Contents

1 Introduction: An Extraordinary Court .............................................. 1
   Simon M. Meisenberg and Ignaz Stegmiller

Part I Assessing the History, Establishment, Judicial Independence
    and Legacy

2 Trials and Tribulations: The Long Quest for Justice
   for the Cambodian Genocide ......................................................... 13
   Helen Jarvis

3 Allegations of Political Interference, Bias and Corruption
   at the ECCC ................................................................. 45
   Shannon Maree Torrens

4 The 1979 Trial of the People’s Revolutionary Tribunal
   and Implications for ECCC ..................................................... 77
   Frank Selbmann

5 Expectations, Challenges and Opportunities of the ECCC .......... 103
   Jeudy Oeung

6 The Legacy of the ECCC ......................................................... 123
   Viviane E. Dittrich

Part II Assessing the Contributions to Substantive International
    Criminal Law

7 The Duch Case: The ECCC Supreme Court Chamber’s
   Review of Case 001 .......................................................... 159
   Franziska C. Eckelmann

8 The Case 002/01 Trial Judgment: A Stepping Stone
   from Nuremberg to the Present? ............................................ 181
   Russell Hopkins
9  The Theory of Joint Criminal Enterprise at the ECCC: A Difficult Relationship ........................................... 203
    Lachezar Yanev

10 Legal Constraints in the Interpretation of Genocide ..................... 255
    Mélanie Vianney-Liaud

11 Forced Transfer and Customary International Law: Bridging the Gap Between Nuremberg and the ICTY .......... 291
    Nathan Quick

12 Issues of Sexual and Gender-Based Violence at the ECCC .......... 321
    Valerie Oosterveld and Patricia Viseur Sellers

13 The Grave Breaches Charges at the ECCC: An Analysis of International Humanitarian Law in the Duch Case .......... 353
    Noëlle Quénivet

14 Past Crimes and the Effect of Statutory Limitations on the ECCC . 375
    David Boyle

Part III  Assessing the Contributions to International Criminal Procedure

15 Trial Process at the ECCC: The Rise and Fall of the Inquisitorial Paradigm in International Criminal Law? .... 389
    Sergey Vasiliev

16 Managing Enormous Mass Crimes Indictments: The ECCC Severance Experiment ........................................... 435
    Anne Heindel

17 Frail Accused and Fitness to Stand Trial .............................. 461
    Roger L. Phillips

18 The Admission of Torture Statements into Evidence ................. 491
    Tobias Thienel

19 Recognizing the Limits of Victims Participation: A Comparative Examination of the Victim Participation Schemes at the ECCC and the ICC ............................................. 515
    Binxin Zhang

20 Legal Developments of Civil Party Participation at the ECCC ..... 535
    Ignaz Stegmiller

ANNEX .................................................. 551

Bibliography ........................................... 569

Table of Cases ....................................... 585

Index .................................................. 603
The Extraordinary Chambers in the Courts of Cambodia Assessing Their Contribution to International Criminal Law
Meisenberg, S.M.; Stegmiller, I. (Eds.)
2016, XVIII, 612 p. 2 illus., Hardcover
ISBN: 978-94-6265-104-3
A product of T.M.C. Asser Press