



# The Court Report

## THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

Moving Forward through Justice

### IN THIS ISSUE

NEWS & NOTES

2-3



Nuon Chea, former Deputy Secretary General of CKP



Khieu Samphan, Former Head of State of Khmer Rouge Regime



JUDICIAL UPDATES

4-6

## Nuon Chea and Khieu Samphan sentenced to life imprisonment for crimes against humanity

On 7 August 2014, the Trial Chamber found Nuon Chea and Khieu Samphan guilty of crimes against humanity committed between 17 April 1975 and December 1977.

The Chamber found that, together with members of the Standing and Central Committees, government ministers, and zone secretaries, both Nuon Chea and Khieu Samphan participated in a joint criminal enterprise to achieve the common purpose of implementing a rapid socialist revolution through a 'great leap forward' by whatever means necessary. The Chamber found that this common purpose was implemented through, among other means, policies to forcibly displace people from cities and towns and between rural areas. As a result, during the first phase of the movement of the population at least two million people were forcibly transferred from Phnom Penh in April 1975 by Khmer Rouge soldiers under false pretexts and threats, often at gunpoint, with almost no prior warning and in terrifying and violent circumstances.

During the second phase of the movement of the population, between September 1975 and December 1977, between 330,000 and 430,000 people were forcibly displaced from various locations throughout Cambodia. Most people were ordered to leave their locations and transferred under armed guard. Those who refused transfer or attempted escape were arrested, detained or transferred in a further round of movements.

The Trial Chamber also found that Nuon Chea and Khieu Samphan implemented the common purpose through a policy to target former Khmer Republic officials. As a result of this policy at least 250 Lon Nol officials who had been transported from Pursat to Tuol Po Chrey were executed immediately after 17 April 1975.

The Trial Chamber found that, as a consequence of the crimes of which Nuon Chea and Khieu Samphan have been convicted, the civil parties and a very large number of additional victims have suffered immeasurable harm, including physical suffering,

▲ Continues on page 2



DECISIONS/ORDERS

7

SPECIAL FOCUS

8-9

OUTREACH ACTIVITIES

10

OUTREACH CALENDAR

11

CONTACT INFORMATION

12

## Trial Chamber endorses 11 reparation projects in Case 002/01

The Trial Chamber endorsed the implementation of 11 reparation projects in the judgement in Case 002/01 against Nuon Chea and Khieu Samphan on 7 August 2014. The Trial Chamber found that the civil parties and additional victims have suffered immeasurable harm, including physical suffering, economic deficiency, loss of dignity, psychological trauma and grief arising from the loss of relatives.

A provision in the ECCC framework and Internal Rules enables civil parties to participate in trial proceedings and seek moral and collective reparations against the accused. The reparation projects seek to provide formal recognition and benefits to the civil parties of the Khmer Rouge regime from 1975 to 1979. They aim to address the harms suffered by civil parties as a result of the commission of crimes under consideration in the trial. In the case of conviction of the accused, the Trial Chamber may award these moral and collective reparations to the civil parties in its judgement.

Following the guilty verdict in Case 002/01, the following reparation projects were endorsed by the Trial Chamber:

- **National day of remembrance:** An official national day of remembrance honouring victims and survivors of the Khmer Rouge in Cambodia, to be established in partnership with the Royal Government of Cambodia.
- **Memorial for Khmer Rouge victims: “for those who are no longer here”:** A group of sculptural monuments in Phnom Penh depicting the affected population during the forced evacuations that occurred in April 1975.
- **Testimonial therapy:** A project enabling civil parties to participate in testimonial therapy with the support of a mental health professional.
- **Self-help groups for rehabilitation:** Locally based and facilitated self-help groups enabling participants to develop coping skills and overcome suffering.
- **Permanent exhibition on forced transfer and Tuol Po Chrey:** Permanent exhibitions on forced transfer



The Trial Chamber announced on 7 August 2014 the implementation of 11 reparation projects in Case 002/01 (Photo Credit: Net Sokheng)

and Tuol Po Chrey to be established in museums in Battambang, Banteay Meanchey, Kampong Thom, Takeo and Svay Rieng provinces.

- **Mobile exhibition on forced transfer and Tuol Po Chrey:** An exhibition with multimedia and interactive features, which can inform Cambodians about Khmer Rouge history, the ECCC and the personal experiences of civil parties.
- **New chapter on forced transfer and Tuol Po Chrey in teacher’s guidebook:** A chapter on forced transfer and the Tuol Po Chrey execution site will be added to the *Teacher’s Guidebook: The Teaching of A History of Democratic Kampuchea (1975-1979)*.
- **Community Peace Learning Centre in Samrong Khnong:** A Community Peace Learning Centre will be built in Samrong Khnong village, Battambang province, a site where mass killings occurred. The site will incorporate an information centre, museum and dialogue room.
- **Illustrated Civil Party Storybook:** This project enables civil parties to tell their stories in written narratives and illustrative artworks.

- **Publication and distribution of Case 002/01 judgement:** The judgement in Case 002/01 will be distributed to civil parties in both full text and summary versions—the materials will explain the judgement and civil party participation in the proceedings in layperson’s terms.

- **Publication of civil party names on ECCC website:** Civil party names and basic identifying information will be published in the written judgement in Case 002/01 and on the ECCC website.

The civil parties requested a total of 13 reparation projects in Case 002/01; however, the Trial Chamber did not endorse Project 2, a public memorials initiative, and Project 4, the construction of a memorial to Cambodian victims living in France. According to the Trial Chamber the Lead Co-Lawyers did not provide a sufficiently detailed description and itemized budget for Project 2 and did not demonstrate that adequate external funding was available for Project 4.

The Trial Chamber denied the Lead Co-Lawyers’ earlier request for the Accused to bear the costs of the reparations, since the Accused were found to be indigent. Thus, for the reparation requests to be awarded in Case 002/01, the Trial Chamber stipulated that the civil parties submit documentation of sufficient external funding for each proposed project by 31 March 2014. This is a requirement specified in ECCC Internal Rule 23 *quinquies*(3)(b). The Victims Support Section (VSS) and the Civil Party Lead Co-Lawyers Section announced following the deadline that a total of US\$770,025.80 had been obtained for reparation projects.

These projects were developed through a collaborative effort between the VSS and the Civil Party Lead Co-Lawyers, the civil parties, government authorities, civil society organizations and donors.

The Trial Chamber noted in the written judgement that donors have the option to support reparation projects that have not been endorsed in the judgement. The Chamber also noted that it welcomes reparation initiatives that bring redress to victims, retain collective memory and raise public awareness to avoid such acts from occurring again.

## Nuon Chea and Khieu Samphan sentenced to life imprisonment (Continuation from page 1)

economic loss, loss of dignity, psychological trauma and grief arising from the loss of family members or close relations. The Chamber consequently endorsed the implementation of 11 reparation projects that have been designed to appropriately acknowledge the harm suffered by civil parties as a result of the commission of the crimes at issue in this trial and to provide benefits to the civil parties that address this harm.

▲ Please access the Case 02/01 judgement at

[www.eccc.gov.kh/en/document/court/case-00201-judgement](http://www.eccc.gov.kh/en/document/court/case-00201-judgement)

*“Pursuant to Articles 5, 29 (new) and 39 (new) of the ECCC Law, the Trial Chamber finds the Accused NUON Chea to be GUILTY of the crimes against humanity of extermination (encompassing murder), political persecution, and other inhumane acts (comprising forced transfer, enforced disappearances and attacks against human dignity) committed within the territory of Cambodia between 17 April 1975 and December 1977.”*

*“Pursuant to Articles 5, 29 (new) and 39 (new) of the ECCC Law, the Trial Chamber finds the Accused KHIEU Samphan to be GUILTY of the crimes against humanity of extermination (encompassing murder), political persecution, and other inhumane acts (comprising forced transfer, enforced disappearances and attacks against human dignity) committed within the territory of Cambodia between 17 April 1975 and December 1977.”*

## Further initial hearing in Case 002/02

*A further initial hearing in Case 002/02 against Khieu Samphan and Nuon Chea was conducted on 30 July 2014 in the ECCC main courtroom.*

This further initial hearing follows on from the initial hearing for Case 002 in June 2011 and the Trial Chamber's severance decision in September 2011.

Three main issues were considered by the Trial Chamber in the further initial hearing: the specification of civil party reparation awards; the status of preliminary objections and review of legal issues relevant to Case 002/02; and the sequencing of trial proceedings and initial review of potential witnesses, civil parties and experts.

The first issue considered at the further initial hearing—provisional ideas for civil party reparation requests in Case 002/02—was presented by Mr. Pich Ang, national Civil Party Lead Co-Lawyer. Mr. Pich Ang outlined three main themes for reparation projects, which arose from stakeholder consultations: memorialization, rehabilitation, and education and documentation. It was also noted that some civil parties are unhappy with only being able to claim collective reparations, and would like to seek individual, monetary reparations.

Another significant matter considered at the hearing was the parties' submissions on the sequencing of topics to be heard during proceedings. The topics include the existence of an international armed conflict in the period 1975-1979, S-21, genocide of specific groups (Vietnamese and Chams), the operation of cooperatives and worksites, forced marriages, and the role of the accused and joint criminal enterprise. Preferences on the order of these topics varied between the parties. The order of the hearings will be decided by the Trial Chamber and issued in a written decision in due course.

The availability of the parties to commence evidentiary hearings was also considered. The Lead Co-Lawyers and the Co-Prosecutors indicated that they are available for hearings to begin in September or October 2014. The Nuon Chea Defence team urged the Trial Chamber to commence proceedings as soon as possible, and also suggested that a second initial hearing take place following the judgement in



The charges in Case 002/02 include genocide of Cham and Vietnamese, crimes against humanity and grave breaches of the Geneva Conventions of 1949. (Photo Credit: Net Sokheng)

Case 002/01, in order to further discuss the general foundations for Case 002/02. The Khieu Samphan Defence team indicated that beginning hearings in Case 002/02 in September or October 2014 may not be manageable, given the current availability of human resources and the work involved in drafting appeals for Case 002/01.

Another highlight of the further initial hearing was the review of the list of potential witnesses, experts and civil parties in Case 002/02. The parties have so far proposed a list with 229 witnesses, experts and civil parties (88 civil parties, 20 experts and 121 wit-



nesses). The Chamber invited the parties to consider a reduction of their lists and noted that it will issue a written decision in due course regarding the witnesses, experts and civil parties to be heard in Case 002/02.

The charges in Case 002/02 include genocide of Cham and Vietnamese, crimes against humanity and grave breaches of the Geneva Conventions of 1949. These charges are based on factual allegations concerning four security centres, three worksites and one group of adjacent cooperatives.

## Supreme Court Chamber upholds severance of Case 002/02

On 29 July 2014 the Supreme Court Chamber dismissed an appeal by Khieu Samphan requesting annulment of the Trial Chamber's severance order for Case 002/02.

While upholding the severance for Case 002/02, the Supreme Court Chamber clarified misconceptions as to the procedural consequences of severance, and stressed that the severed cases are separate and, notwithstanding a common body of evidence, no material finding can be automatically transferred from one case to another. Recognizing the Trial Chamber's lack of capacity to proceed in a foreseeable time with the charges remaining outside the scope of Case 002/02, the Supreme Court Chamber declared that they have been stayed. The stay is provisional, and the Supreme Court Chamber

has urged the Trial Chamber to fulfil its duty to bring closure to the entirety of the cases before it.

Following this decision, Case 002/02 includes the charges related to:

- the genocide of the Cham (and related religious persecution in the forced movement of the Cham minority) and the genocide of the Vietnamese;
- forced marriages and rape nationwide;
- internal purges;
- S-21, the Kraing Ta Chan Security Centre, the Au Kanseng Security Centre, the Phnom Kraol Security Centre, the 1st January Dam Worksite, the Kampong Chhnang Airport Construction Site, the Trapeang Thma Dam Worksite and the Tram Kok Cooperatives,

- the treatment of Buddhists (limited to Tram Kok Cooperatives); and
- political persecution/targeting of former Khmer Republic officials (implementation limited to Tram Kok Cooperatives, 1st January Dam Worksite, S-21 Security Centre and Kraing Ta Chan Security Centre).

The scope of the trial for Case 002/02 was defined by the Trial Chamber in its decision on the additional severance of Case 002 on 4 April 2014. Case 002/02 is the second case originating from the Closing Order in Case 002.

## Supreme Court Chamber

In July 2014, the Supreme Court Chamber continued its preparatory review and research on issues relating to Case 002/01. The Supreme Court Chamber also continued its examination of an appeal by Khieu Samphan against the Trial Chamber's decision on the additional severance of Case 002 and the scope of Case 002/02.

On 29 July 2014, the Supreme Court Chamber rendered its decision on Khieu Samphan's appeal, upholding the additional severance of Case 002 and declaring a stay of proceedings in relation to the charges remaining outside the scope of Cases 002/01 and 002/02 pending appropriate disposal by the Trial Chamber.

Preparatory review and research on issues relating to Case 002/01 remain ongoing.

## Trial Chamber

On 29 July 2014, the Trial Chamber summoned the Accused Nuon Chea and Khieu Samphan to attend the pronouncement of the judgement in Case 002/01. The judgement was pronounced on 7 August 2014 in the main courtroom of the ECCC at 9:00am.

On 8 July 2014, the Trial Chamber issued an agenda for the further initial hearing in Case 002/02. The Chamber identified the following items for discussion: (i) the further specification of civil party reparation awards; (ii) the status of preliminary objections and review of legal issues relevant to Case 002/02; and (iii) the sequencing of the trial proceedings and initial review of potential witnesses, civil parties and experts. The Trial Chamber held the further initial hearing on 30 July 2014.

On 18 July 2014, the Trial Chamber directed the Civil Party Lead Co-Lawyers to provide further information on the proposed appearance at trial of TCCP-19 as a civil party, in order to facilitate the parties' understanding of the nature and content of TCCP-19's proposed appearance.

The Trial Chamber requested a summary of the facts and the points of the indictment relevant to TCCP-19's proposed evidence. The Lead Co-Lawyers filed this information on 23 July 2014.

On 21 July 2014, the Trial Chamber granted a request by the Co-Prosecutors for an extension of the page limit applicable to their Internal Rule 87(4) submissions, finding that as the Co-Prosecutors had proposed more than 35 new individuals, they would require more than the pages permitted under the

ECCC's Practice Direction to attempt to justify the inclusion of these individuals.

On 24 July 2014, the Trial Chamber issued a confidential list of new pseudonyms for all witnesses, civil parties and experts proposed so far by the parties to be heard during the trial in Case 002/02.

## Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber was seized of three appeals in Case 003 and three appeals in Case 004. Two more appeals in Case 004 are soon to be expected, as indicated in the Notices of Appeal filed during the month of July 2014. All of these appeals are classified as confidential.

### Case 003

#### Appeal PTC10: deliberations ongoing on part of the appeal

On 23 April 2014 the Pre-Trial Chamber, by a unanimous decision, deferred its consideration of the appeal in respect of the suspect's request to get access to the case file until it decides on another appeal (PTC11) that was pending before it. (PTC11 concerns the appointment of the suspect's counsel.)

The Pre-Trial Chamber found the appeal inadmissible in respect of the remainder of the suspect's 13 other requests made to the Office of the Co-Investigating Judges. The Pre-Trial Chamber is in the process of finalizing its deliberations for a decision on the appeal in respect of the suspect's request for access to the case file.

#### Appeal PTC11: fully reasoned judgement on appeal issued on 17 July 2014

On 17 July 2014 the Pre-Trial Chamber issued a fully reasoned decision on the appeal, the disposition of which was announced on 30 June 2014. The appeal was filed by a suspect against the international Co-Investigating Judge's decision rejecting the appointment of the co-lawyers of the suspect's choice because of conflict-of-interest allegations.

The Pre-Trial Chamber, by a unanimous decision, reversed the impugned decision and recognized the co-lawyers as counsel for the suspect.

#### Appeal PTC12: deliberations ongoing

On 3 June 2014 the Pre-Trial Chamber was seized of an appeal by a suspect against the "continuing refusal" of the international Co-Investigating Judge to place his submissions on the case file and to act upon them.

The written proceedings on appeal were completed on 25 June 2014 and the Pre-Trial Chamber



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

will dispose of the matter in due course.

### Case 004

#### Appeal PTC06: deliberations ongoing

On 9 May 2014 the co-lawyers for a suspect in Case 004 filed an appeal against the international Co-Investigating Judge's denial of an urgent request for relief based on new information. The written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

#### Appeal PTC07: deliberations ongoing

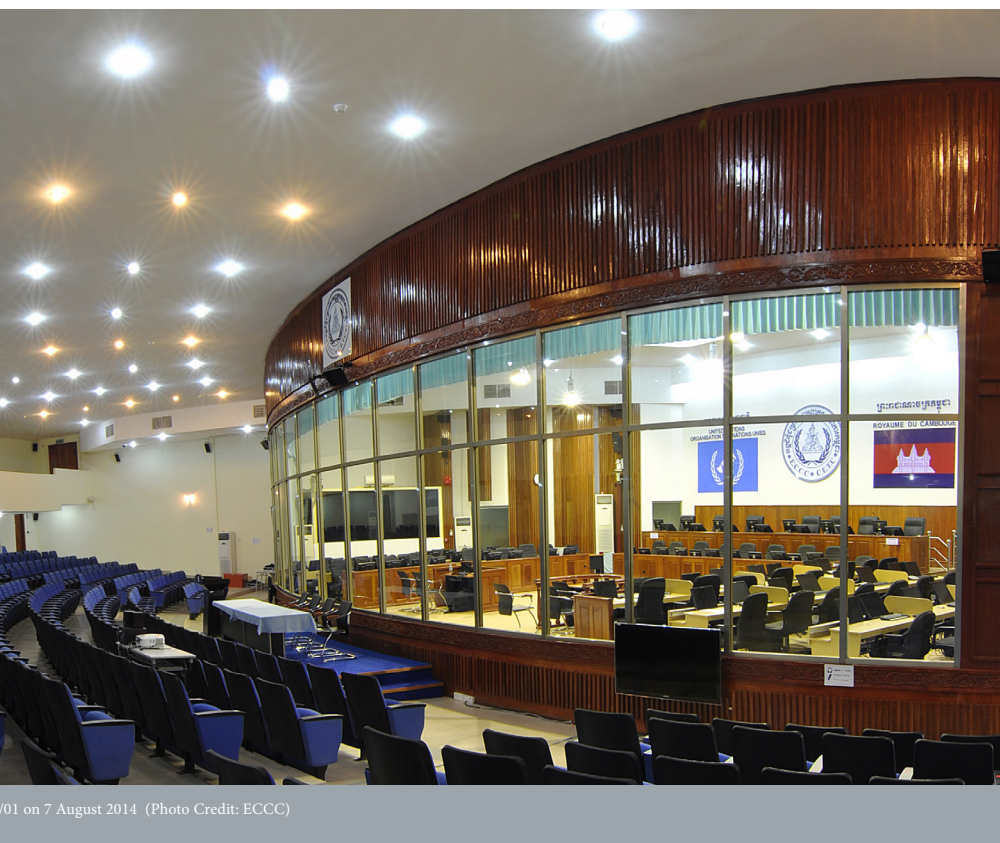
On 16 May 2014 the co-lawyers for a suspect in Case 004 filed an appeal against a decision of the international Co-Investigating Judge on a request for investigative actions. The written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

#### Appeal PTC08: deliberations ongoing

On 19 May 2014 the co-lawyers for a suspect in Case 004 filed an appeal against a decision of the international Co-Investigating Judge on a motion for annulment of investigative action pursuant to Internal Rule 76. The written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

#### Appeal PTC09: appeal expected soon

On 18 July 2014 the co-lawyers for a suspect in Case 004 filed a notice of appeal against a decision



01 on 7 August 2014 (Photo Credit: ECCC)

of the international Co-Investigating Judge rejecting an urgent motion for access to the case file and for participation rights in the judicial investigation.

### Appeal PTC10: appeal expected soon

On 22 July 2014 the co-lawyers for a suspect in Case 004 filed a notice of appeal against a decision of the international Co-Investigating Judge regarding a request for clarification on whether the Defence can conduct its own investigation.

## Office of the Co-Investigating Judges

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

Two witnesses were interviewed in relation to Case File 003 at the ECCC by OICIJ investigators. With regard to Case 004, three field missions took place, during which seven witnesses were interviewed and three investigation action reports drafted, as well as one report on the delivery of a summons. Ten witnesses were interviewed at the ECCC premises.

The OCIJ Analysts Unit reviewed evidentiary material to assist the legal teams. A review of over 1,000 entry logs of prisoners at Khmer Rouge security centres continued. Additionally, the Analysts

Unit assisted and participated in the field missions conducted during the month of July.

Civil party applications in Cases 003 and 004, which presently total in excess of 2,116, are progressively being placed on the case files, while their admissibility and evidentiary value are being subjected to thorough scrutiny by two Khmer legal officers. So far, over 1,500 civil party applications have been reviewed for admissibility for both case files.

## Office of the Co-Prosecutors

### Case 002

The Co-Prosecutors continued preparations to ensure an efficient and thorough trial of the crimes covered in the upcoming Case 002/02. The Co-Prosecutors filed a lengthy and detailed submission explaining how the anticipated testimony of each witness, expert and civil party whom they have requested be called in Case 002/02, but who were not included in the first witness list submitted by the prosecution in 2011 prior to the start of Case 002/01, meets the requirements of Internal Rule 87(4).

At the initial hearing in Case 002/02 on 30 July 2014, the Co-Prosecutors announced that they would be appealing the Trial Chamber's decision that the third form of joint criminal enterprise was

not part of customary international law and therefore not applicable to crimes committed during the jurisdictional period of the ECCC.

The Co-Prosecutors also made submissions on which witnesses, experts and civil parties should be called to testify in Case 002/02, and on the suggested order of the trial evidentiary hearings. The Co-Prosecutors stated their availability to begin the trial and their desire to see the proceedings commence as soon as possible. The Co-Prosecutors are also currently conducting research on likely appeal issues in Case 002/01, which was delivered on 7 August 2014.

### 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 their disclosure obligations arising out of these cases.

During the month of July the Co-Prosecutors also filed three filings in Case 003 and one filing in Case 004.

### Outreach

On 23 July 2014, the international Co-Prosecutor coached the mock trial team at the Royal University of Law and Economics.

Also on 23 July 2014, staff spoke to a visiting group of students from the Institute for International Peace and Security Law, University of Cologne, regarding the work of the office of the Co-Prosecutors.

## Defence Support Section

In Case 002, the Nuon Chea and Khieu Samphan Defence teams have remained hard at work preparing for the upcoming trial in Case 002/02. Their work has mainly focused on examining the documents, experts and witnesses proposed by the Co-Prosecutors and Civil Party Lead Co-Lawyers and working on the order of the examination of evidence. An initial hearing was held on 30 July 2014.

The Case 003 Defence team has continued to file submissions (classified as confidential by the Office of the Co-Investigating Judges and Pre-Trial Chamber) to protect the suspect's fair trial rights, and continues to review publicly available material, since the case file remains inaccessible to the Defence team.

The Pre-Trial Chamber also rejected the decision of the Co-Investigating Judges concerning the appointment of co-lawyers Ang Udom and Michael Karnavas



A signing ceremony was held on 10 July 2014 for the memorandum of understanding between the ECCC and the Ministry of Culture and Fine Arts (VSS Photo)

to Case 003, finding that there is no conflict of interest stemming from the co-lawyers' previous role in defending Ieng Sary.

In Case 004, the Defence teams have continued to file motions to protect their clients' rights as suspects and prepare their clients' defence by reading all publicly available information concerning the potential cases against their clients. The Defence teams have argued that their inability to access the case file violates their clients' fair-trial rights.

One of the Defence teams is preparing to appeal a decision denying it access to the case file; it has requested access to all documents cited in the decision. The Defence team has also appealed a decision denying it the ability to conduct its own investigation.

## Civil Party Lead Co-Lawyers Section

The newly appointed international Civil Party Lead Co-Lawyer, Ms. Marie Guiraud, was welcomed to her post and began her work in-country on 1 July 2014. Ms. Guiraud, who served as a civil party lawyer in Case 002/01, quickly joined in the consultations on reparations and began to work with her national counterpart, Mr. Pich Ang, and the civil party lawyers to ensure the effective, efficient and meaningful participation of civil parties

in the proceedings.

### Key legal developments

On 29 July 2014, the civil parties filed a request before the Trial Chamber asking that it admit into evidence and hear the oral testimony of 18 civil parties and admit into evidence 19 documents and exhibits which were newly proposed in Case 002/02.

The next day, on 30 July 2014, the Civil Party Lead Co-Lawyers made oral pleadings in the initial hearing, which kicks off the trial proceedings in Case 002/02. The Civil Party Lead Co-Lawyers Section provided an initial specification on the substance of the awards they intend to seek as collective and moral reparation in the next case.

Additionally, they explained the analysis that Civil Parties undertook in identifying the witnesses, experts and civil parties that they proposed to give oral testimony and presented arguments to the objections of the Khieu Samphan Defence team to several of the individuals proposed.

### Meetings and Outreach

Throughout the month of July, the Civil Party Lead Co-Lawyers Section appeared on a number of radio and television programmes to provide commentary on civil party participation and the legal proceedings

in Cases 002/01 and 002/02.

### Reparations

On 21 July 2014 the Civil Party Lead Co-Lawyers Section and civil party lawyers, in cooperation with the VSS, held a Civil Party Consultation on Case 002/02 Reparations, in which 104 civil parties participated. The objective of the meeting was to facilitate meaningful discussion and take civil party input on potential reparation projects to be developed in Case 002/02.

A number of the projects raised and discussed at this consultation, as well as that conducted with reparations stakeholders in June, were raised as potential reparation projects at the initial hearing.

## Victims Support Section

### Legal representation

The ECCC-funded civil party lawyers of the VSS have been preparing evidence and civil party testimonies for Case 002/02. The team has participated in many meetings with the Lead Co-Lawyers, discussing both legal preparations for hearings and reparation schemes for Case 002/02.

Moreover, the team participated in the initial hearing for Case 002/02 on 30 July 2014.

The lawyers also attended the Civil Party Consultation on Reparations Requests for Case 002/02 on 21 July 2014.

### Processing and analysis

The Processing and Analysis Team filed 15 applications in Case 003 and 47 in Case 004 with the Office of the Co-Investigating Judges. As of 31 July 2014, there were 1,768 applications for these two cases.

### Outreach

VSS invited 40 civil parties, including 24 women and survivors of gender-based violence, to attend the initial hearing in Case 002/02. On the same day, the Chief of VSS also provided a brief presentation to civil parties on the 13 reparation projects proposed in Case 002/01, before civil party lawyers explained the importance of the initial hearing and the next steps in Case 002/02.

On 10 July 2014, the Chief of VSS was invited to speak at a workshop in Kampot province on “meaningful victim participation and reparations in the ECCC proceedings”, which was jointly organized by the Cambodian Human Rights Action Committee and the Cambodian University of Specialties. The VSS Chief gave a presentation on the background of civil party participation in ECCC proceedings and mechanisms created to facilitate and coordinate this participation.

On 23 July 2014, the Chief of VSS and the Complaints and Applications Manager provided a presentation on the mandate of the VSS, especially in relation to civil party participation and reparations/non-judicial measures, for a group of German and Cambodian students.

### Reparations and non-judicial measures

The Reparation and Non-Judicial Measures Team has continued to facilitate and coordinate the implementation of all 18 related projects through meetings and technical support. The team has also coordinated and helped to solve a miscommunication issue between Kdei Karuna and Youth for Peace on the finalization of materials for the mobile exhibition project.

A signing ceremony was held on 10 July 2014 for the memorandum of understanding between the ECCC and the Ministry of Culture and Fine Arts, concerning the building of a memorial stupa at Tuol Sleng Genocide Museum. The ceremony involved about 70 participants representing different stakeholders, including the ECCC, the Ministry, donors, embassies, implementing partners, civil society organizations, government agencies and media.

The Team has been communicating with the Min-

istry to prepare a workshop with relevant stakeholders to discuss the construction of the stupa. The workshop will be held in August 2014.

In addition, VSS and the Lead Co-Lawyers Section collaboratively organized a Civil Party Consultation on Reparation Project Requests for Case 002/02, held on 21 July 2014. The consultation involved about 104 civil parties and 36 other participants.

A three-year project on gender-based violence during the Khmer Rouge era, which receives financial support from the United Nations Trust Fund to End Violence against Women, was supposed to finish in September but has now been extended until November 2014. With the budget reallocation stemming from the project extension, two more forums will be held to distribute the verdict to those civil parties who survived gender-based violence under the Khmer Rouge.

Finally, VSS also participated in a meeting hosted by Ending Violence against Women, a network of lawyers and legal practitioners working on the issue of violence against women. The meeting explored the realities of rape in Cambodia.

## 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](http://www.eccc.gov.kh/en/document/court)

### Trial Chamber

**8 July 2014:** Agenda for further Initial Hearing in Case 002/02 (30 July 2014) <E311/1>

**18 July 2014:** Direction to Civil Party Lead Co-Lawyers to Provide Additional Information concerning Civil Party TCCP-19 <E305/7/3>

**21 July 2014:** Decision on Co-Prosecutors' Application for Extension of Page Limit for Witness, Expert and Civil Party Internal Rule 87(4) Justifications <E307/3/1>

**22 July 2014:** Summons to the Accused Nuon Chea and Khieu Samphan <E202/118>

**22 July 2014:** Order to bring the Accused Nuon Chea and Khieu Samphan <E202/119>

**24 July 2014:** New Pseudonyms for Witnesses, Civil Parties and Experts proposed to be Heard in Case 002/02 <E305/15>

**29 July 2014:** Order to bring the Accused Nuon Chea and Khieu Samphan <E202/120>

**29 July 2014:** Summons to the Accused Nuon Chea and Khieu Samphan <E202/121>



# Case 002/01 official statements

## Joint Statement by HE Sok An, Deputy Prime Minister, and Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs of the United Nations

We welcome the delivery of the judgement by the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) in Case 002/01 on 7 August 2014. The delivery of today's verdict is a milestone in the work of the ECCC, and a historic moment in international criminal justice. It is also a momentous day for the people of Cambodia. Since the Khmer Rouge regime was overthrown on 7 January 1979, just over 35 years ago, the Cambodian people have struggled to rebuild their society.

The work of the ECCC, a national court established with international participation and assistance, demonstrates the commitment on the part of the United Nations, the Royal Government of Cambodia and the international community that there must be justice for the victims of the shocking crimes committed during the Khmer Rouge regime.

The Royal Government of Cambodia and the United Nations Secretary-General have repeatedly emphasized that there must be no impunity for the most serious international crimes. The independent judicial process must be permitted to run its course to ensure that those who would perpetrate serious crimes are held accountable.

The ECCC has demonstrated that it has the capacity to conduct complex prosecutions in accordance with due process and international standards. In February 2012 the judgement in Case 001 was finalized, with the conviction of the director of the notorious S-21 prison for crimes against humanity and war crimes.

Today's verdict is the outcome of a noteworthy judicial process. Almost one hundred individuals have given live evidence in Case 002/01. The ECCC has provided unprecedented victim participation by almost 4,000 Civil Parties throughout the trial. They were able to describe their suffering and make claims for reparation. More than 100,000 people visited the court to see the trial, while millions more followed it through live television, radio broadcasts and the internet. The process will serve as an invaluable historical record for the people of Cambodia and the wider world.

We take this opportunity to express our deep appreciation to all who have contributed to this process—the judges and prosecutors, lawyers, court officials and staff, both national and international. Moreover today's verdict is testament to the long-term commitment, both internationally and nationally, to provide the ECCC with the necessary resources to ensure that justice is done for the people of Cambodia. We look forward to the ECCC continuing its important work. We call upon all involved to continue to support and uphold the independent judicial process.

## US Embassy in Cambodia

The US Embassy in Cambodia welcomes today's historic guilty verdict by the Extraordinary Chambers in the Courts of Cambodia (ECCC) against Nuon Chea, the deputy to Pol Pot, and Khieu Samphan, a former head of state, for crimes against humanity committed during the Khmer Rouge regime. We express our gratitude to the judges and other representatives of the tribunal for their hard work and commitment to justice.

The US Government has long supported the goal of prosecuting those most responsible for the atrocities perpetrated by the Khmer Rouge regime, which claimed as many as 2.2 million victims and brought unimaginable hardship and misery to the people of Cambodia. We hope that this verdict will offer a measure of peace and justice to the families of the victims of the Khmer Rouge. The US Government will continue to support the efforts of the ECCC to bring justice to the Cambodian people, to shed light on the horrific crimes of the Khmer Rouge regime, and to strengthen the rule of law in Cambodia.

## European Union, Brussels

We welcome the verdict pronounced today by the Judges of the Extraordinary Chambers in the Courts of Cambodia in the Case 002/01 against former senior leaders of Democratic Kampuchea Nuon Chea and Khieu Samphan. Their condemnation is an important positive step in the global fight against impunity. It demonstrates that any political leaders can be held accountable for their acts, even decades after they were committed.

As a member of the Friends of the Extraordinary Chambers in the Courts of Cambodia, the EU has contributed substantially to the functioning of the Court over the last years. The EU intends to continue its support in the interest of justice for the victims of the Khmer Rouge regime and to contribute to the national reconciliation process in Cambodia.

## French Ministry of Foreign Affairs and International Development

Nuon Chea, the former number-two of the Khmer Rouge regime, and Khieu Samphan, the former head of state, have just been found guilty of crimes against humanity and sentenced to life imprisonment. This ruling ends a long wait for the families of the victims and the Cambodian people, and represents a new step forward on the path to justice and the fight against impunity.

We welcome the work conducted by the Extraordinary Chambers in the Courts of Cambodia, which observed the highest standards of legality and the rule of law, and invite them to pursue their mission in a timely fashion. France supported this court from the beginning, particularly in a financial sense, providing it with a total of US\$8.2 million. We will continue to provide support for both the court and the civil parties representing the victims, who participated actively throughout the trial—a first in the history of international criminal justice.



More than 70 VIP's members came to the ECCC on 7 August 2014. (Photo : ECCC photo)

## US Secretary of State John Kerry

More than 30 years after the Khmer Rouge slaughtered some 1.7 million people, Cambodians have received a small measure of justice and a reminder that justice may not be swift, but justice is resolute. Today's verdict against two of the most senior surviving members of the Khmer Rouge is a milestone for the Cambodian people who have suffered some of the worst horrors of the 20th century.

Of all the work I was a part of as a member of the Senate Foreign Relations Committee for 29 years, I'm especially proud to have travelled so many miles between Phnom Penh and Washington to work with Cambodians to create the Extraordinary Chambers in the Courts of Cambodia (ECCC). This issue mattered deeply to me as someone who experienced American foreign policy in a personal way as a young man, serving in the region, and I wanted to be just as personally engaged in the work to find closure decades later.

The effort to try those most responsible for these horrific crimes was long overdue and absolutely vital. I'll never forget the inspiring story of the photojournalist Dith Pran, whose survival during those bloody years was a triumph of the human spirit. He once said, "The dead are crying out for justice." And believe me: through the ECCC, the international community is working together to make sure that those cries are finally heard.

The United States will continue to support the efforts of the ECCC to secure justice and shed light on the darkest chapter of Cambodian history. Today's verdict is a historic, if long delayed, step along the path for Cambodia. We must now help Cambodia's people see the job through as they usher in a new era of justice, accountability and reconciliation.



## Media reaction to Case 002/01 judgement

The Public Affairs Section gathered 50 unique English-language news reports on 7 and 8 August 2014 relating to the pronouncement of the verdict in Case 002/01, with the local newspapers *Phnom Penh Post* and *Cambodia Daily* accounting for eight of these. The nature of the articles could be broadly classified as news reports on the verdict, profile pieces on the accused and victims of the Khmer Rouge, and reactions from different parties—including local Cambodians and NGO monitors.

While most news reports listed the charges against Nuon Chea and Khieu Samphan, the overwhelming majority consecrated more space to providing a general history of the Khmer Rouge era and discussing the legacy of the regime, rather than the specific focus of Case 002/01. Only a small number of articles distinguished between the verdicts handed down to each of the accused or noted the legal reasoning behind the judgement.

Reactions from the Cambodian people featured heavily, and sentiments ranged from satisfaction to ambivalence; many also commented that a sentence of life imprisonment seemed inadequate, given the nature of the crimes. Published comments from the national population often focused on personal experiences under the Khmer Rouge—such as losing family members and enduring severe hardship—and many people made a connection between their personal suffering and the verdict against the two senior Khmer Rouge leaders.



More than 180 journalists attended the judgement in Case 002/01 (photo credit: Net Sokheng)

Civil party reactions were generally sourced from the victims themselves, with the Civil Party Lead Co-Lawyers receiving little direct coverage immediately after the verdict. Similarly, the subject of reparation projects was not widely reported on, despite being part of the judgement. In the articles gathered on 7-8 August 2014, discussion of reparations was limited to the national press (including the *Phnom Penh Post* and *Cambodia Daily*) and one article from CNN.

The Defence teams for Nuon Chea and Khieu Samphan were widely cited for their intention to appeal the verdict and, to a lesser extent, their dissatisfaction with the trial process. Many articles also chose to report on the perceived difficulties of the ECCC in recent years: the length of proceedings (including the death of Ieng Sary while on trial and the stay of pro-

ceedings against Ieng Thirith), the cost of the tribunal, financial instability and questions of judicial independence were all mentioned across a range of news agencies.

Quotes were also sourced from a range of external actors, with Mr. Youk Chhang, Executive Director of DC-Cam, receiving attention in *The Wall Street Journal*, *New York Times*, Reuters, the BBC and CNN. Similarly, Ms. Anne Heindel, who has published a book on the tribunal and who acts as a legal adviser to DC-Cam, received international coverage. The Open Society Justice Initiative, Amnesty International, the Cambodian Center for Human Rights, the Cambodian Defenders Project, Professor David Scheffer and Dr. Craig Etcheson were among other commentators quoted by the media.

## Visitors witness final judgement in Case 002/01

Almost 500 Cambodians and foreigners witnessed the judgement hearing in Case 002/01 on 7 August 2014 inside the main courtroom of the ECCC.



**Ms. Billon Ung**

**73 years old, wife of the former president of the Cambodian National Assembly in 1973**

"I feel uncomfortable about this final verdict because even if they [Nuon Chea and Khieu Samphan] were sentenced to life imprisonment, they will still be living and eating in good conditions. Also, during the judgement they did not seem to be frightened about the verdict. Their behaviour during the pronouncement seemed to imply that they look down on us [Cambodian people]. This sentence will not help any people in Cambodia to forgive and move on".



Five hundred Cambodians and foreigners witnessed the judgement hearing on 7 August 2014. (photo credit: Kimlong Meng)



## ECCC roundtable discussion at TVK

A roundtable discussion was broadcast on 20-21 July 2014, focusing on the pronouncement of the verdict in Case 002/01 against Nuon Chea and Khieu Samphan. Panel guests included Mr. Seng Bunkeang (Deputy National Co-Prosecutor), Mr. Victor Koppe (Defence Co-Lawyer for Nuon Chea), Mr. Neth Pheaktra (ECCC Press Officer), Mr. Pich Ang (National Civil Party Lead Co-Lawyer) and Mr. Aun Phally (a victim of the Khmer Rouge regime). The discussion was broadcast through Television Khmer (TVK).

The roundtable topic was the “judgement in the trial against Nuon Chea and Khieu Samphan on 7 August 2014” and the show was broadcast in Khmer.

Victor Koppe stated that the “judgement day will have an impact on the second trial” and that he had “met and spoke[n] with Nuon Chea previous to the broadcast”. Mr. Koppe affirmed that Nuon Chea was in good health and spirits, despite becoming dissatisfied during the trial process. Nuon Chea has argued that “there were good reasons for the evacuations” that fell within the scope of Case 002/01 and that the “pre-trial investigation was not fair”. He had formerly expressed moral responsibility for the suffering of Cambodian people under the Khmer Rouge regime, but insisted that he had no legal responsibility.

## Outreach with international schools and institutions



Students from the National University of Singapore visited the ECCC for a study tour. (ECCC Photo)

Sixty-five international visitors toured the ECCC in July to learn about the activities of the tribunal. Students and NGO workers made up the bulk of visitors, but they arrived from a variety of countries, including Singapore, Thailand, Poland, the US and Australia. All visitors went to S-21 prior to their court tour to learn about the past, and appreciated being able to learn about the present caseload while at the tribunal.

On 14 July 2014, around 25 students from the National University of Singapore visited the ECCC for a study tour. The students received a presentation

on the history of Democratic Kampuchea, the background of the defendants, the history of the establishment of the ECCC, and the future activity of the ECCC.

On 16 July 2014, around 10 students visited from Thailand. They were particularly interested in the role of Singapore in supporting the ECCC.

On 21 July 2014, five postgraduate students visited from Poland. They were briefed on the mandate of the ECCC and showed particular support for the ECCC’s focus on bringing justice to Cambodia while maintaining peace.

On 22 July 2014, 10 high school teachers from the US and Cambodia visited the ECCC. They showed interest especially in the outreach programmes, which teach the different generations about their country’s past.

On 28 July 2014, nine people from the Australian NGO Oaktree visited the court. Most members of the group were young adults who were interested in the ECCC’s outreach activities in the provinces.

Although all groups seemed to have different specific interests in the ECCC, on the whole they supported the continued publicization of the trial process both internationally and within Cambodia.

## Law students attend seminar series at the ECCC

The ECCC, in cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, hosted on 22 July 2014 and on 5 August 2014 two seminars as part 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 and teachers/researchers in Cambodia, as well as to foster interaction between the ECCC and academia, with a view to facilitating research for their respective purposes. “These seminars present a very good opportunity for law students to gain knowledge of the ECCC, human rights in Cambodia and to meet the famous David Scheffer”, said Chin Borin (21 years old, Royal University of Law and Economics, Bachelor of Law in English).

According to Borin, the most interesting moment during the second seminar was when David Scheffer, the UN Secretary-General’s Special Expert on United Nations Assistance to the Khmer Rouge Trials, talked about the negotiations between the Government of Cambodia and the United Nations to set up the ECCC in 1997.



Around 60-80 law students and recent graduates in Cambodia will attend each seminar during the seminar series. (ECCC Photo)

During the first seminar held on 22 July 2014, Dr. Kirsten Sellars, from the National University of Singapore, spoke on the legacy of the first international tribunal in Asia and the International Military Tribunal for the Far East. The second seminar, led by Professor David Scheffer, focused on the origin of the Khmer Rouge tribunal.

In total 10 seminars will be conducted in this series, covering a variety of topics from the “historical approach to international criminal law” to “the substance of the crime of genocide” and “judicial independence and impartiality”. Around 60-80 law students and recent law graduates in Cambodia will attend each seminar.

## ECCC OUTREACH

The Public Affairs Section of the ECCC hosts Khmer Rouge Tribunal Study Tours, bringing groups of 200-300 villagers from areas throughout Cambodia twice a week to the ECCC, the Tuol Sleng Genocide Museum and the Choeung Ek killing fields for a guided tour and briefings. During the trial recesses, the Public Affairs Section also conducts school visits to give briefings, as well as hosting community video screenings across Cambodia. It also welcomes international group visitors and provides briefings and court tours.

July 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
		1 Study tour Pursat province (200)	2	3 Study tour Battambang province (350)	4 Study tour Takeo province (300)	5
6	7	8 Study tour Pursat province (500)	9 Study tour Battambang province (350)	10	11	12
13	14	15 Study tour Pursat province (500)	16 Study tour Battambang province (350)	17	18	19
20	21	22 Study tour	23	24 Study tour	25	26
27	28	29	30 Initial Hearing Case 002/02 (800)	31 Study tour Kampot province (400)		

August 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7 Pronouncement of the verdict in Case 002/01	8	9
10	11	12 Study tour Pursat province (400)	13 Study tour Battambang province (350)	14 Study tour	15	16
17	18	19 Study tour	20	21 Study tour	22	23
24	25	26 Study tour	27	28 Study tour	29	30
31						

## OUTREACH ACTIVITIES



A community in Takeo province celebrated the inauguration of a new stupa. (CHRAC Photo)

**August 2014:** CHRAC will print teaching-material handbooks, titled “Additional Understanding of ECCC Proceedings”.

**4-6 August:** The construction of a stupa was finalized and celebrated by the community in Takeo province. The stupa will be used as a memorial for the Khmer Rouge era and to educate local youth. Local facilitators facilitated this activity, under close observation by Kdei Karuna staff.

**6-8 August:** 16 local facilitators from Kdei Karuna from 15 different communities (Khmer, Cham, Kreung and Phnorn) were invited to visit the ECCC for the judgement in Case 002/01. They will share this experience with their communities.

**7 August:** CHRAC distributed the Civil Party Story Book to civil parties at the Royal University of Phnom Penh.

**11 August:** CHRAC held a live KRT Watch radio call-in show at the Women’s Media Centre of Cambodia. The theme of this event was “results of the judgement in Case 002/01”. Mr. Pich Ang, national Civil Party Lead Co-Lawyer, and Mr. Hong Kim, a national civil party co-lawyers attended the show. The show will be rebroadcast on 23 August 2014.

**18-22 August:** Kdei Karuna will interview 20 people (villagers, local authorities, elders and youth) in communities in Takeo and Siem Reap provinces in order to measure their knowledge and understanding of reconciliation work and Khmer Rouge history.

**25-29 August:** Kdei Karuna will hold a local facilitator network meeting in Phnom Penh. All local facilitators from 15 different communities will be trained on proposal development to help their own communities with memory work, conflict transformation and dealing with the past.

**End of August 2014:** CHRAC will host a half-day legacy workshop with university students. The theme of this workshop is the “Annotated Cambodian Code of Criminal Procedure and important strategies for the implementation of the ECCC’s best practice and international fair trial standards”, and it will be held at Khemarak University in Phnom Penh. There will be approximately 150-200 students and speakers from OHCHR and/or BACK.



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

The ECCC welcomes visitors. For more information: [pas@eccc.gov.kh](mailto:pas@eccc.gov.kh).

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

**General**  
Tel: +855 (0)23 861 500  
Fax: +855 (0)23 861 555

**Press Inquiry**  
Tel: +855 (0)23 861 669  
Tel: +855 (0)23 861 564

**Court Visit**  
Tel: +855 (0)23 861 639

**Victim Support**  
Tel: +(855) 023 214 291

**ECCC on the Web**  
ECCC [www.eccc.gov.kh](http://www.eccc.gov.kh)  
UNAKRT [www.unakrt-online.org](http://www.unakrt-online.org)  
Twitter [twitter.com/KRTribunal](https://twitter.com/KRTribunal)  
Flickr [www.flickr.com/krtribunal](https://www.flickr.com/krtribunal)  
Facebook [www.facebook.com/krtribunal](https://www.facebook.com/krtribunal)  
Youtube [www.youtube.com/krtribunal](https://www.youtube.com/krtribunal)



## The Court Report

Publisher: DIM Sovannarom, Chief of Public Affairs Section  
Editorial team: Lars-Joergen Olsen, NETH Phektra, Madeleine Willis,  
Jeanette Sequeira, Camille Marie-Regnault, Lorena Rodriguez Alvarez  
Photographer: NHET Sok Heng, TV/Radio Officer