



# The Court Report

JANUARY 2011

## The Extraordinary Chambers in the Courts of Cambodia

*Moving Forward Through Justice*

### KRT Study Tours Mark 29,000 Visitors From Across Cambodia in 2010



*Ms. Vong Yin, a villager from Anlong Veng, tells her story after finding a photo of her former husband among the photos of victims at S-21 on 9 December 2010.*

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People from all of Cambodia's 24 provinces have now visited the court through the Khmer Rouge Tribunal Study Tours, a flagship outreach programme of the Extraordinary Chambers in the Courts of Cambodia which was officially launched a year ago.

About 29,300 people participated in the 80 study tours organized by the ECCC's Public Affairs Section in 2010 and visited the Tuol Sleng

Genocide Museum, the Choeung Ek killing fields and the ECCC for guided tours and briefings. If combined with the visitors who attended four public hearings at the Pre-Trial Chamber earlier in 2010 and the first case's judgment hearing at the Trial Chamber in July, the total goes up to more than 32,600 people. This figure exceeds the number of people who came to the public hearings in the first case in 2009.

*Article continues on page 3*

## Supreme Court Sets Appeal Hearings for Late March

The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia announced on 23 December that the Chamber will hold hearings to hear oral arguments in the appeals against the Trial Judgment in Case 001 during the last week of March 2011. The exact dates and times of the hearings are not yet determined.

Last July, the Trial Chamber found the accused Kaing Guek Eav, alias Duch, guilty of crimes against humanity and grave breaches of the Geneva Conventions of 1949 and sentenced him to 35 years of imprisonment. The Chamber also admitted 66 Civil Parties and rejected 24 Civil Party applicants. Co-Lawyers for the accused, Co-Prosecutors and 41 Civil Parties have ap-

pealed the judgment.

In their appeal, the Co-Prosecutors contend that the Trial Chamber erred in the sentence granted and in its treatment of cumulative convictions.

Defence co-Lawyers allege that the ECCC lacks personal jurisdiction over the accused and request the Supreme Court Chamber release the accused.

The Civil Parties, meanwhile, request the Supreme Court Chamber declare admissible their Civil Party applications and/or grant their requests for reparations.



*Kaing Guek Eav, alias Duch, at the 26 July 2010 verdict hearing*

## Germany funds € 1.2 million to victim participation

The Khmer Rouge tribunal's hallmark project facilitating victims participation in the proceedings is now financially secured as the Government of Germany, through its development agency GTZ, has contributed €1.2 million to support the 16-month project spanning September 2010 through December 2011.

The project, called Victims Improved Participation in the Proceedings of the Extraordinary Chambers in the Courts of Cambo-

dia, covers all aspects of the victims participation from application processing and outreach to legal representation before the ECCC. It is expected to improve the efficiency of their participation, thereby strengthening Cambodia's justice and reconciliation process.

The project documents were signed in December by both GTZ Regional Director for South Asia, Laos, and Cambodia, Dr. Sigrid Moller and H.E Mr. Tony Kranh, Acting

Director of Administration of the ECCC.

Germany is one of the ECCC's key donors and has been supporting the ECCC since the tribunal's establishment in 2006. To date, Germany has donated over €7 million for both the international and national sides of the ECCC. In 2010 alone – as in 2009 – Germany contributed €1.5 million to the ECCC.

## UK contributes £ 215,000 to Cambodian side of the ECCC

The British government also contributed £215,000 (approximately US\$ 330,000) in December to the Extraordinary Chambers in the Courts of Cambodia to finance some of the needs of the national side of the court until other donor contributions come through.

In his letter to H.E. Tony Kranh, Acting Director of Administration of the ECCC, Ambassador Andrew Mace conveyed that the British Government is committed to supporting the ECCC as it enters the next vital phase of its work.

The United Kingdom is one of the ECCC's key donors and has been supporting the court since the tribunal's establishment in 2006. To date, the United Kingdom's financial contributions to the ECCC exceed US \$3.7 million.

Mr. Kranh, in his letter, expressed his "deepest gratitude" to the United Kingdom, and in particular the UK Embassy in Phnom Penh, for their continued support of the ECCC.



## International lead Co-Lawyer for Civil Parties Appointed



*Elisabeth Simonneau Fort,  
international lead co-lawyer*

Elisabeth Simonneau Fort (France) has been appointed as international Civil Party Lead Co-Lawyer at the Extraordinary Chambers in the Courts of Cambodia on 2 December.

Ms. Simonneau Fort obtained her law degree from studies at Paris II Assas and Paris X Nanterre universities. She has more than 30 years of experience working as a lawyer in Montpellier. She has devoted a significant part of her legal practice to defending the rights of victims,

with a special focus on children and women, in criminal courts. Ms.

Simonneau Fort is a founding member of the association “The Lawyer and the Child” (l’Avocat et l’Enfant), and she has worked with a legal group providing voluntary services to juvenile offenders.

Ms. Simonneau Fort will work together with the national Civil Party Lead Co-Lawyer Mr. Pich Ang. The Civil Party Lead Co-Lawyers are expected to ensure the effective organization of Civil Party representation. Their core responsibilities include representing the interests of the consolidated group of Civil Parties, overall advocacy, strategy and in-court presentation of the interests of the Civil Parties.

## KRT Study Tours (continued from page 1)

Kampong Cham, Siem Reap, Kampong Thom, Kampot and Kandal were the top five participating provinces with more than 2,000 villagers joining the tours each, but residents in as remote provinces as Ratannakiri and Oddar Meanchey also participated in the programme to see the major crime sites in question before the court and to learn how the court is working to bring justice to the Cambodian people.

Welcoming 550 people in the last tour of the year from two provinces of Kampong Cham and Kampot on 30 December, Acting Director of Administration H.E. Tony Kranh told the visitors that the ECCC had now established an indisputable reputation for high public participation and support and has made a world record among similar tribunals supported by the UN. “I am very proud of your participation in the ECCC’s proceedings,” said Mr. Kranh, adding that this was made possible by the fact that the court is located in a country where crimes took place and access to the court is easier for people affected by the crimes.

The KRT Study Tours are educational for many participants as well as cathartic for some. Many young generations who were born after the regime was toppled in 1979 find the tour programme very useful in learning the true history of their country.

Chhemn Riya, 20, from Mondulkiri who joined the tour on 23 December was one of them. “I only used to hear my parents talking about their lives under the regime, and about the death of my grandfather and other relatives,” she said at the mu-



*Acting Director of Administration Tony Kranh addresses villagers from Kampong Cham and Kampot in the ECCC’s last study tour of 2010*

seum. “Today I could see clearly with my own eyes the evidence confirming that those stories were true. This makes me sad and pity those who lost their lives during the regime.”

Throughout the year many participants found pictures of their vanished relatives and friends in the mug shots displayed at the Tuol Sleng museum. Ms. Vong Yin, 60, from Anlong Veng, a former stronghold of the Khmer Rouge, found her missing husband in one of the walled photos at the museum in the 9 December study tour. In front of his photo, Ms. Vong recounted her story to her fellow villagers while trying to hold back her tears from running down her cheeks. Although she is now remarried and has four children, she said she never gave up her desire to search for her former husband’s whereabouts and appreciated that the court provided an opportunity for her to do so.

The study tour programme was not the only

channel for the public to access the court last year. The ECCC provided free transportation for over 2,200 Cambodians who wished to observe the public hearings and facilitated the attendance of another 1,100 people to the hearings. In addition, the Khmer Rouge tribunal last year welcomed an additional 1,931 visitors, from students to survivors to diplomats and curious tourists, with 92 separate visit requests. Altogether, the court assisted more than 34,500 visitors in 2010 alone. In comparison, the court assisted 31,349 visitors to the first case’s public hearings in 2009 and recorded another 3,018 participants in a pilot programme of KRT study tours that year.

With the appeal hearings that will take place in March and the second trial for the four accused expected to start by mid year, the ECCC remains committed to continuing the study tour programme and sending free buses to the provinces for those who wish to participate in the public hearings.

## Young Political Representatives Interact With ECCC Officials

In a rare occasion, the public gallery of the Extraordinary Chambers in the Courts of Cambodia on 25 November became a forum for young political representatives to interact with the court's judicial officials and learn about the tribunal's progress and challenges.

Forty young representatives of two political parties, the ruling Cambodian People's Party and the opposition Sam Rainsy Party, traveled down from Battambang and Siem Reap provinces to visit the ECCC. Some of them were in government service as teachers, officials at departments of education and local councilors, and others were university students.

The visit was part of Konrad-Adenauer-Stiftung's "Youth in Politics" programme that brings together young people and trains them on political education, elections, communication, advocacy and decentralization.

The participants met with representatives from different offices of the ECCC, including the Office of Co-Prosecutors, the Defense Support Section and the Public Affairs Section. Outgoing international Co-Investigating Judge Marcel Lemonde and Pre-trial Chamber Judge Huot Vuthy also joined to meet with the young political representatives.

After listening to presentations on the roles and activities of each office, new developments of the cases before the court, and obstacles facing the proceed-



*A young political activist asks questions to court officials during the 25 November visit while representatives from the Cambodian People's Party and Sam Rainsy listen.*

ings, many intellectually curious participants raised questions about the court.

Some of the interesting questions asked were:

- How did the ECCC define former Khmer Rouge "senior leaders" and "those who are most responsible"?
- Why did the ECCC try Duch first, but not the other four jailed-KR leaders?
- As chief of Tuol Sleng, why was Duch tried, but not the other prison chiefs that might have committed more severe torture and killed more people?

- Will there be investigation in case 003 and 004?

This was the first time that young political representatives from two political parties visited the ECCC in the same trip and met with representatives from many different offices of the court. They eagerly shared their opinions and participated in learning process.

The ECCC welcomes public visitors year-round. For reservation, please contact the Public Affairs Section: 023 219 814 or email: pas@eccc.gov.kh.

## Vietnamese Supreme Court Prosecutor visits ECCC

A delegation of the Vietnamese Supreme Court headed by General Prosecutor Tran Quoc Vuong made a courtesy visit to the Extraordinary Chambers in the Courts of Cambodia on 9 December.

Acting Director and Deputy Director of Administration, H. E. Tony Kranh and Mr. Knut Rosandhaug welcomed and briefed the delegation on the work of the tribunal, including the completion of trial of the court's first case against Kaing Guek Eav alias Duch and the preparation for the trial in the court's second case against four accused believed to be the most senior leaders still alive.

In return, Mr. Tran congratulated the ECCC for its first successful trial and expressed his confidence that the ECCC would bring justice to Cambodian people.

The visit of the Vietnamese Supreme Court delegation was part of his five-day trip to Cambodia to exchange experiences in judicial work and to strengthen cooperation between the two countries. At the ECCC, the delegation also toured the main courtroom and viewed the adjacent Detention Centre where the five accused are currently held.



*H.E. Prosecutor Tran Quoc Vuong*

## Victims See Participation Positive, Satisfied with Duch Verdict

A majority of Khmer Rouge victims who participated in the judicial proceedings of the Extraordinary Chambers in the Courts of Cambodia appeared satisfied with the Duch verdict and their experience, according to a recent study by the Berlin-based Centre for the Treatment of Torture Victims (bzfo).

In collaboration with the Transcultural Psychosocial Organization (TPO) Cambodia, the bzfo conducted two surveys among KR victims and Civil Party applicants—one in October 2008 through May 2009 around the time the first trial began, and another in November through December 2010 after the first judgment was handed down by the Trial Chamber. The findings were released in December 2010 in the study “The Survivors’ Voices: Attitudes on the ECCC, the Former Khmer Rouge and Experiences with Civil Party Participation”.

According to the study, more than 60 percent of the respondents in the 2010 survey said they were “satisfied” (38.7 %) or “very satisfied” (25.3 %) about the sentence given in the court’s first verdict to Kaing Guek Eav alias Duch, the former director of the KR Security Prison S-21. About the same number of respondents said they felt “satisfaction”, “relief” and “pride” when they heard the length of sentence given to him. Only about one-fourth of the surveyed felt negative feel-

ings such as disappointment (23.7 %) and anger (29 %) “quite a bit” or “very much”.

Although two in three respondents felt Duch “made an excuse for what he did”, three in four surveyed believed Duch “admitted his guilt” and more than half of the respondents thought Duch “was truly sorry for what he did”.

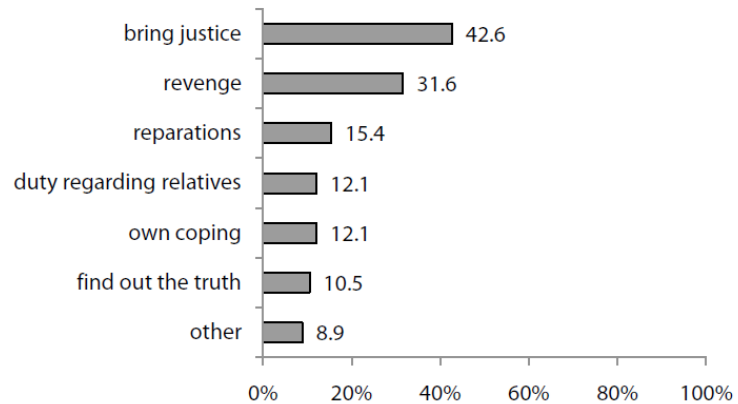
How victims perceived Duch on trial might have affected on their sense of reconciliation, the study suggests. In the 2008/2009 survey, nearly half of the victims surveyed said they hadn’t forgiven the former

Khmer Rouge “at all”. Many respondents at that time cited “justice” (42.6 %) and “revenge” (31.6 %) as reasons for their decision to participate in the proceedings as a Civil Party. In the 2010 survey, nearly half of the respondents said Duch trial made “a positive impact” on their readiness to reconcile with the perpetrators, though 39 percent still said they were not yet ready to reconcile “at all”.

The study also revealed public approval of the ECCC. Nearly 80 percent of the surveyed in 2010 said they followed Duch trial through various channels such as TV (63.9 %), radio (42.2 %) and court visit (18.9 %), and nearly half of the surveyed said they had visited the court at least once. More than 70 percent of the respondents believed that the court is independent from political influence “totally” (32.6 %) or “quite a bit” (39.4 %). More than 90 percent of the surveyed in 2008/2009 said they appreciated the KR tribunal. In 2010, another 90 percent of the surveyed said they would apply again as a Civil Party, signaling their positive feelings toward their experience in the participation.

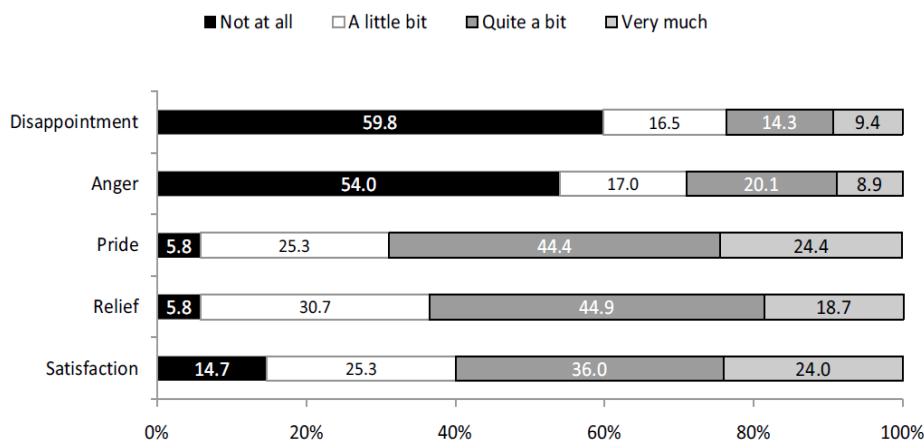
*NOTE: The study can be accessed through the link (<http://www.bzfo.de/work/research.html>). Hard Copies are also available at the TPO office in Phnom Penh. (See related article on page 9)*

**Figure 8: Reasons for the application as a Civil Party**  
Why did you decide to submit the application form? (% of cases)



**Figure 18: Emotional reactions about the sentence as experienced by the respondents**

What did you feel when you heard that Duch was sentenced to serve 19 more years in prison? (%)



## Pre-Trial Chamber

The Pre-Trial Chamber notified to the parties its decisions on a number of appeals (PTC67, PTC69 and PTC72) and applications (PTC08, PTC11, PTC12, PTC13, PTC14 and PTC16). In the last quarter of 2010, the chamber also disposed of a number of procedural and other case-management related matters.

### Pending Appeals and Applications

At the year's end in 2010, the PTC is was seized of five appeals lodged against the Closing Order, 95 appeals filed against the Co-Investigating Judges' inadmissibility decisions in relation to Civil Party applications and one appeal from Civil Party Lawyers against the Co-Investigating Judges' Response on the Motion on confidentiality, equality and fairness (PTC147). The chamber is also seized of four pending applications.

Of the five pending appeals against the Closing Order, one is filed by Ieng Sary's Co-Lawyers against continuation of detention (PTC152), whereas the remainder (PTC75, PTC104, PTC145, PTC146) are filed pursuant to Internal Rules 74 and 21. During the reporting period, the Pre-Trial Chamber issued a considerable number of decisions on interlocutory motions filed by the parties mainly related to procedural issues. On 2 November 2010, the Pre-Trial Chamber issued an Order to the ECCC's Translation Unit concerning translation of footnotes of the Closing Order into the French language, and granted to the Co-Lawyers for Khieu Samphan the opportunity to make additional arguments on their appeal against the Closing Order within 15 days from notification of the full translation. Proceedings on all these appeals are being handled on the basis of written submissions only and deliberations and decisions will be issued in due course.

During the reporting period from October to December, the PTC also issued a considerable number of directions and decisions on interlocutory requests related to the 95 pending Civil Party appeals. The briefing is not yet complete on all such appeals.

From the four pending applications, two (PTC08, PTC13) are classified as strictly confidential, one (PTC15) as confidential, whilst PTC14 is classified as public. (See decisions on page 10)

## Trial Chamber

After a Closing Order in relation to Case 002 was issued on 15 September 2010, the Trial Chamber commenced the process of familiarisation with the case file concerning the four accused in advance of a potential trial. This is in conformity with a recent amendment to the Internal Rule 69 (3) that any appeal of the Closing Order does not preclude the Trial Chamber from obtaining advance access to the case file for the purposes of trial preparation.

## Supreme Court Chamber

Five appeal briefs, two response briefs, and four other appellate filings in relation to the Trial Judgment in Case 001 were filed before the Supreme Court Chamber by the Co-Prosecutors, the Accused and three Civil Party groups respectively during the last reporting period. On appeal, Co-Lawyers for the Accused allege that the ECCC lacks personal jurisdiction over the Accused on grounds that he was not among the "senior leaders of Democratic Kampuchea" or "those who were most responsible" for the crimes of which he was convicted. The Co-Prosecutors' appeal alleges that the Trial Chamber erred in the quantum of sentence awarded and in its treatment of cumulative convictions, whereas 41 Civil Parties request the Supreme Court Chamber declare admissible their Civil Party applications and/or grant their requests for reparations.

Between 1 October 2010 and 31 December 2010, the SCC issued five reasoned decisions in relation to these appeals. These decisions granted the requests of the Co-Prosecutors' for an extension of the page limit for their appeal brief and of the Co-Lawyers for the Accused for an

extension of time to file their appeal brief. The Chamber also granted the Co-Prosecutors an extension of time to respond to the Accused's appeal brief, and granted leave to the Co-Lawyers for the Accused to file a written reply to the response brief of the Co-Prosecutors. The application of the Defence Support Section of the ECCC for leave to submit an amicus curiae brief was rejected. (See decisions on page 10)

The SCC has since announced that it will conduct oral hearings in these appeals sometime between Monday 28 March to Thursday 31 March 2011. The exact dates and times of the hearings will be notified in due course.

## Judicial Committees and Plenary Sessions

The Rules and Procedure Committee convened between 30 November and 3 December 2010, remitting a number of proposed amendments to the Internal Rules to the ECCC Plenary at its conclusion. These proposed amendments principally concern measures designed to enhance the efficiency of trial proceedings in advance of the commencement of trial in Case 002. They include proposals to ensure the participation of the Accused through electronic means, the separation of proceedings in relation to one or several accused and concerning part or the entirety of the charges contained in an indictment, and proposals to expand the scope of immediate appeals to the Supreme Court Chamber in the course of trial.

The 9<sup>th</sup> ECCC Plenary Session will take place between 21 and 23 February 2011 and will consider the proposed amendments.

The Judicial Administration Committee also met on 3 December 2010, and discussed a number of sundry issues.

## Office of the Co-Prosecutors

### Pre-Trial Proceedings (Case 002)

In November 2010, the Office of the Co-Prosecutors filed its responses to the Case 002 Closing Order appeals submitted by the four Accused – Khieu Samphan, Ieng Sary, Nuon Chea, and Ieng Thirith. The OCP is currently awaiting a decision from the Pre-Trial Chamber on these appeals.

In the meantime, the OCP continues to prepare for trial, including by developing

its preliminary package for the Trial Chamber. This package will include a list of witnesses the OCP intends to summon, summaries of the relevant witness statements, a detailed list of documents that the OCP intends to offer to prove its case, and other materials.

### Appellate Proceedings (Case 001)

On 20 December 2010, the OCP filed its response to the appeal against the Trial

Chamber Judgment submitted by Kaing Guek Eav alias Duch.

The OCP is currently preparing for the public hearing on the OCP and Defence appeals against the Trial Chamber Judgment, which the Supreme Court Chamber will convene at the end of March 2011.

## Office of the Co-Investigating Judges

### Legal Work

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

The Analysts and the Investigations Unit undertook regular analytical tasks of reviewing Case File 003 and 004 material. The Investigations Unit undertook one Case 003 related field mission in Phnom Penh on 1 December.

The Legal Unit produced a number of legal memoranda on complex legal issues related to Case 003 and 004.

### Outreach Work

In December OCIJ participated in the following activity: a Legal Officer of the OCIJ attended on 10 December a public forum in Kampot province hosted by Youth for Peace and the Kampot community entitled "Youth Participation for Justice and Reconciliation". A brief presentation of the work of OCIJ was given to

the public.

OCIJ also participated in the "Conference on Victims Participation", held at Phnom Penh Hotel on 17 December, organized by Transcultural Psychosocial Organization (TPO) and the Berlin Treatment Centre for Victims of Torture (bzfo).



## Defence Support Section

### Legal Work

In Case 001, the Supreme Court Chamber dismissed the Defence Support Section request for leave to file an amicus curiae brief to assist in the proper adjudication of the defence and prosecution appeals. The Co-Prosecutors responded to the Defence Appeal Brief, and the SCC granted leave to the Defence to reply to the Co-Prosecutors' response. The Defence reply is due by 17 January 2011.

In Case 002, all four defence teams have filed their appeals against the Closing Order and await the decision of the Pre-Trial Chamber in this regard.

In supporting the defence teams, the DSS continues to receive assistance from DSS research partner Washington and Lee University School of Law.

### Legacy/Outreach Work

On 16 December, defence lawyers and DSS Officer-in-Charge took part in the Legacy Workshop organised by the United Nations Office for the High Commissioner for Human Rights and the Cambodian Human Rights Action Committee. Lawyers working at the ECCC and in the Cambodian legal sector discussed the lessons learned at the ECCC and how these could be applied to the domestic justice sector.

DSS representatives also attended on 9 December the Cambodian premier of the film 'War Don Don' hosted by the Cambodian Center for Human Rights. The film documents the trial of Issa Sesay at the Special Court of Sierra Leone (SCSL) and considers the fairness of the trial and the Court's role in 'writing history.' It pro-

vided the opportunity to consider the similarities, if any, between the pursuit of justice at the SCSL and the ECCC.



*The Lord of the Iron Staff– the ECCC's guardian spirit statue*

## Victims Support Section

### Legally-Related Work

In November the Processing and Analysis Team (PAT) of Victims Support Section completed processing of all remaining unprocessed Complaints and filed them with the Office of the Co-Prosecutors. In total, from September to November, PAT processed and filed 1730 Complaints and made the electronic data available to the OCP.

For the period of November and December, PAT continued to receive and register in its database documentation submitted by Civil Party applicants and their lawyers relating to changes in their participatory status such as decess notes and indications whether or not to carry on the civil party action by a successor, expressions of willingness to change legal representatives, and withdrawals and replacements of legal representatives. The documentation received was filed with the Pre-Trial Chamber with memos from the Head of VSS, explaining the background of the records.

In December, in cooperation with the Lead Co-Lawyers' Section, the VSS organized two trainings on case management for Civil Party lawyers and their assistants, and the Lead Co-Lawyer Section organized and facilitated training on the crime of genocide, methods of drafting of lists of witnesses and potential Civil Parties who could be selected to testify during the trials.

### Outreach

On 1 and 2 December 2010, the VSS and the Cambodian Human Rights Action Committee (CHRAC) organized consulta-



VSS and NGO representatives discuss victim reparations at a December workshop



Kratie Civil Party applicants attend a VSS Forum

tive workshops with Civil Party lawyers and representatives of Cambodian NGOs to have discussions on moral and collective reparations and non-judicial measures.

The participants agreed that the initial outline of reparation request should be ready at an advanced stage of the proceedings of Case 002, possibly in March or April 2011. The workshops also highlighted the importance of cooperation among all actors and decided that the VSS, and in particular the project manager, would play a coordinating role in channeling information and consultation results from NGOs to the civil party lawyers.

With regard to the non-judicial measures, the workshop highlighted problems faced by the VSS and its partners and mainly agreed that proposals and guidelines for consultation with relevant stakeholders should be developed.

## Regional Civil Party Forum in Kratie

The VSS also organized a Regional Civil Party Forum on 28 December 2010 in Kratie for 350 Civil Parties from 6 different provinces including Kampong Cham, Kratie, Stung Treng, Rattanakiri, Mondulkiri and Prey Veng Provinces. The Forum aimed to promote victims' participation by providing a safe venue and opportunities for CPs in Case 002 to meet with their Civil Party lawyers, to have discussions on their rights, complaints, and judicial proceedings and to express opinions related to reparation. The Civil Parties also heard the latest developments of the ECCC from the civil society.

### INFORMATION ON THE WEB:



The ECCC website

[www.eccc.gov.kh](http://www.eccc.gov.kh)



The UNAKRT website

[www.unakrt-online.org](http://www.unakrt-online.org)



## Experts Discuss Victims Participation and Psychosocial Needs

Having conducted studies on victims' participation in the Khmer Rouge tribunal proceedings and mental wellbeing, experts from various institutions gathered at a Phnom Penh conference on 17 December to present their findings to interested parties including officials of the tribunal and discussed the challenge in developing meaningful non-legal measures to address psychosocial needs.

The conference on Victims Participation and Psychosocial Needs in the Context of the Extraordinary Chambers in the Courts of Cambodia was organized by the Transcultural Psychosocial Organization Cambodia (TPO) and the Berlin Centre for the Treatment of Torture Victims (bzfo), and attended by about 100 representatives from research institutes, NGOs, the ECCC and other interested parties.

Dr. Sotheara Chhim, Executive Director of TPO, introduced the concept of 'baksbat' ('broken courage'), a Cambodian description of post traumatic stress symptoms. By exploring ethno-cultural responses to trauma, he argues that the bio-medical approach of Post Traumatic Stress Disorder (PTSD) does not fully capture the complex symptoms experienced by survivors in Cambodia.

Nadine Stammel and Sebastian Burchert from bzfo presented the findings of a survey conducted in 2008/09 with 1077 direct victims of the KR regime selected among Cambodians born before 1975. Most respondents were not ready to reconcile with former KR, but more than half of the participants agreed that the ECCC would contribute to reconciliation in

Cambodia. A second survey, conducted in late 2010 with a sample of 226 ECCC civil party applicants in Case 002, indicated high satisfaction with the judgement against Duch. The majority of the respondents (69%) considered documentation of their experiences under the KR as being "quite a bit" or "very helpful" in dealing with their own suffering.

The importance of documentation was also revealed in a 2010 treatment study on 'Narrative Exposure Therapy' conducted by TPO. The short-term trauma treatment approach entails the production and delivery of testimony and was adapted to the Cambodian culture by TPO's clinicians. Preliminary results indicated a significant decrease in post traumatic stress symptoms for those who participated in the treatment.

Phuong Pham from the Human Rights Centre of UC Berkeley presented preliminary results from a survey with 57 civil parties in Case 001. The majority of interviewees were satisfied with the ECCC and their experience as civil parties and claimed they decided to participate in the ECCC: "To tell my story", "To obtain justice", and "To know the truth". A study based on the survey will be published in March

The afternoon session of the conference was opened by a lecture of Maurice Eisenbruch, Professor of Psychology at Monash University. He advocated for a more accurate cultural mapping of concepts such as guilt, responsibility, justice, retribution and reconciliation to help influence policy and strategies as well as evaluation of psycho-social services in the context of the ECCC.

The day closed with a discussion on lessons learnt in TPO's efforts in devel-



Experts present study findings on mental health in relation to Khmer Rouge victims

oping effective support schemes for KR survivors in a context of increased demand for services and fading funding. The debate highlighted the challenge in developing meaningful psycho-social non-legal measures to address needs of KR survivors. (See related article on page 5)



### Good to know

TPO Cambodia is an NGO specialized in mental health issues and provides training, psychiatric treatment, and other services.



For more information, please contact

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## Decisions/Orders

### Supreme Court Chamber

**7 December 2010:** Decision on Co-Prosecutors' Application for Extension of Time to Respond to the Accused Appeal Brief, F14/3 (granting the Co-Prosecutors an additional 15 days, for a total of 30 days, to respond to the Accused's appeal brief)

**9 December 2010:** Decision on DSS Request to Submit an Amicus Curiae Brief to the Supreme Court Chamber, F7/2 (rejecting the application of the Defence Support Section of the

ECCC for leave to submit an amicus curiae brief)

**22 December 2010** Decision Granting Leave to the Co-Lawyers for the Accused to Reply to the Response of the Co-Prosecutors, F14/4/1 (granting leave to the Co-Lawyers for the Accused to file a written reply to the response brief of the Co-Prosecutors)

### Pre-Trial Chamber

**16 November 2010:** Decision on Ieng Sary's request to forbid the Trial Chamber from accessing the case file until it is seized with the case was notified. The Pre-Trial Chamber found the request inadmissible. (PTC 11).

**16 November 2010:** Decision on Ieng Sary's request regarding acceptance of first instance filings was notified. The Pre-Trial Chamber found the request inadmissible. (PTC 12)

**15 December 2010:** Decision on Khieu Samphan's request for translation of all documents used in support of the Closing Order was notified. The Pre-Trial Chamber denied the request for an order or direction from the Pre-Trial Chamber to compel the Translation Unit to immediately translate into the French language all documents that are elements of proof on which the indictment relies. The Pre-Trial Chamber noted that its decision in this matter is without prejudice to the obligation of the Translation Unit to translate into the French language all documents that are elements of proof on which the indictment relies, in accordance with the Translation Rights Decision. (PTC 16).

**17 December 2010:** From the four pending applications, one, PTC14, is classified as public and pertains to translation errors. On 17 December 2010, the Pre-Trial Chamber's public Decision on Ieng Thirith's Notification of errors in translation was noti-

fied. The Pre-Trial Chamber found the Notification admissible, directed the Translation Unit to review specified translations and file the necessary corrections and reports. The Pre-Trial Chamber remains seized of the Notification to the extent that it will, as appropriate, report the results of the Translation Unit's review to the parties in due course. Consequently, upon receiving this report, the Accused may renew her application. The Notification was otherwise dismissed. (PTC 14)



## Public Hearings

### Pre-Trial Chamber Hearing

None scheduled

### Trial Chamber Hearings:

Monday 31 January 2011:

- 9:30 Nuon Chea hearing related to application for immediate release
- 13:30 Khieu Samphan hearing related to application for release

### Supreme Court Chamber

#### Hearings:

March 2011: Case 001 Appeal

# Outreach Calendar



## Outreach Activities

**1 December 2010** Court Visit: A group of American students visit the court for briefings by court officials

**1-2 December 2010** Court Visit: Court officials meet with visiting experts on reparations and non-judicial measures to discuss preparations for Case 002

**6 December 2010** Court Visit: Youth for Peace brings 55 young Cambodians to the court for visits

**7 December 2010** VIP Visit: A US State Department representative tours the court and meets with court officials

**7 December 2010** Conference: Co-Prosecutor Andrew Cayley gives the keynote address on justice perspectives in the coming year at the World in 2011 Conference in Hong Kong (he gives the same address in Mumbai on 9 December)

**9 December 2010** VIP Visit: Prosecutor General of Vietnam's Supreme Court visits the ECCC.

**10 December 2010** NGO Public Forum: ECCC officials joined the Youth for Peace public forum in Kampot to address 100 participants

**13 December 2010** Workshop: DSS attends a workshop organized by CHRAC/OHCHR and discuss KR legacy for local courts discussing KRT

**14 December 2010** Radio Show: PAS participated in the CTN Daily Live Show to discuss the KRT cases

**17 December 2010** School Lectures: Court officials deliver lectures on the ECCC to students at Sourir D'Enfant high school

**28 and 30 December 2010** Psychosocial Outreach: TPO and YRDP conduct group discussions with 100 survivors, teachers, and students in Kg Thom.

**4 January 2011** ICfC's Justice and History Outreach: staff meet with villagers in Mondulkiri

**11 January 2011** Psychosocial Outreach: NGOs provide support for civil parties in Phnom Penh

**17 January 2011** TPO Psychosocial Outreach: staff meet with villagers in Kampot

**17 January 2011** ICfC's Justice and History Outreach: staff meet with villagers in Ratanakari

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

**19 January 2011** Radio Show: Representatives of PAS/VSS appear with CHRAC

**24 January 2011** ICfC's Justice and History Outreach: staff meet with villagers in Stung Treng

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

### December-February

| SUN | MON | TUE                                       | WED | THU                              | FRI  | SAT |
|-----|-----|---|-----|----------------------------------|--|-----|
|     |     |   | 15  | 16 KRT Study Tour: Takeo         | 17 School lectures                         | 18  |
| 19  | 20  | 21 KRT Study Tour: UME University, Kratie | 22  | 23 KRT Study Tour: Mondulkiri    | 24   | 25  |
| 26  | 27  | 28 KRT Study Tour: Kg Thom                | 29  | 30 KRT Study Tour: Kampong Cham  | 31   | 1   |
| 2   | 3   | 4 KRT Study Tour: Kg Thom                 | 5   | 6 KRT Study Tour: Kandal         | 7  | 8   |
| 9   | 10  | 11 KRT Study Tour: Kg Cham                | 12  | 13 KRT Study Tour: Kandal        | 14   | 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                |     |                                  |  |     |

## ECCC's Outreach—KRT Study Tours

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 and visit the Choeung Ek Killing Fields. Later on, the villagers receive lunch at the ECCC, followed by briefings by court officials. 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. Where possible, trips are often combined with Khmer Rouge and ECCC history lectures and the delivery of printed copies of the Case 001 verdict at area schools. 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 to the left depicts KRT Study Tours and School Lectures organized from 15 December through 15 February.



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

*"Everyone can be involved in the process"*



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

*The ECCC welcomes visitors. For more information, contact: [pas@eccc.gov.kh](mailto:pas@eccc.gov.kh)*