

Translation Unit's Boycott Brings ECCC to a Halt

By Edward Gough, Associate Consultant, Destination Justice¹

The scheduled hearing of journalist and historian Philip Short's² testimony at the Extraordinary Chambers in Courts of Cambodia (ECCC) was canceled on Monday, March 4, 2013, due to an unexpected boycott of translation services by the Interpretation and Translation Unit (ITU) and the hospitalization of co-accused Ieng Sary. With significant discord over the unpaid salaries of ECCC Cambodian staff, the ITU decided to take action by refusing to work until all their staff are paid salaries owed to them from December 2012 and January and February 2013.

ITU Boycott

The opening session of Monday's hearing began approximately 20 minutes late, with the audience in the public gallery and media room excitedly anticipating testimony from one of the most popular historians on the Khmer Rouge regime. However, as the Trial Chamber President Nil Nonn prepared to open proceedings, the translator on the English channel of the ECCC's internal translation service unexpectedly announced that he had "a message from the interpreters," continuing, "We, the ITU staff, are now implementing our work boycott, until we are paid salaries from December 2012, January and February 2013."

This statement caused a buzz of activity within the media room, while an atmosphere of uncertainty quickly descended throughout the Courtroom. The president began speaking in Khmer without any English translation. After he had finished this short announcement, Judge Silvia Cartwright indicated for the benefit of the English speakers in the courtroom that the president had ruled that the Trial Chamber Judges will retire and assess the situation. Judge Cartwright asked the parties to remain in court and await further instruction.

After almost an hour-long adjournment, the proceedings resumed, as did the English translation, with the president declaring that the Court was now in session. Any hopes that this would signal a return to schedule were dashed as, after a short report on the parties' attendance by the greffier, President Nonn asked the ITU Unit whether they would be able to assist the Court. Their response, delivered by one of the native English speakers, was unequivocal: "We are present for the next 20 minutes but after that further assistance is not feasible."

The greffier's attendance report confirmed rumors that Ieng Sary had been hospitalized and that Counsel for Ieng Sary, Ang Udom, was currently on route to Khmer Soviet Hospital to visit his client and presumably take instruction from him. Despite further concerns about his health Nuon Chea was present in the holding cell for the day's proceedings.

The president handed the floor to Judge Silvia Cartwright to confirm the current state of proceedings and lift the fog of confusion that had shrouded the courtroom for the best part of the morning. Regarding the

¹ Cambodia Tribunal Monitor's daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC's hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

² Philip Short is the author of one of the most popular books on the Khmer Rouge and the regime's leader, entitled *Pol Pot: The History of a Nightmare*.² Working as a foreign correspondent for the BBC, Short first encountered Pol Pot in China in 1977 and tracked Pol Pot's fate and that of the Cambodian people until the death of the Khmer Rouge leader in April 1998. Aside from his study of Cambodia, Philip Short has also written extensively on the region, documenting the rise to power of Chinese revolutionary Mao Tse-Tung in the biography *Mao: A Life*.

ITU boycott, Judge Silvia Cartwright confirmed that the court would only have the benefit of interpretation in English and Khmer and only for “a very limited amount of time.” Regarding the hospitalization of Ieng Sary and the effect it would have upon proceedings, the judge reiterated that Ieng Sary had been admitted to hospital on Monday morning and noted that Mr. Sary’s legal team had not had an opportunity to contact him and therefore, “they are unable to consult as to whether he waives his right to be present and therefore indicate that they have no instruction to waive for permission to proceed in his absence.”

Indicating that there was a matter to be resolved in relation to Nuon Chea’s right to take part in proceedings, Judge Cartwright turned the hearings back over to the president for the court’s ruling. Making reference to a submission to the ECCC dated March 1, 2013, in which Nuon Chea stated his wish to partake in all proceedings, President Nonn relayed Mr. Chea’s request not to participate in proceedings due to his health and that he has asked the Trial Chamber to defer proceedings until he is able to participate. The president indicated that he had received a medical report on the accused’s condition, with the physician reporting, “[Nuon Chea] has a problem with his bowel system; he is dizzy and feels like vomiting from time to time.” The President ruled that the co-accused’s condition was “not that great” but that he nevertheless was still able to participate from the holding cell.

Turning to the issue of Ieng Sary’s lack of waiver, the president conceded that the hearing could not proceed in the absence of such permission from the co-accused. He therefore adjourned the day’s proceedings, stating, “We cannot set a definite time to resume the hearing but will notify all parties of the date of the recommencing of the proceedings.”