



The Court Report

The Extraordinary Chambers in the Courts of Cambodia in the Courts of Cambodia

Moving forward through justice



The Public Affairs Section visits Tep Pronam High School, Ponhea Leu District, Kandal Province on 11 May 2016.

Perception of the ECCC among high school students

One of the ECCC’s main goals is to bring justice to the Cambodians and to foster public awareness of its work. Through its outreach work, the Court aims at reaching Cambodians from all walks of life, because all have been affected, directly or indirectly, by the Khmer Rouge regime, and at helping them move forward. For that to happen, it is important that not only the victims, but also the younger generations who were born after the Khmer Rouge era, gain knowledge of recent Cambodian history and the context of the ongoing trial proceedings. High school and university students from Cambodia represent a significant part of ECCC visitors, and are one of the primary target groups for ECCC outreach field

trips. The Public Affairs Section (PAS) of the ECCC frequently enables hundreds of high school students from all over the country to visit the Court. The students can attend public hearings and receive information about the proceedings. They also visit the Tuol Sleng Genocide Museum and the Choeung Ek Killing Fields Memorial Site. The team also conducts outreach activities by visiting high schools. During 2015, 8,375 students from 33 schools attended study tours and 1,600 students from 3 schools benefited from school lectures.

This month, we interviewed 17 secondary

▲ Continued on page 2

In this issue

News & notes

2-3



Judicial updates

4-8



Decisions/orders

8

Hearing in Case 002/02

9-11

Contact information

13

Perception of the ECCC among high school students



▲ Continued from page 1

school students aged 14 to 18 who benefited from study tours at the ECCC or from a visit from the PAS at their school, in order to assess their knowledge of the Khmer Rouge era, their knowledge of the Court, and their views. Three students from Kampong Spue Province who visited the ECCC on 10 May, ten students from Kandal and Kampong Chhnang Provinces who received a visit from the PAS on 11 May and four students from Kandal Province who received a visit from the PAS on 19 May were interviewed.

All interviewees confirmed having prior knowledge about the Khmer Rouge regime, mostly from their parents, grandparents or sometimes from their siblings. Chheang Sary, an eight-grader, remembers that her grandmother told her about her personal story. Kim Heang, 14, explains that his parents did not receive enough food and were only given red corn to eat. "My parents don't want to have the same regime again," states Bun Srey Phim, 17.

The students also heard about the regime through books, the media and at school. When questioned about what they know of it, they all mention "bad things" done to the Cambodian people and their family, "difficult times" or a "hard daily life" especially because of the lack of food. Some focus more on the violence and the killings. Sary Nut Marany, a 10th grade student, explains his perception

about the regime: "they killed people cruelly, especially educated people such as professors. They provided two tons of food per day. The children and parents could not stay together. They forced people to work hard, and if they couldn't they killed them." Map Meas, in 8th grade, explains that he has been told that people who were going to be executed were called "to plant corn". According to Chhon Sinnava, in 11th grade, "they ordered children to farm rice and old people to carry the soil and to dig it." Nhov Rattanak, also in 11th grade, has heard about the Khmer Rouge from elderly members of his community, from his teachers and from TV: "They compared living in that time with the present time, it was not as easy. There was not enough food."

Most students have heard about the Khmer Rouge trials before their study tour or before receiving a visit from the PAS, although some have not. Bun Srey Phim, who came to visit the ECCC with her school, makes a distinction between the ECCC and the trials: "I just see the gate of the ECCC when I pass by. I want to know more. But I heard about the trials on TV. I watched with my brother and he told me about it." Chheng Eavmeng, 16, and Yan Channara, 17, both from the same school, also want to learn about the proceedings during the visit and to be able to tell their friends about it. After her tour, Bun Srey Phim explains: "Before the study tour, I did not have clear knowledge of the Khmer Rouge, now I know more. The tour made me understand



why the court exists and why the Khmer Rouge leaders are on trial. Now I know the dates of the regime and the top leaders, as well as Pol Pot. I still don't know clearly their functions. I know the purpose of the trial is to find justice for humanity. I know the two accused of case 002/02." Most interviewees have heard about the trials in the media; on TV and on the radio. They usually know that the tribunal tries Khmer Rouge leaders, but do not know much more. Most of them only know the names of Case 002 accused persons, as it is ongoing and more present in the media: the most commonly mentioned names are those of Nuon Chea,

Continued from page 2 ►

Former Chairman of S-21 Security Centre to testify in Case 002/02

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) is scheduled to hear the testimony of Kaing Guek Eav alias Duch, former Chairman of S-21 Security Centre, in the second week of June 2016 after having postponed the hearing for 4 weeks to give more times to related parties to review the new documents. Duch is called to testify on the fourth trial topic in Case 002/02: Security Centres and Internal Purges and more particularly S-21. Nine days have been allocated to the questioning of this witness.

This is the second time Kaing Guek Eav will be appearing as a witness in Case 002 against Nuon Chea and Khieu Samphan. He first appeared as a witness in Case 002/01 in March and April 2012. Kaing Guek Eav was the first person on trial before the ECCC in Case 001. On 3 February 2012, the Supreme Court Chamber upheld his conviction for crimes against humanity and grave breaches of the 1949 Geneva Conventions and increased his sentence to life imprisonment.

Since the beginning of the trial in Case 002/02 in October 2014, the Trial Chamber has heard a total of 84 witnesses, 39 Civil Parties and 3 experts over the course of 185 hearing



KAING Guek Eav, alias Duch, appears before the Court for the Appeal Judgment on 3 February 2012.

days. After the Trial Chamber concludes hearings on security centres and internal purges, the next (fifth) trial topic will focus on allegations related to the regulation of marriage during the Democratic Kampuchea regime. This will be followed by hearings related to the

armed conflict between Cambodia and Vietnam, before the Chamber will hear evidence on the final trial topic: the roles of Nuon Chea and Khieu Samphan. It is expected that evidentiary hearings will conclude later this year, with a judgement to follow in 2017.

◀ Continued from page 2

Khieu Samphan and Ieng Sary. We also assessed their knowledge of the charges brought against the accused. None of them could mention actual crimes being tried by the ECCC, confusing facts with legal charges: most referred to killings, violence and forced labor. Cheng Eavmeng and Yan Channdara said the accused are judged for “leading the regime and killing people.”

Almost all the students perceive the trials favorably and think they are important. The most mentioned reason is bringing justice to the victims. For Bun Srey Phim, “the Court is important for all victims to find justice and for others to know about what happened.” Some argue more simply that the ECCC will allow to bring Khmer Rouge leaders to trial: “The tribunal is a good place because they want to demolish the Khmer Rouge and bring justice for the victims. The Court is working every day to find proof,” according to Map Meas. Some are more critical: “I saw the proceedings happen for a long time and it’s still not finished. The accused died. I don’t trust the Court to provide justice to the victims. The process is too long and the accused die one by one,” says Sok Ratanaksak, in 10th grade. Bun Srey Phim also “want[s] the court to speed up the proceedings” for the same reason.



Supreme Court Chamber

In April, 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.

On 11 April, the Supreme Court Chamber issued a Memorandum in Response to a Memorandum from the Trial Chamber, in which it granted the Trial Chamber access, in the interests of justice, to six confidential documents obtained in the course of the Supreme Court Chamber's additional investigation into video footage allegedly held by filmmakers Robert Lemkin and Thet Sambath.

Trial Chamber

The Trial Chamber sat for 12 hearing days in April 2016, hearing 5 witnesses and 2 Civil Parties.

On 5 April 2016, the Trial Chamber issued a memorandum admitting three new documents into evidence. On 30 March 2016, the International Co-Investigating Judge ("ICIJ") sent to the Trial Chamber and the Supreme Court Chamber an interoffice memorandum informing them that it prepared a new prisoner list for the S-21 security centre, based on contemporaneous documents from the Democratic Kampuchea period collected from the Tuol Sleng Genocide Museum and the Documentation Center of Cambodia. On its own motion, the Trial Chamber admitted into evidence the memorandum from the ICIJ, the new S-21 prisoner list and the list of documents on which the new prisoner list is based.

Also on 5 April 2016, the Trial Chamber issued a memorandum requesting the Judicial Police Officer to the ECCC to report to the Chamber and detail his contacts with witness 2-TCW-827 from 28 March 2016 to 5 April 2016. 2-TCW-827, a witness summoned to testify on the treatment of the Cham, had repeatedly refused to appear and testify before the Chamber, claiming that poor health prevented him from doing so. However, 2-TCW-827 refused to undergo a medical assessment and refused support services to assist him with his testimony. On 29 March 2016 the Judicial Police Officer to the ECCC informed the Chamber that 2-TCW-827 agreed to appear before the Chamber. However, he failed to appear as scheduled on 4 April 2016, without justification. 2-TCW-827 eventually appeared before the Trial Chamber and testified on 6 April 2016. On that date, in an oral ruling pursuant to a request from the Co-Prosecutors, the Trial Chamber admitted into evidence witness 2-TCW-



Public hearing in Case 002/02

827's statement, taken by the Documentary Center of Cambodia in 1999.

On 18 April 2016, in an oral ruling on a request by the Lead Co-Lawyers for Civil Parties, the Trial Chamber admitted into evidence a book authored by 2-TCCP-243. The Trial Chamber will issue written reasons for its decision in due course.

On 19 and 20 April 2016, the Trial Chamber made oral rulings on the NUON Chea Defence's Internal Rule 87(4) motion to admit into evidence documents relevant to the testimony of witness 2-TCW-919, formerly a photographer at S-21 security centre. On 19 April, the Chamber heard oral responses from the parties regarding eight proposed documents, following which it admitted seven into evidence, with written reasons to follow. On 20 April, the Trial Chamber admitted into evidence a book authored by witness 2-TCW-919. Also on 20 April, pursuant to a request by the Co-Prosecutors, the Trial Chamber admitted into evidence a collection of photos of S-21 prisoners that was on the Case File but not yet admitted. The Trial Chamber will issue written reasons for these oral rulings in due course.

On 20 April 2016, the Trial Chamber made an oral ruling on the Co-Prosecutors' request

for a written waiver from KHIEU Samphan for any possible conflict of interest arising from national counsel KONG Sam Onn's prior representation of upcoming witnesses 2-TCW-898, 2-TCW-931, 2-TCW-906 and 2-TCW-816 during the trial proceedings in case 001. After hearing oral submissions by the parties on 19 April 2016, the Trial Chamber rejected the Co-Prosecutor's request, recommended that international counsel Anta GUISSÉ examine witnesses 2-TCW-898, 2-TCW-931, 2-TCW-906 and 2-TCW-816, and reiterated that national counsel KONG Sam Onn is bound by his obligations of confidentiality. The Chamber issued its written reasons for this decision on 25 April 2016.

Further on 20 April 2016, the Trial Chamber granted upcoming witness 2-TCW-865's request for protective measures. On 19 April 2016, the Witness and Expert Support Unit ("WESU") provided the Chamber with a report recommending that a number of protective measures be implemented during 2-TCW-865's testimony. Pursuant to Internal Rule 29 and Article 4 of the Practice Direction on Protective Measures (ECCC/03/2007/Rev.1), the Chamber ordered that the image and voice of the witness not be made available to the public, that details about 2-TCW-865's addresses, workplace and family not be made public and



that all information that could potentially indicate the location of the 2-TCW-865's place of residence or work be redacted from the public record. The Chamber also ordered face and voice distortion technologies to be used in the public broadcast of 2-TCW-865's testimony and ordered the media not to publish any photographs or images of 2-TCW-865. Full written reasons for this decision will follow in due course.

On 21 April 2016, the Trial Chamber ruled on an oral request by the NUON Chea Defence, admitting into evidence an article published in the Phnom Penh Post on 6 February 2016 entitled "Skull by skull, team catalogues KR killings", with written reasons to follow. The Chamber also granted a request from both the Co-Prosecutors and the NUON Chea Defence to obtain a report described in this article. The Chamber will inform the parties its efforts to obtain the report in due course. The Chamber deferred a decision on the admissibility of the report until it is obtained.

On 22 April 2016, further to its oral ruling on 6 April 2016, the Trial Chamber provided its written reasons for admitting into evidence a statement by witness 2-TCW-827. Noting that the interview contains evidence pertinent to the treatment of the Cham and satisfies the

applicable internal rules, the Chamber admitted 2-TCW-827's written record of interview in the interests of justice.

On 26 April 2016, the Chamber made an oral ruling admitting two written records of interview based on a request from the International Co-Prosecutor and following oral responses from the parties. The International Co-Prosecutor had earlier notified the Chamber that it intended to use these written records of interview, recently disclosed by the Office of Co-Investigating Judges from ongoing investigations in Case 003, while questioning witnesses 2-TCW-931 and 2-TCW-816. Written reasons for this decision will follow in due course.

During the month of April, the Trial Chamber also issued one confidential memorandum and one confidential order.

Pre-Trial Chamber

During the month of April 2016, the Pre-Trial Chamber notified its decisions on cases PTC 03/26, PTC 03/27 and PTC 03/29. The decision on PTC 03/27 is publicly available. Furthermore, on 26 April 2016, the Chamber deliberated and decided on an application for Annulment of Investigative Action Concerning Forced Marriage (PTC 04/21).

The Chamber advanced the preparations for deliberations on various cases. First, one proceeding dealing with nine motions for annulment, two of which were forwarded by the International Co-Investigating Judge on 4 November 2015 and, seven others that were attached to an appeal, against that same decision of the International Co-Investigating Judge, filed before the Pre-Trial Chamber on 12 January 2016 (PTC03/28). Second, another motion for annulment that was forwarded by the International Co-Investigating Judge on 19 November 2015 (PTC 04/23). Third, an appeal against the International Co-Investigating Judge's Decision on Ao An's fifth request for investigative action (PTC 04/24). Fourth, the Chamber also looked into the matter of Yim Tith's appeal against re-issued ICIJ Bolhander's decision on Disclosure D229/5 (PTC04/22).

The Chamber was newly seized of two appeals and motions, including: Co-Prosecutor's Appeal Concerning Testimony at Trial in Closed Session, filed on 22 April 2016 (PTC04/26); and AO AN's Application to seize the Pre-Trial Chamber with a view to Annulment of Investigation of Tuol Beng and Wat Angkuonh Dei and Charges relating to Tuol Beng which was referred to the Chamber on 29 April 2016 by the International Co-Investigating Judge (PTC 04/27).

At the end of April 2016, the Chamber was seized of a total of seven appeals and motions relating to the investigations in cases 003 and 004. The Chamber has issued nine decisions since January 2016 and as of April 2016.

Office of the Co-Prosecutors

In April, staff and interns of the Office of the Co-Prosecutors were engaged across all cases, with continued 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 progressed throughout the month, with a recess for Khmer New Year. The Court heard a number of witnesses in relation to the trial segments dealing with the genocide of the Cham and S-21 Security Centre. The Co-Prosecutors also filed a request to add a collection of S-21 photographs to the case file for use during trial. Additionally, the Co-Prosecutors filed a request that National Counsel for Khieu Samphan not question witnesses he had previously represented in Case 001 due to a conflict of interest and responded to a Nuon Chea filing seeking to have evidence admitted relating to the Late King Sihanouk. The office's disclosure obligations continued to be discharged, with a number of

requests to disclose materials from Case 003 and Case 004 into Case 002.

Cases 003

Review and analysis of the evidence collected by the Co-Investigating Judges to date was ongoing. The International Co-Prosecutor also confidentially filed two requests to the Co-Investigating Judges.

Cases 004 and 004/01

Review and analysis of the evidence collected in the investigations against the three Charged Persons continued. Additionally, in Case 004, the International Co-Prosecutor filed two confidential responses and a confidential request to the Co-Investigating Judges.

Outreach

The Co-Prosecutors participated in an event with the Victims Support Section in Sihanoukville, providing an overview of the progress of the cases before the Court. Members of the OCP also discussed the work of the office with representatives of the Cambodian Center for Human Rights.

Office of Co-Investigating Judges

During the month of April, the international side of the Office of the Co-Investigating Judges (“OICIJ”) continued the investigations of cases 003 and 004. Two field missions took place in case 003, in the course of which five PVs were obtained, and two investigation action reports were drafted. In case 004, two field missions were carried out, generating three interviews and two investigation action reports. Three witnesses were interviewed at the ECCC premises in case 003 and three in case 004.

During the month of April, the Analysts Unit reviewed several thousand KR contemporaneous documents and witness interviews. Additionally, the Analysts Unit assisted and participated in all field missions carried out during this period.

The supplementary information and civil party applications in cases 003 and 004, which presently total in excess of 2,479, are progressively being placed on the case files. Their evidentiary value is subjected to a thorough scrutiny by analysts, investigators and legal officers, to assess their admissibility and relevance to both case files.

Defence Support Section

Nuon Chea Defence

In April 2016, the Nuon Chea Defence Team remained fully engaged in the Case 002/02 trial segment on Security Centres and Internal Purges. The team began the month



Public hearing in Case 002/02

by filing the second and third instalments of a series of witness requests for the segment. The Defence has thus far requested 25 additional witnesses, including already-requested witnesses to be expedited, new witnesses to be called and rejected witnesses to be reconsidered. The Defence argues that all of these witnesses can provide insight into a treasonous rebellion led by former CPK cadres and defectors to Vietnam, which goes directly to the heart of Mr. Nuon Chea’s case. The two requests made in April focus on witnesses who can testify about the rebellion’s leaders and/or current top-ranking leaders in the Cambodian government, and witnesses who can testify as to the preparations for or attempts made at rebellion. At the time of writing, the Trial Chamber has yet to rule on these requests.

On 8th April 2016, the Defence Team filed a request to admit three letters, one video and one audio in relation to the late King Father Norodom Sihanouk. This request was triggered by a discussion the team had with expert witness Alexander Hinton, during his testimony in March 2016, concerning whether the use of the word “Yuon” by the Communist Party of Kampuchea (“CPK”) was racist and demonstrative of genocidal intent towards the Vietnamese population. The Defence argues that the requested evidence reveals that the late King Father had used the term “Yuon” in a similar manner to the CPK and that this

was an understandable political response to the real, existential threat Vietnam posed to Cambodia at the time, rather than evidence of genocidal intent. A decision on this evidence request is still pending.

Following the Khmer New Year break, the Nuon Chea Defence Team shifted their focus towards the examination of witnesses in respect of the next crime site: S-21 Security Centre, previously the focus of Case 001. The team also filed several additional motions. The first, filed on 18th April 2016, was a request to admit 8 documents in respect of S-21 witness, Nhem En. The Trial Chamber ultimately admitted 7 of these documents. On 20th April 2016, the Defence Team filed a motion moving the Trial Chamber to allow the use of certain statements allegedly made by people detained in S-21 for which there is no real risk that they were obtained by torture. A decision on this motion is still pending.

Finally, on 28th April 2016, the Defence filed a request for the Trial Chamber to grant an adjournment of four weeks in order to permit it to properly prepare for the remaining S-21 witnesses in light of the amount of material to review in preparation for those witnesses as well as recent developments in the case, most notably including the disclosure, in early April, of an extensive new S-21 prisoner list, prepared by the Office of Co-Investigating Judges over a two year period. The team argued that this adjournment was necessary in



order to safeguard Mr. Nuon Chea's fair trial rights, in particular his right to adequate time to prepare, his right to examine witnesses, and his right to enjoy equality of arms. In early May, this Chamber partially granted the request, announcing a one week adjournment.

Khieu Samphân Defence

In April 2016, the Khieu Samphân Defence Team remained fully engaged in preparing and attending the Trial Chamber hearings of Case 002/02, which moved on from the targeted groups segment of the trial, dealing with the treatment of the Cham population, to the internal purges and security centre segment. The hearings, in particular, focused on the Phnom Kraol Security Centre, in the North East Zone, and S-21.

On 20th April, following testimony from anthropologist expert witness Professor Alexander Hinton, the Defence filed a motion in order to support the Nuon Chea request seeking the admission of several documents related to the late King Sihanouk's speeches and letters delivered after the Vietnamese took over Phnom Penh in January 1979.

Meas Muth Defence

In April 2016, the Meas Muth Defence filed two letters and a motion, which have been classified as confidential, to the Co-Investigating Judges. The Defence also sent a

letter to the Public Affairs Section requesting the correction of inaccurate information on the ECCC website that made it appear as if certain allegations concerning Mr. Meas Muth had already been proven, when they are in fact under judicial investigation. The Defence continues to review material on the Case File and file submissions, where necessary, to protect Mr. Meas Muth's fair trial rights.

Ao An Defence

In April 2016, the Defence Team for Ao An submitted two applications to the Office of the Co-Investigating Judges to seize the Pre-Trial Chamber regarding the annulment of investigations concerning certain crime sites pursuant to Rules 21, 48 and 76(2) of the Internal Rules of the ECCC. Further, the team continued to review all the evidence on the Case File and prepare submissions to safeguard Ao An's fair trial rights.

Yim Tith Defence

Throughout April 2016, the Yim Tith Defence Team continued to analyse the contents of the Case File in order to participate in the judicial investigation, prepare Mr Yim Tith's defence and protect his fair trial rights. Further, the Defence has been preparing a response to the International Co-Investigating Judge's call for amicus curiae submissions on the scope of 'crimes against humanity' in international customary law between 1975 and

1979.

Im Chaem Defence

It was with great sadness that the Defence team for Ms. Im Chaem officially notified the Co-Investigating Judges of the passing of Ms. Im Chaem's International Co-Lawyer, John R.W.D Jones QC, on 28th April 2016. The Defence continues to review the evidence in the Case File in order to prepare Ms. Im Chaem's defence and endeavor 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 Civil Parties continued to represent the consolidated group of civil parties, facilitating the examinations and putting questions to six witnesses and one civil party, Chum Mey, who testified about their experiences at the S-21 Security Centre, one witness who testified about Phnom Kraol Security Centre and one witness testified as to the treatment of the Cham during the DK.

On 4 April 2016, the Lead Co-Lawyers filed their Reply to Khieu Samphan Defence's Response to Request for Clarification on Rape Outside of Forced Marriage (E306/7/2). The Lead-Co Lawyers maintained that the Trial Chamber is and remains seised of the factual allegations of rape at Tram Kok Cooperatives, S-21 and Kraing Ta Chan Security Centre and the potential characterisation of the substantive crime as crime against humanity of other inhumane acts through rape, crime against humanity of torture, and other inhumane acts through "attacks against humanity dignity".

Also on 4 April, the Lead Co-Lawyers filed their Response to Nuon Chea's First Rule 87(4) and Rule 93 Request re Case 001/01 Trial Segment on S-21 Security Centre and Internal Purges (E391/1). The Lead Co-Lawyers requested that the Trial Chamber seek clarification from the Nuon Chea Defence as to how the request relates to the Closing Order and/or the evidence already before the Trial Chamber, or in the alternative, to summarily dismiss the request absent such clarification.

On 11 April 2016, the Lead Co-Lawyers filed their Rule 87(4) Request Regarding 2-TCCP-243 (E400), in which it sought the admission of a book authored by the Civil Party before the commencement of his testimony.

Lastly, the Lead Co-Lawyers filed their Consolidated Response to Nuon Chea's Second and Third Request re Security Centres and Internal Purges (E392/1) on 21 April 2016. The Lead Co-Lawyers requested that the Trial Chamber determine the grant of the

third request through the limited scope of the trial segment on Internal Purges in Case 002/02. It was further requested that if the Trial Chamber decides to call "Witness L" as requested by the third request, that he be examined as a Civil Party.

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 1 April 2016, the Civil Party Lead Co-Lawyers attended the Civil Party Forum hosted by the Victims Support Section in Sihanoukville. Approximately 160 civil parties attended, and they were consulted with respect to proposed judicial reparations projects for case 002/02 and updated as to the implementation of reparation projects acknowledged by the Trial Chamber in case 002/01. The civil parties were further informed of developments in the case 002/02 trial and case 002/01 appeal.

On 29 April 2016, representatives of the Civil Party Lead Co-Lawyer Section attended a workshop hosted by the Transcultural Psychosocial Organisation entitled "Psychological Trauma Training to Legal Professionals and Support Staff".

Victims Support Section

Legal representation

As the evidentiary hearings of Case

002/02 continued, the ECCC-funded Civil Party Lawyer team fully participated in all hearings and reviewed case files of witnesses and civil parties. One lawyer of the team participated in the client-lawyer meeting organized by Gender-Based Violence Project of Victims Support Section on Legal Update, Psychological Support and Trust-Building with female and gender-based violence civil parties in Siem Reap. Additionally, they participated in meetings between civil party lawyers and Lead Co-lawyers to discuss the preparation of S-21 hearings and participated in training on Psychological Trauma at the Transcultural Psychosocial Organization (TPO) office.

Processing and Analysis

The Processing and Analysis Team (PAT) continued to collect supplementary information in Cases 003 & 004 through phone calls made to applicants that suffered from alleged crimes under the investigation scope of Cases 003 and 004. Additionally, the team filed 34 pieces of supplementary information to the Office of Co-Investigating Judges collected from the Stung Treng Province.

Reparation and Non-Judicial Measure (R&NJM)

On 21 April, the team members had a meeting with Khmer Art Academy at the Swiss Agency for Development and Cooperation (SDC) to discuss the organization's reparation project and fund raising status.

The team members had a few meetings with Lead Co-Lawyer Section to discuss Case 002/02 reparation requests and to develop brochures and strategies for a fundraising campaign.

On 29 April, Gender-Based Violence (GBV) Project Team conducted and coordinated a meeting between 42 Civil Parties in Case 002 and their Lawyers in Siem Reap province. The meeting aimed to provide an update on the current development of the ECCC's proceedings, mainly focusing on gender-based violence issues and the facilitation of GBV Civil Party participation in the ECCC proceedings. The meeting also provided a platform for discussion between Civil Parties and their lawyers where they could ask questions and raise any concerns. The partner NGO, the Transcultural Psychosocial Organization (TPO Cambodia), also joined the discussion and provided a wide range of information on psychological services being offered during the participation of GBV Civil Parties in the ECCC's proceedings.

In addition, the GBV Project has implemented its first radio show program in cooperation with the Women's Media Center FM 102. The overall objective of the radio program is: (1) to discuss the consequences of GBV with a large audience, both during the KR and today; (2) to advocate and create a platform for survivors to express their concerns and to amplify their voices in the transitional justice process (3) and to produce and disseminate information about the ECCC/GBV



Decisions/Orders

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

Supreme Court Chamber

Response to Trial Chamber's Memorandum of 9 March 2003 (E375/2), E375/2/1, 11 April 2016.

Trial Chamber

5 April 2016: Decision admitting new OCIJ Prisoner List <E393>

5 April 2016: Request for report regarding Witness 2-TCW-827 <E202/208/3>

22 April 2016: Decision to admit into evidence document D175/3.43 <E401>

25 April 2016: Decision on Co-Prosecutors' Filing regarding National Counsel KONG Sam Onn's Prior Representation of

Trial Witnesses <E397/1>

Pre-Trial Chamber

PTC 03/26

On 26 April 2016 the Chamber notified its Decision on MEAS Muth's Appeal against International Co-Investigating Judge (Bolhander's) Re-issued Decision on MEAS Muth's Motion to Strike the International Co-Prosecutor's Supplementary Submission (D120/3/1/8). The Chamber unanimously found the appeal admissible and declared that it could not reach a majority of votes for a decision on merit. The differing opinions of the Chamber's Judges on merit were appended as required by the Internal Rules.

PTC 03/29

On 27 April 2016 the Chamber notified its

Considerations on MEAS Muth's appeal against the International Co-Investigating Judges's decision to charge MEAS Muth's with grave Breaches of the Geneva conventions and national crimes and to apply JCE and command responsibility (D174/1/4). The Chamber declared that it had not reached a majority of votes for a decision on the admissibility of the appeal and the differing opinions of the Chamber's Judges on merit were appended as required by the Internal Rules.

PTC 03/27

On 28 April 2016 the Chamber issued its Decision on MEAS Muth's Request For The Pre-Trial Chamber To Take A Broad Interpretation Of The Permissible Scope Of Appeals Against The Closing Order and To Clarify The Procedure For Annuling The Closing Order Or Portions Thereof If Necessary (D158/1). The Chamber found the Request unanimously inadmissible and denied it in its totality.



to relevant stakeholders. The first topic of the radio program was "Forced marriage under the Khmer Rouge". Eleven callers from six different provinces joined the conversation and shared their past experiences with our guest speaker, psychologist Mrs. Yim Sotheary. Seven of eleven callers were females and three of them who experienced forced marriage under the Khmer Rouge had the opportunity to share in detail their own experiences with GBV during the regime.

With financial support from UN Trust Fund, the VSS organized Civil Party Forum in Preah Sihanouk province. The Forum involved 209 participants, including Co-Prosecutors, lawyers, focal persons, female GBV civil parties in Case 002 from the 4 provinces of Koh Kong, Kampong Speu, Preah Sihanouk and Kampot. The overall objectives of the forum

are (1) to inform Civil Parties about the development of the ECCC's trial proceedings against Khieu Samphan and Noun Chea including new additional charges in regard to forced marriage and rape under the Khmer Rouge Regime, (2) to provide opportunities for Civil Parties and their lawyers to discuss issues related to the hearings of Case 002/02 and proposed reparation requests; and (3) to give an update on the progress and implementation of the Reparation and Non-Judicial Measure projects. As a way of providing acknowledgement to the Civil Parties and making their participation more meaningful, the respected Civil Party lawyers, Deputy Governor of Preah Sihanouk Ville, Head Court of Preah Sihanouk Ville, Prosecutor of Preah Sihanouk Ville, National and International Co-prosecutors, Lead Co-lawyers and officers of the Victims Support Section were

actively engaged in all stages of discussion during the forum.

The VSS Chief and two staff members of the Section had meetings with the President of Cambodian Bar Association and the Director of the Lawyer Training Center. The purposes of the two meetings were to create training methods for practicing lawyers and student lawyers on issues of gender-based violence during the Khmer Rouge.

Outreach

During the month, Victims Support Section invited 60 civil parties from Kandal, Pursat, Kampong Thom, Prey Veng and Kampong Cham to attend hearings of Case 002/02 at the ECCC. During lunch breaks between hearings, the CPs met with their lawyers where they were briefed on the outcomes of previous hearings and what would be discussed in the following hearings. After the hearing ended each day, Judgment Books of Case 002/01, radios, and VSS newsletters were distributed to the CPs. As usual, 10 CPs sat in the Courtroom along with their lawyers while the others sat in the public gallery.

The VSS chief and GBV Project Manager were invited to take part in a presentation on fundraising to 30 participants conducted by UN Women-Cambodia. The Chief conducted the presentation on his fundraising experience and techniques during the meeting.

Trial Chamber heard evidence on Security Centres

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.

Mr Chum Mey Civil Party 2-TCCP-243

Mr Chum Mey, alias Mei, was born in 1933 in Lvea commune, Kampong Trabaek district, Prey Veng province. He currently sells books and used to work at the Tuol Sleng museum. As a Civil Party he testified in June 2009 on Case 001 with regards to the harm suffered as a detainee in S-21. He returned to court in April 2016 to testify on Case 002/02 on the same topic. Before 17 April 1975 the Civil Party worked as a

mechanic for Prince Chan Rainsey in Kampong Speu province. He later moved to Phnom Penh to continue his work as a mechanic until the evacuation of the city in 1975. He told the court that his child got sick during the evacuation and died without receiving medical care. Mr Chum Mey returned to Phnom Penh thirty days later to repair vehicles, including boats and ferries, in Russei Keo. Four months later he was trans-



ferred to the sewing unit at Ou Russei. In this unit he fixed sewing machines and trained repairers.

Under the pretext of a transfer to Vietnam to fix vehicles, on 29 October 1978, he was transferred instead to Tuol Sleng as a detainee accused of being CIA or KGB. Mr Chum described the facilities, treatment and living conditions of detainees, and his experience being interrogated for twelve days and twelve nights. The Civil Party recalled interrogation techniques such as beating, electrocution and plucking of toenails.

According to Mr Chum, he eventually fabricated a confession and interrogations stopped. After his confessions he was not transferred anywhere else and continued to be held in S-21. One day a comrade once asked for someone to fix sewing machines and the Civil Party volunteered. He was later assigned to fix typewriters and Mr Chum believes his skills are one of the main reasons for his survival. He managed to escape when the Vietnamese forces arrived to Phnom Penh in January 1979. Mr Chum identified other survivors during his testimony.



Mr Nhem En,
Witness 2-TCW-919

This witness was born on 9 September 1961, in Trapeang Leaeng Village, Trangel Sub-district, Kampong Leang District, Kampong Chhnang Province. He has written a book about his work as a photographer at Tuol Sleng from 1975 to 1979. Mr Nhem En joined the revolution in 1971 with five of his siblings, two of which according to the witness were eventually killed as a result of internal purges. He moved to Phnom Penh in 1975 and worked several jobs until 1976, publishing newspapers and delivering letters between Monivong Hospital and Ta Khmau Prison.

According to Mr Nhem En, in January 1976 Angkar sent him for six months to study photography and filming in China. When he returned he started working at Tuol Sleng shooting films and taking photos. He also worked as a field photographer documenting the activities of Democratic Kampuchea in six zones, but mainly in S-21. For field trips, he said he received orders from Son Sen, Minister of National Defence, and Ta Nat. Duch only gave him orders for photographic work at Tuol Sleng. Among the photographic missions he carried out for the regime, he accompanied delegations from the Communist bloc visiting worksites in the Northwest Zone including Trapeang Thmar Dam, Trapeang Pou and 1st January Dam. During these visits he also took photos of high ranking Khmer Rouge cadres such as Pol Pot and Son Sen. Besides film-making and photography, his tasks included drawing maps of the Northeast Zone. The witness also took pictures of people at Prey Sar, but he mainly worked at S-21. He argued, however, that only a small number of prisoners at Tuol Sleng were photographed, the rest were taken and killed before their photo was taken.

During his testimony Mr Nhem En explained the hierarchy of S-21 in relation to Division 703. He also gave details about the organization and staff at Tuol Sleng, including Duch. The witness discussed his work as a photographer for the regime, the procedure when taking photos of prisoners and the use of such material. When Vietnamese forces reached Phnom Penh on 7 January 1975, the witness escaped S-21 with Duch. Before leaving, Mr Nhem En buried photographic and filming equipment that he retrieved when he returned to Phnom Penh in 1990 during the tri-party negotiations in Paris. Since the national reintegration in Anlong Vay in 1997, the witness has gathered and stored a collection of photographs, films and

audio recordings of the Democratic Kampuchea regime era. He argued most of the material was his own, some of it he retrieved from Pol Pot's house after his death, and other material he retrieved from military commanders.



M Mr SOS Kamri,
Witness 2-TCW-827

2-TCW-827, Mr SOS Kamri, alias Kamarut-tin Yusof, was born in Akmok, Spueu, Cheyyou, Chamkar Leu, Kampong Cham in 1950. He currently is the director of the Supreme Islamic Centre and Chairman of the Highest Council for Islamic Religious Affairs Cambodia, and lives in Chrang Chamreh village, Chrang Chamreh commune, Ruessei Keo district, Phnom Penh. He was called to testify on 4 and 5 April but only appeared before the Chamber on 6 of April, according to the witness because of medical reasons. As a witness, he was called to testify in relation to the treatment of the Cham people during Democratic Kampuchea.

In 1973, he became an Islamic religion and Khmer Literature teacher and started using his shortened name, SOS Kamri. In 1974 or early 1975, the Khmer Rouge entered his village, Akmok alias Spueu at the time and evacuations started. There were about 1,250 families at that time in the village, but only 50 of them were allowed to stay.

The witness explained that, after the Khmer Rouge entered the village, the Cham people were not allowed to practice their religious habits, could not speak Cham language openly or could not gather in large number. They were under close surveillance. Concerning his teaching, he was not allowed to teach Islamic religion anymore, only Khmer literature.

At that time, he knew killings were happening. He said he saw dead bodies because killings were widespread and without religious discrimination, but he did not witness real incidents. They reached a massive scale in 1977. Therefore, he asked the permission to move to Cheyyeu, a village 4-5 km away from Spueu. He stayed there between 1977 and early 1978, where he continued teaching Khmer literature. In 1977, he attended a meeting in Bos Khnaor village in Chamkar Leu district in which the Khmer Rouge were talking about the enemies in general terms, including the reactionary and Cham people and those who were Islamic or Cham's follower. The meeting was called to specify a plan called "The

plan to smash the enemy".

In late 1978, back in Spueu, he stopped being a teacher and was assigned to transport firewood to the office. This is when he saw a Khmer Rouge document called "The plan for Progressive Cooperatives" in the commune office of O-Nung Commune, Au Temit. He only read the part about the enemies stating "Cham is the biggest enemy who must be totally smashed before 1980".

According to the witness, later in 1978, the killings stopped and then the liberation was set up a few months later.



Mr LACH Mean,
Witness 2-TCW-898

Mr LACH Mean, 2-TCW-898, was born in 1957 in Spean Dek, Spean Dek village, Thlok Vien Commune, Kampong Tralach Leu District, Kampong Chhnang Province. He still lives there and is a rice farmer. He already testified in Case 001 on the 3 and 4c August 2009 concerning S-21 Security Center.

He joined the Khmer Rouge movement as a soldier in late 1974. Initially appointed as a common military man in Thlok Vien Commune, he was later reassigned to be a soldier in District 12. He was assigned to work at Takhmau for 1 or 2 months and then to Psar Thmei (phonetic) prison before being appointed to work as a guard inside the detention building at S-21 in late 1975 or early 1976.

The witness explained that while being a guard, his role was to be put prisoners under surveillance. This included making sure there were no suicides, no shackles broken, no contact between prisoners. The guards were not allowed to beat the prisoners, they could only advise or reprimand the prisoners in case of insults and report to the Upper-Level (Duch or Hor).

Later, he was in charge of typing the prisoner's confession, observing and learning how to interrogate prisoners. Initially, he learned from Kak (phonetic), who was his team supervisor, and then from Nuon (phonetic). He also said that Duch also instructed some aspects about the techniques used in interrogation (being loyal, avoid making mistakes and extract quick information). The witness recalled that Son Sen came four to five times to conduct political training at S-21 during 1978, speaking about traitors and traitors to be smashed.

In February 1978, he was included into the

interrogation unit. He had to receive prisoner's testimony until the prisoner could no longer give any further answers. Those who would not confess, would be tortured and reported to the Upper Echelon, and very few were left without torture.

The witness also said that any guard who committed a moral offence would be treated as an enemy too.

When the Vietnamese entered Phnom Penh on 7 January 1979, he was part of the last group to move along from the detention center.



**Mr KHAM Phan alias PHAN Van,
Witness 2-TCW-1011**

Mr Kham Phan alias Phan Van was born in 1960 in Peam Chi Miet village, Pean Chi Miet commune Kah Nheak district, Mondolkiri province. He had testified in Case 002/01 in 2012 about his work as a telegram decoder in sector 105 from 1973 or 1974 onwards. He testified again in Case 002/02 in 2016 to complete his previous statements. He testified remotely via video-link from Malai district, Banteay Meanchey province, where he currently resides with his family and works as a farmer. Mr Kham said that he first worked as a messenger in B-20 for senior leaders such as Nuon Chea, Pol Pot and Khieu Samphan. He described the K-17 office building where he worked for his father later on, in Phnom Kraol, sector 105. He decoded messages about security matters and working sites. Mr Kham recalls that meetings were held there. He then became his father's driver around the end of 1975 or the beginning of 1976. In late 1976 or early 1977, the witness drove his father to Phnom Penh, where he was killed by Kham Phoun according to Mr Kham. There were different units, including education units, within K-17. Mr Kham estimated that around 1,000 people worked there. He explained that some cadres came to stay there for education sessions. He was aware of a security centre more than 10 kilometers away from K-17, but he claimed that he was not aware of any detention happening at K-17 during the time he worked there. Mr Kham knows that many arrests happened during 1977 but did not witness them. He knows that two cadres were accused of being traitors, sent to Phnom Penh and later on executed there. He witnessed meetings between his father and other cadres during which negotiating with the Vietnamese

was suggested, after which some of those cadres disappeared. According to Mr Kham, people who committed immoral offenses and work evasion were detained at the Phnom Kraol Dam Security Office. He recalled that the K-17 office received instructions from Nuon Chea. After his father's death, he was assigned to grow vegetables, and then to become Ieng Thirith's driver. Detainees at the Phnom Kraol Security Centre received enough food to eat, and forced marriages were organized between them.



**Mr Prak Khan,
Witness 2-TCW-931**

Mr Prak Khan, 61 years old at the time of his testimony for case 002/02, was born in Krang Leav village, Krang Leav commune, Bati district, Takeo province, and lives in Smau Khnei village, Trapeang Sab commune, same district. He works as a vendor and a farmer. He had testified in Case 001 in 2009 about the functioning of S-21. He testified again in Case 002/02 in 2016 to complete his previous statements.

He was first part of division 703, and was assigned to work in S-21 in late 1975 or early 1976. He first stood guard at the gates outside the compound. He saw vehicles transport prisoners handcuffed and blindfolded inside the compound. Some were only arrested once they reached S-21. When he later worked inside the compound, Mr Prak witnessed that prisoners were photographed and their biographies written down when they arrived. He saw that prisoners were also taken out of the compound to be killed nearby and buried in pits. Mr Prak witnessed an increase in the number of prisoners from 1977-78 onward. He was aware of the existence of a special prison for high level prisoners outside the compound.

When he became an interrogator, he was assigned to work in the 'chewing unit'. He explained that the other groups were the 'cool unit' and the 'hot unit'. The 'chewing unit' was usually in charge of extracting more detailed information from prisoners who had been interrogated by other units. Mr Prak learned how to interrogate by observing interrogations and by attending training sessions conducted by Duch once or twice a month. He recalls attending one political study session conducted by Son Sen. According to him, both Duch and Son Sen considered S-21 to be essential to the country, and interrogators to be a 'political police'. Duch mentioned in front of Mr Prak that he reported

to Brothers Number 1 and 2 without giving their names. Interrogators were required to keep prisoners alive until they obtained a confession. He described the structure of S-21. He saw some prisoners being brought along with their wife and children. He estimated that about 50 or 60 percent of prisoners were interrogated at S-21, but this proportion decreased when interrogators started to get arrested. Mr Prak recalled interrogating thin or ill prisoners, or prisoners dying before or during interrogations. He provided details about how interrogations were conducted. He had to ask for permission from supervisors before resorting to violence on prisoners. The witness said interrogators were told by Duch to be firm and cruel to prisoners, and sometimes to humiliate them. Mr Prak confirmed the rules prisoners had to abide by. He saw that some prisoners were sent to a specific unit where their blood was drained. In 1977-78 many Vietnamese prisoners, soldiers and civilians, were brought in. Mr Prak was never aware of any prisoner ever being released from S-21.

**Mr. TAY Teng,
Witness 2-TCW-865**

The Chamber granted protective measures to this witness on a ruling issued on 20th April 2016. As a result, his face and voice were distorted during proceedings and his contact details, family details, residence and work addresses were not disclosed to the public. The witness was born in 1959 and joined Division 12 in 1973 following the advice of an elder sibling and another relative. He was assigned to carry rice to the battlefield until 17 April 1976.

After the fall of Phnom Penh the witness was reassigned to work in rice farming at Ou Baek Kám. At the time he was a combatant in Battalion 31 of Division 12. In early 1978 he was assigned to work as a security guard at S-21. The witness was stationed outside the compound under the supervision of Him Huy. His unit was responsible for guarding the perimeter and growing vegetables. The witness said that, while working at S-21 guarding the perimeter, he heard people crying of pain during interrogations. He was later reassigned by Him Huy to work at Choeung Ek guarding the prisoners who were transported from S-21. He also dug graves and covered them after executions. According to the witness he was not involved in executions. Following the arrest of his two cousins the witness was sent for tempering to Prey Sar where he remained until the liberation of Phnom Penh in 1979.





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The ECCC welcomes visitors. For more information: pas@eccc.gov.kh.



Mail Box

National Road 4, Chaom Chau,
Porsenchey
PO Box 71
Phnom Penh, Cambodia

General

Tel: +855 (0)23 861 500
Fax: +855 (0)23 861 555

Press Inquiry

Tel: +855 (0)12 488 023
Tel: +855 (0)23 861 564

Court Visit

Tel: +855 (0)23 861 639

Victim Support

Tel: +(855) 023 214 291

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Cristina FIGAREDO, Agathe NATIJ,
Sarah MORSHEIMER

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