



# The Court Report

DECEMBER 2013

## The Extraordinary Chambers in the Courts of Cambodia

*Moving Forward Through Justice*



*The closing order in Case 002 discuss the situation of Khmer Rouge labor camps similar to what this file photo shows. (source: Documentation Center of Cambodia)*

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### SCC's Full Decision Urges "Prompt" Start of 002/02 Trial

Issuing its full reasoning for the second severance appeal decision on Case 002 on 25 November, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia stated that it is "now imperative" to set up a second trial panel to adjudicate the remaining charges in Case 002 and that the second trial in the case should commence "promptly" following the trial management meeting scheduled on 11-12 December.

The Supreme Court Chamber also suggests that it is possible for the Co-Prosecutors to withdraw charges, under certain preconditions, from the Case 002 Closing Order to try Nuon Chea and Khieu Samphan, and that adding the charges related to genocide, the S-21 security prison, the Prey Sar worksite and the Tram Kok cooperatives to the scope of the second trial in Case 002 would render the combina-

tion of the first and second trials reasonably representative of the indictment.

The full reasoning followed the chamber's July summary decision on the appeals against the second severance order, which denied the appeals on the merits and ordered instead that "the evidentiary hearings in Case 002/02 shall commence as soon as possible after closing submissions in Case 002/01" and that "Case 002/02 shall comprise at minimum the charges related to S-21, a worksite, a cooperative and genocide".

In its full reasoning, the Supreme Court Chamber notes that the Trial Chamber failed to ensure that the renewed severance be "reasonably representative" of the indictment. The chamber explores arguments on the legality over mandatory prosecution

(Continues on page 2)

## SCC's Full Decision (Continued from page 1)

and selective prosecution, and suggests that the Co-Prosecutor may withdraw charges from the indictment with the Trial Chamber approval “as long as the matter is approached transparently, in consideration of the interests of justice and fair trial rights involved”.

The Supreme Court Chamber further indicates that representativeness may be achieved by selecting “a minimum quantum of charges that would reasonably reflect the scale and nature of the totality of the alleged criminal acts and individual culpability”. Noting that its suggested additional crime sites and episodes could have made the first trial in Case 002 more representative, the Supreme Court Chamber instructs the Trial Chamber to include, at minimum, those charges to form the limited scope of Case 002/02.

The Supreme Court Chamber also orders that the Trial Chamber commence the second trial “promptly” following the trial management meeting, and notes that the Trial Chamber’s President is responsible for availing himself of the possibilities of setting up a second panel to try Case 002/02. The Supreme Court Chamber also demonstrates



A court is in session to examine witnesses in Case 002 in the main courtroom, viewed from the public gallery (File photo)

that there are no legal, financial or administrative impediments to do so.

In Case 002, Nuon Chea and Khieu Samphan face charges of genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions. The case was initially severed in September 2011 before the commencement of the first trial in November that year. However, the Su-

preme Court Chamber invalidated the initial severance in February this year and invited the Trial Chamber to review the matter. As the Trial Chamber once again severed the case to confine the scope of the Case 002/01 trial as was previously decided, both the prosecution and the Nuon Chea defence team in May appealed the second severance order.

## ECCC Administration Ready to Support a 2nd Panel if Chosen

Responding to a court order to explore the establishment of a second trial panel, the Office of Administration of the Extraor-

inary Chambers in the Courts of Cambodia has confirmed to the Supreme Court Chamber its “readiness to support” any

judicial decision “to duly complete the judicial processes in Case 002”.

According to the interoffice memo dated 31 October and published on 20 November, the office consulted on the matter with the President of the Trial Chamber, who drew attention to both ECCC law and the agreement between the Cambodian government and the UN stipulating that the trial president has the authority to designate one or more alternative judges to be present at each stage of the proceedings.

The office further reviewed administrative and financial implications of establishing a second panel of judges within the Trial Chamber before confirming its readiness.



Judges of the Trial Chamber sit in the Courtroom to hear evidence in Case 002. (File photo)

## Trial Management Meeting to Discuss a 2nd Panel, Case 002/02

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia has scheduled to hold a public trial management meeting on 11-12 December to facilitate the planning of the second trial in the case concerning two allegedly most senior leaders of the Khmer Rouge. The meeting will include a discussion of the possibility of establishing a second trial panel.

Nuon Chea, 87-year-old former Deputy Secretary of the Communist Party of Kampuchea, and former Head of State Khieu Samphan, 82, face charges of genocide, grave breaches of the Geneva Conventions of 1949 and crimes against humanity. The first trial (Case 002/01), hearings of which concluded with closing statements in October, focused on crimes against humanity allegedly committed during two phases of forced population movements and the alleged execution of former Lon Nol officials at Tuol Po Chrey in Pursat.

The chamber issued a scheduling memo on 8 November to hold the meeting to hear “views on the proper scope of Case 002/02” from the Co-Prosecutors, defence teams and legal representatives of the Civil Parties. After the Supreme Court Chamber gave further direction in its full reasons for its decision on severance on 25 November, the Trial Chamber issued an agenda for the trial management meeting, which shifted the focus of the meeting to a discussion of the possibility of a second panel of the Trial Chamber to hear and adjudicate the case’s second trial (Case 002/02).



The published agenda notes that the President of the Trial Chamber has determined that all Judges comprising the current Trial Chamber panel and current support staff are needed to “focus exclusively on the preparation of the judgement in Case 002/01”, which is expected during the second quarter of 2014, and that a second panel will require new judges as well as five national and five international legal staff if it is to be established. The ECCC’s Acting Director and Deputy Director of Administration are expected to address administrative, financial and practical issues related to the establishment of a second panel, such as the time it would take for newly appointed judges and necessary support staff to commence work.

According to the schedule and agenda, the Trial Chamber will also invite the parties to discuss the scope of Case 002/02 and future trials, as well as a tentative trial schedule for Case 002/02. The Chamber will hear the parties’ views on the charges and crime sites to be included in Case 002/02 as well as their availability

for future hearings.

The Supreme Court Chamber ordered in July that the Case 002/02 trial “shall commence as soon as possible after the closing statements in Case 002/01” and the scope of the trial “shall comprise at minimum the charges related to S-21, a worksite, a collective, and genocide”. The order was a summary of reasons for the decision on appeals against the Trial Chamber’s second decision on the severance of Case 002. The Supreme Court Chamber at that time also issued an order to the Office of Administration to explore the possibility of setting up a second panel within the Trial Chamber to hear the second trial. In its full reasons issued on 25 November, the Supreme Court Chamber indicated that it is “the responsibility of the President of the Trial Chamber to avail himself of the existing possibilities” to form a second panel to try Case 002/02.

*Editor’s notes: The Trial Management Meeting took place as scheduled before press time. Details of the meeting will be reported in the January 2014 edition of the Court Report.*

## Delegation from Japan’s Ministry of Justice visits ECCC

A delegation from the International Cooperation Department (ICD) of the Japanese Ministry of Justice visited the Extraordinary Chambers in the Courts of Cambodia on 25 November. The team of eight people, consisting of four government attorneys, two judges and two government officers, met with staff members from several offices at ECCC in order to understand more about

the functioning of the hybrid tribunal.

According to Mr Yasuhiko Tsuji, Government Attorney, this connection is important to ICD’s work. “ICD has conducted the legal technical assistance for Cambodia for more than 10 years. For that purpose, we need to learn more about Cambodia and the Khmer Rouge period,” said the attorney. “We were deeply impressed with the strong will of the judges, the prosecutors and the members of the administration department of the ECCC to establish justice for Cambodia.”

ICD has assisted Cambodia in drafting and amending basic laws, such as the Cambodian Civil Code and Civil Procedure Code. It has also sent Japanese public prosecutors and judges to Cambodia to advise local officers and implement institutional improvement plans and capacity-building trainings.



Japanese delegation poses with ECCC international judges.

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 2013**. For public decisions and orders, please refer to page 7.

## Supreme Court Chamber

In November 2013, the Supreme Court Chamber continued drafting the full reasons for its Decision on Immediate Appeals against the Trial Chamber's Second Decision on Severance of Case 002 ("Second Severance Appeal Decision"), the summary of reasons of which was filed on 23 July 2013.

On 25 November 2013, the Supreme Court Chamber delivered its full reasoning for the Second Severance Appeal Decision.

## Trial Chamber

Following the conclusion of the hearing of evidence and closing arguments in Case 002/01 on 31 October 2013, the Trial Chamber is currently engaged in judgement drafting. The verdict is expected in the second quarter of 2014.

On 8 November 2013, the Trial Chamber scheduled a Trial Management Meeting for 11 and 12 December 2013 (to continue on 13 December 2013 if necessary), with the purpose of facilitating the planning of Case 002/02. The Trial Chamber proposed agenda items for the Meeting and invited the parties to provide their comments. Comments were received from all parties by 20 November 2013.

## Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber was seized of three appeals and two applications for annulment in Cases 003 and 004, all of which are classified as confidential or strictly confidential. In addition, a judge in the Pre-Trial Chamber has been appointed by the Coordinator for United Nations Assistance to the Khmer Rouge Trials (UNAKRT) to act as an administrative

judge in respect of a non-fees dispute between a Co-Lawyer and the Defense Support Section.

### Case 003:

On 5 November 2013, the Pre-Trial Chamber was seized of an appeal by a suspect in Case 003 against the constructive denial of 14 requests filed to the Co-Investigating Judges.

On 12 November 2013, the Pre-Trial Chamber issued its Decision on Application for Annulment Pursuant to Internal Rule 76(1), rejecting as inadmissible an application by the International Co-Investigating Judge to annul nine orders admitting civil parties in Case 003.

### Case 004:

On 4 November 2013, the Pre-Trial Chamber issued its Decision on the Request for Disqualification of a Judge in the Pre-Trial Chamber, in respect of an appeal against a decision of the Head of the Defence Support Section pursuant to Internal Rule 11(5). The Pre-Trial Chamber found the Request inadmissible due to the applicant's lack of standing.

On 12 November 2013, the Pre-Trial Chamber issued its Decision on Application for Annulment Pursuant to Internal Rule 76(1), rejecting an application by the International Co-Investigating Judge to annul 30 orders admitting civil parties in Case 004.

The Pre-Trial Chamber continued its examination of the following matters:

- An appeal filed pursuant to Internal Rule 11(5) by a lawyer whose admission on the list of counsel authorized to represent indigent persons before the ECCC had been denied by the Head of the Defence Support Section;
- An appeal from a suspect in Case 004 against a decision from the International Co-Investigating Judges rejecting requests to have access to the case file and to participate in the judicial investigation.

## Office of the Co-Investigating Judges

During the month of November 2013 the International side of the Office of the Co-Investigating Judges ("OICIJ") continued the investigations of Case Files 003 and 004:

One mission was undertaken by OICIJ investigators in Case 003 : three witnesses were interviewed. One witness was interviewed at the ECCC premises in relation to this case.

Five field missions were organized in Case 004, during which 22 witnesses were



The ECCC Court building (file photo)

interviewed. One site identification was drafted, as well as 12 investigation reports. In addition, three witnesses were interviewed on ECCC premises in relation to Case 004.

During the month of November, the OCIJ Analysts Unit continued the review of documentary evidence held in external sources. In total, 1,746 documents were reviewed and 1,193 documents were selected as relevant for Case 003 and 004. Additionally, the Analysts Unit assisted the investigators in the missions conducted during the month of November.

Civil party applications in Cases 003 and 004, which presently total in excess of 1,700 (341 in Case 003 and 1,381 in Case 004), are progressively being placed on the case files while their admissibility and evidentiary value are being subjected to a thorough scrutiny.

During the reporting period, the OCIJ continued to reach out to representatives of the international community in the quest for funds to recruit a small team of young Cambodian lawyers to work on the processing of civil party applications. To date, these fund-raising efforts have not borne any fruit.

Outreach to civil parties and potential witnesses in Cases 003 and 004 was continued in November, and members of the OCIJ have met with civil society representatives to work on a concerted strategy to reach out to victims on these cases.

## Office of the Co-Prosecutors

### Case 002

The Co-Prosecutors prepared for the Trial Management Meeting (TMM) of early December 2013 that will discuss the scope of the Case 002/02, the composition of the panel of judges and a tentative trial schedule. They submitted their comments on the agenda of the TMM. The Co-Prosecutors also submitted a redacted version of their Case 002/01 Final Brief and related annexes.

### Case 003

The Co-Prosecutors have been monitoring the evidence and developments in

Case 003 and responding as necessary.

### Case 004

The Co-Prosecutors have been monitoring the evidence and developments in Case 004 and responding as necessary.

## Defense Support Section

The Defense Teams in Case 002 spent November preparing for the trial management meeting scheduled for 11 December. The parties will make submissions on scheduling and the scope of the charges to be heard in Case 002/02. The Supreme Court Chamber has previously ordered that hearings in Case 002/02 shall commence as soon as possible after the closing statements in Case 002/01, with the scope of charges to include, at a minimum, genocide and the charges related to S-21, a worksite and a collective.

The Case 003 Defense filed a notice with the Office of the Co-Investigating Judges (OCIJ) that their client intends to exercise his right to remain silent, and further requested that any contact be made through his chosen Co-Lawyers. The Case 003 Defense also filed an appeal against Co-Investigating Judge Harmon's constructive denial of 14 motions filed by the Defense between August and October 2013.

The Pre-Trial Chamber has previously held, in Case 002, that constructive denial occurs when the OCIJ fails to rule on requests "as soon as possible, in circumstances where a delay in making a decision deprives the Charged Person of the possibility of obtaining the benefit he seeks."

Finally, the Case 003 Defense filed a Request for reconsideration to the OCIJ concerning the OCIJ's jurisdiction to decide on a pending matter. Co-Investigating Judge Harmon accepted the filing of this Request and ordered the OCP to respond within five working days. The Case 003 Defense continues to review publicly available material concerning Case 003, as it does not yet have access to the Case File.

The Case 004 Defense requested the appointment of a judge to hear two ad-

ministrative matters. This request has been granted in both instances. The Defense considers the two disputes to be a continuance of the failure to grant their client the full fair trial rights which should be afforded to a suspect. The Defense also reiterated their client's decision to exercise his right to remain silent as well as the team's request that any contact to be made with their client be made through his Co-Lawyers.

## Civil Party Lead Co-Lawyers Section

### Hearings

Lawyers for civil parties prepared for the Trial Management Meeting (TMM) scheduled by the Trial Chamber to take place on 11-12 December 2013. This TMM will focus on a number of issues of great interest to the civil parties, including the crimes and factual scenarios to be tried in Case 002/02, as well as plans and practical issues for this next trial.

### Meetings & Outreach

On 4 November 2013 the Lead Co-Lawyers attended a training workshop on gender sensitivity in reparation awards sponsored by the Victims Support Section (VSS), Transcultural Psychosocial Organization (TPO) and Cambodian Defenders Project (CDP). The workshop focused on measures that can be taken to ensure that reparations initiatives, especially the proposed Case 002/01 reparation projects, are developed and implemented so that women and men have equal access to and benefit from these projects and so that the societal structures that disadvantage individuals on the basis of their gender are positively transformed through these projects.

On 29 November 2013, the Lead Co-Lawyers and civil party lawyers participated the Regional Civil Party Forum in Kampot where they updated civil parties on the status of proceedings and reparations in Case 002/01 as well as responded to civil party questions and concerns.

### Reparations

The German Federal Ministry for Economic Cooperation and Development



During reflection workshop, 176 Civil Parties visited the Community Peace Learning Center in Battambang

Parties of Case 002 of the updates of the ECCC progress; (ii) allow lawyers to provide information about the severance of Case 002, where mini-trials are being conducted; and (iii) periodically update the Civil Parties on the implementation of the Reparations and Non-Judicial Measures (NJM).

(BMZ) has donated funds for the project to include a chapter on forced transfer and Tuol Po Chrey in the Documentation Center of Cambodia's (DC-Cam) Teacher's Guidebook, used throughout Cambodia to teach younger generations about the Democratic Kampuchea period.

Continuing the work on civil party reparations, the Lead Co-Lawyers participated in planning meetings with several implementing partners for the projects sought by civil parties as reparation in Case 002/01. Several of these projects are beginning their implementation now, prior to the issuance of the judgment in this case. The aim of these meetings was to cooperate with the project partners to assist in the smooth implementation of these projects in line with civil party wishes and facilitate the participation of civil parties in project activities and services.

### Outreach

VSS Chief participated in the South Africa for Mandela Dialogue on Memory Work, organized from 6-10 November by GIZ Global Academy and the Nelson Mandela Center of Memory.

On 22 November 2013, VSS organized a Reflection Workshop and Study Tour for focal persons of Civil Parties. One hundred Seventy six focal persons from the all 23 provinces participated, of which 50 were female. Participants listened to guest speakers and visited the former Khmer Rouge crime site, now Community Peace Learning Center, in Samrong Krong pagoda, Battambang province.

On 29 November 2013, VSS organized a meeting between Civil Party Lawyers and Civil Parties in Kampt, where 178 CPs including 104 females attended from six provinces of Kampt, Kandal, Takoe, Koh Kong, Kampong Speu and Kep province. The meeting was organized to: (i) periodically inform the Civil

### Reparations and Non-Judicial Measures

GIZ donated US\$57,160 to the Documentation Center of Cambodia for the reparation project "Book Chapter on Khmer Rouge Forced Transfer of the Population." The fund will be used for the publication of the book chapter in DC-Cam's teacher guidebook which has been used to train history teachers of Grade 7 to 12 as well as classes in 96 universities.

In terms of non-judicial measures, a meeting between VSS and the Ministry of Culture and Fine Art (MoCFA) was held on 15 November 2013 to discuss the format and structure of Tuol Sleng Stupa.

Moreover, VSS, in cooperation with Transcultural Psychosocial Organization (TPO) and Cambodia Defenders Project (CDP), organized two workshops under a project funded by the United Nations Trust Fund To End Violence against Women. Among other things, it aimed at discussing how to ensure the reparations are gender sensitive.

## Victims Support Section

### Processing and Analysis

The Processing and Analysis Team of the Victim Support Section (VSS) received a total of 43 applications in Case 003 & 004, which they continue to process, and has filed 40 applications with the Office of Co-Investigating Judges. As of 30 November 2013, there have been 1,488 applications for these two cases.



Court officials and lawyers speak to Civil Parties at a meeting in Kampt.



Public attending hearings during the Closing Statements (File Photo)

## Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website: [www.eccc.gov.kh](http://www.eccc.gov.kh).

### Trial Chamber

**8 November 2013:** *Scheduling of Trial Management Meeting in Case 002/02 <E301>*

### Supreme Court Chamber

**25 November 2013:** Full reasons on Decision on Immediate Appeals against Trial Chamber's Second Decision on Severance of Case 002, <E284/4/8>.

## Hearings

### Trial Chamber Hearings

**11 and 12 December 2013**

9:00 – 16:00 – Trial Management Meeting in Case 002/02 (to continue on 13 December 2013 if necessary)

**Hearing schedule is subject to change**

For an updated hearing schedule, please visit <http://www.eccc.gov.kh/en/court-schedules>

## Visitor information for public hearings

### Hearing Schedule

Daily hearing proceedings: **9:00-16:00**  
Two 15-minute breaks: **10:30** and **15:00** (roughly)  
Lunch break: **12:00-13:30**

### Rules in the Public Gallery

Visitors are advised to wear appropriate clothing and to behave in a manner appropriate to the nature of the proceedings. No mobile phones, cameras, large bags, food or drink are permitted in the main courtroom. Visitors are

requested to remain seated while the court is in session. Visitors should take all personal belongings with them when leaving the public gallery during breaks.

### Language of Proceedings

The court provides simultaneous interpretation of its proceedings in Khmer, English and French. The speakers in the main courtroom project the proceedings in Khmer, but English and French translation is also available through the headsets on either side of the main courtroom. English is on channel 2 and French is on channel 3.



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

(Photo: Meng Kimlong)

## Public Affairs Meet High School Students in Kampong Thom Province

In an effort to reach out to the youth, in November, members of the Public Affairs section of the Extraordinary Chambers in the Court of Cambodia traveled to Kampong Thom province to visit Balaing High School and Kampong Thom High School, where they met with thousands of students.

The students heard a presentation on the work of the ECCC, during which they were asked about their knowledge of the accused and on several main events of the Khmer Rouge era. Mr Pheaktra Neth, Press Officer of the ECCC, then invited them for the court's study tour programme to visit the court, S-21 and the

Choueng Ek killing fields. Following the presentation, students were offered booklets introducing how the tribunal works and providing information on its main actors. Leaflets and stickers were also distributed, while summary books of the Final Judgment of Case 001 were given to the Directors of both high schools.

These visits are a part of the wider ECCC outreach programme, which aims at exposing Cambodians to the work of the tribunal through study tours, visits of the court, media outreach and other participatory events.



Students from Kampong Thom High-school receive the ECCC booklets.



In Kampong Thom High School, thousands of students listen a presentation on the work of the Khmer Rouge tribunal from a court official.

## ECCC Radio Show invites Defense Lawyers to Give Insights



Defence lawyers Victor Koppe (above) and Kong Sam Onn (below) appear in the ECCC sponsored radio show.



The re-launched weekly radio show sponsored by the Extraordinary Chambers in the Courts of Cambodia invited the defence lawyers as guest speakers in November, providing listeners with insights on the defence work.

The *Khmer Rouge Leaders on Trial* programme follows an interactive talk show style. It presents a brief introduction on the latest ECCC news, an interview and a 30 minutes call-in session where listeners can phone in and ask questions directly to the guest speakers.

Mr Victor Koppe, lawyer representing Nuon Chea, appeared on 14 November while Mr Kong Sam Onn, who represents Khieu Samphan, joined the programme on 21 November.

In the call-in segments, listeners asked a wide range of questions, such as the timeframe of the tribunal, issues related to the personal jurisdiction and the maximum sentence available for the court.

Answering questions, Victor Koppe explained the organization of the mixed

tribunal and the appointment of defence lawyers. He also addressed the challenges faced by his team and provided reasons for his client's decision not to avail himself for trial questioning.

The show was re-launched on Bayon Radio in September, after a nine-month break. Previously, the ECCC-sponsored radio show was on air on Radio National Kampuchea until the end of 2012.

The weekly show is live and broadcast every Thursday from 12:00pm to 01:00pm on FM 95 and Bayon's 12 substations which cover all the 24 provinces.

Please stay tuned and call the following numbers to ask questions:

- 015 550 295;
- 089 731 995; or
- 023 666 1000.

The show is also recorded and available on the website: <http://www.eccc.gov.kh/en/media-center/weekly-radio>

## Statistics Case 002 Proceedings Draw Attention of Public and Media

The closing statements in Case 002/01, which took place in October, drew strong attention from both the public and the media, according to a review of the statistics on the media coverage and public visitors by the Public Affairs Section of the Extraordinary Chambers in the Courts of Cambodia. Here are graphs and tables describing the media and public outreach results.

### Visitors

Over 5,000 visitors were in the court for the Closing Statements of Case 002/01. This makes the total visitors to the Case 002/01 trial 103,724. About 83% of those visitors were Cambodian nationals brought to the court by the ECCC's free transportation services (See Table).

Date	VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	Nat	Int'l				
	PAS	Others							
16-Oct-13	478	3	34	38	14	7	27	7	608
17-Oct-13	150	1	33	31	16	0	26	3	260
18-Oct-13	335	5	26	21	13	0	27	0	427
21-Oct-13	569	9	24	29	11	0	40	10	692
22-Oct-13	201	8	20	20	8	0	43	2	302
24-Oct-13	279	4	60	17	8	0	34	3	405
25-Oct-13	461	4	39	15	8	0	27	3	557
28-Oct-13	181	3	12	18	8	0	60	6	288
30-Oct-13	574	3	29	21	14	0	65	15	721
31-Oct-13	501	15	72	69	35	5	62	35	794
<b>Sub-Total: Oct</b>	<b>3729</b>	<b>55</b>	<b>349</b>	<b>279</b>	<b>135</b>	<b>12</b>	<b>411</b>	<b>84</b>	<b>5054</b>
<b>Total: Nov 2011 - Oct 2013</b>	<b>86052</b>	<b>2081</b>	<b>2996</b>	<b>2443</b>	<b>1324</b>	<b>1149</b>	<b>7222</b>	<b>457</b>	<b>103724</b>

### Media Coverage

The Closing Statements of Case 002/01 produced over 130 news reports (43 national and 93 international), the second highest coverage rate following the Opening Statements in November 2011 which reached a total of 170. Articles appeared in various media outlets across the globe, namely North America, Europe, Australia, Asia and a few in the Middle East. Strong media coverage in the Closing Statements was achieved even though the number of journalists present at ECCC is significantly lower than the ones who attended the Opening Statements. This might be explained by the increased access to the proceedings through live streaming on the ECCC website.

Chart 1: Media coverage on judicial benchmarks in 2011-2013

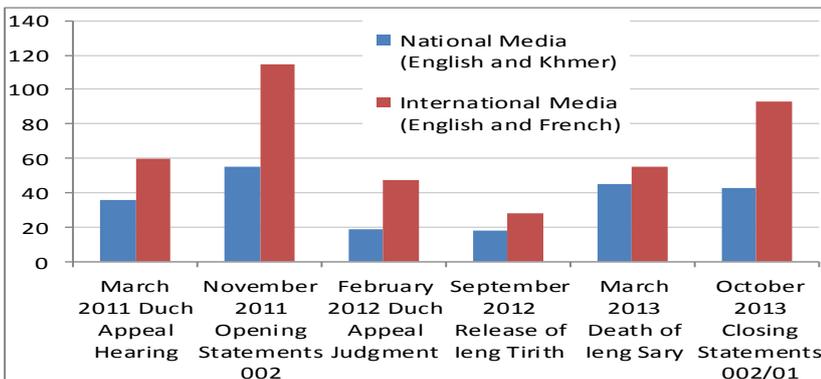


Chart 2: Number of journalists during Case 002/01 Opening and Closing Statements

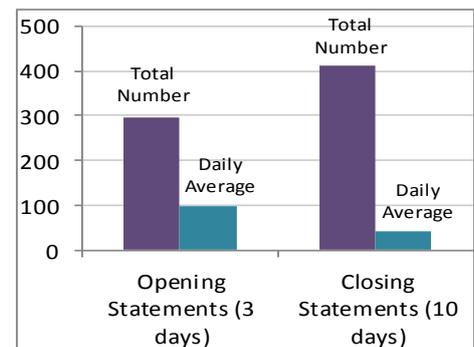
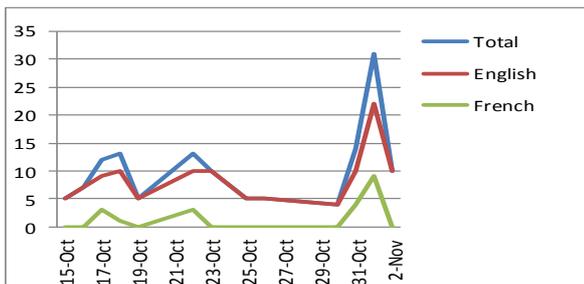


Chart 3: Number of news reports on Closing Statements



On the close of the trial in Case 002/01, media particularly found interest in the opening of Closing Statements (16 October), the Prosecutors' request for sentencing (21 October), and the accused persons' final statements made on the last day (31 October).

National news sources extensively covered ECCC proceedings on a daily basis, providing analysis in greater detail, contextual background and direct citations from the lawyers and the accused, while international articles tended to focus around benchmark events and were more sporadic.

## DC-Cam: Citizen Reporters Spread the Word on Khmer Rouge Trial

Thousands of citizens have acted as reporters during the Khmer Rouge trials and spread the news about the proceedings through an initiative coordinated by the Documentation Center of Cambodia (DC-Cam).

"We want to help connect villagers to the Khmer Rouge tribunal and empower villagers to spread the information to their communities," said Ly Sok-Kheang from DC-Cam.

The instructions for citizen reporters are simple: attend the proceedings and spread information on the trials throughout their communities. A follow up programme is in place to assist participants disseminate the information during community forums.

During the closing statements, DC-Cam facilitated the attendance of 150 citizen reporters from three provinces, Takeo, Kampong Speu and Kampong Chhang. Asked about their views on the current trial, participants expressed that they found the Lead Co-Lawyers for Civil



Villagers in Koas Kralah commune, Battambang, gathers in a Public Village Forum on 20 November. (Source: Documentation Centre of Cambodia)

Parties' statements reflective of the suffering that occurred under the Khmer Rouge regime. While many said that justice is important for relief and closure, some also highlighted that it is more important that the Cambodian people and the outside world come to accept the reality of the atrocities caused by the Khmer Rouge regime. "I don't want Khmer Rouge history to become a folktale [...] It is important that parents narrate the Khmer Rouge history to their children", stated program participant Dy Khamboly in an interview with DC-Cam.

Despite the success of the programme, it has not been without challenges. Many participants are not familiar with the legal terms used during the proceedings or with the functioning and struc-

ture of the court. To aid them with these challenges, DC-Cam provides basic information on the court's functioning, converts court bulletins into simpler documents that are easier for participants to understand, and invites court officials to speak during village forums.

The DC-Cam's efforts are complementary to outreach activities by the Extraordinary Chambers in the Courts of Cambodia. The tribunal has also facilitated the visit of hundreds of thousands of people to the court to observe the proceedings and to have public discussion in the communities through video screenings and other outreach events. "It is important for the Cambodian people to have a chance to witness this trial," said Lars Olsen, legal communication officer for the ECCC, referencing the nearly 150,000 members of the public that have attended the proceedings since the commencement of the tribunal's first trial.



Villagers discuss their views on the tribunal during a Public Village Forum in Battambang. (Source: DC-Cam)

## AIJI: "Voices of Reconciliation" Brings KRT to Rural Cambodians

In order to promote nationwide dialogue on the Khmer Rouge period, the Asian International Justice Initiative (AIJI) has begun a new outreach project "Voices of Reconciliation" where villagers are encouraged to discuss their views on the trial after viewing a series of TV footage on the trial proceedings.

Through this project, AIJI resumed the production of a TV programme produced by Khmer Mekong Film (KMF), "Facing Justice", which began back in November 2011 when the Case 002/01 trial commenced but was put on hold in late 2012 due to funding. The TV programme broadcast's summaries of the trial proceedings in Case 002 together with explanations by guest legal experts. So far, 43 episodes have been produced and aired on CTN as well as posted online. In the last episode, "Facing Justice" showed villagers

expressing their opinions on the trial after viewing the footage of the closing statements.

In collaboration with the Cambodian Human Rights and Development Association (ADHOC), the footage will be screened at 90 community meetings across Cambodia through the network of its nationwide civil party representatives in coming months. Cambodia Defenders Project (CDP) will also join the efforts to encourage viewers to discuss gender-based violence, a topic often omitted from public discourse.

The project is slated to run from September 2013 until September 2015. It is implemented by the East West Center through AIJI, in collaboration with UC Berkeley War Crimes Studies Center, KMF, ADHOC and CDP, with support from USAID.



Screenshot of the TV programme, Facing Justice (File photo)

## Outreach Activities

**4-7 November:** A training workshop on “Gender Sensitivity in Transitional Justice” takes place in Phnom Penh.

**4 and 9 November:** CTN screens the 42<sup>nd</sup> episode of Facing Justice at 1pm on Monday 4 November and at 3pm on Friday 9 November.

**11 and 15 November:** CTN screens the 43<sup>rd</sup> episode of Facing Justice at 1pm on Monday 11 November and at 3pm on Friday 15 November.

**22 November:** The AIJ publishes 10 issues of its Weekly Report of Case 002/01 in Khmer (Week 1-10) on its KRT Trial Monitor Blog.

**25 November:** A Japanese delegation of government attorneys from the Ministry of Foreign Affairs and some prosecutors visit the ECCC.

**28 November:** Canadian Professor Mr. Michel Chossudovsky at the ECCC visits the Court and meets with OCP. The discussion focuses on procedures and practice at the ECCC and overall policies of OCP.

**5 December:** A Public Village Forum for 200 villagers takes place at Kampong Chhnang Province organized by DC-Cam.

**16 December:** 150 to 200 law students participate in the Workshop on Civil Party Participation in ECCC at the Build Bright University, with the participation of the AIJ.

**18 December:** The Cambodian office of the United Nations High Commissioner for Human Rights organizes an ECCC Legacy Update Meeting.

**23 December:** Victim Support Section organizes the 8th Civil Party Regional Meeting where around 200 civil parties in Case 002 receive up-to-date information on the case.



*The Lord of the Iron Staff, a guardian spirit statue outside the ECCC court building. Buddhist witnesses take oath in front of this statue before testifying in court. (file photo)*

## ECCC Outreach

The Public Affairs Section hosts Khmer Rouge Tribunal Study Tours, bringing groups of 200-300 villagers from areas throughout Cambodia to attend the ongoing hearings of Case 002, have a guided tour of the Tuol Sleng Genocide Museum, and visit the Choeung Ek Killing Fields. During the trial recesses, the Public Affairs Section conducts school visits to give briefings, as well as hosts community video screenings across Cambodia. The Public Affairs Section also welcomes international group visits, and provides briefings and court tours.

November 2013						
SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5 Study Tour	6	7 Study Tour ECCC Radio Show	8	9 Khmer Public Holiday
10	11	12 Study Tour	13	14 Study Tour ECCC Radio Show	15	16 Khmer Public Holiday
17 Khmer Public Holiday	18 Water Festival	19	20	21 Study Tour ECCC Radio Show	22 Study Tour	23
24	25 Japanese delegation visit ECCC	26	27	28 Study Tour	29 Study Tour	30
December 2013						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3 Study Tour	4	5	6 Delegation of lawyers from Myanmar visit ECCC	7
8	9	10 Khmer Public Holiday	11 Trial Management Meeting in Case 002/02	12 Trial Management Meeting in Case 002/02	13	14
15	16	17 Study Tour	18	19 Study Tour ECCC Radio Show	20	21
22	23	24 Study Tour	25	26 Study Tour ECCC Radio Show	27	28
29	30	31				



# Find out more about the Extraordinary Chambers in the Courts of Cambodia

“Everyone can be involved in the process”



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## The Court Report

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