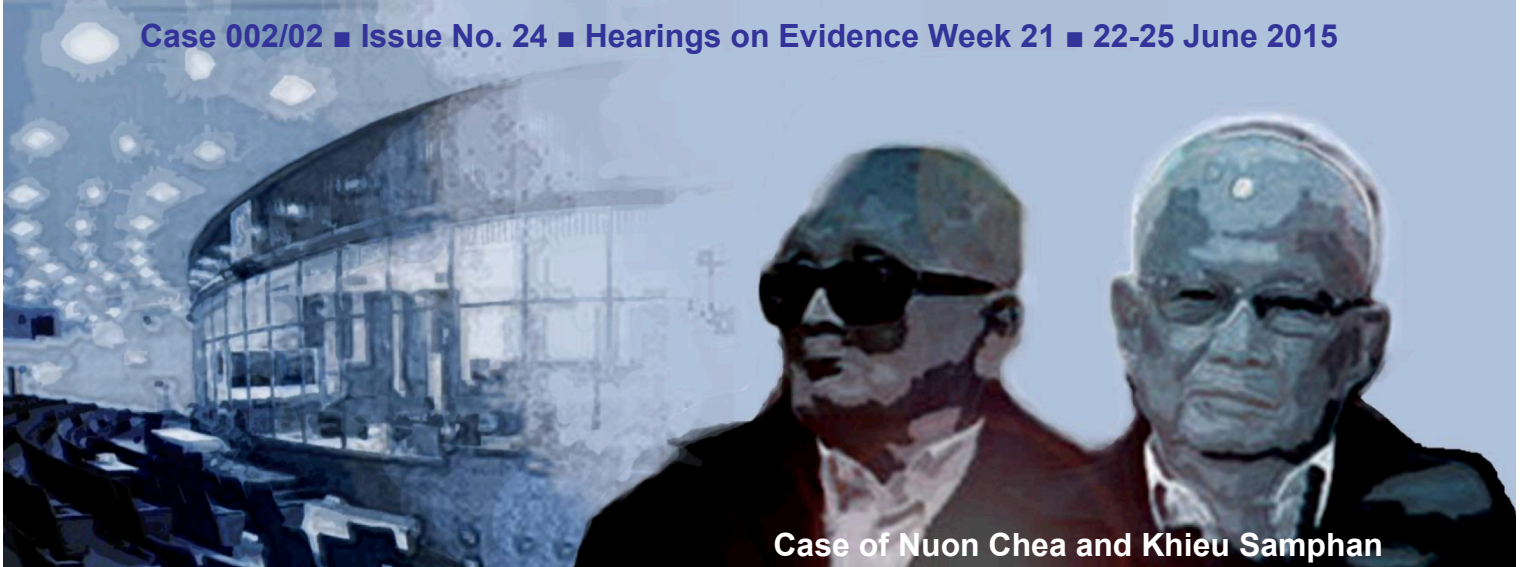


KRT TRIAL MONITOR

Case 002/02 ■ Issue No. 24 ■ Hearings on Evidence Week 21 ■ 22-25 June 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)

*I did not dare to refuse the marriage, and,
if I dared to do so, I would be accused of opposing them.
I would be accused of being against Angkar.
I had to accept that.*

- Witness Kang Uth

I. OVERVIEW

In the final week before the Trial Chamber adjourned for a month-long mid-year judicial recess, it successfully completed the testimonies of three witnesses and one Civil Party. Two witnesses and the Civil Party discussed their positions within the Khmer Rouge military and their subsequent assignments to work at the Kampong Chhnang Airport construction site (**KCA**). The fourth witness was the final witness to testify in the trial segment on the First January Dam worksite, and she also provided details of her forced marriage in 1977 to a husband selected by her unit chief. Although there is at least one more witness remaining in the segment on the Airport construction site, the Trial Chamber plans to begin the next trial segment, on the Trapeang Thma Dam worksite in the Northwest Zone, when it returns on 27 July 2015 from the judicial recess. This week also marked the ninth week in Case 002/02 in which the issue of torture-tainted evidence was raised, with the OCP's attempt to read an S-21 confession during questioning. The consistent recurrence of this matter, as well as the gravity of the legal questions behind it, should spur the Chamber to issue its long-awaited decision on the subject.

II. SUMMARY OF WITNESS TESTIMONY

Over the course of four days of hearings, the Trial Chamber completed hearing the testimony of three witnesses and one Civil Party. The first three to appear, Witness Sem Hoeurn, Witness Him Hân, and Civil Party Chum Samoeun, were all members of the Revolutionary Army of Kampuchea (**RAK**) who were eventually assigned to work at the Kampong Chhnang Airport construction site. The fourth and final witness of the week, Ms. Kang Uth, was the final witness to testify on the First January Dam worksite, and she also spoke about her forced marriage while living and working at the site.

A. Summary of Testimony by Witness Sem Hoern

On Monday and Tuesday this week, the Chamber continued hearing the testimony of Witness Sem Hoern, *alias* Sem Kim, after his initial appearance on the afternoon of 17 June.¹ He provided further information on his positions within the Khmer Rouge military, the situation in Phnom Penh after the April 1975 Liberation, a planned coup d'état within Division 310, and the working and living conditions at the Kampong Chhnang Airport construction site.²

1. Witness' Positions in the RAK and Situation After the Liberation of Phnom Penh

Sem Hoern testified that, as a teenager, he joined the revolutionary Front following a call by King Norodom Sihanouk to enter the *maquis* and liberate the country. The Witness became part of North Zone Division 310's 12th Regiment, in Company 5. After April 1975, the Division was reorganized as a Division of the Centre, overseen by the DK General Staff and CPK Central Committee.³ At the time of Phnom Penh's fall in April 1975,⁴ the Witness' Regiment commander was Pheng, and the Division commander was Ta Oeun. Sem Hoern told the Prosecution that, after Phnom Penh's liberation, new supplies of weapons arrived at the airport from abroad. He also confirmed having seen Ieng Sary and Khieu Samphan in Phnom Penh. The Witness explained that he was the temporary chief of Battalion 307 and was supposed to become the chief of Battalion 317. However, he claimed that this was never realized due to his links to superiors who were arrested for planning a rebellion against the DK regime.

2. Plan of Rebellion Within Division 310

Sem Hoern testified that the mission of RAK forces changed after the Liberation, with the priority now "to develop the country." The Witness testified that soldiers' weapons were confiscated so that nobody could start a revolution. Nonetheless, Sem Hoern told Defense Counsel that, from 1976 to 1977, Division 310 chief Oeun ordered him to secretly transport weapons to Kampong Cham Province, lead a platoon there and hide six trucks for future use. The Witness told the Chamber that Oeun's plan included attacks on the North and East Zones from within, while forces in Phnom Penh would attack the official DK radio broadcaster at its station in Steung Meanchey and take over Pochentong Airport as well. Although he denied knowledge of Oeun's ties to North Zone secretary Koy Thuon (who was eventually purged and executed at S-21 under the DK regime), Sem Hoern confirmed that the ultimate aim of the rebellion was a coup d'état. The Witness testified that Oeun had discussed his plan at a meeting in Phnom Penh where all members of the Witness' Battalion and Regiment were present. The Witness further stated that Ta Oeun had enlisted forces nicknamed *Khmer Sar* ("White Khmer") to assist in overthrowing the Khmer Rouge. However, the plan was leaked soon after this meeting, and Ta Oeun and other commanders were arrested. When Oeun was arrested and replaced with a Southwest Zone cadre, Sem Hoern was considered "affiliated with the enemy." The Witness recalled that, after the first arrests of Oeun and other Division leaders, a security office came into operation at a location north of Calmette Hospital in Phnom Penh. The Witness testified that he heard beatings and screaming emanating from the prison, and he told Judge Lavergne that cooperative and commune chiefs were amongst those detained at the site. Soon thereafter, in the beginning of 1977, Sem Hoern's whole unit was removed for tempering at Anlong Kra Nharn and then sent to the KCA for one year of labor.

3. Experiences at Kampong Chhnang Airport Construction Site

Sem Hoern emphasized that all soldiers sent to the Airport were accused of links to traitorous networks. At the worksite, they were "no longer considered soldiers" and were treated like prisoners. All workers wore black attire. When the Witness arrived at the site, two per cent of the construction had already been finished. His unit was assigned to clear land and uproot trees with the help of a truck, under the supervision of a cadre named Chham. The airfield's workforce was organized into platoons of 36 workers that were divided into six smaller groups.

Chinese engineers present at the site provided supervision and technical advice, and heavy machinery was brought in from China. The working day started at 5:30AM, and the work was "very difficult." Food was insufficient and no medical care was provided for the sick. Those suffering from illness often received half the normal food rations. If people were severely sick, they were transported somewhere else but "never returned." The Witness testified that the unit chief kept workers under constant watch. Workers were accused of being enemies if they broke any materials. The Witness stated that there were many fatal accidents, resulting in the death of some workers, especially those workers in the rock-breaking unit who were crushed by exploding rock. Sem Hoeurn testified that workers considered serious offenders were sent to Angkar's office "to be ended there," or killed. He also confirmed the existence of a killing site close to the KCA, but he acknowledged he had never personally been there, only claiming that he heard that people who disappeared were taken there. He told the Chamber that he disliked the KR for how they treated their own people, and he compared the situation at the worksite to a "prison without walls", as the workers did not enjoy any freedom.

Sem Hoeurn confirmed to the Prosecution that he saw Khieu Samphan at the worksite once. However, when Khieu Samphan's Counsel, Arthur Vercken, questioned the Witness, Sem Hoeurn acknowledged that he only identified the visitor as Khieu Samphan because he was told so, not because he personally recognized the Accused.

4. Witness Demeanor and Credibility

At the end of Sem Hoeurn's testimony, international Co-Prosecutor Koumjian drew the Chamber's attention to the fact the Witness had contradicted himself several times during his testimony. Mr. Koumjian noted that, during the OCP and Civil Parties' examination, Sem Hoeurn stated that he had not known about Ta Oeun's plan of rebellion and had neither been involved in these matters nor in direct contact with Oeun. However, Mr. Koumjian explained, the Witness went on to confirm to the Defense that he had indeed received orders from Ta Oeun and had been aware of the details of Oeun's plan and the reasons for the Division 310 commander's arrest. The Trial Chamber declined Mr. Koumjian's request to clarify the matter through further examination, choosing instead to conclude the testimony and move on to the next witness. Trial monitors noted that Sem Hoeurn's answers were not only inconsistent between the examinations of the opposing Parties, but his responses also contradicted the statements cited from his prior DC-Cam interview. As Mr. Koumjian also noted, the Witness had told DC-Cam that he had been involved in fighting inside Vietnam during the DK period, but during his testimony, he told the Chamber that he had never been to Vietnam.

B. Summary of Testimony by Witness Him Hân

The second witness to testify this week was 66-year-old Him Hân, a former clerk and cadre in the RAK. He testified on his status as a Party member, the purges within Division 310, and his eventual transfer to work at the KCA.⁵

1. Witness' Background Before the Fall of Phnom Penh

Him Hân, *alias* Riem, was born on 15 August 1949 in Me Pring Commune, Batheay District, Kampong Cham Province. He worked as a rice farmer prior to the Revolution, and a KR assessment of his personal property categorized him as a "middle peasant of the middle class." Him Hân joined the revolution on 10 July 1973 after an appeal by King Norodom Sihanouk to overthrow the Lon Nol regime. The Witness recalled he also joined the Revolution after an aerial bombing destroyed his house. He further referred to soldiers of the Lon Nol regime as "lacking in morality," because he saw that they would come into villages and take whatever they saw, such as livestock, chickens, and ducks.

2. Him Hân's Positions with the Khmer Rouge

Witness Him Hân was a soldier in the 2nd Company of Division 310's 24th Battalion, but he primarily worked as a clerk in the Division's 12th Regiment. He identified the varied steps required to become a member of the Communist Party of Kampuchea (CPK) and the senior cadres who inducted him in each step. He joined the Youth League of the CPK in February 1975, became a "candidate" Party member on 18 May 1975, and ultimately achieved status as a full-rights Party member on 11 January 1976. As a clerk in Regiment 12, the Witness was tasked with compiling and regularly checking the biographies of soldiers.

Him Hân also recalled seeing Pol Pot, Nuon Chea, Ieng Sary, and Khieu Samphan during a meeting at Olympic Stadium in November 1975 when he was a candidate Party member. The Witness knew the identity of each individual because their names were announced in this order. He recalled that, while Pol Pot spoke only a few words, Nuon Chea spoke at great length and mentioned internal enemies.

3. Purges of Division 310

Him Hân confirmed that Division 310 was purged, but he could not recall a date for the commencement of this campaign. He testified that, before the arrests began, his rights as a Party member were removed. However, he stated that soldiers could not resist, as they were asked to attend study sessions and did not know they were going to be arrested. These arrests first occurred at the Division level, then at the levels of Regiment and Battalion. Following the arrival of cadres from the Southwest Zone, the Witness stated that he and his fellow troops had to follow all orders but were never told about the fate of their leaders. If a cadre was missing for seven days, the Witness estimated that this person had been taken away and killed. Division 310 commanders Oeun, Kim, and Voeng were the first to disappear, followed by Pheng and cadres of similar rank. Him Hân was arrested with other lower-level soldiers by night. They were taken away in four trucks and sent to Kampong Chhnang. The Witness recalled seeing commanders being placed on three vehicles that left in the direction of Phnom Penh on the same night.

4. Conditions at Kampong Chhnang Airport Construction Site

The Witness described how soldiers in his unit, called "Unit 17", were considered part of the "traitorous network" of the North Zone. They were separated, relieved of their positions and reassigned as laborers at the Airfield. The Witness described the worksite as "a prison without walls" due to the limits placed on the workers' freedom. He was told not to contact worker-soldiers from the East Zone at the site, or else he would disappear. Although the Witness testified that no one disappeared from his unit, he recalled that there were disappearances in other units. Workers were under the surveillance of guards from the Southwest Zone. The Witness testified that he worked eight hours during the day and four hours each night. Him Hân stated that accidents occurred frequently, often resulting in serious injuries or death. Some workers – mostly from the East Zone – were assigned to break rocks using explosives, and if they could not escape in time, they would be seriously injured or killed by the blast. The Witness described this work assignment as "a method of execution." In general, injured workers were taken away by ambulance and then disappeared. The Witness stated that there were approximately 500 Chinese technicians present to supervise construction work at the Airport site, but that they were never present to see rock blasting incidents.

5. Witness Demeanor and Credibility

Him Hân provided clear and concise answers throughout his daylong testimony. He was able to recall specific details such as dates and names, and he was clear when he was not in a position to answer a question. The testimony lacked any internal contradictions, and the

Witness appeared to give open and frank responses to questions.

C. Summary of Testimony of Civil Party Chum Samoeun

On Wednesday the 24th, Civil Party Chum Samoeun was questioned for two sessions on her family background, the living and working conditions in the RAK, and her forced marriage in 1978. Notably, however, when Defense Counsel Victor Koppe cited Chum Samoeun's Civil Party application, she denied making many of her prior statements.⁶

1. Civil Party's Background

In 1973, when Chum Samoeun was 13 years old, she was instructed to carry rice at Koh Thum District, Kandal Province within RAK Division 11. She stated that she originally joined the Khmer Rouge military in order to liberate King Norodom Sihanouk. Following the fall of Phnom Penh in April 1975, the Civil Party was transferred to grow rice in Obek Kaorm, near the capital, as Division 11 then combined with Division 502 under the command of Sou Met. Chum Samoeun claimed that she was soon thereafter put into a special unit because her father and stepfather were both affiliated with the Lon Nol regime. In the Civil Party's special unit, she was tasked with carrying earth at a cooperative west of Pochentong.

2. Experiences at the Kampong Chhnang Airport Construction Site

Chum Samoeun testified that her entire unit was sent to the KCA, but she knew neither why she was sent nor the purpose of the airfield. The Civil Party confirmed that all of the workers at the KCA were soldiers. She testified that she had to work three times a day: in the morning, in the afternoon, and at night, with only a short break after dinner. She said the only available water was unfiltered water from a nearby creek. The Civil Party claimed that she had to sleep on the floor and there were many mosquitos, but no mosquito nets. She stated that workers at the worksite were prohibited from communicating with each other regardless of the time of day, and that workers were only allowed to move around their own workplaces. The Civil Party emphasized that she was not allowed to rest, and that no one dared to refuse work at the worksite for fear of unknown consequences. She claimed that even though she had an infection on one of her hands, she still had to work because, as her superiors told her, she was "only sick on one hand."

3. Civil Party's Forced Marriage

Chum Samoeun stated that, in late 1978, she was forced to marry a man who she did not know in a brief five-couple wedding ceremony arranged by Met. Although she initially confirmed that Met was the chief of Division 502, indicating Sou Met, the chief of the RAK Air Force, she later told Defense Counsel that the Met who arranged her marriage was a female cadre overseeing her work unit. She claimed that if she refused the marriage, she would never be able to date another man in her life without the threat of execution. The Civil Party explained that, after the ceremony, she and her new husband were sent to a shared sleeping quarters to consummate their marriage, and she was terrified to the point that her entire body was trembling. She claimed that she was very fortunate that her husband did not do anything to her and agreed to keep it a secret that they had not consummated the marriage. The Civil Party stated that militia came to check on her and her husband to see if they consummated, and she did not know what would happen to her if Angkar found out that she they did not consummate. Three days after the marriage, she and her husband were separated and sent to different workplaces. There was some confusion in the translation of the terms for divorce and separation, and it was unclear if Chum Samoeun is still married to her husband from the DK era.

4. Civil Party Statement of Suffering

The Civil Party claimed that, ever since she joined the Khmer Rouge military, she has faced emotional, physical, and mental damage from relentless labor with rarely any rest. As a result of overwork during the DK regime, she has experienced menstrual pauses and abdominal pain, and she has developed health issues such as heart problems that have carried on to the present. Chum Samoeun stated that she lost everything, including both of her parents and all of her siblings, leaving her to live with nothing. The Civil Party concluded her statement by asking the Co-Accused a question: “Now that you’ve been found guilty for all those charges by the court, are you ready to face these charges, or do you want to live in hell?”⁷

D. Summary of Testimony of Witness Kang Uth

Witness Kang Uth was the last witness to testify this week, as well as the final witness to testify in Case 002/02 on the conditions at the First January Dam worksite. The Witness was born in 1951, and she was assigned to work in a mobile unit at the Dam site in 1977. She recalled the worksite conditions as “inhumane,” and she spoke further about her own forced marriage in 1977, as well as arrests and executions at the nearby Baray Choan Dek pagoda.⁸

1. Working Conditions at the First January Dam Worksite

Similarly to other witnesses who have testified on the worksite so far in Case 002/02, Kang Uth described the First January Dam worksite as a “hot battlefield” due to the intense nature of work and the lack of resting time. She also testified that workers in her female mobile unit were recruited due to their single marital status and, like her, were generally aged between 23 and 25 years old. The Witness explained that most laborers at the Dam worksite were “new” people, including Cham people, but that no children were allowed to work. Kang Uth said she began work on a daily basis at 4:00 in the morning, and she would continue to work until midnight if there were night meetings called. Besides two-hour pauses for lunch and dinner, workers received only one 15-minute break in the morning. The Witness described her assignment to carry earth around 30 to 40 meters, from the bottom of the Dam to the embankment above. She noted that food and water rations were not sufficient; she could not eat to her fill and she sometimes forced herself to drink unclean river water because she was too thirsty and had no choice. Kang Uth confirmed that accidental worker deaths occurred near a bridge when rocks fell down and hit the workers, but she denied witnessing any soil collapse. She herself sometimes stepped on sharp stones and cut her feet badly. She noted that she still suffers from foot problems today. She explained that workers sick with abdominal pain received no help from the official medics, who lacked medical training. Kang Uth recalled that armed guards and militia patrolled the worksite to monitor and oversee the laborers. The Witness testified that, when senior officials visited the worksite, workers were instructed to work harder and to “work running.”

2. Disappearances and Executions at Baray Choan Dek Pagoda

Kang Uth explained that a nearby pagoda, Wat Baray Choan Dek, was turned into a security center and also a workshop. The pagoda is located in nearby Tras Village, Ballangk Commune, Baray District, Kampong Thom Province. The Witness testified that large groups of people from provinces like Kampong Cham and Battambang were transported to the pagoda at night, where “some were released and some were killed.” She acknowledged, however, that she did not know about the arrests of workers at the time of the DK regime. Kang Uth told the Chamber that, after the fall of the DK regime, she went to the pagoda, and she saw a few pits with human skulls and skeletons. She claimed that most people brought to the pagoda were “new” people, as she recalled that only a few “base” people disappeared from the Dam worksite and the surrounding villages. However, Kang Uth was unable to identify any worker that she personally knew was taken for execution at the pagoda. She only said that Yan, a Cham

woman from her mobile unit, disappeared during the regime.

3. Forced Marriage

In response to questions from the Civil Party Lead Co-Lawyer regarding forced marriage, Kang Uth testified that, in 1977, Bon, a unit chief in Doung Village, arranged her marriage in a 25-couple group wedding ceremony. The Witness stated that Angkar arranged her marriage, and that the unit chief only informed her one day before the ceremony. At that time, she did not want to marry but could not oppose Angkar's instruction, as she feared being considered an enemy of Angkar. Although her parents were informed of the marriage arrangement, they were neither allowed to consult with her nor attend her wedding. The Witness explained that she knew her eventual husband before they were matched, as they lived in the same village. Kang Uth recalled that, during the marriage ceremony, not all the matched couples were invited to "make a resolution"; instead, only one representative of the 25 couples made commitments on their behalf, before the full group was served dinner. When asked to compare her wedding ceremony under the DK regime to current wedding practices, the Witness explained the two were completely different, as her wedding was very short with almost no ritual, traditional ceremony, music, or sermons from monks and parents. The Witness and her husband were allowed to stay with each other only three days after the wedding ceremony before they were separated to work in different places, and then they were allowed to meet each other again every ten days after that. During their first nights together in an arranged house, the Witness denied seeing militiamen watching over them to ensure consummation. She confirmed that there was a measure of discrimination for "new" people during the DK period, as only "base" people were permitted to marry. The Witness still lives with her husband to whom she was matched in 1977, and they have two children.

4. Witness Demeanor and Credibility

Kang Uth remained calm and answered questions with confidence throughout her testimony. However, there was a notable lack of detail concerning the alleged purges at Baray Choan Dek pagoda. Her ability to provide other details about the skeletal remains at Baray Choan Dek indicated that she may have learned more about the pagoda after the fall of the DK regime rather than from her own experiences or firsthand knowledge. Although she always spoke softly and explained, at one point, "I am not a woman of many words," she was very forthcoming regarding both her marriage and her experiences as a laborer at the Dam worksite.

III. LEGAL AND PROCEDURAL ISSUES

On Monday, 22 June, there was yet another discussion on the improper use of torture-tainted evidence, marking the ninth week this matter has been raised in the proceedings in Case 002/02.⁹ This was the first time, however, that the Prosecution, rather than the Defense, was prevented from its attempt to cite the text of an S-21 confession. Other notable legal or procedural issues were relatively minimal or insignificant, such as common objections from the Parties concerning the improper phrasing of questions.

A. Continued Attempts to Use Torture-Tainted Evidence

During the examination of Witness Sem Hoern by international Co-Prosecutor Nicholas Koumjian, Kong Sam Onn, Defense Counsel for Khieu Samphan, commented that the Prosecutor had misstated the Witness' prior statement on Division 310 commander Ta Oeun's detention. In response, Mr. Koumjian sought to clarify that there was evidence on the case file placing Ta Oeun at S-21 Security Center in 1977, and the Prosecutor presented two documents containing S-21 prisoner confessions at S-21. However, in divergence from past practices of the OCP, Mr. Koumjian did not only read out the date and title of the S-21 document, but he also read out portions from the text of Oeun's confessions concerning his

arrival to S-21. Judge Jean-Marc Lavergne interrupted Mr. Koumjian to remind him that he was reading the content of confessions at S-21, where torture was used, and the Judge then instructed the Prosecutor that it was better to avoid this line of questioning. Mr. Koumjian moved on, but he first noted that his recitation was “consistent with [the OCP’s] position that there’s info such as when someone was arrested where that would not be precluded, as that would not be the product of torture.” It is clear, after nine weeks of debate on the application of the Convention Against Torture before proceedings at the ECCC, that the Trial Chamber must issue its reasoned decision on this matter as soon as possible. As Trial Monitors have documented, a significant portion of court time has been dedicated to discussing the uncertainty generated from the Chamber’s failure to provide a clear legal framework for the use of this evidence in the proceedings.

IV. TRIAL MANAGEMENT

Over the course of the four days of hearings this week, the Trial Chamber successfully completed hearing the testimonies of three witnesses and one Civil Party. The Chamber ensured effective time management, but proceedings have continued to suffer from numerous translation errors, especially with regards to the Khmer vocabulary for military structures.

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 were present in the courtroom throughout this week. On 24 and 25 June, President Nil Nonn was absent due to persona Imatters, and national Judge Ya Sokhan was appointed to sit in his stead as presiding judge of the Trial Chamber. National reserve Judge Thou Mony then replaced Judge Ya Sokhan.

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

Parties: All Parties were properly represented in the courtroom throughout this week. International Civil Party Lead Co-Lawyer Marie Guiraud was absent from the morning sessions on Tuesday, 23 June without providing any reason to the Trial Chamber.

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 22/06/2015	<ul style="list-style-type: none"> ▪ 156 villagers from Rolea B’ier District, Kampong Chhnang Province 	<ul style="list-style-type: none"> ▪ 127 villagers from Rolea B’ier District, Kampong Chhnang Province
Tuesday 23/06/2015	<ul style="list-style-type: none"> ▪ 149 Villagers from Treang District, Takeo Province ▪ One foreign observer 	<ul style="list-style-type: none"> ▪ 120 Villagers from Treang District, Takeo Province ▪ One foreign observer
Wednesday 24/06/2015	<ul style="list-style-type: none"> ▪ 242 villagers from Treang District, Takeo Province ▪ Three foreign observers 	<ul style="list-style-type: none"> ▪ 260 students and 11 teachers from Hun Sen Chrey Thom High School, Romeas Haek District, Svay Rieng Province

<p>Thursday 25/06/2015</p>	<ul style="list-style-type: none"> ▪ Approximately 300 students and five teachers from Hun Sen Por Ampil High School, Treang District, Takeo Province ▪ Six foreign observers 	<p><i>No public attendance</i></p>
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B. Time Management

This week, the Trial Chamber displayed flexibility in its management of the hearing schedule even as it completed the examinations of three Witnesses and one Civil Party. For example, on 22 June, the Trial Chamber granted an additional ten minutes to the Civil Party Lawyers to conclude their questions for Witness Sem Hoern. For examination of the same witness, the Chamber granted a request from Nuon Chea’s Defense Team to change the normal order of questioning the Witness. International Counsel for Nuon Chea, Victor Koppe, examined Sem Hoern first, then international Counsel for Khieu Samphan, Arthur Vercken, took over, and, after Mr. Vercken’s conclusion, Mr. Koppe asked further questions on a different topic. The Trial Chamber also announced the rescheduling of a remaining witness, 2-TCW-866, who will provide evidence concerning the Kampong Chhnang Airport construction site after the mid-year judicial recess, due to the Witness’ present health issue. The Chamber concluded the week with a reminder that its mid-year judicial recess runs from Monday, 29 June to Monday, 27 July. Upon resumption of proceedings, the Chamber will commence hearings on evidence regarding the Trapeang Thma Dam worksite in the Northwest Zone.

C. Courtroom Etiquette

There were a few heated exchanges in the courtroom this week, notably between Defense Counsel Victor Koppe and Judge Jean-Marc Lavergne, and between Mr. Koppe and senior assistant Prosecutor Vincent de Wilde D’Estmael. On 23 June, Judge Lavergne instructed Counsel Koppe to rephrase a question put to Witness Sem Hoern in a more neutral manner, but Mr. Koppe disagreed. Judge Lavergne explained firmly, “The Chamber says no; it is no,” and Mr. Koppe responded, “Well then, it is no for me,” and ended his line of questioning immediately. During the examination of Witness Him Hân the next day, Counsel Koppe appeared irritated after several objections from Prosecutor Vincent de Wilde D’Estmael concerning a document to which Mr. Koppe’s question referred. After a lengthy back-and-forth between the Judges, the Prosecutor, and Counsel, Mr. Koppe first attempted to provide the documentary reference but eventually gave up in frustration. He lamented, “I am tired of this, Mr. President. I will ask the question differently. Forget what I said.”

D. Translation and Technical Issues

This week, several translation errors recurred throughout the proceedings, prompting Parties to voice concerns on the accuracy of interpretation at the Court. For example, during the examination of Witness Him Hân on 23 June, Prosecutor Vincent de Wilde D’Estmael complained about a translation error that had confused Kong Sam Onn, Defense Counsel for Khieu Samphan, and prompted an objection to something that was never actually said in the original French. On 24 June, Judge Lavergne also blamed possible translation errors for undermining Counsel Koppe’s clarification of evidentiary reference numbers while he was examining Witness Him Hân. Furthermore, throughout Civil Party Chum Samoeun’s statement of suffering on 24 June, translators made several errors. Monitors noted, for example: “my birth father was a policeman and my stepfather was a soldier” in Khmer was shortly translated into English “my father was a soldier”; “I felt shocked like a little mouse” was inaccurately interpreted to, “my whole body was trembling” in English; and, lastly, interpreters stated in translation that the female Civil Party complained of health problems with her heart, and her prostate. Lastly, on 25 June, as Witness Kang Uth was discussing her forced marriage

ceremony, the French-to-English interpreter continually translated *voeux* as “wish” or “wishes,” rather than “vow” or “vows.” There were not any significant technical interruptions this week.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 22/06/2015	9:01	10:07 – 10:29	11:29 – 13:30	14:39 – 14:58	16:01	4 hours and 38 minutes
Tuesday 23/06/2015	9:02	10:07 – 10:29	11:26 – 13:31	14:43 – 15:01	16:02	4 hours and 15 minutes
Wednesday 24/06/2015	9:01	10:11 – 10:31	11:25 – 13:29	14:41 – 14:58	15:55	4 hours and 13 minutes
Thursday 25/06/2015	8:59	10:11 – 10:30	11:30 – 13:29	–	14:25	3 hours and 8 minutes
Average number of hours in session				4 hours and 3 minute		
Total number of hours this week				16 hours and 14 minutes		
Total number of hours, day, weeks at trial				297 hours and 27 minutes		
79 TRIAL DAYS OVER 24 WEEKS						

*This report was authored by Davis Chhoa, Lea Huber, Hout Pheng Ly, Daniel Mattes, Lina Tay, Kenneth Tea, 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

¹ CASE 002/02 KRT TRIAL MONITOR, Issue 23, Hearings on Evidence Week 20 (15-17 June 2015), pp. 5-6.

² Mr. SEM Hoeurn (2-TCW-943) was questioned in the following order: international Co-Prosecutor Nicholas KOUMJIAN; national Civil Party lawyer CHET Vanly; international Civil Party Lead Co-Lawyer Marie GUIRAUD; Judge Jean-Marc LAVERGNE; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Arthur VERCKEN; international co-lawyer for Nuon Chea, Victor KOPPE, a second time.

³ Paragraph 129 of the Case 002 Closing Order includes Division 310 as one of the Centre Divisions as of March 1977. Paragraph 131 of the Closing Order notes that Division 310 was reorganized and re-designated as Division 207, as part of the purge of North Zone cadres. See Office of the Co-Investigating Judges, CASE 002 CLOSING ORDER (15 September 2010), D427.

⁴ The Witness also recalled fighting for the capital alongside the present-day Prime Minister of Cambodia, Hun Sen, who Sem Hoeurn testified was deputy commander of a battalion within Division 310 and who lost his eye due to shrapnel from a grenade explosion which the Witness claimed to have seen himself.

⁵ Mr. HIM Hân (2-TCW-901) was questioned in the following order: President NIL Nonn; international senior assistant prosecutor Vincent DE WILDE D’ESTMAEL; national Civil Party lawyer LOR Chunthy; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Arthur VERCKEN; national co-lawyer for Khieu Samphan, KONG Sam Onn.

⁶ Ms. CHUM Samoeun (2-TCCP-247) was questioned in the following order: Interim Presiding Judge YA Sokhan; national Civil Party lawyer MOCH Sovannary; international assistant prosecutor Joseph Andrew BOYLE; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Arthur VERCKEN.

⁷ In its 7 August 2014 judgment in Case 002/01, the Trial Chamber found Nuon Chea and Khieu Samphan guilty of crimes against humanity and violations of the 1956 Cambodian Penal Code, in relation to forced movements of population and the killings of former Khmer Republic soldiers and officials at Tuol Po Chrey. However, Article 35 new of the ECCC Law ensures, “The Accused shall be presumed innocent as long as the Court has not given its definitive judgment.” The appellate stage of proceedings in Case 002/01 has already begun, with written appeals submitted from all the Parties and with the first oral hearings to commence before the Supreme Court Chamber on 2 July 2015. Therefore, Ms. Chum Samroeun’s assertion that the Co-Accused have been found guilty is not entirely accurate.

⁸ Ms. KANG Uth (2-TCW-855) was questioned in the following order: Interim Presiding Judge YA Sokhan; international senior assistant prosecutor Vincent DE WILDE D’ESTMAEL; international Civil Party Lead Co-Lawyer

Marie GUIRAUD; Judge Jean-Marc LAVERGNE; international co-lawyer for Nuon Chea, Victor KOPPE; national lawyer for Nuon Chea, LIV Sovanna; international co-lawyer for Khieu Samphan, Arthur VERCKEN.

⁹ 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; CASE 002/02 KRT TRIAL MONITOR, Issue 19, Hearings on Evidence Week 16 (18-21 May 2015), p. 7; CASE 002/02 KRT TRIAL MONITOR, Issue 20, Hearings on Evidence Week 17 (25-28 May 2015), pp. 6-8; CASE 002/02 KRT TRIAL MONITOR, Issue 22, Hearings on Evidence Week 19 (9-12 June 2015), p. 5; CASE 002/02 KRT TRIAL MONITOR, Issue 23, Hearings on Evidence Week 20 (15-17 June 2015), p. 6;