



The Court Report

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward through Justice



Judges of the Trial Chamber during the hearing on evidence in Case 002/01 last year. (File Photo)

Case 002/02 trial to include charges of genocide and forced marriages

On 4 April 2014, the Trial Chamber defined which charges and factual allegations will form the basis of the second trial against Khieu Samphan and Nuon Chea: genocide against the Cham and the Vietnamese (excluding crimes against humanity committed by the Revolutionary Army of Kampuchea on Vietnamese territory), forced marriages and rape (nationwide), internal purges, the treatment of Buddhists (limited to the Tram Kok Cooperatives), and the targeting of former Khmer Republic officials, as well as alleged crimes committed at four security centres (S-21 Security Centre, Kraing Ta Chan Security Centre, Au Kanseng and Phnom Kraol Security Centre); three worksites (1st January Dam Worksite, Trapeang Than Dam Worksite, Kampong Chhnanh Airport Construction site); and the Tram Kok Cooperatives.

Closing Statements in Case 002/01 concluded on 31 October 2013 and the judgement is expected mid-2014. The Supreme Court Chamber has ordered that the second trial against Nuon Chea and Khieu Samphan shall commence as soon as possible.

Before deciding to only hear part of the remaining charges and factual allegations from the Closing Order in the next trial, the Chamber evaluated different legitimate interests rooted in human rights and principles of efficiency. Important factors in this analysis included the potential prejudice to the Accused's rights, the efficiency and manageability of the proceedings, the desire to avoid inconsistencies between separate trials and the potential burden on witnesses. Another factor that was considered is whether severance is necessary to ensure at least a further portion of the charges are adjudicated within the lifespan of the Accused. In its decision, the Trial Chamber found that additional severance of Case 002 is in the interests of justice and does not impede unduly upon the rights of the Accused.

The parties have now been invited to file witness, expert and civil party lists, as well as a list of evidentiary documents to be admitted into Case 002/02. The Trial Chamber will then schedule an Initial Hearing.

▲ Information about Case 002/02 crime sites on next page

In this issue

Case 002/02 crime sites

2-3



News and notes

4-6



Judicial updates

7-9

Recent decisions and orders

9

ECCC and partners' outreach

10

Outreach calendar

11

Contact information

12

Crime sites to be included in the Case 002/02 trial

[Disclaimer: All information about the crime sites has been extracted from the Case 002 Closing Order by the Public Affairs Section for the purpose of providing information to the public. Inclusion or exclusion of allegations from the Closing Order does not in any way indicate that any determination has been made about the correctness, weight or relevance of such allegations. At this stage the details contained in the Closing Order are only allegations, which need to be proven through adversarial hearings. As such, they should not be treated as facts, unless they have been established through a final judgment.]

S-21 Security Centre

The S-21 Security Centre (S-21) was composed of a detention centre in Phnom Penh and an execution site (Choeung Ek) located some 15 km to the south-west of Phnom Penh, in Kandal Province. Kaing Guek Eav, alias Duch, who was sentenced to life imprisonment in Case 001, was the Chariman of S-21.

The primary function of S-21 was allegedly to extract confessions from detainees that would help uncover other networks of potential traitors who had been arrested in internal purges within the ranks of the Revolutionary Army of Kampuchea (RAK) and the Communist Party of Kampuchea (CPK). Former soldiers and cadres of the Khmer Republic, teachers, professors, students, doctors, lawyers, engineers and people with family ties were also sent to S-21.

A number of foreign nationals were detained at S-21 as well, such as Thais, Laotians, Indians and “Westerners”. Among the foreigners, Vietnamese were the majority.

Prisoners arrived in S-21 almost daily and at all times of the day and night. They were locked up practically 24 hours per day and they were not allowed to talk among themselves or to the guards. The use of ill treatment during interrogations was frequent and has been acknowledged by Duch and the interrogators. Insults, beatings and other means of torture were authorized by the governing regulations, and the prisoners’ living conditions often led to death. S-21 employees also conducted medical experiments on prisoners.

Most S-21 prisoners were systematically interrogated. Duch or other S-21 personnel had complete autonomy to decide whether to use violence and ill treatment, such as blows, electric shocks, placing a plastic bag over the prisoner’s head, or pouring water into the nose in the most extreme cases, using what Duch described as the “hot” method. Duch has acknowledged that at least 12,372 people were executed or died as a result of the treatment they received at S-21.

Phnom Kraol Security Centre

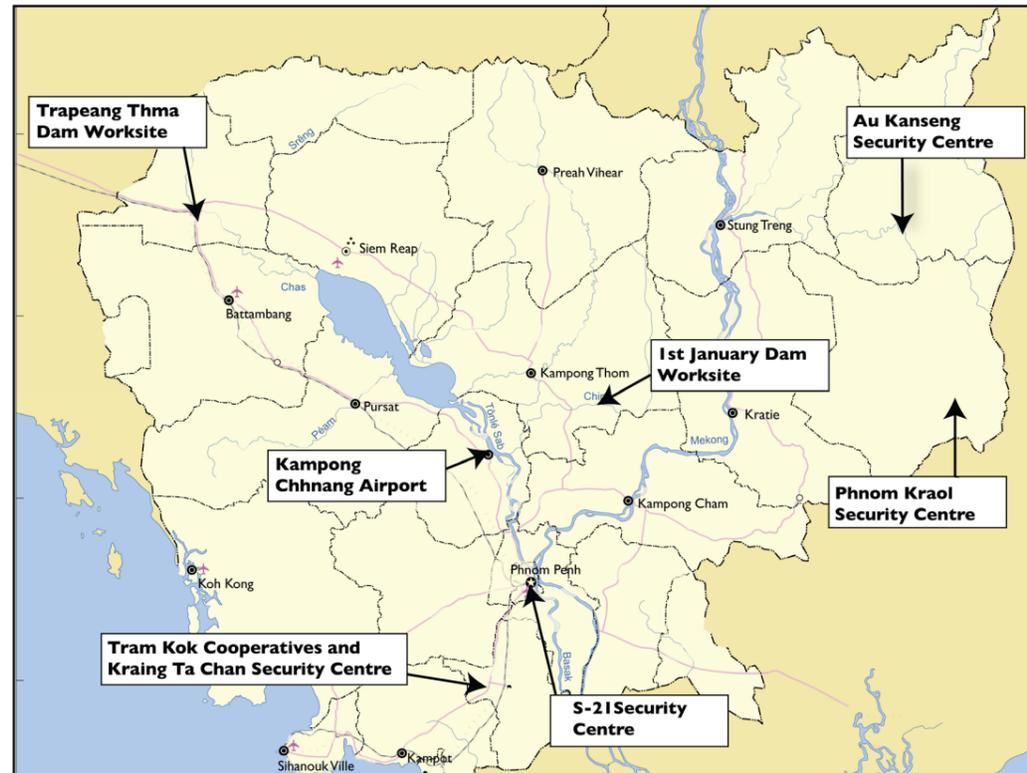
Phnom Kraol was located in Koh Nhek District, Sre Sangkum Subdistrict, Mondulkiri Province. All the former prisoners who were interviewed attested that they had been arrested on suspicion of being traitors to the revolution, either by suspected associations with the Vietnamese, or for having alleged connections to the CIA. Prisoners were arrested by CPK cadre and brought to Phnom Kraol, or they were arrested after they had been called to a meeting at K-17 (an office where successive secretaries of the sector were located). Military personnel, CPK cadre and civilians were detained.

Some witnesses attest that detainees were severely mistreated during interrogations, while others state that there was no torture but strong threats. According to one witness, the prisoners sent to Phnom Kraol had little chance of survival. People were driven in groups to the execution site, Trapeang Pring, about 4 km from Phnom Kraol. A witness, who lived close to the killing site, confirmed that about 200 male and female victims were buried in a pit at Trapeang Pring. On other occasions, prisoners were killed in the vicinity of Phnom Kraol.

Kraing Ta Chan Security Centre

Kraing Ta Chan was located in Kus Subdistrict, Tram Kok District, Takeo Province. Men, women and children, and sometimes whole families, were all detained at Kraing Ta Chan. Witnesses remember that most of the detainees were “new people” originating from Phnom Penh. However, “base people”, former Khmer Republic soldiers, CPK cadres, Chinese, Vietnamese and Cham also contributed to the population. According to several witnesses, anyone who had been a soldier holding the rank of corporal sergeant or above in the Khmer Republic regime, and anyone from the Khmer Republic administration who had been a first deputy chief or higher, would be purged.

The detainees were interrogated and accused of being enemies, and they were asked to give the names of their leaders. Detainees were sometimes seriously mistreated during interrogations and the conditions in which they lived were very harsh. Prisoners died of starvation, disease, contact with vermin and beatings. Some witnesses say that prisoners were taken at night and put into trucks. Executions were carried out in many different locations, including in the detention buildings. Victims’ bodies were buried in and around the Kraing Ta Chan compound. It is suggested that the total number of people who were killed at Kraing Ta Chan may have been greater than 15,000.



Au Kanseng Security Centre

The security centre designated as “Au Kanseng Reeducation and Corrections Office” was established between the end of 1976 and early 1977 in Banlung District in Rattanakiri Province. The leadership at Au Kanseng had no power to arrest or release prisoners. They were only authorized to take prisoners into custody, examine the reports that were sent and monitor their activities in the prison.

Au Kanseng was called a “reeducation centre”, where soldiers were brought after they had been arrested by their regiments. Originally only soldiers were detained at Au Kanseng but by 1978 the centre had a mixed population of soldiers, prisoners from cooperatives, rubber plantation workers and civilians. Living conditions were very harsh: there was not enough food and only those not shackled could bathe in a stream near the prison. Many died of illness and malnutrition. Some prisoners were allegedly mistreated and tortured during interrogations.

According to the Deputy Chairman there was only one mass killing, that of the Jarai people. Men, women and children were brought to Au Kanseng Security Centre before they were tied in line and taken away by truck to be killed in three B-52 bomb craters less than a kilometre away from the prison. Some witnesses claim that there were some instances of individuals being executed at Au Kanseng.

1st January Dam Worksite

The 1st January Dam worksite was established to form a reservoir blocking the river Stoeung Chin-it, covering areas in Baray District and Santuk District of the current Kampong Thom Province. The dam was to be used for irrigation of the rice fields.

Tens of thousands of people participated in the construction of the irrigation system. The workers were young and middle-aged men and women. Some of them were from the region but others were “new people”.

Workers were treated differently depending on their unit and/or whether they were “new people” or Cham. There was a fixed quota of soil to dig and carry per day and those who could not meet the quota were punished. In most cases, food was insufficient and medical facilities inadequate. No mosquito nets, blankets or mats were provided and most workers slept on the ground.

The unhygienic conditions resulted in many people becoming sick with various diseases. Some people were beaten or seriously mistreated. Others committed suicide or died from diseases, starvation and/or overwork. Accidents such as collapsing stones or soil killed some workers as well. Many of the people who disappeared at night had alleged links to the former Khmer Republic regime, were Vietnamese, “new people”, Cham and Buddhists. “Base people” were also among those who disappeared. The nearby Wat Baray Choan Dek Pagoda

was known as a place where people were taken to be killed, but people were also killed in other locations.

Witnesses also reported that they were married in a ceremony with many other people (according to a former village chief he would sometimes marry 30-40 people at the same time) and that they were not free to choose whom they wanted to marry.

Kampong Chhnang Airport Construction Site

A military airfield was being constructed at Kampong Chhnang Airport construction site. It functioned as one of the means of implementing the purge process of members of the RAK; it was used as a tempering site for RAK members considered “bad elements”.

The number of workers at Kampong Chhnang Airport construction site varied over time, from a few hundred in early 1976 to more than 10,000 workers by 1977. It was a military construction site and almost all the workers, men and women, had been RAK members.

The living and working conditions varied depending on the accusations the workers faced. For some workers the food rations were insufficient and people died of starvation, illness, overwork and exhaustion. Witnesses observed the disappearance of numerous workers at Kampong Chhnang Airport construction site. They noted a correlation between the daily criticism/self-criticism meetings and the disappearances.

Some witnesses state that to their knowledge there were no disappearances, arrests or killings of workers. The construction of Kampong Chhnang Airport was still ongoing when the Vietnamese reached Kampong Chhnang Province in early 1979.

Trapeang Thma Dam Worksite

The Trapeang Thma Dam worksite was located at Trapeang Thma Kandal Village and Paoy Char Village, Paoy Char Subdistrict, Phnom Srok District, in the current Banteay Meanchey Province (formerly part of Battambang Province). Thousands of people were made to participate in the construction of the dam (some estimates range between 15,000 and 20,000).

The construction of the dam was supervised by CPK cadres. Workers comprised men, women and children – mostly from the surrounding areas, but also “new people” from Phnom Penh and Siem Reap. Workers were not allowed to stop and rest during work hours. Some witnesses refer to working during the night as well.

They slept in communal halls which could accommodate up to 600 people. They often had to sleep on the floor because they were not provided with sleeping mats, pillows, blankets or hammocks. Food was generally insufficient. The unhygienic conditions caused workers to become ill with dysentery, cholera and malaria. There were untrained medics with no medical knowledge, who had been chosen at random.

“New people” were subjected to harsher conditions and unjustified punishments. Some workers, especially “new people”, would be arrested by CPK cadres for “reeducation meetings” and subsequently disappear and never be seen again. Workers who did not meet work quotas were considered to have ideological problems and would be labelled as traitors and transferred to the “Special Case Unit”, where quotas were higher. Any worker failing to meet these quotas would be taken away at night and killed.

Witnesses attest to people being taken for execution on a nightly basis in groups ranging from two or three up to 15 to 20 people at once. None of the arrestees were ever seen returning. Many were killed by being beaten or thrown into the reservoir basin. There are also some witness testimonies regarding forced marriages during mass ceremonies.

Tram Kok Cooperatives

The eight subdistricts of Kus, Samrong, Trapeang Thom Tboung, Trapeang Thom Cheung, Tram Kok, Nheng Nhang, Sre Ronong and Ta Phem were part of Tram Kok District, Takeo Province. After 1970, the CPK started organizing who was going to be responsible for agricultural production in the controlled areas.

Before 1975, mostly local people lived in the cooperatives; however, many former city residents were settled in Tram Kok after the evacuation of Phnom Penh. People living in the cooperatives were divided into three groups: full-rights, candidate and deposited members, the latter group mostly being comprised of “new people”.

Cooperative members were not free to travel without permission. Many people living in the cooperatives had health problems, particularly the “new people” who were not used to living in rural areas.

▲ Continues on next page

Khieu Samphan and Nuon Chea found fit to stand trial

In two decisions issued on 25 April 2014, the Trial Chamber found that both Nuon Chea and Khieu Samphan are fit to stand trial.

The decisions come after three medical experts examined the two Accused in March 2014. The three court-appointed medical experts were Dr. Seena Fazel (United Kingdom), Dr. Chan Kin Ming (Singapore) and Dr. Huot Lina (Cambodia).

Nuon Chea's defence team sought a comprehensive reassessment of its client's health, alleging that previous medical examinations had been deficient and that the 87-year-old suffers pain and discomfort from existing medical ailments, which impedes his ability to concentrate. The Khieu Samphan defence team did not specifically request a medical assessment, but also noted that their 82-year-old client can find it difficult to concentrate for long periods of time. Significantly, neither defence team claimed its client was unfit to stand trial. The Co-Prosecutors submitted that the assessments were unnecessary and unwarranted, but the Trial Chamber found that by undertaking medical assessments while pre-trial preparation is still underway, the likelihood of future delays could be mitigated.

While the expert reports filed on 27 March 2014 have not been made available to the public, the Chamber's decisions on the fitness of the Accused cite a number of findings from these documents.

The Chamber's decision on Nuon Chea confirmed that the medical experts had diagnosed two physical ailments, but concluded that these would not affect his fitness to stand trial. They concluded that he was "frail" although he was in relatively good health, given



The Accused Khieu Samphan and Nuon Chea during Closing Statements in October 2013. (File Photo)

his age and chronic medical conditions. The experts provided practical information on how to reduce backache while sitting in court, and concluded that Nuon Chea does not suffer from any physical or cognitive condition that would prevent him from standing trial. The Chamber's decision also noted that the Accused had provided answers in line with previous medical tests designed to monitor his long-term memory.

Similarly, the experts concluded that Khieu Samphan was in good health, despite existing medical conditions, and also stated that he does not possess any physical or mental ailment that would prevent him from standing trial, though they suggested practical measures that would help him read and hear more clearly during trial proceedings.

Based on information contained within the expert reports, the Chamber formally declared Nuon Chea and Khieu Samphan fit to stand trial, but also directed the ECCC Medical Unit, Detention Facility and Court Management Section to put in place a range of medical, therapeutic and dietary recommendations set forth in the expert reports. This will include allowing Khieu Samphan to stand and move his legs at least once every 2-3 hours throughout the hearings, continuing to organise wheelchair transport for Nuon Chea, and giving both defendants the opportunity to participate in trial proceedings via audio-visual link when required.

None of the parties to the proceedings sought to question the experts or their findings in a public hearing.

Tram Kok Cooperatives (continuation from page 3)

Those working in rice paddy fields were given a certain number of hectares to complete. If they did not finish on time they would be lectured and accused of being enemies. Those who were not able to work were accused of pretending to be sick and sent for reeducation. Others who resisted were arrested and disappeared.

Nearly all witnesses describe a lack of food in the cooperatives. Some witnesses recall people dying of starvation, while others either did not see, or deny that people died of starvation. Group weddings were also carried out.

If people were suspected of wrongdoing they would first be reeducated at the local level, and if they still disobeyed they could be arrested and sent

to Kraing Ta Chan Security Centre. The militia at the subdistrict level arrested, detained and interrogated people. The subdistrict militia kept a close eye on the persons who arrived from Phnom Penh. If they said anything against the CPK they were arrested and taken away. Former members of the Khmer Republic armed forces and the police of the Khmer Republic, especially those who had held the rank of officer, were closely monitored.

A former teacher in the children's unit in Nheng Nhang Subdistrict recalls that in 1976, the subdistrict chief announced that subdistrict members of Vietnamese ethnicity would be sent back to Vietnam. She remembers the arrest and execution of people who had lied about their ethnicity, hoping to escape. She says that there were two

phases in the treatment of the Vietnamese. In the first phase, the Vietnamese were in fact sent home. However, in the second phase, ethnic Vietnamese were taken away and executed.

Religion was banned, monks were robbed and forced to join the army or made to work, and Buddhist statues were destroyed. Monasteries were converted into meeting halls, detention centres, dining halls, pig farms and warehouses. People were not permitted to burn incense and family members were not allowed to cremate bodies or hold funeral ceremonies.

More information:
<http://www.eccc.gov.kh/en/documents/court/closing-order>

General Assembly approves US\$15.5 million funding reserve

On 9 April 2014, the United Nations General Assembly authorized a subvention of US\$ 15.5 million to the international component of the Extraordinary Chambers in the Courts of Cambodia (ECCC).

The subvention is to be considered a reserve, which supplements the voluntary donations made to the international component of the court for the period from 1 January to 31 December 2014. It enables the United Nations to enter into contracts with international staff members at the ECCC for a duration up to one year. The subvention can only be drawn upon if there are insufficient funds available through voluntary donations.

It was the UN Secretary-General Ban Ki-moon who requested the General Assembly to authorize the subvention. This was in response to the increased financial difficulties and funding shortfalls which the ECCC has experienced during the last years. In his request the Secretary-General wrote that "it is critical for the international community to ensure that the Extraordinary Chambers have the required financial means to ensure accountability for the shocking crimes perpetrated during the former Khmer Rouge regime". He further added that "[the] financial failure of the Court would be a tragedy for the people of Cambodia, who have waited a long time for justice, and would constitute a serious setback to the international community's fight against impunity".

While authorizing the subvention as an exceptional measure, the UN General Assembly also called upon all United Nations member states to provide funds for both the international and national components of the Ex-

traordinary Chambers, and requested that the Secretary-General intensify his efforts to obtain additional voluntary contributions, including by broadening the donor base, for funding the future activities of the ECCC.

The General Assembly requested that Secretary-General prepare a report which includes a comprehensive examination of the future financing of the ECCC to be presented at its next session, and to ensure that the ECCC prepares a completion strategy with a clear road map.

Although the subvention stabilizes the financial situation for the international component of the ECCC, there is still a shortage of funds for the national component. The Secretary-General's Special Expert on the United Nations Assistance to the Khmer Rouge Trial, Ambassador David Scheffer, is working closely together with representatives of the Cambodian government to raise funds to meet the funding shortfall on the national side.

For more information on ECCC finances, please visit:
<http://www.eccc.gov.kh/en/about-eccc/finances>

Norway makes a new pledge of NOK 6 million

The government of Norway has announced a new pledge of NOK 6 million (approximately US\$1 million) to the ECCC. With this latest pledge, the financial assistance provided by Norway to the ECCC exceeds US\$ 7 million, and the country has supported the court since its inception.

"On behalf of the ECCC, we would like to express our sincere appreciation for the generous and continuous support offered by the Government of Norway", said Acting Director of the Office of Administration HE Kranh Tony and Deputy Director Knut Rosandhaug in a statement.

US\$ 772,275 secured for Case 002/01 reparation projects

By the deadline on 31 March 2014, a total of US 772,275 US\$ had been secured for the 13 reparation projects requested by the Civil Parties in Case 002/01 against Khieu Samphan and Nuon Chea.

Civil Parties seek the Trial Chamber's recognition of the reparation projects in Case 002/01, which aim to provide formal acknowledgement to the victims of the Khmer Rouge regime in order to mitigate the harms and suffering they have experienced, to preserve collective memory and restore victims' dignity. In case of conviction of the Accused, the Trial Chamber may grant moral and collective reparations to the Civil Parties in its judgement if

certain conditions are fulfilled – among them the requirement for documentation of sufficient external funding for each proposed project.

Having passed the deadline of 31 March 2014, the Victims Support Section and the Civil Party Lead Co-Lawyers announced that for all requested reparation projects where funding was needed, sufficient voluntary financial contributions have been secured, except for one project.

The Victims Support Section and the Civil Party Lead Co-Lawyers, who are leading this groundbreaking effort to bring redress to the

survivors of the Khmer Rouge regime, wish to express gratitude to all current donors, as well as governmental authorities and civil society organizations, for their contributions to the 13 reparation projects requested in Case 002/01.

The implementation of these projects aims to create and maximize direct and lasting benefits for civil parties and victims throughout Cambodia.

For more information about the work of the Victims Support Section:
vss.eccc.gov.kh



Mr. John Ashe, President of the General Assembly, during its meeting on 9 April 2014. UN Photo/JC McIlwaine

John R.W.D. Jones appointed as foreign Defence Co-Lawyer in Case 004



Mr. John R.W.D. Jones QC of the United Kingdom has been appointed as a foreign Co-lawyer to represent a suspect named in Case File 004. He will work together with the Cambodian Co-Lawyer Mr. Bit Seanglim.

With this latest appointment, all suspects in Cases 003 and 004 are now represented by Cambodian and foreign defence counsels. The identities of the Suspects in these two cases remain confidential.

Mr. Jones has professional expertise in war crimes, counter-terrorism and extradition, and has made a significant contribution to academia in the area of war crimes law and international criminal law. Mr. Jones has been involved in all of the major criminal courts and tribunals, including the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Special Tribunal for Lebanon and the International Criminal Court, where he currently represents Mr. Saif Gaddafi.

Cases 003 and 004 were initiated on 7 September 2009 when the international Co-Prosecutor filed two Introductory Submissions calling for the investigation of additional suspects. These two cases are currently being investigat-

ed by the international Co-Investigating Judge Mark Harmon.

Foreign lawyers wishing to represent an indigent defendant before the ECCC must fulfill the following criteria:

- To be a current member in good standing of a recognized association of lawyers in a United Nations member state.
- To have a degree in law or an equivalent legal or professional qualification.
- To have at least 10 years of relevant work experience in criminal proceedings, as a lawyer, judge or prosecutor, or in some other capacity.
- To have established competence in criminal law and procedure at the international or national level.
- To be fluent in Khmer, French or English.
- To be authorized by the Bar Council of the Kingdom of Cambodia to practise before the ECCC.

International Co-Prosecutor requests investigation of alleged sexual- and gender-based violence in Case 004



The international Co-Prosecutor Nicholas Koumjian filed a Supplementary Submission in Case 004 on 24 April 2014, formally requesting that the Office of the Co-Investigating Judges examine alleged acts of sexual- and gender-based violence committed during the Khmer Rouge regime.

Citing "new evidence" found in numerous civil party applications in Case 002, as well as evidence gathered during the ongoing investigation in Case 004, the international Co-Prosecutor requested the investigation of allegations which include sexual- and gender-based violence, which occurred through forced marriages, as well as rape and sexual violence outside the context of forced marriages—including instances where women were raped before execution or where the reporting of rape led to execution.

The international Co-Prosecutor has requested the investigation on the basis that the alleged crimes are said to have been committed by Khmer Rouge cadres in areas where the Suspects in Case 004 either held command or political positions of influence.

Although requesting that the Suspects' links to the alleged crimes be investigated, the international Co-Prosecutor also reminded the public that all Suspects are entitled to the presumption of innocence and that Case 004 is still under investigation. New evidence continues to come to light and as in any criminal investigation, it is important to avoid conclusions until the investigation is complete and the Suspects through their own counsel are given the right to be heard before the Co-Investigating Judges.



300 students from Svay Rieng University participated in the Study Tour organized by Public Affairs Section on May 7, 2014. They visited the ECCC and got briefing from Press Officer Neth Pheaktra before visiting S-21 and Killing Field.

Supreme Court Chamber

In April, the Supreme Court Chamber continued its preparatory review and research on issues relating to Case 002/01.

Trial Chamber

The Trial Chamber is currently engaged in judgement-drafting in Case 002/01. In addition, the Chamber issued several decisions in preparation for the start of proceedings in Case 002/02.

On 4 April 2014, the Trial Chamber issued a decision regarding the additional severance and scope of Case 002, which defines the alleged crime sites and factual allegations to be included in the trial in Case 002/02. In deciding whether to further sever the case concerning Khieu Samphan and Nuon Chea, the Trial Chamber considered various factors, including the efficiency and manageability of proceedings, potential prejudice to the rights of the Accused and whether it was necessary to further sever the case to ensure additional charges are adjudicated within the lifespan of the Accused. The Chamber also considered the need to avoid inconsistencies between the separate trials and the prospective adverse impact that severance could have on witnesses.

The Trial Chamber found that an additional severance of Case 002 is in the interests of justice and would not unduly impact upon the rights of the Accused. The Trial Chamber next defined the scope of the trial. In doing so, it considered the requirement that the trial be fair and expeditious, as well as the Supreme Court

Chamber's decision requiring that any severance be reasonably representative of the entire Closing Order. The Trial Chamber decided that Case 002/02 will encompass charges related to genocide, the treatment of Buddhists, targeting of former Khmer Republic officials, internal purges, forced marriages and rape. These charges are to be considered in the context of three worksites, four security centres and one cooperative. An Annex was attached to the decision, which contains a list of paragraphs and portions of the Closing Order relevant to Case 002/02.

On 8 April 2014, the Trial Chamber issued an Order to File Updated Material in Preparation for Trial in Case 002/02. The Order requires parties to file material for the purposes of Case 002/02, including updated lists of proposed witnesses, civil parties and experts, an updated list of documents proposed by the parties, and a list of any legal issues the parties intend to raise at the initial hearing.

On 25 April 2014, the Trial Chamber issued a memorandum outlining further information on the remaining preliminary objections in Case 002. The Trial Chamber addressed each remaining objection, noting that some did not fall within the jurisdiction of the Trial Chamber, while others would be addressed within the judgement in Case 002/02. The Trial Chamber decided that two preliminary objections should be addressed at this time: those concerning the statute of limitations for grave breaches of the Geneva Conventions and jurisdiction over the crime against humanity of deportation. The Chamber directed the parties to indicate whether they adhere to the objections raised by the Ieng Sary defence and, if so, to clarify their respective positions on these topics.

Finally, the Trial Chamber clarified that no submissions will be accepted on any other preliminary objection and no new preliminary objections may be raised at this time.

In two separate decisions issued on 25 April 2014, the Trial Chamber found that both Khieu Samphan and Nuon Chea are fit to stand trial. The decisions were made after the two Accused persons had been examined by three appointed medical experts in March 2014. After reviewing the experts' medical reports, filed on 27 March 2014, as well as standard weekly medical reports, the Trial Chamber was satisfied that neither of the two Accused is suffering from any mental or physical impairment which would make him unable to participate meaningfully in the proceedings of Case 002/02. The Chamber announced that the sitting schedule for the hearings in Case 002/02 would be announced shortly before those hearings begin.

Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber disposed of a number of procedural and other case-management matters in respect of an appeal filed by the Co-Lawyers for a suspect in Case 003. The Co-Lawyers had appealed against a decision of the International Co-Investigating Judge rejecting their appointment on the basis of irreconcilable conflicts of interest. In particular, the Pre-Trial Chamber granted a request by the Co-Lawyers to obtain access to a decision it had previously issued in a separate case, which is classified as confidential, and dismissed as inadmissible the remainder of their request to get access to

documents that are part of the Office of the Co-Investigating Judges' Case File in Case 004. The parties' submissions on this appeal are ongoing, as provided for in the Internal Rules.

On 23 April 2014, the Pre-Trial Chamber issued its decision on an appeal filed by the same Suspect in Case 003 against the constructive denial of 14 of his requests to the Co-Investigating Judges. The Pre-Trial Chamber, by a unanimous decision, deferred its decision on the appeal in respect of the Suspect's request to get access to the Case File until it decides on the appeal mentioned above concerning the appointment of his counsel. The Pre-Trial Chamber found the appeal inadmissible in respect of the remainder of the Suspect's requests to the Office of the Co-Investigating Judges.

These appeals are all classified "confidential".

Office of the Co-Investigating Judges

During the month of April, the international side of the Office of the Co-Investigating Judges ("OICIJ") continued the investigations of Case Files 003 and 004.

The OICIJ Investigations Unit has conducted four field missions with regard to Case 004, during which 12 witnesses and eight civil party applicants were interviewed, six Investigation Action Reports were drafted and one site Identification Report was completed. At the ECCC premises, seven witnesses have been interviewed.

With regard to Case 003, one field mission took place, during which two witnesses were interviewed. Three witnesses were interviewed at the ECCC.

During the month of April, the OICIJ Analysts Unit continued reviewing 2,000 pieces of documentary evidence obtained from external sources. A newly recruited analyst consultant started to review documents relating to Khmer Rouge security centres. Additionally, the Analysts Unit assisted and participated in all the field missions conducted during the month of April.

The international Co-Prosecutor filed a Supplementary Submission regarding forced marriage and sexual or gender-based Violence in Case 004, seizing the Co-Investigating Judges of new material facts and a new crime site, Kampong Kol sugar factory, located in Ta Miek village, Chaeng Meanchey commune.

Civil party applications in Cases 003 and 004, which presently total in excess of 1,983, are progressively being placed on the Case Files while their admissibility and evidentiary value are being subjected to thorough scrutiny by the two newly recruited Khmer legal officers. Outreach activities have continued and an OICIJ legal officer made a presentation on the work of OICIJ at the PAS-NGO coordination meeting in April, which resulted in scheduling OICIJ's intervention in the May edition of CHRAC's monthly radio programme.

Office of the Co-Prosecutors

Case 002

The Co-Prosecutors have been preparing for the commencement of Case 002/02 by working to meet the deadlines for proposed witness and document lists set out in the Trial Chamber's Order of 8 April 2014. The Co-Prosecutors have also continued to do the necessary work to fulfil their ongoing disclosure obligations for Case 002.

Cases 003 and 004

The Co-Prosecutors have been analyzing the evidence and reviewing the investigation and procedural developments in Cases 003 and 004, responding as necessary and systematically reviewing the record from Cases 001 and 002 to ensure that they fulfil their disclosure obligations.

On 24 April 2014, the international Co-Prosecutor filed a Supplementary Submission in Case 004 requesting an investigation of sexual- and gender-based violence and forced marriages. The submission was filed based on evidence contained in Civil Party applications in Case 002 and statements collected from witnesses thus far in Case 004. In relation to the supplementary submission, the international Co-Prosecutor opined that the evidence available thus far indicates that crimes against humanity (including extermination, murder, enslavement, imprisonment, torture, rape, persecution and other inhumane acts), homicide and torture have all occurred, in violation of Cambodia's 1956 Penal Code.

Outreach and Other Activities

OCP staff gave a presentation to nine international interns and volunteers from the Cambodian Center for Human Rights on 23 April 2014 at the ECCC.

Defense Support Section

In Case 002, both the Nuon Chea and the Khieu Samphan defence teams have devoted their time to preparing for the upcoming trial, following the Trial Chamber's decision on the scope of Case 002/02 issued on 4 April 2014. Their work has mainly focused on examining documents and exhibits, as well as witness and expert information that will be included on the lists to be filed soon, in compliance with the Trial Chamber's order dated 8 April 2014. The teams have also worked with the Office of the Co-Prosecutors and the Civil Party Lead Co-Lawyers to file two joint motions requesting clarification and amendments to some of the procedures in the Case 002/02 trial.

In addition, the Khieu Samphan defence team has prepared an appeal against the severance decision for the trial in Case 002/02 in order to protect the rights of the Accused.

The Case 003 defence team has continued to file submissions—classified as confidential by the Office of the Co-Investigating Judges and Pre-Trial Chamber—to protect the Suspects' fair trial rights, and continues to review publicly available material, since the Case File remains inaccessible to the defence team.

Similarly, in Case 004, all the defence teams have continued their attempts to gain access to the Case File, while still preparing their clients' defence for the potential case against them by consulting publicly available sources. One of the Case 004 teams has also been pursuing its efforts to recruit more support staff.

Furthermore, the Defence Support Section has assigned Mr. John R.W.D. Jones of the United Kingdom as the foreign Co-Lawyer to join Cambodian Co-Lawyer Mr. Bit Seanglim. Together they will lead a third defence team in Case 004.

Civil Party Lead Co-Lawyers Section

Key Legal Developments

On 4 April 2014, the Trial Chamber issued its second severance decision in Case 002. Notably, the Chamber granted the Civil Parties' requests that the alleged crime of forced marriages be tried on a nationwide basis, not limited to specific crime sites, and that the Trapeang Thma Dam worksite be included in the scope of the trial.

Following the Trial Chamber's decision on the scope of Case 002/02 and its order to prepare lists of witnesses, experts and civil parties, as well as documents and exhibits, lawyers for civil parties continued analyzing key evidence. The finalization of these lists, which will be submitted in May 2014, represents an important step toward beginning trial proceedings in Case 002/02.

Meetings and Outreach

On 23 April 2014, representatives from the Lead Co-Lawyers' Section gave a presentation to interns from the Cambodian Center for Human Rights on the role of civil parties at the ECCC and the specific responsibilities of the Lead Co-Lawyers.

On 30 April 2014, lawyers for civil parties and representatives from civil society who work with victims of the Khmer Rouge attended a workshop organized by the Asian International Justice Initiative and the Cambodian Defenders Project, in which participants had the opportunity to learn and practice techniques to increase gender sensitivity in their work, particularly in the areas of client interviewing and victim reparations.

Reparations

Implementation continues to move forward on the reparation projects for Case 002/01, with lawyers for civil parties working closely with the reparation project partners to successfully implement the projects. On 25 April 2014, a ceremony was held at the Choeung Ek Memorial Stupa and Sambou Meas Pagoda, at which 12 civil parties' testimonial therapy was given. These activities were carried out by the Transcultural Psychosocial Organisation as part of the Testimonial

Therapy Project, which is one of the proposed reparations in Case 002/01.

The Lead Co-Lawyers, in collaboration with the Civil Party Lawyers and the Victims Support Section, have also begun to plan for and consult with stakeholders on the development of reparation projects which could be sought after in Case 002/02.

Victims Support Section

Legal Representation

The ECCC-funded civil party lawyers of the Victims Support Section (VSS) have been preparing the list of civil parties who may testify in the hearings for Case 002/02, as well as considering new evidence, an activities plan and victims' applications for Cases 003 and 004.

Processing and Analysis

The Processing and Analysis Team of the VSS received a total of 71 applications in Cases 003 and 004, and filed 17 applications with the Office of the Co-Investigating Judges. As of 30 April, there have been 1,766 applications for these two cases.

Outreach

The VSS Chief joined an FM-102 radio call-in show that was organized by Cambodian Human RAC to talk about the current situation of reparation programmes at the ECCC.

Reparations and Non-Judicial Measures

A Memorandum of Understanding on "Building of Stupa at Toul Sleng" project between the Extraordinary Chambers in the

Courts of Cambodia (ECCC) and the Ministry of Culture and Fine Arts (MoCFA) has already drafted. The draft is now under the discussion between the two parties. VSS is hoping to have the draft finalized and signed sometime in early May.

VSS is in its preparation stage of a consultation workshop concerning the "Building of Stupa at Toul Sleng" project.

The Reparations and Non Judicial Measures Team participated in many meetings with its stakeholders concerning the Non-Judicial Measure projects.

On 24 April 2014, delegations of the United Nations Trust Fund to End Violence against Women from New York visited the VSS and ECCC. The visit was to figure out the achievements, challenges and lessons learned from the implementation of the project, "Female survivors of the Khmer Rouge regime, in particular survivors of sexual and gender-based violence, fully enjoy and exercise their transitional justice rights." The project has been financed by the UN Trust Fund and implemented by VSS, the Cambodian Defenders Project (CDP) and Transcultural Psychosocial Organisation Cambodia (TPO). The delegations met with relevant VSS staff, national and international focal points for women, and the two project implementers (CDP and TPO).

On Friday 25th, the delegations went on field visit to Kampot province to meet with primary beneficiaries, civil parties who attended the hearings in Phnom Penh and civil parties who are involved in the TPO's project, "Self-Help Group".

Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website:
www.eccc.gov.kh/en/document/court

Trial Chamber

4 April: Decision on Additional Severance of Case 002 and Scope of Case 002/02 <E301/9/1>.

The Trial Chamber found that an additional severance of Case 002 is in the interests of justice and would not unduly impact upon the rights of the Accused. The Trial Chamber decided that Case 002/02 will encompass charges related to genocide, the treatment of Buddhists, targeting of former Khmer Republic officials, internal purges, forced marriages and rape. These charges are to be

considered in the context of three worksites, four security centres and one cooperative. An Annex was attached to the decision, which contains a list of paragraphs and portions of the Closing Order relevant to Case 002/02

8 April: Order to File Updated Material in Preparation for Trial in Case 002/02 <E305>.

25 April: Decision on Fitness of the Accused KHIEU Samphan to Stand Trial <E301/12>.

The Trial Chamber found that Khieu Samphan is fit to stand trial.

25 April: Decision on Fitness of the Accused NUON Chea to Stand Trial <E301/11>.

The Trial Chamber found that Nuon Chea is fit to stand trial.

Pre-Trial Chamber

23 April: Decision on an appeal filed by a Suspect in Case 003 against the constructive denial of 14 of his requests to the Co-Investigating Judges.

The Pre-Trial Chamber, by a unanimous decision, deferred its decision on the appeal in respect of the Suspect's request to get access to the Case File until it decides on the appeal mentioned above concerning the appointment of his counsel. The Pre-Trial Chamber found the appeal inadmissible in respect of the remainder of the Suspect's requests to the Office of the Co-Investigating Judges. The decision is classified as confidential.

Takeo residents visit the ECCC

On 6 May 2014, 200 people from Popel Commune, Tram Kok, Takeo Province, travelled approximately 70 km to participate in a study tour of the ECCC. The group received briefings on the history and activities of the Tribunal.



Madame Soeur Chhom, 73, Popel Commune, Tram Kok, Takeo Province: This is my second visit to the ECCC. I want to learn more about the current activities of the ECCC. I worked in a labour camp. I am the youngest in a family of five brothers and sisters. We were separated during the regime and I lost four of my siblings. To this day I do not know where or how they died.



Mr. Oung Phorn, 66, Popel Commune, Tram Kok, Takeo Province: I wanted to see the ECCC with my own eyes, to know that it exists and that it's true. During the regime, people couldn't talk or speak about what was happening, so I've come here to find out what re-

ally happened. Because of the Tribunal, I think people will know what really happened during the regime. I lost three members of my family and I think the work of the ECCC will bring justice for the victims and their families. I am confident that the ECCC has a role in helping the community, especially teaching the younger generation about the history of the Khmer Rouge regime and the experiences of their grandparents.



Mr. Kang Chem, 74, Popel Commune, Tram Kok, Takeo Province: I wanted to learn more about the ECCC and find out if it's true the ECCC will bring justice for those who died during the regime. During the Khmer Rouge regime, I worked very hard and for long hours. I still dream about my experiences and the forced labour conditions I endured. I constantly faced the threat of being killed. The ECCC helps turn over this page of history so we can live in peace for the rest of time. When I tell young people in the community about what happened, they don't believe that such a thing could have occurred in Cambodia. The ECCC will educate the younger generation about our history. Now that I know the process of prosecuting senior leaders of the regime has begun, I hope I can sleep and dream in peace.



Mr. Ven Chamroeun, 54, Popel Commune, Tram Kok, Takeo Province: I think the ECCC is a mechanism to bring justice to victims and to find out who is responsible for the crimes committed. For me justice is about both the victims and the defendants accepting what happened so that a process of national reconciliation can begin. The work done here is important to me, as I lost four of my family members. Before attending the ECCC presentation I thought this Tribunal was a waste of time and money. After coming here, I witnessed everything and understand the need to spend money on outreach, the building facilities and the staff. In my opinion, we need more money for the Tribunal. I think the trial will provide some clarity for the community because at the moment there is discrimination between former Khmer Rouge soldiers and victims. Following the court process, people will know who is responsible and who is not responsible, and hopefully the discrimination can end.

Voices of reconciliation project and capacity building

Throughout April and May of this year, members of rural communities across Cambodia have gathered together to discuss the Khmer Rouge period and the cases before the ECCC. The 90 community-based dialogue meetings scheduled for this year form an integral part of the "Voices of Reconciliation" outreach project, a USAID-funded initiative which is implemented by the East-West Center through the Asian International Justice Initiative (AIJI) in collaboration with the Cambodian Human Rights and Development Association, the Cambodian Defenders Project (CDP) and Khmer Mekong Films (KMF).

"Voices of Reconciliation" aims to generate greater awareness of the ECCC and the Khmer Rouge period, and to help conflict-affected groups engage in meaningful dialogue about

reconciliation issues. It also includes a strong emphasis on capacity building among civil society organizations involved in transitional justice and reconciliation work. This year has seen AIJI coordinate two training sessions for civil society organizations on conflict management and dialogue facilitation (in collaboration with the Transcultural Psychosocial Organisation Cambodia) and gender-sensitive transitional justice measures (in collaboration with CDP). The training sessions covered topics related to conflict awareness and mediation and the legacy of trauma for survivors of sexual- and gender-based violence, and provided valuable resources for organizations to improve gender sensitivity within their projects.

The popular TV programme "Facing Justice", produced by KMF in collaboration with



AIJI, is also scheduled to return in order to cover the verdict in Case 002/01. This follows the production of 43 episodes that aired on the Cambodian Television Network and online forums over the course of the trial.

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 community video screenings across Cambodia. It also welcomes international group visitors and provides briefings and court tours.

| April 2014 | | | | | | |
|------------|---|---|---|--------------------------------------|--|-----|
| SUN | MON | TUE | WED | THU | FRI | SAT |
| | | 1 Study Tour Borey Chulsa, Takeo Province (400) | 2 | 3 Study Tour Kandal (300) | 4 | 5 |
| 6 | 7 Study Tour | 8 Study Tour | 9 | 10 | 11 | 12 |
| 13 | 14 Khmer New Year | 15 Khmer New Year | 16 Khmer Public Holiday | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 Study Tour Chumkiri, Battambang Province (300) | 24 Study Tour Phnom Penh (300) | 25 Study Tour Preah Sdach, Prey Veng Province (250) | 26 |
| 27 | 28 Study Tour Chumkiri, Battambang Province (350) | 29 Study Tour Kean Svay, Koki Thom, Kandal province (350) | 30 Study Tour Phnom Penh (50), Samrong and Phnom Chiso, Takeo Province (250) | | | |

| May 2014 | | | | | | |
|----------|-----|-------------------------------|-------------------------------|--|--|-----|
| SUN | MON | TUE | WED | THU | FRI | SAT |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 Khmer Public Holiday | 14 Khmer Public Holiday | 15 Khmer Public Holiday | 16 Study Tour Sangke District, Battambang province (300) | 17 |
| 18 | 19 | 20 Study Tour | 21 | 22 Study Tour Kampot Province (300) | 23 | 24 |
| 25 | 26 | 27 Study Tour | 28 | 29 Study Tour | 30 | 31 |

Outreach activities



Students listen to a presentation during an ECCC outreach activity in their high school in Kampong Thom.

5 May: (KRT Watch Program) CHRAC gave a talk about Cases 003 and 004 under investigation at the ECCC at the Women's Media Centre of Cambodia. People were informed about the ongoing investigations of Cases 003 and 004 and they were given information on how to become a civil party.

17 May: (KRT Watch Program) CHRAC gave a talk about Cases 003 and 004 under investigation at the ECCC at the Women's Media Centre of Cambodia. People were informed about the ongoing investigations of Cases 003 and 004 and they were given information on how to become a civil party.

22 May: One-day Legacy Workshop with university students titled "Annotated Cambodian Code of Criminal Procedures and Important Strategies for the Implementation of ECCC Legacy into the National Legal and Judicial Systems in Cambodia". The workshop will be held at the National University of Management. Students will understand the Annotated Cambodian Code of Criminal Procedure. Moreover, strategies for national, legal and judicial reform will be developed in coordination with the students.

19-23 May: 25-30 participants will be invited to attend the LF outreach activity in Siem Pang District, Stung Treng Province, and in Bar Phnom District, Prey Veng Province. LF will conduct a dialogue activity concerning past experiences during the Khmer Rouge regime, and participants will share their histories and visions with younger generations.

26-28 May: In Siem Reap Province, 25-30 participants will be invited to attend an LF outreach activity. LF will conduct a dialogue activity concerning past experience during Khmer Rouge regime and participants will share their history and visions with younger generations.

26-28 May: Kdei Karuna will aim to meet with 4four LFs and all committees in Takeo Province in order to prepare actions that community people need to do in their village regarding the different ways to deal with the past.

June-July: Launch of the Civil Party Story Book. The book will be distributed to victims and other interested parties.



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

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

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

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INDICTED PERSONS

IENG Sary IENG Thirth KANG Guek Eav KHIEU Samphan NUON Chea

FEATURED CONTENT

Case 002/01 day by day

Watch video recordings, summaries, transcripts, trial records and witness information from each day of the trial in Case 002/01.

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