



The Court Report

DECEMBER 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



Ieng Sary assisted by security guards in the ECCC courtroom during Opening Statements of Case 002.

In this issue

2-3 News and Notes

4-5 In the Courtroom

6 Outreach Activities

7 Outreach Partners

8-9 Judicial Updates

10 Decisions & Orders

11 Outreach Calendar

12 Contact Information

Ieng Sary Found Fit to Stand Trial

Former Khmer Rouge Deputy Prime Minister of Foreign Affairs Ieng Sary is fit to stand trial and able to continue participating in the proceedings of the first trial in Case 002, the Trial Chamber ruled on 26 November.

In its ruling, the chamber affirmed that the accused, one of three co-accused on trial before the ECCC, is “capable of meaningful participation in his own defence” and determined that a stay of proceedings, adjournment or severance of the accused’s case is “unwarranted” at this stage.

The decision came two weeks after the chamber heard testimony from a court-appointed medical expert, geriatrician John Campbell of New Zealand. The expert discussed his findings from the latest round of fitness as-

sessments of Ieng Sary, who had been hospitalized for two months beginning on 7 September. Cambodian treating doctors at the Khmer-Soviet Friendship Hospital had reported to the chamber that the accused remained weak and complained about dizziness which could be “due to his heart condition as well as restricted blood flow to the brain” and might require surgery.

In his testimony on 8 November, Prof. Campbell said that he found the accused had become more physically frail than before but there was no evidence that the accused could not participate in the proceedings. The professor testified that Ieng Sary’s mental state had not changed and his heart disease remained stable. He also cited three possible causes for

Article continues on page 2

Ieng Sary Found Fit to Stand Trial... continued from page 1

the accused's latest problem of dizziness, which he testified is "very common in people of his age".

Prof. Campbell recommended that the accused be returned to the ECCC detention facility and that he utilize the holding cell during the trial proceedings.

The 87-year-old accused has a history of medical conditions, including a cardiovascular problem, urological disorders and arthritis of the lower spine. His fitness to stand trial has been assessed by multiple medical experts, but none of the four expert reports filed with the Co-Investigating Judges and the Trial Chamber since September 2009 found the accused mentally or physically incapable of participating in the proceedings.

Citing these medical findings, including the latest by Prof. Campbell, the chamber noted in its decision that "the impact of these physical ailments is not such as to render the accused Ieng Sary incapable of participating effectively in his own defence."

The chamber denied the defence's request to appoint a new expert to reassess the accused's trial fitness and indicated that it may



Monks from Siem Reap Province watch hearing on Ieng Sary's fitness to stand trial.

order the accused's participation in the proceedings from the holding cell.

Ieng Sary has been detained since November 2007 and is charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide, along with co-accused Nuon Chea and Khieu Samphan. The current trial concerning forced movements of

population and their related crimes against humanity is the first trial in Case 002 which began last November.

Another accused, former Khmer Rouge Social Action Minister Ieng Thirith, who is also the wife of Ieng Sary, was found unfit to stand trial due to her dementia and has been separated from the case.

US Peace Corps Volunteers to Facilitate ECCC Study Tours



Peace Corps volunteers watch a film on the ECCC.

A new group of American Peace Corps volunteers gained insight into the work of the Khmer Rouge tribunal while preparing to engage in ECCC outreach work on 13 November during a two-week training programme in Takeo province.

About 60 volunteers, the majority of whom are placed in high schools across Cambodia, took part in a session dedicated to the topic of the history of the Khmer Rouge re-

gime and the work of the Extraordinary Chambers in the Courts of Cambodia.

The group first interacted with two Takeo residents who survived atrocities during the Democratic Kampuchea period and now work with the Documentation Center of Cambodia teaching the history of the Khmer Rouge regime in schools. The two survivors recounted stories about how they were treated as "new people"—urban people forced to relocate to the countryside—the loss of their family members and how they survived the regime.

The new volunteers also listened to a presentation from a public affairs officer from the Extraordinary Chambers in the Courts of Cambodia on the court's hybrid setup, extensive outreach activities and history of collaboration with Peace Corps volunteers. "You could be part of outreach efforts by helping to bring students from your schools to the court," said Yuko Maeda of the ECCC.

The ECCC has been organizing study tour programmes for rural Cambodians and students that include free transportation services—for groups of more than 50 people—

to visit the court as well as the Choeung Ek killing fields and Tuol Sleng National Museum, a former Khmer Rouge security prison.

A number of Peace Corps volunteers have become local coordinators facilitating ECCC study tours for their students and neighbouring villagers over the last few years. The collaboration began when a then volunteer was taken on one of the study tours by his host family in Kep and found the tour a worthy effort. He then organized a tour for his high school students and spread the word to other Peace Corps volunteers across Cambodia. This year's induction training was the first time that an ECCC official was invited to brief the volunteers on the work of the court.

"The KRT training provided missing information regarding Cambodian history for the Peace Corps Volunteers. The KRT training and the presentations from the survivors greatly assisted our volunteers in understanding the context of their service here in Cambodia," said Ms. Carol Allbaugh, director of Peace Corps Cambodia.

New Zealand Premier Announces Pledge during ECCC Visit

Prime Minister John Key of New Zealand announced a new pledge of NZ \$200,000, or about US \$163,000, to the Extraordinary Chambers in the Courts of Cambodia while visiting the court on 21 November to gain insight into the work of the tribunal.

The premier led an eight-member delegation to the court at the end of his official visit to Cambodia. The visit was timed to coincide with the East Asia Summit held in Cambodia. The prime minister was the first head of government received at the court.

The announcement of the new pledge came when the premier held a meeting with Acting Director Tony Kranh and Deputy Director Knut Rosandhaug, who briefed Prime Minister Key on the historical importance of addressing grave crimes of the Khmer Rouge regime.

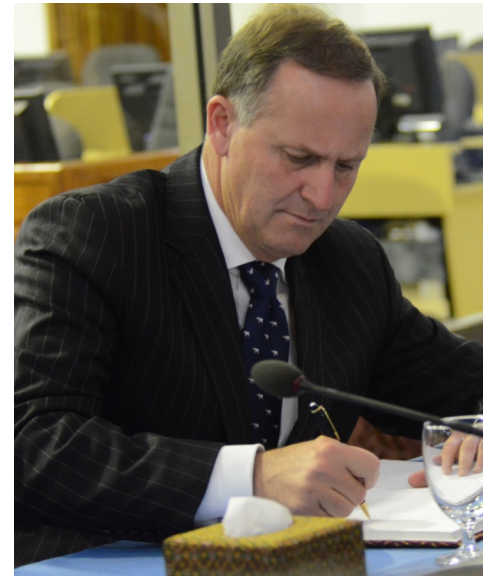
Prime Minister Key stated that he appreciated the progress the court had made and expressed his will to support that process. "New Zealand will continue to help the tribunal

complete its work prosecuting the senior leaders of the Khmer Rouge," he said.

Following the courtesy meeting, the premier and his delegation spoke with Trial Chamber President Nil Nonn and Judge Silvia Cartwright from New Zealand to learn more about the hybrid nature of the court and some of the challenges the chamber faces in managing the trials. The delegation then toured the courtroom, escorted by the president and the judge.

"We would like to express our sincere appreciation to the Government of New Zealand for its continued support to the court," said Mr. Kranh and Mr. Rosandhaug in a joint statement.

New Zealand has supported the court since 2006 and has so far contributed nearly NZ \$1 million, or approximately US \$700,000. The latest pledge will bring their total contribution to NZ \$1.2 million.



Prime Minister Key announces New Zealand's further financial contribution to the ECCC.

Supreme Court Considers Ieng Thirith Release Conditions



Ieng Thirith participates in 13 November appeal hearing.

The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia held an appeal hearing on 13 November on the conditions of Ieng Thirith's release. The hearing followed the prosecution's appeal against a decision by the Trial Chamber to release the accused unconditionally as a result of her unfitness to stand trial.

While the prosecution agreed that the accused be released, Senior Assistant Prosecutor Chorvoin Song argued before the Supreme Court Chamber that such a release be subject to a number of coercive conditions, or measures of judicial supervision, including the presence of the accused at proceedings if resumed. Defence Counsel for Ieng Thirith, Diana Ellis and Phat Pouy Seng, argued before the chamber that the court lacks a legal basis

to impose conditions on Ieng Thirith's release since the proceedings will likely never resume. Counsel also argued that all conditions provisionally imposed should be lifted.

Ieng Thirith and her daughter Ieng Vichida, who has been appointed as the accused's general guardian by the Phnom Penh Municipal Court, appeared at the hearing. They were questioned by the chamber about their capacity and willingness to cooperate with the court and to abide by the release measures sought by the Co-Prosecutors. The Supreme Court Chamber is expected to issue a decision on the matter by 14 December, within three months of the prosecutor's initial appeal.

The hearing followed the Trial Chamber's 13 September decision to unconditionally release the accused, after finding her unfit to stand trial. Reviewing Ieng Thirith's court-directed medical reassessment, the Trial Chamber affirmed that the accused remains unfit to stand trial because she suffers from moderate to severe dementia, likely Alzheimer's disease.

The Trial Chamber found that without a reasonable prospect of being tried before the ECCC, it lacked a legal basis to hold Ieng Thirith in detention and ordered her immediate and unconditional release. The Co-Prosecutors concurred with the order to release Ieng Thirith, but appealed the deci-

sion on 14 September, seeking the court to order measures of judicial supervision that include the surrendering of Ieng Thirith's passport and identity card, conducting medical evaluations every six months and making the accused available for a weekly security check.

President Kong Srim of the Supreme Court Chamber, on 16 September, found it unnecessary to keep the accused detained pending a decision on the prosecution's appeal, and decided to release her on the following provisional conditions: (1) to provide her residing address to the chamber and seek authorization before moving; (2) to surrender her passport and remain in Cambodia; (3) to respond to any summons by the court.

Ieng Thirith was a minister of social affairs during the Khmer Rouge regime and has been indicted for crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide. Since she was first found unfit to stand trial in November 2011, the trial proceedings against her have been stayed.

Editor's Note: The Supreme Court Chamber has since issued a decision on the appeal against the Trial Chamber's unconditional release and has placed Ieng Thirith under supervision. Please see the ECCC website for more information.

In The Courtroom

Case 002

The Trial Chamber in the Extraordinary Chambers in the Courts of Cambodia continued in November to hear evidence in the first trial of Case 002 concerning former Khmer Rouge leaders Nuon Chea, Khieu Samphan and Ieng Sary, all of whom are accused of crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide.

The first trial focuses on crimes against humanity in relation to two phases of forced movements of population from Phnom Penh and other regions under the Khmer Rouge regime.

During the seven days of trial hearings in November, three witnesses and three civil parties appeared in court to testify about their experiences in relation to those forced movements and the Khmer Rouge military structure. In addition, on 8 November, the Trial Chamber heard the testimony of an expert witness about the condition of Ieng Sary, who was at the time hospitalized.

The first trial began a year ago and completed testimonies on the first and second segments of the trial--excluding those Ieng Sary had not waived his rights to present for. The first two segments concerned the historical background of Democratic Kampuchea, the Khmer Rouge regime's administrative and communication structures and some elements of the roles of the accused.



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

(Photo: Meng Kimlong)

Sum Chea, Witness

Testified 5 November

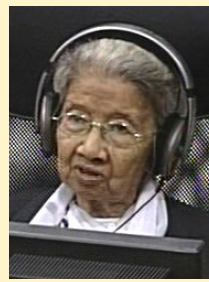
Mr. Sum, 59, a former Khmer Rouge soldier, testified about his participation in the evacuation of Phnom Penh. He described the treatment of the infirmed and the elderly, as well as the treatment of Lon Nol soldiers.



Mom Sam Oeum, Witness

Testified 6 November

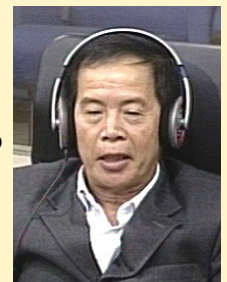
Ms. Mom, 84, lost her husband and six of her children during the Khmer Rouge regime. She testified about the evacuation of Phnom Penh and described being held at gunpoint by a Khmer Rouge soldier and seeing corpses along the road out of the city. She also described the health problems she has as a result of trauma experienced during the Khmer Rouge era.



Pe Chuy Chip Se, Witness

Testified 12 & 14 November

Mr. Pe Chuy, 58, was a clerk at the Pongro Security Office in Chikreng District, Siem Riep province under the Khmer Rouge regime. He was questioned about joining the Khmer Rouge in 1971, the security office in Siem Reap, notably on the basis of previous interviews that were conducted by the Co-Investigating Judges. He also discussed his role in managing the evacuees during the evacuation of Siem Reap.



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

In The Courtroom

Meas Saran, Civil Party

Testified 14 & 22 November

Mr. Meas, 63, was working in a medical center in Phnom Penh during the evacuation of the city. Besides testifying about his forced evacuation, he talked about being captured and questioned by the Khmer Rouge.



Chau Ny, Civil Party

Testified 23 November

Mr. Chau, 59, moved to Phnom Penh to join the American-backed military forces but never actually did so. He testified about being transported to Battambang province during the evacuation of Phnom Penh and how people were treated when they arrived there. He also asked Khieu Samphan where the body of his uncle lies.



Or Ry, Civil Party

Testified 22-23 November

Ms. Or, 50, testified about leaving Phnom Penh during the evacuation, focusing particularly on the different modes of transportation people were forced to use. She also talked about the torture she endured and mentioned that of her family, only she and one other sibling survived the Khmer Rouge regime.



John Campbell, Expert Witness

Testified 8 November

Professor John Campbell, a geriatrician, had been asked by the Trial Chamber to conduct an evaluation of Ieng Sary's mental and physical condition, in order for the chamber to determine his fitness to stand trial. He testified on 8 November about the method he employed to assess Ieng Sary's condition and presented his conclusions.



TC to Hear New Witnesses as Ieng Sary Returns Fit to Stand Trial

The Trial Chamber announced that it would hear testimonies on administrative and communication structures from those witnesses the chamber could not hear while the Ieng Sary was in the hospital. This announcement came after the Trial Chamber's 26 November ruling that Ieng Sary remains fit to stand trial and can participate in the trial proceedings.

Former Foreign Affairs Minister Ieng Sary had remained in the hospital since 7 September but was released on 7 November after the court-appointed medical expert, John Campbell, recommended he be discharged. During his hospitalization, the accused had waived his rights to be present during the testimony of a limited number of witnesses and civil parties.

(For more information, refer to related front page article "Ieng Sary Found Fit to Stand Trial".)

Visitors to Hearings of Evidence

Public interest in the ongoing trial of the three accused former Khmer Rouge leaders remains high. By the end of November, the Trial Chamber concluded 133 trial days, where a total of 41 witnesses, experts and civil parties have testified. At this time, a total of 64,999 persons have attended the trial hearings in Case 002, amongst which about 80% were Cambodian nationals brought to the court by the ECCC's free transportation services.

DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
5/11/2012	214	1	9	5	3	4	33	2	271
5/11/2012	326	1	29	6	3	4	30	0	399
8/11/2012	403	3	17	5	8	5	14	3	458
12/11/2012	283	2	18	6	4	3	48	1	365
13/11/2012	246	0	5	5	3	3	18	0	280
14/11/2012	226	1	21	2	3	4	33	0	290
22/11/2012	363	6	45	4	4	3	18	0	443
23/11/2012	404	25	13	6	3	6	16	2	475
Sub-Total: Nov	2465	39	157	39	31	32	210	8	2981
Total: Day 1 - Day 133 (Nov 2011 - Nov 2012)	53453	1527	1757	1778	939	764	4464	317	64999

Duch Final Judgment Books Distributed to Local Council



Provincial council representatives receive books on Duch's final judgment.

Nearly 400 members of commune, district and provincial councils across Cambodia received Duch final judgment books on 15 November at a regional meeting of the National Alliance of Communes in Kampong Cham.

The distribution was part of an effort by the Extraordinary Chambers in the Courts of Cambodia to reach out to local decision makers who could in turn inform their constituencies about the work of the court at a grass-

roots level.

During the distribution, ECCC Press Officer Neth Pheaktra briefed the audience about the historical background of the court's establishment and latest developments of the court proceedings. "It is a very important opportunity to speak to the local authorities about the ECCC and we strongly believe that they will transfer their knowledge about the ECCC to their villagers as they work closely with them," said Neth Pheaktra.

The final judgment book is a bound copy of the judgment issued by the ECCC's Supreme Court Chamber in early February, in which the conviction of former chief of the Khmer Rouge security prison S-21 Kaing Guek Eav alias Duch was upheld and his sentence was increased to life imprisonment from 35 years.

The distribution in Kampong Cham was the second mass distribution of the final judgment to the public. The first distribution was made to representatives of state and educational institutions in Phnom Penh in early July.

Future Leaders Learn about ECCC



Cambodian youth watch a film on Case 002.

A group of 23 young Cambodian leaders spent a day at the Extraordinary Chambers in the Courts of Cambodia on 23 November to engage in discussions with court officials and learn about the court's work on Cases 001 and 002.

The youth were selected to participate in a leadership programme to represent various NGOs and political parties by the International Republican Institute in Cambodia, an American organization that focuses on democracy-building capacities. During the day-long visit, the group heard presentations from Public Affairs, Defence Support Section, Victim Support Section, Office of the Co-

Prosecutors and the Co-Lead Lawyers for civil parties about their respective functions and day-to-day work. Court officials also spoke about the challenges the ECCC faces.

Before concluding the visit, the future leaders toured the court facilities and attended a hearing on Case 002. The participants also received the Duch final judgment book and other public information material related to the ECCC for the use at their represented organizations.

"This study visit is unprecedented as it provided a unique opportunity for youth who are the future leaders of this country to meet and vigorously engage in firsthand discussions with top national and international legal experts about the overall work and proceedings of the ECCC, particularly the achievements and challenges," said IRI Resident Country Director Sam Lahood.

"More importantly, the visit also provided these youth leaders with a better understanding of international perspective on the practice of fair trial, rule of law, due process and the separation of powers. IRI believes that such a study visit at the ECCC would significantly offer these Cambodian youth with valuable experience and inspiration for their future," he added.

SIDA Group Visits ECCC

A group of 23 delegates from five post-conflict countries including Cambodia visited the ECCC on 26 November to further their understanding of transitional justice. Upon arrival, the group toured the court and listened to presentations by court officials.

This visit was part of an international training programme in human rights, peace and security, financed by the Swedish International Development Cooperation Agency (SIDA).

The group attended a two-week workshop in Sweden. The delegates spent a total of two weeks in Cambodia, and also visited the Tuol Sleng Genocide Museum. The participants in this programme are involved in both civil society organizations as well as state institutions in their native countries.

Kampong Thom Voices Heard at Women’s Media Center Forum



Kampong Thom residents hold ECCC booklets before participating in discussions on the court.

Residents of Kampong Thom province living close to former Khmer Rouge security center Balaing Chorn Dek Pagoda expressed their desire to see a speedy completion of the current trial in Case 002. These concerns about the trial of the three former Khmer Rouge leaders were voiced at a public community forum held on 14 November at the pagoda.

The forum was organized by the Women’s Media Center, an NGO and radio station, and was attended by nearly 100 villagers from the surrounding area.

“Case 001 was closed with a life imprisonment of Duch, former Chief of S-21. I am very satisfied and happy with this decision. Justice was given to my family,” said Hav Sophea who said her father was killed at S-21. “Now, I am waiting for a verdict in Case 002 against three senior leaders of the Khmer Rouge regime – Nuon Chea, Khieu Samphan and Ieng Sary. I wish to see Case 002 finished soon,” she continued.

Other participants also expressed that they wished to see the Trial Chamber finish with Case 002 as soon as possible because they said both the defendants and victims in Case 002 are very old.

According to some survivors, Balaing Chorn Dek Pagoda was used as a security center during the Khmer Rouge era and hundreds

of people were allegedly imprisoned and killed there. Survivors of the regime and former soldiers of the Khmer Rouge attended the forum to listen to presentations from representatives of the Extraordinary Chambers in the Courts of Cambodia, its NGO partners and local authorities.

ECCC Press Officer Neth Pheaktra briefed the participants on the historical background of the establishment of the ECCC and the latest developments in the work of the court while other representatives spoke about their personal stories during the regime and their experience participating in ECCC outreach.

To supplement the presentations, the ECCC also distributed Duch final judgment books, the Duch apology book and other court publications to participants.

The event was the first public community forum organized by the Women’s Media Center to foster the understanding of villagers, particularly young people, about the work of the court and to encourage the community to support the ECCC proceedings. It was also aimed at promoting national reconciliation and social justice at a grassroots level. The Women’s Media Center plans to organize similar forums in other provinces in the near future.

Bophana Center Documentary Receives Award

Bophana Center’s “Red Wedding” won the award for best mid-length documentary at the International Documentary Film Festival in Amsterdam (IDFA) held between 14 and 25 November.

Directed by Lida Chan and Guillaume Suon, “Red Wedding” is about forced marriage under the Khmer Rouge regime. The documentary follows the life of Sochan Pen, a woman who was forced to wed a Khmer Rouge soldier. After the wedding ceremony, the soldier followed orders to rape his new 16-year-old bride. Sochan is now 40 years old and has since remarried, but as the documentary relays, continues to suffer as a result of her traumatic experiences during the Khmer Rouge era. “I want to cut the parts of my body that my husband touched at that time,” she says in the documentary.

Sochan Pen was not alone, however. During the Khmer Rouge era, there were around 250,000 such marriages, a statistic cited by the filmmakers of “Red Wedding.” This documentary focuses on bringing light to sexual and gender-based violence that occurred under the Khmer Rouge. One of the many crimes committed by the Khmer Rouge, sexual violence is an issue that has been largely overlooked.



RED WEDDING
A FILM BY LIDA CHAN & GUILLAUME SUON



The Bophana Center’s documentary “Red Wedding” features stories about forced marriages during the Khmer Rouge era.

Every month, each section of the Extraordinary Chambers in the Courts of Cambodia compiles a summary of its activities to inform the general public on the latest developments of the court. The following are updates from each section on the activities of **November 2012**. For decisions and orders, please refer to page 10.

Pre-Trial Chamber

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

At the conclusion of the reporting period, the Pre-Trial Chamber remained seized of 2 appeals in Case 003. The pending appeals relate to Civil Party applications in Case 003.

Supreme Court Chamber

The Supreme Court Chamber continued its examination of the appeal lodged by the Co-Prosecutors against the Trial Chamber's decision to unconditionally release Ieng Thirith. On 13 November 2012, the Supreme Court Chamber held a hearing on the matter. (See page 2 for more information)

On 7 November, the Supreme Court Chamber became seized of another appeal lodged by the Co-Prosecutors, who argue that additional charges and the three additional crime sites should be included within the scope of the trial in Case 002/01. On 12 November, Khieu Samphan filed a motion for extension of time to respond to the Co-Prosecutors' appeal. On 20 November, the Supreme Court Chamber granted the motion, in part. Nuon Chea and Ieng Sary filed their responses opposing the motion. The Civil Party Co-Lawyers also responded to the Co-Prosecutors' appeal, supporting it. On 22 November, the Co-Prosecutors filed a motion requesting a public hearing on the matter. Their appeal on the scope of the trial in Case 002/01, as well as their motion for a public hearing on the matter, are now under consideration.

On 26 November, the Supreme Court Chamber rendered its decision on an appeal lodged by Nuon Chea against the Trial Chamber's failure to act upon a motion for immediate action concerning

interference with administration. In light of the Trial Chamber's issuance on 23 November of a reasoned and written decision rejecting Nuon Chea's motion, the Supreme Court Chamber dismissed Nuon Chea's appeal as moot, but invited him to resubmit his appeal on the basis of the Trial Chamber's written reasons for rejecting his motion.

Office of the Co-Prosecutors

Case 002

The OCP continued to litigate Case 002 both in the courtroom and through written submissions to the Trial Chamber.

Through filings, the OCP filed an immediate appeal of the Trial Chamber's final decision regarding the severance of Case 002/01, arguing that the decision contained errors of law, fact and/or was an abuse of discretion, and that it is proper and necessary to include additional crime sites and crimes within the ambit of Case 002/01. The OCP also addressed a number of other matters through filings including requesting that certain additional witnesses be heard in relation to forced movement, providing questions to be answered by the medical experts in relation to the fitness of Ieng Sary, responding to a request by the Ieng Sary defence for a public hearing regarding the investigatory stage of Case 002, responding to the Nuon Chea Defence's request to join that Ieng Sary filing, and responding to the defence for Khieu Samphan regarding deadlines and page limits for final trial briefs.

Case 003

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

Case 004

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

Defence Support Section

Case 002

The Ieng Sary Defence orally requested the Trial Chamber to contact another doctor to independently evaluate Mr. Ieng Sary's health. On 26 November, the TC rejected this request.

The Nuon Chea Defence, joined by the Ieng Sary Defence, objected to the Office of the Co-Prosecutors' (OCP) request to place more than 1400 written statements or transcripts before the TC in lieu of oral testimony and examination. The two defence teams argued that many of the OCP's proposed documents are inadmissible or excludable under the standards established by the ICTY and adopted in Case 002/01. Both teams argued that the TC should exercise discretion as to the admissibility of these documents.

Concerning the OCIJ's alleged practice of conducting unrecorded interviews with witnesses, the three defence teams argued that this practice violates their clients' fair trial rights. The Ieng Sary and Khieu Samphan Defence teams requested the TC to hold a public hearing on this matter.

Lastly, the Ieng Sary and Nuon Chea Defence teams replied to the OCP's appeal concerning the scope of Case 002/01. Both Defence teams argued that the appeal is inadmissible because appeals filed pursuant to Rule 104(4)(a), such as the OCP's appeal, are only admitted against decisions that have the effect of terminating the proceedings, which is not the case with the TC's decision. The SCC granted the Khieu Samphan Defence team an extension of time to respond to the OCP's appeal. The OCP then requested a public oral hearing on the appeal. The Ieng Sary Defence team responded that the request is inadmissible before the SCC because the OCP's request should have been made as part of its original appeal and that, since all relevant arguments were set out in the appeal, the request should not be granted.



The Victims Support Section and Civil Party Lead Co-Lawyers speak about their work at a regional forum in Preah Sihanouk.

Victims Support Section

Legal Work

The Processing and Analysis Team filed 269 applications in Case 004 to the Office of Co-Investigating Judges, and sent a complainant's request to testify against the accused to the Office of the Co-Prosecutors. The team also assisted the Lead Co-Lawyers Section in processing Case 002 Civil Parties' supplementary information that was submitted to the Pre-Trial Chamber during their appeals of admissibility.

The Victim Support Section's (VSS) staff received a Civil Party Lawyer application and registered him in the Section's list. The staff also assisted a Case 002 civil party in filing his request to change his lawyer. In addition, the staff contacted the Bar Association for the arrangement of a swearing-in ceremony for an international lawyer.

Outreach

VSS coordinated the attendance of 110 civil parties to Case 002 hearings. On 16 November, VSS held a regional civil party forum for Case 002 in Preah Sihanouk attended by 186 civil parties in addition to court officials. The aims of the regional forum were: (i) to update the civil parties of Case 002 on the current work and progress of cases before the ECCC; (ii) to facilitate discussion between lawyers and civil parties on the severance order of Case 002, the court's decision to divide the case into mini-trials; and (iii) to enable civil parties to be informed of, and to exercise their rights. VSS plans to organize eight regional forums titled "Meaningful Victims Participation in the Proceedings of the ECCC" in addition to other activities during 2012-2013. From 2009-2011, VSS held 14

regional forums called "Victims' Improved Participation in the Proceedings of the ECCC".

Non-Judicial Measures and Reparations

In connection to previous meetings, on 1 November testimonial therapy and self-help group meetings were organized by the Reparations and Non-Judicial Measures team (R&NJM), Lead Co-Lawyers and the Transcultural Psychosocial Organization to discuss the description of reparation and non-judicial measures.

On 2 November, a stakeholders consultation meeting was held to exchange and collect ideas for the process of setting up a victims foundation of Cambodia. The meeting was held between the Victim Support Section, Lead Co-Lawyers, Civil Party Lawyers, Documentation Center of Cambodia, Cambodia Human Rights Action Committee, Cambodia Human Rights and Development Association, Transcultural Psychosocial Organization, Youth For Peace, Kdei Karuna, Youth Resource Development Program, Royal University of Phnom Penh, Open Society Justice Initiative, and BNG Legal.

On 13 November at the Documentation Center of Cambodia (DC-Cam), the R&NJM team had a meeting regarding memorandum of understanding writing between VSS and DC-Cam. The team facilitated the process of the formulation of a victim foundation. VSS provided suggestion for the selection of consultants and the development of their terms of reference as well as provided program concepts.

CP Lead Co-Lawyers Section

The Lead Co-Lawyers, in collaboration

with Civil Party Lawyers, put questions to several witnesses and civil parties during the month. All of these civil parties were heard on forced movement of the population and were invited to talk about their suffering as it relates to the crimes of which they were victims during the regime.

Following the OCP's immediate appeal on the decision that partially rejected their request for an extension of the scope, the Lead Co-Lawyers for Civil Parties made a submission in support of the OCP's appeal on the basis that any extension in the scope of the proceedings would be beneficial. The OCP's submission requests that the Supreme Court Chamber add the S-21 Security Center (including the execution site at Choeung Ek) and Kampong Tralach Leu District (District 12) in the scope of the current trial proceedings. The Supreme Court Chamber's decision on this appeal is currently pending.

Earlier this month, the Lead Co-Lawyers participated in a meeting organized by the VSS in order to discuss the possibility of creating a Victim Foundation for the Cambodian victims.

On 5 November, the Lead Co-Lawyers participated in the Asia Regional Meeting in Cambodia on Approaches to Preventing Torture organised by Transcultural Psychosocial Organization. During the reception, there were opening remarks from the Executive Director of TPO Cambodia, the Ambassador of France in Cambodia, the Deputy Representative of the UNHCR in Cambodia and the Secretary of State of the Ministry of Interior. The following day, the Lead Co-Lawyers attended the question and answer session on the contribution of the ECCC to preventing torture, organised by TPO and held at the ECCC.

On 16 November, the International Lead Co-Lawyer participated in the fourth regional forum in 2012 for civil parties in Case 002 in Preah Sihanouk Province.

On 23 November, the Lead Co-Lawyers met representatives of European countries in order to discuss the participation of civil parties and the reparation mandate of the LCL Section. On the same day, staff from the LCLs presented the work of the section to a group of students participating in the Future Leaders Program of the International Republican Institute who came to visit the ECCC.

Decisions/Orders

Public versions of the decisions, orders, opinions and considerations, some of which are redacted, are available on the official ECCC website: www.eccc.gov.kh.

Trial Chamber

22 November 2012: *Decision on Rule 35 Request Calling for Summary Action against Minister of Foreign Affairs HOR Namhong (E219)*

The Trial Chamber dismissed the request filed by Nuon Chea's international Defence counsel relating to a statement attributed to the Cambodian Minister of Foreign Affairs Hor Namhong in the press. The Defence counsel claimed that the alleged comments by the minister about his past experience at the Boeng Trabek re-education camp and their asserted link with the testimony of Rocheom Ton before the Trial Chamber constitutes an interference with the administration of justice under Internal Rule 35 and asked the chamber to take appropriate measures. The Trial Chamber, while recognizing the inappropriateness of comments issued by state officials about the ongoing trial proceedings, determined the language of the statement and the circumstances surrounding the testimony of Rocheom Ton does not substantiate any intention by Minister Hor Namhong to influence witnesses, the Defence, the judges or the general public.

23 November 2012: *Decision on Application for Immediate Action Pursuant to Rule 35 (E189)*

The Trial Chamber rejected two separate applications filed by international counsel for Nuon Chea pursuant to Internal Rule 35 alleging interference with the administration of justice by the Royal Government of Cambodia, and seeking various remedies including an unlimited general investigation into alleged interference by the government at the ECCC in Case 002 and a stay of proceedings. The applications submit that the resignation of Reserve International Co-Investigating Judge Laurent Kasper-Ansermet demonstrated that Cambodian officials of the ECCC

are affected by governmental interference and are unable to act independently, and that the integrity of the case file in Case 002 is suspect as some "key witnesses" were not heard during the investigation. The Trial Chamber found that the applications were nearly entirely repetitious of prior submissions which the Trial and Supreme Court Chambers had previously rejected and that they failed to demonstrate any tangible impact of the allegations on the fairness of the proceedings in Case 002 as they are, instead, based on speculative conclusions derived from Cases 003 and 004. Hence, the Trial Chamber rejected all relief sought in the applications. The Trial Chamber also warned Nuon Chea's international counsel that future misconduct, including repetitious filings or unsubstantiated, discriminatory and disrespectful allegations against members of the Trial Chamber, could warrant the imposition of sanctions under Internal Rule 38.

26 November 2012: *Decision on accused IENG Sary's fitness to stand Trial*

The Trial Chamber affirms that Ieng Sary is capable of meaningful participation in his own defence and is therefore fit to stand trial. It rejects the defence's request to appoint a new expert to reassess Ieng Sary and the request that he be video-taped in his holding cell.

Supreme Court Chamber

26 November 2012: *Decision on Nuon Chea's "appeal against constructive dismissal of application for immediate action pursuant to rule 35"*

The Supreme Court Chamber dismisses the appeal, as further explained in the Judicial Updates Section of this Court Report [refer to the section on SCC activities].

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

First Trial in Case 002:

Monday-Thursday, 9:00-16:00 (except public holidays)
Starting 8 January, the Trial Chamber will alternately sit for 3 and 4 days per week.

Upcoming Judicial Recesses:

27-29 November; 24 December-4 January
Hearings will resume on 8 January

Visitor information for public hearings

Hearing Schedule

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

Rules in the Public Gallery

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

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

Language of Proceedings

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

Outreach Activities

6 November: 25 participants in Transcultural Psychosocial Organization’s Asia Regional Meeting in Cambodia on Approaches to Preventing Torture observed hearings and met with ECCC officials.

6-9 November: Kdei Karuna (formerly ICfC) holds an intergenerational dialogue event in Kampong Cham where more than 100 participants share experiences and discuss Khmer Rouge history.

7-15 November: PAS distributes Duch final judgement material in Kompong Cham province.

14 November: PAS speaks at first community seminar organized by FM 102 in Baray Disterict, Kompong Thom province on the latest developments of the ECCC.

13-16 November: Kdei Karuna holds an intergenerational dialogue event in Kampong Thom where more than 100 participants share experiences and discuss Khmer Rouge history.

16 November: VSS holds regional civil party forum for civil parties in Sihanoukville.

22 November: 30 participants of a Japanese study program supported by the Kokuren Forum, or “UN Forum” in Japanese, visited the ECCC and met with Public Affairs and Judge Hiroto Fujiwara.

December: VSS facilitates civil parties attending Case 002 hearings.

3-7 December: Kdei Karuna conducts assessment in Kampong Chhnang to see how their previous activities have impacted the community.

7 December: The Cambodia Tribunal Monitor holds a discussion in Svay Rieng with law students.

11-15 December: Kdei Karuna conducts assessment in Kampong Thom and Kampong Cham to see how their previous activities have impacted the community.

12 December: Kdei Karuna brings university students to ECCC for a study tour.

14 December: The Cambodia Tribunal Monitor holds a discussion in Ratanakiri with law students.

21 December: The Cambodia Tribunal Monitor holds a discussion in Stung Trengi with law students.



Resident from Siem Reap province watch Case 002 hearings

ECCC Outreach

The Extraordinary Chambers in the Courts of Cambodia now hosts a **weekly radio show, ‘Khmer Rouge on Trial’**, airing every Thursday evening from 17:15–18:15, on AM 918 and FM 105.75. Each show presents highlights from the week’s hearings, and featured guest speakers from the court break down major developments in the proceedings. Listeners are also invited to call in and ask questions or express their opinions.

In addition, the Public Affairs Section hosts **Khmer Rouge Tribunal Study Tours** from Monday to Thursday, bringing groups of 300-500 villagers from areas throughout Cambodia to attend the ongoing hearings of Case 002, have a guided tour of the Tuol Sleng Genocide Museum, and visit the Choeung Ek Killing Fields. During the trial recesses, the Public Affairs Section conducts **school visits** to give briefings, as well as host **community video screenings** across Cambodia.

ECCC OUTREACH CALENDAR						
November – December -- January 2012-2013						
SUN	MON	TUE	WED	THU	FRI	SAT
11	12 Hearing 002	13 SCC Hearing	14 Hearing 002	15 Radio Programme	16	17
18	19	20	21	22 Hearing 002 Radio Programme	23 Hearing 002	24
25	26	27 National Holiday	28 National Holiday	29 National Holiday	30	1
2	3	4 Hearing 002	5 Hearing 002	6 Hearing 002 Radio Programme	7 Hearing 002	8
9	10	11 Hearing 002	12 Hearing 002	13 Hearing 002 Radio Programme	14 Hearing 002	15
16	17 Hearing 002	18 Hearing 002	19 Hearing 002	20 Radio Programme	21	22
23	24	25	26	27 Radio Programme	28	29
30	31	1 International Holiday	2	3 Radio Programme	4	5
6	7 National Holiday	8 Hearing 002	9 Hearing 002	10 Hearing 002 Radio Programme	11	12



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

“Everyone can be involved in the process”



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

**The ECCC welcomes visitors. For more
information, contact pas@eccc.gov.kh.**



📞	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

@ **e-CCC on the Web**

ECCC	www.eccc.gov.kh
UNAKRT	www.unakrt-online.org
Twitter	twitter.com/KRTribunal
Flickr	www.flickr.com/krtribunal
Facebook	www.facebook.com/krtribunal
Youtube	www.youtube.com/krtribunal

The Court Report

Publisher: DIM Sovannarom, *Chief of Public Affairs Section*
 Editorial team: Yuko MAEDA, *Public Affairs Officer*; Pheaktra NETH, *Press Officer*
 Kalyan SANN, *Writer*; Isabel RUTHERFURD, *Intern*; Adrienne PIZATELLA, *Intern*;
 Legal Advisor: Lars OLSEN, *Legal Communications Officer*
 Photographer: NHET Sok Heng, *TV/Radio Officer*

The Court Report is a monthly newsletter produced by the Public Affairs Section for public information purposes only. It is not an official court document.