



The Court Report

The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice



500 people from Bakan district, Pursat province visited the ECCC on Wednesday 10 September 2014 in an Outreach Studies Tour organized by the Public Affairs Section. As of June 2014, more than 250,000 people had visited the ECCC.

Focus on outreach activities after the delivery of Case 002/01 judgment

After the delivery of the Trial Chamber judgment in Case 002/01 against Nuon Chea and Khieu Samphan, the Public Affairs Section are focusing on outreach activities to spread information and explain to the public the ongoing proceedings in this case. Outreach Study Tours, roundtable discussions on TV- and radio and field trips were organized to ensure that the public remains informed about this important decision and about the legal procedure. Furthermore, the ECCC radio programme is broadcast every Thursday afternoon, in which the verdict is widely discussed by participants from the Office of the Co-prosecutors, Lead Co-Lawyers and Defence Teams.

The participant's reactions to the trial judgement were in the outreach activities organized by the ECCC were varied. Sentiments ranged from satisfaction to ambivalence after the Trial Chamber found Nuon Chea and Khieu Samphan guilty of crimes against humanity committed between 17 April 1975 and December 1977. Many said that the sentence of life imprisonment seemed adequate, given the nature of the crimes. The public, who came from different provinces of Cambodia to attend the Outreach

Study Tours expressed their satisfaction with the verdict, stating that at last justice for the victims had been served.

Mr. Keng Kimseng (62), from Bakan district, Pursat province, said that the decision of the Trial Chamber to sentence Nuon Chea and Khieu Samphan to life imprisonment was fair outcome for the victims of the Khmer Rouge Regime. "We are very happy to see this verdict because we had a long wait. I am very happy and satisfied with this verdict. When I learned that the senior leaders of of the Khmer Rouge Regime Nuon Chea and Khieu Samphan were sentenced to life imprisonment, I dedicated this verdict to my parents, my wife and children who died during this cruel regime and told them that justice was done. I want other people to learn more about this important judgment, which is why I make efforts to mobilize people to visit the ECCC and to learn more about the judgement in Case 002/01 and other proceedings" Mr. Kimseng continued.

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Participants in outreach activities react to Case 002/01 trial judgement

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Mr. Yim Sokhorn (58), from Kandal province, expressed support for the Trial Chamber decision to sentence Nuon Chea and Khieu Samphan to life imprisonment. "I lost 30 relatives including my parents, brothers and sisters during the Khmer Rouge regime. Khieu Samphan and Nuon Chea said that they are not responsible for these crimes; it is their right to say this. For Cambodian people, they need to face this sentence because they were the leaders of this regime and knew everything; even if they did not kill anybody on their own, they need to take responsibilities for the crimes committed by their colleagues."



Mr. Prum Leng (48) also from Kandal province welcomed the verdict, commenting: "I am very happy to see them sentenced for crimes committed during the Khmer Rouge Regime. I don't believe that Khieu Samphan and Nuon Chea did not know anything during their own regime."

Mr. Sam Oeun (60) from Prey Veng province also welcomed the verdict and said that it is fair that Khieu Samphan and Nuon Chea were found guilty of alleged crimes and that the victims would be satisfied by the verdict. "In the specific, the verdict is playing an important part for national reconciliation Cambodia and its people. I heard that Khieu Samphan and Nuon Chea did not accept the verdict of the Trial Chamber and classified it as unfair therefore they will appeal against this decision. I think it is their right but we have already found them guilty and a lot of people welcome this verdict. We, the victims of the Khmer Rouge Regime, would like these leaders admit their responsibility for the crimes committed".

Another villager from Pursat province, Mr. Chea Cheamly (55) said that senior leaders of the KR Regime need to accept responsibilities for their crimes committed while in power. "Nuon Chea



(Left) Mr. Prum Leng, local villager from Kandal province, (Top) Mr. Keng Kimseng, from Pursat province and (bottom) Mr. Chea Cheamly, from Pursat province visited the ECCC on August and September 2014.



and Khieu Samphan said that they did not know anything about mass killings of the people during the regime. They cannot reject their responsibilities as they were leaders, they supervised the regime and they must acknowledge it. They cannot refuse all crimes as I witnessed several killings during that time. The decision from Trial Chamber is fair and we are satisfied enough", Mr. Chea said.

Whilst rare, several Cambodian people who reject the decision of the Trial Chamber were quoted on radio broadcasting, supporting the argument from the defence to release Khieu Samphan. During the Press Conference after the pronouncement of the verdict on 7 August 2014, the Defence teams for Nuon Chea and Khieu Samphan expressed their dissatisfaction with the trial process. The Defence teams did not accept the verdict, and intend to make an appeal.

In regards to the notice of appeal and appeal brief, the Supreme Court Chamber has partially granted a request from the Defence of Khieu Samphan and Nuon Chea to extend the deadline for filing a notice of appeal against the Trial Judgment in Case 002/01, from 8 September to 29 September 2014. The Defence teams had requested the deadline to be extended to 20 October 2014.

The Supreme Court Chamber's decision found that "the length of the Trial Judgment (623 pages in English, 777 pages in French, and 981 pages in Khmer), requires additional time to read through thoroughly and discuss the contents thereof within defence teams and with the Accused". Another request to extend the page limit from 30 to 50 pages for the notice of appeal was rejected by the Chamber.

The Supreme Court Chamber also indicated that in light of the size and complexity of the Trial Judgment, it may be also necessary to extend the deadline for submitting the appeal briefs as well as the page limit for these briefs. However, until the notices of appeal have been filed, the Supreme Court Chamber found it "premature to determine the amount of extra time and pages that will be required".

The ECCC has received a wide range of public support and an unprecedented number of individuals participating in the court's activities. More than 410,000 people so far have had direct exposure to the ECCC through the court's robust outreach initiatives. More than 250,000 people, from rural farmers to foreign dignitaries, have visited the ECCC for public hearings, study tours and other visitor programmes between 2009 and June 2014.

Case 002/02 trial to start with charges related to Tram Kok Cooperatives

The Trial Chamber has issued a Decision on Sequencing of Trial Proceedings in case 002/02. Following this decision, the first sequence to be heard during trial will be the charges related to the Tram Kok Cooperatives, including the Treatment of Buddhists, and the related Kraing Ta Chan Security Centre.

The following sequencing has been ordered by the Trial Chamber:

A. Cooperatives: a) Tram Kok Cooperatives, including the Treatment of Buddhists, and the related Kraing Ta Chan Security Centre;

B. Worksites: a) 1st January Dam; b) Trapeang Thma Dam; c) Kampong Chhnang Airport;

C. Treatment of targeted groups: a) Treatment of the Cham, excluding the Kroch Chhmar

Security Centre but including the movement of population phase II limited to the treatment of the Cham;

b) Treatment of Vietnamese, excluding the crimes committed by the Revolutionary Army of Kampuchea on Vietnamese Territory;

D. Security Centres and Internal Purges: a) Au Kanseng; b) Phnom Kraol; c) S-21;

E. Regulation of marriage (nationwide);
F. Nature of the armed conflict;
G. Role of the Accused.

More information:

<http://www.eccc.gov.kh/en/document/court/decision-sequencing-trial-proceeding-case-00202>

JAC constituted a bench following disqualification motions by Defense team

5 Judges (3 Cambodian and 2 International) were appointed by the President of the Judicial Administration Committee (JAC) on 4 September 2014 following the remote voting by the JAC to constitute a bench for the hearing of all disqualification motions against the current Trial Chamber bench in Case 002/02. The bench was composed by 1-Judge Thou Mony, Presiding, 2-Judge Rowan Downing, 3-Judge Changho Chung, 4-Judge Huot Vuthy and 5-Judge Pen Pichsaly.

The decision of the JAC was made in response to a memorandum dated 15 August 2014 from Judge Nil Nonn, President of the Trial Chamber of the ECCC, advising Judge Kong Srim, President of the Supreme Court Chamber and President of the JAC, of imminent defence motions to disqualify Trial Chamber Judges. Pursuant to Internal Rule 34(6), the JAC is empowered to nominate an alternative bench when disqualification applications affecting multiple judges are filed.

According to an interoffice memorandum dated 15 August 2014, the Trial Chamber received, on 11 August 2014, an email from the Nuon Chea Defence notifying the Trial Chamber of its intention to seek the disqualification of the trial bench in Case 002/01 from any further trials in Case 002. Also on 25 August 2014, Khieu Samphan filed a request to disqualify the trial bench from Case 002/01 as an alternative relief.

According to Internal Rule 34(6), in the event that on application seeking to disqualify multiple judges is made, such that it is impossible to convene a Chamber to hear the application, the Judicial Administration Committee shall choose additional judges from amongst the ECCC's judges. The Trial Chamber said that it is unaware of whether any other party intends to apply to disqualify the same judges as sought by the Nuon Chea Defence or additional judges.

Government of Chile contributes US\$10,000 to ECCC

The Government of Chile has announced a contribution of US\$10,000 to the national component of the Extraordinary Chambers in the Court of Cambodia (ECCC). Chile is a new donor to the ECCC, and made this contribution in response to an appeal by the United Nations Secretary-General, Ban Ki-moon, and the Royal Government of Cambodia to all member States to come forward urgently with pledges of financial support to the ECCC.

“With a challenging financial situation on the national side, it is a pleasure to welcome the Government of Chile as a new donor. On behalf of the ECCC, we would like to express our thanks to Chile for this contribution.” Acting Director of the Office of Administration H.E. KRANH Tony and Deputy Director Knut Rosand-haug said in a statement.

Claudia Fenz appointed as new international judge in the Trial Chamber

Following the nomination by the United Nations Secretary-General Ban Ki-moon, and the approval by the Supreme Council of the Magistracy, His Majesty King Norodom Sihamoni has appointed Ms. Claudia Fenz (Austria) as a new international judge to serve in the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC). The appointment is effective from 1 September 2014. Judge Fenz has served as a reserve judge in the Trial Chamber since 2006, and she replaces Judge Silvia Cartwright (New Zealand) whose resignation takes effect from 1 September 2014.

Judge Fenz holds a Doctorate of Law from the University of Vienna. In 1984 she was appointed judge in the domestic criminal justice system, holding judicial office for over 20 years in investigation, trial and appeals courts. In 2004, she was appointed an international judge with the UN Interim Administration Mission in Kosovo, dealing with organized crime, serious ethnically-motivated crime and war crimes. She then served as Head of the Rule of Law section within the EUPOLCOPPS Mission in Palestine, which provides support to the Palestinian police and criminal justice sector (2006-2008).



Supreme Court Chamber

In August 2014, the Supreme Court Chamber continued its preparatory review and research on issues relating to Case 002/01, including reading the Trial Judgement rendered in Case 002/01 on 7 August 2014. On 13 August 2014, Khieu Samphan and Nuon Chea requested an extension of time and page limits for the notices of appeal and appeal briefs. In their response filed on 21 August 2014, the Co-Prosecutors did not oppose the requested extensions of page limits, but asked that they be allocated twice the number of pages allowed for each defence team, opposed the requested extension of time for the notice of appeal, and proposed a reduced extension of time for the appeal briefs, as well as an equivalent extension of time for the response briefs. Khieu Samphan and Nuon Chea filed their reply on 25 August 2014.

On 29 August 2014, the Supreme Court Chamber issued its decision on the matter, allowing an extension of time of 30 days from the date of the delivery of the present decision, but denying the requested extension in number of pages. It also decided that the requests for extensions in respect of the appeal and response briefs were premature, indicating that decisions in their respect could only be taken after receiving the parameters of the preceding briefs. Preparatory review and research on issues relating to Case 002/01 remain ongoing.

Trial Chamber

On 7 August, the Trial Chamber pronounced its Judgement in Case 002/01. The Chamber found Nuon Chea and Khieu Samphan guilty of crimes against humanity committed between 17 April 1975 and December 1977 and sentenced them to life imprisonment. The Trial Chamber found that Nuon Chea and Khieu Samphan participated in a joint criminal enterprise to achieve the common purpose of implementing a rapid socialist revolution through a 'great leap forward' by whatever means necessary. The Chamber found that through the implementation of this purpose at least two million people were forcibly transferred from Phnom Penh in April 1975 by Khmer Rouge soldiers and at least 330,000 to 430,000 people were forcibly displaced from various locations throughout Cambodia between September 1975 and December 1977. Many people died as a result of execution, exhaustion, starvation and disease. The Chamber further found that at least 250 Lon Nol officials who had been transported from Pursat to Tuol Po Chrey were executed immediately after 17 April 1975. Nuon Chea and Khieu Samphan were found

guilty of the crimes against humanity of extermination (encompassing murder), political persecution and other inhumane acts (comprising of forced transfer, enforced disappearances and attacks on human dignity).

Also on 7 August, the Trial Chamber issued its Final Decision on Witnesses, Experts and Civil Parties to be heard in Case 002/01 in which it indicated the reasons for hearing the testimony of certain individuals proposed by the parties and not others.

On 11 August, the Trial Chamber received an email from the Nuon Chea Defence indicating its intention to seek the disqualification from any further trials in Case 002 of President Nil Nonn, Judge Ya Sokhan, Judge Jean-Marc Lavergne and Judge You Ottara. On 15 August 2014, the Chamber requested the Judicial Administration Committee to convene a panel to deal with the matters raised by the Nuon Chea Defence's email and forthcoming application. On 29 August, the Trial Chamber notified the President of the Judicial Administration Committee that the Khieu Samphan Defence had filed, as an alternative form of relief, an application for the disqualification from any further trials in Case 002 of President Nil Nonn, Judge Silvia Cartwright, Judge Ya Sokhan, Judge Jean-Marc Lavergne, Judge You Ottara and Judge Claudia Fenz.

Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber was seized of two appeals and one investigation into a possible interference with the administration of justice in Case 003, in addition to four appeals and one interlocutory motion in Case 004. All of these appeals are classified as "confidential"; however the Pre-Trial Chamber has made available to the public its decision issued in August in respect to one of these appeals, in a redacted form. The interlocutory request in Case 004 and the Pre-Trial Chamber's decision in respect of such are classified as "strictly confidential" so they are excluded from the present report.

Case 003

PTC10

The Pre-Trial Chamber remained seized of an appeal filed on 5 November 2013 by a suspect¹ in Case 003 against the "constructive denial" of his request to get access to the case file, which the Chamber had previously deferred until the issue of the appointment of the suspect's Co-Lawyers had been resolved.



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

Following the Pre-Trial Chamber's recognition of the Co-Lawyers on 30 June 2014, the deliberations in this case have been completed and the decision will be issued in due course.

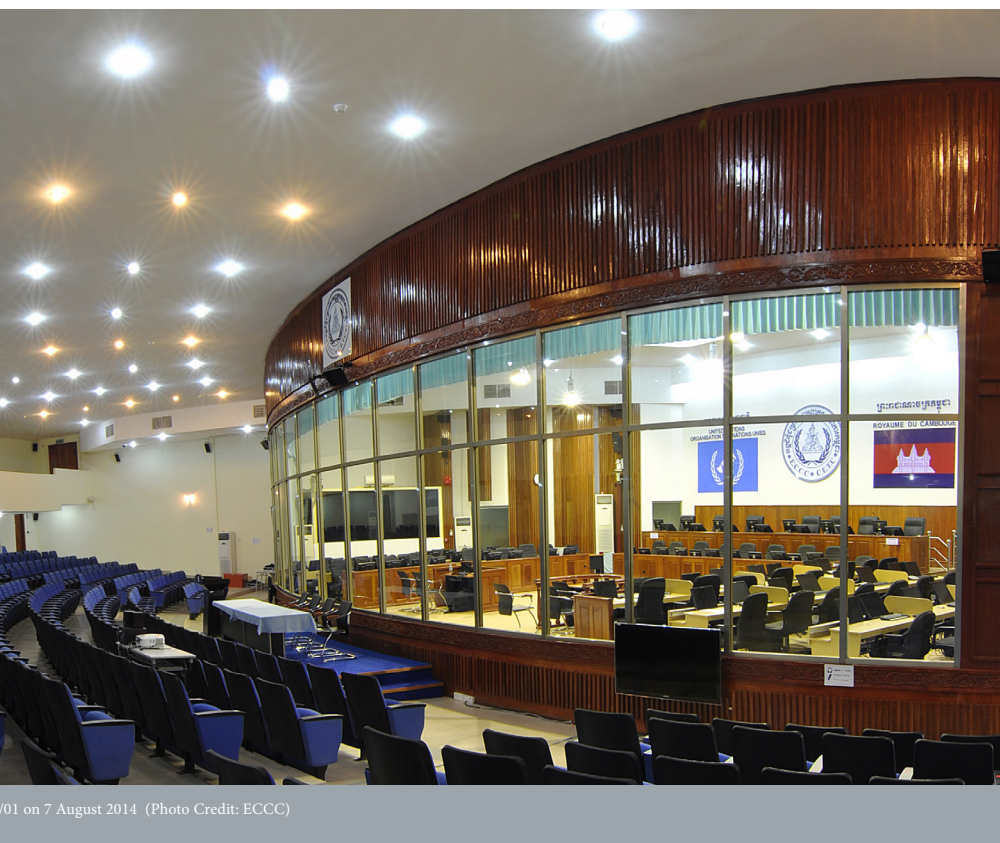
⁽¹⁾ The term "suspect" is used as a generic term, given that the judges of the Pre-Trial Chamber have expressed divergent views as to whether the concerned individual may be considered as a "charged person" under the ECCC Internal Rules.

PTC11

The Pre-Trial Chamber is currently conducting an investigation under Internal Rule 35 into the unlawful disclosure to the media of the confidential version of its decision on the appeal against the International Co-Investigating Judge's rejection of Mr. Michael Karnavas and Mr. Ang Udom's appointment as Co-Lawyers for a suspect in Case 003.

PTC12

On 20 August 2014, the Pre-Trial Chamber, unanimously dismissed an appeal filed on 3 June 2014 by the same suspect against the "continuing refusal" of the International Co-Investigating Judge to place his submissions on the case file and to act upon them. The Pre-Trial Chamber found that the matter is currently being addressed by the International Co-Investigating Judge and the appeal, which was filed before the Co-Lawyers were recognized as legal representatives for the suspect by the Pre-Trial Chamber, has



01 on 7 August 2014 (Photo Credit: ECCC)

become moot. A public redacted version of the decision was released on 28 August 2014.

Case 004 **PTC06 and PTC 10**

The Pre-Trial Chamber continued its consideration of an appeal filed by a suspect in Case 004 on 9 May 2014 against the International Co-Investigating Judge's decision rejecting the suspect's request to have access to the case file pending the International Co-Investigating Judge's reconsideration of a notification by the previous reserve International Co-Investigating Judge informing the suspect of his right to access the case file. The written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

On 13 August 2014, the Pre-Trial Chamber has been seized of another appeal filed, in English only, by the same suspect against a decision by the International Co-Investigating Judge rejecting his urgent request for access to the case file and to participate in the judicial investigation. The Pre-Trial Chamber is awaiting the Khmer version of the appeal.

PTC07 and PTC08

The Pre-Trial Chamber remained seized of an appeal filed in English on 16 May 2014 and in Khmer on 9 June 2014 by a suspect in Case 004 against a decision of the International Co-

Investigating Judge rejecting three requests for investigative actions. The Pre-Trial Chamber has completed its deliberations and will issue its decision in due course.

The Pre-Trial Chamber also remained seized of an appeal filed in English on 19 May 2014 and in Khmer on 9 June 2014 by the same suspect against a decision of the International Co-Investigating Judge rejecting the suspect's motion for annulment of investigative action pursuant to Internal Rule 76. The written proceedings on appeal are completed and the Pre-Trial Chamber will dispose of the matter in due course.

Office of the **Co-Investigating Judges**

During the month of August, the international side of the Office of the Co-Investigating Judges ("OCIJ") continued the investigations of Case Files 003 and 004. One field mission was carried out for Case File 003, in the course of which three witnesses were interviewed and one site identification report was drafted. Three witnesses were interviewed on ECCC premises by OCIJ investigators.

With regard to case 004, five field missions took place, during which twelve witnesses were interviewed and six investigation

action reports were drafted. Eleven witnesses were interviewed at the ECCC premises.

During the month of August, the OCIJ Analysts Unit reviewed Khmer Rouge original documents kept in external archives. Review of over 2,000 prisoners logs held at Khmer Rouge Security Centers continued. Additionally, the Analysts Unit assisted and participated in all field missions conducted during the month of August.

Civil party applications in Cases 003 and 004, which presently total in excess of 2,119, are progressively being placed on the case files while their admissibility and evidentiary value are being subjected to a thorough scrutiny by the two Khmer legal officers. Thus far, over 2,000 civil party applications have been reviewed for admissibility for both case files.

Office of the Co-Prosecutors

Case 002

The Co-Prosecutors continued preparations to ensure an efficient and thorough trial of the crimes covered in the upcoming Case 002/02, and continued their preparations for appeal proceedings in Case 002/01.

The Co-Prosecutors filed a detailed submission on the application of rules on new evidence to the Trial Chamber prior to the anticipated start of trial in Case 002/02, and responded to a joint defence request to the Supreme Court Chamber to prolong deadlines for filing of appeal notices and submissions in Case 002/01. The Co-Prosecutors are also awaiting the convening of a Plenary in due course to deliberate on their proposed changes to the Internal Rules to further streamline investigation and trial proceedings in line with international standards and due process rights.

Cases 003 and 004

The Co-Prosecutors have been analysing the evidence gathered and reviewing investigative and procedural developments in Cases 003 and 004, making necessary requests, and responding to Defence submissions. During the month of August three submissions were filed to the Co-Investigating Judges in Case 003, and two earlier submissions in Case 004 were placed on the Case File and notified to the parties, including one investigative request.



Guest Speakers (from Left) 1) Hang Vannak, Chief of VSS; 2) Ms. CHEA Leang, National Co-Prosecutor, Mr. SREA Rattanek, Deputy Prosecutor addressed to participants in Civil Party Forum on Case 002 on 28 August 2014 in Battambang Province. (VSS Photo)

Outreach

On 5 and 6 August, two members of the Office served as judges in the preliminary and final rounds of the Cambodian Mock Trial Competition for law students held at Phnom Penh International University. Following the pronouncement of the Judgment in Case 002/01, members of the Office participated actively in several events to raise awareness and reflect on the implications of the findings of the Trial Chamber. On 12 August, one of the prosecutors joined a panel on the legal aspects of the Judgment, convened by the local office of the Heinrich Böll Foundation.

On 28 August, the National Co-Prosecutor and one of her deputies participated in a forum in Battambang on 28 August, addressing the impact of the Judgment in Case 002/01 in discussions with victims who had chosen to participate in the proceedings as Civil Parties.

Finally, on 29 August, Senior Assistant Prosecutor Tarik Abdulhak concluded a five-year term of service with the Court with an article published in the local press explaining the historic nature of the verdict against Nuon Chea and Khieu Samphan.

Defence Support Section

Case 002/01

The Trial Chamber issued Judgment in Case 002/01 on 7 August 2014. The Chamber convicted Nuon Chea and Khieu Samphan of Crimes against Humanity, Extermination, Political Persecution and Other Inhumane Acts for crimes related to forced population movements in Cambodia between 17 April 1975 and December 1977. Nuon Chea and Khieu Samphan were sentenced to life imprisonment.

The Nuon Chea and Khieu Samphan defence teams are preparing an appeal against the Judgment. On 13 August 2014, the defence teams jointly applied to the Supreme Court Chamber to extend the deadline and the page limitation for the notice of appeal and the appeal brief. On 29 August 2014, the Chamber extended the period for all parties to submit notices of appeal to 30 days from the date of this decision.

Additional evidence for the appeal is being requested. On 01 September 2014, the Nuon Chea Defence requested the Supreme Court Chamber to admit additional evidence for the appeal.

Case 002/02

Preparation for the Case 002/02 trial is underway. Both defence teams plan to request that the Case 002/01 trial judges be disqualified from adjudicating Case 002/02. On 11 August 2014,

the Nuon Chea Defence notified the Trial Chamber of (1) its intention to apply for the disqualification of Trial Chamber judges in Case 002/01 from future trials in Case 002; and (2) its expectation to file the disqualification application in conjunction with its notice of appeal imminently. In response, on 15 August 2014, the Trial Chamber requested the Judicial Administration Committee (“JAC”) to convene a panel of judges to consider the disqualification application when it is made. Composition and decision of the panel are pending.

On 25 August 2014, the Khieu Samphan Defence requested the Case 002/02 trial be postponed until (1) the judgement and appellate decisions in Case 002/01 become final; and (2) a new set of trial judges for Case 002/02 is composed. In response, on 29 August 2014, the Trial Chamber requested the JAC to take notice of Khieu Samphan’s application in the event that it may affect the composition of the JAC-convened panel.

Cases 003 and 004

The identity of the named Suspects and most documents remain confidential. The defence teams continue to file submissions to protect the Suspects’ fair trial rights and continue to review publicly available material, since the case file remains inaccessible to the defence teams.

**Civil Party Lead
Co-Lawyers Section**

Key legal developments

On 07 August 2014, the Trial Chamber handed down its Judgment in Case 002/01 convicting both Accused for all crimes and sentencing them to life imprisonment. Notably for the Civil Parties is the fact that throughout the Judgment their oral and written statements were quoted, demonstrating the crucial role that Civil Party participation plays in ascertaining the truth.

Regarding the reparations, the Trial Chamber endorsed 11 of the 13 reparation projects that were sought by the Civil Parties in accordance with Internal rule 23 quinquies (3). The Chamber could not endorse the project “Public Memorial Initiative” as it did not contain sufficiently detailed descriptions, such as the proposed locations of the envisioned memorials or the agreement of any involved third parties. Furthermore no external funds had been secured to implement this project. The second project, “The Memorial to Cambodian Victims living in France,” was also not endorsed by the Trial Chamber as it had not been fully demonstrated that sufficient external funding had been secured.

Meetings and Outreach

On 06 August 2014, the Civil Party Lead Co-

Lawyers met with Assistant Secretary General for Legal Affairs Stephen Mathias and Ambassador David Scheffer to discuss about Civil Party participation and reparations at the ECCC. In the afternoon, the lawyers met with Civil Parties invited by ADHOC to discuss and explain the impossibility of requesting individual reparations at the ECCC.

On 07 August 2014, a meeting with the Civil Parties was held at Cambodian-Korean Cooperation Centre in Phnom Penh after the pronouncement of the Judgment. On this occasion, a storybook on forced transfer edited by CHRAC, another reparations project, was distributed to the Civil Parties.

On 28 August 2014, a Civil Party forum organised by VSS was held in Battambang to discuss the Trial Judgment in Case 002/01. On this occasion, yet another reparation project, copies of a summary of the Judgment, was distributed to the Civil Parties.

Reparations

Implementation continues to move forward on the Case 002/01 requested reparation projects. Lawyers for civil parties continue to work closely with Civil Parties and reparation project partners on the identification of projects for Case 002/02.

**Victims Support
Section**

Legal representation

The ECCC-funded civil party lawyers of the VSS prepared the Civil Parties who were supposed to be interviewed by journalists after the judgment pronouncement. In addition, one lawyer of the team participated in the testimonial therapy session conducted by TPO and met with civil parties to discuss about the judgment of Case 002/01 and personal reparation issue before the judgment pronouncement date. Moreover, the lawyer team participated in the pronouncement of Case 002/01 Judgment on 07 August 2014. After the pronouncement of the judgment, they participated in the meetings to discuss the decisions and reparations ruled out in the Judgment and the possibility to appeal against the decision. They also participated in another meeting on implementation of Case 002/01 Reparation, and the Role of VSS, Lead Co-Lawyer Section, and civil party lawyers. In addition, they participated in the Civil Party Forum on Judgment of Case 002/01 and Reparation on 28 August 2014 in Battambang Province.

Processing and analysis

The Processing and Analysis Team of the VSS received a total of two applications, one in Case 003 and 1 in 004. As of 31 August 2014, there were 1,770 applications for these



Civil Party Lawyers addressed to participants in Civil Party Forum on Case 002 on 28 August 2014 in Battambang Province. (VSS Photo)

two cases in total.

In order to have all the applications officially placed on the case file of the ECCC, the team filed 16 applications in Case 003 and 370 in Case 004 with OCIJ. In total, the applications filed for both cases were 386, 11 were completed with basic information and 375 fully processed. The remaining applications of both cases, 202, will be filed to OCIJ in a few days.

Outreach

The Outreach Team and Intermediary Organizations (IOs), with assistance from R&NJM Team, collaboratively coordinated the participation of 220 Civil Parties from Phnom Penh and 17 different provinces throughout Cambodia to participate in the Pronouncement of the Judgment of Case 002/01 against Nuon Chea and Khieu Samphan at the ECCC on 7 August 2014. The two accused, Nuon Chea and Khieu Samphan, were sentenced to life imprisonment for crimes against humanity committed between 17 April 1975 to 6 January 1979. 11 out of 13 requested reparation projects were endorsed in the Judgment.

In the afternoon of the same day, the VSS organized a Meeting between CPs and Civil Party Lawyers (CPLs) at Cambodia-Korea Cooperation Center (CKCC) in order to provide further explanations on the decisions in Case 002/01 judgment, especially with regards to the reparation projects. The Section worked with CHRAC, ADHOC and TPO. CHRAC launched their Civil Party Story Book, one of

the reparation projects, during the meeting and gave a book to each CP. The Chief of the VSS met with a researcher from SUNY Buffalo Law School to talk over the issue of Civil Party participation in the ECCC's proceedings, reparations and non-judicial measures.

Reparations and non-judicial measures

The Reparation & Non-Judicial Measure (R&NJM) Team has facilitated and coordinated the implementation of all R&NJM projects (18 projects) through meetings and technical support communication. The team, with assistance from the outreach team, has closely communicated with the Ministry of Culture and Fine Arts (MoCFA) to prepare for a Workshop on the Reconstruction of a Memorial Stupa at Toul Sleng Genocide Museum. The Workshop is to be conducted at MoCFA on 05 September 2014.

The team assisted the Outreach Team of the Section to invite 220 CPs from Phnom Penh and 17 different provinces to attend the Pronouncement of the Judgment of Case 002/01 at the ECCC on 07 August 2014. The event brought 220 Civil Parties from Phnom Penh and 17 different provinces throughout Cambodia. The team also helped the Outreach Team to prepare for a Meeting between CPs and CPLs to provide further explanations on Judgment of Case 002/01 in the afternoon.

The team conducted two meetings, 08 and 13 August 2014, with the Lead Co-Lawyers Sec-

tion (LCLS) to discuss the preparation of a Stakeholders Consultation on Case 002/02 Reparation Requests. The Stakeholders Consultation is to be conducted in Phnom Penh Ecumenical Diakonia Centre on 04 September 2014.

The team and Kdei Karuna jointly organized two Coordination Meetings and the team participated the same meeting during the month to finalize materials for "Mobile Exhibition" project. As a result, all the materials were finalized and it is expected that the inauguration of the mobile exhibition of each province can start sometime in mid-September 2014.

The team conducted a Coordination Meeting at the ECCC on 22 August 2014 with LCLS and CPLs to discuss the preparation of a Civil Party Forum to be conducted in Battambang province on 28 August 2014. The CPs Forum were conducted with objectives: 1) inform CPs about the Judgment of Case 002/01 against Khieu Samphan and Nuon Chea and the progress of the ECCC, 2) provide opportunities for CPs and their lawyers to discuss issues related to the hearings of Case 002/02, and 3) update CPs on the progress and implementation of Reparation and Non-Judicial Measure projects, especially those related to Gender-Based Violence during the Khmer Rouge. The forum involved about 255 CPs from 7 provinces. During the forum, each CP was provided with a Book of the Summary verdict of Case 002/01.

Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website:

www.eccc.gov.kh/en/document/court

Trial Chamber

7 August 2014: Final Decision on Witnesses, Experts and Civil Parties to be heard in Case 002/01 <E312>

7 August 2014: Case 002/01 Judgement <E313>

15 August 2014: Request to compose a Chamber to decide upon an application by Nuon Chea to disqualify Trial Chamber judges <E314>

19 August 2014: Decision on the Khieu Samphan Defence Request for an Extension of Time Limit to Respond to the Co-Prosecutor's and Civil Party Lead Co-Lawyers' Witness, Expert and Civil Party Internal Rule 87(4) Justifications <E307/3/2/1>

19 August 2014: Khieu Samphan's Request for Clarification and Modification to the Annex of the Decision of Additional Severance of Case 002 and Scope of Case 002/02 <E301/9/1.1/2>

29 August 2014: Notice of application by the Khieu Samphan Defence to disqualify Trial Chamber judges as an alternative form of relief <314/2>





Mr. Neth Pheaktra, ECCC Press Officer gave briefing for Japanese students who visited the ECCC on 8 September 2014.

Cambodian and Japanese students come to learn about the ECCC

On the 8th of September 2014 the Public Affair Section (PAS) organized two study tours at the ECCC: one in Khmer for 19 Cambodian Law Clinic students from the Royal University of Law and Economics (RULE); and one in English for a group of 9 students and their professor from Niigata University, Japan. Both groups have expressed their high satisfaction for the work carried out by the court and were pleased by the presentation provided by PAS officer and the briefings given by different sections of the ECCC, such as: Office of the Co-prosecutors, Lead Co-lawyers and Defence Team.

The national students commented on how this tribunal is important to them, not just for being law students, but especially for being Khmers. In this regard, Tim Chitra commented that the ECCC is the only place that can alleviate the suffering of Khmer people by bringing justice.

"I believe that the ECCC court is the only place that can help Cambodians to seek justice and therefore it helps alleviating the suffering of millions of Khmer people who have lived during this brutal period of time. "I think that it is good that we can rely on the structure and proceedings of the tribunal. As I am a law student, I am admiring what the ECCC proceedings have been doing so far and so well."

Another Legal Clinic's student, Chhay Vannlyoung, stated that he especially appreciates the explanations received on whom from the Khmer Rouge regime can be prosecuted and how evidences are gathered.

"Overall, these information are really

useful to me because I now have a clearer understanding of the ECCC process. I would personally like to thank the officer of administration that has a good and constant cooperation with the RULE."

Tep Y Visal, from the same university, was particularly interested how and by whom the ECCC was created and its objectives; in particular he enjoyed the detailed elucidation on some of the procedures used within the tribunal.

"Firstly, it was a quiet and secure place where people can concentrate on their tasks. Secondly, I got a warm welcome from the official staff, including public officials, co-prosecutors and leading lawyers. All these people were very kind to share their knowledge on the ECCC. Most importantly, I have learned a number of things which were relevant to the history of the ECCC, such as who were the initiators of the ECCC and what were the objectives for the creation of this court. Especially, they explained into details the procedures relating to the court, how to file cases, how to investigate and how to gather accurate records or evidences. Therefore, I really thank the ECCC for providing me with a great opportunity to

learn and gain more knowledge which is crucially important for my studies."

The Japanese students, led by professor MIYATA Haruo, came to Phnom Penh with the intention to comprehend the historical, cultural, social and political background of this country and its relation with the work done by the tribunal. They noticed that the approach taken by the court is extremely significant, as part of its job is assisting in the formation of a new generation of lawyers, with a better understanding of criminal cases. It was also noted that the court is teaching them that justice is possible in this country which was ruined and wherein the effects of Khmer Rouge regime are palpable to date. The professor is of the opinion that everyone, independent of their background, should learn about the ECCC as it is essential, he said, to prevent similar atrocities from being repeated anywhere in the world.

Overall, both groups of students mentioned how the tour has enhanced their knowledge on this topic, which is also relevant to their studies.



Representatives from Office of Co-Prosecutors did a presentation to the students from Legal Clinic programme of RULE on 8 September 2014.

Third session of seminar series on International Law and Human Rights on 9 September 2014

The ECCC, in cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, hosted on 9 September 2014 the third session of a seminar series on the topics of international criminal law and human rights law. The seminar series aims to increase awareness and knowledge of these subject areas among law students, teachers and researchers in Cambodia, as well as to foster interaction between the ECCC and academia, with a view to facilitating research for their respective purposes.

The topic for the session focused on "Victim Participation in International Criminal Proceedings" presented by Ms. Marie Guiraud, International Civil Party Lead Co-lawyer at the ECCC. Judge Jean-Marc Lavergne, International Judge of the Trial Chamber also participated in this seminar.

Abstract : Victim participation in international criminal proceedings By Ms. Marie Guiraud

Whereas the Nuremberg and Tokyo Tribunals, as well as the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR), mainly overlooked the interests of victims, there is now a wide consensus to recognize the role of international justice in providing not only retributive justice, the punishment of the guilty, but also restorative justice, by permitting victims to participate in proceedings and receive reparations for the harm they have suffered. The presentation will highlight the main practical challenges of victims' participation in mass crimes trials, drawing parallels between the International Criminal Court (ICC), the Extraordinary Chambers in the Courts of Cambodia (ECCC) and Cambodian domestic Courts.



ECCC outreach

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

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

September 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2 Study tour Pursat province (500)	3 Study tour Kandal province (300)	4	5	6
7	8	9 Study tour Prey Veng and Pursat province (520)	10 Study tour Pursat province (480)	11	12	13
14	15	16 Study tour Pursat and Prey Veng province (250)	17 Study tour Battambang province (350)	18	19	20
21	22	23	24	25	26	27
28	29	30 Study tour				

Outreach activities



Radio show on 11 August 2014 at Radio FM102 (CHRAC Photo)

7 August 2014: Victim Support Section (VSS) of the ECCC organised the distribution of the “Civil Party Story Book” which is part of the CHRAC’s reparation project, handing it out to civil parties.

11 August 2014: KRT Watch Radio Call-in Show examined the results of the verdict of Case 002/01 in order to make the public more aware on this topic and to provide them with a better understanding of the judgment. During the show callers and civil parties participated with some positive reactions. The show was also re-broadcast on the 23rd of August 2014.

20 August 2014: A total of 64 students from Khemarak University in Phnom Penh attended a half-day Legacy Workshop to increase their understanding on “Annotated Cambodian Code of Criminal Procedure and Important strategies for the Implementation of ECCC’s Best Practices and International Fair Trial Standards”. According to students’ feedback the workshop has clarified the topic discussed.

8 September 2014: Between 4:10 and 5:00 p.m., during the KRT Watch Radio Call-in Show, the ECCC’s progress after delivering the verdict in Case 002/01 was explained into depth. The two guest speakers for the show were representatives from the ECCC, providing the listeners with clarification on the steps taken by the ECCC after the verdict was announced and also participating in the discussion on this topic with civil parties and callers. The show will be broadcast a second time on the 20th of September 2014, during the same hours.

13 September 2014: An estimated 150/200 law students from Build Bright University (BBU), in Battambang province, undertook a half-day Legacy Workshop entitled “Meaningful Victims’ Participation, Reparation and Jurisprudence at ECCC” which aimed to enhance student’s understanding on the subject which includes the national and international jurisprudence practiced at the ECCC. On this same day about 150 learning material booklets titled “Additional Understanding of ECCC proceedings” were printed and distributed to the law students attending the workshop. The booklets will be printed again, by the end of the month, in number of around 500 and will be given to law students from different Universities during CHRAC’s future legacy workshops.



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

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