

back to Newsletter

Dear friends,

Life in Phnom Penh has been full of challenges for me over the last few weeks. Demands from work were increasing as the deadline for our final brief was quickly approaching, and I was completely fed up with being in a country where everything was loud, disorganized, and in a foreign language. Fortunately, I was able to leave the city during the biggest Buddhist festival of the year (when the population of Phnom Penh doubles!) and spent a few days in the northeastern corner of Cambodia. It was peaceful and restful, although maybe a little more rustic than my usual vacations--the place I stayed only had power 3 hours a day, and the hot shower room was full of tarantulas!! But I managed to come out of it rested and unscathed, and filed the final trial brief on behalf of my group on Tuesday.

I have attached a few pictures to this email to give you a picture of what my life and work are like here and what you are making possible: the first is me signing our brief just before filing it at the court; the second is our bright, young Cambodian lawyer reading through the Cambodian language version of the brief before she signs it (you can see from the stack of paper in front of her how long this brief was!!); the third is me on my quick weekend jaunt out of the bustling city.

I wanted to give you a bit more detail about the work I've been doing in Phnom Penh:

All the substantive hearings in the trial of Duch have finished, and Wednesday of this week was the deadline for filing final submissions. These submissions will form the basis for closing statements that will happen at the end of the month. Of the four Civil Party/victims' groups, my group has the largest number of clients (about 50), so we correspondingly wrote the longest brief of all the Civil Party groups. It was an incredible challenge to coordinate between our Cambodian lead counsel here in Phnom Penh, the clients, who all live in rural areas of Cambodia or overseas, and the rest of the legal team, who are scattered throughout the world. It was our most important opportunity to bring together the most pertinent facts from the trial, while always highlighting the invaluable contribution of victims and their lawyers during the trial. While the victim participation scheme at the Khmer Rouge Tribunal is arguably the most favorable to victims of any other tribunal, victim participation has consistently been eroded by the tribunal over the course of the first trial, setting important precedents for the future trials of the main Khmer Rouge leaders, and other international cases in the future. This brief was also our chance to affirm the important reasons for victim participation at the tribunal and in international criminal law in general, and to set a precedent for future trials to include victims at every stage of the proceedings.

This brief was also our final chance to reaffirm the victims' claims for damages against the defendant. Essentially, these are civil claims joined into the criminal case. This is very common in many countries (for example, Rwanda, France, Belgium, and others). However, in a trial such as this, where the defendant has virtually no assets and the victims are so numerous, it is obvious that a meaningful monetary award could never be granted to each individual victim. So, the victims at this trial are permitted to ask for "moral and collective" damages. This means that, instead of asking for direct monetary compensation for pain and suffering, like we might in an American tort lawsuit, these victims ask for things like erection of memorials, dedication of national days of remembrance for victims, and the like. These awards are meant to directly benefit the victims, but in a way that is really meaningful for the entire community. However, the granting of this type of reparation is still a relatively new concept in international criminal justice, so this case will also set a precedent in that respect. Assuming the requested reparations are granted, our clients will likely face an uphill battle getting their award enforced in Cambodian courts.

As I hope I have explained simply enough, you can see that victim participation in this trial is relevant and important in the context of international law. However, I am personally motivated more by victims' participation facilitating their personal healing, and the healing of the entire nation scarred by the

Khmer Rouge regime. What I did not fully appreciate before is that victims who participate in criminal proceedings are often very vulnerable. They must relive their trauma in public, and sometimes be questioned by the defense lawyer. The criminal process is not victim-friendly by nature, so victims can be harmed further by the needless delays in the proceedings, and by not being properly listened to or represented by their lawyers or the judges.

In this regard, I just want to thank every one of you for all your financial, emotional, and spiritual support of me and my work here and in Rwanda. The team I work on is widely regarded as the strongest, most organized team, consistently delivering excellent legal representation for the victims devastated by the Khmer Rouge Regime. And I could not be here doing that job without all of your encouragement, your unwavering belief in my strength (even when I'm not sure I can do all that I do), and your financial support.

I have in fact been so inspired by the plight of the victims before the tribunal here that I am actively pursuing further study options in the area of victims' rights, and hope to return to school for this purpose next fall. While I do plan to take a break before that, for the next 4-5 months, I plan to continue living in Phnom Penh and working for the rights of victims at the Khmer Rouge Tribunal. I will be finishing work on the first case, facilitating enforcement of the judgment and potential appeals, and assisting with the early stages of the work on the second case, where possibly thousands of victims will be joining the proceedings as Civil Parties. However, I once again must request your assistance in this task.

My monthly budget for living in Phnom Penh is about \$900, so I **need to raise approximately \$5000** in order to stay in Cambodia and continue this work (and then buy a plane ticket to finally come home!). If you would like to make a donation in support of my work here, I can accept personal checks written directly to me and sent to the following address:

Hadley Rose
PO Box 293
Friday Harbor, WA 98250

With thanks and love from Phnom Penh,
Hadley

You can learn more about the tribunal and the current trial at <http://www.eccc.gov.kh/english/default.aspx> and <http://www.cambodiatribunal.org/> (you can even watch portions of the hearings from this site).

As I am working completely on a volunteer basis for indigent clients, I am gratefully accepting personal donations to help support my work here over the next 3 months. You may send a contribution in the form a check written out to *Hadley Rose* to the following address:

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PO Box 293
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