



# The Court Report

## The Extraordinary Chambers in the Courts of Cambodia in the Courts of Cambodia

Moving forward through justice



Case 002/02 hearing had started on January 8, 2015. ECCC Photo

## Case 002/02 Hearing Resumes, Khieu Samphan Hospitalised

On January 8 2015, Case 02/02 resumed, hearing from witness TCW 936, Meas Sokha, alias Thlang.

Judge Nil, in his introduction noted that twenty five trial days had been lost as a result of the actions of Khieu Samphan’s Defence, and that the court had taken several subsequent steps, including the January 7 appointment of Mr Calvin Saunders and Ms Touch Vorleak as standby council.

Their presence on the Defence bench was the focus of the first part of the morning session. Voicing their strong objection to the arrangement, Ms. Anta Guissé felt that it was “a bit derogatory” while Mr. Son Arun asked the “trial chamber [to] consider this matter again.” Mr. Victor Koppe considered it “an insult to Khieu Samphan, to our client and to the defence.”

The first witness in Case 02/02, Meas Sokha, answered questions relating to the living and working conditions in Tram Kok and Kraing Ta Chan Prison.

He stated that twelve family members, including his father and eight siblings were arrested and taken first to Ang ROKAR holding facility, before being moved to Kraing Ta Chan prison. This was in relation to the actions of his brother-in-law, who had sought approval of the villagers – by collecting thumbprints - to depose the chief.

However further proceedings in the Case were suspended after the lunch break, with Khieu Samphan taken to hospital complaining of dizziness and high blood pressure. The hearings were initially postponed until the following day, pending medical examination, but on Friday 9 January, Judge Nil

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## Case 002/02 hearing will resume on 21 January 2015

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.....announced that, based upon the advice of doctors at the Khmer-Soviet hospital, "Mr Khieu Samphan needs to be treated at the hospital for another 5 days." He then announced that the trial will resume on Thursday 15 January.

On 13 January, the Trial Chamber was informed by the Khmer Soviet Friendship Hospital that Khieu Samphan would not be discharged from the hospital before 15 January 2015. Consequently, the trial hearing scheduled for that day has been cancelled.

The Trial Chamber has previously ordered medical examinations by court appointed experts on 19 and 20 January to assess both Accused Persons' fitness to stand trial. The next trial hearing in Case 002/02 will therefore commence at 09:00 on Wednesday 21 January 2015.



## Appointed medical expert to assess Khieu Samphan and Nuon Chea's fitness to stand trial

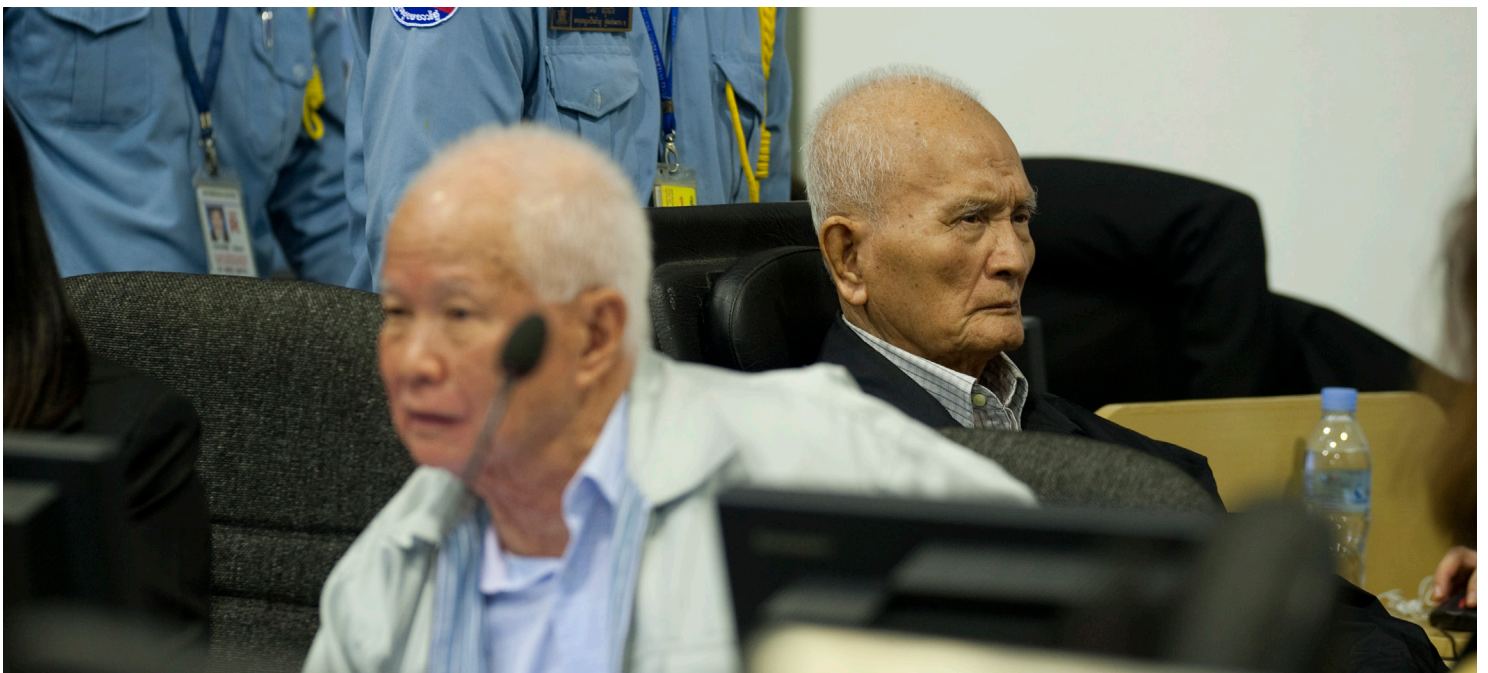
An order assigning experts to assess the Accused's fitness to stand trial was signed by President of the Trial Chamber Nil Nonn on 18 December 2014.

While the Trial Chamber has "received no indication that the condition of either Accused has changed substantially since the last expert report, filed in March 2014", pursuant to Internal Rule 32, the Trial Chamber ordered an expert medical and psychiatric evaluation of the Accused, stating that

it is "appropriate and necessary to reassess the Accused's fitness given their advanced age and ongoing medical conditions."

Dr. Chan Kin Ming, a geriatrician, and Dr. Huot Lina, a psychiatrist, were appointed to assess and report, based on criteria described in the Strugar Case from the International Criminal Tribunal for the former Yugoslavia (ICTY), whether or not each Accused is currently fit to stand trial.

The assessments are scheduled to take place on 19 and 20 January 2015, with the finalized written report, in English submitted by 21 January 2015, and translations of the report provided to counsel for the Accused by 22 January 2015. A hearing on the fitness of the Accused is scheduled for 23 January 2015, in order to permit Dr. Chan Kin Ming and Dr. Huot Lina to present their findings and be questioned by the Defence and Co-Prosecutors.



*Khieu Samphan and Nuon Chea in the ECCC courtroom during the closing statement on October 2013.*



## Trial Chamber refers misconduct of Khieu Samphan's counsel to their respective professional bodies

On 19 December 2014, the Trial Chamber issued an order referring the misconduct of Khieu Samphan's national Co-Lawyer Kong Sam Onn to the President of the Bar Association of the Kingdom of Cambodia, and the misconduct of the international Co-Lawyers Arthur Vercken and Anta Guisse to the President of the Paris Bar Association and the Prosecutor General of the Paris Appeal Court.

The order provided details of the misconduct of Khieu Samphan's counsel from 17 October 2014 onwards, where the counsel's repeated violations of court orders to attend trial hearings in Case 002/02 led to the cancelling of 25 trial days, which created hardships for Civil Parties, witnesses, inconvenience for the Parties and the relating additional costs for the ECCC.

The Trial Chamber found no factual or legal basis justifying the counsel's misconduct, which it said amounted to serious and deliberate obstruction of the proceedings.

Two written filings by counsel attempting to justify their actions were considered by the Trial Chamber to be repetitious, frivolous and in support of a defence strategy that is legally groundless, inconsistent with counsel's duties and fashioned to obstruct the proceedings in Case 002/02.

Consequently, the Chamber recommended that the Defence Support Section refuse any request by the counsel for Khieu Samphan to be paid for work on these filings.



## Interns from the Office of the Co-Prosecutors take part in a moot court session

Interns from the Office of the Co-Prosecutors (OCP) took part in a moot court session on 18 December, in the Trial Chamber. Bill Smith, Deputy Co-Prosecutor, explained that the practice began three years ago, to give the "Cambodian and international interns the opportunity to gain practical advocacy skills for starting their careers."

Taking place three times a year, it provides a valuable opportunity for the interns to "put into practice skills seen in the court room at the ECCC, merging research and analysis skills, in a practical setting, gives [the interns] an appreciation of skills relevant as courtroom council," Bill added.

With the judges, witnesses and defence played by various court staff, prosecuting interns in teams of three had twelve minutes each to question a 'witness', with the Defence and judges ensuring correct procedure was followed. Aiming to make the experience as authentic as possible, there was real-time translation between English and Khmer, which highlighted the realities of working in a multi-lingual court.

David Mol, a Dutch intern, found the experience difficult but very interesting, feeling it was a "very valuable experience for us as interns", "I liked working together with the national interns as a team and was impressed by their questions."





## Supreme Court Chamber

In December 2014, the Supreme Court Chamber continued its review and research on issues relating to case 002/01. On 3 December 2014, Nuon Chea responded to the Civil Party Lead Co-Lawyers' request filed 24 November 2014 to recognize their right to respond to Nuon Chea's and Khieu Samphan's forthcoming appeal briefs, as well as their right to file a brief clarifying their position on the Co-Prosecutors' forthcoming appeal in relation to the applicability of the third form of joint criminal enterprise. The Civil Party Lead Co-Lawyers replied to Nuon Chea's response on 9 December 2014. On 26 December 2014, the Supreme Court Chamber granted the request in part, allowing the filing of a consolidated response to the defence appeal briefs, but denying the request to clarify their position on the Co-Prosecutors' appeal brief.

In addition, on 1 and 2 December 2014, Khieu Samphan and Nuon Chea respectively filed requests for further extensions of time to respond to the Co-Prosecutors' appeal, to which the Co-Prosecutors responded on 4 December 2014. On 2 December 2014, Nuon Chea also requested an additional 60 pages for the filing of his appeal brief, to which the Co-Prosecutors responded on 4 December 2014. The Supreme Court Chamber granted these requests on 11 December 2014.

On 19 December 2014, the Co-Prosecutors responded to Nuon Chea's strictly confidential third request for additional evidence on appeal filed on 25 November 2014. On 23 December 2014, Nuon Chea requested to file an addendum to its appeal against the trial judgment in case 002/01.

On 29 December 2014, both Nuon Chea and Khieu Samphan filed their respective appeal briefs against the trial judgment in case 002/01.

Consideration of the requests for additional evidence and of Nuon Chea's request to file an addendum, as well as review of the defence and the Co-Prosecutors' respective appeals, remain ongoing.

### Trial Chamber

On 4 December 2014, the Trial Chamber placed on the Case File documents proposed by the parties as relevant to Case 002/02 pursuant to the Trial Chamber order E305. The Trial Chamber found that the placement of these documents on the Case File is in the interests of justice since it will facilitate access to the documents and later discussion on their ad-



ECCC courtroom after the public attended the judgement hearing of Case 002/01 on 7 August 2014 (Photo Credit: ECCC)

missibility.

On 5 December 2014, the Trial Chamber ordered the Defence Support Section to appoint one national and one international Court Appointed Standby Counsel for Khieu Samphan. This order followed the adjournment of the hearing on substance in Case 002/02 until 8 January 2015 due to obstruction of the proceedings in Case 002/02 by the Khieu Samphan defence. The role of the Standby Counsel will be to prepare and maintain the capacity to take over the defence of Khieu Samphan at any time should the Chamber determine it necessary to replace current Counsel. The Trial Chamber directed the Defence Support Section to take all necessary steps to fill the new positions as expeditiously as possible and to report on the progress to the Trial Chamber on a weekly basis.

On 11 December 2014, the Trial Chamber issued a scheduling order for the submission of objections and discussion on the admissibility of the documents proposed by the parties pursuant to the Trial Chamber's order E305. The Trial Chamber recalled the juris-

prudence on the admissibility of documents within the framework of the ECCC, including the admissibility of witness, victim and civil party statements and transcripts. The Trial Chamber ordered the parties to indicate, in a filing to be submitted no later than 12 January 2015, whether they intend to use any of the proposed written statements or transcripts as evidence of acts and conduct of the accused. In order to determine the admissibility of the documents proposed by the parties, the Trial Chamber also granted the parties the opportunity to submit written objections to documents on the respective parties' lists. The submissions are due by 2 February 2015.

On 17 December 2014, the Trial Chamber issued a memo clarifying that it would continue in Case 002/02 the practice established in Case 002/01 of holding key documents presentation hearings, which provide the parties with an opportunity to present documents they considered particularly relevant to each trial topic. The Trial Chamber directed the parties to select a limited number of documents for presentation and informed them that it will announce the schedule for the first key docu-





ments presentation hearing in due course. The Trial Chamber also notified the parties that at the end of each trial topic, after the key documents presentation hearing, the Trial Chamber will allocate two days to hear a representative selection of civil parties primarily relevant to the topic examined on the harm they suffered during the Democratic Kampuchea period.

Also on 17 December 2014, the Trial Chamber issued a Scheduling Order for Evidentiary Proceedings in Case 002/02 starting on 8 January 2015. The Trial Chamber scheduled three sitting days per week until an assessment of the Accused's fitness to stand trial is completed. On 18 December 2014, the Trial Chamber ordered the assignment of experts to assess the Accused's fitness to stand trial. The assessment is scheduled to take place during the week beginning 19 January 2014.

On 19 December 2014, the Trial Chamber issued an order referring the conduct of current Counsel for Khieu Samphan to the appropriate professional bodies pursuant to Internal Rule 38(2). In the order, the Trial Chamber stressed that the conduct of Kong Sam Onn, Arthur Vercken and Anta Guisé amounts to a

serious and deliberate obstruction of proceedings. It referred the misconduct of counsel Kong Sam Onn to the Cambodian Bar Association, and the misconduct of counsel Arthur Vercken and Anta Guisé to the President of the Paris Bar Association and the Prosecutor General of the Paris Appeal Court, with a view to seising their respective disciplinary boards.

On 22 December 2014, the Trial Chamber granted the Nuon Chea Defence request to place on the Case File an audiovisual recording of an 11 January 1979 United Nations Security Council meeting and to place it on the Case File and admit it into evidence pursuant to Internal Rule 87(4).

On 24 December 2014, the Trial Chamber granted the Co-Prosecutors' request to admit into evidence 30 written records of interviews relating to the Tram Kok Cooperatives and Kraing Ta Chan Security Centre. These written records of interview only became available following the International Co-Investigating Judge's recent authorisation for their disclosure (14 October 2014). The Trial Chamber found that admitting these written records

was conducive to ascertaining the truth. In the same decision, the Trial Chamber also outlined the procedure for the use of the confidential written record of interviews disclosed by the Co-Investigating Judge during proceedings in Case 002/02.

### Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber was seized of four appeals and one investigation into a possible interference with the administration of justice related to the investigation in Case 003, in addition to three appeals related to the investigation in Case 004. The Pre-Trial Chamber disposed of two of these appeals. At this stage, the appeals are confidential but the Pre-Trial Chamber makes its decisions available to the public in redacted form.

#### Case 003

##### PTC11 (Rule 35 Investigation ongoing)

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 decision of the International Co-Investigating Judge rejecting the appointment of Mr. Michael Karnavas and Mr. Ang Udom as Co-Lawyers for a suspect in Case 003.

##### PTC13 – decision

On 3 December 2014, the Pre-Trial Chamber issued its decision on an appeal filed on 27 October 2014 by a suspect in Case 003 against an order issued by the International Co-Investigating Judge concerning the validity of a summons issued by one Co-Investigating Judge alone. The Pre-Trial Chamber found the Appellant's argument that the International Co-Investigating Judge's interpretation of the law set forth in the Impugned Decision impairs his right to legal certainty to be without merit and dismissed the appeal as inadmissible.

##### PTC 14 – pending

On 17 November 2014, the Pre-Trial Chamber was seized of an appeal by a suspect in Case 003 against the "constructive denial" of his requests to strike a filing by the International Co-Prosecutor from the case file, for access to the case file and to participate in the judicial investigation. The briefing is now complete and the matter is under consideration.

##### PTC15 – new appeal

On 8 December 2014, the Pre-Trial Chamber was seized of an appeal by a suspect in



Case 003 against the International Co-Investigating Judge's Constructive Refusal to Seize the Pre-Trial Chamber with two Annulment Applications. The briefing is now complete and the matter is under consideration.

#### **PTC16 – new appeal**

On 18 December 2014, the Pre-Trial Chamber was seized of the English version of an appeal by a suspect in Case 003 against the International Co-Investigating Judge's Denial of the Request to Access Case File and Participate in Judicial Investigation. The filing of the Khmer version of the appeal is pending.

#### **Case 004**

##### **PTC14 – decision**

On 4 December 2014, the Pre-Trial Chamber issued its decision on an appeal against a clarification issued by the International Co-Investigating Judge concerning the validity of summons signed by one Co-Investigating Judge alone, filed by a suspect in Case 004 in English on 15 September 2014 and in Khmer on 27 October 2014. The Pre-Trial Chamber found the Appellant's argument that the International Co-Investigating Judge's interpretation of the law set forth in the Impugned Decision impairs his right to legal certainty to be without merit and dismissed the appeal as inadmissible.

##### **PTC15 – pending**

The Pre-Trial Chamber remained seized of an appeal filed on 17 October 2014 by a suspect in Case 004 against a decision of the International Co-Investigating Judge regarding the suspect's request for clarification that he can conduct his own investigation. The briefing is complete and the matter is under consideration.

##### **PTC16 – pending**

The Pre-Trial Chamber remained seized of an appeal filed by a suspect in Case 004 against a decision of the International Co-Investigating Judge denying a motion requesting information about a written record of disagreement. The Appeal was filed in English on 17 October 2014 and in Khmer on 29 October 2014. The briefing is complete and the matter is under consideration.

#### **Office of the Co-Investigating Judges**

From October until the end of December, the international side of the Office of the Co-Investigating Judges ("OICIJ") continued the investigations of Case Files 003 and 004.

Fourteen field missions were carried out for Case File 003 and 004, in the course of which 40 witnesses were interviewed and 27

investigative action reports and one site identification report were drafted. 49 witnesses were interviewed at the ECCC premises by OICIJ investigators.

From October until December, the OICIJ Analysts Unit reviewed Khmer Rouge documents, maps and photographs at 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 throughout that period.

Civil party applications in Cases 003 and 004, which presently total in excess of 2,125, are progressively being placed on the case files. Their evidentiary value is subjected to a thorough scrutiny by analysts, investigators and legal officers. All civil party applications have been reviewed for admissibility for both case files. Additional information sheets were filed by the Victims' Support Section and are equally being reviewed. New requests for additional information were sent to civil party lawyers and the Victims' Support Section.

Outreach activities have continued from October until December. The international Co-Investigating Judge and his senior staff intervened on witness participation to Case Files 003 and 004 in Battambang, Oddar Meanchey and Pailin Provinces. A member of the OICIJ participated in the December edition of CHRAC's monthly radio programme on the participation of victims in Case Files 003 and 004.

#### **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. They have also been conducting reviews of available evidence for disclosure purposes.

On 16 December 2014, the Co-Prosecutors submitted a joint request with the Civil Party Lead Co-Lawyers requesting that the Trial Chamber increase the number of sitting days in the trial of Case 002/02 to four per week in order to expedite the completion of the trial.

##### **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.

#### **Outreach**

On 5 December 2014 the International Co-Prosecutor and Deputy National Co-Prosecutor spoke at a victim forum organized by the Victim Support Section in Siem Reap. On 12 December 2014 an OCP staff member served as a judge for the ICRC Moot Court Competition at the Royal University of Law and Economics on 12 December 2014.

#### **Defence Support Section**

In December, the Nuon Chea and Khieu Samphan Defence teams continued preparing and ultimately filed their appeal briefs against the Trial Chamber's judgment in Case 002/01. In addition, the Nuon Chea team filed several requests to the Supreme Court Chamber; including a request for a further page extension for the appeal brief and for an extension of time to respond to the Co-Prosecutors' appeal against the Case 002/01 judgment. Both requests were granted. The Nuon Chea Defence also requested that the Supreme Court Chamber permit the filing of an addendum to their appeal brief as soon as the Special Panel's reasoned majority decision and Judge Downing's dissenting opinion on their application for disqualification of four of the Trial Chamber Judges are made available to the parties. This request was made following the rejection, by the Trial Chamber to circulate courtesy copies of such decision before the deadline for filing their appeal brief due on 29 December 2014. The Supreme Court Chamber is yet to decide on this matter.

Furthermore, the Trial Chamber has put pressure on Khieu Samphan's defence team by ordering the Defence Support Section to hire one international and one national lawyer as Court Appointed Standby Counsel. The Chamber also issued an order to refer the Co-Lawyers for Khieu Samphan to their respective Bar associations for having left the Courtroom during the 17 October 2014 hearing at the instruction of their client.

The Case 003 Defence team continues to prepare submissions to protect their client's fair trial rights and continues to review publicly available material, since the case file remains inaccessible.

Similarly, the Defence teams in Case 004 continue to protect their clients' rights by requesting access to the case file and preparing their defence through the use of publicly available resources.

#### **Civil Party Lead Co-Lawyers Section**

##### **Key Legal Issues and Submissions**

The Civil Party Lawyers and the Lead Co-Lawyers section continued their preparation of Case 002/02 this month in anticipation





International Co-Prosecutor Nicholas Koumjian spoke at Victim Forum organized by VSS in Siem Reap Province.

of the start of the substantive trial proceedings in January 2015.

On 6 December 2014, the Lead Co-Lawyers submitted a Rule 87(4) request regarding an exhibit for use during the examination of 2-TCCP-296. The new evidence sought to be admitted by the Lead Co-Lawyers comprises a map on which the boundaries of Trapeang Thom Khang Tboung and Ang Ta Saom communes in Tram Kok district have been shaded. In support of their request that this exhibit be admitted into evidence, the Lead Co-Lawyers argued that the exhibit is prima facie relevant to the Case 002/02 proceedings, as it provides evidence germane to the criminal allegations at the Tram Kok cooperatives and would assist the Chamber in ascertaining the truth.

On 9 December 2014, in their Reply to Nouon Chea Defence's Response to the Lead Co-Lawyers' Requests Relating to Appeals in Case 002/01, the Lead Co-Lawyers reaffirmed that Civil Parties hold a right to participate during appeal proceedings by responding to the appeal briefs filed by the defence inasmuch as the grounds of appeal contained therein relate to evidence provided at the behest of civil parties. The Lead Co-Lawyers emphasized that the Civil Parties have a distinct role in keeping with their particular interests and responsibilities at trial. Therefore, responding to the challenges to the Civil Parties evidence on appeal follows naturally from the fact that Lead Co-Lawyers participate in evidentiary hearings and make final submission on behalf of the Civil Parties. The Supreme Court Chamber agreed with the Lead Co-Lawyers on this point in their Decision on the Requests Relating to the Appeals hand-

ed down on 26 December 2014 and allowed the Lead Co-Lawyers to file their consolidated response to the defence appeal briefs in either English or French only to the Defence Appeal Briefs no later than 30 days after the notification of the English or French or Khmer version of the Co-Prosecutors' consolidated response, whichever is notified first.

On 16 December 2014, the Lead Co-Lawyers and the Office of Co-Prosecutors jointly requested the Trial Chamber to fix the number of hearings for the substantive hearings in Case 002/02 at four days per week as of 8 January 2014 to compensate for the time lost due to the refusal of the defence teams to attend court hearings in 2014. The need for expeditious trial in light of the advanced age of civil parties was again highlighted.

#### Meetings and Outreach

One Civil Party forum organised by the Victims' Support Section was held this month in Siem Reap on 5 December 2014. Civil Party Lawyers and the Lead Co-Lawyers updated the civil parties on the trial judgment and appeal for Case 002/01 and the future proceedings for Case 002/02.

On 18-26 December 2014, the Victims Support Section organised a consultation forum in Phnom Penh specifically for the Civil Parties who have been proposed to testify for the first segment of trial proceedings in Case 002/02 and their lawyers. The forum was designed to orient the Civil Parties with the ECCC system and to clarify any questions they might have had regarding their upcoming testimonies.

## Victims Support Section

### Legal representation

The ECCC-funded Civil Party lawyers continued to collect supplementary information from some Civil Parties whose applications in Case 003 and Case 004 were not complete as having assessed by the OCIJ. They also prepared the civil party applications in cases 003&004, documents of civil parties in Case 002, especially the evidence to be included in the case file of case 002/02, and met and trained their CPs who had been proposed to the TC for giving testimonies for the upcoming hearings of Case 002/02.

The lawyer team also participated in a) the working group meeting on KraingTachan Security Center and Tram Kok Cooperative, b) regional forum on judicial developments and reparations updates, organized by the VSS for CPs in Case 002; c) a meeting with VSS Chief on Case 002/02 reparation discussions.

### Processing and analysis

The Processing and Analysis Team (PAT) continued to process and file applications in Case 003 and Case 004 to the OCIJ. The team received the requests for 384 pieces of supplementary information in Case 003 and Case 004 from OCIJ, and continued to work on them by communicating with CPs and coordinating with CP lawyers.

### Reparations and non-judicial measures

The Reparation & Non-Judicial Measure (R&NJM) Team has coordinated the implementation of all R&NJM projects through meetings and technical support communication. The Team's members participated in an Exhibition on "Forced Transfer: the Second Evacuation of People during the Khmer Rouge Regime" conducted by Document Center of Cambodia in Siem Reap province on 05 December 2014. The Exhibition were participated by approximately 200 participants, including provincial officials, teachers, students and VSS's staff.

The team's members travelled to 8 provinces, including Stung Treng, Kratie, Kampong Cham, Kandal, BanteayMeanchey, Battambang, Pursat, and Kampong Chhnang from 08-22 December 2014 in order to evaluate the implementation of reparations projects and its impacts on the lives of beneficiaries, especially CPs. During the trip, the team met and interviewed about 245 beneficiaries living in communities. The evaluation will continue and its report is in the pipeline for next February 2015. In addition to the above, the team visited Toul Sleng Genocide Museum in order to monitor the progress of the construction of a Memorial





Stupa on 23 December. The construction of the Stupa is on track. At the same day, the team’s member also had a meeting with the Ministry of Culture and Fine Arts in order to discuss further planning for the construction of the Memorial Stupa. It was obvious that the construction of the stupa would be completed as planned.

**Outreach**

The Victims Support Sections (VSS) organized a Civil Party Forum on December 05 in Siem Reap with the attendance of 186 Civil Parties, including 116 females, from Banteay Meanchey, Siem Reap and Kampong Thom. The Office of Co-prosecutors, International Lead Co-Lawyer and Civil Party Lawyers also participated in the forum. The purposes of the Civil Party Forum were (i) to inform Civ-

il Parties about the Judgment in Case 002/01 against Khieu Samphan and Noun Chea, (ii) to provide opportunities for Civil Parties and their lawyers to discuss the issues related to the hearings of Case 002/02, and (iii) to update Civil Parties on the progress and implementation of the Reparation and Non-Judicial Measures projects being implemented under the framework of ECCC’s Reparation Programme.

On 2 December, the VSS Chief joined a Cambodian-German Technical Consultation for the approval on funding for the VSS in 2015.

On 17 December, the Chief and Mr. Thomas Truemper, Reparations Advisor, attended a Youth for Peace’s meeting on presentation on the results of Samrong Knong Peace Learning

Center Reparation Project, and discussed a possibility of reparation projects in Case 002/02. In the afternoon of the same day, they went to Swiss Development and Cooperation in Cambodia (SDC) to have a discussion on possible funding for reparation projects.

# 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](http://www.eccc.gov.kh/en/document/court)

**Supreme Court Chamber**

**11 December 2014:** Decision on Defence Motions for Extension of Pages to Appeal and Time to Respond, F13/2,

**26 December 2014:** Decision on Civil Party Lead Co-Lawyers’ Requests Relating to the Appeals in Case 002/01, F10/2,

**Trial Chamber**

**4 December 2014:** Memo “Decision on the Placement of Documents Proposed

by the Parties on Case File” <E307/9>

**5 December 2014:** Decision on the Appointment of Court Appointed Standby Counsel for KHIEU Samphan <E321/2>

**11 December 2014:** Memo “Scheduling of Objections to Documents Relevant to Case 002/02” <E327>

**17 December 2014:** Scheduling Order for Evidentiary Proceedings <E328>

**17 December 2014:** Memo “Information on (1) Key Documents Presentation Hearing in Case 002/02 and (2) Hearing on Harm Suffered by the Civil Parties in Case 002/02” <E315/1>

**18 December 2014:** Order Assigning Experts to Assess the Accused’s Fitness to Stand Tri-

al, <E329>

**19 December 2014:** Order to Refer Conduct of Counsel for KHIEU Samphan to Appropriate Professional Bodies <E330>

**22 December 2014:** Memo “Decision on Nuon Chea Rule 87 Request Concerning an Audiovisual Recording of an 11 January 1979 United Nation Security Council Meeting” <E326/1>

**24 December 2014:** Decision on International Co-Prosecutor’s Request to Admit Documents Relevant to Tram Kok Cooperatives and Kraing Ta Chan Security Centre and Order on Use of Written Records of Interview from Case Files 003 and 004 <319/7>



# Villagers from the Battambang Province visit the court

On the 12 of January 2015, 270 men, women and children from the Sangke district, Battambang Province, got up at 2 a.m and travelled almost 300 km to Phnom Penh to see the ECCC court with their own eyes. After holding a detailed presentation about the establishment of the ECCC and the ongoing trial against Khieu Samphan and Nuon Chea, ECCC Press Officer Neth Pheaktra interviewed some of the groups' elderly members about their impressions of the court.



**Koy Yen, 80, farmer**

"I would never have expected this type of tribunal to be established in Cambodia. I didn't expect that the Khmer Rouge leaders would have been arrested and brought to justice.

I agree with the others in supporting the ECCC and I feel confident about the tribunal and of letting the court to act on behalf of the victims."



**Dain Toy, 82, farmer**

"I lost five family members during the time of the regime, including children and brothers.

I welcome the establishment of the ECCC and believe it will bring justice to the people. I am happy to see the trial happening and I hope I will live long enough to witness the end of it. I felt relieved when I came here.

The Khmer Rouge leaders don't have to apologize but they have to say the truth! Despite their advanced age, they need to face trial and be brought to justice.

The court is good for the young generation. They need to learn about what happened. The purpose of the ECCC is also remembrance."



**Koy Yoeum, 88, farmer**

"It is my first visit to the ECCC. Before coming here, I have learned about the tribunal through the radio and television.

In my opinion, the establishment of the ECCC is important for the Cambodian people. The sentence of life imprisonment for the senior Khmer Rouge leaders is fair and will help to bring justice to the people.

I myself lost two family members during the time of the regime. Nuon Chea's claim that the evacuation was not forced is false. I also don't believe Khieu Samphan when he says he wasn't aware of what was happening.

Khieu Samphan and Nuon Chea need to acknowledge their responsibility of the crimes and have to be honest to the court. These Khmer Rouge Leaders are of advanced age and there is not much time left to say the truth. If they don't, the younger generation will never know what happened."



**Mom Sors, 84, farmer**

"Nuon Chea does not say the truth when he claims that no forced evacuation took place. I witnessed the forced evacuations from the capital city, the forced labor, the hunger and the killings that took place during the Khmer Rouge regime.

I am happy that the ECCC was established and I am confident that justice will be done. The sentence against Khmer Rouge senior leaders is part of the process of doing justice.

Even if I'm old and travelling makes me tired, I wanted to see the court, the judges and the Khmer Rouge senior leaders who will face the trial. I believe that the trial is very important especially for the new generations: they have to learn from the past so that they will not repeat the same error of the Khmer Rouge regime."





# American students from the Global Citizenship Program attend the hearing on Case 002/02

On 8 January a group of students from the Lehigh University (USA) visited the court to attend the proceedings in Case 002/02. The students travelled to Cambodia as part of the Global Citizenship Program, which brings students together from different colleges and with different backgrounds. As Kasey, one of the students suggested, the program aims to provide the students with a more global understanding of the world by giving them the opportunity to experience it.

When asked about her previous knowledge of the ECCC, Meg admitted that she heard about the tribunal for the first time just a few days before the trial: "I knew of the general background of the genocide that happened in Cambodia, but only after arriving here I understood that it was a multifaceted conflict, that I really never got to know about". According to her, the levels of awareness about the Khmer Rouge trials among US students are low: "I think most students don't know much about it, but it really depends on the high school itself and the college programs you are in".

The girls interviewed found the trial interesting, especially in the way it was performed in view of the language barrier, with Alejandra adding that "there are people from different countries and this is why there can be issues with the translations, so I understand why it takes longer for a trial like this". Meg emphasized how useful the simultaneous interpretation was and how well everything was organized to introduce the visitors to the ECCC courtroom.



(From left to right, Meg, Kasey and Alejandra)

# Mercedes College students visited the ECCC

Students from Mercedes College, Adelaide visited the court on 15 December, as the final activity of a 10 day stay in Cambodia. Spending most of their time in Siem Reap with the Mercy Nuns, building toilets and assisting at a wheelchair workshop, the court visit was intended to end the trip on an educational note. As the students were flying home two hours after their stay, this really did prove to be a finale, capping off two days of Khmer Rouge history, having visited S-21 and Tuol Sleng the previous day.



## 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.

December 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
	1 Study Tour, Pursat Province, (500 people)	2	3 Study Tour, Prey Veng Province, (250 people)	4	5	6
7	8	9 Study Tour, Pursat Province, (500 people)	10	11 Study Tour, Kg Cham Province, (400 people)	12	13
14	15 Study Tour, Pursat Province, (500 people)	16	17 Study tour, Pursat Province (500)	18	19	20
21	22 Study Tour, Prey Veng Province, (300 people)	23	24 Study tour, Prey Veng Province (300)	25	26	27
28	29 Study Tour, Pursat Province, (500 people)	30 Study Tour, Pursat Province, (500 people)	31			

January 2015						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8 Hearing Day Battambang, Prey Veng Province, (600 people)	9 Hearing Day Battambang, Prey Veng Province, (600 people)	10
11	12 Study Tour, Battambang Province, (300 people)	13 Study Tour, Pursat Province, (670 people)	14	15 Study Tour, Pursat Province, (670 people)	16	17
18	19	20	21 Hearing on Case 002/02 Pursat Province, (400 people)	22 Hearing on Case 002/02	23 Hearing on Case 002/02	24
25	26 Hearing on Case 002/02	27 Hearing on Case 002/02	28	29 Hearing on Case 002/02		

## Outreach activities



Radio show on 17 November 2014 at Radio FM102

**8 December 2014:** KRT Watch Radio Call-in Show Theme: "The update of cases 003 and 004 at ECCC". Ms. CHHAY Chanlyda, Junior Lawyer of OCIJ and Ms. You Leng Heng, Complaint and Application Manager of Victims Support Section (VSS) at ECCC were invited for speaking. The outcomes of this programme aim to inform the public about updated information of cases 003 and 004 and reactions from victims and/or callers in response to this topic.

**15 January 2015:** The first two weeks of January have seen more than 2500 people from several provinces across the country, including Battambang, Pursat and Prey Veng, visit the court as part of the Public Affairs Section's ongoing outreach programme. The visitors were welcomed by DIM Sovannarom and Neth Pheakra and received an elaborate presentation about the history of the court and ongoing proceedings.

A number of international groups have also visited the court, including students on the Global Citizenship Program from the United States.

Both national and international visitors have expressed that they found great educational value in their visit and that they will continue to inform themselves about the trial through television and radio.

**19 January 2015:** KRT Watch Radio Call-in Show. Theme: "Proceeding of Trial on Case 002/2". -Mr. Neth Pheakra, ECCC Press Officer and Mr. Pich Ang, National Civil Party Lead Co-Lawyer at ECCC are speakers. Expected outcomes: The public will be aware of the proceeding of trial on case 002/2 and reactions from victims and/or callers in response to this topic.





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

The ECCC welcomes visitors. For more information: [pas@eccc.gov.kh](mailto:pas@eccc.gov.kh).

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## The Court Report

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