



The Court Report

MARCH 2014

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



Nuon Chea, former deputy secretary of the Communist Party of Kampuchea (left), and Khieu Samphan, former head of state (right) both stand trial in Case 002.

Two Accused to be Examined for Trial Fitness

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia has appointed three medical experts to examine the fitness of the two accused persons in Case 002, Nuon Chea and Khieu Samphan, as part of its preparation for the second trial in Case 002.

Appointed are forensic psychiatrist Dr Seena Fazel from the United Kingdom, as well as geriatrician Dr Chan Kin Ming from Singapore and Cambodian psychiatrist Dr Huot Lina.

The three experts are to examine the physical and mental health of former deputy secretary of the Communist Party of Kampuchea, Nuon Chea, and the former head of state, Khieu Samphan, on 24-25 March, according to the Trial Chamber's decision issued on 17 February. The three are expected to issue a medical report on the last day of the examinations, including "comments on the suitability of the physical conditions" and suggestions for aides, such as "the provision of audio-visual facilities", and medically appropriate sitting hours for the accused. If requested by the parties, the Trial Chamber will hold a public hearing on 28 March to allow the parties to question the experts' conclusions in the report.

This decision came after the chamber reviewed the submissions made by the defence teams and a response by the prosecution on the fitness of the accused persons.

The defence team for Nuon Chea has sought a comprehensive assessment of his health condition and his ability to participate in trial proceedings, as they claim that Nuon Chea's "current medical ailments cause him pain and discomfort". The team further requests the chamber to schedule trial hearings in the morning hours only, starting from 7:30 am, if he is found fit to stand trial.

Khieu Samphan's defence team, meanwhile, claims in a written submission that he is no longer capable of participating for four consecutive trial days each week as he tires quickly and his attention span is diminished, and requests a reduced trial schedule of four mornings per week from 9 am to 1 pm or three full trial days per week, instead of four. The team also notes that Khieu Samphan was recently hospitalized for a respiratory infection. However, the Trial Chamber notes that during a public hearing in February, the defence counsel claimed

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Accused Fitness (Continued from page 1)

that the accused is in good health.

Responding to these defence submissions, the prosecution argues that Nuon Chea's defence team failed to present medical proof that his health is deteriorating and therefore there is no need for a comprehensive fitness assessment. Nevertheless, the prosecution agrees to a limited trial schedule for the period while the parties prepare an appeal against the trial judgement in Case 002/01, which is expected to be issued

by mid-year.

Nuon Chea was last examined by medical experts a year ago and found fit to stand trial but physically frail with "longstanding degenerative back problems and poor muscle bulk" in addition to heart problems. He has since participated in the trial proceedings in Case 002/01 mostly from his bed in a holding cell. Thus far, Khieu Samphan, for the most part, has remained in the courtroom throughout the trial proceedings.

Case 002 against the two accused began in June 2011 but the case was later severed into "smaller trials" to make it more manageable and expeditious. The first trial, chiefly concerning two phases of population movement, began November 2011 and concluded in October 2013 with closing statements. Now the Trial Chamber is considering a number of pre-trial issues before determining the scope of trial in Case 002/02 and trial schedule.

Considerations on Suspect's Access to Case File 004 Released

The Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia made public on 25 February its judicial considerations over an appeal against the co-investigating judge's denial of defense requests to get access to the case file in Case 004, which is currently under judicial investigation.

The considerations were issued, as the chamber did not reach a supermajority for a decision on the appeal. In accordance with the ECCC's Internal Rules, the co-investigating judge's decision to deny access stands.

According to the public redacted version of considerations originally issued on

15 January, legal counsel of a suspect in Case 004 requested a number of times to get access to the case file in order for the suspect to take part in the judicial investigation, which is currently being carried out by the Office of the Co-Investigating Judges. Last year, those requests were denied by Judge Harmon on the basis that the suspect, who has not been formally charged, is not a party to the proceedings and therefore not entitled to have access to the case file. The counsel then appealed to the chamber.

In the considerations, the chamber states that it failed to reach the required super-majority of four votes to decide on

the appeal. Three of the five judges considered the appeal inadmissible, as the suspect has not been charged yet and thus has no standing to file an appeal before the chamber. The two other judges found the appeal admissible and considered that the appellant is a "charged person" within the meaning of the Internal Rules and, as such, is entitled to participate in the judicial investigation. The two judges further found that his lawyers should, in principle, be given access to the case file in Case 004, subject to any limitations that the co-investigating judges may consider legitimate in the circumstances.

International Lead Co-Lawyer for Civil Parties To Resign in May



Elisabeth Simonneau-Fort (center) sits in the courtroom with her national counterpart.

Ms Elisabeth Simonneau-Fort announced on 21 February that she will resign from the post of international civil party lead co-lawyer at the end of May and will not lead civil party representation in the second trial in Case 002.

The veteran French lawyer, who has served for the ECCC for the last three years, said the resignation was for her "personal

and professional reasons". She left Cambodia late last year and has since been finalizing the proposal of reparations in Case 002/01 and engaging in preparation for Case 002/02 from France on a pro bono basis.

She said that she will continue to work with her team of international legal officers and her national counterpart, Mr Pich Ang, and his staff until 31 May to ensure the rep-

aration issues move forward efficiently and the preparation for Case 002/02 advances steadily. She also said she would assist a new international lead co-lawyer in any way she can.

The lead co-lawyer scheme for civil parties was first introduced in early 2010, following a lesson learned from the trial proceedings in Case 001, in order to ensure the effective organisation of civil party representation during the trial stage. Ms Simonneau-Fort became the first international lead co-lawyer in January 2011, and led the efforts to coordinate legal representation in court and meaningful reparations for nearly 4,000 civil parties in Case 002.

"It has been an honour to introduce the Lead Co-Lawyers scheme of Civil Party participation and representation in international justice," she said. "I did my best in this challenging job... I hope the ECCC will continue its extraordinary work."

Parties Argue About Scope of Trial in Case 002/02

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia held a public hearing on 11 February to hear adversarial arguments by each party regarding when the second trial in Case 002 should start and what the scope of the trial should be.

Regarding the timing, Khieu Samphan's defence team had requested the chamber to stay the commencement of the second trial until any possible appeals process for the first trial has concluded. During the hearing, the other parties raised a number of legal and practical issues, and all requested that the second trial should begin without delay.

On the scope of the trial, the prosecution team had proposed that the next trial should be the final one in Case 002 and should therefore include eight crime sites and events encompassing the remaining criminal charges of genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions in the case.

The lead co-lawyers for the civil parties supported the prosecution's proposal, but also requested the addition of three more crime sites, two criminal episodes and an expansion of the scope of the charges to encompass nationwide incidents of forced marriage and the treatment of Buddhists.

The Nuon Chea defence team submitted prior to the hearing that their client wishes to have a full opportunity to present evidence in support of his defence and insisted on including an additional three crime sites, the third phase of population movement and the alleged policy of purges.

The defence team for Khieu Samphan previously requested that the chamber hear all the remaining charges without any severance.

During the hearing, counsel for Nuon Chea



Visitors attend the adversarial hearing from the public gallery on 11 February.

supported the civil parties' request to include specific crime sites and episodes but expressed concerns over the impartiality of the trial proceedings in relation to the crime site of S-21, which was the subject of Case 001 and will be part of Case 002/02. Khieu Samphan's defence commented on the prosecution's arguments and said that the court "should not be held hostage [by] funding availability". The defence also questioned the severance of proceedings and the issue of representativeness. The defence team also reiterated their position that the trial should address all the remaining charges.

Counsel for the civil parties opposed the proposal made by Khieu Samphan's defence, citing the civil parties' main interest as being the speedy resolution of the trial, while acknowledging that this concern must be balanced against accountability for the wide range of crimes charged. Counsel for the civil parties also responded to the defence of Nuon Chea and reminded the court of the Supreme

Court Chamber's binding order to include S-21 in the second trial.

The prosecution, meanwhile, noted that all agree that the next trial would be the last one in Case 002, although each party has its own preference regarding the scope of the trial. The prosecution further commented on the defence teams' arguments concerning the possibility of impartiality in subsequent trials and reiterated its position that the next trial should cover all remaining legal charges while limiting the number of crime sites and episodes to be tried.

The Trial Chamber will determine the scope and timing of the commencement of the trial in the coming weeks, taking the parties' arguments into consideration.

In Case 002, the two accused persons are charged with genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions. A judgement in the first trial of the case, Case 002/01, is expected to be issued in the second quarter of this year. The next trial, Case 002/02, is expected to start as soon as possible.

Foreign Lawyer Assigned to Represent a Suspect in Case 004



Suzana Tomanović

A veteran criminal lawyer from Bosnia and Herzegovina has been assigned to represent a suspect named in a case under judicial investigation, announced the Defence Support Section of the Extraordinary Chambers in the Courts of Cambodia on 18 February.

Ms Suzana Tomanović is now working side by side with Cambodian lawyer So

Mosseney, who was assigned to Case 004 last December. In this case, the international side of the Office of the Co-Investigating Judges is currently investigating a total of 44 crime sites across six provinces and two criminal episodes of purges.

The case was originally brought before the investigating judges by the prosecution requesting judicial investigation over multiple suspects in 2009. The investigation still remains confidential and no suspects have been charged in this case.

Ms Tomanović has over 27 years of experience as a practicing lawyer and has appeared before several international criminal jurisdictions, including the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court. She has also engaged as an expert consultant in the defence of the late Ieng Sary accused in Case 002 at the ECCC.

Her new assignment is provisional, pending a determination of the suspect's claim of indigence by the court.

Every month, each section of the Extraordinary Chambers in the Courts of Cambodia compiles a summary of its activities to inform the general public on the latest developments of the court. The following are updates from each section on the activities of **February 2014**. For public decisions and orders, please refer to page 7.

Supreme Court Chamber

In February, the Supreme Court Chamber continued its preparatory review and research on issues relating to Case 002/01. In addition, an international judge of the Supreme Court Chamber, who had been appointed by the UN Assistance to the Khmer Rouge Trials (UNAKRT) Coordinator to act as UN administrative judge in respect of an appeal from a dispute between an international co-lawyer and the chief of the Defence Support Section, issued his decision on 4 February. He dismissed the matter as moot subsequent to the co-lawyer's withdrawal of the appeal.

Trial Chamber

The Trial Chamber is currently engaged in judgement drafting in Case 002/01. The Trial Chamber is continuing to work towards delivery of the verdict in the second quarter of 2014.

On 7 February, the Trial Chamber issued a memorandum clarifying the use of evidence and the procedure for recall of witnesses, civil parties and experts from Case 002/01 in Case 002/02. The Trial Chamber indicated that proceedings in Case 002/02 are a continuation of those in Case 002/01. The evidence put before the chamber in Case 002/01 has undergone extensive examination by the parties and has been subject to the requirements of the Internal Rules. Based on this, the chamber reiterated that the Case 002 case file remains the same for both phases of the trial and the evidence already put before the chamber in Case 002/01 shall serve as a foundation for Case 002/02. The Trial Chamber indicated that it will consider whether the parties did not have an opportunity to fully examine an individual they intend to recall in court because of the limited

scope of Case 002/01.

On 11 February, the Trial Chamber convened an adversarial hearing in preparation for the evidentiary proceedings in Case 002/02. The Trial Chamber heard oral arguments from the parties on the scope of Case 002/02 and on the Khieu Samphan defence team's request that Case 002/01 be finally adjudicated before the evidentiary hearing in Case 002/02 commences. The Trial Chamber will render decisions on these issues as soon as possible.

On 17 February, the Trial Chamber assigned three experts to assess the health condition of the accused persons, Nuon Chea and Khieu Samphan. The Trial Chamber directed the experts to examine each accused and report on whether they are fit to stand trial. The experts are also to comment on the suitability of the physical conditions provided for the accused to ensure the most effective participation of each accused at trial and to permit the chamber to determine an appropriate trial schedule. The Trial Chamber has tentatively scheduled a hearing for 28 March, to be held only upon the request of the parties, in order to permit the experts to be questioned on the conclusions in their reports.

Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber disposed of a number of procedural and other case-management matters and continued its consideration of two appeals pending before it, namely:

- an appeal by a suspect in Case 003 against the constructive denial of 14 requests filed to the co-investigating judges;
- an appeal, filed pursuant to Internal Rule 11(5), by a lawyer whose admission on the list of counsel authorized to represent indigent persons before the Extraordinary Chambers in the Court of Cambodia had been denied by the head of the Defence Support Section.

In addition to the above, on 13 January, the co-lawyers for a suspect in Case 003 filed a notice of appeal indicating their intention to appeal a decision of the international co-investigating judge rejecting their appointment on the basis of irreconcilable conflicts of interest. Up to date, the co-lawyers have filed with the Pre-Trial Chamber a number of related requests for interim measures, five of which have been disposed of thus far.

These appeals are all classified as "confidential".



The ECCC court building (file photo)

Office of the Co-Investigating Judges

During the month of February, the international side of the Office of the Co-Investigating Judges (OICIJ) continued the investigations of Cases 003 and 004:

In Case 003, one witness was summoned and interviewed at the ECCC. A number of witnesses were interviewed during a field mission. In Case 004, five witnesses were summoned and interviewed at the ECCC. Investigators also interviewed eight civil parties and 12 witnesses during three field missions.

In February, the OICIJ Analysts Unit continued reviewing documentary evidence which had been recently obtained from external sources. Additionally, the Analysts Unit assisted the investigators in the missions.

Civil party applications in Cases 003 and 004, which presently total in excess of 1,700, are progressively being placed on the case files while their admissibility and evidentiary value are being subjected to a thorough scrutiny.

Office of the Co-Prosecutors

Case 002

The co-prosecutors participated in the trial management meeting on 11 February



Andrew Boyle and other representatives from the Office of the Co-Prosecutors give a presentation to villagers in Oddar Meanchey province.

and presented oral submissions in response to Khieu Samphan defence's arguments that Case 002/02 could not begin until after the appeal judgement in Case 002/01, as well as oral submissions on the scope of trial in Case 002/02. In regards to the latter, the co-prosecutors submitted that all remaining charges in Case 002 should be tried in Case 002/02, while certain crime sites should be dropped in order to expedite proceedings. The co-prosecutors also encouraged the Trial Chamber to begin Case 002/02 as soon as possible.

The co-prosecutors filed a joint reply to the Khieu Samphan and Nuon Chea defence teams' responses regarding the Co-Prosecutors' request that all evidence from Case 002/01 be admitted in Case 002/02.

Cases 003 and 004

The co-prosecutors have been monitoring the evidence and developments in Case 003 and 004, responding as necessary and attempting to systematically review the record from Cases 001 and 002 to ensure that they fulfil their disclosure obligations regarding the Office of the Co-Investigating Judges.

Outreach and Other Activities

International Co-Prosecutor Nicholas Koumjian joined Nuon Chea's International Defence Counsel Victor Koppe in a lecture on the ECCC at the Royal University of Law and Economics and guest lectured at ECCC Legal Officer Roger Philip's class on international criminal law. The international co-prosecutor and

Cambodian Deputy Prosecutor Chorvoin Song were judges for an inter-law school client counselling competition held at the National University of Management.

The office's staff members Dale Lysak and Andrew Boyle participated in outreach events in Kampong Cham and Oddar Meanchey provinces, respectively, in collaboration with the Documentation Centre of Cambodia.

Defense Support Section

The Nuon Chea defence team is preparing for trial in Case 002/02 by analysing evidence and past decisions of the Trial Chamber.

The Khieu Samphan defence team continues to prepare for Case 002/02 with the information it currently has about the likely scope of the trial, as the Trial Chamber has not yet issued a decision on that matter.

Both Case 002 defence teams continue to follow the case management directions set by the Trial Chamber in the trial management meeting on 11 February. Both teams have also been preparing for a hearing regarding Nuon Chea's and Khieu Samphan's fitness to stand trial.

The Case 003 defence filed eight submissions, classified as confidential by the Office of the Co-Investigating Judges and Pre-Trial Chamber, to protect the rights of the suspect.

In Case 004, the defence team for one of the suspects filed two substantive motions to protect the fundamental rights of the suspect.

The newly created defence team for another suspect in Case 004 is currently requesting access to the case file from the co-investigating judges and is reviewing publicly accessible documents in order to prepare its defence.

All Case 004 defence teams continue to review publicly available material as they do not have access to the case file.

Civil Party Lead Co-Lawyers Section

Hearings and Key Legal Issues

Lawyers for civil parties participated in a second trial management meeting on Case 002/02 which was held on 11 February. In their arguments, they opposed Khieu Samphan's request to delay the



The Victim Support Section convenes a coordination meeting with its partners to discuss the implementation of reparation projects.

start of Case 002/02 until the final decision on all appeals had been made, emphasizing the lack of legal basis for such a position and the long wait for justice that civil parties have endured. They also argued in favour of the additional severance in Case 002, which would allow for the remaining allegations to be heard in smaller trials and increase the chances of additional judgments.

Meetings and Outreach

On 22 February, representatives of the Civil Party Lead Co-Lawyers Section attended a testimonial therapy ceremony held at Choeng Ek Memorial and Wat Sambour Meas. During the course of the ceremony, 12 civil parties participated in the presentation of their testimony about their experiences under the Khmer Rouge. The ceremony was the culmination of a four-day process of retelling and documenting their experiences with the support and facilitation of the Transcultural Psychosocial Organization (TPO). These activities will continue with further ceremonies and the participation of another approximately 200 civil parties, as the implementation phase of the testimonial therapy project, which is a proposed Case 002/01 reparation project, continues.

On 24 February, the national lead co-lawyer and a representative of the international lead co-lawyer gave a presentation on civil party participation and reparations to a delegation from the American Bar Association.

On 28 February, the Civil Party Lead Co-Lawyers Section co-facilitated a meeting with the Victims Support Section for the project partners for pro-

posed reparations in order to update and coordinate the work of all stakeholders.

Reparations

In February, the lead co-lawyers made contact with a number of foreign embassies and scheduled follow-up meetings in an effort to secure additional funds for the proposed Case 002/02 reparations projects. Additionally, lawyers for civil parties, through regular meetings with partners to the proposed reparation projects, have continued to contribute to their successful implementation. They have also been working with partners to prepare additional materials for submission to the Trial Chamber in the civil parties final supplementary submission on Case 002/01 reparations which will be filed on 31 March.

Victims Support Section

Legal Representation

The ECCC court funded civil party lawyers of the Victims Support Section (VSS) continue to assist the Transcultural Psychosocial Organisation (TPO) in identifying civil parties who will participate in the testimonial therapy sessions. The lawyers also attended the adversarial hearing of Case 002/02 on 11 February, and continued to prepare the victims applications for Cases 003 and 004.

Processing and Analysis

The Processing and Analysis Team of VSS received a total of 33 applications in Cases 003 and 004, and filed 17 applications with the Office of Co-Investigating Judges. As of 28 February, there have been 1,635 applications for these two cases.

Outreach

The VSS invited 23 civil parties and focal persons, including eight women, to attend the adversarial hearing on 11 February. During lunch break these civil parties were briefed on the upcoming hearing of Case 002/02 and the implementation of a reparation program. Thirteen projects were submitted to the Trial Chamber as reparations, of which three projects have already secured funding. VSS, the Civil Party Lead Co-Lawyer Section, and civil society organizations are now working together to raise funds for the other projects. The civil parties were very interested in learning about these reparation projects.

The Chief of VSS was on a call-in show on Bayon Radio to talk about the current status of reparation projects. He also participated in a webinar organized by GIZ-International for Mandela International Dialogue on the same topic.

Reparations and Non-Judicial Measures

The VSS issued a press release about the current financial status of reparation projects as requested by the Trial Chamber to provide proof of secured funding for proposed reparation projects in Case 002/01, and called for financial support for those projects. The VSS later organized a reparation coordination meeting with its partners to provide an update on the implementation of reparation projects, the funding situation, and further improvements on coordination and monitoring.

The section met again with the Ministry of Culture and Fine Arts (MoCFA) to discuss the creation of a working group to undertake the construction of a memorial in Tuol Sleng Museum.

In February, staff members of VSS project for gender-based violence went on field trips to monitor the implementation of the activities by its partners, Cambodian Defenders Project (CDP) and TPO, in Koh Kong and Battambang, respectively.



Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website: www.eccc.gov.kh.

Trial Chamber

7 February: *Trial Chamber Memorandum Entitled “Clarification Regarding the Use of Evidence and the Procedure for Recall of Witnesses, Civil Parties and Experts from Case 002/01 in Case 002/02” <E302/5>*

7 February: *Trial Chamber Memorandum Entitled “Adversarial Hearing Prior to the Commencement of Evidentiary Hearing in Case 002/01 (11 February 2014)” <E301/9>*

17 February: *Decision on Accused’s Fitness to Stand Trial and Order Assigning Experts <E301/10>*

26 February: *Succession of deceased Civil Party MEAS Thun Chey in Case 002 <E2/26/1>*

Pre-Trial Chamber

6 February: *Decision on the Appeal against Dismissal of Richard Roger’s Application to be Placed on the List of ECCC’s Foreign Co-Lawyers*

The Pre-Trial Chamber, by a unanimous decision, granted Richard Roger’s appeal against the decision of the head of the DSS refusing to place him on the list of foreign lawyers authorized to represent indigent defendants before the ECCC, and ordered the head of the DSS to include Mr Rogers on the said list. The appeal was filed pursuant to Internal Rule 11(5) and is not related to any specific criminal case before the ECCC.

Hearings

28 March, 09:00—16:00: *Hearing on the expert’s reports on the Accused’s fitness to Stand Trial. (Tentatively scheduled to be held upon requests by the parties)*

Interlocutory Decisions

Pre-Trial Chamber

11 February: *Decision on Co-Lawyers’ Request to Stay the Order for Assignment of Provisional Counsel to a Suspect in Case 003*

The Pre-Trial Chamber unanimously found inadmissible a request by the co-lawyers for a stay of an order issued by the international co-investigating judge on 22 January 2014 ordering the DSS to appoint new provisional counsel to represent the suspect until the appellate proceedings before the Pre-Trial Chamber are resolved. In the same decision, the Pre-Trial Chamber also rejected two related motions by the co-lawyers asking the Pre-Trial Chamber to instruct the head of the DSS to postpone appointing new provisional counsel until a decision on the request for stay was issued.

19 February: *Second Decision on Requests for Interim Measures*

The Pre-Trial Chamber unanimously granted a request by the co-lawyers to be given access to the case file in Case 003 for the purpose of the appellate proceedings regarding their appointment, subject to any legitimate restriction that the co-investigating judges may consider appropriate to preserve the integrity of the judicial investigation or the security of witnesses. In the same decision, the Pre-Trial Chamber rejected a motion by the international co-prosecutor for the admissibility of the appeal to be decided prior to any examination of this merits.

27 February: *Decision on Request by the Defence for Re-classification as Public of All Conflict of Interest Filings and All Other Defence Submissions Before the Pre-Trial Chamber*

The Pre-Trial Chamber rejected a motion by the co-lawyers for a suspect in Case 003 asking the Pre-Trial Chamber to reclassify as “public” documents filed to or issued by the Office of the Co-Investigating Judges in respect of their appointment. It also rejected the request for the documents filed to the Pre-Trial Chamber to be reclassified as “public”, given that these contain confidential information and that no redacted version has been proposed, as required by the applicable rules.

Visitor information for public hearings

Hearing Schedule

Daily hearing proceedings: **9:00-16:00**
Two 15-minute breaks: **10:30** and **15:00** (roughly)
Lunch break: **12:00-13:30**

Rules in the Public Gallery

Visitors are advised to wear appropriate clothing and to behave in a manner appropriate to the nature of the proceedings. No mobile phones, cameras, large bags, food or drink are permitted in the main courtroom. Visitors are

requested to remain seated while the court is in session. Visitors should take all personal belongings with them when leaving the public gallery during breaks.

Language of Proceedings

The court provides simultaneous interpretation of its proceedings in Khmer, English and French. The speakers in the main courtroom project the proceedings in Khmer, but English and French translation is also available through the headsets on either side of the main courtroom. English is on channel 2 and French is on channel 3.

TPO: Female Victims Present Testimonies in Buddhist Ceremony

A dozen of female victims of the Khmer Rouge regime on 21 February participated in a Buddhist ceremony to present testimonies of their sufferings in the presence of other survivors, relatives and local authorities.

It was the first “Testimonial Therapy” ceremony conducted for the civil parties in Case 002, after it was included in a reparation proposal to the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia.

The Transcultural Psychosocial Organization (TPO) organized the ceremony in cooperation with the ECCC’s Victims Support Section and the Cambodian Defenders



A civil party has her written testimony read by another participant during a Buddhist ceremony of testimonial therapy.



Monks and civil parties pray for souls in front of the Stupa in Choeung Ek killing fields during the Buddhist ceremony.

Project (CDP).

The delivery of testimonies took place in a pagoda near the Choeung Ek killing fields after prayers were offered to souls of the victims at the Choeung Ek Stupa.

The female survivors of Khmer Rouge gender-based violence read aloud one by one previously prepared written testimonies of their sufferings in front of monks, sharing their experience of forced marriage, physical violence as punishment, constant fear, arbitrary arrests and rape. They also expressed their expectations in the work of the ECCC, repeating on several occasions that they hoped for justice and wished to find the truth.

After the reading, the monks offered prayers and returned the printed testimonies to the survivors.

The ceremony was a final step of the testimonial therapy, in which victims are invited to talk about their traumatic experience in presence of a counsellor of TPO, before preparing written testimonies to be read out in a Buddhist ceremony. A public recognition of sufferings is expected to ease posttraumatic stresses resulting from organised violence.

TPO has previously conducted testimonial therapy for hundreds of civil parties in both Case 001 and Case 002. The work has since become one of the 13 reparation projects proposed to the Trial Chamber by the Civil Party Lead Co-Lawyers. According to a press release issued on 24 February by the Victim Support Section, the project will provide about 200 civil parties the opportunity to participate in testimonial therapy.

See related article in page 9.

Rithy Panh’s Missing Picture Nominated for the Oscars

Cambodian film director Rithy Panh’s latest documentary “The Missing Picture” (L’image manquante) was nominated in February for an Academy Award. In the movie, Rithy Panh recreated scenes portraying daily life under the Democratic Kampuchea using clay figures, archival footage and his own narration.

The 92-minute movie, released in France in May 2013, had won the Cannes Grand Prix and was nominated for the 2014 Oscars’ Best Foreign Language Film Award. This was the first Academy Award nomination for Cambodia.

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The prominent film director has focused his work on the crimes committed under the Khmer Rouge regime. He previously directed the 2012 documentary “Duch, Master of the Forges of Hell” using interviews he had conducted with Kang Guek Eav, who was tried at the Extraordinary Chambers in the Courts of Cambodia.

Rithy Panh has also founded and directs the Bophana Audiovisual Resource Centre, which has jointly conducted the ECCC’s community video screenings across Cambodia.



Clay figures are used in The Missing Picture.

Reparations

VSS Appeals for More Funding for Proposed Reparations



Civil Parties receive copies of Duch verdict in Case 001

The Victims Support Section (VSS) of the Extraordinary Chambers in the Courts of Cambodia has made an appeal to the public to raise more funds for the reparation projects proposed by civil parties to the Trial Chamber in Case 002/01. The appeal is made to qualify the proposed projects for recognition as reparations by the Trial Chamber in case of the conviction of the accused persons. The Civil Party Lead Co-Lawyers are required to submit proof of secured funding, authorizations and other project details by 31 March. Here is the list of the 13 projects and their current funding status.

	Project	Project partner	Description	*
1	National Day of Remembrance	Royal Government of Cambodia (RGC)	Creating an official national day of remembrance honoring victims and survivors of the Khmer Rouge in Cambodia.	—
2	Public Memorials Initiative	Kdei Karuna (KdK) & Youth for Peace (YfP)	Developing a small number of public memorial sites (approx. 6) with related truth-telling and educational activities throughout Cambodia.	X
3	Memorial for Khmer Rouge Victims: "For Those Who Are No Longer Here"	Séra ING (artist) AN-VAYA Association Embassy of France	Producing and staging a group of sculptural monuments, evoking the forced evacuation of Phnom Penh, on a raised triangular platform adjacent to the French Embassy in Phnom Penh.	△
4	Monument for Khmer Rouge Victims in France	International Federation for Human Rights (FIDH)	Constructing a monument for victims living in France at the Pagoda of Vincennes in Paris in order to provide a space where survivors and relatives of the victims can hold ceremonies.	X
5	Testimonial Therapy	Transcultural Psychosocial Organization (TPO)	Providing approximately 200 civil parties the opportunity to participate in testimonial therapy, during which they are invited to talk about their traumatic experiences with the support of a mental health professional.	△
6	Self-Help Groups for Rehabilitation	Transcultural Psychosocial Organization (TPO)	Creating locally-based and professionally facilitated self-help groups (voluntary associations of people that meet to help themselves and each other overcome traumatic suffering).	△
7	Permanent Exhibition on Forced Transfer & Tuol Po Chrey	Documentation Center of Cambodia (DC-Cam)	Establishing the permanent exhibitions on forced transfer and the executions at Tuol Po Chrey in five Cambodian provincial museums. Topics may change to reflect other aspects of civil parties' and victims' experiences.	△
8	Mobile Exhibition on Forced Transfer & Tuol Po Chrey	Kdei Karuna & Youth for Peace (YfP)	Creating a multimedia exhibition combining film and other audiovisual material with participatory activities that encourage visitors to reflect on the issues presented, relating them to their personal lives.	△
9	New Chapter on Forced Transfer & Tuol Po Chrey in Teacher's Guidebook	Documentation Center of Cambodia (DC-Cam)	Including an additional chapter on forced transfer and the Tuol Po Chrey execution site in the <i>Teacher's Guidebook: The Teaching of A History of Democratic Kampuchea (1975-1979)</i> .	O
10	Community Peace Learning Center in Samrong Khnong	Youth for Peace (YfP)	Constructing a learning center (composed of an information center, a museum and a dialogue room) in a historical site where mass killings of the Khmer Rouge regime occurred.	O
11	Illustrated Civil Party Storybook	Cambodian Human Rights Action Committee	Producing books in which civil parties tell their stories through both written narratives and illustrative artworks.	O
12	Publication & Distribution of Case 002/01 Judgment	Civil Party Lead Co-Lawyers Section (LCLS) and/or ECCC	Providing civil parties with the Case 002/01 judgment both in its full text as well as a summary version.	X
13	Publication of Civil Party Names on ECCC Website	ECCC	Publishing civil party names in the judgment in Case 002/01 and on the ECCC website as a recognition of the harm suffered by civil parties and acknowledgment of their participation in the proceedings.	—

* indicates funding status: — no funds required | X funds not yet secured | O funds secured | △ funds secured but additional funds sought

American Jurists Learn About ECCC Judicial Proceedings

A delegation from the American Bar Association (ABA) visited the Extraordinary Chamber in the Court of Cambodia on 24 February to meet with the court's judicial officials and lawyers in order to deepen their understanding of the hybrid tribunal.

The group was composed of 23 prominent jurists, private practitioners and legal academics from the US, Argentina, Hong Kong and South Korea. ABA's international law section organized this visit, as part of its legal exchange with Myanmar and Cambodia in order to get a better understanding of the implementation of the rule of law in these two countries through an exchange of ideas amongst lawyers from all around the world.

The delegation received extended briefings about the functioning of the court and the current status of cases from representatives of the Public Affairs Section, the Office of Co-Prosecutors, the Civil Party Lead Co-Lawyer Section, the Defense Support Section and the International Co-



A delegation of the American Bar Association listens to a presentation on the workings of the hybrid court at the Extraordinary Chambers in the Courts of Cambodia.

Investigating Judges Section.

"Everyone we met with was so informative and passionate about their work and so gracious with their time. It truly was an intense experience," said

Louraine Arkfeld, retired judge from Arizona who headed the delegation. "Even though I had visited the court before, I came away feeling like I understood the process and the issues so much better than I had."

International Groups Visit the ECCC to Gain Insight

Three international groups visited the Extraordinary Chambers in the Court of Cambodia in February to gain a better understanding of the workings of the court.

On 3 February, a group of prosecutors and legal practitioners from Japan paid a visit to the Khmer Rouge tribunal where they received briefings on the overview of the ECCC and a tour of the courthouse. The prosecutors of an international coop-

eration wing of the Japanese Ministry of Justice were in Cambodia in a private capacity but took an opportunity to learn the important work of the court. "It was a valuable experience for us to learn Cambodia's history, impacts of the Khmer Rouge atrocities and the challenges of trying Khmer Rouge crimes," said Ms Hiromi Takagi following the visit.

On 11 February, eight UN volunteers working in Cambodia, received briefings

from representatives of the Public Affairs Section and the Defense Support Section, after observing the proceedings in the first session of the adversarial hearing in Case 002.

"I was amazed by the amount of youth observers in the courts. I was impressed that so many of the younger generation pay attention to Cambodia's history ... in order to create a better country," commented Mr Shuji Sekine, a youth volunteering specialist at the UNV Field Unit in Cambodia, after attending the hearing. "It is a sight to see both the International and National communities working together so closely for Cambodia's bright future."

On 20 February, a group of eight students from Brookline High School in Massachusetts, USA, visited the court as part of their two-week study tour in Cambodia. The students listened to presentations by representatives of the Office of Co-Prosecutors and the Defense Support Section about their work. They also received a general introduction to the ECCC and a tour of the public gallery.

The high school hosts the Brookline Cambodia Partnership, a charity to raise funds for a sister school in a rural Cambodia. It has sent six selected students every year to learn the complexities of Cambodian history and culture since 2012.



UN Volunteers receive a presentation from a legal consultant of the Defence Support Section.

Outreach Activities

6 February: Mr Andrew Boyle, assistant prosecutor in the Office of the Co-Prosecutors, is a key speaker at the Documentation Centre of Cambodia's Public Village Forum in Oddar Meanchey Province.

16 February: Mr Dale Lysak is a guest-speaker in a Public Village Forum organised by the DC-Cam in Kampong Cham, where more than 100 ethnic Cham villagers are updated on the proceedings in Case 002/02, in particular the charges related to alleged genocide against the Cham.

21 February: Transcultural Psychosocial Organisation (TPO) organises, in partnership with the Victim Support Section, a Testimonial Therapy Ceremony for Civil Parties of Case 002 in the Choeung Ek killing fields.

13 March: The Victim Support Section organizes a Civil Party Forum in Kampong Cham with partners NGOs to discuss the reparations. Guest-speakers include representatives of the Victim Support Section, the Public Affairs Section, the Office of the Co-Prosecutors, the Civil Party Lead Co-Lawyers Section, as well as representatives from Youth for Peace, the Transcultural Psychosocial Organisation, and Cambodian Defenders Project.



Students listen to a presentation during an ECCC outreach activity in their high school in Kampong Thom.

ECCC Outreach

The Public Affairs Section of the Extraordinary Chambers in the Court of Cambodia hosts Khmer Rouge Tribunal Study Tours, bringing groups of 200-300 villagers from areas throughout Cambodia twice a week to the ECCC, the Tuol Sleng Genocide Museum and the Choeung Ek killing fields for a guided tour and briefings. During the trial recesses, the Public Affairs Section also conducts school visits to give briefings, as well as hosts community video screenings across Cambodia. It also welcomes international group visitors and provides briefings and court tours.

February 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5 Study Tour	6 Study Tour ECCC radio show	7	8
9	10	11 Study Tour Preparatory Hearing for Case002/02	12 Study Tour	13 ECCC Radio show	14 Khmer Public Holiday	15
16	17	18	19 Study Tour	20 Study Tour ECCC radio show	21	22
23	24	25 Study Tour	26	27 Study Tour ECCC radio show	28	

March 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5 Study Tour	6 ECCC radio show	7 Study Tour	8 Khmer Public Holiday
9	10	11 Study Tour	12 Study Tour	13 ECCC Radio show	14	15
16	17	18 Study Tour	19	20 Study Tour ECCC radio show	21	22
23	24	25 Study Tour	26	27 Study Tour ECCC radio show	28 Hearing on the Accused Fitness (tentative)	29
30	31					



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

“Everyone can be involved in the process”



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**The ECCC welcomes visitors. For more
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The Court Report

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