



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 18-Jul-2017, 08:00
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

13 June 2017
Trial Day 500

Before the Judges: NIL Nonn, Presiding
Claudia FENZ
Jean-Marc LAVERGNE
YA Sokhan
YOU Ottara
Martin KAROPKIN (Reserve)
THOU Mony (Reserve)

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Elinor Gladis FRY
Maddalena GHEZZI
Russell HOPKINS

Lawyers for the Civil Parties:
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Marie GUIRAUD
HONG Kimsuon
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For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
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SENG Bunkheang
SENG Leang
SREA Rattanak
Vincent DES WILDE D'ESTMAEL

For Court Management Section:
UCH Arun

List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|--------------------------|-----------------|
| Ms. CHET Vanly | Khmer |
| The GREFFIER | Khmer |
| Ms. GUIRAUD | French |
| Mr. HONG Kimsuon | Khmer |
| Mr. KOPPE | English |
| The President (NIL Nonn) | Khmer |
| Mr. PICH Ang | Khmer |

1

1 PROCEEDINGS

2 (Court opens at 0859H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now in session and we continue our proceedings in

6 Case 002/02.

7 Today, the Chamber will begin to hear the closing statements from

8 parties in Case 002/02.

9 And before we begin the hearing, Ms. Chea Sivhoang, please report

10 the attendance of the parties and other individuals to today's

11 proceedings.

12 [09.00.53]

13 THE GREFFIER:

14 Mr. President, for today's proceedings to hear the closing

15 statements by parties, all parties are present. Thank you.

16 MR. PRESIDENT:

17 Thank you, Ms. Chea Sivhoang.

18 The Chamber would like to remind the parties and the public that

19 the Chamber scheduled to hear the closing statements in Case

20 002/02, starting from today -- that is, Tuesday, 13 June 2017, to

21 23rd June 2017, as indicated in the Scheduling Order to hear the

22 closing statements that the Chamber issued on the 28 April 2017

23 -- that is, document E457/6.

24 [09.01.58]

25 The Scheduling Order determines the procedures as well as the

1 time allocations for parties to hear the closing briefs, and that
2 information is also notified to parties by email by the Senior
3 Legal Officer of the Chamber on 9 June 2017. And the procedure to
4 hearing the closing statements is conducted in accordance to Rule
5 94 of the ECCC Internal Rules.

6 Parties filed their closing briefs in Case 002/02 on 2nd May
7 2017.

8 As to the sequence of presenting the closing statements by party
9 shall be conducted according to Rule 94.1 of the Internal Rules
10 and according to the time allocation as follows.

11 Lead Co-Lawyers for civil party, one day; Co-Prosecutors, two
12 days; Nuon Chea's defence, two days; Khieu Samphan's defence, one
13 and a half days; and the rebuttal by the Lead Co-Lawyers for
14 civil parties and the Co-Prosecutors, one day. And the final
15 rebuttal of the defence teams and the final statements by the
16 Accused, Nuon Chea and Khieu Samphan, four hours. And this will
17 be held on Friday, 23rd June 2017.

18 [09.03.48]

19 After hearing the closing statements by the parties, the Chamber
20 will adjourn the proceedings. The Judges will deliberate on the
21 verdict according to Rule 96 of the ECCC Internal Rules. The
22 Chamber will notify the parties and the general public on the
23 actual date of the announcement of the judgment in an appropriate
24 time.

25 The Chamber also reminds the parties that in order to ensure the

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1 fair and expeditious proceedings to hear the oral closing
2 statements in Case 002/02 and in order to make effective use of
3 the time allocations for the parties, please remember that the
4 Chamber uses three official languages and, for that reason, you
5 should speak slowly and articulately. In particular, if a number
6 is mentioned, please read it slowly. As for the name of a person
7 or a place, please pronounce it properly if such name is distinct
8 or it is difficult to write.

9 [09.05.14]

10 In cases where there is an exchange between a Judge and a party,
11 please wait until the interpretation is complete before you
12 respond.

13 The Chamber also would like to inform the parties and the public
14 that, this morning, the Chamber instructs the security guards to
15 bring Nuon Chea to the courtroom. This is done in accordance to
16 the recommendations made by the doctor at the ECCC, who provided
17 a certificate to the Chamber this morning.

18 And the recommendation made by the doctor is that the health
19 condition of Nuon Chea is that he's able to sit in the courtroom
20 for about 20 minutes. And after the 20-minute period, Mr. Nuon
21 Chea, if he cannot continue to be present in the courtroom, can
22 return to room downstairs, but please make a request to the
23 Chamber.

24 And before I hand the floor to the parties to present their
25 closing statements, the Chamber would like to reiterate that the

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1 parties shall adhere strictly to the guidelines on the closing
2 statements in Case 002/02 which was issued on 7 June 2017, that
3 is, document E457/7.

4 And in order to make an effective use of that guideline as well
5 as for the interest of the general public who are following the
6 trial, I will read in full the guideline as follow.

7 [09.07.19]

8 1. With a view to ensuring the smooth conduct of closing
9 statements in Case 002/02 starting on 13 June 2017, the Trial
10 Chamber provides the following guidelines to the parties.

11 Witness protection, integrity of investigation in Cases 003 and
12 004:

13 The parties are reminded of the Trial Chamber's memorandum,
14 E319/35/15 dated 31st May 2017 adopting the conclusions of the
15 International Co-Investigating Judge's memorandum, E319/35/14/3
16 of 22nd May 2017. The Trial Chamber stresses that confidentiality
17 restrictions continue to apply to the witnesses and documents
18 included in Annex 3 to the Trial Chamber's memorandum.

19 The parties must therefore refer to those witnesses by their
20 pseudonyms where available or by the number of relevant Written
21 Record of Interviews during the closing statements.

22 [09.08.54]

23 Evidence not admitted and request for reconsideration:

24 Parties are reminded that the Chamber may base its decision only
25 on evidence that has been put before the Chamber pursuant to

1 Internal Rule 87.3. The Trial Chamber notes that, in its closing
2 brief, the Nuon Chea defence has requested the Chamber to
3 reconsider its decision to not admit the material set out in
4 Annex 1. The Chamber will address this request at an appropriate
5 time.

6 During closing statements, parties will be permitted on an
7 exceptionally -- exceptional basis and without prejudice to the
8 final decision to make reference to material which is part of
9 this request for reconsideration.

10 Any party choosing to refer to such material during closing
11 statements shall state in each instance when doing so in order
12 that this will be clear to the other parties as well as the
13 public. In this context, the Chamber expects the parties to focus
14 on evidence on which they rely in their closing briefs.

15 In any case, during closing statements parties will not be
16 allowed to refer to material, which has never been requested for
17 admission and shared with the Chamber and the parties.

18 [09.10.47]

19 Reconsideration:

20 The Trial Chamber notes that, in its closing brief, the Nuon Chea
21 defence has requested that the Chamber reconsider a number of
22 rejected Defence witness request and investigation request. The
23 Chamber will address these requests at an appropriate time.

24 Torture-tainted statements:

25 The Chamber recalls that, according to Article 321 of the

1 Cambodian Code of Criminal Procedure, any declaration given under
2 physical or mental coercion shall have no evidentiary value.
3 Further, according to Article 15 of the Convention against
4 Torture, any statement which is established to have been made as
5 a result of torture shall not be invoked in any proceedings
6 except against a person accused of torture as evidence that the
7 statement was made.

8 [09.12.08]

9 The Chamber has held that the torture-tainted evidence cannot be
10 used for the truth of its contents. However, objective
11 information contained within confessions such as the date of
12 arrest is not part of the statement and can be used. The same
13 applies to annotations made on confessions by the interrogator or
14 his superiors.

15 The Chamber recalls its findings that a real risk exist that a
16 torture was used at S-21 and other security centres to obtain
17 confessions. Document E350/8, paragraph 79.

18 Any party seeking to rely upon such evidence may rebut these
19 preliminary determinations in particular upon a showing of
20 specific circumstances negating this risk. For this reason,
21 during evidentiary hearings, the Chamber did not permit the use
22 of confessions, which were obtained at security centres,
23 including S-21, absent a showing that this statement was not
24 torture-tainted.

25 As the Accused in this case are charged with the crime of

1 torture, the Chamber must ultimately apply a different and higher
2 standard of proof in its verdict in order to determine whether
3 torture occurred.

4 [09.14.03]

5 The preliminary determination by the Chamber that there is a real
6 risk that evidence was obtained by torture may differ from its
7 final conclusion based on the standard for conviction on the
8 allegations of torture considering the totality of evidence
9 available at the judgment phase. As the evidentiary proceedings
10 have concluded, there is no longer a danger that, inter alia,
11 witnesses and civil parties could be improperly influenced by
12 torture-tainted evidence. The Chamber will therefore allow a
13 party, where it considers it necessary to reference such
14 information during these closing statements, to do so.

15 The parties shall, however, indicate prior to discussing any such
16 document that the Chamber has attached presumptions that the
17 evidence to be discussed was obtained by torture. This shall
18 serve to provide fair notice of the nature of the evidence
19 discussed, absent which the parties and public could be misled.

20 [09.15.22]

21 The Chamber has adopted this approach to potentially
22 torture-tainted materials in order to facilitate comprehensive
23 and, as well as possible, uninterrupted closing statements.

24 And I'd like to hand the floor now to the Lead Co-Lawyers for
25 civil parties to present their closing statements as well as the

1 submissions on the final reparation claims. And the Lead
2 Co-Lawyers for civil parties have one-day time allocation.
3 You have the floor.

4 MR. PICH ANG:

5 My name is Pich Ang. I am the National Lead Co-Lawyer for civil
6 parties.

7 Good morning, Mr. President. Good morning, Your Honours. Good
8 morning, Parties. Good morning, everyone in and around the
9 courtroom, as well as the civil parties.

10 [09.16.28]

11 Today, Tuesday, 13 June 2017, is a very good day for the civil
12 parties to present our oral closing statements, that is, to
13 highlight in summary the events and harms that they experienced
14 and suffered, as well as to present the reparation projects that
15 we have. And this is after the evidentiary hearings for over 200
16 days.

17 And allow me to say that we are the Lead Co-Lawyers and the civil
18 party lawyers, and we represent the consolidated group of civil
19 parties, and initially this group consisted of 3,867 civil
20 parties. Out of this number, 2,195 civil parties lived in Phnom
21 Penh and the nearby provinces.

22 We also have 1,093 civil parties who live in provinces far from
23 the city, in particular, 212 civil parties are from Kampong Thom
24 province, and 268 are from Pursat province.

25 The number -- the total number of 3,867 civil parties does not

1 remain the same. When the hearing -- since the trial started, we
2 were informed that 181 civil parties passed away, and out of this
3 number, 37 successors continue their civil party status -- 34,
4 rather.

5 [09.18.42]

6 In Case 002/02, 64 civil parties testified, and 63 of whom
7 concluded their testimonies. Ten out of 64 civil parties were
8 under 16 years old when they were under the regime, that is, from
9 '75 to '79. And there were also some New People as well as Base
10 People, and 16 of them were the Khmer Rouge at the time.

11 As stipulated in Rule 23 quinquies of the Khmer Rouge Tribunal,
12 the civil parties, first, their complaints against the Accused in
13 support of the Co-Prosecutors and, second, to seek collective and
14 moral reparations.

15 For today's closing statements, the Lead Co-Lawyers will provide
16 some highlights in relation to some civil parties who testified
17 before this Chamber, and their testimonies would assist the --
18 Your Honours to see the elements of crimes in those charges as
19 well as we will highlight the harms suffered by the civil
20 parties. And I, myself, will present the closing statements on
21 worksites as well as the persecution of the Cham people.

22 And Madam Chet Vanly will make presentation on Tram Kak
23 cooperative, the persecution of Buddhist and Krang Ta Chan
24 Security Centre.

25 [09.20.52]

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1 Hong Kimsuon will make a presentation concerning three security
2 centres as well as on the topic of internal purges.

3 And finally, the Lead Co-Lawyer, Marie Guiraud, will present the
4 closing statements on the treatment of the Vietnamese during the
5 Democratic Kampuchea regime period as well as on the forced
6 marriage.

7 And toward the final session of today's proceedings, Marie
8 Guiraud and myself will present the collective reparations
9 projects where the funds have been secured for the
10 implementation.

11 And during our presentation of the closing statement, I'd like to
12 make a request to Your Honour, Mr. President, to allow us to
13 present some video clips as well as the projection of some
14 documents and photographs, which have been provided to the AV
15 Unit. So, there is no need to seek permission each time that we
16 have to present such material.

17 [09.22.27]

18 MR. PRESIDENT:

19 Yes, your request is granted. However, that is in relation to
20 only the documents or materials that have been presented or put
21 before the Chamber. And in cases where materials which have not
22 been put before the Chamber, those -- such material would not be
23 permitted by the Chamber.

24 MR. PICH ANG:

25 Yes, Mr. President. We will only use the documents that have been

1 <admitted> by the Chamber.

2 And I'd like now to make my presentation in relation to worksite.

3 In Khieu Samphan's speech made on the 15 of April 1977 during the
4 second anniversary of the victory of 17 April 1975, Khieu Samphan
5 makes the following speech:

6 "At all construction sites where the dams, the reservoirs and
7 canals are being made, many of the units have concluded their
8 plans."

9 And in reference to children, Khieu Samphan makes the following
10 statement:

11 "Children are happy in chasing sparrows, in building the dams as
12 well as the dam walls, in digging the reservoirs and canals."

13 [09.24.02]

14 He said "happy". Were they actually happy as claimed by Khieu
15 Samphan? Is that the truth?

16 The real situation was not as what this leader stated. The
17 statement was a façade.

18 Civil parties spoke about the harms and the suffering that they
19 received during the regime: they were treated as slaves and they
20 were forced to overwork in various worksites.

21 Cooperatives and worksites were set up throughout Cambodia before
22 1975 from the early stages of the CPK control over certain parts
23 of the territory. These cooperatives and worksites continued
24 until at least 6 January 1979.

25 [09.25.21]

12

1 The Trial Chamber is specially seized of three worksites and one
2 cooperative: Trapeang Thma Dam worksite, Kampong Chhnang airport
3 construction site, 1st January Dam worksite, and the Tram Kak
4 cooperatives.

5 The Trial Chamber -- the Closing Order that seizes the Trial
6 Chamber states that one of the objectives in establishing
7 cooperatives and worksites was to put the population to work in
8 order to provide food for internal consumption and for export.

9 MR. PRESIDENT:

10 Please hold on.

11 And Counsel Koppe, you have the floor.

12 MR. KOPPE:

13 Yes, Mr. President. Sorry to interrupt, but my client would like
14 to go down at this time.

15 Thank you.

16 MR. PRESIDENT:

17 Yes, your request is granted.

18 And the Chamber would like to inform the Parties and the general
19 public that, according to the medical certificate made by the
20 doctor at the ECCC this morning, who noticed about the health
21 condition of Nuon Chea, that he has a chronic back pain and it
22 becomes severe when he sits for long, so your request is granted.

23 [09.26.52]

24 And security personnel, you're instructed to take Nuon Chea to
25 the room downstairs so that he can follow the proceedings

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1 remotely, and this apply for the whole day.

2 AV Unit personnel, you are instructed to link the proceedings to
3 the room downstairs so that Nuon Chea can follow.

4 (Short pause)

5 MR. PRESIDENT:

6 And Counsel, you may resume your presentation.

7 [09.27.38]

8 MR. PICH ANG:

9 <> This involved, amongst other activities, rapidly increasing
10 the production of paddy to three tonnes per hectare per crop,
11 creating a countrywide irrigation network or building
12 infrastructure such as <Kampong Chhnang airport> or dams.

13 It is alleged that another objective of the establishment of
14 cooperatives and worksites was to further the policy relating to
15 detecting, defending against, re-educating and smashing the enemy
16 or to eliminate the private sphere, thus destroying the existing
17 social structure and replacing it with a collectivism regime in
18 which there was no allowance for individual or family interest.

19 The Trial Chamber will have first to determine whether crimes
20 against humanity occurred in those cooperatives and work -- and
21 working sites. And, second, whether the Accused can be held
22 responsible for those crimes.

23 [09.29.00]

24 The aim of today's presentation is to show how civil party
25 evidence can assist the Trial Chamber in characterizing the

1 material elements of the various crimes for which the Accused are
2 indicted, be it enslavement, torture, political persecution.

3 I will first introduce civil party evidence relating to working
4 sites.

5 One hundred and one civil parties were admitted in the context of
6 crimes committed at Trapeang Thma dam. Four of those civil
7 parties, namely, Sam Sak, Mean Loeuy, Nhip Horl and Sen Sophon
8 testified about the crimes of enslavement, murder and
9 extermination and persecution on political grounds against New
10 People at the worksite.

11 Forty-seven civil parties were admitted in the context of the
12 crimes committed at the 1st January Dam. Five of those civil
13 parties, namely, Hun Sethany, Un Ron, Seang Sovida, Nuon Narom,
14 and Chao Lang, testified on enslavement, other inhumane acts,
15 murder and extermination, and persecution on political grounds
16 against New People.

17 [09.31.22]

18 Eleven civil parties were admitted in the context of the crimes
19 committed at Kampong Chhnang airport. Three of those civil
20 parties, Kong Siek, Chum Samoeurn and Che Heap, gave oral
21 evidence during the segment on Kampong Chhnang airport on the
22 crimes of enslavement and other inhumane acts.

23 Civil parties described the conditions they endured such as
24 overwork to fulfil quotas, poor living conditions, inadequate
25 nutrition and lack of health care and hygiene. Their testimony is

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1 relevant to the crimes of enslavement, other inhumane acts,
2 murder and extermination and persecution on political grounds
3 against New People. Their testimony covers their work in various
4 units, specific political persecution as well as their harm and
5 suffering.

6 Each site had different characteristics. At Trapeang Thma dam,
7 the civil parties described being attached to 100-person units
8 and the control that they -- that was exerted over them.

9 [09.33.01]

10 At the 1st January dam, each of the civil parties described in
11 detail the living conditions and inadequate sanitation at the
12 worksite that covered three sectors.

13 At the Kampong Chhnang airport construction site, civil parties
14 described gruelling labour while being under "total instruction".

15 I would like to now present Trapeang Thma dam worksite.

16 The Trial Chamber will have to determine whether the way the CPK
17 organized the lives and work at Trapeang Thma amounted to
18 enslavement. In order to carry out their tasks, the Trial Chamber
19 will have to characterize the presence and degree of control that
20 CPK exercised over the people working at the dam, be it
21 psychological control, control of speech, of family life, of
22 sexuality, control through the imposition of a climate of fear,
23 the use of re-education meetings through the supervising role of
24 Base People or through the imposition of punishments.

25 [09.34.30]

1 We believe civil parties' evidence adduced at trial and
2 summarized today will assist the Trial Chamber in doing so.
3 Civil party Sam Sak, a New Person and an adolescent who was part
4 of a 70-man mobile unit at the Trapeang Thma dam worksite in
5 Battambang at the time and currently Banteay Meanchey province in
6 1977 until the fall of the regime, testified to the overall
7 experience at Trapeang Thma dam, which was considered to be a
8 "hot battlefield".

9 And I would like now to present the first video regarding Sam
10 Sak.

11 (Audio-Visual presentation - (video))

12 (Interpretation from Khmer to English)

13 [09.35.50]

14 "Thank you, counsel. I'm talking about the <labour> and about the
15 benefit from working at the dam worksite. My life there could be
16 regarded as the life of an animal, and that applies to all the
17 workers. <We did whatever we were ordered to do.> As for the
18 benefits, we knew nothing about the benefit of what the purpose
19 or building the dam.

20 Everything was organized by Angkar and, for us, we tried to
21 survive on a daily basis. <We were like animals for them to use.>
22 When we woke up, we knew that, okay, we could live for that day,
23 but we did not know what's going on -- what's going to happen the
24 next day or that late evening. We could not envisage anything at
25 all. And we never knew their true intention on the building of

17

1 the Trapeang Thma dam worksite. Not at all.

2 I was young at the time. We were completely in the dark, and that
3 was compounded by the fact that I was fairly young at the time. I
4 kept doing what I was asked to do, to build a dam or to work the
5 dry season rice farming.

6 (End of interpretation from Khmer to English)

7 (End of Audio-Visual presentation - (video))

8 [09.37.16]

9 MR. PICH ANG:

10 Civil party Mean Loeuy, a Base Person who worked at Trapeang Thma
11 dam in late 1976 until sometime in 1977 and a member of a
12 100-person unit, testified that the criticism and self-criticism
13 meetings were used to instil fear in the workers at the Trapeang
14 Thma dam worksite. Allow me to quote:

15 "For criticism and self-criticism meetings, it was the units'
16 chief who called us to the meeting. For instance, in a group of
17 10 workers, and if we could not complete the work quota that day,
18 we as a group would be called to attend such meeting and we were
19 criticized for being not self-mastery or self-reliant or for
20 abusing other's labour and that we have to strive harder to be
21 more active. And they warned us that if you keep doing that, then
22 you should be mindful of the Angkar's phrase, that is, 'to keep
23 is no gain, to kill is no loss'. And upon hearing that, we were
24 so afraid." Close quote.

25 [09.38.44]

1 Civil party Nhip Horl, a New Person and a -- and part of a
2 100-person youth unit from June 1977 for about six months
3 testified that he completed the work out of fear. Allow me to
4 quote his statement:
5 "We were in fear of being taken away for execution. We were fear
6 of the disciplinary action of the Angkar." Close quote.
7 The civil party described how he "heard from others through
8 Angkar that historical wheel -- we had to catch up with the
9 historical wheel, so in the meeting, they asked us to reiterate
10 our commitment and we had to follow what they told us. We had to
11 do it for fear of death. We had to work. Actually, we tried to
12 work but, physically, we could not endure it. But we had to do it
13 out of our fear of death. We dare not protest against Angkar. We
14 had to do it out of our inner energy and fear." Close quote.

15 [09.40.05]

16 Civil party Sam Sak, the youngest member of his unit, described
17 the imposition of work quotas and how workers would be deprived
18 of food if they did not complete the quota. Let me quote:
19 "The work within the mobile unit, no matter how young we were at
20 the time, was the same in terms of work quota. If we did not
21 complete the work quota, our food ration <> would be reduced.
22 They would reduce the food ration and give to other <members in
23 the> group who had completed the work quota. Although a small
24 amount of food ration was given to us, they had to do that in
25 order to deter us. I was the youngest in the unit. I was weeping,

1 crying. I felt sad that I could not meet the work quota. Later
2 on, I could do the work as the other did, so I could achieve what
3 other adults did." Close quote.

4 Civil party Sen Sophon testified about the harsher treatment that
5 New People received at the worksite. The civil party, a New
6 Person and part of a 70-man mobile unit for two months in 1977,
7 explained that "17 April People were evacuated to live in Preah
8 Netr Preah district, and the local people there were named Base
9 People and the newcomers would be named New People or 17 April
10 People. It is known by the way we speak Base People spoke with
11 their accents so they would know that we were New People by our
12 accents." Close quote.

13 [09.42.05]

14 Civil party Sen Sophon explained that:

15 "The cooperative chief said that we were the 17 April People
16 because we were new at the place, and the 17 April People were
17 allowed to have only gruel, not rice. Rice was reserved for Base
18 People." Close quote.

19 He explained that:

20 "Base People did not work very hard. They could tell the New
21 People or the 17 April People to work instead of them." Close
22 quote.

23 Civil parties described their harm on connection to their
24 experience -- experiences at Trapeang Thma. Civil party Sam Sak
25 described how he would imagine his last meal at the Trapeang Thma

1 dam worksite:

2 [09.43.08]

3 "While I was in the mobile unit, I overworked. I never had enough
4 sleep, and the food was never sufficient. Nothing could describe
5 such a horrible situation. Sometimes we were so hungry and we
6 spoke to one another. As long as I could be given just a plate
7 full of rice and a cooked chicken, I would change it for my life
8 as my last meal. Some other would say just a bowl of noodle and a
9 glass of icy water would be sufficient for them to feel satisfied
10 and they could rest in peace." Close quote.

11 Your Honours, I would like now present the 1st January dam.

12 Five civil parties, Hun Sethany, Un Ron, Seang Sovida, Nuon Narom
13 and Chao Lang testified before the Chamber about their
14 experiences living and working at the 1st January dam worksite,
15 Stueng Chinit in Kampong Thom province. Each civil party who
16 testified is female, and each was a New Person during the
17 Democratic Kampuchea.

18 Civil party Hun Sethany worked in a mobile unit with about 80
19 other workers at the 1st January dam worksite from December 1976
20 to mid-1977. She testified that she had no choice in her work
21 assignments, particularly as a New Person. Allow me to quote her
22 statement:

23 [09.45.11]

24 "I did not get to choose. I had no choice. The work assigned was
25 powerful enough. A Base Person could complain for -- or refuse

1 the assignment. As for the New Person, we could not make any
2 complaint or refuse the assignment. When we were asked to go and
3 do the work, we had to go. We had no rights, no rights at all. We
4 were so upset, but what we could do besides weeping and sobbing.
5 It was so difficult not be able to refuse the assignment." Close
6 quote.

7 Civil Party Seang Sovida, who was 11 or 12 when she was
8 transferred to the 1st January dam worksite for about three
9 months, testified about the experiences of New People:
10 "We worked under the same conditions, but the New People didn't
11 have any rights. We worked as we were prisoners. We were
12 considered their enemies, and only the Base People who were poor
13 had the position to control us. They mistreated us. People at the
14 top did not know us, but those Base People worked with us and
15 mistreated us, the 17 April People. All the 17 April would be
16 killed if the regime lasted any longer. I did not understand why
17 they considered us the enemies. Whatever we did was wrong."
18 Close quote.

19 [09.46.55]

20 Civil Party Un Ron, a New Person who worked at the 1st January
21 dam work site on the -- on two occasions as part of a mobile unit
22 described the degree to which workers were controlled:
23 "We did not have any responsibility for what we had to do for the
24 group. Everything was under control and supervisions. For
25 example, even a cooking pot, we did not own nor had a cooking pot

1 or in terms of medicine. We did not -- we didn't have it." Close
2 quote.

3 Civil party Hun Sethany described how she could not even cry
4 after learning about her father's death and from being separated
5 from her family members:

6 "We could not even cry even we understood that my father was
7 killed. I could only cry out loud when there was heavy rain and
8 thunderbolt. I had to get things out of my chest while raining. I
9 did not even have time to weep and cry until there were thunders
10 and heavy rain. I was shouting and crying even every time there
11 was heavy rain. Then I recalled what happened. I could not cry
12 and weep in front of other people during that period because I
13 was afraid that I would be accused of being psychological sick.

14 [09.48.26]

15 It was really hard for me at the time. I had to hold all the pain
16 in my heart. I was -- it was extremely difficult to bear it in my
17 heart. My heart almost broke and I wanted to die in that period
18 in a short time. It was very -- I was very painful all over my
19 body and in my mind. I had to bear the situation. <When there was
20 heavy rain, I would be shouting and crying because I missed my
21 father, my mother, and my siblings who had been separated from
22 me. I cried then so that nobody could hear me.>"

23 Close quote.

24 The civil party testified about how workers were warned not to
25 talk to each other, even siblings:

1 "Even if we were siblings, we could not stand talking to each
2 other. If we were spotted, we were told that we would be
3 arrested. We were prohibited to talk to each other. While we were
4 working, <> soldiers would stand guard near the place where we
5 were working."

6 [09.49.22]

7 "I know this because soldiers arrested two siblings while they
8 were talking together. The soldiers warned the two siblings not
9 to talk to each other and the two siblings were told that even if
10 they were -- you were siblings, you could not stand and talk to
11 each other. <They were warned not to do that the second time.> I
12 saw that incident <while I was carrying dirt,> and I tremble -- I
13 trembled. I thought why they were so unkind, I mean why the
14 cadres were so unkind. They were siblings; why not allow them to
15 talk to each other? So the condition was becoming stricter."

16 Close quote.

17 Control can also be used through re-education meetings. Civil
18 party Seang Sovida described how frequent meetings were held at
19 the worksite and explained in her own words at the small
20 meetings. And you can see this, Your Honours, in the video.

21 And I would like to present video number 2 regarding Seang
22 Sovida.

23 [09.50.54]

24 (Audio-Visual presentation - (video))

25 (Interpretation from Khmer to English)

1 "The main purpose <of the small meetings> was to push us to work
2 as hard as possible in order to finish the work before other
3 villages or communes working at the worksite.
4 During the regime, the theory that they used at the time was
5 self-criticism. It means we had to watch one another who were our
6 work colleagues in order to catch the mistakes in order to
7 criticize <them> during the meeting. And they also used the
8 phrase that they had many eyes as pineapples. And another word
9 that I recall, they used that the moment or the momentum was
10 historical wheel and if you interfere with your leg or your arm,
11 it would crush you."

12 [09.51.57]

13 "And they also used another slogan from my recollection, that is,
14 the great leap forward. One had to work hard as where your head
15 is, only your own hair can grow. One should never miss their
16 parents. And another one was, to keep is no gain, to lose is also
17 no -- not a loss.

18 "We had to work in -- hard to finish the work as soon as
19 possible. During the meetings, they also mention about increasing
20 agricultural produce to three tonnes per hectare. And these --
21 and then these are typical words and slogan they used at the
22 time. They keep pushing people to work at their might."

23 (End of interpretation from Khmer to English)

24 (End of Audio-Visual presentation - (video))

25 MR. PICH ANG:

1 The Trial Chamber <will decide whether the harsh living and
2 working condition including insufficient food and lack of
3 everyday necessities at the 1st January dam is a crime against
4 humanity.> The evidence heard at the trial in relation to the 1st
5 of January dam show how imposition of harsh living condition
6 particularly affected women. For example -- rather, I would like
7 now to project the third video regarding Un Ron at the 1st
8 January dam.

9 [09.53.31]

10 (Audio-Visual presentation - (video))

11 (Interpretation from Khmer to English)

12 "<We had to be in damp clothes every day. So sometimes I had
13 abdominal pain, and of course, we had heat rashes on our body,
14 and scratched ourselves badly. We also contracted lice. And
15 sometimes when I scratched myself, I felt like lice were emerging
16 from my own skin and flesh. I had heat rashes all over my body
17 including my head. We had no access to any sort of shampoo or
18 detergent during the whole period of the Khmer Rouge. And we had
19 to resort to sometimes use ashes from the firewood to wash the
20 clothes in order to get rid of the grime on the collar as a
21 result of sweat and dampness.>

22 Of course, women, we usually had our menstrual period, and you
23 could see blood from the menstruation mixed with the water while
24 we were working through the rain. We also had to work hard and we
25 were having period for fear of being taken away and killed. They

1 never distributed us any bra or a pair of underwear.
2 "<> And that not only happened to me, but to other women working
3 in the group. And sometimes we had to cut a scarf into two pieces
4 for two girls to wrap themselves as underwear before putting on
5 another layer of clothes. So when it rained, we took off the
6 clothes to wash and, as a result, we did not have any pads to
7 stop the blood from flowing and mixing with the rainwater. <And
8 the water in the pit where we were digging turned red. During the
9 regime, we no longer felt shy or embarrassed.>"

10 (End of interpretation from Khmer to English)

11 (End of Audio-Visual presentation - (video))

12 [09.55.16]

13 MR. PICH ANG:

14 <These are> the sufferings <and difficulties endured> by <the>
15 civil party at <the 1st January dam in Kampong Thom>.

16 Now I would like to present to Your Honours Kampong Chhnang
17 airport construction site.

18 Three civil parties, Kong Siek, Chum Samoeurn and Che Heap
19 testified about their experiences at the Kampong Chhnang airport
20 construction site. Each civil party was part of a military unit
21 and transferred to the Kampong Chhnang airport.

22 For -- civil party Kong Siek was a member of a female unit that
23 was part of Division 450 and was transferred to the Kampong
24 Chhnang airport to work for six months in 1977. She explained
25 that, at the construction site -- let me quote:

1 [09.56.12]

2 "I dare not, you know, choose to do what I wanted to do. It was
3 under total instruction. I dare not move freely because their
4 regulation was very strict. That was the regulation she
5 explained. We were not allowed to move freely. We were not
6 allowed to communicate with others, and if we violated the
7 regulation, we would be under or subject -- be subjected to
8 disciplinary sanction instantly or be arrested and imprisoned.

9 "We were so afraid of that, we dared not violate it. We only
10 <stuck> to our routine or to have a bath, to eat, to sleep and to
11 work. We did not talk to one another." Close quote.

12 Civil party Che Heap, who was attached to Division 310, described
13 arriving at the Kampong Chhnang airport worksite and the initial
14 instructions that he received. Allow me to quote:

15 [09.57.32]

16 "When I arrived there, I was assigned to be a group chief. We
17 carried bricks and build concrete houses and, later on, all group
18 chiefs were called to a meeting and then they asked us to report
19 to them if any one of us were lazy, not hard working. <I told
20 them there was no such case in my unit.>

21 "Some of other units, they replied that some of their members
22 were like that, <and then those members disappeared. So I
23 understood> that if we worked hard, Angkar would keep us. For
24 those who were lazy, they would be taken out. And that was the
25 time that I realized what would happen if I was lazy."

1 Throughout this trial, civil parties were allowed to put
2 questions to the Accused. Fifty-one out of 64 civil parties who
3 testified decided to ask their questions through the President at
4 the time.

5 The Accused have exercised their right to remain silent and
6 declined to answer the questions posed. In the fourth video,
7 Madam Seang Sovida, a civil party admitted in relation to the 1st
8 January dam, put the following question, and I would like to
9 project the fourth video of -- concerning Seang Sovida, Mr.
10 President.

11 [09.59.34]

12 (Audio-Visual presentation - (video))

13 (Interpretation from Khmer to English)

14 "I would like to put a question through Mr. President of the
15 Trial Chamber. All the Khmer Rouge leaders made a propaganda that
16 they wanted to save the nation, to save -- and to save the
17 people. However, upon gaining the victory, they did the contrary.
18 They massacred their own people. They forced their own people to
19 work hard and they deprived their own people of food and they
20 considered their own people their enemies.

21 "It is my belief that they considered the 17 April People their
22 enemies, and I want to know why they did that and for what
23 purpose and for what gain. I want the Accused to answer the
24 question meaningfully, and I had the feeling that they had grudge
25 against the 17 April People and would like them to answer in

1 details about the reasoning behind this so that the young
2 Cambodians and the next generation will understand their motive.
3 And this will also enlighten the people as it brings out the
4 truth. And it will also be the truth and justice delivered to the
5 victim, including my parents and my siblings, relatives who died
6 during the regime. Otherwise, the trials against them would be
7 useless."

8 [10.01.10]

9 "I would like them to tell us the truth and not any more lies.
10 They keep saying -- they kept saying that they did not know about
11 what happened and that what happened was done by lower cadres.
12 Do you mean that you who were at the level and -- at the upper
13 level did not have any authority at all during the regime? You
14 did not control the country at all?

15 "Please tell us the truth. Tell us what happened. And this is
16 part of Cambodian history so that a young generation can
17 understand."

18 (End of interpretation from Khmer to English)

19 (End of Audio-Visual presentation - (video))

20 [10.01.42]

21 I would like now to end the presentation regarding the first --
22 the worksite, 1st January dam worksite, Trapeang Thma dam
23 worksite and Kampong Chhnang worksite.

24 And next may I seek your leave, Mr. President, to give the floor
25 to Chet Vanly to continue the presentation regarding cooperative

1 Tram Kak and persecution on Buddhists and also security centre

2 Krang Ta Chan.

3 MR. PRESIDENT:

4 You may now proceed, lawyer.

5 [10.02.38]

6 MS. CHET VANLY:

7 Good morning, Mr. President; good morning, Your Honours; and good
8 morning, everyone in and around the courtroom.

9 My name is Chet Vanly. I am a civil party lawyer. Today is a
10 great opportunity for me to present the closing statements to
11 seek justice for the civil parties before this Chamber.

12 And to continue from where Pich Ang left off, I would present the
13 closing statement in relation to Tram Kak cooperative and Krang
14 Ta Chan security centre.

15 Following the forced evacuation of the cities and towns in April
16 1975, the Cambodian population was sent to live and work in rural
17 areas. <According to the CPK policies, cooperatives and
18 worksites> were organized <throughout the country> where they had
19 to work collectively. Regardless whether they were male or
20 female, young, old, former soldiers or former public servants or
21 monks, they had to follow the plan by the Angkar through their
22 great leap forward policy and, as a result of such policies,
23 millions of Cambodian people became victims of forced labour and
24 they became slaves. The killing, the detention and the torture,
25 as well as all forms of persecutions made them suffered

1 physically as well as mentally, and that continues until today.

2 And as a civil party lawyer, I'll present the evidence of those
3 civil parties.

4 Your Honours, the crimes committed during the regime were not
5 just happened. They were the crimes committed as a result of the
6 common planned, and they were committed systematically by the
7 cadres led by Nuon Chea, Khieu Samphan and other Khmer Rouge
8 leaders.

9 [10.05.28]

10 The Closing Order considers the fact up to April '77. All
11 communes in Tram Kak were organized into cooperatives, and <these
12 are the facts indicating the establishment and> the functioning
13 of the cooperatives.<> This includes the working and living
14 conditions for the people sent there, the identification of
15 people as enemies, the re-education, arrest or disappearance of
16 people for various offences <and the treatments of specific
17 groups, that is, those who were linked to the former regime, the
18 Khmer Republic, the Vietnamese and Buddhists>.

19 Fifty-two civil parties were admitted based on the crimes alleged
20 at Tram Kak cooperatives. Eleven civil parties testified before
21 the Chamber regarding their experiences at the Tram Kak
22 cooperatives.

23 [10.06.48]

24 Three civil parties, namely, Oum Suphany, Chou Koemlan and Oem
25 Saroeurn, provided evidence linking the Accused to the Tram Kak

1 cooperatives and described the loss of their private property
2 upon their transfer to the cooperatives, having to sleep and eat
3 communally, the separation from their families and the killings
4 of family members.

5 Five civil parties, Yem Khonny, Bun Saroeun, <Im Vannak>, Iem Yen
6 and Loep Neang, testified about the working and living conditions
7 they experienced and the harms that they suffered as children or
8 adolescents.

9 Civil Party Ry Pov and Thann Thim testified about the transfers
10 to Tram Kak and on working long hours without sufficient food or
11 medical care.

12 Civil party Thann Thim also described his arrest and detention
13 near Angk Roka market.

14 Civil party Tak Sann provided evidence on the cruel treatment and
15 abuse she endured.

16 The control by the CPK in Tram Kak is the abuse of power beyond
17 the normal power, and that led to the crimes leading to
18 enslavement amongst all the crimes that happened. In order to
19 achieve that and in order to carry out this task, the Chamber
20 will have to characterize the degree of control the CPK exercised
21 over its population, be it psychological control, such as
22 fostering a climate of fear or control over labour and control of
23 speech or family life and of sexuality.

24 [10.09.34]

25 A climate of fear was created through the use of re-education

1 meetings, the supervision of New People by Base People and
2 through the imposition of punishments for deviation from the
3 newly-imposed social structure. We believe civil party evidence
4 adduced at trial and summarized today will assist the Trial
5 Chamber in doing so.

6 Civil Party Ry Pov testified about one of the indicia used by the
7 Supreme Court Chamber to characterize the existence of control,
8 that is, the assertion of exclusively over a person.

9 Civil Party Ry Pov was transferred from Kampuchea Krom to the
10 Tram Kak cooperative and recalled how his identity documents were
11 collected and burned upon his family's arrival.

12 [10.10.52]

13 The civil party testified, and allow me to quote:

14 "During the regime, there was no identity card. People over 20
15 years old had a card, and it was a black card. And anything like
16 ID card or other documents were collected and burnt out." End of
17 quote.

18 And then he continued:

19 "They told us that he, Angkar, will take care of you, and I did
20 not know where we were taken to. And we were told that, here, we
21 have cooperatives and we have a collective Angkar, and you will
22 all be ready to receive meals and accommodation to be provided by
23 Angkar. Don't worry." End of quote.

24 Control can also be established through the creation of a climate
25 of fear. Civil Party Ry Pov further testified about the overall

1 climate of fear that prevailed in Tram Kak. He explained that,
2 and allow me to quote:

3 "At that time, everybody, including myself, tried to abide by the
4 organization discipline, and we did not dare to violate it, as we
5 were afraid that we would be taken away and killed. So nobody
6 dared to walk freely or to violate the principles set out by the
7 organization." End of quote.

8 [10.12.45]

9 Civil parties, especially those who were young at the time,
10 described the control exercised by the Khmer Rouge over their
11 family life and how their families were separated and were
12 assigned to perform labour in different units.

13 Civil party Yem Khonny, who was 14 years old at the time,
14 explained, and allow me to quote:

15 "Initially, I was allowed to live with my family members, <> but
16 later on, I was separated into a group in a unit and my siblings
17 were put into other units as well as my <parents>. <I was
18 assigned to work and my elder sibling was also assigned to
19 work.>" End of quote.

20 And then she continued, and I quote:

21 [10.13.32]

22 ""<When I lived separately from them,> I requested to visit my
23 family, but I was scolded that I did not yet finish my work, and
24 I wanted to go to visit my family members and I was not allowed.
25 But I told them that I missed my family members, my parents, my

1 siblings, my grandmother, and I sought permission for half a day
2 visit, and then I was told if I wanted to do that, they gave me a
3 pair of baskets to go and to dig the termite mound instead." End
4 of quote.

5 Civil party Iem Yen, who was a child at the time, testified, and
6 I quote:

7 "I was separated from my parents from 1976, but I was allowed to
8 visit my parents three times a month. And later on, my visit time
9 was reduced to once a month only. And I was young. I missed my
10 parents so miserably." End of quote.

11 And she also explained how she tried to "escape from my unit, but
12 I was not allowed because they had a plan that I was only allowed
13 to visit on the 10th, 20th and the 30th. Otherwise, my ration
14 would be reduced. But I still wanted to request for permission to
15 go.

16 "I was refused <again and again>, and I was instructed to
17 continue working."

18 MR. PRESIDENT:

19 Please stop at this point.

20 It is now convenient time for a short break. The Chamber will
21 take -- have a break now and resume at half past 10.00.

22 The Court is now in recess.

23 (Court recesses from 1015H to 1030H)

24 MR. PRESIDENT:

25 Please be seated.

1 The Court is now back in session and the Chamber gives the floor
2 to the lawyer <for civil parties> to continue the presentation.

3 [10.31.07]

4 MS. CHET VANLY:

5 Thank you, Mr. President, Your Honours. Allow me to continue my
6 presentation.

7 Civil Party Iem Yen explained that, "I was arrested and buried.

8 The reason was that I ran away from my units to visit my parents
9 <because my request was denied>. "

10 The evidence also shows that the workers' <food and how they
11 would eat> were controlled by Angkar. Civil Party Chou Koemlan, a
12 New Person who was transferred from Phnom Penh, was sent to live
13 at the Leay Bour commune and remained there until the end of the
14 regime. She described that workers ate communally -- allow me to
15 quote:

16 "<For four people,> there was a soup pot in the middle of us and
17 <each of us> could have only a spoonful of rice and <that was
18 it,> we could not have enough meal <but we had to work hard,> and
19 we dare not say anything; although, we were not full. If we
20 accidentally slipped -- if the word slips out of our tongue,
21 accidentally, that we were not full, then we would be taken away
22 <> to a study session <which then meant we would disappear>."

23 [10.32.34]

24 This civil party described how control was generated through the
25 imposition of punishments and how they were deprived of food if

1 they did not complete their work assignments.
2 Civil Party Oum Vannak was eight years old and considered a New
3 Person. She was <put in a> children's mobile unit based in
4 District 105. She described to the Chamber. Allow me, Mr.
5 President, please project video number 1.
6 [10.33.20]
7 (Audio-Visual presentation - (video))
8 (Interpretation from Khmer to English)
9 "We were assigned to carry earth starting from 6 o'clock in the
10 morning until 11.30 at noon and if we did not complete the work
11 plan, then we would be deprived of food. The 10 -- a group of 10
12 children had to finish 10 cubic metres and sometimes, we could
13 complete it and some other times, we could not. If the earth was
14 soft for the whole the day, from morning until late evening, we
15 could complete the work quota and if the earth was hard, then we
16 could not and then we would be deprived of gruel."
17 (End of interpretation from Khmer to English)
18 (End of audio-visual presentation - (video))
19 [10.34.09]
20 The testimony of civil parties indicates that <Angkar treated the
21 people like their commodity,> people were used as animals. No
22 matter how the work was, where the work was assigned to do, <or
23 when,> whatever assigned by Angkar were to be done by them.
24 Living and working condition: <schools,> pagodas, markets, and
25 private ownership were abolished. Democratic Kampuchea is a slave

1 state.

2 [10.34.53]

3 In addition to the crime of enslavement that allegedly occurred
4 at the Tram Kak Cooperatives, the Chamber will have to determine
5 whether adequate -- inadequate medical care, the imposition of
6 harsh living condition and working conditions, and the lack of
7 food and amenities amount to the crimes against humanity or other
8 inhuman acts amongst other crimes.

9 Access to health care was highlighted during testimony relating
10 to the Tram Kak segment. Medicine made out of cassava or coconut
11 juice or rabbit-pellet drops was often discussed in the court.
12 Civil party evidence adduced at the trial shows the impact of the
13 use of these medicines coupled with untrained medics on peoples'
14 health.

15 [10.35.46]

16 Civil Party Oem Saroeurn testified that she -- allow me to quote
17 -- "<When I fell sick, the village representative, the economic
18 committee, the cook, deprived me of my food ration, and accused
19 me of having imaginary illness. I> had malaria, at that time, in
20 1976 and was seriously sick <that lice actually emerged from my
21 body,> and was put in the Leay Bour Hospital and the hospital was
22 named Hospital 17."

23 She continued, "I received IV injection and I was given the
24 medicine made up -- made from cassava. The IV was made from
25 coconut juice. It was injected into my leg. It made my leg become

1 handicapped and I have not walked properly since. At the time, I
2 was told by grandfather that if I left it like that my leg would
3 wither away. He told me to find a big red ants or a kind of
4 ginger and liquor to apply to it."

5 [10.36.52]

6 If the lack of food and-or inadequate health care leads to death,
7 the crime of murder can be characterized.

8 Civil parties described how people died because of the living
9 conditions at the Tram Kak cooperatives.

10 Civil Party Chou Koemlan described the death of her daughter, who
11 was three years old. I would like now to project video number 2
12 regarding Chou Koemlan.

13 [10.37.24]

14 (Audio-visual presentation - video)

15 (Interpretation from Khmer to English)

16 "In 1976 we could not find food. First, my daughter got measles
17 and after that she lost her hair. Then she was admitted into the
18 hospital. There was no medicine. She died. She passed away. This
19 -- this is the original cause of her death. The -- her death was
20 the result of having no food to eat. She, you know, scavenged
21 food in the dirt and it was very dirty. After she got sick, she
22 could not eat anything. She could not eat rice and we did not
23 have a medicine at the time. Although, we had meal or food for
24 her to eat, she could not eat because she was sick and there was
25 no medicine to treat and cure her. There was no medicine to treat

1 her. She passed away because there was no medicine and she could
2 not eat. It was the combined cause of my daughter's death. First,
3 she did not have enough food to eat; she got measles, and <there
4 was no medicine to treat her>."

5 (End of interpretation from Khmer to English)

6 (End of audio-visual presentation - (video))

7 [10.39.11]

8 One of the most -- most striking features of civil party evidence
9 relating to Tram Kak and the -- are the disappearances of family
10 members, relatives, friends, and coworkers. We invite the Trial
11 Chamber to be particularly mindful when looking at the evidence
12 relating to disappearances at the cooperatives that is detailed
13 in our brief. While disappearances can help characterize the
14 crime of "other inhuman acts," they can also characterize the
15 climate of fear, which is an indicia for enslavement.

16 [10.39.48]

17 Ten civil parties described how people disappeared at the Tram
18 Kak cooperatives. Among those civil parties, Loep Neang testified
19 about the disappearance of her siblings. Allow me to quote:

20 "While I was digging a canal, my younger siblings were put onto a
21 horse cart with other people by Khmer Rouge and there were 12 of
22 them. They -- they were taken away and never returned. I lost two
23 elder siblings and two younger siblings. I was left all by
24 myself. My parents were not around as well."

25 She explained that her <elder> siblings Loep <Lek> (phonetic) and

1 Loep <Maeul> (phonetic) were taken away <after both of them had
2 fallen sick and they never returned.>

3 I would like now to project video number 3 regarding Loep Neang.
4 [10.40.50]

5 (Audio-visual presentation - (video))

6 (Interpretation from Khmer to English)

7 "I was at Tnaot Chang (phonetic). My elder brother and sister
8 were sick and they were taken to the hospital. They disappeared
9 since then. I did not know where they were taken to. I was told
10 that they were taken to the hospital. I never see them return.
11 They had fever and dysentery and they were taken to hospital and
12 never returned."

13 (End of interpretation from Khmer to English)

14 (End of audio-visual presentation - (video))

15 [10.41.24]

16 Civil Party Thann Thim's testimony was particularly important as
17 it shed light on the use of torture in detention facilities other
18 than Krang Ta Chan or S-21. Civil Party Thann Thim, a New Person,
19 was transferred to Tram Kak district in 1977. He testified that
20 he was arrested as punishment because his daughter had ran away
21 from the cooperative and <then he was detained and tortured at
22 Angk Roka market>.

23 [10.41.51]

24 In his words, Civil Party explained. Let me quote:

25 "I was arrested because my elder daughter was in the unit and she

1 ran away together with Iem Yen, who testified before me. In fact,
2 they stole sugar cane from the unit and she was arrested and
3 beaten. She was forced to confess that I was a former lieutenant
4 in Phnom Penh <otherwise, she would not be released,> and she
5 confessed that because she was naive and then I was arrested for
6 that reason."

7 The arrest and supposedly punishment made the other victims
8 subject to torture and detention.

9 Allow me to project video number 4.

10 [10.42.53]

11 (Audio-visual presentation - (video))

12 (Interpretation from Khmer to English)

13 "I was held tightly and they tied my hands behind my back with
14 three layers of rope. I then thought that I would die, after the
15 time, with no guilt. I was beaten, one after another. I was
16 interrogated. I was asked what I was doing when I was in Phnom
17 Penh. I was asked to tell the truth. They asked such question to
18 me immorally. They called me 'the contemptible' and I was asked
19 what I did in Phnom Penh. They asked me whether I was a former
20 soldier. In my response, I said I was never a former soldier. I
21 was a worker, simply a worker to collect firewood for sale and
22 even I was in a refugee camp, I was simply a worker there. After
23 beating me, one after another, the question was put on me again
24 and again about my previous occupation and I was threatened that
25 I would not be released if I did not tell them the truth and once

1 again, I told them that I was simply a worker who went to find
2 and collect the firewood for my daily living. I was disappointed.
3 I did not have any mistakes and guilt. I was taken to be
4 tortured. I was seriously tortured. If I had guilt -- had had
5 guilt, I would not -- I would have dared to accept and admit my
6 guilt. I was kept there day and night. I was not allowed to go
7 out. I was beaten with a bamboo stick; it's about the size of my
8 lower arm. I was beaten up with this kind of bamboo stick when I
9 was interrogated. They beat me, one after another. After one was
10 tired, another man came in to beat me until I passed out and
11 after I got conscious, I was transported on a horse cart to Angk
12 Roka <market> and detained there."

13 (End of interpretation from Khmer to English)

14 (End of audio-visual presentation - (video))

15 [10.46.00]

16 Another important point at Tram Kak Cooperative is the Buddhist
17 persecution. Prohibition of Buddhism is one of the topics in this
18 trial. The Trial Chamber has heard abundant evidence on how
19 central Buddhism was to Cambodian society before the DK and how
20 the prohibition of Buddhism created a sense of imbalance among --
21 against population.

22 Regarding the prohibition of Buddhism, the Trial Chamber is
23 specifically seized of fact that could amount to religious
24 persecution at the Tram Kak Cooperatives.

25 Civil parties also provided -- provided evidence about

1 persecution directed against the Buddhists; particularly, about
2 the repurposing and destruction of pagodas.

3 [10.46.59]

4 Civil Party Bun Sarouen was 11 years old in 1975 when he was
5 moved to Trapeang Chaeng village and he was separated from his
6 parents and assigned to a children's unit. He testified that the
7 monks from the pagoda near Trapeang Chaeng cooperative were taken
8 away, including his brother and his uncle. He described the
9 situation of the pagoda in the following video.

10 And Mr. President, please project video number 5 regarding Bun
11 Saroeun.

12 [10.47.43]

13 (Audio-visual presentation - (video))

14 (Interpretation from Khmer to English)

15 "I was absolutely torn because this was a sacred place and there
16 were no longer any monks there and in the past, there used to be
17 celebrations, ceremonies, rituals, but there were no longer any
18 religious practice, so I felt that I was completely deprived of
19 any psychological base. In the past, we could celebrate ceremony
20 in the pagoda and there was no longer a place to do so and what
21 was, in fact, incredible. It was an incredible regime. There were
22 15 monks, at that location, including my brother and my uncle. I
23 did not -- I do not know where they were taken to; I saw only the
24 <monk quarters made of concrete> remained standing, <the ones
25 made of wood were all gone,> and the <praying hall> was locked at

1 the time."

2 (End of interpretation from Khmer to English)

3 (End of audio-visual presentation - (video))

4 [10.48.54]

5 Regarding -- Civil Party Chou Koemlan said that a pagoda was
6 turned into a detention facility. A pagoda, Leay Bour, was
7 transferred into a childcare centre and <prisoners> were <also>
8 kept there.

9 Oum Suphany delivered a baby in the pagoda where the Khmer Rouge
10 turned it into a hospital.

11 I would like now to present <the tragedy that took place at>
12 Krang Ta Chan Security Centre. There was a main prison <called>
13 Krang Ta Chan <Security Centre> and it was in Tram Kak
14 Cooperative. As far as you are concerned, the Krang Ta Chan
15 Security Centre was not created accidentally. The incidents
16 happened at that location was originating from the enemy policy,
17 to destroy enemies expressly <and systematically, which was>
18 created by <the CPK>.

19 Now, I will present the evidence regarding the torture, killing,
20 and detention at that security centre based on the testimony of
21 the victims who came to testify here.

22 [10.50.11]

23 Two civil parties, Sory Sen and Saut Saing, testified about the
24 events they experienced at the security centre.

25 Four civil parties, Bun Sarouen, Oem Saroeurn, Ry Pov, and Ou

1 Dav, gave testimony about their family members or friends who
2 were taken to Krang Ta Chan Security Centre.
3 Victims at Krang Ta Chan were deprived of their rights and
4 freedom and they were deprived of a trial to find their guilts.
5 Those who were considered to be enemies of Angkar were detained
6 at that location including children and infants through the
7 evidence testified by Saut Saing.

8 Civil Party Sory Sen was detained at Krang Ta Chan Security
9 Centre from 1974 until the fall of the Khmer Rouge regime because
10 his father used to be a district chief in Lon Nol regime and Lon
11 Nol -- and Sihanouk's regime and his father was considered the
12 feudalism.

13 [10.51.25]

14 Regarding condition of his detention, Sory Sen explained that --
15 let me quote:

16 "Regarding my background, <before, when I was young,> I did not
17 recall <the reasons, the issues I could not know>, but my case --
18 <I think> it was because it linked to the fact that my father was
19 a district chief in Lon Nol and Sihanouk regime. At the time, our
20 backgrounds were searched, were collected, and they tried to seek
21 out the feudalism and capitalist."

22 [10.52.11]

23 Sory Sen testified that it is true; first they were shackled and
24 then they were cuffed by a metal ring. All prisoners including
25 the New and Old People, former officials were detained

1 differently based on the types of prisoners.

2 Based on the testimony of the same civil party, let me quote:

3 "Yes, there were <other> prisoners as me. They were Base People.

4 For Base People, they were detained there for a long time, but

5 for New People, 17 April, <especially those who were famous,>

6 they were detained there for a short period of time and they

7 would be killed in the evening. For example, Kim Nova and Nop

8 Nem, they were taken away immediately."

9 [10.53.17]

10 Sory Sen testified further that after he was detained for a

11 month, he was released to work outside the prison. This scenario

12 is the fact for the Trial Chamber to consider. After prisoners

13 were allowed to work outside the prison, what is their status?

14 The Trial Chamber received the same question regarding the

15 prisoner who was allowed to work in S-21. In Case 001, the Trial

16 Chamber considered the crime of enslavement was characterized in

17 that instance. We believe a similar approach should be taken for

18 Krang Ta Chan <Security Centre>.

19 In his words, Civil Party Sory Sen described -- let me quote:

20 "I was released to do labour because he told me that I were -- I

21 am the youngest and I was told to be quiet so that I should not

22 tell anyone so that they will spare me. If I'm -- if not, I will

23 be killed. So I was released to work inside to tender -- to tend

24 the buffalos, dig the pits for <burying the dead bodies>, and to

25 carry the prisoners who died in the <centre, that is, those who

1 were interrogated, beaten and deprived of food in the centre who
2 died> and then I was ordered to drag -- to bury in the grave
3 <along the fence> and <I was> told to grow coconut on the grave
4 with Ta Chen."

5 [10.55.15]

6 Based on this testimony, it shows that some prisoners were
7 released to work outside the prison compound under guard
8 supervision.

9 Bun Saroeun saw the incident happening to his father <in Krang Ta
10 Chan compound>. His father was wearing shorts and was very thin.

11 He could not recognize him. <His father was watering vegetables.
12 His father was a former staff working with a village chief.>

13 Civil Party Sory Sen described how detainees "would be taken for
14 interrogation at <Krang Ta Chan Security Centre>. They were
15 beaten and tortured <severely>," he continued.

16 "<The death varied.> The new prisoners were beaten and
17 interrogated and if they could not come -- come back, I would go
18 to carry them to walk them to the prison compound. Torture
19 interrogation happened and they were shackled and cuffed. They
20 were deprived of rice, no gruel for them -- for those who were
21 accused of treason and for those who were accused of treason;
22 they would not be given rice to eat."

23 [10.56.43]

24 Saut Saing described the scream of prisoners who were being
25 interrogated. Let me quote:

1 "That screaming or cries from prisoners, I heard when they were
2 interrogated and they were -- they suffered from torture or
3 <beating> during interrogation. I would hear screaming."

4 Because of living condition, <how they were detained, and> the
5 deprivation of food, many prisoners died in the prison in the
6 testimony of Sory Sen. Let me quote:

7 "They were cuffed and shackled. They did -- they were not given
8 rice to eat, no gruel for them -- for those who were considered
9 having committed treason. First, they were shackled and cuffed
10 until night and morning and for male, they could not eat rice for
11 18 days, then they died. I noted that because for each day I
12 would bend a piece of palm leaf <> so I could count up to 18 when
13 the person went without food and died. Then I would ordered to
14 drag the bodies out to bury in the pits."

15 [10.58.13]

16 Regarding prisoners who were interrogated, he testified that even
17 if prisoners were not taken for execution, the civil party
18 explained that prisoners who were tortured, detained there could
19 not stay longer than one month.

20 Sory Sen explained that "prisoners who were tortured and
21 detained, they could not stay longer than one month. They were
22 not given anything to eat and they were shackled and handcuffed."

23 Civil Party Saut Saing explained regarding the sick prisoners.

24 Let me quote:

25 "Those who were detained there, he did not see that they were

1 treated."

2 [10.59.00]

3 Sory Sen, the civil party, a direct witness, he knows about the
4 killings of prisoner at Krang Ta Chan.

5 And Mr. President, please project video number 6 regarding Sory
6 Sen.

7 [10.59.19]

8 (Audio-visual presentation - (video))

9 (Interpretation from Khmer to English)

10 "Before prisoners were taken to be killed, they first opened the
11 doors and they say that they would be allowed to return to their
12 respective cooperative. Not all of them were allowed to go, only
13 some. They respected the Angkar; that's why they were allowed to
14 go back and they were told not to oppose the wheel of history of
15 Angkar. <Two> names would be called out, at the time, and those
16 who were called would be unshackled and came through -- came
17 outside the building and then they would walk to the south of the
18 prison where there was a <bush> of cassava plantation and two
19 soldiers were there awaiting them and they would be requested to
20 be blindfolded and their hands were tied behind their back. It
21 was about 10 metres away from the prison and they said the reason
22 was for them not to take revenge against Angkar. The prisoners
23 were walking to <the nearby pits>, then they were ordered to
24 <sit> and they would use a hoe to hit the back of their neck,
25 then they kick them down and after that for men and older

51

1 persons, as I stated before, they use a machete about 40 to 50
2 <centimetres> long to slash their throat, then they would be
3 dropped into the pits. Their clothes were -- they were undressed
4 and the dress -- the clothes were piled up. And after they
5 completed a days' killing, I would be ordered to collect the
6 clothes and to bring them to a pond <located to the> west of the
7 prison and dry them there for a few days. Then I -- I brought the
8 clothes to keep in a warehouse near the interrogation place and
9 later on, there were -- there would be a vehicle, a Land Rover,
10 coming to transport those clothing to the -- clothes to the
11 cooperative."

12 (End of interpretation from Khmer to English)

13 (End of audio-visual presentation - (video))

14 [11.01.31]

15 Mr. President, Your Honours, the tragedy happening at Krang Ta
16 Chan and Tram Kak Cooperative, as explained in this testimony of
17 civil parties, original -- originated from the plan and policy
18 created by the Accused, Nuon Chea, Khieu Samphan, and their
19 associates. The similar crimes happened in other crime sites as
20 well. My colleague will explain further about those.

21 Thank you very much, Mr. President, and may I seek your
22 permission to allow my colleagues to continue?

23 MR. PRESIDENT:

24 You may now continue.

25 [11.02.32]

1 MR. HONG KIMSUON:

2 Thank you, Mr. President. My name is Hong Kimsuon. I'm a civil
3 party lawyer from <Cambodian Defenders Project aka> CDP. And good
4 morning to Your Honours, good morning to the parties and the
5 general public.

6 I will make my presentation in relation to <some> security
7 centres and the internal purges.

8 On the segment of security centres: Security centres were
9 established and operated throughout Cambodia near the beginning
10 of the Democratic Kampuchea regime and were operational until it
11 fell.

12 The Trial Chamber is seized of facts relating to four security
13 centres; S-21 Security Centre, though nowadays called Tuol Sleng
14 Prison, Phnom Kraol Security Centre, Au Kanseng Security Centre,
15 and Krang Ta Chan Security Centre, which was discussed early in
16 relation to the Tram Kak Cooperatives by my colleague.

17 [11.03.45]

18 The Closing Order that seizes the Trial Chamber states that the
19 objectives in establishing and operating these security centres
20 was to implement and defend the CPK socialist revolution through
21 the re-education of bad elements and the killing or smashing of
22 enemies, both inside and outside the Party ranks, by whatever
23 means necessary. That is Closing Order, paragraph 178 to 179.

24 The Trial Chamber will have to first determine whether facts
25 relating to the crimes of imprisonment, enslavement, murder,

1 extermination, imprisonment, persecution, and all other inhumane
2 acts occurred at the security centres within the scope of Case
3 002/02 and second, to determine whether the Accused can be held
4 responsible for those crimes.

5 [11.04.55]

6 Two hundred and ninety-six civil parties were admitted on the
7 basis of crimes alleged at security centres and execution sites.
8 Two civil parties testified in relation to Phnom Kraol Security
9 Centre and Office K-11 located at Mondolkiri province and 10
10 civil parties testified as to crimes at S-21 Security Centre. No
11 civil party testified in relation to Au Kanseng Security Centre;
12 however, documents were presented during the relevant key
13 documents hearing. As for Phnom Kraol Security Centre, <in Kaoh
14 Nheaek district, Mondolkiri province,> two civil parties, Sun
15 Vuth and Kul Nem testified in relation to Phnom Kraol Security
16 Centre and Office K-11.

17 [11.05.56]

18 Civil Party Sun Vuth was a direct victim of imprisonment and
19 torture at Phnom Kraol and testified to the harm he suffered.
20 Civil Party Sun Vuth joined the Khmer Rouge army in <1975>. After
21 the liberation of Phnom Penh on <17> April 1975, Civil Party Sun
22 Vuth explained that Angkar dispatched his division -- that is,
23 Division 920, to protect the border with Vietnam in Kaoh Nheaek
24 district, Mondolkiri province. The civil party was then appointed
25 as chief of a company. While Sun Vuth was stationed in

1 Mondolkiri, his leaders were called to attend a study session and
2 it was said that they were killed on the accusation of betraying
3 Angkar.

4 [11.06.57]

5 In November to December 1977, during the harvesting season, the
6 civil party was arrested and detained on the accusation of
7 betraying Angkar. He was detained at Phnom Kraol for three to six
8 month where he was interrogated, shocked with electric cables,
9 beaten, and tortured to get a confession. In his words, and I
10 quote:

11 "I was taken out from that prison to a secret hut where I was
12 interrogated. First, they actually shocked me with electricity
13 cables and I lost consciousness and I thought that I died after I
14 fell unconscious and when I regained consciousness, they shocked
15 me again. After the relapse, they actually beat me up and
16 interrogated me."

17 He further explained the effects of his arrest and torture on his
18 family and allow me to present the video clip <1> of that civil
19 party.

20 [11.08.29]

21 (Audio-visual presentation - (video))

22 (Interpretation from Khmer to English)

23 "I was beaten with a club and that club was big and the size was
24 about my forearm. They beat me two or three times with a club and
25 I lost consciousness. Each time that they beat me, I lost

1 consciousness and then after a while, they shook me and then I
2 regained consciousness and they beat me again and again to
3 extract my confession. They said if I don't respond to the
4 questions, they will beat me to death and because their beating
5 on me was so serious that I lost my consciousness and I could not
6 say anything. They beat me with big clubs."

7 (End of interpretation of Khmer to English)

8 (End of audio-visual presentation - (video))

9 [11.09.21]

10 This civil party also explained about the effects of the arrest
11 and torture on his family and allow me to quote:

12 "I felt so pain. I served the revolution. I served <the Party, I
13 served> Angkar with my full heart. I defended the country, but I
14 was accused by Angkar. As a result, my parents, siblings, and
15 relatives were killed. I resent that every time I think of that,
16 I become overwhelmed with grief. Every time I hear people
17 speaking about this, I almost had my tear falling."

18 In relation to a security centre in the middle of Phnom Penh --
19 that is, S-21 Security Centre or nowadays Tuol Sleng Prison, the
20 Case 002/02 segment on S-21 was not a mere repetition of Case
21 001. Through an analysis of new, contemporaneous documents on the
22 case file, we found approximately 114 civil parties who had
23 relatives or friends detained or executed at S-21, as highlighted
24 in our Closing Brief. We believe that those individual cases will
25 assist the Trial Chamber in characterizing the crimes of

1 imprisonment and extermination at S-21.

2 [11.10.57]

3 Ten civil parties testified as to crimes at S-21 Security Centre
4 including Chum -- Civil Party Chum Mey, who is a direct victim,
5 and eight other civil parties; namely, Che Heap, Phoung Yat, Ros
6 Chuor Siy, Kaun Sunthara, Chau Khim, Kheav Neab, Oum Suphany, and
7 Son Em. They testified to the indirect harm they suffered as a
8 result of their loved ones, who were killed at S-21 Security
9 Centre.

10 Civil parties also testified that they were harmed and continued
11 to suffer due to the loss of their property, which was
12 confiscated during the Khmer Rouge regime.

13 [11.11.58]

14 Chum -- Civil Party Chum Mey, who was a direct victim at S-21,
15 was arrested on 28 of October 1978 from the state <machinery
16 reparation> unit of which he was a union member. His wife and
17 daughter were not aware of his arrest or of his transfer to S-21
18 Security Centre. Civil Party Chum Mey was imprisoned and
19 interrogated for 12 days. When security military sought for
20 mechanics and that was why his conditions altered and was
21 required to repair typewriters.

22 His detention at S-21 Security Centre is evidenced by five
23 contemporaneous lists of prisoners, which are all on the case
24 file and listed in our Closing Brief. Civil Party Chum Mey's
25 confession is also on the case file.

1 The civil party testified that he was walked out of the prison
2 with 18 others on 7 January 1979, when the Vietnamese soldiers
3 arrived in Phnom Penh.

4 Civil Party Chum Mey testified to the suffering of the
5 imprisonment, enslavement, torture, and other inhumane acts that
6 he endured. As a result of this cruelty, until now, he continues
7 to suffer damage to his hearing and eyesight because of the acts
8 of torture inflicted upon him.

9 And Civil Party Chum Mey described for the Chamber the torture he
10 suffered at S-21 Security Centre and please, play video clip
11 number 2 of Civil Party Chum Mey.

12 [11.14.10]

13 (Audio-visual presentation - (video))

14 (Interpretation of Khmer to English)

15 "At that time, they beat me and asked me how many people were
16 part of my network in the CIA and KGB. I told them that I did not
17 know what the CIA and KGB were. Then they had a whip and beat me
18 up. I used my hand to protect myself and as a result, one of my
19 fingers was broken. Then they use a plier to pull out my toenail.
20 I told them that I did not know the CIA and the KGB. They beat me
21 even more and they used electric cable to shock me on my ear. I
22 became dizzy and I lost consciousness. I was electrocuted on two
23 occasions and one of my eyes could no longer see clearly and
24 that's the same thing for my ear; I could not hear properly in
25 one of my ears.

1 Q. The result of your poor eyesight and ear, when did it happen?

2 A. It was when they used electric cable to shock me."

3 (End of interpretation from Khmer to English)

4 (End of audio-visual presentation - (video))

5 [11.16.04]

6 Civil Party Chum Mey explained that he would not have confessed
7 but for the pain he suffered. He just kept saying -- and allow me
8 to quote:

9 "I gave them some things that were real and some things that were
10 not real during my confession. My confession that I was part of
11 the CIA and KGB was not real because I did not know these
12 organizations, but because I suffered so much, so I simply gave
13 the answers according to their wishes." (End of quote)

14 [11.16.47]

15 Another indirect victim of S-21 Security Centre, Che Heap,
16 described about the death of his brother and allow me to quote:

17 "I was at home and I heard about the news on the radio broadcast.
18 I did not have money to travel to Tuol Sleng and later on, DC-Cam
19 brought the document and a folder on my brother to my village.
20 They asked another villager, but I was taken to -- they were
21 taken to my house and when I saw the photo of my brother, I wept
22 for the whole day because I felt pity for him. They mistreated
23 him before they killed him because in the photo, he looked very
24 thin. Back then when I saw him during my visit, he was in good
25 health. He looked healthy. I burst into tears when I saw that

1 photo and I heard that he was detained there. It's the photo of
2 my brother and the surname in this photo, it's like my surname.
3 It is exactly the photo of my brother. When this -- the DC-Cam
4 show me -- the photo to me, I cried for a whole day and I feel
5 very pity for him." (End of quote)

6 [11.18.05]

7 Another civil party, Phoung Yat, also described seeing the
8 pictures of her elder sister and three other brothers hanging at
9 Tuol Sleng and allow me to quote:

10 "I loved her very much. She took care of her younger siblings,
11 bathing us, looking after us, when my mother went to work.
12 Everywhere she went, she would take us along since my mother was
13 not at home. At the time she took care of us, she didn't want us
14 to go anywhere in case we would be arrested by Lon Nol soldiers
15 since we're -- we were women. And later on, she disappeared and
16 later on, I learned that she died at Tuol Sleng. I could not
17 imagine how miserable it was for her to be there. I saw her photo
18 at Tuol Sleng and from the appearance in the photo, she was
19 severely -- severely tortured and you could see that through her
20 eyes. I could not imagine how severely -- severely she was
21 tortured." (End of quote)

22 [11.19.13]

23 Phoung Yat also described seeing her three elder brothers' photos
24 at Tuol Sleng and I quote:

25 "I was very sad. <When I saw their photographs, I could not say

1 anything,> I wept to the point that I almost lost my
2 consciousness." (End of quote)
3 Another civil party, Ros Chuor Siy, who is an indirect victim of
4 S-21 Security Centre, described how she learned about the fate of
5 her husband, Ros Sarin, when visiting Tuol Sleng after the
6 liberation and please, play video clip number 3 of Civil Party
7 Ros Chuor Siy.
8 [11.20.01]
9 (Audio-visual presentation - (video))
10 (Interpretation from Khmer to English)
11 "It was called a political school. The trainer took the
12 participants to see the genocidal museum at Tuol Sleng. While I
13 was there, I walked around visiting each room, seeing those
14 torture instruments. I saw a lot of things there and I do not
15 want to describe them again. And finally, I went to a room where
16 photos of prisoners were displayed. That was the time that my
17 pulse was racing. I tried to <look> at every single photo
18 displayed and I saw, amongst those photos, some people that I
19 knew. And finally, I saw a photo of my husband. It was there and
20 I wanted to cry out loud. I almost fainted; however, there was a
21 voice telling me not to cry and to collect myself. I somehow
22 regained my strength and I tried to collect myself and from that
23 time onward, I told myself that I could not live in a country in
24 such conditions and that I had to do my best for the future of my
25 children since they no longer had a father and they relied

61

1 entirely on me as their mother. I had to <be stronger> in order
2 to feed my children. After the visit, everybody looked sad. In
3 particular, I became worse. I no longer had any hope and I made
4 my decision then that I had to migrate somewhere or to France."

5 (End of interpretation from Khmer to English)

6 (End of audio-visual presentation - (video))

7 [11.23.55]

8 Mr. President, in relation to direct and indirect victims of the
9 security centre, I'd like to conclude it now and now, I'd like to
10 move on to the internal purges in the East Zone.

11 The Trial Chamber is seized with the facts regarding the
12 existence and the implementation of the policy to implement and
13 defend the CPK socialist revolution through the re-education of
14 bad elements and the killing of enemies, both inside and outside
15 the Party ranks by whatever means necessary which includes purges
16 of East Zone.

17 [11.24.35]

18 The East Zone purge allegedly started from mid-1976 when they
19 arrest the former secretary of Sector 24 and a former cadre of
20 Division 170. One hundred and eighteen civil parties were
21 admitted on the basis of the purges. Three civil parties
22 described their experiences as former cadre and were directly
23 harmed by the targeting of cadre and soldiers from the East Zone.
24 Each civil party testified on the harm and sense of betrayal they
25 suffered as a result of the purges of the East Zone.

1 Experience of civil parties due to harm and suffering: Civil
2 Party Yun Bin, Chhun Samorn, and 2-TCCP-1040 were direct victims
3 of the targeting of East Zone soldiers and cadre during the
4 purge. They each testified to long-term physical suffering
5 because of the injuries they sustained when they were sent for
6 execution for being East Zone soldiers. One civil party affected
7 by the East Zone purge testified to the grief and pain they felt
8 because of the disappearance or death of their family members
9 during the regime.

10 Civil parties affected by the East Zone purge recalled the
11 feeling of betrayal at being targeted and attacked by Angkar and
12 their feelings of fear. Civil parties also testified that they
13 were harmed and continue to suffer due to the loss of property,
14 which was confiscated during the regime.

15 [11.26.44]

16 Civil Party Chhun Samorn testified to the additional burden of
17 caring for his sister's family because her husband was killed
18 during the regime. Before 1975, Civil Party Chhun Samorn lived in
19 Thmei village, Ksetr commune, Kampong Rou district, Svay Rieng
20 province and was around 18 years old when the Khmer Rouge came to
21 power. He joined the Khmer Rouge in May 1975 and was initially a
22 messenger for Unit 75. Civil Party Chhun Samorn was arrested in
23 August 1978 and narrowly escaped being executed, like the rest of
24 his unit, by fleeing to Vietnam.

25 Civil Party Chhun Samorn expressed his suffering as a result of

1 the internal purge of the East Zone to the Chamber. And please,
2 present video clip number 4.
3 [11.28.01]
4 (Audio-visual presentation - (video))
5 (Interpretation from Khmer to English)
6 "I joined the revolution -- Revolutionary Army of <Democratic>
7 Kampuchea in May 1975. At the time, I had complete confidence in
8 the upper Angkar to lead the country. I sacrificed myself for my
9 nation, my country, and for Cambodian people. I respected the
10 plans of the Party and I implemented and adhered to all
11 disciplines. I, myself, was engaged in the fighting against the
12 enemy day and night. Sometimes, I went without food for two to
13 three days and sometimes, there was no water to drink. The
14 situation was so miserable; however, as a result, myself and many
15 East Zone soldiers were accused by Angkar of betraying the Party.
16 We were arrested and sent for execution. I was in great shock, at
17 the time, and I could not believe the actions of the regime."
18 (End of interpretation from Khmer to English)
19 (End of audio-visual presentation - (video))
20 [11.29.27]
21 Thank you.
22 I'd like now to speak about another civil party. My apologies.
23 Civil Party Yun Bin was taken to a pit full of dead bodies and
24 hit in the head with an axe three times before being dumped in
25 the pit. He testified and please play video clip number 5.

1 [11.30.03]

2 (Audio-visual presentation - (video))

3 (Interpretation from Khmer to English)

4 "Her siblings were taken away to be killed with me. I told her
5 that those people were taken away to be killed and told her to
6 tell her brother not to go because he would be taken away to be
7 killed. She then went to tell her elder brother that and he said
8 the Party would never take people away to be killed and then he
9 was taken away and disappeared until nowadays.

10 (End of interpretation from Khmer to English)

11 (End of audio-visual presentation - (video))

12 And another civil party, Mr. President, 2-TCCP-1040, who was sent
13 to Pursat from Prey Veng province and who was a former East Zone
14 soldier. He was seriously mistreated upon arrival.

15 He described about the misery and put a question to the accused
16 through you, Mr. President.

17 And please play video clip number 7.

18 (Audio-Visual presentation - (video))

19 (Interpretation from Khmer to English)

20 [11.31.22]

21 After I was arrested, I was tied in order that they could take me
22 to be killed. As a result, I was injured in my hand and I became
23 a disabled person. And the injury remains with me today.

24 I have been going to different -- different hospitals that they
25 have treatment for me, for my hand, but it is in vain. And

1 because of my disabled hand, it is difficult for me to make a
2 living.

3 And I would like Mr. President to ask the Accused who is
4 responsible for my suffering and, in particular, who is
5 responsible for the disabled hand that I sustained until today
6 because the veins have been removed from my disabled hand. So who
7 is responsible for my injury?

8 (End of interpretation from Khmer to English)

9 (End of Audio-Visual presentation - (video))

10 [11.32.50]

11 MR. HONG KIMSUON:

12 And that is the statement of a victim who testified before this
13 Chamber.

14 And I now conclude my presentation, and I'd like to hand the
15 floor back to the Lead Co-Lawyer.

16 Thank you, Mr. President.

17 MR. PRESIDENT:

18 Thank you, counsel.

19 It is now appropriate time for our lunch break.

20 I notice that Lead Co-Lawyer is on his feet.

21 MR. PICH ANG:

22 Mr. President, due to our time calculation, I believe that we
23 need an additional 15 minutes and, for that reason, we would like
24 to request for that extension if you're able to grant us for the
25 afternoon session, that is, to have an additional 15 minutes if

1 that is possible.

2 Thank you, Mr. President.

3 [11.33.55]

4 MR. PRESIDENT:

5 You may continue now if that is what you need.

6 MR. PICH ANG:

7 Thank you, Mr. President.

8 And again, good morning, Your Honours and everyone. I'd like now
9 to present the segment on the treatment of the Cham.

10 The Office of the Co-Investigating Judges admitted 46 civil
11 parties and, in addition, 95 civil parties were admitted by the
12 Pre-Trial Chamber. That is <141 in total> in relation to the
13 treatment of the Cham.

14 And out of that number, six Cham civil parties testified during
15 the hearings, namely, Sos Min, No Sates, Man Sles, Him Man, Meu
16 Peou, and Lach Mean.

17 Regarding the persecution, the civil parties made mention about
18 the impact on religion during the Democratic Kampuchea. Civil
19 party described how Cham villages' leaders were targeted and how
20 mosques were destroyed or repossessed, how Korans were destroyed
21 and how Cham people were prohibited from praying.

22 [11.35.51]

23 Civil parties also described how women's hair was cut, how Cham
24 women were prohibited -- prohibited from wearing head scarves and
25 how Cham people were forced to eat pork.

1 Allow me to project video of Him Man, Mr. President.

2 (Audio-Visual presentation - (video))

3 (Interpretation from Khmer to English)

4 "We were invited to attend a meeting, and we were told that we
5 had to have our hair cut and not to cover our heads with krama
6 and say daily prayers, and we were told to eat pork at the time.
7 Everything in relation to Islamic religion were -- was
8 prohibited. We were prohibited from practising the religion and,
9 at the time, we were told that the wheel of history was moving
10 and if we happen to put our hands in or put our legs in to stop,
11 our limbs would be cut."

12 (End of interpretation from Khmer to English)

13 (End of Audio-Visual presentation - (video))

14 [11.37.08]

15 MR. PICH ANG:

16 Civil party Meu Peou testified that the restrictions that were
17 placed on Cham villages' practices. The civil party said that --
18 quote:

19 "My father died because he was a Cham person who adhered to his
20 religious practice. He did not abandon his religion when he was
21 forced by Angkar. They forced him to eat pork, but he refused. So
22 Angkar gave him a last warning that he had to eat pork, and if he
23 could not eat pork, then there would be nothing for him to eat."

24 [11.37.57]

25 "So my father drank only the water and he had to successfully

1 find tree leaves in the forest to eat, and that was terrible for
2 him, living in such a situation. I would think that it would be
3 better if they were to kill him and not allow -- to allow him to
4 suffer such a terrible circumstance.

5 "The Khmer Rouge used his case as an example to scare other Cham
6 people. That was the time that his body became so emaciated. He
7 also was by himself, and he did -- and he died alone without the
8 presence of any family member."

9 Regarding rebellion and its aftermath, allow me to present, Mr.
10 President, about that fact.

11 Civil parties testified to the murder, torture, imprisonment and
12 disappearances of Cham people during and after the rebellion in
13 Svay Khleang in October 1975.

14 Civil party Man Sles testified that many Cham people died during
15 the rebellion. He explained in his words that -- quote:

16 "I was engaged in the rebellion and armed with possessing armour
17 with machetes, and I was joining with others, but I was at the
18 back line. Many people, I mean both sides, we, Cham people and
19 Khmer Rouge, died during the rebellion, but not many Khmer Rouge
20 died since they were armed with weapons more than all of us."

21 [11.39.54]

22 Civil parties, Sos Min, No Sates and Man Sles described how they
23 were forcibly evacuated from their villages.

24 Civil party Sos Min described that -- quote:

25 "After I survived detention, I was allowed to reunite with my

1 family. However, all the resident of Svay Khleang village who had
2 been detained were not allowed to enter the village again. We
3 were evacuated by boats to live elsewhere, including Stueng
4 Trang, Baray, Dambae, and many more that I cannot recall, but not
5 to return to our native village."

6 [11.40.38]

7 These civil parties described being transferred multiple times
8 and made to work under difficult conditions with insufficient
9 food. They were separated from their loved ones, some of whom
10 were killed or never seen or heard from again.

11 Regarding Wat Trakuon, civil party Him Man testified before the
12 Cham about killings of Cham people at Au Trakuon in August 1977.
13 He explained that Cham people from his village were gathered up
14 and taken to Wat Au Trakuon, including some of his family
15 members.

16 He described how they were murdered, how they were under armed
17 guard and led to the pagoda.

18 And Mr. President, please allow me to project video number 2
19 concerning Mr. Him Man.

20 [11.42.20]

21 (Audio-Visual presentation - (video))

22 (Interpretation from Khmer to English)

23 "We were kept there. We were gathered up at 3 p.m. in the
24 afternoon. We were gathered up by the men with long swords. Some
25 of us did not have krama and clothes. I was among the group.

1 I was taken to the pit Au Trakuon -- at Au Trakuon. I heard the
2 screaming. I was hiding at the time.
3 It was quite dark and I -- and I assumed that it was around 6.00
4 or 7.00 in the evening.
5 I heard screaming, 'Oh, my Allah. Please help me'.
6 And I thought of my mother. I thought that they were my relative,
7 siblings, and mother because I heard the screaming 'Allah'.
8 I assumed that they were my people. At the time, I was so weak I
9 almost became crazy. No religion was allowed to practise. I had
10 no relatives and siblings and villagers to rely on at the time."
11 (End of interpretation from Khmer to English)
12 (End of Audio-Visual presentation - (video))
13 [11.43.55]
14 MR. PICH ANG:
15 Regarding Trea, Civil Party No Sates testified before the Chamber
16 about the killings of Cham people at Trea village. The civil
17 party made mention about the interrogation by the district chief
18 whether or not they were Cham or Khmer.
19 And now, Mr. President, I would like to project the video of Nos
20 Sates, video number 3.
21 [11.44.31]
22 (Audio-Visual presentation - (video))
23 (Interpretation from Khmer to English)
24 "There were two <soldiers and another woman holding hammock
25 rope,> and we were told to rise up, to stand up and they tied us.

71

1 We stood up and then we were tied. Then we were lined up, about
2 300 or 400 of us at the time. <We were all women.>
3 After we were tied up, we were questioned. We were questioned
4 whether or not -- whether we were Cham or Khmer. If somebody
5 answered that she was Cham, then she would be taken out from the
6 line, escorted by an armed person either with a weapon or with a
7 knife, and they left.

8 So all those people who answered that they were Cham, they were
9 escorted by an armed person and they have disappeared since. No
10 one has returned.

11 After I was tied up, I was questioned if I was Cham or I was
12 Khmer. And at the time, I said I was Khmer. They used a torch to
13 light up my face and asking me whether I was a 'Yvon' or
14 Vietnamese daughter.

15 [11.46.14]

16 I protested that, no, I still insisted that I was a Khmer person.
17 And after a few rounds of back and forth questioning <with the
18 district chief>, they believed that I was a Khmer girl.

19 So after they had gone, there were about only 30 of us. And then
20 they untied us and they said that we were lucky, as he was there
21 to question us and that we were Khmer. Otherwise, all of us would
22 have been taken away."

23 (End of interpretation from Khmer to English)

24 (End of Audio-Visual presentation - (video))

25 [11.47.00]

1 MR. PRESIDENT:

2 And now it is time for lunch. The Chamber will take a break from
3 -- for lunch from now on until 1.30.

4 The security personnel are instructed Mr. Khieu Samphan to the
5 waiting room downstairs, and please bring him back into the
6 courtroom in the afternoon before 1.30.

7 The court is now in recess.

8 (Court recesses from 1147H to 1329H)

9 MR. PRESIDENT:

10 Please be seated.

11 The Court is now back in session and the Chamber gives the floor
12 to the civil party -- Co-Lead Lawyer for civil parties to
13 continue the presentation.

14 MR. PICH ANG:

15 Thank you, Mr. President. Thank you, Your Honours.

16 Good afternoon, all parties and the public.

17 I will quickly conclude the presentation on the persecution on
18 Cham. May I continue?

19 [13.30.30]

20 Each civil party testified to the harm that he or she suffered.

21 Civil parties described the grief they felt because of the
22 disappearances or deaths of their family members during the
23 regime. They testified to the suffering they experienced from not
24 being able to practice their religion.

25 Two civil parties testified that they changed their names in

1 order to hide their Cham identities. Most civil parties testified
2 to the immediate physical and mental harm they suffered from
3 having insufficient food and being forced to overwork. They also
4 recalled being in constant fear and witnessing violence or
5 threats of violence to others around them.

6 Civil parties also testified to the material harm they suffered.
7 Civil parties described how their livelihood and long-term
8 prospects were refused because they were denied the opportunity
9 to have an education and/or because their family's property was
10 lost.

11 [13.32.11]

12 At the end of his testimony, Civil Party Sos Min echoed the
13 wishes of the civil parties to get answers from the Accused. He
14 asked the following question through the President -- and now I
15 would like to seek the permission from Mr. President to project
16 the video number 4 regarding Sos Min.

17 (Audio-Visual presentation - (video))

18 (Interpretation from Khmer to English)

19 [13.32.50]

20 "Why all religions were abolished including my religion, Islamic
21 religion? We, Cham people were persecuted on a permanent basis
22 during that time."

23 (End of interpretation from Khmer to English)

24 (End of Audio-Visual presentation - (video))

25 All Cham people living in Cambodia, <in> Kampuchea wanted to live

1 peacefully as Khmer people at the time but instead they lived
2 with great suffering from the period of 17 April 1975 up to <6>
3 January 1979.

4 MR. PICH ANG:

5 And now I would like to conclude my presentation. And may I seek
6 the floor for Marie Giraud to continue the presentation regarding
7 the persecution on the Vietnamese?

8 MR. PRESIDENT:

9 Yes, please.

10 [13.34.10]

11 MS. GUIRAUD:

12 Mr. President, Your Honours, good afternoon to all of you.

13 I am going to <devote> this session <to speaking> <first of all>
14 about the treatment that was meted out to the Vietnamese. And
15 then I will speak about the issue of the regulation of marriage,
16 and then I will conclude <by talking> about the probative value
17 of the civil party testimonies.

18 Regarding the issue of the treatment meted out to the Vietnamese
19 during the regime, your Chamber is seized <of> a Closing Order,
20 which considered that the Vietnamese formed a national<,> ethnic
21 and religious group. You are seized of facts linked to the
22 <expulsion> of people of Vietnamese origin in 1975 and 1976 and
23 of mass murders <targeting> Vietnamese civilians in Prey Veng<,>
24 Svay Rieng, but also in other locations in Cambodia listed in
25 paragraph 803 of the Closing Order and, in particular, in Kratie.

1 [13.35.20]

2 In this context of these targeted murders, you will have to rule
3 on the <fact> of knowing whether these murders were committed <on
4 the basis of matrilineal descent>.

5 In <total>, 73 civil parties were admitted to participate in
6 these proceedings on the basis of the harm that they suffered <in
7 relation> to the treatment of the Vietnamese. Seven civil parties
8 came to testify before the Court on this issue.

9 Choeung Yaing Chaet is the only ethnic Vietnamese person who came
10 to testify before this Court. The six other civil parties are
11 ethnic Khmer who testified on the fate of their loved ones or
12 <of> their neighbours who were of Vietnamese origin.

13 Choeung Yaing Chaet related his deportation <to> Vietnam in 1975.
14 He and Prak Doeun, another civil party, testified <about> their
15 experiences in Kampong Chhnang province.

16 [13.36.48]

17 Two civil parties, Lach Kry and Doung Oeurn, testified <about>
18 the murders of their relatives who were all of Vietnamese
19 origin.in the village of Pou Chentam in Prey Veng province.

20 The testimonies of these civil parties allowed us to establish
21 that all of the ethnic Vietnamese who were living in Pou Chentam
22 in 1977 had all been taken away and had never been seen again.

23 Another civil party, Sieng Chanthy, testified during the hearing
24 on the impact of the crimes linked to the treatment meted out to
25 the Vietnamese in the province of Svay Rieng.

1 Uch Sunlay <indeed> testified on the murder of his Vietnamese
2 wife and of their children in September 1978 in Kratie.

3 [13.37.48]

4 I would like to focus during this presentation on the excerpts of
5 civil party testimonies that may assist the Chamber in
6 <characterizing> the elements of two crimes for which the
7 defendants are being tried<:> the crime of deportation and the
8 crime of genocide through commission of <murders>.

9 Choeung Yaing Chaet, as I said <in the introduction,> is a civil
10 party <of> ethnic Vietnamese <origin>. He was born in Cambodia
11 and he was living in Kampong Chhnang up until a few months after
12 April 1975.

13 One month after having witnessed the slaughter of his family <,>
14 which he survived, Choeung Yaing Chaet heard that the Vietnamese
15 had to return to Vietnam. He was about 13 or 14 years old when he
16 took the boat from Kampong Chhnang to Phnom Penh. The civil party
17 describes what follows, and I will read it out. I'll read out his
18 transcript:

19 [13.39.02]

20 "They selected people to board the ferry. They asked who <was>
21 Vietnamese, who <was> Chinese, who <was> Khmer? And since the
22 Vietnamese spoke Khmer with an accent, it was easy and speedy to
23 identify them. <As for the> <Khmers>, <they> could be identified
24 immediately thanks to their <facial> features. And if they spoke
25 Vietnamese with an accent then they could not board the ferry."

1 When he arrived in Neak Loeang in Prey Veng province, Choeung
2 Yaing Chaet described how salt and rice <were> exchanged between
3 Cambodians and Vietnamese. And this is <> video excerpt number 1
4 where Choeung Yaing Chaet describes this exchange:
5 (Audio-Visual presentation - (video))
6 (Interpretation from Khmer to English)
7 [13.40.15]
8 "I was there so I witnessed it. I witnessed them transporting
9 rice and salt from the Vietnamese ferry to the Cambodian ferry. I
10 heard other Vietnamese people say that my life was spared because
11 of the exchange for rice and salt so that I could go to Vietnam.
12 The civil party explained that once we <arrived>, we were housed
13 in a school where we were fed for seven days.
14 After they had <processed> some papers for us, I was sent to Tuek
15 Chou (phonetic) where I remained there."
16 (End of interpretation from Khmer to English)
17 (End of Audio-Visual presentation - (video))
18 [13.41.18]
19 MS. GUIRAUD:
20 Lach Kry and Doung Oeurn, both civil parties, testified about the
21 murder of people of Vietnamese origin that occurred in the
22 village of Pou Chentam in Prey Veng province in 1977.
23 Lach Kry is the <legal> beneficiary of Lach Ny, one of the
24 numerous civil parties who died before the end of this trial.
25 Lach Ny was married to an ethnic Vietnamese woman and both

1 brothers were living in the same village, Pou Chentam.
2 Lach Kry was a direct witness of the disappearance of his
3 <brother's wife> of Vietnamese origin and of their five children.
4 And now I would like to project video number 2 in which Lach Kry
5 explains that he witnessed personally the arrest of his brother's
6 wife and of their children.
7 (Audio-Visual presentation - (video))
8 (Interpretation from Khmer to English)
9 [13.42.39]
10 "When San was arrested and put onto a horse cart, her four
11 children were also invited <to get on> the horse cart. The eldest
12 daughter was working in <far away> and the militiaman went to
13 fetch her. So San, together with her four children, were arrested
14 and put on a horse cart. And, yes, I saw them.
15 "The militiaman by the name of Ngoy went to fetch the elder
16 daughter, the last elder daughter, and two other militiamen were
17 accompanying the horse cart. Ngoy was the one who went to fetch
18 <the> elder daughter and gave her a ride on his bicycle. <They
19 caught> up <with the cart> from behind as <it> had <already>
20 left.
21 "I saw the incident clearly <on that day>. The <eldest child> was
22 <called> Dalit. She was 14 years old. Dala was 12, the second
23 child. The third child was Srey Mao, <she> was seven years old.
24 And the fourth child was three years old and the fifth child was
25 two years old <and> was still <being> breast-fed by the mother."

1 (End of interpretation from Khmer to English)

2 (End of Audio-Visual presentation - (video))

3 [13.44.05]

4 MS. GUIRAUD:

5 Lach Kry testified in Court about the suffering experienced by
6 his brother following the disappearance of his wife and five
7 children.

8 And now I would like to screen video number 3 in which Lach Kry
9 speaks.

10 (Audio-Visual presentation - (video))

11 (Interpretation from Khmer to English)

12 [13.44.38]

13 "I could describe about my brother, Lach Ny. After he had gained
14 consciousness, he walked a distance of two kilometres away from
15 there. He returned to home at around 6 p.m. on the day.

16 After he had returned home, he became mentally ill for a period
17 of five months. Because of the illness, he just went around
18 holding and hugging the wives and children of other people. Lach
19 Ny was a psycho for five months.

20 "When he missed his children and wife, he would go around and
21 call other people's children as his children and also address
22 other people as his wife. No one felt trouble with him at the
23 time since they understood at the time that he became unstable
24 psychologically.

25 (End of interpretation from Khmer to English)

1 (End of Audio-Visual presentation - (video))

2 [13.45.30]

3 MS. GUIRAUD:

4 Civil Party Doung Oeurn testified <about> the fate of her
5 husband, Tep Chuy, who was an ethnic Vietnamese person. Tep Chuy
6 disappeared in 1977 and the civil party, Doung Oeurn, never saw
7 him again.

8 She said before the Court, and I will quote her: "He was asked to
9 go cut "rumpeak <liana>" and after that mission he never
10 returned. He simply disappeared. It was during the harvest
11 season. I was in the rice fields and <> I was working on the
12 harvest. When I returned home, he had been taken away and I have
13 no idea of where he was taken to; I do not know where he went."

14 [13.46.36]

15 Now, we are going to Svay Rieng province, Chamlang commune,
16 Ruessei Prey village where Civil Party Sieng Chanthy lives.
17 Sieng Chanthy testified about the fate of two families of
18 Vietnamese origin which disappeared in 1977 whereas the two
19 daughters of this family had been raped. She also testified
20 <about> the impact that these disappearances had on her and on
21 her father who was also of Vietnamese origin.

22 Now, I would like <us> to listen to Sieng Chanthy and this is
23 video number 4.

24 (Audio-Visual presentation - (video))

25 (Interpretation from Khmer to English)

1 [13.47.35]

2 "The first family they took was <that> of a military major who
3 had a Vietnamese wife. It was <at> that time that my father had
4 bad feeling. Two daughters from the family were raped and my
5 father was so terrified since he knew that the two daughters were
6 raped. When he saw the rape, he came and told my mother that he
7 saw the two daughters of Major Thon (phonetic) being raped. He
8 said he did not want to live anymore as he looked totally
9 different from others. He said he did not want those people to
10 take him away and kill him. He said it would be a painful death
11 and that he would rather commit suicide.

12 "I could tell the Court the two victims had <a> Vietnamese
13 mother. They worked with me in the village. When they were
14 arrested, I did not know because they disappeared from the
15 worksite.

16 "I asked my colleagues. I quietly asked other workers about their
17 disappearance about <Saem Dy> (phonetic) and Sra Touch
18 (phonetic). That is their names. And then I was told that they
19 were taken away and killed at night.

20 "And when I returned home that night, my father whispered to me
21 that the family members of <Major> Thon (phonetic) had been taken
22 away and killed and that he was so afraid --and he was so afraid
23 of that."

24 (End of interpretation from Khmer to English)

25 (End of Audio-Visual presentation - (video))

1 [13.49.18]

2 MS. GUIRAUD:

3 The father of Sieng Chanthy finally committed suicide because he
4 thought he would be protecting his children and his wife.

5 Now, we're going to speak about Kratie where Civil Party Uch
6 Sunlay testified <about> the fate of his wife who was <an ethnic>
7 Vietnamese, and the fate of their children who were killed in
8 September 1978 on the islands of Kbal Kaoh Trong with other
9 <ethnic> Vietnamese women and their children.

10 Uch Sunlay explains in video number 5 the circumstances in which
11 he learned about the death of his wife and children.

12 (Audio-Visual presentation - (video))

13 (Interpretation from Khmer to English)

14 [13.50.20]

15 "Children and small babies were killed and among them were my
16 three children<:> <two> sons, <one> daughter. <The eldest was>
17 Sotheara (phonetic) was born in <1970 and by 1978, he was eight
18 years old>. <The next one> was Sothearak (phonetic), was born in
19 <1975> and the youngest child was Sothida (phonetic), who was
20 about one year old.

21 "Moeun (phonetic), the cooperative chief, assigned those who had
22 Vietnamese wives to go and cut the bamboo tree at Au Thyoung
23 (phonetic) and it was -- it took at least two nights to get there
24 by boat and I joined the journey. It was the most painful moment
25 in my life upon my return. The cooperative chief summoned those

1 men and I to a psychological support session."

2 [13.51.42]

3 "It was during a time that Moeun (phonetic), the cooperative
4 chief, stood up and said that 'You all had fulfilled a great task
5 for Angkar. You have cleansed yourselves of your origin and you
6 sacrificed a lot for the peasants and working class. But all your
7 -- all of your wives and children have been collected and taken
8 away. I want all of you comrades to get rid of this piece of
9 rotten flesh.'"

10 (End of interpretation from Khmer to English)

11 (End of Audio-Visual presentation - (video))

12 [13.52.26]

13 MS. GUIRAUD:

14 Four civil parties described how these murders targeted women of
15 Vietnamese origin as well as their children, which is what we
16 could call the theory of matrilineal <descent>,. .

17 In illustration of this, Lach Kry and Doung Oeurn <> described
18 the fate that was meted out to Lach Ny's wife and Civil Party
19 Prak Doeun, who was living in Kampong Chhnang province and whose
20 wife of Vietnamese origin as well as their youngest child were
21 killed at the end of 1977. And finally, Uch Sunlay, the fourth
22 civil party who spoke about this theory of matrilineal <descent>
23 and who explained that his wife and his children had been killed
24 in Kratie at the end of 1978 because his wife was of Vietnamese
25 origin.

1 Now, we are going to listen to the four excerpts in a combined
2 manner, and this is video number 6.
3 (Audio-Visual presentation - (video))
4 (Interpretation from Khmer to English)
5 [13.53.50]
6 "People, including me, knew widely that if the husband was Khmer
7 and the wife was Vietnamese, she, together with the children,
8 were taken away. If the husband was Vietnamese and the wife was
9 Khmer, only the husband was taken; not a single child was taken.
10 The children were taken away because the mother was ethnically
11 Vietnamese and they would not spare even a single child.
12 "For the -- her daughter was not arrested since the child was the
13 offspring of the Cambodian mother. Only the father was taken. If
14 the mother was a genuine Khmer, the child would be spared and
15 although this was the case, I was trying to conceal the
16 information about my child.
17 "The Vietnamese would be taken away. All of them would not be
18 spared in that regime.
19 "Since my child belonged to a Cambodian mother, only the husband
20 was taken away."
21 [13.55.21]
22 "My wife together with my little child went into the group
23 together with other Vietnamese. If the mother was Khmer, then the
24 child would be allowed to be with the mother in the group of
25 Khmer.

1 "I knew for sure that -- I know clearly my wife was half-blooded
2 Vietnamese and my children were considered Vietnamese
3 descendants. It was known by the Khmer Rouge. The announcement
4 and policy of Khmer Rouge was that when digging the grass, they
5 had to uproot the grass so the Vietnamese descendants were
6 considered as KGB agents so they had our background in mind."

7 (End of interpretation from Khmer to English)

8 (End of Audio-Visual presentation - (video))

9 [13.56.29]

10 MS. GUIRAUD:

11 Now, I'm going to speak about the regulation of marriage. The
12 Chamber is seized of facts linked to <the> marriage of men and
13 women during the DK regime all over the country. Twenty-five
14 civil parties testified <about> these facts during the trial.
15 Twelve civil parties testified during the segment regarding this
16 specific issue of marriages. Eight civil parties called to
17 testify <about> other facts, also <testified about> their own
18 marriages and five civil parties testified <about> the marriages
19 of their relatives.

20 <All of these> 25 testimonies <are> analyzed in our final brief
21 and the marriages described before the Chamber by the civil
22 parties took place during the entire period of Democratic
23 Kampuchea with 17 civil parties who testified <about> marriages
24 that occurred during the second part of the regime in 1977 and
25 1978.

1 Seven civil parties were married during ceremonies that brought
2 together more than 30 couples. The marriages took place in all
3 zones of Democratic Kampuchea, the Central Zone, the East Zone,
4 the Northeast Zone, the North Zone, the Northwest Zone, the
5 Southwest Zone, the autonomous sector of Phnom Penh, Sector 105;
6 the autonomous sector of Mondolkiri.

7 [13.58.19]

8 And <among these> civil parties <> the women were around 20 years
9 old and the men were around 25 years old.

10 Before presenting some of these testimonies, I would like to
11 focus for a few moments on a legal issue, which is crucial. This
12 question is the following: Which crime are we speaking about
13 exactly? Which are the constitutive elements that must be
14 <proved> beyond reasonable doubt?

15 [13.58.55]

16 These issues are raised because <whilst> we know from the
17 beginning of this trial that the possible criminalization of
18 marriage would necessarily be included in the category of other
19 inhumane acts, the Supreme Court clarified the elements of this
20 crime in its Appeal Decision in Case 002/01 whereas the segment
21 on marriages had been completed before your Chamber.

22 The Supreme Court considered that it was anachronistic to qualify
23 crimes and, in this case, in Case 002/01, this was the crime of
24 forced population movement as well as forced disappearance <,> in
25 view of elements that were not yet crystallized in 1975. This

1 same reasoning will necessarily be applied to the issue that
2 concerns us today, that is to say the issue of marriages. It
3 seems to us, therefore, important to detail the roadmap provided
4 by the Supreme Court and to see how this roadmap will be
5 <followed> with regard to this issue of marriages.

6 (Technical problem)

7 [14.00.51]

8 MR. PRESIDENT:

9 I think there is a technical problem with the English channel.

10 (Short pause)

11 MR. PRESIDENT:

12 Counsel, you may continue.

13 [14.01.19]

14 MS. GUIRAUD:

15 <So I was saying that I was going to provide the details of the
16 roadmap that was provided by the Supreme Court and see how it may
17 be applied to the issue of marriage.

18 And, Judge Fenz, you have -->

19 The Supreme Court Chamber explains, first and foremost, that the
20 notion of other inhumane acts should be articulated around what
21 is referred to as conduct. In Case 002/01 for instance, the
22 movement of the population one and the movement of the population
23 two constituted <forms of> conduct.

24 As regards <> the issue of marriage, we are of the view that the
25 conduct that you have to analyze is the regulation of marriage,

1 which is conduct whose existence is not challenged by any of the
2 parties. Neither Nuon Chea nor Khieu Samphan challenged the fact
3 that the CPK regulated marriages.

4 [14.02.19]

5 The second point in this roadmap is that the Supreme Court
6 Chamber then explains that they should carry out a holistic
7 analysis of all of the elements of the conduct. We therefore are
8 of the view that as regards conduct related to the regulation of
9 marriage, the different components that you have to analyze are
10 as follows:

11 First of all, the entry into marriage which includes the
12 <atmosphere> in which the decision regarding the marriage was
13 taken, the possibility to refuse or not refuse the marriage, the
14 existence of punishment for persons refusing to get married,
15 including physical abuse, rape; disappearances.

16 The second element in this conduct as far as we are concerned is
17 the issue of the choice of the spouses, which includes the
18 possibility of choosing or not choosing one's partner and the
19 degree of control Angkar had on the process.

20 [14.03.32]

21 The third element in this conduct is the ceremony of the marriage
22 per se, and the issue of knowing whether the spouses were aware
23 of those marriages before the ceremony, whether they knew or did
24 not know the identity of their future spouse, whether the
25 families were present during those ceremonies, what role Angkar

1 played in those ceremonies, whether, for instance, there were
2 commitments to be made vis-à-vis Angkar, whether or not it was
3 possible to continue traditional wedding rites.

4 The fourth element in this conduct is matrimonial relations
5 following the ceremony, which includes the existence of conjugal
6 visits, possible monitoring of couples to ensure that they
7 consummated the marriages, possible threats related to the
8 refusal to consummate the marriage, punishment for having refused
9 to consummate the marriage, which can take, as we'll see in the
10 excerpts, the form of rape; and of course, the consummation of
11 the marriage, as such.

12 [14.04.58]

13 And the last element is the consequences of the marriages with
14 regard to pregnancies and miscarriages.

15 So we see <that> these crimes <of> other inhumane acts related to
16 the regulation of marriage <are> broader than the simple issue of
17 consent to the marriage <or than> what we refer to as forced
18 marriage.

19 The third point in this roadmap as set out by the Supreme Court
20 Chamber is as follows:

21 Your Chamber will have to identify the rights and the Supreme
22 Court Chamber refers specifically to <an articulation of> rights
23 <and> prohibitions, <of> the rights contained in legal texts that
24 were <in effect> in 1975 <and> that <would be> impacted by the
25 conduct of regulation of marriages. The Supreme Court Chamber

1 gives, for instance, the major <texts> that were <in effect> in
2 1975 and the Universal Declaration of Human Rights of 1948.
3 If we take this declaration, the Chamber could retain <in
4 particular> Article 3 which guarantees the right of all
5 individuals to life, freedom and the safety of his or her person;
6 Article 5 which provides that no one should be subjected to
7 torture or punishment which involves inhumane and degrading
8 treatment;
9 Article 12 provides that no one shall be the victim of arbitrary
10 interference in their private or <family> life and; Article 16
11 which provides that marriage can only be concluded with the full
12 and free consent of the future spouses.
13 [14.06.52]
14 This right to free and full consent to marriage includes the
15 right to choose or not to choose to be married; the right to
16 choose when you want to be married and the right to choose the
17 person with whom you are married.
18 The fourth point in the roadmap set out by the Supreme Court
19 Chamber concerns the degree of gravity of the breaches in order
20 to determine whether such breaches could constitute crimes
21 against humanity.
22 To do so, the Supreme Court Chamber invites you to consider the
23 establishment of subsequent norms, which would be particularly
24 important for Article 16 regarding full and free consent to
25 marriage.

1 [14.07.20]

2 You can consider the International Conventions of Human Rights
3 following the Universal Declaration of Human Rights, which all
4 adopted the right to full and free consent to marriage including
5 the international <covenants> of the United Nations in 1966, the
6 convention against discrimination against women.

7 You can also find texts regarding <the criminalisation of> forced
8 marriages in many national jurisdictions after 1975 including the
9 <jurisprudence of the> Special Tribunal for Sierra Leone in the
10 Sesay case.

11 And lastly, and this is the last point in the roadmap, you'd have
12 to establish whether those violations cause major moral or
13 physical suffering and cause serious bodily harm or <an affront
14 to> human dignity.

15 [14.08.43]

16 The testimonies <and statements> that you've heard throughout
17 these two years of the trial <shed light on the suffering just as
18 much as on the> violation of physical integrity, which <are
19 obvious> when the consummation of marriage was imposed or when
20 people were punished, <and shed light as well on the serious
21 affront to human dignity involved>.<>.

22 Before dealing with the excerpts of the testimonies of civil
23 parties, I would like to pause for a while on one of the
24 components of this conduct that we have identified as that of the
25 regulation of marriage. And this component is the <moment of the

1 decision to get married.> <>. <Hence we will talk> about the
2 distinction that we often refer to between arranged marriages and
3 forced marriages.

4 The Defence appears to tell us that marriage or marriages <>
5 organized during Democratic Kampuchea were nothing other than
6 arranged marriages and Angkar replaced the role <traditionally>
7 played by parents in arranging marriages.

8 [14.09.58]

9 And the Defence argues that if we consider that a crime was
10 committed, that would be tantamount to banning arranged
11 marriages.

12 In an arranged marriage, the future spouses express their
13 consent. They consent to delegate to their parents their decision
14 to be married. And that is the reason <> the jurisprudence in
15 human rights considers that certain arranged marriages are not a
16 breach of Article 16 of the Universal Declaration of Human Rights
17 insofar as the spouses consent to the marriage.

18 Inversely, even in a traditional culture in which arranged
19 marriages by families are given priority, insofar as one of the
20 spouses refuses such an arrangement, we are in the presence of a
21 forced marriage that is a violation of Article 16 of the
22 declaration.

23 [14.11.08]

24 Henceforth, the question that you should ask yourselves as part
25 of your deliberations is as follows: Did the future spouses give

1 their full and free consent to Angkar to be married? The evidence
2 shows that the contrary is the case.
3 To establish the position that we are holding in this hearing,
4 <.> we have <proceeded in the most> dispassionate <way
5 possible>. We have not been acting as activists or militants
6 <driven by> the agenda of any NGO whatsoever. What we did was
7 quite simply <to do the basic job that the Chamber will
8 necessarily have to do in> its deliberations. We looked at the
9 testimonies of civil parties; the elements of crimes of other
10 inhumane acts in light of the decision of the Supreme Court
11 Chamber.
12 After conducting this exercise I, for one, am convinced that the
13 regulation of marriage enforced during the Democratic Kampuchea
14 regime <was constitutive of> the crime referred to as other
15 inhumane acts. And I know that in doing this exercise yourselves
16 you would also have that conviction.
17 [14.12.44]
18 Practically all the civil parties testified to the existence of a
19 climate of fear that was prevalent at the time. This notion is
20 particularly important because the Chamber will have to decide
21 whether the climate of fear that was prevalent during that period
22 created coercive circumstances that made the expression of free
23 and full consent impossible. In the Akayesu trial in the case of
24 Akayesu before ICTR, it was decided that coercion could be
25 inherent in certain circumstances including, for instance, the

1 existence of armed conflict.
2 Civil Party Seng Soeun was in charge of the S'ang district in
3 Kandal province, Southwest Zone. By virtue of his duties, he had
4 a role to play in the organization of marriages. Seng Soeun was a
5 handicapped soldier and he was married in September 1977 after
6 having refused to be married three times. He describes the
7 climate of fear that was prevalent at the time and how it had an
8 impact on the possibility to refuse or not to refuse marriage.
9 And it is video number 1.

10 (Audio-Visual presentation - (video))

11 (Interpretation from Khmer to English)

12 [14.14.27]

13 "It is difficult to describe <the atmosphere> of fear during the
14 regime. Everyone was under their leadership and it was a very
15 difficult situation during the regime. Sometimes people died or
16 disappeared without reasons, regardless of their rank and that's
17 what made us think that if we were forced or instructed to marry
18 then we just simply did."

19 (End of interpretation from Khmer to English)

20 (End of Audio-Visual presentation - (video))

21 [14.15.08]

22 MS. GUIRAUD:

23 Civil Party Kul Nem was a Khmer Rouge soldier, <and> a member of
24 an ethnic minority. He was married in 1977 with 29 other couples
25 at K-11 in the Mondolkiri autonomous zone. The civil party was

1 only informed of his marriage a few days before the ceremony. The
2 spouse that was designated for him was Phnong. Nem had a fiancé
3 in his native village. He also described to the Chamber the
4 general -- the impact of the general climate of fear that was
5 prevalent at the time regarding the possibility of refusing to be
6 married or not refusing to be married: Video number 2.

7 (Audio-Visual presentation - (video))

8 (Interpretation from Khmer to English)

9 [14.16.05]

10 "During the regime, everybody was afraid and also because I was
11 reassigned out of the division and my commander Chhin Say
12 (phonetic) had been arrested by that time. So when I was at that
13 new location, I was put under a lot of pressure. Everyone was
14 afraid, including me. We all had to obey their instructions. If I
15 was not afraid then I would not get married. So I had to agree
16 with them.

17 "Of course the fear came from inside me because that's what I
18 observed. People made mistakes and they were arrested and taken
19 away."

20 (End of interpretation from Khmer to English)

21 (End of Audio-Visual presentation - (video))

22 [14.16.51]

23 MS. GUIRAUD:

24 Several civil parties stated that they were not informed of their
25 marriages, the dates of <their> marriages as well as <of> the

1 identity of their spouses before the ceremony. Civil Party Preap
2 Sokhoeurn was aged 18 when she was married to a soldier who was
3 handicapped in one hand and blind in one eye. The marriage was
4 held in 1977 in the presence of 15 couples on a cotton farm in
5 Prey Chhor district in the Central Zone. The civil party was not
6 informed of the date of her marriage and the identity of her
7 spouse. She explains to the Chamber, and this is what she says in
8 video number 3:

9 (Audio-Visual presentation - (video))

10 (Interpretation from Khmer to English)

11 [14.17.48]

12 "On that day I did not know that I was sent to get married and
13 for that reason I did not refuse. I was told to attend an event
14 and I did not receive any information beforehand that I had to
15 get married that day. I was given some clothes. Then I realized
16 that I was sent to get married and I still had a feeling that I
17 was gathered amongst other people to be sent and killed. I never
18 thought for a moment that I would be arranged to get married that
19 day. And for that reason I did not make any refusal. "Upon
20 arriving in that place, I found out and I wept."

21 (End of interpretation from Khmer to English)

22 (End of Audio-Visual presentation - (video))

23 [14.18.50]

24 MS. GUIRAUD:

25 The civil party then <pointed> out that she received the

1 instructions during the ceremony to produce children for Angkar,
2 that she was monitored during the wedding night and that her
3 husband, driven by the fear of torture, had forced her to have
4 sexual intercourse with her. She was a virgin.

5 Let us watch video number 4 in which she relates what happened in
6 that first night.

7 (Audio-Visual presentation - (video))

8 (Interpretation from Khmer to English)

9 [14.19.42]

10 "I was forced to have sex with him. That day I was sleepy because
11 on the first night I didn't dare to sleep and on that night I
12 slept and when I woke up he hugged me. He took off my clothes. He
13 tore off my underpants and he ripped my shirt. Although I tried
14 to protest it, he said that we were husband and wife and if I
15 resisted, that Angkar would kill us both. He threatened us -- he
16 threatened me."

17 (End of interpretation from Khmer to English)

18 (End of Audio-Visual presentation - (video))

19 [14.20.22]

20 MS. GUIRAUD:

21 That husband who had been chosen by Angkar was subsequently
22 considered as an enemy and disappeared. He was led away.

23 Angkar who had chosen Preap Sokhoeurn's husband subsequently
24 accused her of being the wife of <a traitor>. Preap Sokhoeurn
25 gave birth to her child, whereas her husband had disappeared.

1 [14.20.50]

2 Fifteen civil parties testified <about> the presence of
3 militiamen during the wedding night or during gatherings between
4 spouses. They all felt that they were being pressured to
5 consummate their marriage. Civil Party Nget Chat was a widow who
6 was a member of the New People. She was <remarried> by Angkar one
7 week after the disappearance of her first husband. Her marriage
8 took place in 1978 in the Northwest Zone when she was <aged> 20
9 and her new husband was also a widow, <twice> her age.

10 Nget Chat was not informed in advance of her marriage and did not
11 know the identity of her husband.

12 She pointed out that during that ceremony the couples received
13 the instruction to consummate the marriage in order to produce
14 children for Angkar. She pointed out that after the ceremony the
15 couples were sent to a shelter where they spent their wedding
16 night. She describes the presence of militiamen during that
17 wedding night.

18 [14.22.05]

19 And let us listen to what she says in video number five:

20 (Audio-Visual presentation - (video))

21 (Interpretation from Khmer to English)

22 [14.22.16]

23 "We consulted among each other that we should not oppose them; we
24 should keep quiet because there were young militiamen walking
25 nearby probably listening to us. In fact, I did not know what

1 they were there for but they were walking back and forth along
2 the paths in between the shelters. So we did not dare to make any
3 noise.

4 "We kept quiet because we saw cases where people were taken away
5 to be killed. So we did not dare even to whisper to each other."

6 (End of interpretation from Khmer to English)

7 (End of Audio-Visual presentation - (video))

8 [14.23.00]

9 MS. GUIRAUD:

10 The testimony of Civil Party Chea Dieb is important because <she>
11 was a cadre working in Phnom Penh in an office that was under the
12 Ministry of Commerce. <Chea Dieb worked> in the unit responsible
13 for transporting war booty recovered in homes <in the remit of>
14 the Commerce department.< In 1975 she> attended a training
15 session in Wat Ounalom during which Khieu Samphan stated that all
16 women who were <cadres> had to work for Angkar and that they had
17 to arrange the marriages of all those who worked in the ministry
18 and who were aged more than 19.

19 [14.23.44]

20 A few months later in late 1975, Chea Dieb was one out of 12
21 couples married at Daeum Kor market in the Phnom Penh autonomous
22 zone. After refusing twice, Chea Dieb was accused of having a
23 boyfriend which was tantamount to committing a moral offence and
24 she said that she was obliged to accept to be married <out of
25 fear>.

100

1 She was married to a handicapped soldier she did not know before
2 the ceremony. She stated also before the Chamber that she was
3 monitored in <the nights> following her marriage. Let us listen
4 to what she says in video number 6:

5 (Audio-Visual presentation - (video))

6 (Interpretation from Khmer to English)

7 [14.24.41]

8 "The first, the second and the third night we were allowed to
9 stay with each other for these three days. And we were under
10 constant monitoring by the militia. We were afraid of them.
11 Therefore, we kept quiet.

12 And after the three days, we were separated and about a week or
13 10 days later, we were allowed to meet each other again. Then
14 that was when I consummated the marriage with my husband. I did
15 not remember the exact date."

16 (End of interpretation from Khmer to English)

17 (End of Audio-Visual presentation - (video))

18 MS. GUIRAUD:

19 Civil Party Say Naroeun was married in 1975 in Kampong Cham
20 province with 60 couples. She was not informed in advance of her
21 marriage and she did not know her future spouse. She, first of
22 all, protested but she was threatened and warned that it would be
23 dangerous if she continued to protest -- that she would be in
24 danger if she continued to protest.

25 [14.25.49]

101

1 She also pointed out to the Chamber that she received the
2 instruction to bear children for Angkar. She also said she was
3 monitored on the wedding night.

4 She explained to the Chamber the circumstances in which the
5 marriage was consummated and the impact that had on <her life>.

6 Let us listen to what she says in video number 7:

7 (Audio-Visual presentation - (video))

8 (Interpretation from Khmer to English)

9 [14.26.18]

10 "I found it very difficult. In my whole life, I never encountered
11 such an incident and as a Khmer woman nothing is more important
12 than our body. Although I was fearful and trembling, I thought to
13 myself that I had to give my body to my husband in order to
14 fulfil the requirement of Angkar because that's what he made his
15 commitment before the Angkar. It was so painful for me."

16 (End of interpretation from Khmer to English)

17 (End of Audio-Visual presentation - (video))

18 MS. GUIRAUD:

19 Mr. President, we are coming to the end of our presentation on
20 the testimonies of civil parties. I will have a short conclusion
21 before the last session in which we will present our arguments on
22 reparations.

23 The purpose of this oral presentation and of our written
24 arguments was to show that the civil parties through their
25 testimonies before the Chamber can contribute to the

1 manifestation of the truth and help the Chamber to establish that
2 the crimes <for which the Accused are being tried> were
3 effectively committed. The Supreme Court Chamber <by the way>
4 stated in its decision in Case<002/01> that civil parties were
5 often particularly well placed to relate the facts that form the
6 basis of the allegations.

7 [14.27.46]

8 I would like to recall some evidence and revisit a central issue,
9 which is that of the probative value of all the testimonies that
10 we referred to today. Let me start by recalling some <obvious
11 points>.

12 I am regularly called upon by journalists and researchers who
13 <raise> questions as to the relevance of the participation of
14 civil parties in ECCC proceedings and I believe that ultimately
15 that question is badly posed.

16 If there is a system of civil party participation at the ECCC, it
17 is first and foremost because the Cambodian penal procedure makes
18 provision for such a system. How, <indeed>, can we afford not to
19 integrate <such an> important <component of> <Cambodian criminal
20 procedure in < the rules of a tribunal> <> that is integrated in
21 <the> Cambodian <judicial system> and whose purpose is to leave a
22 legacy <in> Cambodia>?

23 [14.28.57]

24 Civil parties exist at the ECCC as they do exist in the
25 Extraordinary Chambers within the <courts> of Senegal that tried

1 crimes such as those committed by the former dictator Hissène
2 Habré or <will exist in the upcoming special criminal court for
3 the Central African Republic.> <> <quite> simply, because <this>
4 is in accordance with the penal procedure of the countries in
5 which those courts are established.

6 It is sometimes insinuated <by> the Nuon Chea Defence that civil
7 parties are exaggerating. And I would like here to remind you of
8 the following<:> a civil party is a person who experienced or
9 lived through the Khmer Rouge period and who believes or deems
10 that he or she personally suffered from the commission of the
11 crimes. It is<.> obvious that a person who believes that he or
12 she <was sufficiently well fed>, <that a> person who did not lose
13 any loved ones during the regime, <that a> person who did not
14 undergo <traumatizing> events will not apply to become a civil
15 party.

16 [14.30.08]

17 Thus, the civil parties <> in most cases have a personal history,
18 which is in the higher range of the gamut of all <> <personal>
19 experiences under the DK regime.

20 We never had the slightest intention of promoting any kind of
21 Manichean <narrative> and to say that what the civil parties
22 experienced necessarily represented what Cambodians experienced
23 on average <during the DK regime>. It may be the case but it's
24 not our role to say that.

25 Now, the issue of the civil parties <not taking an oath>

104

1 continues to <be the subject of much discussion> whereas it has
2 been settled in a definite way by your Chamber and <> the Supreme
3 Court <upheld your decision>.

4 [14.31.07]

5 The civil parties <-> and I have the impression that I have said
6 it many, many times during this trial <-> are parties just as the
7 <accused> and, they, therefore do not take an oath when they come
8 testify before the Chamber.

9 The Supreme Court <by the way> recalled this parallel between the
10 testimonies of the Accused and the testimonies of the civil
11 parties. It's not because the civil parties do not wish to take
12 an oath. It is because they cannot, as Nuon Chea and Khieu
13 Samphan could not make the choice of testifying under oath.
14 Let's be clear about this. Nothing, no rule, no jurisprudence
15 supports the case of the Nuon Chea defence which tells us that
16 the civil party testimonies have less weight than the testimonies
17 of the witnesses by <virtue of> the simple fact that the civil
18 parties do not take an oath.

19 This assertion is <quite> simply <>false>.

20 [14.32.11]

21 The civil parties are not asking for any preferential treatment
22 but they wish that their testimonies be treated fairly in
23 <accordance> with the ECCC's Rules of Procedure. How can we take
24 into account <the loss of memory> or the inaccuracies <inherent
25 in> the passage of time?

1 These questions will necessarily be at the heart of your
2 discussions when you will deliberate.
3 How can we assess the credibility and the reliability of a
4 witness or of a civil party 40 years after the facts and assess
5 the part of personal experience and the part of collective memory
6 in these accounts that <have been> presented <before the>
7 Chamber?

8 [14.33.08]

9 Contrary to what the Defence seems to be telling us, these
10 questions <,> which are relevant and important <,> <apply to
11 everyone> who came to testify before this Chamber<:> civil
12 parties but also Prosecution as well as Defence witnesses.
13 Practically <everyone> who came to testify <was> affected by what
14 <is referred to as> the propaganda of the 1980s. They read the
15 press, they listened to the radio; they presented the accounts of
16 other people who lived through the DK regime. They were
17 interviewed by DC-Cam.

18 This question, I believe, <applies> to <everyone> you heard.
19 The Chamber <for the most part> heard <elderly> civil parties
20 from the countryside, <who were> often illiterate. These
21 Cambodian <women and men> come from a generation <rooted in a
22 Cambodian society> which <still has> a strong sense of hierarchy.
23 <Coming> into a courtroom <and> facing judges who are sitting on
24 a stage <overlooking them>, answering questions put by people
25 dressed <in> robes, lawyers or by foreign prosecutors <is> not

1 something these civil parties <can take in stride>. You will
2 necessarily have to place your analysis of the probative value of
3 their testimonies within this specific cultural context.

4 [14.34.43]

5 Taking into account the cultural context is particularly
6 important for the following reason: International jurisprudence
7 seems to be quite homogenous with regard to the fact that <>
8 <secondary> details which are often vague do not discredit the
9 testimonies provided and, therefore, it is necessary to make a
10 <distinction> between what is secondary and what is <primary> and
11 <between what is of primordial> importance <and> what is
12 secondary <in an account>.

13 Mr. President, you have given great latitude to the Defence in
14 their cross-examinations. The Defence spent <several> hours
15 examining or cross-examining witnesses and civil parties on
16 names, dates, distances. <We may ask whether> in the Cambodian
17 cultural context, <such details are primary or> secondary?
18 <Must the inaccuracies> <in such> points <> discredit what is <of
19 primary importance>; that is to say, <the essence> of the
20 account?

21 [14.35.50]

22 When the Nuon Chea Defence challenges the reliability of Say
23 Sen's testimony because he does not remember the names of his
24 cellmates, is this something that is meaningful within the
25 Cambodian context in which names do not have the same importance

1 as in our Western cultures?

2 What is important for Mr. Koppe, is it also important for Mr. Say
3 Sen? I'm not so sure.

4 In the same line of thought, when someone experienced trauma,
5 when someone escaped slaughter, when someone was detained,
6 tortured, raped, <what is of primary importance and what is
7 secondary>?

8 The jurisprudence of other international tribunals <considers>
9 that we cannot reasonably expect survivors of <traumatizing>
10 experiences to remember the specific details or details
11 surrounding <those of> the <incident>.

12 In order to answer all of these questions you have already found
13 the answer in Case 002/01 and the Supreme Court <upheld>your
14 approach. <You> will have to assess the civil party testimonies
15 on a case-per-case basis. Each civil party has a story and
16 personal reasons that <are> driving <him or her> to apply as a
17 civil party and the testimonies of the 63 civil parties who came
18 before this Court must be examined on an individual basis.

19 [14.37.27]

20 Now, I would like to <address> the issue of the civil party
21 applications before I finish. I think this will take me five
22 minutes. <This> point is important because the Defence has used
23 the civil party applications extensively to test the reliability
24 and the credibility of the civil parties.

25 <Civil> party applications are documents that were gathered by

1 members of various non-governmental organizations. Each NGO has
2 adopted its own methodology and often <carried out this <task>
3 <without knowing> the scope of the investigation which <remained>
4 confidential during a <large> part of the investigation. These
5 documents, the civil party applications, which indeed are of
6 varying quality, <were not subject to any obligation <or
7 aspiration> to be exhaustive. They simply had to identify a crime
8 within the scope of the investigation in order to allow <for the
9 admission of> the civil party application by the OCIJ.

10 [14.38.50]

11 In Case 002/01, your Chamber took into account the conditions in
12 which this information was gathered and granted <very> limited
13 probative value to these applications. Case 0020/2 highlighted
14 numerous issues linked to these documents and we believe that the
15 great majority of the errors contained in these documents were
16 not caused by the civil parties. We took note of these
17 difficulties by only presenting before the Chamber during the key
18 document hearings <> civil party applications that our section
19 had checked.

20 Finally, we decided <not to use any> of these documents to
21 support our final briefs. The Chamber will therefore have to
22 answer the following question: Since everyone, the Chamber, the
23 Supreme Court Chamber, the parties agree that these documents are
24 not sufficiently reliable, how far or to <what> extent may they
25 be used by the Chamber in order to tarnish the credibility or the

1 reliability of civil party testimonies?

2 [14.40.16]

3 Mr. President, <to conclude>, we are requesting you to apply
4 <the> law in a fair way in light of the submissions that will be
5 presented by the Prosecution because <it is> the Prosecution
6 <that brings an action at law>. We are asking you to take into
7 account the evidence provided by the civil parties in Court when
8 you will <consider whether> the facts you are seized of
9 constitute crimes and <whether> the accused did indeed commit the
10 crimes they are being tried for.

11 Regarding the crimes that are established, we are asking you to
12 acknowledge the harm suffered by the <consolidated group of>
13 civil parties> <in relation> to these crimes.

14 [14.40.56]

15 Finally, and in order to make <the> transition to the last
16 session dedicated to reparations, it's necessary to <recall> that
17 international texts consider that a sentence <is> in itself a
18 form of reparation. We have often pleaded in this <courtroom> for
19 expeditious justice, which should be done with full respect <of>
20 the right to a fair trial. The Accused are aged. <Close to> 200
21 civil parties <have> died since the beginning of Case 002.
22 The last completion plan of the ECCC indicates that you will
23 issue your judgment in one year. That's a long way away, and for
24 the civil parties that's way too <long>.

25 Thank you Mr. President. I am done and we will spend the last

110

1 session on the issue of reparations.

2 MR. PRESIDENT:

3 Thank you. And first, it is now time for a break.

4 The Court will take a short break from now until 3 p.m. The Court
5 is now in recess.

6 (Court recesses from 1442H to 1500H)

7 MR. PRESIDENT:

8 Please be seated. The Court is now back in session.

9 And before I hand the floor to the Lead Co-Lawyers for civil
10 parties, the Chamber would like to inform the parties in Case
11 002/02 that in the proceedings for the remaining of today and the
12 following days, Judge Claudia Fenz, due to her health reason,
13 cannot be on the Bench. And after we deliberated, we decided to
14 appoint Judge Martin Karopkin, the International Reserve Judge in
15 her place. That is until such time that Judge Claudia Fenz is
16 available to return to the Bench.

17 This is in pursuant to Rule 79.4 of the ECCC Internal Rules.

18 I now hand the floor once again to the Lead Co-Lawyers for civil
19 parties to continue with the closing statement.

20 [15.02.15]

21 MS. GUIRAUD:

22 Thank you, Mr. President, Honourable Judges of the Tribunal.

23 Whereas we devoted <the> three first sessions to the first
24 component of civil <party> action, that is, participation in the
25 proceedings against the Accused, we will devote this last session

111

1 to the second component; that is, the request for moral and
2 collective reparations.

3 Before going <into> the details of moral and collective
4 reparations that we are asking for and seeking your recognition
5 <for>, I would like to point out that the civil parties have
6 shown, for the most part, extraordinary resilience and have often
7 found during the 40 years since those events their own means to
8 overcome their sufferings and to move on.

9 Meanwhile, a significant number of initiatives, both governmental
10 and non-governmental, have been established for victims of crimes
11 committed during the Khmer Rouge regime even before the
12 establishment of this Tribunal and throughout its 10 years of
13 existence.

14 [15.03.45]

15 It is therefore with humility and modesty that we tackle the
16 issue of moral and collective reparations because a lot has
17 already been done. The reform of 2010, that is the amendment of
18 our Internal Rules, has created a reparation scheme which is very
19 specific since it has set the pace for co-lawyers in cooperation
20 with <Victims Support Section> to identify and implement
21 reparation projects designed with external partners and donors.
22 The establishment of this system has opened up an avenue that we
23 can refer to as an experimentation phase. It was difficult at the
24 time to know how the system was going to unfold<.> <Before>
25 showing the strengths of this system<,> I would like to start by

112

1 giving you a critical overview to show how this system, even
2 though it may have opened up a real avenue towards the provision
3 of reparations, at the same time in a de facto manner limited the
4 right of civil parties to obtain reparations.

5 [15.05.14]

6 The first real limitation is textual. It is established in the
7 Internal Rules, which prohibit the award of individual and
8 monetary reparations. The Chamber knows this. Civil parties
9 frequently ask for financial compensation.

10 On the 17th of October 2014, about <50> civil parties filed a
11 petition before the Chamber to express their dissatisfaction
12 vis-à-vis the reparation scheme. We requested that that petition
13 be tendered into evidence and the Chamber accepted to do so while
14 recalling that the ECCC did not have the jurisdiction to order
15 the award of individual reparations.

16 Whereas moral and collective reparations generate real interest
17 at the international level, it is necessary to recall that
18 numerous civil parties, many of whom live in conditions of abject
19 poverty, consider that financial compensation remains what can
20 make a real difference in their daily lives.

21 [15.06.30]

22 The second limitation is jurisprudential and it comes from your
23 jurisprudence, Mr. President, and Your Honours.

24 The Internal Rules provide, as a matter of fact, that in deciding
25 <the>modality <> for the implementation of moral and collective

1 reparations, you have two possibilities, either to decide that
2 the reparations will be paid for by the person found guilty or
3 recognize that a specific project is <an appropriate> response to
4 a request for reparations. <As> part of the first trial in <Case>
5 002 <,
6 we> requested you to say in principle that the reparations that
7 we are asking for will be paid for by the Accused and that in
8 view of their indigence, they will be implemented through
9 specific projects <,> <that> is<,> option number two.
10 You rejected our request and concluded that the two modes of
11 reparations that exist before the ECCC are not only distinct but
12 mutually exclusive and that, we, the civil party Lead Co-Lawyers,
13 would have to imperatively choose the one or the other of those
14 modes.
15 [15.07.55]
16 Consequently, the current wording of the Rules, as interpreted by
17 your Chamber, does not allow us to respect a fundamental
18 principle according to which any person found guilty of a crime
19 is responsible for the prejudice or the harm caused.
20 Following your judgment in Case 002/01, the International
21 Criminal Court in the Lubanga case <,> in the appeal judgment
22 <held> unambiguously <that> an award of reparations should be
23 issued against a person found guilty of an offence, pursuant to
24 international jurisprudence.
25 Another limitation is that during <Case> 001, the Chamber invited

114

1 us to start the implementation of reparations projects even
2 before any conviction of the Accused. This practice, which was
3 adopted because it was difficult to seek funding for reparations
4 projects that were only going to be effective in two years' time,
5 poses a real problem because it overturns completely the premises
6 of judicial reparations whereas judicial reparations stem from
7 possible conviction of the accused.

8 [15.09.24]

9 We had to implement proposed reparations projects while
10 systematically bearing in mind and reminding our donors that the
11 presumption of innocence had to be respected.
12 We, thus, find ourselves in an unprecedented situation in which
13 we have available judicial reparations. They are practically not
14 based on the conviction of the accused because the implementation
15 of these projects as proposed projects starts before possible
16 sentencing or a finding of guilt of the Accused.

17 [15.10.08]

18 And these reparations cannot be, even symbolically, <> attributed
19 to the accused or paid for by the Accused.

20 Another limitation is related to the mode of funding of the
21 projects. By refusing in Case 002/01, the establishment of a
22 compensation fund, the Chamber subjected the process of
23 developing and funding reparations projects to the logics of the
24 donors, although it is perfectly legitimate that donors would
25 have a mandate and <that> their priorities <be> defined in

115

1 advance and <thus they> can only <finance> projects that fall in
2 line with <their> priorities. <This reality had an important
3 impact> on the viability of certain reparations projects.

4 [15.11.02]

5 For instance, the civil parties had massively supported the
6 construction of stupas across the country. That project never
7 found a sponsor, including among the authorities.

8 Another very interesting project <> would have enabled civil
9 parties, <who are often aged>, to have increased access to health
10 care <.> <That> project, which was massively supported by civil
11 parties, did not find any donors ready to sponsor it.

12 [15.11.36]

13 Another limitation is related to the fact that numerous
14 reparations <in order> to come <into being> call for cooperation
15 and possible funding from the government. From the very beginning
16 of Case 002 in 2013, we <requested> the Royal Government of
17 Cambodia since the state has responsibility with regard to
18 reparations. The idea was to propose to the government to develop
19 and fund a series of projects.

20 Ultimately, we are only presenting to you one project sponsored
21 by the Council of Ministers regarding access to the archives and
22 <to> the documents relating to the ECCC in the ECCC Documentation
23 Centre, and my colleague, Ang Pich, will talk about that.

24 [15.12.28]

25 There's another limitation related to the institutional framework

1 and the organization of <> the issue of victims within this
2 Tribunal. The 2010 amendment of the Internal Rules enshrined a
3 balance between, on the one hand, judicial reparations that are
4 meant principally for civil parties, which we are tasked with
5 identifying and developing in cooperation with the Victim Support
6 Section and, in parallel, non-judicial reparations for the
7 broader community of victims who come solely under the mandate of
8 the Victim Support Section.

9 [15.13.13]

10 We therefore could imagine a very limited and well-targeted list
11 of judicial reparations aimed at benefitting civil parties and
12 non-judicial reparations, that is reparations that are part and
13 parcel of the work of the ECCC, but <<whose recognition is> not
14 pegged to the guilt of the> Accused <in Case 002/02.> <Such
15 reparations are meant for> victims of the Khmer Rouge regime in
16 the broadest <sense> possible.>. <The> <Victims> Support Section
17 did not wish to examine in an in-depth manner the idea of this
18 complementarity that will give priority to the development of
19 strictly judicial reparations.

20 Indirectly, this element underscores the difficulty in defining a
21 coherent strategy when several actors are jointly responsible for
22 the same <issue>, and where the situation is not sufficiently
23 clear for the problem of leadership to be resolved. Although we
24 succeeded in cooperating with the VSS, this organizational issue
25 is important if we are to understand possible hitches experienced

1 by some partners and the lists of projects that we are presenting
2 to you today. It is, as a matter of fact, the result of a
3 permanent compromise. This idea of complementarity between
4 judicial reparations and non-judicial reparations was never
5 studied in an in-depth manner.

6 [15.14.50]

7 <Hence two> ideas guided our approach in the identification and
8 development of reparations projects as we present them to you
9 today.

10 First of all, the projects must, first and foremost, offer some
11 benefits to the civil parties and to make sure this happens, we
12 <have tried> to the best of our ability and with the support of
13 <Victims> Support Section <to organize> consultations with the
14 civil parties during which partners were invited to present their
15 projects.

16 We also invited partner NGOs to integrate <> consultations in the
17 very design of their projects. In our view, this is what makes
18 the distinction between <a> reparations project or judicial
19 reparations project and an NGO project on the issue of the Khmer
20 Rouge.

21 [15.15.51]

22 As regards the issue of consultations, we <tried> to be as
23 transparent as possible in our closing arguments <which> contain
24 all the data we have at our disposal on the consultations we
25 organized.

1 First and foremost, therefore, the benefits offered to the civil
2 parties and, secondly, in line with your jurisprudence in Case
3 002/01, most of the projects offer collateral benefits to
4 unrepresented victims.
5 None of the limitations I have just referred to undermine the
6 quality of the projects whose recognition we are requesting you
7 to offer today. Twelve projects are fully funded and were
8 partially or totally implemented. Ang Pich and myself <> request
9 that you recognize 11 projects and I would request you to
10 recognize a twelfth project we have included in our final
11 application for reparations. We have seven projects that have not
12 been entirely supported financially in respect of which the
13 <Victims> Support Section, which is mainly responsible for
14 seeking funding, is asking for an extension of time on the seven
15 projects <which> we <will not present> today for reasons of time,
16 but which are detailed <in our final brief>.

17 [15.17.23]

18 <We> are asking the Chamber to do the following. We are asking
19 you to allow us to provide complementary information up to the
20 end of the month of November if you consider that these projects
21 are sufficiently specific and respond to <criteria of> Rule 23
22 quinquies (b). If by the month of November we do not provide the
23 Chamber with any document showing proof of funding for these
24 projects, we will request you to consider that you are unseized
25 of these projects and therefore take no decision <rejecting> the

119

1 project for lack of funding in your final judgement.

2 [15.18.03]

3 I will now present to you three projects and Ang Pich will
4 present the remaining projects, and a minute before the end I
5 will take the floor again to present a last project that I would
6 like to support and present before your Chamber.

7 The three first projects that I would like to present, all part
8 and parcel of the category that we call the category <of>
9 guarantees of non-repetition, a category recognized in
10 international jurisprudence as regards reparations, particularly
11 the guiding principles of the United Nations regarding
12 reparations.

13 The first project was developed in partnership with Bophana, the
14 Bophana Audio-Visual Centre, and it is an App project on the
15 learning of history relating to the Khmer Rouge.

16 We <will screen> a first video, which concretely explains to the
17 Chamber and <to> the parties the contents and the objectives of
18 that project and the benefits that it offers to civil parties.

19 That project was developed with a Memorandum of <Understanding>
20 with the Ministry of Education and it will enable <this> App to
21 <be accessed in> all the schools in Cambodia.

22 That project was presented by 340 civil parties in various forums
23 and the final application, as such, was presented to 136 civil
24 parties during a forum held in Kampong Cham in February 2017.

25 [15.19.49]

1 I would like us to now look at video number 1 regarding the
2 project titled Application on the Learning of the History Related
3 to the Khmer Rouge.

4 (Audio-visual presentation (video))
5 (Interpretation from Khmer to English)
6 [15.20.10]

7 "You can use smart devices like tablets to assess this
8 application. In addition, you can also use Smartphones to access
9 the application and to look for information and learn about the
10 Khmer Rouge history. Written articles, documentary films, audio
11 and video archives, <photographs> and artworks regarding the
12 Khmer Rouge history are included. Testimonies of civil parties at
13 the ECCC and other Khmer Rouge documents are also incorporated in
14 the application.

15 "In our project, we had three main teams. First, <researching
16 and> writing team. They are responsible for writing articles
17 regarding the Khmer Rouge history. Articles are scientifically
18 written with the validation from scientific committee whose
19 members are national and international experts on the Khmer Rouge
20 history.

21 "The second team is the film production team. They interviewed
22 survivors of the Khmer Rouge, especially civil parties and
23 experts. Then they produce documentary films and video clips."

24 [15.23.00]

25 The third is the IT team who is responsible for ceding an App

121

1 development -- for coding and App development, in order to turn
2 on materials to be accessible on smarter devices. This
3 application is very important for us as the learners because it
4 contains short articles, which are easy to understand about the
5 Khmer Rouge history; videos, pictures and sound are available for
6 us to learn together with the articles. There are archival photos
7 and videos in this application that I can see the real pictures
8 of what happened during that time.

9 "This program is very important for civil parties and all Khmer
10 Rouge survivors because it courts the stories of survivors, then
11 share to the next generation through this Application.

12 "If they want to know what happened during that period, they just
13 use this Application and they can learn about the live events and
14 what happened.

15 "So I am happy to share my story through this Application."

16 (End of interpretation from Khmer to English)

17 (End of Audio-Visual presentation - (video))

18 [15.25.22]

19 MS. GUIRAUD:

20 The second project, Mr. President, that we request you to
21 recognize as part of the guarantees of non-repetition <and> which
22 <revolves> around what we refer to as inter-generational
23 dialogue, <is> a project <> whose partner is the DC-Cam <>
24 Documentation Centre <> and it is a project to train teachers and
25 university lecturers on the Khmer Rouge through workshops, and it

122

1 involves civil <party accounts>. There are photographs <of this
2 project that will be displayed as I speak>.

3 [15.26.10]

4 As I speak to you, I forgot to mention the persons who enabled us
5 to <complete> the Bophana Project; it is the European Union and
6 is the RAI Foundation.

7 As regards this project by DC-Cam, which is a module of training
8 for < schoolteachers> and university lecturers, accounts of civil
9 parties are integrated in those projects.

10 One-hundred-and-forty-seven civil parties were able to receive
11 presentations <of> the <project> and to give their opinion on the
12 implementation of <this project> in the presence of DC-Cam staff
13 members.

14 [15.26.57]

15 This project is <entirely> funded by the European Union.

16 A third project that we request you to recognize in the category
17 of guarantees of non-repetition, <still focused> on the idea of
18 inter-generational dialogue between the civil parties and the
19 young generation <,> is a project that we developed in
20 collaboration with Meta House in association with Khmer Action
21 Art, and also with the Association of Youth for Peace and it is
22 the project called The <Courageous> Turtle Project.

23 This project revolves around a play performed by young Cambodians
24 and is also written by a team of young Cambodians. <That> play
25 focuses on acts of courage shown during the Democratic Kampuchea

1 regime and how <these events may> be linked with what is
2 happening in Cambodia today.
3 That project was developed with a Memorandum of <Understanding>
4 with the Ministry of Education. That play is performed in all
5 schools in Cambodia and at the end of the performance of that
6 play, you have civil parties who can <interact> with the actors.
7 I would like to show you now the second video which explains the
8 contents of the project referred to as The Courageous Turtle.
9 (Audio-visual presentation (video))
10 (Interpretation from Khmer to English)
11 [15.28.30]
12 "A turtle can only go forward when it sticks its neck out. This
13 is my pet turtle. I call it Ninja. <Why don't you call when you
14 see me?> Comrade, where are we going? <We are going somewhere
15 safe.> Hurry up, they are changing guards. What about my mother?
16 How can we prevent this tragedy from happening again? Do you have
17 any idea? You must be brave. This is correct. The turtle protects
18 us from injustice. Do you like it? Yes. The project incorporates
19 inter-generational dialogues with youth and survivors. It
20 strengthens a youth engagement. It's about commemoration,
21 reflection and truth-telling. Dialogue sessions are attended by
22 civil parties who appear before the Khmer Rouge Tribunal as Khmer
23 Rouge victims. They participate to the proceedings before the War
24 Crimes Tribunal. Civil parties lend credibility to our
25 educational arts project. This year they are real-life stories

1 with the young generation."

2 [15.31.00]

3 "These dialogues with the civil parties, <Sokhoeun (phonetic) and
4 Om Lay (phonetic)> are precious to us as students. We learned
5 about their suffering and pain during the Khmer Rouge regime. I
6 am very satisfied with the outcome of this event. Sometimes I
7 have something in mind to tell, but I cannot express it. It makes
8 me feel stressed and sad. It excites me when I have the chance to
9 talk to a student. I can explain to them about our history
10 thoroughly.

11 "When I was tied and taken to be killed, fortunately, <my group
12 chief, a Base Person,> rescued me. What happened in my real life
13 resembles this theatre play. I am so thankful for being invited;
14 it helps me deal with my trauma.

15 "After the Khmer Rouge collapsed, I tried to speak to my
16 children. I wanted them to know about the hardships we endured
17 during the Khmer Rouge, but they did not believe me that people
18 were tortured and killed."

19 (End of interpretation from Khmer to English)

20 (End of Audio-Visual presentation - (video))

21 [15.33.02]

22 MS. GUIRAUD:

23 And this project, Mr. President, was entirely funded by the
24 European Union and by the German Institute IFA.

25 Now, I will give the floor to my colleague, Ang Pich, who will

125

1 present the rest of the projects and I will take the floor one
2 minute before the end to explain the context and the reasons <>I
3 am presenting to you a second project.

4 [15.33.40]

5 MR. PICH ANG:

6 Thank you, Mr. President. Good afternoon, Mr. President, Your
7 Honours, parties and the public once again. The next project --
8 the following guarantee of non-repetition benefitting specific
9 group of civil parties and victims.

10 Three projects have been designed to address the harms suffered
11 by specific groups as a result of crimes within the scope of Case
12 002/02. These projects have sought to provide benefits for civil
13 parties affected by the treatment of the Cham, the treatment of
14 the Vietnamese and civil party affected by <forced marriage>
15 during the Democratic Kampuchea.

16 The Lead Co-Lawyers consider that the following project gave
17 effect to reparation measure of guarantee of non-repetition and
18 addressed the harms suffered by this group of civil parties and
19 victims and promote awareness of the crimes that particularly
20 affected these segments of the population.

21 The Lead Co-Lawyers therefore request that these projects be
22 acknowledged as judicial reparation awards in Case 002/02.

23 Number 4, the Committee Media Project, the Cham People and the
24 Khmer Rouge. This is also one of the projects.

25 [15.35.18]

126

1 The Cambodian-German Cultural Association, in cooperation with
2 the Lead Co-Lawyers and the Victim Support Section, designed and
3 implemented Community Media Project, The Cham People and the
4 Khmer Rouge, for the benefit of Cham civil parties, their
5 families and the younger generations by educating the public
6 about the experiences of the Cham community during the DK.
7 Through the project's activities, young photographers,
8 film-makers and researchers from Cham communities developed the
9 personal stories of Cham civil parties into two films.
10 This project began implementation in early 2016. On 7 December
11 2016, the Cambodian-German Cultural Association launched the
12 documentary "The Cham Rebellion of Svay Khleang", and multi-media
13 exhibition, "The Cham People and the Khmer Rouge".
14 In 2017, this multi-media package will be compiled on video in
15 Cham, Khmer and English. A website and blog will accompany and
16 complement the project to increase access to Cambodia's younger
17 generation.
18 [15.37.05]
19 The project benefits civil parties and addresses the harm
20 suffered by Cham civil parties, in particular, by educating
21 communities about the treatment of Cham during the DK and
22 documenting their experiences for the younger generations.
23 The documentary features several civil parties and also involves
24 their children in the development and production of the project.
25 Regarding the funding, this project is fully funded through the

1 Embassy of Switzerland in Bangkok and the Heinrich Boll
2 Foundation.
3 Pka Sla Krom Angkar. This is another project. The Khmer Arts
4 Academy, in collaboration with <Kdei Karuna organization>, The
5 Bophana Centre and the Transcultural Psychosocial Organization,
6 TPO, has designed and is implementing Pka Sla Krom Angkar as a
7 proposed judicial reparation project in cooperation with the Lead
8 Co-Lawyers and the VSS.
9 The project developed a classical dance production and a related
10 exhibition addressing the regulation of marriage during the DK.
11 The project further incorporated public performances and
12 community and inter-generational dialogue in order to promote
13 public discussion and awareness of how marriage was regulated
14 during the DK.
15 [15.39.16]
16 Implementation of the project began in May 2016 and activities
17 are expected to conclude in March 2018; onto 20, 21 and 22
18 January 2017, the implementing partners launched the classical
19 dance production and related exhibition of Pka Sla Krom Angkar in
20 Phnom Penh. One additional performance and exhibition took place
21 in Battambang on 6 May and another is scheduled in Kampot in July
22 2017.
23 And now, Mr. President and Your Honours, I would like to project
24 a video regarding the Pka Sla Krom Angkar.
25 (Audio-visual presentation (video))

128

1 (Interpretation from Khmer to English)

2 [15.40.40]

3 "This is the project Pka Sla Krom Angkar and do you want to
4 obtain the Pka Sla and regarding the video or theatrical
5 performance, and what would you like to see in the communities?
6 And as for the treatment of psychological problem, what should it
7 be created? If you agree, please raise up your hands. It is very
8 important -- this project is very important because we will give
9 the opportunity for them to tell their sufferings regarding their
10 marriage forced by the Khmer Rouge. They will tell the stories to
11 the next generation and we will also produce the arts
12 performance. The Kdei Karuna organization will work with other
13 four organizations to hold exhibit in provinces and we will hold
14 the inter-generational dialogue."

15 [15.42.08]

16 "The project is intended to document the history of the victims,
17 particularly victims of forced marriage during the Khmer Rouge
18 time. The documents that we have collected will be stored in
19 <Bophana> centre and then we'll provide the public to have access
20 to them.

21 "Gender equality: Only the men can have the choice <of their
22 partner>. Women have no choice, even the rights to refuse. Is
23 this the justice that we should have? Enemy, you are all enemies
24 -- enemy, you are all enemy shall be destroyed.

25 "It is a good project because thanks to the teachers who have

1 collected all the documents and information, this can -- this
2 document information can be shown to the next generation about
3 what the Khmer Rouge have done. The younger generations then can
4 see what happened during the Khmer Rouge time and this is for
5 their further understanding and that in the next generation they
6 should not lead the country that way. After I watched the story,
7 I feel I have felt relieved because the next generations, younger
8 generations, understand what happened to me and I will not be
9 looked down thanks to the story.

10 "This project is good. I support the projects to happen and I
11 encourage, convince -- I encourage that this project should be
12 further -- should be created more so that the next generation
13 understand and learn about the story. The performance is good
14 because I can also understand and learn about the customs and
15 culture of my country. And this performance can further
16 strengthen my understanding."

17 (End of interpretation from Khmer to English)

18 (End of Audio-Visual presentation - (video))

19 [15.45.13]

20 MR. PICH ANG:

21 Allow me to indicate as well that this project is fully funded by
22 the Swiss Development Corporation, the German Ministry for
23 Economic Cooperation and Development through GIZ, and the United
24 States Agency for International Development, USAID.

25 The sixth project, "Voices from Ethnic Minorities", promoting

130

1 public awareness about the treatment of ethnic Vietnamese and
2 Cham living in Cambodia during the Khmer Rouge regime.
3 Kdei Karuna, in collaboration with the Lead Co-Lawyers, LCL, and
4 VSS, designed and is implementing "Voices from Ethnic
5 Minorities", promoting public project, awareness about -- ethnic
6 Vietnamese and Cham living in Cambodia during the Khmer Rouge
7 regime as a proposed judicial reparation project.

8 [15.46.26]

9 The project has been designed to benefit Cham and ethnically
10 Vietnamese civil parties by documenting and presenting their
11 experiences and providing opportunities for inter-generational
12 dialogue about their treatment during the DK.

13 The project enhances public awareness of the causes and
14 consequences of ethnic violence and discrimination against
15 ethnically <> civil parties through mobile exhibitions,
16 inter-generational dialogue, the publication of a graphic novel
17 and a forum theatre.

18 The project began implementation in January 2016 and will
19 continue through December 2017.

20 [15.47.18]

21 This project benefits civil parties, particularly those who are
22 Cham or ethnically Vietnamese, and addresses the harm they
23 suffered as a result of crimes within the scope of Case 002/02 by
24 enhancing public awareness, addressing stereotypes, and promoting
25 anti-discrimination, providing opportunities for public dialogue

131

1 and documenting the experiences of these minority groups.

2 On 20 November 2016, Kdei Karuna launched the mobile exhibition
3 component of the project in Phnom Penh with 12 civil parties
4 participating in the event.

5 On 8 and 9 December 2016, 14 civil parties attended the mobile
6 exhibition held in Kampong Chhnang, and on 30 December 2016, five
7 civil parties attended the launch of the graphic novel and
8 related consultation in Phnom Penh.

9 On 9 February 2017, Kdei Karuna was invited to a civil party
10 forum held in Kampong Cham where 136 civil parties were presented
11 with the project.

12 From 6 to 9 March 2017, four civil parties attended the mobile
13 exhibition held in Prey Veng.

14 The project is fully funded by the German Ministry for Economic
15 Cooperation and Development through the civil peace service or
16 ZFD in short of GIZ and the Embassy of Switzerland in Bangkok.

17 [15.49.38]

18 Another project that I will present to you, Mr. President, is
19 Satisfaction. Satisfaction as reparation includes inter alia, the
20 verification of facts and full and public disclosure of the
21 truth, commemorations and tributes to victims, and the inclusion
22 of an accurate account of violations that occurred in educational
23 materials at all levels.

24 Civil parties have consistently requested that memorials be
25 built, ceremonies be organized and that they are provided with

1 the opportunity to share their experiences through truth-telling
2 activities. As described in harm section following each chapter
3 in Part 4, civil parties repeated this desire during their
4 testimony in Court.

5 [15.50.42]

6 The Lead Co-Lawyers consider that <there are four> projects
7 <that> give effect to the reparation measure of the Satisfaction
8 and provide benefits to civil parties for harm suffered as a
9 result of crimes alleged in Case 002/02.

10 The Lead Co-Lawyers request that the Chamber endorse this project
11 as judicial reparation awards.

12 The unheard stories of civil parties participating in Case 002/02
13 at the ECCC is another project. The Cambodian Human Rights
14 Association Action Coalition, CHRAC, in cooperation with the Lead
15 Co-Lawyers and the VSS, designed and implemented the unheard
16 stories of civil parties participating in Case 002/02 at the ECCC
17 as a proposed judicial reparation project.

18 The project produced an illustrated book of the accounts of civil
19 parties who experienced the range of crimes and topics addressed
20 during Case 002/02. The project began collecting the stories of
21 civil parties in June 2015 and completed the production in June
22 2016.

23 [15.52.02]

24 The project benefits civil parties by affording them with the
25 opportunity to provide an account of their experience for public

1 dissemination and acknowledgement, as well as to empower civil
2 parties and create a sense of justice and relief through
3 recognition of their suffering.

4 In the course of the project's implementation, 30 civil parties
5 were interviewed for the book about their experiences related to
6 the regulation of marriage, treatment of Buddhists, treatment of
7 minorities, security centres, worksite or cooperatives,
8 Five-hundred copies have been printed to be distributed to civil
9 parties and educational institutions.

10 The project is fully implemented with funding provided by the
11 Heinrich Boll Foundation.

12 The eighth <reparation> that I am presenting today is "A Time to
13 Remember" song-writing contest 2016, involving youth in the
14 creating of Cambodia's Song of Remembrance.

15 The Youth Resource Development Program, YRDP, has designed and
16 fully implemented as a proposed reparation project "A Time To
17 Remember" songwriting context 2016 involving youth in the
18 creating of Cambodia's Song of Remembrance in cooperation with
19 the Lead Co-Lawyers and the VSS.

20 [15.53.50]

21 The project acknowledged the experiences of survivors by
22 fostering inter-generational dialogue between civil parties and
23 the younger generation in order to communicate about the
24 suffering civil parties experienced as a result of crimes tried
25 in Case 002/02.

134

1 Project activities took place between March and December 2016 and
2 had the support from the Ministry of Culture and Fine Arts. The
3 final concert took place on 25 December 2016 before an audience
4 of about 400 people.

5 I would like to project the video as -- now.

6 (Audio-visual presentation (video))

7 (Interpretation from Khmer to English)

8 [15.55.07]

9 "My name is <Rin Thao> Virheak (phonetic). I am a freelance
10 journalist. I am from Phnom Penh. The reason that I filed an
11 application in the contest, <"A Time to Remember">, because there
12 are many <important points including>:

13 "Number 1, I want to show my talent in composing the song in
14 relation to Khmer Rouge and also in relation to sufferings of
15 people back then. <Before> I take part in the contest, <I have
16 done some research regarding> what happened <during the Pol Pot
17 regime. In addition to that, I have learned from my teachers and
18 my parents about> what happened. I join the contest because I
19 want the reconciliation in the country and I do not want the
20 regime to recur.

21 "Today, the 'Time to Remember' is organized by YRDP to raise
22 awareness of historical events. It is to raise awareness among
23 our youth regarding Khmer <Rouge regime>."

24 (End of interpretation from Khmer to English)

25 (End of Audio-Visual presentation - (video))

1 [15.57.50]

2 MR. PICH ANG:

3 The project was fully funded by the German Ministry for Economic
4 Cooperation and Development through the civil peace service of
5 GIZ.

6 Memory Sketches of Krang Ta Chan is another project. Youth for
7 Peace and the Peace Institute of Cambodia designed and has fully
8 implemented Memory Sketches of Krang Ta Chan in cooperation with
9 the Lead Co-Lawyers and the VSS as they proposed reparation
10 project for the benefit of civil parties in Case 002/02.

11 [15.58.42]

12 The project created an exhibition of Memory Sketches of the
13 security centre with university students and in consultation with
14 civil parties. The drawings are now publicly displayed and a
15 booklet was produced to commemorate the process of making the
16 Memory Sketches to accompany the display.

17 The project was officially launched on 6 December 2016 with 115
18 community members, youth, monks, representatives from local
19 authorities and victims' survivors in attendance.

20 The project benefits civil parties by reminding their experiences
21 and providing recognition of their suffering as a result of
22 crimes alleged at Krang Ta Chan Security Centre. The project
23 further offers the opportunity for university students to engage
24 with civil parties and victims about their experiences with Krang
25 Ta Chan Security Centre.

1 On 15 August 2016, Youth for Peace hosted a consultation workshop
2 on the sketches produced by a group of young students from
3 different backgrounds as part of the project. The event took
4 place at Krang Ta Chan museum located in Takeo province and four
5 civil parties were in attendance. Three civil parties
6 participated in the launch of the project.
7 This project is fully funded by international coalition of Sites
8 of Conscience - International Coalition of Sites and Conscience.
9 [16.00.48]
10 Project Number 10 bridges access to the judicial records of the
11 Khmer Rouge trials and civil party materials at the legal
12 Documentation Centre related to the ECCC.
13 The Lead Co-Lawyers and the VSS initiated discussions in 2013
14 with the Royal Government of Cambodia, through the ECCC Office of
15 Administration, resulting in the Council of Ministers of the
16 Kingdom of Cambodia proposing a project access to the judicial
17 records of the Khmer Rouge trials and civil party materials at
18 the Legal Documentation Centre related to the ECCC as a proposed
19 judicial reparation award in Case 002/02.
20 The LDC has created a repository of publicly available documents
21 free of charge related to proceedings and civil party
22 participation at the ECCC.
23 Public events will be held to raise awareness of the history of
24 Democratic Kampuchea through civil party experiences. A full list
25 of civil parties in Case 002 will be displayed and there are oral

1 testimonies and public documents will be made available.

2 [16.02.25]

3 The project benefits civil parties by providing access to the
4 judicial records related to the Khmer Rouge trials and by
5 facilitating access and dissemination of the publicly available
6 civil party and court documents to the public and younger
7 generations, consistent with victims' right to satisfaction and
8 access to justice as provided for by the basic principles on
9 remedy and reparation, thereby also benefitting a larger number
10 of unrepresented victims.

11 On 6 October 2016, the director of the LDC was invited to present
12 the project to 230 civil parties at a civil party forum and
13 received their views.

14 On 17 March 2017, 150 civil parties were invited to the LDC for a
15 civil party forum, where they were provided the opportunity to
16 tour the facility and were introduced to the project's
17 activities.

18 [16.03.52]

19 The project is fully funded by the Royal Government of Cambodia
20 through the national budget. The LDC facility has already been
21 constructed through funding provided by the Embassy of Japan.
22 Some projects are part of the rehabilitation. Rehabilitation as a
23 reparation measure includes access to medical and psychological
24 care. Civil parties have repeatedly indicated that access to
25 psychological and physical health services was one of the main

1 concerns.

2 As presented in the harm sections, following each chapter in Part
3 4 of the Closing Brief, civil parties described their desire for
4 mental and physical health care as a result of crimes indicted in
5 Case 002/02.

6 [16.05.09]

7 The Lead Co-Lawyers considered that the following project gives
8 effect to the reparation measure of rehabilitation and provides
9 benefits to the civil parties for the harms suffered as a result
10 of alleged crimes in Case 002/02, and requests that the Chamber
11 endorse the project as a judicial reparation award. And this is
12 the eleventh project. It is about healing and reconciliation for
13 survivors of the Khmer Rouge regime.

14 The Transcultural Psychosocial Organization Cambodia, TPO,
15 designed the proposed reparation project, Healing and
16 Reconciliation for Survivors for the Khmer Rouge Regime, in
17 collaboration with Kdei Karuna and with the support of the Lead
18 Co-Lawyers and VSS. The project will provide trauma healing to
19 civil parties and survivors with the Khmer Rouge regime in 15
20 provinces.

21 [16.06.12]

22 The project will: 1) Provide access to mental health services. 2)
23 Provide interventions using truth-telling and reconciliation
24 events, and 3) Provide capacity development for project staff and
25 local facilitators in each community. Trauma healing will include

1 on-site and telephone counselling, self-help groups and
2 testimonial therapy. Truth-telling and reconciliation activities,
3 including community dialogues, memory initiatives, forum theatre
4 and youth outreach activities aim to both educate and to enhance
5 empathy for survivors of torture.

6 [16.07.11]

7 The project is to be implemented for a period of three years
8 beginning in August 2016 and concluding in August 2019. The
9 project will provide direct benefits to civil parties who have
10 suffered from torture, including Cham Muslims, survivors of
11 <rape> and survivors of forced labour.

12 For example, as elaborated in the Annex 11.2, 45 civil parties
13 are estimated to receive direct benefits from testimonial therapy
14 and 50 civil parties are estimated to benefit from self-help
15 groups.

16 TPO presented the project to 150 civil parties at a civil party
17 forum held at the LDC on 17 March 2017. Funding for the project
18 has been fully secured by USAID.

19 [16.08.38]

20 So far, we have 11 projects which are supported by both the Lead
21 Co-Lawyers for civil parties and which are fully funded, and as
22 the International Lead Co-Lawyer made during her presentation for
23 projects which are not funded or does not secure fund are not
24 presented here. And we will try to find additional funding until
25 November of this year.

140

1 And, finally, the International Lead Co-Lawyer would like to
2 request Mr. President for a minute to speak about the final part
3 of this presentation.

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 [16.09.21]

7 MS. GUIRAUD:

8 Thank you, Mr. President. Just a minute of your time to present a
9 project to you and I'd like this project to be <recognized> by
10 the Chamber as an appropriate <reparations> project in Case
11 002/02.

12 This is a project that is called Civic and Legal Education for
13 Civil Parties Coming from Ethnic Minorities, and the partner who
14 developed this project is the NGO MIRO, Minority Rights
15 Organization. <This> project was developed and designed in
16 <close> cooperation with the <lawyers of civil parties> who were
17 victims <of the treatment of ethnic Vietnamese.> <The> purpose of
18 this project is to allow the civil parties of Vietnamese origin
19 to receive information allowing them to better understand their
20 legal status in view of Cambodian law. This is a project that was
21 developed, as I said, in cooperation with the <> lawyers of
22 <civil parties of Vietnamese origin>.

23 [16.10.52]

24 Thirty-nine civil parties were invited to a consultation in
25 Kampong Cham in August 2015 and these 39 civil parties <would

141

1 like> this project to be implemented, and <to date> 29 civil
2 parties have benefitted from this project because <it> has
3 already been implemented. This project is financed by GIZ.
4 Thank you, Mr. President, and I thank the Chamber for its
5 attention and we, the Civil Party Co-Lawyers, have finished our
6 presentations.

7 [16.11.35]

8 MR. PRESIDENT:

9 Thank you.

10 The Chamber will adjourn its proceedings for today now and resume
11 tomorrow, that is 14 June 2017, commencing from 9 o'clock in the
12 morning.

13 For tomorrow's proceedings, the Chamber continues to hear the
14 Closing Statements by parties in Case 002/02, and the floor will
15 be given to the Co-Prosecutors, so please be informed.

16 Security personnel, you are instructed to take Nuon Chea and
17 Khieu Samphan back to the detention facility of the ECCC and
18 bring them back to the courtroom tomorrow before 9 o'clock.

19 The Court is now adjourned.

20 (Court adjourns at 1612H)

21

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24

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