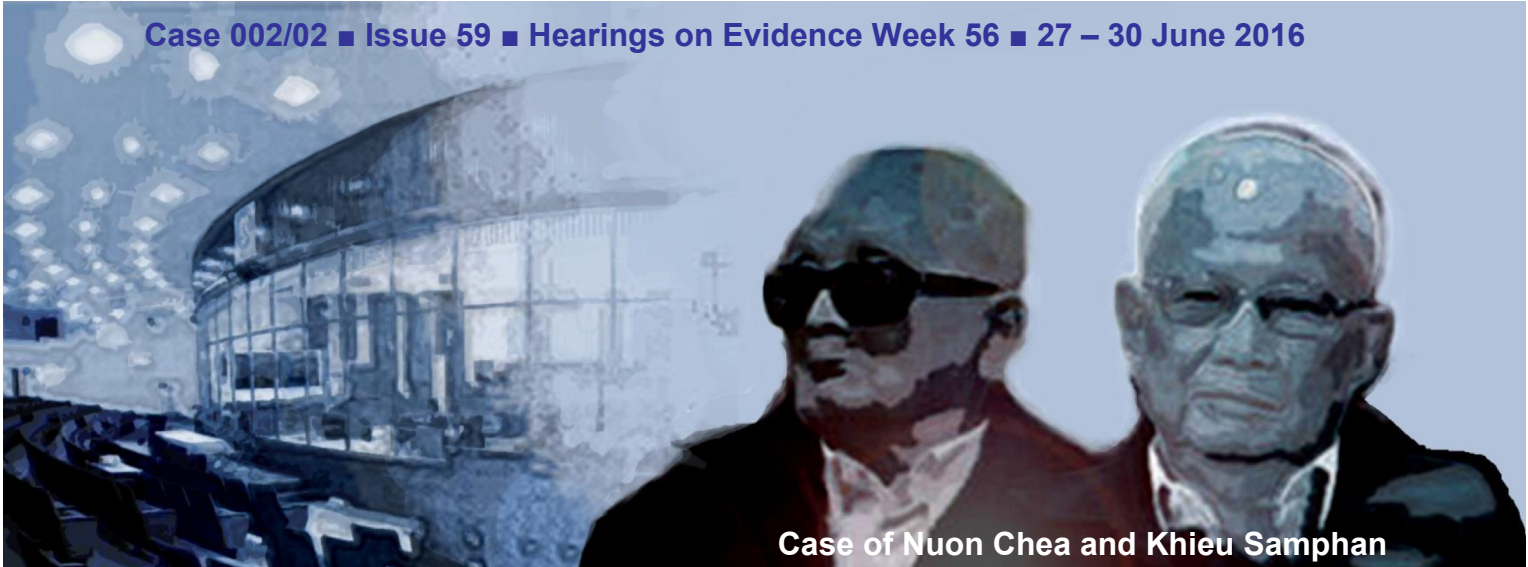


# KRT TRIAL MONITOR

Case 002/02 ■ Issue 59 ■ Hearings on Evidence Week 56 ■ 27 – 30 June 2016



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)

*"Prisoners were sent to S-21 for interrogation and execution.  
I did not let myself kill with my own hand."*

- Witness Kaing Guek Eav, *alias* Duch

## I. OVERVIEW

This week the Trial Chamber concluded hearing Witness Kaing Guek Eav, *alias* Duch, who has appeared over the course of four weeks. Duch finished testifying on Monday morning, facing final questions from the Defense Team for Nuon Chea on blood-drawing and medical experiments at S-21 Security Center. Before moving on to begin the next sub-section of the trial on internal purges, the Trial Chamber then heard oral responses to a request from the Defense Team for Khieu Samphan for clarification over the scope of the upcoming segment, and whether a scheduled Civil Party would testify to facts that were within the scope of that segment. The Trial Chamber adjourned early on Monday to deliberate, and reconvened on Tuesday by which time they had agreed to hear the concerned Civil Party, Chhun Samorn. Chhun was a combatant in Sector 23 in the East Zone during the purges in that region. On Wednesday and Thursday Witness Meas Soeurn testified; he is the son of the former Deputy Chief of the East Zone who disappeared shortly before the end of the Democratic Kampuchea (DK) regime. All Parties were granted additional time to question Meas Soeurn as he was the only witness scheduled to testify on the East Zone purges.

## II. SUMMARY OF WITNESS AND CIVIL PARTY TESTIMONY

This week the Trial Chamber concluded the testimony of the final witness on the sub-segment on security centers, and began hearing the next sub-segment on internal purges. After the conclusion of Duch's testimony, Civil Party Chhun Samorn and Witness Meas Soeurn testified. These were the only two individuals scheduled to testify on purges in the East Zone. Each man had worked in the revolutionary army during DK.

### A. Summary of Testimony by Witness Kaing Guek Eav

This week Witness Kaing Guek Eav, *alias* Duch concluded his testimony after appearing in court over 12 days, answering final questions from Defense Counsel for Nuon Chea.<sup>1</sup> Duch mainly clarified his previous testimony on the practice of blood drawing and medical experiments at S-

21, and expressed his view that Vietnamese troops had exaggerated conditions at S-21 upon their arrival in early January 1979. At the end of his testimony the Witness was returned to Kandal Prison, where he is serving a life sentence.<sup>2</sup>

### **1. Blood Drawing and Medical Experiments at S-21**

Duch testified that he was not aware of when the practice of blood drawing at S-21 began, but said that blood had only been taken from healthy prisoners “without STDs.”<sup>3</sup> Duch explained that the practice had been introduced on Son Sen’s orders, and those in charge were a medic named Try and Hospital 98 Chief Tay. The Witness maintained that it was only prisoners who were subjected to the practice, saying he had never asked his staff to donate blood. Counsel Koppe also questioned Duch about allegations that prisoners had been subjected to medical experiments at S-21. On a previous occasion the Witness testified that Nuon Chea had provided him with pills allegedly containing poison to test on prisoners.<sup>4</sup> The pills, he said, had been confiscated from the house of a cadre accused of plotting to kill Pol Pot. Duch had told the Court that before testing the pills on the prisoners he switched the contents with paracetamol. Counsel Koppe asked the Witness why he changed the contents of the pills if, as he had repeatedly testified, all prisoners who arrived at S-21 were going to die anyway. Duch explained that although he oversaw operations at S-21, he never killed anyone himself, saying: “I didn’t allow my hands to kill prisoners.”

### **2. Vietnamese “Fabrications”**

Counsel Koppe confronted Duch with several statements from his testimony in Case 001, asking whether he stood by his earlier testimony that the Vietnamese had fabricated evidence after their discovery of the Security Center in January 1979. The Witness said when he was taken to the current Tuol Sleng Genocide Museum for a reenactment as part of the investigation phase, he was shown torture tools such as immersion basins and a blackboard on which *Santebal* rules were written and even confessions with suspicious annotations.<sup>5</sup> Duch stressed that there had never been immersion basins at S-21, nor a list of 10 *Santebal* rules. He said he believed the Vietnamese troops added these details to S-21 when they opened the site as a Genocide Museum in order to legitimize their continued presence in Cambodia. Duch also labeled a red sign above the entrance to S-21 and depicted in the 1981 East German documentary *Die Angkar*, as a Vietnamese “fabrication,” along with diaries purportedly describing medical procedures conducted there.

### **3. Witness Demeanor and Credibility**

The Witness’s demeanor has changed markedly over the course of his 12 days of testimony. While initially very cooperative, answering the Prosecution’s questions in depth and beyond the scope of the subject matter, he later appeared reluctant to cooperate with the Defense Teams for both Nuon Chea and Khieu Samphan. On several occasions he attempted to advise the two international defense counsels on how to question him and refused to interact with new documents with which he was unfamiliar. Furthermore, as covered in previous reports, Duch’s extensive knowledge of the DK period, not only through his contemporaneous knowledge but also through participation in his own Case 001 and Case 002/01, made it difficult to distinguish between first and second-hand testimony. The Witness had to be cautioned several times and reminded to refer only to knowledge gained between 1975 and 1979, and was asked to cite his sources when answering questions. Despite these precautions, it was not always clear where his knowledge originated.

### **B. Summary of Testimony by Civil Party Chhun Samorn**

Following the conclusion of Duch’s testimony, Civil Party Chhun Samorn became the first to testify on the topic of internal purges during DK. Chhun Samorn was questioned about fighting that

occurred between Cambodian and Vietnamese forces, prisoner swaps, and his defection to the Liberation Army. The Civil Party was also questioned about the details of a coup d'état that took place in August 1978 and the subsequent purges in the East Zone.<sup>6</sup>

### **1. Background and Positions during DK**

Chhun Samorn, aged approximately 59 years old,<sup>7</sup> from Thmei Village, Kset Commune, Kampong Rou District, Svay Rieng Province, testified to joining the Revolutionary Army in May 1975. At the time he still lived with his parents and six of his siblings; another two of which had already married and moved away from the family home. He said he was recruited by the Commune Chief Yaen and his first position was as a messenger for Company 8 within Unit 75 in Kampong Rou District, where he worked until 1976. He said he usually delivered messages about “the enemy situation” from his unit to the other three companies at the battlefield. He said he rarely had to bring messages from the battlefield back to his own unit.

### **2. Transfer to Sector 23 and Role There**

The Civil Party testified that, in 1976 he was transferred to Sector 23 as they were in need of reinforcements, having lost many soldiers. The Civil Party was placed in the Special Unit of Regiment 112, under the command of Huo, where he was responsible for collecting intelligence on the location and size of Vietnamese forces. He said Regiment 112 was a mobile unit and had no permanent base. The Civil Party described 1976 as a time of “fierce” fighting along the border, noting particularly intense battles in Dong Village in Romeas Haek District, as well as Bavet along National Road Number One and Kampong Rou District. The Civil Party said that at times he had to cross into Vietnamese territory to gather intelligence. When not gathering intelligence, his unit planted mines along the Vietnam-Cambodia border.

### **3. Purges in the East Zone and Attempted Execution of the Civil Party**

Chhun Samorn testified that in 1977 soldiers from Central and Southwest Zones arrived in Svay Rieng, and at that time East Zone commanders were sent to the Center and subsequently disappeared. The Civil Party recalled his own commander of Regiment 112 disappearing without a reason. After the removal of East Zone commanders, guns were confiscated from Sector 23 soldiers, and the soldiers were then grouped according to when they had joined the revolution. Chhun Samorn said that those who had joined prior to 17 April 1975, numbering approximately 300, were told to board trucks going to Phnom Penh. He said he and three or four others who had joined after 17 April remained and were integrated into Division 703 and were asked to show the new commanders where mines had been laid in the area. Later, the men were told they were going to be integrated into the Center forces, however were instead taken to Veal Ta Pron, where they found their 300 former colleagues who had not been taken to Phnom Penh after all. He said at Veal Ta Pron the soldiers were made to farm and were not allowed weapons.

The Civil Party recalled that in August 1978 fighting broke out between soldiers from the Center and the East Zone. He said many died during the fighting, and his group at Veal Ta Pron was told by Southwest Zone forces to disband and return to their native villages. Upon arriving to his home village, Chhun Samorn's name was registered. He then was gathered with 29 others, tied up, accused of betraying the Party, and taken to be executed by rifle. Chhun Samorn expressed his great shock at being accused of being a “Yuon head on Khmer body,” saying: “I had confidence in the Khmer Rouge army back then. I thought they were faithful to the Cambodian people, so I joined and served with my heart.” He described being kept, tied, in a group guarded by seven or eight men with AK-47 rifles, and three or four prisoners would be taken away at a time and shot about 20 or 30 meters away. He described hearing the screams of the prisoners being killed. While waiting, Chhun Samorn managed to untie his hands and flee along with two others in the dark, wearing nothing but shorts. He said that as they fled they were fired at from behind. The shooting continued as they jumped into the river and swam, eventually crossing into

Vietnam. He estimated that in addition to his group, two previous groups, numbering approximately 35-45 in total, had been taken away to be killed before his.

#### **4. Treatment of the Vietnamese and Prisoner Exchanges**

Chhun Samorn testified that, before DK, Vietnamese people had lived harmoniously alongside Khmer people in his home village of Thmei. He recalled an “exchange program” after 17 April 1975 to return Vietnamese people to Vietnam and Cambodian people to Cambodia. He said that at this time Vietnamese people “did not dare” stay in DK, and that by 1975 “all the Vietnamese were sent back to their home country.”<sup>8</sup> Chhun Samorn said that prisoner exchanges also took place shortly after the fall of the Lon Nol regime, however he had limited knowledge of the details of this practice and only heard of it through word of mouth. He said when Cambodian prisoners of war were returned from Vietnam, they were interrogated and sent for “study sessions,” which he learned later meant they were executed. Chhun Samorn said he did not know why the people were executed, however heard they were considered to be “CIA agents.” Chhun Samorn also testified that while working in reconnaissance, he was instructed not to allow himself to be captured by the Vietnamese. If he were captured, they warned, he would be disemboweled. Although he said he later learned this was untrue, at the time he believed it. He said Khmer Rouge soldiers never kept Vietnamese troops they captured alive: they would arrest them and then execute them, sometimes with their entire family.

#### **5. Time in Liberation Army**

After Chhun Samorn escaped execution by swimming across the border to Long Yao in Vietnam, he and the two others he had fled with encountered Vietnamese soldiers who treated their wounds and gave them the option of either joining the Liberation Army or being imprisoned for one or two months. He testified that he and the two others chose to join the Liberation Army, so they were given weapons. He testified: “I was told...that I had to liberate my country and I should not use violence to retaliate, I do not have to be cruel or kill Khmer people.” When his unit did engage Khmer Rouge troops, ordinary Khmer Rouge soldiers who were captured were treated, fed, and released to their families. In one particular example, Chhun Samorn recalled 30-50 soldiers captured in Battambang after their families requested their release. On 2 December 1978 Chhun Samorn was stationed on the frontlines of Memuth District and began fighting from 1 January 1979 onwards, moving on to Kampong Cham, Tonle Bet, and Battambang. He said they were supported by Vietnamese aerial bombing.

#### **6. Victim Impact Statement and Questions to the Accused**

At the conclusion of his testimony, Civil Party Chhun Samorn read out a Victim Impact Statement he had written down. He described his initial “complete confidence” in the upper echelon and his willingness to sacrifice himself for his country and the Cambodian people when he first joined the revolution. He explained that he had always followed the orders of the Party: adhering and implementing their principles. Recalling his living conditions at the time, he said that life has been miserable and that there had been days where there was no food or water. He told the Court of his feeling of great shock when he was arrested, but said that he had had the courage to speak out against the injustice. He recalled telling his captors that he was only a simple combatant and that he did not know of any betrayal. His captors however, he said, were not interested in his words. They hit him with the butt of a gun, paralyzing his arm. In addition to recounting the events of DK, Chhun Samorn also told the Judges about the losses he had suffered during the period. He spoke of his brother Chhun Davy, who had worked at a staff office, and who had been called to attend a study session in 1977 from which he had never returned. His brother-in-law had also disappeared during the regime, leaving his sister alone with three children (a burden that had later fallen on him). The Civil Party concluded by asking the Chamber to find justice for his family. Reminded that he was allowed to put questions to the two accused, Chhun Samorn asked Khieu Samphan and Nuon Chea to explain to him why *Angkar* had divided the Cambodian people into



two groups, the “new” and the “old” people, and why so many East Zone soldiers had been arrested without cause. The President informed the Civil Party that the accused had invoked their right to remain silent and thanked him for his testimony. The Defense Teams did not respond to the Civil Party’s statement.

### **C. Summary of Testimony by Witness Meas Soeurn**

Witness Meas Soeurn, the son of former Deputy Chief of the East Zone Meas Senghong *alias* Chan, was the first witness to testify in relation to the internal purges segment in Case 002/02.<sup>9</sup> Meas Soeurn was born on 11 June 1952 at Pnau Village, Rom Chek Commune, Memuth District, Kampong Cham Province. He testified over one and a half days about his father’s position and fate during DK periods as well as the purge of KR cadres and Cham in the East Zone.

#### **1. Background and Positions during DK**

Witness Meas Soeurn testified that, in 1968, he and his fellow villagers feared arrest, so they fled to the forest where he was encouraged to join revolutionary movement. He said that before 17 April 1975, he worked as a driver for his father, Meas Senghong *alias* Chan, who was a Chhlong District governor in Svay Rieng Province. He said as a driver he had very limited knowledge of the affairs of his father. The Witness said he became a member of the Communist Party of Kampuchea (CPK), and after the fall of Phnom Penh in 1975 he was transferred to attend the technical training almost a year at Russie Keo School in Phnom Penh. After returning from the training, he was assigned to work in logistics, and served as Deputy Chief of Ou’sa Hakam Kraloeng, a workshop that manufactured spare parts at Tuol Chung Angkrong, Tboung Khmum. He said Tboung Khmum was under the supervision of the East Zone, where his father was then deputy to Secretary Sao Phim. The Witness testified that after he was given this position in the workshop, he was unable to meet with his father for personal visits, as they were too busy with their respective work. He recounted driving his father to Tai Ning Province in Vietnam to discuss the demarcation of borders, sometime before his father disappeared in 1978.

#### **2. Position and Fate of Witness’s Father**

According to the Witness, his father’s real name was Meas Senghong, and his revolutionary alias was Chan. Meas Soeurn said his father initially joined the Khmer Issarak movement and later became a part of Khmer Rouge. Between Lon Nol coup d’état in 1970 until the fall of Phnom Penh in 1975, his father was rapidly promoted from Chhlong District Governor to Deputy Chief of Sector 21, and subsequently to Secretary of both Sector 23 and Sector 24. In 1974 Meas Senghong replaced Ta Phoung as Deputy Secretary of the East Zone under Sao Phim. The Witness was unable to provide much detail about his father’s relationship with other officials, including Sao Phim or Pol Pot, as he said he did not work often with his father at the time. He said he did not remember his father ever criticizing Sao Phim, Pol Pot, or the CPK. After a coup in August 1978, East Zone cadres were accused of betraying the party or involving with Yuon in 1987. After that, Son Sen’ bodyguards from the General Staff replaced the witness’ father’s bodyguards and subordinates. Later on, he said, his father was called to Phnom Penh. Meas Soeurn never saw him again after that. He testified, “I do not know if he is dead or alive and if he is alive I do not know where he lives. If he was alive I would try to find him.”

#### **3. Purges in the East Zone**

As the sole witness scheduled to testify on East Zone purges, Meas Soeurn testified in detail about his knowledge on the topic. He stated that major purges began on 25 May 1978. Cadres were accused of betraying the CPK and colluding with the *Yuon*.<sup>10</sup> The Witness said that when a chief was arrested, his subordinates would also disappear, saying: “Even Sao Phim was not spared so you can forget about the subordinates.” When cadres were arrested, they were told they were going to study sessions. The Witness explained, “That was the phrase they used. They

never said arrest.” Meas Soeurn testified that he did not know where the people who were arrested were sent and never saw any official documents concerning the decision to arrest cadres. However, his unit chief Sor told him that Yoen Sophy had told him that their unit had to cooperate with the decision to arrest. Meas Soeurn claimed to have no knowledge of rivalries among East Zone cadres, and he was unable to describe the relationship his father had with others.

Meas Soeurn testified that the arrest of Ta Pha, the Krouch Chamar District Chief occurred at the end of 1976. He explained that after this, Krouch Chhmar District messengers were no longer seen, and people assumed they had also been arrested. He stated, “We did not go to ask questions about their whereabouts or their wife or children. We were scared after knowing that they disappeared.” He further testified that he had not heard of arrests in Sector 23 before May 1978. The Witness testified that an attempted coup d’état took place on 25 May 1978, but was stopped by a group of soldiers from the Center. He said after this date, people were instructed not to leave their houses, and people traveling along National Road 7 were stopped by soldiers at checkpoints. The next morning, only rubber trucks were allowed to travel along the road, and soldiers confiscated weapons and stored them in a pagoda.<sup>11</sup> East Zone cadres were sent to be detained at Vihear Tontoem Pagoda in Suong District.

The Witness had limited knowledge of the events of the 1978 coup or the reasons behind it. His knowledge came from second hand sources, as he explained that his Unit Chief Sor told him that Sao Phim had written him a letter telling them to “be vigilant and not to allow anyone to come to arrest us or to remove the weapons from us... it was a coup d’état to overthrow the comrade secretary and comrade deputy secretary by armed forces led by Son Sen.” After this coup, however, purges began in earnest in the East Zone according to the Witness. He could not determine how many times clashes took place after 25 May 1978, but he recalled that East Zone forces led by Heng Samrin would fight the Center forces. The Witness did not know exactly when Heng Samrin’s forces were joined by the Vietnamese reinforcements, but he knew it was sometime in late 1978 or early 1979. He said that around this time, helicopters and airplanes dropped leaflets in the East Zone. The pamphlets said that Sao Phim was a traitor who had sold his head to the Vietnamese and betrayed the country. There was no mention of the Witness’s father in the leaflets, and it appears that Meas Senghong was one of the only East Zone cadres to survive the purge. Meas Soeurn said his father remained Deputy Chief, and Vorn Vet arrived to replace Sao Phim.

#### **4. Treatment of the Cham**

Meas Soeurn testified that he heard about a rebellion of Cham people living along river bank at the Svay Khleang and on the island of Koh Phal in Krouch Chhmar District.<sup>12</sup> He said he heard that those who were traveling along the river from Krouch Chhmar up to Peam Chilang were advised to be cautious, because the Cham people intended to rebel. He stated that he believed the Cham rebelled because they had been mistreated by local authorities and could no longer stand it, saying he heard they were armed with swords and knives. After the rebellion the Cham people were evacuated from those areas, although he does not know where they were sent.<sup>13</sup> Meas Soeurn was unaware of any restrictions on the Cham, saying: “Even Buddhists were not allowed to practice their religious beliefs.”

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

Meas Soeurn was a cooperative and attentive witness and gave detailed answers to questions asked of him. He was clear when he did not know responses, particularly related to his father’s actions.<sup>14</sup> Meas Soeurn appeared to have problems remembering certain events, which could be due to his advancing age or the length of time that has elapsed since the events in question. On a couple of occasions, the Witness appeared to attempt to ask his Duty Counsel for

clarification during questioning. This goes beyond the intended role of Duty Counsel, so the President did not allow it.

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

This week the Trial Chamber faced some scheduling difficulties after the Defense Counsel for Khieu Samphan requested clarification over the scope of the proceedings for the upcoming internal purges segment.

#### **A. Khieu Samphan Request for Clarification Of the Scope of the Internal Purge Segment**

On the conclusion of Duch's testimony, President Nil Nonn gave Parties the opportunity to respond to a request for clarification from the Khieu Samphan Defense Team related to the internal purges sub-segment. The President first reiterated the Trial Chamber's position that the temporal scope of the charges begins with the purges in the North Zone in 1976 and ends with the East Zone in 1978. Counsel Guissé explained her client's request was in light of the fact that the Trial Chamber agreed to hear Witness 2-TWC-1005, called by the OCP to testify on purges at Kratie, a site which had not been mentioned in the Closing Order for Case 002. The Khieu Samphan Defense argued that purges are not considered crimes in themselves, and are only considered in respect to their occurrence at various worksites, security centers or other crime sites. Counsel Guissé said that their position was the Closing Order and 2014 Severance Order limit charges related to purges to three execution sites: Kampong Chhnang Airport, Tram Kak crime site, and Au Kanseng Security Center.<sup>15</sup> She expressed concern that, of the Witnesses to be called in this segment, only three were from locations that were part of the Closing Order of Case 002, while the rest hailed from the ongoing investigations in Cases 003 and 004. She argued that this approach was extending the Trial Chamber's jurisdiction in a *de facto* manner and was unacceptable. As the Trial Chamber is yet to release reasons for why witnesses other than 2-TCW-1005 are to be called, the Khieu Samphan Defense was seeking clarification for those reasons, as for the above reasons they did not agree with the Trial Chamber's reasons for calling 2-TCW-1005.

Victor Koppe, international Defense Counsel for Nuon Chea, agreed with his defense counterpart that internal purges are not crimes as such, and do not fall under crimes against humanity or other crimes. However, he disagreed with the argument made by the Civil Party lawyers that the purges in the Northwest Zone should not be looked at in this context. He stressed that Northwest Zone cadres were sent to S-21 and that their evidence therefore was relevant. He emphasized that the internal purges sub-segment was very important to their strategy as it would enable them to present evidence that people were arrested in light of their plans to stage a coup against the Center. He concluded by saying that his team had no objection in regard to the appearance of all proposed witnesses, but that he fully understood the arguments put forth by the Khieu Samphan Defense.

The Co-Prosecutor Nicholas Koumjian responded by saying that, like the Nuon Chea Defense, it was their belief that all evidence in relation to S-21 should be heard. Witness 2-TWC-1005 should be heard, counsel argued, because he would be able to describe an instance in which his office in Kratie had received orders from Office 870 in late 1978 to send certain people to Phnom Penh, in particular to S-21, a fact supported by S-21 prisoner's lists. Marie Guiraud, the international Civil Party Lead Co-Lawyer, also responded to the Khieu Samphan Defense request for clarification. She argued that some of the proposed witnesses may be able to speak to facts related specifically to the plans or acts of purging people in the North and East Zones, but others may speak related to other segments, such as the role of the Accused or the existence of a joint criminal enterprise. She closed by saying that the Civil Party Lawyers would rely on the Trial Chamber to determine the relevance of the proposed witnesses.

Before the Trial Chamber could issue their response, Anta Guissé rose once more to clarify that the Khieu Samphan Defense Team was not objecting to the appearance of the Witness 2-TWC-1005, but simply requesting clarification from the Chamber in light of the decision to call the witness. Counsel Guissé highlighted what she saw as a recurring issue of how matters that are not part of the scope of the trial may be used as evidence nonetheless. She concluded by asking what the point of the Severance Order was if the Chamber chose to ignore its restrictions, and how the Closing Order remained relevant if facts that were not mentioned in the order were made topics of discussion at trial.

After deliberating for a few minutes, the Judges adjourned for the rest of the day in order to decide whether the person next scheduled to testify: 2-TCCP-236, was indeed within the scope of the segment. The following day the President announced that the Chamber had found that the Civil Party could testify, and that a reasoned decision will follow in due course. The same procedure took place immediately prior to the testimony of Meas Soeurn on Wednesday. The Trial Chamber is yet to issue its written decisions for hearing either of these individuals or the upcoming witnesses to be heard after the recess.

#### **IV. TRIAL MANAGEMENT**

This week the Trial Chamber concluded the lengthy testimony of Witness Kaing Guek Eav *alias* Duch and began a new sub-segment on ‘internal purges’ in Case 002/02 with testimonies of one Civil Party and one Witness over the course of four days. The Trial Chamber also opened discussion on Khieu Samphan Defense Team’s submission for clarification on scope and witnesses of this new segment, before proceeding and officially acknowledged the new positions of two investigators for the Office of International Co-Investigating Judges.

##### **A. Attendance**

Noun Chea continued to waive his right to be present in the courtroom and observed proceedings via video link from the holding cell due to his poor health, while Khieu Samphan was present in the courtroom all sessions throughout the week. Duty Counsel Sok Socheata was present on Wednesday and Thursday in the courtroom in order to provide legal counsel to Witness Meas Soeurn on his right against self-incrimination.

**Judge Attendance:** This week national Judge Ya Sokhan was absent due to his health and international Judge Claudia Fenz was also absent for personal reasons. Reserve Judges Thou Mony and Martin Karopkin were appointed to replace their respective seats.

**Parties:** Mr. Pich Ang, national Lead Co-Lawyer for Civil Parties was absent on Tuesday and Ms. Anta Guissé, international Defense Lawyer for Khieu Samphan was absent on Thursday for personal reasons. However, their counterparts were present in their stead

##### **Attendance by the public:**

DATE	MORNING	AFTERNOON
Monday 27/06/2016	<ul style="list-style-type: none"> <li>▪ 52 villagers and 79 students from Ksach Kandal District, Kandal Province</li> <li>▪ 11 foreign observers</li> <li>▪ Seven Civil Parties</li> </ul>	<i>No proceedings</i>



Tuesday 28/06/2016	<ul style="list-style-type: none"> <li>▪ Approximately 130 students from Samdech Ov High School, Samroang District, Takeo Province</li> <li>▪ Ten foreign observers</li> <li>▪ Seven Civil Parties</li> </ul>	<ul style="list-style-type: none"> <li>▪ Approximately 150 students from Samdech Ov High School, Samroang District, Takeo Province</li> <li>▪ Seven Civil Parties</li> </ul>
Wednesday 29/06/2016	<ul style="list-style-type: none"> <li>▪ Approximately 130 students alongside two teachers from Preah Beida Eka Reach High School and 45 from Kong Pisey District, Kampong Speu Province</li> <li>▪ Two foreign observers</li> <li>▪ Nine Civil Parties</li> </ul>	<ul style="list-style-type: none"> <li>▪ Approximately 40 students from Hun Sen Chrey Ho Pnov High School and 35 students from Tab Mean Chey High School alongside four teacher from Kong Pisey District, Kampong Speu Province</li> <li>▪ Nine foreign observers</li> <li>▪ Six Civil Parties</li> </ul>
Thursday 30/06/2016	<ul style="list-style-type: none"> <li>▪ Approximately 274 villagers from Oudong District, Kampong Speu Province</li> <li>▪ Sixteen foreign observers</li> <li>▪ Eight Civil Parties</li> </ul>	<i>No proceedings</i>

## B. Time Management

This week the Trial Chamber successfully concluded the testimony of Witness Kaing Guek Eav *alias* Duch<sup>16</sup> and began a new segment in Case 002/02 on internal purges by commencing testimonies of one Civil Party and one witness. The Trial Chamber was forced to adjust its week's schedule due to a defense submission for clarification; adjourning proceedings early in the morning on Monday. On Wednesday 29 June, the Chamber granted an extra 40 minutes to each side to question Witness Meas Soeurn on the request of the Prosecution. At the end of day, the Trial Chamber also announced it would delay the appearance of a reserve Witness 2-TCW-976 this week. In the absence of the reserve witness, proceedings on Thursday ended early in the morning. The Chamber refused to provide extra times for Counsel Victor Koppe to question Duch.<sup>17</sup> At the end of the week, the Trial Chamber announced its three-week judicial recess and will resume the proceedings as usual with testimony of Witness 2-TCW-1005 on Tuesday 25 July 2016.

## C. Courtroom Etiquette

On Thursday 30 June 2016, President Nil Nonn reprimanded Counsel Victor Koppe a few times during his questioning of Witness Meas Soeurn, saying: "Defense Counsel are you speculating? Please refer to the transcript [from yesterday]. You are twisting the evidence of witness." Monitors also noted the phone of one of the Civil Parties sitting in the courtroom rang audibly, however this was quickly resolved by the security guard in the courtroom.

## D. Translation and Technical Issues

This week Civil Party Chhun Samorn spoke very fast in his responses, and President Nil Nonn reminded him and also the Parties to slow down to assist the interpreters in providing full and accurate translations. Monitors also noted some mistranslations and incomplete translations, but there were no significant technical malfunctions.<sup>18</sup> Overall, the proceedings ran smoothly.

## E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 27/06/2016	9:04	-	-	-	10:47	1 hours 43 minutes
Tuesday 28/06/2016	9:05	10:16-10:40	11:33-13:29	14:38-14:59	16:00	4 hours 14 minutes
Wednesday 29/06/2016	9:01	10:12-10:31	11:34-13:30	14:41-15:00	16:01	4 hours 26 minutes
Thursday 30/06/2016	9:01	-	-	-	10:19	1 hours 18 minutes
Average number of hours in session				2 hours and 55 minutes		
Total number of hours this week				11 hours and 41 minutes		
Total number of hours, day, weeks at trial				764 hours and 5minutes		
205 TRIAL DAYS OVER 59 WEEKS						

\*This report was authored by Britni Olina Chau, Lena Harris-Pomeroy, Somaly Kum, Caitlin McCaffrie, Lina Tay, Sathapor Thom, Quito Tsui, Alina Utrata and Penelope Van Tuyl 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 AIJI staff; and
- ☐ photos are courtesy of the ECCC.

**Glossary of Terms**

Case001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (CaseNo.001/18-07-2007-ECCC)
Case002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith, and Khieu Samphan</i> (CaseNo.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
DSS	Defense Support Section
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

<sup>1</sup> Witness KAING Guek Eav (2-TCW-916) began his testimony on 7 June 2016. Today he was questioned only by international co-counsel for Nuon Chea, Victor KOPPE. For summaries of his previous two weeks of testimony, see CASE 002/02 KRT TRIAL MONITOR, Issue 58, Hearings on Evidence Week 55 (20-23 June 2016); CASE 002/02 KRT TRIAL MONITOR, Issue 57, Hearings on Evidence Week 54 (13-16 June 2016) and CASE 002/02 KRT TRIAL MONITOR, Issue 56, Hearings on Evidence Week 53 (6-9 June 2016). He also testified as a witness in Case 002/01 over twelve days between 19 March – 10 April 2012. For summaries of his testimony in Case 002/01 see CASE 002 KRT TRIAL MONITOR, Issue 15, Hearings on Evidence Week 10 (19-21 March 2012); CASE 002 KRT TRIAL MONITOR, Issue 16, Hearings on Evidence Week 11 (26-29 March 2012); CASE 002 KRT TRIAL MONITOR, Issue 17, Hearings on Evidence Week 12 (2-5 April 2012); CASE 002 KRT TRIAL MONITOR, Issue 18, Hearings on Evidence Week 13 (9-10 April 2012).

<sup>2</sup> KAING Guek Eav (*alias* Duch) was found guilty by the Trial Chamber and sentenced to 35 years’ imprisonment on 26 July 2010, see Trial Chamber “Judgment” (26 July 2010), E188. KAING Guek Eav appealed the verdict to the Supreme Court Chamber, which was dismissed. The OCP also appealed the verdict, and on 3 February 2012 the Supreme Court Chamber quashed the decision of the Trial Chamber and increased the Accused’s sentence to life imprisonment, see Supreme Court Chamber, “Appeal Judgment” (3 February 2012), F28.

<sup>3</sup> Previously DUCH said he himself selected which prisoners would have their blood taken, although this week he made no such claim.

<sup>4</sup> DUCH also testified to this effect previously. See CASE 002/02 KRT TRIAL MONITOR, Issue 56, p. 6.

<sup>5</sup> The word *Santebal* means ‘security’ or ‘secret police’. The abbreviation of S-21 is shortened from Santebal 21.

<sup>6</sup> Witness CHHUN Samorn (2-TCCP-236) was questioned in the following order: President NIL Nonn; Civil Party lawyer TY Srinna; international deputy co-prosecutor William SMITH; national deputy prosecutor SENG Leang; international judge Jean-Marc LAVERGNE; international co-counsel for Nuon Chea, Doreen CHEN; international co-counsel for Khieu Samphan, Anta GUISSSE.

<sup>7</sup> There was some inconsistency over the exact age of the Civil Party. He initially gave his date of birth as 1957, however later said he had been 15 years of age in 1975. This discrepancy was never cleared up.

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<sup>8</sup> Despite saying this, the Civil Party did remember one old woman, Yeay Huy, who was ethnically Vietnamese but survived the regime living with her Cambodian husband.

<sup>9</sup> Witness MEAS Soeurn (2-TCW-917) was questioned in the following order: President NIL Nonn; senior assistant prosecutor Vincent DE WILDE D'ESTMAEL; Civil Party lawyer LOR Chunthy; international defense counsel for Nuon Chea, Victor KOPPE; national defense counsel for Khieu Samphan, KONG Sam Onn.

<sup>10</sup> *Yuon* is a Khmer term for the Vietnamese and is often used in a derogatory way.

<sup>11</sup> The confiscation of weapons is corroborated by Chhun Samorn's earlier testimony.

<sup>12</sup> Counsel Koppe asked many questions about the Cham rebellions and who was sent to crush them, however the Witness testified to having little or no knowledge on this.

<sup>13</sup> The Witness said that some Cham were sent to Dambar district along the road to Romchek and instructed to "live along the roads and new villages would be established for them."

<sup>14</sup> For example, when asked if he knew whether his father was involved in negotiating borders between Cambodia and Vietnam, he replied "I did not know what he was doing there however I used to accompany him to Tay Ninh Province in Vietnam. I was his driver."

<sup>15</sup> See Office of the Co-Investigating Judges "Closing Order" (15 September 2010) D427, paras 192-204 and Trial Chamber "Decision on Additional Severance of Case 002 and Scope of Case 002/02" (4 April 2014) E301/9/1.

<sup>16</sup> KAING Guek Eav alias Duch began his testimony on 7 June 2016 and this week concluded his testimony on June 27 2016, which marked the longest testimony of any witness in Case 002/02 to date.

<sup>17</sup> On 23 June 2016, the Trial Chamber granted 45 minutes to the Nuon Chea Defense Team to question Duch. See CASE 002/02 KRT TRIAL MONITOR, Issue 58, p. 7.

<sup>18</sup> Monitors noted errors in translation from Khmer to English; including, 'Huy's location' to 'Hor's location'; 'Dong and Tuol Prasat village' to 'Dong village'; 'Svay Rieng in 1967' to 'Svay Rieng'; 'military commanders' to 'some'; 'to Cambodia in 1979' to 'to Cambodia'; 'Yeay Huy and Ta Dam' to 'Yeay Huy'; 'Ngor 112 soldiers' to 'East Zone soldiers'; '7 or 8 soldiers' to 'other guards'; 'district governor' to 'provincial governor'; 'lathing workshop unit' to 'a new unit'; 'there were seven or eight soldiers' to 'there were many'; 'sector level' to 'commune level'.