

## Duch debacle a lesson for court, Justice Initiative says

Written by

Wednesday, 14 May 2008 19:00

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Duch's reconstructions served as a "flash point for increasing tension between the press and the court," according to the Open Society Justice Initiative. While most media representatives had to rely on accounts from others, a documentary crew was allowed to film the closed reconstructions and hearing.

A *Post* photographer who entered the tour area was detained by police for two hours, her photos deleted. Other journalists were threatened with a "life ban" from covering the court if they published pictures of the event.

The episode -- and the frictions it aggravated -- demonstrate the need for a more open environment at the ECCC, OSJI claims. In its monthly report released May 14, the Justice Initiative identifies transparency as one of the major hurdles facing the court.

Even before Duch's return to the Killing Fields, tension "had been building for months as the ECCC determined how best to protect confidential information, while public and press concerns regarding the ECCC's failure to disclose information about its work mounted," OSJI reports.

In response, a group of media representatives and civil society leaders submitted a list of 12 recommendations to the court. A few of the suggestions: the court hold regular press conferences and briefings, release pleadings that don't jeopardize confidential information and make available administrative documents such as proposed budgets.

The court has started to address some of these issues. There are plans underway for monthly updates from each section of the court. In addition, a day-long conference with press and NGOs will be held in the next couple months to discuss access to information.

However, according to OSJI, a key problem with transparency continues. As it stands, adversarial hearings before the Co-Investigating Judges are closed to the public, while appeals

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to the Pre-Trial Chamber are to be conducted *in camera*.

"The presumptively closed nature of these proceedings does not serve the interest of justice," OSJI reports, "and the ability of the Cambodian public to understand the ECCC's proceedings."

The court's internal rules should be altered, OSJI recommends, opening such proceedings to the public whenever possible.

Given the general disconnect between the Cambodian population and the court, this seems like sound advice. Any initiative, within reason, that further engages actual Cambodians in the ECCC's activities, is well worth the effort.

\* *Pictured above: Police escort Duch's convoy as the former torture chief leaves Tuol Sleng Genocide Museum Feb. 27. (Photo by Tang Chhin Sothy/AFP).*