

AMBASSADOR DAVID J. SCHEFFER
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15 October 2021

Judge YOU Ottara
Judge Claudia FENZ
Co-Rapporteurs on Residual Functions related to Victims
Extraordinary Chambers in the Courts of Cambodia
National Road 4, Chaom Chau, Porsenchey
PO Box 71
Phnom Penh, Cambodia

Proposal for Victims

Dear Judges You and Fenz:

Pursuant to your “Call for Contribution of Ideas” dated 02 September 2021, I hereby submit the following proposal for a victim-related initiative which could be implemented by the ECCC. I am the former U.N. Secretary-General’s Special Expert on U.N. Assistance to the Khmer Rouge Trials (2012-2018) and former U.S. Ambassador at Large for War Crimes Issues (1997-2001) and write strictly in my personal capacity.

Proposal:

The Cambodia Tribunal Monitor (www.cambodiatribunal.org) is a website that has been operational since 2008 and is administered by Northwestern University Pritzker School of Law, where I was the Mayer Brown/Robert A. Helman Professor of Law from 2006 to 2020 and Director of the Center for International Human Rights from 2006 to 2019. (I retired from Northwestern in 2020 and I led in the management and editing of the Cambodia Tribunal Monitor until my retirement). Until a couple of years ago the Documentation Center of Cambodia was the Cambodian partner in the management of the site.

The Cambodia Tribunal Monitor is a unique collection of documents relating to the Extraordinary Chambers in the Courts of Cambodia (ECCC): court filings, articles, essays, and, most significantly, daily blogs covering almost all trial days. These blogs (located under “Trial Observer” on the site) were written by Northwestern Law students deployed to Phnom Penh, journalists, and others contracted by Northwestern Law to provide on-site journals (blogs) of the content of almost every trial day and the oral proceedings that transpired. There is no other record of this character and it will be a very rich resource about the details of trial proceedings for students, historians, and particularly victims and their descendants to study in the future.

Due to limited funding during the life of the Cambodia Tribunal Monitor, it was not possible to have the English language blogs in Trial Observer translated into Khmer. I believe

this remains a vital requirement to enable Cambodians to read the blogs and gain from the enormous amount of information in such documents. If translated into Khmer, the surviving victims and their descendants will gain a much richer understanding of the atrocity crimes committed against the Cambodian people during the Pol Pot regime and the suffering of so many victims, many of whom testified during the trial proceedings—stories the blogs describe in detail. Such records of their testimony, written in interesting narrative form and thus more accessible to the Cambodian reader, are invaluable and must be translated into Khmer.

Therefore, I propose that funds be secured (perhaps from one or more sympathetic governments that traditionally funded the ECCC in the past, as well as from private foundations and donors) to enable the ECCC (or another organization) to contract with translators of English to Khmer in order to accomplish this very large task entailing many years of daily blogs. Perhaps individuals who served as ECCC translators in the past or present could be approached for this purpose. There might also be recent Cambodian graduates of university in the country with the requisite written language skills to convert English texts into Khmer texts for this project (and thus provide them with some employment).

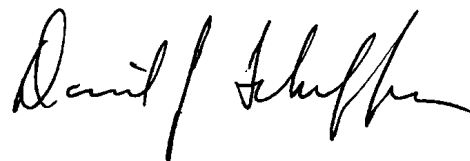
I also propose that all documents on the Cambodia Tribunal Monitor be recorded on hard discs and preserved in the archives of the ECCC as well as appropriate university and public libraries in Cambodia.

I am available to provide guidance and my own expertise for this endeavor.

Thank you for this opportunity to provide a proposal for the benefit of the victims.

With best regards,

Sincerely,



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Director Emeritus, Center for International Human Rights
Northwestern University Pritzker School of Law

Senior Fellow, Council on Foreign Relations
International Francqui Professor, KU Leuven, Belgium
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Cc: Mr. SIM Sorya
Mr. KEO Sothie
Professor Tom Geraghty, Northwestern University Pritzker School of Law