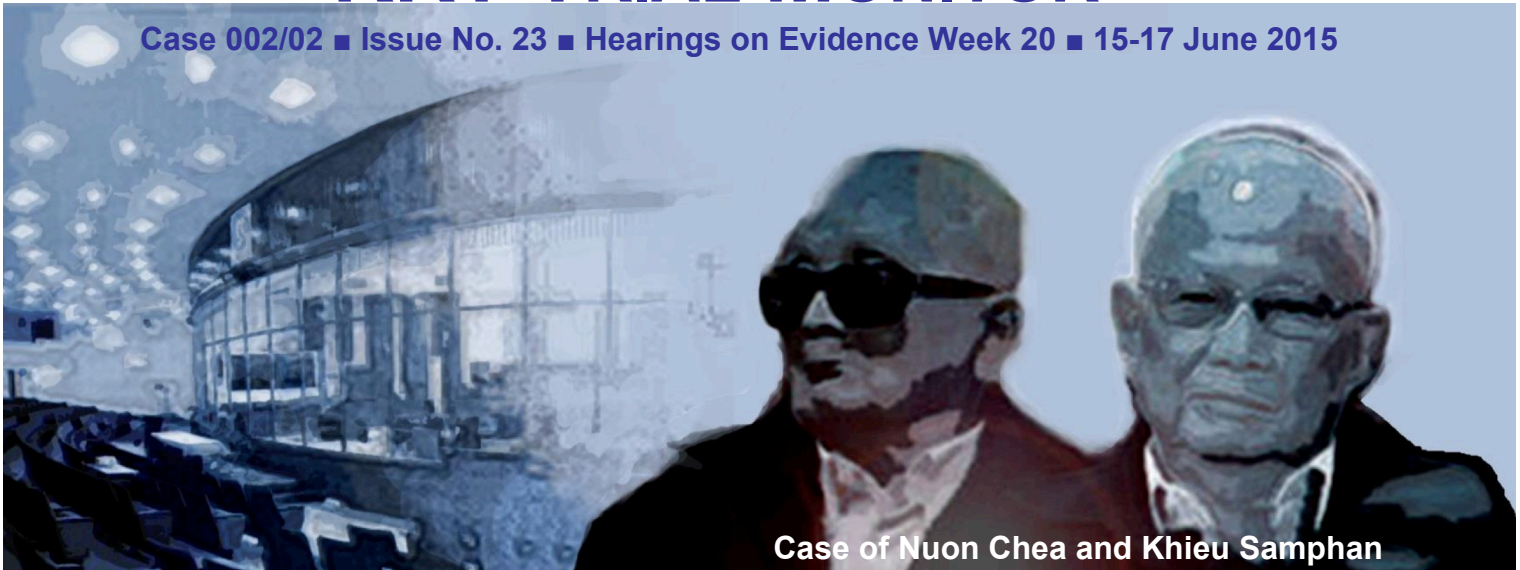


KRT TRIAL MONITOR

Case 002/02 ■ Issue No. 23 ■ Hearings on Evidence Week 20 ■ 15-17 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)

*In meetings, they said they waged this revolutionary action
to help the people, for the liberty for the people...
Where was the liberty? Where was the freedom? The well-being?*

- Civil Party Kong Siek

I. OVERVIEW

Despite two public holidays this week, the Trial Chamber managed to complete the testimony of two witnesses and a Civil Party, and also commence that of a third witness over three days of proceedings. Mr. Keo Leou, Ms. Kong Siek, and Mr. Sem Hoern were all members of the Revolutionary Army of Kampuchea, and they testified both on the purges of North Zone cadres from the Army Divisions and their eventual assignment to the Kampong Chhnang Airport Construction site (**KCA**). On Tuesday and Wednesday this week, the Trial Chamber revisited the earlier trial segment on the First January Dam worksite in Kampong Thom Province in order to hear testimony from Witness Yean Lun, who worked as a laborer and a militiaman at the site. Judge Jean-Marc Lavergne intervened twice this week during the examinations of Mr. Keo Leou and Ms. Kong Siek when Nuon Chea's Defense Counsel asked specific questions without referencing documents in support of the assertions made. The Judge reminded Counsel not to use evidence that may have been obtained under torture, but the issue returned and remains contentious as the Parties await the Trial Chamber's long awaited ruling on the matter.

II. SUMMARY OF WITNESS TESTIMONY

This week, the Trial Chamber heard the testimony of three witnesses and one Civil Party. Mr. Keo Leou, a witness who began his testimony last week, appeared on Monday and Tuesday. Ms. Kong Siek, a Civil Party, appeared for two sessions on Wednesday, before Mr. Sem Hoern began his testimony in the afternoon. He will conclude his examination next week at the 23 June hearing. All witnesses were members of the Revolutionary Army of Kampuchea (**RAK**) and worked at the KCA. Another witness, Mr. Yean Lun, appeared on Tuesday and Wednesday in relation to the First January Dam worksite and his position as a local militiaman.

A. Summary of Testimony by Witness Keo Leou

The first witness to appear this week was 64-year-old Keo Leou. The Witness appeared to conclude his testimony from the previous week's proceedings.¹ Keo Leou was briefly a Company chairman in RAK Division 310's Unit K-4, a unit for permanently handicapped soldiers. On Monday and Tuesday, the Parties examined the Witness on his experiences within the military, his knowledge of a conspiracy to overthrow the DK regime, and his work at the KCA.²

1. Observations of a Khmer Rouge Soldier in Division 310

In 1970, when Keo Leou was 18, he was forced to join the RAK because his father was called to join a meeting and threatened with mistreatment if he did not allow his children to go to the battlefield. The Witness recalled attending indoctrination sessions where soldiers were instructed to seek vengeance against capitalists and reactionaries, and to liberate the poor. Soldiers were also told to view religion as a suppressor of the lower classes. On this point, he recalled that Buddhist monks were disrobed in 1975, and that, after the fall of Phnom Penh, he witnessed the destruction of the French Catholic cathedral near Wat Phnom.

The Witness reiterated to the Court that he was a deputy battalion chief within Division 310 at the time Phnom Penh was liberated. After the liberation of the capital, he stayed in the K-4 unit for disabled soldiers located near Calmette Hospital. This week, he described to the Court how he saw thirty people – mostly Khmer Rouge soldiers accused of traitorous links – tied to trees and tortured near the hospital. The Witness testified at length on the purges of leaders of his RAK division, Division 310, throughout 1977. Keo Leou described a July 1977 meeting during which the Division 310 chief, Ta Oeun, had spoken of the need to overthrow the DK regime in order to improve the living conditions of soldiers and to pay them salaries. Although Keo Leou could not recall when Oeun planned such a coup to take place, the Witness testified that the Division 310 chief had announced that the weapons for the undertaking had already been moved to Phnom Penh. The Witness said that, one day later, Ta Oeun and other commanders, Ta Kim and Ta Veng, were arrested and taken away. Keo Leou recalled that, the day after the arrests, the Southwest Zone cadres now in command of the Division called a meeting and played the audio recordings of the S-21 confessions of the purged leaders. The Witness testified that, on the recordings, Ta Oeun admitted to being involved with the CIA and a plot to overthrow the DK regime. Other leaders, including battalion and unit chiefs, were arrested and purged thereafter, and the Witness was later appointed the temporary chairman of a Company in Unit K-4.

2. Tempering and Conditions at Kampong Chhnang Airport Construction Site

Soon after his promotion, Keo Leou and all remaining Division 310 soldiers were sent first to Anlong Kra Nharn and then to Unit 317 at Kmounh Kâb Srauv, near Phnom Penh, for "tempering."³ The Witness described the brutal working conditions there. He was made to carry soil for rice paddies even with his injured leg, and he worked from 3:00AM to 10:00PM each day with only a brief pause for lunch. Keo Leou testified that he was told to work hard or else face torture and punishment for being an enemy, and he recalled mandatory nightly meetings, during which a few people were regularly taken away, never to return.

Keo Leou's unit was subsequently transferred to work at the KCA, where he initially worked 18 hours per day. He testified that his working conditions became lighter after joining a training session on land surveying in Phnom Penh. He recalled tight sleeping quarters at the KCA, with up to 15 workers placed in one small shelter. He further explained that, although there were mobile medical units at the site, they were generally untrained and only provided traditional medicine. Only patients with serious conditions were sent to the hospital in Kampong Chhnang town. The Witness testified that Ta Lvey oversaw the construction site, and that Division 502

chief Sou Met visited the worksite on a daily basis. Keo Leou recalled seeing Southwest Zone cadres at the Airport but never saw Southwest Zone secretary Ta Mok at the site. He also testified that he never saw Nuon Chea or Khieu Samphan visit the KCA, but added that he “may have forgotten because it happened a long time ago.”

3. Witness Demeanor and Credibility

Witness Keo Leou was clear in providing details of his own experiences. The Witness also openly acknowledged when he could not recall or did not know other details, and he never provided testimony based solely on hearsay or speculation. After his statements to Khieu Samphan’s Defense, however, it was not entirely clear if the Witness was “tempered” or not, and if that tempering took place at Anlong Kra Nharn or Kmounh Kâb Srauv. Nonetheless, the rest of his testimony had consistently indicated the same fundamental narrative: that the remaining soldiers of Unit K-4 and Division 310 were punished at one or both of those locations due to the alleged “traitorous” acts of their purged commanders.

B. Summary of Testimony by Witness Yean Lun

The second witness to testify this week was 73-year-old Yean Lun. The Witness provided the Chamber with information on his role as a militiaman at the First January Dam worksite and its neighboring commune, Kampong Thma.⁴

1. Conditions at the First January Dam and Witness’ Role as a Village Militia

Yean Lun began his testimony by naming the chief of the First January Dam worksite as Central Zone Secretary Ke Pauk and discussing his experiences carrying dirt at the First January Dam Site. The Witness reiterated what many other witnesses have said regarding the lengthy daily schedule, the poor sanitary conditions, the lack of food, and the general living and working conditions at the site. His only notable diversion from prior testimony on working conditions concerned the daily quota, which he stated was “four cubic meters per person.”⁵ In his written record of interview with the OCIJ, the Witness had stated that he saw Khieu Samphan at the First January Dam Site and had heard Khieu Samphan’s voice over the loudspeaker ordering people to work faster. In his oral testimony, however, the Witness admitted that he had only heard people talking about the fact that Khieu Samphan had visited the site, but that he did not believe Khieu Samphan had actually visited the site.

Most of the Parties focused on Yean Lun’s response to the testimony of a prior witness, Uth Seng.⁶ In his testimony, Uth Seng had described “Lun” as the “chief executioner” of Kampong Thma Commune and stated that the villagers hated “Lun” so much that the only reason he was still alive was because of his arrest and imprisonment by the new Vietnamese-backed regime in 1979.⁷ In response to Parties’ repeated reference to Uth Seng’s comment on the villagers’ fear and hatred of him, Yean Lun responded:

It is my understanding that the hatred was only for certain individuals. In general, the villagers did not hate me that much; only certain villagers have a strong hatred towards me. Of course, over the course of your work, not everybody likes the work you do...[so] this gentleman’s statement is correct.⁸

The Witness admitted that he was indeed a member of the militia, but that he worked for Kong Sao village, not Kampong Thma commune. He also stated that he “was not a chief executioner,” nor “the sole executioner,” and that Uth Seng “did not know who the chief executioner was, so he pointed the finger at me.”

2. Witness Demeanor and Credibility

Yean Lun answered questions with clarity and detail, and often provided more detail than was asked of him.⁹ He responded to most of the accusations from other witnesses without losing his composure. However, the Witness appeared aggravated when questioned by the international Civil Party Lead Co-Lawyer about whether he observed newly married couples consummate their marriages.¹⁰ In addition, when he was asked follow up questions to clarify certain points, the Witness was often aggressive in his response, saying things such as, "I have already answered this question," and, "[Y]ou are just trying to trick me." In general, however, the Witness appeared to testify openly about his experiences. Monitors noted that he was the first witness in Case 002/02 to respond so unreservedly when confronted with accusations against him concerning atrocities committed during the DK era.

C. Summary of Testimony of Civil Party Kong Siek

The third person to appear before the Chamber this week was 63-year-old Civil Party Kong Siek, a farmer from Kampong Thom Province. She worked at the hospital of RAK Division 450 and was later sent to work at the KCA in 1977. The Civil Party provided the Chamber with information on her role in the military, the arrests of Division chiefs and the working conditions at the KCA.¹¹

1. Background of the Civil Party's Positions and the Purges in Division 450

Kong Siek told the Trial Chamber that she joined the Revolution in 1975, due to the harsh living conditions in her Kampong Thom cooperative and her older brother's encouragement to join the RAK with him. The Civil Party became part of Division 450 and was assigned to work as a cook at Russey Keo hospital in Phnom Penh. She identified the Division chief as Suong, who she knew personally. The Civil Party confirmed that Suong was arrested and taken away some time in 1977. However, she had no knowledge where he was taken. At a meeting, she and her co-workers were told that leaders of the Division had been arrested by people from the Southwest Zone, "so [they had to work harder not to be arrested, as the superiors had been arrested, [and] the followers were alleged to be involved as well." Kong Siek was transferred to Unit 75 to work in rice fields in Obek Kaorm, west of Phnom Penh, as a form of punishment and refashioning. The Civil Party emphasized the difficult working conditions and lack of sleeping quarters. She stated that her refashioning continued when she was assigned to work at the KCA construction site along with her female work unit, Regiment 53. Kong Siek testified that she worked at the KCA for six months in 1977 before returning to work at Obek Kaorm. The Civil Party underlined that she did not choose the work but was under "total instruction."

2. Experiences at the Kampong Chhnang Airport Construction Site

Kong Siek stated that work at the KCA continued each day from 5:00AM to 9:00PM with one 15-minute break at 11:00AM. She testified that she was tasked with digging canals at the site, which was "not easy." She explained that even the injured were made to work, and that she and others suffered from fatigue. The Civil Party stated that "after some time" at the KCA, her biography was taken. The Khmer Rouge asked for workers' backgrounds, to determine "if parents were former soldiers". If they found such a family connection, those people would be taken away. She told the Chamber that the authorities even went to her home village to conduct surveillance and obtain necessary information. Kong Siek confirmed attending meetings in which people were instructed to work "until the blood came out of your body," and told that they could not rest under any circumstances. Workers feared talking back to their superiors, as they were terrified of the consequences. Moreover, if some workers disappeared, no one was allowed to know or ask about it. After telling the Prosecution that she had witnessed the electrocution of two people, Judge Claudia Fenz questioned the Civil Party further about the incident. This examination revealed that Kong Siek did not "actually see them

being electrocuted," but only saw two people under a mango tree and was told by a colleague that they had just been electrocuted.

3. Civil Party Statement of Suffering

Kong Siek took the opportunity to make a statement of suffering. She told the Chamber about how the KR had described the evacuation of her family to a cooperative in the jungle as a "revolutionary action to help the people, for the liberty of the people." She questioned how this action had resulted in liberty when her family was "subjected to enslavement" and not given enough food to eat. Kong Siek emphasized her that she feared for her life at the time, and she noted that she was now on regular medication as a consequence of the overwork. She concluded with a request to the Court to find justice, so she "can feel relieved."

D. Summary of Testimony of Witness Sem Hoern

Witness Sem Hoern, *alias* Sem Kim, who is 63 years old, lives in Bak Snar Commune, Baray District, Kampong Thom Province. During the DK period, he was a RAK soldier from the North Zone and fought to liberate Phnom Penh in 1975. During his brief testimony on Wednesday, which lasted approximately 40 minutes, the Witness testified on his military positions before and after 1975, and his knowledge of the purges of North Zone military cadres.¹²

1. Witness' Positions in the Revolutionary Army of Kampuchea

Sem Hoern joined the Khmer Rouge armed forces in 1970. As of 1972, he was a member of Company 5, in the 12th Regiment of Division 310's 123rd Battalion, stationed in the North Zone. The Witness testified that, prior to the liberation of Phnom Penh in 1975, his unit engaged in multiple battles. By the end of 1973, after fighting in Siem Reap and Oddar Meanchey Provinces, he was transferred to protect the temples around Angkor Wat for almost a year. He was eventually relocated to fight at Preaek Pnov in Kampong Cham Province, and then at Ang Snuol in Kampong Speu Province. In April 1975, he entered Phnom Penh with the rest of Division 310 and was stationed in the area near Central Market and Wat Phnom. The Witness also stated that, at the end of 1975, the arrests of North zone military cadres started, culminating with the arrest of Division 310 commander, Oeun.

2. Arrests and Purges of North Zone Military Leaders

Sem Hoern testified that his Division was composed of soldiers from different provinces but mostly Kampong Thom Province, in the North Zone. The Witness recalled that, within a year after the fall of Phnom Penh, North Zone cadres faced accusations of ties to a "traitorous network," and he started hearing of the arrests of his superiors at the Battalion, Regiment, and Division levels. He testified, however, that he never personally witnessed these arrests. The Witness claimed that, at this point, he was working in rice fields in Tuol Kork, near Phnom Penh. Sem Hoern testified that, after Division 310 commander Ta Oeun was arrested, Southwest Zone cadres called the Witness and his fellow soldiers to a study session near Wat Phnom for further investigating. Troops were lined up, searched, and told that, because their commanders were traitors, they too were part of a traitorous network. The Witness stated that, after this meeting, his activities were monitored, and he was accused of having connections to "the bad element" and being "a traitorous link." He further explained that he heard that North Zone secretary Koy Thuon, *alias* Ta Touch, was also arrested for being a traitor. Sem Hoern testified that, although he himself was never arrested, his elder brother En Chet, a former soldier during Sihanouk's *Sangkum Reastr Niyum* regime, was taken away and killed during the DK period due to alleged connections a traitorous network.

3. Witness Demeanor and Credibility

Witness Sem Hoern appeared hesitant to provide details of his personal information, demonstrated by his failure to initially tell the President about his DK-era pseudonym. The President had to clarify that Sem Hoern's *alias* was "Sem Kim." When the Witness could not recall the military structure of Division 310, he attempted to look at personal notes taken from his shirt pocket, but the President reminded him to only provide oral statements from his memory not from notes. Subsequently, however, the Witness gave clearer responses and was able to recall specific details including dates and places. Monitors noted that some parts of his testimony diverged from that of Keo Leou, particularly in relation to the arrest of Division 310 chief Oeun, which Sem Hoern said took place in late 1975, two years earlier than other witnesses had stated.

III. LEGAL AND PROCEDURAL ISSUES

For the eighth consecutive week, the Trial Chamber dealt with the consequences of its failure to rule definitively on the proper use of torture-tainted evidence in trial proceedings. Counsel for Nuon Chea attempted to put questions to both Witness Keo Leou and Civil Party Kong Siek based on S-21 confessions, prompting a number of interventions from Judge Jean-Marc Lavergne.

A. Continued Attempts to Use Torture-Tainted Evidence

On 16 June, Mr. Koppe asked Witness Keo Leou about rice storage at a station in Anlong Kra Nharn. When Judge Lavergne inquired into the foundation for Counsel Koppe's question and asked if the questions were "the fruit of [Counsel Koppe's] imagination," a pregnant pause fell over the courtroom. Counsel Koppe eventually responded, "My imagination is very big," and Judge Lavergne immediately retorted that "[I]n a court of justice, imagination doesn't serve any purpose. We must rely on documents and concrete evidence." When Judge Lavergne asked Counsel Koppe if he was sure he was not basing the question on a confession he had read from S-21, Counsel Koppe responded that he had "read many confessions from S-21," but was not presenting the Witness with any documents. Judge Lavergne thereafter suggested that, because he did not have any documentary basis for his question, Counsel Koppe should move onto another line of questioning. By that time, Counsel Koppe's time allocation had ended, so he sat down.

The Judge raised similar concerns when Mr. Koppe questioned Witness Kong Siek on a meeting involving officials and members from RAK Divisions 450 and 310. When Judge Lavergne asked Counsel to ask a more specific question, suggesting he ask the main points of the agenda of the meeting, Counsel Koppe quoted from the S-21 confession of Division 450 chief Suong. Counsel Koppe pointed out that the English translation of the confession states, at the top of the document, "Written before he was tortured." Counsel indicated that this sentence rendered the document usable under Article 15 of the Convention Against Torture.¹³ Judge Lavergne intervened, suggesting, "Maybe [Counsel] should not use th[e] document because we do not know the conditions under which the confession was obtained, given that it is from S-21." Mr. Koppe responded that he "was not aware yet of a ruling on [the issue on whether and how documents from S-21 may be used at the ECCC]." However, he said there was nothing he could do if the Chamber said he could not use the document, asking if that was the Judge's ruling. Judge Lavergne responded, "Yes, I think you understood perfectly well."

Although this issue has become a recurring theme in Case 002/02 and although all Parties have submitted written and oral arguments on the matter, the Trial Chamber has yet to officially rule on whether and how confessions from S-21 and other DK security centers may be used in trial proceedings at the ECCC. As evidenced by Counsel Koppe's comment to Judge Lavergne, the Parties are anxious for a decision on this matter. It seems that, until the

Chamber does announce its decision, the Parties will continue to push the limits of Article 15 of the Torture Convention.

IV. TRIAL MANAGEMENT

Although the Trial Chamber only held three days of hearings this week due to two public holidays, it effectively moved forward in Case 002/02 with the completion of three testimonies and the commencement of a fourth.

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.

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.

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 15/06/2015	<ul style="list-style-type: none"> ▪ 173 villagers from Rolea B'ier District, Kampong Chhnang Province ▪ Six foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 170 villagers from Rolea B'ier District, Kompong Chhnang Province ▪ Two foreign observers
Tuesday 16/06/2015	<ul style="list-style-type: none"> ▪ Approximately 200 Villagers from Rolea B'ier District, Kampong Chhnang Province ▪ One foreign observer 	<ul style="list-style-type: none"> ▪ Approximately 120 Villagers from Rolea B'ier District, Kampong Chhnang ▪ One foreign observer
Wednesday 17/06/2015	<ul style="list-style-type: none"> ▪ 258 villagers from Samraong District, Takeo Province 	<ul style="list-style-type: none"> ▪ Approximately 100 villagers and eight monks from Samraong District, Takeo Province

B. Time Management

In three days of hearings this week, the Trial Chamber sought to effectively manage time allocations for all the Parties, in order to conclude the examination of two witnesses, Mr. Keo Leou and Mr. Yean Lun, and one Civil Party Ms. Kong Siek, and to commence the testimony of a new witness, Mr. Sem Hoern. Additional time was granted to the Khieu Samphan Defense during the examination of Witness Keo Leou and international Civil Party Co-Lead Lawyer Marie Guiraud for her examination of Civil Party Kong Siek. However, this did not impact the timely conclusion of the testimony scheduled for the week.

C. Courtroom Etiquette

During Defense Counsel Victor Koppe's examination of Witness Keo Leou on 15 June, the Witness became irritated with Counsel's seemingly repetitive questions regarding his military

unit. At one point, the Witness aggressively explained, “In Unit 4, K-4, there was no regiment, and as I told you [Mr. Koppe], I rose to Company.” On 16 June, Defense Counsel Anta Guissé began her examination of Witness Yean Lun near the end of the day’s hearings and she appeared rushed in her questioning. She interrupted the Witness multiple times in a somewhat rude manner, and the rapid questioning only appeared to confuse the Witness further. There were more than a few notable instances of comity in the courtroom this week, however. International deputy Co-Prosecutor William Smith interrupted Defense Counsel Koppe multiple times to suggest he clarify questions in a specific manner or read a name on a document in order to assist the Witness. Mr. Koppe responded gratefully, thanking him and stating, “The Prosecutor is actually quite helpful.”

D. Translation and Technical Issues

Errors in Khmer-to-English translation recurred during proceedings throughout this week. For example, on 15 June, during the examination of Witness Keo Leou, the interpreter did not properly translate the terms for the varied levels of military structure in Khmer, prompting miscommunication between Counsel Koppe and Witness Keo Leou. Regarding technical interruptions, there were several errors with microphones and audio devices this week, but proceedings generally ran smoothly without substantial problems.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 15/06/2015	9:00	10:13 – 10:31	11:21 – 13:30	14:50 – 15:10	16:01	4 hours and 14 minutes
Tuesday 16/06/2015	8:59	10:22 – 10:39	11:41 – 13:30	14:44 – 14:59	16:03	4 hours and 43 minutes
Wednesday 17/06/2015	9:00	10:11 – 10:30	11:41 – 13:31	14:41 – 14:57	16:01	4 hours and 36 minutes
Average number of hours in session				4 hours and 31 minute		
Total number of hours this week				13 hours and 33 minutes		
Total number of hours, day, weeks at trial				281 hours and 13 minutes		
75 TRIAL DAYS OVER 23 WEEKS						

*This report was authored by Lea Huber, Melanie Hyde, Hout Pheng Ly, Daniel Mattes, Lina Tay, Vichheka Thorng, Katherine Vessels, 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 See CASE 002/02 KRT TRIAL MONITOR, Issue 22, Hearings on Evidence Week 19 (9-12 June 2015), pp. 4-5.

² Mr. KEO Leou (2-TCW-932) was questioned in the following order: international deputy Co-Prosecutor William SMITH; international Civil Party Lead Co-Lawyer Marie GUIRAUD; national Civil Party lawyer CHET Vanly; Judge Jean-Marc LAVERGNE; 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.

³ Paragraph 389 of the Case 002 Closing Order alleges that workers were sent to Kampong Chhnang Airport Construction Site for “tempering or refashioning because of their perceived bad biographies or supposed links with traitorous networks.” See Office of the Co-Investigating Judges, CASE 002 CLOSING ORDER (15 September 2010), D427.

⁴ Mr. YEAN Lun (2-TCW-830) was questioned in the following order: President NIL Nonn; national deputy Co-Prosecutor SENG Leang; international assistant prosecutor Dale LYSAK; 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.

⁵ Most other witnesses have testified to one to two cubic meters per person per day.

⁶ CASE 002/02 KRT TRIAL MONITOR, Issue 21, Hearings on Evidence Week 18 (2-5 June 2015), pp. 2-4.

⁷ Mr. Yean Lun stated that the Vietnamese considered him a “senior leader” of the Khmer Rouge. He said that he was convicted “for the act of killing” and sentenced to ten years’ imprisonment in Kampong Thom, for which he served a reduced term due to good behavior.

⁸ Mr. Yean Lun also discussed the subversive activities he had undertaken to assist the villagers as much as he could, such as stealing rice for them because he saw they were hungry.

⁹ This led Khieu Samphan’s Defense Counsel, Anta Guissé, to repeatedly interrupt the Witness during her examination.

¹⁰ The Witness responded that it was a shame to mention such things and that he would have known if such things did happen. He also stated that whoever said that was “not a human being at all to mention such a thing,” and that those that did not know or respect the tradition and culture in Cambodia “should not live in this world.”

¹¹ Ms. KONG Siek (2-TCCP-261) was questioned in the following order: President NIL Nonn; national Civil Party lawyer TY Srinna; international assistant prosecutor Joseph Andrew BOYLE; Judge Claudia FENZ; international co-lawyer for Nuon Chea, Victor KOPPE.

¹² Ms. SEM Hoeurn (2-TCW-943) was questioned in the following order: President NIL Nonn; international Co-Prosecutor Nicholas KOUMJIAN.

¹³ Article 15 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**CAT**) reads: "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."