

### Extraordinary Chambers in the Court of Cambodia

Citation	Abstract and/or Summary of Findings	Methods	Key Evidence or Figures
<b>Internal - Analyses of the court, its jurisprudence, and judicial system development</b>			
Acquaviva, Guido. "New paths in international criminal justice? The internal rules of the Cambodian Extraordinary Chambers." <i>Journal of International Criminal Justice</i> 6, no. 1 (2008): 129-151.	The Internal Rules of the Cambodian Extraordinary Chambers adopted in June 2007 provide some insight into how a non-adversarial system might work in the context of a hybrid tribunal with jurisdiction over both domestic and international crimes. This approach presents various novelties, especially with respect to the pre-trial and trial stages of the proceedings, and provides an example of integration into a domestic non-adversarial system of principles derived from international criminal procedure.	Legalistic analysis of the ECCC from the perspective on its "non-adversarial" model, and of the ECCC's due process safeguards.	The ECCC contains important due process safeguards and apply them to non-adversarial proceedings, thus showing that criminal proceedings of international relevance and with strong international backing need not necessarily follow the adversarial model — upon which the ICTY, ICTR and SCSL were essentially designed. It now remains to be seen if the provisions will pass the test of practice. As far as the development of criminal procedure law at the international level is concerned, as well as the modalities of establishment of future hybrid or internationalized tribunals, it is undeniable that the creation of judicial bodies such as the ECCC — and the STL — provides original models to study and to draw from. In the end, <b>whether justice for the victims can be achieved will probably not hinge upon the structural arrangements or the model chosen</b> , but rather on the will of the individuals concerned and on their ability to have a certain system work in practice. However, how international standards are applied in concrete situations does have an impact on how the various interests involved are balanced one against the other and, ultimately, on whether proceedings can be considered fair.
Ciorciari, John David, and Anne Heindel, eds. <i>On trial: the Khmer Rouge accountability process</i> . Documentation Center of Cambodia (DC-Cam), 2009.	The tribunal's first seven years of operations provide an opportunity to evaluate its performance and judge the extent to which legal and institutional experiments at the ECCC have been successful to date. This Article will show that, in general, the ECCC's most unique and unprecedented features have been among the most problematic, providing useful lessons to help guide the reform and design of future mass crimes proceedings. The authors evaluate the split of domestic and international prosecutors to argue that political interference may have hindered the impartiality of the justice process. Little focus on the impact of the tribunals on community resilience or social healing.	Qualitative—some interviews, mainly a legalistic analysis of the "effectiveness" of the particular form the court took.	Hybrid courts were created in the hope that they would better accommodate sovereignty concerns, promote local ownership and legitimacy, connect trials to local survivor populations, build host government capacity, and deliver credible justice at a lower cost than fully international proceedings. But hybrid courts have downsides. They are highly vulnerable to domestic political interference—which is particularly acute in countries like Cambodia with weak records of judicial independence.  One unique feature of the ECCC is its preponderantly domestic character. Although the ECCC has had some important successes—such as issuing numerous sound judicial decisions, featuring zealous prosecution and defense, and conducting relatively effective outreach—its novel institutional features have added to the challenge of delivering a credible and efficient accountability process. The preponderance of national judges and split "sides" of the Court has left the United Nations with a good deal of responsibility for the ECCC's work but limited capacity to control it. The Court's bifurcated structure has also undermined decisive leadership, reduced efficiency, and facilitated political polarization on sensitive issues, such as the scope of the tribunal's personal jurisdiction. The ECCC's inclusion of investigating judges and a civil party system have also been problematic, delaying the process, adding to confusion, and at times jeopardizing the fairness of the proceedings.
Coughlan, John, Sana Ghouse, and Richard Smith. "The legacy of the Khmer Rouge tribunal: Maintaining the status quo of Cambodia's legal and judicial system." <i>Amsterdam LF</i> 4 (2012): 16.	The Extraordinary Chambers in the Courts of Cambodia — established to try the leaders of the Khmer Rouge and those most responsible for the atrocities committed during the regime —has been hailed as a model court from which to bolster domestic legal and judicial reform. While the ECCC has made some steps towards providing a positive legacy- enhancing the capacity of the judiciary, addressing fair trial rights and standards of justice - in the absence of political will to address corruption and political interference, this legacy is superficial at best.	Analysis of Cambodian legal system	This article seeks to determine the likely impact of the ECCC on Cambodia's judicial system, focusing on fair trial rights and political interference. It is the reasoned opinion of the authors that unless there is the political will for reform on the part of the RGC, the ECCC can only have minimal impact on the domestic system. While the ECCC may positively impact fair trial rights protection, it will do little to alleviate the more overarching problem of political interference in Cambodian courts. Inroads made by the ECCC to improve the legal system to date and its ability to foster change are hindered by a number of factors including political interference.

Hamilton, Tomas, and Michael Ramsden. "The Politicisation of Hybrid Courts: Observations from the Extraordinary Chambers in the Courts of Cambodia." <i>International Criminal Law Review</i> 14, no. 1 (2014): 115-147.	The use of 'hybrid' tribunals as a means to secure accountability for international crimes seeks to combine national ownership over the trials whilst providing a framework for the inclusion of international standards and personnel in the proceedings. The Extraordinary Chambers in the Courts of Cambodia (ECCC) represents one such hybrid experiment. Yet the ECCC has faced recurring allegations of political interference. These allegations are substantial and even if not always verifiable at least create an appearance of impropriety. The failure of the ECCC and United Nations to adequately address these allegations derived from a hybrid model that failed to provide sufficient safeguards against interference. The international community agreed on a solution to secure accountability with awareness that the trials were likely to be politically tainted. As such, the experiment in Cambodia provides a cautionary tale for the future design of hybrid tribunals.	Case study of two politically charged cases at the ECCC--case 003 and case 004. Legalistic analysis of these two cases. No empirical evaluation about the impact of the tribunal.	<ul style="list-style-type: none"> <li>• Allegations of political interference in the Khmer Rouge Tribunal were "significant, wide ranging, and potentially damaging to the ECCC's credibility and legacy. While not always empirically verifiable, the allegations have been substantial and at the very least create the appearance of impropriety."</li> <li>• The article examines the substance of allegations of political interference from a legal perspective. "The extent to which political interference is perceived to be a problem will depend on what are the central goals of international criminal justice. It could be argued that instances of political interference can be overlooked or at least mitigated by the positive work of the ECCC in fostering national dialogue and achieving victim participation."</li> <li>• This article examines types of political interference that arise during the proceedings of the tribunal, from political forces acting on the legal process as it operates. It looks at how this kind of political interference has affected litigation at the ECCC. "Political interference has not occurred in all cases at the ECCC, but rather has arisen where a prosecution or investigation would not be consonant with the political objectives of the serving Cambodian government."</li> <li>• The Cambodian government insisted on having a supermajority of judges rather than striking a closer balance between domestic and international judges. If negotiations between the UN and Cambodia had resulted in a different arrangement, "political interference in the trials may have been mitigated. As it was, the concessions agreed by both parties proved to impact significantly on the credibility of the trials."</li> <li>• The authors use cases 003 and 004 to argue that some cases suffered from such severe political interference that the ECCC's credibility was questioned. They admit that "the allegations may be difficult to prove conclusively but the ECCC and its stakeholders have failed to investigate and disprove the allegations."</li> <li>• <b>The authors' argument is based on the assumption that political interference hinders the perception of the tribunal's fairness, and that fairness is necessary for hybrid tribunals to fulfill their purpose--rebuilding societies torn apart by conflict.</b></li> </ul>
Herman, Johanna. "Realities of Victim Participation: The civil party system in practice at the Extraordinary Chambers in the Courts of Cambodia (ECCC)." <i>Contemporary Justice Review</i> 16, no. 4 (2013): 461-481.	Victims of the Khmer Rouge play a unique role at the Extraordinary Chambers in the Courts of Cambodia (ECCC) since they have broad participatory rights. However, as the initial trial progressed, a number of changes were made to the framework of victim participation to deal with emerging problems. Although these amendments seemed to curtail some rights, they were also meant to strengthen victim participation and ensure a more efficient trial process. This led to the introduction of restorative justice measures, a lead co-lawyer system and a single submission for reparations. The reasons they were introduced and how they have been implemented so far in the first year of the second trial are the focus here	Interviews, review of legal infrastructure	The ECCC is unique in that for the first time at an internationalized tribunal, victims of crimes committed by the accused can act as civil parties to the trial. This means victims can have a role at the ECCC beyond being called as a witness. With the well-publicized controversies at the ECCC such as alleged political interference, the participation of victims has the potential to be the lasting legacy of the Court, but any success in this area owes a great debt to Cambodian civil society.
Shin, Jung Min. "Inspiring Public Trust in the Domestic Legal System: The Impact of the Extraordinary Chambers in the Courts of Cambodia (ECCC)." (2015).	One of the anticipated effects of post-conflict hybrid tribunals is their spillover benefits to the domestic justice sector. This study examines the impact of the Extraordinary Chambers in the Courts of Cambodia (ECCC), the nation's UN-backed war crime tribunal that prosecutes those most responsible for atrocities under the Khmer Rouge period, in generating greater trust in the Cambodian legal system. Given the ECCC's function as a domestic "model" court and the largely positive impressions it has enjoyed from the public, the tribunal exhibits noteworthy potential for its ability to improve public opinion on the national justice sector.	Existing survey data, four interviews, scholarly publications	Findings of the study suggest that while the ECCC has created spikes in public confidence in the legal system after concluding its first case, the Duch Trial, it has had an overall minimal impact in improving the image of the national justice sector and will most likely continue to have negligible, if not negative, influences in the future.
Sperfeldt, Christoph. "From the margins of internationalized criminal justice: Lessons learned at the Extraordinary Chambers in the Courts of Cambodia." <i>Journal of International Criminal Justice</i> 11, no. 5 (2013): 1111-1137.	This article discusses the ECCC experience thus far and identifies some preliminary lessons for both the ICC and the Asia-Pacific region in four areas that are often left at the margins of internationalized criminal justice processes: (i) an ECCC outreach programme benefiting from the Court's in-country location and support from local NGOs; (ii) the gradual learning curve involved with managing large scale victim participation, with 8,000 victims applying to participate in Case 002; (iii) challenges for implementing the court's collective reparations mandate; and (iv) the potential legacy of the ECCC, being of particular relevance for Cambodia as one of the few countries in the region that ratified the ICC Statute.		
<b>External - Hybrids' effects on individuals and communities</b>			

<p>Ciorciari, John D. "Cambodia's Trek Toward Reconciliation." <i>Peace Review</i> 23, no. 4 (2011): 438-446.</p>	<p>This essay discusses Cambodia's uneven progress toward that goal since the Pol Pot era and some important efforts underway today. It examines both "micro-reconciliation" at individual and community levels and "macro-reconciliation" at the level of the state or international society. The two often exist symbiotically. Macro-level peace, stability, and accountability can provide enabling conditions for individuals to heal, beat their swords into plowshares, and begin to rebuild relations with erstwhile adversaries. Micro-level healing can lay the necessary social foundation for sustained progress along the aspirational path Lederach depicted. An exclusive focus on the Khmers Rouges served the interests of the negotiating parties, both of which were glad to concentrate on Khmer Rouge atrocities, which were clearly the most egregious crimes—but hardly the only ones—in Cambodia's tormented history. The court was also designed to focus on retributive justice, providing only for "collective and moral reparations" as a potential restorative remedy.</p>	<p>Historical description of the ECCC and a literature review of the impact of the ECCC on "reconciliation".</p>	<ul style="list-style-type: none"> <li>• There is some evidence that the ECCC is contributing to reconciliation—though the plasticity of the term makes it difficult to pinpoint the tribunal's effects precisely.</li> <li>• In December 2010, scholars at the University of California at Berkeley surveyed 1,000 Cambodians. Among other things, they found that 80 percent of respondents believed the ECCC would help rebuild trust and promote national reconciliation in Cambodia. Roughly 25 percent expected that the trials would help ease mental anguish among individual survivors.</li> <li>• Attitudes about the proper scope of justice appear ambivalent. A March 2009 survey of 1,000 Cambodians directed by Terith Chy of DC-Cam showed that roughly 57 percent supported prosecuting several additional suspects, 53 percent said justice could not be done with only five defendants, and 57 percent saw little fear of renewed violence. Forty-one percent, however, recommended limiting trials to the current five, and 37 percent feared renewed violence, perhaps in part due to the government's frequent warnings of instability.</li> <li>• Despite gloomy trends for democratization and judicial independence in Cambodia, civil society efforts building on the accountability process have begun, however incrementally, to draw public discourse on reconciliation away from narrow and politicized notions of peace and stability.</li> </ul>
<p>Cohen, David. "Hybrid justice in East Timor, Sierra Leone, and Cambodia: lessons learned and prospects for the future." <i>Stan. J. Int'l L.</i> 43 (2007).</p>	<p>Evaluation of the effectiveness of the SCSL and the SPSC—effectiveness measured by looking at <b>the efficiency with which time and resources were used, as well as the "quality" of justice delivered</b>. The author argues that SCSL was well managed and funded, while the SPSC was underfunded and poorly managed. The SCSL also had better "outreach" and capacity building, which the author argues are crucial in order for trials to have an effect on "reconciliation, accountability, and the promotion of respect for the rule of law." East Timor's "cheaper, faster" trials came at a cost to justice because many of trials lacked adequate protection for victims, accused, and witnesses, and didn't mean international standards of fairness. For these reasons, even though they fulfilled the economical promise of hybrid courts, the SPSC shouldn't be used as a model for other hybrid courts to follow. There are many innovations from the SCSL that could be replicated in the ECCC.</p>	<p>Empirical evaluation of two courts based on their speed, efficiency. Legal evaluation based on standards of fairness, witness, victim, and accused protections, and an empirical analysis of the "impact" of the court on the absence of post-conflict violence.</p>	
<p>Hinton, Alexander Laban. "Justice and time at the Khmer Rouge Tribunal: In memory of Vann Nat, painter and S-21 survivor." <i>Genocide Studies and Prevention: An International Journal</i> 8, no. 2 (2014): 5.</p>	<p>This essay explores the interrelationship of justice and time at the Extraordinary Chambers in the Courts of Cambodia. In doing so, it follows the trial participation of the late Vann Nat, a survivor of S-21, a torture and detention center operated by the Khmer Rouge. From April 15, 1975 to January 6, 1979, this Maoist-inspired group of revolutionary implemented policies resulting in the death of up to two million of Cambodia's eight million inhabitants, almost a quarter of the population.</p>	<p>Ethnographic analysis of the meaning ascribed to delayed justice.</p>	<p>This essay argues that, even as they seek to help post-conflict societies like Cambodia "move forward through justice" (as the ECCC slogan goes), transitional justice mechanisms like the ECCC are premised on a set of temporal assumptions that are part of a larger transitional justice imaginary. Scholars and practitioners need to attend to such assumptions as well as the sorts of "vernacular time," or local conceptions of temporality that also mediate the understanding and responses of people like Vann Nat.</p>
<p>Hinton, Alexander, "Transitional justice time: Uncle San, Auntie Yan, and outreach at the Khmer Rouge Tribunal," in Mayersen, Deborah, and Annie Pohlman, <i>Genocide and Mass Atrocities in Asia, Legacies and Prevention</i> 40 (2013): 86-98.</p>			

<p>Huy, Samphors. "Crossing the river of law: the women's participation in peacebuilding at the Extraordinary Chambers in the Courts of Cambodia (ECCC)." PhD diss., Rutgers University-Graduate School-Newark, 2013.</p>	<p>The ECCC initially had a few arrangements in place to welcome and assist the victims. In contrast, the accused were carefully looked after at a small clinic within the Court with doctors in attendance twenty-four hours a day and arrangements for admitting the accused into the hospital should any of them require better care. The contrast between the treatment of the accused and the civil parties was stark. In short, women played a significant role in the transitional justice mechanism set up by the international community and the Cambodian government. Through their testimonies, the civil parties have educated the public and provided information to the judges to enable them to better understand the cases and thus render sound judicial decisions. The civil party women have fought impunity through their participation in the ECCC, exercising their democratic rights, calling for equal treatment by the Court, and promoting freedom of expression, both inside and outside the court system. Through their participation, they have also contributed to improvements in legal proceedings, which in turn have encouraged the Cambodian public to place more trust in the Cambodian court system. Another important emerging role that many female civil parties have enthusiastically adopted is community work—rebuilding their broken societies by assisting the survivors of the DK period to seek truth, healing, reconciliation, and to move on with their lives.</p>	<p>Qualitative interviews with victims who participated in the ECCC, victims whose claims were rejected by the ECCC.</p>	<ul style="list-style-type: none"> <li>• The civil parties exhibited many signs of physical stress while recalling their traumatic memories: agitation, sweating, tremors, a rising pulse, headaches, insomnia, dizziness, and breathing difficulties. Such behavior is called "psycho-physiologic reactivity" by psychologists.</li> <li>• In the author's observation, such stress was more pronounced among the female civil parties than the male. Some victims decided to try and condition themselves to the shocking revelations by attending court proceedings every day. Based on diagnostic criteria for post-traumatic stress disorder (PTSD), symptoms include the following: (1) difficulty falling or staying asleep, (2) irritability or outbursts of anger, (3) difficulty concentrating, (4) hyper-vigilance, and (5) exaggerated startle response. The ECCC's greatest contribution was as an agent of truth regarding events that occurred during the KR regime. The court brought justice to bear (though only selectively) on the perpetrators and enabled personal and national healing and reconciliation</li> <li>• The civil party participants appeared to be motivated as much by a burning desire to establish the truth about what had happened to their relatives who had been taken away (mostly to S-21 and S-24), as by the desire for justice. One civil party told the judges during her testimony, "I am not here for revenge; I am here to seek the truth."</li> <li>• Civil participants spoke of wanting truth and justice in the same breath. One civil party summed up the position of the group at the end of her testimony. "In the end, I urge and appeal to you, Mr. President, to provide justice to me, to my family members, and to all the victims—those who survived and those who died during the regime—so that they can feel that justice has been served and find peace in their minds.</li> </ul>
<p>Manning, Peter. "Governing memory: Justice, reconciliation and outreach at the Extraordinary Chambers in the Courts of Cambodia 1." Memory Studies 5, no. 2 (2012): 165-181.</p>	<p>This article explores how devolved outreach work for the Extraordinary Chambers in the Courts of Cambodia works to govern the past as it acts to reshape and reframe potentially ambivalent and conflicting memories of political violence. The article specifically examines an example of outreach targeting a former Khmer Rouge community that has been situated as a key party in Cambodia's attempts to realize 'justice' and 'reconciliation'. The article analyses the sites and crucibles of memory that outreach work for the court utilizes in licensing a particular reading of Cambodia's experiences of war and genocide. First, the article shows how museum and memorial sites and technologies produce acquiescent, ambivalent and resistant effects among outreach subjects. Second, the article then considers the consolidation and contestation of memory at a public forum event, noting the ways in which outreach attempts to disarm and reconstitute memorial accounts that conflict with the officially sanctioned reading of Cambodia's past political violence. Whilst acknowledging the unique characteristics of the case, I argue that it is illustrative of the various ways in which Cambodians might question the legitimacy of the Extraordinary Chambers.</p>	<p>Literature review of how survivors interacted with several museums documenting trauma in Cambodia, combined with interviews with visitors to the "killing fields" memorial site.</p>	<p>The Pallin forum illuminates some of the more general means through which Cambodians question the ECCC: some look to contest the ECCC version of the past in its literal premises, whilst others demand answers to questions concerning the nature and origins of violence that the ECCC as a legal mechanism is poorly disposed to answer. Moreover, the concern among some participants regarding the truth of the DK period extends to the existence of alternative accounts of political violence that are silenced by the ECCC proceedings, particularly those memories of suffering that occurred before and after the ECCC's temporal jurisdiction. These are important because they can make counter-claims about victimhood that challenge the ECCC privileging of the 1975–79 period. They are also disruptive because they necessarily involve counter-claims about perpetration too, bearing in mind that the creation of the court by the UN, Cambodian government and internal- tonal community was contingent on a 1975–79 jurisdiction that could prosecute only senior leaders of the KR.</p>
<p>McGrew, Laura. "Pathways to Reconciliation in Cambodia." Peace Review 23, no. 4 (2011): 514-521.</p>	<p>This essay is based on research conducted between 2007 and 2010, which addressed several questions: how these victims and perpetrators are managing to live together, if and how they have reconciled, and what factors are affecting the processes of reconciliation. Reconciliation is both a process and a goal, with individuals, communities, and nations moving from conflict through degrees of coexistence (surface, shallow, or moderate) to finally reach deep reconciliation. While relationships and even contact between people are minimal in surface and shallow co-existence, in deep reconciliation, relationships are complex, interdependent, and meaningful.</p>	<p>Qualitative interviews with victims and perpetrators.</p>	<ul style="list-style-type: none"> <li>• The 134 qualitative interviews revealed that Cambodians exist in various stages of coexistence; none have reached a stage of deep reconciliation (with confessions, apologies, and forgiveness). Several factors affected victim–perpetrator relationships, including the type and gravity of the offenses and the motivation of the perpetrators.</li> <li>• Graver offenses were much less likely to be accepted by community members, and on the other hand, if the motivation of the perpetrators was seen to be due to ignorance or to save their own skins, victims were much more likely to have positive relationships with the perpetrators.</li> <li>• I refute that observation that Cambodians are reconciled, instead finding that many live in an uneasy truce with their neighbors. Much of the past conflict and current feelings of fear and anger are left unaddressed. Most perpetrators are living quite separate lives, apart from their direct victims in states of various stages of coexistence, not in stages of deep reconciliation.</li> <li>• In spite of this separation, there is great hope for the future of Cambodia. The people have suffered greatly but have overcome enormous obstacles and demonstrated remarkable resilience.</li> </ul>

Pham, Phuong, Patrick Vinck, Mychelle Balthazard, and Sokhom Hean. "After the First Trial: A Population-Based Survey on Knowledge and Perceptions of Justice and the Extraordinary Chambers in the Courts of Cambodia." (2011).	On July 26, 2010, Kaing Guek Eav, alias Duch, was convicted of crimes against humanity and grave breaches of the 1949 Geneva Conventions for events that took place three decades earlier under the Khmer Rouge regime. Following this important milestone for the Extraordinary Chambers in the Courts of Cambodia (ECCC), the present study was implemented to (1) monitor public awareness and knowledge of the ECCC's work, as well as of outreach and victim participation initiatives organized by the tribunal and local non-governmental organizations; (2) assess attitudes about justice and the desire for reparations for past crimes; and 3) recommend ways in which the ECCC, civil society, and the international community can continue to engage Cambodians in the work of the ECCC.	A survey of 1,000 Cambodians, aged 18 or above, randomly selected throughout the country to be representative of the adult population	<ul style="list-style-type: none"> <li>• <b>Priorities:</b> While justice is important for the population, its priorities were jobs and services to meet basic needs, including health and food as well as improvements in the country's infrastructure, such as electricity, roads, and building of schools. A majority of Cambodians would rather focus on problems that Cambodians face in their daily lives than address crimes committed during the Khmer Rouge regime (83% in 2010 compared to 76% in 2008), or would rather spend money on something other than the ECCC (63% in 2010 compared to 53% in 2008).</li> <li>• <b>Awareness:</b> Since 2008, both awareness of and knowledge about the ECCC have increased. In 2010, the percentage of the population claiming no knowledge of the ECCC decreased among those who lived under the Khmer Rouge regime (22% in 2010 compared to 34% in 2008) and those who did not live under the Khmer Rouge regime (33% in 2010 compared to 50% in 2008).</li> <li>• <b>Outreach:</b> In 2010, the media remained an important vehicle for information. Of those who had heard about the ECCC at least occasionally, the main sources of information were television (72% in 2010 compared to 44% in 2008) and radio (73% in 2010 compared to 80% in 2008).</li> <li>• <b>Impact:</b> In 2010, respondents still had high expectations of the ECCC. Over three-quarters of respondents (compared to 68% in 2008) believed the ECCC would have a positive effect on the victims of the Khmer Rouge and/or their families. While the potential impact of the Court was viewed as largely positive, 9% indicated that the Court would have a negative impact, and 16% were unsure. Among those who mentioned a negative impact, about one-quarter (24%) stated that the trial would remind victims too much of their past.</li> <li>• <b>Trust in Justice Sector:</b> Responses to several questions suggest that since the Duch trial began, trust in the justice sector has increased, but belief that the judicial system is corrupt has increased as well. Compared to 2008, a higher proportion of 2010 respondents believed that justice in Cambodia is the same for everyone (61% vs. 44%), that Cambodian judges treat everyone equally (56% vs. 40%), and trusted the Cambodian justice system overall (52% vs. 36%). However, at the same time, a higher proportion believed that Cambodian officials who commit crimes go unpunished (40% vs. 35%), that going to court means paying a bribe (68% vs. 61%), and that going to court is too expensive (86% vs. 82%)</li> </ul>
Stammel, Nadine, Sebastian Burchert, Sopheap Taing, Estelle Bockers, and Christine Knaevelsrud. "The Survivors' Voices: Attitudes on the ECCC, the Former Khmer Rouge and Civil Party Participation." Berlin Center for the Treatment of Torture Victims, Berlin (2010).	Objectives here were to find out about the effect that the application to and participation in the ECCC had on the Civil Party applicants and their families, sources of legal and psychosocial support, knowledge about the proceedings and especially how the first trial against Kaing Guek Eav, alias Duch, was perceived.	Two surveys: first, 2008-2009, of 1077 participants born before 1975 and considered themselves to be victims of the Khmer Rouge regime. 247 of these had applied to become Civil Parties before the ECCC. Second survey was between November and December 2010, and focused just on the applicants (226 could still be interviewed).	Among survivors of the Khmer Rouge regime the ECCC is highly appreciated. The follow-up survey showed that Civil Party applicants did not report negative consequences in relation to their applications. Furthermore, they seemed to place trust in the court and expressed satisfaction with its work. Many respondents expected the ECCC to contribute to reconciliation and also expressed that it had led to a greater inclination towards reconciliation in themselves. Civil Parties were satisfied with the support they received from their lawyers and were backed by their family members. Many participants indicated that they had followed the proceedings at the ECCC. However, many Civil Party applicants seem to have had a lack of information about their applications and the proceedings at the court. Nevertheless, the first trial against Duch and the respective judgment were received positively.
Stensrud, Ellen Emilie. "New dilemmas in transitional justice: Lessons from the mixed courts in Sierra Leone and Cambodia." <i>Journal of Peace Research</i> 46, no. 1 (2009): 5-15.	This article argues that the mixed tribunals of Sierra Leone and Cambodia provide important lessons about the problems and dilemmas in achieving the legitimacy that is necessary for transitional justice mechanisms to have a positive local impact. High hopes have been held for the mixed model, but experiences show that this model is no easy fix to the legitimacy problems faced by the international tribunals for the former Yugoslavia and Rwanda. By locating a tribunal in the post-conflict setting, new dilemmas of legitimacy may arise. This article suggests that transitional justice mechanisms should strike a balance between backward-looking and forward-looking justice, and between international and national participation in the tribunals, but this is not done by simply locating a tribunal in the affected country.	Qualitative comparative evaluation of the impact of mixed tribunals on local justice institutions and "legitimacy" problems for mixed courts. Interviews and observations.	This article is based on a theory that "legitimacy" is necessary for justice mechanisms to contribute to peace after conflict. Hybrid courts were meant to increase the proximity of transitional justice to the local population--however, proximity to the local population does not automatically release the forward-looking potential of the courts, and proximity alone is by no means a guarantee for legitimacy. In Cambodia, involvement of national judges has, on the contrary, led to lack of trust in the tribunal. In order to become legitimate, the courts must be carefully constructed towards creating direct, observable local effects, such as legacy on the judiciary or truth-telling, while at the same time they must be outside the scope of national political interference. Many of the problems of the mixed courts are inherent in the rationale of the model: it is employed in societies with dysfunctional judiciaries' Cambodia, years of unsuccessful attempts by civil society to improve the judiciary have shown few results, and the hopes that the ECO can generate change in the judiciary are consequently low. At the same time, an almost total lack of education and public information about the Khmer Rouge has left a strong desire for knowledge about the period.
Strasser, Judith, Julian Poluda, Chhim Sotheara, and Phuong Pham. "Justice and healing at the Khmer Rouge tribunal: the psychological impact of civil party participation." <i>Cambodia's hidden scars. trauma psychology in the wake of the Khmer Rouge</i> . Documentation Center of Cambodia, Phnom Penh (2011): 149-170.	The ECCC Civil Party mechanism is an important approach to make tribunals more accessible to victims. It appears to be successful in the empowerment of victims by providing a framework in which Civil Parties can play a more active role and where they have more space to express and gain some acknowledgment for their suffering and pain. For now, it appears that the Civil Party mechanism can have significant additional value for the mental wellbeing of survivors in international tribunals. However, it is too early to make a final conclusion on the long-term mental health benefits of this important participatory mechanism in the ECCC.	Interviews with victims, survivors, parties to the ECCC	What is clear, however, is that shortcomings in a number of areas need to be addressed to allow for the best possible psychological outcome. First and foremost, the judicial process needs to be adjusted more effectively to victims' psychological needs. All participants in the judicial process should consider how they can reduce the psychological burden of Civil Party participation without compromising the legal procedures or fairness to the Accused. In particular, the tribunal should undertake action to reduce stress during the testimony of victims.

Strasser, Judith, Julian Poluda, S. Chhim, and Phuong Pham. "Justice and healing at the Khmer Rouge tribunal: the psychological impact of civil party participation." <i>Cambodia's hidden scars. trauma psychology in the wake of the Khmer Rouge. Documentation Center of Cambodia, Phnom Penh</i> (2011): 149-170.	Cambodian and other survivors of gross human rights violations are frequently re-traumatized by participating in international tribunals such as the ECCC. These courts must understand the impact of trauma on these survivors. ECCC proceedings should ensure that the questioning of survivor-witnesses is constrained to reduce retraumatization and that the discounting of survivors' testimony because of the effects of trauma.	Literature review, interviews, institutional analysis	Psychological preparation and support during and after testimony is highly recommended for the Cambodian survivor-witnesses who participate in the ECCC proceedings. Additionally, the courts should provide institutional support for their staff, such as having a clinician on staff to attend to the impact of secondary trauma in court personnel and interpreters. Threats to victims and witnesses are not unknown before or after testimony, and this surely will affect their willingness to make court appearances. Strong psychological support and witness protection must be in place to safeguard witnesses and their families.
Van Schaack, Beth, Daryn Reicherter, and Youk Chhang. "Cambodia's hidden scars: Trauma psychology in the wake of the Khmer Rouge." (2011).	This text explores the profound impact of war and genocide on human psychology with a focus on Cambodia and the work of the Extraordinary Chambers in the Courts of Cambodia (ECCC). Interdisciplinary in nature, this edited volume presents the current research on the impact of trauma not only on survivors' mental health processes but also on the ability of survivors to participate in legal processes, such as the trials of surviving members of the Khmer Rouge before the ECCC. Chapters address post-traumatic stress disorder and the inter-generational transmission of trauma, civil party participation and reparations, and gaps in Cambodia's mental health services. It closes with concrete proposals for reform of Cambodia's mental health system. Volume II, which adds chapters on the way in which mental health evidence been reflected in the jurisprudence of the ECCC, is forthcoming.	Edited volume of interdisciplinary research on the impact of trauma, the experience of trauma in court, and the impact of the court proceedings on post-conflict mental health.	What are specific challenges or benefits when participating in the juridical proceedings? What are particularly beneficial or harmful factors that influence Civil Parties' responses? The authors addressed these questions while working at or in close cooperation with the Transcultural Psychosocial Organization Cambodia (TPO). Being confronted with Duch face-to-face and being exposed to the precise reconstruction of torture and repetitive accounts of highly traumatic events were certainly among the most stressful factors for Civil Parties and survivors who participated in the proceedings. Based on court transcripts, it appears that the tribunal did not support the establishment of "emotional truth," an understanding of truth that highlights the crucial, but sometimes ambivalent, role of our emotions in grounding and reasoning. Rather than using victims' emotional expressions as a legitimate and important source of evidence to better understand the magnitude of individual and collective pain and suffering, the Trial Chamber required the presentation of victims' experiences in a rather dry and factual way.
Williams, Sarah, and Emma Palmer. "Transformative Reparations for Women and Girls at the Extraordinary Chambers in the Courts of Cambodia." <i>International Journal of Transitional Justice</i> 10, no. 2 (2016): 311-331.	Reparations programmes are one form of response to violence. However, scholars have criticized their tendency to focus on restoring victims to the position they were in before the conflict began, usually through awarding restitution, compensation or rehabilitation measures. Instead, critics have suggested that reparations should aim to transform the societal conditions that contribute to sexual violence and the inequality of women and girls through recognition, redistribution and representation. This article builds upon this emerging scholarship to explore the potential for transformative reparations in international criminal tribunals through examining the reparations mandate and practice of the Extraordinary Chambers in the Courts of Cambodia (ECCC).	Literature review, legal analysis, and interviews with ECCC officials	The article concludes that the ECCC simply cannot secure comprehensive social and structural transformation through its reparations mandate. The potential to do so is limited by the Court's legal and institutional framework, a lack of resources and the inability to direct the Cambodian government to implement reparations. It has also been further hindered by the cautious approach to prosecuting sexual and gender-based violence and to reparations. Instead, the transformative potential of the ECCC lies mainly in designing and implementing projects that make some contribution to the recognition and representation of women and girls. It demonstrates that courts should also take control of their own processes so as to enable limited transformation through civil party participation, engaging trial and reparations processes that allow particular harms to be incorporated into the official record, encouraging the participation of women in reparations procedures, protecting them when they do choose to participate, and, importantly, expressly recognizing their harm in Court judgments.
Zucker, Eve Monique. "Trauma and its aftermath: Local configurations of reconciliation in Cambodia and the Khmer Rouge Tribunal." <i>The Journal of Asian Studies</i> 72, no. 04 (2013): 793-800.	Despite these shortcomings, however, most Cambodians express positive views about the Tribunal and see it as making positive steps toward delivering justice, rebuilding trust, and delivering justice to the victims of the Khmer Rouge. But is the Tribunal the only source of potential reconciliation and healing? A "catastrophe" is not an isolated event but is situated within a larger sociocultural matrix of history and ideology. The experience of the Khmer Rouge regime and genocide was not the first catastrophic period for Cambodians.	Literature review of what has been written on trauma and memory in Buddhism, as well as a sociocultural anthropological account of a former perpetrator's isolation from the community where he still lives.	