



The Court Report

NOVEMBER 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



Co-Investigating Judge Mark Harmon takes an oath before Mr. Knut Rosandhaug, Deputy Director of the Office of Administration and UNAKRT coordinator, during the swearing-in ceremony at the ECCC.

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Mark Harmon Sworn in as Co-Investigating Judge

Work on the remaining cases, which are still in the investigative stages, has resumed as newly appointed international Co-Investigating Judge Mark Harmon was sworn in on 26 October to take up his duties at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Judge Harmon of the United States was appointed by the Supreme Council of the Magistracy of Cambodia on 20 June and arrived in Phnom Penh on 11 October to work with his counterpart, national Co-Investigating Judge You Bunleng.

In the swearing-in ceremony at the court, Judge Harmon took an oath to perform his role as co-investigating judge “honorably, faithfully,

impartially and conscientiously.” He also swore that he would not “seek or accept instructions in regard to the performance of those duties or the exercise of those powers from any government or from any other source.”

Prior to his appointment at the ECCC, Judge Harmon worked as a senior trial attorney at the International Criminal Tribunal for the former Yugoslavia (ICTY) for 17 years. He led the prosecution teams in the Krajišnik, Krstić, Blaškić and Perišić trials and in the guilty plea cases of Plavšić, Đerodžević, Bralo, Erdemović and Češić.

The appointment of the American judge was made after his predecessor Siegfried Blunk resigned in October 2011 and his reserve Laur-

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Mark Harmon Sworn in as Co-Investigating Judge... continued from page 1



Co-Investigating Judge Mark Harmon speaks with his national counterpart You Bunleng at the ECCC.

-ant Kasper-Ansermet left in May 2012.

The Office of Co-Investigating Judges has been seized of Case 003 and Case 004 since September 2009 when the then acting international Co-Prosecutor filed two introductory submissions requesting the investigating judge-

es to initiate investigation over crimes involving five additional suspects. The identity of the suspects remains confidential at this point.

The crimes in question were allegedly committed as part of a joint criminal enterprise, constituting a systemic and unlawful denial of the rights of Cambodian people, according to a 2009 press release issued by the prosecution. The introductory submissions had asked for the investigation into eight situations of murder, torture, unlawful detention, forced labour and persecution. If proved, these factual allegations might constitute crimes against humanity, grave breaches of the Geneva Conventions and violations of the 1956 Cambodian Penal Code.

The co-investigating judges have yet to issue a closing order, a decision to indict or to dismiss, in either case. Judicial considerations over the two cases were halted during the

absence of an international co-investigating judge, pending the arrival of the new investigating judge. Judges You and Harmon have resumed their work.

At the end of October, the Victims Support Section of the ECCC had received a total of 853 civil party applications for Cases 003 and 004. Among them, 313 applications concerned both cases, and eight were specifically related to Case 003—for which the civil party application process is now closed— and 532 individuals applied particularly for Case 004.

Case 004 Defence Lawyer Assigned



Mr. Göran Sluiter is assigned to represent Case 004 suspect.

The Defence Support Section of the Extraordinary Chambers in the Courts of Cambodia has assigned Mr. Göran Sluiter to be the international lawyer representing a suspect named in the Third Introductory Submission submitted by the International Co-Prosecutor to the Office of the Co-Investigating Judges on 7 September 2009. The Third Introductory Submission is part of the case file in Case 004. The identity of any suspects named in the Third Introductory Submission remains confidential at this point.

Mr. Sluiter is a Dutch criminal defence lawyer from Amsterdam and also a professor in international criminal law at the University of Amsterdam. He has extensive experience in international criminal law and has worked as a judge in international criminal cases in the Netherlands. Additionally, he has worked on defence teams at the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court.

Swedish Development Aid Officials Gain Insights into ECCC



Swedish aid representatives visit the ECCC and watch a film on its history before meeting with court officials.

Top officials of the Swedish International Development Cooperation Agency (SIDA) spent a morning at the Extraordinary Chambers in the Courts of Cambodia on 9 October to gain insight into the workings of the court.

A 17-member delegation, headed by SIDA Director General Charlotte Petri-Gornitzka, attended a morning session of the ongoing trial in Case 002 to hear the testimony of a former Khmer Rouge military regiment commander, following a briefing and overview of the ECCC. The delegation later met with Acting Director of Administration Tony Kranh and other senior officials, as well as Pre-Trial Chamber Judge Rowan Downing to discuss the achievements the court has made and challenges it faces.

Members of the delegation were particularly interested in learning about technical and financial challenges as well as legacy and lasting impacts of the court to the national judicial system. The delegation also sought to learn what the people of Cambodia expect from the work of the court.

“This visit was very important for us to learn about the court. It was very engaging and educational,” Ms. Petri-Gornitzka wrapped up the visit by saying.

The delegation was here in Cambodia for several days to assess its aid programmes before traveling to Myanmar. Sweden is among the 30 donors to support the operations of the court.

German Delegation Visits ECCC, Announces New Pledge



H.E. Tony Kranh (left) meets with Mr. Hans-Jürgen Beerfeltz (right).

A high-level delegation from Germany led by State Secretary of the Federal Ministry for Economic Cooperation and Development, Mr. Hans-Jürgen Beerfeltz, visited the Extraordinary Chambers in the Courts of Cambodia on 8 October.

After briefly observing the trial proceedings in Case 002, the 14-member delegation met with senior management from the Office of Administration to discuss the challenges the court faces in trial management, victim participation, outreach and funding. Mr. Beerfeltz appreciated the progresses the court has been making and expressed Germany's continued support of the ECCC.

"You have managed all the challenges before you and made tangible progress. Congratulations for your great achievements," said Mr. Beerfeltz. He then informed the directors of administration that Germany announced its new pledge of 940,000 Euro, or US \$1.2 million, to support the activities of the ECCC when he met with Deputy Prime Minister Sok An earlier that day.

Germany has contributed more than US \$7.8 million to the international side and another US \$2.3 million to the national side of the ECCC as of 31 October, and remains the fourth largest donor following Japan, Australia and the USA. The new pledge is planned to be disbursed later to the international side.

In the same month, Finland pledged 150,000 Euro or around US \$191,000. For a complete list of donor information, refer to the accompanying chart (right).

Financial Contributions by Donors

This table summarizes the financial contributions by donor countries since the inception of the ECCC until 31 October 2012. This data is exclusive of outstanding and tentative pledges and Cambodia's in-kind contribution of US \$8.2 million.

| No. | Financing by Donors | International Component | % | National Component | % | Total | % |
|-----|-----------------------------------|-------------------------|-------------|--------------------|-------------|--------------------|-------------|
| 1 | Japan | 60,147,765 | 49% | 16,086,025 | 38% | 76,233,790 | 45% |
| 2 | Australia | 14,178,313 | 12% | 3,165,270 | 7% | 17,343,582 | 10% |
| 3 | United States of America | 11,182,000 | 9% | - | 0% | 11,182,000 | 7% |
| 4 | Germany | 7,816,650 | 6% | 2,466,720 | 6% | 10,283,370 | 6% |
| 5 | France | 7,352,915 | 6% | 233,281 | 1% | 7,586,196 | 4% |
| 6 | Cambodia | - | 0% | 7,407,068 | 18% | 7,407,068 | 4% |
| 7 | United Kingdom | 5,401,650 | 4% | 1,547,982 | 4% | 6,949,632 | 4% |
| 8 | UN Trust Fund (30 countries)-UNTF | - | 0% | 5,371,417 | 13% | 5,371,417 | 3% |
| 9 | Norway | 5,047,174 | 4% | - | 0% | 5,047,174 | 3% |
| 10 | European Union | - | 0% | 4,941,186 | 12% | 4,941,186 | 3% |
| 11 | Canada | 2,487,538 | 2% | - | 0% | 2,487,538 | 1% |
| 12 | Sweden | 2,374,700 | 2% | - | 0% | 2,374,700 | 1% |
| 13 | Netherlands | 1,800,909 | 1% | 9,388 | 0% | 1,810,297 | 1% |
| 14 | Republic of Korea | 1,350,000 | 1% | - | 0% | 1,350,000 | 1% |
| 15 | Spain | 1,078,729 | 1% | - | 0% | 1,078,729 | 1% |
| 16 | India | - | 0% | 1,000,000 | 2% | 1,000,000 | 1% |
| 17 | New Zealand | 699,194 | 1% | 2,720 | 0% | 701,914 | 0% |
| 18 | Denmark | 591,716 | 0% | - | 0% | 591,716 | 0% |
| 19 | Austria | 525,460 | 0% | - | 0% | 525,460 | 0% |
| 20 | Ireland | 319,161 | 0% | - | 0% | 319,161 | 0% |
| 21 | Finland | 284,529 | 0% | 6,800 | 0% | 291,329 | 0% |
| 22 | Belgium | 189,804 | 0% | - | 0% | 189,804 | 0% |
| 23 | Luxembourg | 139,010 | 0% | 20,000 | 0% | 159,010 | 0% |
| 24 | Microsoft | 100,000 | 0% | - | 0% | 100,000 | 0% |
| 25 | Foundation Open Society Institute | 61,174 | 0% | - | 0% | 61,174 | 0% |
| 26 | Switzerland | 7,364 | 0% | 20,235 | 0% | 27,599 | 0% |
| 27 | Thailand | - | 0% | 24,331 | 0% | 24,331 | 0% |
| 28 | Armenia | 1,000 | 0% | - | 0% | 1,000 | 0% |
| 29 | Namibia | 500 | 0% | - | 0% | 500 | 0% |
| 30 | Information Today Inc | 500 | 0% | - | 0% | 500 | 0% |
| | Adjustment | (19,187) | | - | | (19,187) | 0% |
| | Interest earned from 2005 to 2011 | 4,887,058 | | - | | 4,887,058 | 3% |
| | TOTAL | 128,005,625 | 100% | 42,302,421 | 100% | 170,308,046 | 100% |

Source: ECCC Budget and Finance Offices.



The 14-member German delegation meets with senior management of the ECCC Administration.

In The Courtroom

Case 002

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia held thirteen days of hearing in October where it continued 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 Geneva Conventions of 1949 and genocide.

The first trial, which began last November, focuses on crimes against humanity allegedly committed during the forced evacuation of Phnom Penh in April 1975 and then during forced movements of populations from the other regions in 1975-1977. The Chamber finished hearing testimony regarding the historical background of Democratic Kampuchea as well as the regime's administrative and communication structures and some elements of the roles of the accused.

In October, the chamber heard from four witnesses and three civil parties while moving to the third segment of the first trial in Case 002 which concerns the military structure of the Khmer Rouge regime and the forced movements of the population.



The courtroom of the Extraordinary Chambers in the Courts of Cambodia.

Khiev En, Witness

Testified 1-2 October

Mr. Khiev, 54, worked for the Ministry of Propaganda gathering news and information in Office K33. He testified about intercepting news broadcasts and technical training, as well as disappearances of colleagues from his office.



Meas Voeun, Witness

Testified 3-4, 9 October

Mr. Meas, 68, first served as a bodyguard and messenger before he was promoted to regiment commander in the Communist Party of Kampuchea. He testified about the process leading to the issuance of orders, the capture of foreign combatants and battles that occurred in Udong and elsewhere before the Khmer Rouge took control of Phnom Penh.



Yim Sovann, Civil Party

Testified 19, 22 October

Ms. Yim, 53, described her suffering and how her family was forced to evacuate the city and then to work, and received little food even while suffering from illnesses.



Chum Sokha, Civil Party

Testified 22 October

Mr. Chum, 57, was a former Lon Nol soldier until he surrendered to the Khmer Rouge in 1975. The Civil Party recounted his suffering, including being starved, shackled, beaten, and forced to work for more than 12 hours per day.



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

Sok Chhin, Civil Party

Testified 23 October

Mr. Sok, 67, was a railroad repairman during the Khmer Rouge and discussed seeing people being evacuated from Phnom Penh by train. The witness described seeing train cars packed with civilians of all ages, as well as dead bodies along the railroad tracks.



Lay Bony, Civil Party

Testified 23-24 October

Ms. Lay, 62, described being categorized as a “new” person and being forced to evacuate Phnom Penh a few weeks after giving birth to her child. She also testified about her daughter, son, husband and other family members who all died of illness.



Kung Kim, Civil Party

Testified 24-25 October

Mr. Kung, 56, served as a low-level Khmer Rouge soldier that invaded Phnom Penh on 17 April 1975. Following the attack, he was stationed in the northern part of the city and tasked with protecting the area. The witness described the command structure of the military and interactions with other cadres working in the area.



Change in Hearing Schedule

On 23 October, the Trial Chamber announced that the chamber would sit to hear testimonies three days a week, instead of four, starting from the first week of November. See the Court Calendar on page 10 for the exact dates of public hearings.



Residents of Takeo province observe Case 002 hearing.

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 October, the Trial Chamber concluded 125 trial days, where a total of 35 witnesses, experts and civil parties have testified. At this time, a total of 62,018 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.



Journalists discuss the hearing in the media room at the Extraordinary Chambers in the Courts of Cambodia.

| DATE | PUBLIC VISITORS | | | JOURNALISTS | | NGO | CIVIL PARTY | VIP | TOTAL |
|--|-----------------|-------------|-------------|-------------|------------|------------|-------------|------------|--------------|
| | National | | Int'l | National | Int'l | | | | |
| | PAS | Others | | | | | | | |
| 1/10/2012 | 257 | 1 | 18 | 7 | 4 | 5 | 11 | 0 | 303 |
| 2/10/2012 | 310 | 0 | 4 | 8 | 3 | 4 | 12 | 0 | 341 |
| 3/10/2012 | 230 | 1 | 0 | 8 | 3 | 4 | 12 | 0 | 258 |
| 4/10/2012 | 332 | 2 | 3 | 7 | 2 | 4 | 11 | 0 | 361 |
| 8/10/2012 | 325 | 1 | 8 | 7 | 1 | 2 | 19 | 17 | 380 |
| 9/10/2012 | 294 | 0 | 1 | 5 | 5 | 2 | 16 | 16 | 339 |
| 10/10/2012 | 299 | 0 | 4 | 6 | 2 | 3 | 18 | 2 | 334 |
| 18/10/2012 | 273 | 1 | 6 | 5 | 2 | 3 | 18 | 1 | 309 |
| 19/10/2012 | 257 | 0 | 1 | 4 | 1 | 3 | 18 | 0 | 284 |
| 22/10/2012 | 266 | 1 | 0 | 5 | 2 | 2 | 24 | 0 | 300 |
| 23/10/2012 | 287 | 2 | 2 | 5 | 8 | 2 | 24 | 19 | 349 |
| 24/10/2012 | 260 | 0 | 1 | 6 | 3 | 2 | 13 | 0 | 285 |
| 25/10/2012 | 276 | 0 | 14 | 6 | 4 | 2 | 17 | | 319 |
| Sub-Total: Oct | 3666 | 9 | 62 | 79 | 40 | 38 | 213 | 55 | 4162 |
| Total: Day 1- Day 125 (Nov 2011 - Oct 2012) | 50988 | 1488 | 1600 | 1739 | 908 | 732 | 4254 | 309 | 62018 |

U.S. Holocaust Museum Plans Exhibit on Khmer Rouge



U.S. Holocaust Museum representatives meet with civil parties at the ECCC.

A fact-finding mission from the United States Holocaust Memorial Museum visited the Extraordinary Chambers in the Courts of Cambodia on 23 October to explore ways to develop a new exhibit about the Khmer Rouge and the court.

The mission, organized by the museum's genocide prevention initiative, spent a full day at the ECCC attending the ongoing trial hearing on Case 002 against three former Khmer Rouge leaders and meeting with court officials and civil parties to discuss the achievements of the court and recent developments in the case.

The 19-member delegation, comprised of former US officials, journalists and philanthropists, first heard the testimony of a former railroad repairman that witnessed civilians being evacuated from Phnom Penh during Democratic Kampuchea. The group then met with United Nations Special Expert to the Khmer Rouge Trials David Scheffer and inter-

national Co-Prosecutor Andrew Cayley to discuss the ongoing trial and challenges in the field of international justice.

In the afternoon, the delegation spoke with four civil parties who shared their personal experiences, memories of family members that died during the Khmer Rouge era and perspectives on justice and reconciliation. Visitors from the museum also met with representatives from the Office of Administration and judges from the Pre-Trial Chamber, Trial Chamber and Supreme Court Chamber.

"We were very appreciative of the hospitality from the court. It was a memorable day for our group, particularly the opportunity to meet with the civil parties," said Michael Abramowitz, who headed the trip. "It was very moving to hear directly from the victims about the impact on their lives of the crimes orchestrated by the defendants in this case."

The high-profile mission included distinguished members such as former Secretary of

Homeland Security Michael Chertoff and journalist Elizabeth Becker, among others. Their visit to the ECCC was part of an information-gathering trip to Cambodia of the museum's genocide prevention initiative. Through this initiative, the museum has so far designed displays of atrocities in Rwanda, Bosnia and Darfur, and is now planning to develop an exhibit and an online multimedia site on the atrocities committed during the Khmer Rouge era from 1975 to 1979 with a special focus on international justice. The project is expected to expand throughout the next two years, although details are still being sorted.

During their week-long stay in Cambodia, the group also visited significant sites and met with government officials and other important figures in Cambodia to gain insight into the role of accountability for perpetrators and obstacles to national reconciliation.



U.S. Holocaust Museum representatives meet with ECCC officials to discuss future exhibits.

Duch Apology Statements Now Available on ECCC Website



Video frame of Duch reading apology statements.

All statements of apology and acknowledgement of responsibility made by Kaing Guek Eav, alias Duch, during the course of the trial and appeal stage are now available on the ECCC website.

In its judgement on appeals in Case 001 against Duch, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia affirmed the Trial Chamber's previous decision to compile and post on the ECCC's official website all statements of apology and acknowledgements of responsibility made by him during the course of the trial, including the appeal stage. The compilation

and publication of these statements was a reparation award for the civil parties in Case 001.

To find the video of Duch's statement in audio and video format with Khmer audio and English subtitles please visit: <http://www.eccc.gov.kh/en/video/apology>.

All the video clips with statements of apology are also available on DVD. NGOs, schools, universities, and other public institutions can obtain free DVD copies by contacting the ECCC Public Affairs Section at pas@eccc.gov.kh.

Women Recall Gender-Based Violence During KR Era



Women share their personal stories with gender-based violence during the Khmer Rouge regime.

Victims and witnesses of gender-based violence during the Khmer Rouge regime joined together with survivors of conflicts from other countries to share their personal stories of abuse at the 2012 Women's Hearing, held on 10-11 October.

The conference, organized by the Cambodian Defender's Project with help from the Victim Support Section of the ECCC and the Transcultural Psychosocial Organisation, built upon the work of the 2011 Women's Hearing, widening the scope of the focus on sexual violence beyond Cambodia by inviting participants from Bangladesh, Timor-Leste and Nepal, allowing a comparative study of an issue of great importance to many Cambodians.

A panel of distinguished experts in the field of gender-based violence presided over the hearing. Professor Aurora Javata de Dios of the Philippines, Vichuta Ly of Cambodia, Vahida Nainar of India, and Professor Dianne Otto of Australia all helped guide witnesses through their testimony and framed the accounts with their own expertise.

The hearing began with expert testimony from Silke Studzinsky, international counsel for the civil parties before the ECCC, on the law underpinning the crimes of sexual violence during conflict and the prevalent trends that can be found during conflict and in post-conflict societies. After which came emotional testimony from Ms. Shanti Hamal and Ms. Fuljanaki Rana, survivors of sexual violence during the civil war in Nepal. Further testimony from Ms. Mosammar Rajia Khatun Kamla and Ms. Saleha Begum of Bangladesh came after a discussion of judicial and non-judicial approaches to gender justice by Susana SáCouto of American University's Washington College of Law.

Monica Pinzon from Equipo de Estudios Comunitarios y Acción Psicosocial provided a

brief case study of Guatemala, before the audience heard testimony from Ms. Olga da Silva Amaral and Ms. Maria Fatima, from Timor-Leste and Ms Hong Savath, Ms. Sok Samith and Ms. Chum Ly, from Cambodia.

The testimony clearly touched the audience many of whom were victims of sexual violence themselves, and they were afforded the chance to thank the testifiers and share their own accounts of violence in the open floor discussion. The 400-strong audience also included a government presence, with Anti-Corruption Unit President Om Yentheng who shared the story of the suffering of his sister under the Khmer Rouge.

Based on all the testimony and evidence gathered, the expert panel issued a number of global recommendations including the promotion of victim support and developing non-judicial mechanisms for victims to have their voices heard, as well as directing specific recommendations towards Cambodia and particularly the development of Cases 003 & 004 in relation to sexual violence during the Khmer Rouge era.

The hearing, as the second non-judicial truth telling forum on the issue of sexual violence during the Khmer Rouge era, demonstrated the importance of ensuring the efforts of the ECCC to document gender-based violence are supported, with many victims stressing the need to end discrimination towards and impunity against sexual violence. Although the crimes committed lie in the past, the consequences continue to affect the victims to this day, both in terms of their psychological impact and the social ostracism that results from being a victim of such acts. For many participants the hearing was an opportunity to find access to a form of transitional justice that they would otherwise not have access to.

For further information on the hearing, or any of the developments from the Hearing, including the panel statement, the upcoming report and film, please contact the Cambodian Defenders Project at cdp@cdpcambodia.org.

CP Lawyer Wins Pro-Bono Award



Olivier Bahougne receives award in Paris for his work with Cham civil parties at the ECCC.

On 5 October, Olivier Bahougne won the 2012 Pro-Bono Award from the Bar Association of Paris (*Barreau de Paris*). This award recognizes Olivier Bahougne's representation of the Cham civil parties before the ECCC. It also recognizes the work of his supporting team, "Maât", which is named for the Egyptian goddess of justice.

The ceremony took place at city hall in Paris with more than 500 attendants, including some of the donors supporting Maât's work before the ECCC and some of the Paris-based civil parties Mr. Bahougne represents. One such civil party was Ms. Roshane Saidnattar, director of the film, "Survive in the Heart of the Khmer Rouge Madness" ("*L'important c'est de rester vivant*").

Parallel to their legal work, Bahougne and his team are organizing a travelling photo exhibition on the daily life of the Cham in Cambodia. The exhibit will open on 18 December at Meta House in Phnom Penh and will then be shown in different locations around the Cambodia.

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 **October 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.

The Pre-Trial Chamber remained seized of two appeals in Case 003. The pending appeals relate to Civil Party applications in Case 003 that were rejected by the Co-Investigating Judges.

CASE 003 Appeals and Applications

On 4 October, the Pre-Trial Chamber issued a decision. (See Decisions/Orders Section for more details).

Supreme Court Chamber

The Supreme Court Chamber continued the review of the classification of over 13,000 confidential and strictly confidential documents in Case 001 with the view to provide greater access to information by the public. Applying the principles set out in its Guidelines for Reclassification of Documents on Case Files, issued on 26 July, the chamber identified an additional 300 documents that can be made public. The documents will first be redacted in order to make these accessible to the public while ensuring that protected information remains confidential.

Case 002

The chamber continued its examination of the appeal lodged by the co-prosecutors against the Trial Chamber's decision to unconditionally release the accused Ieng Thirith. It decided to hold a hearing on the matter, which has been scheduled for 13 November, at 9:30.

The Supreme Court Chamber has been seized of an immediate appeal lodged by the Nuon Chea defence team against the Trial Chamber's failure to act upon an application for immediate action under

Internal Rule 35, concerning interference with administration of justice. The Nuon Chea defence team argues that the Trial Chamber's failure to decide on their application for over six months amounts to a constructive dismissal of the motion.

Office of the Co-Prosecutors

Case 002

The Office of the Co-Prosecutors (OCP) continued to litigate Case 002 both in the courtroom and through written submissions to the Trial Chamber. In court, the OCP led the questioning of witnesses.

Through filings, the OCP addressed a number of matters including responding to requests from the defence for Ieng Sary regarding the OCIJ interview of Norng Sophang, and to a filing regarding materials used to question Elizabeth Becker.

Cases 003 & 004

The OCP continues to analyze the evidence in and monitor the progress of Case File 003 & 004.

Defence Support Section

Case 002

The Trial Chamber continued to hear evidence in Case 002 in October pursuant to a revised schedule to accommodate Accused Ieng Sary's health status. Ieng Sary has remained hospitalised since 7 September. Ieng Sary has filed limited waivers of his right to be present for procedural hearings and the testimony of certain witnesses and civil parties. The Trial Chamber has ordered that Ieng Sary be examined by two medical experts (including Dr. Campbell who has previously examined Ieng Sary, and was one of the experts who found Ieng Thirith not competent to stand trial) who will testify on 8 November.

On 8 October, the Trial Chamber ruled that the first trial in Case 002 be expanded to include one additional crime site, but rejected the other two proposed crime sites on the basis that their inclusion would risk "a substantial prolongation of the trial", as was argued by the defence teams.

The Trial Chamber has continued to hear testimony from witnesses and civil parties on military structure, communications and the evacuation of Phnom Penh, amid ongoing challenges by the defence teams to aspects of the ECCC's judicial investigation, including the occurrence of "off the record" interviews with witnesses by the Office of the Co-Investigating Judges (OCIJ). The Ieng Sary defence made enquiries with the Trial Chamber as to its possible employment of OCIJ Investigator Thomas Kuehnel, raising concerns about the conflict of interest this would create, particularly in light of pending requests filed by the defence alleging he engaged in improper investigative practices. The Trial Chamber confirmed that Mr. Kuehnel had been employed in a limited capacity to assist in witness preparation.

During document presentation, hearings on 18 and 19 October, the defence teams objected to the civil parties' presentation of a number of witness statements and advocated for the right to present similar documents as those presented by the prosecution. The co-lawyers for Khieu Samphan criticized the lack of clarity in the process, describing it as a "press conference ... in which the rights of the accused are not respected."

The Supreme Court Chamber is expected to release its decision on the prosecution's appeal against Ieng Thirith's unconditional release within the next two months.

Cases 003 and 004

The investigation into Cases 003 and 004 continues, with the announcement of Göran Sluiter's appointment as the international co-lawyer to represent a suspect in Case 004.



Women's Media Center facilitator and ECCC representatives at the weekly radio broadcast.

Victims Support Section

Legal Work

The Victim Support Section's (VSS) Civil Party lawyer continued to represent civil parties during Case 002 hearings.

The Processing and Analysis Team (PAT) received 62 applications in Case 004 and assisted Avocats Sans Frontières in filing a French translation of summary of Victim Information Forms to the Trial Chamber. The staff also received a request to change a civil party lawyer in Case 002.

Outreach

217 civil parties were coordinated to attend evidence hearings and to have opportunity to meet their lawyers. The staff distributed 300 radios, 100 T-shirts, 5,600 booklets of Duch's words of apology and 25 folders to civil parties, complainants and the public.

VSS in partnership with Cambodian Defenders Project and Transcultural Psychosocial Organization was awarded a grant by the United Nations Trust Fund to End Violence Against Women to promote access to justice for female survivors of sexual and other gender-based violence. The Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict is the part of the VSS's joint project that was held on 11 October. (See article in Partner Outreach for more information)

Non-Judicial Measures and Reparations

On 5 October 2012, the Reparations & Non-Judicial Measures team organized a non-judicial measures meeting between lead co-lawyers, civil party lawyers, the Documentation Center of Cambodia, Cambodia Human Rights Action Committee, Cambodia Human Rights and Development Association, Cambodia Defenders

Project, Transcultural Psychosocial Organization, Youth for Peace, Kdei Karuna, Youth Resource Development Program, Royal University of Phnom Penh and victims associations. The objective of the meeting was to update activities related to Reparations & Non-Judicial Measures, projects designing and fund raising strategy.

On 26 October there was a meeting between the Reparations & Non-Judicial Measures team and relevant stakeholders to discuss reparations and their ongoing cooperation.

CP Lead Co-Lawyers Section

Case 002

The lead co-lawyers and civil party lawyers prepared for and questioned three witnesses and three civil parties as the testimony concluded on administrative, communication and military structures and transitioned to population movement phases one and two. Civil parties increasingly played a prominent role in proceedings, providing detailed testimony on their experiences and sufferings during Democratic Kampuchea, particularly during the forced transfers.

During trial proceedings later in the month, the lead co-lawyers made an oral motion aimed at ensuring that civil parties are able to speak on the full range of their suffering. Pending a final decision by the Trial Chamber, civil parties have been granted the opportunity to do so, resulting in moving testimony on the impact of their experiences. A written motion will be submitted on this issue and a decision from the chamber is expected in the coming months.

At mid-month, the lead co-lawyers, along with the other parties, presented key documents related to administrative and communications structures over four days of public hearings. The presentation of the lead co-lawyers focused on the roles of Khieu Samphan and Nuon Chea as laid out in the Statute of Democratic Kampuchea and supported by their statements in video interviews, as well as documentary evidence from the Khmer Rouge period annexed to civil party applications.

Early in October, the lead co-lawyers and civil party lawyers held a meeting with the Victims Support Section, civil society and victim representatives to identify and

put into motion the next phase of the work to prepare Case 002/01 reparation projects. Later in the month, the first of a series of project finalization meetings were initiated.

Outreach

In their continued activities to inform the public and remain involved in issues of concern to civil parties and victims, the lead co-lawyers participated in a number of outreach activities and topical meetings.

On 5 October, the national lead co-lawyer participated in a radio talk show on the topic of fitness to stand trial on WMC FM 102.

On 10 October, staff from the Section also joined the Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict at which women from Cambodia, Bangladesh, Nepal and Timor-Leste spoke of the sexual violence they experienced in periods of conflict in their countries. The event gave voice to these women and, in the case of Cambodia, highlighted an aspect of the violence during Khmer Rouge rule that rarely has been publically acknowledged.

On 25 October, the Civil Party Lead Co-Lawyers Section participated in a roundtable on statelessness organized by Jesuit Relief Services of Cambodia and civil party lawyers, Lyma Nguyen and Sam Sokong. The discussions centered on the challenges encountered by ethnic Vietnamese who lost or were deprived of Cambodian nationality during Democratic Kampuchea and advocacy efforts to help them regain their nationality.



Visitors to Case 002 hearings.

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.

Pre-Trial Chamber

4 October 2012: *Decision on Motion for Reconsideration of the previous Decision on the Defence Support Section’s Request For a Stay in Case 003 proceedings before the Pre-Trial Chamber and for measures pertaining to the effective representation of suspects in Case 003.*

The Pre- Trial Chamber dismissed the Motion for Reconsideration. In the previous Decision the Pre-Trial Chamber found the Defence’s Request for stay inadmissible.



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

(Photo: Meng Kimlong)

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

Trial Chamber Hearings

November:
5, 6, 8, 12, 14; 22-23
December:
4-6; 11-13; 17-19

Supreme Court Chamber Hearing

3 November — Ieng Thirith Fitness to Stand Trial Appeal Hearing

Judicial Recess

29 October-2 November; 27-29 November; 10 December; 24 December-4 January; 7 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

3 October: CHRAC broadcasts radio talk show discussing perspectives on the legacies of the ECCC.

10 October: CHRAC rebroadcasts radio talk show discussing perspectives on the legacies of the ECCC.

10-11 October: CDP, ECCC and TPO co-host Asia-Pacific regional Women’s Hearing on Gender-Based Violence in Conflict to hear testimonies of female survivors of conflict in Timor-Leste, Cambodia, Bangladesh, and Nepal.

28-31 October: Kdei Karuna (formerly ICfC) holds an intergenerational dialogue event in Kampong Chhnang where more than 70 participants share experiences and discuss Khmer Rouge history.

30 October: CHRAC issues KRT Watch Bulletin throughout the country.

November: VSS invites civil parties to attend evidence hearing in Case 002.

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.

10-11 November: Kdei Karuna (formerly ICfC) holds an intergenerational dialogue event in Kampot province where more than 20 participants share experiences and discuss Khmer Rouge history.

14 November: PAS speaks at First Community’ Seminar organized by FM 102 in Baray Disterict, Kompong Thom province on the latest development of the ECCC.

13-16 November: Kdei Karuna (formerly ICfC) 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.



Residents of Kratie province read ECCC outreach materials.

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



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

“Everyone can be involved in the process”



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



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The Court Report

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