

KRT TRIAL MONITOR

Case 002/02 ■ Issue 29 ■ Hearings on Evidence Week 26 ■ 1-3 September 2015



Case of Nuon Chea and Khieu Samphan

A project of East-West Center and the WSD HANNA Center for Human Rights and International Justice at Stanford University
(previously known as the UC Berkeley War Crimes Studies Center)

How regretful it was for my mother, how cheap was her life even when she begged for the wastewater, she was not allowed, and as a result, she died.

What was the Khmer Rouge leadership thinking about?

*Did they give value at all to my mother's life,
and to other Cambodian lives lost during the regime?*

- Civil Party Chao Lang

I. OVERVIEW

Given the delay caused by the Defense's withdrawal from the documentary hearings last week, the Trial Chamber rescheduled hearings this week to continue efficiently with proceedings in Case 002/02. It first held two days of victim impact hearings for the segment on DK worksites, and then allocated hearing days later in the week for continuation of key document presentations. Four Civil Parties appeared before the Chamber to describe the harms they suffered from maltreatment at the worksites for the First January Dam (**1JD**) and Trapeang Thma Dam (**TTD**). Following the victim impact hearings, the Trial Chamber proceeded with the OCP and Civil Parties' continued documentary presentations in relation to the three worksites. As a protest against the Court's decision to broadly permit inclusion of Written Records of Investigation (**WRIs**) from Case 003 and 004 in the key documents hearing, the Defense Teams opted not to participate, so proceedings adjourned at the end of Thursday. Related to this, the Court officially warned Victor Koppe, Nuon Chea's Defense Counsel, for misconduct in withdrawing abruptly from last week's hearing. Separately, Khieu Samphan's Defense Team objected to the appearance of an upcoming witness, 2-TCW-987, for the next trial segment, on the treatment of the Cham Muslim minority.

II. SUMMARY OF VICTIM IMPACT HEARINGS

This week, the Trial Chamber held the second set of victim impact hearings in Case 002/02 to allow the Civil Parties to testify on the harms they suffered under the DK regime. The previous hearings were held over two and a half days, with eight Civil Parties' testimony in relation to the trial segment on Tram Kak Cooperatives and Kraing Ta Chan Security Center.¹ During two days of victim impact hearings this week, the Trial Chamber heard four Civil Parties' testimonies regarding two worksites, the First January Dam and the Trapeang Thma Dam. No Civil Parties

appeared in relation to the Kampong Chhnang Airport construction site (**KCA**).

A. Testimony Related to the First January Dam Worksite

On 1 September, two Civil Parties shared statements about their experiences at the 1JD. The first Civil Party to testify was 59-year-old Nuon Narom,² who was born in Chamkar Leu District, Kampong Cham Province. She moved to several villages with her mother following the 17 April evacuation but was separated from her siblings, who were sent to other villages. In 1977, she was sent to a mobile unit assigned to work at the 1JD. Following her testimony, 64-year-old Civil Party Chao Lang appeared. After escaping to Koh Prak when Phnom Penh was evacuated, she later arrived in Ou Kansaeng, where she was placed in a mobile unit that was assigned to carry dirt at the First January Dam worksite.

1. Working and Living Conditions at the First January Dam

Nuon Narom was assigned to carry one and a half cubic meters of earth, day and night, near the Chinit River. She worked in a unit of about 20 women headed by two unit chiefs. She testified that, as a result of the painfully heavy loads, the skin on her shoulders peeled. Other duties included guiding women with night blindness to their living quarters after working.

Chao Lang also carried dirt while working at the 1JD. The Civil Party noted that, although quotas varied at different locations at the Dam, workers generally had to carry two cubic meters each. She worked in a team of three, and they helped each other complete the quota. The Civil Party was later reassigned to work at the “100 rice fields” area near to the 1JD. The environment was very hot, and workers did not have water or sufficient food, but they boiled morning glory and mixed it with gruel to eat. After returning to the cooperative where there were more consistent meals, the Civil Party and others did not want to return to the rice fields when ordered. The cooperative chief called a meeting, during which they were chained and walked back to the “100 rice fields” area. At this time, the Civil Party testified, “We lost our hope and thought that now it would be our turn to die.”

Both Nuon Narom and Chao Lang participated in self-criticism meetings while at the worksite. Nuon Narom recalled that workers were told to work harder during meetings in order to “finish the dam before rainy season.” She testified that the meetings were held every other night, and that “lazy people were considered the enemies of the Revolution who disrupted the wheel of history.” During the meetings, workers were warned to catch up with the speed of the wheel. Chao Lang testified that they were told, “Work hard to be part of the great leap forward,” and, “Every comrade intervening in the wheel would be in trouble.”

2. Illness at the Worksite

Both Civil Parties noted that there was no sanitation at the 1JD, with swarms of flies near work areas, no clean water to drink, and a bathing area shared by livestock. Both Nuon Narom and Chao Lang suffered from illness at the site. When Nuon Narom experienced a fever, she was taken to a “makeshift hospital” in a pagoda where she sought treatment for ten days. When she did not improve, she was taken to a district hospital. 20 days later, her group chief said she had to return to the mobile unit. By that time, the unit was no longer assigned to the 1JD. When Chao Lang experienced fever, she was also taken to a hospital, where, she testified, there was no rice or gruel. The only medicine available was aspirin, but her condition improved with the use of traditional medicine. Although the Civil Party had not fully recovered, she had to return to work. She believed that the medics at the worksite and hospital were untrained because, as she herself had to privately assist an emaciated hospital patient after the medics failed to properly inject her with the serum she needed. Because of the Civil Party’s background as a military medical worker during the Lon Nol regime, Chao Lang asked the patient not to reveal that she had saved her.

3. Arrests and Disappearances of Family Members

Following her return to the mobile unit from the hospital, Nuon Narom learned that her parents had been “taken away and killed.” Chao Lang testified that she was given permission to go to Ou Kansaeng because her “relatives had been sent away and killed.” When she asked why they were killed, she was told that they were accused of being “white Khmer.” The Civil Party sobbed as she testified that other villagers witnessed that her relatives, including a 3-year-old child, were dragged through the forest while chained to an oxcart.

4. Chao Lang’s Statement on Forced Marriage

Chao Lang testified that she was forced to marry her husband, whom she did not know, while working at the 1JD. Her unit chief instructed her not to oppose the arrangement, as “that could be trouble” for her. During the ceremony, the couples made a “solemn declaration that we respected each other as husband and wife and that we would follow every work plan set by Angkar.” The Civil Party and her husband were given three nights to spend together before they were separated, as men and women stayed at different places.

B. Testimony Related to Trapeang Thma Dam

On Wednesday, 2 September, heard the testimonies of two Civil Parties in relation to the TTD. Som Sak was the first to appear. He testified on his deportation from Phnom Penh after 17 April 1975 and his eventual arrival in Phnom Srok District, where he was assigned to plant vegetables and collect cow dung as part of a children’s unit. In 1977, he volunteered to become a member of a mobile unit and was subsequently sent to work at the TTD until the fall of the regime. His appearance was followed by the testimony of Mean Loeuy, a former monk who lived in Battambang Province before he was forced to leave the monkhood and assigned to work at the TTD, in late 1976. Both Civil Parties were so called “17 April People,” who were viewed as “capitalists and feudalists” under the DK regime.

1. Working and Living Conditions at the Trapeang Thma Dam Worksite

Both Civil Parties testified that workers had to dig an average of two to three cubic meters of soil for about 10 hours every day, and up to 15 hours during “offensives.” Unit chiefs controlled if workers met the quotas, reducing food rations and accusing workers of laziness if they failed to meet them. At self-criticism meetings, unit chiefs warned workers to labor harder by referring to the slogan, “To keep them is no gain, to kill is no loss.” Both Civil Parties recalled that the outsized emphasis on hard work led the TTD to be called a “hot battlefield.”

2. Disease and Hygiene at the Trapeang Thma Dam Worksite

Both Civil Parties reiterated many of the same points regarding healthcare at the worksite. Due to the general lack of food, impure drinking water, and overwork, many workers fell sick and some of them died at the site. With no trained medics, people were given “rabbit dropping pills” for all kinds of illness. Based on the assumption that, if one could eat, one could work, a lot of people were accused of having “imaginary sickness.” Those who claimed to be suffer from night blindness, for example, were forced to take tests, and if they failed and were shown to have lied, they disappeared and presumably were killed. Both Civil Parties expressed that they never expected to survive the regime.

3. Som Sak’s Experiences in a Children’s Unit Prior to Working at the TTD

Som Sak, who was assigned to work in a children’s unit before his time at the TTD, explained how his unit was assigned to clear forest, plant vegetables, and collect cow dung. 10 to 30 children had to share one can of rice per day, therefore, many suffered from malnutrition, as

well as malaria and other diseases. As the children started “to die one after another,” the Civil Party requested reassignment to a mobile unit and was subsequently moved to the TTD. In this context, the Civil Party emphasized that children were deprived of any kind of education in DK.

4. Mean Loeuy’s Forced Marriage

Civil Party Mean Loeuy was married to a woman he had not known before, in a ceremony alongside 63 other couples. He recalled that “base people” and “new people” got married during the same ceremony but were not allowed to marry each other. After a couple of days, during which he and his new wife were told to consummate marriage, they were sent to different places and only occasionally allowed to see each other. Even though they only had little time together, because his wife was killed during the DK regime, the Civil Party explained that he was still mourning over her death.

5. Loss of Family and Relatives

Both Civil Parties testified on the loss of several family members due to relations to the former Lon Nol regime. Although Som Sak and his older sister survived because they managed to hide their backgrounds, a lot of their relatives were killed for such links. Mean Loeuy lost 12 members of his family for similar reasons. After he heard from other people that his family members had been arrested – which he understood as “executed” – while he had been at work, he subsequently went to the Phnom Srok District hall, where he found the corpses of his pregnant wife, several relatives, and multiple children with their throats cut. He himself managed to escape with the help of some neighbors. He was able to hold a religious ceremony to bury his relatives in Siem Reap after the fall of the regime.

III. CONTINUED HEARINGS OF KEY DOCUMENTS PRESENTED BY OCP AND CIVIL PARTIES

Following the Defense’s withdrawal from the documentary hearings last week, the Trial Chamber this week provided the OCP and Civil Parties with one day to complete their key documents presentations on the three worksites at the First January Dam (1JD), Kampong Chhnang Airport (KCA) and Trapeang Thma Dam (TTD).

A. Summary of Key Documents Related to First January Dam Worksite

Prosecutor Vincent de Wilde d’Estmael continued with the OCP’s presentation on the 1JD, which he had been giving on 26 August when the Defense interrupted the presentation by withdrawing from proceedings. The Civil Parties presented documents, as well.

1. Working and Living Conditions at the First January Dam Worksite

The OCP resumed by presenting the WRI of Ke Pich Vannak, the son of Central Zone Secretary and Standing Committee member. Ke Pich Vannak had stated that Sectors 41, 42, and 43 were under the supervision of the Central Zone, and that each region had to provide 10,000 workers to the 1JD’s construction. Other WRIs and Civil Party applications were presented to corroborate that tens of thousands of people, including children, elders, and pregnant women were assigned to manually build the 1JD. The CPLCLs presented the applications and information sheets of multiple Civil Parties who claimed they worked up to 16 hours per day at the site, fulfilling quotas to dig and carry an average of two to three cubic meters of soil. One such application noted that unit chiefs controlled whether workers met the set quota; those workers who failed had to attend self-criticism or “refashioning” meetings. Several Civil Party applications detailed the poor living conditions, such as insufficient food rations and bad sanitation, at the worksite. Workers had to relieve themselves in the forest because there were no proper toilets, and menstruating women could not wash themselves so they were followed by swarms of flies. Among other diseases, many people suffered from

dysentery and fever, and poorly trained medics provided people with rabbit dropping pills for any kind of illness. One Civil Party application recounted that some people committed suicide.

2. Senior Leaders' Awareness of Poor Conditions at the First January Dam

The OCP presented the WRIs of now-deceased Ke Oun, *alias* Auk, and Ke Pich Vannak to give evidence that high-ranking DK leaders were aware of the conditions at the 1JD. These witnesses had confirmed to OCIJ investigators that leaders were aware of problems regarding food supply, lack of medical care, and deaths at the site stemming from those failings. The Prosecutor presented the WRI of a former deputy chief of a mobile unit, who had testified that communications structures ran from the upper echelon downward to each unit chief, and that mobile unit chiefs were tasked to spy on others and report about any wrongdoings. Mr. De Wilde D'Estmael also presented the WRI of the deputy chief's uncle, who had discussed the security center at Baray Choan Dek pagoda, near to the 1JD. The WRI notes that alleged "traitors" – especially those identified as "new people" – were arrested and killed in higher numbers when Southwest Zone authorities took over in 1978.

3. Purges in the Old North Zone

The Prosecutor presented an interview entitled "Ke Pauk's Autobiography," dating from 1986, as well as several S-21 prisoner lists, regarding purges near or at the 1JD. These documents detailed the chiefs, commanders, district heads, and other cadres from the Old North Zone who were arrested in 1977 and subsequently sent to S-21. The documents also describe how, after the first wave of arrests in June of the same year, about 200 Southwest Zone cadres were transferred to the area.

4. Visits of Foreign Delegations to the First January Dam

The OCP presented a number of articles, FBIS reports,³ and other media related to the visits of multiple foreign delegations to the First January Dam. An article by François Ponchaud entitled "The Double-faced Mirror" and published in an informational bulletin on Cambodia in October 1978,⁴ noted that the 1JD was one of the sites regularly shown to friendly delegations visiting the country. FBIS reports recorded visits from delegations of North Korean journalists, the North Korean deputy prime minister, Lao patriot women, Romanian journalists, and several European communist parties. Another report noted the December 1978 visit of Professor Malcolm Caldwell and the American journalists Richard Dudman and Elizabeth Becker.⁵

5. Visit of Khmer Rouge leaders

According to Ke Pich Vannak's WRI, Pol Pot visited the 1JD during two official and multiple unofficial visits, and Ieng Sary was present during the inauguration ceremony of the Dam. Another document presented by the OCP mentioned that Ieng Thirith visited the worksite in 1977 alongside a delegation of Lao patriot women.

B. Summary of Key Documents Related to Kampong Chhnang Airport Site

Deputy Co-Prosecutor William Smith proceeded with the OCP's presentation on the KCA, relying on Standing Committee minutes and WRIs, among other documents, before the Civil Parties presented documents related to the site as well.

1. The Co-Accused's Awareness of the Kampong Chhnang Airport

The Prosecutor presented minutes from several Standing Committee meetings that recorded discussion of the KCA's construction. These were included to demonstrate both Khieu Samphan and Nuon Chea's awareness of the airfield, as they were present at the meetings.

2. Purges and Re-education of Enemies at the Worksite

Deputy Co-Prosecutor Smith presented multiple documents detailing how Sou Met, chief of Division 502 and commander of the RAK air force, led or was present at discussions on the political necessity of defending DK by conducting purges amongst the Division's soldiers, who would later be assigned to the worksite. Moreover, the documents revealed operational methods to determine when soldiers would need to be "absolutely purged," "re-educated again," or "undergo refashioning to no longer believe the enemy." One witness, in a WRI presented by the OCP, stated that he was taken from the KCA to S-22, a security center outside the scope of Case 002. The record read, "Hundreds of people, all soldiers of Division 502, were held at S-22" for three to four months, where many died from starvation. Other correspondence from Sout Met to Duch listed the figures of soldiers sent from the KCA to S-21, which Mr. Smith viewed as evidence that "Sou Met was actively purging members of the RAK." Other WRIs detailed the assignment of purged East Zone cadres to KCA for suspected collaboration with the Vietnamese. Mr. Smith also summarized WRIs describing executions of East Zone workers after the Vietnamese had arrived and the airfield was abandoned.⁶

3. Working Conditions and Disappearances at the Kampong Chhnang Airport

Deputy Co-Prosecutor Smith read excerpts from WRIs of several former soldiers in relation to their experiences at KCA and thereafter. The WRIs described the operation's oversight by Chinese experts, and they recalled "more workers and more killings" in 1978. The records stated that people died of sickness and starvation daily. People were buried at the worksites or taken to a nearby hospital, and one witness also had told investigators that he saw "many dead body pits" at the worksite. The same witness also had stated that executions occurred at Piem Lok Mountain, five kilometers from the KCA, and that guards warned him to escape the worksite in order to stay alive. National CPLCL Pich Ang presented two Civil Party applications that described the former KCA workers' assignments, such as clearing rubbish, working with cement, and tending to vegetables starting at 3:00AM or 4:00AM. One application stated that many workers "died from starvation, and others were sent to be killed by Angkar," and the other also noted that disappearances were common. Other WRIs presented by the OCP described worker injuries from dynamite blasts during construction, re-education, and disappearances. Mr. Smith read out August 1978 correspondence from Office 41 addressed to Angkar discussing incidents in which workers at the KCA attempted to escape and the related need to create heavier security measures at the airport perimeters.

C. Summary of Key Documents Related to the Trapeang Thma Dam Worksite

The Prosecution and Civil Parties presented documents related to Trapeang Thma Dam worksite, including the CPK Central Committee's knowledge of the TTD project, visits by foreign delegation and details on living and working conditions at the site.

1. Central Committee's Knowledge of Trapeang Thma Dam and Workers' Conditions

The OCP used excerpts from media publications, reports from meetings, and corresponding telegrams to demonstrate the knowledge of the CPK's Central Committee to instruct and monitor construction of the TTD. Prosecutor Travis Farr cited the July 1977 issue of *Revolutionary Youth* magazine to discuss the Party's plan to build a dam in Trapeang Thma in order to hold hundreds of millions of cubic meters of water for future agricultural irrigation. The magazine issue notes the scale of the labor force required to work on the construction. One quote from the magazine declared, "Brothers had no doubts and didn't complain. Hardship here could not be compared to that of our elder cadres and those who fought during the internal war and past five years of the revolutionary war." The Prosecutor also presented excerpts from *Voice of Kampuchea*, broadcasted from Phnom Penh in 1977, to illustrate the importance of the

TTD project as part of the CPK's collective system to involve people in nation-building. Mr. Farr then cited quotes from Khieu Samphan's book, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, to point out Khieu Samphan's awareness of the TTD project. Further documents concerned the administrative hierarchy that implemented the CPK program on the TTD. For example, the Prosecutor presented a weekly report from the Sector 5 committee to the Northwest Zone secretary about the general situation of construction plans and the search for enemies who had sabotaged the TTD reservoirs. The Prosecutor also cited two May 1978 telegrams from Northwest Zone secretary Ruos Nhim to "Angkar 870" reporting on the general situation and work conditions at the Zone, including details of food shortage and a request for solutions and advice from the upper level.

2. Visits of Foreign Delegations to the Trapeang Thma Dam

International news reports and issues of *Revolutionary Flag* magazine were used to detail foreign delegations' visits to and knowledge of the TTD. Mr. Farr presented reports from *Xinhua*, the Chinese state news agency, and FBIS coverage of DK media on the December 1977 visit of a Chinese delegation led by then-vice premier Chen Yonggui, and accompanied by Pol Pot and Ruos Nhim, to visit the TTD reservoir. The media reported that 20,000 people constructed the Dam under the instructions of the CPK's Central Committee. The Prosecutor also presented a 1978 issue of *Revolutionary Flag* concerning the visit of a Yugoslavian delegation to the reservoir at Phnom Srok District for the third anniversary of the Khmer Rouge liberation of Phnom Penh.

3. Conditions at the Trapeang Thma Dam After the Arrival of Southwest Zone Cadres

Mr. Farr presented excerpts from the WRIs of several witnesses to emphasize the worsened living conditions and the increase of arrests and disappearances following the TTD's takeover by Southwest Zone cadres. Mr. Farr noted witness statements describing how food supplies were cut and workers were assigned higher daily work quotas. The WRIs explained that the arrival of Southwest Zone cadres in 1977 to replace Northwest Zone leaders brought a wave of arrests and killings of ordinary people as well. One Civil Party application stated that Ta Poal, a cadre from the Southwest Zone who replaced Ta Val as chief of the TTD worksite, was vicious. The document described how the corpses of two women who were taken to be killed were left naked, leading the Civil Party to assume they had been raped before their deaths. Mr. Farr also presented multiple lists of smashed prisoners from the Northwest and West Zones, including a S-21 prisoner list, to demonstrate the purge of Northwest Zone cadres following the Southwest Zone's takeover in 1977. The Prosecutor noted that Ta Val, listed as an assistant for Sector 5, was arrested and placed in S-21 on 29 June 1977. Mr. Farr cited another three WRIs to point out that Ta Val himself was known as a killer called "the gold-fanged man," and that his successors arrested and killed many people as well. CPLCL Pich Ang read four applications of Civil Parties who experienced the worsening work requirements at the TTD even as food, water, and proper shelter grew more insufficient. The applications described how people constantly died of starvation and other diseases, and also that they were threatened to complete their work quotas, under punishment of torture, arrest, or death.

IV. LEGAL AND PROCEDURAL ISSUES

This week, the Trial Chamber ruled to allow Parties to present WRIs as key documents and officially warned Counsel Victor Koppe for misconduct in withdrawing from last week's documentary hearings, and for the tone and language he used to address the international judges. Meanwhile, a separate legal debate ensued when Khieu Samphan's Defense objected to the appearance of a witness, 2-TCW-987, in the upcoming trial segment on the treatment of the Cham.

A. Trial Chamber Ruling on WRIs and Warning of Counsel Victor Koppe

Following the 27 August hearing for the Defense Teams to present their rationale in withdrawing abruptly from the documentary hearings on 26 August, the Trial Chamber ruled on the WRIs that had led to the walkout. The President notified both Defense Teams that their reasoning for their conduct lacked legal justification, and the Chamber issued an oral ruling to allow WRIs to be included in key documentary hearing presentations. President Nil Nonn reasoned that the general practice of the Court thus far has been to allow any documents admitted on the case file to be presented in key document hearings, and therefore the Trial Chamber ruled that the objections of Nuon Chea's Defense were "unfounded." He explained that WRIs had never been excluded from such presentations before, and he reminded the Parties that the Chamber would weigh any challenges raised by other Parties against specific documents.⁷ The President emphasized that the 18 WRIs that the OCP intended to present had been admitted to Case 002/02 on 17 July 2015. He clarified that another two WRIs the OCP planned to use had not been admitted and were therefore not allowed for use at the documentary hearings. In relation to the ongoing matter of the OCP's continued evidentiary disclosures from the investigations in Cases 003 and 004, the Trial Chamber announced that it would seek the Parties' comments and provide a ruling in due course on this matter.

The President also took the opportunity to recognize "the difficulties and stresses involved for all the Parties," and to declare the Chamber's intention to allow all Parties to be heard. However, he warned Nuon Chea's Defense Counsel, Victor Koppe, for "disparaging statements...directed to members of the Trial panel" at the 27 August procedural hearing. The President announced that some of Counsel's comments "appear[ed] to overstep the bounds of legitimate courtroom behavior," and that the Chamber was in the process of considering "appropriate" action. The President noted, "Mr. Koppe himself acknowledged that his conduct would in some jurisdictions constitute the misconduct known as contempt of court." The President asked Counsel Koppe to "correct his behavior," warning him that the Chamber would otherwise have "no choice but to take some action."

B. Khieu Samphan Defense's Objection to the Testimony of an Upcoming Witness

At the end of the 3 September hearing, Khieu Samphan's Defense notified the Trial Chamber via email of their objection to the scheduled appearance of a witness, 2-TCW-987, for the upcoming trial segment on the treatment of the Cham minority. Ms. Anta Guissé, international Counsel for Khieu Samphan, took the floor to clarify her team's position that the ECCC's basis in a system of civil law prevented the Chamber from hearing a witness who had never been included in the investigation of Case 002, but was brought in *proprio motu* from another case's investigation (presumably Case 004, as it relates to the Cham in DK's North Zone). She noted that her team faced time constraints in learning the facts related to the Witness even as they were "submerged" with the documents of hundreds of other witnesses entering Case 002/02 from other investigations. In response to international Judge Jean-Marc Lavergne's request for clarifying which rules the Witness' summons had violated, Ms. Guissé recognized there was no single ECCC Internal Rule she could point to, but she elaborated on the flow of the civil law system through an investigation, its closing order, and a trial based on the facts established in that closing order. She criticized bringing in other witnesses from other investigations, given that the OCP was using newly disclosed documents and witnesses for inculpatory purposes. Counsel also responded to the OCP's insinuation that review of this witness' WRI would be straightforward. Ms. Guissé retorted, "Please don't tell us the problem is only reading a few pages. It's a deeper problem...We don't know how many other witnesses may be called in other cases. That's a problem for us." The Chamber announced it would address the submission at a later date.

V. TRIAL MANAGEMENT

Following the Defense's withdrawal from the proceedings last week, the Trial Chamber took Monday off to deliberate on the procedural questions, rescheduling Court hearings to commence on Tuesday with two days of victim impact hearings and one day for the OCP and Civil Parties to complete their documentary presentations.

A. Attendance

Nuon Chea waived his right to be present in the courtroom and observed the proceedings remotely from the holding cell downstairs while Khieu Samphan was present in the courtroom for all sessions throughout the week.

Judge Attendance: All Judges were present in the courtroom throughout the week. National reserve Judge Thou Mony was absent from the morning session on 1 September 2015.

Civil Parties Attendance: Approximately ten Civil Parties observed the proceedings each day this week from inside the courtroom.

Parties: All Parties were properly represented in the courtroom throughout the week.

Attendance by the public:

DATE	MORNING	AFTERNOON
Tuesday 01/09/2015	<ul style="list-style-type: none">▪ Approximately 300 villagers from Krakor District, Pursat Province▪ Three foreign observers	<ul style="list-style-type: none">▪ 123 villagers from Krakor District, Pursat Province▪ Three foreign observers
Wednesday 02/09/2015	<ul style="list-style-type: none">▪ 42 monks and 107 villagers from Kandieng District, Pursat Province▪ Eight students from a translation academy in Phnom Penh▪ Two foreign observers	<ul style="list-style-type: none">▪ 42 monks and 107 villagers from Kandieng District, Pursat Province▪ Two foreign observers
Thursday 03/09/2015	<ul style="list-style-type: none">▪ 130 villagers from Krakor District, Pursat Province▪ Seven foreign observers	<ul style="list-style-type: none">▪ One foreign observer

B. Time Management

This week, the Trial Chamber strictly implemented its scheduled time allocations in order to conclude the victim impact hearings within two days and provide one day to complete the delayed key documents presentations of the OCP and Civil Parties. For example, in order to conclude the statements of the two Civil Parties testifying about their suffering at the First January Dam, the Trial Chamber continued the 1 September hearing late, until 4:27PM. The next day, the President extended the morning hearing by fifteen minutes into the lunch break to conclude Civil Party Som Sok's testimony. The President also announced that the Chamber would commence with the next trial segment in Case 002/02, related to the targeting of the Cham minority, on the following Monday, 7 September, with the testimony of 2-TCW-813.

C. Courtroom Etiquette

All Parties in the courtroom, as well as visitors in the public gallery, respectfully remained silent

while listening to the Civil Parties discuss their suffering under the DK regime. The Defense Teams were relatively quiet on the day of the OCP and Civil Parties' documentary presentations, with more respect for decorum shown this week than the week before.

D. Translation and Technical Issues

There were several errors in Khmer-to-English translation during the victim impact hearings. For example, on 1 September, during suffering statement of Civil Party Chao Leng, interpreter falsely interpreted "cotton tree" in Khmer as "Kapok tree" in English. On 2 September, the interpreter mistakenly translated "worms" in Khmer as "leeches" in English, and the interpreter also misstated the common DK axiom, "eyes as many as the pineapple," to "eyes as many as the apple's eyes." On 2 September, a technical glitch with the audio systems of the Prosecutor and international Judge Claudia Fenz interrupted proceedings and caused a brief delay.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Tuesday 01/09/2015	9:02	10:06 – 10:32	11:31 – 13:30	14:39 – 15:01	16:27	4 hours and 38 minutes
Wednesday 02/09/2015	9:03	10:13 – 10:31	11:49 – 13:30	14:34 – 14:51	15:33	4 hours and 14 minutes
Thursday 03/09/2015	9:01	10:15 – 10:32	11:33 – 13:30	14:39 – 15:01	15:57	4 hours and 20 minutes
Average number of hours in session						4 hours and 24 minute
Total number of hours this week						13 hours and 12 minutes
Total number of hours, day, weeks at trial						370 hours and 37 minutes
98 TRIAL DAYS OVER 29 WEEKS						

* This report was authored by Judith Kaiser, Daniel Mattes, Joy Scott, Lina Tay, Penelope Van Tuyl, and Oudom Vong as part of the KRT Trial Monitoring and Community Outreach Program. KRT Trial Monitor is a collaborative project between the East-West Center, in Honolulu, and the WSD HANNA Center for Human Rights and International Justice at Stanford University (previously known as the UC Berkeley War Crimes Studies Center). 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 Southeast Asia.



Unless specified otherwise,

- § the documents cited in this report pertain to the *Case of Nuon Chea 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 made by trial monitors; and
- § photos are courtesy of the ECCC.

Glossary of Terms

Case 001	<i>The Case of Kaing Guek Eavalias “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
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
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ See CASE 002/02 KRT TRIAL MONITOR, Issue 15, Hearings on Evidence Week 12 (30 March-3 April 2015) pp.1-5.

² CPLCL Marie Guiraud opened questioning with a clarification of Civil Party Nuon Narom’s name. The Civil Party had signed her Written Record of Interview as Uy Samnang, which she explained was her native name. She further expressed that she uses both names, and that her relatives wrote Nuon when she registered.

³ FBIS is the abbreviation for the Foreign Broadcast Intelligence Service, a program within the United States Central Intelligence Agency (CIA) monitoring and recording media broadcasts outside the United States since World War Two. Since 2005, it has become part of the “Open Source Center,” also located within the CIA.

⁴ Document number E3/2410 is an unsigned article that the Prosecutor declared was presumably written by François Ponchaud, the author of *Cambodia: Year Zero*, a few years later, and a witness who appeared in Case 002/01.

⁵ For summaries of Mr. Richard DUDMAN and Ms. Elizabeth BECKER’s appearances before the Trial Chamber in Case 002/02, see, respectively, CASE 002/02 KRT TRIAL MONITOR, Issue 15, Hearings on Evidence Week 12 (30 March-3 April 2015), pp. 5-6, and CASE 002/02 KRT TRIAL MONITOR, Issue 8, Hearings on Evidence Week 5 (9-12 February 2015), pp.2-7.

⁶ The prosecutor clarified, in regards to these final documents, that the OCP was “well-aware that the Accused are not accused for these executions, because they happened after the jurisprudence of this Court. But we ask you to think about whether these East Zone workers were persecuted at Kampong Chhnang airfield, how they were treated after is relevant to how they were treated in a persecution manner during their time at the Airport.” The prosecutor intended to provide the context of events after the fall of DK on 6 January 1979 in order to demonstrate criminal intent for maltreatment of these purged East Zone workers, however, it is unclear how such witness statements focused on events outside the Court’s temporal jurisdiction constitute “key documents” for the Prosecution’s case.

⁷ For the Trial Chamber’s practice in Case 002/01, see Trial Chamber, Case 002/01 Judgment (7 August 2014), E313, paras. 67-68. Previous Defense objections to WRIs during key documentary hearings in Case 002/01 pertained to the quality of OCIJ interviews and the OCIJ investigation rather than the claim that WRIs did not constitute “key documents.” See CASE 002 KRT TRIAL MONITOR, Issue 14, Hearings on Evidence Week 9 (12-15 March 2012); CASE 002 KRT TRIAL MONITOR, Issue 27, Hearings on Evidence Week 22 (19-21 June 2012); CASE 002 KRT TRIAL MONITOR, Issue 50, Hearings on Evidence Week 45 (21-23 January 2013).