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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**PRESS STATEMENT
BY CIVIL PARTIES LAWYER SILKE STUZINSKY**

**First Civil Party Application before the Extraordinary Chambers in the Courts
of Cambodia (ECCC) on Gender-Based Violence under the Khmer Rouge
Regime**

On 3 September 2008 the first application to be recognised as a Civil Party before the ECCC for gender-based crimes will be submitted to the Court's Victims Unit.

S. is a transgendered person (male to female) who was imprisoned several times in re-education camps as well as in prisons, and suffered numerous rapes during the Khmer Rouge Regime by Khmer Rouge soldiers and cadres. She was punished for having committed “moral offences” and for behaving as a woman. She was forced to cut her long hair and to wear men’s clothing (as was the custom under the Khmer Rouge). Furthermore, she was threatened with death if she refused to marry a woman, and the Khmer Rouge ordered the performance of sexual intercourse as part of the marital obligation. These acts must be considered within the crime of rape, as they were committed without the consent of the concerned person, and were conducted following orders because of threats and the general coercive nature of the circumstances.

Now S. is searching for justice before the ECCC, to hold senior leaders of the Khmer Rouge responsible for the crimes she suffered.

This is the first complaint before the ECCC concerning sexual violence under the Khmer Rouge regime. To date, a widespread silence and/or confusion has covered up crimes of sexual violence. According to common perception, sexual violence occurred during the regime, but has not been as formally documented as have other atrocities. But failure to punish the perpetrators obviously leads to a climate of general impunity for such crimes.

The senior leaders of the Khmer Rouge Regime bear responsibility for those acts of sexual violence committed by their soldiers and cadres, because they were conducted in the framework of a general policy on sexual behaviour, with predictable consequences. Due to a lack of effective supervision of their subordinates they bear criminal responsibility for those acts of sexual violence.

To date, the investigations at the ECCC have not included acts of sexual violence for the reason that there is a lack of sufficient evidence. However, investigations in this regard were never conducted.

Therefore, the aforementioned complaint requests the opening of further investigations into gender-based violence. This step would encourage other victims of such crimes to come forward and demand acknowledgment and justice for their suffering, which has largely been ignored until now.



Interested victims can receive more information from the Court's Victims Unit as well as various local NGOs. Moreover, applicants can be provided with numerous protective measures to grant them the appropriate circumstances to speak and to break the long lasting silence.

Herewith, we invite all interested media and individuals to a press conference to be held on

3 September 2008 at 2.30 pm

Sunway Hotel, #1, St. 92, Sangkat Wat Phnom, Phnom Penh.

For further information please contact:

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ECCC Press Officer -- Reach Sambath (012 488 156)

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Supporting organisations

- Medica Mondiale
- Network Men Women Development Cambodia
- Women's Network for Unity
- Womyns Agenda for Change
- Asia Pacific Network of Sex Workers

