



The Court Report

MARCH 2011

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice

ECCC Plenary Amends Internal Rules



Plenary President Kong Srim and Plenary Vice-President Silvia Cartwright appear at the 9th Plenary Session of the ECCC

In this issue

2 News & Notes

4 Special Focus

6 Judicial Updates

9 Court Calendar

10 NGO Page

11 Outreach Calendar

As the judicial officials amended the internal rules that govern the proceedings at the Extraordinary Chambers in the Courts of Cambodia, the tribunal is getting ready for the upcoming trial in the court's second case concerning four allegedly most senior Khmer Rouge leaders still alive.

The Ninth Session of the ECCC's Plenary, which met from 21 to 23 February, adopted five proposed amendments to the internal rules, many of them related to the Trial Chamber.

One amendment adopted permits hearings to continue in the absence of a defendant if

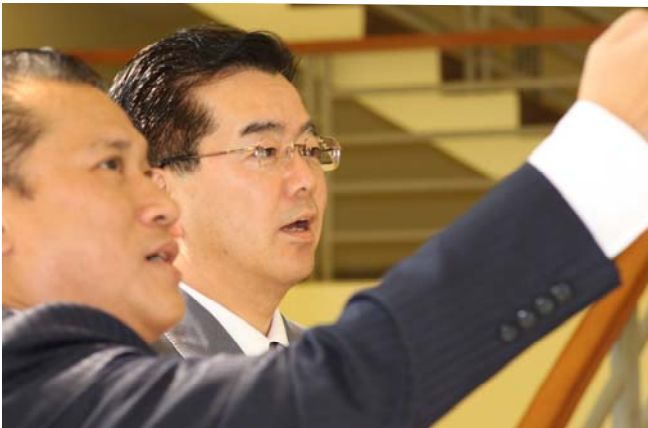
the defendant consents in the event that ill health or other serious concerns preclude their presence in the courtroom. Defendants may be ordered to participate via audio-visual means if their absence from the courtroom may cause a serious delay in the proceedings or if the interest of justice requires it.

A new provision adopted at the three-day session now allows the Trial Chamber to separate the proceedings of multiple defendants from one another and to divide charges in relation to one or more defen-

Article continues on page 8

Japanese State Secretary for Foreign Affairs Visits KR Tribunal

A Japanese State Secretary for Foreign Affairs paid an official visit to the Extraordinary Chambers in the Courts of Cambodia on 11 February to show Japan's unwavering support for the court.



Mr. Yutaka Banno, Japan's State Secretary for Foreign Affairs, is briefed by ECCC's Acting Director of Administration Tony Kranh.

Mr. Yutaka Banno is the second highest Japanese official to visit the court after the July 2008 visit of the State Secretary. Accompanied by Japanese Ambassador to Cambodia Masafumi Kuroki and four other delegates, Mr. Banno toured the court to observe the Khmer Rouge tribunal firsthand.

After welcoming the delegation, Acting Director of Administration Tony Kranh briefed Mr. Banno on the achievements of the ECCC including its strong public support and victims participation, and discussed the progress in judicial proceedings such as Case 001's upcoming appeals hearing and Case

002's commencement later this year.

Mr. Banno was impressed by the court's outreach work in distributing printed Duch verdicts to S-21 survivors, schools, communes and state institutions throughout Cambodia and inquired what challenges the court has faced in the judicial proceedings. Mr. Kranh responded that the first case was relatively easier because of the accused's cooperation throughout the proceedings, and said that the court anticipates Case 002 may be more difficult due to its complexity and the four accused's advanced age.

Mr. Banno's visit came shortly after Japan pledged another US\$11.7 million to both the court's national and international sides to support its operations this year. Japan is the single largest donor to the court, having donated almost half of the total budget since its inception in 2005.

Former president of ICTR Commends ECCC for its Progress

A former president of the International Criminal Tribunal for Rwanda praised the Extraordinary Chambers in the Courts of Cambodia for its achievements while visiting Cambodia in the second week of February.

Judge Erik Møse, who is currently a Supreme Court Justice of Norway, was invited by the ECCC's Trial Chamber to share

his experiences in international criminal justice with both national and international judges and legal officers of the Trial Chamber. Judge Møse had served as a judge at the ICTR from 1999 and 2010, and as the court's president from 2003 to 2007. During his short stay, he also met with Deputy Director of Administration Knut Røsandhaug.

Judge Møse commended the ECCC for its

significant achievements and highlighted the Court's important contribution to international criminal justice by ending impunity for alleged perpetrators of mass crimes. He also noted that more than 31,000 people had followed the first trial against Kaing Guek Eav in person and said that such impressive attendance is a very clear expression of public interest in the judicial proceedings.

ECCC Swears in Reserve Co-Investigating Judge

The ECCC swore in a new reserve co-investigating judge, Judge Laurent Kasper-Ansermet (picture), at the beginning of the 9th Plenary Session on 21 February. Judge Kasper-Ansermet replaces Judge Blunk, who was promoted to the position of international co-investigating judge in December after the departure of Judge Marcel Lemonde.

Judge Kasper-Ansermet brings over 18 years of legal experience with him to the

court. Prior to this position, he worked as a deputy prosecutor, an investigating judge and a judge in the Canton of Geneva.

Judge Kasper-Ansermet made a name for himself in his work for the Swiss Federal Office of Justice. There, he served as the chief investigator for Europe on an independent inquiry committee investigating the UN Oil for Food Programme. He also has expertise in investigating financial crimes and organised crime.



UN Human Rights Rapporteur Meets ECCC Plenary President

Visiting UN Human Rights Rapporteur met with top judicial officials of the Extraordinary Chambers in the Courts of Cambodia on 22 February to assess the Khmer Rouge tribunal's progress.

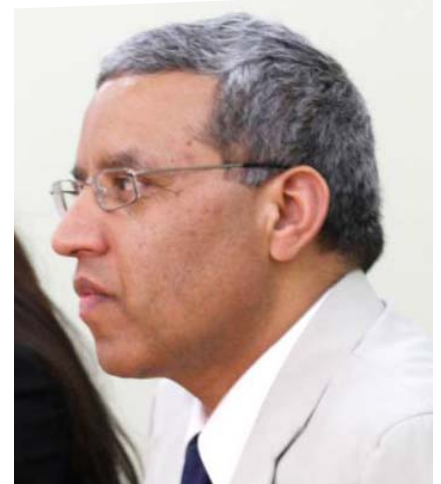
Prof. Surya Subedi visited the court and held a consultative meeting with Plenary President Kong Srim and Vice President Silvia Cartwright to discuss various aspects of the tribunal's work. The meeting lasted twice as long as it was planned.

After the hour-long meeting, Mr. Subedi said the insight the judges provided was helpful for his assessment of the work of the tribunal. "The meeting was very informative and I got the information that I needed on the work of the court," he

said.

One of his mandates as a UN rapporteur is to monitor the work of the tribunal. During the meeting, he and the judges discussed the independence of the tribunal and the human rights dimensions of the work of the court, such as detention conditions and fair trial rights of the accused. "I've learned what's going on at the court.... What I found out today will be reflected in my report to the Human Rights Council later this year."

Prof. Subedi's 10-day visit in Phnom Penh is his fourth official visit to Cambodia to assess the human rights situation on the ground. During his stay, he met with representatives of the government, civil society, UN agencies and diplomatic corps.



Professor Surya Subedi met with ECCC officials

Advisor to US Senate Applauds Achievements of KR Tribunal

A visiting policy advisor to the chairman of a US Senate committee commended the achievements of the Extraordinary Chambers in the Courts of Cambodia on 24 February as he made his first official visit to the Khmer Rouge tribunal.

Mr. Frank Jannuzi, the Policy Director for East Asian and Pacific Affairs for the Democratic staff of the US Senate Foreign Relations Committee, held discussions with top representatives of the Office of the Co-Prosecutors and the Office of Administration after touring the main courtroom and the detention facility.

"I know you are doing very important work. My boss [Senator John Kerry] is very happy with what you have achieved," he told court officials, delivering a message from the chairman of the Foreign Relations Committee. "We have supported you and we'll always support you."

The US is one of the court's main finan-



Mr. Frank Jannuzi of the US Senate Foreign Relations Committee walks through the Detention Center while a staffer briefs on the basic operations.

cial backers. Mr. Jannuzi, who advises Senator Kerry on policy options and drafts legislation on foreign affairs, spent nearly three hours at the court to gain firsthand knowledge of the court's work. While touring the premises, he was interested to hear about the court's strong public support among Cambodians, victims' participation and the detention centre's standard practice for fair treatment of detainees.

During the meeting, International Prosecutor Andrew Cayley and National Deputy

Prosecutor Yet Chakriya discussed the cases before them and highlighted that the ECCC's set-up as a national court with international participation could have a positive affect on Cambodia's judicial system and be a model for future courts in the field of international criminal justice.

Acting Director H.E. Tony Kranh and Deputy Director Knut Rosandhaug laid out the court's benchmark achievements and upcoming challenges. They called on the US to extend its support for the court to complete its mandate to try senior leaders and the most responsible for crimes committed in Democratic Kampuchea.

Mr. Jannuzi thanked the ECCC for the opportunity to visit the court and said he would report what he observed to Senator Kerry.

During his four-day stay in Cambodia, Mr. Jannuzi also visited Koh Kong and held meetings with representatives of the Cambodian government.

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ECCC Case 001: Duch Appeal Hearing

TIMELINE

18 Jul 2007	The Co-Prosecutors file their first Introductory Submission requesting the Co-Investigating Judges to investigate Nuon Chea, Ieng Sary, Ieng Thirith, Khieu Samphan and Kaing Guek Eav alias Duch.
31 Jul 2007	Duch is put into ECCC provisional detention after being transferred from the Military Court custody on the previous day.
19 Sep 2007	The Co-Investigating Judges split the case into two, announcing Duch will be prosecuted separately from the other four defendants. The case against Duch becomes known as Case 001.
8 Aug 2008	The Co-Investigating Judges issue a Closing Order, indicting Duch for Crimes against Humanity and Grave Breaches of the Geneva Conventions of 1949 and sending him for trial.
5 Dec 2008	In response to Co-Prosecutors' appeal, the Pre-Trial Chamber amends the indictment, adding charges of Homicide and Torture pursuant to the 1956 Penal Code of Cambodia.
17-18 Feb 2009	The Trial Chamber holds an initial hearing in Case 001.
30 Mar 2009	The Trial Chamber begins holding substantive hearing in Case 001. The hearing of evidence lasts until 17 September 2009.
23-27 Nov 2009	The Trial Chamber hears Closing Statements in Case 001. Defense asks for acquittal while Prosecution requests 40-year imprisonment.
26 Jul 2010	The Trial Chamber finds Duch guilty of Crimes against Humanity and Grave Breaches of the Geneva Conventions of 1949. He is sentenced to 35 years imprisonment with a 5-year reduction as a remedy. The chamber also admits 66 Civil Parties and awarded reparations.
16 Aug 2010	The Co-Prosecutors file a notice of appeal against the Trial Chambers' 26 July 2010 verdict. They subsequently files an appeal brief on 18 October 2010.
24 Aug 2010	Defense files a notice of appeal against the Trial Judgment. Defense subsequently files its appeal brief on 18 Nov 2010.
28-30 Mar 2011	The Supreme Court Chamber holds appeal hearing in Case 001. It's appeal judgment is expected in a few months.

WHO IS THE DEFENDANT?



Name: Kaing Guek Eav, alias Duch
Date & Place of Birth: 17 November 1942, Kompong Thom
Position in Democratic Kampuchea: Deputy, then Chairman of S-21 (the security prison also known as Tuol Sleng)
Date of ECCC 1st Detention Order: 31 July 2007

WHAT WAS THE TRIAL?

Duch has been accused of crimes committed in S-21 and related sites during the Khmer Rouge regime. The Trial Chamber held substantive hearing :

- from 30 March 2009 to 27 November 2009, in total 77 days;
- heard 55 witnesses, including 17 fact witnesses, 9 experts, 7 character witnesses and 22 Civil Parties.

Defense asked for acquittal while prosecution requested 40-year imprisonment.

WHAT WAS THE JUDGMENT?

On 26 July 2010, the Trial Chamber found Duch guilty of:

- Crimes against Humanity
- Grave Breaches of the Geneva Conventions of 1949

Duch was sentenced to 35 years imprisonment. This sentence was reduced by 5 years as a remedy for his illegal detention by the Cambodian Military Court between May 1999 and July 2007.

The Trial Chamber also admitted 66 Civil Parties among the 90 remaining CP applicants in the proceedings and awarded them "moral and collective" reparations.

WHAT ARE GROUNDS OF APPEAL?

The Co-Prosecutors filed a notice of appeal against the Trial Judgment on 16 August 2010 and filed their appeal brief on 18 October 2010, claiming;

- the judgment does not give sufficient weight to aggravating circumstances such as the severity of the crimes committed,
- the judgment gives undue weight to the mitigating circumstances, and
- Duch should be cumulatively convicted for the crimes against humanity of prosecution, enslavement, imprisonment, torture, rape, extermination and other inhumane acts as well as the enslavement of those detainees in S-21.

The defense lawyers lodged an appeal against the Trial Judgment on 24 August 2010 and filed their appeal brief on 18 November 2010, claiming;

- Duch should be acquitted because he does not fit into the category of the persons under the jurisdiction of the ECCC.
- Sentencing should take into consideration the legal provisions on sentence in the Cambodian Penal Code.

In total 41 Civil Parties (including 22 rejected applicants) in three Civil Party groups also appealed against the Trial Judgment, claiming;

- they should be admitted as Civil Party, and/or
- more appropriate reparations should be awarded.

WHAT HAPPENS NOW?

The Supreme Court Chamber will hold appeal hearing on 28-30 March 2011. Oral arguments will be focused on four themes: Personal Jurisdiction; Crimes Against Humanity; Sentencing; and Civil Parties' appeals. The final judgment will be delivered in a few months.

ECCC Welcomes the Public to Attend Hearing

The Extraordinary Chambers in the Courts of Cambodia will be holding public hearings from 28-31 March on the appeals in Case 001 concerning Kaing Guek Eav alias Duch accused of crimes committed in S-21 known as Tuol Sleng and related sites during the Khmer

Rouge regime.

Here is some important information you should know if you'd like to attend.

Hearing Schedule

Date	Time	Thematic Sessions
Mo. 28 March	9:00 – 16:30	1. Personal Jurisdiction (oral arguments by Defense and Prosecutors)
Tu. 29 March	9:00 – 10:40 11:10 – 16:40	2. Crime against humanity (oral arguments by Prosecutors and Defense) 3. Sentencing (oral arguments by Prosecutors and Defense)
W. 30 March	9:00 – 16:30	4. Civil Parties' appeals (oral arguments by Group 1, 2 and 3)
Th. 31 March	9:00 – 16:30	(reserve time)

Where can I observe the hearing proceedings?

The main courtroom has a 482-seat public gallery for visitors. 50 seats are reserved for individual members of the public while 90 seats are booked for Civil Parties and another 230 seats for groups of ordinary Cambodians as arranged and escorted by the ECCC. A number of seats are also reserved for NGO partners, diplomats, government officials and distinguished scholars.

How do I get a seat?

Seating is provided on a first come, first served basis for general public. The ECCC recommends arriving at the security gate between 07:30 and 08:00 to get a ticket. All visitors must be seated in the public gallery by 08:45. Doors to the courtroom will close at 09:00 or when the public gallery is full.

How can I register for seats?

Please contact Mr. Chin Hemvichet by email (pas@eccc.gov.kh) or phone (023 219 814 ext. 6065, or 012 696 220)

What languages will be used?

The ECCC provides simultaneous interpretation of its proceedings in three official languages of Khmer, English and French. The main

language in the public gallery is Khmer. For English and French translation, head sets will be provided for visitors at the gallery entrance.

Where is the ECCC?

The ECCC is located behind the headquarters of the Royal Cambodia Armed Forces on National Road 4 in Chaom Chau Commune, Dangkao District, Phnom Penh, 16 km away from downtown.

What should I bring with me?

Please bring a photo ID. No cell phones, cameras, laptops, recording devices, large bags, food or beverages will be permitted in the public gallery.

Is there a dress code?

Yes. All visitors are expected to dress appropriately and refrain from wearing clothing that display slogans, indicate support for one particular party, or offend any party of the proceeding.

If I cannot go, what else can I do to follow the proceedings?

Watch CTN live broadcast in Khmer, or follow the hearing webcast by the Cambodia Tribunal Monitor (www.cambodiatribunal.org/) in three official languages.



Hundreds of visitors observe the proceedings in Duch trial hearing in the Extraordinary Chambers in the Courts of Cambodia in June 2009.

Pre-Trial Chamber

At the end of February, the Pre-Trial Chamber was seized of 95 appeals filed against the Co-Investigating Judges' Orders declaring inadmissible 1747 Civil Party Applications and one Appeal from Civil Party Lawyers against Co-Investigating Judges' Response on the Motion on confidentiality, equality and fairness (PTC147).

The Pre-Trial Chamber has continued its deliberations on those appeals in respect of which submissions are complete. The Pre-Trial Chamber has requested further and better particulars in respect to a number of the appeals. It is anticipated that consideration of these appeals will continue for some time with each Appellant grouped within the 95 appeals having their appeal considered individually.

Supreme Court Chamber

With respect to Case 001, on 3 February 2011, the Co-Prosecutors filed their Response to the Defence Support Section's Request for the Supreme Court Chamber to invite the submission of amicus curiae briefs from independent third parties, and by 14 February 2011 the DSS had filed its Reply to the Co-Prosecutors' Response. On 3 February 2011, a revised English translation of the Accused's Appeal Brief was filed. On 17 February 2011, the English translation of the Accused's Reply Brief to the Co-Prosecutors' Response Brief was filed.

Office of the Co-Investigating Judges

The OCIJ continued to research the factual allegations submitted by the international Co-Prosecutor in Cases 003 and 004. The Analysts and the Investigations Units undertook regular analytical tasks of reviewing Case File 003 and 004 material as well as the enormous amount of Case File 002 material for their relevance

to Cases 003 and 004. The Case File 002 consists of more than 11,000 pieces of evidence, including more than 1,000 witness statements.

No field investigations were conducted in February.

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

Office of the Co-Prosecutors

Trial Proceedings (Case 002)

On 23 February 2011, the Office of the Co-Prosecutors ("OCP") filed its Rule 80 Witness, Civil Party and Expert Summaries. This 160-page chart contains detailed entries on 295 individuals, including a summary of the facts and the points of the Indictment to which each individual is expected to testify as well as the estimated length of time for the testimony.

Throughout the month of February 2011, the OCP filed responses to numerous Defence filings, including a joint response to Ieng Thirith, Ieng Sary, and Nuon Chea's applications for disqualification of the Trial Chamber judges, responses to Defence applications requesting modification of page and time limits for filings, and observations on Ieng Sary's request to conduct the trial through half-day motions, his motion requesting guidelines for Civil Party participation, and his motion for the Trial Chamber to follow a revised procedure.

The OCP continues to prepare the document and exhibit lists required by the Trial Chamber's 17 January 2011 Order to File Material in Preparation of Trial Proceedings.

Appellate Proceedings (Case 001)

On 3 February 2011, the OCP filed a response to the Defence Support Section's request for the Supreme Court Chamber to invite the submission of amicus curiae briefs. The OCP continues to prepare for the public hearing on the OCP, Defence and Civil Party appeals against the Trial Chamber Judgement, which will take

place on 28-30 March 2011.

Outreach

The OCP conducted outreach activities in Phnom Penh and Svay Rieng Province, each of which involved several hundred participants.

Defence Support Section

Legal Work

In Case 001, the Defence Support Section Officer-in-Charge replied to the Co-Prosecutors' response to a DSS request for the Supreme Court Chamber to invite amicus curiae briefs from independent third parties to assist in the determination of the appeal in Case 001. The DSS Officer-in-Charge reiterated that SCC had the discretion to decide the nature and scope of any invitation for amicus curiae and the DSS sought only to ensure that all issues raised in the Co-Prosecutors' appeal are addressed in written submissions.

In Case 002, the Co-Lawyers for Ieng Thirith and Nuon Chea submitted applications for the disqualification of the Trial Chamber judges who sat in adjudication of Case 001, arguing that these judges had decided certain factual points in Case 001 that, though not disputed by the defence in Case 001, would be contested in Case 002. It was argued that this led to an unacceptable appearance of bias. The Co-Lawyers for Ieng Sary supported these applications.

The Co-Lawyers for Ieng Sary, Ieng Thirith, Nuon Chea and Khieu Samphan filed preliminary objections in anticipation of the trial in Case 002. The Co-Lawyers for Ieng Sary filed motions requesting that the Trial Chamber reject torture-tainted evidence and material on the Case File collected by the Documentation Center for Cambodia ("DC-Cam"). The team argued that the mandate of DC-Cam was to provide evidence of genocide in Cambodia and that the organisation was therefore inherently biased.

Continued on page 7

Defence Support Section (continued)

Legacy and Outreach

The DSS is committed to assisting the ECCC in leaving a legacy of a strengthened justice system for Cambodia through promoting rule of law and fair trial rights, and building the capacity of lawyers and others with the incentive to demand justice in Cambodia.

On 17 February, DSS legal consultant met with Cambodian law students from the Royal University of Law and Economics to discuss the role of the defence and lawyers' ethics in international criminal law.

From 21 to 24 February, the DSS welcomed Dr. Speedy Rice and his class from Washington Lee University School of Law. The Law School partners with the DSS to undertake legal research to support the defence teams. Dr. Rice provided training to Cambodian defence lawyers and legal consultants on making opening statements and questioning witnesses at trial.

Also during this period, the DSS Officer-in-Charge met with representatives from Amnesty International and the International Bar Association to discuss developments and ongoing challenges at the ECCC.

New DSS Deputy

The DSS warmly welcomed Nisha Valabhji as the new DSS Deputy. Ms. Valabhji has worked in the field of international criminal law for over a decade. She comes to UNAKRT/ECCC from The Hague, where she worked at the United Nations International Criminal Tribunal for the former Yugoslavia. Ms. Valabhji previously worked as a litigation associate at the law firm of Holland & Knight LLP in New York and she is admitted to the New York Bar. She obtained her Juris Doctor from the Georgetown University Law Center, and holds a Master of Science in International Relations from the London School of Economics and Political Science. She obtained her Bachelor of Arts degree from Brandeis University, where she graduated summa cum laude with high honors. She was a Wien Interna-

tional Scholar at Brandeis and was elected to Phi Beta Kappa. Ms. Valabhji is from the Seychelles. She will be appointed DSS Officer-in-Charge in March 2011.

Civil Party Lawyers

Legal Work

The Lead Co-Lawyers represent the interests of the consolidated group of Civil Parties and have ultimate responsibility before the Court for the overall advocacy, strategy and in-court presentation of the consolidated group during the trial stage and beyond. The LCL section continues collaborative efforts with Civil Party Lawyers in the organization and implementation of the section as decreed in the Internal Rules. Recent activities include meetings between Lead Co-Lawyers and Civil Party Lawyers in drafting and implementing an Internal Procedure for Civil Party representation, discussions on specific issues preparation for the upcoming hearings, and coordinating the Civil Parties, experts and witnesses to be examined during trial.

Outreach Work

The LCL section continues to participate in outreach activities of the Victim Support Section related to victims and civil parties. Efforts include participation in a recent Regional Forum held for over 300 Civil Parties in the town of Svay Rieng on 24 February 2011. At the Regional Forum, Civil Parties were introduced to the LCL section and met both the national and international Lead Co-Lawyers. They spoke about the role of their office, Case 002, and answered questions.

The section also coordinates with VSS and CPLs concerning moral and collective reparations. Currently, the section is assisting with reparation consultations, requests by victim associations and clarifications on reparations in collaboration with the Reparations Team of the VSS.

Victims Support Section

Non-judicial measures

In February, the Victims Support Section's Reparations and Non-Judicial

Measures Team working on collective reparations and other non-judicial measures for the benefits of victims met with several stakeholders in order to build up its future framework for the implementation of those mandates. For this purpose, the Team conducted an initial meeting with the new Civil Party Lead Co-Lawyers Section. Close collaboration between both sections are laid out in the Internal Rules and will be important for the future development of projects and measures.

Further meetings included civil party lawyers from Legal Aid of Cambodia (LAC), representatives of the International Center for Conciliation (ICFC), DC-Cam, and the ECCC Virtual Tribunal. Based on those meetings and previous consultations, the Team is in process of drafting a mapping report of activities relevant for the future development of non-judicial measures. In addition, staff of the Team informed civil parties at the VSS Forum in Svay Rieng about their rights and limitations in relation to collective and moral reparations before the ECCC.

Legal Assistance

The VSS assisted two International Civil Party lawyers in their application process, who, as a result, have been sworn in by the Bar Association of the Kingdom of Cambodia and admitted to the list of lawyers managed by VSS.

Furthermore, in relation to Case 002 Complainants, the VSS Processing and Analysis Team has provided assistance to the Office of the Co-Prosecutors in preparing evidence material for in Case 002.

Continued on page 8

INFORMATION ON THE WEB:



The ECCC website

www.eccc.gov.kh

ECCC Plenary (continued from front page)

dants.

Other provisions adopted by the plenary include a rule on the admissibility of an application on the disqualification of a Trial Chamber judge, and a provision allowing the ECCC's Offices of Administration to designate a lawyer where both Civil Party Co-Lawyers are temporarily unable to carry out their functions.

These amendments are aimed at promoting more efficient trial management and ensuring more fair and expeditious trial proceedings, taking into consideration the possibility that the defendants' old age and associated physical impairments might slow down the court's ability to

proceed with the trial.

In Case 002, defendants Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan are all advanced age, from 79 to 85. The trial of these four defendants, which Plenary President Judge Kong Srim described in his opening speech would "present a number of complex legal and practical challenges", is expected to commence in the coming months.

Plenary sessions are designed to review the internal rules as the proceedings evolve and new issues arise, and to change the rules as necessary in order to streamline the procedures to ensure fair and speedy trials. Judicial officials including all judges

and prosecutors participate in plenary sessions.

During her opening remarks, Plenary Vice President Judge Silvia Cartwright emphasized that the court's success must be measured by its ability to conduct fair, transparent and expeditious trials, have independent and impartial judges, and, in the event of a conviction, pass sentences consistent with legal principles. She said the plenary sessions are a valuable opportunity to refine the internal rules to ensure the court's success and discuss legal issues among colleagues.

The next plenary session is expected to meet within six months.

VSS Holds Forum in Svay Rieng (continued from page 7)

The Victims Support Section organized on 22 February its third regional forum for Civil Parties (CPs) of Case 002 at Chhne Tonle Meeting Hall in Svay Rieng Province to promote victims participation in the court proceedings.

About 300 Civil Parties in Case 002 participated from the Eastern part of the Mekong River, including: Prey Veng, Kandal, Kampong Cham and Svay Rieng. Other participants also included officials from various sections of the ECCC, Civil Party Lawyers, representatives from Intermediary Organizations, and the Deputy Provin-

cial Governor from Svay Rieng Province.

The forum was aimed to raise the awareness of Civil Parties on mechanisms to participate in the proceedings of Case 002 as well as to provide them with an opportunity to meet with court officials and their lawyers.

Mr. Rong Chhorng, Chief of the VSS, welcomed the participants and encouraged Civil Parties to take this opportunity to clarify any concerns they might have.

Mr. Som Socheat, Deputy Provincial Governor of Svay Rieng, shared his experiences during the Khmer Rouge era and said that he felt the presence of the ECCC and its achievements have contributed to his sense of justice.

Among the guest speakers, National Prosecutor Chea Leang and international Deputy Prosecutor William Smith both spoke on the role of their office and their tireless efforts to bring a sense of justice for millions of victims while ensuring the principle of a fair trial. Civil Party Lead Co-Lawyers, Mr. Pich Ang and Mrs. Elisabeth Simonneau Fort, also spoke on their role and responsibilities concerning CPs.

Chhne Tonle town is a historically significant place for Khmer Rouge victims. On the day before the forum, the Civil Parties visited a stupa at Wat Tlok pagoda, where an estimate of 1,500 people had reportedly been executed during the Democratic Kampuchea era. The memorial site was built to commemorate those victims.

After the visit, the Civil Parties joined a video screening run by the ECCC's Public Affairs Section. They watched "About My Father", a documentary film on a journey of a Civil Party seeking what happened to her father who reportedly died at S-21, and other videos on the work of the ECCC.



ECCC officials speak to a crowd of Civil Party applicants at the February regional forum in Svay Rieng

Court Calendar

Decisions/Orders

Pre-Trial Chamber

15 February 2011

Decision on Appeals by Nuon Chea and Ieng Thirith against the Closing Order. In this decision, the Pre-Trial Chamber finds the doctrine of superior responsibility as charged in the Closing Order with respect of Ieng Thirith existed as a matter of customary international law from 1975—1979. Ground 7 of the Ieng Thirith Appeal is hereby dismissed. (PTC 145 & 146)



Trial Chamber

16 February 2011

Decision on the Urgent Applications for Immediate Release of Nuon Chea, Khieu Samphan and Ieng Thirith. In this decision, the Trial Chamber finds that the delay in issuing reasoning of the detention portions of the Decisions on the Closing Order has resulted in a breach of the Accused's rights, and declares that the nature of the remedy in consequence of this breach may be assessed at the end of the trial, after hearing the parties on this issue. (E50)

25 February 2011

Order to Ieng Sary Defence on Filing of Preliminary Objections. The Trial Chamber directs the Ieng Sary defence to file a single preliminary objections submission by 28 February 2011, and permit the submission in English only, if translation constraints prevent timely filing in both languages. (E51/6)



A panoramic view of the main courtroom in the Extraordinary Chambers in the Courts of Cambodia.

(Photo: Kim Long)

Upcoming Public Hearings

Pre-Trial Chamber Hearing

None scheduled

Trial Chamber Hearings:

5-7 April: Trial Management Hearing

Supreme Court Chamber

Hearings:

28-30 March 2011: Case 001 Appeal

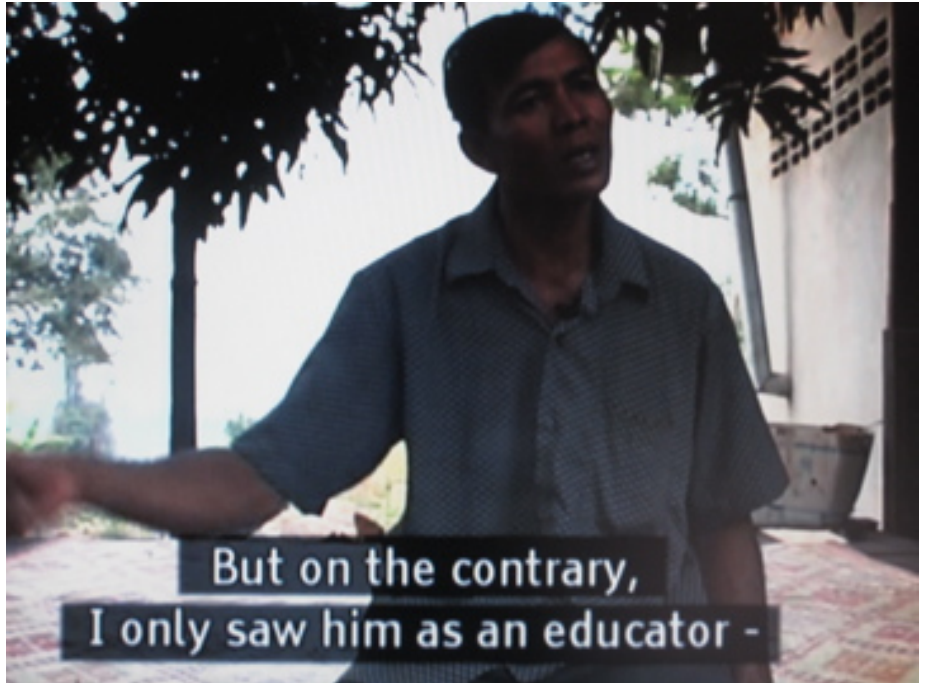
Bophana Center Shows Life Within Khmer Rouge

The Bophana Audiovisual Resource Center has now collected revealing “Voices of Khmer Rouge”, an audio-visual work of two Danish producers who filmed 30 personal narratives of former Khmer Rouge members and created a 43-hour-long media installation.

Thomas Weber Carlsen and Jan Krogsgaard shot the interviews in the north-western and northern Cambodia along the Thai border in 2002 and 2003, and have edited, translated, subtitled and finalized the work just last year. The work is now stored at the Bophana Center for the public to view on computer screens.

The footage marks one of the most extensive collections open to the public focusing on Khmer Rouge low-ranking cadres. Through these one-on-one interviews conducted in the subject’s home environment, their true opinions, feelings and experiences come to forefront of the conversation and provide viewers with a rare glimpse into life within the Khmer Rouge ranks.

Former cadres were interviewed about several different periods from the pre-Democratic Kampuchea era to the post-Khmer Rouge regime to the present.



An image from “Voices of Khmer Rouge” at the Bophana Audiovisual Resource Center.

Some of the former members depict a life of suffering and hardship. One woman who escaped to Cambodia’s mountainous regions after the Khmer Rouge regime was toppled in 1979 spoke of emotional and physical pain. One story she recounted was the birth of a child in the 1980s. She delivered her baby alone in the forest with no one to help cut the umbilical cord or provide any medical services.

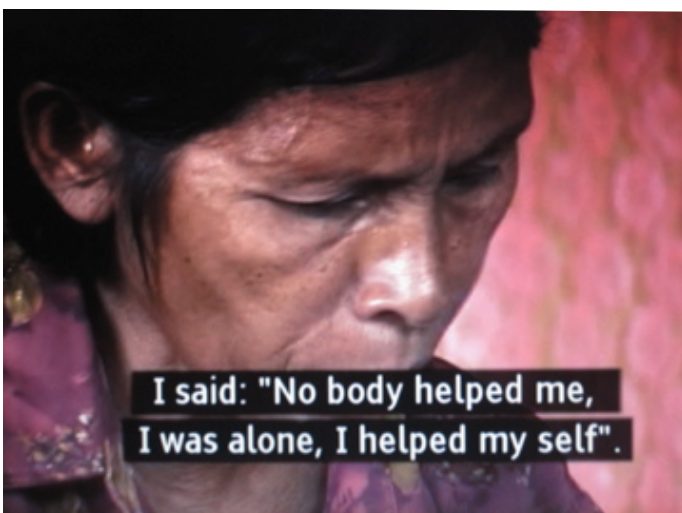
Other subjects spoke of deep admiration for the Khmer Rouge and its leader, Pol Pot. One subject who lived with Pol Pot from 1980 until his death described him as a wise man who sought to impart

life’s lessons on those around him. When asked if Pol Pot was a good man, this subject replied in the affirmative.

Another former soldier spoke of the morality of Cambodia under the Khmer Rouge. He compared the Khmer Rouge regime to other regimes in Cambodia’s history, claiming that it was the best because there was no corruption, prostitution or thievery.

When asked about the Extraordinary Chambers in the Courts of Cambodia, some cadres expressed their desire to have their former leaders tried. One such man claimed that it should be up to the court to decide whether the Khmer Rouge regime was right or wrong.

The Bophana center is open Monday to Saturday from 8 am to 12 pm and 2 pm to 6 pm. For more information, email to: communication@bophana.org, or phone at 023 992 174.



An image from “Voices of Khmer Rouge” at the Bophana Audiovisual Resource Center.

Outreach Calendar



Outreach Activities

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

2 February 2011 Radio Show: A defense lawyer appears with CHRAC to discuss the applications for release by Case 002's defendants. It was re-broadcast on 9 February 2011.

8 and 10 February 2011 Court Visit: Judge Erik Mose, judge for the Supreme Court of Norway and former president of the International Criminal Tribunal for Rwanda, visits the ECCC for a workshop on international criminal justice

8-11 February 2011 Forum: TPO and ICfC conduct forum with 49 villagers in Mondulkiri to facilitate communication about their experiences during the Khmer Rouge regime

10 February 2011 Court Visit: UNOHCHR Cambodia legacy project representatives meet with ECCC officials to discuss the court's legacy

11 February 2011 Court Visit: Former Presiding Judge Dr. Ernst-Moll from Germany visits the court to meet with judges and court officials

11 February 2011 VIP Visit: Japan's State Secretary for Foreign Affairs visits the court for a tour and briefings by ECCC officials

11 February 2011 Radio Show: TPO, VSS and Case 001 witness, Mr Vath Nath, discuss Case 001, their expectations for the final verdict, and possible mental health effects

14-22 February 2011 Interviews: ICfC meets with 22 villagers in Kroeung, Ratanakiri Province to assess their needs in relation to historic trauma and justice

16 February 2011 Radio Show: ECCC officials appear as guests in CHRAC call-in show to discuss Case 002

18 February 2011 Court Visit: A group of Australian tourists visit the ECCC to receive a tour and briefing

21 February 2011 Court Visit: 15 Japanese in an NGO study tour group visit the court and meet with ECCC officials

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

22 February 2011 VIP Visit: The UN Human Rights Rapporteur Surya Subedi visits the court to meet with ECCC officials and judges to discuss the court's progress

23 February 2011 Radio Show: CHRAC and ECCC officials discuss recent developments at the court

24 February 2011 Public Forum: VSS and multiple NGOs organize a public forum in Svay Rieng for Civil Parties

24 February 2011 Court Visit: A representative from the US Senate Committee on Foreign Relations visits the ECCC and meets with court officials

25 February 2011 Student Forum: CDP organizes a forum at the Royal University of Phnom Penh for 36 students to discuss gender based violence during the Khmer Rouge era

25 February 2011 Court Visit: A 12-member delegation of the Aichi Bar Association in Nagoya, Japan, visit the court for a briefing

1-3 March 2011 Interview: ICfC and TPO meet with former Khmer Rouge in Kampot to assess their expectations of facilitating dialogue between former Khmer Rouge cadres and victims

4 March 2011 Newsletter Publication: CHRAC publishes and distributes the KRT Watch Newsletter throughout the provinces to increase awareness of the ECCC's updates regarding Case 002 and victim participation

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

11 March 2011 Radio Show: TPO and VSS participate in a radio show where listeners can learn about victim engagement in the context of the ECCC

15 March 2011 Film Screening: CDP organizes a film screening in Kompong Speu

16 March 2011 Radio Show: CHRAC, PAS, and NGO representatives discuss rape cases during the Khmer Rouge regime

21-24 March 2011 Video Exchange: ICfC and TPO meet with former Khmer Rouge cadres and victims in Kampot to begin recording their testimonials as a foundation for further exchanges between the two groups

ECCC's Outreach

The Public Affairs Section (PAS) hosts Khmer Rouge Tribunal Study Tours every Tuesday and Thursday, bringing a group of 300 villagers from areas throughout Cambodia to have a guided tour of the Tuol Sleng Genocide Museum, a visit to the Choeung Ek Killing Fields, and briefings by court officials at the ECCC. On the night before each of these Khmer Rouge Tribunal (KRT) Study Tours, PAS staff members stay over in the provinces and host Khmer Rouge-related film screenings in conjunction with the Bophana Audiovisual Resource Center.

PAS also visits high schools and universities to brief students on the work of the Khmer Rouge tribunal.

The calendar below depicts KRT Study Tours and School Lectures organized from 15 February to 15 April.

February-April

SUN	MON	TUE	WED	THU	FRI	SAT
		15 KRT Study Tour: Borseth, Kg Speu	16	17 KRT Study Tour: Vanda University	18	19
20	21	22 KRT Study Tour: Baling, Kg Thom	23	24 KR Study Tour: Thlok, Svay Rieng	25	26
27	28	1 KRT Study Tour: 6th Region	2	3 KR Study Tour: Veal Ring High School	4	5
6	7	8 KRT Study Tour: Siem Reap	9	10 KR Study Tour: Stung Treng	11	12
13	14	15 KRT Study Tour: Skun District	16	17 KRT Study Tour: Svay Rieng	18	19
20	21 School Lecture: Sisowath high school	22 KRT Study Tour: Prey Veng	23	24 KRT Study Tour: Rattanakiri	25 School Lecture: Santhor Mok high school	26
27	28 SCC Hearing	29 SCC Hearing	30 SCC Hearing	31 Tentative SCC Hearing	1	2
3	4	5 KRT Study Tour: TBA	6 School Lecture: B. Meanchey	7 KRT Study Tour: TBA	8	9
10	11	12 KRT Study Tour: Postponed	13	14 Khmer New Year	15 Khmer New Year	



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

"Everyone can be involved in the process"



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

Information Centre

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



General

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

Press Contacts

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

Information Centre

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



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

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