



The Court Report

JUNE 2013

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



The Trial Chamber is in session viewed from the public gallery. (File photo)

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Chamber Outlines Steps to Conclude Ongoing Trial

The Trial Chamber of the Extraordinary Chambers in the Court of Cambodia has recently outlined the last remaining steps required to conclude the hearing of evidence in the first trial of Case 002, noting it will not postpone the close of evidentiary proceedings pending resolution of the two appeals against the second severance order unless otherwise ordered by the Supreme Court Chamber.

In its memorandum of 31 May, the Trial Chamber indicated that it would hear about 11 further individuals in the first two weeks of June and hold a final Trial Management Meeting on 13 June to discuss the last remaining issues to be resolved at trial before concluding the hearing of evidence in the trial of Case 002/01.

The current trial concerning the two remaining accused Nuon Chea and Khieu Samphan began in November 2011 and has heard 76 individuals (excluding medical experts for the accused' fit-

ness) by the end of May. The chamber intends to hear a total of 89 individuals over its course, but the parties have requested to hear a limited number of further individuals at trial.

The Trial Chamber also provided further information regarding the scheduling of closing statements in Case 002/01, confirming that the parties would be given 30 days to file their written Closing Briefs after the last day of the hearing of evidence. The chamber has also set a timeframe for the oral Closing Statements and allocated time to each party, assigning three days for the prosecution, one day for the Civil Party Lead Co-Lawyers and two days each for the Nuon Chea and Khieu Samphan defence teams.

In order to safeguard the timely conclusion of the current trial in light of the advanced age of the two remaining accused, the Trial Chamber also announced that it would "not defer the close of evidentiary proceedings in Case 002/01 pending

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Parties Appeal Against Second Severance

The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia has been seized of appeals against the Trial Chamber's second decision on severance of Case 002 concerning Khmer Rouge leaders Nuon Chea and Khieu Samphan.

ECCC's Co-Prosecutors appealed on 10 May that the Trial Chamber's second decision to confine the scope of the trial within crimes against humanity in relation to forced movements of population and an execution site in Pursat be amended to include the infamous security prison S-21.

In its appeal, the prosecution cites among other reasons that the S-21 security centre is "the single most representative crime site of the Case 002 Indictment, and the one and only security centre that reported directly to the senior leaders." The prosecution further states that the inclusion would help "ensure that there is a reasonable and realistic attempt to more accurately represent the total criminality."

In its second decision on severance, pronounced on 29 March and issued with full reasoning on 26 April, the Trial Chamber decided to re-sever the indictment of Case 002 into a series of smaller trials and limit the scope of the first trial to the forced evacuation of Phnom Penh in April 1975, the second phase of forced movement from provinces in 1975 onward and the execution of former Lon Nol soldiers at Toul Po Chrey execution site in Pursat. Other charges in the Case 002 indictment were deferred to subsequent trials in

Case 002.

Meanwhile, the defence team of Nuon Chea also filed an appeal against the same decision on 27 May, requesting the Supreme Court Chamber either annul the second severance order or order the Trial Chamber "to formulate a reasonably representative of the full Case 002 Closing Order which includes the genocide charges and those concerning crimes allegedly committed at cooperatives and worksites." The defence team also requests to dismiss the prosecution's appeal.

According to the ECCC Internal Rules, the Supreme Court Chamber must decide on the appeals within three months, or a maximum of four months in exceptional circumstances.

Earlier this year, the Supreme Court Chamber rendered the first severance appeal decision, declaring the 2011 original severance order by the Trial Chamber invalid and requiring it provide "for a tangible plan for the adjudication of the entirety of the charges in the Indictment" should it consider re-severing Case 002. In the first severance appeal decision, the Supreme Court Chamber also directed the Trial Chamber to "give due consideration to reasonable representativeness of the Indictment within the smaller trial" should it opt to conclude Case 002 with the smaller trial.

Following the first severance appeal decision, the Trial Chamber re-considered severance and re-severed the indictment with the scope of the first trial confined as before.

Steps... continued from pg. 1

resolution of the Co-Prosecutors' appeal of the second severance decision, unless this is so ordered by the Supreme Court Chamber."

Following the annulment of a first severance order by the Supreme Court Chamber, the Trial Chamber earlier this year once again severed Case 002 into discrete trials and provided reasons for its decision to confine the scope of Case 002/01 to the forced movement of population and the Tuol Po Chrey execution site. The prosecution appealed this decision in May, requesting the Supreme Court Chamber to compel the Trial Chamber to include crimes committed at S-21 security centre within the current trial. The Nuon Chea defence also appealed, asking that Nuon Chea be tried on all the crimes and factual allegations contained in the Case 002 Indictment or, alternatively, to expand the scope of the trial to include charges of geno-

cide and crimes allegedly committed at cooperatives and worksites. According to the ECCC Internal Rules, the Supreme Court Chamber has up to four months to decide on these appeals.

The parties are invited to discuss all remaining issues surrounding the close of evidentiary hearings in Case 002/01 at the final Trial Management Meeting scheduled on 13 June. In order to facilitate discussion of the last remaining issues at trial, the Trial Chamber provided the parties with lists outlining the chamber's tentative disposition of all 1,054 individuals sought by the parties to be heard at trial, as well as an annex indicating the chamber's disposition of all motions filed over the course of the trial. During Case 002/01, more than 285 written motions

2 Lawyers for Case 004 Recognised

Two lawyers assigned to represent an unnamed suspect in Case 004 are now officially recognized by the Extraordinary Chambers in the Courts of Cambodia to act on behalf of the suspect.

International Co-Investigating Judge Mark Harmon issued a decision on 17 May, confirming Cambodian lawyer Mom Luch and Dutch lawyer Goran Sluiter to represent one of the multiple suspects under investigation in Case 004. The two lawyers were respectively requested by the suspect to represent him and provisionally assigned by the Defence Support Section of the ECCC last year to do so.

In the decision, however, Judge Harmon "vacated" the previous recognition of British lawyer Richard Rogers by the former reserve judge Laurent Kasper-Ansermet, remanded the matter to the DSS to reconsider his eligibility and invited the lawyer to submit materials on his eligibility and qualifications.

Mr Mom has 17 years of experience as a lawyer, primarily working in the field of criminal law. His counterpart, Mr Sluiter, is a criminal defence lawyer from Amsterdam and a professor in international criminal law at the University of Amsterdam. He has extensive experience in international criminal law and has worked as a judge in international criminal cases in the Netherlands.

Case 004 concerns a total of 44 crime sites and two criminal episodes of purges that took place under the Khmer Rouge regime. The crime sites include a number of security centres, prisons and execution sites in six provinces of Battambang, Pursat, Takeo, Kampong Thom, Kampong Cham and Banteay Meanchey. As of the end of May, 1,081 individuals have submitted their applications for the status of Civil Party.

were filed before the Trial Chamber, resulting in approximately 250 written or oral decisions by the chamber.

Editor's note: The final Trial Management Meeting took place on 13 June as scheduled to discuss the topics outlined here. The results will be reported in the next edition of the Court Report.

Kenyan Jurists Learn Lessons from ECCC for Int'l Crimes Division



The Kenyan delegation meets with ECCC officials.

In an effort to learn from experiences in the prosecution and trial of international crimes at a hybrid court, a judicial delegation of Kenya visited the Extraordinary Chambers in the Courts of Cambodia on 27-30 May to hold a series of meetings with the court officials.

The 10-member delegation of the Kenyan Judicial Service Commission, headed by Hon. Revered Dr Samuel Kobia, spent full three days at the ECCC for discussions and a day for guided tours at the Khmer Rouge crime sites. The visit was aimed at enriching the commissioners' ideas at the preparatory stage of establishing an international crimes division within the Kenyan High Court to try both international and transnational crimes.

In order to draw upon the experience of similar courts, the commission had visited African counterparts Uganda and Rwanda, both of which have international crimes divisions, as well as the International Criminal Court at The Hague. But those visits were not enough. "Everyone was telling us to look at hybrid courts," Dr Kobia said, adding that the ECCC appeared as a model court among others.

During the four-day visit, the delegation attentively listened to the experiences and lessons learned from representatives from each and every judicial section and support office. While some talked about challenges in

managing the participation of thousands of victims in the proceedings while others described a unique hybrid nature of ECCC's rules and procedural regulations. The delegation was particularly interested in the aspects of victim participation and national reconciliation as well as challenges in field investigation in international crimes.

The Kenyan visitors also toured the Choeung Ek killing fields and infamous Khmer Rouge detention facility S-21 during their stay in Phnom Penh. "Obviously it was very depressing," Dr Kobia confided. "Some of us had read a lot about the Khmer Rouge, but when you actually visit the sites, it's too much. It's chilling."

In Kenya, an estimated 1,300 people died and another 600,000 were internally displaced at widespread post-election violence in 2007 when then President Mwai Kibaki was re-elected. Atrocities experienced by Cambodians in the 1970s are not unfamiliar to the Kenyans.

Dr Kobia said that Cambodians are trying their best to come to terms with what happened and refusing to be "imprisoned by the past." He expressed a strong desire to establish solidarity with Cambodians, saying that he would impart not only a tale of Khmer Rouge crimes but a present-day narrative of justice done and seen to be done.

Visits to ECCC

A number of delegations from donor countries continued to flock to the ECCC in May.

The Extraordinary Chambers in the Courts of Cambodia hosted a visit of an Australian Minister of Parliament, on 7 May. Hon. Simon Crean, a long-running member of the Australian Parliament who has served as Minister for Trade among other ministerial positions, attended the hearings in Case 002, and afterwards met with some of the Australian staff at the court to learn further about the work of the ECCC.

Also visiting the ECCC was a senior official of the Swedish Ministry of Foreign Affairs on 8 May to see the progress the court had made. Mr Per Sjögren, Director of the Department for International Law, Human Rights and Treaty Law at the Swedish Ministry of Foreign Affairs came to the court, accompanied by Ambassador Anne Höglund, First Secretary Anette Dahlström and Desk Officer Ms. Frida Orring. The delegation attended the hearings in Case 002 and met with the Acting Director of Administration H.E Tony Kranh, Deputy Director of Administration Knut Rosandhaug and International Co-Prosecutor Andrew Cayley to gain further insight into the work of the court and an update on its progress to date.

Similarly, 42 representatives of the Civil Peace Service, the coordinating body for German aid funding from the German Federal Ministry for Economic Cooperation and Development, attended the hearings for Case 002, and received presentations from the Trial Chamber



Australian MP Simon Crean (right) with ECCC Legal Communications Officer Lars Olsen.

Svay Rieng University Students Respond to ECCC Outreach

Members of the Public Affairs Section at the Extraordinary Chambers in the Courts of Cambodia conducted an outreach trip on 18 May to the anonymous university in Svay Rieng province. A few hundred students turned out to hear ECCC spokesperson Pheaktra Neth introduce the tribunal and its mission.

Following the presentation, students had a chance to pose questions to Mr Neth. Many were curious to understand the relationship between the ECCC and its donor nations; others asked about the personal histories of the co-accused. Finally, the Public Affairs contingent passed out ECCC introductory booklets, t-shirts and caps to participants.

Public Affairs interviewed three students who attended the presentation about their impressions.

Pen Pisey

Age 21; studying accounting



Before the presentation, did you know about the ECCC? If so, how did you learn?

I knew a little bit about the court before today, but I was vague. I knew that Case 001 concerned one person, and that Case 002 concerned four people. I learned this from my family, teachers at school, and TV programs. I learned a lot more detail today, and I hope to learn even more when I attend a hearing at the court on 20 May!

Did you learn from today's presentation? What was most interesting or useful?

It was interesting to hear about the court's funding situation. Donor nations have already contributed about \$170 million, which sounds like a lot of money. However, other countries have taken more time and spent more money on similar courts, so maybe it's not so much.

Lak Makara

Age 19; studying management



Did you learn from today's presentation? What was most interesting or useful?

I was glad to learn that the ECCC has the support of foreign nations. They want the trials to succeed so much; they have donated millions of dollars! I also learned about what will happen to the co-accused when the trial concludes, depending on the court's verdict.

What does the ECCC mean for you, or for your family?

I felt very calm in my mind when I first heard that this court would be created. It is encouraging. I think the court will help the Cambodian people learn not to repeat the mistakes of previous generations.

Sun Socaeat

Age 19; studying accounting



Why did you come to today's presentation?

When people complain that the trials are moving too slowly, the court says this is because due process takes time. So I wanted to understand why due process is so important. I also wanted to understand more about the people who led the Khmer Rouge.

What does the ECCC mean for you, or for your family?

For a long time, Cambodia has suffered from corruption; rule of law is not enforced. Cambodians are not proud of their society. By imposing the rule of law, I believe the court can give Cambodian people more faith in their society, which will bring them together.

Bophana Centre Director Wins Coveted Cannes Film Festival Award

Prominent Cambodian-French filmmaker Rithy Panh received one of the Cannes Film Festival's most coveted awards in May for *L'Image Manquante* (*The Missing Picture*), his latest film on the Khmer Rouge atrocities.

The film combines historical footage with claymation to create a deeply personal account of life under the Khmer Rouge regime. It beat out 16 other candidates to win the "Un Certain Regard" category, which recognizes innovative aesthetics and filmmaking.

Panh, a founder and director of the Bophana Audiovisual Resource Centre which has jointly organized the community video screening with the Extraordinary Chambers in the Courts of Cambodia, became the first

Cambodian to win the award at Cannes.

According to IMDb, a popular movie website, Panh was 13 when the Khmer Rouge captured Phnom Penh on 17 April, 1975. He was put to work in the agricultural labor camps that would eventually claim the lives of his whole family. In re-constructing these events for the silver screen, he relied partly on archival footage and black-and-white photos. However, the majority of his experience was not caught on camera. Hence, Panh's use of over 100 colorful clay figurines—shot in static motion against detailed miniatures of his childhood home, rice fields and other salient settings.

Democratic Kampuchea has been featured prominently in many of Panh's films. In 1994, Cambodia submitted his film *Rice*

People to Cannes for the Academy Award's Best Foreign Language Film. Panh has devoted three films to the notorious Khmer Rouge torturer Kaing Guek Eav, alias Duch, most recently, his 2011 documentary *Duch, Master of the Forges of Hell*.



Director Rithy Panh.

Case 002

Evidence Hearing

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia sat in May for 13 days in Case 002 concerning former Khmer Rouge leaders Nuon Chea and Khieu Samphan, both of whom are charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide.

The Trial Chamber continued hearing evidence in the first trial of Case 002 focusing on crimes against humanity allegedly committed during the forced evacuation of Phnom Penh, the forced movement of population from various urban areas from September 1975 until 1977 and the execution site at Tuol Po Chrey in Pursat. As the trial was getting closer to an end, the Trial Chamber examined two character witnesses appearing to give testimony about Khieu Samphan, heard the testimony of expert witness Mr Phillip Short, a veteran journalist and historian, and heard selected Civil Parties testified about the sufferings of victims and questioning the Accused during the ‘victim impact hearings’ in the last week of the month.

Lim Sat, Witness

Testified 2-3 May

Mr Lim, a former Khmer Rouge soldier who was stationed in Pursat province near Tuol Po Chrey, testified on what he witnessed during the day of an execution, as well as in the days preceding and in the aftermath. He also gave testimony on a series of purges alleged to have taken place.



Ieng Phan, Witness

Testified 20 May

Mr Ieng reached the rank of Division Commander in the Khmer Rouge military and provided testimony on the command structure of the Khmer Rouge and the process by which orders were distributed down the chain of command. He also testified about his role in the evacuation of Phnom Penh.



Phillipe Jullian-Gaufres, Character Witness

Testified 21 May

Mr Gaufres first met Khieu Samphan in Paris in 1957 whilst they were both studying at university, and has met with him on four occasions after 1979, most recently in 2005. Mr Gaufres gave his assessment of Khieu Samphan’s character, political ideology and intentions for Cambodia whilst in government, and the manner in which he is regarded by the population.



Sockon Chau, Character Witness

Testified 22 May

Mr Sockon lived in Cambodia until 1956 when he left to study in France. He met Khieu Samphan first in 1974, and then on three occasions since, most recently in 2005.



Phillip Short, Expert

Testified 6-9 May



Mr Short, 68, is a journalist and historian who authored the book *Pol Pot: Anatomy of a Nightmare*, gave testimony on a wide range of topics concerning the organisation, policies and actions of the Democratic Kampuchea regime. In the 1970s, Mr Short was based in China working as a

journalist for the BBC. In his coverage of the Democratic Kampuchea regime he has conducted research and interviews with witnesses, survivors and perpetrators.

Mr Short was questioned by the Trial Chamber and all parties on many issues central to Case 002: the evacuations of smaller areas prior to 1975; the structure of the Communist Party of Kampuchea; the details of meetings in which key policies were decided and implemented; the evacuation of Phnom Penh; Khieu Samphan’s relationship to Pol Pot and the Standing Committee; the ideology of the Khmer Rouge; and the distinction between “old people” and “new people”, or revolutionaries and counter-revolutionaries. He was extensively questioned on his research methodology and the sources upon which he relies in his book.

Prum Sou, Witness

Testified 21 May

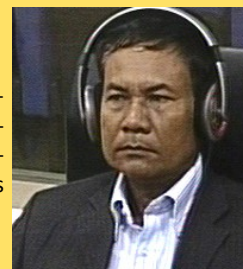
Mr Prum worked in the commerce and agricultural office in Khmer Rouge Sector 103. He testified about the evacuation of Phnom Penh residents to cooperatives.



Chau Ny, Civil Party

Testified 23 May

Mr Chau described how his uncle, a prominent banker of Kampuchea Krom ethnicity, received from Khieu Samphan requesting his presence in Phnom Penh. His uncle was never seen again.



In The Courtroom

Case 002

Evidence Hearing: Victim Impact

Twelve Civil Parties testified in court about their experiences and sufferings during the Khmer Rouge regime and thereafter. They were part of the 15 Civil Parties selected by the Lead Co-Lawyers to present evidence on the impact of the crimes alleged in Case 002/01 on their victims. This testimony is a sample of the suffering alleged by the 3,866 Civil Parties admitted to Case 002. In addition, the Civil Parties were given the opportunity to put questions to the accused.

Sou Sotheavy, Civil Party

Testified 27 May

Ms Sou, who identifies as a transgendered person, spoke about her forceful evacuation from Phnom Penh in 1975, the loss of all her immediate family, and the repeated beatings and rapes she suffered subsequently.



Chan Socheat, Civil Party

Testified 29 May

Ms Chan told the chamber how she lost every member of her immediate family, including 13 brothers and sisters to overwork and starvation.



Aun Phally, Civil Party

Testified 27 May

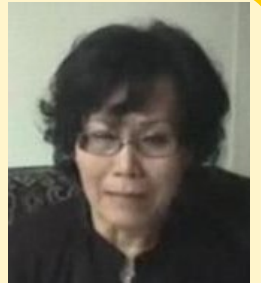
Mr Aun gave a statement of suffering describing the deaths of the rest of his family, and his subsequent suffering as an orphan in a “Children’s Unit” where he was forced to work without food or water and regularly beaten.



Chheng Eng Ly, Civil Party

Testified 29 May

Ms Chheng described the numerous atrocities she witnessed, including a woman being forced to dig her own grave before being buried alive, and the brutal murder of a baby.



Sang Rath, Civil Party

Testified 27 May

Ms Sang described how her family was divided by age and gender and put to work in Battambang province. Within one year, each of her four children and her husband had died from starvation and exhaustion.



Huo Chantha, Civil Party

Testified 29 May

Ms Chantha described both the immediate and long-term effects of being forcefully evacuated and being placed in a labour camp, having lost her husband to a heart condition acquired as a result of the conditions he faced in such a camp.



Yos Phal, Civil Party

Testified 27 May

Mr Yos was a policeman under the Lon Nol regime. He described how his entire squad was killed under suspicion of being internal enemies, how his father was killed because he was no longer useful to the revolution.



Nou Hoan, Civil Party

Testified 30 May

Mr Nou described the pain he has felt since his daughter, nephews and cousins were removed during the night and ‘smashed’ by Khmer Rouge soldiers more than 30 years ago.



Thouch Phandara, Civil Party

Testified 29 May

Ms Thouch, 65, spoke of the suffering she endured losing first her parents then the rest of her family and being placed into forced labour camps.



Yin Roum Doul, Civil Party

Testified 30 May

Mr Yin testified about his experiences after being evacuated from Phnom Penh to a cooperative, where he was separated from his family and sent to a “children’s unit” where he was badly beaten, tortured and imprisoned.



In The Courtroom

Sophan Sovany, Civil Party

Testified 30 May

Ms Sophan described the misery resulting from her entire family being killed during Democratic Kampuchea. She recalled traumatic events such as witnessing the killing of a pregnant woman with a hoe.



Po Dina, Civil Party

Testified 30 May

Ms Po's told the Trial Chamber how her husband "disappeared," son starved to death, and how she herself was beaten severely, imprisoned and tortured after refusing a forced marriage.



Nuon Chea and Khieu Samphan Answer Victims' Questions

During the hearing of statements of suffering from selected civil parties on 27, 29 and 30 May, Nuon Chea and Khieu Samphan both answered questions posed by them and expressed varying levels of remorse for the suffering inflicted on the Cambodian people.

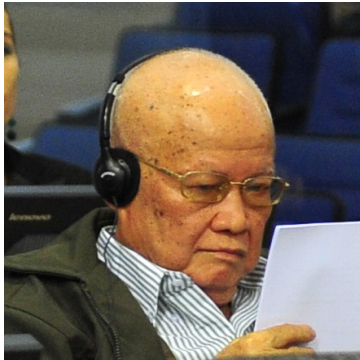
Khieu Samphan,

Defendant

27, 29, 30 May

Former Head of State Khieu Samphan expressed a number of times his sorrow and remorse for the pain and suffering of the Cambodian people, but reiterated his oft-stated position that he was not involved in the implementation of Standing Committee policy and that his position was merely that of a figurehead.

At one point, when requested by a civil party, Khieu Samphan prayed as a fellow Buddhist for the souls of those who died. At other times, he expressed his sympathy to civil parties, their beloved victims and others who perished during the regime.



Nuon Chea, Defendant

29, 30 May 2013

The former Deputy Secretary of the Communist Party of Kampuchea, who participated in the trial proceedings from the holding cell downstairs, joined Khieu Samphan to answer questions.

Responding to queries why the Khmer Rouge distinguished between '17 April people' and other Cambodians and why the Khmer Rouge were so cruel, Nuon Chea reiterated that it was not his desire to divide the nation but rather unite the Cambodian people against the threat of foreign invasion.

He also indicated in a response that as a member of the regime he carries "moral responsibility" for the events that took place during the Democratic Kampuchea and expressed his condolences to the loss of victims' family members.



Visitor Statistics

Public interest in the ongoing trial of the former Khmer Rouge leaders remains high. By the end of April, the Trial Chamber concluded 184 trial days, where a total of 80 witnesses, experts and civil parties have testified. At this time, a total of 84,825 persons have attended the trial hearings in Case 002, 82% of whom were Cambodian nationals brought to the court by the ECCC's free transportation services.



DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
2/5/2013	237	2		3		1	5	39	287
3/5/2013	358	0	0	4		1	3	39	485
6/5/2013	374	12	53	3		4	4	51	501
7/5/2013	440	8	8	8		5	5	36	510
8/5/2013	412	0	8	4		4	5	33	475
9/5/2013	286		9	4		2	3	23	341
20/5/2013	335	2	9	3		6	5	50	410
21/5/2013	327		4	4		4	6	36	384
22/5/2013	358		2	5		3	2	35	405
23/5/2013	216	2	1	4		5	4	37	267
27/5/2013	556		15	7		3	3	40	624
29/5/2013	618	2	20	2		10	6	18	686
30/5/2013	457	0	1	4		5	4	37	508
Sub-Total: May	4986	30	128	55		51	54	475	5803
Total: Day 1 - Day 184	70001	1882	2318	2058		1104	999	6099	84825

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 **May 2013**. For decisions and orders, please refer to page 10.

Pre-Trial Chamber

During the months of April and May the Pre-Trial Chamber completed handling two matters that were pending before it and disposed of a number of procedural and other case-management matters.

On 12 April, the PTC noted formally the withdrawal of Appeal PTC03 which relates to matters in Case 004 classified as confidential. The parties were notified on 18 April.

On 18 April the parties and the public were notified of a correction of the PTC's Decision, D404/2/4, relating to the Impugned Order D404 and Appeal PTC 119, which contained an error in respect of Civil Party Applicant 08-VU-2258 (D22/0039), who was incorrectly excluded from the list of those civil party applicants who have been admitted and granted the status of civil parties in Case 002.

In addition, on 21 May, one of the international judges of the Pre-Trial Chamber was seized with an administrative matter which is classified as confidential.

Supreme Court Chamber

In May, the Supreme Court Chamber continued its examination of: Khieu Samphan's immediate appeal against the decision issued in the form of an email sent from Senior Legal Officer Susan Lamb on 21 February; Ieng Thirith's and the Trial Chamber's requests for clarification on the interpretation and implementation of the Supreme Court Chamber's decision of 14 December 2012 on the appeal against the Trial Chamber's order to unconditionally release Ieng Thirith; and The co-prosecutors' request for an urgent order to the Trial Chamber to issue a reasoned decision on the severance of Case 002 ("OCP Request").

On 8 May, the Supreme Court Chamber dismissed the OCP Request as moot because the Trial Chamber issued its reasoned decision on the second severance of Case 002 three days after the filing of the OCP Request. On 10 May, the Supreme Court Chamber became seized of an immediate appeal by the co-prosecutors

against the Trial Chamber's second severance decision. On 16 May, the Supreme Court Chamber became further seized of an immediate appeal by Khieu Samphan against the Trial Chamber's decision to deny his request for immediate release on bail. On 30 May, Nuon Chea also filed an appeal against the Trial Chamber's second severance decision, as well as a response to the Co-Prosecutors' appeal against the same. On 31 May, Nuon Chea filed an addendum to his appeal. On the same day, the Supreme Court Chamber issued its decision on Ieng Thirith's and the Trial Chamber's requests for clarification and guidance.

Khieu Samphan's appeal against Ms. Lamb's email, as well as the co-prosecutors' and Nuon Chea's appeals against the Trial Chamber's second severance decision, remain under consideration.

Office of the Co-Investigating Judges

During the month of May 2013, the international side of the Office of the Co-Investigating Judges continued the investigation of Case Files 003 and 004:

The international side of OCIJ received 25 new civil party applications. Two hundred and fifty seven applications were processed and placed on the Case File. The rest of the civil party applications are progressively being placed on the case file and their admissibility assessed by the Legal Unit. In relation to Case 004, OCIJ investigators went on four field missions (12 witness statements were taken and 13 Investigative Action Reports were drafted). One decision dealing with suspect's right to counsel was issued and made public.

With respect to Case 003, four decisions were issued by the International Co-Investigating Judge (three of them referred to the admissibility of civil parties). Civil party applications are progressively being placed on Case 003 while their admissibility is being subjected to a thorough scrutiny. The evidentiary value of these documents is also part of the assessment being conducted by the Legal Unit, assist-

ed by the Analysts Unit.

The Analysts Unit continues conducting on-site reviews of documentary evidence provided by external sources. Over 1,000 documents were reviewed and 150 documents were collected as being relevant for Case 003 and Case 004. The Analyst Unit also assisted and participated in every field missions undertaken by the Investigations Unit.

OCIJ welcomed the arrival of Legal Officer Filippo De Minicis and Legal Consultant Mark Dewire.

The International Co-Investigating Judge continued to reach out to representatives of the international community in the quest for funds to recruit a small team of young Cambodian lawyers to work on the processing of civil party applications that have already passed the number of 1200 for the two cases. To date, these fund-raising efforts have not borne any fruit.

An outreach campaign to attract more civil parties has been launched by the international co-investigating judge in liaison with the Public Affairs Section. The expected outcome of this exercise is an increased participation of civil parties in both Case Files.

Office of the Co-Prosecutors

Case 002

The Office of Co-Prosecutors continued to litigate Case 002 both in the courtroom and through written submissions to the Trial Chamber and Supreme Court Chamber. In court, the OCP participated in the questioning of Witnesses Lim Sat, Phillip Short, and Ieng Phan, and Civil Parties Chhau Ny, Thouch Phandara, Chan So-cheat, Chheng Eng Ly, and Huo Chantha.

In May, the OCP filed: an appeal of the Trial Chamber's second severance of Case 002; a request to recall a witness; a response to defence objections on the admission of witness statements; and a request for exchange of information prior to the upcoming Trial Management Meeting.

Case 003

The OCP continues to analyze the evi-

dence in and monitor the progress of Case File 003.

Case 004

The OCP continues to analyze the evidence in and monitor the progress of Case File 004.

Defence Support Section

In late May, the Nuon Chea Defense team appealed the Chamber's second decision on severance and responded to the Co-Prosecutors. The Defense team considered that the Trial Chamber erred in law by deciding to sever the Closing Order as the Judges neither gave consideration to the Defense's submissions concerning their decision nor resolve sufficiently the legal and practical impediments to holding sequential trials at the ECCC. Further, the Trial Chamber erred in fact or abused its discretion in failing to include charges relating to genocide, cooperatives and worksites in the first trial in Case 002, as it must be reasonably representative of the full Closing Order.

The Nuon Chea team however agreed with the Trial Chamber's refusal to include S-21 within the scope of the first trial in Case 002, as this site was not uniquely representative of the Closing Order, and most of all as the Chamber had previously adjudicated charges relating to S-21 in Case 001.

In the meantime, the Khieu Samphan Defence team filed an appeal of the Trial Chamber's decision to deny the release on bail of the Accused.

This month the expert Philip Short was heard and examined by the parties. During the Nuon Chea Defense team's cross-examination, the author stated that he based his book not on written sources of the Khmer Rouge themselves, but on an understanding of their mentality. Short fundamentally disagrees with historian Steven Heder over whether the Khmer Rouge revolution was more Cambodian or communist.

CP Lead Co-Lawyers Section

Hearings

The Lead Co-Lawyers Section (LCLS) and Civil Party Lawyers (CPLs) participat-

ed in hearings before the Trial Chamber (TC), examining 6 witnesses on behalf of the civil parties on topics ranging from the communication structures of Democratic Kampuchea to forced transfer phases 1 and 2.

In the final week of May, the Chamber initiated four and half days of Hearings on Victim Injury (impact), during which 15 civil parties testified about the suffering they experienced under Democratic Kampuchea. This evidence will assist the Trial Chamber in assessing the gravity of the crimes, placing them in their proper context and determining the appropriateness of the reparations.

Another aspect of these hearings is the opportunity they provide for a limited number of civil parties to tell their stories in an official, judicial setting in the presence of the Accused. One or both of the Accused responded to all of the questions of the civil parties who testified. It is the hope of the LCLS that these hearings have provided a meaningful, empowering and healing experience for civil parties and that the process of their participation (in these hearings and the entire trial) will provide a broader type of reparation.

Submissions

The LCLS filed three submissions to the TC in May. On 6 May, the LCLS requested that the TC approve their proposed list of civil parties and experts to testify during the Hearings on Victim Injury (impact) and, on 21 May, civil parties later corrected this list to reflect changes necessitated by further indications from the Witness and Expert Support Unit (WESU).

On 16 May, the LCLS filed a motion before the TC seeking the admission into evidence of 6 key documents related to the impact of the crimes alleged against the accused on civil parties and victims. Five of these six documents were admitted into evidence.

On 30 May, the LCLS filed another motion seeking the admission into evidence of an interview given by Khieu Samphan to a French radio program in 2007. A decision on this motion is still pending before the TC.

Reparations

The LCLS met and finalized Letters of Agreement which will be signed with several project partners in June. A formal partnership agreement was reached with the Documentation Center of Cambodia (DC-Cam) to cooperate on two CSS' reparation projects—the chapter on forced transfer and Tuol Po Chrey in DC-Cam's history textbook and museum exhibits throughout the country.

Victims Support Section

Legally-Related Work

Processing and Analysis Team received a total of 127 applications in Case 004. The Team continued to receive and process applications it has received, and filed 25 applications and four Power of Attorney requests in Case 004 with the OCIJ.

The Section's staff registered a new international lawyer and assisted lawyers and their assistants in having 5 ID cards renewed.

The court-funded lawyers met with their clients on 16 occasions to prepare them to give testimony and update them on the developments of the ECCC.

Outreach

A total of 316 CPs were coordinated to attend the evidence hearings at the ECCC and meet their CP lawyers.

Meetings were arranged between 15 CPs and their CP lawyers for legal and psychological counseling before testifying against the accused in the Courtroom.

Reparations & Non-Judicial Measures

On 2 May, the team met with Justin Pearce Marketing Consultancy—who design websites—to discuss the R&NJM's progress towards a potential Victims Foundation of Cambodia.

On 2 May, the team participated in a workshop on outcomes from the Peace Institute of Cambodia Reflection & Review Process organized by Youth For Peace. The workshop provided space for questions and dialogue regarding the establishment of an independent Peace Institute of Cambodia.

On 6 May, the R&NJM Team hosted a Civil Peace Service (CPS) delegation headed by Dr. Matthias Ries (Head of CPS globally) at the ECCC to learn about the ECCC, and particularly VSS's role in facilitating victims participation.

On 10 May, R&NJM Program Manager Mr Tan Visal together with Transcultural Psychosocial Organization (TPO), Witness and Expert Support Unit (WESU), Civil Party Lead Co-Lawyers and Civil Party Lawyers (LCL-CPL) organized a meeting on civil party briefings for the hearings on suffering. The object of the meeting was to provide civil parties with information in preparation for their testimony during the hearings.

Decisions/Orders

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

Supreme Court Chamber

8 May 2013: *Decision on Co-Prosecutors' Request for Urgent Order to Trial Chamber to Issue Reasoned Decision on Severance of Case 002, (E163/5/1/13/3)*

Rendering the decision on a request by the Co-Prosecutors to urge the Trial Chamber to issue a reasoned decision on Severance of Case 002, the Supreme Court Chamber dismissed the request without determination of its merits or admissibility as the Trial Chamber issued its written reasons for the oral decision of Severance of Case 002 within three days from the Co-Prosecutors' request.

31 May 2013: *Decision on Requests by the Trial Chamber and the Defence for leng Thirith for Guidance and Clarification, (E138/1/10/1/5/8/2)*

In response to a request for clarification of the terms of leng Thirith's judicial supervision by both her defence team and the Trial Chamber, the Supreme Court rendered a decision that it is the Trial Chamber's duty to specify the appropriate measures should leng Thirith become truant. In the interests of expediency, the Supreme Court also clarifies that the purpose of six-monthly medical checks is to evaluate leng Thirith's impaired cognitive condition.

Office of the Co-Investigating Judges

29 May 2013: *Decision on motion and supplemental brief on suspect's right to counsel (D122/6)*

In its decision, International Co-Investigating Judge Mark Harmon confirmed the previous recognition of the assignment of national lawyer Mom Luch for a suspect in Case 004 and recognized Goran Sluiter as a foreign co-lawyer. He however vacated the previous recognition of Richard Rogers and remanded the matter to the Defense Support Section to re-consider his eligibility. (See related article on page 3)



Hearings

Hearing of evidence in Case 002

4-7 June, 9:00 – 16:00

10-13 June, 9:00 – 16:00

17, 19-20 June, 9:00 – 16:00

Upcoming Trial Recesses

None has been scheduled

For an updated hearing schedule, visit <http://www.eccc.gov.kh/en/event/court-schedule>



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

(Photo: Meng Kimlong)

Outreach Activities

6-10 May: Kdei Karuna conducts TOT LF dialogue activity in Modulkiri and Ratanakiri provinces. Fifty-one participants attend and agree to create an Intergeneration Dialogue Activity.

15-17 May: Kdei Karuna conducts a follow-up JHO culmination activity in Kratie in which 32 participants share their experiences during the Khmer Rouge regime.

20-25 May: Kdei Karuna holds a CMI culmination dialogue in Prey Veng province, which 10 key actors, including local authorities, attended. It is agreed that a stupa be built to serve as a community memorial.

3-6 June: Kdei Karuna holds LF culmination activity in Mondulkiri and Ratanakiri provinces for the community to discuss how to address Khmer Rouge related issues such as facilitating greater understanding between Khmer Rouge cadres and victims.

14 June: VSS hosts a Regional Public Forum.

19-23 June: Kdei Karuna conducts LF culmination activity in Mondulkiri and Ratanakiri provinces, engaging local facilitators to work with the community on memory initiatives.

26-29 June: Kdei Karuna conducts community celebration activity in Prey Veng province to celebrate with both local authorities and villagers the stupa created through the community memory initiative.



An external view of the ECCC court building.

ECCC Outreach

The Public Affairs Section hosts Khmer Rouge Tribunal Study Tours, bringing groups of 200-300 villagers from areas throughout Cambodia to attend the ongoing hearings of Case 002, have a guided tour of the Tuol Sleng Genocide Museum, and visit the Choeng Ek Killing Fields. During the trial recesses, the Public Affairs Section conducts school visits to give briefings, as well as hosts community video screenings across Cambodia. The Public Affairs Section also welcomes international group visits, and provides briefings and court tours.

May 2013						
SUN	MON	TUE	WED	THU	FRI	SAT
			1 Hearing 002.	2 Hearing 002. Study Tour.	3 Study Tour.	4
5	6 Hearing 002. Study tour.	7 Hearing 002. Study tour.	8 Hearing 002. Study tour.	9 Hearing 002. Study tour.	10	11
12	13 Public Holiday: Recess.	14 Khmer Public Holiday: Recess.	15 Khmer Public Holiday: Recess.	16 Recess.	17 Recess. Outreach to Sway Rieng	18
19	20 Hearing 002..	21 Hearing 002..	22 Hearing 002..	23 Hearing 002.	24 Khmer Public Holiday	25
26	27 Hearing 002.	28 Khmer Public Holiday	29 Hearing 002.	30 Hearing 002.	31	

June 2013						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3 Khmer Public Holiday.	4 Hearing 002. Study tour.	5 Hearing 002. Study tour.	6 Hearing 002. Study tour.	7 Hearing 002. Study tour.	8
9	10 Hearing 002. Study tour.	11 Hearing 002. Study tour.	12 Hearing 002. Study tour.	13 Hearing 002. Study tour.	14 VSS Regional Public Forum	15
16	17 Hearing 002. Study tour.	18 Khmer Public Holiday.	19 Hearing 002. Study tour.	20 Hearing 002. Study tour.	21	22
23	24	25	26	27	28	29
30	31					



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

“Everyone can be involved in the process”



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