



The Court Report

FEBRUARY 2011

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice

Case 2 on KR Leaders Now Moves to Trial Stage



Nuon Chea (far left) and Khieu Samphan (far right) appear before the Trial Chamber on 31 January 2011.

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The Khmer Rouge tribunal's second case has now entered the trial stage with the Pre-Trial Chamber confirming charges brought against four detainees believed to be most senior surviving leaders of the Pol Pot regime.

The PTC of the Extraordinary Chambers in the Courts of Cambodia rendered on 13 January dispositions of its decisions on appeals lodged by the four accused: former Deputy Secretary of the Communist Party Nuon Chea, former Foreign Minister Ieng Sary, former Head of State Khieu Samphan and former Social Actions Minister Ieng Thirith. All of them have been held at the ECCC Detention Centre since 2007.

The four were initially indicted last September with a closing order issued by the court's Co-

Investigating Judges and are now confirmed to face charges of genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions as well as murder, torture and religious persecution under Cambodian law.

Of the appeals lodged by the four accused, the PTC found Khieu Samphan's inadmissible and the other three partially admissible in two instances. The PTC first ordered to amend the closing order to require the existence of a link between the underlying acts of crimes against humanity and an armed conflict. Secondly, the PTC granted the argument that rape didn't exist as a crime against humanity in its own right during the period in

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French Vice President of Senate Pays a Courtesy Call

A prominent leader of the French Senate led a six-member delegation to pay a courtesy call on the Extraordinary Chambers in the Court of Cambodia on 26 January.

Vice President of the Senate Catherine Tasca and her team toured the courtroom before having an official meeting with Officers-in-Charge of Administration Rong Chhorn and Rajeev Kumra. After receiving an overview of the workings of the court from senior management, the delegation met with Trial Chamber Judge Jean-Marc Lavergne and Pre-Trial Chamber Judge Catherine Marchi-Uhel, both from France, to gain insights about their challenging legal work. A group of French nationals who work in the court in various

capacities also met with their visiting senators.

France is one of the major backers of the court and co-chairs the donor group Friends of the ECCC. Mrs. Tasca and her fellow senators, who stopped at Cambodia for a few days to assess the French bilateral assistance, appreciated the visit to the court. "They were very impressed by the work done as well as the commit-



Senator Catherine Tasca (far left) visits the ECCC with a delegation of French senators on 26 January to meet with senior court officials

ment of the staff," wrote an official of the French Embassy who accompanied the delegation. "I do think they will bring these very positive messages to Paris."

ECCC Officials Present Revised Budget to Donors in New York

Senior officials of the Extraordinary Chambers in the Courts of Cambodia presented a downwardly-revised budget for 2010-2011 to the court's major donors and other interested states in New York during the last week of January.

Acting Director of Administration Tony Kranh and his deputy, Mr. Knut Rosandhaug, traveled to New York to discuss the revised budget with the ECCC's Steering Committee and the Group of Interested States at the United Nations headquarters. They presented the revised two-year budget of US\$71.96 million which had aligned with real expenditure and new

projection.

The court spent US\$31.3 million in 2010 with a saving of US\$ 11.6 from the 2010 approved budget, and now requires US\$40.7 million for this year, a US\$3.5 million less than the originally approved budget. According to

the budget document, the savings in 2010 were made mainly due to slower proceedings than predicted and higher than anticipated vacancy rates of the posts. The reduction of budget projection for 2011 is due to the streamlining of human resources by nationalization, redeployment and abolition of posts.

YEAR	Original	Revised	Revised Cam	Revised Int'l
2010	US\$42.9 M	US\$31.3 M	US\$7.9 M	US\$23.4 M
2011	US\$44.2 M	US\$40.7 M	US\$9.9 M	US\$30.8 M
TOTAL	US\$87.1 M	US\$72.0 M	US\$17.8 M	US\$54.2 M

(All figures are exclusive of contingency)

Japan Continues ECCC Support with \$11.7 Million

The Japanese government announced on 28 January that they would donate over \$11.7 million to the Extraordinary Chambers in the Courts of Cambodia. With this generous donation, Japan continues its unwavering support of the ECCC and remains the court's largest single donor to date.

The \$11.7 million donation will be split between the international and national

components of the ECCC, with about \$8.8 million for the international component and \$2.9 million for the national component. In total, this contribution will fund more than one-quarter of the ECCC's 2011 budget.

In a statement, Acting Director of Administration H.E. Tony Kranh expressed his gratitude to the Government of Japan. "This support is essential in enabling the

ECCC to move forward with the important work to complete its mandate," he said.

Japan has been a leading supporter of the ECCC since its inception in 2006. Almost half of the ECCC's financial contributions have been donated by the Japanese government, totaling approximately \$67 million in five years.

Japanese Scholars Visit the ECCC for Future Cooperation

A group of legal scholars from the University of Tokyo, Japan, visited the Khmer Rouge tribunal on 11 January as part of a fact-finding mission for a possible future cooperation on the legacy work of the Extraordinary Chambers in the Courts of Cambodia.

The seven-member delegation headed by Professor Yasunobu Sato held a series of meetings with court officials to deepen their understanding of the work of the court and assess needs in academic cooperation.

Among those who met with the delegation were Judge Kong Srim from the Supreme Court Chamber and Judge Silvia Cartwright from the Trial Chamber as well as Co-Investigating Judges You Bunleng and Siegfried Blunk. The judges discussed challenges they face in the court and the important work of capacity building and legacy projects.

The delegation in return expressed their interest in working with the University of California, Berkeley, to support the ECCC's Virtual Tribunal project and prom-

ised to look into other possibilities of cooperation for the court's legacy.



Professor Yasunobu Sato (right) meets with ECCC officials

US War Crimes Ambassador Visits the ECCC

U.S. Ambassador-at-Large for War Crimes Stephen Rapp visited the Extraordinary Chambers in the Courts of Cambodia on



US Ambassador for War Crimes Stephen Rapp meets with Judge You Bunleng and Judge Siegfried Blunk

14 January to meet with senior court officials, judges and prosecutors. This was his third visit to the ECCC since he assumed his post in late 2009.

During his visit, Mr. Rapp met with court officials to receive updates on the ECCC's work since his last visit in July. He also spoke of the American government's current thinking about various issues surrounding the ECCC.

Mr. Rapp, a proponent

of human rights and international criminal law, committed himself to helping the ECCC complete its mandate and emphasized the importance of Case 002.

"This is the most important case in the world in 2011," said Mr. Rapp.

He served as a prosecutor for the Special Court for Sierra Leone and led the prosecution team against former Liberian President Charles Taylor. Prior to this, he served as the Senior Trial Attorney and Chief of Prosecution at the International Criminal Tribunal for Rwanda.

Case 002 trial (continued from page 1)

question and upheld the Co-Investigating Judges finding that the facts "can be characterized as crimes against humanity of other inhumane acts".

Upon confirming the indictments, the PTC ordered the accused remain in custody until they are brought before the Trial Chamber.

Following these decisions, three defence teams filed applications to request immediate release of their respective clients, and the Trial Chamber granted a consolidated

public hearing to submit oral arguments of defence teams of Nuon Chea, Khieu Samphan and Ieng Thirith.

On 31 January the three defendants appeared together in court for the first time, sitting next to each other until Ieng Thirith retired after waiving her rights and Nuon Chea left the courtroom for health reasons. Co-Prosecutors Chea Leang and Andrew Cayley presented their counter-arguments while hundreds of visitors observed the proceedings from the public gallery. A decision on the appeals will be

issued in February.

The ECCC's second case is believed to be one of the most complex and significant cases in international criminal justice. The Trial Chamber will hold a trial management meeting with the parties in early April to discuss operational matters and management issues of the upcoming trial. Substantive hearings of the trial are expected to begin later this year.

KRT Study Tours Extend to Commune Leaders in 2011

In an attempt to reach “multipliers,” those who are influential at a grass-root level, the Extraordinary Chambers in the Courts of Cambodia began the year with a special collaborative effort with a national association of local governments. This partnership will strive to include village leaders in the court’s flagship Khmer Rouge Tribunal Study Tours.

The National League of Commune/Sangkat Councils, an umbrella organization for local representatives, has become an ECCC’s new partner in this effort. Together with the league, the ECCC’s Public Affairs Section will organize one KRT study tour each month for a group of commune and sangkat leaders.

The programme will take them to the Tuol Sleng Genocide Museum, the Choeung Ek killing fields and the ECCC to gain first-hand information about the scope of court’s work and its challenges. PAS officially launched the twice-a-week tour programme in January 2010, through which almost 29,300 people from across Cambodia were able to observe the judicial proceedings in the last year.

The new collaboration with the league kicked off with their first tour on 28 January when about 200 commune leaders from Cambodia’s 24 provinces were brought down from Battambang where they had gathered for a seminar. The

group toured the museum to hear a survivor’s story and view the remnants of the former torture centre before visiting the court.

Representatives of the court’s Office of Administration welcomed the group and discussed the importance of holding former Khmer Rouge leaders accountable and educating younger generations about this dark chapter of Cambodian history. The ECCC’s Senior Administrative Officer Rong Chhornng also appealed to the commune members to support the court by facilitating the participation of Civil Parties and the general population in both public hearings and study tours, and encouraged them to disseminate information about the court in their villages and towns.

Many participants expressed their appre-

ciation for the cooperation between the government and the United Nations in setting up the tribunal to bring justice to those who survived and those who perished.

“Seeing the court doing important work, I think I am, as a survivor, not the only one that feels excited. I believe even those who died during the KR are excited to know that their younger generation is seeking justice for their souls,” said Ms. Hao Phalla, member of Potahoa Commune in Svay Rieng.

The ECCC is committed to continue organizing study tours every Tuesday and Thursday when no public hearing is planned. For tour arrangement, contact PAS (phone: 023 488 319 or email: pas@eccc.gov.kh).



Commune members toured S-21 during their visit to learn about the detention center’s role in Democ-



A US Volunteer Calls Cambodians To Join KR Study Tours

Che Lee, a American Peace Corps volunteer, participated in the KRT Study Tour programme on 20 January with his host family and other residents from Veal Rinh Commune, Preah Sihanouk Province. Impressed by the programme, Mr. Lee wrote a Letter to the Editor.

“... it was when we were touring S-21 that I was able to discover the mission of the ECCC tours: to provide the Khmer people the chance to participate in the judicial process of the ongoing Khmer Rouge trials through education and first-hand experi-

ence of historical (such as S-21) and modern (such as the ECCC) sites and history...”

“...this is an excellent opportunity for Khmers to be able to investigate more about the blurry, yet poignant tragedy, of the Khmer Rouge regime...”

“Without the support of the ECCC, many cannot choose to take this opportunity...”

“I truly believe that interest will continue to be sparked in others, as it has in me, and will lead to more civic participation on

the part of people from rural areas.”

“I urge Khmer people to take advantage of this opportunity and encourage the international supporters to continue to aid this Cambodian initiative in financing the trials and the tours.”



ECCC's Second Case at a Glance

TIMELINE

18 July 2007	The Co-Prosecutors file their first Introductory Submission requesting the Co-Investigating Judges to investigate Nuon Chea, Ieng Sary, Ieng Thirith, Khieu Samphan and Kaing Guek Eav alias Duch.
19 Sept. 2007	The Co-Investigation Judges split the case into two, announcing Duch will be prosecuted separately from Khieu Samphan, Ieng Sary, Ieng Thirith and Nuon Chea. A provisional detention order is issued for Nuon Chea.
Nov. 2007	Provisional detention orders are issued for Ieng Sary and Ieng Thirith on 14 November and Khieu Samphan on 19 November.
5 Nov. 2009	The Co-Investigating Judges announce the scope of investigation in Case 002 in order to facilitate victims' participation as Civil Parties following amendments in the ECCC Internal Rules.
14 Jan. 2010	The Co-Investigating Judges announce its completion of judicial investigations in Case 002, which procedurally invite requests for further investigations from the parties. CIJ eventually concludes its investigations and forward the case back to the Co-Prosecutors on 19 July.
16 Aug. 2010	The Co-Prosecutors file their Final Submission requesting the Co-Investigating Judges to indict Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan, but not Duch.
15 Sept. 2010	The Co-Investigating Judges issue a Closing Order, indicting the four accused for Crimes against Humanity, Genocide, Grave Breaches of the Geneva Conventions of 1949, and offenses under the 1956 Penal Code of Cambodia (homicide, torture and religious persecution).
13 Jan. 2011	The Pre-Trial Chamber confirms the indictments of the four accused with minor amendments, in response to appeals against the closing order filed by the defence teams. Case 002 is now sent to the Trial Chamber.

WHAT IS CASE 002?

In Case 002, four Khmer Rouge leaders are now indicted for:

- **Crimes against Humanity:** extermination, enslavement, torture, persecution, etc
- **Grave Breaches of the Geneva Conventions** of 1949: willful killing, torture, inhuman treatment, etc.
- **Genocide:** of the Cham and the Vietnamese
- Offenses under the **1956 Penal Code of Cambodia:** homicide, torture and religious persecution

Case 002 has looked into limited sites and criminal activities, including:

- 3 instances of mass displacement of the population
- 6 cooperatives and worksites
- 11 security centers and 3 execution sites
- Alleged crimes against the Cham, the Vietnamese and Buddhists
- Regulations of marriage

Evidence in Case File 002 accounts for 350,000 pages in total, including:

- 46 written records of interviews with the four defendants
- Over 1,000 written records of interviews with witnesses and Civil Parties
- 36 site identification reports, medical reports, and demographic expert reports
- Over 11,600 pieces of documentary evidence about the facts of the case



Name: NUON Chea
Alias: Brother No 2
Date of Birth: 17 July 1926
Position in Democratic Kampuchea: Deputy Secretary of the Communist Party
Date of Arrest: 19 September 2007



Name: IENG Sary
Alias: Van
Date of Birth: 24 October 1925
Position in Democratic Kampuchea: Deputy Prime Minister for Foreign Affairs
Date of Arrest: 12 November 2007



Name: IENG Thirith
Alias: Phea
Date of Birth: 10 March 1932
Position in Democratic Kampuchea: Minister of Social Affairs
Date of Arrest: 12 November 2007



Name: KHIEU Samphan
Alias: Hem
Date of Birth: 27 July 1931
Position in Democratic Kampuchea: Head of State (Chairman of the State Presidium)
Date of Arrest: 19 November 2007

Pre-Trial Chamber

In January the Pre-Trial Chamber notified to the parties a number of decisions and dispositions of its decisions on Appeals and Applications lodged before it. The Pre-Trial Chamber also disposed of a number of procedural and other case-management related matters.

Pending Appeals and Applications

The Pre-Trial Chamber is currently seized of 95 appeals filed against the Co-Investigating Judges Inadmissibility decisions on 1,747 Civil Party Applications and one Appeal from Civil Party Lawyers against Co-Investigating Judges' Response on the Motion on confidentiality, equality and fairness (PTC147). The Pre-Trial Chamber is also seized of three pending applications.

During the Reporting period the Pre-Trial Chamber has also issued a considerable number of directions and decisions on interlocutory requests related to the 95 pending Civil Party Appeals. Most of these appeals are at the procedural stage of being completed with written submissions. The Pre-Trial Chamber has started its deliberations on those appeals that are completed with submissions.

From the three pending applications, two (PTC08, PTC13) are classified as strictly confidential and one (PTC14) on Ieng Thirith's notification on errors in translation as public.

All these matters pertain to Case 002.

Decisions

During the reporting period, the Pre-Trial Chamber also notified the parties its dispositions of the decisions as well as reasoned decisions on appeals against the Closing Order by the Accused in Case 002 (PTC75, PTC104, PTC145, PTC146 and PTC152). See details of decisions in the Judicial Calendar page 10.

Supreme Court Chamber

From 1 - 31 January 2011, the Supreme Court Chamber received two appellate filings in Case 001. On 14 January, the Co-Lawyers for the Accused, KAING Guek Eav alias Duch, filed a Reply to the Co-Prosecutors' Response to the Accused's Appeal Brief. English and French translations of the Reply are pending. On 26

January, the Defence Support Section of the ECCC requested the Supreme Court Chamber to exercise its power under Internal Rule 33(1) to invite "the submission of amicus briefs from independent third parties in order to ensure a full airing of legal arguments in regard to issues raised by the Co-Prosecutors on appeal that have not been addressed by the Co-Lawyers in proceedings thus far, and in particular the issue of sentencing."

Defence Support Section

Before the Trial Chamber (Case 002)

On 14 January, the Ieng Sary defence team filed an application to disqualify Trial Chamber Judge Nil Nonn, and an accompanying request for investigative action, on the basis of alleged misconduct during his tenure as the President of the Battambang Provincial Court. The application was denied by the Trial Chamber in a decision dated 28 January. Between the 18 and 21 of January, the defence teams for Nuon Chea, Khieu Samphan and Ieng Thirith submitted applications to the Trial Chamber calling for the immediate release of their clients in accordance with the Internal Rules of the ECCC. A public hearing was held on 31 January to hear arguments in relation to the applications, with a decision from the Trial Chamber to follow in February.

Before the Supreme Court Chamber (Case 001)

On 17 January, the defence team for Kaing Guek Eav, alias Duch, filed a reply to the Co-Prosecutors' response to the defence Appeal Brief. On 26 January, the Defence Support Section (DSS) submitted a request to the Supreme Court Chamber requesting that the Chamber consider inviting an amicus curiae brief from an independent third party to ensure a full airing of legal arguments in the upcoming appeal hearing.

Legacy and Outreach Work

The DSS Officer-in-Charge met with the President and Secretary General of the Bar Association of the Kingdom of Cambodia and with the Legacy Officer at the Office of the UN High Commissioner for Human Rights, to discuss developing a training program for Cambodian defence lawyers working in the national courts.

On 25 January, the DSS participated alongside the Office of the Co-Prosecutors and the Public Affairs Section in an outreach event with 400 students from the Royal University of Law and Economics. The event provided an opportunity to explain the role and recent work of the DSS.

Office of the Co-Prosecutors

Pre-Trial Proceedings (Case 002)

On 28 January, in accordance with Rule 80 of the ECCC Internal Rules, the Office of the Co-Prosecutors filed their list of witnesses/experts and Civil Parties to the Trial Chamber. This list details 16 experts, 267 witnesses and 22 civil parties that the OCP wishes to call during the Case 002 trial proceedings. The OCP continues to prepare other submissions required by the Trial Chamber's 17 January 2011 Order to File Material in Preparation of Trial Proceedings.

On 31 January, the Co-Prosecutors participated in a public hearing where the Co-Prosecutors made oral submissions in response to the applications for release filed by Nuon Chea, Khieu Samphan, and Ieng Thirith. International Co-Prosecutor Andrew Cayley responded to Nuon Chea's application, and National Co-Prosecutor Chea Leang responded to Khieu Samphan's and Ieng Thirith's applications.

The Office of the Co-Prosecutors also filed replies to numerous Defence motions and applications, which included requests for extension of the time and page limits for filing of preliminary objections and requests for modification of the Rule 80 deadlines for filing of witness and document lists.

Appellate Proceedings (Case 001)

The OCP continued to prepare for the public hearing on the OCP and Defence appeals against the Trial Chamber Judgement, which the Supreme Court Chamber will convene at the end of March 2011.

Outreach

The OCP continued its regular participation in the ECCC Studies Tour Programme and participated in other outreach activities in Phnom Penh, Kampot Province and Battambang Province.

Office of the Co-Investigating Judges

Legal Work

The Office of the Co-Investigating Judges continued investigation of the factual allegations submitted by the international co-prosecutor in Case 003 and 004.

The national and international Co-Investigating Judges have now established joint working groups. In January the working groups focused on examin-

ing and analyzing the documents available on the Case Files, particularly the existing documents in the previous Cases Files 001 and 002. No field investigation was conducted during the reporting period.

Outreach Work

OIJ continued to participate in the court's outreach work. A representative of the office joined a public forum or-

ganized by the NGO Youth for Peace in Battambang on 21 January and spoke about the role of the office to about 100 participants. The Co-Investigating Judges also met with the visiting delegation of the University of Tokyo, US Ambassador-at-large for War Crimes Issues Stephen Rapp and a Japanese researcher.

Victims Support Section

Legal Work

The Victims Support Section received and registered applications from 3 international lawyers on its list and forwarded them to the Bar Association of Kingdom of Cambodia for consideration with regard to formal entitlements to represent clients in the ECCC's proceedings.

The VSS carried out the verification of Civil Party applications and found that 3 applicants submitted duplicate Victim Information Forms. The VSS informed the PTC about this. As a result, the reviewed number of current Civil Party applicants in Case 002 are 3,985 (previously 3,988).

Outreach and Non-Judicial Measures

On 17 January, VSS organized a Regional

Civil Party Forum for 350 Civil Parties in Case 002 from 5 different provinces including Koh Kong, Sihanoukville, Takeo, Kep and Kampot. The Regional Forum aimed to promote victims' participation as Civil Parties and provided opportunities for Civil Parties to meet with Civil Party lawyers to discuss their rights and claims, as well as to generate ideas related to reparation programmes so as to formulate proposals to the ECCC. The attendees also met with officials from various offices of the ECCC and civil society representatives to learn about recent progress of the ECCC proceedings and to learn about the experiences of Civil Parties in Case 001 for a better involvement in Case 002.

On 20 January, VSS staff joined the KRT Watch Radio programme on FM Radio 102 organized by CHRAC to discuss the development of the proceedings of Cases 001 and 002, and the roles of VSS.

In January, the VSS Pro-

ject Manager working to support the Section's mandate on collective reparations and other non-judicial measures for the benefit of victims met with several governmental and non-governmental organizations in order to consult and seek input into the future work of the VSS in those areas. This collaborative approach was necessary to translate into practice these two challenging, but important, mandates. In addition, the VSS International Advisor assisting the Project Manager in this job travelled to Europe, liaised with various UN partners in Geneva and presented the ECCC's reparations mandate before relevant sections at the International Criminal Court (ICC) and its Trust Fund for Victims in The Hague, Netherlands.



VSS holds a Regional Civil Party Forum for 350 Civil Parties in Case 002 on 17 January 2011



A photo from a meeting of Civil Party lead Co-lawyers and Civil Party lawyers

Civil Party Lead Co-Lawyers Section

On 25 January, Civil Party Lead Co-lawyers and Civil Party lawyers met for the first time at the Information Center of the ECCC since the arrival of international Lead Co-Lawyer, Mrs. Elisabeth

Simoneau-Fort. The meeting was an introduction to each other and an opportunity to report what had been done and what needed to be done next before the initial hearing of Case 002.



ICfC Fosters Open Dialogue between Victims and Cadres

Since the launch of the Justice & History Outreach (JHO) project in 2007, the International Center for Conciliation (ICfC) has played a pivotal role in helping Cambodians share their experiences from the Khmer Rouge years, enabling communities to find their own way to memorialize this tragedy in order to transmit its lessons.

For decades, Cambodian conventional wisdom dictated that Cambodians needed to bury the past in order to move forward, but the nagging of painful memories continued to haunt Cambodians in their everyday lives. The establishment of the ECCC helped open up discussion on Cambodia's Khmer Rouge past, providing a unique opportunity for civil society actors such as ICfC to assist Cambodians in obtaining a sense of justice through truth-finding mechanisms. By facilitating dialogue about history and memory between different groups of Cambodians, ICfC has helped foster community openness about the past, building stronger community relations in the process.

In addition, a core element found throughout ICfC's work is a participatory approach that aims to empower survivors of the brutal Khmer Rouge regime to take control of the healing and reconciliation process. In the JHO project, ICfC assists local Cambodians in identifying their needs in relation to historic trauma and justice, and then develop forward-looking actionable goals. As a result of this partici-



The ICfC's JHO projects works to teach villagers about the important role of empathy in promoting reconciliation

patory approach, ICfC is able to help build the problem-solving capacity of villagers so that future issues can be resolved by the community itself.

ICfC is now offering villagers that participated in the JHO project training in conflict resolution and the dialogue process through its Training of Trainer (TOT) programme. The programme has helped many villagers learn the important role of

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Villagers meeting with representatives from the ICfC's Justice and History Outreach project

Good to know

The International Center for Conciliation (ICfC) is a non-profit organization which aspires to create lasting peace in conflicted communities worldwide. ICfC-Cambodia helps divided communities unfold their painful past and construct a shared future through dialogues, memorial projects and mediation training.

For more information, please contact:

International Center for Conciliation
No. 69 Sothearos Blvd.
Phnom Penh, Cambodia
+855 (0) 23 695 65 12
cambodia@centerforconciliation.org



ICfC Outreach (continued from page 9)

empathy in promoting reconciliation efforts. For example, this programme is helping foster openness and dialogue between victims and former Khmer Rouge members. A villager recently spoke about the changing behavior of a former Khmer Rouge cadre. He said, "Before, we could tell that he feared the other villagers because he would never talk to anyone. But today, he's changing. He is able to speak more to other villagers, and I think that this is happening because of the support and encouragement that the ICfC staff has given him, helping him become less fearful."

Not only are former Khmer Rouge cadres opening up about their experiences, but villagers are also beginning to accept the possibility of an alternative viewpoint to the traditional notions of evil associated with anyone who worked for the Khmer Rouge regime. Because of this, ICfC plans to further build on its work by implementing a pilot project, in partnership with the Transcultural Psychosocial Organisation, which aims to open up communication pathways between victims and former Khmer Rouge cadres. By doing so, the ICfC hopes to strengthen village relations that have been fragmented for decades and promote understanding between



ICfC's JHO project aims to help Cambodians deal with their painful memories from the Khmer Rouge time

victims and perpetrators, many of who lost family during the Khmer Rouge regime or were allegedly forced to commit atrocities to ensure their own personal safety.



"S-21 EXHIBITION" PAYS HOMAGE TO VICTIMS

Dutch artist Peter Klashorst has added a new feature to the Tuol Sleng Museum.

He has painted over 50 works of art in homage to the victims and survivors of S-21, where over 12,000 prisoners were believed to have died from inhuman prison conditions or were tortured and executed. The paintings are on display in the "S-21 Exhibition" at the museum from 25 January until 15 March.

The exhibit features 22 large portraits and 30 small paintings, collectively dubbed "S-21 Victims" and "Conversation Pieces", respectively. "The paintings are in memory of the dead and a tribute to the very alive and sympathetic people of Cambodia, whose grateful guest I have been for almost a year," explains Klashorst.

Klashorst contributed images of his paintings, as well as 52 digital art pieces to the ECCC Virtual Tribunal in order for more people to experience his S-21 Exhibition.

The ECCC Virtual Tribunal is a public, digital multimedia educational resource, library and archive currently being developed as an archival legacy project by the Court in collaboration with the War Crimes Studies Center of the University of California, Berkeley, the Hoover Institution, Stanford University, and the East West Center in Honolulu, Hawaii.

To the right is an example of Klashorst's work depicting a victim of S-21



Decisions/Orders

Pre-Trial Chamber

12 January 2011: Decision on Khieu Samphan's Interlocutory Application for an Immediate and Final stay of Proceedings for Abuse of Process. The Chamber found the Application inadmissible (PTC15).

13 January 2011: Disposition of its Decision on Khieu Samphan's Appeal against the Closing Order was notified to the parties. The Chamber found the appeal inadmissible and ordered that the Accused be sent for trial "as provided in the Closing Order which shall be read in conjunction with the Decision on Ieng Thirith's and Nuon Chea's Appeals against the Closing Order and the Decision on Ieng Sary's against the Closing Order issued on the same day by the Pre-Trial Chamber and applying to all accused in this case, whereby the Closing Order has been amended as follows:

1. The "existence of a nexus between the underlying acts and the armed conflict" is added to the "Chapeau" requirements in Chapter IV(A) of Part III of the Closing Order.
2. The Pre-Trial Chamber decides to strike rape out of paragraph 1613 of the Closing Order and to uphold the Co-Investigating Judges finding in paragraph 1433 of the Closing Order that "the facts characterized as crimes against humanity in the form of rape can be categorized as crimes against humanity of other inhumane acts."

The Pre-Trial Chamber ordered that the provisional detention of the Accused is to continue until he is brought before the Trial Chamber. It announced that the reasons for this decision shall follow in due course. On 21 January 2011, the Pre-Trial Chamber's fully reasoned decision on the Appeal was notified to the parties (PTC104).

13 January 2011: Disposition of its Decision on Ieng Sary's Appeal against the Closing Order's Extension of his Provisional Detention. The Chamber decided unanimously that the Appeal was admissible and dismissed the Appeal, indicating that a reasoned decision would follow in due course. On 21 January 2011, the Pre-Trial Chamber notified a fully reasoned Decision on the Appeal (PTC152).

13 January 2011: Disposition of its Decision on Ieng Sary's Appeal against the Closing Order. The Pre-Trial Chamber found the appeal admissible in its form and dismissed all grounds of this appeal with the exception of one that was granted in part as follows:

Ground seven, as far as it is admissible, is granted in part as follows and is otherwise dismissed:

1. This ground of Appeal is granted in so far as the Co-Lawyers assert that the Co-Investigating Judges erred by failing to consider that during the temporal jurisdiction of the ECCC, international customary law required a nexus between the underlying acts of crimes against humanity and an armed conflict. The "existence of a nexus between the underlying acts and the armed conflict" is added to the "Chapeau" requirements in Chapter IV(A) of Part III of the Closing Order.

2. This ground of Appeal is granted in so far as the Co-Lawyers argue that rape did not exist as a crime against humanity in its own right in 1975-1979. Therefore, the Pre-Trial Chamber decides to strike rape out of paragraph 1613 of the Closing Order and to uphold the Co-Investigating Judges finding in paragraph 1433 of the Closing Order that the facts characterized as crimes against humanity in the form of rape can be categorized as crimes against humanity of other inhumane acts.

The Chamber ordered that the Accused Person be sent for trial as provided in the Closing Order being read in conjunction with this decision and that the provisional detention of the Accused Person is to continue until he is brought before the Trial Chamber. It indicated that a fully reasoned decision on this appeal shall be issued in due course. On 24 January 2011, the Pre-Trial Chamber notified, in writing, the reasons for the continuation of the Accused Person's detention (PTC75).

13 January 2011: Disposition of its Decision on Ieng Thirith and Nuon Chea Appeals against the Closing Order. The Pre-Trial Chamber found the appeals admissible in form and dismissed all grounds of these appeals with the exception of Ieng Thirith's Appeal ground four which was granted in part as follows:

1. This ground of Appeal is granted in so far as the Co-Lawyers assert that the Co-Investigating Judges erred by failing to consider that during the temporal jurisdiction of the ECCC, international customary law required a nexus between the underlying acts of crimes against humanity and an armed conflict. The "existence of a nexus between the underlying acts and the armed conflict" is added to the "Chapeau" requirements in Chapter IV (A) of Part III of the Closing Order.
2. This ground of Appeal is granted in so far as the Co-Lawyers argue that rape did not exist as a crime against humanity in its own right in 1975-1979. Therefore, the Pre-Trial Chamber decides to strike rape out of paragraph 1613 of the Closing Order and to uphold the Co-Investigating Judges finding in paragraph 1433 of the Closing Order that the facts characterized as crimes against humanity in the form of rape can be categorized as crimes against humanity of other inhumane acts.

The Chamber ordered that the Accused Persons be sent for trial as provided in the Closing Order being read in conjunction with this decision and that the provisional detention of the Accused Persons is to continue until they are brought before the Trial Chamber. It indicated that a fully reasoned decision on this appeal shall be issued in due course. On 21 January 2011, the Pre-Trial Chamber notified, in writing, the reasons for the continuation of the Accused Persons' detention (PTC 145 and 146).

Upcoming Public Hearings

Pre-Trial Chamber Hearing

None scheduled

Trial Chamber Hearings:

None scheduled

Supreme Court Chamber

Hearings:

March 2011: Case 001 Appeal

Outreach Calendar

Outreach Activities

6 January 2011 Court Visit: PAS meets with a group of scholars from Japan to brief them about the court's proceedings

10 January 2011 Court Visit: PAS and OCP meet with a group of visiting NGO staffers from Italy

11 January 2011 Court Visit: ECCC officials and judges meet with a fact-finding delegation from Tokyo University for future cooperation in legacy work

11 January 2011 Court Visit: PAS meets with 21 visiting students from the United States and Thailand who are working with the Youth Resource Development Programme

14 January 2011 VIP Visit: American Ambassador-at-Large for War Crimes Issues, Stephen Rapp, meets with ECCC officials

17, 24 January 2011 ICfC's Justice and History Outreach: staff meet with villagers in Ratanakari and Stung Treng respectively

17 January 2011 VSS Forum: Civil Parties from Koh Kong, Preh Siha-nouk, Takeo, Kep and Kampot meet with their counsels and ECCC officials. TPO provides psychosocial support

17-19 January 2011 CDP Study Tour: Civil Party clients are invited for consultation on reparations

18 January 2011 Court Visit: PAS and Judge Downing brief an Australian lawyer and scholar on the court's proceedings

19 January 2011 Radio Show: Representatives of PAS and VSS appear with CHRAC to discuss developments in the cases before the ECCC

19 January 2011 Court Visit: An OCP official and a PTC judge meet with a visiting law student and former UN radio producer

21 January 2011 Youth for Peace Forum: About 100 Battambang residents meet with OCII, VSS, and OCP officials and various NGOs

26 January 2011 VIP Visit: ECCC officials, judges, and staff meet with a visiting delegation of French senators headed by Vice President of the Senate Catherine Tasca

28 January 2011 TPO self-help group: Group members in Takeo share concerns and experiences

28 January – 3 February 2011 Court Visit: An associate professor from Kyusyu International University in Japan meets with ECCC officials and judges for her research

2 February 2011 Radio Show: Defence attorney appear with CHRAC to discuss the applications for release by Case 002's defendants

16 February 2011 Radio Show: ECCC officials appear as guests in CHRAC call-in show

24 February 2011 VSS Forum: VSS conducts a forum in Svay Rieng with Civil Parties from Kampong Cham, Kandal, Prey Veng and Svay Rieng

28 February 2011 KRT Watch Publication: CHRAC releases and begins distribution of their newsletter on the KRT

4 March 2011 Exhibition: Bophana Audiovisual Resource Center begins "Voices of Khmer Rouge" exhibition



ECCC's Outreach

Every Tuesday and Thursday the Public Affairs Section (PAS) brings a group of 300 villagers from areas throughout Cambodia to have a guided tour of the Tuol Sleng Genocide Museum, a visit to the Choeung Ek Killing Fields, and briefings by court officials at the ECCC. On the night before each of these Khmer Rouge Tribunal (KRT) Study Tours, PAS staff members stay over in the provinces and host Khmer Rouge-related film screenings in conjunction with the Bophana Audiovisual Resource Center. A number of KRT Study Tour participants have discovered photos of their relatives in the process of the tour, thus learning more about their family and friends' experiences during Democratic Kampuchea for the first time.

The calendar below depicts KRT Study Tours organized from 15 January through 15 March.

January-March

SUN	MON	TUE	WED	THU	FRI	SAT
						15
16	17	18 KRT Study Tour: Kampot	19	20 KRT Study Tour: Kg Som	21	22
23	24	25 KRT Study Tour: Rule	26	27 KRT Study Tour: Beanteay Chma	28 Special KR Study Tour for local leaders	29
30	31	1 KRT Study Tour: Koh Kong	2	3 KRT Study Tour: Kg Speu	4	5
6	7	8 KRT Study Tour: Kg Thom	9	10 KRT Study Tour: Preah Vihear	11	12
13	14	15 KRT Study Tour: Kg Speu	16	17 KRT Study Tour: Vanda University	18	19
20	21	22 KRT Study Tour: Kg Thom	23	24 KR Study Tour: Siem Reap	25	26
27	28	1 KRT Study Tour: 6th District	2	3 KR Study Tour: Stung Treng	4	5
6	7	8 KRT Study Tour: Preah Vihear	9	10 KR Study Tour: Chamcamon District	11	12
13	14	15 KRT Study Tour: Kg Speu				





Find out more about the Extraordinary Chambers in the Courts of Cambodia

"Everyone can be involved in the process"



National Road 4, Chaom Chau, Dangkao
PO Box 71
Phnom Penh, Cambodia

Information Centre

Street 21, House 6a, (near Psar Kap Ko)
Phnom Penh Cambodia



General

Tel: +855 (0)23 219 814
Fax: +855 (0)23 219 841

Press Contacts

Tel: +855 (0)12 488 156
Tel: +855 (0)12 488 421

Information Centre

Tel: +855 (0)23 214 291
+855 (0)23 214 293



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The ECCC welcomes visitors. For more information, contact: pas@eccc.gov.kh