



Kaing Guek Eav, alias Duch. Photo by: John Vink

Rain of Terror

Translation technology helps a Cambodia tribunal prosecute Khmer Rouge leaders.

By Claire Duffett

In a low-slung, terra cotta building, under the wind-blown flags of Cambodia and the United Nations, Kaing Guek Eav (a.k.a. Comrade Duch) is on trial.

Duch is accused of crimes against humanity and grave breaches of the Geneva Conventions — including personally overseeing the torture and execution of more than 14,000 prisoners during the reign of the Khmer Rouge in the 1970s. An estimated 2 million people died during the regime.

The matter is under the jurisdiction of the Phnom Penh-based Extraordinary Chambers in the Courts of Cambodia, informally known as the

Khmer Rouge tribunal.

The proceeding is a result of an agreement between the United Nations and the Royal Government of Cambodia to prosecute the top leaders most responsible for the regime's reign of terror from 1975-1979, when the nation was known as the Democratic Kampuchea.

Four others are currently in detention while charges are being investigated, including former head of state Khieu Samphan; former foreign minister Leng Sary; deputy secretary Nuon Chea; and former minister of Social Affairs, Leng Thirith, according to the tribunal (See <http://tinyurl.com/ltn0912CD1>).

Every court day, a crowd gathers to witness the proceedings. As of August 10th, 15,213 attended the trial, according to the EEEC. (See, <http://bit.ly/I0Rk0>.) On an afternoon in early April, I was among the diverse audience, which also included barefoot men and women, saffron-robed monks, and western observers in pressed dress shirts.

We sat in a viewing auditorium, and watched through bulletproof glass as the judges and lawyers in the chamber questioned Duch, whose trial began on March 30.

Participants and the audience wore headsets that translated the proceedings into their language of choice: English, French, or Cambodia's mother

tongue, Khmer.

Suddenly, a monsoon began to pound the roof of the courthouse. Static blasted from the speakers and into the headsets, then all sound cut out. Everyone sat in a tense silence while the rain drummed overhead. Cambodians believe that heavy showers are the voices of the dead, explained court spokesman Reach Sambath. The event highlighted the unexpected (and emotionally charged) interruptions that characterize international war crimes tribunals.

INFRASTRUCTURE

When it first opened offices in early 2006, the ECCC lacked a strong, modern technology infrastructure. Developing creative, on-the-fly, low- and high-tech fixes to both expected and spontaneous issues is the goal of the court's technology team, said Soe Myint, ECCC's technology chief.

A first step was to install fiber optic cable over the 15 miles from its facilities to central Phnom Penh.

In the case of the monsoon rains, to prevent future interruptions without removing the roof and disrupting the trial, Myint installed cloth screens above the roof of the building, a converted military auditorium.

The screens absorb the raindrops and reduce noise, and have the added benefit of shading the roof and minimizing air-conditioning bills.

Such ingenuity is necessary for this cash-strapped tribunal. When the tribunal process began in February 2006, it was expected to cost \$56.3 million and finish by 2009. Now, the trials are expected to continue at least through 2011, requiring foreign donor countries to contribute tens of millions more dollars annually. (The tribunal receives less funding than international courts, such as those trying former Yugoslavia leaders at The Hague.)

About \$1.5 million of the court's budget was spent on technology in 2008. Of this, \$900,000 or so went toward audiovisual and translation equipment, including headsets, speakers, display monitors, and individual screens inside the chamber.

Another \$600,000 bought servers, desktops, laptops, printers, scanners, backup devices, and various peripheral and network equipment. Because some international judges and lawyers work remotely from their home countries, Myint chose a web-based document management system called ZyImage, from Virginia-based ZyLab North America (www.zylab.com), which he said is the court's most advanced technology. It converts recordings of witness interviews and trial proceedings to compressed digital formats.

Staff can remotely retrieve documents within two days of filing, and move them into LexisNexis' CaseMap (www.casemap.com), the litigation support software used by all judicial employees.

The system works well, said Andrew Ianuzzi, an Amsterdam-based lawyer who represents defendant Nuon Chea, the regime's second-in-command.

Because Cambodian phone lines are insecure, the team sends instant messages throughout the

day via IBM Lotus Sametime (www.ibm.com/lotus/sametime).

Participants watch court proceedings from their Hewlett-Packard computers — via a Microsoft Windows Media live video stream.

TESTIMONY

Testimony and arguments in the first matter (Duch) ended September 18, with a verdict pending. The lawyers chose Duch to go to trial first, because his case is more straightforward than those of the other four Khmer Rouge leaders. He is the lowest ranking defendant, the only one who admits guilt, and his administrative duties left behind a damning trail of evidence.

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The Vietnamese invaded Cambodia and toppled the Khmer Rouge in 1979. Inside Duch's prison, S-21, they discovered rooms scattered with boxes of documents.

In addition to thousands of headshots of prisoners, they also found handwritten notes in which Duch instructed guards on how to torture each victim.

"Make him eat a spoonful of shit," said one message, which was displayed by the prosecution via a P30 ELMO Visual Presenter. The message was simultaneously displayed on two monitors in the viewing gallery, as well as on high resolution 17-inch LCD screens at all 35 seats within the chamber.

"Smash them all," Duch wrote on another document, next to a list of children's names.

A major challenge to cataloging these documents, said Myint, is that no optical character recognition technology is currently available that supports the Khmer language.

That reality hinders research and adds another

burden to the already overworked translation team, said Myint. Because all documents must appear in Khmer and either French or English, each requires some human translation. In fact, translation issues remain the tribunal's major technology challenge, said Richard Rogers, defense coordinator.

"These are always complex endeavors," added Robert Petit, the court's former chief co-prosecutor. Technical and funding limitations take their toll, he notes.

"You're creating a system from scratch, bringing people together from different backgrounds, different languages, different professional experiences, and asking them to tackle these complex factual and legal issues, and asking them to do it under the glare of public expectations, the media, and civil society — all for a dime."

Because the court is a hybrid of Cambodian and international law, it follows the civil law tradition as well as some elements of common law. This allows judges, prosecutors, defenders, and lawyers representing the victims to all make statements and ask questions during proceedings. The participatory and multilingual nature of the court means hearings can resemble U.N. General Assembly meetings. During some exchanges, languages switch from French to English to Khmer in a matter of seconds.

When a speaker taps on his or her personal microphone in the chamber, it triggers the translation system, where three interpreters in individual, soundproof booths in the rear of the courtroom prepare to relay their words on separate audio channels.

The result is broadcast live in the courtroom, pressroom, visitors' gallery, witness protection room, on a local television station, and on every headset.

At the end of the day, if there are no redactions, reporters can pick up a DVD of proceedings on two disks, one in Khmer, and one in both French and English. The translation system, as well as court cameras and recording equipment, were purchased from Germany's Brähler ICS Konferenztechnik (www.braehler.com).

With the first trial completed and preparations under way for jointly trying the four remaining defendants, attention is being refocused on improving technology for the next trial.

One upgrade, Myint said, is equipping the court with a satellite system called BGan, from London's Inmarsat (www.inmarsat.com). It will create a live feed that will help lawyers question witnesses who live in remote areas that lack communication infrastructure — like the small Cambodian villages where some regime survivors live.

Then, those who suffered under the Khmer Rouge can trade rainstorms for technology and still have their voices heard. **LTN**

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