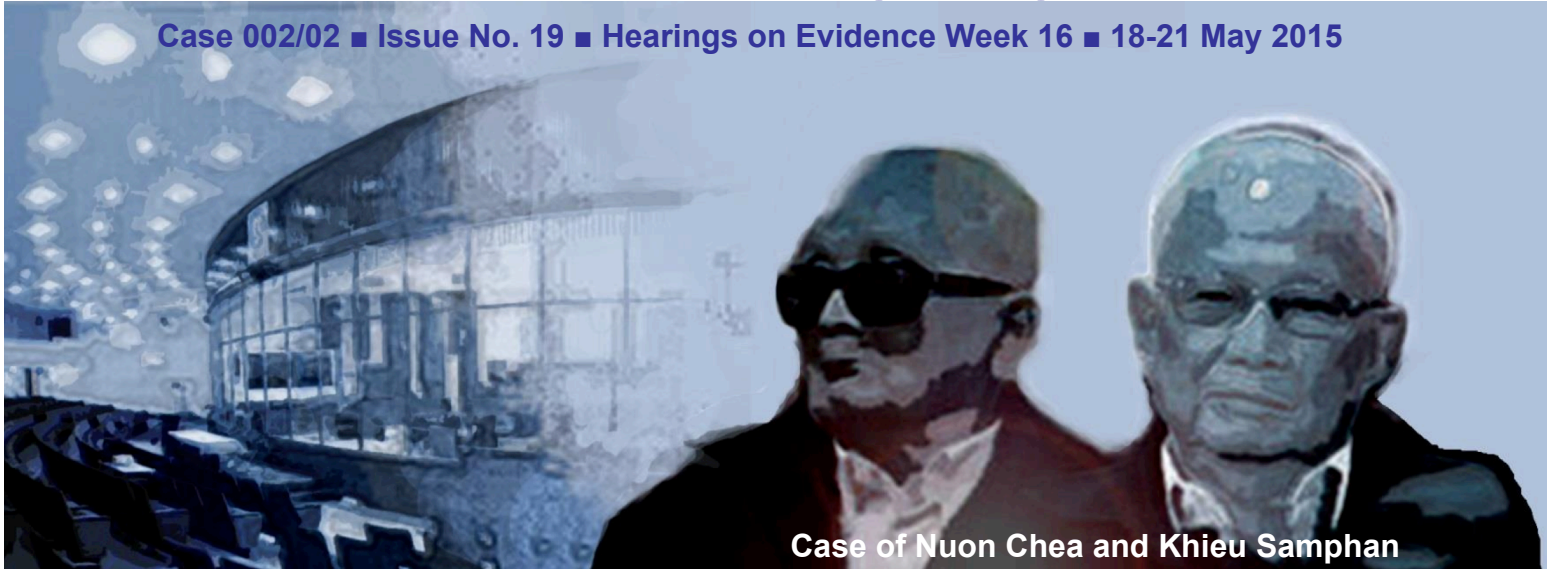


KRT TRIAL MONITOR

Case 002/02 ■ Issue No. 19 ■ Hearings on Evidence Week 16 ■ 18-21 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)

*How can you talk about the wage?
The only thing that we wanted at the time was just sufficient gruel to eat,
and there was not even enough gruel for us to eat.*

- Witness Or Ho

I. OVERVIEW

From 18 to 21 May 2015, the Trial Chamber completed the testimony of the last witness to testify in relation to Kraing Ta Chan Security Center (**KTC**), and it commenced the next segment of the proceedings in Case 002/02. The next segment, which covers the First January Dam Worksite in present-day Kampong Thom Province, relates to charges of crimes against humanity of enslavement, extermination, murder, and persecution on political and religious grounds, as well as other inhumane acts, through “attacks against human dignity,” enforced disappearances, and forced marriage.¹ On Monday, Witness Vorng Sarun testified about her arrest and detention at KTC Security Center. From Tuesday to Thursday, Or Ho and Pech Sokha testified about their personal experiences living and working at the First January Dam Worksite. After several weeks of heated debate over the use of torture-tainted evidence in the proceedings, the Trial Chamber announced that it would hear oral arguments from all Parties on Monday 25 May, next week, and will subsequently issue a written decision on the matter.²

II. SUMMARY OF WITNESS TESTIMONY

This week, three new witnesses appeared before the Trial Chamber. The first witness, Vorng Sarun, described her arrest and detention at KTC, and the next two witnesses testified on conditions at the First January Dam Worksite. The Prosecution sought to elicit evidence that suggested people had experienced difficult working conditions and a complete lack of freedom at the worksite. The Defense Teams challenged this by asking witnesses about the provision of breaks during workdays, the availability of health care, and the use of machinery there.

A. Summary of Testimony by Witness Vorng Sarun (2-TCW-986)

The first witness to testify this week before the Chamber was 61-year-old Vorng Sarun, a retired

primary school teacher from Kampot Province. Before the Liberation, the Witness worked as a medic at Hospital 22, a military hospital in Takeo Province, with her husband Prach Chun, *alias* Saet. The Witness told the Chamber that, in 1977, she and her family were arrested and sent to KTC Security Center. Vorng Sarun testified that she and her son were the only ones to survive. The Parties questioned the Witness about her interrogation at KTC, the alleged executions of prisoners, and the general living and working conditions for detainees.³

1. Arrest and Interrogation at Kraing Ta Chan

The Witness told Prosecutor Dale Lysak that after the Liberation, she, her husband, and more than twenty other medical staff were transferred from Hospital 22 to an unknown location in Tram Kak District. After her husband was taken away, Vorng Sarun was placed in a widow's mobile unit in Chan Teab Cooperative, where she was tasked to build dams and dig a canal. She never saw her husband again. She recalled that on 23 May 1977, two militiamen took the Witness and her one-year-old baby to KTC. The Witness recounted that she was placed in a building with approximately 40 prisoners, where each slept foot to foot. Although she was not physically beaten, her hands and ankles were shackled, and prisoners were only provided with gruel to eat. The three buildings that housed the prisoners were full of mice, and the Witness recalled that one prisoner ate a live mouse because there was not enough food to eat. This prisoner and his baby became sick soon after, and the Witness recalled that they both died without medical treatment. Her own baby remained with her, and she recounted how a guard named Saing hit her one-year-old because he cried. After seven days, three to four people, including a man named Ta Penh, took her into a separate room for interrogation. She described how the guards questioned her about her education and her husband's alleged ties to the KGB and "Yvon spies." The Witness recalled that during the interrogation, she was forced to write her biography, a process that involved her interrogators writing down the response they wanted regardless of what she said. The Witness was subsequently released and instructed to work hard, but she was told that she would "die anyway."

2. Working and Living Conditions at Kraing Ta Chan

The Witness told the Chamber that after her interrogation, she was placed in a women's work group at KTC and ordered to work in the fields to plant vegetables and carry "human fertilizer" to the rice fields. She testified that, as a newcomer at KTC, she was considered to be "a class below ordinary people." The Witness clarified that this classification meant that she was treated less favorably than other prisoners and was under constant surveillance. She also told the Chamber that prisoners were not permitted to move around freely, likening their situation to "a herd of cattle."

3. Disappearances and Executions at Kraing Ta Chan

In relation to disappearances and executions at KTC, the Witness recalled a number of occasions when people were told that they could return to their homes but were never seen again. Despite never having personally witnessed any executions, the Witness described a time when she saw guards lead prisoners away and return alone with bloody hands and stains on their clothes. She also noted seeing the guards clean their bloody knives in a nearby pond. She recalled that music was played over loudspeakers, which she and other prisoners understood was used to cover the sound of the executions. Vorng Sarun also told the Chamber that, while she was detained, another prisoner informed her that her husband had also been detained and killed at KTC, and indicated that his remains were buried under a tree to the west of the compound. The Witness claimed to have discovered many skeletons and remains under a tree in that area. However, under questioning by Defense Counsel for Nuon Chea, she clarified that she had gone to the tree years later, after the fall of the DK regime.

4. Escape from Kraing Ta Chan

Both Defense Teams confronted the Witness with the testimony of Civil Party Soy Sen, who suggested that the Witness had engaged in a love affair with Ta Ann, the chief of the Security Center, and fled with him to the forest.⁴ The Witness denied the suggestion as a rumor, adding that it would have been “impossible to have a relationship with the killer of my husband.” Describing the circumstances of her escape from KTC, she explained that she fled with her baby and a group of people to Pursat Province when Vietnamese troops arrived in the area. She stated that Ta Ann had been part of that group only by coincidence, underlining that they then went separate ways. The Witness confirmed to Counsel Victor Koppe that, before the Vietnamese arrived at the security center, prisoners had been gathered for a meeting and informed about their relocation to a different detention building. She presumed that these prisoners were executed, as she never saw them again.

5. Witness Demeanor and Credibility

Witness Vorng Sarun was generally cooperative and attempted to answer all questions posed to her. Recounting her personal experience at the prison appeared to be emotionally difficult for the Witness. Staff of the Transcultural Psychosocial Organization (TPO) accompanied Vorng Sarun during her testimony, and the President convened a short break to allow her to rest at one point. Monitors noted that on a number of occasions, she struggled to provide details to specific questions posed, perhaps due to the emotional strain on the Witness. For example, Judge Fenz appeared to be frustrated by the Witness’s vague and confusing response to her question about accommodation at KTC. Vorng Sarun told the Chamber her house had “no roof” and “no walls” but was unable to explain exactly what this meant.

B. Summary of Testimony by Witness Or Ho

The second witness to appear before the Chamber this week was 70-year-old Or Ho, a rice farmer who had served as a village chief during the DK period. Mr. Or Ho gave evidence in relation to working conditions and the treatment of specific groups at the First January Dam.⁵

1. Witness’ Positions in DK Period

In 1972, the Khmer Rouge “upper echelon” appointed the Witness as deputy chief of Prey Strangae Village, in Ballangk Commune, Baray District, which, in the DK era, was in Sector 42 in the Central Zone. Three years later, he was promoted to village chief, a position he held until Angkar removed him in July 1978. Or Ho described himself as a “core person for the Party.” However, he emphasized that he never arrested or sent anybody for re-education. He stated that his role was simply to supervise the workers and secure their well-being. When asked why he was removed from his position in 1978, the Witness responded that he had been the target of investigations and added that Angkar “did not have confidence in [him].” After his removal, he was never reinstated; he became “an ordinary villager” and worked in the rice fields.

2. Treatment of Enemies in Ballangk Commune

Witness Or Ho confirmed that people in his commune were divided into three groups: “full rights people,” “candidate people,” and “depositee people.” The Witness explained that “full rights people” were very poor, also known as “base people.” “Candidate people” were those who had enough food to eat, and “depositees” referred to all “17 April people” who had come from Phnom Penh, as well as ethnic Cham people. The Witness was initially unable to tell the Chamber why the upper echelon required the categorization of people, as, in his opinion, everyone in his village received the same treatment. However, later during his examination, he acknowledged that “depositee people” and former Lon Nol soldiers were treated differently.

In response to questioning by the Prosecution, the Witness acknowledged that “depositee people” were “more easily found to be at fault and were punished more than the other people.” The Witness recalled receiving a list from the upper echelon noting the names of 15 families – all “new people” – with instructions to send them to a new village by truck. He helped to conceal eight of the 15 families because he believed that the plan was to kill them. He reconfirmed this belief after the Commune chief told him that “the worm needs to be removed one by one,” and he never saw the other seven families again. He also testified that, upon arrival in Baray District, people were required to write their biographies. Those identified as officials of the former regime were arrested and placed in the security office. There were also disappearances. He further stated that guards went around the villages to ask people if they knew of anyone who was a former soldier. Or Ho gave the example of a man named Kao, who received new clothes and a bicycle in exchange for identifying former Lon Nol officials.

Witness Or Ho stated that in many villages, Cham people were mistreated, forced to eat pork, and prohibited from practicing their religion. He added that Angkar wanted to have “a single population with ethnic Khmer.” However, the Witness testified that, in his village, the ethnic Cham and their traditions were respected. He told the Chamber that he convinced the group of village chiefs within Ballangk Commune to respect the Cham, and they were therefore permitted to slaughter cows when possible and to eat fish.

3. Working and Living Conditions at the First January Dam Worksite

The Witness stated that the construction of the First January Dam occurred in late 1976. Or Ho told the Chamber that during the inauguration ceremony for the Dam, he heard an announcement over the loudspeaker that the workforce consisted of more than 20,000 people. The Witness testified that he was personally responsible for 20 workers who were part of a larger team of 100 workers, which included “base people” and ethnic Cham. With four other group leaders, he was responsible for housing and feeding the workers. The Witness testified that working conditions were the same for everyone at the Dam. Only those who had “full strength” were selected to work at the Dam site, and the rest were assigned to work in the villages. Children did not work on the Dam, but performed other tasks such as collecting cow dung. An average workday consisted of a total of 13 hours of work divided into three shifts: 4:00 to 11:00AM, 2:00 to 5:00PM, and after the evening meal until 11:00PM. Workers were also permitted a 15-minute break every two hours. Each person received two meals of gruel per day and was permitted to return home every ten days. Regarding the food portions, Or Ho claimed that, “for that particular period, it was sufficient,” and people were not malnourished.

The Witness emphasized that “the work was extremely difficult” physically, but he claimed that the workers were happy. Or Ho testified, “Manpower was used for the building of that dam.” The Witness was sent a work plan from Angkar with instructions about his group’s assignment. Every worker had to fulfill a daily quota of moving three cubic meters of dirt per day. The Witness was assigned to write a daily report on the fulfillment of the quotas and the conditions of the workers. If the upper echelon learned that a worker did not fulfill his or her quota, “there would be problems.” According to the Witness, “problems” meant that those people would be considered enemies, detained at the security office, and never returned to the site. Or Ho also testified that militiamen were present at the worksite. However, he did not think they were there to control or watch the workers, but to provide “security and safety” from external forces.

Or Ho laughed when asked whether workers received wages and added that they were more concerned with having enough to eat. He stated that, if people in his group were too weak to complete their quotas, others would complete the work for them, and he would not report this. The Witness told the Nuon Chea Defense that he allowed his workers to rest if they were sick, since “we loved each other as brothers and sisters.” Although the Witness stated that hygiene and sanitation were generally poor, he told the Court that a mobile hospital unit was attached to the worksite. If workers were unable to recover or could not be treated at the mobile units, they

were sent to the Sector hospital and returned to the worksite once recovered. However, the Witness also testified that, when people were sick, they were accused of being lazy, and the Khmer Rouge would refer to it as "the truck fever." Judge Fenz asked the Witness if any deaths occurred at the worksite during his time there. He recounted an accident where soil collapsed onto workers, burying three people alive. He estimated that another two or three people died from illness between 1977 and 1978.

4. Marriage Policy at the First January Dam Worksite

The Witness testified that, from 1975 to 1977, Angkar did not permit marriages, as DK needed men to fight in the war. Once the war was over, Angkar started to arrange group marriages of around 30 to 40 couples, which the Witness recalled were chaired by the Commune Chief. The Witness estimated that between 1977 and 1978, three marriage ceremonies were organized for groups in his district. He recalled that the ceremonies did not feature music or meals. However, he underlined that no punishment was imposed on those who refused to marry.

5. Witness Demeanor and Credibility

Throughout the examination of Or Ho, he remained calm and answered questions clearly. Although he initially appeared to provide inconsistent testimony in relation to the treatment of different groups at the worksite, the Witness later clarified his responses. For example, during his questioning by the Prosecution, he claimed that, although people were classified into three different groups including "depositee," "candidate," and "full rights" people, in his opinion, everyone was treated the same. However, after further probing on the issue, he acknowledged that ethnic Cham, former Lon Nol officials, and "depositee people" were, in fact, treated less favorably than other groups. Although this was initially confusing, monitors considered it likely that the Witness was referring to his own village when he said people were treated the same.

C. Summary of Testimony by Witness Pech Sokha

Pech Sokha was the second witness to testify before the Trial Chamber on the First January Dam Worksite. His testimony was conducted by video link from Anlong Veng, in Oddar Meanchey Province, due to medical reasons. Pech Sokha had studied irrigation and hydroelectricity at Russei Keo School in Phnom Penh in 1976 before he was assigned to work in a survey technician group at the First January Dam Worksite in 1977. The Witness testified on technical details regarding the construction of the Dam and the site's working conditions.⁶

1. Structure and Personnel at First January Dam Worksite

The Witness testified that he and three others worked together in a group that was assigned to measure the Dam on a daily basis. The group received instructions to implement the plan from the upper echelon. He testified that Ke Pauk, who he said came from the Central Zone Committee, was the general manager of the worksite and frequently visited. The Witness told the Chamber he was afraid that he would be sent for re-education, adding, "I felt miserable at that time, but I didn't know what to do. We acted like deaf and dumb." He recalled that two of his colleagues, Hao and Long, received letters from Angkar instructing them to return to their homes. Never hearing from them again, he concluded that they had been arrested and killed.

2. Working and Living Conditions at the First January Dam Worksite

Witness Pech Sokha described the working conditions at the First January dam site as "horrible." He felt that it was impossible for workers to survive because of the hard manual labor, insufficient food, and lack of healthcare. However, he confirmed that he never witnessed any deaths due to starvation during his time at the worksite and that workers appeared to be in normal physical shape. The Witness remembered hearing over the loudspeakers that workers

were required to carry two cubic meters of earth per day and received a break of three hours during the hottest part of the day as well as a further 15 minutes during longer work sessions. He recalled seeing machinery at the worksite, including bulldozers, excavators, and gunpowder. Pech Sokha told the Chamber that an announcement had been made over the loudspeakers to warn workers when the gunpowder was being used. Regarding the presence of security at the worksite, the Witness confirmed that he saw Zone soldiers equipped with AK-47 rifles patrolling, but he added that they “looked like they were guarding the workers” from outside threats.

3. Witness Demeanor and Credibility

Throughout his testimony, Witness Pech Sokha appeared reluctant or unable to provide details to some questions posed by the Parties, responding a number of times that he had no idea or that the question was “beyond his understanding.” For example, when the Civil Parties sought insight into conditions at the First January Dam worksite, including whether workers were volunteers or had been forced to work there, the Witness answered, “[The question] was beyond my understanding. It is far beyond my understanding; I don’t know.” On several other occasions, the Witness appeared reluctant to elaborate on statements he previously made to the OCIJ, and instead responded, “Whatever I said in my previous statement is correct.”

III. LEGAL AND PROCEDURAL ISSUES

For the fourth consecutive week, the issue of torture-tainted evidence was raised following attempts by the Parties to use confessions during questioning. In an effort to clarify the use of such evidence in the ongoing proceedings, the Chamber confirmed it would hear oral arguments from Parties next Monday, 25 May, and issue a written decision on the matter. Issues also arose in relation to the scope of Case 002/02 and objections to the use of speculative questions.

A. Interim Ruling on the Use of Torture-Tainted Evidence

On Monday, 18 May, the Trial Chamber made an interim ruling on the use of torture-tainted evidence. The issue has been raised on numerous occasions over the past few weeks, and the Parties have sought clarification from the Chamber on whether and in what circumstances they are able to use confessions during questioning.⁷ For example, in proceedings on 4 May, the Judges refused to allow Counsel Victor Koppe to confront Witness Khoem Boeun with former West Zone Secretary Chou Chet’s S-21 confession. This week, the Prosecution sought to use a KTC notebook in order to refresh Witness Vorng Sarun’s memory of her interrogation at KTC. Prosecutor Lysak argued that Article 15 of the United Nations Convention against Torture prohibits the use of confessions obtained by torture in order to prove the truth of the statement. However, he argued, this does not prevent him from using the document to confirm that the Witness had been interrogated.⁸ The Chamber allowed the OCP to use the document, but Judge Claudia Fenz reminded the Prosecutor that the statement was most likely taken when the Witness had been mistreated and the Prosecution was advised to avoid questioning on the substance of the document. After several weeks of considering the issue on a case-by-case basis, the Chamber finally heeded the Parties’ requests to clarify how it intends to deal with torture-tainted evidence for the remainder of the trial. The Judges will invite all Parties to make oral arguments on the issue on Monday, 25 May 2015.

B. Debate on the Scope of Case 002/02

During Judge Jean-Marc Lavergne’s questioning of Witness Or Ho, Defense Counsel for Khieu Samphan, Anta Guissé, objected to questions put to the Witness on whether monks had been forced to defrock in Baray District. She argued that the Trial Chamber’s decision on the additional severance of Case 002/02 limits consideration of the treatment of Buddhists to Tram Kak District only.⁹ The President acknowledged Ms. Guissé’s point, but he explained that the

purpose of the question related to CPK policy rather than any one particular crime site.

C. Objections to Questions Requiring the Witnesses to Speculate

Several objections were raised this week regarding speculative questions posed to witnesses, particularly during the testimonies of Witnesses Or Ho and Pech Sokha. During the examination of Or Ho, Defense Counsel for Nuon Chea, Victor Koppe, objected to the Prosecution's questions asking the Witness to estimate the size of the Cham community in Kampong Thom Province. Mr. Koppe argued that any response from the Witness would elicit speculation, as he could not have known the situation beyond his own village. International Co-Prosecutor Nicholas Koumjian retorted that the Witness had lived in Kampong Thom Province all his life, and the President allowed the question. The following day, during Defense Counsel Koppe's examination of the same witness, Prosecutor Koumjian objected twice to Koppe's questions on the happiness of the workers at First January Dam Worksite. The President asked Koppe to reformulate his question to avoid speculation.

IV. TRIAL MANAGEMENT

This week, the Trial Chamber concluded the examination of the last witness to testify in relation to the first segment of Case 002/02, and it completed hearing two additional witness testimonies in relation to the next segment of the trial – the First January Dam Worksite.

A. Attendance

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

Judge Attendance: All judges of the Trial Chamber were present throughout the week.

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

Parties: All Parties were present in the courtroom this week with the exception of Victor Koppe, Counsel for Nuon Chea, and Anta Guissé, Counsel for Khieu Samphan, both of whom were absent on the morning of Monday, 18 May 2015. Mr. Calvin Saunders, International Standby Counsel for Khieu Samphan, was also absent on Monday.

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 18/05/2015	<ul style="list-style-type: none">Approximately 160 villagers from Kravanh District, Pursat ProvinceThree foreign observers	<ul style="list-style-type: none">Approximately 160 villagers from Kravanh District, Pursat ProvinceOne foreign observer
Tuesday 19/05/2015	<ul style="list-style-type: none">Approximately 50 villagers and four monks from Koh Andaet District, Takeo ProvinceNine foreign observers	<ul style="list-style-type: none">Approximately 200 villagers and two monks from Koh Andaet District, Takeo ProvinceTwo foreign observers

Wednesday 20/05/2015	<ul style="list-style-type: none"> ▪ Approximately 330 villagers and two monks from Phnom Kravanh District, Pursat Province ▪ Five foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 330 villagers and two monks from Phnom Kravanh District, Pursat Province
Thursday 21/05/2015	<ul style="list-style-type: none"> ▪ Approximately 400 villagers from Treang District, Takeo Province 	<i>No proceedings</i>

B. Time Management

The Trial Chamber conducted proceedings efficiently and smoothly this week, and it strictly enforced time allocations. The Judges displayed flexibility and compassion when they called a recess to allow Witness Vorng Sarun time to compose herself after she became notably upset during her examination on Monday.

C. Courtroom Etiquette

This week, the Parties and Judges generally treated one another with respect, and no substantial issues with courtroom etiquette were noted.

D. Translation and Technical Issues

This week, there were several translation issues, particularly related to the translation from Khmer to French, as noted by Anta Guissé, Defense Counsel for Khieu Samphan. A few minor technical issues were noted at the beginning of Witness Pech Sokha's testimony via video link. However, the issues were resolved quickly, and the testimony concluded smoothly.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 18/05/2015	9:10	9:52 – 10:10	11:47 – 13:31	14:38 – 14:59	15:26	3 hours and 53 minutes
Tuesday 19/05/2015	9:01	10:15 – 10:35	11:31 – 13:27	14:45 – 15:00	15:39	4 hours and 7 minutes
Wednesday 20/05/2015	8:58	10:10 – 10:29	11:28 – 13:29	14:18 – 14:38	16:05	4 hours and 27 minutes
Thursday 21/05/2015	9:03	10:15 – 10:35	–	–	11:39	2 hours and 16 minutes
Average number of hours in session				3 hours and 40 minutes		
Total number of hours this week				14 hours and 43 minutes		
Total number of hours, day, weeks at trial				220 hours and 4 minutes		
60 TRIAL DAYS OVER 19 WEEKS						

*This report was authored by Stephanie Fung, Lea Huber, Melanie Hyde, 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

Case001	<i>The Case of Kaing Guek Eav alias "Duch"</i> (Case No. 001/18-07-2007-ECCC)
Case002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith, and Khieu Samphan</i> (Case No.002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or "KRT")
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IR	Internal Rules of the ECCC Rev.8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors of the ECCC
RAK	Royal Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ Paragraphs 351 to 367 of the Case 002 Closing Order present the allegations regarding the First January Dam Worksite.

² CASE 002/02 KRT TRIAL MONITOR, Issue 18, Hearings on Evidence Week 15 (4-8 May 2015), p. 7.

³ Ms. VORNG Sarun (2-TCW-986) was questioned in the following order: President NIL Nonn; international assistant prosecutor Dale LYSAK; Judge Claudia FENZ; international co-lawyer for Khieu Samphan, Anta GUISSÉ; international co-lawyer for Nuon Chea, Victor KOPPE.

⁴ Although KRT Trial Monitor covered the two appearances of Civil Party SOY Sen before the Trial Chamber in two separate reports, its reporting did not include his statement regarding the escape of prison chief Ta Ann with a female prisoner. At the 18 May hearing, Witness VORNG Sarun was confronted with the 25 March testimony of SOY Sen (his second appearance). For the transcript of that hearing, see Trial Chamber, Transcript of Trial

Proceedings (25 March 2015), E1/282.1 [hereinafter, **TRANSCRIPT**]. On that date, he was asked about a female prisoner named Run and if she had a love affair with Ta Ann. Soy Sen acknowledged that he knew Run but testified that he was unaware “whether they had a love affair or not” (**TRANSCRIPT**, lines 5-21, p.5). Later that day, however, Soy Sen confirmed that he spoke to an OCIJ investigator about Run. He testified, “I never talked with Run, but Yeay Run went into the forest with Ta Ann. Later on, I met Yeay Run and she told me that Ta Ann gave her instruction when she was with Ta Ann, and she survived from the period.” He then confirmed Counsel Koppe’s question that he told the investigator “informally” that he believed that Run had had a love affair with Ann during her time as a prisoner at KTC (**TRANSCRIPT**, lines 8-17, p.87). For further reporting on Soy Sen’s two appearances, see **CASE 002/02 KRT TRIAL MONITOR**, Issue 7, Hearings on Evidence Week 4 (2-6 February 2015), pp. 4-6; and, **CASE 002/02 KRT TRIAL MONITOR**, Issue 14, Hearings on Evidence Week 11 (24-26 March 2015), pp. 3-4.

⁵ Mr. OR Ho (2-TCW-836) was questioned in the following order: President NIL Nonn; national deputy Co-Prosecutor SENG Leang; international Co-Prosecutor Nicholas KOUMJIAN; national Civil Party lawyer HONG Kimsuon; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Anta GUISSÉ.

⁶ Mr. PECH Sokha (2-TCW-909) was questioned in the following order: President NIL Nonn; international assistant prosecutor Travis FARR; national deputy Co-Prosecutor SREA Rattanak; international assistant prosecutor Travis FARR a second time; national Civil Party lawyer TY Srinna; international Civil Party Lead Co-Lawyer Marie GUIRAUD; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Anta GUISSÉ; national co-lawyer for Khieu Samphan, KONG Sam Onn.

⁷ **CASE 002/02 KRT TRIAL MONITOR**, Issue 16, Hearings on Evidence Week 13 (21-24 April 2015), pp. 7-8; **CASE 002/02 KRT TRIAL MONITOR**, Issue 17, Hearings on Evidence Week 14 (27-30 April 2015), p. 4; **CASE 002/02 KRT TRIAL MONITOR**, Issue 18, Hearings on Evidence Week 15 (4-8 May 2015), p. 7.

⁸ Article 15 of the United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (**CAT**) states: “Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.”

⁹ Trial Chamber, “Decision on Additional Severance of Case 002 and Scope of Case 002/02” (4 April 2014), E301/9.