



The Court Report

JULY 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice



Accused Ieng Thirith, former Khmer Rouge Minister for Social Affairs, attends the trial proceedings in the courtroom.

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Ieng Thirith's Fitness to be Re-assessed in late August

Former Khmer Rouge Minister for Social Affairs Ieng Thirith, who was severed from the court's second case on grounds that her cognitive impairment was determined by the Trial Chamber to have rendered her unfit to stand trial, will be reassessed at the end of August, the Trial Chamber announced in late June.

According to its Scheduling Order of 22 June, the Trial Chamber has scheduled reassessment of the accused by medical experts on 27-28 August and a hearing of the experts' findings and further discussions by parties on 30-31 August. After this hearing, the Chamber will determine whether medical treatment implemented by the Trial Chamber since the matter was remitted back to it by the Supreme Court Chamber has resulted in improvement to her condition and whether she is now fit to stand trial.

Accused Ieng Thirith was initially indicted for crimes against humanity and grave breaches of the 1949 Geneva Conventions in the Case 002 Closing Order in September 2010, along with three other co-Accused Nuon Chea, Khieu Samphan and Ieng Sary, who is also her husband.

Ieng Thirith was found unfit to stand trial last November by the Trial Chamber following the assessment of five medical experts that she was suffering a "progressive, degenerative cognitive condition" most likely Alzheimer's. The Chamber severed her from the case and ordered her immediate release at that time, but this order was appealed. In the following month, the Supreme Court Chamber remitted the issue to the Trial Chamber, holding that the ECCC must "exhaust all measures available" to help improve her fitness to stand trial.

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Japanese Prosecutors Visit the ECCC

Visiting prosecutors from Japan and judicial experts with the Japan International Cooperation Agency met on 6 June with Japanese nationals working in the Extraordinary Chambers in the Courts of Cambodia after observing a trial session.

The visitors include Japanese Government Attorneys Noriko Shibata and Tomohiro Yokoyama who work with the International Cooperation Department of the Ministry of Justice. ICD has been leading Japan's technical assistance to Cambodia's judicial sector through JICA. The visit to the ECCC was made during a short stay of the two attorneys to assess their assistance programme.

The nine-member Japanese group received a briefing from a Public Affairs officer on an overview of the court and met with Japanese nationals to gain further insights. Many of them gave positive feedback on their visit to the court.

Ieng Thirith's Fitness to be Re-assessed

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Since then, the Trial Chamber requested medical experts to design medically-appropriate measures capable of improving her cognitive function and the recommended measures have been administered by Ieng Thirith's treating physicians. These include gradual reduction of the drug Lexomil, 18 weeks of Rivastigmine patch therapy, and three months of cognitive stimulation therapy. This hearing will be held at the earliest date after the conclusion of all measures recommended by the experts.

The Trial Chamber has reappointed three medical experts – Drs. John Campbell, Huot Lina and Seena Fazel – for reassessment, with Dr Fazel being nominated to testify in court on behalf of the three.

In order to accommodate the two-day fitness hearing, the Chamber will continue the hearing of evidence in Case 002 from Monday to Wednesday 27-29 August only during that week.

(Edited by TC Senior Legal Officer Susan Lamb)

American Congressional Officials Visit the Khmer Rouge Tribunal



US Officials meet with Tony Kranh and Knut Rosandhaug from the Office of Administration

On 14 June, A four-member delegation from the United States Congress visited the Extraordinary Chambers in the Courts of Cambodia to get insights of the challenging work the court does.

The visitors, all from the House Foreign Affairs Committee, observed one morning session of the ongoing trial hearing concerning the three Khmer Rouge leaders, Nuon Chea, Khieu Samphan and Ieng Sary. The delegation then met with Acting Director of Administration Tony Kranh and Deputy Director

of Administration Knut Rosandhaug to further discuss the achievements of the court and the challenges it faces.

The US has been one of the most committed advocates of the Khmer Rouge tribunal and has provided generous financial support so far.



Public Affairs Officer Yuko Maeda escorts US Congressional visitors.

Sweden Announces Pledge to ECCC

On 14 June, Sweden announced a new pledge of SEK 28 million (approximately US\$ 4 million) to the Extraordinary Chambers in the Courts of Cambodia. The contribution to the international component of the court will be divided for 2012 and 2013.

"We would like to express our gratitude to the Swedish government for this generous contribution, which comes at a crucial time as the international component of the ECCC is facing a significant funding shortfall. This contribution allows the Court to continue with the implementation of its mandate in seeking justice for the Cambodian people without any immediate interruption," said Acting Director of the Office of Administration Kranh Tony and Deputy Director Knut Rosandhaug in a statement.

The financial contribution is the second from Sweden since the inception of the ECCC.

New Reserve Judge Appointed in Pre-Trial Chamber



Replacing Reserve Judge Kathinka Lahuis, Judge Steven J. Bwana of Tanzania was appointed as the new international reserve Judge in the Pre-Trial Chamber on 7 June. After nomination by United Nations Secretary-General Ban Ki-moon and approval by the Supreme Council of the Magistracy, His Majesty King Norodom Sihamoni appointed Judge Bwana.

Judge Bwana holds more than 38 years of experience in the legal field having served as a judge, registrar and legal professional in both national and international spheres. He obtained a Master of Laws in 1980 and a Doctor of Laws in 1982 from Lateran University in Rome, after receiving a Bachelor and Master of Laws from the University of Dar es Salaam. Before joining the ECCC, Judge Bwana served as a Justice of Appeals in the Court of Appeal of Tanzania.

Prosecutors Say No Expansion Necessary in Case 003 Investigation

Amid media speculation suggesting an expansion of the scope of a Khmer Rouge tribunal case under confidential investigation, the Prosecutors of the Extraordinary Chambers in the Courts of Cambodia on 5 June said that they had declined to request the court’s Investigating Judges to go beyond the original prosecutorial request for investigation.

In their public statement, Co-Prosecutors Chea Leang and Andrew Cayley acknowledged that they had received “information alleging new facts” relating to the investigation in Case 003, but that after careful consideration they “declined to seize” the Co-Investigating Judges of these alleged new facts.

The Prosecutors stated that the alleged new facts were related to Democratic Kampuchea military incursions into Vietnam, which had been already investigated as part of Case 002, and these facts “bear no relation to the crime sites in Case 003”. They concluded that no expansion in the scope of investigation is “necessary to assess the question of responsibility for the crimes alleged in the Case 003

Introductory Submission”.

The judicial investigation into Case 003 was opened up with an introductory submission by the international Co-Prosecutor on 7 September 2009, when he submitted two introductory submissions on crimes allegedly committed by five unnamed suspects.

The two submissions were later referred to as Case 003 and Case 004. With these two submissions, the international Co-Prosecutor initially requested the Investigating Judges to look into eight factual situations of murder, torture, unlawful detention, forced labour and persecution, according to a press release issued at that time.

Former international Co-Investigating Judge Siegfried Blunk and his national counterpart You Bunleng concluded the judicial investigation in Case 003 in April 2011, but the international Co-Prosecutor requested a more thorough investigation. Taking over the office from resigned Judge Blunk, reserve Investigating Judge Laurent Kasper-Ansermet conducted further investigations in Case 003

before he resigned in early May this year.

By law, the Co-Investigating Judges cannot expand the scope of investigation unless they receive a request for such expansion from the Co-Prosecutors through a supplemental submission.

In the latest public statement, the Co-Prosecutors also reiterated that no further cases would be initiated following Cases 003 and 004, noting the importance of prioritizing the efficient completion of ongoing investigations and trial proceedings before the ECCC.



ECCC Officials Trained on Gender Sensitive Transitional Justice



ECCC officials and staff attend the workshop.

More than 40 professionals from the Khmer Rouge tribunal spent a whole day discussing sexual violence in transitional justice, participating in a training workshop on “Gender Sensitivity and Transitional Justice” held on Friday 22 June.

The workshop was organized by the Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia in an effort to provide an opportunity for ECCC officials and staff to review the fundamental principles of transitional justice and gender specific issues and interests.

Expert consultant Ms. Caitlin Reiger facilitated the training session where 28 females and 14 males from various offices including three chambers, the Office of Co-Prosecutors, the Civil Party Lead Co-Lawyers Section and the Court Management Section. Through the training exercise, the participants explored opportunities for the court to address gender sensitive justice in its work, both in judicial and non-judicial contexts.



Expert consultant Ms. Caitlin Reiger leads training session for ECCC staff members.



International Co-Prosecutor Andrew Cayley listens to the presentation on gender sensitivity and transitional justice.

In The Courtroom

Before entering a summer recess on 22 June, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia heard in June the testimony of six witnesses in the ongoing first trial in Case 002 concerning three Accused, Nuon Chea, Ieng Sary and Khieu Samphan. Although the three are charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide, the case has been severed to a series of separate trials, each focusing on different segments of the indictment.

In the first trial which began last November, the Trial Chamber is examining the crimes against humanity in relation to the forced movements of population phases one and two. Phase one concerns the forced movement from Phnom Penh in April 1975 and the second phase the ones from other regions during 1975-1977. In June, the Chamber continued examination of the administrative and communications structures of the Democratic Kampuchea regime and some elements of the roles of the Accused.



Pich Ang, national Civil Party Lead Co-Lawyer



Chea Leang, national Co-Prosecutor



The Defence bench prior to the start of a hearing in Case 002.



Sar Kimlomouth, **Witness - 4-5 June**

Mr. Sar, 80, is the former deputy director of the DK National Bank. He testified about the leadership of the commerce committee and the organisational structure of the bank, as well as his meetings with foreign trade delegations.

Sao Sarun, Witness - 5-7 & 11-12 June

Mr. Sao, an 80 year-old farmer from Oddar Meanchey, was a district then sector secretary under the KR regime. He was questioned on communications with senior leadership in Phnom Penh and his encounters with Pol Pot and Nuon Chea. He also answered questions on the re-opening of markets and re-circulation of currency.



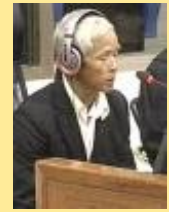
Khoem Ngorn, **Witness - 7 & 11 June**

Mr. Khoem, a 57 year-old from Takeo, claimed that he was recruited as child soldier by the Khmer Rouge and went on to work for the Ministry of Foreign Affairs as a companion to visiting foreign delegations. He was questioned on his tasks at the Ministry, his military background, the purges, the evacuations of urban centres and the self-criticism sessions.



Ouen Tan, **Witness - 13 & 14 June**

Mr. Ouen is a farmer from Battambang who used to work as a messenger and bodyguard for Pol Pot. He was questioned on his tasks, the meetings of Khmer Rouge leaders and the events taking place at K-1, which was Pol Pot's residence.



Yun Kim, **Witness - 19-20 June**

Mr. Yun was a commune chief in the province of Kratie under the Khmer Rouge. The 70 year-old farmer testified on the roles of senior leaders, the establishment of cooperatives and the structure and organisation of sectors and districts. He also answered questions on the topic of forced marriages, the treatment of Cham, the purges and the armed conflict with Vietnam.



Khiev Neou, **Witness - 20 & 21 June**

The last witness to appear before the summer recess was former Buddhist monk Mr. Khiev, 79, who claimed he was derobed in 1975 and sent to work in the Southwest Zone office under the orders of Ta Mok, the late KR military commander. He was questioned on the topic of derobing monks, the practice of religion during the Khmer Rouge and self-criticism sessions. He also answered questions on his recollection of the evacuations, the establishment of cooperatives and his relationship with Ta Mok.



Editor's note: This section, In the Courtroom, is reviewed by the Trial Chamber for legal accuracy. For a complete picture of the testimony, please read the transcripts available on the ECCC website at: <http://www.eccc.gov.kh/en/Case002-Transcripts/en>

Trial Chamber Warns Defence Lawyers for Misconduct

Following an oral decision during the last hearing day before the summer recess, the Trial Chamber issued a decision on the misconduct of two international Defence lawyers on 29 June.

In his courtroom address, President of the Trial Chamber Judge Nil Nonn said that “during the proceedings in Case 002/1, the Chamber has observed a pattern of misconduct by the Nuon Chea defence and in particular the international members of the team.” The Chamber warned that their unauthorized disclosure of confidential information and their use of disrespectful language were amongst the elements of this professional misconduct. The President also informed that the misconduct would be brought to the relevant national Bar associations for action.

The decision is the first by the Trial Chamber to be issued under Article 38 of the internal rules in response to a lawyer’s misconduct. According to the decision, the two lawyers, Mr. Michiel Pestman and Mr. Andrew Ianuzzi, appeared to demonstrate “disregard for the duties of counsel and the ethics of the legal profession”.

The decision notes the following features of this misconduct:

- Language and conduct disrespectful to the court and disruptive of trial proceedings;
- Unauthorized public disclosure of confidential information to the press; and
- Disregard of provisions of the ECCC legal framework and Trial Chamber orders designed to safeguard the rights of the Accused Nuon Chea.

The Trial Chamber also notified the Bar Associations of Amsterdam and New York State, to which Mr. Pestman and Mr. Ianuzzi respectively belong, and encouraged them to take action. The Bar Association of the Kingdom of Cambodia was also informed.

The Trial Chamber also warned media of the possible negative impact of the unauthorized disclosure of information of confidential material on the security of victims and witnesses, as well as to other protected fair trial interests. Providing guidelines, the Chamber encouraged the media to verify whether or not information provided to them was legitimately in the public domain.



Mr. Michiel Pestman, Co-Lawyer for Nuon Chea



Mr. Andrew Ianuzzi, Co-Lawyer for Nuon Chea

Visitors to Hearings

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) adjourned the hearings in Case 002 on 21 June for its summer judicial recess.

Since the commencement of the opening statements in Case 002 on 21 November 2011, the Trial Chamber has concluded 78 trial days, where a total of 18 witnesses, experts and Civil Parties have testified. As of 21 June 2012, a total of 43,626 persons have attended the trial hearings in Case 002, amongst which about 80% were Cambodians nationals escorted by the ECCC’s free transport across the country to watch the trial.

The hearings are scheduled to resume on Wednesday 18 July and will continue examination of the administrative and communications structures of Democratic Kampuchea and some elements of the roles of the Accused. Among the scheduled witnesses for the coming weeks are three experts: American scholar David Chandler in July and two former journalists, British Philip Short and American Elizabeth Becker, in October.

DATE	PUBLIC VISITORS			JOURNALISTS		NGO	CIVIL PARTY	VIP	TOTAL
	National		Int'l	National	Int'l				
	PAS	Others							
04/06/2012	200	3	18	5	4	8	42		280
05/06/2012	330	3	3	7	5	7	42		397
06/06/2012	470	4	1	6	4	6	25		516
07/06/2012	515	3	3	7	3	7	32		570
11/06/2012	458	3	6	7	6	6	45		531
12/06/2012	650	20	27	11	5	6	46	1	766
13/06/2012	400	36	3	8	3	5	35		490
14/06/2012	420	50	3	7	6	4	20		510
19/06/2012	400	4	5	12	7	6	45		479
20/06/2012	440	3	18	7	8	3	35		514
21/06/2012	700	2	10	9	5	5	28		759
Sub-Total: June	4983	131	97	86	56	63	395	1	5812
Total: Day 1 - Day 78 (Nov 2011 - June 2012)	35381	1178	1060	1413	700	578	3101	215	43626



Villagers from Kampong Cham attend the court hearings on 21 and 26 June 2012. On 21 June, 570 villagers from 17 different districts visited the ECCC.

Mental Health Survey Presented



Approximately 35 ECCC staff members attend the presentation by Dr. Sonis.

A visiting American physician shared his findings on the impact of the Khmer Rouge tribunal on Cambodians' mental health with ECCC officials on 5 June during his short stay in Cambodia.

Dr. Jeffrey Sonis, Associate Professor of Social Medicine and Family Medicine at the University of North Carolina at Chapel Hill in the United States, presented the findings of

the first two waves of a three-wave national longitudinal study on the impact of the Extraordinary Chambers in the Courts of Cambodia. Approximately 35 national and international staff members attended the presentation entitled "Does justice heal: Cambodians' responses to the ECCC".

Funded by the United States National Institutes of Health, the ongoing study measures the psychosocial impact of the ECCC on Cambodians. Dr. Sonis' presentation focused on changes in knowledge of and attitudes toward the ECCC, desire for revenge, perceived justice for Khmer Rouge era violations and post-traumatic stress disorder.

The first wave of data was collected immediately prior to the start of Case 001, involving Kaing Guek Eav alias Duch, and a follow-up wave of data was collected shortly after the Judgement was announced in July 2010. Dr. Sonis returned to Cambodia in June to begin the third phase of data collection following the reading of the Appeal Judgement of Case 001 in early this year.

Dr. Sonis has conducted research on the South African Truth and Reconciliation Commission, the Greensboro, North Carolina Truth and Reconciliation Commission, and the ECCC.

Student Groups Visit ECCC

A total of four international student groups visited the court in June to observe trial proceedings and meet with a Public Affairs Officer.

Twelve American law students from the University of San Francisco visited the court on 4 June. The students were in Cambodia on an internship program in partnership with Royal University of Law and Economics.

American law students from Touro College Law Center toured the ECCC courtroom and were briefed by Public Affairs on 8 June.

A group of 20 American undergraduate students from College of Charleston in South Carolina observed the hearings and met with ECCC officials on 12 June.

Five Australian students from Ivanhoe Grammar School visited the court with their professor on 20 June. The students were participating in a three-week service trip in Cambodia.

89-year-old Woman Visits the ECCC

On the last public hearing day before the three-week summer recess, the Extraordinary Chambers in the Courts of Cambodia welcomed an 89-year-old woman from Kandal province, believed to be the oldest visitor ever to the court.

Visiting the ECCC for the first time, Ms. Seat San observed the proceedings in Case 002 on 21 June after learning about her son's visit to the ECCC, Tuol Sleng Museum, and Cheung Ek killing fields on the court's outreach study tour. Ms. Seat explained that she wanted to see the trial just once before she died.

Ms. Seat said that she lost five of her ten children during the Khmer Rouge era, as well as her two older brothers. Visiting Tuol Sleng and Cheung Ek brought back memories of her harsh suffering. As she continued to recount the past, she explained that she



Ms. Seat San, 89, from Kandal province visits the court on 21 June 2012.

didn't feel as sad anymore.

"It is in the past. I feel sorry for losing my five children but I can't do anything to bring them back," she said, adding that seeing the Khmer Rouge leaders on trial would help her come to terms with the past. "Now I am here

to see the Khmer Rouge leaders tried. They deserve it. I don't personally seek revenge, but that is what they deserve."

The 89-year-old woman traveled to the ECCC with her friend, Ms. Hem Thom, who is 78 years old. The two women joined a group of 759 villagers that visited the court from Kampong Cham and Kandal. In addition to observing the hearing, the villagers visited Tuol Sleng and Cheung Ek.

Bringing people from the provinces to attend the court hearings is part of the ECCC's efforts to provide Cambodian people with the opportunity to be part of the justice process. In the 78 days of trial hearings in Case 002, 43,626 people have observed the proceedings since the commencement of the opening statements on 21 November 2011. In total, almost 155,000 people have visited the court through the ECCC's outreach programmes since the start of the first trial in March 2009.

IWITNESS: The Power of Storytelling for KR Survivors

A photo book compiling portraits of Khmer Rouge survivors, *IWitness: Voices from Survivors of the Khmer Rouge*, has been published by the Transcultural Psychosocial Organization.

The book is a result of TPO's storytelling project. TPO, in cooperation with the journalist Zélie Pollon and the photographer Alan M. Thornton, interviewed and photographed survivors of the Khmer Rouge regime, many of whom are Civil Parties in Cases 001 and 002 before the Extraordinary Chambers in the Courts of Cambodia.

The project aimed to bear witness to their personal stories and document not only what happened to people in Cambodia during the Khmer Rouge regime, but also to acknowledge the lasting psychological impacts that are still present in Cambodia today. By undertaking this project, TPO wished to link the national symbolic process of the ECCC with the opportunity for survivors to reflect on their past and to speak about their own experiences.

The book can be purchased for \$10 at TPO's office. All proceeds will directly benefit Khmer Rouge survivors who receive free trauma treatment from TPO. For more information, contact TPO: +855 (0)23 63 66 992 or e-mail: admin@tpocambodia.org



"My husband and neighbors said not to talk to journalists about my experiences; The village chief said not to talk, that maybe they would write bad things and bring trouble. I changed my phone number. Then, NGO staff explained that my story could help bring justice. Before my testimony at the ECCC I always covered my face when I went to the market. I hid until I was encouraged to speak." (Excerpt from *IWitness*)

Chin Met, 53, Phnom Penh

Participatory Film Screenings Reach Out to Villagers and Youth

From January to the end of June this year, the Transcultural Psychosocial Organization of Cambodia (TPO) and the International Center for Conciliation – Cambodia (ICfC) facilitated 14 rural film screenings and 10 university screenings of a participatory documentary film *WE WANT (U) TO KNOW* across Cambodia.

The film – a participatory documentary directed by survivors of the Khmer Rouge regime in Takeo – allows audience members to identify with the actors, to share their own experiences, and to work toward a collective memory of Cambodia's violent past. TPO and ICfC conducted the film screenings with funding support from Movies that Matter, an initiative of Amnesty International to support screenings of human rights films worldwide.

While rural villagers echoed the im-

portance of showing this film to the next generation, many youth stated that this film helped them believe what happened.

"For me, the benefit of watching [*WWU2K*] is that I now believe that this regime happened. I used to not believe this history, even when my parents told me about it. But after seeing this film, I believe that what my parents said is truthful," said a Norton University student after viewing the film *WE WANT (U) TO KNOW*.

The outreach project reached over 1500 rural participants throughout villages in seven different provinces and 450 university students in both Battambang City and Phnom Penh. The film was also screened at the RAI International Festival of Ethnographic Film in London in June 2011, the Göttingen International Ethnographic Film Festival in Germany in May 2012, and will be screened again at Northern Illinois University's "Imagining Cambodia" Conference in September 2012.

More information on the film can be found on its Facebook page found at <http://www.facebook.com/WWU2K>.



Students participate in discussion after viewing the film.

Judicial Updates

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 **June 2012**. For decisions and orders, please refer to page 10.

Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber disposed of a number of procedural and other case-management matters.

At the conclusion of the reporting period, the Pre-Trial Chamber remained seised of two appeals and one Application in Case 003. The pending appeals relate to Civil Party applications in Case 003 that were rejected by the Co-Investigating Judges. The other pending matter remains before the Pre-Trial Chamber for its consideration and is confidential in nature at the date of this report.

Supreme Court Chamber

The Supreme Court Chamber continued to review the classification of over 13,000 confidential and strictly confidential documents in the Case 001 Case File and issued an interoffice memorandum titled 'Review of Confidential and Strictly Confidential Documents on Case 001 Case File', on 11 June, (see *Decisions* section on page 10.)

In Case 002, the Chamber on 11 June received Nuon Chea's immediate appeal against the Trial Chamber's decision on his Rule 35 applications for summary action.

Office of the Co-Prosecutors

Case 002

The OCP continued to litigate Case 002 through filings including, notably: responding to the Nuon Chea Defence appeal of the Trial Chamber's Order concerning an investigatory request against Prime Minister Samdech Hun Sen; a request to put before the Trial Chamber the

biography of a witness; a response to a request by the Nuon Chea Defence for the disclosure of a Case 003 forwarding order; a request to admit witness statements relevant to Phase 1 of the population movement; a request for authority to provide confidential Case File 002 documents to expert witnesses in order to aid them in preparing for their testimony; a response to the Ieng Sary Defence's request for a trial management meeting regarding remote access to the shared computer drive; and a response to a Nuon Chea defence filing regarding research they intend to conduct at DC-Cam.

The OCP also continued to litigate Case 002 in Court. The OCP made oral submissions in court on various substantive and procedural issues, put documentary evidence before the Trial Chamber, and participated in the examination of witnesses TCW-583, TCW-604, TCW-323, TCW-488, TCW-797 and TCW-321.

Case 003

The Co-Prosecutors issued a public statement in response to inaccurate news reports regarding the investigation of Case 003, and in order to keep the public informed. The OCP continues to analyze the evidence in and monitor the progress of Case File 003.

Case 004

The OCP continues to analyze the evidence in and monitor the progress of Case File 004.

Outreach Activities

This month, members of the OCP staff engaged in numerous outreach activities, including: meeting with, and responding to questions from, monitors from the Asian International Justice Initiative; attending the Gender Sensitivity and Transitional Justice Workshop for ECCC officials, a joint program of the Cambodian Defenders Project, the ECCC, and the Transcultural Psychosocial Organization; presenting at a conference titled *Pluralism v. Harmonization: National Adjudication of International Crimes*; responding to inquiries from international experts Alison Barclay, Katrina Natale, and Theresa de Langis regarding issues of gender-based violence

and the ECCC; and responding to inquiries from Professors Kate Cronin-Furman, Jeffrey Sonis, and Luiji Cajani regarding their individual research projects.



Villagers from Kampong Cham attend the trial hearing.

Defence Support Section

Case 002

Nuon Chea

On 11 June, the Nuon Chea defence team (NCDT) appealed the Trial Chamber's decision on the NCDT's Request for Summary Action Against Hun Sen. The NCDT argued that statements by the Prime Minister of Cambodia about Nuon Chea could amount to political interference with the ECCC in contravention of Internal Rule 35. The NCDT also continued to argue against the Trial Chamber's treatment of impeachment material as "evidence" subject to ECCC Internal Rule 87, which requires that "evidence" be presented to the bench and the parties before it is used for cross-examination.

Trial Chamber President Nil Nonn indicated his intention to report members of the NCDT to their national bar associations for "willful violations of the Chamber's orders, unauthorized disclosure to the press of confidential or strictly confidential material, and statements in Court which are disrespectful of the Court or which otherwise do not accord with the recognized standards and ethics of the legal profession." The Trial Chamber then rendered its Decision on Nuon Chea Defence Counsel Misconduct.

On 20 June, Nuon Chea attempted to

make a statement in court relating to testimony by a witness about the 17 April 1975 evacuation of Phnom Penh. The Accused was blocked from speaking at length because his statement was not within the relevant knowledge of the witness giving testimony.

Ieng Sary

Throughout June, Ieng Sary remained absent from the court room due to health problems but was permitted to participate in the proceedings by audio-visual means. The Ieng Sary Defense Team (ISDT) continued to oppose the Co-Prosecutors' requests of the Trial Chamber to provide assurances to witnesses purportedly guaranteeing their immunity from prosecution.

Ieng Thirith

A hearing has been scheduled for late August to decide whether a program of drug and occupational therapy has rendered Ieng Thirith fit to stand trial.

Cases 003 and 004

The DSS continued to monitor closely the developments in Cases 003 and 004, and to work to ensure that the rights of the suspects are upheld in conformity with the highest international standards and best practices.

Legacy and Outreach

During June, representatives of DSS met with Dean Jeffrey Brand of the University of San Francisco School of Law to discuss further cooperation on research projects and other assistance. Representatives from DSS also held a meeting with leaders of the Bar Association of the Kingdom of Cambodia (BAKC), and at their invitation participated in a workshop to review the Code of Conduct for Cambodian Lawyers, sponsored by the UN Office of the High Commissioner for Human Rights (UNOHCHR).

Victims Support Section

Legal Work

The Processing and Analysis Team assisted the Lead Co-Lawyers Section in analyz-

ing Civil Parties' information related to purges during the Khmer Rouge regime. The team received and processed 65 pieces of summaries of Victims Information in case 002 from ASF, and filed 26 of them with the Trial Chamber; the remaining summaries with inconsistent information were sent back to ASF for verification.

The VSS received applications from two foreign lawyers, and helped them prepare for registration with the Bar Association of Cambodia.

Outreach

287 CPs were invited to participate in hearings and given opportunities to meet with their lawyers during their stays in Phnom Penh. The VSS arranged briefing and debriefing sessions with CP Lawyers and Lead Co-Lawyers about the hearing.

Reparations and Non-Judicial Measures

On 5 June, the Reparations and Non-Judicial Measures (R&NJM) team and Associate Legal Officer from Lead Co-Lawyers Section met with Mr. Chhang Youk, DC-Cam Director, and four other staff to discuss reparation projects and other future collaboration with VSS.

The R&NJM team held a meeting with Youth for Peace on 6 June to work on the development of the NJM Project on Community Peace Learning Centers at YFP office.

On 12 June at the ECCC, the R&NJM team organized a NJM meeting with NGO partners (DC-Cam, CHRAC, ADHOC, CDP, TPO, YFP, ICfC) and Victims Associations. It was aimed at sharing information between VSS and NGOs on the development of NJM projects. During the meeting, the R&NJM team reviewed and updated NGOs project mapping, presented and discussed the NJM roadmap, and discussed cooperation with the NGO partners.

R&NJM also attended the training workshop on "Gender Sensitivity in Transitional Justice" at the ECCC on 22 June.

CP Lead Co-Lawyers Section

On 1 June, the National Lead Co-Lawyer gave an interview at the women's radio talk show on FM 102 about updating the process of case 002, the severance of the case 002 and its consequence. The Lead Co-Lawyers also attended a presentation about the psychological effects of Case 001 by Jeffrey Sonis, Associate Professor, University of North Carolina at Chapel Hill, organised by the Public Affairs Section of the ECCC.

On 8 June, the International Lead Co-Lawyer and Legal Officer, Chea Samrach, participated in a conference organised by the Office of the United Nations High Commissioner for Human Rights in Cambodia on the topic of the legacy of the ECCC.

During June, Lead Co-Lawyers and Civil Party Lawyers cross-examined six witnesses from Phnom Penh and different provinces on matters related to administrative and communication structures of the Democratic Kampuchea regime in relation to the proceedings of Case 002/01.

During court hearing days, Civil Party Lawyers and the Lead Co-Lawyers assured that a briefing/debriefing would be provided to Civil Parties participating in the proceedings in relation to general legal issues such as the severance of Case 002 and its consequences, as well as ongoing procedural issues such as current themes of proceedings and witness testimonies.



Decisions/Orders

Public versions of the decisions, orders, opinions and considerations, some of which are redacted, are available on the official ECCC website: www.eccc.gov.kh.

Trial Chamber

4 June 2012: *Decision on Ieng Sary's Application for Disqualification of Judge Cartwright*

The Trial Chamber denied Ieng Sary's application for the disqualification of Judge Silvia Cartwright on the basis of communications between Judge Cartwright, the International Co-Prosecutor and the ECCC Deputy Director of Administration. The Chamber decided that the impugned communications related to meetings regarding managerial and administrative issues, which had previously been considered by the Trial Chamber and the Supreme Court Chamber and found not to give rise to grounds for sanction or disqualification. The Chamber also denied Ieng Sary's requests for alternative relief because they had no legal basis.

8 June 2012: *Decision on Placement of New Documents on the Case File*

Following previous orders to the parties to make available the documents on which they intend to rely at trial, the Trial Chamber placed on the Case File 19 new documents recently provided by the parties.

20 June 2012: *Decision on Co-Prosecutors' Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber*

In the interest of ensuring that trial proceedings are both expeditious and fair, the Trial Chamber held that evidence in the form of written statements or transcripts may, in certain circumstances, be put before the Chamber without requiring the authors to be present in court for examination. The Chamber set out a number of safeguards on the admission of such evidence in order to ensure adequate protection of the

rights of the Accused, and emphasized that various factors, including the absence of oral testimony and of an opportunity for confrontation, would be taken into account in assessing the probative value and weight to be given to such evidence.

29 June 2012: *Decision on Nuon Chea Defence Counsel Misconduct*

Having observed a consistent pattern of misconduct on the part of certain Nuon Chea Defence lawyers, the Trial Chamber decided to refer this to the Amsterdam Bar Association and the New York State Bar Association for appropriate action, and to apprise the Bar Association of the Kingdom of Cambodia of this fact. The Chamber formally warned counsel that further misconduct might be met with sanctions under Internal Rule 38.

Supreme Court Chamber

11 June 2012: *Interoffice Memorandum: Review of Confidential and Strictly Confidential Documents on Case 001 Case File*

The Chamber has presented proposed guidelines concerning which it seeks comments from the concerned parties, sections and units. Second, upon review of these observations, the Chamber will circulate final guidelines for reclassification together with a list of the Confidential and, where appropriate, Strictly Confidential documents on the Case File. At that time, the Chamber will seek further input from the parties concerning any specific document or category of documents. Third, the Chamber will undertake a review of the Confidential and Strictly Confidential documents and make reclassification decisions in accordance with the final guidelines.

Upcoming Public Hearings (For an updated hearing schedule, visit <http://www.eccc.gov.kh/en/event/court-schedule>)

Trial Chamber Hearings:

Hearing of evidence in Case 002
(Monday-Thursday, 9:00-16:00,
except public holidays)

Judicial Recess:

Sessions will resume on 18 July. Upcoming recesses from 15 October until 16 October and from 29 October until 2 November.

Visitor information for public hearings

First come, first served

The public gallery has 482 seats, available for the general public, diplomats and media (advance accreditation required). Seats are distributed on a first-come, first served basis on normal hearing days. Groups of more than five persons must register in advance.

Hearings start at 9:00 a.m.; visitors should arrive no later than 45 minutes before a hearing in order to leave sufficient time for registration and security check. Visitors must present a photo ID before entering the court.

Rules in the public gallery

Visitors are advised to maintain dignity and proper behavior and wear appropriate clothing (no beachwear or shorts, flip flops, etc.). Clothing may not display slogans, or indicate their support for or be offensive to any party of the proceedings. No persons under 16 years of age will be admitted to the

court and persons 16-18 will be admitted only with the guardianship of an adult. No mobile phones, large bags, food or drink are permitted in the main courtroom.

Language of proceedings

The court provides simultaneous interpretation of its proceedings in Khmer, English and French.

How to get to the court

The ECCC is located adjacent to the Royal Cambodia Armed Forces headquarters in Chaom Chau, 16 km from downtown Phnom Penh, on National Road 4. The Visitors Gate is at the eastern end of the compound. No public transportation is available, so visitors are recommended to take a tuktuk or taxi.

For more information on visiting the court, please e-mail pas@eccc.gov.kh.

Outreach Activities

1 June: TPO and WMC conducted a live radio show in which 20 callers expressed their ideas and concerns regarding the psychological effects of the ECCC.

14-15 June: OCP attended and presented at a conference in the Netherlands titled "Pluralism v. Harmonization: National Adjudication of International Crimes".

18-19 June: ICfC and TPO hosted a film screening of "We Want U to Know" in Pursat. 60 villagers attended the screening and shared their experiences after watching the film.

22 June: TPO and WMC conducted a live radio show in which 22 callers expressed their ideas and concerns regarding the psychological effects of the ECCC.

22 June: Gender Sensitivity and Transitional Justice workshop was held for ECCC officials and staff members.

27 June: OCP met with trial monitors from the Asian International Justice Initiative to answer questions about the ongoing trial relating to procedural and substantive evidence.

July: VSS will hold a regional Civil Party forum in Siem Reap. Civil Parties in Case 002 will meet with the Civil Party Lead Co-Lawyers to discuss their rights and be updated on developments of the ECCC.

5 July: ECCC will hold a public forum in the former Khmer Rouge stronghold town of Anlong Veng. Representatives from OCP, DSS, PAS, and VSS will attend.

13 July: TPO and WMC will conduct a live radio show in which callers can express their ideas and concerns regarding the psychological effects of the ECCC.

24-25 July: TPO and CDP will host a forum theater play in Kampong Thom on the topic of gender based violence under the Khmer Rouge regime. More than 40 villagers are expected to participated.



Villagers from Siem Reap visit the court and attend a study tour.

ECCC Outreach

The Extraordinary Chambers in the Courts of Cambodia now hosts a **weekly radio show, 'Khmer Rouge on Trial'**, airing every Thursday evening from 5:15 – 6:15 pm, on AM 918 KHZ and FM 105.75 MHZ. Each show presents highlights from the week's hearings, and featured guest speakers from the court break down major developments in the proceedings. Listeners are also invited to call in and ask questions or express their opinions.

In addition, the Public Affairs Section hosts **Khmer Rouge Tribunal Study Tours** from Monday to Thursday, bringing groups of 300-500 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 facilitates **school visits** to give briefings, as well as host **community video screenings** across Cambodia.

ECCC OUTREACH CALENDAR						
June – August 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
10	11 Hearing 002	12 Hearing 002:	13 Hearing 002	14 Hearing 002: Radio Show	15	16
17	18 Khmer - Public Holiday	19 Hearing 002:	20 Hearing 002	21 Hearing 002: Radio Show	22 Study Tour	23
24	25 Recess	26 Recess Study Tour	27 Recess Study Tour	28 Recess Study Tour Radio Show	29	30
1	2 Recess	3 Recess Study Tour	4 Recess	5 Recess Public Forum Radio Show	6 School Visit	7
8	9 Recess Study Tour	10 Recess Study Tour	11 Recess Study Tour	12 Recess Lecture Radio Show	13	14
15	16	17	18 Hearing 002	19 Hearing 002: Radio Show	20	21
22	23 Hearing 002	24 Hearing 002	25 Hearing 002	26 Hearing 002: Radio Show	27	28
29	30 Hearing 002	31 Hearing 002	1 Hearing 002	2 Hearing 002: Radio Show	3	4
5	6 Hearing 002	7 Hearing 002	8 Hearing 002	9 Hearing 002: Radio Show	10	11



Australian students and professor from Ivanhoe Grammar school listen to a briefing by Public Affairs.



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

“Everyone can be involved in the process”



✉ National Road 4, Chaom Chau, Porsenchey
PO Box 71
Phnom Penh, Cambodia

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



📞 General Tel: +855 (0)23 219 814
Fax: +855 (0)23 219 841

Press Inquiry Tel: +855 (0)12 488 156
Tel: +855 (0)12 488 023

Court Visit Tel: +855 (0)12 488 029

Victim Support Tel: +(855) 023 214 291

@ e-CCC on the Web
ECCC www.eccc.gov.kh
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The Court Report

Publisher: DIM Sovannarom, *Chief of Public Affairs Section*
Editorial team: Yuko MAEDA, *Public Affairs Officer*;
Gabrielle HUBLER, *Consultant*; Sarah COLLMAN, *Intern*; Kalyan SANN, *Writer*;
Legal Advisor: Lars OLSEN, *Legal Communications Officer*
Photographer: NHET Sok Heng, *TV/Radio Officer*

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