



The Court Report

JUNE 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



The full Appeal Judgement is released: (From left) S-24 survivor and Civil Party Chin Met, and S-21 survivors Bou Meng and Chum Mey

In this issue

2-3 News and Notes

4 Outreach Activities

5 In the Courtroom

7 Special Focus on GBV

8-9 Judicial Updates

10 Decisions & Orders

11 Outreach Calendar

12 Contact Information

Distribution of Appeal Judgement for Case 001 Begins

The Extraordinary Chambers in the Courts of Cambodia (ECCC) has begun to distribute the Supreme Court Chamber's full reasons of the Appeal Judgement in Case 001 against Kaing Guek Eav alias Duch in both Khmer and English.

In its judgement on appeals of the Case 001 decision, the Supreme Court Chamber of the ECCC affirmed the previous decision of the Trial Chamber to compile and distribute all statements of apology and acknowledgements of responsibility made by Duch during the course of the trial, including the appeal stage.

The Public Affairs Section of the ECCC has printed 5,000 Khmer-language copies of the Appeal Judgement and 15,000 copies of the summary of the Appeal Judgement, along with 1,600 copies of the Appeal Judgement in English. These books will be

distributed across Cambodia to universities, libraries, law students, domestic courts as well as local and national government institutions.

To mark the release of the publication, the ECCC has presented the first printed copies of the Appeal Judgement to three living survivors of the infamous S-21 prison, the site where Duch was responsible for the unlawful detention, torture and deaths of 12,372 people. On May 18, survivors Bou Meng, Chum Mey and Norng Chan Phal, along with five Civil Parties, were presented the Appeal Judgement by the ECCC at the Tuol Sleng (S-21) Genocide Museum in Phnom Penh.

The gesture marked the start of the campaign by the Public Affairs and Victims Support Sections of the court to distribute copies of the Appeal

Article continues on page 2

Distribution of Appeal Judgement for Case 001 Begins

...continued from pg 1

Judgement as well as a compilation of statements of apology made by Duch during the proceedings, to people all across Cambodia.

"I'm so happy to receive this final judgement in the case against Duch. I have waited for this for 35 years. This is justice that has been found for me and other victims of S-21" said S21 survivor Bou Meng. "This Appeal Judgement is the history of the world. It is a message to other leaders and the younger generations not to kill people not to harm people the way Khmer Rouge did" he said.

If you represent an institution and would like copies of the Appeal Judgement or the summary of the Appeal Judgement, please send a request to the Public Affairs Section at pas@eccc.gov.kh



The full Appeal Judgement presented to S-21 Survivors Bou Meng and Chum Mey

Japanese Judge to Step Down in July



Judge Motoo Noguchi from Japan will step down from his role as Judge of the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia in July to return to his position with the Japanese Ministry of Justice, he said in his press release issued on 16 May.

"The recent Appeal Judgement for Case 001 marked a milestone for my work" he said after tendering his resignation. "It appears

unlikely that I can stay until the completion of Case 002 (concerning three Khmer Rouge leaders on trial) for personal reasons... this is the right timing to step down and hand over to a new judge."

Judge Noguchi has served the ECCC since its inception in 2006, not only dealing with appeals before the Chamber but also being an active member of the Plenary Sessions, the Judicial Administration Committee and the Rules and Procedure Committee. In the Appeal proceedings in Case 001 concerning former Khmer Rouge security prison Chief Kaing Guek Eav, alias Duch, Judge Noguchi played a rapporteur judge for the ground of appeals on sentencing.

"It was my greatest honour and privilege to play a role in the ECCC's historic endeavors to bring justice to the people of Cambodia," he stated in his press release. "I trust that they will continue to strive to overcome the tragic past which once put the country in ruins."

Swiss Judge Departs the ECCC

Reserve Co-Investigating Judge Laurent Kasper-Ansermet left the Khmer Rouge Tribunal on 4 May, calling for relevant authorities to take a common stand on the issue of the two remaining cases that are in the judicial investigation phase.

Upon his departure, he issued a press release stating that he "invites all the competent authorities of the Kingdom of Cambodia and the United Nations to take a clear and common stand concerning the future of Case Files 003 and 004 so as to restore the image and dignity of the ECCC and uphold international justice."

The Swiss judge was appointed as reserve Co-Investigating Judge in late 2010 and assumed his role in the Office of the Co-Investigating Judges after the former international judge resigned in October 2011. However, his legal standing has been contested by his counterpart.

A new International Co-Investigating Judge and Reserve Co-Investigating Judge are yet to be appointed.

Civil Party Forum Held in Kampong Thom

The Victims Support Section of the ECCC hosted the second Regional Civil Party Forum for Case 002 on 8 May in Kampong Thom. The Forum was organized for 200 Civil Parties out of the 3,864 CPs admitted by the Pre-Trial Chamber and Co-Investigating Judges of the ECCC.

Regional CP forums were created to help CPs who live in remote areas have a better level of access to the proceedings of the ECCC. CPs were given the chance to participate in group discussions and pose questions to their legal representatives. The forum was a huge success, with many CP's expressing their desire for more participation. Mr. Kim Sey, a CP from Siem Reap, said that the forum gave him a special opportunity to know more about the different types of reparations requested to the leaders of the Khmer Rouge. "This forum allows me to fully utilize my own right as a Civil Party and to clear off my confusions about Case 002. I want to attend such a forum more than just once" said Mrs. Ly Ngoun, a CP from Kampong Thom.

Accused Ieng Sary Hospitalized



Proceedings in the first trial in Case 002 concerning three Khmer Rouge leaders were delayed in May due to the health condition of defendant Ieng Sary, who was admitted to hospital for several days.

The former Deputy Prime Minister for For-

eign Affairs of Democratic Kampuchea complained of breathing problems in the morning of 17 May and was taken to the emergency department of the Khmer Soviet Friendship Hospital for treatment of a cough, breathing difficulties and dizziness. He was eventually discharged on 22 May.

The treating doctor appeared before the Trial Chamber on 23 May to explain that Ieng Sary was suffering from the flu and bronchitis, in addition to his existing heart condition.

Head of Emergency, Dr. Lim Sivuth, told the court that he diagnosed the accused as suffering from acute bronchitis that was aggravated by his ischaemic heart disease. He recommended that the defendant take a two-day rest following his discharge.

Due to this situation, Dr. Lim also advised that the court permit Ieng Sary to view the proceedings via audiovisual link from a holding cell in the court waiting room, as it is closer to the medical unit where his health

can be better monitored.

Proceedings during his recovery were delayed in accordance with the ECCC's Internal Rule that stipulates the right of the accused to be tried in his presence.



Dr Lim Sivuth reports to the ECCC on Ieng Sary's health status

Trial Chamber Announces Scheduling of Expert Witnesses

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia has released the scheduling of the proposed expert witnesses for the ongoing hearing of evidence in the first trial of Case 002.

Listed below is their approximate hearing times and short biographies: (This schedule is subject to change but any changes will be published on the ECCC website).

David Chandler is to be heard following the summer recess from 16-23 July. Five days is allocated for questioning by all parties.

David Chandler is an American scholar who is the author of five books on Cambodian history and the Khmer Rouge, including *'Brother Number One: A Political Biography of Pol Pot'*, and *'Voices from S-21: Terror and History in Pol Pot's Secret Prison'*. He has previously been called to testify to the ECCC during the Case 001 trial.

Philip Short will be heard from 1-8 October. Approximately six days is allocated for



David Chandler testifying at the ECCC for Case 001, August 2009

questioning by all parties.

Philip Short is the author of *'Pol Pot: Anatomy of a Nightmare'*, a biography of the Khmer Rouge leader published in 2004. He has been a foreign correspondent for The Times, The Economist and the BBC and has lived in China and Cambodia in the 1970's and early 1980's. Mr. Short encountered Pol Pot during his visit to China in 1977.

Elizabeth Becker will be heard on 17, 18, 19, 23 and 24 October. Approximately five days is allocated for questioning. Due to the unavailability of this proposed expert on Monday 22 October, the Chamber will not sit on that day but will sit instead on Friday 19 October.

Elizabeth Becker was a war correspondent for The Washington Post covering Cambodia until April 1975. She was one of the few Western journalists allowed by the Khmer Rouge to briefly enter Democratic Kampuchea before the fall of the regime. She is the author of *'When the War Was*

over: Cambodia and the Khmer Rouge Revolution'.

The Trial Chamber will not hear Ben Kiernan in Case 002 as originally intended. Despite all its efforts, the Chamber could not secure his testimony.

Foreign Diplomats Visit ECCC

The ongoing trials at the Extraordinary Chambers in the Courts of Cambodia has continuously attracted a number of visitors including foreign diplomats.

On 3 May, an official from the Embassy of New Zealand in Bangkok visited the Khmer Rouge tribunal to get an update of the court proceedings.

Visiting for the first time this year, Second Secretary Anais Kedgley Laidlaw held a courtesy meeting with Acting Director of Administration Tony Kranh, and met with Trial Judge Silvia Cartwright and Trial Chamber's Senior Legal Officer Susan Lamb, both from New Zealand, to hear the progress the court has

made and challenges it faces to manage the current trial and beyond.

On 23 May, Kuwait Ambassador Dhrar Nasser Al-Tuwaijri, the first resident ambassador to Cambodia, joined 370 other visitors to observe the hearing of evidence in the first trial of the court's second case against three Khmer Rouge leaders: Nuon Chea, Khieu Samphan and Ieng Sary. He stayed for the duration of the morning's proceedings to learn how the trial was moving forward.

In June, the court is expected to receive more international visitors, both delegations of foreign countries and several groups of college students.



Ms. Anais Kedgley Laidlaw, Second Secretary at New Zealand's embassy in Bangkok meets with Acting Director of the Office of Administration Tony Kranh

Int'l Women's Group Observes Khmer Rouge Trial



A group of female foreigners living in Phnom Penh spent a half day on 28 May at the Khmer Rouge tribunal to learn more about the ongoing trial and the impacts of the proceedings.

Eight members from the Women's International Group, a social group of expatriate women living in Phnom Penh, joined a tailored visit programme to the Extraordinary Chambers in the Courts of Cambodia to observe the proceedings in the ongoing trial, and to be briefed on the workings of the court that they read about every day.

Upon arrival, the group entered the public gallery where a few hundred Cambodian

visitors were seated to witness the hearing of evidence in the trial concerning three Khmer Rouge leaders. After observing a session of the hearing, the group received a briefing from a public affairs officer, who detailed the work of the tribunal and the status of the proceedings.

The participants asked questions and gave comments to the PAS staff following the briefing, reporting that they had gained new insights into the high-profile tribunal. "[The] presentation and Q & A were very informative and well organized," a participant of the visit programme wrote in a feedback sheet.



300 villagers from Kampot Province visit the ECCC, 22 May 2012. A man puts a question to ECCC representatives



300 villagers from Kampot Province visit the ECCC, 22 May 2012, many of them monks

Case 002

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia held nine days of proceedings in May and continued with the hearing of evidence in the first trial of Case 002, in which three former Khmer Rouge leaders – Nuon Chea, Ieng Sary and Khieu Samphan – are accused of crimes against humanity, grave breaches of the Geneva Conventions of 1949 and genocide.

The first trial focuses on the forced movement of the population from Phnom Penh in April 1975 and then from the other regions during 1975-1977, as well as related crimes against humanity.

Mr. Saloth Ban, nephew of Pol Pot, concluded his testimony in early May and three other witnesses were called upon to testify. Witnesses were questioned on topics ranging from Khmer Rouge ideology to their relationships with the Accused, with many questions focusing on the roles and powers of the defendants within the Democratic Kampuchea regime.



Cambodian students visit the court and view Case 002 hearings in May



Witness Saloth Ban testifies in late April/early May



Defendant Khieu Samphan speaks with counsel during hearings in Case 002



Cambodian citizens observe Case 002 proceedings

Mr. Pean Khean, a messenger and bodyguard for Northern Zone Secretary Koy Thun, was questioned about his duties and knowledge pertaining to arrests of Khmer Rouge cadres. The witness also described the meeting places of Khmer Rouge leaders.

Mr. Ny Kan, former Khmer Rouge propaganda official and protocol department officer at the Ministry of Foreign Affairs, was asked questions about the role and activities of his brother Son Sen, and the evacuation of Phnom Penh in 1975. He was also questioned about zone meetings, self-criticism sessions, and the use of propaganda.

Mr. Sar Kimlomouth, former Democratic Kampuchea national bank deputy director, was questioned about the leadership of the commerce committee and the organizational structure of the bank, as well as meetings with foreign trade delegations.

During the May proceedings, Accused Ieng Sary was taken to hospital where he remained for 5 days. Subsequently he followed the proceedings from his holding cell (see related article on pg.3).

Visitors to Hearings

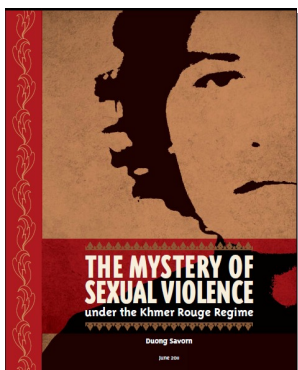
The first trial of Case 002 in the Extraordinary Chambers in the Courts of Cambodia has drawn a great deal of public interest. In May alone, nearly 5,000 people visited the court to observe the public hearings. Among them were 4,105 Cambodians escorted by the ECCC's free transport from across the country.

Also 311 Civil Parties, victims who seek reparations, attended the proceedings. In total, the court has received 37,814 visitors to the hearings since the Opening Statements in November 2011. The ECCC will continue to provide free transport for Cambodians.

DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
02/05/2012	540	3	12	7	3	3	41	2	611
03/05/2012	300	4	8	6	4	4	41	0	367
17/05/2012	680	2	7	8	42	5	25	0	729
18/05/2012	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing
21/05/2012	230	3	25	7	3	3	73	0	319
22/05/2012	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing
23/05/2012	300	6	7	8	3	4	49	1	378
24/05/2012	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing	No hearing
28/05/2012	490	21	17	9	6	4	30	1	578
29/05/2012	540	6	1	5	4	4	30	0	590
30/05/2012	670	9	22	6	7	3	11	0	728
31/05/2012	355	9	3	6	7	9	11	2	402
Total May	4105	63	77	62	39	39	311	6	4702
Total: Day 1- Day 67 (Nov 2011 - May 2012)	30398	1047	963	1327	644	515	2706	214	37814

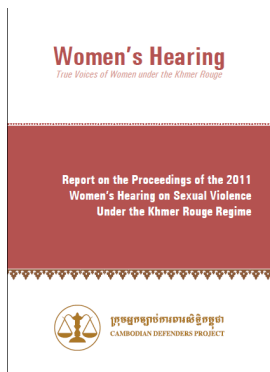
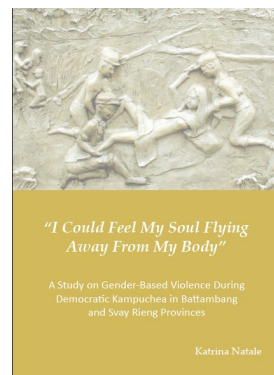
Three New Publications on Sexual Violence During the Khmer Rouge Launched

The Cambodian Defenders Project (CDP) launched three new publications on 25 May that illuminate the issue of sexual violence during the Khmer Rouge regime. Each book exposes new information on this understudied topic, approaching it from a range of angles, both structural and personal, and uses the testimonies of survivors, witnesses and experts. While these publications were each written for different purposes, they all contribute to a growing literature that is revealing a taboo and hidden atrocity of the Khmer Rouge.



The Mystery of Sexual Violence under the Khmer Rouge Regime by Duong Savorn is the first collection of testimonies of victims and witnesses of sex crimes, ranging from rape to sexual exploitation and forced nudity. By voicing their stories, the respondents were able to engage in personal truth-telling which contributes to their healing process. Most of them stated that they want their stories to be documented and passed down to the next generation to keep the collective memory alive. This publication will become a valuable historic reference for the remembrance of what people experienced under the Khmer Rouge regime.

The research report *I Could Feel My Soul Flying Away From My Body* by Katrina Natale documents the results of her study on gender-based violence during Democratic Kampuchea in Battambang and Svay Rieng provinces. Instead of recording the individual stories of the respondents, the report analyzes the interviews to find patterns on such aspects as the types of sexual violence, the profile of victims and perpetrators, or the geographical concentration of the crimes. This publication helps to broaden factual basis of knowledge on the issue for future discussions.



Following the first Women's Hearing on sexual violence during the Khmer Rouge regime in December 2011, the CDP have published the report on the hearing's findings. The report summarizes the proceedings, including the testifier's stories and the statement of recommendations given by the panel. In addition to recording the voices of the testifiers and acknowledging their courage, this publication documents a new non-judicial transitional mechanism in Cambodia to deal with past atrocities outside of the Khmer Rouge Tribunal.

TO CONTACT THE CAMBODIAN DEFENDERS PROJECT VISIT
[HTTP://WWW.CDPCAMBODIA.ORG/](http://www.cdpcambodia.org/)

Sexual violence in the ECCC proceedings

Gender-based violence during the Khmer Rouge regime has been re-highlighted in recent weeks as NGO partners in collaboration with the Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia are making efforts to address the needs of victims of sexual violence during the period. While it is impossible for the court to investigate every sexual crime committed during the Democratic Kampuchea regime, the ECCC's Co-Investigating Judges have investigated instances of rape and forced marriage, and included charges in respect of those crimes in the indictments issued in Cases 001 and 002. For the second case, nearly 800 victims of forced marriage have participated in the proceedings as Civil Parties. Below is a summary of the ECCC's judicial work on sexual violence.

CASE 002

Three Khmer Rouge leaders - Nuon Chea, Ieng Sary and Khieu Samphan - stand trial on genocide, crimes against humanity (including other inhumane acts of rape and forced marriage), and grave breaches of Geneva Convention of 1949. Below are steps the ECCC took in regard to prosecution of sexual violence.

The Charges requested by the Co-Prosecutors

August 2010 - The Co-Prosecutors alleged in their Final Submission that "throughout the DK regime, thousands of civilians were the victims of rape and sexual violence sanctioned, perpetrated, approved or condoned by the authorities". This submission covered sexual violence in the context of forced marriage as well as rapes allegedly committed at security centers and against Cham women. The Co-Prosecutors requested that the Accused in Case 002, Ieng Sary, Nuon Chea and Khieu Samphan, be charged with rape and other inhumane acts (including sexual violence and forced marriage) as a crime against humanity.

The Indictment by the Co-Investigating Judges (CIJ)

September 2010 - The Co-Investigating Judges issued their **Closing Order**, indicting the three Accused. They found that there was evidence of rape having occurred in diverse circumstances, however, rape outside marriage appeared to have been against the policy of the Communist Party of Kampuchea (CPK). Because the Accused are alleged to have pursued and implemented CPK policy, the Co-Investigating Judges found that they could not be indicted for these alleged instances of rape.

The Co-Investigating Judges state in the Indictment that the elements of the **crime against humanity of other inhumane acts through acts of forced marriage** occurred nationwide. They also found that rapes were committed in the context of forced marriages as part of the crimes used by the CPK leaders to implement the common purpose and, as such, indicted the Accused for the crimes against humanity of rape and other inhuman acts through forced marriage.

The Indictment as amended by the Pre-Trial Chamber

January 2011— Seized of an appeal from the Defence against the Closing Order, the Pre-Trial Chamber found that rape was not a stand-alone crime against humanity in 1975-1979, but considered that the alleged acts could fall under the classification of "other inhumane acts". The Pre-Trial Chamber amended the Indictment to crimes against humanity of other inhumane acts through forced marriages and rape in the context of forced marriage.

The Trial

The Trial Chamber is now seized of Case 002 on the basis of the Indictment, which defines the scope of the trial.

September 2011—The Trial Chamber decided to split the case into a series of small trials, each one addressing a different part of the Indictment.

21 November 2011 > On-going — The Trial Chamber commenced the first trial in Case 002, which focuses on the **forced movement** of the population and the **related crimes against humanity**. It also considers the **roles of the Accused** in relation to regime policies relevant to all the charges.

This phase is currently on-going. Charges in relation to forced marriage and rape will be addressed in a subsequent trial.

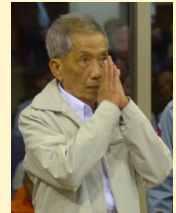
GBV Victims Support

Through the work of Victim Support Section and the Witness/Expert Support Unit, the ECCC has provided measures to protect and support victims of sexual violence while honoring their courage in coming forward and acknowledging the significance of their contributions. The ECCC's partner Transcultural Psychosocial Organization (TPO) has provided mental health services for them.

CASE 001

In Case 001 concerning the former S-21 Security Centre chairman Kaing Guek Eav, alias Duch, the defendant was prosecuted for an instance of rape.

The Trial Chamber found that an act of rape was committed by his subordinate at S-21 during an interrogation to extract information from a female prisoner. The Chamber found Duch criminally responsible for the crime against humanity of torture, including one instance of rape, along with other international crimes.



In February 2012, the Supreme Court Chamber upheld the Trial Chamber's conviction for torture including an act of rape but rejected the Co-Prosecutors' request to cumulatively convict Duch for both rape and torture. He was sentenced to life in prison.

Alleged CPK policy on forced marriage and sexual relations

779 individuals out of the 3,864 Civil Parties of Case 002 claim to have been victims of forced marriage.

According to the Closing Order of the Co-Investigating Judges, forced marriages were an integral part of the "common project" implemented by the Khmer Rouge leaders, in order to "control the interaction between individuals" and to increase the population by "building up a family" (*Closing Order, pt. 216 & 217*). To achieve this objective, Khmer Rouge officials allegedly matched people with similar political status and forced them to marry against their will.

However, sexual relations outside of marriage were considered to be "bad elements" and against the collectivist approach of the CPK. According to the Closing Order, offenders were "often either re-educated or killed" (*Closing Order, Pt. 1428*). The Co-Investigating Judges determined that the official CPK policy regarding rape was to prevent its occurrence and to punish the perpetrators.

The three Accused in Case 002 face charges of crimes against humanity of other inhumane acts through forced marriages and rape in the context of forced marriage, but are not indicted for other alleged instances of rape, such as the ones which would have occurred in Security Centres and Cooperatives.

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 2012**. For decisions and orders, please refer to page 10.

Pre-Trial Chamber

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

At the conclusion of the reporting period, the Pre-Trial Chamber remained seised of two appeals and one Application in Case 003. The pending appeals relate to Civil Party applications in Case 003 that were rejected by the Co-Investigating Judges. The other pending matter remains before the Pre-Trial Chamber for its consideration and is confidential in nature at the date of this Report.

Supreme Court Chamber

Case 001

The Supreme Court Chamber began reviewing the classification of over 13,000 confidential and strictly confidential documents in the Case File in order to ensure a greater access to information by the public.

Case 002

The Chamber issued its decision on the Nuon Chea Defence's request to file a new immediate appeal outside of the prescribed time limits. Although the Defence had circulated the appeal to all parties within the 30-day deadline, it did so through an email-submitted courtesy copy, and not via the official e-filing system. The Chamber rejected the request to exceptionally accept the belated appeal pursuant to Rule 39(4), owing to the Defence's failure to provide valid reasons to justify a departure from the general principle that non-compliance with time limits leads to the invalidity of the action in question. The Chamber further recalled for the benefit of all parties the principles it has established concerning time limits of immediate appeals.

Office of the Co-Prosecutors

Case 002

The OCP continued to litigate Case 002 through filings, including notably: responding to evidentiary orders from the Trial Chamber; responding to a disqualification request against Judge Silvia Cartwright by the Ieng Sary Defence; responding to an investigatory request by the Nuon Chea Defence regarding statements by former OCIJ Reserve Judge Kasper-Ansermet; filing a request to provide assurances to witnesses of non-prosecution regarding their testimony; submitting a request for clarification regarding the use of documents during witness testimony; and submitting filings regarding the managing of evidentiary submissions.

The OCP also continued to litigate Case 002 in Court. The OCP made oral submissions in court on various substantive and procedural issues, put documentary evidence before the Trial Chamber, and participated in the examination of witnesses Saloth Ban, Pean Khean, Ny Kân, and Sakim Lmut.

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.

The OCP welcomed a new senior trial lawyer in May, Mr. Keith Raynor. Mr. Raynor is a barrister and former solicitor in the UK, with both prosecution and defence experience. He sits as a Recorder (Judge) on the Midlands Circuit and he was previously a commercial litigator at a UK firm and a military lawyer in the British Army.

Outreach Activities

Craig Etcheson participated in the Cambodian Defenders Project Forum on

Sexual Violence during the DK Regime on 25 May. The event was sponsored by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

Defence Support Section

The defence teams for Nuon Chea, Khieu Samphan, and Ieng Sary continued to participate in Case 002 proceedings in the Trial Chamber during May. Proceedings were delayed for several days due to health concerns of the Accused Ieng Sary, who was admitted to hospital on 17 May. The treating doctor appeared before the Chamber to explain that Ieng Sary was suffering from the flu and bronchitis, in addition to his existing heart condition. Proceedings during this time were delayed in accordance with Internal Rule 81 which stipulates the right of an Accused to be tried in his or her presence.



Accused Khieu Samphan speaks with counsel

On 31 May the Ieng Sary Defence Team (ISDT) filed "Ieng Sary's Expedited Request for Extension of Time to Respond to Co-prosecutors' Request for Leave to Provide Assurances with Respect to Non-Prosecution for Witnesses". The ISDT stated that a four day time extension was being sought due to the complex legal issues raised by the Office of the Co-Prosecutors (OCP) in its Request, the requirement that a response be filed in two languages, as well as the timing of the OCP's request. Several witnesses were being examined at this time and holidays for national staff were expected to cause delays in the translation of the response.

Victims Support Section

Legal Work

The Processing and Analysis Team continued to process Civil Party applications in Case 004, and followed-up with CP lawyers in relation to the OCIJ's requests for supplementary information from 14 applicants in Case 003 and Case 004. The team received 7 pieces of supplementary information from the ASF, processed and sent them to the OCIJ.

The VSS coordinated with the Bar Association in organizing a swearing-in ceremony for a foreign lawyer, and received an application from a French lawyer who requested to be registered with the VSS. The VSS's staff also assisted 2 CP Lawyers in renewing their ID cards.

Outreach

On 8 May 2012, the Victims Support Section of the ECCC hosted a Regional Civil Party Forum for Case 002 in Kampong Thom. This Regional Civil Party Forum was organized for 200 Civil Parties in Case 002 out of 3,864 CPs admitted by the Pre-Trial Chamber and OCIJ of the ECCC. It was the second Regional Forum held in 2012, with CPs getting the chance to participate in group discussions with their legal representatives and impart any concerns and questions to their lawyers. The Civil Parties were provided with books, folders, pens, the Statements of Apology and Acknowledgements of Responsibility made by 'Duch' and radio sets to listen to the proceedings.

Reparation and Non-Judicial Measures (R&NJM) Team

On May 02, the Victims Support Section organized a meeting at the ECCC for Cambodian and German staff members of the organization Gesellschaft für Internationale Zusammenarbeit (GIZ). The meeting with GIZ Representatives included a visit to the court room to follow the proceedings and to meet with the R&NJM Team to get to know the ECCC, the work of the VSS; its function and scope, as well as the role of the contributions by GIZ and the Civil Peace Service.

On May 03, the R&NJM team attended a Buddhist ceremony at Cheung Ek

memorial which was organized by the Transcultural Psychosocial Organization. The event is part of TPO's testimonial therapy method and provides a good opportunity to experience how this approach works and to observe its impact on survivors.

On May 11, the R&NJM team met with Mr. Chhang Youk, director of Document Center of Cambodia. The discussion involved exchanging ideas and sharing information on R&NJM projects that DC-Cam has been involved in.

The R&NJM team of the VSS has been continuing to organize two different sub-working groups on a regular basis with participation of Lead Co-Lawyers, representative Civil Party lawyers, IOs/NGOs and Victims Associations. These meetings aim to update CPs on the current status of the reparation process by showing a presentation on the proposed Exhibition Project on Forced Movement of the Khmer Rouge Regime and Remembrance Day.

CP Lead Co-Lawyers Section

The Lead Co-Lawyers and Civil Party Lawyers continue their work in Case 002 by preparing for the questioning of witnesses, always taking into account the interests of Civil Parties.

During May, several discussions were

raised in order to adapt the questioning to each witness from a common point of view. Several meetings were also organized on the questioning of experts. Each hearing day, the national Lead Co-Lawyer collaborates with Civil Party Lawyers to provide briefings and debriefings to the Civil Parties.

On 25 May, the international Lead Co-Lawyer attended a meeting organized by the Cambodian Defenders Project for the launch of three publications on gender-based violence during the KR regime. During the meeting the authors explained their work and discussed why it is important to illuminate the gender-based sexual violence that occurred during the KR regime.

On 26 May, the Lead Co-Lawyers attended a pre-hearing information meeting for lawyers and Civil Parties that was arranged by the Victims Support Section. The purpose of the meeting was to give the opportunity for Civil Parties to meet their lawyers and enhance their capacity to testify before the Trial Chamber. The Lead Co-Lawyers provided updated information on Case 002 and answered participants' questions. The Lead Co-Lawyers, with the VSS and other Civil Party Lawyers also distributed radios and t-shirts to the participants after the presentation and question time.



Participants of the pre-hearing information meeting for lawyers and Civil Parties of Case 002

Decisions/Orders

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

Trial Chamber

11 May 2012

Decision on Rule 35 applications for summary action

The Trial Chamber decided on two applications filed by Nuon Chea on 22 February and 12 March for summary action against Prime Minister Hun Sen under Rule 35 (interference with the administration of justice), in relation to statements the Prime Minister reportedly made to the press. The Chamber found that it had already disposed of the matter raised in the first application in an oral decision pronounced on 2 February, but expended on the reasons for this decision. It clarified that while the evidence presented is insufficient to warrant a criminal enquiry, the alleged public statement on the guilt of Nuon Chea made to the press by the Prime Minister, if accurately reported, would constitute statements incompatible with the presumption of innocence and risk being interpreted as an attempt to influence the judges in charge of the case. Acting under Internal Rule 35(2), the Chamber issued an “unambiguous public reminder of the right of the Accused to be presumed innocent and of the need for officials to avoid comments incompatible with this presumption, on grounds that such comments, if repeated, could undermine the credibility of the ECCC’s protection of the

rights of the Accused to a fair trial”. The Chamber dismissed the second application concerning “an arrogant member of the Nuon Chea Defence team” on the basis that it was without merit.

Supreme Court Chamber

2 May 2012

Decision on Nuon Chea’s Request to Accept Late Filing Pursuant to Rule 39(4)

In Case 002, the Chamber issued its decision on Nuon Chea Defence’s request to file a new immediate Appeal outside of the prescribed time limits. Although the Defence had circulated the Appeal to all parties within the 30-day deadline, it did so through an email-submitted courtesy copy, and not via the official e-filing system. The Chamber rejected the request to exceptionally accept the belated Appeal pursuant to Rule 39(4), owing to the Defence’s failure to provide valid reasons to justify a departure from the general principle that non-compliance with time limits leads to the invalidity of the action in question. The Chamber further recalled for the benefit of all parties the principles it has established concerning time limits of immediate appeals.

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

Trial Chamber Hearings:

Hearing of evidence in Case 002
(Monday-Thursday, 9:00-16:00,
except public holidays)

June Judicial Recess

The Trial Chamber will recess from 25 June until 12 July with
hearings resuming 16 July

Visitor information for public hearings

First come, first served

The public gallery has 482 seats, available for the general public, diplomats and media (advance accreditation required). Seats are distributed on a first-come, first served basis on normal hearing days. Groups of more than five persons must register in advance.

Hearings start at 9:00 a.m.; visitors should arrive no later than 45 minutes before a hearing in order to leave sufficient time for registration and security check. Visitors must present a photo ID before entering the court.

Rules in the public gallery

Visitors are advised to maintain dignity and proper behavior and wear appropriate clothing (no beachwear or shorts, flip flops, etc.). Clothing may not display slogans, or indicate their support for or be offensive to any party of the proceedings. No persons under 16 years of age will be admitted to the

court and persons 16 -18 will be admitted only with the guardianship of an adult. No mobile phones, large bags, food or drink are permitted in the main courtroom.

Language of proceedings

The court provides simultaneous interpretation of its proceedings in Khmer, English and French.

How to get to the court

The ECCC is located adjacent to the Royal Cambodia Armed Forces headquarters in Chaom Chau, 16 km from downtown Phnom Penh, on National Road 4. The Visitors Gate is at the eastern end of the compound. No public transportation is available, so visitors are recommended to take a tuktuk or taxi.

For more information on visiting the court, please e-mail pas@eccc.gov.kh.

Outreach Activities

2 May 2012: TPO, ICFC and DC-Cam host a film screening at the RUPP Department of History Department for students on the history of the KR and the ECCC

7-8 May 2012: TPO and YFP host a film screening in Kampot on recent developments of the ECCC. Around 200 villagers attend and 45 participate in Q&A and dialogue session

9-10 May 2012: The TPO and CDP host 46 villagers in Kampong Speu for a forum theater on gender-based violence during the Khmer Rouge. Three of them volunteered to join the play and a Q&A held afterwards

15-20 May 2012: CDP and Civil Party Lawyers host a Team Leader Training in Phnom Penh on gender-based violence during the KR, and its prevalence today

23-25 May 2012: TPO, ICFC and YFP host four film screenings on the ECCC in Battambang. Three are held in the community and one at Preah Sihanouk Raja University in Battambang. Approximately 600 villagers participated

25 May 2012: CDP host a forum on sexual violence during the DK era. Government and non-government organizations, UN agencies, and the general public in attendance

May 2012: ADHOC assists Civil Parties to attend the ECCC proceedings and meet with CP lawyers

01 June 2012: WMC and TPO host a live radio show where members of the public can call in to ask questions, share their experiences and discuss the psychological aspects of the ECCC

11 June 2012: TPO holds an educational film screening in Kampot for 60 villagers. Following screening there will be a Q&A about the film as well as a presentation on the updated information on the court

18-19 June 2012: TPO, CDP and VSS hold a forum theatre in Kampot. 50 villages to participate in role playing situations of gender-based violence

22 June 2012: WMC and TPO host a live radio show where members of the public can call in to ask questions, share their experiences and discuss the psychological aspects of the ECCC

26 June 2012: VSS hosts workshop 'Gender-Based Violence in Context of Transitional Justice' at the ECCC

26 June 2012: VSS hosts 'Gender-Based Violence in Context of Transitional Justice' workshop in Phnom Penh for staff of local NGOs working in transitional justice

May/July 2012: ADHOC hosts the fifth round of Civil Party District Meetings in various provinces to update CPs about recent developments in Case 002



Students from Siem Reap province visiting the court.

ECCC Outreach

The Extraordinary Chambers in the Courts of Cambodia now hosts a **weekly radio show, 'Khmer Rouge on Trial'**, airing every Thursday evening from 5:15 – 6:15 pm, on AM 918 KHZ and FM 105.75 MHZ. Each show presents highlights from the week's hearings, and featured guest speakers from the court break down major developments in the proceedings. Listeners are also invited to call in and ask questions or express their opinions.

In addition, the Public Affairs Section hosts **Khmer Rouge Tribunal Study Tours** from Monday to Thursday, bringing groups of 300-500 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 facilitates **school visits** to give briefings, as well as host **community video screenings** across Cambodia.

ECCC OUTREACH CALENDAR						
May– July 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
13 National Public Holiday	14 Public Holiday	15 Public Holiday	16 Hearing 002; Study Tour	17 Hearing 002; Radio show	18	19
20	21 Hearing 002; Study Tour	22 Hearing 002; Study Tour	23 Hearing 002; Study Tour	24 Hearing 002; Radio show	25	26
27	28 Hearing 002; Study Tour	29 Hearing 002; Study Tour	30 Hearing 002; Study Tour	31 Hearing 002; Radio show	1 National Public Holiday	2
3	9 Hearing 002; Study Tour	10 Hearing 002; Study Tour	11 Hearing 002; Study Tour	7 Hearing 002; Radio show	8	9
10	9 Hearing 002; Study Tour	10 Hearing 002; Study Tour	11 Hearing 002; Study Tour	14 Hearing 002; Radio show	15	16
17	18 National Public Holiday	19 Hearing 002; Study Tour	20 Hearing 002; Study Tour	21 Hearing 002; Radio show	22 Hearing 002; Study Tour	23
24	25	26 Study Tour	27 Study Tour	28 Study Tour	29 School Visit	30
1	2	3	4	5	6 School Visit	7
8	9	10 Study Tour	11	12 Study Tour	13 School Visit	14



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

“Everyone can be involved in the process”



✉ National Road 4, Chaom Chau, Porsenchey
PO Box 71
Phnom Penh, Cambodia

The ECCC welcomes visitors. For more information, contact pas@eccc.gov.kh.



📞 General Tel: +855 (0)23 219 814
Fax: +855 (0)23 219 841

Press Inquiry Tel: +855 (0)12 488 156
Tel: +855 (0)12 488 023

Court Visit Tel: +855 (0)12 488 029

Victim Support Tel: +(855) 023 214 291

@ e-CCC on the Web
ECCC www.eccc.gov.kh
UNAKRT www.unakrt-online.org

Twitter twitter.com/KRTribunal
Flickr www.flickr.com/krtribunal
Facebook www.facebook.com/krtribunal
Youtube www.youtube.com/krtribunal

The Court Report

Publisher: DIM Sovannarom, *Chief of Public Affairs Section*
Editorial team: Yuko MAEDA, *Public Affairs Officer*;
Gabrielle HUBLER, *Consultant*; Marcus CAMPBELL and Sarah COLLMAN, *Interns*
Legal Advisor: Lars OLSEN, *Legal Communications Officer*
Photographer: NHET Sok Heng, *TV/Radio Officer*

The Court Report is a monthly newsletter produced by the Public Affairs Section. It is for public information purposes only and is not an official court document.