



# The Court Report

## The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice



The Civil Party (2-TCCP-219), Mr. Seng Soeun, testifies before the Trial Chamber in the Courts of Cambodia in Case 002/02 against Nuon Chea and Khieu Samphan on 29 August 2016. Photo: ECCC/ Sok Heng Nhet

## Case 002/01 appeal judgement date announced

The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) has announced that it will pronounce its judgement on the appeals in Case 002/01 against Nuon Chea and Khieu Samphan on Wednesday, 23 November at 9:00 am in the main courtroom of the ECCC.

Case 002/01 is the first of at least two trials against Nuon Chea, former Deputy Secretary of the Communist Party of Kampuchea, and Khieu Samphan, former Head of State of Democratic Kampuchea. The charges in Case 002/01 are focused on alleged crimes against humanity committed during the forced evacuation of Phnom Penh in April 1975 and subsequent forced transfer from other areas, as

well as the alleged execution of former Khmer Republic soldiers in Tuol Po Chrey in Pursat Province. On 7 August 2014, the Trial Chamber found both accused guilty of crimes against humanity and sentenced them to life in prison. Both Nuon Chea and Khieu Samphan filed appeals against the Trial Chamber's judgement, advancing 223 and 148 grounds of appeal respectively. In addition, the CoProsecutors have filed an appeal limited to seeking declaratory relief from the Supreme Court Chamber regarding the applicability of the most extended form of joint criminal enterprise known as "JCE III" as a mode of liability before the ECCC.

Information about media accreditation and seat allocation in the public gallery will follow.

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## Case 002/01 appeal judgement: background

The judgement on the appeals in Case 002/01 against Nuon Chea and Khieu Samphan will be announced by the Supreme Court Chamber (SCC) of the Extraordinary Chambers in the Courts of Cambodia (ECCC) on 23 November, according to the scheduling order of SCC issued on 12 September 2016. This final judgement will bring an end to Case 002/01.

The case was heard from 21 November 2011 until 31 October 2013. Over the course of 222 days the Trial Chamber heard testimonies from 92 individuals, including 53 fact witnesses, five character witnesses, 31 Civil Parties and three experts.

On 7 August 2014, the Trial Chamber of the ECCC found Nuon Chea and Khieu Samphan guilty of crimes against humanity and sentenced to life imprisonment. To come to this decision, judges considered the gravity of the crimes, including the period of time, sites affected, the number of victims, the impact and the conditions of forced transfers and many aggravating circumstances.

Both accused filed appeals against the Trial Chamber's decision, advancing 223 and 148 grounds of appeal respectively. The Co-Prosecutors also filed an appeal.

Khieu Samphan's request was based on alleged errors made by the Courts in-law and

in-fact. He requested his immediate release or the reduction of his prison punishment. He stated that did not know what was happening and was unable to do anything. Nuon Chea based his appeal on the same points and he asked the Supreme Court Chamber to invalidate the decision of the Trial Chamber and acquit him of all charges.

The appeal of the Co-Prosecutor requested the Supreme Court to allow the application of the Joint Criminal Enterprise III as a mode of responsibility when a member of a joint criminal enterprise can be held criminally responsible for criminal acts committed by another member of the group.

Following issues with legal representation for the defence of Nuon Chea, the Appeal Hearing was scheduled in November 2015 and resumed of the appeal hearing in Case 002/01 in February 2016 after having adjourned the hearing due to lack of proper legal representation for Nuon Chea, resulting from his International Co-lawyer not attending the Appeal Hearing scheduled on 17-19 November 2015 and his National Co-lawyer leaving the courtroom in spite of the Chamber's order to remain present.

The Supreme Court will decide whether the trial judgement is tainted by any legal or factual errors.

## Japanese students visit the ECCC

On 5 September a group of 10 students and professors from Niigata University attended the hearing in Case 002/02 against Nuon Chea and Khieu Samphan. They came to the court to augment their studies on peace, development and security theory. The Public Affairs Sector provided a briefing about the history of the ECCC and the current proceedings, while Professor Hiroshi Yamada,

Faculty of International Studies at Niigata University of International and Information Studies (Cambodian Politics), provided a translation for the students. The students were particularly interested development of the Tribunal and the internships at the Court. Following their visit to the ECCC, the group visited Tuol Sleng Genocide Museum and Choeung Ek (otherwise known as the Killing Fields).

## Indian delegation visits ECCC in wake of donation



On 12 September 2016, Indian Ambassador to Cambodia H.E. Naveen Srivastava and the second secretary, Mr. Rajiv Kumar, visited the Extraordinary Chambers in the Court of Cambodia (ECCC). The main purpose was for the court to express gratitude for the financial support granted by India. It is the first visit of an Indian delegation since the Court's inception in 2006.

The Government of India recently announced a contribution of US\$50,000 to the national component of the ECCC budget. This installment increases the total financial assistance provided by India to US\$1m since the inception of the Court.

The Indian delegation were warmly welcomed and thanked by the Acting Director of Administration Tony Kranh and Deputy Director of Administration Knut Rosandhaug. Also present were H.E Keo Remy, representative of the Royal Government of Cambodia, and David Scheffer, Special Expert of U.N. Secretary-General on United Nations Assistance to Khmer Rouge Trials (UNAKRT), who were thanked for their interest in the work done by this Tribunal.

"On behalf of the ECCC, we would like to express our gratitude for the support offered by the Government of India," said Kranh and Rosandhaug in a joint statement.

Srivastava expressed how happy he was to be here in this historic place for Cambodia and to participate in this important work.

The emphasis was put on the importance and the necessity of such a diplomatic support for the reconstruction of the Cambodia, which follows the way of the justice and the reconciliation with its past. Such donations are a recognition of the work done by the Courts.

"That sends a message that this is an international court and it is a global thing," said Scheffer.

"Supporting this Tribunal is like supporting justice," added Remy.

## Law students from Battambang visit ECCC

A group of 80 students from the Royal University of Law and Economics campus in Pan-nastra in Battambang province, under the co-ordination of Raoul Wallenberg Institute (RWI), visited the Extraordinary Chambers in the Courts of Cambodia (ECCC) for their field study on 16 September 2016. The visit was part of a seminar on International Criminal Law to learn about the “Establishment and Functioning of ECCC”.

The students first attended a hearing of the civil party Mr. Noem Oem in Case 002/02 about the forced marriage. After the hearing, they listened to presentations by Mr. Nicholas Koumjian from the Office of Co-Prosecutors and Mr. Marcos Zunino from the Defence Support Section.

In his presentation, Koumjian told the students he and his colleagues were lucky to assist in the court. “This is historic,” he said. “It’s important for your country and for you to know about your family’s history.”

He invited students to apply for the internship program, and for this two interns of his section were here to present what they do here. Emma Yingxin He and Rebecca Campbell described the powerful feelings they have about using their skills in criminal law in this tribunal. They both recommended students come to improve their skills and to take part in their country’s history and reconstruction.



After the presentation from the Office of the Co-Prosecutors, Zunino presented the Defence Support Section and explained the importance to protect accused rights. He discussed the process and the importance of the defence and of a fair trial. His section is here to help the Defence – to “ensure that every people can be defended and have rights” – because according to him, “if the Defence is not strong it affects the whole trial.”

Zunino elaborated on the position of the Defence team and the length of the tribunal. “Cambodian

people have already made their judgement after forty years. So it is important to review the evidence, provide a judicial process,” he said. “People may think that the defence is extending the process. Unless the defence is high quality, it puts the whole court in jeopardy.”

All students received literature on the final judgment in Case 001 against the former head of S-21 who was sentenced by the SCC for life imprisonment and the Trial Chamber’s judgment in Case 002/01 against Nuon Chea and Khieu Samphan.

## Villagers in Svay Rieng province share experiences



The Public Affairs Section visited Svay Rieng Province near the border of Vietnam on 9 August to conduct outreach activities. Villagers had the opportunity to discuss their experiences during the Khmer Rouge and their perspectives on the ECCC.

At Sambour Pagoda, the team met with 56-year-old Som Sarom, who lived in the village during the Khmer Rouge regime. He told the team that he was forced to work at site 15 kilometers away with very little food. He lost many relatives, including his father, who was arrested and de-

tained at the Pagoda. Sarom heard about the Court through radio and television broadcasts.

“I think it is very good to set up a tribunal to prosecute the alleged perpetrators because before there was no law, no rights, and no freedom. While the Court should bring justice to the victims as fast as they can, I understand it is not quick because they need to respect the law,” he said.

Sarom discussed the importance of the Tribunal only prosecuting top Khmer Rouge leaders

because that was where all of the orders came from. Today he lives and works with former Khmer Rouge cadres, but Sarom said that they were able to put their anger in the past.

The team stopped along the road at a shop where they met 57-year-old Mora. According to her, during the Khmer Rouge regime she was forced to marry. She said she was required to share a small bed with her husband and was watched to ensure the marriage was consummated and that they got along. After the regime fell, her and her husband quickly separated and she remarried. She stays up-to-date with the hearings through radio and television broadcasts and was glad to receive more detailed information provided by the PAS team.

Another villager, 77-year-old Kong Sameth, said she was evacuated to Battambang Province and lost her husband and two children during the Khmer Rouge regime. She has since lived with the monks at Sambour Pagoda. It took her three months to return from Battambang to her current village. She said that because she did not have a radio or television she had not heard much about the Court.

“I have confidence in the ECCC,” said Sameth. “I think the court will bring justice for me and my deceased husband and children.”

## Supreme Court Chamber

In August, the Supreme Court Chamber continued its consideration of the respective appeals by Nuon Chea, Khieu Samphân, and the Co-Prosecutors against the case 002/01 trial judgement. It also continued deliberations on and drafting of the appeal judgement.

## Trial Chamber

The Trial Chamber sat for 16 hearing days in August 2016, hearing five witnesses and 12 Civil Parties. It held a Trial Management Meeting on 4 August 2016. Hearings on the Harm Suffered by the Civil Parties on the topic of the Security Centres and the Internal Purges were held on 11 and 15 August 2016. The Trial Chamber also heard the Key Documents presentation and responses for the same topic on 12 and 16 August 2016 respectively.

On 1 August 2016, the Trial Chamber issued an oral ruling with respect to the NUON Chea Defence request for the admission of two documents provided to the Chamber by Mr. Henri Locard and made available on the Shared Materials Drive. In the absence of objections to the request and noting the requirements of Internal Rules 87(3) and (4), the Chamber granted the request and admitted the two documents.

On 4 August 2016, the Trial Chamber issued a memorandum which clarified outstanding issues relating to expert Michael Vickery (2-TCE-94). Mr. Vickery informed the Witness Expert Support Unit (“WESU”) on 11 July 2016 that he had decided not to testify in this case. Mr. Vickery declined to provide the Trial Chamber with further information or formal notification of his refusal to testify, and indicated that he would not consider any alternative practical measures to alleviate the strain of his testimony. The Trial Chamber noted that given Mr. Vickery had confirmed he would not testify in this case, a number of requests so far as they related to Mr. Vickery were moot. Those requests were (1) a confidential Rule 87(4) request filed by the Co-Prosecutors (E415/2); (2) a confidential request filed by the Co-Lawyers for IENG Sary and MEAS Muth for reconsideration of the Trial Chamber decision denying leave to file submissions with respect to the testimony of Mr. Vickery (E408/2/1); and (3) a confidential Rule 87; and (4) request filed by the KHIEU Samphan Defence (E408/3).

On 5 August 2016, the Trial Chamber issued a memorandum ordering video-link testimony for 2-TCCP-1049 who was scheduled to provide a statement on harm suffered with respect to the topic of the Security Centres and Internal Purges. The Trial Chamber found



Cambodians come from all over the country to witness the hearings taking place.

that considering the advanced age of the Civil Party, it was unnecessary for her to be transported from France to Cambodia in order to hear the statement on suffering, given the availability of video-link.

On 8 August 2016, the Trial Chamber issued a memorandum granting the request filed by the KHIEU Samphan Defence for an extension of time to respond to the International Co-Prosecutor’s request (E319/52) to admit 35 documents from Case 004 in Case 002/02. The Chamber noted the submissions it heard during the Trial Management Meeting and ordered the Parties to file their responses to E319/52 on or before 29 August 2016. The Trial Chamber noted it would rule on the remainder of the request in due course.

On 12 August 2016, the Chamber delivered an oral ruling on a request by the Civil Party Lead Co-Lawyers for the admission of two documents, admitting one and dismissing the request regarding the other.

On 23 August 2016 the Trial Chamber issued an oral ruling granting the NUON Chea Defence request for the admission of excerpts of document E319/45.4.11 pursuant to Rule 87(3) and (4) in line with its practice of admitting into evidence all prior statements of Civil Parties or witnesses. The excerpts in question

related to 2-TCCP-274 and 2-TCC-286.

On 24 August 2016, the Trial Chamber issued a memorandum with respect to the translation of copies of Vietnamese documents obtained from the Texas Tech University Archive which originated from Professor Christopher Goscha. The Trial Chamber identified copies of 15 documents, which based on their titles appeared to have sufficient relevance for translation into English. These 15 copies, and the available translations (nine English and two French translations) were placed on the Shared Materials Drive. The Trial Chamber set 30 August 2016 as the deadline for Rule 87 submissions on the admissibility of the nine copies for which there was an English translation. The Trial Chamber was informed by the Interpretation and Translation Unit that the remaining translations should be available by 8 September 2016 at the latest, and ordered that any Rule 87 submissions for the six remaining copies should be submitted by 15 September 2016. On 25 August, the Chamber orally granted a request by the Khieu Samphan Defence for an extension of time to respond to the first nine documents. All parties were ordered to file their observations on the admissibility of all documents noted in the memorandum on or before 15 September 2016.

On 26 August 2016, the Trial Chamber issued a



memorandum to the Dean of the Amsterdam Bar Association in response to correspondence concerning the referral by the ECCC regarding Mr. Koppe's conduct in Court (E378). The Trial Chamber noted that it had yet to receive Mr. Koppe's arguments in his defence, and requested the Amsterdam Bar Association to forward Mr. Koppe's letter and annexes, referred to in its correspondence. The Trial Chamber also noted that it had issued an Addendum (E378/1), relating to further behavior of Mr. Koppe, which in its opinion constitutes professional misconduct before the ECCC. The Trial Chamber requests to have this behavior also considered together with the other factual allegations, and sought confirmation from the Amsterdam Bar Association that E378/1 had been received or integrated into the current investigation.

On 26 August 2016, the Trial Chamber issued a decision on requests regarding Internal Rule 87(4) Deadlines following the submissions made by the parties at the Trial Management Meeting on 4 August 2016. The Trial Chamber granted the NUON Chea Defence request to maintain the 1 September 2016 deadline for Rule 87(4) requests filed by the Co-Prosecutors, but allowed the Co-Prosecutor to make new requests to rebut new evidence sought by the Accused and admitted after 1 September. The Chamber also granted the Defence

requests for an extension of time until 30 September 2016 to respond to any Rule 87(4) requests subsequent to E319/52 and prior to 1 September 2016, or to file their own Rule 87(4) requests triggered by disclosures filed by the Co-Prosecutors within that timeframe. The Trial Chamber noted that Rule 87(4) requests filed more than 14 days after the notification of disclosure of documents from Case 003 and 004 would be considered untimely and informed the parties that Rule 87(4) requests related to experts to be called by the Chamber would be accorded separate deadlines. The Chamber denied the NUON Chea Defence request to require the Co-Prosecutors to identify within disclosed documents, the elements that are potentially exculpatory but reaffirmed the Co-Prosecutor's obligation to identify potentially exculpatory material in their possession until the end of Case 002/02. The full reasons for this decision are to follow in due course.

On 26 August 2016, the Trial Chamber issued a decision granting the NUON Chea Defence request to remove NUON Chea's character from the proposed issues for the testimony of 2-TCW-877 and 2-TCW-962. The Trial Chamber noted that the NUON Chea Defence had erroneously listed these two witnesses as character witnesses.

On 29 August 2016, the Trial Chamber issued an oral ruling pursuant to Internal Rules 87(3) and 87(4), granting the NUON Chea Defence request for the admission of excerpts of the Civil Party application of 2-TCCP-286. In accordance with its practice to admit into evidence all prior statements of Civil Parties or witnesses who appear, the Chamber found that it was in the interest of ascertaining the truth that the Chamber and parties have access to all such statements.

On 30 August 2016, the Trial Chamber issued a decision on the Lead Co-Lawyers' Rule 92 Submission on the Confirmation of the scope of Case 002/02 concerning the charges of rape outside the context of forced marriage. The Trial Chamber ruled that the scope of Case 002/02 concerning the charges of rape outside the context of forced marriage had been clearly established in the Closing Order as amended by the Pre-Trial Chamber, the Additional Severance Order, the Trial Chamber Decision on "Further information regarding remaining preliminary objections" and a Trial Chamber Decision on a Khieu Samphan Request for Confrontation. The Trial Chamber noted that Internal Rule 98(2) permitted the Trial Chamber to make changes to the legal characterisation of crimes and forms of responsibility, subject to fair trial safeguards. The Trial Chamber confirmed that the charges of rape outside forced marriage were excluded from the Closing Order. The Chamber found that if the request were granted, it would go beyond its powers under Rule 98(2), as it would have the effect of adding new charges or bringing new modes of responsibility against the Accused for factual allegations which were not formally charged in the Closing Order.

On 30 August 2016, the Trial Chamber issued a decision granting the Lead Co-Lawyers' Request to place 62 unrevised translations of documents already admitted in Case 002/02 on the Case File.

On 30 August 2016, the Trial Chamber issued a decision granting the International Co-Prosecutor's request to admit a written record of interview and three audio recordings relating to 2-TCW-914. The fourth audio recording referred to in the request was blank and was not admitted. The Chamber noted that the material constituted statements of 2-TCW-914, who was scheduled to testify and that admission of the material would allow for a complete assessment of their testimony. Even though the materials had not been fully transcribed or translated from Khmer, the Chamber admitted this material given that 2-TCW-914 was scheduled to testify shortly. The Chamber instructed the Co-Prosecutors to have completed the transcription and translation of the first two audio recordings as a matter of urgency. During the month of August, the Trial Cham-

ber also issued 12 confidential memoranda, letters or decisions.

### Pre-Trial Chamber

During the month of August 2016, the Pre-Trial Chamber notified its decision on an appeal against a decision of the Defence Support Section (Case 14-06-2016-ECCC-PTC), which is available on the ECCC website.

The Pre-Trial Chamber further completed its deliberations on one consolidated case dealing with an appeal against the International Co-Investigating Judge's refusal to forward seven motions for annulment and with two applications for annulment of investigative actions concerning alleged purges and grave breaches of the Geneva Conventions (PTC 03/28) and advanced preparations for deliberations on four other cases, including: three applications for annulment of investigative actions (PTC 04/23, PTC 04/27 and PTC 04/1/28); and one appeal concerning the nexus between crimes against humanity and armed conflict (PTC 03/30).

The Pre-Trial Chamber was also seized in August with four new cases: one appeal against decisions on disclosure of Case 004 material into Case 002 (PTC 04/29); one application for annulment of disclosure decisions (PTC 04/30); and one application for annulment of non-audio-recorded written records of interviews (PTC 04/31) with one related motion regarding the scope of the application (PTC 04/1/32).

Since January 2016, the Pre-Trial Chamber has issued a total of thirteen decisions and is currently seized with nine cases. Next deliberations are expected to take place in October 2016.

### Office of the Co-Prosecutors

August saw the continued engagement of staff and interns of the Office of the Co-Prosecutors (OCP) across four cases, with trial hearings and litigation in case 002/02 as well as the ongoing investigations and litigation in cases 003, 004 and 004/01.

#### Case 002/02:

Trial hearings took place throughout the month with witnesses and civil parties testifying in relation to the trial segments dealing with internal purges and forced marriage. The Co-Prosecutors also presented evidence in a key documents hearing relating to the segment of trial involving security centres and internal purges. Outside the courtroom,



Monks in Kampong Speu province are given the full copy of the judgement of Case 002/01. Photo: ECCC.

the Co-Prosecutors filed a joint request with the Civil Party Lead Co-Lawyers for additional time to examine two experts coming to testify about forced marriage; a request to admit into evidence documents relating to the testimony of one of the forced marriage experts; a response to Nuon Chea's request to admit a press article concerning the testimony of expert witness Henri Locard, who testified regarding the internal purges trial segment; a request to have admitted into evidence the OCP's analysis of contemporaneous S-21 prisoner lists which the Co-Prosecutors believe shows there were at least 16,707 individuals imprisoned at S-21. The Co-Prosecutors continued to discharge their disclosure obligations by requesting to disclose material from cases 003 and 004 into case 002.

#### Case 003:

Review and analysis of the evidence collected to date by the Co-Investigating Judges continued. The International Co-Prosecutor also confidentially filed four requests to the Co-Investigating Judges and a confidential response to the Pre-Trial Chamber.

#### Cases 004 and 004/01:

Review and analysis of the evidence collected in the investigations against the three Charged Persons was ongoing. Additionally,

in case 004, the International Co-Prosecutor filed three confidential requests to the Co-Investigating Judges.

### Outreach

Representatives of the Co-Prosecutors spoke to students visiting from the Royal University of Phnom Penh about the substantive law and structure of the Court as well outlining the cases and recent developments. Members of the OCP also spoke to a visiting group from the Rotary Peace Center at Chulalongkorn University in Thailand about the background, goals and work of the Court and how the Court fits into the process of peace-building in Cambodia.

### Office of Co-Investigating Judges

During the month of August, the international side of the Office of the Co-Investigating Judges (OCIJ) continued the investigations of cases 003 and 004.

Two field missions took place in case 003, in the course of which nine interviews were obtained, and two investigation action reports were filed. Two witnesses were interviewed at the ECCC premises in case 004.

During the month of August, The legal unit has been processing investigative material,



and addressing investigative requests and procedural motions. The Analysts Unit assisted and participated in all field missions carried out during this period. They also assisted legal officers in analysing Khmer language documents and DK contemporaneous documents.

The supplementary information and civil party applications in cases 003 and 004, which presently total 2,479, are still being evaluated by analysts, investigators and legal officers, to assess their admissibility and relevance to both case files.

## Defence Support Section

### Nuon Chea Defence

In August, the Nuon Chea Defence Team continued to be engaged in the Security Centres and “Internal purges” segment of the Case 002/02 trial and started to participate in the Regulation of Marriages segment. Alongside, it filed a series of requests before the Trial Chamber, some of which are summarised below.

On 1 August, the Defence filed a notice informing the Trial Chamber that Mr. Nuon Chea felt compelled to continue to exercise his right to remain silent as the chamber failed to assess evidence critically and focused in-

stead on substantiating his guilt. It recalled that while during Case 002/01 Mr. Nuon Chea expressed his intention to respond to questions, he later decided to reverse his position due to the treatment of the Defence during cross-examination of a witness.

On 8 August, the Defence requested the admission into evidence of a press article published after Mr. Locard’s testimony as an expert witness. The article contained a number of comments which the Defence considered were demonstrative of Mr. Locard’s lack of impartiality and neutrality, and was therefore relevant to the weight to be given to his evidence.

On 16 August, the Defence filed a public version of a request for the admission into evidence of documents by Robert Lemkin, containing, inter alia, transcripts of interviews recorded by Robert Lemkin and Thet Sambath for the purpose of their film “Enemies of the people”, and related to rebellion events occurring in the Northwest Zone in 1975-1979.

On 19 August, the Defence filed a public version of its fifth witness request for the Security Centres and “Internal purges” segment. It requested eleven new witnesses who may provide evidence regarding key contested issues in the current trial segment, namely the internal rebellion within the CPK, and the

functioning of S-21.

On 22 August, the Defence filed a public version of its first request to summon Chin Sareoun to testify for the trial segment on the Phnom Kraol Security Centre, as he could provide accurate and valuable information in respect to the armed conflict with Vietnam.

Finally, on 29 August, the Defence requested the Chamber to reject the International Co-Prosecutor’s request to admit into evidence 35 documents from Case 004, which had just been disclosed to the parties. It argued that the request was belated, as the documents had been in the possession of the prosecution for several months, and related to segments which had already passed, and therefore that the admission into evidence of the documents would deprive Mr. Nuon Chea of his right to test evidence.

### Khieu Samphan Defence

In August, the Khieu Samphan Defence Team prepared for and attended the hearings in Case 002/02, including witness testimony regarding purges, the regulation of marriage, and ‘expert’ testimony on the security centres (Henri Locard). Further, the Defence prepared for and attended ‘key document’ presentation hearings concerning the security centres and purges, hearings on harm suffered by Civil Parties in relation to the security centres and purges, and a trial management meeting to discuss problems caused by the disclosure of elements from Cases 003 and 004 into Case 002/02.

After Henri Locard’s claim in the courtroom to have been put under ‘cold torture’ by Khieu Samphan’s international lawyer (without any reaction from the Trial Chamber) - thereby also insulting the true victims of torture during the DK - it was reported in the press that Mr. Locard further insulted the Defence lawyers and both accused, notably characterising the Defence lawyers as “criminals” and “perverse”. The Defence requested the admission of the press articles, further revealing the deep bias of the ‘expert’ towards the accused (E415/4).

The Defence filed several other submissions. Amongst others, the Defence: opposed requests from the International Co-Prosecutor seeking to admit many documents and to hear witnesses from Cases 003 and 004 (E319/52/3 and E425/1); reiterated its initial request to call two persons, following Michael Vickery’s refusal to testify (E408/6); and requested to admit certain documents for the upcoming testimony of expert Kasumi Nakagawa (E431/2).

### Meas Muth Defence

In August, the Meas Muth Defence Team filed a request to the OCIJ for the names of the witnesses who have testified in Case 002 under pseudonym. It also filed a reply to the Pre-Trial Chamber concerning crimes against humanity and a nexus with armed conflict and filed a request related to this reply. The Meas Muth Defence continues to review material on the case file and to prepare submissions to protect its client's fair trial rights and interests.

#### **Ao An Defence**

In August, the Ao An Defence Team submitted an investigative request and a motion to protect Ao An's fair trial rights. Further, the team continued to review all materials on the case file in order to participate in the investigation, and prepare other filings to safeguard Ao An's fair trial rights.

#### **Yim Tith Defence**

In August, the Yim Tith Defence Team continued to analyse the contents of the case file in order to participate in the investigation, prepare Mr. Yim Tith's defence and endeavour to protect his fair trial rights.

#### **Im Chaem Defence**

The Im Chaem Defence Team continues to review the evidence in the case file in order to prepare Ms. Im Chaem's defence and endeavour to safeguard the client's fair trial rights in the remaining proceedings of the pre-trial stage of Case 004/01.

### **Civil Party Lead Co-Lawyers Section**

#### **Key Legal Developments**

The Lead Co-Lawyers for the Civil Parties continued to represent the consolidated group of civil parties, facilitating the examinations of and putting questions to witnesses and civil parties testifying about their experiences regarding internal purges, the harm suffered as a result of security centres and internal purges, and about the regulation of marriage during the Democratic Kampuchea regime. Four witnesses and one civil party, 2-TCCP-1040, testified relating to their experiences with internal purges during Democratic Kampuchea. One witness and five civil parties, 2-TCCP-274, Ms. Sou Sotheavy, 2-TCCP-232, Mr. Seng Soeun and Ms. Chea Dieb testified about their experiences relating to the regulation of marriage during the DK.

On 1 August 2016, the Lead Co-Lawyers filed their submission containing the list of civil parties to testify during the hearings on harm suffered relating to security centres and internal purges (E315/1/6). These hearings took place on 11 and 15 August 2016.



Civil parties Phuong Yat, Chau Kim, Che Heap, Kaun Sunthara, Yun Bin, Ros Chuor Siy each testified about the harms they suffered as a result of security centres and internal purges.

On 10 and 12 August 2016, the Lead Co-Lawyers presented documents describing the experiences of civil parties relating to security centres and internal purges during the Key Documents Hearing for the fourth trial segment.

In other court filings, the Lead Co-Lawyers together with the Office of the Co-Prosecutors filed their Joint Request for Additional Time to Examine Experts 2-TCE-81 and 2-TCE-82 (E427) on 5 August 2016. On 9 August 2016, the Lead Co-Lawyers filed a Request to Conduct Video Link Testimony for Civil Party D22/2732 (E315/1/6/2). Also, on 9 August 2016, the Lead Co-Lawyers filed their Request to Place Translations on the Case File with Two Confidential Annexes (E428).

#### **Outreach and training**

Together with the Victims Support Section and their NGO partners, the Lead Co-Lawyers continued to participate in the development of reparation projects for case 002/02 and the implementation of judicial reparation projects for case 002/01.

On 13 August 2016, Meta House hosted a Community Theater and Peace Dialogue as part of its proposed judicial reparations project, The Courageous Turtle. Forty-two civil

parties and the Civil Party Lead Co-Lawyers Section participated in the event.

On 15 August 2016, Youth for Peace hosted a consultation workshop over the sketches produced by a group of young students from different backgrounds as part of its proposed reparation project called The Memory Sketch of Kraing Ta Chan. The event took place at Kraing Ta Chan Museum located in Takeo Province. Four civil parties and a representative from Civil Party Lead Co-Lawyers participated in the event. Another consultation with stakeholders was held on 26 August 2016 in which the section also participated.

On 26 August 2016, the Civil Party Lead Co-Lawyers and twelve civil parties attended the launch of App-learning on the Khmer Rouge, a proposed reparation project by Bophana.

### **Victims Support Section**

#### **Legal representation**

The ECCC-funded Civil Party Lawyer team fully participated in all hearings and reviewed case files of witnesses and civil parties needed to be examined as the evidentiary hearings of Case 002/02 still continued. Two members of the team attended the End Violence Against Women (EVAW) Legal Aid Network meeting on "Gender Stereotype" co-organized by Gender-Based Violence Project of the section and UN Women-Cambodia. In working with Lead Co-Lawyers Section, the



lawyer team coordinated their civil parties to participate in the various reparation projects.

#### Processing and analysis

The Processing and Analysis Team (PAT) continued to collect supplementary information in Cases 003 & 004 through phone calls made to applicants having been suffered from alleged crimes under the investigation scope of cases 003 and 004. Additionally, the team received two civil party applications and seven pieces of supplementary information of civil party applicants in cases 003 & 004 and filed six power-of-attorney letters to the Office of Co-Investigating Judges. As of 31 August, there were 2034 applications in total for both cases 003 & 004.

#### Reparations and non-judicial measures

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

During the month, the reparation team members participated in the following:

- The team's member and the Lead Co-Lawyers Section's officers had a meeting with representatives from Choeung Ek Genocidal Center to discuss the organization's proposed reparation projects for civil parties in case 002/02 before the ECCC at ECCC's office.
- A meeting with Kdei Karuna, Khmer Arts Academy, Transcultural Psychosocial Organization and Bophana Audiovisual Resource Center to discuss the amendment of the proposal of Phka Sla Krom Angkar project at Brew House Coffee Shop. In the afternoon of the same day, the team's member had another meeting with GIZ advisors to discuss the funding procedures of the Phka Sla Krom Angkar project at the same place.
- A painting exhibition, "YEAR 41", of a Khmer Rouge survivor, Mr. CHHIM Sothy, conducted by Meta House at Meta House's office. Civil Parties, representatives of both national and international NGOs, and public guests were present in the exhibition event.
- A National Consultation Workshop entitled "Story from the Ground: Memory Sketch of Kraing Ta Chan Security Center" organized by Youth For Peace (YFP) at YFP's office. Both national and international guests were present
- An event on "App-Learning on Khmer Rouge History Project Launching Ceremony" conducted by Bophana Center at Bophana Audiovisual Resource Center. Delegation of the European Union, representative of Rei Foundation, Under Secretary of State from Ministry of Education, Youth and Sports, Sec-

retary of State from Ministry of Culture and Fine Arts, Civil Parties, students and other public guests, national and international NGOs were present in the event.

In addition, Gender-Based Violence Project of the section coordinated and implemented its project through the following meetings and activities:

The project organized a workshop on "Gender-Sensitivity and Psychological Impact of Gender-Based Violence" to 36 lawyers at the Bar Association of the Kingdom of Cambodia. The workshop aimed to strengthen gender sensitive capacities among lawyers and to integrate psychological aspect into all stages of GBV clients' preparation and interrogation process so that the lawyers will work effectively and supportively toward the needs of GBV clients.

The fifth-radio live show was conducted in cooperation with the Women Media Center on "My True Story", during which a gender-based violence civil party was invited to be a speaker to speak about her experiences during Khmer Rouge regime. A total of 14 callers joined the live-show and 4 of them were allowed to be on-air.

The project, in cooperation with UN Women in Cambodia, organized a second meeting with Ending Violence against Women (EVAW) Legal Aid Network to discuss the topic "Gender Stereotype". Under the project's work plan, the meeting is planned to be organized 3 times per year and different topics will be discussed in each meeting.

#### Outreach

During the month, Outreach Team invited 88 civil parties, including 61 female, from Kampong Thom, Preah Sihanouk, Kamptot, Siem Reap, Kampong Cham, Pursat, Takeo, Banteay Meanchey, Kampong Speu, Kampong Chhang and Svay Rieng, to attend hearings of case 002/02 at the ECCC. At lunch break of each hearing day, they were also arranged to meet with their lawyers to be briefed on what already happened and what would be discussed in the courtroom. After the hearing ended in each day, Judgment Books of Case 002/01, radios and VSS newsletters were distributed to those CPs.

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

The Chief of VSS was invited by the Cambodian Human Rights Action Committee (CHRAC) to speak about reparations scheme of the ECCC at the Radio FM-102. He spoke about currently proposed reparation projects in Case 002/02, achievements, and further actions aimed at manifesting the proposed projects for the benefits of Civil Parties as well as victims in general.

The section's Chief and one staff member spoke about mandate of Victims Support Section, especially the project on gender-based violence during Khmer Rouge and reparation projects which the section have implemented and achieved with students from Rotary Peace Center at Chulalongkorn University.

## Decisions/Orders

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

#### Trial Chamber

**4 August 2016:** Outstanding issues relating Expert Michael Vickery (2-TCE-94) <E408/5>

**5 August 2016:** Order for Video-Link Testimony of Civil Party 2-TCCP-1049 <E315/1/6/1>

**8 August 2016:** Decision on KHIEU Samphan Request for an Extension of Time to Respond to the International Co-Prosecutor's Motion E319/52 <E319/52/2>

**24 August 2016:** Translation of copies of Vietnamese documents obtained from Texas Tech University Archive originating from Christopher Goscha <E327/4/5>

**26 August 2016:** Request for Additional Information – Possible Misconduct of a

Lawyer Admitted to your Bar Association – Mr. Victor KOPPE <E378/3>

**26 August 2016:** Decision on Requests Regarding Internal Rule 87(4) Deadlines <E421/3>

**26 August 2016:** Decision on NUON Chea Defence Request to correct his witness lists in relation to character witnesses <E405/4/2>

**30 August 2016:** Decision on Lead Co-Lawyers' Rule 92 Submission on the Confirmation of the Scope of Case 002/02 Concerning the Charges of Rape Outside the Context of Forced Marriage <E306/7/3>

**30 August 2016:** Decision on Lead Co-Lawyers' Request to Place Unrevised Translations on the Case File <E428/1>

**30 August 2016:** Decision on International Co-Prosecutor's Request to Admit Interview of 2-TCW-914 <E432/1>

# testimonials summaries

**Disclaimer:** The following summaries of testimonies have been prepared by the Public Affairs Section for the purpose of providing the public with information about the on-going proceedings, and it is not an official document. The information contained in the summaries is based on information provided by a witness or civil party during their respective testimonies. As the Trial Chamber has not yet made any factual findings regarding the allegations in Case 002/02, nor made any determination about the credibility or veracity of the testimonies, the information contained in the summaries cannot be regarded as established facts.



he loved Buddhism and had intended to be a monk for the rest of his life. The Khmer Rouge moved him to be trained in Kratie for three months, then transferred him to a mobile unit in Mondulkiri in '75.

The witness said that when he was a soldier, he was in charge of preventing Vietnamese prisoners from escaping. During testimony he also discussed the vehicle with license plate number 502. He said this was used to take people away when they committed an offense. Everyone dreaded this vehicle and it would often drive straight into people's homes. The chief of the district was accused of hiding Vietnamese minority people. Mr. Chin told the Trial Chamber that after he left Mondulkiri people from his old division were sent to PP to be killed but he doesn't know why. He was married in 1977 on request from his commander, who liked him and asked whether he knew his would-be wife. He did, but she and he didn't know they'd be married until the day. Mr. Chin said the manual work they had to do sometimes killed people within 10 days of arriving there. His section was autonomous and reported straight to Phnom Penh.



## 2-TCCP-275 – 11 August

Che Heap was born 1 February 1961. Before the fall of Phnom Penh he was living in

the Kampong Tom district with his family. His brother, a KR soldier, took him and several siblings to live in Phnom Penh. His brother was part of a logistics unit. Once when he went to visit his brother, he was not there and someone pointed to Che and said that he was the brother of a traitor. After this Che tried to hide his biography because his brother was accused of being a traitor. When he asked permission to go home, it was not granted. After the war he learned that his brother had been taken to Tuol Sleng. His brother's wife was never told of this, and soon after he disappeared she and her children were taken to a pagoda. She is still again. The Civil Party said that five of his siblings went missing, never to be seen again. He testified in court because his brother sacrificed a lot to the struggle and regime. His brothers supported the KR, joined the regime and left their parents behind only for them all to be arrested and never returned; according to Mr. Che, only three of the siblings survived. The family couldn't afford to make a ritual for his siblings. They cry every time they think of them.



## 2-TCCP-1047 – 11 August

PHOUNG Yat was born on 15 April 1960. She is a farmer in the rice fields. In 1975 two of her siblings were drafted into the army. She heard that one of her sisters went to PP and got married and worked in a factory, but she never heard what happened to her. In Tuol Sleng prison, the Civil Party found her siblings' photos displayed there. Upon seeing this she wept until she fainted. She told the court that her sister fled their home village because she didn't want to marry the man she'd been assigned to marry. She stayed in hiding until the end of the regime, which, according to Ms. Phoung, was the only reason she survived.

## 2-TCCP-1049 – 11 August

ROS Chuor Siy was born on 20 September 1938. She lives in Paris with three children. In



## 2-TCW-976 – 2 August

The witness joined the revolution in 1972 at age 12 but couldn't remember when he joined the Khmer Rouge. At this time he was living in Phnom Dun, where they were attacking the Vietnamese. He was part of the attack on PP in 1975 but was reassigned to the NW Zone. He was a rank-and-file soldier delivering letters. His superior was Ta Mok, leader of the zone, who he was related through on his father's side. Ta Mok worked directly under Pol Pot. He heard people say that Pol Pot and Ta Mok were ordering people to kill thousands, but he had never seen of Ta Mok doing so. He heard of Ta Mok, as well as several other high-level leaders, being called into a meeting in Phnom Penh. The witness also worked in Battambang.

## 2-TCW-1028 – 3 August

CHIN Saroeun was born in January 1959. He was a monk from 1972-75. He explained to the Trial Chamber that on 17 April 1975 he and all the other monks in his region were defrocked because the Khmer Rouge told him there would be no more monks in the new regime. This was upsetting for him, because

1975 she and her husband left Paris, where he had completed a PhD in aviation and was working for Air France and Air Cambodge, to return to Cambodia thanks to an outreach campaign organized by Ieng Sary encouraging expats to return to help rebuild Cambodia. Upon arriving at the airport in Phnom Penh with their young daughters she and her husband were surprised that none of their families were there to greet them. According to Ms. Ros, as they were driving down the roads it was suspiciously quiet, and she and her husband became worried. At the central office, she met two elder men who she'd known a few months before they returned to Cambodia. They were emaciated and in rough condition. She saw her sister who had also returned six or seven months before her. Her sister had also not seen their parents.

Ms. Ros said her family's physical condition worsened as they were relocated multiple times by Angkar. In December 1976 her husband came to tell her that he had been assigned a special duty. He told her not to worry, to work hard and to look after herself and their daughters, that they would meet again.

She and her daughters were moved repeatedly, which worried her a lot because she was moving farther away from her husband. She did not give up hope that they would be reunited soon. She was repeatedly told by Angkar that this would be the case. By 1979 she had given up hope. After the liberation of Phnom Penh she went to the Tuol Sleng Genocide Museum and there she found a photograph of her husband among the prisoners; she knew he had been killed and could not imagine the pain and torture inflicted on him before he died. She wanted to cry out, she almost fainted, but a voice told her she had to stay strong. After that point she realized she could not raise her children in such a country. She sold everything she owned and moved back to France. She never discovered the fate of her parents.



**2-TCCP-233 – 15 August**

Mr. YUN Bin was born in 1955. He was sent to live in Kos Au Tanseng Island when the Khmer Rouge took power. Here he was assigned to build canals and dykes, clear the forests and transplant rice seedlings. On 25 May 1978, he was called to go for a study session with nine other youths from several districts.

He was tied with rope and taken by vehicle to an execution site. There were 40 people in total including four women. He was beaten with an axe until he lost consciousness and thrown into a well. When he regained consciousness he was covered with four or five dead bodies. Those who had not died cried out. The soldiers threw grenades into the well until there was silence.

Mr. Yun asked the souls of those who died to help him survive and escape the well. He promised them he would find justice for them. He managed to release himself from the rope tied around his wrists and escaped. He returned to his parents' village in Kamong Thom where he concealed himself inside their house. He later fled with his father to the forest when people were evicted from the village in 1978. His father became ill and passed away.



**2-TCCP-1051 – 15 August**

Mrs. KAUN Sunthara was born in 1952. She said that on 17 April 1975 she and her family were told to leave Phnom Penh. They left the next morning travelling by foot toward Kandal Province. At the time, she was almost nine months pregnant. She delivered her baby with the assistance of her sister and midwives who were around twelve-years-old. She did not receive any medicine and in order to have enough sustenance to produce breastmilk she cooked leaves with salt. In June 1977, her son died aged two-years-old because he was so emaciated. Her daughter, who was five years old at the time, contracted dysentery and died in December of the same year.

In 1976, men and women were separated and placed in a mobile unit. Every ten days they were allowed to return home. Her husband was not able to return home to see their children before they died. She went to her husband's worksite where she was told that her husband had been taken away. In 1979 she received news that her brother was killed at S-21. She saw her brother and sister-in-law's photos at S-21, however, could not find those of their two adopted children.

**2-TCCP-1050 – 15 August**

Mr. CHAU Khim was born in 1938. He received a scholarship to study in France and left Cambodia in 1974. His brother, Chau Seng,



also studied in France. Mr. Chau stated that it was here that his brother and Khieu Sampan became close friends whilst studying literature at the same university in Montpellier in 1957. Chau Seng left for France in 1968 and returned following the coup after a request for him to fight the Lon Nol regime. Mr. Chau was member of the politburo of the FUNK Central Committee and Special Envoy to Europe of the Cambodian Head of State. He had been a minister for ten years and returned to Cambodia because of his love for the country.

Mr. Chau stated his brother was removed from Boeng Trabek and detained at S-21 for two years where he was forced to write a confession totalling 200 pages. He was accused of being a secret agent for CIA in France and for working for Sihanouk through the French authorities. He was killed in February 1978. Mr. Chau found his brother's name at S-21 in 2009 when Duch revealed that his name was changed there.



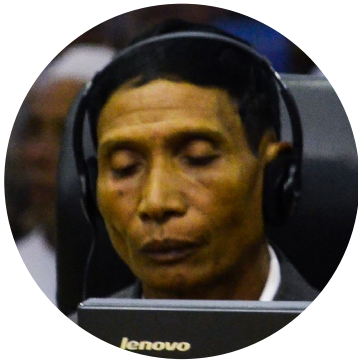
**2-TCCP-1040 – 17 August**

The Civil Party was a soldier in Koh Keo Commune, Lvea Em District in Kandal Province. He was attached to Unit 148 which was still at Koh Keo when the area was liberated. He was later transferred to Prey Veng Province where he built canals, dyke systems and roads and worked in the rice fields.

He said that Sao Phim, the Zone Secretary at the time, encouraged a rebellion in the East Zone and told forces to fight against the Southwest soldiers. Airplanes dropped leaflets which "encouraged all people and forces as well as civil servants in the East Zone to surrender with the West and Southwest forces". The leaflet said that they did not "betray the

nation,” only the leaders, such as Sao Phim and his wife, had betrayed the country. He fled the battlefield and was arrested, narrowly escaping execution, before being sent to Prey Veng Province where he was assigned to a mobile unit.

It was here that he was told that Angkar required them to marry. He was married to a woman he did not know alongside sixty other couples. They were monitored by militiamen to ensure the marriage was consummated.



#### 2-TCCP-1029 – 18 August

Mr. SUOY Sao was born in 1956. He joined the revolution 1 January 1975 in Division 310, also known as the First Division, however, he had been in combat against Lon Nol forces since 1972.

After the liberation of Phnom Penh in April 1975, he was stationed at Toul Kork and later transferred to work in the rice fields in Kak Srao. He stated that many combatants of Division 310 disappeared during the regime and were sent to S-21. He stated that the chief of his division was arrested after his attempt to topple Pol Pot's regime through an attack that involved over one hundred soldiers with the East forces. He could not recall a meeting during which this was discussed as he was “at the back.” He did not know the details of the attack, his only task was to bring a truck of weapons to Phnom Penh. When this was discovered, the soldiers were sent to work in the rice fields.

At times his answers were inconsistent with his DC-CAM interview. During his testimony he was asked whether he had read his statement after having talked to DC-Cam, which he confirmed. He also confirmed that all information in this statement were correct and that he had told the truth.

#### 2-TCCP-274 – 22 August

The Civil Party lived with her family in the unit 7 at Ta Ong village, Ta Ong Commune in 1975. After the fall of Phnom Penh she was transferred at district Chamkar Leu District of Kampong Cham province. She was married during the Lon Nol regime and had a child, but her husband was killed after he joined the Revolutionary army.



In early 1978, she was married a second time when she arrived in Unit 7. The Civil Party said she was threatened because she already had a child and they told her that if she didn't get married they would take him away from her. Moreover, the witness explained that she had a cousin who refused to get married and who was killed because of that. Therefore she did not protest. There were 13 couples to get married at the same time as her. She described the ceremony: her parents weren't there because she didn't have the time to tell them about it, there was no traditional music or dancing or anything else.

Her new husband was more than 20 years her senior. She didn't like him and during their first night together she threw him away. This action led her in front of the chief of the section, Comrade Penh. The Civil Party explained that during this meeting with Comrade Phan, he raped her because of her disobedience despite the policy of morality. The witness told the Trial Chamber that after this, she consummated her marriage with her husband because they were monitored by militiamen. Finally she had a child at the end of 1978. She said the living conditions were difficult, even she was pregnant she had to work hard and she couldn't rest.



#### 2-TCCP-224 – 23 August

The Civil Party was born in 1940 in Koh Tang village, Tralach Commune, Takeo province. She is a rice worker field and a transgender. Her parents were killed during the Pol Pot regime. Although she was born as a man, before 1975 she had lived as a woman. During the Khmer Rouge era she became he, because she had to get married when she was evacuated from Son Nol Mountain, a re-education prison. When she was transferred a village in

Bantay District, she tried to refuse to marry because her mother was in bad health and her family couldn't be there for the ceremony.

107 couples were called to the same room without knowing what was happening. They had to choose each other in the dark. The Civil Party had talked with her wife-to-be to ask her to be able to recognize each other with the scarf. She said no one refused to get married because it was a psychologically tense situation. Some of her transgender friends decided to kill themselves or others were shot.

The ceremony was not organized according to the Khmer tradition. She spoke also about soldiers who monitored them to know if they consumed their marriage. She and her wife had to drink a lot of alcohol to be able to do it, because the Civil Party wasn't attracted to women. They had to make a vow to Angkar, commit to marriage and produce children as Angkar required it to increase population and protect the country. After that they sent her to work and she never saw her wife and daughter again.

The Civil Party also spoke about rooms of interviews, tools of torture and screams she heard. She lived in a lot of different places, most of the time in prison. She said she had nothing to tell to the accused just how much he suffered because he lost everything: her family, how she was forced to get married, she was sexually abused, had physical injuries, eyesight is poor, right leg is handicapped because of the chains, etc.



#### 2-TCCP-232 – 25 August

Before 1975, the Civil Party was a student and a police officer. He explained that at the beginning Khmer Rouge soldiers were very nice and nobody suspected anything. He was finally authorized to go to Kampot but he lived in bad conditions and he finished in the commune hospital. After that, he was transferred to District 107 for working in a special unit to carry heavy baskets of earth.

In the middle of 1978, the Civil Party was forced to get married because he was considered as a hard worker. He finally accepted after asking if he could get married with the woman he was engaged with but her brother

was killed by the Khmer Rouge. The chief of the unit told they were sons and daughters of Angkar and for that reason they could not refuse the marriage. CP stated that some people were allowed to choose who they married, but only men and only if their biographies were compatible.

One night, the chiefs called 50 men and 50 women. Each couple had to pronounce an official vow. He didn't know his future wife. After the ceremony they continued to work but at night they had to consummate their wedding. However, they couldn't because they were exhausted, skinny and without sexual feelings. He said they had to pretend that they loved each other like husband and wife, and were monitored to see if they had sex. He said those ceremonies were different than traditional ones because they didn't ask their parents, who were not here during the wedding, they didn't know each other and they were threatened with death. For him, it was a really difficult period, like living in hell.



**2-TCCP-219 – 29 August**

The Civil Party was born in 1956 in Trapeang Kak village, Takeo province. He began to learn art when he joined the Communist Party of Kampuchea in 1970 and after he joined the army. He was assigned to be a group chief and a card-carrying member of the Party. He was promoted to chief of a company but was injured in the battlefield and sent to a handicapped soldier compound in Sector 13 in mid-1975, then transferred in a guarded handicapped zone in the southwest. During his rest he saw handicapped men forced to get married with some single women from Kampot province for patriotic duty. They were old and handicapped so the Khmer Rouge felt they should arrange marriage for them according to Ta Mok's policy.

He was in charge of the district office so he was responsible for biographies of men and women to arrange their marriages and choose who should marry whom. He explained that there were always 20-30 couples to get married at the same time. He said people could refuse this arrangement but no one did because they were too afraid of getting killed. He tried to refuse to get married but the third time he accepted because the woman was a cousin of

his chief Phao and it was a culture of fear during the regime. There were three couples to get married at the same time.

According to him, it was not forced marriage, rather a sector plan on the communist party of Democratic Kampuchea. He was informed of this plan by his chief and it was disseminated throughout the country. Women and men with a certain age had to get married, it became a rule, and women had to be younger than men of three to five years. He chose to use the notion of arranged marriage.

He asked the Courts to note his suffering and that the lower ranks should be tried at the ECCC because they altered and ruined the party line according to him.



**2-TCCP-286 – 30 August**

Ms. CHEA Dib was born in April 1954 in Pramat Dei village, Kampong Cham province. She is a rice farmer and has four children. She joined the army in 1974 and followed Comrades Han and Hean in the mobile unit in charge of transporting wounded soldiers from the battlefield. Before the fall of Phnom Penh, they were near the city around Wat Nom and she transported the munitions, bodies, the properties found, the spoils of war stocked in warehouse and she also participated in fights. After, she was transferred to a textile unit where they were required to produce hundred skirts and shirts per day. In 1978, she was sent to the O'Russey textile unit because she was suspected to be connected to leaders of the former regime.

She stated that she saw Khieu Samphan twice. During the meeting at Wat Long, this one said women had to work and marry a man. Particularly he spoke to young people to "produce" children to protect the country. He said that 19-25 and 30-35 years old were the age ranges to get married. They organized marriages, but she refused because she wanted to serve the regime. However, the second time she couldn't refuse and she followed the counsel of Angkar. There were twelve couples. The men were handicapped; for example hers had a problem at his leg. He was 26 and she was 19. They pronounced an engagement and after that they were divided into four groups.

They were monitored and if they wanted to be separated or didn't consume their marriages they were sent to reeducation. She gave the example of a man who didn't like women but men and was transferred to be reeducated. After this, he consummated his wedding and his wife was pregnant.

According to her, she was forced to get married. She spoke about her suffering, her lost and the difficulty to talk about it today. She was scared all the time, because just being accused of something was sufficient to send them in re-education or to be killed.



**2-TCCP-914 – 31 August**

Ms. PHAN Him didn't remember her date of birth, but she is 60 years old. She was born in Bakrong village in Kampong Cham province, she married Kung Choeun and had six children. In 1975 she was in the medical unit, carrying soldiers off the battlefield. In May 1975, she worked in a warehouse and after that she worked in logistics support. In 1976 she became a teacher and was located in Tompong. She began to teach to children between 3 and 12 years old. She was told to teach them to be on time, to be vigilant about enemies and the discipline of Angkar. The children's parents didn't come to visit them because Angkar was their parents. In 1977 she was in charge of exporting goods overseas.

One day, the female chief of her section came to say her that someone had proposed to marry her. She responded that she was too young and she wanted to work and her chief responded she must respect Angkar. She learned that her husband made the proposal because he had to get marry and he had heard her name once. She was married in 1978. She was authorized to rest the day before her weddings, and they gave her clothes and some staff to clean herself. There were twenty one couples for the same ceremony. This was arranged by their respective unit chiefs, they couldn't choose their partner, only the men could propose an engagement. They didn't receive any instructions after the wedding, they didn't consume their marriage before two weeks to a month. They began to talk together and finally started to have sexual relations. They had children together.

# Silence in the pagoda

Reconciling the Khmer Rouge regime with the present



The silence in the pagoda is almost deafening. Under a clutch of trees a group of children are playing but they seem to make only a little more noise than the long lengths of tangerine fabric hanging to dry in the breeze, and they disappear soon after we arrive.

In Cambodia it is difficult to reconcile the pristine peace of the countryside with the upheaval that transpired during the Khmer Rouge era in these same places forty years ago. This reconciliation process is, in its most tangible form, taking place in the Extraordinary Chambers in the Courts of Cambodia. Most importantly it is occurring for the benefit of the people of Cambodia, and so a crucial part of the court's work is to reach out to those who lived through the Khmer Rouge regime as well as the following generations. Therefore on days when no hearings are taking place, the public affairs team travels to the rural areas to distribute literature and discuss the work of the court with communities there.

The most effective way to reach people is to target pagodas and schools. In Kampong Speu province the team spoke to several leaders of pagodas as well as groups of monks, explaining how the court works, what it's accomplished thus far, what cases it's currently working on and the reasons why its existence is so important for reconciling Cambodia as a country with the brutalities in its past.

This work becomes all the more meaningful when we encounter people who themselves lived through the Khmer Rouge regime.

Pich Vin is eighty years old. His skin is the deep, warm brown of a chestnut, and instead of wrinkling with age he seems to have shrunk, so the bones in his face and neck and hands jut sharp and clean like the edges of knives. In the sunlight

filtering through the frangipani trees over his long white linen shirt his face is peaceful: it is easy to imagine him as the monk he was before the Khmer Rouge took Phnom Penh in 1975. A week after they arrived, he says, he was forcibly defrocked and evacuated to his home village in Takéo province, in the Prey Kabbas district.

During the regime Vin was classified as part of the New People, or 17 April People. As such he was part of a mobile force and made to work. In late 1978, just a few months before the fall of the Khmer Rouge, he says he was forced to marry a woman six years his junior. Although for many years they had lived just three kilometers away from each other, they had never met prior to their wedding day. He did not have a choice, he said – he felt it was either marry this woman, or be killed.

After the Khmer Rouge fell he stayed with his wife. They were in the fortunate position of finding mutual respect for one another, and they remained together until her death a few years ago. She had two children from a previous marriage, who he took in as his own, and together they had one child.

Vin never went back to being a monk. Instead he lives out his days in the Wat Ant Metrey pagoda, occasionally listening to the doings of the court via radio. He believes the court is a good thing for the country. The Khmer Rouge divided the people, he said. They need to pay for the wrongs they did to people, and the ECCC provides a way for them to do so. The role it plays in reconciliation, in reunification, is crucial.

Beside him on the low bench under the frangipani trees sits his friend, Meas Sokhom. At seventy years of age, Sokhom is a little younger than Vin and although his skin is the same smooth warm

brown, his wrinkles have not dug so deep yet, and his movements are more energetic when he talks about his life under the Khmer Rouge.

Sokhom left his home province of Takéo in 1975, just after the Khmer Rouge seized power. Like Vin, he didn't see himself as having a choice: if he stayed, he says, the Khmer Rouge would have killed him because of his background as a soldier in the Lon Nol army.

Instead he ran north to the rice fields in the Samraong Tong district in Kampong Speu province. By taking on the role of a farmer – as well as pretending to be insane – Sokhom was able to stay alive for the duration of the regime. He moved around a great deal during those four years. Whenever he learned a new task, like making fertilizer or harvesting rice, the Khmer Rouge would move him to somewhere else, where he'd then have to start all over again and learn a new task. After the 1979 defeat of the Khmer Rouge, he stayed in Kampong Speu, in the pagoda where we met him.

He believes that the Khmer Rouge Tribunal is overall good for the country and will provide some justice – the Khmer Rouge should be punished for destroying so many people's lives, Sokhom says. Along with the others in the pagoda, he follows the doings of the court by radio.

The calm and quiet of life for these two in the pagoda is a far cry from hardships endured during the Khmer Rouge regime. But this discrepancy between then and now is an important reminder why the outreach and the spread of knowledge about the court is so crucial: reconciliation is a part of the healing process, and without people like Vin and Sokhom that reconciliation is missing the link it needs between past and present.



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

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## The Court Report

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