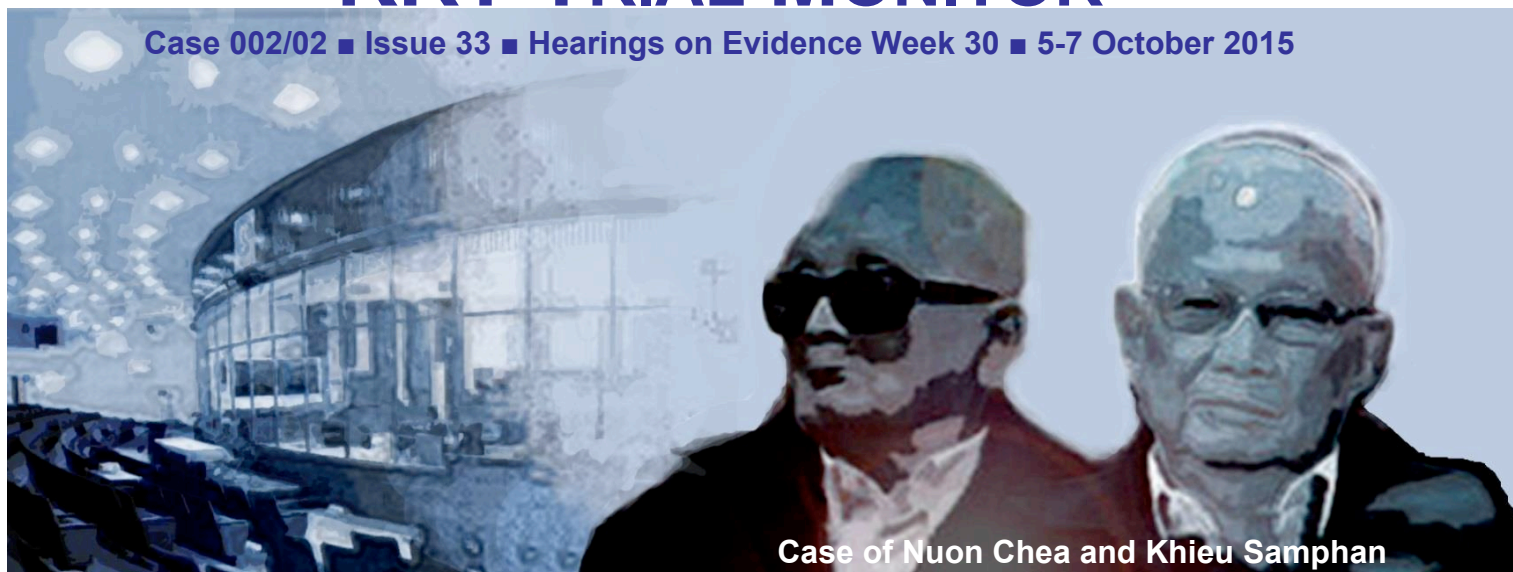


KRT TRIAL MONITOR

Case 002/02 ■ Issue 33 ■ Hearings on Evidence Week 30 ■ 5-7 October 2015



Case of Nuon Chea and Khieu Samphan

A project of East-West Center and the WSD HANDA Center for Human Rights and International Justice at Standard University
(previously known as the UC Berkeley War Crimes Studies Center)

*The Khmer and Cham people were in the same boat. I lost two of my siblings.
If people were accused to be CIA or in an enemy network,
regardless of their race, they were killed.*

- Witness Ban Siek

I. OVERVIEW

This week, the Trial Chamber heard the testimony of Witness Ban Siek over the course of two days. Although he appeared in the midst of a segment on the treatment of the Cham, the Witness was also questioned on other topics, including the purges of Central (and “Old North”) Zone cadres in 1977 and of East Zone cadres in 1978.¹ The Witness denied that the Cham were particularly targeted during the Democratic Kampuchea (DK) period, stating that everyone had been “in the same boat.” Ban Siek testified that he was relocated to the Central Zone’s Chamkar Leu District in 1977 to take the position of deputy secretary, under District secretary Sou Soeun, a position she had previously denied holding during her own testimony before the Trial Chamber.² Much of Ban Siek’s testimony therefore related to the testimony of Sou Soeun, a blood relative of his wife and the wife of former Central Zone secretary Ke Pauk. Late on Tuesday afternoon, the Chamber prepared to hear testimony from a Cham witness, Mr. Sos Romly (2-TCW-904), however, the Nuon Chea Defense Team objected to the use of the same duty counsel, Mr. Duch Phary, for the testimony of both Ban Siek and Sos Romly. As no other duty counsel was available at short notice, the Trial Chamber adjourned early and announced on Wednesday that it would delay hearing testimony from Sos Romly as well as the reserve witness, 2-TCW-996, until after the Pchum Ben holiday recess.

II. SUMMARY OF WITNESS TESTIMONY

The only witness heard this week was Ban Siek, a former Sector-level Khmer Rouge cadre with experience from both Chamkar Leu and Krouch Chhmar Districts, in the Central and East Zones, respectively.³ He testified that his wife was the cousin of Sou Soeun, the wife of Central Zone Secretary Ke Pauk and a prior witness in Case 002/02. Although Ban Siek testified that one of his aliases was Hor, he denied being the same Hor whom Civil Party No Satas had identified as overseeing the identification and subsequent execution of Cham people in Trea village, Krouch Chhmar District.⁴ He also denied knowledge of any targeting of Cham people,

or that there had been CPK purges in Chamkar Leu while he was the District's deputy chief.

A. Summary of Testimony by Witness Ban Siek

Over the course of four sessions this week, the Trial Chamber heard the testimony of Witness Ban Siek, born in 1954 and currently living in Anlong Veng Province, an area home to many former Khmer Rouge cadres. Although the Witness held several different positions during the DK regime, his testimony mainly focused on the organizational structure of Sectors 41 and 42,, as well as alleged purges within the Central and East Zones. In addition, he also testified on the treatment of the ethnic Cham minority, denying that they had been specifically targeted in any way.

1. Family Background and Experiences Prior to 1977

Ban Siek testified about his good connections during the DK regime, as Chamkar Leu District secretary Sou Soeun was the cousin of his wife.⁵ Sou Soeun's husband was Central Zone Secretary Ke Pauk, and her younger brother, Oeun, was secretary of Sector 42, in the Central Zone. Ban Siek stated that he met Ke Pauk and Oeun in 1975 and claimed that, at that time, Ke Pauk did not have a good relationship with Son Sen, the chief of the CPK's General Staff. The Witness repeatedly emphasized that, until 1977, he worked at the fishing lots in Kampong Cham and denied any awareness of the killings or deportation of Cham people from the East Zone during this time. Ban Siek also testified that there had been a purge in the Old North Zone in 1975, after which Oeun and Ke Pauk were the only surviving leaders, and new cadres from the Southwest Zone arrived to replace those who had been taken away. The Witness described the sense of fear prevalent at that time, because anyone who was not able to do their tasks well was accused of being an enemy of the regime.

2. Roles Within Central Zone in 1977 and East Zone in 1978

The Witness testified that, after 1977, his role within the DK regime expanded. He said that, after the purges of Central ("Old North") Zone cadres in 1977, Oeun needed a new subordinate, so he appointed Ban Siek as deputy chief of public works in Sector 42, located near the Sector office in Chamkar Leu. The Witness said he held this position for three to four months before Oeun reassigned him as the commerce chief of Sector 42. The Witness thereby replaced the Sector's former commerce chief, Pheng Sun (*alias* Chey), who was Oeun's younger brother-in-law. Chey had been arrested due to alleged affiliations to a CIA network and taken to S-21 in Phnom Penh in 1977.⁶

According to the Witness, he was transferred in late 1977 from his position overseeing Sector 42's Commerce Office to become deputy secretary of Chamkar Leu District, under Sou Soeun. Ban Siek directly responded to Sou Soeun's prior testimony that she was in fact deputy to him as the chief of Chamkar Leu District. Defense Counsel for Khieu Samphan, Anta Guissé, questioned Ban Siek's assertion, referring to the written record of interview with Ke Pich Vannak, the son of Ke Pauk. In his OCIJ statement, Ke Pich Vannak stated that Ban Siek was the military chief of Sector 42 until he was reassigned to work in the East Zone, however, Ban Siek denied this was true.

Ban Siek testified that he was transferred to the East Zone in 1978 and assigned as secretary of Krouch Chhmar District. The Witness explained that Son Sen, the chief of the CPK's General Staff, had become interim Zone secretary following the purges of the East Zone. In this vein, Son Sen, *alias* Khieu, had assigned the Witness to his new position in Krouch Chhmar. Prosecutor Dale Lysak cited testimony from other witnesses who had previously identified Nuon Chea instead as having become the interim secretary of the East Zone after former secretary Sao Phim's death in 1978. However, Ban Siek insisted that Son Sen had held this position, with Tan Seng Hong as deputy secretary, as the General Staff chief continued to

oversee the soldiers from the Center who were then operating in the East Zone.

Ban Siek further stated that Rin, alias Kong, was the Sector secretary to whom he reported as Krouch Chhmar District chief. Rin was second-in-command of the Center's special force of soldiers, under Son Sen, and he was related to Southwest Zone Secretary Ta Mok. Ban Siek testified that he heard from other cadres that Nuon Chea was president of the National Assembly, in charge of education of senior cadres and also the development and implementation of the CPK's politics and policy. Further, the Witness testified that, even though Nuon Chea was officially second-in-command after Pol Pot, he was, in reality, the one who gave the orders to purge and kill people while Pol Pot was always working "behind the scenes."

3. Allegations of Insurrection and Purges of the Old North and East Zones

All Parties spent quite a lot of time examining the Witness on the alleged insurrections and purges within the Central ("Old North") and East Zones.⁷ Ban Siek stated that purges in the "Old North" took place before his arrival in Chamkar Leu, so he had no firsthand knowledge of them. However, he did testify that others had told him at the time that the purge took place "from top to the bottom." He said that all North Zone cadres disappeared due to accusations of links to the CIA and the KGB. The Witness also testified he had been told of an attempted coup d'état by members of the North Zone in 1977. He said he had learned that Koy Thuon, *alias* Thuch, the former secretary of the North Zone and DK's Minister of Commerce, hatched the plan. Thuch was ultimately arrested and accused of being the "head of the CIA."

Ban Siek described his experience as Krouch Chhmar District secretary in 1978 as "chaotic" due to insurrections at the time. Firstly, he testified that, shortly after his arrival in Krouch Chhmar, members of a youth mobile group initiated a rebellion. The rebellion, said to be arranged by the KGB, was suppressed with the help of 300 soldiers sent from the Center under Son Sen and Rin's command. According to the Witness, all participants in the rebellion were subsequently gathered up and 'smashed'. Another reason for the "chaos" was the defection of Heng Samrin, a high-ranking commander of the East Zone army.⁸ Ban Siek claimed that Son Sen told him that Heng Samrin had collaborated with the CIA and KGB and had fled to Vietnam prior to Ban Siek's arrival in the Zone in 1978. After his flight, Heng Samrin worked with the Vietnamese government and other East Zone defectors to form the National Salvation Front, which increased conflict along the Vietnamese border.⁹

The Witness described how, as a result of the increasing border tensions, one of his main tasks in Krouch Chhmar was to recruit new soldiers to send to the frontline. Ban Siek stated that, while originally assigned to recruit 100 soldiers, he decided to recruit a further 100 in order to better protect the District. The Witness claimed that, after about 100 of these newly recruited soldiers escaped into the jungle, he was sent to complete a "study session" and write his biography, as the Center was afraid that he had assisted the recruits to escape to the other side. The Witness testified that, as a consequence of the violent and unstable situation in Krouch Chhmar, civilians were evacuated to Chamkar Leu.

4. Treatment of the Cham in the East Zone in 1978

Although this Witness was called to testify during the segment on the treatment of the ethnic Cham minority, Ban Siek in fact denied almost all knowledge of any persecution or mistreatment of that group. He claimed to be unaware of what happened to the 1,100 Cham families from Spueu village in 1977 even though he admitted that he worked at an office near Spueu while in his position as District deputy secretary.¹⁰ He denied knowing of Cham people working in the cooperatives and worksites, or at the nearby Tapom rubber plantation, where other witnesses testified to observing killings of Chams in 1977.¹¹ Prosecutor Lysak also raised evidence of a meeting held in Bos Khnaor, during which the chairman allegedly announced a plan to eliminate all Cham people by 1980. The Witness claimed, however, that he was unable

to recall any of these incidents. Instead, he stated that everyone in DK was “in the same boat,” that no one was able to practice religion, including Buddhist monks, and that only those found to be enemies of the state were targeted.

According to the Witness, the 1975 rebellions in Svay Khleang, Koh Phal, and Trea village were not Cham rebellions, but rather were led by a mixture of Khmer and Cham people who had connections to the KGB or the CIA. The Witness claimed he had never received orders from the upper echelon to screen out and kill the Cham in Krouch Chhmar District, but instead was ordered to eliminate all CIA- and KGB-affiliated individuals. Defense Counsel Anta Guissé confronted the Witness with the testimony of Civil Party No Satas, who had previously stated that District chief Hor screened Cham people for execution by testing whether they ate pork. Counsel also read out the testimony of others identifying the District chief as Hor or Ho. Although Ban Siek confirmed he had used “Hor” as an alias while working in Chamkar Leu District, he denied any knowledge of these events and repeated his claim that only enemies of the state were purged. It was unclear whether the other witness testimonies referred to Ban Siek or another individual with a similar role and similar alias.¹²

5. Witness Demeanor and Credibility

During his examination, Ban Siek was calm and answered questions from all Parties in a measured manner. Although the Witness’ statements regarding the different positions he held under the DK regime were consistent throughout his testimony, various other statements were contradictory. The Prosecutor noted that he told the OCIJ in his original interview that he had never worked in Krouch Chhmar District. Ban Siek explained that, at the time of his first interview, he thought there was no need to talk about it because he had only stayed in Krouch Chhmar for a short period of time, and that his former colleagues had warned that talking about the events there would potentially cause trouble for himself or his family. As mentioned above, the Witness was also unclear regarding his use of aliases during the DK period.

Ban Siek’s repeated denial of knowledge of events directly under his purview cast doubt on his credibility.. The Prosecutor voiced skepticism and provided contradictory witness testimony in reaction to Ban Siek’s claims that there were not any Cham people living in the communes he oversaw, and that the ethnicity of villagers was never recorded. In addition to denying knowledge of policies to target the Cham, Ban Siek also denied holding a position as military chief of Sector 42, not only contradicting other witness testimony, but also his own admission to having recruited and trained 200 soldiers during his time in Krouch Chhmar District.

III. LEGAL AND PROCEDURAL ISSUES

The two days of Mr. Ban Siek’s testimony were lively and peppered with objections from both the Defense and Prosecution. During the OCP’s examination of the Witness, Defense Counsel for Nuon Chea, Victor Koppe, raised multiple objections related to the scope of the trial, as well as others repeating complaints over the use of written records of interview (**WRIs**), as well as claims of a “tsunami” of documents from the Case 004 investigation entering Case 002/02. The Prosecution raised several objections during Counsel Koppe’s examination concerning his failure to cite document numbers when referring to prior testimony. On Tuesday afternoon, as the President asked introductory questions to the next Witness to testify, Mr. Sos Romly (2-TCW-904), Counsel Koppe objected to his use of the same Duty Counsel as Ban Siek. As no alternative Duty Counsel was available, hearings were adjourned early on Wednesday morning following a discussion in which both sides requested postponing proceedings in the weeks leading up to the Appeal Hearings, scheduled for 16 to 18 November 2015.¹³

A. Defense Objections over Questions outside the Scope

On Monday, Counsel Victor Koppe objected to the introduction of names from an S-21 prisoner

list and later complained that, despite being in the midst of a segment on the treatment of the Cham, questioning largely centered on other topics, including the First January Dam, Wat Baray Choan Dek pagoda, and CPK purges. Prosecutor Lysak noted the Chamber's prior ruling that Parties were permitted to question witnesses on any part of the Closing Order relevant to Case 002/02 to avoid having to recall them at a later trial segment, and he continued with questions unrelated to the treatment of the Cham. Later, Counsel Koppe again objected to questions about events in Sector 42, saying these were outside the scope of the Closing Order, which focused on crime bases related to treatment of the Cham in Sectors 41 and 21 alone. The OCP argued that the events in Sector 42 were not being used to establish a crime base, but rather were indicative of an overall, nationwide policy of targeting the Cham. Judge Fenz noted the Chamber had dealt with "the same issue before," and, agreeing with the Prosecutor, issued an oral decision overruling the objection.

B. Defense Objections Over the Inclusion of Documents from Case 003 and 004

In one particularly aggressive objection, Counsel Koppe accused the OCP of using their advanced knowledge of documents from Cases 003 and 004 to inform their lines of questioning in Case 002/02. Mr. Koppe claimed that the Defense was disadvantaged, as many documents from Case 004 were only available in Khmer language, stating, "*It's appalling how the Prosecutor is proceeding, and you're [the Trial Chamber] condoning it as always.*" The OCP denied this allegation, saying it was "completely false" that they were using Case 003 and 004 documents to inform their current case. The President allowed the OCP to proceed with his line of questioning.

Later on, Mr. Koppe requested that the Chamber prevent the Prosecution from going into detail on matters presently under investigation in Case 004, such as the events in Sector 41 under secretary Ao An. Counsel requested an adjournment to give Parties more time to study evidence that had only just come to light. He also pointed out the time necessary to translate court documents was restrictive. Ultimately, the President referred to its previous decision and overruled the objection on the grounds that all Parties face the same problem with translation, and all Parties have had the same amount of time to prepare for this segment. Counsel Anta Guissé also objected at this time and referred to her team's previous request for the Trial Chamber to clarify the basis on which they will use documents from Case 003 and 004, a request that had yet to be answered by the Chamber.¹⁴

C. OCP Objections Over Defense's References to Evidence

On a number of occasions, the OCP objected to Counsel Koppe referring to evidence without properly citing the relevant document numbers. After Ban Siek stated that Chea Sim had been secretary of Sector 22 before he fled to Vietnam and became "a stooge of the Vietnamese," Counsel Koppe attempted to ask the Witness if Chea Sim was actually secretary of Sector 20. The Witness insisted he had heard Chea Sim was Sector 22 chief, and the President intervened to stop Counsel from asking leading questions. After pushing Counsel to provide clear documentary references for the basis of his questions, Prosecutor Lysak added that Mr. Koppe's sources (Chea Sim's own statement and the work of former OCP investigator Craig Etcheson) in fact showed that Chea Sim was a district secretary and only a "lower-case-m" member of the Sector committee, and never a member of the Sector's three-member standing committee. Ban Siek later explained that Son Sen had told him that Chea Sim had fled Sector 22 and had said nothing related to Sector 20.

D. Discussion of Upcoming Scheduling and Postponement of Proceedings

Late on Tuesday afternoon, the Chamber began preparations to hear testimony from Witness Sos Romly on the treatment of the ethnic Cham minority. However, before the Prosecution could commence questioning, Defense Counsel for Nuon Chea objected on the grounds that it

was “problematic” that Sos Romly should use the same Duty Counsel, Mr. Duch Phary, as the previous witness, Ban Siek. Mr. Koppe noted that, less than an hour before, Counsel for Khieu Samphan had confronted Ban Siek with the statement of Sos Romly, and that Duch Phary’s consultation for both witnesses “seem[ed] to be a conflict of interest.” As it was late in the afternoon, the Judges decided to adjourn proceedings and make a decision on the issue the following day. On Wednesday morning, the President announced that the Judges sustained the Defense’s objection, but that the Court had been unable to locate alternative Duty Counsel on short notice, so the Chamber would adjourn proceedings for the remainder of the week.

Following this announcement, the floor was given to all Parties to discuss the upcoming appeals hearings in Case 002/01. Counsel for Khieu Samphan, Anta Guissé, requested the Chamber postpone hearings in Case 002/02 for the ensuing five weeks (including the week of Pchum Ben from 12 to 16 October) in order to provide the Defense with sufficient time to prepare for the appeals in Case 002/01. Counsel Koppe concurred with the request, with the caveat that he would like to hear 2-TCW-996, who Nuon Chea’s Defense had requested one week earlier, before postponing hearings, as he felt this witness’ statements on Northwest Zone administrative structures would be important for the Supreme Court Chamber’s appeals hearings. International Co-Prosecutor Nicholas Koumjian made it clear that he believed five weeks of preparation was excessive, and he requested only seven to 11 days of adjournment. International CPLCL Guiraud voiced doubt that the Defense could use the testimony of 2-TCW-996 in the appeals, even if he was heard in the weeks before the hearings. Counsel Guissé pointed out the differing size and capacities of the Defense Teams and the OCP, and she insisted that 11 days would not be enough time for her smaller team to prepare. The Judges did not announce an immediate decision on this issue, however, on Friday afternoon, the ECCC announced there would be no hearings in the week after the Pchum Ben holiday break (19 to 22 October) to provide parties with “additional time to prepare for the appeal hearings,” and also to provide the Chamber with the time to “finalize a number of important decisions on motions filed by the parties.”¹⁵ Proceedings are scheduled to resume on Monday, 26 October 2015.

IV. TRIAL MANAGEMENT

The Trial Chamber only sat for two full days this week, adjourning early on Wednesday morning following an objection to the use of the same Duty Counsel for two different witnesses. While this caused an inevitable delay in proceedings, the two days that the Chamber was in session progressed effectively and efficiently without any significant translation or technical issues.

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. Mr. Duch Phary was appointed as Duty Counsel for Witness Ban Siek throughout his testimony this week, with the exception of the afternoon sessions on 5 October, when Ms. Sok Socheata replaced him.

Judge Attendance: All Judges were present in the courtroom throughout the week.

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

Parties: All the Parties were properly represented in the courtroom throughout the week.

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 05/10/2015	<ul style="list-style-type: none"> Approximately 170 villagers from Kampong Tralach District, Kampong Chhnang Province Two foreign observers 	<ul style="list-style-type: none"> Two foreign observers
Tuesday 06/10/2015	<ul style="list-style-type: none"> Approximately 160 villagers from Mukh Kampul District, Kandal Province 	<ul style="list-style-type: none"> Three foreign observers
Wednesday 07/10/2015	<ul style="list-style-type: none"> Approximately 150 Cham students from Kaoh Thum District, Kandal Province Approximately 50 staff from Bayon Television, Phnom Penh One foreign observer 	<i>No proceedings</i>

B. Time Management

This week saw the Trial Chamber face difficulties in managing time due to Defense Counsel Victor Koppe's objection over a "conflict of interest" for Duty Counsel Duch Phary to represent two different witnesses (see III.D). As a result, the Trial Chamber was forced to adjourn the week's hearings in the morning of 7 October without hearing Witness Sos Romly as planned. Before adjourning, the Trial Chamber also invited all Parties to discuss the request of Khieu Samphan's team for further time to prepare for the upcoming appeals hearings before the Supreme Court Chamber in Case 002/01.

C. Courtroom Etiquette

During examination of Witness Ban Siek by Victor Koppe on Tuesday, 6 October, there was a breakdown in courtroom etiquette when Koppe seemed to laugh at the President. President Nil Nonn appeared angry as he asked, "I see you laughing. Are you making a mockery of me?" This incident resulted from Counsel Koppe attempting to discuss the roles of Heng Samrin and Chea Sim during the DK period, a topic that has regularly caused controversy in the courtroom due to their senior positions in the present-day Royal Government of Cambodia. The tension was resolved when Defense Counsel apologized to the President and provided a proper documentary reference for his statement.

D. Translation and Technical Issues

There were a few minor translation issues this week, particularly on the English-to-Khmer and Khmer-to-French translation channels, however they were not significant enough to impact proceedings. There were no substantial technical disturbances this week.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 05/10/2015	9:02	10:16-10:31	11:35-13:32	14:37-14:59	16:03	4 hours and 27 minutes

Tuesday 06/10/2015	9:03	10:11-10:31	11:33-13:33	14:31-14:53	15:50	4 hours and 5 minutes
Wednesday 07/10/2015	9:20	–	–	–	09:53	33 minutes
Average number of hours in session				3 hours and 1 minutes		
Total number of hours this week				9 hours and 5 minutes		
Total number of hours, day, weeks at trial				424 hours and 57 minutes		
112 TRIAL DAYS OVER 33 WEEKS						

*This report was authored by Alexander Benz, Borakmony Chea, Judith Kaiser, Daniel Mattes, Caitlin McCaffrie, Sotharoth Nom, Lina Tay, Penelope Van Tuyl, and Talisa Zur Hausen as part of the KRT Trial Monitoring and Community Outreach Program. KRT Trial Monitor 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 KRT Trial Monitor staff; and
- § the photographs are courtesy of the ECCC.

Glossary of Terms

Case 001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (CaseNo.001/18-07-2007-ECCC)
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith, and Khieu Samphan</i> (CaseNo.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
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
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ In 1977, the “Old North Zone” was renamed the Central Zone and a separate, new North Zone was created. See the Case 002 Closing Order (15 September 2010), D427, para. 65.

² Ms. SOU Soeun testified in June 2015 in relation to the trial segment on the First January Dam Worksite. See CASE 002 KRT TRIAL MONITOR, Issue 21, Hearings on Evidence Week 18 (2-5 June 2015), pp. 4-5.

³ Mr. BAN Siek (2-TCW-950) was questioned in the following order: President NIL Nonn; international assistant prosecutor Dale LYSAK; national Civil Party Lead Co-Lawyer PICH Ang; international co-lawyer for Nuon Chea, Victor KOPPE; international co-lawyer for Khieu Samphan, Anta GUISSÉ.

⁴ See CASE 002 KRT TRIAL MONITOR, Issue 32, Hearings on Evidence Week 29 (28-30 September 2015), pp. 3-4.

⁵ BAN Siek also referred to SOU Soeun, his wife’s cousin, as his “sister-in-law” – possibly as a result of different conceptions of family relationships in Cambodian culture.

⁶ During examination, international assistant prosecutor Dale Lysak referenced document E3/2166 from S-21 Security Center, where Pheng Sun was seventh on a list of prisoners from the Central Zone admitted on 7 October 1977.

⁷ During questioning, Defense Counsel Victor Koppe objected to the use of the term “purge” with reference to East Zone cadres, particularly in Krouch Chhmar District in Sector 42. He claimed that there was insufficient evidence to support the theory that enough people died to constitute a “purge.” However, Prosecutor Lysak responded that there was evidence of “many hundreds” of people arrested, and he objected to what he saw as Counsel Koppe testifying himself.

⁸ Counsel Koppe was not clear with his documentary references, and he insinuated that Heng Samrin himself had acknowledged his former position as deputy chief of the East Zone army. Counsel later offered a quote from the WRI of Ke Pauk’s son, KE Pich Vannak, who identified Heng Samrin as “the chairman of Sector 20 and of the military division unit [in the East Zone].”

⁹ Mr. BAN Siek later stated that he had been told that Chea Sim and Sao Phim also betrayed the CPK to contribute to the creation of the Indochinese Federation as members of a Vietnamese-supported “Worker’s Party.” The Witness confirmed the previously detailed story that Sao Phim, rather than flee to Vietnam, committed suicide when he realized his imminent fate to face a purge by the Center. Prosecutor Lysak objected to Counsel Koppe’s use of the term “Worker’s Party,” stating that Counsel needed to distinguish between the “Worker’s Party,” which was the predecessor to the CPK up to 1972, and the “Worker’s Party,” which he called “the fictional product of S-21 confessions.” The latter group allegedly was set up to undermine the rule of Pol Pot. The existence of this group is contested, but it has been referenced by Nuon Chea’s Defense in his appeal against the Trial Chamber’s Judgment in Case 002/01. See Nuon Chea, “Nuon Chea’s Sixth Request to Consider and Obtain Additional Evidence in Connection with the Appeal Against the Trial Judgment in Case 002/01” (11 September 2015), F2/8, pp. 15-17.

¹⁰ BAN Siek initially testified that he was not aware whether there were Cham people living in Chamkar Leu District. The Prosecutor then informed BAN Siek of Expert Witness Ysa Osman’s findings that, of the 1,100 families living in Spueu village prior to 1975, only 100 survived the DK regime. When asked directly about these families who fell under his jurisdiction as deputy secretary of the District, BAN Siek responded simply: “I do not know about that, sir.”

¹¹ Although BAN Siek confirmed that he was responsible for labor, harvests, and canal-digging in Lvea Commune, Chamkar Leu District, he denied a role in supervising the work at Tapom rubber plantation, which was also located in Lvea Commune. BAN Siek acknowledged that the plantation was located in Chamkar Leu, but he said that “Brother Chim was in charge of the Chamkar Leu District rubber plantation.” Although BAN Siek stated he did not know Chim’s surname, Chim refers to PECH Chim, a witness who testified in Case 002/01 as well as Case 002/02’s trial segment on the cooperatives in Tram Kak District. He was a Southwest Zone cadre sent in 1977 to oversee the rubber plantation in Chamkar Leu amidst the purge of cadres in the Central Zone. He testified about this experience during his appearance in April 2015. See CASE 002 KRT TRIAL MONITOR, Issue 16, Hearings on Evidence Week 13 (21-24 April 2015), pp. 5-6.

¹² The Witness explained that, while “Ban Siek” was the name on his identity card, his birth name was Heng Son Hor. He said that, during his time in Chamkar Leu District, he used “Hor,” while he used the alias “Heng Hen” during his stay in Krouch Chhmar District. He denied that his name was ever “Ho” or that he would have been called “Hor” while in Krouch Chhmar. He further claimed to have been using the alias “Phos” after fleeing to the jungle in 1979. However, he later confirmed that both Sou Soeun and Ke Pauk referred to him as “Phos” prior to 1979.

¹³ Supreme Court Chamber, “Notification of appeal hearing dates in Case 002/01 pursuant to Internal Rule 108(3)” (6 October 2015), F29.

¹⁴ Khieu Samphan, “Submissions of the Defence for Mr. KHIEU Samphân on the Co-Prosecutors’ Disclosure Obligation” (24 August 2015), E363.

¹⁵ Extraordinary Chambers in the Courts of Cambodia, “Information about scheduling in Case 002/02” (9 October 2015), <<http://www.eccc.gov.kh/en/articles/information-about-scheduling-case-00202>>.