



## The Extraordinary Chambers in the Courts of Cambodia

*Moving Forward Through Justice*



*Hundreds of visitors observe the trial proceedings in Case 002/01 (file photo)*

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## Evidentiary Hearings End, Final Statements Set

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia has concluded the evidentiary hearings in the first trial in Case 002 concerning two Khmer Rouge leaders, Nuon Chea and Khieu Samphan. The chamber has also set dates to hear final submissions by the parties in October before retiring to deliberate on the verdict.

The last day of the trial hearings in Case 002/01 came on 23 July when the chamber dismissed three requests by the parties to call additional witnesses and another request to reconsider a prior decision to re-call a witness. The chamber then tentatively announced that closing briefs were due by 12 September and scheduled closing statements between 9 – 22 October, pending the Supreme Court Chamber's decision on appeals against the Trial Chamber's second severance decision.

These dates were confirmed the next day, following the Supreme Court Chamber's ruling to dismiss appeals against the Trial Chamber's order limiting the scope of Case 002/01 to phases one and two of forced population movements, related crimes against humanity and executions of former Khmer

Republic officials at Tuol Po Chrey in Pursat.

The closing statements by the parties are now set to commence at 9 am on 9 October. The Co-Prosecutors will have three days to make their arguments while the two defence teams have two days each to defend their clients. The final request on reparations will also be made during the closing statements. Defendant Nuon Chea, former Deputy Secretary of the Communist Party of Kampuchea, and accused former Head of State Khieu Samphan are also expected to make final statements.

In the course of the evidentiary hearings, the chamber sat 212 hearing days over the 20-month period since the commencement of opening statements on 21 November 2011 and heard evidence about forced movements, crimes against humanity and executions at Tuol Po Chrey. The chamber also examined evidence concerning the historical background, the alleged roles of the accused, the character of the accused, the impact of the crimes on victims and the administrative and communication structures of the Democratic Kampuchea regime.

Ninety-two individuals gave evidence during the

*Related feature on page 2*

## TIMELINE of Case 002/01

27-30 June 2011	<b>Initial Hearings</b> of Case 002. The Trial Chamber considers preliminary objections and witnesses.
22 Sept 2011	<b>Severance Order.</b> Case 002 is split into a series of smaller trials with the first trial (Case 002/01) focusing on population movements and related crimes against humanity.
21-23 Nov 2012	<b>Opening Statements.</b> Prosecutors lay out alleged crimes they claim the accused committed while Nuon Chea, Ieng Sary and Khieu Samphan deny the accusations. Nuon Chea states that he was acting in defence of the country, whilst Khieu Samphan states that he was a figurehead and knew nothing of the atrocities. Ieng Sary does not offer any explanation.
5 Dec 2011	<b>Hearing of Evidence</b> in Case 002/01 begins with the examination of the historical background and the roles of the accused. All three accused answer their personal backgrounds while other witnesses provide testimony on historical context.
20 March 2012	The trial enters the <b>second segment</b> to hear testimonies relating to the administration and communication structures of Democratic Kampuchea. The Trial Chamber examines about 20 witnesses on this topic for the next six months, including former head of security prison S-21 Kaing Guek Eav, alias Duch, who was found guilty in Case 001.
18 July 2012	The Trial Chamber commences hearing of its first expert witness, Mr David Chandler. Mr Chandler is an American historian and author of "Brother Number One" and "Voices from S-21". The Trial Chamber will hear testimony from two more experts, Mr Phillip Short and Dr Chhim Sotheara, in May 2013 before concluding the evidentiary hearing.
Mid- Sept 2012	Scheduled hearings are cancelled due to Ieng Sary's hospitalization. The accused is eventually released from the hospital on 7 November after he is declared fit to stand trial by the court.
2 Oct 2012	The evidentiary hearing moves to the <b>third and final segment</b> to hear testimonies on the military structure of Democratic Kampuchea and forced movements of population from Phnom Penh and provinces. The chamber hears more than 30 witnesses in this segment for the next seven months.
8 Feb 2013	Supreme Court Chamber declares the Trial Chamber's severance order invalid. The Trial Chamber consequently holds hearings on severance on 18 and 20 February to hear submissions from parties and considers the trial fitness of Nuon Chea in March 2013.
14 March 2013	Proceedings against Ieng Sary are terminated, following his death on the same day.
29 March 2013	<b>2nd Severance Order</b> (oral decision). It limits the trial scope to the forced evacuations of Phnom Penh and subsequent movements from other regions, crimes against humanity and the execution of Khmer Republic officials and Lon Nol soldiers at Tuol Po Chrey in Pursat. The written decision is issued on 26 April 2013. The chamber also declares Nuon Chea fit to stand trial.
29 April 2013	The Trial Chamber begins to hear testimonies on the executions at Tuol Po Chrey.
27 May 2013	<b>Victim Impact Hearings.</b> 15 selected Civil Parties testify about their traumatic experiences and sufferings for the next four trial days. Responding to questions posed by them, Nuon Chea and Khieu Samphan offer tentative apologies at various moments during the hearings.
10 June 2013	Khieu Samphan's wife, Ms So Socheat, takes the stand. She is one of five character witnesses to appear before the court to testify about Khieu Samphan's character.
23 July 2013	<b>End of Evidentiary Hearings.</b> The Trial Chamber set dates for the written final submissions as 12 September and the closing statements of all parties as 9 - 22 October 2013, during which Nuon Chea and Khieu Samphan are also expected to make final statements.

## Trial at Numbers

- Trial from 21 November 2011 to 23 July 2013
- 212 trial days over the 20-month period
- Testimonies of 92 individuals, including 3 experts, 53 fact witnesses, 5 character witnesses and 31 civil parties, excluding 2 treating doctors and 2 medical experts who testified on the accused fitness
- More than 290 written motions filed by the parties so far, resulting in over 250 written or oral decisions
- More than 4,000 evidentiary documents admitted so far, totaling over 166,500 pages in all three official languages
- In total, 98,670 persons attended the trial proceedings during the 212 trial days

## Evidentiary Hearings

### ... continued from page 1

trial, including three expert witnesses, 53 fact witnesses, five character witnesses and 31 civil parties. In addition, two treating doctors and two medical experts testified about the health conditions of the accused persons.

During the trial, parties filed more than 290 written motions with the Chamber, resulting in more than 250 written or oral decisions. The Chamber has admitted more than 4,000 evidentiary documents so far, totaling over 166,500 pages in all three official languages.

The Case 002/01 trial has attracted unprecedented public interest throughout the 20-month period, with 98,670 persons attending the 212 days of trial. Over 83 percent of those were Cambodians escorted by the ECCC's free transport services from across the country.

In Case 002, four accused persons were initially charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide against the Cham Muslim and ethnic Vietnamese. However, proceedings against former Social Action Minister Ieng Thirith, who was found unfit to stand trial due to dementia, have been stayed since November 2011. The case against her husband and former Minister of Foreign Affairs Ieng Sary was terminated after his death in March this year.

The Trial Chamber severed the Case 002 indictment into a series of smaller, manageable trials, and began the current trial back in November 2011. In its 23 July decision on the appeals against the severance, the Supreme Court Chamber ordered that the second trial in Case 002 commence as soon as the closing submissions in the first trial are made and focus on, at minimum, charges relating to security prison S-21, a cooperative, a worksite and genocide. The Supreme Court Chamber also directed the Office of Administration to explore the establishment of a second panel within the Trial Chamber to hear Case 002/02.

## Supreme Court Chamber Orders Prompt Case 002/02 Trial

Rejecting appeals against the Trial Chamber's second severance order, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia ordered the Trial Chamber to commence evidentiary hearings in a second trial (Case 002/02) as soon as the final submissions in the current Case 002/01 trial are made.

Issuing a summary of the reasons for the decision on 23 July, the Supreme Court Chamber also ordered that Case 002/02 should include, at a minimum, the charges related to the security prison S-21, a worksite, a cooperative and genocide. The chamber also issued an order to the Office of Administration of the ECCC to explore the establishment of a second panel of national and international judges within the Trial Chamber to hear and adjudicate Case 002/02.

In its reasoning, the Supreme Court Chamber notes that the Trial Chamber failed to comply with its previous instructions to develop a tangible plan for the adjudication of the entirety of the charges while giving due consideration to reasonable representativeness of the indictment in Case 002. It also notes that the Trial Chamber declined to adjust its original position on severance without addressing the parties' concerns when considering the second severance order.

In order to avoid unnecessary delays in the conclusion of the Case 002/01 trial, the Supreme Court Chamber considers that instructing the Trial Chamber to begin the Case 002/02 trial as soon as possible would be more appropriate than ordering an expansion of Case 002/01.



*A number of execution sites similar to this site pictured in Svay Rieng in 1983 are part of the indictment in Case 002. (Photo: The Documentation Center of Cambodia archives )*

Case 002 was initially severed by the Trial Chamber in September 2011 into a series of smaller trials. The Trial Chamber commenced the first trial in November 2011, which confined Case 002/01 to two phases of forced movements and related crimes against humanity. This was later expanded to include executions at Tuol Po Chrey.

The Supreme Court Chamber invalidated the initial severance order in February this year, without precluding the Trial Chamber from reconsidering it. The Trial Chamber

then issued its second severance order in March, limiting the scope to the same as before. In appeals against it, the prosecution requested to include S-21 to make the trial more representative while the Nuon Chea defence team asked for an annulment of the severance or, alternatively, an expansion to genocide and other alleged crimes at cooperatives and worksites.



*ECCC's new brochure on Cases 003 & 004*

### Two Civil Party Lawyers Recognized for Cases 003 & 004

International Co-Investigating Judge Mark B. Harmon of the Extraordinary Chambers in the Courts of Cambodia has accredited two lawyers to represent victims who have applied for civil party status in the two cases under investigation.

In his 1 July decision, Judge Harmon recognized Mr Kong Phallack of Cambodia and Mr Mahdev Mohan of Singapore as lawyers for an unnamed civil party and other civil party applicants to

be admitted, and instructed ECCC greffiers to grant them access to the case files.

Mr Mohan is the Co-Founder of Access to Justice Asia (AJA), a Singapore-based NGO, while Mr. Kong is a private practitioner who also teaches at the Paññāsāstra University of Cambodia. The two lawyers have represented the Khmer Krom in the Case 002/01 trial before the ECCC.

# In The Courtroom

## Case 002

## Hearing of Evidence

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia sat for 13 days in July to hear the final witnesses and hold the final document hearings scheduled in Case 002/01. The Case 002/01 evidentiary hearing lasted 20 months and concerned the two remaining accused Khmer Rouge leaders originally indicted by the Co-Investigating Judges in Case 002.

In July, five witnesses, including an American scholar who was originally sought as an expert witness but appeared as a fact witness, testified in relation to the crimes allegedly committed by former Deputy Secretary of the Communist Party Nuon Chea and former Head of State Khieu Samphan. The two accused persons previously indicated that they would answer questions posed by the Chamber and parties before the conclusion of the evidentiary hearing, but ultimately decided not to do so.

The Case 002/01 trial focuses on population movement phases one and two, crimes against humanity committed in their course and executions of former Khmer Republic officials at Tuol Po Chrey in Pursat. In the course of the trial, the chamber heard the live evidence of 92 individuals including three experts, 53 fact witnesses, five character witnesses and 31 civil parties.

Parties are now required to file their closing briefs by 12 September, and are scheduled to present their closing statements from 9 am on 9 October.

### **Pech Chim, Witness**

Testified 1 July 2013



Mr Pech, 72, was a former 'deputy of the district front' in Takeo province, which included in its jurisdiction the administration of the security centre Krang Tachang. He answered on distinctions between 'good' and 'bad' people and the executions of the latter, the role of the accused at study sessions, and his observations whilst working at the security centre.

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### **Lev Lam, Witness**

Testified 2 July 2013



Mr Lev, 57, was a member of the Khmer Rouge militia until 1975, when he became a member of the mobile unit in Samkay Meanchey district. Mr Lev testified about executions in the area conducted by the Khmer Rouge after people were evacuated from his village from 1975 onwards.

### **Ek Hen, Witness**

Testified 3 July 2013

Ms Ek, 56, was a member of the Khmer Rouge military before being placed in mobile working units after the formation of Democratic Kampuchea. She answered questions about the disappearances of associates from her workplace, the denunciation of people as traitors and the presence of the accused at her worksites.



### **Sum Alath, Witness**

Testified 3-4 July 2013

Mr Sum, 60, worked in the operational office in Pursat Province as a guard. Mr Sum was asked to give evidence on the executions at Tuol Po Chrey.



### **Stephen Heder, Witness**

Testified 9-11, 15-18 July 2013



After declining appointment as an expert, Mr Heder was summoned to testify as a fact witness. He is currently a research associate at the School of Oriental and African Studies in London. He is a political scientist and historian, and previously worked in the Office of the Co-Prosecutors and then the Office of the Co-Investigating Judges at the ECCC. During the Khmer Republic period in the early 1970s, he worked as a journalist and researcher in Cambodia. After leaving Cambodia in April 1975, he continued to cover Cambodia both as a journalist and researcher throughout the Democratic Kampuchea era and after. His publications include "Seven Candidates for Prosecution: Accountability for the Crimes of the Khmer Rouge".

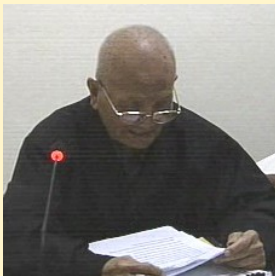
Mr Heder testified about the role of the accused persons in planning and implementing the policy of the Communist Party of Kampuchea, their presence at meetings where critical policy decisions are alleged to have been made and their revelations in interviews he conducted with them. Mr Heder was present in Phnom Penh as the Khmer Rouge advanced on the capital and testified to the situation on the ground and the actions of the Khmer Rouge forces in the evacuation of the population. Mr Heder was able to call upon his experiences interviewing many refugees, soldiers and officials before, during and after the period of Democratic Kampuchea.

## Documentation Hearing

On 8 and 9 July, the Trial Chamber held the last remaining documentation hearings where the two defence teams had an opportunity to present and make submissions upon those documents deemed most relevant to the responsibility of their clients.

During the final day of documentation hearings, Nuon Chea spoke from the holding cell in the basement of the courtroom and requested that the Trial Chamber reject in its entirety the documents put forward by the Co-Prosecutors during the trial.

### Nuon Chea, *Accused* Testified 9 July 2013



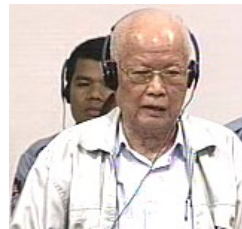
In his 30-minute statement, the accused testified about his role in the forced evacuation of Phnom Penh, and claimed that mass migration was due to the food shortages that followed years of conflict throughout the country. He then questioned the accuracy of the documents presented by the Co-Prosecutors, requesting the chamber to reject them. He also challenged his alleged attendance of political meetings with the former Prime Minister of Democratic Kampuchea, Pol Pot.

the chamber to reject them. He also challenged his alleged attendance of political meetings with the former Prime Minister of Democratic Kampuchea, Pol Pot.

## Defendants Decide Not To Answer Questions in Court

Both Nuon Chea and Khieu Samphan previously indicated that they would answer questions in regard to alleged crimes before the conclusion of the evidentiary hearings. However, the two accused ultimately decided not to do so and explained their reasoning in court.

### Khieu Samphan, *Accused* Testified 9 July 2013



In his brief statement, the former Head of State stated that his decision to exercise his right to remain silent was due to the court failing to respect his rights, as well as the rights of his defence team. He claimed that while he initially had faith in the proceedings, he no longer held confidence in the capacity of

the court.

### Nuon Chea, *Accused* Testified 17 July 2013

Echoing co-accused Khieu Samphan's statement from the previous week, the former Deputy Secretary of the Communist Party claimed that the court had failed to respect the principles of fair trial. He further stated that his defence team was prohibited from asking substantive questions throughout the trial, and claimed that the court had failed to uphold a balanced approach to the proceedings.



Hundreds of visitors observe the hearing of evidence in the first trial in Case 002.

## Visitor Statistics

Public interest in the ongoing trial of the former Khmer Rouge leaders remains high. By the end of evidentiary hearings on 23 July, the Trial Chamber sat for 212 trial days, with a total of 92 witnesses, experts and civil parties having testified. At this time, a total of 98,670 people have attended the trial hearings in Case 002 since the opening statements, 83% of whom were Cambodian nationals brought to the court by the ECCC's free transportation services.

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

DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
1/7/2013	270	2	4	3	1	4	23	0	307
2/7/2013	299	1	9	3	1	4	25	0	342
3/7/2013	372	0	1	3	1	3	24	0	404
4/7/2013	251	2	14	3	1	3	19	1	294
8/7/2013	276	1	14	4	1	4	25	0	325
9/7/2013	317	27	33	8	1	7	26	0	419
10/7/2013	419	2	24	4	2	4	23	1	479
11/7/2013	387	3	16	4	4	8	26	0	448
15/7/2013	506	0	15	3	4	5	30	0	563
16/7/2013	371	1	21	3	3	7	25	0	431
17/7/2013	396	1	25	3	3	4	24	0	456
18/7/2013	410	3	23	3	2	8	26	0	475
23/7/2013	286	1	12	3	6	9	46	1	364
<b>Sub-Total: July</b>	<b>4560</b>	<b>44</b>	<b>211</b>	<b>47</b>	<b>30</b>	<b>70</b>	<b>342</b>	<b>3</b>	<b>5307</b>
<b>Total: (Nov 2011– July 2013)</b>	<b>82,323</b>	<b>2,026</b>	<b>2,647</b>	<b>2,164</b>	<b>1189</b>	<b>1,137</b>	<b>6,811</b>	<b>373</b>	<b>98,670</b>

# Judicial Updates

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 2013**. For decisions and orders, please refer to page 9.

## Supreme Court Chamber

In July 2013, the Supreme Court Chamber continued its examination of:

- Khieu Samphan's immediate appeal against the Trial Chamber's decision to deny his request for immediate release on bail;
- The Co-Prosecutors' immediate appeal against the Trial Chamber's second severance decision; and,
- Nuon Chea's immediate appeal against the Trial Chamber's second severance decision.

On 23 July, the Supreme Court Chamber denied the Co-Prosecutors' and Nuon Chea's appeals against the Trial Chamber's second severance decision, and provided a summary of reasons, indicating that full reasons would follow as soon as possible. In its decision, the Supreme Court Chamber ordered that "the evidentiary hearings in Case 002/02 shall commence as soon as possible after closing submissions in Case 002/01, and that Case 002/02 shall comprise at minimum the charges related to S-21, a worksite, a cooperative, and genocide".

On 23 July, the President of the Supreme Court Chamber also issued an order to the Office of the Administration of the ECCC "to immediately explore the establishment of a second panel of national and international judges within the Trial Chamber to hear and adjudicate Case 002/02."

Khieu Samphan's appeal against the denial of his immediate release on bail remains under consideration.

## Trial Chamber

In July, the Trial Chamber heard the final witnesses and concluded the final document hearing scheduled in Case 002/01. Between 1 and 4 July 2013, Pech Chim (TCW-505), Lev Lam (TCW-386), Ek Hen (TCW-164) and Sum Alat



*Judges of the Trial Chamber hear testimony of a witness in Case 002/01.*

(TCW-689) testified concerning population movements one and two, executions of former Khmer Republic Officials at Tuol Po Chrey, administrative structures and the roles of the Accused. Thereafter, from 9 to 18 July, Stephen Heder (TCE-33) testified concerning documents of which he had personal knowledge and interviews he conducted before, during and after the Democratic Kampuchea era, including while working in the Offices of the Co-Prosecutors and Co-Investigating Judges at the ECCC.

On 23 July, the Chamber ruled on three requests by the parties to call additional witnesses, as well as a request to reconsider a prior decision not to re-call Civil Party Sar Sarin.

That same day, the Supreme Court Chamber dismissed appeals by the Co-Prosecutors and Nuon Chea against the Trial Chamber's decision on 29 March, limiting the scope of Case 002/01 to forced population movement phases one and two, crimes against humanity committed in their course, and executions of former Khmer Republic Officials at Tuol Po Chrey. Accordingly, on 24 July, the Chamber confirmed the schedule for closing submissions in Case 002/01, ordering that closing briefs be filed by 12 September and scheduling closing statements between 9 and 22 October.

Overall, the Chamber resolved eight written motions and various oral applications in four written decisions and memo-

randa, and eight oral rulings. Fifteen written publications remain pending.

## Pre-Trial Chamber

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

### Case 004

On 10 July the Pre-Trial Chamber was seized of an Appeal filed pursuant to Internal Rule 11(5). This appeal is classified as confidential.

### Case 003

On 29 July the Co-Lawyers assigned to a suspect in Case 003 filed a Notice of Appeal against a constructive refusal by the OCIJ. This is a matter classified as confidential.

## Office of the Co-Investigating Judges

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

866 civil party applications were reviewed for their admissibility. On that basis, five missions have been scheduled for August 2013.

Throughout July, the International Co-Investigating Judge (ICIJ) issued a Decision on a defence request for access to Case File 004 filed by a Suspect. The OCIJ Analyst Unit also continued to research evidence relevant to the cases from external sources and internal data bases.

Civil party applications in Case 003 and 004, which presently total in excess of 1200, are progressively being placed on the case files while their admissibility and evidentiary value are being subject to thorough scrutiny.

Throughout July, the ICIJ continued to reach out to representatives of the international community in the quest for funds to recruit a small team of young Cambodian lawyers to work on the processing of civil party applications. To date, these fundraising efforts have not borne any fruit.

The ICIJ issued two Orders recognizing Mr Kong Phallack and Mr Mahdev Mohan as lawyers of civil party applicants in Case Files 003 and 004.

One field mission was undertaken during the month of July by the OICIJ. Outreach to civil parties and potential witnesses in Case Files 003 and 004 is ongoing and the OICIJ was present at outreach presentations organized by the ECCC's Public Affairs Section, with a purpose to

inform the public about the ongoing investigations.

During the month of July the OICIJ welcomed the arrival of a new analyst, Mr. Naroeun Chhay (Cambodian national).

## Office of the Co-Prosecutors

### Case 002

The OCP continued to litigate Case 002 both in the courtroom and through written submissions to the Trial Chamber and Supreme Court Chamber. In Court, the OCP participated in the questioning of Pech Chim, Lev Lam, Ek Hen, Sum Alat, and Stephen Heder. The OCP also made oral motions and responses in court.

The OCP addressed a number of matters, including the filing of: a request that the Trial Chamber hear additional witnesses regarding the Tuol Po Chrey crime site; a request for reconsideration of the Trial Chamber's decision not to recall Sar Sarin to testify; a response in the Supreme Court Chamber to additional arguments from the defence for Nuon Chea regarding their severance appeal; and a request to the Trial Chamber to confirm that it will draw an adverse inference from Khieu Samphan's decision to selectively testify (which was later orally amended to apply to Nuon Chea as well).

The OCP is currently in the process of preparing its closing brief and closing argu-

ments in Case 002/01 which will occur in September and October respectively.

### Case 003

The OCP continues to analyze the evidence in, and monitor the progress of, Case File 003.

### Case 004

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

## Defence Support Section

In the first week of July, the Nuon Chea Defence team responded to the documents presented by the prosecution during the last week of June. Nuon Chea announced his wish to contest all the documents presented by the prosecution. A request by the Nuon Chea team to adjourn author and political scientist Stephen Heder's testimony, so as to ascertain further information before he was examined, was rejected.

On 17 July, Nuon Chea announced that he will decline to answer any questions from the parties in the proceedings. One week before, Khieu Samphan made a similar statement explaining that he was no longer willing to give testimony to the court or to be examined by the parties.

On 23 July, the Trial Chamber rejected several requests of the parties concerning the admission of new documents and witnesses. The Supreme Court Chamber dismissed the appeals against the Trial Chamber's second decision on the severance of Case 002, and ordered that the evidentiary hearings in Case 002/02 must recommence as soon as possible after the closing submissions in Case 002/01. The closing submissions are scheduled to resume on 9 October.

On 25 July, a UN Administrative Judge released a Decision which invalidates a decision by the Head of the Defence Support Section denying funding for travel for a legal consultant on the defence team of a named suspect in Case 004. The defence team issued a press release on the matter, which is available on the website of the Böhler Advokaten law firm.



The court building of the Extraordinary Chambers in the Courts of Cambodia (file photo)

## Civil Party Lead Co-Lawyers Section

### Hearings

In July, the Lead Co-Lawyers and Civil Party Lawyers participated in the examination of the final five witnesses heard by the Trial Chamber. In subsequent hearings, they presented key documents related to the policies of the Communist Party of Kampuchea (CPK). The substantive hearings were closed by the Trial Chamber on the 23 July, with 31 Civil Parties having appeared in Case 002/01 and having offered testimony on almost all of the topics under examination by the Trial Chamber. The next hearings before the Trial Chamber will be the closing statements expected to begin on 9 October, with Civil Parties taking the floor most likely on 14 October.

### Submissions

The Lead Co-Lawyers and Civil Party Lawyers are currently working in close collaboration on two very important written documents which will be submitted to the Trial Chamber in the near future. The first document, due 12 September, is the closing brief which details the arguments and evidence that Civil Parties' put forward in support of the allegations against the accused. The second document, due 26 September, is the final claim for reparations which will detail the legal arguments and substance of the reparation projects that Civil Parties seek, if there is a conviction against the accused.

### Reparations

The Lead Co-Lawyers, in cooperation with the Victim Support Section and project partners, continued their work on the content and budgeting and reparation projects through a series of meetings held over the course of the month. Additionally, they continue to work with partners to identify and prepare additional projects. The Lead Co-Lawyers also participated in a number of meetings with donors aimed at securing financing for Case 002/01 reparations projects. In a very positive turn for reparations, the German Federal Ministry for Economic Cooperation and Development agreed to provide funding for three reparations projects.



*The Lord of the Iron Staff, a guardian spirit statue outside the ECCC court building. Cambodian witnesses and civil parties take oath in front of this statue before testifying in court.*

## Victims Support Section

### Legal Work

The Victim Support Section (VSS) received and filed to the Trial Chamber a request to continue a civil action in Case 002 from a successor of a deceased civil party. VSS also received seven applications in Case 003, 169 applications in Case 004, and 17 Power of Attorneys in Case 004. The team filed 40 applications in Case 004, and 19 Power of Attorneys in Case 003 and 004.

### Outreach

The VSS invited 377 civil parties to attend hearings in Case 002. These civil parties traveled from Banteay, Meanchey, Battambang, Kampong Cham, Kampogn Speu, Kampot, Mondul Kiri, Pailin, Prey Veng, Ratanak Kiri, Siem Reap and Svay Rieng. In addition to their attendance of the hearings, the civil parties also met with their lawyers for updates on ECCC developments.

The VSS also published the 11th issue of its newsletter, which was distributed to NGO's, civil parties, and other stakeholders.

### Reparations and Non-Judicial Measures

In July, the German Federal Ministry for Economic Cooperation and Develop-

ment (BMZ) confirmed German's financial contribution to the ECCC Reparation Programme. It has committed up to the total amount of EUR 400,000 for the following reparation projects: the 'Testimonial Therapy' and 'Self-Help Groups for Rehabilitation' by the Transnational Psychosocial Organization of Cambodia (TPO) with a total of EUR 125,000; 'Permanent Exhibition' by Documentation Center of Cambodia (DC-Cam) with EUR 80,000; and the 'Mobile Exhibition and Education Project' by Kdei Karuna (KDK) and Youth for Peace (YFP) with EUR 100,000.

In addition, the BMZ has committed to funding for two non-judicial measure projects: 'Tuol Sleng Stupa Project' by the Cambodian Ministry of Culture and Fine Arts (MoCFA) with EUR 65,000 and 'Community Peace Learning Center in Kraing Tachan Security Center' by YFP with EUR 30,000.

Throughout the month of July, the R&NJM team conducted a number of meetings with project partners and current and potential donors to discuss the way forward. Noted is that the Swiss Agency for Development and Cooperation (SDC) agreed in a 18 July meeting to contribute to the funding of the non-judicial measure project 'Community Peace Learning Center' in Battambang province, which will be implemented by the YFP.



## Decisions/Orders

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

### Supreme Court Chamber

**23 July 2013:** *Decision on Immediate Appeals against Trial Chamber's Second Decision on Severance Case of 002 <E284/4/7>*

**23 July 2013:** *Order Regarding the Establishment of a Second Trial Panel <E284/4/7/1>*

### Trial Chamber

**19 July 2013:** *Orders on Measures to be Imposed on Ieng Thirith <E138/1/10/1/5/8/4>*

**24 July 2013:** *Decision on Nuon Chea Request to Admit New Documents, to Initiate an Investigation and to Summons Mr. Rob Lemkin <E294/1>*

**24 July 2013:** *Confirmation on Deadlines for Closing Briefs and Schedule for Closing Statements <E295>*

**30 July 2013:** *Notice of Original Documents on the Case File <E297>*

### Office of the Co-Investigating Judges

**1 July 2013:** *Lawyer's Recognition Decision Regarding Mr Kong Phal-lack and Mr Madhev Mohan on Case File 003 <D66>*

**1 July 2013:** *Lawyer's Recognition Decision Regarding Mr Kong Phal-lack and Mr Madhev Mohan on Case File 004 <D129>*

## Hearings

### Trial Chamber Hearings of Case 002/01 Closing Statements

9-11 October 2013, 9:00-16:00

14 October 2013, 9:00-16:00

16-18 October 2013, 9:00-16:00

21-22 October 2013, 9:00-16:00

### Hearing schedule is subject to change

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



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

(Photo: Meng Kimlong)

## 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 and to behave in a manner appropriate to the nature of the proceedings. No mobile phones, cameras, 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 breaks.

Visitors are requested to remain seated while the court is in session. Those who need to use the bathroom during a hearing 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 available through the 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.

## Cambodian Intern Asks Visitor's Views on the ECCC

As the evidentiary hearings in the first trial of Case 002 came to an end in July, the Extraordinary Chambers in the Courts of Cambodia continued to welcome a large number of visitors to the court throughout the month.

In July alone, 5,307 people attended 13 days of the trial proceedings while 221 Cambodians and 102 people from overseas came to the court for study tours. In total, more than 200,000 people, from rural farmers to foreign dignitaries, have visited the court to observe the trials and to learn the work of the court since the trial in Case 001 began in 2009. ECCC's Public Affairs Intern **Nget Kandavith** spoke with visitors to find out why they were interested in the Khmer Rouge tribunal.

**Keb Saru** was one of 286 people from Takeo who visited the court as a group on 23 July, the final day of the evidentiary hearings. A teacher at Sok An Toul Kpous High School in Takeo, Mr Keb said that court visits provide a unique opportunity for students to listen to public hearings and gain a better understanding of the court's functions.

"It is great that Cambodia, along with international partners, have created the Khmer Rouge tribunal to prosecute political leaders who have committed wrongdoings, and to prevent such brutal crimes from happening again," he said of the importance of the tribunal.

His students agreed. **Menh Verng**, 20, said that the establishment of the court can help strengthen the country's rule of law. "It is great that Cambodia has created the tribunal to judge those brutal leaders who decades ago committed crimes against humanity," he said.

He recommended that other youths visit the ECCC if they are interested in the court proceedings and wish to learn the real causes of the crime that took place during the Khmer Rouge regime. "The tribunal examines a variety of documents about the Khmer Rouge, which are hardly found in other places."

The ECCC has gone to great efforts to provide opportunities for as many ordinary Cam-



*More than 220 people from Siem Reap listen to a briefing at the court during a study tour.*

bodians as possible to visit the court, by providing free transport services for groups of more than 50 people.

**Nhan Ben** was a representative of Borey Chulsa village in Takeo, who facilitated the group visit to the court on 23 July. Speaking about the court's proceedings, he said that the presence of the ECCC helps to promote an understanding of the root causes of the crimes committed during the Democratic Kampuchea.

"This court was established to make people aware that the Khmer Rouge regime lasted for three years, eight months and 25 days; it is not fictitious like some have said," he stressed, challenging those who have

questioned the validity of the court's proceedings.

Visitors from other regions in Cambodia have also expressed similar views on the ECCC, and said that they have confidence in its legal proceedings and the neutrality of the court.

Upon his visit to the court on July 25 through a study tour, **Nuon Chen**, a 75-year-old farmer from Siem Reap, welcomed the presence of the ECCC. He believes that it has achieved real justice for the Cambodian people, and will prohibit future generations from committing similar crimes. "I hope the younger generations will not commit these kinds of actions anymore," he said.

## Int'l Groups Participate in Study Visits to KR Tribunal

In addition to the Cambodian visitors from provinces, a number of international groups also participated in study tours at the Extraordinary Chambers in the Courts of Cambodia in July to gain insights into the workings of the internationalized tribunal dealing with the Khmer Rouge atrocities.

The first was a tourist group of 12 American teachers on 8 July, followed by a group of six professors and researchers from the faculty of Law at Handon Global University in South Korea the next day. On 10 July, the court hosted a group of 16 students and professors from East-West Center from the University of Hawaii.

The following week, the Australian NGO Oaktree Foundation sent 14 staff to visit the court to learn about the progress of the tribunal, while two Australian lawyers received a briefing from a legal officer of the Defence Support Section. International interns working with two local human rights organization, the Cambodian Center for Human Rights and Destination Justice, also visited the court on the 17 July to meet with representatives from various offices.

Lastly, a group of election monitors from Japan who were accompanied by a journalist made a tour of the court on 25 July.



*International visitors from the Cambodian Center for Human Rights and Destination Justice listen to a briefing on the overview of the ECCC.*

## Outreach Activities

**11-12 July:** 28 participants undertake oral history training held by the Kdei Karuna Organisation in Phnom Penh.

**16-21 July:** 21 respondents are interviewed in Rattanakiri province to evaluate the outcome of the Kdei Karuna Training of Trainer (TOT) project. Local facilitators, local authorities, and other local actors participate in the project. In the interviews, many respondents state that the TOT project had taught them mediation techniques and facilitation skills, and shared stories to each other about their experiences of the Khmer Rouge Regime. In addition, 10 former Khmer Rouge are asked to provide stories to group about their lives after the Khmer Rouge Regime.

**02-08 August:** Kdei Karuna interview 20-25 participants of Training of Trainer in Mondulkiri province, to evaluate the outcomes and success of the project.

**04-09 August:** Kdei Karuna staff visit Pursat province to conduct assessments on local actor's current mediation techniques between former Khmer Rouge and victims.

**05-09 August:** Kdei Karuna staff visit Battambang province to conduct assessments on the local actor's current mediation techniques between former Khmer Rouge and victims.

**15-16 August:** The Victim's Support Section conduct a meeting with civil parties, where they will have the opportunity to meet with their lawyers.

**15-23 August:** A Community Memory Initiative (CMI) celebration is held in Prey Veng Province. Local authorities and other stakeholders will be invited to attend. After the event, Kdei Karuna staff conduct a follow-up activity with participants of the CMI, in order to evaluate the outcomes of the project.



## ECCC Outreach

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

### July 2013

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

### August 2013

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



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

“Everyone can be involved in the process”



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## The Court Report

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