



The Court Report

SEPTEMBER 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



Citizens from across Cambodia listen to medical experts testify at Ieng Thirith's fitness to stand trial hearing.

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Experts Say Ieng Thirith's Dementia Worsened

Former Khmer Rouge Social Affairs Minister Ieng Thirith suffers from "moderate to severe" dementia with no known treatment options remaining to improve her cognitive functioning, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia learned from court-appointed experts during a two-day hearing that concluded on 31 August.

The Trial Chamber held the hearing in order to re-reassess Ieng Thirith's fitness to stand trial following the conclusion of further medical treatment that had been directed by the Supreme Court Chamber. Ieng Thirith has been indicted for charges of genocide, crimes against humanity and grave breaches of the 1949 Geneva Convention since September 2009 along with

the three other co-accused.

"We came to the unanimous view that Mrs. Ieng Thirith suffers from moderate to severe dementia," said Dr. Seena Fazel, a forensic psychiatrist at Oxford University in the United Kingdom, who testified on behalf of the three medical experts appointed by the court who reassessed her fitness prior to the hearing. "We do not believe there are any other treatments that are available to improve her cognitive functioning," he added.

Accused Ieng Thirith was found unfit to stand trial last November by the Trial Chamber after five medical experts all concluded that she suffered from "mild to moderate" dementia, most likely Alzheimer's disease. The chamber then ruled that she be immediately released, but

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Ieng Thirith ...continued from page 1



File photo: Accused Ieng Thirith appears in the courtroom.

this ruling was appealed by the prosecution.

The ECCC's Supreme Court Chamber subsequently ordered in December 2011 that the Trial Chamber reassess Ieng Thirith's fitness within six months of the commencement of additional medical treatment. Following consultation with the court-appointed experts to ascertain what further treatment might be medically appropriate, the accused underwent a new regimen of cognitive therapy and treatment with Rivastigmine, an anti-dementia drug.

"There was no evidence of any improvement after the introduction of Rivastigmine or the cognitive stimulation programme. There was a deterioration in cognitive function over the period of this time," said Dr. Fazel, adding that this conclusion was reached with the two other expert physicians, geriatrician John Campbell of New Zealand and psychiatrist Huot Lina of Cambodia.

During the two-day hearing, the Trial Chamber summoned Ieng Thirith's treating physician as a witness, following her unsolicited submission to the Chamber of a report contradicting the findings of the experts. In her report and testimony, Dr. Chak Thida of the Khmer-Soviet Friendship Hospital said that the accused has no symptoms of dementia or of mental illness. Dr. Thida justified her divergent views from the experts on the basis of being a Khmer-speaking woman who had

developed a good relationship with the accused. Both Dr. Chak Thida's conclusions, methods of assessment and her qualifications were, however, later critiqued by the court-appointed experts during the hearing.

In their submissions before the Chamber, the prosecution conceded that Ieng Thirith remained unfit to stand trial as she could not exercise her fair trial rights due to her limited cognitive functioning, but requested that the chamber impose a number of conditions for her release. Contrary to the position of the prosecution, the Civil Party Lead Co-Lawyers requested the appointment of new medical experts, including at least one female physician, to reexamine the accused in light of the treating physician's testimony.

Ieng Thirith's defence team requested that their client be released unconditionally because there no longer existed any legal basis for Ieng Thirith's detention or for release subject to conditions.

Editor's Note: *The Trial Chamber has since ruled that Ieng Thirith is unfit to stand trial due to dementia and ordered she be released without coercive conditions. The prosecution has lodged an appeal limited to the issue of conditions upon release. The Accused Ieng Thirith has been released with some provisional conditions pending a decision by the Supreme Court Chamber on the merits of the appeal. (See the Court Report Special Edition on Ieng Thirith)*

FAQs on Ieng Thirith's Fitness to Stand Trial

Q. What does "fitness to stand trial" mean?

Fitness to stand trial is based on a general principle that an accused person can only be tried if he/she has sufficient mental and physical capacity to exercise his or her rights during trial. This may include the capacity to understand the nature of the charges, the course and consequences of the proceedings, evidential details, the ability to instruct his or her lawyers or the capacity to testify.

According to ECCC Internal Rule 32, the Co-Investigating Judges, the Pre-Trial Chamber, the Trial Chamber or the Supreme Court Chamber may order an accused person to undergo a medical, psychiatric or psychological examination by an expert to determine whether the accused is physically and mentally fit to stand trial.

Q. Is it the medical experts or the Judges who will decide whether she has regained fitness to stand trial?

A decision regarding fitness to stand trial is a judicial decision, which will be made by the Judges. After considering the findings of the medical experts and relevant legal issues, the Judges will make a decision on whether Ieng Thirith has regained fitness to stand trial.

Q. If the Trial Chamber finds that Ieng Thirith is still unfit to stand trial, can such a decision be appealed?

If the Trial Chamber decision on fitness has the effect of terminating the proceedings against Ieng Thirith, such a decision may be appealed to the Supreme Court Chamber. Any decision regarding the provisional detention of Ieng Thirith may also be appealed.

Visitor Number 50,000 Attends Case 002 Trial Hearing



ECCC Public Affairs officers greet Mr. Kem Samanh, the 50,000th visitor in Case 002.

Traveling to the Extraordinary Chambers in the Courts of Cambodia from Takeo province, Mr. Kem Samanh became the 50,000th visitor to attend the trial proceedings in Case 002. On 8 August, the number of people who have

visited the court to observe the trial surpassed 50,000. This number includes Cambodians, foreigners, journalists, and diplomats.

Mr. Kem, a 24-year-old teacher at Krapum Chhuk primary school, visited the ECCC from Kaoh Andaet district as part of the court's outreach programme. Along with 300 people from his district, Mr. Kem came to the ECCC to learn about the recent developments of the court and observe the trial firsthand. He received a small gift including an ECCC t-shirt, hat, and a copy of the Case 001 final verdict and said that he "felt very lucky to be the 50,000th visitor."

Visiting the ECCC for the first time, Mr. Kem expressed his interest in understanding the process of the trial, as well as learning

more about the roles and responsibilities of the accused. "I will disseminate the information I learned from visiting the court and from the information materials I received to my students and people in my local community, so that they will understand the ECCC process and the history of the Khmer rouge," Mr. Kem explained.

As of 29 August, a total of 55,420 visitors have attended the trial proceedings since the opening statements in Case 002 on 21 November 2011. The public gallery in the courtroom holds 482 seats allowing it to accommodate a large number of visitors. Since the inception of the ECCC, the court has been committed to enabling Cambodians from across the country to witness these historic trials.

Trial Chamber Reconsiders Scope of First Trial in Case 002

Nine months into the first trial of Case 002, which concerns three former Khmer Rouge leaders, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia reconsidered the co-prosecutors' requests to expand the scope of the current trial at trial management meetings held on 17 and 27 August.

During the meetings, which were held to discuss a number of proposals primarily designed to expedite the proceedings, the Trial Chamber heard arguments from the parties regarding the co-prosecutors' requests to further expand the scope of the first trial to include three additional crime sites and factual allegations from the Closing Order. These proposed extensions include executions on 17 April 1975 of evacuees in District 12 in Kampong Chhnang, executions of former Lon Nol soldiers and officials in 1975 at Tuol Chrey in Pursat, and the security centre S-21 and related execution site, Choeng Ek.

The current trial, the first in a series of separate trials within Case 002, focuses on the two phases of the forced population movements during the Democratic Kampuchea era and related crimes against humanity, following a severance order issued by the Trial Chamber last September. However, the prosecution and victims have raised concerns over the limited scope of the current trial stemming from fears that it might be the only trial in Case 002. The requested expansions would address these issues by ensuring a more comprehensive cross-section of crimes are addressed at the trial.

Although the Trial Chamber is concerned that these proposed extensions may prolong



The Trial Chamber hears evidence from medical experts during Ieng Thirith's fitness to stand trial hearing.

proceedings, it invited the parties to address whether the benefits of these three proposed extensions outweighed the risks that the expansions might delay issuance of a verdict in the first trial.

At the trial management meeting, International Co-Prosecutor Andrew Cayley submitted that the three additional crime sites would contribute to demonstrating the full extent of the criminal intent behind the forced movements, and stated that "there is a strong likelihood that there will never be a second trial in Case 002". He estimated that an additional 33 and a quarter trial days would be needed to hear 13 more witnesses if the trial was to be expanded. Civil Party Lead Co-Lawyer Elisabeth Simmoneau-Fort supported the Prosecution's requests, saying that the Civil Parties would like to ensure a first trial that was "sufficiently representative and... symbolic".

The Defence teams opposed expansion of the scope of the trial arguing it would slow proceedings. Ieng Sary's international co-lawyer Michael Karnavas alleged that adding a large volume of documents and the need to re-examine witnesses would delay the

trial by at least four months. Nuon Chea's defence counsel Jasper Pauw added that he saw no logical connection between population movements and the security centre S-21. The Defence teams further indicated that should these proposals be granted, they would seek to call a number of additional witnesses in rebuttal, and would also seek an adjournment of trial proceedings in order to allow them to prepare for these new trial segments.

During the meeting, the parties also discussed a number of proposals designed to expedite the proceedings. These proposals included reducing the number of witnesses and Civil Parties to testify and the admission of written statements instead of oral testimony where appropriate. Among other trial management issues, the chamber also proposed a number of modalities for reducing the length of written Closing Briefs.

Editor's Note: *The Trial Chamber has since rendered its decision on the co-prosecutors' requests. It has granted a limited expansion of the scope of the trial so as to include massacres committed at Tuol Chrey in 1975.*

In The Courtroom

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia heard in August the testimony of five witnesses and one civil party in the ongoing first trial in Case 002 concerning three accused—Nuon Chea, Ieng Sary and Khieu Samphan. Although the three are charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide, the case has been severed into a series of separate trials, each focusing on different segments of the indictment.

In the first trial, which began last November, the Trial Chamber is examining the crimes against humanity in relation to the forced movements of population phases one and two. Phase one concerns forced movement from Phnom Penh in April 1975 and the second phase concentrates on forced movements from other regions during 1975-1977. In August, the chamber continued examination of the administrative and communications structures of the Democratic Kampuchea regime and elements of the roles of the accused.

Suong Sikoeun, alias Kung,

Witness

Testified 2, 6-8, 14-16, 20 August

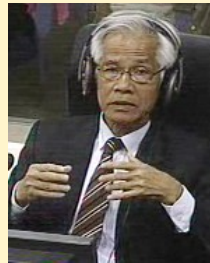
Suong Sikoeun, 75, joined the communist movement in the early days of the revolution and was the head of the information and propaganda department at the Ministry of Foreign Affairs. The witness testified about foreign language broadcasts and the roles of each of the accused.



Ong Thong Hoeung, Witness

Testified 7-9 August

Ong Thong Hoeung, 67, was an economics student in Paris who moved back to Cambodia in 1976. Upon his return, he was sent to the K15 re-education and work camp. The witness described the harsh life conditions at the camp and discussed the importance of secrecy in the regime. He also spoke about his parents' execution and losing most other members of his family.



Sa Siek, alias Sim, Witness

Testified 15-16, 20-21 August

Sa Siek, 56, organized dance and musical performances for the Khmer Rouge as a member of the Ministry of Propaganda and Education. The witness discussed the content of radio broadcasts which she was responsible for typing at the ministry. She also spoke about the internal purges in her office and the disappearance of many of her colleagues.



Kim Vun, alias Chhaom,

Witness

Testified 21-23 August

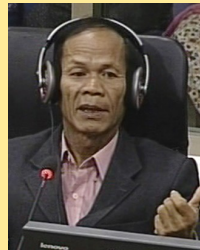
Kim Vun, 53, began working at the printing house for the Khmer Rouge at age 12. During his testimony, he explained the different types of publications as well as the distribution of materials to the zones.



Em Oeun, Civil Party

Testified 23, 27-29 August

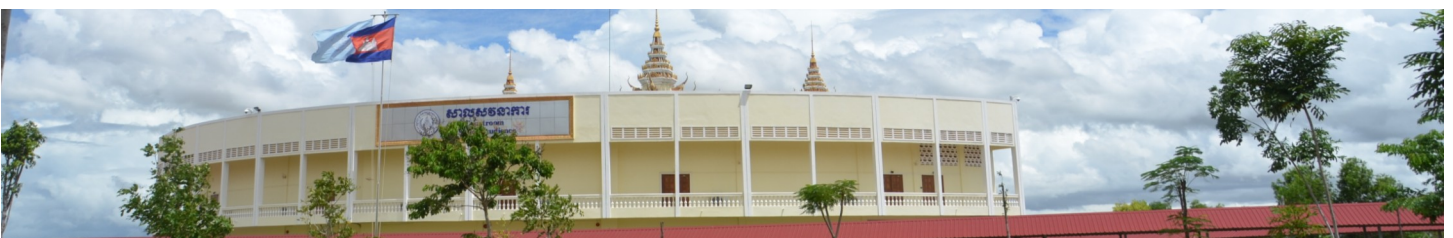
Em Oeun, 61, served as a medical doctor during the Khmer Rouge regime. The civil party described medical training and experimental sessions in which doctors were forced to operate on live prisoners. He also discussed forced marriages and political study sessions.



Norng Sophang, Witness

Testified 29 August, 3-5 September

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



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 Hearings



On 13 August the court was adjourned without hearing two scheduled witnesses due to Ieng Sary's ill health.

Dr. Kem Samsan, a monitoring doctor at the ECCC, certified in the morning that the accused felt dizzy and was unable to concentrate enough to follow the proceedings. As Defence Counsel Michael Karnavas submitted that his client did not wish to waive his right to participate in the trial, the chamber decided to adjourn the proceedings.

On both 28 and 29 August, a court-appointed medical expert, geriatrician John Campbell of New Zealand, briefly examined Ieng Sary while the physician was in Phnom Penh to reassess the fitness of his wife Ieng Thirith.

New video: Case 002 on Trial - Part 1



A still frame of Khieu Samphan in the Case 002 video.

A video summary of the ongoing trial in Case 002 has been released by the Public Affairs Section.

The video "Case 002 on Trial—Part 1" compiles highlights from the first segment of Case 002's proceedings since the opening of the trial in November 2011 until the February 2012 recess. During this period, the proceedings explored the historical background of Democratic Kampuchea and the roles of the accused.

This 30-minute video presents the charges against Ieng Sary, Nuon Chea and Khieu Samphan, as well as selected excerpts from the co-prosecutors' opening statements, the accused's responses and the testimonies provided by the four witnesses and the two civil

parties who were questioned during the first portion of the trial.

A second part of "Case 002 on Trial" is to be released in the coming months. It will cover the next phase of the trial proceedings, focusing on the administrative and communication structures of Democratic Kampuchea as well as elements of the accused' roles.

Over 200 copies of the first part of "Case 002 on Trial" have been distributed to schools, international institutions and NGOs. The video can also be streamed from the ECCC website.

If your organization would like a copy of the DVD, please contact the Public Affairs Section at pas@eccc.gov.kh.

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 August, the Trial Chamber has concluded 104 trial days, where a total of 26 witnesses, experts and civil parties have testified. By that time, a total of 55,420 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.



Cambodians from Takeo Province visit the ECCC.

DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
1/8/2012	300	4	6	8	5	2	21	0	346
2/8/2012	410	0	4	12	4	5	11	0	446
6/8/2012	420	2	7	6	5	3	35	1	479
7/8/2012	420	2	1	8	5	2	27	0	465
8/8/2012	550	3	3	10	2	3	24	1	596
9/8/2012	448	0	3	8	2	3	25	9	498
13/8/2012	270	3	2	6	6	4	42	4	337
14/8/2012	420	8	40	8	5	6	25	0	512
15/8/2012	288	2	26	7	3	1	31	0	385
16/8/2012	376	3	8	7	4	1	53	0	452
20/8/2012	400	2	2	6	3	2	33	0	448
21/8/2012	327	2	1	7	4	2	12	1	356
22/8/2012	434	2	20	5	10	3	20	2	496
23/8/2012	329	20	3	6	5	2	12	0	377
27/8/2012	268	12	18	7	6	1	19	2	333
28/8/2012	308	0	4	5	5	1	23	0	346
29/8/2012	402	20	9	8	6	19	11	0	475
Sub-Total: August	6370	85	157	124	80	60	424	20	7320
Total: Day 1- Day 104 (Nov 2011 - Aug 2012)	45216	1418	1500	1618	835	674	3915	244	55420

Civil Party Public Forum Held in Siem Reap



Civil Parties in Siem Reap meet with ECCC officials to learn about Case 002.

The Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia held its third regional forum in 2012 for 200 of the 3,866 civil parties in Case 002 in Siem Reap on 25 August.

The regional forum aimed to provide updated information on the progress of Case 002 and enable the participants to exercise their rights as civil parties. The forum also facilitated a discussion between civil parties

and their lawyers about the severance order of Case 002 and the court's decision to divide the case into a series of smaller trials.

The 200 civil parties from Bantay Meanchey and Siem Reap provinces have not been able to attend the hearings of Case 002 since January 2012. As such, the regional forum offered a unique opportunity for civil parties to meet the lawyers representing their cases at the ECCC. During the meeting, civil

parties also learned about the status of their individual cases and how they would be involved in the proceedings given the different crimes addressed in each of smaller trials in Case 002.

"Community outreach activities, such as the public forums, are a very important part of the work of the Civil Party Lead Co-Lawyer's Office," said Civil Party International Lead Co-Lawyer Elisabeth Simonneau-Fort. "As the civil parties live all over Cambodia, it is often very difficult for us to meet with them. The public forums enable us to answer any questions that civil parties may have as well as to maintain an open dialogue between the civil parties and our office."

The Victims Support Section plans to organize eight regional forums entitled "Meaningful Victims Participation in the Proceedings of the ECCC" in addition to the outreach activities during 2012-2013. Over the past three years, the Victims Support Section has held 14 regional forums called "Victims' Improved Participation in the Proceedings of the ECCC".

Student Groups Visit ECCC

Twenty-five Rotary Peace Fellows from Chulalongkorn University observed hearings and met with the Office of the Co-Prosecutors and other court officials on 14 August. The fellows are participating in a three-month professional development certificate programme for individuals currently working in conflict resolution, peace building, capacity building or human rights.

On 15 August 17 law students from Leiden University in the Netherlands met with judges and representatives from Public Affairs Section and Defence Support Section.

Sixty Cambodian students with the Youth Resource Development Program visited the court on 16 August to observe trial proceedings and learn about the progress of Case 002.



Students from the Youth Resource Development Program visit the ECCC.

Upcoming ECCC Legacy Conference

A conference exploring the hybrid perspectives on the legacies of the Extraordinary Chambers in the Courts of Cambodia will be held on 13-14 September in Phnom Penh.

The two-day conference is jointly organized by the ECCC and the Cambodian Human Rights Action Committee. David Scheffer, the UN Secretary-General's Special Expert on United Nations Assistance to the Khmer Rouge Trials, will deliver the keynote address through a virtual video stream.

ECCC court officials, NGO staff, court donors, and Cambodian government officials are expected to attend to discuss both judicial and non-judicial legacies from various perspectives.

GIZ Teaches Youth about Khmer Rouge History



Cambodian students participate in the GIZ fellowship programme at the ECCC on 29 August.

During a day-long visit to the Extraordinary Chambers in the Courts of Cambodia on 29 August, 20 Cambodian students sponsored by GIZ, the German Organization for International Cooperation, spoke with court officials to learn more about the court's activities and the history of the Khmer Rouge.

The group listened to a presentation on the court's recent trial proceedings and learned about the roles of the different or-

gans of the court. The information session also included an explanation on the court's civil party application process and the creation of the Virtual Tribunal, an ECCC legacy project.

GIZ brought students to the ECCC to learn about Case 002 because it encourages involvement from Cambodia's younger generations in learning about the history of Cambodia. "Let the youth participate so that

they will understand what happened in the past," said GIZ researcher Kristina Chhim. A few students who came to the court through GIZ's youth fellowship training programme explained that before learning about the Khmer Rouge era through GIZ and the ECCC, they did not completely believe that such atrocities had actually happened in their country.

Student reflections underscored Kristina Chhim's reasoning behind trying to push Cambodia's youth to learn about the Khmer Rouge and to take an active role in organizations that deal with Khmer Rouge history. "We must learn how to deal with [the Khmer Rouge era] because we can't avoid or hide our painful past. We must help the older generations talk about what happened during the regime," Ms. Chhim said.

Chan Sovannara, a student who participated in the GIZ fellowship programme through the NGO Youth for Peace, said it is essential for him and younger citizens to be informed about the trial process. He also stressed that it was important to hear directly from court officials on the developments of the court since the proceedings are sometimes portrayed differently in local media. After listening to a presentation at the court, Chan stated, "Information that we learned here at the court is quite different than what we've heard from the media."

Ms. Chhim added that it was especially valuable to students to hold events at the ECCC because of the institution's ability to provide a vast amount of information on the legal proceedings against the high-ranking Khmer Rouge officials. By exposing students to this type of tribunal, Ms. Chhim explained, students would be able to compare the reconciliation process in Cambodia to mechanisms used in other post-conflict societies such as Germany, Rwanda and Bosnia and Herzegovina.

Thorn Pohiek, a student at the Royal University of Law and Economics, said that following her information session at the court, she would be able to answer many of her friends' questions about the Khmer Rouge regime and the current trials. Pohiek thought it was good that she would be able to speak to her friends as a peer and to address some of the misunderstandings she knows many people her age have about the history of the Khmer Rouge regime and the ECCC.

US Congressional Delegation Visits ECCC

A United States congressional delegation headed by Representative David Dreier, a Republican congressman from California, visited the court on 9 August. The delegation observed the morning's public hearings and met with ECCC officials. During the meeting, court officials discussed recent developments in Case 002, the funding crisis and the appointment of the new American judge with the delegation. International Co-Prosecutor Andrew Cayley and Acting Director of the Office of Administration Tony Kranh explained the objectives and progress of the court to the delegation.

Rep. David Dreier was first elected to Congress in 1980 and serves as the Chairman of the Rules Committee and chairs the state's Republican Congressional Delegation.



US congressional staff meets with ECCC officials.

Also among the group of five visitors were Barry Jackson, a senior counselor to the speaker of the House of Representatives, and Rachael Leman, policy director for the House Committee on Rules.

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 **August 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 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 remaining before the Pre-Trial Chamber for its consideration and is confidential in nature at the date of this report.

Supreme Court Chamber

Case 001

The Supreme Court Chamber continues to review the classification of over 13,000 confidential and strictly confidential documents in the Case 001 Case File in order to ensure a greater access to information by the public. In this regard, the chamber is considering the concerned parties' and judicial offices' observations on the list of documents that had been previously circulated.

Case 002

The chamber continues to work on Nuon Chea's immediate appeal against the Trial Chamber's decision on his Rule 35 applications for summary action. The decision is due by 14 September 2012.

Defence Support Section

Trial Management Meeting

The defence teams continued to advocate for the rights of their clients at the 17 and 27 August Trial Management Meetings. At the meetings, the defence teams of Nuon Chea, Ieng Sary and Khieu

Samphan opposed a proposal by the Prosecution (based on the Trial Chamber's "Severance Order Pursuant to Internal Rule 89ter" (E124)) to extend the scope of the first trial in Case 002 to three other crime locations.

The Defence teams argued together that the additional workload would inevitably require a greater allocation of time and human and material resources which they currently do not have available to them. Another organisational problem raised was the need to repeat the testimony of some witnesses who have already testified, if the trial were extended to additional locations.

Ieng Thirith's fitness to stand trial

Hearings were held on 30 and 31 August at the ECCC to address Ieng Thirith's fitness to stand trial. The former minister of social affairs, and wife of co-accused Ieng Sary, has been examined recently by psychiatric experts to decide whether or not she is in fact fit to stand trial. Considering that she has cognitive impairment due to advanced dementia, most likely caused by Alzheimer's disease, Ieng Thirith's International and National Co-Lawyers Diana Ellis and Phat Pouv Seang have asked for her release without any further conditions since her mental health will never recover sufficiently for her to participate in her own defence.

The Office of the Co-Prosecutors agreed to her unfitness to stand trial but requested that she be released subject to six conditions. In response, Diana Ellis argued that the conditional release proposed by the Office of the Co-Prosecutors would have no "legal authority". The Trial Chamber is currently deliberating on this issue.

Representatives from the Defence Support Section participated in the "Kapit" ("The Truth") radio program on Women's Radio FM102. Eric Husketh of the Defence Support Section and Civil Party Lawyer Mr. Lor Chuntay spoke with the hosts and callers about fair trial rights. The Defence Support Section also met with groups of visitors to the ECCC and participated in a conference on the legacy of the ECCC organized by the UN Office of the High Commissioner for Human Rights.

Office of the Co-Prosecutors

Case 002

The Office of the Co-Prosecutors continued to litigate Case 002 both in the courtroom and through written submissions to the Trial Chamber. In court, the office led the questioning of several witnesses: Phy Phuong, Suong Sikoeun, Ong Thong Hoeung, Sa Siek, Kim Vun, Em Oeun, and Norng Sophang. The Office of the Co-Prosecutors also participated in the fitness to stand trial hearing for accused Ieng Thirith.

As expert evidence has clearly established that Ieng Thirith remains unfit to stand trial, the Co-Prosecutors submitted that proceedings against her be stayed and, in line with the practice of other international criminal tribunals, that she should be released from detention under a regime of judicial supervision subject to conditions required to safeguard the integrity of the proceedings. In addition, the Office of the Co-Prosecutors participated in the Trial Management Meeting held by the Trial Chamber where it made submissions regarding the inclusion of additional crime sites, the removal and addition of witnesses and the scheduling of documentary hearings.

Out of court, the Office of the Co-Prosecutors filed written submissions relating to issues being addressed at the Trial Management Meeting. In addition, it responded to a request by the Defence for Nuon Chea for summary action against Minister of Foreign Affairs Hor Namhong for interference in the administration of justice at the ECCC.

Case 003

The Office of the Co-Prosecutors continues to analyse the evidence in and monitor the progress of Case File 003.

Case 004

The Office of the Co-Prosecutors continues to analyse the evidence in and monitor the progress of Case File 004.

CP Lead Co-Lawyers Section

Case 002

The lead co-lawyers and civil party lawyers continued their involvement in the evidence hearings. Testimony was heard on the Democratic Kampuchea ministries and the role of the accused; the lead co-lawyers and civil party lawyers questioned witnesses and civil parties who had been called before the Trial Chamber on these points. In the case of testifying civil parties, lawyers for civil parties also asked them to share with the court the harm and suffering they experienced under the Khmer Rouge.

On 27 July, lead co-lawyers and civil party lawyers submitted a document to the Trial Chamber recalling the fact that the written civil party applications must be regarded as a distinct category of written statements and, as such, cannot be treated as simple witness statements, nor limited to only a representative sample. In connection, lead co-lawyers and civil party lawyers submitted a list of documents to be put before the chamber which included all civil party applications. Lead co-lawyers and civil party lawyers also submitted a list of civil party applications related to the acts and conduct of the accused and requested that the Trial Chamber call these civil parties to be heard, should a party to the proceedings request this. These submissions were made to the Trial Chamber in order to ensure that civil party statements are heard and civil party evidence is given due consideration by the Trial Chamber.

On 10 August, the lead co-lawyers and civil party lawyers met in order to discuss Trial Chamber Memorandum E218 pertaining to measures under consideration to streamline the trial proceedings, civil parties to testify before the Trial Chamber and a possible expansion of the scope of Case 002/01. The meeting also focused on the issue of reparations.

On 16 August, staff from the Lead Co-Lawyers Section attended the Victim Support Section's Strategic Formulation Meeting held at the Hotel Intercontinental, Phnom Penh. The Victim Support Section called the meeting to inform the participants about their current work and present their strategic plan for 2013 – 2015. Other stakeholders, including the

lead co-lawyers and civil society organizations, were invited to share information about the work they would undertake during the same period in the area of civil party and victim participation.

On 17 August, the lead co-lawyers participated in the Trial Management Meeting during which a number of matters concerning the streamlining of proceedings in the first trial in Case 002 were addressed. All parties were given the opportunity to present their position on these issues and decisions from the Trial Chamber on these points are expected.

Outreach

On 17 August, the Lead Co-Lawyers Section's legal officers participated in the ECCC Legacy Update Meeting organized by the Cambodia office of the United Nations Office of the High Commissioner for Human Rights (OHCHR). A variety of legacy projects were discussed during the meeting, including a presentation of the ECCC virtual tribunal project.

On 26 August, lead co-lawyers attended the Third Regional Forum in 2012 on civil party participation in Case 002 in Siem Reap in which 200 Civil Parties participated.

On 31 August, the section's international legal officer participated as a guest speaker at the ECCC Legal Dialogues organized by the Bar Association of the Kingdom of Cambodia in cooperation with UNICEF and the OHCHR, Cambodia to discuss "Equality of Arms and Victim Participation".



Lead Co-Lawyers and Civil Party Lawyers meet to prepare for the trial management meeting.

Victims Support Section

Case 002

The Processing and Analysis Team as-

sisted a civil party lawyer in filing two requests to continue civil actions from families of civil parties who had passed away, and filed 141 translations of victim information form summaries delivered by Avocats Sans Frontières.

VSS's civil party lawyers participated in hearings of Case 002, carried out research on legal issues and met with their clients.

Case 004

The Processing and Analysis Team processed applications in Case 004 and communicated with several applicants to obtain more information and to clarify inconsistent information.

Outreach

During the month of August, the Victims Support Section coordinated 505 civil parties to attend hearings of Case 002. On 16 August, the Victims Support Section organized a discussion on ECCC Victims Support Section Strategic Formulation 2013-2015, which 35 participants from various organizations attended. The objective of the meeting was to update participants on the current activities of the Victims Support Section and to seek input on future collaborations with all organizations working on victims' participation in the ECCC. Participants discussed strategic measures and planning for 2013 to 2015.

The Reparations and Non-Judicial Measures team worked with the Civil Party Lead Co-Lawyers Section to develop the ECCC Reparation Program. They prepared to present the program to the management level, as well as planned methods to seek funds from donors. On 10 August, Mr. Tan Visal presented the ECCC Reparation Program to lead co-lawyers as well as civil party lawyers at Legal Aid of Cambodia. On 21 August, officials from the German Federal Ministry for Economic Cooperation and Development and the Academy for International Cooperation visited the court to attend the trial hearing and discuss future strategies after 2014 and the contribution of Civil Peace Service to the Victims Support Section.

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.

Supreme Court Chamber

6 August 2012: Decision on Guidelines for Reclassification of Documents on Case File

The Supreme Court Chamber has initiated a review of all documents included in the Case 001 Case File for the purposes of possible reclassification. As the proceedings in Case 001 have effectively terminated, the declassification of documents pertaining to the judicial investigation no longer poses a generalized risk of prejudice to the rights of the

accused or the integrity of the investigation. Therefore, the Supreme Court Chamber decided that all such documents shall be declassified as public, thereby allowing full access to the public at large and maximizing transparency. At the same time, considering that proceedings before the ECCC are still in progress and that, even after their conclusion, certain reasons for non-disclosure may continue to remain valid, limited safeguards will be retained, as set out in guidelines by the court.



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

(Photo: Meng Kimlong)

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 14-16, 29 & 31 October

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, maintain dignity and behave in a manner appropriate to the grave nature of the proceedings. No mobile phones, 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 the breaks.

Visitors are requested to remain seated while the court is in session. However, those who need to use the bathroom during a hearing can excuse themselves, but 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 provided via the available 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

6-8 August: ICfC holds a training session in Phnom Penh for local facilitators from seven project sites to exchange ideas between current and past projects. The aim is to increase capacity and courage of local facilitators to lead Khmer Rouge memory initiatives. 21 villages participate and receive ECCC booklets and information.

13-17 August: ICfC holds a training session in Kampong Thom for local facilitators on assessment and baseline surveying. Staff conducts a need assessment of villagers in relation to trauma from the Khmer Rouge and the need for justice. 15 villagers participate and receive ECCC documents and information.

20-24 August: ICfC holds a training session in Kampong Chhnang for local facilitators on assessment and baseline surveying. Staff conducts a need assessment of villagers in relation to trauma from the Khmer Rouge and the need for justice. 20 villagers including authorities, religious leaders and elders participate and receive ECCC booklets and information.

27-30 August: ICfC holds a training session in Kampong Cham for local facilitators on assessment and baseline surveying. Staff conducts a need assessment of villagers in relation to trauma from the Khmer Rouge and the need for justice. 15 villagers including Cham representatives participate and receive ECCC documents and information.

31 August: CCHR and ICfC hold *We Want U to Know* screening at a university. 45 students participate and learn about Khmer Rouge history from ICfC and TPO staff.

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

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

13-14 September: ECCC Legacy conference held to discuss the judicial and non-judicial legacy 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.

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.



Students participating in GIZ youth training program learn about the ECCC.

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 KHZ and FM 105.75 MHZ. 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 facilitates **school visits** to give briefings, as well as host **community video screenings** across Cambodia.

ECCC OUTREACH CALENDAR						
August – September – October 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
12	13 Hearing 002	14 Hearing 002	15 Hearing 002	16 Hearing 002 Radio Programme	17 Trial Management Meeting	18
19	20 Hearing 002	21 Hearing 002	22 Hearing 002	23 Hearing 002 Radio Programme	24	25 Civil Party Forum in Siem Reap
26	27 Hearing 002	28 Hearing 002	29 Hearing 002	30 Ieng Thirith Fitness Hearing	31 Ieng Thirith Fitness Hearing	1
2	3 Hearing 002	4 Hearing 002	5 Hearing 002	6 Hearing 002 Radio Programme	7	8
9	10 No hearing Screening in Kratie	11 No hearing Study Tour	12 Hearing 002	13 Hearing 002 Radio Programme	14	15
16	17 Hearing 002	18 Hearing 002	19 Hearing 002	20 Hearing 002 Radio Programme	21	22
23	24 National Holiday	25 Hearing 002	26 Hearing 002	27 Hearing 002 Radio Programme	28	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 Hearing 002	11 Hearing 002 Radio Programme	12	13



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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