

KRT TRIAL MONITOR

Case 002 ■ Issue No. 61 ■ Hearing on Evidence Week 56 ■ 27-31 May 2013



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

. I tried to regain my spirit- I tried to work to satisfy them. But I only had my physical strength but my spirit was away, my soul was taken from me.¹

- Chan Socheat, Civil Party

I. OVERVIEW

This week the Trial Chamber heard statements suffering from 12 Civil Parties. The Civil Parties were selected from 3,866 Civil Parties admitted in Case 002 based on “the evidence they could provide on suffering, the relationship between this evidence and the crimes being tried in Case 002/01, and the diversity of impacts (suffering) represented”². The testimony was emotional and at times, brought the Civil Parties and other members of the Court to tears.

In accordance with the procedure determined by the Trial Chamber in a decision dated 2 May 2013, the Civil Parties were permitted to address questions to the Co-Accused.³ Khieu Samphan responded to all questions posed by the Civil Parties. Although Nuon Chea was able to respond to questions from his holding cell through audio and video facilities, he declined to answer some questions because he was not physically well enough to do so. However, while responding to one question posed, Nuon Chea surprised the Court by accepting “moral” responsibility for crimes committed during DK.

II. SUMMARY OF CIVIL PARTY TESTIMONIES AND STATEMENTS OF SUFFERING

The Civil Parties testified on their experiences during the evacuation of Phnom Penh, life in the cooperatives, discrimination against “new people” and purging of Lon Nol officials. As CPLCL Elisabeth Simonneau Fort, warned the Chamber, many of the Civil Parties were overwhelmed by emotion while recounting the suffering they experienced during and following DK. In accordance with the Trial Chamber’s previous ruling, Civil Parties were also permitted to pose questions to the Co-

Accused.⁴ Khieu Samphan responded to all questions put to him. His responses largely echoed previous statements suggesting that his position as Head of State did not provide him with any executive power. Nuon Chea declined to respond to some questions due to exhaustion. On the occasions he did respond, he denied the existence of a policy to kill people citing the need for people to defend the country and suggested the policy to eliminate “bad elements” referred only to undesirable traits within individuals rather than people.

A. Sou Sotheavy’s Testimony (TCPP-151)

73-year-old Civil Party Sou Sotheavy, took the stand on Monday this week.⁵ She recounted sexual violence she suffered as a transgender person and the loss of her partner and colleagues during the DK.

1. Evacuation from Phnom Penh and Subsequent Movements

On 17 April 1975, Sou Sotheavy was in her home near the Olympic Stadium in Phnom Penh when armed KR soldiers entered her house. She recalled cooking in the kitchen and heard shots fired inside the house. She did not see whether the soldiers killed four of her friends who were inside the house, but concluded they had been killed, as she never saw them again. The Civil Party recalled KR soldiers marching people through the streets and stated that she was directed to travel along National Road No. 1, despite her desire to travel to her native village in Takeo Province via National Road No. 2. While crossing the Monivong Bridge, she saw people shot dead and claimed that KR cadre did not provide assistance to evacuees.

On 30 April 1975, the Civil Party recalled meeting other transgender people at Champa Pagoda including a friend who she testified seeing covered in blood after being raped anally. Sou Sotheavy also testified that she was raped, however when this occurred was unclear. The Civil Party was then evacuated to Livear Em District, later travelling to Svay Chrum, Takhmao after swimming across the river and Prek Ho. Following this, she was evacuated a final time to Takeo Province.

2. Experience working in Takeo Cooperative

The Civil Party recalled breaking rocks and doing other hard labor in a cooperative with other “17th April people” in Takeo Province. She told the court that “17th April people” were separated from the “old people” and were treated like prisoners of war Prisoners of War.” When questioned by International Prosecutor Vincent de Wilde D’Estamel on discrimination she experienced due to her gender identity, the Civil Party responded that transgender people have always been discriminated against in society but added that in order to survive the DK period, she had to “live like a man.”

3. Suffering and Harm due to Crimes in Case 002

Elicited by Civil Party Lawyer, Sin Soworn, the Civil Party described the physical harm she suffered as a result of the torture and rape she experienced during the DK, including a broken jaw, eyesight problems and decreased mobility in her legs. She also spoke about the psychological trauma she experienced as a result of the crimes and the loss of her parents, siblings, relatives and partner. Sou Sotheavy explained

that her request for reparations was a collective one, in the form of a library on KR history and a stupa to commemorate the spirit of KR victims.

4. Civil Party's Questions to the Co-Accused

The Civil Party asked the Co-Accused if they knew about the atrocities she described or whether they knew in addition to prisons at Tuol Sleng and Choeng Ek. Khieu Samphan replied that he was not a CPK leader (like Pol Pot etc.) and only joined the CPK to protect Cambodia from being conquered by Vietnam. Nuon Chea declined to answer questions.

5. Civil Party's Demeanor and Credibility

The Civil Party appeared determined to testify before the Chamber, despite being visibly upset and crying through most of her testimony. She told the Court that she had waited 30 years for justice, she hoped her testimony would inform the public about the suffering of victims and assist the younger generation to ensure history was not repeated.

B. Aun Phally's Testimony (TCPP-2)

Civil Party Aun Phally⁶ was 10 years old during the evacuation of Phnom Penh. He testified about his evacuation, the disappearance of his family and work conditions he experienced in various cooperatives. orphaned during the DK. when he and his family were evacuated from their home in Phnom Penh, Tao Phi on 17 April 1975. The Civil Party was orphaned during the DK

1. Evacuation from Phnom Penh

On 17 April 1975, the Civil Party recalled seeing people raising flags to welcome KR soldiers who were entering Phnom Penh. However, soon after soldiers began shooting in the air, forcing the population to leave the city. He stated that KR soldiers informed them evacuation was necessary to "arrange" the city and they would be permitted to return after three days. He remembered his family of seven being held at gunpoint and told to leave immediately from his home in Tao Phi.

Aun Phally's family was required to walk for 15 days to Prey Veng Province, Prek Pneu Commune, carrying their personal belongings and younger siblings. After several days the Civil Party's father was summoned by KR soldiers, allegedly to join a study session. The Civil Party claimed he was too young to know if his father worked for the Lon Nol regime. His father never returned, and out of concern, the Civil Party was sent to live with his grandmother in neighbouring Prek Phnov. Subsequently, Aun Phally's grandmother informed him that his mother and siblings had been taken away and killed.

Aside from the tragedy of losing his family, Aun Phally described life in Prey Veng as "not too difficult." He confirmed the availability of sufficient food and mentioned that

although children were required to scavenge for leaves to make fertilizer and herd cattle, they were permitted to live with their parents.

2. Subsequent Evacuation and Experience working in Battambang Cooperative

The Civil Party could not recall the exact date, but in 1976 or 1977, he and his grandmother's family were evacuated from Prek Phnov, brought to Phnom Penh via Neak Loeung by motorboat and subsequently travelled by train to Mong Russei District, Battambang Province. The new arrivals were then assigned to live and work in different cooperatives. In Battambang, the Civil Party testified that he was orphaned after the death of his grandmother and cousin to starvation. Aung Phally was assigned to the Trocheak Chet Mountain Children's Unit and recalled being forced to do hard labor with little food. He also recounted that children were often beaten up or told to beat each other. The Civil Party successfully escaped the unit after a failed attempt and returned to his village. During the questioning by National Prosecutor Chan Dararasmey, the Civil Party also described that people were working under constant supervision in the mobile unit and everyone feared execution.

3. Suffering and Harm due to Crimes in Case 002

The Civil Party stressed the mental pain of living his life without the support of his family—all of whom he lost during the DK. He also expressed particular grief at having witnessed the death of his grandmother and cousin due to starvation. Claiming to feel like “an estranged person,” the Civil Party explained that the events led him to join the Vietnamese-backed army after the fall of the KR. In service, he contracted malaria and now lives as a handicapped person.

4. Civil Party's Demeanor and Credibility

The Civil Party was visibly upset when providing his testimony, especially when describing his experience of living as an orphan. Because the Civil Party was only a child during the DK period, he was unable to elaborate on some details he was questioned about, including why the evacuation occurred and his father's occupation before the fall of Phnom Penh. However, he was open about the limits of what he could recall from the DK period and shared this openly with the Court.

C. Sang Rath's Testimony (TCPP-129)

Civil Party Sang Rath⁷, a 72-year-old woman who lost her entire family during the DK period, took the stand on Monday. Sang Rath testified about the suffering she endured during the DK regime including her and her family's evacuation from Kampong Speu to Battambang Province in late 1975.

1. Evacuation from Kampong Speu

Sang Rath was born in Samroang District, Kampong Speu Province. In late 1975, she recalled that she was evacuated to Mong Russei District, Battambang Province. She informed the Chamber that at first, people in her village were told to work in the rice fields. However, after seven months of work, people from her village and surrounding villages were forced to evacuate. She believed that the evacuation was compulsory because to refuse would invite an accusation of being enemy. She recounted being told to board one of approximately ten trucks along with her husband and four sons. Five other families from her village were also told to board the trucks along with people from different villages who she saw on board. The trucks traveled along National Road 3, arriving in Pursat Province in the early morning. The villagers stayed in Pursat Province for two days where they were offered rice to eat. After two days, they boarded a train from Kampong Speu to Battambang province. The Civil Party recalled that on this journey, no food was offered and KR cadres constantly monitored the evacuees. When the evacuees finally arrived at Mong Russei, the District Chief greeted them and assigned them to live in designated villages.

2. Experience working in Battambang Cooperative

At Mong Russei District, Sang Rath's family members were separated to different units. Her husband was sent to the rice field, her children were sent to children's unit, and she was assigned to work on the dam. Food was insufficient and her four children starved to death in late 1976. Her husband also died due to hunger and exhaustion. Sang Rath was told not to cry when her family members died, because "otherwise I would be killed or accused of being a traitor."

At one point during her stay in Battambang, the Civil Party recalled becoming severely ill, and was sent to a hospital at Wat Chas. While in the hospital, she noticed that patients were all given the same kind of medicine, and died upon taking it. The Civil Party decided not to take the medicine and left the hospital after a fortnight. Upon returning to work at the dam, the Civil Party was forced to work just as hard as before, despite recovering from illness. She remained there until the defeat of the KR.

3. The Treatment of "New People" and "Base People"

The Civil Party testified that "New People" and "Base People" received unequal treatment with regards to food supply, living conditions, and work assigned. She recounted that the majority of those who starved to death or disappeared were "17 April People." However, she was confused about the classification of the groups because her family was treated like the "New People," despite having being evacuated from one rural area to another.

4. Suffering and Harm due to Crimes in Case 002

The Civil Party recalled the "unbearable pain" she felt returning to her native village after the fall of the KR with no surviving family member or relatives. She compared herself to the Khmer folklore figure, Bada Cha, to describe the pain of having to survive without the support of her four children and husband. Ultimately, she requested the chamber to find justice for her family.

5. Civil Party's Demeanor and Credibility

The Civil Party was a frail woman who appeared to be fraught with grief when recounting the suffering she endured during the DK regime. She became overwhelmed with emotion on several occasions throughout her testimony, particularly recounting the death of her family. Nonetheless, she appeared resolute to participate in the proceedings and responded to all questions posed to her as best she could.

D. Yos Phal's Testimony (TCCP-177)

Civil Party, Yos Phal was the fourth civil party to testify before the court on Monday.⁸ The 58-year-old was a former Lon Nol soldier and currently lives in Treang District, Takeo Province. Yos Phal testified about the screening of former Lon Nol officials and how he survived the DK period by concealing his position as a police officer in the Lon Nol regime. Although the credibility of his account was challenged by the defense counsel for Nuon Chea, the Civil Party maintained that he had witnessed the KR screening Lon Nol military officers and removing those who were ranked lieutenant and higher.

1. Evacuation from Phnom Penh

Yos Phal recalled that on 17 April 1975 at approximately 8.00 am, he left his the Chaktomouk Theatre Barracks, following in the footsteps of his commander who had escaped earlier on a motorbike. The Civil Party subsequently encountered KR soldiers who told him to remove his military boots and helmet as a sign of surrender. He then walked barefoot in his police uniform to Pet Chen upon where KR soldiers in civilian clothes searched him for weapons. After leaving Pet Chen, he traveled North, stopping at Psar Thmei (Central Market) where he saw a Lon Nol senior military officer, Brigadier General Chhin Chhoun, pass by with his motorcade towards the direction of the Ministry of Information. The Civil Party continued to Chroy Changvar Bridge, where he was asked again if he was armed. Yos Phal asserted that at the time he was allowed to pass by after simply confirming that he was not bearing arms, despite the fact he was still wearing a police uniform. Intending to collect his belongings, the Civil Party traveled to Chen Damdek pagoda where the KR told him to leave and threatened him by firing into the air. He recalled that the KR told him to cross the river by ferry to Prek Kdam for three days because they needed to reorganize the city and avoid American bombardment. On his journey from Chroy Changva Bridge to Prek Kdam, the Civil Party recalled seeing corpses of varying ages scattered along the road, both in military and civilian clothing.

2. Subsequent Evacuation

Yos Phal testified that he was forced to transfer a second time from Pa'av district to Ta Moan village near the border of Takeo and Kampot Province. He stated that once there, he met his parents who informed him he had been taken to a prison. Yos Phal recalled that he saw a lot of "New People" with babies walking into the small prison office. The Civil Party believed they were "New People" because they were wearing

colorful clothes and had “big bellies,” which to him, signified that they came from well-to-do families, in comparison to the Base People who dressed in black.

3. Screening of Former Lon Nol’s Military and Police Officers

Yos Phal testified that in Pa’av District, the KR announced that Lon Nol soldiers and officials would be able to return to their former posts. The Civil Party stated that some former Lon Nol lieutenants gave truthful biographies to the KR because they believed the announcement. However, the Civil Party recalled that after collecting the biographies, the KR lined up those ranked as major lieutenant, lieutenant or captain or higher and took them and their families to Cheung Prey pagoda in Pdao village. Lower ranking Lon Nol soldiers were allowed to stay in Pa’av pagoda. The Civil Party believed that he survived because he told the KR he was a civilian and a “reserve agent candidate in the government.” He stated that he chose to conceal his identity after he saw the corpses of Lon Nol soldiers during his evacuation from Phnom Penh and after he met with a woman he knew who warned him not to divulge information about his true identity to the KR.

At another point in his testimony, Yos Phal recalled that while he was working in a mobile unit in Treang District, the KR required the 100 members of the unit to write monthly biographies. At some time in 1977, he remembered that 99 people from his unit were killed after their background was revealed from their biographies. He was the only survivor. He claimed to have avoided death because he had consistently maintained he was a student in his biographies. He said, “I did have great pity of my friends who had to tell them the truth, but I did not dare to tell them to lie.”

4. Suffering and Harm due to Crimes in Case 002

Yos Phal remembered the death of his relatives and in particular, his father who upon falling ill, was injected with ordinary water by the KR. The Civil Party also recalled how he was prevented from marrying his fiancée and was informed that “as a son of Angkar” it was for Angkar to arrange an appropriate marriage for him. Describing how Angkar arranged marriages, the Civil Party said, “the ugly men [were] married to the pretty women, the non-intellectual [were] married to the intellectual ones.”

Describing his psychological trauma, the Civil Party told the Chamber how he “trembled” and felt heaviness in his chest every time he recalled the events during the DK regime. He appealed to the Chamber for justice and made three reparation requests including the erection of a stupa to commemorate Cambodians who perished during the regime, a library of KR documents and free medical treatment.

5. Civil Party’s Questions to the Co-Accused

At the conclusion of his Lawyer’s examination, Yos Phal addressed six questions addressed to the Co-Accused. The Civil Party demanded to know the reason why Cambodians were killed, forced to work like “animals” regardless of their age, prevented from eating the fruits of their labor, and were not permitted to own private

property. He also asked why the KR had not built any schools during the DK period and what the KR had done with Cambodian resources.

Nuon Chea opted not to answer the questions due to exhaustion. Khieu Samphan responded to the Civil Party's questions, largely reiterating responses he had provided to other Civil Parties. He stated that he did not have the power to prevent the crimes and only joined the KR in order to reconcile resistant forces after the coup in 1970 and to prevent the Vietnamese war from spilling over into Cambodian territory. Regarding the lack of food during the DK regime, Khieu Samphan acknowledged that he was in charge of distributing food and claimed to have sent out "hundreds or thousands cars" of food to various locations. Addressing the issue of education, Khieu Samphan remarked that under Sihanouk's regime only a small number of people were educated. Accordingly, the KR had decided that comprehensive education was not ideal at the time and youth were instead educated through work in factories or collecting fertilizer. Although Khieu Samphan stated that an education program was intended to follow after the growth of the country, he also admitted to having heard Pol Pot ask whether educational progress could be reduced, but added that this did not mean, "there was no school at all."

6. Civil Party's Demeanor and Credibility

Yos Phal lost his composure and had to wipe his tears when he described about the sufferings he endured during the evacuation. Despite one occasion when the Civil Party became visibly agitated after being questioned repetitively by Defense Counsel for Nuon Chea, Victor Koppe; the Civil Party calmly responded to all questions put to him (See III.C).

E. Testimony of Thouch Phandara (TCPP-156)

Thouch Phandara⁹ was the first Civil Party to testify on Wednesday. The 67-year-old testified on the suffering she experienced during the DK, including her evacuation from Phnom Penh and subsequent evacuation to Pursat Province.

1. Evacuation of Phnom Penh

The Civil Party recounted how people initially celebrated when the KR entered the city on 17 April 1975. However, soon after the KR soldiers told people they had to leave their homes to allow the government to clean the city and to avoid US bombing. The Civil Party and her parents, who lived in the same building, were hesitant to leave their apartments. However, after soldiers entered their apartment and aggressively told them to pack for three days, the Civil Party left with her family in two cars, followed by her younger sister by bicycle. She recalled that the streets were so crowded they could hardly move forward. However, by evening, they had reached the road to Sihanoukville. There she heard shots fired and soon after the car and bicycle were confiscated and they were only permitted to take water and rice with them. Thouch Phandara stated that it had dawned on them that "things were very, very serious" and they did not put up resistance when KR confiscated their mode of transport. The Civil Party and her family traveled towards Kilometer 13, where they owned a small plot of land. However they had only stayed for one night before KR soldiers arrived and forced them to move ahead with the masses of people. During

the journey, Thouch Phandara witnessed a woman giving birth on the street, people being pushed along the street on stretchers attached to intravenous drips, and children forced to abandon their parents.

The Civil Party's group continued their journey until they arrived at a village called Kampong Meas. She could not recall how many months she stayed in the village, as "time barely existed." Prior to entering the village, they were warned by relatives to destroy their identity cards and change their names. The Civil Party adopted "Ten" as her alias. The morning after they arrived, they were immediately put to work. Thouch Phandra told the Court that the men were required to work off-site and could only return once every 10 days. The "New People" constantly watched by spies. Although the Civil Party said she received rice and cassava to eat, she did not eat any protein.

2. Subsequent Evacuation to Pursat Province

Following several months at Kampong Meas, the Civil Party testified that she and her family were evacuated a second time to Pursat Province. They firstly boarded trucks to Kampong Chhnang, followed by a train "jam-packed with people" to Pursat, and finally to Phnom Choeuntinh. This is where, according to Thouch Phandara, "real famine began." The new arrivals were told to build their own shacks and had to barter their belonging for knives to complete their task. The Civil Party stated that they were assigned to hard labor with little food and recalled the pain she suffered witnessing her father pulling an oxcart alone. In 1976, Thouch Phandara said that people began to die in great numbers, including members of her family. The Civil Party recounted how her son died after contracting meningitis and they had no penicillin to treat him.

3. Screening and Purging of former Lon Nol's officials

The Civil Party recalled that in Pursat, her family had been denounced and were taken along with five other families to Boeungkon Tuot. After being questioned about their biographies for an entire morning, the Civil Party's family was eventually released and provided with dried fish and rice. The family had maintained they were shopkeepers before they became farmers. Although the Civil Party recalled being happy to receive food, she also remembered feeling cautious because she had heard stories that people were fed and later executed. This did not happen however, and the group was released.

During questioning by International Prosecutor Keith Raynor, the Civil Party also told the Chamber about the execution of a Lon Nol General, named Thach Sary, who was her cousin by marriage. The Civil Party told the Court that her cousin, Yourn had informed her that Thach Sary had been executed after presenting himself to the KR at the Ministry of Information.

4. Civil Party's Questions to the Co-Accused

The Civil Party asked two questions to the Co-Accused. Firstly, why the KR "focused" on 17 April people and secondly, what the purpose of self-criticism was.

Khieu Samphan responded by firstly noting his sorrow after listening to the Civil Party's account of suffering. He then proceeded to explain that the answer to both questions was related to the class-struggle ideology, although he himself was not an "ideologist" of the DK. Through his participation in the Party he was aware that the CPK intended two stages of revolution to occur: first, a national democratic revolution to free Cambodia from French colonialism and American imperialism and second, a "socialist revolution phase" which would remove private property to enable rapid progress to build dams and canals and cultivate rice to feed the people. Khieu Samphan expressed "shock" at hearing that the construction of dams and canals had created "such loss." Regarding self-criticism, Khieu Samphan explained it was a measure to build exemplary party members. He added that he was also required to engage in self-criticism, however was never fully successful because his mentality was still "semi-capitalist" and he was still fond of family members instead of sacrificing everything and focusing on the nation.

Nuon Chea also responded to the Civil Party questions, despite claiming his health had not improved. After expressing respect to the deceased and those who lost family during the DK, he explained that "things were complicated" and DK leadership "was not perfect." He then recounted the death, evacuation and suffering experienced by members of his own family. Addressing the questions posed, Nuon Chea denied having ever requested that Old People and New People be treated differently. In relation to self-criticism, Nuon Chea explained that the purpose was to eradicate "bad elements" within a person and to encourage understanding about the purpose of socialist construction.

The Civil Party then requested Khieu Samphan to pray with her for the souls of the departed. Khieu Samphan replied that he prayed not only for the Cambodian people suffered, but for the "brave combatants" who had to face B-52 bombings to liberate Phnom Penh.

5. Suffering and Harm due to Crimes in Case 002

Thouch Phandara informed the Chamber of the mental trauma she endured after watching her parents die in conditions "worse than animals." The Civil Party suffered from survivor's guilt, haunted by the feeling that she had failed to save her own parents. She also recounted her struggle after moving to France as a refugee with her sister in 1979. She told the Court of the "terrible solitude" she experienced there and how she became a compulsive eater and spent three months in a psychiatric hospital. She claimed that her testimony was motivated a quest for justice, as she felt it was the only way to secure peace and restore the honor of her parents.

6. Civil Party's Demeanor and Credibility

The Civil Party was emotional during her testimony, especially when recounting the death of her parents and her son. At one point she had to stop her testimony to recollect herself. However the testimony she provided was clear and although she had trouble determining the length of time she stayed at each place she stayed in during the first and second phase of evacuation, she was exact and consistent in terms of the chronology of evacuation and other aspects of her testimony.

F. Chan Socheat's Testimony (TCPP-7)

Civil Party Chan Socheat,10 a 56-year-old rice farmer currently living in Pursat Province, provided an especially detailed account of the hardship she experienced working as part of a Mobile Unit in Mong Russei District. The Civil Party lost 14 family members during the regime due to “inhumanely” hard labor and lack of food.

1. Evacuation from Phnom Penh

On 17 April 1975, at 9.00 am, Chan Socheat and her family of 15 were forced to evacuate Phnom Penh. KR soldiers told them that they would only leave for three days to allow the KR time to remove the enemies from the city and also for the population to avoid US bombing. The Civil Party and her family immediately left their residence with only a motorbike, a bicycle and water for her younger siblings. Along the road, she was shocked to see crowds moving en-masse, including sick people with intravenous lines attached to their arms. She also saw some corpses on the streets. The Civil Party and her family decided to stay at Nirout Pagoda, intending to return home after three days had elapsed. However, the KR forced them to move onwards to Kien Svay District, where they remained for six months. The Civil Party stated that there was insufficient food and her younger sister died as a result of being fed with watery gruel instead of breast milk.

2. Second Evacuation to Mong Russei District

Approximately six months after the Civil Party and her family entered Kien Svay District, a local Angkar leader announced that Phnom Penh evacuees could return to the city. At 5.00 pm she and her family boarded a ship with hundreds of others headed for the capital. When the ship passed the Royal Palace, everyone cheered, and one man shouted “[B]ravo now we arrive at Phnom Penh.” The Civil Party recalled that KR soldiers summoned the man and shot him. After this people were silent.

The ship arrived at Kampong Chnang in the early morning and the Civil Party recalled that one can of rice was distributed to every three people. She was then transported by train to Prey Tor Toeung village, Mong Russei District. According to the recollection of the Civil Party, at the time the village was little more than jungle with only three houses built for the District soldiers. The soldiers told the new arrivals to clear the forest and build their own houses. At the village, people were ordered to work and eat communally. The Civil Party and her sisters worked at the Women's Unit and her younger siblings worked at Youth Unit. At some point during her stay in Prey Tor Toeung, Chan Socheat was then assigned to a Mobile Unit.

3. Experience Working in Mong Russei District

Chan Socheat testified on the difficult conditions she experienced working in the Mobile Unit. While working in the unit, she was only permitted to return to her family once every 10 days. At each worksite she recalled that members of the unit had to achieve an assigned quota before they received two ladles of watery gruel. Failure to meet the work quota would also lead to beatings and/or accusations of being a

Vietnamese enemy or a feudalist. The Civil Party stated that people were working under constant threat and pushed to work “beyond human capacity with the hard labor.” She also recounted having seen corpses when traveling home from work.

At one point, the Civil Party decided to run away with her sister who was also working at the worksite. She told the Unit Chief they were collecting clothes to make hammocks and were provided with three cans of rice for the journey. However, after failing to find her sister where they had arranged to meet, Chan Socheat returned home searching for her mother. She was not able to find her and went to the hospital after feeling ill. There, she met her mother, who had a swollen body and was in a critical state. Chan Socheat decided to leave the hospital but stayed nearby to monitor her mother’s condition. She had to steal food to survive, and after sometime she could not bear the starvation longer and requested permission from the Unit Chief to travel to her uncle. The Unit Chief forbade her from leaving. It was at this time that the Civil Party recalled meeting Ta Mok, who was riding a bicycle nearby. She appealed to him for food and Ta Mok ordered the Unit Chief to give it to her, proclaiming that everyone was under “Angkar’s Umbrella” so there should not be difference between people. The Civil Party was then provided with soup and rice and she recalled being utterly surprised that the leaders had such food while others went hungry.

The Civil Party recounted that by 1976 the food rations had been reduced to three cans of rice for her entire family, which had reduced from 15 members to 10. She recalled her sisters dying one by one and the death of her mother, who she was prevented from visiting before her death. The Civil Party recounted how at one point during her time working in the Mobile Unit, she fell ill and was sent home to her family. The day after she returned to her family, two of her younger siblings died. She recalled that they were very thin and ate only spoiled rice with morning glory. They were not allowed to scavenge in the jungle to supplement their diet and if they were caught doing so, they would be branded as enemies and “destroyed.” Chan Socheat stated, “it was a tragedy under the KR regime that we were starved and given food like animals.”

4. Civil Party’s Questions to the Co-Accused

Chan Socheat asked the Co-Accused why the KR was so cruel and urged them to apologize to the dead to allow their “souls to rest in peace.” Khieu Samphan firstly expressed shock at hearing the Civil Party’s statement, stating that “those who committed these atrocities were not ordinary people, they were the merciless leaders.” Nuon Chea emphasized that there was no policy to kill people in DK and while he expressed his sympathy to Chan Socheat, he believed DK had a “good purpose” for the nation.

5. Suffering and Harm due to Crimes in Case 002

The Civil Party recounted how she lost all of her family members during the DK regime. She told the Court that her suffering motivated her to become a Civil Party in a quest for justice on behalf of her family and the “Cambodian People”. She hoped her testimony would assist the Court to achieving that objective.

6. Civil Party's Demeanor and Credibility

Chan Socheat appeared to be grief-stricken during her testimony, especially when she recounted the death of her family. She was observed to weep when confronting the Co-Accused with her questions. At times, it was unclear precisely when some events had occurred. However, the factual details of her account were clarified by follow-up questioning from the Parties, in particular during questioning by International Prosecutor Raynor.

G. Huo Chantha's Testimony (TCPP-198)

Huo Chantha¹¹ took the stand on Wednesday afternoon. The 60-year-old merchant lives in Pouk Russey village, Kandal Province but was born in Kampong Soeung. Her statement of suffering and harm focused on the loss of 22 members of her family during the DK period. She also provided insight into life in the cooperatives, in particular what happened to those who failed to surrender their assets.

1. Evacuation from Phnom Penh

The Civil Party told the Court that she lived in a wealthy family and lived a "good life" before the KR came to power. Her family owned property and ran a grocery store in Phnom Penh. In 1972, she married a teacher and they also owned property and vehicle. She remarked that she did not know what hardship meant at that time.

When the KR entered Phnom Penh, the Civil Party recalled welcoming the soldiers at first. However, they soon told the population to leave for a few days to allow them to "sweep clean the city." The Civil Party and her family departed Phnom Penh via Pochentong. During the evacuation, she recalled being frightened and confused after KR soldiers fired gunshots into the air to threaten them. She also recalled having seen corpses of Lon Nol soldiers and women who were forced to walk just after delivering their babies.

The Civil Party and her family took refuge for the night and in the morning the family rented a boat to cross the river. After 15 days of walking, the family arrived at Pouk Russey. At one point during the journey, people were so thirsty that they drank contaminated water from a pond because there was no clean water available.

2. Experience Working in Pouk Russey Cooperative

The Civil Party described that life was miserable for the "New People" in Pouk Russey cooperative. She and her family stayed in the area for the entire DK period. She recalled that people were required to do hard farm labor, with little food and no access to medical treatment. She also recalled that after giving birth to her child, she was forced to continue working to transplant rice and waited many hours before she returned home to breastfeed her child. The Civil Party also spoke of discrimination she experienced as one of the "17 April people." At some time in June 1975, while working in the cooperative, she recalled that her brother-in-law was summoned to attend a meeting and never returned.

3. Punishment for Keeping Private Property

After the regime ended, Huo Chanta saved some money and returned to her native village with her child to find her family. She told the Court that villagers informed her that her mother and five siblings had been arrested and killed by the KR after her mother escaped from a detention center. Her mother had been placed in the detention center because she was accused of keeping gold and not surrendering it to the cooperative. The Civil Party told the Court how her brother and his wife were also killed by the KR for failing to surrender their assets to the cooperative for communal use.

4. Civil Party's Suffering and Harm due to Crimes in Case 002

The Civil Party was visibly upset when recounting her suffering during the evacuation and her experience living in a cooperative. She recounted the death of her husband due to heart problems in 1995; that she believed stemmed from the hard labor he was required to do during the DK. She also described the hardship she endured living as a widow and the sole survivor of her family. She told the Court that she lost a total of 22 family members and relatives to illness, landmine, and execution. Her motivation in joining the proceedings as a Civil Party was to seek justice, and she urged the Prosecutors to secure judgment before the Co-Accused died. "The perpetrators should be punished for 1000 years of their life and they should not be reborn as human beings," she said. The Civil Party requested that the property of the Co-Accused, both inside and outside Cambodia, be confiscated to compensate the victims in the event guilty a verdict is reached.

5. Civil Party's Questions to the Co-Accused

The Civil Party asked the Co-Accused three questions. Firstly, whether a policy existed which led to the prosecution and execution of her mother and brother for failing to put their gold into the cooperative. Secondly, she condemned the Co-Accused and asked, "did you ever imagine the situation of the Cambodian people who were crying out in the blood pond, asking to the nature what mistakes they made, why they were killed and the demand for justice? Did you ever imagine that?" Thirdly, referring to statements made by the Co-Accused denying knowledge of mass killings, the Civil Party asked "[A]ren't you ashamed...that you were the supreme leaders and you knew nothing at all?"

Nuon Chea declined to answer the questions, citing exhaustion and headache. Khieu Samphan responded that he was not a leader of DK but only the Head of State, without executive authority, just like his predecessor Sihanouk. Despite the allegation that the Central Committee was CPK's "supreme organization," Khieu Samphan claimed that in practice, his role in the CPK was limited to distributing goods in accordance with instructions he received from the Standing Committee. He also echoed statements made earlier by Nuon Chea that DK education was intended to refashion individual elements, not to purge individuals. He denied knowing about a policy to confiscate any private property other than land, which he confirmed was required for agricultural development.

6. Civil Party's Demeanor and Credibility

Huo Chantha was visibly upset when she was testifying. She spoke rapidly and at times this impacted on the clarity of her testimony. Because the Parties did not examine the Civil Party, there was no opportunity to confirm parts of her testimony that were unclear.

H. Chheng Eng Ly's Testimony (TCCP-13)

In the final session on Wednesday, 60-year-old Civil Party Chheng Eng Ly, testified before the court via video link from France.¹² The Civil Party, who is presently living in Paris, recounted her experience during the evacuation of Phnom Penh and her experience living in a cooperative during the DK period. She recounted witnessing a number of horrific incidents during the period. The Civil Party also told the Court how she contemplated suicide at one point because of the grueling work and insufficient food.

1. Evacuation from Phnom Penh

Chheng Eng Ly told the Court how she was forced to leave Phnom Penh on 17 April 1975, with her elderly mother and two brothers. She recalled the KR telling her family to leave their home because the US bombardment would destroy the city and her house. She left via National Road Number 1 headed towards Kien Svay. On the journey she saw an abandoned baby crawling on the street but when she attempted to rescue him, KR soldiers did not allow her and "tore the baby apart" in front of her. She also encountered many bodies of people who had died along the road. Currency was still valid two or three weeks after 17 April 1975, so the Civil Party and her family were able to purchase food to eat during their journey. When they reached Kien Svay, black-clad soldiers forced them to continue onward to Rokar Kaong, Battambang where they were placed in a cooperative.

2. Experience working in Battambang Cooperative

The Civil Party told the Court how the KR announced to them on their journey to Rokar Kaong, that "New People" would be forced to join a cooperative once they arrived. Upon reaching Rokar Kaong, all their property or belongings were confiscated for communal use. The Civil Party surmised that this was done in order to create a situation of equality where no one was richer than another. In the cooperative, people were classified into three categories: young, middle, and senior. Each group had approximately 20 members and one Unit Chief assigned to it. The Civil Party was sent to the middle category, where she claimed the Unit Chief was cruel and aggressive.

Chheng Eng Ly described her experience of living in the cooperative. She told the Court she was deprived of freedom, did not have sufficient food, and was treated badly in the cooperative. The Civil Party described how she was forbidden from smiling or crying. She recalled that she received only three ladles of gruel to eat in the morning and evening. In terms of medical treatment, there were only rabbit pellets available for the sick. At one point, the Civil Party recalled that she had

fainted from exhaustion but regained consciousness just before someone attempted to her a fluid injection.

Addressing the issue of punishment in the cooperative, Chheng Eng Ly recalled that on the second day after she arrived, approximately 20 people (including four families and one boy) staged a protest asking to return to Phnom Penh. The KR firstly threatened to kill the protestors, then proceeded to tie their arms together and frog-march them away. The Civil Party told the Court that she concluded the group had been killed after they all disappeared. The Civil Party also recounted the fate of her friend Muy, a Phnom Penh evacuee who confided to her that she was worried about her siblings. The next day, KR soldiers called both Muy and the Civil Party and ordered them to cross the rice field. Muy was then ordered to dig a pit, and upon completion the soldiers pushed he into the pit and buried her alive. Chheng Eng Ly then heard the soldier say, “now we sent you to meet with your family.” After watching the death of her friend, the Civil Party was then ordered by the soldiers to return home and to “work hard.” She told the Court that she was too scared to tell anyone about the incident.

3. Civil Party’s Suffering and Harm due to Crimes in Case 002

Chheng Eng Ly told the Chamber that she is suffered both psychologically and physically. She stated that the hard labor and lack of nutrition had stunted her growth. She also told the Court that she had contemplated suicide at one point and was not able to bear to see blood or hear loud voices as a result of her experiences.

4. Civil Party’s Demeanor and Credibility

Chheng Eng Ly’s testimony was interrupted due to technical problems (See IV.C), but she maintained her composure and proceeded to give her statement slowly and clearly. Although at times the Civil Party seemed to be overwhelmed with emotion, questions posed by her Lawyer and the National Prosecutor assisted to provide a clear account of her experience.

H. Testimony of Mr. Nou Hoan (TCP-100)

79-year-old Civil Party Nou Hoan, traveled from his current home in Texas, the United States in order to provide his statement of harm and suffering. He was born in Prey Veng Province, and spoke mainly about his evacuation from Phnom Penh.¹³

1. Evacuation from Phnom Penh

During the evacuation of Phnom Penh, Nou Hoan recalled masses of people leaving the city in the middle of the heat of the dry season. Nou Hoan described that the KR soldiers he saw at the time held AK-47s and wore a black uniform with a beret and shoes fashioned from car tires. Describing the situation as “chaotic,” the Civil Party told the Court that people were not permitted to take many belongings, and he recalled seeing some people walking without clothes or shoes or using banana stalks for shoes. Nou Hoan added that no food or was available and hygiene was extremely poor. He recalled flies swarming like “flocks of bees” and human excrement lying everywhere due to lack of sanitary toilet facilities. The

Civil Party told the Court that people were forced to keep moving and as a result, sick people were left behind and he saw people who had died lying along the road.

Nou Hoan and his family traveled out of Phnom Penh via National Road Number 1 toward Prey Veng and Svay Rieng Provinces. One month elapsed before the family reached Prey Veng. During the journey, the Civil Party testified that the lack of food and medicine were the greatest challenges. However, he did recall that two soldiers had provided food his family while they were attempting to cross a ferry on their journey. When his family reached Champa pagoda, he saw an announcement written on a blackboard appealing to the former public servants and police from the Lon Nol regime to register their names and return to Phnom Penh to help reorganize the city. Nou Hoan did not believe the announcement and thought it was unusual that former soldiers were being separated from other people. The Civil Party told the Court that he felt danger and asked his children to stop calling him “papa” and his wife “mama.” Upon arriving in Prey Veng, Nou Hoan told the Court that the KR had checked their personal belongings and forced them to register their names. The Civil Party said his family stayed there for only one week, before they were transferred to another village three kilometers away.

2. Comments about character of Khieu Samphan

Nou Hoan testified that he received information from family members who worked in Prey Veng provincial hall that Khieu Samphan would return to Phnom Penh to organize the country. When pressed by Counsel for Khieu Samphan, Arthur Vercken, the Civil Party told the Court that Khieu Samphan was famous for being “clean,” “non-corrupt” and having a “soft stance.” He referred to a rumor he heard that Khieu Samphan had once refused to accept a new Mercedes that was left under his house as a bribe. However, following his comments, the Civil Party proceeded to label Khieu Samphan a “rotten apple,” explaining that Khieu Samphan could not claim to be a clean person after he went to live with the “black-hearted group of the KR.”

3. Civil Party’s Suffering and Harm due to Crimes in Case 002

Nou Hoan described how he lost his young daughter and that his young brother-in-law’s entire family died during the DK regime. After a black and white photograph of his daughter was shown on screen, the Civil Party told the Court about his feeling of sadness, sorrow and regret despite his best efforts to reconcile his emotions. He stated that he did not desire financial reparation, but merely a chance to voice his suffering. He appealed to the Court to render justice and allow the victims and their families to have “peace.” The Civil Party condemned the KR on exercising the principle of a “one size fits all” in the policy. Nou Hoan criticized “the Great Leap Forward” policy imposed by the KR. He explained that it was “impossible” to develop a country while they forced people to work and killed the intellectuals who were the “pillar of the nation.” In conclusion, he expressed “sorry” for Khieu Samphan for being in the basket of apples that contained a rotten one, and he appealed to the Court for justice be done for all including the leaders of the DK.

4. Civil Party’s Questions to the Co-Accused

The Civil Party addressed two questions to the Co-Accused. Firstly, referring to previous statements the Co-Accused made denying knowledge of the crimes, Nou Hoan asked how they could deny knowledge when DK leaders were executed and disappeared while in

power. Secondly, the Civil Party asked what the rationale was behind the purported development of country when intellectuals were being summoned from abroad to be killed.

Before responding to the questions posed, Khieu Samphan expressed regret at the loss of the Civil Party's family. Addressing the first question, Khieu Samphan said he was "an ineffective leader" and had only been shown "the good things", but not "the atrocities" committed during the regime. As for the second question, Khieu Samphan stated that he joined the KR "by accident," that his intention was to reunite national forces to liberate the country; not to kill innocent Cambodian people.

Assisted to stand by two security guards in the holding cell, Nuon Chea claimed that, "in the executive branch I had no power whatsoever." Elaborating on his role and responsibility during the DK era, he stated:

I am not trying to evade justice or my responsibility, but I am telling you the truth. And I of course was the one of the leaders of the government, and I am not rejecting my responsibility. I share the responsibility as one of the leaders of the regime...

Nuon Chea concluded his respond by expressing his condolences to the Civil Party for the loss of his family members.

5. Civil Party's Demeanor and Credibility

Nou Hoan appeared composed and gave his testimony calmly. Although his recollection of the timing of events was at times inconsistent, he was firm and precise when he posed questions and commented on the statement of the Accused.

J. Testimony of Sophan Sovany (TCCP-149)

57-year-old Civil Party, Sophan Sovany was next to testify before the court on the harm and suffering she experienced during the DK. She is a rice farmer who was born in Phnom Penh and currently resides in Pursat province.

1. Evacuation from Phnom Penh

Sophan Sovany testified that on 17 April 1975, she was at her home in Phnom Penh when she heard an announcement made over a mobile loudspeaker, ordering people to leave Phnom Penh to avoid an American bombardment. Although her father did not believe that the Americans were bombing Phnom Penh, the Civil Party told the Court her family were forced to leave after KR soldiers came to their house and threatened them. When her family reached the main road, the Civil Party encountered masses of shocked people leaving the cities. Sophan Sovany recalled seeing someone refused by the KR after begging them permission to return to Phnom Penh. She described the situation as "shocking and confusing." She told the Court she saw armed KR soldiers forcing people to leave, dead bodies along the road, and flies and human excrement everywhere.

After two days, the Civil Party and her family reached Prek Pneu. At one point, the Civil Party recalled that the KR soldiers announced on mobile speaker that markets and money no longer existed. The Civil Party said that people were shocked and hopeless to hear this

news. Some threw away and burned their money after hearing the news. Sophan Sovany continued walking with her family for another 15 days, before they reached Prek Kdam and took a ferry to the other side. She recalled that her father had hoped the family could to escape by crossing the border, but they were prevented when KR militia ordered them to work in a village.

2. Experience Working in Roka Kaong Cooperative

After five days in the village, Sophan Sovany recalled that her father asked the village chief if they could go to Kampong Thom to find his parents. Soon after, the Civil Party and her family were scolded by KR soldiers and accused of having a “capitalist nature.” They were told if they worked hard, her father’s parents would be able to visit them. After a fisherman told her family they would soon be killed if they did not escape, the family fled that night by boat into the jungle. After being refused entry into the first village because they were “17 April people,” the family was accepted by the village chief at Roka Kaong cooperative. The Civil Party told the Court about the difficult work she was required to do in the cooperative. She recalled that her hands bled after being forced to cut “kok,” a plant with razor sharp edges. She also recalled an incident where the KR requested her to collect 50 kilograms of salt from another village, which she carried back by bicycle. The journey took her 15 days in total and she was only rewarded with one kilogram of the salt she had carried.

3. Subsequent Evacuations and Experiences in other Cooperatives

Sophan Sovany recalled that at some point during her stay at Roka Kaong cooperative, there was an announcement that the “New people” were to be transferred to Pursat and Battambang Province where they were promised “abundant rice.” New People were required register and board a motorboat. The Civil Party said that she was shocked when KR soldiers threatened to throw a lady off the boat if she could not calm her crying baby. The group was then loaded onto trucks and transported to the railway station, where they were loaded into train wagons used for cattle. The Civil Party said the wagons did not allow people to relieve themselves. She recalled that soldiers permitted women to defecate at gunpoint, but most were too afraid to do so.

When the Civil Party arrived at Koh Pih cooperative, Kandiang District, she recalled that the location was only forest and her family was required to clear bushes and build their own hut for shelter. She told the Court that at this point her family was separated. Her father was tasked to clear bushes, her siblings were assigned to a village mobile unit and she was assigned to a district mobile unit. The Civil Party told the Court how she was denied the opportunity to visit her sick father and mother before they died. She also learned of the death of her three sisters due to disease, one after another. The Civil Party was able to visit her young brother before he died and recalled how he had begged her for small portion of rice prior to his death.

Later, the Civil Party stated that she was transferred to another location to dig canals and dykes, but decided she would instead walk into the Cardamom Mountains. She arrived at Damnak Choeu Krom where she told the village chief she had become lost in the forest. The Civil Party told the Court conditions were “harsh” at Damnak Choeu Krom. She was ordered to dig canals and recalled that her hands were bleeding and swollen from carrying soil and rock. However she stated she was determined to “continue to live.”

Sophan Sovany testified that she witnessed a number of “terrifying” events at Damnak Choeu Krom. She recalled seeing a young lady taken away and executed by KR soldiers because she was found after attempting to hide jewelry. She also recalled an incident where a woman was beaten by KR soldiers after being caught eating a potato. After following KR soldiers who had frog-marched a pregnant woman accused of sexual wrongdoing into the forest, she recalled witnessing the soldiers unclot the woman, beat her to death and cut open her abdomen. She also recalled seeing KR soldiers gun down a woman and bury her in a pit because a sprained ankle prevented her from reaching her work quota. The Civil Party also recollected seeing two trucks carrying people away from the village. The next morning the truck returned with only the clothes and shoes of the people, after which she concluded that they had been killed.

4. Civil Party’s Suffering and Harm due to Crimes in Case 002

In her statement of suffering, Sophan Sovany said the pain she felt after losing her entire family was “indescribable.” In addition, the Civil Party said that for the rest of her life she could never forget the executions she witnessed while in the cooperative.

5. Civil Party’s Demeanor and Credibility

Sophan Sovany testified with detailed accuracy despite being visibly upset when recalling past events. She was observed to cry throughout most of her testimony, however this did not affect the clarity of the experiences she described.

K. Testimony of Yin Roum Doul (TCCP-170)

48-year-old Civil Party Yin Roum Doul, took the stand on Thursday afternoon. The Civil Party was born in Phnom Penh and was ten-years-old when he was evacuated from the city with his family. He told the Court how he became an orphan during the DK regime and gave a chilling account of his experience working in the Children’s Unit and in prison.¹⁴

1. Evacuation from Phnom Penh

The Civil Party witness stated that he was happy at first when KR soldiers came into Phnom Penh. He recalled seeing people raise white flags and cheer in the city. However, later that morning he heard gunshots near Svay Prey School and saw KR soldiers to shoot into a house opposite his home. Later after his family had left their home, he saw dead bodies of people who had been shot by soldiers lying along Monivong Boulevard. The following morning, he and his family reached Chbar Ampeu. After KR soldiers checked their identities, they continued walking to Prek Eang where they stayed for a few days. The Civil Party told the Court there was not enough food at Prek Eang and his family decided to move onward to his mother’s native village in Kandal Province. However, they were not allowed to stay in the village because his father had been a civil servant in the Lon Nol regime. The family finally arrived in Metoek Commune after traveling through Pursat and Phnom Penh by truck.

2. Experience working in the Children’s Unit

After arriving in Metoek Commune, the Civil Party stated that he was separated for the first time in his life from his family and assigned to work in the Children's Unit. There he was tasked to carry soil and plant rice. At one point, he recalled being so hungry that he stole a potato, sugarcane and some seedlings. When the KR soldiers found out, he was beaten and tortured and later placed in prison.

3. Experience in Prison and subsequent escape

During his time in prison, the Civil Party told the Court how he was mistreated, tortured and forced to do heavy labor. He also described how family of an imprisoned person were targeted for "smashing," adding that he once attended a meeting where the village chief announced that if a person escaped from prison, all their relatives would be smashed. The Civil Party told the Court that life was so bad in the prison that his mother told him to escape. One night, during heavy rain, he managed to escape from the prison and traveled to O'Prek Village where his grandmother was living at the time.¹⁵ There he found out that his mother had been killed following his escape, and fearing further reprisals he left the village and joined his cousin who worked in a transportation unit. The village chief of that unit "Theu" allowed him to stay in the unit, but told him to keep quiet about the torture, killings and rape he had witnessed.

4. Civil Party's Suffering and Harm due to Crimes in Case 002

During the KR regime, the Civil Party was orphaned and lost many family members. He also told the Court about the physical and psychological mistreatment he experienced, adding that scars from being tortured could still be seen on his body. He also described being haunted by the torture, rape and killing that he had witnessed as a child. He stated that he did not wish for reparations, however he requested that a stupa be erected for his parents and justice provided to the victims.

5. Civil Party's Questions to the Co-Accused

The Civil Party asked the Co-Accused if they knew about the disappearance of his father, Yin Sidareth who was a professor and a colonel in Ban Teay Dek. He also asked the Co-Accused if they had considered or regretted separating families. Finally, the Civil Party trembled as he asked the Co-Accused if they "dared" to tell the truth about the events that occurred during DK.

Khieu Samphan told the Civil Party he had no information about his father. He explained that after he had fled to the forest, he needed the protection of the KR. In relation to the suffering of the people, he claimed to have had no knowledge stating, "the leaders and commanders kept that secret." He added that although he may have appeared to have some authority from the outside, in fact he had neither authority nor knowledge about the cruel events.

Nuon Chea addressed the Civil Party from the holding cell, where he told the Court he admitted "moral" responsibility for what happened in DK. Elaborating on the admission, Nuon Chea said, "I accept the responsibility, even though I committed

intentionally or unintentionally, and whether or not I had known about it or not known about it.”

6. Civil Party’s Demeanor and Credibility

The Civil Party appeared overwhelmed with emotion during his testimony. The Civil Party battled tears when recounting the traumatic events he had experienced. As a result, some facts he provided were unclear. Nonetheless, the Civil Party was determined to give his statement, which he said he had “waited 34 years” to do.

L. Testimony of Po Dina (TCCP-117)

As the last Civil Party to testify this week, Po Dina took the stand to give her statement of suffering on Thursday. She is 60-years-old and was born in Koh Dach Village, Muk Kampoul District. She told the Court how she was evacuated from her home in Phnom Penh and described her experiences working in cooperatives and being imprisoned during the DK regime.¹⁶

1. Evacuation from Phnom Penh

The Civil Party told the Court that when the KR soldiers first entered their house near the Thai embassy on 17 April 1975, they tied up her husband and tortured him because they believed they were the owners of the house. In the evening, a second group of KR soldiers arrived at the house. The soldiers threatened them and told them to leave because they needed to clean the city. Po Dina left Phnom Penh with her husband recalled seeing former Lon Nol soldiers tied up and frog marched by KR soldiers. Once she had reached Prek Eang, she heard an announcement transmitted by loudspeaker informing people that those who registered their names would be able to go back to Phnom Penh. Her husband wanted to register but she stopped him from doing so. The Civil Party continued walking until they reached her native village, Koch Dach, Kandal Province whereupon the couple were registered as “17 April people” and told to move on. After traveling for one month by boat and truck, Po Dina and her husband finally reached Pursat Province.

2. Experience working in Pursat Cooperative

The Civil Party recalled that once they reached the cooperative in Pursat, they were assigned to different cooperatives. She told the Court how her husband had been working in the rice fields, but disappeared one day and never returned. After a few months, she heard rumors that he was taken for re-education session because after he had been accused of being a colonel in the former regime. After the death of her husband, the Civil Party was forced to work extremely hard in the cooperative. She cried bitterly as she recalled her six-year-old son dying in front of her from starvation. She said, “ I feel resentful and angry that I could not help my son...I did not have anything to feed him.” The Civil Party recounted a number of events she saw during her time working in cooperatives, including an incident where people were stabbed with bayonets and a further incident involving KR soldiers opening fire on civilians. She also recalled being personally shackled with chains and beaten for more than four days before she managed to escape.

3. Experience in Prison

The Civil Party stated that she refused to re-marry after the death of her beloved husband. She told the Court she was beaten, interrogated, and jailed for refusing to do so, adding that she was warned she would be “smashed” for ignoring Angkar’s orders. During her time in prison, she recollected seeing many cruel attacks experienced by other prisoners, including torture and beatings.

4. Civil Party’s Suffering and Harm due to Crimes in Case 002

The Civil Party stated that she lost many beloved ones during the KR period including her husband, son, mother and her elder brother. Moreover, she told the Court how she had personally experienced significant violence and cruelty during the DK period.

5. Civil Party’s Demeanor and Credibility

The Civil Party appeared to have great difficulty recounting the painful events she had experienced. She cried visibly throughout the entirety of her statement of suffering and harm. The personal and emotional nature of her testimony also affected other members of the Court, including the English/Khmer translator and Prosecutor Raynor, who wept during the Civil Party’s statement.

III. LEGAL AND PROCEDURAL ISSUES

Only a few objections were raised this week, and Parties were observed to show respect and sympathy when questioning the Civil Parties. The Chamber stressed to the Parties that the statements of suffering were not confined to Case 002/01. Nonetheless, the Parties tended to limit questions to within the scope of the first mini-trial. The right of the Co-Accused to remain silent was also protected throughout the course of the impact hearing. Although the Civil Parties were permitted to direct questions to the Co-Accused via the President, the Chamber made clear that the Co-Accused were at liberty to decline to answer the questions.

A. Procedure and Scope of Civil Parties Statements of Suffering

The applicable procedure for this week’s impact hearings was outlined by a written decision of the Trial Chamber dated 2 June 2013.¹⁷ In accordance with the procedure laid out therein, the statements of suffering were not confined to the scope of Case 002/01. However, in practice, throughout the course of the week the Parties tended to limit their questions to the scope of the first mini-trial. The Civil Parties all provided their statements to the Court after being questioned by their respective Civil Party Lawyer (not the LCLCPs) or following verification of their identity by the President.

B. Co-Accused Right to Remain Silent

On Monday before the start of the proceedings, the Chamber asked Counsel for Khieu Samphan and Nuon Chea whether the Co-Accused would choose to exercise their right to remain silent when the Civil Parties posed questions to them. Counsel

for the Co-Accused informed the Court that neither of their clients would invoke their right to remain silent. However, they would decide whether to respond once they had heard the question posed. Counsel for Khieu Samphan requested that his client be provided with the questions in advance. The request was refused and the President reminded Counsel that the hearing was of an adversarial nature. Throughout the week, Khieu Samphan opted to respond to all questions posed to him. Nuon Chea responded to some questions, but declined to respond on a number of occasions on the basis that he was not physically well enough to do so.

C. Repetitive Questioning of Civil Party

During the testimony of Civil Party, Yos Phal, Civil Party Lawyer, Beini Ye raised the issue of the Defense’s use of repetitive questions directed to the Civil Party. During questioning, Counsel for Nuon Chea, Victor Koppe had repeatedly pressed the Civil Party in relation to statements he had made about the purging of Lon Nol soldiers. At one point, the questions prompted International Civil Party Beini Ye to intervene, asking the President to stop counsel Koppe from posing repetitive questions on the same topic. The President overruled the objection but repeated the question to the Civil Party to ensure his understanding. The Civil Party responded tersely that he had witnessed the events directly and had nothing more to say on the matter.

IV. TRIAL MANAGEMENT

This week the Trial Chamber chaired the proceedings efficiently, hearing statements of harm and suffering from 12 Civil Parties.

A. Attendance

Throughout the week, Khieu Samphan actively participated in the proceedings in the courtroom while Nuon Chea observed and provided his response to the Civil Parties questions from the holding cell due to health concerns.

Civil Party Attendance: This week, 10 Civil Parties observed the proceedings in the courtroom while roughly 20 Civil Parties observed from the public gallery.

Parties Attendance: All Parties were properly represented during the week.

Attendance by the Public:

DATE	MORNING	AFTERNOON
Monday 27/05/2013	<ul style="list-style-type: none"> ▪ 350 villagers from Siem Reap Province ▪ 15 foreign observers 	<ul style="list-style-type: none"> ▪ 300 villagers from Takeo Province ▪ 5 foreign observers
Wednesday 29/05/2013	<ul style="list-style-type: none"> ▪ 600 students from Koh Sotin District, Kampong Cham Province ▪ 50 NGO workers from Phnom Penh ▪ 10 VIP foreign observers ▪ 13 foreign observers 	<ul style="list-style-type: none"> ▪ 300 students from Touk Meas High School, Kampot province ▪ 10 foreign observers
Thursday	<ul style="list-style-type: none"> ▪ 600 students from Kampong 	<ul style="list-style-type: none"> ▪ 300 students from Kampong Cham

30/05/2013	Cham Province ▪ 13 foreign observers	Province ▪ 3 foreign observers
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B. Time Management

This week, the Trial Chamber held proceedings from Monday to Thursday with the exception of the public holiday on Tuesday. The Chamber managed to conclude the statements of harm and suffering from 12 Civil Parties and appeared to be conscious of time throughout the week. The President continually reminded the Parties how much time remained, allowing the Court to hear four Civil Parties per day as scheduled. However, during Yos Phal's testimony, Koppe complained that the seven minutes allotted to each Defense Team was too restrictive. Acceding the request, the Trial Chamber then allowed Defense counsel an additional five minutes of time to question the Civil Party.

C. Translation and Technical Issues

This week translation and technical issues posed a challenge. On Monday, audio disruptions were noted on a number of occasions. Most markedly, during the questioning of Yos Phal, there was no English translation for five to ten minutes. On Wednesday, during the testimony of Civil Party Chheng Eng Ly provided by video link, a technical issue with the Internet prompted the Chamber to postpone her testimony. After a request from Nuon Chea's Counsel, on Monday, the Chamber arranged audio facilities and from Thursday, audio and video facilities to allow Nuon Chea to answer the Civil Party's questions from the holding cell. Throughout the week, monitors noted a number of translation errors, which may have been a result of the speed and lack of clarity in portions of the Civil Party testimony.¹⁸

D. Time Table

DATE	MORNING SESSION 1	MORNING SESSION 2	AFTERNOON SESSION 1	AFTERNOON SESSION 2	TOTAL HOURS IN SESSION
Monday 27/05/13	9:05-10:29	10:49-12:02	13:26-15:04	15:23-16:24	5 hours and 16 minutes
Wednesday 29/05/13	9:09-10:50	11:07-12:11	13:33-14:53	15:14-16:02	4 hours and 53 minutes
Thursday 30/05/13	9:01-10:45	11:02-12:00	13:22-14:32	14:50-16:03	5 hours and 5 minute
Average number of hours in session			5 hours 5 minutes		
Total number of hours this week			15 hours 14 minutes		
Total number of hours, days, weeks at trial			795 hours 32 minutes		
183 TRIAL DAYS OVER 57 WEEKS					

Unless specified otherwise,

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

Glossary of Terms

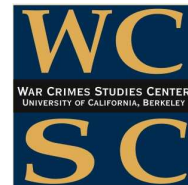
Case 001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (Case No. 001/18-07-2007-ECCC)
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan</i> (Case No. 002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL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



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AIJI TRIAL MONITORING



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

This issue of **KRT TRIAL MONITOR** was authored by Chhaya Chhin, Phalla Chhoeun, Pheakdey Chum, Melanie Hyde, Anne Lang, Aviva Nababan, Sarun Sous, Kimsan Soy, Chhayrath Tan and Penelope Van Tuyl as part of AIJI’s KRT Trial Monitoring and Community Outreach Program. KRT TRIAL MONITOR reports on Case 002 are available at <www.krtmonitor.org>, and at the websites of the [East-West Center](http://www.eastwestcenter.org) and the [War Crimes Studies Center](http://www.warcrimesstudiescenter.org).

¹ Trial Chamber. Transcript of Trial Proceedings (6 December 2012). E1/149.1 [hereinafter **6 DECEMBER TRANSCRIPT**]. Lines 16-17. 28.

² Olsen, Lars. "The Purpose of Hearing Victims' Suffering," *Extraordinary Chamber in the Courts of Cambodia's Official Site*. (7 June 2013) accessible at <http://www.eccc.gov.kh/en/blog/2013/06/07/purpose-hearing-victims-suffering>

³ Trial Chamber. Decision on Request To Recall Civil Party TCCP-187, for Review of Procedure Concerning Civil Parties' Statements on Suffering and Related Motions and Responses (E240, E240/1, E250, E250/1, E267, E267/1 AND E267/2) (02 May 2013)". E267/3.

⁴ Trial Chamber. Decision on Request To Recall Civil Party TCCP-187, for Review of Procedure Concerning Civil Parties' Statements on Suffering and Related Motions and Responses (E240, E240/1, E250, E250/1, E267, E267/1 AND E267/2) (02 May 2013)". E267/3.

⁵ Sou Sotheavy was examined in the following order: President Nil Nonn; National Civil Party Lawyer Sin Soworn; International Co-Prosecutor Vincent de Wilde d'Estmael; International Co-Lawyer for Khieu Samphan, Arthur Vercken.

⁶ Aun Phally was examined in the following order: President Nil Nonn; National Civil Party Co-Lawyer Veng Pov; National Senior Assistant Prosecutor Chan Dararasmey; National Defense Lawyer for Nuon Chea Son Arun; National Defense Lawyer for Khieu Samphan Kong Sam Onn.

⁷ Sang Rath was examined in the following order: President Nil Nonn; National Civil Party Lawyer Ven Pov; National Senior Assistant Prosecutor Dararasmey Chan.

⁸ Yos Phal was examined in the following order: President Nil Nonn; Civil Party Lawyer, Sin Soworn; International Co-Prosecutor, Vincent de Wilde d'Estmael; International Co-Lawyer for Nuon Chea, Victor Koppe, and International Co-Lawyer for Khieu Samphan, Arthur Vercken.

⁹ Thouch Phandara was examined in the following order: President Nil Nonn; International Civil Party Lawyer Marie Guiraud; International Prosecutor Keith Raynor; National Co-Lawyer for Nuon Chea Son Arun; International Co-Lawyer for Nuon Chea Victor Koppe

¹⁰ Chan Socheat was examined in the following order: President Nil Nonn; International Civil Party Lawyer Christine Martinneau; Marie Guiraud; International Prosecutor Keith Raynor; and National Co-Lawyer for Khieu Samphan Kong Sam Onn.

¹¹ Huo Chhanta was not examined by any party, only President Nil Nonn, although her counsel National Civil Party Lawyer Ty Sirnia preceeded the Civil Party's statement of suffering and testimony with an introduction.

¹² Cheng Eng Ly was examined in the following order: President Nil Nonn; International Civil Party Lawyer Pascal Auboin and National Prosecutor Seng Bunkheang.

¹³ Civil Party Nou Hoan was examined in the following order: President Nil Nonn; National Civil Party Lawyer Sam Sokong; National Co-Prosecutor Seng Bunkheang; National Co-Lawyer for Nuon Chea, Son Arun; National Co-Lawyer for Khieu Samphan, Kong Sam Onn; and International Co-Lawyer for Khieu Samphan, Arthur Vercken.

¹⁴ The Civil Party was exanimated only by the President, the Civil Party's Council Chet Vanly, International Prosecutor Dale Lysak and by National Prosecutor Kong Sam Onn.

¹⁵ It was unclear during the testimony whether it was his grandmother or aunt (or both of them) staying in the village.

¹⁶ The Civil Party was examined in the following order: President Nil Nonn; Civil Party Lawyer, Ty Srina, International Prosecutor Dale Lysak, and National Co-Lawyer for Nuon Chea, Son Arun.

¹⁷ The allowance for the statement of suffering to go beyond the scope of case 002/01 has been determined in a temporary verbal ruling by Judge Lavergne in October 2012. See CASE 002 KRT TRIAL MONITOR. Issue 41. Hearing on Evidence Week 36 (22-25 October 2012).p. 11-12. This position was further confirmed by the Trial Chamber's decision on this matter. See Trial Chamber. Decision on Request To Recall Civil Party TCCP-187, for Review of Procedure Concerning Civil Parties' Statements on Suffering and Related Motions and Responses (E240, E240/1, E250, E250/1, E267, E267/1 AND E267/2) (02 May 2013)". E267/3. Specifically in paragraph 14 of the decision, the Trial Chamber noted that it has always differentiated between testimony of facts, which had to be confined to the scope of Case 002/01, and the Civil Parties' general statements of suffering. In page 10 of the decision it is also stipulated that the Lead Co-Lawyers of the Civil Parties have to structure their examination of their clients "in a manner that differentiates between testimony on facts and statements pertaining to suffering."

¹⁸ For example, during Chan Socheat's testimony, the English translation stated that she met Nuon Chea on a bicycle. However, the Khmer translation stated that it was Ta Mok whom she met.