



The Court Report

The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice

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Khieu Samphan (Left) and Nuon Chea in the courtroom on 17 October 2014 for the hearing of substance in Case 002/02. Photo Nhet Sokheng (ECCC)

Hearing of substance in Case 002/02 begins, Defence Teams walk out

The Opening Statements for Case 002/02 were held on Friday 17 October. Nuon Chea and Khieu Samphan face charges of genocide against Cham and Vietnamese minorities, the nation-wide regulation of marriage, and crimes against humanity and war crimes relating to a number of work sites, cooperatives, security centres.

After Trial Chamber President Nil Nonn announced that the date for the first witness was moved to October 27 due to new disclosures by the prosecution, the Co-Prosecutors made opening statements. National Co-Prosecutor Chea Leang began, "two months ago we gathered in this courtroom to hear your honour's important verdict... but our work in this court is not done...in this trial we will look at what happened to the people of Cambodia after the forced movements". She provided examples from

different sectors of the conditions faced by Cambodians at various work sites and cooperatives, including forced marriage, the forcing of monks to become soldiers, and the occurrence of beatings and executions.

Following the recess, International Co-Prosecutor Nicholas Koumjian introduced the case for genocide, "in this case, in this trial, there are two charges of genocide [against Cham and Vietnamese]...a crime under international law," which he claimed was used by the Khmer Rouge "to destroy the most important values of Cambodian society".

The Defence were given a chance to respond after lunch, with Nuon Chea and Khieu Samphan each reading statements. While both acknowledged that suffering had happened under the Khmer Rouge, they maintained their

▲ Continues on page 2

innocence on all charges, with Nuon Chea stating he was “remorseful for those suffering and accept moral responsibility for it as I was one of senior leaders but I never intended to cause such suffering...What we did was to better society and to make people master of their own independence.”

Nuon Chea called Case 002/01, a “disappointing mockery of justice,” and announced that he has instructed his lawyers not to participate in the trial until a decision on his disqualification motion is issued by the Special Panel. Khieu Samphan, in his opening statement, told the court of the exhaustion and illness he has suffered, working on his defence, before declaring that he has instructed his lawyers to focus on the ongoing appeal in Case 002/01 and not to “participate in the ongoing proceedings” until after appellate briefing has concluded. Khieu Samphan’s Defence Lawyers stated, in explanation for the action, that “we ask more time and pages... we are not initiating another trial, bear it in mind.”

On the morning of the trial, almost 200 victims of the Khmer Rouge staged a protest

seeking personal monetary reparations of \$13,500 each - a remedy that is not available under the framework of the ECCC. They also rejected the 11 reparation projects announced

by the court. Civil Party Lead Co-Lawyers Pich Ang and Marie Guiraud, along with a representative of the Court Management Section accepted the petition from the group.



Nuon Chea sits in court with his Defence Team on the first day of trial 002/02, on 17th of October 2014. Photo Nhet Sokheng (ECCC)

Counsel for Khieu Samphan and Nuon Chea warned for misconduct and ordered to appear at meeting

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) has, pursuant to Internal Rule 38, issued an official warning for misconduct to the national and international defence counsel for Khieu Samphan and Nuon Chea.

The warning was issued after the defence counsel abandoned the courtroom during the opening statements in Case 002/02 on 17 October 2014 and subsequently either failed to appear, or provide any valid justification for

their absence from a Trial Management Meeting convened on 21 October 2014. The Trial Chamber found that this conduct amounts to an obstruction of the proceedings.

The defence counsel for Khieu Samphan and Nuon Chea have been ordered to appear at a Trial Management Meeting in the main courtroom on Tuesday 28 October from 09:00. This meeting will be held in camera, and will be the last chance for the Khieu Samphan Defence to discuss current resource issues with

the Trial Chamber. Parties will also be invited to address the Co-Prosecutors’ request to assign amici curiae counsel to represent the interests of the Accused and advance the proceedings in case 002/02.

In view of these developments, the Trial Chamber has cancelled the trial hearings scheduled to begin on 27 October 2014. New hearing dates will be provided in due course.

Defence Requests Disqualification of Trial Chamber Judges

On the 29 September 2014, Nuon Chea’s defence team filed an application for the disqualification of Judges Nil Nonn, Ya Sokhan, Jean-Marc Lavergne, and You Ottara, in relation to Case 002/02.

Citing ECCC Internal Rule 34, the Co-Lawyers for Mr. Nuon, Son Arun and Victor Koppe, submitted the application to disqualify Judges Nil Nonn, Ya Sokhan, You Ottara, and Jean-Marc from Case 002/02 and all further proceedings in the case of Nuon Chea. The application lists five requests:

- (i) the Chamber admit this application;
- (ii) all of the Judges be disqualified from any further proceedings against Nuon Chea;

(iii) the Judges step down voluntarily while this Application is determined;

(iv) the start of the evidentiary hearings in Case 002/02 be postponed until this Application is determined; and

(v) this Application be treated as a matter of urgency given its nature.

On Monday 13 October, the Co-Prosecutors issued their response, stating the application should be dismissed outright. Citing their view that Nuon Chea’s defence has failed to demonstrate bias by the Judges, and that “the Application is simply another volley in Nuon Chea’s longstanding and illegitimate strategy to undermine the ECCC as an institution rather than confront the overwhelming evidence of his criminal responsibility,” the Co-Prosecutors “respectfully request the

Special Bench to dismiss Nuon Chea’s Application in full, and to dispose of the Application on an expedited basis.”

Nuon Chea’s application follows from Khieu Samphan’s 25 August filing, seeking that Case 002/02 not commence before the final judgement in Case 002/01, and before the Supreme Court has ruled on all appeals. In alternative, and also citing ECCC Internal Rule 34, they request that all judges, including Claudia Fenz be replaced for Case 002/02. The Co-Prosecutors response on 4 September, seeking “the expeditious conduct of proceedings,” states their position that the first two requests are not warranted, and that “there is no basis to disqualify the sitting judges of the Chamber from further proceedings in Case 002, the conditional request for secondary relief is without basis and should not be allowed to delay the proceedings.”

11th Plenary Session discussed proposed amendments to Four Internal Rules



The Extraordinary Chambers in the Courts of Cambodia (ECCC) held its 11th Plenary Session on 16 October 2014. The 11th Plenary Session was convened to discuss proposed amendments to four Internal Rules recommended by the Rules and Procedures Committee on the basis of proposals by Office of Co-Prosecutors and Victims Support Section. The President of the Plenary, H.E. Kong Srim and Plenary International Deputy President Judge Chang-ho Chung pronounced the opening remark.

H.E. Kong Srim raised the achievement of the ECCC, pronouncement of the verdict in Case 002/1 by the Trial Chamber and the participation of the public in the ECCC proceeding.

Judge Chang-ho Chung also underlined the important role of the ECCC. "Since its establishment, the ECCC, as a mixed court, has proved that it can handle international crimes in accordance with international standards of due process and rule of law. Through the participation of the Cambodian Judiciary in the ECCC proceeding, the ECCC has enhanced the sense of involvement of the Cambodian people in the court cases. Also, by collecting and exchanging information on capacity-needs, the ECCC has strengthened the national justice system and its capacity. In this regard, the ECCC has provided the most valuable example of implementation of

the Principle of Complementarity of the ICC", said Judge Chung in his statement.

The ECCC has shown vast potential for the development in the areas of the rule of law and human rights throughout Asia. The legacy of the ECCC may enable the integrated and well-balanced development of the rule of law and human rights in this region. And the legacy of the ECCC could be continuously and systematically disseminated throughout Asia by establishing the Asian Court of Human Rights. Given the immense population of Asia, the fast economic growth of Asian states, and great enthusiasm of Asian people, it is now the right time to open up discussions for the establishment of the Asian Court of Human Rights, and the experience and jurisprudence of the ECCC would be very much useful for this purpose.

During this plenary, Judge Martin Karopkin, was sworn in as a Reserve International Judge of the Trial Chamber and Mr. Olivier Beauvallet was sworn in as a Reserve International Co-Investigating Judge.

As only one day had been set aside for this Plenary Session, the judges did not complete the agenda. The plenary was adjourned in the afternoon and will re-convene at a date to be announced.

Defence Teams Appeal Against Trial Chamber's Verdict in Case 002/01

On 29 September 2014, Nuon Chea and Khieu Samphan's Defence Team filed a Notice of Appeal to the Supreme Court Chamber against the trial judgment in Case 002/01, in which they were found guilty of crimes against humanity and sentenced to life imprisonment.

The two teams had been given 30 days from the time of the judgment to provide a 30-page notice of appeal, however the deadline was extended after the teams jointly filed a request to extend this time limit. Their request to also extend the length of the Notice of Appeal from 30 to 50 pages had been rejected.

The Notice of Appeal submitted by Nuon Chea's Defence outlined 223 grounds for appeal against the trial judgement. Additionally, Khieu Samphan's team submitted an appeal outlining 148 grounds.

Chea's Notice of Appeal included 20 categories of errors, including errors concerning the governing law applicable to the tribunal, concerning the legitimacy and fairness of the proceedings, concerning the structure of the CPK, concerning Nuon Chea's role in the CPK, and concerning Nuon Chea's individual criminal responsibility for commission through a Joint Criminal Enterprise, amongst others.



Martin Karopkin Appointed as New International Reserve Judge in the Trial Chamber

On October 2, 2014, following the nomination by the United Nations Secretary-General Ban Ki-moon, and the approval by the Supreme Council of the Magistracy, His Majesty King Norodom Sihamoni appointed Judge Martin Karopkin (USA) as a new international reserve judge to serve in the Trial Chamber. He replaces Judge Claudia Fenz (Austria). Judge Karopkin holds a Doctorate of Law from Brooklyn Law School, and previously served as a Reserve Justice of the Supreme Court of the ECCC during the initial rulemaking phase from 2006 to 2008.



Supreme Court Chamber

In September 2014, the Supreme Court Chamber continued its review and research on issues relating to case 002/01. On 29 September 2014, Nuon Chea and Khieu Samphan filed their respective notices of appeal from the trial judgement in case 002/01 rendered on 7 August 2014. Nuon Chea indicated 223 grounds on which he intends to appeal, whereas Khieu Samphan put forth 148 grounds of appeal. The Co-Prosecutors also filed a notice of appeal on 29 September 2014, but on the sole ground that the Trial Chamber allegedly erred in excluding consideration of the third form of joint criminal enterprise as a mode of responsibility.

In addition, on 1 September 2014, Nuon Chea filed a request to obtain and consider additional evidence on appeal against the case 002/01 judgement. On 3 September 2014, Nuon Chea filed a second request for additional evidence on appeal. On 16 September 2014, the Co-Prosecutors responded to both requests, and on 25 September 2014, Nuon Chea replied to the Co-Prosecutors' response.

Consideration of the requests for additional evidence, as well review and research on issues relating to case 002/01 in light of the notices of appeal, remain ongoing.

Trial Chamber

On 12 September, the Trial Chamber issued its Decision on Sequencing of Trial Proceedings in Case 002/01. Having taken into consideration the submissions of the parties, the Trial Chamber ordered the sequencing of the trial in Case 002/02 as follows: Cooperatives; Worksites; Treatment of Targeted Groups; Security Centres and Internal Purges; Regulation of marriage (nationwide); Nature of the Armed Conflict; and the Role of the Accused.

On 19 September, the Trial Chamber rejected the Khieu Samphan Defence Team's request to postpone the commencement of Case 002/02 until the Supreme Court Chamber has ruled upon the appeals from the Judgement in Case 002/01 as well as any other appeals relating to Case 002/01. The Trial Chamber found that the request must be balanced with the Court's obligation to ensure a fair and expeditious trial. It considered the interests of all parties, as well as the Supreme Court Chamber's direction to the Trial Chamber to commence the trial in Case 002/02 as soon as possible, before concluding that the Accused would not be unfairly prejudiced if the Case 002/02 trial

proceedings are not delayed. The Trial Chamber found that the Khieu Samphan Defence's request to disqualify certain judges is a matter for the judges appointed by the Judicial Administration Committee and referred this issue to the special panel.

Also on 19 September, the Trial Chamber scheduled the commencement of evidentiary hearings in Case 002/02 for 17 October, to begin with further opening statements. The first witness will be called on 20 October and the initial segment of the evidentiary proceedings will run until 18 December. The Trial Chamber announced it will sit three days each week in order to provide the parties time to prepare their appeals of the Case 002/01 judgement and in view of the status of the Accused. The Trial Chamber also issued the Trial hearing calendar for the remainder of 2014.

On 29 September, the Trial Chamber issued its Decision on the Defence Preliminary Objection Regarding Jurisdiction over the Crime Against Humanity of Deportation. The Trial Chamber rejected the Defence arguments, finding that they should have been raised before the opening of the trial.

Pre-Trial Chamber

During September, the Pre-Trial Chamber was seized of one appeal and one investigation into a possible interference with the administration of justice in Case 003, in addition to eight appeals in Case 004. The Pre-Trial Chamber disposed of two of these cases by issuing its Decisions on Appeals PTC10/1 in Case 003 and PTC 07 in Case 004. Whilst all these appeals are classified as confidential, the Pre-Trial Chamber makes available to the public its decisions on appeals in redacted form.

Case 003:

Appeal PTC 10/1– Decision on Appeal issued in September 2014

On 9 September 2014, the Pre-Trial Chamber notified the Decision on an Appeal filed by a suspect in Case 003 against the alleged "constructive denial" by the Co-Investigating Judges of a Request to get access to the case file. Considering the grounds on which the Appeal was filed and the relief requested and noting that the International Co-Investigating Judge is in the process of actively considering the Request, the Pre-Trial Chamber found that the argument that the Request is constructively refused fails and decided to dismiss the Appeal without prejudice to any further rights.



ECCC courtroom after the public attended the judgement hearing of Case 002/01

PTC11 (Rule 35 Investigation ongoing)

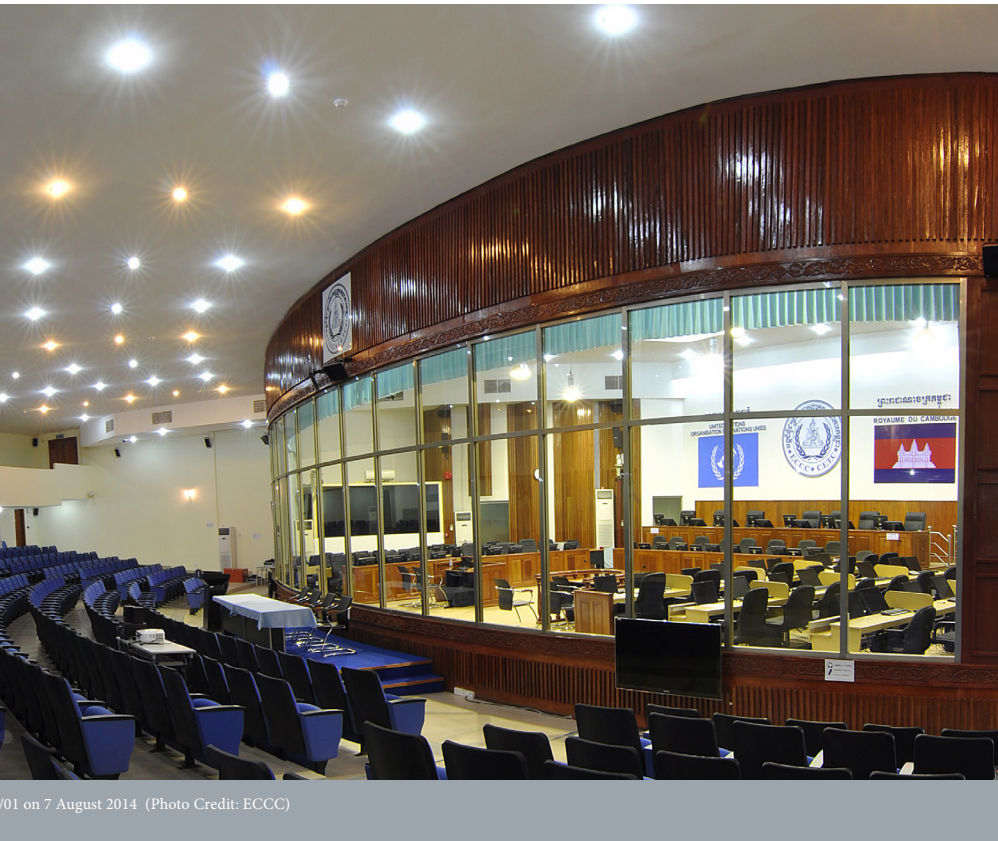
The Pre-Trial Chamber is currently conducting an investigation under Internal Rule 35 into the unlawful disclosure to the media of the confidential version of its decision on the appeal against the International Co-Investigating Judge's rejection of Mr. Michael Karnavas and Mr. Ang Udom's appointment as Co-Lawyers for a suspect in Case 003.

Case 004

PTC06 and PTC10 - pending

The Pre-Trial Chamber remained seized and continued its consideration of an appeal filed by a suspect in Case 004 on 9 May 2014 against the International Co-Investigating Judge's decision rejecting the suspect's request to have immediate access to the case file, pending the International Co-Investigating Judge's reconsideration of a Notification issued by the previous Reserve International Co-Investigating Judge which informed the suspect of the right to access the case file. The written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

On 13 August 2014, the Pre-Trial Chamber was seized of another appeal filed, in English only, by the same suspect against a decision by the



01 on 7 August 2014 (Photo Credit: ECCC)

International Co-Investigating Judge rejecting his urgent request for access to the case file and to participate in the judicial investigation. The Appeal was filed in the Khmer language on 2 September and the written proceedings on Appeal were completed on 16 September 2014. The Pre-Trial Chamber is in the process of deliberating and deciding on the Appeal.

PTC07 – Decision on Appeal issued in September 2014

On 30 September 2014, the Pre-Trial Chamber issued its Decision on an Appeal filed by a suspect in Case 004 against a Decision of the International Co-Investigating Judge denying three Requests for Investigative Actions. Having found that the Appeal raised an issue that is substantially the same (in fact and law) as another matter already examined by the Pre-Trial Chamber in respect of the same party and upon which the Pre-Trial Chamber could not reach a majority of four votes to issue a decision, the Pre-Trial Chamber dismissed the Appeal without entering into a consideration of its admissibility or merit.

Appeal PTC08 -Pending

The Pre-Trial Chamber remained seized of an appeal filed in English on 19 May 2014 and in Khmer on 9 June 2014 by a suspect in Case 004 against a decision of the International Co-Investigating Judge rejecting the suspect's motion for annulment of investigative action. The

written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

PTC11 - pending

The Pre-Trial Chamber remained seized of an appeal filed by one of the Suspects in Case 004 against a "Decision of the International Co-Investigating Judge Denying his Request for Clarification of the Law should there be a Disagreement between the Co-Investigating Judges when Issuing the Closing Order". The Appeal was filed in English only on 20 August 2014 and then in Khmer on 25 September 2014.

PTC12 – new appeal

On 2 September 2014, the Pre-Trial Chamber was seized of an appeal filed by one of the Suspects in Case 004 alleging constructive dismissal by the Co-Investigating Judges of a Request for Investigative Action.

PTC13 – new appeal

On 4 and 5 September 2014, the Pre-Trial Chamber was seized of, respectively, the English and Khmer versions of an appeal filed by one of the Suspects in Case 004 against a Decision of the International Co-Investigating Judge denying an application requesting the Co-Investigating Judges to seize the Pre-Trial Chamber with a view to annul the judicial

investigation. The written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

PTC14 – new appeal

On 15 September 2014, the Pre-Trial Chamber was seized of an appeal filed by one of the Suspects in Case 004 against the "International Co-Investigating Judge's Clarification on the Validity of Summons Issued by One Co-Investigating Judge". The Appeal was filed in English only and the Khmer version of the Appeal is yet to be filed and notified.

Office of the Co-Investigating Judges

During the month of September, the international side of the Office of the Co-Investigating Judges ("OICIJ") continued the investigations of Case Files 003 and 004. One field mission was carried out for Case File 003, in the course of which two witnesses were interviewed and one investigative action report was drafted. Three witnesses were interviewed at ECCC location by OICIJ investigators.

With regard to case 004, five field missions took place, during which sixteen witnesses were interviewed and ten investigation action reports were drafted. Fourteen witnesses were interviewed at the ECCC premises.

During the month of September, the OICIJ Analysts Unit reviewed Khmer Rouge documents, some of which are originals, at external archives. Review of over 2,000 prisoners logs held at Khmer Rouge Security Centers continued. Additionally, the Analysts Unit assisted and participated in all field missions conducted during the month of September.

Civil party applications in Cases 003 and 004, which presently total in excess of 2,125, are progressively being placed on the case files while their admissibility and evidentiary value are being subjected to a thorough scrutiny by the two Khmer legal officers. Thus far, over 2,000 civil party applications have been reviewed for admissibility for both case files.

Office of the Co-Prosecutors

Case 002

The Co-Prosecutors have been preparing for the commencement of Case 002/02. On 9 May 2014, the Co-Prosecutors filed their lists of proposed witnesses, experts and civil parties for Case 002/02. The Office of the Co-Prosecutors has also been working to meet the



Stakeholder Consultation on Case 002/02 reparation. (VSS Photo)

upcoming deadline for the Case 002/02 document list. On 16 May 2014, the Co-Prosecutors filed a response to the Khieu Samphan Defence team's appeal of the Trial Chamber's severance order for Case 002/02. The Co-Prosecutors have also continued to do the necessary work to fulfil their ongoing disclosure obligations in Case 002.

Cases 003 and 004

The Co-Prosecutors have been analyzing the evidence and reviewing the investigation and procedural developments in Cases 003 and 004, responding as necessary and systematically reviewing the record from Cases 001 and 002 to ensure that they fulfil the disclosure obligations arising out of these cases.

Defence Support Section

In Case 002, both the Nuon Chea and Khieu Samphan defence teams have concentrated their efforts on preparing their respective appeals against the Trial Chamber Judgement in Case 002/01. Both teams filed their Notices of Appeals on 29 September 2014 and continue to prepare for the upcoming trial in Case 002/02.

The Nuon Chea defence filed a motion to disqualify Trial Chamber Judges Nil Nonn, Ya Sokhan, Jean-Marc Lavergne and You Ottara from sitting in the Case 002/02 trial. In connection with their case 002/01 appeal, they also filed requests to

the Supreme Court Chamber, supported by the Khieu Samphan defence, to summon filmmakers Thet Sambath and Rob Lemkin to testify and for certain evidence to be admitted: an audio recording of a Voice of America radio interview with Thet Sambath; a video recording of Judge Silvia Cartwright statements during a public forum at the Aspen Institute; and excerpts from former International Co-Investigating Judge Marcel Lemonde's book.

The Case 003 defence team has continued to prepare submissions to protect their client's fair trial rights and continues to review publicly available material, since the Case File remains inaccessible.

Similarly, the defence teams in Case 004 continue to protect their clients' rights, particularly while attempting to gain access to the Case File and preparing their defence with publicly-available resources. One of the defence teams also appealed a decision finding that a summons issued by one Co-Investigating Judge for the purposes of charging a suspect is valid and binding.

Civil Party Lead Co-Lawyers Meetings and Outreach

On 04 September 2014, the Civil Party Lead

Co-Lawyers and the VSS met with stakeholders to follow up on the implementation process of the reparations measures that were granted by the Trial Chamber in the Judgment of 07 August 2014 in relation to Case 002/01. The Civil Party Lead Co-Lawyers and stakeholders also discussed the current projects that will be sought for Case 002/02 as well as possible new projects and partnerships.

Throughout the month of September 2014 (the 1st, the 15th and the 29th), the Civil Party Lead-Co Lawyers and the Civil Party Lawyers met to discuss the results of the two Civil Parties' consultations that were held on 21 July 2014 and 28 August 2014 and redefine the current reparation projects that are to be sought for Case 002/02 in accordance with the civil parties' wishes and observations.

On 29 September 2014, the Civil Party Lead-Co Lawyers and the Civil Party Lawyers met to prepare for the upcoming hearings on the first segment of Case 002/02 commencing on 17 October 2014.

Reparations

Implementation continues to move forward on the Case 002/01 judicial reparation measures. The permanent exhibition was inaugurated in the following provinces: Battambang, Takeo, Banteay Meanchey and Sihanoukville. The development of the materials for the mobile exhibition was finalized and the first exhibition is scheduled to start in Kampot the beginning of the next month.

In addition, the Transcultural Psychosocial Organization (TPO) has offered to provide ongoing telephone hotline counseling to approximately 150 civil parties who “may have serious mental health concerns or would most benefit from telephone hotline counseling.”

Victim Support Section

Legal representation

The ECCC-funded civil party lawyers of the VSS continued to assist the Transcultural Psychosocial Organization (TPO) in identifying civil parties who will participate in the testimonial therapy sessions, to prepare the civil party applications for Cases 003&004 and select the civil parties who may be eligible to participate in the upcoming evidentiary hearing of Case 002/02. Also, the team has prepared the relevant documents for the upcoming regional forum in October in Phnom Penh.

The team participated in the Stakeholder Consultation on the implementation of reparation projects in Case 002/01 and a reparation scheme for Case 002/02 at Phnom Penh Ecumenical Diakonia Centre. They also attended a meeting on legal representation in Cases 003&004, which was jointly organized by VSS and OCIJ, and held at the ECCC office.

Processing and Analysis

The Processing and Analysis Team of the VSS received six applications in Case 003. As of

30 September, there were 1,776 applications for Cases 003 and 004.

In order to have applications in Case 003 and Case 004 officially placed on the Case File of the ECCC, the team continued to file 35 applications in Case 003 and 114 in Case 004 with the OCIJ. The remaining applications will be filed with the OCIJ in a few days.

Reparations and non-judicial measures

The Reparation & Non-Judicial Measure (R&NJM) Team has coordinated the implementation of all R&NJM projects (16 projects) through meetings and technical support communication.

On 4 September, VSS and the Civil Party Lead Co-Lawyer Section jointly conducted a Stakeholders Consultation on Case 002/02 Reparations at Phnom Penh Ecumenical Diakonia Center, in order to provide updates on the status of the reparation projects in Case 002/01, to discuss the possibility for further collaboration with current partners, and to organise potential reparation requests for Case 002/02. The event was attended by around 60 participants from VSS, CPLCLS, and NGOs.

The Team and the Ministry of Culture and Fine Arts (MoCFA) jointly conducted a meeting on “Establishment of a Memorial Stupa at Toul Sleng Genocide Museum” at MoCFA on 5 September 2014, aiming to consult with relevant stakeholders concerning the establishment of

the Stupa. The meeting involved approximately 30 participants from VSS, MoCFA, UNESCO Cambodia, UNESCO, NGOs, and the Victims Association.

The Team’s members participated in the Inauguration Ceremony of Permanent Exhibition on Forced Transfer and Tuol Po Chrey, conducted by the Document Center of Cambodia at Preah Sihanouk province on 12 September. There were 300 participants present.

The Team conducted a Coordination Meeting with project implementing partners including Document Center of Cambodia, Kdei Karuna, Transcultural Psychosocial Organization, and Youth for Peace. The meeting was conducted at Sour Kea Restaurant on 30 September in order to give an update on the implementation progress, to figure out any challenges encountered, to plan for the next period, and to prepare a monitoring and evaluation plan.

On 17 and 30 September, our staff members participated in a meeting with members of Ending Violence against Women Network (EVAW) on Human Trafficking-Modern Slavery, and in training on gender sensitivity and transitional measures which were organised by the Cambodia Defender Project (CDP), under the UN Trust Fund Project.

A Final Evaluation Consultant was selected to evaluate the VSS three-year project of gender based-violence during the Khmer Rouge, which has financially been supported by the UN Trust Fund and will end on November.

Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website:

www.eccc.gov.kh/en/document/court

Trial Chamber

12 September 2014: Decision on Sequencing of Trial Proceedings in Case 002/02 <E315>

The Trial Chamber ordered that the sequence for Case 002/02 be as follows: Cooperatives, Worksites, Treatment of targeted groups, Security Centres, Regulation of marriage, Nature of armed conflict, and the role of the accused.

19 September 2014: Decision on Khieu Samphan’s request to postpone the commencement of Case 002/02 <E314/5>

The Trial Chamber rejects Khieu Samphan’s request to delay the commencement of Case 002/02.

19 September 2014: Scheduling Order for Hear-

ing on the Substance in Case 002/02 <E316>

The Trial Chamber announced that the initial segment of evidentiary proceedings in Case 002/02 would be held three days per week from 17th October 2014 until 18th December 2014.

29 September 2014: Decision on Defence Preliminary Objection Regarding Jurisdiction over the Crime Against Humanity of Deportation <E306/5>

The Trial Chamber rejects Khieu Samphan’s submissions regarding the Court’s jurisdiction over the crime against humanity of deportation.

Pre-Trial Chamber

9 September 2014: Decision on Appeal Against the Co-Investigating Judges’ Constructive Denial of Request to Access the Case File and to Participate in the Judicial Investigation <D87/2/3>



The Co-lawyers Appeal, on the grounds of "constructive denial" is dismissed. This decision is not subject to appeal.

30 September 2014: Decision on [Redacted]’s Appeal Against International Co-investigating Judge’s Decision Denying Requests for Investigative Action <D190/1/2>

The Pre-Trial Chamber unanimously dismisses the Appeal. This decision is not subject to appeal.

Trial Management Meeting Held on 21st October 214



A Trial Management Meeting in Case 002/02 was held on 21 October 2014. A 45-minute segment of the meeting was subsequently made public after a decision by the Trial Chamber. During the meeting, the resources available to the Defence teams for Khieu Samphan and Nuon Chea were discussed. The Director, Deputy Director and other staff from the Office of Administration were asked to clarify the resource situation. The two Defence teams did not attend the meeting, in contravention of a Trial Chamber direction.

The first topic discussed was the availability of resources for Khieu Samphan's Defence as that Defence team declared that it is not possible to work simultaneously on the trial proceedings in Case 002/02 while also working on the appeal in Case 002/01, due to among other things, a lack of resources.

Following questions from the bench, the Office of Administration confirmed that the Khieu Samphan Defence team's first request for additional resources was made in October 2014, more than one year after the end of evidentiary proceedings in Case 002/01 and two months after the issuance of the trial judgement. The requests were to increase the resources to the Interpretation and Translation Unit (ITU) and to increase the pay to individuals already on the team on the basis of an increased workload.

It was noted that both defence teams have been allocated the same resources in terms of staffing and budget. Resources for translation were also discussed, and it was noted that neither team has their own translators because ITU works as a 'pool'. The Deputy Director maintained that there was a standing offer to the Defence teams to recruit their own translation resources, but the Defence Support Section said this

idea had not been put forward to the Defence teams of Khieu Samphan and Nuon Chea because prior experience with such arrangements indicated that it was not workable.

With regards to Defence teams having access to their client while in hospital, the Deputy Director explained that such access is determined by the doctors based on the medical condition of the defendant. The Office of Administration Office has not received any complaints regarding possible difficulties in this regard.

Remuneration of the Defence co-lawyers was also discussed. The Defence Support Section informed the Trial Chamber that the lawyers are currently paid on a full-time basis, and were also paid full-time for the previous months of 2014, including after the close of the hearings in Case 002/01 when the Chamber was engaged in judgement-drafting.

The case manager, legal consultants, evidence analysts and other experts working on the Defence teams, are paid a fixed monthly salary. The co-lawyers, both national and international, are paid per hour and are authorised to work up to 150 hours per month.

The Trial Chamber also asked for examples of how long it could take to recruit new Defence lawyers, and the Defence Support Section gave a recent example of up to four months for the recruitment of international counsel and approximately six weeks for the recruitment of a national counsel. The Office of Administration explained that the current budget does not envisage two Defence teams for each defendants, but the Office stands ready to implement any direction from the Trial Chamber and that it had assigned a second team of lawyers in a different case.



TC' International Judge Claudia Fenz addresses the parties during the Trial Management Meeting on 21 October 2014.

ECCC Seminar held in Japan

Victor Koppe, International Co-Lawyer for Nuon Chea, and William Smith, International Deputy Co-Prosecutor taught a two day seminar at the Graduate School of Law of Nagoya University in Japan on 18 and 19 September 2014.

The seminar was titled: A history of international criminal law from Tokyo to Phnom Penh and focused on the various international Tribunals since World War 2 and especially on the ECCC. The majority of the attending students were graduate students from Cambodia.

A History of International Criminal Law from Tokyo to Phnom Penh
Lecture by
Mr. Victor Koppe, Lead International Co-Counsel for the Accused Nuon Chea and
Mr. William Smith, the International Deputy Co-Prosecutor
(the Extraordinary Chambers in the Courts of Cambodia)

Date: Sep. 18 (Thu.)
Sep. 19 (Fri.)

Time: 14:45 – 18:00

Venue: CALE Forum

Please e-mail (your name, degree, student ID and nationality) to **DANY Channraksmeychhoukroth**.
E-mail: chhouk_roth@yahoo.com

Graduate School of Law, Nagoya University



Mr. Neth Pheaktra, ECCC Press Officer gave briefing for Japanese students who visited the ECCC on 8 September 2014.

Group of 24 Leadership Students from Across the World Visited the ECCC

On 3rd October 2014 a group of 24 leadership students from the Institute of Formation based in the Philippines, Fondacio Asia, visited the ECCC for an educational tour of the court. The multicultural group came from several countries such as Brunei, China, France, Germany, Malaysia, Myanmar, Philippines and Vietnam. They received a briefing on the history and set-up of the court, before hearing from representatives from the Prosecution and Defense.

Overall, the group said they were really satisfied with the visit, even though the majority of them had little knowledge of the court before coming. At first, some were worried that they would not understand the briefings, as law is not their main field of study, but they were relieved that that was not the case. One student even suggested that once back home he will inform his relatives and friends about what he have learnt today.

The students explained how visiting the ECCC would conclude an historical tour into the most degrading period of Cambodia's past, even though the devastating effect of the of the KR regime were said to be still palpable to date and in everyday life.

Most of the students did not have previous knowledge or very little knowledge on the Khmer Rouge regime but having gone to s-21 and the killing fields the day prior to the visit at the ECCC provided

them with sufficient information in order to understand the role of the court and why it is necessary. Cecilia Zong Chen, 24, compared the previous visits to the Chinese's revolution being herself a Chinese citizen. Like the others, she felt really upset while visiting the killing fields. "At the killing fiends I was very sad," said Bee Le Ngoc Thanh, 29, from Vietnam, "but by coming to the court I felt different. I saw the difficulties of putting every single person responsible on trial. Sometimes you have to sacrifice something in order to have a better future", he continued.

When asked about their favorite part of the tour, Cecilia was surprised to discover how in the ECCC there are "both national and international judges working together," unlike in other courts that she has learnt about in the past.

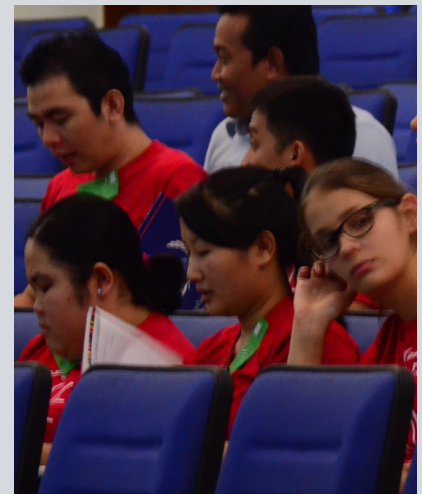
Moreover, it was interesting to notice how some of the students changed their opinions regarding defendant's lawyers. Angelino Chan Jr., 23 from the Philippines said: "I learnt about the law system and about the role of the defendants. Previously I wondered why anyone would defend these people... this was why people say lawyers are bad people... but now I can understand the purpose of the defence."

On this point Amanda Helga Fernandez, 26, from Malaysia added how she now understands that the law is for everyone and therefore even the defendants deserve a

defence. For Jahla from Myanmar, it is good to have defendant lawyers, even if provided by the court, as this forces the prosecutors to do their best.

In addition, Juliana Tin Su Ling, 23, from Brunei added that the best part of the tour "was to learn about the reparation projects which benefits the Cambodian people, so that the same mistakes can be avoid, and young generation will not forget about their past." On this regards, Jahla stressed how reconciliation is fundamental for civilians as "maybe this will continue to bring justice and peace. "

At the end of the visit there was still an unsolved question raised by Amanda: "Why did this crazy ideology could possibly take place?" But sadly enough there is no answer to that.



Fourth session of seminar series on International Law and Human Rights on 1st October 2014

The ECCC, in cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, hosted on 1 October 2014 the fourth session of a seminar series on the topics of international criminal law and human rights law.

The seminar series aims to increase awareness and knowledge of these subject areas among law students, teachers and researchers in Cambodia, as well as to foster interaction between the ECCC and academia, with a view to facilitating research for their respective purposes.

In this session, we were invited to hear from Dr Hope May, who is a Lawyer, Philosopher and Professor from Central Michigan University. The topic focused on the experience of International Criminal Court.



ECCEC outreach

September 2014

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2 Study tour Pursat province (397)	3 Study tour Ka Teo province (29)	4	5	6
7	8 Study tours: - RULE University (19) - Giigata University of Japan' (9) Total: (28)	9 Study tour, Prey Veng (260) and Pursat province (254) Total: (514)	10 Study tour, Pursat province (400)	11	12	13
14	15	16 Study tour, Pursat (250) and Prey Veng (273) province (523)	17 Study tour, Battambang province (267)	18	19	20
21	22	23	24	25	26	27
28	29	30 Study tour, Pursat province (353)				

October 2014

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3 Study tour, from IFFAsia Institute of formation (24)	4
5	6	7 Study tour, Pursat Province (400)	8	9 Study tour, Pursat Province (400)	10	11
12	13	14	15	16 Study tour, Phnom Penh (50)	17 Start of court hearings for case 002/02 Study tour: Pursat (300) and Prey Veng (250)	18
19	20 Study Tour, Sangke district (350)	21	22 Study Tour, Bakan Pursat province, (400)	23	24 Study tour, Khandal province (300)	25
26	27 Study Tour	28	29	30 Study Tour, Pursat province (400)	31 Study Tour, Pursat province (400)	

Outreach activities



Radio show on 11 August 2014 at Radio FM102 (CHRAC Photo)

8 Sept 2014: CHRAC and Radio FM 102 produced a KRT Watch Radio Call-in Show with a theme: the ECCEC’s progress after delivering the verdict in Case 002/01. The outcome was increased public awareness of the ECCEC’s progress after delivering the verdict in Case 002/01.

15-19 September 2014: Ground preparations began for a Mobile Exhibition on Forced Transfer Project in Kratie province. The team held meetings with local authorities, including the Provincial Administrator, the District Chief, the Commune Chief and the community, in order to seek advice for the implementation of the Mobile Exhibition project. As a result of these discussions, they came to an agreement and welcomed the project’s implementation in Chhlong District, Kratie. One reason for their support of the project was because they would like to learn more about the Khmer Rouge history and the ECCEC.

13-17 October 2014: Interactive Mobile Exhibition on Forced Transfer in Kampot. At least 300 members of the public were given information about the history of the Khmer Rouge, with a particular emphasis on the issue of forced transfers throughout the dialogue. Art workshops, forum-theater, film screening and exhibitions were also held during the course of the mobile exhibition.

14 Oct 2014: CHRAC organized a half-day Legacy Workshop with university law students from the English Speaking Section at the Royal University of Law and Economics (RULE). The theme of the workshop was “Strategies to Strengthen the Cambodian Legal System”. There were approximately 150-200 participants, of which all were students. The Honorable speakers included Ms. Catherine Phuong, Head of Rule of Law Unit, OHCHR Cambodia, and Mr. Victor Koppe, International Defense Co-Lawyer for Noun Chea at the ECCEC.



FIND OUT MORE ABOUT THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

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