



The Court Report

MARCH 2012

The Extraordinary Chambers in the Courts of Cambodia

Moving Forward Through Justice

ECCC Screens Duch Apology



Villagers in Kampong Thom watch the Duch apology video.

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The Extraordinary Chambers in the Courts of Cambodia has begun screening a video of apologies made in court by Kaing Guek Eav alias Duch, former chief of S-21 prison. He was convicted of crimes against humanity and grave breaches of the Geneva Conventions of 1949 by the appeal judgement pronounced on 3 February 2012.

Going beyond the Supreme Court Chamber's original reparations award – an order to compile the text of all apologies and acknowledgements of responsibility made by Duch over the course of the Case 001 trial and appeal proceedings — the ECCC Public Affairs Section assembled these statements into a 99-minute long video recording.

A 20-30-minute excerpt from this video includes general statements of apology as well as specific ones Duch made to victims' families and the S-21 survivors Bou Meng and Chum Mey. This excerpt was first screened on 22 February in Kampong Thom province, the birthplace of both Duch and Pol Pot. Nearly 1,000 villagers attended this first screening, and many said they were happy to hear a Khmer Rouge leader apologize for the first time.

After the Kampong Thom screening, the apology was also shown in Banteay Meanchey and Kampong Cham provinces. It will become a regular part of the community video screenings conducted across Cambodia by the ECCC in partnership with Bophana Audiovisual Resource Center.

The text of the apology will also be made available to the general public. In cooperation with the ECCC, several national media outlets agreed to publish the compilation in full or in summary, free of charge, as a service to their readers and viewers. Newspapers Deum Ampil and Kampuchea Thmey and the news websites Cambodian Express News and Dap News published the compilation in full; Rasmei Kampuchea, Koh Santepheap and the Khmer edition of the Phnom Penh Post published a summary of the compilation; and Apsara TV, Bayon TV and Hang Meas TV broadcast the video.

The Victims Support Section is producing a stand-alone version of the apology text, which will be disseminated in the coming weeks. A summary of the judgement, released by the Supreme Court Chamber in February, will be distributed to 1,623 communes in Cambodia.

Germany Donates €1.2 Million to Victim Participation

In the midst of financial difficulty, in particular for the national side, the Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia has received strong backing from the German government to continue its work providing better assistance to victims.

The Federal Republic of Germany signed a letter of agreement on 8 February to donate a

further €1.2 million to the section. The money is earmarked for the next two years to fund projects that support victims in three areas: legal representation, effective victim participation and information dissemination.

During the signing ceremony held at the ECCC, Mr. Horst Triller, Chargé d'Affaires of the German embassy, reiterated his strong support for the work of the court, while ECCC Acting Director Tony Kranh expressed his gratitude for Germany's generosity.

This financial assistance is Germany's fourth direct donation to the section since VSS was established in 2008. Germany has so far provided around €10 million to both national and international components of the ECCC since its inception in 2006, €1.9 million of which went directly to the VSS.



Mr. Horst Triller (L) and H.E. Tony Kranh (R) at the signing ceremony.

German MPs Visit ECCC

A group of German parliamentarians visited the Extraordinary Chambers in the Courts of Cambodia on 1 February as part of a trip assessing German development cooperation projects in the kingdom. Headed by Mr. Michael Luther, chairman of the German parliament's audit committee, members of the budget committee and the subcommittee on accounting control met with court officials and observed the Case 002 trial proceedings.

The group met with International Co-Prosecutor Andrew Cayley and then with a German investigator to discuss the challenges of investigating crimes that took place more than 30 years ago. They then met with the Victims Support Section to assess the work supported by the German government. Germany has financially supported victim participation in the proceedings for years, in addition to assisting the court as a whole.

"It was very informative," said Mr. Luther. "It was good to know how the German assistance is helping the work of the court."

The delegation was accompanied by a coordinator of the German Civil Peace Service and its advisors working on the ECCC.

International Visitors Tour the Court

In February, the ECCC welcomed 157 international visitors as part of its ongoing outreach efforts, intended to educate the wider public about the history of the Khmer Rouge period, the work of the court and the progress of its cases. Among this number were 87 students, ranging from high school juniors and seniors to those studying for advanced university degrees, 27 visitors brought through the efforts of local NGOs and 15 foreign official members of government delegations.

Visitors received briefings from staff, tours of the court, and, prior to the court's recess in mid-February, the chance to sit in on the hearings in Case 002.

February's tour groups included representatives of local NGOs and agencies in Phnom Penh as well as visitors from all over the world: Australia, Germany, India (Kashmir), Japan, the Philippines, South Korea, Sweden, the United States and the United Kingdom.

One visiting school group, from Brookline High School in Massachusetts, U.S., incorporated a visit to the ECCC as part of a study and service tour to Cambodia after they fundraised to help construct a school in Preah Vihear Province. Other visitors, such as those brought by the Phnom Penh-based Centre for Peace and Security Studies, came to the court as part of comprehensive study tours focusing on national reconciliation efforts in post-war societies. Groups such as these emphasize the usefulness of studying the Khmer Rouge trials as an example of international justice and cooperation in a country burdened by a legacy of atrocities.

Government representatives from the United States, the United Kingdom and Germany also came to the ECCC and met with court officers in order to gain deeper insight into the work of the various divisions and the progress of the tribunal's cases.

ECCC Welcomes UK Diplomats

On 29 February, a group of diplomats from the United Kingdom visited the ECCC to learn about the workings of the tribunal and speak with a number of court officials.

The delegation included officials from the British Foreign and Commonwealth Office in London – Mr. Andy Palmer, Desk Officer in the War Crimes Team in the International Organizations Department and Ms. Jaye Ho, Desk Officer for Cambodia in the East Asia & Pacific Department – accompanied by two representatives from the British Embassy in Phnom Penh. This was the first time Mr. Palmer and Ms. Ho had visited the court.

The delegation met with the Deputy Co-Prosecutor, the Civil Party Lead Co-Lawyers, and representatives from the Victims Support Section, the Defense Support Section and the Office of Administration. The meetings covered a range of topics, from the tribunal's inclusion of civil parties to its legacy plans. Attendees also discussed recent meetings between ECCC staff and donor country representatives, the status of Cases 003 and 004 and the disputes in the Office of Co-Investigating Judges.



UK delegation meets with Deputy Co-Prosecutor William Smith, at left

These pages summarize the testimony given during the last month of hearings in Case 002, from 1-16 February 2012, regarding the historical background of Democratic Kampuchea. (*Editor's note: While all efforts are made to provide a neutral summary, the only way to get a complete picture of the testimony is to read the transcripts, available on the ECCC website at: <http://www.eccc.gov.kh/en/Case002-Transcripts/en>)*



"Revolutionary Flag," file photo from UNESCO

In addition to testimony, February's proceedings also included the presentation of documents relating to the historical background of Democratic Kampuchea (DK). Among the documents presented were copies of "Revolutionary Flag," a magazine published monthly by the CPK between 1974 and 1979.

Khieu Samphan, defendant: 8 February

Accused Khieu Samphan was asked if he wished to comment on an excerpt of a 1960 Pol Pot speech presented in court. Mr. Khieu Samphan declined, saying the event was outside his realm of knowledge since he joined the party in 1969.

Youk Chhang, witness: 1, 2, 6 February 2012

Mr. Youk Chhang, aged 51, Director of the Documentation Center of Cambodia (DC-Cam), a repository for historical documents dating from the Khmer Rouge-era that has assisted numerous ECCC offices in obtaining evidentiary documentation. Mr. Youk Chhang was called to testify regarding his organization's handling of DK-era documentation. His deputy had testified on DC-Cam procedures in January.

Mr. Youk Chhang was questioned about his professional background, DC-Cam funding and document sources, the procedures his staff uses to process documents, and their methods for verifying the authenticity of documents.

On the collection and processing of documents at DC-Cam, he said:

- He sees all collected documents before they are filed.
- DC-Cam collects any and all documents from the DK period, regardless of topic or political inclination. Many later documents relating to that period are also stored in their files.
- DC-Cam does not rely on forensic tests to verify the age of

documents; rather, it uses its staff's training and the knowledge of consulting experts and staff from other repositories.

Answering questions put by the defense about possible bias amongst DC-Cam staff against the Accused in Case 002, he stated:

"We want a fair and just court. For that reason, we need to respect the principle of the right for the Accused."

However, he acknowledged having previously called for the prosecution of Nuon Chea in an issue of the "Searching for the Truth" magazine published by DC-Cam.

Mr. Youk Chhang said he and some of his family members had received numerous "veiled threats" in 1999, including a letter from Ieng Thirith. He stated: "[T]here was a threat against my other sister, and [she] was told to tell me that I stop conducting these activities, but I did not. The research for reconciliation is important for Cambodia."

Nuon Chea, defendant: 8, 9, 16 February 2012

Accused Nuon Chea was questioned about the provision of basic needs to people in KR-controlled cooperatives, use of bartering, provision of weaponry to KR forces by China, KR control of the population, and his joining of the revolutionary movement.

On his role in and knowledge of Khmer Rouge (KR) activities during the pre-DK period, Mr. Nuon Chea said:

- He did not visit cooperatives frequently; when he did, he noticed some had food shortages, though others had enough.
- He did not know much about military matters, but believes the weapons provided by China came "without strings attached."
- He was not a member of any military committee. He reiterated that he was only involved in party activities through the education office and his membership in the assembly.

On the control of local populations by KR cadres, he stated:

"In the war, we needed to grasp the population because if we control the people, when people were sided with us, then they supported us; if they were in the enemy hands,

then they would help the enemy...People had to be conquered, controlled; the more, the better. We need to deprive the people of the enemies so as to leave the enemy with no people under their control."

Mr. Nuon Chea said that, in his youth, he was distressed by the abuse of servants at the hands of the French colonial elite and the abuse of Cambodian villagers by French legionnaires. This eventually drove him to the Communist revolutionary movement.

Mr. Nuon Chea continued to demand the original versions of copied documents presented in court, in addition to the original tapes of recorded interviews. Mr. Michiel Pestman, defense counsel for Nuon Chea, said his client's requests should be understood as a challenge to the authenticity of the documents presented.

In a short statement to the court on 16 February, Mr. Nuon Chea requested that the Chamber not conclude the segment of the trial relating to the historical background of Democratic Kampuchea, as planned. He said he believes numerous relevant topics have gone unexamined and relevant witnesses have not been called.

Kaing Guek Eav sentenced to life imprisonment

More than three decades after the fall of the Khmer Rouge regime in Cambodia, the Extraordinary Chambers in the Courts of Cambodia concluded its first case on 3 February. The final judgment, pronounced by the Supreme Court Chamber, upheld the conviction of former security prison head Kaing Guek Eav alias Duch and lengthened his sentence to one of life imprisonment.

Duch received the maximum sentence available under the law for crimes against humanity and grave breaches of the 1949 Geneva Conventions. During the Khmer Rouge era, he headed the S-21 security prison in Phnom Penh, where numerous Cambodians were unlawfully detained, subjected to inhumane conditions and forced labour, tortured and executed in the late 1970s. At least 12,272 people died at S-21 over the course of three years.

President Kong Srim of the ECCC's Supreme Court Chamber read out a summary of the judgment while nearly 1,000 visitors watched the proceedings from the public gallery and on screens outside the court building.

"The crimes committed by Kaing Guek Eav were undoubtedly among the worst in recorded human history," he told the court. "They deserve the highest penalty available to provide a fair and adequate response to the outrage these crimes invoked in victims, their families and relatives, the Cambodian people, and all human beings."

In its judgement, the Supreme Court Chamber quashed the 35-year sentence imposed by the Trial Chamber by majority vote on 26 July 2010. It also reversed the Trial Chamber's decision to grant a remedy for Kaing Guek Eav's illegal detention by the Cambodian Military Court between 1999 and 2007.

The Supreme Court Chamber held that the Trial Chamber attached undue weight to mitigating circumstances and insufficient weight to the gravity of crimes and aggravating circumstances. The Chamber also dismissed Duch's appeal, in which he requested an acquittal and said the court did not have personal jurisdiction over him.

In addition to the crime against humanity of persecution, the Supreme Court Chamber entered separate convictions for the crimes against humanity of extermination (encompassing murder), enslavement, impris-



Kaing Guek Eav stands after the pronouncement of the appeal judgment against him.

onment, torture, and other inhumane acts, granting in part the Co-Prosecutors' appeal.

Ten individuals whose Civil Party applications had been rejected in the Trial Judgment were admitted as Civil Parties in the Appeal Judgment.

The Supreme Court Chamber upheld the Trial Chamber's order to post on the ECCC website all apologies and acknowledgements of responsibility by Duch from the trial proceedings. The Supreme Court Chamber rejected all other claims for reparation – because they would be unenforceable, or because implementing them would require payment by the accused, who is indigent, or an order against the Cambodian state.

Duch was first detained by the Cambodian Military Court in May 1999, prior to the establishment of the tribunal, and was transferred to the ECCC detention centre in July 2007.

His trial ran from February to November 2009, during which 55 individuals, including 17 fact witnesses and 22 Civil Parties, were heard. He was convicted by the Trial Chamber on 26 July 2010, and sentenced to 35 years in prison. This sentence was reduced by 5 years as a remedy for his illegal detention, and he

was also entitled to credit for the time he had already served.

The accused appeared before the Supreme Court Chamber for appeal hearings in March 2011.

The Supreme Court Chamber judgment is final and cannot be appealed.

Many visitors who observed the historic moment at court expressed satisfaction at the longer sentence.

"This sentence is justice for the victims, justice for me," said Chum Mey, a survivor of S-21. "I am at peace now. The chapter is closed."

Paul Everingham, researcher and close friend of Kerry Hamill and Stuart Glass – two alleged victims of the Khmer Rouge – said for him, the verdict's importance lay not just in the particular sentence for Kaing Guek Eav, but in its broader value.

"To me, it is not so much about the man rather than setting an example for mankind, that someone who commits such horrendous crimes should never walk free," Mr. Everingham said.

Visitors' Reactions to the Case 001 Appeal Judgement

Nearly 1,000 people – Cambodian villagers, students, monks and nearby residents as well as diplomats, scholars, NGO representatives and tourists – visited the Extraordinary Chambers in the Courts of Cambodia on 3 February to witness the pronouncement of the verdict against Kaing Guek Eav alias Duch.

After the judgment, many Cambodians welcomed Kaing Guek Eav's life sentence, while some observers criticized the court's handling of reparations requests and its decision not to grant the convicted person a remedy for his illegal detention.

Here is a sampling of what visitors to the court had to say about the verdict.



I am very pleased with the Supreme Court's decision. This sentence is justice for the victims, justice for me. I can't ask for anything more from the court. Whatever else the court will do with Duch, I wouldn't mind. I won't be crying again. I'm satisfied; I am at peace now. The chapter is closed.

-CHUM Mey, 81, S-21 survivor, Civil Party in Case 001, from Phnom Penh

"To me, it is not so much about the man rather than setting an example for mankind, that someone who commits such horrendous crimes should never walk free. We have just witnessed the completion of a very singular example of justice."

-Paul Everingham, researcher and close friend of Kerry Hamill and Stuart Glass, Khmer Rouge victims

The fact that the time Duch previously served has not been taken into account seems unlawful to me. Even for the most horrendous crimes, human rights have to be ensured. When human rights are violated, it is a very bad message to send, not only to the domestic courts but also to the entire international justice movement.

-Rupert Abbott, researcher at Amnesty International



I feel so relieved now as everything has become clear. I believe that the soul of my brother who was killed at S-21 would be pleased too, and I think he will now be able to reincarnate to a new life; he must have suffered so much before he died.

Me and my three sisters can finally be at peace. I personally feel so good. I ate a lot at lunch today, and I had never consumed that much of food before as I did today.

-NHET Sok, 53, Civil Party in Case 001, from Takeo province

What he had done is not forgivable. In the Trial Chamber's decision in 2010, I questioned if the Trial Chamber thought their decision was reasonable; 35 years for a Duch who killed thousands of lives.

I spend my time and my own finances to come here to listen to the court, because I believe this court will bring justice to victims. I have come here every single day of hearings, except any day that I don't feel well. And this time, I believe that the court has made the right decision.

I want to emphasize that bringing Khmer Rouge leaders to trial is not revenge. But victims want to see accountability in front of the law. And this will set a good example for next generations.

-SUM Rithy, 60, survivor of a prison in Siem Reap and Civil Party in Case 002.

I am very disappointed in the reparations. The Supreme Court Chamber has had a very limited analysis of the notion of reparation. So my expectations in this field for the Case 002 are quite low, and I think we should now focus more on the non-judicial measures.

-Ignaz Stegmiller, Cambodian Human Rights Action Committee.



Civil Parties Attend Final Judgement in Case 001

Facilitated by the ECCC and NGOs, nearly 70 civil parties and appellants had the opportunity to attend the final judgement in Case 001 as well as several events surrounding the verdict pronouncement.

The day before the appeal judgement pronouncement in Case 001, these individuals met with their lawyers at Tuol Sleng Genocide Museum to recall the history of Case 001.

On the day of the judgement, 3 February, 12 selected civil parties, including S-21 survivors Bou Meng and Chum Mey, were present in the courtroom with their lawyers, while the rest sat in the Public Gallery. The Documentation Centre of Cambodia (DC-Cam) also brought individuals to attend the pronouncement, including appellants, former S-21 guards and others.

That afternoon, the civil parties and appellants gathered at Choeng Ek with their lawyers (see photo).

Left: Civil parties in Case 001 lit incense at the Choeng Ek Killing Fields after attending the Case 001 Appeal Verdict. (Photo: Victims Support Section)



Mr. Kham Lun Brings Siem Reap Villagers to ECCC

69-year-old Mr. Kham Lun, a survivor of the Khmer Rouge regime, is well known among the villagers in his home province of Siem Reap. Since 2009, he has been disseminating information about the Extraordinary Chambers in the Courts of Cambodia, and has helped bring over 6,000 visitors to the court.

“I am proud to have served my nation and people,” said Mr. Kham Lun, who is a former government official and NGO worker. “What I have voluntarily dedicated my physical and mental strength and time for is that I feel the need to make people know the place where trials are conducted and that they can observe the court proceedings in person.”

As part of his efforts, Mr. Kham Lun tells villagers about the ECCC’s Khmer Rouge Tribunal Study Tours, which bring groups of villagers to Phnom Penh to see the Tuol Sleng Genocide Museum, the Killing Fields at Choeng Ek and the courtroom at the ECCC. Villagers are happy to come on the tours, Mr. Kham Lun said, because they can see the city of Phnom Penh as well as observe the court proceedings. During some field trips, religious ceremonies are held at the Killing Fields to commemorate the deaths of Khmer Rouge victims. For example, on their last trip, said Mr. Kham Lun, 79 monks were invited to attend the Buddhist ceremony of Bang Skaul at Choeng Ek.

Mr. Kham Lun said he tries in particular to educate the young people in his province about the trials of the former Khmer Rouge leaders as well as what happened during the



Mr. Kham Lun in front of the ECCC courtroom.

regime, as they did not experience it.

“I long for the younger generations, who witness the accused being brought to the dock, to think that if they become future leaders they will never choose to do like what [the Khmer Rouge] had done,” said Mr. Kham Lun.

It is believed that at least 1.7 million people perished during the Khmer Rouge regime as a result of executions, torture, starvation, diseases and harsh living conditions. During the Khmer Rouge regime, Mr. Kham Lun was forced to do hard labour. He lost five members of his family at the hands of the Khmer Rouge.

He said that following the proceedings at the ECCC, including the cross-examination sessions of the accused in Cases 001 and 002, has been significant in helping him better understand what happened during the Khmer Rouge regime.

Several aims motivate Mr. Kham Lun and the other villagers to come to the court, ac-

ording to Mr. Kham Lun: “First, we want to let the court and its staff members know that many people support and want to participate in the proceedings. Secondly, we would like to witness the actual trial proceedings of the former Khmer Rouge leaders, to see whether they are accurately conducted in a way we have expected. We therefore want to follow the proceedings to see whether these hybrid courts are able to prosecute them to the Cambodian people’s satisfaction or to mine.”

So far, Mr. Kham Lun said, the trials at the ECCC have built his confidence in the court. And, he said, he appreciates that the court has allocated funds to bring visitors from across Cambodia to visit the ECCC and witness the proceedings.

Mr. Kham Lun will continue to disseminate information about the ECCC to villagers and help bring more people to visit the court until its completion.

“My commitment with the court will remain until the court comes to an end,” he said. “What I want is justice for the victims and those who perished.”

Since 2009, over 120,000 people have visited the ECCC from across Cambodia and throughout the world.

Note: The ECCC has also produced a TV magazine about Mr. Kham Lun’s efforts to spread information about the tribunal.

ECCC Outreach



Khmer Rouge Tribunal Study Tour participants from Pursat Province have a chance to visit the court and speak to its officers.



A student speaks during an outreach event at Phnom Penh's Thmey High School.



Residents of Kompong Thom (L) and Phnom Penh (R) study ECCC-produced educational materials on the Khmer Rouge period and the trials.



A man from Kompong Thom province is interviewed during an outreach event.



Visitors wait in line outside the court prior to attending a hearing.



Villagers from Pursat province receive a briefing on the court and its cases.



Students attend a presentation on the ECCC at Thmey High School in Phnom Penh as part of a February outreach event.

Every month, each section of the Extraordinary Chambers in the Courts of Cambodia compiles a summary of their activities to inform the general public on the latest developments of the court. The following are updates from each section on the activities of **February 2012**. For decisions and orders, please refer to page 10.

Pre-Trial Chamber

During this reporting period, the Pre-Trial Chamber (PTC) was seized of two applications and three appeals in Case 003, in addition to four applications and one appeal in Case 004. Throughout the month of February the Pre-Trial Chamber has continued to deliberate on these appeals and applications.

For descriptions of decisions, considerations and opinions, please see page 10.

Appeals:

Case 003: On 28 February, the PTC issued its *Considerations of the Pre-Trial Chamber regarding the Appeal Against Order on the Admissibility of a Civil Party Applicant*.

Case 004: On 28 February, the PTC issued its *Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of a Civil Party Applicant*.

On 14 February, the PTC issued its *Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant Robert Hamill*.

Applications:

Case 004: On 20 February, the PTC issued its *'Decision on Defence Support Section request for a stay in Case 004 proceedings before the Pre-Trial Chamber and for measures pertaining to the effective representation of suspects in Case 004.'*

Disagreements

Case 003: On 10 February, a redacted Opinion of the Pre-Trial Chamber Judges Downing and Chung on a Disagreement between the Co-Investigating Judges Pursuant to Internal Rule 72 was made public.

Case 004: On 23 February, a redacted Opinion of the Pre-Trial Chamber Judges Downing and Chung on a Disagreement between the Co-Investigating Judges Pursuant to Internal Rule 72 was made public.

Other matters: The Pre-Trial Chamber received a number of other matters for its consideration. These remain confidential in nature as of the date of this Report.



The Cambodian and United Nations flags.

Office of the Co-Prosecutors

Case 002: The Office of the Co-Prosecutors (OCP) continued to prosecute Case 002 in court and through filings. In addition to evidentiary materials, OCP filings included those relating to: disclosing to the Trial Chamber of Case 002 Witness Statements in Cases 003 and 004; responding to Nuon Chea's list of documents to be put before the Trial Chamber during the first mini-trial; responding to Ieng Sary's request for clarification on adverse inferences; responding to Khieu Samphan's request for transfer of original documents from DC-Cam to the Tribunal; responding to Nuon Chea's request for further clarification on the provenance of DC-Cam documents; responding to the Trial Chamber's request for information concerning summaries prepared by Witness TC-33; requesting that notice be given to Khieu Samphan on the consequence of refusal to respond to a question at trial; requesting further document hearings; and responding to Nuon

Chea's third application of disqualification of Judge Cartwright. During Court Hearings, OCP examined Youk Chhang from DC-Cam, and submitted documents the OCP considered to be of particular relevance to Case 002/01.

Case 003: The OCP continued to analyze the evidence in and monitor the progress of Case File 003.

Case 004: The OCP continued to analyze the evidence in and monitor the progress Case File 004.

Outreach:

Members of the OCP participated in outreach activities to inform organizations and the public about the work of the OCP. Sarah Andrews spoke to visiting students and professors from the Political Science Faculty, University of the Philippines about the work of the OCP. Golriz Ghahraman and Vincent De Wilde d'Estmael attended a presentation on the ECCB Baseline Study on Gender Sensitivity in Transitional Justice Processes in Cambodia, and presented information on sexual crimes.

Defence Support Section

The Defence Support Section continued to provide legal support and administrative and technical assistance to the Defence teams.

Case 002: On 3 February, the Khieu Samphan Defence Team (KSDT) filed a Motion in Response to the Numerous Difficulties Raised by Ms Lamb's E-Mail Dated 2 February 2012.

Also on 3 February, the Ieng Sary Defence Team (ISDT) filed a response to the Co-Prosecutor's Request to Include Additional Crime Sites within the Scope of the Trial in Case 002/01.

On 7 February, the ISDT filed a reply to the Co-Prosecutor's Response to Ieng Sary's Appeal Against the Trial Chamber's Decision Refusing His Request For The Trial

Chamber to Direct its Senior Legal Officer to Maintain Open and Transparent Communication with All the Parties.

On 8 February, the Nuon Chea Defence Team (NCDT) filed submissions relating to a request it had previously made in court for clarification of the provenance and chain of custody of Documentation Center of Cambodia (DC-Cam) documents.

On 9 February, the NCDT submitted Further Submissions regarding the Request for Clarification of Provenance/Chain of Custody of DC-Cam Documents for purposes of aiding the OCP.

On 10 February, the ISDT filed a Motion to Strike the Co-Prosecutors' Leave to Reply and Reply to Ieng Sary's Response Regarding Additional Crime Sites within the Scope of the Trial in Case 002/01.

On 13 February, the KSDT filed a Response to the Co-Prosecutors' Request to Include Additional Crime Sites Within the Scope of the First Trial of Case 002 and asked the Trial Chamber to reject the Co-Prosecutors' request on the grounds that it was repetitive, but with a reduced scope, and thus inadmissible.

On 14 February, the NCDT filed a Third Application for Disqualification of Judge Cartwright on the grounds that her remarks to the New Zealand press demonstrated bias against Nuon Chea.

On 22 February, the NCDT filed an Application for Summary Action against Hun Sen Pursuant to Rule 35 arguing that Prime Minister Hun Sen's recent remarks to the Vietnamese press regarding "the only 'former Khmer Rouge leader'" were a violation of Nuon Chea's right to be presumed innocent and should be remedied by a public rebuke of the Prime Minister officially warning him against making further such statements in the future.

Case 003/004: On 20 February, the Pre-Trial Chamber (PTC) issued a Public Redacted Decision on the 'DSS Request for a Stay in Case 004 Proceedings before the Pre-Trial Chamber and for Measures Pertaining to the Effective Representation of Suspects in Case 004,' filed on 10 October 2011. The PTC dismissed the DSS Request.

Victims Support Section

Legal Work

The Victims Support Section received one Civil Party application in Case 004, and 175 Power of Attorneys in Case 003 and 391 PoAs in Case 004. The Section processed 183 translated summaries of Victim Information Forms in Case 002 and 346 PoAs in Cases 003 and 004 and sent them to the Trial Chamber and the Office of Co-Investigating Judges respectively.

The Section also assisted 2 lawyer assistants and CPs lawyer in renewing ID cards.

Outreach

During the Case 002 evidence hearings from 1-16 February, VSS continued to have full collaboration with Intermediary Organizations to coordinate almost approximately 150 Civil Parties to attend the proceedings. These CPs came from Prey Veng, Kampot, Kampong Cham and Pursat.

As usual, 10 CPs per day were coordinated to sit in Court Room and the rest sat in the public gallery.

VSS facilitated the attendance of CPs and Appellants at the pronouncement of the final judgement in Case 001. (For more details, see story, pg. 6)

Non-Judicial Measures

On 9 February, VSS organized a visit programme for Dr. Lauback, general managing director of the Heinrich Boell Stiftung based in Berlin, Germany, Mr. Manfred

Hornung, Country Director, and other staff. The visitors followed the trial and met with the VSS chief and management team to better understand the work supported by German contributions to the ECCC. Mr. Rong Chhorn-Chief of the Victims Support Section gave a brief summary of what the Victims Support Section has done and the progress the section has made, then answered questions from the visitors.

The Reparation and Non-Judicial Measures (R&NJM) team organized a meeting for VSS, the Lead Co-Lawyers, Civil Party Lawyers and IOs/NGOs on 17 February at the ECCC to give updates on activities related to collective and moral reparations and non-judicial measures; and to review and optimize the processes of designing, coordinating and implementing R&NJM projects and prioritizing R&NJM projects.

Thirty participants coming from different stakeholders attended this meeting. The Meeting Summary is intended to inform participants, both present and absent, about the meeting proceedings, including agenda points, key discussions and next steps. The meeting ended with the agreement that the Sub-Working Group meetings would be held monthly.

To follow up on issues still pending from the meeting on 17 February, the R&NJM team met with the Lead Co-Lawyers on 21 February to discuss the development and implementation framework of collective and moral reparations projects.



Outside the courtroom at the ECCC.

Decisions/Orders

Versions of the decisions, orders, opinions and considerations, some of which are redacted, are available on the official ECCC website.

Pre-Trial Chamber

10 February 2012

Opinion of the Pre-Trial Chamber Judges Downing and Chung on the Disagreement Between the Co-Investigating Judges Pursuant to Internal rule 72, asserting that as the chamber could not assemble the required majority of four votes to issue a decision on the disagreement, the order proposed by the Reserve International Co-Investigating Judge to resume investigation into Case 003 should be executed.

14 February 2012

Considerations of the Pre-Trial Chamber regarding the appeal against order on the admissibility of Civil Party Applicant Robert Hamill, declaring that as the chamber could not assemble the required majority of four votes to issue a decision, the order by the Co-Investigating Judges on 29 April 2011, rejecting Robert Hamill's civil party application in Case 004, shall stand. For the same reason, Mr. Hamill's Request to access the Case File could not be granted. Dissenting opinions were published.

20 February 2012

Decision on Defence Support Section request for a stay in Case 004 proceedings before the Pre-trial Chamber and for measures pertaining to the effective representation of suspects in Case 004, whereby the chamber declared that the Request was inadmissible as it was not within the Pre-Trial Chamber's jurisdiction to make a determination. The matters of legal representation in an ongoing investigation rest directly with the Co-Investigating Judges.

23 February 2012

Opinion of the Pre-Trial Chamber Judges Downing and Chung on the Disagreement between the Co-Investigating Judges Pursuant to Internal rule 72, asserting that as the chamber could not assemble the required majority of four votes to issue a decision on the disagreement, the Rogatory Letter on the continuation of the judicial investigation in Case File 004 - proposed by the Reserve International Co-Investigating Judge - should be executed.

28 February 2012

Considerations of the Pre-trial Chamber regarding the appeal against order on the admissibility of Civil Party Applicant, declaring that as the chamber could not assemble the required majority of four votes to issue a decision, the order by the Co-Investigating Judges on 29 April 2011 rejecting the civil party application in Case 004, shall stand. Dissenting opinions were published.

28 February 2012

Considerations of the Pre-trial Chamber regarding the appeal against order on the admissibility of Civil Party Applicant, declaring that as the chamber could not assemble the required majority of four votes to issue a decision, the order by the Co-Investigating Judges on 29 April 2011, rejecting the civil party application in Case 003, shall stand. Dissenting opinions were published.

Office of Co-Investigating Judges

9 February 2012

Order on Resuming the Judicial Investigation, dated 2 December 2011 but issued in February, whereby the Reserve International Co-Investigating Judge ordered the investigation in Case 003 to continue.

24 February 2012

Order on the Reconsideration of the Decision on Admissibility of Civil Party Applicant Mr. Robert Hamill, in which the Reserve International Co-Investigating Judge declares Mr. Hamill's request for reconsideration admissible, granting his Civil Party application in Case 003 and granting him access to the case file. Mr. Hamill's Civil Party application in Case 004 will be considered separately.

Supreme Court Chamber

3 February 2012

Summary of Supreme Court Chamber Appeal Judgement in Case 001, whereby the Supreme Court Chamber affirmed the conviction of Kaing Guek Eav alias Duch for crimes against humanity and grave breaches of the Geneva Conventions of 1949. The chamber quashes the Trial Chamber's 35-year sentence, instead sentencing Duch to life imprisonment; it

did not grant him a remedy for his illegal detention by the Cambodian Military Court. The Chamber admitted an additional 10 Civil Parties to the case, and upheld the Trial Chamber's order to compile all apologies and acknowledgements of responsibility made by Duch over the course of the trial and appeal proceedings and post them on the ECCC official website.

Upcoming Public Hearings

Pre-Trial Chamber Hearings:

None scheduled

Trial Chamber Hearings:

12 March 2012 to 21 June 2012:
Hearing of evidence in Case 002
(Monday-Thursday, 9:00-16:00,
except public holidays)

Supreme Court Chamber Hearings:

None scheduled

Outreach Activities

6-10 February 2012 Eighty villagers participate in an ICfC workshop about local conflict mitigation techniques and the ECCC in Stung Treng province.

7 February 2012 TPO holds a self-help group/client screening in Kampong Cham. Ten female Civil Parties (CPs) from Cases 001/002 share their experiences.

8 February 2012 ICfC leads a workshop with indigenous people in Siem Pang district, Stung Treng. Sixty participants receive ECCC posters as well as information and updates on the ECCC.

9-10 February 2012 TPO holds a client screening in Battambang. Around 10 female CPs from Cases 001/002 share their experiences.

10 February 2012 CDP holds a Civil Party Workshop in Phnom Penh. Thirty CDP clients attend the hearing, then meet a lawyer and a psychologist for an update.

11-15 February 2012 Youth for Peace conducts workshops on “Understanding and Remembering Change” for high-schoolers in Kampong Chhnang and Takeo.

16-17 February 2012 YFP hosts an intergenerational dialogue about the Khmer Rouge, the ECCC, memory culture, and healing, in Kampong Chhnang and Takeo.

17 February 2012 TPO and ICfC screen “We Want (U) to Know” in Phnom Penh, for 60 students from Royal University Phnom Penh.

20 February 2012 TPO holds a screening of “We Want (U) to Know” in Kandal for around 60 villagers.

22-26 February 2012 Youth for Peace conducts a workshop on “Understanding and Remembering Change” for high school students in Kampot.

23-24 February 2012 CDP hosts a student forum on gender-based violence for about 70 students at Pannasastra University of Cambodia.

20 February 2012 TPO and YRDP organize a screening of “We Want (U) to Know” for 33 students.

27-28 February 2012 YFP hosts an intergenerational dialogue about the Khmer Rouge, the ECCC, memory culture and healing in Kampot.

1 March 2012 TPO, CDP and VSS host a Forum Theater in Kandal for villagers to increase their knowledge about forced marriage and rape during the Khmer Rouge regime.

2-4 March 2012 YFP hosts an art workshop/exhibition in Kampong Chhnang and Takeo, for participants to explore feelings about the KR and reconciliation.

5-6 March 2012 YFP leads trips for students, victims and local authorities to mass killing sites in Kampong Chhnang and Takeo.

6-9 March 2012 Kampong Speu local facilitators assist ICfC staff and villagers to understand past memorialization and current needs.

9-11 March 2012 YFP hosts an art workshop and exhibition in Kampot, for participants to explore their feelings about the Khmer Rouge and reconciliation.

12-13 March 2012 YFP leads trips for students, victims and local authorities to mass killing sites in Kampot.

Mid-March 2012 CDP broadcasts a radio show about gender-based violence.

14, 19 March 2012 TPO/CDP host a Forum Theater in Kampong Speu.

19-22 March 2012 Facilitators and villagers will discuss current needs for memorialization and future steps in ICfC’s Community Memory Initiatives Project.

20 March 2012 ICfC/TPO screen “We Want (U) to Know” in Kampong Speu.

27 March 2012 ICfC, TPO screen “We Want (U) to Know” and hold a discussion on transitional justice in Cambodia for 40-50 Norton University students.

29 March 2012 TPO and CDP host a Forum Theater in Kampong Speu.



Students from Siem Reap province visiting the court.

ECCC Outreach

The Public Affairs Section hosts Khmer Rouge Tribunal Study Tours every Tuesday and Thursday, bringing a group of 300 villagers from areas throughout Cambodia to have a guided tour of the Tuol Sleng Genocide Museum, a visit to the Choeung Ek Killing Fields, and briefings by court officials at the ECCC. On the night before each of these Khmer Rouge Tribunal Study Tours, PAS staff members stay over in the provinces and host Khmer Rouge-related film screenings in conjunction with the Bophana Audiovisual Resource Center.

PAS also visits high schools and universities to brief students on the work of the Khmer Rouge tribunal.

ECCC OUTREACH CALENDAR						
February - April						
SUN	MON	TUE	WED	THU	FRI	SAT
12	13 Hearing 002	14 Hearing 002; Study tour	15 Hearing 002	16 Hearing 002; Study tour	17	18
19	20	21 Study tour	22	23 Study tour	24 School visit	25
26	27	28 Study tour	29	1 Study tour	2	3
4	5	6 Study tour	7	8 Public holiday	9 School visit	10
11	12 Hearing 002	13 Hearing 002; Study tour	14 Hearing 002	15 Hearing 002; Study tour	16	17
18	19 Hearing 002	20 Hearing 002; Study tour	21 Hearing 002	22 Hearing 002; Study tour	23	24
25	26 Hearing 002	27 Hearing 002; Study tour	28 Hearing 002	29 Hearing 002; Study tour	30	31
1	2 Hearing 002	3 Hearing 002; Study tour	4 Hearing 002	5 Hearing 002; Study tour	6	7
8	9 Hearing 002	10 Hearing 002; Study tour	11 Hearing 002	12 Hearing 002; Study tour	13 Public holiday	14



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

“Everyone can be involved in the process”



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The Court Report

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