will be another event like this.”

When asked about their motivation to attend the meetings, focus group participants had similar responses to the survey respondents. However, there were some distinctions between women and men. Women said they were motivated to attend the meeting because they wanted to know about the KR regime, to share their experiences, and to meet with other survivors. “I came to the meeting to know about Pol Pot what he had done in the past.” “It is my first meeting. I was told that elderly people were invited to the meeting but they could not share their ideas. For me, I want to attend and make some comments.” Few women mentioned money and seeing the film.

Men, on the other hand, said their motivation was to learn about the KR regime but also about the ECCC and the justice process. “I want to know more about the Pol Pot regime, and if the trial is just. It is clear that Khieu Samphan, Nuon Chea, and Pol Pot killed human beings.” They also emphasized that more money for transport and expenses would help people to attend the community meetings. The group of men rallied to participate in the community meeting and the focus group at the last minute expressed it was important to be invited in advance. Although an important point, it might not reflect the usual organization of the community meetings.

## **GAINS FROM THE COMMUNITY MEETINGS**

One objective of the Project was to ‘increase knowledge and understanding about the work of the ECCC, the historic context of the KR regime and the experiences of conflict-affected groups among the Cambodians population and the most affected by the legacy of violence’. Respondents’ responses to gains from the meetings pointed to knowledge and understanding of the ECCC and the KR regime but also to psychological and social benefits of the meetings.<sup>35</sup>

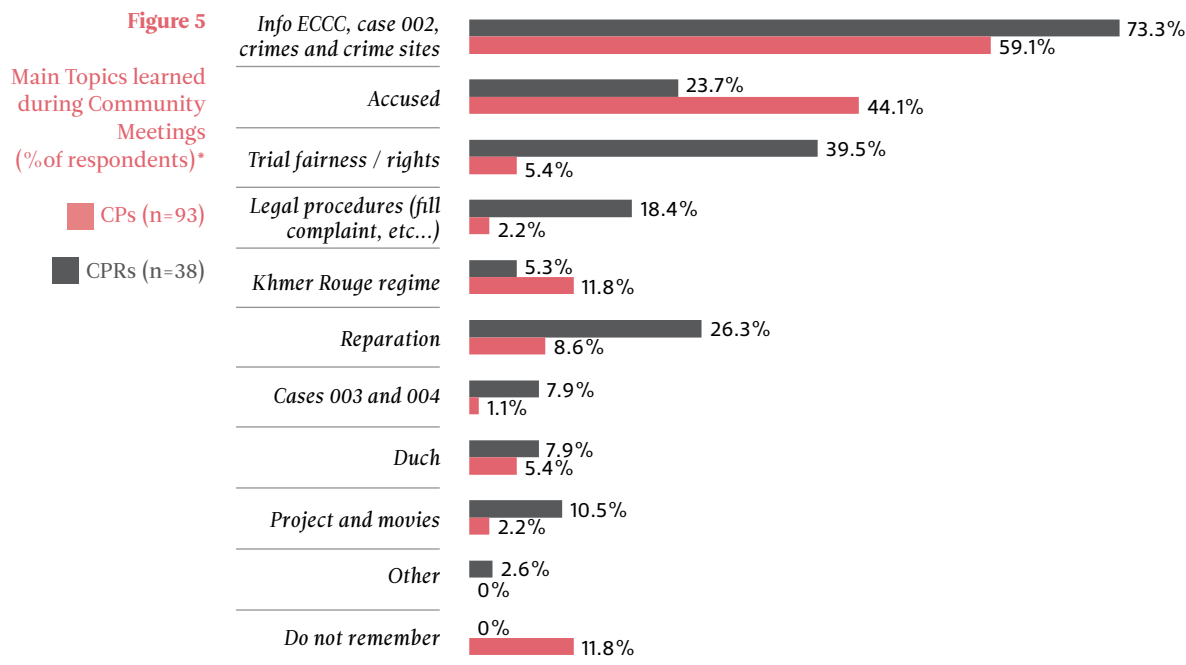
### **Knowledge and understanding of the ECCC and the KR regime**

When asked about the three main topics they have learned from the community meetings (figure 5), CPs mainly mentioned 1) information about the ECCC, Case 002, the crimes and the crimes sites (59.1%), 2) the accused (44.1%), and 3) the KR regime (11.8%). One out of ten CPs did not remember (11.8%).

In contrast, a greater percentage of CPRs said they learned about the ECCC, Case 002, the crimes and the crimes sites (73.7%), but a smaller percentage of CPRs reported learning about the accused (23.7%). Notably, they also said they gained knowledge about the fairness of the trial and their rights (39.5%), reparation (26.3%), and legal procedures such as filling a complaint (18.4%).

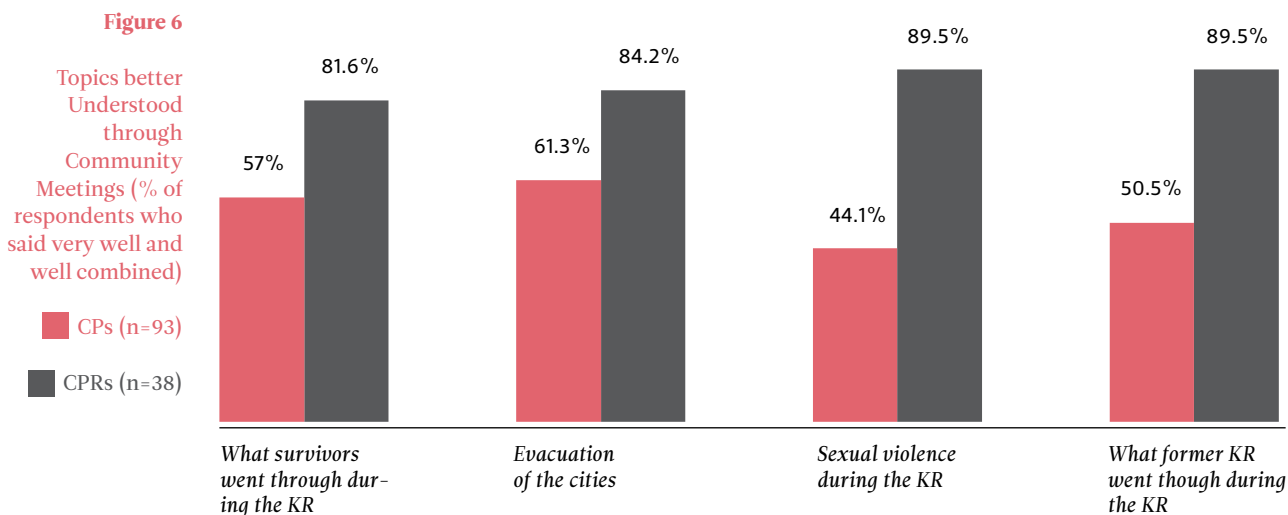
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<sup>35</sup> Rogers identifies three types of knowledge: awareness, how-to (how to use), and principles-knowledge (understanding). The latter implies “information dealing with the functioning principles underlying how something, (innovation, object, idea) works.” See Everett M. Rogers, *Diffusion of Innovation*, 173.



\*Respondents provided multiple answers.

Through community meetings, CPs or CPRs reported that they were able to get new information about Case 002 (CPs: 51.6%; CPRs: 63.2%) and a better understanding of several topics related to the KR regime (figure 6). Those included evacuation of the cities (CPs: 61.3%; CPRs: 84.2%), survivors' experiences during the KR (CPs: 57.0%; CPRs: 81.6%), former KR's experiences during the regime (CPs: 50.5%; CPRs: 89.5%) and sexual violence that occurred during the KR regime (CPs: 44.1%; CPRs: 89.5%).



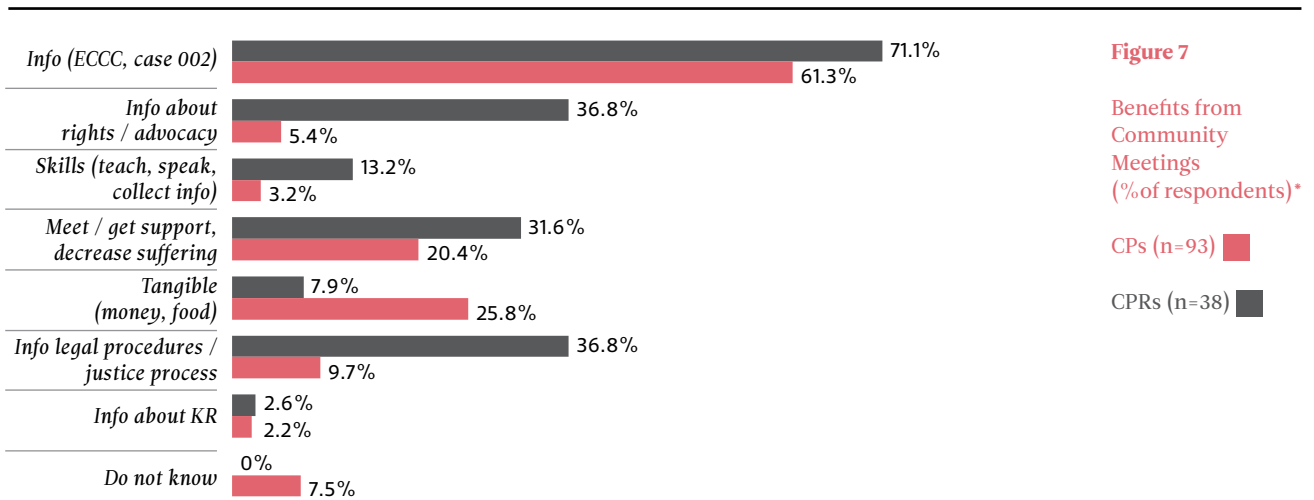
They also agreed that community meetings were opportunities to talk about what happened during the KR regime (CPs: 58.1%; CPRs: 86.8%), and, to a lesser extent, to compare the functioning of the ECCC to the functioning of the national courts (CPs: 37.6%; CPRs: 71.1%).

Those results suggest that whereas CPs noted topics mirroring the past and their KR experience. CPRs often cited knowledge of the justice process that surpassed the Project objectives. Additionally, CPRs reported more frequently that they had gained a greater understanding of KR regime-related issues.

Differences between the responses provided by CPs and CPRs could be that CPs did not attend meetings at which certain topics were discussed (for example, sexual violence was discussed at the fourth meeting) or that they were less interested in certain topics. It could also reflect CPRs' greater attendance at community meetings or that CPRs had more knowledge and understanding than the CPs prior to their participation in community meetings. Importantly, it should be noted that CPRs had additional and specific trainings on some of these issues – prior to and during the Project – in order to build their capacity to assist in the community meetings.

### Psychological and social benefits from community meetings

In addition to knowledge and understanding of the ECCC and the KR regime, 20.4% of the CPs and 31.6% of the CPRs reported that community meetings were an opportunity to meet and to get support from other survivors. For 10 people, it translated into sharing their experiences of the KR regime but also decreasing their suffering. Additionally, 25.8% of the CPs said they got something tangible, whereas 36.8% of the CPRs mentioned they gained information about the legal and justice processes and 13.2% of the CPRs reported gaining skills such as speaking in public, educating others or collecting information on specific topics.



**Figure 7**  
Benefits from Community Meetings (% of respondents)\*  
CPs (n=93) ■  
CPRs (n=38) ■

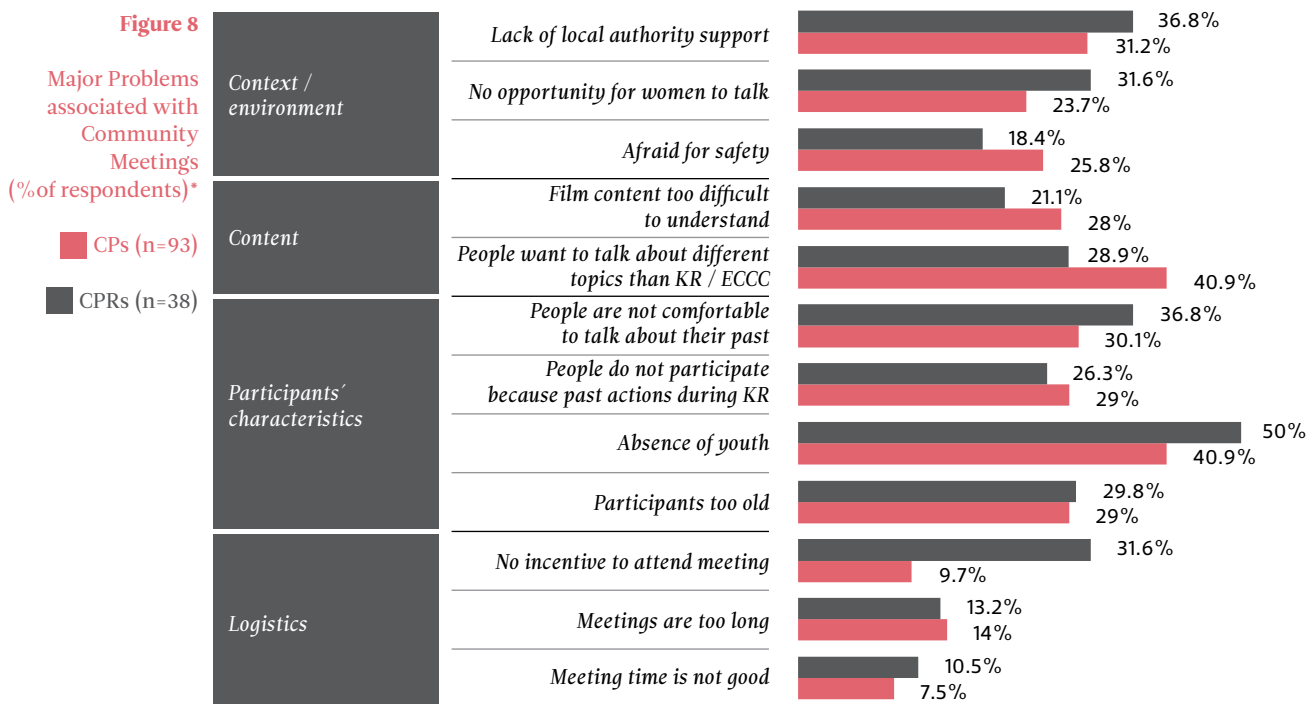
\*Respondents provided multiple answers.

Finally, respondents agreed that participating in community meetings had psychological or social benefits. A vast majority of CPs and CPRs said that participating in community meetings gave them more hope for the future (CPs: 97.8%; CPRs: 92.1%), meeting other survivors made them feel better about their past (CPs: 96.8%; CPRs: 94.7%), gave them a sense of justice (CPs: 94.6%; CPRs: 89.5%) and more trust in the law (CPs: 94.6%; CPRs: 78.9%). A majority of CPs but only about half of CPRs also agreed with the statements that community meetings made them feel stronger mentally (CPs: 95.7%; CPRs: 47.4%) and helped them to accept the loss of their loved ones (CPs: 79.6%; CPRs: 57.9%).

### Suggested improvements for community meetings

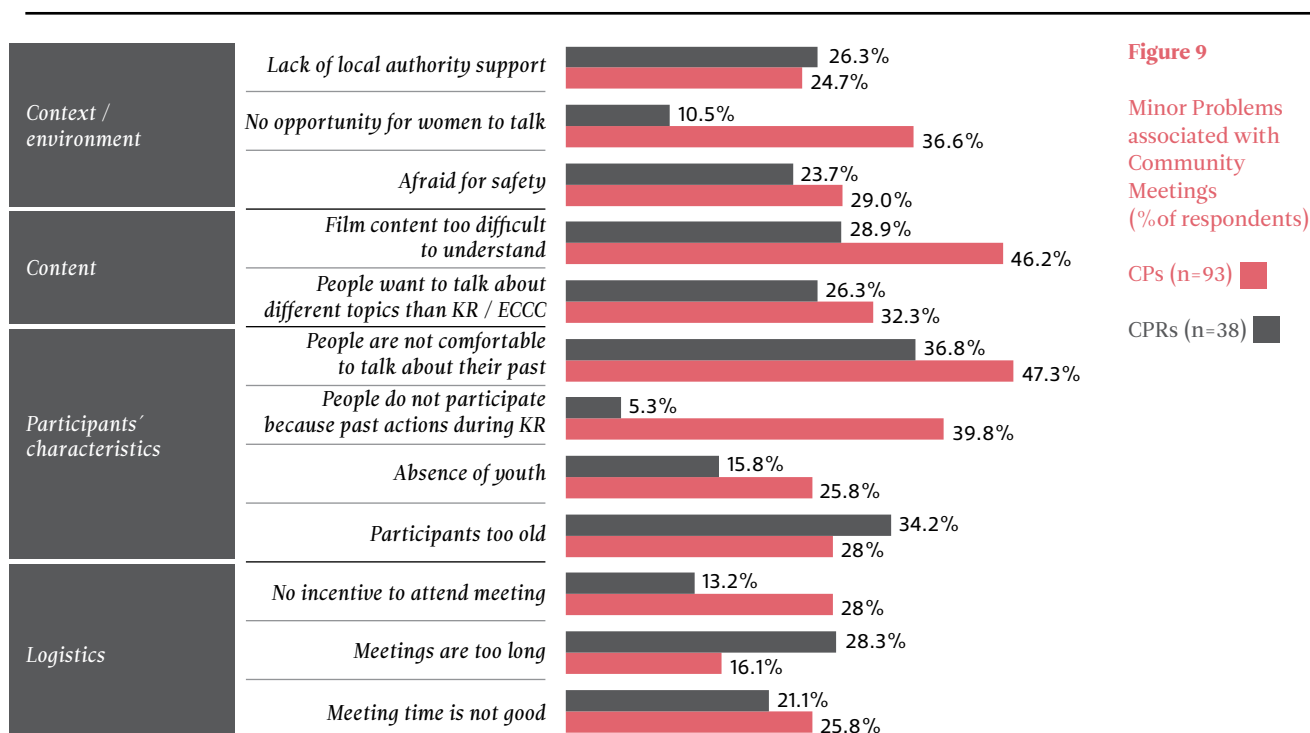
Participants of the survey were satisfied about their participation in community meetings. They reported gains from the meetings but also identified areas for improvement, looking at a series of factors (logistics, participants' characteristics, content, and environment). Those included greater youth participation in the meetings, more efforts to help participants feel comfortable to talk about their past, and less discussion about topics perceived to be irrelevant. CPs and CPRs were also concerned about the lack of opportunities for women to talk and the lack of support from local officials. CPs and CPRs mentioned similar problems but categorized them slightly differently. On many factors, respondents were divided between major and minor problems.

For CPs and CPRs, major problems included the absence of youth at meetings (CPs: 40.9%; CPRs: 50.0%), and the lack of support from the local authority (CPs: 31.2%; CPRs: 36.8%). CPs also mentioned people wanting to talk about different topics (40.9%), whereas CPRs reported the lack of incentives to attend the meetings (31.6%), and the lack of opportunities for women to talk (31.6%).



As described in Figure 9, CPs mentioned that the film content was too difficult to understand (46.2%), people did not participate because of past actions (39.8%), and there was a lack of opportunity for women to talk (36.6%) were identified as minor problems. CPRs said the same thing about the old age of the participants (34.2%).

Similar percentages of CPs and CPRs viewed people not being comfortable to talk about past actions (CPs: major: 30.1%, minor: 47.3%; CPRs major: 36.8%, minor 36.8%) as major or minor problems.



**Figure 9**  
 Minor Problems associated with Community Meetings (% of respondents)  
 CPs (n=93) ■  
 CPRs (n=38) ■

The different roles played by CPs and CPRs could explain in part the differences between their categorization of a factor as a major or minor problem. For example, CPs and CPRs perceived the lack of opportunities for women to talk as a problem but CPRs reported it more frequently as a major problem. Their view might have been influenced by their role as a facilitator and the specific training they received on this topic as part of the Project. More detail is provided in the next section on CPRs.

Looking at major and minor problems combined, survey respondents' main problems included the absence of youth and participants not being comfortable to talk about their past (participants' characteristics), people wanting to talk about different topics and film content too difficult to understand (content), as well as lack of opportunity for women to talk and lack of local support (context). These are areas for improvement. While not an objective of this Project, future interventions could consider reaching youth where they are (i.e. schools) or to implement activities such as intergenerational dialogues.



## **Film and participation of Civil Party Lawyers**

Films were a main feature of the community meetings. In addition to screening the film, in approximately 10% of the meetings, a Civil Party lawyer also joined to provide additional information to participants and respond to their questions. Survey respondents and focus group participants perceived the use of films as helpful to understand the information and to keep their attention. Focus group participants felt the film was a good reflection of the reality under the KR regime and thus a good educational tool. CPs and CPRs said the Civil Party lawyers assisted them to understand information about the ECCC and the KR regime and were a good source of information.

The vast majority of CPs and CPRs agreed that the film was helpful to understand the information about the KR regime and the ECCC (CPs: 96.8%; CPRs: 97.4%). They also agreed that the film helped sustain their interest in terms of attendance and participation during the meeting (CPs: 98.9%; CPRs: 100%). Nonetheless, a certain percentage of the respondents mentioned that the film content was too difficult to understand (major problem CPs; 28.0%; CPRs: 21.1%; minor problem CPs: 46.2%; CPRs: 28.9%), indicating that media could increase meeting participants' interest but that the content needs to be adapted to the targeted audiences. Needs assessment of targeted audiences and pre-testing media content prior to the implementation of outreach mass intervention could therefore help to maximize the benefit of using media in outreach. However, it is noted that the complexity of the legal proceedings coupled with the lack of exposure to the judicial system create challenges for the production of media content accessible to an audience resembling to the respondents.

Among survey respondents, 90 CPs and 37 CPRs said they attended at least one meeting at which a Civil Party lawyer was present. Among those respondents, a vast majority said the lawyer helped them understand the information about the KR regime and the ECCC (CPs: 75.6%; CPRs: 81.1%), and was informative about sexual and gender-based violence during the KR regime (CPs: 98.9%; CPRs: 97.7%). All CPs and CPRs (100%) agreed with the statement that they would prefer to be informed about the KR regime and the ECCC by a Civil Party lawyer. The latter could be explained in part by the relationship developed between CPs and CPRs and their Civil Party lawyer over the years, or the opportunity to ask Civil Party lawyers about their specific case.

## **Focus Group Discussions**

Most participants of the focus groups expressed that community meetings, but especially the films, informed them about the KR regime and the ECCC. Some participants, mostly among those who had only attended a meeting for the first time, mentioned that they did not remember, forgot, or did not understand the information.

Among those participants who stated that they gained information about the KR regime and the ECCC, they reported mainly learning about the living conditions during the KR regime (i.e. killings, tortures, starvation). Participants were comfortable to talk about the regime during the meetings, and reported sharing their experiences with other participants. Storytelling or the sharing of experience also contributed to the information presented at the meetings or in the films. Those who did not live through the regime were especially grateful for the information.

*“When my parents told me, I didn’t believe them. But after seeing the film, I believed it is true.”*

*“I think these meetings are really great because they allow me to have the opportunity to learn about the Khmer Rouge era. I was not born at that time.”*

Participants also expressed satisfaction with learning more information about the ECCC. But, whereas participants were engaged and emotional while discussing the KR regime, focus group participants were more circumspect and descriptive when talking about the ECCC. They mentioned that they had learned about the ECCC proceedings, the accused, the verdict and forced marriage—a topic presented in the film prior to the focus group.

*“I remember from last time, it was [about] Nuon Chhea and Khieu Samphan who rejected knowing about the killings. The second time, [this time] the witness in this video talks about being forced to marry and to consummate. I am curious. The witness knew that Khieu Samphan, Nuon Chea, and Ta Mok visited Tram Kak, [how come they said] they didn’t know about the killings? I’m happy that these stories are being told. I heard the speech of former KR senior leaders, some of my villagers were divorced after the fall of KR regime... when seeing the film, I felt I was sitting at the ECCC. It reminded me of my difficulties during that time.”*

That was especially true for women who mentioned being interested in seeing the faces of the accused, and the different actors involved in the judicial process.

*“Before these meetings, I only heard about their names, but from coming to the meetings, I have been able to see their faces, yes that one is Nuon Chea, I got to see them”*

Focus group participants also reported receiving benefits beyond knowledge. Community meetings were opportunities to reflect on the experiences of people who lived through the regime (“I know about people’s suffering”) and recalled their own experiences. “In the past, we were subject to punishment. Now justice is provided to people who died during the regime.” Some participants said they felt better meeting other survivors (“Yes, I am not happy, I am suffering, but when I tell others, I feel better”), and appreciated the possibility to express feelings (“We want to express our anger”), or learn from each other.

Focus group participants were positive about the film. They were especially satisfied to see footage of the KR regime and to a lesser extent to see the accused and the trial proceedings.

*“A previous film showed footage of people working, doing manual labor in the fields, and in this film, it... includes lawyers questioning the accused about forced marriages, about their families.”*

Many participants commented that the films reflected the reality of the time, and triggered feelings and greater clarity about the KR era.

*“[Watching the film], I felt panicked and worried. I felt panicked for them. I felt panicked because they abused our rights. I felt like I didn’t have power to argue with them, to argue on the arranged marriage.”*

*“I think the films clearly show us what life was like during the Khmer Rouge era. The older people always tell us the younger people about it. When they tell us about the Khmer Rouge, sometimes it is not enough. But when I watched the film, it is clearer. During the Khmer Rouge era, it was very difficult. People like me who weren’t born during the Khmer Rouge era didn’t know about it and don’t want to speak about it.”*

The film was perceived as a good educational tool for the youth but also other community members.

*“After coming two times and seeing the videos from the Khmer Rouge tribunal, showing witnesses and information, people [who look at the film] would understand how it is going on. Some [people] went to the ECCC; some have not. Thus, it is good to outreach to community with photo so they understand the witness questioning and the Accused responding to the questions.”*

Participants were pleased with the film and its content. Nonetheless, a majority described technical issues associated with the screening including difficulty seeing the screen and hearing the film, particularly when attendees were talking or when people were sitting far away from the screen. The use of media such as a film was perceived as useful as long as attendees could hear and see it. It is acknowledged that although setting up the films necessitates minimal technical requirements, screening films in rural areas could be challenging. However, technical issues should be avoided so that attendees can fully benefit from the use of the media medium.

In general, participants were satisfied with the meetings. Women specifically expressed concerns that the community meetings were coming to an end. Local officials suggested that the Project Partners conduct more community meetings, especially at the village level, or that they could provide more resources to enable additional people to attend the meetings.

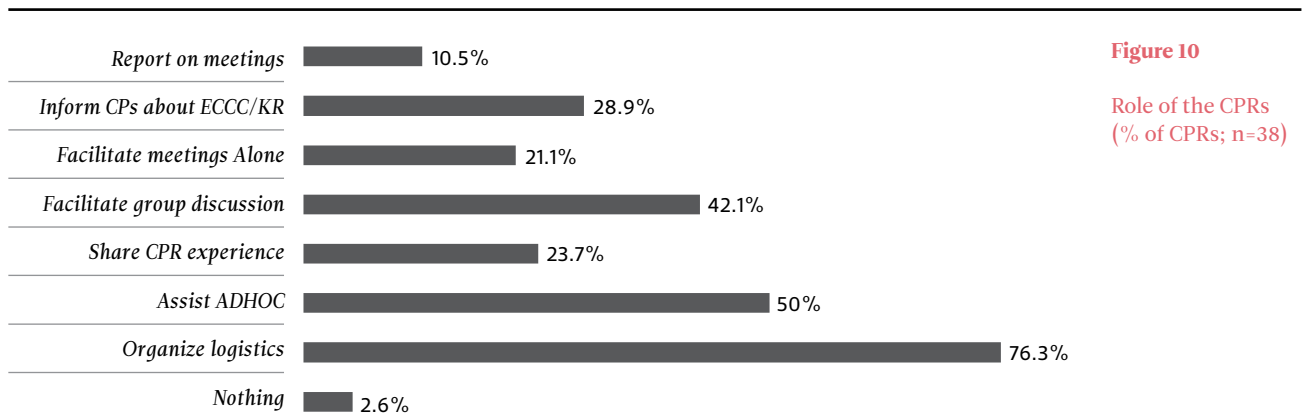
## CIVIL PARTY REPRESENTATIVES

CPRs are themselves CPs who act as agent between other CPs, the community and ADHOC regional staff. One objective of the Project was to involve conflict-affected populations in the Project activities, to build their capacities and empower them to take an active role in addressing the past. Training the smaller group of 46 CPRs to assist with community meetings was one aspect of this strategy. To better understand their gains from their involvement in the Project, CPRs were asked a series of questions about their role, gains from the training, and their involvement in assisting in community meetings.

### Role of Civil Party Representatives

The majority of CPRs reported assisting ADHOC with the logistic of the meetings, sharing their experiences, and facilitating group discussions. However, only a small number of CPRs reported that they had organized the logistics of or conducted the meetings alone.

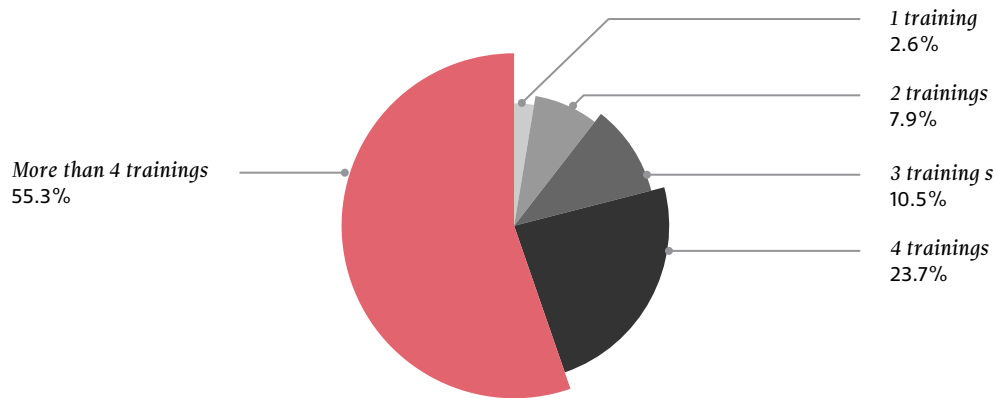
CPRs perceived their role as organizing the logistics of the community meetings (76.3%) or as assisting ADHOC to inform the communities about the ECCC and the KR regime (50%). They also described their role as facilitating group discussions during community meetings (42.1%), informing CPs about the ECCC (28.9%), sharing their experience as a CPR (23.7%), and conducting a meeting alone (21.1%).



To support the CPRs in their role within the Project, two trainings were delivered to the 46 CPRs. Topics covered included information about the ECCC and the KR regime, and skills training on meeting facilitation and trauma.

**Figure 11**

Number of Trainings  
(% of CPRs; n=38)

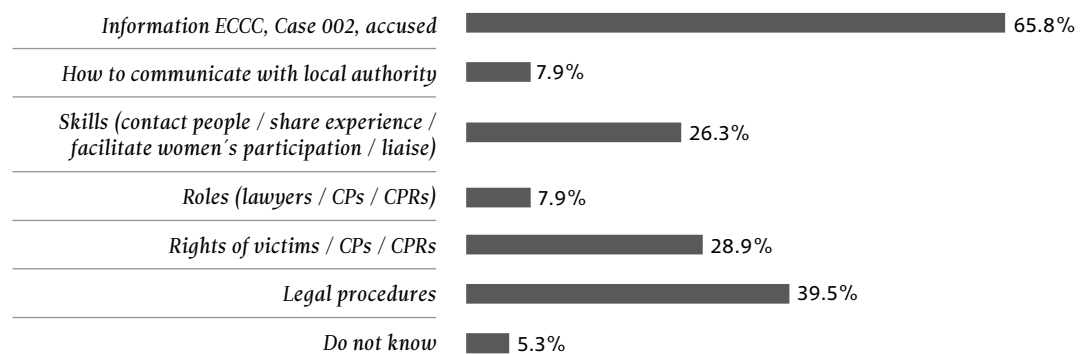


All CPRs reported that they had attended at least one training. The vast majority said they had attended four or more than four trainings (79.0%). One out of ten mentioned attending two (7.9%) or three trainings (10.5%). A small percentage said they attended one training only (2.6%). When asked which organizations conducted the training, all CPRs (100%) mentioned ADHOC and one person mentioned Project Partner CDP. Among CPRs who reported participating in four or more than four trainings, several also cited VSS or the tribunal (three people) and the Transcultural Psychological Organization (TPO) (2 people), indicating that CPRs might have been simultaneously involved in several projects or activities.

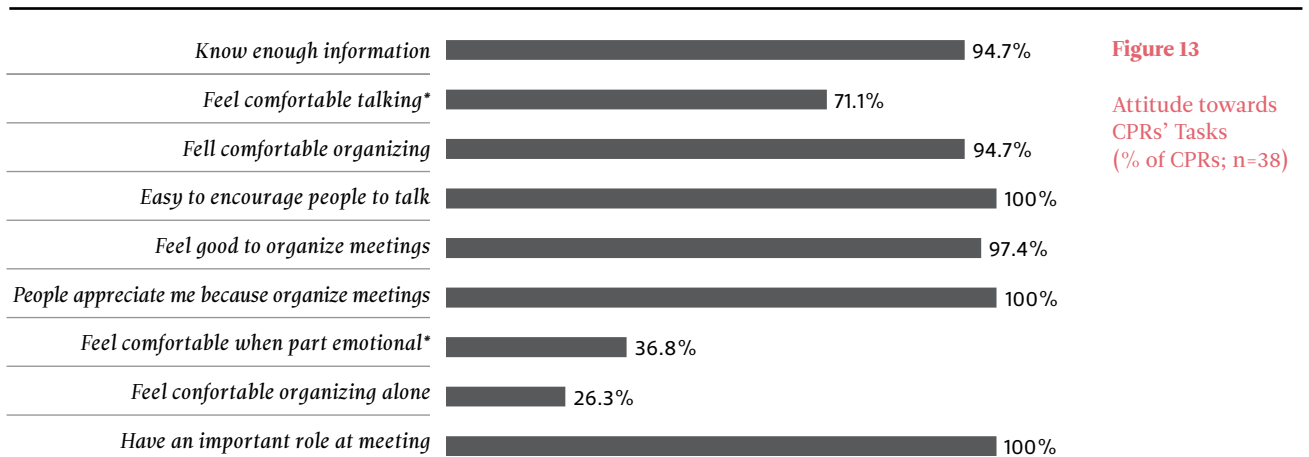
During the trainings (Figure 11), CPRs reported that they had learned information about the ECCC, Case 002 and the accused (65.8%), legal procedures (39.5%), the rights of victims, CPRs and CPs (28.9%), and gained skills such as being able to contact people, share experiences, facilitate women’s participation in the meetings, or be the link or liaison between CPs and Civil Party lawyers (26.3%). These assets or skills might have helped CPRs to accomplish their role.

**Figure 12**

Main Topics learned during Trainings  
(% of CPRs; n=38)\*



\* Respondents provided multiple answers



**Figure 13**  
Attitude towards  
CPRs' Tasks  
(% of CPRs; n=38)

\* Reverse statement

CPRs' attitude towards their involvement was very positive, although varied across the tasks. CPRs reported that they knew enough information to answer participants' questions about the ECCC and were able to encourage greater participation during the meetings. A vast majority of CPRs reported that they held sufficient information to answer participants' questions about the ECCC and Case 002 (94.7%), they felt comfortable to organize the meetings (94.7%), and that it was easy for them to encourage participation during the meetings (100%). Being involved in community meetings was also rewarding for the CPRs. They reported that organizing the meetings made them feel good (97.4%), that people appreciated them because they organized the meetings (100%), and that in organizing the meeting, they had a very important role (100%). Nonetheless, if they felt comfortable talking in front of a group, a majority was uncomfortable when a participant became emotional, or if they had to conduct the meeting alone.

Nonetheless, only 71.1% of the CPRs mentioned feeling comfortable talking in front of a group, 36.8% stated they felt comfortable when a participant became emotional (36.8%), and 26.3% reported feeling comfortable organizing a meeting alone.

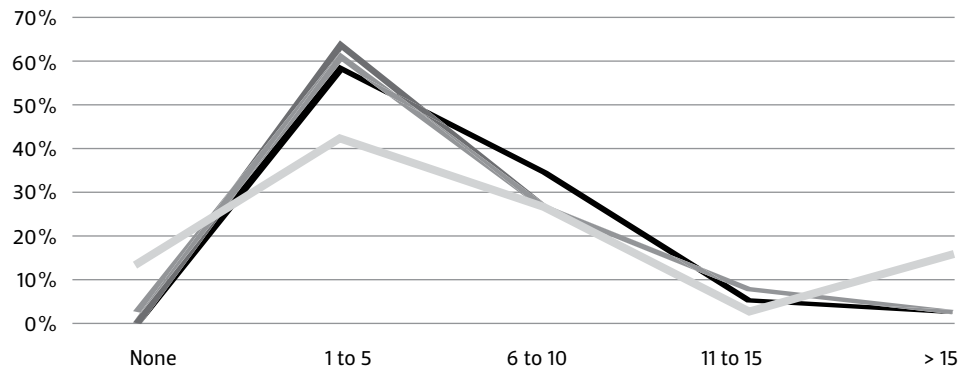
As shown in Figures 14a and 14b, the number of times that CPRs performed specific tasks reflect the CPRs' description of their role and how comfortable they felt performing the tasks. Figure 14a shows that the majority of CPRs reported assisting ADHOC with the logistics of the meetings (57.9%), sharing their experiences at the meetings (63.2%), and facilitating group discussions (60.6%) about one to five times, while about one-third mentioned accomplishing those tasks six to ten times (34.3%).

Four out of ten said they contacted ADHOC between one and five times (42.1%). About one-third mentioned doing the same task six to 10 times (26.3%), whereas one out of ten CPRs reported contacting ADHOC more than 15 times (15.7%). A little bit more than one out of ten said they had no contact with ADHOC (13.2%).

In contrast, in Figure 14b, the vast majority of CPRs reported that they did not organize the logistics of the meetings alone (68.4%) and an even greater percentage of CPRs reported they did not facilitate a community meeting alone (89.5%)—supporting the fact that their role was mostly to assist ADHOC staff rather than being in charge of the community meetings.

**Figure 14 a**  
Number of Times  
the Tasks were  
Performed  
(% of CPRs; n=38)

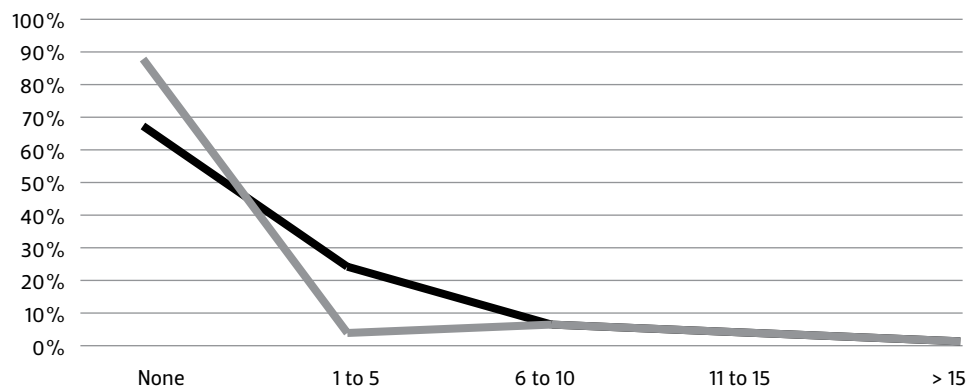
Assist ADHOC /  
logistics  
Experience  
Group discussion  
Contact with  
ADHOC



In contrast, in Figure 14b, the vast majority of CPRs stated they did not organize the logistics of the meetings alone (68.4%) and an even greater percentage of CPRs reported they did not facilitate a community meeting alone (89.5%) supporting the fact that their role was mostly in assisting ADHOC staff rather than being in charge of the community meetings.

**Figure 14 b**  
Number of Times  
the Tasks were  
Performed  
(% of CPRs; n=38)

Logistics / ALONE  
Only facilitator



CPRs’ attitudes towards certain tasks suggest that, for the most part, CPRs perceived that, with ADHOC assistance, they have the knowledge and skills to organize and facilitate the meetings. Moreover, CPRs reported a favorable attitude towards and positive gains from their role as organizer and facilitator of the meetings. The latter is a positive factor that could contribute to CPRs’ perseverance in organizing and facilitating meetings in the future, as many of these organizational and communication skills are transferrable to other topic areas.<sup>36</sup> However, it is notable that less than one-third felt comfortable conducting a meeting alone. The latter is reflected in their accomplishments.

The results suggest positive outcomes for the involvement of CPRs in project activities but also suggest that capacity building and mentoring phases are necessary. These phases could include specialized preparation for CPRs on their role and generate an understanding of how their participation relates to the Project objectives. One area for potential growth is the evolution of the CPRs’ role through increased responsibility for ECCC outreach activities. This is especially pertinent considering that CPRs have previously been involved in similar activities to those performed in the Project.<sup>37</sup>

36 Diffusion of Innovation theory indicates the role of positive reinforcement in pursuing a behavior. See Everett M. Rogers, Diffusion of Innovation, chapter 5.  
37 For details, see, Nadine Kirchenbauer et al., “Victims Participation before the Extraordinary Chambers in the Courts of Cambodia. Baseline Study of the Cambodian Human Rights and Development Association’s Civil Party Scheme for Case 002”.

# THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

To evaluate the CPs and CPRs knowledge and understanding of the Court, respondents of the survey were asked questions to assess their knowledge of the trials at the ECCC and respond to a series of questions about the cases at the ECCC.

## AWARENESS AND SOURCES OF INFORMATION

All interviewees reported some knowledge of the ECCC. All interviewees reported having some knowledge of the ECCC and the vast majority felt at least moderately informed about the Court. The main sources of information were ADHOC, the radio, television, and their lawyer or CPR. Substantial percentages of respondents mentioned being quite a bit or extremely satisfied with their sources of information. About half of the CPs and a vast majority of the CPRs said they had seen a television program about the ECCC. However, few people specifically reported seeing *Facing Justice*.

Among CPs, about one out of five stated that they had little knowledge of the tribunal (21.8%), whereas about three out of four said they had moderate or quite a bit of knowledge of the Court (74.3%). The vast majority of CPRs (92.1%) mentioned being moderately or quite a bit knowledgeable about the Court. The results suggest an awareness of the ECCC amongst the respondents and for a majority, the perception of a certain degree of knowledge.

The vast majority of respondents also felt moderately (CPs: 50.5%; CPRs: 44.7%), quite a bit (CPs: 27.7%; CPRs: 26.3%) or extremely (CPs: 6.9%; CPRs: 10.5%) well informed about the Court (85.1% CPs and CPRs). Nonetheless, 9.9% CPs and 18.4% CPRs felt they were informed only a little, and 5.0% of the CPs had no opinion—suggesting the need for more outreach or dissemination of information.

CPRS (N=38)

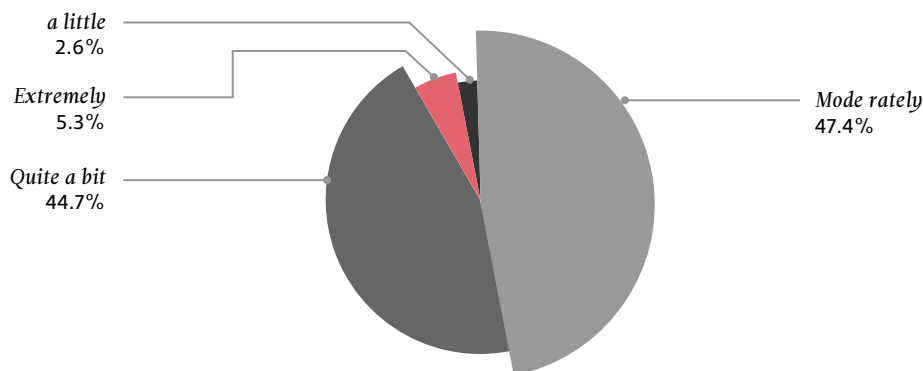
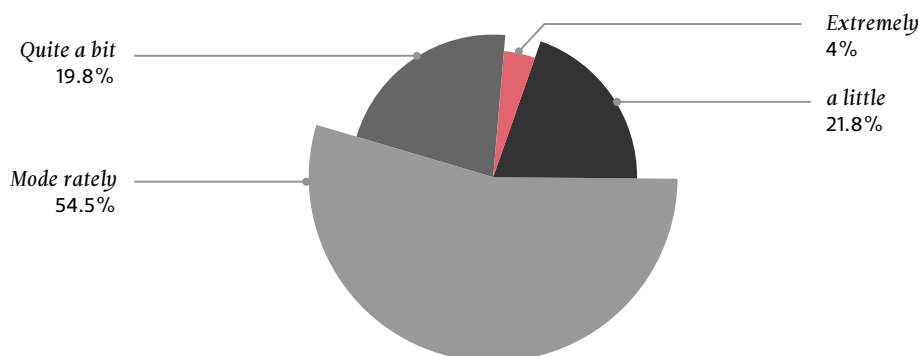


Figure 15  
Awareness of  
the ECCC (% of  
respondents)

CPS (N=101)





CPs and CPRs identified their main sources of information about the Court as ADHOC (CPs: 70.3%; CPRs: 84.2%), the radio (CPs: 31.7%; CPRs: 52.6%), television (CPs: 20.8%; CPRs: 52.6%), and their lawyer or their CPR (CPs: 20.8%; CPRs: 28.9%).

Despite the majority reporting that they owned a radio and television (CPs: radio 61.6% and television 66.7%; CPRs: radio 71.1% and television 78.9%), one-third or less of the CPs and half of the CPRs mentioned radio and television as main sources of information. This may be because of the lack of coverage by the media of Case 002 at the ECCC, or related to the level of trust they placed in Khmer media. Among CPs, about half said they moderately trusted the radio and television (radio: 46.5%; television: 45.5%). About one-third only reported trusting radio and television quite a bit or extremely (radio: 34.6%; television: 27.7%). Among CPRs, about one-third mentioned not trusting the Khmer radio or television at all or only a little (radio: 24.3%; television: 31.6%). About half said they trusted radio and television moderately (radio: 52.6%; TV: 55.3%), and only one out of ten CPRs reported trusting the media quite a bit or extremely (radio: 10.5%; television: 10.5%). Notably, even though CPs reported the radio as source of information more frequently than television, the percentage of respondents who reported having a television in their household (CPs: 66.7%; CPRs: 78.9%) was higher than those reporting radio (CPs: 61.6%; CPRs: 71.1%).

About one out of ten CPs (12.9%) also mentioned community meetings, other NGOs such as TPO, and family and friends as a source of information about the ECCC. CPRs' additional sources included the tribunal (18.4%), Internet/ Facebook (13.2%), as well as posters and booklets and other NGOs (10.5%). The community meetings mentioned might include those organized by the Project although this information is not available.

Finally, only 6.9% CPs and 10.5% CPRs mentioned ECCC hearings as a source of information. Nonetheless, when asked if they had participated in ECCC hearings, 81.2% CPs said they attended one to five hearings and all CPRs reported attending at least one hearing. Among those who attended hearings, CPs reported attending one (25.6%), two (45.1%) or three times (22.0%), while CPRs said they attended mostly, one (28.9%), two (21.1%), four (13.2%) or five times (10.5%). One CP and four CPRs reported testifying. Although ECCC hearings were not perceived as a main source of information, the number of times that the respondents reported attending a hearing reflects the work of the ECCC and intermediary NGOs to enable CPs to see the Court at least once. More research could determine if this trend could also be observed among other CPs populations.

In general, respondents to the survey were at least moderately satisfied with their sources of information (CPs: 29.7%; CPRs: 21.1%), and a substantial percentage mentioned being quite a bit or extremely satisfied with their sources (quite a bit and extremely combined: CPs: 63.4%; CPRs: 71.1%).

When asked if they had ever seen a television program about the ECCC, almost half of the CPs (47.5%) and a vast majority of the CPRs (84.2%) responded positively. Among those who had seen a television program, CPs and CPRs mainly reported seeing live trial proceedings (CPs: 77.1%; CPRs: 71.9%), or a news broadcast (CPs: 27.1%; CPRs: 25.0%). Small percentages reported other programs such as *Duch on Trial* (CPs: 4.2%), media other than television (CPRs: meeting lawyers, as well as attending hearings or testimony: 6.3%) or did not know or remember (CPs: 12.5%; CPRs: 6.2%). Live trial proceedings broadcasted on a daily basis during the Duch trial (Case 001) drastically reduced in Case 002.<sup>38</sup> It is likely that respondents reporting live trial proceedings on television referred to Case 001 rather than Case 002.

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38 "Civil Society Organizations call on the Cambodian media to increase their coverage of the on-going ECCC trials in Case 002/02." Press Release, 29 April 2015, Phnom Penh, Cambodia.

Only four people reported specifically seeing *Facing for Justice*. All agreed that the program was informative and helpful to understand what happened during the KR regime and the legal procedures at the Court. They also agreed that more people should watch the program. Half of those who reported seeing the show said that the lawyers' explanations were difficult to understand.

Considering that all outreach films in the communities were shown under the title *Facing Justice*, the results seem to indicate that the Project was less successful with branding of the film than with previous television shows. However, overall media coverage was at best minimum during Case 002. *Facing Justice* broadcasts were irregular and not always scheduled during attractive time slots due to delays in the trials, the content of Case 002 was complex, and as time passed, CPs and CPRs' interest might have decreased. Additionally, study respondents were only a small percentage, and potentially a more informed sample than the Cambodian population. A study of the general population would provide a better picture of the success of *Facing Justice* and other television programs.

## PERCEPTION OF THE COURT AND THE JUSTICE PROCESS

Generally, respondents favored retributive (i.e. imprisonment) rather than restorative justice mechanisms (i.e. compensation, apology or confession). Respondents were positive about the work of the Court, and mentioned that they believed the Court would bring justice to the victims of the KR and /or their families. They also stated that the ECCC would help rebuild trust in Cambodia and promote reconciliation and has already helped support reconciliation in their community.

When asked what they would like to happen to those responsible for what happened during the KR regime, respondents favored retributive rather than restorative justice mechanisms. Mainly, respondents reported that those responsible should be put in prison (CPs: 58.4%; CPRs: 44.7%), put on trial (CPs: 26.7%; CPRs: 31.6%), be punished (CPs: 11.9%; CPRs: 21.1%), or tortured (CPs: 3.0%; CPRs: 5.3%). Few CPs and about one out of five CPRs said that those responsible should compensate victims or that the wealth of the accused at the ECCC should be given to CPs (CPs: 5.0%; CPRs: 21.1%). Small percentages of respondents mentioned they would like an apology or a confession (CPs: 6%; CPRs: 15.8%). Study participants' responses might have been influenced by the activities of the ECCC and their involvement in the justice process.

Respondents were asked about their perception of the work of the ECCC. In general, CPs were positive about the Court rating its work as very good or good (73.3%), or average (23.8%). One CP said it was poor and two people said they did not know. Among CPRs, half of the respondents rated ECCC work as very good or good (50.0%), but about one-third of the CPRs considered the ECCC work as average (36.8%), and one out of ten said it was poor or very poor (10.6%). One person did not know.

Despite dissatisfaction among some, the majority of the respondents believed the ECCC would bring justice to victims of the KR and /or their family (CPs: 90.1%; CPRs: 63.2%). Mainly, interviewees defined justice as being fair, honest, and equal (CPs: 43.6%; CPRs: 39.5%), knowing what is right and what is wrong (CPs: 15.8%; CPRs: 31.6%), finding the truth (CPs: 14.9%; CPRs: 15.8%) or respecting the law (CPs: 10.9%; CPRs: 18.4%). They also believed that the Court would help rebuild trust in Cambodia (CPs: 87.1%; CPRs: 76.3%), and promote national reconciliation (CPs: 85.1%; CPRs: 78.9%). Moreover, respondents said the ECCC has already helped reconciliation in their community (CPs: 89.1%; CPRs: 81.6%). (See Table 2 above)

Smaller percentages of interviewees thought the ECCC was not doing enough for victims of the KR (CPs: 27.3%; CPRs: 39.5%). About six out of ten respondents said they would like to see more money spent on the ECCC (CPs: 58.4%; CPRs: 60.5%). Conversely, about four out of ten would like to see more money spent on something else than the Court (CPs: 41.6%; CPRs: 39.5%).

In general, CPs reported more frequently than CPRs that they believed the work of the ECCC would have positive outcomes. This could suggest that greater involvement and potentially greater understanding of the judicial process could provide a more nuanced view of the work of the Court.

| <b>Table 3</b>                                     |   | <b>CPs (n=101)</b> | <b>CPRs (n=38)</b> |
|--|---|--------------------|--------------------|
| Attitude towards<br>the ECCC<br>(% of respondents) | <i>Bring justice to victims</i>             | 90.1%              | 63.2%              |
|  | <i>Help rebuild trust in Cambodia</i>       | 87.1%              | 76.3%              |
|  | <i>Help promote national reconciliation</i> | 85.1%              | 78.9%              |
|  | <i>Help reconciliation in the community</i> | 89.1%              | 81.6%              |

## KNOWLEDGE AND UNDERSTANDING OF THE ECCC CASES

Respondents to the survey demonstrated factual knowledge and understanding of the Court and of its cases. Most CPs and almost all CPRs knew the jail sentence of Duch, the number of accused at the beginning of Case 002 and their name, the number of accused and their names at the time of the survey, as well as different elements of Case 002 such as what happened to Ieng Thirith and Ieng Sary, the verdict and sentence in Case 002/01. Among CPs, there was some confusion about the presence of an appeal and the severance of Case 002. CPs also had greater difficulty than CPRs to identify the scope of Case 002/01 and Case 002/02 as well as the crimes the Accused were convicted of. In general, CPRs demonstrated more knowledge and understanding of the ECCC. This could be explained by the additional trainings and support they received as part of the Project but also prior to the Project.

To assess factual knowledge and understanding, respondents were asked a series of questions about the trials. One question related to Case 001 (jail sentence of Duch). A series of 16 questions were about Case 002. All topics were discussed and explained during community meetings.

Knowledge encompassed 11 questions including the number of accused at the beginning of trial Case 002/01 and their names, number of accused in Case 002/01 at the time of the survey and the names of the accused, what happened to Ieng Thirith and Ieng Sary, why Case 002 was named Case 002/01, the Trial Chamber's verdict and sentences in Case 002/01, and the presence of an appeal. With the exception of the names of the accused, questions were open with one correct answer. Answers to two questions were read to the respondents: why Case 002 was also named Case 002/01 and the Trial Chamber's verdict. Although the questions about the severance of the case and the appeal might have required some understanding of the process, they were integrated with knowledge because of the design of the questions. The severance question was read to the respondents. The appeal question was a yes/no question. Both questions limited respondents' choices and explanations and could not really assess understanding of the severance and appeal concepts.<sup>39</sup>

<sup>39</sup> See Everett M. Rogers, *Diffusion of Innovation*, 173.

As shown in table 4, most CPs and almost all CPRs knew the jail sentence of Duch responding correctly that Duch was sentenced to life in prison. In Case 002, CPs and CPRs demonstrated a wide range of knowledge. Compared to CPs, greater percentage of CPRs had correct answer on all questions, without error.

|   | CPs (n=101)                  |             | CPRs (n=101)                 |             | Table 4<br>CPs' and CPRs'<br>Knowledge<br>(% of respondents) |
|---|------------------------------|-------------|------------------------------|-------------|--|
|   | Correct answer without error | Do not know | Correct answer without error | Do not know |  |
| <i>Duch's sentence</i>  | 85.5%                        | 11.9%       | 97.4%                        | 0%          |  |
| <i>Number of accused at the beginning of Case 002</i>             | 63.4%                        | 16.8%       | 97.4%                        | 0%          |  |
| <i>Names of the accused at the beginning of Case 002</i>          | 52.5%                        | 14.9%       | 97.4%                        | 0%          |  |
| <i>Number of accused in Case 002 at the time of survey</i>        | 78.2%                        | 9.9%        | 94.7%                        | 0%          |  |
| <i>Names of the accused in Case 002 at the time of the survey</i> | 72.3%                        | 10.9%       | 94.7%                        | 0%          |  |
| <i>What happened to Ieng Thirith</i>                              | 74.3%                        | 22.8%       | 100%                         | 0%          |  |
| <i>What happened to Ieng Sary</i>                                 | 66.3%                        | 26.7%       | 100%                         | 0%          |  |
| <i>What was the verdict in Case 002/01?</i>                       | 75.2%                        | 21.8%       | 92.1%                        | 5.3%        |  |
| <i>What was Nuon Chea's sentence?</i>                             | 82.2%                        | 16.8%       | 100%                         | 0%          |  |
| <i>What was Khieu Samphan's sentence?</i>                         | 81.2%                        | 18.8%       | 97.4%                        | 2.6%        |  |
| <i>Was there an appeal?</i>                                       | 53.5%                        | 40.6%       | 92.1%                        | 2.6%        |  |
| <i>Why was Case 002 also named Case 002/01 (severance)</i>        | 20.7%                        | 33.7%       | 81.6%                        | 5.3%        |  |

At the beginning of the trial for Case 002/01, there were four accused, Nuon Chea, Khieu Samphan, Ieng Thirith and Ieng Sary. Ieng Thirith was eventually declared unfit to stand trial,<sup>40</sup> and Ieng Sary died.<sup>41</sup>

Among CPs, 63.4% stated correctly that there were four accused at the beginning of the trial and 52.5% were able to name the accused without errors. When asked how many accused were on trial in Case 002 at the time of the survey, 78.2% CPs correctly mentioned two accused and 72.3% named the accused without error. About one out of ten did not know the answers to those questions. The main errors included forgetting one or several accused or adding Duch as an accused in Case 002/01. About three out of four CPs (74.3%) knew that Ieng Thirith was found unfit to stand trial and 66.3% said that Ieng Sary died.

40 Ieng Thirith died shortly after the data collection of this survey. See Trial Chamber, "Termination of the Proceedings against the Accused Ieng Thirith", 27 August 2015.

41 Ieng Sary died on 14 March 2013 and was severed from the proceedings the same day. See Trial Chamber, "Termination of the Proceedings against the Accused Ieng Sary", 14 March 2013.

In contrast, 97.4% CPRs knew the number of accused at the beginning of the trial and were able to name them without error. The same percentage could correctly state the number and names of people who were still on trial in Case 002 at the time of the survey. All CPRs knew what happened to Ieng Thirith and Ieng Sary.

In Case 002/01, the Trial Chamber pronounced a guilty verdict against Nuon Chea and Khieu Samphan and sentenced both to life in prison. At the time of the survey, the case was on appeal. A majority of CPs (75.2%) and almost all CPRs (92.1%) knew the Trial Chamber's verdict, as well as Nuon Chea's and Khieu Samphan's sentences (Nuon Chea: CPs: 82.2%; CPRs: 100%; Khieu Samphan: CPs: 81.2%; CPRs: 97.4%). Only half of the CPs knew there was an appeal (53.5%) and 40.6% CPs did not know. Almost all CPRs said the case was on appeal (92.1%). Finally, despite being read, a small percentage of CPs answered the severance question correctly (20.7%). About one-third said they did not know (33.7%). On the other hand, a substantial percentage of CPRs could answer the question correctly (81.6%).

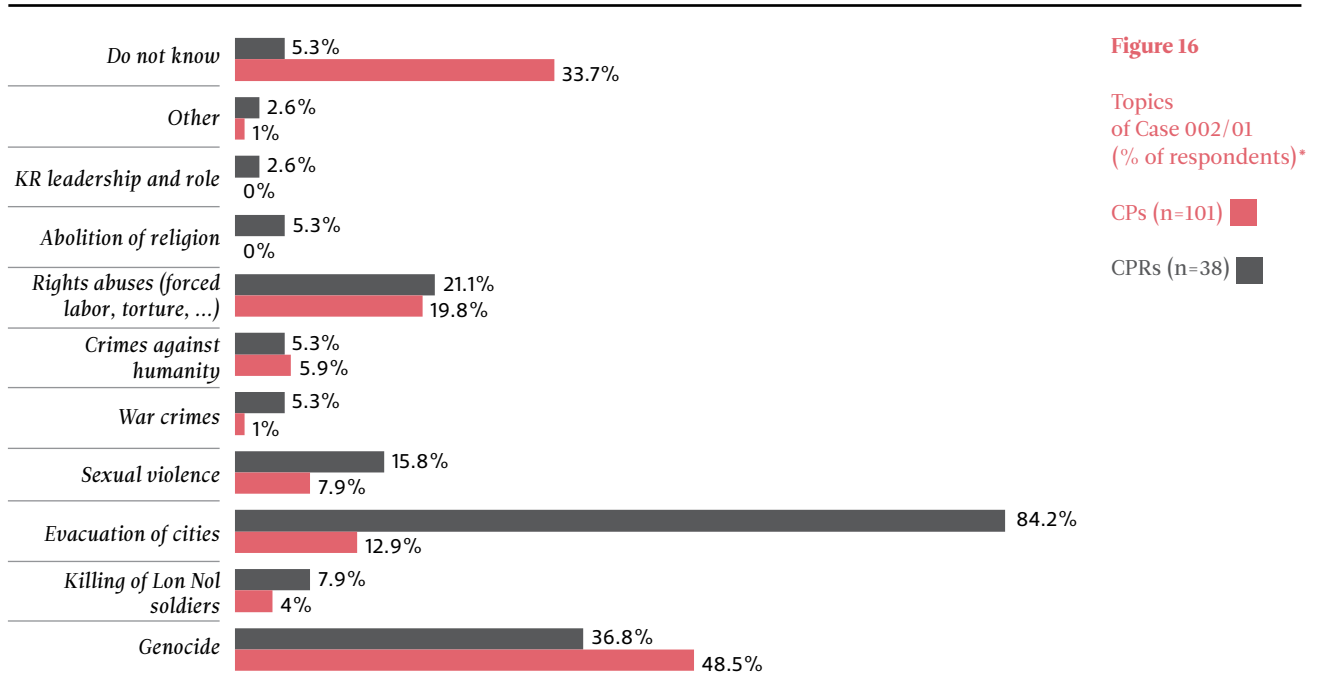
Based on knowledge score,<sup>42</sup> CPRs were significantly more knowledgeable than CPs (CPs: mean = 7.2, S.D. = 2.81; CPRs: mean = 10.47, S.D. = 0.83). Among CPs, men were significantly more knowledgeable than women (women: mean = 6.76, S.D. = 2.74; men: mean = 8.77, S.D. = 2.51). There was no significant difference between CPR women and men. Finally, there were indications that attending community meetings was associated with increased knowledge suggesting that regular outreach activities might have a positive benefit on knowledge.<sup>43</sup>

In addition to knowledge, respondents were asked five questions to assess their understanding of Case 002. Those were open questions with multiple answers. They included topics contained in Case 002/01 and Case 002/02, crimes the accused were convicted of, and Nuon Chea's and Khieu Samphan's defenses. Greater percentages of CPRs demonstrated understanding of the subjects than the CPs.

Respondents were asked about the main topics covered in Case 002/01. Based on the films presented at the community meetings, evacuation of the cities and the killing of Lon Nol soldiers were correct answers. About half of the CPs answered genocide (48.5%), and one-third said they did not know (33.7%). Only one out of ten CPs mentioned the evacuation of (12.9%). On the other hand, a majority of CPRs answered evacuation of the cities (84.2%), and a small percentage mentioned the killing of Lon Nol soldiers (7.9%), also a subject of Case 002/01.

42 Knowledge score was assessed by combining the 11 questions on knowledge creating a 11-point scale (Cronbach-alpha = 0.833) and then calculating mean and standard deviation (S.D.).

43 See for example, Patrick Vinck, and Phuong N. Pham. "Outreach Evaluation: The International Criminal Court in the Central African Republic." *International Journal of Transitional Justice* 4, no. 3 (November 2010): 421-42. doi:10.1093/ijtj/ijq014. See also, Mychelle Balthazard, "Cambodians' knowledge and attitudes towards the Cambodian post-conflict justice process" (Ph.D. diss, Tulane University, Payson Center for International Development, 2012)

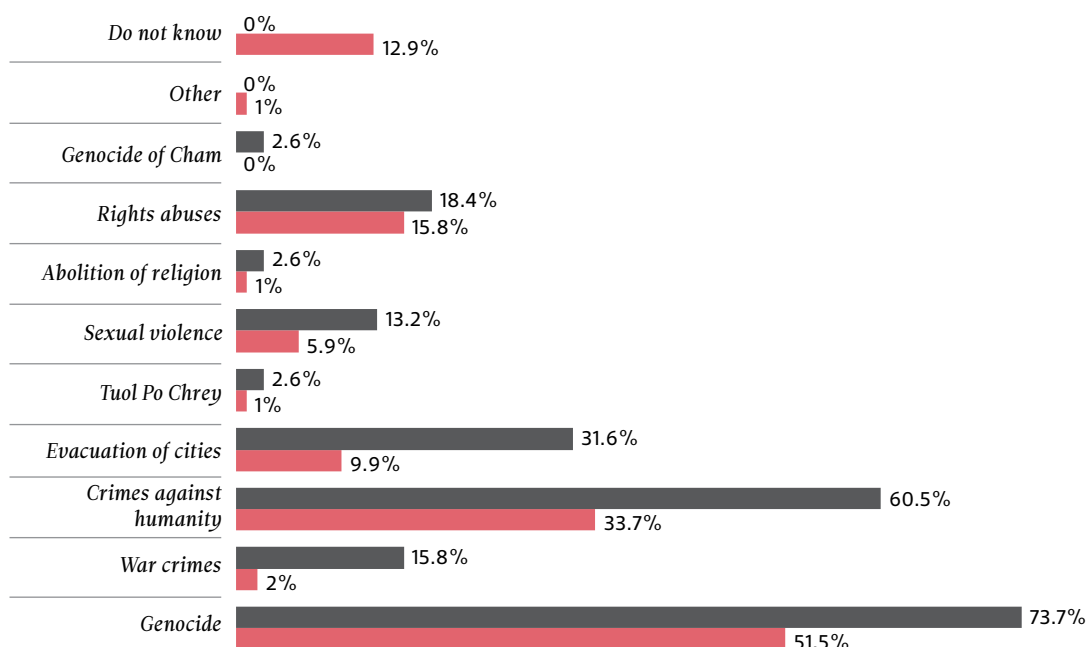


\* Respondents provided multiple answers

The Trial Chamber convicted Nuon Chea and Khieu Samphan for crimes against humanity. A majority of CPs and CPRs knew the accused were found guilty but were not sure of the crimes they were convicted of. When asked about the crimes Nuon Chea and Khieu Samphan were convicted of, there was confusion between criminal actions and legal terms associated with the conviction. Half of the CPs mentioned genocide (51.5%). One-third stated crimes against humanity (33.7%). About one out of ten did not know (12.9%). The majority of the CPRs mentioned genocide (73.7%), but 60.5% also said crimes against humanity while 31.6% talked about the evacuation of cities.

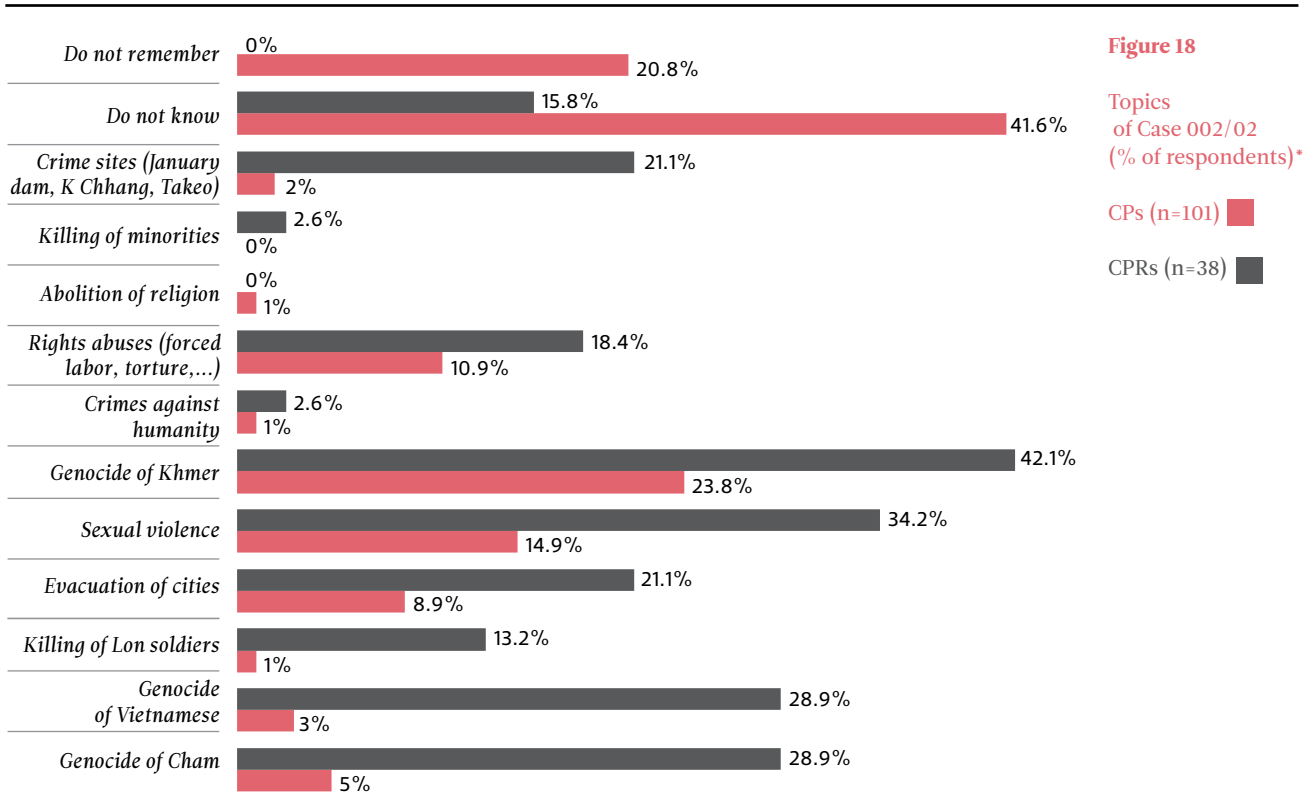
**Figure 17**  
Conviction of the Accused (% of respondents)\*

■ CPs (n=101)  
■ CPRs (n=38)



\* Respondents provided multiple answers

Finally, respondents were asked about the main topics of Case 002/02 including, but not limited to genocide of the Cham and the Vietnamese, forced marriage and rape, as well as crimes committed at certain work sites and detention centers. A majority of CPs reported that they did not know (41.6%) or did not remember (20.8%). About one out of four mentioned genocide of the Khmer (23.8%) and a little bit more than one out of ten talked about sexual violence (14.9%). On the other hand, CPRs mentioned genocide of the Cham (28.9%) and the Vietnamese (28.9%), sexual violence (34.2%) and certain crime sites (21.1%), but also genocide of the Khmer (42.1%), evacuation of the cities (21.1%), and killing of Lon Nol soldiers (13.2%).



\* Respondents provided multiple answers

In general, CPRs demonstrated more understanding of the ECCC than CPs. Nonetheless, the results suggest that respondents were confused by the severance of Case 002, and the legal qualification of criminal acts. Regarding the latter, when asked about crimes for which the accused were convicted of, CPs and CPRs confused facts and legal terms. For example, they mentioned that the accused were convicted for the evacuation of the cities or violations of human rights and not necessarily for crimes against humanity.

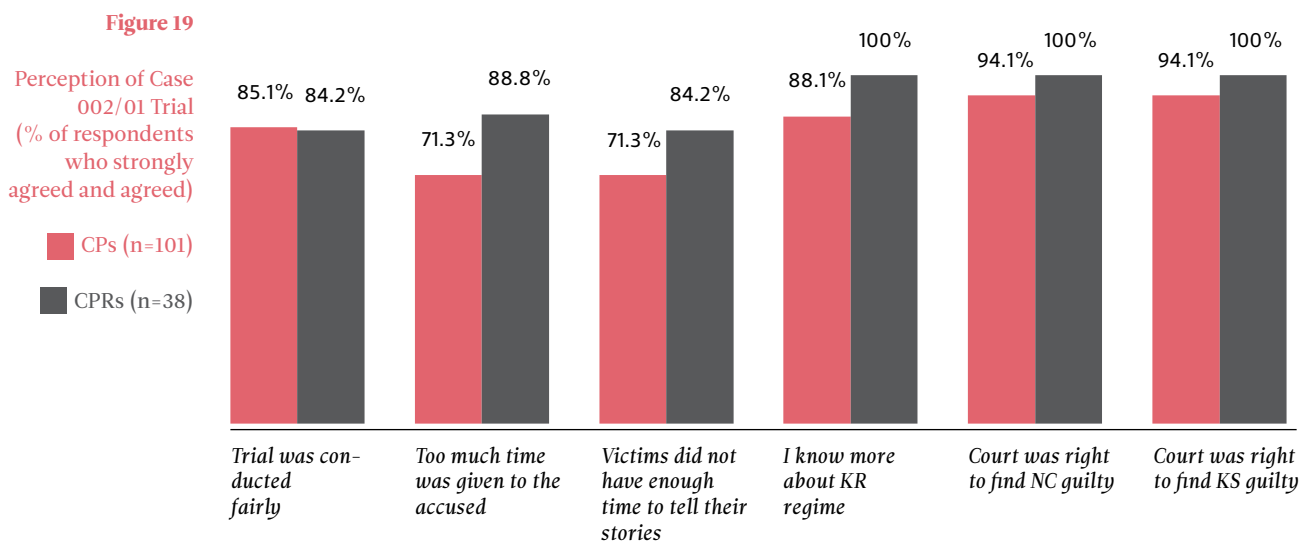
The ECCC's message about the charges in Case 002 varied as a result of the severance. That could have rendered it difficult for CPs and CPRs to understand the trials and the charges. But those answers also raise the question of the importance or even the relevance of distinguishing between facts and legal terms especially in a context in which the population's experiential knowledge could clash with the legal nomenclature or content. Moreover, it could show the limitations of outreach approaches, which attempt to convey complex legal processes and interpretations to populations with little previous experience of justice systems and international law. These results highlight some pertinent issues of relevance to the on-going debate surrounding the goals, content and form of outreach related to mass atrocity trials.



## Perception of the trial

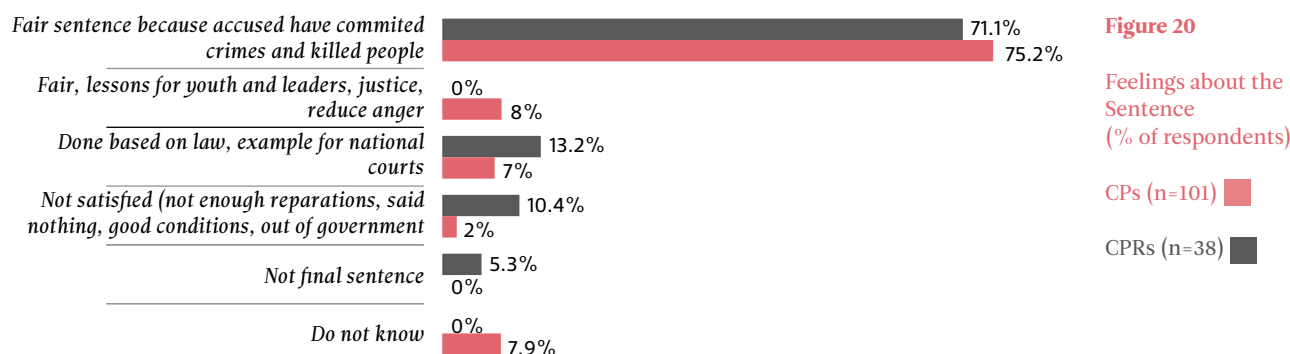
In general, survey respondents were positive about the trial in Case 002/01, and satisfied with the sentence, but were not ready to forgive or to reconcile with the accused. Respondents were still interested in the truth about what happened during the KR regime, and in a historical record-indicating that the criminal justice process might need to be complemented by other transitional justice measures focusing on forgiveness, reconciliation and truth seeking.

The majority of CPs and the vast majority of CPRs agreed that Case 002/01 was conducted fairly (CPs: 85.1%; CPRs: 84.2%), and that the Court was right to find Nuon Chea and Khieu Samphan guilty for what they did during the KR regime (both accused CPs: 94.1%; CPRs: 100%). Respondents also agreed they knew more about what happened during the KR regime after listening to the trial (CPs: 88.1%; CPRs: 100%). Nonetheless, they also felt that the Court gave too much time to the accused to explain themselves (CPs: 71.3%; CPRs: 88.8%) and not enough time to victims to tell their stories (CPs: 71.3%; CPRs: 84.2%).



When asked how they felt about the sentences against Nuon Chea and Khieu Samphan, most respondents said it was a fair sentence because the accused had committed the crimes and killed people (CPs: 75.2%; CPRs: 71.1%), or because it was based on the law and was a good example for the national courts (CPs: 7.0%; CPRs: 13.2%). CPs also mentioned that the sentence was fair and a good lesson for the youth and the leaders (8.0%).

Small percentages of respondents expressed dissatisfaction with the outcome. They mentioned that even if the sentence was fair, they were not satisfied with the reparations, that the accused failed to provide explanations about their relatives, or lived in good conditions or because they wanted the relatives of the accused to be removed from governmental positions (CPs: 2.0%; CPRs: 10.4%). Two CPRs said the sentence was not final and eight CPs said they did not know.



Most respondents were satisfied with the sentence but were not ready to forgive or to reconcile with the accused. Most CPs and CPRs reported that they did not forgive Nuon Chea and Khieu Samphan (CPs: 92.1%; CPRs: 89.5%). Only 7.9% CPs and 10.5% CPRs said they forgave both accused. Among those who said they did not forgive the accused, a substantial percentage said nothing could be done in order for them to forgive the accused (CPs: 61.3%; CPRs: 47.1%). Others mentioned that the accused should be punished (CPs: 15.1%; CPRs: 17.6%), the accused should compensate the CPs (CPs: 15.1%; CPRs: 8.8%), or that they should confess and tell the truth (CPs: 4.3%; CPRs: 14.7%). Small percentages of respondents mentioned that the accused should apologize or show remorse (CPs: 2.2%; CPRs: 8.8%). However the quality of the apology mattered. When asked if they agreed with the statement that Nuon Chea’s apology was genuine, about half of the interviewees disagreed (CPs: 56.5%; CPRs: 47.4%). Two CPs said the accused should be killed.

Only a small percentage agreed that they were more ready to reconcile with Nuon Chea after the trial (CPs: 14.9%; CPRs: 28.9%) and Khieu Samphan (CPs: 13.9%; CPRs: 28.9%). Respondents generally defined reconciliation as living together, being united (CPs: 54.5%; CPRs: 47.4%), being in harmony, understanding, communicating, and working together (CPs: 52.5%; CPRs: 52.6%), and no revenge (CPs: 10.9%; CPRs: 42.1%). The definitions could explain the lack of readiness to reconcile with the leaders due to the implication of those definitions to have some kind of relationship with the accused. Moreover, the results suggest that a trial alone might not be enough for the respondents to forgive or to reconcile, at least with the leaders.

## HISTORICAL RECORD AND TRUTH-SEEKING

CPs and CPRs demonstrated some satisfaction with the ECCC and its outcomes but continued to promote truth seeking. As depicted in Table 5, a vast majority of the respondents agreed that it was necessary to find out the truth about what happened during the KR regime (CPs: 95.0%; CPRs; 94.7%), that people cannot reconcile without knowing the truth about the regime (CPs: 97.1%; CPRs: 86.8%), and that people cannot feel better if they do not know what happened to their loved ones (CPs: 96.1%; CPRs; 89.5%). Most respondents disagreed, although CPRs more than CPs, that a historical record is *not* necessary (CPs: 77.2%; CPRs; 97.4%) and that it is too late to learn what happened during the regime (CPs: 67.4%; CPRs; 86.9%).

| <b>Table 5</b>  |  | <b>CPs (n=101)</b>      | <b>CPRs (n=38)</b> |
|---|--|-------------------------|--------------------|
| <b>Historical Record and Truth Seeking (% of respondents)</b> | <i>It is necessary to find the truth about what happened during the KR regime</i>                        | <i>(Agree)</i> 95%      | 94.7%              |
|   | <i>People cannot reconcile without knowing the truth about the KR regime</i>                             | <i>(Agree)</i> 87.1%    | 86.8%              |
|   | <i>People cannot feel better if they do not know what happened to their loved ones</i>                   | <i>(Agree)</i> 86.1%    | 89.5%              |
|   | <i>A written historical record of what happened in the KR is not necessary</i>                           | <i>(Disagree)</i> 84.2% | 100%               |
|   | <i>It is too late to learn about what happened during the KR regime</i>                                  | <i>(Disagree)</i> 77.2% | 97.4%              |
|   | <i>We know what happened already during the KR regime so it is unnecessary to do any further inquiry</i> | <i>(Disagree)</i> 67.4% | 86.9%              |

The strong support for truth seeking and a historical record might explain the desire of some respondents to see people other than the accused put on trial (CPs: 74.3%; CPRs: 81.6%). It also suggests the need for transitional justice measures beyond and after the current prosecution process.

## KNOWLEDGE AND EXPECTATIONS OF REPARATIONS IN CASE 002

Reparations could play an important role in achieving justice for victims of human rights violations. The ECCC's Internal Rules limit CPs to seek only moral and collective reparations.<sup>44</sup>

In Case 002, prior to the severance of the case, CPs accepted by the ECCC were asked by lawyers, NGOs, and/or the VSS, what projects should be implemented as reparation measures in Case 002. Nonetheless, when asked about reparation granted in Case 002/01, the majority of the CPs said they did not know the number or the nature of projects recommended by the Trial Chamber. Only about one-third of the CPRs reported the correct number of projects the Trial Chamber recommended and identified those projects. Among respondents who knew about those reparation measures, the majority of respondents agreed they were satisfied with the reparation measures.

Among study respondents, 70.3% CPs and 92.1% CPRs reported they were part of the consultation process. About one out of five CPs said they were not asked (26.7%) and 3% said they did not remember. A small percentage of CPRs reported not being asked (7.9%).

Among those who reported being asked, respondents said that ADHOC (CPs: 59.2%; CPRs: 51.4%), their lawyer (CPs: 23.9%; CPRs: 28.6%), a community member such as friend, neighbor or relative (CPs: 12.7%; CPRs: 14.3%), ECCC officials (CPs: 7.0%; CPRs: 25.7%), or TPO (CPs: 2.8%; CPRs: 2.9%) asked them about which reparation measures they would like in Case 002. Some respondents mentioned they were asked as a group (CPs: 7.0%; CPRs: 25.7%). Few respondents said they did not know or remember who asked them (CPs: 5.6%; CPRs: 2.9%).

In Case 002/01, 13 projects were submitted as reparation measures. The Trial Chamber granted 11 projects out of 13. Compared to CPs, CPRs reported more frequently the correct number of projects as well as the type of projects granted by the Trial Chamber.

The vast majority of the CPs said they did not know the number of projects recommended by the Trial Chamber (92.1%). Six people said that the Trial Chambers granted 1 to 5 projects (5.9%) and only 2 people said the correct number of projects recommended by the Chamber (11 projects). Among CPRs, 21.1% reported not knowing the number of projects granted by the Chamber and the same percentage stated 13 projects. About one-third of the CPRs said that the Trial Chamber granted two to 12 projects (29.0%), whereas about one-third reported the correct number of projects the Trial Chamber recommended (28.9%).

When asked about the type of projects, CP respondents named a memorial in province (29.7%) and in Phnom Penh (15.8%), but almost half said they did not know (48.5%), or mentioned infrastructure such as a road, school or ceremony hall for the victims (11.9%). CPRs on the other hand, were able to name several projects such as a memorial in Phnom Penh (65.8%), national day of remembrance (36.8%), memorial in the province (23.7%), mental health services (18.4%), library on the KR regime and the victims (15.8%), the integration of a chapter about the KR regime in the school curriculum (10.5%), as well as a peace learning center or exhibit (10.6%), booklet about Case 002 (10.5%), memorial to Cambodians living in France (10.5%) or two editions of the verdict (7.9%).

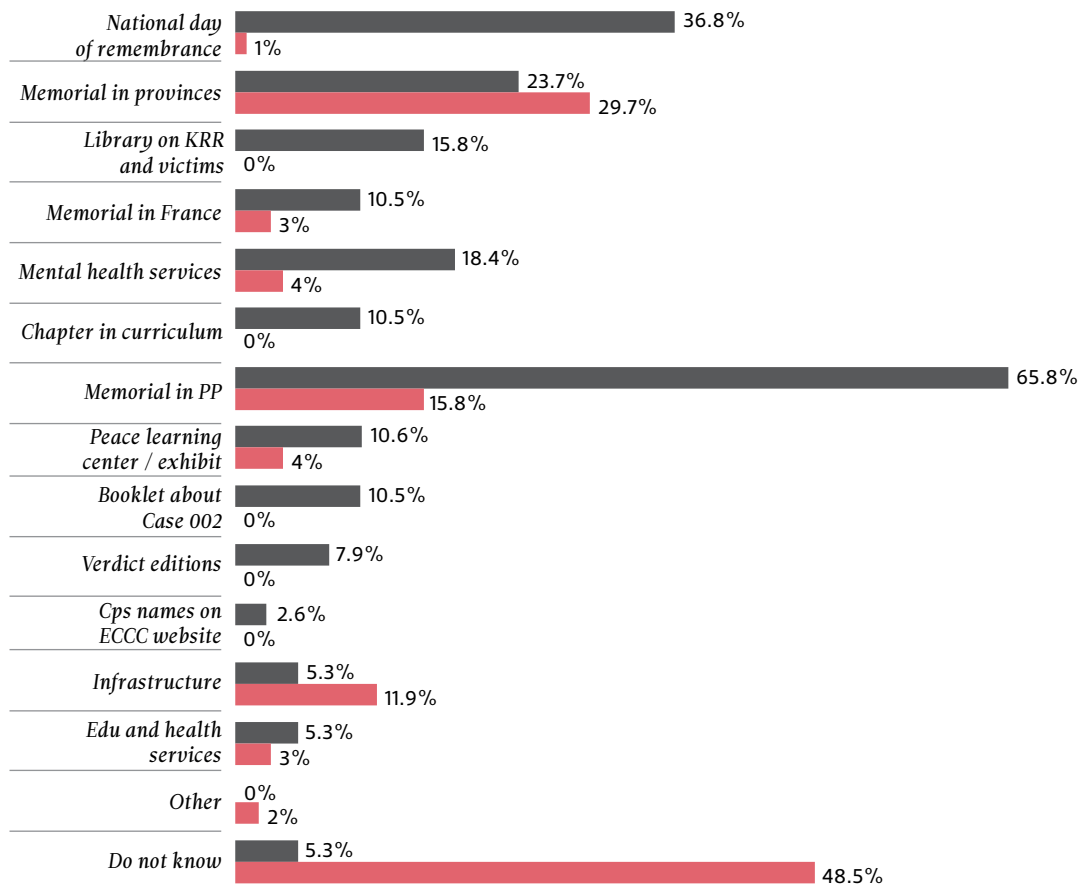
Among respondents who knew about reparation measures, the majority of respondents agreed they were satisfied with the reparation measures (CPs: 88.5%; CPRs: 63.9%), which could help them alleviate the suffering they experienced during the KR regime (CPs: 94.2%; CPRs: 75.0%). Nonetheless, among projects mentioned by the respondents, the Trial Chamber did not accept the memorial in the province or a memorial for Cambodians living in France.<sup>45</sup>

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<sup>44</sup> See ECCC, Internal Rule 23(1), Revision 9.

<sup>45</sup> See, "Case 002/01 Judgement", Case file: 002/19-09-2007, ECCC/TC, 07 August 2014, para 1161.

**Figure 21**  
**Reparations**  
**Measures in Case**  
**002/01**  
**(% of respondents)\***  
■ CPs (n=101)  
■ CPRs (n=38)



\* Respondents provided multiple answers

The results show that a large number of the respondents were not aware of the reparations aspects of the judgment in Case 002/01. It is noted that ADHOC staff and the Civil Party lawyers discussed the topic of reparations during some of the Project’s community meetings but no film specifically addressing reparations was screened at the meetings due to the timing of the verdict in Case 002/01.

Nonetheless, when asked about reparations in Case 002/02, most respondents agreed that it was important to provide collective and moral reparations to victims of the regime or their family in Case 002/02. These reparation measures could include memorials, statue, museum, historical record and day of commemoration but also health and mental health services, infrastructure, economic development or financial support. They also expected the reparations measures to be paid by a variety of actors including perpetrators, the international community and the government. They also expected that government reparations should be implemented at all administrative levels (province, district, commune, village, crime sites). Finally, they mentioned that they would assist in the implementation of reparations measures mainly by providing money and labor.

CPS (N=101)

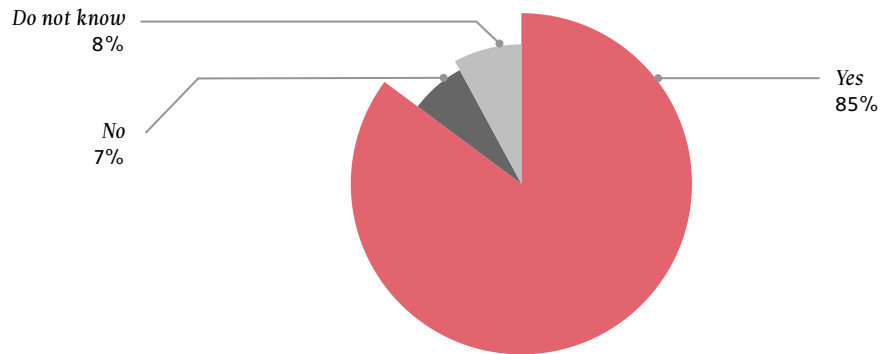
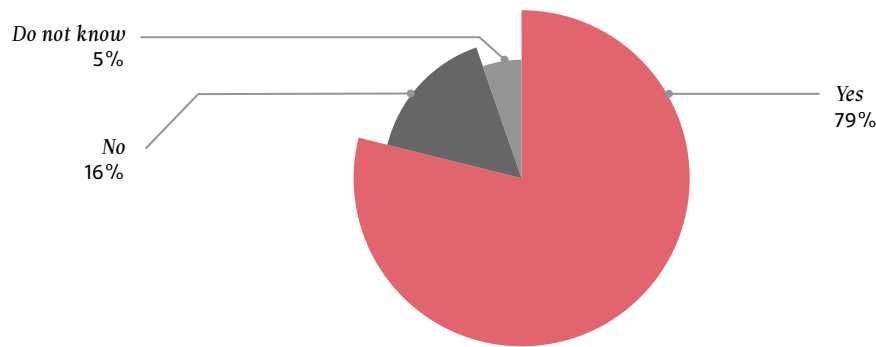


Figure 22

Importance of  
Reparation  
(% of respondents)

CPRS (N=38)



Most respondents agreed that it was important to provide collective and moral reparations to victims of the regime or their family (CPS: 85.1%; CPRs: 78.9%).

Among those who said reparations were important, respondents reported that the reason they were important was : 1) to remind the youth of the KR regime (CPS: 50.5%; CPRs: 61.1%), 2) to commemorate the dead (CPS: 23.7%; CPRs: 16.7%), but also, mostly for CPRs, 3) to release suffering (CPS: 6.5%; CPRs: 27.8%). Small percentages of respondents mentioned that reparations were a means to show and convince victims that justice has been done (CPS: 7.5%; CPRs: 2.8%) or did not know (CPS: 7.5%; CPRs: 2.8%).

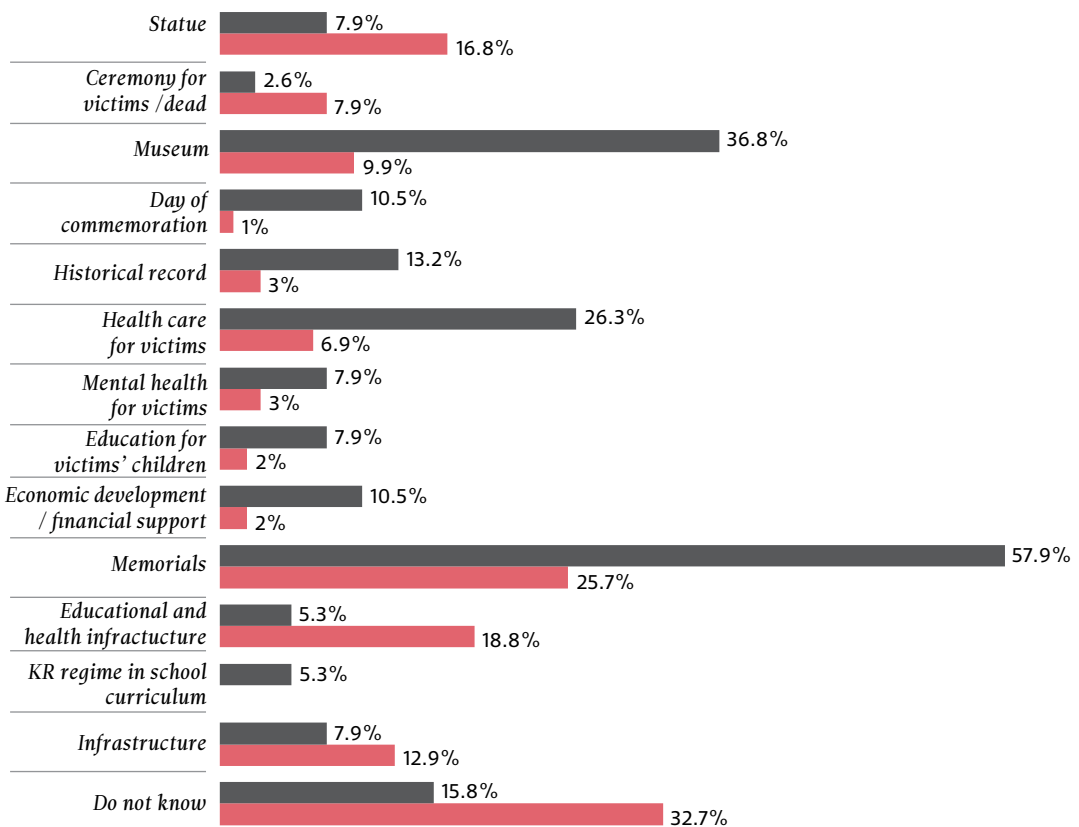
Few CPS (6.5% or 6 people) said that reparations were useless because: 1) it would be difficult for victims to commemorate the dead, 2) there was already collective reparations, or 3) the crimes happened too long ago. The vast majority of the respondents said they would not accept the absence of reparations for the victims or their families (CPS: 85.1%; CPRs: 84.2%). A small percentage reported that they would accept it (CPS; 4.0% CPRs: 13.2%) or did not know (CPS; 10.9% CPRs: 2.6%).

When asked if individuals, communities, or both should receive reparations, respondents were divided. Less than one-third of the CPS said that reparations should be provided to individuals (28.7%), to communities (36.6%) or to both (34.7%). Half of the CPRs mentioned that reparations should be provided to both (55.3%), whereas about one out of four CPRs stated that reparations should be given to individuals (23.7%) and one out of five expressed that reparations should be allocated to communities (21.1%).

When asked what reparation measures should be provided in Case 002/02, some interviewees' responses mirrored the reparations in Case 002/01. CPs stated they would like memorials (25.7%), statues (16.8%) and museum (9.9%), whereas CPRs talked about memorials (57.9%), museums (36.8%), an historical record (13.2%), and day of commemoration (10.5%). Respondents also mentioned health and mental health services (CPs: 9.9%; CPRs; 34.2%) and infrastructure including schools, hospitals, roads, mosques, pagodas, or a ceremony hall (CPs: 31.7%; CPRs; 13.2%). One out of ten CPRs desired economic development or financial support (10.5%). About one-third of the CPs (32.7%) and one out of ten CPRs (15.8%) stated they did not know.

The results suggest that although a majority of respondents understood the nature of the reparations that the ECCC could provide, some desired projects that would be unlikely to be supported by the ECCC (i.e. infrastructure). This may be because of a lack of understanding of the rules or a desire to express their wishes without considering the limitations of the rules.

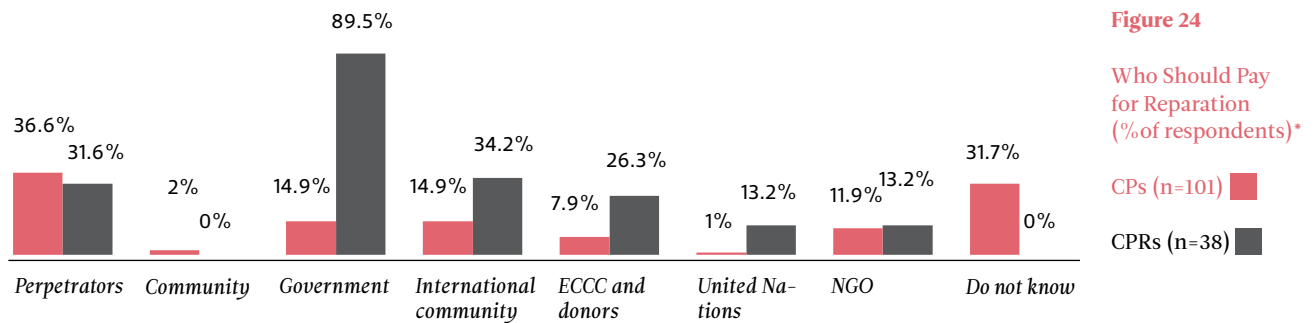
**Figure 23**  
 Reparation Measures in Case 002/02  
 -  
 % of respondents  
 Respondents provided multiple answers  
 ■ CPs (n=101)  
 ■ CPRs (n=38)



\* Respondents provided multiple answers

Respondents wanted reparation measures to be implemented at all levels; provincial (CPs: 42.6%; CPRs; 76.3%), district (CPs: 23.8; CPRs: 42.1%), commune (CPs: 32.7%; CPRs; 36.8%), village (CPs: 30.7%; CPRs: 26.3%), and mass grave sites (CPs: 36.6%; CPRs: 47.4%). A small percentage of CPs did not know (5.9%).

CPs expected the reparations to be paid mostly by the perpetrators (36.6%), the government and the international community (both: 14.9%). One-third of the CPs said they did not know (31.7%). A higher percentage of CPRs favored the Cambodian government (89.5%), followed by the international community (34.2%), the perpetrators (31.6%), and the ECCC and its donors (26.3%).



\* Respondents provided multiple answers

Finally, respondents were asked if they would assist if a small project were implemented in their community. The vast majority of respondents answered positively (CPs: 97.0%; CPRs: 92.1%). Interviewees said they would assist mainly by providing money (CPs: 86.7%; CPRs: 74.3%), and labor (CPs: 21.4%; CPRs: 42.9%). CPRs also said they would contribute time (25.7%), as well as give their opinion and disseminate information about the project (20.0%).



## TRUST IN THE NATIONAL JUSTICE SYSTEM

In general, respondents were positive about the work of the ECCC. When asked specifically about the neutrality of the Court and its judges, a majority of the CPs and two-third of the CPRs reported believing the ECCC was neutral (CPs: 84.2%; CPRs: 68.4%) and that its judges were fair (CPs: 86.1%; CPRs: 65.8%). Among those who said the ECCC was not neutral (9 CPs and 11 CPRs), the main reason was that the Court or the judges were associated with the Cambodian government (5 CPs and 7 CPRs).

Notably, a vast majority of respondents said the ECCC helped them to understand the functioning of a court system (CPs: 90.1%; CPRs: 97.4%) but also reported feeling less confident in the Cambodian judicial system because of the ECCC (CPs: 72.3%; CPRs; 86.8%).

CPRs were significantly more critical of the national justice system than the CPs. The results suggest that greater knowledge of the ECCC and its cases might lead to higher expectations of the national justice system, however further research is needed.

As shown in Table 6, when asked about the national court system, greater percentages of CPs showed favorable attitude towards the justice system than the CPRs. Nearly seven CPs out of ten felt that the justice system and its actors (i.e. judges and police) treated everyone the same way (61.4% to 71.3%). Lesser percentages stated they trusted the Cambodian court and the judges (56.4% and 57.4%). Only about one out of five CPRs felt the same way on those items.

| <b>Table 6</b>  |   | <b>CPs (n=101)</b> | <b>CPRs (n=38)</b> |
|---|---|--------------------|--------------------|
| Perception of the National Justice System<br>(% of respondents who strongly agreed or agreed) | <i>Cambodian judges treat everyone equally according to the law</i>   | 71.3%              | 23.7%              |
|   | <i>Justice is the same for everyone</i>                               | 74.3%              | 36.8%              |
|   | <i>Police treat everyone the same way</i>                             | 61.4%              | 18.4%              |
|   | <i>I trust the Cambodian court system</i>                             | 56.4%              | 26.3%              |
|   | <i>I trust the Cambodian judges</i>                                   | 57.4%              | 26.3%              |
|   | <i>Involving the police when I have a conflict means paying a fee</i> | 91.1%              | 86.8%              |
|   | <i>Going to court is too expensive</i>                                | 93.1%              | 89.5%              |
|   | <i>Going to court means losing face</i>                               | 63.4%              | 39.5%              |
|   | <i>Going to court means paying bribes to the judge</i>                | 73.3%              | 63.2%              |
|   | <i>Officials who commit crimes go unpunished</i>                      | 60.4%              | 65.8%              |

On the other hand, a majority of CPs and CPRs agreed about expensive costs of going to court (CPs: 93.1%; CPRs; 89.5%), as well as bribes to the police (CPs: 91.1%; CPRs; 86.8%) or to the judges (CPs: 73.3%; CPRs; 63.2%), and that officials go unpunished (CPs: 60.4%; CPRs: 65.8%). A smaller percentage perceived going to court as losing face (CPs: 63.4%; CPRs; 39.5%).

About half of the CPs (57.4%) and almost seven out of ten CPRs (68.4%) said that the ECCC had made a positive contribution to the development of rule of law in Cambodia, although 34.7% CPs and 10.5% CPRs mentioned that they did not know if it did. Among those who agreed that the ECCC had made a positive contribution, (CPs n=54; CPRs n = 26), almost all said the Cambodian judges were now fairer in their judgments (CPs: 93.1%; CPRs: 92.3%).

## **COMMUNICATION AND RECONCILIATION**

Beyond knowledge and understanding, the Project aimed to provide safe open spaces for local communities to critically reflect on the past, their role during the conflict and their role in the reconciliation process. More precisely, the Project expected to enhance dialogue opportunities and increase mutual understanding among survivors and other community members. Additionally, the Project aimed to increase local engagement with and capacities for Cambodia's process of dealing with the past, so as to enable conflict-affected groups and women in particular to initiate steps towards mutual dialogue and to become active in that process.

To better understand what could hamper and facilitate their engagement, respondents were asked a series of questions related to communication practices about the past, social support and constraints in communicating about the past, attitudes towards former KR and respondents' potential actions towards stimulating dialogues at the community level.

In general, respondents were engaged in dialogue, had a supportive environment to speak about the past and were willing to talk about their experience during the regime at least to those close to them. On the other hand, they had negative attitudes towards those responsible for what happened during the KR regime and only small percentages reported being comfortable being or doing activities with former KR. In general, CPs reported more frequently negative attitudes towards and being less comfortable doing activities with former KR. These results indicate that respondents could be ready to engage in dialogue about the past but less so in establishing relationships with former KR.

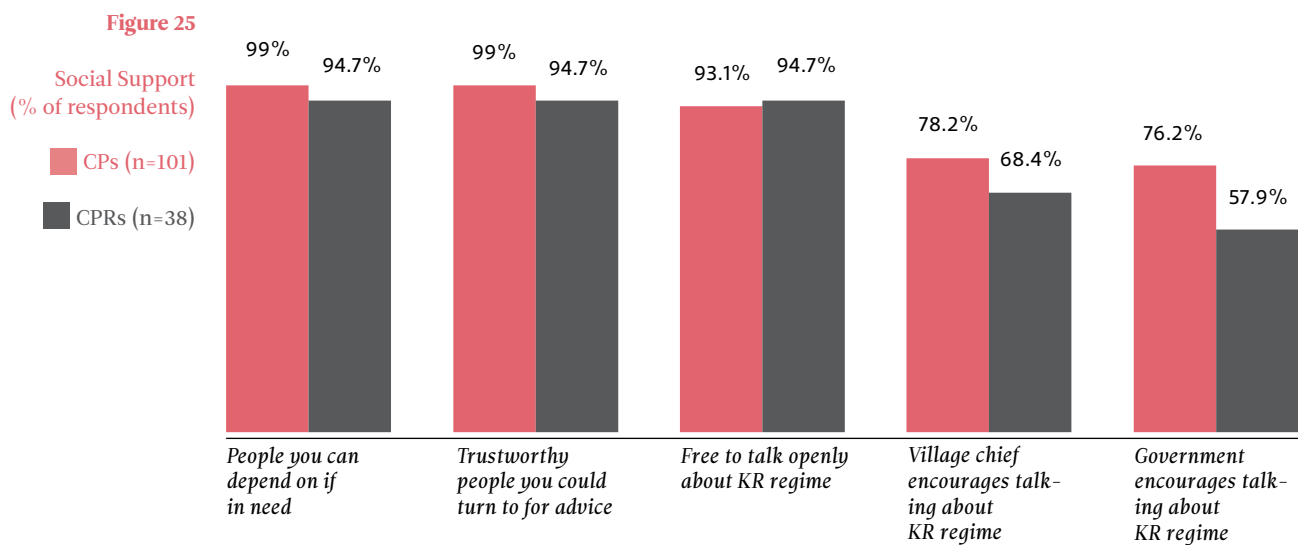
Within their community, CPs and CPRs reported that they would like to disseminate information or educate the youth, interact with neighbors, organize activities in their community or join / create victims' associations or provide help to other victims. At the same time, they were reluctant to talk about their experience to the youth indicating they might be willing to talk about the KR regime but not so much to disclose their own experience.

### **COMMUNICATING ABOUT THE PAST**

At the time of the survey, respondents were already engaged in dialogues. CPs and CPRs reported talking about the KR in their community very often or often (CPs: 63.4%; CPRs: 84.2%), sometimes (CPs: 27.7%; CPRs: 15.8%) or rarely (CPs: 7.9%; CPRs: 0.0%). Only 1.0% of the CPs mentioned they never spoke about the KR regime in their community.

Moreover, when asked if they had talked to members of their community about the KR regime and reconciliation, almost all respondents said yes (CPs: 95.7; CPRs; 100%). Respondents said they talked to two to five people (CPs: 29.2%; CPRs: 13.2%), six to ten people (CPs: 34.8%; CPRs: 15.8%), or more than ten people (CPs: 36.0%; CPRs: 71.1%)

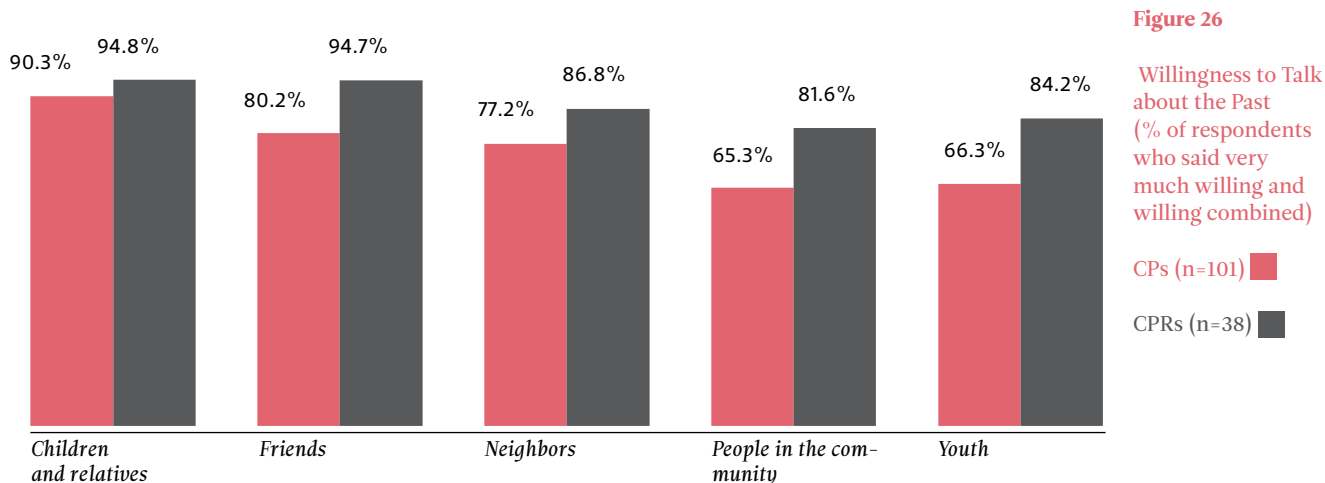
In general, respondents also described an environment suitable to share experiences about the past. As shown in figure 25, a majority of respondents agreed with the statements that there were people in the community that could help them if they were in need, and trustworthy people they could turn to for advice if they had a problem (both: CPs: 99.0%; CPRs: 94.7%), that they could talk openly and freely about anything related to the KR regime (CPs: 93.1%; CPRs; 94.7%), and that the village chief (CPs: 78.2%; CPRs: 68.4%) and, to lesser extent, the government encouraged talking about the regime (CPs: 76.2%; CPRs: 57.9%).



However, at the same time, a majority of respondents stated they had to hide their feelings about their experience during the KR regime because people felt uncomfortable (CPs: 84.2%; CPRs: 86.8%). Half of the CPs and one-third of the CPRs also agreed that they felt that people did not understand what they went through during the regime (CPs: 56.4%; CPRs: 36.8%).

One of the problems respondents associated with community meetings was the absence of the youth. When asked directly about the interest of the youth in the KR regime, the vast majority of respondents said they agreed that the young generation was not interested in the regime (CPs: 93.1%; CPRs: 84.2%). A majority of CPs and half of CPRs said it was easier to talk to women than men about the KR regime (CPs: 85.1%; CPRs: 50.0%). CPs and CPRs women were more likely to say that talking to women was easier.

Respondents talked to people in their community about the KR regime, and depicted a supportive environment for speaking about the regime. Nonetheless, respondents' willingness to talk about their own experience during the regime varied depending on the audiences.



The vast majority of the respondents reported their willingness to talk to their children and relatives (CPs: 90.3%; CPRs: 94.8%), and their friends (CPs: 80.2%; CPRs: 94.7%), but smaller percentages mentioned being willing to speak to their neighbors (CPs: 77.2%; CPRs: 86.8%), people in their community in general (CPs: 65.3%; CPRs: 81.6%), and the youth in general (CPs: 66.3%; CPRs: 84.2%) about their past and the KR. Greater percentages of CPRs than CPs stated they were willing to talk about their past to all audiences.

## ATTITUDES TOWARDS FORMER KHMER ROUGE

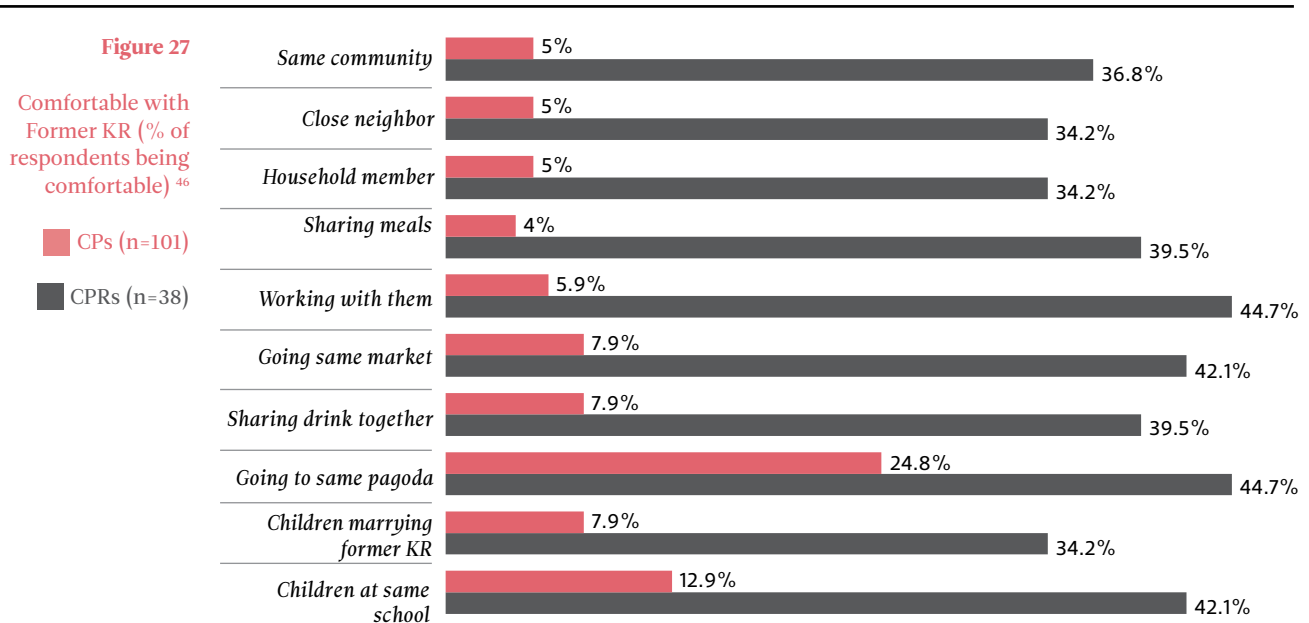
Attitudes towards different identity groups such as former KR could influence the way people deal with the past and engage in reconciliation process. Respondents, more CPs than CPRs, expressed feelings of revenge towards those responsible for what happened during the KR regime. As shown in Table 7, a majority of CPs and CPRs reported having feelings of hatred towards those responsible for what happened during the regime (CPs: 94.1%; CPRs: 78.9%), and wished to see those responsible being hurt or miserable (CPs: 89.1%; CPRs: 68.4%). Additionally, a majority of CPs cited they wished they could take revenge (70.3%) and about half mentioned they would seek revenge if they could (56.4%). Only about one-third of CPRs felt the same way (could take revenge: 39.5%; seek revenge: 34.2%).

**Table 7**  
Feelings of Revenge (% of respondents who said yes)

|  | CPs (n=101) | CPRs (n=38) |
|--|-------------|-------------|
| <i>Have feelings of hatred</i>                         | 94.1%       | 78.9%       |
| <i>Wish you could take revenge</i>                     | 70.3%       | 39.5%       |
| <i>Would seek revenge if you could</i>                 | 56.4%       | 34.2%       |
| <i>Wish to see those responsible hurt or miserable</i> | 89.1%       | 68.4%       |

Interviewees expressed a desire for revenge towards the former KR. To assess if those attitudes translated into actions, respondents were asked if they would be comfortable being with or doing activities with former KR in their community.

As shown in Figure 27, CPRs reported being more comfortable than the CPs in all situations. With the exception of going to the same pagoda (24.8%) and one’s children attending the same school as former KR’s children (12.9%), only 5% of the CPs said they would be comfortable being in the same community, a close neighbor, or household member with former KR. Less than one out of ten CPs mentioned being comfortable sharing a meal (4.0%), working with (5.9%), going to the same market (7.9%), sharing a drink (7.9%), or their children marrying former KR’s children (7.9%). Among CPRs, about four out of ten reported they would be comfortable being with or doing activities with former KR. Greater percentages of CPRs said they would be comfortable working with and going to the same pagoda (both: 44.7%). About one-third of the CPRs said they would be comfortable having former KR as close neighbors, household member, or marrying their children with former KR’s children (34.2%). These results indicate some reluctance, more among CPs than CPRs, in being in close proximity with or doing activities with former KR in the community.



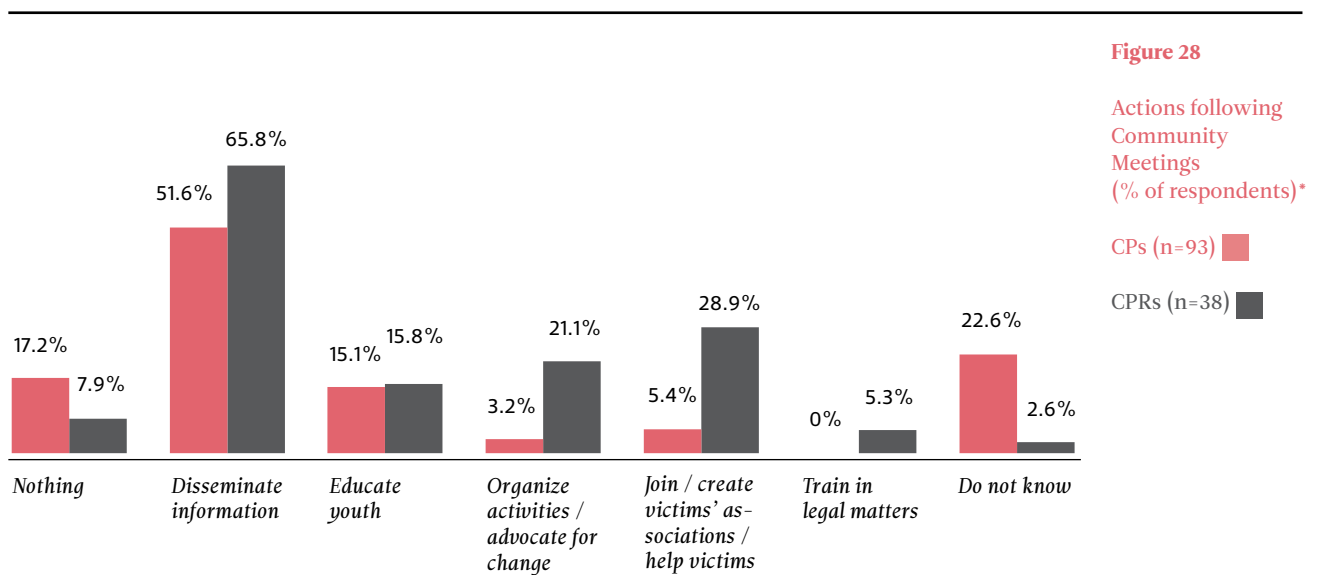
46 None of the respondents said they were very comfortable.

## FUTURE ACTIONS

It was hoped that community meetings could have lasting effects. To assess this, respondents were asked to state actions they would like to accomplish following the meetings, and actions they would like to implement so people in their community would talk more about the KR regime and reconciliation.

CPs reported they would disseminate information in their community (51.6%) and educate the youth (15.1%). More than one out of ten said they would do nothing (17.2%) and one out of five mentioned they did not know what action they could take (22.6%).

Conversely, the CPRs reported that they would disseminate information in their community (65.8%) and educate the youth (15.8%). They also reported they would like to join or create a victims' association and help victims (28.9%) or organize activities and advocate for change in their community (21.1%). A small percentage said they would do nothing (7.9%) and a smaller percentage mentioned they did not know (2.6%).

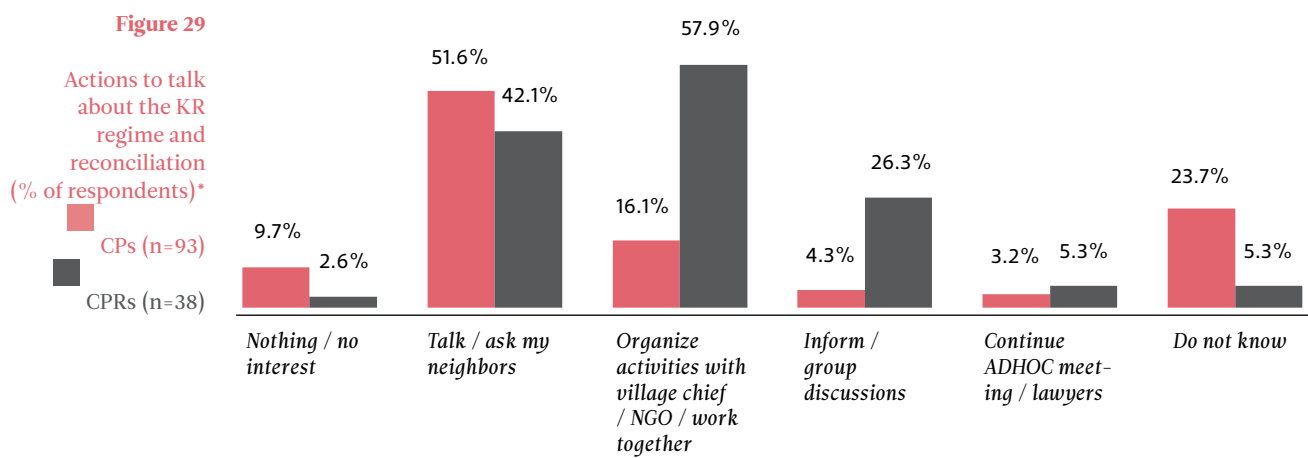


\* Respondents provided multiple answers

47 Only respondents who reported attending at least one community meeting were asked about future actions. The total number of CPs was 93. All CPRs (n=38) responded to those questions.

When asked about actions respondents would implement so people in their community would talk about the KR regime and reconciliation, their suggested actions were similar to those they would like to accomplish following community meetings.

About half CPs and CPRs said they would interact with their neighbors (CPs: 51.6%; CPRs: 42.1%). Both groups, although the percentage was greater among CPRs, mentioned organizing activities with the village chief, NGO, or working together (CPs: 16.1%; CPRs: 57.9%) and disseminating information or organizing group discussion (CPs: 4.3%; CPRs: 26.3%). A small percentage said they would do nothing (CPs: 9.7%; CPRs: 2.6%). Almost one out of four CPs but only few CPRs reported they did not know what to do (CPs: 23.7%; CPRs: 5.3%).



## Focus Groups

As for survey respondents, participants to the focus groups said they would transmit what they learned at the meeting to their spouse, children, relatives, friends and neighbors.

*“It is useful for telling my relatives. ... I remember the dam site here, the place we are sitting was a hospital... for sentencing Khmer Rouge in second time, it is useful.”*

Many mentioned that they would like to educate the young generation.

*“Yes, it is useful that I gained the knowledge, for outreach and for the truth of the ECCC... Younger said they didn’t believe and see, so I can tell them about [the ECCC and the accused].”*

Local officials added they would like to inform villagers and requested material (i.e. DVD or written material) they could bring back to the village so they could remember the content of the information and show pictures. *“For memory, it is also good for us to replaying DVD.”*

*“Sometime it is like this. When we tell villagers, we can use the documents to tell the villager otherwise we forgot.”*

*“My village is so far from here. I come alone here. If there were documents, when I return to my village, I could remember what I noted.”*

Many were expecting additional outreach and community meetings

*“When I heard that the project is ending. I felt disappointed. I want to have more project.”*

*“...if there were outreach in the village that will be good. ECCC also collected people to go the court but not enough of people.”*



# Lessons learned

Some lessons learned are drawn from the results of the study and the broader experience of implementing this two-year Project. They are intended primarily to inform the Project organizers in case of a continuation of the Project but are also directed to other organizations engaged in outreach on the KR regime and the ECCC.

## OUTREACH

**Information was still wanted:** While the ECCC was established almost a decade ago, study participants were still interested in being informed about the Court and its developments. As with other internationalized courts, leaving the Cambodian population with little information has the potential to trigger misconception over the Court and its outcomes and to raise discontent among the population. It is also imperative to keep CPs informed as the Court moves further in Case 002/02 that addresses a number of significant atrocities committed during the KR regime.

**Outreach in rural areas was particularly well-received:** The study results support the need for sustained outreach in rural areas. Study participants were satisfied with the community meetings and concerned about the end of the Project. Conducting outreach activities at the community level maximized rural Cambodians' access to information but also provided participants with opportunities to meet other survivors and share experiences. For some, it was also a way to express feelings. For others, it was an occasion to educate other participants. The latter is especially important in the rural context where media or visits to the Court might be less accessible.

**Different audiences responded to different messages:** Study respondents demonstrated a wide range of knowledge and understanding about the KR regime and the ECCC. In this regard, the survey results suggest that different audiences have different interests and capacities affecting their response to information about the Court. Thus, information and messages should be tailored to each of these audiences to ensure meaningful engagement with each target population. Needs assessment of targeted audiences and pre-testing media content prior to the implementation of outreach mass intervention could help maximize the benefit of using media in outreach.

**More involvement of youth is desired:** Several respondents noted that the younger generation was not attending community meetings or not interested, and therefore suggested the need to further educate youth. While youth was not targeted under the current Project, the few youth attending focus groups were positive and eager to be informed about the KR regime. The need to go beyond the survivor generation has been gradually recognized, as shown by recent amendments to the school curriculum, and complementary activities by civil society organizations.<sup>48</sup> However, survey respondents felt that more should be done to ensure that youth are informed about the KR past and the Court. More discussion and research is needed to assess the needs and interest of younger generations and evaluate the most appropriate means of reaching out to them.

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48 See for example, Khamboly Dy, "A History of Democratic Kampuchea (1975-1979)", (Phnom Penh, Cambodia: Documentation Center of Cambodia, 2007).

**More support for outreach is needed:** Together, these results highlight the ongoing relevance of outreach and support other organizations' calls for maintaining an adequate level of ECCC-related outreach. This is not new. Since the inception of the Court, this has been suggested to the government and the international donor community. During the first years of the tribunal, donors supported a broad range of outreach activities. But those programs have run their course, falling victim of donor fatigue. As the ECCC continues with Case 002/02, outreach activities are still essential so that Cambodians could see and hear about a justice process that concerns them. This is especially important, as Case 002/02 addresses significant atrocities committed during the KR regime, including genocide and sexual and gender-based violence.

## USE OF MEDIA

**The use of films was perceived positively but gains were mixed:** Study participants were positive about the use of the film, saying that the film gave them opportunities to discuss the regime and volunteered experiences. Focus group participants were also pleased to see the faces of the accused and to have a sense of the Court process. Nonetheless, many participants focused on footage of the KR regime, close to their own experience, making difficult to assess the gains from the legal explanations. Additionally, many focus group participants mentioned technical problems, often associated with difficulties of screening films in remote locations. The overall study results suggest that the use of media can support outreach activities but also emphasized that formats and contents must be adapted to specific target audiences, and technical problems be overcome. Finally, the complexity of the legal proceedings coupled with many audiences' lack of exposure to the judicial system pose challenges to the production of accessible media content.

**Broadcast media remained a main source of information on ECCC:** Radio and TV remained an important source of information on the ECCC for survey respondents. During Case 001, the media provided more regular information about the Court and its developments. Since then, media coverage has drastically diminished. As Case 002/02 continues, the media could reach a larger audience and thus inform those who are interested such as study respondents. As a consequence, the results speak in favor of bolstering media coverage of the ECCC and its proceedings.

## USE OF NETWORKS AND INVOLVEMENT OF TARGET GROUPS

**Study participants were willing to be involved in informing their community:** Most study participants said they would disseminate information to family members, relatives, neighbors or villagers, or educate the youth. CPRs suggested specific activities such as meetings in their village, group discussions and activities in collaboration with village chiefs or NGOs. The Project experience in enlisting and involving some of the target groups, notably the CPRs, has proven beneficial for the Project not only in the organization of community meetings but also in the willingness of those involved to continue informing and engaging with the community beyond the end of the Project. It was also beneficial to the CPRs who felt rewarded in their role and direct involvement in the Project activities.

**The CPR Scheme was an asset:** By encouraging, supporting and guiding information and activities on the KR regime and the ECCC, informal civil society networks of people, such as ADHOC's CP Scheme, have the potential of reaching a greater number of Cambodians across the country. Over time, CPRs have acquired knowledge and reported that they have obtained skills to organize and facilitate meetings. The support and training provided to CPRs in the last five years, first with ADHOC and then through the Project, should be maximized and be reinvested in additional activities related to the KR regime, the ECCC, and beyond. As they gained experience, they should have been encouraged to play a stronger role in the implementation of programs and gradually be involved in more aspects relating to the design and development of project activities. This could enhance their knowledge and skills and provide them with ability to reproduce and potentially become more independent agents of change.

## **FURTHER RESEARCH IS NECESSARY**

**Little is known about outreach needs of the general population:** This is a small study involving a limited number of respondents, all victim participants at the ECCC. Since the end of the Duch trial, several organizations have conducted small-scale studies providing useful information on the attitudes and knowledge of the Cambodians on diverse topics related to the ECCC. However, a population-based study would give a more representative picture of the Cambodian population's attitudes and knowledge of the ECCC as well as assess more accurately its impacts after the second trial. As such, it would provide invaluable information on transitional justice mechanisms such as the ECCC. In addition, strengthening local research capacities could give local organizations tools and knowledge to better understand the needs of their target populations, as well as the results, positive or negative, of their interventions.



## AUTHORS AND ACKNOWLEDGEMENT

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