



The Court Report

The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice



Defendant Khieu Samphan speaking with his national and international lawyers in the ECCC Courtroom. ECCC

Hearings in Case 002/02 Adjourned until January 8, 2015

The President of the Trial Chamber, Judge Nil Nonn announced the postponement of further hearings in Case 002/02 until January 8, 2015, due to the continued absence of Khieu Samphan's Defence.

Stating that the Defence had had adequate time to prepare for appellate filing, Judge Nil said they had shown a "lack of diligence" by being in Paris, rather than Phnom Penh. Citing the shift from the initial thrice weekly court schedule to twice a week as an example, Judge Nil acknowledged that "it is obvious that none of these concessions and accommodations on the part of the Chamber have worked." He added that, in response to the letter from Khieu Samphan's defence notifying the Chamber of their continued lack of participation before 29 December 2014 when the brief on Khieu Samphan's appeal in Case 002/01 is due, "it is clear that Khieu Samphan's defence counsels will not participate in the Case 002/02 before the end of this year."

Cancelling the six remaining trial dates in 2014, Judge Nil, raising the possibility of referring the counsel's misconduct to the appropriate professional body as per Internal Rule 38, stated that the Chamber will now "continue to pursue other options...including appointment of further counsels," however he acknowledged that "there are no attorneys available at this time that are familiar with the voluminous case file" he before announcing the adjournment until January 2015.

The Chamber noted that its primary responsibility is to commence and conduct the trial in a fair and expeditious manner for the interests of justice to prevail, but that due to the substantial delay that appointing new counsel would incur, such an adjournment was the only reasonable alternative.

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Trial Chamber orders appointment of standby counsel for Khieu Samphan

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) has denied a request from the Co-Prosecutors to appoint an amicus curiae counsel on a temporary basis, and has ordered the Defence Support Section to appoint one international and one national Court Appointed Standby Counsel for Khieu Samphan.

The Trial Chamber took this action as a result of its finding that the conduct of Khieu Samphan and his Defence counsel over the last two months, including the failure to appear in court, obstructed proceedings. The Chamber has taken this action with a view to preventing such obstruction from occurring again.

The role of Standby Counsel will be to prepare

and maintain the capacity to take over the defence of Khieu Samphan should the Trial Chamber determine it to be necessary. Standby Counsel would be independent of the current Defence Team, and they will not consult or take instructions from the Accused Khieu Samphan unless and until ordered to do so by the Trial Chamber. They are to attend all hearings in Case 002/02 and familiarize themselves with the Case File.

Should the Standby Counsel be ordered to replace the current counsel for Khieu Samphan, they would serve as Court Appointed Defence Counsel. Such Counsel are obliged to adhere to court orders and comply with the legal framework of the ECCC.



Bun Hun: BAKC has a duty to protect and uphold the professionalism of the Lawyers

On 26 November 2014, Bun Hun, President of the Bar Association of the Kingdom of Cambodia (BAKC) wrote to the President of the Trial Chamber, Nil Nonn, in reference to:

-Memorandum of the Trial Chamber of ECCC (E320) dated 24 October

-Request for Intervention dated 03 November 2014 filed by Son Arun and Victor Koppe

-Request for Intervention dated 04 November 2014 filed by Kong Sam Onn.

He informed Judge Nil that “BAKC has a duty to protect and uphold the professionalism of the

lawyers, ensuring that this profession is practiced with quality and dignity” and that “when a lawyer commits any misconduct in practicing their profession, the lawyer in question shall be subjected to sanction imposed by the Council of the BAKC...body with competence to impose sanction against lawyers”, pursuant to Article 8 of the Law on the Statute of BAKC.

This was in response to the three above mentioned references. The 24 October memorandum of the Trial Chamber, E320, titled “Warning to counsel for Nuon Chea and Khieu Samphan”, from President Nil Nonn to all parties in Case 002, was in light of earlier actions relating to Case 002/02,

when Nuon Chea and Khieu Samphan ordered their Defence council not to attend court. It found that the conduct of the parties was an “obstruction of proceedings” and therefore the memorandum constituted an “official warning for misconduct.”

The 03 November request for intervention filed by Son Arun and Victor Koppe, sought to clarify and reiterate BAKC’s position as the sole power to take disciplinary actions against lawyers for violating the Code of Ethics, and made four requests relating to the Trial Chamber’s current and future conduct.



Khieu Samphan and Nuon Chea Counsel in the ECCC courtroom during the closing statement on October 2013.

More Outreaches Activities on Cases 003 and 004

9 districts in Oddar Meanchey, Battambang and Pailin, all located in former Khmer Rouge strongholds, were visited by representatives from the Office of the Co-Investigating Judges and the Public Affairs Section between 12 and 22 November 2014.

In close co-operation with the respective District Governors, the ECCC organized nine public forums in Anlong Veng, Trapeang Prasat, Banteay Ampil, Samlaut, Pailin, Sala Krau, Sampov Lun, Phnim Proek and Kamrieng. Each forum was attended by an average of 300 people, who came to learn more about the ongoing court proceedings.

The forums provided an opportunity for representatives from the Public Affairs Section to educate the attendees about the ongoing ECCC proceedings, with special emphasis on Cases 003 and 004. The educational tour kicked off in Anlong Veng on 12 November, where international Co-Investigating Judge Mark Harmon provided updated information about the work of his office to more than 200 attendants.

One of the most important aspects of these forums is that they serve as an avenue for the ECCC to enter into dialog with the participants at each forum, who were given ample time to raise questions or make comments to the representatives from the ECCC.

While many of the participants expressed their support for Cases 001 and 002, there was less enthusiasm for Cases 003 and 004, around which the majority of the questions and comments centered. The necessary of the cases, better use of the money for development, and the perceived benefits of having these cases going forward were among many of the questions raised.

Recently, Media reports indicate that questions have arisen at court outreach events concerning whether there will be more cases at the ECCC after Cases 003 and 004. The International Co-Prosecutor, Nicholas Koumjian, reiterates that the consistent policy of his office remains as first announced by his predecessor on 8 September 2009: no further cases will be submitted to the Co-Investigating Judges. The focus of the International Co-Prosecutor and his staff remains squarely on completing the cases currently on appeal, at trial and under investigation fairly and expeditiously, so that justice can be done and seen to be done and a fuller measure of accountability achieved for the crimes committed during the period of Democratic Kampuchea.



District Governor Yim Phanna welcomed international Co-Investigating Judge Mark Harmon to Anlong Veng on 12 November 2014. (Photo below) Activities of other public forum in Oddar Meanchey, Pailin and Battambang province.



Supreme Court Chamber

In November 2014, the Supreme Court Chamber continued its review and research on issues relating to case 002/01. It also continued its examination of 2 requests filed by Nuon Chea for the admission of additional evidence on appeal against the case 002/01 judgement. On 25 November 2014, NUON Chea filed a strictly confidential third request for additional evidence on appeal.

In addition, on 14 November 2014, the President of the Supreme Court Chamber issued an order in relation to a request from Khieu Samphan to reinforce the Interpretation and Translation Unit of the ECCC, forwarding the request to the Office of Administration for its consideration and action as appropriate.

On 24 November 2014, the Civil Party Lead Co-Lawyers filed a request in search of recognition of their right to respond to Nuon Chea's and Khieu Samphan's forthcoming appeal briefs, as well as their right to file a brief clarifying their position on the Co-Prosecutors' forthcoming appeal in relation to the applicability of the third form of joint criminal enterprise. They also sought extensions of time and pages in relation to the filing of their response and clarification briefs.

On 28 November 2014, the Co-Prosecutors filed their appeal brief on the sole ground that the Trial Chamber allegedly erred in deciding to exclude consideration of the third form of joint criminal enterprise as a mode of liability in case 002.

Consideration of the requests for additional evidence and the Civil Party Lead Co-Lawyers' request, as well review and research on issues relating to case 002/01 in light of the notices of appeal and the Co-Prosecutors' appeal, remain ongoing.

Trial Chamber

On 14 November, the Special Panel of the Trial Chamber appointed to hear motions for disqualification of members of the Trial Chamber, having already informed the parties of its decisions on several interlocutory requests, issued a written decision on these matters. The Special Panel granted Defence requests for extension of the page limit and to file in English first with Khmer translation to follow. The Special Panel denied KHIEU Samphan's request for the suspension of Case 002/02, finding it was not within the jurisdiction of the Special Panel to order such suspension. The Special Panel also dismissed the NUON Chea



ECCC courtroom after the public attended the judgement hearing of Case 002/01 on 7 August 2014 (Photo Credit: ECCC)

and KHIEU Samphan requests for an oral hearing, as it had been sufficiently informed by the submissions of the parties and the need for transparency was fulfilled by making all written submissions accessible to the public.

Also on 14 November, the Special Panel of the Trial Chamber, by majority, dismissed the defence applications for the disqualification of members of the Trial Chamber, issuing a brief written decision with full reasons to follow as soon as possible.

On 17 November, the Trial Chamber was scheduled to commence substantive hearings in Case 002/02. However, national and international co-counsel for KHIEU Samphan failed to appear in court. The Accused, KHIEU Samphan, who was present, confirmed that he had instructed his defence counsel to concentrate on the appeal against the judgement in Case 002/01 and to not appear in the hearings on the substance of Case 002/02. The Trial Chamber advised KHIEU Samphan that his right to counsel of his own choosing was not absolute and that a Chamber may appoint counsel against the wishes of the Accused if the inter-

ests of justice so require. The Trial Chamber directed KHIEU Samphan to inform the Trial Chamber by 4.30pm on 18 November 2014 whether he was withdrawing his instruction to counsel not to participate in proceedings. On this day, KHIEU Samphan informed the Trial Chamber, through the Defence Support Section, that he would continue to instruct his counsel to concentrate all their efforts on the appeal brief and to start participating in the trial proceedings in Case 002/02 only after the appeals brief has been filed.

On 21 November, the Trial Chamber appointed national and international counsel for KHIEU Samphan, KONG Sam Onn, Arthur VERCKEN and Anta GUISSÉ, as Court Appointed Counsel. The Chamber found that the failure of counsel to participate in the Case 002/02 proceedings on the instructions of the Accused substantially obstructed the proper and expeditious conduct of the trial. Designation as Court Appointed Counsel obliges counsel to effectively participate in Case 002/02, including by attending all court hearings, and may not accept their client's instruction not to appear in court. The Trial Chamber ordered



that Court Appointed Counsel appear at the hearing on the substance of Case 002/02 on 24 November and reaffirmed its intention to proceed as announced by the President on 17 November 2014 should counsel fail to appear without a valid reason.

On 24 November, the Trial Chamber adjourned the hearing on substance in Case 002/02 until 8 January 2015, as a consequence of the continued refusal of counsel for KHIEU Samphan to participate in the proceedings before 29 December 2014, when the brief on KHIEU Samphan's appeal in Case 002/01 is due. Before adjourning, the Trial Chamber noted that its primary responsibility is to commence and conduct the trial in Case 002/02 in a fair and expeditious manner for the interests of justice to prevail. The Trial Chamber observed that none of its concessions, including a reduction in trial days from three days a week to two days a week, have succeeded in bringing counsel for KHIEU Samphan back into the courtroom. The Trial Chamber also noted that it would continue to pursue further steps, including the possible appointment of additional counsel and the referral of counsel's

misconduct to appropriate professional bodies pursuant to Internal Rule 38.

Pre-Trial Chamber

During the reporting period, the Pre-Trial Chamber was seized of two appeals and one investigation into a possible interference with the administration of justice related to the investigation in Case 003, in addition to five appeals related to the investigation in Case 004. The Pre-Trial Chamber disposed of two of these appeals. At this stage, the appeals are confidential but the Pre-Trial Chamber makes its decisions available to the public in redacted form.

Case 003

PTC11 (Rule 35 Investigation ongoing)

The Pre-Trial Chamber is currently conducting an investigation under Internal Rule 35 into the unlawful disclosure to the media of the confidential version of its decision on the appeal against the decision of the International Co-Investigating Judge rejecting the appointment of Mr. Michael Karnavas and Mr. Ang Udom as Co-Lawyers for a suspect in Case 003.

PTC13 – pending

The Pre-Trial Chamber remained seized of an appeal filed on 27 October 2014 by a suspect in Case 003 against an order issued by the International Co-Investigating Judge concerning the validity of a summons issued by one Co-Investigating Judge alone. The briefing is complete and the Pre-Trial Chamber is in the process of issuing a decision.

PTC 14 – new appeal

On 17 November 2014, the Pre-Trial Chamber was seized of an appeal by a suspect in Case 003 against the “constructive denial” of his requests to strike a filing by the International Co-Prosecutor from the case file, for access to the case file and to participate in the judicial investigation. The briefing is now complete and the matter is under consideration.

Case 004

PTC11 - decision

On 13 November 2014, the Pre-Trial Chamber issued its decision on an appeal lodged by a suspect in Case 004 against a decision of the International Co-Investigating Judge denying the suspect's request for clarification of the law should there be a disagreement between the Co-Investigating Judges when issuing the closing order. The Chamber unanimously found that it had no jurisdiction to entertain the appeal as it raises a hypothetical question and therefore dismissed the appeal as inadmissible.

PTC13 – decision

On 21 November 2014, the Pre-Trial Chamber issued its considerations on an appeal filed by a suspect in Case 004 against a decision of the International Co-Investigating Judge denying an application requesting the Co-Investigating Judges to seize the Pre-Trial Chamber with a view to annul the judicial investigation, based on the suspect's lack of standing to bring such application. The Pre-Trial Chamber remained divided on the issue of whether the suspect had standing to appeal the impugned decision so it could not attain a super-majority of four votes to decide on the appeal. As a result, the impugned decision stands.

PTC14 - pending

The Pre-Trial Chamber remained seized of an appeal against a clarification issued by the International Co-Investigating Judge concerning the validity of summons signed by one Co-Investigating Judge alone, filed by a suspect in Case 004 in English on 15 September 2014 and in Khmer on 27 October 2014. The briefing is complete and the Pre-Trial Chamber is in the process of issuing a decision.

PTC15 – pending

The Pre-Trial Chamber remained seized of an appeal filed on 17 October 2014 by a suspect in Case 004 against a decision of the International Co-Investigating Judge regarding the suspect's request for clarification that he can conduct his own investigation. The briefing is complete and the Pre-Trial Chamber will issue a decision in due course.

PTC16 – pending

The Pre-Trial Chamber remained seized of an appeal filed by a suspect in Case 004 against a decision of the International Co-Investigating Judge denying a motion requesting information about a written record of disagreement. The Appeal was filed in English only on 17 October 2014 and the Khmer version is yet to be filed.

Office of the Co-Investigating Judges

During the month of November, the international side of the Office of the Co-Investigating Judges ("OICIJ") continued the investigations of Case Files 003 and 004. With regard to both Case Files, six field missions took place, resulting in sixteen witnesses being interviewed, as well as twelve investigative action reports being drafted. Eleven witnesses were interviewed at the ECCC premises.

During the month of November, the OICIJ Analysts Unit reviewed Khmer Rouge documents at external archives. Review of over 2,000 prisoners logs held at Khmer Rouge Security Centers continued. Additionally, the Analysts Unit assisted and participated in all field missions conducted during the month of November.

Civil party applications in Cases 003 and 004, which presently total in excess of 2,125, are progressively being placed on the case files. Their evidentiary value is subjected to a thorough scrutiny by analysts, investigators and legal officers. All civil party applications have been reviewed for admissibility for both case files and new requests for additional information are being sent to civil party lawyers and the victims support section as a consequence.

Office of the Co-Prosecutors

Case 002

The Co-Prosecutors continued preparations to ensure an efficient and thorough

trial of the crimes covered in the upcoming Case 002/02. They have also been conducting reviews of available evidence for disclosure purposes and requested the Trial Chamber to admit further documents relevant to the first segment of the trial 002/02 and documents relating to forced marriage pursuant to Rule 87(3) and 87(4).

On 29 November 2014, the Co-Prosecutors filed their appeal against the Judgment of the Trial Chamber in Case 002/01. The appeal was filed in the interests of the law and based on legal errors of general significance to the international criminal law jurisprudence and the ECCC jurisprudence, although those errors do not invalidate the judgment in itself. The Co-Prosecutors submitted that the Trial Chamber erred in law by excluding the possibility that the Accused, being senior leaders of Democratic Kampuchea, could be criminally liable for consequential crimes committed by direct perpetrators predicated upon the significant contribution of the Accused to a Joint Criminal Enterprise ("JCE") in circumstances where the Accused reasonably foresaw that crimes not expressly included within the scope of the enterprise would be committed. This is the third form of JCE also called the "extended form of JCE". The Co-Prosecutors submitted that JCE III liability is incorporated within the ECCC Law, conforms to the principle of *nullum crimen sine lege*, and was part of customary international law prior to 1975, as demonstrated by the World War II cases and consistent State practice.

The Co-Prosecutors prepared for the questioning of seven civil parties and witnesses due to testify during hearings to be held between 17 November and the end of December 2014. They participated in two Case 002/02 evidentiary hearings respectively on 17 and 24 November 2014. Unfortunately, the proceedings were adjourned until 8 January 2015 by the Trial Chamber due to the continuous boycott of Khieu Samphan's Defence and despite the proposal made by the Co-Prosecutors to have stand-by or *amici curiae* counsel appointed to safeguard Khieu Samphan's rights.

Cases 003 and 004

The International Co-Prosecutor issued a public statement informing the public of the filing on 31 October 2014 of a Supplementary Submission in Case 003 that was principally intended to clarify the scope of the investigation and to include in the investigation the additional crime of forced marriage and evidence that forcibly married couples were coerced to have sexual relations (rape) af-

terwards. The Co-Prosecutors have further analysed the evidence gathered and monitored investigative and procedural developments in Cases 003 and 004.

Outreach

The Co-Prosecutors were represented by Vincent de Wilde at the 7th Colloquium of International Prosecutors held in Arusha, Tanzania on 4-5 November 2014 as part of a series of events marking the 20th anniversary commemoration of the establishment of the ICTR. The participants to the Colloquium were international and national prosecutors as well as representatives of regional courts, academic institutions and civil society organizations. They debated upon the challenges and prospects of local prosecution of international crimes.

Defence Support Section

Case 002

The Nuon Chea Defence team was present on 17 November for evidentiary hearings in Case 002/02, resuming its participation in proceedings after receiving the decision of the Special Panel on disqualification. This decision, dated 14 November 2014, dismissed Nuon Chea's and Khieu Samphan's motions to disqualify President Nil Nonn and Judges Ya Sokhan, Jean-Marc Laverigne, You Ottara and Claudia Fenz from adjudicating Case 002/02. Khieu Samphan's defence team was not present at the hearing. Khieu Samphan, who was forced to attend the hearing, explained to the Chamber that he instructed his lawyers to continue to focus all their efforts on his appeal against the Case 002/01 judgment.

In a decision dated 21 November, the Trial Chamber appointed Kong Sam Onn, Arthur Vercken and Anta Guisse as Court Appointed Counsel for Khieu Samphan, thereby preventing counsel from adhering to the instructions of the accused. Counsel refused the appointment, reminding the Chamber that the UN contract they signed obliges them to always respect their client's interests. According to the lawyers, this new appointment would cause them to break their professional and ethical obligations toward their client, forcing them to act against his interests, which is not acceptable. The counsel qualified the Trial Chamber decision as a violation of the defence's independence.

On 24 November, a hearings in Case 002/02 took place. As Khieu Samphan's counsel was not present, the Trial Chamber decided to adjourn the trial hearings until 09:00 on 8 January 2015. According to the Chamber, it would not be possible to replace Khieu Samphan's Defence Team without causing substantial delay in the trial due, in particular, to a voluminous case file.

Cases 003 and 004

The Case 003 Defence team has continued to prepare submissions to protect its client's fair trial

rights and continues to review publicly available material, since the Case File remains inaccessible.

The three Defence teams in Case 004 continue to safeguard their clients' rights, preparing their defence with publicly available material and attempting to gain access to the Case File. To that end, one of the defence teams renewed its request arguing that the new court completion plan leaves too little time to participate in the investigation.

Civil Party Lead Co-Lawyers Section

Key legal developments

On 17 November 2014, during the resumption of the trial proceedings for Case 002/02, the Lead Co-Lawyers informed the Trial Chamber that the Civil Parties who had been consulted regarding the Khieu Samphan's and Nuon Chea's defence counsels' boycott of the trial proceedings were unhappy about the uncertainties surrounding the progression of the proceedings. The Lead Co-Lawyers submitted that considering their advancing age, the Civil Parties rights were being infringed by these uncertainties and asked the Chamber to reach a decision that respects the rights of all parties. Further, the Lead Co-Lawyers verbally supported again the Prosecution's request to appoint amici curiae counsel to progress the trial proceedings.

Key Legal Issues and Submissions

The Civil Party Lawyers and the Lead Co-Lawyers continued their preparation for the hearing for Case 002/02 throughout the month of November.

On 4 November 2014, the Civil Party Lead Co-Lawyers filed an 87(4) Request Regarding Contemporaneous Diary of 2-TCCP-296. The Lead Co-Lawyers requested that this contemporaneous diary be placed on the case file and be admitted into evidence as it would assist the Chamber in ascertaining the truth and it is highly relevant in the interests of justice to the Closing Order allegations on the Tram Kok Cooperatives. The Trial Chamber granted this request on 27 November 2014.

On 24 November 2014, the Civil Party Lead Co-Lawyers filed Requests Relating to the Appeal in Case 002/01 before the Supreme Court Chamber. The Lead Co-Lawyers requested that the Supreme Court Chamber allow the Lead Co-Lawyers to file a consolidated response brief in response to the defence briefs, recognise the Lead Co-Lawyers reservation of their right to file a brief clarifying their position on the Co-Prosecutors' Appeal Brief, grant an extension of 60 pages for the consolidated response brief and grant leave for the Lead Co-Lawyers to file in one language.

Meetings and Outreach

On 3 November 2014, a Civil Party consultation forum organized by Victims' Support Section was held in Prey Veng to discuss the progress of trial proceedings in Case 002/02 and the progress of the appeals in Case 002/01. The forum also discussed the implementation of some of the reparation projects in Case 002/01, namely mobile and permanent exhibitions as well as the development of reparation projects in Case 002/02. Further, this forum provided opportunities for Civil Party Lawyers to meet with their clients.

On 28 November 2014, the Civil Party Lawyers, the Lead Co-Lawyers section and the Victims Support Unit attended a conference on "Transformative Reparations for Sexual and Gender-Based Violence at the Extraordinary Chambers in the Courts of Cambodia." The agenda items included the scope for forced marriage and sexual and gender based violence within Case 002/02 and the possibilities of transformative reparations projects for Case 002/02.

On 28 November 2014, the Civil Party Lawyers and the Civil Party Lead Co-Lawyers were also present at the final Testimonial Therapy conducted as part of the reparations granted in Case 002/01.

Victims Support Section

Legal representation

After receiving the official supplementary information request from Office of Co-Investigation Judges (OCIJ) requesting for supplementary information from civil parties who did not give sufficient facts relating crime they suffered, the ECCC-funded civil party lawyers of the VSS tried their best to collect the information from those civil parties and submitted it to OCIJ. The lawyers also prepared the document of civil parties in case 002, who confirmed to join case 004, to be transferred in case 004.

Also, the lawyer team participated in 1) the forum on Consultation on Case 002/02 Reparations Scheme, and lesson Learn on the Reparation Project of Case 02/01 at Prey Veng Province, 2) Meeting between Lead Co-Lawyers, Civil Party Lawyers and VSS on regional forum plan and reparation for case 002/02 at ECCC office and 3) the workshop on transformative reparation for sexual and gender based-violence jointly organized by Victims Support Section, University of New South Wales Australia, Australian Human Rights Center, and Asia International Justice Initiative.

Processing and analysis

During the month, the Processing and Analysis Team of the VSS received a total of 28 applications in Case 004. As of 31 October, there were 1,808 applications in total for both cases 003 & 004.

In addition to the civil party applications already filed to OCIJ, the team has been working on the request of OCIJ for supplementary information of civil parties whose facts were not complete.

Reparations and non-judicial measures

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

On 03 November, VSS Gender Based-Violence Project which is under the financial support of United Nations Trust Fund to End Violence against Women organized the Civil Party Forum at Prey Veng on verdict distribution and lawyers and civil party dialogue. There were 135 participants who are Gender-based Violence survivors, including 97 female, from Prey Veng and Kampong Cham provinces and other representatives from ECCC and NGOs partners.

The purposes of the Civil Party Forum were to promote victims participation as civil parties and provides opportunities for them and their lawyers to discuss issues relating to hearing of Case 002/02, to inform the civil parties about what were decided in the judgment of case 002/01 and to update them on the progress and implementation of the reparation and non-judicial measure projects, especially those related to Gender Based-Violence during the Khmer Rouge.

The Team's member visited Toul Sleng Genocide Museum in order to monitor the implementation progress of the construction of a memorial Stupa on 14 November. The construction of the Stupa is on track and the foundation of the Stupa is completed. At the same day, the Team's member also had a meeting with the Ministry of Culture and Fine Arts in order to plan further concerning the construction of the memorial Stupa. It is obvious that the construction of the Stupa can be completed as planned.

The Chief met with UN Women-Cambodia to have a discussion on 16 and 19 November about the possible continuity of Gender-Based Project which was finished at the end of November. He also attended in a launching workshop on mobile exhibition organized by Kdei Kauna (KdK) and spoke about reparation. Additionally, the Chief attended in a preparation meeting for the Cambodian-German Technical Consultation on 24



November, organized by the Cambodian Development Council (CDC).

Additionally, VSS staff and a civil party lawyer were on mission to Kampot and Koh Kong provinces to explain the substance of the verdict of case 002/02 to civil parties, to provide an opportunity for civil parties and their lawyers to have dialogue on the hearings of Case 002/02; and to distribute the Judgment Books in Case 002/01 to those civil parties.

The VSS organized a meeting with Civil Party lawyers and Co-Lead lawyers to have discussions about issues related to reparations and CPs who are proposed to testify in Case 002/02.

The Team's members participated in a Mo-

bile Exhibition on Forced Transfer in Svay Rieng and Siem Reap provinces from 20 to 27 November which were organized by Youth for Peace and Kdei Karuna organizations with the involvement of about 400 participants in total. The project was funded by the German Ministry of Economic Cooperation and Development (BMZ).

At the end of the month, the Victims Support Section (VSS) of the Extraordinary Chambers in the Courts of Cambodia (ECCC) in cooperation with the Australian Human Rights Centre, University of New South Wales Australia, and Asian International Justice Initiative organized a workshop on Transformative Reparations for Sexual and Gender-Based Violence: possibilities for the ECCC. It was a full day event with 54 participants

from ECCC officers, national and international NGOs working with transitional justice.

The main purpose of the workshop were discussed the lessons learned from the reparations processes for Cases 001 and 002/01 and to consider how those experiences can be applied to the design and implementation of reparations for victims of sexual and gender-based violence in Case 002/02 and beyond. A particular focus of the workshop is to consider to what extent reparations projects might be "transformative". Participants were asked to consider how reparations could aim to restructure the political, economic and social conditions that enable sexual and gender-based violence, ultimately reducing and preventing its recurrence.

Decisions/Orders

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

www.eccc.gov.kh/en/document/court

Supreme Court Chamber

Order on Defence for KHIEU Samphan Request to Reinforce Interpretation and Translation Unit, F8/1, 14 November 2014.

Trial Chamber

11 November 2014: T Order to Bring <E202/132>

11 November 2014: Summons to the Accused NUON Chea and KHIEU Samphan

<E202/131>

14 November 2014: Decision on Interlocutory Requests Related to Applications for Disqualification <E314/11>

14 November 2014: Decision on Applications for the Disqualification of Trial Chamber Judges <E314/12>

21 November 2014: Decision on the Appointment of Court Appointed Counsel for KHIEU Samphan <E320/2>

27 November 2014: Decision on Civil Party Lead Co-Lawyer's Rule 87(4) Request Regarding Contemporaneous Diary of 2-TCCP-296 <E323/1>



Australian and Burmese students learn about the ECCC

Tuesday, 2 December 2014 saw 42 students and 6 teachers from Australian School International in Singapore visit the ECCC as part of a weeklong visit to Cambodia. Prior to coming to Cambodia, the students raised over \$35,000 to go towards house building in Takeo province as part of the Tabitha programme (and which they also lent sweat and elbow grease) as well as to support an AIDS orphanage. In order to give the students a better understanding of Cambodia and its current realities, a number of cultural visits were also organized. To that end, the students visited the Killing Fields and S-21, and spent a morning at the ECCC to learn about the Khmer Rouge and its role in modern Cambodian history.

Following an introduction video summarizing the work of the court, the students were invited to enter the Courtroom to hear from a number of staff members about their roles in the court.

Bill Smith, International Deputy Co-Prosecutor spoke about the Democratic Kampuchea period, and the actions of the Khmer Rouge which necessitated the creation of the ECCC, as well as his role in the cases against Khieu Samphan and Nuon Chea.

Chorvoin Song, National Deputy Co-Prosecutor talked of her personal reasons for working at the ECCC, which stem from a desire to see justice and progress in Cambodia.

Thomas Kuehnel, an investigator from the Office of the Co-investigating judge (OCIJ) talked about his work internationally as an investigator in Bosnia and Kosovo, as well as the special challenges of the ECCC where he is investigating crimes that took place thirty years ago.

Both students and teachers had questions for the speakers, ranging from logistical issues such as splitting Case 002 and finding documentary evidence after so long, to emotional questions about any apologies and remorse shown by senior Khmer Rouge leaders and the threat of vigilante justice, to questions about the future of the court regarding Cases 003 and 004 and the impact the ECCC has possibly had on Cambodian democracy.

A handful of students remained afterwards to give their thoughts on the court, and what they had learnt during their visit:



Kate enjoyed the talk by Chorvoin and the honesty with which she gave her personal reasons for wishing to work at the ECCC. She was impressed by the Court's "impact on Cambodians" and was thankful to the speakers for giving her a "greater sense of awareness of the hardships" of the Khmer Rouge.

Amy felt like she had "gained a deeper understanding, on an emotional level" of the terrors of the Khmer Rouge period, adding that "it's good to know that something is being done."

Joel admitted to having "very little knowledge [of the Khmer Rouge] before coming to Cambodia, and no idea of the trials" but will take away from the visit the fact that "people are still seeking justice" and how this is "an important step in rebuilding."

This was Arjun's first visit to a court of any kind, but was an experience he found enlightening, given his interest in international affairs, and he will follow the proceedings here more closely in the future.

Monday 8 December, 22 Burmese monks, nuns and religious leaders visited the court, as part of their Genocide Awareness study. They heard from Dale Lysak, Leang Seng and Vincent De Wilde d'Estmael from the Office of the Co-prosecutor, and Victor Koppe, Nuon Chea's international defence lawyer.

On Tuesday 9 December, two different St. Ignatius Colleges from Australia visited

the court, as part of their Jesuit Mission work in Cambodia. The court visit forms part of the educational segment, which also includes visits to the Killing Fields and S-21, and is intended to give students a vivid and visual introduction to the realities of the Khmer Rouge regime.

In the morning, students from St. Ignatius College, Adelaide were keen to learn more about the working of the court as part of the focus of the Cambodian trip is to better link Australia and Australians with the wider world, and therefore gaining a greater understanding of 'local' Asian history is an important step in this. To that end, the time spent at the court was very useful. Bill and Thomas again spoke about their professional backgrounds before explaining how the court works, and what it has achieved thus far.

Students from St. Ignatius College Riverview, Sydney visited the court in the afternoon, and were treated to Bill and Thomas's talk on the court. After a video introduction to current cases, the group was able to enter the courtroom and learn more about the court and the cases. Having visited the Killing Fields and S-21 already, the court visit helped to clarify any questions or doubts they had. With a more in-depth knowledge of the Khmer Rouge period, they were next off to teach English and volunteer in Battambang.

A second group from St. Ignatius College, Adelaide visited on Thursday 11 December, and Bill and Thomas again spoke. Two of the students afterwards gave their thoughts. Joseph, was surprised that the "whole process of getting [the court] operational" had taken such a long time, but felt it was important and worthwhile. Becky was pleased to have visited the court after S-21 and the Killings Fields, as it "connected it all" and that "being here and seeing it all made it meaningful."



School visit by PAS in Svay Rieng Province

On Wednesday 26 November, the Public Affairs Section conducted two outreach activities in Svay Rieng province. As part of the ongoing education and court awareness programme, Pheaktra Neth addressed 300 students at Svay Rieng University. He spoke for over an hour on the general history of the Democratic Kampuchea period, the actions of the Khmer Rouge, and the work of the court in prosecuting those most responsible.

The students took an active interest in the talk and also contributed a number of questions during the subsequent Q&A session. Theary, 21, one of those who asked a question felt the event had been very positive, 'Today I am very happy because I have learned about my country, I want to know more than this. I will search by myself'



Touy Srey Oun, 20, who asked Pheaktra about foreign donations to the court, and daily ECCC procedures, felt she learnt a lot, not just about the court, but also appreciated the clear way the information on the Khmer Rouge was presented.



Henh Soma, 21, admitted to never having studied about the Khmer Rouge before, but the talk had left her with an understanding of who they were, and an appreciation on why the post-DK generation need to be informed about Cambodia's recent history.



Sorun, 22, said that the talk had brought home to him just how destructive the Khmer Rouge period had been, and the number of people who had been killed, and the role of the court in ensuring justice is achieved. "The work of the ECCC is important and I support it. I want the trial to have a good result for the people."



Ta Kok Highschool was also visited, with students and teachers receiving the ECCC leaflet An Introduction to The Khmer Rouge Trials. It will assist them in their studies of the Khmer Rouge and Cambodian history, as well as giving an overview of the court, from its foundation to the current trial, 002/02 of Khieu Samphan and Nuon Chea.



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.

November 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11 Study tour, Pursat Province (450)	12 Study tour, Pursat Province (450)	13	14	15
16	17 EVIDENCE HEARING CASE 002/02 - Institute of Khmer NG, Phnom Penh (300) - Law University, Phnom Penh (150)	18 Study tour, Prey Veng Province (250)	19 Study tour, Pursat Province (480)	20	21	22
23	24 Study tour, Pursat Province (400)	25 Study tour, Prey Veng Province (250)	26	27	28	29
30						

December 2014						
SUN	MON	TUE	WED	THU	FRI	SAT
	1 Study Tour, Pursat Province, (500 people)	2	3 Study Tour, Prey Veng Province, (250 people)	4	5	6
7	8	9 Study Tour, Pursat Province, (500 people)	10	11 Study Tour, Kg Cham Province, (400 people)	12	13
14	15 Study Tour, Pursat Province, (500 people)	16	17 Study tour, Pursat Province (500)	18	19	20
21	22 Study Tour, Prey Veng Province, (300 people)	23	24 Study tour, Prey Veng Province (300)	25	26	27
28	29 Study Tour, Pursat Province, (500 people)	30 Study Tour, Pursat Province, (500 people)	31			

Outreach activities



Radio show on 17 November 2014 at Radio FM102

10-14 November 2014: It was estimated more than 1000 people visited during three-day exhibition about KR past by Kdei Karuna, with particular emphasised on the issue of forced transfers throughout the CP dialogue, art workshops, forum-theater, concert, film screening and exhibitions. Audiences learned about KR history, CPs' stories and ECCC. They also had chances to directly ask CPs about experience during the KR and participation at ECCC.

24-28 November 2014: Interactive Mobile Exhibition on Forced Transfer by Kdei Karuna. It was estimated more than 1000 people visited during three-day exhibition about KR past, with particular emphasised on the issue of forced transfers throughout the CP dialogue, art workshops, forum-theater, concert, film screening and exhibitions. Audiences learned about KR history, CPs' stories and ECCC. They also had chances to directly ask CPs about experience during the KR and participation at ECCC. A representative from VSS and two CP lawyers also attended during the CPs forum.

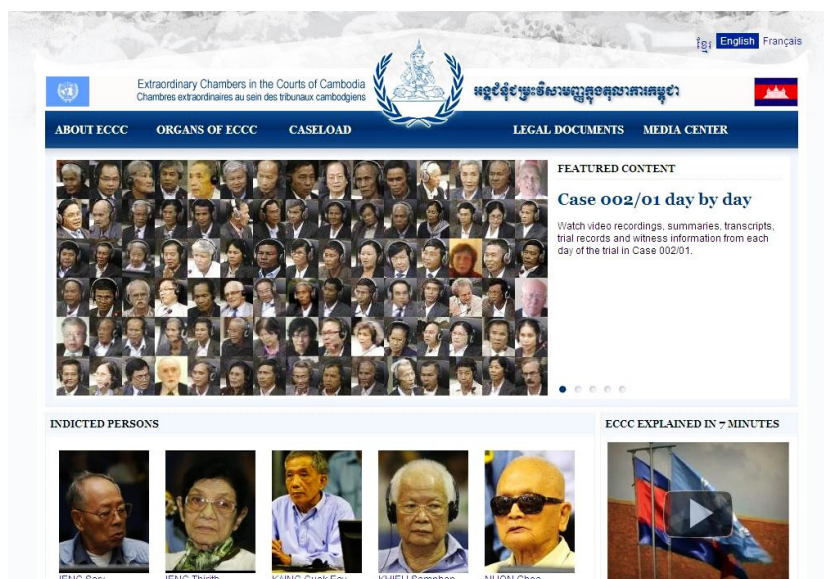
18 November 2014: Distributed the learning material booklets, titled "Additional Understanding of ECCC proceedings" by CHRAC. 130 copies of these booklets have been distributed to students for additional understanding of ECCC proceeding and some stored at the library. This booklet is a tool for students to increase their knowledge of the ECCC procedures and fair trial rights.

8 December 2014: KRT Watch Radio Call-in Show Theme: "The update of cases 003 and 004 at ECCC". Ms. CHHAY Chanlyda, Junior Lawyer of OCIJ and Ms. You Leng Heng, Complaint and Application Manager of Victims Support Section (VSS) at ECCC were invited for speaking. The outcomes of this programme aim to inform the public about updated information of cases 003 and 004 and reactions from victims and/or callers in response to this topic



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

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