

The Court Report

July 2009



The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice

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Welcome to the 15th edition of the Court Report. This newsletter is published monthly in an effort to keep the public better informed about what is happening at the ECCC.

In the Judicial section, updates from the Pre-Trial Chamber, the Trial Chamber, the Supreme Court Chamber, the Office of the Co-Prosecutors and the Victim's Unit are included.

In the Public Information & Outreach section, information on free transportation to the ECCC is provided.

The NGO page has an overview of a forum on "Understanding the Khmer Rouge" which was hosted on 28 June by the Youth Development Resource Program (YRDP).

As usual, we have included calendars with upcoming Court and Outreach Information.

New ECCC Spokeswoman: Yuko Maeda



On Monday, 27 July 2009 the Public Affairs Section welcomed Japanese national Yuko Maeda as the new Public Affairs Officer. As a former business editor for the Cambodia Daily, Yuko first moved to Cambodia in 1998. IN 2002, she created an NGO called "Women Against Silence," directed toward foreign victims of rape in Cambodia providing them with information regarding local resources for both legal and medial aide.

In 2005 and 2006, Ms. Maeda worked as a Public Information Officer in the Publications Unit at the United Nations Mission in Liberia (UNMIL), which is a peacekeeping mission that was established in 2003 by an UN Security Council resolution. In this position, she oversaw the publication of mission information in the UNMIL Focus magazine and UNMIL Today, an internal newsletter.

For the past few years, Yuko has been studying in the UK where she received a Masters in International Peace Studies.

"I am so glad to be back here in Cambodia. This is a great opportunity for me to give back and contribute to a country that has given me so much. I am excited to be helping to create a new Cambodia and to ensure that this tribunal will be a fair trial."

Landmarks in Case 001



On Wednesday, 22 July 2009, the ECCC welcomed it's 12,000th visitor, Mrs. Ork Meach, to watch the substantive hearings in Case 001 against Kaing Guek Eav, alias Duch.

Mr. Reach Sambath, Chief of Public Affairs, greeted her with an ECCC T-shirt and hat. She had traveled to the court from the Santuk district in Kompong Thom province. The group left at 3:00 am to make the 150 km drive to Phnom Penh.

Monday, 27 July 2009 marked the 50th day of the substantive hearings in Case 001 since it commenced on 30 March 2009.

Thus far, two experts, eleven fact witnesses and seven Civil Parties have given testimonies before the Trial Chamber. An additional seven fact witnesses, one expert and 20 Civil Parties are scheduled to give testimonies until 26 August which is the period currently scheduled by the Trial Chamber.

"I am reflecting on the recent week's events at the Court. The Trial has been observed by a large number of audiences," said H.E. Kranh Tony, Director of the Office of Administration. "People realize that this court is their court and they have right to be involved."



Villagers from Dei Eth commune waiting at the court to view the substantive hearing

ECCC Visitor Attendance

Hearing Dates (Weekly)	Total Visitors (Weekly)
30/03/09 - 01/04/09	1176
06/04/09 - 09/04/09	623
20/04/09 - 23/04/09	642
27/04/09 - 30/04/09	742
18/05/09 - 21/05/09	575
25/05/09 - 28/05/09	560
08/06/09 - 10/06/09	415
15/06/09 - 17/06/09	621
22/06/09 - 25/06/09	860
29/06/09 - 02/07/09	1899
06/07/09 - 09/07/09	1553
13/07/09 - 16/07/09	1504
20/07/09 - 22/07/09	1301
27/07/09 - 28/07/09	1094
Grand Total as of Wednesday, 28 July 2009	13565

Judicial Updates

Pre-Trial Chamber

On 26 June 2009, the Pre-Trial Chamber rendered its decision in relation to Ieng Sary's appeal against the Co-Investigating Judges' Order on Extension of Provisional Detention. This decision followed hearings held on 26 February 2009 and 2 April 2009. In this decision, the Pre-Trial Chamber declared the appeal admissible, confirmed the provisional detention order of the Office of the Co-Investigating Judges and dismissed the appeal.

During June 2009, the Chamber also issued three further Orders and Directions to the Parties in relation to the management of other matters before the Chamber.

Trial Chamber

During the reporting period, the Trial Chamber continued trial proceedings in the case against Kaing Guek Eav (alias Duch). This trial, which is the first before the ECCC, commenced on 30 March 2009.

Between 8-30 June 2009 (a period encompassing trial days 24-36), the Accused was questioned by the Trial Chamber and the parties in relation to the implementation of Communist Party of Kampuchea (CPK) policy at S-21, the armed conflict in Democratic Kampuchea, the functioning of S-21 and Choeung Ek, methods of torture at S-21, and the operation of S-24 detention facility (also known as Prey Sar). On 30 June 2009, the Chamber heard the first of the survivors of S-21, Vann Nath.

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In June 2009, the Trial Chamber rendered two written decisions. The first of these, the Chamber's Decision on Protective Measures for Civil Parties of 2 June 2009, was described in the previous Court Report.

On 15 June 2009, the Chamber rendered its Decision on Request for Release. The Accused had sought provisional release for the duration of the trial, subject to any conditions imposed by the Trial Chamber. The Chamber denied this request, finding that the Accused's continued provisional detention was justified with respect to flight risk, the need to preserve public order and to ensure his security. Detention was also justified by the need to ensure the Accused's presence during trial. His continued detention is also proportionate to the gravity of the crimes for which he is accused.

The Accused further contended that his prior detention before the Cambodian Military Court was unlawful, with his detention before the ECCC being effectively a continuation of that detention. The Chamber held that although the ECCC was established within the existing Cambodian court structure, the ECCC is a separately constituted, independent and internationalized court that was designed to stand apart from Cambodian courts. Proceedings against the Accused before the ECCC are not merely a continuation of the proceedings against him before the Military Court. Although violations of Cambodian courts. Proceedings against the Accused before the ECCC are not merely a continuation of the proceedings against him before the Military Court. Although violations of the

Accused's rights by the Cambodian Military Court are therefore not attributable to the ECCC, the international case law indicates that an international tribunal should nevertheless consider the legality of an Accused's prior detention. The Chamber identified several irregularities in the Accused's detention before the Military Court, in violation of the Cambodian domestic law applicable at the time and of his internationally-recognized right to a trial within a reasonable time and detention in accordance with the law. The Chamber concluded that in the event of conviction, the Accused is entitled to credit for time served in detention, both under the authority of the ECCC since 31 July 2007 and under the authority of the Military Court between 10 May 1999 and 31 July 2007. These periods will be credited to the Accused in relation to any sentence imposed.

In addition to credit for time served, the Chamber further found the Accused to be entitled to a remedy for the violation of his rights by the Military Court. The Chamber deferred the question of the nature of this remedy to the sentencing stage, if applicable. In the event he is acquitted, the Accused would instead be entitled to pursue remedies available within Cambodian national law in relation to any violations of his rights whilst in the custody of the Cambodian Military Court.

The Chamber also heard submissions and rendered two oral decisions in relation to a number of procedural and trial management issues during the reporting period.

Office of the Co-Prosecutors

Legal Work:

In June 2009, the OCP continued its participation in the judicial investigation and the appellate proceedings in Case File No. 002 in which charged persons DUCH, KHIEU Samphan, IENG Sary, IENG Thirith and NUON Chea are being investigated.

Trial Proceedings:

The OCP accelerated its trial preparation in Case File No. 001 that deals with the Khmer Rouge's S-21 Security Centre in Phnom Penh. The substantive trial commenced on 30 March and is ongoing. On 8 June, the OCP filed an application before the Trial Chamber for the application of Joint Criminal Enterprise (JCE) as a mode of liability in this case.

Analysis:

Amongst many other activities, the OCP maintained and updated its case management database (CaseMap), prepared witness summaries of potential witnesses, analyzed open source and in-house documents, updated chronologies of the defendants, prepared audio-visual case presentation aids and continued its microfilm digitization project.

It continued to analyze the Case File and prepared Trial Readiness Assessment Reports (TRAR) to assess the requirements of making further investigative requests to the Co-Investigating Judges.

Prosecutorial Disagreement:

The Co-Prosecutors now await the determination of the Pre-Trial Chamber in respect of the disagreement proceedings. The pleadings in these proceedings are



The public viewing gallery at the ECCC during the substantive hearing in Case 001

complete. While the International Co-Prosecutor filed his Statement of Disagreement on 1 December 2008, the National Co-Prosecutor filed her Response on 29 December 2008.

Notwithstanding the disagreement, the Co-Prosecutors have been and shall continue to work together, in all their cases, to ensure that justice is rendered to the victims of the Khmer Rouge.

External Activities:

On 29 May, International Co-Prosecutor Robert PETIT attended an outreach program organized by a reputed national NGO in the Prey Veng province of Cambodia.

On 29 June, Senior Assistant Prosecutor Anees AHMED addressed the visiting students from the University of Washington, Seattle on the activities of the OCP.

As in the previous year, two interns of the OCP have volunteered to coach the prospective Cambodian team preparing to attend the Jessups International Moot Court competition scheduled to be held in Washington DC in March 2010.

INFORMATION ON THE WEB:



The ECCC website

www.eccc.gov.kh



The UNAKRT website

www.unakrt-online.org



www.krtrial.org



www.cambodiatribunal.org

Victims Unit

The processing team of the Victims Unit received 220 new Victim Information Forms (VIFs) during the month of June, bringing the total to 3769 (2039 Complaints and 1666 Civil Party applications, with 64 unclear, withdrawn or deceased).

The Victims Unit held a workshop on legal representation on 26 June 2009. The workshop was attended by the Acting Director and Deputy Director of Administration as well as officials from various Offices and Sections of the Court, Civil Party lawyers and intermediary organizations. The focal point of the workshop was to initiate discussion on a legal representation scheme which would ensure the effective participation and representation of Civil Parties. The VU is now refining this scheme in light of comments received. It is expected that a presentation will be made to the Plenary Session in September together with proposed consequent amendments

to the Internal Rules.

Regular meetings are now being held between Civil Party lawyers and VU staff to discuss increased assistance to the legal teams both in terms of facilities and coordination and support to the Civil Parties. During this month the ten seats in the court room allocated for Civil Parties have been filled, and support given by TPO to Civil Parties attending the hearings and especially for those testifying. We are grateful for this support from TPO.

The VU conducted outreach activities in Prey Veng Province. An outreach team headed by the Outreach Coordinator Mr. Neou Kassie went to remote villages and spoke to the victims, informing victims including Civil Parties and complainants about the ongoing trial of Duch and answered questions about the status of Case 002. Additionally, the team gave presentations on the filling of the Victims Information Form and distributed brochures discussing the rights of the victims before the ECCC. The team also attended a Public Forum organised by the

Center for Social Development (CSD).

The VU welcomes four new staff members. The new members who have been hired as Outreach Assistants come from diverse backgrounds. Khut Chhornsocheata has a background in commerce, management and foreign languages. Chhoeurn Rattana has worked as an accountant and was an active member of the Outstanding Youth Group of Cambodia. Oung Rakmsey has a bachelor's degree in law and a background in teaching and foreign languages. Eng Sokmeng has a bachelor's degree in law and has previously been involved in research and mass communications. The VU bid farewell to Philip Ng from Australia who completed his internship in June. The VU welcomes three news interns, Fuki Fujiwara from Japan, Nafia Tasmin Din from Bangladesh and Scott Bell from the United States.

The Head of the VU, Dr Helen Jarvis, was elected to the Advisory Council of the International Association of Genocide Scholars.

Victim Information Forms Received by the Victims Unit From 2007 to June 2009

Date of receipt	Civil Party Applications	Complaints	Other (Unclear, Withdrawn, or Deceased)	Total
In 2007 (before the creation of VU)	99	340	41	480
January to December 2008	941	1424	16	2381
January to June 2009	626	275	7	908
Total	1666	2039	64	3769



Transportation to the ECCC

During recent months, the Public Affairs Section has begun strengthening its efforts to increase both outreach and visitor attendance at the courts. Since the ECCC is a Cambodian court with International assistance, it is important to include as many Cambodians in the process as possible. "We are very pleased to see more and more Cambodian people coming to attend the historical trials," Knut Rosandhaug, Deputy Director of the Office of Administration. "It is important that the Cambodians observe the trials in progress. We would like to encourage even more participation of all sections of society." For this reason, the ECCC is providing free bus transportation to the court from the provinces for groups of 30 or more that have expressed interested in attending the Duch-trial.

The Public Affairs Section has been effectively utilizing radio broadcasts to disseminate information to the public about attending the Duch-trial. Both Mr. Reach Sambath, Chief of Public Affairs, and Mr. Sovannoram Dim, Press Officer, have spoken on Radio FM 102's "The Truth" program answering

questions about the ECCC and inviting anyone who can organize a group of at least 30 people to call Mr. Sovannoram or Outreach Coordinator Mr. Hemvichet Chin directly on their mobile phones.

Once a group has expressed interested, then Mr. Sovannoram and Mr. Hemvichet will coordinate with the chief of commune to try to organize 6 buses, or approximately 300 people, to attend the hearing.



The Public Affairs Section's goal is to provide access to the proceedings at the ECCC to everyone, regardless of where they are located in the country. As there are limitations on the distance the buses can travel in one day, the buses will usually depart from the provinces between 4:00am and 6:30am. In more remote locations, Mr. Sovannoram and Mr. Vichet have traveled out to the provinces the day before with the buses in order to be organized and ready to leave early the next morning. Typically, the villagers will wake up as early as 3:00am to cook and prepare meals for them to eat at the court.

Reaction by Mr. Pen Vuth, Chief of Chheu Teal commune, Kandal



Mr. Pen Vuth arranged with Press Officer Dim Sovannoram to bring six buses, carrying 450 villagers from the Chheu Teal commune to the ECCC on 29 June 2009 in order to observe S-21 survivor Vann Nath's testimony.

"Today is very emotional for people, and also for me. My father, my younger sister and my younger brother were all killed under the Pol Pot regime. The people who came with me, are like me, they have similar situations. I wanted to come today to hear Vann Nath speak, because I want to know if what has been said about the Khmer Rouge is true or not true. I wanted to know the truth about what really happened at S-21. Now I know that it is true."

"When we go home, we are planning a meeting in Chheu Teal where we can discuss what we heard and saw here today at the Khmer Rouge Tribunal. This way, we can share with people who were not able to come, or who did not want to come, what we experienced and let them know the truth."

If you are interested in attending the trial of Kaing Guek Euv, alias Duch, please contact:

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Chin.Hemvichet@eccc.gov.kh

Mr. Dim Sovannoram, Press Officer
+855 (0) 12 80 51 53
dim.sovannoram@eccc.gov.kh



Recent Decisions / Orders

Pre-Trial Chamber

16 June 2009: Directions to the Co-Lawyers for the Charged Person Concerning Co-Prosecutors' "Joint Response to Defence Appeals against the Co-Investigating Judges' Order Denying for Request for Investigative Action regarding Allegations of Administrative Corruption."

17 June 2009: Scheduling Order for the Delivery of Decision on Ieng Sary's Appeal against Order on Extension of Provisional Detention.

26 June 2009: Decision on Appeal of Ieng Sary Against OCIJ's Order on Extension of Provisional Detention.

26 June 2009: Scheduling Order.

3 July 2009: Decision on Khieu Samphan's Appeals against Order Refusing Request for Release and Extension of Provisional Detention Order.

13 July 2009: Decision on Admissibility on "Appeal against the Co-Investigating Judges' Order on Breach of Confidentiality of the Judicial Investigation"

Trial Chamber

2 June 2009: Decision on Protective Measures for Civil Parties

15 June 2009: Decision on Request for Release.

15 June 2009: Order scheduling sitting days for the next three months (6 July to 1 October 2009).

3 July 2009: Decision on Ieng Sary's Request to make Submissions in Response to the Co-Prosecutors' Request for the Application of Joint Criminal Enterprise.

7 July 2009: Order Scheduling the Trial Proceedings (Topics and Order of Call of Witnesses) for the Period of 13 July to 26 August 2009.

22 July 2009: Decision on Co-Prosecutor's request for confidential classification of Defense Request relating to self-incrimination

29 July 2009: Decision on the Vietnamese Film Footage filed by the Co-Prosecutors and on Witnesses CP3/3/2 and CP3/3/3

Office of the Co-Investigating Judges

28 July 2009: Order on use of statements which were or may have been obtained by torture

All decisions and orders are available at: http://www.eccc.gov.kh/english/court_doc.list.aspx

Scheduled Court Activities

Pre-Trial Chamber Hearings

None scheduled.

Trial Chamber Hearings:

After a five-day recess between 1 June 2009 and 5 June 2009 to permit the Rules and Procedure Committee to convene, the Chamber resumed and sat continuously between 8-30 June 2009. Trial proceedings in relation to Kaing Geuk Eav (alias Duch) are ongoing.

3 August - 6 August Substantive Hearings in Case 001 will be held Monday through Thursday, from 9:00 to 16:00.

10 August - 12 August Substantive Hearings in Case 001 will be held Monday through Wednesday, from 9:00 to 16:00.

17 August - 20 August Substantive Hearings in Case 001 will be held Monday through Thursday, from 9:00 to 16:00.

24 August - 27 August Substantive Hearings in Case 001 will be held Monday through Thursday, from 9:00 to 16:00.

A schedule with topics and witnesses to be called can be accessed at:
http://www.eccc.gov.kh/english/cabinet/courtDoc/375/E92.1_KH_FR_EN.pdf

NGO Page: Partners in ECCC Outreach

Youth Resource Development Program (YRDP): 28 June Forum on Understanding the Khmer Rouge Regime



In cooperation with a group of volunteer students, the Youth Resource Development Program (YRDP) organized a seminar on “the Effects of the Khmer Rouge Ideology and the ECCC’s Process in Understanding about Seeking Justice” at Pannasastra University on 28 June 2009. 195 students from various universities, Mr. Reach Sambath, Chief of ECCC Public Affairs and Mr. Huy Vannak, Khmer Rouge Researcher, were present.

Opening the seminar, Mr. Ream Rothamony argued that in order to prevent history from repeating itself, all of the youth of Cambodia would need to learn, study and understand the history of their country and of the Khmer Rouge. Later on, speaker Mr. Huy Vannak, addressed the topic of the effects of the ideology in the Khmer Rouge regime. Mr. Reach Sambath spoke about the establishment and current activities of the Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal.

After the presentations by the speakers, the forum opened the floor to the students to ask questions. Mr. Chamroeun, a student at the Royal School of Law and Economic Science, inquired about the level of confidence that the public has in the Khmer Rouge Tribunal. Responding to this question, Mr. Reach Sambath said, there have been quite a large numbers of public supported the court. “Nearly 40,000 Cambodians have visited the court and participated in Duch’s trial since February

2006. This figure shows that the public is very interested in this court.”

He said although the public strongly support the court, but they always argued that why the trial process has gone very slowly as there has been much evidence introduced such as the skulls of the victims, former prisons where people were executed, and witnesses who are the victims. “There are many parties involved in the process of the trials and judges have to listen to all parties during the trial proceeding,” Sambath said, “And the ECCC is considered to be a model court, so the process of the trial has to be conducted professionally, fairly and properly.”

Next, all of the participating students broke into groups to address the following questions:

- 1) How do you feel about and see the Khmer Rouge Regime?
- 2) What roles do the youth have to play in preventing something like the Khmer Rouge Regime from happening again?
- 3) What must the youth do to contribute to finding justice and reconciliation for Khmer Rouge victims and the entire society?

Each group was asked to summarize their discussions for the entire forum. Mr. Kim Hong, one of the students, speaking on behalf of group 6, touched upon the three questions. He believes that the Cambodian people have suffered greatly from the Khmer Rouge regime and this has

adversely effected the next generation. In responding to question number two regarding the role of the youth, the group representative said that “all youth must try to understand every issue that is occurring in society and the history of the country. They must disseminate the bad effects of the Khmer Rouge regime for the youth of the next generation. The youth must support the Khmer Rouge Tribunal in order to support the victims who survived the regime. The history of the Khmer Rouge must be incorporated into the national curriculum so that students and learn about the regime.” Mr. Kim Hong, in responding to the third question regarding the youth’s contribution to finding justice and reconciliation, said “The youth must watch every evolving activity of the Khmer Rouge leaders’ trials by participating in the community outreach, the community organization, and the hearings at the Khmer Rouge Tribunal. Secondly, the youth must share this information to every corner of the country, especially the remote areas. The youth must be encouraged to participate in and attentively listen to the testimonies of the Khmer Rouge Victims.”

For more information on YRDP, please contact:

#93, St. 590
Sangkat Beoung Kok II
Khan Toul Kork
Phnom Penh, Cambodia
+(855) 23 880 194

<http://www.yrdp.org/en/>

Outreach Calendar



Recent Activities- ECCC and Partner NGOs

29 June 2009: 400 villagers from Kandal Province, Chheu Teal Commune attended the substantive hearing in Case 001

29 June 2009: 17 students from the University of Washington in the US met with representatives of the ECCC

30 June 2009: 350 students from Asia Europe Univeristy attended the substantive hearing in Case 001

1 July 2009: 300 villagers from Dei Eth commune attended the substantive hearing in Case 001

2 July 2009: 300 villagers from Roka Kong commune attended the substantive hearing in Case 001

6 July 2009: 250 villagers from Tuol Sangke attended the substantive hearing in Case 001

9 July 2009: 118 students training to be judges and greffiers at the Royal Academy of Judicial Professions attended the substantive hearing in Case 001

10 July 2009: The Center for Social Development hosted a public forum in Pursat on "Justice and National Reconciliation" which was attended by members of the ECCC

13 July 2009: 250 villagers from Veal Sbov commune, Kandal province attended the substantive hearing in Case 001

16 July 2009: 300 villagers from Pol Pot's hometown in Kampong Thom province and the school where Duch taught in Kampong Cham attended the substantive hearing in Case 001

16 July 2009: 19 American students organized by the East-West Center attended the substantive hearing in Case 001 and were briefed by members of the ECCC

20 July 2009: A group of 34 civil parties, 50 villagers and 280 training teachers attended the substantive hearing in Case 001

21 July 2009: 320 villagers from Sdao attended the substantive hearing in Case 001

22 July 2009: 300 villagers from Tang Krasang attended the substantive hearing in Case 001

27 July 2009: 500 villagers and the Council Minister from Takmao and Ang Snuol attended the substantive hearing in Case 001

28 July 2009: The Center for Peace and Conflict Studies brought 22 students from the Shalom Foundation in Myanmar who are studying conflict transformation attended the substantive hearing in Case 001 and were briefed by members of the ECCC

Scheduled Activities- ECCC and Partner NGOs

3 August 2009: 300 villagers from Pork Ko commune in Takeo province will attend the substantive hearing in Case 001

4 August 2009: 400 villagers from the Preah Bath Choan Chum commune, Kiri Vong, Takeo province will attend the substantive hearing in Case 001

5 August 2009: 400 villagers from Prey Koy commune, Kampong Cham province will attend the substantive hearing in Case 001

6 August 2009: 400 villagers from Bakong district, Siem Reap province will attend the substantive hearing in Case 001

10 August 2009: A group of 24 fellows from the Rotary Center for International Studies in Peace and Conflict Resolution at Chulalongkorn University in Thailand will attend the substantive hearing in Case 001 and meet with members of the ECCC for a briefing on the courts

10 August 2009: 500 villagers from Kampong Os Commune, Kandal province will attend the substantive hearing in Case 001

17 August 2009: Documentation Center of Cambodia will bring 390 Cham Muslims from different provinces and 50 villagers, 30 civil parties, and 30 nuns from Phnom Penh to attend the substantive hearing in Case 001



Find out more about the ECCC

"Everyone can be involved in the process"

Extraordinary Chambers in the Courts of Cambodia

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On the Web

ECCC
<http://www.eccc.gov.kh/>

UNAKRT
<http://www.unakrt-online.org>

Twitter
<http://twitter.com/KRTribunal>

Flickr
<http://www.flickr.com/photos/ktribunal>



***** Do you want to visit the Khmer Rouge Tribunal? *****
The ECCC welcomes visitors every Tuesday. The tours begin in the visitors' gate at 9:00 and 11:00.