



The Court Report

The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice



Ieng Thirith during a hearing before the Extraordinary Chambers in the Courts of Cambodia

Accused Ieng Thirith dies, TC ends the proceedings against her

On 22 August 2015 Ieng Thirith died at the age of 83. The Extraordinary Chambers in the Courts of Cambodia (ECCC) was informed by her legal guardian that she passed away at approximately 10:30 am in Pailin, Cambodia, near the Thailand border. Thirith was one of the four Khmer Rouge leaders indicted in Case 002.

Ieng Thirith, born on 12 March 1932, was the sister in law of former Khmer Rouge leader, Pol Pot. She served as Minister of Social Action during the Democratic Kampuchea regime, and she was married to Ieng Sary, another co-accused in Case 002 who died in 2013.

On 15 September 2010, Ieng Thirith was indicted in Case 002 on charges of genocide,

crimes against humanity and grave breaches of the Geneva Conventions of 1949. However, following an assessment medical experts, the Trial Chamber (TC) decided on 17 November 2011 that Ieng Thirith was unfit to stand trial as she suffered from progressive dementia (most likely Alzheimer’s disease).

On 27 August 2015, The Trial Chamber of the ECCC finds that the death of the Accused IENG Thirith extinguishes all criminal action against her and ends all civil actions against her at the ECCC. According to the TC, pursuant to Article 7(1) of the Cambodian Code of Criminal Procedure, the death of the Accused extin-

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Accused Ieng Thirith dies, TC ends the proceedings against her



Ieng Thirith during a pre-trial hearing before the Extraordinary Chambers in the Courts of Cambodia on 30 Apr 2010. ECCC Photo

guishes the criminal action against her.⁴² Under Internal Rule 23 bis, the death of the Accused also ends all Civil Party proceedings against her at the ECCC.

On 9 June 2015, the Trial Chamber issued an order resuming the mandatory six-monthly examinations and appointed an expert, a practicing geriatrician, to examine IENG Thirith. By this time, IENG Thirith was too ill to travel to Phnom Penh for the examination. On 16 July 2015, the expert examined IENG Thirith at her residence in Pailin City, Cambodia. The expert observed muscle wasting in IENG Thirith's legs along with other signs that she had been bedridden.³⁰ The expert attempted to engage IENG Thirith in conversation and asked her how she felt. IENG Thirith did not respond although she at times quickly opened and closed her eyes. The expert was unable to perform any of the standard cognitive assessments that he had intended to use, including the Mini Mental State Examination. Accordingly, IENG Thirith scored 0 out of a possible 30 points.

Using the Global Deterioration Scale, IENG Thirith scored a 7, meaning that she was in the most severe stage of dementia. The Expert concluded that IENG Thirith suffered from severe dementia with complete medical certainty.

The expert also reported that there was

no available medical treatment capable of improving IENG Thirith's condition. IENG Thirith remained bedridden and suffered from several internal ailments.³⁸ The expert had no doubt that her physical condition was genuine and concluded that IENG Thirith was in end-of-life care.

According to both a death certificate and a record of IENG Thirith's death, issued respectively by the Chief of Pailin Sangkat and the Deputy Head of Pailin Provincial Referral Hospital, IENG Thirith died at home in Pailin Province, Cambodia on 22 August 2015. The cause of death was cardiac arrest.

The TC found that Ieng Thirith would be incapable of sufficiently understanding the course of the proceedings due to her long-term and short-term memory loss. Without a full understanding of the proceedings, Ieng Thirith would not be able to instruct her defense lawyers and effectively participate in her own defense. However, the Supreme Court Chamber found that not all possible measures to improve Ieng Thirith's condition had been explored, and consequently the Chamber order additional medical treatment of Ieng Thirith to be followed with a subsequent medical re-assessment of her fitness to stand trial.

Following a re-assessment by medical ex-

perts in August 2012 where medical experts concluded that no further available medical treatment was likely to improve Ieng Thirith's fitness to stand trial, the TC found that Ieng Thirith remained unfit to stand trial. The charges against Ieng Thirith were stayed indefinitely, and was released from provisional detention on 16 September 2012. The Supreme Court Chamber subsequently imposed a regime of judicial supervision, which included a prohibition to leave Cambodia without prior approval, biannual medical checks and monthly reports from her legal guardian that she was in compliance with the terms of the judicial supervision.

Ieng Thirith graduated from the Lycée Sisowath in Phnom Penh and then went to study in Paris, where she majored in Shakespeare studies at the Sorbonne. She became the first Cambodian to receive a degree in English Literature. Returning to Cambodia in 1957, she worked as a professor before founding a private English school in 1960. On 9 October 1975, at a meeting of the CPK Standing Committee, Ieng Thirith was allegedly appointed Minister of Social Affairs in Democratic Kampuchea. She allegedly remained with the Khmer Rouge until her husband Ieng Sary was granted a Royal amnesty and pardon in 1996. Thereafter, they lived together in Phnom Penh until being placed in pre-trial detention by the ECCC in November 2007.

Appointment of new International Co-Investigating Judge and Reserve



International Co-Investigating Judge Michael Bohlander swore into office on 24 July 2015. ECCC Photo

Following the nomination by the United Nations Secretary-General Ban Ki-moon, and the approval by the Supreme Council of the Magistracy, His Majesty the King Norodom Sihamoni has appointed Judge Michael Bohlander (Germany) as new International Co-Investigating Judge in the Extraordinary Chambers in the Courts of Cambodia (ECCC). He replaces Judge Mark Brian Harmon (USA).

Judge Bohlander was most recently the Reserve International Co-Investigating Judge. Until this new appointment, Judge Bohlander was Chair in Comparative and International Criminal Law at Durham Law School, where he has been a professor since 2004. From 1991 to 2004, Judge Bohlander served as trial and appellate judge in criminal and civil matters in the courts of the East German Free

State of Thuringia, in the transitional stage after German unification in 1990. From 1999 until 2001 he served as a Senior Legal Officer of a Trial Chamber of the International Criminal Tribunal for the former Yugoslavia. Judge Bohlander holds a doctorate of law from Saarland University, where he also obtained his law degree.

Judge Maureen Harding Clark (Ireland) has been appointed as new Reserve International Co-Investigating Judge. Judge Clark previously served as a judge with the International Criminal Court and as a judge ad litem with the International Criminal Tribunal for the former Yugoslavia. Judge Clark served on the High Court in Dublin until 2014 and now serves as Assessor on the Symphysiotomy Redress Scheme in Ireland.

EU Pledges 8.9 million Euro to the ECCC Budget

The European Union (EU) has made a new pledge of EUR 8.9 million to the Extraordinary Chambers in the Courts of Cambodia (ECCC) for 2015 and 2016. In 2015, the EU will contribute EUR 2 million to the national component and EUR 3.5 million to the international component of the ECCC.

The breakdown of remaining EUR 3.4 million will be decided in 2016. The EU is one of the largest donors to the ECCC, having so far contributed a total of EUR 16.2 million since the Court's inception in 2006.

"On behalf of the ECCC, we would like to express our sincere appreciation for the generous support offered by the European Union. This new pledge will assist the judicial work of bringing to trial senior leaders of Democratic Kampuchea and those alleged to be most responsible for serious crimes committed during the Khmer Rouge era," said Acting Director of Administration Tony Kranh and Deputy Director of Administration Knut Rosandhaug in a joint statement.

Judge Baik Kang Jin swore in to office of Pre Trial Chamber

The Pre-Trial Chamber of the Extraordinary Courts held an oath ceremony on 24 July 2015. A Korean Pre-Trial Chamber Judge Baik Kang Jin, took an oath to perform his duties honourably, faithfully, impartially, and conscientiously.

Following the nomination by the United Nations Secretary-General Ban Ki-moon, and the approval by the Supreme Council of the Magistracy, His Majesty the King Norodom Sihamoni has appointed Judge BAIK Kang Jin (Republic of Korea) as new International Judge in the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC). He replaces judge Rowan Downing (Australia) who resigned earlier this year.

Judge BAIK most recently served as a judge at the Seoul High Court. From 2013 he has served as a special commissioner of the

Presidential Council on Intellectual Property, and as a non-standing commissioner of Korean Government Personal Information Protection Commission since 2013. Judge BAIK was first appointed as a judge in 1994, and he has presided over a number of criminal cases in three different District Courts in his home country. Judge BAIK graduated from Seoul National University, College of Law in 1992. He obtained an LL.M. from George Washington University Law School in 2004 and completed a SJD program with Seoul National University Law School in 2010.



International Judge of the Pre-Trial Chamber BAIK Kang Jin

Supreme Court Chamber

In July, the Supreme Court Chamber held the first appeal hearing in case 002/01, which took place on 2, 3 and 6 July in the main courtroom of the ECCC. In granting, in part, Nuon Chea's request to call a number of witnesses who, according to Nuon Chea, are key to an accurate and comprehensive determination of the appeal, the Supreme Court Chamber summoned three witnesses, based on its powers under Internal Rules 104(1) and 108(7). Under the former provision, the Supreme Court Chamber may call additional evidence on appeal where the interests of justice so require; under the latter provision, an appellant may move the Chamber to hear additional evidence that was unavailable at trial, could have been a decisive factor for the decision that is under appeal, and pertains to a specific finding of fact of the Trial Chamber.

Specifically, the Supreme Court Chamber heard the testimony of Sao Van, who had not been called to testify at trial, nor mentioned in the Trial Judgement, despite the potentially exculpatory value of his statement given to the investigators and put before the Trial Chamber. It further called Sãm Sithy, who likewise had not appeared before the Trial Chamber, notwithstanding the ostensible importance of his testimony coinciding with technical issues affecting the reliability of the recording of his interview with the investigators. Finally, the Supreme Court Chamber summoned Toat Thoeun, a witness whose existence has been only recently disclosed to the Defence by the International Co-Investigating Judge. The decision to call this witness rested on his alleged close personal and working relationship with the Northwest Zone Secretary Ruos Nhim and involvement in significant events occurring in the Northwest Zone.

In addition, in a decision of 1 July, the Supreme Court Chamber denied the request of the Civil Party Lead Co-Lawyers to condone their deficient filing of their objections to the other parties' document lists pursuant to Internal Rule 39(4)(b) due to the fact that, inter alia, the Civil Party Lead Co-Lawyers had failed to provide compelling reasons to justify the filing of their objections in one language only. Also on 1 July, the Supreme Court Chamber issued a summary decision, with reasons to follow, on the parties' objections to the lists of documents that could be used during the questioning of the witnesses. The Supreme Court Chamber denied the use of the following categories of documents: (i) documents not included before the deadline set by the Supreme Court Chamber in a party's list of documents; (ii) documents non-compliant with the Chamber's previous



Supreme Court Chamber conducted 3 days hearing on the appeal against Trial Judgment on 2, 3 and 6 July 2015. Photo Credit: ECCC

instructions; (iii) documents which are not part of the evidentiary record of Case 002/01 nor the subject of a pending request for additional evidence; and, (iv) documents that are likely statements obtained through the use of torture.

Consideration of requests for additional evidence, as well as the Defence's and Co-Prosecutors' respective appeals, continues.

Trial Chamber

Having sat for six months of judicial hearings from January to June 2015, the Trial Chamber adjourned for judicial recess in July. After reconvening in late July, the Trial Chamber sat for 4 hearings days, during which it heard the testimony of 3 witnesses and 1 Civil Party.

On 17 July, the Trial Chamber issued its decision on the International Co-Prosecutor's Request to Admit Statements Pursuant to Rules 87(3) and 87(4). The relevant statements were written records of Cases 003 and 004 interviews. These were conducted between 28 August 2011 and 17 March 2015 and were ac-

cordingly not available before the opening of the case. The Trial Chamber found that as the statements were taken by investigators from the Office of the Co-Investigating Judges, they met the prima facie standards of reliability and authenticity. The Trial Chamber further found that the statements were relevant to various topics within the scope of Case 002/02 and therefore granted the request to admit the statements as evidence in Case 002/02.

On 27 July, after the International Co-Prosecutor filed a notification disclosing documents relevant to the topic of the Trapeang Thma Dam worksite, the Trial Chamber issued an oral ruling deciding that it would proceed as scheduled to hear the Civil Party and witness who had already been brought to Phnom Penh to testify on this topic. The Trial Chamber noted that it would next hear two witnesses from previous topics who had been unavailable to testify when scheduled earlier in the year, before adjourning for one week to allow the Parties an adequate opportunity to review the disclosed materials before continuing further with Trapeang Thma Dam witnesses.

On 29 July, noting that there had been several instances during the Case 002/02 proceedings



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where the distance between the witness stand and the Judges' bench had been used during testimony as an estimated measurement of length, the Trial Chamber placed a map of the courtroom on the Case File on its own motion. The Trial Chamber recalled the estimation of Court Management Services that this distance is approximately nine metres.

On 30 July, after noting that a petition signed by numerous Civil Parties requesting monetary compensation in Case 002 had been filed and appears on the Case File, the Trial Chamber recalled that the ECCC has no jurisdiction to order the payment of reparations measures and may only impose collective and moral reparations. The Trial Chamber reiterated that the Civil Parties participate at the trial stage of proceedings as a single, consolidated group represented by the Lead Co-Lawyers and that individual Civil Parties and their lawyers do not retain the right to make submissions before the Trial Chamber.

Pre-Trial Chamber

As of 24 July 2015, with the Pre-Trial Chamber's Judge Kang Jin BAIK undertaking his Oath

in Office, the Bench became fully staffed with sitting Judges. Judge Baik (South Korea) was appointed as new International Judge in the Pre-Trial Chamber to replace Judge Rowan DOWNING (Australia) on 22 June 2015. The reserve Judge Steven J. BWANA continues to sit on some of the pending cases he has been assigned, as announced by the President of the Pre-Trial Chamber on 23 January 2015.

During the reporting period, the Pre-Trial Chamber remained seized of a total of seven appeals and motions relating to the investigations in Cases 003 and 004, out of which, as of 30 July 2015: one was completely considered and ready for notification of judgment; three entered the ready for deliberations stage; and the rest were yet to reach the fully briefed stage.

More particularly, during the month of July, the Pre-Trial Chamber completed deliberations, with Judge BWANA participating remotely via video-link, on a motion filed by MEAS Muth on 10 March 2015 requesting the reclassification as "public" of all his submissions before the Chamber. The Chamber's de-

cision, which was reached at the end of July, was notified to the parties in early August 2015.

The Pre-Trial Chamber also started, as soon as they reached the fully-briefed stage, to deliberate on three of the pending cases, as follows: i) On 13 July 2015, deliberations started on an appeal against the International Co-Investigating Judge's Decision on a Motion filed in Case 004 relating to validity of actions (PTC20/004); ii) On 20 July 2015, deliberations started on an Urgent Request filed MEAS Muth for stay of execution of an action of the International Co-Investigating Judge (PTC23/003); iii) On 31 July 2015, deliberations started on an appeal against a Decision of the International Co-Investigating Judge relating to proceedings in Case 004 (PTC19/004).

The Pre-Trial Chamber started its preparations for the upcoming deliberations on the three other cases that have yet to reach the fully briefed stage.

Office of the Co-Investigating Judges

During the month of July, the international side of the Office of the Co-Investigating Judges ("OCIJ") continued the investigations of Case Files 003 and 004. One field mission took place in Case File 003, in the course of which three transcripts of interviews were taken and one investigative action report was drafted. Four witnesses were interviewed on ECCC premises. In Case File 004, five field missions took place, resulting in 18 interviews and five investigative action reports being drafted. 11 witnesses were interviewed at the ECCC premises.

During the month of July, the OCIJ Analytical Unit reviewed Khmer Rouge documents, photographs and witness interviews at external archives. Our review continued of over 2,000 prisoners logs held at Khmer Rouge Security Centers. Additionally, the Analytical Unit assisted and participated in all field missions and in-house interviews conducted during the month of July.

OCIJ received more supplementary information from the Victim Support Section and the Civil Party Lawyers. The supplementary information and civil party applications in Cases 003 and 004, which presently total in excess of 2,342, are progressively being placed on the case files. Their evidentiary value is subjected to a thorough scrutiny by analysts, investigators and legal officers, to assess their admissibility and relevance to both case files.

Office of the Co-Prosecutors

Case 002/01

In early July the Co-Prosecutors partici-

pated in the Supreme Court Appeal hearings where three witnesses requested by the Defence were called to testify. In addition, the Co-Prosecutors filed their response to Nuon Chea's fifth request to consider and obtain additional evidence in connection with the appeal against the trial judgment in case 002/01 as well as filing a reply to Nuon Chea's response to the Supreme Court's request to address the necessity of additional investigations into footage in the possession of filmmakers Rob Lemkin and Thet Sambath.

Case 002/02

Preparations continued for future trial segments which recommenced on 27 July 2015 when the Trial Chamber heard witnesses relating to alleged crimes at the Trapeang Thma Dam. The International Co-Prosecutor also made two requests to the Chamber to place relevant documents from Case 004 onto Case File 002.

Cases 003 and 004

Analysis of the evidence as it was placed on the case files continued. The Co-Prosecutors ongoing review of the evidence in both cases to determine whether it should be disclosed in Cases 002/001 or 002/002 in accordance with the Co-Prosecutors obligations also continued. In case 003, the International Co-Prosecutor responded to three separate appeals by Meas Muth - two in relation to decisions by the International Co-Investigating Judge to charge Meas Muth in absentia and notify him of charges and the other in relation to his request to seize the Pre-Trial Chamber with two requests for the annulment of investigative actions. In case 004, the International Co-Prosecutor made five requests to the Co-Investigating Judges to authorize the Co-Prosecutor to disclose documents from Case 004 into Case 002.

Outreach

On 3, 6, 17, 27 and 29 July the Co-Prosecutors and their representatives met with national and international student groups, interns and non-government organization representatives from the Panasastra University, Stanford University, Cambodia Centre for Human Rights, Siem Reap and Myanmar to discuss the work and progress of the court.

Defence Support Section

From July to August 2015, the Nuon Chea and Khieu Samphân Defence Teams participated in the daily hearings of Case 002/02 and submitted various motions regarding both their appeals against the Case 002/01 judgement and the ongoing Case 002/02 trial.



In July 2015, the Defence submitted several filings. First, the Nuon Chea Defence team responded to the Supreme Court Chamber (SCC)'s questions regarding the investigation into a film footage possessed by Rob Lemkin and Thet Sambath, submitting that Lemkin's notes should be admitted into evidence and that both film-makers should be called to testify in the appeal of the trial judgement in Case 002/01. Shortly after, the Khieu Samphân Defence team filed its submissions on the matter, concurring with Nuon Chea's submissions. Second, the Nuon Chea Defence team replied to the Prosecution's response to the team's aforementioned submissions, requesting that the SCC dismiss the Prosecution's arguments and grant the relief sought in the team's submissions. Third, the Nuon Chea team filed a response to the Trial Chamber (TC)'s question as to how Lemkin's testimony can prove the facts it purports to prove. In addition, the Nuon Chea team also filed a response to the TC identifying the relevant portions of a compilation of 21 biographies which Nuon Chea requested to be admitted into evidence in Case 002/02. These biographies were produced by the German Democratic Republic Ministry of State Security. Finally, the Defence teams jointly requested that the TC order the Victims Support

Section not to give witnesses and experts copies of their previous statements (e.g. Written Record of Interview) prior to their testimony. The teams also asked that the TC request the Parties to refrain from asking leading questions, and from reading parts of previous statements to the witnesses for the purpose of confirming the content of the excerpt.

In Case 003, the Defence requested the Pre-Trial Chamber to allow it to file three submissions in English with the Khmer translations to follow, because the Interpretation and Translation Unit was unable to provide translations by the filing deadlines. The Defence also filed one reply to the Co-Investigating Judges and one Reply to the Pre-Trial Chamber. These Replies have been classified as confidential. The Defence also prepared a number of submissions to protect Mr. MEAS Muth's rights and interests that have not yet been filed. The Defence continues to review material on the Case File and to prepare filings as necessary and reasonable to protect Mr. MEAS Muth's rights and interests.

In Case 004, the Defence team for Ao An continues to review the evidence in the Case File to work on submissions to further prepare its client's defence and safeguard Ao An's fair trial rights. Further, the team continues to par-



ticipate in Case 004's investigation through an investigative request and filed an application to the Pre-Trial Chamber with a view to annulment of the investigation.

Similarly, the Defence team for Im Chaem continues to assess evidence in the Case File and submit confidential arguments to protect its client's fair trial and procedural rights.

Finally, the Defence team for a Named Suspect in Case 004 continues to closely follow the trial proceedings in Case 002/02. The team maintains that the use of Case 004 documents in the Case 002/02 trial proceedings violates its client's rights. The team continues to research relevant substantive legal issues and otherwise seek to protect its client's fundamental fair trial rights using publicly available sources.

Civil Party Lead Co-Lawyers Section

Key Legal Developments

The Civil Party Lead Co-Lawyers and Civil Party Lawyers participated in the Supreme Court Chamber appeal hearings in which three additional witnesses were heard with respect to the appeals lodged in case 002/01.

On 27 July, trial proceedings relating to Trapeang Thma Dam began. The Civil Party

Lead Co-Lawyer section and Civil Party Lawyers participated in the examinations of Civil Party Sen Sophon and one witness about their experiences at this worksite.

Outreach and training

On 2 July 2015, the Lead Co-Lawyer Section attended a book launch hosted by the Transcultural Psychosocial Organization. The book, *My Testimony – Life Stories of Survivors of the Khmer Rouge Regime*, is a judicially recognized reparation project for case 002/01 and records the testimonial therapies of several civil parties.

On Friday, 17 July 2015, the Lead Co-Lawyer Section participated in the civil party forum in Kratie. Ninety-five civil parties attended the forum and were briefed with respect to trial and appellate proceedings, as well as to the implementation of reparation projects for case 002/01 and the reparation projects in development for case 002/02.

On 18 and 19 July 2015, the International Lead Co-Lawyer spoke at a judicial workshop for judges in Thailand's deep South. The training, "The Protection of Victims in Criminal Cases," was conducted by the International Commission of Jurists and focused on procedural measures that may protect victims in Thailand and incorporated international law

and standards.

Victims Support Section

Legal representation

As the evidentiary hearings of Case 002/02 still continued, the ECCC-funded Civil Party Lawyer team fully participated in all hearings and reviewed case files of witnesses and civil parties needed to be examined. More importantly, they participated in the appeal hearing on Case 002/01 heard by Supreme Court Chamber.

The lawyer team also participated in the meeting with Lead Co-Lawyer Section to discuss about the Case 002/02 hearing relating to Trapeang Thma Dam Worksite preparation.

Processing and analysis

As the remaining supplementary information in Cases 003 & 004 has not been completely collected yet, the Processing and Analysis Team (PAT) continued to collect it through phone calls made to applicants having been suffered from alleged crimes under the investigation scope of Cases 03 and 04. During the month, the team filed 60 pieces of supplementary information in Cases 003 & 004 to the OCIJ. So far, the total pieces of 284 of supplementary information have been filed in both cases. As of 31 July, there were totally 1962 applicants for both cases 003&004.

Reparations and non-judicial measures

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

The team's members had many meetings with Lead Co-Lawyer Section to discuss about case 002/02 reparation requests so as to identify potential reparations and arrange schedule to meet with NGO partners in order to: 1) update funding progress, 2) follow up unanswered questions from the past meetings, 3) discuss about concept note/proposal, and 4) others.

From 27th to 30th of the month, the team's members and Lead Co-Lawyer Section met with TPO, KDK, YFP and PIC respectively to: 1) update funding progress, 2) follow up unanswered questions from the past meetings, 3) discuss about concept note/proposal, and 4) others regarding their case 002/02 reparation requests.

Staff member of Victims Support Section was invited by Cambodia National Council for Women of Royal Government of Cambodia to participate in the consultation meeting on report writing in response to the Concluding Observation No. 15&21 of the CEDAW Com-

mittee. After the meeting, VSS submitted a report relating to the provision of effective redress to victims of sexual and gender-based violence during the Khmer Rouge regimes to the Council for Women.

On 15 July, the VSS team met with the delegation from Swiss Embassy based in Bangkok, Thailand to have a discussion on the reparations in the ECCC scheme. We talked over the work of the VSS and the potential financial support to be given to reparations projects deemed to be important for Cambodian society.

Outreach

During the month, Outreach Team invited 39 civil parties from Modulkiri, Preah Vihear, Kandal, Phnom Penh, Kampong Speu, Pursat, Kampong Cham, Ratanakiri, Batambang, Takeo and Banteay Meanchey to attend hearings of Case 002/02 at the ECC. At lunch break of each hearing day, they were also arranged to meet with their lawyers to be briefed on what already happened and what would be discussed in the court. After the hearing ended in each day, Judgment Books of Case 002/01, radios and VSS newsletters were distributed to those CPs.

As usual, 10 CPs were arranged to sit in the Courtroom along with their lawyers and the rests were in the public gallery.

On 12 July, the VSS in cooperation with Tuol Sleng Genocide Museum organized a visit of the German-Asean Friendship Group to Tuol Sleng. Three Civil Parties were invited to speak about their experiences during the KR, and their participation in the ECCC's proceedings.

On July 17, VSS organized a Civil Party Forum for Case 002 in Kratie province under the financial support of German Federal Ministry for Economic Cooperation and Development



(BMZ). One hundred twenty seven participants including Civil Parties, complainants and focal persons from four provinces in northern part of Cambodia participated in the forum. The purpose of the forum was to (i) to inform the civil parties about the development of ECCC's proceeding of Case 002/02, (ii) to provide an opportunity for civil parties and their lawyers to discuss issues relating to the court proceeding of case 002 and proposed reparation requests; and (iii) to update the civil parties on the implementation of reparation and non-judicial measure projects.

On 25 July, VSS Chief was invited to be a guest speaker at the workshop on "Meaningful

Victims' Participation at ECCC" co-organized by the Cambodian University of Specialties (CUS) and Cambodian Human Rights Action Committee (CHRAC). Approximately 100 participants including lecturers and students of the university participated in the workshop which took place in Phnom Penh.

The purpose of the workshop was (1) to increase the students' understanding on meaningful victims' participation in the ECCC; and (2) to raise awareness of the legal aspects of victims' participation and reparations at the ECCC and on how to become civil party.

Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website:

Supreme Court Chamber

Decision on Civil Party Lead Co-Lawyers' Request Pursuant to Internal Rule 39(4)(b), F26/10/1, 1 July 2015

Decision on Objections to Document Lists - Summary, F26/11, 1 July 2015

Trial Chamber

17 July 2015: Trial Chamber Memorandum entitled "Decision on International Co-Prosecutor's Request to Admit Statements Pursuant to Rules 87(3) and 87(4)" <E319/22/1>

29 July 2015: Trial Chamber Memorandum entitled "The Trial Chamber places a map of the courtroom on the Case File on its own motion" <E354>



TC heard evidence on Trapeang Thma Dam

The Trial Chamber had resumed hearing on evidence in Case 002/02 on 27 July 2015. The Trial shifted its focus to Trapeang Thma Dam in the Northwest Zone - the third and final worksite in Case 002/02. 11 CPs and Witnesses were called to testify on this facts.



Mr SEN Sophon , testified on 27, 28 July 2015

Civil party Mr. SEN Sophon, 55, described how his family was forcibly evacuated from Phnom Pehn to Battambang Province. He told the chamber that in 1967 he was part of rice farming group, but in 1977 he was sent to work in Trapeang Thma Dam Worksite. He described the working and living conditions at the worksite. All the workers had minimum work quota of 3 cubic meters per day. He added that the workers did not have resting time or holidays. He explained that the food and water ratio was scarce. The witness testified that he did not know about deaths and tortures, but he noticed the disappearance of people from his group on daily basis. Mr. Sophon described that Yey Chaem, who arrested Ta Val, the former head Trapeang Thma dam, was even crueler than his predecessor. Sen Sophan told the chamber that the events and experience suffered during Democratic Kampuchea are always in his mind and he cannot forget them.



Mr. MAM Soeurm, testified on 28,29 July 2015

MAM Soeurm, 59, was born in Phnom Penh Province. He gave testimony about his experience while working at the Trapeang Thma Dam Worksite in 1977. He worked there as a member of a mobile unit in sector 5. During this time, he stated that workers were under constant surveillance. He said that he was told of arrests that took place within his unit, apparently without any reason. The witness also gave testimony about the working conditions at the dam, as well as the daily quotas of soil that workers were supposed to reach and the visits of foreign delegations of observers

to the worksite. Moreover, he told the Tribunal about food rations and hygienic conditions at the Worksite, which were insufficient. Additionally, he stressed the fact of lack of medical treatment at the dam. Finally, he spoke about a special working unit, where workers that didn't reach the daily quota were reassigned to. In this unit, the witness explained that the working conditions were even harder than in the regular ones.



Mrs. Khin Vat , testified on 29, 30 July 2015

Madame Khin Vat, 65, testified that she started working at the Kampong Chhnang Airport Worksite after her husband disappeared for perceived links to Vietnam. The witness stated that she was formally a member of military unit 502, and she was in charge of the women's unit, which involved taking care of children, and doing farming. She described during her testimony that even the sick had to work, and she estimated that 5-10 people were sick every day in her unit. She also testified that around 5 workers died from illness- fatigue, and malaria. She described the visit of Chinese guests at the worksite. She also heard that senior leaders visited the worksite. Other people at the worksite told her that specifically Khie Samphan better known as the second Uncle visited the airport. The witness told that she fled the Kampong Chhnang worksite in 1979, and she believes that she went to the worksite in mid-1978.



Mr. OM Chy, testified on 30 July 2015

Mr. Om Chy, 62 or 63, told he was the head of a 500-person mobile unit at the 1st January Dam Worksite. He described the hard work conditions at the worksite and stated that no one was working voluntarily. According to Om Chy, if someone was inactive or lazy, he/she would have been reeducated. He also stated that anyone oppos-

ing rules was seen as enemy. Om chy stated that he heard people were arrested and took to security center bagota. He told anyone who was arrested never appeared again. The witness stated that in 1977 there was a plan to purge people, but he was not at the village at the time. The witness told he was relocated to work in other commune 20 km away from the previous village. He explained that when he came back his neighbor had disappeared. He also heard that 5 families had been purged. Mr. Chy also described that marriages were arranged according to the workers' biographies.



Mr. KAN Thorl, testified on 10,11 August 2015

Mr. KAN Thorl, 57, was a deputy platoon chief at the Trapeang Thma Dam Worksite. He started to work at the dam on February 1977. Prior to that he was part of a mobile unit and was considered as a base person. In his testimony, the witness stated that at the beginning he had 100 people under his responsibility, but this number was reduced up to 70 due to a series of relocations or people that felt sick and were taken to the hospital. KAN stated that the workforce at the dam was composed of 15,000 workers, most of them from sector 15. The witness talked about the living and working conditions at the dam, as well as the reduction of food rations when workers didn't achieved their daily quotas for removing soil. He also told the Tribunal about the lack of medical treatment for those who fell sick. He also said that he was afraid of being taken away and killed, as he heard from other people at the worksite. According to him, those Vietnamese identified as such during the liberation of PP were taken away and executed.sick. People got ill frequently, and there were many accidents from collapsed rocks falling on workers. They used traditional massage and coining to help. She described armed militias and guards who watched over the workers. None of her family members were killed during the regime, but she was forced to get married, as arranged by Angkar, to a man she knew but did not want to marry.

Visit of Rotary Peace Center at the ECCC

On 17th of August, 25 professionals with peacebuilding and conflict resolution background visited the ECCC as part of their professional development program organized by the Rotary Peace Center at Chulalongkorn University in Bangkok. This multi-cultural group attended to the first morning session of the hearing in the second trial against Nuon Chea and Khieu Samphan, followed by a briefing by Public Affairs Section. Moreover, the group had the opportunity to meet representatives from the Victims Support Section (VSS)

The Rotary Peace Center group put many interesting questions on the table especially concerning the post-conflict transformation of the society, which is currently the topic of their module. The ECCC representatives responded and explained the main objectives of the court. First, they stressed the importance of the investigation and evidence collection, as it serves for the purpose of writing down the history of Cambodia, and raising awareness of the recent past among younger generations. Second, they highlighted that the ECCC has an important role in educating Cambodians on fair trial procedures, which will hopefully influence positively on the domestic judicial system and the rule of law in Cambodia. Last but not least, they explained the visitors that the most important aspect of the ECCC is to conduct criminal proceedings to determine if those alleged to be senior leaders or most responsible bear individual criminal responsibility for some of the most serious crimes committed during Democratic Kampuchea.



Rotary Peace Center received the briefing from the official of the ECCC.

The visitors were especially interested in the reconciliation aspect of the court. In this sense, they were curious about how legal language is transmitted to the population, as they considered it as an important aspect of the national reconciliation. Both ECCC representatives Mr. Rong Chhorng, and Mr. Rajeev explained to the group that one of the main priorities of the Court is to educate the population on fair trial procedures. Though, they did not see a conflict between the rule of law and reconciliation.

After the briefing and Q&A session, the Rotary Peace Center showed their gratitude with a formal thank you by the representative of the program. The visit ended with a group picture.



ECCC outreach

The Public Affairs Section of the ECCC hosts Khmer Rouge Tribunal Study Tours, bringing groups of 200-300 villagers from areas throughout Cambodia twice a week to the ECCC, the Tuol Sleng Genocide Museum and the Choeung Ek killing fields for a guided tour and briefings. During the trial recesses, the Public Affairs Section also conducts school visits to give briefings, as well as hosting community video screenings across Cambodia. It also welcomes international group visitors and provides briefings and court tours.

July 2015						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2 Hearing 300 people, From Takeo, Prey Veng Province	3 Hearing 400 people, From Takeo Province	4
5	6 Hearing 400 people, From Takeo Province	7 Study Tour 200 people, From Takeo Province	8	9 Study Tour 300 students From Kampot Province	10	11
12	13	14 Study Tour 200 people, From Takeo Province	15	16 Study Tour 250 people from Takeo province	17	18
19	20	21 Study Tour 200 people, From Kampong Thom Province	22	23 Study Tour 200 people, From Kampong Thom Province	24	25
26	27 Hearing 400 people, From Takeo Province	28 Hearing 400 people, From Kg Cham Phnom Penh	29 400 people, From Kg Cham Phnom Penh	30 400 people, From Kg Cham Phnom Penh		

August 2015						
SUN	MON	TUE	WED	THU	FRI	SAT
2	3	4	5	6	7	8
9	10 Hearing 250 people, From Takeo Province	11 Hearing 250 people, From Takeo Province	12 Hearing 250 people, From Takeo Province	13 Hearing 250 people, From Takeo Province	14	15
16	17 Hearing 250 people, From Takeo Province	18 Hearing 250 people, From Takeo Province	19 Hearing 250 people, From Takeo Province	20 Hearing 250 people, From Takeo Province	21	22
23	24 Hearing 300 people, From Pursat Province	25 Hearing 300 people, From Pursat Province	26 Hearing 450 people, From Pursat Province and PP	27 Hearing 300 people, From Pursat Province	28	29
30	31					

Outreach activities



KRT Watch Radio Call-in Show by CHRAC on radio FM102. The theme was “Update on the appeal in Case 002/1 at ECCC” and Mr. Neth Pheaktra, ECCC Press Officer and Mr. Mr. Tay Lina, Lead National KRT Monitor, were guest speakers. As an outcome of this show, the public heard voices/perspectives of the defence team and reactions from other victims and/or callers regarding this topic. This radio talks show was rebroadcasted on 21 July 2015.

17 July 2015: CHRAC jointly organized a workshop on “Implementation of ECCC Best Legacies, Focusing on Fair Trial Rights” with BBU at Battambang Province. CHRAC distributed its book on “Additional Understanding of ECCC Proceedings” to all participants.

21 July 2015: 150 copies of civil party story books were distributed by CHRAC to civil parties during the forum organized by VSS in Kratie Province

21 July 2015: Meeting of Sub-Committee on KRT organized by CHRAC. Participants shared and updated news about ECCC and planned forwards.

25 July 2015: Jointly organize a workshop on “Meaningful Victims’ Participation and Reparation at ECCC ” with CUS. CHRAC distributed its book on “Additional Understanding of ECCC Proceedings” to all participants. Around 100 students, mostly law students, increased their knowledge about meaningful victims’ participation and reparations at the ECCC. The two guest speakers were Mr. Hang Vannak, Chief of Victim Support Section (VSS) and Mr. Hong Kimsuon, Civil Party Lawyer

31 July 2015: Training on “Fair Trial Rights practicing in ECCC. Introduction into the topic of fair trial rights for NGO staff working directly with victims and youth at the community. CHRAC members and other partners working on the field of ECCC participated in this event.



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

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