



The Court Report

APRIL 2014

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



ECCC Budget for 2014-2015 Endorsed

Three months into the new fiscal year, the 2014-15 biennial budget for the Extraordinary Chambers in the Courts of Cambodia was endorsed by donors in mid-March, allowing the court to spend US\$60.5 million to run the trials and investigations for the next two years.

The biennial budget, reviewed and supported by the donors' Group of Interested States amounts to US\$31.6 million for this year and US\$28.9 million for next year. The national component counts US\$6.4 million for 2014 and US\$6.0 million for 2015 while the international component is comprised of US\$25.2 million and US\$22.9 million, respectively.

The total amount shows a significant reduction from last year's revised budget. In particular, the national component has been cut by more than US\$3 million, down from US\$9.4 million in 2013.

The reduction reflects a substantial change in staffing, with the abolition or nationalisation of a significant number of posts. Last year, ECCC staff numbered 436 positions in total – 267 for national

staff under Cambodian government contracts and 169 for international staff employed by the UN. In 2014, however, the budget will allow for only 341 positions, including 182 national staff and 159 UN staff, and in 2015, staff numbers will be cut further, down to 317 positions – 171 national staff and 146 UN posts.

According to the budget document, some of the cuts are attributable to changes in the court's operational needs, as the anticipated progress in trial proceedings in Case 002 and investigations in Cases 003 and 004 will require less human resources and funds.

Over the course of the current biennial budgetary cycle, the Trial Chamber will draft and issue a judgement in Case 002/01. It will also commence the next trial in the same case, which is expected to be of "even greater scale and complexity than Case 002/01" requiring "a higher number of trial days, as well as the hearing of more witnesses, experts and civil parties than during Case 002/01". Consequently

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Qatar Contributes \$20,000 to ECCC’s National Component

The cash-strapped national component of the Extraordinary Chambers in the Courts of Cambodia received a pledge of US\$20,000 from the State of Qatar, the court announced on 7 March.

The pledge was made in response to an appeal by UN Secretary-General Ban Ki-moon calling for financial support to the ECCC, the announcement cited a statement issued by Qatar’s permanent mission to the UN.

The court has faced a shortage of donations in recent years, and asked for

financial support from both existing and potential donors. More than 30 countries have made contributions to the ECCC, but it was the first donation from this Middle Eastern country.

“In a challenging time for the national side of the ECCC, it is a pleasure to welcome the State of Qatar as a new donor,” said ECCC’s Acting Director of Administration Tony Kranh and Deputy Director Knut Rosandhaug in their statement of appreciation. “We look forward to the continued support from the State of Qatar and other

donors in our pursuit of legal accountability for the crimes committed during the period of Democratic Kampuchea.”



Flag of Qatar

ECCC Budget Endorsed (Continued from page 1)

Expenditures

| Year | International | National | Total |
|--|------------------------|-----------------------|------------------------|
| 2006 | \$7.6 million | \$1.7 million | \$9.3 million |
| 2007 | \$11.8 million | \$3.7 million | \$15.5 million |
| 2008 | \$20.5 million | \$4.9 million | \$25.4 million |
| 2009 | \$22.3 million | \$5.9 million | \$28.2 million |
| 2010 | \$22.8 million | \$7.9 million | \$30.7 million |
| 2011 | \$22.9 million | \$9.1 million | \$32.0 million |
| 2012 | \$23.3 million | \$8.9 million | \$32.2 million |
| 2013 | \$23.7 million | \$7.5 million | \$31.3 million |
| Total | \$154.9 million | \$49.6 million | \$204.6 million |
| Budget 2014-2015 | | | |
| 2014 | \$25.2 million | \$6.4 million | \$31.6 million |
| 2015 | \$22.9 million | \$6.0 million | \$28.9 million |
| Total | \$48.1 million | \$12.4 million | \$60.5 million |
| Total estimated expenditure 2006-2015 | \$203.0 million | \$62.0 million | \$265.0 million |

the Supreme Court Chamber anticipates the adjudication of substantive appeals of the trial judgement in Case 002/01 and interlocutory appeals in Case 002/02 over the next two years.

Meanwhile, the Office of the Co-Investigating Judges will focus on completing the investigations of Cases 003 and 004, examining and analysing a total of 42 different factual situations of various international crimes allegedly committed by five suspects, with the aim of concluding the investigations by the end of 2014. Accordingly, the Pre-Trial Chamber anticipates a significant number of appeals in Cases 003 and 004 during the next two years, including disagreements over the two cases’ closing orders.

The ECCC predicts that “the Court’s timeline will run beyond 2018” to complete all the cases, according to the 2014-2015 budget document.

As of the end of 2013, the ECCC had spent a total of US\$204.6 million financing the judicial activities of the various divisions of the court. It has suffered from chronic budgetary constraints due to difficulties in raising sufficient funds from donors to support the full budgetary requirements. A large number of national staff went on strike a couple of times when the court had become unable to pay their salaries for months at a time.

The ECCC calls for both existing and potential donors to support the work of the court so that all cases before the court can move forward.

Contribution

| Donors | International | National | Total |
|--------------------------|--------------------|-------------------|--------------------|
| Japan | 63,020,465 | 16,086,025 | 79,106,490 |
| Australia | 17,162,788 | 3,165,270 | 20,328,057 |
| United States of America | 16,065,864 | - | 16,065,864 |
| Germany | 9,236,964 | 3,221,698 | 12,458,662 |
| United Kingdom | 9,142,076 | 1,547,982 | 10,690,058 |
| Cambodia | - | 10,457,068 | 10,457,068 |
| European Union | 3,603,960 | 5,262,186 | 8,866,146 |
| France | 8,008,115 | 233,281 | 8,241,396 |
| Norway | 6,087,306 | - | 6,087,306 |
| Sweden | 6,003,433 | - | 6,003,433 |
| Sub-total | 138,330,971 | 39,973,508 | 178,304,480 |
| Various donors | 12,448,796 | 9,867,430 | 27,234,650 |
| TOTAL | 155,698,190 | 49,840,938 | 205,539,129 |

Data as of 31 December 2014. (Sources: ECCC’s Budget and Finance Offices)

Accused Khieu Samphan's Request for Postponement Denied

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia denied a request from the accused Khieu Samphan to delay the commencement of the next trial in Case 002 until after the completion of the current trial, including the appeal process.

In its 21 March decision, the chamber reviewed the submission of Khieu Samphan's defence team and responses from other parties, and concluded that Khieu Samphan's defence team had failed to establish "any valid reason" to delay the commencement of the next trial.

Defence counsel for the former head of state requested in early February that the chamber postpone the evidentiary hearing in Case 002/02 until the Supreme Court Chamber issues an appeal judgement in Case 002/01, arguing the principles of *res judicata*, or "a matter judged" in Latin, and judicial uncertainty require this postponement. They also raised the possibility that their client would be prejudiced by commencing the proceedings in Case 002/02 before the judgement and all related appeals in Case 002/01 are final.

The prosecution responded that the principle of *res judicata* is of limited application and



Khieu Samphan appears in court.

would not require the Trial Chamber to apply the factual findings of the Supreme Court in any appeal in Case 002/01 to Case 002/02. It further added that, should the accused's request be granted, it would delay the judicial process of the next trial by at least one and a half years. Legal counsel for the civil parties argued that there was no legal basis to require the court to stay proceedings in Case 002/02 pending a final judgement in Case 002/01. Defence counsel for the co-accused Nuon Chea also opposed the request.

In its findings, the Trial Chamber noted that the principle of *res judicata* could not be applied until after the judgement

in Case 002/01 becomes final. The chamber also pointed out that Khieu Samphan's defence team failed to provide clear arguments to support its claim of legal uncertainty, and to identify the prejudice their client might face without a final judgement in the first trial of Case 002.

The chamber also noted that the commencement of the next trial before the legal findings from Case 002/01 are final will "safeguard the interests of both Accused, principally their rights to receive an expeditious trial and to achieve finality as soon as possible", and will "safeguard the fundamental interest of the Civil Parties and victims in achieving meaningful and timely justice".

In Case 002, Khieu Samphan and Nuon Chea are on trial for charges of genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions. The first trial began in November 2011 and concluded in October 2013 with the closing statements. The Trial Chamber is currently drafting its judgement and preparing for the next trial.

Accused Ieng Thirith Sent to Thailand for Medical Treatment



Former Minister of Social Actions Ieng Thirith, accused of genocide and other crimes, travelled to Thailand for medical treatment in early

March, upon approval by the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia.

The Trial Chamber granted a request from her guardian on 6 March for the accused to be sent to a hospital in Thailand. In reaching this decision, the Trial Chamber cited Ieng Thirith's need for further medical treatment, the prox-

imity of her residence in Pailin to Thailand, and her guardian's undertaking to bring her back once the treatment is done.

According to the Trial Chamber's memo, Ieng Thirith's guardian informed the chamber that Ieng Thirith had been unable to get out of her bed since an injury incurred when she fell from her bed earlier last month. Her doctor recommended she be referred for further treatment to Thailand. In addition, a court-appointed expert separately found evidence of cerebral atrophy and two "mini strokes" in her recent head CT

scan, and recommended in late February she be referred to a neurologist and internist.

Ieng Thirith was first indicted for charges of genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions in 2010, alongside three other co-accused. However, she was found unfit to stand trial due to her dementia in November 2011. She was released from the ECCC detention centre in September 2012, and placed under judicial supervision which requires her to undergo six-monthly medical exams. The judicial proceedings against her have been stayed.

Avocats Sans Frontieres Pulls Out of Khmer Rouge Victims Representation

The French legal aid organisation, Avocats Sans Frontieres, will no longer represent a thousand Khmer Rouge victims participating in the trials at the Extraordinary Chambers in the Courts of Cambodia, according to a statement issued by ASF France on 18 March.

ASF France cited financial difficulties as preventing them from continuing their pro bono services. "ASF France has no choice but to acknowledge the lack of funding from the international community and institutional donors to support the ECCC," the statement

reads.

The French organisation has been committed to the representation of victims before the ECCC since May 2008. It represented 28 civil parties in the ECCC's first case against Kaing Guek Eav, alias Duch, and has so far represented a group of 1,130 civil parties in the second case concerning Khmer Rouge leaders Nuon Chea and Khieu Samphan. The second case is ongoing, with the first trial judgement of the case expected in the coming

months and the second trial to be commenced later this year.

"ASF France wishes to thank each of its partners and donors.... These supports have been of tremendous importance to put an end to the impunity of former Khmer Rouge high officials," the statement reads.

Some members of the French organization will, however, continue the representation of the civil party group in a private capacity.

Every month, each section of the Extraordinary Chambers in the Courts of Cambodia compiles a summary of its activities to inform the general public on the latest developments of the court. The following are updates from each section on the activities of **March 2014**. For public decisions and orders, please refer to page 7.

Supreme Court Chamber

In March, the Supreme Court Chamber continued its preparatory review and research on issues relating to Case 002/01.

Trial Chamber

Following the conclusion of the hearing of evidence and closing arguments in Case 002/01 on 31 October, the Trial Chamber is currently engaged in judgement drafting.

On 6 March, the Trial Chamber granted permission to transport the accused Ieng Thirith to Bangkok, Thailand, for further medical treatment. Following a Supreme Court Chamber decision on 14 December 2012, Ieng Thirith was placed under a regime of judicial supervision, prohibiting her from leaving Cambodia without the Trial Chamber's authorisation. After an injury on 1 March this year, a physician recommended for the accused to undergo further medical treatment in Thailand. The Trial Chamber authorised this leave with the condition that the accused's general guardian verify the accused's address on a fortnightly basis.

On 7 March, the Trial Chamber directed the Head of Detention Facility, in cooperation with Witness and Expert Support Unit, to facilitate the work of the three experts appointed to assess the fitness of the accused persons Khieu Samphan and Nuon Chea by permitting consultation with the accused, their families, detention facility staff, doctors and guards.

On 13 March, the Trial Chamber issued a memorandum approving a new procedure for the correction of transcripts which had been proposed by the Court Management Section (CMS) and requested CMS to place all corrected transcripts in the case file.

On 21 March, the Trial Chamber denied the request of the Khieu Samphan defence to delay the commence-



The ECCC court building (File Photo)

ment of Case 002/02 until after the Supreme Court Chamber has finally ruled on all appeals relating to Case 002/01.

The Trial Chamber found that the principle of *res judicata* would not apply until after the judgement in Case 002/01 becomes final and so could not now serve as a basis to delay the proceedings. In response to the Khieu Samphan defence submission that the principle of legal certainty requires that Case 002/01 be finalised on appeal prior to the commencement of Case 002/02, the Trial Chamber deemed the arguments presented to be unclear and did not consider this a valid legal basis for the proposed delay.

The Chamber also found that the Khieu Samphan defence had failed to particularise the prejudice it claimed it would face in the second phase of the case without a final judgement by the Supreme Court Chamber in Case 002/01, and that there was no particular prejudice caused to the accused given that all parties to Case 002/02 will be similarly situated. The Trial Chamber considered that continuing with Case 002/02 before the final judgement on appeal is handed down in Case 002/01 would protect the interests of the accused, primarily the right to an expeditious trial, as well as the interests of civil parties and victims in achieving meaningful and timely justice.

Pursuant to a previous Trial Chamber order, confidential expert medical reports were submitted to the Trial

Chamber on 26 March with respect to the fitness of the accused persons Nuon Chea and Khieu Samphan to stand trial. The fitness hearing provisionally scheduled for March 28 was cancelled following consultation with the parties.

Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber disposed of a number of procedural and other case-management matters.

Further, the Pre-Trial Chamber continued its consideration of one pending appeal filed by a suspect in Case 003 against the constructive denial of 14 requests filed to the co-investigating judges. The proceedings on this appeal are at the deliberation stage.

In addition, on 12 March, the co-lawyers for a suspect in Case 003 filed an appeal against a decision of the international co-investigating judge rejecting their appointment on the basis of irreconcilable conflicts of interest. Up to date, the co-lawyers have filed with the Pre-Trial Chamber a number of seven related interlocutory requests, which have all been disposed of, two of which during the reporting period. The written proceedings on this appeal are ongoing, as provided for in the Internal Rules, and the chamber has considered and granted requests for extension of page and time limits for the submissions in order to give the parties the opportunity to fully debate the issues raised, which have

been brought for the first time before the ECCC.

These appeals are all classified as “confidential”.

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 Cases 003 and 004.

In Case 003, two summonsed witnesses gave testimony at the ECCC premises. In Case 004, eight summoned witnesses testified at the ECCC. In addition, 13 witnesses were interviewed and four Investigative action reports were drafted in the course of four field missions.

During the month of March, the OICIJ Analysts Unit continued reviewing 2,000 documents which had been obtained from external sources, as well as conducting on-site reviews of documentary evidence at external sources. Additionally, the Analysts Unit assisted and participated in all the field missions.

Civil party applications in Cases 003 and 004, which presently total in excess of 1,983, are progressively being placed on the case files while their admissibility and evidentiary value are being subjected to a thorough scrutiny.

The OICIJ has welcomed Chhay Chanlyda and Nan Chantha, two Junior Cambodian legal officers, who have been tasked with processing and analysing civil

party applications in both case files, as well as two new interns. Following a protracted and difficult recruitment process, the OICIJ is awaiting the arrival of four legal officers in May to fill legal officer positions that have been vacant for the past eight months.

Office of the Co-Prosecutors

Case 002

The co-prosecutors have been preparing for the commencement of Case 002/02. The co-prosecutors also reviewed the recent reports on the medical condition of Khieu Samphan and Nuon Chea.

Cases 003 and 004

The co-prosecutors have been analysing the evidence and reviewing the investigation and procedural developments in Cases 003 and 004, responding as necessary and systematically reviewing the record from cases 001 and 002 to ensure that they fulfill their disclosure obligations arising out of these cases.

Other

On 4 March, the co-prosecutors submitted a proposed rule amendment to rules 55 and 89ter, in order to enhance the expediency of proceedings before the ECCC. The proposed amendments would allow the co-prosecutors to make requests to the co-investigating judges or the Trial Chamber, as appropriate, to reduce the crime sites under investigation or charged. Under the co-

prosecutors’ proposal, the relevant chamber would be empowered to grant such a request as long as the remaining crime sites were reasonably representative of the charges as a whole.

Outreach

During March, OCP staff participated in ECCC outreach by giving lectures, presentations and skills training. On 13 March, the international co-prosecutor attended an outreach event to civil parties in Kampong Cham and on 27 March he gave a lecture at the Royal Academy for judges and prosecutors as part of their human rights training. OCP staff members met and discussed the ECCC and the status of its cases with Rotary Peace Fellows from Chulalongkorn University in Bangkok on 10 March, Buddhist monks and nuns from Myanmar on 21 March, and with 100 teachers at a DC-Cam teacher training course on the history of Democratic Kampuchea on 29 March in Prey Veng.

On 15 March OCP staff presented at the 6th annual conference of the Cambodian Society of Comparative Law on Legal Interpretation at the ECCC and on 25 March gave a speech to national judges and prosecutors at the launch of the Annotated Cambodian Code of Criminal Procedure at the Cambodiana Hotel. On 24 and 25 March a training course was offered to 24 human rights attorneys regarding ECCC and international jurisprudence relevant to interpreting provisions of the Cambodian criminal and criminal procedure codes through discussion and oral advocacy exercises.

Defence Support Section

In Case 002, the guardians for the accused Ieng Thirith filed a request before the Trial Chamber (TC) to permit her temporary evacuation to Thailand in order to receive further medical treatment due to deterioration of her health condition.

The accused Nuon Chea and Khieu Samphan both underwent a medical examination, on 24-25 March, conducted by three court-appointed medical experts to reevaluate Accused’s fitness to stand trial in Case 002/02.

The Nuon Chea defence team re-



Mr Keith Raynor, from the Office of the Co-Prosecutors, gives a lecture during a training course for human rights attorneys.



The Victim Support Section organises a Civil Party Regional Forum in Kampong Cham On 13 March.

viewed their client’s medical report resulting from that medical examination and declined to request a hearing to question the experts on this report. The team has otherwise been fully focused on preparing for the Case 002/02 trial.

Similarly, the defence team for Khieu Samphân did not request a hearing after receiving the report. Instead, they forwarded their observations by e-mail to the Trial Chamber regarding the matter. In the meantime, while waiting for a decision on the scope of Case 002/02, the team has started preparing for the trial, and learning about a few crime sites that might feature in the proceedings. The Khieu Samphân defence has also opposed the Office of the Co-Prosecutors’ Amendment Proposals to Internal Rules 55 and 89ter, considering them to be incompatible with Cambodian law and detrimental to several rights of the accused.

The Case 003 defence has filed a number of submissions, classified as confidential by the Office of the Co-Investigating Judges and Pre-Trial Chamber, to protect the suspect’s fair trial rights and continues to review publicly available material, as the case file remains inaccessible to the defence. The team has, in addition, submitted to the Rules and Procedure Committee its observations regarding the rule amendments proposed by the OCP, requesting that the proposal be rejected as being incompatible with applicable Cambodian rules and procedures.

In Case 004, Mr Richard Rogers was assigned as the second international co-lawyer for one of the suspects and recognised by the OCIJ, after winning

his appeal before the PTC and being accepted to the list of co-lawyers. He will represent the client together with International Co-Lawyer Goran Sluiter and National Co-Lawyer Mom Luch. This defence team also submitted observations in response to the OCP’s proposed rule amendments. The team objected to the proposed changes, alleging that they are unlawful under Cambodian and French law and asserted that if accepted, in part or in whole, then the status of all civil parties must be reconsidered.

Also in Case 004, the defence team of another named suspect has been pursuing its efforts to recruit more support staff. The suspect’s co-lawyers have also continued their attempts to gain access to the case file while still preparing their client’s defence by consulting publicly available sources.

Civil Party Lead Co-Lawyers Section

Hearings and Submissions

On 31 March, the lead co-lawyers filed the final supplementary submission on reparations in which they provided the Trial Chamber with additional specifications on the 13 projects requested as reparation in Case 002/01. A decision on whether the Chamber will recognize the requested reparations is expected to be issued with their judgement on Case 002/01 which is expected by the end of June.

Lawyers for civil parties also filed two important documents with the Rules and Procedure Committee. First, lawyers for civil parties made a strong

opposition to a rule amendment put forward by the Office of the Co-Prosecutors which would allow the prosecution to propose the permanent removal of some of the criminal allegations contained in the indictment. Civil parties argued that it runs contrary to the expectation of civil parties to see all allegations in the indictment tried and that the change was unnecessary to ensure efficient and expedient proceedings.

Second, lawyers for civil parties proposed an amendment to the rules on the classification of documents, seeking to ensure that the documents which comprise the civil party application remain confidential until the case before the court is decided and that, if later ordered publicly released, they are properly redacted so that the privacy and safety of the civil parties is sufficiently protected.

Meetings and Outreach

On 17 March, the national lead co-lawyer was invited by the Cambodian Human Rights Action Committee to speak about the reparations on radio station FM 102. Furthermore, on 20 March he was also invited by Bayon Radio station to speak about the Case 002/02.

On 27 March, the Special Tribunal for Lebanon invited the international lead co-lawyer to speak about the civil party participation at a seminar in Beirut. Four round table discussions were organised, focusing among others on victims' rights in national and international courts.

Reparations

A number of new donors have generously come forward to pledge funds in support of the reparation projects requested by civil parties in Case 002/01, including the Australian Embassy; German Institute for Foreign Cultural Relations (IFA); the German Gessellschaft fur international Zusammenarbeit (GIZ); the German Federal Ministry for Economic Cooperation and Development (BMZ); the Memorial of the Victims of Genocide Committed by the Khmer Rouge (MVGKR) and the Victims of Genocide of the Khmer Rouge (VGKR); Narrowcasters Pty. Ltd.; UN Special Expert David Scheffer; the Paris Bar; two members of the French Parliament; and the ECCC’s Public Affairs Section. Implementation continues to move forward on these projects which will enter key phases of their implementation in the coming months.

Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website: www.eccc.gov.kh.

Trial Chamber

6 March 2014: Trial Chamber Memorandum Entitled “Request to Bring Ieng Thirith to Thailand for Medical Treatment” <E138/1/11/2>

7 March 2014: Trial Chamber Memorandum Entitled “Request to Facilitate Expertise Ordered by the Trial Chamber” <E301/10/4>

13 March 2014: Trial Chamber Memorandum Entitled “Correction of Transcripts” <E304>

21 March 2014: Decision on Khieu Samphan Request to Postpone Commencement of Case 002/02 Until a Final Judgement is Handled Down in Case 002/01 <E301/5/5/1>



A panoramic view of the main courtroom in the Extraordinary Chambers in the Courts of Cambodia (photo: Meng Kimlong)

Victims Support Section

Legal representation

The ECCC-funded civil party lawyers of the Victims Support Section (VSS) assisted the Transcultural Psychosocial Organisation (TPO) and Youth for Peace (YFP) in identifying civil parties who will participate in the “Self-Help Group” and “Mobile Exhibition” reparation projects.

In addition, the lawyers have been preparing the list of civil parties who may testify in the Case 002/02 hearings, as well as considering new evidence, an activity plan and victims’ applications for Cases 003 and 004.

Processing and analysis

The Processing and Analysis Team of the VSS received a total of 60 applications in Cases 003 and 004, and filed 21 applications with the Office of the Co-Investigating Judges. As of 31 March, 1,695 people have applied, totalling 2,043 applications for these two cases.

Outreach

The VSS chief participated in the launching of a Khmer Rouge Victims’ Memorial Stupa, which was built by a community committee and youth group under the financial support of the German donor, DVV, in Kampong Chhnang Province. It was initiated by Civil Party Sam Bun Chhoeun and the Youth Group Development to celebrate religious ceremonies in the community. Around 100 people participated in the event.

The Chief of the VSS attended a four-day Mandela International Dialogue on the work on memory organised in Cambodia.

Non-Judicial Measures

On 13 March, VSS organized a Civil Party Regional Forum in Kampong Cham with the support of United Nation Trust Fund to end violence against women. Two hundred and fifty gender-based violence civil parties from nine provinces participated in the forum. The participants learned of the latest information on reparation projects and judicial pro-

gress, and met with their lawyers to discuss their individual concerns.

The VSS’ project team in charge of reparations and non-judicial measures also participated in a meeting with the Ministry of Cultural and Fine Arts to have a discussion about the construction of a stupa at Toul Sleng Museum on 27 March.

Reparations

Following a press release on the reparations, the VSS project team made efforts to raise additional fund, and managed to receive a few formal confirmations of funding commitment from various bi-lateral agencies, a private company and an individual.

The Chief of VSS went on VOA radio call-in show for a discussion of the ECCC’s reparations scheme. He also met with a researcher on reparation and non-judicial measures.

Cambodian Students Volunteer to Promote the ECCC

More than one hundred students of the Royal University of Law and Economics (RULE) became agents of change to increase awareness of the Khmer Rouge trials, conducting a massive outreach event in Preah Sihanouk province on 14 March.

About 140 students, who travelled from Phnom Penh to the seaside town, visited a local market from 7 am to distrib-

ute to marketers and shoppers the introductory booklets of the Extraordinary Chambers in the Courts of Cambodia, ECCC information sheets on the cases and a brochure summarising the first trial in Case 002. When questioned, the students discussed what they had learnt during an ECCC study tour that they participated in earlier, including basic facts about the operation of the court

and the accused currently standing trial. Later, the students also cleaned up beaches, wearing the ECCC T-shirts and caps.

Ms Niktikar Nith, a representative of the student volunteer group, reported that those who received the court's promotional materials showed interest in the work of the ECCC and the trials against the Khmer Rouge leaders, and that people started recounting their experiences during the Khmer Rouge regime to the students.

"We were very happy with this volunteer work and [its] fruitful results," said Ms Nith. She said that the students were grateful for people sharing their personal experiences with them so that they could learn something from the interaction. "We thank the ECCC for providing us with this opportunity to promote the work of the court. It enriched our experiences and also knowledge of the ECCC."

The ECCC has been conducting study tours for villagers and students from across Cambodia since 2009. More than 200,000 people have benefitted from the study tours so far and visited the court as well as the S-21 Tuol Sleng Museum and Choeung Ek killing fields for guided tours. RULE's volunteer group was one such study group. It is the first time that study tour participants have conducted outreach activities on behalf of the ECCC.



A volunteer law student gives out documents introducing the work of the Khmer Rouge tribunal in a market in Sihanoukville.

Professionals and Students from Abroad Visit the ECCC

Experts in memory work from across the globe visited the Extraordinary Chambers in the Courts of Cambodia on 4 March to hold discussions with court officials.

The visitors were professionals working on memory work, addressing remembrance of atrocities and reparations from South America, North America, Africa, Europe and Asia. They were in Cambodia to attend the Mandela Dialogue forum on memory work to discuss challenges in reckoning with the past. It was hosted by the German aid organization, GIZ Cambodia, in collaboration with the Nelson Mandela Centre of Memory.

Their visit to the ECCC was to gain a better understanding of the overall goal and function of the court and its role in the memory work in Cambodia.

The visitors received briefings from officers of different sections of the court, and learned about the caseload, the proce-

dure, victim's participation in the ECCC's legal procedure, and outreach activities. The participants also learned about the achievements of this hybrid court and the challenges that the court is facing such as advanced ages of defendants and financial constraints.

Many of them asked questions relating to the general function and legal proceedings to gain insight for enhancing their work on memory. The professionals concluded their visit with a courtroom tour.

In addition, March also saw a number of international groups visiting the court. Two groups of law students from Japan and Norway met with court officials, respectively, on 3 and 13 March while 25 international fellows of the Rotary Peace Center at Bangkok's Chulalongkorn University held dialogues with court officials on 10 March. On 21

March, a group of 22 Buddhist monks, nuns and laymen from Myanmar visited the ECCC and met with representatives from the Office of the Co-Prosecutors and the Defence Support Section. The visit was organized by the Documentation Center of Cambodia.



Deputy Co-Prosecutor William Smith gives a briefing to a group of Rotary Peace Fellows.



Japanese students from Nagoya University attend briefings on the workings of the Extraordinary Chambers in the Courts of Cambodia during their visit on 3 March.

Snapshots of Outreach Activities



A group of volunteers from the Royal University of Law and Economics (RULE) poses after they distributed outreach material about the Khmer Rouge tribunal to villagers in Preah Sihanouk province on 14 March.



A group of monks, nuns and laymen coming from Myanmar receives a presentation on 21 March.



Ms Chea Leang, national co-prosecutor, and her international counterpart, Mr Nicholas Koumjian, give a presentation to professionals from the Mandela Dialogue Forum on 4 March.



British Ambassador Bill Longhurst (center) and the deputy head of the ASEAN Department at the UK's Foreign and Commonwealth Office, Alexandra McKenzie (right), meet with Judge Rowan Downing (left) in the main courtroom during their visit on 18 March.



Annotated Code of Criminal Procedure Published

An annotated version of the Cambodian criminal procedure code was issued on 25 March by the UN Office of the High Commissioner for Human Rights (OHCHR) as part of the agency’s legacy programme on the Khmer Rouge tribunal.

The launch of the Annotated Cambodian Code of Criminal Procedure took

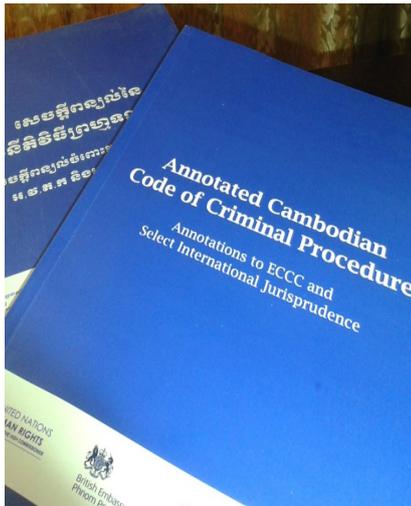


Photo courtesy of Destination Justice, www.destinationjustice.org

place in Phnom Penh in the presence of officials of the Extraordinary Chambers in the Courts of Cambodia, Cambodian government officials, judges, prosecutors and lawyers, NGO partners and donors. The project, originally initiated by the ECCC’s Office of the Co-Prosecutors, is the result of collaboration between the OHCHR, the British Embassy, the United States Agency for International Development (USAID), the East-West Management Institute (EWMI), and various contributing institutions from around the world. It took more than three years to complete.

The book, annotated by a team of international and national legal experts, totals 250 pages in English and 414 in Khmer, and consists of 80 articles of the Cambodian Code of Criminal Procedure. Annotations refer to French and international jurisprudence as well as ECCC jurisprudence, the latter being relevant to the interpretation of the code because the ECCC Internal Rules were developed based on the code. The annotations aim at providing examples of how articles similar to those in the Code of Criminal Procedure have been interpreted and applied by courts.

“Annotated codes are indispensable

tools for daily legal practice that improve the quality of legal reasoning and thus better ensure respect for human rights,” said Wan-Hea Lee, OHCHR-Cambodia Representative, during the launching event.

The OHCHR-Cambodia kicked off the legacy programme a few years ago and has initiated a number of projects, including a fair trial rights academy delivered to trainee lawyers and law students, a legal dialogues training programme for Cambodian lawyers, and the convening of regular ECCC legacy update meetings.

The full annotated code can be downloaded in English and Khmer on the website of the OHCHR-Cambodia: http://cambodia.ohchr.org/WebDOCs/DocProgrammes/Annotated_Cambodian_Code_of_Criminal_Procedure_Eng.pdf

Hard copies of the annotated code will be distributed to interested parties in coming weeks. All jurisprudence referred to in the annotated code will also be made available via the OHCHR-Cambodia website in the near future.

ECCC Radio Show Goes on a Short Break

The weekly radio show “Khmer Rouge Leaders on Trial” on Bayon Radio has gone on a short break.

The radio show is part of outreach initiatives by the Extraordinary Chambers in the Courts of Cambodia. It features special topics each week and invites guest speakers from the ECCC to explain the latest developments in judicial proceedings.

The first show was aired on Radio National Kampuchea in late November 2011 featuring the opening of the Case 002 trial. It lasted a year but went on a break early 2013 due to financial constraints. The show was resumed last September on Bayon Radio and continued until the end of March. It is planned to resume in June on the same radio station before the pronouncement of the verdict in Case 002/01, and to continue for the rest of the year covering the proceedings of the next trial.

Expert Gives Lecture on GBV at ECCC



Kelly Dawn Askin

Staff members of the Extraordinary Chambers in the Courts of Cambodia benefitted from a special lecture on the prosecution of gender based violence by a visiting senior legal officer of the US-based Open Society Justice Initiative on 21 March, thanks to the ECCC focal points for women.

Ms Kelly Dawn Askin, an expert in gender based violence, spoke on “Sexual Violence as a Tool in Mass Atrocity Crimes”, touching upon the jurisprudence on the prosecution of rape and other sexual violence in international tribunals.

Ms Askin spent more than 17 years working in the field of international justice as a legal advisor, expert consultant and an international law trainer to prosecutors, judges and registry. She has

worked on transitional justice projects in relation to the former Yugoslavia, Rwanda, East Timor, Cambodia and Sierra Leone.

Also the author of a number of books and law review articles on international criminal tribunals and international gender justice, she orientated her lecture toward the evolution of sexual violence as a charge in mass atrocity trials, from Nuremberg to nowadays. The lecture, which ended with a question-and-answer session, was held in front of dozens of international and national staff members in the main court’s public gallery of the ECCC. Judge Agnieszka Klonowiecka-Milart presided over the lecture.

Anne-Marie Burns, legal officer in the Pre-Trial Chamber and international focal point for women, and her national counterpart Youleng Heng of the Victims Support Section organized the lecture for staff members as part of their gender mainstreaming initiatives. The two hope to organize other gender mainstreaming events in the future.

Outreach Activities

4-9 March: Kdei Karuna conducts a Training of Trainer assessment and baseline survey in Siem Reap Province, interviewing 24 respondents to assess their capacities, and perceived levels of community strength, self-disclosure and social constraints. A Community Memory Initiative assessment and baseline survey is organised at the same time in Takeo Province, with 42 respondents.

13 March: The Victim Support Section organises a Civil Party Forum in Kampong Cham with partners NGOs to discuss the reparations. Guest-speakers include representatives of the Victim Support Section, the Office of the Co-Prosecutors, the Civil Party Lead Co-Lawyers Section, as well as representatives from Youth for Peace, the Transcultural Psychosocial Organisation, and Cambodian Defenders Project.

17 March: National Civil Party Lead Co-Lawyer Pich Ang and ECCC Press Officer Neth Pheaktra participate in a live show called “KRT Watch Program” organised by CHRAC at the Women’s Media Centre of Cambodia on the proceedings of Case 002/02. This live show is re-broadcasted on 29 March. The next “KRT Watch Program” live show will be aired on 7 April.

20-23 March: 34 students and school teachers attend a dialogue and share their experience under the Khmer Rouge regime during a Community Memory Initiative dialogue organized by Kdei Karuna in Takeo province. A workshop on the same topic is organised on 25 - 28 March in Takeo province.

25 March – 2 April: Kdei Karuna holds a series of film screening in Prey Veng province and Svay Rieng province about the reconciliation process between victims and former Khmer Rouge.

4 April: ECCC’s Public Affairs Section holds an outreach coordination meeting with NGO partners to discuss past outreach activities as well as upcoming ones.

5 April: The Documentation Center of Cambodia (DC-Cam) organises a half-day training for teachers on genocide education in Kandal province.

7-11 April: Kdei Karuna invites 20 key actors to attend a study tours in few memory landmarks such as Cheung Ek, Tuol Sleng Museum, Kraing Ta Chan, in the context of the Community Memory Initiatives Project.

7-10 April and 28-30 April: Film screenings are organised by Kdei karuna about the reconciliation process between victims and former Khmer Rouge, in Rattanakiri and Stung Treng.

28-29-30 April: CHRAC organises three one-day Legacy Workshops at the Cambodian University for Specialities, with approximately 200 students and guest speakers from the ECCC. The aim is to teach the students about the proceedings at the ECCC and the ECCC legacy.



ECCC Outreach

The Public Affairs Section of the Extraordinary Chambers in the Court of Cambodia hosts Khmer Rouge Tribunal Study Tours, bringing groups of 200-300 villagers from areas throughout Cambodia twice a week to the ECCC, the Tuol Sleng Genocide Museum and the Choeung Ek killing fields for a guided tour and briefings. During the trial recesses, the Public Affairs Section also conducts school visits to give briefings, as well as hosts community video screenings across Cambodia. It also welcomes international group visitors and provides briefings and court tours.

| March 2014 | | | | | | |
|------------|-----|------------------|------------------|-------------------------------------|-----------------|---------------------------|
| SUN | MON | TUE | WED | THU | FRI | SAT |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 Study Tour | 6 ECCC radio show | 7 Study Tour | 8 Khmer Public Holiday |
| 9 | 10 | 11 Study Tour | 12 Study Tour | 13 ECCC Radio show | 14 | 15 |
| 16 | 17 | 18 Study Tour | 19 | 20 Study Tour ECCC radio show | 21 | 22 |
| 23 | 24 | 25 Study Tour | 26 | 27 Study Tour ECCC radio show | 28 | 29 |
| 30 | 31 | | | | | |

| April 2014 | | | | | | |
|------------|----------------------|----------------------|----------------------------|------------------|-----|-----|
| SUN | MON | TUE | WED | THU | FRI | SAT |
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| 6 | 7 Study Tour | 8 Study Tour | 9 | 10 | 11 | 12 |
| 13 | 14 Khmer New Year | 15 Khmer New Year | 16 Khmer Public Holiday | 17 | 18 | 19 |
| 20 | 21 | 22 Study Tour | 23 | 24 Study Tour | 25 | 26 |
| 27 | 28 | 29 Study Tour | 30 | | | |



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

“Everyone can be involved in the process”



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