



The Court Report

The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice



Khieu Samphan participates during the Supreme Court Chamber appeal hearing of the Trial Chamber judgement. Photo Nhet Sokheng

Case 002/01 Appeal Hearing Concluded

Following completion of the appeal hearings in Case 002/01, International Co-Prosecutor Mr. Nicholas Koumjian stated that “today marks another important step towards the completion of litigation in this historic case, which is one of the most complicated and important cases ever tried in international criminal law”. Furthering this comment, Mr. Koumjian noted that decisions made by the Supreme Court will be cited by future courts, not just for years, but in the decades to come.

Following the adjournment of the appeal hearing for Case 002/01 in November 2015,

the Supreme Court ordered its resumption during 16-18 February 2016, with 19 scheduled as a reserve day. The appellants include the Office of the Co-Prosecutors and both defendants. The court was able to conclude the appeal hearings in due time, finishing with a statement made by defendant Khieu Samphan on 18 February 2016.

Whereas both the defendants brought forth numerous grounds of appeal, it was only the defense counsel of Khieu Samphan among the two accused that was active throughout the week of hearings. In-

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Case 002/01 Appeal Hearing Concluded (Continued)



ternational defense counsel for Nuon Chea, Mr. Victor Koppe, notified the court that he would be absent without providing a reason. His Co-Lawyer, Arun Son was present for the hearings but remained silent throughout the proceedings. The defendant Nuon Chea was not present during the hearings. Rather, Nuon Chea issued a letter waiving his right to be present during the hearing; electing to watch the proceedings remotely from his holding cell.

The Office of the Co-Prosecutors was also prominent throughout the week. They were available to respond to statements put forth by other parties present in the courtroom and also to provide evidence to substantiate their own ground of appeal.

The Civil Parties Co-Lawyers Section was present for the duration of the Appeal Hearings. The Lead Co-Lawyers for Civil Parties, on behalf of the consolidated group of Civil Parties, responded to the various grounds of appeal related to the admission of and reliance on civil party evidence by the Trial Chamber. In addition to this, 14 Civil Parties were present each day to observe the hearings from inside the courtroom.

The appellants put forward grounds of appeal alleging factual, legal and procedural errors. The scope of the appeals is broad. Both defense counsels put forth 371 grounds of appeal covering a breadth of issues. The

Prosecution also put forth an appeal concerning the Trial Chamber's disregard for the legal principle of Joint Criminal Enterprise.



The grounds of appeal put forward by the Defense counsels were categorized into five groups. These groups, in order of presentation are related to:

- Fairness of proceedings and constitutionality of the Internal Rules of the ECCC;
- The overall approach to the evidence;
- The crimes against humanity for which

the accused were convicted;

- The accused's individual criminal responsibility;
- The accused's sentence.

Lastly, the submission of the Office of the Co-Prosecutors concerning Joint Criminal Enterprise was heard. The defense counsels and the prosecution team put forth the appeals to argue that the Trial Chamber improperly applied facts, evidence, and legal principles to attain the verdict in Case 002/01. The pending decision of the Supreme Court Chamber will be final, there will be no further recourse to any of the involved parties should they disagree with the outcome of the appeals hearing.

This brought the week of appeal hearings to completion. Time was then afforded to allow Khieu Samphan to make a statement before the Supreme Court Chamber. During his speech, Khieu Samphan announced criticisms for the Trial Chamber, centering his statements on the fact that the Trial Chamber did not conduct Case 002/01 impartially. Furthermore, the defendant notes that his actions during the rule of Democratic Kampuchea were in favor of establishing a just society independent of foreign influence. Following his statement, the Supreme Court Chamber retired to deliberate on the appeals brought forward by the three parties.

“today marks another important step towards the completion of litigation in this historic case, which is one of the most complicated and important cases ever tried in international criminal law”



ECCC spokesman Pheaktra Neth delivers a speech to a study tour consisting of over 400 people, including 88 Military Police. Photo Nhet Sokheng

Deputy Prime Minister Dr. Sok An and Ambassador David Scheffer Publish Joint Statement on Court Developments

Marking the day after the conclusion of the Appeal Hearings in Case 002/01, a joint statement was published by Dr. Sok An, Deputy Prime Minister and Chairman of the Royal Government Task Force on the Khmer Rouge Trials, as well as U.N. Secretary-General's Special Expert on United Nations Assistance to the Khmer Rouge Trials, Ambassador David Scheffer, after a “constructive meeting regarding ongoing developments at the ECCC” had been held between the two parties at the Office of the Council of Ministers.

“half a million Cambodians have visited the ECCC or participated in its outreach events throughout the country, a figure that highlights the 'exceptional importance that the Cambodian people attach to the work of the ECCCC”

The statement revealed that both parties “expressed strong support for the work of the Court, and noted that the Trial Chamber is continuing to adjudicate Case 002/02, that the latest Completion Plan envisages completion of that trial by the fourth quarter of 2016 and a Supreme Court Chamber judgment in the appeal of Case 002/01 by mid-year, and that a number of steps have been taken in recent months regarding Cases 003 and 004.”

Furthermore, the statement expressed both parties' appreciation for the continuing financial support and assistance by the Cambodian Government and the United Nations as well as the “more than 30 countries that have supported the Court financially since its formation”, which enable the international and national components of the ECCC to continue operating.

In their joint statement, the two parties also referred to the ongoing outreach activities of the Court, and described the “unprecedented public participation in the proceedings of the ECCC” as one of its greatest accomplishments. Almost 4,000 Civil Parties attended Case 002 thus far, whilst around “half a million Cambodians have visited the ECCC or participated in its outreach events throughout the country” – a figure that, according to the statement, highlights the “exceptional importance that the Cambodian people attach to the work of the ECCC.”

“These achievements in discharging its judicial mandate, conducting outreach, and providing strong victim participation”, as Dr. Sok An and Ambassador David Scheffer emphasized in their joint statement, “demonstrate the value of the ECCC and serve to counter misperceptions occasionally circulating in commentary about the Court.”



Severance of Im Chaem: Case 004

On 5 February 2016, the Co-Investigating Judges have ordered the severance of the proceedings against Im Chaem from Case 004 and the creation of a new case file, 004/01.

The severance was ordered because of the charged person's right to a determination of the charges brought against her without undue delay, which is mentioned in Article 14(3)(c) of the 1966 International Covenant on Civil and Political Rights and further suggested in Internal Rule 21(4) of the ECCC, which mandates that proceedings before the Court be brought to a conclusion within a reasonable time.

The notice of the conclusion of the judicial investigation against her was filed on 18 December 2015 after more than six years of judicial investigations, while the investigations against the other charged persons in Case 004, Ao An and Yim Tith still continue. It is for this reason that the Co-Investigating Judges found it to be in the interests of justice to sever the proceedings against Im Chaem from Case 004. This will allow bringing the proceedings against Im Chaem to a timely conclusion while continuing the investigations in the remainder of Case 004.

The judicial investigation against Im Chaem had been initiated following receipt of the Third Introductory Submission filed by the International Co-Prosecutor on 9 September 2009. She was charged in absentia on 3 March 2015. Im Chaem is accused for her alleged involvement in acts of homicide as well as numerous other alleged crimes against humanity such as murder, extermination, enslavement, imprisonment, persecution on political grounds and other inhumane acts allegedly committed at the Phnom Trayoung Security Center and the Spean Sreng worksite.

Supreme Court Chamber

In January, the Supreme Court Chamber continued its consideration of the appeals from the case 002/01 trial judgement.

On 27 January, the Supreme Court Chamber issued its decision on the conduct of the Co-Lawyers for Nuon Chea during the appeal hearing held on 17 November 2015. The Supreme Court Chamber determined that the National Co-Lawyer for Nuon Chea, Son Arun, had engaged in misconduct under Internal Rule 38 by failing to return to the appeal hearing after the morning recess. The Supreme Court Chamber held that Son Arun had thereby violated his duty to ensure the proper legal representation of Nuon Chea as well as the clear, direct and repeated order of the Supreme Court Chamber in this regard, thus obstructing the proceedings. The Supreme Court Chamber reprimanded Son Arun for his misconduct and notified the Co-Lawyers for Nuon Chea that any future instances of misconduct resulting in a lack of proper legal representation of Nuon Chea or obstruction of the proceedings may lead to sanctions more punitive than a public reprimand.

Trial Chamber

The Trial Chamber sat for 15 hearing days in January 2016, during which it heard 11 witnesses and 2 Civil Parties.

On 5 January, the Trial Chamber issued an oral ruling on Khieu Samphan Defence motion E319/23/2, which sought to admit four written records of interview given by witness 2-TCW-1000 before his questioning by the Defence. Finding that the written records of interview are relevant, the Trial Chamber admitted all four documents into evidence.

On 12 January, the Trial Chamber issued a decision, with full reasons to follow, on requests in E380, E381 and E382 to hear additional witnesses on the treatment of the Vietnamese. The Trial Chamber granted the motions to hear 2-TCW-1008, 2-TCW-1009 and 2-TCW-849 and rejected the motions to hear 2-TCW-939, 2-TCW-905, 2-TCW-1010. The Chamber deferred its decision with respect to witnesses 2-TCW-843, 2-TCW-957 and 2-TCCP-245.

On 12 January, the Trial Chamber orally granted the request by the International Co-Prosecutor (E319/32) to admit into evidence Written Record of Interview E319/19.3.226. A full decision on E319/32 will be issued in due course.

On 13 January, the Chamber informed the parties that it would hear witnesses 2-TCW-894 and 2-TCW-938 in closed session. In response



Public Participants observe the hearing in Case 002/02 during January 2016 in The ECCC public gallery. Photo Nhet Sokheng

to repeated requests by the International Co-Prosecutor (including E384), on 14 January the Trial Chamber heard oral submissions from the parties regarding this decision. Following these submissions, the Chamber maintained its prior decision to proceed in closed session, while noting that it would seek, in cooperation with International Co-Investigating Judge, to issue public redacted transcripts of the sessions. Full reasons for the Trial Chamber's decision will follow in due course.

Also on 14 January, the Trial Chamber orally granted the Khieu Samphan Defence's urgent motion (E372/1) to admit E319/39.3.1 to be used in its examination of 2-TCW-938.

On 20 January, the Trial Chamber issued a memorandum stating that it would hear the testimony of Civil Party 2-TCCP-844 by video-link. The Chamber based its decision on an independent medical report declaring 2-TCCP-844 unfit to testify and a later independent report stating that 2-TCCP-844 could testify by video-link at a facility close to his home.

On 25 January, the Trial Chamber orally granted the International Co-Prosecutor's motion to admit two written records of interview by 2-TCW-1010, a witness the Chamber ruled

that it would not hear on treatment of the Vietnamese, for possible use with upcoming witness 2-TCW-1009. The International Co-Prosecutor made this request in an earlier filing, E382.

On 26 January, the Trial Chamber denied an oral motion from the Nuon Chea Defence to admit document E319/23.3.17.1 into evidence, finding that the motion did not satisfy the requirements of Internal Rule 87(4).

On 26 January, the Trial Chamber issued a decision denying the Nuon Chea Defence motion to withdraw witness 2-TCW-989 (E346/2/1). The Defence had submitted that all parties had the opportunity to question this witness during Case 002/01 appeal hearings. The Chamber found the motion to be untimely since the appeal hearing took place in July 2015 and because 2-TCW-989 had already been summoned and scheduled to appear. The Chamber also found that because the Supreme Court Chamber did not permit the Co-Prosecutors to confront 2-TCW-989 with a prior statement and because the Trial Chamber had not yet had the opportunity to question 2-TCW-989, hearing his testimony would be conducive to ascertaining the truth.

On 28 January, the Trial Chamber issued a memorandum scheduling a Key Document Presentation Hearing concerning the treatment of targeted groups (the Cham, Vietnamese and former Khmer Republic officials) to begin on or about 10 February 2016. The Chamber also provided its guidelines and clarifications for the holding of Key Document Presentation Hearings.

Pre-Trial Chamber

During the month of January the Pre-Trial Chamber completed the preparations for deliberations on two 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). These decisions were notified later in February 2016. The Chamber advanced its preparations for deliberations on three other cases: 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 In-

vestigative 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). The Chamber remained seized of three motions for annulment, filed in November 2015, 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) and AO An's Appeal against the International Co-Investigating Judge's Decision on a request for investigative action (PTC 04/24). On 8 January 2016 the Chamber was seized with MEAS Muth's Appeal against the International Co-Investigating Judge's Decision to Charge MEAS Muth with Grave Breaches of the Geneva Conventions and National Crimes and to Apply Command Responsibility (PTC 03/29). On 15 and 27 January the Chamber was seized with, respectively, the English and Khmer versions of an Appeal against the Order on Ao An's responses D193/47, D193/49, D193/53, D193/56 and D193/60 (PTC04/25).

Furthermore, on 3 December 2015, the Chamber completed its deliberations on two appeals against the International Co-Investigating Judge's Decisions to Charge persons in absentia (PTC 03/21 and PTC 04/19). These two decisions are to be released soon.

At the end of January 2016, the Chamber was seized of a total of thirteen appeals and motions relating to the investigations in cases 003 and 004.

Office of the Co-Investigating Judges

During the month of January, the international side of the Office of the Co-Investigating Judges ("OICIJ") continued the investigations of Case Files 003 and 004. Four field missions took place in the course of which over twelve witnesses were interviewed and nine investigation action reports were drafted. Five witnesses were interviewed on ECCC premises for Case File 003 and nine for Case File 004.

During the month of January, the Analysts Unit reviewed several thousand KR contemporaneous documents and witness interviews. Additionally, 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

Trial hearings in Case 002/02 and ongoing investigations in Cases 003 and 004 kept all staff and interns of the Office of the Co-Prosecutors fully engaged.

January saw the continued engagement of staff and interns of the Office of the Co-Prosecutors across all cases, with trial hearings and litigation in Case 002/02 as well as the ongoing investigations and litigation in Cases 003 and 004.

Case 002/02

A number of witnesses testified, in public and closed session, in relation to the section of the trial dealing with the alleged genocide of the Vietnamese and Cham. The International Co-Prosecutor filed submissions on protective measures for witnesses during trial hearings, emphasizing the need to balance the confidentiality of investigations with the importance of a public trial. Additionally, the prosecution continued to discharge its disclosure obligations, by disclosing materials from Case 004 into Case 002.

Cases 003 and 004

Analysis of the evidence collected in the investigations to date continued. In Case 003, the International Co-Prosecutor confidentially responded to an application by Meas Muth, and confidentially filed a request to the Co-Investigating Judges. In Case 004, the International Co-Prosecutor filed three confidential submissions to the Co-Investigating Judges as well as two confidential responses and one confidential reply to filings by Im Chaem.

Outreach

Outreach Members of the OCP discussed the background, goals and work of the Court with representatives and students visiting from the International School of Phnom Penh and Trinity Law School, California.

Defence Support Section

Case 002

NUON Chea

During January 2016, the Nuon Chea Defence Team was fully engaged in ongoing trial hearings in Case 002/02. Due to regular schedule changes and witness unavailability, trial witnesses testified for two alternating trial segments – the treatment of the Vietnamese and the treatment of the Cham. During the month, the Nuon Chea Defence Team also filed two requests to the Trial Chamber. The first request sought to admit into evidence 11 diplomatic cables relevant to armed conflict, security centres and internal purges, and the Communist Party of Kampuchea's leadership and structure. The second request sought to withdraw the team's earlier request for a witness to testify in Case 002/02 in relation to the treatment of former Khmer Republic soldiers and officials. This witness had since testified during the Case 002/01 appeal and the Nuon Chea Defence Team submitted that his appeal testimony, which had been admitted into evidence in the Case 002/02 Trial, was sufficient.

In the Case 002/01 Appeal, the Nuon Chea Defence Team received a decision by the Supreme Court Chamber on 27 January 2016 sanctioning the Co-Lawyers for not actively participating in the final Case 002/01 appeal hearings in November 2015. The Co-Lawyers' actions followed the Supreme Court Chamber's issuance on 21 October 2015 of an unreasoned decision dismissing the majority of the team's requests for the admission of new witnesses and evidence on appeal. Sanctions imposed on the Co-Lawyers in the 27 January 2016 decision included a directive to the Defence Support Section to deduct the Co-Lawyers' fees, notwithstand-



ing that the Co-Lawyers receive only one fee for participation in two full-time cases.

KHIEU Samphan

In January, the KHIEU Samphan Defence Team continued to prepare and attend the hearings in Case 002/02.

The team also forwarded the Paris Bar Association Disciplinary Board's decisions to the Trial Chamber. After the KHIEU Samphan Defence refused to attend hearings in Case 002/01 during the drafting of its appeal brief in Case 002/01, the Trial Chamber issued an order finding KHIEU Samphan counsel to have obstructed the proceedings and engaged in an "unethical or unprofessional" conduct. The Trial Chamber decided to refer KHIEU Samphan counsel "misconduct" to their respective disciplinary boards. However, the respective boards on ethics (Cambodian and Parisian) rebutted the Trial Chamber findings and held that KHIEU Samphan counsel neither obstructed the proceedings nor did they engage in any professional misconduct.

Case 003

MEAS Muth

In January, the MEAS Muth Defence filed two Appeals and one Reply to the Pre-Trial Chamber, each of which has been classified by the Chamber as confidential. The Defence has also responded to a request by the International Co-Prosecutor for an extension of time to respond to one of the Defence's

Appeals. The Defence requested that one of its motions to the Co-Investigating Judges, and the International Co-Investigating Judge's decision on this motion, be reclassified as public, since they contain no confidential information relevant to the ongoing judicial investigation. The Defence continues to review material on the Case File and to file submissions where necessary to protect Mr. MEAS Muth's fair trial rights.

Case 004

IM Chaem

In January the Defence team for IM Chaem was informed that the Office of the Co-Investigating Judges has confirmed that the Co-Prosecutors file final submissions, and the Defence has a right to respond to them. The Defence requested access to certain documents from Case 002 relevant to proceedings in Case 004, which was granted by the Co-Investigating Judges. The Defence team for Ms. IM Chaem also sought corrections to and clarifications regarding documents in the case file held by the Office of the Co-Investigating Judges. 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 January, the Defence Team for AO An submitted two applications to the Office of the Co-Investigating Judges to seize the Pre-Trial Chamber with a view to annulment of judicial actions concerning the disclosure of Case 004

materials to the parties in Case 002 and the annulment of non-audio-recorded written records of interview. The team also filed an appeal with the Pre-Trial Chamber against an order of the Office of the Co-Investigating Judges rejecting the Defence's observations on the issue of disclosure. Further, the team continued to review all the evidence on the Case File and prepare submissions to safeguard AO An's fair trial rights.

YIM Tith

In January, the Defence for Yim Tith continued to analyse the contents of Case File 004 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

The Lead Co-Lawyers for Civil Parties continued to advance the interests of the consolidated group of civil parties during the continuing trial segment related to the treatment of targeted group. The Lead Co-Lawyers participated in the examinations of the remaining witnesses testifying about their experiences related to the treatment of the Cham during Democratic Kampuchea, and four witnesses testifying about the treatment of the Vietnamese. Two civil parties, Lach Kri and Daung Oeun, testified about their experiences and the experiences of their families in Prey Veng District, in addition to impact caused by loss of Vietnamese family members during the Democratic Kampuchea regime.

Outreach and Activities

The Lead Co-Lawyers continued to collaborate with the Victims Support Section NGO project partners with respect to project development and fundraising.

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. They also participated in the meeting between Lead Co-Lawyers Section and Civil Party Lawyers on reparation requests in Case 002/02.

Processing and analysis

The Processing and Analysis Team (PAT) continued to collect supplementary information in Case 003 & 004 through phone calls made to applicants having been suffered from alleged crimes under the investigation scope of Case 003 and 004. The team received 134 civil party applications in Case 003&004 and filed them to the Office of Co-Investigating Judges. As of 31 January 2015, there were 2032 for these two cases. Additionally, the team filed two letters requesting for continuing civil actions of the deceased civil parties to Trial Chamber.

t Reparations and non-judicial measures

The Reparation & Non-Judicial Measure Team has coordinated the implementation of all Reparation & Non Judicial Measure projects through meetings and technical support communication.

During the month, the reparation team members participated in the following:

- Meetings with Mr. Chea Sopheap, Deputy Director of Bophana, and Mr. Nicolaus Mestermarm, Director of Meta House, respectively at their offices on 8 January to discuss their reparation project concept notes and proposals to be submitted to UNOPS.
- Meeting with DC-Cam on 12 January to discuss reparation project concept notes and proposals to be submitted to UNOPS.
- Meeting with Mr. Long Khet, Director of Youth for Peace (YFP) on 22nd January to discuss the organization's reparation project concept note, proposal and fund raising campaign at YFP office.
- Meeting with Mr. Sera Ing from ANVAYA Association on 25th January to discuss the progress of the project on the construction of a memorial to KR victims of forced transfer, Case 002/01 reparation project.

- Meetings with Lead Co-Lawyers Section to discuss Case 002/02 reparation requests so as to develop brochure and strategy for fundraising campaign.

Outreach

During the month, Victims Support Section invited 109 civil parties from Prey Veng, Kampot, Kampong Speu, Ratanak Kiri, Svay Rieng, Kampong Thom and Pursat to attend hearings of Case 002/02 at the ECCC. At lunch break of each hearing day, they were arranged to meet with their lawyers to be briefed on what already happened and what would be discussed in the court. 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.

The Trial Chamber resumed in early January, concluding testimony from 2-TCW-1000 (name redacted). There were a total of ten remaining witnesses and civil parties that offered testimony during the month of January; revealing their experiences in relation to the Khmer Rouge regime, Democratic Kampuchea. Among the dominant themes heard by witnesses and civil parties is the treatment of Cham and Vietnamese people.

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

Supreme Court Chamber

27 January 2016: Decision on the Conduct of the Co-Lawyers for NUON Chea During the Appeal Hearing of 17 November 2015, F30/18.

Trial Chamber

12 January 2016: Trial Chamber memorandum entitled: Decision on motions to hear additional witnesses on the topic of the treatment of the Vietnamese, with reasons to follow (E380, E381, E382) <E380/1>

20 January 2016: Trial Chamber memorandum entitled: Decision on Video-Link for 2-TCCP-844 <E385>

26 January 2016: Decision on NUON Chea Defence Request to Withdraw a Witness from the Case 002/02 Trial Witness List (E346/2/1) <E346/2/2>

28 January 2016: Further Information on Key Document Presentation Hearings in Case 002/02 and Scheduling of Third Key Document Presentation Hearing <E315/2>

Witness testimonies in Case 002/02 resume

The Trial Chamber resumes in early January, concluding testimony from 2-TCW-1000 (name redacted). There were a total of ten remaining witnesses and civil parties that offered testimony during the month of January; revealing their experiences in relation to the Khmer Rouge Regime, Democratic Kampuchea. Among the dominant themes heard by witnesses and civil parties is the treatment of Cham and Vietnamese people.



2-TCW-848: Mr. THANG Phal, testified on 5 & 6 January

Mr. THANG Phal, of Prey Veang district, estimates he was 24 years old at the beginning of the Democratic Kampuchea regime. He came before the court to recall his subjugation to the Khmer Rouge – that he was labelled as the son of a capitalist and was forced into labor for the duration of the regime. Mr. Thang also elaborated a criterion that was used to determine the fate of children belonging to mixed ethnicity families. The children would be arrested and would disappear if the mother was Vietnamese, but if only the father was Vietnamese and the mother Khmer, the children would be spared. Mr. Thang did note, however, that none of his testimony

can be substantiated from first-hand knowledge. Rather, this information was conveyed through anecdotes and rumors among his fellow villagers. Concluding his testimony, Mr. THANG Phal confirmed that he had heard of gunfire and artillery shelling as the Vietnamese army began to encroach upon Cambodian territory in 1979.



2-TCW-904: Mr. SOS Rumly, testified on 6 & 8 January

Mr. SOS Rumly, of Kampong Cham province, approximately 60 years old at the time of his testimony, is the second witness to be heard before the Trial Chamber in January. As the clerk to the Trea commune chief during the Democratic Kampuchea, Mr. SOS Rumly conveyed testimony concerning the treatment of Chams. A Cham himself, he described his own experiences prior to 1975 and how things changed after. The general theme of his testimony was the restriction of religious and cultural freedoms, leading to the arrests of various Cham leaders throughout his village.



2-TCW-987: Mr. MOUY Vanny, testified 11 & 12 January

Mr. MUY Vanny, from Kampong Cham province, 49 years old at the time of his testimony, worked in a District Mobile Unit (DMU), stationed in Sdau commune for a period of just over two years. The DMU contained not only Khmer, but also 25-30 Cham people as estimated by the witness. Mr. MUY testified to witnessing his Cham colleagues being marched away as he returned to his DMU one evening. It was rumoured among the DMU that those who were led away were executed

at Wat Autrakoun. Testimony revealed that these individuals were known to be Cham as they did not make an effort to conceal their identity early in the Khmer Rouge period. They also spoke Khmer with an accent and had ethnic names. For a period of approximately half a year, Mr. MUY described his role as that of a messenger for the Chief of Security at Wat Au Trakoun Security Centre, Hoeun. The testimony provided insight into the structure and operation of the DMU. The testimony also revealed conditions of those being held at Wat Autrakoun.



2-TCW-988: Mr. SÂY Doeun, testified on 12 January

Mr. SÂY Doeun, approximately 68 years old from Kampong Cham province is the next witness in January proceedings. The witness testified that he was a member of the Long Swords Group (LSG), tasked to ensure that workers in the rice fields did not steal any rice and to patrol surrounding villages. The LSG was also responsible for effecting arrests. In one instance he was ordered to arrest all Cham people indiscriminately. Following a brief tenure as a member of the LSG, the witness was then appointed village chief in a nearby village. The testimony of Mr. SÂY provides insight into the orders delivered by senior leaders in the Khmer Rouge in relation to the treatment of Cham people.



2-TCW-928: Ms. MATH Sor, testified on 13 January

Of Cham ethnicity, Ms. MATH Sor was born in approximately 1961 in Kampong Cham province. The testimony of Ms. Math offers personal insight into the treatment of the Cham people during Democratic Kampuchea. She describes being arrested and detained, and how she was able to avoid being selected for execution – surviving by lying about her ethnic

origin. The witness also recounts visceral details of executions, including victims pleading with KR cadres not to be raped. Additional details surrounding the treatment of Cham people were revealed, including the forced eating of pork.



2-TCCP-844, Mr. LACH Kry, testified on 20 & 21 January

Approximately 68 years of age, Civil Party Mr. LACH Kry provides his testimony to the Trial Chamber via video link. Having lived in Pou Chentam during Democratic Kampuchea, Mr. Lach lived in a village in which 3 families were known to be of Vietnamese origin. The testimony of Mr. Lach reveals that his brother lost his wife and children, leading to a period of severe emotional instability. After the disappearance of his wife and children, Mr. Lach's brother was forced to remarry. Mr. Lach also elaborated on social relations between Vietnamese and Khmer people before and after the period of Democratic Kampuchea, describing them as normal.



2-TCCP-869: Ms. DOUNG Oeurn, testified 25 January

75 years old, Civil Party Ms. Doung Oeurn testifies before the Trial Chamber to clarify her experiences during the Khmer Rouge Regime. Her testimony is centered on the treatment of Vietnamese during Democratic Kampuchea, with an emphasis on her own husband, an ethnic Vietnamese named Chuy. Ms. Doung recalls the day when her husband was taken away, ostensibly to work, and never returned. Testimony further reveals that a woman in the community who was ethnically Vietnamese was also taken away, as was her children, also never returned. Mother to a child with her late husband, Ms. Doung credits her Khmer background, and that she renamed her child to accord with Khmer nomenclature, that her child

survived the regime.



2-TCW-1009: Mr. PRUM Sarat, testified on 25 & 26 January

Mr. Prum Sarat, 67, worked as a regiment and marine vessel commander during the Khmer Rouge regime. His testimony focused on the evidence concerning the chain of command, authority figures in his division, as well as the statements delivered by Pol Pot and Khieu Samphan. He mentioned that he used to work for Khieu Samphan back in 1991 as a member of his security force. Mr. Sarat testified that there was an order to kill all of the Vietnamese, including mothers and babies, during the DK regime because they were considered as hereditary enemies. He also confirmed hearing about the killing of the Lon Nol Soldiers sometime in 1975 or 1976 from some cadres.



2-TCW-1007: Mr. SANN Lorn, testified 28 January

Mr. Sann Lorn, 73, was born in Prah Keab Village, Tram Kok District, Takeo Province. He now lives Sre Chrey Village in Chhak Roka commune, Samlaut. Mr. Lorn's testimony highlighted his knowledge on the deportations that happened among the Vietnamese during the Khmer Rouge regime. He said that he rounded up and transported Vietnamese people for four days sometime after 1975, after which he never saw these people ever again. Mr. Lorn also confirmed that he was the younger brother-in-law of Ta Mok, which he believed to be a supreme leader and the second-in-line behind Pol Pot. Witness lived in Tram Kok District the entire time until 1975 where he worked as a messenger at the commune level and for the district committee. He added that he used to work as a messenger for Yeay Khom, the daughter of Ta Mok.



A group consisting of Civil Parties were invited to attend and observe court proceedings from inside the courtroom. Photo David Schostek

ECCC Media Analysis: 15-19 February 2016

The media analysis of the February 2016 Appeal Hearings of Case 002/01 was based on national and international news articles available in English (translations of Khmer-language articles were not available for purposes of this analysis). The analysis included media coverage during the Appeal Hearings in Case 002/01, as well as the day preceding and following the statements (15 February – 19 February). A total of 13 National English language articles and 5 international English language articles were identified during the described period.

Coverage of the Appeal Hearings included statements by the Civil Party lawyers, the Co-Prosecutors, the Nuon Chea and Khieu Samphan defence teams as well as final statements by the accused Khieu Samphan.

Media interest varied during the appeal hearings, with a daily increase of national media and a drop of international media on the second day. The hearings concluded with a peak following the final speech of Khieu Samphan. The most significant distinction between national and international media is the regularity of reporting. While national news sources covered ECCC proceedings on a daily basis, international articles tended to focus around major events. No international media outlets reported more than once during the trials nor did they regularly pick up wire articles.

In general, media coverage of the Appeal Hearings aligns with the developments inside the courtroom. Some coverage prior to and at the commencement of the Appeal Hearings provided background information concerning the appeals. However, the predominant focus of the ECCC in media during this period was unrelated to the Appeal Hearings; other topics such as the severance of Im Chaem from Case 004 figured more prominently in media.

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from Case 004 figured more prominently in media coverage.

Once the Appeal Hearings commenced, the reporting shifted focus to a portrayal of the trial's developments, noting the silence of Nuon Chea's team and placing an emphasis on the accused Khieu Samphan. The reporting on the Appeal Hearings concluded with a strong focus on the oral statement made by Khieu Samphan. Media emphasized the criticisms of the ECCC, as mentioned by the accused during his speech.

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Many of the articles throughout the week of the Appeal Hearings involved numerous contrasting perspectives on the ECCC and its proceedings. Several articles mentioned arguments emphasizing the positive social impact and the importance of the trials for the victims as well as the need to hold the most senior leaders accountable. However, those articles and many more also referred to specific and persistent criticisms of the court. A consistent theme that appeared among the articles was the fairness of the proceedings as disputed by the Defence. The criticisms that were repeated in various news reports are as follows: limited scope of the trial, financial challenges, inefficiency/slowness of proceedings, alleged political interference, and insufficient outreach activities of the ECCC.

National media including the Cambodia Daily, the Phnom Penh Post and the Khmer Times go into greater detail throughout the Appeal Hearings than their international counterparts; providing greater analysis, contextual details and incorporating direct citations from the lawyers and the accused. It also appeared that feature articles were much more direct in their inclusion of criticisms and placed a greater emphasis on the discussion of ongoing controversies surrounding the ECCC than wire news, who reported on the Appeal Hearings from a more shallow perspective.

Calendar of Outreach Activities: January 2016

05 January – 12 graduate and undergraduate students from George Mason University (US) visited the court to have an educational tour of the ECCC and witness the first Case 002/02 hearing for 2016. 150 students from Pannasatra University and 300 villagers from Teok Chou district, Kampot province also dropped by to observe the morning and afternoon sessions.

06 January – Law students and professors from Trinity Law School (US) visited the ECCC to observe the first morning session. They were then met with representatives from the Public Affairs, Prosecution and Defense teams for an educational briefing about the court. The first batch of 300 villagers from the Kampong Chnnang province, Kampong Tralach district, also visited the ECCC this day to watch the morning and afternoon proceedings.

08 January – The second batch of 375 villagers from the Kampong Chnnang province, Kampong Tralach district, visited to watch actual court hearings and also learn more about the ECCC.

11 January – 18 law students under KHIRI Travel Cambodia included a visit to the ECCC as part of their itinerary on this day. They had an opportunity to watch the stecond half of the first session for this day. This group was joined by 380 villagers from Kampot province, Teok Chou district, who learned more about the ECCC after being given the chance to observe the morning and afternoon court proceedings.

12 January – Another group of 300 villagers from Kampot province, Teok Chou district, were brought to the ECCC to witness the morning and afternoon court hearings.

13 January – 200 students from Sisovath High School got an informative briefing about the ECCC after watching the first morning session on this day. This group was joined by a group of students and professors from Cornell University and Tompkins Cortland Community College who also watched the first morning session and then benefited from an informative session given by the Public Affairs Section about the court afterwards. In the afternoon, 205 people and 6 staff mem-

bers from Passerelle Numerique, a French NGO in Cambodia that provides educational, technical and professional training in the digital sector to young underprivileged people, visited the ECCC to observe an actual proceeding. They were joined by 211 villagers from Kampot province who visited the ECCC to also watch the afternoon sessions.

14 January - Delegates from the Swedish Embassy in Cambodia (Ms. Anna Maj Hultgård, Ambassador; Mr. Andreas Johanson, First Secretary; Mr. Magnus Saemundsson, Senior Programme Officer; Ms. Ulrika Blomstrand, Intern) and Swedish International Development Cooperation Agency (Ms. Ewa Werner Dahlin, Head of HUMASIA Department and Mr. Samuel Hurtig, Head of Unit) visited the ECCC to learn more about its structure and its role in Cambodian society.

19 January – Mr. Vegard Holmelid, Deputy Chief of Mission at the Norwegian Embassy in Bangkok, Thailand, visited the ECCC to learn more about its history, structure and mandate. 350 villagers from Takeo province and 88 members of the Cambodian military police also paid a visit to the court to gain more information about the tribunal.

25 January – Students from the International School of Phnom Penh, Royal University of Law and Economics, and Bak Touk High School visited the court and got an opportunity to witness the morning proceedings. They then received education briefings about the ECCC from representatives of the Prosecution team and Public Affairs Section.

26 January – A group of 25 people consisting mostly of women who have leadership roles in various civil society organizations in Myanmar/Burma visited the Khmer Rouge Tribunal to learn more about the roles of female witnesses in the ongoing proceedings.

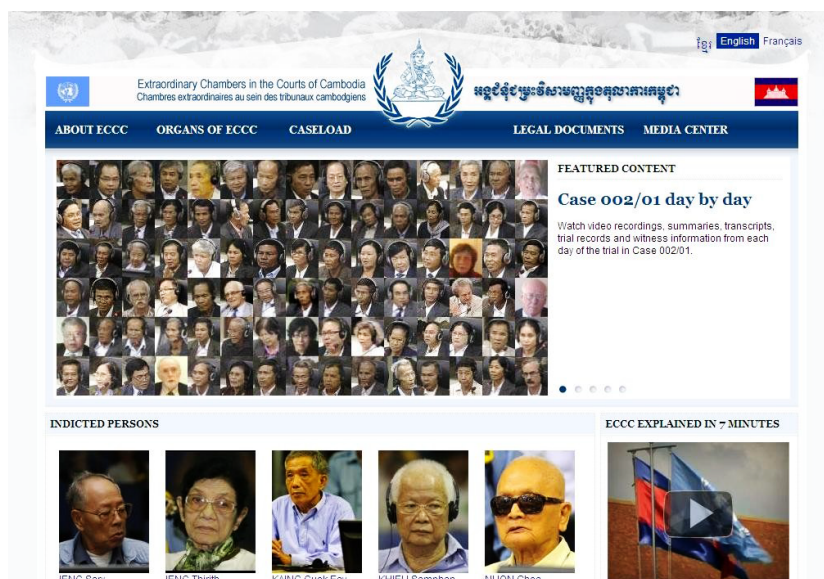
Recurring Events

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



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

The ECCC welcomes visitors. For more information: pas@eccc.gov.kh.



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