



## The Extraordinary Chambers in the Courts of Cambodia

*Moving Forward Through Justice*



### In this issue

2-3 News and Notes

4-5 In The Courtroom

6 ECCC Outreach & Partners

7 Behind the Scenes

8-9 Judicial Updates

10 Decisions & Orders

11 Outreach Calendar

12 Contact Information

### Duch Transferred to Kandal Prison

The first person convicted at the Extraordinary Chambers in the Courts of Cambodia, Kaing Guek Eav alias Duch, was transferred to a state prison in Kandal on 6 June to spend the rest of his life there. His transfer signals the completion of the ECCC's mandate in Case 001.

Duch, a former head of Khmer Rouge security prison S-21, received a sentence of life imprisonment in February 2012 but remained in the ECCC's detention center as a prisoner. The prosecutors, in charge of carrying out the sentence, needed to ensure that Duch's role as a witness to the court's second case was complete and an appropriate prison is identified within Cambodia's national prison system.

The transfer came after the prosecutors assessed the Kandal Provincial Prison twice, first in June 2012 and again in June 2013, and inspected the prison accommodation which had been suggested for Duch by the Ministry of the Interior. Before requesting the transfer of Duch in late May, the prosecutors also sought the ministry's General Department of Prisons

to ensure that the place and prison conditions of Duch will not be "varied to his detriment during his term of imprisonment".

Duch was first brought to the ECCC detention center in July 2007 from the Cambodian Military Prison and remained there for nearly six years as both a detainee and later a prisoner. He was tried at the ECCC's Trial Chamber in 2009 and found guilty in 2010 of charges of crimes against humanity and grave breaches of the 1949 Geneva Conventions with a sentence of 35 years in prison. His sentence was later increased to life by the ECCC's Supreme Court Chamber.

With Duch's transfer, the ECCC detention center now accommodates the two remaining accused, Nuon Chea and Khieu Samphan, who are charged with genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions, and are currently being tried at the Trial Chamber.

*Related feature on page 2*

## Case 001

Former chief of S-21 prison Kaing Guek Eav, alias Duch, was transferred to a state prison in Kandal on 6 June where he will spend the rest of his life. He was tried in Case 001, convicted of charges under international law and received a life sentence in 2013. Here's a summary of the proceedings against him before the ECCC.

### TIMELINE

18 July 2007	The Co-Prosecutors file their first <b>Introductory Submission</b> requesting the Co-Investigating Judges to investigate Nuon Chea, Ieng Sary, Ieng Thirith, Khieu Samphan and Kaing Guek Eav alias Duch.
31 July 2007	Duch is put into ECCC provisional detention after being transferred from Military Court custody on the previous day.
19 Sep 2007	The Co-Investigating Judges split the case into two, announcing Duch will be prosecuted separately from the other four defendants. His case becomes known as Case 001.
8 Aug 2008	The Co-Investigating Judges issue a <b>Closing Order</b> , indicting Duch for crimes against humanity and grave breaches of the 1949 Geneva Conventions and sending him for trial.
5 Dec 2008	In response to Co-Prosecutors' appeal, the Pre-Trial Chamber amends the indictment, adding charges of Homicide and Torture pursuant to the 1956 Penal Code of Cambodia.
17-18 Feb 2009	The Trial Chamber holds the <b>initial hearing</b> in Case 001.
30 Mar 2009	The Trial Chamber begins hearing evidence in Case 001. The <b>hearing of evidence</b> lasts until 17 September 2009.
23-27 Nov 2009	The Trial Chamber hears <b>Closing Statements</b> in Case 001. Defense asks for acquittal while Prosecution requests 40 years imprisonment.
26 July 2010	The Trial Chamber hands down its <b>Judgement</b> .
16 Aug 2010	The Co-Prosecutors file a notice of appeal against the Trial Chamber's verdict. Defense also files a notice of appeal against the judgment on 24 August 2010.
28-30 Mar 2011	The Supreme Court Chamber holds the <b>appeal hearing</b> in Case 001.
3 Feb 2012	The Supreme Court Chamber pronounces its <b>Appeal Judgement</b> .
19 Mar 2012	Duch is called upon to testify as a witness in the first trial in Case 002 and provides testimony for the next 13 trial days.
6 June 2013	Upon the Co-Prosecutors' request, Duch is transferred to the Kandal Prison to serve his remaining life sentence.

### WHO IS THE DEFENDANT?



**Name:** Kaing Guek Eav, alias Duch

**Date & Place of Birth:** 17 November 1942, Kompong Thom

**Position in Democratic Kampuchea:** Deputy, then Chairman of S-21 (the security prison also known as Tuol Sleng)

**Date of ECCC 1st Detention Order:** 31 July 2007

### WHAT WAS THE TRIAL?

Duch has been accused of crimes committed in S-21 and related sites during the Khmer Rouge regime. The Trial Chamber held the substantive hearings:

- from 30 March 2009 to 27 November 2009, in total 77 days; and
- heard 55 individuals: 17 fact witnesses, 9 experts, 7 character witnesses, 22 Civil Parties.

Defense asked for acquittal while the prosecution requested 40 years imprisonment.

### WHAT WAS THE TRIAL JUDGEMENT?

On 26 July 2010, the Trial Chamber found Duch guilty of:

- Crimes against Humanity
- Grave Breaches of the Geneva Conventions of 1949

Duch was sentenced to 35 years imprisonment. This sentence was reduced by 5 years as a remedy for his illegal detention by the Cambodian Military Court between May 1999 and July 2007.

The Trial Chamber also admitted 66 Civil Parties among the 90 remaining CP applicants in the proceedings and awarded them "moral and collective" reparations.

### WHAT WAS THE APPEAL HEARING?

The Supreme Court Chamber held the appeal hearing on 28-30 March 2011 and heard oral arguments of each party concerning four themes: Personal Jurisdiction; Crimes against humanity; Sentencing; and Civil Parties' appeals.

During the hearing, Duch and his defense team asked for his acquittal while the prosecutors demanded 45 years imprisonment. Lawyers for the 41 appealed civil parties also requested that the rejected applicants be admitted and more "meaningful" reparations awarded.

### WHAT WAS THE APPEAL JUDGEMENT?

On 3 February 2012, the Supreme Court Chamber affirmed Duch's conviction and sentenced him to life imprisonment. The Supreme Court Chamber also:

- Reversed the Trial Chamber's decision to grant a remedy for Duch's illegal detention by the Cambodian Military Court between 1999 and 2007;
- Entered separate convictions for the crimes against humanity of persecution, extermination (encompassing murder), enslavement, imprisonment, torture, and other inhumane acts, granting in part the Co-Prosecutors' appeal.

On civil claims, the Supreme Court Chamber:

- Upheld the Trial Chamber's order to post on the ECCC website all apologies and acknowledgements of responsibility made by Duch during the proceedings;
- Admitted 10 of the 22 CP applicants who had been rejected by the Trial Chamber;
- Rejected all other claims for reparation.

### WHAT HAPPENS NOW?

Duch began serving his life sentence at the ECCC detention center after the appeal judgement and stayed there until his transfer to the Kandal Provincial Prison on 6 June 2013. He will remain in the prison for the rest of his life.

## Trial Chamber Outlines Remaining Schedule to Conclude Trial Hearings

Following the final trial management meeting in mid-June, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia has, in a memorandum of 17 June, scheduled the final documentary hearings, witnesses and the questioning of the accused, Nuon Chea and Khieu Samphan, before concluding the evidentiary hearing in the first trial of Case 002.

According to the memorandum, after spending six trial days on the presentation of evidentiary documents in relation to the Joint Criminal Enterprise policies and the role of the accused and hearing the final witnesses scheduled in the Case 002/01 trial, the Trial Chamber would conduct the questioning of the two accused for as long as the accused remain willing to respond to questions posed by the prosecutors and the civil party legal representatives. The prosecution has requested six full days and the lead co-lawyers for civil parties two days for this purpose.

The Trial Chamber has also confirmed in the memorandum that the parties now have six weeks, not 30 days as originally envisaged, to file their written Closing Briefs from the closure of the evidentiary hearing, and that their oral Closing Statements will take place around 30 days after the Closing Briefs are filed.



For the Closing Statements, the prosecution will have three days and the civil party lead lawyers one day while both of the two accused's defence teams will have two days each. The Trial Chamber also has allocated one more day for the prosecution and the civil party group to make rebuttal statements, which will be followed by final statements by the accused or their defence counsels.

The Trial Chamber opened the initial hearing of Case 002 back in July 2011 and held the Opening Statements in the first trial of Case 002, focusing on the forced movements of population and related crimes against humanity, in November 2011 after a severance of the indictment. The scope of the trial has since widened to include executions allegedly committed at Toul Po Chrey in Pursat in the aftermath of the evacuation of Phnom Penh.

## Australia Pledges Another \$3 Million



The Extraordinary Chambers in the Courts of Cambodia welcomed on 19 June another financial pledge of AU\$3.35 million (about US\$3 million) by the Australian government, a long-standing supporter of the court.

The pledge is made for the international side of the court which requires US\$26 million in budgetary assistance this year.

"This contribution comes at a time when the Trial Chamber is in the final stages of the evidence hearings in Case 002/01," reads a joint statement issued by Acting Director of Administration Tony Kranh and Deputy Director Knut Rosandhaug. "[It] will ensure that the international component of the ECCC will be able to continue its operations without interruption."

Australia has been a leading donor since

the creation of the court. With this new pledge, Australia's total financial assistance to the court will reach AU\$23 million (about US\$20.4 million) when it is disbursed, making the country the second largest donor after Japan.

"The ECCC hearings play a vital role in delivering justice for the Cambodian people, who endured unspeakable suffering at the hands of the Khmer Rouge," said Australian Foreign Minister Bob Carr (*pictured*) when announcing the new contribution. The minister came to Phnom Penh last year to "witness" the closure of the court's first case against Kaing Guek Eav, Duch. "I look forward to the ECCC continuing its efforts to hold Khmer Rouge leaders to account for the atrocities committed in their names."

Both the national and international sides of the ECCC have been facing financial challenges since late last year.

With a total of US\$35.4 million budget

## Supreme Court Clarifies Its Power to Suspend a Decision Under Appeals

In its 26 June decision, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia provided "legal clarifications" that the chamber has the power to suspend the effects of a decision under appeal and suggested the Trial Chamber wait for the Supreme Court Chamber's decisions on appeals against the Trial Chamber's second severance order before calling the parties to submit Closing Briefs in order not to cause a prejudice.

This decision was issued in response to a request by the prosecution to clarify the Supreme Court Chamber's power to reopen the evidentiary hearings in the Case 002/01 trial after their closure by the Trial Chamber. The prosecution submitted this request as the Trial Chamber declared its intention not to defer the closure of evidentiary hearings pending resolution of the immediate appeal lodged by the Co-Prosecutors against the second severance order, unless so ordered by the Supreme Court Chamber.

In its appeal submitted on 10 May, the prosecution requests to expand the scope of trial to include crimes allegedly committed at Phnom Penh's security prison S-21. The Defence for Nuon Chea has also lodged an immediate appeal against the second severance order, seeking its annulment or, alternatively, the expansion of the scope of the first trial. In accordance with the ECCC's Internal Rules, the Supreme Court Chamber must issue a decision within three months, with a possibility to extend by an additional month "in exceptional circumstances".

requirements for this year, the ECCC is estimated to spend US\$208.7 million by the end of 2013, but so far the court has received US\$187.4 million only. Prospects are particularly harsh for the national side of the court. "Australia will also encourage Cambodia to lobby current and potential donors to ensure the ECCC is fully supported through its remaining court proceedings," the minister said, adding that Australia expects the Cambodian government to ensure its share of the ECCC budget is fully funded and salaries paid for all national staff.

# In The Courtroom

## Case 002

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia sat in June for 15 days to hear evidence in the first trial of Case 002 concerning former Khmer Rouge leaders Nuon Chea and Khieu Samphan, who are charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide.

The evidentiary hearing in Case 002/01 focuses on crimes against humanity allegedly committed during two phases of forced evacuation – one from Phnom Penh in 1975 and another from various urban areas from 1975 to 1977 – and the alleged execution of Lon Nol soldiers at Toul Po Chrey execution site in Pursat.

In June, the Trial Chamber continued to hear about the suffering of victims from three more civil parties and one expert, and devoted another 10 trial days to hearing testimonies from seven witnesses, including a well-known American journalist and Khieu Samphan’s family members. The Trial Chamber also conducted its final Trial Management Meeting to discuss the concluding stages of the ongoing evidentiary hearing and dedicated three days for the submission of final documentary evidence.

## Victim Impact Hearing

The Victim Impact hearings concluded in June with three more Civil Parties testifying in court about their experiences and suffering during the Khmer Rouge regime and thereafter. They were among the 15 Civil Parties selected by the Lead Co-Lawyers to present evidence on the impact of the crimes, in particular in relation to the forced transfer and the executions at Tuol Po Chrey in Pursat.



**Bay Sophany, Civil Party**

Testified 4 June

Ms Bay, 67, spoke about the suffering she and her family endured as a consequence of the evacuation of Phnom Penh. She described the death of all her three children as well as her experience working in cooperatives. She asked the Accused whether they were aware that children were beaten and executed in the camps.



**Soeun Sovandy, Civil Party**

Testified 4 June

Mr Soeun, 57, detailed the hardships he faced after being evacuated from Phnom Penh, separated from his parents and put into a forced labour camp. He asked the Accused why members of the Khmer Krom minority group were targeted, whether the Accused were involved in the implementation of DK policy and whether they would have acted differently in hindsight.

**Seng Sivutha, Civil Party**

Testified 4 June

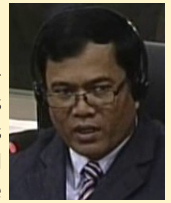
Ms Seng, 47, described how she was treated working in the cooperatives after the evacuation of Phnom Penh, where she was beaten regularly and lost her eyesight. She questioned the accused as to why children were put to work and why they did not ensure enough food was available.



**Chhim Sotheara, Expert**

Testified 5-6 June

Mr Chhim, 45, testified as an expert on the psychological impact of the various traumatic experiences described by Khmer Rouge victims that he has observed in his work as a clinical psychiatrist and academic researcher. During his testimony, he answered questions on the psychological impact of issues such as post-traumatic stress disorder, survivor guilt, political and religious based violence, and geographical dislocation.



## Remaining Evidentiary Hearing



**Sydney Schanberg, Witness**

Testified 5-7 June

Mr Schanberg, 79, is an American Pulitzer prize-winning journalist who was stationed in Phnom Penh during the forced evacuation, made famous in his depiction by Sam Waterston in the film *The Killing Fields*. He testified via videolink about the forced evacuation of Phnom Penh, the alleged execution of Lon Nol soldiers and officials after the Khmer Rouge took Phnom Penh in 1975, and his observation of similar practices throughout the country, as well as his knowledge of the Khmer Rouge upper echelons.



**Sok Roeur, Character Witness**

Testified 7 June

Mr Sok, 52, was called to testify about Khieu Samphan’s character based on his time working as a bodyguard for Khieu Samphan between 1989 and 1996.

## Documentation Hearing

### Tun Soeun, Character Witness

Testified 10 June

Mr Tun, 52, provided testimony as to his father-in-law Khieu Samphan's behaviour after the Democratic Kampuchea era, as he only made his acquaintance in 1982.



### So Socheat, alias Rin, Character Witness

Testified 10-12 June

Ms So, Khieu Samphan's wife, testified about her husband's character and provided testimony as to his movements between 1975 and 1979 and their life before, during and after the Democratic Kampuchea era.



### Sim Hao, Witness

Testified 12-13 June

Mr Seum, 62, is a former Khmer Rouge battalion commander. He testified about the arrests and purges of cadres, the evacuation of Phnom Penh and meetings with Khieu Samphan.



### Leng Chheoung, Witness

Testified 17 June

Mr Leng, 56, worked as a driver for Khieu Samphan from mid-1978 until the Vietnamese invasion in 1979. He testified about the movements of Khieu Samphan during the last few months of the Democratic Kampuchea regime.



### Nou Mao, alias Nou Mouk, Witness

Testified 19-20 June

Mr Nou, 78, worked in military and then as a commune official. He testified about the study sessions by senior KR leaders such as Chou Chet and Ta Mok, the treatment of Khmer Viet Minh, and the opinions of senior KR leaders regarding the evacuation of Phnom Penh six months prior to its occurrence.



## Nuon Chea Speaks on Forced Evacuations



Accused Nuon Chea provided the Trial Chamber on 6 June with a statement giving his explanation of the forced evacuation of Phnom Penh in 1975. In the statement, he explained the reasons behind the decision of the Standing Committee to evacuate the city as, first, the threat that the US would bomb the city, and secondly, the threat of invasion from Vietnam if this was to happen. He also stated that the cooperatives were under instruction to have a positive attitude towards the evacuees and all possible measures were taken to ensure the provision of food. He concluded by explaining that resettlement occurred due to the Standing Committee's generosity and kindness, with a view to providing for the welfare of the evacuees.

During the three-day hearing of evidentiary documents in late June, the Co-Prosecutors submitted a wide range of documents they consider important to establish the existence of a joint criminal enterprise, a legal doctrine on criminal liability, between the accused as well as to prove the role of the accused Nuon Chea and Khieu Samphan in the commission of the alleged crimes.

The documents presented include speeches by the accused; foreign diplomatic correspondence; minutes of Standing Committee meetings; witnesses' statements made during the investigation; articles published in the Revolutionary Red Flag Magazine; academic books; diaries; and confessions from S21. This last documentation hearing for the current ongoing trial gave an opportunity for the public to understand the breadth of evidence used in the proceedings.

## Joint Criminal Enterprise

Joint criminal enterprise, or JCE, is a form of participation in the commission of a crime describing a factual situation where crimes are jointly committed by two or more perpetrators pursuant to an agreed common plan that is criminal in nature or contemplates the commission of crimes as a means to achieve its objectives.

Pursuant to this legal doctrine, each member of the group can be held individually responsible for crimes committed by the group as part of the common plan. This doctrine has been widely used by international criminal tribunals to prosecute political and military leaders for mass atrocity crimes.

The case law from the international ad hoc tribunals distinguishes three forms of JCE – the so-called JCE I, JCE II and JCE III. The "basic" form of JCE (JCE I) encompasses a situation where the participants act on the basis of the common design or enterprise, sharing the same intent to commit a crime. The "systemic" form of JCE (JCE II) is a variation of the first and exists where the participants are involved in a criminal plan that is implemented in an institutional framework, involving an organized system of ill-treatment, such as killings of prisoners at concentration camps. The "extended" form of JCE (JCE III) concerns cases where one of the participants engages in acts that go beyond the common purpose but where those acts constitute a natural and foreseeable consequence of the realization of the common purpose.

The ECCC Pre-Trial Chamber and Trial Chamber have found that JCE III cannot be applied before the ECCC as it did not exist in 1975-1979.

The ECCC Co-Prosecutors allege that the accused Nuon Chea and Khieu Samphan are individually responsible for the crimes for which they have been indicted as a result, amongst others, of their participation in a JCE.

## Hundreds of Civil Parties in Case 002 Meet in Kampong Cham

More than 160 civil parties from six provinces gathered in Kampong Cham on 14 June to attend a Regional Civil Party Forum organised by the Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia.

This forum is part of an ongoing series of Civil Party forums organized to keep the 3,866 civil parties in Case 002 informed of the ongoing proceedings.

Throughout the day the civil parties received updates on the current work and progress of cases before the ECCC. They also discussed with their lawyers the implications of the severance order of Case 002 and received information about their rights.

Representatives of the international co-investigating judge also joined the forum to brief on the crime sites being investigated for Cases 003 and 004 and requested the participants to come forward if they have information on those crime episodes.

Here are voices of the civil parties on their two-year experience in the Case 002 trial proceedings.



Speakers at the Kampong Cham civil party forum.

### Mr Nat Phally, 56

Desired reparations: Schools and hospitals

"I fully expect the ECCC to provide justice for myself and to give me release from my long-standing grief and suffering...I lost many of my extended family during the Khmer Rouge... I am grateful to the ECCC in assisting me to visit the court frequently... I feel that my voice has been well represented at the ECCC."



### Mr Kuon Sarin, 49

Desired reparations: Stupa in his village to teach future generations

"I have attended the court over 20 times with the help of the ECCC... I still find much of it hard to understand, but I am grateful for the attention of the Victims Support Section and the Civil Party Lawyers in helping me understand my role better as well as entire process... I am grateful that my voice is being represented in the proceedings... (However) I am unhappy with the slow progress of the court as Ieng Sary and Ieng Thirith avoided sentencing and never gave an answer of any sort."

### Ms Nhem Kimhoeun, 44

Desired reparations: Hospitals and schools, and a stupa in Tuol Sleng

"I have attended the hearings over 30 times and I am very pleased with the ECCC for giving me the avenue to have my voice represented in the proceedings against the accused... I am worried that the case is not proceeding quickly enough, and I don't like the fact that Ieng Sary did not work closely enough with the court to give a better account of his role before he died.... I tell the children of the crimes committed by the Khmer Rouge and some don't believe me, which is why I work with the ECCC to bring the children to Tuol Sleng."



## RGC Supports Proposed Reparation Projects Before KR Tribunal

Some of the potential reparation projects before the Khmer Rouge tribunal have received a positive response from the Cambodian government, according to the Lead Co-Lawyers for civil parties before the Extraordinary Chambers in the Courts of Cambodia.

In a letter from the Office of the Council of Ministers dated on 11 June, the government agrees "in principle" to issue sub-decrees or circulars directing the concerned governmental authorities to collaborate in the implementation of the proposed reparations projects for Case 002.

In particular, the government has identified the 20th of May as a potential date for a National Day of Remembrance for the victims of the Khmer Rouge to be commemorated, one of the seven prioritised reparation projects identified by civil parties and proposed by the co-lawyers back in February. Other prioritized projects include public memorial

initiatives, testimonial therapy, self-help groups and mobile exhibition.

The government also reiterated in the letter its support for the inclusion of history of the Democratic Kampuchea regime in the academic curriculum for general education and higher education.

The letter came as a response to a request sought by Lead Co-Lawyers Pich Ang and Elisabeth Simonneau-Fort back in March after their office, together with the ECCC's Victims Support Section, began fundraising for a program of nine reparations projects and seven non-judicial measures.

As some elements of the proposed projects are within the competence of the Cambodian government authorities, the request to the government and the positive reply to it are "important steps forward" to get these reparation projects endorsed by the Trial Chamber, in the case of a conviction of the

accused, said Mr Pich and Ms Simonneau-Fort. The lead co-lawyers say the next steps will be to accelerate the fund-raising efforts to secure the funds and for lawyers to submit the final claim for reparations to the chamber for its consideration.

*For more information on fund-raising efforts, please contact Mr. Tan Visal: [tan.visal@eccc.gov.kh](mailto:tan.visal@eccc.gov.kh) or 012 431 303.*



A stupa at the Cheong Ek Killing Fields.

## AV Technicians Safeguard ECCC's 3-Language Proceedings

Their work has appeared on CNN, BBC, Al Jazeera and numerous other TV stations around the world. Hidden behind a giant black glass screen inside the courtroom, the staff of the Audio and Video Unit of the Extraordinary Chambers in the Courts of Cambodia ensure that every word spoken in court is captured and transmitted - enabling all judges and parties to communicate with each other in Khmer, English and French, the three official languages of the ECCC.

Armed with six high definition video cameras and numerous microphones, AV Technician Mr. Khlok Soussolalin and his two colleagues make sure that everything happening in the courtroom gets properly documented and recorded. Editing and directing the cameras in real-time, not a single word uttered will escape their attention before being transmitted to the court interpreters, who will interpret the spoken words into the two other official languages of the court. This audio interpretation is in turn transmitted back to the actors inside the courtroom, all happening within milliseconds.

Mr. Khlok says it is very challenging to direct and mix the video and audio from 6 different cameras in real-time. "Sometimes there are rapid exchanges between the different lawyers in the courtroom, and they may even be speaking to each other in different languages. In a matter of seconds we have to choose which of the six cameras can best capture the current speaker," Mr. Khlok explains. As the ECCC is a Cambodian court, the AV team directs the cameras and mixes the video footage based on the Khmer language audio feed.

Witness testimonies can sometimes pose additional challenges to the AV team. During



Mr Khlok Soussolalin and his teammates ensure every word spoken during the proceedings is captured and transmitted to the system, together with visual images.

the trial hearings many witnesses have to recap very painful and personal memories from the past, and such testimonies may trigger strong emotions in the courtroom. "If a witness breaks down in tears during a testimony, we try to switch to a different camera so that the witness' privacy can be respected. Our job is to document what is being said in court, not to produce a TV show," says Mr. Khlok.

The audio and video feeds produced by the AV team are also available to all media representatives who follow the proceedings in the media room. This enables the media to record and broadcast the audio and video from the court proceedings live. Many radio and TV stations have used this opportunity throughout the proceedings. The opening statements in Case 002 were broadcast live on all Cambodian TV stations, and the largest commercial Cambodian TV station CTN/CNC has had several live broadcasts from the trial proceedings. The same feeds are also available in real-time in three languages on the ECCC website.

The work of the

AV team is not only important to ensure that hearings can run smoothly in three languages. The audio records produced for each trial hearing are also transcribed verbatim in order to make a transcript of the proceedings, a crucial tool for both judges and the parties in their preparation for future hearings, submissions and deliberations.

Although being standard practice in international courts, the scale of the audio and video recordings and systems in use at the ECCC is unprecedented in the Cambodian judiciary. AV Professionals with experience from the International Criminal Tribunal for the Former Yugoslavia (ICTY) came to Phnom Penh to train the AV team at the ECCC prior to the commencement of the trials. To build local capacity, the AV team was initially also supervised by an international staff member. When the international AV supervisor resigned earlier this year it was decided that a new international AV supervisor was not required, so the AV team is now staffed exclusively with Cambodian nationals.



TV stations use ECCC live feeds for their news.



Six cameras capture everything that goes on in the courtroom.

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

## Supreme Court Chamber

The Supreme Court Chamber (SCC) in June continued its examination of:

- Khieu Samphan's immediate appeal against the decision issued in the form of an email sent from the Trial Chamber's senior legal officer on 21 February 2013;
- Khieu Samphan's immediate appeal against the Trial Chamber's decision to deny his request for immediate release on bail;
- The Co-Prosecutors' immediate appeal against the Trial Chamber's second severance decision; and,
- Nuon Chea's immediate appeal against the Trial Chamber's second severance decision.

The SCC became further seized on 6 June of a request for clarification from the Co-Prosecutors as to whether the SCC has the power to re-open evidentiary proceedings should they close before the issuance of an appellate decision on the appeals against the Trial Chamber's second severance decision. The SCC issued its decision on 26 June, clarifying that the reopening of evidentiary proceedings would obviously be indispensable should severance be annulled or the scope of a case be expanded as a result of an appellate decision.

The SCC, on June 28, issued its decision on Khieu Samphan's appeal against the senior legal officer's emailed decision, dismissing it as moot.

Khieu Samphan's appeal against the denial of his immediate release on bail, as well as the Co-Prosecutors' and Nuon Chea's appeals against the second severance decision, remain under consideration.

## Office of the Co-Investigating Judges

During the month of June, the international side of the Office of the Co-Investigating Judges (OICIJ) continued the investigations of Case Files 003 and 004.

In June, 27 new civil party applications

were placed on the Case Files (25 in CF004 and two in CF003). One order placing documents of evidentiary value was issued in Case File 003. Civil party applications are progressively being placed on the case files while their admissibility and evidentiary value are being subjected to a thorough scrutiny.

In relation to Case 004, OICIJ investigators went on three field missions and in Case 003, OICIJ investigators went on one field mission.

The OICIJ Analyst Unit assisted and participated in four field missions (one for Case 003 and three for Case 004). At the same time, the Analyst Unit continued researching evidence relevant to the cases from external sources and obtained 35 new evidentiary files.

During the month of June, the OICIJ welcomed the arrival of a new Legal Officer: Ms Yasmine Chubin (US-French national).

Civil party applications in Cases 003 and 004 presently total in excess of 1,200. During June, 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. To date, these fundraising efforts have not borne any fruit.

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

On 14-15 June two Legal Officers from OICIJ joined the Victims Support Section outreach program in Kampong Cham. They briefed the victims, focal points and civil party lawyers on the ongoing investigations in Case Files 003 and 004 and informed those present that victims could participate either as witnesses, as civil parties or as complainants.

## Office of the Co-Prosecutors

### Case 002

The OCP 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 Sydney Schanberg, Chhim Sotheara, Tun Soeun, So Socheat, Sim Hao, Leng Chheoung, and Nou Mao, alias Nou Mouk. The OCP also presented documents on phases one and two of the forced movement of the Cambodian people, worksites and cooperatives, and joint criminal enterprise.

Through filings, the OCP addressed a number of matters including filing: information in regards to potential additional Tuol Po Chrey witnesses; information regarding topics the Co-Prosecutors would raise at a Trial Management Meeting; a response to the Nuon Chea Defence regarding the admissibility of witness statements concerning Tuol Po Chrey; a request to the Supreme Court Chamber to clarify the ability to re-open evidentiary proceedings should that be necessary due to the severance appeals; a combined response to the Nuon Chea Defence's appeal of the severance decision and reply regarding the Co-Prosecutors second appeal of severance; a response to the Khieu Samphan Defence's appeal of the decision denying bail; a response to the Khieu Samphan Defence's request to admit additional evidence in the form of diplomatic cables; and a request to the Trial Chamber to reconsider the admission of evidence from the Co-Prosecutors in the form of diplomatic cables.

### Case 003

The OCP continues to analyze the evidence 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

The Co-Prosecutors filed a response on 17 June to the Nuon Chea Defence team's appeal, made in late May, against



the Trial Chamber’s decision to renew the severance of the Case 002 Closing Order. A week later, the Nuon Chea team filed a reply to this response to correct what the Defence viewed as significant errors therein. The reply reiterated the Defence position that S-21 is not representative of the Closing Order as a whole and that the views previously expressed by the Defence with regard to the severance of the Closing Order have no bearing on the determination of the Appeal.

The Nuon Chea team also made a request for five more witnesses to testify regarding an alleged KR policy to purge soldiers of the Lol Nol regime. The Trial Chamber granted the request with respect to one witness, who is now scheduled to testify in July. In early June, the court heard the testimony of American journalist Sydney Schanberg, who was questioned via video link from New York, primarily on the contents of his diary and a number of articles he wrote for ‘The New York Times’ whilst in Cambodia during the Democratic Kampuchea period.

In the last week of June, the court heard a series of document presentation hearings, during which the prosecution presented key documents that will be used to substantiate its case. The Defence teams have objected to these hearings on numerous occasions, claiming that the Trial Chamber has gone beyond the scope of the trial by allowing the Co-Prosecutors and the Civil Parties to present documents on Joint Criminal Enterprise which is not part of Case 002/01. The Nuon Chea defence has also objected to documents presented that refer to Nuon Chea’s involvement in S-21, arguing that these are irrelevant to the limited scope of Case 002/01.

## Civil Party Lead Co-Lawyers Section

### Hearings

In early June, the remaining three civil parties testified in the Hearings on Victim Injury (impact) and the Lead Co-Lawyers (LCLs) examined Mr. Chhim Sotheara, a Cambodian psychiatrist, who appeared as the expert in these hearings. Over the remainder of the month, the LCLs and Civil Party Lawyers (CPLs) examined seven witnesses who testified on the facts and

on the character of the accused.

### Submissions

The Civil Parties filed a consolidated response on 10 June to defense objections on the admissibility of Civil Party written statements tendered in lieu of oral evidence. This response addressed defense objections seeking to exclude most of the written statements that the civil parties wish to have admitted into evidence. The Trial Chamber’s final decision on this matter is pending.

### Meetings & Outreach

The LCLs participated in the regional forum on Civil Party participation in Case 002, held on 14 June in Kampong Cham province by updating and answering questions of Civil Parties on the activities of the Court.

On 21 June, the LCLs and CPLs participated in the Civil Party Debriefing Meeting organized by the Transcultural Psychosocial Organization (TPO) in order to provide Civil Parties an opportunity to share their experiences of testifying before the Trial Chamber as well as receive support and recognition for their participation.

On 27 June, the national LCL and CPLs provided an update on Case 002/01 proceedings to Civil Parties attending a meeting on psychosocial support organized by TPO.

### Reparations

Early in the month, the LCLs signed a letter of agreement with TPO formalizing their cooperation on two reparation projects focusing on rehabilitation. On 11 June, the Lead Co-Lawyers’ Section received a letter of response from the Royal Government of Cambodia in which it indicates its support for and willingness to cooperate on the reparation projects currently under development in Case 002/01.

## Victims Support Section

### Legal-Related Work

The Processing and Analysis Team (PAT) received seven applications in Case 003 and 44 in Case 004. The team filed 27 applications in Case 004 to the OCIJ and 6 Power of Attorneys in Case 003 and 004.

### Outreach

Three hundred seventy eight civil parties were coordinated to attend hearings in Case 002 and meet with their lawyers.

The VSS organized a regional forum in Kampong Cham province with 161 CPs

(Female: 133) to receive information, meet with their lawyers, and voice their concerns. The Section also held a workshop in the same province with 144 focal persons (Female: 41) who came from 21 provinces.

### Reparations and Non-Judicial Measures

A delegation from the ECCC visited the Foundation EVZ from 3 to 9 June. H.E Kranh Tony, Acting Director of Administrative of ECCC, Senior Administrative Officer Rong Chhorng and R&NJM Program Manager Tan Visal, together with VSS advisor Thomas Truemper, were invited to the Foundation "Remembrance, Responsibility and Future" in Berlin, Germany. The three day workshop was focused on legal and political issues regarding the creation of the foundation, securing funding, operative management, and visiting museums and memorial sites. The team met and talked with the German Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development as well as met with Representatives of the Foundation EVZ. The trip included the visits to the "Topography of Terror Foundation" and the "Foundation Memorial to the Murdered Jews of Europe", as well as meetings with other relevant foundations.

- On 13-15 June, Mr. Tan Visal- R&NJM Program Manager participated in the VSS Regional Forum and Focal Point Workshop at Kompong Cham Province.
- On 27 June, the R&NJM team organized a meeting on funding status for the ECCC Reparation Program, 2013-2017. Amongst the participants were the LCLs, key NGOs, and representatives of GiZ, the official German international aid organization.



The Spirit House at the ECCC.

## Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website: [www.eccc.gov.kh](http://www.eccc.gov.kh).

### Trial Chamber

**13 June 2013:** *Decision on the Co-Prosecutors' and Khieu Samphan's Internal Rule 87(4) Request concerning US Diplomatic Cables (E282 and E282/1; E290 and E290/1) <E282/2>*

**14 June 2013:** *Decision on Civil Party Lead Co-Lawyers' Internal Rule 87(4) Request to Put before the Chamber New Evidence (E289) and Khieu Samphan's Response (E289/1) <E289/2>*

**17 June 2013:** *Decision on Co-Prosecutors' request to establish procedure regarding admission of documents not translated in all ECCC languages (E223/2/6) and Lead Co-Lawyers' response to Trial Chamber directives on tendering Civil Par <E223/2/6/1>*

**17 June 2013:** *Schedule for the Final Document and Other Hearings in Case 002/01, for the Questioning of the Accused and Response to Motions E263 and E288/1 <E288/1/1>*

**27 June 2013:** *Ieng Thirith Defence Request for Clarification of the Execution of the Supreme Court Chamber's Decision on Immediate Appeal against the Trial Chamber's Order to Unconditionally Release the Accused Ieng Thirith <E138/1/10/1/5/8>*

**27 June 2013:** *Decision on Nuon Chea's Request that the Chamber not Provide Prior Statements to Tuol Po Chry Witnesses before Testifying (E292/2) <E292/2/1>*

**28 June 2013:** *Disposition of all Requests for Protective Measures Sought in Case 002/01 and Response to Co-Prosecutors' Request for the Recall of Civil Party SAR Sarin and an Order for a Formal Assessment of the Need for Protective Measures (E286) <E293>*

### Supreme Court Chamber

**26 June 2013:** *Decision on Co-Prosecutors' Request for Clarification <E284/2/1/2>*

**28 June 2013:** *Decision on Khieu Samphan's appeal against decision to hear expert witnesses before issuance of new severance decision <E264/1/2/2>*



## Hearings

### Hearing of evidence in Case 002

15-18 July, 9:00 – 16:00

22-25 July, 9:00 – 16:00

29 July - 1 August, 9:00 – 16:00

**Hearings schedule is subject to change**

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

## Visitor Statistics

Public interest in the ongoing trial of the former Khmer Rouge leaders remains high. By the end of June, the Trial Chamber concluded 199 trial days, where a total of 90 witnesses, experts and civil parties have testified. At this time, a total of 93,363 persons have attended the trial hearings in Case 002, 83% of whom were Cambodian nationals brought to the court by the ECCC's free transportation services.

For more information on the hearing and public participation, see the ECCC website: [www.eccc.gov.kh/en/about-eccc/visitor-info/visitors](http://www.eccc.gov.kh/en/about-eccc/visitor-info/visitors)

DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
4/6/2013	536	37	26	10	16	7	25	0	657
5/6/2013	568	15	10	6	6	6	26	0	637
6/6/2013	572	9	4	5	4	6	23	2	625
7/6/2013	597	2	8	3	2	4	24	0	640
10/6/2013	858	1	18	1	3	4	26	2	913
11/6/2013	598	1	7	3	3	4	22	0	638
12/6/2013	794		1	4	1	4	28	0	832
13/6/2013	851	2	3	4	2	4	28	0	894
17/6/2013	423	1	4	4	1	3	25	0	461
19/6/2013	322	4	3	3	2	4	26	0	364
20/6/2013	488	1	11	4	5	4	24	0	537
24/6/2013	178	0	0	3	2	4	26	2	215
25/6/2013	279	2	3	3	1	5	25	0	318
26/6/2013	496	25	20	3	6	5	21	0	576
27/6/2013	202	0	0	3	1	4	21	0	231
<b>Sub-Total: June</b>	<b>7762</b>	<b>100</b>	<b>118</b>	<b>59</b>	<b>55</b>	<b>68</b>	<b>370</b>	<b>6</b>	<b>8538</b>
<b>Total: Day 1- Day 199</b>	<b>77,763</b>	<b>1,982</b>	<b>2,436</b>	<b>2,117</b>	<b>1,159</b>	<b>1,067</b>	<b>6,469</b>	<b>370</b>	<b>93,363</b>

## Outreach Activities

**3-6 June:** Kdei Karuna holds local facilitators 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.

**5-6 June:** 59 students attend lawyer student training run by the Cambodian Defenders Project (CDP) at the Lawyer Training Centre, Phnom Penh.

**11 June:** The CDP involves a guest speaker in a radio call-in show. She gives insight into her forced marriage and pregnancy.

**14 June:** VSS hosts a Regional Public Forum.

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

**21 June:** Lawyers from the CDP meet civil parties at the Spring Park Hotel, BB province.

**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.

**8-10 July:** The Documentation Centre of Cambodia (DC-CAM) invites 25 citizens to attend the court.

**12 July:** The Cambodia Trial Monitor Project of the Documentation Center of Cambodia conducts a workshop at the Build Bright University. In July, The DC-CAM also announces that it will resume its mission to keep the public informed and updated with the legal processes at the ECCC.

**19 July:** The CDP run a Gender Thematic Workshop at the Harga restaurant, Phnom Penh. The workshop involves lawyers from NGOs and the Bar Association of the Kingdom of Cambodia.

**23 July:** The CDP hosts radio call-in show on 102FM.



## 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 Choeung 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.

### 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 Infantry Institute school visit.	22
23	24 Hearing 002. Study Tour	25 Hearing 002. Study Tour.	26 Hearing 002. Study Tour.	27	28	29
30						

### July 2013

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



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## The Court Report

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