



The Court Report

AUGUST 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



Community members in Anglong Veng read ECCC pamphlets.

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ECCC Reps Meet People of Former KR Stronghold Anlong Veng

Like hundreds of other former Khmer Rouge members, a once low-level Khmer Rouge cadre was eager to learn what the trials at the Extraordinary Chambers in the Courts of Cambodia would bring to him and his fellow countrymen. Would he be blamed for his past actions, or would the court bring seeds of national reconciliation?

Mr. Sann Roeung, a 60-year-old man who lost his left leg as a soldier during battle, joined a gathering on 5 July in Anlong Veng, one of the last strongholds of the Khmer Rouge, to meet with representatives of the ECCC and listen attentively to what they had to say.

“The ECCC was established to prosecute only former senior leaders of the Khmer Rouge and those who are most responsible for the serious crimes committed during Democratic Kampu-

chea,” said one official from the court. “Neither relatives and friends of Khmer Rouge members nor the lower rankings of the Khmer Rouge are to be prosecuted at the ECCC.”

Mr. Sann and 200 other villagers who gathered at the former home of the late Khmer Rouge military commander Ta Mok heard the same message again and again at the public forum organized by the court.

Representatives from the Office of the Co-Prosecutors, the Victims Support Section, the Defence Support Section and the Public Affairs Section all spoke about the work of the ECCC and explained the importance of ascertaining the truth and seeking justice for the people of Cambodia. Buddhist monks, former Khmer Rouge soldiers, members of the Royal Cambodian Armed Forces and local villagers in the province

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Australia Pledges AUS \$1.4 Million

Australia has pledged another AUS \$1.4 million to support the work of the Extraordinary Chambers in the Courts of Cambodia, the Australian government announced on 13 July.

The contribution is Australia's second in 2012, following a total of AUS \$1.61 million to both the national and international sides of the court in March. This time, the money will support the cash-strapped international side of the court.

Australian minister for foreign affairs, Senator Bob Carr, announced the new pledge in Phnom Penh when he visited Cambodia, according to a news release. He said the contribution would support judicial and legal costs as well as aid in witness testimony for Case 002, which concerns three elderly Accused—Nuon Chea, Ieng Sary and Khieu Samphan.

"These are among the most important international criminal trials in the last 30 years," Senator Carr was quoted saying. "During Pol Pot's reign at least 1.7 million Cambodians died from murder, torture, starvation or preventable disease. Millions more were driven from their homes. The world has a duty to see that those responsible face trial".

Australia has been one of the strongest financial backers of the tribunal since its inception in 2006. Excluding the new pledge, Australia has already disbursed US \$15.3 million in total. Of the total amount, US \$2.6 million has gone to support the Cambodian component of the ECCC and US \$12.7 million to the international side.

In addition to Australia, New Zealand also pledged NZ \$100,000 to the international side of the court. Visiting Foreign Affairs Minister Murray McCully announced the contribution in Phnom Penh on 12 July when he met with Cambodian Foreign Minister Hor Namhong.

Earlier this year, the donors approved an ECCC budget of US \$45.7 million for 2012 and US \$43.9 million for 2013. The ECCC, which operates entirely off of voluntary contributions, has experienced difficulty raising the total funding necessary to run the trial.

"We would like to express our sincere thanks to the governments of Australia and New Zealand for their continued support to the court," said Acting Director of Administration Tony Kranh and Deputy Director of Administration Knut Rosandhaug.

Anlong Veng ...continued from page 1

of Oddar Meanchey were among the event participants.

Mr. Kham Rithy, a member of the armed forces stationed at Anlong Veng Military Sub-

try. Unfortunately, that did not prove to be the case, he said. Mr. Sann received nothing in return for his service and is now handicapped for the rest of his life. "I want the



Soldiers listen to ECCC representatives during the public forum in Anlong Veng.

Region Unit, told court officials that it was great to hold the forum where former Khmer Rouge soldiers and cadres lived. The forum helped them better understand the purpose of the court and its mandate, he said.

The district of Anlong Veng remained the last Khmer Rouge stronghold until the group collapsed in early 1999 and reintegrated into the Cambodian government. Although showing support for and interest in the work of the ECCC, some former members of the Khmer Rouge were concerned about any additional investigations and prosecutions. "Should there be Cases 003 or 004?" one participant asked. For many, the Khmer Rouge trials remain an uneasy topic in the former strongholds.

Mr. Sann expressed his support for the establishment of the tribunal, and went on to say that he hoped the tribunal would speed up its work and prosecute the Accused quickly.

"I spent 40 years fighting the class struggle cause but all I got was losing my leg," he said of his life experiences. Mr. Sann joined the movement in 1972 when he was just 17 years old and believed that the revolution would bring freedom and social equality to the coun-

trials to be fair so that young generations will learn not to follow in the same footsteps. It is too late for my generation but future generations will be able to make the most of the trial proceedings."

The Public Affairs Section has held similar forums in Pailin and Samlout in the province of Battambang, both former Khmer Rouge strongholds. Villagers in these areas have also participated in the ECCC study tours, visiting the court and touring other historical sites. So far, more than 150,000 people from all over the country have visited or observed proceedings at the ECCC in person.



ECCC representative speaks to assembled crowd.

American Prosecutor to be ECCC's Investigating Judge



American appointee
Mark Harmon.

A veteran American prosecutor in international criminal justice will assume the role of judicial investigator for the two remaining cases at the Extraordinary Chambers in the Courts of Cambodia, the court announced on 30 July.

Mr. Mark Harmon of the United States and Mr. Oliver Beauvallet of France were appointed international Co-Investigating Judge and reserve international Co-Investigating Judge, respectively, on 20 June by Cambodia's Supreme Council of the

Magistracy. The United Nations was officially notified of the appointments on 12 July, and is currently in the process of making the necessary arrangements for Mr. Harmon's deployment to Phnom Penh.

Before joining the ECCC, Mr. Harmon worked as a senior trial attorney at the International Criminal Tribunal for the former Yugoslavia (ICTY) for 17 years, leading the prosecution teams in the Krajišnik, Krstić, Blaškić and Perisic trials. He received his Juris Doctor degree in 1971 from Hasting College of the Law, University of California and then served as a federal prosecutor for the United States Department of Justice in Washington, D.C. and a deputy public defender in Santa Clara County, California.

Together with his national counterpart

Judge You Bunleng, Mr. Harmon will lead the Office of Co-Investigating Judges (OCIJ), which is responsible for judicial investigation and the indictment of individuals referred by the court's Co-Prosecutors. The OCIJ is currently considering two cases, Cases 003 and 004, concerning five unidentified suspects.

According to a statement issued by the ECCC, Mr. Harmon's deployment is expected "to enable the ECCC to continue the critical task of pursuing accountability for the crimes committed during the period of the Khmer Rouge regime".

UK Foreign Affairs Minister Meets with KR Victims

Mr. Jeremy Browne, minister of state in the United Kingdom Foreign and Commonwealth Office, spent half an hour listening to the plights of the victims at the Extraordinary Chambers in the Courts of Cambodia on 3 July. The Minister visited the court to gain insights into its achievements and challenges and was part of his official tour of Cambodia and other regional countries.

After being welcomed by the court's top administrators, Mr. Browne met with six victims, all of whom are Civil Parties in either or both of Case 001 and Case 002, and listened to their perceptions about their participation in the ECCC's proceedings. It was a rare opportunity to express their feelings to a visiting foreign senior official.

Each taking a turn, the victims talked to the minister about their experiences in the proceedings, including the psychological support they received after the conclusion of Case 001. They all recalled how they were excited about the establishment of the Khmer Rouge tribunal because they said they didn't expect such a court to be created, and iterated the importance of having senior Khmer Rouge leaders prosecuted.

"I didn't expect this trial would ever happen, but now it happens and I'm part of it as a Civil Party. I'm so thankful to the international community for supporting the court and helping the process," said Ms. Hun Sethany of Kampong Cham. "I was afraid that the Khmer Rouge regime might reoccur and the next gen-



Civil Parties meet with Minister Browne.

erations would be suffered again. Now I am very pleased with the court."

Ms. Sophan Sovany, another Civil Party in Case 002 from Pursat, expressed her hope. "I am excited as I am here as part of the proceedings. I believe this court will find a truth, and justice will be brought for victims who died and who survived the regime," she said.

The victims further conveyed their gratitude towards the United Kingdom for its engagement in the ECCC through both moral and financial support.

In response, Mr. Browne said that he hoped the proceedings before the ECCC would help ameliorate Cambodian victims'

psychological suffering and foster the national reconciliation process in Cambodia. He told the victims that he appreciated their courage to participate in the proceedings and recount their suffering from the past. Mr. Browne also wished that the process of the ECCC would reveal truth about the history of the Khmer Rouge.

Following the meeting with the Civil Parties, Mr. Browne met with Judge Silvia Cartwright of the Trial Chamber and Co-Prosecutors Chea Leang and Andrew Cayley.

The ECCC has so far received nearly US \$7 million in financial donations from the United Kingdom. Mr. Browne's visit to the court demonstrates the United Kingdom's continued support and commitment to the ECCC's mission to seek justice for the Cambodian people for crimes committed during the Democratic Kampuchea regime, during which at least 1.7 million Cambodians are believed to have lost their lives.



UK Minister Jeremy Browne tours the ECCC courtroom.

In The Courtroom

Resuming from the summer recess on 18 July, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia heard in July the testimony of two witnesses in the ongoing first trial in Case 002 concerning three Accused—Nuon Chea, Ieng Sary and Khieu Samphan. Although the three are charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide, the case has been severed into a series of separate trials, each focusing on different segments of the indictment.

In the first trial, which began last November, the Trial Chamber is examining the crimes against humanity in relation to the forced movements of population phases one and two. Phase one concerns forced movement from Phnom Penh in April 1975 and the second phase concentrates on forced movements from other regions during 1975-1977. In July, the Chamber continued examination of the administrative and communications structures of the Democratic Kampuchea regime and elements of the roles of the Accused.



Expert witness David Chandler begins his testimony on 18 July.

Trial Chamber Refines Expert List

Prior to the resumption of the trial proceedings after the summer recess, the Trial Chamber issued a decision on 5 July indicating that three of seven proposed expert witnesses would be heard as experts in the first trial in Case 002 in the coming months.

The Chamber ordered David Chandler, Philip Short and Elizabeth Becker to testify as expert witnesses. Mr. Chandler was assigned to testify on the basis of his specialist training and knowledge of Democratic Kampuchea which was acquired through his extensive research and experience in the field. Mr. Short and Ms. Becker are sought to be questioned due to their personal knowledge of facts and presence in Cambodia during the Khmer Rouge regime.

The testimony of two other proposed experts, Anne Guillou and Henri Locard, was deferred due to limited relevance to ongoing Case 002 trial. The Trial Chamber further announced that proposed experts Ea Meng-Try and Benedict Kiernan would not be heard due to unavailability or unwillingness to cooperate with the Chamber.

Mr. Chandler completed his testimony in July and Mr. Short and Ms. Becker are scheduled to appear before the Trial Chamber in October.

David Chandler, expert witness

18-20, 23-25 July

Prominent American historian David Chandler, who has authored *Brother Number One* and *Voices from S-21*, testified as expert witness before the Chamber for five and a half days. During this time, he was questioned by all parties including the Judges, Co-Prosecutors, Civil Party lawyers, and the Defence teams for each of the Accused.

Trial Chamber, Office of Co-Prosecutors & Civil Parties

Mr. Chandler was questioned, amongst other things, on the foundations of the Communist Party of Kampuchea (CPK) and the five policies of Democratic Kampuchea, the Accused's involvement in the central committee and planning stages of party policy as well as the pyramidal structure of the party and the decision-making process. Early evacuations of cities, the classification of "new" and "base" people, the elimination of intellectuals and the targeting of Cham people, secrecy within the CPK and the suppression of ideas by the Khmer Rouge were also the subject of questioning.

Defence Teams

The Defence sought clarification on the witness's research methods, sources and preparation for testimony and his previous testimony in Case 001. He was further questioned, amongst other things, about the birth of the Communist Party of Kampuchea, as well as the Accused's membership of the CPK and other entities during the Democratic Kampuchea period.

Editor's note: For a complete picture of the testimony, please read the transcripts available on the ECCC website at: <http://www.eccc.gov.kh/en/Case002-Transcripts/en>

Rochoem Ton, witness

25-26, 30-31 July; 1-2 August

Rochoem Ton alias Phy Phuon, alias Vycheam, 64, was the bodyguard for Pol Pot and his messenger.

The witness was questioned about the communication structure of Office 870 (the alleged headquarters of the party center's leading body), purges from within the Ministry of Foreign Affairs, and his role in dealing with security matters. The witness described his work as a messenger between Pol Pot and Ieng Sary.



Witness Rochoem Ton.

TC Hosts Trial Management Meeting

The Trial Chamber has scheduled a trial management meeting for 17 August to discuss a number of issues including the Co-Prosecutor's repeated requests to expand the scope of the ongoing first trial in Case 002 and various measures designed to expedite trial proceedings.

The Trial Chamber severed the indictment into a series of smaller trials, due to the length, complexity and large number of charges and factual allegations in the Case 002 indictment. The first trial focusses on forced population movements and related crimes against humanity. Later and different allegations are intended to be heard in subsequent trials.

Following the repeated requests by the Co-Prosecutors to expand the scope of charges to be heard in the first trial, the Chamber set out the likely impact of expanding the scope of trial in Case 002/01, as well as highlighting a number of considerations that would need to be addressed if it were to do so. The Chamber has invited parties to discuss whether the envisaged benefits of expanding the scope of the first trial would outweigh the risks of prolongation of trial proceedings.

The parties were invited to discuss other initiatives designed to streamline the proceedings set out by the chamber. The Trial Chamber hopes to conclude the first trial in 2013 and commence the second trial shortly afterwards.

Visitors to Hearings

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia resumed the hearings in Case 002 on 18 July, following its summer judicial recess.

Since the commencement of the opening statements in Case 002 on 21 November 2011, the Trial Chamber has concluded 87 trial days, where a total of 20 witnesses, experts and Civil Parties have testified. As of 31 July, a total of 48,100 persons have attended the trial hearings in Case 002, amongst which about 80% were Cambodian nationals brought to the court by the ECCC's free transportation services.



Public forum attendee reads through court materials.

DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
18/7/2012	450	10	104	10	14	4	129	5	726
19/7/2012	470	23	45	7	8	6	33	4	596
20/7/2012	120	102	12	9	4	6	33	0	286
23/7/2012	450	11	55	7	9	4	45	0	581
24/7/2012	295	2	30	9	7	4	38	0	385
25/7/2012	390	0	8	8	4	2	31	0	443
26/7/2012	470	2	11	10	1	3	30	0	527
30/7/2012	420	2	7	10	3	3	30	0	475
31/7/2012	400	3	11	11	5	4	21	0	455
Sub-Total: July	3465	155	283	81	55	36	390	9	4474
Total: Day 1 - Day 87 (Nov 2011 - July 2012)	38846	1333	1343	1494	755	614	3491	224	48100



Senior Assistant Prosecutor Tarik Abdulhak speaks with International Defence Counsel for Ieng Sary, Michael Karnavas.

Aussie Students Role-Play at Court



Visiting students preparing to act out different court roles.

On 2 July, high school students from St. Ignatius College in South Australia participated in a role-playing simulation of the judicial court process. Students acted out court arguments as though they were the prosecution, defence, civil parties, or judges. The school's visit was the second time in two years students visited the ECCC as part of a three week social justice awareness tour of Vietnam and Cambodia.

The purpose of the visit was to discuss with court officials the goals and challenges of the ECCC, as well as to act out the differ-

ent roles in the courtroom. The student group first met with Deputy Co-Prosecutors to learn about the recent developments in Case 002. Facilitated by international Deputy Co-Prosecutor Bill Smith, the group then took part in an interactive exercise in the courtroom, playing the roles of prosecutors, judges, defence counsels and civil parties. By challenging their classmates and asking questions related to their assigned roles, the Australian students gained a valuable insight into the importance and complexity of the judicial process.

Student Groups Visit ECCC

Australian high school students visited the court on 2 July and met with officials from the Office of the Co-Prosecutors. The students also participated in a role-playing activity facilitated by Deputy Co-Prosecutor William Smith.

On 18 July, 40 American and 32 Cambodian students participated in the American Youth Leadership Program, organized by the East-West Center and the U.S. State Department, visited the ECCC. The group was briefed by a Public Affairs official and then attended the trial hearing.

A group of American university students participating in a study abroad program through the Center for Khmer Studies attended the trial proceedings on 19 July. The group also met with representatives from the Public Affairs Section and the Office of the Co-Prosecutors.

ECCC Distributes Duch Appeal Judgement Books

Hundreds of representatives from government institutions and universities gathered at the Extraordinary Chambers in the Courts of Cambodia on 11 July to receive bound books of the Appeal Judgement in Case 001, marking the official launch of a nationwide campaign to distribute the Judgement books.

Case 001 concerns Kaing Guek Eav, alias Duch, who headed the former Khmer Rouge security prison S-21. The case concluded on 3 February with the Appeal Judgement of the Supreme Court Chamber sentencing Duch to life imprisonment for crimes against humanity and grave breaches of the Geneva Conventions of 1949. The court has since produced the bound books for the general public to review and study the court's first case as part of its outreach campaigns.

On 11 July, Acting Director of Administration Tony Kranh presided over the first distribution ceremony.

In his welcoming remarks, Mr. Kranh reflected on the establishment of the court and the mandate of the ECCC, as well as the evolution of other international criminal tribunals. He highlighted the unique aspects of the ECCC as a hybrid court and explained



Appeal Judgment books in Case 001 are distributed at ECCC.

the court's achievements—including the completion of Case 001 and the ongoing trial of Khmer Rouge leaders in Case 002. Mr. Kranh also noted that there have been more than 150,000 visitors to the court. "This enormous number of participants has broken a world record for the most number of people ever participating in an international criminal court," he said.

A brief question and answer session was held following his remarks. Many people in the audience participated in the session, pos-

ing questions related to the final sentence of Duch in Case 001, the health status of Defendant Ieng Thirith, and the progress of Case 003.

Hang Kim-Hourn, student from Mekong University, said that he was pleased to receive the summary of the Final Judgment. "It will help me to better understand the history of Democratic Kampuchea, as I am of the younger generation and I do not know much about the regime," he explained.

At the close of the ceremony, judgement books were distributed to representatives from a total of 41 government institutions including the Ministry of Justice and the Cambodian Military Court, a number of universities and libraries. The summary of the judgement was distributed to each of the 380 people who attended the event.

The ECCC Public Affairs Section has printed 5,000 copies of the Appeal Judgement and 15,000 copies of the summary of the Appeal Judgement in Khmer, and 1,600 copies of the Appeal Judgement in English. These copies will be distributed across Cambodia to universities, libraries, domestic courts and national and local government institutions.

ICfC Launches Memory Initiative Project



A drawing of the Khmer Rouge made by a villager for a local history book.



A young boy reads about the experiences of people in his community under the Khmer Rouge.

As part of the ICfC's Community Memory Initiative, an elder in Kampong Speu uses drawings to speak about his experiences living through Democratic Kampuchea.

In July, the International Center for Conciliation–Cambodia (ICfC) launched the Community Memory Initiatives (CMI) project, which aims to assist villagers in strengthening community relations and empowering rural Cambodians to take charge of their own healing. The project encourages Cambodians to preserve their memories and experiences surrounding the history of the Khmer Rouge through community-led dialogues.

ICfC began implementing the CMI project in Kampong Speu province by giving villagers memory initiative training. Participants included ICfC-trained local facilitators, Buddhist laymen, monks, local authorities (commune chief and village chief), teachers, and youth. Among the trainees, 10 people participated in a study tour and visited Tuol Sleng museum, Kraing Tachan Security Center and the memorial of an ICfC project site in Kampot province.

Following the visits, participants created a memory committee with the purpose of initiating local memory initiatives and developing plans to educate other villagers, especially members of the younger generation.

One study tour participant said, "People can go to Tuol Sleng or Choeng Ek, but they

can only find out about what happened at these two places, not their own community." Seeing the need to preserve history in their own village, the committee consulted community members and decided to create an oral history book. The book includes stories and drawings that illustrate their experiences during the Khmer Rouge period. Drawings were displayed in the community ceremony hall (in Khmer – *sala bon*) during the CMI community celebration activity, in which youth and elders came together to discuss the Khmer Rouge period and distribute the books to local youth.

Speaking about the importance of the book, one woman said, "[Community members] can continue to show these pictures and books to future generations so that they can see and read about their local history. My daughter told me that there were two copies of this book at her school and some students have already read them!"

The memory initiatives have also provided a method to teach a more personal history of the Khmer Rouge era to the next generation. A committee member said, "I realized that making this kind of documentation for

our village is important—for example, my nephew learned about the history of the local dam. When he saw the cover of the book, he was surprised because that place is near his house, and he had no idea that people died making that dam."

While ICfC projects in the Justice and History Outreach program largely focus on non-judicial mechanisms, the organization takes a holistic approach to justice, providing opportunities for rural Cambodians to engage in legal mechanisms such as the ECCC trial proceedings. Villagers taking part in past and current projects have become more involved in the Khmer Rouge tribunal. In Kampong Speu, local facilitators have organized trips for the villagers to visit the ECCC more than 15 times since ICfC began a project in the area.

The CMI project is supported by Open Society Foundations and the Institute for Foreign Cultural Relations (ifa), which is supported by the German Federal Foreign Office.

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 **July 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 seized with 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

In Case 001, the Supreme Court Chamber continues to review the classification of over 13,000 confidential and strictly confidential documents in the Case 001 Case File in order to ensure a greater access to information by the public. In this regard, the Chamber has released the general guidelines that are going to be followed in the process of reclassification. They may be summarised as follows.

Classification of documents is to be determined by balancing the exigency of confidentiality with the demands of transparency deriving from the Court's goals of education and legacy. The Chamber considered that wide dissemination of material concerning the proceedings before this Court may contribute to national reconciliation and to the progressive quest for historical truth, promoting a public and genuine discussion on the past. Therefore, the Chamber held that, in principle, all documents in Case 001 Case File shall be declassified as public. At the same time, considering that certain reasons for non-disclosure may continue to remain valid, limited safeguards need to be retained, for example to ensure protection

of sensitive information concerning victims.

At the moment, the Chamber is conducting a thorough review of all such documents and will take its final decision after further comments by concerned parties and judicial offices are provided.

In Case 002, the Chamber continues to work on the Nuon Chea's immediate appeal against the Trial Chamber's decision on his Rule 35 applications for summary action.

On 2 July 2012, the President of the Supreme Court Chamber designated Judge Florence N. Mumba to replace Judge Motoo Noguchi on the bench in all future proceedings, pending the appointment of a regular sitting judge.

Defence Support Section

The Chief of Defense Support Section represented the Section on an outreach mission to Anlong Veng organized by the Public Affairs Section.

Office of the Co-Prosecutors

Case 002: The Office of the Co-Prosecutors continued to litigate Case 002 both in the courtroom and through written submissions to the Trial Chamber. In court, the Office of the Co-Prosecutors lead the questioning of the expert David Chandler and the witness Phy Phoun.

Through filings, the Office of the Co-Prosecutors : responded to a statement by the Defence for Nuon Chea regarding their intent to perform research at DC-Cam; made a request to provide case file documents to expert witness David Chandler in advance of his testimony in order to facilitate the efficient procurement of his evidence; made a request to admit witness

statements relevant to phase two of the forced transfer, and a further request to put before the Trial Chamber written statements and transcripts in relation to Case 002/1, in order to provide evidence previously disclosed by witnesses who are not currently scheduled to testify in Case 002/1; responded to the Nuon Chea Defence's request for a public oral hearing regarding the calling of defense witnesses; responded to the President of the Supreme Court Chamber, H.E. KONG Srim, on the procedures for reviewing the classification of confidential and strictly confidential documents from Case 001; and submitted letters to expert witnesses that contain information to assist them in the preparation for their testimony.

Case 003: The Office of the Co-Prosecutors continues to analyze the evidence in and monitor the progress of Case File 003.

Case 004: The Office of the Co-Prosecutors continues to analyze the evidence in and monitor the progress of Case File 004.



Defendants Khieu Samphan in the ECCC courtroom.

Victims Support Section

The Victim Support Section has received 91 pieces of Case 002 victim information forms translations from Avocats Sants Frantieres, 83 of which were processed and filed with the Trial Chamber; and 8 with inconsistent information were sent back Avocats Sants Frantieres for verification.

The Section gave statistics related to Civil Parties that suffered from sexual assaults during the Khmer Rouge regime to the Public Affairs Section, and assisted the Lead Co-Lawyers in analyzing Civil Parties information related to the first and second forced transfers.

In addition, the Section assisted two International Lawyers in preparing documents and forwarding them to the Bar Association of Cambodia for admission. The staff also assisted lawyers and their assistants in renewing seven ID cards.

The Victim Support Section's Lawyers represented their clients in the Courtroom and met their clients in Phnom Penh. In addition, they travelled to provinces and met with their clients to update them on the developments of the ECCC.

Outreach

344 Civil Parties were invited to participate in hearings on Case 002 and met with their lawyers. Before and after the hearings, Civil Parties met with Civil Party Lawyers and Lead Co-lawyers for updated information and a debriefing on what had happened during the hearings. During a pre-hearing session, the Civil Parties were given psychological counseling by Transcultural Psychosocial Organisation, and during post-hearing debriefing sessions, Civil Parties ask the lawyers questions if they had any uncertainties.

Reparation & Non-Judicial Measures (R&NJM) Team's Report of July

From 10-13 July 2012, the R&NJM Team visited crime sites in Battambang and Kampong Cham provinces in the process designing Reparation & Non-Judicial Measures projects within the mandate of

the Victim Support Section/ECCC. During the visits, the team met with commune councils, village chiefs, school directors, commune youth representatives, monks and Char Wat in order to give an overview of the projects.

During the month, the R&NJM Team and Lead Co-Lawyers continued to develop an executive summary of ECCC Reparations and NJM program, one-page project descriptions, Reparation & NJM project description; as well as funding strategies and mechanisms.

With support from ECCC Administration, the R&NJM Team is communicating with and seeking technical advice from the German Federal Foundation "EVZ – Remembrance, Responsibility and Future" to develop and set up the Victims Foundation of Cambodia.

CP Lead Co-Lawyers Section

Early in the month, the staff from the Lead Co-Lawyers Section and Civil Party lawyer teams attended a conference celebrating the International Criminal Court's 10 year anniversary (1 July 2002 – 1 July 2012) at the Raffles Hotel Le Royal in Phnom Penh, Cambodia.

The conference, which was organized by the Cambodian Human Rights and Devel-

opment Association (ADHOC) under the theme "Tenth Anniversary of the Entry into Force of the Rome Statute," sought to highlight the fight against impunity in Cambodia by working toward safeguards that will prevent the perpetration of mass crimes in the future and increase awareness of the ICC's operations.

During the judicial recess period, the Lead Co-Lawyers and Civil Party lawyers continued to prepare for the examination of experts and witnesses who would testify before the Trial Chamber in upcoming hearings. The Lead Co-Lawyers Section has also continued to provide legal, technical and administrative support to Civil Party lawyers and their teams.

In an on-going effort to keep Civil Parties informed of and involved in the work of the ECCC, the Civil Parties lawyers and Lead Co-Lawyers continue to meet one day per week with Civil Parties in order to brief them on current legal issues including: the severance of the Case 002 and its consequences, witness testimony and developments in the area of reparations.

On 20 July 2012, the international legal officer met with Civil Party victims of severe torture who took part in a meeting facilitated by the Transcultural Psychosocial Organization in order to update them on the proceedings and answer their questions.



Defendants Nuon Chea in the ECCC courtroom. Defendant Ieng Sary (not pictured) has been observing the proceedings from the holding cells due to health concerns.

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

5 July 2012: *Decision on Assignment of Experts*

The Trial Chamber ruled on the Defence's objections to experts proposed by the Civil Parties and Co-Prosecutors. The testimony of Anne GUILLOU, which is exclusively directed to the role of Accused IENG Thirith, was indefinitely deferred following the Accused's severance from the trial. Additionally, the testimony of Henri Locard has been deferred due to the limited relevance of his testimony to Case 002. The Chamber also ruled that Ea Meng-Try and Benedict Kiernan will not be heard before the Chamber due to their unavailability.

In this decision, the Trial Chamber appointed David Chandler, Philip Short and Elizabeth Becker as experts. The decision clarified that the experts may be examined on all matters pertaining to their expertise, and delegated the responsibility to lead in-court questioning to the Co-Prosecutors.

Supreme Court Chamber

2 July 2012: *President's Order on Replacement of Judge*

In consideration of Judge Motoo Noguchi's 16 May 2012 resignation that takes effect on 15 July 2012 and the Chamber's desire to ensure the full functionality of the Chamber in accordance with the principles of fair and expeditious conduct of proceedings, as of 15 July 2012 the Supreme Court Chamber's President designates Reserve Judge Florence N. Mumba to sit in place of Judge Motoo Noguchi. Reserve Judge Florence N. Mumba will replace Judge Motoo Noguchi in the Supreme Court Chamber in all proceedings, until a regular judge is appointed.



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

(Photo: Meng Kimlong)

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

First Trial in Case 002:

Monday-Thursday, 9:00-16:00,
(except public holidays)

IENG Thirith Fitness Hearing:

30-31 August; 10:30-16:00, 9:00-16:00

Visitor information for public hearings

Hearing Schedule

Monday-Thursday except national holidays, **9:00– 16:00**
Two 20-minute breaks: **10:30** and **15:00** (roughly)
Lunch break: **12:00- 13:30**

Rules in the Public Gallery

Visitors are advised to wear appropriate clothing, maintain dignity and behave in a manner appropriate to the grave nature of the proceedings. No mobile phones, large bags, food or drink are permitted in the main courtroom. Visitors should take all personal belongings with them when leaving the public gallery during the breaks.

Visitors are requested to remain seated while the court is in session. However, those who need to use the bathroom during a hearing can excuse themselves, but should follow the security officers' instructions. There are two sets of bathrooms: one on the ground floor and one on the mezzanine level.

Language of Proceedings

The court provides simultaneous interpretation of its proceedings in Khmer, English and French. The speakers in the main courtroom project the proceedings in Khmer, but English and French translation is also provided via the available headsets on either side of the main courtroom. English is on channel 2 and French is on channel 3. To reset the headset, press down on the two volume arrows simultaneously.

Outreach Activities

2-6 July: ICfC conducts trainer instruction workshop in Kampong Thom to teach villagers mediation techniques and facilitate discussion about Khmer Rouge experiences. 15 people participate and 15 KRT books are distributed.

5 July: ECCC holds public forum in Anlong Veng with representatives from PAS, OCP, DSS, and VSS.

6 July: ECCC PAS and VSS meet with high school in Anlong Veng.

7 July: CDP holds a national call-in radio show for callers to ask questions and share their experiences.

9 July: ECCC PAS lecture to infantry unit in Kampong Speu.

9-13 July: ICfC holds “Community Memory Initiative—Follow up and Evaluation” in Kampong Speu and 30 people including youth, the commune chief, and the village chief participate.

11 July: ECCC ceremony to begin distribution of Duch Appeal Judgment books is attended by 500 people.

11-14 July: ICfC conducts trainer instruction workshop in Kampong Cham to teach villagers mediation techniques and facilitate discussion about Khmer Rouge experiences. 18 people participate and 18 KRT books are distributed.

17 July: CDP holds a national call-in radio show for callers to ask questions and share their experiences.

23-26 July: ICfC conducts trainer instruction workshop in Kampong Chhnang to teach villagers mediation techniques and facilitate discussion about Khmer Rouge experiences. 19 people participate and 19 KRT books and Duch summary books are distributed.

31 July: TPO and CDP hold team leader training with Civil Party representatives to discuss gender-based violence during the Khmer Rouge regime.

August: ICfC holds training workshops in Phnom Penh, Kampong Thom, Kampong Chhnang and Kampong Cham provinces. Staff conducts assessment of needs concerning trauma and justice.

August: VSS holds regional Civil Party forum in Siem Reap. 200 Civil Parties meet with their lawyers to receive an update on Case 002 and to discuss their rights.

25 August: CDP accompanies Civil Parties to attend the court hearing and meet with lawyers.

28 August: CDP holds a national call-in radio show for callers to ask questions and share their experiences.



Villagers chat at the ECCC public forum in Anlong Veng.

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 17:15–18:15, 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						
July – September 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
8	9 Recess	10 Recess	11 Recess Study Tour	12 Recess Study Tour	13	14
15	16 Recess	17 Recess	18 Hearing 002	19 Hearing 002: Radio Show	20	21
22	23 Hearing 002	24 Hearing 002	25 Hearing 002	26 Hearing 002, Radio Show	27	28
29	30 Hearing 002	31 Hearing 002	1 Hearing 002	2 Hearing 002, Radio Show	3	4
5	6 Hearing 002	7 Hearing 002	8 Hearing 002	9 Hearing 002, Radio Show	10	11
12	13 Hearing 002	14 Hearing 002	15 Hearing 002	16 Hearing 002, Radio Show	17 Trial Management Meeting	18
19	20 Hearing 002	21 Hearing 002	22 Hearing 002	23 Hearing 002, Radio Show	24	25
26	27 Hearing 002	28 Hearing 002	29 Hearing 002	30 leng Thirith Fit- ness Hearing	31 leng Thirith Fit- ness Hearing	1
2	3 Hearing 002	4 Hearing 002	5 Hearing 002	6 Hearing 002, Radio Show	7	8



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

“Everyone can be involved in the process”



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The Court Report

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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.