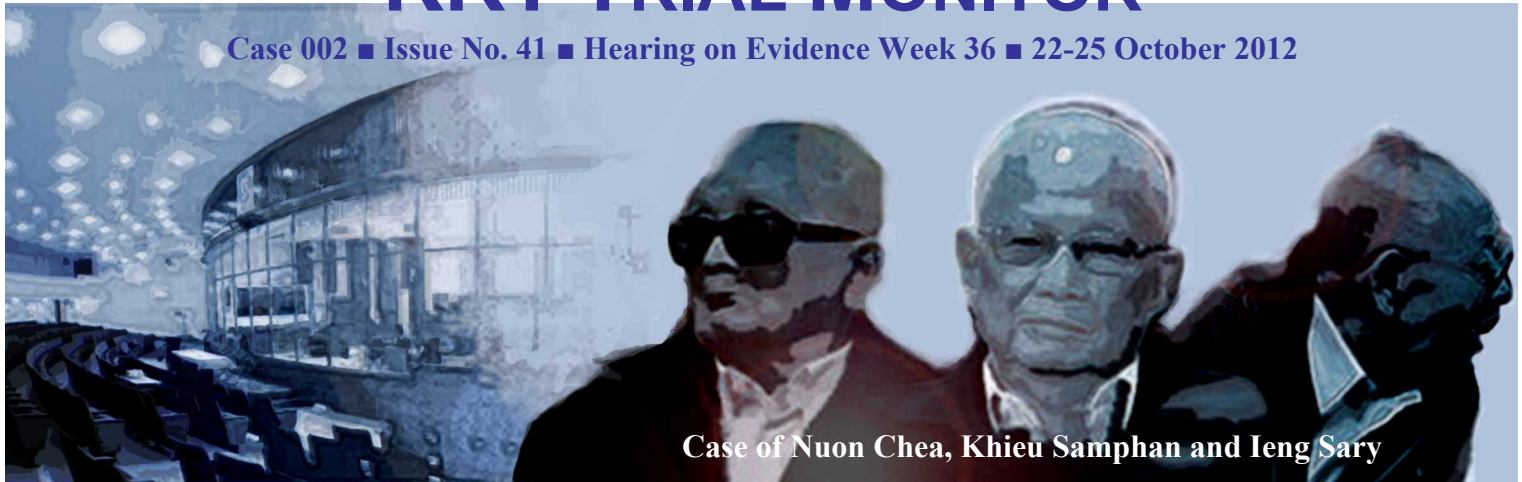


# KRT TRIAL MONITOR

Case 002 ■ Issue No. 41 ■ Hearing on Evidence Week 36 ■ 22-25 October 2012



Case of Nuon Chea, Khieu Samphan and Ieng Sary

Asian International Justice Initiative (AIJI), a project of East-West Center and UC Berkeley War Crimes Studies Center

*I have been living in the society where I have had a lot of suffering...  
I had been deprived of all my education,  
the dreams that I would like to be highly educated.  
But these dreams were destroyed by the darkest period of the Khmer Rouge.*

- Yim Sovann, Civil Party

## I. OVERVIEW

This week, the Trial Chamber heard testimonies from three Civil Parties and two witnesses. The testimonies mainly focused on experiences during the evacuation of Phnom Penh, as well as the tough conditions immediately following the first evacuation. The testimonies also touched on the treatment of Lon Nol soldiers and hospital patients during the first evacuation.

The Chamber heard legal arguments and issued two important rulings this week: First, the Court ruled that Civil Parties may state the suffering they endured during the entire Democratic Kampuchea regime, instead of having Civil Parties limit their statements to those relevant to events covered in Trial One of Case 002. Second, the Chamber ruled that Parties may not question witnesses based on expert witness analysis, if that expert has yet to appear before the Court.

## II. SUMMARY OF CIVIL PARTY AND WITNESS TESTIMONIES

The Chamber heard a statement about the suffering of Ms. Yim Sovann, who was examined by Parties the previous week.<sup>1</sup> Two new Civil Parties, Mr. Chum Sokha and Ms. Lay Bony, also testified this week, and the Chamber called two additional witnesses to the stand, Mr. Sok Chhin, a railway worker during the DK regime, and Mr. Kung Kim, a young soldier in the Khmer Rouge army.

The testimonies of the Civil Parties and witnesses focused on the first KR era evacuation, including the commands carried out to complete it, and the treatment of people during and immediately after the evacuation. The testimonies particularly addressed the treatment of former Lon Nol soldiers, hospital patients, monks, civilians and diplomats. At the end of their testimony, the Civil Parties each appealed to the Chamber to fully complete proceedings against the Accused. The Ieng Sary and Khieu Samphan Defense Teams declined to question any witness or Civil Party.

## **A. Yim Sovann's Statement of Suffering**

Following last week's examination, Civil Party Yim Sovann was given an opportunity to express the suffering she experienced during the DK regime. She began by saying that from 1975 to 1976 she was mistreated and accused of being a "17 of April person" or an "enemy." She did not have enough food to eat and was forced to work days and nights. She lost everything: her property, cattle, and farmland. She recalled that, in 1978, her father, sister, nephew, and her father's cousin were executed by the Khmer Rouge at Office 07. She described this experience as follows:

They were killed at night after having been accused of being enemies and I could not cry although I wanted to cry when I saw them being walked away when their hands were bound behind their back. I dared not cry out loud because I was so intimidated, I had to hide the tears.

She lived in terror because the Khmer Rouge had a slogan, "when they dig the grass, they had to root out all the roots of the grasses." She testified that she still lives with the trauma of that time and must, at times, be admitted to the Khmer-Soviet Friendship Hospital for treatment. To "find peace," she decided to become a nun and follow the Buddhist discipline. Yim Sovann stated that she was grateful to the Court for allowing her to appear and testify; she also expressed hopes that the Court will "find justice both for [her] and for the Cambodian people..."

## **B. Chum Sokha's Testimony**

Civil Party Chum Sokha, TCCP 25, a former Lon Nol soldier who was evacuated from Phnom Penh, testified for the second half of the morning and all afternoon on Monday, 22 October.<sup>2</sup>

### **1. Role before the Fall of Phnom Penh**

Chum Sokha was born in 1955 in Prey Veng Province, but he later moved to Pochentong and, thereafter, Borei Keila. On the eve of 16 April 1975, he recalled that he went to his father's house in Phnom Penh. Both the Civil Party and his father were soldiers in the Lon Nol army, where his father was a military officer. According to the Civil Party, he hid his uniform, gun, and those of his father, just before the Khmer Rouge entered the city, because he was afraid of repercussions.

### **2. The Fall of Phnom Penh and the Evacuation**

The Civil Party testified that, from 1970 to 1975, there was a lot of fighting between the Lon Nol and Khmer Rouge soldiers. He heard gunshots and there were people getting wounded every day. Some people died, and others were treated at the hospital.

On 17 April 1975, Chum Sokha said he could hear gunshots from all parts of the city and he heard on the radio that the Khmer Rouge forces were entering from all sides. Some of the Khmer Rouge soldiers blew up houses with grenades as they came in. However, the Civil Party did not see any civilian casualties, or even any fighting on 17 April 1975, as the Lon Nol soldiers voluntarily disarmed and stacked their guns in piles on the street. As he exited the city, Chum Sokha saw a lot of bodies at the airport and Kampong Chhnang military base.

According to Chum Sokha, he and many of the residents of Phnom Penh greeted the Khmer Rouge soldiers joyfully on the street. He said that people "were happy to see those soldiers come in to liberate the city" because they believed that they would have peace. Thus, they

“stood there raising white flags to congratulate the liberation soldiers.” In contrast, the Khmer Rouge soldiers wore “fierce” expressions and were not joyful, Chum Sokha said:

[T]hey were very firm in their expression, so they did not show any kind of joyful moment and they did not share such a joy. And they even shot at people right in front of me, those who came to get the rice.

Notwithstanding the violent entrance Chum Sokha described, the soldiers did announce over loudspeakers that everyone could continue their lives as usual, “and that Angkar would only prosecute the seven traitors, including Lon Nol, Sirik Matak, Cheng Heng and, a few others.”

Chum Sokha testified that he went to a hospital twice on 17 April 1975. Early in the morning, he found both Khmer Rouge and Lon Nol soldiers in the hospital being treated by medics. He found that some soldiers refused to take medicine when they discovered that the Americans donated it because it was “from the imperialists.” The Civil Party said that when he returned to the hospital later in the day, after the Khmer Rouge had taken over, there were no medics or Khmer Rouge soldiers, only other patients that lied dying.

In the mid-afternoon, the Civil Party heard a loudspeaker announcement that everyone had to leave the city for three days because there might be an aerial bombardment by the Americans. Chum Sokha said that he and his family were not sure they believed this, particularly since the Americans had air-dropped food into the city a few days earlier, but they felt they had to leave because the Khmer Rouge soldiers were so adamant. The Civil Party left that evening by car, and was among the first to evacuate the city.

As he left, Chum Sokha said he saw dead bodies along the streets in the headlights of the car. They stopped the second night in Kampong Tuol, where they were asked to give up the car to Angkar because it was a sign of the imperialists. They were told to go to their home village so they went to Prey Veng, where the Civil Party’s father was from. As they walked in that direction, Chum Sokha saw more dead bodies under mats along the road and he thus surmised that Angkar did not allow burial ceremonies. The Civil Party confirmed that the Khmer Rouge did not provide assistance, places to stay, or food and water for this trip. His family found water in ponds and stayed in pagodas, or just along the road, for their one month of travel. The Civil Party also confirmed that they were not given directions, or guarded along the roads. However, he said,

If we were to be instructed, suddenly there appeared two or three people coming to make such announcement. Sometimes I observed they carried a gun, or sometimes they carried a knife. And they were wearing black uniforms.

### **3. Treatment of Former Lon Nol Soldiers**

In Kampong Tuol, the Civil Party’s father and uncle were asked to register with the Khmer Rouge, as was required of every man over the age of 30, while the rest of the family went ahead. When his father caught up with them, the Civil Party learned that Lon Nol soldiers were being detained. According to the Civil Party, his father said as follows:

I was supposed to be detained and tied, but I noticed that a lot of people were tied up, so I fled. Actually, they used thread -- it’s a white and red thread to tie people in a line.

Near the pagoda at Ang Kruoch (phonetic), the Civil Party saw a group of people, some in military uniform, others in civilian clothes, tied together in two lines of more than ten people

each, guarded by two soldiers. They were being marched in the opposite direction. The Civil Party said they were all tied by their thumbs, and some also had their hands tied behind their backs. Around this time, the Civil Party recalled that they were instructed by unspecified person/s to “proceed to the pagoda itself, so that rice would be distributed by Angkar, but [they] needed to register [their] names and occupations... And for those people who used to work in Phnom Penh, they would be allowed to return later.” Recalling how Lon Nol soldiers were treated in Kampong Tuol, the Civil Party’s father did not register his name and they continued on their journey. The Civil Party’s father was eventually taken for “re-education” when they reached their home village. (See II.B.4.)

#### **4. Treatment of “New” Versus “Base” People**

When his family arrived at his father’s home village, Tboung Kedei village in Prey Veng Province, Chum Sokha said “people did not show some kind of affection or relation to [his] father. So, people were rather quiet and reserved.” People who were evacuated from Phnom Penh were considered “the displaced people or the evacuees or the 17 April People” and there was a “complete difference” in how “base people” and “17 April people” were treated. The Civil Party said:

The people of Phnom Penh and those who lived in my location were not trusted by the Khmer Rouge... We were regarded as enemies, those who still had some influence of the imperialists -- American imperialist.

He explained that they had to “sacrifice everything” and “get rid of all the property” except for just a set of clothing, a blanket and, one or two utensils, while base people used “better utilities.” Base people were allowed to keep rice in their houses, while “17 April people” were not allowed to do so. Further, base people “could walk rather freely,” while his family could not go to another village without “authority from Angkar.” According to Chum Sokha, freedom of speech was also limited:

Base people could speak about the devotion of Angkar, but the 17 April people were not allowed to do so and, they were not allowed to speak about any folk tales or, to mention the King, or to say anything regarding the Imperialists. If we were heard talking about that then, we would be criticized and, we would be monitored by the base people; and, there were various groups including the militia and the female groups, who would monitor our activities; whether we were tired, whether we sacrificed personal belongings or, property.

Chum Sokha also described the tough working situation where he had to collect human feces and urine to make into fertilizer, and often spread it with his bare hands. He stated that only 17 April people were asked to do this job. He added that if they covered their nose with a kerchief, they were criticized. Aside from this, he dug canals and plowed paddy fields. Chum Sokha said that he was “forced” to work for 12 to 14 hours a day. He recalled that when he fell extremely ill with malaria, he continued to work in the rice field and he received only very thin rice porridge and no proper medicines except for “rabbit pellets.”

The Civil Party said that upon arrival at their native village, his father worked as instructed by “Angkar.” After working for 10 days, his father was taken for “re-education” and thus “disappeared.” According to Chum Sokha, he learned that his father was first taken to Bachee (phonetic) Pagoda, where “those people who had connection with the previous Lon Nol regime, including military officers, agents or intelligence officers or high-ranking officers, were put...” His father was then “tempered” and forced to work in a security center in Trapeang Leak Kbal Village. The Civil Party said that he tried to catch a glimpse of his

father when he was working near the village: "I tried to see him through the bamboo trees but I could not see him. I really missed him very much and I shed my tear."

## **5. Knowledge of the Role of the Accused**

The Civil Party testified that he heard the names of some leaders during Democratic Kampuchea, including Pol Pot, Ieng Sary, Nuon Chea and Khieu Samphan, saying:

I have heard of their names and, I used to see them, as well. Because at the village, a loud speaker would be hoisted on the top of the Tamarind tree and, we could hear radio broadcast; the broadcast about the political line; the party's lines and, the composition of the National Assembly would be also, broadcast on the radio.

He also recalled that, in 1978, the names of Pol Pot, Ieng Sary, Nuon Chea were written on leaflets distributed from the air by an airplane, "these leaflets were about the National Liberation Fronts and, they were talking about the genocide clique like Pol Pot, like Khieu Samphan and these individuals."

## **6. Statement of Suffering, Demeanor, and Credibility**

The Civil Party appeared calm and answered questions directly. Only at one point, when he spoke of the disappearance of his father, did he get emotional and needed to take a minute to calm down.

Chum Sokha said that his suffering, and that of his family, continues to this day, particularly because he and his siblings were not properly cared for or educated during the Democratic Kampuchea regime, thus they cannot improve their situations.

Even these days, I still see Khmer Rouge soldiers fighting with me, chasing me in my dreams, and I would wake up to the nightmare almost every night. I have been traumatized by the events... I think I don't have -- I don't know how I can put all this suffering into words.

## **C. Sok Chhin's Testimony**

Mr. Sok Chhin, TCW 661, testified for the first three sessions on Tuesday, 23 October.<sup>3</sup> A railway ticket seller and repairman around the time of phase one of the evacuations, Sok Chhin testified about what he saw of the population movement that was conducted by train. He also testified about the movements of his superiors to and from Phnom Penh.

### **1. Role and Responsibility of the Witness During the DK**

Sok Chhin was a railway ticket seller in Moun Ruessei, Battambang Province, and then in Svay Sisophon, Serei Saophoan, before the Khmer Rouge regime. During the DK, he was tasked with railway repair. According to the Witness, around four months after April 1975, he was assigned to Pursat Province, where he worked in a mobile unit in charge of repairing railways for a stretch of 21 kilometers. He recalled that Ta Moun, his superior, "came with a train from Battambang all the way to Pursat to take [him] there."

Sok Chhin followed orders from Ta Moun on a daily basis. However, the Witness did not know if these directives originated from Ta Moun himself, the central leadership, or some other place. The Witness stated that they were warned to be vigilant and not allow a derailment, otherwise Ta Moun and his subordinates would execute them. Sok Chhin



further said that he learned at study sessions that if they did not speak the truth, they would be killed.

## **2. Study Sessions and Re-Education**

During the DK, the Witness saw Ta Moum travelling to and from Phnom Penh for meetings with the central leadership; Sok Chhin did not, however, know the contents of those meetings. According to the Witness, Ta Moum attended study sessions in the city. When Ta Moum returned from such sessions, he would hold a meeting with the workers, where he taught them how to strengthen their “political stance,” and instruct them to focus on “the core tasks and the work of the social work and production.” He described the sessions as follows:

We engaged in the study session every day chaired by Ta Moum, that we needed to focus only on the assigned work. Whatever was assigned to us, we did that, whatever food was given to us we ate that. And we were not allowed to protest or to demand for anything.

With regard to the sanctions that were imposed when a person protested what was assigned, the Witness said, “First time, that person would be criticized. For the second time there would be a second criticism, and for the third time the person would be sent for re-education.” He said that some of his colleagues went for re-education; they never returned, and the Witness never learned what happened to them.

Additionally, during study sessions, the Witness was told to “pay respect to the national anthem or the flags, and then we would be briefed on individuals in the leadership.” However, the Witness did not specifically mention any of the Accused, and even said, “I was not told by Ta Moum about Mr. Nuon Chea. I learned very recently about his role.”

## **3. Phase One of Evacuations**

Although he did not recall the date, Sok Chhin remembered seeing people of “different age groups, old, young, sick people,” transported by train to Leach, where their biographies would be taken; “[t]hey would be there for a few days or even a week before they could be transferred to other locations.” He confirmed his OCIJ statement where he said:

I saw trains twice a week. The train had 20 to 25 wagons, normally for transporting goods, and each wagon transported from 40 to 50 people. There were two stages of transportation; the first one was after April '75, in October, November, and December.

Since the trains were designed to transport goods, there were no seats and people sat on the floor or remained standing. For each compartment of a train, there were two soldiers guarding the passengers. The Witness asserted that people who were forced to disembark in Leach or in other locations “were under the control and order of the military... [he] never saw any civilians in control, and they were armed.” He said the trains came from Phnom Penh, but clarified that he did not know if the people on the trains were residents of Phnom Penh.

The Witness described in some detail the conditions of evacuees who disembarked at Leach. He said they were left next to the tracks, without instructions, food, water, protection from the weather, or hygienic facilities. The Witness said they drank and washed in the water in the rice paddies, and some people got sick, died, and their bodies were left by the side of the train tracks. He personally buried one of these bodies, because it was too close

to the tracks, and it had begun to decompose and smell. However, others that were farther from the tracks were left as they were.

Sok Chhin admitted that he did not offer assistance to these evacuees at Leach. He said he was afraid there would be reprisals against him if he tried; furthermore, he was not given enough to eat or drink himself, and he had to take care of himself first. He mentioned that he did not even speak to any of them, saying, “I only minded my own business, I could only observe from my workplace.”

#### **4. Witness Demeanor and Credibility**

Sok Chhin appeared to be confident in giving his testimony, although he did need some prompting from his OCIJ statement to refresh his recollection with regard to certain specific facts. Pauw questioned the Witness about his personal relationship with another OCIJ witness, Om Proueng,<sup>4</sup> and the method of OCIJ questioning. The Chamber initially resisted this line of questioning, but eventually allowed Pauw to probe Sok Chhin’s source of knowledge. (See III.E.) Sok Chhin admitted that he and Om Proueng are good friends and they see each other frequently because they are both retirees in the same village. The Witness, however, clarified that he does not discuss the events of the DK era with anyone, nor does he discuss the proceedings before the ECCC when he watches them on TV. He also informed the counsel that he did not know that Om Proueng had given a statement to the OCIJ, saying “I do not know about that. I do not ask him about that.”

#### **D. Lay Bony’s Testimony**

On Tuesday, a new Civil Party, TCCP 64, took the stand to provide testimony before the Trial Chamber. Ms. Lay Bony, the wife of a former Lon Nol soldier, testified about her experience during the first and second evacuations. She also made a statement about her suffering during DK regime.

##### **1. Before the Fall of Phnom Penh**

Civil Party Lay Bony stated that her family lived in Phnom Penh before the arrival of the Khmer Rouge. As the Khmer Rouge approached, people fled from the countryside into the city. She said there was insufficient food in the city to support all of these people, and prices surged. However, because her husband was a Lon Nol soldier, they received sufficient rice from the government.

##### **2. The Fall of Phnom Penh and Orders to Evacuate**

Civil Party Lay Bony testified that, when the Khmer Rouge soldiers arrived, the urban people celebrated and raised white flags everywhere; they thought the Khmer Rouge would bring peace to the country. However, immediately after they entered the city, Khmer Rouge soldiers ordered people to leave their residences for three days, on the pretext that Americans would bomb the city. Her family, comprising her husband, two children, and herself, left home with a few belongings and some banknotes. She recalled that there were three armed Khmer Rouge soldiers forcing them out.

The Civil Party recalled hearing radio announcements that the Khmer Rouge had taken complete control of the country, and for this reason “Phnom Penh dwellers, remained silent and calm and stayed in their house until further instruction or information...” However, she only heard of the plan to evacuate people from the city when soldiers came to her house and ordered them to leave.

As she left the city, Lay Bony saw evacuees from hospitals. She saw people pushing hospital beds, patients who still had their intravenous drip attached, and some patients carried by friends or family. She also saw Khmer Rouge soldiers guarding sick evacuees. The Civil Party said that people who were struggling to move or wanted to return home were shot dead.

Additionally, Lay Bony told the Chamber that she heard that Lon Nol soldiers, who were still in uniform, were captured and tied up with their arms behind their back.

### **3. Ancheaeng Leu Cooperative**

The Khmer Rouge soldiers directed Lay Bony and her family to go to their family's home village. Therefore, they walked to Ancheaeng Leu Village, Khsach Kandal District, Kandal Province. During the move, her daughter got sick. There was no food or medicine, therefore upon their arrival at Ancheaeng Leu, her daughter died. At their village, her family was required to register with Angkar. In Ancheaeng Leu, she met her mother and other relatives, and one of Lay Bony's relatives told her that her husband should conceal the fact that he was a Lon Nol soldier or he would be taken away. From then on, when anyone asked, they said he used to be a taxi driver. Lay Bony said that former Lon Nol soldiers and those who were accused of being capitalists, feudalists, or businessmen were all arrested.

At the cooperative, the Civil Party was required to attend livelihood and criticism meetings. At the livelihood meetings, she was lectured on how to build canals, dig dikes, and comply with the plans of Angkar. She stated that she was never told what Angkar's policy was. The Civil Party did not describe what happened at criticism meetings.

Lay Bony confirmed that the title "new people" referred to 17 April people, or the people who were evacuated from Phnom Penh, while "base people" referred to those who had been living in the country community. The Civil Party asserted that the Khmer Rouge made no arrangements to take care of the new people when they arrived at their home villages. Her family was permitted to stay with their relatives and eventually given a small plot of land on which to build a house. However, basic building supplies or household implements were not provided. Base people, on the other hand, were permitted to continue to own their property and belongings.

### **4. Koh Chum Cooperative, Pursat province**

Civil Party Lay Bony testified that, in 1976, the village chief informed her family and all other newcomers to prepare to move to Battambang Province. He said there was insufficient food in Kandal province to support the newcomers, but there was a surplus in Battambang. However, her group never arrived in Battambang, but was stopped at a cooperative in Pursat province.

Lay Bony testified that at the second cooperative, her family still lived together with her mother and brothers, but they each worked in different groups. She stated that the second cooperative had even worse conditions and less food than the first:

We ate food that made us become, you know, our body parts become swollen. And we believe, at that time -- we noted that the pigs were even given more food than -- that they gave to human beings.



With this insufficient food and lack of hygiene, her son became seriously ill. He was admitted to the hospital, but he did not get well. He died there. Lay Bony's younger sister contracted a similar illness, with her whole body swelling. She also died of this disease.

Lay Bony had to attend livelihood and criticism meetings at this cooperative as well. She was criticized for inefficiently performing her tasks, but no serious actions were taken against her. She did, however, notice that people kept disappearing. She claimed that she was under constant surveillance, saying "I was also told that I had to keep mum, because the wall has the ears."

## **5. Trach Kroal Security Center**

The Civil Party testified that she and her husband were arrested and placed in Trach Kroal Security Center because he was a former Lon Nol soldier. She was allowed to go out and work each day, but had to sleep in the security center. Her husband was tortured, interrogated, and finally executed. Through a hole in wall, Lay Bony witnessed another prisoner being executed. He was accused of stealing a grilled fish, so a very young soldier hacked open his stomach with a bayonet. His internal organs spilled out and he died. She testified that she was terrified the whole time she was in the security center, saying:

Whenever there was anyone who attempted to escape the center, then they would call a rally. And during that rally, they would present this person... Then, at that time, everyone was aware that the person who was presented to us was the one to be beheaded or executed. So we were very worried... And we saw the beheaded head on the ground. Actually, the situation at the Trach Kraol prison was very horrible, and we could see that horrible scene.

## **6. Post Democratic Kampuchea**

The Civil Party stated that after the fall of the Khmer Rouge, she returned home and found her house demolished to an empty plot of land. Further, officials of the Foreign Ministry occupied her aunt's house, which was located across the street.

## **7. Statement of Suffering, Demeanor, and Credibility**

Lay Bony delivered her testimony very factually, with little show of emotion, given what she has been through. She answered each question clearly and directly.

After her examination, Civil Party Lay Bony was given the floor to express her suffering during the DK. She expressed that, as a Civil Party, she was pleased that she was able to participate because she has been waiting for this opportunity for more than 30 years. She stated that she had been living with the loss of her husband, two children, and sister, as well as the weight of her own suffering during the regime. She asked the Court to search for the truth, to discover who was behind these heinous crimes, to find out "whether or not there were foreigners who were behind these heinous crimes and why a human being would do these kinds of inhumane acts." Finally, she hoped that the Court would be able to find justice for her, her family, and Cambodian people, and requested the Court to establish a day or week to remember those who died in Thrach Kroal prison and other places.

## **E. Kung Kim's Testimony**

Kung Kim, TCW 362, alias Kae, served as a Khmer Rouge soldier in the Central Zone. During his testimony, Kung Kim commented on the information he gave to the OCIJ and the

Documentation Center of Cambodia. He was also asked to comment on experts' writings, including quotes from Philip Short's book.

### **1. Role and Responsibility of the Witness During the DK**

In 1974, when he was 15 years old, Kung Kim joined the Khmer Rouge army and was tasked as a messenger to run from the front battlefield to the rear. In early 1975, he was sent to the North Zone military complex to join the fight to capture Phnom Penh. After the liberation of Phnom Penh, he was promoted to the head of a squad in charge of the area north of Wat Phnom, Central Zone.

### **2. The Attack on Phnom Penh**

The Witness confirmed that he attended a discussion led by the head of his platoon, regarding the tactical plans for the final attack on Phnom Penh. He testified that the Khmer Rouge soldiers were only supposed to attack Lon Nol soldiers, however, "People had already been killed, perhaps by other stray bullets or by other bombardments or rocket-propelled grenades that dropped from far distance, we don't know." At the same time, the Witness added, "there were no rules or regulations on not shooting people rendered either." When he was entering Phnom Penh, the Witness saw dead persons on the street who could have died from gunfire or grenade bombings. Further, Kung Kim was not sure if the people died as a result of fighting that day or in the previous days, because there was fighting in the days before he arrived.

The Witness described the behavior of the Khmer Rouge soldiers entering Phnom Penh as follows:

People had different personalities and their morals were different. Some who were engaged in the fighting had been angry already from being engaged in the exchange fire and having experienced the casualties, noting the loss of their colleagues, so they were angry. And some could control their anger and some soldiers shot at civilians because they were angry...

The Witness clarified, however, that there was no order to take the people's personal belongings; they were only ordered to take firearms.

The Witness recounted an incident where some Khmer Rouge soldiers, who arrived in the city early, found Lon Nol soldiers' uniforms that were still new and put them on. When the next wave of troops arrived, the soldiers in Lon Nol uniforms were misidentified and the Khmer Rouge soldiers ended up shooting at each other, killing many of their own troops.

### **3. The Evacuation of Phnom Penh**

As the Khmer Rouge executed the plan to evacuate people, the city streets were crowded with people, including monks and soldiers, marching out of the city. Soldiers who were seen wearing uniforms were allowed to walk along with the whole population if they surrendered their uniforms and guns. The Khmer Rouge conducted a final search throughout the city, in order to ensure that everyone had left his or her house. The Witness added that soldiers who tried to hide among the civilians were regarded as enemies to be shot dead.

According to Kung Kim, the people could take all the belongings they could carry, including jewelry and money; the only exception was that they could not keep their guns. The Witness saw people pushing carts, carrying the elderly or disabled family members in hammocks, and carrying their luggage. Some families left in cars, but most walked. After most of the people

left the city, the Khmer Rouge army cut the electricity and water supply in order to root out the remaining people.

Although the Witness was responsible for clearing the area north of Wat Phnom during and after the liberation, he did not specify what he did with injured people or dead bodies. However, he stated, “No civilians were treated at the hospital in the city after the liberation, only injured soldiers who participated in the attack on Phnom Penh.”

#### **4. Military Structure**

Kung Kim claimed that his knowledge was limited and that he did not know about the structure of the senior leadership. The Witness explained that he only knew about his duty, besides, he was very young and the position he held was very low. He added that he was “not supposed to know what happened or whether there were any plans by the superior.”

In late 1975, or early 1976, Kung Kim received directions from the battalion and regiment to guard a prison to the north of Wat Phnom. He recalled that, in 1976, his superiors were among those who were arrested and placed in the prison. He confirmed his OCIJ statement where he said:

Later on, my own commander, that is division commander Oeun, was arrested. I saw them place him in chains. Aside from him, regimental chairman Song, battalion chairman Yim, and company commander Pho were also arrested and put in that prison.

Because the Witness knew these people, who were his superiors, after their arrest he was no longer permitted to guard the prison and he was transferred to the airfield in Kampong Chhnang Province.

#### **5. Witness Demeanor and Credibility**

Throughout his testimony, the Witness repeatedly stated that he was very young and only held a very low position in the regime; therefore, he was not aware of activities beyond his duties and the limited area he was responsible for:

We only implemented the duties assigned to us at the location where we were stationed. If we made a mistake, rather than as a soldier we would be considered an enemy. So as a soldier we strictly adhered to the sequence and the orders.

Moreover, he maintained that he never shot at civilians, nor captured any Lon Nol soldiers.

### **III. LEGAL AND PROCEDURAL ISSUES**

During this week’s proceedings, the Chamber heard arguments on several new issues relevant to Civil Parties. The Court was asked to consider: (a) Whether to allow Civil Parties to cover the entirety of Case 002 in their statement of suffering; (b) Whether it is appropriate to refer to Civil Parties as “victims,” and; (c) How to best manage responses to Civil Parties’ statement of suffering, in a way that most respects the Civil Party. Additionally, challenges relating to what questions are permissible were also raised.

#### **A. Scope of Parties’ Statement of Suffering**

At the beginning of Monday’s proceedings, national Civil Party Lawyer Pich Ang, requested that “Civil Parties summoned in Case 002/1 be allowed to make their statement concerning

harms that occurred for entire Case 002.” Although Case 002/1 has a defined scope,<sup>5</sup> he would like them to present their statements of suffering for the entire Case 002 to give them opportunity to complete their statement and better contribute to national reconciliation. Simonneau-Fort, international Prosecutor Vincent de Wilde d’Estmael, and national Prosecutor Chan Dararasmey endorsed this opinion. De Wilde d’Estmael supported his argument by saying, “Suffering cannot be compartmentalized as one would want to do.”

Mr. Son Arun, national defense counsel for Nuon Chea, objected to this submission, arguing that Civil Parties had lawyers, and they should be instructed on how to state their suffering in a way that is limited to the scope of the proceedings. International counsel for Nuon Chea, Mr. Andrew Iannuzzi, noted that his client had been cut off on many occasions when attempting to discuss relevant contextual topics that were deemed by the Chamber to be outside the strict temporal scope of the first phase of the trial. He submitted that if Civil Parties are given leeway in this matter, his client should likewise be given leeway.

Khieu Samphan’s national defense counsel, Mr. Kong Sam Onn, opposed the submission and asserted that if this opportunity were granted to Civil Parties, it would violate the rights of the Accused. He stated that proceedings should be “fair to every Party of the proceeding and not just to make one or other Party happy or satisfied.” Ieng Sary’s national defense counsel, Mr. Ang Udom, argued that this submission should have been made in advance of proceedings. The Severance Order is in place, and according the Counsel, this order states clearly how crimes are divided into trials.

After hearing arguments from all Parties, the Trial Chamber ordered the Civil Party Lawyers to submit a written application to permit a global statement of suffering by Civil Parties. The Trial Chamber will then decide whether or not to solicit written responses from other Parties and will rule in due course. In the mean time, proceedings are to be guided by the ruling Judge Lavergne issued for the Trial Chamber, as follows:

[T]he Chamber feels it is wise to allow the Civil Party to express herself on the totality of the suffering that is relevant to Case 002. However, if the other Parties feel that some of the statements made by the Civil Party are irrelevant, the Parties will be given the opportunity, once the Civil Party has finished with her statement to raise the point and to address the elements of the statement that seem irrelevant.

Later in the week, following the testimony of Civil Party Lay Bony, Ang Udom argued that it would be inappropriate to admit statements pertaining to topics outside of the current trial as evidence, because the Parties were not permitted to question them on these topics. The Chamber said it would respond to this in writing when it responds to the Civil Parties’ application.

## **B. Referring to Civil Parties as “Victims”**

Khieu Samphan’s international defense lawyer, Mr. Arthur Vercken, challenged the use of the word “victims” to refer to Civil Parties. Vercken argued that using the wrong terminology confused the proceedings, and implied that the Chamber had already reached a verdict. He argued that Civil Parties are still complainants in the same way that accused persons are still innocent until the Chamber reaches a verdict.

Simonneau-Fort countered that the use of the word “victims” does not necessarily imply guilt of Accused. She argued that the Court has already recognized the Civil Parties as victims and this does not mean that the Accused were the perpetrators or that the Chamber has already reached a decision regarding the guilt of the Accused. The Trial Chamber did not

ultimately rule on this matter in favor of either Party's position, and it seemed that the matter was dropped without formal resolution.

### **C. Responses to Civil Party Statements of Suffering**

After the Civil Parties concluded their testimony and stated their suffering under the regime, the Defense Teams were permitted to respond. During the course of the week, the Chamber moved to hear these comments after the Civil Party was dismissed from the stand. The Court wished to have the Civil Party leave the room in order to protect him or her from harsh comments. The Court instituted this change in procedure following comments the Defense made about Civil Party Yim Sovann's statement of suffering. Ang Udom stated, "The Civil Party shed her tears, though I do not know exactly the reason for the tears. And it is unfortunate that she has experienced misfortune throughout her life. It does not strictly indicate that such suffering only existed within the regime of Democratic Kampuchea, or before, or prior to that regime." Likewise, Kong Sam Onn commented on the "wordings" of certain statements of suffering which he thought were inappropriate. For example, he objected to the fact that Yim Sovann used the word "victims" to refer to Civil Parties, and he was displeased that she expressed that she was "happy that the immoral people are being prosecuted by this Chamber."

Simonneau-Fort proposed that Parties have the "decency of respecting what people say" and that the Civil Parties should be allowed to express themselves. De Wilde d'Estmael requested that the Chamber take appropriate measures to ensure Civil Parties will not feel "embarrassed" and "not have to hear the remarks of the defense regarding the sufferings that they have endured." Therefore, he suggested that the Defense should be permitted to remark on the Civil Parties' statements only after the Civil Party has left the courtroom.

The Trial Chamber did not rule on this matter. However, for the subsequent Civil Parties, Defense Teams were granted the opportunity to make remarks only after the Civil Party had been excused.

### **D. Scope of Questions to Civil Parties**

During the questioning of Civil Party Chum Sokha by Civil Party Lawyer Ty Srinna, the Parties debated whether questions regarding the treatment of 17 April people, former Lon Nol soldiers, and civil servants after they arrived in their home villages were permissible within the scope of the first severed portion of Case 002.

International defense counsel for Nuon Chea, Mr. Andrew Ianuzzi, argued that this was too expansive, and if the Chamber included this issue, it might as well try the whole case. The Counsel stated that the alleged crimes in the current trial involve two population movements and one security center, not what occurred after people were resettled. Ianuzzi said that he understood Civil Parties would be given latitude to discuss the harm they suffered at the close of their testimony (see III.A), however, examination should be limited to the alleged crimes. The Chamber, through Judge Silvia Cartwright, instructed the Civil Party Lawyer "to focus only on the facts in Case 002/01." She said that "[o]ther information that falls outside that factual basis must be kept to the absolute minimum."

### **E. Questioning OCIJ Interview Practices**

The Defense Teams have questioned witnesses regarding the conduct of OCIJ investigators and the details of the OCIJ interview process.<sup>6</sup> This was again the case this week. While questioning Witness Sok Chhin, Pauw asked the Witness about his familiarity with Om Proeung, who was interviewed earlier the same day Sok Chhin was interviewed by the OCIJ.



Judge Lavergne interrupted this line of questioning and asked Pauw to explain its grounds and relevance. Pauw was allowed to continue after he explained, “My question was whether the investigator had told this witness about such an occurrence, and that, obviously, is relevant if one wants to examine sources of knowledge of this Witness.”

However, Abdulhak later objected that Pauw was basing his questions on information from another, separate witness interview. The Chamber then noted that, according to Internal Rule 76(7), “the Closing Order shall cure any procedural defects in the judicial investigation. No issues concerning such procedural defects may be raised before the Trial Chamber...”<sup>7</sup> President Nil Nonn then suggested that Pauw move on to other questions.

Pauw explained that he was not attempting to address procedural defects, but rather to establish and probe the sources of knowledge and credibility of this Witness, by establishing if he was questioned off the record, or if his testimony was “contaminated” by the investigator or the other witnesses. Pauw noted, “Apparently, the one witness (Om Proeung) has been questioned off the record.” After some debate, the Chamber permitted Pauw’s questions.

#### **F. Questioning Based on the Writings of Expert Witnesses**

On Thursday afternoon, Pauw argued that he should be able to use quotes from expert witness Philip Short’s publication, *Pol Pot: Anatomy of a Nightmare*, to question Witness Kim Kung. The counsel stated that these questions are crucial to check the credibility and accuracy of the experts, since the Witness, who was present at the events in question, was best able to corroborate or discredit the experts’ version of the story. Furthermore, he argued that other Parties had been permitted to question witnesses based on facts or analysis presented by other experts.

The Chamber, through Judge Lavergne, ruled that it is not appropriate to ask a witness to confirm the analysis made by an expert who will be called to testify before that expert has had the chance to confirm and discuss his or her analysis before the Chamber. He advised Parties only use questions that are relevant and that hinge on the direct knowledge of the witness. Judge Lavergne suggested that Pauw ask the same questions without providing the background of the expert’s writings, and then present to the Chamber any inconsistencies between the accounts the Witness and that of Philip Short after the witness has been excused.

Pauw requested that the Chamber provide its rationale, as he did not think the questions put to a witness would substantively change before and after hearing from the relevant expert. Further, it was unclear if Parties would have the opportunity to question this Witness after Phillip Short had testified. Pauw specifically asked if this Witness would be called back later for more questioning. The Chamber did not say whether or not the Witness will be called back, but gave the following clarification through Judge Lavergne:

You have been told that you can put any questions you wish to the witness on factual elements that are the basis of the expert's analysis, as is apparent in the book. However, it is unnecessary to quote that analysis as such unless that expert witness will not be heard by the Chamber. We know that Mr. Short will, in principle, be heard.

#### **G. Questions Based on Statement of Other Persons**

On Thursday, Pauw tried to put questions to Witness Kung Kim, based on an interview of Mr. Heng Samrin<sup>8</sup> by historian Ben Kiernan in December 1991. Pauw asked if, similar to Heng Samrin, who had to grow rice and crops to be self-sufficient, “Did [Kung Kim] receive orders

to not ask the population for anything?” Abdulhak objected to this line of questioning, arguing that Pauw could put the same questions without reference to an unsworn statement. Abdulhak argued this could also be an attempt to guide the Witness. Pauw said that, since this interview was on the case file with an E3 number, and was a statement from a high level commander who also entered Phnom Penh in the early morning of 17 April 1975, the questions were relevant, and should be allowed. Furthermore, Pauw argued that Heng Samrin’s interview provided exculpatory evidence for his client, and he wanted to question the Witness to see if he could confirm such facts. The Chamber ruled as follows:

[T]he defense counsel cannot use the interviews of other people as a basis for you question to a witness appearing before the Chamber. However, you can put other questions related to the experience by the witness directly related to the relevant facts.

After Mr. Michael Karnavas, international counsel for Ieng Sary, observed that he had “used the exact same technique with other witnesses” without objection, Judge Lavergne clarified by saying that Pauw’s “approach was not appropriate for asking the question because the Witness had not been questioned on that topic. Statements by Mr. Heng Samrin are not related to this witness’s testimony.”

## V. TRIAL MANAGEMENT

In general, hearings proceeded smoothly this week, with interactions among Parties and the Chamber noticeably less fiery than they had been during the past recent weeks.<sup>9</sup>

### A. Attendance

Ieng Sary, who has issued a limited waiver of his right to be present,<sup>10</sup> continued to be absent from the Court throughout the week as he remained at the Khmer-Soviet Friendship Hospital due to his health condition. Nuon Chea only participated in the morning sessions, and retired to the holding cell for the afternoon sessions. Khieu Samphan was present in the courtroom for every session except for Tuesday afternoon, when the Accused requested to be allowed to observe proceedings from the holding cell because he had slept poorly the previous two nights and was tired.

**Civil Party Attendance:** Approximately 10-20 Civil Parties attended the proceedings daily, either in the courtroom or in the public gallery. On Monday, Muslim Civil Parties attended the entire day.

**Parties Attendance:** All Parties were properly represented during the week. Khieu Samphan’s international defense counsel, Mr. Arthur Vercken, was only present on Monday, but international counsel Ms. Anta Guissé was present in his absence. On Thursday, Pich Ang, national CPLCL, was absent for the entire morning.

#### Attendance by the Public:

DATE	MORNING	AFTERNOON
Monday 22/10/12	<ul style="list-style-type: none"> <li>▪ 150 students from International Tep Kosal School, Takeo Province</li> <li>▪ 270 students from University of Management and Economics in Cambodia (UME), Khmer Rougeatie Province</li> <li>▪ 5 monks</li> </ul>	<ul style="list-style-type: none"> <li>▪ (Only around 10 Civil Parties were in the public gallery)</li> </ul>

	<ul style="list-style-type: none"> <li>2 foreigners</li> </ul>	
Tuesday 23/10/12	<ul style="list-style-type: none"> <li>300 villagers, Kampong Chhnang and Takeo Provinces</li> <li>22 foreign observers</li> </ul>	<ul style="list-style-type: none"> <li>150 villagers, Takeo Province</li> <li>2 foreigner observers</li> </ul>
Wednesday 24/10/2012	<ul style="list-style-type: none"> <li>330 students from Pong Toek High School, Dangkor District, Phnom Penh</li> <li>1 foreign observer</li> </ul>	<ul style="list-style-type: none"> <li>70 villagers, Batheay District, Kampong Cham Province</li> </ul>
Thursday 25/10/2012	<ul style="list-style-type: none"> <li>350 students from Chey Varraman VII High School, Kien Svay District, Kandal Province</li> <li>15 foreign observers</li> </ul>	<ul style="list-style-type: none"> <li>50 villagers, Batheay District, Kampong Cham Province</li> <li>1 foreigner observer</li> </ul>

## B. Translation and Technical Issues

There were a few translation difficulties this week, particularly when questions to and answers by Civil Party Lay Bony were too fast. Additionally, the audio in the Khmer channel was slightly difficult to hear due to the audio system not transmitting sound loud enough; this was noticeable on Wednesday when Chan Dararasmey questioned the Witness and responded to an objection from Ang Udom, and when President Nil Nonn provided his ruling.

## C. Time Management

The Court held proceedings from Monday to Thursday as planned. However, it ended early on Thursday after completing the hearing of the last witness for the week. On Tuesday, President Nil Nonn made a public announcement that the Chamber will only sit for three days a week, instead of four, starting on 5 November 2012, due to the budget constraints. He stated that the Trial Chamber was informed by the UNAKRT Administration that, “due to financial constraints, the Trial Chamber is unable to replace a significant number of key international legal and other staff.” He explained that this has resulted to reduction of staff to approximately half of what was foreseen and this will lead to an extension of the time needed to conclude Case 002/1. According to the President, “there has been no confirmation that the staffing issues will be resolved.”

From 2006 to 2011, the Court reportedly spent about U.S. \$140 million.<sup>11</sup>

## D. Time Table

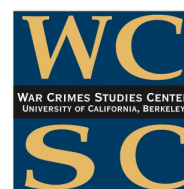
DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS IN SESSION
Monday 22/10/12	9:06	10:16-10:44	12:09-13:34	14:40-15:04	16:19	4 hours and 56 minutes
Tuesday 23/10/12	9:06	10:32-11:00	11:57-13:33	14:38-15:02	16:03	4 hours and 29 minutes
Wednesday 24/10/12	9:02	10:37-11:03	12:17-13:30	14:44-15:01	16:05	5 hours and 7 minutes
Thursday 25/10/12	9:01	10:36-11:00	12:06-13:32	14:33	-	3 hours and 42 minutes
Average number of hours in session				4 hours 33 minutes		
Total number of hours this week				18 hours 14 minutes		
Total number of hours, days, weeks at trial				542 hours 3 minutes		
123 TRIAL DAYS OVER 37 WEEKS						

**Unless specified otherwise,**

- the documents cited in this report pertain to *The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan* before the ECCC;
- the quotes are based on the personal notes of the trial monitors during the proceedings;
- the figures in the *Public Attendance* section of the report are only approximations; and
- photos are courtesy of the ECCC.

**Glossary of Terms**

Case 001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (Case No. 001/18-07-2007-ECCC)
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan</i> (Case No. 002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or “KRT”)
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IR	Internal Rules of the ECCC Rev. 8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors of the ECCC
RAK	Revolutionary Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit



\* AIJI is a collaborative project between the East-West Center, in Honolulu, and the War Crimes Studies Center, University of California, Berkeley. Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in South-East Asia. The Program is funded by the Open Society Foundation, the Foreign Commonwealth Office of the British Embassy in Phnom Penh, and the Embassy of Switzerland in Bangkok.

This issue of **KRT TRIAL MONITOR** was authored by Faith Suzzette Delos Reyes, Samantha B. Lee, Noyel Ry, Sovanna Sek, and Penelope Van Tuyl, as part of AIJI's KRT Trial Monitoring and Community Outreach Program. KRT TRIAL MONITOR reports on Case 002 are available at <[www.krtmonitor.org](http://www.krtmonitor.org)>, and at the websites of the [East-West Center](#) and the [War Crimes Studies Center](#).

<sup>1</sup> See CASE 002 KRT TRIAL MONITOR. Issue No. 40, Hearing on Evidence Week 35 (18-19 October 2012).

<sup>2</sup> He was first questioned by national Civil Party Lawyer Ty Srinna, international CPLCL Elisabeth Simonneau-Fort, and then national Prosecutor Chan Dararasmey and international Prosecutor Vincent de Wilde. The defense teams all declined to question him.

<sup>3</sup> The Witness was questioned first by national Prosecutor Veng Huot and international Prosecutor Tarik Abdulhak. He was then questioned by Civil Party Lawyer Ven Pov, international Civil Party Lead Co-Lawyer Elisabeth Simonneau-Fort, Judge Jean-Marc Lavergne, and international defense counsel for Mr. Nuon Chea, Mr. Jasper Pauw. The Defense Teams for Mr. Ieng Sary and Mr. Khieu Samphan declined to question the Witness.

<sup>4</sup> According to the Witness, Om Proeung was the chief of the technical unit of the railway station during the DK and they worked together for the entire duration of the regime.

<sup>5</sup> Paragraph 1 of the Severance Order includes the following matters: a) The structure of Democratic Kampuchea; b) Roles of each Accused during the period prior to the establishment of Democratic Kampuchea, including when these roles were assigned; c) Role of each Accused in the Democratic Kampuchean government, their assigned responsibilities, the extent of their authority and the lines of communication throughout the temporal period with which the ECCC is concerned; and d) Policies of Democratic Kampuchea on the issues raised in the Indictment. Paragraph 5 lists the following: a) Factual allegations described in the Indictment as population movement phases 1 and 2; and b) Crimes against humanity including murder, extermination, persecution (except on religious grounds), forced transfer and enforced disappearances (insofar as they pertain to the movement of population phases 1 and 2). Trial Chamber. Severance Order Pursuant to Internal Rule 89ter (22 September 2011). E124. Further, the Chamber's Memorandum dated 8 October 2012 (E163/5), expanded the scope to include 1) Executions of evacuees at sites in Kampong Tralach Leu District (District 12); 2) Executions of former Lon Nol soldiers and officials at Toul Po Chrey; and 3) Security Centre S-21 and related execution site Choeung Ek.

<sup>6</sup> See e.g. CASE 002 KRT TRIAL MONITOR. Issue No. 39, Hearing on Evidence Week 34 (8-10 October 2012). 5.

<sup>7</sup> IR 76 (7) states: Subject to any appeal, the Closing Order shall cure any procedural defects in the judicial investigation. No issues concerning such procedural defects may be raised before the Trial Chamber or the Supreme Court Chamber.

<sup>8</sup> Heng Samrin "became the leader of the United Front for the National Salvation of Kampuchea, head of state leader of the Khmer People's Revolutionary Party, senior privy councilor [sic] to the king and ultimately president of the National Assembly." Luke Hunt, "Heng Samrin, Man of the People," *The Diplomat*, 21 September 2011, <<http://thediplomat.com/asean-beat/2011/09/21/heng-samrin-man-of-the-people/>>, accessed on 16 November 2012.

<sup>9</sup> See e.g. CASE 002 KRT TRIAL MONITOR. Issue No. 39, Hearing on Evidence Week 34 (8-10 October 2012). 8-9; and CASE 002 KRT TRIAL MONITOR. Issue No. 38, Hearing on Evidence Week 33 (1-4 October 2012). 12-13.

<sup>10</sup> In accordance with Internal Rule 81 (1) and Articles 14 (1) and 14 (3) (d) of the International Covenant for Civil and Political Rights, Accused Ieng Sary issued a Limited Waiver, agreeing to waive his direct presence in the courtroom for 1 Civil Party and 7 witnesses. He explicitly stated that he is not waiving his right to be present for other witnesses. See Ieng Sary. "Limited Waiver" (18 September 2012). E229. Due to his extended stay in the hospital, he subsequently issued another Limited Waiver for 11 additional witnesses and 7 Civil Parties. See Ieng Sary. "Limited Waiver" (1 October 2012). E237.

<sup>11</sup> Radio Free Asia, *Cambodia: Funding restored to Khmer Rouge tribunal*, 28 February 2012, available at: <<http://www.unhcr.org/refworld/docid/4f55c6bd8.html>> (accessed 15 November 2012).