

The Court Report

September 2009



The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice

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Welcome to the 17th edition of The Court Report. This newsletter is published monthly in an effort to keep the public better informed about court activities.

In the Judicial section, updates from the Pre-Trial Chamber, the Trial Chamber, the Supreme Court Chamber, the Office of the Co-Investigating Judges, the Office of the Co-Prosecutors and the Victim's Unit are included.

In the Public Information & Outreach section, information regarding the filming done at the ECCC of the Duch trial by the United Nations Television Service is included. There is also a key message from the Victim's Unit regarding Civil Party applications for Case File 002.

The NGO pages include descriptions of the Cambodian Defenders Project's endeavors regarding gender-based violence during the Khmer Rouge regime and of the regional Civil Party Forums hosted by the Victim's Unit. Also included is a description of the Annual Youth Peace Conference organized by Youth for Peace.

As usual, we have included calendars with upcoming Court and Outreach Information.

News & Notes

Hearing Dates (Weekly)	Total Visitors (Weekly)
30/03/09 - 01/04/09	1,176
06/04/09 - 09/04/09	623
20/04/09 - 23/04/09	642
27/04/09 - 30/04/09	742
18/05/09 - 21/05/09	575
25/05/09 - 28/05/09	560
08/06/09 - 10/06/09	415
15/06/09 - 17/06/09	621
22/06/09 - 25/06/09	860
29/06/09 - 02/07/09	1,899
06/07/09 - 09/07/09	1,553
13/07/09 - 16/07/09	1,504
20/07/09 - 22/07/09	1,301
27/07/09 - 28/07/09	1,094
03/08/09 - 06/08/09	1,687
10/08/09 - 12/08/09	1,463
17/08/09 - 20/08/09	2,176
24/08/09 - 27/08/09	1,787
31/08/09 - 02/09/09	1,410
14/09/09 - 17/09/09	2,206
Grand Total as of Thursday, 17 September 2009	24,294

Presentation of evidence in "Duch-trial" concluded

The Co-Prosecutors, Civil Parties and the Defense made final submissions on the evidence they want included in Case 001 against Kaing Guek Eav (alias Duch) on 17 September 2009. Subject to the Trial Chambers decision on the admissibility of the evidence, an additional adversary hearing might be conducted prior to the closing arguments which are scheduled to start on 23 November.

Since the commencement of the substantive part of the trial on 30 March 2009, the Trial Chamber has been in session for 72 trial days. During this period 9 expert witnesses, 17 fact witnesses, 7 character witnesses and 22 Civil Parties have given testimonies.



UN TV Camerawoman, Bree Fitzgerald, films visitors arriving at the ECCC whil Susan Farkas, Chief of UN Radio and Television Services, watches.

New Japanese Ambassador Learned ECCC's Progress from Top Management



Newly arrived Ambassador of Japan, Masafumi Kuroki, made on 16th September a courtesy visit to the Extraordinary Chambers in the Courts of Cambodia and exchanged views over the progress and latest developments of the tribunal with ECCC's most senior officials.

Welcoming Mr. Kuroki, Acting Director of Administration Tony Khran and Deputy Director Knut Rosandhaug briefed on the latest developments in the tribunal including the ending of the testimony in the trial of Case 001, better known as Duch's trial, and the working of the latest Judicial Plenary Session held in the week of 3rd September. Mr. Rosandhaug further explained an overview of the judicial process in coming years about Case 001 and Case 002 as well as the additional suspects brought to the Office of Co-Investigating Judges by the International Co-Prosecutor.

Responding to the briefing, Mr. Kuroki addressed concerns over the court progress slower than it was originally planned, and demanded a clear timetable for the judicial process and a mechanism to ensure the process adhere to the timetable.

Mr. Kuroki's visit came at a time the ECCC was finalizing a budget proposal for the years 2010 and 2011. The UN side of the tribunal's budget, about 80 percent of the total, relies wholly on voluntary contributions from bilateral and multilateral donors. Japan, co-chair of the Friends of the Courts along with France, is the single largest donor country to the tribunal and has paid so far US\$39.5 million. The new budget proposal is expected to present to donors in New York in October.

Judicial Updates

Pre-Trial Chamber

During the period of August, the Pre-Trial Chamber rendered decisions in relation to five appeals. It also forwarded its considerations in relation to the disagreement proceedings under Rule 71 to the ECCC Office of Administration.

On 18 August 2009, the Pre-Trial Chamber issued a Decision on Nuon Chea's Appeal against the Co-Investigating Judges' Order on their Eleventh Request for Investigative Action (the so-called Corruption Order). The Pre-Trial Chamber found the Appeal inadmissible. Three parallel appeals of this order, filed by Ieng Thirith and Ieng Sary, were also declared inadmissible on 25 August 2009, as was the appeal by Khieu Samphan in relation to the same matter on 27 August 2009.

On 27 August 2009, the Pre-Trial Chamber issued a confidential Decision on Nuon Chea's Appeal against an alleged constructive refusal of their seventh request for Investigative Action by the Co-Investigating Judges.

On 18 August 2009, the Pre-Trial Chamber forwarded its considerations in relation to the disagreement procedure established in Rule 71 to the ECCC Office of Administration. In its Considerations, the Pre-Trial Chamber declared that it has not assembled an affirmative vote of at least four judges in a decision on the disagreement. As the Pre-Trial Chamber has not reached a decision on the Disagreement brought before it, Internal Rule 71(4)(c) provides that the action proposed by the International Co-



Prosecutor shall be executed. In the current case, this means that the International Co-Prosecutor shall forward the new Introductory Submissions to the Co-Investigating Judges to open judicial investigations. The Acting Director of the Office of Administration, in accordance with the applicable provisions in the ECCC law, the Agreement between the Royal Government of Cambodia and the United Nations and the Internal Rules, has since forwarded the Pre-Trial Chamber's Considerations to the two Co-Prosecutors.

At the conclusion of the reporting period, the Pre-Trial Chamber remained seized of one pending motion (an application for disqualification) and four appeals. Of these four appeals, two are in relation to the denial of a joint Defense request for investigative action seeking exculpatory evidence from the Shared Material Drive (a common folder within the ECCC database). Two are appeals against an Order of the Co-Investigating Judges on the use of statements which were or may have been obtained by torture. All matters pertain to Case 002.

Trial Chamber

During August, the Trial Chamber continued trial proceedings in the case against Kaing Guek Eav (alias Duch). The hearing on the substance in this trial, which is the first before the ECCC, commenced on 30 March 2009.

The Chamber sat continuously from Monday 3 August 2009 until Monday 31 August 2009 (encompassing trial days 52-67). During this period, a total of 28 persons testified. 7 fact witnesses, 1 expert and 16 Civil Parties testified, amongst other matters, in relation to the functioning of S21, M-13 and S-24. During the latter part of the reporting period, the Accused and three experts testified in relation to the Accused's character. In addition, the statements of 13 additional witnesses – who were not called to testify but whose evidence was considered by the Chamber to be relevant to the proceedings – were read out in court.

During the reporting period, the Trial

Main courtroom of the ECCC

Chamber rendered 2 written decisions, one of which was filed confidentially.

On 7 August 2009, the Trial Chamber rendered a confidential decision on protective measures for civil parties E2/62 and E2/89 and for witnesses KW-10 and KW-24.

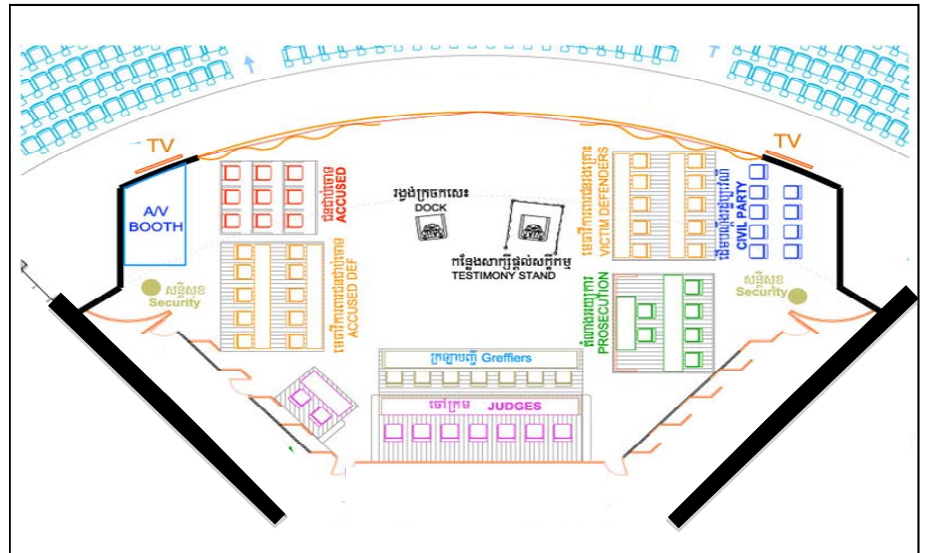
On 10 August 2009, the Chamber rendered a decision on a request for reconsideration of an earlier decision denying a Civil Party application. This request was denied, on grounds that the Civil Party lawyers in question had previously been granted ample opportunity to furnish evidence of the disputed identification. Further, the appropriate modality for challenging such decisions is appeal rather than reconsideration.

During August, the Chamber also heard submissions, and rendered a number of written and oral decisions in relation to procedural and trial management matters. This included a scheduling order and direction to the parties in relation to the phase of the proceedings devoted to reparations, as well as the filing of final written submissions.

At the conclusion of the reporting period, the Chamber remained seised of 2 pending motions and requests.

Supreme Court Chamber

The Supreme Court Chamber is not currently operational.



Office of the Co-Investigating Judges

The investigation in case file 2 is ongoing.

A further 5 field missions were conducted in August.

28 witnesses and 8 civil parties were heard by ECCC/OCIJ investigators in the filed.

The Co-Investigating Judges have received additional requests for investigative action from the parties which are entered into the investigative calendar and organized within the existing work and judicial strategy and timeline.

The Co-Investigating Judges have also continued to conduct the usual interviews on detention conditions with the Charged Persons.

67 additional civil parties have been admitted to the case file; Consequently, there are **171** Civil Parties in case file 2.

In August, the victims Unit filed 384 civil party applications which are currently being processed.

INFORMATION ON THE WEB:



The ECCC website

www.eccc.gov.kh



The UNAKRT website

www.unakrt-online.org



www.krtrial.org



www.cambodiatribunal.org

Office of the Co-Prosecutors

Legal Work:

In September 2009, the OCP continued its participation in the judicial investigation and the appellate proceedings in Case File No. 002 in which charged persons DUCH, KHIEU Samphan, IENG Sary, IENG Thirith and NUON Chea are being investigated for crimes enumerated in the Introductory Submission of 18 July 2007. In particular, the OCP filed its response to IENG Sary's appeal regarding the appointment of an additional demographic expert (30 September) and is preparing to respond to IENG Thirith's appeal on the use of evidence allegedly obtained under torture (expected to be filed on 12 October).

Trial Proceedings:

The OCP concluded the evidence phase of the Duch trial in Case File No. 001 that dealt with the Khmer Rouge's S-21 Security Centre in Phnom Penh. The substantive trial had commenced on 30 March 2009. In September 2009, witnesses and experts were principally examined on the issue of the character of the Accused.

Analysis:

Amongst many other activities, the OCP maintained and updated its case management database (CaseMap), prepared witness summaries of potential witnesses, analyzed open source and in-house documents, updated chronologies of the defendants, prepared audio-visual case

*Acting International Co-Prosecutor
William Smith*



presentation aids and continued its microfilm digitization project.

It continued to analyze the Case File and prepared Trial Readiness Assessment Reports (TRARs) to assess the requirements of making further investigative requests to the Co-Investigating Judges.

Prosecutorial Disagreement:

The Co-Prosecutors received the decision of the Pre-Trial Chamber on 2 September in respect of the disagreement proceedings between them. Pursuant to the decision, the International Co-Prosecutor forwarded two new Case Files to the Co-Investigating Judges for judicial investigation against five additional suspects.

Notwithstanding the disagreement, the Co-Prosecutors continued, and shall continue, to work together, in all their cases, to ensure that justice is rendered to the victims of the *Khmer Rouge*.

International Co-Prosecutor:

As announced earlier, on 1 September, International Co-Prosecutor Robert PETIT demitted office and returned to work in the Department of Justice of the Government of Canada in Ottawa.

Deputy Prosecutor William SMITH (Australia) has been appointed as the Acting International Co-Prosecutor pending the selection of a permanent incumbent by the Cambodian Supreme Council of Magistracy on the recommendation of the Secretary-General of the United Nations.



Victims Unit

Mr. Neou Kassie, Mr. Ang Pich, H.E. Dr. Helen Jarvis and Ms Chet Vanly addressing Civil Parties from Kampot Province at the Victims Unit, August 2009



The Victims Unit received 376 new Victim Information Forms (VIF) during the month of August, bringing the total to 4,448 (2,113 Complaints and 2,284 Civil Party applications, with 51 unclear, withdrawn or deceased). The VU processing team with the help of international interns filed a record 384 Civil Party Applications with the OCIJ and 205 Complaints with the OCP.

As part of VU's support for legal representation to civil parties a Legal Representation Unit was established and two national Co-Lawyers, Ms. Chet Vanly and Mr. Ang Pich were appointed. The total number of lawyers registered on the VU list has now increased to 44 (14 National and 30 International lawyers).

The Outreach Section of the VU was extremely busy in the month of August. To further the endeavor of conducting quality outreach, the VU organized an Outreach Harmonization Workshop on 7 August 2009. The workshop, which had over 70 participants from civil society and donor organizations, gave a forum to the VU to discuss and plan future outreach activities in collaboration with civil society organizations. Dr. Helen Jarvis and the VU Outreach Coordinator, Mr. Neou Kassie also

joined and addressed various meetings organized by intermediary organizations concerning issue of victim participation.

On August 11 and 25, Mr. Neou Kassie, appeared on Radio Free Asia talk back broadcast and discussed victim participation in the ECCC. A large number of callers joined the discussion and placed questions. There were many other callers but the time of the broadcast was short. The two days following the first broadcast, the VU helpline operator received her first 26 calls.

In order to make the participation of the Civil Parties realistic and meaningful by enabling them to sit in the court room, the outreach team of the VU supported Civil

Parties from Case 001 by providing transportation from Phnom Penh to the court for a total of 160 passengers (a total of 40 Civil Parties each participated for 4 separate trial days). The VU Covered costs of attendance for 120 person days (a total of 30 Civil Parties each of whom attended on 4 separate trial days) and provided logistical support to them. In a .separate initiative, over 70 Civil Party Applicants from Kampong Cham attended the proceedings in the Duch Trial. As part of the three day program they were also taken to the Tuol Sleng Museum and Cheung Ek. Many Civil Party Applicants provided further clarification to their victim applications

Receipt, Registration and Filing of Victim Information Forms By the Victim's Unit in August 2009

Description	Civil Party Applications
Number of Complaints/Civil Party applications received and registered	376
Number of Complaints/Civil Party applications reviewed and processed	340
Number of Civil Party applications filed with OCIJ	384
Number of Complaints filed with OCP	205

Victim's Unit (Cont.)

and the VU collected updated identification documents from them. The VU was assisted by Khmer Institute of Democracy to contact the Civil Parties from Kampong Cham.

On the 22 August 2009, in collaboration with the Transcultural Psychosocial Organization (TPO), VU staff received one full day of training on dealing with trauma and survivors of trauma. This was followed by training on 28 August, when the Public Affairs Section gave training to the VU outreach staff on the comparative position of the ECCC within the matrix of other international tribunals.

Starting from the month of August the VU has a fully functional helpline service to answer the queries of victims, complainants and civil parties. During the reporting month the VU received 60 inquiries about the procedure for participation in the proceedings and the rights of the victims at the ECCC. We expect this number to increase when the helpline contact numbers are more widely disseminated. The VU helpline can be contacted on +855 (0) 12 842 861

H.E. Dr. Helen Jarvis congratulating VU staff members So Vannak and Sour Sotheavy on receiving their degrees in Financial Management and Law from the Royal University of Law and Economics, Phnom Penh, Cambodia.



and +855 (0) 97 742 4218, 7 days a week, 7.30 AM to 9 PM.

On August 31 the VU organized a special meeting for 28 Civil Parties to hear their views about participation in the trial of Case 001. Dr. Helen Jarvis and other VU staff participated in a lively and useful discussion with the Civil Party participants.

Two members of the VU processing team were awarded degrees in the last month. Sour Sotheavy got her Bachelor of Law degree certificate, while So Vannak got his Masters degree in Financial Management, both from the Royal University of Law and Economics (RULE). VU congratulates Vannak and Sotheavy on their scholastic achievement.

Profile: Pich Ang



Mr. Pich Ang has recently joined the Legal Representation Unit of the VU as a national lawyer. He was called to the Bar in 2007 and has since been practicing in Cambodian courts and teaching law at the Royal University of Law and Economics in Phnom Penh since 2001. In his capacity as a lawyer and teacher, he has participated in the drafting a number of Cambodian laws including the Civil Procedure Code and Criminal Code. Ang has a master's degree in law from Lyon, France.

Profile: Vanly Chet



Ms. Vanly Chet is the newest member of the Legal Representation Unit of the VU. She was called to the Bar in July 1989. From 1999 to 2001, she was the Head of the Legal Advisors to the Cambodian Senate. She also previously worked in the capacity of the Deputy Head of the Phnom Penh Municipal Court for 10 years. Prior to her appointment as Co Lawyer, Ms. Vanly was working for a private law firm dealing with both civil and criminal cases in Cambodia.

Status of Lawyers who have registered with the VU

	August 2009	Total
Number of lawyers' applications registered with the Victims Unit	3	44
Number of lawyers' approved by the Bar Association of the Kingdom of Cambodia	1	44 * (14 Nationals and 30 Internationals)
Number of lawyers recognized by the Co-Investigating Judges	4	21 (9 Nationals and 12 Internationals)

* Three lawyers registered with the VU in the month of August. Two of them are national lawyers and 1 foreign lawyer. The foreign lawyer was approved by the Bar Association of Cambodia in August, while the 2 new national lawyers are already existing members of the Bar.



Outreach & Public Information

UN TV Making Stories on Duch's Trial

As the hearings in the trial against Kaing Guek Eav, alias Duch, got to closer to an end, a United Nations Television Service team in mid-September visited Cambodia to produce feature stories on the trial to be aired through UN TV channels by early next year.

Producer Susan Farkas, Head of UN's Radio and Television Service in New York, arrived in Phnom Penh on 13th September and spent the next three days with cameraperson Bree Fitzgerald filming various scenes on the work of the tribunal, from the court proceedings and the villagers being transported to the court to rural Cambodians watching the proceedings live on TV.

The crew also interviewed Co-Prosecutors Chea Leang and William Smith, Co-Defense lawyers Kar Savuth and Francois Roux and Civil Party Chum Mey to illustrate Case 001, in which Duch, former chief of Khmer Rouge torture centre S-21, is accused of crimes against humanity and other war crimes. UN Assistance to Khmer Rouge Trials Coordinator Knut Rosandhaug gave an interview over the UN's involvement in the tribunal and an overview of the court setup in the Civil Law system.

"I didn't have any idea of how the court is being operated until I came to Cambodia," said Ms. Farkas in the end of her short stay. "I now see there's lots more going on behind the scenes... It is fascinating to see different points of views on the tribunal."

Interviewing Mr. Chum Mey about his experience at S-21 and filming him praying at a temple for Pchum Ben, the Buddhist ceremony for the dead, were some of the highlights for the TV crew. "I am very excited about being interviewed by the UN TV," said Mr. Chum Mey, one of the only seven survivors from S-21 and the devoted Civil Party members for the Duch's trial. For him the presence of the UN in the tribunal is the only hope to find justice for himself as well as his fellow Cambodians who suffered from the Khmer Rouge atrocity, he said, adding that it is his personal mission to tell "the truth" to the world through the media.

Mr. Pen Vuth, chief of Chheu Teal Commune in Kandal Province where the TV crew visited to film villagers to watch the proceedings live on TV, echoed a similar view on the engagement of the UN. He said people in his commune are keen to follow the court proceedings since his commune was one of the most

affected towns by the atrocity, and having the UN TV crew in his commune means a recognition by the international community of the sufferings of his people. "I feel very delighted about the TV crew coming to this town because it shows that the international community now cares about the Khmer Rouge tribunal and pays attention to people in Cambodia," he said.

After returning to New York, Ms. Farkas will put together the footage of this trip with some previous work done by her colleague to make a 13-minute documentary for the UN's monthly TV magazine programme 21st Century and short stories for other UN TV channels as well as the CNN World Report. "The tribunal is a vital turning point in Cambodian history because for the first time long-awaited justice is in sight for the victims. We'd like to show the accomplishments of the tribunal so far," Ms. Farkas said.



Victim's Unit: Message for Civil Party Applicants in Case File 002

1. On 11 September 2009, the Plenary Committee of the ECCC decided to modify the deadline for the submission of Civil Party applications for the current case under investigation by the ECCC (Case 002). The new deadline will be 15 days after notification of the conclusion of the judicial investigation. **The Plenary Committee currently expects that the judicial investigation in Case 002 will conclude at the end of 2009.**
2. Any Civil Party application that is submitted after the deadline will not be considered by the Co-Investigating judges.
3. This means that any person who wishes to become a Civil Party in Case 002 should submit to the Victims Unit their Civil Party application **as soon as possible**, preferably before mid November 2009. This maximizes the attention that can be provided to, and the use that can be made of, the submissions by the Victims Unit and the Office of the Co-Investigating Judges. It also provides more time for additional detail to be sought from and provided by the applicant should that be necessary.
4. The case in which Civil Parties can now be joined (Case 002) currently relates to charges against Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan. These were all senior leaders of the Khmer Rouge regime. Each has been charged with serious international and national crimes as a result of their alleged responsibility for the policies and actions of the Khmer Rouge regime.
5. Only Civil Party applications that are complete and can be linked to a current judicial investigation will be admitted by the Co-Investigating Judges. The following information must be included:
 - Names of the victim or victims and civil party applicant;
 - Contact address of the applicant in Cambodia;
 - Signature or thumbprint of the applicant;
 - All available information related to the crime or crimes alleged by the applicant (the Court needs to be able to identify how what happened to the applicant is related to the crimes being investigated by the Court). The description of the crime should clearly and consistently state the location (including the name of the place where the crime was committed and at least the district and province of that place) and the year of the crime.
 - **Proof of identity** of the person applying to become a Civil Party. This can be a copy of an identity card or Family Book or a letter issued by Commune/Sangkat authorities or higher level authorities. Preferably that letter should be stamped.
 - If available, any documents that support the information the applicant provides. For example: a photograph of the victim.
 - For detailed guidelines on how to complete the Victim Information Form, please contact the Victims Unit (see below).
6. Those not wishing to participate as a Civil Party may still submit a complaint containing useful information and/or evidence regarding the crimes committed by the Khmer Rouge. This material will be considered by the Co-Prosecutors and, where appropriate, they shall decide, at their discretion, whether to reject the complaint, include the complaint in an ongoing investigation, conduct a new investigation or forward the complaint directly to the Co-Investigating Judges to be used in ongoing judicial investigation(s). A Complainant can also be called as a witness by the Prosecution. There is no deadline to submit a complaint. However, such information should be provided as soon as possible so as to increase the possibility that the Office of the Co-Prosecutors may consider it.
7. Those who are interested in becoming a Civil Party or submitting a complaint should complete the Victim Information Form. The Forms are available at the Victims Unit and also on the website of the ECCC in Khmer, English and French. There are also guidelines available to explain the content of the Form in greater detail. The Form and guidelines are both free of charge and there is no cost to apply to become a Civil Party and/or a complainant.
8. Once completed, the Form should be submitted to the Victims Unit. To obtain the Form and guidelines, as well as further advice on how to complete it, please contact the Victims Unit as follows:
 - Phone our helpline on 012 842861 OR 097 7424218
 - Or come to the Information Center at the following address:

Victims Unit
House No. 6A,
Street 21, Sangkat Tonle Basac I, Khan Chamcarmon
Phnom Penh, Cambodia.

The Victims Unit is ready to assist those who wish to complete Victim Information Forms.
The office is open from 8:00 AM to 5:00 PM from Monday to Friday except on public holidays.

There is no cost to apply to become a Civil Party or to file a complaint.

Court Calendar



Recent Decisions / Orders

Pre-Trial Chamber

18 August 2009: Decision on Nuon Chea's Appeal against the Co-Investigating Judges' Order on their Eleventh Request for Investigative Action.

18 August 2009: Considerations of the Pre-Trial Chamber Regarding the Disagreement between the Co-Prosecutors Pursuant to Internal Rule 71 (filed both strictly confidentially and in a public (redacted) version).

25 August 2009: Decision on Ieng Thirith's Appeal against the Co-Investigating Judges' Order on Nuon Chea's Eleventh Request for Investigative Action.

25 August 2009: Decision on Ieng Sary's Appeal against the Co-Investigating Judges' Order on Nuon Chea's Eleventh Request for Investigative Action.

27 August 2009: Decision on Khieu Samphan's Appeal against the Co-Investigating Judges' Order on Nuon Chea's Eleventh Request for Investigative Action.

27 August 2009: Decision on Nuon Chea's Appeal against constructive refusal of their Seventh Request for Investigative Action by the Co-Investigating Judges (filed confidentially).

31 August 2009: Corrigendum to the Considerations of the PTC Regarding the Disagreement Between the Co-Prosecutors Pursuant to Internal Rule 71

22 September 2009: Decision on the Admissibility of the Appeal Lodged by Khieu Samphan and Directions to the Co-Prosecutors

22 September 2009: Decision on the Charged Person's Application for Disqualification of Drs. Stephen Heder and David Boyle

Trial Chamber

4 September 2009: Decision on the Request by Co-Lawyers Group 2 for Extension of Time for Filing Documents relevant to Civil Parties

4 September 2009: Decision on the Co-Prosecutors' Request for Postponement of the Hearing of the Closing Statements

23 September 2009: Decision on Group1 - Civil Parties' Co-Lawyers' Request that the Trial Chamber Facilitate the Disclosure of an UN-OIOS Report to the Parties

Office of the Co-Investigating Judges

15 September 2009: Order on extension of provisional detention of Nuon Chea

23 September 2009: Order on Ieng Thirith Defense Request for exclusion of the Report of Dr. Craig C. Etcheson

All decisions and orders are available at: http://www.eccc.gov.kh/english/court_doc.list.aspx

Scheduled Court Activities

Trial Chamber Hearings:

The Trial Chamber sat continuously between 3 August – 2 September and between 14 – 17 September. The presentation of evidence in relation to Kaing Geuk Eav (alias Duch) concluded on 17 September.

23 – 26 November 2009: Closing Arguments in Case 001 will be held Monday through Thursday, from 9:00 to 16:30.

NGO Page: Partners in ECCC Outreach

Cambodian Defenders Project (CDP) Project on Gender-based Violence during the Khmer Rouge Regime



In the summer heat of 1977, S. was planting rice seedlings when Khmer Rouge soldiers dressed in the usual plain black outfit wearing a red krawma called her for a meeting at the commune hall. Knowing very well that any disobedience would result in severe punishment, S. followed the soldiers without questioning. At the commune hall, 15 other young women and men were already lined up in two rows facing each other. That day S. was married with someone she has never met before in her life. That night spies around the hut made sure that S. performed her duty to produce offspring for Angkar.

Legal Assistance

S. belongs to the group of survivors supported by the Gender-based Violence Victims Centre at Cambodian Defenders Project (CDP). We are focusing on persons who have suffered any kind of sexual violence, including rape, sexual

torture or forced marriage, during the Khmer Rouge era. Being a taboo topic, these victims need extra attention to speak out and find justice. Our lawyers with special expertise on gender-based violence provide legal assistance to those who want to participate in the proceedings before the ECCC. We help them fill out the victims information form, update them on the developments and voice their interest during the trial.

Outreach

The story of S. is familiar to many Cambodians; thousands were forced to marry in the same manner during the time of Democratic Kampuchea. Other forms of gender-based violence are not as widely acknowledged. Through our outreach activities we intend to raise awareness about the special needs of such victims and increase understanding of the extent of sexual violence that occurred under the control of the Khmer

Project Coordinator Duong Savorn presenting the project to survivors.



Rouge. We are appearing in radio shows, publishing articles in newsletters as well as online and addressing local communities during public forums, village dialogues or trainings conducted by partner organizations.



Lawyer Sin Soworn (left) and Project Assistant Sar Sophyady (middle) filling out civil party application form with victim

If you have information you would like to share or would like to find out more, please contact:

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Project Coordinator
Cambodian Defenders Project
#12, St. 282, BKK I, CKM,
Phnom Penh, Cambodia

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E-mail:

savorn@cdpcambodia.org

Regional Civil Party Forums

As Case 001 draws to a close, and the ECCC Co-investigating judges have started to recognize more Civil Parties for case 002, the Victims Unit has launched a program of regional Civil Party forums, the first of which took place on Saturday and Sunday 26-27 September in Kampot. 195 Civil Party applicants from Kampot, Preah Sihanouk, Koh Kong, Kep and Takeo provinces joined together to receive an update on the processes of the court and the application process. Of these, 87 were men and 108 were women.

Special guests at the first day of the seminar included the ECCC National Co-prosecutor and Prosecutor General of the Supreme Court of Cambodia, Her Excellency Chea Leang, as well as the Deputy Governor of Kampot Province Her Excellency Mrs. Kang Sav Thorn and Her Excellency Dr. Helen Jarvis, the head of the Victims Unit. HE Chea Leang told participants about the work of the ECCC so far and the processing of complaints and applications. She also reminded the participants that the deadline for Civil Party applications for Case 002 will be 15 days after the closure of the judicial investigation which is expected near the end of 2009.

The purposes of the forum were to inform civil parties about the court and its processes and for VU and other court officials to listen to the views and expectations of victims.

People spoke from the floor about their imprisonment and the loss of family members.

Asked about their expectations of the

ECCC, most said they wanted to see justice done. Others want the opportunity to observe the trials and to give their testimony. Many also suggested various forms of reparations including the building of stupas, documentation of the crimes and improvements in local services.

Reasons for applying to become involved in the trials included the desire to see justice done and to ensure the trials were fair. Most participants also said they would like court officials and lawyers to visit them in their communities so that they can stay informed of the trial. They also asked for opportunities to visit the court.



Representatives of the Victims Unit, the Office of the Co-investigating Judges, the Co-prosecutors and the Witness and Expert Support Unit each gave short presentations about the work of their offices, especially as it affects Civil Parties and complainants. Questions from the floor included: When will applications be processed? Is it possible for each member of the family file a complaint? Why do the trials take a long time? Who will be tried? Why aren't former Khmer Rouge cadres who live in the community being tried?

Individuals who have recently been accepted as Civil Parties were informed and all participants had the opportunity to meet with lawyers. Those who are still unrepresented were introduced to a member of the legal team employed by the VU who represent their interests unless and until they choose another lawyer.

Mrs. Chum Neou, a Civil party for case 001 told participants how she used to cry every time she talked about her experiences during the Khmer Rouge period. However, after participating in the trial and with help from the psychological support organization, TPO, she is now able to speak in public without crying. Mrs. Chum Neou told participants it had been very important for her to sit in one of the 10 seats reserved for Civil Parties in the courtroom. She described how difficult it had been to give testimony in the court and said she cried a lot at that time.

Staff of Transcultural Psychosocial Organization (TPO) explained the symptoms of trauma that people may suffer from as a result of their experiences during the Khmer Rouge regime. They provided counseling to some participants and made contact with others who would like to discuss their symptoms. NGOs that provide support and information to Civil Parties cooperated in the organization of the forum, including ADHOC, DC-Cam, KID, CDP, Center for Justice and Peace (CJP), and KKHRA.

The next regional forum is planned for Battambang in late October.

Annual Youth Peace Conference Khmer Rouge and Memory: “Youth together in Action for Memory Culture”

The conference Khmer Rouge and Memory: “Youth together in Action for Memory Culture”, organized by Youth for Peace was held in Angkor, Siem Reap, Cambodia from September 20 - 26, 2009.

The conference on Khmer Rouge and Memory: “Youth together in Action for Memory Culture” meant to discuss means to remember the Cambodian past with youth. Goal of the conference was to create a platform for youth to talk about the legacy of memory for lasting peace and reconciliation. Young people were encouraged to find opportunities for social action and to develop a meaningful memory culture in their community and society, expressing their own ideas of remembering the past. Through learning and sharing together, youth from widely varying backgrounds began to appreciate one another and developed good relationships that will most likely last throughout their lives. Understanding is the first step on the road to remembrance and a unique Cambodian memory culture. The participating youth from diverse regions of Cambodia will carry this understanding home with them, following the conference in which they had conversations and reflections on topics like reconciliation and collective memory.

The conference had three objectives:

1. To promote youths knowledge and skills about memory culture in order to activate youth to become involved in remembrance of the Khmer Rouge past.



2. To improve youth's understanding of the history related to genocide, mass killing, and the root causes of genocide in order not to happen again.
3. To promote mutual understanding, tolerance and cooperation among youth, survivors and former Khmer Rouge for reconciliation and coexistence.

The conference commenced with an opening ceremony attended by Mr. Long Khet, executive director of Youth for Peace, the deputy governor of Siem Reap, Mr. Mao Vuthy, and Dr. Wolfgang Moellers, executive director of the German Development Service (ded) in Cambodia who talked about the outline of the conference program and the importance of memory culture and reconciliation in Cambodia. The opening ceremony was followed by the ‘Biking for Peace’ through Siem Reap, which was attended by all conference participants by bicycle.

The next five days, all participants attended eight panels concerning topics such as ‘Memory Culture in Cambodia and other countries’,

‘Explaining past through art’, as well as ‘Former Child Soldiers in Cambodia and abroad’ in the mornings of the conference. Contributing penal speakers were, in order of appearance: Ms. Janna Rehbein (German artist), Mr. Van Nath (Cambodian artist and Tuol Sleng survivor), Mr. Hen Somphal (Cambodian artist), Ms. Anja Bondanow (German artist), Mr. Panhavut (Center Justice Initiative), Mr. Youk Chhang (Executive Director DC Cam), Mr. Arn Cham Pond (Cambodian former child soldier and musician), Mr. Nicolas Davis (former child soldier from Liberia), Mr. Emmanuel Jal (former child soldier from Sudan and award-winning musician), and Mr. Sambath (chief public affairs ECCC).

Following the panels and subsequent discussions, the participants in the afternoons took part in numerous workshops to further develop on the topic of memory culture and Khmer Rouge legacy. They also developed ‘Action Plans’ for deeper involvement of memory culture and memorial sites in their local communities all over Cambodia.

Outreach Calendar



Recent Activities- ECCC and Partner NGOs

1 September 2009: Mr. Nhem Samnang, Witness/Expert Support Officer and Mr. Dim Sovannarom, Press Officer were invited by Radio Free Asia to speak on witness protection measures and ECCC developments.

1 September 2009: A group of 29 people from Cambodia, Colombia, Liberia, Sierra Leone and Timor-Leste organized by Sida were briefed by the Legal Communication Officer, Lars Olsen and representatives from the Office of the Co-Prosecutors, the Defense Support Section and the Office of the Co-Investigating Judges.

8 September 2009: JICA interns from Waseda University's Law School met with the Public Affairs Officer

14 - 16 September 2009: The Public Affairs Officer facilitated the UN TV team's work which was led by Ms. Susan Farkas, Head of UN Radio and Television Service. They visited the ECCC and filmed villagers in Kandal.

14 September 2009: 450 villagers from Samrong Thom Commune, Banteay Dek Commune and Koky Thom Commune attended the substantive hearing in Case 001

15 September 2009: 450 villagers from Siem Reap's Bakong and Pourk Districts attended the substantive hearing in Case 001

15 September 2009: The Chief of Public Affairs and Hong KimSuon, Civil Party Lawyer, were invited by FM 93.50 to answer questions on the Call-in Show Program.

16 September 2009: Mr. Masatumi Kuroki, the New Japanese Ambassador to Cambodia, visited the ECCC and was briefed by the Chief of Public Affairs and the Public Affairs Officer and met with the Acting Director of Administration and the Deputy Director of the Office Administration

16 September 2009: 300 villagers from Takeo attended the substantive hearing in Case 001

16 September 2009: 200 students from Battambang, Preah Sihanouk Reach University attended the substantive hearing in Case 001

17 September 2009: 300 villagers from Staung District attended the substantive hearing in Case 001

25 September 2009: The Chief of Public Affairs attended the International Youth Conference in Siem Reap Province.

26 - 27 September 2009: Victim's Unit Regional Civil Party Forum in Kampot.

29 September 2009: The Public Affairs Officer met with a Delegation from JICA (the Deputy Head of the Cambodia Office and Media Advisor to JICA HQ)

30 September 2009: The Chief of Public Affairs and the Public Affairs Officer are meeting the Ms. Fiona Mckay, Head of the Victims Participation Section at the ICC and Mr. Latt Ky, KRT project Coordinator of ADHOC



Sambath Reach speaking at the 4th Peace Conference in Siem Reap on 25 August 2009

Scheduled Activities- ECCC and Partner NGOs

2 October 2009: The Chief of Public Affairs is invited to attend the International Conference "Rome Statute and Cambodia" at the Sunway Hotel organized by the ICC

8 October 2009: 40 Legal students will meet the Press Officer for a briefing on the ECCC.

23 - 24 November 2009: Documentation Center of Cambodia will bring 100 District Chiefs and 30 Civil Parties to attend the closing arguments in Case 001

23 - 24 November 2009: 130 Civil Parties will attend the closing arguments in Case 001



Find out more about the ECCC

"Everyone can be involved in the process"

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**** Do you want to visit the Khmer Rouge Tribunal? ****

The ECCC welcomes visitors every Tuesday. The tours begin in the visitors' gate at 9:00 and 11:00.