



# The Court Report

## The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice



Witness 2-TCW-918 testifies in Case 002/02 before the Trial Chamber at the ECCC on 30 November 2015. (Photo: ECCC)

### Trial Chamber begins hearing testimonies on the treatment of the Vietnamese

The Trial Chamber at the Extraordinary Chambers in the Courts of Cambodia has commenced evidential hearings pertaining to the treatment of the Vietnamese ethnic minority between 17 April 1975 and 6 January 1979.

Ten witnesses and Civil Parties have been scheduled to testify during this part of the trial in Case 002/02 and the Trial Chamber is also considering whether to hear experts on this topic.

According to the Closing Order in Case 002, one of five policies implemented by the Communist Party of Kampuchea (CPK) to defend the socialist revolution was the target-

ing of specific groups using any means necessary. With respect to the Vietnamese, the Closing Order states that this policy came into existence before 1975 and continued to escalate throughout the Democratic Kampuchea regime until at least 6 January 1979. Initially, the Communist Party of Kampuchea (CPK) allegedly focused on expelling all Vietnamese people from Cambodian territory and sending them to Vietnam. This policy commenced as early as 1973 and was further applied in 1975 and 1976, according to the Closing Order. From April 1977, the CPK allegedly intended to advance the policy by destroying, in whole or in part, the Vietnamese group. In the provinces of Svay Rieng

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and Prey Veng, CPK cadre allegedly approached the arrest and killing of Vietnamese people in a methodical way, going from house to house or calling meetings to register ethnic Vietnamese people and using pre-prepared lists of Vietnamese when conducting arrests. The Closing Order alleges that Khieu Samphan and Nuon Chea through their various roles with the CPK bear individual criminal responsibility for the crimes committed against the Vietnamese group during this time.

Case 002/02 is the second trial against Khieu Samphan and Nuon Chea and includes charges of genocide against the Cham and Vietnamese, forced marriages and rape, internal purges, alleged crimes committed against Buddhists and former Khmer Republic officials, as well as crimes allegedly committed at four security centers, three worksites and one group of work cooperatives. As this third trial topic on the treatment of targeted groups as part of Case 002/02 continues, the Trial Chamber had as of 16 December 2015 heard testimonies from 54 witnesses, 31 civil parties and one expert over the course of 125 days. Some of the witness testimonies are available on page 8 of this report.

## Meas Muth and Yim Tith charged in Cases 003 and 004



Meas Muth (Photo: ECCC)

Yim Tith (Photo: DC-CAM)

Two former Khmer Rouge officials Mr. Meas Muth and Mr. Yim Tith have been charged in person in the ECCC's Cases 003 and 004 respectively.

Mr. Yim Tith was charged on 9 December 2015 with the Genocide of the Khmer Krom; Crimes against Humanity, namely murder; extermination; enslavement; deportation; imprisonment; torture; persecution against the so-called "17 April people", "East Zone Evacuees", Northwest Zone cadres, their families and subordinates, as well as the Khmer Krom and Vietnamese; and other inhumane acts including forced marriage; Grave Breaches of the Geneva Conventions of 1949 committed as part of an international armed conflict between Democratic Kampuchea and the Socialist Republic of Vietnam, namely wilful killing and the unlawful deportation or transfer of civilians; as well as Violations of the 1956 Cambodian Penal Code, namely premeditated homicide.

Mr. Meas Muth was charged on 14 December 2015 with

the alleged crimes: Genocide; Crimes against Humanity, namely murder; extermination; enslavement; imprisonment; torture; persecution; other inhumane acts (inhumane treatment, enforced disappearances, forced labour, forced marriage, rape and attacks on human dignity due to conditions of detention); Grave Breaches of the Geneva Conventions of 1949, namely wilful killing; wilfully causing great suffering or serious injury to body or health, torture and unlawful confinement of civilians; Violations of the 1956 Cambodian Penal Code, namely premeditated homicide.

A number of charges from the Decision of 3 March 2015 charging Mr. Meas Muth in absentia were rescinded. That decision has now become moot, as is the arrest warrant of 10 December 2014. Likewise, the arrest warrant of 4 June 2015 was rescinded, since Mr Meas Muth appeared voluntarily at the hearing. These official charges mean that Mr Yim Tith through his lawyers, now has access to his case files and is able to participate in the investigation.



## EU Ambassador to Cambodia visits the ECCC

On 2 December 2015, the new European Union Ambassador to the Kingdom of Cambodia, H.E. George Edgar paid a courtesy visit to the ECCC. During his visit, Ambassador Edgar who was accompanied by Ms. Rosalba Tuseo, Good Governance Attaché to the EU Delegation and Mr. Hubert STABERHOFER, Director of UNOPS Cambodia observed the current proceedings in Case 002/02 and met with Judge Michael Bohlander, International Co-Investigating Judge at the ECCC, H.E. Tony Kranh, Acting Director of the Office of Administration at the ECCC, as well as other senior Court officials. The European Union is one of the principal donors to the ECCC, providing 8.9 million Euro for 2015-16.

## Japan makes a new contribution of US\$1.2 million to the ECCC

The Government of Japan has announced a new contribution of US\$1,221,818 to the international component of the Extraordinary Chambers in the Courts of Cambodia (ECCC). The Government of Japan is the largest donor to the ECCC, and it has supported the court since its inception. With the new contribution, Japan's total financial assistance to the ECCC will exceed US\$83 million.

"On behalf of the ECCC, we would like to express our gratitude to the Government of Japan for its continuous and generous financial contributions and support. This assistance is imperative to ensure the ECCC's ability to complete its important mandate, without interruption in the judicial proceedings", said Acting Director of the Office of Administration H.E. Kranh Tony and Deputy Director Knut Rosandhaug in a statement.

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 November 2015. For public decisions and orders, please refer to page 8.

# Judicial Updates

## Supreme Court Chamber

In October, the Supreme Court Chamber continued its consideration of the appeals from the case 002/01 trial judgement, as well as Nuon Chea's requests for additional evidence on appeal.

On 1 October, the Supreme Court Chamber notified the parties of the time limit by which to submit responses to a request filed by the Co-Prosecutors on 30 September for additional pages to respond to Nuon Chea's sixth request for additional evidence on appeal. On 2 October, Nuon Chea replied to the Civil Party Lead Co-Lawyers' response to the sixth request. On 5 October, the Supreme Court Chamber granted the Co-Prosecutors' aforementioned request for additional pages, allowing a total of 45 pages. On 14 October, the Co-Prosecutors responded to Nuon Chea's sixth request, to which Nuon Chea replied on 19 October.

On 2 October, the Supreme Court Chamber requested the parties to make written submissions no later than 9 October on whether transcripts relating to interviews with four individuals by film maker Robert Lemkin, which may potentially contain exculpatory information, should be admitted into evidence. The Supreme Court Chamber also requested Nuon Chea to precisely specify the exact import on his individual criminal responsibility of the alleged rift within the Communist Party of Kampuchea ("CPK") and of the activities to overthrow Pol Pot and Nuon Chea's leadership thereof. Nuon Chea, Khieu Samphan and the Co-Prosecutors filed written submissions on 8 and 9 October. The Co-Prosecutors and the Civil Party Lead Co-Lawyers responded to Nuon Chea's submissions on the significance of the alleged rift within the CPK on 16 October.

On 7 October, Nuon Chea replied to the Co-Prosecutors' response to Nuon Chea's request for investigative action into the events described during the testimony of Sâm Sithy at the Supreme Court Chamber's hearing of 3 July. On 29 October, the Supreme Court Chamber dismissed the request by Nuon Chea. In its decision, the Supreme Court Chamber considered that it is able to draw inferences as to the credibility and reliability of Sâm Sithy as well as the relevance of his statements regarding certain first-instance findings from the witness's live testimony, without the need for further investigative actions.

On 9 October, the Supreme Court Chamber scheduled an appeal hearing for 16 through 19 November, as needed, attached a tentative timetable for the hearing, and invited the parties to file their observations on the timetable no later than 21 October. The Supreme Court Chamber also requested the parties to make written submissions on potential changes to the "legal characterisation of the crime

adopted by the Trial Chamber" no later than 6 November. The Co-Prosecutors and Khieu Samphan filed observations on the proposed timetable for the hearing on 21 October. Khieu Samphan replied to the Co-Prosecutors' observations on 28 October. Khieu Samphan and the Co-Prosecutors filed their submissions on the potential recharacterisation of the crimes on 6 November.

On 21 October, the Supreme Court Chamber issued the disposition, with reasons to follow in due course, of its decision on the remainder of Nuon Chea's pending requests for additional evidence on appeal and related matters. In this disposition, the Supreme Court Chamber granted the second and fourth requests, granted the request concerning the transcripts of interviews by Robert Lemkin in part, dismissed the remainder of Nuon Chea's requests, admitted into evidence on its own motion an interview with Sao Van at DC-Cam, and concluded the additional investigation into potentially exculpatory material in possession of Thet Sambath and Robert Lemkin launched on request of Nuon Chea.

On 5 November, the Supreme Court Chamber issued the final timetable for the appeal hearing, rescheduled to commence on 17 November, and provided directions on the conduct of the hearing, which required parties to file a list of the authorities upon which they intend to rely at the hearing and the authorities themselves no later than 13 November. In addition, the Supreme Court Chamber granted the request by the Co-Prosecutors and rejected the request by Khieu Samphan, respectively, for additional time to make their submissions at the hearing. The Co-Prosecutors and Khieu Samphan filed their respective lists of authorities on 13 November.

On 17 November, the hearing was opened by the President of the Supreme Court Chamber, after which Nuon Chea provided reasons for the absence of his International Co-Lawyer, Victor Koppe. The National Co-Lawyer for Nuon Chea, Son Arun, thereafter expressed his intention to leave the courtroom, following the instructions of his client, to which the other parties responded. The Supreme Court Chamber ruled that Son Arun was required to remain present in the courtroom despite his client's instruction to the contrary, and warned him that failure to do so may lead to a finding of contempt of court. The Supreme Court Chamber further held that Nuon Chea must remain in the courtroom, unless leave was granted by the Supreme Court Chamber for medical reasons. After the morning recess and now in the absence of both Co-Lawyers for Nuon Chea (Son Arun not having returned to the courtroom after the recess), the other parties made oral submissions concerning the impact of their absence on the appeal hearing. The Supreme Court Chamber found that the applicable legal framework mandates the presence of counsel for an accused at any

stage of the proceedings at the ECCC and that, as this requirement is essential for the interests of justice, the presence of counsel cannot be waived by Nuon Chea. Due to the absence of both Co-Lawyers following the morning recess, the Supreme Court Chamber issued an oral decision instructing the Defence Support Section ("DSS") to appoint standby counsel for Nuon Chea and to adjourn the hearing until further notice.

On 18 November, Son Arun filed his response to the Supreme Court Chamber's oral decision of 17 November. On 19 November, the Supreme Court Chamber requested submissions from Victor Koppe regarding his failure to attend the appeal hearing, which he provided on 23 November. Also on 23 November, the Co-Prosecutors filed written submissions regarding the modalities of moving forward with the appeal proceedings in case 002/01.

On 19 November, the President of the Supreme Court Chamber issued a Memorandum addressed to the DSS, detailing the Supreme Court Chamber's oral decision of 17 November to appoint standby counsel for Nuon Chea. The President specified that the role of standby counsel will not be that of replacing Nuon Chea's chosen lawyers, but rather that of preparing and maintaining capacity to take over the defence of Nuon Chea, if needed, during upcoming hearings before the Supreme Court Chamber. The President envisaged that this role would be better served by a national lawyer, preferably demonstrating an established familiarity with proceedings before the ECCC. On 24 November, the DSS informed the Supreme Court Chamber that it had identified a potential candidate, namely a national lawyer who had already served as counsel for Kaing Guek Eav alias Duch in case 001. The DSS requested the Supreme Court Chamber to determine whether this appointment could result in a situation of conflict of interest, due to the national lawyer's previous submissions in case 001, which could be seen as inimical to Nuon Chea's interests.

Consideration of the respective appeals by the Defence and the Co-Prosecutors against the case 002/01 trial judgement continues.

## Trial Chamber

Following an adjournment to allow the Parties additional time to prepare for the appeal hearings in Case 002/01 and to permit the Trial Chamber to finalise decisions on a number of pending motions prior to continuing to hear further witnesses, the Trial Chamber recommenced hearings on 30 November, when it heard one witness in relation to the Trapeang Thma Dam worksite.

On 12 November, the Trial Chamber

issued a decision on the Civil Party Lead Co-Lawyers' Request to admit into evidence two Civil Party applications pursuant to Internal Rules 87(3) and 87(4). The Trial Chamber found that the two Civil Party applications were unavailable prior to the opening of the trial in Case 002/02. The Chamber admitted the first document (E319/27.4.109), finding it to be authentic and relevant to Case 002/02. The Chamber rejected the request to admit the second document (E319/25.3.24), which pertained to a Civil Party whose testimony had been cancelled. The Chamber noted that although this Civil Party's thumbprint appears on the application, the Co-Investigating Judges have not yet ruled on its reliability or authenticity as it has yet to be accepted in Case 004.

On 17 November, the Trial Chamber rejected the KHIEU Samphan Defence Request for a forensic handwriting analysis of document E3/2107. The Defence contended that the document, which is purported to be an undated report sent by Ta An to the Tram Kok District Committee referring to the number of individuals executed at Kraing Ta Chan Security Centre, is a forgery. The Trial Chamber found that the Request was untimely but considered that it was in the interests of justice to consider the substance of the Request nonetheless. The Trial Chamber noted that the only version of the document that was currently available was a photocopy from DC-Cam since the original had not been located, thereby creating serious obstacles to a proper forensic examination. Further, as two witnesses had provided testimony on the identity of the authors of the document, the Chamber was not satisfied that it was necessary to order a forensic handwriting analysis of the document.

On 20 November, the Trial Chamber issued its decision on the Civil Party Lead Co-Lawyers' Request for Clarification on the Scope of In-Court Examination of Civil Parties. The Trial Chamber recalled its practice of distinguishing between Civil Party hearings on facts at issue and general statements of suffering. Pursuant to this practice, the hearing of Civil Parties on facts must be confined to facts relevant to Case 002/02, while statements of suffering will not be required to differentiate between harm suffered in consequence of facts within the scope of the case and overall harm suffered during the Democratic Kampuchea period, to the extent that this does not infringe the Accused's right to a fair trial. The Trial Chamber noted that strictly limiting the examination of Civil Parties to the particular trial topic on which they testify would be impracticable and incompatible with the Chamber's duty to ascertain the truth. As the Trial Chamber found that there were no new relevant facts or circumstances which warrant a change in its established practice, it granted the Civil Party Lead Co-Lawyers' Request and confirmed the directions on the hearing of Civil Parties contained in Trial Chamber Memorandum E315/1.

On 30 November, after hearing submis-



sions from the parties to supplement written motions requesting the Chamber to rescind a prior order (E376 and E376/1), the Chamber issued an oral ruling on the use of Case 003 and 004 statements and the testimony of witnesses and Civil Parties who had been questioned in ongoing investigations. In order to meet the requirements of the International Co-Investigating Judge, the Trial Chamber had previously issued an order requiring that the testimony of individuals interviewed in Cases 003 and 004 be heard in closed session during Case 002/02 proceedings, and that questions to any witness or Civil Party based upon Case 003 and 004 statements also be heard in closed session. After the International Co-Investigating Judge deemed this order to no longer be necessary, the Trial Chamber reversed the order and reinstated its previous procedure for the use of the confidential written record of interviews disclosed by the Co-Investigating Judge during proceedings in Case 002/02. The Chamber further ordered that pseudonyms be used for Case 003 and 004 witnesses and Civil Parties who testify in Case 002/02 and noted that it would apply any protective measures ordered by the Office of the Co-Investigating Judges for Case 003 and 004 witnesses and Civil Parties.

During the month of November, the Trial Chamber also addressed a number of issues in decisions and memoranda which were filed confidentially.

#### Pre-Trial Chamber

During the month of November the Pre-Trial Chamber finalized the preparations for notification of its decisions on three appeals, including: an appeal against the International Co-Investigating Judge's Decision on a Motion to Reconsider and Vacate Summons (PTC 04/20), an appeal against the International Co-Investigating Judge's Decision Refusing to Seize the Pre-Trial Chamber with two Annulment Applications (PTC 03/20), and another appeal against the International Co-Investigating Judge Harmon's Decision on a Motions to Strike the Supplementary Submissions (PTC 03/25). The decisions on cases PTC 04/20 and PTC03/25 were notified in public later on 9 December 2015 and the notification of the decision on PTC 03/20 is expected to take effect shortly.

The Chamber deliberated on two appeals against the International Co-Investigating Judge's Decisions to Charge persons in absentia (PTC 03/21 and PTC 04/19) and made preparations for deliberations on five other appeals and motions, including: an appeal against Co-Investigating Judge Harmon's Notification of Charges (PTC 03/22), and a Request to Reclassify as Public Certain Submissions to the Pre-Trial Chamber (PTC 03/24); an appeal against the International Co-Investigating Judge's Re-Issued Decision on MEAS Muth Motion to Strike the Supplementary Submission (PTC 03/26); an application for Annulment of Investigative Action

Concerning Forced Marriage (PTC 04/21); and a "Request For The Pre-Trial Chamber To Take A Broad Interpretation Of The Permissible Scope Of Appeals Against The Closing Order and To Clarify The Procedure For Annulling The Closing Order Or Portions Thereof If Necessary" (PTC 03/27).

Further, during the month of November the Pre-Trial Chamber was seized of three new Applications to seize the PTC with requests for annulment, two of which were forwarded by the International Co-Investigating Judge on 4 November (PTC 03/28); and the other one on 19 November (PTC 04/23). On 20 November, 2015 the Pre-Trial Chamber was also seized of an interlocutory request from Meas Muth to file an appeal against the International Co-Investigating Judge's Decision rejecting his annulment requests (same decision that also granted their other annulment requests - PTC03/28) after the Pre-Trial Chamber issues its decision on appeal PTC 03/20. Furthermore, on 16 November 2015 the Pre-Trial Chamber received notification of a Notice of Appeal filed before the Office of the Co-Investigating Judges by Ta An against the International Co-Investigating Judge's Decision on Ta An's fifth request for investigative action (PTC 04/24).

At the end of November 2015, the Chamber remained seized of a total of twelve appeals and motions relating to the investigations in cases 003 and 004 in addition to one interlocutory request relating to the filing of

another appeal.

#### Office of the Co-Investigating Judges

During the month of November, the international side of the Office of the Co-Investigating Judges ("OCIJ") continued the investigations of Case Files 003 and 004. Eight field missions took place in the course of which 14 witnesses were interviewed and five investigation action reports were drafted. Five witnesses were interviewed at the ECCC premises in Case File 003 and seven in Case File 004.

During the month of November, the Analysts unit reviewed a few thousand KR contemporaneous documents held at external archive. Furthermore, the Analysts Unit assisted and participated in all field missions carried out during this period.

The supplementary information and civil party applications in Cases 003 and 004, which presently total in excess of 2,345, are progressively being placed on the case files. Their evidentiary value is subjected to a thorough scrutiny by analysts, investigators and legal officers, to assess their admissibility and relevance to both case files.

#### Office of the Co-Prosecutors

In November, staff and interns of the Office of the Co-Prosecutors continued to be engaged across all four cases, with preparation for the final oral appeal hearing in Case 002/01 and trial hearings in Case 002/02 as well as the

ongoing investigations in Cases 003 and 004.

**Case 002/01** Having filed a table of authorities in advance as requested by the Supreme Court Chamber, the Co-Prosecutors were fully prepared for the appeal hearing. Due to the absence of Nuon Chea's Defence counsel, the hearing was adjourned by the Supreme Court Chamber in order to appoint him standby counsel. The Co-Prosecutors subsequently filed submissions on this issue requesting that the appeal hearing recommence as soon as possible. In addition, as requested by the Supreme Court, the Co-Prosecutors filed submissions relating to the potential legal recharacterisation of the crimes alleged within the scope of Case 002/01.

**Case 002/02** Due to an adjournment provided by the Trial Chamber to allow parties to prepare for the appeal hearing in Case 002/001, and national holidays, one witness was heard in relation to the crimes committed at Trapeang Thma Dam. Additionally, the International Co-Prosecutor requested the admission of written records of interview and to call additional witnesses for future trial segments. The prosecution continued to discharge its disclosure obligations, by requesting from the Co-Investigation Judges the authority to disclose materials from Case 004 into Case 002.

**Cases 003 and 004** Analysis of the evidence collected in the investigations continued. In Case 003, the International Co-Prosecutor responded to Meas Muth's request for an extension of time to file an appeal. In Case 004, the International Co-Prosecutor submitted a clarification and supplementary submission to the International Co-Investigating Judge's Forwarding Order regarding the scope of the forced marriage investigation.

**Outreach** Assistant Prosecutor Andrew Boyle gave a presentation concerning the law of genocide to students at a workshop jointly organized by the Royal University of Law and Economics in Phnom Penh, the Cambodian Human Rights Action Committee and the German organisation Gesellschaft für Internationale Zusammenarbeit. Representatives from the OCP also spoke with students from the Australian International School of Singapore about the goals and workings of the Court.

#### Defence Support Section

##### Case 002 Trial Proceedings

During the month of November, the Nuon Chea Defence Team continued its preparation for ongoing Case 002/02 trial hearings, in particular in relation to the treatment of targeted groups.

In November, the Khieu Samphan Defence prepared the trial proceedings and continued to attend in the hearings.

##### Appeal Proceedings

On 17 November 2015, the Nuon Chea Defence Team attended the appeal hearing in Case 002/01. At this hearing, Mr. Nuon Chea was given the opportunity to speak. He not-

ed that recent developments in the Supreme Court Chamber ("SCC"), including its unreasoned decision to dismiss the bulk of the Defence's evidence and witness requests, indicated that the Chamber was unwilling to allow Nuon Chea the chance to tell the Cambodian people his side of the story. As a result, he considered the result of the appeal "irrelevant", given that the Chamber was "just as biased, unwilling and as afraid as those that have come before [them] to really explore what the truth was". Accordingly, Nuon Chea instructed his International and National Co-Lawyers not to participate in the appeal hearings and to rely only on the written brief they filed in December 2014. In response, the Supreme Court Chamber adjourned the appeal hearings, demanded explanations from the Co-Lawyers, and is now seeking to appoint standby counsel to represent Nuon Chea's interests at the appeal hearings when they are eventually recon-

Co-Prosecutor's Submission on several matters of note in the case. Further, the Defence team continues to review the evidence in the Case File and to prepare submissions to protect Ms. Im Chaem's fair trial and procedural rights.

**Ao An**

In November 2015, the Defence Team for Ao An filed several responses to the International Co-Prosecutor's requests to disclose documents from Case 004 into Case 002 and requested the Co-Investigating Judges to clarify their reasons for not taking any of the Ao An Team's responses into account in reaching their decision on the matter. The Team also submitted a request for the translation and transcription of audio recordings and to place certain documents on the Case File. The Team further submitted its sixth and seventh requests for investigative action. Finally, the Team continues to review the evidence in the Case File in order to further pre-

On 30 November the Lead Co-Lawyers participated in the examination of the final witness relating to the Trapeang Thma Dam worksite.

**Activities and Outreach**

The Lead Co-Lawyers participated in the Civil Party Consultation on case 002/02 Reparations in Monduliri together with the Victims Support Section on 3 November 2015. The 48 civil parties in attendance were updated on reparations projects in development for case 002/02 and were provided with an overview of the implementation of case 002/01 reparations projects.

On 4 November 2015, the Lead Co-Lawyers were invited to attend the Mobile Exhibition on "Forced Transfers during the Khmer Rouge Regime" held by Kdei Karuna Organization in Ou Chum District, Rattanakiri Province. The exhibition forms part of the implementation of a judicially recognized reparation project awarded



A witness testifies at the ECCC.



and Rattanakiri to attend hearings of Case 002/02 at the ECCC. At lunch break of each hearing day, they were also arranged to meet with their lawyers to be briefed on what already happened and what would be discussed in the Courtroom. After the hearing ended in each day, Judgment Books of Case 002/01, radios and VSS newsletters were distributed to those CPs. As usual, 10 CPs were arranged to sit in the Courtroom along with their lawyers and the rests were in the public gallery.

On 03 November, under the financial support of Civil Peace Service (CPS)/German Agency for International Cooperation (GIZ), Victims Support Section and Civil Party Lead-Co Lawyer Section of the ECCC co-organized a Civil Party Consultation Forum at Monduliri province on Judicial Reparation in Case 002/02 with 48 civil parties, including focal persons, from Monduliri and Ratanakiri. National and International Lead Co-Lawyers conducted presentation on the ECCC's current proceedings and reparations. They also answered and clarified questions or concerns of Civil Parties in the forum.

The purposes of the forum were (i) to inform civil parties about the developments of the ECCC's trial proceedings against NUON Chea and KHIEU Samphan in case 002/02; (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 propose reparation requests in case 002/02.

**Reparation and Non-Judicial Measure (R&NJM)**

From 9 to 13 November, the Chief of Victim Support Section and the Reparation Program Manager participated in a Capacity Development Workshop on Project Planning, Monitoring and Evaluation with the United Nation Trust Fund in New York, United States of America. The Chief visited the UN compound and went on Voice of America Radio (VoA) to have an interview about reparations of the ECCC.

The team's member in collaboration with Lead Co-Lawyer Section organized a meeting with Youth for Peace (YFP) and Peace Institute of Cambodia (PIC) from 19 to 20 November to have a discussion about the organization's reparation project concept notes, proposal and fundraising campaign.

The team's members had a few meetings with Lead Co-Lawyer Section to discuss case 002/02 reparation requests so as to develop brochure and strategy for fund raising campaign.

vened.

The Khieu Samphân Defence filed a submission requesting a legal recharacterization of crimes for their appeal in Case 002/01 (F30/5, at the SCC's request). The team also prepared for the appeal hearings, initially planned from 17-19 November 2015, but which were adjourned on the 17th early in the afternoon.

**Case 003**

**Meas Muth**

During November, the Defence team for Mr. Meas Muth filed four requests to the Office of the Co-Investigating Judges ("OCIJ"), all of which have been classified as confidential. The Meas Muth Defence also requested the Pre-Trial Chamber to grant an extension of time to appeal a decision, since the issues raised in the forthcoming appeal are similar to issues currently under consideration by the Pre-Trial Chamber. The Defence team continues to review and analyze the evidence on the Case File to protect Mr. Meas Muth's fair trial rights and interests.

**Case 004**

**Im Chaem**

In November, the Defence team for Ms. Im Chaem filed a Response to the International

pare its client's defence and safeguard Ao An's fair trial rights.

**Yim Tith**

Following the issuance of a Summons, Yim Tith voluntarily attended his Initial Appearance at the ECCC on 9 December 2015. He was assisted by his defence team. During the hearing, International Co-Investigating Judge Bohlander charged Yim Tith with genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949 and violations of the 1956 Cambodian Penal Code. The Defence for Yim Tith has now been granted access to the Case File and is analyzing the contents thereof in order to participate in the investigation, prepare Yim Tith's defence and seek to protect his fair trial rights.

**Civil Party Lead Co-Lawyers Section**

**Key Legal Developments**

During the month of November, the Lead Co-Lawyers prepared their submissions for the appeal hearings for Case 002/01, scheduled for 17-19 November 2015. The Lead Co-Lawyers made oral submissions on 17 November requesting that the Supreme Court Chamber continue with the hearings without delay.

in case 002/01. The National Lead Co-Lawyer spoke about the proceedings and reparations projects in case 002 and two civil parties shared their experiences about the DK with students and community members.

**Victims Support Section**

**Legal representation**

As the evidentiary hearings of Case 002/02 continued, the ECCC-funded Civil Party Lawyer team fully participated in all hearings and reviewed case files of witnesses and civil parties needed to be examined. Furthermore, they also participated in Appeal Hearing of Case 002/01 and reviewed its case files.

**Processing and analysis**

The Processing and Analysis Team (PAT) continued to collect supplementary information in Cases 003 & 004 through phone calls to applicants who have been suffered from alleged crimes under the investigation scope of Case 03 and 04. During the month, the team filed 7 pieces of supplementary information and two applications in Case 003 & 004 to OCIJ.

**Outreach**

During the month, Outreach Team invited 25 civil parties from Bantay Meanchey, Kampong Speu, Kampong Thom, Prey Veng, Pursat, Takeo

# 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)



**5 November 2015: Order Setting the Final Timetable for the Appeal Hearing and Informing the Parties of Issues to Be Addressed <F30/4>**

**12 November 2015: Decision on Civil Party Lead Co-Lawyers' Request to Admit Victim Information Forms and Related Documents <E319/31/2>**

**17 November 2015: Trial Chamber memorandum entitled: Decision on KHIEU Samphan Request for a Forensic Analysis of Document E3/2107 <E349/1>**

**19 November 2015: Annex A - Final Timetable for the Hearing, F30/4.1, 5 November 2015. Decision Requesting Submissions From Mr Victor KOPPE Regarding His Failure to Attend the Appeal Hearing <F30/14>**

**19 November 2015: Follow-up to Supreme Court Chamber's Instruction to Appoint Standby Counsel for NUON Chea <F30/15>**

**20 November 2015: Decision on Civil Party Lead Co-Lawyers' Request for Clarification on the Scope of In-Court Examination of Civil Parties <E365/2>**

**30 November 2015: Oral Ruling on Procedure for the Use of the Confidential Written Records of Interviews Disclosed by the Co-Investigating Judge During Proceedings in Case 002/02**

# 2015 Activities in Retrospect



As we draw the 2015 year to an end, PAS takes a look back at the outreach activities which reached both national and international groups. The first half of the year was a success, and the second half was even more dynamic. Between 1st January and 30th June there were 33,676 people who attended Public Hearings as well as 3,984 people participated in our Study Tours.

In January 2015, the court welcomed and educated a group of students from Cornell University, USA, as well as a group from three different New Zealand universities on January 15th and 19th respectively. On the 20th a Norwegian delegation which was headed by the Deputy Minister of Foreign Affairs visited the ECCC. Norway has supported the ECCC since its inception, and has provided financial assistance in excess of US\$7million, thus this visitation was a great way to support this friendship.

Mr. Dim Sovannarom, was invited as a guest lecturer at the International Camp in Cambodia, held from 4-6th of February 2015. This camp, which was co-organized by BELTEI University and the International Youth Fellowship (IYF), engaged in an hour long lecture. There were 2,000 students in attendance which came from various universities in Phnom Penh, Vietnam and South Korea. February also welcomed the visit of Daniel Aum, legal fellow at the Robert F. Kennedy (RFK) Center for Justice and Human Rights. During the

month of March the ECCC greeted a group of students from Loyola University of Chicago, USA, as well as from the Institute of Human Rights and Peace Studies (IHRP), Mahidol. A series of informative sessions were held in April with 28 Khmer Judges and Prosecutors from varying provinces and municipalities. These sessions aimed to transfer knowledge and skills between the ECCC and national legal professionals, and were coordinated between PAS and OHCHR.

Approximately 300 students from the Royal University of Law and Economics, Panasastra University of Cambodia, and an additional 200 judicial persons and students from four varying provinces received printed copies of the case 002/01 Judgement during their visit to the ECCC in May. The International Criminal Court (ICC) launched a new #justicematters Facebook campaign on the 17th of July, the Day of International Criminal Justice. The PAS team participated in this campaign through their social media platforms which was a success.

On the 4th of September, ECCC Press Officer Neth Pheaktra presented a lecture at the Buddhist University in Kampong Cham Province in which around 200 students and monks attended. Later in September, two peace and conflict resolution NGOs visited the ECCC which comprised of Burmese journalists from the Centre for Peace & Conflict Studies and youth from the Youth for Peace NGO. The ECCC hosted a contingent of the Australia-Asia Pro-gram to Combat Traf-

ficking in Persons on September 28, which comprised of judges from Laos, clerks from the Phnom Penh Municipal Court, and representatives from the Judicial Research and Training Institute. In October nearly 70 judicial bodies from Cambodian courts across the country visited the ECCC who ranged in status from lawyers to judges, presidents, and vice presidents. The aim of the visit was to inform and educate the visitors about the tribunal as part of the legacy



the ECCC has for local judicial institutions. Also in October the ECCC hosted 300 members from the national military and government to promote and strengthen their knowledge of the court.

On November the 13th Mr. DIM Sovannarom, accompanied by members of the Public Affairs Section, gave a lecture followed by a Q&A session to 750 students at Beltei University, Phnom Penh. The focus was on the technical aspects of the court and the whole event was aired as priority

by Bayon TV. Additionally, on the 20th November, PAS conducted an outreach visit to Bathey High School and Skun High School. The students were delighted to hear from Press Officer Mr. Neth Pheaktra as he informed them of the operations of the court. During the visit, students were distributed ECCC pamphlets and Closing Orders in Cases 001 and 02 were gifted to the high school libraries.

The weekly radio talk show, "Khmer Rouge Leaders on Trial", returned to air every Thursday evening from 6-7pm on the Women's Media Center of Cambodia's radio station, FM102, as well as their sub-stations nationwide. Each program presents the major developments from the week's trial hearings and features guest speakers from the ECCC. Utilizing radio shows is highly revered as it strengthens the level of awareness and educates regional communities, including those without literacy skills.

ECCC PAS also cooperates with local TV stations like CTN, TVK, Hang Meas TV and local radio stations and online news websites to wrap up the Case 002/02 hearings and other issues, as well as inform the public and increase the popular knowledge of ECCC legal proceedings.

Bloggng is another aspect of our strategy which aims to provide insight about the ECCC. Towards the end of the year, PAS shared interviews with members of the Defence, Prosecution and Civil Parties to highlight their personal insights as professionals of the ECCC. Our interviews to date have featured Michael Karnavas, Victor Koppe, Marie Guiraud, Anta Guisse, Andrew Boyle, and Fergal Gaynor.

Overall, since the courts inception there have been more than 300,000 participants who came directly to the court, and in total, including those who partook in external outreach activities, in excess of 450,000 participated. The summary of the outreach activities of 2015 seeks to encompass the highlights of the year; however, it fails to detail the immense behind-the-scenes coordination efforts of the PAS staff and those who have provided assistance along the way. A huge thank you to everyone who made this year the success it was! We are excited for the 2016 year and the opportunities it brings.

## 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.

### Past Events

**November 24** – 19 students and 6 supervisors from the Australian International School in Singapore visited the court for an educational tour of the ECCC. They experienced a rare opportunity to sit inside the main courtroom while being briefed by representatives from the Office of the Co-Prosecutors and Office of the Co-Investigating Judges.

**November 30** – The ECCC hosted nearly 300 villagers from the Kampt province during the first day of the resumption of the Case 002/02 proceedings. In addition, three political chief delegates from the Japanese Embassy in Phnom Penh, namely, Mr. Takahisa TSUGAWA, Minister/DCM, Mr. Fumio GOTO, 1st Secretary, and Ms. Aya TOMOTAKI, 3rd Secretary, attended the second morning session this day. They were met by H.E. Tony Kranh afterwards for an educational briefing about the court.

**December 1** – 300 villagers from Pursat province (Krokor district) visited the court to attend both the morning and afternoon trial proceedings.

**December 2** – H.E. George EDGAR, Ambassador for the EU to the Kingdom of Cambodia, visited the ECCC to view the Trial Hearings in Case 002/02, tour the Court's facilities and meet with representatives from the Office of the Co-Prosecution, Co-Investigating Judges, and ADOA. H.E. Edgar was joined by Rosalba Tuseo, attache of the EU Delegation for Good Governance, and Hubert Staberhofer, Director of UNOPS Cambodia. The court also welcomed 300 villagers from the Kampong Chhnang province (Tuek Phos district) on this day.

**December 3** – 150 villagers from the Kampong Chhnang province (Boribo district) and 150 villagers from the Pursat province (Bakan district) visited to watch actual court hearings and also learn more about the ECCC.

**December 7** – 300 villagers from the Takeo province (Trang district) witnessed the court proceedings and were given a brief tour of the ECCC.

**December 8** – Around 15 guests composing of students and supervisors from the St. Ignatius College-Sydney, Australia chapter visited the court. They watched the first morning session and got an educational briefing from a representative of the Office of the Co-Prosecutors afterwards. 300 villagers from the Takeo province (Trang district) and seven delegates



Students from St Ignatius College in Australia visit the ECCC



from ForumZFD, a non-partisan organization that promotes civilian peace service, also visited the ECCC this day to learn more about the tribunal and witness actual court hearings.

**December 9** – The ECCC received 600 Muslim villagers from the Kampot province and gave them an opportunity to witness actual court proceedings. In addition, a group of national and international interns and staff members from the Cambodian Center for Human Rights went to the ECCC to observe trial proceedings. They then received educational lectures about the court from representatives of the Defense and Office of the Co-Prosecutors.

**December 11** – Another batch of 300 villagers from the Takeo province (Trang district) visited the court and received an opportunity to watch the morning and afternoon hearing sessions.

**December 14** - Around 15 guests composing of students and supervisors from the St. Ignatius College-Adelaide, Australia chapter visited the court. They observed the first session of that day's morning proceedings and then received an informative lecture about the ECCC from a representative of the Office of the Co-Prosecutor.

**December 15** – 22 visitors composed of staff members and masters students from the Centre for Peace and Conflict Studies – Siem Reap paid the ECCC a visit to witness an actual court proceeding and gain a deeper understanding of transitional justice in the Cambodian context. Representatives from the Defense and Prosecution teams also met with the group for an educational briefing about the ECCC.

**Recurring Events**

*ECCC Weekly radio program on WMC FM 102 from 6PM to 7PM every Friday.*



Assistant Prosecutors Andrew Boyle and Helen Worsnop (Left) speak to visitors from the Cambodian Center for Human Rights



ECCC Chief of Public Affairs Section Dim Sovannarom (Middle) giving a lecture at Beltei International University.



Pre-Trial Chamber Judge Kang Jin Baik (3rd from left) with students from the Handong International Law School in Korea visiting the ECCC.



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The United Nations Country Team in Cambodia wishes you a *Happy New Year 2016*



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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