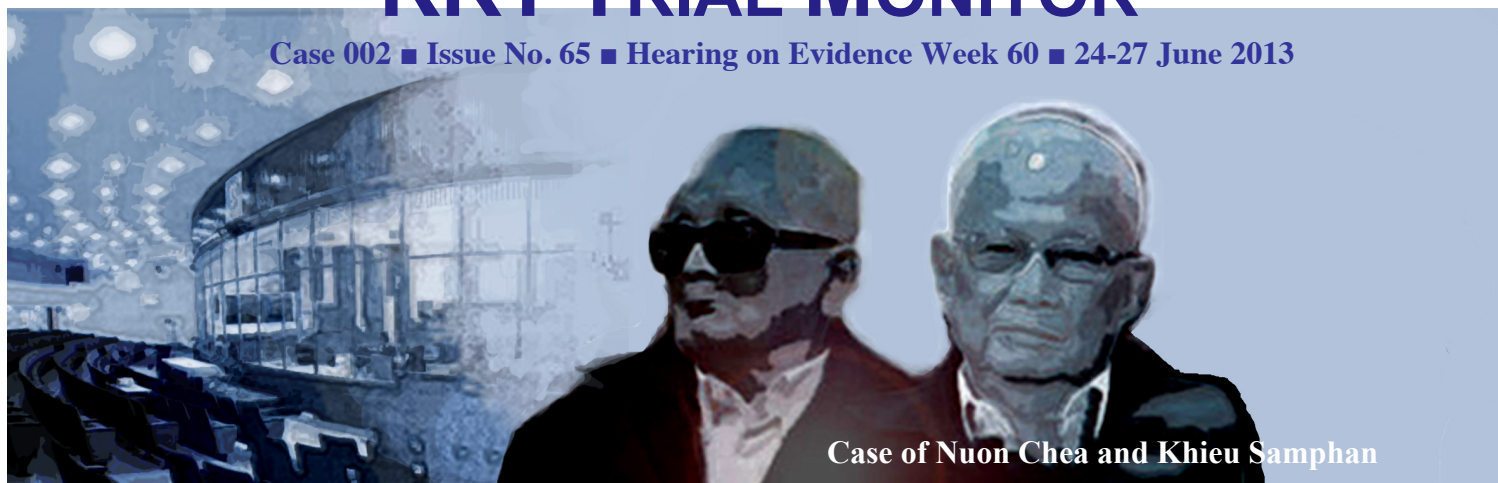


KRT TRIAL MONITOR

Case 002 ■ Issue No. 65 ■ Hearing on Evidence Week 60 ■ 24-27 June 2013



Case of Nuon Chea and Khieu Samphan

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

For us, there is no fair trial if we are going to stray from 002/01 and talk about what should come in other trial segments. For the purposes of trial certainly, we should focus on the subject of 002/01.

- Anta Guissé, Counsel for Khieu Samphan

I. OVERVIEW

This week, the Chamber commenced hearing the last “key document hearing” for Case 002/01.¹ From Monday to Thursday, the Prosecution and Civil Party lawyers presented documents regarding Joint Criminal Enterprise (**JCE**) and documents related to the Accused, Nuon Chea.² Documents relevant to the role of Khieu Samphan were presented during the third key document hearing held earlier this year.³ The Trial Chamber reiterated to the Parties that the purpose of the key document hearings was to enable Parties to make submissions in relation to the probative value of the documents, not to discuss admissibility. The Trial Chamber’s decision to hold the hearings has been contested by the Khieu Samphan Defense, who in February filed a submission arguing that the key document hearings violate their client’s fair trial rights.⁴

A number of legal and procedural issues were raised during the week, primarily relating to the applicable evidentiary rules and standards at the ECCC. Parties also continued to raise issues relating to the scope of the Severance Order. Following a request from the Nuon Chea Defense for additional time to review the documents presented, the Chamber informed Parties that the Defense teams would be granted one additional week to prepare their response. As a result, next week the Chamber will resume hearing the testimonies of witnesses shortlisted during the last Trial Management Meeting (**TMM**). The Defense will then have an opportunity to respond to the documents presented commencing the week of 8 July 2013.

II. DOCUMENTARY HEARING

From Monday to Thursday, the OCP and Civil Party lawyers presented a range of documents in support of the allegation that the Co-Accused participated in a JCE for the forced movement of the population. The OCP also introduced additional documents regarding the role of the Accused, Nuon Chea, highlighting his alleged position as interim Prime Minister in Pol Pot’s absence as well as his lead post in military and security matters.

A. Documents presented by the OCP and Civil Parties on Joint Criminal Enterprise

From Monday to Wednesday, the OCP presented documents related to eight main areas including: CPK ideology, the GRUNK and FUNK delegation tour, decision-making regarding forced movements, cooperatives and collectivization, origins of CPK party lines and general enemy policy, targeting of Lon Nol officials, forced marriage, and the targeting of minority groups. On Thursday, CPLCL Elisabeth Simonneau Fort and Civil Party lawyer Seng Bunkheang presented documents, largely focusing on KR enemy policy and forced marriages.

1. CPK Ideology

Prosecutor Raynor began his document presentation by referring to Article 4 of the CPK statute, which outlines the importance of respecting and following party discipline.⁵ Raynor cited Khieu Samphan's book *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, which identified the "exploiting classes" and the feudalist regime as the enemy.⁶ He then presented a number of documents that he suggested illustrated the CPK necessity to maintain secrecy, smash the enemy within and without, and attack the enemy politically. The documents included Stephen Heder's book entitled *Cambodian Communism*,⁷ and an interview with Ieng Sary published in *Le Monde*.⁸ Raynor suggested that Heder's book explained how the CPK became more oppressive after 1973 through coercion and threats. In relation to the Ieng Sary interview, Raynor referred to excerpts where Ieng Sary had explained that the KR implemented GRUNK philosophy in the liberated zones, and allowed the popular armed forces to develop themselves into guerilla units, regional forces, and regular forces.

2. GRUNK & FUNK Delegation Tour

Raynor then presented a number of documents which described a GRUNK and FUNK delegation tour, taken by Ieng Sary and Khieu Samphan to Vietnam, North Korea, China, Eastern Europe and Africa in 1974.⁹ Raynor referred to a speech delivered by Khieu Samphan in North Korea on 5 April 1974, where the Accused allegedly detailed the military victories of the Cambodian peoples' Revolutionary Armed Forces, and stated that the diplomatic tour of goodwill had a "great impact on world opinion among friends and foes alike."¹⁰ Documents showing Khieu Samphan and Ieng Sary's flight details were also presented in addition to a FUNK publication that suggested the tour was intended to rally support for the liberation of a small nation against imperialist aggressors.¹¹

3. Decisions Regarding Forced Evacuations (Phases 1 and 2)

In support of decisions leading to the Phnom Penh evacuation, Prosecutor Raynor cited a speech given by Pol Pot in Beijing on 3 October 1977, where he mentioned the evacuation plan had existed as early as February 1975.¹² A telegram dated 4 March 1975 sent from the United States Embassy in Rome was also presented. The telegram described the movement and execution of civilians in late 1974 and referred to a report from an apostolic delegate in Saigon to the Vatican that the KR were "wantonly massacring innocent civilians in areas they have recently conquered."¹³

Raynor also introduced a series of documents that referred specifically to Khieu Samphan and Ieng Sary's knowledge of the evacuation of Phnom Penh. The documents relevant to Khieu Samphan included an account from a Chinese journalist who visited KR headquarters in March 1975, the first OCIJ interview between Judge Marcel Lemonde and Khieu Samphan and a Stephen Heder publication that referred to a radiobroadcast allegedly made by Khieu

Samphan encouraging Lon Nol soldiers to disarm and join Sihanouk.¹⁴ In relation to Ieng Sary, Raynor presented a number of documents containing statements he had made to foreign journalists that purported to justify the evacuation of Phnom Penh.¹⁵

Raynor moved on to present a series of CPK documents that described the second phase of the forced movement. The first document described the purpose of cooperatives to “absorb all the new people coming out of all the cities and towns,” and outlined explicit numbers of people allocated to each zone as well as the target yield of rice for the season.¹⁶ Raynor also cited an interview conducted between William Shawcross and a Cambodian refugee, who stated that “some 300,000 people” were moved from Phnom Penh to Battambang.¹⁷ Raynor read out excerpts from additional documents which alleged that the second displacement “rival[ed] in scale” to the first Phnom Penh evacuation,” dramatically increased the rural population, and that many people died of disease, starvation, and exhaustion.¹⁸

4. Cooperatives & Collectivization

On Monday, Prosecutor Vincent de Wilde d'Estmael introduced documents on the genesis of cooperatives and collectivization policies before the KR took power in 1975. De Wilde first presented a number of articles published between 1974 and 1976 in the *Revolutionary Youth* magazine that described the proliferation and increased size of cooperatives, the long-term economic goals of the cooperatives and work camps, and how the cooperatives helped the KR control rural economies and infrastructure.¹⁹ Excerpts from interviews with Khieu Samphan and books he had authored were then presented as they related to collectivization and cooperatives.²⁰ In one interview Khieu Samphan acknowledged that cooperatives provided “no freedom.”²¹ In his book, *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, Khieu Samphan stated that cooperative chiefs were uneducated and had excessive discretionary power.²²

The experience of “17 April People” in cooperatives was also addressed by a number of documents including Civil Party applications that described the security practices in labor camps and agricultural cooperatives. Drawing on a number of Civil Party statements, CPLCL Elisabeth Simonneau Fort argued that “April 17 People” were forced to work harder than Base People and were held under heightened security. In support of this argument, the OCP presented a DC-Cam document that quoted a statement from Ieng Sary in which he acknowledged that “New People” were treated differently.²³ A further excerpt from Khieu Samphan’s book provided reasons for why people were classified as either old or new. Khieu Samphan explained, “it represented a principle of vigilance to prevent enemy agents from boring holes in Kampuchean state authority.”²⁴

5. Origins of CPK Party Lines & General Enemy Policy

Prosecutor Dale Lysak presented a number of documents on the origins and development of CPK policy, followed by general enemy policy and targeting of enemy groups. Lysak firstly presented a number of documents alleged to be influential to the KR, including Marxist, Leninist and Maoist communist material. He also argued that Joseph Stalin’s paper, “The History of the Communist Party of the Soviet Union (Bolsheviks),” had a particular influence on Pol Pot and had a crucial formative impact on Cambodia’s revolution.²⁵

Moving to a number of speeches delivered by Pol Pot in relation to CPK enemy policy, the Prosecutor attempted to demonstrate how CPK enemy policies were disseminated throughout the party.²⁶ During one speech, Pol Pot had divided the “enemies of the revolution” into three categories: (1) those who could be won over; (2) those who must be neutralized; and (3) the most “vicious” that must be isolated so as not to attack the CPK.²⁷ Targeted enemies included the CIA, the KGB, and the Vietnamese (“Yuong”), Lon Nol soldiers

and officials, and feudalism-aristocrats.²⁸ Additional documents were presented which instructed cadres that to “eradicate the enemy”, the CPK must “raise the spirit of vigilance against the enemies both within the party and among the people” and “seek out, analyze, track, pressure, capture, and smash the enemies.”²⁹ He also referred to a map prepared by the Documentation Center of Cambodia (DC-Cam) that identified and marked security offices and execution sites throughout Cambodia, arguing that the map showed the existence of JCE throughout the country (See Defense objection in Section III.E).³⁰

6. Targeting of Lon Nol Officials

Elaborating on policies which specifically targeted Lon Nol soldiers and officials, Prosecutor Lysak cited a number of *Revolutionary Youth* and *Revolutionary Flag* publications,³¹ interviews with Ieng Sary, post 1975 KR military documents, telegrams, lists from S-21 prison, cadre biographies from the Ministry of Foreign Affairs,³² and documents from foreign sources.³³ Simonneau Fort supported this documentation with the testimonies of Civil Parties who were affiliated with the Lon Nol regime and had been targeted for “re-education,” commonly understood as a synonym for “execution” at the time.³⁴

Prosecutor Lysak raised a number of statements allegedly made by both Ieng Sary and Khieu Samphan that supported the existence of a policy to target Lon Nol officials. Citing two articles published in the *Washington Post* and *Bangkok Post*, Lysak told the Court that Ieng Sary had confirmed the execution of members of the former regime: Long Boret, Lon Nol, the brother of Lon Nol and Sirik Matak.³⁵ Khieu Samphan had also made statements on the radio in which he identified the seven Lon Nol leaders as part of the “traitorous clique” and appealed to the population to increase “struggle activities” to put “an end to the traitors’ existence.”³⁶ Lysak also read the contents of a document signed by Khieu Samphan as Chairman of the second FUNK and GRUNK National Congress, which stated, “It was absolutely necessary to kill these Seven Traitors.”

Additionally, Lysak referred to a number of documents that cited the “uniform” practice of recording cadre biographies and supported the notion that Lon Nol officers were specifically targeted for purging. The documents included, notably, three telegrams from distinct zones in the country addressed to Angkar that reported having uncovered many “internal enemies,” and a *Revolutionary Flag* document stated that cooperatives were being “cleaned” of the enemy.³⁷ The OCP ended the presentation of documents related to the targeting of Lon Nol soldiers with S-21 prisoner lists. These lists identified 162 former Lon Nol officials, soldiers, and relatives who were executed or had died from illness.³⁸

7. Revolutionary Family & Forced Marriage

In relation to forced marriage, Prosecutor Chan Dararasmey and CPLCL Simonneau Fort presented a number of documents describing the CPK’s goal to increase the population, KR guidelines for choosing a spouse, and Civil Party testimonies documenting the regulation of marriage during the DK. Referring to the goal to increase the Cambodian population, Chan Dararasmey presented an issue of the *Revolutionary Flag*, a United Nations General Assembly document, and a letter sent by Nuon Chea to the United Nations which referred to Cambodia’s “problem of being sparsely populated” and proposed three-year population targets.³⁹ The DK concept of the “revolutionary family” was also supported by a range of propaganda material presented by the OCP that denounced traditional notions of family and demanded the absolute elimination of private ownership.⁴⁰ Excerpts from Philip Short’s book, *Pol Pot: The History of a Nightmare* were presented which detailed Pol Pot’s comments that “ties between individual family members were diluted” by marrying a minimum of 10 couples, then separating the couples after consummation.⁴¹ A further

document detailed four guidelines for selecting a spouse during the DK, including an instruction to choose someone with a “solid revolutionary stance.”⁴²

Simonneau Fort supplemented the OCP documents with Civil Party testimony on forced marriage.⁴³ One Civil Party stated, “Angkar proposed the marriage.” Another testified that they were not able to refuse the marriage under threat of execution.⁴⁴ When presenting policy tenets of forced marriages, she cited testimony from two Civil Parties that explained how base people were not permitted to marry new people.⁴⁵ She also referred to Civil Party testimony that referred to Angkar as “the parent,” and pointed to the content of marriage vows used in KR marriages that included a vow to love each other, respect Angkar, produce children for Angkar, and not oppose Angkar’s instructions.⁴⁶

8. Targeting of Minority Groups

During the final session on Tuesday, CPLCL Simonneau Fort presented a number of documents in support of the existence of a KR policy that targeted ethnic and religious minorities. She quoted a number of excerpts from Civil Party testimonies that supported the allegation that Vietnamese and Chinese groups had been targeted, persecuted and executed solely based on their ethnicity.⁴⁷ These included accounts from Civil Parties that described an attempt to flush out people of Kampuchea Krom origin, and a policy of arresting and executing people who were affiliated with Vietnamese.⁴⁸ Describing Civil Party accounts of religious persecution under DK, Simonneau Fort referred to mosques and pagodas which the KR had turned into prisons or warehouses, Buddhist monks who had been forced to defrock and Khmer Muslims who had been forced to eat pork, change their hair, and forbidden to worship.⁴⁹

B. Documents presented by the OCP related to the Accused Nuon Chea

The OCP presented a number of documents regarding the role of Nuon Chea during the DK regime. The documents focused on his alleged position as interim Prime Minister in Pol Pot’s absence as well as his alleged responsibility in military and security matters.

1. Role as Interim Prime Minister

Suggesting that Nuon Chea and Pol Pot were equals, Prosecutor Seng Bunkheang presented a number of documents that referred to statements made by Nuon Chea during foreign delegation meetings, and his alleged role in designing and implementing the “re-education” of the cadres.⁵⁰ Dale Lysak presented a number of documents which specifically referred to the appointment of Nuon Chea as interim Prime Minister, including an announcement made by the Accused himself in 1976, numerous news bulletins sources, several broadcasts, foreign minister reports, FBIS documents, statements made by Ieng Sary, and DK documents addressed to Nuon Chea as “interim Prime Minister.”⁵¹

2. Role in Military and Security Matters

Focusing on Nuon Chea’s role in military and security matters, the OCP presented a series of documents that attempted to illustrate his control over the Revolutionary Army of Kampuchea and DK’s security apparatus. He began with a series of internal memoranda and directives between regional leaders that mentioned Nuon Chea’s capacity as either leader of the military or as being involved in directing state security. In many of these documents, the Accused is addressed as “Uncle Nuon,” a term that the OCP suggested reflected both his position and the respect given to him by his underlings. To illustrate Nuon

Chea's control over internal security, Lysak put forth several confessions written by S-21 prisoners that bared markings that "Brother Nuon" had been forwarded a copy. On some of these documents, Nuon Chea had written his opinion about the confession in red ink.

Prosecutor Lysak then presented to the Chamber a series of video excerpts from interviews between Nuon Chea and journalist Thet Sambath. In these videos, Nuon Chea details his relationship with Pol Pot and explains how they would develop directives concerning alleged spies and other internal enemies together. Further footage of interviews with the now deceased Ieng Sary, described Nuon Chea as one of four KR leaders tasked with state security, along with Pol Pot, Son Sen, and Son Sen's wife, Yun Yat. In one clip, referring to foreign agents, Nuon Chea stated, "if we had shown mercy to those people, the nation would have been lost... We would be Vietnam's poodle until we were totally subjugated." Lysak closed his presentation on a dramatic note, with a final video clip from Nuon Chea's interviews with Thet Sambath. When asked if he felt sorry for those killed during DK, Nuon Chea replied, "I have no regrets."

III. LEGAL AND PROCEDURAL ISSUES

Throughout the week, counsel for Khieu Samphan Anta Guissé raised a number of legal issues related to the admissibility of several documents and the need for contemporaneous evidence. Although the Co-Accused will have an opportunity to respond to all the documents presented by the OCP and Civil Parties in two weeks time, the Defense were nonetheless active throughout the week. For example, the Khieu Samphan Defense made numerous objections calling on the Chamber to restrict documents to within the scope of Case 002/01.

B. Admissibility of United States Department Telegram

On Monday, Prosecutor Keith Raynor presented a telegram (dated one month before the fall of Phnom Penh), issued by the Embassy of the United States in Rome that detailed the concerns of the Vatican about the situation in Cambodia. International Defense Counsel for Khieu Samphan, Anta Guissé pointed out that despite Raynor's suggestion, the document had not been mentioned in the Closing Order, nor had it been included in the OCP Rule 80 document list. Raynor then proceeded to make a verbal application to submit the document pursuant to IR 87.4, claiming that the document was essential to the "interest of justice." President Nil Nonn deferred to make a decision on the issue, adding that Khieu Samphan's counsel could raise the objection during the time allocated for them to respond (the week of the 8 July 2013).

C. Documents outside the Scope of Case 002/01

Defense counsel for Khieu Samphan Anta Guissé made several objections throughout the week in relation to the scope of Case 002/01. On Monday, Prosecutor de Wilde had only uttered a few words before Guissé objected on the basis that the OCP's reference to cooperatives and labor camps fell outside the scope of Case 002/01. She argued that only documents that were directly related to KR persecution of Lon Nol regime soldiers and officials (as opposed to the persecution of ethnic minorities) were within the scope of the present trial. De Wilde responded that documents pertaining to other forms of persecution reflected a broader policy of general persecution and repression, and pointed to a long-established precedent in international case law which shows that evidence of the implementation of certain policies serves as evidence of the policies themselves. CPLCL Simonneau Fort supported the OCP's position, adding that documents could relate to any one of the five KR policies. Following deliberations at the bench, Judge Cartwright sustained Guissé's objection and directed the OCP to present only documents directly related to KR policies that fall within the scope.

Guissé continued to raise the issue of implementation of policy as opposed to the existence of the policy on Tuesday, objecting twice to documents presented by the OCP. One document, a CPK Circular, had referred to “implementation of the political line,” leading Guissé to argue that the OCP was straying into implementation of a policy. The OCP responded that the Defense was taking an overly narrow view of the issue, adding that the word “implementation” was incidental to the theme of the document. The Judges overruled both objections.

On Wednesday, Guissé reiterated the Khieu Samphan Defense’ position regarding documents beyond the scope of Case 002/01. She made a preliminary objection based on the list of documents proposed by the Civil Parties and a further objection during the presentation of documents by Simonneau Fort. Guissé also questioned the purpose of the Trial Chamber’s decision to restrict the charges to be tried in Case 002/01 if they did not actually follow the decision in practice. Victor Koppe agreed with Guisse’s position, stating that to allow the OCP and Civil Parties to present evidence outside the scope of Case 002/01 would prejudice the Co-Accused. A discussion between the Parties ensued and although the Trial Chamber confirmed that Case 002/01 covers only the “existence” of KR policies, they reminded the Defense teams that they would be given an opportunity to respond to the documents.

E. Contemporaneous Evidence

During Lysak’s presentation on Tuesday afternoon, Khieu Samphan’s International Defense Counsel Anta Guissé objected to the OCP reference to a map prepared by DC-Cam in 2001. The map detailed the locations of security centers and killing sites throughout the country during DK. Guissé maintained that only documents from the DK era should be included, not documents prepared years after the events. Lysak responded that although the map was prepared decades after the events in question, it directly concerned the events and the OCP’s theory of JCE. President Nil Nonn declared that the document had already been admitted into evidence, and would be assessed by the Judges accordingly.

IV. TRIAL MANAGEMENT

This week, the Chamber heard document presentations from both the Prosecution and the Civil Parties in relation to JCE policies and roles of the Accused. In general, the proceedings were conducted smoothly, with the exception of some confusion on when the Defense would have an opportunity to respond to the documents. It was not until Tuesday that President Nil Nonn advised the Parties that both the OCP and Civil Parties would conclude all document presentations after which the Defense teams would be permitted to respond the following week. On Wednesday however, the Chamber announced that the Chamber would delay hearing the response of the Defense teams for an additional week because the OCP had failed to share the list of documents related to the role of Nuon Chea with the Parties (See IV.B).

A. Attendance

Nuon Chea observed the proceedings remotely from his holding cell due to frail health, while Khieu Samphan participated in the proceedings in the courtroom for the entire week.

Civil Party Attendance: There were 10 Civil Parties in the courtroom and approximately 15 Civil Parties from various provinces in the public gallery for the entire week.

Parties Attendance: All Parties were properly represented during the week. Son Arun arrived late on Monday and Thursday, explaining that he had been in the holding cell with his client. In addition, CPLCL Pich Ang was absent on Thursday due to personal reasons.

Attendance by the Public

DATE	MORNING	AFTERNOON
Monday 24/06/13	▪ 120 students Panha Chiet University, Phnom Penh	▪ 100 students from Norton University, Phnom Penh
Tuesday 25/06/13	▪ 250 students from various universities, Phnom Penh	
Wednesday 26/06/13	▪ 300 villagers and students from Takeo Province ▪ 20 foreign observers	▪ 230 military students from Kampong Speu
Thursday 27/06/13	▪ 150 students from Chenla University, Phnom Penh	▪ 100 students from Royal University of Law and Economics, Phnom Penh

B. Time Management

This week, the Trial Chamber commenced to hear the fourth and last document hearing from Monday to Thursday and appeared to offer little leeway to the Parties in terms of time. During the last session on Wednesday, the Civil Party lawyers concluded their document presentation on JCE policies earlier than expected, leaving 15 minutes for the OCP to commence the presentation of documents related to role of the Accused Nuon Chea. However, the OCP were unprepared to present the documents and informed the Chamber that they had not shared the document list with the Defense. Moreover, on Thursday, proceedings were adjourned after the third session when the OCP and Civil Parties concluded earlier than planned.

C. Time Table

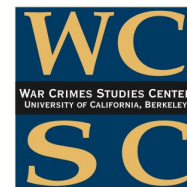
DATE	MORNING SESSION 1	MORNING SESSION 2	AFTERNOON SESSION 1	AFTERNOON SESSION 2	TOTAL HOURS IN SESSION
Monday 24/06/13	9:02-10:38	11:01-12:00	13:32-14:45	15:07-16:05	4 hours and 46 minutes
Tuesday 25/06/13	9:03-10:14	10:40-11:58	13:31-14:41	15:00-16:01	4 hours and 40 minutes
Wednesday 26/06/13	9:02-10:37	11:01-12:01	13:31-14:25	14:48-15:59	4 hours and 40 minutes
Thursday 27/06/13	9:04-10:37	11:01-11:59	13:31-14:36	-	3 hours and 36 minutes
Average number of hours in session			4 hours 43 minutes		
Total number of hours this week			17 hours 42 minutes		
Total number of hours, days, weeks at trial			863 hours 49 minutes		
195 TRIAL DAYS OVER 61 WEEKS					

Unless specified otherwise,

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

Glossary of Terms

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



* AIJI is a collaborative project between the East-West Center, in Honolulu, and the War Crimes Studies Center, University of California, Berkeley. Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in South-East Asia. The Program has been 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 Stephanie Fung, Melanie Hyde, Sadaf Kashfi, Jessica Mawrence, John Reiss, Kimsan Soy, 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 The Trial Chamber informed Parties that a number of “key document hearings” would be held to “grant to the parties an opportunity to present before it a limited number of documents considered to be particularly relevant to the segment of Case 002/01.” The first key document hearing was held in February 2012, the second in October 2012, and the third in January 2013. See Trial Chamber Memorandum. “Scheduling of oral hearing on documents (13-16 February 2012).” (9 February 2012) E/170.

² The presentation of documents related to the role of Nuon Chea had been deferred due to his hospitalization in January 2013 and refusal to waive his right to be present.

³ See CASE 002 KRT TRIAL MONITOR. Issue 52. Hearing on Evidence Week 47 (5 and 7 February 2013).

⁴ Khieu Samphan Defense. "Mr Khieu Samphan's Motion Reasserting His Right to a Fair and Adversarial Criminal Trial." (11 February 2013). E/263.

⁵ Document E3/214

⁶ Document E3/16

⁷ Document E3/22

⁸ Document E 3/997

⁹ Document E3/167

¹⁰ Document E3/114

¹¹ Document E3/114

¹² Document E3/2728

¹³ Document not identified.

¹⁴ Document E3/295; Document E3/37, during the interview, Khieu Samphan testified that Pol Pot briefed him for 10 days at KR headquarters in Udong; Document D366/7, The radiobroadcast was allegedly a caution from Khieu Samphan to Lon Nol soldiers to disarm and join Sihanouk because only the Seven Super Traitors would be executed. Heder wrote that this "abuse of trust" made the Lon Nol soldiers "sitting ducks for murder."; Document E3/118.

¹⁵ Document E3/611, Document E3/550, Document E3/622, and Document E3/624.

¹⁶ Document E3/216.

¹⁷ Document E190.1.318.

¹⁸ Document E3/1181; Document D199/26.2.184.

¹⁹ Document E3/146.

²⁰ Document E3/18, which states that during a talk with other CPK leaders in 1975, Khieu Samphan was surprised that the policy of equal food distribution at cooperatives had been implemented in various leading cooperatives in the liberated zones since 1973.

²¹ Document E3/108 or E3/122.

²² Document E3/16.

²³ Document E3/86, *The Truth of the Dictatorial Regime of Pol Pot*, a publication by the Documentation Center of Cambodia (DC-Cam), in which the late Accused Ieng Sary described how "New People" or "April 17 People" were forced to work in rice cultivation or dam construction.

²⁴ Document E3/16.

²⁵ Document E3/9.

²⁶ Document E3/9.

²⁷ Document E3/144, citing a speech by Pol Pot, Document E3/11, citing a speech by Pol Pot that included a lengthy discussion of conflict lines.

²⁸ Document E3/146; E3/10, Document E3/742.

²⁹ Document E3/742, Document E3/727, Document E3/144, citing a speech by Pol Pot.

³⁰ Document E3/2763.

³¹ Document E3/783, the Revolutionary Front article refers to Lon Nol, Sirik Matak, and Son Ngoc Thanh as "traitors aligned with imperialist America" who must be crushed.

³² Document E3/3569, Document E3/1162.

³³ Document E3/276, Document E3/832, Document E3/3334, Document E3/2702, Document E3/2694.

³⁴ Document D246/13, D22/1919.

³⁵ Document D365/1.1.39, Document E3/604.

³⁶ Document E3/120, Document E3/18, Document E3/118.

³⁷ Document E3/2438, Document E3/2049, Document E3/2281, Document D232/44, Document D12591, Document E3/813, Document D25/28, Document E3/193, Documents E3/197, E3/1144, and E3/996.

³⁸ Document E3/1539, Document E3/3597, Document E3/2189.

³⁹ Document E3/25 or 243/2.1.9, the document explained the goal of increasing the population to 15 or 20 million to increase the country's wellbeing and defense; Document E3/1586 or IS20.10, the document highlighted the need for more manpower to improve the wellbeing of individuals to gain a "speedy construction of the prosperous Kampuchea," since the country was not populated to its "capacity."; Document E3/686.

⁴⁰ Document D22/139a, Document E3/10, Document E3/750 or 243/2.1.21, Document E3/766, Document E3/775, The document details the "bad outcomes" of building an improper family, when some use "family emotions" to incite others to breakaway and oppose the revolution or betray the interest of the revolution. It later states, "if we are free ... in terms of morality we will surely building families incorrectly ...make clandestine enemy agents," therefore revolutionary youth must "build families in accordance with organizational discipline and the collective."

⁴¹ Document E3/9.

⁴² Document E3/775.

⁴³ Document D22/503.

-
- ⁴⁴ Document D22/64a.
- ⁴⁵ Document E9/32.2.14, Document D278/2.
- ⁴⁶ Document D1/1/18 and D22/2986; Document D22/2074, D22/620, and D22/3818a.
- ⁴⁷ D22/3849 a Civil Party describes how his family was executed because they were Chinese. Document D22/2066 a Civil Party describes people from Svay Rieng being executed because they were Vietnamese.
- ⁴⁸ D246/15; D246/10, D246/15.
- ⁴⁹ Document D22/33, a Civil Party describes a pagoda being turned into a prison. Document D22/3675 a Civil Party describes a mosque becoming a warehouse; D22/3675a, D22/164.
- ⁵⁰ Document E3/196; E3/108.
- ⁵¹ Document E3/192. 27; Document E3/269; Document E3/147, E3/191, E3/544, E3/486; Document E3/485, E3/2677, E3/1245; Document E3/285, E3/286, E3/287; Document E3/89, E3/86; Document E3/154; E3/1188.