



The Court Report

NOVEMBER 2010

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice

Pailin Residents Visit ECCC & Tuol Sleng



ECCC brought 300 Pailin residents to visit Tuol Sleng Genocide Museum for the first time on 16 November 2010.

Walking slowly out of the former interrogation room of the former S-21 Security Centre of the Khmer Rouge regime on 6 November, Chea Ron from Pailin looked upset as she told her friend: "My brother disappeared here."

Chea Ron was one of the over 300 participants—men, women, and young people—from the former Khmer Rouge stronghold in a study tour organised by the Public Affairs Section of the Extraordi-

nary Chambers in the Courts of Cambodia (ECCC).

Chea Ron has been separated from her brother since 1973 when they both joined the Khmer Rouge movement. Ron's brother, Chea Tuon, 13 years old then, joined up as a soldier, and Ron herself, 11 at the time, was sent to work in the medical production unit. It was the last time Ron ever saw her brother.

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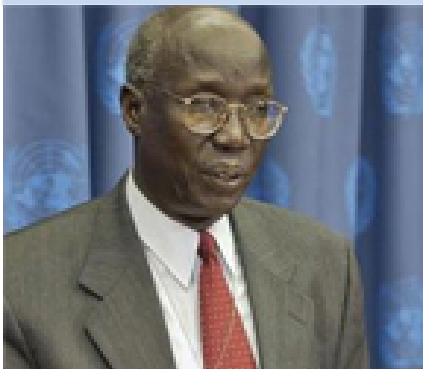
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UN Genocide Ambassador Visits the Khmer Rouge Tribunal



A high level UN envoy for genocide issues visited the Extraordinary Chambers in the Courts of Cambodia (ECCC) on 4 November to familiarise himself with the Khmer Rouge atrocities that took place more than 30 years ago.

Dr. Francis Deng, UN Special Advisor on

the Prevention of Genocide (photo), led a four-member team to the court for a series of meetings with judicial officials. He learned about the court's judicial investigation and its challenges from discussions with International Deputy Prosecutor Bill Smith and Co-Investigating Judge Marcel Lemonde and his successor Judge Siegfried Blunk. The delegation also met with judges from the Chambers.

Dr. Deng, who has long served in the areas of human rights, peace building and diplomacy with the UN, for his native Sudanese government and in academic posts, assumed his current position in 2007. He has since travelled widely to raise awareness of the causes and dynamics of genocide, to alert relevant actors on a risk of genocide and to advocate appropriate action. In early

November he travelled to Cambodia for a few days to participate as a speaker in an international conference on early warning mechanisms to prevent mass atrocity crimes around the world. He took the opportunity to make a courtesy visit to the court.

"I had good discussions with court officials and learned quite a lot about the Khmer Rouge regime and the work of the court," he said after the meetings.

The ECCC's Office of the Co-Investigating Judges indicted four persons in Case 002 for charges including genocide and grave breaches of the 1949 Geneva Conventions, but the application of this charge to crimes committed during the Democratic Kampuchea is contested.

ECCC Goes Green! Staff Donate Trees on the Court's Grounds



Acting Director of Administration HE Tony Kranh and International Co-Investigating Judge Marcel Lemonde pitch in for the tree planting initiative's ceremony on 5 November.

Staff and officials of the Khmer Rouge tribunal care not only about their mandate to deliver justice to Cambodians but also about making the court premises greener. The Staff Welfare and Recreation Committee of the Extraordinary Chambers in the Courts of Cambodia on 5 November

planted 117 trees in the central and back yards after collecting US\$2,323 from staff in a fundraiser to buy trees.

In this initiative, the committee requested that staff members in every office choose among 10 different types of trees and do-

nate the money for their purchase. The initial response was rather slow, but a last-minute surge in staff interest made the initiative a success: 113 trees were purchased from staff donations with 4 trees donated in kind. The figure nearly matched the 118 trees planted in advance of the UN Secretary-General's visit on 27 October.

On 5 November, once Sok Heng Gardens in Phnom Penh delivered what everyone had chosen, staff members gathered around the central yard and participated in the tree planting by shoring up the trees with soil, watering them and tying bamboo supports. People laughed with each other, talked about how good the tree planting was for exercise, and shared their reasons for choosing specific trees—sometimes decorative, sometimes sentimental.

The most frequently selected tree was the Rumdul, the ASEAN National Flower of Cambodia, followed closely by the small Flamboyant tree. The very first tree in the ground, the Champa, is already flowering and smells similar to honeysuckle.

The ECCC premises is expected to be returned to the Royal Cambodian Armed Forces once the ECCC completes its mandate.

UN Envoy to the ECCC Returns to Cambodia



UN Special Expert Clint Williamson (photo) in mid-November paid a routine visit to Cambodia to hold consultative meetings with various stakeholders on funding issues for the Khmer Rouge tribunal.

The visit is his third since he assumed his role in July. He was appointed by UN Secretary-General Ban Ki-moon to assist with all matters related to the court including fund-raising. In the last few months, he has traveled to capitals in Asia and Europe in pursuit of financial support.

While he was in Phnom Penh, court officials updated him on new court developments. Mr. Williamson also met with Cambodian government officials including Deputy Prime Minister Sok An as well as donor representatives. He is scheduled to visit Cambodia for consultations regularly.

Japanese Official Visits the ECCC

A new senior official in the Japanese Ministry of Foreign Affairs paid a courtesy visit to the Extraordinary Chambers in the Courts of Cambodia on 18 November to familiarise himself with the work of the court.

Mr. Shinji Minami, Principal Deputy Director for the First Southeast Asia Division of the ministry, toured the newly renovated courtroom after being briefed by Officer-in-Charge of the Office of Deputy Director of Administration Rajeev Kumra.

Mr. Minami, who assumed his position in September, was in Cambodia for two days and held a lunch meeting with Acting Director of Administration Tony Kranh the previous day at the Japanese Embassy. Japan has been the court's single largest donor, funding nearly half of the budget so far.

Supreme Court Chamber Commences Full Time Work in November

Supreme Court Chamber commenced full time work on 2 November, and by January 2011 all full time judges are expected to be based in Phnom Penh. The chamber is seised with appeals in Case 001 against Kaing Guek Eav, alias Duch, sentenced by the Trial Chamber on 26 July.

The four Cambodian judges and three international judges profiled below comprise the chamber.



HE Kong Srim

Appointed the President of the Supreme Court Chamber and a National Resident Judge to the ECCC by the Royal Decree 7 May 2006, he has been Deputy President of the Supreme Court of the Kingdom of Cambodia. He held numerous positions including Deputy General Prosecutor of the Office of the General Prosecutor attached to the Court of Appeal and the Deputy Chief of the Prosecution Office, Department of Criminal and Civil Affairs of the Ministry of Justice. He has also been a law lecturer at Phnom Penh universities. He received his legal education in Vietnam.



Som Sereyvuth

With 18 years of judicial experience, he has been a Judge of the Supreme Court of Cambodia since 1988. Prior to that, he was an Officer of the Supreme Court from 1986 to 1988, and acting President of the Cabinet of the Ministry of Interior from 1979 to 1986. He attended seminars in Japan, Switzerland and Paris and has worked as trainer at the Royal Academy for Judicial Professions. From 2005, he has been a member of a team drafting the Civil Code and Civil Procedure Code for Cambodia.



Sin Rith

Deputy General Prosecutor of the Office of the General Prosecutor attached to the Court of Appeal, he received his PhD from Kazakhstan National University. He was appointed to the Judiciary in 2001 as the Deputy Prosecutor to the Battambang Court, and in 2005, he was appointed to the Supreme Court as the Lead Prosecutor. He worked as a member of the team drafting the Civil Code and Civil Procedure Code for Cambodia. He lectures on International Criminal Law at the Royal Academy for the Judicial Professions and the Royal University of Law and Economics.



Ya Narin

Currently the President of the Mondulkiri Court, he had served as a judge at the Rattanakiri Court since 2002 and was promoted to President of the court in 2005. He took judicial office in 2001, following his employment as an official in Secretariat of the Law Council in the Council of Ministers. In the secretariat, he was responsible for studying draft laws and regulations proposed by the Ministries. He began his legal studies at Kazakh State University and obtained his PhD from the State and Law Institute of Kazakhstan in 1998, specialising in criminology.

International judges' profiles continued on page 9.

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Study Tour participants viewed Khmer Rouge history films before their trip to Phnom Penh.

After the Khmer Rouge came to power in April 1975, Ron was sent to collect spoils from the fighting and heard from her cousin who was also a KR soldier that her brother had been sent to fight in the Phnom Penh battles. Later on, word spread that someone saw Chea Tuon swimming across the Mekong River when he tried to desert the military. His fate after that was unknown.

Chea Ron has long believed that her brother was arrested and detained in Tuol Sleng prison, but she had had no chance to come and look for a trace of him. The visit on 16 November was the first time that Ron managed to come to Tuol Sleng. "I have longed to visit Tuol Sleng because I believe that my brother vanished here. I wanted to search for his photo." Ron scanned through hundreds of photos of former prisoners displayed in the former prison, hoping to spot her brother's face; unfortunately, she could not remember what her brother looked like.

"Even if my brother were alive today, I would not be able to recognise him because we have been separated for so long. But I think he is dead, because we have not seen him return to our home village in Kampong Thom," Ron said with tears in her eyes. "My parents were waiting for him, and now my father passed away and left my mother alone, but my brother has still not returned."

The study tour that Chea Ron attended is part of a popular ECCC outreach pro-

gramme. The evening before their departure to Phnom Penh, participants watched documentary films screened by Bophana Audiovisual Resource Centre in cooperation with the court. The film screening was designed to deepen their understanding of the history of the Khmer Rouge regime and the ECCC's mandate to prosecute senior leaders of Democratic Kampuchea and those alleged to be most responsible for serious crimes committed between 1975 and 1979.

The tour stopped at Tuol Sleng Genocide Museum in the morning before continuing on to the ECCC where participants sat inside the courtroom and listened to briefings from ECCC officials from the Pre-Trial Chamber, Office of Co-Prosecutors, and Public Affairs Section.

Mr. Reach Sambath, Chief of Public Affairs, presented a slideshow explaining the ECCC grounds and the courtroom layout to participants. They then listened to officials discuss the importance of having the Khmer Rouge Tribunal, the role of the co-prosecutors, and the possibility for victims' participation in the proceedings before the

ECCC.

This was the first ECCC Study Tour for residents of Pailin, one of the last Khmer Rouge strongholds, integrated with the Royal Government of Cambodia in 1996. For the majority of the participants, this was their first trip to Phnom Penh. This study tour helped improve understanding about what happened during Democratic Kampuchea, especially among the young people that made up almost half of the group.

Chea Srei Am, 16, said that she saw the documentation of atrocities in Tuol Sleng. "When I saw those photos and torturing tools at Tuol Sleng this morning, I felt terrified," said Srei Am, now in the 8th grade. "I'm glad I didn't experience that regime. I believe that only education will help the next generation like me not to do anything as bad as Khmer Rouge did."

The study tour for Pailin residents was organised in response to requests by officials and the people of Pailin during a public forum in the province in September. In the public forum, officials from the ECCC opened a dialogue with Pailin officials, civil servants and citizens, most of whom were former Khmer Rouge soldiers or supporters.

"I hope this Study Tour helps them understand the history of their own country better so that they can help to prevent the regime reoccurring," said Mr. Reach. "I also hope that the participants will bring what they saw and learned from this trip back home and share the information that the tribunal is bringing justice for the Cambodian people and for victims, both living and dead."



Pailin residents are briefed by ECCC officials in the courtroom's public gallery.

Curious Students Fire Questions on the Khmer Rouge Tribunal

Public Affairs staff from the Extraordinary Chambers in the Courts of Cambodia met with a barrage of questions from youngsters on the Khmer Rouge history and the work of the tribunal as it resumed its Lectures at School outreach programme on 5 November after a six-month hiatus.

Over 3,000 students from grades 7 through 12 at Jayavarman 7 High School in Phnom Penh piled onto the basketball court and under trees to listen to presentations by the guest speakers from the court. After 30 minutes of lecture time, students began assailing the speakers with one question after another.

"Why did [the tribunal] sentence Duch to only 35 years in prison and not a life sentence, since he killed thousands of people?" asked 8th grader Sie SovanVathana.

This question was not the only one to surprise the guest lecturers.

"Why does the ECCC try only Khmer Rouge senior leaders and not lower ranking officials such as the Regional Secretary or Regional Chief?"

"What kind of justice do Cambodian victims receive from the Khmer Rouge tribunal?"

Mr. Reach Sambath, Chief of the ECCC's Public Affairs Section, finds these questions tough.

"These kids are very intelligent," he said.

Curious youngsters further asked questions about the Khmer Rouge regime, beyond the workings of the tribunal.

"Why was there no religion or currency during Khmer Rouge regime?"

"Why didn't people resist the regime?"

"Why did cadres kill trained medical doctors and use illiterate people to treat patients instead?"

"Why did the regime come to power in the first place?"

"Why did the Khmer Rouge form; what were their goals?"

These questions illustrate how hungry the students were to learn more about what happened during Khmer Rouge regime.

School Principal Kros Chan Lon said that she was pleased that the ECCC delivered a lecture to her school.



A student at Jayavarman 7 High School asks a question to ECCC guest lecturers during their visit on 5 November. This visit is part of a school lecture outreach programme scheduled on Friday mornings throughout the school year.

"The lecture today is an introduction that will lead students to pay more attention to the subject, especially students in grade 12 who are going to spend the whole semester studying the history of Democratic Kampuchea," she said, adding that she would send her students to the court's popular KRT Study Tours to gain a deeper understanding than what they can glean from their textbooks.

Started a year ago, the school visit is part of the court's effort to spark students' interest in the dark side of their country's history and get them involved in the process of seeking justice.

Victim Support Section Trains First Batch of Focal Persons in Case 002

On 5 November, the Victims Support Section (VSS) held a meeting with 74 focal persons for Case 002 Civil Parties to communicate current information about court proceedings to pass on to victims.

Tuol Sleng survivor Vann Nath, spoke to the forum about his experience testifying. He stressed ensuring that victims are aware of how difficult the trial process might be in terms of facing the defendant and having their story scrutinised by the defence and the judges.



ECCC officials held discussions with Case 002 focal persons on 5 November.

Deputy National Co-Prosecutor Huot Veng explained why faith in the trial process was necessary and how vital victims' complaints and witness accounts were for OCP. OCIJ

Legal Officer Meas Bora and Legal Advisor Jeanne Sulzer talked about mitigating victims' frustration and acknowledging their suffering, even where the criteria for a claim could not be met.

National Co-Lead Lawyer Pich Ang advised realism and specificity regarding reparations. And, participants brainstormed non-judicial reparation measures and how to encourage victim participation might be encouraged separate from civil party applications.

A New Look – ECCC’s Ever-Evolving Courthouse



General Services makes physical and technological changes to the courtroom in the most recent renovation, completed 16 November.

The physical appearance of the Extraordinary Chambers in the Courts of Cambodia has been ever changing to better serve the court’s judicial work.

By mid-November, the courthouse has undergone a major revamping of the courtroom’s setup, as the ECCC is expected to begin a trial against four aging charged persons in Case 002 as well as Case 001 appeal deliberations.

The main courtroom can now accommodate multiple accused and their defence teams as well as the new lead co-lawyers who will represent thousands of Civil Parties at the trial. A small medical emergency room has been added next to the main courtroom in case rest is required during the trial. The toilet has also been modified to suit wheelchair-bound accused.

Inside the courtroom, the audiovisual booth was moved from the right side to the left and the previous various-height platforms were flattened to make space for the parties. The bench for judges is now straightened so that reserve judges could sit at both ends of the bench.

Seats for public visitors have been reduced slightly from 494 to 482 seats so that the visitor seated at the very end of the first row can have a better view of the courtroom. Yet, the ECCC’s public gallery remains the largest among the war crimes courts around the world.

“The latest in on-going court improvement and renovation has incorporated all the lessons learnt from the last few years of the court’s operations,” says Mr. Soe Myint, Chief

of Information and Communications Technology and Officer-in-Charge of General Services. “They include significant improvements to the ICT systems, lighting and audiovisual. The court has also been upgraded with new furniture that better meets its needs.”

The latest renovation began right after the judgment hearing in Case 001 against Kaing Guek Eav, alias Duch, in late July. The physical renovation of the main courtroom was completed by the end of September, and rewiring of audiovisual, computer cables and electricity were completed 16 November. With additional lighting, rewiring and new monitors, the video images can now be viewed more clearly and the sound of simultaneous interpretation can now be heard more easily.

Chronology of Court Renovation

Since the premises of the ECCC were handed over by the Cambodian government, they have undergone a few major renovations and additional small-ongoing improvements. Here's a brief history of the court renovation.

Jan. 2006 — The current premises (7.5 hectares of land, 1 office building, 1 theater), part of the headquarters of the Royal Cambodian Armed Forces, were handed over by the Royal Government of Cambodia.

Sep. 2006 — The first floor of the office building underwent a major renovation to set up office rooms to accommodate a growing number of staff. Other floors were also gradually remodelled in the following year.

Apr. 2007 — The Pre-Trial Chamber courtroom was newly renovated in anticipation of public hearings.

Jun. 2007 — The detention facility was newly constructed to detain charged persons. The first charged to occupy the facility was Kaing Guek Eav, alias Duch, who was transferred here at the end of July 2007. Now it houses five detainees in total.

Apr. 2008 — The original theater was converted to the Main Courtroom in preparation for trial. Waiting rooms for witnesses and Civil Parties and the holding cells for defendants were later added on the ground floor of the courthouse.

Feb. 2009 — When the initial hearing in Case 001 began, the public canteen and an entrance for public visitors at the visitors' security Check Point were added to the courthouse to assist public visitors.

Dec. 2009 — A motorcycle parking space for public visitors and a guard post facility were built near the security check point for visitors.

Nov. 2010 — The main courtroom was completely re-modeled in anticipation of a trial for multiple defendants and deliberation at the Supreme Court Chamber.



Office of the Co-Investigating Judges

Legal Work

Investigations are ongoing with regard to Cases 003 and 004. Two field missions were undertaken by international investigators, with six witness interviews for crimes based within different crime sites.

New International Judge

At the end of October, the new International Co-Investigating Judge Siegfried Blunk from Germany arrived at the ECCC. He will effectively take office on 1 December 2010. Appointed Judge in 1977, Dr. Blunk handled both civil and criminal

cases for 26 years until his 2003 appointment as International Judge at the hybrid court in East Timor. He was named a Reserve Co-Investigating Judge at the ECCC in 2008.



Defence Support Section

Judicial Update

In Case 001, the Supreme Court Chamber (SCC) granted the defence's request to extend the deadline for filing its appeal brief against the Trial Chamber judgment issued on 26 July. The appeal brief is now expected on 22 November. The DSS is awaiting a SCC ruling on its request for leave to file an *amicus curiae* brief, which would assist in the adjudication of the defence and prosecution appeals.

In Case 002, all four defence teams have filed their appeals against the Closing Order.

Outreach / Media Work

The DSS joined the twice weekly KRT Study Tour to brief visiting villagers and held its own outreach forum in Anlong Veng on 1 November. DSS staff and Cambodian defence lawyers met with members of the public in the former Khmer Rouge stronghold to discuss the ECCC, the role of the defence and the importance of fair trial rights.

Additionally, the DSS sent representa-

tives to a conference in Phnom Penh on genocide and to the introductory forum on the new Virtual Tribunal initiative.

The DSS issued two press statements in recent weeks. In its first statement, the DSS welcomed UN Secretary-General Ban Ki-Moon's comments on his visit to the ECCC and his insistence on "complete respect for its judicial independence." In his leaving statement, former DSS Chief Richard Rogers encouraged the ECCC to remain vigilant in its attempts to uphold international fair trial standards and guard against possible political interference.

Goodbyes and welcomes

On 10 November, DSS Chief Richard Rogers left his post. In his leaving statement, Mr. Rogers expressed gratitude for the 'great courage, dedication and integrity' of the defence lawyers at the ECCC who work to deliver 'real justice to the Cambodian people.'

The DSS also said goodbye to Ms. Charlotte Moreau, who has been working as a Senior Legal Consultant in the Khieu Samphan defence team.

The DSS welcomes two new Legal Officers, Diana Juricevic and Rupert Abbott. Ms. Juricevic brings a wealth of experience in human rights and international criminal law practice, most recently as a member of a defence team at the ICTY, and will provide substantive legal support to the defence teams. As the former Director of Programmes and Development at the Cambodian Centre for Human Rights, Mr. Abbott is familiar with the Cambodian context and will be overseeing the Legal Assistance Scheme and leading on the Section's legacy and outreach initiatives. He has been appointed as Office-in-Charge of the DSS until a replacement for Mr. Rogers arrives.

The DSS also welcomes Cambodian lawyer Kong Sam Onn, who will be undertaking some preparatory work on Cases 003 and 004. Mr. Kong has worked on a number of high profile legal cases in Cambodia, representing journalists, politicians and others whose basic human rights have been violated.

Office of the Co-Prosecutors

Departure



Senior Assistant Prosecutor Annes Ahmed of India left the tribunal on 19 November after four years of service.

Anees Ahmed was an integral and venerated part of the Office of the Co-Prosecutors (OCP)," said International Co-Prosecutor Andrew Cayley.

He said the OCP relied on his knowledge of international criminal and human rights law for the OCP Introductory Submission, Case 001 Appeal and Case 002 Final Submission. "Anees represented the OCP diligently and effectively in pre-trial hearings and on many days of the Duch trial."

Often asked to speak at international legal

conferences and other events Mr. Ahmed became the face of the ECCC to many around the world. His most lasting impact, however, is likely to be with the future lawyers and legal scholars of Cambodia. After working long days and weekends at the OCP, he taught law at the Royal University of Law and Economics in Phnom Penh.

Mr. Ahmed has now assumed a senior position in Chambers at the International Criminal Tribunal for Rwanda.

"From the beginning through to its first trial and the preparation of a second,

Court Calendar

Decisions / Orders

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

Pre-Trial Chamber

2 November 2010 Order to interpretation and translation unit (ITU) concerning translation of footnotes of closing order into the French language and direction to defence of Khieu Samphan

16 November 2010 Decision on Ieng Sary's request regarding acceptance of first instance filings

Scheduled Public Hearings

None scheduled

Judicial Updates...continued from page 8

Victims Support Section

Legal work

The Processing and Analysis Team (PAT) has been processing the remaining complaints for the Office of the Co-Prosecutors (OCP), now collecting documents in preparation for Case 002. At the same time, the team has been updating VSS's database to track admissibility decisions, appeals and changes in legal representative of Civil Party applicants. The team has also compiled statistics related to Case 002 CP applicants in order to assist others in planning their activities, e.g. organising meetings with inadmissible CPAs.

Outreach

VSS held its first training meeting 5 November with 74 focal persons working with CP applicants in Case 002 (See page 5). In addition, the section's staff collaborated with NGOs on a number of outreach activities during October and November. Please see the Outreach Calendar on page 11 for more information.

INFORMATION ON THE WEB:



The ECCC website

www.eccc.gov.kh



The UNAKRT website

www.unakrt-online.org

Supreme Court Chamber Judges' Profiles

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*Motoo Noguchi
(Japan)*

A prosecutor since 1985, he has also been engaged in judicial reforms in transitional countries since 1996. From 2000-04, he was seconded to Asian Development Bank as a counsel. Since 2004 he has been a professor at UNAFEI, serving concurrently as a senior attorney at Ministry of Foreign Affairs advising on international criminal justice. He has been a visiting scholar, professional and fellow at University of Washington Law, the International Criminal Court and Yale Law School. He is also a visiting professor at the University of Tokyo. He received his legal education from the University of Tokyo, Faculty of Law and Legal Research and Training Institute of the Supreme Court.



*Agnieszka
Klonowiecka-
Milart (Poland)*

The most senior international judge in the United Nations Interim Administration Mission in Kosovo, she was appointed to the Supreme Court of Kosovo where, together with members of the national judiciary, she adjudicates war crimes, genocide, crimes against humanity, terrorism and other serious crimes. She was seconded several times to the Department of International Cooperation and European Law in the Polish Ministry of Justice, where she participated in the law revision and law reform for conformity with international standards.



*Chandra Nihal
Jayasinghe
(Sri Lanka)*

Sri Lanka High Commissioner to the United Kingdom, he previously served as a senior Presiding Judge of the Supreme Court of Sri Lanka and President of the Court of Appeal of Sri Lanka. He served 22 years in the Attorney General's Department, mostly in criminal work, where he was Senior State Counsel and eventually elevated to Deputy Solicitor General in 1994. He was awarded Bachelor of Laws from the University of Colombo, was a visiting scholar at University of Illinois, Chicago and received a Diploma in Human Rights from University of Lund, Sweden.

International Experts Share Lessons on Prosecuting Gender Crimes



Guest speakers at the Gender-Based Violence Conference on 3-4 November. (Pre-Trial Chamber Judge Marchi-Uhel third from right)

Experts on both gender issues and international tribunals shared best practices at an early November conference on gender-based violence (GBV) in armed conflict, highlighting the importance of resolutely prosecuting gender crimes.

On 3 and 4 November, the legal NGO Cambodian Defenders Project hosted the first International Gender Justice Conference in Cambodia. Guest speakers from around the globe shared lessons learnt followed by audience discussion on gender-based crimes in Cambodia during the Khmer Rouge regime. A number of officials from the Extraordinary Chambers in the Courts of Cambodia (ECCC) attended the conference, and Judge Catherine Marchi-Uhel from the Pre-Trial Chamber chaired one of the discussion sessions.

As an introduction, Vahida Nainar, expert on women's human rights, talked about the definition of gender and GBV. She explained the many forms such crimes can take, varying from psychological to physical harm. Kelly Askin, Senior Legal Officer of International Justice Open Society Justice Initiative, then said that prosecution of gender crimes has advanced significantly since World War II. The international jurisprudence has evolved from regarding GBV as inherent in war to condemning these acts as crimes against humanity. With armed conflicts ongoing throughout the world and new forms of GBV arising, Ms. Askin emphasised that this development needs to be taken further.

Part of the conference focused specifically on conditions during the Khmer Rouge re-

gime. Kasumi Nakagawa, Lecturer at Pan-nasastra University, surveyed female survivors and found that sexual violence ranged from rape to sexual mutilation and torture. However, there is still research needed to define the scope of crimes and the percentage of persons affected. Some survivors who participated in the survey are now Civil Parties represented by the legal team of Silke Studzinsky and Sin Soworn. The lawyers highlighted challenges the court is facing and discussed the occurrence of systematic forced marriages throughout Democratic Kampuchea.

Presentations on international jurisprudence on the prosecution of GBV centred around recent ad hoc trials following armed conflicts in the former Yugoslavia, Rwanda and Sierra Leone. During the conference, former members of these tribunals and human rights activists who have been working in tandem described the different settings and explained the ground-breaking judgments issued by these courts. Presenters pointed to the importance of including GBV in the trials to fight against impunity and to give victims a voice. They recommended including the gender perspective in decision-making at all levels.

The conference also included accounts of missed opportunities for addressing sexual violence in conflict in other Asian countries. Michiko Nakahara, co-organiser of the Japanese Women's Tribunal, and Galuh Wandita, Senior Associate at the International Center for Transitional Justice, presented two examples: the

"comfort women," or forced prostitutes for Japanese soldiers stationed in numerous Asian countries in WWII, and the situation in East-Timor during the Indonesian occupation. In both cases, presenters said, activists and NGOs have offered non-judicial, alternate ways to acknowledge the suffering of these victims.

"The success of other criminal tribunals to raise the issue of GBV was always due to international networking," said Mr. Andreas Selmecki, Coordinator of the Civil Peace Service at German Development Service (DED) which sponsored the conference. "With this conference, we hope that we can link up Cambodian initiatives with this international discourse, not only for two days or the time of the ECCC proceedings, but forever."



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CAMBODIAN DEFENDERS
PROJECT

If you have information you would like to share with us or would like to know more about our project, please contact

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Web: www.cdpcambodia.org

Outreach Calendar



Recent Activities—ECCC and Partner NGOs

25 October 2010 NGO Conference: International Co-Prosecutor spoke to a DC-Cam conference of minority groups on understanding the term genocide.

27-28 October 2010 NGO Training: ADHOC held a CP representative meeting in Sihanoukville, joined by OCIJ and VSS officials.

28 October 2010 NGO Forum: VSS attended a Youth For Peace (YFP) forum at the Takeo former execution site Kraing Tachan Crime Centre.

29 October 2010 CP Applicants Meeting: TPO and VSS held a meeting with 4 denied CP applicants to help them better understand reasons for denial.

3-4 November 2010 NGO Conference: Cambodian Defenders Project (CDP) hosted a Gender-Based Violence conference in Phnom Penh, attended by PAS, OCP, OCIJ, TC, PTC, SCC and VSS.

4 November 2010 VIP Visit: UN Special Adviser on the Prevention of Genocide visited the ECCC to hold a series of meetings with officials.

5 November 2010 Radio show: TPO presented a call-in show “Victims participation in Case 002: Learning from Case 001” on FM 102 with a guest speaker from VSS.

11 November 2010 Verdict Book Distribution: ECCC Administration delivered copies of the Case 001 judgment and made remarks to 100 people at the Senate of Cambodia offices.

12 November 2010 CP Applicants Meeting: TPO and VSS held a meeting with denied CP applicants to help them better understand reasons for denial.

18 November 2010 NGO Newsletter: CHRAAC published 4,000 copies of KRT Watch newsletter distributed to various provinces.

Scheduled Outreach Activities—ECCC and Partner NGOs

25 November 2010 Court Visit: Over 40 young politicians of CPP and Sam Rainsy Party from Banteay Meanchey and Siem Reap will visit the court and receive briefings from court officials.

1-3 December 2010 Study Tour Visit: 30 CDP clients will participate in a 3-day study tour including ECCC visit on 3 December.

15 December 2010 Radio Show: CHRAAC will present a call-in show from FM 102 with guest speakers from ECCC and NGOs.

17 December 2010 Radio show: TPO will present “Healing the hurt: Cambodian communities” on FM 102 with guest speakers from VSS and International Center for Conciliation (ICFC).

ECCC's Regular Outreach—KRT Study Tours and School Lectures (19 Oct - 14 Dec)

Mon	Tue	Wed	Thu	Fri
	19 KRT Study Tour: Kampong Thom	20	21 School Lecture: RU Law & Econ	22
25	26 KRT Study Tour: Kampong Cham	27	28 KRT Study Tour: Kandal	29
1	2 KRT Study Tour: Siem Reap	3 School Lecture: P. Penh Intl U	4 KRT Study Tour: Kampot	5 School Lecture: Kandal
8	9	10	11 KRT Study Tour: Kandal	12
15	16 KRT Study Tour: Pailin	17	18 KRT Study Tour: Takeo	19
22	23 School Lecture: Outside P. Penh	24	25 KRT Study Tour: Kratie	26
29	30 KRT Study Tour: Kampot	1	2 KRT Study Tour: Kandal	3
6	7 KRT Study Tour: Takeo	8	9 KRT Study Tour: Anlong Veng	10
13	14 KRT Study Tour: Kampong Speu			

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 and the chance to ask questions. 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 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 organised from 19 October through 14 December.

The KRT Study Tour on 16 November represents the first time a group from the former Khmer Rouge stronghold of Pailin has visited the court.

See the related article on page 1.



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: info@eccc.gov.kh