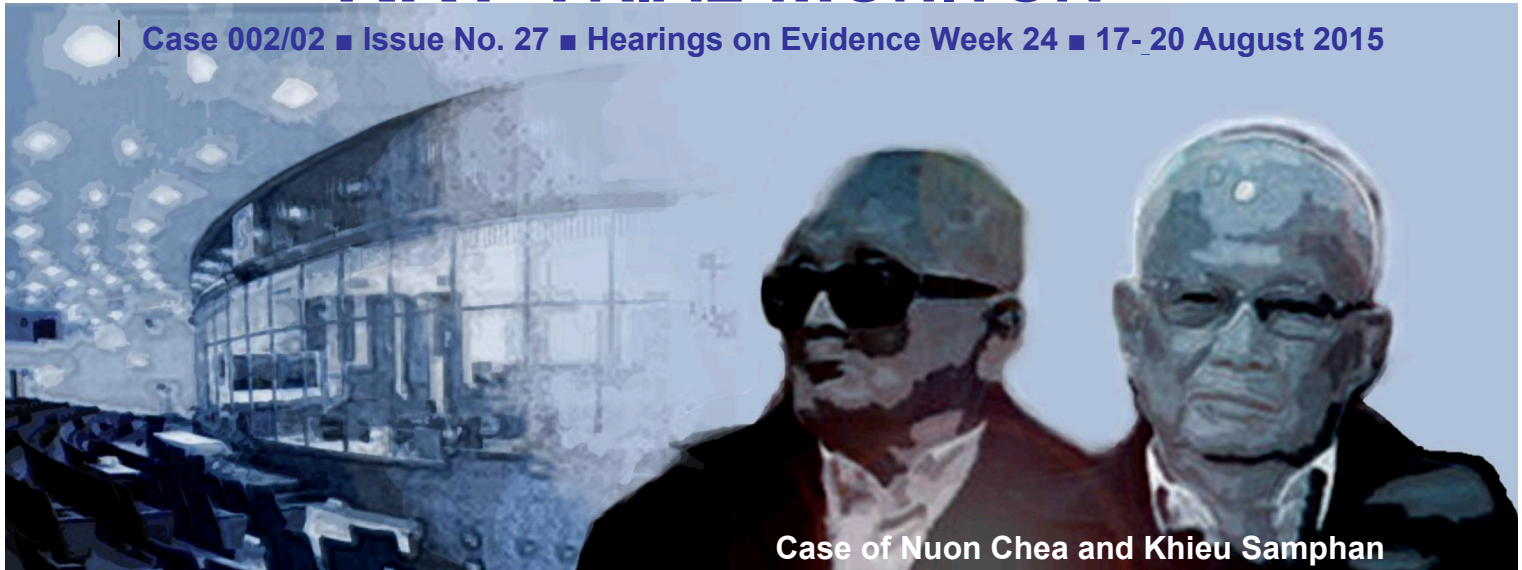


KRT TRIAL MONITOR

Case 002/02 ■ Issue No. 27 ■ Hearings on Evidence Week 24 ■ 17-20 August 2015



Case of Nuon Chea and Khieu Samphan

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

*"Pretending to be sick was considered an activity against Angkar,
because that person didn't go to work
and didn't try to help Angkar finishing the work.
His slacking was obstructing the work."*

- Witness Chhum Seng

I. OVERVIEW

This week, the Trial Chamber continued the trial segment on the Trapeang Thma Dam worksite (TTD) with testimony from four witnesses over four days of proceedings. Mr. Chet Yourk's testimony continued from last week and concluded on the morning of 17 August. The Trial Chamber then heard the testimonies of Mr. Chhum Seng, Mr. Tak Boy, and Ms. Yi Laisov, who worked as a company chief, platoon chief, and guard, respectively, at TTD. Thus, most of the Parties' questioning this week focused on the leadership at TTD and the Witnesses' knowledge of arrests, disappearances, and executions. Questioning related to the treatment of former Lon Nol servicemen spurred objections on the scope of Case 002/02 and arguments concerning whether the Chamber's prior ruling intended to include TTD as a crime site related to the alleged targeting of former soldiers. The Court also considered Tak Boy's status as a Civil Party in Case 004 and discrepancies in Witness Yi Laisov's testimony due to her memory problems.

II. SUMMARY OF WITNESS TESTIMONY

This week, the Trial Chamber heard the testimony of four witnesses, the first of which continued his testimony from the week before. Each witness testified about his or her experience working at the TTD worksite, especially in relation to the working conditions, administrative hierarchy, arrests, disappearances, and executions at the site.

A. Summary of Testimony by Witness Chet Yourk

On Monday, the Defense concluded the examination of Chet Yourk (2-TCW-937), who first began his testimony on Thursday, 13 August, concerning the TTD. This week, Chet Yourk elaborated on the leadership at the TTD, his position as a rice distributor, and the possible discrimination behind his demotion in roles at the site.¹

1. Work Roles and Experiences at Trapeang Thma Dam Worksite

As an assistant to Ta Val, the leader of the TTD worksite, the Witness described his superior as “mean,” “thorough,” “strict,” and “meticulous.” He testified to hearing that Sector 5 chief Ta Hoeng had a “top-level education.” The Witness recalled that Ta Val, Ta Hoeng, and other leaders were arrested in late 1977 or early 1978. Around the time of the arrests, he reported, Southwest Zone cadres came to replace the previous leaders. Southwest Zone cadre Ta Rin replaced Ta Hoeng after the initial purge, but the Witness testified that Ta Cheal, son of Northwest Zone secretary Ruos Nim, then became the interim leader of Sector 5 thereafter.

Before the arrival of Vietnamese troops in 1979, the Witness was in charge of rice distribution at TTD. The Witness recounted that trucks transported rice to the site, where the Witness would mobilize forces to unload the bags for storage in the warehouse of the economic office. Several thousand bags of rice were stored for the thousands of workers in mobile brigades.

Although, during his appearance last week,² the Witness testified he did not know the reason for his demotion after four months as Ta Val’s assistant, the Witness speculated this week that he lost his position as assistant because his father had been a deputy chief during the Lon Nol regime. He explained, “If we were related to a former official of the Lon Nol Regime, that was reason enough to be demoted.”

2. Witness Demeanor and Credibility

During the Witness’ first appearance in Court to provide testimony last week, monitors noted that the Witness made statements that were inconsistent with those he had previously given to DC-Cam, but was otherwise direct and open when providing testimony.³ During his second appearance this week, the Witness responded to questions in a similarly frank manner, and he offered corrections and clarifications to a few statements he and other witnesses had previously made to the OCIJ.

B. Summary of Testimony by Witness Chhum Seng

The second person to testify this week was 61-year-old Chhum Seng, a rice farmer from Banteay Meanchey province. The Witness testified about his experiences at the TTD, including his role as a company chief under Sector 5, the work conditions in his unit, his relationship with Ta Val, and his knowledge of arrests and executions at the worksite.⁴

1. Experiences Before the Trapeang Thma Dam Worksite

Chhum Seng served in the Lon Nol army for two years, from 1972. The Witness noted that once the Khmer Rouge liberated an area, they “were determined to eradicate all Lon Nol soldiers,” including those in his village of Phnom Reap, in Battambang Province. When the Khmer Rouge evacuated his village to Phnom Kombor, his father urged him to escape, given

his military background. The Witness later joined the Khmer Rouge and was assigned to work in a mobile unit under the direction of Sector 5. In mid-to-late 1977, the Witness' unit was assigned to work at TTD.

2. Work Conditions and Hierarchy at the Trapeang Thma Dam Worksite

As chief of his company, the Witness was required to flatten soil at the crest of the dam while other workers had to dig and carry soil. The workday began at 4:00AM or 5:00AM, and workers sometimes had to work overnight for a period of one week or more. The Witness received reports from three platoons on whether or not workers completed their quotas. Workers who did not complete their daily quota were deprived of food and continued to work before eating later in the evening. According to the Witness, the provided rice or gruel was insufficient given the required labor. Moreover, available water was not clean, as it was taken directly from a nearby pond. Many workers in Chhum Seng's unit suffered from malnutrition and severe swelling in their bodies. The medics at the worksite were untrained and only dispensed traditional medicines, such as "rabbit-dropping pills," for treatment.

The Witness described Ta Val as his direct superior within the Sector 5 mobile brigade in the Northwest Zone, and he confirmed that he knew him personally. The Witness received direct orders from Ta Val and completed assignments for him accordingly, although he did not have any communication with Val's counterparts or secretaries. The Witness recounted that he was present at the TTD's inauguration ceremony, where he heard Ta Val speak. Chhum Seng confirmed that both Ta Val and Ta Hoeng were present at the inauguration and were later arrested once Southwest Zone cadres arrived in the Northwest Zone. The Witness continued to work at TTD for five months following Ta Val's arrest, and he was then reassigned to a cotton plantation due to the lack of building materials to continue the project.

3. Arrests and Killings at the Trapeang Thma Dam Worksite

The Witness was aware that many workers at the TTD were arrested for "imaginary illness," with two people in his unit taken away for the crime. The Witness testified that he witnessed 12 men who claimed to suffer from a "blindness disease" were subjected to a test, and, the following day, he saw the bodies of the 11 men who failed the test. The Witness was ordered to bury the bodies in the soil at the crest of the dam. Under Ta Val's order, the test required the men to walk across hot embers, so those who could truly see and attempted to avoid the embers failed and were therefore subject to execution.

4. Forced Marriages at the Trapeang Thma Dam Worksite

Witness Chhum Seng told the Court that, while he was working at a cotton plantation near the TTD after he had left the construction project, he was forced to marry in a group ceremony alongside 20 other couples. He stated that forced marriages occurred at the TTD, but he explained he did not attend any because chiefs were not allowed to attend marriages.

5. Witness Demeanor and Credibility

Although the Witness provided very detailed answers throughout his testimony, there were multiple and prolonged instances in which the Parties and Bench had to clarify the Witness' statements, particularly regarding contradictions in his testimony on Ta Val's arrest and his knowledge of the 12 allegedly executed workers.

C. Summary of Testimony by Witness Tak Boy

On 19 and 20 August, the Trial Chamber heard the testimony of 69-year-old Witness Tak Boy, who currently lives in Trapeang Thma Tabong village. He testified about his past as a former Lon Nol soldier, his experiences at the TTD, his discovery of pits with buried corpses at the crest of the dam, and the arrests of Chinese and Vietnamese people.⁵

1. Witness Background as a Former Lon Nol Soldier

Before 1975, the Witness lived with his family in Trapeang Thma Tabong village. In 1972, Tak Boy was stationed with the Lon Nol army in Phnom Srok District where he served as a private until 1975. During the DK regime, he tried to hide his biography, but some information was leaked out. His superiors knew about his identity, but since he had only served for a short period and worked very hard under the Khmer Rouge, the administration of the Northwest Zone was “very tolerant.” The Witness explained that, on 17 April 1975, Lon Nol privates and higher-ranked soldiers were separated into different places. Together with other low-ranking soldiers, he was sent back to his home district and later sent to clear the forest. The Witness explained that the Khmer Rouge wanted to see if the soldiers were strong and hardworking. Afterwards, he was assigned to a Commune mobile unit in his home village and ultimately became chief of a platoon at the TTD.

2. Experiences at the Trapeang Thma Dam Worksite

In 1977, the Witness was assigned to work at the TTD, where he became chief of a platoon and had 30 subordinates. Outlining the hierarchical structure, he explained that squads reported to platoons, which reported to companies, and ultimately to battalions. The Witness reported each day to his company chief, Pich Nam, and upward to the battalion chief, Mut Bo. Ta Val had overall supervision over all the battalions at the site. Tak Boy confirmed that Ta Val was known as the “chief executioner,” because he was responsible for crimes committed by his subordinates. During his absence, Ta Yun supervised the worksite.

In relation to working and living conditions, the Witness stated that they had to build their own houses and that sanitary conditions were very poor, but that they had enough to eat in order to build the dike. He explained that “base” and “new” people had the same work quota of 3 cubic meters of soil per day, and that they all had to work for eight hours per day. Later in the construction, laborers also had to work at night, while people suffering from “night blindness” only had to work during the day.

The Witness testified that he saw ethnic Chinese and Vietnamese people put on a truck and taken away. He explained that men were arrested initially, but women and children were later taken as well. Since they never returned, he assumed they were imprisoned or killed. Tak Boy further testified that, while he was working at the TTD, he saw corpses covered with soil at the bottom and at the crest of the dam. He never witnessed any executions, but he testified that he saw the dead bodies and could smell the stench of death. The Witness further recalled that the deputy chief of his village told him that 10 to 15 people were killed every night.

3. Witness Demeanor and Credibility

The Witness gave clear and detailed answers to most questions he was asked. In some cases, he had trouble recalling an accurate timeline of events. The President reminded him to testify

only what he had heard or seen himself, because he tended to speculate or provide third-party information on occasion. The Witness also contradicted statements he had given in a prior interview with DC-Cam. When asked why, he explained that the document was read to him before he gave his thumbprint, and that he had not actually made certain statements included in the interview transcript.

D. Summary of Testimony by Witness Yi Laisov

On Thursday, the Chamber heard the testimony of Witness Yi Laisov,⁶ a 57-year-old farmer who testified about her experiences at the TTD. She told the Chamber about the working and living conditions at the TTD, witnessing arrests and executions, and her own forced marriage.

1. Conditions at the Trapeang Thma Dam Worksite

The Witness was assigned to carry dirt as part of a female youth unit at TTD. Construction commenced after the Witness' arrival at the site, and an inauguration ceremony was held. She recalled attending a meeting where leaders discussed the construction and urged workers to finish building the TTD as quickly as possible. Following this initial meeting, unit chiefs held assemblies twice a month to discuss work goals and urged laborers to work efficiently. She recalled her unit chief referring to the worksite as a "hot battlefield," in an attempt to encourage laborers to work harder. The unit chief threatened workers that "problems would happen" if workers did not complete their quotas within the generally 13-hour workday. The Witness testified that workers who were considered lazy were accused of "exploiting other people's workforce," and were criticized. Some of these laborers were assigned to the "Special Case Unit," whose workers were given reduced food rations. The Witness also recalled hearing that some workers at the site died of starvation. She herself suffered from malaria while working at the site. Even when ill, she was forced to carry dirt for one week before being sent to the hospital for treatment. Other workers contracted illnesses such as diarrhea and dysentery and were treated with traditional medicine.

According to the Witness, the workers did not have enough food to eat, and the Khmer Rouge did not provide workers with "necessities" like beds, pillows, or mosquito nets. With no proper latrines, workers had to dig pits to relieve themselves. Laborers were not allowed to visit their families or leave their units without authorization. When asked about the punishment for disobeying this rule, the Witness responded that none of the workers tried to travel without permission for fear of being taken away and shot.

2. Arrests and Killings at the Trapeang Thma Dam Worksite

Yi Laisov testified to observing an "execution scene" when she was guarding the kitchen at the worksite. She recalled seeing between 15 to 20 people being arrested about 200 meters away from her. The Witness admitted that she did not know who the people being arrested were or who was arresting them. Although the Witness confirmed that the only illumination came from the moonlight that night, she asserted she could see the workers tied up and hear them begging and crying. She recounted hearing them beaten with sticks, followed by silence. However, she did not see the beating take place. After being reminded of her OCIJ interview, the Witness recalled observing an execution. While she was with a colleague, she claimed, they saw three men beat and kill a pregnant woman inside a pit at the TTD site.

3. Experiences of Forced Marriage at Trapeang Thma Dam Worksite

Near the fall of the DK regime, when she was 17, Yi Laisov was forced to marry a man she had never met. Upon telling her unit chief that she did not want to get married, he responded: "Please be careful, or you will be killed." She was also told that, if she refused to get married, "[her] whole family would be killed." Following orders, the Witness was married to the chief of a children's unit during a ceremony with three other couples. The Witness' parents and relatives were not allowed to attend the ceremony, and there were no Buddhist or other traditional rituals for the wedding, which was led by a cadre whose name she did not know. After the wedding, the Witness was required to return to the cooperative for rice harvesting, and her husband was sent back to his unit as well. After the arrival of Vietnamese troops, approximately one month later, the Witness never saw her husband again.

4. Witness Demeanor and Credibility

The Witness's credibility was called into question when she gave multiple answers that were inconsistent with her previous statements. For example, the Witness had to be reminded of the executions she previously claimed to witness during the OCP's examination. When confronted about her inconsistent statements, the Witness admitted to having "memory problems." Judge Claudia Fenz specifically questioned the Witness about her difficulty recalling facts, to which the Witness responded that she has general memory problems. The Judges and Parties had to refresh the Witness' memory several times and pointed out a number of inconsistencies between her testimony and the written record.

III. LEGAL AND PROCEDURAL ISSUES

Throughout the week's hearings, the Defense Teams raised objections related to the scope of the trial and Witness Tak Boy's status as a Civil Party in Case 004.

A. Defense Objections Related to the Scope of Case 002/02

On Monday, 17 August, Counsel for Nuon Chea, Victor Koppe, interrupted Prosecutor Vincent de Wilde d'Estmael's questioning of Witness Chhum Seng on the purge of Lon Nol soldiers at the TTD. Mr. Koppe objected that the Prosecution's line of questioning directly contravened the Chamber's decision on sequencing in Case 002/02.⁷ Counsel noted that the Chamber's decision limited Case 002/02's examination of the treatment of former Khmer Republic officials to the particular crime sites of Tram Kak cooperatives, Kraing Ta Chan Security Center, S-21 Security Center, and the First January Dam worksite. The prosecutor responded that his last question sought to differentiate the Southwest Zone and Northwest Zone cadres in their treatment of former Lon Nol soldiers. Mr. De Wilde d'Estmael explained that he wanted to determine why the Witness recalled "a certain degree of tolerance" before the Southwest Zone cadres arrived. After the Judges deliberated, the President overruled Counsel Koppe's objection, finding the question was relevant.

Later that day, Counsel for Khieu Samphan, Arthur Vercken, asked for clarification about the Chamber's earlier decision on the scope. He argued that the Chamber issued its decision without proper reasoning after it had previously limited the scope of this issue to the aforementioned crime sites. The prosecutor responded that, in order to establish that a policy existed and to understand its implementation, the Court must learn what happened at the lower levels of the regime. He insisted that his question was connected to the difference between

Northwest Zone and Southwest Zone cadres' treatment of former Lon Nol officials. Mr. Vercken responded that the Trial Chamber had already ruled on the existence of the policies and questioned why Parties needed to go back and confirm it. CPLCL Marie Guiraud then argued that it is legitimate to ask such open-ended questions, and that the Chamber will be able to draw its own conclusions from the trial. The Trial Chamber deliberated on the issue and responded that the Defense should read its 4 April 2014 decision on additional severance and scope to find an explanation of its reasons for allowing the OCP line of questioning.⁸

The next day's hearings opened with Mr. Vercken declaring that he had read the relevant paragraph of the Trial Chamber's prior decision, but that he could not find any explanation for the Chamber's ruling to allow questions about targeting of former Lon Nol officials at the TTD. He noted that the April 2014 decision ensured that any legal uncertainties regarding the scope of Case 002 will be discussed on a case-by-case basis.⁹ Mr. Vercken then asked the Trial Chamber if it was therefore appropriate to now discuss the scope of Case 002/02. Prosecutor De Wilde D'Estmael responded that all issues related to former Lon Nol soldiers were relevant to the trial, and that many of the upcoming testimonies come from former Lon Nol soldiers and officials. After the Judges deliberated for several minutes, the President announced that, as the issue was rather complex and the issue has been raised repeatedly, the Trial Chamber will respond to Counsel Vercken's observations by e-mail.

B. Witness Tak Boy's Status as a Civil Party in Case 004

At the outset of Witness Tak Boy's examination on Wednesday, 19 August 2015, Judge Jean-Marc Lavergne clarified that the Witness has been admitted as a Civil Party in Case 004. In addition, during proceedings this week, the Civil Party lawyers – rather than the Prosecution, as usual – were the first to examine the Witness. Judge Lavergne's comments initially provoked some confusion in the court room, as the President misunderstood the Judge and believed that Tak Boy was a Civil Party in Case 002/02. Judge Lavergne further clarified that Tak Boy's Civil Party application for Case 004 was included among recent documentary disclosures into Case 002/02. Defense Counsel Koppe then asked why the Civil Party lawyers started the examination instead of the prosecutors, even though Tak Boy was appearing as a witness in Case 002/02. In response to Victor Koppe's question, the President referred to Internal Rule 91*bis*, which he explained states that the Party that requested the presence of the Witness will first examine him or her. Because the Civil Party lawyers requested Tak Boy's appearance, the President said he had the authority to accommodate their request to ask questions first.¹⁰

Defense Counsel Arthur Vercken later claimed that he did not have enough time to prepare for the appearance of Witness Tak Boy because he was summoned at late notice. Mr. Vercken also requested that the Trial Chamber admit Tak Boy's Civil Party application as a piece of evidence in Case 002/02. The prosecutor, Travis Farr, responded that the document had been disclosed and available to all Parties, but he clarified that he did not know whether it was admitted yet. The President clarified that the document has indeed been disclosed, but that disclosing a document does not ensure that Parties are informed about them. He stated that the Trial Chamber already issued a procedure regarding documentary disclosure in accordance with international law. He explained, however, that, Parties must file formal requests regarding the admission of documents. Mr. Vercken stated that the OCP had not mentioned the Civil Party application in their list of documents prior to the hearing of Tak Boy's testimony, and he requested that the Trial Chamber immediately admit the document into evidence. CPLCL Guiraud reiterated that the document has indeed been disclosed and made

available to all Parties. She stated that the Civil Party lawyers notified the Parties the previous day through the courtroom interface that they would use the document, contrary to what Counsel Vercken claimed. Ms. Guiraud also stated that all Parties are able to file an application for admission, in accordance with ECCC Internal Rule 87(4), but she confirmed that the Civil Party lawyers did not have enough time to file such an application. After the Judges deliberated, Judge Lavergne announced that Tak Boy's Civil Party application was made available to all Parties, and that the Civil Party lawyers were allowed to use the document unless other Parties objected to its use. Judge Lavergne clarified that it was not necessary to make a Rule 87(4) request for the document. He further articulated more generally that, when Parties plan to use a new document, other Parties are informed, and that as long as there are no objections from other Parties, the document is admitted into evidence. The Judge closed by acknowledging that disclosure of Civil Party applications "is causing some difficulty," but that the Trial Chamber would keep all Parties informed of any issues in the future.

IV. TRIAL MANAGEMENT

Even though Chhum Seng was unable to appear for the first session on Tuesday, August 18, due to health issues, the Chamber still managed to complete four witness testimonies over four days of hearings. The Chamber maintained effective trial management, even as it dealt with some legal debates and procedural confusion.

A. Attendance

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

Judge Attendance: After one week's absence from the hearing room, Trial Chamber President Nil Nonn returned to oversee proceedings once more. International Judge Claudia Fenz similarly returned to the Bench after a few weeks' absence. National judge You Ottara was absent all week and replaced each day by national reserve Judge Thou Mony.

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

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

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 17/08/2015	<ul style="list-style-type: none"> Approximately 200 villagers from Treang District, Takeo Province 25 foreign observers from Rotary Peace Fellowship, Chulalongkorn University, Bangkok, Thailand 	<ul style="list-style-type: none"> Approximately 150 villagers from Treang District, Takeo Province

Tuesday 18/08/2015	<ul style="list-style-type: none"> ▪ Approximately 150 villagers from Treang District, Takeo Province ▪ Five foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 150 villagers from Treang District, Takeo Province ▪ Three foreign observers
Wednesday 19/08/2015	<ul style="list-style-type: none"> ▪ Approximately 200 villagers from Treang District, Takeo Province ▪ Two foreign observers 	<ul style="list-style-type: none"> ▪ 150 villagers from Treang District, Takeo Province ▪ Three foreign observers
Thursday 20/08/2015	<ul style="list-style-type: none"> ▪ Approximately 250 villagers from Treang District, Takeo Province ▪ Three foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 200 villagers from Treang District, Takeo Province

B. Time Management

In an effort to effectively conclude the segment on the Trapeang Thma Dam worksite within one month, the Trial Chamber strictly managed time allocations this week. However, the Trial Chamber provided both prosecutor Vincent De Wilde and Civil Party lawyer Ty Srinna with additional time after the Defense Teams consecutively raised objections related to the scope of Case 002/02.

C. Courtroom Etiquette

There were some instances of tension or blunt language in the courtroom this week. On Monday the 17th, international Co-Prosecutor Nicholas Koumjian characterized Counsel Koppe's summary of a prior witness' testimony as "obviously as leading as it can get" and "cherry-picking." The next day, Judge Fenz intervened during Counsel Koppe's questioning of Witness Chhum Seng. When the Judge noted, "That's the third time within two days that you asked a witness to explain why he doesn't know something," Counsel Koppe retorted, "Well, I can explain why I don't know Khmer, because I never learned it. That's an explanation for why I don't know it, but I'll rephrase."

D. Translation and Technical Issues

On the first day of hearings this week, the President clearly noted a shortage of interpreters that day and requested Parties to read and put questions slowly so the interpreters could make competent translation. As a result, there were several translation issues throughout the week, which caused Parties to complain about the accuracy of communications. For example, when Judge Claudia Fenz questioned Witness Chhum Seng, she read out the transcript of the Witness' examination the day before, and, noting some irregularities, she concluded, "It may make sense to review the transcript and see if it was correctly translated." Similarly, French-to-Khmer translation of Judge Lavergne's attempts to explain the Civil Party status of Tak Boy (see III.B) only led to more confusion for President Nil Nonn. There were some audio-related malfunctions during proceedings this week, when Witness Chhum Seng's headset's batteries died during the hearing, and later, when President Nil Nonn's headset briefly lapsed in the Khmer interpretation.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 17/08/2015	9:03	10:08–10:30	11:19- 13:32	14:41 – 15:00	16:00	4 hours, 3 minutes
Tuesday 18/08/2015	9:06	09:09– 10:30	11:41 – 13:30	14:51 – 15:10	15:55	3 hours, 20 minutes
Wednesday 19/08/2015	9:00	10:11 – 10:30	11:33 – 13:30	14:39 – 15:00	16:02	4 hours, 25 minutes
Thursday 20/08/2015	9:01	10:05 – 10:26	11:30– 13:01	14:39 – 15:00	15:47	4 hours, 3 minutes
Average number of hours in session				3 hours and 58 minutes		
Total number of hours this week				15 hours and 51 minutes		
Total number of hours, day, weeks at trial				347 hours and 40 minutes		
91 TRIAL DAYS OVER 27 WEEKS						

*This report was authored by Davis Chhoa, Lillian Gill, Melanie Hyde, Judith Kaiser, Daniel Mattes, Joy Scott, 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 Handa 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 the trial monitors; 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	Royal Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ Mr. CHET Yourk (2-TCW-937) was questioned in the following order: international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Arthur VERCKEN; national co-lawyer for Khieu Samphan, KONG Sam Onn.

² See CASE 002/02 KRT TRIAL MONITOR, Issue 26, Hearings on Evidence Week 23 (10-13 August 2015), pp. 5-6.

³ Ibid, p. 6. In a review of monitors’ reasons for such findings, it appears that the moment in which the Witness’ credibility was most notably tested occurred on Thursday, 13 August, when International Co-Prosecutor Nicholas Koumjian had asked Mr. CHET Yourk about a meeting of senior leaders in Svay a few months prior to the commencement of the TTD’s construction. The Witness had previously told DC-Cam that he knew senior leaders from the Party Center had attended this meeting, but he told Mr. Koumjian that “they did not tell us those details” of the leaders’ attendance. At this point, Mr. Koumjian recited a portion of the Witness’ DC-Cam statement in which he had confirmed learning senior leaders were present at the Svay meeting. The Prosecutor then asked, “Did you lie to those interviewers?” It is unclear, after reviewing CHET Yourk’s full testimony over two days, if this moment resulted from an actual issue with the Witness’ credibility, or, rather, from the possibility that Mr. Koumjian sought to discredit the Witness with such a direct question. For the exchange on Thursday, 13 August, see: Trial Chamber, “Transcript of Trial Proceedings” (13 August 2015), E1/330.1, p.42, lines 1-7.

⁴ Mr. CHHUM Seng (2-TCW-828) was questioned in the following order: President NIL Nonn; national deputy prosecutor SREA Rattanak; international senior assistant prosecutor Vincent DE WILDE D’ESTMAEL; international Civil Party lead co-lawyer Marie GUIRAUD; national Civil Party lawyer TY Srinna; Judge Claudia FENZ; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Arthur Vercken.

⁵ Mr. TAK Boy (2-TCW-937) was questioned in the following order: President NIL Nonn; national Civil Party lawyer VEN Pov; national Civil Party lead co-lawyer PICH Ang; international senior assistant prosecutor Travis

FARR; international co-lawyer for Nuon Chea, Victor KOPPE; Judge Claudia FENZ; national co-lawyer for Khieu Samphan, KONG Sam Onn.

⁶ Ms. YI Laisov (2-TCW-841) was questioned in the following order: President NIL Nonn; national deputy prosecutor SENG Leang; international assistant prosecutor Joseph Andrew BOYLE; national Civil Party lead co-lawyer PICH Ang; international Civil Party lead co-lawyer Marie GUIRAUD; Judge Claudia FENZ; international co-lawyer for Nuon Chea, Victor KOPPE, international co-lawyer for Khieu Samphan, Arthur VERCKEN, and national co-lawyer for Khieu Samphan, KONG Sam Onn.

⁷ Counsel Victor Koppe cited: Trial Chamber, Decision on Sequencing of Trial Proceedings in Case 002/02 (12 September 2014), E315, para. 14c.

⁸ Judge Jean-Marc Lavergne, in providing the Chamber's ruling, referred to: Trial Chamber, Decision on Additional Severance of Case 002 and Scope of Case 002/02 (4 April 2014), E301/9/1.

⁹ Counsel Vercken referred to paragraph 44 of the decision, which includes the four aforementioned crime sites within the scope of Case 002/02 in relation to the implementation of a policy of targeting of former Khmer Republic officials. Regarding the April 2014 decision's permission for case-by-case discussion of legal uncertainties, Counsel Vercken referred to paragraph 2 of the same decision.

¹⁰ ECCC Internal Rule 91*bis* (Rev.9) reads: "The President of the Trial Chamber shall determine the order in which the judges, the Co-Prosecutors and all the other parties and their lawyers shall have the right to question the Accused, the witnesses, experts and Civil Parties." This is somewhat different to the President's explanation of the Rule in the courtroom this week.