



## INTERVIEW WITH HEAD OF VICTIMS UNIT HELEN JARVIS

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Helen Jarvis standing outside the Victims Unit office in Phnom Penh

Helen Jarvis is the head of the Victims Unit at the Extraordinary Chambers for the Courts of Cambodia (ECCC). Prior to her appointment as head of the Victims Unit she served as the Chief of Public Affairs. She also served as a Documentation Consultant for the Cambodian Genocide Program, which led to the establishment of the Documentation Center of Cambodia. On October 08, 2009, Helen Jarvis met with the Cambodia Tribunal Monitor to discuss the work of the Victims Unit at the ECCC.

**CTM:** The Public Affairs office often highlights the large number of villagers that have visited the court. What is role of the Victims Unit in bringing visitors to the court?

**JARVIS:** While it would be nice to lay claim to such a success, the Public Affairs section of the court is primarily responsible for mobilizing the large number of villagers. However, the Victims Unit has been facilitating the visits of civil parties in the Duch case to observe and participate in the proceedings from within the courtroom. We arrange the transportation from their village to Phnom Penh and accommodations in the city should they need them. Every morning we arrange for a van to transport the civil parties from the office of the Victims Unit in Phnom Penh to the outskirts of the city where the court is located. Aside from facilitating such visits, the Victims Unit is mostly focused on collecting and summarizing complaints and civil party applications.

**CTM:** Can you describe the difference between filing a victim complaint and a civil party application?

**JARVIS:** A complaint is simply a statement of a crime a person believes was committed. It is provided to the court and the court determines whether to pursue it or not. A complainant provides information to the court but acquires no further rights in the

judicial process. A complainant may also choose to apply as a civil party and, if accepted, will acquire all of the attendant rights.

Most people focus on the rights of the civil parties during the trial where they participate in the criminal proceedings by supporting the prosecution. However, they also have some very important rights during the investigative phase. These rights include, but are not limited to, interviewing and questioning witnesses, accessing the case file, and being represented by legal counsel. A civil party also acquires procedural protections when being questioned and retains certain rights in the appellate process.

**CTM:** What is the role of the Victims Unit in compiling civil party applications and what are the major challenges that survivors and families face in the application process?

**JARVIS:** The Victims Unit helps gather, process, and summarize civil party applications. Up until now, many NGO organizations were also heavily involved in gathering civil party applications. However, as many of these organizations begin to shift their focus elsewhere, the Victims Unit will assume the primary role in gathering applications. After gathering the applications, we process and summarize them. Specifically, we work with the Office of the Co-Investigating Judges to draw out from the applications elements of a crime that are under investigation. The entire process of gathering, processing, and summarizing civil party applications is an enormous undertaking. Some of the applications contain up to 100 pages of supporting material. Much of that information is difficult to summarize and lacks sufficient precision. This is understandable given that over 30 years have passed since the crimes occurred.

**CTM:** There has been a lot of discussion about changing the future model of civil party participation. Does the Victims Unit support the outcome of the sixth plenary session on this issue?

**JARVIS:** In principle we support the need for a more coordinated and effective model of civil party participation. This is particularly true given that the next case will be far more complex and the scope of the crimes will be much larger. In the Duch case, the civil parties were grouped without any distinct characteristics or interests. In Case 002 the civil parties will be grouped based on the similar categories of interests. For example they could be grouped based on specific crimes that were committed or specific ethnic groups that were targeted. All of these groups will be represented by two co-lawyers who will speak with “one voice” within the courtroom. All this is not to say that experience relating to civil parties in the Duch case was not successful. On the contrary; more than twenty two civil parties were given the opportunity to testify and this was the first trial of its kind to represent the interests of victims in such a comprehensive manner.

**CTM:** Was there any coordination between the Victims Unit and the civil parties during the civil party boycott? If not, how did the Victims Unit view this boycott?

**JARVIS:** The Victims Unit took no position on the boycott. There is a difference between the role of the Victims Unit and the role of the civil party lawyers. The lawyers

are responsible for advocating for their clients whereas our function is to facilitate the participation of civil parties in the proceedings. The civil parties are of course entitled to express their views either directly or through their lawyers, but it would not be appropriate for one section of the court like the Victims Unit to take a position contrary to another section of the court.