



# The Court Report

## The Extraordinary Chambers in the Courts of Cambodia Moving forward through justice



Photo: ECCC

### Fundraising Meeting on Reparations for Civil Parties in Case 002/02 before the ECCC

On Thursday 06th April 2017, the Victims Support Section (VSS) of the Extraordinary Chambers in the Court of Cambodia (ECCC) organized a Meeting on Reparations Fundraising for Civil Parties in Case 002/02 before the ECC at Cambodia-Korea Cooperation Center. The objective of the meeting was to inform potential donors, implementing partners, the Royal Government of Cambodia, relevant stakeholders, and the public about the current development of proposed reparation projects for Civil Parties in Case 002/02, funding status, and opportunities to make contribution. ... **Cont'd on page 2 and 3**

### News Updates:

EU delegation's visit, an extended deadline for the submission of Closing Briefs, and more on pages 2-3

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### Judicial Updates

Following the conclusion of evidentiary hearings in Case 002/02 in January 2017, no further hearings were held in March or April 2017. The final briefs in Case 002/02 are due to be filed by the Parties on 2 May 2017 and the presentation of closing arguments is scheduled to commence on 13 June 2017.

For more judicial updates, see pages 4-7

### Outreach Activities



Photo: ECCC

Public Affairs has been busy with outreach activities throughout the country, read more on page 7.

### On the Blog

We take readers to The Testimonial Therapy ceremony that took place in Takeo province and was organized by the Transcultural Psychosocial Organization (TPO). The four participants are Civil Parties to Case 002, who had been selected by to take part in this therapy. Read more on page 9.



### Extraordinary Chambers in the Courts of Cambodia

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## European Delegation’s visit to the Khmer Rouge Tribunal

European delegation led by Mr. Stavros Petropoulos visited the Khmer Rouge Tribunal on April 28, 2017 to get a better understanding of the current development of the ECCC’s dedication to finding truth and justice for the Cambodian victims of the Khmer Rouge regime. The delegation visited the public gallery and talked with judges and court officers.

Acting director of administration, Mr. Tony Kranh, told the delegation about the current development of the ECCC on the judicial, administrative and financial process, and informed them about the Court’s achievements and willing to perpetuate the memory of the atrocities committed by the Khmer Rouge regime.



Photo: ECCC



Photo: ECCC

On behalf of the ECCC, Mr. Tony Kranh thanked the EU delegation for having always financially supported the tribunal from its beginning.

The European Union is one of the main donors to the ECCC, since their donations reached 18, 35 million dollars from the creation of the ECCC in 2006.

Mr. Stavros Petropoulos highly valued and recognized ECCC’s essential role in the seeking of justice for the victims of the Khmer Rouge regime. This search for justice is the most important point for the victims who can participate in the strengthening of the memory and the building of a new Cambodian society.

.....  
*Cont’d from page 1*

The meeting was attended by 85 representatives of the ECCC, the Ministry of Culture and Fine Arts, foreign embassies to Cambodia, national and international organizations, ECCC implementing partners in Case 002/02, medias, and especially donor organizations including Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Swiss Agency for Development and Cooperation (SDC), and the European Union to Cambodia (EU). Case 002/02 proposed reparation implementers were also invited to display their information on their respective proposed projects, and meet with guests and donors during the meeting. Mr. Hang Vannak, Chief of the VSS: Eleven out of thirteen proposed reparation projects, in Case 002/01, were acknowledged by the Supreme Court of the ECCC and have been implemented throughout the country. In Case 002/02, the VSS, the Lead Co-Lawyers, and the Civil Party Lawyers have been consulting Civil Parties, victims associations, civil society organizations, donors, related



Photo: ECCC

ministries of the Royal Government of Cambodia, and relevant stakeholders to identify reparation projects for Case 002/02. As a result, twenty-three projects have been identified, five of which have been requested to the Royal Government of Cambodia for support while the remaining eighteen have sought implementation through external sources. In total, the eighteen proposed reparation projects need 4.6 million US dollars of which approximately 50% of the fund needed is secured. Mr. Vannak appealed to all potential donors to fill the gap for the benefits for Civil Parties and victims of the Khmer Rouge regime in general. Mr. Pich Ang, National Lead Co-Lawyer, and Ms. Marie Guiraud, International Lead Co-Lawyer: Reparations at the ECCC are moral and collective in nature. The proposed reparation projects will be acknowledged if external funding and important requirements are secured and satisfied and if the accused are found guilty. Lot of Civil Parties have been consulted and would like to have reparations in the fields of remembrance, documentation, and education related to Khmer Rouge history and especially psychological and physical care as most of them are old. Both of them hoped that all potential donors would support the implementation of the proposed reparation projects in Case 002/02 so as to ensure justice and meaningful participation for Civil Parties.



Mr. Dy Chhunsong, VSS Reparation Program Manager: The twenty-three proposed reparation projects have been categorized into three different forms namely (1) Rehabilitation, (2) Satisfaction (Memorialization), and (3) Guarantees of Non-Repetition (Education). Among the eighteen proposed reparation projects that have sought implementation through external sources, eight are fully funded, four are partially funded, and six are not yet funded. Mr. Chhunsong also added that Rei Foundation, through the coordination of the VSS, is interested in two other proposed reparation projects including (1) “Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops” by the Document Center of Cambodia and (2) “Community Media Project: Indigenous Peoples and the Khmer Rouge” by the Cambodian German Cultural Association.

## TC has granted in part requests by the parties to extend the deadline for the submission of Closing Briefs in Case 002/02 against KHIEU Samphan and NUON Chea

*PRESS RELEASE TRIAL CHAMBER GRANTS ONE MORE WEEK FOR THE FILING OF CLOSING BRIEFS AND SETS A NEW SCHEDULE FOR CLOSING ARGUMENTS IN CASE 002/02*

The Trial Chamber has granted in part requests by the parties to extend the deadline for the submission of Closing Briefs in Case 002/02 against KHIEU Samphan and NUON Chea and modified the schedule for Closing Statements. Closing Briefs, previously due on 24 April, are now due on 2 May 2017. The extension was granted in view of the ongoing correction and finalisation of numerous hearing transcripts by the Transcription Unit.

Closing Statements, previously set to begin on 5 June in Case 002/02 have been rescheduled to begin on 13 June 2017. This change was necessary to respect the rights of the parties to prepare and present their respective arguments while ensuring that proceedings in Case 002/02 are concluded in a timely manner.

Closing Statements will be held from 13-22 June 2017 as follows:

The Lead Co-Lawyers: 13 June 2017 (1 day)  
 Co-Prosecutors: 14-15 June 2017 (2 days)  
 Defence Teams: 16, 19-20 June 2017 (3 days)  
 Rebuttal 21 June: (1 day)  
 Final Statements of the Accused: 22 June (4 hours)

The trial judgment in Case 002/02 will follow the Closing Statements in due course.

# Judicial Updates

## Supreme Court Chamber

The SCC continues to research case law on forced marriages, genocide charges, as these crimes are yet to be pronounced by the SCC.

Regardless of the outcome on the verdict of the Trial Chamber in case 002/02, the research, in anticipation of the appeal, will bridge the time that may be taken to draft the appeal judgement in Case 002/02. This will assist to meet the time line set for judgement delivery in the ECCC report.

## Trial Chamber

Following the conclusion of evidentiary hearings in Case 002/02 in January 2017, no further hearings were held in March or April 2017. The final briefs in Case 002/02 are due to be filed by the Parties on 2 May 2017 and the presentation of closing arguments is scheduled to commence on 13 June 2017.

The Trial Chamber issued ten written decisions or memoranda in March and April 2017, eight of which are public. The Chamber was also engaged in the evaluation of evidence in preparation for the drafting of the Judgement in Case 002/02.

On 3 March 2017, the Trial Chamber sought the guidance of the International Co-Investigation Judge with respect to a request filed by the Co-Prosecutors to lift redactions to transcripts and the use of pseudonyms related to investigations in cases 003 and 004.

On 20 March 2017, the Trial Chamber noting a request by the NUON Chea Defence, requested further information from the Court Management Section (CMS) on the number of transcripts which had not yet been reviewed and the projected completion date of the review process. The Trial Chamber sent a further inquiry in this regard on 24 March 2017, asking whether the review process could be completed any earlier than projected without sacrificing the quality of the review. On 3 April 2017, the Trial Chamber denied the NUON Chea Defence request to set a deadline for CMS to finalise all Case 002/02 transcripts, given that there was no capacity to further expedite the transcript review process.

However, the Trial Chamber ordered the Transcription Unit to provide fortnightly updates on the number of outstanding transcripts.

On 28 March 2017, the Trial Chamber terminated the appointment of national and international Standby Counsel for Khieu Samphan effective the date of the filing of the Accused's closing briefs. The Trial Chamber had ordered the appointment of Standby Counsel on 5 December 2014, following conduct by Khieu Samphan and his counsel which obstructed trial proceedings.

On 28 April 2017, The Trial Chamber partially granted the Co-Prosecutors' request to amend the deadline for the filing of Closing Briefs, extending the deadline to 2 May 2017. The deadline for the submission of the Table of Authorities was extended to 9 May 2017 and the deadline for the submission by the Lead Co-Lawyers of the Final Claim for Reparation was extended to 30 May 2017. The Chamber noted that the Parties could file Amended Closing Briefs in relation to any substantive changes resulting from revised transcripts finalised after the submission of the original Closing Briefs. The Chamber also amended the schedule for Closing Statements which will now be held from 13 to 22 June 2017.

## Pre-Trial Chamber

During the months of March and April 2017, the Pre-Trial Chamber notified a total of five judgements on appeals and motions, including four on appeals relating to decisions on requests for investigative action (PTC 04/33, PTC 04/2/34, PTC 04/2/35 and PTC 04/2/36) and one decision on a request for clarification concerning crimes against humanity and the nexus with armed conflict (PTC 03/30). The President of the Pre-Trial Chamber also issued one order granting the International Co-Prosecutor's request (D308/1) to file his notice of appeal, if any, against the Closing Order in Case 004/1, after the Co-Investigating Judges' delivery of full reasons. These decisions and order are available on the ECCC website.

The Chamber advanced preparations for deliberations on three more cases, including: one application for annulment of

written records of interview (PTC 04/2/37); and two applications for annulment of investigative actions (PTC 04/38 and PTC 04/39).

The Chamber was newly seized of two cases, including: an application to annul investigative material produced by an investigator (PTC 04/40); and an appeal against the International Co-Investigating Judge's notification of 'attack against the civilian population' in the context of crimes against humanity with regard to a State's or Regime's own armed forces (PTC 04/41). In addition to the latter, the Chamber is expecting to be seized with two more appeals against the same International Co-Investigating Judge's notification, for which notices of appeal, as well as interlocutory requests, have already been filed (PTC 04/2/42 and PTC 03/32). On 26 April 2017, the President of the Pre-Trial Chamber issued orders rejecting the International Co-Prosecutor's request (D191/18/1/2, D347.1/1/1 and D306/17.1/1/2) to consolidate these three appeals.

Since January 2017, the Pre-Trial Chamber has issued a total of eight judgements and four orders and is currently seized with five cases. The next Chamber's deliberations are expected to take place in May 2017.

## Office of the Co-Investigating Judges

During the month of March, the international side of the Office of the Co-Investigating Judges ("OICIJ") continued the investigations of case 004.

In case 004, four field missions were carried out, generating twelve interviews. Seven interviews were carried out on ECCC premises.

During the month of March, the legal unit has been processing investigative material, and addressing investigative requests and procedural motions. The Analysts Unit assisted and participated in the field mission. They also assisted legal officers in analysing Khmer language documents and DK contemporaneous documents.

## Defence

### Nuon Chea

Throughout March, the Nuon Chea Defence has been preparing Nuon Chea's 550-page closing brief in Case 002/02, which is due on 24 April 2017. The team's preparations include drafting, extensive case file review, and legal and factual research. Additionally, on 15 March 2017, the Defence filed a request to the Trial Chamber seeking clarification on the schedule for the release of final and revised transcripts of evidentiary hearings in Case 002/02. The tribunal is currently reviewing all transcripts in Case 002/02 – a process to extend until well after Closing Briefs and closing oral arguments. This effectively leaves the team without final versions of the evidence and thus the case it is to answer. Therefore, the team requested the Trial Chamber to set a deadline of 31 March 2017 so that it could better safeguard Nuon Chea's right to a fair trial.

In April, the Nuon Chea Defence Team has been preparing Nuon Chea's Closing Brief in Case 002/02, which is due on 2 May 2017. The Defence Team's preparations include drafting, extensive case file review, and legal and factual research.

### Khieu Samphân

In March and April, the Khieu Samphân Defence was fully engaged in preparing its final brief in Case 002/02.

### Meas Muth

In March, the Meas Muth Defence filed four Requests to the Co-Investigating Judges, each of which has been classified as confidential. The Defence continues to review material on the Case File and to prepare submissions to protect Mr. Meas Muth's fair trial rights and interests.

In April, the Meas Muth Defence filed one Request to the Co-Investigating Judges which has been classified as confidential. The Defence also prepared an appeal against a decision by the International Co-Investigating Judge that an attack against a State's own soldiers could be considered an attack against a "civilian population" for purposes of chapeau of Article 5 of the Establishment Law (Crimes Against Humanity). The Defence continues to review material on the Case File and to prepare submissions to protect Mr. Meas Muth's fair trial rights and interests.

### Im Chaem

In March, the Im Chaem Defence welcomed the reclassification as public of the Decision on Ms. Im Chaem's Request for Retraction and Public Statement. The Defence is currently preparing for a potential response to an appeal against the Closing Order and endeavours to safeguard Ms. Im Chaem's fair trial rights and interests throughout the remaining proceedings of the pre-trial stage of Case 004/1.

The Defence is currently preparing for a potential response to an appeal against the Closing Order and endeavours to safeguard Ms. IM Chaem's fair trial rights and interests throughout the remaining proceedings of the pre-trial stage of Case 004/1.

### Ao An

The Ao An Defence continued to review all materials on the Case File and prepare other filings to safeguard Mr. Ao An's fair trial rights.

### Yim Tith

The Yim Tith Defence continued to analyse the contents of the Case File in order to participate in the investigation, prepare Mr. Yim Tith's defence and endeavour to protect his fair trial rights.

## Office of the Co-Prosecutors

In March and April, staff and interns of the Office of the Co-Prosecutors were engaged across all cases, with final trial brief preparation in case 002/02 as well as the ongoing investigations and litigation in cases 003, 004, 004/01, and 004/02.

**Case 002/02** The Co-Prosecutors continued to review the evidence admitted before the Chamber for drafting of their closing brief. The scope of the trial and nature of the events – including the first adjudication of an alleged genocide against a Muslim people – makes it one of the largest and most significant criminal trials in history. The Co-Prosecutors filed one public request to the Trial Chamber seeking to modify the schedule for the filing of closing briefs and the delivery of closing statements.

**Case 003** Review and analysis of the evidence collected to date by the Co-Investigating Judges continued. Additionally, the International Co-Prosecutor confidentially filed two requests: one to the Co-Investigating Judges and one to the Pre-Trial Chamber.

**Cases 004, 004/01 and 004/02** Review and analysis of the evidence collected in the investigations against the Charged Persons was ongoing. In case 004, the International Co-Prosecutor confidentially filed one request to the Co-Investigating Judges, and two requests and two responses to the Pre-Trial Chamber. In case 004/01, the International Co-Prosecutor filed two confidential requests: one to the Pre-Trial Chamber and one to the Co-Investigating Judges. In Case 004/02 the International Co-Prosecutor confidentially filed one request to the Pre-Trial Chamber.

**Outreach** Representatives of the office visited RULE University in Phnom Penh to speak to students and also participated in meetings at the Court premises with students visiting from the University of Agder (Norway), Stanford Law School (United States), and Central Queensland University (Australia) explaining the substantive law and structure of the court as well as outlining the cases and the work of the office.

## Victims Support Section

### Legal Representation

After the evidentiary hearing of case 002/02 was concluded and it was the time for drafting and submitting the closing brief for case 002/02 to Trial Chamber, the ECCC-funded Civil Party Lawyer team have focused on their technical work and met with relevant stakeholders, including the discussion with Lead Co-Lawyer Section on closing brief of case 002/02, and discussion with CP Lawyers on Im Chaem's case and case 003.

### Outreach

On 17 March, under the financial support of Civil Peace Service (CPS)/ German Agency for International Cooperation (GIZ), Victims Support Sections and Civil Party Lead-Co Lawyers' Section of ECCC co-organized the Civil Party Consultation Forum at Phnom Penh on Judicial Reparation in Case 002/02 with 115 civil parties, from Kampong Speu, Takeo, Kandal and Phnom Penh with participation of civil party lawyers, civil party lead co-lawyers and public affairs section.

The purposes of the forum were (i) to inform civil parties about the developments of the ECCC's trial proceedings against NUON Chea and KHIEU Samphan; (ii) to provide opportunities for civil parties and their

lawyers to discuss the issues related to the hearings of case 002/02 and proposed reparation requests in case 002/02.

The Chief of Section went on Radio FM-102 to speak about reparations and transitional justice. He also took part in the launching of a TPO's Project related to Support to KR Victims of Torture.

### **Reparation and Non-Judicial Measure (R&NJM)**

The section organized an event on "Fundraising Meeting on Reparations for Civil Parties in Case 002/02 before the ECCC" at Cambodia-Korea Cooperation Center (CKCC). The objective of the meeting was to inform the public, relevant stakeholders, potential donors about the current development of proposed reparation projects in case 002/02, funding status and opportunities to contribute.

The Chief of section and the team's member had a meeting with Lead Co-Lawyer officers to discuss the proposed reparation projects for Case 002/02.

The team member met with Youth Resource Development Program (YRDP) and TOP respectively to discuss the implementation of a proposed reparation project for civil parties in case 002/02.

The staff member participated in National Conference on "Learning from Khmer Rouge History" organized by Youth For Peace (YFP) at YFP's office. Many representatives of both national and international NGOs were present in the event.

### **Project on Gender-Based Violence during the Khmer Rouge**

- Staff member of the project participated in a follow-up workshop on "Stress Management and Contemporary GBV in Cambodia" at TPO office. 22 participants working on sexual and gender-based violence in Cambodia - including lawyers, legal assistants from NGOs and RUPP students- attended in the workshop.

- Staff members along with a Civil Party lawyer went to Preah Vihear province to conduct a Client-Lawyer Meeting with 26 Civil Parties. At the same time, the team also looked for 9 civil parties who have never attended hearings and forums. 8 civil parties were found and one displaced to an unknown village.

- The Section's project in cooperation with UN Women in Cambodia organized a meeting with Ending Violence against Women (EVAW) Legal Aid Network to discuss the topic "Legal Services for GBV Victims". 16 members from various organizations participated in this meeting.

- The section organized a Region Civil Party Forum on the Developments of ECCC's proceedings and Reparations in Case 002/02 in Kampot province with 171 gender based-violence civil parties.

- The radio live-show was conducted in cooperation with the Women Media Center on the topic "Gender-based Violence in the Past and the Present Impacts" Mrs. Yim Sotheary, a Project Coordinator from Kdei Karuna Organization, was the guest speaker.

## **Civil Parties Co-Lawyers**

### **Legal Developments**

In addition to preparing their closing brief and final claim for reparation, the Lead Co-Lawyers made additional submissions during the months of March and April. On 1 March, the Lead Co-Lawyers filed their Submission on the Implementation of Judicial Reparation Awards for Case 002/01 (E218/7/9), in which they informed the Trial Chamber and the public as to the status of implementation of each reparation award judicially acknowledged in case 002/01. Nine projects have been fully implemented, as highlighted below. Two projects, the National Remembrance Day and the Construction of a Memorial in Phnom Penh to Honour the Victims of Forced evacuations, are awaiting a final official sub-decree and construction permit, respectively.

- Testimonial Therapy: fully implemented by the Transcultural Psychosocial Organization (TPO), with 144 civil parties directly benefiting from the project;

- Self-Help Groups for Rehabilitation: fully implemented by TPO, with 77 civil parties having participated in the project;

- Permanent Exhibitions: fully implemented by the Documentation Center of Cambodia (DC-Cam), with permanent exhibitions on forced transfer and Tuol Po Chrey installed in eight provincial museums. The Lead Co-Lawyers requested that DC-Cam update exhibits and related materials to reflect the findings in the case 002/01 appeal

judgement;

- Mobile Exhibition on Khmer Rouge History and the ECCC: fully implemented by Kdei Karuna and Youth for Peace with exhibitions taking place in 12 locations. 117 civil parties were invited to participate in the inaugurations of the exhibitions;

- Chapter on Forced Transfer & Tuol Po Chrey in Teacher's Guidebook: fully implemented by DC-Cam in its development of a chapter on these subjects in its Teacher's Guidebook. The Lead Co-Lawyers requested that DC-Cam update its chapter to reflect the findings in the case 002/01 appeal judgement;

- Community Peace Learning Center in Samrong Khnong: fully implemented by Youth for Peace with the construction of an information center, museum, and dialogue room. Activities are ongoing and 10 civil parties were invited to attend a Civil Party Forum to share their experiences during the DK and participation in the case 002/01 proceedings;

- Civil Party Stories – An Illustrated Storybook of the Khmer Rouge Victims Participating at the ECCC: fully implemented by the Cambodia Human Rights Action Coalition with the publication of a storybook of the personal accounts of 29 civil parties. 2,030 copies have been published with 1270 copies distributed to civil parties and schools;

- Publication of the Judgement: fully implemented by the Victims Support Section and the Public Affairs Section of the ECCC, with copies of the trial judgement distributed to civil parties during Civil Party Forums and when they visit the court to attend proceedings;

- Publication of Civil Party Names: fully implemented by the ECCC, with the names of all civil parties appearing in the case 002/01 trial judgement and on the ECCC website.

In light of issues arising with the receipt of revised transcripts of proceedings in case 002/02, the Lead Co-Lawyers filed their Response to Nuon Chea's Urgent Rule 92 Request in Respect of the Deadline for Final Revisions of Transcripts (E449/3/2) on 20 March.

On 10 April, the Lead Co-Lawyers filed their Response to Co-Prosecutor's Request to Modify the Schedule for the Filing of Closing Briefs and the Delivery of Closing

Statements in Case 002/02 (E457) (E457/2). On 18 April the Lead Co-Lawyers filed their Urgent Rule 92 Submission Regarding the Filing of Final Submissions,(E457/4).

### Activities and Outreach

During the months of March and April, the Lead Co-Lawyers continued to liaise with the Victims Support Section and their NGO partners with respect to the development and implementation of reparation projects for case 002/02.

On 6-9 March, the Lead Co-Lawyers attended the Voices of Ethnic Minorities Exhibition, a proposed judicial reparation project, hosted by Kdei Karuna in Prey Veng. Four civil parties were in attendance.

On 17 March, the Lead Co-Lawyers attended a Civil Party Forum held at the Bar Association, in which 150 civil parties were invited. Civil parties were informed of the proceedings in case 002 and were consulted on proposed judicial reparation projects for case 002/02.

On 24 March, members of the Section attended the National Conference on Learning from Khmer Rouge History, hosted by Youth for Peace, and facilitated a group discussion on mapping the investigated sites in case 002/02. Two civil parties were invited to attend the conference and to share their experiences.

On 11 April, the Lead Co-Lawyers attended a Civil Party Forum held in Kampot, in which 179 civil parties were invited. Civil parties were informed of the proceedings in case 002 and were consulted on proposed judicial reparation projects for case 002/02.



Photo: ECCC

## Outreach and Activities

In march and April, 5332 visitors from different regions of Cambodia went to the Court and were able to be briefed by the Public Affairs Section.

Those visitors are from Prey Veng provincem Phnom Penh High Schools, Kampong Cham provincem Svay Reang Province and Pursat province.



Photos: ECCC

# Orders and Decisions

## March

### *Trial Chamber:*

3 March 2017: Co-Prosecutors' Request to Lift Redactions and Use of Pseudonyms for Case 002/02 Testimony (E319/35/7) <E319/35/8>

14 March 2017: Decision on International Co-Prosecutor's Request for Authorization to Provide Confidential Case 002 Documents to the YIM Tith Defence in Case 004 <E443/4/1>

20 March 2017: Case 002/02 – Finalisation of Transcripts <E449/3/1>

24 March 2017: Further Inquiry Regarding Finalisation of Transcripts <E449/3/4>

28 March 2017: Decision on the Termination of Appointments of Court Appointed Standby Counsel for KHIEU Samphan <E321/3>

### *Pre-Trial Chamber:*

6 March 2017: Order D308/1: The President of the Pre-Trial Chamber ordered the International Co-Prosecutor to file any notice of appeal against the Closing Order in Case 004/1 within ten days from the notification of the International Co-Investigating Judges' delivery of full reasons in English.

16 March 2017: Judgment in case PTC 04/33: The Pre-Trial Chamber issued a judgement unanimously dismissing an appeal against a decision on a Defence request for investigative action, considering that it was not necessary to undertake the requested investigations.

16 March 2017: Judgment in case PTC 04/2/35: The Pre-Trial Chamber issued a judgement unanimously dismissing an appeal against a decision on a Defence request for investigative action, considering that it was not necessary to undertake the requested investigations.



Photo: ECCC

## April

### *Trial Chamber:*

3 April 2017: Decision on NUON Chea's Urgent Rule 92 Request in Respect of the Deadline for Final Revisions of Transcripts <E449/3/6>

25 April 2017: Admission of newly disclosed written records of interviews from Cases 003 and 004 of witnesses heard in the course of the Case 002 trial proceedings <E319/68/1>

27 April 2017: Co-Prosecutors' Request for extended deadline for Closing Briefs and delayed start of Closing Statements in Case 002/02 <E457/6>

### *Pre-Trial Chamber:*

3 April 2017: Judgment in case PTC 04/2/34: the Pre-Trial Chamber issued a judgement unanimously dismissing an appeal against a decision on a Defence request for investigative action, considering that it was not necessary to undertake the requested investigations.

10 April 2017: Judgment in case PTC 03/30: The Pre-Trial Chamber issued a judgment unanimously dismissing an appeal against a decision on Defence request for clarification concerning crimes against humanity and the nexus with armed conflict.

26 April 2017: Orders in cases PTC 04/41, PTC 04/2/42 and PTC 03/32: The President of the Pre-Trial Chamber issued orders rejecting a request by the International Co-Prosecutor to file a single response and consolidate the three appeals relating to the International Co-Investigating Judge's notification of 'attack against the civilian population' in the context of crimes against humanity with regard to a State's or Regime's own armed forces.

26 April 2017: Judgment in case PTC 04/2/36: The Pre-Trial Chamber issued a judgement unanimously dismissing an appeal against a decision on a Defence request for investigative action, considering that it was not necessary to undertake the requested investigations.



# On the blog

## Power of Testimonial Therapy: Healing, Closure, and Dignity for Victims

Dylan Ungerman Sears

I sat under the pagoda, moved by the monks' chanting, which was accompanied by a chorus of over forty attendees. The incantations concluded the Testimonial Therapy ceremony and the four participants rose from their seated position, with therapists by their sides. Behind the pagoda, a monument stood, housing the skulls of those who died in the commune's own killing field.

The Testimonial Therapy ceremony took place in Takeo province and was organized by the Transcultural Psychosocial Organization (TPO). The four participants are Civil Parties to Case 002, who had been selected by to take part in this therapy.



Photo: ECCC



Photo: ECCC

Testimonial Therapy is used in Cambodia to help victims of the Khmer Rouge restore their dignity through the public acknowledgment of their suffering. With the support of a therapist, the individuals' traumatic experiences are put into writing and a formal testimony is produced. This testimony is then publically delivered during the ceremony and presented to a monk. The monk blesses the participant and the story is then "given back" to the survivor, to use as he or she wishes. It is a ritual with empowering and spiritual effects.

Vathana Hoy, of TPO, explained that the ceremony is preceded by a four-day therapy process. During these four days, coping skills are taught to help the survivors deal with emotional breakdowns. It is a short-term treatment that has been shown to help reduce symptoms of post-traumatic stress disorder (PTSD) that are often experienced by survivors of the Khmer Rouge.

"Many Civil Parties have never talked to other people in details like this, only family" explained Vathana.

In cases of trauma, silence can result in further negative feelings. Through truth-telling, traumatic memories are restored. Testimonial therapy helps in healing, closure, and dignity for victims. It promotes the acknowledgement of suffering, a crucial element in the healing process. As well, it is believed to help ease the spirits of ancestors and deceased relatives.

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The role of Civil Parties at the Extraordinary Chambers in the Courts of Cambodia (ECCC) is historic. Case 001 against Kaing Guek Eav, alias Duch, was the first case in an international tribunal in which surviving victims of alleged crimes could participate directly. The participating victims, referred to as Civil Parties, take part in the criminal proceedings.

The participatory mechanism of testimony provided a limited number of Civil Parties the ability to testify in court.

This official setting, often in the presence of the accused, has been considered a therapeutic event for many. In a study of PTSD and the Khmer Rouge Tribunal, Sonis et al found that Civil Parties overwhelmingly rated their testifying experience as positive. Unfortunately, not all Civil Parties are granted the opportunity to testify in this judicial setting.

The work of TPO is important in the process of reconciliation and truth telling, granting more people the chance to heal through testimony.



Photo: ECCC

The benefits of testimonial therapy are beyond the individual, helping families and communities to heal. Vathana explained that many of the people who attended the ceremony had experienced similar suffering, and bearing witness to the event may empower them to share their own stories.

Testimony, both inside and outside the courtroom, can be a powerful and important tool for healing.



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

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## The Court Report

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