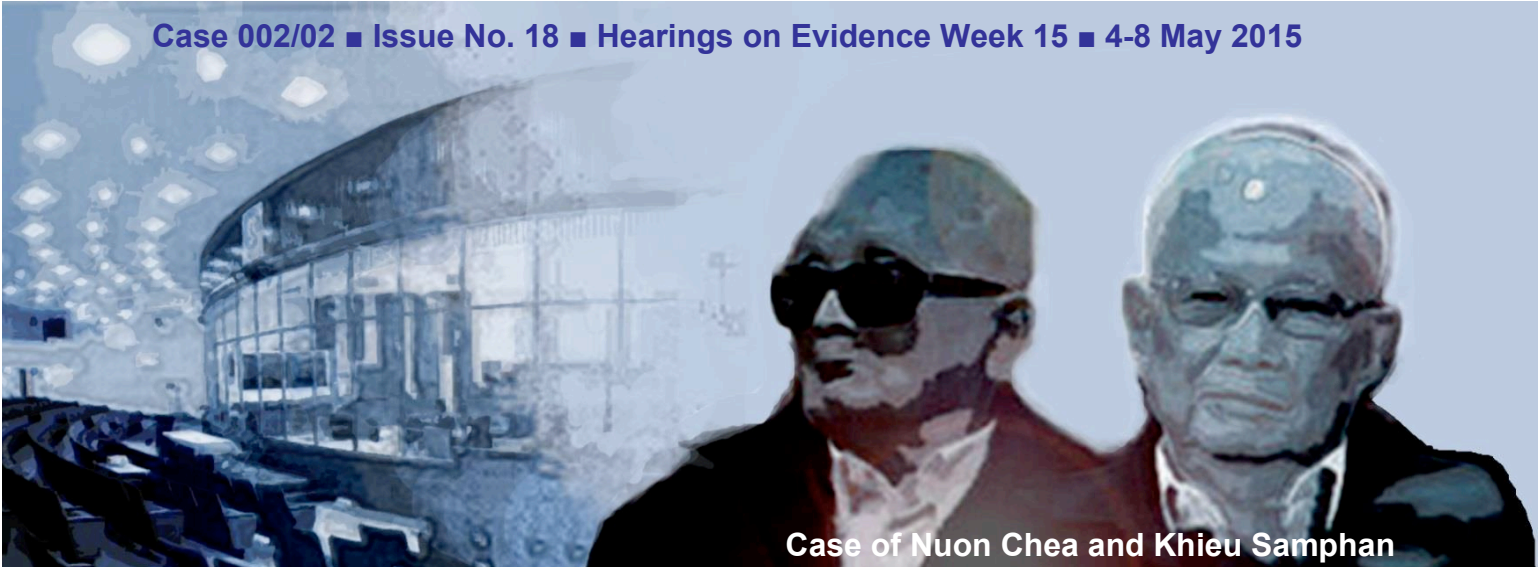


# KRT TRIAL MONITOR

Case 002/02 ■ Issue No. 18 ■ Hearings on Evidence Week 15 ■ 4-8 May 2015



Case of Nuon Chea and Khieu Samphan

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

*People were categorized into poor peasants, middle-class, workers, upper middle-class... The rich and the bourgeoisie were also viewed very unfavorably, very negatively, and led away for execution. In many villages, because there were so many executions, there wasn't even a dog left to bark at people passing.*

- Witness Aek Hoeun

## I. OVERVIEW

From 4 to 8 May 2015, the Trial Chamber effectively completed the testimonies of two witnesses via video link to Battambang province, as they were unable to travel to the ECCC due to their advanced age and health conditions. For the third week in a row, Nuon Chea's Defense Counsel again sought to use the torture-tainted confession of a DK cadre during witness examination, despite having been repeatedly rebuffed by the Chamber on previous such attempts. This prompted the Co-Prosecutor to request oral hearings before the Trial Chamber on this matter. The first witness heard this week, Ms. Khoem Boeun, *alias* Yeay Boeun, was the DK chief of Cheang Tong Commune, in Tram Kak District, and other witnesses have identified her as the final chief of the District before the fall of the regime in 1979. Her testimony covered her knowledge of Tram Kak administrative structure, DK policies to "clean up enemies" and regulate marriage, and her oversight of living and work conditions. The second witness, Mr. Aek Hoeun, was a former cadre who worked at the District office in Tram Kak. He detailed his knowledge of DK administrative structures in Tram Kak as well as arrests and executions, which he testified were overseen by the District. He also spoke about the people's living conditions, forced marriage, and the targeting of former Lon Nol soldiers and ethnic Vietnamese people.

## II. SUMMARY OF WITNESS TESTIMONY

This week, two new witnesses appeared before the Trial Chamber via video link from their homes in Battambang Province. Due to their health conditions, they were both unable to physically attend proceedings at the ECCC. These two former cadres, Ms. Khoem Boeun and Mr. Aek Hoeun, described conditions in Tram Kak District in the DK period.

## **A. Summary of Testimony by Witness Khoem Boeun**

The first witness to testify this week was 72-year-old Ms. Khoem Boeun, *alias* 'Yeay Boeun', the former chief of Cheang Tong Commune in Tram Kak District and one of the final district-level cadres in Tram Kak during the Democratic Kampuchea period.<sup>1</sup> She testified on Monday and Tuesday via video link from her home in Battambang Province, as health issues prevented her from attending the hearing in person. The Witness said she was unable to recall many details, but she nonetheless provided the Chamber with information on her positions under the Khmer Rouge, DK administrative structures, and issues of maltreatment within the cooperatives.

### **1. Khoem Boeun's Positions Under the Khmer Rouge**

The Witness stated that she joined the Revolution in 1971 and worked under Khom, Ta Mok's daughter and the first chief of Tram Kak District. Khoem Boeun claimed that she was not an "influential" person, and she further testified that, although assigned to work in the District office, she was not a "full-rights" member of the Khmer Rouge. The Witness was initially in charge of women's affairs and educated them on both morality and the rice production. She was later assigned as chief of Cheang Tong Commune, but she repeatedly stated that her role was confined to economic issues. On multiple occasions, she claimed that her gender precluded her from any oversight of security issues. She asserted that she lacked authority to eliminate or "smash" anyone, and she claimed she was not involved in arrests. However, she also emphasized that she had had no choice but to implement the instructions from the upper echelon, and she confirmed these instructions occasionally included orders for arrests. The Witness told the Chamber that her commune generally made no distinction between "base" and "new" people in terms of access to health care and education. However, she confirmed that they followed the practice of separating women, men, and youth, because the upper echelon believed that separation would prevent moral misconduct. Khoem Boeun testified that such separation, along with strict discipline and extensive monitoring, were fundamental to controlling the people. She stated that she had to report any misbehavior to higher levels, but she also claimed that she made her own decisions on some matters. For example, she claimed that she sometimes hid surplus rice so the people would have enough to eat. She stated that she considered herself a "good person", because she talked to the people directly, did "good deeds for them," and provided them with food. In 1978, she was appointed to the Tram Kak District committee, where she recalled working alongside Ta San and under Ta Ron, a Sector 13 official overseeing the District, until the arrival of invading Vietnamese forces in January 1979.<sup>2</sup>

### **2. Administrative Hierarchy in Tram Kak District**

The Witness confirmed that several Khmer Rouge cadres were relatives of hers, and also came from her village of Kbal Ou. Her cousin, Ta Ann, was the chief of Kraing Ta Chan Security Center, and her husband, Ta Chorn, was the chief of Popel Commune in Tram Kak District. Another distant relative from her village was Im Chaem, who has been charged in Case 004 and was formerly chief of women's affairs in Sector 13 and, later, chief of Preah Net Preah District in the Northwest Zone.

Khoem Boeun testified at length on the administrative hierarchy in Cheang Tong Commune, Tram Kak District, and Sector 13. She identified the chiefs of Tram Kak District, starting with Yeay Khom's appointment in 1973. The Witness testified that Ta Chhay, Ta Chim, and Ta Kith, the brother of Chim, followed Khom in successive order. She also identified the chiefs of Sector 13 successively as Ta Saom, Ta Prak, Ta Ron, and Sam Bith. Khoem Boeun identified the former head of the Tram Kak District office, which was located near Ang Roka market, as Dorn. At various times, she identified the persons responsible for the District militia as Phy, Khorm and Chorn, with Khorm acting as the superior of Chorn. She testified that these cadres received security reports from the villages and send written reports to her in her role as Commune chief, and she would then forward any security matters to the District. The Witness

confirmed the Prosecutor's characterization that "a pyramid system" was in place for the reports, meaning that if something happened in the village, it had to be reported to the Commune, which then reported it to the District. The Witness also confirmed that another District-level cadre, charged with economic issues, was Ol Hoeun, the *alias* of Aek Hoeun, the second witness to appear this week. She testified that Duch worked in the same office and was responsible for the District's youth.

During regular meetings held three times a month at the District office, the treatment of "17 April" people was discussed, but the Witness did not recall the content of these discussions. On Monday the 4<sup>th</sup>, she confirmed that a meeting was held prior to 17 April 1975, during which she was told to prepare for the settlement of evacuees from Phnom Penh and Takeo provincial town. She also testified that Kraing Ta Chan cadres, including Ta Ann, sometimes attended such security meetings. She said Ann would make oral reports. However, she claimed not to recall the details of many meetings, confirming only that urgent security meetings were held when invading Vietnamese troops had almost reached the District in late 1978 or early 1979. On Tuesday the 5<sup>th</sup>, however, the Witness recalled only meetings concerning education and rice production or distribution.

### **3. Mistreatment in the Cooperatives**

The Parties questioned Khoem Boeun on the targeting of former soldiers and officials of the Lon Nol regime, the distinction between "minor" and "serious" crimes, and food shortages in her commune. The Witness stated that, in 1975, evacuees from Phnom Penh and Takeo town were gathered at Champa pagoda, and their biographies were recorded. The District gave successive instructions regarding the "enemy" and the "cleaning up" of enemy soldiers, in particular high-ranking officers of the previous regime. Khoem Boeun initially stated that her superiors in the District instructed her to be "vigilant of the enemy and not to allow the enemy to come and harm the people." However, she later claimed that she received no instructions regarding the 'cleaning up' of Lon Nol soldiers.

Regarding crime and punishment in her commune, the Witness testified that people who stole food were brought to her office for re-education, as theft of food due to hunger was considered a "minor" crime. She distinguished such an act from the more "serious" crime of intentional destruction of communal property in opposition to the regime. She raised the example of someone who intentionally stole and buried plates and pots from the communal dining halls as a "serious" offender. In her attempt to clarify the system of re-education and punishment in the District, she admitted that people stole food due to hunger, however, she otherwise minimized the dire state of the food situation in her own commune. She confirmed to Judge Lavergne that there were food shortages, but she claimed that no one in her commune ever died of hunger, in part because one of the regime's principal objectives was the complete provision of food. As proof of this, she noted that Zone Secretary Ta Mok was concerned about the food situation.

### **4. Forced Marriages**

When the Prosecution questioned Khoem Boeun on DK marriage policies, she stated that the District gave her instructions regarding marriage policy. The policy ensured the upper level's control of marriages. Communes collected proposals and sent them upward to the District, but if the upper echelon rejected a marriage proposal, no marriage could take place. She claimed that "old" and "new" people were only allowed to marry other people in their same category, as "old" and "new" people did not know each other, and thus "misunderstood each other". In contrast to her earlier statements on health care and education, she testified that the District told her that "new" people were the enemy and were not as valuable as 'old' people. Khoem Boeun explained that marriage ceremonies could include ten or more couples at one time, and she herself arranged a marriage ceremony for three couples. No traditional rituals took place during the ceremony, but it was followed with a nicer-than-usual meal, organized by local

cadres. In response to a specific question from the OCP, the Witness confirmed that marriages were “forced.” However, she changed her testimony in response to questions from Victor Koppe, the co-lawyer for Nuon Chea. She told him that a couple was not forced to get married if one of them did not want to, and she confirmed that divorce was permitted in her commune.

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

Although rather forthcoming and clear at the outset of her appearance, Khoem Boeun’s testimony appeared increasingly unreliable as she suddenly began to claim ignorance or an inability to recall the events of nearly 40 years earlier. She repeatedly claimed that her knowledge of events in DK was confined to her commune, which she also insisted had avoided the security measures and poor labor or food conditions alleged to have occurred elsewhere in Tram Kak District. This evasion of responsibility also did not coalesce with her admitted position at the District-level in the final months of the regime. The Prosecutor reminded her at one point that the Court was not seeking to charge or accuse her. She claimed she never ordered any arrests in her commune, even though she admitted that commune chiefs were tasked with carrying out such orders sent from higher levels. When confronted with letters concerning arrests that bore her signature, she claimed ignorance or said that she did not recognize the handwriting. On one occasion, she prefaced her response with the statement, “I don’t have anything to hide.” When eventually given the opportunity by the OCP to express remorse for the DK era, she stated, “I regret the fact that Cambodians were pitted against one another, fought with one another, and could not live in accordance with the traditions, and people were separated from one another.”

### **B. Summary of Testimony by Witness Aek Hoeun**

The second witness to appear this week was 78-year-old Aek Hoeun, who was born in Tram Kak District and had been a Khmer Rouge group leader before 1975 and later worked at the District office after the liberation that year. He testified via video link on Thursday and Friday from Battambang province, due to medical issues that restricted his travel to Phnom Penh.<sup>3</sup> He testified on his own experience in DK, the administration of Tram Kak District, and the treatment of former Lon Nol officials and ethnic Vietnamese.

#### **1. Witness and His Family’s Position During the Khmer Rouge Regime**

Aek Hoeun’s mother was born in Cambodia, but his mother’s father (his grandfather) was native Vietnamese and spoke no Khmer. The Witness’ father was a village chief during the *Sangkum Reastr Niyum* regime of Prince Sihanouk.<sup>4</sup> Thus, he testified, he and his relatives were accused of “undesirable tendencies.” However, due to old age, his parents were not purged. His cousins were Khmer Rouge district officials Sam Dorn and Ta Chim. The latter was also his brother-in-law. Further, two of his brothers, Heng and Yao, held positions under the Khmer Rouge: Heng was an army chief but died in 1973, and Yao was deputy chief of Koh Andet District.

Aek Hoeun testified that he was initially a group leader between 1974 and 1975 in Tram Kak District, but he said he was dismissed from that position when the “classes were created.” He explained, “I was crushed by the wheels of history.” After April 1975, his cousin Ta Chim helped him reinstate himself by giving him a position at the District office, where he was tasked with economic logistics as well as offloading rice and salt from trucks. The Witness stated that, in 1976, Ta Chim protected him from Yeay Khom, the District chief and daughter of Ta Mok, who wanted to arrest and kill him due to his “undesirable tendencies.” The Witness hid at Ta Chim’s house for two days in March 1976, and his cousin then appointed him to work in the land survey department. In August 1978, he fled a rival cadre in Tram Kak District for Kampong Cham Province, in the East Zone, to join Ta Chim. He later explained during his testimony, however, that Chim wanted to kill him in the years after DK’s fall, so he left for Anlong Veng.



## 2. Hierarchy and Structure of Tram Kak District

Aek Hoeun emphasized that any instruction sent from the upper echelon was followed, as no one dared to refuse. He testified that, as Tram Kak District chief, Yeay Khom received orders from the Sector and Zone and would then pass them on to the lower level for implementation. The Witness explained that District chief Khom sent orders to District committee members and eventual chiefs, Ta Chim and Ta Chhay, as well as District office chief and a cousin of the Witness, Sam Dorn. The Witness stated that anyone arrested “for political tendency or spying” was sent to either Yeay Khom or Ta Chim. The Witness made further mention of Phy, a messenger of Ta Chim, who was responsible for logistics and later became chief of District 107. Moreover, the Witness identified Ruos, who dealt with arrests, and Vorn, who was in charge of youth. Aek Hoeun stated that Ruos worked closely with Meng, chief of Ang Roka prison, so any one accused of moral misconduct was sent first to Meng's office. The Witness stated that, if Meng sent them for re-education, it would last between three to six months, and they would then return to their cooperatives. However, the Witness acknowledged he never personally witnessed any such returns. The Witness stated that Bun Yen carried out most secretarial work at the District office.

Aek Hoeun discussed how Yeay Khom acted on her own and implemented decisions without higher approval. He explained how Khom eventually fled Tram Kak District in March 1976, after she ordered the execution of her third assistant, Chea, who had been a good friend of her father, Southwest Zone Secretary Ta Mok. When her father came looking for the murderer of his friend, Khom fled to Koh Kong Province. According to the Witness, Yeay Khom did not obey the upper echelon and did as “she wished.” Aek Hoeun underlined that, even though she was Ta Mok's daughter, they did not act like father and daughter, and he would have been willing to have her killed. The Witness' testimony stood in contrast to that of other witnesses, who, until now, have explained that Yeay Khom was mentally unstable and eventually left her position as District chief because of this health condition and because her husband, then-Sector 13 cadre Meas Muth, was transferred to Kampong Som Province.<sup>5</sup>

## 3. Treatment of “Enemies” and Targeting of Specific Groups

According to the Witness, urban evacuees from Phnom Penh and Takeo provincial town were assembled at Champa Leu pagoda upon their arrival in Tram Kak District after April 1975. Aek Hoeun emphasized that the streets were “flooded with people, clogged with people.” He said that evacuees registered their names on lists, and they were then sent to different communes of the District, in accordance with how many people were needed by each commune. Aek Hoeun testified that “base” and “new” people were treated the same way and enjoyed the same rights. Mutual respect was important and he emphasized that “base” people faced sanctions if they discriminated. However, the Witness confirmed that people watched over one another, and, he stated that, from March 1975, distinctions between people were made, as they were categorized into poor peasants, middle-class, workers, and the upper middle-class. The Witness described how the Khmer Rouge used propaganda to identify former Lon Nol officials, soldiers, and police officers, explaining that they were promised reinstatement to their prior positions if they revealed themselves. The Witness confirmed that many of them did so, and after their registration and distribution to the communes, he “never saw them again.”

The Witness confirmed that the concept of ‘enemy’ did not change after 1975, as former teachers and Lon Nol officials were tracked down both before and after the Khmer Rouge victory. The “17 April” people had to write up their biographies on a regular basis to allow the Khmer Rouge to learn their histories and identify their “political tendencies.” He testified that the communes received orders from the upper echelon to investigate such persons, then, after investigations, circled names in blue, and sent them to the District, which would forward them to the Sector. When the list was returned to the Commune from above, enemies' names had

been circled in red ink. Aek Hoeun explained that the Commune arrested those whose names were circled in red, sent them to the District, which then brought them “to the forest” for execution. He stated that persons with names circled only in blue were sent to the re-education office for brief periods. The Witness explained that those accused of moral misconduct – such as sleeping with a cadre’s wife – were re-educated, while those who complained about food rations were considered “enemies” and faced greater punishment. He said that the rich and the bourgeoisie, viewed as “feudalists” under the DK regime, were also targeted for execution.

The Witness confirmed that, from April to May 1977, Khmer Rouge cadres carried out renewed operations to arrest former Lon Nol soldiers. He said that “provincial Angkar” in Sector 13 would send instructions to the District, which forwarded them to the Commune. Aek Hoeun explained that cadres sought instructions “from the bottom to the top,” as the administrative structure ensured all authority to arrest, detain, or execute any persons laid with the District or above. He said that the Commune only implemented higher orders. Aek Hoeun confirmed that the purging of “enemies” was a priority until the arrival of Vietnamese forces, as he recalled finding a letter in October 1978, which stated, “Comrade, sweep the enemies. There are lots of enemies in the cooperatives.”

#### **4. Treatment of Ethnic Vietnamese and Khmer Krom**

Aek Hoeun testified that the ethnic Vietnamese were specifically purged. According to him, in June 1976, the Khmer Rouge developed and implemented a plan to purge the “Yuons” in District 105. The Vietnamese were gathered by the Communes and sent by truck to the forests for execution. The Witness testified that Lan, Ta Mok’s younger brother-in-law, oversaw the identification and collection of the Vietnamese, but he identified the implementer of this plan as successive District chiefs Yeay Khom and Ta Chhay. Aek Hoeun testified that Lan told him that the number of people trucked out was 9000, but it was unclear whether he referred to 9000 families or individuals. Mixed families, meaning Khmers who had married a Vietnamese man or woman, were also purged. The Witness testified that entire families were executed, including children. Although the Witness recognized that the DK regime killed many Vietnamese, he emphasized, however, that the Lon Nol regime had killed even more from 1970 to 1975. The Witness also confirmed that the Khmer Rouge initially undertook a program to exchange the Vietnamese living in Cambodia with the Khmer people in Southern Vietnam, or Kampuchea Krom, after many Khmers had fled there during the country’s civil war. However, Ta Mok cancelled the program when these people started to create “troubles in the cooperatives.”

#### **5. Forced Marriages**

The Witness confirmed to Civil Party Lawyer Ty Srinna that “forced marriages” took place in every cooperative, and that, if people did not follow the instructions, they would be threatened. However, when Judge Lavergne questioned Aek Hoeun on this matter the next day, he changed his testimony, stating, “Of course we could not force the girls.” He told Counsel for Khieu Samphan that he was not aware of any regulation forbidding marriage between “old” and “new” people, and that “anyone could marry anyone.” However, he also stated that he saw a marriage ceremony of over 400 couples at one time when he was living in Kampong Cham.

#### **6. Witness Demeanor and Credibility**

Throughout his appearance, Aek Hoeun seemed to answer assuredly and concisely, even with the added challenges of remote testimony via video link. He appeared credible, as his responses did not shift greatly between the examinations of each Party. He also clarified from the outset of his testimony that he was looked down upon for his family history, and he did not evade any questions regarding his own role or responsibility.

### III. LEGAL AND PROCEDURAL ISSUES

Defense Counsel for Nuon Chea, Victor Koppe, again raised questions regarding the use of torture-tainted evidence during the examination of Witness Khoem Boeun this week. Over the previous two weeks, Counsel Koppe's statements and actions have led to debates on this issue and rebukes from the Trial Chamber. He had previously attempted to cite the S-21 confessions of Kong Chap<sup>6</sup> and Chou Chet.<sup>7</sup> However, the Chamber had provided uncertain guidelines in dealing with these issues up to this point, as it had promised to make a ruling "in due course," but no such written decision has been issued by the Chamber.

#### A. Continued Debate Over the Use of Torture-Tainted Evidence

During this Monday's hearing, Mr. Koppe commented on Prosecutor Vincent De Wilde D'Estmael's question to Witness Khoem Boeun on whether her commune investigated people through interrogations. Counsel argued that the question stemmed from "a product of an interrogation," and he asked how the Prosecutor's question differed from his own attempted use of S-21 confessions in prior weeks. Mr. De Wilde D'Estmael explained that his questions did not refer to torture. The next day, when Mr. Koppe attempted to use Chou Chet's confession in his examination of Witness Khoem Boeun, the Prosecutor objected, arguing that the document constituted a confession under torture and noting that Counsel's reference was using the confession itself, not an added annotation. Judge Jean-Marc Lavergne sought clarification from Counsel whether he intended to read an annotation to Chou Chet's confession, and whether his question was relevant, given the fact that the Witness had already stated she did not know Chou Chet. Mr. Koppe responded that he "wants to confront [the Witness] with the statement of Chou Chet that [Sector 13 chief] Saom was a very oppressive and radical person, [and ask] if she would agree with this." The President announced that the Chamber would issue its decision on this ongoing matter in a week, and, in the meantime, he forbade Counsel's question, declaring, "Any questions based on the interview or record of statements as a result of torture would be prohibited in this Chamber." Prior to moving on with his questions, Mr. Koppe responded that there was no *prima facie* evidence that Chou Chet was tortured. At the conclusion of his examination, Mr. Koppe again attempted to use the document. The OCP again objected, and the President again prohibited use of this document.

On the morning of 7 May, International Co-Prosecutor Nicholas Koumjian appeared in the courtroom to request that the Chamber schedule an oral hearing on the issue of torture-tainted evidence before it makes its ruling. Mr. Koumjian explained that any decision would be important to both international and national jurisprudence, and he further argued that the Chamber would benefit from updating its rulings in Case 002/01. Furthermore, Mr. Koumjian responded to Mr. Koppe's repeated reference to Nuon Chea's appeal in Case 002/01. Counsel had claimed his team had raised the use of torture-tainted evidence as a ground of its appeal, but the Co-Prosecutor argued it was not listed as one of the Defense's 227 grounds in its appeal brief, so the OCP had not addressed it in its response. Mr. Koumjian concluded that Mr. Koppe's repeated references to Chou Chet's confession were unreliable and justified torture.

Monitors note that the Trial Chamber must update its previous rulings on this issue and clarify a reasoned decision as soon as possible. An oral hearing for the Parties to make arguments would help the Chamber develop a more clear and comprehensive ruling that could be effectively enforced by the Chamber. It would also give Counsel Koppe the opportunity to more clearly explain what he has sought to achieve over the past three weeks, and address complaints that his actions contravene the United Nations Convention Against Torture.

### IV. TRIAL MANAGEMENT

This week, the Trial Chamber effectively oversaw the appearance of two witnesses via video link over the course of four days of evidentiary hearings.

## A. Attendance

Nuon Chea waived his right to be present in the courtroom and observed proceedings from the holding cell, while Khieu Samphan was present in the courtroom during all sessions throughout the week. Duty Counsel Mam Rithea and WESU personnel were appointed to assist in the testimonies of witnesses through video link from Battambang this week.

**Judge Attendance:** Judge Claudia Fenz left the courtroom on the afternoon of Tuesday, 5 May, due to health reasons, and the President announced she would not be present for the rest of the week. International Reserve Judge Martin Karopkin sat in her place for the remainder of the week. All other judges were present for the week.

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

**Parties:** Neither of the international lawyers for Khieu Samphan was present this week, but national counsel represented the Accused instead. Mr. Victor Koppe, international co-lawyer for Nuon Chea, was absent on 7 and 8 May, and Mr. Liv Sovanna, the new national lawyer for Nuon Chea represented him instead. The international CPLCL, Ms. Marie Guiraud, was also absent for the 7 and 8 May hearings, and Civil Party lawyer Ven Pov was appointed to represent the Civil Parties instead. All other Parties were properly represented in the courtroom throughout the week.

### Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 04/05/2015	<ul style="list-style-type: none"><li>Approximately 250 villagers from Me Sang District, Prey Veng Province</li><li>Two foreign observers</li></ul>	<ul style="list-style-type: none"><li>Approximately 250 villagers from Me Sang District, Prey Veng Province</li><li>Three foreign observers</li></ul>
Tuesday 05/05/2015	<ul style="list-style-type: none"><li>Approximately 75 villagers from Sangke District, Battambang Province</li><li>Three foreign observers</li></ul>	<ul style="list-style-type: none"><li>One foreign observer</li></ul>
Thursday 07/05/2015	<ul style="list-style-type: none"><li>Approximately 150 villagers and 13 monks from Kandieng District, Pursat Province</li><li>Five foreign observers</li></ul>	<ul style="list-style-type: none"><li>Approximately 150 villagers and 13 monks from Kandieng District, Pursat Province</li><li>One foreign observer</li></ul>
Friday 08/05/2015	<ul style="list-style-type: none"><li>Approximately 200 villagers and a group of 20-30 monks from Krakor District, Pursat Province</li><li>Two foreign observers</li></ul>	<ul style="list-style-type: none"><li>Approximately 200 villagers and a group of 20-30 monks from Krakor District, Pursat Province</li></ul>

## B. Time Management

The Trial Chamber sought to strictly implement its schedule for this week in order to conclude the testimonies of two witnesses who testified remotely via video link from Battambang. On 4 May, international Counsel for Nuon Chea, Victor Koppe, asked for postponement of the 8 May afternoon hearings, as he planned to return home to the Netherlands, and his national



counterpart, Mr. Son Arun, could not attend due to his own health issues. Judge Claudia Fenz responded that the Court’s staff had already left Phnom Penh to organize the necessary logistics for the witness testimony scheduled for 7 and 8 May. The Chamber never made an oral ruling on Mr. Koppe’s request, but it proceeded normally with the Friday hearing, and Nuon Chea’s new national counsel, Mr. Liv Sovanna, was present to ask questions to the Witness. On Thursday, 7 May, the Trial Chamber also heard the International Co-Prosecutor’s request for a single session of oral hearings for the Parties to discuss the ongoing issues of torture-tainted evidence, but it did not announce any change in scheduling.

**C. Courtroom Etiquette**

In general, this week, the Parties and Judges treated one another with respect. On 8 May, as Defense Counsel Liv Sovanna read a document to Witness Aek Hoeun for over four minutes, Judge Jean-Marc Lavergne gestured with confusion, prompting a reminder from the President warning Counsel to shorten his line of questioning.

**D. Translation and Technical Issues**

This week, there were several errors in translation from Khmer to English. For example, on 5 May, Witness Khoem Boeun responded, “Yes,” in Khmer, to confirm Counsel Koppe’s question, “Do you remember this statement, Witness?” However, the interpreter embellished her response, changing her answer to “Yes, I gave such a statement to the investigator.” This embellishment of witness statements has occurred occasionally throughout the trial thus far. The interpreter also falsely rendered Khoem Boeun’s subsequent response, translating “no offenses” in Khmer into “no punishment,” in the English. During Defense Counsel Kong Sam Onn’s examination of Witness Aek Hoeun on 8 May, the interpreter wrongly translated his description of Tram Kak District Chief Yeay Khom as “a female tiger” to “a female snake” in English.

Throughout the testimonies of the witnesses via video link this week, there were several short technical interruptions, but hearings proceeded relatively smoothly. During the 7 May hearing, there were several issues concerning Khmer and French audio systems, prompting the President Nil Nonn to instruct the court officer to check the translation systems with technicians, and to ask the Parties to repeat their comments.

**E. Time Table**

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 04/05/2015	9:01	10:13 – 10:29	11:35 – 13:29	14:41 – 14:59	16:09	4 hours and 40 minutes
Tuesday 05/05/2015	8:58	10:08 – 10:30	11:30 – 13:32	14:40 – 15:00	15:25	3 hours and 43 minutes
Thursday 07/05/2015	9:04	10:10 – 10:29	11:29 – 13:32	14:38 – 15:00	16:10	4 hours and 22 minutes
Friday 08/05/2015	9:00	10:16 – 10:35	11:36 – 13:29	14:40 – 15:00	15:29	3 hours and 37 minutes

Average number of hours in session	4 hours and 10 minutes
Total number of hours this week	16 hours and 42 minutes
Total number of hours, day, weeks at trial	205 hours and 21 minutes
<b>56 TRIAL DAYS OVER 18 WEEKS</b>	

\*This report was authored by Lea Huber, Somaly Kum, Hout Pheng Ly, Daniel Mattes, Lina Tay, Vichheka Thorng, Penelope Van Tuyl, and Oudom Vong as part of AIJI's KRT Trial Monitoring and Community Outreach Program. AIJI is a collaborative project between the East-West Center, in Honolulu, and the WSD Handa Center for Human Rights and International Justice at Stanford University (previously known as the UC Berkeley War Crimes Studies Center). Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in Southeast Asia.



**Unless specified otherwise,**

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

**Glossary of Terms**

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

---

<sup>1</sup> Ms. KHOEM Boeun (2-TCW-979) was questioned in the following order: President NIL Nonn; national assistant

<sup>2</sup> This testimony is corroborated by that of Witness Neang Ouch (*alias* 'Ta San'), who stated he worked with Yeay Boeun at the District-level, but claimed the District fell under the oversight of Sector 13 official Ta Ron. See CASE 002/02 KRT TRIAL MONITOR, Issue 12, Hearings on Evidence Week 9 (9-12 March 2015). However, Witness Van Soeun, a messenger who traveled between Kraing Ta Chan and the District office, specifically identified Yeay Boeun as the final chief of the District, following Ta San's placement in that role. See CASE 002/02 KRT TRIAL MONITOR, Issue 11, Hearings on Evidence Week 8 (3-5 March 2015), p. 3. On the other hand, Witness Riel Son, a deputy District hospital chief, testified that Ta San was the final chief of Tram Kak District, not Yeay Boeun. See CASE 002/02 KRT TRIAL MONITOR, Issue 13, Hearings on Evidence Week 10 (16-19 March 2015), p. 3.

<sup>3</sup> Mr. AEK Hoeun (2-TCW-822) was questioned in the following order: President NIL Nonn; international senior assistant prosecutor Vincent DE WILDE D'ESTMAEL; national Civil Party Lawyer TY Srinna; Judge Jean-Marc LAVERGNE; national lawyer for Nuon Chea, LIV Sovanna; international co-lawyer for Khieu Samphan, KONG Sam Onn.

<sup>4</sup> The *Sangkum Reastr Niyum*, or the "People's Socialist Community," was the political party and movement organized by Prince Norodom Sihanouk following Cambodia's independence from France in 1953. After two years of monarchical rule, Sihanouk abdicated as King, took on the title of Prince, and formed the *Sangkum* in 1955. The *Sangkum* effectively ran the country as a one-party state, with Prince Sihanouk as its leader, until the bloodless 1970 coup by Lon Nol and Prince Sirik Matak.

<sup>5</sup> The narrative that Yeay Khom fell ill and moved away from Tram Kak with her husband, Meas Muth, was noted, for example, in the testimony of Pech Chim. See CASE 002/02 KRT TRIAL MONITOR, Issue 16, Hearings on Evidence Week 13 (21-24 April 2015), p. 3.

<sup>6</sup> See CASE 002/02 KRT TRIAL MONITOR, Issue 16, Hearings on Evidence Week 13 (21-24 April 2015), pp. 7-8.

<sup>7</sup> See CASE 002/02 KRT TRIAL MONITOR, Issue 17, Hearings on Evidence Week 14 (27-30 April 2015), p. 4.