



CAMBODIA 2012

Collaborating in Efforts to Advance
Criminal Justice and the Rule of Law

INTRODUCTION

- The Team: Bridget Arimond, Clare Conroy, Jennifer Doucleff, Christine Evans, Puspa Pokharel, Raia Stoicheva
- Spent 11 days in Phnom Pehn, Cambodia
- Activities
 - Conducted interviews with national and international lawyers
 - Participated in advocacy skills workshop & mediation class
 - Attended court proceedings at ECCC and Phnom Penh Municipal Court



BRIEF HISTORICAL OVERVIEW

THE KHMER ROUGE

- April 17, 1975 to January, 7 1979
- The goals were a classless, agrarian, self-sustaining society.
 - forced eviction to country side
 - forced labor on a cup or two of rice soup
 - no private property, religion, family life
 - emphasis on “purity”
- More than 2 million people perished in work camps and prisons



TUOL SLENG PRISON

S-21: systematic imprisonment, torture, and murder of
“enemies,” “traitors,” and “spies.”

BRIEF HISTORICAL OVERVIEW

TUOL SLENG: “SECURITY CENTER”

- Held approximately 14,000 prisoners while in operation, only about 12 survived
- Activities well documented: head shot of each prisoner and a written, signed confession.
- First defendant at ECCC was the person in charge of this prison: Kaing Guek Eav alias Duch.



BRIEF HISTORICAL OVERVIEW

THE KILLING FIELDS

- About a 30 minute drive from Phnom Penh proper
- Surrounded by farms and a school
- Peaceful



BRIEF HISTORICAL OVERVIEW

THE KILLING FIELDS

- Est. 20, 000 mass graves throughout the country
- People taken there to be killed mostly shovels, knives, and palm branches (tools of farming)



The Extraordinary Chambers in the Courts of Cambodia (ECCC)

- Began operation in 2006 after more than 10 years of negotiations
- “Hybrid” Tribunal
 - set up as functioning part of national system
 - subject matter jurisdiction
- Mixed composition
 - national and international staff at all levels
 - judicial decisions reached by supermajority vote

ECCC

CASES & DIFFICULTIES

- 001: Duch (one of those “most responsible”) – convicted
- 002: Nuon Chea, Ieng Sary, Khieu Samphan – at trial
 - Ieng Thirith dismissed on competency grounds
- 003/004: ? – at investigative stage
 - Controversy in the co-investigating judge office
 - Corruption and political interference allegations
 - Funding difficulties



ECCC LEGACY

- Role of the court in educating about the past and uncovering the truth
- Skills transfer and capacity-building for national system, esp. fair trial rights
- Our project: emerged as idea from international co-prosecutor's office but managed by East West Management Institute

LEGACY PROJECT: HANDBOOK



- Covers fair trial rights with focus on due process and rights of the accused
- Annotates 2009 Criminal Procedure Code articles through jurisprudence from ECCC, Human Rights Committee, French criminal courts, European Court of Human Rights
- Purpose

OUR TASK

To collect qualitative data on the most effective methods to disseminate the handbook and conduct trainings on its contents so that the messages reaches the widest and most influential audience in order to ensure respect for fair trial rights in the national criminal justice system

MEETINGS WITH ECCC

- Office of the Co-Prosecutors
 - Andrew Cayley
 - William Smith
 - Craig Etcheson
 - Salim Nakhjavani
- Monitors
 - Cambodia Tribunal Monitor
 - Asian International Justice Initiative



MEETINGS WITH INTERNATIONAL NGOs



- ABA Rule of Law Initiative
 - East West Management Institute
- UN Office of the High Commissioner for Human Rights
- Open Society Justice Initiative

MEETINGS WITH CAMBODIAN NGOs

- Documentation Center of Cambodia
 - Youk Chang
- Cambodian Human Rights Action Committee
- Cambodian Defenders Project



MEETINGS WITH YOUNG LEGAL PROFESSIONALS



- Assistant Co-Prosecutor with the ECCC
- Deputy Prosecutor in a provincial court
- Program Officer for the Open Society Justice Initiative
- Intern at the Ministry of Justice
- Intern with the Office of the Co-Prosecutors
- Legal Officer with the Office of the Co-Investigating Judges and lecturer in land law at RULE
- Private civil attorney

ADVOCACY SKILLS WORKSHOP

MARCH 15-16, 2012



ADVOCACY SKILLS WORKSHOP

MARCH 15-16,2012

- Joint collaboration of USAID, East-West Management Institute and ABA Rule of Law Initiative that began in 2007
- More than 200 students and university officials attended from all seven Cambodian law schools.
- The purpose of the event was to provide students who will be participating in national mock trial competition in May with basic training on trial advocacy skills.

ADVOCACY SKILLS WORKSHOP

MARCH 15-16, 2012

- First day of the workshop consisted of presentations, lectures and trial demonstrations.
- Presenters:
 - **Steven Austermiller**, Cambodia Legal Education Advisor, ABA Rule of Law Initiative
 - **Marc R. Kadish**, Mayer Brown LLP, Director of Pro Bono Activities and Litigation Training
 - **Matthew A. Rooney**, Mayer Brown LLP, Senior Counsel



ADVOCACY SKILLS WORKSHOP

MARCH 15-16,2012

- Lessons of the first day:
 - International Fair Trial Standards
 - Adversarial Trial and Theory of the Case
 - Direct Examination
 - Cross Examination
 - Closing Argument
- Our Role on the First Day
 - Witness for the demonstration of one of the Cases(Poor Jim Case: Drunk Driving Case)
 - Coach teams for the cases: The case of Som Sovann: Purse Snatching Case and The case of Duch Samnang: Murder Mystery

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ADVOCACY SKILLS WORKSHOP

MARCH 15-16,2012

- Second day saw the students attempt mock trials with direct and cross examinations and then closing arguments.
- Our Role on Second Day
 - To be available as coaches for students performing that day.
 - To be judges to comment and give suggestions on their performances.

OUR OBSERVATIONS

- Inquisitive to learn new legal skills
- Smart, clever and professional
- Participating/Interactive



MEDIATION CLASS AT ROYAL UNIVERSITY OF LAW AND ECONOMICS(RULE)

- Assisted in teaching Mediation at RULE to the 4th year law students
- Mediation generally and in countries like Morocco/Nepal
- Mediation exercises



OUR OBSERVATIONS

- High level of English speaking skills
- Eager to learn new things/participatory
- Technical questions
- Interactive and updated





AKUN!
(THANK YOU!)