



The Court Report

OCTOBER 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



S-21 security centre survivor Chum Mey listens to speakers at the ECCC legacy conference in September.

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ECCC Kicks Off Public Debate on Legacies

In an effort to foster debate among various stakeholders about potential legacies of the tribunal, the Extraordinary Chambers in the Courts of Cambodia and the Cambodian Human Rights Action Committee co-hosted a high-level international conference on 13-14 September in Phnom Penh where hundreds of experts, policy makers and concerned citizens exchanged views from broad perspectives.

The conference "Hybrid Perspectives on the Legacies of the ECCC" was the first ever attempt to bring together not only ECCC practitioners, Cambodian government officials and civil society representatives but also experts in law and post-conflict issues from across the globe. More than 200 participants and over 60 national and international guest speakers discussed both judicial and non-judicial aspects of legacy for two days in small discussion groups as well as plenary sessions.

On the first day of the conference, four panel discussions were held on a variety of topics including judicial reform, jurisprudence and non-judicial legacies such as memorialisation in which a number of guest speakers presented their insights for further debate with the audience.

The UN Secretary-General's Special Expert David Scheffer made a keynote address through video link and called for financial support for the court to continue its landmark work. Stephen Rapp, US ambassador-at-large for war crimes issues, joined a panel discussion on systemic legacy and stressed that one of the court's important legacies will be to send a message to leaders that those who commit mass atrocities will be held accountable.

On the topic of jurisprudential legacy, presenters discussed how to establish strong jurisprudence that would benefit the national legal system. Experts and officials from the courts for

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Supreme Court Chamber Considers Appeal on Ieng Thirith



Accused Ieng Thirith at a fitness hearing in 2011.

Following a ruling to release Ieng Thirith, former minister for social affairs during the Khmer Rouge regime, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia on 17 September

granted the prosecution leave to file supplementary appeal submissions to support their arguments on why conditions should be imposed on the accused's release.

Accused Ieng Thirith was found unfit to stand trial due to dementia by the Trial Chamber for the second time on 13 September and ordered to be released without conditions. The next day, Co-Prosecutors Chea Leang and Andrew Cayley requested a stay of the release order and appealed that the Supreme Court Chamber amend the Trial Chamber's decision so that a few conditions are imposed on Ieng Thirith's release to safeguard rights and legal interests.

As an interim measure pending a decision on the appeal, President Kong Srim of the Supreme Court Chamber ruled to release Ieng Thirith with a few conditions. The accused was immediately released on 16 September to her family.

In its 14 September appeal, the prosecution proposed six conditions of judicial supervision:

that she resides at a specified home address, makes herself available for a weekly safety check, surrenders her passport and ID card, refrains from contacting the co-accused except her husband Ieng Sary, witnesses and civil parties, and undergoes six-monthly medical exams on her mental and physical conditions. The prosecution subsequently filed its supplementary appeal submission on 28 September.

Accused Ieng Thirith has been indicted for charges of crimes against humanity, genocide and grave breaches of the 1949 Geneva Conventions, along with three other co-accused Nuon Chea, Khieu Samphan and her husband Ieng Sary. The trial of the three remaining accused continues at the Trial Chamber.

The Supreme Court Chamber is expected to rule on the appeal within three months from the initial appeal submission, according to Internal Rule 108.

Independent Counsellor Holds Townhall Meeting

Renewing his commitment to the role of independent counsellor for the Extraordinary Chambers in the Courts of Cambodia, Mr. Uth Chhorn held a townhall meeting on 28 September to encourage staff members to come forward with any work-related concerns.

"My function is to assist the human resources management in the court's administration," he said to both national and international officials and staff members who attended his first townhall meeting at the court. Mr. Uth explained that his main objective is to foster accountability within the court, and announced that he will have a permanent office in the ECCC to work more closely with staff.

"I've decided to come often to the court to deal with more issues and address staff concerns so that staff will be working in a conducive environment," he told a crowd of about 80 staff members.

Mr. Uth, the former auditor general of Cambodia and a member of the National Anti-Corruption Council, was appointed on 11 August 2009 by an agreement between the Cambodian government and the United Nations. According to a 2009 joint statement by the co-signers, the move was "a step to help strengthen the human resources manage-



Independent Counsellor Uth Chhorn works alongside ECCC human resources.

ment in the entire ECCC administration, including anti-corruption measures."

Mr. Uth has so far received four complaints from national staff, one of which was dropped by the complainant. He said all the three cases he consequently handled were issues related to administrative procedures and all were

solved amicably after parties accepted his proposed solutions.

According to the protocol for the independent counsellor, staff can seek counsel with him about any concerns, including managerial issues, conditions of employment and professional misconduct, confidentially without fear of retaliation. The counsellor would then conduct informal fact finding by speaking to relevant parties and reviewing relevant documents and advise the wrongdoer to stop inappropriate behaviour or misconduct if such a fact was established.

The counsellor is also required to monitor the situation, keep a confidential record on his cases and inform the Cambodian Deputy Prime Minister and the UN Assistant Secretary-General for Legal Affairs if his interventions have not halted the situation.

Starting from 5 October, Mr. Uth will be at the ECCC every Friday from 9 am to 11 am for consultations. This will be an additional measure to the existing means of email, telephone and in-person counseling in his downtown Phnom Penh office.

Legacy Conference... continued from page 1

Sierra Leone, former Yugoslavia and Timor-Leste spoke about lessons learnt and presented comparative views on legacy opportunities. Honorable Justice Renate Winter from the Appeals Chamber of the Special Court for Sierra Leone highlighted the importance of managing archives, protecting witnesses and victims and implementing the accused's sentences after the trials are completed. Through discussion, participants identified that the ECCC's jurisprudence, which has given more jurisdictional weight to fundamental principles of law, could serve as a model for other national courts in Cambodia.

On the second day, guest speakers discussed the legacy of civil party participation, trial monitoring, documentation of the trials, witness support and access to justice for women in small group settings. The discussion highlighted the unique role of victims as civil parties in the proceedings as well as the court's extensive outreach programme which has reached more than 280,000 Cambodians through study tours, community video screenings, school visits and public forums.

In order to improve the court's lasting effect in Cambodia, the conference suggested that it is imperative for ECCC officials and staff to facilitate the transfer of knowledge and skills pertaining to law, court procedure and administration to the local level. Participants recom-



Co-Prosecutor Andrew Cayley speaks to audience.

mended, for example, that ECCC judges and legal officers offer training sessions and mock-trial exercises for national jurists and assist in revamping a standardised curriculum for law schools and legal training institutions. Participants came to the conclusion that the ECCC and other stakeholders must continue legacy discussions in order to shape future activities that further the court's long-term impact.

Norway Makes Pledge to ECCC



Ambassador Katja Nordgaard visits the ECCC.

The government of Norway has made a new contribution of NOK 6,000,000, or around US \$1 million, to the international component of the Extraordinary Chambers in the Courts of

Cambodia. With this latest contribution, Norway has provided financial assistance exceeding US \$5 million to the ECCC.

"During this time as the ECCC faces an imminent funding shortfall, we sincerely thank the government of Norway for its generous contribution to the court. This continuous support from Norway is essential to ensure that the ongoing court proceedings can continue without interruptions," said Acting Director of the Office of Administration Kranh Tony and Officer-in-Charge Rajeev Kumra in a joint statement.

Ambassador Katja Christina Nordgaard and Minister Counsellor Erik Svedahl visited the ECCC on 25 September. During their visit, the Norwegian ambassador and minister counsellor met with national Co-Prosecutor Chea Leang and Deputy Co-Prosecutor William Smith to learn about the progress of the court.

Documents in Duch Case Declassified

The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia has ordered to declassify more than 1,700 confidential and strictly confidential documents in Case 001. These records include Democratic Kampuchea-era documents of victims' "confessions" and biographies, witness statements, transcripts of in camera hearings and rogatory letters.

The declassification was done after the chamber reviewed over 12,000 classified documents. The chamber identified 1,749 documents to be made public. The reclassification process has been conducted in accordance with the general guidelines the chamber previously specified and in broad consultation with ECCC offices, with particular input from the Trial and Pre-Trial Chambers, Office of the Co-Prosecutors, Victims Support Section, Witness/Expert Support Unit and Court Management Section.

The Supreme Court Chamber sought to strike a reasonable balance between the demand for transparency deriving from the fundamental principles that govern the procedure before the ECCC and the needs for confidentiality dictated by the protection of privacy for victims and witnesses and the preservation of the integrity of on-going proceedings. In this regard, it has considered that wide dissemination of material concerning the court's proceedings would support the ECCC's mandate to contribute to national reconciliation and provide documentary support to the progressive quest for historical truth. The chamber hopes that wide access to documentation in the case file for the general public, researchers and journalists will promote a genuine public discussion of Cambodia's tragic past based on firm evidence.

The remaining three quarters of the 12,000 documents are concurrently placed in case files in Cases 002, 003 and 004. Consequently, such documents will be reviewed for reclassification at the end of the proceedings to which they concurrently pertain. The documents will be gradually made available on the ECCC website, except for those associated with copyright or other legal issues.

In The Courtroom

Case 002

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia held seven days of hearing in September 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 population from the other regions in 1975-1977. The Chamber has so far heard 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 September, the chamber heard three witnesses and almost concluded the hearing of the trial's second segment, administrative and communication structures of the regime, before proceedings were impacted by the hospitalization of the Accused Ieng Sary. Since early September, the chamber has been able to hear only those witnesses for whom the Ieng Sary defence has issued a waiver; all those whose testimony is expected to concern Ieng Sary—including two experts previously scheduled by the chamber—have been deferred to a later date. From October onwards, the chamber will move to the third segment of the trial and hear about the regime's military structure and the forced movements of population. The chamber will first hear all witnesses in the segment granted a waiver by the Ieng Sary Defence. Trial Chamber geriatrician Professor John Campbell will return to Phnom Penh in early November to provide further advice to the chamber.



The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia with President Nil Nonn (center).

Norng Sophang, Witness

Testified 29 August, 3-6 September

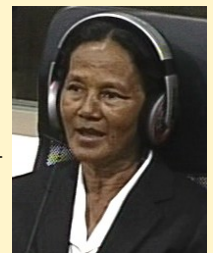
Norng Sophang, 60, continued his testimony in September. During the Khmer Rouge regime, he said he decoded and encrypted messages as the head of the Khmer Rouge telegram translation unit. He described the process of translating telegrams and communication between the Khmer Rouge offices. He also discussed recruiting and teaching children from the zones about how to code telegrams.



Noem Sem, Witness

Testified 25 September

Noem Sem, 59, was a member of the arts troupe in the Ministry of Information, performing propaganda songs and reading radio broadcasts. She was questioned about working at the radio station in Hanoi and traveling with the delegation of Khmer Rouge leaders to 13 other countries for performances.



Chea Say, Witness

Testified 20 September

Chea Say, 59, served as a mechanic in the Khmer Rouge auto repair unit fixing trucks and transporting people. The witness spoke about assisting in the evacuation of Phnom Penh and attending political study sessions, as well as working conditions during the regime.



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>

Ieng Sary's Ill Health Disrupts Case 002 Hearing Schedule



Accused Ieng Sary at an ECCC hearing in 2011.

During the September proceedings, Ieng Sary, former Minister of Foreign Affairs, was again hospitalised on 7 September after he

was found to be unusually weak and fatigued during a daily routine checkup at the ECCC detention facility. He has since remained at the Khmer-Soviet Friendship Hospital for further observation and treatment.

On 21 September, Dr. Lim Sivutha testified that Ieng Sary remains stable but weak.

The Trial Chamber has since remitted recent medical reports and related material to the court-appointed geriatrician, Professor John Campbell, who last examined the accused in late August. Dr. Campbell is expected to return to Cambodia to reassess Ieng Sary's health condition and provide further advice to the Chamber in early November.

In the interim, the Trial Chamber has proceeded to hear witnesses for whom Ieng Sary has waived his right to be present, whose testimony is not expected to relate closely to the accused.

Ieng Sary had suffered several ailments in the past and has a history of heart disease and high blood pressure. Most recently, he was hospitalised in May due to bronchitis.

Dr. Lim Sivutha, Witness

Testified 21 September

Dr. Lim Sivutha, Ieng Sary's treating physician at the Khmer-Soviet Friendship Hospital, was once again called to update the Chamber about new developments in his patient's health condition.

The doctor opined that Ieng Sary's recent fatigue may be related to his heart condition. The doctor suggested that the accused may need to remain in the hospital for at least another month.



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 September, the Trial Chamber has concluded 111 trial days, where a total of 29 witnesses, experts and civil parties have testified. By that time, a total of 57,856 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							
3/9/2012	330	6	5	6	4	2	10	0	363
4/9/2012	285	1	1	6	3	0	10	0	306
5/9/2012	251	1	4	6	3	2	11	1	279
6/9/2012	287	3	5	5	6	4	11	0	321
20/9/2012	335	1	8	8	5	4	25	7	393
21/9/2012	308	0	5	6	7	3	25	0	354
25/9/2012	310	49	10	5	5	5	34	2	420
Sub-Total: Sept	2106	85	38	42	33	20	126	10	2436
Total: Day 1- Day 111 (Nov 2011 - Sept)	47322	1418	1538	1660	868	694	4041	254	57856



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

(Photo: Meng Kimlong)

ECCC Reaches Out to Garment Factory in Sihanoukville



Neth Pheaktra speaks to garment workers after rain in Sihanouk province.

Over 1,800 garment factory employees in Preah Sihanouk gathered in their company's courtyard to listen to a presentation given by the Public Affairs Section of the Extraordinary Chambers in the Courts of Cambodia on the history of the Khmer Rouge and ongoing trials.

On 27 September, Neth Pheaktra gave an overview of Cambodia during the nearly four-year rule of the Khmer Rouge and spoke about the alleged leaders of the regime to an excited crowd. The young audience of transplanted workers was particularly eager to listen to the presentation as it was the first time they had been visited by ECCC staff.

The outreach event was of the largest outreach activity the ECCC has conducted in Sihanoukville, and was particularly important as it spoke to a young audience—a demographic that didn't experience the Khmer Rouge regime themselves and has trouble understanding their country's past as a result. Preah Sihanouk's Department of Labor and

Association of Cambodian Youth requested the ECCC to speak to their province's youth after realising there was a lack of engagement and awareness surrounding Khmer Rouge history and wished to strengthen their knowledge of the era.

To many in the young crowd, the presentation given by the Public Affairs Section was the first time learning about the history of the Khmer Rouge from someone other than a family member. Neth Pheaktra explained that many young people have difficulty believing the hardships their parents and grandparents endured.

"In some families, when the parents tell their children that during the Khmer Rouge regime, people did not have sufficient rice to eat, young people ask their parents, 'If you were hungry during the Khmer Rouge regime, why didn't you just go to get a hamburger from the store?'" Mr. Neth said.

Misunderstandings about the state of the country during the Democratic Kampuchea

period make ECCC outreach especially valuable to the country's youth. Mr. Neth explained, "Since the establishment of the ECCC, people freely and largely talk about the Khmer Rouge regime and recall the history in the past to the young generation and the youth also can follow the ECCC's procedures and participate in the lectures given by officials of ECCC."

The event conducted at the garment factory is the first time the ECCC has spoken to a company, and the first time it has worked with the Department of Labor. Hemvichet Chin, responsible for organising outreach at the ECCC said "it was a new step for the outreach" and expresses hope that the ECCC will be able to continue to reach large audiences.

In addition to speaking at the garment factory, the Public Affairs Section visited Sihanoukville's University of Management and Economics where a short presentation on the history of the Khmer Rouge and ECCC was given. In October, 250 students from the university are scheduled to visit the court to observe hearings and visit S-21 prison as part of the court's outreach programme.



Garment workers listen to ECCC presentation.

New Video Outlines Outreach to Schools



Students ask questions at an ECCC outreach event.

The Public Affairs Section of the Extraordinary Chambers in the Courts of Cambodia has released a new video in September to present its outreach programme targeted at high school and university students across Cambodia.

Started in 2009, the court regularly presents briefings at schools in a "school visit" outreach campaign, which aims at educating the younger generations about the history of the Democratic Kampuchea as well as the justice process taking place before the ECCC.

As it's only in 2009 that the Khmer Rouge era was included in the history curriculum, these presentations are also the opportunity for the youth to ask their questions and gain insight on the current trial against three alleged Khmer Rouge leaders. As of June 2012, more than 60,000 students at 38 schools nationwide have attended presentations about the ECCC's proceedings.

This 12-minute video is available in Khmer with English subtitles on the ECCC website.

Forum: Memory Initiatives Can Empower Victims



International participants of the Memory Initiatives Exchange program.

The International Memory Initiatives Exchange Forum took place from 25-29 September in Phnom Penh. The forum presented the results of a comparative research study analysing the role of memory initiatives in combating impunity, defined as the absence of truth, justice and recognition of past crimes. It provided a platform of exchange for a diverse audience including selected civil society organizations, activists, practitioners, state representatives, and academics. The forum was co-organised by Netherlands-based Impunity

Watch and the Peace Institute of Cambodia, in partnership with Youth for Peace, Kdei Karuna (formerly the International Center for Conciliation Cambodia), and Youth Resource Development Program.

During the five-day forum, participants from Cambodia, Guatemala, South Africa, Bosnia-Herzegovina, Burundi, and other countries were able to reflect on the dilemmas facing current memorialisation strategies in their specific contexts, as well as internationally. Although recommendations for memory

initiatives largely depended on context, all participants recognised that memory initiatives can play an important role in initiating social transformation processes and empowering victims to actively claim their rights.

In relation to current transitional justice mechanisms, such as tribunals and truth commissions, memory initiatives can complement and play an essential role in ensuring a holistic approach to seeking truth and justice. Participants also recognized that current transitional justice approaches often fail to be transformative, as victims' needs for personal justice, recognition of crimes suffered, and redress are overshadowed by a strong emphasis on legal proceedings and political desires for convictions that unfortunately signal a premature end to a necessary memorialisation process.

During the forum, participants also received the opportunity to visit Tuol Sleng Museum and a local memory initiative supported by Youth for Peace at a former security center in Kraing Tachan, Takeo.

Cham Muslims in Kratie See Films on KR Tribunal

Representatives from the Extraordinary Chambers in the Courts of Cambodia (ECCC) organised on 10 September a screening in the Muslim Cham village of Pongror in Kratie, bringing more than 1,000 villagers to attend the event. The villagers gathered after dark by the town's main road to watch a series of short films about the Democratic Kampuchea era and the ECCC proceedings, which were shown on the large movie screen set up for the evening.

The screening was held the night before some of the villagers travelled to Phnom Penh to visit S-21 and observe the trial hearings at the ECCC. Videos showing archival footage from the evacuation of Phnom Penh in 1975 and clips of Duch's apologies were meant to provide background information on the Khmer Rouge era and the ECCC before the villagers' visit.

Prior to the screening, the ECCC team distributed booklets which compiled a wide range of facts and explanations about the work of the court throughout Pongror. The dissemination of information triggered many questions and eager discussions from villagers. Some women and men from the older generation also wanted to share their experiences and talk about what they had gone through during the



Residents of Kratie read ECCC outreach material.

Khmer Rouge era. The charge of genocide of both ethnic Cham Muslims and Vietnamese in Cambodia are included in the indictment of

Case 002.

The next day, the press officer of the ECCC delivered a briefing to more than 200 students at the University of Management and Economics in Kratie. The presentation on the ECCC proceedings was followed by a quiz for the students and concluded with the distribution of various public information publications, such as the written compilation of Duch's apology and fact sheets on Case 002. It was also an opportunity for the students to ask questions, as not all of them were familiar with the trials taking place in Phnom Penh. The outreach presentation aimed to entice them to come to the ECCC to witness the judicial process in action.

For the past three years, the ECCC's outreach programme has screened informational films about the Khmer Rouge regime and the work of the court in similar villages across Cambodia, as well as visited a number of schools across the country.

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 **September 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 is also in the process of redacting confidential decisions with a view to making them public.

At the conclusion of the reporting period, the Pre-Trial Chamber remained seised of two appeals and one Application in Case 003. The pending appeals relate to Civil Party applications in Case 003 that were rejected by the Co-Investigating Judges. The other pending matter remains before the Pre-Trial Chamber for its consideration and is confidential in nature at the date of this report.

Supreme Court Chamber

The Supreme Court Chamber ordered that 1,749 documents in Case 001 become public. Records include Democratic Kampuchea era documents on the forced confessions of victims, biographies, witness statements of in camera hearings and plea letters.

Prior to ordering this declassification, the chamber has reviewed more than 12,000 confidential documents. The decision to declassify was made in accordance with the tribunal's guidelines, which seek to ensure transparency and respect for the victims.

The rest of the classified documents are currently placed in cases 002, 003 and 004, therefore they will remain confidential until those cases are over.

The Supreme Court has been seised of the co-prosecutor's appeal against the Trial Chamber decision to unconditionally release Ieng Thirith from detention following the finding that the accused was unfit to stand trial and that her condition held no prospect of improvement. The president of the Supreme Court Chamber refused to halt Ieng Thirith's release from detention considering that under the circumstances her continued detention would have been unwarranted, but im-

posed provisional conditions on the Accused's release.

On 16 September the accused was released from the detention facility of the Extraordinary Chambers in the Courts of Cambodia. She was obligated to (1) provide her residing address to the chamber and seek authorization before moving; (2) surrender her passport and remain in Cambodia; (3) respond to any summons by the court. In addition, she is reminded not to interfere with the administration of justice. It is a provisional measure while the Supreme Court Chamber is considering an appeal lodged by the co-prosecutors against the Trial Chamber's decision to release Ieng Thirith unconditionally.

The Supreme Court decided on an appeal concerning alleged interference with the administration of justice by the Prime Minister Hun Sen who was said to have made inappropriate remarks about Nuon Chea. The Supreme Court found that statements attributed to the Prime Minister were incompatible with the presumption of innocence but disclosed no prima facie intent of interfering with the administration of justice. Thus, the Supreme Court agreed with the Trial Chamber that no investigation would be necessary. It further confirmed the Trial Chamber's ruling that the affirmation of the fact that Nuon Chea is presumed innocent, that the court will not be influenced by any statements from public officials to the contrary, and that public officials are obliged to refrain from statements of that kind, was an appropriate measure.

Defence Support Section

Case 002

The three defence teams for Nuon Chea, Khieu Samphan and Ieng Sary continued defending the accused in the courtroom by examining several witnesses covering issues of communication, political training, and propaganda under the Khmer Rouge as well as the administrative and military structure of the regime and the issue of forced movement.

Following the Trial Chamber's decision on reassessment of the Accused Ieng Thirith's fitness to stand trial, which ordered her unconditional release, the Office of the Co-Prosecutors appealed the decision and requested a stay of release. The defence for the accused immediately argued that any further detention would violate Ieng Thirith's basic rights and asked the Trial Chamber to reject the stay of release. The accused was subsequently released on 16 September after the dismissal of the co-prosecutors' request for a stay of release. The Ieng Thirith defence team is currently preparing its answer to the co-prosecutors' appeal and supplementary submissions, requesting that the release of the accused remain unconditional. The Supreme Court Chamber's decision is expected to be issued within three months.

Health concerns regarding the Accused Ieng Sary led to a special hearing on 21 September, where two doctors who had examined the accused gave details on the causes of his dizziness and fatigue. Following these statements and to avoid substantial delays in the proceedings of Case 002, the Ieng Sary defence team waived the accused's right to be present for the testimonies of several witnesses. However, the defence declined to waive this right for other witnesses, especially for experts Philip Short and Elizabeth Becker. This led to a reorganisation of the court proceedings for the next several months.

Outreach

Lastly, several members of the defence teams participated in a conference entitled "Hybrid Perspectives on the Legacies of the ECCC". Speaking on a panel, Michael Karnavas, co-lawyer for Ieng Sary, emphasized that the ECCC, as part of the Cambodian court system, should have a strong positive legacy to improve the national judicial system. So Mosseny, case manager on the Ieng Sary Defence team, also underlined the usefulness of case management technologies that should be transferred from the ECCC to national courts.

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 lead the questioning of witnesses Nong Sophang, Chea Say, and Noem Sem.

Through filings, the OCP: responded to the defence for Ieng Sary's request to hear testimony from Hor Namhong and Keat Chhon; proposed witnesses that could be heard in the absence of accused Ieng Sary, who was hospitalised; responded to the defence for Ieng Sary's request to hear evidence from an interpreter purportedly present during the interview of witness Phy Phuon; responded to a request from the defence for Ieng Sary seeking information regarding the interview of witness Oeun Tan; responded to the defence for Khieu Samphan's submission in support of Ieng Sary's request regarding Oeun Tan; responded to a request by the defence for Khieu Samphan for revision of corroborative evidence lists; and made other submissions.

The OCP also made filings in relation to the release of Ieng Thirith, including: providing observations to the Trial Chamber regarding jurisprudence raised by the defence for Ieng Thirith during the Accused's "fitness to stand trial" hearings; filing an appeal against the Trial Chamber's decision on release; and, requesting a stay of her release as a provisional measure.

Case 003 & 004

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

Outreach

This month, many members of the OCP staff attended a two-day Conference on Hybrid Perspectives on the Legacies of the Extraordinary Chambers in the Courts of Cambodia, and the International Co-Prosecutor, Andrew Cayley QC, was a panelist.



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

Victims Support Section

Case 002

The Processing and Analysis Team filed with the Trial Chamber 11 requests to change international lawyers and 1 French translation of a summary of the Victim Information Form.

Victim Support Section's civil party lawyers represented their clients in the courtroom, and met them to provide updates on the development of the proceedings.

Case 004

The Processing and Analysis Team contacted a new civil party applicant in Case 004 to request additional information to complete his application.

Outreach

The Victims Support Section invited 265 civil parties to attend hearings in Case 002. Civil parties also met with their lawyers to be briefed on what had already happened and what would be discussed in court. When the hearings were cancelled, they were taken to visit S-21 and Choeung Ek.

The Victims Support Section participated in a weekly radio talk-show with the Women's Media Center called "Program Kapit." The topics discussed were the civil parties' feelings on the decision to release Ieng Thirith with conditions and the sickness of Ieng Sary.

Mrs. Prak Sinan, a civil party from Kampot Province, joined this radio talk-show program. She talked about her experience and shared her knowledge of ECCC proceedings. In the case of Ieng Thirith she said that she supported the decisions of the judges.

"Program Kapit" of Radio FM 102

broadcasts every Friday from 10:50 to 11:50 discussing relevant topics to the Khmer Rouge regime.

Reparations & Non-Judicial Measures

On 7 September the Non-Judicial Measures team and the Lead Co-Lawyer Section met to discuss the prioritized projects. Both agreed to call a meeting with other partners.

On 25-29 September, project manager Mr. Tan Visal attended the International Memory Initiatives Exchange Forum organised by Impunity Watch and the Peace Institute of Cambodia.

CP Lead Co-Lawyers Section

Lead co-lawyers and civil party lawyers continued their active participation in the hearings on evidence. During the month of September, no civil parties were heard by the Trial Chamber, but the chamber has announced its intention to hear a substantial number of civil parties in the coming segment on forced transfers. This will provide another welcome opportunity for civil parties to contribute their evidence to the proceedings and inform the court of the impact their experiences in Democratic Kampuchea have had on their lives.

On 13 and 14 September, the lead co-lawyers participated as guest speakers at the conference on Hybrid Perspectives on the Legacies of the ECCC. They lead the panel discussing the jurisprudential legacy of the ECCC and its domestic application. On 17 September, the national lead co-lawyer gave an interview to the CNC TV on the topic of the recent decision on fitness to stand trial for Accused Ieng Thirith.

On 26 September, the Lead Co-Lawyer Section participated at the Exchange Forum organized by Impunity Watch and the Peace Institute of Cambodia on International Memory Initiatives Exchange Forum.

Throughout the month, lead co-lawyers and civil party lawyers continued to work in close cooperation with the Victim Support Section to finalise the design of Case 002/01 reparation projects as well as to advance fundraising and partnership arrangements with civil society organisations and donors.

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

13 September 2012: *Decision on reassessment of accused Ieng Thirith's fitness to stand trial following Supreme Court Chamber Decision of 13 December 2011*

The Trial Chamber reaffirms their previous finding that Ieng Thirith is unfit to stand trial and orders the accused's immediate release from the ECCC detention facility.



Visitors outside the Extraordinary Chambers in the Courts of Cambodia.

Supreme Court Chamber

14 September 2012: *Decision on Nuon Chea's Appeal Against the Trial Chamber's Decision on Rule 35 Application for Summary Action*

The Supreme Court Chamber declares Nuon Chea's Appeal admissible and dismissed the Appeal on its merits.

16 September 2012: *Decision on Co-Prosecutors' Request for Stay of Release Order of Ieng Thirith*

The President of the Supreme Court Chamber grants in part the Co-Prosecutors' request to stay the Trial Chamber's Order to release the accused unconditionally. The President orders that Ieng Thirith's release be provisionally subject to the conditions that she informs the Chamber of her residing address, surrenders her passport, remains within Cambodia and responds to any summon issued by the Court until the Chamber decides on the Co-Prosecutor's Appeal against the Trial Chamber's Order.

17 September 2012: *Decision on the Co-Prosecutors' Request to File Supplementary Submissions on the Appeal Against the Release Order of Ieng Thirith*

The Chamber allows the Co-Prosecutor's to file supplementary written appeal submissions no later than 28 September 2012.

Trial Chamber 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)

Judicial Recess:

Upcoming recesses 29 October-2 November; 27-29 November

Visitor information for public hearings

Hearing Schedule

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

Rules in the Public Gallery

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

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

Language of Proceedings

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

Outreach Activities

3-6 September: ICfC holds a training session led by local facilitators to discuss local Khmer Rouge memory initiatives in Kampong Thom.

5 September: CHRAC broadcasts radio talk show discussing Ieng Thirith's fitness to stand trial hearing.

10-13 September: ICfC holds a training session led by local facilitators to discuss local Khmer Rouge memory initiatives in Kampong Cham.

12 September: CHRAC rebroadcasts radio talk show discussing Ieng Thirith's fitness to stand trial hearing.

12 September: CHRAC issues KRT Watch Bulletin on "the Roles of Civil Society in the Process of Transitional Justice and Reconciliation" across the country.

13-14 September: ECCC and CHRAC hold ECCC Legacy conference to discuss the judicial and non-judicial legacies of the court.

17-20 September: ICfC holds a training session led by local facilitators to discuss local Khmer Rouge memory initiatives in Kampong Chhnang.

19 September: CHRAC broadcasts radio talk show discussing different perspectives on the Trial Chamber's decision to release Ieng Thirith.

25-29 September: Impunity Watch, PIC, YFP, ICfC and YRDP hold Impunity Watch Conference: International Memory Initiatives Exchange Forum. The conference is the culmination of a research project conducted by Impunity Watch into the role of memorialization in five post-conflict and transitional contexts – Burundi, Guatemala, Bosnia-Herzegovina, South Africa and Cambodia.

26 September: CHRAC rebroadcasts radio talk show discussing different perspectives on the Trial Chamber's decision to release Ieng Thirith.

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.



Children gathered in Kratie province during an ECCC outreach event.

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

September – October – November 2012

SUN	MON	TUE	WED	THU	FRI	SAT
16	17	18	19	20 Radio Programme	21	22
23	24 National Holiday	25 Hearing 002	26	27 Radio Programme Outreach program in Sihanouk	28 Town Hall Meeting Screening in Sihanouk	29
30	1 Hearing 002	2 Hearing 002	3 Hearing 002	4 Hearing 002 Radio Programme	5	6
7	8 Hearing 002	9 Hearing 002	10	11 Hearing 002 Radio Programme	12	13
14	15 National Holiday	16 National Holiday	17	18 Hearing 002 Radio Programme	19	20
21	22 Hearing 002	23 Hearing 002	24	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 Hearing 002	8 Hearing 002 Radio Programme	9	10
11	12 Hearing 002	13 Hearing 002	14 Hearing 002	15 Hearing 002 Radio Programme	16	17



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**



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

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



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The Court Report

Publisher: DIM Sovannarom, *Chief of Public Affairs Section*

Editorial team: Yuko MAEDA, *Public Affairs Officer*;

Kalyan SANN, *Writer*; Gabrielle HUBLER, *Consultant*; Isabel RUTHERFURD, *Intern*; Sarah COLLMAN, *Intern*;

Legal Advisor: Lars OLSEN, *Legal Communications Officer*

Photographer: NHET Sok Heng, *TV/Radio Officer*

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