



# The Court Report

SEPTEMBER 2011

## The Extraordinary Chambers in the Courts of Cambodia

*Moving Forward Through Justice*

### Fitness Hearing Examines Health of Accused



*Members of the public watch the fitness hearing in the second case of the Khmer Rouge Tribunal.*

The Extraordinary Chambers in the Courts of Cambodia (ECCC) held a three day Fitness to Stand Trial Hearing on 29-31 August to consider the fitness of two of the four allegedly most senior surviving Khmer Rouge leaders in Case 002, Nuon Chea and Ieng Thirith.

The two defendants had been assessed by geriatrician Professor John Campbell from New Zealand, whether they are fit to stand trial.

Nuon Chea, 84 and Ieng Thirith, 79 are currently on trial along with Khieu Samphan and Ieng Sary for genocide, crimes against humanity, grave breaches of the Geneva Convention and under national crimes for their alleged roles during the Khmer Rouge regime.

Professor Campbell patiently answered the questions by the judges, defence and prosecution law-

yers about his experience, methodology and the type of testing he had conducted during the three days of the hearing.

The court-appointed expert suggested to the court that further psychiatric assessments need to be performed on former Social Action Minister Ieng Thirith, who is suffering from a dementing illness, who the expert said was most likely Alzheimer's disease.

Professor Campbell stated that she has a "cognitive impairment," and would have difficulty instructing her counsel and participating fully in the trial proceedings. He also told the court Ieng Thirith was unable to remember her birthday or wedding anniversary.

*Article continues on page 5*

#### In this issue

2 News & Notes

4 Special Focus

6 Judicial Updates

9 Court Calendar

10 NGO Page

11 Outreach Calendar

## Samlot Residents Participate in Public Forum

Over 200 monks, police and members of the general public attended a public forum held in Battambang's Samlot district by the Extraordinary Chambers in the Courts of Cambodia (ECCC).

The August 26 forum was an opportunity for court staff to explain the work of the ECCC, but most importantly it was a chance for residents in the former Khmer Rouge stronghold to ask questions and express their opinions about the trial.

The Deputy Provincial Governor of Battambang, Mr. H.E Sok Kung, said that "today is an important day because the court officials have come to discuss the trial in our village," and he encouraged residents to ask questions to clear any doubts they may have about the trials.

Many people supported the work of the court, but were against future cases being brought to trial and the arrest of additional suspects as they claimed it could undermine national stability.

One villager said the visit was "good for our community, because this has never been discussed in our community like this before. I think the trial of the Khmer Rouge is good for Cambodian people and

good for victims. The crimes were not committed by lower people but by their leaders."

Another villager questioned why the international community was involved now, not during the Democratic Kampuchea regime, and what the benefits of holding the trials would be.

Court spokesman Lars Olsen discussed the importance of finding out the truth of what happened between 1975-79 and the legacy that the court will leave in Cambodia.

"By having the trials against the most responsible and senior leaders, Cambodia sends a signal that such crimes won't be tolerated in Cambodia and internationally," he said.

Mr. Lars also gave an update on the current cases before the court.



*The Deputy Provincial Governor of Battambang and ECCC staff attending the public forum in Samlot.*

Senior Assistant Prosecutor Vincent De Wilde D'Estmael spoke about delivering justice to the number of people who were victims during the Democratic Kampuchea regime, and emphasized only the most senior leaders will be prosecuted.

Both Mr. Olsen and Mr. Ang Udom, lawyer for Ieng Sary, encouraged residents to come and visit the court. "Almost 90,000 people have visited the court from all over Cambodia," Mr. Olsen said.

## Judges Initiate Contempt of Court Proceedings

Co-Investigating Judges You Bunleng and Siegfried Blunk have begun proceedings for Interference with the Administration of Justice against Voice of America, according to a 31 August press release from their office.

The action was taken after the news agency allegedly "quoted verbatim from a confidential document" of the Extraordinary Chambers in the Courts of Cambodia in their story on 10 August and broadcasted a video clip showing the confidential document, it reads.

This move follows their first warning to

the media in June that "anyone publishing information from this confidential document [the Second Introductory Submission, which relates to Case 003] is liable to be subjected to proceedings for interference with the administration of justice pursuant to Internal Rule 35" of the ECCC. The introductory submissions at the ECCC are by law confidential.

According to Rule 35, the court may sanction or refer to the appropriate authorities any person who "disclose confidential information in violation of an order of the Co-Investigating Judges or the Chambers" among other interferences. When they have reason to believe such an act took place, they may (1) deal with

the matter summarily; (2) conduct further investigations to ascertain whether there are sufficient grounds for instigating proceedings; or (3) refer the matter to the appropriate authorities of Cambodia or the United Nations, according to the rules.

The August press release states that any further disclosure of confidential court documents could be "transferred to the National Prosecutor".

## Buddhist Monks Expected to Help Reconciliation

The Extraordinary Chambers in the Court of Cambodia (ECCC) conducted its first public outreach program specifically for Buddhist monks on 9 August at the Preah Sihanouk Raja Buddhist University.

Over 400 monks attended the event, where they learned about the work of the court, and the alleged crimes of religious persecution committed during the regime of Democratic Kampuchea. The treatment of Buddhists during this time forms part of the indictment included in the closing order in Case 002, which is currently before the court.

The monks heard from court representatives and asked questions about the trial and the role of Buddhists in the court.

According to Deputy Director of Administration Knut Rosandhaug, monks have an important role in the workings of the court. "Trials alone cannot foster the reconciliation necessary to heal wounds of the past. It is therefore my hope that you, being respected monks, through this special and privileged standing in this society, are able to complement the court proceedings by assisting victims and perpetrators to reconcile."

Mr. Rosandhaug also discussed some of the alleged crimes committed against monks during 1975-1979, including the prohibition of practicing their religion, the disrobing of monks and nuns, the destruction of pagodas and images of Buddha and the execution of monks.



The Co-Investigating judges have classified these alleged crimes as persecution on religious grounds, which is one category of crimes against humanity. 240 victims of these alleged crimes against Buddhists have been admitted as Civil Parties in Case 002.

The Minister of Cults and Religions also attended the outreach event and congratulated the ECCC for its progress so far and shared some of his recollections from the Democratic Kampuchea regime.

Monk Yean Seng Yeat, Deputy Director of the Buddhist University says monks coped during the Democratic Kampuchea regime by remembering one of Buddha's philosophies that "Malice is never ceased by malice but by virtue and loving and kindness".

## Court Staff Receive Legal Database Training

From 15 to 17 August, several sections of the Extraordinary Chambers in the Court of Cambodia (ECCC) were offered intermediary and advanced training on the search functionality of the Legal Tools Database (LTD), which will be implemented shortly at the court.

The Case Matrix Network, represented by its adviser Elisa Novic, provided five sessions of two hours each.

The LTD is the leading online legal information service for international criminal law. The database and its website, [www.legal-tools.org](http://www.legal-tools.org), are owned by the International Criminal Court and developed and managed by the Legal Tools Project. Access to the database is free and public. This 'online library' provides raw legal data in relation to international core crimes such as updated decisions, provisions and preparatory work, both at the national and international levels.



*ECCC staff (Defence Support Section and Information and Communication Technology Section) during the Legal Tools Database Search Training on 17 August*

The intermediary training module consisted in an introduction to the LTD website and an overview of the search functions available on the LTD. The advanced module further demonstrated the search functions and included a presentation of the National

Implementing Legislation Database, a specific tool within the database.

The training modules were made available in English, French and Khmer.



## Fitness to Stand Trial Hearing

A preliminary hearing on fitness to stand trial relating to the accused persons Ieng Thirith and Nuon Chea in Case 002 were held on 29 – 31 August at the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia.

### Q. What does fitness to stand trial mean?

Fitness to stand trial is based on a general principle that an accused person can only be tried if the accused has sufficient mental and physical capacity to exercise his or her rights during trial. This may include the capacity to understand the nature of the charges, to understand the course and consequence of the proceedings, to understand the details of the evidence, to instruct his or her lawyers and to testify.

### Q. Why is the Trial Chamber assessing whether some of the accused are fit to stand trial?

ECCC Internal Rule 32 provides that the Co-Investigating Judges, the Pre-Trial Chamber, the Trial Chamber or the Supreme Court Chamber may order an accused person to undergo a medical, psychiatric or psychological examination by an expert to determine whether the accused is physically and mentally fit to stand trial.

Ieng Sary, Ieng Thirith and Nuon Chea requested physical and mental evaluation of their fitness to stand trial. The Trial Chamber appointed Professor John Campbell, a specialist geriatrician from New Zealand, to conduct the medical assessments. As part of his assessment of all three accused, he was required to consider a wide range of existing medical reports and tests, conduct or arrange to have conducted a number of tests and consult with medical practitioners who have previously treated or assessed the accused. His reports to the Trial Chamber confirmed that further expert assessment of Ieng Thirith's mental fitness to stand trial was needed. He made no recommendations for further assessment of either Ieng Sary or Nuon Chea.

### Q. Who decides whether or not a defendant is fit to stand trial – medical experts or judges?

A decision on fitness to stand trial is a judicial decision, which will be made by the judges. The judges will make a decision on the two accused persons' fitness to stand trial after considering the findings from the medical experts and relevant legal issues.

### Q. What happens if an accused person is found unfit to stand trial?

This will depend on the individual circumstances, such as whether the state of fitness is likely to be temporary or permanent. The detailed consequences will be decided by the Trial Chamber relying on legal provisions and practice in national and/or international law.

### Q. If an accused is found unfit to stand trial, can such a decision be appealed?

If a Trial Chamber decision on fitness has the effect of terminating the proceedings against an accused, such a decision may be appealed to the Supreme Court Chamber.



Monks and members of the public attending the Fitness to Stand Trial Hearing at the ECCC.

## Fitness Hearing Examines Health (continued from front page)

In his assessment of former Deputy Secretary of the Communist Party, Nuon Chea, Professor Campbell stated that he was fit to stand trial, despite pre-existing medical conditions such as cardio-vascular disease, back pain and high blood pressure.

Professor Campbell said he believed these conditions would not prevent him from participating in the proceedings as his medical condition remains stable.

Nuon Chea disagreed with his medical assessment and demanded to be re-assessed by another expert. "It's not that I don't believe Dr. Campbell, but my health conditions are getting worse and worse, both physically and emotionally as well as my intellectual ability," he said during the hearing.

Professor Campbell told the court he based his findings on the medical reports and pre-existing conditions of the accused, and had

previously spoken to their local doctors and conducted his own assessments, meeting with each of the accused several times. During the hearing Ieng Thirith, Nuon Chea and Ieng Sary, who was also present in court, all asked to be returned to their holding cells due to health reasons. Nuon Chea has claimed he has difficulty concentrating for more than 90 minutes.

At the conclusion of the hearing, presiding judge Nil Nonn announced that court-appointed psychiatrists would conduct a supplementary assessment of Ieng Thirith shortly, and the outcomes of this would be examined in due course.

The substantive hearing in Case 002 to examine witnesses and evidence will commence once the fitness of the accused has been clarified and other preliminary issues have been resolved.



*Ieng Thirith (top) and Nuon Chea in court at their fitness hearing.*

## Court Visitors Reactions to Fitness Hearing

During the three day fitness hearing, the Extraordinary Chambers in the Courts of Cambodia (ECCC) received over 1500 visitors from across Cambodia, who came to watch the proceedings in person, and many of these were high school and college students.

"We are pleased to see this enormous interest in the fitness hearing", said court spokesman Lars Olsen. The trial was also broadcast live on Cambodian television.

**Miss Muon Sok Heang**, student at the Royal University of Phnom Penh.

"The accused persons are very old now, and I think the court is aware of this; that's why they are holding trial of Fitness to Stand Trial right now. I'm afraid that any of them might die before the trials finish; and if this happens, the victims would not be at

peace because the whole truth is not revealed."

**Monk Yarn Seng Yeat**, Deputy Rector of Raja Sihanouk Puthikak University

"I believe that they (the accused) feel bad for what they have done in the past. As a monk, I want them to know that it's not too late for them to do good a thing even if it is just one last day of their lives. To do good things means they can be honest, tell the truth about what happened."

**Mr. Jon Avila**, law student, Australia.

"The hearing is personally interesting because this is one of the few opportunities I will have to see a hybrid tribunal. It's been interesting to come to the court and educational watching some of the lawyers in court and the way they handle the responses of the expert witness."



*Students and members of the public take informational material about the tribunal.*

Every month, each section of the Extraordinary Chambers in the Courts of Cambodia compiles a summary of their activities to inform the general public on the latest developments of the court. The following are updates from each section on the activities of **August 2011**. *For decisions and orders, please refer to page 9.*

## Pre-Trial Chamber

During this reporting period the Pre-Trial Chamber (PTC) deliberated on a number of Appeals and an Application lodged before it in Cases 003 and 004.

The PTC is currently seized of 1 Application and 6 Appeals in Case 003 and 2 Appeals in Case 004.

### Case 003

On 10 and 25 August the PTC received requests from the International Co-Prosecutor to file redacted versions of their "Appeal against the Decision on the extension of time request and investigative requests by the International Co-Prosecutor regarding Case 003" and of his First Case File 003 Investigative Request. The first request was granted on 18 August 2011 and a public redacted version of the Appeal was published while the second is still pending.

On 15 August, an Appeal was filed by a Civil Party Applicant whose application was rejected by the Co-Investigating Judges. This Appeal is currently classified as confidential but a request to publish a redacted version is pending.

On 26 August, the PTC was seized of an Appeal against the "Decision on International Co-Prosecutor's re-filing of three investigative requests in Case 003" filed by the International Co-Prosecutor. A further request was made on 31 August 2011 by the International Co-Prosecutor to file a redacted version of his Appeal.

## Supreme Court Chamber

### Case 001

During August the Supreme Court Chamber (SCC) continued to work on its judgment on the appeals against the Trial Judgment.

### Case 002

On 30 August 2011 the SCC received notice of an immediate appeal filed by the

Civil Party Lead Co-Lawyers against a decision of the Trial Chamber concerning access to medical reports prepared by Trial Chamber expert Professor John Campbell to all Civil Party lawyers.

## Office of the Co-Investigating Judges

### Case 004

Investigations into this case continued and further key witnesses were interviewed in distant locations and crime sites were also inspected. Future field missions were also scheduled.

Joint working groups comprised of national and international staff continued to evaluate the evidentiary material, including more than 3,000 documents comprising more than 50,000 pages, thereby focussing for the time being on the issue whether the suspects could fall under the basic jurisdictional requirement of Article 2 ECCC law.

OICJ issued a press release notifying the public of the crime sites in Case 004.

## Office of the Co-Prosecutors

### Case 002

The Co-Prosecutors filed 6 submissions to the Trial Chamber this month.

During the fitness hearing on 29 - 31 August the Co-Prosecutors did not specifically challenge Professor Campbell's interim findings as to Ieng Thirith, but also recommended medication changes and agreed further inquiry is warranted.

### Case 003

The International Co-Prosecutor filed seven submissions to the Co-Investigating Judges and the Pre-Trial Chamber this month. This included an appeal to the Pre Trial Chamber against the Decision of the Co-Investigating Judges of 27 July, which held that the re-filing of investigative requests was inadmissible due to a pending appeal before the Pre-Trial Chamber, a

lack of timeliness of the request and that the suspects in Case 003 did not fall within the personal jurisdiction of the ECCC.

The International Co-Prosecutor also requested that the Pre-Trial Chamber authorize the public release of redacted versions of the first Case 003 Investigative Request (filed in April) and an earlier appeal against a decision of the Co-Investigating Judges in Case 003 (filed in July), in order to ensure that the public is properly informed about the progress of the case, in particular the key issues, which have been the subject of public debate and speculation.

### Case 004

The International Co-Prosecutor filed two submissions this month. The International Co-Prosecutor requested that all outstanding filings in Case 004 be placed on the Case File and that future filings are placed on the Case File in a timely manner.

The International Co-Prosecutor also requested that the Co-Investigating Judges disseminate a press release notifying the public of the crimes and the joint criminal enterprise under investigation in Case 004.

The International Co-Prosecutor expressed his concern that civil parties be given a chance to participate in proceedings before the Court, which requires them to have sufficient information before the close of the investigation and the deadline for civil party applications.

### Outreach

On 11 August the OCP participated in a public education forum involving approximately 200 students, teachers, villagers, commune and village chiefs, monks and nuns in Pursat Province. The same day, the office also took part in the 7<sup>th</sup> Regional Civil Party Forum on Case 002.

On 23 August, the OCP was represented at the Sixth Commune Teacher Training Program at Kampong Chhnang Province, attended by National and provincial teachers and trainees.

On 26 August the OCP attended the Public Forum on "The Latest Developments



of the Khmer Rouge Trials” organized by the ECCC in Samlot District, Battambang Province where 300 local residents attended. The same day OCP representatives met with 20 GIZ KRT Fellowship Program students. On 29 to 31 August, the International Co-Prosecutor attended the Fifth International Humanitarian Law Dialogs in Buffalo USA with other Chief Prosecutors in international criminal courts.

## Defence Support Section

The Defence Support Section (DSS) continued to provide legal support and administrative and technical assistance to the Defence Teams.

### Case 002

During the month of August, the Ieng Sary Defence Team filed two requests: a Request for Leave to Reply or in the Alternative an Oral Hearing and Reply to the Civil Party Lead Co-Lawyers’ Response to the Co-Prosecutors’ Request to Re-Characterize the Facts Establishing the Conduct of Rape as a Crime Against Humanity; and a Request for Leave to Reply and Reply to the Civil Parties’ Brief in Support of the Co-Prosecutors’ Request for the Trial Chamber to Consider Joint Criminal Enterprise III as an Alternative Mode of Liability.

The Ieng Sary team also submitted a Document and Exhibit List for the First Four Trial Topics, and its Observations on the Co-Prosecutors’ Consolidated Reply to Defence’s Responses to the Co-Prosecutors’ Requests to Re-characterize Charges in the Indictment and to Exclude the Nexus Requirement for an Armed Conflict to Prove Crimes against Humanity.

The Nuon Chea Defence Team filed a Response to the Co-Prosecutors’ Request regarding Nuon Chea’s Second Failure to Comply with the Trial Chamber’s Orders to Provide the List of Documents and Exhibits to be put before the Trial Chamber.

On 29-31 August, Ieng Thirith and Nuon Chea and their defence teams participated in the preliminary hearing on fitness concerning the two accused while

Ieng Sary and his defence team sat in the courtroom as observers.

### Cases 003 and 004

The DSS continued to monitor closely the developments in Cases 003 and 004, and to work to ensure that the rights of the suspects are upheld in conformity with the highest international standards and best practices.

### Legacy and Outreach

On 17 August, a DSS representative met with Yale Law School researcher Ms. Tessa Bialek to discuss DSS legacy and outreach work and the potential legacy of the ECCC.

On 26 August, DSS representatives and lawyers from the Ieng Sary Defence Team attended the court-organised Public Forum in Samlot District, Battambang Province. The DSS officer-in-charge explained the role of the DSS and fair trial rights of suspects in Cases 003 and 004, and of the accused, under the ECCC law, the court’s Internal Rules and its legal framework.

The DSS continued to co-host a series of seminars on fair trial rights for young Cambodians with the Office of the United Nations High Commissioner for Human Rights.

On 10 August, a defence counsel for Nuon Chea, Mr. Michiel Pestman, lectured on the presumption of innocence to a group of law students and recent graduates at the Fair Trial Rights Club. On 24 August, the Secretary General of the Cambodia Bar Association, H.E. Suon Visal, spoke on the right to legal representation. At each seminar, club members conducted interactive case-study exercises and round-table discussions before the lectures.

The club was set up in June as part of DSS’s legacy initiatives to offer Cambodian aspirants for legal professions an eight-seminar course on the concept of fair trial rights. Twenty five youths have joined the club.

The DSS and the OHCHR plan to hold a shorter fair trial rights course in provinces and provide the curriculum developed for the club to universities across Cambodia to incorporate into their own law courses.



*Students attending a Fair Trial Rights Club meeting.*

## Victims Support Section

### Legal work

The Processing and Analysis Team processed and filed 74 Civil Party applications to the Office of the Co-Investigating judges, and continued to update the victims database (CaseMap) and gave an updated electronic version of CaseMap to the Trial Chamber.

VSS’s case managers made summaries of five decisions of the TC, five submissions of the OCP and 12 submissions of the Defense.

The Court-funded Civil Party lawyers conducted researches on forced transfers, inhuman acts, and joint criminal enterprise, and reviewed lists of Civil Parties newly admitted by the Pre-Trial Chamber. The lawyers also attended the Hearing on Fitness to Stand Trial of Ieng Thirith and Nuon Chea.

### Outreach

On 11 August, the Victims Support Section of the ECCC organized a Regional Forum in Kampong Thom for 350 Civil Parties in Case 002 out of 1,745 CPs newly admitted by the Pre-Trial Chamber.

The Civil Party participants were invited from Kampong Thom, Siem Reap, Oddar Meanchey, Preah Vihear, and Southwestern Provinces of Tonle Sap. That was the seventh Forum for VSS’s 16-month long project on “Improved Victims’ Participation in the Proceedings of ECCC,” funded by Germany through German International Development Agency (GIZ).

## Victims Support Section (continued)

It is aimed to increase Civil Parties knowledge of the ECCC's developments and provide them a chance to meet with former Civil Parties from Case 001, to learn from their experiences. During the forum, they met with judicial officers from the ECCC, staff members of some intermediary organizations and their lawyers.

They also exchanged their views on the specification of the types of the reparations (collective or symbolic) for the proposal that the Civil Party Lawyers prepare for the Lead Co-Lawyers to submit to the Court. The proposal is a part of the process to demand preparations for the victims through judicial proceedings.

In total 3,315 Civil Party Applicants and Civil Parties in Case 002 have so far attended 11 Regional Forums organized by the VSS since the beginning of 2009.

### Reparations and non-judicial measures

From 29-31 August, RNJM Program Manager Mr. Tan Visal continued to conduct field studies in Kandal, Takeo, Kampot and Preah Sihanouk provinces to assess the situations of crimes sites in Case 002 for the purpose of preservation and memorialization at those sites.

During the visits, Mr. Tan Visal found out that Sang Security Center in Kandal Province and Kraing Ta Chan in Takeo Provinces still belong to the State. Both crime sites are under management of Commune Councils. Stupas and religious meeting halls have been built on both sites by charity donors and communities.



ECCC staff attending the Regional Civil Party Forum in Kampong Thom.

A learning center/community museum was built in Kraing Ta Chan and run by the management of the community. Youth For Peace (YFP) has been working with both communes.

The Manager also visited Srea Ambel Work Site in Kampot Province and Koh Kyang Security Center in Preah Sihanouk Provinces and found out that they belong to private owners. People work on salt fields and houses are built in the compound of Koh Kyang Security Center.



## Civil Party Lead Co-Lawyers' Section

During this month, the Lead Co-Lawyers in cooperation with the Civil Party Lawyers filed a revised list of civil parties to testify before the Chamber including newly admitted civil parties following the Pre-Trial Chamber's decisions of 24 June. The Lead Co-Lawyers' Section made also the list of new Civil Parties to testify relative to the four first segments of the hearings.

The Lead Co Lawyers filed submissions asking the Chamber that all Civil Party Lawyers have access to the medical reports of Ieng Thirith and Nuon Chea.

The lead Co-Lawyers, in Cooperation with the Victim Support Section, organized a meeting to discuss Initial Reparations and a follow-up of the Reparation Working Groups meeting with Civil Society Intermediary organizations.

Along with Civil Party Lawyers, the Lead Co-Lawyers joined the Forum in Kampong Thom Province on 11th of August where the newly accepted Civil Parties discussed with their lawyers about collective and moral reparation.

To ensure the active participation of the Civil Parties in the hearing on Fitness, some meetings between the Lead Co-Lawyers and Civil party Lawyers have been organized to prepare relevant questions for the hearings.

At the end of the month, the Lead Co-Lawyers participated with some Civil Party Lawyers in the hearings on fitness to stand trial of the Accused Ieng Thirith and Nuon Chea. The Civil Party Lead Co-Lawyers insisted on the necessity for the civil parties to understand why the substantial hearings are postponed once again.



## Decisions/Orders

### Trial Chamber

#### **August 2**

Decision on Co-Prosecutor's request for extension of time in Case 002 which was granted (E107/3).

#### **August 8**

Decision on Nuon Chea's preliminary objection alleging the unconstitutional character of the ECCC internal rules in Case 002, The Trial Chamber declared the accused's preliminary objections inadmissible and rejected the accused's request for nullification of the preparation order (E51/4).



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

*(Photo: Meng Kimlong)*

## Upcoming Public Hearings

### **Pre-Trial Chamber Hearing**

None scheduled

### **Trial Chamber Hearings:**

None scheduled

### **Supreme Court Chamber**

#### **Hearings:**

None scheduled

## CDP Offers Training on Prosecution of Sexual Violence

In an effort to help enhance a gender sensitive approach at the Khmer Rouge tribunal, the **Cambodian Defenders Project (CDP)** spearheaded to offer training sessions for judicial officials of the tribunal and Civil Party lawyers on the investigation and prosecution of sexual violence in conflict. Here's a report from CDP.

Forced marriage and rape are two of the crimes included in the indictment in Case 002, and it is the first time these issues have been heard in court at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

When it comes to prosecuting sexual violence, challenges arise with regard to the factual as well as on the legal side. Collecting evidence in cases of rape and other sexual violence asks for particular investigation tools and methods. The legal characterization of this specific type of violence is under constant development, especially with regard to new forms of violence.

To address and discuss these difficulties, Cambodian Defenders Project (CDP) in co-operation with GIZ and with the support of the British Embassy facilitated two trainings on the investigation and prosecution of sexual violence in conflict.

Among the participants for the first round were lawyers and investigators from the Office of the Co-Prosecutors (OCP), the Office of the Co-Investigating Judges (OCIJ) and the Defense Support Section (DSS). The second round addressed the Lead Co-Lawyers, Civil Party Lawyers and national lawyers working with victims of sexual violence in Cambodia.



*Court staff receive training on sexual violence law at the ECCC.*

In terms of factual challenges, the training benefited from the experience of the international staff and from the local expertise of the national staff to establish a list of investigations methods to be used as example for the national judiciary. This aspect of the training was focusing on the legacy of the ECCC.

In terms of legal challenges, the training concentrated on the preparation for the up-coming trial by outlining the international law and jurisprudence on sexual violence and by discussing new developments in this field, in particular with regard to forced marriage.

This gave participants a re-fresher on which sources of law they can refer to

when making arguments in court and which crimes sexual violence constitutes.

When working with survivors of sexual violence, avoiding re-traumatization is a key issue. Lawyers, prosecutors, investigators and translators need to have an understanding of the term Post-Traumatic Stress Disorder (PTSD), its causes and consequences.

Going beyond the mere legal aspects of prosecuting sexual violence, the training offered an overview on trauma and the psycho-social impact on survivors.



*Cambodian lawyers receive training on sexual violence law.*



គ្រូបម្រុងការពារសិទ្ធិកម្ពុជា  
**CAMBODIAN DEFENDERS  
PROJECT**

*For more information, please contact*

*Mr. Duong Savorn  
Project Coordinator  
Cambodian Defenders Project (CDP)  
# 80F, St. 265, Phnom Penh, Cambodia*

*Tel.: 012 800 816*

*E-mail: [savorn@cdpcambodia.org](mailto:savorn@cdpcambodia.org)*

*Web: [www.cdpcambodia.org](http://www.cdpcambodia.org)*

# Outreach Calendar

## Outreach Activities

**8 August 2011** Visit: 20 students from the Royal University of Law and Economics to learn about the establishment and work of the ECCC.

**9 August 2011** Visit: Rotary Centre for International Studies from Chulalongkorn University to visit the ECCC to learn about peace and international cooperation.

**9 August 2011** Outreach: ECCC staff visit the Buddhist University in Phnom Penh to discuss the trials and answer questions from the monks.

**11 August 2011** Regional Forum: VSS hosts the 7th Regional Forum for Civil Parties in Kampong Thom.

**11 August 2011** Public Education Forum: DC Cam hosts a forum in Pursat with 200 people and prosecution lawyers.

**12 August 2011** Radio Show: TPO and WMC host “Remembering the Times of the Khmer Rouge”, where callers can discuss their experiences under the Khmer Rouge.

**23 August 2011** Court visit: Official from the Japanese foreign ministry visits the court to learn about the work of the ECCC.

**23 August 2011** Teacher Training: DC Cam hosts the 6th Commune Teacher Training Program in Kampong Chhnang.

**25 August—2 September 2011** Dialogue: OCP lawyers visit Buffalo, US to attend the Fifth International Humanitarian Law Dialogue.

**26 August 2011** Public Forum: ECCC staff attend a forum in Samlot district to talk about the work of the court and answer questions from the public.

**26 August 2011** Discussion: GIZ and ECCC staff meet with KRT Fellowship students.

**29 August 2011** Workshop: CDP holds a gender Legacy Workshop to discuss transferring gender lessons learnt from the trials at the ECCC to the national judicial system.

**30 August 2011** Workshop: CHRAC holds a workshop on “Experiences and Exchanges in the Implementation of Law: From ECCC to national courts”.

**1 September 2011** Court Visit: Director of the US Peace Corps visits the court with 20 volunteers.

**6-9 September 2011** Regional Client Meeting: CDP meets with lawyers and psychologists in Prey Veng to visit possible memory sites.

**15 September 2011** Regional Forum: VSS hosts the 8th Regional Forum for civil parties in Kampong Cham.

**16 September 2011** Court Visit: An official from the Ministry of Foreign Affairs from Germany to discuss the work of the ECCC.



*Students from Siem Reap province visiting the court.*

## ECCC's Outreach

The Public Affairs Section 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 the Choeung Ek Killing Fields, and briefings by court officials at the ECCC. On the night before each of these Khmer Rouge Tribunal 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.

ECCC OUTREACH CALENDAR						
August-September						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4 KRT Study Tour	5	6
7	8	9	10	11 KRT Study Tour	12	13
14	15	16 KRT Study Tour	17	18	19	20
21	22	23 KRT Study Tour	24	25	26	27
28	29	30	31	1	2	3
4	5	6 KRT Study Tour	7	8 KRT Study Tour	9	10
11	12	13 KRT Study Tour	14	15 KRT Study Tour	16	17
18	19	20 KRT Study Tour	21	22 KRT Study Tour	23	24 Constitutional Day
25	26 Pchum Ben	27 Pchum Ben	28 Pchum Ben	29	30	





## 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 (Victims Support)**  
Street 21, House 6a, (near Psaar Kap Ko)



**General**

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

**Press Inquiry**

Tel: +855 (0)12 488 094  
Tel: +855 (0)12 488 421

**Court Visit**

Tel: +855 (0)12 488 029

**Information Centre**

Tel: +855 (0)23 214 291



**e-CCC on the Web**

**ECCC**  
**UNAKRT**

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

**Twitter**  
**Flickr**  
**Facebook**  
**Youtube**

[twitter.com/KRTribunal](https://twitter.com/KRTribunal)  
[www.flickr.com/krtribunal](https://www.flickr.com/krtribunal)  
[www.facebook.com/krtribunal](https://www.facebook.com/krtribunal)  
[www.youtube.com/krtribunal](https://www.youtube.com/krtribunal)



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

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