

**BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**CIVIL PARTY LEAD CO-LAWYERS' AMENDED CLOSING BRIEF IN CASE  
002/02**

**(PUBLIC REDACTED WITH CONFIDENTIAL ANNEXES)**

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**Filed by:**

**Civil Party Lead Co-Lawyers**

PICH Ang  
Marie GUIRAUD

**Co-Lawyers for Civil Parties**

CHET Vanly  
HONG Kim Suon  
KIM Mengkhy  
LOR Chunthy  
MOCH Sovannary  
SIN Soworn  
SAM Sokong

**Before:**

**Trial Chamber**

Judge NIL Nonn, President  
Judge YA Sokhan  
Judge Jean-Marc LAVERGNE  
Judge YOU Ottara  
Judge Claudia FENZ

**Distribution to:**

**Office of the Co-Prosecutors**

CHEA Leang  
Nicholas KOUMJIAN

VEN Pov  
TY Srinna  
Laure DESFORGES  
Ferdinand DJAMMEN NZEPA  
Isabelle DURAND  
Françoise GAUTRY  
Emmanuel JACOMY  
Martine JACQUIN  
Yiqiang Y. LIU  
Daniel LOSQ  
Christine MARTINEAU  
Lyma NGUYEN  
Mahesh RAI  
Nushin SARKARATI

**The Accused**

KHIEU Samphan  
NUON Chea

**Co-Lawyers for the Defence**

SON Arun  
Victor KOPPE  
KONG Sam Onn  
Anta GUISSÉ

**Co-Lawyers for Civil Parties**

Olivier BAHOUGNE

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**Annex A:** Consolidated Group of Civil Parties and Admissibility Information

**Annex B:** Civil Party Forums and Consultations in Case 002/02

**Annex C:** CPLCL Written Submissions in Case 002/02

**Amended Annex D:** Key Documents Presentations

**Amended Annex E:** Questions to the Accused

**Annex F:** Civil Parties and Relatives of Civil Parties Entering or Executed at S-21 Security Centre

**Amended Annex G:** Schedule of Civil Party Evidence Presented at Trial of Indirect Victims of Regulation of Marriage

## I. INTRODUCTION

1. The Civil Party Lead Co-Lawyers (“Lead Co-Lawyers”) hereby file their Closing Brief (“Closing Brief”) pursuant to the Trial Chamber’s directives of 16 December 2016<sup>1</sup> and 28 April 2017.<sup>2</sup> The Trial Chamber allocated 550 pages to the Lead Co-Lawyers for submissions on all issues, including reparations.<sup>3</sup> The Trial Chamber assigned Closing Briefs to be due on 2 May 2017 and the Final Claim for Reparation to be due on 30 May 2017.<sup>4</sup>
2. This Brief is divided into four parts. The first part seeks to provide an overview of civil party participation at the ECCC during the course of proceedings in Case 002/02. The second part of the Brief contains the applicable law applied throughout the brief. The third part recalls the guiding principles to be used when assessing Civil Party evidence. The fourth part presents Civil Party evidence in relation to crimes within the scope of Case 002/02, organised by trial segment.<sup>5</sup> This section further presents a non-exhaustive selection of harms suffered by civil parties related to each trial segment. The Lead Co-Lawyers note that the Final Claim for Reparation will present 17 proposed reparation projects that they will seek to be recognised as judicial reparation awards in order to provide benefits to the Civil Parties for the harm they suffered as a result of the crimes tried within the scope of Case 002/02.<sup>6</sup>

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<sup>1</sup> Trial Chamber Memorandum, Closing Briefs and Closing Statements in Case 002/02, **E449/1**, 16 December 2016.

<sup>2</sup> Trial Chamber Memorandum, Co-Prosecutor’s Request for extended deadline for Closing Briefs and delayed start of Closing Statements in Case 002/02, **E457/6**, 28 April 2017.

<sup>3</sup> Trial Chamber Memorandum, Closing Briefs and Closing Statements in Case 002/02, **E449/1**, 16 December 2016, para. 9.

<sup>4</sup> Trial Chamber Memorandum, Co-Prosecutor’s Request for extended deadline for Closing Briefs and delayed start of Closing Statements in Case 002/02, **E457/6**, 28 April 2017, para. 17.

<sup>5</sup> The Lead Co-Lawyers note that no civil parties testified in relation to Au Kanseng Security Centre, however documents were presented during the Key Documents Hearing for Security Centres. *See* Annex D: Key Documents Presentations.

<sup>6</sup> The Final Claim for Reparation will seek recognition of the following projects as judicial reparation awards in Case 002/02: App-Learning on Khmer Rouge History; Khmer Rouge History Education through Teacher and University Training and Workshops; The Turtle Project: Innovative Cross Media Project, promoting historical awareness and civil courage in Cambodia; Community Media Project: The Cham People and the Khmer Rouge; Phka Sla Kraom Angkar; Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge Regime; The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC; A Time to Remember: Songwriting Contest 2016, Involving youth in the creating of Cambodia’s Remembrance Song; Memory Sketches of Kraing Ta Chan;

### A. The Consolidated Group of Civil Parties

3. The Office of Co-Investigating Judges (OCIJ) admitted 2,117 civil parties on the basis that it was more likely than not that they suffered direct or indirect harm from the indicted crimes.<sup>7</sup> In relation to crimes within the scope of Case 002: 1308 civil parties were admitted on the basis of crimes alleged relating to the population movements; 232 civil parties were admitted on the basis crimes alleged at worksites and cooperatives; 284 civil parties were admitted on the basis crimes alleged at security centres and execution sites; 115 civil parties were admitted on the basis of crimes alleged committed during the purges; 87 civil parties were admitted on the basis of crimes alleged relating to the treatment of the Buddhist; 46 civil parties were admitted on the basis of crimes alleged relating to the treatment of the Cham; 67 civil parties were admitted on the basis of crimes alleged relating to the treatment of the Vietnamese; and 663 civil parties were admitted on the basis of crimes alleged in relation to the regulation of marriage.<sup>8</sup>
4. The Pre-Trial Chamber (PTC) admitted another 1,752 civil parties upon appeals against the Admissibility Decisions.<sup>9</sup> The PTC admitted: 3 civil parties on the basis of harms suffered in relation to deportation; 27 civil parties in relation to enforced disappearances; 1127 civil parties in relation to enslavement; 27 in relation to enforced disappearances; 116 in relation to the regulation of marriage; 3 in relation to internal purges; 12 in relation to security centres, 7 in relation to cooperatives and

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Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Center related to the ECCC (LDC); Healing and Reconciliation for Survivors of the Khmer Rouge Regime; Improving Health and Mental Wellbeing and Reducing the Risk of Poverty and Social Exclusion of Some Civil Parties and other Vulnerable Older People in Cambodia; Public Education Forums & Permanent Exhibitions on the History of Democratic Kampuchea; Cambodia's Indigenous People and Pol Pot; Access & Dissemination of DC-Cam documents related to the Civil Parties and the broader community of Victims; Publication and Distribution to Civil Parties of the Case 002/02 Trial Judgement in Full and Summary Form; Phnom Sampeou Community Peace Learning Center and Treatment of Buddhists during the Khmer Rouge Regime. The International Lead Co-Lawyer supports the inclusion of Legal and Civil Education for Minority Civil Parties as a proposed judicial reparation award.

<sup>7</sup> See, Annex A.1: Consolidated Group of Civil Parties and Admissibility Information. The OCIJ and PTC used different admissibility grounds. Civil Parties were usually admitted for more than just one ground. For this reason, the numbers listed above do not correspond to the total of admitted civil parties.

<sup>8</sup> See, Annex A.1: Consolidated Group of Civil Parties and Admissibility Information.

<sup>9</sup> See, Annex A.1: Consolidated Group of Civil Parties and Admissibility Information.

- worksites; 101 in relation to the treatment of Buddhist; 95 in relation to the treatment of the Cham; and 15 in relation to the treatment of the Vietnamese.<sup>10</sup>
5. The 3,867 civil parties whose applications were declared admissible by the OCIJ or the PTC at the end of the investigation in Case 002 did not participate individually at the trial stage, but as part of a consolidated group. The Lead Co-Lawyers represent the interests of the consolidated group of civil parties with the support of the Civil Party Lawyers.<sup>11</sup>
  6. The consolidated group is composed primarily of civil parties from Phnom Penh and its neighbouring provinces. An estimated 2,195 civil parties reside in the eight provinces in and around Phnom Penh<sup>12</sup> and approximately 1,093 reside in the other twelve provinces that do not, with the highest concentrations in Kampong Thom (212) and Pursat (268).<sup>13</sup>
  7. The number of civil parties comprising the consolidated group has evolved during the course of Case 002.<sup>14</sup> Since the commencement of proceedings, 181 civil parties have died.<sup>15</sup> Thirty-four claims of deceased civil parties have been carried on by surviving relatives through the filing of a successor claim.<sup>16</sup>
  8. As for their status during the Khmer rouge, of the sample of the 64 civil parties who testified before the Chamber during hearings over the course of Case 002/02, ten were under the age of 16 during the Democratic Kampuchea regime. The sample comprises

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<sup>10</sup> See, Annex A.1: Consolidated Group of Civil Parties and Admissibility Information.

<sup>11</sup> Internal Rule 12ter (Rev. 9).

<sup>12</sup> Phnom Penh (132), Kandal (337), Prey Veng (200), Kampong Chhnang (143), Kampong Cham (477), Kampot (518), Takeo (81), Kampong Speu (307). The numbers are approximations and reflect the addresses at the time of the taking of the civil party application.

<sup>13</sup> Ratanakiri (33), Mondulakiri (58), Kratie (101), Kampong Thom (212), Preah Vihear (60), Oddar Meanchey (17), Banteay Meanchey (129), Battambang (63), Pailin (14), Pursat (268), Koh Kong (63), Kampong Som (75). The numbers are approximations and reflect the addresses at the time of the taking of the civil party application.

<sup>14</sup> The limited scope of the trial does not affect civil party participation or the composition of the consolidated group of civil parties. Internal Rule 89 *quarter* (4) (Rev. 9).

<sup>15</sup> This information has been gathered from the Civil Party Lawyers or through the Section itself. The Lead Co-Lawyers note that most relatives of the deceased civil parties have not provided death certificates.

<sup>16</sup> See, Annex A.2: List of Deceased Civil Parties with Successor Claims in Case 002/02.

both civil parties who were considered New People and Base People and 16 were former Khmer Rouge. One civil party was a returnee from France.<sup>17</sup>

## **B. Civil Party Action in Case 002/02**

9. Internal Rule 23(1) provides that the purpose of a civil party action is twofold: first, to participate in criminal proceedings against those alleged to be responsible for crimes within the jurisdiction of the ECCC by supporting the prosecution; and second, to seek collective and moral reparations as provided for by Internal Rule 23 *quinquies*.

### **(1) Participation in criminal proceedings**

#### **a.) Guiding principles**

##### **i.) Supporting the prosecution while remaining autonomous**

10. As a “Party” to the proceedings of the ECCC, the Civil Parties are on equal footing with the Co-Prosecutors and the Accused, and they enjoy a broad range of procedural rights. The role of the Civil Parties is unique – whereas the Internal Rules provide that the Office of the Co-Prosecutors is to exercise public action in the “prosecution of crimes within the jurisdiction of the ECCC,”<sup>18</sup> the Civil parties role is to “participate in criminal proceedings [...] by supporting the prosecution” and to seek collective and moral reparations for the benefit of civil parties for harms suffered as a result of the crimes subject to trial.<sup>19</sup>

11. The Civil Party Lead Co-Lawyers have consistently underscored that “supporting the prosecution” must be understood to support the act of prosecuting the public criminal action, rather than supporting the Office of the Co-Prosecutors as such.<sup>20</sup> As the Lead Co-Lawyers have submitted previously, they “are charged with the *specific* mandate to ‘represent the interests of the consolidated group of Civil Parties,’ in contrast to the

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<sup>17</sup> See, Annex A: Consolidated Group of Civil Parties and Admissibility Information.

<sup>18</sup> Internal Rule 49 (Rev. 9).

<sup>19</sup> Internal Rule 23 (Rev. 9).

<sup>20</sup> See, e.g., Civil Party Lead Co-Lawyers’ Urgent Request to Make Opening Remarks on Behalf of the Consolidated Group of Civil Parties, E316/1, 8 October 2014, para. 18.

- Co-Prosecutors, who are charged to represent the ‘*general*’ interests of society’ – a group within which victims are understood to be included, among others.”<sup>21</sup>
12. The Supreme Court Chamber confirmed that civil parties are vested with a “distinct array of procedural rights” that are tailored to their specific functions and responsibilities in the proceedings of the ECCC.<sup>22</sup>
13. During the course of Case 002/02, the interests of the Civil Parties and the strategy of the Office of the Co-Prosecutors, have not always been in line. Notably, the Lead Co-Lawyers took divergent views on torture-tainted evidence, disclosure from Cases 003 and 004, and whether the rape outside of the context of forced marriage was within the scope of Case 002/02.
14. In asserting the unique interests of the Civil Parties, the Lead Co-Lawyers re-ignited the litigation concerning the status of the remaining charges in Case 002, that is, those charges that have not been addressed by Case 002/01 or Case 002/02, on the basis that civil parties have a right to be informed of the proceedings to which they are a party.

## ii.) Respecting fair trial rights

15. The Lead Co-Lawyers have recognised the importance of a fair trial to the interests of the Civil Parties, and have consistently deferred to the wisdom of the Trial Chamber, or supported the Defence team(s) where fundamental fair trial rights have been concerned.<sup>23</sup>

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<sup>21</sup> Civil Party Lead Co-lawyers’ Urgent Request to Make Opening Remarks on Behalf of the Consolidated Group of Civil Parties, **E316/1**, 8 October 2014, para. 19.

<sup>22</sup> Decision on Civil Party Lead Co-Lawyers’ Request Relating to the Appeals in Case 002/01, **F10/2**, 26 December 2014, para. 11.

<sup>23</sup> See, for example, T., 17 October 2014, **E1/242.1** [Corrected 1], p. 88 line 20 – p. 90 line 3 (“Thank You Mr. President. On a subject that is equally important I believe it is worthwhile. Well, rather, I regret the absence of my colleagues on the Defence side so that they could have heard the position of the Civil Parties. It is always and continues to be in the interest of the Civil Parties for the defence rights to be respected. There is absolutely no interest for us in that we will not have any interest in this trial to see the rights of the Defence not respected.”); T., 28 October 2014, **E1/244.1**, p. 46 line 19 – p. 48 line 13 (“I would like to make some brief remarks in support of the Co-Prosecutor’s application to have amicus curiae assigned by the Chamber to assist Mr. Nuon Chea and Mr. Khieu Samphan in Case 002/02. Yesterday we filed an application in support of that motion and I would like to say a few words in that regard. For introductory purposes, I would like to say, and I have already said before, that we endorse the fundamental rights of the Accused to actively participate in their

**b.) Modalities of participation**

16. The Supreme Court Chamber acknowledged “the full range of participation rights available to civil parties under the 2007 [Cambodian] Code of Criminal Procedure and the Internal Rule Rules in the pre-trial, trial, and appeal phases of a case.”<sup>24</sup>

**i.) Attendance at court proceedings**

17. The right to participate in criminal proceedings entails the right to attend hearings. The Internal Rules charge the VSS with securing the attendance of civil parties to court proceedings, resulting in approximately 10 civil parties attending court hearings each day – with an estimated 1,635 civil parties attending.<sup>25</sup>

**ii.) Information and consultation forums**

18. The right to participate in criminal proceedings entails the right of civil parties to be duly informed and consulted. The Lead Co-Lawyers have undertaken to ensure that this right is accorded to all civil parties comprising the consolidated group. The Lead Co-Lawyers have, of their own initiative, devoted significant resources to fundraising in order to organise consultations to achieve that objective. The Lead Co-Lawyers co-organised with the Victim Support Section six Reparations Consultations & Information Forums on Case 002 Proceedings, in which 609 civil parties participated – these Forums took place in Mondulhiri, Phnom Penh, Beantey Meanchey, and Kampong Cham. The Lead Co-Lawyers, in collaboration with *Justice pour le Cambodge*, organised an additional three Information and Consultation Sessions in Phnom Penh, enabling another 142 civil parties to share their views. The Victims Support Section, throughout the duration of Case 002/02, organised 9 Civil Party

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defence [...] And for us, the Civil Parties, it is of the utmost interest to make sure that these Accused are represented by their lawyers in order that their interests are fully respected and their fundamental rights are adhered to.”); T., 17 February 2015, **E1/264.1** [Corrected 2], p. 52 lines 2-4 (“And once again, we understand the concerns of the defence counsels because we are exactly in the same situation.”).

<sup>24</sup> Decision on Civil Party Lead Co-Lawyers’ Request Relating to the Appeals in Case 002/01, **F10/2**, 26 December 2014, para. 11.

<sup>25</sup> This number was provided by the VSS. Some civil parties may have attended proceedings more than once. The Lead Co-Lawyers further note that approximately 400 civil parties were not able to attend proceedings or forums owing to their age or health.

Forums, in which the Lead Co-Lawyers and Civil Party Lawyers participated, reaching 1,265 civil parties.<sup>26</sup>

19. The Lead Co-Lawyers and the Civil Party Lawyers have also informed and consulted with the civil parties who have attended court proceedings.

**iii.) Tendering of evidence**

***Written evidence***

20. Pursuant to the Internal Rules and the jurisprudence of the ECCC, the Trial Chamber bases its findings on the evidence put before it that is subjected to adversarial debate<sup>27</sup> and put before the Chamber.<sup>28</sup> To this end, the Lead Co-Lawyers tendered its list of documents put forward at the start of trial in Case 002/02.<sup>29</sup> Since the Trial Chamber may also rely on new evidence put before it by the parties,<sup>30</sup> the Lead Co-Lawyers submitted six written requests pursuant to Internal Rule 87(4) during trial in Case 002/02 related to civil parties selected to testify.<sup>31</sup>

21. In relation to documentary evidence, issues arising from inaccuracies in civil party applications were known and discussed in court.<sup>32</sup> Taking stock of such issues early

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<sup>26</sup> See, Annex B: Civil Party Forums and Consultations in Case 002/02.

<sup>27</sup> Internal Rule 87(2) (Rev. 9) states, “[a]ny decision of the Chamber shall be based only on evidence that has been put before the Chamber and subjected to examination.”

<sup>28</sup> Internal Rule 87(3) (Rev. 9) states that “[t]he Chamber bases its decision on evidence from the case file provided it has been put before it by a party or if the Chamber itself has put it before the parties.”

<sup>29</sup> Civil Party Lead Co-Lawyers’ Updated Rule 80 Lists of Documents & Exhibits for Case 002/02 with Confidential Annex V, E305/14, 13 June 2014. See further, Civil Party Lead Co-Lawyers’ Rule 87(4) Request to Admit into Evidence Oral Testimony and Documents and Exhibits Related to Witnesses, Experts and Civil Parties Proposed to Testify in Case 002/02, E307/6, 29 July 2014.

<sup>30</sup> Internal Rule 87(4) (Rev. 9) states that “[d]uring the trial, either on its own initiative or at the request of a party, the Chamber may summon or hear any person as a witness or admit any new evidence which it deems conducive to ascertaining the truth. Any party making such request shall do so by a reasoned submission. The Chamber will determine the merit of any such request in accordance with the criteria set out in Rule 87(3) above. The requesting party must also satisfy the Chamber that the requested testimony or evidence was not available before the opening of the trial.”

<sup>31</sup> See, Annex C: CPLCL Written Submissions in Case 002/02.

<sup>32</sup> During the first hearing on harm and suffering, the Lead Co-Lawyers clarified, “[o]n our side we are going to have to shed light on the way the information was gathered and what we intend to file before the Chamber as documents, but I would like this debate to happen at another time. It is <cutting into the debate on the impact of the crimes taking place> right now. What matters today is <> the oral testimony of the civil parties, <so, I rely on the wisdom of the Chamber in this regard>. <Again, I freely admit to those on the Defence side>, that we, <the> Co-Lead Lawyers, will have to clarify the situation since the errors <seem> quite obvious and repetitive in the VIF’s as well as in the <supplementary> information that was filed. We are just as all other Parties, <ultimately,> we <too are> discovering these discrepancies and the extent of this problem. But I first would like

in the proceedings, the Lead Co-Lawyers adopted a methodology to ensure that the information presented in court from civil party applications was accurate to the extent that it was verified with the civil parties themselves.<sup>33</sup> This methodology was explained in court and to the public during the presentation of Key Documents for the Third,<sup>34</sup> Fourth,<sup>35</sup> and Fifth Segments.<sup>36</sup> During the course of the key document hearings, the Lead Co-Lawyers presented 100 civil party documents as identified in Annex D relating to Key Documents Presentations.<sup>37</sup>

### *Oral evidence*

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the civil parties to be heard orally <in regards to what they have experienced>, and that we don't spend <an inordinate amount of time> on these issues which, of course, are important but that today are <> contaminating the <debate of the Chamber>.”, T., **E1/288.1** [Corrected 1], p. 15 line 19 – p. 16 line 12. *See also*, the Khieu Samphan Defence comment on 7 September 2015, “[a]s regards documents presented by the Civil Parties, I will refer you to my introductory remarks, as <they are essentially> written statements <from civil party applications>, with all the difficulties I <referred> to this morning, we have to take them with a pinch of salt as regards to probative value to be given to those documents.”, T. 7 September 2015, **E1/342.1** [Corrected 1], p. 26 line 19-24. *And*, Khieu Samphan Defence comment, “I am not <in any sense attempting to challenge> the good faith of the civil party Lead Co-Lawyers, but <I am aware> that sometimes information provided by the civil party lawyers as additional information has turned out to be inaccurate when we confronted the civil parties during the proceedings. Consequently, whatever <verifications may emerge from a lawyer-client relationship does not allow us to write off a testimony or confront civil parties with any pieces of evidence that may be – may be presented as evidence by these civil parties when parties and judges conduct a cross examination.> That is something I wanted to clarify from the outset.”, T., 26 February 2016, **E1/392.1** [Corrected 1], p. 24 lines 7-18. *And also*, Khieu Samphan Defence comment on 8 September 2016, “I note, as we have done in the past, that the Civil Party Co-Lawyers reassured us that they had <regarding the statements made by civil parties that they wished to present, that they already> cross-checked these documents. <As usual I will remind you that though I do not doubt the good faith of the Civil Parties, the cross-checks they performed have nothing to do with an examination during the hearings, carried out by the defence teams, who certainly have a different angle than that of the Civil Parties. That said – this is in general, regarding all of the written statements that were presented – that said, I will begin responding, and this will be the essential part of my intervention, to the documents> presented by the Prosecution.”, T., 8 September 2016, **E1/471.1**, p. 4 line 21- p. 5 line 7.

<sup>33</sup> In explaining their methodology, the Lead Co-Lawyers stated, “I wanted to point out that the contents of all the documents that we <> presented <> yesterday and today, the contents of all the civil party applications and <supplements to the> civil <party applications were> cross-checked ahead of this hearing. Such cross-checking was <either> done by the lawyers who <met with their clients to> cross-check the contents of the information <or> by members of our <section> who also cross-checked the contents of the information provided with <those> civil parties who, of course, were still alive.”, T., 24 February 2016, **E1/391.1** [Corrected 1], p. 20 lines 1-9. The Lead Co-Lawyer further explained, “I would like to draw the attention of the parties <and> the Chamber to the fact that all of the information we are presenting today and all of the information contained in civil party applications have been verified by our section directly with the civil parties themselves except, obviously, those who are already deceased.”, T., 12 August 2016, **E1/456.1**, p. 100 lines 16-21.

<sup>34</sup> T., 24 February 2016, **E1/391.1** [Corrected 1], p. 20 lines 1-9.

<sup>35</sup> T., 12 August 2016, **E1/456.1**, p. 100 lines 16-21.

<sup>36</sup> T., 6 September 2016, **E1/470.1**, p. 101 lines 16-19.

<sup>37</sup> *See*, Annex D: Key Documents Presentations.

22. The Lead Co-Lawyers proposed an extensive list of civil parties to testify on the facts relevant to the alleged crimes within the scope of the trial in Case 002/02.<sup>38</sup> The criteria for selection of these civil parties depended on their availability, health, range of facts that could be relevant for the criminal allegations before the Trial Chamber, and willingness to testify.
23. Additionally and significantly, the Lead Co-Lawyers, at the end of each trial segment, as per the directions from the Trial Chamber,<sup>39</sup> filed a list of civil parties who testified on the impact of crimes central to a particular segment.<sup>40</sup> The Lead Co-Lawyers were given the liberty to structure the impact hearings and “to determine how the allocated time will be designated.”<sup>41</sup> The Lead Co-Lawyers ensured that the Defence and the Trial Chamber had sufficient time to examine the civil parties on the facts emerging from their testimony on harm.<sup>42</sup> The parties had the opportunity to file their responses

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<sup>38</sup> Civil Party Lead Co-Lawyers’ Rule 80 Witness, Expert and Civil Party Lists for Case 002/02 with Confidential Annexes, **E305/7**, 16 May 2014 (proposing 69 civil parties). The Lead Co-Lawyers made further proposals during the course of trial, proposing one civil party on fact and 26 civil parties to testify during hearings on harm throughout the trial.

<sup>39</sup> Trial Chamber Memorandum, Information on (1) Key Document Presentation Hearings in Case 002/02 and (2) Hearings on Harm Suffered by the Civil Parties in Case 002/02, **E315/1**, 17 December 2014, paras 7-9.

<sup>40</sup> Lead Co-Lawyers’ List of the Civil Parties to Testify During the Hearings on Harm Suffered by the Civil Parties (With Confidential Annex), **E315/1/1**, 25 March 2015; Lead Co-Lawyers’ List of the Civil Parties to Testify During the Hearings on Suffering Relevant to the Second Segment (With Confidential Annex), **E315/1/3**, 7 August 2015; Lead Co-Lawyers’ Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Third Segment) and Request Pursuant to Rule 87(4) (With Confidential Annexes), **E315/1/4**, 10 February 2016; Lead Co-Lawyers’ Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Fourth Segment), **E315/1/6**, 1 August 2016; Lead Co-Lawyers’ Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Fifth Segment), **E315/1/7**, 10 October 2016.

<sup>41</sup> Trial Chamber Memorandum, Information on (1) Key Document Presentation Hearings in Case 002/02 and (2) Hearings on Harm Suffered by the Civil Parties in Case 002/02, **E315/1**, 17 December 2014, para. 9.

<sup>42</sup> See, Proposed Schedule for the Hearings on Harm Suffered by the Civil Parties, **E315/1/1.1**, 25 March 2015, ERN (EN) 01079207; where 25 minutes were reserved per Civil Party to be used at the Chamber’s discretion (the Lead Co-Lawyers were allotted 40 minutes for examination). This design was altered after the challenges faced during the impact hearings on the First Segment whereby certain Civil Parties could not avail adequate time to express their suffering on account of extra time used during the examination of certain Civil Parties by the Defence. See, for example, Civil Party LOEP Neang was only able to express her suffering for 18 minutes as opposed to the 40 minutes initially planned (T., 3 April 2015, **E1/288.1** [Corrected 1], p. 92 line 12 – p. 99 line 7). Following this, the Lead Co-Lawyers adopted a more expansive time frame to allow for the civil parties to “conclude their testimony on harm completely within the time allotted to them” and to ensure that “this is not compromised by potential objections by the parties.” Lead Co-Lawyers’ List of the Civil Parties to Testify During the Hearings on Suffering Relevant to the Second Segment (With Confidential Annex), **E315/1/3**, 7 August 2015, para. 8. See further, Annex 1: Proposed Schedule for the Hearings on Harm Suffered by the Civil Parties: Second Segment Updated 28 August 2015, **E315/1/3.3**, 28 August 2015, ERN (EN) 01134680;

and/or objections to each of these submissions, as well as to the structure of the hearings.<sup>43</sup>

24. In total, 64 civil parties testified before the Chamber during hearings over the course of Case 002/02, providing evidence on both facts relevant to the scope of Case 002/02 and the harm they suffered.<sup>44</sup>

**iv.) Written submissions**

25. The Lead Co-Lawyers have further represented the interests of the consolidated group of civil parties in their filing of over 50 written submissions to the Chamber on their behalf.<sup>45</sup> These submissions have been on key topics arising during the course of Case 002/02, and have sought to promote the fair and effective conduct of proceedings pursuant to Internal Rule 12 *ter* (2). The Lead Co-Lawyers took the approach to not oppose requests for additional witnesses or new evidence, with the only rare exceptions arising from the use of torture-tainted evidence or otherwise counter to the Internal Rules.<sup>46</sup>

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whereby the structure of the hearings allowed for 60 minutes of impact hearings and 75 minutes for examination by other parties and the Trial Chamber.

*See also*, Lead Co-Lawyers' Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Third Segment) and Request Pursuant to Rule 87(4) (With Confidential Annexes), E315/1/4, 10 February 2016, which allowed for a similar structure. Lead Co-Lawyers' Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Fourth Segment), E315/1/6, 1 August 2016, para. 7 allowed for 30-50 minutes of impact testimony and 45-65 minutes for examination by other parties and the Trial Chamber depending on the range of the criminal allegations. Lead Co-Lawyers' Submission of the List of Civil Parties to Testify During the Hearings on Harm Suffered (Fifth Segment), E315/1/7, 10 October 2016 that allowed for 30 minutes for impact testimony and 50 minutes for examination by other parties and the Trial Chamber.

<sup>43</sup> *See, e.g.*, Khieu Samphan Defence's objection to the list of Civil Parties filed for the impact hearing in the Fifth Segment – *Réponse de la Défense de M. KHIEU Samphân à la demande des Parties civiles concernant l'audience dédiée aux souffrances en lien avec les mariages*, E315/1/8, 12 October 2016.

<sup>44</sup> The limited scope of the trial does not affect civil party participation or the composition of the consolidated group of civil parties. Internal Rule 89 *quarter* (4) (Rev. 9).

<sup>45</sup> *See*, Annex C: CPLCL Written Submissions in Case 002/02.

<sup>46</sup> *See*, Civil Party Lead Co-Lawyers' Response to NUON Chea Defence's Consolidated Rule 87(4) Request to Hear Additional Witnesses on the Tram Kok Cooperatives and Kraing Ta Chan Security Centre, E346/1, 10 April 2015, para. 23; Civil Party Lead Co-Lawyers' Rule 87(4) Requests regarding Civil Party D22/2500 with Confidential Annex A, E344, 15 March 2016. *See the following related to request for admission of tortured-tainted evidence*: Civil Party Lead Co-Lawyers' Response to Nuon Chea's Rule 87(4) Request for Admission into Evidence Documents by Robert Lemkin (2-TCW-877) and Another Related Document Prior to the Testimony of Witness Toat Thoeun (2-TCW-829)(E416), E416/2, 4 July 2016, paras 9, 13, 14; Civil Party Lead Co-Lawyers' Submission Relating to the Admissibility and Permissible Uses of Evidence Obtained Through Torture, E350/3, 21 May 2015.

26. On procedural matters related to testifying civil parties, the Lead Co-Lawyers have filed several written submissions concerning the conduct and scope of their examinations,<sup>47</sup> and have filed new evidence requests for documents related to their testimony.<sup>48</sup>
27. With respect to preserving the integrity of these proceedings, the Lead Co-Lawyers filed submissions requesting that the Trial Chamber confirm its established approach relating to torture-tainted evidence: namely, that evidence obtained through torture is inadmissible, except as against a person accused of torture as evidence that the statement was made; that parties may not base questions on torture-tainted evidence that imply or seek to confirm that its contents may be true; and, that the only permissible uses are with respect to annotations or markings on torture-tainted evidence that were made by interrogators or other members of the DK regime.<sup>49</sup> The Lead Co-Lawyers further sought to protect the Trial Chamber and Supreme Court's ruling when they considered that new evidence would be in contravention of Article 15 of the Convention against Torture.<sup>50</sup>
28. The Lead Co-Lawyers also filed substantive responses where it was appropriate to do so. For example, while the Lead Co-Lawyers in principle did not oppose requests for additional exculpatory evidence presented by defence teams, in relation to a new evidence requests with respect to security centres and internal purges, the Lead Co-Lawyers responded requesting additional clarification as to how the request related to

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<sup>47</sup> See, for example, Civil Party Lead Co-Lawyer's Response to the Khieu Samphan Defense's Motion of 23 April 2015 (E348), E348/2, 1 May 2015; Civil Party Lead Co-Lawyers' Response to the Joint Request by the Defence Teams on Certain Trial Practices Concerning Witnesses and Experts, E355/2, 10 August 2015.

<sup>48</sup> See, for example, Civil Party Lead Co-Lawyers' Rule 87(4) Request Regarding Contemporaneous Diary of 2-TCCP-296, E323, 3 November 2014; Lead Co-Lawyers' Rule 87(4) Request Regarding 2-TCCP-243, E400, 11 April 2016; Civil Party Lead Co-Lawyers' Rule 87(4) Request Regarding Exhibit for Use during Examination of 2-TCCP-296, E332, 25 December 2014; Civil Party Lead Co-Lawyers' Rule 87(4) Request to Admit Into Evidence Oral Testimony and Documents and Exhibits Related to Witnesses, Experts and Civil Parties Proposed to Testify in Case 002/02, E307/6, 29 July 2014.

<sup>49</sup> Civil Party Lead Co-Lawyers' Submission Relating to the Admissibility and Permissible Uses of Evidence Obtained Through Torture, E350/3, 21 May 2015.

<sup>50</sup> See, for example, Lead Co-Lawyers' Response to Nuon Chea's Rule 92 Motion to Use Certain S-21 Statements, E399/1, 2 May 2016; Civil Party Lead Co-Lawyers' Response to Nuon Chea's Rule 87(4) Request for Admission into Evidence Documents by Robert Lemkin (2-TCW-877) and Another Related Document Prior to the Testimony of Witness Toat Thoeun (2-TCW-829)(E416), E416/2, 4 July 2016, paras 13-14.

the Closing Order and/or evidence already before the Chamber.<sup>51</sup> With respect to NUON Chea's submission on the relevance of evidence said to relate to a treasonous rebellion, the Lead Co-Lawyers were compelled to respond, as the submission did not fulfil the requirements of the Internal Rules and was based on a fundamental misunderstanding of the ECCC framework and of the civil law system.<sup>52</sup> However, concerning the summoning of 2-TCW-831, a witness that the NUON Chea defence team had sought to be expedited, the Lead Co-Lawyers deferred to the wisdom of the Chamber and noted that some Civil Party Lawyers and civil parties acknowledge that 2-TCW-831 could provide information that could further the ascertainment of the truth, which is in the interest of the civil parties.<sup>53</sup>

29. During the course of proceedings, the Lead Co-Lawyers sought confirmation of the scope of the charge of rape outside the context of forced marriage with respect to factual allegations at Tram Kok Cooperatives, S-21, and Kraing Ta Chan Security Centre.<sup>54</sup> The Lead Co-Lawyers requested that the Trial Chamber confirm that it is formally seized by the Closing Order of the factual allegations of rape at the abovementioned sites.<sup>55</sup> The Trial Chamber rejected the request.<sup>56</sup> The Lead Co-Lawyers appealed the Trial Chamber's decision, arguing that the Trial Chamber had misconstrued the request for confirmation as a request legal re-characterisation, and that a proper reading of the Closing Order is based on the factual allegations that it

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<sup>51</sup> Lead Co-Lawyers' Response to NUON Chea's First Rule 87(4) and Rule 93 Request Re Case 002/02 Trial Segment on S-21 Security Centre and Internal Purges, **E391/1**, 4 April 2016.

<sup>52</sup> Lead Co-Lawyers' Response to NUON Chea's Submission on the Relevance of Treasonous Rebellion to his Individual Criminal Responsibility in Case 002/02, **E395/5**, 20 June 2016.

<sup>53</sup> Lead Co-Lawyers' Consolidated Response to NUON Chea's Second and Third Request Re Security Centres and Internal Purges, **E392/1**, 21 April 2016, paras 23-24.

<sup>54</sup> Lead Co-Lawyers' Rule 92 Submission on the Confirmation of Scope of Case 002/02 Concerning the Charges of Rape Outside the Context of Forced Marriage, **E306/7**, 18 March 2016. *See also*, Lead Co-Lawyers' Reply to KHIEU Samphan Defence's Response to Request for Clarification on Rape Outside Forced Marriage, **E306/7/2**, 4 May 2016.

<sup>55</sup> Lead Co-Lawyers' Rule 92 Submission on the Confirmation of Scope of Case 002/02 Concerning the Charges of Rape Outside the Context of Forced Marriage, **E306/7**, 18 March 2016, para. 28.

<sup>56</sup> Decision on Lead Co-Lawyers' Rule 92 Submission on the Confirmation of the Scope of Case 002/02 Concerning the Charges of Rape Outside the Context of Forced Marriage, **E306/7/3**, 30 August 2016. *And also*, Decision on Civil Parties' Immediate Appeal Against the Trial Chamber's Decision on the Scope of Case 002/02 in relation to the Charges of Rape, **E306/7/3/1/4**, 12 January 2017.

- contains and not the legal characterisation proposed by the Office of Co-Investigating Judges.<sup>57</sup>
30. In order to provide civil parties with information relating to the remaining charges in Case 002/02, the Lead Co-Lawyers filed their submissions relating to the status of the remaining charges in Case 002/02. As proceedings were drawing to a close in Case 002/02, the Lead Co-Lawyers noted that there had been no clarification as to the status of factual allegations that had been excluded from the scope of Case 002/02. In order to serve their affirmative obligation to inform civil parties as to the status of proceedings, particularly those who are directly affected by the status of the remaining charges, the Lead Co-Lawyers requested additional clarification or information relating to the remaining charges in Case 002, such that they could fulfill their obligations under the Internal Rules.<sup>58</sup>
31. The Lead Co-Lawyers also filed a new evidence request for a recently published document, “The Mental Health Outcomes Resulting from Crimes Committed by the Khmer Rouge Regime Before the Extraordinary Chambers in the Courts of Cambodia in Case 002/02.”<sup>59</sup> The document, authored by the Human Rights in Trauma Mental Health Laboratory at Stanford University, reviewed the psychiatric, psychological, and medical literature analyzing the impact of serious crimes and mass atrocity on victims, particularly the psycho-social impact of trauma experienced by survivors of the Khmer Rouge regime.<sup>60</sup> The Lead Co-Lawyers consider this evidence to be useful in acknowledging the mental harm suffered by civil parties and in recognising the appropriateness of the reparation projects that will be presented in the Final Claim for Reparation.

**v.) Statements on harm**

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<sup>57</sup> Civil Party Lead Co-Lawyers’ Immediate Appeal against Trial Chamber Decision on Request for Confirmation of Scope of the Charges of Rape Outside the Context of Forced Marriage, **E306/7/3/1/1**, 28 September 2016.

<sup>58</sup> Civil Party Lead Co-Lawyers’ Request for Clarification Relating to Remaining Charges in Case 002, **E439**, 9 September 2016.

<sup>59</sup> Civil Party Lead Co-Lawyers’ Rule 87(4) Request to Admit a Document into Evidence, **E285/2**, 14 December 2016.

<sup>60</sup> The Mental Health Outcomes Related to Crimes Before the Extraordinary Chambers in the Courts of Cambodia in Case 002/2, **E3/10790**.

32. Each testifying civil party selected by the Trial Chamber to testify on fact was provided with the opportunity to make a statement of suffering at the end of their testimony and twenty-six civil parties testified about the harm they suffered as a result of the crimes alleged during the five impact hearings. These statements highlighted the mental, physical, and material harms suffered by the civil parties, and the nature of the harms differed depending on the crime(s) they experienced.<sup>61</sup>

**vi.) Questions to the Accused**

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<sup>61</sup> For example, Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 19 line 18 – p. 20 line 4 (“While I was in the mobile unit, I overworked. I never had enough sleep and the food was never sufficient. Nothing could describe such a horrible situation. Sometimes we were so hungry and we spoke to one another. As long as I could be given just a plate full of rice and a cooked chicken, I would change it for my life as my last meal. Some other would say just a bowl of <noodle and a glass of icy water> would be sufficient for them to feel satisfied and they could rest in peace. You can imagine how terrible the situation was. <When we were too hungry, and we would exchange our life with one last meal.> We could feel that just give us a good last meal and we would feel satisfied.”); Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 90 line 18 – p. 20 line 7 (“I have been keeping, thinking about this and it keeps going in circle and I try <to make> myself <> busy and not to think about that but still my mind is occupied constantly with what happened. Every day my tear flows and sometimes I was observed by my son when I was weeping quietly in my room. And I urge, I urge them to tell the truth and not just to give lies or pretext to lies. We are all born and of course we will die and if you loved the nation, love the people, please allow the Cambodian younger generation to understand the truth, to understand the history of what happened and I beg you to tell the truth.”); Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 81 line 25 – p. 82 line 17 (“The injury which was inflicted upon me was that I used to live in a happy life with my family. When the regime came into power, we lost everything. We lost what we had in the previous time. I lost my house, belongings and property; I lost my parents, siblings. I live alone. I lost everything as I said. I underwent sufferings. I am so lonely, and for those who are so lonely as me, they understand my situation. [...] I am so terrified. I have PTSD and trauma.”); Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 20 line 21 – p.21 line 2 (“Regarding the misery which impacted until today, it was the education, the education that I have had never enjoyed in my life and also the properties that I should have inherited from my parents. Education is the most important property for every human being. For me, I <did not receive any form of> education, so it had a great impact on me until today.”); Oral Testimony of Civil Party CHHUN Samorn, T., 29 June 2016, **E1/446.1**, p. 12 lines 7-20 (“I joined the Revolutionary Army of Kampuchea in May '75. I had complete confidence in the upper Angkar to lift the country <up>. I sacrificed myself for my nation, my country and for Cambodian people. I respected the plans of the Party and I implemented and adhered to all disciplines. I, myself, was engaged in the fighting against the enemy <day and night>. Sometimes I went without food for two to three days and sometimes there was no water to drink. The situation was so miserable. However, as a result, myself and many East Zone soldiers were accused by Angkar of betraying the Party. We were arrested and sent for execution. I was in great shock at the time, and I could not believe the <actions> of the regime.”); Oral Testimony of Civil Party MOM Vun, T., 20 September 2016, **E1/477.1**, p. 24 lines 15-19 (“After the marriage, I was forced to consummate my marriage. <>I had been raped. I was looked down by others. I had suffering in my life. Nothing could compare. Even I die, I still remember about the injury and the mistreatment that was inflicted upon me.”); Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 61 lines 14-21 (“I felt so sorrowful that I could not marry my fiancée whom I loved and I wanted to live with her for life. It was like the fruit was about <to ripen> and then it was picked and taken away from me and I had no right to protest against that. I felt a heavy pain in my chest, and even now when I think about it it's beyond belief. And I scolded myself, how come I was born during such a terrible period of time.”).

33. A unique feature of civil party testimony at the ECCC is the ability of civil parties to ask questions to the Accused if they wish. The Accused in Case 002/02 have exercised their right to silence and declined to answer the questions posed.
34. Nevertheless, 52 of the 64 testifying civil parties decided to ask their questions in open court and several themes emerged. Civil parties wanted to know why they did not have sufficient food to eat – for example, Civil Party CHEA Dieb asked, “[w]hy people were made to work like animals and why weren't <people> given enough food to eat because there was huge production of rice? <Some were starved to death.>”<sup>62</sup> On marriages during the regime, Civil Party PEN Sochan asked, “[w]hy people whom we did not know each other were matched up to get married? What was it for?”<sup>63</sup>
35. The questions of 14 civil parties sought recognition of the responsibility of the Accused for the events that occurred during the DK. Civil Party SEANG Sovida asked, “[t]hey kept saying that they did not know about what happened and that what happened was done by the lower cadres. Do you mean that you, who were at the level, at the upper level did not have any authority at all during the regime? You did not control the country at all, please tell us the truth, tell us what happened and this is part of the Cambodian history so that the young generation can understand [...] and the only thing that I want from you is simply the truth.”<sup>64</sup> Eighteen civil parties wanted answers, and the truth, about what happened during the DK, for example and simply put, Civil Party NO Sates asked “what was the purpose of making the revolution?”<sup>65</sup> Civil Party SIENG Chanthly wondered, “[w]hy didn't they take their victory day, the 17 April 1975, to develop the country in a leap forward fashion, as they usually said it in their slogan<, but to kill people and destroy the country>?”<sup>66</sup> Civil Party OU Dav, who joined the revolution, asked, “I tried to follow the Party lines. I sacrificed my life, and I did not mind as to when I <would> die. And when the Democratic Kampuchea was established, why my parents, my blood siblings and my

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<sup>62</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 73 lines 15-17.

<sup>63</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 69 lines 8-10.

<sup>64</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 87 line 21 – p. 88 line 3, p. 91 lines 6-7.

<sup>65</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 70 line 10.

<sup>66</sup> Oral Testimony of Civil Party SIENG Chanthly, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 41 lines 17-20.

relatives, myself and my comrades in arms were tortured, <math>\langle \rangle</math>imprisoned and forced to work day and night with insufficient food and that they subsequently disappeared, why such things happened?”<sup>67</sup> This and further information relating to the questions to the Accused is contained in Annex E.<sup>68</sup>

## **(2) Seeking collective and moral reparations**

36. The second part of a civil party action is the ability to seek reparation for harm suffered as a result of the crimes tried, and may only be granted in the event of a conviction. Pursuant to the framework of the ECCC, as provided for in Internal Rule 23 *quinquies*, only collective and moral reparations are available to civil parties, and reparations must provide benefits to the civil parties that address the harm caused by crimes within the scope of Case 002/02. There is no possibility of individual monetary compensation.<sup>69</sup>

### **a.) Nature of reparations**

37. The ECCC framework provides only for collective and moral reparations – individual monetary compensation is not provided for by the Internal Rules. On 17 October 2014, civil parties affected by Case 002/01 proceedings attempted to petition the Trial Chamber in order to address the incapacity of the ECCC framework to provide individual monetary compensation and express their dissatisfaction with the reparations scheme.<sup>70</sup> The Lead Co-Lawyers, in their Interim Report on Reparations (E352), requested that the Petition on Individual Monetary Compensation (E352.4) be formally filed as civil parties have continued to convey their request.<sup>71</sup> The Trial Chamber, in acknowledging receipt of the petition, stated “[t]he petition has been duly filed and now appears on the Case File in Case 002. The Chamber reiterates however that the ECCC has no jurisdiction to order the implementation or the

<sup>67</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 23 lines 7-13.

<sup>68</sup> See, Annex E: Questions to the Accused.

<sup>69</sup> Trial Chamber Memorandum, Civil Party Lead Co-Lawyers’ Request to Acknowledge Receipt of Petition, **E352/1**, 30 July 2015, para. 2.

<sup>70</sup> See, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 17 and Annex 3: Trial Chamber Memorandum and Civil Party Letter, **E352.4**, 31 October 2014.

<sup>71</sup> Civil Party Lead Co-Lawyers’ Interim Report on Reparations, **E352**, 17 June 2015, para. 17.

payment of reparation measures; it may only impose collective and moral reparations.”<sup>72</sup>

#### **b.) Modes of implementation**

38. Internal Rule 23 *quinquies* (3) (a) and (b) provide for two modes of implementation of judicially recognised reparations projects. Projects may be ordered such that the costs of the award are borne by the convicted person, or they may be developed and funded by external actors in cooperation with the Lead Co-Lawyers and the Victims Support Section.
39. Prior to 17 September 2010, Internal Rule 23 *quinquies* (1) expressly provided that reparations “shall be awarded against, and be borne by convicted persons.”<sup>73</sup>
40. The Rule was subsequently amended to protect victims from an indigent defendant by allowing third parties to pay for reparations awards.<sup>74</sup>
41. The absence of the phrase “shall be awarded against” in the current formulation of the rule is significant, particularly in the context of how the rule has been separated with “either” and “or” with respect to the two abovementioned modes of implementation. In Case 002/01, when finding that “the two avenues of reparations before the ECCC are not only distinct but also mutually exclusive and the Lead Co-Lawyers shall necessarily select one or the other,”<sup>75</sup> the Trial Chamber followed the language of the revised rule. Thus, the current wording undermines an important principle of international law that a convicted person is responsible for the harm s/he caused. This principle is acknowledged by the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation,<sup>76</sup> as well as enshrined in the reparations regime of the International Criminal Court (ICC) as discussed below.

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<sup>72</sup> Trial Chamber Memorandum, Civil Party Lead Co-Lawyers’ Request to Acknowledge Receipt of Petition, **E352/1**, 30 July 2015, para. 2.

<sup>73</sup> Rule 23 *quinquies* (1), Internal Rules (Rev.5), 9 February 2010.

<sup>74</sup> The Case 001 Trial Judgement noted that: “[w]here an Accused appear to be indigent, there is currently no mechanism allowing the ECCC to substitute or supplement awards made against them with funds provided by national authorities or other third parties.” Case 001 Trial Judgment, **E188**, para. 664.

<sup>75</sup> Case 002/01 Trial Judgement, **E313**, para. 1118.

<sup>76</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General

42. Following the Case 002/01 Trial Judgement, the ICC unambiguously required that an order for reparations be directed against a convicted person, and in so doing reflects international jurisprudence on reparations. The Appeals Chamber in its *Judgement on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012*, considered the issue of whether an order for reparations should be directed against a convicted person where an order is made through the Trust Fund for Victims, in the event of indigence. The Appeals Chamber found that “an order for reparations has to be issued in *all* circumstances against the convicted person. When appropriate, such an order for reparations can – *in addition* – be made through the Trust Fund.”<sup>77</sup>
43. Central to the Appeals Chamber’s reasoning is the principle that orders for reparation “are intrinsically linked to the *individual* whose criminal liability is established in a conviction.”<sup>78</sup> The resulting practical application of these rules is that reparations awards are ordered against a convicted person, even when they are to be implemented and funded through the Trust Fund for Victims, if the convicted person is unable to comply with the order by reason of indigence.<sup>79</sup>
44. Taking note of the indigence of the two Accused in this case, and of the Trial Chamber’s jurisprudence on the issue, each reparation request that will appear in the Final Claim for Reparation will be sought through Internal Rule 23 *quinquies* (3)

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Assembly, Resolution No. A/RES/60/147, 21 March 2006, para. 15 (“In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.”), para. 16 (States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.”).

<sup>77</sup> *Situation in the Democratic Republic of the Congo in the Case of the Prosecutor v. Thomas Lubanga Dyilo*, Case No. ICC-01/04-01/06 A A 2 A 3, Judgement on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012, 3 March 2015, para. 76.

<sup>78</sup> *Situation in the Democratic Republic of the Congo in the Case of the Prosecutor v. Thomas Lubanga Dyilo*, Case No. ICC-01/04-01/06-3129-AnxA, Judgement on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012, Annex A: Order for Reparations, 3 March 2015, para. 20.

<sup>79</sup> *Situation in the Democratic Republic of the Congo in the Case of the Prosecutor v. Thomas Lubanga Dyilo*, Case No. ICC-01/04-01/06 A A 2 A 3, Judgement on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012, 3 March 2015, para. 5.

(b).<sup>80</sup> Implementation and funding of proposed reparation awards has been sought from non-governmental organizations and from the Royal Government of Cambodia through the Office of Administration. The Lead Co-Lawyers and the Victim Support Section have consulted with civil parties and other stakeholders to identify and develop meaningful reparation awards.

**c.) Methodology and submissions**

45. The Lead Co-Lawyers followed the practice of Case 002/01 to begin implementation of reparation awards before the rendering of a judgement.<sup>81</sup> As part of their methodology in identifying, developing, and implementing reparation projects, the Lead Co-Lawyers have been cognizant that the content of reparation projects often address events that are the subject of ongoing proceedings. They have sought to encourage partners to develop the content of the projects from the experiences of civil parties and to respect the presumption of innocence of the Accused until the rendering of a final verdict.
46. Reparation project development has been founded upon and reflects the wishes of civil parties themselves. The Lead Co-Lawyers filed two submissions during the course of Case 002/02 that outlined the consultation process with civil parties and the progress of the development of reparation projects for Case 002/02.<sup>82</sup> The first report described the process by which reparation projects are identified, starting with the initial Civil Party Application that must be filed in order to apply to be a civil party, and the subsequent consultations with both stakeholders and civil parties through July 2015. The Lead Co-Lawyers proceeded to identify and develop projects that reflect

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<sup>80</sup> See, Civil Party Lead Co-Lawyers' Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 3.

<sup>81</sup> Trial Chamber Memorandum, Indication of priority projects for implementation as reparation (Internal Rule 80bis(4)), **E218/7**, 3 December 2012, para. 2 ("Noting the challenges in bringing reparations to fruition described by the International Lead Co-Lawyer in the recent Trial Management Meeting, the Chamber wishes to clarify that implementation of these measures may begin prior to the verdict in Case 002/01. This is in keeping with the purposes for which Internal Rule 23 *quinquies* (3)(b) was adopted, which were to enable, with donor assistance and that of external collaborators, the realization of meaningful reparations within a reasonable time. It follows that the Lead Co-Lawyers and the Victims Support section should identify on an urgent, priority basis funds available to support those projects which will be sought as reparations.").

<sup>82</sup> Civil Party Lead Co-Lawyers' Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015.

- the categories embodied by the Basic Principles and Guidelines on the Right to Remedy and Reparation, which provide for restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition as reparation for harm suffered.<sup>83</sup>
47. The second submission described consultations with civil parties taking place between July 2015 and July 2016, and described in detail nine prioritized projects that had been identified and developed as proposed reparation projects.<sup>84</sup> The submission further provided the time-frames for implementation and identified those projects that had obtained sufficient funding.
48. The Lead Co-Lawyers, in order to satisfy their mandate, have sought to consult as many civil parties as possible throughout the project development process. They have utilized three mechanisms to inform and consult with civil parties on reparation projects, in addition to consultations held by individual Civil Party Lawyers and their clients: Civil Party Forums<sup>85</sup> that are organised by VSS, Reparations Consultations and Information Sessions on Case 002/02 organised by the Lead Co-Lawyers and VSS,<sup>86</sup> and project specific consultations that are organised by implementing partners. As a result, the VSS and the Lead Co-Lawyers have overseen consultations with over 2,016 civil parties on reparation projects for this case.<sup>87</sup>

## II. APPLICABLE LAW

### A. Crimes against Humanity

#### (1) Contextual elements of crimes against humanity pursuant to Article 5 of the ECCC Law<sup>88</sup>

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<sup>83</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution 60/147, UN General Assembly, 16 December 2015, Articles 19-23.

<sup>84</sup> Civil Party Lead Co-Lawyers' Submission Relating to Reparation Projects for Implementation in Case 002/02, E352/2/1, 15 July 2016.

<sup>85</sup> Implementing partners were invited to present their projects, and receive the feedback of the civil parties, in order to develop the project with their views in mind and increase the benefits that they will receive.

<sup>86</sup> See, Annex B: Civil Party Forums and Consultations in Case 002/02.

<sup>87</sup> This number does not include civil parties who have participated in consultations organised by implementing partners for specific projects.

<sup>88</sup> "Article 5: The Extraordinary Chambers shall have the power to bring to trial all Suspects who committed crimes against humanity during the period 17 April 1975 to 6 January 1979. Crimes against humanity, which

49. In this Section, the Lead Co-Lawyers will discuss the applicable law and the relevant legal findings in case 002/01 regarding the chapeau elements of crimes against humanity. The underlying offenses listed below only constitute crimes against humanity if the following contextual elements are established: (i) an attack (ii) that is widespread or systematic; (iii) directed against any civilian population; (iv) on national, political, ethnical, racial or religious grounds; (v) there is a nexus between the acts of the direct perpetrator and the attack; and (vi) the perpetrator has the requisite knowledge.<sup>89</sup>

### *Attack*

50. The Trial Chamber, in Case 002/01, held that there was an, “attack against the civilian population of Cambodia” and affirmed that the “attack took many forms, including forced transfer, murder, extermination, enforced disappearance and persecution. This attack victimised millions of civilians throughout Cambodia and resulted in a large number of refugees fleeing to neighbouring countries”.<sup>90</sup> Importantly, the Trial Chamber found that “[t]he attack was carried out in furtherance of, and pursuant to, Party policies and plans to build socialism and defend the country.”<sup>91</sup>

### *Widespread/Systematic*

51. The Trial Chamber in Case 002/01 held that a widespread attack, “refers to the large-scale nature of the attack and the number of victims, while the term ‘systematic’ refers to the organised nature of the acts of violence and the improbability of their random occurrence.”<sup>92</sup> Citing the Case 001 Trial Judgment, the Chamber confirmed that, “[a] widespread attack may refer either to the “cumulative effect of a series of inhumane acts or the singular effect of an inhumane act of extraordinary

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have no statute of limitations, are any acts committed as part of a widespread or systematic attack directed against any civilian population, on national, political, ethnical, racial or religious grounds, such as: murder; extermination; enslavement; deportation; imprisonment; torture; rape; persecution on political, racial, and religious grounds; other inhuman acts.”

<sup>89</sup> Case 002/01 Trial Judgement, E313, para. 177.

<sup>90</sup> Case 002/01 Trial Judgement, E313, para. 193.

<sup>91</sup> Case 002/01 Trial Judgement, E313, para. 193.

<sup>92</sup> Case 002/01 Trial Judgement, E313, para. 179.

magnitude.”<sup>93</sup> A systematic attack “is commonly expressed as a pattern of crimes involving the non-accidental repetition of similar criminal conduct on a regular basis.”<sup>94</sup> The Chamber concluded in Case 002/01 that it was “satisfied that the attack was widespread in both its geographical scope and number of victims. The Chamber also finds that the attack was systematic insofar as crimes of such scope and magnitude could not have been random and were carried out repeatedly and *deliberately in furtherance of, and pursuant to, Party policies.*”<sup>95</sup>

52. Regarding the widespread nature of the attack, the Trial Chamber supported its finding, noting that “[b]y 2008, the Documentation Center of Cambodia (“DC-Cam”) had identified an estimated 1.3 million human remains in 390 mass grave sites spread throughout Cambodia. Experts suggest that there is a high probability that those mass grave sites contain the remains of only a sample of those who died as a result of Khmer Rouge policies and actions during the DK era: it is likely that many grave sites have never been identified and that many who died were never buried. Overall, estimates indicate that between 600,000 and 3 million died as a result of Khmer Rouge policies and actions. Within this range, experts accept estimates falling between 1.5 and 2 million excess deaths as the most accurate.”<sup>96</sup>

### ***Civilian Population***

53. The Trial Chamber in Case 002/01 found that there was no established definition of civilian under customary international law in April 1975. Therefore, the Chamber based its findings on the ordinary meaning of the term “civilian” at the time. The Chamber found that “at the time relevant to the charges here at issue, the civilian population included all persons who were not members of the armed forces or otherwise recognized as combatants.”<sup>97</sup> The Supreme Court Chamber confirmed the

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<sup>93</sup> Case 002/01 Trial Judgement, **E313**, para. 179.

<sup>94</sup> Case 002/01 Trial Judgement, **E313**, para. 179.

<sup>95</sup> Case 002/01 Trial Judgement, **E313**, para. 193 (emphasis added).

<sup>96</sup> Case 002/01 Trial Judgement, **E313**, para. 174.

<sup>97</sup> Case 002/01 Trial Judgement, **E313**, para. 185.

Trial Chamber finding that “a targeted population need only be *predominantly* civilian to meet this *chapeau* element of crimes against humanity”<sup>98</sup>

54. With regards to the crimes committed against Khmer Rouge soldiers by the Khmer Rouge itself, the Lead Co-Lawyers note that the OCIJ recently found that the meaning of “civilian population” included a state or organisation’s own armed forces and is binding on crimes committed between 1975 and 1979<sup>99</sup> “unless the attacked armed forces were in fact allied with or otherwise providing militarily relevant support to an opposing side in the conflict.”<sup>100</sup> Therefore, crimes committed against the Khmer Rouge’s own soldiers fall into this category.
55. The International Co-Investigating Judge concluded that a broad interpretation of the term civilian is required by the object and purpose of crimes against humanity and is consistent with the interpretation of the law in post-WWII jurisprudence and the principle of legality.<sup>101</sup> The OCIJ further stated that there is no justification to exclude a state’s own armed forces from legal protection under the law on crimes against humanity by virtue of a status-based categorisation of the enemy population, without assessing the true activities undertaken by the population.<sup>102</sup> The OCIJ concluded that “there is no discernible justification that would mandate or allow a different treatment of a regime’s own soldiers simply because of their formal employment status.”<sup>103</sup>

### ***Basis/foundation for the attack***

56. Article 5 of the ECCC law requires that the attack must be carried out on national, political, ethnical, racial or religious grounds. The Supreme Court Chamber clarified “that the terms of the *chapeau* require that the attack be founded on a national,

<sup>98</sup> Case 002/01 Appeal Judgement, **F36**, para. 740.

<sup>99</sup> Notification on the Interpretation of ‘Attack Against the Civilian Population’ in the Context of Crimes Against Humanity with regard to a State’s or Regime’s Own Armed Forces, 7 February 2017, **D191/18**, para. 56.

<sup>100</sup> Notification on the Interpretation of ‘Attack Against the Civilian Population’ in the Context of Crimes Against Humanity with regard to a State’s or Regime’s Own Armed Forces, **D191/18**, para. 57.

<sup>101</sup> Notification on the Interpretation of ‘Attack Against the Civilian Population’ in the Context of Crimes Against Humanity with regard to a State’s or Regime’s Own Armed Forces, **D191/18**, paras 43, 55, 65 and 67.

<sup>102</sup> Notification on the Interpretation of ‘Attack Against the Civilian Population’ in the Context of Crimes Against Humanity with regard to a State’s or Regime’s Own Armed Forces, **D191/18**, paras 63 and 65.

<sup>103</sup> Notification on the Interpretation of ‘Attack Against the Civilian Population’ in the Context of Crimes Against Humanity with regard to a State’s or Regime’s Own Armed Forces, **D191/18**, para. 65.

political, ethnical, racial or religious basis – but not necessarily on discriminatory grounds.”<sup>104</sup>

57. The Trial Chamber in Case 002/01 held that this requirement was satisfied as “the attack against the civilian population was carried out on political grounds, pursuant to the plans and policies of the Party to build socialism and defend the country.”<sup>105</sup>

***Nexus between the acts of the direct perpetrator and the attack***

58. The Trial Chamber in Case 002/01 held that the acts of the direct perpetrator “must be by their very nature or consequence [...] objectively part of the attack.”<sup>106</sup> The Supreme Court Chamber affirmed the finding of the Trial Chamber<sup>107</sup> and clarified that “the acts of accused persons – even where they are not the direct perpetrators – must form part of the attack.”<sup>108</sup> The Supreme Court Chamber found that the Trial Chamber did not err when it “proceeded to find a nexus between the acts of the accused and the attack and referred to [in its findings as] the “acts of the direct perpetrators and the Accused.”<sup>109</sup>

***Mens Rea/Knowledge***

59. Finally, the accused and direct perpetrators must know that their acts formed part of the attack.<sup>110</sup>

60. The Trial Chamber concluded in Case 002/01 that “considering the scale and scope of the attack and the fact that it was undertaken in furtherance of, and pursuant to, Party policies and plans, the Chamber is satisfied that both the direct perpetrators and the Accused knew of the attack on the civilian population and that their acts formed part of this attack.”<sup>111</sup>

<sup>104</sup> Case 002/01 Appeal Judgement, **F36**, para. 745.

<sup>105</sup> Case 002/01 Trial Judgement, **E313**, para. 195.

<sup>106</sup> Case 002/01 Trial Judgement, **E313**, para. 190.

<sup>107</sup> Case 002/01 Appeal Judgement, **F36**, para. 753.

<sup>108</sup> Case 002/01 Appeal Judgement, **F36**, para. 754.

<sup>109</sup> Case 002/01 Appeal Judgement, **F36**, para. 754.

<sup>110</sup> Case 002/01 Trial Judgement, **E313**, para. 197.

<sup>111</sup> Case 002/01 Trial Judgement, **E313**, para. 197.

61. The Trial Chamber in Case 002/01 concluded that “beginning by 17 April 1975 and continuing at least until December 1977, the temporal period at issue in Case 002/01, there was a widespread and systematic attack against the civilian population of Cambodia.”<sup>112</sup>

## **(2) Elements of crimes**

### **a.) Murder and extermination**

62. The Supreme Court Chamber confirmed the elements of murder and clarified those of extermination. The *actus reus* of murder is an act or omission causing the death of a person. The requisite *mens rea* is “direct intent as well as killing with *dolus eventualis*/reckless killing.”<sup>113</sup> The Supreme Court Chamber further confirmed that “a conviction for murder is not precluded because of the impossibility to accurately establish the total number of deaths or to identify, case-by-case, the direct perpetrators and their victims. The Supreme Court Chamber also agrees with the ICTY Appeals Chamber in Kvočka that proof beyond reasonable doubt that a person was murdered does not necessarily require proof that the dead body of that person has been recovered; rather, the fact of a victim’s death can be inferred circumstantially from all of the evidence presented to the Trial Chamber. However, in order to sustain an overall finding that killings occurred beyond reasonable doubt, specific instances of killing must be proved beyond reasonable doubt, irrespective of whether a specific conviction for murder for each instance has been entered. By the same token, the overall conclusion that murder occurred cannot be said to have been established

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<sup>112</sup> Case 002/01 Trial Judgement, E313, para. 193. As a basis for this finding, the Trial Chamber outlined the conduct of the Khmer Rouge during the temporal period in Case 002/01. *See also*, Case 002/01 Trial Judgement, para. 169 (“Between 17 April 1975 and December 1977, the temporal period at issue in Case 002/01, the Khmer Rouge forcibly transferred the population from cities and towns throughout Cambodia to rural areas and between these rural areas in order to neutralise enemies, both internal and external, and to avert the threat of rebellion; to eliminate and temper the capitalist and feudal classes; and to build and expand cooperatives. The Party identified the ‘New People’, including former government officials, intellectuals, landowners, capitalists, feudalists and the petty bourgeoisie, as key enemies of the revolution and collectivisation. To neutralise these enemies, the Khmer Rouge re-educated, moved and eliminated ‘New People’ and other groups incompatible with building socialism including former Khmer Republic officials and, it is alleged, Buddhists, the Cham and the Vietnamese.”).

<sup>113</sup> Case 002/01 Appeal Judgement, F36, para. 409.

- beyond a reasonable doubt if none of the specific instances that underpin that conclusion has been established to this standard.”<sup>114</sup>
63. With respect to deaths from conditions, in relation to the evacuation of Phnom Penh, the Supreme Court Chamber “reiterate[d] that, for murder as a crime against humanity to be established, it is necessary that instances of deaths inflicted by conditions of the evacuation be proved beyond reasonable doubt.”<sup>115</sup>
64. The Supreme Court Chamber, in clarifying the mental element for murder, stated, “[w]hile recognising a difference between the notions of recklessness and *dolus eventualis* – roughly speaking, the first one being focused on the cognitive aspect and the second on the volitional aspect in the perpetrator’s attitude toward the result, the Supreme Court Chamber also notes that this demarcation is not sharp: within the doctrine of *dolus eventualis* there are concepts that emphasise the objective elements of probability and ‘manifestation of indifference’ as sufficing for the attribution of criminal responsibility, whereas jurisprudence based on the doctrine of recklessness also, at times, concerns itself with the inference of intent. The Supreme Court Chamber shall use the term *dolus eventualis* as defined by the *Stakić* Trial Chamber; moreover, it concedes that, in practical terms, proving recklessness in murder will likely satisfy the criteria for proving *dolus eventualis* and *vice versa*.”<sup>116</sup>
65. With respect to extermination, the Supreme Court Chamber confirmed that the *actus reus* is defined as an act, omission or combination of each that results in the death of persons on a massive scale, and clarified in regard to the required *mens rea* that *dolus eventualis* is not sufficient; rather, “direct intent to kill must be established.”<sup>117</sup>

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<sup>114</sup> Case 002/01 Appeal Judgement, **F36**, para. 420.

<sup>115</sup> Case 002/01 Appeal Judgement, **F36**, para. 453.

<sup>116</sup> Case 002/01 Appeal Judgement, **F36**, para. 391 (In *Stakić* and quoted by the Supreme Court Chamber at paragraph 390, “The technical definition of *dolus eventualis* is the following: if the actor engages in life-endangering behaviour, his killing becomes intentional if he ‘reconciles himself’ or ‘makes peace’ with the likelihood of death. Thus, if the killing is committed with ‘manifest indifference to the value of human life’, even conduct of minimal risk can qualify as intentional homicide. Large scale killings that would be classified as reckless murder in the United States would meet the continental criteria of *dolus eventualis*. The Trial Chamber emphasises that the concept of *dolus eventualis* does not include a standard of negligence or gross negligence.”).

<sup>117</sup> Case 002/01 Appeal Judgement, **F36**, para. 522.

**b.) Enslavement**

66. The Supreme Court Chamber in Case 001 defined the *actus reus* of the crime against humanity of enslavement as “the exercise over a person of any or all powers attaching to the right of ownership” and the *mens rea* as “the intentional exercise of ‘any or all powers attaching to the right of ownership.’”<sup>118</sup>
67. The Supreme Court Chamber further confirmed that the *indicia* of enslavement as defined by the ICTY Trial Chamber in *Kunarac* and based on its review of post-World War II jurisprudence that the factors identified were consistent with customary international law during the temporal jurisdiction of the ECCC.<sup>119</sup>
68. The *indicia* of enslavement, during the relevant time period, are thus: “[C]ontrol of someone’s movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labor.”<sup>120</sup>
69. The Supreme Court Chamber affirmed the Trial Chamber’s approach towards forced labour, explaining that “forced labour, when looking to other relevant *indicia*, could rise to the level of enslavement without additional evidence of mistreatment. The implication of these determinations is that forced labour is a sufficient but not a necessary prerequisite for enslavement as a crime against humanity.”<sup>121</sup> However, a finding of enslavement “necessarily implies the presence of behavioural aspects of ownership and, therefore, the facts of an enslavement charge must be evaluated in

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<sup>118</sup> Case 001 Appeal Judgement, **F28**, paras 152 and 153. *See also*, Slavery Convention, 25 September 1926, Article 1(1).

<sup>119</sup> Case 001 Appeal Judgement, **F28**, para. 154.

<sup>120</sup> Case 001 Appeal Judgement, **F28**, para. 119 (quoting the Case 001 Trial Judgement and the *Kunarac* Appeal Judgement). The Supreme Court Chamber, however, clarified that “in going through the checklist of *indicia* of enslavement, a Chamber must above all identify the *indicia* of ‘ownership’, that is, facts pointing to the victim being reduced to a commodity, such that the person is an object of ‘enjoyment of possession’; that she or he can be used (for example, for sexual purposes); economically exploited; consumed (for purposes of organ harvesting, for example); and ultimately disposed of. Clearly, the exercise over a person of powers attaching to ownership requires a substantial degree of control over the victim. There is no enslavement, however, where the control has an objective other than enabling the exercise of the powers attaching to ownership.” Case 001 Appeal Judgement, **F28**, para. 156.

<sup>121</sup> Case 001 Appeal Judgement, **F28**, paras 126, 154, 158.

accordance with the meaning of ownership”, and that “the exercise over a person of powers attaching requires a substantial degree of control over the victim.”<sup>122</sup> There can be no finding of enslavement “where the control has an objective other than enabling the exercise of the powers attaching to ownership.”<sup>123</sup>

### c.) Deportation

70. Deportation, entrenched in the 1949 Geneva Conventions and condemned in the Nuremberg judgment as ‘war crimes’ and as ‘crimes against humanity,’<sup>124</sup> was criminalised under international law during the temporal jurisdiction of the ECCC.<sup>125</sup> International jurisprudence establishes that the *actus reus* of deportation “consists of the forcible displacement of individuals across a State border from the area in which they are lawfully present without grounds permitted under international law.”<sup>126</sup> As for the *mens rea*, it is sufficient to show an intention on the part of the accused to forcibly displace persons on a non-provisional basis. There is no requirement to show an intent that the removal of the persons be permanent.<sup>127</sup> This is in congruity with the Geneva Conventions which provide that there is no element of the crime of deportation which requires an intention that deportees should not return, as affirmed

<sup>122</sup> Case 001 Appeal Judgement, **F28**, para. 156.

<sup>123</sup> Case 001 Appeal Judgement, **F28**, para. 156.

<sup>124</sup> Article 6(b) and 6(c) of the Charter of the International Military Tribunal, 1945.

<sup>125</sup> Case 002/01 Appeal Judgement, **F36**, para. 574, summarizing Nuon Chea’s position with respect to forced transfer *vis a vis* deportation. *See also*, Art. 49 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949.

<sup>126</sup> *Prosecutor vs. Brdjanin*, Case No. IT-99-36-T, Judgement, 1 September 2004, para. 544. *See also*, *Prosecutor v. Krstic*, Case No. IT-98-33-T, ICTY (Trial Chamber), Judgement of 2 August 2001, para. 521: “Deportation presumes transfer beyond State borders...” Affirmed in *Prosecutor v. Krnojelac*, Case No. IT-97-25-T, ICTY (Trial Chamber), Judgement of 15 March 2002, para. 474. Legal transfers or deportations of persons include, *inter alia*, such as are necessary to protect national security, public order, or public health. *See*, Art. 12(3) International Covenant on Civil and Political Rights; Protocol No. 4, Art. 2(3) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Art. 22(3) and (4) of the American Convention on Human Rights; and Art. 12(2) of the African (Banjul) Charter on Human and Peoples’ Rights Act.

<sup>127</sup> *Prosecutor v. Krajisnik*, No. IT-00-39-T, Judgement and Sentence (27 September 2006) at para. 726; *Prosecutor v. Popovic et al*, No. IT-05-88-T, Judgement and Sentence (10 June 2010) at para. 905. *See also*, Article 49 of the Geneva Convention (IV) on Civilians, 1949 and *Prosecutor v. Milomir Stakic (Appeal Judgement)*, IT-97-24-A, International Criminal Tribunal for the former Yugoslavia (ICTY), 22 March 2006, para. 307.

by the Appeals Chamber in *Prosecutor v. Milomir Stakic*.<sup>128</sup> It is thus sufficient to prove that the accused intended to displace, permanently or otherwise, the victims across the relevant border.<sup>129</sup>

71. The crime of deportation presupposes the forcible displacement of persons through expulsion or other coercive acts,<sup>130</sup> such as fear of violence, duress, detention, psychological oppression, and other such circumstances where genuine choice is impossible.<sup>131</sup> If a civilian population flees in fear of death or other discriminatory acts, involuntariness inherent in the choice to flee negate the very capacity of true consent, thereby amounting to the crime of deportation.<sup>132</sup> The absence of a genuine choice renders displacement unlawful. Consent or a person's request to be transferred or deported must be given voluntarily as a result of their free will and assessed in the light of the surrounding circumstances.<sup>133</sup>

#### d.) Imprisonment

72. The *actus reus* of the crime against humanity of imprisonment is the “arbitrary deprivation of an individual's liberty without due process of law.”<sup>134</sup> The Trial Chamber in Case 001 explained that “[a]n initial deprivation of liberty will be arbitrary if no legal basis exists to justify it. If national law is relied upon as a

<sup>128</sup> Article 49 of the Geneva Convention (IV) on Civilians, 1949. See also, *Prosecutor v. Milomir Stakic (Appeal Judgement)*, IT-97-24-A, International Criminal Tribunal for the former Yugoslavia (ICTY), 22 March 2006, para. 307.

<sup>129</sup> *Prosecutor v. Milutinovic et al*, No. IT-05-87-T, Judgement (26 February 2009) at para 164; *Prosecutor v. Popovic et al*, No. IT-05-88-T, Judgement and Sentence (10 June 2010) at para. 904.

<sup>130</sup> The Elements of Crimes use a broad interpretation of ‘coercion,’ which includes the “threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment.” See, n. 12 of the The Elements of Crimes for Art. 7(1)(d) of the ICC Statute.

<sup>131</sup> “Forcible displacement means that people are moved against their will or without a genuine choice... Fear of violence, duress, detention, psychological oppression, and other such circumstances may create an environment where there is no choice but to leave, thus amounting to the forcible displacement of people... Displacement of persons carried out pursuant to an agreement among political or military leaders, or under the auspices of the ICRC or another neutral organization, does not necessarily make it voluntary...” See, *Prosecutor v Krajisnik*, No. IT-00-39-T, Judgement and Sentence (27 September 2006) at para. 724.

<sup>132</sup> *Prosecutor v. Krstic*, Case No. IT-98-33-T, ICTY (Trial Chamber), Judgement of 2 August 2001, paras 529 et seq.; *Prosecutor v Krajisnik*, Case No. IT-00-39-T, ICTY (Trial Chamber), Judgement, 27 September 2006, para. 724.

<sup>133</sup> *Prosecutor v Stakic*, No. IT-97-24-A, Judgement (22 March 2006) at para. 279; *Prosecutor v Martić*, No. IT-95-11-T, Judgement (12 June 2007) at para. 108.

<sup>134</sup> Case 001 Trial Judgement, E188, para. 347.

justification in this regard, it must be established that the relevant provisions do not violate international law. If a legal basis for the initial deprivation does exist, it must continue to exist throughout the period of imprisonment. Where a lawful basis of imprisonment ceases to apply, continued imprisonment may be considered arbitrary.”<sup>135</sup>

73. The Trial Chamber in Case 001 elaborated that “[n]ot every minor infringement of liberty forms the material element of imprisonment as a crime against humanity; the deprivation of liberty must be of similar gravity and seriousness as the other crimes enumerated as crimes against humanity in Article 5 of the ECCC Law.”<sup>136</sup> In order to meet the requisite *mens rea*, “[i]t must be shown that the perpetrator intended to arbitrarily deprive the individual of liberty, or that he acted in the reasonable knowledge that his or her actions were likely to cause the arbitrary deprivation of physical liberty.”<sup>137</sup>

#### **e.) Torture**

74. The *actus reus* of the crime against humanity of torture is “any act causing severe pain or suffering, whether physical or mental.”<sup>138</sup> The act must be for such purposes as obtaining information or a confession; punishment; or intimidation,<sup>139</sup> and must be inflicted by or at the instigation of a public official.<sup>140</sup> The *mens rea* required is that the “pain and suffering amounting to torture must be inflicted intentionally.”<sup>141</sup>

75. When considering the definition of torture, the Supreme Court Chamber referred to the ICRC Commentary, which stated that the infliction of suffering on a person to obtain from that person, or from another person, confessions or information. Must be more than a mere assault on the physical or moral integrity of a person.<sup>142</sup> What is

<sup>135</sup> Case 001 Trial Judgement, **E188**, para. 348.

<sup>136</sup> Case 001 Trial Judgement, **E188**, para. 349.

<sup>137</sup> Case 001 Trial Judgement, **E188**, para. 350.

<sup>138</sup> Case 001 Appeal Judgement, **F28**, paras 195, 205.

<sup>139</sup> Case 001 Appeal Judgement, **F28**, paras 195, 203 and 205.

<sup>140</sup> Case 001 Appeal Judgement, **F28**, paras 195, 205.

<sup>141</sup> Case 001 Trial Judgement, **E188**, para. 358.

<sup>142</sup> Case 001 Appeal Judgement, **F28**, para. 200.

important is not so much the pain itself as the purpose behind its infliction.<sup>143</sup> The Supreme Court Chamber further referred to the 1969 Greek Case, where the European Commission stated that “[t]he word ‘torture’...is generally an aggravated form of inhuman treatment.”<sup>144</sup>

**f.) Persecution**

76. The crime of persecution as a crime against humanity is defined as “an act or omission which discriminates in fact and which denies or infringes upon a fundamental right laid down in international customary law or treaty.” The mens rea required is the “deliberate perpetration of an act or omission with the intent to discriminate on political, racial or religious grounds.”<sup>145</sup> The Supreme Court Chamber clarified that a political group must be discernible.

77. Murder, extermination and enslavement have been held to be persecutory act.<sup>146</sup>

78. Further, specific acts or omissions should not be analysed in isolation - “the Supreme Court Chamber emphasizes that under post-World War II precedent, the crux of the analysis lies not in determining whether a specific persecutory act or omission *itself* breaches a human right that is fundamental in nature. Rather, it lies in determining whether or not the persecutory acts or omissions, when considered cumulatively and in context, result in a gross or blatant breach of fundamental rights such that it is *equal in gravity or severity to other underlying crimes against humanity....*”<sup>147</sup>

79. The Supreme Court Chamber has further held that “it is necessary that the act or omission discriminates in fact and discriminates against a discernible group defined pursuant to given criteria. Conversely, there is no discrimination in fact where: 1) there is a mistake of fact by the perpetrator as to whether a victim belongs to the defined target group; or 2) the perpetrator targets victims irrespective of whether they

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<sup>143</sup> Case 001 Appeal Judgement, **F28**, para. 200.

<sup>144</sup> Case 001 Appeal Judgement, **F28**, para. 202.

<sup>145</sup> Case 002/01 Trial Judgement, **E313**, para. 427.

<sup>146</sup> Case 001 Appeal Judgement, **F28**, paras 253, 254.

<sup>147</sup> Case 001 Appeal Judgement, **F28**, para. 257 (emphasis original).

fall under the discriminatory criterion, in other words, where the targeting is indiscriminate.”<sup>148</sup>

80. As to the crime against humanity of persecution, the Supreme Court Chamber held “discrimination against a group” to constitute a key component.<sup>149</sup> To ensure that discernible groups persecuted for ‘abstruse reasons’ are not left unprotected, the Supreme Court Chamber stated that when defining the group that is the object of persecution, it is both appropriate and necessary to take into account the perpetrator’s perspective.<sup>150</sup> Importantly, the Supreme Court Chamber found that conduct amounting to the crime of persecution must thus discriminate in fact, as well as target victims belonging to a “sufficiently discernible group targeted on political, racial or religious grounds.”<sup>151</sup>

**i.) ‘17 April People’**

81. The Trial Chamber in Case 002/01 noted that even prior to the evacuation of Phnom Penh, the Khmer Rouge “had been fomenting resentment towards city people.”<sup>152</sup> On 17 April 1975, evacuated city people were thus labelled ‘17 April People’ or ‘New People,’ as a way of distinguishing them from the local population which were called ‘18 April People,’ ‘Old People,’ or ‘Base People.’<sup>153</sup> People who lived in the city, the Trial Chamber averred, became known as ‘17 April People’ or ‘New People.’<sup>154</sup> ‘17 April People’ encompassed all city inhabitants who were regarded as having corrupt urban elements;<sup>155</sup> notably, former officials of the Khmer Republic, intellectuals, landowners, capitalists, feudalists and the petty bourgeoisie,<sup>156</sup> all of which were considered enemies of the socialist revolution.<sup>157</sup>

<sup>148</sup> Case 001 Appeal Judgement, **F28**, para. 277.

<sup>149</sup> Case 002/01 Appeal Judgement, **F36**, para. 744.

<sup>150</sup> Case 002/01 Appeal Judgement, **F36**, para. 679. The Supreme Court Chamber stated that the Trial Chamber’s approach in this respect is in congruity with the approach in the *Duch* Appeal Judgement (001-F28).

<sup>151</sup> Case 002/01 Appeal Judgement, **F36**, para. 744.

<sup>152</sup> Case 002/01 Trial Judgement, **E313**, para. 517.

<sup>153</sup> Case 002/01 Trial Judgement, **E313**, para. 517.

<sup>154</sup> Case 002/01 Trial Judgement, **E313**, para. 569.

<sup>155</sup> Case 002/01 Trial Judgement, **E313**, paras 112, 873.

<sup>156</sup> Case 002/01 Trial Judgement, **E313**, paras 169, 613.

<sup>157</sup> Case 002/01 Trial Judgement, **E313**, para. 169.

82. The Trial Chamber concluded in Case 002/01 that Khmer Rouge soldiers intended to discriminate on political grounds and acted with the requisite discriminatory intent in their treatment of evacuated city people.<sup>158</sup> In respect of Population Movement Phase One and Two, the Trial Chamber held that ‘17 April People’ formed a sufficiently discernible group and were the object of persecution on political grounds.<sup>159</sup>
83. The Supreme Court Chamber, noting that the Trial Chamber used several different terms interchangeably to refer to ‘17 April People’, including ‘New People’ and ‘City People’, stated that the Trial Chamber was referring to the same group of people throughout, namely those living in Phnom Penh on 17 April 1975.<sup>160</sup> The Supreme Court Chamber subsequently found the Trial Chamber’s findings to indicate that it was the entire city population which was considered a threat to the Party’s political objectives, which included both individuals who had been residing in the city for a long time, as well as those who came to the city to seek refuge during the fighting which occurred from 1970 to 1975.<sup>161</sup>

#### ii.) Military and Civilian Officials of the Khmer Republic

84. Besides evacuated city people living in Phnom Penh on 17 April 1975, the Trial Chamber in Case 002/01 identified two other groups of people who were the object of persecution on political grounds with regards to Population Movement Phase One: high-ranking military and civilian officials of the Khmer Republic and other military and civilian officials who held positions with the Khmer Republic, including both soldiers and civil servants.<sup>162</sup>

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<sup>158</sup> Case 002/01 Trial Judgement, **E313**, para. 571.

<sup>159</sup> Case 002/01 Trial Judgement, **E313**, paras 569, 653. In cooperatives for example, people were classified into various categories, including full-rights members (‘Base People’), candidate members (‘Base People’ who were considered financially wealthy prior to April 1975) and ‘desposittee members’ (‘17 April People’); *see*, Case 002/01 Trial Chamber Judgement, **E313**, para. 621; Labour was assigned and distributed according to these categories; *see*, Case 002/01 Trial Chamber Judgement, **E313**, para. 797; and ‘17 April People’ were subjected to harsher treatment and more difficult living conditions; *see*, Case 002/01 Trial Chamber Judgement, **E313**, para. 650.

<sup>160</sup> Case 002/01 Appeal Judgement, **F36**, para. 683.

<sup>161</sup> Case 002/01 Appeal Judgement, **F36**, para. 683.

<sup>162</sup> Case 002/01 Trial Judgement, **E313**, para. 569. On the topic of political persecution, the Trial Chamber held that with regards to the events at Tuol Po Chrey, which targeted former LON Nol soldiers, these former soldiers were part of a “clearly discernible group.” *See*, Case 002/01 Trial Judgement, **E313**, para. 685.

85. The Trial Chamber held in Case 002/01 that the two groups constitute a sufficiently discernible group because they could be identified pursuant to criteria defined by the Khmer Rouge and because findings indicate that their background could be verified.<sup>163</sup>

**g.) Other Inhumane Acts**

86. The Supreme Court Chamber in Case 002/01 affirmed the Trial Chamber's findings that "there is no doubt under customary international law as it stood in 1975, 'other inhumane acts' was accepted as a residual category of crimes against humanity."<sup>164</sup> The Supreme Court Chamber notes that while the elements of the crime of other inhumane acts are well consolidated in international law, the application of these elements to a particular factual scenario without violating the principle of *nullum crimen sine lege certa*<sup>165</sup> has been treated differently across various judicial bodies.<sup>166</sup>

87. The Supreme Court Chamber disagreed with the Trial Chamber's outlining of the elements of the crime of forced transfer<sup>167</sup> and enforced disappearance in relation to Population Movement Phases One and Two.

88. The Supreme Court Chamber held that enforced disappearances, together with forced transfer and attacks upon human dignity, did not exist as a separate category of crimes against humanity during the temporal jurisdiction of the ECCC. The Chamber found that the crimes of enforced disappearance or forced transfer "did not, in 1975, form discrete categories of crimes against humanity, nor did enforced disappearances and forced transfer have specific *legal* definitions and elements" therefore outlining

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<sup>163</sup> Case 002/01 Trial Judgement, **E313**, para. 569.

<sup>164</sup> Case 002/01 Appeal Judgement, **F36**, para. 576.

<sup>165</sup> The Supreme Court Chamber found the concept of *ejustdem generis* as well as the *Kupreskic* Trial Chamber's references to humanitarian law and U.N. resolutions, useful in providing an "essential safeguard" to assure that crimes charged under the residual category of crimes against humanity are of similar nature and gravity to the other crimes understood as crimes against humanity. Case 002/01 Appeal Judgement, **F36**, paras 578, 582-83.

<sup>166</sup> Case 002/01 Appeal Judgement, **F36**, paras 581-586.

<sup>167</sup> The Trial Chamber in Case 002/01 defined the *actus reus* and *mens rea* of the crime against humanity of other inhumane acts of forced transfer as "the (i) intentional, (ii) forced displacement of individuals (iii) from an area in which they are lawfully present, (iv) not justified by concerns regarding the security of the civilian population or military necessity" and "may be considered of similar gravity to other crimes against humanity". Case 002/01 Trial Judgement, **E313**, paras 450, 455.

distinct elements of these crimes was “legally incorrect”.<sup>168</sup> Instead, the Supreme Court Chamber preferred to examine whether the “specific circumstances of the case at hand, actually fulfilled the definition of other inhumane acts.”<sup>169</sup> After finding the Trial Chamber’s definition legally deficient, the Chamber conducted a “holistic analysis” of whether the factual circumstances of each phase were similar in “nature and gravity [...] to that of enumerated crimes against humanity”<sup>170</sup> and/or whether they violated “the broad tenets of human rights”.<sup>171</sup> In assessing the grounds of appeal of the Accused, the Supreme Court Chamber found that “conduct infringing basic rights appertaining to human beings, as identified under international legal instruments” is similar under the principle of *eiusdem generis* to the “material element traditionally identified” as other inhumane acts.<sup>172</sup> The Chamber found that to comply with the principle of *nullum crimen sine lege certa*, it must, “identif[y] affirmative articulation[s] of rights and prohibitions contained in human rights instruments, applicable at the time relevant for charges of ‘other inhumane acts’.”<sup>173</sup>

89. Taking into account the totality of the circumstances of each alleged crime site, the following must be established: (i) an act or omission of similar seriousness to the other acts enumerated as crimes against humanity; (ii) the act or omission caused serious mental or physical suffering or injury or constituted a serious attack on human dignity; (iii) that the act or omission was performed intentionally.<sup>174</sup>

### ***Movement of population/Forced Transfer Phase Two***

90. The crime against humanity of other inhumane acts during Population Movement Phases One and Two was primarily addressed in Case 002/01. The Trial Chamber

<sup>168</sup> Case 002/01 Appeal Judgement, **F36**, para. 589.

<sup>169</sup> Case 002/01 Appeal Judgement, **F36**, para. 589.

<sup>170</sup> Case 002/01 Appeal Judgement, **F36**, para. 590.

<sup>171</sup> Case 002/01 Appeal Judgement, **F36**, para. 585.

<sup>172</sup> Case 002/01 Appeal Judgement, **F36**, para. 584.

<sup>173</sup> Case 002/01 Appeal Judgement, **F36**, para. 584. And, “the Supreme Court Chamber considers that the principle of *nullum crimen sine lege certa* is respected if the specific conduct which is found to constitute other inhumane acts violates a basic right of the victims and is of similar nature and gravity to other enumerated crimes against humanity. In the view of the Supreme Court Chamber, this requires a case –specific analysis of, in particular, the impact of the conduct on the victims and whether the conduct itself is comparable to the enumerated crimes against humanity.” (**F36**, para. 586).

<sup>174</sup> Case 002/01 Appeal Judgement, **F36**, para. 580.

found both of the Accused liable, through a JCE, for the crimes against humanity of other inhumane acts during Population Movement Phases One and Two in Case 002/01.<sup>175</sup> As addressed above, the Trial Chamber, in severing Case 002, limited the facts regarding Population Movement Phase Two to only those which relate to the Treatment of the Cham in Case 002/02.<sup>176</sup> Therefore, in Case 002/02, the crimes against humanity of other inhumane acts regarding this conduct is charged in relation to the treatment of the Cham.<sup>177</sup>

91. In Case 002/01 the Trial Chamber held that “[m]ovement of the Cham Muslim minority forms the basis of both forced transfer and religious persecution charges in connection with movement of the population (phase two)” and that “the factual basis for these two charges is the same and the charges are inextricably linked.”<sup>178</sup> The Chamber declined to make findings regarding the forced movement of the Cham, as they would be addressed in Case 002/02, yet the findings on Population Phase Two in Case 002/01 are directly relevant to the treatment of the Cham.<sup>179</sup> In particular, the factual findings of the Trial Chamber are that “Khmer Rouge soldiers and officials intentionally and forcibly transferred, without grounds permissible under international law,”<sup>180</sup> people between and within identified Zones, and that “[t]hese transfers were done under inhumane conditions.”<sup>181</sup> The specific factual findings of Population Movement Phase Two are further detailed in the Trial Judgment of Case 002/01.<sup>182</sup>

92. In addition to the aforementioned violations of the “right to liberty, the right to security of person and the right to freedom from cruel, inhuman or degrading

<sup>175</sup> Case 002/01 Trial Judgement, **E313**, para. 940, 996.

<sup>176</sup> Decision on Additional Severance of Case 002/02 and Scope of Case 002/02, **E301/9/1**; Decision on Severance, Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**; Case 002/01 Trial Judgement, **E313**, para. 627.

<sup>177</sup> Closing Order, **D427**, paras 266, 1448-1452, Decision on Severance, Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**.

<sup>178</sup> Case 002/01 Trial Judgement, **E313**, para. 627.

<sup>179</sup> Case 002/01 Trial Judgement, **E313**, para. 627.

<sup>180</sup> Case 002/01 Trial Judgement, **E313**, para. 638.

<sup>181</sup> Case 002/01 Trial Judgement, **E313**, para. 639.

<sup>182</sup> The Trial Chamber found in its Judgment (**E313**) that, for Population Movements Phase One and Two: people were moved (para. 579), on orders of the DK regime (paras 577-578), without their consent and that those that were moved experienced conditions of “hardship during’ and after movements” (para. 582). On hardship, stages of movement, and purpose, *see, e.g.*, Case 002/01 Trial Judgement, **E313**, paras 582, 594, 597, 600, 601, 613, 637, 803.

treatment,” the Supreme Court Chamber also held that the specific factual conditions of Population Movement Phases Two, such as: “lack of food and water”, “lack of hygiene facilities”, and “lack of medicine and assistance”,<sup>183</sup> “that some people died during Population Movement Phase Two because of the conditions”<sup>184</sup> and that there “were instances of separations of families”<sup>185</sup> were sufficient in nature and gravity such that the Trial Chamber’s confirmation of the crime of other inhumane act of forced transfer “was not unreasonable.”<sup>186</sup> Furthermore, the Supreme Court Chamber concluded that the Trial Chamber reasonably held that transfers during Population Movement Two were not justified by military necessity or for the security of the civilian population.<sup>187</sup>

## **B. Genocide (by killing)**

93. The Accused are charged with genocide by killing of the Cham and Vietnamese. The crime of Genocide at the ECCC adopts the definition enumerated in Article II of the Genocide Convention. Genocide as defined in the Law of the ECCC was thus a punishable crime under customary international law at the time of the acts alleged in the Closing Order.<sup>188</sup>
94. The act of killing constitutes genocide when “committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such.”<sup>189</sup>
95. Therefore, in order to convict the accused of genocide in this case, it must be proven that: (i) the perpetrator intentionally killed one or more members of the targeted group; (ii) the victim(s) belonged to the targeted group; (iii) with specific intent to destroy that group, in whole or in part, as such.

### ***Killing members of the group***

<sup>183</sup> Case 002/01 Appeal Judgement, **F36**, para 624-628.

<sup>184</sup> Case 002/01 Appeal Judgement, **F36**, para. 658.

<sup>185</sup> Case 002/01 Appeal Judgement, **F36**, para. 658.

<sup>186</sup> Case 002/01 Appeal Judgement, **F36**, paras 628, 630, 641, 646.

<sup>187</sup> Case 002/01 Appeal Judgement, **F36**, para. 646.

<sup>188</sup> Closing Order, **D427**, paras 1310-1312.

<sup>189</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, Article II.

96. The elements required to satisfy “by killing” are equivalent to those of willful killing/murder.<sup>190</sup> Thus, it must be proven that (i) An act or omission of the accused, or of one or more persons whose acts or omissions the accused bears criminal responsibility, that caused the death of the victim; and (ii) The intent of the accused or of the person or persons for whom he is criminally responsible to either to kill or to cause serious bodily harm in the reasonable knowledge that the act or omission would likely lead to death.<sup>191</sup>
97. Furthermore, it must be proven that the victims of the killings belonged to one of the protected groups, or were perceived by the perpetrators to belong to one of the protected group.<sup>192</sup> Article 2 of the Convention protects national, ethnical, racial or religious groups “as such”.
98. An ethnic group is defined as having members who share a common language and culture, or a group that distinguishes itself, as such, or a group that is identified as such by others.<sup>193</sup> The concept of race is employed to describe social groups whose members exhibit the same inherited, visible physical traits, such as skin color or physical stature.<sup>194</sup> These traits are often associated with geography.<sup>195</sup>
99. Importantly, it must be proven that the victim was perceived by the perpetrator as belonging to the protected group.<sup>196</sup>

### ***Genocidal Intent***

100. In addition to satisfying the legal elements of killing, an additional layer of intent is required. It must be proven that the accused or person(s) for whose acts/omissions the accused bears criminal responsibility for intended to destroy the targeted group, in whole or in part.

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<sup>190</sup> See, Case 002/01 Trial Judgement, E313, para. 412, *Prosecutor v. Brdjanin*, Case No. IT-99-36-T, Judgement, 1 September 2004, paras 381, 689.

<sup>191</sup> Case 002/01 Trial Judgement, E313, para. 413.

<sup>192</sup> *Prosecutor v Muhimana*, Case No. ICTR-95-1B-T, Judgement, 28 April 2005, para. 500; *Prosecutor v Kajelijeli*, Case No. ICTR-98-44A-T, Judgment and Sentence, 1 December 2003, para. 813.

<sup>193</sup> *Prosecutor v. Kayishema*, Case No. ICTR-95-1-T, Judgement, 21 May 1999, para. 98.

<sup>194</sup> *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Trial Judgement, 2 September 1998, para. 514.

<sup>195</sup> *Ibid.*

<sup>196</sup> *Prosecutor v Muhimana*, Case No. ICTR-95-1B-T, Judgement, 28 April 2005, para. 500; *Prosecutor v Kajelijeli*, Case No. ICTR-98-44A-T, Judgment and Sentence, 1 December 2003, para. 813.

***“In whole or in part”***

101. The intention must be to destroy the group, not merely some individuals because of their membership in that particular group.<sup>197</sup> The victim should be considered to be the group itself, rather than the individual victim.<sup>198</sup> The perpetrator’s perception determines who comprises the group as a whole, and thus, the actual target of the crime. Therefore, the targeted group can be part of a larger entity. A genocidal act can be aimed, for example, against those members of a larger group who live in a particular area.<sup>199</sup> However, it must be a *substantial part* of that group. “The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole.”<sup>200</sup>

102. Genocidal intent is best proven with direct evidence, however, the ICL jurisprudence is consistent that there are other factors relevant to infer the specific intent beyond words and actions include: general context; repetition of destructive/discriminatory acts; systematic manner of killing; methodical planning, nature of atrocities (incl. scale, location, weapons, extent of injuries; targeting of property belonging to members of the group; use of derogatory language towards the members of the group.<sup>201</sup> Also relevant are scale, exclusion of members of other groups, and the political doctrine giving rise to the acts alleged.<sup>202</sup>

***Intent to destroy the group “as such”***

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<sup>197</sup> See, *Prosecutor v. Bagilishema*, Case No. ICTR-95-1A-T, Judgement, 7 June 2001, para. 64.

<sup>198</sup> See, *Prosecutor v. Muvunyi*, Case No. ICTR-2000-55A-T, Judgement and Sentence, 12 September 2006, para. 485.

<sup>199</sup> See, *Prosecutor v. Krstic*, Case No. ICTR-98-33, Appeals Judgement, 19 April 2004, paras 15-17.

<sup>200</sup> See, *Prosecutor v. Krstic*, Case No. ICTR-98-33, Appeals Judgement, 19 April 2004, para. 8.

<sup>201</sup> *Prosecutor v. Muhimana*, Case No. ICTR-95-1B-T, Judgement, 28 April 2005, para. 496 ; *Prosecutor v. Gacumbitsi*, Case No. ICTR-2001-64-T, Judgement, 17 June 2004, para. 252; *Prosecutor v. Kajelijeli*, Case No. ICTR-98-44A-T, Judgment and Sentence, 1 December 2003, para. 806; *Prosecutor v. Simba*, Case No. ICTR-2001-76-T, Judgement, 13 December 2005, para. 413.

<sup>202</sup> *Prosecutor v. Kalimanzira*, Case No. ICTR-05-88-T, Judgement, 22 June 2009, para. 731; *Prosecutor v. Muvunyi*, Case No. ICTR-00-55A-T, Judgement, 11 February 2010, para. 29.

103. The term “as such” has great significance as it shows that the crime of genocide requires intent to destroy a collection of people because of their membership in a particular group.

104. The “as such” requirement has been interpreted in ICL as not prohibiting other motivations – the proscribed acts must have been committed against the victim(s) because of their membership in the targeted group, but not necessarily solely because of their membership in the group.<sup>203</sup>

### III. ASSESSMENT OF CIVIL PARTY EVIDENCE

#### A. Overview

105. The Lead Co-Lawyers recall the jurisprudence of the Supreme Court Chamber relating to the probative value of Civil Party evidence. By virtue of being a party to the criminal proceedings as part of the said consolidated group,<sup>204</sup> they do not testify as witnesses.<sup>205</sup> The Supreme Court Chamber has confirmed that the unique role of the Civil Parties at the ECCC are all factors that “feed into the application of the approach the Trial Chamber adopted and are therefore to be considered when assessing the probative value and weight of individual civil party testimony” but that these factors per se “not demonstrate an error of law in the Trial Chamber’s approach.”<sup>206</sup>

106. The Supreme Court Chamber has confirmed that Civil Party evidence may be relied upon by the Trial Chamber within its guided discretion to enter factual and legal findings regardless of whether they may relate to the guilt of the accused.<sup>207</sup>

107. In Case 002/01, the Trial Chamber took into account the circumstances of creation and the source and motive of the authors of documents when assessing the probative value to assign to respective documents.<sup>208</sup> In the present case, the Lead Co-Lawyers urge the Trial Chamber to apply a similar standard taking into

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<sup>203</sup> See, *Niyitegeka v. Prosecutor*, Case No. ICTR-96-14-A, Judgement, 9 July 2004, para. 53.

<sup>204</sup> See further, Internal Rules, p. 80 “Civil Party”, p. 81 “party”.

<sup>205</sup> Internal Rule 23(4).

<sup>206</sup> Case 002/01 Appeal Judgement, **F36**, para. 315.

<sup>207</sup> Case 002/01 Appeal Judgement, **F36**, paras 311-315.

<sup>208</sup> Case 002/01 Trial Judgement, **E313**, para. 34.

consideration the factors put forward by them that aid the assessment of credibility of Civil Party evidence. The Lead Co-Lawyers hereinafter elaborate on factors relevant to the assessment of probative value of Civil Party evidence. To this end, the Lead Co-Lawyers will focus broadly on issues touching upon source and quality of the testimonial and documentary offered by civil parties.

108. The Lead Co-Lawyers submit that this will not only further the weighing of documentary evidence but also contextualise the assessment of credibility of Civil Party testimony, especially when such civil parties were confronted by other parties with the applications and supporting documents that they had submitted.

109. For the ease of addressing their respective distinct factors, the documentary Civil Party evidence can be divided into four classes of documents: (i) civil party application; (ii) supplementary information; (iii) written record of interviews by the Co-Investigating Judges; and (iv) supporting and/or contemporaneous documents forming part of their civil party application.

110. Civil Party Applications are a standardised *pro forma* document that can be filled either by the civil party or a person acting on their behalf.<sup>209</sup> After having filled it correctly, it is signed or thumb-printed by the civil party himself/herself. It also bears signatures of an independent witness and, if applicable, the person acting on behalf of the civil party.<sup>210</sup>

111. The Trial Chamber accords limited probative value to Civil Party Applications.<sup>211</sup> The Defence were at liberty to use them during their examination to confront and clarify the facts provided in court, a prerogative that they have exercised

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<sup>209</sup> Practice Directions on Victim Participation, 02/2007/Rev.1, Article 3-4.

<sup>210</sup> See, Part D of Civil Party Application form.

<sup>211</sup> Trial Chamber Guidelines on the Disclosure of Case 003 and 004 Civil Party Applications in Case 002/02, **E319/14/2**, 2 September 2015, para. 4: “the Chamber reminds the Parties that CPAs have much less probative value than PVs and the Chamber has only relied on Case 002 CPAs in the Case 002/01 Trial Judgement for the limited purpose of corroborating other evidence.” See also, Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, **E96/7**, 20 June 2012, para. 29. See further, Decision on Objections to Documents Proposed to be Put before the Chamber in Case 002/02, **E305/17**, 30 June 2015, para. 25; Decision on Objections to Documents Proposed to be put before the Chamber in Co-Prosecutors’ Annexes A6-A11 and A14-A20 and by the Other Parties, **E185/1**, para. 13.

often even in relation to the circumstances in which the Civil Party Applications were taken.<sup>212</sup>

112. The Internal Rules require that the “application must provide details of the status as a Victim, specify the alleged crime and attach any evidence of the injury suffered, or tending to show the guilt of the alleged perpetrator.”<sup>213</sup> However, at the time until 15 September 2010, the precise nature and scope of criminal allegations were unknown as the Closing Order had not been issued. This diluted the quality of information that a civil party could record and/or focus on in his/her application to become a civil party, as the range of alleged crimes that they could address in their application was unknown.
113. Additionally, the majority of the information contained in the Civil Party Applications was taken by members and/or employees of various NGOs. There were eleven NGOs that were associated with these tasks<sup>214</sup> through which these applications were submitted. The Lead Co-Lawyers do not have the data for how many applications were submitted through each of these NGOs, however, there is information on which of these applications were found to be admissible by either the Co-Investigating Judges or the Pre-Trial Chamber.<sup>215</sup> Each NGO had their respective staff requirements, quality control, training capacities, and funding limitations.
114. Certain civil party applications were submitted through the ECCC’s Victim’s Unit outreach team.<sup>216</sup> However, there was no uniform system of outreach at the ECCC to collaborate with these NGOs and/or to standardise the means and/or the

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<sup>212</sup> See, e.g., T., 26 January 2015, E1/252.1 [Corrected 1], pp. 14-23 (Nuon Chea Defence), pp. 24-26 (Khieu Samphan Defence); T., 2 April 2015, E1/287.1 [Corrected 1], pp. 22-24 (Khieu Samphan Defence).

<sup>213</sup> Internal Rule 23 bis (4).

<sup>214</sup> FIDH, KID, ADHOC, KKHRA, Access to Justice Asia, DC-CAM, CDP, ASF France, CJR, CVKR, ASRIC.

<sup>215</sup> FIDH (out of total applications submitted through them, 14 civil parties were admitted), KID (out of total applications submitted through them, 792 civil parties were admitted), ADHOC (out of total applications submitted through them, 1819 civil parties were admitted), KKHRA (out of total applications submitted through them, 194 civil parties were admitted), Access to Justice Asia (out of total applications submitted through them, 27 civil parties were admitted), DC-CAM (out of total applications submitted through them, 138 civil parties were admitted), CDP (out of total applications submitted through them, 49 civil parties were admitted), ASF France (out of total applications submitted through them, 28 civil parties were admitted), CJR (out of total applications submitted through them, 159 civil parties were admitted), CVKR (out of total applications submitted through them, 20 civil parties were admitted), ASRIC (out of total applications submitted through them, 41 civil parties were admitted).

<sup>216</sup> There are 148 civil party applications that were submitted through the ECCC VU Outreach team.

process in which the information contained in the civil party applications was recorded for Case 002.

115. Civil party applications began to be taken as early as 2007.<sup>217</sup> Approximately one fourth of the admitted civil parties filed their application in 2007-2008<sup>218</sup> when the scope of the investigations was not entirely defined.
116. The above-mentioned challenges were greater for civil parties that completed the forms individually. This group includes 494 civil parties.
117. These issues were alleviated to a certain extent when civil parties were interviewed by the investigators from the Office of the Co-Investigating Judges (“OCIJ”). The Trial Chamber has found that these statements continue to enjoy a presumption of relevance and reliability.<sup>219</sup>
118. The Trial Chamber has considered the following factors when assessing the probative value of written records of interview from the OCIJ: “whether this evidence: (a) is of a cumulative nature, in that other witnesses will give or have given oral testimony of similar facts; (b) relates to relevant historical, political or military background, concerns crime-base evidence or goes to proof of threshold elements of international crimes (such as the existence of an international armed conflict or the widespread or systematic nature of an attack); (c) consists of a general or statistical analysis of the ethnic composition of the population in the places to which the indictment relates; (d) concerns the impact of crimes upon victims; or (e) is impossible to subject to confrontation because its author has subsequently died, or can no longer with reasonable diligence be traced, or is medically unable to testify orally.”<sup>220</sup>

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<sup>217</sup> From those civil parties admitted, there were approximately 65 who had filed their civil party application in 2007.

<sup>218</sup> Civil parties that filed in 2007 – 65. Civil parties that filed in 2008 – 889.

<sup>219</sup> Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, **E96/7**, 20 June 2012, para. 26.

<sup>220</sup> Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, **E96/7**, 20 June 2012, para. 22.

119. The Trial Chamber has further acknowledged that when the individuals so interviewed by the OCIJ are not called to testify, their written statements may only be afforded “little, if any” probative value or weight because of lack of opportunity for confrontation or significant deficiencies in these statements.<sup>221</sup> The only restriction on the Trial Chamber’s discretion in relying on them is that they may not form the sole basis of entering findings on the acts and conduct of the accused.

## **B. Issues concerning identification of documents**

120. During in-court examinations of civil parties, issues concerning identification arose. The Lead Co-Lawyers clarify that, for civil parties who testified, their identity was verified not only by the Co-Investigating Judges when determining the status of their civil party application, but also in court when the President put introductory questions to them.

121. Often, and for a variety of reasons, the identification cards had information that was not consistent with the information provided by the civil parties in their civil party application or in court, especially when it concerned dates of birth.<sup>222</sup> The

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<sup>221</sup> Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents before the Trial Chamber, E96/7, 20 June 2012, para. 27.

<sup>222</sup> See, e.g., Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 4 line 20 - p. 5 line 13: “QUESTIONING BY MS. GUIRAUD: Thank you, Mr. President. Good morning, everyone. Good morning, Madam Seang Sovida. I will put a number of questions to you this morning. My first question is for purposes of clarification. Q. You told the President that you were born in 1964. However, in reading your identity card which is attached to your civil party application -- and I'm referring here to document D22/2531 -- it is stated thereon that you were born in 1967. Can you clarify this matter to the Chamber and explain why there is this difference between the dates on your identity card and the date of birth you have just told the President <today>? MS. SEANG SOVIDA: A. When I left the Khmer Rouge regime, I was an orphan living with my uncle and aunt, and they changed my name in order to suit their family's <record>. But actually, I was born in 1964. However, on the official document that I use at the moment, it indicates that my date of birth is 1967. <My current name is Seang Sovida, while my original name is Ly Singuon.> And that's what happened.” See also also, Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 4 line 14 – p. 5 line 10: “QUESTIONING BY MR. LOR CHUNTHY: Thank you, Mr. President. And allow me to say good morning to everyone in and around the courtroom. My name is Lor Chunthy. I am a civil party lawyer in this Case <and I am from Legal Aid of Cambodia (LAC)> and I'd like to put some questions to Mr. Sam Sak in relation to his statement of harm and suffering that inflicted upon him during the Democratic Kampuchea regime and that happened in the Trapeang Thma Dam worksite. Q. I'd like to clarify one matter with you, Mr. Civil Party. You said <earlier that> you were born at Phnum Pir village, Svay Torng, Moat Chruk; however, in your identity card it shows that your place of birth at <Cheav Bdei Khang Lech> Ta Ou, Kiri Vong, Takeo province. Could you please clarify the matter for the Chamber? MR. SAM SAK: A. Thank you. I actually was born in Kampuchea Krom, but I came to live <and study> in Kiri Vong district a long time ago, and when I became a soldier I changed my place of birth to the place of birth of my wife. Q. Can you tell the Court the

differences in dates were explained by one civil party to be due to miscalculation of the date of birth from the Chinese calendar<sup>223</sup> or due to forgetfulness. Civil parties were not unique in this sense; this was also the case with certain witnesses.<sup>224</sup> Occasionally, there was even confusion as to which identity document the civil party had attached with his/her civil party application.<sup>225</sup> Quite significantly, one civil party testified that his original identification documents were destroyed during the regime;<sup>226</sup> and another testified that her husband did not actually have identification papers during the regime at the relevant time.<sup>227</sup>

122. Similar discrepancies were raised in court concerning the names and aliases used before, during, and after the DK regime.<sup>228</sup> Civil Party LY Hour experienced severe disadvantages due to misspellings in his identification documents; his Civil Party Application in Case 001 was rejected by the Trial Chamber on account of

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reason for you to make that change? A. I was a soldier and I did not want them to find out that I originally came from Khmer Krom; for that reason, I changed my background to be a Khmer Leu.”

<sup>223</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 79 line 16 – p. 80 line 12: “Q. And Madam Civil Party, to start with, allow me to seek clarification from you. You made mention to the President in relation to your dates of birth. The date of birth in your identity card and your year of birth that you just told the President, can you tell the Chamber what is the reason for you to use that date of birth on your identity card? MS. PREAP SOKHOEURN: A. Allow me to respond. When I made my identity card, I told the officer that I was born in the Year of Monkey, but I cannot recall the month. And then he asked me to try to recall the month that I was born and <I told him the season I was born in;> as a result, that was the date that he put on the identity card and for that reason, I used that as my official date of birth. Q. Does it mean that the date of birth on the identity card and your actual age is different; is that correct? A. If I count my age base on the date of birth in the identity card, that is 12 October 1951; that is, I am older than my actual age because, actually, I was born in the Year of Monkey. Q. How old are you, then, this year? A. Currently, I am 62 years old <based on the traditional calculation.>” See further, Transcripts dated 24 October 2016, **E1/488.1**, p. 3.

<sup>224</sup> See, e.g., Transcripts dated 9 December 2015, **E1/365.1** [Corrected 2], p. 47 line 17 – p. 48 line 13; Transcripts dated 11 January 2016, **E1/373.1** [Corrected 2], p. 10 line 25 – p. 13 line 3; Transcripts dated 18 January 2016, **E1/377.1** [Corrected 4], p. 8 line 16 – p. 9 line 5; Transcripts dated 9 March 2016, **E1/398.1**, p. 3 line 4 – p. 5 line 18.

<sup>225</sup> Oral Testimony of Civil Party YEM Khonny, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 18 line 17 – p. 20 line 21.

<sup>226</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 11 line 16 – p. 12 line 10.

<sup>227</sup> Transcripts dated 25 October 2016, **E1/489.1**, p. 14 lines 3-9.

<sup>228</sup> See, e.g., Transcripts dated 18 April 2016, **E1/417.1**, p. 9 line 10 - p. 10 line 7. Civil Party CHUM Mey explained that he used the name “CHUM <Manh> alias Mei” during the regime and such is the spelling as it exists on the OCP list of Prisoners and one of the contemporaneous prisoner lists. **E3/342**, no. 1583.

differences in spellings; this was later overturned on appeal.<sup>229</sup> In Case 002, he faced difficulties in obtaining a successor claim.<sup>230</sup>

123. The Lead Co-Lawyers submit that the Defence was within their right to examine and confront civil parties with the discrepancies in the identification information that they provided. Therefore, the Lead Co-Lawyers urge that the explanations provided by civil parties for such discrepancies be taken into account when assessing whether they affect the credibility of a civil party's testimony as a whole.<sup>231</sup> More often than not, such minor discrepancies do not render the entire (or part) of the testimony incredible and the Trial Chamber may still rely on it to make factual and legal findings.

### C. Lapse of time

124. Civil parties testified forty years after the occurrence of the incidents involving the alleged crimes<sup>232</sup> and recounted information that they had retained and recorded over five years ago.<sup>233</sup> Trial Chambers have been known to make allowances for facts that are recounted when after a significant lapse of time, particularly when individuals were young at the time of their occurrence<sup>234</sup> or

<sup>229</sup> See, e.g., Lead Co-Lawyers' Response to Nuon Chea's Fourth Request re Security Centres and Internal Purges, **E412/1**, 20 June 2016, paras 7, 9.

<sup>230</sup> See, Annex I: Letter from Complaints and Applications Manager to VSS, **E412/1.1**, 23 June 2016, p. 1.

<sup>231</sup> See, for example, *The Prosecutor v. Jean-Pierre Bemba Gombo Bemba*, Judgment pursuant to Article 74 of the Statute, ICC-01/05-01/08-3343, 21 March 2016, para. 492 where the Chamber considered the inconsistencies in witness testimony and looked at how they could be explained by reasons of "lapse of time between the events and the testimony, the traumatic circumstances, and her difficulties discussing such personal scenes in court". It found such inconsistencies to not "undermine" her credibility.

<sup>232</sup> See, e.g., Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 62; Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 9 line 21 – p. 10 line 21; Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 16 line 7 - p. 18 line 22; Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 22 - p. 24, p. 44, p. 57 and pp. 64-65; Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 78; Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 62; Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 68 - p. 69.

<sup>233</sup> See, e.g., Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 76; Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 30 – p. 31.

<sup>234</sup> See further, *Kunarac et al.*, Trial Judgement, IT-96-23 & 23/1, 22 February 2001, para. 565: "Many of these witnesses were minors at the time of the events which they described, some of them as young as fifteen years. The level of detail which such witnesses could be expected to recall is different to that expected of witnesses who were more mature at the relevant time. That is not to suggest that the Trial Chamber has required any lower level of satisfaction before accepting the evidence of these young witnesses."

traumatised by them, and therefore, “might have had difficulty in providing a coherent, complete and logical account.”<sup>235</sup>

125. The Lead Co-Lawyers note that courts previously have held that “it is not expected” that witness’ oral evidence be “identical” to the evidence given in prior statements,<sup>236</sup> elaborating that “it is foreseeable that witnesses, by the very nature of oral testimony, will expand on matters mentioned in their witness statements, and respond more comprehensively to questions asked at trial.’ A witness may be asked questions at trial which were not asked before. Also, many witnesses remember, in court, details which they had previously forgotten.”<sup>237</sup> This is relevant to the context of contrasting the circumstances in which civil party applications were taken and the nature of examination that is expected and conducted in court by trained lawyers.

#### **D. Unique cultural context and trauma**

126. Cultural issues also demand that the Trial Chamber be especially sensitive to the difficulties that civil parties (certainly those who are illiterate) face when being specific as to dates, times, distances, directions, and locations. The Lead Co-Lawyers submit that the Trial Chamber fully consider such practicalities before drawing adverse conclusions regarding the credibility of civil parties based only on their inexperience when it comes western understanding and realisation of these concepts.

127. A significant factor in assessing the coherence and consistency of recorded or live testimony from civil parties is the element of memory affected by trauma. This is

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<sup>235</sup> *The Prosecutor v. Germain Katanga*, Judgement pursuant to Article 74 of the Statute, ICC-01/04-01/07, 7 March 2014, para. 83. See further, *The Prosecutor v. Thomas Lubanga Dyilo*, Judgement pursuant to Article 74 of the Statute, ICC-01/04-01/06, 14 March 2012, para. 103; *The Prosecutor v. Mathieu Ngudjolo*, Judgement pursuant to article 74 of the Statute, ICC-01/04-02/12, 18 December 2012, para. 49. See further *Delalić et al.*, Trial Judgment, IT-96-21-T, 16 November 1998, para. 596: “In many cases there has been a significant time lapse between the events about which these witnesses were testifying, the making of their prior statements, and their testimony before the Trial Chamber. The Trial Chamber recognises the difficulties in recollecting precise details several years after the fact, and the near impossibility of being able to recount them in exactly the same detail and manner on every occasion that one is asked to do so.” See also, *Muhimana*, Trial Judgment, Case No. ICTR- 95-1B-T, 28 April 2005, para. 65; *Kamuhanda*, Trial Judgment, Case No. ICTR-95-54A-T, 22 January 2004, paras 34-35.

<sup>236</sup> *Prosecutor v. Moinina Fofana, Allieu Kondewa (the CDF Accused)*, Case No. SCSL-04-14-T, Trial Judgement, 2 August 2007, para. 262. See further, *Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao (the RUF accused)*, Trial Judgement, Case No. SCSL-04-15-T, 2 March 2009, para. 491.

<sup>237</sup> *Prosecutor v. Moinina Fofana, Allieu Kondewa (the CDF Accused)*, Case No. SCSL-04-14-T, Trial Judgement, 2 August 2007, para. 263.

especially relevant in circumstances where civil parties are testifying from memory of past experiences that were particularly traumatic, for example, when recounting facts concerning loss of family members, torture, extreme pain, physical and mental hardship, and witnessing violence or dead bodies.

128. Evidence resulting from traumatic circumstance, in and of itself, does not “render a witness’s evidence unreliable”.<sup>238</sup> Survivors of traumatic experiences cannot be reasonably expected to recall the exact details of the facts central or surrounding such incidents.<sup>239</sup> The Lead Co-Lawyers submit that it is universally understood that “recollection and articulation of such traumatic events is likely to invoke strong psychological and emotional reactions, including feelings of pain, fear and loss” that may “impair the ability of such witnesses to express themselves clearly or present a full account of their experiences in a judicial context.”<sup>240</sup> At the ICTY, the Trial Chamber has even considered that such “inconsistencies” may in certain circumstances “indicate truthfulness and the absence of interference with witnesses”.<sup>241</sup>

129. The Lead Co-Lawyers submit that for civil parties that forgot or confused small details, it does not necessarily impugn their testimony in relation to the central facts relating to the crime as long as the Trial Chamber conducts an “overall evaluation of the nature of the testimony”<sup>242</sup> and assure that the civil party nevertheless “recounted the essence of the incident charged in acceptable detail”.<sup>243</sup>

130. Further, the Trial Chamber in Case 002/01 considered the “psychological damage” suffered by civil parties and made reference to the means in which Post-

<sup>238</sup> *The Prosecutor v. Jean-Pierre Bemba Gombo Bemba*, Judgement pursuant to Article 74 of the Statute, ICC-01/05-01/08-3343, 21 March 2016, para. 241.

<sup>239</sup> *Kunarac et al.*, Trial Judgement, IT-96-23 & 23/1, 22 February 2001, para. 564.

<sup>240</sup> *Delalić et al.*, Trial Judgement, IT-96-21-T, 16 November 1998, para. 595. *See further, Kamuhanda*, Trial Judgement, Case No. ICTR-95-54A-T, 22 January 2004, para. 34; *The Prosecutor vs. Alex Tamba Brima, Brima Bazy Kamara and Santigie Borbor Kanu (the AFRC Accused)*, Case No. SCSL-04-16-T, Trial Judgement, 20 June 2007, para. 111.

<sup>241</sup> *Furundžija*, Trial Judgement, IT-95-17/1-T, 10 December 1998, para. 113.

<sup>242</sup> *Delalić et al.*, Appeal Judgment, IT-96-21-A, 20 February 2001, para. 497.

<sup>243</sup> *Kunarac et al.*, Trial Judgement, IT-96-23 & 23/1, 22 February 2001, para. 564; *see further, The Prosecutor vs. Alex Tamba Brima, Brima Bazy Kamara and Santigie Borbor Kanu (the AFRC Accused)*, Case No. SCSL-04-16-T, Trial Judgement, 20 June 2007, para. 113.

Traumatic Stress Disorder can manifest itself “through vivid recollections of past events; a reluctance to discuss or revisit the past; physical trembling; and insomnia.”<sup>244</sup> For example, one civil party explained how the physical hardship and injuries during the regime affects her memory until today<sup>245</sup> and another explained how her mental suffering made her forgetful.<sup>246</sup> Another civil party explained how visiting S-21 Security Centre in recent times made him dizzy.<sup>247</sup>

131. In the Cambodian context, Dr. Chim Sotheara explained that “Cambodian people” who have suffered from trauma often tend to display the “avoidance” symptom of Post-Traumatic Stress Disorder in that they “don't want to talk about what happened in the past or what they endured because by recalling the event, they would feel the pain.”<sup>248</sup>

#### **E. Assessing consent in light of coercive circumstances**

132. The Lead Co-Lawyers submit that the Trial Chamber should consider international jurisprudence recalling that the existence of coercive circumstances can negate the possibility of genuine consent in the context of certain crimes against humanity.

133. With regards to the regulation of marriage, while the elements of the crime of forced marriage at the ECCC and at the SCSL differ, the Trial Chamber in *Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao* found that in hostile and coercive circumstances, “genuine consent was not possible.”<sup>249</sup> This was confirmed by the Appeals judgment which held that where the legal requirements of the offence have been proven – that is, that the accused “by force, threat of force, or coercion, or by taking advantage of coercive circumstances” compelled one or more persons to act as a conjugal partner, and where such acts “are knowingly part of a widespread or

<sup>244</sup> Case 002/01 Trial Judgement, **E313**, para. 1150.

<sup>245</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 13 lines 15-24.

<sup>246</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2016, **E1/283.1** [Corrected 1], p. 19 line 12 – p. 20 line 9, p. 50 line 20 – p. 51 line 15.

<sup>247</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, **E1/455.1**, p. 32 lines 22-24.

<sup>248</sup> Transcripts dated 5 June 2013, **E1/201.1**, pp. 86-87.

<sup>249</sup> *Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao (the RUF accused)*, 2 March 2009, Special Court for Sierra Leone, Trial Judgment, Case No. SCSL-04-140T, para. 1466.

systematic attack against a civilian population...*consent is impossible and therefore is not a relevant consideration.*”<sup>250</sup> Where findings were sufficient to establish the *actus reus* of forced marriage, there is no requirement “to examine the issue of consent, and in particular to have assessed whether every victim did not consent.”<sup>251</sup>

134. With regards to deportation, the Appeals Chamber in *Prosecutor v Krajisnik* held that, “[f]orcible displacement means that people are moved against their will or without a genuine choice. Fear of violence, duress, detention, psychological oppression, and other such circumstances may create an environment where there is no choice but to leave, thus amounting to the forcible displacement of people...”<sup>252</sup> Endorsing the Appeal Judgment in *Krnojelac* in relation to forcible displacement, which it held to apply equally to the crime of deportation, the Appeals Chamber in *Prosecutor v. Stakić* confirmed that “it is the absence of genuine choice that makes displacement unlawful.”<sup>253</sup> If a civilian population flees in fear of death or other discriminatory acts, involuntariness inherent in the choice to flee negates the very capacity of true consent.<sup>254</sup> While a person may consent to his or her removal, such consent must be assessed in the light of the surrounding circumstances, be given voluntarily, and as a result of a person’s free will.<sup>255</sup>

<sup>250</sup> *Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao (the RUF accused)*, 26 October 2009, Special Court for Sierra Leone, Appeal Judgment, Case No. SCSL-04-15-A, para. 736 (emphasis added).

<sup>251</sup> *Ibid.* para. 740.

<sup>252</sup> See, *Prosecutor v Krajisnik*, 27 September 2006, Judgement and Sentence, Case No. IT-00-39-T, para. 724, quoting *Krnojelac* Appeal Judgement, paras 229 and 233; *Prosecutor v. Stakić*, Case No. IT-97-24-A, Appeal Judgement, 22 March 2006, paras. 279 and 281. The Appeals Chamber in *Prosecutor v. Stakić* found “forced displacement of persons by expulsion or other forms of coercion...” to constitute the *actus reus* of the crime of deportation.

<sup>253</sup> *Stakić* Appeal Judgement, para. 279.

<sup>254</sup> *Prosecutor v. Krstić*, Case No. IT-98-33-T, 2 August 2001, Trial Judgment, para. 529 *et seq.*; *Prosecutor v. Krajisnik*, Case No. IT-00-39-T, Judgement and Sentence, 27 September 2006, para. 724.

<sup>255</sup> *Prosecutor v. Stakić*, 22 March 2006, Appeal Judgment, Case No. IT-97-24-A, para. 279; *Prosecutor v. Martić*, 12 June 2007, Appeal Judgement, Case No. IT-95-11-T, para. 108. See also, *Kunarac*, Case No. IT-96-23-T & IT-96-23/1-T, Trial Judgement, para. 460, confirmed in *Kunarac*, Case No. IT-96-23 Appeal Judgement, paras. 127-128 (in the context of rape). The *Kunarac* Appeals Chamber for example, despite upholding the Trial Chamber’s definition of rape which focused on an absence of consent as a material element *sine que non* of rape, acknowledged that in “almost universally coercive” circumstances, such as those that prevail “in most cases charged as either war crimes or crimes against humanity,” “true consent will not be possible.” See, *Prosecutor v. Kunarac et al.*, 22 February 2001, Trial Judgement, Case Nos. IT-96-23 & IT-96-23/1, para 130. Similarly, the *Gacumbitsi* Appeals Chamber held that, “[t]he Prosecution can prove non-consent beyond reasonable doubt by proving the existence of coercive circumstances under which meaningful consent is not possible . . . [T]he Trial Chamber is free to infer non-consent from the background circumstances, such as

## F. Adversarial debate

135. The civil parties who were selected to appear in court to testify on facts were examined by all parties, that is, each party and the Chamber had the opportunity to put questions to them. All parties were given equal time to examine the civil parties, and could request additional time where necessary.<sup>256</sup>

136. During the respective impact hearings, the Defence exercised their right to test the facts and were thus subject to adversarial debate. On one occasion, when requested by the Defence, a civil party was recalled to be examined on facts that were brought out during his testimony.<sup>257</sup>

137. Therefore, the evidence put forward by the Lead Co-Lawyers, whether testimonial or documentary, was subject to adversarial debate both at the filing stage as well as in court. Thus, having fulfilled the fundamental criteria required under the Internal Rules, the evidence emerging from civil parties can be relied upon by the Trial Chamber to enter factual and legal findings on facts concerning the alleged criminal allegations within the Closing Order that form part of Case 002/02.

## G. Cumulative assessment of probative value

138. As Civil Party testimony presented in court was subjected to adversarial debate by all parties, the Trial Chamber is at liberty to find a civil party credible on

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an ongoing genocide campaign or the detention of the victim." *See, Prosecutor v. Gacumbitsi*, 7 July 2006, Appeal Judgement, Case No. ICTR-2001-64, para. 155.

<sup>256</sup> When requested, the Defence teams were given extra time to examine Civil Parties on demonstrating significance to the Civil Party's testimony for trial. *See, e.g.*, Written record of proceedings of hearing on the substance in Case 002 on 13 October 2016 (Day 464), **E1/483**, 13 October 2016: oral ruling on the request for allocation of additional time to hear Civil Party 2-TCCP-298.

<sup>257</sup> *See, e.g.*, Civil Party THANN Thim who testified during the impact hearings for the First Segment on 2 April 2105 and was then requested to be recalled by the Nuon Chea Defence. *See*, Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1**, Request by Nuon Chea Defence at p. 52 lines 1-10 ("May I make a suggestion and suggest that we stop asking questions on the facts to this witness and ask this witness if he would be prepared to come back at one point in time to give proper and full testimony. I believe he's a relevant witness; he gives, so far, very coherent answers; there are a lot of things I would like to ask him as well. Also considering the remarks of the civil party Lawyers and the Trial Chamber itself, wouldn't it be an idea to just now focus on the civil impact and recall this person as a proper witness."); Oral Ruling by the Trial Chamber at p. 56 lines 17-24 ("After having heard the request by the Nuon Chea defence and the observation from other Parties and after we, the Judges of the Bench discussed, the Chamber now decides to adjourn the hearing of this civil party in regards to the statement of suffering and harm. He will be heard again in due course when he will be summoned again as a factual witness and then he can respond to questions on facts and he can also express his statement of suffering and harm in his capacity as a civil party.").

certain issues and unreliable on others as long as it considers the impact of such unreliability on the remainder of the testimony.<sup>258</sup>

139. The Lead Co-Lawyers understand that cumulative evidence does not necessarily translate to sufficiency of indirect evidence to establish main facts beyond a reasonable doubt.<sup>259</sup> Therefore, in the Closing Brief, the Lead Co-Lawyers, out of an abundance of caution, have not relied on civil party applications and supplementary information forming part thereof when seeking to prove the elements of crimes and criminal responsibility alleged in the Closing Order.

140. The Trial Chamber in *Akayesu* considered “inconsistencies and contradictions between these statements and testimony at trial with caution for these reasons, and in the light of the time lapse between the statements and the presentation of evidence at trial, the difficulties of recollecting precise details several years after the occurrence of the events, the difficulties of translation, and the fact that several witnesses were illiterate and stated that they had not read their written statements. Moreover, the statements were not made under solemn declaration and were not taken by judicial officers.”<sup>260</sup>

141. The Lead Co-Lawyers, therefore, request that the Trial Chamber consider each piece of evidence emerging from Civil Party testimony individually whilst evaluating their respective circumstances and taking into account the abovementioned factors.

#### IV. PRESENTATION OF CIVIL PARTY EVIDENCE RELATING TO CRIMES

142. The Lead Co-Lawyers hereby present the oral testimony of 64 civil parties as it relates to crime-base evidence relevant to the scope of Case 002/02. The Lead Co-Lawyers submit that the evidence throughout these Chapters will assist the Trial Chamber to characterize the material elements of the indicted crimes. Only oral testimony has been relied on, supplemented by written records of interview where

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<sup>258</sup> *The Prosecutor v. Mathieu Ngudjolo*, Judgment pursuant to article 74 of the Statute, ICC-01/04-02/12, 18 December 2012, para. 50.

<sup>259</sup> Compare with Case 002/01 Appeal Judgement, **F36**, para. 419.

<sup>260</sup> *Prosecutor v Akayesu*, Trial Judgement, ICTR-96-4-T, 2 September 1998, para. 137.

appropriate. As civil parties were admitted to the proceedings on the basis of the harm that they suffered as a result of the indicted crimes, testimony on harm appears in each Chapter to demonstrate the interconnection between the crimes and the harm suffered as a result.

## Chapter 1: Tram Kok Cooperatives<sup>261</sup>

### A. Overview of Civil Party Evidence

143. Three civil parties, OUM Suphany, CHOU Koemlan, and OEM Saroeurn, provided evidence linking the Accused to the Tram Kok Cooperatives as discussed in Chapter 12.<sup>262</sup> Five civil parties, YEM Khonny, BUN Saroeurn, OEM Vannak, IEM Yen, and LOEP Neang, testified about the conditions that they experienced and the harm that they suffered as children or adolescents. Civil Party TAK Sann, Civil Party RY Pov and Civil Party THANN Thim provided further evidence relating to the trial segment.<sup>263</sup>

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<sup>261</sup> The Trial Chamber is seized of the facts surrounding the establishment and functioning of the Tram Kok Cooperatives, including the working and living conditions of workers, the identification of people as enemies, the reeducation, arrest, or disappearance of persons for various offences, and the treatment of specific groups – namely those associated with the former Khmer Republic, the Vietnamese, and Buddhists. These factual allegations occurred in the context of the implementation of the first of the five policies relating to the “establishment and operation of cooperatives and worksites by whatever means necessary.” Closing Order, **D427**, paras 302-321, paras 168-170; Decision on Severance, Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**. The Trial Chamber further held that the “Angk Roka <Security Office> is part of Tram Kak district fact and is also part of Krang Ta Chan Security Office facts.” T., 21 April 2015, **E1/289.1** [Corrected 1], p. 35 line 24 – p. 36 line 3. On the basis of these factual allegations, the Accused are charged with the following crimes against humanity alleged to have taken place at the Tram Kok Cooperatives: enslavement, extermination, deportation, imprisonment, torture, political persecution, religious persecution (Cham and Buddhists), racial persecution (Vietnamese), other inhumane act of rape (outside the context of forced marriage), other inhuman act of rape (within the context of forced marriage), other inhuman act of attacks against humanity dignity, other inhuman act of forced marriage, and the other inhuman act of enforced disappearances. Murder has not been charged in relation to the Tram Kok cooperatives. However, this does not preclude the Trial Chamber from altering the legal characterization of the facts it is seized with. Closing Order, **D427**, paras 1381, 1391, 1397, 1402, 1408 [“the Tram Kok Cooperatives, in regard to the treatment of the Cham”]; 1416, 1421, 1426, 1434, 1470; Decision on Severance, Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**. Case 002/01 Appeal Judgement, **F36**, paras 561-562.

<sup>262</sup> See, Chapter 12: Role of the Accused.

<sup>263</sup> Fifty-one civil parties were admitted by the OCIJ on the basis of crimes alleged at the Tram Kok Cooperatives (Closing Order, **D427**, para. 322). One civil party was admitted by the PTC.

144. Civil Party OUM Suphany lived in the Trapaeng Thum Tbound commune in Trapeang Chumro village.<sup>264</sup> She was a New Person, who was married to a Base Person, and during the regime was assigned to work in the rice field as a rice farmer,<sup>265</sup> and was also involved in a variety of other tasks.<sup>266</sup> Civil Party OUM Suphany, who was treated differently as a result of her having married a Base Person, gave evidence at trial that she could not select the work by herself.<sup>267</sup> However, work was delegated depending on the strength of victims, explaining that because she was weak, she could ask to not do hard duties.<sup>268</sup> She testified nevertheless that they would have to work almost 24 hours a day.<sup>269</sup> Civil Party OUM Suphany stated that she gave birth at the Trapeang Kul Hospital to a son despite the inexperienced personnel.<sup>270</sup> She is also the author of a diary and several songs wherein she relates those five years under the Khmer Rouge regime.<sup>271</sup>
145. Civil Party CHOU Koemlan, a New Person from Phnom Penh<sup>272</sup> was sent to live at the K-3 unit at the Leay Bour commune.<sup>273</sup> Her father was a former military medic under the former Lon Nol regime.<sup>274</sup> At the time her husband was taken away, the Civil Party was pregnant.<sup>275</sup> Her husband was a civil servant in the former regime.<sup>276</sup> She gave birth to the baby in Tram Kok.<sup>277</sup> Civil Party CHOU Koemlan

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<sup>264</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 56 lines 19-23.

<sup>265</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 57 line 1.

<sup>266</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 66 lines 12-20.

<sup>267</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 64 lines 5-6.

<sup>268</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, **E1/251.1** [Corrected 1], p. 86 lines 7-8.

<sup>269</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 67 lines 9-16.

<sup>270</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 82 line 16-p. 84 line 9.

<sup>271</sup> Oral Testimony of Civil Party OUM Suphany, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 34 lines 2-18.

<sup>272</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 44 lines 13-14.

<sup>273</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 10 lines 16-17.

<sup>274</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 44 lines 18-19.

<sup>275</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 49 line 20 – p. 51 line 2.

<sup>276</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 49 line 20 – p. 51 line 2.

worked on various assignments while working in a mobile unit, including digging canals from 1976 until dry season of 1977.<sup>278</sup> Civil Party CHOU Koemlan testified that she attended big meetings at Leay Bour Pagoda chaired by Ta Mok.<sup>279</sup>

146. Civil Party OEM Saroeurn, a New Person,<sup>280</sup> was a rice seller at <Phsar Nath (phonetic)> market in Takeo and her husband was a former Lon Nol soldier.<sup>281</sup> They were evacuated to Prey Chheu Teal village in Tram Kok district before she was later transferred to Angk Neareay village in Leay Bour commune.<sup>282</sup> By 1976 she was moved to Chreae Chumrov village in the Leay Bour commune, where she was assigned to dig canals.<sup>283</sup> She was transferred once again in 1978 to Chamkar Siem to dig canals and to build dams there.<sup>284</sup> During this period, her husband was killed and her child died from disease and inadequate food. She was also considered to be a 17 April person.<sup>285</sup>

147. Civil Party RY Pov was assigned to a mobile unit in Kbal Pou. Among other things, he testified that he was assigned to farm and to build an irrigation dam and canal.<sup>286</sup> Civil Party RY Pov and his family had fled to Vietnam as refugees and were exchanged back into Cambodia in 1976.<sup>287</sup> He maintained that he was Kampuchea Leu or Cambodian, but that he had fled to Vietnam.<sup>288</sup> The Civil Party explained that when he was returned to Cambodia, he was considered as one of the “Kampuchea

<sup>277</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 49 line 20 – p. 51 line 2.

<sup>278</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 57 lines 9-18.

<sup>279</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 90 lines 10-17.

<sup>280</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 5 line 20 – p. 6 line 16.

<sup>281</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 4 lines 5-7.

<sup>282</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 5 line 20 – p. 6 line 2.

<sup>283</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 6 lines 2-10.

<sup>284</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 6 lines 13-16.

<sup>285</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 5 line 20 – p. 6 line 5, p. 7 lines 14-24.

<sup>286</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 13 lines 12-14.

<sup>287</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 4 lines 3-6; Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 32 lines 18-23.

<sup>288</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 56 lines 13-15.

Krom people.”<sup>289</sup> He testified about the long working hours workers endured with little rest<sup>290</sup> and testified to the deaths of two members of his unit.<sup>291</sup> Civil Party RY Pov testified that he saw Ta Mok inspecting his worksite two times in 1977.<sup>292</sup>

148. Civil Party THANN Thim, a New Person, was transferred to Trapeang Thum Khang Cheung village, Tram Kok district in 1977 from Kiri Vong district where he worked in the ox cart unit.<sup>293</sup> He testified that he was arrested and subsequently detained at Angk Roka Market.<sup>294</sup> The Civil Party testified to the conditions of his detention.<sup>295</sup> Civil Party THANN Thim explained that after his initial three months of detention within the prison, he was “let out to work in the field.”<sup>296</sup>

149. Civil Party YEM Khonny was sent to Prey Khab when she was 14 years old,<sup>297</sup> where she was assigned to carry earth.<sup>298</sup> She testified to the lack of food and to the working conditions.<sup>299</sup> Regarding her family members, they were separated and placed in different units.<sup>300</sup>

150. Civil Party BUN Sarouen was eleven years old in 1975 when he was moved to Trapeang Chaeng village and was separated from his parents and assigned to a children’s unit.<sup>301</sup> Civil Party BUN Sarouen testified that the monks from the pagoda

<sup>289</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 56 lines 22-25.

<sup>290</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 33 line 21 – p. 34 line 4.

<sup>291</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 42 line 23 – p. 43 line 3; Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 34 line 22 – p. 35 line 3.

<sup>292</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 37 line 23.

<sup>293</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 28 line 12 – p. 29 line 15.

<sup>294</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 32 lines 12-20.

<sup>295</sup> Oral Testimony of Civil Party THANN Thim, T., 21 April 2015, **E1/289.1** [Corrected 1], p. 32 lines 4-9 and lines 16-22; Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 34 line 15 – p. 35 line 7.

<sup>296</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 42 lines 12-23.

<sup>297</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 89 line 4.

<sup>298</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 90 lines 2-9, p. 92 lines 12-17.

<sup>299</sup> Oral Testimony of Civil Party YEM Khonny, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 10 lines 14-21.

<sup>300</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 90 line 25 – p. 91 line 3.

<sup>301</sup> Oral Testimony of Civil Party BUN Sarouen, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 28 line 20 – p.29 line 12.

near Trapeang Chaeng cooperative were taken away, including his brother and his uncle.<sup>302</sup>

151. Civil Party OUM Vannak was eight years old and considered to be a New Person. She was incorporated into a mobile unit at Chheu Teal village.<sup>303</sup> She was later forced to move to Angk Neareay village in mid-1975.<sup>304</sup> Her children's mobile unit was based in District 105.<sup>305</sup> Civil Party OUM Vannak testified that children were not allowed to visit their parents apart from the monthly home visits.<sup>306</sup>

152. Civil Party LOEP Neang, who was 11 years old at the time, testified concerning the living conditions in the Tram Kok cooperatives. The Civil Party, a Cham, in Tnaot Chang village, Tnaot Chang commune of Tram Kok district, and was later assigned to work in 109, another village in Tram Kok district.<sup>307</sup> Civil Party LOEP Neang testified to the working conditions she experienced and the lack of food.<sup>308</sup> She also explained that her siblings were taken away and never returned.<sup>309</sup>

## **B. Crime-base Evidence Provided by Civil Parties at Trial**

### **(1) Enslavement**

153. Civil Party evidence adduced at trial establishes that workers at Tram Kok were subjected to the exercise of any or all powers attaching to the right of ownership over a person.

#### **a.) Forced labour**

154. Civil Party BENG Boeun testified that “[a]s for me I was constantly working in a mobile <unit and a ploughing> unit depending on whatever they wanted me to

<sup>302</sup> Oral Testimony of Civil Party BUN Sarouen, T., 3 April 2015, E1/288.1 [Corrected 1], p. 32 lines 9-16.

<sup>303</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 55 lines 5-8, 10-15.

<sup>304</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 54 lines 19-22.

<sup>305</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 56 lines 5-6.

<sup>306</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 58 lines 8-12.

<sup>307</sup> Oral Testimony of Civil Party LOEP Neang, T. 3 April 2015, E1/288.1 [Corrected 1], p. 94 lines 10, 12, p. 100 lines 12-21.

<sup>308</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, E1/288.1 [Corrected 1], p. 98 line 19 – p. 99 line 4.

<sup>309</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, E1/ 288.1 [Corrected 1], p. 94 line 23 – p. 96 line 6.

work at.”<sup>310</sup> Similarly, Civil Party CHOU Koemlan described that “we would be asked to work anywhere, any cooperative, whenever they wanted us.”<sup>311</sup> Civil Party RY Pov recalled that “[w]e were assigned to do rice, dry season farming, and build an irrigation dam and canal.”<sup>312</sup>

155. Civil Party OUM Suphany testified that she had to work “[u]nless there was permission from Angkar. We could not have free time, we could not stop and do not – we had to go to work.”<sup>313</sup>

156. Civil Party TAK Sann testified that “I did not dare to rest as I was forced to work. Everybody did not dare to take any rest.”<sup>314</sup> She explained, “[w]e were not allowed to rest as we were forced to complete the work assignment.”<sup>315</sup>

157. Civil Party OEM Saroeurn testified that “I was assigned to a mobile unit to carry earth, to engage in digging canals. And I also carried cement at a railway station, and that work was done at night <in a group of 12> females. <We were> assigned <by Angkar> to carry cement, <salt> to store in a warehouse.”<sup>316</sup> “[I]n 1978, Angkar sent me to Chamkar Siem (phonetic) to dig canals, to build dams there in Chamkar Siem (phonetic). There were three female 17 April People, including myself, so we were forced to work hard there.”<sup>317</sup>

158. Civil Party THANN Thim, who testified in relation to his detention at Angk Roka Market, testified to having to work after his initial three months of detention. “Initially, I was detained day and night in the building for three months and after the three month period, <Meng> (phonetic) questioned or interrogated me again about where I was during the '70, '72 '74 and '75 and I responded accordingly and after the three month period I was let to work outside in the field. And this does not mean I

<sup>310</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 68 lines 7-9.

<sup>311</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 58 lines 2-3.

<sup>312</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 13 lines 13-14.

<sup>313</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 68 lines 1-2.

<sup>314</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 30 lines 17-18.

<sup>315</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 30 lines 21-22.

<sup>316</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 6 lines 6-10.

<sup>317</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 6 lines 13-16.

was released after the <three-month> detention. I was detained in 1978 until the time the Vietnamese attacked.”<sup>318</sup>

159. The Civil Party described, “I was asked to carry water to water the vegetables near the prison building and at that time I did not have <anything> to wear. I walked <barefoot> and it was very painful since it was very hot, but because I wanted to survive so I worked hard by watering the vegetables nearby the prison building. I went to carry the water from a pond nearby.”<sup>319</sup> “At night time we were put back into the detention building and we were shackled, and only during the daytime that we were let out to work and in the evening then we were put back and shackled in the building.”<sup>320</sup>

#### **b.) Assertion of exclusivity**

160. Civil Party RY Pov testified that all identity documents were collected and burnt upon his family’s arrival to Cambodia. “All people and person who is 20 years or more would have a card, a black card. And anything like ID card or document were collected and burned out.”<sup>321</sup> “They told us that "Angkar will take care of you", and we were told that here we have cooperatives and we have a collective Angkar and you all will be ready to receive meals and accommodation to be provided by Angkar; don't worry.”<sup>322</sup>

161. In terms of living arrangements, Civil Party OUM Suphany stated that “Angkar made me a house for me to stay at the Trapeang Angk village. All New People would gather to live there so that it’s easier for them to control us.”<sup>323</sup>

#### **c.) Control**

##### **i.) Psychological control**

<sup>318</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 42 lines 16-23.

<sup>319</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 43 line 13-18.

<sup>320</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 43 line 23 – p. 44 line 1.

<sup>321</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 11 lines 21-24.

<sup>322</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 12 lines 7-12.

<sup>323</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, **E1/251.1** [Corrected 1], p. 64 line 24 – p. 65 line 1.

*Imposition of a climate of fear*

162. Civil Party RY Pov testified, “[a]t that time everybody, including myself, tries to abide by the organisation discipline and we did not dare to violate it as we were afraid that we would be taken away and killed. So, nobody dared to walk freely or to violate the principles set out by the organisation.”<sup>324</sup>
163. Civil Party OEM Saroeurn testified, “I could not complain, otherwise, I would be killed. If we asked for more we -- there would be a problem for all of us. We ate what we were given, <we had to endure it,> and we <just went around to find ripe palm fruit,> the stem of banana and the stem of papaya trees to cook to eat <secretly>.”<sup>325</sup>
164. Similarly, Civil Party YEM Khonny testified that she was forced to say that her diet of gruel mixed with water lily was delicious. “If we were not to say it was delicious, then we would be mistreated and we had to do that and we had to just eat the soup otherwise we would be taken for <refashioning>. Nobody dared to say that the food was <insufficient> and that also applies to the children. If the children -- if one of the children said the food was not enough, then that child would be taken for <refashioning>. And then we had to do so, we had to just say the food was delicious<, and we had enough to eat to avoid being taken away for refashioning>. If we were taken for re-education then it means that we would be in trouble and in order to survive, we just had to please them and to say that it was delicious. Of course how could you say such gruel mixed with water lily or mixed with banana <stump was> delicious?”<sup>326</sup>
165. Civil Party CHOU Koemlan testified that “[p]eople complained about not enough rice to eat, because they got a lot of rice harvest in the end of the harvest season but no rice was given enough to us. However, we only complained within our

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<sup>324</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 41 line 24 – p. 42 line 3.

<sup>325</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 20 line 23 – p. 21 line 2.

<sup>326</sup> Oral Testimony of Civil Party YEM Khonny, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 9 line 19 – p. 10 line 6.

group. If it was heard by them then that person would have been arrested, taken away and killed.”<sup>327</sup> “During the meeting none of us dare to speak. If we would have to say something and it was heard by them then we would be in trouble.”<sup>328</sup>

166. Civil Party RY Pov testified that “[o]n the issue of the arrests or mistreatment, of course it happened on a daily basis. However let me stress that at the time, they didn't use the word 'being arrested', they told us those people were sent for re-education. <But I saw people were tied up in lines.> And we knew what would happen to them and we were very scared but we didn't dare ask them any question. During the time, we did not have any rights to free speech.”<sup>329</sup> Elaborating, the Civil Party stated that “[a]t that time nobody dared to protest. If anybody protested then we would be accused of being an enemy <within> the cooperative and that person would not be survived, and they would take a measure to take that person away secretly.”<sup>330</sup>

167. Civil Party CHOU Koemlan recalled how “[m]inding our own business” was “said very frequently.”<sup>331</sup> “We had an ordinary meeting once every ten days and a big meeting was held once a month. This sentence – this phrase was always mentioned.”<sup>332</sup> She explained that “[m]inding our own business’ is that no one can help others – father, mother, siblings – they could not help anyone in their family. Those who made mistakes would be arrested and taken away, that is why Khmer Rouge used the term ‘minding our business’.”<sup>333</sup>

### *Monitoring and the role of Base People*

168. Civil Party CHOU Koemlan explained that “Base People, <the 18 April People,> would keep an eye on New People. They would observe whether New People are complaining <against their line, such as> food, <and> work. And if New

<sup>327</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 90 lines 21-25.

<sup>328</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 91 lines 3-5.

<sup>329</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 23 lines 10-16.

<sup>330</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 42 lines 16-20.

<sup>331</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 64, line 2-4.

<sup>332</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 65 lines 1-3.

<sup>333</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 64 lines 12-16.

People mistakenly said something, we would be taken to a study session, or to be refashioned. So, Base People, they were in charge of New People.”<sup>334</sup>

169. Civil Party RY Pov testified that “[d]uring the Khmer Rouge regime, people were assigned to different units, there were children units, <production> units, uncle units or farmer and widower units, and <youth unit and> production units. <There were several categories.> But in each unit, it would be called a "50 member unit", there were 50 people, and the 17 April people and those who were from Vietnam were assigned in the same unit. And a group, there would be 12 people, headed by the Base People, so they would control every activity - every daily activity - including moving, working, eating, and also sleeping, and so on.”<sup>335</sup>

170. Civil Party BUN Saroeun recalled that there was a leader to manage all the children, stating that “[t]here were leaders who would lead us to work, who would watch over us, but we had to work, there was no school <or study sessions>.”<sup>336</sup>

171. Civil Party OUM Suphany testified that “they mobilized us in such a way so that it was easy for them to work and to control us. If we lived with the New People, we could secretly talk about, or recall the old memories when we lived in Phnom Penh. Unfortunately, since we lived with the Base People, we had to keep silent like mutes, like the deaf. We only used our eyes to watch the road ahead, the work site, and our mouth to eat and speak about important things.”<sup>337</sup>

172. Civil Party BENG Boeun testified that “[m]y mother-in-law told me to say nothing and to keep quiet at night, since they watched us on a constant basis.”<sup>338</sup> “In the mobile unit and elsewhere there was not enough food. We had to work a lot to harvest all of the land around us and when we ate, the Khmer Rouge would watch over us, they would circle us and they would ask us if there was enough to eat or not

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<sup>334</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 19 lines 2-7.

<sup>335</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 16 lines 7-16.

<sup>336</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, E1/288.1 [Corrected 1], p. 35 lines 10-12.

<sup>337</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 69 line 25 – p. 70 line 7.

<sup>338</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, E1/287.1 [Corrected 1], p. 67 lines 8-9.

and if we said that there was not enough to eat well, then we were brought away to be executed.”<sup>339</sup>

**ii.) Control of movement – measures taken to prevent or deter escapes**

173. Civil Party BUN Saroeun testified that he was not allowed to return home once he was evacuated. “Once I left home, we were not allowed to come back home to see our house again. We had to do our job for <the Party>.”<sup>340</sup>

174. Civil Party RY Pov explained that workers needed permission to move about the worksite and described the procedure. He testified that “[a]t that time, when we were working at a worksite, even if we had to relieve ourselves, we had to inform our group chief or unit’s chief, to get their permission first. <We had to tell them how long it would take.> If we were longer than usual, then we were accused of having a psychological sickness.”<sup>341</sup>

175. The Civil Party elaborated that, “[d]uring the Khmer Rouge regime, we had to obey. I am saying that we had to follow the Angkar’s organization. Without the permission from Angkar, we would not dare go anywhere. Wherever we were assigned to work at, we had to be there. For example, within a limit of a 100 metre land – plot, then we could only move within that limit.”<sup>342</sup>

**iii.) Control of family life**

176. Civil Party OUM Vannak testified, “I was beaten and I was tortured because at night time they would go and count our heads and if they couldn’t find us then we would be in trouble. But usually I would go back at around 3 o’clock in the morning as the head counting was at five. And one time I was caught when I returned and I was asked where I had been and I told them I went to visit my parents. And they <told me not to> waste any time because my parents did not benefit from me visiting them and then I would be in trouble if I broke or I violated the discipline again. And

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<sup>339</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, E1/287.1 [Corrected 1], p. 66 lines 20-25.

<sup>340</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, E1/288.1 [Corrected 1], p. 33 lines 10-12.

<sup>341</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 40 line 23 – p. 41 line 2.

<sup>342</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 41 lines 15-18.

if someone got caught, then that person would be arrested, <tied up,> and beaten up <before being let out to work> and that was the case that happened to me. I was <tied up> and beaten up <on> the order of the unit chief.”<sup>343</sup>

177. Civil Party YEM Khonny described how she “was separated from my family members and I requested to visit my family, but I was scolded, that I did not yet finish my work and I wanted to go to visit my family members and I was not allowed. But I told them I <missed> my family members, my parents, my siblings, my grandmother. And I sought permission for half a day visit. And then I was told if I wanted to do that, they gave me <a pair of> baskets to go and to dig the termite mound instead.”<sup>344</sup>

178. Civil Party IEM Yen testified, “I was separated from my parents from 1976, but I was allowed to visit my parents three times a month, and later on my visit time was reduced to once a month only. And I was young, I missed my parents so miserably.”<sup>345</sup> She explained how she “tried to escape from my unit a few times – two or three times. I, at that time, was arrested again and again. I was put <back> in the cooperative back after my arrest.”<sup>346</sup> The Civil Party described how she “missed them so much, I wanted to ask for permission to visit my parents.<> I was not allowed to do so because they had scheduled for me to visit my parent on specific days and I asked them already a few times, but I was not allowed to visit my parents.”<sup>347</sup> Civil Party IEM Yen clarified that she was “arrested and buried. The reason was that I ran away from my unit to visit my parents.”<sup>348</sup>

179. Civil Party YEM Khonny, who was 14 years old at the time, testified that “[i]nitially, I was allowed to live with my family members, with my grandmother. But

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<sup>343</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 58 line 16 – p. 59 line 2.

<sup>344</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 91 lines 6-13.

<sup>345</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 62 lines 6-9.

<sup>346</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 58 lines 16-18.

<sup>347</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 62 lines 12-15.

<sup>348</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 62 lines 19-20.

later on, I was separated into a group, in a unit. And my siblings were put into other units as well as my mother, she was placed in another unit.”<sup>349</sup>

180. Civil Party TAK Sann testified that “[f]irst I was allowed to live with my family and my husband and after that we were divided into different units.”<sup>350</sup>

**iv.) Communal eating**

181. Civil Party CHOU Koemlan testified that “[w]e could eat only in the communal eating. That is why some people complained that they did not have enough food and as a result, they would be taken away to be killed.”<sup>351</sup>

182. The Civil Party explained, as for “communal eating, there was a pot, a soup pot in the middle of us. And we could have only a spoon full of rice, and we could not have enough meal. And we dare not to say anything although we were not full, if we accidentally slipped -- if the word slips out of our tongue accidentally that we were not full, then we would be taken away to be killed or to a study session.”<sup>352</sup>

**v.) Control of sexuality**

183. With regard to ‘moral offences’, Civil Party CHOU Koemlan testified that “[p]eople made "moral offences" would be ordered to carry earth for a certain cubic meters per day and one day I saw two couples who made or committed moral offences and who were ordered to carry earth.”<sup>353</sup> “They said that they secretly fell in love with one another. And the woman was a widow and she fell in love with uncle, that's what they referred to men at the time. So, their love affair was known by them and then they were punished by ordering them to carry earth. And another one who was accused of a moral offence <; felt embarrassed,> committed suicide by

<sup>349</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 90 line 25 – p. 91 line 3.

<sup>350</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 28 lines 19-20.

<sup>351</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 61 lines 14-16.

<sup>352</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 60 lines 1-9.

<sup>353</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 73 lines 19-22.

hanging<herself>.”<sup>354</sup> “But I am not sure, just to make - to be clear, whether they hanged <her>or he hanged<herself>.”<sup>355</sup>

184. With regards to the person who committed suicide after breaching the moral code, Civil Party CHOU Koemlan explained that she “only heard these events from another person who was a Base Person. I do not know whether <s>he was arrested and killed. But the Base Person told me that the person was accused of a moral offence and felt offended or somehow and then hanged <her>self. <I didn't witness that, but I only knew that if you committed moral offences, you would be detained in Leay Bour pagoda.>”<sup>356</sup>

#### **d.) Cruel treatment and abuse**

##### **i.) Physical abuse**

185. Civil Party OUM Vannak testified that she was punished three times; the third time was when she became seriously ill and she was not working. “I had a very high temperature, it was a bad fever. It happened day and night and I sought permission to rest but I was not allowed to rest. And I went to seek for some medicine and I was not given any except just a powder from cassava. <I once heard from my mother that in such a case, I could drink the juice from sdau (phonetic) leaves if we had no access to medicine. So I went to collect some sdau (phonetic) leaves in order to get the juice to drink. On my way a militiaman spotted me and he reported me to Angkar that I was trying to avoid work. As a result,>I was arrested, tied against a tree and beaten up and I -- at that time there were 20 young children there. I was beaten up while I was seriously ill.”<sup>357</sup>

186. The Civil Party continued, “[a]nd they <did not use> their hands to beat me up, they used bamboo clubs with nails attached to beat me up physically and there are <still> scars <> on my body. <My calf was bleeding from the beating. They beat me

<sup>354</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 74 lines 1-6.

<sup>355</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 74 lines 17-19.

<sup>356</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 74 lines 12-17.

<sup>357</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 59 lines 12-23.

until I became unconscious.> I was tied up to the tree <all night. When> the morning came, <and I gained consciousness,> I saw blood all over my body. <They also smashed my head against the tree.> I felt so pity for myself. When I was in this trouble I wanted the comfort of my parents but they were nowhere near me. I shouted asking for my parents but nobody came to help me, only those who actually mistreated me were there. I kept thinking of my parents, of <an elder brother> who looked after me when I was away from my parents and about once a month that man came to me to give me food that he could obtain and that he could find. And he consoled me not to weep <but try> and tried to work as hard as I could so that Angkar would not take me away and kill.”<sup>358</sup>

187. Civil Party OEM Saroeurn testified that “there was <a young person about 15 years old> complaining about the food ration and this child complained that he could not have enough food to eat, and he stole a <package of rice from the economic section and searched for> fish to eat, and he was <taken away to be> killed <when he was caught doing so>.”<sup>359</sup> “At that time the child was 15 years old. He stole a package of rice from the economic section and <searched for fish to eat, then> there was a report about the matter. The child was brought away and killed.”<sup>360</sup>

188. Civil Party RY Pov testified “I cannot calculate a specific assignment, but when we were in our unit, we have to respect the rule and continue to work without any rest. So If anyone violated the rule, there will be punishment by increasing the workload <for instance, he or she had to carry dirt, three to four cubic meters>, and he or she would be forced to work until he or she completed the assignment.”<sup>361</sup> He also explained that “[i]f we caught some fish, we need to bring to put in the cooperative. So, if anyone caught in catching fish without any permission, they<, the 50 member unit, would catch fish and force-feed the> fish to that person to eat in one

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<sup>358</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 59 line 25 – p. 60 line 15.

<sup>359</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 21 lines 6-10.

<sup>360</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 21 lines 18 - 21.

<sup>361</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 38 line 21 – p. 39 line 1.

- <sitting> with a large amount of fish, <that was> the kind of a torture by the Khmer Rouge <in the place that I was living>.”<sup>362</sup>
189. Civil Party IEM Yen described the physical punishment she endured after attempting to steal cassava:<sup>363</sup> “[M]y legs were tied up and my hands were tied to the back -- behind my back. They tied my hair to the window bar. I was thirsty during that time. I called a person, ‘<Mit> Bong’, and I asked for water. <They pretended they didn’t hear me.> I was deprived of food. I was so <> hungry. I asked for food and water for a few times <>. At the third time when I asked again, I was <forced to drink> water. <I was almost out of air.> And after that, the chief of the units brought in a whip or a bamboo stick and they hit on my abdomen <and my legs> and I was warned that<, ‘Next> time, please do not go and steal something <again>’. And I replied, ‘No, I would not do it again.’”<sup>364</sup>
190. The Civil Party explained that she had asked to relieve herself and that she “told the other two that we should pretend> to relieve <ourselves> for a long period of time because <our> legs and feet were so hurt. <But it was not long before they came to take us back to the house and tie us up again.> At night time, when the children returned from their work <>, they also saw that the two children and I were tied up. <They released us. I thought that nothing would happen next, but> after that time, I was called to a self-criticism meeting and at that time, there was a child standing up to say that those who committed wrong should come to confess so I confessed at that time. <I said I would not do that again.> And after the meeting, I was asked to go back to work.”<sup>365</sup>
191. Civil Party TAK Sann testified that she had to test fertilizer made with human excrement – “I was ordered to taste it, so I had to force myself to do that as I was

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<sup>362</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 15 lines 10-15.

<sup>363</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 61 line 19 – p. 62 line 2.

<sup>364</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 59 lines 15-25.

<sup>365</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 60 lines 6-16.

scared” and that “<[i]f> the rice seedlings <died>, then we would be <punished. It was too salty>.”<sup>366</sup>

192. Civil Party YEM Khonny explained that people would be ‘reeducated’, which “means, we <would> be taken away to be criticised and that we would be punished by doing extra <workloads>. For example, in our daily work plan, we had to carry only 20 <trips> but then we would be given extra <workload than that. Nobody wanted extra work.> At that time we overworked, we were so skinny, sometimes we fell on the ground because of the exhaustion and because of the lack of nutrition in the food. And so for us we looked so bony, we could only see our knee caps.”<sup>367</sup>

## ii.) Food deprivation as punishment

193. Civil Party CHOU Koemlan stated that “as for ration, it was very strict, if we did not perform our work, we would not get our meal.”<sup>368</sup> “Although our baby did not recover from the disease yet, we would need to go back to work to get food ration. If we had to rest for very long time, we would also be taken away to be killed.”<sup>369</sup>

194. Civil Party CHOU Koemlan further testified that women who had to take care of their sick children were deprived of food, “when our baby was sick, we could rest. But our food was not given, so we would eat the food given to the baby.”<sup>370</sup>

195. Civil Party OUM Vannak testified that “[w]e were assigned to carry earth, starting from 6 o'clock in the morning until 11.30 at noon and if we didn't complete the work planned, then we would be deprived of food. The 10 -- a group of 10 children had to finish 10 cubic metres and sometimes we could complete it and some other times we could not. If the earth <was> soft, for the whole day from morning till late evening, we could complete the work quota and if the earth was hard, then we

<sup>366</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, E1/286.1 [Corrected 2], p. 40 lines 19-20, 24-25.

<sup>367</sup> Oral Testimony of Civil Party YEM Khonny, T., 3 April 2015, E1/288.1 [Corrected 1], p. 10 lines 14-21.

<sup>368</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 58 lines 20-22.

<sup>369</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 59 lines 3-7.

<sup>370</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 19 lines 23-25.

could not and then we would be deprived of gruel.”<sup>371</sup> She further testified that “at the end of 1977, I was tasked <to collect eight bundles of kantreang khet plants; or I would not receive my food ration. In> terms of cow dung, I <was required to collect three sacks of cow dung;> otherwise I would also not be fed.”<sup>372</sup>

196. Civil Party BUN Saroeun testified, “[i]f we completed the assigned work quota then we would be given food and if we <failed> to do that, then they would only give us half of the ration for that reason. In order to have a complete food given to us we had to complete the work quota <for the Angkar>.”<sup>373</sup> “I was assigned to herd the cattle and one cow had diarrhoea then I was deprived food and in fact, <when I transported rice, on the way back, I beat the cow because it spilled the rice, and because the rice was spilled,> they only gave one food ration for the two of us.”<sup>374</sup> Elaborating on why he was held responsible, he explained that “I didn't know the detail of the matter, I saw a cow had diarrhoea and, maybe I thought, it was because of the grass the cow ate and then I was blamed for not informing them about the cow having diarrhoea because I thought the cow ate young grass and for that the cow had diarrhoea. Then I was questioned and I was warned.”<sup>375</sup>

197. Civil Party OEM Saroeun testified that she “fell sick and <the unit representative of the village,> the chief of the economic deprived <me of> rice because I – I was accused of having <imaginary illness>. I had malaria at that time in 1976. I was seriously sick.”<sup>376</sup>

198. Civil Party THANN Thim testified that “[a]s for food rations, we did not have enough food to eat. We had only a watery gruel. We did not have enough food to eat.”<sup>377</sup> He continued that “[s]ome people got sick and we could see that they were

<sup>371</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 56 line 23 – p. 57 line 5.

<sup>372</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 64 lines 7-10.

<sup>373</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 42 lines 3-7.

<sup>374</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 42 lines 14-18.

<sup>375</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 42 line 22 – p. 43 line 2.

<sup>376</sup> Oral Testimony of Civil Party OEM Saroeun, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 21 line 24 – p. 22 line 2.

<sup>377</sup> Oral Testimony of Civil Party THANN Thim, T., 21 April 2015, **E1/289.1** [Corrected 1], p. 26 lines 5-6.

bony and knees were as big as the heads. Some people were accused of being psychologically sick, <but they were truly sick> and they adhered to the slogan that 'keeping is no gain, taking away is no loss', so they took these people away."<sup>378</sup> "For those who were not able to work, the food ration was <reduced>. They were sick and their food ration was <reduced> and they said that if people did not <do> any labour, they should have only a little food to eat."<sup>379</sup>

199. Civil Party TAK Sann testified that workers were threatened with reduced food if they did not complete their work. She testified "[i]t was a threat, although we were still given the food ration. But I must say the food ration was not enough."<sup>380</sup>

## **(2) Other inhumane acts**

200. Civil Party evidence adduced at trial establishes that Angkar's conduct to establish and operate cooperatives and worksites, including the Tram Kok Cooperatives, with the objective of putting the population to work as well as for detecting, re-educating and "smashing" the enemy encompassed violations of the right to life and to an adequate standard of living, the right not to be subject to cruel, inhumane and degrading treatment and not to be arbitrarily arrested.<sup>381</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused serious harm or constituted an attack on human dignity.

### **a.) Working conditions**

201. Civil Party RY Pov testified that "[d]uring the labour work and we would start early in the morning and would break at 11 for lunch. And later they told us, "Don't worry about your lunch. You should pay your attention only <to> your work." <So then it was at 2 p.m. or 3 p.m. Twenty-four hours per day, we> could have only two meals. <We ate at 3 p.m.> and in the evening<, we ate at 12 a.m. In short,> we made

<sup>378</sup> Oral Testimony of Civil Party THANN Thim, T., 21 April 2015, E1/289.1 [Corrected 1], p. 26 lines 10-14.

<sup>379</sup> Oral Testimony of Civil Party THANN Thim, T., 21 April 2015, E1/289.1 [Corrected 1], p. 26 lines 17-20.

<sup>380</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, E1/286.1 [Corrected 2], p. 40 lines 12-13.

<sup>381</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, and 25.

to work without any breaks. We were ordered to complete assignment before asking for meals.”<sup>382</sup>

202. Civil Party OUM Vannak testified that sometimes children had to work in the evening as well, which involved digging pits to plant coconut trees in the mobile unit of Chrae village.<sup>383</sup> She explained that “digging pits to plant coconut trees was difficult because we had to do that from 6.00 in the evening to 10 o'clock in the evening and it was absolutely necessary to do this job so it was really too much <work for children> but we did not dare complain and refuse to do the job.”<sup>384</sup> “I was in charge of digging these pits for almost one full month. We had two to three days when we wouldn't work in a month.”<sup>385</sup> When the Civil Party was transferred to the area next to Wat Khnar, she stated that “during the day I had to pick <snakeroots, carry soil from termite mounds> and pick up cow dung and in the evening, indeed, we had to dig pits to plant coconut <and banana> trees <around the area of Wat Khnar>.”<sup>386</sup>

203. Civil Party BENG Boeun testified that “[a]s to the nature of work in the mobile unit, of course it did not improve as it was extremely intensive work and our mobile unit engaged in rice farming and in building a dam, which was <six-metre> tall, so all kinds of works we were engaged in were of an extensive hard work. <We were ordered to cheer up when the delegation visited the worksite.>”<sup>387</sup>

204. Civil Party OUM Suphany explained that “[d]uring the harvest season, I worked almost the day and night, and sometime I slept on the grass. And for those who had energy, they continued their work, and we worked almost 24 hours. During dry season, in the morning, we carried rice, we carried termite mounds and we carried

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<sup>382</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 33 line 21 – p. 34 line 4.

<sup>383</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 68 lines 16-18.

<sup>384</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 68 line 22 – p. 69 line 1.

<sup>385</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 69 lines 3-5.

<sup>386</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 69 lines 18-22.

<sup>387</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 72 lines 9-14.

fertilizer to put in the fields. And at night time, we were asked to dig ponds and also small pools, and we worked sometimes until 10 p.m.”<sup>388</sup>

**b.) Living conditions**

**i.) Lack of food**

205. Referring to Section B(1) above in relation to enslavement, Civil Parties consistently testified to the lack of food and resulting hunger and starvation. For example, Civil Party TAK Sann described her feeling as “[s]ometimes I did not fill my stomach, I wept. But I would <just walk away and would> not dare to let other people see that I was weeping.”<sup>389</sup>

206. Civil Party CHOU Koemlan testified that “I only took care of the baby, but because I did not have enough food to eat. In fact at the beginning, we were only given corn to eat. And later on, I cannot remember the month, but it was still in 1975, we were asked to eat communally. And my baby did not have enough to eat.”<sup>390</sup>

207. Civil Party RY Pov testified that in his mobile unit at Ou Chrov, “there were two members who died from starvation. However, they then said that they died of <syncope>. And in fact, there was a wound infection on their leg, and it got worse because of the insufficient food. And because they were sick, they were not allowed to give any food, and later on they died <of starvation at that Ou Krouch>.”<sup>391</sup>

208. A child at the time, Civil Party OUM Vannak described, “[s]ometimes we were so starving, we <sought> permission to go to the nearby bushes to relieve ourselves but in fact, we went to pick some tree leaves – that is from <thnoeng vines> and we ate those leaves because we were so starving.”<sup>392</sup> “When we were deprived of food, we would go to look for sweet potatoes where old -- in the fields where old

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<sup>388</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 67 lines 9-16.

<sup>389</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 46 lines 11-13.

<sup>390</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 51 lines 12-17.

<sup>391</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 42 line 23 – p. 43 line 3.

<sup>392</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 57 lines 21-24.

people were working and if there was no fire to cook these sweet potatoes, we would just eat them raw.”<sup>393</sup>

**c.) Inadequate medical care**

209. Civil Party OUM Suphany testified about the delivery of her second baby. She described that she had “< constant <labor> pain and the woman who was Chief of the hospital came to see me and when she saw me giving birth with difficulty, she very often came to see me and she told me that the baby in the womb would not be alive and that baby would be dead. And then I told her to please take it out because I felt a lot of pain.”<sup>394</sup> The Chief of the hospital “was young, and probably inexperienced. She only patted my abdominal area and <concluded> that the foetus, or the baby would not be alive. And I told her that if that is the case, please take it out from me <because I am in great pain. This was the first child.> I believed if she’s experienced, then she would do it immediately, but she left me alone from the < > Wednesday <morning> until < > Thursday <morning>, and then I delivered the baby by natural birth.”<sup>395</sup> “And my baby is still alive today, and that is Sou Botom.”<sup>396</sup>

210. The hospital where this incident occurred was called Trapeang Kul and “it was not actually a proper hospital. It was a makeshift hospital in a pagoda compound. < It was built from wood.> There was a building to the south, <to the north and to the west. The north building was> for the less serious patients, and < > the south < >was a maternity ward < >.For the serious patients <, it was the west building>. And most of the serious patients, they died. As for the maternity section, it was in fact a school and it was partitioned for the maternity and the other section is for women who just delivered the baby and are ready to <leave> that hospital. They would use the

<sup>393</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 68 lines 7-10. The Civil Party explained that “[w]hen I was deprived of food because I did not show up at work, this happened often. < Sometimes I could have lunch but I would not have dinner, <and sometimes I could have dinner, but not lunch>.” This happened “[o]nce a month or once every two months.” Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 85 lines 11-19.

<sup>394</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, E1/250.1 [Corrected 1], p. 82 lines 16-21.

<sup>395</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, E1/250.1 [Corrected 1], p. 82 line 25 – p. 83 line 7.

<sup>396</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, E1/250.1 [Corrected 1], p. 80 lines 1-2.

firewood to – to give warmth to the babies, and with the smoking from the firewood, I was rather suffocated. There was no <toilet>, there was no mosquito net. And, as for the medicine, it was rabbit dropped pills<,> and the serums that they used, I didn't know what fluid was put into it, it was used in a conventional bottle.”<sup>397</sup>

211. Civil Party RY Pov testified that “[i]n the youth unit, I don't think I see any medication or medicines for the sick people, because no one from my unit was sent to any clinic or any hospital. There were no treatments in any clinic or hospital, so anyone who fell sick or – later died of starvation. It was a kind of a ‘will of history’, they called it. So if anyone would try to oppose or to block, you will lose your limbs for that.”<sup>398</sup>

212. Civil Party OEM Saroeurn testified that she “had malaria at that time in 1976. I was seriously sick. I was put in Leay Bour Hospital and the hospital was named Hospital 17<>.”<sup>399</sup> “I received IV injection and I was given the medicine made up -- made from cassava. The IV was made from coconut juice. <It was injected into my leg. It made my leg become handicapped and I have not walked properly since.> And at that time, I was told <by a grandfather that if I left it like that, my leg would wither away. He told me to find big red ants, punlei (phonetic) or a kind of ginger, and liquor to apply to it>.”<sup>400</sup>

#### **d.) Disappearances**

##### ***Civil Party OUM Suphany – disappearances of family members from Tram Kok***

213. Civil Party OUM Suphany explained her use of the phrase, “[i]f we disappear, we die.” “I wrote this sentence because after nine days upon my arrival, I heard my <sister-in-law crying>and my mother-in-law told her, ‘Please do not cry. Otherwise you would be taken away’. I heard from my relatives that my < > sister-in-law was taken away. In late 1975, when I almost finished composing the song, I never saw

<sup>397</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, E1/250.1 [Corrected 1], p. 83 line 18 – p. 84 line 9.

<sup>398</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 34 line 22 – p. 35 line 3.

<sup>399</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 22 lines 1-3.

<sup>400</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 22 lines 5-11.

<her> back, and I <knew> that she <had> disappeared. <It was not just her. There were> some other <women as well>, including <women whose husbands were soldiers, teachers. They took them away just like that.>. And for <women>who lost their husbands, they were grouped and named as widow group <. When I heard of a widow group, I knew that they didn't have husbands,> so I assumed that those who were taken away <would> never <come back>.”<sup>401</sup>

214. The Civil Party testified that her third elder brother-in-law, Hong Heng, was a pilot. She was at her parent’s house in Tram Kok district at the time. She testified, “[i]t was not my biological brother. He was my elder brother-in-law, the third elder brother-in-law. Sou Soupheap was my <husband's> elder sister and this person named Hok Heng, he was a pilot. After he arrived at <Tram Kak district> for nine days -- after nine days, he was taken away. I did not witness his arrest <, when he was taken away>. I could only see my elder sister weeping and my <mother-in-law> said that, ‘Please do not cry’.”<sup>402</sup>

***Civil Party CHOU Koemlan, disappearance of brother and nephew***

215. Civil Party CHOU Koemlan testified that, “[a]s for my other elder brother, he was a soldier in Takeo province, in <Banteay Soup provincial hotel>, he was a soldier for a long time and he got quite high rank. When he reach Champa pagoda, he was <tied>up and I was told that he <he and many others were> brought to a study session and never return<ed>. My mother was told that he -- rather, my elder - my elder <sister> in-law told me that <she>went to <her>village<near Chisor Mountain, because she did not see her husband coming back>.”<sup>403</sup>

216. Civil Party CHOU Koemlan testified, “my> nephew and niece who were killed because some of my nephew went to steal potato, to uproot potato and one of my <> nephew<s> was killed because he <> was mistakenly saying that he <>

<sup>401</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, E1/250.1 [Corrected 1], p. 71 lines 8-18.

<sup>402</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 79 lines 6-13.

<sup>403</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 55 line 22 – p. 56 line 5.

missed <his mom at the village>. <He was taken away and disappeared up to now.>  
<His name was Chanthy (phonetic).>”<sup>404</sup>

***Civil Party CHOU Koemlan, disappearance of three workers in 1977***

217. Civil Party CHOU Koemlan testified as to the disappearance of three workers around the time of the visit of the senior leaders. “It was from 1976 until dry season of 1977 after harvest [...] Three of my colleagues, three of my peers, disappeared because they complained that they did not have enough to eat. And my three peers that they complained that they could not have enough food, and then after that, they disappeared.”<sup>405</sup> She explained that, “I saw them in 1977. I do not recall the month -- the exact month whether it was in February, it was in March, April or May. It was long time ago. The three leaders, they were in car, they stop at the head work in <at the foot of Ou Chambak bridge> area, and they were looking at us carrying earth. The commune committees and head of the unit <accompanied> them. A few days later, three of my peer disappeared.”<sup>406</sup>

***Civil Party CHOU Koemlan, disappearance of two friends***

218. Civil Party CHOU Koemlan provided testimony relating to two women “who were my friends – who worked in a unit adjacent to mine, they were the younger sisters of a singer at the National Radio Station, <Oy Samet (phonetic), Oy Samann (phonetic)> the other one was the younger sister of <Oy> Sokon (phonetic) <, who was a musician>. So, they were my friends, and they were very good at carrying soil. They could carry three baskets on each side of the shoulder pole. But then they complained that the rice was not sufficient, how could we strengthen our stance because of the lack of food. In the morning we had the pumpkin and in the afternoon we had <winter melon> which was not sufficient. Then they were transferred to the commerce section at Leay Bour <to have enough rice to eat>. They were asked to

<sup>404</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 85 lines 1-16.

<sup>405</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 62 lines 23 – p. 63 line 2.

<sup>406</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 6 lines 11-17.

<sift> rice and then a messenger from my village, came to the village with the information about the two women. Because all male comrades there, at the Leay Bour commune office, raped – sexually raped the two women, who were my friends. And that information was relayed by the village messenger when he delivered the messages or the letters to the village. They said that anyone who made a mistake in the village would be sent to their commerce office and then that woman would be sexually raped. And later on I did not know whether they were transferred to be imprisoned elsewhere in another detention centre, because they disappeared since.”<sup>407</sup>

***Disappearance of Vietnamese and Khmer Krom families***

219. Civil Party CHOU Koemlan testified that “we were told that<Vietnamese, if> there were any living in the village <,> they had to be gathered and sent back to their country. They cleansed them, and then they had to be sent to their country.”<sup>408</sup> “The unit chief told them that they had to be returned to their country via Tram Kak and Kampot, and via the river. But after they had left, or had gone, through whispering, the Base People told us that was a lie, that was not true. They were in fact sent for study sessions.”<sup>409</sup> “The Base People knew the truth. That’s why they told us that, in fact, they were not sent to their country, and that was a lie.”<sup>410</sup>

220. Civil Party CHOU Koemlan further testified that she worked alongside Kampuchea Krom people. “There were <one Vietnamese family and> Kampuchea Krom people who spoke with an accent. There were some couples of them and in fact some of them did not know how to transplant seedlings and when the group chief or unit chief saw that their names were picked and we were told that they were sent back to Vietnam. That happened in 1976. But in fact, that was a<vicious trick.> They were in fact sent to be tortured and killed as a whole family <but I did not know where they were executed>. <There were two families.> In fact before they left, they came to say

<sup>407</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 75 lines 1 – 23.

<sup>408</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 24 lines 21-24.

<sup>409</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 25 lines 4-8.

<sup>410</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 25 lines 11-12.

good bye to us including the parents and the younger children, they told me that they were happy that the Unit Chief would send them back to Vietnam. They said good bye to us and later on they were killed but I do not know where they were killed.”<sup>411</sup>

221. She elaborated in her testimony as to her basis of knowledge. She explained, “I knew because Khmer Rouge sometime arrested people who stole potato at night and they were told that Vietnamese people could not be sent back to their country and the only thing that they could do was kill them and we simply also knew it <through their cruel tactics> and they would <surely> kill these people. They did not give value to a person’s life at all. They killed people like they would kill an animal.”<sup>412</sup>

### ***Disappearance of Civil Party TAK Sann’s husband***

222. With respect to her husband, Civil Party TAK Sann testified that “<My husband went> with five or six carts. And <at 5 o'clock> when I returned<,> I could not see my husband, he disappeared<. I only saw the cows> and I did not dare <> ask where he was at that time. <I was afraid.>”<sup>413</sup> “I did not witness it. My husband was asked to go and collect the rice to make <pounded rice>. And I did not know where my husband was taken to. <That's why I pitied him.> I do not know where he was taken to be killed.”<sup>414</sup> She explained that “[t]aken away means that my husband was killed because I did not see my husband on the ox cart when the ox cart returned.”<sup>415</sup> Civil Party TAK Sann clarified that “I did not witness it. He was asked to go and collect the rice seeds. He went together with people on the ox cart, and I did not see those people back. He disappeared ever since.”<sup>416</sup> “He went and he never returned. He always -- he was always with us in the cooperative during the lunch -- the mealtime. We would eat together.”<sup>417</sup>

<sup>411</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 91 line 19–p. 92 line 7.

<sup>412</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 92 lines 10–16.

<sup>413</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 29 lines 20–23.

<sup>414</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 47 lines 3–6.

<sup>415</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 47 lines 11–12.

<sup>416</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 47 lines 16–18.

<sup>417</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 47 line 24 – p. 48 line 1.

***Disappearance of OEM Saroeurn's uncle and other Khmer Republic officials***

223. Civil Party OEM Saroeurn testified that “<> There were <ten of> thousands <or even millions> of people <who> were evacuated from the Takeo province <>.”<sup>418</sup> At the Champa Leu pagoda, “[t]hey went around to taking note of what we did previously, and that they would send them back to the same location that they used to work. So those people including myself <fell for> their tricks, so they registered those people’s names <And those people were taken away.>”<sup>419</sup> The Civil Party explained that there were disappearances of people, “including my uncle, he worked as a secret agent and there were former teachers, soldiers, police, custom officers who were taken away under the pretext that they would be sent back to their previous offices and they disappeared since.”<sup>420</sup>

***Disappearance of OEM Saroeurn's elder brother, Ung Lim***

224. Civil Party OEM Saroeurn’s elder brother, Ung Lim, “was in the economic section and because he was 17 April Person and sometimes he asked for food from the section, for example, he asked for a fish, and later on because of that he was criticized, and then sent for re-education and disappeared since.”<sup>421</sup>

***Disappearance of OEM Saroeurn's friends in 1977***

225. Civil Party OEM Saroeurn testified that in 1977, her friends “stole some food<. They were> caught by Angkar. Two of them were arrested and raped and they disappeared since, so they <were killed>.”<sup>422</sup>

***Disappearances of youth for stealing food***

226. Civil Party OEM Saroeurn further testified that she saw Khmer Rouge take workers away: “They were in the youth <> unit and they did not have sufficient food to eat, so they resorted to stealing different food namely cassava, sugarcane or corn <or watermelon, that they grew themselves>, and they were caught, then they were

<sup>418</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 24 lines 3-4.

<sup>419</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 24 line 9-13.

<sup>420</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 24 lines 18-21.

<sup>421</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 25 lines 3-7.

<sup>422</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 6 lines 11-13.

arrested and sent for re-education. Sometimes they returned, but at other times they disappeared since.”<sup>423</sup> “Once in a while I witnessed it.”<sup>424</sup> “When I saw it, it was during daytime, and I did not know about the night time event.”<sup>425</sup>

***Disappearance of Civil Party YEM Khonny’s family members***

227. Civil Party YEM Khonny testified as to the disappearance of his family members: “[M]y mother and the rest of the family members were placed on the truck together with many other people. And they travelled and they disappeared since. And then there was only I remained. I did not know what happened to them or what their fate was; whether they were sick or they were sent somewhere. Because of that, I became ill and remain <> stayed at the cooperative.”<sup>426</sup>

***Disappearance of Civil Party Bun Saroeun’s family members***

228. Civil Party BUN Saroeun testified that at the pagoda near Trapeang Chaeng cooperative, all of the monks were taken away to Kraing Ta Chan: “There were 15 monks, including my uncle and my brother. When I arrived, the pagoda was empty <as all the monks had gone,> and the wooden <quarters> had disappeared <except the concrete quarters>. All there was, was a stone cell and all the buildings were locked and when I arrived, I was just helping out to organise everything. And then we returned to the cooperative at Trapeang Chaeng and when my uncle Ran spoke to me about what happened, I went to Krang Ta Chan.”<sup>427</sup>

(228 *bis*) Civil Party BUN Saroeun testified to the disappearance of his older brother, a Buddhist monk who was disrobed and taken away: “[T]he next morning I went back to the cooperative to work and I met the head of the -- the militia chief and <I was assigned to help with some things at the pagoda.> I was hoping to see my older brother but he disappeared. All I could see was his robe, his monk's robe and I was asked to pick up the robe and to retrieve the pieces of the objects he had with him

<sup>423</sup> Oral Testimony of Civil Party OEM Saroeun, T., 26 March 2015 **E1/283.1** [Corrected 1], p. 22 line 25 – p. 23 line 5.

<sup>424</sup> Oral Testimony of Civil Party OEM Saroeun, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 23 lines 10.

<sup>425</sup> Oral Testimony of Civil Party OEM Saroeun, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 23 lines 13-14.

<sup>426</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 94 lines 4-10.

<sup>427</sup> Oral Testimony of Civil Party BUN Sarouen, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 32 lines 9-16.

<put them in a box>. I saw the militia chief and I was absolutely flabbergasted when I saw a sacred place become a desert and on top of that when I knew that my father had disappeared and when I knew also that my uncle was a monk in this pagoda, so this really broke my heart and I only saw loss and damage all the way <from 1975 up> until 1979.”<sup>428</sup>

***Disappearance of Civil Party LOEP Neang’s siblings***

229. Civil Party LOEP Neang testified as to the disappearance of her siblings: “While I was digging a canal, my <younger> siblings were put onto a horse cart with other people, and there were 12 of them. Then they were taken away and never returned. So I lost two elder siblings and two younger siblings.<I was left all by myself. My parents were not around as well.>”<sup>429</sup> The names of the two younger siblings “were Loep <Leh> (phonetic) and Loep <Vy> (phonetic).”<sup>430</sup>

230. Civil Party LOEP Neang explained that her elder brother and sister, Loep Lek and Loep Meu, were taken away after they fell ill and never returned: “I was at Tnaot Chang. <My> elder brothers and sisters were sick and they were taken <to the hospital>, and they disappeared since <then>. I was told they were taken to the hospital, but I never see them returned.”<sup>431</sup> “They had fever and dysentery. And they were taken to hospital and never returned.”<sup>432</sup>

***Disappearances of people who came back from Vietnam in the context of the exchange program***

231. Civil Party RY Pov testified that “[a]s far as I observed, during the exchange of people, there were many people from my village. After the liberation, certain families lost several members, and other – other cases, the whole family lost. They were – they disappeared. Maybe they suffer any inhuman treatment. <I did not know

<sup>428</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, E1/288.1 [Corrected 1], p. 31 lines 4-15.

<sup>429</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, E1/ 288.1 [Corrected 1], p. 95 lines 8-12.

<sup>430</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, E1/ 288.1 [Corrected 1], p. 96 line 6.

<sup>431</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, E1/ 288.1 [Corrected 1], p. 94 line 23 – p. 95 line 1.

<sup>432</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, E1/ 288.1 [Corrected 1], p. 95 lines 3-4.

the place of their whereabouts.> But after the liberation, many people disappear.”<sup>433</sup> He further testified that “I would like to tell the President that the people who came from Vietnam and live with me in the area in Cambodia and after the liberation so those who were living in the same place with me, only – only six people survived and are still living in my neighbourhood.”<sup>434</sup>

***Disappearances of Civil Party BENG Boeun’s brothers-in-law***

232. Civil Party BENG Boeun testified as to the disappearance of his brother-in-law: “The unit chief had asked questions and had joked with him and then therefore my brother-in-law said that he <also> knew how to drive a car, how to fly a plane, that he knew how to type <a typewriter> and since he knew how to do everything, apparently, <several> days later he disappeared forever. That's why, because he knew how to do everything and later my neighbours, who liked me very much, told me that anyone who knew how to do anything would not be <kept> by the Khmer Rouge and that's why he disappeared.”<sup>435</sup> He later added that “...he disappeared without any reason. So, I never saw him come back. <When I was planting rice in the dry season, I observed that when people disappeared, they never came back. Therefore>, I concluded that he had been indeed, taken away to be executed.”<sup>436</sup>

233. Civil Party BENG Boeun testified as to the disappearance of another brother-in-law: “After the dry season rice <farming> I was sent to the village where I was assigned to tend the cows, to chop wood and as I was tending cows, <another younger> my brother-in-law on my wife's side climbed up a coconut tree and he saw me and he threw a coconut to me from the top of the tree. And <> when he climbed down, he was taken away and <I did not know as to where he was taken. When> I arrived at the cooperative I saw him all tied up <with his hands behind his back> in the burning sun and my son said to me -- my son came back home crying and then he <told me and his wife that her husband,> my brother-in-law<, Bou (phonetic) had

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<sup>433</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 36 lines 15-20.

<sup>434</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 54 lines 8-12 (in response to question relating to the group that he arrived with in Tram Kok in 1976, pp. 51-52 lines 22-7).

<sup>435</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 63 lines 4-12.

<sup>436</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 76 lines 12-17.

been arrested and being taken away. She then> went to beg the Khmer Rouge to release her husband and the Khmer Rouge said, "No, don't cry, I am simply arresting the enemy; <or do you want to come with the enemy?". My mother-in-law gave my brother a blanket, but> the Khmer Rouge <took it from him and threw it away, and they> even pushed <her away> and <later on>they <took him> away, I don't know where they went."<sup>437</sup> "The Base People were saying back then that everything belonged to everybody and <there was no private property. He was considered as enemy> because he threw a coconut to me. <Then> he was arrested and taken away."<sup>438</sup>

234. As for the arrest of his other brother-in-law, Civil Party BENG Boeun described witnessing it first-hand: "I saw this with my own eyes. <When my brother climbed down the coconut tree, he was attested and then taken to> the cooperative, and I arrived just afterwards. <My son also told me about the arrest of Bou>. I actually saw this arrest."<sup>439</sup>

***Disappearance of Civil Party OUM Vannak's brother***

235. Civil Party OUM Vannak testified as to the disappearance of her brother, IM Mach. "Initially, I did not know that my brother was a former Lon Nol soldier and I only knew that he was accused of committing moral misconduct. Only later on, <and after I had filed my first application form did> my mother <tell> me that that was not the reason for his arrest and the real reason for his arrest was that he was a former Lon Nol soldier."<sup>440</sup> "[M]y mother told me about that -- that my brother had been monitored for quite some time but they could not find any pretext to arrest him so when they could find a pretext to arrest him, they accused him of <doing> that and

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<sup>437</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 63 line 17 – p. 64 line 8.

<sup>438</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 64 lines 11-15.

<sup>439</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 75 lines 15-19.

<sup>440</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 62 lines 5-10.

then taken him away.”<sup>441</sup> She answered “[y]es, I did”, when she was questioned about whether she saw her brother in a uniform before 1975.<sup>442</sup>

236. Civil Party OUM Vannak also provided hearsay evidence on the disappearance of her brother. “When I recovered from the illness, I could go and then I stole a piece of cassava and then I -- at lunch time -- I went to the place where he worked to look for him and I couldn't see him at his workplace so I asked people around. And I asked a villager there by the name of Sau Vann, where my brother was then the person told me quietly that my brother <had been> requested by the unit chief to go away on a vehicle. And I asked where he was taken to and the person said he did not know but he was put on a vehicle taken to the west direction.”<sup>443</sup>

### *Disappearance of Vannara*

237. Civil Party CHOU Koemlan provided hearsay evidence about the arrest and killing of Vannara after he had stolen a potato. “My elder sibling told me, it was a long time after he was taken away and killed. My elder sibling at Samraong (phonetic) told me 15 days later, after he disappeared. I was told that this Vannara (phonetic) stole potatoes quite often and now he was arrested.” She clarified, “[a]ctually, this person was<, > for example<, > he was arrested today, and the day after, he was killed. <They would not keep long.> My elder sibling told me that after the arrest, the person was never kept for long.”<sup>444</sup> The Civil Party testified that it was those in Sector 108 who killed him, and “<It was > a different sector, so I do not know who killed this person.”<sup>445</sup>

### *Disappearance of 15 year-old for stealing food*

238. Civil Party OEM Saroeurn further testified to the taking away and killing of a 15 year-old. She stated that “there was <a young person about 15 years old>

<sup>441</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 62 lines 20-23.

<sup>442</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 78 lines 22-23.

<sup>443</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, E1/288.1 [Corrected 1], p. 60 line 25 – p. 61 line 8.

<sup>444</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 65 line 25 – p. 66 line 9.

<sup>445</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 66 lines 6-7.

complaining about the food ration and this child complained that he could not have enough food to eat, and he stole a <package of rice from the economic section and searched for> fish to eat, and he was <taken away to be> killed <when he caught doing so>.”<sup>446</sup> The Civil Party elaborated that “[a]t that time, the child was 15 years old. He stole a package of rice from the economic section and <searched for fish to eat, then> there was a report about the matter. The child was brought away and killed.”<sup>447</sup> She confirmed that she saw the incident with her own eyes.<sup>448</sup> Upon Defence questioning, the Civil Party stated that “[t]he child stole some rice and he was taken away and killed.”<sup>449</sup> “The economic people reported to a teacher, and the teacher had a messenger who came to take that child away.”<sup>450</sup>

**e.) Detention conditions at Angk Roka market**

239. Civil Party THANN Thim testified to the conditions of his detention in Angk Roka. “I arrived there at night-time. <First, I saw the light and assumed it was the place where pits were dug. Then,> I saw a hall on the ground with the wooden floor and wooden wall<and corrugated roof>. It was about 5 by 10 metre hall. And after that, Meng went to collect the lock -- the key to unlock the door and I was pushed into the room. There was a bad smell in the room from the urine and from the <excrement> and I felt like I was going to die. It was a very bad smell -- the smell was very bad, rather.”<sup>451</sup> The prisoners “did not have good health. I observed that they were bony. When I was first put into the room, I felt very pity on a person by the name Iem Sokha. He was very bony. And as for food rations, I could have only a ladle -- a small ladle of food. I did not have my food because I saw that Iem Sokha was bony. I gave the food to him. No one in the room had good health. I mean the prisoners did not have good health.”<sup>452</sup>

<sup>446</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 21 lines 6-10.

<sup>447</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 21 lines 18-21.

<sup>448</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 21 line 12.

<sup>449</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 50 line 10.

<sup>450</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 50 lines 17-18.

<sup>451</sup> Oral Testimony of Civil Party THANN Thim, T., 21 April 2015, E1/289.1 [Corrected 1], p. 32 lines 5-13.

<sup>452</sup> Oral Testimony of Civil Party THANN Thim, T., 21 April 2015, E1/289.1 [Corrected 1], p. 32 lines 16-22.

240. As for the Civil Party, he testified that “I was in the prison for a certain period of time and they used the iron rod combined with the shackles to detain me. The older prisoners were released to work while I was being detained and I was shackled with the iron rod put below my ankles. They used the iron rod to put in the ring of the shackle and <> they <did not pay attention and> missed the ring and the iron rod hit my ankle. I was bleeding at that time. It was so hurt. There <> was no medicines to cure my wound and the injury sustained till today. If you do not believe me, I can show you. And as of today, if I am sitting for too long, my ankle would be swelling.”<sup>453</sup>

241. The Civil Party testified that “[t]he pain inflicted upon me at that time was indescribable. I didn’t think that I could survive. I suffered the pain physically and emotionally. We could not even relieve ourselves properly. And since I was born, I never experienced such pain until the time of the Khmer Rouge regime. We were put into row, feet to feet, and the female was placed on one row and the male prisoners were put on another row and there was <an aisle in-between>. And it was very, very difficult for us to relieve ourselves. <Since both of my ankles were shackled, it became even worse for my case when it comes to relieving myself.> There was a pot for us to relieve in and then we had to adjust ourselves and our ankles in order to be able to put the container underneath to relieve oneself. And as I just said, I thought I would die and in fact, one prisoner, who was nearby me, died from the lack of food and his body remained there for two nights and three days before it was removed. And he died as I said, due to hunger. His name was Pat (phonetic). He was just lying next to me before he died and that also made me think that my turn would come soon.”<sup>454</sup>

### **(3) Murder and extermination**

242. Civil Party evidence adduced at trial establishes that acts or omissions causing death were committed at the Tram Kok Cooperatives.

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<sup>453</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 33 line 22 – p. 34 line 8.

<sup>454</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 34 line 15 – p. 35 line 7.

**a.) Specific instances of killing**

***Murder of Civil Party CHOU Koemlan's husband***

243. Civil Party CHOU Koemlan described the arrest and killing of her husband in 1975, three or four months after arriving in Tram Kok, likely in August.<sup>455</sup> She testified, “one night, when my husband was taken, at 9 p.m. - in fact, they came to call him to go for a study session. And I protested. Why there was such a study session or meeting at 9 o'clock at night? But I was told that the Ta Vet called him to go for that study session. So, he put on his shirt and he did not wear his trousers, because he was told it was a quick meeting. So, he wore his scarf and he went with them.”<sup>456</sup>

244. “So, they took him away, and about one and a half hours later, or maybe two hours, then I heard three gunshots. The three militia, who came to take him was the village chief, and the commune militia, and they had a rifle. Next day, I was sent out from the north of the commune office to another unit in another village to the south of Leay Bour commune office. I was <made> to do all kinds of work, hard work indeed.”<sup>457</sup>

245. The Civil Party confirmed that the Base People had “told me that my husband had been killed. His hands were tied behind his back. And he was walked by people who had a gun and he was killed. And I wept <all night> when I was told that.”<sup>458</sup> The Civil Party stated that she learned about the killing of her husband after the fall of the regime, “in <1989> or 1990.”<sup>459</sup> “They told me personally only after the fall of the regime that my husband was killed to the west of Wat Bour (phonetic) pagoda, and that person learnt of that event from her <father>, and she told me about it that he

<sup>455</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 36 lines 1-24.

<sup>456</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 48 lines 8-15.

<sup>457</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 49 lines 1-7.

<sup>458</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 3 lines 12-14.

<sup>459</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 39 line 3.

was killed near a til tree. <It was a long time since 1979,> and I only learned that, as I said, only in <'90>.”<sup>460</sup>

***Murder of Civil Party CHOU Koemlan's nephew***

246. Civil Party CHOU Koemlan testified as to the disembowelment of her nephew. She testified, “<The son of my elder brother, <who was Base People> he was a monk. Then he was asked to disrobe so that he could carry a rifle to liberate Takeo<, Phnom Penh>. And later on, my <nephew> was known that he was the son of an enemy. His father was a soldier with a quite high rank. And after he was disrobe<d>, he got married to a woman medic<,who lived near Chisor mountain, to the south of the mountain>. And my <nephew> was known as the enemy, the son of an enemy. And <the> father was a soldier.< > And the female medic was asked to disembowel <her husband> so that she could get the gall bladder <for medicine>. <After '75, they knew the boy's father was a high-ranking officer. They ordered the wife to kill the husband. They asked, "Can you do it?" She said, "Yes."> The female medic <would> do this because she wanted to go to a higher rank.”<sup>461</sup>

247. The Civil Party confirmed that he was killed because he was known to be the son of a former civil servant, and that she did not witness his death. However, the Civil Party explained “The grandmother of my nephew saw the incident, because she was living close to the commerce <and social office>.”<sup>462</sup> She clarified that she heard about this event in 1980-1982 when her grandmother came to tell her mother about it.<sup>463</sup>

***Execution of 15 prisoners by militia men***

248. Civil Party OUM Vannak described witnessing militia men take away 15 prisoners for execution: “When I went to cut <kantreang khet plants> next to

<sup>460</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 38 lines 10-22.

<sup>461</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 56 lines 5-18.

<sup>462</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 21 lines 5-6.

<sup>463</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 70 lines 12-13.

<Ruessei Tep> (phonetic) pagoda in <Chres village of Roka Knong commune>, I saw seven militia men <walking> 15 prisoners away. We were a group divided into two -- a group of <five>, so we scattered to <do our task. At that time, we had already met our quota so we went to pick ripe> rattan <in the bushes> and we saw militia men <with bamboo sticks walking adults>. Three militia men with <bamboo> clubs, <while the four others> with rifles and these militia men were very short. They could barely carry their rifles but we were so afraid of them we hid in bushes about 20 metres away from the execution site and I saw them beat on the <heads of the> victims <one by one, with the bamboo stick> and the victims were weeping and yelling. And we were so afraid<that we were hiding ourselves flat to the ground. I was so scared that> I even fainted. <The four other children gave me soft massage in order for me to gain consciousness,> and everyone became quiet to avoid being spotted by the militia men. <If they had spotted us, all of us would have been killed.> I saw blood being shed everywhere in the forest.”<sup>464</sup> At the time, Civil Party OUM Vannak was working “in the mobile unit which was located to the <east> of the railway in the <commune> of Roka Knong.”<sup>465</sup>

#### **b.) Deaths from conditions**

##### ***Death of Civil Party CHOU Koemlan’s daughter***

249. Civil Party CHOU Koemlan testified as to the death of her three year old daughter in 1976 as a result of inadequate medical care and hunger.<sup>466</sup> The Civil Party testified that she died “because she was deprived of food. As a result, she became sick and after that she passed away.”<sup>467</sup> “First, my daughter got measles and after that she lost her hair. She was admitted into hospital and there was no medicine. That is why

<sup>464</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 64 line 19 – p. 65 line 12.

<sup>465</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, 3 April 2015, **E1/288.1** [Corrected 1], p. 67 lines 5-6.

<sup>466</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 33 lines 24-25.

<sup>467</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 33 lines 24-25.

she passed away. And, the original cause of her death was the result of having no food to eat. She, you know, scavenged food in the dirt. And, it was very dirty.”<sup>468</sup>

250. Civil Party CHOU Koemlan upon defence questioning, described how “[a]fter she got sick, she could not eat anything. She could not eat rice. And we did not have medicine at the time.”<sup>469</sup> She continued, “[a]lthough we had meal or food for her to eat, she could not eat because she was sick and there was no medicine to treat and cure her. She passed away because there was no medicine and she could not eat.”<sup>470</sup> “It was the combined cause of my daughter's death. First, she did not have enough food to eat. She got measles and she was weak.”<sup>471</sup>

***Death of Civil Party OEM Saroeurn’s 1 year-old son***

251. Civil Party OEM Saroeurn testified as to the death of her one year old son from measles contracted while in the care of the ‘old female unit’. The Civil Party explained that she and her family members “were separated in 1976 and my husband was in a unit. <We had a child.> We did not live together and since that time I have not seen him again.”<sup>472</sup> “I had a son. He was one year old at the time and later on he died.”<sup>473</sup> He “was put with the old female unit. The old women looked after him and I was told that he died as a result of the measles. And at that time I was in a concentration unit.”<sup>474</sup> She explained that “[t]he children who were between two to three years old, many of them died when they were being looked after by the old women.”<sup>475</sup> The Civil Party elaborated that “[n]ear the house that I stayed, for those young children, there were about seven or eight of them died <at Unit 3>.”<sup>476</sup>

<sup>468</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 34 lines 7-12.

<sup>469</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 34 line 25 – p. 35 line 2.

<sup>470</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 35 lines 9-12.

<sup>471</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 35 lines 16-18.

<sup>472</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 7 lines 14-16.

<sup>473</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 7 lines 18-19.

<sup>474</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 7 lines 22-24.

<sup>475</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 46 lines 10-12.

<sup>476</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 46 lines 15-16.

***Death of Civil Party OUM Suphany's sister***

252. Civil Party OUM Suphany testified that her older sister died from a foot infection. She “was seriously sick, and she had an infection on her foot. She was then sent to the Trapeang Angk hospital. I'd rather correct it. It's Trapeang Kol, not Trapeang Angk.”<sup>477</sup> Her sister “died at the hospital.”<sup>478</sup> The Civil Party was not present when her sister passed away, “we were siblings, blood siblings. I wanted to stay close to her before she died so that she could close her eyes but we were not allowed by medical staff.”<sup>479</sup> The Civil Party “was not allowed to go.”<sup>480</sup> Rather, “[s]everal days after, a villager told me that my elder sister died and then I wept quietly alone in the middle of the rice field.”<sup>481</sup>

***Death of two workers in Civil Party RY Pov's mobile unit***

253. Civil Party RY Pov testified to illness and hunger causing the deaths of two members of his unit. “In my <youth> mobile unit at <Krouch>, there were two members who died from starvation. However, they then said that they died of <syncope>. And in fact, there was a wound infection on their leg, and it got worse because of the insufficient food. And because they were sick, they were not allowed to give any food, and later on they died <of starvation at that Ou Krouch>.”<sup>482</sup>

**(4) Imprisonment**

254. Civil Party evidence adduced at trial shows that people were arbitrarily deprived of their liberty without due process of law in the Tram Kok Cooperatives.

***Civil Party THANN Thim's detention at Ang Roka Market***

255. Civil Party THANN Thim explained, “I was arrested because my elder daughter was in the unit and she ran away together with Iem Yen, who testified

<sup>477</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 62 lines 2-4.

<sup>478</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 62 line 7.

<sup>479</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 62 lines 14-16.

<sup>480</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 62 line 20.

<sup>481</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 62 line 24 – p. 63 line 1.

<sup>482</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 42 line 23 – p. 43 line 3.

before me. In fact, they stole sugar cane from the unit and she was arrested and beaten and she was forced to confess that I was a former lieutenant in Phnom Penh and <she <confessed that because she was naïve> and then I was arrested for that reason.”<sup>483</sup>

256. Civil Party THANN Thim described his arrest while working in Tram Kok district and subsequent detention in Angk Roka market in 1977. “After I was called, I came down from my house and this individual was walking in front of me and I was following him. <He said he wanted me to accompany him to a meeting. In fact, he was taking me to> the militia station. <Upon arrival at their station,> four <or five> militiamen came out<>. I was held tightly and <they> tied <my> hands behind my back <with three layers of rope>. I thought that I would die after that time with no guilt. <Then> I was beaten.”<sup>484</sup>

257. “And after beating and interrogation, I was transported on a horse cart to Angk Roka <> -- to Angk Roka market. I believed that Angk Roka market was used as the <district> office -- their office at that time. I was kicked and I fell off the horse cart. And they told a man by the name <of Ta Ruos> (phonetic) <>-- they told Ta <Ruos> (phonetic) about me and Ta <Ruos> (phonetic) had a beard and moustache. Ta Ruos (phonetic) took <a> rifle, AK rifle, and asked me to walk past the field <westward>. I was walking in front of Ta Ruos (phonetic). He was alone at that time. Once again, <I was thinking to myself> that I would be killed with just a shot<, and I would die happily>. And I was walking past the field west of Angk Roka market. At that time, I saw <the light came<> out of a lantern and I thought that that place <could have been a> killing site. <When we got closer, I saw> a hall there. There was a hall there in the prison office and the hall wall was made out of wood. Ta <Meng> (phonetic) was the prison chief. Ta <Meng> unlocked the door and I was pushed into the cell. <There were voices> of people in the cell and the light was turned on -- the lantern was turned on and <> shackles were brought in and <then they> shackled <> both of my ankles. And there was an iron rod putting below the shackles and at that

<sup>483</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 41 lines 19-24.

<sup>484</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 29 lines 6-13.

time, my hands were tied behind my back and I could not shackle myself and seeing that, they shackled me with the rod below it. And after I was shackled, my hands were untied. <Although after they had untied my hands, I did not feel them anymore due to the fact that they had been tied behind my back for quite sometimes>.”<sup>485</sup>

258. “I was put there day and night without releasing to go anywhere else. I was put in that place for a period of three months. For <> the prisoner who had already been there, one of you ankles was shackled. As for me, the new prisoner, both of my ankles were shackled so it was very hard for me to <move and> sleep.”<sup>486</sup>

259. Civil Party THANN Thim testified that in the detention building, “there were female prisoners and as I described, female prisoners were put into a row and <> the male prisoners<> were put into another row and we were feet to feet and from my recollection, there were about 10 male prisoners and there were roughly about 10 female prisoners. There was another female prisoner. She was shackled and she had a young baby whom she breastfed and I did not know the reason for her detention. I could not imagine why she was detained there with her young baby.”<sup>487</sup> “Regarding the prisoners held at Angk Roka, prisoners were brought in from time to time and when the new ones brought in, the existing ones, some of them were taken out, <> they were tied up and taken out. <I kept my eyes on the occurrences in the prison through the gap between the wooden walls of the prison. Ta Nouv was the person to made the string from the midrib of the palm leaves.>”<sup>488</sup>

### **(5) Torture**

260. Civil Party evidence adduced at trial establishes that acts causing severe pain or suffering, whether physical or mental, were committed for the purpose of obtaining information or as punishment at Tram Kok Cooperatives and Angk Roka detention facility.

#### ***Civil Party THANN Thim***

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<sup>485</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 30 line 3 – p. 31 line 3.

<sup>486</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 31 lines 8-13.

<sup>487</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 35 lines 14-21.

<sup>488</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 49 lines 3-13.

261. Civil Party THANN Thim testified to being beaten upon his arrest and while being detained at Angk Roka. “I was held tightly and <they> tied <my> hands behind my back <with three layers of rope>. I thought that I would die after that time with no guilt. <Then> I was beaten. I was interrogated. I was asked <what I was doing when I was in Phnom Penh>. I was asked to tell the truth.”<sup>489</sup>
262. “They asked such question to me immorally. They <> called me contemptible and I was asked what I did in Phnom Penh. <They asked me whether I was a soldier.> In my response, I said I was never a former soldier. I was a worker to collect firewood for sale, even I was in the refugee camp I was only a worker there. After the beating by one another, the question was put on me again and again about my previous occupation and I was threatened that I would not be released if I did not tell <them the> truth. And once again, I told them that I was only a worker who went to find and collect the firewood for sale.”<sup>490</sup>
263. The Civil Party continued, explaining, “I was upset at that time. I did not commit any <wrongdoings;>, however I was taken to be tortured. I was seriously tortured. Only if I had guilt, I would dare to accept and admit my guilt, however, as I said, I was not guilty.”<sup>491</sup>
264. With respect to the nature of the beatings he endured, the Civil Party testified, “I was beaten with the bamboo stick. It's about the size of my <> lower arm. So I was beaten with this kind of bamboo stick <when> I was interrogated.” “They beat me one after another. After one was tired, another man came in to beat me until I passed out. After I got conscious, <> I was transported on a horse cart to Angk Roka and <> I was detained there.”<sup>492</sup>

***Civil Party OUM Vannak***

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<sup>489</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 29 lines 11-15.

<sup>490</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 29 line 17 – p. 30 line 1.

<sup>491</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 31 lines 5-8.

<sup>492</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, E1/287.1 [Corrected 1], p. 31 line 25 – p. 32 line 2, p. 32 lines 5-8.

265. Civil Party OUM Vannak testified that she was “< tied up > and beaten up < on > the order of the unit chief,”<sup>493</sup> who was a female named Sarou.<sup>494</sup> She testified that, “< I once heard from my mother that in such a case, I could drink the juice from sdau (phonetic) leaves if we had no access to medicine. So I went to collect some sdau (phonetic) leaves in order to get the juice to drink. On my way, a militiaman spotted me and he reported me to Angkar that I was trying to avoid work. As a result, > I was arrested, tied against a tree and beaten up and I -- at that time there were 20 young children there. I was beaten up while I was seriously ill. And they < did not use > their hands to beat me up, they used bamboo clubs with nails attached to beat me up physically and there are < still > scars < > on my body. < My calf was bleeding from the beating. They beat me until I became unconscious. > I was tied up to the tree < all night. When > the morning came, < and I gained consciousness, > I saw blood all over my body. < They also smashed my head against the tree. >”<sup>495</sup>

***Civil Party IEM Yen***

266. Civil Party IEM Yen, a child at the time, testified that as punishment for running away from her unit to visit her parents, she was buried. “There was a pit which can put me in and I was buried deep to my neck as a warning for me not to commit such a wrong again.”<sup>496</sup> “At that time I was deprived of food and water. I was starved and so thirsty. My whole body was in pain and I called for my parent’s help, but no one could come to help me. After I was arrested, I was buried. Not in front of others. The other children < > already went to work and I was buried at the unit where I was staying at that time.”<sup>497</sup> The Civil Party described, “I was buried alive and nothing could compare to it. I was buried up to my neck. I could not move and I could not do anything. I tried to call my parents, but no one would answer my call, and it was the greatest pain I experienced.”<sup>498</sup>

<sup>493</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 59 line 2.

<sup>494</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 59 line 6.

<sup>495</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 59 line 16 – p. 60 line 6.

<sup>496</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 62 lines 24-25.

<sup>497</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 63 lines 3-8.

<sup>498</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 63 lines 17-20.

**(6) Deportation**

267. Civil Party evidence adduced at trial suggests that ethnic Vietnamese lawfully present in Cambodia were forcibly displaced across the Cambodia/Vietnamese border without any grounds permitted under international law.

268. Civil Party RY Pov testified that he fled to Vietnam prior to the Khmer Rouge owing to the war between the Lon Nol regime and the ‘Pol Pot forces’. In 1976, he and his family heard about an exchange of people that was agreed upon between Vietnam and the Khmer Rouge. He testified that “I recall that while I was living in Kampuchea Krom, the ‘Yuon’ people were sent in exchange for Cambodian people, and that happened around 1976.”<sup>499</sup> The Civil Party testified, “At that time, I didn’t know anything about the policies of the Khmer Rouge, together with other Cambodians who fled to live in Vietnam. And then we heard about the exchange and we didn’t think much about it as we were only thinking of our homeland, so we decided to return.”<sup>500</sup> As for others, “[t]here were some people who refused to return, and they continued to live there until today.”<sup>501</sup>

269. The Civil Party testified that the exchange took place “at the international checkpoint called Thnal Dach. It was previously called Thnal Dach checkpoint. The Vietnamese people were sent back to their country for three days, and then the Khmer people were sent back to Cambodia later. The Vietnamese government would send the Khmer people to Cambodia when – after they received their people first.”<sup>502</sup>

**(7) Political persecution**

270. Civil Party evidence adduced at trial indicates that the arrests of Civil Party THANN Thim, Civil Party OUM Suphany’s brother-in-law, Civil Party CHOU Koemlan’s father, husband and uncle, Civil Party IM Vannak’s brother, as well as the disappearance of Civil Party CHOU Koemlan’s brother and Civil Party OEM Saroeurn’s uncle amounted to persecutory acts against former Lon Lol soldiers and

<sup>499</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 58 lines 13-15.

<sup>500</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 7 lines 7-11.

<sup>501</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 32 lines 10-12.

<sup>502</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 32 lines 18-23.

Khmer Republic officials. The disappearance of Civil Party OEM Saroeurn's elder brother and the imposition of harsher living and working conditions upon 17 April People amounted to persecutory acts against New People.<sup>503</sup>

**a.) Harsher punishments imposed on New People**

271. Civil Party CHOU Koemlan testified that “[a]s for New and Base People, they were separated, they were Base People and we were 17 April People, whenever our infractions were found, we were taken to a study session. New People would be taken away and killed, as for Base People, I never saw Base People disappear. I was there <three years> eight months and <three days,> I did not see Base People disappear.”<sup>504</sup>

272. Civil Party RY Pov explained how those who returned from Vietnam and the 17 April People were treated. “Our family members and others who were evacuated, called 17 April People, were exposed to very miserable treatment. <They treated us like worthless slaves.> The Base People could curse us, could hit us, we could not move anywhere. If we caught some fish, we need to bring to put in the cooperative. So, if anyone caught in catching fish without any permission, they<, the 50 members unit, would catch fish and force-feed the> fish to that person to eat in one <sitting> with a large about of fish, <that was> the kind of torture by the Khmer Rouge <in the place that I was living>.”<sup>505</sup> He explained that “[t]he 17 April people and the people from Vietnam were <equally> suffering, or experiencing the same treatment <because we were in the same unit>. So, they were receiving only 10 can-full of porridge for 100 people <if there was no porridge, each of us would be given a piece of potato instead.> So, the food was very, very little for every one of us.”<sup>506</sup>

**b.) Different working and living conditions**

273. Civil Party RY Pov further indicated that “[d]uring the Khmer Rouge regime no one was allowed to be free and not working, and all the 17 April People and the people from Vietnam worked very hard. And only the Base People, that is our unit

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<sup>503</sup> See, Sections B(1), B(2), B(3) and B(4) above.

<sup>504</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 80 lines 15-20.

<sup>505</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 15 lines 6-15.

<sup>506</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 15 lines 2-25.

chief or group chief, did not work because they only monitored our work. Whether they were older people or whether they were young children, they did not work and they only monitored how hard we worked.”<sup>507</sup>

274. Civil Party TAK Sann also provided evidence to the Trial Chamber relating to the different conditions experienced by New People. The Civil Party explained that while she was “put to work mixed with other people,”<sup>508</sup> “there were four or five of them, they were the Base People. But for us we had to work harder than them because they did not work as hard as we did because they were the Base People.”<sup>509</sup>

275. Regarding the housing provided to New People and Base People, Civil Party CHOU Koemlan explained that K-1 “was a model cooperative”<sup>510</sup> and “was a tiled house. It was a model house. The commune committee lived in that K-1 – the tiled house. And as for us, <workers> we lived in a different place<s>.”<sup>511</sup> “As for the model house, it was made out of wood. As for the walls – and it was – there was tiled roof. <Only commune and district committee lived there.>”<sup>512</sup> The Civil Party, however, lived in the “K-3 unit and that unit was for the 17 April People.”<sup>513</sup> The K-3 unit was comprised of “various huts to the south of the commune office and there was also a common dining hall.”<sup>514</sup> “Actually we were New People. I lived under the yard. I lived in the yard with just roof. <The Base People had longer houses.> And as for our places for living, it was very small. It was a small hut so we slept close to each

<sup>507</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 65 lines 4-10.

<sup>508</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 39 line 20.

<sup>509</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 39 line 25 – p. 40 line 3.

<sup>510</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 10 line 10.

<sup>511</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 11 lines 6-8.

<sup>512</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 11 lines 12-14.

<sup>513</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 10 lines 16-17.

<sup>514</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 10 lines 12-13.

other. And as for food rations, it was also different, as I mentioned yesterday.”<sup>515</sup>  
 “[O]ur roof was made out of coconut leaves or sugar palm leaves.”<sup>516</sup>

276. Civil Party CHOU Koemlan described the fear experienced by ‘17 April People’ of being executed, stating that “[w]e were accused that we were 17 April People. We were accused that we were lazy, we did nothing. That is why -- so they would need to smash all of us. And those who had relation or were linked to civil servants in < >former regime, Lon Nol regime,> we would be killed since we were 17 April People. We were afraid of being killed. That is why <whatever> we were <told> to do our work we would try to perform them. <That’s how I’ve survived till today.>”<sup>517</sup>

277. Civil Party OEM Saroeurn confirmed the differences between K-3 and the K-1 model cooperative. The model cooperative “was located to the south of where I lived. We, the 17 April People, were put <> to the north of that area and then there was <> Unit <2 in the middle and Unit 1 was located> to the south near the <commune office>. And everything was different for different cooperatives, including the dining halls <and the hospitals>.”<sup>518</sup> She explained that the model unit was different “[b]ecause they did not have any connection with this 17 April People so they were considered good.”<sup>519</sup>

### c.) Food rations

278. Civil Party CHOU Koemlan testified as to the differential treatment meted out to New People *vis a vis* Base People. The Civil Party explained, “Base People <truly> ate together with us. But in their shelter or their house, they had their own rice to have additional meal in the morning. <In the morning, they cooked and left for work.> As for New People, we did not have such latitude. We did not have extra rice. We could

<sup>515</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 10 line 22 – p. 11 line 1.

<sup>516</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 11 lines 14-15.

<sup>517</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 59 lines 13-20.

<sup>518</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 25 line 22 – p. 26 line 2.

<sup>519</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 26 lines 10-11.

eat only in the communal eating. That is why some people complained that they did not have enough food and as a result, they would be taken away to be killed.”<sup>520</sup>

279. Civil Party OEM Saroeurn clarified that “[a]t the beginning, the 17 April People and the people in <the second category> ate together communally. Later on, they would <collect the names of> the 17 April People and <put them in a separate group, there was another group for the people in the second category, namely those who had any connections or relations to the 17 April People, and another group for the people in the first category.>”<sup>521</sup> “At that time, that was the beginning, the Base people had their houses and the New People <were allowed to stay> nearby. But later on, they were divided into separate groups and they ate <separately>.”<sup>522</sup> Civil Party OEM Saroeurn explained that Base People were getting more food because they “were allowed to ask from the other Base People working in the kitchen. But for us, the 17 April People, we were not allowed to go into the kitchen as they were afraid we would put a poison into the food. <We were not allowed to go near it, only when it was meal time that we were allowed to go eat.>”<sup>523</sup> Additionally, “the 17 April People were allowed to eat first and after that, the Base People would <> eat <with their own group. The cook> had big fish to eat. <So they kept it for their own group. They did not let me know about it.>”<sup>524</sup>

280. In relation to food rations, Civil Party TAK Sann explained that “[t]he food ration was not equal. For Base People, they had more food. And as for us, we were New People, our food was less.”<sup>525</sup> She knew this because “[w]e were sitting at the table and we were sitting close to each other. So <> I could see that <>.”<sup>526</sup>

#### **d.) Intent to discriminate**

##### ***Registration***

<sup>520</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 61 lines 10-16.

<sup>521</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 47 lines 9-15.

<sup>522</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 47 line 25 – p. 48 line 3.

<sup>523</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 48 lines 15-19.

<sup>524</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 49 lines 1-4.

<sup>525</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 45 lines 21-22.

<sup>526</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 46 lines 3-5.

281. Civil Party OEM Saroeurn recalled her evacuation to Champa Leu pagoda. She described that “< [t]here were <ten of> thousands <or even millions> of people <who> were evacuated from the Takeo province <.>.”<sup>527</sup> The Civil Party recalled that “[t]hey went around taking note of what we did previously, and that they would send them back to the same location that they used to work. So those people including myself <fell for> their tricks, so they registered those people’s names. <And those people were taken away.>”<sup>528</sup> Civil Party OEM Saroeurn described that there were disappearances at the pagoda, “including my uncle, he worked as a secret agent and there were former teachers, soldiers, police, custom officers who were taken away under the pretext that they would be sent back to their previous offices and they disappeared since.”<sup>529</sup>

282. Civil Party OEM Saroeurn indicated that later on, “those in charge of the communal dining place knew 17 April People from Base People “[b]ecause they took down the names. Because the group chiefs would take down the names of their members and then gave the list of names to the village chief. <Then the village chief would manage it accordingly.>”<sup>530</sup>

283. Civil Party RY Pov explained that, “[a]s far as I observed, there are very strict in review. Those who were from Phnom Penh, they have a clear idea about this, and they knew everyone from Vietnam, but they did not mistreat anyone from the Base People <like they did to us>.”<sup>531</sup>

### *Taking of biographies*

284. Civil Party CHOU Koemlan, a New Person, testified that “[w]e were < > asked <twice> to make our biographies after we were transported to <Pou Preah Sang,> Tram Kak district, and after we were then asked to live in the huts, we were once again asked to make biographies. My husband said that because he <did> not <do office work. He was a medic treating wounds>. Later on, there was a search in

<sup>527</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 24 lines 3-4.

<sup>528</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 24 lines 9-13.

<sup>529</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 24 lines 18-21.

<sup>530</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 49 lines 9-12.

<sup>531</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 16 lines 22-25.

my husband's clothes and some photos <which were taken before the New Year, were> found. Those clothes were put in a white plastic bag and it was searched, some photos were found inside the white plastic bag.”<sup>532</sup> However, “Base People needed not to make biographies, only New People were asked to make biographies. Their biographies were already made in 1971 or 1972, only the 17 April People were required to make biographies.”<sup>533</sup>

285. The Civil Party testified that it was “[t]he village chief assisted in making biography. The deputy chief of the village also helped us and some - and another female assisted us. Actually, three of them noted down what we provided them. We did not have any books so they did for us.”<sup>534</sup>

#### **(8) Racial persecution**

286. Civil Party evidence adduced at trial suggests that the disappearance of families who returned from Vietnam alongside RY Pov as presented in Section B(6) amounts to persecution on racial grounds.

287. Civil Party Ry Pov explained that when he and his group returned to Cambodia, no biographies were taken up on their arrival. Civil Party RY Pov explained this was “because they already knew that we were living in Vietnam and that we came from Vietnam.”<sup>535</sup>

#### **(9) Religious persecution against Buddhists**

288. Civil Party adduced at trial establishes that the disappearance of Civil Party BUN Saroeurn’s brother and 15 monks from the pagoda near Trapeang Chaeng cooperative, the disrobing of CHOU Koemlan’s nephew, as well as the destruction and refashioning of pagodas amounted to the persecutory acts against Buddhists.

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<sup>532</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 79 lines 13-19.

<sup>533</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 80 lines 1-4.

<sup>534</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 80 lines 8-11.

<sup>535</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 58 lines 8-9.

289. Civil Party BUN Sarouen recalled what he saw the pagoda near Kraing Ta Chan: “I was absolutely torn because this was a sacred place and there were no longer any monks there and in the past there used to be celebrations, ceremonies but there were no longer any religious practice so I felt that I was completely deprived of any psychological base. In the past, we could go celebrate ceremonies in the pagoda but <then> there was no longer a place to do so and that was in fact incredible, it was an incredible regime.”<sup>536</sup>
290. Civil Party CHOU Koemlan described how “[p]agodas were turned into prisons of innocents.”<sup>537</sup> She testified that, “[i]n DK period, the pagoda in Leay Bour was turned into a place for keeping children's -- children. And prisoners were also kept in that pagoda -- in Leay Bour Pagoda. There were <many places, including temples,> schools, <monasteries>, <and> the pagoda became the prison. But nowadays, the pagoda is improving.”<sup>538</sup>
291. Civil Party BUN Saroeun testified that, “I was sent to dig a pond near <Bakhong (phonetic)> pagoda and I was curious about this pagoda. I saw that this pagoda was empty. And we were then assigned <to> dig earth, <> three <meters in length, two meters in width, and half a metre in depth>, we would only dig. And I was asking myself, why was the pagoda so calm, I did not see any monks. It was a wooden pagoda and I saw however a room -- a stone room in which there were militia men.”<sup>539</sup>
292. Civil Party OUM Suphany testified that she gave birth in a pagoda. “The hospital that I stayed in was named Trapeang <Kol, but> it was not actually a proper hospital. It was a makeshift hospital in a pagoda compound.”<sup>540</sup>

<sup>536</sup> Oral Testimony of Civil Party BUN Sarouen, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 31 line 21 – p. 32 line 3.

<sup>537</sup> Oral Testimony of Civil Party CHOU Koemlan T., 27 January 2015, **E1/253.1** [Corrected 1], p. 85 lines 15-16.

<sup>538</sup> Oral Testimony of Civil Party CHOU Koemlan T., 27 January 2015, **E1/253.1** [Corrected 1], p. 15 lines 20-24.

<sup>539</sup> Oral Testimony of Civil Party BUN Sarouen, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 37 line 21 – p. 38 line 3.

<sup>540</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, **E1/250.1** [Corrected 1], p. 83 lines 18-20.

## C. Harm

### (1) Physical harm

#### *Immediate physical harm*

293. Civil Party YEM Khonny described the immediate harm that she suffered as a result of inadequate food and overwork. “[A]t that time we overworked, we were so skinny, sometimes we fell on the ground because of the exhaustion and because of the lack of nutrition in the food. And so for us we looked so bony, we could only see our knee caps.”<sup>541</sup>

294. Civil Party CHOU Koemlan testified to having to work with an infected foot and the resulting hardship. She described that “[d]uring the transplanting season, I was sick because I had an infection in my foot and I could hardly do the transplanting at the time.”<sup>542</sup>

295. Civil Party THANN Thim described the physical pain he endured during his detention at Angk Roka Market, “[t]he pain inflicted upon me at that time was indescribable. I didn’t think that I could survive. I suffered the pain physically and emotionally. We could not even relieve ourselves properly. And since I was born, I never experienced such pain until the time of the Khmer Rouge regime.”<sup>543</sup>

#### *Long-term physical harm*

296. Civil Party IEM Yen testified to the long-term physical harm that she continues to suffer from. “Health-wise I am not that strong. During the regime I was still young and I was forced to overwork.”<sup>544</sup> She testified to the physical suffering she endured while she was punished. “At that time I was deprived of food and water. I was starved and so thirsty. My whole body was in pain and I called for my parent’s help, but no one could come to help me. After I was arrested, I was buried. Not in

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<sup>541</sup> Oral Testimony of Civil Party YEM Khonny, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 10 lines 18-21.

<sup>542</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 84 lines 23-24.

<sup>543</sup> Oral Testimony of Civil Party THANN Thim, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 34 lines 14-19.

<sup>544</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 64 lines 9-10.

front of others. The other children <> to work and I was buried at the unit where I was staying at the time.”<sup>545</sup>

297. Civil Party OUM Vannak testified, “I’m always ill. I wasn’t able to go to school. I only reached fourth grade. Since I’m always ill and since my parents were old, I wasn’t able to go to school.”<sup>546</sup>

## **(2) Mental harm**

### ***Immediate harm***

298. Civil Party CHOU Koemlan described, “I was sent to live in the south of the commune office. There I delivered a son. I was asked -- and I was tortured by asking me to do labour. <They did not care about my postnatal condition at all.> After delivery, my son for just 27 days, I was asked to go back to harvest in the field. I could not describe <these gruesome> sufferings. I was asked to harvest the rice, and, at that time, I was also asked to eat communally. I had to scavenge for <faeces> in the ground <in order to dry it and make fertiliser out of it> , since I had just delivered my baby so I could collect <fertiliser,>, some leaves to dry it up <and put it in a pit.> <When it was the time for transplantation,> I was also asked to carry fertiliser into the field. It was very difficult for me at that time.”<sup>547</sup>

299. Civil Party TAK Sann described her suffering as a result of her separation from her children. “Normally mothers love their children. The children are away from mothers so we miss them but we could not do anything.”<sup>548</sup> “<> I was pregnant <with another> child. And my husband was taken away; I did not know where he was taken to so I had a baby alone <in the hospital.>”<sup>549</sup>

### ***Long-term harm – desire for answers about the past***

<sup>545</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 63 lines 3-8.

<sup>546</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 65 lines 17-19.

<sup>547</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 83 line 13 – p. 84 line 7.

<sup>548</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 29 lines 6-7.

<sup>549</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 29 lines 12-14.

300. Civil Party CHOU Koemlan testified, “so I could see that Khmer people killed Khmer people. How could they carry out such a revolution? They liberated the country; they wanted people to have equal right. They wanted to liberate the country from US imperialists. Why did they commit killings if they liberated the country to provide more food for people, to allow people to practice <Buddhist> religion, to improve culture, I think it is wise for them and how could they carry out such revolution <and let people get mass starvation>. Why they destroyed school, destroyed Buddhism. Pagodas were turned into prisons of innocents.”<sup>550</sup>

301. The Civil Party continued, “I want to know what have they considered about their action and I have learnt that the Accused does not confess or admit what they have done. They said that they did not commit the killing. So why did they dare to say that they do not know about <such> the killing. They do not kill people. Killing people does not happen just now. Killing people did not happen just for a short period of time rather, it was -- people were killed during the period of three years, eight months and 20 days. And why did they say they did not know about the killing? I would like to put the question to the Chamber for the answer. I would like the Court to find justice for everyone. I lost my belongings were destroyed <in Phnom Penh>. My three houses were destroyed. A small vehicle I had, at that time, was also gone. I <built> my family from empty hands and now I<end up in poverty>. Please, I implore the Court to find justice and to clarify all my doubts in mind.”<sup>551</sup>

302. Civil Party RY Pov echoed this sentiment, explaining that “[a]s for the suffering in the genocidal period, I do not want anything for myself. However, nowadays I have remorse. I felt very pity for my parents, my siblings, my relatives. When they undergone the suffering and also the <brutal and unjust> killing by the Khmer Rouge period. And my family members went through that misery. So I < > ask the United Nations and the Khmer Rouge tribunal to help prevent the recurrence of the atrocity. And I appeal to the Chamber to adjudicate and try the <ringleaders>

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<sup>550</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 85 lines 1-16.

<sup>551</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 85 line 18 – p. 86 line 8.

of the Khmer Rouge period according to their acts committed against Cambodians all across the country.”<sup>552</sup>

303. In describing his suffering, Civil Party BENG Boeun said, “I don't understand why my brother-in-law was taken away without being informed of what offence he had committed and I was not told that, ‘Well, listen, we're taking away your brother-in-law’. For example, you see nothing was said when a coconut was stolen, they did not say that it <was> an offence that should not be committed, but in the case of my brother-in-law for example, he loved me, so why were we not allowed to go and see someone who was ill? <In relation to my father-in-law case, why> weren't we allowed to go see someone who was about to die? So, this is why I'm suffering still a lot. <Recalling the sad events makes me felt like things are happening in front of me.>”<sup>553</sup>

#### ***Long-term harm – mental health***

304. Civil Party OEM Saroeurn testified that “[t]he reason that I applied to be a civil party, because I lost my father, <mother, my child, my husband, my> relatives and siblings. And I lost a lot of property.”<sup>554</sup> “<When> I came to apply <> to be a civil party, I could not sleep well, <I had headache,> and I could not breathe well, and I was <kept> thinking about this matter. <I put it myself that I had mental issues.>”<sup>555</sup> In describing her memory or forgetfulness, the Civil Party testified that “I recall my memory is good at the moment. Now, I could have good sleep. I receive some drugs and medicine from TPO and it make me better now, and I could sleep well and I could recall some of the events of the past.”<sup>556</sup> She explained “at that time I could not sleep and I kept recalling the events that happened in the past. However, I could still recall all those stories.”<sup>557</sup>

<sup>552</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 74 line 20 – p. 75 line 4.

<sup>553</sup> Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 66 lines 3-14.

<sup>554</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 19 lines 2-4.

<sup>555</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 19 lines 21-24.

<sup>556</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 20 lines 6-9.

<sup>557</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 51 lines 2-4.

305. Civil Party IEM Yen, a child at the time who was arrested and buried and beaten, explained, “[e]very time I recall it, it is vividly living in front of my eyes as I was living during the regime. And that happens every time <math>\diamond</math> I recall it.”<sup>558</sup>

***Long-term harm – grief and separation of families***

306. Civil Party YEM Khonny described the suffering as a result of the loss of her family members. “If I could see them together, I would feel warm. But they had all gone and I could not depend on anyone.”<sup>559</sup> “My main suffering is the loss of my parents and the loss of my siblings. I feel so saddened when I look at other people. They have their families, they have their parents and their siblings. For me, I am by myself. And I <tried>to work hard in order to survive until the fall of the regime.”<sup>560</sup>

307. In relation to the loss of her husband during Democratic Kampuchea regime, Civil Party TAK Sann explained that “[i]t was very difficult and I decided not to remarry as I decided and determined to take care of my children and because I missed my husband and I pity him that’s why I decided not to remarry another man.”<sup>561</sup> For her other relatives who she has no information about where they had died, the Civil Party testified that “[w]hen the time comes for the annual ceremony, I just burned an incense sticks and prayed to their souls since I did not know where they actually died.”<sup>562</sup> For reparation, Civil Party TAK Sann stated, “I don’t want to claim for anything else but I want to claim for my husband. I want my husband to be back. My husband and my lost child.”<sup>563</sup>

308. Civil Party OUM Vannak testified about the suffering as a result of the loss of her loved ones. “I think about everyone -- everyone. I miss everyone. I lost my brother -- my older brother. He would always steal things <for> me. He would come and visit me much more often than my other brothers and sisters.”<sup>564</sup> “Each time I

<sup>558</sup> Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 63 lines 23-25.

<sup>559</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 95 lines 18-19.

<sup>560</sup> Oral Testimony of Civil Party YEM Khonny, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 96 lines 15-19.

<sup>561</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 36 lines 1-4.

<sup>562</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 36 lines 9-11.

<sup>563</sup> Oral Testimony of Civil Party TAK Sann, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 54 lines 15-17.

<sup>564</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 65 lines 22-25.

think about the death of my brother <> and about the torture I underwent, it is as if all of this happened yesterday.”<sup>565</sup>

## Chapter 2: Kraing Ta Chan Security Centre<sup>566</sup>

### A. Overview of Civil Party Evidence

309. Two civil parties testified before the Trial Chamber regarding their experiences at Kraing Ta Chan Security Centre and four civil parties testified that their friends or relatives were taken to Kraing Ta Chan.<sup>567</sup>

310. Civil Party SORY Sen provided two written records of interview<sup>568</sup> and assisted investigators in their site visit to Kraing Ta Chan Security Centre.<sup>569</sup> He also provided additional testimony to investigators in 2013.<sup>570</sup> Civil Party SORY Sen testified during the trial hearings of Case 002/02 that he was arrested and detained at

<sup>565</sup> Oral Testimony of Civil Party OUM Vannak, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 66 lines 5-7.

<sup>566</sup> The Trial Chamber is seized of facts surrounding the establishment and functioning of the Kraing Ta Chan Security Centre, including the arrest, detention, interrogation, and execution of prisoners. Kraing Ta Chan was established in 1973 and operational throughout the temporal jurisdiction of the Court. Closing Order, **D427**, paras 489-514. Closing Order, **D427**, para. 489. Kraing Ta Chan Security Centre was located 20.5 miles from Takeo Town and was under the control of the District 105 committee. The Site Identification Report produced by the OCIJ in relation to Kraing Ta Chan describes the layout of the compound, the buildings that it formerly comprised, and is appended with maps and photographs. The Site Identification Report records that while “[t]here is some discrepancy between witnesses [including SAY Sen] as to the detailed appearance of the prison but in general it can be described as compounding containing a collection of wooden buildings used for prisoner incarceration, torture/interrogation, guards’ quarters and separate dining areas for guards and prisoners. The inner compound was surrounded by a fence, entry to which was by means of two gates to the east and west sides. There was a second or middle boundary fence approximately 50 metres from the inner compound perimeter and a third or outer fence approximately 100 to 130 metres from the inner compound perimeter.” Closing Order, **D427**, para. 489, Site Identification Report, Kraing Ta Chan Security Centre, **E3/5828**, dated 17 March 2009, ERN (EN) 00363338. The crimes alleged to have taken place at Kraing Ta Chan were encompassed by the common purpose to “implement and defend the CPK socialist revolution through the re-education of ‘bad elements’ and the killing of ‘enemies’, both inside and outside the Party ranks, by whatever means necessary.” Closing Order, **D427**, para. 178. On the basis of these factual allegations, the Accused are indicted with the following crimes against humanity alleged to have taken place at the Kraing Ta Chan Security Centre: imprisonment, enslavement, murder, extermination, torture, political persecution, racial persecution, and other inhumane acts through attacks against human dignity., Closing Order, **D427**, paras 1373, 1381, 1391, 1402, 1408, 1416, 1422, 1426 (rape in security centers and cooperatives), 1430, 1434, 1442. Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**.

<sup>567</sup> The OCIJ admitted 11 civil parties in relation to the Kraing Ta Chan Security Centre (Closing Order, **D427**, para. 515).

<sup>568</sup> Written Record of Interview of SAY Sen, **E3/5129**, 30 October 2007; Written Record of Interview of SAY Sen, **E3/5214**, 1 September 2008.

<sup>569</sup> Site Identification Report, Kraing Ta Chan Security Centre, **E3/5828**, dated 17 March 2009; Annex D: Plan of Kraing Ta Chan Security Centre compiled from information provided by witness SAY Sen, **E3/5830**.

<sup>570</sup> Written Record of Interview of SAY Sen, **E3/9589**, dated 31 October 2013.

Kraing Ta Chan.<sup>571</sup> He was arrested in 1974 around the age of 15 or 16<sup>572</sup> and remained in Kraing Ta Chan until 1979.<sup>573</sup> He described that he was arrested and detained, as a civilian, when he “did not commit any wrong-doing,”<sup>574</sup> however, his father was the District Chief during the Sihanouk regime.<sup>575</sup> He testified that he was arrested at Trapeang Lean village and was sent to Angk Roka office, where the youth unit stayed.<sup>576</sup> He was then sent to Ta Kel prison at Trapeang Pring before being sent to Kraing Ta Chan later that night.<sup>577</sup> The Civil Party explained that he was eventually sent to Kraing Ta Chan because he was too young to be in the youth unit,<sup>578</sup> and that soldiers from Kraing Ta Chan came to Trapeang Pring to escort prisoners, including himself, to Kraing Ta Chan.<sup>579</sup> The prisoners were all tied up and marched on foot.<sup>580</sup> Upon arriving at Kraing Ta Chan, Civil Party SORY Sen was shackled.<sup>581</sup> He was interrogated “about half month or 10 days” after his arrival at Kraing Ta Chan.<sup>582</sup> About a month later, he was assigned with various tasks both inside and outside of the prison buildings as instructed by the staff at Kraing Ta Chan.<sup>583</sup> The Civil Party explained that he was allowed to do labour because he was the youngest.<sup>584</sup> He was told to be quiet and not to tell anyone so that he would be spared, otherwise he would be killed.<sup>585</sup>

311. One of the tasks assigned to the Civil Party was to bury the bodies of those who had died at Kraing Ta Chan, an assignment that involved digging pits for the

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<sup>571</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 70 line 1.

<sup>572</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 72 lines 17-19.

<sup>573</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 33 lines 20-21.

<sup>574</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 55 lines 25.

<sup>575</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 55 lines 23-24.

<sup>576</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 68 lines 8-9.

<sup>577</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 68 lines 11-12.

<sup>578</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 44 line 25 – p. 45 line 1.

<sup>579</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 69 lines 5-7.

<sup>580</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 69 lines 5-7.

<sup>581</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 lines 5-6.

<sup>582</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 91 lines 19-21.

<sup>583</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 lines 12-17 and p. 45 line 21 – p. 46 line 2.

<sup>584</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 lines 21 – 23.

<sup>585</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 lines 21 – 23.

corpses and carrying the prisoners who died to the grave.<sup>586</sup> He was also told to grow coconut trees over the grave sites.<sup>587</sup> His regular work consisted of tending to water buffalos and cows and plowing the rice fields.<sup>588</sup> He testified that he was also tasked with other assignments, such as carrying urine and faeces.<sup>589</sup> He explained that he was instructed to collect coconut shells containing human faeces and urine, to put these in a bucket, and to then return the empty coconut shells to each prisoner so that they could drink from the same coconut shell.<sup>590</sup> The Civil Party was also assigned to climb palm trees and to collect the juice to make alcohol, and testified that the security guards were aware of this.<sup>591</sup> Civil Party SORY Sen testified that another of his tasks was to count the prisoners within the detention building where he was sleeping in the evening, report on the number of prisoners, and explained that the guards would also come and count every one hour during the night.<sup>592</sup> The Civil Party noted that the number of prisoners varied, with prisoners coming and going.<sup>593</sup>

312. Civil Party SAUT Saing, a guard at Kraing Ta Chan Security Centre, testified that he became a soldier in 1972 or 1973, and that in 1975 or 1976 his unit was stationed at Damrei Romeal Mountain and was tasked with capturing an accused

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<sup>586</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 line 23 – p. 46 line 1. *See also*, Site Identification Report, Kraing Ta Chan Security Centre, **E3/5828**, dated 17 March 2009, ERN (EN) 00363339 (“SAY Sen stated that he was ordered to dig graves on a daily basis. The prison guards would inform him in the morning how many prisoners were to be executed that day and he would dig the appropriate size of grave. The prisoners were taken to the spot and executed later in the day and the bodies covered with earth. The graves were only 1 to 1.5 metres deep and after a day or two the bodies would begin to swell causing the earth to open up. When the smell became too bad, the chief of the prison, Ta An would order SAY Sen to cover the bodies again and dig new graves in a different location. SAY Sen indicated a number of locations where he buried large numbers of bodies of executed prisoners.”).

<sup>587</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 46 lines 1-2.

<sup>588</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 68 lines 23-24.

<sup>589</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 69 lines 13-15.

<sup>590</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 49 lines 18-25.

<sup>591</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 83 lines 7-10.

<sup>592</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 95 line 23 – p. 96 line 1.

<sup>593</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 23 lines 6-16.

traitor.<sup>594</sup> By 1977, he was assigned to guard Kraing Ta Chan.<sup>595</sup> In 1978, he was transferred back to Division 210 in order to fight against Vietnamese troops.<sup>596</sup>

313. At Kraing Ta Chan Security Office, Civil Party SAUT Saing testified that he was indoctrinated by the security chief to provide security and safety to the whole office, and he was asked to voice his commitment that if any person or prisoner should escape, his life would end.<sup>597</sup> The Civil Party described the leadership structure of the security office, the layout of the compound, and the living conditions for prisoners. The Civil Party testified that prisoners were interrogated and confirmed that killings occurred at Kraing Ta Chan.<sup>598</sup>

### *Communication with the District Office*

314. Civil Party SORY Sen testified that Kraing Ta Chan Security Centre belonged to District 105.<sup>599</sup> Civil Party SAUT Saing was questioned about the frequency in which messengers from the District Office delivered letters to Kraing Ta Chan. He responded that “I am not sure how often it was because I was not always there at the place.”<sup>600</sup> However, he stated that “[t]he district chief had the authority to arrest people, although I did not know how he would exercise that authority. <For example, I committed a wrongdoing here, on his order I would be investigated. And in such case, Ta An would> communicate or send <a> letter <via his messenger> to the district office. Although, I did not know where the district office was located.”<sup>601</sup>

315. Civil Party SORY Sen testified that Soan, a district messenger, “would deliver the letters to any of the three -- that is, the chief and the deputy chief and the member of the Prison Committee.”<sup>602</sup> He explained that “[o]ccasionally, once they received

<sup>594</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 7 lines 15-24.

<sup>595</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 8 lines 8-9, p. 9 lines 5-7.

<sup>596</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 10 lines 14-16.

<sup>597</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 10 lines 20-24.

<sup>598</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 12 lines 11-13, p. 53 lines 3-8.

<sup>599</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 70 lines 16-19. *See also*, Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225510.

<sup>600</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 52 lines 3-4.

<sup>601</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 46 lines 3-8.

<sup>602</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 26 lines 21-23.

the letters they would assign soldiers to act upon. For example, if they received a letter today, then they would send the soldiers to act upon tomorrow.”<sup>603</sup> “For example when red ink was used on the back of the envelope, although I didn't know how to read, the red ink means the prisoners had to be smashed. So if it was a matter of urgency, the prisoners would be killed on the same day. Otherwise they would be smashed the next day. <They would act casual so that the prisoners did not know what would happen.>”<sup>604</sup>

### *Structure and staff*

316. The Civil Party learned from the soldiers and guards that the prison was operated by the zone and that the prisoners came from Ta Nee, Tuk Meas, Kampot, Takeo, Kandal province, and Kampong Speu.<sup>605</sup> With regards to the rights given to “soldiers”, also referred to as security guards, he testified that soldiers had arrest and execution duties.<sup>606</sup> These soldiers were not only guarding Kraing Ta Chan, but they also went to Srae Ronoung, Pou village to get prisoners.<sup>607</sup>

317. With regards to the hierarchy of leadership at Kraing Ta Chan, Civil Party SORY Sen testified that there were 12 security guards, referred to as combatants, and that there was a chief and two deputy chiefs, who all together made up a staff of 15.<sup>608</sup> When the prison population increased, more staff and soldiers would be sent to the prison.<sup>609</sup> Ta Chhen was the first chief, and then Ta An replaced him sometime after 1975.<sup>610</sup> Small Duch, or Duch Thuch, was the typist.<sup>611</sup> Civil Party SORY Sen testified as to whether the staff at Kraing Ta Chan were members of the Communist Party of Kampuchea: “I knew that Ta Chhen and Moeun <were the big cadres,> and Big Duch was the deputy chief. <I knew that> Ta Chhen and Ta Moeun were <

<sup>603</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 27 lines 1-3.

<sup>604</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 27 lines 6-11.

<sup>605</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 70 lines 19-21. *See also*, Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225510.

<sup>606</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 98 lines 13-14.

<sup>607</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 98 lines 18-20.

<sup>608</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 46 lines 8-11.

<sup>609</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 76 lines 19-24.

<sup>610</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 73 lines 15-17.

<sup>611</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 74 lines 1-9.

Party members and Sieng was also <a> Party member.”<sup>612</sup> “Ta An was the chief, Ta Penh was the deputy. Ta Penh actually was the member and Big Duch was the deputy.”<sup>613</sup>

### *Composition of detainees*

318. Civil Party SORY Sen testified that the number of prisoners at Kraing Ta Chan varied.<sup>614</sup> With regards to the number of prisoners that the prison buildings could accommodate, Civil Party SORY Sen testified that when the building was full, there could be 100 prisoners or more, noting that when two additional buildings were constructed, the buildings contained fewer than 100 prisoners.<sup>615</sup>

319. Civil Party SORY Sen testified that there were children and female prisoners at Kraing Ta Chan. Younger children would not be shackled or cuffed and were allowed to be near their parents.<sup>616</sup> With regards to where the female detainees were detained, he testified that before 17 April 1975, women would be in a different row than the male prisoners in the building.<sup>617</sup> After 17 April 1975, however, women and men were mixed in the same row, in the same building.<sup>618</sup> The Civil Party stated during the investigation phase of the proceedings that a number of female prisoners were raped and killed by guards.<sup>619</sup>

<sup>612</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 76 lines 19-21.

<sup>613</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 76 lines 24-25.

<sup>614</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 64 line 22 – p. 65 line 5: (“The number of prisoners varied, sometimes there were less, sometimes there were more. When new -- when the <new buildings> prisons were not yet built, the prisoners were crowded into the buildings. Sometimes for the size of 1 metre length, four prisoners would be crammed together, because the metal bar that was used to shackle the prisoners -- the length of that bar could accommodate up to seven prisoners in a row. I did not actually count the number of prisoners in each building when I carried the food for them. <I had no right to count them.>”).

<sup>615</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 65 lines 22-25. *See also*, Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 62 lines 7-12 (“When the prison was full, as I said, for the one length of the metal bar, there were only two <or three> prisoners <for each piece of metal, making some space for prisoners to sleep>. But, when more prisoners were brought in, for that one piece of metal bar, they would put seven to eight prisoners. So, for both sides -- for the two rows in the building, it could accommodate up to 100 <to 200> prisoners.”).

<sup>616</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 56 line 23 – p. 57 line 1.

<sup>617</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 50 lines 11-16.

<sup>618</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 50 lines 11-16.

<sup>619</sup> Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225510-00225511.

320. With regards to those prisoners accused of moral misconduct, Civil Party SAUT Saing testified that the person would disappear as the person was not absolute with Angkar regardless of whether they were a soldier, a youth, or a female youth in a mobile unit.<sup>620</sup> However, he stated that he never saw a case of moral misconduct happen at Kraing Ta Chan.<sup>621</sup>

321. Civil Party SAUT Saing also testified that people were killed at Kraing Ta Chan.<sup>622</sup> He stated that both male and female prisoners were killed.<sup>623</sup> He also testified that children were killed there,<sup>624</sup> and that they were taken to the prison along with their parents.<sup>625</sup>

***17 April People and former Lon Nol soldiers***

322. Civil Party SORY Sen testified that he was aware of the presence and status of 17 April People and former Lon Nol soldiers because he was told by both the guards and prisoners of Kraing Ta Chan.<sup>626</sup> He stated “[i]t was both; from the victims and from the soldiers. A few of those soldiers trusted me, and sometimes they chit chatted with me, and told me about that.”<sup>627</sup> He testified that “[i]t was Sim, sometimes little Duch, Soan or Saing” who provided him this information.<sup>628</sup>

323. He explained that the number of prisoners increased after 17 April 1975, and included former Lon Nol soldiers and those from Phnom Penh, 17 April People. “The number of prisoners increased after the country was liberated - that is, after they liberated Phnom Penh. Those former Lon Nol soldiers were regarded as prisoners of war, and Phnom Penh people were considered 17 April People, and they were taken

<sup>620</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 67 lines 1-6, 9-14.

<sup>621</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 67 lines 5-6, 16-18.

<sup>622</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 58 lines 19-20.

<sup>623</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 20 line 25 – p. 21 line 1.

<sup>624</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 59 lines 19-23.

<sup>625</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 13 lines 13-14, 18-19.

<sup>626</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 77 lines 5-11.

<sup>627</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 77 lines 9-11.

<sup>628</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 77 lines 12-15.

there. That was the time they accused those people of being implicated. As in my case, my father worked for the former regime, and I was implicated. And other people would be accused of being CIA spies. And the majority of the 17 April People, after the liberation, were asked about the rank they held in the previous regime.<>”<sup>629</sup>

324. Civil Party SAUT Saing was questioned about whether there were prisoners who were either former Lon Nol soldiers or officials, or were connected or related to former Lon Nol people at Kraing Ta Chan. He responded “[y]es.”<sup>630</sup>

325. Civil Party SORY Sen explained that there were serious and light offenders and explained their treatment.<sup>631</sup> To the Civil Party’s understanding, 17 April People were considered serious offence prisoners, while Base People were light offence prisoners.<sup>632</sup> The Civil Party explained that some prisoners who had stolen potatoes to eat inside the Kraing Ta Chan Office were beaten and shackled, sometimes even beaten to death.<sup>633</sup>

#### ***Physical layout of Kraing Ta Chan Security Centre***

326. The Civil Party SORY Sen explained to the Chamber that three fences surrounded the prison: the first fence was thick and barb-wired, a second fence was located to the east of the site, and a third fence to the south.<sup>634</sup> With respect to the physical structures of the premises, Civil Party SORY Sen testified that two buildings existed prior to 17 April 1975 and two buildings laid with barbed wire were constructed afterwards for prisoners.<sup>635</sup> There were gates to the east and west of the

<sup>629</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 76 line 19 – p. 77 line 3. *See also*, Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225509 (The Civil Party testified that most prisoners were killed “[i]n 1975. The majority of the prisoners brought in were not shackled. They put them in the prison, and then they called them back out and killed them one at a time. The majority of the prisoners were 17 April people.”).

<sup>630</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 34 lines 10-13.

<sup>631</sup> Oral Testimony of Civil Party SORY Sen, T., 24 March 2015, **E1/256.1** [Corrected 2], p. 75 line 19 – p. 76 line 3.

<sup>632</sup> Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225510-00225511.

<sup>633</sup> Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225510-00225511.

<sup>634</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 56 lines 15-19.

<sup>635</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 71 lines 6-9; *see also*, Annex D: Plan of Kraing Ta Chan Security Centre compiled from information provided by witness SAY

prison.<sup>636</sup> A bell would ring when prisoners were brought into the prison compound.<sup>637</sup> Civil Party SORY Sen testified that for prisoners who were assigned to work, they would work between the first and second fence of the perimeter.<sup>638</sup>

327. During his testimony in court, Civil Party SORY Sen testified about the prison buildings and grounds of Kraing Ta Chan. “Initially, in 1974, there were only two buildings. I was detained in the west building for several months before I was moved to the east building. Later on, I was moved to another new building also at the east.”<sup>639</sup> With regards to the addition of two more buildings, he testified that “I knew that because of the increased number of prisoners who were sent there, they built two more buildings to the east of the compound <, both were attached.>”<sup>640</sup> “In the prison compound the building I like to describe varied in size. Sometimes the buildings are 5 metres wide and 12 <, 9 or 15> metres long, and most of the buildings were <>made by prisoners and underneath the floor that we slept on, they laid barbed wire, and they would also use a small wood to support the walls. And also about the roof, they also

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Sen, **E3/5830**; Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225510 (“There were a total of four houses for holding prisoners: Two central houses for holding serious offense prisoners who were shackled hand and foot both day and night. Those prisoners were 17 April people. They only released them from shackles for interrogation. The house to the west held light offense prisoners on one half and serious offense prisoners in the other half. The house to the east was for holding base area prisoners and 17 April people; they were shackled both hand and foot. The prisoners had both legs shackled. The serious offense prisoners also had their hands shackled. Each house was about 7 meters wide and 30 meters long. The prisoners laid in their shackles with their heads toward the walls. Each house held two rows of prisoners. When the prisoners had to relieve themselves during the night, there was a coconut shell to relieve themselves in, and they passed it from one to another to be put in a container in each house. There was no water to wash-up with after the prisoners relieved themselves, and the prisoners did not get any water to bathe. One, two, or three prisoners died each day in each house.”).

<sup>636</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 72 line 21 – p. 73 line 4; Annex D: Plan of Kraing Ta Chan Security Centre compiled from information provided by witness SAY Sen, **E3/5830**.

<sup>637</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 73 lines 4-6; Site Identification Report, Kraing Ta Chan Security Centre, **E3/5828**, dated 17 March 2009, ERN (EN) 00363338-00363339 (The Civil Party assisted investigators in identifying “an area where he stated there used to be a gate giving access through the middle fence into the second compound. Militiamen from the communes would bring new prisoners to this gate and ring on a makeshift bell (an old car wheel rim) which was to signal to the prison guards to collect the new prisoners. The militiamen were not allowed to enter inside the prison compound. SAY Sen’s account corroborates that of former prison guard, SRE Than who said that he had the job of receiving the people the militias had arrested.”).

<sup>638</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 95 lines 17-18.

<sup>639</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 74 line 25 – p. 75 line 4.

<sup>640</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1**, [Corrected 5], p. 36 lines 3-6.

laid barded wires, but the roof were tiled and very neat in order to prevent any attempts to escape through the roof.”<sup>641</sup>

### ***Interrogation area***

328. During his testimony before the Chamber, Civil Party SORY Sen described the interrogation area and the staff in charge of the interrogation. He testified that there was only one place where interrogations were conducted, and that the location remained the same for the duration of his detention.<sup>642</sup> Civil Party SORY Sen explained that the interrogation room was not inside a building, but was rather comprised of walls made from coconut leaves and a thatched roof.<sup>643</sup> The back wall, which was used to hang weapons and other equipment,<sup>644</sup> was plain and wooden.<sup>645</sup> There was a low veranda at the front of the interrogation area, a piece of wood and a wooden chair. The guards and the cadres sat to the sides with the chief sitting in front of the piece of wood.<sup>646</sup>

329. Civil Party SAUT Saing testified that there an execution site to the south of the interrogation site.<sup>647</sup>

### ***Other areas in the prison compound***

330. Civil Party SORY Sen described that a cassava plantation was located between the prisoner buildings and the interrogation house such that only the roof was visible.<sup>648</sup> Beyond the plantation and west of the interrogation area was an “underground prison” or “dungeon”.<sup>649</sup>

<sup>641</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 56 lines 6-13.

<sup>642</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 36 line 41; Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 64 lines 1-4.

<sup>643</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 37 lines 10-15.

<sup>644</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 38 lines 2-6.

<sup>645</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 37 lines 10-22.

<sup>646</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 82 lines 3-7.

<sup>647</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 57 lines 14-15.

<sup>648</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 37 lines 18-22; Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 81 lines 22-23.

<sup>649</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 64 line 24 – p. 65 line 1; Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 64 lines 4-14.

331. The Civil Party recounted that coconut trees were planted over the buried bodies.<sup>650</sup> In 1977, bodies were buried beyond the first perimeter when “massive killings took place.”<sup>651</sup> Civil Party SORY Sen explained that when there were too many burial places within the first perimeter, bodies were then buried a bit further beyond the second perimeter.<sup>652</sup>

***Civil Parties with family members or friends taken to Kraing Ta Chan***

332. Four other civil parties described the detention of their relatives or friends at the Kraing Ta Chan Security Centre.

333. Civil Party BUN Saroeun testified as to the detention of his father at Kraing Ta Chan.<sup>653</sup> He testified that his father was a group chief during the Lon Nol regime.<sup>654</sup>

334. Civil Party OEM Saroeurn testified as to the arrests of her husband, brother, father and uncle who were taken to and detained at Kraing Ta Chan in 1976-1977.<sup>655</sup> She further testified that the names of her brother, father and uncle were found on a Kraing Ta Chan report.<sup>656</sup>

335. Civil Party RY Pov testified as to the death of Chan, who was in the same mobile unit as the Civil Party. The Civil Party testified that he found Chan’s dead body in the surroundings of the Kraing Ta Chan Security Centre.<sup>657</sup>

336. Civil Party OU Dav testified that he lost his father and uncle, who he learned were killed at Kraing Ta Chan Security Centre.<sup>658</sup>

**B. Crime-base Evidence Provided by Civil Parties at Trial**

<sup>650</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 83 lines 22-23.

<sup>651</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 84 lines 15-24.

<sup>652</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 84 lines 21-24.

<sup>653</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 41 lines 3-9.

<sup>654</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 41 lines 13-15.

<sup>655</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 14 line 4 – p. 15 line 16.

<sup>656</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 25 lines 9-17.

<sup>657</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 24 line 11 – p. 25 line 8.

<sup>658</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 13 line 20 – p. 14 line 24, p. 17 lines 6-10.

**(1) Imprisonment**

337. Civil Party evidence adduced at trial establishes that people sent to Kraing Ta Chan were arbitrarily deprived of their liberty without any due process of law.
338. Civil Party SORY Sen testified that he was arrested and detained at Kraing Ta Chan, as a civilian, without having committed any wrong-doing.<sup>659</sup> With regards to when he was arrested, he testified that “I can recall the year, it was in 1974 but I cannot remember the month.”<sup>660</sup> He further testified that he “escaped from <that prison> in 1979 <when the Vietnamese came in>.”<sup>661</sup> “I was rather young when I was detained there, and maybe I cannot recollect – recall everything. I believed my detention was due to my father being District Chief during the Sihanouk regime. I myself did not commit any wrong-doing and at that time, they would screen the background for capitalist and feudalists were their targets.”<sup>662</sup> Civil Party SORY Sen testified that upon arriving at Kraing Ta Chan “[t]here was no photo taken<at that time. Regardless of any status,> prisoners were sent to the building and then locked up. And they left them there. They would call for interrogation two or three days after arrival.”<sup>663</sup>
339. Civil Party SAUT Saing testified that “[f]rom my observation, children and babies, they were coming with their parents.”<sup>664</sup>
340. Civil Party SORY Sen described that “[f]or prisoners who were initially brought in<, regardless of minor or serious offense>, would be shackled, and then they would also be cuffed by a metal ring <attached to> a long bar”.<sup>665</sup> “[T]here were two rows of prisoners and they laid down with their heads against the walls. And then they used metal rings for the ankles -- to shackle the ankles of those prisoners with a

<sup>659</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 55 lines 23-25.

<sup>660</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 44 lines 18-19.

<sup>661</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 56 lines 5-6.

<sup>662</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 55 line 21 – p. 56 line 2.

<sup>663</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 69 lines 17-20.

<sup>664</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 13 lines 13-14.

<sup>665</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 61 lines 6-9.

long bar.”<sup>666</sup> “When I was transferred there, I cannot remember, it was about half month or 10 days, I was not interrogated but I was shackled and detained <night and day>.”<sup>667</sup>

### ***Detention of Civil Party BUN Saroeun’s Father***

341. Civil Party BUN Saroeun testified that when he was living in the Trapeang Chaeng cooperative, he met “uncle Ran who asked me where I was going, I answered that I was asked to come work here and when we finished lunch, he said that he saw my father at Krang Ta Chan, that he had been <beaten and mistreated> and I did not know where Krang Ta Chan was. I said to him, ‘So my father still alive?’ and then he said <that my father was still alive. The man claimed that he> was living about 100 meters from Krang Ta Chan. I then asked my mother and other people to go to Krang Ta Chan and when we arrived there, I saw my father carrying water to the vegetable plots and that made me sad. I was crying. He was so thin that I could <hardly> even recognise him. He was wearing under drawers<, but no shirt> and I saw him from a distance and I had a hard time recognising him.”<sup>668</sup>

342. “<They were> arrested during the day the country fell, that is when the 17 April People were evacuated.”<sup>669</sup> Civil Party BUN Saroeun explained that “[m]y uncle was the village chief <Prey Chheu Teal village> and my father was the group chief during the Lon Nol regime.”<sup>670</sup>

## **(2) Enslavement**

### ***Forced labour***

343. Civil Party SORY Sen testified that about a month after his detention, he could leave the prison building in which he was detained.<sup>671</sup> “I was let out to do some farming, including clearing the grass or carrying human faeces from the detention

<sup>666</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 61 lines 14-17.

<sup>667</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 lines 4-6.

<sup>668</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 29 line 18 – p. 30 line 5.

<sup>669</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 41 lines 8-9.

<sup>670</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 41 lines 13-15.

<sup>671</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 lines 12-13.

place. And Ta Chen also assigned to do that. And for a period of time they trusted me and they authorised me to work outside tendering cattle and so on.”<sup>672</sup>

344. Civil Party SORY Sen testified that he could not refuse any tasks given to him. “No, I could not do that. I was expecting to be assigned.”<sup>673</sup> “We did what we were ordered to do.”<sup>674</sup>

345. Civil Party SORY Sen described receiving instructions to dig burial pits. “For example, the killing will be in this evening, they order me, Ta Chen and Ta Norn <, together three,>and one of the soldiers were there to watch us and they would order us to follow his instruction especially the size <and depth> of the pit and then we did <according to what has been instructed. We could not dig at our will because there was a supervisor there.>.”<sup>675</sup>

346. Civil Party SORY Sen explained that some prisoners were assigned to do labour. “The east building housed those prisoners who were allowed to work inside the compound.”<sup>676</sup> He testified that these prisoners were let out to do rice growing.<sup>677</sup> The “work site was outside the first - it was between the first and the second fence of the perimeter.”<sup>678</sup>

### ***Control of movement during labour***

347. Civil Party SORY Sen testified that if the prisoners were carrying out labour in the fields, they would be watched. He testified that “[w]hen they were let out to do rice growing, for example, there was seven prisoners and as there were so many prisoners and they ordered to me saying, ‘You must stay here to watch them and be careful if any prisoner escape, you will be killed.’ Yes, I did the watching at that worksite.”<sup>679</sup> “[T]hey ordered me to come back to the detention building <late in the

<sup>672</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 lines 12-17.

<sup>673</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 46 line 20.

<sup>674</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 84 lines 20-21.

<sup>675</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 101 lines 5-11. *See also*, Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2009, ERN (EN) 0025508.

<sup>676</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 77 lines 23-25.

<sup>677</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 95 line 8.

<sup>678</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 95 lines 17-18.

<sup>679</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 95 lines 8-12.

evening. I had to shackle myself, but they were the ones who locked the door from the outside.> But if there's a dead body in the building, I had to remove and bury <them> before I come to the building to shackle myself as part of the detention.”<sup>680</sup>

348. Despite being unshackled and able to do labour during working hours, Civil Party SORY Sen described how his movement was restricted. For instance, he stated that “I could move only within the limit of the kitchen for the prisoners, and only when I was ordered to go and fetch something by the guards, then I could go to the kitchens used by those guards.”<sup>681</sup>

349. With regards to the other detainees who were assigned with labour tasks in the fields, Civil Party SORY Sen testified that prisoners were still shackled at night after returning to the prison.<sup>682</sup> He testified that detainees who conducted labour were detained separately, stating that “prisoners who [were] allowed to work would be housed in the house east on the dining hall.”<sup>683</sup>

### ***Threat of punishment***

350. Civil Party SORY Sen testified that “I was released to do labour because he told me that I am the youngest and I was told to be quiet so that I should not tell anyone so that they will spare me if not I will be killed. So I was <released to work inside> to tender buffalo and dig the pits for the corpse and to carry the prisoner who died in shackle and then I was ordered to drag - to bury in the grave. And then we were told to grow coconut on the grave with Ta Chen.”<sup>684</sup>

### ***Cruel treatment, abuse, and use of force***

351. Civil Party SORY Sen recounted the times he was nearly killed at Kraing Ta Chan. “[O]ne time I was beaten on my head with the rifle <butt>, but I was beaten

<sup>680</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 48 lines 9-14.

<sup>681</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 80 lines 4-7.

<sup>682</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 5 lines 14-16, p. 95 lines 23-25.

<sup>683</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 63 lines 1-2.

<sup>684</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 45 line 21 – p. 46 line 2.

with a whip many times when I picked some vegetable or cassava leaves, but the most severe beating happened when I stole cassava for food.”<sup>685</sup>

### **(3) Other inhumane acts**

352. Civil Party evidence adduced at trial indicates that the CPK’s conduct to establish and operate the Kraing Ta Chan Security Centre encompassed violations of detainees right to life and to an adequate standard of living, their right not to be subject to cruel, and inhumane and degrading treatment.<sup>686</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

#### ***General living conditions***

353. With regards to those prisoners who were shackled and detained day and night, Civil Party SORY Sen testified that “[t]alking about prisoners under shackle and detention, it was beyond my description. It is beyond our understanding. They were in miserable conditions. There were bed bugs and insects surrounding them<. There were at least three or four prisoners died because of bed bug bites,> and they <also> died of starvation <>.”<sup>687</sup>

354. As for the prisoners who were “always shackled and detained days and nights,”<sup>688</sup> Civil Party SORY Sen testified that “[t]hey were in miserable conditions.”<sup>689</sup>

#### ***Inadequate medical care***

355. Civil Party SAUT Saing testified that “[p]risoners who were detained there -- from what I could see -- did not receive any medical treatment.”<sup>690</sup>

356. Civil Party SORY Sen was physically injured and explained that his wound was not treated. “Indeed, infections had occurred and relapsed occurred and relapsed.

<sup>685</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 63 lines 22-25.

<sup>686</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

<sup>687</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 48 line 23 - p. 49 line 318.

<sup>688</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 48 lines 17-18.

<sup>689</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 48 lines 24-25.

<sup>690</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 44 lines 8-9.

Thanks to my mother's shawl, I actually killed small frogs and ground it with salt and then I apply on that wound area so that it could be treated temporarily.”<sup>691</sup>

357. Civil Party SORY Sen further testified that “[t]alking about prisoners under shackle and detention, it was beyond my description. It is beyond our understanding. They were in miserable conditions. There were bed bugs and insects surrounding them <. There were at least three or four prisoners died because of bed bug bites,> and they <also> died of starvation. So I remember certain details but I forget some of them.”<sup>692</sup>

### *Inadequate food*

358. Civil Party SAUT Saing testified as to the lack of food provided to detainees in Kraing Ta Chan. “Concerning the food ration, prisoners did not have enough food to eat. They could have gruel, mixed with cassava or potatoes, sometime prisoner could have only the watery gruel.”<sup>693</sup>

359. Civil Party SORY Sen testified that “[t]here were four buildings, <and the number of prisoners were not fixed;> there were about <50, 100, 70 or> 20 <> prisoners per building, but the rice they cooked was a very small quantity<, about four cans of rice>. But they would use a coconut shell to distribute for each prisoner. And then I was assigned to carry those porridge to another building and to give, distribute the porridge to those prisoners. And there was some rice grain in the porridge at the bottom of the pan and I could use that remaining for myself. But the other prisoners received only a few grains of rice in the water in the porridge.”<sup>694</sup>

360. With regards to prisoners who were interrogated, Civil Party SORY Sen testified that he received instructions “not to send the food to those prisoners.”<sup>695</sup>

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<sup>691</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 88 lines 12-15.

<sup>692</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 48 line 23 – p. 49 line 4.

<sup>693</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 14 lines 19-21.

<sup>694</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 47 line 16 – p. 48 line 1.

<sup>695</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 30 lines 20-21.

361. During an interview, the Civil Party elaborated that “[i]n general, the prisoners got thin gruel, and the prisoners held in the detention houses got only the watery part. The prisoners they put to work just got some rice at the bottom [of their gruel]. There were only six to seven prisoners who they put to work. The work included working the rice fields, carrying water, chopping wood, and growing various crops, along with cooking and distributing gruel for the prisoners held in shackles.”<sup>696</sup>

### *Inadequate sanitation*

362. Civil Party SAUT Saing testified that “I was a guard at the outer perimeter. Prisoners in the detention facility were not allowed to clean themselves <properly,> or they were not provided with <proper> medicines <either>.”<sup>697</sup>

363. Civil Party SORY Sen testified that the same coconut shell was used to distribute water and for people to relieve themselves in. “They would relieve themselves. I don't want to describe <such a thing>. Both legs were in shackles<, so they would tilt themselves,>. Both legs were in shackles and they used the coconut shell for relieve themselves and they passed from one prisoner to another and then they dropped into a bucket. And then they used the same coconut shell and then just cleaned by water, and they used the same coconut shell for giving the water to the prisoners.”<sup>698</sup>

364. Male and female detainees were detained together after the liberation of Phnom Penh.<sup>699</sup> Civil Party SORY Sen testified that “[f]or female prisoners who were in shackles they suffered much more difficulty. But everyone did not say anything so they – they could relieve themselves in any way, the same as other. They don't feel – they had no right to be shy.”<sup>700</sup>

<sup>696</sup> Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225511.

<sup>697</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 13 line 23 – p. 14 line 1.

<sup>698</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 49 lines 9-15.

<sup>699</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 50 lines 11-16.

<sup>700</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 50 line 22 – p. 51 line 1.

365. Civil Party SORY Sen further testified that “[a]fter meals time I was ordered to carry a bucket - a handmade bucket of water and I carried that one bucket with a coconut shell and placed it along the row of where the prisoners were having their meal and whoever wanted the water, they would use the coconut shell to fetch the water from that bucket. So, whoever finished first would use the bucket that they used to have their meals to take the water to drink and to wash their face. They couldn't - they had to do it quickly, otherwise the guards would scold them.”<sup>701</sup>

366. Civil Party SORY Sen also explained that dead bodies were not immediately removed from the detention centre. They were only removed the following evening. “Anyone who died at night, so they kept the bodies until <4 p.m.. They did not remove the corpses in morning; rather they waited until the evening.> So they waited until the other prisoner returned from work and then they removed the dead body and I was the one who was ordered to unshackle the dead body and remove. So, I was ordered to remove the body at 4 or 4.30 in the evening.”<sup>702</sup>

### *Inadequate shelter*

367. Civil Party SORY Sen described how the prison could become overcrowded at times. With regards to the number of prisoners that the prison buildings could accommodate, he testified that “[w]hen [the building] was full, the maximum number could be 100 or more. <When it was too crowded, it might be up to 200 prisoners.> But when two more buildings were built, then the numbers decreased, it would be less than 100 prisoners in each building.”<sup>703</sup> “The number of prisoners varied, sometimes there were less, sometimes there were more. When new -- when the <new buildings> were not yet built, the prisoners were crowded into the buildings. Sometimes for the size of 1 metre length, four prisoners would be crammed together, because the metal bar that was used to shackle the prisoners -- the length of that bar could accommodate up to seven prisoners in a row. I did not actually count the

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<sup>701</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, E1/256.1 [Corrected 2], p. 88 line 22 – p. 89 line 5.

<sup>702</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, E1/256.1 [Corrected 2], p. 90 line 20 – p. 91 line 1.

<sup>703</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, E1/257.1 [Corrected 5], p. 65 lines 22-25.

number of prisoners in each building when I carried the food for them. <I had no right to count them.>”<sup>704</sup> “When the prison was full, as I said, for the one length of the metal bar, there were only two <or three> prisoners <for each piece of metal, making some space for prisoners to sleep>... But, when more prisoners were brought in, for that one piece of metal bar, they would put seven to eight prisoners. So, for both sides -- for the two rows in the building, it could accommodate 100 <to 200> prisoners.”<sup>705</sup>

#### **(4) Torture**

368. Civil Party evidence adduced at trial establishes that acts causing severe pain or suffering were carried out by Kraing Ta Chan Security Office personnel in order to obtain confessions or as a form of punishment.

#### ***Torture in the context of interrogation***

369. Civil Party SORY Sen described that detainees “would be taken for interrogation at the interrogation place, and <they were beaten and> when they couldn't walk, then I was instructed to carry that prisoner into the building and sometimes we had to carry them. They were tortured and when they were brought into the building, they will be shackled and cuffed again and they would be deprived of any rice or porridge. At that time they were accused of <treason>, so they will not be given food to eat during that time.”<sup>706</sup>

370. Civil Party SORY Sen testified that torture was employed at Kraing Ta Chan. He explained that he was able to enter the interrogation room in order to “sweep clean the floor” in the morning before interrogations began.<sup>707</sup> He testified that “[t]he purpose of the interrogation was the same as I stated earlier, that was in relation to CIA spies <of Lon Nol> or whether they had any connection with Prum San.”<sup>708</sup> He explained that some questions had to do with the ranks of the soldiers of the former

<sup>704</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 64 line 22 – p. 65 line 5.

<sup>705</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 65 lines 13-19.

<sup>706</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 57 lines 5-17.

<sup>707</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 82 lines 16-18.

<sup>708</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 27 lines 20-22.

regime.<sup>709</sup> He also described the time when he himself was interrogated: “When I was sent to Krang Ta Chan. I was detained rather long, it was about more than 10 days or even one month and then I was interrogated”.<sup>710</sup> “During the interrogation, the question was that, “[a]re you connected to anyone at Angk Ta Saom or anywhere else?”<sup>711</sup>

371. Civil Party SORY Sen stated that “[b]ased on my observation, if the prisoners were rather old or maybe they were alleged to have a connection with the former Lon Nol regime, then they would be tortured. As for the Base People, maybe only two or three out of 10 would be tortured during the interrogation.”<sup>712</sup>

372. Civil Party SORY Sen testified that it was “[o]nly the chief and deputy chief, including<Cheng>, An and Penh who did the interrogation.”<sup>713</sup> The Civil Party explained that “<Ta Cheng or Ta Penh> was the one who took the prisoner and he would unshackle and walk the prisoner to the interrogation house and then brought back. <If not, they would beat them up until the prisoners lost their balance. After that, he came to his house --> he told me to go <south and take care of it. Then, when a prisoner was clubbed to his death,> Ta Chen and me were ordered to drag the body <out>.”<sup>714</sup>

373. Civil Party SORY Sen explained that “[p]risoners who were tortured and detained [at Kraing Ta Chan] could not stay longer than one month.”<sup>715</sup> He also recalled witnessing the torture of two detainees, who subsequently died. “I only saw Boeun and Yeay Nha's husband who were tortured during interrogation. And after that, they died from the beating.”<sup>716</sup>

374. Civil Party SAUT Saing testified that he could hear the screams of prisoners who were being interrogated. “The screaming or the cries from the prisoners I heard

<sup>709</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 28 lines 4-7.

<sup>710</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 91 lines 19-21.

<sup>711</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 91 lines 22-23.

<sup>712</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 28 lines 11-15.

<sup>713</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 64 line 25 – p. 65 line 1.

<sup>714</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 99 lines 3-11.

<sup>715</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 61 lines 13-14.

<sup>716</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 85 lines 4-5.

when they were interrogated and they suffered from torture or beating during interrogation, I would hear screaming.”<sup>717</sup>

### *Methods of torture*

375. Civil Party SORY Sen explained that beatings were used as a method of torture. “As for the <interrogation> equipment, they used a bamboo club, about that size, there were three or four of them.”<sup>718</sup> He stated that these bamboo clubs were “about 70 or 60 cm long to beat the prisoners. And there were three or four bamboo clubs in that room.”<sup>719</sup>

376. Civil Party SORY Sen further testified as to the use of pliers, scarfs, and plastic bags. “I knew about the use of pliers. Pliers were used to extract or to hurt the breast or the nipples of female prisoners.”<sup>720</sup> He also stated that “there were a few scarfs and plastic sheets to cover the face of the prisoners.”<sup>721</sup>

377. Civil Party SAUT Saing described witnessing the torture of prisoners. “Prisoners were beaten by club and plastic sheet were used to cover their face <to suffocate them in order> to extract their confession.”<sup>722</sup> When questioned about whether there were other torture methods besides beating and the use of plastic bags, he testified that he “was not aware of any other type of torture.”<sup>723</sup>

### *Darkened cell or dungeon*

378. Civil Party SORY Sen testified that some prisoners were put in a “darkened cell”. “Prisoners -- some of them -- were not put in - like you said in a dungeon, but, in fact, it was a < > underground prison. <They laid down barbed wires in the dungeon.> It was rather large, about 3 or 4 metres, and they would also build <cone-like> a roof to cover it. After a prisoner was beaten, then they would use a rope. It was quite a large rope, to tie to the waist of the prisoner and to drop the prisoner into

<sup>717</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 76 lines 1-3.

<sup>718</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 82 lines 8-9.

<sup>719</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 28 lines 20-22.

<sup>720</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 27 lines 1-3.

<sup>721</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 82 lines 9-11.

<sup>722</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 49 lines 7-9.

<sup>723</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 12 lines 14-17.

that underground prison. And after a while, <the prisoner lost his balance,> then they would pull the prisoner back up. < > Ta Chim and I were <instructed>to pull the prisoner and drag them back into the detention building.”<sup>724</sup>

***Torture as punishment outside of the context of interrogation***

379. Civil Party SORY Sen explained that prisoners were tortured if they made mistakes.<sup>725</sup> He testified that “any prisoner who made any sound to the shackles, he or she would be <beaten to death that> night. <The guards were rotating each other two at a time to guard the prisoners every hour. If anybody moved, they used the pincer to check the shackle. And if the shackle was found to be loose, the prisoner would be beaten to death that night in front of all the prisoners in the building.>”<sup>726</sup>

380. Civil Party SORY Sen testified that “one time I was beaten on my head with the rifle <butt>, but I was beaten with a whip many times when I picked some vegetable or cassava leaves, but the most severe beating happened when I stole cassava for food.”<sup>727</sup> He also testified to receiving instructions “not to send the food to those prisoners” who had previously been interrogated.<sup>728</sup>

**(5) Murder and extermination**

381. Civil Party evidence adduced at trial demonstrates the large-scale killing of men, women, children and babies, either directly upon their arrival at the Kraing Ta Chan Security Centre, or during their detention. Deaths were caused either by acts from the Centre’s staff or from the imposition of miserable living conditions inside the detention facilities.

**a.) General evidence of killing**

382. Civil Party SORY Sen testified that “the chief would patrol with his knife and other soldiers and guards did the killing. All of them participated in the killing.”<sup>729</sup>

<sup>724</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 64 lines 4-14.

<sup>725</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 33 lines 2-6.

<sup>726</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 50 lines 2-7.

<sup>727</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 63 lines 22-25.

<sup>728</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 30 lines 20-21.

<sup>729</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 100 lines 10-12.

383. Civil Party SORY Sen testified that prisoners were removed from buildings and taken to the execution site. “Before prisoners were taken to be killed, they could open the buildings though and say that they would be allowed to return to <their respective> cooperative, <they therefore must> follow the Angkar's plan <but> only some of them would be taken first. Then they would read the names from a list and that they would remind them again to follow Angkar's plan and not to oppose <the wheel of history> of Angkar. They would call out two names at a time, and those who were called then would be unshackled and came through - came outside the building and then they would walk to the south of the prison where there was a <jungle of cassava> plantation, and two soldiers were there <awaiting> them. They then would be requested to be blindfolded and their hands were tied behind their back, <it was about 10 metres away from the prison,> and they said that the reason was for them not to take revenge against Angkar.”<sup>730</sup>

384. “Then they were taken to the killing site, and they would play music on a loudspeaker and sometime they would crack firewood nearby in order to muffle the sound of the killing that they are about to do. They would play the Khmer Rouge songs over the loudspeaker, and then after they did the killing, then they would return for more. <When they returned, they would lower the sound of music and that of firewood cracking.>”<sup>731</sup>

385. The Civil Party explained that “[p]risoners were walked into the - near the pit. Then they were ordered to kneel and they would use a hoe to hit the back of their neck, <they then kicked them down,> and after that<, for men and older persons, as I stated before,> they use <a machete> about 40 to 50 centimetre long to slash their throat, then they would be dropped into the pit, and then they would undress those people, and pile them in a pile. And after they completed the day's killing, I would be ordered to collect the clothes and to bring them into a pond <wash them at> the west of the prison and <dried them> there <for a few days. Then I brought the clothes to

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<sup>730</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 59 line 23 – p. 60 line 13.

<sup>731</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 60 lines 13-20.

keep in> a warehouse <near the interrogation place>. And later on, there would be a vehicle coming to transport those clothing to the cooperative.”<sup>732</sup>

386. Civil Party SAUT Saing was questioned about whether people were killed at Kraing Ta Chan. “The victims who died at Kraing Ta Chan, I don’t know the exact number of them. But I’m sure they <did die> over there.”<sup>733</sup> He elaborated that “<> [t]here were male and female prisoners <there. And they> were killed.”<sup>734</sup> “Children and young babies were killed at Kraing Ta Chan because from my personal -- it was from my personal observation, when the mothers disappeared, the children would also disappear along with their mother. <When the children disappeared, it meant that they were killed.>”<sup>735</sup>

387. Civil Party SAUT Saing testified that “[a]t Kraing Ta Chan centre, prisoners were killed with the head of the hoes or with a bamboo club.”<sup>736</sup> He stated that he “saw with [his] own eyes the execution that occurred in that place, and dead bodies. The exhumation of those bodies confirms what I witnessed back then>.”<sup>737</sup>

## b.) Specific instances of killings

### *Deaths of film stars KIM Nova and NOP Nem*

388. Civil Party SORY Sen testified as to the deaths of two film stars, KIM Nova and NOP Nem. “As for the two film stars, I saw them arriving in one afternoon and later on they were taken out and executed <that evening. They were not detained>.”<sup>738</sup> “The two film actors were brought in but I cannot recall the year. However, it was after the liberation of Phnom Penh. They were not detained. They were brought in and then the husband was <first> taken out and killed immediately. And then <the> wife <and another child were> being played around by the people

<sup>732</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 60 line 23 – p. 61 line 10.

<sup>733</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 78 lines 4-5.

<sup>734</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 20 line 25 – p. 21 line 1.

<sup>735</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 59 lines 19-23.

<sup>736</sup> Oral Testimony of Civil Party SAUT Saing, T., 24 March 2015, **E1/281.1** [Corrected 2], p. 58 lines 19-20.

<sup>737</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 38 lines 8-11.

<sup>738</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 38 lines 15-16.

who were in charge there. And after that, she <and her child were> taken out and killed.”<sup>739</sup> “There were prisoners who were already detained. Those prisoners who were Base People were detained for longer than the 17 April People. For anyone who was famous, for example, the movie actress and actor including Kim Nova, Nop Nem, <I knew their names because> the <office chief> told me <> and then they took the husband for execution <first.> <And the staff touch her cheek and touch her body and their children asked, "How long Dad will stay there?" and the mother told the children that he will come back and later they sent Kim Nova and her children, they were killed around 4 p.m. in the afternoon. <I saw this with my own eyes.>.”<sup>740</sup>

### ***Death of Civil Party SORY Sen’s father, SOK Say***

389. Civil Party SORY Sen provided hearsay evidence as to the death of his father, SOK Say, who “is my father because my mother was the one who married – who co-inhabited with him first.”<sup>741</sup> He testified that his father died at Kraing Ta Chan, “I lost one father in that prison.”<sup>742</sup> The Civil Party explained how he learned about the execution of his father. “I heard it from the soldier and the old people who told me, but the chief did not tell me about that, but other soldier who <took pity on> me told me about that.”<sup>743</sup> He testified that he kept his father’s belongings after his father was executed. “The hat, sarong and t-shirt, <after washing,> I took them for myself, but <Cheng>, the Deputy Chief took the hat, and he would wear it, and other people would wear it sometime and wore the hat of my father. <Sometimes Ta An wore the hat. So I was left with his shirt and sarong to cover myself at night.>”<sup>744</sup>

### ***Deaths of two children***

390. Civil Party SORY Sen testified as to the killing of children at Kraing Ta Chan. “I witnessed one event when a child was killed. The parents had been killed before,

<sup>739</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 38 line 21– p. 39 line 2.

<sup>740</sup> Oral Testimony of Civil Party SAY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 96 lines 13-23. *See also*, p. 97 lines 5-11.

<sup>741</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 41 lines 23-25.

<sup>742</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 64 line 2.

<sup>743</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 64 lines 6-8.

<sup>744</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 64 lines 10-14.

and two children were brought in along. Two or three days after their parents had been killed, those children – one of the children, maybe the younger sibling, age around 3 to 4 years old and the eldest one was about 5 to 6 years old, but the younger one was taken first. At that time, I was climbing a palm juice tree in the afternoon <to take the juice for the chief> and from the top of the palm tree I could see that the two children were taken away. And usually, while I was climbing they would wait for me to bring down the palm juice, and that day I heard the sound of the children and then I heard the sound of cracking the children against the palm tree. And when I looked down, I saw the children were smashed against the palm trees and then the gallbladder were taken out from the both the children and hanged there. There was a small pit to the south of the palm trees and there were two of them waiting there. I didn't climb down to get. I was just sitting there at the top of the palm tree. In fact, there were - there was a row of palm tree and I could move from one palm tree to the next. So first as I said they killed the younger one by smashing against the trunk of the palm tree, and then they brought in the elder <sister to sit at the west of the palm root> and they used a hoe <about one meter> to hit the neck of the back of that child, <they didn't blindfold her like they did to adults,> and for older people when they hit them with a hoe, they would use a <machete> to <slit their throats>, but in this case they hit the child with a hoe and then dragged <her body> into the pit. <And then they walked back and acted casual.> That's how I saw the event unfolded.”<sup>745</sup>

391. The Civil Party further testified that there were other instances where children were killed, “[y]es. I even know some of the killers and some of them are still living today.”<sup>746</sup>

### ***Death of Ta Norn***

392. Civil Party SORY Sen testified about the death of Ta Norn, who used to dig graves with the Civil Party. The Civil Party explained that “Ta Norn also died there. Before his death, he> was <ordered> to dig the pit. <I thought whenever there was a

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<sup>745</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 53 line 13 – p. 54 line 17.

<sup>746</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 54 lines 22-23.

pit digging, there must have been killing.>”<sup>747</sup> The Civil Party provided further details during his interview with the OCIJ, in which he explained that he “knew Ta Norn was killed in the Kraing Ta Chan Office because Ta Norn was a prisoner whose sentence was lightened and who they put to work, like me. Sometimes he was used to get fish for the soldiers to eat. Later they had him cook food for the prisoners. One day at the cooking site, he was talking with me, telling me, ‘I’ll probably die before you.’ While he was talking with me, suddenly Cheng, a soldier at Kraing Ta Chan, came to call him. Since he had disappeared for a long time, I walked to look at the site where they killed the prisoners and I saw his body. He had been killed and placed under a Cheu Teal tree about 70 meters from the prison.”<sup>748</sup> “His crime was being a Hanoi person.”<sup>749</sup>

### *Death of escapee*

393. Civil Party SORY Sen testified as to the death of Sorn, a prisoner at Kraing Ta Chan, who attempted to escape. “The prisoner named Sorn; he attempted to flee in late afternoon, in fact after they distributed meals for us to eat. We had to go and pull grass from the rice field. <Since the grass was high,> and at that time, he was fleeing and he was shot by a carbine rifle. So, upon hearing the shots being fired, then other soldiers<, each armed with AK rifles,> ran from the compound to that area, and subsequently he was shot dead.”<sup>750</sup>

### *Deaths of female rape victims*

394. Civil Party SORY Sen testified as to the deaths of two women from the mobile unit who were raped prior to their deaths. “[Duch] killed them and then he <ordered>me to bury them, and then he asked whether I saw the M-79 <grenade>heads in their vaginas and I said yes, I did.”<sup>751</sup> He clarified that “[i]t was

<sup>747</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 65 lines 10-12.

<sup>748</sup> Written Record of Interview of Civil Party SAY Sen, **E3/5214**, 1 September 2008, ERN (EN) 00225508.

<sup>749</sup> Written Record of Interview of Civil Party SAY Sen, **E3/5214**, 1 September 2008, ERN (EN) 00225508.

<sup>750</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 38 lines 15-21.

<sup>751</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 115 lines 1-3.

Duch Touch or Small Duch, and Saing. There were two of them who “raped two women from the mobile unit, and had inserted <M79 bullets> in their vaginas.”<sup>752</sup>

395. The Civil Party described how a guard had instructed him to go to an area south of the prison building: “When I went there, in fact, he had just raped two women from a mobile unit and he used <bullet tips of M-79> to insert it into the vagina of the women, <I was ordered to bury these corpses,> and I can tell you that <person>.”<sup>753</sup> He explained that the “area was prohibited, and only when the security guards instruct a prisoner to go and do something, then the prisoner could be allowed to go. Initially, after he had done it, then he sent me to bury the dead bodies and after I returned he asked me whether I saw something. Of course, I did see the bullet heads that he inserted into the vagina.”<sup>754</sup>

### *Death of Chan*

396. Civil Party RY Pov testified as to the death of Chan who was in the same mobile unit as the Civil Party. “Chan was in my mobile unit and he also came from Vietnam. In Vietnam, we live in the koo (phonetic) together; 'koo' (phonetic) meant in the village<. Since we were mixed together,>I knew him < >. And when we return to the Khmer Rouge regime, we were put into the same unit.”<sup>755</sup> “As I just stated, I saw what happened to him but I didn't observe the details or how many dead bodies were around him, < or how many militia or army were in that place to take people away to be killed>. And I <just> saw him lying in a pit and the pit was about 20 metres long <located in the forest> and he made a noise and then he told me. And in fact, if you believe in superstition, I thought I was being haunted by a ghost. But <in the Pol Pot

<sup>752</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 31 lines 17-18. *See also*, Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 8 lines 21-24.

<sup>753</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 62 lines 9-21.

<sup>754</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 71 line 22 – p. 72 line 2. *See also*, Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225510-00225511 (“[a] number of female prisoners in the Kraing Ta Chan Office were raped and killed by the soldiers who were the guards at that office. Duch Touch was a soldier who often committed rape upon the female prisoners sent there. I knew that because when Duch Touch raped and killed, he told me to go and look and bury them. Some prisoners had [M]79 ammunition inserted into their sexual organs and were unclothed.”).

<sup>755</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 25 lines 13-17.

regime, superstition was forbidden.>then he called for me and then I recognised that it was him, Chan.”<sup>756</sup>

397. The Civil Party explained that he found Chan near Kraing Ta Chan. “If we talk about my experience during the Khmer Rouge and especially when I was at Pong Tuek village, which was not far from Krang Ta Chan, however it was very difficult for me to know where I was or which location I was sent to. For example, I didn't know there were militia unit at Krang Ta Chan. One day while I was ploughing a field, during the break, the cows went to eat grass near a forest near the vicinity of Krang Ta Chan<. There was a big forest nearby>, and I did not know what Krang Ta Chan was used for at the time. And when I went to fetch the cows, I saw a man by the name of Chan<, who also worked in my unit,> and I did not know <the exact date> he was killed. I saw the blood all over <his face and> body and he was gasping for air and he told me to inform his mother <that he would not be alive. He told me to get out of this place immediately, because it was where they stayed. The> militia already went for lunch. And when I saw him, I was rather shocked. So I quickly gathered the cows and returned to the place where I stayed. And I witnessed that event personally but I did not stay for long <to check> - how many people were killed there or who was still gasping for air. I only knew that the person by the name of Chan was gasping for air when I saw him. And to my knowledge through what I <directly> heard from those young Khmer Rouge people, or the Base People, they said that they could kill us easily just with a club or with a bamboo club and we would be dead.”<sup>757</sup>

***Death of Civil Party OEM Saroeurn's husband, OY Mut***

398. Civil Party OEM Saroeurn testified as to the death of her husband OY Mut. “Oy Mut (phonetic) was my husband, <Hou (phonetic)> was detained in Krang Ta Chan security office <together with my husband>. Hou (phonetic) was the former Lon Nol soldier. He said that -- he told me not to wait for Oy Mut (phonetic), because

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<sup>756</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 26 lines 16-24.

<sup>757</sup> Oral Testimony of Civil Party RY Pov, T., 12 February 2015, E1/262.1 [Corrected 1], p. 24 line 10 – p. 25 line 8.

Oy Mut (phonetic) already died at that place. As for Hou (phonetic), he <was released after the liberation>.”<sup>758</sup>

399. She described learning about the death of OY Mut through Hou. “I was told that the person by the name Oy Mut (phonetic) was brought into Chim's (phonetic) prison. And after that, this individual was transferred to Krang Ta Chan office. That's what he said.”<sup>759</sup> Chim, she confirmed, worked as a guard at Angk Ta Saom prison in Tram Kok district.<sup>760</sup>

400. The Civil Party was questioned about whether she spoke directly to Chim about what had happened to her husband.<sup>761</sup> “Chim (phonetic) told me -- Chim (phonetic) was from my birthplace, <but he was the first person> and he was a < soldier.”<sup>762</sup> “He told me in 1979, when I met him. At that time he once again -- he was once again arrested, and <detained> in Takeo province. <After> that time, he moved to live in Battambang province. He dared not come to live in his home village. He is deceased now, today.”<sup>763</sup>

#### ***Killings of OEM Saroeurn's family members***

401. Civil Party OEM Saroeurn testified as to the fates of her brother, father and uncle after they were sent to Kraing Ta Chan. “UNG Lim, my elder brother was in the economic section and because he was a 17 April Person and sometimes he asked for food from that section, for example, he asked for a fish, and later on because of that he was criticised, and then sent for re-education and disappeared since.”<sup>764</sup> “There was a document at Krang Ta Chan that <Pol Pot> soldiers who took [my brother Ung Lim, my father IM Pum and my uncle IM Chak] to Krang Ta Chan made a report to

<sup>758</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 15 lines 11-16.

<sup>759</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 14 lines 20-23.

<sup>760</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 14 lines 13-17.

<sup>761</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 14 line 25 – p. 15 line 6.

<sup>762</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 18 lines 13-15.

<sup>763</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 18 lines 19-23.

<sup>764</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, E1/283.1 [Corrected 1], p. 25 lines 3-7.

<Chim (phonetic). He said he controlled the list.> And their names were on the list at Krang Ta Chan.”<sup>765</sup>

#### **Deaths of OU Dav’s father and uncle**

402. Civil Party OU Dav testified that when he returned to his village, a woman in charge of a prison in the area<sup>766</sup> told the Civil Party that his father detained at Phnum Chhmar,<sup>767</sup> and then was tortured and died in Kraing Ta Chan security centre,<sup>768</sup> in late 1975 or early 1976.<sup>769</sup> The Civil Party testified that, “I learned that I lost my beloved father since he had been evacuated out of Takeo.”<sup>770</sup> The Civil Party stated, “I asked many survivors. I asked many of them repeatedly for clarification, and I was told that it is true that my father had been taken for torture at Krang Ta Chan where he was also executed<. I have not found his remains>.”<sup>771</sup> “I was told that he had been tortured before his execution in late 1975.”<sup>772</sup>

403. Regarding the Civil Party’s uncle, who was a former teacher who lived in a non-liberated zone,<sup>773</sup> the Civil Party recalled that, “I learned that one of my [uncle’s] from my side was also there,” referring to Kraing Ta Chan.<sup>774</sup>

#### ***Executions of 17 April People or officials associated with the Former Lon Nol Regime***

404. Civil Party SORY Sen testified as to the killings of 17 April People or those associated with the former regime. With regards to the executions, he testified that “[t]hey would keep the Base People prisoners for longer. For others, for 17 April People [or] those [who] were former soldiers, who were captain or lieutenant, they would detain them no longer than one week and for the 17 April prisoners, they kept

<sup>765</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 25 line 14-17.

<sup>766</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 18 lines 7-11.

<sup>767</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 16 line 25 – p. 17 line 10.

<sup>768</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 13 lines 22-25 and p. 14 lines 21-24.

<sup>769</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 17 lines 6-10.

<sup>770</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 13 lines 20-21.

<sup>771</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 14 lines 21-24.

<sup>772</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 13 lines 24-25.

<sup>773</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 15 lines 8-9.

<sup>774</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 15 lines 3-4.

some of them a bit longer but later they were also executed.”<sup>775</sup> “For the 17 April People, for example for the high ranking official, they were brought and kept outside at the house and other staff would serve them coconut<>. I heard that from Ta <Chhoeun> and <Ta Chhen>. And one of the victims was the commander during the old regime, so I heard from <Ta Chhen> They were kept outside and they were marched in line to the killing site, they were not brought into the detention building.”<sup>776</sup>

405. Civil Party SAUT Saing testified as to the death of his cousin, BONG Chea, a former Lon Nol soldier: “<He was the> son <>of Pou <Yun>(phonetic) and Ming <Mech>(phonetic). <Pou Yun was my uncle. And his son>was <a>former soldier <during the>Lon Nol period, and <his name was Bong Chea (phonetic). He> was arrested and killed in Krang Ta Chan Security Office.”<sup>777</sup> “The child of Ming <Mech (phonetic) was>Bong Chea <(phonetic); and> Pou <Yun (phonetic)> was the husband of Ming <Mech>(phonetic).”<sup>778</sup> “The one who died was Bong Chea.”<sup>779</sup>

406. Civil Party SAUT Saing explained, “I <learnt of his> execution after <he disappeared from> the security office. I <knew> that <one could hardly leave that security centre alive. So once I noticed that> he <had> disappeared <from the centre, I knew he must have been killed; however,> I did not know <or pay attention to the date of his disappearance. I took no record of those details.”<sup>780</sup> The Civil Party clarified that “[n]o one told me [about his death]. <When prisoners were> released to work outside in the area, <> I did not see him<. So from then on, I did not see him> until I was transferred to <work in a military unit>.”<sup>781</sup> “<Through my

<sup>775</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 97 lines 18-23.

<sup>776</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 98 lines 2-8.

<sup>777</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 58 lines 19-23.

<sup>778</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 59 lines 7-9.

<sup>779</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 59 line 11.

<sup>780</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 62 lines 11-16, *see also*, lines 6-7.

<sup>781</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 62 lines 18-20.

observation,>when one disappeared from our eyes, this individual could not go anywhere but died.”<sup>782</sup>

407. Civil Party SORY Sen testified as to the death of TA Sokreach Pann, a former senior officer of the Lon Nol regime. “I knew the senior people from the former period who were killed <, I knew them by their names, not by their faces>.”<sup>783</sup> “His name was <Venerable Panh (phonetic)>. He was one of the senior Lon Nol officers in Takeo.”<sup>784</sup> “I could not tell what his position was. I was too young at that time. I knew that he was brought into Krang Ta Chan security office and he was considered a prisoner of war. He was killed later on.”<sup>785</sup>

**c.) Deaths from conditions**

408. Civil Party SORY Sen testified as to the deaths of prisoners by starvation. “The coconut was - were grown on the grave where body was - were buried and the dead body of the prisoner who died of starvation and they were buried in the individual grave.”<sup>786</sup>

409. As for the number of deaths that occurred in each building as a result of interrogation, Civil Party SORY Sen testified that “[i]t varied. People who died - let me say for newcomers, they would be taken for interrogation at the interrogation place, and <they were beaten and> when they couldn't walk, then I was instructed to carry that prisoner into the building and sometimes we had to carry them. They were tortured and when they were brought into the building, they will be shackled and cuffed again and they would be deprived of any rice or porridge. At that time they were accused of <treason>, so they will not be given food to eat during that time. As for male prisoners, they <died after having no> food for 18 days. I noted that, because for each day I would bend a piece of palm leave - palm leaf so I could count up to 18 when the person went without food and died. <Then I would be ordered to drag the

<sup>782</sup> Oral Testimony of Civil Party SAUT Saing, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 62 line 25 – p. 63 line 1.

<sup>783</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 16 lines 13-14.

<sup>784</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 16 lines 19-20.

<sup>785</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 16 line 23 – p. 17 line 1.

<sup>786</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 65 lines 16-18.

bodies out to bury in the pits.>”<sup>787</sup> With regards to the prisoners who were interrogated, he testified that even if prisoners were not taken for execution, “[p]risoners who were tortured and detained there could not stay longer than one month.”<sup>788</sup>

410. Civil Party SORY Sen testified that prisoners died during their detention. “So anyone who died at night, they would keep the dead body in shackles the day - the next morning and wait until the evening <at 3 pm or 4 pm,> then they removed the dead body. <They would not remove the bodies in the morning because it was during the time the prisoners were let out to work, and they did not want anyone to know where they put the bodies.>”<sup>789</sup>

**d.) Evidence of killing on a massive scale**

411. During his OCIJ interview, the Civil Party SORY Sen explained that he “saw prisoners taken out and killed almost daily.”<sup>790</sup>

412. Civil Party SORY Sen testified as to the location of the execution sites at Kraing Ta Chan. The execution site was “along the fence and they would plant coconut trees above. Prisoners who died, every night, one or two of them would be carried and buried there <in the rice paddy, south of the tamarind tree>. Probably the depth of the pits where the bodies were buried was only about 60 centimetres. <So that when we did soil raking there, it wouldn't touch with the bodies.>”<sup>791</sup> In addition to this site, “there [was another one] to the west of<the> village <and to the south of a pond's edge. The grave still exists up to now>.”<sup>792</sup>

413. Civil Party SORY Sen explained that corpses were placed in pits and covered with soil. “After the execution, they used the soil to cover the dead 25 bodies, except the pits which were used were very deep. For example, it is too deep for 30 corpses,

<sup>787</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 57 lines 5-17.

<sup>788</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 61 lines 13-14.

<sup>789</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 91 lines 7-13.

<sup>790</sup> Written Record of Interview of SAY Sen, **E3/5214**, dated 1 September 2008, ERN (EN) 00225511.

<sup>791</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 83 line 22 – p. 84 line 3.

<sup>792</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 84 lines 11-12.

so a day or two after <, when the corpses became swollen, cracking the covered soil.> There was a smell - strong smell or stink, it was very bad and the chief called me, "<Sen,> please go to the south" and I understand that he ordered me to cover - to use the soil to cover the <decomposing> bodies. Later they used the same pits for burying the corpses."<sup>793</sup> He further testified that "Ta An, the chief of the office talked about the smell from the cracking up of the pits. So when he <gestured>that he smelled something fouled, it <meant>that I should go and cover those pits, which were opening up. <I knew that he came in order to tell me to cover those cracks with more dirt so that the stench would no longer blow to the direction of the prison where prisoners were being detained.>"<sup>794</sup>

414. The Civil Party explained that there were many burial pits at Kraing Ta Chan. "I could not count all the pits because there were many pits. There were smaller pits and larger pits. One pit, for example, contained only two or three bodies."<sup>795</sup>

415. Civil Party SORY Sen testified that from 1977 onwards, it was necessary to bury the bodies of those who had died in mass executions beyond the original three burial areas within the first perimeter because "there were too many burial places within the first perimeter already, so, they had to do it at the outer perimeter <at the south of the pond's edge>."<sup>796</sup> In relation to the size of the pits outside the first perimeter, he estimated that "<I guess we dug between 10 and 20> pits and in each pit they buried <between 10 and 30>bodies of the prisoners who were executed."<sup>797</sup> He also testified as to the conversion of the old house, a former office, into a house used to store dead bodies.<sup>798</sup>

## **(6) Political persecution**

<sup>793</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 101 line 18 – p. 102 line 1.

<sup>794</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 88 lines 12-18. *See also*, Written Record of Interview of SAY Sen, **E3/5214**, 1 September 2008, ERN (EN) 00225508.

<sup>795</sup> Oral Testimony of Civil Party SORY Sen, T., 6 February 2015, **E1/258.1** [Corrected 3], p. 79 line 24 – p. 80 line 1.

<sup>796</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 84 lines 21-23.

<sup>797</sup> Oral Testimony of Civil Party SORY Sen, T., 25 March 2015, **E1/282.1** [Corrected 1], p. 87 lines 21-23.

<sup>798</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 36 lines 16-17.

416. Civil Party evidence adduced at trial establishes that the detention of Civil Party SORY Sen, the killing of Civil Party SORY Sen’s father, the killing of Civil Party BUN Saroeum’s father, the killing of Civil Party’s SAUT Saing’s cousin Bong Chea, and the death of TA Sokreach Pann, amounted to persecutory acts against former Lon Nol soldiers and Khmer Republic officials.<sup>799</sup>

417. As described in Section B(5), with regards to the executions of 17 April People and former Lon Nol soldiers, Civil Party SORY Sen testified that, “[t]hey would keep the Base People prisoners for longer. For others, for 17 April People [or] those were former soldiers, who were captain or lieutenant, they would detain them no longer than one week and for the 17 April prisoners, they kept some of them a bit longer but later they were also executed.”<sup>800</sup> “For the 17 April People, for example for the high ranking official, they were brought and kept outside at the house and other staff would serve them coconut<>. I heard that from Ta <Chhoeun> and <Ta Chhen>. And one of the victims was the commander during the old regime, so I heard from <Ta Chhen>. They were kept outside and they were marched in line to the killing site, they were not brought into the detention building.”<sup>801</sup>

418. As described above Civil Party SORY Sen testified that, “[b]ased on my observation, if the prisoners were rather old or maybe they were alleged to have a connection with the former Lon Nol regime, then they would be tortured.”<sup>802</sup>

## **C. Harm**

### **(1) Physical harm**

419. Civil Party SORY Sen testified about the immediate and long-term physical harm he suffered as a result of his detention at Kraing Ta Chan.

420. Civil Party SORY Sen explained that the scar on his ankle serves as a symbol and reminder of his physical and emotional suffering. “As I stated this morning, and in fact, I don’t want to see it again. If you look at my ankles, my – there is a scar

<sup>799</sup> See, Sections B(1), B(2), and B(5) above.

<sup>800</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 97 lines 18-23.

<sup>801</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 98 lines 2-8.

<sup>802</sup> Oral Testimony of Civil Party SORY Sen, T., 5 February 2015, **E1/257.1** [Corrected 5], p. 28 lines 11-13.

<which still> remains there and it's been for many years already and it reminds me to tell my grandchildren what happened. That I suffered from such crime".<sup>803</sup> He explained that the wound was infected when he was detained in Kraing Ta Chan.<sup>804</sup>

## **(2) Mental harm**

421. Civil Party SORY Sen testified that recalling his experience during his detention at Kraing Ta Chan continues to contribute to his long-term suffering. "When I did not recall the experience -- my sufferings at that time, I am happy. However, whenever I try to recall my past experience, I could not sleep well. I imagined that, I feel like I was back at Krang Ta Chan and I could only hear what I was told that I should go and collect sugar palm juice. So I do not want to say anything about my sufferings from that time. Actually, I had a lot suffering experience at that time, some I forgot and some I recalled and because from that time, until now, it is 41 years already."

422. Civil Party SORY Sen described suffering from nightmares as a result of his experience. "Talking about what happened at Krang Ta Chan, I try to forget, even though I am at home. I do some small business, and sometimes the newspaper journalists came to interview, and then they list down my name, and they would come to my house. I don't want to give any interviews because <at night I imagine I am still detained at> Krang Ta Chan. I don't want to hear, to see. I would like to close this story, but I could not avoid that."<sup>805</sup>

### ***Suffering due to detention of family member***

423. Civil Party BUN Saroeun testified as to the immediate harm he suffered in relation to the seeing his father detained at Kraing Ta Chan. "We didn't dare come close to Krang Ta Chan and we would hear cries, I don't know if he was being <beaten>. We were completely <broken-hearted>."<sup>806</sup>

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<sup>803</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 88 lines 3-7.

<sup>804</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 88 lines 12-15.

<sup>805</sup> Oral Testimony of Civil Party SORY Sen, T., 4 February 2015, **E1/256.1** [Corrected 2], p. 663 lines 251- p. 67 line 34.

<sup>806</sup> Oral Testimony of Civil Party BUN Saroeun, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 30 lines 13-16.

### Chapter 3: Trapeang Thma Dam Worksite<sup>807</sup>

#### A. Overview of Civil Party Evidence

424. Civil parties SAM Sak, MEAN Loeuy, NHIP Horl, and SEN Sophon testified about their experiences at Trapeang Thma Dam worksite.<sup>808</sup> They were each present in different units at various times between late 1976 and the end of 1977.

425. Civil Party SAM Sak, a New Person, worked in a mobile unit at Trapeang Thma Dam in 1977 where he remained until the fall of regime.<sup>809</sup> The Civil Party clarified that he worked at the Trapeang Thma Dam worksite in three phases: during the first phase, he worked near the base of the dam; during the second phase, he worked at the first bridge; and during the third phase, he worked at the water sloughs near the bottleneck that connected to the small dam.<sup>810</sup>

426. With regard to the composition of workers at the worksite, Civil Party SAM Sak testified that most of the workers were full-fledged people, that the age range was between 16 to early 40s, and that most of those working in mobile units were 17 April People.<sup>811</sup> He elaborated that while most of those in mobile units were 17 April

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<sup>807</sup> The Trial Chamber is seized of facts surrounding the establishment and operation of Trapeang Thma Dam Worksite located in Sector 5 of the Northwest Zone. It is alleged that it was divided into units whose overall operation was under the leadership of Ta Val until his arrest in June 1977. There is also evidence that Khieu Samphan visited the worksite with Pol Pot. Thousands of workers from districts of Sector 5 in the Northwest Zone, and New People from Phnom Penh and Siem Reap, comprised the workforce. The Trial Chamber is further seized of facts relating to the working and living conditions at Trapeang Thma Dam Worksite, as well as the disappearance, arrest, beating, or killing of workers under various circumstances. These factual allegations occurred in the context of the implementation of the first of the five policies relating to the “establishment and operation of cooperatives and worksites by whatever means necessary.” Closing Order, **D427**, paras 327-333, Closing Order, **D427** para. 333, Closing Order, **D427**, paras 334-345, Closing Order, **D427**, paras 346-349. The Closing Order indicts the Accused with the following crimes against humanity alleged to have taken place at the Trapeang Thma Dam Worksite between early 1976 and May 1978, at the latest: enslavement, murder, extermination, political persecution, the other inhumane act of rape (within the context of forced marriage), other inhumane act of attacks against humanity dignity, other inhumane act of forced marriage, and the other inhumane act of enforced disappearances. Closing Order, **D427**, paras 1373, 1377, 1381, 1391, 1416, 1434, 1442; Decision on Severance, Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**.

<sup>808</sup> Ninety-nine civil parties were declared admissible by the OCIJ (Closing Order, **D427**, para. 350) in relation to the Trapeang Thma Dam Worksite, two were admitted by the PTC.

<sup>809</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 38 lines 22-25, p. 40 lines 7-15.

<sup>810</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 39 lines 20-25.

<sup>811</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 23 line 24 – p. 24 line 2.

People, there were a handful of Base People who played a different role – namely, that they would monitor the words and activities of the workers.<sup>812</sup> Civil Party SAM Sak described that while he worked in the mobile unit, he was overworked, that he did not have enough sleep, and that the food was never sufficient.<sup>813</sup> He described that the food for his mobile unit consisted of thick gruel, but that during the dry season, they were given rice to eat.<sup>814</sup>

427. The Civil Party further described how quotas were monitored by group or unit chiefs, testifying that they were the ones who checked whether the work quota was made.<sup>815</sup> He explained that the pole of the hoe was used to measure that the work quota was completed.<sup>816</sup> The group chief controlled their working manners and was there to watch over them to see that they were working, that is, digging and carrying soil.<sup>817</sup> He explained that the Trapeang Thma Dam worksite was considered to be a “hot battlefield,” so he had to work very hard, regardless of rain or heat.<sup>818</sup>

428. Civil Party MEAN Loeuy, a Base Person, was transferred to Trapeang Thma Dam in late 1976<sup>819</sup> at least through late 1977,<sup>820</sup> and worked as a member of a 100-person unit led by Comrade Thorn (phonetic).<sup>821</sup> The Civil Party described how he did not have enough food to eat, explaining that initially, workers were given cooked rice once in a while but that later, they had thick gruel.<sup>822</sup> Civil Party MEAN Loeuy

<sup>812</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 21 lines 6-11.

<sup>813</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 19 line 18 – p. 20 line 4.

<sup>814</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 37 lines 21-25.

<sup>815</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 49 lines 18-22.

<sup>816</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 49 line 25 - p. 50 line 3.

<sup>817</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 50 lines 7-12.

<sup>818</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 10 line 24 – p. 11 line 2.

<sup>819</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 63 lines 21-22.

<sup>820</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 82 lines 11-14; *see also* p. 71 line 20 – p.72 line 12 (refers to a chaotic situation in late 1978 when he had already been transferred to a cooperative to farm rice).

<sup>821</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 63 lines 21-25.

<sup>822</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 66 lines 16-24.

testified that the ration of food was only a small bowl, and that the workers were weak with no strength at all.<sup>823</sup>

429. Civil Party MEAN Loey described how his 100-person unit worked close to the Bridge Number 1, and then he was relocated to the north of Bridge Number 1, to work on another segment.<sup>824</sup> He described how the working conditions were difficult, waking up very early morning to go to work, with a very short rest at 11.00.<sup>825</sup> The daily quota was to complete three cubic metres of soil per day,<sup>826</sup> and was set by the 100-person unit chief.<sup>827</sup>

430. With respect to night shifts, Civil Party MEAN Loey explained that they began at about 6.00 p.m., and ended at about 10.00 p.m.<sup>828</sup> The Civil Party explained that part of the dam was broken so the workers “had to <be> on an offensive” to repair the dam,<sup>829</sup> and that nightshifts only took place “when we were told to be on an offensive.”<sup>830</sup>

431. Civil Party NHIP Horl, a New Person, was transferred to Trapeang Thma Dam in June 1977 to carry dirt near Bridge 1 and was a member of a 100-person youth unit at the sector level, where he worked for about six months.<sup>831</sup> There were no female youth in his unit, and all of the members were from different villages in Sector 5.<sup>832</sup> Civil Party NHIP Horl described that the unit chief had to report to the

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<sup>823</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 66 lines 16-24.

<sup>824</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 63 line 24 – p. 64 line 3.

<sup>825</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 64 lines 4-7.

<sup>826</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 64 lines 4-7.

<sup>827</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 64 lines 12-14.

<sup>828</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 82 lines 7-9.

<sup>829</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 82 lines 9-14.

<sup>830</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 85 lines 24-25.

<sup>831</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 11 lines 19-21, p. 21 line 18.

<sup>832</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 11 lines 24 – p. 12 line 1, p. 15 lines 14-21.

- chief of the worksite that quotas were completed, clarifying that they came to measure that the quota was met.<sup>833</sup>
432. Civil Party NHIP Horl described that an individual worker was only given an earth-moving basket and hoe<sup>834</sup> and had to complete five cubic meters a day.<sup>835</sup> They had to walk uphill around 30 to 50 meters between the place they were digging the earth and the place they had to build the dam.<sup>836</sup> A 100-unit member chief had to report to the chief of the construction site the measurement of the achievement of the work per day.<sup>837</sup> The workers did not have specified working hours but were usually getting up sometimes at 3 a.m. and had to work until the quota was complete, sometimes after 4 p.m. or 5 p.m.<sup>838</sup>
433. Civil Party NHIP Horl described the conditions under which he lived. The Civil Party described that workers lived in thatched-roof halls that housed 100 people and were located one kilometre from the worksite.<sup>839</sup> One bowl of gruel at noon was given to the workers, which was not enough given their working conditions<sup>840</sup> and they took to digging plant roots secretly.<sup>841</sup> Sick workers were given a smaller food ration than ordinary workers.<sup>842</sup> They did not have proper clothes and they only had bamboo beds.<sup>843</sup>
434. Civil Party SEN Sophon, a New Person, was assigned by his cooperative chief to go with a mobile unit of 70 men<sup>844</sup> mobile unit to Trapeang Thma Dam in 1977 in order to construct Trapeang Thma reservoir. He was in Sector 5 under the Northwest

<sup>833</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 15 lines 14-21.

<sup>834</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 12 lines 12-21.

<sup>835</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 12 lines 18-21.

<sup>836</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 30 lines 3-8.

<sup>837</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 15 lines 14-21.

<sup>838</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 16 lines 11-21, p. 40 lines 10-12.

<sup>839</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 11 lines 4-9.

<sup>840</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 17 lines 18-21.

<sup>841</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 39 line 19 – p. 40 line 12.

<sup>842</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 20 lines 5-10.

<sup>843</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 35 line 24 – p. 36 line 7.

<sup>844</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 73 line 20 p. 74 line 1. The unit was known as a “100 men unit”.

- Zone.<sup>845</sup> He stayed there for two months before being assigned to another site.<sup>846</sup> Civil Party SEN Sophon stated that Ta Val was in charge of the unit and was the supervisor of Sector 5. The Civil Party described that there were thousands of workers on site at the Trapeang Thma Dam worksite,<sup>847</sup> both male and female from 18 to 30 years old.
435. Civil Party SEN Sophon described the working conditions on Trapeang Thma construction: the mobile unit had to work from 4 a.m. in the morning until 11.30 a.m. and from 1.00 in the afternoon until 9.00 or 10 p.m.<sup>848</sup> and complete a quota of three cubic metres of soil per day. If they did not complete this work quota, they were deprived of food until 10 o'clock.<sup>849</sup> The only tools they had were baskets, carrying poles and hoes.<sup>850</sup>
436. Civil Party SEN Sophon described the poor the health conditions of the workers, testifying that there was no medicine for the sick workers,<sup>851</sup> and that there was not enough food<sup>852</sup> or water.<sup>853</sup> The Civil Party explained that workers could eat three times a day at the beginning but later on they only were allowed to eat thick gruel twice a day.<sup>854</sup>

## **B. Crime-base Evidence Provided by Civil Parties at Trial**

### **(1) Enslavement**

437. Civil Party evidence adduced at trial establishes that civil parties who worked at the Trapeang Thma Dam Worksite were subject to the exercise of any or all powers attaching to the right of ownership over a person.

<sup>845</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 43 lines 22-24, p. 74 lines 11-13.

<sup>846</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 45 line 25 – p. 46 line 3, p. 47 lines 9-14.

<sup>847</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 63 lines 6-16.

<sup>848</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 44 lines 3-11.

<sup>849</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 65 lines 16-19.

<sup>850</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 64 lines 22-25.

<sup>851</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 46 lines 7-9.

<sup>852</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 46 lines 19-22.

<sup>853</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 46 lines 19-22.

<sup>854</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 75 line 19 – p. 76 line 1.

**a.) Forced labour**

438. Civil Party SAM Sak likened his experience at Trapeang Thma Dam to that of an animal. He testified that when “[t]alking about the sacrifice and about the benefit from working at the dam worksite, my life there could be regarded as the life of an animal, and that applies to all the workers. As for the benefit, we knew nothing about the benefit of what the purpose of building the dam. Everything was organized by Angkar. And for us, we tried to survive on a daily basis. When we woke up we knew that, okay we could live for that day, but we did not know what's going to happen the next day or that late evening. We could not envisage anything at all. And we never knew their true intention on the building of the Trapeang Thma Dam worksite, not at all. We were completely in the dark and that was compounded by the fact that I was pretty young at the time. I kept doing what I was asked to do, to build the dam or to work the dry season rice farming.”<sup>855</sup>

439. Civil Party MEAN Loeuy testified that “[f]or me myself, as well as for other workers, we were not happy. We were not satisfied with the work <at Trapeang Thma Dam worksite>. We followed the guideline, the line of Angkar. If we did not follow - - if we had not followed, we would have been killed.”<sup>856</sup>

440. Civil Party NHIP Horl explained that – “In the mornings, they would wake us up. They woke us up to get to work. Sometimes at 4.00 in the morning, at other times, it was at 5 a.m. So it was under the direction of Angkar. It depended on them what their requirements were, and we had to complete the assignments they gave to us.”<sup>857</sup>

**b.) Control**

**i.) Psychological control**

***Imposition of a climate of fear***

441. Civil Party NHIP Horl testified that he completed the work because “[w]e were in fear of being taken away for execution. We were fear of the disciplinary

<sup>855</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 20 lines 9-22.

<sup>856</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 67 lines 3-7.

<sup>857</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 17 lines 4-8.

action of the Angkar.”<sup>858</sup> He explained that he “heard from others through Angkar that the historical <wheel> -- we <had to> catch up <with> the historical <wheel>. So in the meeting, they asked us to reiterate our commitment and we had to follow what they told us.”<sup>859</sup>

442. Civil Party MEAN Loeuy described how workers would be called enemies if baskets or tools were lost or broken. He testified, “[f]or instance, earth carrying baskets, <carrying stick> and hoes had to be kept in good place. If one basket was lost one individual would be accused of being an enemy. The same applies to the <carrying stick> if we broke <it>.”<sup>860</sup> And explained that “[i]t was the unit chief who checked the equipment and the unit chief would go around and monitor the tools whether the baskets were broken, the hoes <and carrying sticks> were broken. The unit chief would go around and check.”<sup>861</sup>

443. Civil Party SAM Sak testified how, after feeling ill, he returned immediately to work – “I was afraid that they would find some kind of mistake that I make, or that they would accuse me of becoming an imaginary sick person. There was a saying at the time that because people could eat and could not work, then they said it was the fever of the tractor, and that fever meant that it was an imaginary fever. For that reason, if you could eat, it means you could work and your sickness was imaginary.”<sup>862</sup>

444. Civil Party MEAN Loeuy confirmed that unit chiefs would use the phrase “to keep them is no gain, to kill them is no loss” at the Trapeang Thma Dam Worksite.<sup>863</sup> He explained that unit chief would say it “[e]very time when there were more sick

<sup>858</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 38 lines 14-15.

<sup>859</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 38 lines 17-20.

<sup>860</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 79 line 23 – p. 80 line 1.

<sup>861</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 80 lines 6-9.

<sup>862</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 10 lines 5-12.

<sup>863</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 78 lines 12-19.

workers”<sup>864</sup> and that at “meetings this slogan was announced so that everyone could hear.”<sup>865</sup>

445. Civil Party SEN Sophon recalled that at Trapeang Thma Dam Worksite, workers were informed that disobedience would be sanctioned with death. “It was spread through the unit chief during the meeting that if anyone did not obey Angkar, the person would be taken away and killed.”<sup>866</sup>

446. Civil Party SAM Sak testified, “I have never forgotten the so-called slogan of the Khmer Rouge at that time. I was doing my best. I was doing my best to work although sometimes I was sick. I had to do the work to survive. I did not think at that time I could survive the regime. I never expected that I would survive the other day. If I probably made mistake I would be taken away and killed. So I did not dare to say anything. I rather pretended to be a dumb and deaf person; to plant a kapok tree. My elder sibling told me not to speak, not to say anything <about our family background or the previous regime> during the regime.”<sup>867</sup>

### ***Monitoring and the Role of Base People***

447. Civil Party SAM Sak explained, “[r]egarding mobile units at Trapeang Thma Dam worksite, they monitored <us> whether <we> could complete the work quota. I do not know what happened to those who still did not meet the work quota<>.”<sup>868</sup>

448. Civil Party SEN Sophon testified that “[a] head of the group was directly supervising us and he was close by. And as for the unit chief, <he did not really come close by, and> he would go around and see us and observe us.”<sup>869</sup> The Civil Party explained that “[i]t was the head of the group who verif[ied] the quota that we met and then he reported it to the chief” and that a “stick or branch of the tree was used as

<sup>864</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 78 line 20 – p. 79 line 1.

<sup>865</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 85 lines 4-13.

<sup>866</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1**[Corrected 1], p. 68 lines 23-25.

<sup>867</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 10 lines 14-23.

<sup>868</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 25 lines 22-25.

<sup>869</sup> Oral Testimony of Civil Party SEN Sophon, T., 28 July 2015, **E1/324.1** [Corrected 1], p. 34 lines 10-12.

a measurement and then the stick was used to measure the earth.”<sup>870</sup> Civil Party SAM Sak also stated, “there were a handful of Base People in the mobile unit, but they were the one playing a different role. They would monitor our activities or the works (sic) that we spoke.”<sup>871</sup>

### ***Role of Re-education Meetings***

449. Civil Party SAM Sak testified to his experience with criticism and self-criticism meetings, stating that “I used to attend one criticism and self-criticism session in a group <consisted of three or six people. I could not recall the exact number> at the time. I was criticised because I did not fulfil the work quota by the end of the day, I was in the meeting and I was criticised. Someone in the group said that he wished to criticise Comrade Sam Sak and I was advised to complete the equal work quota received by others and after the criticism by that person in the group, then it was time for me to admit the mistake to confirm that later on I would try to complete the work quota.”<sup>872</sup>

450. Civil Party MEAN Loeyu elaborated that “[f]or criticism and self-criticism meetings, it was the unit chief who called us to the meeting. For instance, in a group of 10 workers, and if we could not complete the work quota that day we as a group would be called to attend such as meeting and we were criticized for being not self-mastery <or self-reliance, or for abusing other’s labour> and that we have to strive harder to be more active. And they warned us that if you keep doing that then you should be mindful of the Angkar's phrase -- that is, ‘to keep is no gain and to kill is no loss’. And upon hearing that we were so afraid.”<sup>873</sup> For him, the slogan meant that “one who did not follow the guidelines of Angkar, would be taken away <> and killed.”<sup>874</sup>

<sup>870</sup> Oral Testimony of Civil Party SEN Sophon, T., 28 July 2015, **E1/324.1** [Corrected 1], p. 34 lines 18-19, 23-24.

<sup>871</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 21 lines 8-11.

<sup>872</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 26 lines 6-15.

<sup>873</sup> Oral Testimony of Civil Party MEAN Loeyu, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 79 lines 9-18.

<sup>874</sup> Oral Testimony of Civil Party MEAN Loeyu, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 85 lines 16-19.

451. “[W]e had to complete it. If we failed to meet the work quota, we were invited to be in criticism and self-criticism sessions. And if we did not deter our mistakes, we would be in trouble.”<sup>875</sup> Civil Party MEAN Loey clarified that “[i]f we were criticized for a few times, and we still failed to meet the work quota, we would disappear, or we would be taken away for re-education <or to be killed>.”<sup>876</sup>

**ii.) Control of family life**

452. Civil Party SEN Sophon testified that he was refused permission to visit home, explaining that, “I dared not go because I was afraid that I would be killed if I was still stubborn and went I would be killed by Angkar.”<sup>877</sup> He learned this as “[i]t was spread through the unit chief during the meeting that if anyone did not obey Angkar, the person would be taken away and killed.”<sup>878</sup>

**iii.) Control of sexuality**

453. As raised in Chapter 11 on the Regulation of Marriage, Civil Party MEAN Loey testified about his experience being married near the Trapeang Thma Dam Worksite.<sup>879</sup>

**c.) Cruel treatment and abuse – food deprivation as punishment**

454. Civil Party SAM Sak explained: “The work within the mobile unit, no matter how young we were at the time, was the same in terms of work quota. If we did not complete the work quota, our food ration for the whole group would be reduced.”<sup>880</sup> “I was the youngest in the unit. I was weeping, crying. I felt sad that I could not meet the work quota.”<sup>881</sup>

455. This was corroborated by Civil Party SEN Sophon, who testified that “[i]f I could not complete the three cubic metre work quota, I would be deprived of food

<sup>875</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, E1/340.1 [Corrected 2], p. 65 lines 12-14.

<sup>876</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, E1/340.1 [Corrected 2], p. 65 lines 19-21.

<sup>877</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 68 lines 19-20.

<sup>878</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 68 lines 23-25.

<sup>879</sup> See, Chapter 11: Regulation of Marriage.

<sup>880</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 14 lines 5-8.

<sup>881</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 14 lines 11-13.

until -- and I had to continue working until 10 o'clock at night before I would be allowed to stop working and eat.”<sup>882</sup> He elaborated: “I did not have the actual strength to work the next day but I had to force myself; otherwise, I would be deprived of food.”<sup>883</sup>

456. Civil Party SAM Sak testified, “regarding the work quota, if we received two <or three> cubic metres of soil per day, we had the same work quota. We were not watched to be in solidarity. If we could not fulfil the work quota, our food ration would be reduced.”<sup>884</sup> He explained, “[t]he work within the mobile unit, no matter how young we were at the time, was the same in terms of work quota. If we did not complete the work quota, our food ration for the whole group would be reduced. They would reduce the food ration and give to other groups who had completed the work quota. Although a small amount of food ration was <given to us>, they had to do that in order to deter us. I was the youngest in the unit. I was weeping, crying. I felt sad that I could not meet the work quota. Later on, I could do the work as other did. So I could achieve what other adults did.”<sup>885</sup>

457. “There were workers who were accused of being lazy and they were deprived of gruel,” Civil Party SEN Sophon testified, “however, workers who were sick were given gruel to eat.”<sup>886</sup>

458. Civil Party NHIP Horl testified that, “for sick workers, they would reduce the food ration. For example, the ordinary workers, they were given a full bowl of porridge, but the sick ones would be given less ration.”<sup>887</sup>

### **(1) Other inhumane acts**

459. Civil Party evidence adduced at trial establishes that Angkar’s conduct to establish and operate cooperatives and worksites, including Trapeang Thma Dam Worksite, with the objective of putting the population to work as well as for

<sup>882</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 65 lines 16-19.

<sup>883</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 66 lines 21-23.

<sup>884</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 12 lines 5-8.

<sup>885</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 14 lines 5-14.

<sup>886</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 67 lines 22-24.

<sup>887</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, E1/336.1 [Corrected 1], p. 20 lines 5-8.

detecting, re-educating and “smashing” the enemy encompassed violations of civil parties’ right to life and to an adequate standard of living, their right not to be subject to cruel, inhumane and degrading treatment and not to be arbitrarily arrested.<sup>888</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

**a.) Working conditions**

460. Civil Party SAM Sak testified, “I was assigned to work for them during the regime. The Trapeang Thma dam worksite was considered a hot battlefield at that time and I had to work very hard. I was engaged in work regardless of rain, regardless of the hot sun and thunder. When it was time to work I would go to work. Every morning at 4.00 or 5.00, we were woken up to work. And when we were at the working place, we could hear only the sounds of hoes digging <and could barely see the people>. We had to work from the morning until 11.00 when we were given a short time to break. We had lunch for a short period of time and we resumed work at 1 p.m. We continued to work until 5 p.m. in the evening, then we had another short break. It took quite a while to arrive at the sleeping quarters and <and took> baths. <We> had dinner and we took a short break and we started work at night-time. We also worked at night from 7 p.m. until 10 p.m. So I could not compare the <hardship of the> situation at that time to the current situation.”<sup>889</sup> He clarified that during the day, the quota was three cubic metres and for night shifts, no quota was imposed.<sup>890</sup>

461. Civil Party evidence establishes that the work assigned was physically demanding. Civil Party MEAN Loeuy explained, “[m]entally and physically the work was hard for me because <at Trapeang Thma worksite> I had to carry dirt in extremely huge work quota. My back was almost bent because of the hard work so in

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<sup>888</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

<sup>889</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 10 line 24 – p.11 line 14.

<sup>890</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 53 lines 5-7.

terms of mentally and physically situation it was very hard.”<sup>891</sup> Civil Party NHIP Horl explained that workers were given “hoes and earth-carrying baskets”<sup>892</sup> and that “they did not give us any other tools. We had to use our own labour on the earth basket. They put the dirt on the basket and then they step on the earth in the basket in order to have more load on the basket for all the people.”<sup>893</sup> He explained that “[i]f it was dry dirt, it was rather light. But if it were the wet dirt, it was very heavy. Probably it could be around 20 kilogrammes per one <side> of the earth <baskets>.”<sup>894</sup> Civil Party NHIP Horl explained that workers had to carry the dirt uphill from the pit to the dam, which was 30-50 metres away.<sup>895</sup>

462. In relation to Civil Party NHIP Horl’s daily quota, he testified that “they would allocate <a plot of> five cubic metres for <each> worker, and we had to complete it. They <measured> it for us and they would put the pole sign there for <each> worker.”<sup>896</sup> He explained that “[a]t the start, they gave us three cubic metres. If we could complete it at, for example, 1.00 or 2.00 in the afternoon, then they increased the workload to five cubic metres.”<sup>897</sup> When there were extraordinary assignments, the Civil Party stated, “we had to get up very early in the morning at 3 a.m.<, and would not be done> until 5.00 in late <afternoon>. We did not have time to take a rest, we had to have our meal in the pit that we dug.”<sup>898</sup>

463. Civil Party SEN Sophon testified that his group was “required to finish three cubic metres of soil per day.”<sup>899</sup> He explained that “[a]t 4 a.m. in the morning, unit chief bang the bell so that everyone woke up and went to carry the earth and we had to work until 11.30 after which we were allowed to eat gruel.”<sup>900</sup> Work resumed “at

<sup>891</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 82 lines 21-24.

<sup>892</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 10 lines 18-19.

<sup>893</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 14 lines 17-20.

<sup>894</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 14 line 25 – p. 15 line 2.

<sup>895</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 30 lines 3-8.

<sup>896</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 12 lines 18-21.

<sup>897</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 13 lines 22-24.

<sup>898</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 39 lines 2-5.

<sup>899</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 44 line 2.

<sup>900</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 44 lines 4-6.

1.00 in the afternoon and we had to continue working until 9.00 or 10 p.m. If we could not finish the work quota, we had to make our best efforts to complete it.”<sup>901</sup>

464. Civil Party SEN Sophon, in completing the task of carrying three cubic metres of soil per day, had only “baskets, carrying poles and hoes.”<sup>902</sup> He explained, “we had to use the hoe to dig the soil and some time we had to use our hands to put the soil onto the basket and carry the basket to dump the soil at the dam.”<sup>903</sup>

465. Civil Party NHIP Horl described how workers suffered from “pain in their chest because of overwork. They had to carry dirt on a daily basis. And they had the pains in the chest.”<sup>904</sup>

## **b.) Living conditions**

### **i.) Lack of food**

466. Civil Party SAM Sak described the lack of food provided to the children at the children’s unit and the suffering they endured as a result of the lack of food and living conditions at the worksite. “As for food, 10 of us were given a can of rice and that happened at the beginning so we had to cook it as gruel, and we could only see water in the gruel. And later on the situation worsened -- that is, one can of rice for 20; and later on, one can of rice for 30 children. And in order to resolve the matter we had to supplement our food with morning glory. <After it was boiled, it would be put into> a large jar and<> then each child would be given a scoop of the watery gruel. And the situation worsened than that, because later on no rice was given to us and we were given only <rice> bran. The bran smelled awful and there were worms in the bran. It was barely edible; however we had no choice. We had to wash the bran thoroughly before we could boil it. Actually we packed it with banana leaves, then we kind of burnt it or grilled it.”<sup>905</sup>

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<sup>901</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 44 lines 9-11.

<sup>902</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 64 lines 24-25.

<sup>903</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 65 lines 5-7.

<sup>904</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, E1/336.1 [Corrected 1], p. 20 lines 15-17.

<sup>905</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 8 lines 9-22.

467. “I could not bear the situation,” Civil Party SAM Sak explained, “I could not bear <to eat rice bran. A can of rice was for 30 people. It was cooked with morning glory, and when> there was no more food ration for us; only <rice> bran was given to all of us. For this reason, I decided to leave the children unit and join the mobile unit with adult so that I would get some rice <> to eat.”<sup>906</sup>
468. Civil Party SAM Sak explained that “[w]ithin mobile units at Trapeang Thma worksite, yes of course there were <>people who fell sick <because> no enough food for us to eat, <and> no enough time for us to sleep, <so people would suffer from the fatigue>. As I told the Court already, my knee caps were as big as my <head>. Some people had relapsed fever, some had trembling disease, some other had malaria, their faces looked very pale; <the body was swollen with big belly,> and their knee caps were<> extremely big and some sick people died.”<sup>907</sup> The Civil Party explained, “[i]t is the lack of food that led people to become sick, to be emaciated and to get swollen and ultimately die.”<sup>908</sup>
469. Civil Party MEAN Loeuy described feeling weak and hungry: “While I was working at Trapeang Thma Dam worksite, I did not have enough food to eat. Initially, we had cooked rice once in a while. Later, we had thick gruel. And we received only a small bowl of food ration. We were weak, no strength at all.”<sup>909</sup>
470. Civil Party SEN Sophon described how food rations were reduced over time. “At the beginning we were allowed to eat three times a day,”<sup>910</sup> but “[t]he rice was running out and later on we were allowed to have rice at lunch time and we received another meal in the evening.”<sup>911</sup>
471. Testifying about the overall lack of food, Civil Party NHIP Horl stated that “[t]here was no food ration or food given in the morning. We were only given

<sup>906</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 13 lines 20-25.

<sup>907</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 27 lines 13-21.

<sup>908</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 41 lines 12-13.

<sup>909</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 66 lines 16-19.

<sup>910</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 75 line 21.

<sup>911</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 75 line 24 – p. 76 line 1.

something to eat during the break time <at> noon,”<sup>912</sup> explaining further that “at the time, we were given only <a> bowl of gruel, and that was it. It was only a bowl of gruel. Whether <we> were full or not, it was not an issue for them. We were only given this much.”<sup>913</sup> To go with the gruel there was “[n]othing besides morning glory or lily plant. Sometimes, we also had some <sour> soup with <smoked> fish.”<sup>914</sup>

**ii.) Inadequate shelter/lack of amenities**

472. Civil Party NHIP Horl testified, “we were given <a pair of sandals> made of used tires. And as for our clothes, we <had only a set>. We <made our> blankets <out of rice sacks>.”<sup>915</sup> For sleeping, “[w]e actually had the bamboo -- bamboo <beds that were very close to the ground>. But it was not actually a bed just bamboo, and then we <used logs to lift the> bamboo <off> the ground, and then we slept on it.”<sup>916</sup>

473. Civil Party SAM Sak testified to the suffering workers endured during the winter months. “We worked, worked and worked, no rest, no blankets. During the winter season, we had to burn things to warm ourselves. Sometimes we would get burned because of the ember. Some people who had fever, they would warm themselves by burning the ember and some of them got killed by the ember.”<sup>917</sup>

474. Civil Party SAM Sak described, “[m]y clothes, my shirts and trousers were full of lice, and they were smelly. There were lice in my clothes. No soap, no detergent for us to clean our clothes. <We> did not have even time to wash ourself. Regarding the time that we slept, we used the <carrying> baskets as pillows and hoes as bolsters. We were sleeping directly on the ground. It was a terrible situation. It was so painful for me. I was seriously mistreated since I was considered a 17 April person. They hated <> the 17 April People so much because 17 April People were said to be capitalists and feudalists. And 17 April People would come with only a set

<sup>912</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 17 lines 12-13.

<sup>913</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 17 lines 18-21.

<sup>914</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 17 line 25 – p. 18 line 1.

<sup>915</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 35 line 24 – p. 36 line 1.

<sup>916</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 36 lines 4-7.

<sup>917</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 13 lines 7-11.

of clothes, no belongings with them, when they were evacuated. Because they were told to leave their places for a period of a few days, three or four days, <three kilometres from Phnom Penh,> they had only a set of clothes with them.”<sup>918</sup>

475. Describing the sleeping quarters at the worksite, Civil Party SEN Sophon testified that “[t]here was no mosquito net, no pillow, no <blanket>; we had to find means of sleeping by ourselves. For example you could find a piece of mat and you actually slept on it and other people actually slept on the ground itself.”<sup>919</sup> “No, there was no toilet or anything. Actually people relieved themselves in bushes nearby.”<sup>920</sup>

476. “[S]ometimes it rained at night,” he said, “and due to the patchy roof, the raindrops fell in and we could not sleep, we had to sit up all night and we had to still start working in the early morning the next day.”<sup>921</sup> “We were not allowed to rest the next day as we had to continue working despite the rain the previous night.”<sup>922</sup>

**iii.) Lack of clean drinking water and sanitation**

477. Civil Party SEN Sophon testified that “[t]here was not enough water for us to <drink>. The horse cart had two containers<. The water was transported from a lake and it> was kept in that two containers and it was not enough for workers.”<sup>923</sup> “They would go and fetch water from any available stream or pond nearby the worksite,”<sup>924</sup> he added, stating that the water “was rather muddy but we had to drink it.”<sup>925</sup>

478. Civil Party SAM Sak confirmed that at Trapeang Thma Dam Worksite, “no clean water was given to all of us, the water was quite dirty. No sanitation; the water was not hygienic and <when I felt very thirsty,> I had to use my shirt as filter so that I

<sup>918</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 12 line 16 – p. 13 line 5.

<sup>919</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 70 lines 2-5.

<sup>920</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 70 lines 21-22.

<sup>921</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 70 lines 9-12.

<sup>922</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 70 lines 15-16.

<sup>923</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 46 lines 19-22.

<sup>924</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 71 lines 10-11.

<sup>925</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 71 line 13.

would not drink in insects in the water.”<sup>926</sup> He explained, “[t]he waste water from rinsing rice was collected by me to drink.”<sup>927</sup>

479. With respect to sanitation, Civil Party SEN Sophon testified: “[T]here was no toilet or anything. Actually people relieved themselves in bushes nearby.”<sup>928</sup> He also noted that “there were swarms of flies and you could actually see the darkness of flies on your bowl of gruel.”<sup>929</sup>

**c.) Inadequate medical care**

480. At the worksite, Civil Party SEN Sophon explained, there was “[n]o medicine at all for the sick. Anyone who fell sick had to rest in the hall. And even the rice, sometimes we were not given any rice to eat as for the sick.”<sup>930</sup>

481. Explaining the situation prevailing in the children’s unit he was a member of, Civil Party SAM Sak testified that “[a]nd because of the situation, many children became sick from swollen disease, from malaria, and some children started to die one after another. There was no medical treatment or sick people were sent to the hospital, no, that was not the case. And the medicine that was given to us was rabbit drop-like pellets. These pellets were given for all kinds of treatments: abdominal pain; or whatever pain you had you would be given the same medicine. It was very painful to bear such a horrible situation.”<sup>931</sup>

482. Commenting on the provision of medical care and medicine, Civil Party MEAN Loey stated that, “[w]hen we fell sick, no medics were there to help us. But we reported it to our chief, and the medic would come. They would come with a bag, and the so-called rabbit dropping pellets were given to all of us for any kind of diseases.”<sup>932</sup>

<sup>926</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 29 lines 1-4.

<sup>927</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 14 line 24.

<sup>928</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 70 lines 21-22.

<sup>929</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 70 lines 24-25.

<sup>930</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 46 lines 7-9.

<sup>931</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 8 line 22 – p. 9 line 5.

<sup>932</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 67 lines 11-14.

483. Civil Party SEN Sophon recalled falling ill twice during his time at Trapeang Thma Dam worksite. “I contracted fever twice; I was mainly given two tablets of rabbit drop pallets.”<sup>933</sup> “[T]here were no proper medicines on site,”<sup>934</sup> he explained, “the pallets that were given to us were in the shape of rabbit drops.”<sup>935</sup>
484. In response to a question about the medical care received, Civil Party SEN Sophon replied: “No medicine at all for the sick. Anyone who fell sick had to rest in the hall. And even the rice, sometimes we were not given any rice to eat as for the sick.”<sup>936</sup>
485. Civil Party SAM Sak testified that there was “[n]o medical staff during the time. No medical staff or doctors to take care all of us. But we could ask for medicines through unit chiefs <and we would get the medicine>. No modern medicines. There were only rabbit dropping pellets. They were given to all of us for any kind of diseases. It was said that the pellets were <very> effective for all kinds of diseases.”<sup>937</sup>

#### **d.) Disappearances**

486. Civil Party SEN Sophon testified, “I noticed that people disappeared from the unit. I noticed that members of my unit disappeared one after another from time to time.”<sup>938</sup> He also described the disappearance of Oeun: “Members from my unit or group disappeared. Oeun disappeared; he was taken away and killed.”<sup>939</sup> As for the disappearances of other unit members, he testified, “I cannot recall all the names. Many people disappeared from time to time.”<sup>940</sup>
487. Civil Party MEAN Loeuy testified that “[r]egarding the disappearances, I did not witness the disappearances <but there was disappearance>. People -- some people

<sup>933</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 71 lines 21-22.

<sup>934</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 72 lines 1-2.

<sup>935</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 72 lines 5-6.

<sup>936</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 46 lines 7-9.

<sup>937</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 16 line 25 – p. 17 line 5.

<sup>938</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 46 lines 13-15.

<sup>939</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 78 lines 20-21.

<sup>940</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 79 lines 8-9.

fell sick. They could not go to work. They were accused of having the so-called imaginary disease or sickness, and <at night that person was called to re-educate and then disappeared>. And there was no information or news concerning the disappearance of these people.”<sup>941</sup>

488. Civil Party SAM Sak recalled: “There were a lot of incidents happened within the mobile unit. People were taken away and killed. I did not know at the time what kind of mistakes those people committed and why they were taken away and killed. While we were working at night, the halls where we slept were quiet after 7 p.m., but there were people coming to check to make sure that no one was <> staying in the hall. There were some people who fell sick and there were others who had night blindness. For the night-blinded people, they were guided toward the latrines. This was an experiment or a test for them. A container was used to be a latrine, and <two pieces of wood> were put on the containers so that we could relieve ourselves. One time, the night-blinded people were guided toward the latrine. For those who did not actually have the night blindness disease, they jumped over the pit or the latrine. But for those who had the night blind diseases, they fell into the latrine or the pit. So it was okay for the one who had the actual night blindness, they could survive, but for those who pretended to have the kind of diseases, disappeared one after another. <But I did not know the exact date.>”<sup>942</sup>

489. Civil Party SAM Sak explained that while he did not witness any deaths at the worksite, he was aware of workers disappearing to be killed: “I did not witness any injured workers while they were carrying soil but I knew that people disappeared as they were sent away and killed.”<sup>943</sup>

## **(2) Murder and extermination**

490. Civil Party evidence adduced at trial demonstrates that workers died at the Trapeang Thma Dam worksite as a result of harsh living and working conditions.

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<sup>941</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, E1/340.1 [Corrected 2], p. 66 lines 1-7.

<sup>942</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 15 line 16 – p.16 line 10.

<sup>943</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 41 lines 5-7.

491. Civil Party SEN Sophon testified that he saw a person die of starvation. “I saw with my own eye that a person died from starvation, however, that happened when I was at the ploughing unit, the person actually starving and begged for a piece of rice but no rice was given and person actually died and it happened in front of me.”<sup>944</sup>

492. Civil Party SAM Sak also testified that, due to the lack of food and the unclean food provided to them at the children’s unit, many children contracted diseases and some died as a result of it. “[M]any children became sick from swollen disease, from malaria, and some children started to die one after another.”<sup>945</sup>

### **(3) Political persecution**

493. Civil Party evidence adduced at trial indicates that the imposition of harsher living and working conditions upon New People amounted to persecutory acts against that group.

494. Civil Party SEN Sophon testified that “Base People did not work very hard; they could tell the New People or the 17 April People to work instead of them.”<sup>946</sup> With respect to the foods available to the different groups, “the distribution of food was different in nature. Base People had rice, and we, New People or 17 April People, had only <a ladle of> gruel.”<sup>947</sup>

495. Civil Party SEN Sophon indicated that “17 April People were allowed to have only gruel not rice. Rice was reserved for Base People.”<sup>948</sup> In explaining how those distributing food would know the difference between New People and Base People, the Civil Party explained that “[a]ll New People were members of the group, and there were leaders of the group. So the leaders of the group had a different meal.”<sup>949</sup> “Base People were in charge of New People, so Base People knew very well <from an accent> that these particular groups of people were from Phnom Penh <or

<sup>944</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 69 lines 15-19.

<sup>945</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 8 lines 22-24.

<sup>946</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 77 lines 9-10.

<sup>947</sup> Oral Testimony of Civil Party SEN Sophon, T., 28 July 2015, E1/324.1 [Corrected 1], p. 21 lines 21-24.

<sup>948</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, E1/323.1 [Corrected 1], p. 76 line 23 – p. 77 line 1.

<sup>949</sup> Oral Testimony of Civil Party SEN Sophon, T., 28 July 2015, E1/324.1 [Corrected 1], p. 22 lines 23-25.

Battambang> or they were New People. So, there were New and Base People at the area.”<sup>950</sup>

496. Civil Party SAM Sak explained, “I was seriously mistreated since I was considered a 17 April person. They hated <> the 17 April People so much because 17 April People were said to be capitalists and feudalists. And 17 April People would come with only a set of clothes, no belongings with them, when they were evacuated. Because they were told to leave their places for a period of a few days, three or four days, <three kilometres from Phnom Penh,> they had only a set of clothes with them.”<sup>951</sup>

## **C. Harm**

### **(1) Physical harm**

#### ***Immediate harm – hunger and starvation***

497. Because of unbearable hunger, Civil Party SAM Sak supplemented his food with fish bones and frog skins. “When I was young in the children unit, I was so hungry at the time, nothing to eat. At the time when we were given a can of rice for 30 children, because there was no enough food for me, I went around and picked up fish bones<, that were thrown away by the Base People,> to fill my stomach and even the skin <>of frogs were picked up by me to eat. So it was terrible for me. I was a 17 April person. I had never had such kind of food before in my life.”<sup>952</sup>

498. As a result of not having enough food to eat, Civil Party MEAN Loeuy described, “[w]e were weak, no strength at all.”<sup>953</sup>

#### ***Immediate harm – injury and illness***

499. Civil Party SAM Sak described becoming ill as a result of the excessive work at Trapeang Thma Dam Worksite: “Due to overwork I became sick. I had fever and it

<sup>950</sup> Oral Testimony of Civil Party SEN Sophon, T., 28 July 2015, **E1/324.1** [Corrected 1], p. 23 lines 10-13.

<sup>951</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 12 line 22 – p. 13 line 5.

<sup>952</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 14 lines 15-22.

<sup>953</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 66 line 19.

was a relapse fever but I did not dare to stop working.”<sup>954</sup> “One time, I felt sick. There was no medicine for me and I was given with the rabbit dropping pellets. And my knee caps were so big at the time, my hair was not tidy. I was tremble. I had a fever. No one came to help me and I had to take in the situation, and it was called the relax fever.”<sup>955</sup>

500. Civil Party SAM Sak described the physical suffering he endured: “I did not have the so-called night blindness. I only contracted a fever and a swollen disease. My legs, my feet were swollen. I could barely walk. <The swollen legs looked like shoes full of water, so it was viscous when I walked.> And when I used my fingers to touch my feet and legs, I could see that <the skin was dented, and even my face was swollen.> So I had the two kinds of disease -- that is, swollen disease and fever during the Khmer Rouge.”<sup>956</sup>

501. Civil Party MEAN Loeuy explained, “[m]entally and physically the work was hard for me because <at Trapeang Thma worksite> I had to carry dirt in extremely huge work quota. My back was almost bent because of the hard work so in terms of mentally and physically situation it was very hard.”<sup>957</sup>

## **(2) Mental harm**

### ***Immediate harm – fear of death or punishment***

502. Civil Party NHIP Horl testified about the fear he experienced while working at Trapeang Thma Dam Worksite. “[W]e had to do it <for> fear <of death>. We had to work, actually we tried to work but physically, we could not endure it. But we had to do it out of our fear <of death>. We dare not protest against Angkar. We had to do it out of our <inner energy and fear>.”<sup>958</sup>

### ***Immediate harm – sadness and stress***

<sup>954</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 10 lines 2-4.

<sup>955</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 12 lines 12-16.

<sup>956</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 16 lines 15-22.

<sup>957</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 82 lines 21-24.

<sup>958</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 18 lines 8-12.

503. Civil Party SAM Sak described the mental suffering he endured as a result of not being able to meet the work quota due to his young age. “The work within the mobile unit, no matter how young we were at the time, was the same in terms of work quota. If we did not complete the work quota, our food ration for the whole group would be reduced.”<sup>959</sup> “I was the youngest in the unit. I was weeping, crying. I felt sad that I could not meet the work quota.”<sup>960</sup>

***Immediate harm – loss of will to live***

504. Describing the trauma of his experience at the worksite, Civil Party SAM Sak about imagining his last meal. “While I was in the mobile unit, I overworked. I never had enough sleep and the food was never sufficient. Nothing could describe such a horrible situation. Sometimes we were so hungry and we spoke to one another. As long as I could be given just a plate full of rice and a cooked chicken, I would change it for my life as my last meal. Some other would say just a bowl of <noodle and a glass of icy water> would be sufficient for them to feel satisfied and they could rest in peace. You can imagine how terrible the situation was. <When we were too hungry, and we would exchange our life with one last meal.> We could feel that just give us a good last meal and we would feel satisfied.”<sup>961</sup>

505. Civil Party MEAN Loey testified that “[d]uring the time that I stayed at the Trapeang Thma Dam worksite I could not ever imagine that I could survive. Every morning when I opened my eyes I knew that I lived for another day and I could not possibly know what would happen the next day. <At night, we were afraid of being killed for fear that we committed any mistake during the day time.> We kept saying to one another that if we lived through the day we might not survive during the night and we only looked forward to one day at a time.”<sup>962</sup>

***Immediate harm – witnessing traumatic events, feelings of isolation***

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<sup>959</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 14 lines 5-8.

<sup>960</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 14 lines 11-13.

<sup>961</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, E1/340.1 [Corrected 2], p. 19 line 18 – p. 20 line 4.

<sup>962</sup> Oral Testimony of Civil Party MEAN Loey, T., 2 September 2015, E1/340.1 [Corrected 2], p. 77 lines 16-23.

506. When Civil Party SAM Sak described children dying at the worksite, “[i]t was very painful to bear such a horrible situation,”<sup>963</sup> he testified, “[a]nd I was by myself without any family members living nearby.”<sup>964</sup>

***Long-term mental health consequences***

507. Describing the effects of his suffering, Civil Party NHIP Horl stated that, “[y]es, I suffer from post-traumatic stress disorders. I was absolutely exhausted because of the work. And given what I experienced, I am very anguished,”<sup>965</sup> adding that “I am suffering from stress all the time, silently.”<sup>966</sup>

508. In response to a question inquiring about his mental well-being at Trapeang Thma Dam Worksite, Civil Party MEAN Loeuy testified, “I never feel happy after that. I actually missed my late wife. I missed the times that we were together although it was for a brief period of time but it was the happiest time that I had with her as a husband and wife.”<sup>967</sup>

509. Civil Party MEAN Loeuy later added that “[t]here was never a single day that I felt happy. The concerns and the worries and the fear stayed with me every time.”<sup>968</sup>

510. Describing the impact these memories are having on his life, Civil Party MEAN Loeuy explained that “[u]ntil the present time the memory is still vivid in my mind and when I attend any religious ceremony <or do meditation,> that feeling subdues slightly. <Without> such intervention, the feeling remains with me every day.”<sup>969</sup>

511. Talking about the continued impact of his experience during the regime on his present life, Civil Party SEN Sophon declared that “[t]he events and experience are

<sup>963</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 9 lines 4-5.

<sup>964</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 9 line 7.

<sup>965</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 51 lines 13-15.

<sup>966</sup> Oral Testimony of Civil Party NHIP Horl, T., 25 August 2015, **E1/336.1** [Corrected 1], p. 51 lines 21-22.

<sup>967</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 77 lines 8-11.

<sup>968</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 78 lines 2-3.

<sup>969</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 78 lines 8-11.

with me always. Every time it comes to my mind, I just barely can afford myself not to weep.”<sup>970</sup>

### (3) Material harm

#### *Lack of educational opportunities during the regime*

512. Civil Party SAM Sak described how “[d]uring the regime, I received no trainings, no education at all, no education for children. Children were instead educated how to cut a ‘kantreang khet’ and pick up cow dung. No schools for children at that time.”<sup>971</sup> He later added, “it’s thanks to the regime that so far has destroyed the future of my family. They deprived us of education. We didn’t have the chance to study at all. And that is the most painful thing in my life.”<sup>972</sup>

#### **Chapter 4: 1<sup>st</sup> January Dam Worksite**<sup>973</sup>

##### **A. Overview of Civil Party Evidence**

513. Five civil parties, HUN Sethany, UN Ron, SEANG Sovida, NUON Narom, and CHAO Lang, testified before the Chamber about their experiences at the 1<sup>st</sup> January Dam Worksite.<sup>974</sup>

<sup>970</sup> Oral Testimony of Civil Party SEN Sophon, T., 27 July 2015, **E1/323.1** [Corrected 1], p. 54 lines 13-14.

<sup>971</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 17 lines 10-13.

<sup>972</sup> Oral Testimony of Civil Party SAM Sak, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 19 lines 9-12.

<sup>973</sup> The Trial Chamber is seized of facts surrounding the establishment and functioning of the 1st January Dam Worksite in late 1976 or early 1977 and early 1978. It consisted of a series of canals and the dam itself and was under the responsibility of Ke Pork, the Secretary of the Central (Old North) Zone. The Trial Chamber is further seized of facts relating to the working and living conditions of the workers, and the arrest, disappearance, and killing of workers. These factual allegations occurred in the context of the implementation of the first of the five policies relating to the “establishment and operation of cooperatives and worksites by whatever means necessary.” It is further alleged that Pol Pot, Ieng Sary, Ieng Thirith, Ta Mok, Son Sen, Khieu Samphan, and Nuon Chea each visited the worksite. Closing Order, **D427**, paras 351-357, Closing Order, **D427**, paras 358-363, Closing Order, **D427**, paras 364-367, Closing Order, **D427**, paras 168-170; Decision on Severance, Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1.**, Closing Order, **D427**, para. 357. On the basis of these factual allegations, the Accused are indicted with the following crimes against humanity alleged to have taken place at the 1st January Dam Worksite: enslavement, murder, extermination, political persecution, religious persecution (Cham), other inhumane act of rape (within the context of forced marriage), other inhumane act of attacks against human dignity, other inhumane act of forced marriage, and other inhumane act of enforced disappearances, Closing Order, **D427**, paras 1373, 1377, 1381, 1391, 1416, 1420, 1434, 1442, 1470; Decision on Severance, Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1.**

<sup>974</sup> Forty-five civil parties were admitted by the OCIJ in relation to 1<sup>st</sup> January Dam Worksite (Closing Order, **D427**, para. 368), and two civil parties were admitted by the PTC.

514. Civil Party HUN Sethany, a New Person, was present at the dam from December 1976 until mid-1977 and was attached to a mobile unit.<sup>975</sup> She described how there were tens of thousands of workers from sectors 41, 42, and 43 who were assigned to break rocks.<sup>976</sup> In her unit, there were 80 people, about 20 were New People and 60 were Base People.<sup>977</sup>
515. Civil Party UN Ron, a New Person, worked at 1<sup>st</sup> January Dam on two separate occasions and was part of a mobile unit and carried dirt.<sup>978</sup> To her estimate, there were ten thousands of workers.<sup>979</sup> She explained that she did not dare to ask their origins because she was afraid she would be sent for re-fashioning.<sup>980</sup> As a 17 April Person, the Civil Party described that she did not dare to question anything.<sup>981</sup>
516. The Civil Party described the work that she had to engage in during each occasion and explained how the workers had to walk a far distance in order to reach the worksites.<sup>982</sup> Civil Party UN Ron described how she was tasked with digging and carrying earth and cutting and clearing trees.<sup>983</sup> When she was tasked with cutting and clearing trees, workers were given axes, and did not receive a specific quota for that task.<sup>984</sup> However, when she was assigned to carry dirt, a quota of four cubic metres was imposed, and she had to carry the dirt for approximately 40 metres.<sup>985</sup>
517. Civil Party SEANG Sovida, a New Person, worked at a place along the canal called the 1<sup>st</sup> January Canal along the Stueng Chinit River, far from the main road.

<sup>975</sup> Oral Testimony of Civil Party HUN Sethany, T., 26 May 2015, **E1/305.1** [Corrected 1], p. 97 lines 9-17.

<sup>976</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 23 lines 9-14.

<sup>977</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 40 line 25 – p.41 line 9.

<sup>978</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 81 lines 6-8, p. 16 lines 9-11.

<sup>979</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 18 line 16.

<sup>980</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 18 line 19 – p. 19 line 4.

<sup>981</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 19 lines 2-4.

<sup>982</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 16 line 25 – p. 17 line 2.

<sup>983</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 19 line 14-15.

<sup>984</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 20 line 3 – p. 21 line 7.

<sup>985</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 21 line 9 – p. 22 line 6.

She was the youngest member of her mobile unit, aged 11 or 12 at the time.<sup>986</sup> She worked there for approximately three months.<sup>987</sup> Civil Party SEANG Sovida described how the land was measured for her group to work for a half of month or one month, and once it was completed, they would move to another place to work.<sup>988</sup> She described how the worksites became further and further from their sleeping quarters, and how they would have to move sleeping quarters to be closer to the worksite.<sup>989</sup>

518. With respect to the tasks that she was assigned to complete, Civil Party SEANG Sovida testified that she was asked to carry earth from the canal to the dam, and that male workers dug earth.<sup>990</sup> Because she was younger than other workers, sometimes she was tasked with fetching water for the workers to drink.<sup>991</sup> She also described how her earth carrier was smaller than others, and that they did not fill it up completely owing to her young age.<sup>992</sup>

519. Civil Parties NUON Narom and CHAO Lang, both New People, testified regarding the harms they suffered owing to their experiences. Civil Party NUON Narom testified that she was in a mobile unit and sent to 1<sup>st</sup> January Dam in January 1977 where she worked for a six to seven month period,<sup>993</sup> and Civil Party CHAO Lang was a member of the Sector 42 mobile unit.<sup>994</sup>

## **B. Crime-base Evidence Provided by Civil Parties at Trial**

### **(1) Enslavement**

<sup>986</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 10 lines 2-5, p. 13 lines 5-10.

<sup>987</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 13 lines 19-21.

<sup>988</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 14 lines 12-19

<sup>989</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 14 lines 1-7, lines 12-19.

<sup>990</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 15 lines 3-6.

<sup>991</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 15 lines 6-16.

<sup>992</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 17 lines 18-24.

<sup>993</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 11 line 24 – p. 12 line 1; p. 14 lines 15-16.

<sup>994</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 60 line 20 – p. 61 line 1.

520. Civil Party evidence adduced at trial establishes that workers at the 1st January Dam Worksite were subject to the exercise of any or all powers attaching to the right of ownership over a person.

**a.) Forced labour**

521. Civil Party HUN Sethany testified that “I did not get to choose, I had no choice. <The word ‘assign’ was powerful enough.> A Base Person could complain or refuse the assignment; as for New Person, we could not make any complaint or refuse the assignment. When we were asked to go and do the work, we had to go. We had no rights. No rights at all. We were so <upset> but what <could> we do besides weeping and sobbing<?> It was so difficult to be not able to refuse the assignment. <It was very distressful. You may know how frustrating it was when we could not protest or have a say.> Perhaps you can understand how difficult the situation was <and how frustrated I was>.”<sup>995</sup>

522. Civil Party UN Ron testified that workers “were not given any choice whether we could opt for lighter work.”<sup>996</sup> She was never paid for her work at the worksite.<sup>997</sup>

**b.) Assertion of exclusivity**

523. Civil Party UN Ron testified that within her big group of approximately 100 people, “we did not have any responsibility for what we had to do for the group, everything was under control and supervision. For example, even a cooking pot, we didn’t own <nor> had a cooking pot, or in terms of the medicine, we didn’t have it, only when we were sick, we were provided medicine by medical staff. <So it was impossible for each group to be responsible for itself.>”<sup>998</sup>

**c.) Control**

**i.) Psychological control**

***Imposition of a climate of fear***

<sup>995</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 31 lines 5-15.

<sup>996</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 26 lines 6-7.

<sup>997</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 25 lines 16-19.

<sup>998</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 54 lines 6-12.

524. Civil Party UN Ron described how it was the unit chief who “said that we wanted to live or die, he <usually> made that kind of statement in the morning at the time that we were woken up.”<sup>999</sup> He made such statements two or three times.<sup>1000</sup> “He said these things because a number of the group, quite a number of the group fell sick”<sup>1001</sup> and “[a]fter he made that threat and of course it was typical that when you were threatened then you had to force yourself to work. And those people who said that they were sick it was due to the lack of food and malnutrition and with that threat those people turned up to work the next day. Although there <were> still a few left at the sleeping quarters<. With a serious threat, almost all of them> went to work, or they forced themselves to work out of fear.”<sup>1002</sup> The Civil Party explained that the unit chief “said these things because a number of the group, quite a number of the group fell sick, but of course not half or 50 per cent of the workers fell sick, but at least four or five <or six> workers from the group fell sick, so <within three small groups, there would be 10 people or so who could not come to work. There> was not enough manpower working at the worksite <>.”<sup>1003</sup>

525. Civil Party UN Ron explained that people who were sick did not dare tell the unit chief they were ill. “Because we all were afraid. If we were to tell the chief so, we were afraid that we would be sent for re-fashioning. And that means we would be sent to be killed.”<sup>1004</sup>

526. Civil Party CHAO Lang stated, “[w]hat we <knew> at the time <was> to focus on our work to avoid being arrested <to be killed>. While working, we were looking around. And from time to time, one would disappear. <Then, we realized some people had disappeared.>”<sup>1005</sup>

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<sup>999</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 37 lines 7-9.

<sup>1000</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 37 line 24.

<sup>1001</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 38 lines 9-10.

<sup>1002</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 38 line 24 – p. 39 line 6.

<sup>1003</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 38 lines 9-14.

<sup>1004</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 26 lines 21-24.

<sup>1005</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 69 lines 13-16.

527. Civil Party NUON Narom testified that, “[w]e had to work day and night and even when we were sick we were not allowed to rest. And they said that if you are sick you still have to go to work and if you fall on the ground at the worksite then you would be allowed to rest. If we were considered to be inactive or lazy, that person would disappear and < > there were many workers from where I worked disappeared. For that reason despite my illness I didn't dare to rest. I had to work.”<sup>1006</sup>

528. Civil Party HUN Sethany described how she was afraid to express her sadness over her father's death over fear of being accused of a sickness. She described, “we could not even cry, even we understood that my father was killed. I could only <cry out loud> (sic) when there was heavy rain <and thunderbolt>. I had to get things out <off> my <chest> while raining. I did not even have time to weep and cry <until> there were thunders and heavy rain. I was shouting and crying every time there was heavy rain. <Then,> I recalled what happened. I could not cry and weep in front of other people during that period because I was afraid that I would be accused of being psychological sick. It was really hard for me at that time. <I had to hold all the pain in my heart. It was extremely difficult to bear it in the heart. My heart almost broke and> I wanted to die in the period <in a short time>. I was very painful all over my body and in my mind. I had to bear the situation; only when there was heavy rain, I could <cry out loud> to relieve myself. <I missed my father, mother and younger siblings who had been separated from me. I only had the right to cry in a way that no one could hear me.>”<sup>1007</sup>

### *Monitoring and the role of Base People*

529. Civil Party UN Ron also testified that workers were monitored to ensure that they met the quota of four cubic metres, explaining that it was “[t]he big unit chief. And he would walk and <check on our progress> in the evening.”<sup>1008</sup>

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<sup>1006</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 12 lines 13-20.

<sup>1007</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 32 lines 8-24.

<sup>1008</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 23 lines 13-14.

530. Civil Party CHAO Leang explained that, with respect to monitoring, “not only <did> it happened at the 1<sup>st</sup> January Dam worksite, but <it> also happened elsewhere. We had to very mindful of what we said, whether we whispered to one another or we signaled to one another.”<sup>1009</sup> She further testified, “[w]hat we <knew> at the time <was> to focus on our work to avoid being arrested <to be killed>. While working, we were looking around. And from time to time, one would disappear. <Then we realized some people had disappeared.>”<sup>1010</sup>
531. Civil Party SEANG Sovida testified as to the role of Base People: “<Workers from Preaek> Prasab district <were split into> units. And <within each unit,> there were groups and <squads.> Base People would be in charge of those groups and <squads>.”<sup>1011</sup> “We worked under the same conditions, but the New People didn’t have any rights. We <worked as we were prisoners. We> were considered <> their enemies and only the Base People who <were poor> had the position to control us.”<sup>1012</sup>
532. Civil Party NUON Narom testified that her all-female unit was led by two chiefs, “[o]ne was comrade Vat (phonetic), and another, comrade Ly (phonetic).”<sup>1013</sup> “Both of them were not responsible for food. However, they were monitoring workers at the worksite.”<sup>1014</sup>
533. Civil Party HUN Sethany described how militiamen exerted control over the workers physical environment. “While we were working, militiamen and soldiers would stand guard near the place where we were working.”<sup>1015</sup>

### *Role of re-education meetings*

<sup>1009</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, E1/339.1 [Corrected 1], p. 80 lines 13-16.

<sup>1010</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, E1/339.1 [Corrected 1], p. 69 lines 13-16.

<sup>1011</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 16 lines 9-12.

<sup>1012</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 53 lines 14-17.

<sup>1013</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, E1/339.1 [Corrected 1], p. 34 lines 13-14.

<sup>1014</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, E1/339.1 [Corrected 1], p. 34 lines 18-19.

<sup>1015</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 14 lines 24-25.

534. Civil Party UN Ron testified that during the meetings with the small units, which were held every three or four days, “[t]he main purpose...was to <take the offensive in order to complete> our work and we were warned not to fall sick very often, otherwise we would be taken away for refashioning and re-education.”<sup>1016</sup> There was no choice as to whether to attend “because it was instructed by our unit chief and we were afraid of them.”<sup>1017</sup> “As for the big unit meeting, it was held on a monthly basis...”<sup>1018</sup>

535. Civil Party SEANG Sovida also testified that meetings at the 1<sup>st</sup> January Dam site “were held rather frequently at various levels; for example, at the group level or at the unit level or at the village level. As for the mass meeting, it only happened very rarely. But the meetings at the group levels happened rather frequently. <There could be just one or two mass meetings at the dam worksite during which all workers were required to attend.>”<sup>1019</sup> She elaborated, “the main purpose was to push us to work as hard as possible in order to finish the work before other villages or communes working at the worksite. During the regime, the theory that they used at the time was ‘self criticism’. It means we had to watch one another who <were> our work colleagues in order to catch the mistakes -- in order to criticise during the meeting. And they also use a phrase that ‘they had many eyes as pineapples’. And another word that I recall, they use that, the moment -- or ‘the momentum was historical will and if you interfere with your leg or your arm, it would crush you’.”<sup>1020</sup> “And if one was to fall sick, the person would be <still required to go to work; or be> accused of pretending to be sick. It means, in general, after the <country had been liberated, they wanted to make sure that there were no lazy people or corrupt people. People were constantly watched over. Lazy people were easily accused of being capitalists or feudalists>.”<sup>1021</sup>

<sup>1016</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 32 lines 16-20.

<sup>1017</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 32 lines 23-25.

<sup>1018</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 72 lines 10-11.

<sup>1019</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 29 lines 9-14.

<sup>1020</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 29 line 19 – p. 30 line 4.

<sup>1021</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 30 lines 13-19.

536. Civil Party CHAO Lang confirmed the organization of meetings and testified that, “a meeting was held every three days or every week in order to reinforce our commitment to work. And that we had to say we <committed> ourselves to fulfil the work plan set out by Angkar and that we had to achieve it one hundred per cent and long live the great leap forward. In the meetings, we were warned that you all comrades, the wheel of the history is moving ahead and it is not moving backward. <If any> comrade that dares to <put your leg or hand into into> the wheel <to obstruct or to block it your hand or leg> would be <cut off>. Everyone was committed to complete and accomplish the work quota set out by Angkar.”<sup>1022</sup>

**ii.) Control of movement – measures taken to prevent or deter escapes**

537. Civil Party SEANG Sovida explained that “[w]e didn't have any freedom of movement. During the <three-month> period that I worked there I was not permitted to visit home and that applies to all workers from Ruessei Keo village. Only upon the completion of the <three-month> period, were we allowed to return to the village.”<sup>1023</sup>

538. Civil Party UN Ron clarified that workers “<could> not move around freely.”<sup>1024</sup> “If we moved around freely we would be sent for refashioning or re-education.”<sup>1025</sup> She did not see militiamen or soldiers at the worksite.<sup>1026</sup> However, “[i]f we ran away we would be arrested for re-education and refashioning, or perhaps we would be killed. If we ran away from work this means that we betrayed Angkar.”<sup>1027</sup>

539. Civil Party NUON Narom explained that “[o]ne day I fell sick. I sought the permission to take a rest, but it was rejected. One of my colleagues at that time was also sick...the lady<,who> I met at the worksite, asked me to go together to her hall. And when we returned to the worksite, we were asked where we had been to. And

<sup>1022</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, E1/339.1, p. 68 line 22 – p. 69 line 7.

<sup>1023</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 54 lines 11-15.

<sup>1024</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 27 line 20.

<sup>1025</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 27 lines 24-25.

<sup>1026</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 28 lines 3-4.

<sup>1027</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 35 lines 2-4.

Vorn (phonetic), who was my colleague at that time, told that person, the chief, that we went to our hall. She was beaten, and her hands were tied to her back. She was beaten. I was witnessed the incident in front of me. <I was very frightened.> I said nothing. I did not reply to the question. She, my colleague, was warned at that time that she was not allowed to go anywhere besides the worksite.”<sup>1028</sup>

540. Civil Party HUN Sethany testified that “[y]es, they were there in order to watch over the workers and to avoid -- to prevent workers from escaping the worksite or to deter workers from staying too long in the forest when they went to relieve themselves. And when we had to relieve ourselves or to pee, we could not go anywhere further from where they were standing so sometime we had to pee just very -- in close proximity to where they were, because if we were a bit far, then they would shout at us and instruct us to return.”<sup>1029</sup> She testified that “[a]s for the New People, no, they didn’t violate any instruction; they were so afraid. However, some Old People did cross the line but the new ones, no, they were so afraid of the Khmer Rouge. <We were extremely frightened.> Old People had a bit more right; they could go, for example, 10 or 20 metres far from the lines that they were standing guard but the New People didn’t dare do so.”<sup>1030</sup>

541. Civil Party UN Ron explained that the workers “were told <directly by them>” that if they ran away they would be arrested for re-education or killed.<sup>1031</sup>

### iii.) Control of speech

542. Civil Party SEANG Sovida testified that “[w]e could not chit-chat in groups and we could not have a free conversation here or there. We taught ourselves to plant kapok trees -- that is, to keep quiet. <We could get ourselves into trouble for talking too much. We dared not talk much.>”<sup>1032</sup> “We were not allowed to speak to each

<sup>1028</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 32 lines 5-19.

<sup>1029</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 10 lines 7-14.

<sup>1030</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 10 line 21 – p. 11 line 2.

<sup>1031</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 35 lines 2-12.

<sup>1032</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 43 lines 16-20.

other -- I mean the 17 April [People] -- we were not allowed to speak to each other.”<sup>1033</sup>

543. Civil Party HUN Sethany confirmed in her testimony that workers were warned not to talk to each other: “Even if we are siblings we could <not> stand talking to each other. If we were spotted, we were told that we would be arrested. We were prohibited to talk to each other. While we were working, militiamen and soldiers would stand guard near the place where we were working. I know this because soldiers arrested two siblings while they were talking together. The soldier warned the two siblings not to talk to each other and the two siblings were told that even if you were siblings you could not stand and talk to each other. I saw that incident and I trembled. I thought why they were so unkind, I mean, why the cadres were so unkind, they were siblings, why not allow them to talk to each other. So the condition was becoming stricter.”<sup>1034</sup>

**iv.) Control of sexuality**

544. As presented in Chapter 11 relating the Regulation of Marriage, Civil Party CHAO Lang testified as to her marriage during the Khmer Rouge regime.<sup>1035</sup>

**d.) Cruel treatment and abuse – physical punishment and food deprivation**

545. Civil Party NUON Narom explained that workers were punished if they rested. She explained, “I witnessed that some of my colleagues were mistreated although they were really sick and these colleagues were not allowed to take rest. They verbally challenged or refused the assignment and they were beaten at that time, so for me I had to try my best to work. Some of my colleagues, those four or five were beaten and they were instructed to carry dirt they were given with a big earth basket to carry dirt.”<sup>1036</sup> “One of them fell sick at that time<. She had a stomach-ache and diarrhoea> and that person requested to take rest <for one day>. But the request

<sup>1033</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 18 lines 17-19.

<sup>1034</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 14 line 21 – p. 15 line 7.

<sup>1035</sup> See, Chapter 11: Regulation of Marriage.

<sup>1036</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, E1/339.1 [Corrected 1], p. 15 lines 4-10.

was rejected <by the unit chief. She replied back saying she was really sick and asked why she was not allowed to rest. Then, the unit chief yelled at her> and the shoulder pole was used to beat that person. <They beat her in front of me.> And her name was Eng (phonetic). <She was a New Person and half-Chinese.> When she went to work, two cubic metres of soil was given to her to complete, and big earth-carrying baskets were provided to her to carry earth. And she was told that if she could not finish the work, there was no meal for her.”<sup>1037</sup>

546. Civil Party UN Ron testified that “[t]hose who were sick had their food ration reduced. Although our normal gruel was watery, the food for the sick people was even worse and the amount was also reduced. <They said the sick would not eat much.> On one day, I was sick for the whole day and I <was not summoned to a> meeting <because> the unit chief was not there on that day as well. However, usually the main message <of the meeting> would be <about the deduction of food ration, and the sick would be advised> not to get sick that often, otherwise <they> would be sent for re-fashioning.”<sup>1038</sup>

547. Civil Party UN Ron testified that, “sometimes when I was so fatigued, I had to lie to them that I had abdominal pain <and pretended to sleep by covering myself with a scarf> so I would be allowed to rest <for one morning>. And if I had to attend a meeting and I couldn’t do it, then they would reduce the gruel as part of my food ration.”<sup>1039</sup>

## **(2) Other inhumane acts**

548. Civil Party evidence adduced at trial establishes that Angkar’s conduct to establish and operate cooperatives and worksites, including the 1<sup>st</sup> January Dam Worksite, with the objective of putting the population to work as well as for detecting, re-educating and “smashing” the enemy encompassed violations of the workers’ right to life and to an adequate standard of living, their right not to be

<sup>1037</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, E1/339.1[Corrected 1], p. 30 lines 9-20.

<sup>1038</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 12 lines 11-19.

<sup>1039</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 7 lines 17-22.

subject to cruel, inhumane and degrading treatment and not to be arbitrarily arrested.<sup>1040</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

**a.) Working conditions**

549. Civil Party HUN Sethany testified that “[a]t the worksite I was instructed to carry earth, to dig the ground; that was the kind of work that I did there. We were not allowed to be idle or to be free at all and we had to compete with other workers from other villages, and actually we overworked. Sometime I fainted while working so other workers would come to support me and to give me some physical massage or to pull my hair to wake me up. The condition was terrible. <They treated us even worse than animals. Those who managed to bear such a state of life and survived were greatly marvellous.> The food that was given to us was insufficient but we had to try to work as we were instructed to do so in order to survive. If we didn't try our best to work, then we would not survive. That was kind of <an experimental> location to <test> our endeavour in doing the work and we tried to put as much <soil> as possible into the basket in order to win the workers from other villages who were working nearby. <We were afraid we would be outdone by workers from other villages and that Angkar would not appreciate our work. And> and as a result of overwork at that worksite, I still have my back pain and lumbago at the moment. Whatever I did at that time was to survive.”<sup>1041</sup>

550. Civil Party UN Ron confirmed the soil collapse, explaining that she had “heard of it but I did not witness it myself. I heard that a soil collapse covered three workers and one person died on the spot. I heard of it but I did not witness the incident myself. It happened a bit far away from my place or my hall.”<sup>1042</sup>

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<sup>1040</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

<sup>1041</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 4 line 20 – p. 5 line 14.

<sup>1042</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 14 lines 20-23.

551. Civil Party HUN Sethany explained that “we received the work quota and male and female workers, I mean two females were put together one male who was digging the earth and the two female workers <carried> the dirt. And as for the work quota, it was about 1.5 to 2 cubic metres per day and we were required to meet the quota set. However, in that particular place or location, the soil was so rocky and we could not meet the quota even though we were working very hard and the surface was solid soil and every time we dug the surface, there would be spark as a result. The normal hoe could not be used to dig that solid soil and we had to use the <raking> bars and after we could be able to dig that solid surface, then we reached another level that consisted of stones. We could not do with that kind of stone, there has to -- we had to use the explosives to break that stone and normally we were not told about the explosive which was used to break that rock. We were never told at all; we had to run and escape while we heard the explosion and some fragments of the rock would fly and hit the workers. And there was one family -- there was one family’s house which was hit by the big fragment of the rock, <which broke its roof and wooden structures> and as of now, the head of that family did not repair that hole because he told the children that he would like to keep that damage to see today. < I went to see his children and they told me that they had not replaced that part of the house. The floor under his house was covered with all rock.>”<sup>1043</sup>

552. Civil Party UN Ron also testified to similar conditions. “We worked through the rain and you can imagine when you -- how difficult it was to engage in hard labour -- that is to dig the ground when it was not raining. <It was very slippery when it rained. We had to lay small plants on our path in order to improve your grip.> And when it was raining and the water was knee deep, it would be extremely difficult.”<sup>1044</sup> She explained that “[n]o measure was taken in terms of safety or to prevent any slippery. We had to do it by ourselves and we had to carry the dirt and to continue completing our work quota. And when it was very – when it was really worse, it means when the water level rose, we had just to <dig the earth> from above the edge

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<sup>1043</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 25 line 25 – p. 26 line 25.

<sup>1044</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 9 lines 20-25.

of the <pit to the bottom of the pit to make it look like we were meeting the quota>.”<sup>1045</sup>

553. Civil Party UN Ron testified that she had “never seen any heavy machinery. Manpower was used. People were used to <dig and> carry earth. Bulldozers or <excavators> were not in operation.”<sup>1046</sup>

**i.) Little or no rest**

554. Civil Party HUN Sethany stated that “[t]he whistle was blown at 4 a.m. for us to get dressed and get ready. And <about 15 or 20 minutes after,> another whistle was blown for the second time to signal to everyone to leave for worksite. While we were walking, some of the workers nodded off, some fell down. And the unit chief would warn those workers who fell down or who nodded off. And everyone was following one after another. I myself fell down on the ground at one time because I was sleepy. On some occasion, other workers would -- on one occasion, some worker fell down to the ground. And on another occasion, some other would fall down on the ground <or step on the worker’s ankle> because it was 4.00 a.m. in the morning and everyone was so sleepy. <They slept while walking.> We had to go to work even during that period it was the time that we could have a good sleep.”<sup>1047</sup>

555. Civil Party HUN Sethany explained that the workdays were long: “When we reached our work place, we started working. There were earth carrier baskets, so everyone was work. No one was standing idle. We knew our own assignment to do. Some who were assigned to dig the earth, they would dig it anyway. And some people were so tired, and they would hide the baskets somewhere so that they could take a little bit rest. We were so tired so we pretended that our baskets got lost, but we had to be careful so that no one stole our baskets. And if we were strong enough, we would bring our tools or material back to the pagoda and put at the right places. So it took us very long to travel from our work place back to the pagoda. We would reach

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<sup>1045</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 11 lines 8-14.

<sup>1046</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 14 lines 1-3.

<sup>1047</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 47 line 17 – p. 48 line 5.

the pagoda at 10.00 p.m., and we were so tired. After we reached the pagoda, we would take bath and went to sleep.”<sup>1048</sup>

556. Civil Party SEANG Sovida testified that she “did not have any rest. We were allowed to have one day off during the Khmer New Year time. There was a meeting on that day<, we could have a day off. Anyway,> there was instruction that -- there was <no> instruction <that workers had one or two days off per month. This case did not happen in the village where we stayed. But I do not know if such a case happened> in <> other places or villages. <At my place, we worked nonstop. We did not enjoy any day-off>.”<sup>1049</sup> She explained that on the day she fainted, “I was so exhausted on that day. I did not have enough sleep and I did not have my fill. <At that time, I was not that healthy; thus,> I fainted <and collapsed>. I was ill as well at that time. I was carried away to my sleeping quarter after I fainted.”<sup>1050</sup>

557. Civil Party UN Ron testified that “<[g]enerally speaking, there> were no Saturdays or Sundays during the regime. We had to work every day. And sometimes when I was so fatigued, I had to lie to them that I had abdominal pain <and pretended to sleep by covering myself with a scarf> so I would be allowed to rest <for one morning>. And I had to attend a meeting and I couldn’t do it, then they would reduce the gruel as part of my food ration. There were no Saturdays or Sundays from month to month.”<sup>1051</sup> She explained that no rest was allowed, “[i]f we were allowed to rest, it means that we <would> not <be able to> complete our work quota. We had to work through the rain and we had to do whatever we could. <More or less, we had to stay in the pit where we were digging the earth. Frankly speaking, we could not do much, but we had to remain there and acted like working. And some people just kept shaking their bottoms to act like they were working.> We were <not> allowed to take refuge or to take shelter under a tree while it was raining.”<sup>1052</sup>

## ii.) Night work

<sup>1048</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 48 line 18 – p. 49 line 5.

<sup>1049</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 24 lines 5-12.

<sup>1050</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 24 lines 15-18.

<sup>1051</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 7 lines 16-23.

<sup>1052</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 9 lines 7-15.

558. Civil Party NUON Narom testified that “we could only rest for a brief period of time when we had to work again, and then we returned in the late afternoon for dinner, we had a quick dinner. Then we had to return to the worksite to continue working at night time. I was about 18 or 19 years old at the time and we had to carry the earth through the night.”<sup>1053</sup>

559. Civil Party SEANG Sovida testified that “[s]ometimes, we stopped working at 9.00 or 10 p.m. and after that, we had to return to our sleeping quarter. I recall that in the evening, we had a brief period of rest, and after that, we resumed our work until 9.00 or 10 p.m. We would arrive at our sleeping quarter at 10 p.m. or 11 p.m. <every day.> I do not know about other villages' working hours. <We had to work at night every day. Torches were> used to <illuminate> our working site -- our workplace <when it was dark, and when the moon waxed, no torches were used>.”<sup>1054</sup> She clarified that “[t]he night shift started from 6.00 or 7 p.m. We started work from 6.00 or 7 p.m. <through> 9.00 or 10 p.m.”<sup>1055</sup>

560. Civil Party UN Ron confirmed that “[w]hen the moon waxed, we would work at night. We worked <at night> only once a month.”<sup>1056</sup> During this time, “[e]ach person <was> required to dig four cubic metres during the day time in addition, two cubic <metres> at night time. <So two people would accomplish 12 cubic metres for a period of one day and one night.>”<sup>1057</sup> Workers did not receive extra food on those days.<sup>1058</sup>

### iii.) Child labour

561. Civil Party HUN Sethany confirmed that children worked at the 1<sup>st</sup> January Dam, testifying that “[c]hildren were in the second mobile unit” and that their “age

<sup>1053</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, E1/339.1 [Corrected 1], p. 13 lines 9-13.

<sup>1054</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 21 lines 5-13.

<sup>1055</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 22 lines 4-6.

<sup>1056</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 23 lines 23-24.

<sup>1057</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 25 lines 1-4.

<sup>1058</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 25 lines 5-7.

range was from <9 to 13>.”<sup>1059</sup> She explained, “[t]he children were instructed to do the same work as that of the adults and they received the same food ration, they did not care that they were children. Everything was the same -- that is, the working condition and the food ration. They did not consider their young age or their weak strength. They did not have any <empathy or> sympathy for those children.”<sup>1060</sup> “You can imagine when young children worked as hard as the adult so their health condition actually deteriorated dramatically although they tried their best to do the work. And when they fell sick, no one actually came to visit them. All of them had to leave the sleeping quarter out into the field to carry the earth. Every time the adults and the children had to actively work and that was reinforced through the announcement on the loudspeaker that all workers had to work actively.”<sup>1061</sup> “It was the village chief who appointed them.”<sup>1062</sup>

## **b.) Living conditions**

### **i.) Lack of food**

562. Civil Party NUON Narom testified that “some Base People could take some salt from the kitchen and shared with us, so sometimes we <had> a few pellets of salt to supplement the food that we ate. And the soup was terrible. It was cooked in a large pot with very little veggie and meat.”<sup>1063</sup> The Civil Party explained, “[a]t night times we starved and at that time I was working with my colleagues so many of them, all of them were <deceased>, and at night-time <> when we were working I could observe there was some leaves and fruits I asked my colleagues whether those kinds of leaves were edible.”<sup>1064</sup>

<sup>1059</sup> Oral Testimony of Civil Party HUN Sethany, T., 26 May 2015, **E1/305.1** [Corrected 1], p. 98 line 23 – p. 99 line 2.

<sup>1060</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 3 lines 11-16.

<sup>1061</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 3 line 21 – p. 4 line 3.

<sup>1062</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 63 lines 8-9.

<sup>1063</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 13 lines 5-8.

<sup>1064</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 15 lines 15-19.

563. Civil Party UN Ron testified that the food was different depending on the person's position: "For the members, we ate gruel<, while> chiefs of the small and big unit <and the medic> ate <steamed> rice. And all of the members of the group ate gruel."<sup>1065</sup> She explained that workers were not able to supplement their food ration. "We were only given gruel. And in fact, I knew a person working in the kitchen. So she usually left some rice crusts on the roof <for me> -- that is the left over from the <steamed> rice for the small and big unit chiefs. Then <in the early morning,> I would secretly get the crust rice, and then I would <grind> it <with> my hand and <wrap> it up <in> my scarf. And then I would eat it secretly at the worksite. <I had no access to other sources of supplementary food.>"<sup>1066</sup>

564. Civil Party HUN Sethany testified, "[o]h my Buddha. We did not have breakfast for ourselves, we were empty in our stomach, we were so hungry, no meal for us in the morning and if <>the cook <left the crust of rice to dry>, we would secretly <>pick it and <put it in the pocket of our shirt and> we would also share it with our colleagues secretly to eat; <we got a small piece each and chewed it in our mouths> and again, no breakfast at all. It was enough for us to have rice to eat. We did not have any breakfast after 1975."<sup>1067</sup> She continued, "when we saw <crust of> rice <laid to dry by the cook>, we would be so delighted."<sup>1068</sup>

565. Civil Party UN Ron testified that the food ration was "two ladles of gruel per <meal>. And as for soup, there was morning glory soup mixed with fermented fish paste for three of us. <A bowl of this type of soup was for three workers. We had this soup with gruel.>"<sup>1069</sup> "We were still hungry."<sup>1070</sup> The Civil Party explained, "we could not ask for more. Our ration was <only> two ladles <of gruel>."<sup>1071</sup>

<sup>1065</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 4 lines 22-24.

<sup>1066</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 5 lines 5-13.

<sup>1067</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 28 line 19 – p. 29 line 1.

<sup>1068</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 29 lines 7-9.

<sup>1069</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 28 lines 13-16.

<sup>1070</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 28 line 19.

<sup>1071</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1**[Corrected 1], p. 28 lines 22-23.

566. Civil Party CHAO Lang described that a “painful memory is the insufficient food. With the lack of food, I became emaciated. My skin was so pale.”<sup>1072</sup>

**ii.) Inadequate shelter/lack of amenities**

567. Civil Party SEANG Sovida testified: “When I arrived at the worksite I received <only> a <set of> black <clothes>. I had my previous clothing with me but they were not clean and they did not look nice. <I had no access to detergent to wash my clothes. I just washed them with plain water.> And I would use <barks of wild> plants to clean my teeth. <I used fibre from the dry gourd to rub myself when taking a shower. Each of us had to find our own ways to keep ourselves clean. It was like we> were living <> in <> hell. <It was horrible and disgusting. There were no even combs. Our> clothes were tattered. <Sometimes, I helped others patching their clothes during break>. There were no threads for us to sew our tattered clothes. And I would use the fibre from the <nylon sacks> as thread so that I could sew my tattered clothes.”<sup>1073</sup>

568. Civil Party SEANG Sovida also testified that, “we were not given shoes. I did not receive any shoes. <Before I> left our home, <my mother bartered with other people for motorbike tyre, and she made my sandals from that motorbike tire. They looked more or less like sandals made out of car tire, the ones commonly worn by the Base People. Some> New People <had to walk around barefoot as they> did not have <sandals> to wear and mostly they were wearing only tattered clothes. <I was never provided with a pair of sandals.> When I arrived at the 1st January Dam site, I was given a set of clothes <once> and when I was living in the village, I was <not given any clothes. They just> told that since my mother had clothing for me to wear I was not given any clothing<. Clothes were to be distributed to only those who had none. We> also had hats and the <conical> hats. My mother <bartered with other people for

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<sup>1072</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, E1/339.1 [Corrected 1], p. 67 lines 22-23.

<sup>1073</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 36 line 18 – p. 37 line 5.

conical hats and covered them with a piece of> raincoat <on the top for waterproof. We wore the hats to keep us cool>.”<sup>1074</sup>

569. Civil Party HUN Sethany provided similar evidence, testifying, “we only had a pair of clothes that we were wearing every day and some people were lucky to have two pairs of pants. And as for the sarong that we wore, they were mend<ed> with patches and we wash<ed> it with only the river water; there was no soap to wash our clothes. And if we -- if we looked too clean, then they would accuse us of being in the <capitalist> class from the upper regime or from the feudalist class<. For me, I had no idea about what feudalism or capitalism was> and they said that during the Khmer Rouge regime, there were only two classes of people -- that is, the peasants class and the labours class, so that we could not be too clean; otherwise, we would be criticised. <They would be very pleased when they saw us using dirty clothes.>”<sup>1075</sup>

570. Civil Party UN Ron testified, “[w]e only had two sets of clothes, one set was <fairly> old<, while> the other one was very old, and there were patches at the back of the <pants>. And I had <only> an old scarf which was also <full of patches>. And during the raining season when I was soaked, I didn't have any other set of clothes to change<. Although> I <put> a set <of clothes to dry in the hall, when> I returned to the sleeping <quarters>, I had to <take off the wet set, and put on the other set which> was <damp>. And then we would just <wrap ourselves in> sleeping mat <when we went to sleep at night>.”<sup>1076</sup> The Civil Party explained the effect of wearing these wet clothes, explaining that “sometimes I had abdominal pain, and of course, <we had heat rashes on our body, and scratched ourselves badly. We also contracted> lice<>. And <> sometimes <when I scratched myself, I felt like lice were emerging from my own skin and flesh. I had heat rashes all over my body including my> head<. We had no access to any sort of shampoo or detergent during the whole period of the Khmer Rouge.> And we had to resort to sometimes use ashes from the firewood to wash the

<sup>1074</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 60 lines 9-24.

<sup>1075</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 12 line 16 – p. 13 line 3.

<sup>1076</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 6 lines 14-23.

clothes in order to get rid of the <grime on the collar as a result of sweat and dampness>.”<sup>1077</sup>

571. Civil Party HUN Sethany testified about the consequences on female workers as a result of the limited clothing allocations. She testified, “[w]hen I arrived at that place I was given a piece of cloth to make trousers and shirts to wear. I had to take care of my clothes although we used our clothes to wear during the time that we were working. I had only two sets of clothes; it was a terrible situation for me. And as for women, they had periods and the female get period and we had to wash the period away with the river -- water from the river. Sometimes our trousers were wet while we were working; we had no sanitary pads and when we saw each other that someone was having period and then we told those people to go to the river to clean the period away by using the water from the river. <We used the river water for washing and cleaning ourselves, drinking and bathing.>”<sup>1078</sup>

572. Civil Party UN Ron described, “of course, women, we usually had our menstrual period and you could see blood from the menstruation mixed with the water while we were working through the rain. <We also had to work hard when we were having period for fear of being taken away and killed. They never distributed to us any bra or a pair of underwear.> And that not only happened to me but to other women working in the group. And sometimes, we had to <cut a scarf into two pieces for two girls to wrap themselves as underwear before putting on another layer of clothes. So when it rained, we took off the cloth to wash; and as a result, we did not have any> pad to stop <the blood> from flowing and mixing with the rain water. <And the water in the pit where we were digging turned red. During the regime, we were no longer feeling shy or embarrassed>.”<sup>1079</sup>

### iii.) Lack of drinking water and sanitation

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<sup>1077</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 7 lines 2-11.

<sup>1078</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 13 lines 9-21.

<sup>1079</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, E1/307.1 [Corrected 1], p. 9 line 25 – p. 10 line 13.

573. Civil Party SEANG Sovida testified to the inadequate sanitation at the 1<sup>st</sup> January Dam worksite. She testified that “the water was boiled in a big pot and we could <go and collect the> water from that pot <for drinking>. And at our sleeping quarter there was <only drinking water, not> water for us to wash ourselves. <So we usually washed ourselves along the way when we were walking through villages where there were wells on our way back to our> sleeping <quarters>. I could recall that at the sleeping quarter, there was an improvised toilet <where a pit was dug and two pieces of wood put on the top of the pit for people to sit with palm leaves for walls>, but at our worksite there was <an empty fuel barrel where people would sit and relieve them into the barrel. Because the fuel barrel was too high for me, I ended up going> into the forest to relieve myself. <Workers were supposed to relieve themselves in the barrel as the faeces would be later used as fertilizer. I never had toothpaste, soap or shampoo to clean myself. They did not distribute those stuffs to us.>”<sup>1080</sup>

574. With respect to the boiling of water, Civil Party SEANG Sovida explained that “[i]t was boiled for workers at the worksite <to drink>, however, I did not know about the water itself. Usually in the area the water was fetched from a creek, a stream or a river, or from a pond. <Sometimes, the water was muddy, but it was boiled.> There was no tap water. And if one was too thirsty, he or she could drink <straight> from a small creek on the road or a small pond, but usually at that small shelter, they boiled water for workers to consume.”<sup>1081</sup> The Civil Party also testified that, “the kitchen it was not that clean. There was no dining table. We used hay or tree leaves as a cover and we put our bowl or dish on top. <And when it rained, we had to do the same thing when we ate.> And of course the bowl -- and the condition was not that clean; there was no soap to wash our dishes.”<sup>1082</sup>

575. Civil Party HUN Sethany described, “there’s nothing much to say. You can imagine how many flies there were during the hot months of April and May, you could hear the combined sound of flies as they were <like a swarm of> bees making

<sup>1080</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 36 lines 2-14.

<sup>1081</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 42 lines 18-25.

<sup>1082</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 43 lines 5-9.

sound and every ladle of soup that was placed on to a bowl contained many flies and we had to just pick the flies one by one out of the soup bowl and we had to eat whatever left in the bowl.”<sup>1083</sup>

576. Civil Party NUON Narom testified, “as for the sanitation, no, there was no sanitation. There were so many flies.”<sup>1084</sup> She continued, “[w]hen we were carrying the dirt in the open sun, we could have water but the water was muddy and it was brought to us. We had to drink although it was not clean water. At nighttime I sometimes dreamt that I could have a cold water to drink.”<sup>1085</sup>

577. Civil Party UN Ron testified that the drinking water came “from the small pool”<sup>1086</sup> and that “[i]t was not clean because the well was <dug> close to the kitchen and the water waste from the <shower> sometimes went into the well. <The water was not clear.> We collected the water <and kept in a bowl in the evening, and left it to become clear in the following morning before pouring it into> our tube, that is the palm sugar tube, and we had it along with us at the worksite to drink.”<sup>1087</sup> When workers had to relieve themselves, there were “[n]o latrines <were> built. The <pits were> dug and the poles were used to make that kind of pit to relieve ourselves. <Usually, people did not relieve themselves in the pits as they would rather relieve themselves all over the place. And those sick workers who were allowed to stay at the sleeping quarters would be assigned to collect those dry faeces.>.”<sup>1088</sup> There was “no water to wash ourselves at the worksite. We had only one <shower back> at our hall

<sup>1083</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 7 lines 4-10; *see also*, Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 65 lines 1-12 (“[i]t’s difficult for me to respond to your question without having a laugh. As I said this morning, there was nothing at all in regards to the elimination of flies. This morning, I already told you that the soup -- although the amount was small -- it was full of flies, and we had to pick them out of the bowl one by one. Everyone experienced the same thing. Despite flies in the soup, we had to eat and drink the soup in order to survive. At that point, sanitation was no longer a consideration. We had to think what we could eat in order to survive. <And> people experienced a lot of dysentery. Sometimes, they had to keep going in line into the forest to relieve themselves, and that’s due to lack of sanitation.”).

<sup>1084</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 13 lines 3-5.

<sup>1085</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 14 lines 2-5.

<sup>1086</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 29 lines 11-15.

<sup>1087</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 29 lines 18-24.

<sup>1088</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 30 lines 1-6.

<in the evening>.”<sup>1089</sup> “In the period of Pol Pot I have never seen any piece of soap, even a small piece. I used the ashes to wash my clothes <> when there were <too many lice>.”<sup>1090</sup>

578. Civil Party HUN Sethany testified that “[d]uring the first few months that we worked at the worksite there was no toilet and only until end of April, then a mobile wooden toilet was brought in from a village for us to use and the waste -- the human waste -- was then used as fertiliser. <It was mixed with ashes and dried up before it was packed and sent to villages to be thrown in the rice fields.> As for water, the only source of water we could drink was the water from the river, and of course thousands of workers from upstream, from downstream, had to drink the same water from the river.” She explained that “there was no time for us to boil water; we didn't have any pot to boil the water; we didn't have any firewood, so everyone had to go and find the water to drink from the river by himself or herself and the only food that was provided was the rice and little soup; and sometimes, because of the dirt in the water, sometime I had to close my eyes to force myself to drink the water and I would not believe if anyone working there said he or she drank any boiled water.”<sup>1091</sup>

579. With respect to female sanitation, Civil Party HUN Sethany testified, “[o]ur supervisor knew nothing, knew nothing at all. They did not know the difficulty of the female situation and when we were working away from the river, we had to carry earth with the stain of the periods on our trousers. We did not have time to clean it, <but when we were working at the river we were able to clean ourselves in it whenever our trousers were stained with the menstrual bleedings> as you may be aware, usually, on one particular day, the period would come in large amount.”<sup>1092</sup> She clarified that “the male unit chief did not know anything about that and did not

<sup>1089</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 30 lines 9-10.

<sup>1090</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 30 lines 14-16.

<sup>1091</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 7 line 24 – p. 8 line 7; Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 8 lines 12-19.

<sup>1092</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 14 lines 4-11.

care about it. And only when his subordinates fell sick and could not work, then the patients will be sent for treatment at the village.”<sup>1093</sup> “They did not care at all.”<sup>1094</sup>

**c.) Inadequate medical care**

580. Civil Party SEANG Sovida testified that she “fainted <and collapsed> only one time. I was not often ill. <Other times, although I felt not well, I had to go to work. As long as I could walk, I had to go to work every day.> And during the time that I fainted, I <could have rested for a few days before> I went back to work. And when I fell sick, there was a medic to treat me, and the medic was not well trained. I was given rabbit droppings medicine to drink for my illness. I recall that when I was sick on that day, I was given a tablet <by> a man <by the name of Kong (phonetic), from Phnom Penh to> recover <from high fever. And I got recovered afterward>. As for the rabbit dropping medicine given by the medic of the Khmer Rouge, I did not drink it. <They were round and black, and did not do me well.> There was no blood test when we fell sick. I do not really understand how <well> the medic <> often was <> trained <to treat> us.”<sup>1095</sup>

581. The Civil Party recalled being treated by medics, stating that “[t]hey actually, they were not actual -- there were no medics, the modern medics at the hospital -- in the hospital at the pagoda. Mostly <those> traditional healers <were the elderly men in the village, and their task to boil and prepare herbs. Since I used to stay at Wat Chambak, the man in charge there was Ta Voar (phonetic), and his deputy was Ta Sorn (phonetic). The task of> Ta <Voar (phonetic) was to>boil the herbal medicine<> and give <it> to the <sick. And the most sophisticated medicine, those medics had only> the liquid as I <told the Chamber this morning. There is nothing more sophisticated or special than that liquid. Those medics were not wearing any type of uniform. They just dressed in black>.”<sup>1096</sup>

<sup>1093</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 24 lines 15-18.

<sup>1094</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 24 lines 19-22.

<sup>1095</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 25 line 19 – p. 26 line 8.

<sup>1096</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 71 lines 11-22.

582. Civil Party CHAO Lang, having worked as a military medical worker under Lon Nol, recalled an instance when a medic was unable to insert the needle into a patient's vein and assisted the medic. The Civil Party begged the medical staff not to report her medical experience to the superior.<sup>1097</sup> She stated, “[s]o, from my observation, that medical staff did not receive any proper training in this area because she could not even manage to insert a needle into the vein of a patient.”<sup>1098</sup>

583. When workers fell sick, Civil Party UN Ron did not know “the type of illnesses, mostly they felt sick <with> dysentery and high fever and also headache, but most of the time they were sick with dysentery.”<sup>1099</sup> The medicines given were “rabbit dropping medicines <and red liquid in orange-juice-like bottles> in our unit and we would use such medicines for dysentery and also high fever.”<sup>1100</sup> She clarified that sometimes people recovered, “but sometimes the medicine was not effective.”<sup>1101</sup> The Civil Party further testified that to her observation there were not medicines “such kind of medicines like today and as I said there were only rabbit dropping medicine <and the red liquid in orange-juice bottles>; no amoxicillin, paracetamol medicine, and I could not say how intelligible they were. When people got diarrhoea or headache they would be given the <same> rabbit dropping medicine.”<sup>1102</sup>

584. When Civil Party UN Ron fell sick, it “resulted from my hunger <and fatigue. I was so tired and shaking that I was pretending to be sick so that I could rest.> I was asked why I got sick and I told them that I had abdominal pain and after hearing that, I was given the rabbit dropping medicine. <I was not sick with any particular disease. I was just too tired to work.>. I was allowed to sleep and take rest until noon time and I was instructed to go back to work, I replied that I could not go because I was

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<sup>1097</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 78 line 23 – p. 79 line 9.

<sup>1098</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 76 lines 18-21.

<sup>1099</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 30 line 24 – p. 31 line 1.

<sup>1100</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 31 lines 4-6.

<sup>1101</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 31 lines 8-9.

<sup>1102</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 32 lines 6-11.

sick.”<sup>1103</sup> She also described that one month later, she had pain in her ankle and knee. “I could not walk, I told the medic and the medic came to see me. I was given<B-12,> the <red> liquid from the bottle, <> and I was given a shot of injection <in the morning> and <another one shot> in the afternoon<. The morning shot made one> side of my <hips swollen> and I <began to have a fever> and the medic came to see me again. <Having seen that I was getting an infection, they did not give me any other shot the following day. Instead, the next morning, they inserted acupuncture needles to my knee and ankle. Having experienced that, I felt so afraid that I could not afford to get sick again. I then started to go back to work although I was sick. From then on, I could no longer carry the dirt; I could only dig the dirt for my partner to carry it. Those were the two incidents that I felt sick>.”<sup>1104</sup>

#### **d.) Disappearances**

585. Civil Party NUON Narom testified that “after we completed our assignment, some> of my colleagues whispered to me that three or four of co-workers disappeared. <I knew only one named Danich (phonetic). She> was the newcomer, or New Person<. She> disappeared. She looked very pretty, like a ‘<Beauty Queen>’. It was said that she was the daughter of a former <lawyer>. She disappeared after the work at that place completed.”<sup>1105</sup>

#### **(3) Murder and extermination**

586. Civil Party evidence adduced at trial indicates that acts or omissions causing the deaths were committed at the 1<sup>st</sup> January Dam worksite.

#### **a.) Specific instances of killing**

587. Civil Party HUN Sethany testified that when her family was sent to work at the 1<sup>st</sup> January Dam, her father was later taken to be killed at Baray Choan Dek pagoda. “My younger sibling witnessed that incident. They were told that my father was asked and told to carry logs. Militiamen came to call my father. My younger

<sup>1103</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 65 lines 4-12.

<sup>1104</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 66 lines 1-15.

<sup>1105</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 31 lines 10-16.

sibling witnessed that incident and they knew about it. I was working; however, on the day I was sick because of my periods. I was sleeping at night-time<. It was about 7 o'clock> and the day after, my younger sibling – my two younger siblings came to tell me that my father was taken away<> and he did not return.”<sup>1106</sup>

588. With regard to how her siblings knew that their father was taken to Wat Baray Choan Dek and was killed there, the Civil Party explained that “[n]ormally people would know the location of the killing and detention sites. I was told by someone that Baray Choan Dek was a main prison. Every prisoner, not only from the 1<sup>st</sup> January Dam worksite, but from other areas, would be arrested and put in that detention place. My siblings came to tell me that my father was killed in Baray Choan Dek pagoda. He was taken <away> at night and never returned.”<sup>1107</sup>

589. When questioned on the reason her father was taken away and killed, Civil Party HUN Sethany elaborated, “[t]he words from their mouth mean<t> something <then>, they could kill anyone they wanted. I could see that my father was working every day and he was working very hard. I did not know what mistake he committed. He was working very hard, he was a former teacher, he <understood> that -- he had the former link with the <previous> regime, <he was guilty of himself for that and> he never refused any assignment and I don't know the reason <why> he was taken away and killed. I was told that my father was asked to go and carry logs. He was gone, he was gone. We were waiting for him a few days after he was gone but he never returned. Those who knew about the arrest told me that he could not make an escape. He was put in Baray Choan Dek. I saw many pits and grave<s> in that Baray Choan Dek location <after the end of the regime>, there were skeletal remains<, skulls and bones> at that place and I believe that my father was killed there.”<sup>1108</sup>

590. Civil Party SEANG Sovida’s testimony confirmed that executions would take place at Baray Choan Dek. “When I was bathing myself with the water from the well,

<sup>1106</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 17 line 25 – p. 18 line 8.

<sup>1107</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 31 line 23 – p. 32 line 4.

<sup>1108</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 33 lines 3-17.

I was told by <the older girls> not to go <to> that pagoda, so perhaps the pagoda was quite close<. Since many girls were using the same well, some girls wanted to look for another well in the village to bathe, and those who could have been to the pagoda warned them not to go to the area of that pagoda. Those who warned the other girls must have seen something there that they did not want others to go there. Some actually went there, but they said nothing when they returned besides warning others not to go there. They were trembling with fear when they said that. I myself never went to the pagoda and saw what was happening there. I just heard the warning from those older girls. So I ended up waiting for others to finish their shower before I could do my shower>.”<sup>1109</sup> “They told me that they saw a group of five or 10 people <chained one to another chopping> wood<. Some> people said that <they saw bleeding breasts> of women <hanging on the doors. They whispered to one another not to go there. They did not want me to hear it.> I was <a little girl. I was trying to listen what they were whispering to each other, but was told that I did not need to know it>.”<sup>1110</sup>

591. Civil Party HUN Sethany testified that on 7<sup>th</sup> July 1977, she received news that her mother and five of her siblings were dropped into wells in Chamkar Andoung and killed by the Khmer Rouge. She recalled that her mother was called to a meeting. “By about 10.00 a.m. in the morning that day, an ox cart arrived and they left and some other villagers were also taken away by ox carts.”<sup>1111</sup> “Later in the evening, <Savooun> (phonetic), who befriended me, although she was a young - a New Person, her parents were Base People and> she wept and she embraced me and said that my mother and siblings had been killed at Chamkar Andoung. I could not believe <my ears> and I did not believe it. I did not believe that they had been killed. How could they kill so many people<?> <Because> it was not only my family members who went away but there were many other families who were put in ox carts and <taken away>. About five days later, I saw clothing of my siblings and I saw <an embroidered> bra that my mother made for my younger sister. <My mother had made

<sup>1109</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 41 lines 2-15.

<sup>1110</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 41 lines 19-25.

<sup>1111</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 37 lines 14-16.

one for me and one for her. I saw it being dried by someone. Then, came to realise that the clothes had belonged to my younger siblings.> So, I knew <for sure> that they <all> had gone, they had been killed.”<sup>1112</sup>

## **b.) Deaths from conditions**

### **i.) Dangerous working conditions**

592. Civil Party UN Ron testified regarding the soil collapse deaths. “I heard of it but I did not witness it by myself. I heard that a soil collapse covered three workers and one person died on the spot. I heard of it but I did not witness the incident myself. It happened a bit far away from my place or my hall.”<sup>1113</sup> Whilst working at the dam, she also heard from other workers that “the water broke through and some workers had been killed.”<sup>1114</sup> “I cannot tell you about that circumstances as I did not see it, people went to see it and I was told by them.”<sup>1115</sup>

593. Civil Party HUN Sethany described how “[t]he soil was being drilled and there was competition <among villagers> in work during that time. So in order to complete our work <more quickly> than the other, we drill the soil, we tried to dig the soil and as a result, there was a soil collapse.”<sup>1116</sup> Although the Civil Party was not present at the site as she was ill, her colleague told her about the incident.<sup>1117</sup>

### **ii.) Lack of medical treatment for sick workers**

594. Civil Party HUN Sethany testified that, “there was one man who was <a Base> person, died from overwork. He worked too hard and he was unmarried at the time and he would do whatever he was assigned to do, even if to manually break rock and as a result he died.”<sup>1118</sup> She corrected that this worker “was not an old man. He was unmarried and he was about 20 to 21 years old. And he was also a Base Person. And <he was very serious. He> took care of his work and he always focused on his

<sup>1112</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 38 lines 2-15.

<sup>1113</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 14 lines 20-23.

<sup>1114</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 79 lines 23-25.

<sup>1115</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 80 lines 3-4.

<sup>1116</sup> Oral Testimony of Civil Party HUN Sethany, T., 26 May 2015, **E1/305.1** [Corrected 1], p. 95 lines 3-8.

<sup>1117</sup> Oral Testimony of Civil Party HUN Sethany, T., 26 May 2015, **E1/305.1** [Corrected 1], p. 95 lines 19-23.

<sup>1118</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 9 lines 2-6.

work. And he overworked until he fell sick. And he didn't have a chance for any hospitalisation. In fact, he rested at home for a fortnight and he died. His mother< and father> had two sons<. His name was Ry> and he was the second son.”<sup>1119</sup>

595. Civil Party HUN Sethany clarified that this worker who died lived “only six doors from my house in the village,”<sup>1120</sup> and that “he became sick at the worksite and his condition became deteriorated due to lack of proper medicine. He overworked at the worksite as he had to break rock and carry the rock segments.”<sup>1121</sup>

#### **(4) Political persecution**

596. Civil Party evidence adduced at trial demonstrates that the imposition of harsher living and working conditions upon New People amounted to persecutory acts against that group.

##### **a.) Different working and living conditions**

597. Civil Party SEANG Sovida explained that “[w]e worked under the same conditions, but the New People didn't have any rights. We <worked as we were prisoners. We> were considered <> their enemies and only the Base People who <were poor> had the position to control us. <They mistreated us. People at the top did not know us, but those Base People worked with us, and mistreated us, the 17 April People. All the 17 April People would be killed if the regime lasted any longer>. I <do not understand> why they <considered> us <> their enemies. Whatever we did was wrong.”<sup>1122</sup>

598. Civil Party HUN Sethany explained that New People had no right to request where they worked, and that a New Person “could not be <a> chief.”<sup>1123</sup> She elaborated that “[i]f the Old People made a minor mistake, the Old People could provide justification to the Khmer Rouge but this did not apply to the New People. The New People were under tremendous pressure and if a new person was accused of

<sup>1119</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 60 lines 15-21.

<sup>1120</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 61 lines 20-21.

<sup>1121</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 61 lines 11-14.

<sup>1122</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 53 lines 14-22.

<sup>1123</sup> Oral Testimony of Civil Party HUN Sethany, T., 26 May 2015, **E1/305.1** [Corrected 1], p. 98 lines 9, 21.

a wrongdoing and although he or she didn't commit it, the person would remain quiet, <shut up his or her mouth and> did not dare to protest or to provide any justification in order to survive.”<sup>1124</sup>

599. Civil Party HUN Sethany testified that while Base People and New People did the same work and had the same work quota, “Base People, they could evade work sometimes. <They did the same work as we did. But, they were a bit more privileged than us.>”<sup>1125</sup> She explained that “[i]t was that Old People dared to sometimes challenge the instructions because there all Old People, but New People didn’t dare to do that. They would just go to wherever they were appointed to. And they had just to bear with the situation in order to survive and not be taken away and killed.”<sup>1126</sup>

600. Civil Party HUN Sethany testified that “New People, no, they didn’t violate any instruction; they were so afraid. However, some Old People did cross the line, but the new ones, no, they were so afraid of the Khmer Rouge. <We were extremely frightened.> Old People had a bit more right; they could go, for example, 10 or 20 metres far from the lines that they were standing guard but the New People didn’t dare do so.”<sup>1127</sup>

601. Civil Party HUN Sethany testified, “I did not get to choose, I had no choice. <The word ‘assign’ was powerful enough.> A Base Person could complain or refuse the assignment; as for New Person, we could not make any complaint or refuse the assignment. When we were asked to and do the work, we had to go. We had no rights. No rights at all. We were so <upset> but what <could> we do besides weeping and sobbing<?> It was so difficult to be not able to refuse the assignment. <It was very distressful. You may know how frustrating it was when we could not protest or have a say.> Perhaps you can understand how difficult the situation was <and how frustrated I was>.”<sup>1128</sup>

<sup>1124</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 11 lines 9-15.

<sup>1125</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 67 lines 18-20.

<sup>1126</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 67 lines 9-13.

<sup>1127</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 10 line 21 – p. 11 line 2.

<sup>1128</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 31 lines 5-15.

## C. Harm

### (1) Physical harm

#### *Immediate harm - physical injury*

602. Civil Party HUN Sethany described sometimes fainting while she worked and “other workers would come to support me and give me some physical massage or to pull my hair to wake me up.”<sup>1129</sup>

603. Civil Party UN Ron explained the work was “[v]ery <tiring and> painful and sometimes I had muscle cramps on my calves. And pain -- the work was so painful on my legs. <Since I had to go back and forth for many times, my legs would become very tiring.>”<sup>1130</sup>

604. Civil Party NUON Narom described how the skin on her shoulder peeled from carrying heavy loads of earth in a basket.<sup>1131</sup> She explained, “[t]he work was too hard to explain. I have never gone through that kind of experience in relation to dirt-carrying. My skin on the shoulders came off, and I had to change the carrying. I had to, at one time carry the dirt on my left shoulder, and at another time, on the right shoulder, <which I often used and was blackened. It hurt me very much.> I had to bear the situation, although there was too much pain. I was on an offensive for the daily work. <I had to work intensively both day and night. It was tiring and exhausting.> I had to do my best to survive.”<sup>1132</sup>

605. Civil Party NUON Narom described that, “my physical appearance was in bad shape. I was skinnier, my strength became weaker and weaker.”<sup>1133</sup>

606. Civil Party SEANG Sovida described collapsing after working hard: “I was so exhausted on that day. I did not have enough sleep and did not have my fill. <At that

<sup>1129</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 4 line 24 – p. 5 line 1.

<sup>1130</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 23 lines 6-9.

<sup>1131</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 13 lines 15-16.

<sup>1132</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 26 line 20 – p. 27 line 3.

<sup>1133</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 27 lines 21-22.

time, I was not that healthy; thus,> I fainted <and collapsed>. I was ill as well at that time. I was carried away to my sleeping quarter after I fainted.”<sup>1134</sup>

***Immediate harm - hunger and starvation***

607. When asked about whether people were given any food before they began work, Civil Party HUN Sethany described, “we were empty in our stomach, we were so hungry.”<sup>1135</sup>

608. Civil Party NUON Narom stated “[t]he situation was rather arduous. We had not enough food to eat.”<sup>1136</sup> She described going into the forest with her colleagues and collecting frogs and ants to eat.<sup>1137</sup> “During the day time<, when we went to relieve ourselves in the forest> we had to pick up some <veur thnoeng (phonetic) or sour-soup creeper> leaves and put in our mouth to <fill> our stomach so the six or seven month period during that time was very difficult for me.”<sup>1138</sup> “At night times we starved...”<sup>1139</sup>

609. Civil Party CHAO Lang testified that, “another painful memory is the insufficient food. With the lack of food, I became emaciated. My skin was so pale.”<sup>1140</sup> “I became so emaciated, I did not have any physical strength, but I had to keep on working in order to avoid being killed.”<sup>1141</sup>

<sup>1134</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 24 lines 15-18; *see also*, p. 25 line 19 – p. 26 line 8.

<sup>1135</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 28 lines 19-20.

<sup>1136</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 12 line 10.

<sup>1137</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 14 lines 14-15.

<sup>1138</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 14 line 22 – p. 15 line 1.

<sup>1139</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 15 line 15.

<sup>1140</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 67 lines 22-23.

<sup>1141</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 62 lines 21-23.

610. Civil Party NUON Narom also testified that “we did not have proper drinking water to drink, but there was no such luxury.”<sup>1142</sup> “At nighttime I sometimes dreamt that I could have a cold water to drink.”<sup>1143</sup>

***Immediate harm – disease/ sickness***

611. Civil Party UN Ron testified that the first time she got sick “resulted from my hunger <and fatigue. I was so tired and shaking that I was pretending to be sick so that I could rest.>. I was asked why I got sick and I told them that I had abdominal pain and after hearing that I was given the rabbit dropping medicine.”<sup>1144</sup> The Civil Party “got sick twice during the heavy rain as I was so soaked and I got high fever.”<sup>1145</sup> Civil Party UN Ron went on to describe how “[o]ne month later, I fell sick for the second time. I had pain in my ankle and my knee. My ankle was swollen, I could not walk [...] From then on, I could no longer carry the dirt; I could only dig the dirt for my partner to carry it.”<sup>1146</sup>

612. Civil Party NUON Narom described falling sick during the rainy season. “I had a high temperature and I was <trembling>. [...] I was seriously sick at that time I was not allowed to stay in the village, I was referred to a hospital in the pagoda. I had cramps in my abdomen. Even a little water in my stomach -- even I drank a little water I could feel the pain. I was hospitalized for two weeks <but my condition did not improve. Then I was sent to the district hospital in Speu>.”<sup>1147</sup>

***Long-term physical harm***

613. Civil Party HUN Sethany testified that, “I still have my back pain and lumbago at the moment. Whatever I did at that time was to survive.”<sup>1148</sup>

<sup>1142</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 12 lines 20-21.

<sup>1143</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 14 lines 4-5.

<sup>1144</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 65 lines 4-12.

<sup>1145</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 1 lines 18-20.

<sup>1146</sup> Oral Testimony of Civil Party UN Ron, T., 28 May 2015, **E1/307.1** [Corrected 1], p. 66 lines 1-15.

<sup>1147</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 16 lines 12-23.

<sup>1148</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 5 lines 13-14.

## (2) Mental harm

### *Immediate harm – separation of families, sense of disconnection*

614. Civil Party NUON Narom stated, “I missed my mother, I had no information about my mother and siblings. I did not know at that time where they were living. I was living in an open field with no houses surrounding and I did not know at that time the name of that location where I was living.”<sup>1149</sup>

615. Civil Party CHAO Lang told the Trial Chamber that, “[w]hen I was sick, I was by myself; there was no relative nearby, and I did not expect that I could survive, not at all.”<sup>1150</sup>

### *Immediate harm – grief from loss of family members*

616. Civil Party HUN Sethany described the psychological suffering as a result of the death of her father: “As I said, we could not even cry, even we understood that my father was killed. I could only <cry out loud> (sic) when there was heavy rain <and thunderbolt>. I had to get things out <off> my <chest> while raining. I did not even have time to weep and cry <until> there were thunders and heavy rain. I was shouting and crying every time there was heavy rain. <Then,> I recalled what happened. I could not cry and weep in front of other people during that period because I was afraid that I would be accused of being psychological sick. It was really hard for me at that time. <I had to hold all the pain in my heart. It was extremely difficult to bear it in the heart. My heart almost broke and> I wanted to die in the period <in a short time>. I was very painful all over my body and in my mind. I had to bear the situation; only when there was heavy rain, I could <cry out loud> to relieve myself. <I missed my father, mother and younger siblings who had been separated from me. I only had the right to cry in a way that no one could hear me.>”<sup>1151</sup>

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<sup>1149</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 15 line 22 – p. 16 line 1.

<sup>1150</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 67 lines 19-21.

<sup>1151</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 32 lines 8-24.

617. During her time at 1<sup>st</sup> January Dam Worksite, Civil Party CHAO Lang was given permission for a one-day visit to Ou Kanseng village and learned that her elder sister and her child had been taken away. “How terrible it was for my elder sister and her child before they died. I myself upon hearing that almost fainted. All my hopes and expectations disappeared. My knees trembled and became weak. And those people told me that I better leave quickly otherwise I might have been implicated. I didn't stay there for one day as authorized. So I returned. I feared that I would be implicated. I was afraid that they saw me weeping and I was accused, so I returned.”<sup>1152</sup>

***Harm from being unable to perform funeral rituals***

618. Civil Party HUN Sethany testified that she “heard a message from my mother which was told by someone that my younger sibling already perished. We had no time and rights to celebrate any funeral ritual for my younger sibling.”<sup>1153</sup>

***Immediate harm – fear of death or punishment***

619. Civil Party NUON Narom described the fear of punishment if she was sick. “As I said, I was afraid. Despite some days I was not feeling well, I decided not to seek permission to rest. I had to go to work. During the six month period that I was at the dam worksite, I actually rested for only two or three times from sickness. But when I was just fairly unwell, I did not dare to ask permission. I had to force myself to work. Only on the day that I was seriously sick, and I actually looked very sick, then I was allowed to rest. And besides that, I had to complete the work quota, as I was afraid that I would be criticized for less work.”<sup>1154</sup>

***Long-term harm – wanting answers about the past***

620. Civil Party SEANG Sovida stated, “I have been keeping, thinking about this and it keeps going in circle and I try <to make> myself <> busy and not to think

<sup>1152</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, E1/339.1 [Corrected 1], p. 63 lines 15-24.

<sup>1153</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 19 lines 18-21.

<sup>1154</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, E1/339.1 [Corrected 1], p. 38 lines 9-18.

about that but still my mind is occupied constantly with what happened. Every day my tear flows and sometimes I was observed by my son when I was weeping quietly in my room. And I urge, I urge them to tell the truth and not just to give lies or pretext to lies. We are all born and of course we will die and if you loved the nation, love the people, please allow the Cambodian younger generation to understand the truth, to understand the history of what happened and I beg you to tell the truth.”<sup>1155</sup>

***Long-term harm – impact on present day and family life***

621. Civil Party SEANG Sovida testified, “I do not feel well when I am mentioning and stating about the sufferings. We have encountered the same sufferings. I would like to skip some points. I endured sufferings, very huge sufferings after I returned to live in Phnom Penh. My children always ask me why I am not happy all the time and I told my children <that> could <not> be happy because I have lost my beloved relatives and parents. I do not want to go on Mr. President because I feel like I am going to collapse when mentioning <> the experience I have went through. I was mentally, morally tortured because everything happened on my parents and my siblings. So, I would like to conclude my last statement because I do not want to go on. I feel unwell, Mr. President.”<sup>1156</sup>

622. Describing the broad-spectrum of harms, including loneliness, Civil Party HUN Sethany stated, “[t]he injury which was inflicted upon me was that I used to live in a happy life with my family. When the regime came into power, we lost everything. We lost what we had in the previous time. I lost my house, belongings and property; I lost my parents, siblings. I live alone. I lost everything as I said. I underwent sufferings. I am so lonely, and for those who are so lonely as me, they understand my situation. [...] I am so terrified. I have PTSD and trauma.”<sup>1157</sup>

***Long-term harm – loneliness and sadness***

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<sup>1155</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 90 line 18 – p. 91 line 2.

<sup>1156</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, E1/308.1 [Corrected 1], p. 94 line 17 – p. 95 line 6.

<sup>1157</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, E1/306.1 [Corrected 1], p. 81 line 25 – p. 82 line 16.

623. Other civil parties also expressed feelings of loneliness. Civil Party NUON Narom stated, “[a]lthough I survived the period I was very lonely. I endured hardship. And I have no goal in my life after the regime. I have no relatives, I am alone. I am very lonely. [...] My life was bitter in the regime.”<sup>1158</sup>

### (3) Material harm

624. Civil Party HUN Sethany explained that as well as losing parents and siblings, she “lost what we had in the previous time. I lost my house, belongings and property. [...] We used to have our own property and belongings to use, but now we -- some of us lost almost everything. You can imagine how difficult our life is at the moment.”<sup>1159</sup>

## Chapter 5: Kampong Chhnang Airport Construction Site<sup>1160</sup>

### A. Overview of Civil Party Evidence

625. Three civil parties, KONG Siek, CHUM Samoeurn, and CHE Heap, testified before the Chamber about their experiences at Kampong Chhnang Airport Construction Site.<sup>1161</sup>

626. Civil Party KONG Siek joined the military in 1975 and was attached to Division 450.<sup>1162</sup> She was a subordinate to Division 450 and her female unit was

<sup>1158</sup> Oral Testimony of Civil Party NUON Narom, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 21 line 21 – p. 22 line 1.

<sup>1159</sup> Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 82 lines 2-16.

<sup>1160</sup> The Trial Chamber is seized with facts relating to the establishment and functioning of the Kampong Chhnang Airport Construction Site from May 1976 through January 1979. The Construction Site was alleged to have been under the direction of Division 502, headed by SOU Met and his deputy Lvey. Specifically, the Trial Chamber is seized with the living and working conditions that the workers were subjected to, and it is alleged that the site “functioned as one of the means of implementation of the purge process of RAK members as it was used as a tempering site for RAK members considered as ‘bad elements’ from Division 502 itself or from other divisions or military units.” Closing Order, **D427**, paras 389-392. Closing Order, **D427**, para. 387. On the basis of the factual allegations, the Accused are indicted with the following crimes against humanity alleged to have taken place at Kampong Chhnang Airport from early 1976 through January 1979: enslavement, murder, extermination, political persecution, the other inhumane act of rape (within the context of forced marriage), other inhumane act of attacks against human dignity, other inhumane act of forced marriage, and the other inhumane act of enforced disappearances, Closing Order, **D427**, paras 1373, 1381, 1391, 1416, 1434, 1442; Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**.

<sup>1161</sup> Nine civil parties were declared admissible by the OCIJ in regards to the Kampong Chhnang Airport Construction Site (Closing Order, **D427**, para. 399). One civil party was admitted by the Pre-Trial Chamber.

<sup>1162</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 32 lines 16-25.

Regiment 53.<sup>1163</sup> Her unit 53 was supervised by <Thea> (phonetic) and <Kut> (phonetic).<sup>1164</sup> At first, she worked at Ruessi Keo hospital, where she was a cook and sometimes gave injections to patients at the hospital.<sup>1165</sup> Civil Party KONG Siek was then deployed to work in the fields in Boeng Prayab near Tuol Kork, and then deployed to Ou Baek K'am where she was attached to Unit 75.<sup>1166</sup>

627. Civil Party KONG Siek explained that <Vin> (phonetic) was her commander at Ou Baek K'am and that it was her who took her unit to Kampong Chhnang Airport Construction Site in two trucks of female workers from Regiment 53 in 1977<sup>1167</sup> where she stayed for six months.<sup>1168</sup> Their task was to dig a canal at the construction site.<sup>1169</sup> Subsequently, the Civil Party was transferred to Ou Baek K'am. She remained at Ou Baek K'am for around two months, before being sent to Kampong Tralach Leu in Kampong Chhnang province.<sup>1170</sup>

628. Civil Party CHUM Samoeurn 'lived in Division 11' in 1973 at the age of 13.<sup>1171</sup> The commander of Division 502 was Met.<sup>1172</sup> The Civil Party testified that the soldiers in Division 11 were stationed in Kaoh Thum district, Kandal province and that she was instructed to carry rice to the rear battlefield with 9 others in her group.<sup>1173</sup> After the liberation of Phnom Penh, the Civil Party was transferred with her division to a rice farm in Wat Kdol, then moved to do rice farming at a factory,

<sup>1163</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 69 lines 22-23.

<sup>1164</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 70 lines 1-3.

<sup>1165</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 33 lines 4-8.

<sup>1166</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 33 line 13 – p. 34 line 5.

<sup>1167</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 81 line 20 – p. 82 line 3, p. 34 line 14 and lines 18-21, p. 35 lines 13-15, p. 56 lines 5-7, p. 65 lines 17-18.

<sup>1168</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 56 lines 5-7, p. 65 lines 17-18.

<sup>1169</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 34 lines 18-21.

<sup>1170</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 65 lines 17-21.

<sup>1171</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 49 lines 13-14. The Civil Party was born on 4 March 1960. See Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 47 line 21.

<sup>1172</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 51 lines 22-24.

<sup>1173</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 49 line 16 – p. 50 line 21.

and then was assigned to make fertiliser.<sup>1174</sup> Subsequently, the Civil Party was moved to Ou Baek K'am for rice farming, and at that time, Division 502 and Division 11 were combined.<sup>1175</sup> The Civil Party testified that her supervisor or commander, also named Met, went to the cooperative to find out about her biography, and informed her that she was linked to the former regime because her father was a former policeman and her stepfather was a former soldier.<sup>1176</sup> The Civil Party was identified as having been affiliated to the former regime<sup>1177</sup> and testified that she was subsequently punished by being sent to carry earth alone for 10 days.<sup>1178</sup> Afterwards, she was sent to Kampong Chhnang with her whole unit.<sup>1179</sup> The Civil Party was given no explanation as to why they had to go and work at the construction site<sup>1180</sup> and recalled that it was Srun, her unit chief, who informed her that the place they were sent was Kampong Chhnang Airport.<sup>1181</sup> Civil Party CHUM Samoeurn worked at Kampong Chhnang Airport for a period of three to five months.<sup>1182</sup>

629. Civil Party CHE Heap, who testified about the arrest, detention, and execution of his brother at S-21 Security Centre, was also transferred to Kampong Chhnang Airport. In 1975, the Civil Party was approximately 14 years old and attached to the children's unit of Division 310.<sup>1183</sup> After his brother, CHE Heng's arrest, the Civil Party was transferred to farm at Boeung Payap, and was asked to make his biography

<sup>1174</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 50 line 22 – p. 51 line 14.

<sup>1175</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 51 lines 15-21.

<sup>1176</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 52 lines 5-13.

<sup>1177</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 52 lines 14-25.

<sup>1178</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 52 lines 14-25.

<sup>1179</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 53 lines 15-19.

<sup>1180</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 77 lines 6-9.

<sup>1181</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 54 lines 20-22.

<sup>1182</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 54 lines 7-10.

<sup>1183</sup> Oral Testimony of Civil Party, CHE Heap, T., 11 August 2016, E1/455.1, p. 6 lines 10-11 (the Civil Party was born on 1 February 1961), p. 11 lines 2-20.

together with another brother, CHE Tauk.<sup>1184</sup> CHE Tauk was arrested and taken away after having made his biography. The Civil Party was then transferred to an area near the division where he helped clean the wounds and tend injuries of those coming from the Kampong Cham battlefield.<sup>1185</sup> After the arrest of So Phim, 60 people were gathered from his force into two trucks which transported them to Division 502 at Kampong Chhnang where he worked at the airport, where he was assigned to be a group chief.<sup>1186</sup>

## **B. Crime-base Evidence Provided by Civil Parties at Trial**

### **(1) Enslavement**

630. Civil Party evidence adduced at trial demonstrates that workers at the Kampong Chhnang Airport were subject to the exercise of any or all powers attaching to the right of ownership over a person.

#### **a.) Assertion of exclusivity**

631. Civil Party KONG Siek explained that “I dared not, you know, choose to do what I wanted to do. It was under total instruction.”<sup>1187</sup> Civil Party CHUM Samoeurn confirmed that “[n]o one dared to refuse”<sup>1188</sup> to go to the construction site and that “[t]here was no benefit given to me at all” in exchange for her work.<sup>1189</sup> Civil Party CHUM Samoeurn stated that “[t]hey continued to consider me as a prisoner” when she was transferred to Kampong Chhnang Airport Construction Site.<sup>1190</sup>

#### **b.) Control**

##### **i.) Psychological control**

632. Civil Party KONG Siek explained, “[w]e were ordinary workers, and of course we were criticised by our chief, or our superiors, and we didn't dare to talk

<sup>1184</sup> Oral Testimony of Civil Party, CHE Heap, T., 11 August 2016, **E1/455.1**, p. 21 line 21 – p. 23 line 8.

<sup>1185</sup> Oral Testimony of Civil Party, CHE Heap, T., 11 August 2016, **E1/455.1**, p. 24 lines 2-15.

<sup>1186</sup> Oral Testimony of Civil Party, CHE Heap, T., 11 August 2016, **E1/455.1**, p. 33 line 5 – p. 34 line 22.

<sup>1187</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 56 lines 11-12.

<sup>1188</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 63 line 11.

<sup>1189</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 63 lines 3-7.

<sup>1190</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 69 lines 18-21.

- back to them. And we had to just keep on working harder <even when we were sick>.”<sup>1191</sup>
633. Civil Party KONG Siek testified that “[w]hen we were digging the canals, it was not easy. We had to accomplish the target and we had to all work together even <though our fingers got blisters,> we dared not stop. We had to work, even though we could hardly hold a hoe anymore due to the <blisters on our fingers>, but we dare not stop, we had to continue working.”<sup>1192</sup>
634. She further explained that “<but when I worked at Ou Baek K’am, during> a meeting, <my> regiment head at the time <> told me that we all were being suspected of <having tendency because> our <Division members> were being arrested and taken to Tuol Sleng, <Prey Sar Prison. We were told that we were linked to the traitors. It is synonymous to a slogan that when a big tree fell, the small trees would be crushed>. So we had to try to work <hard>, otherwise we would not be able to return home and meet <> with our family <although we sat down sobbing and missing our parents or homeland.”<sup>1193</sup>
635. Civil Party CHUM Samoeurn stated that “[w]e were not allowed to refuse the order”<sup>1194</sup> and that they “were told to perform well in our work in order to complete the project sooner.”<sup>1195</sup> She clarified that “[w]e were told to follow the instructions and the <> disciplines from our commander.”<sup>1196</sup>
636. Civil Party CHE Heap testified that “[w]hen <I> arrived there, <I was assigned to be a group chief. We carried bricks and built> concrete houses. And <later on, all group chiefs> were called to a meeting and then they asked us <to report to them> if anyone of us were lazy, not hardworking. Some of other units they replied that there were -- some of their members were like that. And they told us that if we

<sup>1191</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 46 lines 13-16.

<sup>1192</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 38 lines 15-20.

<sup>1193</sup> The revised transcripts indicate that this took place at Ou Baek K’am. Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 35 line 21 – p. 36 line 4.

<sup>1194</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 81 line 24.

<sup>1195</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 82 lines 2-3.

<sup>1196</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 82 lines 14-15.

worked hard, Angkar would keep us. For those who were lazy, they would be taken out. And that was the time that I realized what would happen if I was lazy.”<sup>1197</sup>

***Role of re-education meetings***

637. Civil Party KONG Siek testified that “my group held meetings in the form of criticism and self-criticism. And we were instructed to work harder. And there was no circumstance that we were allowed to rest. We had to work. And that was the gist of the meeting.”<sup>1198</sup> She explained, “we were criticised by our chief, or our superiors, and we didn’t dare to talk back to them. And we had to just keep on working harder,”<sup>1199</sup> even if the workers were sick.<sup>1200</sup> In relation to her commander, the Civil Party stated that “she was strict and we had to be committed to our work.> So <she> was quite determined in getting <the> job done and <if someone was lazy or pretended to be sick,> she <would> convene some self-criticism session <to criticise that person. So that was the nature of our commander.”<sup>1201</sup>

638. Civil Party KONG Siek further testified that “those who did not commit to the work, <or pretended to be fatigued or sick, or walked away and did not work properly. She> did not criticise <that person> at the worksite but in the evening we would <be called to a meeting> and then she would criticise. For example if somebody did not commit to the work that has been imposed, then he or she had to try to accomplish it the next time and that was the general criticism she made <during the meeting>.”<sup>1202</sup>

**ii.) Control of speech**

639. Civil Party KONG Siek stated that “[a]t that time, we could only speak to our peer workers within our unit, but we did not dare to speak to other workers in another unit. Even if one was related by blood, as a brother or sister, they did not dare to

<sup>1197</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 34 lines 14-22.

<sup>1198</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 46 lines 5-8.

<sup>1199</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 46 lines 13-15.

<sup>1200</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 46 lines 21-23.

<sup>1201</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 83 lines 16-21.

<sup>1202</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 84 lines 4-11.

speak to one another if they were in different units.”<sup>1203</sup> “<I dared not move freely because their regulation was very strict.> That was the regulation,” she explained, “[w]e were not allowed to move freely. We were not allowed to communicate with others, and if we violated the regulation, we would be under or subject to disciplinary action <instantly, or> be arrested and imprisoned. <We were afraid of that, so we dared not violate it.> We only stick to our routine, to have a bath, to eat, to sleep, and to work.”<sup>1204</sup>

640. Civil Party CHUM Samoeurn explained that “our movement was restricted. The only movement that we could make was from where we stayed to the worksite.”<sup>1205</sup> She elaborated that the workers could not move freely “not even during the night time. We were not allowed to move freely, after we returned to our sleeping quarter, we had to rest there.”<sup>1206</sup>

### c.) Cruel treatment and abuse – physical abuse

641. Civil Party KONG Siek testified that she “saw people being electrocuted while I was working at the airport worksite. <And there was a lunch break, and we> were queueing up to have our lunch <at the cooperative>, and a worker signalled me that they were electrocuting people under a mango tree. And when I looked in that direction, I saw two <people. One was sitting while another one was standing.”<sup>1207</sup> She clarified that she “did not know about any reason. They were combatants, and they were from a different unit.”<sup>1208</sup> She witnessed the event while she “was queueing for my meal. <I dared not look nor want to know their story.>”<sup>1209</sup>

### (2) Other inhumane acts

<sup>1203</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 50 lines 13-17.

<sup>1204</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 50 line 21 – p. 51 line 3.

<sup>1205</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 60 lines 18-19.

<sup>1206</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 60 line 25 – p. 61 line 2.

<sup>1207</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 48 line 24 – p. 49 line 4.

<sup>1208</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 49 lines 7-8.

<sup>1209</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 49 lines 8-10.

642. Civil Party evidence adduced at trial establishes that Angkar's conduct to establish and operate cooperatives and worksites,<sup>1210</sup> including Kampong Chhnang Airport Worksite, with the objective of putting the population to work as well as for detecting, re-educating and "smashing" the enemy<sup>1211</sup> encompassed violations of workers right to life and to an adequate standard of living, their right not to be subject to cruel, inhumane and degrading treatment and not to be arbitrarily arrested.<sup>1212</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

**a.) Working conditions**

643. Civil Party KONG Siek described that work started "from 5 o'clock in the morning. We had <only> 15-minute break <in the morning> and then we stopped at 11 <a.m.>, we started again at 1.00 and continued until 5 <p.m.> And there were many bags of cement that we carried each day although I cannot recall the number of bags. It could be between <10,> 20 <and> 30 bags <per day, per person>."<sup>1213</sup> Civil Party KONG Siek explained that "[e]ach bag weighed 50 kilos, so that <was> not that light <for us as a woman>, and imagine that we were women <carrying such> heavy weight, <of course, we would walk like a duck>. But we had to try our best to work to carry it <because we were under their control. If we did not work hard, we would be taken away and killed, and we were afraid for this fact, so although> we had to crawl; although we had terrible back pain, <waist pain and body pain,> we had to do it, as we <dared not refuse their order>."<sup>1214</sup> This task lasted a fortnight.<sup>1215</sup>

644. Civil Party KONG Siek explained that "[d]igging canals and carrying cement were both intensive. They were laborious, and <both works> put a lot of strain on our physical body <because> when we had to dig <canals>, the ground was hard and

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<sup>1210</sup> Closing Order, **D427**, para 157.

<sup>1211</sup> Closing Order, **D427**, para 169.

<sup>1212</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

<sup>1213</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 41 lines 4-9.

<sup>1214</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 41 line 24 – p. 42 line 6.

<sup>1215</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 41 lines 15-19.

solid <in some places>, and <I got blisters on my fingers and toes. We had to carry the earth as well. So digging canals> was very difficult as well.”<sup>1216</sup>

645. Civil Party CHUM Samoeurn testified, “I myself had an infection of my hand and then I couldn’t dig the soil I was instructed to actually put the soil into the baskets for other workers to carry away.”<sup>1217</sup> She elaborated that “<[I]> was given a rabbit drop pellets and I actually asked for permission to rest but I was not allowed as I was told that I was sick only in one hand and I could continue working with the other hand. <I was scared of them, so I still went to work.>”<sup>1218</sup>

646. Civil Party CHUM Samoeurn testified that “I did not notice about the time. The unit chief would tell us to get ready to go to work and in the evening we were told that we had to keep our tools properly and go to have meal and after meal in the evening, we were told to get back to work at night.”<sup>1219</sup> She explained that “[a]fter we had our dinner, we had a little of bit of rest and we had to resume working again. < I did not know the exact hour we had to start, we continued working until we were told to stop, we didn’t have a watch at that time.”<sup>1220</sup>

647. The Civil Party further described the lack of adequate rest, “there were no resting times; there were always working times or literally attacking times at the site. Unless you fell sick -- that is, you <felt> dizzy or you <felt> fatigue from your monthly menstruation, otherwise you would not be allowed to rest.”<sup>1221</sup> She explained that “[d]uring the working hours there was no break at all, we could only rest a little bit at meal time then we had to return to work again.”<sup>1222</sup>

<sup>1216</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 41 line 25 – p. 43 line 6.

<sup>1217</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 62 lines 16-19.

<sup>1218</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 62 line 24 – p. 63 line 2.

<sup>1219</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 56 lines 3-6.

<sup>1220</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 56 lines 16-19.

<sup>1221</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 58 lines 11-14.

<sup>1222</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 58 lines 20-22.

**b.) Living conditions**

**i.) Lack of food**

648. Testifying on the overall lack of food, Civil Party CHUM Samoeurn explained: “There was no breakfast given to us at all. For lunch we were given cooked rice mixed with corn -- that is, two cans <of rice> mixed with < > 10 cans of corn for the group and it was not sufficient at all.”<sup>1223</sup> “In my platoon there were < > 33 people, however there were three groups under this platoon and the <food> ration I mentioned <was> for this 11-member group,”<sup>1224</sup> and “[n]o, there was no supper or supplementary food.”<sup>1225</sup>

649. Civil Party KONG Siek explained that “all workers, including myself, regardless of our gender, we were not that healthy or fat. We were rather bony, and the only big thing that you could see was the head and the two knees -- kneecaps. <We walked unsteadily, and we tried to work hard for fear of being killed. Even when our fingers and toes hurt, or even> when we were sick, <we> had to try our best <to work. We were very thin and fatigued, but we still kept working>.”<sup>1226</sup>

**ii.) Inadequate shelter/lack of amenities**

650. Civil Party KONG Siek testified, “[a]t that time we had <no> access to <clean> water, so we cleaned our body with> very dirty water and we did not have access to soap to clean our hands or our bodies. And when we were sleeping, we did not have a <proper> mat; <we used an old and torn mat> to sleep on and we did not have mosquito nets to protect us from mosquito bites, so we had to sleep over there without anything and then in the next morning we had to get up early to go to work <again>.”<sup>1227</sup>

<sup>1223</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 56 line 24 – p. 57 line 2.

<sup>1224</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 57 lines 13-15.

<sup>1225</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 57 line 19.

<sup>1226</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 43 line 25 – p. 44 line 7.

<sup>1227</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 39 lines 3-10.

651. Civil Party CHUM Samoeurn testified that workers slept in a “readymade sleeping quarter in form a long building and they built actually a stack where we could sleep on, there was no sleeping mat or mosquito net, we simply slept on that floor or rack.”<sup>1228</sup> Because of the mosquitos, she explained, “we gathered tree leaves and burnt it in order to have the smoke chasing away the mosquitoes.”<sup>1229</sup>

652. Civil Party CHUM Samoeurn testified that workers “had to continue working under the rain”<sup>1230</sup> and were not given any protective clothing: “[W]e were not given such necessities. I only had a cap which was barely enough to protect my face. There was no hat or raincoat given to us.”<sup>1231</sup>

### iii.) Lack of drinking water and sanitation

653. Civil Party KONG Siek described how “[a]t that time <we lived in an unhygienic condition> because <if it was hygienic, we would have access to soap and clean water, but it was completely unhygienic, and> we did not have access to soap, <and mosquitos were everywhere;> we did not have sufficient food to eat, and then when the food was prepared it was <put in a large metal bowl and> left over there without any covering anything or protecting it from flies and anything.”<sup>1232</sup> “When I was living with the other female workers <in the unit> at that time, we did not have any body hygiene. <> We did not actually have access to soap <and when we, women, had period, we had no soap or anything to clean or wash our clothes,> so our clothes smelled terribly at that time.”<sup>1233</sup>

654. Civil Party CHUM Samoeurn also testified that “the water we drank was unhygienic as we had to drink water from the creek.”<sup>1234</sup> “[T]hat same stream or

<sup>1228</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 58 line 25 – p. 59 line 3.

<sup>1229</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 59 lines 6-8.

<sup>1230</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 61 line 17.

<sup>1231</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 61 lines 21-23.

<sup>1232</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 39 lines 13-19.

<sup>1233</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 39 line 23 – p. 40 line 2.

<sup>1234</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 57 line 25 – p. 58 line 1.

creek,” she said, “where we bathed ourselves and we drank <because it was flowing water>.”<sup>1235</sup>

655. Civil Party CHUM Samoeurn described, “[w]e worked and after work we had to bathe ourselves and there was no soap or whatever, nothing at all. We sometimes had to use the dry bark from <luffa gourds> in order to clean our skin and many of us were infected by lice <and itch> both on our head and our skin.”<sup>1236</sup>

### **c.) Disappearances**

656. With respect to arrests and disappearances, Civil Party CHE Heap testified that “I did not witness the arrest with my own eyes but I heard that, okay, <in the morning,> this unit or force was assigned to work here and that force or unit was assigned to work there, <and in the evening, they did not return>. I did not see the arrests with my own eyes. I knew three people who were said to be sent to work at the airport in Pochentong. They were sent to work at the airport in Pochentong and they disappeared <then>.”<sup>1237</sup>

## **C. Harm**

### **(1) Physical harm**

657. Civil Party CHUM Samoeurn testified to the immediate physical harm that she experienced, and its consequence on her, as a female. “I had to force myself to work hard when my hand was infected. I asked for permission to rest, but I was not allowed to. As a result, at the moment I had heart problem and I also had problem with my <kidney>.”<sup>1238</sup> “And when my menstruation was interrupted, <instead I was accused of being pregnant.> I had problem with my abdominal pain and that affected me physically and emotionally.”<sup>1239</sup>

<sup>1235</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 58 lines 4-5.

<sup>1236</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 59 lines 16-20.

<sup>1237</sup> Oral Testimony of Civil Party CHE Heap, T., 1 August 2016, **E1/455.1**, 1p. 35 lines 1-8.

<sup>1238</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 86 lines 21-25.

<sup>1239</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 87 lines 10-12.

658. When asked about her body weight at the time, Civil Party KONG Siek described that, “[a]t the time I never weighed my own weight, we did not have a scale so I did not even bother to weigh myself so I did not have any idea how much I weighed,”<sup>1240</sup> further elaborating that, “[a]t the time, <I was very thin and not as fat as today.> I was very thin and skinny due to the insufficient food ration; unlike now, I have put more weight, and at the time I could not imagine I could cope with the work and harsh condition but I had to do it, <otherwise we would be killed>.”<sup>1241</sup>

659. Civil Party KONG Siek also described the immediate and long-term physical suffering sustained during the work at the construction site and how this continues to impair her quality of life: “I could not carry that cement because it was too heavy and my physical strength was not strong enough to carry it. <I walked in lower and bent posture like a duck>, but they had to make me do it, that's why it affects my body. I had suffered, and now I am still suffering from that overwork. <My chest and waist have been in pain.> I am on regular medication, <such as high blood pressure and blood vessel>, that's why I can live until today.”<sup>1242</sup>

## **(2) Mental harm**

### **a.) Immediate psychological harm**

660. Civil Party KONG Siek explained that she lived under suspicion and fear of not being able to reunite with her family. “[W]hen <I worked at Ou Baek K’am, during> a meeting of the regiment at that time <> told me that we all were being suspected of <having tendency because> our <Division members> were being arrested and taken to Tuol Sleng, <Prey Sar Prison. We were told that we were linked to the traitors. It is synonymous to a slogan that when a big tree fell, the small trees would be crushed>. So we had to try to work <hard>, otherwise we would not be able

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<sup>1240</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 61 lines 11-13.

<sup>1241</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 61 lines 19-23.

<sup>1242</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 92 lines 6-13.

to return home and meet <> with our family <although we sat down sobbing and missing our parents and homeland>.”<sup>1243</sup>

661. Civil Party KONG Siek testified about how her experience working during the regime affected her emotionally and her sadness resulting from the separation from her parents. “Since 1975, when I joined the army, until 1976 or 1977, I was not allowed to go and visit my parents. They instructed me to keep on working, <and they said even if my tears turned into blood, they still would not allow me to meet my parents>. And only after the collapse of the Khmer Rouge regime -- and that when the Vietnamese troops arrived and I fled onto the mountain, <and only after the troops were dispersed that I went back to my village and> met my parents.”<sup>1244</sup>

**b.) Long-term psychological, physical, and material harm**

662. Civil Party CHUM Samoeurn described the harms associated with the totality of her experience: “Since I joined the Army of the Democratic Kampuchea regime, my emotion was damaged. I had to force myself to work hard when my hand was infected. I asked for permission to rest, but I was not allowed to. As a result, at the moment I had heart problem and I also had problem with my <kidney>. My parents and siblings had been killed. My house had been lost. My land had been lost. I had nothing left but myself alone. I could not depend on anyone but myself. And this still haunts me at present. I lost every members of my family and that make me suffered and I am ridden with illnesses. While I was living with my parents they never asked me to do any work at all. <I sacrificed my life for the sake of the army since I was 10 years old. I once thought I live> in harmony <>but under the regime, I was forced to work as an animal<, and I live in pain>. And when my menstruation was interrupted, <instead I was accused of being pregnant.> I had problem with my abdominal pain and that affected me physically and emotionally.”<sup>1245</sup>

<sup>1243</sup> The revised transcripts indicate this took place at Ou Baek K’am. Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 35 line 21 – p. 36 line 4.

<sup>1244</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 51 lines 7-14.

<sup>1245</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 86 line 21 – p. 87 line 12.

## Chapter 6: Treatment of the Cham<sup>1246</sup>

### A. Overview of Civil Party Evidence

663. Five Cham civil parties, SOS Min, NO Sates, MAN Sles, HIM Man, and MEU Peou testified before the Chamber during the trial segment relating to the treatment of the Cham. Their testimony covers religious persecution against the Cham, the rebellion at Svay Kleang and its aftermath, the Population Movement

<sup>1246</sup> The Trial Chamber is seized of the following facts as they relate to the treatment of the Cham as a targeted group. From 1975-1977, “Witnesses (Cham and non-Cham) from throughout Cambodia consistently state that the CPK banned the practice of Islam and forbade the Cham from praying, seized and burned Qurans, closed or destroyed mosques, or used them for other purposes such as communal dining halls, store houses, or facilities for pigs. Many witnesses (with the exception of three amongst them) state that Cham were forced to eat pork. Religious leaders and learned Islamic scholars were arrested and/or killed. Cham women were forced to cut their hair and were prohibited from covering their heads. The Cham language was prohibited. Cham traditional dress was prohibited.” Closing Order, **D427**, para. 756. The Trial Chamber is seized of the facts related to “two Cham rebellions occurred within weeks of each other in two villages in the Kroch Chhmar District of Kampong Cham Province: in Koh Phal Village (an island in the Mekong River, Peus I Subdistrict), and in Svay Khleang Village (Svay Khleang Subdistrict)”, “[i]n September and October 1975.” Closing Order, **D427**, para. 758. These facts outline that “after the rebellions, the persecution towards the Cham significantly increased. Many people were arrested, whole villages were moved away, dispersed amongst ethnically Khmer villages and the male heads of many households were killed.” This includes that, “after the Cham rebellion in two East Zone locations. Many Cham people were moved from their home villages in Kampong Cham Province and sent to other various villages within the same province. Some were sent further to villages in the provinces of Kratie, Kampong Thom and Battambang.” Closing Order, **D427**, para. 758, Closing Order, **D427**, para. 266. From 1977-1979, the Trial Chamber is seized with facts surrounding whether the Cham were specifically mistreated and/or killed, and that “[d]uring 1977 and 1978 many witnesses describe seeing waves of killings of Cham people in the Central (Old North) and East Zone.” It is also alleged that a mass killing of Cham people in Kroch Chhmar District took place after a third rebellion took place in 1978. Closing Order, **D427**, para. 762, Closing Order, **D427**, para. 763, Closing Order, **D427**, para. 767. The Trial Chamber is specifically seized with facts related to the arrest, detention, and killing of Cham people at Wat Au Trakuon Security Centre from 1975 or 1976 through at least 1977 and at Trea Village Security Centre in mid-1978. Closing Order, **D427**, paras 776-783. Closing Order, **D427**, paras 784-789. On the basis of these factual allegations with respect to the treatment of the Cham, the accused are charged with genocide (by killing) and the crimes against humanity of murder, extermination, imprisonment, torture, persecution (religious) grounds, and the crime against humanity of other inhumane acts, namely forced marriage, and rape in the context of forced marriage. Closing Order, **D427**, paras 1336-1342. *See also*, Annex to the Decision on Additional Severance of Case 002 and Scope of Case 002/02, **E301/9/1.1**, 4 April 2014, p. 3. Closing Order, **D427**, paras 1373, 1378. *See also*, **E301/9/1.1**, p. 3. Closing Order, **D427**, paras 1381, 1386. *See also*, **E301/9/1.1**, p. 3. Closing Order, **D427**, paras 1402, 1407. *See also*, **E301/9/1.1**, p. 3. Closing Order, **D427**, para. 1408.. *See also*, **E301/9/1.1**, p. 3. Closing Order, **D427**, paras 1419, 1420. *See also*, **E301/9/1.1**, p. 3. Closing Order, **D427**, para. 1442. *See also*, **E301/9/1.1**, p. 4. Closing Order, **D427**, para. 1430. *See also*, **E301/9/1.1**, p. 4. With respect to Population Movement Phase II, limited to the treatment of the Cham, the accused are charged with the crimes against humanity of extermination, persecution (on political and religious) grounds, and the crime against humanity of other human acts of forced transfer, enforced disappearances, attacks against human dignity, forced marriages and rape in the context of forced marriage. **E301/9/1.1**, p. 4. Closing Order, **D427**, paras 1381, 1387. *See also*, **E301/9/1.1**, p. 3. Closing Order, **D427**, paras 1416, 1418, 1419, 1420. *See also*, **E301/9/1.1**, p. 3. Closing Order, **D427**, paras 1448, 1454, 1456, 1460, 1462, 1468, 1469. *See also*, **E301/9/1.1**, p. 4. Closing Order, **D427**, paras 1470, 1478. *See also*, **E301/9/1.1**, p. 4. Closing Order, **D427**, paras 1434, 1436, 1441. *See also*, **E301/9/1.1**, p. 4. Closing Order, **D427**, para. 1442. *See also*, **E301/9/1.1**, p. 4. Closing Order, **D427**, para. 1430. *See also*, **E301/9/1.1**, p. 4.

Phase Two (as it relates to the Cham), and the events that occurred in Wat Au Trakuon and Trea Village, as well as the harms that they suffered.<sup>1247</sup>

***Civil Party SOS Min***

664. Civil Party SOS Min lived in Village 5, Svay Khleang commune, Krouch Chhmar district, Kampong Cham province,<sup>1248</sup> which was a Cham village<sup>1249</sup> that was “liberated” by the Khmer Rouge prior to 1975.<sup>1250</sup> Civil Party SOS Min testified that before 1975 there were two mosques in Svay Khleang commune but that after the liberation the Khmer Rouge dismantled the mosque.<sup>1251</sup> In 1974 Civil Party SOS Min assisted in preparing population statistics for Villages 5 and 6,<sup>1252</sup> and he counted 1,242 Cham families living in there.<sup>1253</sup>

665. Civil Party SOS Min remembered the arrival of the Khmer Rouge in his village in late 1973.<sup>1254</sup> By 1975, the regime started to restrict the practice of the Cham religion; they also imposed hard manual labour and food rations.<sup>1255</sup> He explained that if anyone deviated from the principles imposed by the Khmer Rouge, that person would be accused of being an enemy, which would be grounds for arrest or disappearance.<sup>1256</sup> Civil Party SOS Min testified that usually the arrests would

<sup>1247</sup> The OCIJ admitted 46 civil parties on the basis of the treatment of the Cham (Closing Order, **D427**, para. 790), and the PTC admitted another 95 civil parties.

<sup>1248</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 67 lines 14-19 (now the province is Tboung Khmum province).

<sup>1249</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 84 line 22 - p. 85 line 3.

<sup>1250</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 85, lines 15 (“<late> 1973”).

<sup>1251</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 87 line 21 - p. 88 line 2.

<sup>1252</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 86 line 23 – p. 87 line 7. *See also* Oral Testimony of Civil Party SOS Min, T., 9 September 2015, **E1/344.1** [Corrected 2], p. 56 line 23 – p. 58 line 3.

<sup>1253</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 86 line 21.

<sup>1254</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 85 lines 12-15.

<sup>1255</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 71 lines 14-19.

<sup>1256</sup> Oral Testimony of Civil Party SOS Min, T., 8 August 2015, **E1/343.1** [Corrected 1], p. 72 lines 10-12 and p. 73 lines 4-13..

happen at night-time, and that people would be put in a horse cart and taken away.<sup>1257</sup>  
The arrests would take place as many as 20 nights in a month.<sup>1258</sup>

666. The increasing arrests and restrictions imposed on the Cham culminated when Civil Party SOS Min learned that 80 “infiltrated enemies” would be arrested at night on the last day of Ramadan, the Raja day.<sup>1259</sup> Civil Party SOS Min testified that in Svay Khleang, the villagers perceived that there was no other option other than to revolt, and they attempted to revolt<sup>1260</sup> on 10 October 1975.<sup>1261</sup> Civil Party SOS Min testified that the revolt began at 9.00 or 10.00 by using drums to signal one another,<sup>1262</sup> that there was an exchange of gun fire between Khmer Rouge soldiers and the Cham villagers where many people died,<sup>1263</sup> and that the fighting lasted one whole day and one whole night.<sup>1264</sup> Civil Party SOS Min testified that the Khmer Rouge had heavy weapons, light weapons, and boats against the Cham, who had swords and knives and two rifles: one AK and one Carbine.<sup>1265</sup> He recalled that, “[t]he sounds of gun fire deafened our ears.”<sup>1266</sup> After the Cham people were surrounded and ordered to leave the villages, men and women were separated from each other.<sup>1267</sup>

667. In the immediate aftermath of the rebellion, Civil Party SOS Min testified that the Cham people in Svay Khleang commune were detained for 29 days,<sup>1268</sup> and men and women were separated in hospitals, schools, tobacco plants, and pagodas.<sup>1269</sup>

<sup>1257</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 73 lines 4-13.

<sup>1258</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 73 lines 4-13.

<sup>1259</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 76 line 23 – p. 77 line 13.

<sup>1260</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 78 line 18 – 79 line 23.

<sup>1261</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 78 line 15.

<sup>1262</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 79 lines 12-14 and p. 80 lines 5-11.

<sup>1263</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 80 line 8 – p. 81 line 2.

<sup>1264</sup> Oral Testimony of Civil Party SOS Min, T., 9 September 2015, **E1/344.1** [Corrected 2], p. 25 lines 13-17.

<sup>1265</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 106 line 17 - p. 107 line 8.

<sup>1266</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 107 line 11.

<sup>1267</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 81 lines 5-8.

<sup>1268</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 89 lines 6-7.

<sup>1269</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 81 lines 5-13.

When detained, Cham people were interrogated, some were taken away.<sup>1270</sup> Civil Party SOS Min also recalled that there was insufficient food while he was detained.<sup>1271</sup> Civil Party SOS Min was later reunited with his family, but they could not go back to their village.<sup>1272</sup> He and his family were subsequently evacuated to Dambae district.<sup>1273</sup> Once the village was evacuated in late 1975, Civil Party SOS Min explained that Cham people were considered to have the same status as New People.<sup>1274</sup>

668. Civil Party SOS Min was evacuated along with other members of his family<sup>1275</sup> and village by boat, first to Seda commune, Dambae district, Kampong Cham province.<sup>1276</sup> During this transfer he experienced harsh conditions.<sup>1277</sup> Civil Party SOS Min remained in Dambae district for approximately two years.<sup>1278</sup> Civil Party SOS Min was involved in three evacuations after Dambae, including to Suong, Kampong Thom province.<sup>1279</sup>

669. Civil Party SOS Min lost seven of his relatives after the initial evacuation from Svay Khleang.<sup>1280</sup> He also recalled that out of the 20 families that were evacuated with him to Svay Dambae, only seven survived, the others died from starvation and illness.<sup>1281</sup> When he returned to his village in Svay Khleang, he found

<sup>1270</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 81 line 18 – p. 82 line 5.

<sup>1271</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 82 line 24 – p. 83 line 15.

<sup>1272</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 89 lines 22-24.

<sup>1273</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 89 line 25 – p. 90 line 2.

<sup>1274</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 89 line 25 – p. 90 line 2 and Oral Testimony of Civil Party SOS Min, T., 9 September 2015, **E1/344.1** [Corrected 2], p. 31 lines 3-7.

<sup>1275</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 92 lines 10-15.

<sup>1276</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 92 lines 22-25.

<sup>1277</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 90 line 24 - p. 91 line 8.

<sup>1278</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 93 lines 18-19.

<sup>1279</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 93 lines 20-22.

<sup>1280</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 95 lines 7-10.

<sup>1281</sup> Oral Testimony of Civil Party SOS Min, T., 9 September 2015, **E1/344.1** [Corrected 2], p. 5 lines 4-7.

out that only between 170 and 195 Cham families lived there, as compared to the 1974 census numbering the population of Svay Khleang at 1,242 families.<sup>1282</sup>

### *Civil Party MAN Sles*

670. Civil Party MAN Sles also lived in Svay Khleang, Krouch Chhmar district, Kampong Cham province.<sup>1283</sup> He estimated that 800 to 1,000 Cham families lived in Svay Khleang before 1975.<sup>1284</sup> He also testified that prior to the arrival of the Khmer Rouge, Cham schools were open, and the Cham language was taught.<sup>1285</sup>

671. Civil Party MAN Sles testified that Cham people were arrested from 1973 (when the region was liberated by the Khmer Rouge) to the time of the Cham rebellion in October 1975.<sup>1286</sup> Civil Party MAN Sles recalled that the Khmer Rouge came to Svay Khleang and worked with the village chief<sup>1287</sup> and Cham people began to be arrested at night-time.<sup>1288</sup> The Khmer Rouge arrested Cham religious leaders – hakim, haji, and religious teachers – amongst them was MAN Sles’ father.<sup>1289</sup> Civil Party MAN Sles’ father was arrested in a corn field along with 50 or 60 other people,<sup>1290</sup> and was kept under the house of Khmer people for about a week.<sup>1291</sup> After a week to ten days, Civil Party MAN Sles’ father and four others were then taken away in a horse cart<sup>1292</sup> by Khmer Rouge, who wore black outfits with krama

<sup>1282</sup> Oral Testimony of Civil Party SOS Min, T., 9 September 2015, **E1/344.1** [Corrected 2], p. 59 lines 13-18. To get the number 1,242 Cham families in Svay Khleang Civil Party SOS Min did the following analysis, “I received the figure from each cooperative. In fact, after I asked people living in the cooperative. And everybody knew at the time that each cooperative composed of 50 families. And you can also obtain such information from each cooperative chief.” Oral Testimony of Civil Party SOS Min, T., 9 September 2015, **E1/344.1** [Corrected 2], p. 57 lines 2-5.

<sup>1283</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 51 lines 13-14.

<sup>1284</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 67 lines 21-22.

<sup>1285</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 83 lines 11-17.

<sup>1286</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 74 lines 8-9.

Civil Party MAN Sles testified that, “[r]egarding the arrest, the arrest had occurred from 1973 <through> 1975, at which there was a rebellion.”

<sup>1287</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 54 lines 2-7.

<sup>1288</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 82 lines 16-22.

<sup>1289</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 54 lines 11-13.

<sup>1290</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 70 lines 2-12.

<sup>1291</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 71 lines 20-24.

<sup>1292</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 71 lines 20-24 and p. 73 line 24 – p. 74 line 2.

- scarves.<sup>1293</sup> The Civil Party and the others he was detained with were released.<sup>1294</sup> His father was taken to the district hall in Krouch Chhmar district and disappeared.<sup>1295</sup>
672. Civil Party MAN Sles testified that because Cham people had been arrested and killed, that they had to rebel in order to protect their religion and community.<sup>1296</sup> He testified that everyone in the village, other than children, recently pregnant women, and the elderly, participated in the rebellion.<sup>1297</sup> The Civil Party testified that many people died, both Khmer and Cham, but not as many Khmer Rouge died since they were better equipped than the Cham.<sup>1298</sup>
673. After the rebellion, Civil Party MAN Sles was detained for 5-10 days and then he was reunited with his wife and 3 month old baby.<sup>1299</sup> The Civil Party explained that men were placed in a tobacco kiln, and women and children were placed in pagodas.<sup>1300</sup> He stated that people's names were registered, their biographies were taken, and that people disappeared.<sup>1301</sup>
674. Civil Party MAN Sles and his family were then transferred to Stueng Trang District, Soupheas Commune, where they were given insufficient food rations and forced to overwork.<sup>1302</sup> Civil Party MAN Sles was prohibited from praying or otherwise practicing Islam, and was also forced to eat pork.<sup>1303</sup>
675. Around the same time that the Civil Party was sent to Stueng Trang district, his mother and sibling were sent to Roka Khnaor.<sup>1304</sup> He went to visit them and was

<sup>1293</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 71 lines 8-11.

<sup>1294</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 71 lines 15-24.

<sup>1295</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 54 line 20 – p.55 line 1 and p. 73 line 19 – p.74 line 2.

<sup>1296</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 82 lines 3-8.

<sup>1297</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 80 lines 15-19.

<sup>1298</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 56 lines 4-12.

<sup>1299</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 58 lines 1-5.

<sup>1300</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 56 lines 9-12 and p.77 lines 5-9

<sup>1301</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 57 lines 2-4.

<sup>1302</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 58 lines 1-5 and p. 66 lines 6-11.

<sup>1303</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 65 lines 20-25 and p. 69 lines 19-22.

<sup>1304</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 58 lines 6-7.

told by his mother that his siblings were sent to a work site and were emaciated.<sup>1305</sup> When he went back he found out that his mother and siblings were sent to Stueng Trang district to be killed.<sup>1306</sup> Civil Party MAN Sles learned from other villagers that they had been killed at Boeng Kachaut (phonetic).<sup>1307</sup>

676. Civil Party MAN Sles explained that it was his understanding that the mistreatment and arrests of the Cham people was because the Khmer Rouge wanted to “eradicate Cham ethnicity in Cambodia.”<sup>1308</sup> When Civil Party MAN Sles returned to Svay Khleang after the regime fell, he testified that approximately half or more of the Cham families did not return,<sup>1309</sup> including many of the religious elders.<sup>1310</sup>

### *Civil Party NO Sates*

677. Civil Party NO Sates lived in Village 5, Svay Kleang commune, Krouch Chhmar district, Kampong Cham province.<sup>1311</sup> The Civil Party recalled that prior to 1975 there were thousands of Cham families living in Svay Khleang.<sup>1312</sup> Civil Party NO Sates detailed that the arrival of the Khmer Rouge to her commune, before 1975, brought cooperatives and the prohibition of the practice of her religion.<sup>1313</sup> The Cham language was prohibited, Korans were collected and burnt,<sup>1314</sup> and Cham women could not wear headscarves or keep their hair long.<sup>1315</sup> Civil Party NO Sates also testified that prior to the evacuation of her village in late 1975, Cham religious leaders, hakims, and tuons were sent away,<sup>1316</sup> and that two mosques in Svay Khleang were deserted and in ruins.<sup>1317</sup> The Civil Party also explained how Cham people were

<sup>1305</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 66 lines 16-19.

<sup>1306</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 78 lines 13-17.

<sup>1307</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 78 lines 21-24.

<sup>1308</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 83 lines 2-6.

<sup>1309</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 67 lines 12-12, p. 68 lines 7-10.

<sup>1310</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 67 lines 7-10.

<sup>1311</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 46 lines 8-9.

<sup>1312</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 78 lines 5-8.

<sup>1313</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 79 line 15- p.80, line 1.

<sup>1314</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 79 line 21- p. 80, line 1.

<sup>1315</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 81 lines 7-12.

<sup>1316</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 82 lines 11-15.

<sup>1317</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 79 lines 5-11.

prohibited from assembling in groups of more than three or four without a Khmer person present.<sup>1318</sup> Civil Party NO Sates' testified that people in the village were accused of belonging to the White Khmer movement or to the CIA as a pretext for arrest.<sup>1319</sup> Arrests were carried out usually between 7 or 8 o'clock at night and people who were taken away did not return.<sup>1320</sup> Civil Party NO Sates testified that every night, about 20 or 30 people were arrested and taken away by the Khmer Rouge.<sup>1321</sup>

678. Civil Party NO Sates testified that Cham people in her village discovered a plan to round up the Cham people who went to pray in the mosque on Raya day, a holy day, and they decided to rebel.<sup>1322</sup> The Civil Party's father participated in the rebellion, as did most of the adult and young men in the village.<sup>1323</sup> Civil Party NO Sates testified that the rebellion in Svay Khleang lasted one night and one day.<sup>1324</sup> The rebellion started with the beating of drums, the men marched against the Khmer Rouge while the women took care of their children and hid in a safer location.<sup>1325</sup> Civil Party NO Sates remembered that defeat was inevitable, as the Cham had only knives and swords, while the Khmer Rouge had guns.<sup>1326</sup> She testified that many people were injured and many people died.<sup>1327</sup>

679. Civil Party NO Sates testified to the detentions that occurred once the rebellion at Svay Khleang was defeated. Civil Party NO Sates was told to walk to Krouch Chhmar Leu and stay in the tobacco warehouse, which was tightly guarded.<sup>1328</sup> There were 200 to 300 Cham people detained at the warehouse, including her family.<sup>1329</sup> The Civil Party was detained after the rebellion for one

<sup>1318</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 82 lines 3-8.

<sup>1319</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 5 lines 11-16.

<sup>1320</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 5 lines 14-17.

<sup>1321</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 6 lines 12-14.

<sup>1322</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 7 lines 1-11.

<sup>1323</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 5 lines 20-25 and p. 6 lines 8-14.

<sup>1324</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 7 lines 5-11.

<sup>1325</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 8 line 25 – p. 9 line 8.

<sup>1326</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 7 lines 6-11.

<sup>1327</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 13 lines 1-5.

<sup>1328</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 49 lines 18-20.

<sup>1329</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 49 lines 20-23.

month and three days,<sup>1330</sup> and during her detention, she did not have sufficient food or access to medicine.<sup>1331</sup> Civil Party NO Sates testified that the purpose of the detention was so that the soldiers could find out who the enemies were.<sup>1332</sup> Civil Party NO Sates' father was arrested almost immediately after the rebellion in Svay Kleang.<sup>1333</sup> The last time Civil Party NO Sates saw her father was when they reached Svay Khleang bridge, or Prek Cham bridge,<sup>1334</sup> when they were being led away.<sup>1335</sup>

680. Civil Party NO Sates testified that she once she was evacuated from Svay Khleang she lived in Khsach Prachheh Leu for almost three years (1975-1977),<sup>1336</sup> where one Khmer person would live with two Cham people.<sup>1337</sup> She lived in Ming Ouy's (phonetic) house.<sup>1338</sup> Civil Party NO Sates worked in a mobile unit where she was sent to Boeng Krachab to build a dam,<sup>1339</sup> then to Teuk Chroev to build shelters,<sup>1340</sup> and to Chumnik to build a dam.<sup>1341</sup> The working and living conditions were very harsh, and Civil Party NO Sates fell ill with dysentery while working and was hospitalized for 10 days.<sup>1342</sup> In Khsach Prachheh Leu there were meetings once every month where she was told not to speak the Cham language or practice Islam.<sup>1343</sup> She testified that those who did not follow the instructions would be considered enemies and taken away.<sup>1344</sup>

<sup>1330</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 49 lines 23-25.

<sup>1331</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 49 line 25 – p. 50 line 4.

<sup>1332</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 50 line 23 – p. 51 line 2.

<sup>1333</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 50 lines 10-13.

Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 9 line 25 – p. 10 line 10.

<sup>1334</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 84 lines 5-10.

Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 13 lines 8-15.

<sup>1335</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 84 lines 5-10.

Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 13 lines 8-15.

<sup>1336</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 52 lines 22-25.

<sup>1337</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 53 lines 11-13.

<sup>1338</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 53 lines 5-8.

<sup>1339</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 54 lines 1-4.

<sup>1340</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 55 lines 7-15.

<sup>1341</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 56 lines 4-9.

<sup>1342</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 54 lines 4-12.

<sup>1343</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 53 lines 5-8.

<sup>1344</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 53 lines 19-22.

681. Civil Party NO Sates testified to the arrival of the cadres from the Southwest zone in approximately 1977.<sup>1345</sup> They gathered the Cham people in Khsach Prachheh Kandal took them by ferry to Stueng Trang on the other side of the river.<sup>1346</sup> She testified that the Southwest cadres ordered village chiefs to create a list of Cham people.<sup>1347</sup> The Civil Party explained that after, Cham men and women were invited to meetings where they were told by village chiefs to relocate to other areas.<sup>1348</sup> Civil Party NO Sates' mother, grandmother and four younger siblings, along with other Cham villagers, were gathered up and sent to Stueng Trang by large ferries.<sup>1349</sup> That is the last time that Civil Party NO Sates saw her family.<sup>1350</sup>

682. When Civil Party NO Sates' family was relocated to Stueng Trang, she was sent to Trea Village,<sup>1351</sup> a journey of five or six hours<sup>1352</sup> with no food.<sup>1353</sup> When she arrived, along with a group of approximately 40 unmarried women<sup>1354</sup> from Khsach Prachheh Kandal, she was put in a house with approximately 300 other women.<sup>1355</sup> The women were questioned by the district chief, Hor, and each was asked if she was Cham or Khmer.<sup>1356</sup> The women who answered that they were Cham were escorted

<sup>1345</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 86 lines 16-19.

Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 18 lines 18-24.

<sup>1346</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 56 line 12 – p. 57 line 10.

<sup>1347</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 88 lines 2-6.

<sup>1348</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 88 lines 10-24.

<sup>1349</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 57 lines 13-25 and p. 89 line 1 - p. 90 line 3.

<sup>1350</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 89 line 1 - p. 90 line 3 and Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 69 lines 6-9. Civil Party NO Sates also testified, “[s]ome Khmer people at Prachhes Leu were sent to Roka Khnaor but they were not executed. However some who were working in units, were taken away and killed. Some of them were sent to live in the ministry <or ministries>, <but> I did not see them return.” Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 90 lines 6-10.

<sup>1351</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 69 lines 6-9.

<sup>1352</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 58 lines 4-8.

<sup>1353</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 58 lines 6-8.

<sup>1354</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 37 line 22 – p. 38 line 6 and p. 39 lines 1-5.

<sup>1355</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 39 lines 1-12. Civil Party NO Sates testified that the women came from the surrounding area; “Peus Number 1, Peus Number 2 and Khpob and Svay Khleang and Krouch Chhmar.” Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 41 line 4-7.

<sup>1356</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 58 line 20-23.

from the structure by an armed person<sup>1357</sup> and they disappeared. There were about 30 women who answered that they were Khmer, including the Civil Party, and these women were allowed to remain and given soup to eat.<sup>1358</sup> The next morning they asked these women to write their biographies with the names of their parents and siblings, Civil Party NO Sates wrote that her name was “<Mut Chheng>” An (phonetic) to conceal her Cham identity.<sup>1359</sup>

683. Civil Party NO Sates was detained in Trea village for nine days.<sup>1360</sup> During that time, the Civil Party forced herself to eat pork for the first time<sup>1361</sup> in order to convince the district chief that she was Khmer.<sup>1362</sup> After her detention, she was put to work around Trea village<sup>1363</sup> where she was monitored.<sup>1364</sup> While working near Trea Village along the river bank in 1978, Civil Party NO Sates witnessed dead bodies floating in bags in the river, she recognized one person named “<Bong Tho (phonetic)>,” and saw the bodies of soldiers wearing greenish military uniforms and the corpses of children.<sup>1365</sup>

684. When Civil Party NO Sates returned to Svay Khleang, she did not find any of her family members.<sup>1366</sup> She lost her mother and father, grandmother, and four younger siblings.<sup>1367</sup>

### ***Civil Party HIM Man***

<sup>1357</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 58 line 23 – p. 59 line 3.

<sup>1358</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 59 lines 10-20.

<sup>1359</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 60 lines 1-4.

<sup>1360</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 60 line 24 - p. 61 line 4.

<sup>1361</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 61 lines 1-4.

<sup>1362</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 75 lines 25 – p. 76 line 6.

<sup>1363</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 61 lines 4-8.

<sup>1364</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 75 lines 17- p. 76 line 6.

<sup>1365</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 62 line 4 – p. 64 line 11. Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 22 lines 2-20.

<sup>1366</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 66 lines 2-15 and p. 67 lines 6-9. Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 68 lines 23 – p. 69 line 9.

<sup>1367</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 67 lines 6-9.

685. Civil Party HIM Man lived in Sach Sou village, Peam Chi Kang commune, Kang Meas district, Kampong Cham province,<sup>1368</sup> which was comprised of 200 to 300 Cham families prior to 1975.<sup>1369</sup> Civil Party HIM Man testified that prior to the arrival of the Khmer Rouge the Cham were free to practice their religion.<sup>1370</sup> Afterwards, the Cham were banned from practicing their religion and had to pray in secret.<sup>1371</sup> After April 1975, in the dry season, half of the village was evacuated on foot and dispersed<sup>1372</sup> and only about 30 families remained.<sup>1373</sup> Most of the Cham people who were evacuated never returned.<sup>1374</sup> The Civil Party testified that the Khmer Rouge assigned Khmer people to live and mingle with the Cham in his village.<sup>1375</sup> Civil Party HIM Man testified that, after the evacuation of his village,<sup>1376</sup> people would often disappear at meal time.<sup>1377</sup> He also testified that the remaining people in the village were under surveillance<sup>1378</sup> and often forced to eat pork.<sup>1379</sup>
686. Civil Party HIM Man testified that one day the Cham people in the village were held back from going to work in the fields<sup>1380</sup> Then, at around 3 o'clock, the Long Sword group began rounding up the Cham and forcing them to walk to Wat Au Trakuon.<sup>1381</sup> He and his wife were among this group but managed to separate themselves because they walked ahead and told a person they met that they were searching for their cow so that it would not eat the vegetables.<sup>1382</sup> They could not leave the area because there was another group, armed with AK-47s, who were

<sup>1368</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 34 lines 4-9.

<sup>1369</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 34 lines 13-15, p. 35 lines 16-18.

<sup>1370</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 34 line 20 – p. 35 line 4.

<sup>1371</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 76 lines 1-7.

<sup>1372</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 36 lines 1-22.

<sup>1373</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 37 lines 7-9.

<sup>1374</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, E1/350.1 [Corrected 1], p. 33 lines 15-24.

<sup>1375</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 43 lines 7-12.

<sup>1376</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 42 lines 4-9. Civil Party HIM Man estimates the year was 1976.

<sup>1377</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 39 lines 3-9.

<sup>1378</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 39 lines 19-25.

<sup>1379</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 40 lines 12-14.

<sup>1380</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 44 lines 22-24.

<sup>1381</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 45 lines 2-8.

<sup>1382</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 45 lines 10-25.

guarding the outskirts of the village, so they hid near bushes.<sup>1383</sup> At around 7 o'clock that evening, Civil Party HIM Man testified that he was hiding about 100m away from pits at Wat Au Trakuon and he heard people screaming "O Allah, my Lord" as they were being killed.<sup>1384</sup> Civil Party HIM Man believes that his mother and siblings were amongst those killed at Wat Au Trakuon that night.<sup>1385</sup> His relatives, parents, villagers, and neighbours disappeared that night as well.<sup>1386</sup>

687. After hearing the executions while hiding in the bushes, Civil Party HIM Man spent the next three months and 29 days hiding in a pond nearby.<sup>1387</sup> He testified that he could smell the stench of dead bodies.<sup>1388</sup> After hiding in the pond, Civil Party HIM Man left and was caught by members of the Long Sword group<sup>1389</sup> near his village, and he was sent to Sambuor Meas.<sup>1390</sup> He was beaten<sup>1391</sup> and detained in a corn barn for two or three months, and believed he would be sent to Wat Au Trakuon.<sup>1392</sup> Kan, the district chief, spared him and his wife as he had blacksmithing and fishing skills that were valuable.<sup>1393</sup>

688. When Civil Party HIM Man returned to his native village of Sach Sou, he testified that he only knew one family from before they evacuated.<sup>1394</sup> After 1979, he visited the pits at Wat Au Trakuon where Cham people were buried.<sup>1395</sup>

### ***Civil Party MEU Peou***

<sup>1383</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 45 line 25 – p. 46 line 8.

<sup>1384</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 47 line 24 – p. 48 line 7.

<sup>1385</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 51 line 20 – p. 52 line 3.

<sup>1386</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 48 line 9 and p. 57 lines 17-22.

<sup>1387</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 55 lines 8-23 and p. 57 lines 2-6.

<sup>1388</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 60 lines 6-15.

<sup>1389</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 61 lines 18-21.

<sup>1390</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 63 lines 6-7.

<sup>1391</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 61 line 19.

<sup>1392</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 63 line 12 – p. 64 line 1.

<sup>1393</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 62 lines 10-17.

<sup>1394</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 67 lines 17-24.

<sup>1395</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 65 lines 6-19.

689. Civil Party MEU Peou lived in Kraol Krabei, Trapeang Chong commune, Bakan district, Pursat province.<sup>1396</sup> He was only 13 or 14 when the Khmer Rouge came to power.<sup>1397</sup> His family moved to a nearby Cham village prior to 17 April 1975 because of bombing and shelling in the area.<sup>1398</sup>
690. Civil Party MEU Peou testified that in 1975 there was an announcement in Antak Kouy (phonetic) cooperative<sup>1399</sup> that Cham people should stop practicing their religion and should live like Khmer people.<sup>1400</sup> The Civil Party believed this meant eating like Khmer people and for women to cut their hair short.<sup>1401</sup> The Civil Party also remembered that religious scholars of Islam were taken away and killed during the Khmer Rouge regime.<sup>1402</sup>
691. Civil Party MEU Peou testified that an announcement was made by the chief of Trapeang Chong commune for people to leave the village.<sup>1403</sup> Civil Party MEU Peou recalled that people from the village were separated, had to leave their belongings, houses, and lands,<sup>1404</sup> and move to different locations to live with Khmer people.<sup>1405</sup> Civil Party MEU Peou and his family were evacuated to Tram Seh cooperative, Khmar (phonetic) commune, Bakan district, on 17 April 1975<sup>1406</sup> with two other Cham families.<sup>1407</sup> His family was then sent to Me Tuek cooperative in late 1975.<sup>1408</sup> Civil Party MEU Peou testified that one of the other Cham families was

<sup>1396</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 3 lines 18-19.

<sup>1397</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 7 lines 5-8.

<sup>1398</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 19 lines 13-17.

<sup>1399</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 8 line 2 and lines 12-18.

<sup>1400</sup> Oral Testimony of Civil Party MEU Peou T., 29 February 2016, **E1/393.1** [Corrected 1], p. 6 lines 13-16, p. 8 line 22 – p. 9 line 1 and p. 19 line 20 – p. 20 line 2.

<sup>1401</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 19 line 20 – p. 20 line 2.

<sup>1402</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 30 lines 12-16.

<sup>1403</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 18 lines 4-14.

<sup>1404</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 18 lines 4-14.

<sup>1405</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 19 lines 7-10 and p. 20 lines 8-16.

<sup>1406</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 8 lines 14-16 and p. 22 lines 9-10.

<sup>1407</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 25 lines 14-18.

<sup>1408</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 22 lines 14-15.

- taken away and disappeared.<sup>1409</sup> Civil Party MEU Peou was separated from his family when he was forced to join a mobile unit.<sup>1410</sup>
692. Civil Party MEU Peou testified that was caught failing to report others stealing rice<sup>1411</sup> and was accused of being an enemy of Angkar.<sup>1412</sup> He described how they pointed three AK-47s and two M-17 at him and beat him when he was arrested.<sup>1413</sup> His hands were tied behind his back and he was pulled behind a horse, if he could not keep up he was again beaten.<sup>1414</sup> Civil Party MEU Peou was detained at Trach Kraol detention facility,<sup>1415</sup> 10 km from Trang cooperative,<sup>1416</sup> in late 1977 and early 1978.<sup>1417</sup> During his detention, he was forced to work very hard digging out tree stumps with very little food.<sup>1418</sup>
693. While he was detained, Civil Party MEU Peou testified that people were killed in front of him.<sup>1419</sup> Civil Party MEU Peou testified specifically about witnessing the killing of a woman who was accused of committing a moral offence.<sup>1420</sup> He saw her body being cut open and liver being eaten.<sup>1421</sup>
694. Civil Party MEU Peou's father died while he was in detention and was not notified of his father's death.<sup>1422</sup> The Civil Party heard that his father refused to eat pork and Angkar gave him no other option, therefore, he only drank water and ate tree leaves from the forest.<sup>1423</sup>
695. Civil Party MEU Peou testified that, as a result of the treatment of the Cham by the DK regime, he abandoned his name, Mohamed, and instead referred to himself

<sup>1409</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 30 lines 20-23.

<sup>1410</sup> Oral Testimony of Civil Party MEU Peou T., 29 February 2016, **E1/393.1** [Corrected 1], p. 8 lines 17-18.

<sup>1411</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 44 lines 2-10.

<sup>1412</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 42 lines 16-19.

<sup>1413</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 9 lines 7-16.

<sup>1414</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 9 lines 12-13.

<sup>1415</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 13 lines 17-18.

<sup>1416</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 16 lines 12-14.

<sup>1417</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 15 line 16.

<sup>1418</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 9 lines 17-21.

<sup>1419</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 10 lines 7-14.

<sup>1420</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 13 lines 17-24.

<sup>1421</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 13 line 24 - p. 14 line 1.

<sup>1422</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 10 lines 15-19.

<sup>1423</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 11 lines 18-23.

as MEU Peou.<sup>1424</sup> In total, Civil Party MEU Peou lost 17 members of his family during the DK regime,<sup>1425</sup> some of whom were Imams and tuons.<sup>1426</sup>

696. Civil Party LOEP Neang, who was 11 years old at the time, testified concerning conditions at Tram Kok cooperative as presented in Chapter 1. She testified that her unit chief forced her to eat pork at the cooperative.<sup>1427</sup>

## **B. Civil Party Evidence Related to the Persecution of the Cham, based on their religion**

697. Civil Party evidence adduced at trial establishes that the prohibition of the practice of Cham Islam in liberated zones during Democratic Kampuchea amounted to persecutory acts against the Cham people.

### **(1) Acts**

#### **a.) Targeting of Cham religious leaders**

698. Civil Party SOS Min testified that the arrest of religious leaders started before April 1975: “In every regime, there are Hakims <or> religious leaders within <Muslim> community. <A hakim was in charge of all the people in the village.> Before the Khmer Rouge time there were also Hakims, however I could say that Hakims <during the> Pol Pot time <were> arrested and they were the first <targets of arrest by> of the Khmer Rouge.”<sup>1428</sup> He elaborated that, “Hakims and <other Muslim> leaders <including Tuons, Muslim> teachers in Islamic religion were <all> arrested in 1974.”<sup>1429</sup>

699. Civil Party NO Sates further explained that “in 1975; all hakims were gathered and sent away. I do not know where hakims or tuan (phonetic) were sent to. Intellectual<s> and professors were arrested<, detained and chained> and for this reason there was rebellion in Svay Khleang.”<sup>1430</sup>

<sup>1424</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 14 lines 2-5.

<sup>1425</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 11 lines 2-7.

<sup>1426</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 32 lines 13-14.

<sup>1427</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 96 lines 9-13.

<sup>1428</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 104 lines 4-9.

<sup>1429</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 104 lines 13-14.

<sup>1430</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 82 lines 11-15.

700. Civil Party MAN Sles' father was one of the Cham religious leaders arrested prior to the Svay Khleang rebellion: "Khmer Rouge people arrested the religious leaders, hakim, haji, and religious teachers, as well, and among them, there was my father."<sup>1431</sup>

701. Civil Party MEU Peou testified, "[r]eligious scholars of Islam were taken away and killed during the Khmer Rouge regime, but I did not know where they were killed or where they were detained. But what I knew is that anyone who knew a lot about religious matters in Islam, they were killed."<sup>1432</sup> He explained that, "[i]n Islam, <an> imam <is> responsible for leading the prayer in the mosque. <He usually stands at the front of others>. As for <a> tuon, <he is a> religious teachers<. I heard that> they were evacuated, and all of them were killed <at Damrei Sa>. I did not witness the event myself, but I heard from other people".<sup>1433</sup> Civil Party MEU Peou further explained that, "I lost 17 member of my relatives, and some of <them> were <imams> and tuons."<sup>1434</sup>

#### **b.) Repurposing of mosques**

702. Civil Party SOS Min testified, "[b]efore 1975, there were two mosques in our Svay Khleang <village> since there were many Cham people, so two mosques were built to accommodate the congregations."<sup>1435</sup> He described when the mosques were closed, "[a]fter the liberation the Khmer Rouge dismantled the mosques."<sup>1436</sup>

703. Similarly, Civil Party NO Sates testified that "[t]here were two mosques and after 1975 when we were <evacuated out of the area,> the mosques were <broken down and dismantled>. And later on when I returned there were no mosques anymore, there was only <empty land> where the mosques <had stood before> once were and then they built new mosques. <Now, I go to pray in the new mosque every

<sup>1431</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 54 lines 11-13.

<sup>1432</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 30 lines 12-16.

<sup>1433</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 32 lines 5-9.

<sup>1434</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 32 lines 13-14.

<sup>1435</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 87 lines 23-24.

<sup>1436</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 88 line 2.

day.”<sup>1437</sup> The Civil Party added, “[a]fter the evacuation, the mosques were ruined. <After Pol Pot took control, they broke down and demolished the mosques.> After I left my village, the mosques were ruined.”<sup>1438</sup>

704. Civil Party MAN Sles testified that “[a]t that time no one went to pray at the mosque as the Khmer Rouge prohibited us from doing so and actually <cattle> were put in the mosque as well as tobacco was stocked in the mosque.”<sup>1439</sup>

705. Civil Party HIM Man testified, “[t]hey actually placed a grinder <in> the mosque. Rice was also stored in the mosque, as no one was allowed to pray in the mosque anymore. As I said, rice and its grinder were placed in the mosque, and according to our religion, women were not allowed to enter that sacred place. But they instructed women to go and grind the rice there in the mosque.”<sup>1440</sup>

### **c.) Destruction of Korans**

706. Civil Party SOS Min testified that, “<We> were prohibited from worship and prayers. <And as for the> Korans<, they were> collected and placed in their office. <People were not allowed to read the Quran.> All <the> Korans <in any size were confiscated>.”<sup>1441</sup>

707. Civil Party NO Sates explained, “[i]n 1975, when we were evacuated, Korans were also collected and <they swept and cleaned the village.> <We were not allowed to possess Korans.> I did not <know> where Korans were sent to and put.”<sup>1442</sup>

<sup>1437</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 78 line 23 – p. 79 line 3.

<sup>1438</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 79, lines 5-6.

<sup>1439</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 69 lines 19-22.

<sup>1440</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 73 lines 14-19. Also in response to Nuon Chea defence questions, Civil Party HIM Man reiterated, “[t]here were guards at the mosque because the mosques were not allowed to use as a worship place, and the grinders were put in the mosque. There were guards. Because there were guards, I was thinking to myself that perhaps there were weapons -- arms – by those guards, so I decided to go to the mosque to search for weapons. I saw guards lying in the mosque. I touch their – his head, and that person was not aware that I was touching his head. And in the mosque, I found no weapons. If there had been one or there had been weapons, I would have taken them to help my people, Cham people” and “[t]his mosque was located in Ta Sou (phonetic) village. It was in Ta Sou (phonetic), close to Peam Chi Kang. It was adjacent -- it was in the location adjacent to Peam Chi Kang. Once again, that mosque was located in Ta Sou (phonetic) village.” Oral Testimony of Civil Party HIM Man T., 28 September 2015, **E1/350.1** [Corrected 1], p. 31 lines 4-19.

<sup>1441</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 104 lines 18-21.

<sup>1442</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 80 lines 4-7.

“Korans were collected and burnt <down>, we were not allowed to have the possessions of Korans.”<sup>1443</sup>

**d.) Prohibition of prayer**

708. Civil Party HIM Man testified that, “[w]e were not allowed to pray and we were forced to eat pork. We were not allowed to pray or to worship anymore, and if somebody <tried> to do it secretly and was caught, then the person disappeared.”<sup>1444</sup>

709. Civil Party HIM Man testified why he thought Cham people were taken away to Wat Au Trakuon. “It was related to our religion. For us we prayed to Allah despite the ban by the Khmer Rouge. We did it secretly. At the time we were under constant monitoring by the militia and of course they did not tell us that this person or that person was taken away because they were spotted <praying> to Allah and that was the conclusion that we made that we were under watch by the militia and if any of us was found to pray to Allah, then we would be risking our life as they would come to take us away at gun point at lunch time. However, this is my personal conclusion as they, of course, did not tell us the reason when they came to take people away at gun point while we were having meal. And as I said, at that time, everybody was well versed with the saying that the historical wheel was in motion and if you happen to be in the way you would be crushed.”<sup>1445</sup>

710. Civil Party NO Sates testified that when “I was ordered to live in Khsach Prachheh Leu area. I lived in Ming Ouy's (phonetic) house. The meeting would take place once every month or even earlier than that and we were told not to speak Cham language. Our religion was abolished, we were prohibited from practising our religion

<sup>1443</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 79 lines 23-24.

<sup>1444</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 40 lines 16-18.

<sup>1445</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 39 line 18 – p. 40 line 6. Civil Party HIM Man also recalls on the day that the Cham were rounded up, “[s]ubsequently, the Cham people were not allowed to go and work in the field, <but> to stay in their respective homes in the village while the Khmer people were allowed to work in the field. So, the remaining Cham people from the evacuation were instructed to remain at home and I was wondering what was happening, why we were allowed not to leave home. And actually they started rounding us up at 3 o'clock in the afternoon and the members of those people were the members of the Long Sword Group. They actually were wearing scarves <some were wearing pants> and <some of them> were shirtless. <>. I myself was among the Cham people who were being rounded up and taken to the pits in Au Trakuon pagoda.” Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 44 line 22 – p. 45 line 8.

and we were not allowed to <do> any prayers. <We were not allowed to study the prayers.>.”<sup>1446</sup>

**e.) Forcing Cham to eat pork**

711. Civil Party SOS Min testified that “[i]n 1975, the regime started to impose <restrictions> on our religion, <forced consumption of> pork, and <daily prayers and fasting, and many more things that were harmful to the Cham identities>.”<sup>1447</sup>

712. Civil Party MAN Sles testified, “[w]e, the Cham people, were prohibited from eating pork but when they cooked food or they cooked gruel they actually put pork with oil in the gruel. And when we were given pork with gruel we actually tried to get rid of the soup and ate only the rice. Some people could not bear <the smell of the pork> while others tried to eat in order to survive. <I drank only the soup for survival.>”<sup>1448</sup>

713. Civil Party HIM Man explained, “[i]n accordance to the holy text of Allah, for food that we were supposed not to eat, however we were forced at gun point, we could eat that meat in order to survive and with belief some Cham people actually ate the pork. At that time we were threatened if we were not to consume the pork then we would <be> shot. Some people were weeping while they <were eating> pork. Here the meat that I refer to is pork. I made this response because I myself had to force myself to eat pork; otherwise I would be shot dead.”<sup>1449</sup>

714. Civil Party HIM Man described, “I was within group of people. If I refuse<d> to eat pork, I was afraid that the bullet would be shot -- I would be shot or I would be beaten <with a stick>. So it applies to other people. If we refused to eat pork, we

<sup>1446</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 53 lines 5-13.

<sup>1447</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 71 lines 15-17.

<sup>1448</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 65 lines 20-25.

<sup>1449</sup> Oral Testimony of Civil Party HIM Man, T, 17 September 2015, **E1/349.1** [Corrected 2], p. 41 lines 1-8.

Civil Party HIM Man testified that the time frame for this mistreatment was, “I think it happened in around 1976. Yes, I think so, it's 1976. At that time we did not have anything to refer to the date or the year because that's what I supposed to say it was in 1976”, in Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 42 lines 4-7. Also, Civil Party HIM Man testified how the DK policies affected every aspect of the life of a Cham. “Cham people were forced to eat pork. Religion was abolished. And we were prohibited from praying, worship. Pork was given to all of us to eat...” Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 14 lines 2-4.

would risk our lives. We had to eat pork <in tears>. There were lots of fish, but we were forced to eat pork, since they said there was only one Khmer nation during the time.”<sup>1450</sup>

715. Civil Party NO Sates described that when she was sent to a mobile unit at Boeung Krachab to build a dam, “we were forced to eat pork but we could not, I only ate gruel with salt. They did not cook food for us separately. They cooked soup mixed with pork, some of us could take it, while others did not, I myself could not take it so I ate salt with gruel.”<sup>1451</sup>

716. Civil Party MEU Peou further recalled, “[m]y father died because he was a Cham person who adhered to his religious practice, and he didn't abandon his religion when he was forced by Angkar. They forced him to eat pork, but he refused, so Angkar gave him a last warning that he had to eat pork. And if he could not eat pork, then there would be nothing for him to eat. My father refused to eat pork, and he only drank water. And he had to <secretly> find tree leaves in the forest to eat, and that was terrible for him, living in such a situation. I would think that it would be better if <> they were to kill him and not to allow him to suffer such a terrible circumstance. <They used his case as an example to scare other Cham people.> That was the time that his body became so emaciated. He also was by himself, and he died alone without the presence of any family member. I did not even know where he was buried.”<sup>1452</sup>

717. Civil Party LOEP Neang described while working in the Tram Kok cooperatives that she “would eat rice porridge with pork. And as they knew that we did not eat pork, they would make rice soup with pork on purpose and with morning glory. So they forced us to eat rice porridge -- rice gruel, very thin rice gruel <mixed with pork>. But we Cham, we <did> not eat pork.”<sup>1453</sup>

#### **f.) Prohibition of headscarves and cutting of hair**

<sup>1450</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 15 lines 3-9.

<sup>1451</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 54 lines 19-23.

<sup>1452</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 11 line 12 – p. 12 line 2.

<sup>1453</sup> Oral Testimony of Civil Party LOEP Neang, T., 3 April 2015, **E1/288.1** [Corrected 1], p. 104 lines 11-15.

718. Civil Party MEU Peou testified that “[i]n 1975, the cooperative made an announcement for the Cham people to cut their hair short and not to cover -- not to use scarf to cover their head and that we were forced not to live in a group, and we were evacuated from one village to another or from one cooperative to the next. And that was the time that I lost contact with my family members.”<sup>1454</sup>

719. Civil Party HIM Man described that when the Cham were arrested, “[e]veryone had their hair cut short in the same style as that of the Khmer people. At the time, they said that there had to be only one nation in Kampuchea. And when we were taken away in droves to be killed, we had our short hair, and we were not allowed to have any headscarves.”<sup>1455</sup>

720. Civil Party SOS Min testified that “the restrictions applied almost to every aspects of life: on food, on clothing, and women -- Cham women were forced to cut their hair short. So the way of our living was extremely difficult”.<sup>1456</sup>

721. Civil Party HIM Man explained that “[w]e were told to cut our hair or to have our hair cut. We were prohibited from praying, from worship. This is what I have known. Later on, the situation became worse.”<sup>1457</sup> “We were invited to attend a meeting and we were told that we, Cham ethnicity, were required to have our hair cut, <not to cover our heads with krama and say daily prayers, but> to eat pork at that time. Everything in relation to Islamic religion, we were prohibited from practising the religion.”<sup>1458</sup>

**g.) Absence of freedom of assembly for Cham people**

<sup>1454</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 8 lines 2-7.

<sup>1455</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 40 line 22 – p. 41 line 1. Civil Party HIM Man also testified that, “[b]efore the regime fell, we could not wear any Cham traditional dress. We had to wear the same dress as that of the Khmer people, and we also had to cut our hair in the same way as the hair of the Khmer people. We were not allowed to pray and we were forced to eat pork. We were not allowed to pray or to worship anymore, and if somebody <tried> to do it secretly and was caught, then the person disappeared.” Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 40 lines 12-18.

<sup>1456</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 71 line 25 – p. 72 line 3.

<sup>1457</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 14, lines 7-9.

<sup>1458</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 37 lines 17-21.

722. Civil Party NO Sates affirmed that after the rebellion, when she was evacuated to a Khmer village, “when -- we were not allowed to assemble in a group of three or four unless there was one <or two> Khmer person<s> there in the group and if we dared to assemble in a group of three and four without a Khmer person in that group, we would have been considered enemies.”<sup>1459</sup>

**h.) Prohibition of speaking the Cham language**

723. Civil Party MEU Peou testified about how “[w]e were forced to abandon our <religion> and not to use our Cham language. If anyone spoke our language, Angkar would take that person away and executed him or her, and that terrified us. We had nothing to hang onto during the regime.”<sup>1460</sup>

724. Civil Party SOS Min described the effect of the prohibition on the Cham to speak their language on Cham children, “[w]e were not even allowed to speak the Cham language. <Thus, the> young children did not <managed to> understand the <Cham> language.”<sup>1461</sup>

**(2) Policies coming from the upper echelon – Cham considered as enemies**

725. Civil Party SOS Min explained the “principles” imposed by Angkar, “[w]e were forced to eat the food that we could not eat. And if we did not eat, we would be accused of not giving up to our religious practice. And that would be subject to be monitored. If we opposed any of the principles they imposed, then we would be accused of being an enemy of Angkar.”<sup>1462</sup> Civil Party SOS Min further explained that “[t]hey had their principles and instructions. And whenever they wanted to impose those instructions, we would be called to <> meetings so that those instructions would be relayed, and subsequently imposed. Usually, the cooperative chief or the commune chief would present such impositions.”<sup>1463</sup> Civil Party SOS

<sup>1459</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 82 lines 4-8.

<sup>1460</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 7 lines 15-18.

Civil Party Mr. MEU Peou recalled the harm of losing his ability to speak the Cham language, “[f]or everyday conversation, I could speak better Khmer than Cham.” Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 21 lines 12-13.

<sup>1461</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 94 lines 1-3

<sup>1462</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 72 lines 8-12.

<sup>1463</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 72 lines 19-23.

Min further explained that “[t]he policies, guidelines, significant guidelines and policies <that prohibited rights, freedoms, religions and other things, did not come from the village chiefs, but they> came from the upper level<, including the district level> and it went through villages. <The village chiefs did not have any ability to disseminate those guidelines.> And usually people from the upper level came to hold a meeting and disseminate those policies and guidelines.”<sup>1464</sup>

726. Civil Party NO Sates testified that, “[i]t was Angkar. Angkar was believed to be from the top. Angkar prohibited all of us from wearing head scarf or traditional clothes <and from worshipping,> and we were instructed to cut our hair short, <we were not allowed to practice, to use <Korans>; Angkar from the upper level ordered such prohibition. I did not know <who> Angkar <was> but<, I only know that> it was Angkar.”<sup>1465</sup> Civil Party NO Sates further explained that, “We were told in the meeting, we were invited into a meeting or meetings and if one dared to refuse the instruction, we would have been considered betraying Angkar.”<sup>1466</sup> She recalls who spoke at the meeting that “Commune chief, village chief, deputy village chief and members of village committee. Villagers were informed of the instructions and if they had not followed the instructions, they would have been considered enemies.”<sup>1467</sup>

727. Civil Party HIM Man testified that “[w]e were invited to attend a meeting and we were told that we, Cham ethnicity, were required to have our hair cut, <not to cover our heads with krama and say daily prayers, but> to eat pork at that time. Everything in relation to Islamic religion, we were prohibited from practising the religion and at the time we were told that the wheel of history was moving and if we happened to put our hands in or put our legs to in to stop the wheel, we -- our limbs would be cut by the speed of the wheel.”<sup>1468</sup>

728. Civil Party HIM Man testified that, “a rumour which was spread out through the village that the Cham people were the enemy number one of the regime and the

<sup>1464</sup> Oral Testimony of Civil Party SOS Min, T., 9 September 2015, **E1/344.1** [Corrected 2], p. 17 lines 15-22.

<sup>1465</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 81 lines 7-12.

<sup>1466</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 81 lines 15-17.

<sup>1467</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 81 lines 19-22.

<sup>1468</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 37 lines 17-24.

Khmer people were enemy number two. And, at that time, I myself, was wondering about that and in fact I asked a person whose name I cannot recall now and the person was Khmer not Cham and I asked why the Cham people were regarded as enemy number one and he said that because based on the historical backgrounds since the birth of Allah, that the Cham people were greedy in engaging in the battles, in wars and that's what I heard from this Khmer person and rumour was spread out through the village and later on I observed that Cham people had been arrested. But, in my mind, I still had doubt at the time, that why the Cham people were considered enemy number one.”<sup>1469</sup>

### **C. Civil Party Evidence Related to the Cham Rebellion at Svay Khleang and its aftermath**

#### **(1) Murder and extermination**

729. Civil Party evidence adduced at trial establishes that Cham people were killed during the Svay Khleang rebellion in October 1975.

730. Civil Party MAN Sles testified that many Cham people died during the rebellion. He testified that “I was engaged in the rebellion<, and armed with> possessing machetes and I was joining with others <but I was at the back line>. Many people, I mean both side; we, Cham people, and Khmer Rouge, died during the rebellion, but not many Khmer Rouge died since they were armed with weapons, more than all of us.”<sup>1470</sup>

731. Civil Party MAN Sles testified further that, “I can tell you briefly. It was like a battlefield where the two sides of soldiers were engaged in the war. Cham people had only machetes or knives to rebel for the sake of Allah. They <dared> to lose their

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<sup>1469</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 42 lines 13-25. Civil Party HIM Man expressed doubt why Cham people were considered enemy number one, “later on, the Cham people were seriously mistreated. And I did not understand why they were being mistreated, and that they were accused of being enemy number one. I did not know the reasons behind all this. So when I heard about it, I was wondering what -- what was the motive behind it. Even at the moment, I still do not understand the motive behind those events. It was their secret and I am in no way of knowing it.” Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 38 lines 4-11.

<sup>1470</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 56 lines 4-8.

lives although many Cham people had died. Similarly, Khmer Rouge also died but they died in a small number.”<sup>1471</sup>

732. Civil Party SOS Min testified that, “[d]uring the fighting or revolt, many people -- many of us died. I cannot tell you how many of us died. Some died in bushes <nearby>.”<sup>1472</sup> Civil Party SOS Min elaborated, “[b]ack then <when the> fighting <broke out, the> Khmer Rouge soldiers <> were armed with different <kinds of weapons, while the> Cham people <> had only two rifles: one AK <rifle> and one Carbine <assault rifle>. And in addition to the two rifles, we had swords and knives.”<sup>1473</sup> Civil Party SOS Min further detailed that, “[t]hey did not use only the light weapons; they had heavy weapons as well. The sounds of gun fire deafened our ears. <However,> I could not tell you <as to how many shells fired or> whether there were different types of weapons used, I cannot draw a conclusion about the weapons <and the number of shells fired. It was a huge event. We could hear gunshots all over the place.>”<sup>1474</sup> And that, “[t]hey had <sufficient gears and equipment including vessels>; they had various types of weapons. <At that time, they> did not <need to> use boats to fire <on> us <> because we were on the same -- we were on land.”<sup>1475</sup>

## (2) Imprisonment

733. Civil Party evidence adduced at trial establishes that Cham people were arbitrarily deprived of their liberty without due process of law following the quashing of the rebellion.

734. Civil Party MAN Sles described how “[a]fter one day and one night of rebellion, we, Cham people, laid down the weapons and we were defeated and Khmer Rouge mobilized all of us into <> tobacco <kilns, while women> and children were put in <Daem Chrei (phonetic)> pagoda.”<sup>1476</sup> Civil Party MAN Sles explained how the village was evacuated: “During the rebellion, there were soldiers in black uniform

<sup>1471</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, E1/393.1 [Corrected 1], p. 81 lines 17-22.

<sup>1472</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, E1/343.1 [Corrected 1], p. 80 line 25 – p. 81 line 2.

<sup>1473</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, E1/343.1 [Corrected 1], p. 106 lines 17-21.

<sup>1474</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, E1/343.1 [Corrected 1], p. 95 lines 6-9.

<sup>1475</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, E1/343.1 [Corrected 1], p. 107 lines 5-8.

<sup>1476</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, E1/393.1 [Corrected 1], p. 56 lines 9-12.

and they were> armed with <guns>. We> were evacuated from our village<>. Men <>were placed in the tobacco kiln and <>women <>they were placed in <Daem Chrei (phonetic)> pagoda. <The two locations were about one kilometre away from each other.>”<sup>1477</sup>

735. Civil Party NO Sates testified that when Svay Khleang was evacuated, “[w]e were detained in that <warehouse>. We were sent to the tobacco <warehouse from the Prek Cham bridge>, all of us were female detained in that <warehouse>. Some married women had children, at that time I was below 20 years old, I was about 17 years old. Children, babies were also detained and held in that <warehouse>. They were crying, they were screaming. <They were crying as loudly as baby birds gathering together in the nest.> Some of them were so hungry.”<sup>1478</sup>

736. Civil Party NO Sates further explained that, as to those detained after the rebellion, “I could refer them as prisoners; some of them were put in different places. <Other people and I alike were all prisoners. Let me put it that way.> <There were people in Krouch Chhmar Leu and Krouch Chhmar Kraom and there was a banyan tree> in the pagoda and we were staying there for a period of one month and three days after which we were sent elsewhere. For those who were not considered enemies, they had opportunity to see their spouses and children and for others who were considered enemies, they would be sent away and disappeared. My father and some others were considered to be linked to CIA <agents, having four or five ranks, but> my father at that time could not even read or write <a Khmer script> and he was considered an enemy <and has disappeared up to now.>”<sup>1479</sup>

737. Civil Party NO Sates stated, “[c]oncerning my father, we had been living together before the rebellion. <After the rebellion, we were told to leave.> When we reached <Svay Khleang bridge or Prek Cham> bridge to another side of the river, we were allowed to cross the bridge but my father was arrested and detained and I have

<sup>1477</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 77 lines 5-9.

<sup>1478</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 84 line 20 – p. 85 line 2.

<sup>1479</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 85 line 23 – p. 86 line 10.

never seen him <come back since then>.”<sup>1480</sup> “I saw there were many people, particularly youth, male youth. The <people, <who were detained>, were considered enemies.”<sup>1481</sup>

### **(3) Torture**

738. Civil Party SOS Min described how torture was used during interrogations. He recalled that when he was detained after the Cham rebellion in Svay Khleang, “[t]orture did happen in those places. We were put in those places for further selection. Forty <or fifty> of us were put in <each room in> school <building>. We were interrogated <about all sorts of things> and <were stabbed with a> bayonet <on> our necks<. We were interrogated twice per day. A soldier was interrogating us, while the other one was pointing his bayonet on our neck. They asked us who did what, and who initiated the revolt. We were asked all sorts of things that> I could not recall all of them. <A> few days <after the interrogation, between 3 and 10 people from each room each and every day> were taken away. For instance, <out of the> 50 Cham <men initially brought to each room, only five of them eventually came out alive with me>.”<sup>1482</sup>

### **(4) Other inhumane acts**

739. Civil Party evidence adduced at trial indicates that CPK’s conduct in relation to the treatment of the Cham before, during, and after the Svay Khleang rebellion encompassed violations of the Cham people’s right to life and to an adequate standard of living, their right not to be subject to cruel, inhumane and degrading treatment and not to be arbitrarily arrested.<sup>1483</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

#### **a.) Detention conditions**

<sup>1480</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 84 lines 5-10.

<sup>1481</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 84 lines 14-16.

<sup>1482</sup> Oral Testimony of Civil Party SOS Min, T., 8 August 2015, **E1/343.1** [Corrected 1], p. 81 line 18 – p. 82 line 5.

<sup>1483</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

740. Civil Party MAN Sles testified about the lack of food and sanitation at the kiln: “At that tobacco chamber or kiln, there was enough space, but there was no sanitation at all. The place was full of <cats’ and> dogs’ excrement and while we were there, <and in the meantime, the Khmer Rouge took our biography one at a time> one after another, and people kept disappearing <every night> and it was lucky for me to survive.”<sup>1484</sup> He further testified that “[w]e, then, were deprived of meal. We were <provided with> allowed only a <small> bowl of watery porridge <per day. We were so pale. And> during that -- while I was detained, I missed my family members and siblings <who were detained at the pagoda>. I did not know, at the time, how sufferings they were <enduring>. Perhaps, they <were going> through the sufferings as I <was experiencing> at that time. We were separated from each other after the rebellion.”<sup>1485</sup> Civil Party No Sates testified that “[e]ach one could receive only a small ladle of gruel with no taste at all, very plain taste.”<sup>1486</sup>

#### **b.) Disappearances**

741. Civil Party NO Sates testified about the disappearance of several villagers prior to the rebellion, explaining that “by that time, every single night, about 20 or 30 of them would be arrested and taken away by the Khmer Rouge.”<sup>1487</sup>

742. Civil Party NO Sates testified that, “it was the issue of the White Khmer that people in the village were accused of being the White Khmer, the American CIA agents. And for that reasons, they were arrested. People were arrested and put on horse carts, and that usually happened at around 7 or 8 o'clock at night. And those who were arrested never returned”.<sup>1488</sup> Civil Party NO Sates testified that when Svay Khleang was evacuated, “[t]o my recollection, some of my neighbours disappeared and never returned but some other returned. My father disappeared and he has disappeared ever since.”<sup>1489</sup>

<sup>1484</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 56 line 24 – p. 57 line 4.

<sup>1485</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 56 lines 13-19.

<sup>1486</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 85 lines 2-3.

<sup>1487</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 6 lines 12-13.

<sup>1488</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 5 lines 12-17.

<sup>1489</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 50 lines 17-19.

743. Civil Party SOS Min also testified that for those people detained after the rebellion, “I <just knew that> those soldiers -- who those soldiers <came to> arrested people. I <witnessed either commune militia or> district <security personnel came to arrest people, but> I <had no impression> that they were <taking those people away and> killed. <They said they were taking those people to be detained in the district security centre. I had direct knowledge of this; however, I can not solemnly claim that those people were taken to be killed. Anyway, if those people had not been killed, they would have returned.> I never saw them again.”<sup>1490</sup> He added that while he was being detained at the kiln, “[a]fter a few days of interrogations, three or 10 of us from different classrooms were taken away. For instance, there was one room with 50 Cham people in that room and only a few remained, because some others were taken away.”<sup>1491</sup>

744. Civil Party MAN Sles was arrested along with his father, and testified to the disappearance of five people, including his father, who was second assistant to the Hakim.<sup>1492</sup> “We were arrested in the plantation fields. We were then tied up and placed to be under the house of the Khmer people. About a week after we were released and only five <people> were <tied and> placed on <a> horse cart <> and taken away and amongst the five was my father.”<sup>1493</sup> Civil Party MAN Sles explained that of these people, “[f]ive of them had been arrested and my father was <amongst> the group. They have never returned after the arrests.”<sup>1494</sup>

### **(5) Evidence related to perpetration**

745. Civil Party NO Sates testified that district soldiers, soldiers from the commune level and the militia were involved in the crushing of the rebellion: “At that time, there were soldiers, district soldiers, and <> commune <soldiers> and there were also militia <at village level>. So there were armed forces at various levels within the area. <They were deployed in villages across the district.> For soldiers, they wore

<sup>1490</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 74 lines 10-18.

<sup>1491</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 73 lines 6-10.

<sup>1492</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 71 line 8 – p. 72 line 17.

<sup>1493</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1**, [Corrected 1], p. 71 lines 20-24.

<sup>1494</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 72 lines 16-17.

their blue uniform while the men who worked at the commune wore black dress with their scarf around their neck.”<sup>1495</sup>

746. Civil Party MAN Sles testified that “<during the rebellion, there were soldiers in black uniform and they were> armed with <guns.>”<sup>1496</sup> And that, “[o]nly Peng Heng and Long were working in the village. <At that time, the> Central <Zone soldiers came to the village. Both of them would have been killed if the Eastern Zone soldiers had come to> my village<.>”<sup>1497</sup>

#### **D. Civil Party Evidence Related to Population Movement Phase Two (Cham)**

##### **(1) Other inhumane acts**

747. Civil Party evidence adduced at trial indicates that CPK’s conduct in relation to the policy to move the Cham population encompassed violations of the Cham people’s right to life and to an adequate standard of living, their right not to be subject to cruel, inhumane, and degrading treatment.<sup>1498</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

##### **a.) Transfers to different areas within Kampong Cham**

748. Civil Party SOS Min described that “[a]fter I survived detention I was allowed to reunite with my family. However all the residents of <Svay Khleang> village <who had been detained> were not allowed to enter the village again; we were evacuated <by boats> to live elsewhere, including <Stueng Trang, Baray,> Dambae, <and many more that I cannot recall,> but not to return to our native village.”<sup>1499</sup>

749. Civil Party SOS Min testified that when he and his family were evacuated to Dambae, “[w]e were put on a boat and we had to row the boat <ourselves>. And for example, out of the 50 boats we had to row in a straight line. If <any> boat <was

<sup>1495</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, E/351.1 [Corrected 1], p. 10 line 23 – p. 11 line 4.

<sup>1496</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, E1/393.1 [Corrected 1], p. 77 lines 5-6.

<sup>1497</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, E1/393.1 [Corrected 1], p. 77 lines 19-23.

<sup>1498</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

<sup>1499</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, E1/343.1 [Corrected 1], p. 89 line 22 – p. 90 line 2.

going> left or right<,> that boat would be shot at <from the back>.”<sup>1500</sup> “The boat trip <lasted> throughout the whole night<, and another half day>.”<sup>1501</sup> Civil Party SOS Min continued, “[a]ll people on the boats were Cham people. There were no Khmer.”<sup>1502</sup> The Civil Party explained that each boat “could accommodate 20 <or> 30 people. And for <a> larger boat, it could accommodate up to 50 people.”<sup>1503</sup>

750. He testified that “[w]e were not allowed to rest at all during the boat trip. We were so exhausted and starving but we had to row the boat. And actually, when we <went> ashore, we had to walk all day before we could reach the village of <our> destination <where we were to settle in>.”<sup>1504</sup> Civil Party SOS Min continued, “[w]e did not travel <voluntarily> just by our group <the Cham people, but we were forced to go on that trip>. We were being watched over <all along the way,> and there were soldiers on about 10 boats who actually escorted us while we were on the boat trip and we had to comply with their instructions. They escorted us <all the way through> until we reached the village.”<sup>1505</sup>

751. The Civil Party described, “[w]hen we arrived in Dambae, we were allowed to stay at Svay Kambet -- Svay <Kambet village, Seda commune> in Dambae <district>, and we were instructed to live -- to mix with the Khmer people. <That was where I settled in.>.”<sup>1506</sup> Civil Party SOS Min remembered, “that I lived there for more than two years.”<sup>1507</sup>

752. Civil Party NO Sates testified that after her detention, “I was sent to live in Khsach Prachheh Leu and I was there until the arrival of Southwest Zone cadres”<sup>1508</sup> over two years later. She explained, “<The Southwest cadres attacked the East Zone.> Upon their arrival, we were gathered; I lived in Khsach Prachheh Leu for <> a period of <over> two years, <nearly three years>. I was living there in 1975, 1976 and

<sup>1500</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 90 lines 5-8.

<sup>1501</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 90 lines 10-12.

<sup>1502</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 90 lines 22.

<sup>1503</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 90 lines 15-17.

<sup>1504</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 91 lines 4-8.

<sup>1505</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 91 lines 12-17.

<sup>1506</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 92 lines 22-25.

<sup>1507</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 93 line 19.

<sup>1508</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 52 lines 20-21.

perhaps 1977 during which the situation was becoming tense. People were taken away and killed without discrimination.”<sup>1509</sup>

#### **b.) Movement to Trea Village**

753. After having lived two years in Khsach Prachheh, Civil Party NO Sates described a second transfer in 1977,<sup>1510</sup> following the arrival of South West cadres.<sup>1511</sup> She testified that “they came to purge Cham people, all Cham people had to be collected and we were told that we had to relocate to live at Stueng Trang for instance, because at Stueng Trang there were sufficient food, rice to eat and there was abundant of work at Stueng Trang. People who were sent to Stueng Trang never returned.”<sup>1512</sup>

754. Civil Party NO Sates testified that “[t]he Southwest cadres ordered the village chiefs or other people who were working in the <district or> village<s> to identify who were Chams and who were not Cham and the list or the reports would be sent to the Southwest cadres. They wrote down lists of Cham people to be sent to Southwest cadres.”<sup>1513</sup> Civil Party NO Sates further described how, “[a]ll of the Cham people including <Cham men> had been collected and sent away. Male were the first -- male Cham people were the first to be collected and they said they had to send male Cham people first to build <houses> for female Cham <people, who would> be sent later on. So for instance, male Cham people would be collected one day before the arrests or collection of other female Cham people. <Young and old men and women were taken away.>”<sup>1514</sup> Civil Party NO Sates continued that the female Cham from Khsach Prachheh Leu, “[t]hey were called and invited into a meeting. All of them were invited and they were told that they had to relocate to other places. The village chiefs

<sup>1509</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 52 line 21 – p. 53 line 1.

<sup>1510</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 56 line 14 – p. 57 line 1 and p. 58 lines 4-11.

<sup>1511</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 52 lines 20-24.

<sup>1512</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 87 lines 18-23.

<sup>1513</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 88 lines 2-6.

<sup>1514</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 88 lines 10-17.

◊ were the ones responsible for collecting and inviting all those female Cham people to ◊ the meeting or meetings.”<sup>1515</sup>

755. Civil party NO Sates was eventually relocated to Trea village, along with other Cham: “The village chief told the soldiers that we were Cham, and then the soldiers came to instruct us that we had to be relocated. <The village chief was asked to collect the statistics and rounded up the Cham people.>”<sup>1516</sup> She explained that the soldiers who took her to Trea Village, “[t]he soldiers escorted us. They were armed.”<sup>1517</sup>

756. Civil Party NO Sates recalled that when “I was relocated to Trea village and we actually departed at 1 o'clock in the afternoon and we arrived in Trea village at around 6.00 or 7 o'clock at night; it was raining, we were so exhausted as we did not have any food to eat at all, and then rested in that house. And local villagers there actually looked at us briefly and they did not dare to actually look at us and I could hear the sound of their ankles or feet being chained in that house.”<sup>1518</sup>

757. Civil Party NO Sates explained that many women were arrested and brought to Trea Village, “[t]he gathering point was at Khsach Prachheh Kandal village. And when we arrived at Trea village, we saw other women from other villages, <arriving> there as well. They came from Peus Number 1, Peus Number 2, for example.”<sup>1519</sup>

### c.) Movement to Stueng Trang

758. Civil Party NO Sates recalled the transfer of her family from Khsach Prachheh to Stueng Trang. “After I had left I was told by other people that my mother amongst other Cham people were put on big ferry, that is all the Chams in Krouch Chhmar district were rounded up and put on that big ferry and they got off at Stueng Trang

<sup>1515</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 88 lines 20-24.

<sup>1516</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 44 lines 17-20.

<sup>1517</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 44 lines 25.

<sup>1518</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 58 lines 4-11.

<sup>1519</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 40 lines 20-23.

Civil Party NO Sates further clarified that, “My group of 40 from Khsach Prachheh <Leu> village was gathered up and then when we arrived in Trea village, I saw other women who were present there at the office of the Khmer Rouge, and they came from other villages as I stated earlier: <Saoy,> Peus Number 1, Peus Number 2 and Khpob and Svay Khleang and Krouch Chhmar. And they were all women.” Oral Testimony NO Sates T., 29 September 2015, **E1/351.1** [Corrected 1], p. 41 lines 2-7.

district at the other side of the river.”<sup>1520</sup> The members of Civil Party NO Sates family that were put on the boat were, “my younger brother, my mother, my three younger sisters and my grandmother.”<sup>1521</sup>

759. Civil Party MAN Sles was also sent to Stueng Trang after being reunited with his family. “After we met, we were sent to live in Stueng Trang District, Soupheas <village>. My wife and I, together with the three-month infant, were together.”<sup>1522</sup>

**d.) Disappearances of civil parties’ relatives during the movement of population to Stueng Trang**

760. Civil Party NO Sates recalled that her mother, grandmother, and two younger siblings were sent to Stueng Trang and never seen again. When the Southwest cadre arrived in 1976 and 1977, “[a]ll of them were gathered up including male, female, my two younger <brothers>, <my sister,> my grandmother, my mother, all of them were gathered up in groups, together with other villagers and they were sent away.”<sup>1523</sup> When asked if she ever saw them again, she responded, “[n]o. They <have> disappeared <ever> since.”<sup>1524</sup>

**e.) Evacuation from Sach Sou village**

761. Civil Party HIM Man recalled that in 1976<sup>1525</sup> of the “30 Cham families remaining living in the village because many of the Cham people were transferred out already,”<sup>1526</sup> he explained that when “[t]he evacuation took place. A majority of us were evacuated, and they were sent to the upper part of the area to be desegregated, and lived among the local residents there. I did not know the motive behind the relocation of the Cham people, and I can say that half of the Cham people from the village were relocated at that time. <I did not know towards what specific directions

<sup>1520</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 57 lines 6-10.

<sup>1521</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 57 lines 24-25.

<sup>1522</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 58 lines 2-5.

<sup>1523</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 89 line 23 – p. 90 line 1.

<sup>1524</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 90 line 3.

<sup>1525</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 42 lines 4-5. Civil Party HIM Man testified exactly that, “I can only give you an estimate. I think it happened in around 1976. Yes, I think so, it’s 1976.”

<sup>1526</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 37 lines 1-9.

they were taken.> I did not know about their fate. However, I heard that they were being placed in various villages to live with the local residents there.”<sup>1527</sup>

## (2) Murder and extermination

762. Civil Party evidence adduced at trial establishes that Cham people died from the CPK’s acts or omissions in the context of the movement of the population.

763. Civil Party SOS Min described how “[d]uring the boat trip, it was raining all night unfortunately. And, some young children and the new-born, some of them died.”<sup>1528</sup> Civil Party SOS Min clarified that, “[w]hat I say is true. And of course, what I said was what I saw on my boat. I cannot tell you about what happened on other boats, but I could only speak about what happened on the boat that I was on <. And for this reason, I came to a conclusion that three of them died.>”<sup>1529</sup>

764. Civil Party SOS Min later testified that thirteen families died because of starvation and other causes, indicating that “[a]mongst the Cham people who were evacuated with us, there were 20 families and allow me to say this, only seven families remained from the death as a result of <malaria or> starvation <.”<sup>1530</sup> He clarified, “I know the truth because I was living there amongst those families, and some of the families died. I took care of some people there as well, and I was also involved in the burial of some of those people. And I still remember the location where the burial took place.”<sup>1531</sup>

765. Civil Party MAN Sles testified that after he and his wife were evacuated from Svay Khleang and his mother and siblings were sent to Roka Khnaor, he heard from villagers “I was told that my mother and siblings were sent to <> be killed <at a place called Boeng Kachaut (phonetic) in Stueng Trang district, which was not far from

<sup>1527</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 72 line 19 – p. 73 line 2.

<sup>1528</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, E1/343.1 [Corrected 1], p. 91 lines 2-4.

<sup>1529</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, E1/343.1 [Corrected 1], p. 91 line 22 – p. 92 line 1.

<sup>1530</sup> Oral Testimony of Civil Party SOS Min, T., 9 September 2015, E1/344.1 [Corrected 2], p. 5 lines 4-7.

<sup>1531</sup> Oral Testimony of Civil Party SOS Min, T., 9 September 2015, E1/344.1 [Corrected 2], p. 5 lines 10-14.

Stueng Trang town>.”<sup>1532</sup> The Civil Party explained that, “[t]hose villagers <did not talk> much <to me because they were afraid.>. They said <> my mother and siblings -- my mother and siblings were sent to Stueng Trang District to be killed<. They were taken on a motorboat> and the killing happened at Boeng <Kachaut> (phonetic). <>”<sup>1533</sup> “I do not know the method of killing. I was told that my mother and my three siblings were sent away from the village to Stueng Trang District and the specific location of the killing was Boeng <Kachaut> (phonetic). The villagers did not say that my mother and my three siblings were killed by gunshots or whatever means.”<sup>1534</sup>

## **E. Civil Party Evidence related to Wat Au Trakuon**

### **(1) Genocide (by killing)**

#### **a.) Killings of Cham victims**

766. Civil Party evidence adduced at trial establishes that dozens of Cham families were killed at Wat Au Trakuon in mid-1977. Civil Party HIM Man testified that the Long Sword Group were responsible for gathering and arresting Cham families, “more than 20 or 30 Cham families were gathered and arrested.”<sup>1535</sup> “[T]here were two groups: <the> Long Sword <group> members who were herding the Cham <and> another armed group <who> was guarding at the outskirts of the village <so that no one could escape>. <To dig up grass, one must dig up the roots.>”<sup>1536</sup>

767. Civil Party HIM Man recalled that when the Cham were being gathered by the Long Sword Militia, he managed to escape. “I was planning to hide in the pond. However, because I was afraid that the militiaman would see me, I decided to hide together with my wife in the bushes. I would have been in dangerous situation if I

<sup>1532</sup> Oral Testimony of of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 78 lines 15-17.

<sup>1533</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 78 lines 21-24.

<sup>1534</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 79 lines 3-8.

<sup>1535</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 80 lines 4-5.

<sup>1536</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 46 lines 9-12.

<had> decided to run to any other places beside the bushes <as the village was being surrounded>.”<sup>1537</sup>

768. Civil Party HIM Man testified that “I knew about what happened at the time because I myself was amidst the situation. I was lying in the bush and I remained there until it became dark and maybe it was around 7 o'clock at night, then the Cham people -- they started to kill the Cham people and why could I say that; because the place where I was hiding was about 100 metres away from the pit where they were killing the Cham people. I heard screams, I was lying in the bushes with my wife and we heard the screams. We even heard the sound from people being hit. <We heard people screaming to> Allah <for> help. They screamed, ‘O Allah, my Lord.’ And usually <other people who were non-Muslims would not> make such a scream, but <only my relatives, my parents, my villagers, my neighbours,> the Cham people <whom they rounded up at the same time as mine would> pray to Allah. <> I was there hiding in the bush because I could not escape from the village since there was another layer of the Khmer Rouge guarding the village.”<sup>1538</sup>

769. After the night that Civil Party HIM Man heard the screams, he hid in a pond near the Pagoda. “Sometimes I could smell the stench, bad smells. <Somehow, the stench turned sweet. My nose could no longer make a distinction anymore. Actually,> if the dead bodies <had ever flowed in my direction, I would have torn them into pieces and ate them> because of <the> hunger. [...] <My nose did not sense the stench anymore, but the sweet scent coming> from the pits where my <parents had been buried. The pits were close to my place.>”<sup>1539</sup>

770. Civil Party HIM Man gave evidence on the graves near Wat Au Trakuon Security Centre.<sup>1540</sup> “After 1979, myself and other villagers went to see grave pits, which the villagers had dug to look for gold. The smell there was terrible. There were many bones, but there was no flesh on the bones. Some bodies had clothes, some

<sup>1537</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 51 lines 16-20.

<sup>1538</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 47 line 23 – p. 48 line 13.

<sup>1539</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 60 lines 11-23.

<sup>1540</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 68 line 4 – p. 70 line 12.

bodies did not have any clothes.”<sup>1541</sup> He testified, “I know that my parents were killed there. That was the area that they were killed, and I even heard their screams. It is impossible that people could not be killed there. It's not impossible at all, because later on, people went to dig up the pits and found some jewellery and gold. <So I believe that> my parents were <killed there. If they had not been killed,> they would <have> returned definitely to our village.”<sup>1542</sup>

## b.) Specific intent

771. Civil Party HIM Man described how “Cham people were forced to eat pork. Religion was abolished. And we were prohibited from praying, worship. Pork was given to all of us to eat and we were told to cut our hair short and to become one nation -- that is, Khmer nation. No other nations were allowed to be in the country; there was only one Khmer nation.”<sup>1543</sup>

772. Civil Party HIM Man also recalls on the day that the Cham were rounded up, “[s]ubsequently, the Cham people were not allowed to go and work in the field, <but> to stay in their respective homes in the village while the Khmer people were allowed to work in the field. So, the remaining Cham people from the evacuation were instructed to remain at home and I was wondering what was happening, why we were allowed not to leave home. And actually they started rounding us up at 3 o'clock in the afternoon and the members of those people were the members of the Long Sword Group. They actually were wearing scarves, <some were wearing pants> and <some of them> were shirtless. <> I myself was among the Cham people who were being rounded up and taken to the pits in Au Trakuon pagoda.”<sup>1544</sup>

773. Civil Party HIM Man described how “[a]fter all the Cham were evacuated and he was taken to a corn barn, “people <were mentioning> two <surviving> Cham people <in the village, but> the <villagers> there actually <were fond of> me. <The villagers even gave us the> Khmer <names so there would be no more tracks of the

<sup>1541</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 69 lines 20-25.

<sup>1542</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 70 lines 4-12.

<sup>1543</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, E1/350.1 [Corrected 1], p. 14 lines 2-7.

<sup>1544</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 44 line 22 – p. 45 line 8.

Cham identity. My Khmer name was> Lim (phonetic), <and> my wife's <name was> Na (phonetic) <to show that> no <more> Cham anymore living in the village.”<sup>1545</sup>

## **(2) Imprisonment**

774. Civil Party evidence adduced at trial demonstrates that Civil Party HIM Man was arbitrarily deprived of his liberty without due process of law. Civil Party HIM Man testified that after he left the pond, he was detained in a corn barn: “They beat me with clubs, took me away, and kept me in a> corn barn. <That corn barn was actually a prison as it was being secured> by members of the Long Swords <Group>. They were living <downstairs, while> I was <being> detained <upstairs. The barn was well covered. It was supposed to be the place where people would be kept for a while before they were subsequently taken> to be killed at <> Au Trakuon pagoda.”<sup>1546</sup>

## **F. Civil Party Evidence Related to Trea Village**

### **(1) Imprisonment**

775. Civil Party evidence adduced at trial demonstrates that Cham women were arbitrarily deprived of their liberty without due process of law in Trea Village in mid-1978.

<sup>1545</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 63 line 20 – p. 64 line 1.

<sup>1546</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 61 line 19 – p. 62 line 6. Civil Party HIM Man continued to describe how he survived his detention: “The people working there went to discuss with the man in charge about an idea of having me spared as they knew I had not associated with anyone, and that I had lived all by myself in the pond. For this reason, they spared my life.> And <then> Kan, the district chief <agreed that I could be> spared <since all the> Cham <people> in the village <had been gone except my couple. Other reasons they agreed to keep me were that I could swim under water, make spoons and melt steel.> Kan himself said <that I could be spared due to the fact that I had not associated with anyone. He himself knew that I had not done anything but stayed in the pond where buffalos hanged out.> He spared me because I knew how to retrieve the tangled <> net at the bottom of the river, <and for the reason that there were no more Cham people who were divers except me. And it was me who took care of the work regarding melting steel to make spoons and ploughs. These> were the main reasons that I was spared. This is part of the stories that I survived, mainly because of my <multi-skills including> swimming, <and melting steel to make spoons for them to use.>” Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 62 line 7 – p. 63 line 1.

776. Civil Party NO Sates testified that when she arrived at Trea Village with a group of 40 women from Khsach Prachheh village,<sup>1547</sup> “I was exhausted so I fell asleep quickly but maybe only 20 minutes later, we were woken up by the presence of the district chief <named Ho (phonetic)> who was escorted by <two soldiers one of whom was a woman with a hammock string in her hand> and <the district chief Ho (phonetic) said to us, "Nieces get up and let me tie you up".> We didn't react for some reason. So they tied us up and placed us in a long line. <There> were about 300 <or 400> of us in <that house> altogether. After they tied <>and lined us up, they questioned us, asking whether we were Cham or Khmer. Then if somebody answered that she was Cham, then she would be taken out from the line...”<sup>1548</sup>

777. Civil Party NO Sates explained that “I was detained there <with> other women for nine days. Then they released us and before that they had a <party in which> they killed a pig and cooked it in a curry soup <for us>. That day I had to force myself to eat pork. So I ate a few pieces of pork in order to survive, to make them believe that I was not a Cham person. <Three days after,> we were reassigned to work in various parts in Trea village.”<sup>1549</sup>

## **(2) Genocide by (killing)**

### **a.) Killings of Cham at Trea Village in 1978**

778. Civil Party NO Sates described that “[a]fter they tied <> and lined us up, they questioned us, asking whether we were Cham or Khmer”<sup>1550</sup> and those who answered that they were Cham were “taken out by a person carrying a knife and an under-fold rifle>. And <that person was a soldier>.”<sup>1551</sup> She explained that the Cham women “were <asked to go> off the house and <they were taken> away”<sup>1552</sup> and “they

<sup>1547</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 39 lines 1-12.

<sup>1548</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 58 line 14 – p. 59 line 3.

<sup>1549</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 60 line 24 – p. 61 line 5.

<sup>1550</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 58 lines 21-23.

<sup>1551</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 71 lines 22-23.

<sup>1552</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 75 lines 14-15.

<have> disappeared since. <No one has returned>.”<sup>1553</sup> She confirmed that the women who answered that they were Cham were taken away, and from her estimate it would have been around 270 women.<sup>1554</sup> “[T]hey put questions to those women who <was> a Cham and who came from other villages. So everyone who said that she was Cham would be taken off the house escorted by a soldier who was armed with <> a folded-butt AK47 rifle and a <curved blade> knife.”<sup>1555</sup>

## b.) Specific intent

779. Civil Party NO Sates testified about the role of Ho <phonetic>, the District Chief in the screening, interrogation, and killing of dozens of Cham victims. She indicated that “<Ho <phonetic> was there and he was overall in charge <of place>. So there was <the> presence of <Ho (phonetic)>, the district chief, and then there were also soldiers.”<sup>1556</sup>

780. Civil Party NO Sates testified that Ho “questioned each one of us. <All were Cham women.> They asked -- they put questions to those women who <was> a Cham and who came from other villages. So everyone who said that she was Cham would be taken off the house escorted by a soldier who was armed with <> a folded-butt AK47 rifle and a <curved-blade> knife.”<sup>1557</sup>

781. Civil Party NO Sates recounted that after she was interrogated by Ho, “then they took away all those people who answered that they were Cham and there were about only 30 of us and then they untied us and they said that we were lucky as he was there to question us and that we were Khmer. <Otherwise, all of us would have been taken away.>”<sup>1558</sup> Civil Party NO Sates testified that “<He> said that we were lucky, that it's because of him asking questions that we survived. But that was not the case. We told him lies. <But, he believed it.> We told him that we were Khmer,

<sup>1553</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, E1/350.1 [Corrected 1], p. 59 lines 2-3.

<sup>1554</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, E1/350.1 [Corrected 1], p. 75 lines 6-11.

<sup>1555</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, E1/351.1 [Corrected 1], p. 43 lines 3-6.

<sup>1556</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, E1/350.1 [Corrected 1], p. 76 lines 9-11.

<sup>1557</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, E1/351.1 [Corrected 1], p. 40 line 23 – p. 41 line 6.

<sup>1558</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, E1/350.1 [Corrected 1], p. 59 lines 10-16.

although we were not a Khmer. But at that time, we spoke the Khmer language without any accent at all”.<sup>1559</sup>

782. She further recalled that, “in the morning they asked us to write our biography again. I was asked about the names of my parents and siblings and I told them that my name was <Mut Chheng> An (phonetic), not No Sates.”<sup>1560</sup>

783. The Civil Party testified that while detained at Trea Village, and after she hid that she was Cham, “[o]nly our group, the group of 30 women were instructed to eat that pork soup. And <Ho (phonetic) of course did not eat the soup with us. <But, he had the> soldiers there <> watching us and seeing whether we were eating the pork soup or not. <If we did not eat the pork soup, they would know that we were Cham.> <So, we had to forcibly eat the soup.> And that was the first time that I consumed pork.”<sup>1561</sup>

### **(3) Murder**

#### ***Killing of Bong Tho***

784. Civil Party NO Sates testified that after she was detained at Trea village for 9 days in 1978, “I was assigned to work in the village along the river bank. People were killed and dropped into the river. There were lines of people who were killed and actually floating in the river. I saw <the corpses of> children <aged between one year and six months old in sacks being> tied up and floating in the river. I actually recognised <Bong Tho (phonetic) from Khsach Prachheh Kraom.> <She had worked with the commune youth in the cooperative.> <Her> throat was slashed and <her dead body was> floating in the river. Actually <her dead body> did not flow with the current, it was flowing in circle <and it did not sink. It floated up and down. It>

<sup>1559</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 46 line 25 – p. 47 line 5.

<sup>1560</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 60 lines 1-4.

<sup>1561</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 75 line 25 – p. 76 line 6.

seemed like the soul<> didn't want to go away <and wanted to stay there>. The person that I recognised was <Tho (phonetic)>.”<sup>1562</sup>

## **G. Harm**

### **(1) Physical harm**

#### **a.) Immediate physical harm**

785. Civil Party HIM Man described that when he was hiding in a pond near Wat Au Trakuon to avoid capture by the militia, “I had no food, no rice to eat for a period of three months and 29 days. <Luckily, those dead bodies did not flow in my direction. It was certain that if a body or two had flowed in our direction, both my wife and I would have consumed them.> I was <very> hungry, <so> was my wife. <My nose did not sense the stench anymore, but the sweet scent coming> from the pits where my <parents had been buried.>”<sup>1563</sup>

786. After being detained and beaten in the corn bar, Civil Party HIM Man described, “[i]n fact, <although I was so thin,> my chest was <being enlarged. According to my own measurement, my chest was approximately seven “hatt” (phonetic) wide and my limbs were this small. I was intending to kick the barn with the hope that I could do it easily. Having looked at myself again and found that I was too thin, I gave up the idea.>”<sup>1564</sup>

787. Civil Party MEU Peou recalled in his testimony that, “[t]hey pointed a gun at me, accusing me of betraying Angkar. They had three AK-47s and two M-17 pointing at me that I was accused of being a traitor of Angkar, as I stole rice. <In fact, I was innocent.> They beat me up freely, without mercy, and I still suffered such injury at present. <My> hands were tied behind my back and I was pulled by horse. And if I could not run and catch up with the horse, I was beaten. <I was eventually sent to

<sup>1562</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 62 lines 8-20.

<sup>1563</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 1], p. 60 lines 15-21.

<sup>1564</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, **E1/349.1** [Corrected 2], p. 61 line 18 – p. 62 line 13.

Trach Kraol where I was badly mistreated, and imprisoned, and provided with no food.>”<sup>1565</sup>

## **(2) Mental harm**

### **a.) Immediate mental harm**

#### ***Constant feeling of fear***

788. Civil Party HIM Man hid to escape being taken and killed at Wat Au Trakuon: “We <then rolled ourselves> into a pond and stayed in that pond. The <next> morning, they <used> M79, B40, <and>AK rifles <to fire on us in the pond>. They fired these kinds of weapons at me in the pond. And the bullets did not hit me and my wife, but I could sense the <vibration made by those big bullets. We submerged and covered our heads with plants. Because of fear, my wife wanted to surface, but then I asked her to remain submerged as she could get killed. I told her that they had no mercy, and she would get killed the moment she rose.> I told my wife at that time that <they> were <spraying us with bullets; they were> not <aiming at> just a single <target>. And my wife followed me <remained> under the water at that time.”<sup>1566</sup>

#### ***Separation from family/pity for family members***

789. Civil Party MAN Sles testified that when he was arrested and detained after the rebellion in Svay Khleang, “<By that time, we had already fallen into their> trap<.> I did not think of myself <anymore>; I was worrying <about> my family members <who were detained at the pagoda> and in particular, my wife who <> had <just> delivered <a three-month> baby <> and I was so worried about her and my family members. <I just broke down to cry for fear that they could also be mistreated the way I was being mistreated.>”<sup>1567</sup>

790. Civil Party MAN Sles testified that as the regime continued, “I was separated from my other family members. I was forced to over work and I was given little food to eat. As for my wife, I was never allowed to meet her during the daytime and only

<sup>1565</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, E1/393.1 [Corrected 1], p. 9 lines 7-16.

<sup>1566</sup> Oral Testimony of Civil Party HIM Man, T., 17 September 2015, E1/349.1 [Corrected 2], p. 53 lines 12-23.

<sup>1567</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, E1/393.1 [Corrected 1], p. 57 lines 16-22.

at nightfall I could once in a while see my wife. That was the same for my child and that was the time I felt devastated. I felt so pity for my child and my wife.”<sup>1568</sup>

791. Civil Party NO Sates described how, “[w]hen I looked at other families who had their relatives survived, I felt so pity of myself; sometimes I had to sit down quietly and <weep when my parents called to my mind>. I looked like a crazy person at that time. I pitied my younger siblings. I really pitied them. I recalled when they did not have any food to eat, they lied down on the ground and they were so weak, I had to go out and search for food, for vegetables, or leaves for them to eat. They were so skinny. Sometime I wanted to kill myself; I did not want to witness such a misery experienced by my siblings.”<sup>1569</sup>

792. Civil Party NO Sates recalled that, “[e]very time I <recall> what happened in the past, it seems that my mind is not in my body anymore and it's up to my children, thanks to them, sometimes they try to comfort me but to me the memory is still vivid in my mind. I would exchange my life for food for my siblings and I keep asking the question to myself: why my siblings, including my mother, were taken away and never returned?”<sup>1570</sup>

***Inability to follow rituals for relatives' funerals***

793. Civil Party MEU Peou testified that when he discovered his father had died, “I heard of his death, and I sought permission from Angkar <>to go <to see his body>, but I was told that, "Comrade, your father died".”<sup>1571</sup>

794. Civil Party MEU Peou described impact of the lack of ceremony following the death of his father, “[a]fter he passed away, no one of my relatives went to hold any ceremony for my father's funeral. During the regime, there was no religion, there was no ceremony held for any dead people. And I was <> at my location working, so there was a unit responsible for <burying> the <dead>. Some of my relatives were not

<sup>1568</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 66 lines 6-11.

<sup>1569</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 69 line 18 – p. 70 line 1.

<sup>1570</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, **E1/351.1** [Corrected 1], p. 70 lines 2-8.

<sup>1571</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 12 lines 3-11.

aware that my father had passed away. We were separated from one another. It was a misery.”<sup>1572</sup>

***Harm linked to witnessing violence***

795. Civil Party MEU Peou described the lasting effects of the violence used to intimidate and control him at Trach Kraol detention facility. “I was detained in Trach Kraol detention facility. And at that location, I witnessed a killing of a woman. That woman was accused of committing moral offence. She was asked to take off her clothes, and <>her body was cut open <from vagina to womb.> I was a prisoner at the time, and I was asked to stand and look at the killing of that woman. And at the time, I could not see whether that woman was pregnant. There was blood everywhere after her body was cut open. The liver was taken out of the body, and that liver was cooked for meal. <They scared me that if I betrayed, my liver would be cooked for meal as well.> I was so scary at that time since I was a young boy.”<sup>1573</sup>

**b.) Long-term mental harm**

**i.) Loss of family members**

***Civil Party SOS Min***

796. Civil Party SOS Min testified, “I lost one younger <sister> because of her illness. She contracted malaria <while living> in the jungle. She died from malaria. In relation to my relatives, I lost seven -- I lost <> seven families. <No one from those families survived.>”<sup>1574</sup>

***Civil Party HIM Man***

797. Civil Party HIM Man testified in his statement of suffering to the Chamber that, “[a]t present, I am still suffering from what happened during the regime. I lost all

<sup>1572</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 12 lines 15-21.

<sup>1573</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 13 line 17 – p. 14 line 1.

<sup>1574</sup> Oral Testimony of Civil Party SOS Min, T., 8 September 2015, **E1/343.1** [Corrected 1], p. 95 lines 7-10.

my hope since I lost many blood relatives and distant relatives, as well as the property, although I don't want to talk about the property.”<sup>1575</sup>

***Civil Party NO Sates***

798. Civil Party NO Sates described, “[u]pon my arrival at Krouch Chhmar I saw no relatives, no parents and I noticed that there had been two or three Cham families there when I arrived. I asked whether these people saw my relatives, my parents and my siblings but they said no. Every time I watched TV and saw the broadcasting about the Khmer Rouge, about the treatment during the regime, I cried and wept. I <>missed my parents; <my> relatives, siblings and parents had died. Sometimes I have to go to the field to cry and shout loudly to relieve myself. Every time I go to transplant rice seedlings, I <sing and shout> to relieve myself like a crazy person and people sometimes ask me why I <shout> and <cry> and I told them that no, I was acting as normal. <I have been suffering since that period.> <I had suffered enough and nothing can compare with this suffering.> Upon my arrival at my house in the birth village, I got married and later on I had children and I could feel relieved as time went by. However, I cannot forget the incident, the bad experience I encountered.”<sup>1576</sup>

799. She continued, “I became <the only> survivor of my family. By that time I was not yet married. I actually pitied <them> and I <was upset with> what <had> happened <to them> so much, I rather died than losing my family members because by that time I did not marry my husband yet and <I thought of committing a suicide by jumping into the water and drowning to death. Then, I thought that if I died, no one would continue my family. I also thought that> if I had to marry a husband and had children, I would not allow my husband and children to live in such a miserable life.”<sup>1577</sup>

***Civil Party MEU Peou***

800. Civil Party MEU Peou testified that, “I lost many family members, including my father<, grandparents, uncles, aunts> and relatives totaling 17 altogether. <I never

<sup>1575</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, E1/350.1 [Corrected 1], p. 43 lines 12-15.

<sup>1576</sup> Oral Testimony of Civil Party NO Sates, T., 28 September 2015, E1/350.1 [Corrected 1], p. 66 lines 2-25.

<sup>1577</sup> Oral Testimony of Civil Party NO Sates, T., 29 September 2015, E1/351.1 [Corrected 1], p. 69 lines 4-17.

saw them again.> I also lost my <lovely> nieces and nephews during the period. And that gave me much pain, and the pain and the suffering stayed with me at the present time.”<sup>1578</sup> Civil Party MEU Peou clarified, “[a]mongst the 17, some died from lack of food. <Some> died from malaria, while others were killed <by cutting their bodies open and salted.>”<sup>1579</sup>

***Civil Party MAN Sles***

801. Civil Party MAN Sles described what it was like to lose his family at a young age, “I lost my father and later on, I lost my mother and three younger siblings, so this was a compounded effect on top of the loss of my father. When I returned to my fishing area, I wept quietly and my <> colleagues asked what happened to me and <> I lied to them that I had an abdominal pain. <I was crying like a child.>”<sup>1580</sup>

**ii.) Mental harm associated to the loss of religion**

802. Civil Party MEU Peou testified how “[w]e were forced to abandon our <religion> and not to use our Cham language. If anyone spoke our language, Angkar would take that person away and executed him or her, and that terrified us. We had nothing to hang onto during the regime.”<sup>1581</sup>

803. Civil Party MEU Peou testified that, “[t]he Khmer Rouge forced the Cham people to eat pork and to force the Cham people to do whatever the Khmer people did. And that was the most difficult thing for the Cham people, as we lost our own identities, lost our religion.”<sup>1582</sup>

804. Civil Party MEU Peou described how it “was so scary at that time since I was a young boy, so I had to abandon everything, even my name. I did not use my name,<Ei> Mohamed, but instead, I was preferred to use Meu Peou. <I hid my identity because> I was a prisoner at the time. If they happened to know that I was a

<sup>1578</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 11 lines 2-7.

<sup>1579</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 44 lines 22-24.

<sup>1580</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 63 lines 3-8.

<sup>1581</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 7 lines 15-18.

<sup>1582</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 8 lines 22 – p. 9 line 1.

Cham person, I would be in a very difficult situation at that time, so I had to abandon the <> using of my name, and I had to do everything for the sake of my life.”<sup>1583</sup>

805. Civil Party MAN Sles further described the effect of the regime on the continuation of the Cham language and religion to the next generation, “[w]hen the Khmer Rouge regime fell the religious elders passed away as well, so younger children actually went to study abroad at Arab-Saudi countries or in Malaysia who continued their religious practice and then there were Chams that -- rather, there were tuons who are Cham teachers who started teaching the language as well as the Khmer and the English languages to the people.”<sup>1584</sup>

### **(3) Material harm**

#### *Harm due to a lack of education*

806. Civil Party MEU Peou described the consequences he faces because of a lack of formal education, “[w]e received no education, so because of this, it affected my family and the whole society after 1979. And I regret that I had not received any information, and it impact -- it had great impact on my livelihood because of no education. No matter how hard we try, no matter what kind of things we did, we had no better life compared to <others> who have received education. <Because of no education, my daily survival is a struggle.>”<sup>1585</sup>

#### *Harm due to a loss of property*

807. Civil Party MEU Peou testified about the harm he experienced when forcibly displaced from his village. “We were told to leave our native villages. We had to abandon our belongings, houses, lands that we owned. We had to be on our own with nothing so the belongings and properties that my parents had reserved for all of us, for my family, <were all confiscated by the Khmer Rouge>. So it caused a great misery and impact on me and my relatives, so I inherited nothing from my parents

<sup>1583</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 14 lines 2-10.

<sup>1584</sup> Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 65 lines 3-9.

<sup>1585</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 17 lines 15-23.

because of this regime.”<sup>1586</sup> “We were told to abandon properties. Those who did not abandon their belongings and did not leave their villages, they would be killed by Angkar.”<sup>1587</sup> “We were told to abandon our properties and everything.”<sup>1588</sup>

## Chapter 7: Treatment of the Vietnamese<sup>1589</sup>

<sup>1586</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 18 lines 4-14.

<sup>1587</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 19 line 25 – p. 20 line 2.

<sup>1588</sup> Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 18 lines 22-23.

<sup>1589</sup> In the context of the Treatment of the Vietnamese, the Closing Order considers the Vietnamese to be a national, ethnic, and racial group. As part of the policy “to implement and defend the CPK socialist revolution through the targeting of specific groups by whatever means necessary”, the OCIJ was seized of the treatment “of the Vietnamese in Prey Veng and Svay Rieng Provinces in the East Zone and during incursions into Vietnam”. With respect to the treatment of the Vietnamese, “this policy came into existence before 1975 and continued to escalate throughout the CPK regime” with expulsions of Vietnamese people dating back to 1970 and continued by the CPK from 1973 and continuing to 1975 and 1976.” It is alleged that “[f]rom April 1977, the CPK intended to further this policy by destroying in whole or in part the Vietnamese group as such” and “from 1977 onwards, mass targeted killings of Vietnamese civilians occurred throughout Prey Veng and Svay Rieng in the East Zone.” It is further alleged that “[t]here is also evidence that Vietnamese civilians were targeted and killed throughout Cambodia as set out in the section of the Closing Order regarding Factual Findings on Crimes, in particular for the Northeast Zone and the North Zone.” The policy targeting the Vietnamese is alleged to have been based upon “the theory of matrilineal descent” and “to have been applied throughout Prey Veng and Svay Rieng as well as in other parts of the country.” Closing Order, **D427**, para. 791. Closing Order, **D427**, para. 205. Closing Order, **D427**, para. 206. Closing Order, **D472**, para. 213. Closing Order, **D427**, para. 213. Closing Order, **D427**, para. 214. Closing Order, **D427**, para. 215. Closing Order, **D427**, para. 215. Closing Order, **D427**, para. 791.

It is in this context that the Trial Chamber is seized of facts relating to: (i) the definition of the targeted group; (ii) the demographic evidence describing the number of Vietnamese people who were expelled to Vietnam or killed between 1975 and 1979; (iii) the movement of Vietnamese civilians from Cambodia to Vietnam in 1975 and 1976 from Prey Veng and Svay Rieng and throughout Cambodia; (iv) the killings of Vietnamese civilians in Prey Veng and Svay Rieng in 1977, 1978, and 1979; (v) the killings of Vietnamese civilians outside of Prey Veng and Svay Rieng, specifically identifying a mass execution of Vietnamese in 1978, and throughout Cambodia, including Battambang, Pursat, Mondulkiri, Kampot, Takeo, Kratie, Koh Kong, Kroch Chhmar, and Khsach Kandal; (vi) the detention and killing of Vietnamese people in security centres, specifically S-21, Kraing Ta Chan, Prey Damrei Srot, Koh Kyang, Kok Kduoch, and Au Kanseng Security Centre where 209 Jari Vietnamese troops were captured and executed in June of 1977; and (vii) the treatment of Cambodians with Vietnamese spouses and children with one Vietnamese parent. Closing Order, **D427**, para. 791. Closing Order, **D427**, paras 792-793. Closing Order, **D427**, paras 794-796. Closing Order, **D427**, paras 797-801. Closing Order, **D427**, para. 803. Closing Order, **D427**, para. 804. Closing Order, **D427**, paras 805-813. The Trial Chamber is also seized with facts relating to the intention to destroy the Vietnamese as a group and facts relating to anti-Vietnamese war and purge propaganda. The Decision on Severance excluded crimes committed by the Revolutionary Army of Kampuchea on Vietnamese territory from the scope of this trial. Closing Order, **D427**, paras 814-818. Closing Order, **D427**, paras 819-831. On the basis of the above factual allegations in relation to the treatment of the Vietnamese, the Accused are indicted with: genocide by killing, murder (those who resisted deportation in 1975-1976 and became widespread beginning in 1977), extermination (beginning in April 1977), deportation (Prey Veng, Svay Rieng and the Tram Kok Cooperatives soon after the CPK came to power and continued until 1976), racial persecution (Prey Veng and Svay Rieng, security centres, and Tram Kok Cooperatives), and other inhumane acts through enforced disappearance. Closing Order, **D427**, paras 1343-1349, 1381, 1385. Closing Order, **D427**, paras 1373, 1378. Closing Order, **D427**, paras 1381, 1387. Closing Order, **D427**, paras 1397-1401.

## A. Overview of Civil Party Evidence

808. Two civil parties, CHOEUING Yaing Chaet and PRAK Doeun, testified during the Vietnamese trial segment about their experiences in Kampong Chhnang Province and two civil parties, LACH Kry and DOUNG Oeurn, testified about the loss of their relatives in Pou Chentam village in Prey Veng Province. Three civil parties, SIENG Chanthy, KHOUY Muoy, and UCH Sunlay, testified to the harm they suffered as a result of the treatment of the Vietnamese during Democratic Kampuchea.<sup>1590</sup>

809. Civil Party CHOEUING Yaing Chaet is ethnically Vietnamese, and both of his parents were ethnically Vietnamese.<sup>1591</sup> He was born in Cambodia in Ruessei Dangkuoch village in Kampong Leang district, Kampong Chhnang province, as were his parents.<sup>1592</sup> He testified that he was taken to Vietnam in 1975 and was 13 or 14 years old when this occurred.<sup>1593</sup>

810. Civil Party CHOEUING Yaing Chaet described the process of his movement from Ruessei Dangkuoch village, Kampong Leang district, Kampong Chhnang province, to Vietnam. The Civil Party explained that 30 Vietnamese families were living in his village, as well as “more Khmer families” who lived in the village and commune, however, the Civil Party could not estimate their number.<sup>1594</sup> He testified that his family was mistreated by the Khmer Rouge in his village and said that if they remained living there, everyone would be killed.<sup>1595</sup> The Civil Party explained that because they were afraid, everyone from the village fled to live near Kampong

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<sup>1590</sup> Sixty-eight civil parties were admitted by the OCIJ on the basis of the treatment of the Vietnamese (Closing Order, **D427**, para. 841), and 15 were admitted by the PTC.

<sup>1591</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 34 lines 19-23.

<sup>1592</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 32 lines 21-23, p. 35 lines 2-5. The name of the Civil Party’s village was inconsistently translated as Srae Ta Kouy and Ruessei Dangkuoch. For clarity, Ruessei Dangkuoch is used as it is the village initially identified at these portions of the revised transcripts. *See also*, Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 38 lines 5-11, p. 76 lines 2-6.

<sup>1593</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 37 lines 10-11, p. 39 lines 17-1, p. 70 line 24 – p. 71 line 11.

<sup>1594</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 38 lines 22-24.

<sup>1595</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 38 lines 12-18.

Chhnang town,<sup>1596</sup> including the Civil Party and his family in 1975.<sup>1597</sup> He stated that everyone, Vietnamese families, Khmer families, and Cham families, came to live in Kandal village in Kampong Chhnang province.<sup>1598</sup> He testified that his family remained in Kandal village for a little more than a month before they were evacuated to Dar village, which was between 15 and 20 kilometres away from Kandal village,<sup>1599</sup> and explained that the relocation to Dar village was forced and unoccupied houses were burned down.<sup>1600</sup> Civil Party CHOEUING Yaing Chaet testified that about 1,000 families were relocated from Kandal village to Dar village which was also located in District 18; however, he could not recall the ethnic composition of the families, but stated that it was likely there were more Vietnamese families.<sup>1601</sup> The Civil Party clarified, though, that for the group of families that he was transferred with to Dar village, they were all Vietnamese families and another group was composed of mixed Khmer and Vietnamese families.<sup>1602</sup> The Civil Party and his family lived at Dar village for a bit more than a month.<sup>1603</sup>

811. The Civil Party described being ordered to leave the house by Ta Peang's group, eight people with eight guns, an axe and a bamboo stick, and dressed in black with scarves around their necks,<sup>1604</sup> with each of his family members tied up.<sup>1605</sup> Four

<sup>1596</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 38 lines 12-18.

<sup>1597</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 38 lines 12-18. For time frame, *see*, Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 38 lines 8-11.

<sup>1598</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 39 lines 3-5.

<sup>1599</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 39 lines 17-19, p. 41 lines 3-5.

<sup>1600</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 40 lines 1-6.

<sup>1601</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 40 line 14 – p. 41 line 2, p. 41 lines 20-21.

<sup>1602</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 41 lines 9-11.

<sup>1603</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 42 lines 13-15.

<sup>1604</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 43 lines 4-21.

<sup>1605</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 28 lines 15-19.

members of the family next door, who were also ethnically Vietnamese,<sup>1606</sup> were also tied up and taken away.<sup>1607</sup> Civil Party CHOEUING Yaing Chaet described how they were put in a place near a pit, and that each person was walked to the pit and killed.<sup>1608</sup> He knew this, because when it was his turn, he saw the bodies of his parents and siblings in the pit.<sup>1609</sup> The Civil Party testified that he was then hit three times in the nape of his neck with an axe, breaking one of the bones.<sup>1610</sup> The eight cadres were there and they presumed that he was dead. They untied him, took away the rope, and then left.<sup>1611</sup>

812. After surviving the execution, he explained that at around 4 o'clock in the afternoon, he regained consciousness with severe pain in his neck and forced himself to walk day and night to Cheung Krous commune where he went to Ta Ly's house.<sup>1612</sup> Ta Ly had been assigned by Ta Peang's group to live in a floating village to catch fish and make fermented fish.<sup>1613</sup> He recalled that it took one day and one night before he reached the house.<sup>1614</sup> He testified that after arriving at Ta Ly's house, they helped him and gave him modern and traditional medicines.<sup>1615</sup>

813. Civil Party CHOEUING Yaing Chaet described how he stayed at Ta Ly's house for one month before there was someone who told them that the Vietnamese

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<sup>1606</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 45 lines 11-23.

<sup>1607</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 28 lines 18-19.

<sup>1608</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 28 lines 19-25.

<sup>1609</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 28 lines 23-25; Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 47 lines 1-6.

<sup>1610</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 44 lines 22-23.

<sup>1611</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 46 lines 21-25.

<sup>1612</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 47 line 25 – p. 48 line 5.

<sup>1613</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 48 lines 17-23.

<sup>1614</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 32 lines 14-23.

<sup>1615</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 48 lines 20-23.

had to leave by river to Vietnam.<sup>1616</sup> At the time, Ta Ly had told the Civil Party to hide nearby, and he hid himself in the commune for two weeks.<sup>1617</sup> One month later, Ta Ly and eight family members left for Vietnam,<sup>1618</sup> and allowed the Civil Party to hide in his boat.<sup>1619</sup> Once the group passed the checkpoint, Civil Party CHOEUNG Yaing Chaet was able to come out from hiding and help paddle the boat.<sup>1620</sup> At a tributary of Tonle Buon Mukh, the Civil Party separated from Ta Ly's group<sup>1621</sup> and boarded a ferry with 60 more people and left for Neak Loeng, Prey Veng Province.<sup>1622</sup> The Civil Party clarified that the location of the tributary was in front of the Royal Palace in Phnom Penh.<sup>1623</sup> Civil Party CHOEUNG Yaing Chaet testified that on the ferry, the passengers were all Vietnamese and that they were selected to get on the ferry for the barter programme with Vietnam.<sup>1624</sup> The Civil Party clarified that they selected people to get on the ferry and asked who was Vietnamese, Chinese or Khmer, and could identify people based on their accent and facial features.<sup>1625</sup>

814. Civil Party CHOEUNG Yaing Chaet testified as to the supervisors on the Khmer Rouge boat that went to Neak Loeng. He could not recall who the supervisors were, but they were wearing black uniforms with a scarf around their necks, and they did not carry any guns.<sup>1626</sup> He explained that those wearing the

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<sup>1616</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 57 lines 18-19.

<sup>1617</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 57 lines 19-23.

<sup>1618</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 57 lines 19-23.

<sup>1619</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 58 lines 1-8.

<sup>1620</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 59 lines 1-8.

<sup>1621</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 59 line 9-20.

<sup>1622</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 59 lines 15-20.

<sup>1623</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 59 line 22 – p. 60 line 2.

<sup>1624</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 60 lines 18 – p. 61 line 1, p. 62 lines 14-20, p. 64 lines 6-12.

<sup>1625</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 64 lines 6-12.

<sup>1626</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 65 lines 5-7.

uniforms with the scarf were Base People and Khmer Rouge, but they were not militia.<sup>1627</sup>

815. At Neak Loeung, Civil Party CHOEUING Yaing Chaet witnessed the exchange of rice and salt from the Vietnamese ferry to the Cambodian ferry<sup>1628</sup> and testified that the Vietnamese and Cambodian authorities counted their heads.<sup>1629</sup> The Civil Party explained that they were housed in a school and fed for seven days when he was sent to Tuek Chou, where he remained.<sup>1630</sup> Civil Party CHOEUING Yaing Chaet returned to Cambodia in 1982.

816. Civil Party PRAK Doeun, a Khmer man who was married to an ethnically Vietnamese woman, provided evidence relating to the movement of Vietnamese people from Cambodia to Vietnam sometime between 1976 and 1977. He testified that he was evacuated from his village to go to Pech Changvar commune, Baribour district, Kampong Chhnang province<sup>1631</sup> in 1975.<sup>1632</sup> He was later separated from his family and relocated to Kaoh Ta Mov and Sdei Peak Kantel villages<sup>1633</sup> between 1976 and 1977, where he was assigned to a fishing unit.<sup>1634</sup> His wife at that time, BOU Samban, was ethnically Vietnamese, but born in Cambodia.<sup>1635</sup> She spoke Khmer and

<sup>1627</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 30 lines 7-8.

<sup>1628</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 66 lines 11-13.

<sup>1629</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 66 lines 5-7.

<sup>1630</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 46 lines 22-25; Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 71 line 21.

<sup>1631</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 44 lines 18-20.

<sup>1632</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 54 lines 16-25.

<sup>1633</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 55 line 25 – p. 56 line 2, p. 56 lines 7-9.

<sup>1634</sup> The Civil Party, when asked whether the time frame in which he lived on Ta Mov island was about one year from December 1976 to December 1977, replied that he was not clear as to the month. Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 56 lines 10-14; Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 54 lines 15-25 and Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 65 line 22 – p. 66 line 6.

<sup>1635</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 45 line 23 – p. 46 line 10.

French, and knew Vietnamese but did not use it.<sup>1636</sup> Civil Party PRAK Doeun described his wife as having a light complexion with Khmer facial features.<sup>1637</sup> BOU Samban's mother was ethnically Vietnamese and her father was half-blood Chinese.<sup>1638</sup> The Civil Party does not know where they were born,<sup>1639</sup> but described that they dressed in the Vietnamese style and spoke Khmer with a severe accent.<sup>1640</sup>

817. During the Khmer Rouge regime, Civil Party PRAK Doeun and his wife had five children, with a sixth born in 1977.<sup>1641</sup> The Civil Party testified that for two of his daughters, he changed their names for their safety so that the members of the children's unit would not know that they were from a Vietnamese family.<sup>1642</sup> Civil Party PRAK Doeun explained that he was afraid that his daughter would have been killed if she used her Vietnamese name.<sup>1643</sup> He explained that he started to use a different name around mid-1976.<sup>1644</sup>

818. Civil Party PRAK Doeun testified that he and his family were transferred together within Kampong Chhnang Province until he was separated and sent to Ta Mov Island for one year and a half before his wife and children came to live with him on the island.<sup>1645</sup> He testified that after hearing an announcement for Vietnamese people to return to Vietnam, he saw ethnically Vietnamese people put onto boats.<sup>1646</sup> However, his wife BOU Samban did not go to Vietnam because she remained with

<sup>1636</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 46 lines 23-24.

<sup>1637</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 46 lines 12-14, p. 47 lines 3-5.

<sup>1638</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 47 lines 6-8.

<sup>1639</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 47 lines 9-12.

<sup>1640</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 47 lines 13-18.

<sup>1641</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 48 lines 16-19.

<sup>1642</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 51 line 16 – p. 53 line 2.

<sup>1643</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 53 line 4 – p. 54 line 10.

<sup>1644</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 54 lines 12-15.

<sup>1645</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 57 line 23 – p. 58 line 11.

<sup>1646</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 63 lines 15-19.

the Civil Party.<sup>1647</sup> The Civil Party testified that at the end of 1977, his wife, youngest child and his mother-in-law were taken away to be killed, along with seven other families who either had a Vietnamese wife or a Vietnamese husband.<sup>1648</sup>

819. Two civil parties, LACH Kry and DOUNG Oeurn, gave evidence about the loss of their ethnically Vietnamese family member(s) in Prey Veng in 1977. Civil Party LACH Kry's brother, LACH Ny, married an ethnically Vietnamese woman named Sun San, and they had five daughters. LACH Kry testified about their fate. Civil Party DOUNG Oeurn was married to Tep Chuy, who was also ethnically Vietnamese. She testified as to his fate. Civil Parties LACH Kry and DOUNG Oeurn also provided information in relation to a man from their village named Ngang, and to his fate. One civil party, SIENG Chanthy, provided evidence related to the fates of two ethnically Vietnamese families, the family of Sa Onn and the family of Thon, who were from her village in Svay Rieng.

820. Civil Party LACH Kry is from Pou Chentam Village in Prey Veng. He had two brothers and three sisters. His eldest brother, LACH Ny, passed away in 2006.<sup>1649</sup> LACH Ny was a civil party before his death and LACH Kry put forward a successor claim to continue his brother's civil action.<sup>1650</sup> Civil Party LACH Kry testified that LACH Ny was nine years older than him, and that while he was still alive, they lived next door to each other and had a close relationship.<sup>1651</sup> Civil Party LACH Kry explained that he continued his brother's action because he passed away and told him that if he were to die, then his action should be continued.<sup>1652</sup> The Civil Party also provided a Written Record of Interview to the OCIJ.<sup>1653</sup>

<sup>1647</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 63 lines 21-24.

<sup>1648</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 87 line 13 – p. 88 line 2, p. 72 lines 11-19, p. 75 line 15 – p. 76 line 6, p. 76 lines 3-6.

<sup>1649</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 57 lines 12-16.

<sup>1650</sup> Statement of LACH Kri, Continuation of Civil Party Claims of LACH Ny (deceased), **E3/6927**, 15 September 2010, ERN (EN) 00621411.

<sup>1651</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 57 lines 22-24.

<sup>1652</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 57 lines 12-14.

<sup>1653</sup> Written Record of Interview of LACH Kri, **E3/9340**, 24 September 2008, ERN (EN) 00233281-00233284.

821. Civil Party LACH Kry testified before the Chamber regarding LACH Ny's background. LACH Ny worked in Phnom Penh during the former regime and married his wife, Sun San.<sup>1654</sup> LACH Ny returned to Pou Chentam village in 1968 together with his new wife and son.<sup>1655</sup> Civil Party LACH Kry testified that his brother lived in the house next to his during the regime.<sup>1656</sup>
822. About San, his brother's wife, Civil Party LACH Kry explained that she was from Battambang and spoke both Khmer and Vietnamese.<sup>1657</sup> The Civil Party explained that he heard her speaking Vietnamese when she was selling vegetables to Vietnamese customers at the market.<sup>1658</sup> The Civil Party explained that San "had Khmer attitude but the way she spoke was like Vietnamese, since she spoke <Khmer> with accent."<sup>1659</sup>
823. During the regime, only three Vietnamese families lived in Pou Chentam village.<sup>1660</sup> Civil Party LACH Kry testified that in the family of Ngang, both the father and mother were Vietnamese, in the second family was Chuy, whose wife was Khmer, and the third was the wife of his brother.<sup>1661</sup>
824. Civil Party LACH Kry testified that the Khmer Rouge came to control his area in 1971 or 1970.<sup>1662</sup> Initially, LACH Ny and his family's lives were not affected and they continued to live as ordinary villagers<sup>1663</sup> until 1977 when the situation

<sup>1654</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 59 line 20 – p. 60 line 17.

<sup>1655</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 60 lines 13-17.

<sup>1656</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 59 lines 1-3.

<sup>1657</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 60 line 19 – p. 61 line 7.

<sup>1658</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 61 lines 3-7.

<sup>1659</sup> Oral Testimony of Civil Party LACH Kry, T., 21 January 2016, E1/380.1 [Corrected 3], p. 84 lines 7-9. *See also*, p. 85 lines 15-17 ("it was the time that I learned that my sister-in-law was Vietnamese, although she was Vietnamese, she spoke <Khmer> with <little Vietnamese> accent<>."). *See also*, p. 93 line 25 – p. 94 line 19 (confirming, "That's what I testified today and that's what I am testifying now, that she spoke Vietnamese and she also <spoke> Khmer but with <Vietnamese> accent. And when she spoke Vietnamese to those Vietnamese people who came to buy her vegetables, but when she spoke to our side, that is to me and my family members, she spoke Khmer with <Vietnamese> accent."). The Civil Party disavowed prior statement that San did not speak Vietnamese and spoke Khmer clearly. *See*, p. 95 line 24 – p. 96 line 23.

<sup>1660</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 61 lines 15-18.

<sup>1661</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 61 lines 19-24.

<sup>1662</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 63 lines 17-20.

<sup>1663</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 63 lines 21-24.

changed.<sup>1664</sup> Civil Party LACH Kry testified that San was arrested in 1977, together with five of her children, and that he witnessed the event.<sup>1665</sup>

825. The Civil Party described that while he was harvesting rice with a group of 20 other workers, including LACH Ny, three militiamen came and made a call for San to go for a study session.<sup>1666</sup> She was arrested and put onto a horse cart together with her four children.<sup>1667</sup> The eldest daughter, who was working in a different area, was fetched by the militiamen.<sup>1668</sup> Civil Party LACH Kry described how his brother fainted and collapsed when he witnessed his wife's arrest and the immediate psychological harm that LACH Ny suffered as a result.<sup>1669</sup>

826. Civil Party LACH Kry explained that after San and her children were put on the horse cart, he did not know of their fates, only learning that the driver of the cart dropped San and the children at the Trapeang Pring forest and that a security guard received them.<sup>1670</sup> The Civil Party never saw them again.<sup>1671</sup> The Civil Party further testified that Ngang and Chuy suffered similar fates.<sup>1672</sup>

827. Civil Party DOUNG Oeurn was the wife of Chuy<sup>1673</sup> and he came to live in Pou Chentam before the Khmer Rouge regime.<sup>1674</sup> She testified to the arrest and disappearance of her husband, also in Pou Chentam village. Civil Party DOUNG Oeurn testified that her husband was Vietnamese, and that he was born in Peam.<sup>1675</sup> Before Chuy came to live in Cambodia, he was a Vietnamese soldier, however Civil

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<sup>1664</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 64 lines 1-4.

<sup>1665</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 64 line 9 – p. 65 line 4.

<sup>1666</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 64 lines 14-15, p. 64 line 25 – p. 65 line 1.

<sup>1667</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 65 lines 5-10.

<sup>1668</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 65 lines 10-12.

<sup>1669</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 66 lines 6-9.

<sup>1670</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 69 lines 1-12.

<sup>1671</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 70 lines 8-10.

<sup>1672</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 73 line 11 – p. 75 line 8.

<sup>1673</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 7 lines 15-20.

<sup>1674</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 44 lines 15-21.

<sup>1675</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 8 lines 9-17.

Party DOUNG Oeurn did not know for which side.<sup>1676</sup> His parents and relatives and siblings were also Vietnamese.<sup>1677</sup> The Civil Party explained that Chuy spoke Vietnamese fluently but could not speak Khmer clearly.<sup>1678</sup> They had a daughter named Kim Va alias Kamean, who survived the regime.<sup>1679</sup> Civil Party DOUNG Oeurn explained that her daughter was known as Kamean because she was afraid that she would be taken away and killed because she would be linked to her father.<sup>1680</sup>

828. Civil Party DOUNG Oeurn testified that during the Khmer Rouge regime starting from 1975, she received information that Vietnamese who were living in Cambodia should return to Vietnam.<sup>1681</sup> The Civil Party explained that her husband refused to go when she urged them to go to Vietnam together.<sup>1682</sup> The family of Ta Ki and Yeah Min and their children went to Vietnam after the announcement was made for the Vietnamese to return to Vietnam.<sup>1683</sup> The Civil Party testified that before the Khmer Rouge, Vietnamese and Khmer families lived happily together and no one harmed each other.<sup>1684</sup>

829. The Civil Party testified to her husband's disappearance during the harvesting season, however she could not immediately recall the year.<sup>1685</sup> The Civil Party testified upon further questioning that it was 1977, but could not recall the exact date

<sup>1676</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 53 line 18 – p. 54 line 6.

<sup>1677</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 8 lines 18-21.

<sup>1678</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 9 lines 2-6.

<sup>1679</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 10 lines 12-21.

<sup>1680</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 10 lines 6-17, p. 21 lines 1-10.

<sup>1681</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 10 line 22 – p. 11 line 4. The Lead Co-Lawyers note that the Civil Party also stated that the Khmer Rouge arrived in Pou Chentam village in 1977. *See*, Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 21 line 13 – p. 22 line 2.

<sup>1682</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 10 line 24 – p. 11 line 4.

<sup>1683</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 11 lines 5-10.

<sup>1684</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 45 lines 4-9.

<sup>1685</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 11 line 24 – p. 12 line 7.

or month.<sup>1686</sup> Chuy was assigned to cut “rumpeak” vine and never returned.<sup>1687</sup> Civil Party DOUNG Oeurn was in the field harvesting when he was taken, and she did not know where he had gone.<sup>1688</sup> The Civil Party explained that it was her mother who informed her that her husband was walked away.<sup>1689</sup> According to what she was told, her husband was not tied up, but rather walked away from the house.<sup>1690</sup> He disappeared ever since.<sup>1691</sup> The Civil Party testified that there was no discrimination against him previously.<sup>1692</sup>

830. Civil Party DOUNG Oeurn further testified that LACH Ny’s family members were taken away, five or six children, together with the mother.<sup>1693</sup> Civil Party DOUNG Oeurn explained that LACH Ny’s wife was ethnically Vietnamese, and that she did not speak Khmer clearly.<sup>1694</sup> Ngang, the other Vietnamese person living in the village, was the first to be taken away to cut “rumpeak” vine, and disappeared from that time on.<sup>1695</sup> His children were spared.<sup>1696</sup> Civil Party DOUNG Oeurn testified that she knew Ngang was Vietnamese because he could not speak Khmer clearly, and his parents were Vietnamese.<sup>1697</sup> He could also be identified from his physical

<sup>1686</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 28 line 6 – p. 29 line 9.

<sup>1687</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 11 lines 19-23.

<sup>1688</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 12 lines 3-7.

<sup>1689</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 12 lines 8-13. The Civil Party disavowed a prior statement in which it was recorded that she saw her husband being walked away and put on a horsecart by militiamen. *See*, Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 29 line 17 – p. 30 line 5.

<sup>1690</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 12 lines 14-19.

<sup>1691</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 12 line 23 – p. 13 line 3.

<sup>1692</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 19 lines 3-8.

<sup>1693</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 13 lines 10-23.

<sup>1694</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 14 lines 2-3.

<sup>1695</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 14 lines 8-12, p. 37 lines 11-17.

<sup>1696</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 14 lines 14-16.

<sup>1697</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 14 lines 17-25, p. 15 lines 8-16.

features.<sup>1698</sup> With respect to the order in which Vietnamese persons disappeared from the village, Civil Party DOUNG Oeurn testified that Ngang was first, followed by LACH Ny's family, and her husband was the last to be taken away.<sup>1699</sup>

831. Civil Party DOUNG Oeurn clarified her husband's background and trade during her testimony. The Civil Party explained that before the Democratic Kampuchea regime, Chuy sold livestock, ducks, and chicken, and that that was his only business, and disavowed that her husband could have been an opium dealer or imported/exported illegal goods.<sup>1700</sup> She testified that it was economically difficult during that time.<sup>1701</sup> Civil Party DOUNG Oeurn testified that she did not know whether Chuy was a soldier at any point.<sup>1702</sup>

832. Civil Party DOUNG Oeurn testified that after the fall of the Khmer Rouge regime, no Vietnamese families returned to live in Pou Chentam.<sup>1703</sup>

833. Civil Party SIENG Chanthy testified that she lived in Ruessei Prey village, Chamlang commune in Svay Rieng province during the Democratic Kampuchea regime.<sup>1704</sup> She testified that her father was Vietnamese and that her ancestors were Vietnamese living in Cambodia.<sup>1705</sup> Her mother was "pure Khmer."<sup>1706</sup> The Civil Party explained that her father's parents were ethnically Vietnamese but resided in

<sup>1698</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 15 lines 8-16.

<sup>1699</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 15 line 24 – p. 16 line 3.

<sup>1700</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 16 lines 5-11. *See also*, Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 51 line 9 – p. 52 line 10. The Lead Co-Lawyers note that the Civil Party disavowed several other portions of the DC-Cam document, *see*, pp. 25-26, 40-41, 49.

<sup>1701</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 16 lines 14-17.

<sup>1702</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 18 lines 15-19.

<sup>1703</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 45 line 16 – p. 46 line 2.

<sup>1704</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 13 line 25 – p. 14 line 1.

<sup>1705</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 90 lines 16-17.

<sup>1706</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 14 line 3.

Cambodia.<sup>1707</sup> The Civil Party testified that he used another surname and used to be employed as a civil servant.<sup>1708</sup> For herself, she was half-blooded Vietnamese.<sup>1709</sup> Everyone knew that her father was Vietnamese because he had a fair complexion and looked Vietnamese.<sup>1710</sup> He was the only one in the family who knew how to speak Vietnamese,<sup>1711</sup> and he spoke Khmer clearly.<sup>1712</sup> In their village, there were only two other Vietnamese families.<sup>1713</sup> Civil Party SIENG Chanthy had eight siblings. From oldest to youngest were Chrouk Chanthan, Chrouk Chantha, Chrouk Chanthida, Chrouk Chantheavy, herself, Thoeung Mony, Chrouk Chanthy, and Hin Mony.<sup>1714</sup>

834. After 17 April 1975, the Khmer Rouge evacuated her family across Ou Smach bridge to Chhuk Sa village, the hometown of her parents.<sup>1715</sup> The Civil Party described that when she arrived in Chhuk Sa village, her family was considered to be 17 April People, and that as the New People, they were looked down on by the Old People.<sup>1716</sup> They accused her family of being half-blooded Vietnamese.<sup>1717</sup> The Civil Party testified that they were forced to work hard, day and night, and her father was relocated to another location.<sup>1718</sup>

835. During the Khmer Rouge regime, Civil Party SIENG Chanthy testified that nothing was done to search for the Vietnamese because they knew in advance which

<sup>1707</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 14 lines 3-7.

<sup>1708</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 14 lines 5-7.

<sup>1709</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 14 lines 9 – 12.

<sup>1710</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 15 lines 4-6.

<sup>1711</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 14 lines 15-16.

<sup>1712</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 15 lines 20-22.

<sup>1713</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 15 lines 7-12.

<sup>1714</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 14 lines 18-24.

<sup>1715</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 90 lines 17-20.

<sup>1716</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 90 lines 16-22.

<sup>1717</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 90 lines 22-24.

<sup>1718</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 92 line 21 - p. 93 line 1.

families had Vietnamese blood.<sup>1719</sup> The Civil Party testified that the treatment of the Vietnamese and half-blooded Vietnamese people became worse at the time of the offensive by the Vietnamese troops, explaining that they were accused of having a Khmer body and a Vietnamese mind.<sup>1720</sup> She further testified to the fates of two of her brothers, a former soldier and a former policeman.<sup>1721</sup>

836. The Civil Party testified to the fates of the three families in her village. The wife of a major named Thon was Vietnamese. Thon was taken away at the same time as the Civil Party's brother, and a few days later, the wife and children were taken away. The Civil Party testified that the whole family was taken away and killed and that the daughter of the family was raped and killed.<sup>1722</sup> Civil Party SIENG Chanthy explained that her father witnessed the rape while he was making fertilizer and he had told her about the incident and felt afraid for the fate of his daughters.<sup>1723</sup> One week after her neighbour's daughter died, Civil Party SIENG Chanthy testified that her father committed suicide because he wanted the family to survive.<sup>1724</sup>

837. Civil Party UCH Sunlay, a Khmer man, testified that his wife, who was ethnically Vietnamese, and his three children were sent away to be killed at Kbal Kaoh Trong Island in September 1978, along with other Vietnamese women and children.<sup>1725</sup> The Civil Party testified that his wife and children had been sent away to Kbal Kao Trong while the Civil Party was in Tuol Monourom, Krakor commune, Kracheh district, Kratie province.<sup>1726</sup> His wife, Sa Kim Ni, was ethnically Vietnamese

<sup>1719</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 15 lines 13-20.

<sup>1720</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 18 lines 11-17.

<sup>1721</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 7 line 2 – p. 10 line 21.

<sup>1722</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 34 line 23 – p. 35 line 3.

<sup>1723</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 35 line 14 – p. 36 line 9.

<sup>1724</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 94 line 14 – p. 95 line 5.

<sup>1725</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 105 lines 9-11; p. 95 lines 15-25; p. 93 lines 13-18 and Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 5 lines 8-19.

<sup>1726</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 102 lines 1-4.

although she did not understand the Vietnamese language.<sup>1727</sup> Her mother was of half Vietnamese descent, and it was well known that he had married a half-blooded Vietnamese wife.<sup>1728</sup> The Civil Party explained that his children were considered to be “Vietnamese <grandchildren.>”<sup>1729</sup> Civil Party UCH Sunlay described how Angkar assigned workers to investigate those who were Vietnamese, so the cadres in the villages and communes were aware of the activities of those families.<sup>1730</sup> The Civil Party described the policy of the Khmer Rouge to “<[t]o dig up grass, one must dig up the roots”, explaining that Vietnamese descendants were considered as KGB.<sup>1731</sup> The Civil Party explained that “when <one digs up> the grass, <you> had to <make sure that you dig> up <all> the <roots> of the grass <regardless of where they might be>, so they had to eradicate everything.”<sup>1732</sup>

838. Civil Party UCH Sunlay described learning about their deaths from many villagers.<sup>1733</sup> He further testified that the perpetrators of the killings were militia men from the cooperative.<sup>1734</sup> He later saw the clothes of his wife and children being distributed in the cooperative.<sup>1735</sup> The Civil Party described how he later learned from Thol, who had transported the Vietnamese to a killing site in Kracheh, that children were chased by the Khmer Rouge and smashed against tree trunks.<sup>1736</sup>

839. Civil Party UCH Sunlay also testified in relation to the execution of Vietnamese people, stating that people were told to gather at Krakor pagoda where there were trucks to transport the Vietnamese back to Vietnam, including Yeay Be, his mother in law.<sup>1737</sup>

<sup>1727</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 102 lines 16-25.

<sup>1728</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 5 lines 8-19.

<sup>1729</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 7 lines 5-7.

<sup>1730</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 103 lines 6-13.

<sup>1731</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 7 lines 7-10.

<sup>1732</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 7 lines 22-25.

<sup>1733</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 105 lines 18-22.

<sup>1734</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 8 lines 9-17.

<sup>1735</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 95 lines 15-25.

<sup>1736</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 4 lines 3-15.

<sup>1737</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 99 lines 13-21.

840. The Civil Party lost 13 family members and relatives in total during the regime.<sup>1738</sup>

841. Civil Party KHOUY Muoy, whose mother was Vietnamese and father Chinese,<sup>1739</sup> testified as to her experience during the Khmer Rouge regime and the deaths of 13 of her family members.<sup>1740</sup> She testified that her family lived in Koh Seh island before 1975 but was evacuated to Srae Cham Village when the Khmer Rouge took over.<sup>1741</sup> In 1976, the Khmer Rouge soldiers separated her from her parents and she was sent to a 100-woman mobile unit in Prey Nob pagoda.<sup>1742</sup> She testified that she was forced to work in the rice fields during the day in her mobile unit.<sup>1743</sup> She testified that by the time she went back to Srae Cham Village to find her family in late 1978, her family was not there anymore.<sup>1744</sup> She provided hearsay evidence on the disappearances of her Vietnamese mother and Chinese father at Kaoh Kyang area at Chung Sroy.<sup>1745</sup> She also knew other family members and relatives that were taken there.<sup>1746</sup> She further testified that her elder brother, her elder brother's wife, her elder brother's six children, and five to six family members from her cousin's family were also taken away to be killed.<sup>1747</sup> The Civil Party testified that her aunt and uncle in Kaoh Khyang told her that her parents were taken away to be killed because they were accused of having Chinese and Vietnamese blood and because they spoke Khmer with an accent.<sup>1748</sup> She explained that the rest of her family members were taken away to be killed for the same reason.<sup>1749</sup> In her WRI, she stated that she lost her father THENG Khoung, mother I Yi, older sister KHAUNG Va, older brother-in-

<sup>1738</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 92 line 4.

<sup>1739</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 49 lines 17-20.

<sup>1740</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 49 line 25 – p. 50 line 2.

<sup>1741</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 57 lines 15-25.

<sup>1742</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 46 lines 8-11 and p. 81 line 24 – p. 82 line 6.

<sup>1743</sup> Written Record of Interview of KHOUY Muoy, **E3/5544**, dated 11 September 2009, ERN (EN) 00377835.

<sup>1744</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 64 lines 2-5.

<sup>1745</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 49 lines 7-10 and p. 51 lines 2-7.

<sup>1746</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 70 lines 10-11.

<sup>1747</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 50 lines 8-12.

<sup>1748</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 49 lines 7-10.

<sup>1749</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 50 lines 8-12.

law Yan, the six children of her sister, her younger brother KHAUNG Dy, and her younger sister KHAUNG Nang.<sup>1750</sup>

842. Additionally, the Civil Party also lost her younger brother, KHUONG Keng, who was in a youth unit.<sup>1751</sup> She testified that he was accused of being disobedient and was placed in a “free unit,” as he visited his parents without asking for permission from the chairperson, and thus he was sent to a free unit where he died.<sup>1752</sup> She further testified that people who were considered as having free minds, including Cham, Vietnamese and Chinese people, were sent to this unit to grow sweet potatoes, dig canals, and to be killed.<sup>1753</sup> She stated in her WRI that people who commit something wrong would also be sent to the free unit and that no one ever returned.

843. The Civil Party testified that people knew her parents were not Khmer because they spoke Khmer with an accent and did not speak very clearly.<sup>1754</sup>

844. Civil Party KHOUY Muoy testified that she was mistreated in her mobile unit because her mother was ethnically Vietnamese.<sup>1755</sup> She testified that she received insufficient food to eat and was deprived of clean water to drink.<sup>1756</sup> She recalled that she only received watery gruel.<sup>1757</sup> She described that both her and her younger sibling were very skinny.<sup>1758</sup> In her mobile unit, her co-workers told her to speak Khmer with less of an accent to help her survive the regime.<sup>1759</sup> She explained that

<sup>1750</sup> Written Record of Interview of KHOUY Muoy, **E3/5544**, dated 11 September 2009, ERN (EN) 00377836.

<sup>1751</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 53 lines 9-13.

<sup>1752</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 78 lines 8-16, Written Record of Interview of KHOUY Muoy, **E3/5544**, dated 11 September 2009, ERN (EN) 00377835.

<sup>1753</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 78 line 25 – p. 79 line 4; p. 78 lines 14-16 and p. 78 lines 18-23.

<sup>1754</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 59 lines 6-10 and p. 59 lines 11-14.

<sup>1755</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 60 lines 3-7.

<sup>1756</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 60 line 16 – p. 61 line 2.

<sup>1757</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 60 lines 5-7.

<sup>1758</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 60 lines 10-11.

<sup>1759</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 62 lines 5-7.

she was surprised that she had survived the regime.<sup>1760</sup> The Civil Party remained and worked in the mobile unit at Prey Nob until the Vietnamese arrived.<sup>1761</sup>

## **B. Crime-base Evidence Provided by Civil Parties at Trial**

### **(1) Deportations through Prey Veng and Svay Rieng**

845. Civil Party evidence adduced at trial demonstrates that ethnic Vietnamese lawfully present in Cambodia were forcibly displaced across the Cambodia/Vietnamese border without any grounds permitted under international law.

846. Civil Party CHOEUING Yaing Chaet left Cambodia for Vietnam several months after April 1975.<sup>1762</sup>

847. The Civil Party left Kampong Chhnang Province with Ta Ly's family, who had received a permit to return to Vietnam and that they left for Vietnam on Ta Ly's boat, transiting through Phnom Penh. "Ta Ly actually <had a permit made for him in order to go to Vietnam upon which the> number of his family <members had to be specified. The permit was only for his family. I had no idea who made that permit for him. He told me that he had specified only eight family members on the permit. So if I was to be included in the family, there would be an error in the figure. For this reason, I had to go into hiding for seven days, and returned only a few days before the actual departure. During the journey, I did not sit on the boat, but I was hiding inside the boat when the boat had to stop at certain checkpoints. And only after those checkpoints was I allowed to come out and help rowing the boat. Only once we reached at the tributary of the four rivers did I go aboard the ferry.>"<sup>1763</sup> "<I did not mention that Ta Ly had sent me a letter or whatsoever. I mentioned that a permit was

<sup>1760</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 60 lines 11-14.

<sup>1761</sup> Written Record of Interview of KHOUY Muoy, **E3/5544**, dated 11 September 2009, ERN (EN) 00377836.

<sup>1762</sup> For time frame, *see* Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 54 lines 18-20 ("So if I refer to the Vietnamese calendar, it was the fourth month of the calendar, one month after the Khmer New Year that my parents had been killed."). The Civil Party stated, "I stayed at Ta Ly's house for one month <then> someone <told us> that the Vietnamese had to leave by river to Vietnam. At that time, Ta Ly told me to <hide somewhere around his area and he told me to wait and that he would bring me along with him at some point on the way. So, I hid myself in the commune> for two weeks, and <> one month later, Ta Ly left for Vietnam." *See* Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 57 lines 18-23.

<sup>1763</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 37 lines 8-20.

issued to Ta Ly's family by the Angkar. It was the Angkar who issued the permit to Ta Ly. I did not mention that Ta Ly had sent me a letter.>”<sup>1764</sup>

848. Civil Party CHOEUING Yaing Chaet testified that “[w]hen we reached <Tonle Buon Mukh>, there was a ferry that <would take us> to Neak Loeang. So he told me that it's better for me to get on the ferry, otherwise his family would be in danger. So he placed me in the ferry with other people.”<sup>1765</sup>

849. “They selected people to get on the ferry. They asked who Vietnamese <were>, who Chinese <were>, or who Khmer <were>. So, because Vietnamese people spoke Khmer with accent, then they could identify <concisely>. As for the Khmer people, they could identify them immediately through their facial figures and features. <If they spoke Vietnamese with an accent they were not allowed to get aboard.>”<sup>1766</sup> “Of course, [Khmer people who wanted to get on the boat] they faced the same difficulty as I did. So for that reason, they wanted to go away, but when they arrived at the ferry, they were not allowed to go. Even some Vietnamese would not be allowed to get on the ferry. <So, they all would die together.> They could use their own boats to go. So everybody had to find his or her own means of going. <In that period of time, if any person survived we felt profoundly excited.>”<sup>1767</sup> He testified as to the supervisors on the Khmer Rouge boat that went to Neak Loeang, Prey Veng. He stated, “I cannot recall who supervisors <were> or who were not because they were all wearing black uniforms with a scarf around their neck. However, they did not carry any <gun>.”<sup>1768</sup> He testified that people who wore black uniforms with a

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<sup>1764</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 37 line 24 – p. 38 line 2.

<sup>1765</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 60 lines 10-13.

<sup>1766</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 64 lines 6-12

<sup>1767</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 64 lines 17-23.

<sup>1768</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 65 lines 5-7.

scarf around their necks “were the Base People. They were <math>\diamond</math> the Khmer Rouge, but they were not militia.”<sup>1769</sup>

850. He left the Khmer boat to board a Vietnamese boat in Neak Loeang, which headed towards Vietnam. He stated that “[i]t headed off toward Vietnam -- that is, toward Chau Doc.”<sup>1770</sup> “It was one night and one day before we arrived at Neak Loeang. We <arrived at Neak Loeang>in early morning.”<sup>1771</sup>

851. Civil Party CHOEUING Yaing Chaet testified that before he left the Khmer boat to board a Vietnamese boat, there was an exchange for rice and salt between the Cambodian authorities and the Vietnamese side.<sup>1772</sup> He stated that “[s]o that they could negotiate with the Vietnamese side, when we got off the ferry they counted heads. And then in exchange, the Vietnamese returned rice and salt. And after that, we were allowed to board the Vietnamese ferry.”<sup>1773</sup> He confirmed that he witnessed this transaction where the salt and rice were traded for Vietnamese persons, “[y]es, I was there, so I witnessed it. I witnessed them <unloading and> transporting rice and salt from the Vietnamese ferry to the Cambodian ferry.”<sup>1774</sup>

852. He testified that “I heard other Vietnamese people say that: that my life was spared because of the exchange for rice and salt, so that I could go to Vietnam.”<sup>1775</sup>  
The Civil Party explained that “<[o]nce we got to (inaudible), we were housed in a>

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<sup>1769</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 30 lines 7-8.

<sup>1770</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 71 line 5.

<sup>1771</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 65 lines 12-13.

<sup>1772</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 65 lines 17-20, p. 66 lines 5-7 and 11-13, p. 67 lines 1-9.

<sup>1773</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 65 lines 17-20. The Civil Party explained that it was “[t]he Vietnamese, together with the Cambodian authorities, counted heads. And after they bartered the salt and rice, then we got on the Vietnamese ferry.” See Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 66 lines 5-7.

<sup>1774</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 66 lines 11-13.

<sup>1775</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 70 lines 1-3.

school <where we were fed> for seven days. <After they had processed some papers for us,> I was sent to <Tuek Chou (phonetic) where> I remained there.”<sup>1776</sup>

***Displacement of other ethnic Vietnamese people***

853. Civil Party CHOEUING Yaing Chaet testified as to the displacement of other Vietnamese people from Cambodia to Vietnam, either present on the same boat as him, or on other vessels along the river. With regards to traveling on Ta Ly’s boat to Phnom Penh, he stated that “...along my boat, I noticed there were around <60> or <70> other boats <on the way to Phnom Penh>.”<sup>1777</sup> After arriving at Phnom Penh and leaving Ta Ly, he testified that he did not know whether those people on the other boats boarded the same ferry as him.<sup>1778</sup> Upon his arrival at Neak Loeang on the Khmer boat that he boarded, he recalled that “there were other boats which just arrived [in order to get on to the ferry leaving for Vietnam]. However, I cannot give you the exact number of boats. There could <have been> between 20 <and> 30 boats which had arrived - which arrived after I had arrived.”<sup>1779</sup>

854. Civil Party PRAK Doeun testified that when he was living on Ta Mov island between 1976 and 1977,<sup>1780</sup> “I heard the unit chief said that those Vietnamese who had been gathered were subject to be returned to Vietnam. They also made an announcement if anyone wished to go to, they should go <at that time,> but my wife would not go, to live or to die she would stay with me. <She chose to stay behind and die with me. Yes, as she said, she surely died.>”<sup>1781</sup> “I saw they rounded up people and put into a covered boat along the river and that was the boat that I saw. <At that time, I was in my cooperative> and there were about 20 to 30 people on that boat.

<sup>1776</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 46 lines 22-25.

<sup>1777</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 85 lines 19-21.

<sup>1778</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 42 lines 5-10.

<sup>1779</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 46 lines 6-9.

<sup>1780</sup> The Civil Party, when asked whether the time frame in which he lived on Ta Mov island was about one year from December 1976 to December 1977, replied that he was not clear as to the month. Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 66 lines 3-4.

<sup>1781</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 62 lines 13-18.

However, there were many branches from Tonle Sap and I did not know whether other boats were leaving other branches of the river. <But, there were many Vietnamese from Tonle Sap, Kampong Luong and Chnok Tru areas.>”<sup>1782</sup>

855. The Civil Party testified that “I only recognised one person -- that is, Comrade <Aem> (phonetic) whom I <had known> since the Sihanouk regime and he actually said goodbye to me and I knew for sure that he was returning back to his country.”<sup>1783</sup>

856. Civil Party PRAK Doeun confirmed, “I knew for sure that they were all Vietnamese. However I was from a far distance from the boat and I only recognised this person that I mentioned earlier.”<sup>1784</sup>

**(2) Genocide (by killing) in Prey Veng and Svay Rieng in 1977 and in Kratie in 1978**

**a.) Killings of ethnic Vietnamese**

**i.) Killings in Pou Chentam Village, Prey Veng**

857. Civil Party evidence adduced at trial establishes that all ethnic Vietnamese remaining in Pou Chentam in 1977 were targeted and killed. Civil Party DOUNG Oeurn, in response to a question about whether there were any other Vietnamese people in Pou Chentam village during the Khmer Rouge period aside from her husband, Ngang, and Lach Ny’s wife, said, “[n]o, that was all. There were only these families and there were no others <>. That’s all I know.”<sup>1785</sup>

858. Similarly, Civil Party LACH Kry testified that “[i]n Pou Chentam village, I knew that there were three Vietnamese families who lived there.”<sup>1786</sup> He explained that “[o]ne was Wan (phonetic) Ngang, the father and mother were Vietnamese; and

<sup>1782</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 62 line 21 – p. 63 line 2.

<sup>1783</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 63 lines 6-9.

<sup>1784</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 63 lines 17-19.

<sup>1785</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 39 line 21 – p. 40 line 3.

<sup>1786</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 61 lines 17-18.

the second family was Chuy, who had a wife who was Khmer; and the third was the wife of my brother, Lach Ny.”<sup>1787</sup>

859. Civil Party DOUNG Oeurn testified that after the fall of the Khmer Rouge regime, no Vietnamese families returned to live in Pou Chentam.<sup>1788</sup>

***Killing of Sun San and her five daughters***

860. Civil Party LACH Kry testified that “[i]n November 1977, San, the wife of my brother, Lach Ny, was arrested together with their <five children>.”<sup>1789</sup> He knew about this because he “was harvesting rice near the house of Lach Ny when his wife was arrested”<sup>1790</sup> and “three militia came <into the house; I knew them well, especially Uong (phonetic) Ngoy, head of the commune militia>. I knew one of the three militias, but I did not know the other two.”<sup>1791</sup> Civil Party LACH Kry explained that the militia “made a call...for San to go for a study session. So they put San on a horse cart. And we were standing watching the event unfolded and we were wondering why she was called for a study session. <I saw the event with my own eyes.>”<sup>1792</sup>

861. With respect to Lach Ny and San’s children, Civil Party LACH Kry explained that “[w]hen San was arrested and put onto a horse cart, her four children were also invited onto the horse cart. The eldest daughter was working in the far distance and the militiamen went to fetch her. So San, together with the four children, were arrested and put on a horse cart.”<sup>1793</sup> And, “[y]es, I saw them. <The militiaman by the name of> Ngoy went to fetch the elder daughter, the last elder daughter, and two other militiamen were accompanying the horse cart. Ngoy was <the one who went to fetch their> elder daughter, <and gave her a ride on his> bicycle. <By that time, they

<sup>1787</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 61 lines 22-24.

<sup>1788</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 45 lines 18-19.

<sup>1789</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 64 lines 10-11.

<sup>1790</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 64 lines 14-15.

<sup>1791</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 64 lines 18-21.

<sup>1792</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 64 line 25 – p. 65 line 4.

<sup>1793</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 65 lines 9-13.

were catching up from behind as the horse cart had left far ahead. I saw the incident clearly>.”<sup>1794</sup>

862. LACH Kry explained that the driver of the horse cart, a villager named Tri, told him that “after he and they <had> arrived at <a forest, two security guards came to receive San and her children. After that, he returned home. He did not know where those children were taken>.”<sup>1795</sup> The name of the forest was Trapeang Pring forest.<sup>1796</sup>

863. Of the victims, Civil Party LACH Kry explained that Lach Ny and Sun San had five daughters: “The first one was Dalit (phonetic). She was 14 years-old. Dala (phonetic) was 12, the second child. The third child was Srey Mao (phonetic), who was seven years old. And the fourth child was three years-old, and the fifth child was two years-old, who was still breast-fed by the mother yet.”<sup>1797</sup>

864. Civil Party LACH Kry testified that with respect to Sun San and her five children, “I do not know their fates”<sup>1798</sup> and “I have never seen them after that time.”<sup>1799</sup> Civil Party DOUNG Oeurn confirmed that “[s]he disappeared from that day, so she was taken away with her children and only her husband remained.”<sup>1800</sup>

### ***Killing of Tep Chuy***

865. Civil Party DOUNG Oeurn testified that her husband, Tep Chuy, “was assigned to go and cut out ‘rumpeak’ vine and, after that assignment he <never returned. He simply disappeared>.”<sup>1801</sup> She explained that her husband’s disappearance took place in 1977<sup>1802</sup> “during the harvesting season, and I was out in

<sup>1794</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 73 lines 4-9.

<sup>1795</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 69 lines 16-19.

<sup>1796</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 69 line 23.

<sup>1797</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 93 lines 4-8.

<sup>1798</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 69 line 3.

<sup>1799</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 70 line 10, p. 89 line 11.

<sup>1800</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 38 lines 18-19.

<sup>1801</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 11 lines 22-23.

<sup>1802</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 28 line 21 – p. 29 line 9.

the field doing the harvest. And when I returned home, he <was taken away and I had no idea where he was taken to>. I did not know at the time where he went to.”<sup>1803</sup>

866. Civil Party DOUNG Oeurn explained that “[i]t was my mother who told me that my husband had been taken away, and she <told, "Your husband was taken out and I> did not know where they took <your> husband to".”<sup>1804</sup> From her mother, “who was home at the time of the event,”<sup>1805</sup> she learned that “he was not tied up”<sup>1806</sup> and that “[t]here was only one militiaman, not many of them. One militiaman walked my husband away.”<sup>1807</sup>

867. Civil Party LACH Kry confirmed that “it was Chuy who had the same fate as <Wan> (phonetic). One month later, Chuy was also called to cut the trees and clear the forest. In fact, at that time, Chuy was invited to <cut trees in Prey Krabau forest to make handles for the ploughs. He> had the same fate as <Wan> (phonetic) Ngang. <He was also approached and called by the village chief. Chuy's spouse who> was working in the same group as me <told me directly that her husband had been called by the village chief> to cut trees <>.”<sup>1808</sup>

868. Civil Party DOUNG Oeurn testified that when her husband was taken away, her “mother said, ‘Please return immediately after you arrived at the place’. And in reply, he said he would come back very soon. However, he disappeared ever since.”<sup>1809</sup> She explained that “it was my <> assumption that he would not return. After the assignment, he disappeared from that time onwards. It <happened to> others <as well>.”<sup>1810</sup> When asked about why she thought he would never return, Civil Party DOUNG Oeurn explained that “[i]f they were to go, then they would not return and that’s what was my feeling. And indeed, nobody ever returned. All of those who

<sup>1803</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 12 lines 4-7.

<sup>1804</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 12 lines 10-12.

<sup>1805</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 30 line 11.

<sup>1806</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 12 lines 17-18.

<sup>1807</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 30 lines 19-20.

<sup>1808</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 75 lines 3-8.

<sup>1809</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 13 lines 1-3.

<sup>1810</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 35 lines 6-9.

were sent there never returned.”<sup>1811</sup> Civil Party LACH Kry confirmed that when Chuy “went to cut the wood, he disappeared ever since.”<sup>1812</sup>

### *Killing of Ngang*

869. Civil Party LACH Kry testified that “I was <actually passing by the place and on my way to harvest rice in the fields located about 300 to 400 metres away from my house. As Wan (phonetic) Ngang was leaving, I then asked> the village chief <> where <they were heading. He said that one of us, namely Wan (phonetic) Ngang was also going to cut "rumpeak" vines. I myself asked the village chief as we met each other every day. I did not pay attention at that time where Wan (phonetic) Ngang was taken. Actually, he was taken to> cut "rumpeak" vines<, and> after that time, he disappeared <forever>.”<sup>1813</sup>

870. Civil Party DOUNG Oeurn testified that “Ngang had been taken away first to cut ‘rumpeak’ vine. Ngang disappeared from that time onwards. He never returned. Ngang was also Vietnamese.”<sup>1814</sup> She explained that “Ngang’s children stayed at home; only the father was taken away.”<sup>1815</sup> His wife was “Khmer, pure Khmer, and as for the wife, she is now living in another location different from my village.”<sup>1816</sup>

871. Regarding Ngang, Civil Party DOUNG Oeurn stated that he “was the one who had been arrested first and he went away after that time there and he never returned.”<sup>1817</sup> Civil Party LACH Kry also stated that “after that time he disappeared...”<sup>1818</sup>

<sup>1811</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 46 lines 10-12.

<sup>1812</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 83 lines 24-25.

<sup>1813</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 74 lines 13-21.

<sup>1814</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 14 lines 10-12.

<sup>1815</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 14 lines 15-16.

<sup>1816</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 37 lines 21-22.

<sup>1817</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 37 lines 15-17.

<sup>1818</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 73 lines 18-19.

*ii.) Killings of two ethnically Vietnamese families from Ruessei Prey village,<sup>1819</sup> Svay Rieng, in 1977*

872. Civil Party SIENG Chanthy testified that later in 1977,<sup>1820</sup> “the three Vietnamese families in my village, two families among the three were taken away. <The first family they took was of a military major who had a Vietnamese wife>. Two daughters from that family were raped and my father was so terrified since he knew that the two daughters were raped. <when he saw the rape. He came and told my mother that he saw the two daughters of Major Thun (phonetic) being raped. He said he did not want to live anymore as he looked totally different from others. He said he>did not want those people to take <him> away <and kill him. He said it would be a painful death, and that he would rather> commit suicide.”<sup>1821</sup> She explained that “<the family was always referred to as the family of Major Thon (phonetic) which consisted of a mother, two daughters and three sons, while the family of brother> Sa Onn (phonetic) <was> taken away and killed as well <on the same day my brother Chantan was taken. They were killed at Tuol Snguon (phonetic).> I heard that, <about> 10 days <later, the wife of brother Sa> Onn (phonetic) <was> taken away <along with a daughter and a son>.”<sup>1822</sup>

873. Regarding Sa Onn’s family, Civil Party SIENG Chanthy testified that “[t]he wife was Vietnamese” and “the husband <was> taken away on the same day that my brother<Chanthan>, was taken away to be killed. And <about a week or so> later, <his> wife and <> children were also taken away <under the pretext that they were being taken to stay with the husband. In fact, the husband had already been taken away and killed on the same day my brother, Chanthan, was taken.>.”<sup>1823</sup> Regarding Thon’s family, “[t]hey were all killed. The whole family <was> taken away and

<sup>1819</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 13 line 22 – p. 14 line 1.

<sup>1820</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, E1/393.1 [Corrected 1], p. 92 line 2 (linking time frame to later in 1977 after the arrest of her elder brother).

<sup>1821</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, E1/393.1 [Corrected 1], p. 93 lines 14-23.

<sup>1822</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 19 line 23 – p. 20 line 5.

<sup>1823</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 34 lines 17 - 22.

killed. No one survived. And <his daughters were> raped and killed. And <as> for the remaining three <sons> were also taken away and killed.”<sup>1824</sup>

874. She clarified that “[m]y father witnessed the rape incident, and he told me about that. And as for what happened to <his sons and wife>, I heard from the villagers <> that they <had been> taken away and killed.”<sup>1825</sup> She elaborated that “[t]he two [rape] victims had her -- had their mother as Vietnamese, and they were my neighbours. And they also carried dirt in my unit. I did not know when they were arrested. I only knew that they disappeared from the workplace. And then I quietly asked other workers about their disappearance, about <Sra'em Dy> (phonetic) and Srey <Tauch> (phonetic). That is their names. And then I was told that they were taken away and killed. And when I returned home that night, my father whispered to me that the family members of <Sak> Bun Thon (phonetic) <had been> taken away and killed and that he was so afraid of that.”<sup>1826</sup>

875. On the identity and number of victims, Civil Party SIENG Chanthy explained that “<The family of Major> Thon (phonetic) <>had six members<, while> the <other> family <whose mother was Vietnamese> had two children, one son and one daughter.<So there were three of them in the second family.>”<sup>1827</sup> While she did not remember the surnames of Thon’s daughters, she recalled “only their names, <they were Sa'em Vandy (phonetic),> Touch (phonetic)<> Bong Ki (phonetic), Bong Kou (phonetic) and <Bong>Mao (phonetic).”<sup>1828</sup>

876. Civil Party SIENG Chanthy, when asked whether she met any members of the two families again, responded: “[H]ow could I have <the> chance to see them <again>after that time, since those family had been taken away and killed?”<sup>1829</sup>

### *iii.) Killings in Kratie in September 1978*

<sup>1824</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 34 line 25 – p. 35 line 3.

<sup>1825</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 35 lines 17-19.

<sup>1826</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 5 lines 9-18.

<sup>1827</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 20 lines 9-12.

<sup>1828</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 35 line 8-11.

<sup>1829</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 22 lines 4-5.

*Killings of UCH Sunlay's family members*

877. Civil Party UCH Sunlay testified that “[i]t was in September in 1978 when my wife, together with my children, <were> sent away to be killed. It was in the flooding -- in the flood season.”<sup>1830</sup>

878. Civil Party UCH Sunlay testified that the Khmer Rouge had arrested the wives while the husbands were assigned to go and cut bamboo trees, “Moeun (phonetic), the cooperative chief, assigned those who <had> Vietnamese <wives> to go and cut the bamboo tree at <Ou Khyoung> and that place was very far away. It took <at least> two nights to get there <by boat> and I joined the journey. <It was the most painful moment in my life upon my return, the cooperative chief summoned those men and I to a psychological support session during which> Moeun (phonetic), the cooperative chief, said that, “You all had fulfilled a great task for the Angkar. <You have cleansed yourselves of your origin> and you sacrificed a lot for the labour and working class, but all of your wives <and children had been> collected and taken away. I want all of you, comrades, to get rid of this <piece of rotten> flesh.”<sup>1831</sup> “Children and small babies were killed. And among them, <> three children <were mine: two sons, one> daughter. <My first child was> Sothira <who> was born in <1970, so he was 8 years old when he was killed>. My <second> child was Sothireak, <> born in 1975, and the <youngest> child was Sothida, <our baby girl> who was about one <year> old.”<sup>1832</sup> “As for my wife, Sa Kam Ni, and other members Sa Kam <Na> and <my> three <small> children, they were evacuated <Kor Pram (phonetic)> to <settle in the middle of an island so-called Kaoh Trong located right in front of the current Kratie pagoda> and they were killed and pushed into the pit <next to a Kdol (phonetic) tree>. And, later on, the riverbank was flooded and the <Kdol (phonetic) tree> fell into the river <and> all their bones were also fell into <> the river <so there is not a single trace of evidence of the crime left>. <Villagers> told me that it was <such> a <painful moment to witness> my children <running> around when they were about to

<sup>1830</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, E1/394.1 [Corrected 2], p. 105 lines 9-11.

<sup>1831</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, E1/394.1 [Corrected 2], p. 94 lines 5-18.

<sup>1832</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, E1/395.1 [Corrected 2], p. 4 lines 20-25.

be killed <by being> swung against the <Kdol (phonetic)> tree and died instantly.”<sup>1833</sup>

879. He testified that he learned about the deaths of his wife and children, Sothira, Sothireak and Sothida, from villagers when he returned from cutting bamboo or climbing sugar palm trees. “Not <only> one villager; <but also> many other villagers told me <about this. One of the> surviving <villagers who told me is Ta Thol>; he is <a clergyman at a pagoda and> living in Kaoh Trong, <Kaoh Trong commune,>Kracheh district, Kratie province.”<sup>1834</sup> “The villagers did not witness that scene of execution. Militiamen went with the wives and with the woman -- women and her children. <No one else was allowed to follow them>. They <were being taken under the pretext that they were to be reunited with their husbands on> the other side of the <Mekong River>; only Thol <> who witnessed the real incident <and remembers the incident well>.”<sup>1835</sup> “The <> villager's name <> was Thol. He was the one who <used an ox cart to transport> the Vietnamese descendent to the killing -- the execution place. He said he secretly looked at the incident <and he was shaking with fear. Uk> Tang Hin<, chief of the militia>, chased him away when he and other militiamen saw that he was observing the incident. The children, small babies were chased by the Khmer Rouge at that time so that those children could be caught and smashed <against a> tree. <They were eventually buried under a Kdol (phonetic) tree at the edge of Kaoh Trong, Kaoh Trong commune, Kracheh district, Kratie province. The island is located right in front of the provincial town of Kratie>. That is the information I have received from Thol.”<sup>1836</sup>

880. Civil Party UCH Sunlay further testified as to the death of his mother-in-law, YEAY Be, and provided hearsay evidence that there were instances where Vietnamese people were gathered to be 'sent back to Vietnam'. “In relation to the execution of Vietnamese people, they did not talk <about it straight forward. They

<sup>1833</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 93 line 13 – p. 94 line 1.

<sup>1834</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 105 lines 18-22.

<sup>1835</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 106 lines 18-24.

<sup>1836</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 4 lines 3-15.

just said that the Angkar wanted people to> gather <> at Krakor pagoda where there were trucks waiting for them. Trucks were there to transport Vietnamese back to <their origin in Vietnam. There were many people at that time. They were Yeay Gung> (phonetic), <Kim Ka> (phonetic), Ta <Ba> (phonetic), <Yeay Hoeung, and Yeay Thi Be who> was my mother-in-law. <I was told of her transfer. I myself was not transferred.>”<sup>1837</sup> “I did not see them off, see my relatives off, and what I know is that the people who had been sent to that pagoda had to board the <trucks, and their trucks headed Vietnam passing by Prich (phonetic) mountain.> So <there was> no announcement <that Vietnamese were not allowed to stay although they were married to Cambodian guys or women. They were not told as such. I was not aware of such information.>”<sup>1838</sup> “My mother-in-law was arrested in 1978.”<sup>1839</sup> “It happened between October <and> November of 1978.”<sup>1840</sup> “Regarding my mother-in-law, <Nguyen> Thi Be, <only> three months or four months later, after the 7 January, <did> I <know> that Vietnamese people <had been> invited to <gather at a pagoda and forced to> board a truck <to be executed at Phnum Prech (phonetic) located along the way from Kratie to Lok Ninh (phonetic),> Vietnam. I did not know <as to> how the execution <was carried out. I just knew that> they <were> executed <there>. I learned this information <later on> from <a> driver <by the name of Ang> (phonetic). He told me that my mother-in-law was among the group <that was sent there. According to him, upon arrival at the location, they were forced to get off the truck, and that immediately, soldiers of> the Democratic Kampuchea <pointed their rifles at> the driver to come back. <And after that, those people were walked up Phnum Prech (phonetic), but he did not know what happened next.> That <> is what I learned from him <after the liberation>.”<sup>1841</sup>

881. The Civil Party testified that he learned about the execution of his mother-in-law from the driver of the truck. “It accorded with my statement. <The militiamen of

<sup>1837</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 99 lines 13-21.

<sup>1838</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 99 line 23 – p. 100 line 4.

<sup>1839</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 24 line 5.

<sup>1840</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 24 line 7.

<sup>1841</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, **E1/395.1** [Corrected 2], p. 10 line 23 – p. 11 line 13.

the> Pol Pot clique invited all of them to <gather and> get on a truck <> at Krakor pagoda <>, and <they were transported from the pagoda, and headed for the direction of Vietnam. In fact, there was> road <that stretched from Kratie passing by Lok Ninh (phonetic)> to Vietnam. <The road still exists to these days>. And I did not know about the method of the execution. And as I said earlier, I learned the information from the driver of the truck, who later on came to tell me.”<sup>1842</sup>

***Killings of other ethnic Vietnamese in Kratie, in September 1978***

882. Civil Party UCH Sunlay testified that there were other Vietnamese people who were arrested at the same time as his wife and children. “Not only my wife and children were <targeted for the transfer> to Kaoh Trong to be killed, <but the> wives <of three or four other men> were <also> sent away as well<; for example,> Oem Malen (phonetic), wife of <Yin Khim> (phonetic) together with two children, <> Barang (phonetic) and Srey <Vech> (phonetic), were sent away; <wife and children> of Tot Nhev (phonetic), <wife and children of> Pan Huon Seng (phonetic) and other family members of Pou Seang (phonetic) <were> transferred out of the <village, while their> husbands were assigned to <collect bamboo for making ladders to> climb up the palm trees. <They used this ugly trick to separate the men from their wives and children before taking them away>.”<sup>1843</sup> “That is true. <They> were half Vietnamese <and half Khmer>.”<sup>1844</sup>

**b.) Specific intent**

***Widespread knowledge***

883. Civil Party evidence presented at trial demonstrates that it was widely known who was Vietnamese.

884. Civil Party SIENG Chanthly testified that the “[c]ooperative chief was well aware that – which families had link to Vietnamese origin. <They knew clearly who was in the village. As for> my family, the chief of the cooperative knew <it> very

<sup>1842</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, E1/395.1 [Corrected 2], p. 12 lines 15-23.

<sup>1843</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, E1/394.1 [Corrected 2], p. 103 line 17 – p. 104 line 3.

<sup>1844</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, E1/394.1 [Corrected 2], p. 104 lines 6-7.

well that my grandparents were ethnically Vietnamese. <They did not need to ask us anymore as they already knew who we were.><sup>1845</sup> She elaborated that “[t]hey did not do anything to search for Vietnamese since Khmer Rouge had known in advance that which family was half-blooded.”<sup>1846</sup>

885. Civil Party PRAK Doeun explained that the cadre in the village “asked whether my wife was Khmer or Vietnamese. If I had said that my wife was Khmer, I would have been taken away and killed since my mother-in-law is ethnically Vietnamese<. I was trying to figure out how I could confuse them about us. But, I could not come up with any helpful solution. I was at my wit’s end. So,> so I decided to tell the truth that my wife was the daughter of my mother-in-law who was ethnically Vietnamese.”<sup>1847</sup>

886. Civil Party CHOEUING Yaing Chaet testified that at the time the Khmer Rouge came to his area in 1975, “there <was> ‘lan tay’ paper. ‘Lan tay’ was the family record book at that time,”<sup>1848</sup> and “one would know that the person was ethnically Vietnamese since the ‘lan tay’ or family’s record books <stated about that.”<sup>1849</sup> “In that sense, they could identify who Vietnamese or Khmer were.”<sup>1850</sup> In his area, the Khmer Rouge “looked at ‘lan tay’ paper or documents, all of those ‘lan tays’.”<sup>1851</sup>

887. “I just said that when we were in Kampong Chhnang -- and Kampong Chhnang, they checked the family record book and the members of the family in that book. And of course, they had that family record book with them. <The note written about each family stayed with them. They did not allow us to know what was written

<sup>1845</sup> Oral Testimony of SIENG Chanthy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 22 lines 8-13.

<sup>1846</sup> Oral Testimony of SIENG Chanthy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 15 lines 17-18.

<sup>1847</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 59 line 20 – p. 60 line 2.

<sup>1848</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, E1/363.1 [Corrected 1], p. 78 lines 21-22.

<sup>1849</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, E1/363.1 [Corrected 1], p. 79 lines 13-15.

<sup>1850</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, E1/363.1 [Corrected 1], p. 79 lines 15-16.

<sup>1851</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, E1/363.1 [Corrected 1], p. 80 lines 10-11.

on that note.> And as for <the family record book, they returned it to us, and we kept it at our house>. However, when we were evacuated, our house was <being> burned down along with our <family record book>.”<sup>1852</sup>

### *Physical features and skin colour*

888. Civil Party DOUNG Oeurn testified that she could tell Ngang was Vietnamese “[f]rom the physical and facial features.”<sup>1853</sup> Civil Party SIENG Chanthy testified that “[e]veryone knew because my father had a fair complexion, and he looked really like Vietnamese, so villagers were aware that my father was Vietnamese.”<sup>1854</sup> She also described her father telling her “that after he died, perhaps <the six children> could still survive since all of us had black eyes, <and our skin was like others>.”<sup>1855</sup>

889. Civil Party PRAK Doeun testified that his wife was “healthy and has a light complexion.”<sup>1856</sup> “Her facial figure was that of Khmer but she had lighter complexion.”<sup>1857</sup>

890. As for the Khmer people, Civil Party CHOEUUNG Yaing Chaet explained, “they could identify them immediately through their facial figures and features.”<sup>1858</sup>

### *Familial descent*

891. Civil Party LACH Kry testified that San told him that “her father was Khmer and her mother was Vietnamese.”<sup>1859</sup> Civil Party DOUNG Oeurn explained that Tep Chuy’s “parents and his relatives and siblings were <also> Vietnamese.”<sup>1860</sup> She also testified that, “Ngang’s parents were Vietnamese. I did not know whether Ngang

<sup>1852</sup> Oral Testimony of Civil Party CHOEUUNG Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 26 line 23 – p. 27 line 3.

<sup>1853</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 15 lines 10-11

<sup>1854</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 15 lines 4-6.

<sup>1855</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 94 lines 14-17.

<sup>1856</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 46 lines 11-12.

<sup>1857</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 47 lines 3-5.

<sup>1858</sup> Oral Testimony of Civil Party CHOEUUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 64 lines 9-11.

<sup>1859</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 61 lines 13-14.

<sup>1860</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 8 lines 20-21.

spoke – could speak Vietnamese as well. What I can tell you is that Ngang’s parents were Vietnamese.”<sup>1861</sup>

892. Civil Party SIENG Chanthy explained that “[m]y mother was pure Khmer, and my grandparents were ethnically Vietnamese, but they resided in Cambodia, so my father was ethnically Vietnamese as well.”<sup>1862</sup> With respect to herself and her siblings, “[e]veryone said that the children were half-blooded Vietnamese.”<sup>1863</sup>

893. Civil Party PRAK Doeun testified that “[m]y first wife was Vietnamese.”<sup>1864</sup> She was born in Kampong Chhnang province in the same village as the Civil Party.<sup>1865</sup> “The mother was ethnically Vietnamese, but the father was half-blood Chinese.”<sup>1866</sup> For her parents, “[t]he way they dressed was truly Vietnamese. And when they spoke Khmer, they spoke <Khmer> with severe <Vietnamese> accent.”<sup>1867</sup>

### *Language and accent*

894. When asked how people knew during the Democratic Kampuchea regime that San was ethnically Vietnamese, Civil Party LACH Kry replied, “[t]hey knew that she was a Vietnamese because she came to live in Pou Chentam, she sold vegetable and fish and her husband sold ice. So when the Vietnamese buyer came to buy their goods, she spoke in Vietnamese, so people assume that she was Vietnamese. <And she spoke with a Vietnamese accent.>”<sup>1868</sup>

<sup>1861</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 14 lines 23-25.

<sup>1862</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 May 2016, E1/394.1 [Corrected 2], p. 14 lines 3-7.

<sup>1863</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 May 2016, E1/394.1 [Corrected 2], p. 15 line 25.

<sup>1864</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 45 lines 23-25.

<sup>1865</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 46 lines 1-8.

<sup>1866</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 47 lines 6-8.

<sup>1867</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 47 lines 13-18.

<sup>1868</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, E1/379.1 [Corrected 2], p. 92 lines 10-14. *See also*, Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 14 lines 2-3 (Civil Party DOUNG Oeurn testified that San “spoke not clearly.”).

895. Civil Party DOUNG Oeurn testified that her husband, Tep Chuy, “spoke Vietnamese fluently, but he did not speak Khmer that clearly.”<sup>1869</sup>
896. Civil Party DOUNG Oeurn testified that she could “tell [Ngang] was a Vietnamese. And it was because he could not speak Khmer clearly as well that I knew he was Vietnamese.”<sup>1870</sup>
897. In relation to her family, Civil Party SIENG Chanthy testified that “only my father could speak Vietnamese, and the rest of the family could not speak it.”<sup>1871</sup>
898. Civil Party PRAK Doeun testified that his wife “knew Vietnamese, but she did not use it. She only spoke Khmer and French.”<sup>1872</sup>
899. As to his mother-in-law, Civil Party PRAK Doeun testified, “[t]hey understood that my mother-in-law was ethnically Vietnamese because she spoke not clearly in Khmer. [...] Again my mother-in-law could not speak < Khmer <clearly>, so < she was taken away and killed.”<sup>1873</sup>
900. Civil Party CHOEUING Yaing Chaet left Cambodia for Vietnam in 1975.<sup>1874</sup> “They selected people to get on the ferry. They asked who Vietnamese <were>, who Chinese <were>, or who Khmer <were>. So, because Vietnamese people spoke Khmer with accent, then they could identify <concisely>.”<sup>1875</sup>

### *Changing of Names*

<sup>1869</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 9 lines 2-6. *See also*, Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 83 lines 18-20. (Civil Party LACH Kry also stated that Tep Chuy “spoke Khmer with a <Vietnamese> accent and < that's why I knew that he was an ethnic Vietnamese. <And generally, he spoke Vietnamese.>”).

<sup>1870</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 15 lines 11-12.

<sup>1871</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 14 lines 15-16.

<sup>1872</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 46 lines 22-24.

<sup>1873</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 59 lines 9-16.

<sup>1874</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 43 lines 5-9.

<sup>1875</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 64 lines 6-9.

901. Civil Party PRAK Doeun described the fear he felt for one of his daughters, such that he changed her name for her safety. “I did not use the original names <because they sounded more like> the Vietnamese names. At the time, I used the name Mi Kabak (phonetic) and Mi Kapok (phonetic) for some of my daughters.”<sup>1876</sup> The Civil Party clarified that it was for “[t]he fourth daughter; her original name was Phav <> Kiem (phonetic) <alias Phav Leng (phonetic)>. During the Pol Pot regime, <they kept asking for that name,> I told the children within the children unit that <she did not have that name and that> her name was Mi Kabak (phonetic) or Mi Kapok (phonetic). <I did that because I was afraid that they would take all my children away to be killed if their birth names were found.>”<sup>1877</sup> He changed the name because “members of the children unit would have known that she was the daughter of the Vietnamese family<, the daughter of Ta Doeun>. For her safety, I told members of the children unit that her name was actually Mi Kabak (phonetic) or Mi Kapok (phonetic).”<sup>1878</sup> “I was <so> afraid that I would lose my daughter if I was using her original name. <If I kept using her original> name at the time, she would have been killed. For this reason, I <asked children in the children unit of the genocidal regime to help me by referring> to her <as Mi Kabak (phonetic) or Mi Kapok (phonetic)>.”<sup>1879</sup>

902. Civil Party DOUNG Oeurn described the fear she experienced that caused her to change her daughter’s name from Kim Va to Kamean after the Khmer Rouge came to her commune.<sup>1880</sup> “[T]he family name was from his father’s.”<sup>1881</sup> “Because I was afraid that they would take my child away to be killed. For that reason, I named my child Kamean and I <was told not to name her> Kim Va<, but to use Kamean.

<sup>1876</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 52 lines 7-10.

<sup>1877</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 52 lines 13-19.

<sup>1878</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 53 lines 6-10.

<sup>1879</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 54 lines 4-10.

<sup>1880</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 20 lines 2-5.

<sup>1881</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 10 lines 14-17.

Accordingly, I adopted that name for her according to their suggestion>.”<sup>1882</sup> “It was my concern that she would be smashed [...] I was afraid that she was also taken away and smashed like her father.”<sup>1883</sup>

### *Matrilineal policy*

903. Civil parties testified as to the existence of a policy aimed at targeting and killing female victims of Vietnamese origin and their offspring.

904. Civil Party LACH Kry testified that “[i]t was widely known to villagers, including me. If the husband was <Khmer and> the wife was Vietnamese, she together with the children <were> taken away. <If the husband was Vietnamese and the wife was Khmer, only the husband was taken, not a single child was taken.>.”<sup>1884</sup>

905. Civil Party DOUNG Oeurn confirmed that “[f]ive or six children, together with mother, were taken away.”<sup>1885</sup> “Only Lach Ny was spared.”<sup>1886</sup> She explained that “the children were taken away because the mother was ethnically Vietnamese and they would not spare even a single child.”<sup>1887</sup>

906. Civil Party DOUNG Oeurn explained that her daughter “was not arrested since the child was the offspring of a Cambodian mother; <only the father was taken.> If the mother was <a genuine Khmer>, the child would be <spared>. And although this was the case, I was trying to conceal the information about my child.”<sup>1888</sup> She elaborated that “[t]he Vietnamese would be taken away, all of them

<sup>1882</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 10 lines 14-17.

<sup>1883</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 20 lines 21-22.

<sup>1884</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 76 lines 12-15.

<sup>1885</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 13 lines 22-23.

<sup>1886</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 13 line 13.

<sup>1887</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 39 lines 3-5.

<sup>1888</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 31 lines 15-19.

<would not be spared in that regime>. <◇Since my child belonged to a Cambodian mother, <only the husband was taken away>.”<sup>1889</sup>

907. Civil Party PRAK Doeun, in relation to the killing of his ethnically Vietnamese wife and their child,<sup>1890</sup> testified that “[m]y wife together with my little child went into a group together with other Vietnamese people. If the mother was Khmer, then the child would be allowed to be with the mother in the group of Khmer.”<sup>1891</sup> The Civil Party explained that “[t]he Vietnamese husbands were taken away and killed. And for women who were Khmer, they were allowed to have the child with them.”<sup>1892</sup>

908. Civil Party UCH Sunlay explained that his wife and children were executed because of their Vietnamese origin. “I know it clearly. My wife was half-blooded Vietnamese, and my children <were> considered Vietnamese <grandchildren>. It was known by the Khmer Rouge. And the <saying> and policy of the Khmer Rouge was <fully known by the grassroots> that, <“To dig up grass, one must dig up the roots.”>. So <when> the Vietnamese <mother and children were taken, their grandchildren and great grandchildren> were considered <Vietnamese,> KGB agents, <and they would be taken as well. I knew this clearly because I witnessed it and I observed it myself. I learned about this by observing the characters and behaviors of those cadres in charge of K-1 through K-5 cooperatives>.”<sup>1893</sup>

## C. Harm

### (1) Physical harm

<sup>1889</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 31 lines 23-25.

<sup>1890</sup> In relation to the scope of this Civil Party’s testimony, *see*, “<Yes,> Thank you, Mr. President. First of all, as regards the objection made by the Nuon Chea defence, the Chamber in fact notes that this objection is tardy and so does not grant that objection. The Chamber is of the view that the testimony of this civil party is important because it will enable us to determine whether there was a policy that existed at the level of the entire nation regarding measures taken against the Vietnamese.” Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 84 lines 5-11.

<sup>1891</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 76 lines 3-6.

<sup>1892</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 85 line 24 – p. 86 line 1.

<sup>1893</sup> Oral Testimony of Civil Party UCH Sunlay, T., 2 March 2016, E1/395.1 [Corrected 2], p. 7 lines 5-16.

909. Civil Party CHOEUING Yaing Chaet described the physical suffering he endured when he and his family were led to a pit: “I was ordered to kneel down and after I knelt down they pulled my legs <backward>, by that time I lost my balance and <I fell down in my front and> my head moved forward then they felt the nape of neck, they hit it three times, they dropped me off into the pit and then they untied me.”<sup>1894</sup> When he regained consciousness, the Civil Party described, “I could not walk <out of the pit as> I had a very severe pain at my neck. It was swollen <and my head hurt very badly> then after that I walked day and night<. I finally arrived in Cheung> Krous (phonetic) <commune> and then I entered the house of Ta Ly.”<sup>1895</sup>

910. Civil Party CHOEUING Yaing Chaet explained that he continues to suffer from memory loss as a result of the head injuries sustained when being beaten by Khmer Rouge cadres: “My memory doesn't serve me well now. Whenever I feel anxious <and frustrated>, I cannot recall anything. When I think of the pain, it is very difficult for me to bear. I have to speak it out.”<sup>1896</sup>

911. On the long-term physical consequences of his injuries, Civil Party CHOEUING Yaing Chaet explained that “[w]hen I work hard, I feel the tension on the nape of my neck. And sometimes, I become dizzy. <In such a case, I just went temporarily blind.>”<sup>1897</sup> “It's due to the injury that I was hit three times with an axe. That's the main cause,”<sup>1898</sup> he explained.

## **(2) Mental harm**

### **a.) Fears experienced by those with Vietnamese blood**

912. Civil Party SIENG Chanthy testified to the terror she felt upon learning about her father witnessing the rape of two Vietnamese neighbours: “He was so afraid that

<sup>1894</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 47 lines 18-22.

<sup>1895</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 48 lines 1-5.

<sup>1896</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 72 line 25 – p. 73 line 3.

<sup>1897</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 13 lines 22-24.

<sup>1898</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 8 December 2015, **E1/364.1** [Corrected 1], p. 14 lines 3-4.

his <own> children -- that is, us, would be raped before we were killed. I was so terrified upon hearing that from my father, and I was afraid that, one day, my turn would come, that I would be taken away because I was half Vietnamese blood. And that thought was with me all the time.”<sup>1899</sup>

913. Civil Party SIENG Chanthy described living in a constant state of fear: “Every day, I was so afraid and I tried to work hard in the morning. <When the morning passed, and> the afternoon<was coming>, the fear came back to me <again>. And that remained with me until the date of the suicide of my father, as I testified yesterday. The fear remained with me until the day of the liberation. And that is the truth.”<sup>1900</sup>

**b.) Anxiety and fear suffered by those with Vietnamese family members**

914. Civil Party PRAK Doeun described hiding his feelings from his wife. “While I was working, a group of soldiers walking passed by and later on at night-time, my wife said that we might not live together again because I might be <either> sent to Vietnam <or killed> and I was shocked hearing that but I didn't allow my wife to know about my feelings. I knew for sure that my wife would be sent back or that she would be taken away and killed. However, I didn't tell my wife of what I thought and later on husbands and wives were taken away.”<sup>1901</sup>

**c.) Grief at loss of Vietnamese Family Members**

**Civil Party SIENG Chanthy**

915. Civil Party SIENG Chanthy described the immediate and long term effects of her father's suicide. She testified, “[a]nd a little while later<, my mother told me that my father had passed away. The moment I heard that I was shocked as my elder brother had just been killed some days ago. I could not even cry>. I could not describe the feeling <at that time>. I was not able to cry. I <felt such a feeling and the moment that I was not able to cry>. I was quiet and stiff. My mother kept weeping

<sup>1899</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 5 lines 19 – 23.

<sup>1900</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 6 lines 5-10.

<sup>1901</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 68 lines 2-9.

and <I hugged her. It was <getting dark and my mother handed a> cigarette lighter <> to me to light the <torch> so that the house was <illuminated. Only when I received the lighter from my mother did I start breaking down>. In fact, <it was my father who would hand to me> that cigarette lighter <every evening to light the torch. He would hand it to me and asked me to light the lamp or torch every evening. So the moment I received the lighter from my mother,> I realized that I no <longer had a person to call> father<>. I had no father now. I was talking to myself that I was half-blooded Vietnamese and I did not know when it was my time to be taken away. <When I saw the sun rising in the early morning, I told myself that I survived another day. However, at 2 p.m. or 3 p.m.> I was scared that I would be taken away <and> killed.”<sup>1902</sup>

916. “Although I was half-blooded Vietnamese <,> I could not <even> speak <a word in> Vietnamese language. During the time that I lived in Pol Pot regime, I lived in a fearful situation every day. I was afraid that I would be taken away and killed. While I <am> describing this story to you, this experience to you, <>I feel <like> it is <a> fresh <occurrence> in front of me now. <It is like a movie screening about the miseries that I experienced in Pol Pot regime. I lost my beloved father and my two elder brothers who suffered miserably from the tortures.>”<sup>1903</sup>

### Civil Party UCH Sunlay

917. Civil Party UCH Sunlay testified that he felt suicidal because of the deaths of his family members. “I felt hopeless after the regime fell. <I could turn to no one to whom I could depend>.”<sup>1904</sup> “Because my family members, <and> my father died. They disappeared <forever>. My father-in-law disappeared. Sometimes I felt like I wanted to kill myself in order that I could see them in the next life, but at the time I <recalled a French saying that goes "Life> is a struggle." <I have learned from this saying that I had to do my best to live my life in any given situation, and I could not

<sup>1902</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 98 line 5 – p. 100 line 17.

<sup>1903</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 98 line 5 – p. 100 line 17.

<sup>1904</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 100 lines 9-10.

just give up things easily>. We have to bear the situation to see -- to have the life going forward.”<sup>1905</sup>

### Civil Party DOUNG Oeurn

918. Civil Party DOUNG Oeurn testified about her thoughts after husband was taken away to cut rumpeak vines. “If they were to go, then they would not return and that’s what was my feeling. And indeed, nobody ever returned. All of those who were sent there never returned.”<sup>1906</sup> “My husband was taken away and killed. [...] I miss them, and I feel pain in my heart. <I had nothing left.>”<sup>1907</sup>

### Civil Party LACH Kry

919. Civil Party LACH Kry described the immediate reactions to witnessing Sun San’s arrest. “My brother, other villagers including <>me, were very shocked seeing the arrest. We did not know why they were arrested.”<sup>1908</sup>

920. In describing the manifestations of the grief of his brother after losing his children and his wife, Civil Party LACH Kry testified: “I can describe the <story about my brother Lach Ny. After he had gained consciousness, he walked> a distance of two kilometres <away> from there. He returned home at around 6 p.m. on the day. <After he had returned home, he became mentally-ill for a period of five months. Because of the illness, he just went around holding and hugging the wives and children of other people. Lach Ny was a psycho for five months.>.”<sup>1909</sup> “When he missed his children and wife, he would go around and call other people's children as his children and also address other people as his wife. No one felt trouble with him at the time since they understood at the time that he became unstable psychologically.”<sup>1910</sup>

<sup>1905</sup> Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 100 lines 9-19.

<sup>1906</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 46 lines 10-12.

<sup>1907</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1** [Corrected 2], p. 18 line 25 – p. 19 line 2.

<sup>1908</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 66 lines 17-18.

<sup>1909</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 70 lines 17-23.

<sup>1910</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 71 lines 2-6.

921. Later in the regime, Angkar organised a wedding for LACH Ny. “After that wedding he still missed his wife and children dearly. He, in fact, loved the later wife but only to an extent of 70 per cent and he was still missing his wife and children after that new marriage.”<sup>1911</sup>

922. Civil Party LACH Kry testified that he lost 11 family members during the regime. “Amongst the 11 members, five were the children of Lach Ny and another one was Lach Ny's wife. And then my parents, and then on my side two lives were lost. That's 10; and then my younger sibling also died. So the total number is 11.”<sup>1912</sup>

#### **Civil Party PRAK Doeun**

923. Civil Party PRAK Doeun testified that he continues to suffer mentally from discussing the loss of his family members. “Some of us were discussing about the loss of family members, and I, some time, was not well after hearing about the discussion of the loss of family members.”<sup>1913</sup> “Of course, it was painful for me for the loss of my family members, and part of my memory was lost. Because every night, at that time, I dreamt of my wife and children. And for that, my health has been deteriorated since.”<sup>1914</sup>

#### **Civil Party KHOUY Muoy**

924. Civil Party KHOUY Muoy testified as to the emotional harm she suffered as a result of losing her family members. “<According to the man, my> mother <had been> taken away and killed together with my siblings and other relatives totalling eight. I felt so terrible and so pity for them. They took care of me since I was born, and suddenly, I lost them all. I was told she was crying, she was shouting when they took her away. I wept so hard when I heard that news. I felt so pity for that and, as a result, I lost more than 10 family members and I am by myself.”<sup>1915</sup>

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<sup>1911</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 72 lines 18-21.

<sup>1912</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 78 lines 2-5.

<sup>1913</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 85 lines 15-17.

<sup>1914</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2], p. 95 lines 18-22.

<sup>1915</sup> Oral Testimony of Civil Party KHOUY Muoy, T., **E1/394.1** [Corrected 2], p. 46 line 23 – p. 47 line 5.

925. “I am still feeling pain every day. Every time there is a ceremony or celebration, and when I have to pray, I feel so painful that I, <as half-Chinese and half-Vietnamese,> had to pray for the lost souls of my mother, my father, and my siblings. I am by myself, without parents and siblings, and there is nothing that could compare to the loss of my family members. Every time I think of what happened to them, I keep weeping <until my eyes are swollen>. There is nothing that can exchange for the loss of my parents and siblings. Even if it's gold of the size of a coconut, I would not <accept it as exchange for my mother and father. They took away all our gold. It's such a great pain to be parentless. After the liberation, people came to ask me to go to the mountains, but I refused>.<Instead,> I went to my village <to find my relatives>. I saw my aunts and uncles, and that <reminded> me of my parents. And it was painful. I would start weeping every time I think about it, that this is not a good life for me since I was born without having my parents to take care of me. <Since they were Vietnamese, my parents tried to work hard, but they were still taken away and killed. They worked non-stop.>”<sup>1916</sup>

#### **Civil Party CHOEUING Yaing Chaet**

926. Civil Party CHOEUING Yaing Chaet described the immediate effect of seeing the dead bodies of his family members: “I only saw four of my family members and not the rest because they stacked on top of another, I saw the dead bodies of my father, my mother and my siblings and I was the last person to be killed and to be dropped into the pit.”<sup>1917</sup> “[B]y the time I was kneeling at the pit,” the Civil Party explained, “I felt dizzy.”<sup>1918</sup>

927. “I witnessed the execution of my parents and my siblings. It happened right in front of my eyes,” Civil Party CHOEUING Yaing Chaet expounded, “[b]ut fortunately, despite the three hits with an axe <on the head, breaking one of the

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<sup>1916</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 48 line 8 – p. 49 line 4.

<sup>1917</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 47 lines 3-6.

<sup>1918</sup> Oral Testimony of Civil Party CHOEUING Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 47 lines 11-12.

bones,> I survived. However, the pain resurfaces when the weather is cold. <I live a very painful life.>”<sup>1919</sup>

### (3) Material harm

928. As Civil Party KHOUY Muoy testified that “[d]uring the regime, I did not receive any schooling as I was busy <farming,> digging the dirt or digging canal or building dams. I worked so hard because I was afraid that I would be taken away and killed.”<sup>1920</sup>

929. Civil Party DOUNG Oeurn testified that, “I also feel miserable and lonely when I lost my husband. <I had struggled to earn the living for my child.> And this is compounded by the fact that I am poor.”<sup>1921</sup> “I could hardly earn a living and my feeling was constantly about my husband and my son. I could hardly feed myself from what I earned each day.”<sup>1922</sup> “I would like to seek some assistance <> since I am very poor. I could hardly afford myself with food on a daily basis. I am old and I cannot use my physical strength to earn my living. I also have difficulty in walking.”<sup>1923</sup> “I was mistreated <at that time>. I was forced to do hard labour, to <carry and> transplant seedlings in the rice fields and my body physically deteriorates until the present time. The older I get, the weaker I become.”<sup>1924</sup>

930. Civil Party CHOEUNG Yaing Chaet explained that when his family was evacuated from their village, “our house was <being> burned down along with our <family record book>.”<sup>1925</sup> “All my belongings <in my house> were burnt<>.”<sup>1926</sup>

## Chapter 8: East Zone Purges<sup>1927</sup>

<sup>1919</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, E1/363.1 [Corrected 1], p. 73 lines 18-22.

<sup>1920</sup> Oral Testimony of Civil Party KHOUY Muoy, T., 1 March 2016, E1/394.1 [Corrected 2], p. 5 lines 6-9.

<sup>1921</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 71 lines 15-24.

<sup>1922</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 72 lines 4-6.

<sup>1923</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 72 lines 8-11.

<sup>1924</sup> Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, E1/381.1 [Corrected 2], p. 70 lines 10-13.

<sup>1925</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., E1/364.1 [Corrected 1], 8 December 2015, p. 27 lines 2-3.

<sup>1926</sup> Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 8 December 2015, E1/364.1 [Corrected 1], p. 2 lines 9-10.

## A. Overview of Civil Party Evidence

931. Three civil parties, CHHUN Samorn, MEY Savoeun, and YUN Bin, testified on the purges in the East Zone during trial.<sup>1928</sup>

932. Civil Party CHHUN Samorn lived in Thmei village, Ksetr commune, Kampong Rou district, Svay Rieng province, prior to 1975, and was around 18 when the Khmer Rouge came to power.<sup>1929</sup> He joined the Khmer Rouge in May 1975 and was initially a messenger for Unit 75.<sup>1930</sup> He was transferred in early 1976 to Sector 23 (East Zone) in a reconnaissance special unit, Ngor-112.<sup>1931</sup> He experienced intense fighting with Vietnamese soldiers along the border in 1976 and then increasingly in 1977.<sup>1932</sup>

933. In 1977, Civil Party CHHUN Samorn heard that senior cadres were called to study sessions and that they disappeared one after another,<sup>1933</sup> and that at the end of 1977, some soldiers “were called back for training sessions” and disappeared.<sup>1934</sup> When they arrested the East Zone soldiers, “they said that the East Zone soldiers betrayed the Party <and that the East Zone soldiers were 'Yuon' heads with Khmer

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<sup>1927</sup> The Trial Chamber is seized with the facts regarding the existence and the implementation of the policy “to implement and defend the CPK socialist revolution through the reeducation of ‘bad-elements’ and the killing of ‘enemies,’ both inside and outside the Party ranks, by whatever means necessary” which includes the purges of the East zone. The East Zone purge allegedly “started from mid-1976” with the arrests of the former secretary of Sector 24 and a former cadre of Division 170. Their arrest and torture at S-21, around September 1976, created suspicions among the DK leadership of “CIA, KGB and Vietnamese agents “operating in the East Zone. Arrests, interrogations at S-21 and killings of East Zone soldiers continued through 1977, with the ever expanding perception of the enemy by the DK leadership. A marked escalation of purging in the East Zone occurred after March 1978 with the purge of Sector 23, in Svay Rieng, followed by further arrests and executions in May-June 1978 from other sectors in the East Zone. During this time Sao Phim, East Zone Secretary, committed suicide to avoid arrest. Targeting of East Zone cadre, even when no longer in the East Zone, and of various ministries, continued until the end of the regime via: transfers to areas, “reeducation” at worksites such as the Kampong Chhnang Airport, executions on site, or being sent to S-21. Closing Order, **D427**, para. 178, Closing Order, **D427**, para. 192. The OCIJ characterized internal purges as “[t]o “purge” meant to politically purify by means of a range of sanctions, from being demoted or reeducated, to being smashed.” Closing Order, **D427**, paras 199-201.

<sup>1928</sup> The OCIJ admitted 115 civil parties in relation to internal purges (Closing Order, **D427**, para. 204) and 3 civil parties were admitted by the PTC.

<sup>1929</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 29 line 16-21.

<sup>1930</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 8 line 22 – p. 9 line 10.

<sup>1931</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 11 lines 11-24 and p. 61 lines 5-13.

<sup>1932</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 16 lines 8-13.

<sup>1933</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 32 lines 24-25.

<sup>1934</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 16 lines 21-22.

bodies>.”<sup>1935</sup> The Civil Party testified that, “they accused us of betraying the Party while in fact we did not have such treacherous intentions. We only <respected and> loved the Khmer people and defended our country <so that the 'Yuon' could not take over our country>. But at the end they accused us in that way.”<sup>1936</sup>

934. Civil Party CHHUN Samorn was arrested in August 1978<sup>1937</sup> and remembered that “two or three of us at a time were tied up <and ordered to strip off of our clothes. So I realised that we might be taken away to be smashed.”<sup>1938</sup> Civil Party CHHUN Samorn described that after his arrest, “when the four people were taken to be killed first, <we realised that they were going kill us all.>”<sup>1939</sup> The Civil Party recalled hearing “the sound of beating and we heard the sounds of screams. So after each of the four people were killed, they walked back to take us.”<sup>1940</sup> “[W]e were panicked and we tried to escape. And <they quickly drew their rifles and shot at us.> And <at that time,> we had no clothes on our bodies.”<sup>1941</sup> He testified, “then they started shooting at us. So we escaped only after we heard the screams of the four people who were being killed. We <were in shock>.”<sup>1942</sup> Civil Party CHHUN Samorn stated that, “the three of us managed to escape while the rest were killed.”<sup>1943</sup>

935. The Civil Party then fled to Vietnam in late 1978.<sup>1944</sup> He continued to fight for the liberation of Cambodia from the Khmer Rouge in 1978 and 1979.<sup>1945</sup> He lost his brother, who was a DK soldier, when he disappeared after a study session.<sup>1946</sup>

936. Civil Party MEY Savoeun<sup>1947</sup> joined the National Liberation Army before 17 April 1975 and was stationed at was in Kaoh Kaev village, Lvea Aem district, Kandal

<sup>1935</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 67 lines 9-11.

<sup>1936</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 67 lines 12-16.

<sup>1937</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 32 lines 16-19 and p. 39 lines 3-17.

<sup>1938</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 72 lines 10-12.

<sup>1939</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 81 lines 10-11.

<sup>1940</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 81 lines 17 – 20.

<sup>1941</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 71 lines 22-24.

<sup>1942</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 81 lines 21-24.

<sup>1943</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 82 line 4.

<sup>1944</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 21 lines 22-25 and p. 25 lines 4-10 and p. 39 lines 11-17.

<sup>1945</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, **E1/445.1**, p. 90 lines 4-24.

<sup>1946</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 29 June 2016, **E1/446.1**, p. 14 lines 2-17.

province.<sup>1948</sup> The Civil Party was attached to a military unit, <Khor->148, <Kor-1 and Khor-3,> belonging to the East Zone.<sup>1949</sup> After the liberation of Phnom Penh, the Civil Party's and his units' weapons were taken away, and they were sent to work in the fields and then to dig canals, to build roads, and to build dyke systems at a worksite called Veal Kasetan (phonetic) in Prey Veng province.<sup>1950</sup>

937. Civil Party MEY Savoeun described the chaotic situation for East Zone soldiers from 1976 to 1978. Before Civil Party MEY Savoeun was sent to Pursat in 1978, the Civil Party was arrested and detained in Me Sang district (Prey Veng Province) where he were forced to dig soil.<sup>1951</sup> The Civil Party was then arrested, while in “<a> military uniform,”<sup>1952</sup> at Kranhung pagoda<sup>1953</sup> and detained nearby.<sup>1954</sup> He was dragged behind a bicycle, beaten, and interrogated,<sup>1955</sup> before being released.<sup>1956</sup> The Civil Party testified that others who confessed during their detention were killed.<sup>1957</sup> The Civil Party was again arrested with his mother in Svay Rieng province, but escaped detention in a prison “<called Kouk Kdei Rumduol (phonetic)>” because fighting with the Vietnamese broke out.<sup>1958</sup> The Civil Party was married in Chaeng Maeng village, Prey Chhor cooperative in Prey Veng province, learning about the ceremony only a day before.<sup>1959</sup>

938. In 1978 the Civil Party was sent by train to Pursat province but got off at Boeng Khnar station.<sup>1960</sup> On the way to Pursat, “we were sent to Neak Loeang” where “we were allowed to go to board <a> boat <> only with some clothes, and at Chbar Ampov, we were given some clothes and scarves. And that was for the purpose of

<sup>1947</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 4 lines 1-18.

<sup>1948</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 7 lines 5-6.

<sup>1949</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 8 lines 2-3.

<sup>1950</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 8 line 12 – p. 9 line 1.

<sup>1951</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 17 line 20 – p. 18 line 9.

<sup>1952</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 20 line 18.

<sup>1953</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 19 line 22 – p. 20 line 3.

<sup>1954</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 20 line 18 – p. 21 line 19.

<sup>1955</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 22 lines 7-20 and p. 23 lines 4-14.

<sup>1956</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 23 line 22 – p. 24 line 13.

<sup>1957</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 24 lines 1-9.

<sup>1958</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 24 line 19 – p. 25 line 9.

<sup>1959</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 25 line 13 – p. 26 line 8.

<sup>1960</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 27 line 21-24.

easy identification.”<sup>1961</sup> Civil Party MEY Savoeun testified that people in Pursat, “could recognize -- I mean they could be recognized based on their own clothing and "krama" or scarf and also because of the short sleeves -- khaki shirts -- the short sleeves - khaki shirts -- were given to the Eastern Zone people when they were sent from Phnom Penh. By looking at the clothing, they could be recognized as the people from the Eastern Zone <wore blue "krama">. So the Eastern Zone people could be distinguished very clearly.”<sup>1962</sup>

939. Three days after the Civil Party got off at Boeng Khnar station, they were “herded and place in a cow pen.”<sup>1963</sup> Civil Party MEY Savoeun remembered that when they were detained in the cow pen, “we saw <> groups <of people> equipped with clubs and knives” and they were tied up.<sup>1964</sup> Those who tried to flee were fired upon by people on horseback.<sup>1965</sup> Civil Party MEY Savoeun says they were lucky<sup>1966</sup> because they “fled away from that enclosure and I met other people who also survived the ordeal. Then we together ran toward Pursat province.”<sup>1967</sup> Civil Party MEY Savoeun testified that at that point, “[w]e could see that killing took place everywhere and we, the people from the East Zone, were subjects to be killed.”<sup>1968</sup>

940. After escaping from the cow pen, on the way to Pursat, Civil Party MEY Savoeun moved only at night to avoid detection.<sup>1969</sup> During the “10 day and 10 night trip” the Civil Party was recaptured at Prey Sloek, East of Pursat province, and he was deprived of food and water and “almost died.”<sup>1970</sup> They were taken to another location nearby and instructed to sit down. The Civil Party realised then that “we were about to be killed.”<sup>1971</sup> The Civil Party took advantage of an opportunity to

<sup>1961</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 27 lines 16-19.

<sup>1962</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 72 lines 8-15.

<sup>1963</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 27 line 25.

<sup>1964</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 28 lines 12-13.

<sup>1965</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 28 line 12 – p. 29 line 4.

<sup>1966</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 28 line 12 – p. 29 line 4.

<sup>1967</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 29 lines 7-9.

<sup>1968</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 29 lines 3-4.

<sup>1969</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 29 lines 7-16.

<sup>1970</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 29 line 20 – p. 30 line 5.

<sup>1971</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 30 lines 6-12.

escape and began running, but was shot in the left arm during his escape to Bakan District.<sup>1972</sup>

941. Civil Party MEY Savoeun testified that, “[a]ll people who came from the East Zone <were killed> - here, I refer to those who came with me -- we all came to reside in Bakan district.”<sup>1973</sup> “Those who came were subject of continuous killing. They relied upon on a pretext that the person <would> be relocated elsewhere by Angkar. So each time, two or three families were relocated and sometimes they said that Angkar required them to go for study session and they were taken on ox-driven carts or sometimes they had to walk. And they disappeared since and they never returned.”<sup>1974</sup>

942. Civil Party MEY Savoeun lost over 50 relatives in Pursat including his mother and sister.<sup>1975</sup>

943. Civil Party YUN Bin lived in Tuol Mean Chey village, Preah Theat commune, Ou Reang Ov district, Tboung Khmum province, formerly Kampong Cham, in the East Zone.<sup>1976</sup> After Phnom Penh was liberated on 17 April 1975, Civil Party YUN Bin and people from his village were gathered into a mobile unit and sent to live in Koh Tonsay.<sup>1977</sup> The Civil Party was assigned to clear forest and to transplant rice seedlings to reproduce three tonnes of rice per hectare.<sup>1978</sup> Civil Party YUN Bin was a deputy leader of his mobile unit when he was called to go to a study session, with two other people from his unit, by Pok (phonetic), a militia man.<sup>1979</sup> On 25 May 1978,<sup>1980</sup> they were ordered by the commune chief, Leav, to the Preah Theat commune office, where there were six other youth from villages nearby.<sup>1981</sup> Civil Party YUN Bin recalled that three or four months earlier, the deputy chief of the mobile unit,

<sup>1972</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 30 lines 12-20.

<sup>1973</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 79 lines 15-17.

<sup>1974</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 79 lines 19-25.

<sup>1975</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 31 lines 16-21.

<sup>1976</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 5 lines 9-11.

<sup>1977</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 5 lines 16-17.

<sup>1978</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 5 line 25 p. 6 line 1.

<sup>1979</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 6 lines 4-8.

<sup>1980</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 29 lines 12-13.

<sup>1981</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 6 line 16 – p. 7 line 3.

“Samet,” was taken away and killed.<sup>1982</sup> They were told that “we would be brought in for a study session for four or five days and that we would be returned.”<sup>1983</sup>

944. Civil Party YUN Bin and nine other people arrived at Peam Cheang where he saw many southwest people.<sup>1984</sup> They were put in a truck with about 40 other people and taken 15 minutes to a site with pits.<sup>1985</sup> Once the truck arrived, the Civil Party was walked to the south and “then> they beat me <on the head> with an axe and <I fell down on the ground, blood was everywhere, and then> I lost consciousness.”<sup>1986</sup> When the Civil Party regained consciousness, he found himself in a pit with “<three or> four <> people on top of my body.”<sup>1987</sup> He could hear the “sound “phu-phu” (phonetic) and the people who were killed fell down <on me” as the executions continued.<sup>1988</sup>

945. Civil Party YUN Bin described in detail how he managed to crawl out of the pit – all of the others were dead –<sup>1989</sup> on “25th of May <1978>.”<sup>1990</sup> He continued to describe how he evaded patrols and other people in the area to make his way back to his father’s house<sup>1991</sup> where he hid.<sup>1992</sup> Civil Party YUN Bin described how, after his return, he hid in the forest with his father, but later his father fell ill and died.<sup>1993</sup>

## **B. Role of Southwest Cadres**

946. Civil Party evidence shows the central role of Southwest cadres in the implementation of the purges in the East Zone.

947. Civil Party CHHUN Samorn testified that, “some forces came to tell us to disband, so that we could return to our respective families. But they were not <from> the East <Zone>, they were soldiers from the Centre, that is, from the Southwest

<sup>1982</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 24 lines 3-16.

<sup>1983</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 8 lines 5-7.

<sup>1984</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 7 lines 19-23.

<sup>1985</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 10 lines 5-10.

<sup>1986</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 11 lines 1-2.

<sup>1987</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 11 lines 6-7.

<sup>1988</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 11 lines 18-19.

<sup>1989</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 13 line 8 – p. 14 line 21.

<sup>1990</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 20 lines 4-7 and p. 25 lines 3-7.

<sup>1991</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 16 line 6 – p. 18 line 22.

<sup>1992</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 19 lines 12-23.

<sup>1993</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 20 lines 4-9.

Zone, since they spoke with <an> accent. They came on a motorbike to tell us to return to our villages and that then we would be given new instructions after the Angkar purged the bad elements, that is, those with "Yuon" heads on Khmer bodies, so we returned to our respective families in the villages after we left Veal Ta Pronh (phonetic)."<sup>1994</sup> Once they arrived in the village, "we were called and sent to those soldiers from the Centre, from the southwest. Then our names were registered and we were later taken to be executed."<sup>1995</sup>

948. Civil Party MEY Savoeun testified as to how cadres from the Southwest Zone "surrounded us. They said that through the So Phim's movements, the East Zone forces colluded with the "Yuon" side. I did not know whether that was their pretext in order to get rid of us, the East Zone forces. They arrested and killed military commanders of the East Zone forces. <They were called to attend a meeting> and they all disappeared."<sup>1996</sup>

949. Civil Party YUN Bin testified that the Southwest cadre arrived in the East Zone "three or four months before I was taken away."<sup>1997</sup> Civil Party YUN Bin testified that he knew they were Southwest Zone soldiers because "[t]hey spoke with <an> accent. They did not speak in the same way as us. So I concluded that those who speak with such an accent were from the Southwest Zone."<sup>1998</sup> "I knew when they took me away to be killed and they spoke with me with a different accent."<sup>1999</sup>

## C. Harm

### (1) Physical harm

#### *Physical injury – short term and long term consequences*

950. Civil Party YUN Bin recalled that after he was taken to the execution site, "<they told me to sit down so I did, and then> they beat me <on the head> with an

<sup>1994</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, E1/445.1, p. 22 lines 5-13.

<sup>1995</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, E1/445.1, p. 22 lines 21-23.

<sup>1996</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 46 lines 3-8.

<sup>1997</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 24 lines 12-16.

<sup>1998</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 31 line 24 – p. 32 line 1.

<sup>1999</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 34 lines 5-6.

axe and <I fell down on the ground, blood was everywhere, and then> I lost consciousness.”<sup>2000</sup>

951. Civil Party YUN Bin described the physical effects of his attack. “Yes. There are three scars on my head and they remain until today.”<sup>2001</sup> He described that “[t]here were <three> wounds on my head”<sup>2002</sup> and “my head was still bleeding. I tried to find tree leaves to eat but I could not eat well because my mouth was swollen and <my jaw was stiff>.”<sup>2003</sup> Civil Party YUN BIN testified that after he was hit with an axe and regained consciousness, “I told myself that I would try to climb up three times and if the three attempts failed, I would shout out to them, asking them to come back and shoot at me or blast my body with <a grenade because there was only me who still survived in the pit.> So after I prayed like that, I tried to climb up by using my hands <upward> and my legs <backward> and my back against the wall <>. And after <the first> attempt <up to four or five metres height,> I fell down, so I became very frustrated. I was in great despair.”<sup>2004</sup>

952. Civil Party YUN Bin travelled to his home with his injuries – on the way he recalled, “I felt itchy in my head because worms were trying to get inside the wounds on my head. So I used my hand to touch something soft on my head and I realized that those soft things were in fact worms. So I told myself that I had to get home. Otherwise, I would die on the way.”<sup>2005</sup> Civil Party YUN Bin testified, “[t]here are three scars on my head and they remain until today.”<sup>2006</sup>

953. Civil Party MEY Savoeun was injured while trying to escape from Prey Sloek. He testified that “I began running but by about 15 metres I fell down. I picked myself up and I ran again. And by about five metres away from where I fell, I was shot in my arm and some small bones on my left arm were broken as a result.”<sup>2007</sup>

<sup>2000</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 10 line 25 – p. 12 line 3.

<sup>2001</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 21 lines 14-15.

<sup>2002</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 16 line 6.

<sup>2003</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 16 lines 12-14.

<sup>2004</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 15 lines 4-12.

<sup>2005</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 18 lines 12-16.

<sup>2006</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 21 line 14-15.

<sup>2007</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 30 line 17-20.

954. Civil Party MEY Savoeun described his treatment at the hands of the Southwest Zone forces, “after I was arrested I was tied in order that they could take me to be killed and, as a result, I was injured and I became a disabled person. One of my arms was injured and the injury <remains> today. I have been going to different hospitals <that have> treatment <for>my injured arm, but it is in vain. And because of my disabled arm, <it is difficult for me> to make a living. I would like Mr. President to ask the accused, who is responsible for my suffering and, in particular, who is responsible for the disabled arm that I have sustained until today because the veins have been removed from my disabled arm. So who is responsible for my injury? I would like Mr. President <> to put the question to the accused.”<sup>2008</sup>

955. Civil Party CHHUN Samorn testified that when he was transported with nine others from his unit, “[t]he one who got injured was the one who escaped with me. As for me, I was beaten with the butt of the gun. It was the one who escaped with me who was injured. And as for me, my right hand was beaten with the butt of the gun and it became paralyzed.”<sup>2009</sup>

***Physical suffering due to cruel and inhumane treatment in detention***

956. Civil Party MEY Savoeun testified that when he was detained at Kranhung pagoda, “we were tied up <in the temple>. They called <> out <four or> two of us at a time. We were blindfolded and <we were beaten with a rifle butt while we were being walked to sit> inside the temple. During <that> time, we did not know where we were facing to since we were blindfolded. Some of our members were hit with rifle butts because <> we were walked into different directions other than the northern <or the southern> side that they wanted us to go. My memory is not good but what I can recall is that <> I was hit by the rifle butt about 10 times before I reached the location where they wanted us to go. <I still suffer today.>”<sup>2010</sup>

957. The Civil Party testified that at the pagoda, “our hands were tied behind our backs. They actually tied us in a straight line to a rope and they pulled us behind a

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<sup>2008</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 92 lines 13-25.

<sup>2009</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 28 June 2016, E1/445.1, p. 79 lines 2-5.

<sup>2010</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 21 lines 10-22.

<bicycle>. And that happened in late afternoon. I don't know, maybe around 3 or 4 o'clock, since we did not have a watch to see. We were instructed to run after their bicycles and of course we could not catch up with the bicycles. Then we were beaten with a club. I could not catch up with the bicycles so they beat me with a club and cracked open my skull. It was bleeding and I was so fatigued because that whole day I did not have any food to eat.”<sup>2011</sup>

958. Civil Party MEY Savoeun testified that after escaping from the cow pen, “[a]long the 10 day and 10 night trip, I came across some Khmer Rouge groups or some groups belonging to the commune, so I had to come across these two preparatory lines, before I reached a location where I was recaptured and tied <up once more>. I was starved. I was deprived of food and they tied me under the baking sunlight at Prey Sloek to the east of Pursat province. I was deprived of food and water and they told us that we would be sent to another location. I almost died by that stage. That <was> due to the lack of food and the heat from the sun.”<sup>2012</sup>

## **(2) Mental harm**

### ***Long-term mental harm – grief after loss of family members***

959. Civil Party YUN Bin also recalled those who were killed, “I had a stepmother. Her siblings <> were taken away to be killed with me. I told her that those people were taken away to be killed. <I told her to tell her brother not to go because he would be taken away to be killed, she then went to tell her elder brother that and he said, "The Party would never take people away to be killed."> And <then he was> taken away <and> disappeared until nowadays.”<sup>2013</sup>

960. Civil Party YUN Bin testified that “[m]y father became ill. Since my return from the execution site on the 25th of May <1978> until late '78, they evicted people in my village to Kampong Thom and some of my villagers escaped into the forest,

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<sup>2011</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 23 lines 4-14.

<sup>2012</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 29 line 20 – p. 30 line 4.

<sup>2013</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 19 lines 5-11.

into the flooded forest. So I hid myself with my father in the forest. And because his illness became severe, he died in the forest.”<sup>2014</sup>

961. Civil Party MEY Savoeun testified that, “[m]y relatives and my mother, they all died. My cousins and other distant relatives also died. There were about 50 of my <relatives> all together close and distant, <who> all died during the regime <in Pursat province>. And of course every time I think of them, it reminds me of their suffering and I feel so painful and I did not want to return to my native village at all.”<sup>2015</sup>

962. Civil Party MEY Savoeun testified that “[a]t present I feel the pain <> for all the losses of my family members and relatives and only my eldest brother who lives in Pursat<. For some people, their parents are still alive>. But as for me, I felt so lonely and painful because I lost everyone on my side. Sometimes I have insomnia because of that. Sometimes my mind is not with me.”<sup>2016</sup>

963. Civil Party CHHUN Samorn recalled, “[a]nother misery was the loss of my relatives, including my elder brother-in-law, who was <categorized as New People> and <he> was called by Angkar to transport fish sauce to the cooperative in 1976. He was arrested and disappeared.”<sup>2017</sup>

964. The Civil Party continued, “[m]y elder brother who had complete trust in Angkar and the revolution and who joined the army <in> 1970 -- that is, Chhun Davy (phonetic) alias Sok Chantha (phonetic). He joined the DK army in 1970, and he worked at the <general> staff office at the zone. And in 1977, Angkar called him to a training session and disappeared since.”<sup>2018</sup>

***Long-term mental harm – feelings of betrayal***

965. Civil Party CHHUN Samorn expressed, “I joined the Revolutionary Army of Kampuchea in May '75. I had complete confidence in the upper Angkar to lift the country <up>. I sacrificed myself for my nation, my country and for Cambodian

<sup>2014</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 20 lines 4-9.

<sup>2015</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 31 lines 16-21.

<sup>2016</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 31 line 24 – p. 32 line 8.

<sup>2017</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 29 June 2016, E1/446.1, p. 14 lines 2-5.

<sup>2018</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 29 June 2016, E1/446.1, p. 14 lines 9-14.

people. I respected the plans of the Party and I implemented and adhered to all disciplines. I, myself, was engaged in the fighting against the enemy <day and night>. Sometimes I went without food for two to three days and sometimes there was no water to drink. The situation was so miserable. However, as a result, myself and many East Zone soldiers were accused by Angkar of betraying the Party. We were arrested and sent for execution. I was in great shock at the time, and I could not believe the <actions> of the regime.”<sup>2019</sup>

966. Civil Party YUN BIN testified that when he survived the attack with an axe and was trying to climb out of the pit, “I swore to myself that I would try to survive. I asked the souls of those who died in the <pit> to help me to survive and I asked for their souls to help me to get out of the <pit>. And I promised to them that I would find justice for them because they cheated us. They said that we would be taken to study. <What mistake did I make?>. They told us that we would be sent to study but instead sent us to be killed. So I told all the souls of the dead bodies in the <pit> that when I -- if I managed to escape from <there>, I would find justice for them.”<sup>2020</sup>

967. Civil Party MEY Savoeun described, “I seem to get lost and that is the result of the mistreatment I received under the regime that I was in prison, that I was shot <> and I felt so disappointed because I became a soldier to liberate the country to join the resistance but as a result I was tortured severely.”<sup>2021</sup>

### *Long-term feelings of fear*

968. Civil Party YUN BIN testified that, “[w]hen I was in the village and after 1979, people asked me to go to see the execution site, but I was scared to go there because each time, when I approached that site, I almost fainted because I could not hold my feelings when I saw the site<, I could not hold myself back because it actually happened to me>. All the people who were taken away with me all died, except me alone who survived. I was sorrowful and terrified. Each time I thought

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<sup>2019</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 29 June 2016, E1/446.1, p. 12 lines 7-20.

<sup>2020</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, E1/457.1, p. 14 line 16 – p. 15 line 3.

<sup>2021</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 31 line 24 – p. 32 line 8.

about that event, I told myself that I could not go back to that execution site because it always haunted me, make me scared <forever>.”<sup>2022</sup>

### (3) Material harm

969. Civil Party CHHUN Samorn testified that, “[d]uring the period of Democratic Kampuchea, my property was confiscated and put for common use in the cooperative. As a result, I lost all those properties.”<sup>2023</sup> He further described how after his elder brother-in-law was killed, “his wife became a widow with three children and they are the burdens that I have to take care of them.”<sup>2024</sup>

970. Civil Party MEY Savoeun testified that in 1978, “[a]fter I got married, we were sent to Neak Loeang. Our belongings and properties <such as cows, chickens, ducks, dogs, oxcarts, etc.> had been removed from us and we were allowed to go to board <a> boat <> only with some clothes.”<sup>2025</sup>

## Chapter 9: Phnom Kraol Security Centre<sup>2026</sup>

<sup>2022</sup> Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 20 line 24 – p. 21 line 8.

<sup>2023</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 29 June 2016, **E1/446.1**, p. 14 lines 15-17.

<sup>2024</sup> Oral Testimony of Civil Party CHHUN Samorn, T., 29 June 2016, **E1/446.1**, p. 14 lines 5-7.

<sup>2025</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 27 lines 14-17.

<sup>2026</sup> The Trial Chamber is seized of facts surrounding the establishment and functioning of the Phnom Kraol Security Centre in Koh Nhek District, as well as the arrest, detention, interrogation and execution of those imprisoned there. Closing Order, **D427**, paras 634-642. Phnom Kraol Security Center was a Sector 105 Security Office containing Phnom Kraol Prison and related to the nearby Sector 105 Office K-11 and to the Sector 105 Secretary located at Office K-17. Trapeang Pring was alleged to have been the execution site of the Phnom Kraol Security Centre. The Site Identification Report produced by the OCIJ in relation to K11, K17, Phnom Kraol, and Trapeang Pring describes the locations of each respective site. As the maps provided by the report indicate, “practically the three sites are located approximately with 1 kilometer from one another, while Trapeang Pring or Tuol Khaoch Mass Graves are 4 km to the west.” Closing Order, **D427**, para. 625, Closing Order, **D427**, paras 627, 642., Site Identification Report, **E3/8057**, 21 July 2009, ERN (EN) 00365622. It is alleged that the “Phnom Kraol prison was a one-room complex constructed of wooden pillars, a bamboo lattice floor and a thatched roof. K-17 consisted of a two storey building with wooden walls and a zinc roof and functioned as both the Office of the Secretary of Sector 105 and, briefly as a detention centre itself. K-11 was located approximately 1 kilometre Northeast of Phnom Kraol prison, and served as both a detention centre and as the military office. It consisted of a wooden building with bamboo walls, a thatched room and a plywood floor.” Closing Order, **D427**, para. 626. The alleged crimes took place in the context of the policy to “implement and defend the CPK socialist revolution through the re-education of ‘bad elements’ and the killing of ‘enemies’, both inside and outside the Party ranks, by whatever means necessary”., Closing Order, **D427**, para. 178. On the basis of these factual allegations, the Closing Order indicts the Accused with the following crimes against humanity alleged to have taken place at the Phnom Kraol Security Centre: imprisonment, enslavement, murder, extermination, torture, political persecution, other inhumane acts through attacks against human dignity, other inhumane acts of enforced disappearances, and other inhumane act of forced marriage,

## A. Overview of Civil Party Evidence

971. Two civil parties, SUN Vuth and KUL Nem, testified before the Trial Chamber regarding their experiences in Koh Nheak district during the Democratic Kampuchea.<sup>2027</sup> Civil Party AUM Mol testified before the Office of the Co-Investigating Judges. [REDACTED]

[REDACTED]<sup>2028</sup>

972. Civil Party SUN Vuth testified that he was required by Angkar to join the army in 1974.<sup>2029</sup> After the liberation of Phnom Penh in 1975, Civil Party SUN Vuth explained that Angkar dispatched Division 920 to protect the border with Vietnam<sup>2030</sup> in Kaok Nheak district, Mondulkiri.<sup>2031</sup> The Civil Party was then appointed as a chief of a company.<sup>2032</sup>

973. While the Civil Party was stationed in Mondulkiri, his leaders were called to attend a study session and it was said that they were killed on the accusation of betraying Angkar.<sup>2033</sup> From Division 920, Ta Chhin, Ta Soy, comrade Kol, comrade Non, and comrade Yen were arrested and disappeared.<sup>2034</sup> The Civil Party heard that they were sent to Tuol Sleng Prison.<sup>2035</sup> Those who came to arrest them were from Division 801, led by Ta Saroeun.<sup>2036</sup> In November to December 1977, during the harvesting season,<sup>2037</sup> the Civil Party was also arrested and detained on the accusation

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Closing Order, **D427**, paras 1373, 1381, 1391, 1408, 1416, 1434, 1442. Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1**.

<sup>2027</sup> Eight civil parties were admitted by the OCIJ in relation to Phnom Kraol Security Centre (Closing Order, **D427**, para. 643).

<sup>2028</sup>

<sup>2029</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 58 line 23 – p. 59 line 5.

<sup>2030</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 59 lines 22-24.

<sup>2031</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 60 lines 6-14.

<sup>2032</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 60 line 16 – p. 61 line 3.

<sup>2033</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 62 lines 1-16.

<sup>2034</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 63 lines 7-11.

<sup>2035</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 63 lines 11-14.

<sup>2036</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 63 line 19 – p. 64 line 3.

<sup>2037</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 89 line 12 – p. 90 line 2.

of betraying Angkar. He was blindfolded with a krama and taken away.<sup>2038</sup> Because the Civil Party was blindfolded, he could not see where he was taken to. However, when the blindfold was taken off, he could “see the surrounding area.”<sup>2039</sup> He testified to being placed in a prison near a route to Kratie, half of a kilometre away from the division office and south of Kaoh Nheak, next to a hill and a stream called Ou Chbar.<sup>2040</sup>

974. Civil Party SUN Vuth testified before the Chamber that the building was 10 metres long and 5 to 6 metres wide and consisted of three rooms, each of which were not big and could hold around five detainees.<sup>2041</sup> The building was constructed of big wooden poles and a roof, half made from thatch and half from Prochean leaves.<sup>2042</sup> The walls were made of wooden planks that were not properly anchored such that the detainees could see through some gaps between the planks.<sup>2043</sup> The cell in which Civil Party SUN Vuth was detained in was locked.<sup>2044</sup>

975. Civil Party SUN Vuth explained that there were no other houses near the prison, but that there was a shelter for the guards and a small shelter to the south of

<sup>2038</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 63 line 19 – p. 64 line 14.

<sup>2039</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 64 lines 22-23.

<sup>2040</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 64 line 18 – p. 65 line 12. *See also*, Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 78 (The Civil Party explained that the stream was called Ou Chhbar and that there was a mistake contained in his Victim Information Form (E3/6760) in which he had identified the stream incorrectly as Ou Lpov). *See also*, (A witness described that K-16 and K17, “[s]ince the beginning <when it was built in Kaoh Nheak> in 1975, K-17 was posed on the Kraol Mountain and K-16 was located in the same location <> at Ou Chbar (phonetic). <And we had to cross the Ou Chbar stream in the rainy season. There was no road for cars to drive through.>” Oral Testimony of Witness CHAN Bun Leath, T., 28 March 2016, E1/409.1, p. 13 line 18 – p. 14 line 6.) (“Security centre was close to K 11 and about 500 metres further, there was K 17. To the north -- to the <southwest,> there were quarters for workers. They worked in a workshop or in a sawmill. So, around Phnom Kraol areas, these buildings were located, and the prison itself was located in the centre near the stream. As for <K 11>, it was far away. It was at Ou Chbar, which was about 2.5 kilometres away and that you had to cross the stream in order to access that area.” Oral Testimony of Witness CHAN Bun Leath, T., 29 March 2016, E1/410.1, p. 37 line 22 – p. 38 line 9) (The OCP put to the Civil Party a passage of a WRI of NOU Saoy, E3/7705, ERN (EN) 00239506, which states, “The prison at Phnom Kraol was made of wooden logs, like a pig pen, and had a thatch roof. All the prisoners were placed in wooden leg shackles. During the daytime they released the light offense prisoners to work under guard inside and outside the prison compound sawing wood to make tables, cabinets, and beds. They did not allow the prisoners to walk outside the designated perimeter. As for the prisoners they designated as serious offense prisoners, they did not let out [to work].”).

<sup>2041</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 65 lines 13-18; Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 54 lines 11-12.

<sup>2042</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 66 lines 8-22.

<sup>2043</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 66 lines 16-22.

<sup>2044</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 49 lines 12-13.

the prison for interrogation.<sup>2045</sup> The Civil Party also stated that he could hear the voices of female detainees, however he could not estimate how many there were.<sup>2046</sup>

976. During his detention, Civil Party SUN Vuth testified that his arm and ankle were shackled,<sup>2047</sup> and that he was detained in a locked room along with two other male detainees two days after his detention.<sup>2048</sup> The Civil Party managed to escape and fled to the forest until 1986.<sup>2049</sup>

977. Civil Party KUL Nem joined the Khmer Rouge as a soldier before the fall of Phnom Penh on 17 April 1975.<sup>2050</sup> The Civil Party went to Mondulhiri briefly in 1975, returned to Phnom Penh, and was then sent to Kratie.<sup>2051</sup> Finally, he was sent to Chhin Say's Brigade, the 2<sup>nd</sup> Division.<sup>2052</sup> The Civil Party explained that Chhin Say, the commander was arrested and that afterwards, the Civil Party went to the sector to be with Mr. Sophea.<sup>2053</sup> This resulted in the Civil Party being with the person in charge of the provincial military at K-11.<sup>2054</sup> Civil Party KUL Nem testified that he was there for a brief period of time.<sup>2055</sup> He testified as to his marriage at K-11, where he was sent as a form of punishment after his division commander had been arrested.<sup>2056</sup> At K-11, the Civil Party was assigned to transplant rice and also engaged in construction.<sup>2057</sup> The Civil Party testified that Phnom Kraol was under the supervision of Leng and was not far from K-11.<sup>2058</sup> He could not say who was detained there, some were from the division and some were civilians, but he had no authority to enter.<sup>2059</sup> Civil Party KUL Nem saw some people who he had used to

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<sup>2045</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 66 line 24 – p. 67 line 3.

<sup>2046</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 67 lines 3-5.

<sup>2047</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 67 lines 7-9.

<sup>2048</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 65 lines 15-18.

<sup>2049</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 70 lines 19-22.

<sup>2050</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 98 lines 5-22.

<sup>2051</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 88 lines 10-12.

<sup>2052</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 88 lines 12-14.

<sup>2053</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 88 lines 15-16.

<sup>2054</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 88 lines 15-20.

<sup>2055</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 88 lines 15-20.

<sup>2056</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 95 lines 7-25.

<sup>2057</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 95 lines 13-15.

<sup>2058</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 103 lines 10-13.

<sup>2059</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 103 lines 14-17.

work with at the division headquarters, but did not dare to ask them anything, look into their faces or count how many there were.<sup>2060</sup>

978. Civil Party AUM Mol, alias OM Mol, testified before the Office of Co-Investigating Judges and provided her written sworn testimony on 29 October 2008. Civil Party AUM Mol testified to that in 1975 she was a combatant in the Khmer Rouge, first belonging to a division commanded by Ta Hor and Ta Nat, a division commanded by Ta Chhin and Ta Say in Mondulkiri, and then was attached to Office K-11 in Koh Nhek.<sup>2061</sup> She testified to her arrest and imprisonment at Office K-11 and the harm she suffered from witnessing traumatic events.<sup>2062</sup>

## **B. Crime-base Evidence Provided by Civil Parties at Trial**

### **(1) Imprisonment**

979. Civil Party evidence adduced at trial indicates that prisoners at Phnom Kraol were arbitrarily deprived of their liberty without due process of law.

#### *Arbitrary deprivation of liberty*

980. Civil Party SUN Vuth was arrested at Kaoh Nheaek, the military base where he was posted in [November or December 1977].<sup>2063</sup> He testified arrest, “[a]fter they pointed the gun at me, they tied me up; they blindfolded me, and then they walked me and I did not know which direction I was heading to. They keep pushing me and walk me...”<sup>2064</sup> “I, myself, was not aware at all of the reason for the arrest. Three people came to point their guns at me and I asked the reason for that and they said that I betrayed Angkar, and I said that I did not betray Angkar. And they ordered me to raise my hands and after I did that, they blindfolded me with a karma scarf and then I was taken away.”<sup>2065</sup> The Civil Party explained that at the time he was arrested, he

<sup>2060</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 103 line 25 – p. 104 line 5.

<sup>2061</sup> Written Record of Interview, AUM Mol, **E3/7700**, 29 October 2008, ERN 00239532 (EN).

<sup>2062</sup> Written Record of Interview, AUM Mol, **E3/7700**, 29 October 2008, ERN 00239532- 00239533 (EN).

<sup>2063</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 45 line 22 – p. 46 line 1.

<sup>2064</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 47 line 25 – p. 48 line 2.

<sup>2065</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 64 lines 4-10.

- “was back and forth between the rear and frontlines and when I returned from the frontlines, I did not know why, but they simply arrested me.”<sup>2066</sup>
981. Civil Party SUN Vuth testified that the prison was guarded. “Three [guards]. Sometimes four, sometimes three. Not many of them were there.”<sup>2067</sup>
982. The Civil Party testified that there were other prisoners during the period that he was detained but that he did not know about the origins of the other inmates as he was “blindfolded when they brought [him] to the prison, and there was a wall that blocked [him] from seeing [the other inmates] in the prison”.<sup>2068</sup> He stated “I have only known detainees who were with me, and then they fled with me.”<sup>2069</sup>
983. Civil Party SUN Vuth further testified that he could “hear the voices of some female detainees, although [he] cannot figure out how many of them there were.”<sup>2070</sup>
984. In relation to the cell that he was detained in, he stated that “it was locked.”<sup>2071</sup> The Civil Party managed to escape as he “had a metal bar and I pried open the door.”<sup>2072</sup> The Civil Party clarified that “the prison, itself, was not a proper prison since detainees could escape, so I could say that it was not meant to -- to house the prisoners for a long time.”<sup>2073</sup>
985. Civil Party SUN Vuth stated that he was detained for between three to six months.<sup>2074</sup>
986. Civil Party AUM Mol stated, “I was arrested and imprisoned in the same Office K-11.”<sup>2075</sup> “The prison in which I was detained was a wooden building with

<sup>2066</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 46 lines 5-7.

<sup>2067</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 96 lines 10-11.

<sup>2068</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 96 lines 4-6.

<sup>2069</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 96 lines 6-7.

<sup>2070</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 67 lines 4-5.

<sup>2071</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 49 line 13.

<sup>2072</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 68 lines 23-24.

<sup>2073</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 51 lines 5-7.

<sup>2074</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 80 lines 19-10; Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 95 lines 23-24.

<sup>2075</sup> Written Record of Interview, AUM Mol, 29 October 2008, **E3/7700**, ERN 00239532 (EN).

thatch roof and bamboo walls and a plywood floor above the ground. It looked like a Chinese-style house.”<sup>2076</sup>

987. “In that prison, I saw about 20 prisoners detained with me. They were shackled by wooden shackles in a row of 5 prisoners per shackle. In about every two weeks the staff were replaced. When the new ones arrived, they would tighten up the shackles. Ta Van was also one of the cadres at the prison of the Office Ka-11 (nowadays, I do not know whether he is alive or dead and his whereabouts is unknown). There were many female prisoners who were detained with me. The male prisoners were detained in a separate place. They were put in the prison in an area on the southern part of Phnom Kraol. Those prisoners were arrested from Peam Chimiet and Nang Khilik areas and from other places in Mondulkiri on the accusation that they were in CIA's or traitor's networks. I am not sure whether there were any female prisoners at that Phnom Kraol prison because I had never been there.”<sup>2077</sup>

## **(2) Enslavement**

988. Civil Party evidence adduced at trial indicates that powers attaching to the right of ownership were exercised upon Kul Nem and AUM Mol.

989. Civil Party KUL Nem testified that, “I was sent from the division <to K-11>. I was assigned to transplant rice and sometimes I was assigned to help other people building shelters <and hospitals in districts or provinces>. <My wife was assigned to transplant rice.> So those were the kind of assignments given to me and <I was arranged to be married after I was sent there,> that's all I can tell you.”<sup>2078</sup>

990. The Civil Party explained, “That was considered as a punishment because <I was sent there only after> my division commander had already been arrested. <They did not tell me that, I just assumed it was like that.> And because I <thought> that it

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<sup>2076</sup> Written Record of Interview, AUM Mol, 29 October 2008, E3/7700, ERN 00239533 (EN).

<sup>2077</sup> Written Record of Interview, AUM Mol, 29 October 2008, E3/7700, ERN 00239533 (EN).

<sup>2078</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, E1/488.1, p. 95 lines 13-18.

was somehow <a> punishment, that's why I did not dare to protest or oppose the assignment.”<sup>2079</sup>

991. Civil Party AUM Mol described that, “[d]uring the time of my imprisonment, I was unshackled only when they had me go to do rice transplanting or to build dams; but my hands were tied with hammock strings and the armed guards were also present. So, I was embarrassed when people looked at me.”<sup>2080</sup>

### **(3) Torture**

992. Civil Party evidence adduced at trial indicates that Civil Party SUN Vuth experienced acts causing severe pain or suffering for the purpose of obtaining information while detained at Phnom Kraol.

#### *Acts causing severe pain or suffering*

993. Civil Party SUN Vuth testified that “I was tortured severely after my arrest”.<sup>2081</sup> “I was taken out from that prison to a secret hut where I was interrogated. First they actually shocked me with electricity cables and I lost consciousness. And I thought that I died after I fell unconscious. And when I regained consciousness they shocked me again. After that relapse, they actually beat me up and interrogated me.”<sup>2082</sup>

994. “Sometimes three interrogators interrogated me, sometimes there were four. During the interrogation, there were electric shocks, and I was shocked twice. After two rounds of electric shocks, I became unconscious and they received no confession or answers from me and, later on, they beat me, not seriously, but there were no answers from me.”<sup>2083</sup>

995. “They used battery, not the power from any engines. Perhaps 100 MA battery or 70 MA battery. There was not a big engine for electric shocks”.<sup>2084</sup> “In relation to

<sup>2079</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, E1/488.1, p. 95 lines 21-25.

<sup>2080</sup> Written Record of Interview, AUM Mol, 29 October 2008, E3/7700, ERN 00239533 (EN).

<sup>2081</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 64 line 4.

<sup>2082</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 67 lines 9-14.

<sup>2083</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 100 lines 2-7.

<sup>2084</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 101 lines 11-13.

the electric shock, they spent <a long> time interrogating me <Sometimes> I was interrogated <once a> day, sometimes I was interrogated twice a day, and sometimes there was no interrogation>, and it did not happen on a continuous basis. They did not interrogate me on a daily basis. Sometimes they said <that> they had instruction from their superiors to interrogate me in order to elicit confession. If <I did> not confess<>, I would die. And they said if I was willing to answer, I would survive.”<sup>2085</sup>

996. As to the physical violence that Civil Party SUN Vuth experienced, he testified, “I was beaten with a club and that club <was> big <and the size was about> my <forearm>. They beat me two or three times <with the club> and I lost consciousness. Each time that they beat me, I lost consciousness. And then after a while, <they shook me, and then> I regained consciousness and they beat me again and again to extract my confession. <They said, "If I don't respond to the questions, they will beat me to death."> And because their beating on me was so serious that I lost my consciousness and I could not say anything. <They beat me with big clubs.>.”<sup>2086</sup>

997. While detained at K-11, Civil Party AUM Mol stated that “One day at that prison other women prisoners and I, in shackles, saw an 8-year old son of a female prisoner being hung upside down by the female guards. They forced us and the child's mother to watch their action. That boy was beaten up and hung upside down until his eyes were bleeding and then they put him down. It took a fairly long time for that boy to regain consciousness. Those beaters forced me to watch but I dared not look because it was so horrible. The boy's father was arrested and imprisoned at Phnom Kraol dam.”<sup>2087</sup>

998. With regards to who were the people in charge of interrogating Civil Party SUN Vuth, he testified that “[t]hose who were in charge of the prison sent me out and those who were from 801 interrogated me. It was Ta <Sarooun from the Division 801, and he was known as Ta 05>. I did not know whether those people were ordered by

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<sup>2085</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 101 line 22 – p. 102 line 5.

<sup>2086</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 104 lines 4-13.

<sup>2087</sup> Written Record of Interview, AUM Mol, E3/7700, 29 October 2008, ERN 00239532- 00239533 (EN).

their superiors to come and interrogate me or, perhaps, they just came without having any instruction from their superiors.”<sup>2088</sup>

999. He also testified that “A Peng and A Bai> were the <vicious> executioners. <Before, they were with me, when I was> accused <> of betraying Angkar and <the forces> from Division 801 <were sent> to <take control of> Division 920. <I did not know how they were trained, and they then came to mistreat their own companions; I used to be their superior>. Since we were arrested, our fate was with them. And when I was beaten up, I told them that I didn’t do anything wrong.”<sup>2089</sup>

#### **(4) Other inhumane acts**

##### *Detention conditions*

1000. Civil Party evidence presented at trial demonstrates that Angkar’s conduct to establish and operate the Phnom Kraol Security Centre encompassed violations of detainees’ right to life and to an adequate standard of living, their right not to be subject to cruel, inhumane and degrading treatment and not to be arbitrarily arrested.<sup>2090</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

1001. Civil Party SUN Vuth testified as to the conditions of his detention that he experience for approximately three to six months.<sup>2091</sup> He stated that upon his arrival at the prison, “my ankles were shackled and my hands were cuffed.”<sup>2092</sup> He stated “the shackles were made from wood and they made holes where my ankles were inserted [...] And about a week after, they only shackled one ankle and one hand so my other ankle and hand were free.”<sup>2093</sup> The shackles were used to “hold us down so that we would not be able to move” the big wooden poles to which the shackles were

<sup>2088</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 101 lines 1-6.

<sup>2089</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 69 line 20 – p. 7 line 2.

<sup>2090</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

<sup>2091</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 80 lines 19-20; Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 95 lines 23-24.

<sup>2092</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 65 line 21.

<sup>2093</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 65 line 23 – p. 66 line 2.

attached to.<sup>2094</sup> Furthermore, the wooden shackle was framed with metal.<sup>2095</sup> “As for the other two detainees only one of their ankles were shackled.”<sup>2096</sup>

1002. The Civil Party testified as to the insufficient amount of food given to him. “Initially after I was arrested, I was not given any food for that whole day. The following day, I was given very little rice. The amount of rice was about the size of my wrist. They put some water in a coconut shell for me to drink.”<sup>2097</sup>

1003. While at K-11, Civil Party AUM Mol stated that “[o]ne day while I was pregnant they had me pull rice seedlings and carried them to the rice paddies when the rain was drizzling. I fell over and had a miscarriage. At that time, I asked Ta Sauphea for a glass of rice wine [to mix with] herbs and drank it. I was gradually getting better but bleeding still continued for about one week. Later I was recovered. Because of working while in shackles I suffered hip ankylosis until today.”<sup>2098</sup>

### C. Harm

#### *Long-term – mental suffering, feelings of betrayal*

1004. Civil Party SUN Vuth testified as to his mental suffering as a result of his experience. “<When I remember that, I feel> so <much pain> for that<,> because I did not betray Angkar at all. I tried to serve Angkar and the revolution <the best I could, but Angkar did not trust me. As a result, I was arrested>.”<sup>2099</sup> “I didn’t flee because I didn’t betray Angkar at all. I was so loyal to Angkar and my commanders never said anything against Angkar”.<sup>2100</sup> “At the beginning, <> it was said that I was <courageous, I was> loyal to Angkar and I worked for Angkar and later on, at a later stage, I was arrested and they accused me <of betraying> Angkar. <No one had asked me to counterattack Angkar. When they beat and interrogated me, > I did not know how to respond to their accusation because I <knew> that, whether <I answered>

<sup>2094</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 66 lines 12-15.

<sup>2095</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 66 line 23.

<sup>2096</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 69 lines 10-11.

<sup>2097</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 68 lines 15-18.

<sup>2098</sup> Written Record of Interview, AUM Mol, 29 October 2008, E3/7700, ERN 00239533 (EN).

<sup>2099</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 64 lines 11-14.

<sup>2100</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, E1/411.1, p. 63 lines 15-17.

their questions <or not about> whether I betrayed Angkar, I would be killed. <When I remember that, it hurts me because I actually worked hard for the nation>. I did not know who would come to <-->.”<sup>2101</sup>

1005. “However, my parents, siblings and relatives had all been killed, so <much> suffering -- I suffered ... I feel if you were me, you would feel unhappy and you <would be angry as well>.”<sup>2102</sup> “I felt so <pained>. I served the revolution. I served Angkar with my full heart. I defended the country but, <I was accused by Angkar.> As a result, my parents, siblings and relatives were killed. <I resent that and> every time I think of that, I <become overwhelmed with grief>.”<sup>2103</sup> “And also, my parents were killed along with some of my siblings and relatives. My father did not do anything wrong although he was a deputy -- a first deputy commune chief during the previous regime. And in 1975 while I was in <Mondolkiri> to serve in the army, I was not with my <parents>. And I -- at that early stage, I did not know about the fate of my parents since I focused myself on serving the nation and the Party. And later on I learned of their fate that they had been killed. And that was painful to learn.”<sup>2104</sup>

## Chapter 10: S-21 Security Centre<sup>2105</sup>

### A. Overview of Civil Party Evidence

1006. Ten civil parties, direct and indirect victims of alleged crimes at S-21 Security Centre, testified before the Chamber during the course of the trial.<sup>2106</sup> One direct

<sup>2101</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 62 line 21 – p. 63 line 5.

<sup>2102</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 103 lines 8-11.

<sup>2103</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 72 lines 13-18.

<sup>2104</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 70 line 19 – p. 71 line 2.

<sup>2105</sup> The Trial Chamber is seized of facts relating to the functioning and operation of the S-21 Security Centre, including the arrest of prisoners and conditions of detention, the interrogations and execution of prisoners, executions at Choeng Ek, executions at or near S-21, and the practice of drawing detainees' blood. Closing Order, **D427**, paras 423-447. Closing Order, **D427**, paras 448-456. Closing Order, **D427**, paras 460-462. Closing Order, **D427**, paras 463-467. Closing Order, **D427**, paras 468-472. Closing Order, **D427**, paras 473-474. On the basis of these factual allegations, the accused are indicted with the crimes against humanity of murder, extermination, enslavement, imprisonment, torture, political persecution, racial persecution, and the other inhumane acts of attacks against human dignity, forced marriage, and rape within the context of forced marriage. The Accused are further indicted with Grave Breaches of the Geneva Conventions. Civil parties did not testify to these crimes, and they will not be addressed here. *See*, Closing Order, **D427**, paras. 1481-1520, Closing Order, **D427**, paras 1373, 1376., Closing Order, **D427**, paras 1381, 1385., Closing Order, **D427**, para. 1391. Closing Order, **D427**, para. 1402. Closing Order, **D427**, para. 1408. Closing Order, **D427**, paras 1416, 1417. Closing Order, **D427**, paras 1416, 1417 Closing Order, **D427**, para. 1422. Closing Order, **D427**, para. 1434. Closing Order, **D427**, para. 1442. Closing Order, **D427**, paras 1430-1433.

victim, CHUM Mey, testified as to his arrest, interrogation, detention, and eventual release from S-21 Security Centre. Eight indirect victims testified before the Chamber regarding the detention and execution of their loved ones at S-21 Security Centre. Their testimonies are anchored by prisoner lists, biographies, photographs, and/or log books which appear on the Case File and were presented to each Civil Party during the course of his or her testimony. Additional evidence was given by Duch with respect to the relatives of Civil Parties CHAU Kim and Timothy Scott Deeds.<sup>2107</sup>

1007. Annex F contains a list of civil parties and relatives of civil parties who are listed on the OCIJ S-21 List and recorded on contemporaneous S-21 records as having entered and/or having been executed at S-21.<sup>2108</sup> Sixty-nine civil parties or relatives of civil parties have been confirmed to have entered S-21; 32 relatives are recorded as having been executed; and five additional civil parties have relatives' names appearing on contemporaneous documents but not on the OCIJ S-21 List.<sup>2109</sup>

1008. Civil Party CHUM Mey<sup>2110</sup> testified as to his arrest, interrogation, and detention at S-21 Security Centre. He was arrested on 28 October 1978 from the State Sewing unit, of which he was a company member.<sup>2111</sup> His wife and daughter were not aware of his arrest, or of his transfer to S-21.<sup>2112</sup> Civil Party CHUM Mey was

<sup>2106</sup> One hundred and twenty-eight civil parties were admitted by the OCIJ (Closing Order, **D427**, para. 475) on the basis of harm suffered from crimes alleged at S-21, and ten civil parties were admitted by the PTC.

<sup>2107</sup> Oral Testimony of Witness KAING Guek Eav alias Duch, T., 9 June 2016, **E1/435.1**; Oral Testimony of Witness KAING Guek Eav alias Duch, T., 13 June 2016, **E1/436.1**.

<sup>2108</sup> Annex F: Civil Parties and Relatives of Civil Parties Entering or Executed at S-21 Security Centre.

<sup>2109</sup> *Ibid.*

<sup>2110</sup> This Civil Party was also a Civil Party in Case 001, where he provided his testimony to the Office of Co-Investigating Judges on 25 March 2008 (Written Record of Interview of Civil Party CHUM Mey, **E3/5163**, 25 March 2008, ERN (EN) 00176404-00176406), and participated in the site reenactment and confrontation conducted by the OCIJ (Report on Crime Scene Reenactment at TUOL Sleng on 27 February 2008, **E3/5765**, 27 February 2008, ERN (EN) 00197995-00198008). *See also*, Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008, **E3/9431**, 27 February 2008, ERN (EN) 00198028-00198081; Written Record of Confrontation, **E3/5769**, 29 February 2008, ERN (EN) 00166561-00166570. The Civil Party testified before the Chamber on 30 June 2009 (Transcript of Proceedings – “Duch” Trial – 30 June 2009, **E3/7451**, ERN (EN) 00346456-00346552). The Trial Chamber in that case found “[o]f the eight Civil Parties who claimed to be survivors of S-21 or S-24, the Chamber considers the following four Civil Parties to have substantiated this claim and hence, to have established that KAING Guek Eav is directly responsible for their harm suffered:...CHUM Mey...”(Case 001 Trial Judgement, **E188**, para. 645).

<sup>2111</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 20 line 25 – p. 21 line 4, p. 41 lines 5-11.

<sup>2112</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 64 lines 8-24.

imprisoned and interrogated for 12 days<sup>2113</sup> when his conditions altered and was required to repair typewriters.<sup>2114</sup> The Civil Party testified that he was walked out of the prison with 18 others on 7 January 1979 when the Vietnamese arrived.<sup>2115</sup> His confession and records relating to his detention are found on the Case File and are discussed below.<sup>2116</sup>

1009. Civil Party CHUM Mey was based at Ou Ruessi market and assigned to collect sewing machines for repair at the sewing unit.<sup>2117</sup> On 28 October 1978, Civil Party CHUM Mey was asked to go to Vietnam to repair vehicles, but was instead transferred to Tuol Sleng with comrade Try and comrade Tim.<sup>2118</sup> The Civil Party recalled that three of his previous supervisors had been taken away, and that at the time of his being taken to Tuol Sleng, his supervisor was Van.<sup>2119</sup> Civil Party CHUM Mey described that he was not captured or arrested, but simply asked to get on a Lambretta to go.<sup>2120</sup> Civil Party CHUM Mey recalled wanting to bring his tools with him, but was told that he would not need them, that they would be sent later on.<sup>2121</sup> The Lambretta stopped at a place that the Civil Party did not know the name of, where he and the other two were handcuffed and blindfolded.<sup>2122</sup> Those who had handcuffed him were all male, and included Comrade Lim.<sup>2123</sup> They had shotguns.<sup>2124</sup> He was cursed at and threatened.<sup>2125</sup>

<sup>2113</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 27 lines 3-14.

<sup>2114</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 36 lines 7-20.

<sup>2115</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 36 line 25 – p. 37 line 14.

<sup>2116</sup> Prisoners entered on 28.10.78, **E3/8551**, dated 28 October 1978, ERN (EN) 00181755 (listing CHUM Mei at number 7, age 47, “Member Large Team, Sewing, Kor 9”); Name of Prisoners from Division 207 ‘Former 310’, **E3/9898**, (undated), ERN (EN) 01369197 (listing CHUM Mei in State Tailoring, number 1, age 47, “Company Chairman, ‘Company Member’”, entered on 28 October 1978), Name list of prisoner entry in October 1978, **E3/10205**, ERN (EN) 01397683 (CHUM Mei listed at number 5, age 47, Member of company, entered on 28 October 1978); Confession of Chum Manh, **E3/9253**, document dated 8 November 1978, ERN (EN): 00175536-00175559; Transcript of Proceedings – “Duch” Trial – 30 June 2009, **E3/7451**, ERN (EN) 00346456–00346552.

<sup>2117</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 18 lines 16 – p. 19 line 1.

<sup>2118</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 20 line 23 – p. 21 line 4.

<sup>2119</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 21 lines 15-24.

<sup>2120</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 22 lines 4-8.

<sup>2121</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 22 lines 4-8.

<sup>2122</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 22 lines 21-25.

<sup>2123</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 23 lines 2-5.

<sup>2124</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 23 lines 5-6.

<sup>2125</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 23 lines 12-16.

1010. Civil Party CHUM Mey testified that upon his arrival at S-21, he was sent to a cell where he was measured, photographed, stripped, and handcuffed.<sup>2126</sup> He was then sent to Room 022.<sup>2127</sup> This room was 1.5 metres by two metres.<sup>2128</sup> The cell was visited by the Co-Investigating Judges and photographs appear in the Report on Reconstruction.<sup>2129</sup> The cell was big enough for just one person.<sup>2130</sup> He was not blindfolded and was provided with a small ammunition container for relieving himself.<sup>2131</sup> The Civil Party was given a ladle of watery gruel in the morning and evening, and only a little water to drink.<sup>2132</sup>
1011. Civil Party CHUM Mey described that he was beaten and interrogated for 12 days and 12 nights, from 7 a.m. until 11 a.m., from 1 p.m. until 5 p.m., and from 6 p.m. until 10 p.m.<sup>2133</sup> The room in which he was interrogated in was on a higher floor and to the south of his cell.<sup>2134</sup> He later learned that it was called Cell 4.<sup>2135</sup> During the interrogations, the Civil Party was asked whether he was part of a CIA or KGB network. He was beaten, resulting in a broken finger, his toenail was removed with a tool, and the interrogators used electric shocks twice, which caused him to lose consciousness.<sup>2136</sup> Civil Party CHUM Mey explained that he has not seen well out of one eye or hear well out of one ear since the time he was given the electric shocks.<sup>2137</sup>
1012. The Civil Party was then detained in a big room in Building C with several other detainees.<sup>2138</sup> While he was detained here, detainees were also shackled.<sup>2139</sup> They were fed one ladle of gruel in the morning and the evening and provided with long-sleeved clothes.<sup>2140</sup> The detainees slept directly on the floor, bullet cases were

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<sup>2126</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 23 line 23 – p. 24 line 2.

<sup>2127</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 24 line 1-2.

<sup>2128</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 24 lines 18-20.

<sup>2129</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 24 lines 20-23.

<sup>2130</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 26 lines 8-9.

<sup>2131</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 26 lines 15-21.

<sup>2132</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 27 lines 1-5.

<sup>2133</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 27 lines 7-14.

<sup>2134</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 27 lines 15-19.

<sup>2135</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 27 lines 19-20.

<sup>2136</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 30 lines 5-18.

<sup>2137</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 30 lines 19-25.

<sup>2138</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 32 line 22 – p. 33 line 13.

<sup>2139</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 33 lines 1-2, 12-13.

<sup>2140</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 33 lines 14-16.

- distributed for the detainees to relieve themselves in, and the detainees were required to be quiet.<sup>2141</sup>
1013. The Civil Party was assigned to repair sewing machines by Comrade Suos Thy to the back and west of the building in which he was detained.<sup>2142</sup> Civil Party CHUM Mey described how when Suos Thy gave him the assignment, he was warned not to flee.<sup>2143</sup> The next morning, Suos Thy returned with clothes for him to wear, and sent him to a back building to repair sewing machines.<sup>2144</sup> He was then assigned to repair typewriters.<sup>2145</sup> The Civil Party testified that he must not flee or he would have been shot.<sup>2146</sup>
1014. Civil Party CHUM Mey testified that he was only able to survive because of his skill in repairing the typewriters and the arrival of the Vietnamese troops.<sup>2147</sup> The Civil Party was released from S-21 on 7 January 1979.<sup>2148</sup>
1015. In addition to the direct testimony of Civil Party CHUM Mey of his experience surviving S-21, eight civil parties confirmed the presence of their family members who were detained and then executed there.
1016. Civil Party CHE Heap, who was in the children's unit of Division 310, testified as to the detention and execution of his brother, CHE Heng, at S-21 Security Centre. CHE Heng was attached to Division 310 and was accused of betraying Angkar. CHE Heng's name is recorded on the list of prisoners brought to S-21 on 12 February 1977 at number 15,<sup>2149</sup> and his S-21 biography is on the Case File, recording

<sup>2141</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 34 lines 1-15.

<sup>2142</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 34 line 24 – p. 35 line 3.

<sup>2143</sup> Oral Testimony of Civil Party CHUM Mey, T., 19 April 2017, **E1/418.1**, p. 48 line 25 – p. 49 line 6.

<sup>2144</sup> Oral Testimony of Civil Party CHUM Mey, T., 19 April 2017, **E1/418.1**, p. 49 lines 6-20.

<sup>2145</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 34 lines 17-22.

<sup>2146</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 34 line 23.

<sup>2147</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 36 lines 16-23.

<sup>2148</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 37 lines 8-16.

<sup>2149</sup> Name list of prisoners entry from 1-28/2/77, **E3/10266**, ERN (EN) 01367715.

that he was detained on 12 February 1977.<sup>2150</sup> CHE Heng's photograph appears on the original document.<sup>2151</sup>

1017. The Civil Party testified that the second time that he went to visit his elder brother, Ta Han, a driver, told him that CHE Heng had been arrested by Angkar, and that he was the brother of a traitor.<sup>2152</sup> Civil Party CHE Heap further testified that after his brother disappeared, other members of Division 310 also disappeared. The Civil Party explained that when Ta Nhor replaced Ta Oeun, who had also disappeared,<sup>2153</sup> "they" said that the division had betrayed Angkar, and that they were sent for re-education near Wat Phnom because they were alleged to have been preparing to rebel.<sup>2154</sup> The Civil Party testified that the arrests took place successively, one after another.<sup>2155</sup> Civil Party CHE Heap testified that he was not aware of any plans to rebel or otherwise support a coup d'état.<sup>2156</sup>

1018. Civil Party PHUONG Yat testified as to the fates of her four elder siblings, Phuong Im, Phuong Veth, <Phuong Phon, and <Phuong> Phen, from whom she was separated in 1975. The Civil Party testified that from 1975, her siblings were drafted to be soldiers at Svay Teab. Two of her siblings disappeared, and her elder sister, Phuong Im, was told to go to Phnom Penh and the Civil Party testified that she did not receive any further information from her sister.<sup>2157</sup>

1019. She explained that a woman named Reth told her mother after 1979 that her sister lived in Phnom Penh and had two children.<sup>2158</sup> The Civil Party learned only that her sister's husband was a cadre in Phnom Phen who was in the electricity mechanics unit and that her sister was in the sewing unit, and that she had disappeared with no

<sup>2150</sup> Tuol Sleng Prisoner Biography of Mr CHE Heng, **E3/2989**, undated, ERN (EN) 00234040-00234040, ERN (KH) 00211264-00211264.

<sup>2151</sup> Tuol Sleng Prisoner Biography of Mr CHE Heng, **E3/2989**, undated, ERN (KH) 00211264-00211264.

<sup>2152</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, **E1/455.1**, p. 29 lines 8-14.

<sup>2153</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, **E1/455.1**, p. 28 lines 2-13.

<sup>2154</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, **E1/455.1**, p. 28 lines 14-22.

<sup>2155</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, **E1/455.1**, p. 29 line 2.

<sup>2156</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, **E1/455.1**, p. 41 line 20 – p. 42 line 3.

<sup>2157</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 49 line 21 – p. 50 line 4.

<sup>2158</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 50 lines 5-12, p. 61 lines 8-11.

further news.<sup>2159</sup> Civil Party PHUONG Yat explained that after 1979, her nephew went to Phnom Penh and said that her siblings may have died at Tuol Sleng.<sup>2160</sup> The Civil Party went to Tuol Sleng and saw their photographs displayed.<sup>2161</sup> About PHUONG Im's two daughters, the Civil Party testified that she did not know what happened to them, she only knew that her sister had two daughters, that they disappeared, and that her family has received no news from them.<sup>2162</sup>

1020. Civil Party PHUONG Yat confirmed during her testimony the names of two of her siblings, PHUONG Im and PHUONG Phon, in Tuol Sleng prisoner lists. PHUONG Im was detained on 8 December 1978 and killed on 11 December 1978.<sup>2163</sup> PHUONG Phon was detained on 5 March 1977 and killed on 6 July 1977.<sup>2164</sup> Civil Party PHUONG Yat identified photographs of her siblings from before the regime and their photographs from S-21.<sup>2165</sup>

1021. Civil Party ROS Chuor Siy, who returned to Cambodia from France with her husband, ROS Sarin, and three daughters on 6 August 1976,<sup>2166</sup> testified about her husband's disappearance from Boeng Trabeak, and about discovering his photograph at the Tuol Sleng Museum after the fall of the regime.<sup>2167</sup> She testified that in around mid-December 1976 during a political study session at Boeng Trabaek, her husband rushed to tell her that he was assigned by Angkar to perform a duty. The Civil Party

<sup>2159</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 61 lines 13-19.

<sup>2160</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 50 lines 14-18.

<sup>2161</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 50 lines 14-18.

<sup>2162</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 62 lines 2-7.

<sup>2163</sup> OCIJ S-21 List, **E3/10604**, dated 31 March 2016, ERN 01222901 (referring to 00086769-00086769); Revised S-21 Prisoner List (OCP), **E3/342**, dated 19 May 2009, ERN (EN-KH) 00329929; Annex 277: S-21 Prisoner List containing names of prisoners interrogated at S-21, **E3/8555**, 04 December 1978, ERN (KH), 00086769.

<sup>2164</sup> OCIJ S-21 List, **E3/10604**, dated 31 March 2016, ERN 01222434 (referring to 01019293-01019436); Name list of prisoners entry from 17/2-17/4/77, **E3/10506**, ERN (EN) 01369014; The list of prisoners entered in March 1977, **E3/9845**, ERN (EN) 01331988; Name list of prisoner killed in 1977, **E3/2286**, ERN (EN) English 00873451; Revised S-21 Prisoner List (OCP), **E3/342**, dated 19 May 2009, ERN (EN-KH) 00329929.

<sup>2165</sup> Supplementary information of civil party applicant, **D22/3397b**, ERN (KH) 00594299-00594310. A photograph of PHUONG Im appears at ERN (KH) 00594310. Photographs of her sister taken during the Kangkum Reastr Niyum regime appear at ERN (KH) 00594302. See, Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 50 line 21 – p. 52 line 2. A photograph of PHUONG Phon from S-21 appears at ERN (KH) 00594301. See, Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 55 line 20 – p. 56 line 10.

<sup>2166</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 81 lines 22-24.

<sup>2167</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 91 line 24 – p. 92 line 13.

explained that when she asked where he was assigned, he told her that it was a secret and that Angkar did not tell him where he would go. Before ROS Sarin left, he advised her to work harder, to look after herself and the children, and told her not to worry, that they would meet again soon.<sup>2168</sup>

1022. The Civil Party confirmed the photograph of her husband from S-21 that was attached to her civil party application.<sup>2169</sup> Civil Party ROS Chuor Siy was directed to the name of her husband amongst the list of prisoners returning from France.<sup>2170</sup> His name is listed at number six, and confirms his entry at S-21 on 12 December 1976.<sup>2171</sup> His name further appears on a list of prisoners smashed at Tuol Sleng on 18 March 1977.<sup>2172</sup> Her husband's name appears at number 56.<sup>2173</sup>

1023. Civil Party KAUN Sunthara testified as to the detentions and executions of her brother, CHIM Lang, and sister-in-law, ORM Yindony, at S-21 in 1976. She testified that her brother was an electric engineer who was based at Phsar Touch<sup>2174</sup> and her sister-in-law also worked for the same electricity department.<sup>2175</sup> The Civil Party testified that she knew beforehand that they would be taken to Phsar Touch, but she did not know when they were sent to Tuol Sleng.<sup>2176</sup> It was only after the Khmer Rouge regime fell that she learned from a relative that they had been sent to Tuol Sleng.<sup>2177</sup> Civil Party KAUN Sunthara described how she later went to Tuol Sleng and saw the dates that they entered recorded in a book.<sup>2178</sup>

<sup>2168</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 83 line 18 – p. 84 line 1.

<sup>2169</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 90 line 4 – p. 91 line 2. *See also*, **E3/5040** at ERN (KH) 00807825.

<sup>2170</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 91 lines 4-23. *See also*, Name list of prisoners from France, **E3/9853** at ERN (KH) 01010573.

<sup>2171</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 91 line 20 – p. 92 line 4. *See also*, Name list of prisoners from France, **E3/9853** at ERN (KH) 01010573.

<sup>2172</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 96 line 5 – p. 97 line 2. *See also*, List of prisoners, **E3/2285**, ERN (EN) 00873361, 00873356.

<sup>2173</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 96 line 5 – p. 97 line 2. *See also*, List of prisoners, **E3/2285**, ERN (EN) 00873361.

<sup>2174</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 55 lines 21-22.

<sup>2175</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 64 line 7 – p. 65 line 7.

<sup>2176</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 63 lines 7-8.

<sup>2177</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 63 lines 8-10.

<sup>2178</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 63 lines 10-13.

1024. In her testimony, Civil Party KAUN Sunthara confirmed her brother's name, CHIM Lang, as number 30 on a list of prisoners from the Takhmao electricity section, dated 20 February 1976.<sup>2179</sup> The Civil Party was further shown a name list of prisoners listing AOM Yin Dauri at number 42, wife of CHIM Lang and entering S-21 on 8 November 1976.<sup>2180</sup> The Civil Party stated that this was the name of ORM Yindory.<sup>2181</sup> Civil Party KAUN Sunthara confirmed that her sister-in-law's name further appears on a list of prisoners entered in 1976<sup>2182</sup> and confirmed her sister-in-law's S-21 biography and photograph, further confirming her detention on 8-11-1976.<sup>2183</sup> The Civil Party identified ORM Yindory's name on the name list of prisoners killed in 1976, indicating that she was executed on 9 November 1976.<sup>2184</sup>

1025. Civil Party CHAU Khim testified as to the detention and execution of his brother, CHAU Seng, at S-21. The Civil Party described CHAU Seng's political background – his brother held various high-level positions in government from 1958 and was close with Samdech Sihanouk.<sup>2185</sup> Civil Party CHAU Khim testified that he had found various documents at S-21 and at the Documentation Center of Cambodia relating to his brother. Civil Party CHAU Khim confirmed that CHAU Seng's confession is on the Case File, was shown the document in court, and that he

<sup>2179</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 55 line 11 – p. 56 line 1. *See also*, Annex 9: S-21 Prisoner List containing names of prisoners taken from the Takhmao Electricity Section, **E3/8607**, ERN (EN) 01303367, 01303368.

<sup>2180</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 56 lines 3-22. *See also*, Name list of prisoners entry from 01-15/11/76, **E3/10061**, ERN (EN) 01397448.

<sup>2181</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 56 lines 21-22.

<sup>2182</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 56 lines 3-22. *See also*, Prisoner's list entry in 1976, **E3/9842**, ERN (EN) 01367221.

<sup>2183</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 57 lines 11-25. *See also*, Annex 5: Tuol Sleng Prisoner Biography of Ms. AOM Yin Daunny, **D22/18/5**, ERN (KH) 00211408, ERN (EN) 00234047.

<sup>2184</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 64 line 7 – p. 65 line 7. *See also*, Name list of prisoner killed in 1976, **E3/3187**, ERN (EN) 00874404.

<sup>2185</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, **E1/457.1**, p. 72 lines 13-21 (“And in 1958, he was a chief of cabinet and later on became an MP in Phnom Penh and deputy president of the National Assembly. Between 1958 <and> '60, he was the state secretary of the Ministry of Education. And from '60 to '62, he was Minister of <Information>. And from '62 to '64, he was Minister of Commerce. From '64 to '66, he was chief cabinet of Samdech Sihanouk. In his state officer capacity, in 1967 he was senior <minister> of the Ministry of Commerce and Economics <> from 1958 to '62, and from '62 to '66, he became an MP for the second mandate.”); Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, **E1/457.1**, p. 73 lines 3-6 (“And from '68 to '70, he fled to France due to a threat from Lon Nol. And from '70 to '75, he was minister in charge of the special commission -- special missions of the GRUNK under the leadership of Samdech Sihanouk.”).

recognized his brother's handwriting.<sup>2186</sup> The confession indicates that CHAU Seng returned to Cambodia on 19 December 1975 and that he was arrested in November 1977.<sup>2187</sup>

1026. He testified that CHAU Seng was asked by Samdech Penn Nouth to return to Cambodia to help manage the struggle against Lon Nol after the coup took place in 1970.<sup>2188</sup> He was subsequently sent to the East Zone.<sup>2189</sup> In August 1976, he was sent to the economic section under the supervision of the Ministry of Foreign Affairs, where he became the deputy.<sup>2190</sup> He stated that CHAU Seng "had been minister for 10 years and he contributed a lot...he contributed a lot to the education of professors and teachers in the country. And when he was in charge of the agriculture, he also contributed a lot."<sup>2191</sup> In February 1977, he was sent to Boeng Trabaek.<sup>2192</sup> He was then arrested and taken to S-21,<sup>2193</sup> and was executed in February 1978.<sup>2194</sup>

1027. Civil Party CHAU Khim explained that his brother contributed to the Khmer Rouge movement because he went to various countries to speak on behalf of the movement.<sup>2195</sup> With regards to the relationship between CHAU Seng and the leaders of the Khmer Rouge, the Civil Party testified that CHAU Seng was close friends with KHIEU Samphan, and that they met when they studied law in the same university in Montpellier in 1958.<sup>2196</sup>

1028. Civil Party KHEAV Neab testified as to the arrest and execution of her husband, KHENG Cheu alias Choeun,<sup>2197</sup> and his comrades, Ye and Run, at S-21.

<sup>2186</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 87 line 12 – p. 88 line 18. *See also*, Annex: S-21 Confession of CHEN Soun (CHAO Seng), E3/10609, ERN (KH) 00246843.

<sup>2187</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 87 line 12 – p. 88 line 18. *See also*, Annex: S-21 Confession of CHEN Soun (CHAO Seng), E3/10609, ERN (KH) 00246843.

<sup>2188</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 76 line 24 – p. 77 line 1.

<sup>2189</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 70 line 18.

<sup>2190</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 70 lines 18-22.

<sup>2191</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 79 lines 1-5.

<sup>2192</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 70 lines 21-23.

<sup>2193</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 73 line 10 – p. 74 line 6.

<sup>2194</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 71 lines 11-14.

<sup>2195</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 77 lines 1-4.

<sup>2196</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 91 lines 11-13; Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 91 lines 22 – p. 92 line 2.

<sup>2197</sup> The Civil Party explained: "His birth name was Kheng Choeun. His grandfather's name Kong. <I am sorry, my> husband's original name was Kheng Cheu and when he joined the revolution, his name changed to Kheng

The Civil Party confirmed the names of her husband and three others on a list of prisoners killed on 2/12/78.<sup>2198</sup> The list indicates that they were arrested in December 1978, and the Civil Party confirmed her husband's name at number 14.<sup>2199</sup> The Civil Party's husband appears at number 12831 on the OCIJ Prisoner List.<sup>2200</sup> Civil Party KHEAV Neab testified that her husband worked carrying supplies for the Ministry 870, which was in charge of distributing vegetables, meat and rice.<sup>2201</sup> She testified that her husband was arrested when he did not commit any wrongdoing.<sup>2202</sup>

1029. Civil Party OUM Suphany, who testified regarding the Tram Kok Cooperatives and whose evidence is presented in Chapter 1, testified as to the arrest and execution of her brother, SOU Nam alias Sou Sot, at S-21. Her brother was a doctor who had just returned to Cambodia from studying in France. The Civil Party confirmed her brother's name on an S-21 prisoner list, indicating that SOU Sot alias Sou Nam, a doctor from Battambang, entered S-21 on 1 October 1975 and that he was executed on 23 April 1976.<sup>2203</sup>

1030. Civil Party SON Em testified as to the arrests and deaths of his father, SO Chim alias Chet, and uncle, Ruos Mao alias Say, at S-21. He testified that his father and uncle were arrested at the same time in June 1977, and that he was arrested three or four months later in September or October 1977.<sup>2204</sup> The Civil Party testified that he heard from a bodyguard from Office 560 that people from Phnom Penh had

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Choeun. <His grandfathers name is Kong Cheu.>" (Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 45 lines 21-24; *see also*, p. 71 lines 16-20). The President summarised that "Allow me to summarize. <It is enough in Khmer Language.> Kong is the name of the grandfather and Kheng was the name of her husband's father. And the last name is her husband's name. At one point her husband used his father's name and at another point her husband used his grandfather's name." (Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 66 lines 1-6).

<sup>2198</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 84 line 12 – p. 85 line 16. *See also*, Name of prisoners killed on 2/12/78, **E3/10454**, ERN (KH) 01018812.

<sup>2199</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 84 line 12 – p. 85 line 16. *See also*, Name of prisoners killed on 2/12/78, **E3/10454**, ERN (KH) 01018812. *See also*, OCIJ Prisoner List, **E3/10604**, number 12831, ERN 01222855 (referring to 01018811-01018815).

<sup>2200</sup> OCIJ Prisoner List, **E3/10604**, number 12831, ERN 01222855 (referring to 01018811-01018815).

<sup>2201</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 80 lines 16-19.

<sup>2202</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 84 lines 8-10.

<sup>2203</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, **E1/251.1** [Corrected 1], p. 79 line 21 – p. 80 line 24, quoting document, List of prisoners and execution date (if killed) **E3/3973**, ERN (KH) 00006623, (EN) 00837537.

<sup>2204</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 20 lines 10-13, p. 37 lines 8-12.

arrested his father and uncle.<sup>2205</sup> With regards to his father's position, the Civil Party explained that at the time, he was in charge of leading workers to grow jute and produce bags.<sup>2206</sup>

1031. During his testimony, Civil Party SON Em confirmed the name of his father, So Chim alias Chet, chief of textile factory in Battambang, on a list of prisoners entering S-21 on 28 June 1977.<sup>2207</sup> The Civil Party was presented with a second document, a control list of prisoners for 30 July 1977. This document contains a handwritten note that his father died from dysentery and a severe wound to the back and that he had been treated for one month.<sup>2208</sup>

1032. Civil Party KONG Siek gave evidence that a cook named Ron from her division at Kampong Chhnang Airport was arrested and imprisoned at Tuol Sleng. She learned and saw that Ron's photo appeared at the security centre.<sup>2209</sup>

## **B. Civil Party Evidence Relating to Crimes**

### **(1) Imprisonment**

1033. Civil Party evidence adduced at trial establishes that people detained at S-21 Security Centre were arbitrarily deprived of their liberty, without due process of law.

#### ***Civil Party CHUM Mey***

1034. The list of prisoners entering S-21 on 28 October 1978 shows CHUM Mey at number 7 as entering on that date.<sup>2210</sup> Civil Party CHUM Mei's name appears on a list of prisoners of entering from State Tailoring in a larger list of prisoners from Division

<sup>2205</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 24 lines 23-24, p. 25 line 1.

<sup>2206</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 18 lines 17-20.

<sup>2207</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 21 lines 6-23. *See also*, Name list of prisoners entering on 28 June 1977, **E3/9646**, ERN (KH) 01017058, ERN (EN) 01139863.

<sup>2208</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 21 line 25 – p. 22 line 21. *See also*, Daily controlling list of prisoners on 30/7/77, **E3/9996**, ERN (KH) 01012304.

<sup>2209</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 49 lines 12-19, p. 49 line 23 – p. 50 line 8.

<sup>2210</sup> Annex 265: S-21 Prisoner List containing names of prisoners entered on 28/10/78, **E3/8551**, dated 28 October 1978, ERN (EN) 00181755, ERN (KH) 00086991.

207 (Former 310) and Division 703.<sup>2211</sup> His name further appears on the list of prisoners who entered in October 1978.<sup>2212</sup>

1035. The Civil Party testified that after his arrival at S-21, “I was pushed inside [Room 022] and I was told to sit down. After I sat down, my ankle was shackled. After I was shackled to my ankle, my hands were released and, after that, <my blindfold was taken off>, <and then they exited the room> but they used the bags to block the <door>.”<sup>2213</sup> During the 12 days and nights passing between entering S-21 and giving his confession, Civil Party CHUM Mey testified that he was confined to this small room, “the size of that room was about 1.5 metres by two metres. The Co-Investigating Judges went to that room to investigate and questioned <Duch> whether that room was the room where I was detained, or Chum Mey was detained. <Duch said that that was the room.>”<sup>2214</sup> “[O]nly one person could be detained within that cell or room. That room could not accommodate two persons.”<sup>2215</sup> Photographs taken of the room are available on the Case File.<sup>2216</sup> Civil Party CHUM Mey commented that the window, “[i]t was completely closed; no sunlight could come in at the time.”<sup>2217</sup>

1036. At no point during his testimony did Civil Party CHUM Mey mention the existence of a legal or judicial procedure that would have allowed him to challenge his detention. He testified that, “I was sent to a cell in which there was a measuring – there was a <ruler>, and the room where I was <measured, then> photographed. I was stripped, we were only <allowed to wear> shorts, and after that, my hands were

<sup>2211</sup> Name of prisoners of Division 207 “Former 310” and Division 703’s Section, **E3/9898**, ERN (EN) 01369197.

<sup>2212</sup> Name list of prisoner entry in October 1978, **E3/10205**, ERN (EN) 01397683 (confirming date of 28 October 1978). ERN (EN), 01222351 (referring to 01016472-01016480).

<sup>2213</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 24 lines 13-17.

<sup>2214</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 24 lines 19-23.

<sup>2215</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 26 lines 8-9.

<sup>2216</sup> Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008, **E3/9431**, photographs 45 and 46.

<sup>2217</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 45 lines 13-14. *See also*, Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008, **E3/9431**, photographs 45 and 46.

<cuffed> behind my back. <I was blindfolded with a krama> and I was sent to Room 022.”<sup>2218</sup>

1037. Civil Party CHUM Mey was never clearly informed of the reason for his arrest and detention. He testified that “[d]uring the 12 days and 12 nights of torture, I thought about the possibility that someone may have implicated me. That’s why I was arrested and sent to the prison.”<sup>2219</sup>

***Civil Party CHE Heap’s brother, CHE Heng***

1038. Civil Party CHE Heap testified during the hearing on harm in relation to security centres and execution sites about the arrest and disappearance of his brother, CHE Heng. Civil Party CHE Heap testified that “[t]here is <a> document at Tuol Sleng prison <indicating he was detained there>. And <prisoners were detained there, and there > documents, <> biographies and photos. <Actually, I saw his biography at Tuol Sleng>.”<sup>2220</sup>

1039. Civil Party CHE Heap attached documentation from DC-Cam to his civil party application, including the S-21 biography of CHE Heng together with his photograph and confirmed them in court.<sup>2221</sup> CHE Heng’s detention is recorded in the document *Tuol Sleng Prisoner Biography of Mr CHE Heng*.<sup>2222</sup> The biography records that CHE Heng, “a member of office, Division 310”, was detained as of 12 February 1977 at the age of 31.<sup>2223</sup> CHE Heng’s photograph appears in the original Khmer version of the document.<sup>2224</sup> Civil Party CHE Heap testified, “[b]ased on the content of that document, that was the date of his arrest. <I went to visit him on that date, and it was in ’77.”<sup>2225</sup>

***Civil Party CHAU Khim’s brother, CHAU Seng***

<sup>2218</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 23 line 23 – p. 24 line 2.

<sup>2219</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 31 lines 4-6.

<sup>2220</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 18 lines 1-4.

<sup>2221</sup> Civil party application of CHE Heap 08-VU-01013, E3/6427, ERN (KH) 00544248; Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 18 line 1 – p. 20 line 3.

<sup>2222</sup> Tuol Sleng Prisoner Biography of Mr CHE Heng, E3/2989, ERN 00234040 (EN).

<sup>2223</sup> Tuol Sleng Prisoner Biography of Mr CHE Heng, E3/2989, ERN 00234040 (EN).

<sup>2224</sup> Tuol Sleng Prisoner Biography of Mr CHE Heng, E3/2989, ERN 00211262 (KH).

<sup>2225</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 30 lines 5-7.

1040. Civil Party CHAU Khim was presented with the confession of Chen Suon alias San at S-21, indicating that he entered S-21 on 1 November 1977.<sup>2226</sup> The Civil Party testified, “I obtained this document from DC-Cam and I truly believe that is his document because I recognize his handwriting, and his handwriting is very much similar to mine. This confession was written by him and it ran into 200 pages. I read through his confession and the accusation by the Khmer Rouge was baseless because it was his <belief> that the revolution movement had to continue.”<sup>2227</sup>
1041. Civil Party CHAU Khim was questioned about statements made by Duch.<sup>2228</sup> With regards to the time of CHAU Seng’s arrest, Civil Party CHAU Khim testified that “[h]owever, the date of the arrest is different. Duch said it was on 8th August, however, in this document he was actually arrested in November. So there is a discrepancy <between> this document and the testimony of Duch. However, the date of the arrest on this document is more accurate.”<sup>2229</sup>
1042. Witness KAING Guek Eav testified that “in 1977, Brother Son Sen called me to meet him and he said that the Party decided to arrest Chau Seng. But Chau Seng was so famous <internationally> and for that I <could> not write his real name as Chau Seng but Chen Suon. So if you look at the list of people detained at S-21, you cannot find Chau Seng, but you would find Chen Suon (...) but later on the upper echelon gave me further instructions to smash him. <Regarding his offenses, I did not know.> And as I said, the instruction to arrest him came from the upper echelon and that I should use an alias not his real name in the list.”<sup>2230</sup>

***Civil Party KHEAV Neab’s husband, KHENG Choeun***

<sup>2226</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 87 line 12 – p. 88 line 18. *See also*, Annex: S-21 Confession of CHEN Soun (CHAO Seng), E3/10609, ERN (KH) 00246843.

<sup>2227</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 88 lines 5-11. *See also*, Annex: S-21 Confession of CHEN Soun (CHAO Seng), E3/10609, ERN (KH) 00246843.

<sup>2228</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 88 line 19 – p. 90 line 17, quoting Written Record of Interview of Charged Person Kaing Guek-Eav, E3/60, 3 June 2008, ERN English 00195604-05, French 00195614-15; T., 2 April 2012, E1/57.1, p. 103 lines 3-9.

<sup>2229</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 90 lines 13-17.

<sup>2230</sup> Oral Testimony of Witness KAING Guek Eav, T., 09 June 2016, E1/435.1, p. 72 line 15 – p. 73 line 5.

1043. Civil Party KHEAV Neab was presented with the OCIJ Prisoner List<sup>2231</sup> and with the list of prisoners killed on 2/12/78.<sup>2232</sup> The Civil Party confirmed, “[n]umber 14, my husband. His name to me as I knew was Kheng Choeun <but his grandfather’s name was Kung Cheu, Kung Choeun, so he adopted that name,> and in 1978 his age was 25 years old. So this is really the name of my husband.”<sup>2233</sup> “My husband, who was at the <state> market, he was with me, but when he was arrested and taken away, I did not remember the date. But based on the document here, he was arrested and <> taken away on the 11 of December 1978. Rather, it was in December, but I cannot recall the exact date. But one day, he was taken away along with three other individuals. My husband name <Kheng Cheu, alias Choeun and another person who was taken away along with him <named Ye and> Run. <The three individuals were taken away. Seeing this document, I can recall it clearer>.”<sup>2234</sup> The Civil Party testified that “[n]o, I received no news from him. He disappeared. I only found out about the details of his arrest only when I saw this document.”<sup>2235</sup>

***Civil Party KHEAV Neab's husband's comrades from Ministry 870***

1044. The Civil Party continued that her husband’s comrades Kang Ye and Run were also listed in the same aforementioned document. “And regarding the people who were with him, in number 13 named Kang Ye, his name was Kang <Nhe (phonetic)> and number 15, the name is Run; I don’t know his surname but the name Run is clear to me. So the three individuals <stayed> together and they were arrested at the same time. Thank you.”<sup>2236</sup> “Run was not married yet. For Ye, he’s married and his wife’s name was Nat (phonetic). But I don’t know her original name. In our <group>, she was addressed as Nat (phonetic).”<sup>2237</sup> “After my groups were taken away, Ye’s wife, Nat, was also taken away on the same day with me.”<sup>2238</sup> She testified

<sup>2231</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 88 lines 9-23; OCIJ S-21 Prisoners List 31 March 2016, **E3/10604**, ERN (EN) 01222855 (entry 12831).

<sup>2232</sup> Name of prisoners killed on 2/12/78, **E3/10454**, ERN (KH) 01018811-01018815.

<sup>2233</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 85 lines 8-11.

<sup>2234</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 21 lines 8-17.

<sup>2235</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 22 lines 11-13.

<sup>2236</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 85 lines 12-16.

<sup>2237</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 23 lines 23-25.

<sup>2238</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 24 lines 4-5.

that she knew of Ye and Run because “they worked together and they had meals together; that is, the meals that I cooked for them.”<sup>2239</sup> “The two people who were arrested along with my husband and I got to know them when I came <> in 1978, <I knew them> until the time they were taken away with my husband.”<sup>2240</sup>

***Civil Party PHUONG Yat’s siblings***

1045. Civil Party PHUONG Yat identified for the Chamber the names of two of her siblings, PHUONG Im and PHUONG Phon, appearing on S-21 and analytical lists. PHUONG Im was detained on 8 December 1978 and killed on 11 December 1978.<sup>2241</sup> PHUONG Phon was detained on 5 March 1977 and killed on 6 July 1977.<sup>2242</sup> She further confirmed photographs of two of her siblings from before the regime and their photographs from S-21.<sup>2243</sup>

1046. With respect to her sister, PHUONG Im, the Civil Party described, “I saw her photo at Tuol Sleng and from the appearance in the photo, she was severely tortured and you could see that through her eyes.”<sup>2244</sup> “I saw the photo of my siblings, <Veth,> Phon, Phen; <the photos of my three elder brothers> were displayed at Tuol Sleng.”<sup>2245</sup> She clarified, “I saw my brothers' photos; <Veth>, Phon, and <Phen>, and <my elder sister>, so four of them.”<sup>2246</sup> The Civil Party did not know which of her siblings was arrested first. “I only knew that Brother <Veth> was sent to <attend

<sup>2239</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 49 lines 14-15.

<sup>2240</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, **E1/504.1**, p. 49 lines 10-12.

<sup>2241</sup> OCIJ S-21 List, **E3/10604**, dated 31 March 2016, ERN 01222901 (referring to 00086769-00086769); Revised S-21 Prisoner List (OCP), **E3/342**, dated 19 May 2009, ERN (EN-KH) 00329929; Annex 277: S-21 Prisoner List containing names of prisoners interrogated at S-21, **E3/8555**, ERN (KH) 00086769.

<sup>2242</sup> OCIJ S-21 List, **E3/10604**, dated 31 March 2016, ERN 01222434 (referring to 01019293-01019436); Name list of prisoners entry from 17/2-17/4/77, **E3/10506**, ERN (EN) 01369014; The list of prisoners entered in March 1977, **E3/9845**, ERN (EN) 01331988; Name list of prisoner killed in 1977, **E3/2286**, ERN (EN) 00873451; Revised S-21 Prisoner List (OCP), **E3/342**, dated 19 May 2009, ERN (EN-KH) 00329929.

<sup>2243</sup> Supplementary information of civil party applicant, **D22/3397b**, ERN (KH) 00594299-00594310. A photograph of PHUONG Im from S-21 appears at ERN (KH) 00594310. Photographs of her sister taken during the Kangkum Reastr Niyum regime appears at ERN (KH) 00594302. See, Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 50 line 21 – p. 52 line 2. A photograph of PHUONG Phon from S-21 appears at ERN (KH) 00594301. See, Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 55 line 20 – p. 56 line 10.

<sup>2244</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 53 lines 8-10.

<sup>2245</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 53 lines 13-14.

<sup>2246</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 57 lines 6-7.

study sessions> in Phnom Penh and that's it."<sup>2247</sup> While the names could not be read clearly on the photographs at Tuol Sleng, the Civil Party testified, "I could recognize my brothers very clearly. Of course, I knew them well."<sup>2248</sup> "I recognize their facial expressions. My elder brother <Veth>, <was> bald <and had thick lips>; as Phen, he had thin lips and Phon had a whiter complexion than the rest. That's how I recognized my blood siblings."<sup>2249</sup> "There <were> no major changes. The only thing in the photo is that they appear thinner and paler."<sup>2250</sup>

***Civil Party SON Em's father and uncle, SO Chim and RUOS Mao***

1047. Civil Party SON Em confirmed the name of his father, So Chim alias Chet, chief of textile factory in Battambang, on a list of prisoners entering S-21 on 28 June 1977<sup>2251</sup> and his uncle, RUOS Mao, on a list of prisoners entering S-21 on 10/7/77.<sup>2252</sup>

***Civil Party KAUN Sunthara's brother and sister-in-law, CHIM Lang and ORM Yindony***

1048. With respect to the arrest and detention of her brother, CHIM Lang, and of her sister-in-law, ORM Yindony, Civil Party KAUN Sunthara was shown a list from S-21 titled, "Prisoners to be taken back from Ta Khmao Electricity Section, 20 February 1976," in which her brother's name appears.<sup>2253</sup> The Civil Party stated, "[y]es, I have <just> seen it. I was surprised...."<sup>2254</sup> The Civil Party was referred to a document entitled "List of Prisoners Executed from 1 October 1976 and 15 October 1976" and was asked as to whether she knew that her sister-in-law entered S-21 on 8 November

<sup>2247</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 63 lines 6-7.

<sup>2248</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 71 lines 5-6.

<sup>2249</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 71 lines 10-13.

<sup>2250</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 71 lines 16-17.

<sup>2251</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 21 lines 6-23. *See also*, Name list of prisoners entering on 28 June 1977, **E3/9646**, ERN (KH) 01017058, ERN (EN) 01139863.

<sup>2252</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 24 lines 5-15, quoting Annex 2: S-21 prisoner list June 1977, **E3/9646**, dated 29 June 1977, ERN (KH) 01017054. List of prisoners, **E3/2285**, ERN (EN) 00873637 (Names of prisoners smashed on 18 October, 1977 title appears at ERN (EN) 00873634); Document name list of prisoners received in October 1977, **E3/10089**, ERN (EN) 01399480.

<sup>2253</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 63 lines 15-23, quoting **E3/8607** [ERN Khmer, 00088716; English, 01303371].

<sup>2254</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, **E1/457.1**, p. 63 line 24.

1976 and was executed the next day on 9 November 1976.<sup>2255</sup> She testified that “[n]o, I was not aware of that; however, I knew that, from what I read, she was kept for one night and next day, she was executed.”<sup>2256</sup>

***Civil Party KONG Siek’s co-worker***

1049. Civil Party KONG Siek testified that “[w]hile I was working under the supervision of Division 450, Ron (phonetic) was a cook there. Later on, Ron (phonetic) was arrested and imprisoned at Tuol Sleng prison. At that time, I was not aware of the arrest. Later on, Met (phonetic) took me to Tuol Sleng prison, and I was told that that was a photo of Ron (phonetic), who was <a cook> in the same unit, and who was arrested and sent to Tuol Sleng. <I just saw the phot at Tuol Sleng prison.>”<sup>2257</sup> She explained, “Ron (phonetic) was in Division 450 under the Khmer Rouge regime. Ron (phonetic) was a cook, and Ron (phonetic) was a soldier <like me, but I worked> in a rice field, <and Ron (phonetic) cooked rice. After that we separated, and I did not know where she had gone>, and Ron (phonetic) disappeared. And only later on, when I came to this Tribunal, Met (phonetic) <who was in the same unit, 450, with me> told me about Ron's (phonetic) photo at Tuol Sleng, and that Ron (phonetic) was arrested and detained at Tuol Sleng prison. <Met (phonetic) showed me her photo. I just saw that photo, but I did not know anything besides that.>”<sup>2258</sup>

***Civil parties and/or their relatives recorded as having entered S-21***

1050. Annex F demonstrates that 70 civil parties and/or their relatives entered S-21 during the temporal jurisdiction of the ECCC. The annex provides the dates of their entry and reference to the contemporaneous records documenting their presence.<sup>2259</sup>

**(2) Torture**

<sup>2255</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, E1/457.1, p. 64 lines 7-24, quoting E3/3187 [ERN Khmer, 00008844; English, 00874397].

<sup>2256</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, E1/457.1, p. 65 lines 1-2.

<sup>2257</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 49 lines 12-19.

<sup>2258</sup> Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, E1/318.1 [Corrected 2], p. 49 line 23 – p. 50 line 8.

<sup>2259</sup> Annex F: Civil Parties and Relatives of Civil Parties Entering or Executed at S-21 Security Centre.

1051. Civil Party evidence adduced at trial demonstrates that people detained at S-21 were subjected to severe pain or suffering primarily in order to extract confessions.

1052. On the first day that he arrived at S-21, Civil Party CHUM Mey testified that “I was beaten up in the small cell and interrogated as well. I was beaten for 12 days, and I was beaten from 7 a.m. up to 11.00 and from 1.00 up to 5.00 p.m., and also from 6 p.m. up to 10 p.m. And I was beaten up and interrogated in that cell for 12 days and 12 nights. <After the interrogations were done, I was put up there for four months.>”<sup>2260</sup> He explained, “I was interrogated and beaten up in the higher floor to the south of Cell 022. The cell that I was beaten up and interrogated <in> was Cell 4. <It was later on that I came to know it was Cell 4.>”<sup>2261</sup>

1053. “They beat me and asked me how many people were part of my network in the CIA and KGB. I told them that I did not know what <the> CIA and KGB were.”<sup>2262</sup> The Civil Party explained that when he was beaten, “I used my hand to protect myself. And as a result, one of my fingers was broken. And they used a tool to take out my toenail.”<sup>2263</sup> “I told them that I did not know the CIA and KGB, and as a result, they <beat me more> and they used electric shock on <my ear>. And I -- as a result, I lost consciousness.”<sup>2264</sup> “I was electrocuted twice. <I have not seen> well <out of one of my eyes> since that time, on. And also, <I cannot> hear well <out of one of my ears>.”<sup>2265</sup> He began having problems with his ear and eye “since the time that they <gave me an> electric shock.”<sup>2266</sup>

1054. Civil Party CHUM Mey elaborated on specific practices that were used to elicit his confession. He testified that Seng “sat on my head and he used the stick to hit my kneecaps and he said: “You motherfucker, why don't you confess?””<sup>2267</sup> The

<sup>2260</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 27 lines 9-14.

<sup>2261</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 27 lines 17-20.

<sup>2262</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 30 lines 5-7.

<sup>2263</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 30 lines 10-12.

<sup>2264</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 30 lines 16-18.

<sup>2265</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 30 lines 20-22.

<sup>2266</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 30 lines 23-25.

<sup>2267</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 48 lines 20-21.

- Civil Party explained that “[i]n Khmer culture, let me tell you, it is very humiliating to sit on someone's head. No one wants someone else to sit on one's head.”<sup>2268</sup>
1055. Civil Party CHUM Mey endured the pulling of two of his toenails. “Two of my toes -- the nails from two of my toes were removed and now the nails came back, but <one looks nice and the other one does> not look very nice.”<sup>2269</sup> “They poured alcohol on to my toes and did not apply any medicines on them.”<sup>2270</sup> “At that time, I did not dare to shout out loud because I was afraid that I would be beaten <more> so I bore my pain by closing my eyes <and biting my lips>.”<sup>2271</sup>
1056. With respect to electrocution, Civil Party CHUM Mey described, “<It> was very painful when I was electrocuted. I lost consciousness twice.”<sup>2272</sup>
1057. The Civil Party testified that torture was used to extract his confession. Civil Party CHUM Mey explained that he would not have confessed but for the pain he suffered: “I gave <them> some things that were real and some things that were not real during my confession. My confession that I was part of the CIA or KGB was not real because I did not know these organizations. But because I suffered so much so I simply gave the answers according to their <wishes>.”<sup>2273</sup> The Civil Party explained, “I fabricated things in my confessions only when I suffered so much I could not endure the suffering any more. So I gave the confessions based on their -- based on what they wanted from me. <That was when Seng said that he wouldn't have beaten me that severely if I had confessed earlier.>” In fact, I had no knowledge at all of CIA and KGB. <I learned about it later on.>”<sup>2274</sup>
1058. As a result of the beatings that the Civil Party endured, CHUM Mey “fabricated the names. I did not implicate anyone. I knew <that someone might have implicated me, so> I simply fabricated the names.”<sup>2275</sup> “<At that time, Seng came to

<sup>2268</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 48 line 24 – p. 49 line 1.

<sup>2269</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 49 lines 6-8.

<sup>2270</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 49 lines 14-15.

<sup>2271</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 49 lines 19-21.

<sup>2272</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 50 lines 2-3.

<sup>2273</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 55 lines 12-16.

<sup>2274</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 56 lines 9-15.

<sup>2275</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 31 lines 15-17.

beat me up.> After I confessed, the interrogator said that you would not have been beaten <that much> if you had given the confession earlier.”<sup>2276</sup> After he had confessed the names, Civil Party CHUM Mey was not beaten again.<sup>2277</sup>

1059. When he confessed, Civil Party CHUM Mey testified, “[n]o, they did not read out the confession to me. They simply required me to <put my> thumbprint on the confession.”<sup>2278</sup> The confession is on the Case File.<sup>2279</sup>

### **(3) Murder and extermination**

1060. Civil Party evidence adduced at trial establishes that acts or omissions causing the death of persons were committed at the S-21 Security Centre.

#### **a.) Specific instances of killing**

##### ***Civil Party CHE Heap’s brother, CHE Heng***

1061. Civil Party CHE Heap, whose evidence in relation to the arrest and detention of his brother is discussed above, was presented with documents recording his brother’s execution. A document on the Case File entitled *Name List of Prisoner[s] Killed in 1977* lists “CHHÈ Heng” as number 68 as being killed on 12 May 1977.<sup>2280</sup>

##### ***Civil Party PHUONG Yat’s siblings, PHUONG Im and PHUONG Phon***

1062. Analytical tools based on documentation from Tuol Sleng records provide further detail about the arrests, detention and execution of Civil Party PHUONG Yat’s siblings, PHUONG Im and PHUONG Phon. The Civil Party testified that “[t]he documents were presented to me at my home once and the documents were presented to the village chief, <the commune chief, and me to thumbprint the documents.> And they were sent <back to the court. The documents related to my siblings’

<sup>2276</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 32 lines 2-4.

<sup>2277</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 32 lines 5-6.

<sup>2278</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 32 lines 20-21.

<sup>2279</sup> Confession of Chum Manh, E3/9253, document dated 28 October 1978, ERN (KH) 00170541-00170585; (EN) 00175536-00175559; (FR) 00197755-00197777.

<sup>2280</sup> Name list of prisoner killed in 1977, E3/3858, dated 13 May 1977, ERN (EN) 00837615, 00837619; Revised S-21 Prisoner List (OCP), E3/342, dated 19 May 2009, ERN (EN-KH) 00329635; OCIJ S-21 List, E3/10604, dated 31 March 2016, ERN 01222420 (referring to 01016882-01016917).

deaths>.”<sup>2281</sup> PHUONG Im was detained on 8 December 1978.<sup>2282</sup> PHUONG Phon is recorded as “Deputy Chief of Battalion,” detained on 5 March 1977 and killed on 6 July 1977.<sup>2283</sup> In relation to PHUONG Im, the Civil Party testified, “I did not receive any further news from her and here, I <am referring> to my other sister, <Phuong Im.”<sup>2284</sup>

***Civil Party CHAU Khim’s brother, CHAU Seng***

1063. Civil Party CHAU Khim testified as to the death of his elder brother, CHAU Seng, at S-21. Witness KAING Guek Eav confirmed Civil Party CHAU Khim’s testimony. He testified that “I would like to add that when Chau Seng was sent to S-21, it was around August '77 and before Son Sen left, he gave me instruction for the arrangement for Chau Seng. And when Son Sen went to the front battlefield, Son -- actually Brother <Nuon> Chea came to be my direct superior. And I kept Chau Seng alive at the time and one day Nuon Chea asked what happened to Chau Seng, <> I told him <I kept him alive, and Nuon Chea said, "Smash him">.”<sup>2285</sup>

***Civil Party ROS Chuor Siy’s husband, ROS Sarin***

1064. Civil Party ROS Chuor Siy was shown a list of names of prisoners at S-21 and confirmed that her husband’s name appears amongst the names of prisoners who came from France.<sup>2286</sup> He is recorded as entering S-21 on 12 December 1976.<sup>2287</sup> On another list entitled, *Names of Prisoners Who Were Smashed on 18<sup>th</sup> of March 1977*, ROS Sarin’s name appears at number 56. He is recorded as “RUOS Saren” alias Mao

<sup>2281</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 64 lines 10-13.

<sup>2282</sup> OCIJ S-21 List, **E3/10604**, dated 31 March 2016, ERN 01222901 (referring to 00086769-00086769); Revised S-21 Prisoner List (OCP), **E3/342**, dated 19 May 2009, ERN (EN-KH) 00329929; Annex 277: S-21 Prisoner List containing names of prisoners interrogated at S-21, **E3/8555**, 04 December 1978, ERN (KH), 00086769.

<sup>2283</sup> OCIJ S-21 List, **E3/10604**, dated 31 March 2016, ERN 01222434 (referring to 01019293-01019436); Name list of prisoners entry from 17/2-17/4/77, **E3/10506**, ERN (KH) 010119316, ERN (EN) 01369014; The list of prisoners entered in March 1977, **E3/9845**, ERN (KH) 01010228, ERN (EN) 01331988; Name list of prisoner killed in 1977, **E3/2286**, ERN (KH) 00091258, ERN (EN) English 00873451.

<sup>2284</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 49 line 23 – p. 50 line 3.

<sup>2285</sup> Oral Testimony of Witness KAING Guek Eav, T., 09 June 2016, **E1/435.1**, p. 74 lines 2-9.

<sup>2286</sup> Name list of prisoners from French, **E3/9853**, ERN (KH) 01010573; Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 91 lines 4-23.

<sup>2287</sup> Name list of prisoners from French, **E3/9853**, ERN (KH) 01010573; Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, **E1/455.1**, p. 91 line 24 – p. 92 line 13.

from France with “Air Company” as the function, arrival date on 12 December 1976 and executed on 18 March 1977.<sup>2288</sup> The document was signed by Hor.<sup>2289</sup>

***Civil Party KAUN Sunthara’s sister-in-law***

1065. With regards to the execution of Civil Party KAUN Sunthara’s sister-in-law, ORM Yindony, the Civil Party was referred to a list of prisoners killed in 1976 and confirmed that her sister-in-law was executed on 9 November 1976.<sup>2290</sup> When the Civil Party was asked whether she knew whether her sister-in-law also worked for the electricity department like her brother,<sup>2291</sup> she testified that “[n]o, I was not aware of that; however, I knew that, from what I read, she was kept for one night and next day, she was executed.”<sup>2292</sup>

***Civil Party OUM Suphany’s brother, SOU Nam***

1066. Civil Party OUM Suphany testified as to the arrest and execution of her brother, SOU Nam alias Sou Sot, at S-21. “My <fifth brother-in-law>, Sou Nam, alias Sou Sot, who was a doctor, was killed at Tuol Sleng. His information about -- the information about his killing was printed on the 30 -- on page <37>, by the Cult and Religion Ministry.”<sup>2293</sup> The Civil Party’s brother appears on a list of executed prisoners from the health section, recording that SOU Sautr alias SOU Nem, a doctor from Battambang, was executed on 23 April 1976.<sup>2294</sup>

***Civil Party SON Em’s uncle, RUOS Mao***

1067. With regards to the execution of his uncle, RUOS Mao, Civil Party SON Em was shown a list of prisoners entering S-21 in June 1977 and a list of prisoners

<sup>2288</sup> List of prisoners, E3/2285, ERN (EN) 00873356, 00873361 (RUOS Saren, alias Mao, from France, air company, arrival on 12 December 1976 on list of names of prisoners who were smashed on 18 March, 1977).

<sup>2289</sup> List of prisoners, E3/2285, ERN (EN) 00873366 (done on 19 March, 1977, signed by Hor).

<sup>2290</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, E1/457.1, p. 64 lines 7-24, quoting Name list of prisoner killed in 1976, E3/3187, ERN (KH) 00008844, (EN) 00874397.

<sup>2291</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, E1/457.1, p. 64 lines 23-24.

<sup>2292</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, E1/457.1, p. 65 lines 1-7.

<sup>2293</sup> Oral Testimony of Civil Party OUM Suphany, T., 22 January 2015, E1/250.1 [Corrected 1], p. 76 line 23 – p. 77 line 3.

<sup>2294</sup> Oral Testimony of Civil Party OUM Suphany, T., 23 January 2015, E1/251.1 [Corrected 1], p. 80 lines 19 - 24, quoting document Name list of prisoners and the execution date (if killed), E3/3973, ERN (KH) 00006623; (EN) 00837537 (List of Executed Prisoners from the Health Section).

smashed on 18 October 1977.<sup>2295</sup> He was questioned as to whether the name “Ruos Mao alias Say” was his uncle, Say. The Civil Party testified “[y]es, that is correct.”<sup>2296</sup> On the list titled, “Names of prisoners smashed on 18 October, 1977,” RUOS Mao’s name appears at number 35. He is recorded as “RUOS Mao” alias Say from Northwest with “Chief of Zone Office” as the function, arrival date on 10 July 1976 and executed on 18 October 1977.<sup>2297</sup>

***Civil Party Timothy Scott Deed’s brother, Michael Scott Deeds***

1068. Witness KAING Guek Eav was asked about the case of Michael Scott Deeds, the brother of Civil Party Timothy Scott Deeds, who is recorded as having entered S-21 on 26 November 1978 from Kampong Som, whose position is recorded as “Hawaii”, and who entered together with another American named Edward Delance.<sup>2298</sup> Michael Scott Deeds’ name further appears on the OCIJ Prisoner List at entry 12,720.<sup>2299</sup>

1069. Witness KAING Guek Eav confirmed that “[i]n Case 001, two applied as a civil parties in relation to two Westerners and now we have a case of two <other> Westerners. I can say that they were interrogated and later on they were smashed per instructions. To smash here means they were burned with tires, car tires, <so that there was no bone left behind>.”<sup>2300</sup> He explained that “[t]he Americans were arrested and detained by the navy at the coast of Kampong Som. Later on they were sent from Kampong Som to Phnom Penh; that is, to the Central Committee. And the Central Committee sent them to S-21 to be interrogated and later on smashed. They were arrested on the charges of trespassing the territory of Kampuchea in order to obtain

<sup>2295</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 24 lines 5-17, quoting Annex 2: S-21 prisoner list June 1977, **E3/9646**, dated 29 June 1977, [ERN Khmer, 01017054; English, 01139863]; List of prisoners, **E3/2285**, ERN (EN) 00873637 (Names of prisoners smashed on 18 October, 1977 title appears at ERN (EN) 00873634).

<sup>2296</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 24 line 17.

<sup>2297</sup> List of prisoners, **E3/2285**, ERN (EN) 00873637 (Names of prisoners smashed on 18 October, 1977, title appears at ERN (EN) 00873634).

<sup>2298</sup> List of 7 American and Vietnamese soldiers arrested on 26 November 1978, **E3/1553**, ERN (EN) 01236389; Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 81 line 22 – p. 83 line 2.

<sup>2299</sup> OCIJ S-21 List, **E3/10604**, dated 31 March 2016, entry 12,720.

<sup>2300</sup> Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 82 line 21 – p. 83 line 2.

information. So they were interrogated and then they were smashed and there was nothing else to deal with.”<sup>2301</sup>

1070. Witness KAING Guek Eav elaborated upon a previous written record of interview in which he had stated that these Westerners were killed and burned, upon the orders of NUON Chea, close to Mao Tse-Toung Boulevard and Street 163 in Phnom Penh, where there used to be a pond.<sup>2302</sup> The Witness explained, “[h]e called me to meet him for work purpose and that was at the Buddhist school of Suramarit. There he told me that the long nose people had to be smashed and that they had to be burned completely <so that there was no evidence left behind>. And we were not like in Cuba. In Cuba they retained prisoners, American prisoners, in order to exchange <them> for tractors. And that's what he told me in person when he called me to a meet him for work purpose.”<sup>2303</sup>

1071. In explaining why Westerners needed to be burnt, Witness KAING Guek Eav testified that “[t]hey had to be burned to ashes so that there was no evidence remained that any Westerner was arrested and smashed by us. And allow me to repeat what he said, that we did not want to follow Cuba because in Cuba they retained American prisoners in exchange for tractors but here we had to burn them to ashes. That was the strict instruction that I had to follow.”<sup>2304</sup>

1072. Witness KAING Guek Eav elaborated upon the location and circumstances of the Americans deaths. “Initially there were not many concrete houses in Phnom Penh and there were bushes here and there and at that location there was a rather large pond. And actually we also used the pond scene to film the Vietnamese soldiers that we captured. Westerners were also burned near the pond with the car tires and they were burned to ashes.”<sup>2305</sup> “So at that time, <it was not crowded;> there was no

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<sup>2301</sup> Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 83 lines 10-18.

<sup>2302</sup> Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 83 line 19 – p. 84 line 9, quoting Written Record of Interview of KAING Guek Eav, **E3/1570**, 29 November 2007, ERN (FR) 00154209, (EN) 00154194, (KH) 00154224.

<sup>2303</sup> Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 84 lines 11-18.

<sup>2304</sup> Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 84 line 23 – p. 85 line 4.

<sup>2305</sup> Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 85 lines 10-15.

waste, <> no excrement lying around. There were only bushes where we could actually hide ourselves behind the bushes to conduct certain activities.”<sup>2306</sup>

***Relatives of civil parties recorded as having been executed S-21***

1073. Annex F demonstrates that thirty-two relatives of civil parties were recorded as having been executed at S-21 during the temporal jurisdiction of the ECCC. The annex provides the dates of execution and reference to the contemporaneous records documenting their execution.<sup>2307</sup>

**b.) Deaths from conditions**

1074. With regards to the death of his father, SO Chim, Civil Party SON Em was referred to the documents titled, “Name list of prisoners entering on 28 June 1977”, and titled, “Daily controlling list of prisoners on 30/7/77”, which were both shown to him.<sup>2308</sup> “Yes, indeed. He's my father.”<sup>2309</sup> It was recorded that “Sau Chhim alias Chet, chief of textile factory in Battambang; died from dysentery and severe wound to the back. He was treated for one month.”<sup>2310</sup>

**(4) Enslavement**

1075. Civil Party evidence adduced at trial establishes that some detainees at S-21 were subject of the exercise of any or all powers attaching to the right of ownership over a person.

1076. Civil Party CHUM Mey testified that after 12 days at S-21 Security Centre, “Comrade Suos Thy asked the prisoners whether any one of us knew how to repair the sewing machines. And if any one of us knew how to do it, he would bring clothes for us to <wear>. <But we must not flee; otherwise, we would be shot.>”<sup>2311</sup>

<sup>2306</sup> Oral Testimony of Witness KAING Guek Eav, T., 9 June 2016, **E1/435.1**, p. 85 line 24 – p. 86 line 3.

<sup>2307</sup> Annex F: Civil Parties and Relatives of Civil Parties Entering or Executed at S-21 Security Centre.

<sup>2308</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 20 line 21 – p. 21 line 21, quoting Annex 2: S-21 prisoner list June 1977, **E3/9646**, ERN (KH) 01017058, (EN) 01139863; Daily controlling list of prisoners on 30/7/77, **E3/9996**, ERN (KH) 01012304.

<sup>2309</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 21 line 23.

<sup>2310</sup> Daily controlling list of prisoners on 30/7/77, **E3/9996**, ERN (KH) 01012304.

<sup>2311</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, **E1/417.1**, p. 34 lines 20-23.

1077. “[T]hey assigned me to repair the sewing machines at the back yard. <I repaired 10 sewing machines> and then, later on, I was assigned to repair the typewriters <that were used during the interrogations>. And there was no one who could repair it. And I was the one who know how to repair it, and I repaired three typewriters. And later on, I was assigned to repair the water pump.”<sup>2312</sup>

1078. During this time, Civil Party CHUM Mey was detained in a “big room” in Building C. “In that room, I saw about 40 detainees. All of them were shackled. Their legs were shackled.”<sup>2313</sup> “We were no longer given the watery gruel. Instead, we were given gruel and we were given long-sleeved clothes.”<sup>2314</sup> “We were required to be quiet.”<sup>2315</sup>

1079. The Civil Party explained, “I was regarded as an animal in terms of my rights to speak and my rights to eat. I had no freedom. I had no freedom to talk to <anyone>.”<sup>2316</sup>

#### **(5) Other inhumane acts**

1080. Civil Party evidence adduced at trial indicates that the CPK’s conduct to establish and operate the S-21 Security Centre encompassed violations of detainees right to life and to an adequate standard of living, their right not to be subject to cruel, inhumane and degrading treatment and not to be arbitrarily arrested.<sup>2317</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity and caused civil parties serious harm or constituted an attack on their human dignity.

#### ***Detention conditions***

1081. After he was beaten and sustained injury, Civil Party CHUM Mey testified that there were “[n]o medics to treat us, Mr. Co-Prosecutor, no medics at all at S-21.”<sup>2318</sup>

<sup>2312</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 36 lines 9-15.

<sup>2313</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 33 lines 12-13.

<sup>2314</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 33 lines 15-16.

<sup>2315</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 34 line 15.

<sup>2316</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 46 line 25 – p. 47 line 2.

<sup>2317</sup> Universal Declaration of Human Rights, 10 December 1948, Articles 2, 5, 9, 25.

<sup>2318</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 48 lines 16-17.

1082. “We were required to sleep directly on the floor. We did not have any mosquito nets or sleeping mats.”<sup>2319</sup> “We did not have time to think about bedbugs or lice at that time. <Our whole bodies were swollen.>”<sup>2320</sup>
1083. With respect hygiene, Civil Party CHUM Mey described, “I was detained for 4 months and 12 days and I was once washed by them.”<sup>2321</sup> “When they brought the water container at my room and cell, I was asked to strip off my shorts and, at the time, I could not take off my shorts because I was -- one of my legs was shackled and I then -- was then asked to remove <it>. And it was the time when I <was lashed>. And why I received some lashes? Because I could not <> remove my shorts out of the shackle.”<sup>2322</sup>
1084. Civil Party CHUM Mey described that “[w]e relieved ourself in the cases, the bullet that <> were distributed.”<sup>2323</sup> He testified that “[w]hen we relieved ourself, either urinating or excrement, if our waste spilled onto the floor and then we were required to lick the spillover.”<sup>2324</sup> “<A. I did. When it spilled, I licked it up because I was afraid they would beat me up if I didn’t lick it clean.>”<sup>2325</sup> The Civil Party explained, “[t]he <excrement> that spilled over onto the floor were – we were required to lick with our tongue until the floor became clean. <If it was not clean, they would beat us again.>”<sup>2326</sup>
1085. Civil Party CHUM Mey described the effects he suffered as a result of insufficient food he received at S-21. “During the <period of> 12 days and nights, in the morning, I was only given a watery -- a ladle of -- rather a spoon<,> of watery gruel and in the afternoon, the same watery gruel was given to me in a spoon. <I was given only two spoonfuls of watery gruel per day.> I became so fatigued as the food was not sufficient. I was thinking to myself that I was given this watery gruel so that I

<sup>2319</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 34 lines 3-4.

<sup>2320</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 34 lines 7-8.

<sup>2321</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 46 lines 3-4.

<sup>2322</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 46 lines 7-12.

<sup>2323</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 34 lines 11-12.

<sup>2324</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 35 lines 16-18.

<sup>2325</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 35 lines 20-21.

<sup>2326</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 36 lines 3-5.

could not gain my <strength> to resist their interrogation, <and if I was given steamed rice, I would gain my strength to resist them. That's what I was thinking to myself, Mr. President>.”<sup>2327</sup>

## C. Harm

### (1) Physical harm

#### *Immediate physical suffering*

1086. In describing the immediate pain he experienced during his interrogations, Civil Party CHUM Mey testified, “[t]hen my toe nail was pulled and they could not pull it out in one move, then they <pulled it out> very rapidly and it was so painful <that I almost passed out>. Then they use electrical wire to shock me in my ear. I became unconscious after that.”<sup>2328</sup> “<It> was very painful when I was electrocuted. I lost consciousness twice.”<sup>2329</sup>

1087. As a consequence of the 12 days of interrogation, the Civil Party testified, “I had no strength and energy as a result of lack of food and also because I was asked to sleep directly on the floor; that is why I had no energy and strength.”<sup>2330</sup>

#### *Long-term physical harm*

1088. As result of the electrocution and beatings during interrogation endured by Civil Party CHUM Mey at the S-21 Security Centre, the Civil Party described that “And now <on> one side my <ear> is damaged. I <can> hear the ringing in my ear when I lightly <knock> on my head and I also <am> hard <of> hearing <in> my other ear. <At the time,> I believed I would not survive because <I was unconscious>.”<sup>2331</sup>

1089. Civil Party CHUM Mey testified that “[i]t is quite difficult for me [to read] for some reasons. One is my limited knowledge in education, and the second thing is I

<sup>2327</sup> Oral Testimony of Civil Party CHUM Mey, T., 19 April 2017, E1/418.1, p. 48 lines 1-9.

<sup>2328</sup> Oral Testimony of Civil Party CHUM Mey, T., 19 April 2017, E1/418.1, p. 47 lines 11-15.

<sup>2329</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017, E1/417.1, p. 50 lines 2-3.

<sup>2330</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2016, E1/417.1, p. 45 lines 22-24.

<sup>2331</sup> Oral Testimony of Civil Party CHUM Mey, T., 19 April 2017, E1/418.1, p. 47 lines 17-20.

had -- I have poor eyesight as a result of electrocution <using> electrical wire<; I cannot see anything anymore out of my eye on one side>.”<sup>2332</sup>

## (2) Mental harm

### *Mental harm suffered by direct victim CHUM Mey*

1090. When Civil Party CHUM Mey was first arrested, he felt fear for his family. “I asked them to take care of my wife and children and after hearing that, I was kicked and then I fell to the ground and I was pulled by my hair and that individual said, “You motherfucker, why <are> you asking me to take care of your family and children?” And after that, I was pushed into Tuol Sleng.”<sup>2333</sup> When asked about the suffering caused by not being able to warn his family, “It was misery for me back then. I did not know my fate was going to be.”<sup>2334</sup> At the time, his wife was pregnant. “I was so concerned. I did not know whether she was – she survived after I left.”<sup>2335</sup>

1091. “It was on 7 April -- rather, it was on 7 January 1979 that I survived. Without 7 April 1979, I would not survive. I would <have died> and <I would not be here, seeing> all of you in this courtroom. I suffered a lot. My family members were killed, and only two of my <eight> siblings survived. The others were all killed.”<sup>2336</sup>

1092. In describing his feelings during detention, Civil Party CHUM Mey described that, “<I> was so afraid> and I was so concerned when it was my day <to> be killed, although they did not kill me at that location; I would die one day <if I was detained there for long>.”<sup>2337</sup>

1093. When asked about how he perceived the future when he was detained at S-21, the Civil Party responded, “[a]t that time, I suffered severely. I thought that if I survived, I would tell the world about <the truth>.”<sup>2338</sup>

### *Mental harm suffered by indirect victims*

<sup>2332</sup> Oral Testimony of Civil Party CHUM Mey, T., 19 April 2017, E1/418.1, p. 20 lines 14-18.

<sup>2333</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017, E1/417.1, p. 42 lines 9-13.

<sup>2334</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017, E1/417.1, p. 43 lines 2-3.

<sup>2335</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017, E1/417.1, p. 43 lines 9-10.

<sup>2336</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017, E1/417.1, p. 37 lines 13-18.

<sup>2337</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017, E1/417.1, p. 46 lines 19-21.

<sup>2338</sup> Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017, E1/417.1, p. 50 lines 11-12.

1094. Civil Party CHE Heap testified about how he learned that his brother had been imprisoned at S-21 and described his sorrow. “I was at home and I heard about the news on the radio broadcast. I did not have money to travel to <Tuol Sleng>. And later on, DC-Cam brought the document and the photo of my brother to my village. And when I saw the photo of my brother, I wept for the whole day because <I felt pity for him. They mistreated him before they killed him> because in the photo he looked very thin. <Back then>, when I saw him during my visit, he was in good health. He looked healthy. <I burst into tears when I saw that photo, and I heard that he was detained there>.”<sup>2339</sup>

1095. There were no burial rituals for Civil Party CHE Heap’s brother, CHE Heng, and his other family members. “We cannot afford to make such a ritual. My mother <had kept her long hair awaiting her children to return> to visit her and that she would shave her head in order to commemorate the loss of my siblings' souls. <Later on, Ta Hân told us about my sibling's arrests, and my mother shaved her head>. She later on passed away. <We never got to conduct a ritual for them.>”<sup>2340</sup> Civil Party CHE Heap described the lasting impact of his losses. “You can ask my surviving family members. Every time we think of it, our tears shed. We feel <such> pity for the loss and that we were unfortunate to be born and live through such a regime.”<sup>2341</sup>

1096. When remembering the fate of his brother, Civil Party CHE Heap explained that “I suffered because my brothers contributed a lot to the <struggle> during the regime, but still they were arrested and taken away. <Whenever I thought of that, I felt overwhelmed>.”<sup>2342</sup>

1097. Civil Party KHEAV Neab testified as to the harm she suffered as a pregnant widow with a young child after the disappearance of her husband. “The things that remain with me is the sorrow and pain that I have from the <> regime <of that three years. The suffering had many stages because I> was in great difficulty when I was living with my husband. I was pregnant back then <but> I was forced to travel by

<sup>2339</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 18 line 24 – p. 19 line 8.

<sup>2340</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 26 lines 7-12.

<sup>2341</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 26 lines 15-18.

<sup>2342</sup> Oral Testimony of Civil Party CHE Heap, T., 11 August 2016, E1/455.1, p. 25 lines 5-8.

national road <from Phnom Penh> to Battambang <and Pursat> province. At the time I also had my young child with me. I did not have my husband with me while I was travelling with other people. I travelled with others to Battambang and at the same time I was trying to look for my husband. <Returning from Battambang, I tried to search for him. At Moug Ruessei, I delivered another child.> Three days after I delivered my second child <, I carried my child and walked home. It took me three months along the way to reach home.>”<sup>2343</sup>

1098. Civil Party ROS Chuor Siy, who returned to Cambodia from France with her husband and three daughters in August 1976, provided detailed testimony about her sadness, worry, hope, and loss of hope at the disappearance of her husband, ROS Sarin, from Boeng Traback: “My feeling after that was unsettling. I was still hoping to see my husband again, however, from one day to the next he never reappeared. There were no signs that he would reappear. One day, a man came to the camp on a motorbike, that is, to Boeng Trabek camp, [...] and I kept on waiting and waiting while I was working. And every time there was a movement of vehicle entering the camp, I tried to see whether my husband returned. I kept waiting and waiting, but in my mind I became more worried and I kept on working hard along with other people in the camp.”<sup>2344</sup>

1099. After being transferred to Dei Kraham, the Civil Party described that, “[s]ometimes while I was clearing grass at the beans plantation, I heard the sound of a plane flying over and, upon hearing that, my tear dropped, since it reminded me of the time that we were together, that we were on a plane together.”<sup>2345</sup> “I felt rather hopeless because some of the people were sent out to reunite with their husbands while I was still waiting for my husband to return. And my feeling became even more unsettling by that time.”<sup>2346</sup>

1100. Civil Party ROS Chuor Siy described that “the concern and the worry remained with me all the time and, once in a while at Dei Kraham camp, a vehicle

<sup>2343</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November 2016, E1/504.1, p. 72 lines 11-23.

<sup>2344</sup> Oral Testimony of Civil Party ROS Chuor Sarin, T., 11 August 2016, E1/455.1, p. 84 lines 12-25.

<sup>2345</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, E1/455.1, p. 85 lines 12-15.

<sup>2346</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, E1/455.1, p. 85 lines 22-25.

would arrive with some people and every time I felt excited that I would see my husband. My children, they were also anxious to meet their husband. My children, they were also anxious to meet their father, but every time when everybody got off the vehicle, there was no sign of my husband. And the worry lingered on with me constantly.”<sup>2347</sup> “I felt so lonely and the sadness and the concern remained with me all the time, and the living conditions in the camp <were> miserable, and I questioned myself, how could I <have> left France where we lived comfortably to come to live in miserable conditions?”<sup>2348</sup>

1101. After the liberation of Phnom Penh, Civil Party ROS Chuor Siy testified, “I was living with my three children like a widow and hopes to see my husband <who had> disappeared. I tried to collect myself to do everything for the sake of the future of my children.”<sup>2349</sup>

1102. While visiting Tuol Sleng after the liberation, Civil Party ROS Chuor Siy described how she learned about the fate of her husband, ROS Sarin. “While I was there, I walked around visiting each room, seeing those torture instruments. I saw a lot of things there and I do not want to describe them again. And, finally, I went to a room where photos of prisoners were displayed. That was the time that my pulse was racing. I tried to screen at every single photo displayed and I saw amongst those photos some people that I knew. And, finally, I saw a photo of my husband. It was there, and I wanted to cry out loud. I almost fainted. However, there was a voice telling me not to cry and to collect myself. I then regained my strength and from that day onward, I told myself that I could not live in a country in such conditions and that I had to do my best for the future of my children since they no longer had a father and they relied entirely on me as their mother. I had to sell everything in order to feed my children. Everybody looked sad after that visit to the place and, in particular, I

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<sup>2347</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, E1/455.1, p. 86 lines 10-16.

<sup>2348</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, E1/455.1, p. 87 lines 14-18.

<sup>2349</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, E1/455.1, p. 88 lines 2-4.

became worse. I no longer had any hope and I made my decision then that I had to migrate somewhere or to France.”<sup>2350</sup>

1103. Civil Party ROS Chuor Siy, in reacting to seeing her husband’s name on a list of prisoners at S-21 and his photograph at Tuol Sleng, recalled, “I last saw him -- when I realized that he was at S-21, I had no more hope because it was the place where people were brutally executed. I could not imagine how <much> harm and suffering and torture <were inflicted> upon him before his death because the equipment I saw at the prison, <it was> cruel, brutal equipment. When I saw his photo, I imagined the torture and suffering inflicting upon him. I did not witness it myself, but I could draw the conclusion from the equipment I saw at the prison.”<sup>2351</sup>

1104. Civil Party KAUN Sunthara testified as to the emotional harm she suffered as a result of her brother’s death. “But <about a month> after <the fall of the regime in> 1979, I heard the news that my brother was killed at Tuol Sleng. It was at dinner time that I received such news. My tears dropped down and my heart kept pounding upon hearing the news. I walked about <16> kilometres <from the rice field> to arrive at the provincial centre of Kampong Speu and I hitch-hiked on a truck to Tuol Sleng and my friend accompanied me to see the photos being displayed at Tuol Sleng, <I saw my brother's and my sister-in-law's pictures there> but I did not see my two nieces who were adopted by him and brought along with him to Phnom Penh. I felt shocked because my brother was a very sweet brother. He took care of us well and he liked musical instruments. So, at the time, when I heard the musical instrument -- the sound from musical instruments <from that time>, my tears came out and I was very sorrowful for him. Whenever I thought of other people's brothers, I thought about my own brother. <Whenever I see other people's parents, I think of mine.> I have felt suffered until nowadays.”<sup>2352</sup>

1105. Civil Party PHUONG Yat testified about her suffering with respect to her sister, PHUONG Im. She recalled, “During the Sangkum Reastr Niyum regime, my

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<sup>2350</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, E1/455.1, p. 88 line 12 – p. 89 line 6.

<sup>2351</sup> Oral Testimony of Civil Party ROS Chuor Siy, T., 11 August 2016, E1/455.1, p. 92 lines 5-13.

<sup>2352</sup> Oral Testimony of Civil Party KAUN Sunthara, T., 15 August 2016, E1/457.1, p. 52 line 21 – p. 53 line 13.

elder sister <> volunteered in a unit and during the Lon Nol regime, she <sewed> clothes at our home and my three elder brothers climbed palm trees. We made palm sugar and sold them at Kampong Cham. They all loved me very much and everywhere they went, they took me along. And my elder sister also took palm sugar to sell <at a market> in Kampong Cham. <My three> elder brothers lived by climbing palm trees.”<sup>2353</sup> “I loved her very much. She took care of her younger siblings; bathing us, looking after us. Everywhere she went, she would take us along since my mother was not at home. At the time she took care of us, she didn't want us to go anywhere in case we would be arrested by Lon Nol soldiers since we were women. And later on, she disappeared and later on, I learned that she died at Tuol Sleng. I could not imagine how miserable it was for her to be there.”<sup>2354</sup> “I saw her photo at Tuol Sleng and from the appearance in the photo, she was severely tortured and you could see that through her eyes.”<sup>2355</sup>

1106. At Tuol Sleng, Civil Party PHUONG Yat described the suffering of having discovered the fates of her three elder brothers. “I saw the photo of my siblings, <Veth,> Phon, Phen; <the photos of my three elder brothers> were displayed at Tuol Sleng.”<sup>2356</sup> “I was very sad. I wept to the point that I almost lost my <consciousness>.”<sup>2357</sup> “I was terribly sad. <Perhaps, their hands were> tied <behind their backs>; that's why in the photo it appeared that they were tied, tied up. They made a living by climbing the sugar palm trees to feed us while I was still quite young at that time. They worked very hard to feed us. <My family was very poor>.”<sup>2358</sup>

1107. Civil Party PHUONG Yat explained, “I miss them. I think that if all of them were still alive, it would be very great for us <to have a> reunion during the Pchum Ben ceremony. But every time during Pchum Ben ceremony, we feel very lonely because we don't have any relatives coming for the reunion during the festivals,

<sup>2353</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 52 lines 11-18.

<sup>2354</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 52 line 21 – p. 53 line 3.

<sup>2355</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 53 lines 8-10.

<sup>2356</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 53 lines 13-14.

<sup>2357</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 53 lines 18-19.

<sup>2358</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, **E1/455.1**, p. 57 lines 12-17.

- <unlike> other house who have relatives coming to join the festival.”<sup>2359</sup> “I went to <the> pagoda during New Year. During Buddhist holy days, I took food to be conveyed through the monks to the souls of my siblings.”<sup>2360</sup>
1108. Civil Party CHAU Khim testified as to the emotional harm he suffered as a result of losing his brother, CHAU Seng, at S-21. “As his blood younger brother, the arbitrary killing of my elder brother gave us so much pain. I try to seek the truth everywhere.”<sup>2361</sup>
1109. The Civil Party testified as to the patriotism and innocence of his brother, which contributed to his feelings of betrayal and lamenting over the targeting of intellectuals. “In my opinion, he was not aware of that. If he knew that they <would> deceive him and they <would> betray him, he would not have returned. But he did not have any clue about that. He came in good faith since the country needed intellectuals because in the Khmer Rouge <forces>, there <was a> handful intellectuals and for that reason, hundreds of intellectuals came from France to assist the country. But, in reality, they were accused of being traitors and killed. <I don't understand> and that's why I want to ask this question to Nuon Chea and Khieu Samphan.”<sup>2362</sup>
1110. Civil Party CHAU Khim explained: “<For me and the family,> the great loss of my older brother, Chau Seng, as well as my father, means the loss of core people in my family and we suffered greatly from such <a> loss and nothing can compare to our loss. <We became poor.> We lost our hope. We lost our future and we did not have someone <to> be in charge of our family. And for Chau Seng's family, his wife was a French woman and they had children and she still refused to accept the death of her husband Chau Seng. Her suffering could not be described in words.”<sup>2363</sup>

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<sup>2359</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, E1/455.1, p. 57 lines 20-25.

<sup>2360</sup> Oral Testimony of Civil Party PHUONG Yat, T., 11 August 2016, E1/455.1, p. 58 lines 3-5.

<sup>2361</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 73 lines 8-9.

<sup>2362</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 84 line 17 – p. 85 line 1.

<sup>2363</sup> Oral Testimony of Civil Party CHAU Khim, T., 15 August 2016, E1/457.1, p. 71 lines 16-25.

## Chapter 11: Regulation of Marriage<sup>2364</sup>

### A. Overview of Civil Party Evidence

1111. Twelve civil parties testified during the regulation of marriage trial segment regarding their experiences of being married during the DK regime. Another eight civil parties testified during other evidentiary segments of Case 002/02 and provided brief evidence on their own marriages; and a further five civil parties provided evidence regarding the marriages of close relatives.<sup>2365</sup>

1112. Civil Party OM Yoeurn was married before the DK regime.<sup>2366</sup> In 1978,<sup>2367</sup> she was forced to get remarried to a handicapped soldier named Nhien.<sup>2368</sup> The

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<sup>2364</sup> The Trial Chamber is seized with facts surrounding the implementation of the fifth policy on the “regulation of marriage” by the CPK as it took control progressively over parts of Cambodia territory, and was implemented” by whatever means necessary.” Closing Order, **D427**, para 216., Closing Order, **D427**, para 216. The policy of regulation of marriage was allegedly aimed at controlling the interaction between individuals, increasing the population growth and reconstructing the concept of marriage in Cambodian society in order to advance the rapid socialist revolution of the CPK. This objective was allegedly achieved by pairing people according to the selection of the CPK, usually in official locations, imposing a marital status on the couple, negating traditions and ceremonies surrounding marriage in Cambodian society, and disrupting the parental involvement in marriage selection and ceremony. The Trial Chamber is further seized of facts involving the marked acceleration of the implementation of the policy to regulate marriage after September 1977, with the repeated occurrence of marriage ceremonies for “groups of couples at the same time”. Closing Order, **D427**, paras 217, Closing Order, **D427**, paras 842-860., Closing Order, **D427**, para 218. The Trial Chamber is further seized with factual allegations relating to the coercive circumstances in which this policy was implemented, including threats or punishments by CPK authorities that created a climate of fear to dissuade people from disobeying the orders of Angkar. These factual allegations are encompassed by the policy of regulation of marriage, as people were killed or sent to reeducation either because they refused to get married, or because they did not “get along” with their selected husband. Finally, the Trial Chamber is seized of the factual allegations regarding the forced sexual intercourse imposed on the couple in order to provide children for the revolution. Closing Order, **D427**, paras 849-853, Closing Order, **D427**, paras 849-850., Closing Order, **D427**, para 849-853, Closing Order, **D427**, para 858-860. On the basis of these factual allegations surrounding the implementation of the policy of regulation of marriage, the Closing Order indicts the Accused with the crime against humanity of other inhumane acts that are alleged to have taken place nationwide, as well as specifically at the 1st January Dam, Tram Kok Cooperatives, and Trapeang Thma Dam worksites. It is further alleged in relation to the treatment of the Buddhists from 17 April 1975 to until at least 6 January 1979. Closing Order, **D427**, paras 1442-1447; Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**.

<sup>2365</sup> Six hundred and sixty-three civil parties were admitted by the OCIJ in relation to the regulation of marriage during the Democratic Kampuchea regime (Closing Order, **D427**, para. 861), and 116 were admitted by the Pre-Trial Chamber.

<sup>2366</sup> Her first husband joined the Revolutionary Army and later passed away. They had one child together. See Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 93 line 19 – p. 94 line 11.

<sup>2367</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 30 lines 12-14. See also Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 35 line 24 – p. 36 line 1, 36 lines 15-17.

<sup>2368</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 96 line 13. Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 4 line 6.

wedding ceremony took place in Village 2, Chamkar Andoung village,<sup>2369</sup> which formed part of the Central Zone. At the time of her second wedding, Civil Party OM Yoeurn was 23 or 24 years old and her husband Nhien was 47 or 48 years old.<sup>2370</sup> Twelve couples were married that day.<sup>2371</sup> Nhien, an ethnic Khmer, spoke with an accent,<sup>2372</sup> had poor eyesight, and could not walk properly.<sup>2373</sup> The Civil Party did not know her husband prior to the wedding day,<sup>2374</sup> did not love him, and described his appearance as “ugly.”<sup>2375</sup> She protested against the marriage but was told that she must proceed because Angkar ordered her to do so.<sup>2376</sup>

1113. Civil Party OM Yoeurn was a victim of rape in two instances, first by Comrade Phan on the night of the wedding, following her refusal to consummate her marriage,<sup>2377</sup> and then 10-15 days later by her husband.<sup>2378</sup> She testified to sleeping with her husband out of fear for her life after she noticed that she was being monitored by militiamen.<sup>2379</sup> She also testified to the lack of Khmer traditions and rituals at the wedding and to absence of parents during the ceremony.<sup>2380</sup> The Civil Party gave birth to a girl in 1978,<sup>2381</sup> received no additional food during the pregnancy, was not allowed to take time off work,<sup>2382</sup> and due to her poor health, she was unable to produce breast milk for her baby.<sup>2383</sup>

<sup>2369</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 96 lines 8-10.

<sup>2370</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 99 line 20.

<sup>2371</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 97 line 24.

<sup>2372</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 13 lines 22-23.

<sup>2373</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 14 lines 3-4.

<sup>2374</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 95 lines 14-15.

<sup>2375</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 99 lines 11-13.

<sup>2376</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 35 lines 7-8, 13-16.

<sup>2377</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 5 line 13 – p. 6 line 21, p. 38 line 5 – p. 39 line 21.

<sup>2378</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 15 lines 3-5.

<sup>2379</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 8 lines 1-5, p. 40 lines 19-24, p. 48 lines 14-16.

<sup>2380</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 97 line 25 – p. 98 line 10.

<sup>2381</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 8 lines 18-19, p. 51 lines 16-18.

<sup>2382</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 9 lines 6-7 and lines 16-18.

<sup>2383</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 11 lines 6-8, p. 11 lines 15-17.

1114. After the fall of the regime, the Civil Party and her husband fled separately.<sup>2384</sup> They reunited three years later after the Civil Party was encouraged by her parents, parents-in-law, and village elders to accept her husband.<sup>2385</sup>
1115. Civil Party OM Yoeurn also provided hearsay evidence on the rape and killing of her cousin Heng Vanny for her refusal to get married.<sup>2386</sup> She also testified to the disappearance of individuals who refused to get married.<sup>2387</sup>
1116. Civil Party SOU Sotheavy is a transgender woman who was born with the physical attributes of the opposite sex.<sup>2388</sup> The Civil Party had to assume the role of the husband after her forced marriage, which took place in August 1977.<sup>2389</sup> The wedding ceremony, during which approximately 117 other couples were married,<sup>2390</sup> took place in Svay Kom, alias Svay Chrum hill,<sup>2391</sup> Chek village, Bati district,<sup>2392</sup> in the East Zone.
1117. Upon her arrival in Chek village, Civil Party SOU Sotheavy was informed that Old and New People would be required to marry and that she would have to cut her hair.<sup>2393</sup> She was not given any notice of the date of the wedding and was called to the wedding ceremony from the worksite while she was breaking rock.<sup>2394</sup> In anticipation of her wedding day, Civil Party SOU Sotheavy decided to approach Ieng Rotha,<sup>2395</sup> another woman with a similar biography to herself,<sup>2396</sup> and did not have

<sup>2384</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 11 lines 20-21.

<sup>2385</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 12 line 11; Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 12 lines 16-18.

<sup>2386</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 7 lines 1-5, p. 17 lines 17-21.

<sup>2387</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 96 lines 21-25, p. 97 lines 3-5, p. 97 lines 15-18.

<sup>2388</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 72 lines 17-20.

<sup>2389</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 16 lines 12-15; Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p.74 lines 8-9.

<sup>2390</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 43 lines 11-14, p. 67 line 15-21.

<sup>2391</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 78 lines 1-2.

<sup>2392</sup> Duong commune is located in Bati district. Today it forms part of Takeo province, but during the DK regime it was located within Kandal province. See Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p.73 lines 21-24.

<sup>2393</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p.73 lines 11-14.

<sup>2394</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 78 lines 14-17.

<sup>2395</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 70 lines 18-19.

<sup>2396</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 80 lines 3-6.

time to inform her before the marriage that she was a transgender woman who does not love other women,<sup>2397</sup> they agreed to get married to one another.<sup>2398</sup>

1118. On the day of the wedding, couples were matched up randomly in “a game similar to hide-and-seeK.”<sup>2399</sup> Civil Party SOU Sotheavy and Ieng Rotha, who were both orphans and New People,<sup>2400</sup> paired up successfully. Civil Party SOU Sotheavy believes to have been in her 30s and suspects her wife to have been in her 20s at the time.<sup>2401</sup> During the regime, Ieng Rotha had a daughter. The couple separated in 1979<sup>2402</sup> and lost contact just before the birth of the child.<sup>2403</sup> Civil Party SOU Sotheavy remains unaware of the whereabouts of her child and continues to suffer from the separation.<sup>2404</sup>

1119. In addition to her own marriage, which she described as being held according to “Angkar’s absolute plan,”<sup>2405</sup> Civil Party SOU Sotheavy testified to being monitored,<sup>2406</sup> to being threatened and called for re-education for her refusal to consummate the marriage,<sup>2407</sup> to the suffering and sexual abuse she endured as a transgender woman,<sup>2408</sup> to the suicide of transgender persons escaping marriage,<sup>2409</sup> and to the discrimination she received as a New Person.<sup>2410</sup>

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<sup>2397</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 60 line 22 – p. 61 line 1.

<sup>2398</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 80 lines 7-10.

<sup>2399</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 80 lines 16-22.

<sup>2400</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 77 lines 7-10.

<sup>2401</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 85 lines 8-11.

<sup>2402</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 70 lines 18-19.

<sup>2403</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 48 lines 16-20.

<sup>2404</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 91 lines 2-9.

<sup>2405</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 83 lines 6-11.

<sup>2406</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 45 lines 9-12, p. 46 lines 5-10, p. 55 lines 9-12.

<sup>2407</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 29 lines 13-15.

<sup>2408</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 70 lines 1-3.

<sup>2409</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 96 lines 10-15; Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 32 line 22 – p. 33 line 2.

<sup>2410</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 73 lines 17-18. Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 98 lines 5-6.

1120. Civil Party YOS Phal was married to Sok Khat<sup>2411</sup> in 1978.<sup>2412</sup> The wedding of 50 couples took place at Prey Ampek village, Takeo province,<sup>2413</sup> in the Southwest Zone.
1121. All 50 couples,<sup>2414</sup> including the Civil Party,<sup>2415</sup> were from mobile units<sup>2416</sup> and roughly between 23 and 25 years old.<sup>2417</sup> Civil Party YOS Phal and Sok Khat<sup>2418</sup> were both considered to be New People.<sup>2419</sup> While she was an orphan without a fiancé,<sup>2420</sup> the Civil Party had a fiancée whom he loved,<sup>2421</sup> and who was placed in the same mobile district unit as the Civil Party.<sup>2422</sup> They were nevertheless deterred from continuing their relationship out of fear of being killed.<sup>2423</sup> He was not allowed to marry his fiancée because her brother had been smashed by Angkar,<sup>2424</sup> and because he had no right, as a New Person, to speak, let alone propose to be married to her.<sup>2425</sup>
1122. In addition to recounting the suffering he endured as a result of not being able to marry his fiancée,<sup>2426</sup> Civil Party YOS Phal testified to being monitored,<sup>2427</sup> to being discriminated against and treated inhumanely as a New Person,<sup>2428</sup> and to life during the DK regime – which he described as “living in hell.”<sup>2429</sup> He also described

<sup>2411</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 30 line 10.

<sup>2412</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 12 line 8.

<sup>2413</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 11 lines 19-21; Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 21 lines 20-25.

<sup>2414</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 20 lines 12-25, p. 27 lines 19-22.

<sup>2415</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 11 line 24.

<sup>2416</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 27 line 19.

<sup>2417</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 27 lines 19-22.

<sup>2418</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 30 line 10.

<sup>2419</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 12 line 5, p. 30 lines 8-9, 25.

<sup>2420</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 31 line 1.

<sup>2421</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 13 line 24 – p. 14 line 3, p. 31 line 1.

<sup>2422</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 14 line 20 – p. 15 line 2.

<sup>2423</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 14 line 20 – p. 15 line 2.

<sup>2424</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 17 lines 3-8. Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 34 lines 20-24.

<sup>2425</sup> “Only the Old People or the Base People had such rights to propose or to speak,” the Civil Party testified. *See* Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 16 lines 9-12.

<sup>2426</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 61 lines 14-17, p. 61 line 19 – p. 62 line 4.

<sup>2427</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 31 lines 7-10.

<sup>2428</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 26 lines 2-5.

<sup>2429</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 24 line 20 – p. 25 line 3.

Cambodian wedding practices, the differences between traditional Khmer weddings and the weddings arranged during the regime,<sup>2430</sup> gave hearsay evidence on the fate of people in Sector 33, who were killed for committing moral offences,<sup>2431</sup> and testified to being warned by Put, the district chief,<sup>2432</sup> that they would also be killed if they followed the example of those in Sector 33.<sup>2433</sup>

1123. Civil Party SENG Soeun, who was in Phnom Penh on 17 April 1975,<sup>2434</sup> was later transferred to S'ang district, where he was in charge of the district office and took care of the affairs of the district,<sup>2435</sup> and later to Kratie province,<sup>2436</sup> where he remained for almost a month before the Vietnamese invaded Cambodia.<sup>2437</sup>

1124. In his capacity as the head of the S'ang district office, Civil Party SENG Soeun received orders from the district committee to take biographies, arrange lists,<sup>2438</sup> and pair individuals for marriage.<sup>2439</sup> Civil Party SENG Soeun, a handicapped soldier,<sup>2440</sup> was forced to get married on 30 September 1977,<sup>2441</sup> after

<sup>2430</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 24 line 20 – p. 25 line 3.

<sup>2431</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 20 line 17 – p. 21 line 6.

<sup>2432</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 20 lines 13-15. The Civil Party later elaborated that “The unit chief Put who was the biggest -- who was the top chief of the mobile unit in Treang district <or District 107> said, ‘You, all comrades, you could observe that if you were the children of Angkar then I would organize the marriage for you all.’” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 35 lines 8-12.

<sup>2433</sup> Civil Party YOS Phal explained that “[i]n Sector 33, in Kampong Speu province, ... the unit chief married pretty women to un-handsome men and, likewise, the handsome men were married to un-pretty women. Literate men or educated men would be married with uneducated women and vice-versa. And those people were not happy so they went to prayer before a sacred object. They wished their husbands to die.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 35 lines 13-19. “And the same thing applies to the handsome men. They prayed that their wives would die. And subsequently <they> were all killed <after their unit chiefs knew about that> and we, the 50 couples, were told by unit chief Put about what happened in Sector 33.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 35 lines 21-24. See also Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 20 line 21 – p. 21 line 6.

<sup>2434</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 20 line 6.

<sup>2435</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 19 line 24 – p. 20 line 1. The Civil Party does not recall how long he was in S'ang district: See Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 20 lines 7-9.

<sup>2436</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 20 lines 7-9.

<sup>2437</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 20 lines 9-10. The Civil Party could not recall the exact dates on which he was transferred from one place to another: See Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 20 lines 17-18

<sup>2438</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 20 lines 21-25.

<sup>2439</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 39 lines 3-11.

<sup>2440</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 12 lines 1-3, lines 14-19. Oral Testimony of Civil Party SENG Soeun, T., 30 August 2016, **E1/466.1**, p. 21, lines 23-24, p. 28 lines 8-10, p. 42 lines 22-24.

refusing twice.<sup>2442</sup> Three couples were married during the ceremony,<sup>2443</sup> arranged by Sao Phon,<sup>2444</sup> which took place in S'ang in Kandal Province,<sup>2445</sup> in the South-Western Zone. Civil Party SENG Soeun was married to Chorn alias Rorn,<sup>2446</sup> the younger cousin of Sao Phon.<sup>2447</sup> The couple lost contact two to three months after their wedding.<sup>2448</sup> Before they separated, Civil Party SENG Soeun's wife informed him that she was two months pregnant.<sup>2449</sup>

1125. Civil Party SENG Soeun testified to receiving instructions that New People should be matched only with New People and Base People exclusively with Base People,<sup>2450</sup> to the age range of individuals eligible for marriage,<sup>2451</sup> and to the culture of fear that prevailed at the time.<sup>2452</sup> The Civil Party explained that couples were given no notice of their wedding,<sup>2453</sup> and that authority over the arrangement of marriages during the DK regime<sup>2454</sup> was vested in the respective communes.<sup>2455</sup>

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<sup>2441</sup> DC-Cam Interview with Civil Party SENG Soeun, **E3/5643**, 11 February 2006, ERN 00753880.

<sup>2442</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 26 lines 6-10.

<sup>2443</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 26 lines 4-5, p. 27 lines 10-12.

<sup>2444</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 26 lines 10-11. Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 27 lines 3-4.

<sup>2445</sup> The Civil Party testified that there were two couples in S'ang district: *See*: Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 26 lines 3-6, p. 27 lines 1-2. But at Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 27 lines 10-12, she said she was one of these couples to be married.

<sup>2446</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 83 line 24. Chorn alias Rorn is from Doung village in Srae Knong district, *see* Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 26 lines 19-22. Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 27 lines 3-4. Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 83 lines 24-25.

<sup>2447</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 26 lines 11-12 and line 22, Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 27 lines 1-2, Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 83 line 25 – p. 84 line 1.

<sup>2448</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 84 lines 15-20, p. 84 line 23 – p. 85 line 4.

<sup>2449</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 85 lines 9-10.

<sup>2450</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 23 lines 7-10.

<sup>2451</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 18 lines 13-15, p. 21 lines 7-9.

<sup>2452</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 28 lines 16-21.

<sup>2453</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 37 lines 5-10.

<sup>2454</sup> Civil Party SENG Soeun explained that the arrangement of marriages followed the plan of the Communist Party of Kampuchea. *See* Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 41 lines 11-17.

<sup>2455</sup> Oral Testimony of Civil Party SENG Soeun, T., 30 August 2016, **E1/466.1**, p. 48 lines 18-24.

1126. Civil Party CHEA Dieb was one of 12 couples<sup>2456</sup> to be married in a mass wedding that took place in Daeum Kor market,<sup>2457</sup> in the Autonomous Zone of Phnom Penh. The Civil Party estimated that the wedding took place in 1975,<sup>2458</sup> six or seven months after she entered Phnom Penh.<sup>2459</sup>
1127. During her wedding, which was organised by her immediate supervisor Phan,<sup>2460</sup> female combatants were married to handicapped male combatants.<sup>2461</sup> Civil Party CHEA Dieb estimates that she must have been 19 or 20 years old, while her husband, a handicapped soldier<sup>2462</sup> with leg problems,<sup>2463</sup> was 26 years of age.<sup>2464</sup>
1128. Civil Party CHEA Dieb met KHIEU Samphan twice before her wedding<sup>2465</sup> – first at Phsar Cas and a second time at Wat Ounalom,<sup>2466</sup> where she attended an assembly during which KHIEU Samphan<sup>2467</sup> gave instructions on, *inter alia*, population growth<sup>2468</sup> and the age range of persons eligible for marriage.<sup>2469</sup> Soon after, members of her unit were arranged to be married.<sup>2470</sup> Civil Party CHEA Dieb

<sup>2456</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 72 lines 21-23.

<sup>2457</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 68 line 24.

<sup>2458</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 67 lines 22-24.

<sup>2459</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 43 lines 9-11.

<sup>2460</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 68 lines 2-3; Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 19 lines 19-21, p. 20 lines 9-10.

<sup>2461</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 26 line 23 – p. 27 line 1.

<sup>2462</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 26 line 23 – p. 27 line 1.

<sup>2463</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 71 lines 15-16.

<sup>2464</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 72 lines 15-16, p. 104 lines 1-6; Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 26 lines 5-9.

<sup>2465</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 45 lines 3-5, line 9.

<sup>2466</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 45 lines 18-22.

<sup>2467</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 65 line 22 – p. 66 line 1, p. 66 lines 4-13.

<sup>2468</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 67 lines 11-14, p. 90 lines 1-4, p. 100 lines 9-14.

<sup>2469</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 89 line 5, lines 11-13. Civil Party CHEA Dieb recalled Khieu Samphan stating, *inter alia*, that any females above the age of 19 and any males above the age of 25 should not be kept unmarried. See Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 66 lines 17-19, p. 67 lines 1-7.

<sup>2470</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 67 lines 18-19.

refused to get married twice and was accused of having a fiancé and a boyfriend.<sup>2471</sup> She did not refuse a third time, out of fear,<sup>2472</sup> and because she had no choice.<sup>2473</sup>

1129. In addition to describing how the wedding ceremony was devoid of traditional wedding practices,<sup>2474</sup> Civil Party CHEA Dieb testified to being afraid of being accused of committing moral misconduct,<sup>2475</sup> to feeling unhappy and helpless,<sup>2476</sup> to being monitored,<sup>2477</sup> to being afraid of both her husband and the militiamen,<sup>2478</sup> and to consummating the marriage during conjugal visits.<sup>2479</sup> She gave hearsay evidence on the disappearance of individuals for committing moral offences,<sup>2480</sup> and to consummating her marriage out of fear.<sup>2481</sup> The Civil Party also described the suffering she continues to endure as a result of getting married without the consent and agreement of her family,<sup>2482</sup> and the dislike and pain she feels towards her husband and the marriage every time she recalls what happened to her.<sup>2483</sup>

1130. Civil Party MOM Vun was married to Un Thin<sup>2484</sup> in 1975,<sup>2485</sup> along with 60 other couples<sup>2486</sup> who were in their twenties.<sup>2487</sup> The wedding took place at Baek Khlouk work site, Siem Reap province, which formed part of the North Zone.<sup>2488</sup>

<sup>2471</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 21 lines 9-19; Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 22 lines 10-22.

<sup>2472</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 24 lines 5-10, p. 38 lines 20-23.

<sup>2473</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 77 lines 4-7.

<sup>2474</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 77 lines 19-23, p. 78 lines 4-16.

<sup>2475</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 76 lines 20-24; Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 38 lines 20-23.

<sup>2476</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 77 lines 11-13.

<sup>2477</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/466.1**, p. 73 lines 12-13, **E1/467.1**, p. 31 lines 15-18, p. 32 line 24 – p. 33 line 2.

<sup>2478</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 73 line 25 – p. 74 line 2.

<sup>2479</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 74 lines 12-13.

<sup>2480</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 36 lines 21-23, p. 37 lines 8-15, p. 37 line 22 – p. 38 line 3, p. 38 lines 5-9.

<sup>2481</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 103 lines 3-5. Civil Party CHEA Dieb explained that if the militiamen were to find out that she did not consummate her marriage, she would be sanctioned with re-education or refashioning. *See* Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 74 line 25 – p. 75 line 2.

<sup>2482</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 71 lines 19-24.

<sup>2483</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 78 line 23 – p. 79 line 1.

<sup>2484</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 55 lines 22-23, p. 91 line 25 – p. 92 line 1.

1131. Following her husband's disappearance, Civil Party MOM Vun was forced to remarry<sup>2489</sup> after her objection to marriage was denied<sup>2490</sup> by her unit chief.<sup>2491</sup> The Civil Party explained that she married her second husband, Un Thin,<sup>2492</sup> only in order to survive and because she had no choice.<sup>2493</sup>
1132. Civil Party MOM Vun testified to being raped two days before the marriage by five militiamen,<sup>2494</sup> who threatened her with a gun and told her she would be killed unless she remained silent.<sup>2495</sup> After the rape, she proceeded with the marriage.<sup>2496</sup> She felt ashamed and suicidal after the rape, stating that her children were the only reason that she did not take her life.<sup>2497</sup>
1133. The Civil Party testified to being monitored,<sup>2498</sup> to being forced to have sexual intercourse with her husband in front of militiamen who threatened them with guns,<sup>2499</sup> and to the humiliation and pain she subsequently felt.<sup>2500</sup>
1134. Civil Party MOM Vun testified to feeling unhappy and afraid<sup>2501</sup> during the wedding ceremony and explained that she got married out of fear of being killed.<sup>2502</sup> The couple continued to live with one another until 1979 and divorced in 1984.<sup>2503</sup>

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<sup>2485</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 53 line 25; Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 69 lines 6-7; Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 81 lines 11-12.

<sup>2486</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 54 lines 8-10, lines 16-18, p. 55 lines 8-14.

<sup>2487</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 57 lines 10-11.

<sup>2488</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 54 lines 3-4, 8-10, 16.

<sup>2489</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 47 lines 3-6.

<sup>2490</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 47 lines 3-6.

<sup>2491</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 48 lines 5-9.

<sup>2492</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 91 line 25 – p. 92 line 1. Un Thin was part of the mobile unit where he carried dirt. *See* Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 92 lines 20-24

<sup>2493</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 93 line 23 – p. 94 line 1. The Civil Party explained that her husband did not want to marry her either because she already had eight children. *See* Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 51 lines 6-11

<sup>2494</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 48 line 24 – p. 49 line 7.

<sup>2495</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 49 lines 17-21.

<sup>2496</sup> Oral Testimony of Civil Party MOM Vun, T., 20 September 2016, E1/477.1, p. 24 lines 6-14; Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 50 lines 5-8.

<sup>2497</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 80 lines 12-17.

<sup>2498</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 59 lines 1-5, 6-11.

<sup>2499</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 58 lines 6-12, 13-18, 19-22.

<sup>2500</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 79 lines 10-13.

1135. She compared wedding practices during the regime, which did not follow Cambodian tradition or law<sup>2504</sup> or with traditional Cambodian weddings,<sup>2505</sup> and explained that no one dared to refuse out of fear of execution.<sup>2506</sup> The Civil Party also provided evidence on the policy regarding population growth,<sup>2507</sup> control over family relations,<sup>2508</sup> and how children were to be regarded as children of Angkar.<sup>2509</sup>
1136. Civil Party MOM Vun had 14 children in total,<sup>2510</sup> four were born during the regime and two died during the regime,<sup>2511</sup> owing to a lack of food and medicine.<sup>2512</sup> Four children died after the regime.<sup>2513</sup> She gave evidence on the inadequate provision of food, lack of medicine, working quota for pregnant women,<sup>2514</sup> disappearance and execution of couples that refused to get married,<sup>2515</sup> and on the disappearance of a couple for refusing to consummate their marriage.<sup>2516</sup>
1137. In 1976,<sup>2517</sup> at the age of 25,<sup>2518</sup> Civil Party SA Lai Heang was married to Soeng Chay alias Chhay.<sup>2519</sup> The wedding, which was organised by the committee of

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<sup>2501</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 54 lines 22-24, p. 77 lines 4-8.

<sup>2502</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 48 lines 13-17.

<sup>2503</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 60 lines 17-20, p. 94 lines 16-20, p. 95 lines 4-7, and p. 96 lines 12-13.

<sup>2504</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 50 line 24 – p. 51 line 4, p. 57 lines 16-22.

<sup>2505</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 73 lines 6-18.

<sup>2506</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 52 lines 11-15.

<sup>2507</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 56 lines 9-14.

<sup>2508</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 74 lines 17-21, p. 74 line 25 – p. 75 line 8.

<sup>2509</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 84 lines 18-24.

<sup>2510</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 61 line 8.

<sup>2511</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 61 line 20; Oral Testimony of Civil Party MOM Vun, T., 20 September 2016, **E1/477.1**, p. 5 lines 5-6, lines 15-18.

<sup>2512</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 62 line 1.

<sup>2513</sup> Oral Testimony of Civil Party MOM Vun, T., 20 September 2016, **E1/477.1**, p. 3 lines 24-25, p. 5 lines 15-18.

<sup>2514</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 83 lines 1-14, p. 94 lines 8-14.

<sup>2515</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 101 lines 18-22.

<sup>2516</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 81 lines 16-20, p. 82 lines 11-14.

<sup>2517</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 11 line 17.

<sup>2518</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 54 lines 13, 21.

<sup>2519</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 18 lines 16-20. Soeng Chay alias Chhay was in charge of repairing bridges that were cut off after the Lon Nol regime from 1970 to

- the sector, took place in Sector 505<sup>2520</sup> in the Northeast Zone, which was an autonomous sector at the time.<sup>2521</sup>
1138. From 1972 – 1976, Civil Party SA Lai Heang held a position as the local committee of the commune,<sup>2522</sup> during which she participated in the marriages of individuals of her locality.<sup>2523</sup> Civil Party SA Lai Heang was informed of her wedding a month in advance,<sup>2524</sup> had previous notice of her proposed husband,<sup>2525</sup> and was the only couple to be married on that day.<sup>2526</sup> A wedding feast and cake were prepared and people from two villages came to attend the wedding.<sup>2527</sup>
1139. Civil Party SA Lai Heang objected to the marriage three times, but stopped protesting when she was accused of being stubborn.<sup>2528</sup> She did not like her proposed husband, but agreed because she was afraid for her safety<sup>2529</sup> and because she had no right to refuse.<sup>2530</sup> She explained that once a marriage had been arranged, there was no escaping from it.<sup>2531</sup> The Civil Party and her husband treated each other as friends.<sup>2532</sup>
1140. The Civil Party provided hearsay evidence on the suicide of individuals escaping marriage,<sup>2533</sup> testified to the separation of couples shortly after the wedding

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1975. See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 18 line 22 – p. 19 line 2.

<sup>2520</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 line 6, p. 36 lines 5-11.

<sup>2521</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 64 lines 11-14.

<sup>2522</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 50 lines 17-20.

<sup>2523</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 51 lines 6-9.

<sup>2524</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 15 line 2.

<sup>2525</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 55 lines 6-8.

<sup>2526</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 54 lines 23-25.

<sup>2527</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 54 line 25 – p. 55 line 5.

<sup>2528</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 lines 21-25, p. 14 lines 11-14, p. 53 lines 16-19.

<sup>2529</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 101 lines 3-9.

<sup>2530</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 lines 15-17.

<sup>2531</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 36 line 23 – p. 37 line 1.

<sup>2532</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 41 lines 9-12.

<sup>2533</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 18 lines 2-5, 8-9, p. 39 line 25 – p. 40 line 2.

ceremony,<sup>2534</sup> and explained that weddings during the regime were not held according to Khmer custom or tradition.<sup>2535</sup>

1141. Civil Party SA Lai Heang became pregnant a year after her marriage, but later lost the child to malaria.<sup>2536</sup> Shortly after she delivered the baby,<sup>2537</sup> her husband Soeng Chay was arrested and disappeared.<sup>2538</sup> She testified to not receiving sufficient food,<sup>2539</sup> to falling ill, and to not being able to produce enough breast milk for the baby.<sup>2540</sup> Following her husband's disappearance, the Civil Party was accused of being linked to a traitor<sup>2541</sup> and "confidence was withdrawn."<sup>2542</sup> She was subsequently monitored<sup>2543</sup> and transferred to a worksite at Samrang village in Snuol designed for wives of husbands accused of being traitors.<sup>2544</sup> At this worksite, the Civil Party testified to the working conditions,<sup>2545</sup> the lack of freedom of movement, insufficient food, and reduced food rations for individuals who were unable to work.<sup>2546</sup>

1142. Civil Party PEN Sochan was married in 1978, alongside 11 other couples,<sup>2547</sup> five or six months before the Vietnamese arrived.<sup>2548</sup> The wedding took place in Roka

<sup>2534</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 18 lines 16-20.

<sup>2535</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 15 lines 15-17. The Civil Party testified that "[o]f course, <if> we look back," she testified, "we knew that it was not held according to the tradition; however, it was held according to their arrangement, so for us, it became part of a pattern or a practice." *See* Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 38 lines 15-18.

<sup>2536</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 19 lines 9-11, p. 102 lines 1-3.

<sup>2537</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 24 line 17 – p. 25 line 1.

<sup>2538</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 21 lines 1-11.

<sup>2539</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 20 lines 8-13.

<sup>2540</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 22 lines 1-10, p. 25 lines 2-5.

<sup>2541</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 19 line 25 – p. 20 line 7.

<sup>2542</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 25 lines 14-20, p. 25 line 25 – p. 26 line 6.

<sup>2543</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 26 lines 12-17.

<sup>2544</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 26 lines 12-17.

<sup>2545</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 27 lines 21-22, p. 28 lines 6-8.

<sup>2546</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 27 lines 7-16.

<sup>2547</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 68 lines 7-8. lines 12-14.

<sup>2548</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 94 lines 12-17. 63 lines 10-14.

village,<sup>2549</sup> which formed part of the Northwest Zone. Civil Party PEN Sochan was still underage at the time,<sup>2550</sup> roughly 15 or 16 years old,<sup>2551</sup> while her husband, Tak Sat,<sup>2552</sup> was around 25 years old.<sup>2553</sup>

1143. The Civil Party protested against the marriage,<sup>2554</sup> but was threatened with being killed,<sup>2555</sup> refashioned, and was told that she was obliged to get married because “the wheel of history had to move forward.”<sup>2556</sup> She described that during the wedding ceremony,<sup>2557</sup> individuals wept<sup>2558</sup> because no one wanted to get married.<sup>2559</sup> The Civil Party expressed the suffering she endured as a result of being married in the absence of her family and relatives,<sup>2560</sup> and testified to feeling intimidated at the time due to her young age.<sup>2561</sup>

1144. On the wedding night, Civil Party PEN Sochan and her husband were assigned to sleep in a long building in Daeum Roka village.<sup>2562</sup> On the night of the wedding, the Civil Party was sent for re-education<sup>2563</sup> and was beaten by her husband.<sup>2564</sup> She overheard militiamen instructing her husband to consummate the marriage.<sup>2565</sup> On the second night, she was physically abused<sup>2566</sup> by her husband and

<sup>2549</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 68 line 16.

<sup>2550</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 67 lines 20-22.

<sup>2551</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 68 lines 3-4. Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 3 lines 11-14. Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 47 lines 18-21

<sup>2552</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 82 line 11, p. 103 lines 8-12.

<sup>2553</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 98 lines 10-11.

<sup>2554</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 98 lines 23-25.

<sup>2555</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 99 lines 11-14.

<sup>2556</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 71 line 23 – p. 72 line 4, p. 72 lines 7-10.

<sup>2557</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 103 lines 12-20.

<sup>2558</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 104 lines 7-9.

<sup>2559</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 73 lines 3-7.

<sup>2560</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 74 lines 2-5.

<sup>2561</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 104 lines 7-9.

<sup>2562</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 82 lines 22-25.

<sup>2563</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 84 lines 17-18.

<sup>2564</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 85 lines 7-9.

<sup>2565</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 105 line 23 – p. 106 line 4, p. 106 lines 6-7, p. 106 lines 10-15.

<sup>2566</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 85 lines 20, p. 86 line 23 – p. 87 line 1.

ran to her uncle, Pou Khom,<sup>2567</sup> for help. On the third day, Civil Party PEN Sochan was raped by militiamen<sup>2568</sup> and forced to consummate the marriage with her husband.<sup>2569</sup> The militiamen watched the marital rape unfold,<sup>2570</sup> whilst shouting at them to produce children for the Party.<sup>2571</sup> On the fourth night, the Civil Party fled to her mother,<sup>2572</sup> who, herself fearful after losing many family members,<sup>2573</sup> made her some food and the Civil Party left a few hours later in order to protect her parents and siblings.<sup>2574</sup>

1145. In addition, Civil Party PEN Sochan testified to being monitored,<sup>2575</sup> to the propagation of phrases encouraging population growth,<sup>2576</sup> of phrases threatening torture and execution of couples who did not love each other,<sup>2577</sup> and to being threatened with execution if she refused to consummate the marriage.<sup>2578</sup> She also gave hearsay evidence on the disappearance of couples.<sup>2579</sup>

1146. Civil Party PREAP Sokhoeurn, also known as Phoas, was married to Keo,<sup>2580</sup> who was handicapped in the hand, blind in one eye, and had a problem in his ankle.<sup>2581</sup> The wedding, during which 15 couples were married,<sup>2582</sup> took place in

<sup>2567</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 84 lines 18-21, p. 87 lines 2-8, line 11.

<sup>2568</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 87 lines 19-25, p. 88 lines 4-6.

<sup>2569</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 84 lines 22-23, p. 90 lines 2-9.

<sup>2570</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 88 lines 10-15, p. 109 lines 6-10. Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 65 lines 1-4, 13-19.

<sup>2571</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 88 lines 17-19. Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 63 lines 20-23.

<sup>2572</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 91 lines 10-17.

<sup>2573</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 112 lines 7-11.

<sup>2574</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 91 line 18-23, p. 92 lines 11-16.

<sup>2575</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 106 line 23 – p. 107 line 1.

<sup>2576</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 89 lines 17-23.

<sup>2577</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 84 lines 15-17.

<sup>2578</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 83 lines 15-18, p. 86 lines 7-9, p. 87 lines 19-20.

<sup>2579</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 99 line 19 – p. 100 line 1, p. 100 lines 2-5.

<sup>2580</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 83 lines 16-17, p. 106 line 12; Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 30 lines 20-24.

<sup>2581</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 92 lines 10-14, p. 106 lines 13-18.

1977<sup>2583</sup> at the cotton farm unit in Andoung Ta Loeng,<sup>2584</sup> located in Kampong Cham, Prey Chhor district, in the Central Zone. The Civil Party estimated that she must have been around 18 years old at the time of the marriage.<sup>2585</sup>

1147. Civil Party PREAP Sokhoeurn was given no notice of the wedding<sup>2586</sup> or of her future spouse.<sup>2587</sup> She recalled couples weeping during the ceremony<sup>2588</sup> and described feeling upset and crying when she saw that Keo was handicapped.<sup>2589</sup>

1148. Civil Party PREAP Sokhoeurn compared traditional Khmer weddings with the weddings arranged by the regime,<sup>2590</sup> and recalled being instructed to produce children for Angkar.<sup>2591</sup> The Civil Party testified to being monitored,<sup>2592</sup> to being raped,<sup>2593</sup> to the physical and moral suffering she subsequently endured,<sup>2594</sup> to pretending to get along with her husband,<sup>2595</sup> to forcing herself to consummate the marriage out of fear of being tortured, imprisoned, or killed,<sup>2596</sup> and to the personal

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<sup>2582</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 100 lines 19-20, p. 109 line 24 – p. 110 line 3.

<sup>2583</sup> Written Record of Interview of Civil Party PREAP Sokhoeurn, **E3/9820**, 7 September 2009, ERN (EN) 01050562.

<sup>2584</sup> Written Record of Interview of Civil Party PREAP Sokhoeurn, **E3/9820**, 7 September 2009, ERN (EN) 01050561.

<sup>2585</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 4 lines 11-15.

<sup>2586</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 29 line 25 – p. 30 line 3.

<sup>2587</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 91 line 25 – p. 92 line 4.

<sup>2588</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 82 lines 18-21, p. 84 lines 3-5.

<sup>2589</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 91 line 25 – p. 92 line 4; Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 8 line 23 – p. 9 line 6.

<sup>2590</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 18 lines 4-5.

<sup>2591</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 104 lines 16-19, p. 105 lines 12-14, 17-21, 22-25.

<sup>2592</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 85 lines 18-21, p. 94 line 22 – p. 95 line 5.

<sup>2593</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 88 lines 14-25, p. 95 line 23 – p. 96 line 5.

<sup>2594</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 96 line 22 – p. 97 line 3.

<sup>2595</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 93 lines 18-25, p. 94 lines 1-2.

<sup>2596</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 101 line 19 – p. 102 line 2.

harm of losing her virginity.<sup>2597</sup> She also gave hearsay evidence about women who were forced to marry defrocked monks,<sup>2598</sup> and noted the disappearances of individuals who refused to attend the wedding ceremony<sup>2599</sup> and the disappearances of couples who refused to consummate the marriage.<sup>2600</sup>

1149. The Civil Party described living in constant fear,<sup>2601</sup> particularly after her husband's disappearance,<sup>2602</sup> when she was placed under surveillance and subjected to continuous threats.<sup>2603</sup> She delivered her baby a few days after her husband's disappearance.<sup>2604</sup> Shortly after childbirth, she was forced to work<sup>2605</sup> and was unable to produce enough milk for her baby.<sup>2606</sup> She explained that during the regime, children were required to love Angkar more than their parents.<sup>2607</sup> The Civil Party testified to the mistreatment she received throughout her pregnancy<sup>2608</sup> and to the lack of medical assistance and medicine provided to pregnant women.<sup>2609</sup>

1150. In 1984,<sup>2610</sup> Civil Party PREAP Sokhoeurn was convinced by her mother to get remarried.<sup>2611</sup> Her second marriage followed traditional practices,<sup>2612</sup> and despite

<sup>2597</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 107 lines 8-15, p. 107 line 23 – p. 108 line 1.

<sup>2598</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 15 lines 7-12.

<sup>2599</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 29 lines 15-18.

<sup>2600</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 9 lines 14-20, p. 13 lines 20-24, p. 14 lines 21-25.

<sup>2601</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 99 line 25 – p. 100 line 5.

<sup>2602</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 100 lines 6-9, p. 111 lines 10-14.

<sup>2603</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 98 line 20 – p. 99 line 6, p. 110 lines 18-24, p. 111 lines 1-8, p. 113 lines 3-6.

<sup>2604</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 98 lines 10-19.

<sup>2605</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 114 lines 12-17, p. 114 line 21 – p. 115 line 5.

<sup>2606</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 115 lines 9-14.

<sup>2607</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 118 lines 1-4.

<sup>2608</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 99 lines 7-8.

<sup>2609</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 99 lines 12-21. Shortly after delivering the baby, she was forced to continue working (*See* Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 114 lines 12-17). She was unable to produce enough breast milk to provide for her child (*See* Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 115 lines 9-14).

<sup>2610</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 16 lines 12-14.

<sup>2611</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 16 line 24 – p. 17 line 2, p. 17 lines 12-17.

<sup>2612</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 18 lines 8-14.

at first feeling fearful about getting remarried,<sup>2613</sup> she expressed having confidence and finding comfort in the wedding arranged by her mother.<sup>2614</sup>

1151. Three civil parties provided evidence during the hearings on harm suffered related to the regulation of marriage.

1152. Civil Party KUL Nem, an ethnic Khmer,<sup>2615</sup> was married to Tel Bel,<sup>2616</sup> a Phnong woman.<sup>2617</sup> The Civil Party was a soldier during the regime.<sup>2618</sup> He had no knowledge of his prospective wife,<sup>2619</sup> who was around 20 years old.<sup>2620</sup> The wedding took place, with 30 couples, in 1977<sup>2621</sup> in K-11, Mondulkiri province, in the Northeast Zone.<sup>2622</sup> He recalled being taken to the female sleeping quarters prior to the wedding, without realising that he was taken there to pick a prospective wife.<sup>2623</sup> Civil Party KUL Nem testified to entering the marriage out of fear,<sup>2624</sup> to knowing that if he protested he would be in trouble<sup>2625</sup> and punished,<sup>2626</sup> to feeling sorrow and pain on his wedding day,<sup>2627</sup> to being instructed to produce children for Angkar,<sup>2628</sup> to being monitored, and to consummating the marriage out of fear.<sup>2629</sup> He already had a fiancée and described the unsettling feeling caused by not being able to marry her.<sup>2630</sup>

<sup>2613</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 17 lines 3-7.

<sup>2614</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 18 lines 15-17.

<sup>2615</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 96 lines 6-8.

<sup>2616</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 101 line 3.

<sup>2617</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 97 line 1, p. 99 lines 9-10.

<sup>2618</sup> Soldier status was only mentioned in questioning by Mr. Kong Sam Onn, *see* Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 114 lines 10-23.

<sup>2619</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 91 line 22, p. 96 lines 10-15.

<sup>2620</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 101 lines 9-10.

<sup>2621</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 99 lines 1-2.

<sup>2622</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 95 lines 13, 17-18.

<sup>2623</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 105 lines 10-13 and 18-24, p. 106 lines 9-19, p. 115 lines 17-19.

<sup>2624</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 99 lines 7-13.

<sup>2625</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 91 lines 1-7, p. 112 line 25 – p. 113 line 3.

<sup>2626</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 112 lines 7-11, 17-20.

<sup>2627</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 90 lines 21-23.

<sup>2628</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 102 lines 16-18, p. 106 lines 18-19.

<sup>2629</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 100 line 25 – p. 101 line 2.

<sup>2630</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 89 lines 18 – p. 90 line 2, p. 90 lines 4-12.

After the regime, he remained with his wife and testified that they could not separate because they were already married.<sup>2631</sup> His wife suffered two miscarriages.<sup>2632</sup>

1153. Civil Party NGET Chat, a widow and 17 April Person,<sup>2633</sup> was remarried about one week after her husband's disappearance.<sup>2634</sup> The wedding, during which 10 couples were married,<sup>2635</sup> took place in 1978<sup>2636</sup> at Boeng Khnar,<sup>2637</sup> in the Northwest Zone. Civil Party NGET Chat was a widow and her husband was also a widower.<sup>2638</sup> At the time of the wedding, she was 20 years old and her husband, whose previous wife had also been smashed,<sup>2639</sup> was over 40 – almost twice her age.<sup>2640</sup> Civil Party NGET Chat testified that she was given no notice of the wedding and did not know her prospective husband.<sup>2641</sup> While she protested at first, she did not dare do so openly<sup>2642</sup> out of fear,<sup>2643</sup> and because if she had done so, she would have been sent to the upper level,<sup>2644</sup> which she believed meant to be taken to be executed.<sup>2645</sup>

1154. Civil Party NGET Chat recalled being instructed at the wedding ceremony to consummate the marriage in order to produce children for Angkar.<sup>2646</sup> After the ceremony, newlywed couples were taken to a small shelter where they spent the night and maintained a fear-induced silence because they knew people were being taken

<sup>2631</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 96 lines 19-25.

<sup>2632</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 92 lines 17-23, p. 93 lines 17-23, p. 94 lines 5-13, p. 114 lines 2-4.

<sup>2633</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 5 line 24 – p. 6 line 3, p. 6 lines 1-2.

<sup>2634</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 123 lines 2-5, 2-11.

<sup>2635</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 123 lines 11-12. Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 4 lines 10-14, p. 12 lines 16-18.

<sup>2636</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 5 line 24 – p. 6 line 3.

<sup>2637</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 10 line 24.

<sup>2638</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 3 lines 21-22.

<sup>2639</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 125 lines 18-19.

<sup>2640</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 124 lines 19-21.

<sup>2641</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 123 lines 15-20.

<sup>2642</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 21 lines 17-20, p. 23 line 23 – p. 24 line 1.

<sup>2643</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 8 line 25.

<sup>2644</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 124 lines 19-24, p. 125 lines 3-7.

<sup>2645</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 126 lines 10-14.

<sup>2646</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 12 lines 8-10.

away to be killed.<sup>2647</sup> The Civil Party testified to feeling intimidated and frightened,<sup>2648</sup> to being monitored,<sup>2649</sup> and gave hearsay evidence on her sibling-in-law, who was forcibly married and murdered after she refused to consummate the marriage.<sup>2650</sup>

1155. Civil Party SAY Naroen had no prior knowledge of the wedding that had been arranged for her, which took place at Au Thma village<sup>2651</sup> in 1975,<sup>2652</sup> nor of her prospective husband, who was a soldier during the Khmer liberation day.<sup>2653</sup> She protested against the marriage but was warned that she would be at risk if she protested again.<sup>2654</sup> Civil Party SAY Naroen described feeling fearful and unsettled when she realised she was getting married,<sup>2655</sup> and she described the pain of not knowing her partner and of being paired like “cattle”<sup>2656</sup> in a mass ceremony for 60 couples.<sup>2657</sup> She testified to being instructed to work hard and to bear children for Angkar,<sup>2658</sup> to feeling afraid when she had to make a commitment,<sup>2659</sup> and to being monitored.<sup>2660</sup>

1156. After witnessing couples being taken away by militiamen, Civil Party SAY Naroen decided to consummate the marriage<sup>2661</sup> – out of fear of being taken away and killed herself.<sup>2662</sup> She described the pain of consummating the marriage with her

<sup>2647</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 125 lines 15-18, p. 125 line 21 – p. 126 line 2.

<sup>2648</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 125 lines 10-12.

<sup>2649</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 3 line 24 – p. 4 line 2.

<sup>2650</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 13 lines 2-10.

<sup>2651</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 35 line 24 – p. 36 line 3, p. 36 lines 7-9, 11-16.

<sup>2652</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 35 line 19 and line 22.

<sup>2653</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 47 lines 1-3.

<sup>2654</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 48 lines 15-17, p. 55 lines 10-18.

<sup>2655</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 37 lines 1-5.

<sup>2656</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 38 lines 7-12.

<sup>2657</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 38 lines 3-4.

<sup>2658</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 40 line 23 – p. 41 line 7, p. 48 lines 20-23.

<sup>2659</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 36 lines 23-25, p. 37 lines 6-7.

<sup>2660</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 39 lines 3-7, 9-15.

<sup>2661</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 39 line 16 – p. 40 line 3.

<sup>2662</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 49 lines 3-8.

husband whom she did not love at the time.<sup>2663</sup> She became pregnant,<sup>2664</sup> and testified to the difficulties of her pregnancy,<sup>2665</sup> to losing her child after contracting malaria, and to the suffering she endured as a result of the miscarriage.<sup>2666</sup> She had another child in 1977, who survived despite bad health.<sup>2667</sup> After the fall of the regime, the Civil Party and her husband decided to remain together for the sake of their child.<sup>2668</sup> The Civil Party also gave evidence on the marriage of her younger sister.<sup>2669</sup>

1157. Twelve civil parties provided evidence regarding their marriages during the regime during other segments of Case 002/02.

1158. Civil Party CHAO Lang provided evidence regarding her marriage during the 1<sup>st</sup> January Dam segment. Civil Party CHAO Lang was forced to get married in 1977 at Ta Prok Commune, Kampong Chhnang, whilst working at the 1<sup>st</sup> January Dam Worksite in the Central Zone.<sup>2670</sup> She was married to KHIM Khun in a wedding with 14 couples.<sup>2671</sup> On the wedding day, couples were required to make a commitment recognising one another as husband and wife and promise to follow the line of Angkar.<sup>2672</sup> Each couple was required to make a vow and were instructed to bear children for Angkar.<sup>2673</sup> She spent three nights with her husband and was then sent back to work.<sup>2674</sup> She explained that couples were separated and given different work assignments<sup>2675</sup> and testified to being warned against objecting to marriage,<sup>2676</sup> to the

<sup>2663</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 49 lines 7-12.

<sup>2664</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 42 lines 20-24.

<sup>2665</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 49 line 25 – p. 50 line 6.

<sup>2666</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 43 lines 4-18, p. 44 lines 18-20, p. 50 lines 11-14.

<sup>2667</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 44 line 23 – p. 45 line 6, p. 50 lines 14-16.

<sup>2668</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 51 line 23 – p. 52 line 5.

<sup>2669</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 50 line 23 – p. 51 line 1, p. 51 lines 7-12, 16-17.

<sup>2670</sup> Supplementary Information of Civil Party CHAO Lang, **E3/5965a**, 28 May 2009, ERN (EN) 01330456.

<sup>2671</sup> Supplementary Information of Civil Party CHAO Lang, **E3/5965a**, 28 May 2009, ERN (EN) 01330456.

<sup>2672</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 76 lines 6-12, lines 20-21.

<sup>2673</sup> Supplementary Information of Civil Party CHAO Lang, **E3/5965a**, 28 May 2009, ERN (EN) 01330456.

<sup>2674</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 70 line 23 – p. 71 line 7.

<sup>2675</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 71 lines 4-7.

<sup>2676</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 70 lines 4-14.

clothes that were given to her by Angkar for the marriage,<sup>2677</sup> and to being monitored.<sup>2678</sup> Civil Party CHAO Lang and her husband had three children after the regime,<sup>2679</sup> but later divorced.<sup>2680</sup>

1159. Civil Party MEAN Loeuy provided evidence regarding his marriage during the Trapeang Thma Dam Worksite trial segment. He got married to a woman named Chin in 1978<sup>2681</sup> at Cooperative 13, Thnal Dach village, whilst he was working at Trapeang Thma Dam worksite, in the Northwest Zone.<sup>2682</sup> The wedding, during which 63 couples were married,<sup>2683</sup> was held at night.<sup>2684</sup> He explained that both Base People and New People were present, but that Base People could not marry New People.<sup>2685</sup> He testified that couples were instructed to make a resolution<sup>2686</sup> and that some did not know one another and failed to recognise and find each other after the ceremony.<sup>2687</sup> The Civil Party testified to the working and living arrangements of couples following the wedding,<sup>2688</sup> to feeling afraid,<sup>2689</sup> to consummating the marriage,<sup>2690</sup> and to having to love his wife after the marriage because of the virtues and good deeds he had learned about.<sup>2691</sup> He explained that he did not know whether

<sup>2677</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 70 lines 10-13, 16-18.

<sup>2678</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 70 line 25 – p. 71 line 3.

<sup>2679</sup> One was born in 1980, the other in 1983, and the last one in 1985. Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 82 lines 14-15.

<sup>2680</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 82 lines 17, 18-25; p. 83 lines 6-8, 13-17; p. 83 line 24 – p. 84 line 12.

<sup>2681</sup> Victim Information Form of Civil Party MEAN Loeuy, **E3/4889**, 07 June 2009, ERN (EN) 01061251.

<sup>2682</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 67 line 23 – p. 68 line 4.

<sup>2683</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 2-3 and lines 12-14.

<sup>2684</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 11-12.

<sup>2685</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 3-5.

<sup>2686</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 14-18.

<sup>2687</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 20-21.

<sup>2688</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 line 25 – p. 69 line 19.

<sup>2689</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 6-7.

<sup>2690</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 70 lines 2-4.

<sup>2691</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 69 line 21 – p. 70 line 1.

his wife was pregnant when she was killed because he was only allowed to see her once a month.<sup>2692</sup>

1160. Civil Party CHUM Samoeurn provided evidence regarding her marriage during the Kampong Chhnang Airport segment. Civil Party CHUM Samoeurn was married in 1978, alongside five other couples,<sup>2693</sup> east of Pochentong Airport, Phnom Penh autonomous zone. Civil Party CHUM Samoeurn explained that she did not know her prospective husband.<sup>2694</sup> Her unit chief, Met, arranged the marriage,<sup>2695</sup> paired the couple,<sup>2696</sup> and attended the wedding.<sup>2697</sup> She testified to being threatened when she tried to refuse the marriage,<sup>2698</sup> to being required to make a resolution,<sup>2699</sup> to being afraid and scared after the wedding when couples were instructed to return to their sleeping quarters,<sup>2700</sup> to being monitored,<sup>2701</sup> to being separated three days after the wedding,<sup>2702</sup> and to keeping the fact that she had not consummated her marriage a secret<sup>2703</sup> because she did not know what would happen if they were to find out.<sup>2704</sup>

1161. Civil Party HIM Man provided evidence regarding his marriage during trial segment relating to the treatment of the Cham. The Civil Party, a Cham person, testified to his marriage<sup>2705</sup> to HIM Khateicheas, also a Cham person, in 1977.<sup>2706</sup> The

<sup>2692</sup> Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, E1/340.1 [Corrected 2], p. 76 lines 18-22.

<sup>2693</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 64 lines 10-11.

<sup>2694</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 64 line 11.

<sup>2695</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 67 line 18.

<sup>2696</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 67 line 21.

<sup>2697</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 67 line 25 – p. 68 line 1.

<sup>2698</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 64 lines 15-18.

<sup>2699</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 64 lines 10-15.

<sup>2700</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 64 lines 18-25.

<sup>2701</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 66 lines 10-15.

<sup>2702</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 65 lines 5-6, p. 80 lines 4-6.

<sup>2703</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 66 lines 19-22, p. 67 lines 1-5.

<sup>2704</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 67 lines 2-15.

<sup>2705</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, E1/350.1 [Corrected 1], p. 16 lines 13-15.

wedding took place within the compound of Au Trakuon pagoda,<sup>2707</sup> Kang Meas district,<sup>2708</sup> in the Central Zone. Around 50 couples were married that day,<sup>2709</sup> including Cham people.<sup>2710</sup> The Civil Party happened to be paired with his fiancée.<sup>2711</sup> He testified to feeling fearful at the time<sup>2712</sup> and to being forced to eat pork during the ceremony.<sup>2713</sup>

1162. Civil Party MEY Savoeun provided evidence regarding his wedding during the Internal Purges segment. His wedding, during which around 60 couples were married,<sup>2714</sup> took place in 1978<sup>2715</sup> in the cooperative's kitchen hall<sup>2716</sup> at Prey Chhor cooperative, near Wat Ksong Pagoda, Prey Veng province,<sup>2717</sup> in the East Zone. The Civil Party, who was about 25 years old at the time,<sup>2718</sup> testified that he did not know his wife's age,<sup>2719</sup> but that she, Kung Sophat,<sup>2720</sup> looked about five years younger.<sup>2721</sup>

1163. Civil Party MEY Savoeun testified to learning about the wedding the day before,<sup>2722</sup> to not knowing his prospective wife,<sup>2723</sup> for whom he had no feelings,<sup>2724</sup> and explained that couples were matched according to their biographies.<sup>2725</sup>

1164. Civil Party MEY Savoeun testified to the absence of family members at the wedding ceremony<sup>2726</sup> and recalled that individuals were stripped of their belongings

<sup>2706</sup> Victim Information Form of Civil Party HIM Man, **E3/4706**, 22 December 2009, ERN (EN) 00417863.

<sup>2707</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 18 lines 2-5.

<sup>2708</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 17 line 24 – p. 18 line 5.

<sup>2709</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 16 lines 16-22.

<sup>2710</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 17 lines 7-9.

<sup>2711</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 17 lines 20-23.

<sup>2712</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 18 lines 9-13.

<sup>2713</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 16 lines 21-22.

<sup>2714</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 25 line 25 – p. 26 line 3.

<sup>2715</sup> Supplementary Information of Civil Party MEY Savoeun, **E3/6859a**, 17 June 2010, ERN (EN) 01194874.

<sup>2716</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 67 lines 16-20.

<sup>2717</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 25 lines 24-25.

<sup>2718</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 82 lines 21-22.

<sup>2719</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 65 line 11.

<sup>2720</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 26 line 4.

<sup>2721</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 83 line 5, p. 65 lines 13-14.

<sup>2722</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 25 line 25 – p. 26 line 3, p. 61 lines 9-11.

<sup>2723</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 26 lines 4-8, p. 64 line 23 – p. 65 line 4.

<sup>2724</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 27 lines 1-7, p. 63 lines 3-6.

<sup>2725</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 62 lines 15-25.

and property after the marriage.<sup>2727</sup> He testified to being monitored, to discussing with his wife to follow Angkar's instructions so as to avoid being accused of being traitors or enemies,<sup>2728</sup> and explained that measures would be taken against newlywed couples who refused to consummate their marriage.<sup>2729</sup>

1165. Two civil parties recounted experiences of being asked to get married without the marriage taking place. They provided evidence regarding wedding proceedings during the regime.

1166. Civil Party SUN Vuth, who was a combatant during the regime,<sup>2730</sup> testified to protesting against the marriage that had been arranged for him.<sup>2731</sup> He gave evidence on a marriage ceremony he attended in Kaoh Nheak district,<sup>2732</sup> in the Mondulkiri Autonomous Region, and explained that the wedding ceremony he witnessed, during which seven couples were married, took place in 1976.<sup>2733</sup> He testified that couples did not know one another, did not love one another, were forced to get married,<sup>2734</sup> were required to make a commitment,<sup>2735</sup> to the age range of individuals deemed

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<sup>2726</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 90 lines 7-12.

<sup>2727</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 27 lines 14-19.

<sup>2728</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 66 lines 13-22.

<sup>2729</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 63 lines 10-15. The Civil Party testified that he later learned that couples who refused to consummate their marriage were accused of being traitors and of opposing the policy of Angkar. *See* Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 63 line 25 – p. 64 line 6.

<sup>2730</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 6 lines 6-11.

<sup>2731</sup> “Angkar or the commander instructed us to marry and I was amongst the men who were to marry.<> I actually protested that proposal and I was successful in my protest, <but the others could not protest against Angkar. At that time, it was called Angkar, and whatever Angkar appointed us to do, we must follow Angkar.> But I was successful in my protest so I was not forced to get married. Maybe, because at that time I was rather young.” “But I was rather young at the time so I protested against Angkar, <I thought to myself that if they wanted to kill me, then so be it. And I said> that I was so young and I didn't want to have a wife yet. I was <successful in my protest so I was not forced to get married>.” *See* Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 79 lines 4-11, 17-23. “I made my protest through the upper levels since I was rather young,” Civil Party SUN Vuth explained, “<I did not want to get married yet> and I was successful with my protest. <I got married later.>” *See* Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 3 lines 11-13. The Civil Party clarified further stating that “the marriage was arranged for me and that in fact I was supposed to marry the female comrade Neav, but as I said I made my protest heard to Angkar and then I didn't actually get married.” *See* Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 4 lines 3-6.

<sup>2732</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 80 line 12.

<sup>2733</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 6 lines 13-14.

<sup>2734</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 80 lines 2-7.

<sup>2735</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 4 lines 14-21.

eligible for marriage,<sup>2736</sup> and to the initial co-habitation of couples during which they were subjected to monitoring.<sup>2737</sup> He learned about the monitoring activities from those who monitored the married couples,<sup>2738</sup> and explained that if a couple did not consummate the marriage, a report would be made to the upper level that they disobeyed Angkar's instructions,<sup>2739</sup> and that those who refused to consummate the marriage would be sent for re-education.<sup>2740</sup>

1167. Civil Party KHUOY Muoy lived and worked in a mobile unit in Prey Nob until the Vietnamese arrived.<sup>2741</sup> In 1975, she was asked to marry but refused, stating that she was not mature enough,<sup>2742</sup> following which she was sent to Ta Ney.<sup>2743</sup> She described feeling fearful and terrified, particularly after hearing about couples who had refused to consummate the marriage who were taken away and killed.<sup>2744</sup>

### *Indirect victims*

1168. Five civil parties provided evidence during other segments of Case 002/02 with regards to wedding proceedings and on the harms suffered due to the marriages of their relatives. Civil Party SEANG Sovida provided evidence regarding her sister's marriage during the 1<sup>st</sup> January Dam segment, Civil Party LACH Kry provided testimony on his brother's wedding during the Treatment of the Vietnamese segment, Civil Party SIENG Chanthy testified about her sister's marriage during the Treatment of the Vietnamese segment, Civil Party UCH Sunlay provided evidence regarding his

<sup>2736</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 79 lines 12 -16; Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 6 line 21 – p. 7 line 1.

<sup>2737</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 4 lines 22-24, p. 10 lines 4-8.

<sup>2738</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 5 lines 3-6.

<sup>2739</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 5 lines 11-19.

<sup>2740</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 5 line 24 – p. 6 line 2.

<sup>2741</sup> Written Record of Interview of Civil Party KHUOY Muoy, **E3/5544**, 14 August 2006, ERN (EN) 00377836.

<sup>2742</sup> Civil Party KHUOY Muoy protested against getting married, following which she was sent to Ta Ney: "It was my unit chief who asked me to get married and at the time I said I was not mature yet, so I did not want to get married." See Oral Testimony of Civil Party KHUOY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 84 lines 9-11. "After that - or, because of my refusal," the Civil Party testified, "my unit chief asked me to go to <Ta Ney> with a few others, four or five of them. <They> had us <made earth-carrying> baskets <and collected thatch there>. I was so terrified at the time." See Oral Testimony of Civil Party KHUOY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 84 lines 21-25.

<sup>2743</sup> Oral Testimony of Civil Party KHUOY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 76 lines 7-9 and lines 18-21.

<sup>2744</sup> Oral Testimony of Civil Party KHUOY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 56 lines 17-25.

father-in-law's marriage during the Treatment of the Vietnamese segment, and Civil Party PRAK Doeun testified about the organisation of marriages in Kampong Chhnang Province during the Treatment of the Vietnamese segment. One civil party, PHUONG Yat, provided evidence as to the escape of her sister who had been arranged to get married. Information relating to these indirect victims is contained in Annex G.<sup>2745</sup>

## B. Consolidated Data on Civil Party Evidence

### (1) Year of wedding

1169. Three civil parties, CHEA Dieb,<sup>2746</sup> MOM Vun<sup>2747</sup> and SAY Naroen,<sup>2748</sup> were married in 1975. Civil Party SA Lai Heang was married in 1976.<sup>2749</sup> One civil party, SUN Vuth,<sup>2750</sup> testified to witnessing a wedding ceremony in 1976. Six civil parties, SOU Sotheavy,<sup>2751</sup> KUL Nem,<sup>2752</sup> SENG Soeun,<sup>2753</sup> PREAP Sokhoeun,<sup>2754</sup> CHAO Lang<sup>2755</sup> and HIM Man,<sup>2756</sup> explained that their weddings took place in 1977. Civil Party SEANG Sovida<sup>2757</sup> recalled her sister's wedding also taking place in 1977. Eight civil parties, OM Yoern,<sup>2758</sup> YOS Phal,<sup>2759</sup> NGET Chat,<sup>2760</sup> CHUM

<sup>2745</sup> See, Annex G: Schedule of Civil Party Evidence Presented at Trial of Indirect Victims of Regulation of Marriage.

<sup>2746</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, E1/467.1, p. 43 lines 9-11.

<sup>2747</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 53 line 25.

<sup>2748</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, E1/489.1, p. 35 line 19 and line 22.

<sup>2749</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, E1/476.1, p. 11 line 17.

<sup>2750</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 6 lines 13-14.

<sup>2751</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 74 lines 8-9.

<sup>2752</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, E1/488.1, p. 99 lines 1-2.

<sup>2753</sup> DC-Cam Interview with Civil Party SENG Soeun, E3/5643, 11 February 2006, ERN (EN) 00753880.

<sup>2754</sup> Written Record of Interview of Civil Party PREAP Sokhoeun, E3/9820, 7 September 2009, ERN (EN) 01050562.

<sup>2755</sup> Supplementary Information of Civil Party CHAO Lang, E3/5965a, 28 May 2009, ERN (EN) 01330456.

<sup>2756</sup> Victim Information Form of Civil Party HIM Man, E3/4706, 22 December 2009, ERN (EN) 00417863.

<sup>2757</sup> Civil Party SEANG Sovida testified that her sister's wedding took place in late 1976 or early 1977, see Supplementary Information of Civil Party SEANG Sovida, E3/6518a, 22 April 2014, ERN (EN) 01063819. The Civil Party confirmed that the wedding took place in early 1977: see Victim Information Form of Civil Party SEANG Sovida, E3/6518, 22 April 2014, ERN (EN) 01063843.

<sup>2758</sup> Oral Testimony of Civil Party OM Yoern, T., 23 August 2016, E1/462.1, p. 30 lines 12-14, p. 35 line 24 – p. 36 line 1.

<sup>2759</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 12 line 8.

<sup>2760</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, E1/489.1, p. 5 line 24 – p. 6 line 3.

Samoeurn,<sup>2761</sup> UCH Sunlay,<sup>2762</sup> MEY Savoeun,<sup>2763</sup> MEAN Loeuy<sup>2764</sup> and PEN Sochan,<sup>2765</sup> were married in 1978. Civil Party PRAK Doeun testified to attending wedding ceremonies which took place in 1977 and 1978.<sup>2766</sup> Two other civil parties testified that their siblings' forced marriage took place in 1978, including LACH Ny,<sup>2767</sup> Civil Party LACH Kry's brother, and Civil Party SIENG Chanthy's sister.<sup>2768</sup>

## (2) Location of wedding ceremony

1170. Four civil parties, OM Yoeurn,<sup>2769</sup> PREAP Sokhoeurn,<sup>2770</sup> HIM Man,<sup>2771</sup> and CHAO Lang,<sup>2772</sup> were married in the Central Zone. The wedding of Civil Party MEY Savoeun<sup>2773</sup> and the wedding Civil Party LACH Kry's brother<sup>2774</sup> took place in the East Zone. Civil Party PRAK Doeun<sup>2775</sup> witnessed a wedding in the East Zone. Civil Party KUL Nem<sup>2776</sup> was married in the Northeast Zone and another Civil Party, MOM Vun,<sup>2777</sup> recalled that her wedding took place in the North Zone. Three civil

<sup>2761</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 64 lines 10-11.

<sup>2762</sup> Supplementary Information Form of Civil Party UCH Sunlay, **E3/4845**, 3 September 2010, ERN (EN) 01057866.

<sup>2763</sup> Supplementary Information of Civil Party MEY Savoeun, **E3/6859a**, 17 June 2010, ERN (EN) 01194874.

<sup>2764</sup> Victim Information Form of Civil Party MEAN Loeuy, **E3/4889**, 07 June 2009, ERN (EN) 01061251.

<sup>2765</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 63 lines 10-14.

<sup>2766</sup> Victim Information Form of Civil Party PRAK Doeun, **E3/4989**, ERN (EN) 00891033 and 00891034.

<sup>2767</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 71 line 23 – p. 72 line 14.

<sup>2768</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 22 lines 23-25.

<sup>2769</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 94 line 25, p. 95 line 25 – p. 96 line 3, p. 96 lines 8-10. Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 36 lines 15-17, Civil Party OM Yoeurn clarified that she got married in late 1978 and that she made a mistake in her previous statement in document E3/6011A. ERN in Khmer is at 01003356; and English, 01137890; and French, 01030293. *See also* Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 41 line 25 – p. 42 line 2.

<sup>2770</sup> Written Record of Interview of Civil Party PREAP Sokhoeurn, **E3/9820**, 7 September 2009, ERN (EN) 01050561.

<sup>2771</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 18 lines 2-5.

<sup>2772</sup> Supplementary Information of Civil Party CHAO Lang, **E3/5965a**, 28 May 2009, ERN (EN) 01330456.

<sup>2773</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 25 lines 24-25, p. 67 lines 16-20.

<sup>2774</sup> Annex G: Schedule of Civil Party Evidence Presented at Trial of Indirect Victims of Regulation of Marriage.

<sup>2775</sup> Supplementary Statement of Civil Party PRAK Doeun, **E3/5632**, 22 November 2010, ERN (EN) 00678295.

<sup>2776</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 95 lines 13, 17-18, 21-25.

<sup>2777</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 54 lines 3-4

parties, PEN Sochan,<sup>2778</sup> NGET Chat<sup>2779</sup> and MEAN Loeuy,<sup>2780</sup> were married in the Northwest Zone. Three civil parties, SOU Sotheavy,<sup>2781</sup> YOS Phal,<sup>2782</sup> and SENG Soeun,<sup>2783</sup> testified to getting married in the Southwest Zone.

1171. Two civil parties, CHEA Dieb<sup>2784</sup> and CHUM Samoeurn<sup>2785</sup> were married in the Autonomous Region of Phnom Penh. Civil Party UCH Sunlay<sup>2786</sup> and Civil Party SEANG Sovida<sup>2787</sup> testified to the wedding of his father-in-law and her sister respectively, which took place in Sector 505, which formed part of the Kratie Autonomous Region. Civil Party SA Lai Heang<sup>2788</sup> testified that her wedding took place in Sector 505 in the Northeast Zone, which formed an autonomous sector at the time. Lastly, Civil Party SUN Vuth<sup>2789</sup> witnessed a wedding ceremony that took place in the Mondulkiri Autonomous Region.

1172. Civil parties refer to marriages taking place in diverse locations, including, *inter alia*, unions,<sup>2790</sup> district offices,<sup>2791</sup> kitchen halls,<sup>2792</sup> markets,<sup>2793</sup> worksites,<sup>2794</sup> cotton farm units,<sup>2795</sup> and pagodas.<sup>2796</sup>

<sup>2778</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 68 line 16.

<sup>2779</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 10 line 24.

<sup>2780</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 67 lines 23-24.

<sup>2781</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p.73 lines 21-24, p. 77 line 25 – p. 78 line 5

<sup>2782</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 11 lines 13-14 and lines 19-21, p. 21 line 20 – p. 22 line 2.

<sup>2783</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 26 lines 4-6 and p. 40 lines 5-8.

<sup>2784</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 68 line 24.

<sup>2785</sup> Supplementary Information Form of Civil Party CHUM Samoeurn, **E3/4807**, 29 June 2010, ERN (EN) 00846968.

<sup>2786</sup> Supplementary Information Form of Civil Party UCH Sunlay, **E3/4845**, 3 September 2010, ERN (EN) 01057866.

<sup>2787</sup> Victim Information Form of Civil Party SEANG Sovida, **E3/6518**, 22 April 2014, ERN (EN) 01063843.

<sup>2788</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 line 6, p. 64 lines 11-12.

<sup>2789</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 6 lines 6-11.

<sup>2790</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 94 line 25.

<sup>2791</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 40 lines 5-8.

<sup>2792</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 67 lines 16-20.

<sup>2793</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 68 line 24.

<sup>2794</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 54 lines 3-4, Supplementary Information of Civil Party CHAO Lang, **E3/5965a**, 28 May 2009, ERN (EN) 01330456, Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 67 line 23 – p. 68 line 2.

**(3) Number of couples married**

1173. Three civil parties, MOM Vun,<sup>2797</sup> MEY Savoeun,<sup>2798</sup> and SAY Naroeun,<sup>2799</sup> testified that 60 couples were married on the day of their wedding. Similarly, Civil Party MEAN Louey stated that 63 couples were married during his wedding ceremony.<sup>2800</sup> Civil Party HIM Man recalled that there were 50 couples,<sup>2801</sup> while Civil Party KUL Nem recalled there being 30 couples altogether.<sup>2802</sup>
1174. One civil party, SOU Sotheavy, noted that she was married in a ceremony with over a hundred other couples. She testified that there were 117 couples<sup>2803</sup> in total according to the announcement that was made during the wedding ceremony.<sup>2804</sup>
1175. Civil Party CHUM Samoeurn was married in a five-couple wedding ceremony,<sup>2805</sup> Civil Party NGET Chat got married in a wedding for 10 couples,<sup>2806</sup> and Civil Party PREAP Sokhoeurn was one of 15 couples<sup>2807</sup> to get married during her wedding ceremony.

<sup>2795</sup> Written Record of Interview of Civil Party PREAP Sokhoeurn, **E3/9820**, 7 September 2009, ERN (EN) 01050561.

<sup>2796</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 18 lines 2-5.

<sup>2797</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 54 lines 8-10, lines 16-18.

<sup>2798</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 25 line 25 – p. 26 line 3.

<sup>2799</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, **E1/489.1**, p. 38 lines 3-4.

<sup>2800</sup> Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 2-3. The Civil Party testified that “[d]uring that ceremony, they announced that today it is the marriage for the 63 couples, so all of you have to respect the line of Angkar.” See Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 12-14.

<sup>2801</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 16 lines 19-21.

<sup>2802</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 102 lines 4-7. The Civil Party in document E3/6570A stated that there were 20 couples, but later confirmed that he had previously made a mistake and that there were indeed 30 couples. See Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 108 lines 19-21 and p. 109 lines 2-5.

<sup>2803</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 43 lines 11-14.

<sup>2804</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 43 lines 17-21.

<sup>2805</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 64 lines 10-11.

<sup>2806</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 123 lines 11-12. Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 12 lines 16-18

<sup>2807</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 109 line 24 – p. 110 line 3.

1176. Civil Party SENG Soeun was one of three couples,<sup>2808</sup> and three civil parties, OM Yoeurn,<sup>2809</sup> CHEA Dieb,<sup>2810</sup> and PEN Sochan,<sup>2811</sup> were married in a group wedding for 12 couples.<sup>2812</sup>
1177. Civil Party SA Lai Heang testified that she was the only couple married on her wedding day.<sup>2813</sup> The Civil Party held a position as the local committee of the commune.<sup>2814</sup>
1178. Six civil parties provided evidence on the number of couples married during wedding ceremonies where they were not themselves married.
1179. Civil Party PREAP Sokhoeurn testified to three ceremonies that took place before the fourth ceremony during which she was forcibly married. She testified that 50 couples were married at a previous wedding ceremony,<sup>2815</sup> which was followed by a ceremony during which 30 or 40 couples were arranged to get married,<sup>2816</sup> followed by another wedding for 12 couples, all of whom were widowed.<sup>2817</sup>
1180. Civil Party SUN Vuth testified to witnessing a wedding ceremony that took place in the Mondulkiri Autonomous Region during which seven couples were married,<sup>2818</sup> Civil Party LACH Kry testified to the wedding of his brother during which 20 couples were married,<sup>2819</sup> Civil Party SEANG Sovida gave hearsay evidence on the wedding of her sister during which 21 couples were married,<sup>2820</sup> Civil

<sup>2808</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 27 lines 10-12.

<sup>2809</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 97 line 24.

<sup>2810</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 70 lines 1-3.

<sup>2811</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 68 lines 7-8.

<sup>2812</sup> Civil Party CHEA Dieb knew only six people because the other females came from different units. *See* Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 70 lines 10-12 and 17-19. Civil Party PEN Sochan testified that “[a]t that time, I was very young and I was also scared. I cannot recall the names of them all, but what I remember was that there were 12 couples altogether.” *See* Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 68 lines 12-14.

<sup>2813</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 54 line 25 – p. 55 line 5.

<sup>2814</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 50 lines 17-20.

<sup>2815</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 109 lines 2-6.

<sup>2816</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 109 lines 7-12.

<sup>2817</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 109 lines 13-17.

<sup>2818</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 6 lines 13-14, lines 17-18.

<sup>2819</sup> Oral Testimony of Civil Party LACH Kry, T., 20 January 2016, **E1/379.1** [Corrected 2], p. 72 lines 11-14.

<sup>2820</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 47 line 11 – p. 48 line 1.

Party PRAK Doeun testified to attending a wedding ceremony for 25 couples,<sup>2821</sup> and besides her own forced marriage, Civil Party SAY Naroen testified to the wedding of her younger sister during which 60 couples were married.<sup>2822</sup>

#### **(4) Age of couples married**

##### **a.) Women age 20 and above, men age 25 and above**

1181. Civil Party evidence shows that while women were married in their early to mid-twenties, men were at least 25 years old. Civil Party SOU Sotheavy, a transgender woman, recalled being “30 something,” while her wife was “around 20 something” at the time of their wedding.<sup>2823</sup> Other couples, she testified, were in the same age range.<sup>2824</sup> This was corroborated by Civil Party SENG Soeun, who stated that the “age ranges were between 25 to more than 30 years old.”<sup>2825</sup> Males had to be at least 25 years old and their wives two to three years younger.<sup>2826</sup> Civil Party YOS Phal confirmed that the age range of those getting married was between 23 and 25 years<sup>2827</sup> and Civil Party MOM Vun likewise stated that couples were around 20 to 27 years old.<sup>2828</sup>

1182. At the time of her forced marriage, Civil Party SA Lai Heang testified that she “was 25 years old.”<sup>2829</sup> Five other civil parties, CHEA Dieb, KUL Nem, NGET Chat, SIENG Chanthy and MEY Savoerun, however, expressly noted that wives were generally in their early 20s at the time of their marriage. Civil Party CHEA Dieb explained that she was around “19 or 20 years”<sup>2830</sup> old, while her husband was 26.<sup>2831</sup> Civil Party KUL Nem estimates his wife to have been “around 20 or a little bit over 20 years old.”<sup>2832</sup> Civil Party NGET Chat was 20 years old at the time of her

<sup>2821</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2], p. 98 line 14.

<sup>2822</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, E1/489.1, p. 50 line 23 – p. 51 line 1.

<sup>2823</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 85 lines 8-11.

<sup>2824</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 92 lines 2-5.

<sup>2825</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 18 lines 13-15.

<sup>2826</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 21 lines 7-9.

<sup>2827</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 27 lines 19-22.

<sup>2828</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 57 lines 10-11.

<sup>2829</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, E1/476.1, p. 54 line 13, 21.

<sup>2830</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, E1/467.1, p. 26 lines 5-9.

<sup>2831</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, E1/466.1, p. 72 lines 15-16.

<sup>2832</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, E1/488.1, p. 101 lines 9-10.

marriage, while her husband was almost twice her age.<sup>2833</sup> Civil Party SIENG Chanthy testified that her older sister was in her early 20s at the time of her forced marriage.<sup>2834</sup> Similarly, Civil Party MEY Savoeun recalled being around 25 years old,<sup>2835</sup> while her wife was around five years younger.<sup>2836</sup>

#### **b.) Women married at the age of 16 or under**

1183. Civil Party PEN Sochan explained, “I was still young. I was required to get married <during the Khmer Rouge regime>. <At the time,> I was <still underage>.”<sup>2837</sup> “I was roughly 15 or 16 years old at that time.”<sup>2838</sup> “I know that he was 25 years-old and I was, myself, around 15 or 16 years-old,”<sup>2839</sup> she later reiterated. The authorities at the time of the wedding, the Civil Party testified, “did not ask me about my age.”<sup>2840</sup> Civil Party SEANG Sovida’s sister was forcibly married when she was around 15 or 16 years old: “[M]y elder sister later on was forced to marry. At the time, she was around 15 to 16 years old...”<sup>2841</sup>

#### **C. Crime-base Evidence Provided by Civil Parties at Trial Relating to Other Inhumane Acts**

1184. Civil Party evidence adduced at trial shows that Angkar’s conduct to regulate marriages encompassed violations of people’s right to enter into marriage with their free and full consent, their right not to be subject to cruel, inhumane, or degrading treatment, and their right not to be subjected to arbitrary interference with their privacy and family.<sup>2842</sup> That conduct amounted to an act of similar nature and gravity as other crimes against humanity that caused serious harm and constituted an attack on human dignity.

<sup>2833</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 124 lines 19-21.

<sup>2834</sup> Oral Testimony of Civil Party SIENG Chanthy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 22 lines 19-25.

<sup>2835</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 82 lines 21-22.

<sup>2836</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 83 line 5.

<sup>2837</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 67 lines 20-22.

<sup>2838</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 68 lines 3-4.

<sup>2839</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 98 lines 10-11.

<sup>2840</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 5 lines 22-23.

<sup>2841</sup> Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 8 lines 8-9.

<sup>2842</sup> Universal Declaration of Human Rights, 1948, Articles 3, 5, 12, 16.

**(1) Entering into marriage****a.) General climate of fear**

1185. Civil Party PREAP Sokhoeurn explained that “[u]nder the regime, nobody dared to oppose the Angkar or the Party whether we could or could not go along with one another, we could not show it in public. We had to keep it to ourself. <If we expressed ourselves, we would end up dead.> It was not like <when our parents arranged marriage for us and> when we disliked one another, we could divorce <>, no, <> that was not possible and if we did not obey the disciplines or orders, then we would be killed like animals.”<sup>2843</sup>

1186. Civil Party MOM Vun explained that no one dared to refuse to get married: “There were other couples who refused to get married, but they had no choice, so they had to marry like in my case. If a woman refused, then that woman would die or if a man refused, that man would die, as well, so it applied to both sides. And because we were afraid to be killed, that's why we accepted to get married.”<sup>2844</sup>

1187. Civil Party SA Lai Heang testified, “I was forced to marry the man that was not my choice and we had to agree with the assignment by Angkar for our own safety and for our own life, and that we had to adopt ourselves to whatever assignment was given to us by Angkar otherwise we risked having problems with our safety.”<sup>2845</sup>

1188. Civil Party SOU Sotheavy described, “[m]y in-law told me that I had to agree because if I continued to refuse I also would be taken away to be killed. I kept on refusing to get married because I never loved women. I love only men. That is my nature since I was born.”<sup>2846</sup>

1189. “Frankly speaking,” Civil Party YOS Phal testified, “at that time during DK regime we were still terrified. Because we were afraid we had to say that we loved each other. If we said that we wanted to get separated both of us would be killed. So

<sup>2843</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 92 line 22 – p. 93 line 4.

<sup>2844</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 52 lines 11-15.

<sup>2845</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, E1/476.1, p. 101 lines 3-9.

<sup>2846</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 75 lines 10-13.

we did not dare to say that we would get divorced. We had to say that we loved each other. We would live with each other forever.”<sup>2847</sup>

1190. Civil Party CHEA Dieb explained why she stopped objecting to the marriage: “Yes, I was afraid. I was afraid of such accusation. I was afraid that I might be accused of committing a moral misconduct or of any treacherous activity. And for that reason, I did not dare to make any further refusal.”<sup>2848</sup>

1191. Civil Party SENG Soeun testified, “[i]t is difficult to describe about the situation of fear during the regime. Everyone was under their leadership, and it is a very difficult situation during the regime. Sometimes, people died or disappeared without reasons, and that's what made us think that if we were forced or instructed to marry, then we just simply did.”<sup>2849</sup>

1192. Civil Party KUL Nem testified that, “[d]uring the regime, everybody was afraid. And also because I was re-assigned out of the division and <my commander,> Chhin Say, had been arrested by that time, and when I was at that new location, I was put under pressure as well. So everybody was afraid and not only me was afraid, we all had to obey the instructions. And if I was not afraid, then I would not get married. <So I had to agree with them.>”<sup>2850</sup> “Of course, the fear came from inside me because that's what I observed. People made mistakes and they were arrested and taken away.”<sup>2851</sup>

1193. On the day of his wedding, when he was called to attend the wedding ceremony at Au Trakuon pagoda, Civil Party HIM Man “went directly to the table which <was> laid at that place. I did not go or wander around [the pagoda] because I was afraid of the time --because I was afraid at that time. If I happened to wander around, they would accuse me this or that. So I went directly to the table already laid for everyone.”<sup>2852</sup>

<sup>2847</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 31 line 25 – p. 32 line 5.

<sup>2848</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 38 lines 20-23.

<sup>2849</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 28 lines 16-21.

<sup>2850</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 107 line 24 – p. 108 line 5.

<sup>2851</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 108 lines 8-10.

<sup>2852</sup> Oral Testimony of Civil Party HIM Man, T., 28 September 2015, **E1/350.1** [Corrected 1], p. 18 lines 9-13.

**b.) Inability to object to marriage**

1194. Civil Party OM Yoeurn explained that “[w]hen they wanted to force us to marry, they <just> forced us <to do so>. Initially, it was like that policy, that both <sides> had to agree first, but at the time of my marriage, it was an absolutist practice. They forced us to marry.”<sup>2853</sup> “Yes, I protested,” the Civil Party affirmed, “but he said that I must go because it was the order from Angkar.”<sup>2854</sup>
1195. “No, I could not refuse,” Civil Party SOU Sotheavy explained, “[t]hat was the time that we had to follow them. Previously, I heard about the arrange marriage in late '76 or early '77, and several of those couples were taken away and killed under the pretext of sending them for study sessions.”<sup>2855</sup> She explained that “[i]t was the unit chief who forced me, threatened me to marry. If I did not agree, I would be taken to study. I would be taken to be killed.”<sup>2856</sup>
1196. Civil Party SENG Soeun was forced to marry the cousin of Sao Phon, the district committee chief: “Sao Phon told me that I should have a wife. I refused but he assigned a woman who was deputy chief of the district hospital to be my wife [...] He spoke to me once, and I refused. However, after the third time, I agreed to his proposal. So, Phon (phonetic) arranged my marriage. And the wife was the cousin of Sao Phon, the district committee. Since I was afraid of him for one thing, and I also did not want to get married, but he insisted and I agreed.”<sup>2857</sup>
1197. “The person who arranged <> my marriage,” Civil Party CHEA Dieb testified, “was Phan (phonetic), my immediate supervisor.”<sup>2858</sup> After her second objection, the Civil Party was instructed to go to Office K6 in Ou Ruessei market.<sup>2859</sup>

<sup>2853</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 34 line 25 – p. 35 line 3.

<sup>2854</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 35 lines 7-8. “I did not protest many times, the Civil Party testified, “I protested only one time, but he said that I must go, so I went there by following his order. I went out on the exact day that he required me to go. That was the practice during DK regime.” See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 35 lines 13-16.

<sup>2855</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 81 lines 21-25.

<sup>2856</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 74 lines 13-15.

<sup>2857</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 26 lines 6-14

<sup>2858</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, E1/466.1, p. 68 lines 2-3.

<sup>2859</sup> “When he <> told me <about marriage for the first time, I told my supervisor that I did not want to get married and that he should arrange marriage for the old couples first because> I was still young and I wanted to serve <Angkar.> I could refuse for the first time and the second time I kept on refusing <by giving my

At the market, Civil Party CHEA Dieb “was told that because I was the children of Angkar. <If you were with your parents, you had to respect them. If you were the children of Angkar, you had to respect Angkar. Therefore, you> had to follow the advice of Angkar. My refusal for the first time and second time were successful, but for the third time I could not refuse <anymore> so I simply followed the orders from Angkar. <That's all I can tell.>”<sup>2860</sup>

1198. Civil Party MOM Vun described how her refusal to marry a second time was turned down: “After my husband was called for re-education, that is, two or three months after that, I was forced to remarry. I refused because I was afraid that my husband would return, but they said that I had to remarry someone else.”<sup>2861</sup> Despite her refusal, she was told she had no choice.<sup>2862</sup> “I was told by Sea [the unit chief] to remarry. I was called and I was told that I had to remarry and after that, Sea left. Upon hearing that, I was afraid; I was worried because my husband had just left and if he were to return, then there would be big trouble.”<sup>2863</sup>

1199. As for her refusal to the proposed marriage, Civil Party SA Lai Heang stated: “I refused three times and during my third refusal, they conveyed words to me that I was a stubborn person, that I did not follow the order and when I heard such words, I agreed to accept the marriage because I felt afraid I would be in trouble.”<sup>2864</sup>

1200. Civil Party SA Lai Heang agreed to the arrangement as soon as she was accused of being a stubborn person: “They kept on -- they kept on asking me and they said that I was a stubborn person. And after I heard that word, I felt frightened. I felt

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supervisor the same answer.> And on the third occasion he instructed me to go to <the Office K6 at> Ou Ruessei market and I went there <>.” See Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 68 lines 6-13.

<sup>2860</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 68 lines 14-20.

<sup>2861</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 47 lines 3-6.

<sup>2862</sup> “I refused to marry another man because I was afraid that my husband would return. How could I do that because my husband had just left, so I refused to marry again? Then they said that I had no choice, I had to remarry.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 47 line 23 – p. 48 line 1.

<sup>2863</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 48 lines 5-9.

<sup>2864</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 53 lines 16-19. “It was about five or six months in between [each refusal], so after I refused again and again and then they used such words to me,” the Civil Party clarified. See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 53 lines 21-22.

concerned about my own safety, and that's why I agreed to accept whatever they arranged.”<sup>2865</sup> “I had no rights to refuse,” Civil Party SA Lai Heang explained, “I had to follow the order or the arrangement by them. Even though my supposed spouse was a blind person or handicapped person, I had to follow.”<sup>2866</sup>

1201. Civil Party PEN Sochan explained how she was informed that she had no choice but to marry: “She said that ‘<Whether> you want <to get married> or not, you have to because Comrade Oeun obliged <you> to do so.’ The wheel of history had to move forward <not backward>. If you objected, you would be refashioned. So when I heard the word ‘refashioned,’ I <> walked to <them and let them put on the skirt for me, they used banana vine to tie it, and then I went to> sit down <in a row>.”<sup>2867</sup> “I tried to run away, I tried to beg <the unit chief and Bong Om> for mercy, but <they> said to me that I could not object because the wheel of history had to move forward. <They said that again and again.>”<sup>2868</sup>

1202. Civil Party KUL Nem testified, “[i]f we dared to oppose the marriage we would be punished. We had to agree in order to survive. We all knew about this and because we agreed, we survived.”<sup>2869</sup> “It's not my opinion,” Civil Party KUL Nem stated, “[o]ther people, <both men and women,> whispered to me, they did not dare to talk about it openly. They said that we had to agree in order to survive. If we opposed, we would be in trouble.”<sup>2870</sup>

1203. Civil Party NGET Chat testified that her spouse was almost twice her age,<sup>2871</sup> but that she “did not dare to oppose because I was told that if I opposed I would be sent to the upper level. <My husband was just taken away to be smashed. I was still

<sup>2865</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 lines 21-25.

<sup>2866</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 lines 15-17.

<sup>2867</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 71 line 23 – p. 72 line 4.

<sup>2868</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 72 lines 7-10.

<sup>2869</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 112 lines 7-11. The Civil Party went on to clarify: “I concluded that they were forced to get married because they were also fearful just like me. <Otherwise, why would they get married? Because they were all forced to do that.>” See Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 112 lines 17-20.

<sup>2870</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 112 line 25 – p. 113 line 3.

<sup>2871</sup> “They told us to <select a partner>. I looked at the face of my spouse and he's very old. I was only 20 years-old and he was <over 40, about 18 years> older than me, but I did not dare to protest <or say anything> because they said that if I opposed I would be sent to the upper level. I had no idea which upper level was it.” See Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 124 lines 19-24.

weeping.> I felt afraid that I would die and leaving my children behind, so I did not dare to oppose.”<sup>2872</sup> “So that's why I was afraid. Because when they said we would be taken to the upper level, they meant we would be taken to our death.>”<sup>2873</sup>

1204. Civil Party SAY Naroeun explained that the second time she objected to marriage, “I protested it by the upper echelon <said> the historical wheel was moving forward and if somebody interferes with his arm or legs, then the arm or leg will be broken. <Angkar had the pineapple eyes; you could not hide anything from the Angkar. >”<sup>2874</sup>

1205. Civil Party CHAO Lang testified to being warned against objecting to marriage by her unit chief and group chief:<sup>2875</sup> “After I had good performance in my work, I was forced to marry my husband, who I did not love <or contact> at that time. I was told that ‘Comrade, please <prepare yourself and> go to your place <for a few minutes>.’ And I asked that person why I needed to go to my place. In reply, that person said the marriage was arranged for me. At the time, I told the person how could I go and get married, because I had no clothes, no new clothes. That person told me that a new set of clothes would be given to me <by Angkar>. And that person warned me not to refuse the marriage; otherwise, it would be trouble for me.”<sup>2876</sup>

1206. Civil Party CHUM Samoeun testified to being threatened when she tried to refuse the marriage: “When I was forced to get married, I refused and I was threatened that if I <had> not <done> so, I would <have> never <dated> a man

<sup>2872</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 125 lines 3-7.

<sup>2873</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 126 lines 10-14.

<sup>2874</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, **E1/489.1**, p. 48 lines 7 – 11. “I did make my protest [a second time],” Civil Party SAY Naroeun explained, “but the unit chief told me not to say anything and to shut my mouth. I said that I did not want to get married because I did not know the man, but the unit chief who used to control my work in all worksites instructed me to follow Angkar's instructions and not to make any protest. So as I said, my first protest was spontaneous. And for the second time, I made my protest again but I was warned that if I made a spontaneous protest or shouted again, then I would risk myself.” See Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, **E1/489.1**, p. 55 lines 10-18.

<sup>2875</sup> As for the person who warned her that she must not refuse to get married, Civil Party CHAO Lang clarified that “[i]t was the unit chief and group chief.” See Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 75 line 11.

<sup>2876</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 70 lines 4-14.

throughout my life, if I <had been> caught smiling at a man, I would <have risked> being killed.”<sup>2877</sup>

***Suicides committed to escape marriage***

1207. Civil Party SA Lai Heang provided hearsay evidence<sup>2878</sup> on the suicide of individuals faced with marriage: “For those who refused or did not follow the order, they would be called to be reprimanded [and] after they had been reprimanded, there were some cases of people who committed suicide by taking poisonous medicines or they drown themselves in water.”<sup>2879</sup> As for those people who committed suicide, “[t]he reasons that they committed suicide <were> because they were forced to get married. The marriage did not follow their own voluntary decision, and worse -- worse still, they were threatened so, together, it forced them to commit suicide.”<sup>2880</sup>

1208. Civil Party SA Lai Heang also testified to individuals committing suicide after having been married: “Some, even after they got married, they could not go along well together and sometimes, they committed suicide in order to end the matter.”<sup>2881</sup>

1209. Civil Party SOU Sotheavy gave hearsay evidence on the suicide of other transgender people who took their own lives after being ordered to marry: “I can’t recall their names because they were in a different mobile unit and commune. I only knew that they were transgenders like myself.”<sup>2882</sup> Explaining how she learned about their suicides, Civil Party SOU Sotheavy testified that “we were working nearby and it is unavoidable that we would learn something from another group that was working nearby.”<sup>2883</sup> “People spread the news around. People spoke about it. I learned through those people.”<sup>2884</sup>

<sup>2877</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 64 lines 15-18.

<sup>2878</sup> “I did not witness the incident myself,” Civil Party SA Lai Heang noted, “but there were other people who heard about such incidents, told those incident to me.” See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 18 lines 8-9.

<sup>2879</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 17 lines 18-23.

<sup>2880</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 18 lines 2-5.

<sup>2881</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 39 line 25 – p. 40 line 2.

<sup>2882</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 30 lines 3-5.

<sup>2883</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 30 lines 14-16.

<sup>2884</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 30 line 25 – p. 31 line 1.

**c.) Punishments for refusing to marry**

***Rape of Civil Party MOM Vun***

1210. Civil Party MOM Vun testified that “[t]wo days before the marriage, at night time at around 7 p.m., a group of comrades called me to go to rice storage. There were five of them and it was about 7 p.m. and I could not see their faces. When I arrived there, I was told that in two days' time, I would remarry and I was called up into the rice storage. I did not go, but then my hand was pulled to go up and they planned to mistreat me before the -- the wedding day. There were five of them and they planned to rape me, one by one.”<sup>2885</sup>

1211. The Civil Party described how “[t]hey came to rape me and after they raped me, my marriage was arranged. And the rapists said to me <and my husband> that people married to a woman who already had sex with others. I felt so painful to hear this. I wanted to commit suicide but I tried to restrain myself from doing so <because I still had my children to look after>.”<sup>2886</sup>

1212. Despite what happened “[t]he marriage went ahead since I was threatened that I had to marry and I was warned that if I said anything about that event, I would be dead. And for the sake of <survival and> my children, I had to marry, again, despite my tears.”<sup>2887</sup>

***Rape and murder of Heng Vanny – Civil Party OM Yoeurn’s cousin***

1213. Prior to her own marriage, Civil Party OM Yoeurn explained that, “I had a cousin named Heng Vanny, alias Voeun. She was forced to marry a husband. She refused for one or two times, and she was taken away and killed.”<sup>2888</sup> “Before our marriage, Vanny told me that her mother was taken away to be killed because she was

<sup>2885</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 48 line 24 – p. 49 line 7.

<sup>2886</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 80 lines 12-17. As for the perpetrators, Civil Party MOM Vun stated that she “did not know their faces as it happened at night time; however, when they were close to me, I could see that -- I could say that they were around 26 to 27 years old, though I could not recognize them and it happened in a -- a rice storage house and it was dark.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 49 line 23 – p. 50 line 2.

<sup>2887</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 50 lines 5-8.

<sup>2888</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 7 lines 1-5.

accused of being network of <traitors>. And then she was arranged to get married, but she refused. And then she was taken away and, a few days later, we realized that she was taken away<, raped and> killed.”<sup>2889</sup>

1214. Civil Party OM Yoeurn explained how she learned that her cousin Heng Vanny was taken away and killed: “When she was taken away, I heard from other people that she had disappeared. During the meeting I saw a comrade wearing her clothes and [...] I saw the tag on the pocket of his shirt and I recognized that it was hers, so I concluded that my cousin was killed.”<sup>2890</sup> It was “[i]n late 1977 and early 1978, when she was taken away by Phan, because I used that road often and I heard from people telling me that your cousin <was> taken away and she was <raped and then> killed. And they told me that the vehicle of Comrade Phan took her. And the person who told me said that it was true; it was real. The person told me when I walked past his or her place and he or she told me about that. And I think that my cousin really died because from then until now I have never met her or received any news about her.”<sup>2891</sup>

***Murder of individuals linked to refusal of marriage***

1215. Civil Party MOM Vun testified, “[i]t was Comrade Thol (phonetic) and Comrade In (phonetic). They refused to get married and <> they <would rather> die. And because we saw what happened to the two couples, then the rest of us had to get married <in order to survive>. They refused to get married, as I said.”<sup>2892</sup>

***Disappearance of individuals linked to refusal of marriage***

1216. Civil Party OM Yoeurn testified that while she had refused marry at first, she stopped protesting: “I refused to get married, but there was a military cadre name Phan who said that I would have to get married, and I did not dare to protest any longer because I observed that there were cases where people protested or refused to

<sup>2889</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 17 lines 17-21.

<sup>2890</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 57 lines 9-13.

<sup>2891</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 58 lines 14-22.

<sup>2892</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 101 lines 18-22.

get married and then they disappeared.”<sup>2893</sup> “Mostly, they disappeared when they were told that they would be sent to Baek Chan or to 41 (phonetic) and they disappeared since then.”<sup>2894</sup>

## **(2) Pairing process**

### **a.) No right to choose one’s partner**

1217. Civil Party PREAP Sokhoeurn testified that during the regime, “there were cases where people <worked together and> loved each other and proposed to Angkar, but the Angkar turned the proposals down. Angkar said that we had to obey the disciplines, but we did not have the rights to choose our own partner. For that reason, men were forced to marry women that they did not love and <the women did not like the men>, of course, later on, there were problems in the marriage.”<sup>2895</sup>

1218. Civil Party YOS Phal had a fiancée before the DK regime. Upon hearing that one of her brothers’ had been smashed by Angkar, Ry, his unit chief, explained to him that: ““If Angkar smashed members of her relatives, you cannot get married to that woman. Some days later, [...] you would also be killed like the relatives of that woman because members of her families [...] were under investigation by Angkar, so you have to change your mind now. Now you are the son of Angkar. What do you think? Do you want to die or do you want to live? If you get married to that woman, you will die because when we dig the grass, we have to dig out the root.””<sup>2896</sup> “I had to agree with him. If I said otherwise, [...] I would be sent to prison. Therefore, I had to answer like that so that I would survive.”<sup>2897</sup>

### **b.) Matching process controlled by Angkar**

#### ***Orders coming from the upper echelon***

1219. Civil Party SENG Soeun, who worked as a district office chief in S’ang district, explained that “the authority was vested with each commune and that they

<sup>2893</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 96 lines 21-25.

<sup>2894</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 97 lines 3-5.

<sup>2895</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 11 lines 13-19.

<sup>2896</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 17 line 25 – p. 18 line 8.

<sup>2897</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 18 lines 21-24.

had to select and marry those youths belonging to their respective communes. At the district or its surrounding areas, there were male and female mobile units and members of those mobile units were organized to get married at the district office of S'ang and that I attended such wedding ceremonies for – on two occasions.”<sup>2898</sup>

1220. In his capacity as district office chief, Civil Party SENG Soeun “received the order from the district committee from Brother Sao Phon, who was the district committee. He ordered me to take the biographies of youth, I mean both male and females, from the district mobile units so that those youths would be arranged to get married.”<sup>2899</sup> “I arranged the list twice, but I could not recall the number of couples,” he explained, “[a]t each time, there were between 20 to 30 couples. Brother Phon (phonetic), who was the district committee, instructed me to talk to the mobile unit chiefs, including the male and female unit -- mobile units, to send the biographies to <me to match the couples who were from the same village and commune>.”<sup>2900</sup> “Phon (phonetic) would assigned me to match those people based on where they lived and their age range and that the men had to be three to five years older than the women and that's what I did.”<sup>2901</sup>

1221. As for the reports outlining the number of births and the number of marriages that took place in a given zone or sector during the course of a month, Civil Party SENG Soeun explained that “[t]he communes reported to the district and I received those reports, but I cannot recall the details of those reports now.”<sup>2902</sup>

1222. Civil Party MOM Vun explained that it was Rom alias Than, who was attached to the district, who was responsible for the selection of individuals eligible for marriage, and Sea who was responsible for pairing couples. Both Rom and Sea, the Civil Party testified, gave instructions to the militiamen: “It was Rom (phonetic) who made the selection and Sea was the one who matched us during the wedding

<sup>2898</sup> Oral Testimony of Civil Party SENG Soeun, T., 30 August 2016, **E1/466.1**, p. 48 lines 18-24.

<sup>2899</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 20 lines 21-25.

<sup>2900</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 21 lines 1-7. The Civil Party reiterated that he “arranged the list twice” and that, later on, he “was transferred to Kratie.” See Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 21 lines 9-12.

<sup>2901</sup> Oral Testimony of Civil Party SENG Soeun, T., 30 August 2016, **E1/466.1**, p. 49 lines 14-22.

<sup>2902</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 53 lines 5-7.

ceremony.”<sup>2903</sup> “He was a cadre who was in charge of that work site.”<sup>2904</sup> He would say, the Civil Party testified, that “[i]t was the instruction from the upper echelon that we had to get married and then he told Sea to inform us, that is, for those who had to get married that day.”<sup>2905</sup> Rom, Civil Party MOM Vun added, “was attached to the district. He received the instruction from the district to implement -- for the implementation of that instruction.”<sup>2906</sup> As for Rom, Civil Party MOM Vun clarified, “[h]e was known by both names, that is, <Rom> (phonetic) and Than. His native name was Than. However, his revolutionary or alias was <Rom> (phonetic).”<sup>2907</sup>

1223. Civil Party CHEA Dieb testified that she was unable to consult her family after she was informed of her marriage: “After the supervisor asked me, I was informed that three days later I would be married,”<sup>2908</sup> adding that she “never consulted with [her] parents or siblings because they were living far away from me, although I wanted to ask for permission to visit them but they did not allow me to do so. So I simply followed the order from Angkar.”<sup>2909</sup> She also indicated that, as for the couples that were married at the same day, “[w]hen I saw them and discussed with them, they said that they did not go to consult with the family members and parents. The 12 couples, they never went to ask any opinions from parents or family or relatives or siblings.”<sup>2910</sup>

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<sup>2903</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 76 lines 3-4. Remembering the day of her wedding, Civil Party MOM Vun testified that “[a]t the wedding venue, women stood in a separate group from men and then our names were called, for example, one woman, then one man from the other side and they -- they had to sit in a row and each row -- there were 15 couples in each row, so -- and there were four rows totalling 60 couples. There were no chair for us to sit; we sat on our shoes and the dignitaries were sitting at a row of table opposite us.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 55 lines 8-14. “I was couple number 6, when we were instructed to sit in rows.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 55 line 16. “[N]ames were announced and his name was Un Thin (phonetic) and he was matched with me, MOM Vun, so we held hand and then we sat in pairs on our respective shoes, then names of another couple were called.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 55 lines 22-25.

<sup>2904</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 76 line 8.

<sup>2905</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 76 lines 13-15.

<sup>2906</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 76 lines 21-23.

<sup>2907</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 78 lines 13-15.

<sup>2908</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 69 lines 5-7.

<sup>2909</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 69 lines 15-18.

<sup>2910</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 25 lines 16-19.

1224. Civil Party SA Lai Heang explained that her wedding was arranged by the sector committee: “[M]y parents did not participate in decision-making, but it was the supervisors who did that.”<sup>2911</sup> “It was the committee of sector [who arranged the marriage],”<sup>2912</sup> she went on to clarify. “Those people were Yi.”<sup>2913</sup> As for Yi, the Civil Party clarified, “[i]nitially, he was -- he was in charge of the economy. And before that, there was Yem. Yem was the chief. And after Yem was removed <to the Korean Embassy>, Yi was put in charge of it.”<sup>2914</sup> “During the period that I got married,” the Civil Party explained, “Yi's position was chief of the sector.”<sup>2915</sup>
1225. Civil Party PEN Sochan, in her conversation with Oeun, was informed that instructions with respect to the arrangement of marriage were received from the district level: “[H]e said that if I really wanted to know, I should go and ask the district chief since now transportation <was> available since he also received order from that level. <> And he referred to <Bong> Roem (phonetic) who was the district chief during the Khmer Rouge regime.”<sup>2916</sup> “At that time,” the Civil Party elaborated, “Roem (phonetic) controlled 10 co-operatives and Roem (phonetic) was a district chief during the Khmer Rouge regime.”<sup>2917</sup>
1226. The Civil Party explained that the former Bakan district chief “said that <she> received orders from Ta Mok and that if I wanted to know more, I should exhume Ta Mok's body and ask him.”<sup>2918</sup> She also “said that the upper echelon ordered <her> to

<sup>2911</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 11 lines 21-22.

<sup>2912</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 11 line 25.

<sup>2913</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 line 3.

<sup>2914</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 12 lines 9-11.

<sup>2915</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 34 lines 16-17.

<sup>2916</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 77 lines 19-23.

<sup>2917</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 78 lines 3-5. The Civil Party explained, “I did not know which communes Roem (phonetic) controlled; however, I knew that Roem (phonetic) was a district chief and <> Roem (phonetic) had four messengers who had four horses and my co-operative in Khnar Totueng was under Roem's (phonetic) control as well.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 78 lines 8-12. Khnar Totueng commune, at the time, “was in Bakan district, Pursat province.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 78 line 15.

<sup>2918</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 79 lines 10-12. Civil Party PEN Sochan elaborated that when they went to see her, she “said that if we wanted to know clearly about the force marriage under the Khmer Rouge regime -- <she> said that <she> did not organize that and <she> received instructions from other people. And we said that we came to ask <her> frankly; since we were victims, we only wanted to know the truth. And <she> said that if we wanted to know the truth, then we should go to ask

organize the marriage so that people could produce children for Angkar. But as a result, no children was produced and many people died.”<sup>2919</sup>

1227. Civil Party CHUM Samoeurn testified that “[i]t was my unit chief, Met, who arranged the marriage for me.”<sup>2920</sup> “He paired me with my husband.”<sup>2921</sup>

1228. Civil Party KUL Nem testified that the provincial army chief arranged his marriage and that his “name is Sophea who was a Jarai ethnicity and Chaem (phonetic) who was also an ethnic person although I did not know the actual ethnicity and <Sophea> was the chief of the provincial army.”<sup>2922</sup>

### *Use of biographies in spouse selection*

1229. Civil Party SENG Soeun explained, “biographies from the male and the female mobile units were gathered and submitted to the district committee and the district committee actually sent someone to send those biographies over to me.”<sup>2923</sup> “I did not meet with [the chiefs of the male and female mobile units], nor did I discuss any matter with them. I, myself, did the matching and <> when the time came for the announcement, I submitted the list of names to the district committee.”<sup>2924</sup>

1230. In describing how individuals were matched, Civil Party MEY Savoeun testified that “[w]hat they did was simply to call a person from the men's group and a woman from the female group to be introduced as husband and wife, and I could not recognize who had to marry who. In fact, they had to look into our biographies and if the biographies matched, then we would allow to marry that woman. And the chief of the company <and the chief of the mobile unit> actually had the biographies to refer to.”<sup>2925</sup> “Let me give you an example,” he continued, “if we were a soldier from the East Zone and the woman also had her relatives or siblings who <were also> soldiers,

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the dead body of Ta Mok because the wedding was how it was organized back then.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 79 line 22 – p. 80 line 4.

<sup>2919</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 80 lines 9-13.

<sup>2920</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 67 line 18.

<sup>2921</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 67 line 21.

<sup>2922</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 99 lines 18-21. Huot Ke alias Sophea’s confessions from S-21 can be found at **E3/2593**.

<sup>2923</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 79 line 24 – p. 80 line 2.

<sup>2924</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 80 lines 3-8.

<sup>2925</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 62 lines 15-22.

then we were matched.”<sup>2926</sup> “As for me, due to my biography,” Civil Party MEY Savoeun explained, “I didn't dare to do anything contradicting to the policy of the upper echelon, since I did not want to make any further offence. And I had to just fulfil whatever task I was assigned to do.”<sup>2927</sup>

1231. Civil Party YOS Phal explained the importance of having a good biography when he testified that while some couples appeared to have been matched with their loved ones, he himself did not dare propose to get married to his fiancée because he was considered a 17 April Person: “Among the 50 couples, I had no idea whether any men or women had prior relationships with each other. I only knew that some of them had good biographies. They were matched with their loved ones. I realized about this matter only after the wedding ceremony finished. I did not dare to ask much about this because as a New Person I was afraid I would be accused as a spy.”<sup>2928</sup>

***New People and Base People not paired with one another***

1232. Civil Party SENG Soeun confirmed that “it was the instruction from the district committee, which was relayed to me, that New People should be matched only with New People, while the Base People would be matched to the <Base> People. And I just recall that.”<sup>2929</sup>

1233. Civil Party SOU Sotheavy explained, “we could only marry a man or woman from the same group, that is, 17 April or 18 April People, respectively.”<sup>2930</sup> “New People were to get married with New People, and the Old were <> to marry the Old People.”<sup>2931</sup> Because of this, “[t]he Old People were told to stand in their own <two> rows, and we<, the New People,> were required to stand in our own <two> rows.”<sup>2932</sup>

<sup>2926</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 62 lines 23-25.

<sup>2927</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 64 lines 7-10.

<sup>2928</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 28 lines 6-11.

<sup>2929</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 23 lines 7-10.

<sup>2930</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 21 lines 1-3.

<sup>2931</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 22 lines 21-23.

<sup>2932</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 23 lines 4-6. Anticipating the wedding, Civil Party SOU Sotheavy pre-arranged with another woman, Ieng Rotha, that they would consent to get married to each other. Ieng Rotha “was an orphan. She did not have any parents or siblings. The conditions was the same for me. I was an orphan and I did not have parents or siblings.” See Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 80 lines 4-6. The Civil Party elaborated that

1234. Civil Party MEAN Loeuy explained that “the couples [at the wedding] included Base People and evacuees from Phnom Penh,” but that “the Base People could not marry New People.”<sup>2933</sup>

***Marriages with handicapped soldiers***

1235. During Civil Party CHEA Dieb’s wedding, female combatants were married to handicapped male combatants. “Among the 12 couples,” she explained, “the female sides were also female combatants and the male sides were also male combatants, but the male combatants were all handicapped. Because they could not fight against the enemy any longer, they were brought in to get married. Some of them lost legs, some lost <one arm>; some had one eye blind. <Many of them could not walk properly.> All were handicapped soldiers.”<sup>2934</sup> Civil Party CHEA Dieb explained that she only learned that women had been arranged to get married to handicapped men on her wedding day<sup>2935</sup> and noted that her “spouse had a problem with his legs. <He did not lose any legs. But> he could not walk properly.”<sup>2936</sup>

1236. Civil Party PREAP Sokhoeurn was married to a handicapped man named Keo. “On the day that <I> got married, I noticed that he was handicapped in one of his legs and after the marriage, I noticed that he also had a very poor eyesight on one of his eyes and <> three <of his> fingers were crooked, and I became even more

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“[a]lthough we knew each other, we never spoke to one another except on that day. That day I decided to talk to her, although I did not know that that was the day of the marriage except after we were lined up, then we were told that that was the marriage day.” See Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 80 lines 7-10.

<sup>2933</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 2-5.

<sup>2934</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 71 lines 2-8.

<sup>2935</sup> Civil Party CHEA Dieb testified that she “did not know that some of those who were to get married were handicapped <>, I learned about that on the day of marriage. Those handicapped soldiers, some of them whom I know, came on a truck transporting ammunition, but before that, I did not know that the female had to get married to the handicapped men.” See Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 27 line 23 – p. 28 line 2. “I do not know whether they no longer had ability to fight in the war. I learned that those people were handicapped on the date of marriage. Other than that, I do not know. What I know is that the handicapped men were from divisions or regiments of the North Zone. Some soldiers who could not fight in the war any longer were put in one specific unit. At the time, there were others handicapped soldiers.” See Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 28 lines 11-17.

<sup>2936</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 71 lines 15-16.

upset after that.”<sup>2937</sup> She explained that Keo was handicapped “as a result of war” and unable to perform hard labour.<sup>2938</sup>

1237. The Civil Party also testified, “they <never> spoke about women marrying disabled people. And at that time, I was not told that my future husband would be <Comrade Keo,> a handicapped person. If I knew, I would have fled away <to death>.”<sup>2939</sup> “And even on the day of the marriage, I did not notice certainly that he was a handicapped person. And only after, I noticed that he was a handicapped person with poor <> eyesight in one eye, <a crooked leg> and a crooked hand. Otherwise, I would have fled. <I would rather die.>”<sup>2940</sup>

1238. In describing the physical appearance of her husband, Civil Party OM Yoeurn stated that “[h]e had an ugly physical appearance. He had dark skin and he spoke with accent, and he looked intimidating. I did not like -- love him at all.”<sup>2941</sup> “He did not walk properly and his eyes <were> also not good.”<sup>2942</sup> The Civil Party did not know whether her husband had sustained his injuries on the battlefield.<sup>2943</sup>

1239. Civil Party SOU Sotheavy testified to witnessing a wedding of handicapped soldiers: “When I was at Tralach commune, of Treang district, Takeo province, I also witnessed the marriage of handicapped people from the military. They had leg and hand handicaps. They got married to the Old Base People and they had tables and chairs for the wedding. It's different from the wedding of the 17 April People.”<sup>2944</sup> “They did not get married to handicapped women,” Civil Party SOU Sotheavy explained, “[t]hey got married to the women who were considered as loyal to the Party. The woman was at the rear battle. They were not visible. They were chiefs of

<sup>2937</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 92 lines 10-14.

<sup>2938</sup> “<I saw him clearly later on that> he was a handicapped person as a result of war. He had been engaged in the battlefield so he became handicapped in his <three> fingers. And if he closed one of his eyes, he could not see. And he was handicapped as well in his ankle, one of his ankles, so he was a really, really handicapped person and he could not do hard labour.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 106 lines 13-18.

<sup>2939</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 8 line 23 – p. 9 line 1.

<sup>2940</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 9 lines 2-6.

<sup>2941</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 99 lines 11-13.

<sup>2942</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 99 line 17.

<sup>2943</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 14 lines 7-9.

<sup>2944</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 93 lines 17-22.

cooperatives, they were medics at the cooperatives. When the soldiers with disabilities sent back from the battlefields, they got married to those women, and those women even -- even though they were the 18 <> People, <the Base People,> they did not dare to refuse.”<sup>2945</sup>

1240. With regards to the arrangement of marriages of handicapped soldiers in Takhmau to women from the Kampot pepper plantations, Civil Party SENG Soeun explained, “[a]t that time, under the order or instruction from above, that those handicapped people were all -- marriage should be arranged for them, and that was the order from Ta Mok. And I did not hear the order myself, but my superior got the order and he relayed the order to me that those handicapped soldiers were old; we should arrange marriage for them.”<sup>2946</sup> “Those females who were brought in to get married to the handicapped people were from villages or from the plantations, from the pepper plantations. They were not female combatants.”<sup>2947</sup>

1241. Civil Party SENG Soeun explained, “Ta Mok did not instruct the subordinates below directly. He instructed to the sector level, and the sector level relayed to the district level. And then the district level relayed the order downward to the subordinates that those handicapped people were becoming old and they should get married...we needed to think about arranging marriage for them because they <were> becoming older and older.”<sup>2948</sup>

### **(3) Wedding ceremony**

#### **a.) Little or no notice given prior to wedding date**

1242. Civil Party SOU Sotheavy described, “I was not informed of the day of marriage. And I was called on that very day while I was breaking rock. I was told that

<sup>2945</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 95 lines 5-15.

<sup>2946</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 18 lines 1-6.

<sup>2947</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 19 lines 6-8. The Civil Party noted that he did not personally know those that were married: “I did not know all of them. I was -- I was only familiar with their faces. When I was at office -- the <southwest> handicap office <>, those wives were peasants who were collected from villages <and communes> to stay with their husbands. I <was> only familiar with their faces, but I did not know their names and cannot recall their names now.” See Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 19 lines 14-19.

<sup>2948</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 22 lines 8-14.

I would get married. I was at Svay Chrum hill breaking rock and I was called together with other workers.”<sup>2949</sup> “By 6 o'clock in the afternoon everybody came, including chief of the unit, the chief of the commune and our villages and that is when the ceremony started.”<sup>2950</sup> The Civil Party recalled that it was the unit chiefs who summoned them to the ceremony.<sup>2951</sup>

1243. Civil Party SENG Soeun explained that “[f]or those who would be arranged to get married, they were not aware that -- in advance about their marriages. It was their chiefs who were aware of this and who would call on them to the wedding ceremony place <in the district office>. I can confirm that those couples were not informed beforehand about the fact that they would be arranged to get married.”<sup>2952</sup>

1244. Civil Party SENG Soeun testified that his cousin “was arranged to get married by Phon (phonetic). The woman who was matched with him was not aware beforehand about the marriage, and he also was not aware beforehand about his marriage. They only knew about their marriage only on the day when they were paired up.”<sup>2953</sup>

1245. Civil Party MOM Vun testified that she “was informed two days before the wedding day.”<sup>2954</sup> “Comrade Sea, the unit chief, informed me of the wedding day and that happened two days prior to the wedding day itself.”<sup>2955</sup>

1246. Civil Party PEN Sochan testified that “[e]very one of <the 12 couples including me> who were paired-up to get married on that day were not informed beforehand. <If someone had known it beforehand, I would have known about it

<sup>2949</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 77 lines 1-4.

<sup>2950</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 77 lines 17-19.

<sup>2951</sup> “It was the unit chief and respective unit chiefs who came to call us, that is, both male and female members of the unit. And we simply followed them. Nobody actually came to tell us at the worksite that we had to get married that day. We were told to go and gather in Svay Kom (phonetic), alias Svay Chrum hill. That's the place where we were gathered and that's usually where the meetings were held by leadership and usually they had meals there.” See Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 77 line 23 – p. 78 line 5.

<sup>2952</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 22 lines 18-23

<sup>2953</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 37 lines 5-10.

<sup>2954</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 53 line 17.

<sup>2955</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 53 lines 19-20.

because we were working together, we would have talked about it.>”<sup>2956</sup> “During the regime,” Civil Party PEN Sochan explained, “we were not informed in advance and they did not ask us anything in advance.”<sup>2957</sup>

1247. Civil Party PREAP Sokhoeurn described how “[o]n that day, I did not know that I was sent to get married, for that reason I did not refuse, I was told to attend an event, and I did not receive <any information> beforehand that I had to get married that day.”<sup>2958</sup> “Then I was given some clothes. Then I realized that I was sent to get married. And I still had a feeling that I was gathered amongst other peoples to be sent and killed.”<sup>2959</sup> “I never thought for a moment that I would be arranged to get married that day,” she continued, “and, for that reason, I did not make any refusal. And upon arrival in the place, I found out and I wept.”<sup>2960</sup>

1248. Civil Party NGET Chat testified that about one week after her husband’s disappearance, “[o]ne day a cadre came to tell me, “Comrade Chat, today you don’t have to go to work <this evening,>” so I did not go to work. And then the person told me, “Now you go to the rear battlefield with me,” so I followed the person, and when we arrived at <Boeng Khnar>, I noticed there were many <couples> at the venue. <I thought for sure that I was arranged to be married.> And when I arrived, I was told that I would be required to get married, and I had no idea of which man I would be matched up with.”<sup>2961</sup>

<sup>2956</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 104 lines 10-13.

<sup>2957</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 6 lines 15-16.

<sup>2958</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 29 line 25 – p. 30 line 3. As for the day of the wedding, Civil Party PREAP Sokhoeurn testified, “I cannot recall it clearly because there was nothing for me to refer to in terms of the date. However, at that time, a cotton fruits were ripe and one day, I was sent to clear the forest and while I was there in the late -- in the afternoon, a messenger came to call me. And Comrade Li asked me whether I respected the Angkar’s order or not and I said that I lived under the leadership of Angkar, so that I respected Angkar’s orders all the time and I also said if Angkar instructed me to go into a crab hole, <if Angkar could do that,> I would do that <too>.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 81 lines 10-19. “After I was asked those questions,” the Civil Party recalled, “I was not instructed that I should prepare myself for the marriage; they did not tell me that, and I did not know the reason why I was asked those questions.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 81 lines 21-24.

<sup>2959</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 30 lines 4-6.

<sup>2960</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 30 lines 7-9.

<sup>2961</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, E1/488.1, p. 123 lines 2-11.

1249. Civil Party SAY Narooun was called to an assembly at Au Thma by her unit chief. Upon their arrival at the venue, "...I asked the unit chief, 'Comrade, why are there many people here?' And she answer, 'You will know soon because people from the upper level come to preside over the assembly.' And I walked in and I saw men sitting in one row and women sitting in one row. I was suspicious, but I did not dare to ask any question."<sup>2962</sup> Civil Party SAY Narooun's husband was also unaware of the marriage: "Later on, he told me when he was called to make a commitment he was not aware of the arrangement."<sup>2963</sup>

1250. Civil Party MEY Savooun testified, "I received news from the big cell unit and the mobile unit's chief that before the day of the marriage, Angkar organized and selected my name for the marriage day. That's all I knew."<sup>2964</sup>

1251. Prior to his marriage, Civil Party YOS Phal explained, "[t]hey simply called three or four males and they told us that, 'Comrades, you are mature now, so I will arrange marriage for you because you do good jobs.'... Because we were so overwhelmed with our work with digging canal and carrying earth, they told us that, 'You did good works. In the near future, we will arrange marriage for you.'"<sup>2965</sup>

**b.) No prior knowledge of one's spouse before wedding day**

1252. Civil Party SAY Narooun testified, "I felt painful because <like cattle,> we were paired up without knowing each other. I did not know anything about the background of <that> husband, whether he was a kind person or brutal person. We did not know each other beforehand. On that day, we were paired up like the way they pair up <cattle>."<sup>2966</sup>

<sup>2962</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, E1/489.1, p. 36 lines 11-16.

<sup>2963</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, E1/489.1, p. 47 lines 7-8.

<sup>2964</sup> Oral Testimony of Civil Party MEY Savooun, T., 17 August 2016, E1/459.1, p. 61 lines 9-11.

<sup>2965</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 19 lines 6-12.

<sup>2966</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, E1/489.1, p. 38 lines 7-12. As for her feelings towards her husband at the time, Civil Party SAY Narooun stated: "How could I like him? Because we did not know each other beforehand. We loved each other only when we had some prior relationships with each other. <But we were paired up, how could I love him?> I did not love him at all." See Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, E1/489.1, p. 38 lines 15-18.

1253. Civil Party OM Yoeurn did not know her proposed husband prior to the wedding day: “No, they did not tell me. They did not tell me about the names of the person whom I would get married to.”<sup>2967</sup> She learned about the identity of her husband “only after we entered the ceremony and then they announced such a thing.”<sup>2968</sup>
1254. Civil Party YOS Phal described meeting his wife for the first time: “I never saw her before. When they required us to match with each other and to commit to each other, I was the 42nd couples. I did not even see her at that time, although she was standing nearby me. I was not familiar about her appearance because I did not dare to look at her. I felt so scared of my unit chief.”<sup>2969</sup>
1255. “When I was committing to the marriage, I did not know her,” Civil Party YOS Phal explained, “I started to know her face only after the female unit chief, Comrade Pet, brought her to meet me at -- in the evening. In the next morning I started to see her face more clearly but we soon parted from each other to our respective workplaces and we ate separately.”<sup>2970</sup>
1256. About her husband, Civil Party CHEA Dieb testified that “[w]e never knew each other. We knew each other only on the day that we were matched up. <I did not have any knowledge about him before the wedding>.”<sup>2971</sup> “We knew each other only after we heard the announcements of our names and then the Angkar advised us to follow Angkar orders.”<sup>2972</sup>
1257. Civil Party MOM Vun testified, “I was not told as to which man I had to marry. I was forced to marry someone from the mobile unit; although, I did not know as to which man I had to marry. And I had to marry that one because, otherwise, I would be killed and for that reason; I had to force myself to marry that man.”<sup>2973</sup>

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<sup>2967</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 95 lines 14-15.

<sup>2968</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, **E1/461.1**, p. 95 lines 19-20.

<sup>2969</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 16 lines 18-22.

<sup>2970</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 28 lines 17-22.

<sup>2971</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 70 lines 1-3.

<sup>2972</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 71 lines 20-21.

<sup>2973</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 48 lines 13-17.

1258. Of her husband, Civil Party PEN Sochan testified, “I never saw him and I did not know where he worked.”<sup>2974</sup> “At that time, they did not say whether we should love each other first and I did not know him in person.”<sup>2975</sup> “<We did not know each other, nor did we like each other, and> we were not informed about whom we were to marry to. <They did not tell me that, ‘Comrade Chan, you are to marry Tak Sat. Are you okay with that?’>”<sup>2976</sup>
1259. Civil Party PREAP Sokhoeurn explained, “[w]hen I attended the meeting, I was not sure as to which man I was matched to. We, the women, sat on one side while the men sat on the opposite side. And then there were a long table in between.”<sup>2977</sup> She explained that she was “not told; for example, that I would get married to that man. I was told to attend that wedding marriage and when I was there, I did not look at his face; however, I look at his legs and I noticed that he was handicapped and I felt upset about that and I wept.”<sup>2978</sup>
1260. Civil Party NGET Chat explained, “I was simply told to go to the <rear battlefield with> him. So I followed him and when I arrived at <Boeng Khnar,> I saw many people were already there. They were about my age. And I was told that I would be required to get married. I had no idea which man I would be matched up with.”<sup>2979</sup>
1261. Civil Party MEAN Loey testified that “[i]n the marriage, some couples did not know each other in advance, and after the marriage they could not even find their spouses.”<sup>2980</sup>

<sup>2974</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 98 lines 15-16.

<sup>2975</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 80 lines 21-22. The Civil Party further testified that “[i]n the video filming, I said that I spoke to his elder <sister> that I did not love him and how come <he married me>. And his elder <sister> also said <that she> did not know; it was Om and Oeun who organized the marriage. <Even the male side did not know about it beforehand.>” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 80 line 22 – p. 81 line 2.

<sup>2976</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 103 lines 8-12.

<sup>2977</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 30 lines 12-15.

<sup>2978</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 91 line 25 – p. 92 line 4.

<sup>2979</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 123 lines 15-20.

<sup>2980</sup> Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 20-21.

1262. Civil Party CHUM Samoeurn, “I did not know the prospective husband at all. We were asked to sit on one side while the men were asked to sit on another row opposite us.”<sup>2981</sup>
1263. Similarly, Civil Party MEY Savoeun described, “I did not know her before, before that. I had been a soldier for a long time until the time that I was reassigned to work in the mobile unit. Only a day before the marriage ceremony, <the mobile> unit's <chief> told me about the proposed marriage and the name was mentioned, that is, her name was mentioned<, Kong Sophat>.”<sup>2982</sup>
1264. Civil Party SUN Vuth, who witnessed a wedding in Kaoh Nheaek district,<sup>2983</sup> explained: “[T]hey were not volunteers or they did not fall in love with one another. They were not even aware of their future partners. That could be someone from Phnom Penh or from Siem Reap. <For example, there were seven couples,> they would be organized by Angkar to marry this combatant or that combatant without knowing each other beforehand.”<sup>2984</sup>
1265. Civil Party SOU Sotheavy testified that couples were matched up randomly: “At that time there was no such arrangement that these men had to marry this woman. No, we were not told about that. We were in a line and the women were in a separate line, then they played a game similar to hide-and-seek. They actually switched off the light and that we had to feel a woman in another -- on another line and I suspected that -- that what's going to happen.”<sup>2985</sup>
1266. That couples paired for marriage had no prior knowledge of their spouse before the wedding day was corroborated by Civil Party PRAK Doeun, who helped in

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<sup>2981</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 64 lines 11-13.

<sup>2982</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 64 line 23 – p. 65 line 4.

<sup>2983</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 80 line 12.

<sup>2984</sup> Oral Testimony of Civil Party SUN Vuth, T., 30 March 2016, **E1/411.1**, p. 80 lines 2-7.

<sup>2985</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 80 lines 16-22.

the organisation of marriages.<sup>2986</sup> He explained that couples did not know their prospective spouse and were typically matched by cadres.<sup>2987</sup>

**c.) Ceremonies presided over by Angkar – absence of family members**

1267. Civil Party OM Yoeurn’s wedding ceremony was chaired by Comrade Phan alongside individuals from other units: “It was Comrade Phan and there were also people from other units whom I do not -- I did not know them all.”<sup>2988</sup> “My <parents> were not aware of my marriage because she lived at a different place from mine. I did not have time to go and invite my parents and sibling to join my wedding.”<sup>2989</sup>

1268. “I do not know who presided over the ceremony,” Civil Party SOU Sotheavy testified, “[t]he person was in senior leadership. I only call him Comrade Om, that is, uncle, but I did not know of his real position. But I saw the commune chief came together with unit chiefs and the unit chief of the woman that I married to was also in charge of the 17 April People. And there were those chiefs who came in a group. They dressed in the nice colours clothing.”<sup>2990</sup>

1269. During the wedding ceremony, Civil Party YOS Phal described, “if you look at the surrounding, I did not see any of my relatives. There were only cruel unit chiefs who were there just to be ready to finish us off.”<sup>2991</sup>

1270. Civil Party SENG Soeun explained that “[t]he two wedding ceremonies were organized by Phon (phonetic), the district committee. And the participants included all commune chiefs within S'ang district. They attended the wedding ceremonies and they acknowledged the newly wed couples...”<sup>2992</sup>

1271. When asked whether any parents or relatives of any of the couples came to attend the wedding ceremony, Civil Party CHEA Dieb answered, “No. <None of

<sup>2986</sup> Supplementary Statement of Civil Party PRAK Doeun, E3/5632, 22 November 2010, ERN (EN) 00678295.

<sup>2987</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, E1/361.1 [Corrected 2] p. 98 lines 18-21, p. 99 lines 2-7. *See also*, Annex G: Schedule of Civil Party Evidence Presented at Trial of Indirect Victims of Forced Marriage.

<sup>2988</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 97 lines 21-22.

<sup>2989</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 35 lines 19-21.

<sup>2990</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 84 lines 2-9.

<sup>2991</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 25 lines 11-13.

<sup>2992</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 39 lines 18-21.

- them> came to attend the marriage ceremony.”<sup>2993</sup> “My parents and siblings did not attend the ceremony. Only the Angkar people attended it,”<sup>2994</sup> Civil Party CHEA Dieb testified. “<There were no parents or relatives in that ceremony>.”<sup>2995</sup>
1272. Civil Party MOM Vun recalled that her wedding was attended by “cadres; namely, Rom (phonetic), Son (phonetic), and Sea, and the rest were bodyguards for these three people and the rest were those 60 couples. There was no presence of parents from any couple.”<sup>2996</sup>
1273. Civil Party PEN Sochan testified that, “[t]hat wedding took place without the participation of my siblings and relatives. None of my relatives was aware of the marriage.”<sup>2997</sup> “[N]one of our friends and relatives <was> aware of our marriage; only Comrade Oeun, <Comrade Om> and <> 5 militiamen were there.”<sup>2998</sup>
1274. Civil Party PREAP Sokhoeurn also described that “[d]uring the wedding, none of my parents or relatives attended the meeting; there were only representatives of big units, that is, our representatives and the representatives from the men's unit were there.”<sup>2999</sup> “[T]he people who were present on the day were only the unit chief and other <couples, there were no guests>.”<sup>3000</sup>
1275. As for the people who participated in her wedding, Civil Party NGET Chat stated: “I <only> know Pou Sun, who took me there. However, on that day, there was an announcement that there were 10 couples whom <I did not know>.”<sup>3001</sup> Pou Sun, she explained, “was an organizer or maybe a battlefield committee. He was the one

<sup>2993</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 29 line 10.

<sup>2994</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 69 lines 21-22.

<sup>2995</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 72 lines 1-2.

<sup>2996</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 56 lines 3-6.

<sup>2997</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 73 lines 16-18. “No, no one of my relatives, including my uncles and aunt, were aware of my marriage. It was an authoritarian regime,” the Civil Party stated. *See* Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 73 lines 23-24.

<sup>2998</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 74 lines 9-11.

<sup>2999</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 84 line 24 – p. 85 line 2.

<sup>3000</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 107 lines 16-18.

<sup>3001</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 4 lines 19-21.

who <frequently> went back and forth for this arrangement.”<sup>3002</sup> “My elder sibling was at Khnar Totueng, too, but my sibling did not attend because we <did not know about the plan of the arranged marriage. Also we> were at various battlefields, and none of my relatives or family members knew that I got married that day, including my mother. It was Angkar who made the determination for me to get married.”<sup>3003</sup>

1276. As for the people who chaired her wedding, Civil Party SAY Narooun explained, there “was Comrade Moeun (phonetic),” the district chief,<sup>3004</sup> “[a]nd Khorn (phonetic) was in charge of our office, S-62. <Comrade> Chen (phonetic) was the commune chief. <Comrade> Ry (phonetic) was my unit chief. And Ry (phonetic) was the only female. The rest were all men.”<sup>3005</sup> Civil Party SAY Narooun explained, “[w]hen I was called to make the commitment on that day, none of my relatives and parent attended it because they called me from the worksite. So how could my parents and relatives <in the cooperatives> knew about this?”<sup>3006</sup> The Civil Party described the suffering caused by getting married in the absence of her family<sup>3007</sup> and explained that when her parents and relatives found out that she got married, “[t]hey felt painful. They felt regretful because their child whom they brought up, they did not have the opportunity to attend the wedding ceremony. <They became sick because of this. To them, it was unacceptable>.”<sup>3008</sup>

<sup>3002</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 4 lines 23-25.

<sup>3003</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 5 lines 12-17.

<sup>3004</sup> “Moeun (phonetic) was chief in the district. He was the top leader in the district.” *See* Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 56 lines 11-12. As for the district itself, the Civil Party recalled, “we were told that we were there at Office S-62, district S-62, Au Nuong (phonetic) commune.” *See* Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 56 lines 17-19.

<sup>3005</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 56 lines 3-6.

<sup>3006</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 37 lines 17-20.

<sup>3007</sup> “And because of this, I felt suffered. How come I was working at the worksite and they called me to get married. My parents worked hard to bring me up. And when is the time for me to get married, how come that they could not know about this? They did not know that I got married <because I went to carry labour at worksites.>” *See* Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 37 line 22 – p. 38 line 1.

<sup>3008</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 42 lines 3-6.

1277. “There were representatives <who> chaired the marriage,” Civil Party MEAN Loeuy recalled, “[p]erhaps the representatives were from cooperatives <or from district>, but I’m not quite sure.”<sup>3009</sup>

**d.) Pledge to Angkar**

1278. During her wedding ceremony, Civil Party SOU Sotheavy testified, “[w]e had to make a resolution. We had gratitude for Angkar who organized the marriage for us and that we would become husband and wife and produce children as required by Angkar. That’s the resolution that I made. Then they clapped their hands.”<sup>3010</sup>

1279. During his wedding ceremony, Civil Party YOS Phal testified, “I came out and made a commitment that, ‘I thank Angkar, Angkar is my parent. I would -- I will follow whatever Angkar order me to do.’ And the chief of the unit ordered the other couples to make the same commitment, to make the commitment short and precise just like mine.”<sup>3011</sup>

1280. After individuals were paired up, Civil Party CHEA Dieb recalled, “each of the couples had to make the commitment to their marriage and we had to make commitments in front of the symbols of the Angkar that was the sickle and the rice.”<sup>3012</sup> “Angkar gave us instructions to follow and simply adhere to the disciplines of Angkar, to love one another and to strive to work hard to build the country.”<sup>3013</sup> The Civil Party explained that after the wedding, because it would take too long, only “two or three couples [who] represented the 12 couples,”<sup>3014</sup> were required to stand up and make the commitment.<sup>3015</sup>

<sup>3009</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 9-11.

<sup>3010</sup> “They called 50 males to stand in lines according to numbers from 1 to 50, and they educated the men that, ‘Today, all of you would be married by Angkar.’ And they gave instructions in many aspects; for example, you have to follow Angkar, Angkar is your parent, no one is above Angkar. And after that, they separated the 50 into groups of 10. And Ry and other unit chiefs stand -- were standing around the ceremony place.” See Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 81 lines 6-17.

<sup>3011</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 23 lines 6-11.

<sup>3012</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 71 line 23 – p. 72 line 1.

<sup>3013</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 72 lines 5-7.

<sup>3014</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 99 line 12.

<sup>3015</sup> “[A]fter the marriage,” Civil Party CHEA Dieb recalled, “each couple had to stand up and make a commitment. However, not every couple has to go because it would take more time, so only two or three

1281. Civil Party MOM Vun testified that during her wedding ceremony, “each couple was called, later, to make a commitment.”<sup>3016</sup> “<As> for me,” Civil Party MOM Vun added, “I said similar things when I made my speech. I said that I would strive to work harder to produce 3 tonnes of rice per hectare in a great leap < forward fashion. I also committed to reproduce more children in order to serve in the revolutionary army for Angkar.”<sup>3017</sup>
1282. Civil Party SAY Narooun testified that during the wedding ceremony, after receiving and repeating instructions to, *inter alia*, obey Angkar, work hard, and bear children for Angkar,<sup>3018</sup> “people from the upper level ... asked us to stand up and make the commitments...”<sup>3019</sup>
1283. On the day of her wedding, Civil Party CHAO Lang described, “[a]s for the commitment we had to make for the wedding ceremony, we were instructed to make a solemn declaration that we <recognised> each other as husband and wife and that we had to <do our best to> follow the line of Angkar and <to> follow whatever directions or instructions set out by Angkar; namely, the task of building dam or digging canal, we had to commit ourselves to follow such work plan through and to fulfil such work plans.”<sup>3020</sup> “[W]e were instructed to make our commitment to the work plan of Angkar.”<sup>3021</sup>
1284. Civil Party MEAN Loeuy testified that after the marriage announcement was made, “we were told to hold each other's hands, and we were instructed to make

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couples were allowed to stand up and make the commitment and, later on, the ceremony was concluded.” See Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 99 lines 3-7.

<sup>3016</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 56 lines 14-15.

<sup>3017</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 56 line 24 – p. 57 line 3.

<sup>3018</sup> “The Angkar called out each couple to make the commitment. <Prior to the commitment,>” Civil Party SAY Narooun recalled, “they instructed us that we had to obey what Angkar assigned us to do and have to repeat what the <Angkar> said. And we had to love each other from the time onward and had to work hard to produce rice <from this quota to that quota> and to produce babies, as many as possible, in order to meet the targets of Angkar. <The Angkar needed more people to> defend our country better. So that was the instruction from the upper level people. We had to repeat those words.” See Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 40 line 23 – p. 41 line 7.

<sup>3019</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 36 lines 23-25.

<sup>3020</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 76 lines 6-12.

<sup>3021</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 76 lines 20-21.

resolution, and to make sure that we followed the line, or guideline, of Angkar, and we were told to complete and achieve three <or four> tonnes of rice per hectare.”<sup>3022</sup>

1285. Civil Parties SUN Vuth, SIENG Chanthy, and PRAK Doeun provided further evidence relating to pledges.<sup>3023</sup>

***Link with population growth – producing children for Angkar***

1286. Civil Party PEN Sochan recalled that during the wedding ceremony, Comrade Oeun and Comrade Om required the couples to stand up, hold hands,<sup>3024</sup> and then “they made a speech that even if we did not like each other, we had to like each other and that we had to commit ourselves to Angkar. After Om finished her speech, Uncle Oeun made a speech that despite some of our protest, we had no choice because it was Angkar's instructions that we had to get married and produce children for Angkar. We were then required to stand up and hold each other's hand.”<sup>3025</sup>

1287. Civil Party SOU Sotheavy explained that during her wedding ceremony “speeches were made. They said Angkar was happy to marry a wife or a <husband> to you, and in order to return gratitude, as children, you had to get married. And we were required to produce children <because there were less people>.”<sup>3026</sup> In one of the speeches, the Civil Party testified, it was said “that Angkar required us to get

<sup>3022</sup> Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 68 lines 15-18.

<sup>3023</sup> See, Annex G: Schedule of Civil Party Evidence Presented at Trial of Indirect Victims of Regulation of Marriage.

<sup>3024</sup> Civil Party PEN Sochan testified that Comrade Oeun and Comrade Om “[b]oth read a piece of paper and I did not know where they obtained the paper. They required the 12 couples to stand up and hold hand -- hold each other's hand. <They had a microphone.> So it started from the first couple and then the first couple would walk from the row. So the two made a speech and there were 5 militiamen present during the ceremony.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 74 lines 14-19.

<sup>3025</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 74 line 24 – p. 75 line 5.

<sup>3026</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 23 lines 11-15. “During the wedding ceremony,” Civil Party SOU Sotheavy elaborated, “there were people who were at the podium who gave speeches about Angkar that we had to have our gratitude towards Angkar and that we had to fulfil the requirements of Angkar to produce more population and that I did not know who were the district committees or who were the commune committee. And that's what I said. However, I only knew that they were the committee members or the committee representative of this commune or this district. And, indeed, they were present during the ceremony.” See Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 55 line 25 – p. 56 line 8.

- married and that we had to pay tribute to Angkar, to bear children in order to increase the amount of the population.”<sup>3027</sup>
1288. Civil Party MOM Vun recalled that during the wedding ceremony the “[c]adres who married us, the 60 couples, made an announcement that the newlywed couples had to love one another, to take care of one another, and to strive to engage in production to increase the produce, so that our economics could develop and that we could smash the enemies and we had to produce more children for Angkar.”<sup>3028</sup>
1289. Civil Party PEN Sochan described phrases encouraging the production of children for Angkar. “The militiamen spoke of similar phrases during the wedding ceremony and during the time that they spied upon us, they said the same thing; they said it's good that we produced children for Angkar. However, in my mind, I did not see any children producing children for Angkar because subsequently, couples disappeared and I did not see any children born as a result <> of the marriage of those couples. <I did not know where they were having children.>”<sup>3029</sup>
1290. Civil Party PREAP Sokhoeurn testified that, “[o]n the wedding day, I heard the Party's leader that Angkar wanted to increase the force, so marriage would have to be arranged so that children could be produced and the population could be increased.”<sup>3030</sup> “So after the wedding we were required to <love each other,> produce the children for the Party and live together. During the time, I did not know about how to produce the children and I kept weeping.”<sup>3031</sup>
1291. Civil Party PREAP Sokhoeurn explained that “Angkar wanted us to produce the children to engage in the revolution, and we were required to produce children to build the country.”<sup>3032</sup> This, the Civil Party recalled, was a message that was relayed during the wedding ceremony: “<Comrade> Sau, the chief of the union, did mention about that <during the wedding>, and <> that chief told us to produce children so that

<sup>3027</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 56 line 12-17.

<sup>3028</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 56 lines 9-14.

<sup>3029</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 89 lines 17-23.

<sup>3030</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 104 lines 16-19.

<sup>3031</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 104 lines 20-23.

<sup>3032</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 105 lines 12-14.

more forces could be used to engage in the revolution <of the great leap forward> during the time.”<sup>3033</sup> “I heard about it in a meeting and I heard from other as well who were married. Those married people said that the Party needed more forces. Meetings usually were convened and I learnt from the married people that more forces were needed by the Angkar, that is why marriages were arranged for us to produce more children.”<sup>3034</sup>

1292. Civil Party KUL Nem explained that they “were told that we had to marry to produce children for Angkar.”<sup>3035</sup> He testified that during the wedding ceremony, it was “said that if we did not produce children for Angkar, then we were against the law, but in my case my wife miscarried the baby so they could not discipline <or punish us.”<sup>3036</sup>

1293. Civil Party NGET Chat testified that during the wedding ceremony, “I was told to consummate the marriage and that we had to commit to one another and to produce as many children as possible. And how could I do that because I was so skinny and I only had gruel to eat? I did not have any strength inside me. However, I did not dare to say anything.”<sup>3037</sup> “He said that in order <> to serve Angkar so that Angkar would have stock of children. And we ate gruel at that time <so we needed to work harder to produce> for Angkar.”<sup>3038</sup>

1294. Civil Party SAY Naroen explained that, in response to a question inquiring as to whether she was explicitly instructed to consummate the marriage, “[n]o<, it was not devious>. The announcement was made for me, and I was asked to repeat the

<sup>3033</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 105 lines 17-21. The Civil Party later confirmed that, “Comrade Sau did say that Angkar wanted more forces to engage in the revolution and to build the country, and the wedding was meant to produce more children in order <for the> Party <to> have more members.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 105 lines 22-25.

<sup>3034</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 106 lines 5-9.

<sup>3035</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 106 lines 18-19.

<sup>3036</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 102 lines 16-18.

<sup>3037</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 11 line 23 – p. 12 line 4.

<sup>3038</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 12 lines 8-10.

words, that is, to bear as many children as possible since Angkar needed people to defend the motherland.”<sup>3039</sup>

**e.) Disruption of traditional Cambodian nuptial rituals**

1295. Civil Party OM Yoeurn explained that during her wedding, there was no traditional Khmer music, no monks’ blessings, no Bat Ka Sla, and parents did not participate in the ceremony.<sup>3040</sup> The stage was not decorated with flowers, Civil Party OM Yoeurn explained.<sup>3041</sup> Instead, “[t]hey simply used the student’s tables.”<sup>3042</sup> In the backdrop, “[t]hey used the picture of <a> sickle.”<sup>3043</sup> The Civil Party further recalled that during the wedding ceremony, they served “just the normal food, it’s not like the food nowadays, but I cannot remember what food was served at that time.”<sup>3044</sup>

1296. Civil Party YOS Phal recalled that he “did not have any proper clothing, only had a torn piece of clothes that I was wearing. It was so miserable, and I -- it was unfortunate that I happened during such a beast regime.”<sup>3045</sup> He later added that he, himself, “did not even have a proper clothing. I only had the clothes that I was wearing, and <they were> stained with mud and dirt and <they were> torn. The scarf I had was also torn and I, myself, was so skinny.”<sup>3046</sup>

1297. Civil Party SOU Sotheavy testified that her “wedding ceremony was not organized according to the Khmer tradition at all. That wedding ceremony was held according to Angkar’s <absolute> plan and we were forced. There was nothing played over a loudspeaker. In fact, there was a small loudspeaker, which was used to relay instructions to the people who had to marry.”<sup>3047</sup>

1298. Civil Party CHEA Dieb confirmed that during the DK regime, “there were no <traditional> procession of prayer or blessing. We were called -- our names were

<sup>3039</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, E1/489.1, p. 48 lines 20-23.

<sup>3040</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 97 line 25 – p. 98 line 10.

<sup>3041</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 98 lines 14-16.

<sup>3042</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 98 line 16.

<sup>3043</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 98 line 19.

<sup>3044</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 98 lines 21-22.

<sup>3045</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 25 lines 19-21.

<sup>3046</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 25 lines 5-9.

<sup>3047</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 83 lines 6-11.

called out to match up with the male side. Then Angkar gave us some instructions and then we had to salute the Party's flag. That's basically the process.”<sup>3048</sup>

1299. Civil Party MOM Vun described, “[b]efore I decided to get married, I did not inform any of my siblings or relatives or my parents because I, myself, was forced to get married, and I did not even know the man that I supposed to marry <and vice versa>. It was not a proper marriage according to the tradition or the law. It was not held at a proper house; actually, it was held at a work site.”<sup>3049</sup>

1300. On her wedding day, Civil Party MOM Vun recalled, “[t]here was no music or performance. There were only those who had to get married and there was no clergymen at all since during the regime, there was no clergymen. If one pair -- if one couple got married, maybe they could find a clergymen.”<sup>3050</sup>

1301. Remembering the day of his wedding, Civil Party MEY Savoeun stated that “[a]t 3 o'clock in the afternoon that day, at the venue for the wedding ceremony, there were only two lotuses on the table and <there were 61 couples.> There were two lines <of> men and <two lines of> women <sitting in the dining hall>. And during the ceremony, they said that Angkar organized the marriage for us, so that we would become husbands and wives. And that was the instruction from the upper echelon.”<sup>3051</sup>

#### **(4) Conjugal relations, post-wedding ceremony**

##### **a.) Sleeping arrangements for newlyweds after the wedding ceremony**

1302. Civil Party PREAP Sokhoeurn explained, “[t]hey built that long house and that was exclusively for the use of the newly married couples, and those who married at a union, they were allowed to stay there for three days <per month> as well. <And that also applied for those who had their spouses lived far away.> And some couples understood that that was the time that they would go to stay or to meet each other

<sup>3048</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, E1/466.1, p. 77 lines 19-23.

<sup>3049</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 50 line 24 – p. 51 line 4.

<sup>3050</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 57 lines 16-22.

<sup>3051</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 62 lines 7-13.

- there, then they would go to that house. <For us who did not get along, when he came, I did not want to go.>.”<sup>3052</sup>
1303. “After the marriage,” Civil Party NGET Chat testified, “we <◇> walked <back> at night time [...] And we were given <a> small shelter <for each couple> to spend the night.”<sup>3053</sup> “I cannot recall how many days I lived in that cottage. However, it was for a few days only.”<sup>3054</sup>
1304. “[A]fter I made the commitment,” Civil Party SAY Naroen testified, “I was given a shelter to sleep in. There were many shelters built for the newlywed couples, and the shelter had thatch roof and thatch wall.”<sup>3055</sup> After the marriage, Civil Party SAY Naroen and her husband spent three days together.<sup>3056</sup>
1305. Civil Party SUN Vuth, who was a combatant during the regime, explained that “[i]nitially, after they got married, [newlywed couples] would be given a place for them to be together for a certain time. For example, they would be allowed to be together at 8 o'clock and that they would be subject to monitoring.”<sup>3057</sup>
1306. Civil Party YOS Phal testified that after the wedding, “they instructed us to go together and to find a place to sleep [...] the place where we were going to sleep were small, but there was no choice, so I had to follow the instruction of the unit chief. And I then slept there together with my wife, but we were -- we considered one another as siblings and I did not touch her.”<sup>3058</sup>
1307. “So I was scared, although I did not love that man I had to force myself to marry him and after the marriage we were asked to go to our sleeping quarter,” Civil Party CHUM Samoen recalled, “-- that is, our room, my whole body was trembling and I was very afraid and I told him, "please don't do anything to me", and the man

<sup>3052</sup> Oral Testimony of Civil Party PREAP Sokhoeun, T., 20 October 2016, **E1/487.1**, p. 94 lines 14-21.

<sup>3053</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 125 lines 15-18.

<sup>3054</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 3 lines 20-23.

<sup>3055</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 38 line 23 – p. 39 line 2.

<sup>3056</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 41 line 12.

<sup>3057</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, **E1/412.1**, p. 10 lines 4-8.

<sup>3058</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 23 line 22 – p. 24 line 2.

did not do anything to me, I was fortunate enough for that. Then I heard footsteps outside the room, I began to tremble again.”<sup>3059</sup>

**b.) Organization of conjugal visits**

*No permanent cohabitation between spouses*

1308. Civil Party SA Lai Heang testified, “couples who got along with each other or not, they lived together briefly and then they were separated to work in their respective worksites. For example, my husband went to the Public Work and Transport Ministry, while I remained at my village and commune base.”<sup>3060</sup> “I only stayed with him for two days. Then he went <back> to his unit and I remained living and working in my own unit.”<sup>3061</sup>

1309. Civil Party OM Yoeurn and her husband were sent to different locations after the initial period after their marriage: “He remained in the military unit while I was transferred back to my old civilian Unit 7.”<sup>3062</sup> “Between 10 to 15 days, we were allowed to meet each other.”<sup>3063</sup>

1310. Discussing the nights following her marriage ceremony, Civil Party CHEA Dieb recounted, “[t]he first night, second night and third night, we stay with each other for three days and during the three day we were monitored. We were afraid of each -- we were afraid of them, therefore, we kept silent. And after the three days, we were separated and then about a week or 10 days later, we were allowed to meet each other. <Then I consummated with my husband.> I did not remember the exact date.”<sup>3064</sup>

1311. Civil Party PEN Sochan also testified to being separated from her husband shortly after the wedding: “I only saw his face for a period of three days.”<sup>3065</sup> “We did not live together after we got married since he went to his ploughing unit while I,

<sup>3059</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 64 lines 18-25.

<sup>3060</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 18 lines 16-20.

<sup>3061</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 19 lines 5-7.

<sup>3062</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 7 lines 13-14.

<sup>3063</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 7 lines 15-16.

<sup>3064</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 100 line 22 – p. 101 line 3.

<sup>3065</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 50 line 20.

myself, went to carry human excrements to make fertilizer. He slept at a separate place, and during the initial three days, I did not work in Daeum Roka village,”<sup>3066</sup>

1312. Civil Party PREAP Sokhoeurn testified, “[w]e did not live together during the period. When I was in the cooperative, my husband was assigned to raise ducks [...] For me, I was put in my cooperative in charge of cooking rice with the banana stump <and corns> for people to eat [...] [W]e did not live together and stay together; we worked and lived in different places.”<sup>3067</sup>

1313. Civil Party PREAP Sokhoeurn explained that “after the marriage, my husband went to his place while I stayed at the union and when he was allowed to come, then he had to see Comrade Sau first and Comrade Sau would relay that information to me and that I would go and see him.”<sup>3068</sup> Later on, however, Civil Party PREAP Sokhoeurn’s union was dismantled,<sup>3069</sup> following which she went to live with her husband at his cooperative.<sup>3070</sup>

1314. After her wedding, Civil Party SAY Naroeun and her husband spent three days together: “After the three days that we spent time together, we were required to go back to our respective units and like once in every one week, we were allowed to meet each other again <at my mother’s house.>”<sup>3071</sup>

1315. Civil Party CHAO Lang testified, “[a]fter three nights, we were separated. <Married> women and married men had to stay in different places, and we were assigned to grow the cotton. The husband was working in a different place growing the cotton and we were not allowed to see each other.”<sup>3072</sup>

<sup>3066</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 50 lines 15-19.

<sup>3067</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 90 line 22 – p. 91 line 3.

<sup>3068</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 95 lines 15-18.

<sup>3069</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 89 line 8.

<sup>3070</sup> “Seeing that my husband asked the permission to have me live together with him <since we already slept with each other>, I was convinced and I went to live with him at <a cooperative in> Ta Poy <village, Tang> Krang <commune>, Batheay district. < I lived there with him...” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 89 lines 9-13.

<sup>3071</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, **E1/489.1**, p. 41 lines 19-22.

<sup>3072</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 71 lines 4-7.

1316. Civil Party MEAN Loeuy testified that after the marriage, “[w]e were allowed to rest for seven days, after which we were sent to work at an area after Bridge Number 3 <at Trapeang Thma>, to build a <rice dike> and dig a canal <from the west of Bridge Number 3 to Ta Vong village>. All the 63 couples were sent to build the <rice dike> and dig the canal after Bridge Number 3. We were working together. However, <female workers had to sleep in female unit and the same applied to male workers.> After we completed building the canal, husbands and wives could only meet each other during the meal time, because there was a decision that married men and women had to sleep in different places.”<sup>3073</sup>

1317. “[T]hree days after the marriage,” Civil Party CHUM Samoeurn recalled, “we <were> separated <forever>.”<sup>3074</sup> “I did not divorce my husband,” she explained, “we went to work in different locations.”<sup>3075</sup> “We were allowed to work < > in separate places.”<sup>3076</sup>

### *Conjugal visits organised by Angkar*

1318. Civil Party OM Yoeurn explained that “[b]etween 10 to 15 days, we were allowed to meet each other.”<sup>3077</sup> During these visits, “we did [consummate the marriage],” she explained, “I was afraid that I was being monitored because when we came there were seven or eight others who also came and I was afraid that I was being monitored.”<sup>3078</sup> “Every time he came to see me,” Civil Party OM Yoeurn recalled, “then we had sex. But I did not really feel that it was a husband and wife relationship. My husband did what he <was ordered> to do.”<sup>3079</sup>

<sup>3073</sup> Oral Testimony of Civil Party MEAN Loeuy, T., 2 September 2015, E1/340.1 [Corrected 2], p. 68 line 25 – p. 69 line 9.

<sup>3074</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 65 lines 5-6.

<sup>3075</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 79 lines 24-25. “I did not say that I divorced my husband at that time,” she clarified again, “[t]hree days after my marriage I went to work in different place from that of my husband.” See Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 80 lines 4-6.

<sup>3076</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, E1/321.1 [Corrected 1], p. 80 line 20.

<sup>3077</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 7 line 16.

<sup>3078</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 7 lines 19-21.

<sup>3079</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 8 lines 8-10.

1319. Civil Party SOU Sotheavy explained that, “[a]fter the marriage and after I consummated the marriage for one time after I got drunk, we were separated and maybe they found out that we had intercourse with one another after we got drunk. The way they spied on us that night and we did not pay attention to that. They knew that we slept with another and then they sent me to live in Tuk (phonetic) in Ta Pek Mountain to break rock, and every 10 days we were allowed to meet each other.”<sup>3080</sup>

1320. During those visits, however, they would not sleep with one another, partly due to the lack of food and working quota: “But I did not have any sex with her because I became so tired after I worked from the work site and I never even had a feeling about sex and I did not even notice that my wife became pregnant. And at six o'clock in the evening I said goodbye to her and I returned to the work site and, of course, my wife understood that. She could see through my poor physical condition that my kneecaps were as big as my head, and how could somebody had any feeling about sex. We were trying to survive.”<sup>3081</sup>

1321. Civil Party CHEA Dieb explained, “[a]fter the marriage, we were allowed to rest at our workplace and we stayed there for three days. Then my husband and their husbands were sent to their respective workplace and I went to my workplace. That applied to all couples.”<sup>3082</sup> Following this, “[w]e were allowed to meet every 10 to 15 days. So when we met then that was the time that I consummated the marriage.”<sup>3083</sup>

1322. “During the regime,” Civil Party CHEA Dieb testified, “and it was not only for me but for everyone else, the quickest was a week that we could meet and sometimes if my husband was employed to work far then we would meet in a month or two. At one stage he was sent to work at Kirirum mountain in order to find vegetables for his unit and I met him like once every one or two <months.>”<sup>3084</sup>

1323. Civil Party PREAP Sokhoeurn testified that “[a]fter we got married, Comrade Sau convened a meeting and we were told that for the newly married people you

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<sup>3080</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 87 line 22 – p. 88 line 3.

<sup>3081</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 88 lines 4-77.

<sup>3082</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 74 lines 6-9.

<sup>3083</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 74 lines 12-13.

<sup>3084</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 75 lines 7-12.

could not sleep together, stay together every time, and that there would be an arrangement for us to meet, that is, we could meet three nights per month and if we did more than that we would be disciplined. And that also happened to other couples who got married later on.”<sup>3085</sup>

1324. Civil Party OM Yoeurn clarified, “after I was forced to have sex, 10 or 15 days after, I was allowed to meet my husband and if I were not to have sex with him, then I would be taken and raped again. And we did not meet each other every day. It happened about a month or two after.”<sup>3086</sup> “We did not argue because although he was a soldier, he was also afraid when I told him that there were soldiers under the house. And in the morning, he went to his place and I went to my place, and he returned to see me again in about a month. And probably that was the time that we also had sex.”<sup>3087</sup>

1325. Civil Party MEAN Loey explained, “[t]he fact that I did not know whether she was pregnant or not because during the time that we were together, we were not <allowed to be> together every day<. Sometimes> I was allowed to <visit> her once a month so I did not know whether she was pregnant.”<sup>3088</sup>

### c.) Monitoring of couples

1326. With respect to the monitoring of couples, Civil Party OM Yoeurn recalled that “[the guards] came to work in that office and, at night time ... [they] monitored us. And if we did not consummate our marriage, then measures would be taken. And for that reason, I agreed to sleep with my husband because, during the night time, I went downstairs -- went out the house to relieve myself, and I noticed that there were militiamen there.”<sup>3089</sup> Civil Party OM Yoeurn explained that when she went outside to relieve herself, the soldiers “were nearby,”<sup>3090</sup> trying to listen.<sup>3091</sup> “They were not

<sup>3085</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 95 lines 9-14.

<sup>3086</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 42 lines 10-14.

<sup>3087</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 44 lines 10-14.

<sup>3088</sup> Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, E1/340.1 [Corrected 2], p. 76 lines 18-22.

<sup>3089</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 8 lines 1-5.

<sup>3090</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 44 line 18.

like 10 metres away, no. They were within the vicinity of the house. Although I noticed their presence, I pretended not to see them, so I went back up the house after. Of course, they were ordered by their chief to come and to eavesdrop on us, and they were staying under the house and not far from the house.”<sup>3092</sup>

1327. Civil Party OM Yoeurn explained, “[i]t was about one or two months later on that I had sex with him because if I refused to do so I would be taken away and killed because I saw soldiers guarding around my house.”<sup>3093</sup>

1328. After the wedding ceremony, Civil Party SOU Sotheavy recalled, “I went to my elder in-laws' house,” which was “not built high off the ground.” And in the evening when he was talking with his wife and his elder-in-law, they “saw movement of shadows although we did not know who they were. However, in the morning we saw mass of people crawling under the house and then we knew immediately that they came to spy on us because while we were unmarried they crawled under the house to make -- to listen whether we were agents of CIA or KGB. And, after we got married, they did the same but this time they wanted to make sure whether we consummated the marriage or not.”<sup>3094</sup>

1329. Civil Party SOU Sotheavy testified, “[t]hey came to monitor us once in every two or three days [...] and after the event occurring I saw the marks or footprints under the house.”<sup>3095</sup> The Civil Party described the militiamen, whose rifles touched the ground,<sup>3096</sup> as “children,” estimating them to be about 12 or 13 years old.<sup>3097</sup>

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<sup>3091</sup> “They were there trying to listen to what we say, but I did not say anything so they could not hear anything.” See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 44 lines 20-21.

<sup>3092</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 44 line 25 – p. 45 line 6.

<sup>3093</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 48 lines 14-16.

<sup>3094</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 85 line 17 – p. 86 line 5.

<sup>3095</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 45 lines 9-12.

<sup>3096</sup> “Although they did not tell me that they were 12 or 13 years old,” Civil Party SOU Sotheavy clarified, “from their physical appearance I could say that they were about that age because when they were carrying rifles, the cannon of the rifles actually touch the ground. And from the house, when I looked under the house I could see that they were young <because they were short>.” See Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 54 lines 18-23.

<sup>3097</sup> “[F]rom what I could observe they were adults but they were pretty young. That's why sometimes I said that they were children. Of course they were not infants. They were young adults or adolescents and usually people who were in the militiamen <aged> about 12 to 13 years old.” See Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 54 lines 10-14.

1330. Civil Party YOS Phal testified, “[w]hen I was in the mobile unit and after the marriage, Comrade Pet brought my wife to me. Then there was the messengers of Ry and Put who came to <monitor> us regularly.”<sup>3098</sup> “And after I left the mobile unit to join the cooperative to the south of Takeo province,” the Civil Party continued, “there were also militiamen from the cooperative who kept monitoring us. They monitored us about once or twice.”<sup>3099</sup> “<But someone> told them that how could I have intercourse because I was so exhausted and skinny?”<sup>3100</sup>

1331. Civil Party CHEA Dieb recalled her husband saying that if they “did not get well together or get along together, then we would be mistreated. That's all what he said.”<sup>3101</sup> The Civil Party explained, “[h]e knew it during the first night that we stayed together and that we were under monitoring, as we all could hear footsteps going up the staircase or the ladder. And I had been aware of that previously.”<sup>3102</sup> “It was dark and I did not dare to open the door to see. <We stayed still and quiet>. We were scared.”<sup>3103</sup> Civil Party CHEA Dieb also recalled being warned by a woman to be careful because she was “under monitor.”<sup>3104</sup>

1332. Describing the night she was forced by militiamen to consummate her marriage with her husband, Civil Party MOM Vun testified that “that was not the only night that we were monitored and it happened again the day -- the night after and when they came, they saw us sleeping and hugging one another and they said that we

<sup>3098</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 31 lines 4-6.

<sup>3099</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 31 lines 7-10.

<sup>3100</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 31 lines 10-11. On the lack of adequate food and his physical health, the Civil Party testified that the “people at the cooperatives who had good health when they saw me were in bad health and skinny appearance like that, they told me to eat more in order to increase my energy. So, when I went ploughing the paddy field and I caught frogs and crabs, I ate the frogs and crabs. I did not dare to find any other food because I felt afraid that I would be arrested.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 31 lines 13-19.

<sup>3101</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 31 lines 11-13.

<sup>3102</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 31 lines 15-18.

<sup>3103</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 32 lines 19-20.

<sup>3104</sup> “It was the elder woman who cooked, who worked in the kitchen at the location where I worked. She says that I should be careful because we were under monitor since we did not like our husbands, and it turned out to be true at night time since I could hear footsteps going up the staircase. And I became so quiet in order to listen to the footsteps outside. And after a while, I could hear the footsteps going down.” See Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 32 lines 9-15.

went along that well, so they left and after that, we just slept.”<sup>3105</sup> “They came again on the third night,” the Civil Party recalled, “[t]hey used the torch upon us and then they saw us sleeping and hugging one another, so they left. And after < the first three nights, they came to eavesdrop on us <three more nights> under the house and after they knew that we were sleeping with one another, then they left. So they knew that they achieved what they wanted and they left.”<sup>3106</sup> She explained that the militiamen moved on once they knew that they had consummated their marriage.<sup>3107</sup>

1333. Civil Party PEN Sochan explained how she knew that she was being monitored by militiamen, describing that “the hut was built lowly, <so they were not standing below it. They were standing near the wall> and the wall had holes, <we did not care to cover it properly,> so we could see from the inside to the outside.”<sup>3108</sup>

1334. Civil Party PREAP Sokhoeurn explained that, “[a]fter we got marriage, we were <constantly> under surveillance, <they looked inside> the window, <they stood> outside and we were told to stay together and consummate our marriage. They conducted surveillance the whole night. When we walked outside the room, < we saw them there and if I <often> went outside <, I would be asked < where I was going. <At that time, I did not have any feelings toward my partner.> I <lied to> them that I went out to <relieve myself>. <I actually went outside to pass the time so that I did not have to be near with the man.>”<sup>3109</sup>

1335. Civil Party NGET Chat testified that newlywed couples were taken to a small shelter where they spent the night: “We consulted among each other that we should not oppose and we should kept quiet because there were <young> militiamen walking nearby <listening to us>. <In fact, I did not know why they were there for, but they were walking back and forth along the path in between the shelters.> So we did not

<sup>3105</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 59 lines 1-5.

<sup>3106</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 59 lines 6-11.

<sup>3107</sup> “[A]fter they monitored us and that they forced us to have sex and they said that we already had sex, so < they moved on and I believed that they moved on from one couple to the next.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 60 lines 10-13.

<sup>3108</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 106 line 23 – p. 107 line 1.

<sup>3109</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 85 line 18 – p. 86 line 2.

dare to make any noise. We kept quiet because we saw cases where people were taken away to be killed. <So we did not dare to even whisper to each other.>”<sup>3110</sup>

1336. Civil Party SAY Narooun described being monitored by militiamen and feeling fearful: “The militiamen brought the two of us to the small shelter. Then I sat down with my hand holding my knees and then I heard the footsteps walking back and forth. I felt fearful and I tried to look out through the thatch wall. I saw between six and seven militiamen walking back and forth.”<sup>3111</sup> “It was night time,” the Civil Party recalled, “I could not count the number clearly, but I can say it was around six militiamen. When I saw them approaching my shelter, I closed the wall, and then I kept sitting quietly. Then I heard the seemingly running or walking fast footstep. Then I look through the wall and I saw the militiamen about 50 metres away from my shelter.”<sup>3112</sup>

1337. Following the wedding ceremony, Civil Party CHAO Lang and her husband were monitored: “On the first night, when I met with my husband, I said nothing. Why? Because there was a militiaman breaking the wall of my place to see or they were eavesdropping <on us>. So my husband and I decided to keep silent and we did not dare to move our bodies.”<sup>3113</sup>

1338. Civil Party CHUM Samoeurn testified that she was monitored as well: “There were militias who came to eavesdrop on us <, but they did nothing>. I did not know whether these militias were armed <because> I did not see them, I only heard their footsteps.”<sup>3114</sup> “They wanted to know whether we consummate the marriage.”<sup>3115</sup>

1339. Civil Party SUN Vuth testified to the monitoring of couples in the aftermath of the wedding: “After the marriage,” he explained, “they would be monitored whether they consummated the marriage or not and then such a report would be made

<sup>3110</sup> Oral Testimony of Civil Party NGET Chat, T., 24 October 2016, **E1/488.1**, p. 125 line 21 – p. 126 line 2.

<sup>3111</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 39 lines 3-7.

<sup>3112</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 39 lines 9-15.

<sup>3113</sup> Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 70 line 25 – p. 71 line 3.

<sup>3114</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 66 lines 10-12.

<sup>3115</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 66 line 15.

to the upper echelon.”<sup>3116</sup> “I only heard from those who actually engaged in the monitoring of those married couples and if they loved each other or not after the marriage, they would have to make such a report to -- to the upper level,”<sup>3117</sup> he noted, adding that “[t]he <married> couples were those combatants in the military unit and those who engaged in the monitoring <of> the marriage were also soldiers, <who were close to their commanders>. In fact, those married couples were asked to live in a row of small huts and <there was a team of two who monitored> the consummation. If they didn't consummate their marriage, then a report would be made through the upper level that they disobeyed the instruction of Angkar.”<sup>3118</sup>

1340. Civil Party MEY Savoeun testified to being monitored: “When the company chief or the <mobile> unit chief organized such a wedding, they would deploy militiamen to monitor the newlywed couples. They actually had a list of those militiamen to go and monitor the newlywed couples. And if the newlywed couples did not consummate the marriage, then they would take measures, although I did not know what measures they would take.”<sup>3119</sup> “As for me personally,” he continued, “I did not touch her during the first night nor did I touch her during the second night. Only days after that, <did> I <have> feelings toward her, I had a pity for her.”<sup>3120</sup>

1341. Civil Party SA Lai Heang explained that the people assigned to monitor couples, “were the people from <within> their own units. They wanted to know such information as what were their reactions, what happened between them. <After> they had received the information and then the couples involved would be called to be reprimanded.”<sup>3121</sup> “To conclude, the people who monitored were the people from within the units. They were assigned to monitor <to collect information.>”<sup>3122</sup> Besides “<collecting> information, [they would report] <it> to the more superior

<sup>3116</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 4 lines 22-24.

<sup>3117</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 5 lines 3-6.

<sup>3118</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 5 lines 11-19.

<sup>3119</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 63 lines 10-15.

<sup>3120</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 63 lines 16-18.

<sup>3121</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, E1/476.1, p. 56 lines 13-17.

<sup>3122</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, E1/476.1, p. 56 lines 22-24.

chiefs and then the superior chiefs would take action.”<sup>3123</sup> “In each unit there was a supervisor. So that supervisor was the one who ordered the monitoring and it was the same person who would order the couples to be reprimanded or educated. The first time the couple would be educated, the second time would be reprimanded.”<sup>3124</sup>

1342. Civil Party PRAK Doeun, who assisted in the organisation of marriages, also confirmed that couples were subjected to monitoring in order to discern whether they consummated the marriage.<sup>3125</sup> Some were arrested, or re-educated, although the Civil Party does now know what happened to them afterwards.<sup>3126</sup>

**d.) Climate of fear surrounding consummation of marriage**

1343. Civil Party OM Yoeurn explained. “I did not shout nor did I protest because I was frightened. So I agreed to -- I finally agreed to let him do it. But I was so upset. I was so angry that I was forced to get married. So when you ask me about such questions it reminded me of that period. I felt so upset about it.”<sup>3127</sup> Civil Party OM Yoeurn explained that “[i]f we did not consume the marriage, my husband would report this to his boss. At that time they did not address each other as sweethearts or lovers. They simply called each other ‘cadre’, correction, ‘comrade’.”<sup>3128</sup>

1344. Civil Party CHEA Dieb testified, “I was fearful. The reason was that I was forced several times, so I had to follow the order. I could not anticipate what would happen if I kept on refusing.”<sup>3129</sup> “I was afraid of both the militiamen and my

<sup>3123</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 57 lines 4-5.

<sup>3124</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 57 lines 13-17. As for the reasons why monitoring was conducted, the Civil Party stated: “<I did not quite understand about that.> Because they wished to make sure that those who arranged to get married they must get along with each other and if they could not get along with each other, actions would be taken in the forms of educating them and so on and so forth.” See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 57 lines 21-25.

<sup>3125</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2] p. 99 line 22– p. 100 line 3.

<sup>3126</sup> Oral Testimony of Civil Party PRAK Doeun, T., 2 December 2015, **E1/361.1** [Corrected 2] p. 100 lines 7-10. See also, Annex G: Schedule of Civil Party Evidence Presented at Trial of Indirect Victims of Regulation of Marriage.

<sup>3127</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 50 line 18-22.

<sup>3128</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 53 line 16-19.

<sup>3129</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 103 lines 3-5.

husband. I did not dare to make any sound.”<sup>3130</sup> Speaking about the first time she consummated the marriage with her husband, Civil Party CHEA Dieb testified that “[i]t was his choice,”<sup>3131</sup> explaining that “[i]f the militia found out that a couple didn't agree to stay with one another they put the persons or the couples would be called for re-education or refashion.”<sup>3132</sup>

1345. Civil Party MOM Vun described, “[w]henever I had sex with him, it was like I forced myself to do it because if I disagreed and then we would be in trouble. <For three months and a half, whenever he came back from work, he slept with me.>”<sup>3133</sup>

1346. Civil Party SAY Naroen explained how she “saw two militiamen <walking in the front but I did not know how many were at the back, they> took a couple from <a> shelter away. After the militiamen took the couple away, I kept on looking, and about half an hour later, I saw the two militiamen came back. But I but I did not see the couple coming back with them. I concluded that perhaps the couple did not get along with each other. That's why they were taken away from the shelter. The militiamen continued patrolling and then, some minutes later, they took away another couple. <At that point,> I thought to myself <that I must live longer> although my body was trembling, I agreed to give my body to my husband because I saw the militiamen walking <the two couples out from their shelters>, and I was <in fear>.”<sup>3134</sup>

1347. Civil Party SAY Naroen described, “I felt difficult in to breathe in my heart because in my whole life, I never encountered such an incident. And as a Khmer woman, nothing is more important than our body. Although I was fearful and trembling, I thought to myself that I had to give my body to my husband in order to fulfil the requirement of Angkar. <It was so painful for me.>”<sup>3135</sup>

<sup>3130</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 73 line 25 – p. 74 line 2.

<sup>3131</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 74 line 19.

<sup>3132</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 74 line 25 – p. 75 line 2.

<sup>3133</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 84 lines 5-8.

<sup>3134</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 39 line 16 – p. 40 line 3.

<sup>3135</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, **E1/489.1**, p. 49 lines 7-12.

1348. Civil Party MEAN Loeuy explained that he “[l]earnt a lot about the virtues, good deeds, and whatever that I had to do the good things. So, after the marriage, I had to love my wife,”<sup>3136</sup> and “[y]es, we did [consummate the marriage].”<sup>3137</sup>

1349. Civil Party CHUM Samoeurn explained why she kept it a secret that she had not consummated the marriage with her husband: “Because I was afraid that they knew, for that reason, I told him to keep it a secret. I was alleged of having affiliation as both my father and stepfather were former servants of the Lon Nol regime. <And, I was scared of being maltreated.>”<sup>3138</sup> She clarified further that “we did not consummate our marriage as I was afraid of him. Of course we Cambodian girls would not willingly give ourselves to the men that we just knew and for that reason my body was trembled and I actually begged him to keep a secret that we did not consummate our marriage.”<sup>3139</sup> “I did not know what would happen if they would found out,” she continued, “[a]t that time I told my husband that I was scared after the marriage and I told him to keep the secret that we did not consummate our marriage.”<sup>3140</sup>

1350. Civil Party OM Yoeurn explained that “during the bad times, I had to agree because if we -- if I kept on refusing I would be taken away to be killed.”<sup>3141</sup>

1351. Civil Party SOU Sotheavy explained, “[t]he measures they had taken against me was to send me for education and for study sessions, and I was threatened that if I did not consummate the marriage, I would be killed.”<sup>3142</sup> This led her to eventually consummate the marriage under the effects of alcohol: “[A]fter they gave us the wine to drink, we drank it and we then consummated the marriage.”<sup>3143</sup> “I did not have any

<sup>3136</sup> Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 69 line 24 – p. 70 line 1.

<sup>3137</sup> Oral Testimony of Civil Party MEAN Louey, T., 2 September 2015, **E1/340.1** [Corrected 2], p. 70 lines 2-4.

<sup>3138</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 66 lines 19-22.

<sup>3139</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 67 lines 1-5.

<sup>3140</sup> Oral Testimony of Civil Party CHUM Samoeurn, T., 24 June 2015, **E1/321.1** [Corrected 1], p. 67 lines 12-15.

<sup>3141</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 50 lines 8-14.

<sup>3142</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 29 lines 13-15.

<sup>3143</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 29 lines 15-17.

feeling for any woman,” Civil Party SOU Sotheavy emphasised, explaining that she consummated the marriage “...out of fear of being killed.”<sup>3144</sup>

1352. On the consequences of refusing to consummate the marriage, Civil Party PEN Sochan explained that she approached her unit chief “and the response was that after the marriage and after I was refashioned for one time, that is, for the first night and for the second night and if I still refused, then I would be killed during the third night.”<sup>3145</sup> Civil Party PEN Sochan further explained that during the regime, “[t]he phrases used at the time were what she just said, ‘If we did not love each other, <we did not consummate the marriage,> then we would be tortured and killed.’”<sup>3146</sup>

1353. Civil Party KUL Nem testified, “[w]e were being monitored if we consummated the marriage or not, and that's what happened. We were afraid, so we had to consummate the marriage and that happened three days after the marriage. I had to think during the initial three days and then after that I decided to consummate the marriage because we had been monitored.”<sup>3147</sup> “[W]e had to respect them, otherwise we would risk being killed <or tortured>.”<sup>3148</sup>

1354. Civil Party SAY Narooun explained, “I thought that if I did not consummate the marriage with my husband, then I might risk being taken away and killed because <once or twice> I already <> protested <>. And I also saw with my own eyes some couples who were led away by the militiamen.”<sup>3149</sup>

#### **e.) Threats for not consummating marriage**

1355. Civil Party SOU Sotheavy testified, “[n]o, we did not consummate the marriage <on the first night>, and it continued for several weeks that we were taken for study sessions.”<sup>3150</sup> “[W]e were questioned on both sides and they warned if I did not consummate and if they find out, then we would be smashed. But I told them that

<sup>3144</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 28 lines 13-16.

<sup>3145</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 83 lines 15-18.

<sup>3146</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 84 lines 15-17.

<sup>3147</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 100 lines 17-22.

<sup>3148</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 100 line 25 – p. 101 line 2.

<sup>3149</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, **E1/489.1**, p. 49 lines 3-8.

<sup>3150</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 86 lines 10-16.

we did. We were threatened repeatedly until we decided to consummate the marriage.”<sup>3151</sup> “One day, the village chief who liked me, who considered me as his relative, gave me some wine,” the Civil Party explained, “[t]hen I drank the wine with my wife together and we got drunk, and then I said that, ‘If we do not consummate the marriage today then one day if they would find out and we would be killed and that we run out of lies.’ And she said that we should do anything in order to survive. And then, under the effect of the alcohol, my mood changed and that’s how I consummated the marriage.”<sup>3152</sup>

1356. Civil Party MOM Vun and her husband discussed pretending to get along and that later on, if they disagreed, they could go separate ways once peace returned to Cambodia: “However, the militia people could hear us, then <three of them> got into the house and threatened us to sleep with one another. <They pointed their guns at us.> We were ordered to take off our clothes so that we could consummate the marriage.”<sup>3153</sup> “Militia people had a torch to shed light on us and they also had guns. We had no choice but to take off our clothes, but then I still refused to consummate the marriage. They threatened us again and they used the torch <> on us and they actually got hold off his penis and to insert it into <my thing>. <> It was so disgusting, but we had no choice.”<sup>3154</sup> “After that day I felt humiliated,” Civil Party MOM Vun testified, “I felt the pain. I wanted to protest but I did not dare because I was afraid I would be killed. And I just pretend that it was <my bad luck>, the only humiliation that I face in this life.”<sup>3155</sup>

1357. Civil Party PEN Sochan testified, “[Comrade Om] told me that there were militiamen monitoring on me and the militiamen told <her> that I did not consummate the marriage on that night...,”<sup>3156</sup> then “she told me that I could refuse on

<sup>3151</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 86 lines 18-24.

<sup>3152</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 86 line 25 – p. 87 line 7.

<sup>3153</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 58 lines 6-12.

<sup>3154</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 58 lines 13-18. “And those militia people were so young,” the Civil Party recalled, “[a]nd after we actually had sex, then they said, ‘Let’s move to another couple because this couple already had sex.’ To me, I can never forget what happened that night.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 58 lines 19-22.

<sup>3155</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 79 lines 10-13.

<sup>3156</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 85 line 24 – p. 86 line 3.

- the first night and the second night, but if it happened again on the third night, I would be <dead>.”<sup>3157</sup>
1358. Civil Party SUN Vuth explained, “the upper level would take [the couple] for re-education. If the woman didn’t love the husband, then the woman would be re-educated that she should love the husband based on the instruction of Angkar and that they had to listen and obey the orders of Angkar.”<sup>3158</sup>
1359. Civil Party CHEA Dieb recalled that of “the three couples who stayed with me and one couple did not get along well with each other, but because under constant monitoring they kept silent. <The husband did not love the woman.> <He> was an ethnic minority and the wife was an ethnic Khmer [...] And then a while later, the wife reported to Angkar and then the husband was called to be re-educated on one or two occasions. And the man said that he did not love the woman<>. And, later on, Angkar called him for re-education again and then he said that his manhood did not work. And the Angkar called in a medic to test his manhood whether it worked or not. And after several -- after several education, the husband agreed to stay with the wife and both of them stayed with each other and the wife got pregnant and she delivered a baby boy and, later on, the wife died.”<sup>3159</sup>
1360. Civil Party PREAP Sokhoeurn testified that a couple was sent to be educated after the husband refused to consummate the marriage: “There was Oeun, who was arranged to marry Mean. Mean had a large build, <fat and> was not <fit>. However, the men did not like her. <Oeun was handsome. Mean loved the man she was paired with, but the man did not love her.> and from what Mean said, when she was asked to sleep together, <he> would sleep in a hammock while <she> slept <in the hall> so they did not actually consummate their marriage. And the news reach Angkar, and Angkar called them for education.”<sup>3160</sup>

**f.) Punishments for refusing to consummate marriage**

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<sup>3157</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 86 lines 7-9.

<sup>3158</sup> Oral Testimony of Civil Party SUN Vuth, T., 31 March 2016, E1/412.1, p. 5 line 24 – p. 6 line 2.

<sup>3159</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, E1/466.1, p. 101 line 19 – p. 102 line 19.

<sup>3160</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 11 line 24 – p. 12 line 6.

***Rape as punishment for refusal to consummate marriage - Civil Party OM Yoeurn***

1361. Following her initial refusal to consummate the marriage, Civil Party OM Yoeurn's husband "went to report the matter to his chief,"<sup>3161</sup> Comrade Phan.<sup>3162</sup> "He complained that I did not consummate the marriage with him. Then Comrade Phan called me to see him."<sup>3163</sup> Following her husband's complaint, the Civil Party testified, "I was called to a <quiet> room <>, and when I was in the room, I was questioned why I didn't consent to have sex with my husband. <He did not ask me further, then> he simply forced upon me and raped me in that very room."<sup>3164</sup> "He said that if he -- he raped me and I shouted, then I would be shot dead. And after that warning, after the rape, that I had to shut my mouth and that I had to agree to live with my newlywed husband."<sup>3165</sup> "He used strong words, military type words on me. And I didn't dare to protest. I had to bite my mouth -- bite my lip and shed my tear, but I didn't dare to make any noise because I was afraid that I would be killed if I made any noise."<sup>3166</sup>

***Rape by husband following refusal to consummate marriage - Civil Party PREAP Sokhoeurn***

1362. Civil Party PREAP Sokhoeurn testified, "I was forced to have sex with him. That day ... I slept and when I woke up he hugged me and <when I tried to resist and attempted to run,> he took off my clothes. In fact, <> he tore away my underpants. He ripped my shirt although I tried to protest it. He said that we were husband and wife and if I <resisted>, then Angkar would kill us both. <He also threatened me.>"<sup>3167</sup> "I shouted. I was shouting at the time and he asked me not to shout because

<sup>3161</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 5 line 13.

<sup>3162</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 5 line 15.

<sup>3163</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 5 lines 22-23.

<sup>3164</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 6 lines 3-6.

<sup>3165</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 6 lines 11-14.

<sup>3166</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 6 lines 18-21.

<sup>3167</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 95 line 23 – p. 96 line 5.

he said that he and I became husband and wife already. That was the first day that he raped me.”<sup>3168</sup>

1363. Civil Party PREAP Sokhoeurn described, “I cried and I said my father would not allow any man to do that to me because I was a woman and <> that he was a man, but he says that that was Angkar's instructions and that he had to follow that instruction. I kept weeping that night, throughout the whole night.”<sup>3169</sup>

1364. The Civil Party testified to the physical and psychological suffering caused by the rape and the forced marriage: “I hurt physically and morally. <First,> it was the pain that he inflicted upon me physically, and <second,> morally I was hurt <I did not intend to have a husband and wife relationship at all> and there was nothing I <could> do besides weeping and I regretted for what happened and that I betrayed my father's words. So all these things added together caused me a worried and I could not sleep and I could not eat and I became pale.”<sup>3170</sup>

***Rape and mistreatment following the marriage ceremony – Civil Party PEN Sochan***

1365. Civil Party PEN Sochan recalled the events that unfolded in the three nights following her marriage ceremony. During the first night, the Civil Party was re-educated<sup>3171</sup> and overheard militiamen giving her husband instructions to consummate the marriage.<sup>3172</sup> “I was <> beaten and <he> tore apart my clothes, but

<sup>3168</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 88 lines 14-25.

<sup>3169</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 96 lines 6-10. Civil Party PREAP Sokhoeurn explained that she “did not know whether Angkar instructed [her husband] to do that <or not,> the only thing I knew <was> that he, himself, did that to me for his own purpose, <but when I cried and started to scream> and he said that what he did was following Angkar's instructions otherwise we both would be killed. So I did not know whether Angkar instructed him to do or whether he did it on his own initiative.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 96 lines 14-20.

<sup>3170</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 96 line 22 – p. 97 line 3.

<sup>3171</sup> Civil Party PEN Sochan testified that “in my case, during the first night, I was re-educated.” Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 84 lines 17-18.

<sup>3172</sup> On the first night, the Civil Party testified, “five militiamen” “instructed my husband to <mistreat me>” and to forcibly consummate the marriage. See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 85 lines 3-4, p. 105 line 23 – p. 106 line 4. “At that time because I was too terrified, I could hear only some of what they said.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 106 lines 6-7. She overheard them saying “... that if couple held each other's hand, <they did not use the word marriage, they said if we got to held each other's hand, we were considered> husband and wife, <and that my husband had to successfully rape me. That was all I heard>, I was <already trembling like a mouse>. <I

on that day, I wore two trousers and <my shirt was all> torn up. <That was the first night.>”<sup>3173</sup> During that first night, they did not consummate the marriage, “I implored; <I sit up and> I begged for mercy and then <he> slept and at 2 a.m., when I heard the whistle blown, I came to stand in line with other people.”<sup>3174</sup>

1366. “On the second night,” she continued, “I was mistreated again.”<sup>3175</sup> “[I]t happened again to me; I was badly mistreated. I was beaten and my clothes were torn up. <Although I begged for mercy, he would not listen. I had an uncle who was married during that time as well. He was nearby.>”<sup>3176</sup> “<I got> my uncle <to help me> and during the third night that I knew that since I was separated from my parents, <I thought I would die.>”<sup>3177</sup> Her uncle came to beg her husband for mercy and Civil Party PEN Sochan testified that if it had not been for her uncle, she would not have survived that night.<sup>3178</sup> “I was trembling but>, I had to stay <in the room> that night.”<sup>3179</sup>

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was rather young at the time. I could not recall the exact time it happened.>” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 106 lines 10-15.

<sup>3173</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 85 lines 7-9. The Civil Party later clarified that “[o]n the first night I was not tied up, I was only beaten and <he> tore my clothes <off>. <I said that already. Like I said, my clothes were torn off and I sit up and begged him.> I tried to <resist him. It was a long night,> and then at 2 a.m., the whistle was blown as the signal to people to gather up to go to work. <So I went to stand in line. That day, I did not get to eat, nor sleep.>” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 105 lines 16-22.

<sup>3174</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 85 lines 15-17.

<sup>3175</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 85 lines 20.

<sup>3176</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 86 line 23 – p. 87 line 1.

<sup>3177</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 84 lines 18-21

<sup>3178</sup> “My uncle came to implore to my husband not to cause harm to me <because I was so small and he said I would die if my husband beat me like that every night>. He tried to beg for mercy from my husband not to mistreat me <because I was Khmer like him>. On that night, I could escape again, <I went to sleep near my uncle,> but <maybe> my husband reported <to the militiamen that was why he mistreated me on the third night.>” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 87 lines 2-8. The Civil Party clarified that “[my husband] beat me for the purpose of forcing me to consummate the marriage, but <his> attempt was not successful, <even on the second night,> because my <> uncle begged for mercy from <him>, that I had worked hard during daytime and if at nighttime, I was <beaten like this>, I would not survive.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 107 lines 12-16. “[My husband, ] <Tak Sat[, ] actually listened to him and he slept near my uncle that night while I came to sleep near my uncle’s wife. So I was spared the second night as well.>” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 107 lines 16-19.

<sup>3179</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 84 lines 21-22.

1367. As for the third night, “my husband forced me during the third night; he tied <my hands> up; he tore away my pants.”<sup>3180</sup> “I remember that from the words of Comrade Om that if I continued to refuse, I would die. On that <night, I went to in sleep there, but I still did not want to do it.> I wore two trousers and there were three militiamen came to tie <my hands to a pillar> and they took off my clothes and I was raped successfully. I was bleeding for more than one month <> as a result of that incident.”<sup>3181</sup>

1368. Civil Party PEN Sochan explained that “[b]ecause I had been refashioned for the first and second night and I feared that the third night, if I resisted, I would be dead. I resisted when I did not see the militiamen <and then he slapped me. Then> he tried to tie <my hands> to a pole in the house and he stripped the clothes off me and, later on, he raped me while under watch of the militiamen.”<sup>3182</sup> The militiamen standing nearby “<used profane words>. They <said what we did was good, that we were producing children for the Party.>”<sup>3183</sup> They laughed<sup>3184</sup> and “they shouted at us that we had to make children for Angkar.”<sup>3185</sup>

1369. “On the fourth night,” she continued, “I went to my mother to ask for help [and] I told her that I was bleeding...”<sup>3186</sup> “And my mother told me that she could not help me because she did not even know that I had married and that <as I could see> my siblings <were hungry and there was nothing to eat> and that I should leave

<sup>3180</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 84 lines 22-23.

<sup>3181</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 87 lines 19-25. The Civil Party explained that the militiamen who tied her hands to a pillar were the same ones who attended her wedding ceremony. “Yes, it was the same <five> militiamen. They were mobilized at night time to keep monitoring on the newlywed couples, whether they consummated the marriage or not. <It was a game to them.>” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 88 lines 4-6.

<sup>3182</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 90 lines 18-23.

<sup>3183</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 88 lines 17-19.

<sup>3184</sup> The militiamen who watched the event unfold made no attempt to step in and protect her. “They stood and watched as the incident unfolded and they laughed and then they walked away. And they said before they left that that was the way things should go, that <we were producing> children for Angkar, <they laughed and then they walked away>.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 109 lines 6-10.

<sup>3185</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 63 lines 21-23.

<sup>3186</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 88 line 15; Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 51 lines 7-8. The Civil Party recapped that “[d]uring the <> second night, I was rescued by my uncle. I was raped during the third night and the fourth night I ran to my mother's for help.” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 91 lines 7-9.

because if they came and caught me there then <the whole family> would also be killed.

1370. Civil Party PEN Sochan testified to the suffering she endured during the regime: “I had a lot of sufferings as a Cambodian child. I was born as a woman, but I did not have a formal wedding. I was forced, in fact. I was raped, and I was suffering bodily. And I had blood coming out of my body.”<sup>3187</sup> When she got married, Civil Party PEN Sochan explained, “I was very young. I did not know what period even meant or whether I was mature.”<sup>3188</sup> “I did not have period <yet at the time.> After I was raped, but I bled for over a month.”<sup>3189</sup>

***Disappearances or killings of people who refused to consummate marriage or stay in conjugal relations***

1371. Civil Party SOU Sotheavy testified that couples who separated “were taken away for study session and they disappeared, they never returned to the village. They were said that they were taken away to be educated, but they never returned.”<sup>3190</sup> “People had the right to get divorced only in 1979, but during the Khmer Rouge regime they did not have the right to get divorced. They simply disappeared because they were required to go for study session.”<sup>3191</sup>
1372. Civil Party MOM Vun gave evidence on the disappearance of married couples who refused to consummate their marriage: “Some couples refused while others did not dare to do so because they were afraid that they would be killed. The two couples among the 60 couples were taken away and I had no idea where they were taken to. They refused, and as a result they were taken away.”<sup>3192</sup> “Comrade Thol (phonetic), she refused,” the Civil Party recalled, “[s]he would rather die.> She refused to love the man and then it happened to her and because of that incident, I felt afraid and I

<sup>3187</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 67 lines 17-21.

<sup>3188</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 92 lines 4-5.

<sup>3189</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, E1/482.1, p. 92 lines 6-9.

<sup>3190</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 89 lines 16-21.

<sup>3191</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 90 lines 2-5.

<sup>3192</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 81 lines 16-20.

accepted the arrangement <for the sake of my children>.”<sup>3193</sup> Civil Party MOM Vun learned about the fate of Comrade Phol before her marriage and “[b]ecause I saw that as an example, I tried to obey them in order to survive.”<sup>3194</sup>

1373. Civil Party PEN Sochan recalled that the day after they got married, one couple, Kom and Muth, were called: “When they were called, she wept and hugged me, <she said> that they did not consummate the marriage and that they would be killed. She slept next to me and she left while leaving her clothing behind and I never saw her coming to pick up her belonging.”<sup>3195</sup> The Civil Party testified that after Kom and Muth’s disappearance, another couple would disappear every three to four days and that there was a rumour that they were sent to be re-fashioned at Veal Kuang.<sup>3196</sup>

1374. Civil Party NGET Chat gave evidence about her sibling-in-law, who was in the youth unit, “she refused to consummate and they did not get along. I did not check on her. We were in the same unit, I slept near her, but I did not dare check on her.> I told my sibling-in-law to work hard and to refashion oneself in order to survive, <and later on,> my sibling-in-law was <taken away, and> killed.”<sup>3197</sup>

1375. Civil Party KHUOY Muoy described, “I was so terrified, at the time, after hearing that people had been killed and later on, I was sent to Ta <Ney> to <make baskets and harvest thatch there. I have been traumatized since then and to the present even after the> liberation in 1979<>.”<sup>3198</sup> As for the four or five couples who had been sent to be punished, the Civil Party explained, “I do not know <as I had already been relocated to Ta Ney. Before I was being relocated, I heard that some of them had been taken away and killed for not getting along well with each other.”<sup>3199</sup>

<sup>3193</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 82 lines 11-14.

<sup>3194</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 82 lines 17-18.

<sup>3195</sup> Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 99 line 19 – p. 100 line 1.

<sup>3196</sup> And “...about three days later, <another> couple disappeared and, subsequently, every three or four days a couple disappeared and I did not know what happened to them. Rumour says they were sent to be re-fashioned at <Veal> Kuang (phonetic).” See Oral Testimony of Civil Party PEN Sochan, T., 12 October 2016, **E1/482.1**, p. 100 lines 2-5.

<sup>3197</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 13 lines 2-10.

<sup>3198</sup> Oral Testimony of Civil Party KHUOY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 56 line 23 – p. 57 line 1.

<sup>3199</sup> Oral Testimony of Civil Party KHUOY Muoy, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 85 lines 11-14.

1376. Civil Party PREAP Sokhoeurn gave hearsay evidence as to the fate of a monk: “<He was defrocked at the union. He was old. So they arranged marriage for him. He was also taken away to be killed. Initially,> she was <> taken away to be killed, but the husband was spared. <But because the husband kept singing sad songs for farmers to hear afterward, that rumor was heard to Angkar,> later on, <when> couples <did not get along>, both husbands and wives, were killed.”<sup>3200</sup> The wife “was killed before her husband. Both of them did not get along with each other and, as a result, the woman was taken away and killed <first>. And the husband who was spared sang the song, ‘A lonely bird flying alone.’”<sup>3201</sup> “And when the song was heard,” the Civil Party recounted, “the Khmer Rouge asked why he sang that song and he said because the wife was <killed> and he was lonely. <He was joking about that. Later on, if there were couples who refused to consummate their marriage, both husbands and wives were taken away to be> killed.”<sup>3202</sup>

**g.) Pretending to ‘get along’ to avoid punishment**

1377. Civil Party YOS Phal and his wife pretended that they loved each other and had sexual intercourse with one another, because otherwise “[i]t means that we did not love one another and as a result we would be taken away and killed. And if we told them that we loved one another and that we had sexual intercourse with one another then we would be spared.”<sup>3203</sup> The Civil Party testified that he considered his wife as a sibling, but in order to survive, they acted like husband and wife.<sup>3204</sup>

<sup>3200</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 13 line 25 – p. 14 line 7.

<sup>3201</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 14 lines 12-19.

<sup>3202</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 14 lines 21-25. Besides this person, the Civil Party testified, “there were [other girls who were forced to marry defrocked monks], but I did not know well because we were in different units, and I also did not pay much attention to who were involved. I remember that only the case <of Bong Hin (phonetic) and another person> that I told you earlier, about the woman who arranged to married a monk <who was defrocked at the union>.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, E1/488.1, p. 15 lines 7-12.

<sup>3203</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 37 lines 20-24.

<sup>3204</sup> “I took care of my wife and considered her just like sibling,” Civil Party YOS Phal testified, “[a]nd I told her that if the commune chief asked about our living she needed to told -- she needed to tell her that we loved each other and we considered each other husband and wife. If we did not tell him like that we would not survive.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 29 lines 21-25. He went on to clarify that at the time, he would not speak to everyone about the relationship he had with his wife: “I only spoke amongst us, that is, the two of us that if we were asked about our sexual intercourse we had to tell

1378. After the wedding, Civil Party PREAP Sokhoeurn testified that there were rumours that individuals who did not obey Angkar would be sent to sleep at “Sop’s place.”<sup>3205</sup> Because of this, amongst other things, the Civil Party felt afraid, which led her to pretend that she got along with her husband: “Although we did not go well together, I pretended that we got <along> well together and he came to visit me <once> every month.”<sup>3206</sup> “After I got married, I was scared. I was thinking every moment, I could not sleep well, I could not eat well and I had to endure hard labour, and that is in addition to insufficient food. And the only thing that I was thinking is that I would die one day and that if I did not go along well with him <and Angkar knew about it>, Angkar would send me to be killed, <but> I tried <behave myself> not to allow any of my peer to know my true feeling.”<sup>3207</sup>

1379. Civil Party MEY Savoeun testified that he and his wife never spoke about their feelings with regards to their marriage: “[S]ince we were <arranged> to become husband and wife, there was nothing we could do and that we should just follow the instructions and orders of Angkar. Because otherwise, Angkar might accuse us of being traitors or being enemies, rather, and we should adhere to all plans imposed by Angkar.”<sup>3208</sup>

### **(5) Pregnancy and miscarriages**

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them that we did. But if we were not asked then there was no need to mention that. However, apparently we had to act that we were like husband and wife. But I did not go around telling everyone about our relationship. Of course, at the time, from what appeared they considered us as loved one another.” *See* Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 37 lines 7-14.

<sup>3205</sup> “After I got married,” Civil Party PREAP Sokhoeurn expounded, “there were rumours that says that if I did not obey the Angkar disciplines, that I would be sent to sleep in that <Sop’s> place<>. However, I did not show my feeling at all and <I pretended to get along with my husband.> I told everybody that I slept with my husband every <night, where else would I go? I did not even sleep at my place. Then they asked around and they were told that when my husband came, I never stayed at my place. I stayed with him.> And at the unions, they believed what I said.” *See* Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 93 lines 7-15.

<sup>3206</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 94 lines 1-2. Despite this, Civil Party PREAP Sokhoeurn recalled at times forgetting what her husband looked like. “I almost forgot his face when he returned for his next visit. And one day when my husband came to visit me, somebody said why I did not go to receive him, but because I forgot his face already and because at that time he was amongst many other men who came to visit their wives. And then I was asked to take my husband to my place and at the time there was the unit chief there and my husband followed unit chief then I knew that he was my husband.” *See* Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 94 lines 3-9.

<sup>3207</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 93 lines 18-25.

<sup>3208</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, **E1/459.1**, p. 66 lines 13-22.

1380. Civil Party OM Yoeurn “became pregnant, either in '77 or '78, and the child was born in 1978, that is, in late 1978.”<sup>3209</sup> As for the birth of her daughter, Civil Party OM Yoeurn explained that “...in late 1977, early 1978<, I consummated the marriage>. And in late 1978 I delivered my baby but I could not recall exactly when I started to have sex.”<sup>3210</sup>
1381. Before Civil Party SENG Soeun and his wife were separated, his “wife told me that she was two months pregnant and, later on, I was transferred to Kratie province.”<sup>3211</sup>
1382. Civil Party MOM Vun had “four children, during the Khmer Rouge regime,” including two sets of twins with her husband to whom she was forcibly married.<sup>3212</sup> The Civil Party, who has 14 children in total,<sup>3213</sup> testified that “[t]wo of my children died during the Khmer Rouge regime”<sup>3214</sup> “due to a lack of food and lack of medicine.”<sup>3215</sup> Civil Party MOM Vun clarified that of her “children who died during the Khmer Rouge regime, two of them died, one after another...”<sup>3216</sup>
1383. After she consummated her marriage, Civil Party SAY Naroeun “had a child. I became pregnant and I had a morning sickness. Despite my morning sickness, I was still required to work <with insufficient food>. And usually, as a pregnant woman,

<sup>3209</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 8 lines 18-19. As for the month her daughter was born, Civil Party OM Yoeurn stated that “I cannot recall it. I simply put the <"chhnam" masanh" (phonetic) or <the year of the snake or the year of the horse> but <I did not remember> the exact month when my daughter was born. When people ask me about the date when my daughter was born, I told them that I did not remember because at that time I gave birth to my daughter without the presence of my relatives.” See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 51 line 22 – p. 52 line 2.

<sup>3210</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 51 lines 16-18.

<sup>3211</sup> Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, E1/465.1, p. 85 lines 9-10.

<sup>3212</sup> “I had two babies by 1976, since they were twin, and, again, I got another twin by '77 and amongst the four children, one passed away.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 60 line 24 – p. 61 line 2.

<sup>3213</sup> “Including the two who were born by 1982, I have 14 children,” the Civil Party testified. See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 61 line 8.

<sup>3214</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 61 line 20.

<sup>3215</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 62 line 1. “The first delivery was in 1976, in late 1976, and it was twins, one son and one daughter. And for the second delivery, it was in late 1977, again twin and all boys. And later on for the third delivery, twin again, and that happened in 1982 and, unfortunately, both died due to my poor health.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 96 lines 8-12.

<sup>3216</sup> Oral Testimony of Civil Party MOM Vun, T., 20 September 2016, E1/477.1, p. 5 lines 5-6.

you would usually feel that you want to eat something, but I did not have the food to eat <as desired>. <My> morning sickness became very severe, <but> husband <was> working at a different worksite.”<sup>3217</sup> Describing how she felt about the pregnancy, the Civil Party explained that it was not her choice and testified to feeling helpless and uncertain as to what would happen after the child’s birth.<sup>3218</sup> The Civil Party suffered a miscarriage. “After my first pregnancy and the baby died and then I became pregnant again, and the baby was born in 1977, and he survived until now.”<sup>3219</sup>

1384. Civil Party SAY Naroeun testified, “[m]y second baby who was born in 1977 has not had a good health condition. He's thin<> because after a few months that I delivered the baby, I went to work at the worksite. I did not have time to breast fed him. He stayed with the elderly women at the <handicraft> venue. I met him at 11<:30> or 12 night time. <So my second child suffered so much during that regime; at this point,> I did not want to have <any> baby during the regime<, it was so harsh>, but I had no choice. My child <was> thin and did not have enough food to eat.”<sup>3220</sup>

#### **(6) Continuation of marital life, post-DK**

1385. After the fall of the DK regime, Civil Party OM Yoeurn and her husband “fled separately.”<sup>3221</sup> The Civil Party and her husband reunited three years later,<sup>3222</sup> after her “parents, <parents-in-law> and the elders in the village tried to convince me to

<sup>3217</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, E1/489.1, p. 42 lines 10-16.

<sup>3218</sup> “My pregnancy was not out of my decision or planning, but it was the target by Angkar that we were required to produce children. I really did not want to be pregnant because I felt uncertain about what would happen when the baby were born. <But I did not know what to do.>” See Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, E1/489.1, p. 42 lines 20-24.

<sup>3219</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, E1/489.1, p. 44 lines 18-20.

<sup>3220</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, E1/489.1, p. 44 line 23 – p. 45 line 6.

<sup>3221</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 11 lines 20-21. She explained, “I fled to Kampong Thom province. And when a tractor came to Chamkar Leu, I did not see my husband, so I boarded at the back of the tractor and left. And only three years later, I met him.” See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 11 lines 21-24. “When Vietnamese entered Cambodia ... in late '78 or early '79,” Civil Party OM Yoeurn recalled, “they came along with tanks and we were fleeing to Kampong Thom province. I was with my baby, and my husband was carrying some belongings. And then we separated from one another during that journey.” See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 11 lines 3-6, p. 12 lines 3, 8.

<sup>3222</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 12 line 11.

accept him. <We reunited. However, he passed away three years later.>”<sup>3223</sup> Civil Party OM Yoeurn testified that “[a]fter we met each other again, I did not feel any happy because I was busy raising my child up, but recently, I -- my life became revitalized again because my child has grown up and the organization <TPO> has helped me with the psychology -- psychology.”<sup>3224</sup>

1386. Civil Party SOU Sotheavy lost contact with her wife just before she delivered their baby. “I lost contact when it was time but my wife was about to deliver the baby. I did not return home because by that time I was so over-exhausted from breaking rock and that I found it very difficult to achieve the work quota of one cubic metre per day at that particular point in time.”<sup>3225</sup>

1387. Civil Party YOS Phal and his wife stayed together after the regime, partly due family pressure. “[I]n 1979, at that time it was after the liberation day. We remained living with each other but we were not yet reunited with our parents and siblings. So we were still together at that time because of the pressure from parents and siblings who convinced us that we should live together because each side of us, I mean I and my wife, were innocent people, people who committed good deeds; we should love each other and take each other as husband and wife. We should not get divorced. We should live with each other.”<sup>3226</sup> Later on, however, his wife fell ill which meant that she could no longer bear any children. The couple separated and Civil Party YOS Phal subsequently married another woman.<sup>3227</sup>

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<sup>3223</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 12 lines 16-18.

<sup>3224</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, **E1/462.1**, p. 12 lines 21-25.

<sup>3225</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, **E1/463.1**, p. 48 lines 16-20.

<sup>3226</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 32 lines 10-18. “And under such circumstances it took me many days to consider about this,” the Civil Party explained, “[a]nd I also noticed that my wife was always committing good deeds to me and to my family members. So I committed to living with her and we had -- we have children together.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 32 lines 19-22.

<sup>3227</sup> “Later on, my wife became sick. She was severely sick. The doctor asked me and he told me that I could no longer live with her. I had to help her to recover from her illness but I cannot live with her as husband and wife to produce any more children because of the disease that she had. As a result, we were separated and then I got married with another woman.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 32 line 23 – p. 33 line 3.

1388. About three months after he got married, Civil Party SENG Soeun was transferred from S'ang district to Kratie province. Despite being told that the women would be transferred later,<sup>3228</sup> he has not seen his first wife since.<sup>3229</sup>
1389. Civil Party MOM Vun explained that “I got married with my second husband whom I did not like. I continued to live with him until 1979, and by 1982, I had two more children and by 1984, he requested to divorce from me and we were divorced from that year onward.”<sup>3230</sup> She has not heard of him since.<sup>3231</sup>
1390. After the regime, Civil Party SAY Naroeun and her husband decided to remain together for the sake of their child. “After the liberation year, I decided to remain in the relationship because I had pity for my child, who was born during the war time. <On the other hand, I am a> Cambodian woman, I do not want to see my child having a second father or for me to have a second husband. And for that reason, I remained in the relationship, although my feeling hurt. Everything was done for the sake of my child, and I tried to survive with the pains that I carry every day.”<sup>3232</sup>
1391. Civil Party CHAO Lang and her husband had three children after the regime.<sup>3233</sup> The couple divorced nevertheless,<sup>3234</sup> the Civil Party testified, because her husband’s family wanted a wealthier wife for him.<sup>3235</sup>

<sup>3228</sup> The Civil Party testified that “about three months after the marriage, Phon (phonetic), myself, and two other individuals from S'ang district were transferred to Kratie province. But the women, we were told, would be transferred later.” See Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 27 lines 22-25.

<sup>3229</sup> “I came to live in Kratie province. Then, the “Yuong” troops arrived. I fled to Dang Rek mountain range. Then, Phon (phonetic) organized another woman for me to remarry, and I never received any information from my previous wife who was from Doung village< in Srae Knong district>. I asked Doung (sic) (phonetic) about her and -- I asked Phon (phonetic) about her, and he said that she went to live with <Meas> Muth in the area of Pailin or Samlout. That's all I knew about her.” See Oral Testimony of Civil Party SENG Soeun, T., 29 August 2016, **E1/465.1**, p. 28 lines 3-10.

<sup>3230</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 60 lines 17-20.

<sup>3231</sup> “[A]fter we got divorced, I didn't know where he went to, whether he went to his native village or not, but it is unlikely that he went there because his parents and relatives had all been killed.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 95 lines 4-7.

<sup>3232</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, **E1/489.1**, p. 51 line 23 – p. 52 line 5.

<sup>3233</sup> “My first child was born in 1980, and second one was born in 1983, and the last child was born in 1985.” See Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, **E1/339.1** [Corrected 1], p. 82 lines 14-15.

<sup>3234</sup> “The reason of the divorce,” she explained, “is that we were forced to get married during the Khmer Rouge period and < > our parents were not satisfied with our marriage and my parents-in-law were not satisfied with me <because I have no relatives, land and other properties>; they wanted to have a better daughter-in-law

## D. Harm

### (1) Physical harm

#### *Physical harm endured by pregnant women and new mothers*

1392. Civil Party OM Yoeurn's child was born "in late 1978."<sup>3236</sup> The Civil Party described suffering from morning sickness. "It started since I was one month pregnant. I became fatigued. I felt so exhausted, sometimes, while I was working, I felt dizzy, so I had to get hold of a <rubber> tree while I was working in the rubber plantation and I had to find other things to eat because I could not eat the given rice. And the child did not move much <until the 7th month of pregnancy>."<sup>3237</sup>

1393. During the pregnancy, "I actually asked for permission to rest, but it was denied, so I had to continue working. I was not allowed to rest at all, and only when it was almost the day of the delivery, I was allowed to rest for a few days."<sup>3238</sup> "Only when I delivered the baby, they allowed me to take leave for about 10 to 15 days, and then I was required to go back to work."<sup>3239</sup>

1394. Following the birth of her child, Civil Party OM Yoeurn was unable to produce breast milk for her baby, who already suffered from poor health: "The baby

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perhaps, and this <was> the reason why I divorced my husband." See Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, E1/339.1 [Corrected 1], p. 82 lines 19-25, p. 83 lines 6-8, 13-17.

<sup>3235</sup> "I could not be able to make a decision at that time because I had no idea where I was going and I did not know what would happen to me. I was not aware whether or not I would meet my relatives or family members and it is the same for my husband. After we found our family members of my husband side and we went to <Neak Loeang village,> his birth village, built a house to live in. At the time my husband changed his mind to have a wealthier wife. I meant my in-laws family wanted a wealthier wife for my husband. The divorce was not because of our relationship, it was because the in-law family was not satisfied with me, was not happy with me and that is why I decided to leave the house and divorce my husband." See Oral Testimony of Civil Party CHAO Lang, T., 1 September 2015, E1/339.1 [Corrected 1], p. 84 lines 1-12.

<sup>3236</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 8 lines 18-19.

<sup>3237</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 8 line 23 – p. 9 line 3.

<sup>3238</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 23 lines 19-22. The Civil Party testified that she "was allowed to rest a few days before the delivery of my baby, and after the delivery, I was allowed to rest for 10 to 15 days." See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 23 lines 12-14.

<sup>3239</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 23 lines 7-9. The Civil Party described having only a short time to rest after giving birth. "I was allowed to rest for a week or fortnight. Then I was allowed to clear weeds, and I had to take my baby with me while I was working." See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 11 lines 15-17.

was not in good health, and I, myself, did not have breast milk to feed due to the lack of food. However, the baby tried to drink the little milk that I had.”<sup>3240</sup>

1395. Civil Party MOM Vun testified to the inadequate provision of food, lack of medicine, and work load imposed on pregnant women,<sup>3241</sup> described being put to work shortly after child birth,<sup>3242</sup> and to receiving different work assignments after her child passed away.<sup>3243</sup>

1396. Civil Party PREAP Sokhoeurn testified that shortly after she delivered her baby, she was forced to work until she “got sick and could not walk.”<sup>3244</sup> “It was a <very heavy> work for <> women who had just delivered <a> baby,” the Civil Party explained, “<[n]ormally, if it required two people to carry it, it was considered heavy work. This kind of work was for men. But> during the time, <that task> was assigned to us, no matter we were men or women; they did not feel pity on us.”<sup>3245</sup>

1397. Because of the hard work, Civil Party PREAP Sokhoeurn was unable to produce enough milk to provide for her baby. “I felt sick because of that hard work

<sup>3240</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 11 lines 6-8.

<sup>3241</sup> “Those who were pregnant were also required to work, <> they were required to dig six <cubic> metres of <soil>. Here I talk about when they were one month to <five> months' pregnant. And when they were six <to nine> months' pregnant <>, it was reduced to four metres of earth. <For those who were nine months pregnant, they were assigned to grind rice,> but for the food, we were given the same ration of food like others. We ate at the collective dining hall. If there was food to eat, we ate collectively and if there was no food to eat, we had no food to eat, so depending on the availability of food at the <> collective dining hall. <If there was even half a can of rice in any individual's house, people there would disappear at night. People would be taken away to be killed if they hid rice to eat individually.>” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 83 lines 1-14.

<sup>3242</sup> “<After> the Khmer Rouge entered, I was assigned to work and because I just delivered my baby; I was assigned to grind and husk the rice. At the beginning, they were kind to us, but about a month after; everything was collected for common use including properties and cattles. I was assigned to grind and husk rice and my husband was assigned to climb palm trees in the co-operative.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 45 lines 9-14.

<sup>3243</sup> “When my <> child was young, I was only assigned to grind and husk the rice in the co-operative and after my child passed away, then I was placed in a -- a mobile unit to raise dykes.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 45 lines 16-18.

<sup>3244</sup> “Two months after delivery, I was instructed to cut palm leaves <and carried them, the palm leaves were already tied in separate bunches, I was assigned to carry them> so that palm leaves could be used to roof the <dining hall>. And I was doing that job <during the postnatal period> until I <got sick and> could not walk.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 114 lines 12-17.

<sup>3245</sup> She elaborated that she “was <carrying it> with Yeay Yun (phonetic). Yeay Yun (phonetic) was <an> elder woman and I was young but I had just delivered a baby. <We> had to <make three trips to> carry <> palm leaves <from one palm tree. The leaves were tied very tight in big bunches. So> it was really hard work for me.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 114 line 21 – p. 115 line 5.

and <math>\diamond</math> I could not produce the breast milk for my child. <So my child> became very thin <like it was deprived of food> and I went out to seek gruel to feed my child. And my child at the time became <thin and> pale as well <math>\diamond</math>. <I can barely talk about my child. It's overwhelming for me.>”<sup>3246</sup>

1398. After she became pregnant, Civil Party SAY Narooun described that “[i]t became even more difficult for me when I became pregnant. I could not eat the mixed gruel. Sometimes I vomited after I consumed the gruel. It was a very difficult period during this pregnancy. I became so skinny and I was not allowed to rest. I had to work. <In that regime,> if somebody got sick, then we were accused of being sick psychologically. <No rest!>”<sup>3247</sup>

1399. Given the circumstances and the death of her first child, Civil Party SAY Narooun explained, “I was anguished. And for my second pregnancy, I worked even harder <than the first one>. And I had a fear every day during the second pregnancy because I was afraid that the baby would die, as in the case of my first baby.”<sup>3248</sup>

***Lack of medicine and medical assistance resulting in difficult child-birth /miscarriage***

1400. In the 7<sup>th</sup> month of pregnancy, Civil Party OM Yoeurn explained, “I did not feel the movement. I was sent to a hospital for a check-up and was told that the <foetus> was very weak.”<sup>3249</sup> After she delivered the baby, who was very small,<sup>3250</sup> Civil Party OM Yoeurn recalled that “there was a medic who sent me to rest on a bed. It was an ordinary bed, and then a fire was built underneath and I had to warm myself up on that bed. Nobody else came to assist me.”<sup>3251</sup> “There was this so-called serum in an orange bottle, and I was injected with that serum. And the pills that I received were rabbit drop-like pills, and the hospital, it was kind of makeshift cottage where

<sup>3246</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 115 lines 9-14.

<sup>3247</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, E1/489.1, p. 49 line 25 – p. 50 line 6.

<sup>3248</sup> Oral Testimony of Civil Party SAY Narooun, T., 25 October 2016, E1/489.1, p. 50 lines 11-14.

<sup>3249</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 9 lines 12-13.

<sup>3250</sup> “The baby was so small. However, at the time, there was no scale to weigh the baby and nobody came to look after me,” the Civil Party testified. See Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 10 lines 19-20.

<sup>3251</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 10 lines 5-8.

they store corn.”<sup>3252</sup> “I was not given any cotton, and as for the cloth to wrap my baby, I actually got it when I requested to go to visit my home before the delivery because, at that time, clothing and -- clothing was so scarce.”<sup>3253</sup>

1401. Civil Party MOM Vun testified that during her pregnancy, “I did not receive any medicines. <After my babies were born,> I only went out to cut the bark from the tree trunk <> to <boil> those in order to consume <as medicine>. <They only used us for labour. Regarding medicines or health care during pregnancy or child delivery, there were none.>”<sup>3254</sup>

1402. “As for women who delivered their babies at the time,” Civil Party PREAP Sokhoeurn explained, “it was like an adventure since there was no professional midwife. For me, myself, there was a neighbour who was pretty young but who had some experience in baby delivery, so I was assisted by that neighbour.”<sup>3255</sup>

1403. “And it was lucky,” Civil Party Preap Sokhoeurn stated, “that I could deliver my baby, and my father made some herbal medicine for me to drink so that all the blood would flush out from my body. There was <no medicines,> nor proper midwives, as I said, during the time. Everything was done according to nature.”<sup>3256</sup>

## **(2) Mental harm**

### ***Immediate mental harm associated with the wedding***

1404. Civil Party OM Yoeurn testified, “I was terribly worried. I did not want to get married to my husband.”<sup>3257</sup> “I did not like him. I was forced to get married so I was so angry and I could not eat.”<sup>3258</sup> Civil Party OM Yoeurn explained that she was feeling upset and disappointed at the time “[b]ecause we did not know each other and he was not the guy I loved.”<sup>3259</sup>

<sup>3252</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 10 lines 12-15.

<sup>3253</sup> Oral Testimony of Civil Party OM Yoeurn, T., 23 August 2016, E1/462.1, p. 10 line 24 – p. 11 line 2.

<sup>3254</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, E1/475.1, p. 83 lines 18-22.

<sup>3255</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 99 lines 12-16.

<sup>3256</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 99 lines 17-21.

<sup>3257</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 98 line 25 – p. 99 line 1.

<sup>3258</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 99 lines 4-5.

<sup>3259</sup> Oral Testimony of Civil Party OM Yoeurn, T., 22 August 2016, E1/461.1, p. 99 lines 7-8.

1405. Civil Party CHEA Dieb testified that she did not want to be a married woman, but that she had no choice.<sup>3260</sup> “I was not happy and <I had only> tears -- actually I wept almost every day. I felt the pain but I could not do anything.”<sup>3261</sup>
1406. Civil Party MOM Vun testified that on the day of her wedding, “I was not happy at all. I was afraid and I was very worried that my husband would return and I did not like the man that I was supposed to marry to, but I was forced anyway.”<sup>3262</sup> The Civil Party explained that all couples at her marriage ceremony were forced to get married, no one consented to the arrangement, and all 60 couples wept.<sup>3263</sup>
1407. Civil Party PREAP Sokhoeurn testified that at the wedding venue, “I saw some women there; <I knew some of them.> Some were weeping, so I wept as well. And as I said, after the marriage, I did not find any happiness at all and there was only sadness.”<sup>3264</sup> During the wedding ceremony, “<I was sitting with the other women there.> And we did not know that we would get married at that time. We were weeping; we wanted to have the present of our parents.”<sup>3265</sup>
1408. Civil Party KUL Nem testified that on his wedding day, “I went there and I respected the organization; although I, myself, felt the sorrow and the pain inside me.”<sup>3266</sup>
1409. Civil Party NGET Chat described, “[m]y body shook, my heart was pumping blood quickly. However, I dared not to weep. And when we were told to make a commitment, I just said what I was told to do. I almost fainted.”<sup>3267</sup>

<sup>3260</sup> “I did not like it and I did not want to be a married woman, but Angkar organized it for me. What else can I do? So I had to follow along since I could not refuse it. I had no other choice.” See Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 77 lines 4-7.

<sup>3261</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 77 lines 11-13.

<sup>3262</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 54 lines 22-24.

<sup>3263</sup> “I knew that they were all forced because the 60 couples all wept, they all wept. When we were standing together, we all wept, and only when they arrived then we wiped our tear and stopped weeping. None of them volunteered to get married. How could it happen that 60 couples had to marry at one point? Anyone would weep, regardless whether you were a single virgin or whether you are a widow. And there was no permission at all from our parents, they just mixed and matched us, and that's how we all wept. All 60 of us stood together and wept.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 101 lines 5-13.

<sup>3264</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 82 lines 18-21.

<sup>3265</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 84 lines 3-5.

<sup>3266</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 90 lines 21-23.

<sup>3267</sup> Oral Testimony of Civil Party NGET Chat, T., 25 October 2016, **E1/489.1**, p. 5 lines 9-11.

1410. Civil Party SAY Naroeun described feeling fearful and unsettled when she realised she was getting married: “I started to feel fearful. My body was trembling. My body was cold because I was so fearful. I kept on sitting still, but I knew that the condition inside my body was strange.”<sup>3268</sup>

***Harm linked to the absence of traditional rituals***

1411. Civil Party YOS Phal recounted that during the regime, which he referred to as a “beast regime,” marriage ceremonies were conducted differently. There was no proper wedding clothing<sup>3269</sup> and “if you look at the surrounding, I did not see any of my relatives. There were only cruel unit chiefs who were there just to be ready to finish us off. And they did not have any gift for us but clubs and knives. And if we were not to follow the instructions of Angkar properly, then that would be the end of our life.”<sup>3270</sup> “And I really disliked such a regime. I really dislike it, I do not want to see such a regime returned.”<sup>3271</sup> The Civil Party emphasised that “[n]ow the wedding ceremony is well organized and there is nothing to compare to the dark period that I went through during the DK regime. It -- it was like we were living in hell.”<sup>3272</sup>

1412. Comparing marriage practices before and after the regime, Civil Party CHEA Dieb testified, “it is absolutely different. During the Khmer Rouge we were matched up in five or 10 couples each time <or sometimes there were 100 couples each time>, but at present it is very different. Only a couple is celebrated the marriage during one ceremony and they are surrounded by their relatives, parents and grandparents who all bless them. <There are traditional procession and blessing.> And if you compare to what happened under the Khmer Rouge it's like you compare the earth to the sky.

<sup>3268</sup> Oral Testimony of Civil Party SAY Naroeun, T., 25 October 2016, E1/489.1, p. 37 lines 1-5.

<sup>3269</sup> The Civil Party testified that “the situation was different under the Khmer Rouge regime. It was cruel. I was forced to marry and I, myself, did not even have a proper clothing. I only had the clothes that I was wearing, and <they were> stained with mud and dirt and <they were> torn. The scarf I had was also torn and I, myself, was so skinny.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 25 lines 4-9.

<sup>3270</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 25 lines 11-16.

<sup>3271</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 25 lines 17-18.

<sup>3272</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, E1/464.1, p. 26 lines 10-12.

Of course I felt upset when I thought of the way that I was married to the current practice. <I am upset with my destiny.><sup>3273</sup>

1413. Civil Party PREAP Sokhoeurn stated that “<[t]he two marriages were different.> During the Khmer Rouge regime, <they never asked about our feelings, they never gave us any reasons or examples> ... So the marriage did not give us happiness because the marriage itself was not attended by our parents and relatives. The marriage was simply attended by the couples who were arranged to get married on that day and also attended by the Khmer Rouge cadres.”<sup>3274</sup> “It was not conducted in a traditional way, in a detailed way. <Marriage during that time was like pairing puppets.> In the Khmer Rouge marriage, there were no <traditional music, no guardian,> achar. There were no practices of traditions.”<sup>3275</sup>

***Mental harm associated with unwanted marriage***

1414. Civil Party SOU Sotheavy explained that she and her wife “did not dare to cough, we did not dare to talk because if we talked, we would be disappeared, so we had to accept but with expression of weeping, tears coming down.”<sup>3276</sup>
1415. Civil Party CHEA Dieb described her relationship with her husband, “I did not like my husband but I had -- I did not know what to do. Of course, I suffered because Angkar forced me to get married. But since we got married I did not know where else to go, where I would flee to. There was nowhere for me to go. So I had to go along. That's the best I can describe.”<sup>3277</sup>
1416. Civil Party CHEA Dieb testified that negative emotions surface every time she recalls her marriage, “[e]very time I think of what happened that I did not like my

<sup>3273</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 78 lines 4-16.

<sup>3274</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 17 line 20 – p. 18 line 3.

<sup>3275</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 18 lines 4-5.

<sup>3276</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 93 lines 6-8.

<sup>3277</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 76 lines 20-24.

husband, that I was organized to marry him by Angkar, I feel the pain in my chest. <I could not find the right words to describe the pain.><sup>3278</sup>

1417. Civil Party MOM Vun described feeling ashamed about her forced marriage<sup>3279</sup> and testified to the suffering she endured as a result. “After the marriage, I was forced to consummate my marriage. <I had been raped. I was looked down by others. I had suffering in my life. Nothing could compare. Even I die, I still remember about the injury and the mistreatment that was inflicted upon me.”<sup>3280</sup>

1418. Civil Party PREAP Sokhoeurn explained that she did not love her husband, rarely slept near him, and did not want to have sexual relations with him.<sup>3281</sup> One day, she recalled, “I was very exhausted and tired and I lied myself on the floor <and I felt asleep>. He, on that night, put one of his hands on my body and I <bit> his hand <> and I told him <not to put his hand on my body because> I was committed not to allow any <man> to touch my body <as my father used to tell me that as a woman, I should not allow any man to touch my arms or legs. I listened to my father, I did not know the marriage was a tradition so I did not acknowledge him as my husband at the time. So I had to react to him. I had to bite him.>”<sup>3282</sup>

1419. In response to a question inquiring whether he fell in love with Sophat, the woman to whom he was married, Civil Party MEY Savoeun replied: “How could I have such feelings at the time? I myself was so exhausted. I was forced to overwork.

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<sup>3278</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 78 line 23 – p. 79 line 1. Describing her suffering, Civil Party CHEA Dieb stated that “[i]t was so painful, particularly when I was forced to get married. I was <taking care of myself, since I was young until I became mature, I said goodbye to my parents to go join the revolution in order to help build the country, but as a result,> I got married without the consent and agreement from my parents and siblings. And it was so painful <for me>...” See Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 71 lines 19-24.

<sup>3279</sup> Civil Party MOM Vun explained, “I did not dare to speak about the second marriage because I was ashamed of it. That's why I did not tell the person and when I was called to attend a TPO forum, younger women spoke openly about forced marriage and when I observed that then I raised my hand and I said that I was also forced to marry and that's how it went.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 47 lines 11-16.

<sup>3280</sup> Oral Testimony of Civil Party MOM Vun, T., 20 September 2016, **E1/477.1**, p. 24 lines 15-19.

<sup>3281</sup> “I did not have any feeling to have sexual intercourse with the man whom I did not love. When he was sleeping, I would sit up and if he sat up, I would <go outside because I was afraid he would force himself on me>. <When I was at the union, I usually went outside. I rarely slept near him.>” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 86 lines 9-13.

<sup>3282</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 86 lines 14-22.

For that reason I did not have any feeling regarding this matter, let alone <marrying> a woman. However, it was their plan that I had to get married. And of course, I was targeted to be <imprisoned> and for that reason I did not dare to protest against any assignment. I would do whatever I was asked.”<sup>3283</sup>

1420. Civil Party KUL Nem described, “I wanted to separate from her, but I could not because we got married already. <I did not dare, I was afraid.> I had to stay with her because I thought that my mother was a woman and my wife was also a woman.”<sup>3284</sup>

***Harm caused by arrest/disappearance of spouse***

1421. Civil Party PREAP Sokhoeurn described how “[a]fter my husband had been arrested and killed, I was linked to him. <They said I was a wife of a traitor.> I was under surveillance; I was threatened at all times. I could not live with happy life.”<sup>3285</sup> The Civil Party described feeling afraid because “[t]hey spoke about the tendency or implication, as in my case my husband disappeared and I was implicated. For that reason, I lived in fear with my baby. Even at present when I think of it, I still feel the fear.”<sup>3286</sup>

1422. Civil Party PREAP Sokhoeurn delivered her baby 10 days following the arrest and disappearance of her husband. About one month later, she was threatened that her baby should be taken away and killed because it belongs to a traitor.<sup>3287</sup> The Civil Party testified that she “felt so terrified after hearing that. I was weeping and I felt that I could not breathe at the time because I had just delivered the baby. My father

<sup>3283</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 27 lines 1-7.

<sup>3284</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, E1/488.1, p. 96 lines 19-25.

<sup>3285</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 113 lines 3-6.

<sup>3286</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 100 lines 6-9.

<sup>3287</sup> “And one month later, perhaps -- and at the time I was not yet told to go to work -- <> Yen went up to my house to see if I had kept papayas and other fruits in the house <because there were those trees around my house>. And after seeing that I had no papayas and other fruits, <Yen> came and looked at the baby and told me that the baby <of a traitor> should be taken away and killed.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 110 lines 18-24. “<> He asked me why I wanted to keep the baby. I replied at the time that, “The baby did not know anything. The baby did not know about the policy of the Party. <Why would you want to kill my child? If you> want to kill the baby, <you> should kill me first because if <I die, so does my baby. Don't let me live in pain.” I was weeping as I was saying that at that time.> Then, after hearing that, Yen left my house.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, E1/487.1, p. 111 lines 1-8.

was there and he told me to be strong because life <was> not permanent; that is what he told me. But I still continued weeping although <> he consoled me.”<sup>3288</sup>

1423. After she learned about the arrest and disappearance of her husband, Civil Party SA Lai Heang struggled, especially after she became ill: “I find it difficult to describe what happened. It was speechless for me to lose him. Despite the fact that I did not love him, we lived together and we provided warmth to one another. So I was in shock upon hearing that. And at that time, it was only two months after I delivered my baby, and I became sick. I had fever, <my body kept trembling without having> malaria. I could not cry in public, so I had to weep quietly by myself. I did not want them to see me weeping and that I was -- that I still had feeling for a traitor.”<sup>3289</sup>

1424. Civil Party SA Lai Heang explained that once the regime withdrew confidence from you, you were placed under monitor.<sup>3290</sup> She also explained that all wives whose husbands were accused of being traitors “were put in one place and they were disconnected from others. They were not allowed to talk to any others people. Although the other people may be people whom we were familiar with, we were not allowed to talk to them.”<sup>3291</sup>

1425. The Civil Party testified to the living and working conditions at the worksite, inadequate food rations, and to the arduous life she led with her child: “I was with my young baby. At that time, there were other women, and for one meal we were given one can of rice <for four people>. And when we had to work, then our children were under the care of two elderly women. <They had to take care of 10 children.> The

<sup>3288</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 111 lines 10-14.

<sup>3289</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 22 lines 1-10. “[A]fter the loss of my husband,<>” Civil Party SA Lai Heang testified, “I did not know that my husband was sent to death because we were told that he was sent to study. But we did not see his return. We waited for about 10 days, and still he did not return. Fifteen days later, he still did not return, so we tried to seek for information with a young -- with a young boy who worked with him. And he told us that he had been arrested. We were shocked to hear that. And because I had just been delivering the baby, I felt shocked to hear that.” See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 24 line 17 – p. 25 line 1.

<sup>3290</sup> “They monitored us. They kept on looking at our words, <our behaviour> and our everyday life. Later on, they removed me and placed me at a worksite at Samrang village in Snuol district. It was a worksite specifically assigned for wives of those who were accused of being traitors.” See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 26 lines 12-17.

<sup>3291</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 26 lines 22-25.

situation was very difficult.”<sup>3292</sup> And “[t]he food given to us at the cooperative was not sufficient, so hearing such news was another burden on my health. I <had been> sick <for a long time>. I became skinny, and I did not have enough breast milk to feed my baby.”<sup>3293</sup> Civil Party SA Lai Heang also testified to the lack of freedom of movement and explained that food rations would be reduced if a mother or child fell sick and was therefore unable to work.<sup>3294</sup>

1426. On the suffering she endured during the regime, Civil Party SA Lai Heang testified that “[p]ersonally, I constantly suffered. The husband whom was matched by Angkar was later on arrested and disappeared and I was accused of having linked to a traitor. And for that reason, my right was removed and I became a civilian and, later on, a depositee. I was forced to do all kinds of work since I just delivered my baby, and I was not given sufficient food to eat and I was under constant monitoring by Angkar with as many eyes as pineapples. I had to force myself to work to reach the work plan imposed by Angkar.”<sup>3295</sup>

***Loss of virginity - Civil Party PREAP Sokhoeurn***

1427. Civil Party PREAP Sokhoeurn described, “losing my virginity, < I have felt regret from the time onward. As a woman, < I usually <respected the tradition and> adhere to the advice of my parents that I should only give my virginity to the man <only when my parents were present, but at the time, my parents were not there> . I

<sup>3292</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 20 lines 8-13. “And the two women did not only have to take care of our children, they had to take care of their children, too. And for that reason, they could not properly take care of our children. Children cried and those elderly women had to pick one up while the other cried. And I, myself, had to pull weeds and clear the grass at the plantation. And I could only return to see my child at 11 o'clock, and at that time, I saw my child was together with some other children playing on the ground without any mat.” See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 20 lines 15-23.

<sup>3293</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 25 lines 2-5.

<sup>3294</sup> “We were collected and put together at one place and regarding the eating and living condition, there were many conditions. <First,> we were not allowed to go out anywhere <besides our assigned worksite> and regarding the eating, our food was also limited; they gave us one tin of rice for four people. And we had to work every day and for anyone of us who did not go out to work, they had to have specific reasons; for example, they were sick or their child was sick and in such cases, their food ration would be reduced. They received only one tin <of rice for> six people.” See Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 27 lines 7-16.

<sup>3295</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 101 lines 11-19.

<still> feel regret <today>. I should not have lost my virginity without the presence of my parents in the wedding day according to Cambodian tradition and customs.”<sup>3296</sup>

***Pressure to remarry - Civil Party PREAP Sokhoeurn***

1428. Civil Party PREAP Sokhoeurn’s husband disappeared in 1979. After the fall of the regime, in 1984,<sup>3297</sup> her mother convinced her to remarry.<sup>3298</sup>

1429. Civil Party PREAP Sokhoeurn described feeling afraid about the prospect of getting married again, “<I remembered the bad experience from the time I was with my first husband so I did not want to get married again.> And I told her, "Mum, I felt afraid that my second husband would be a gambling person or a troublemaker person, <or someone who does not care about work,> and that would ruin my life again".”<sup>3299</sup>

1430. The Civil Party explained that she finally agreed because her mother raised “a lot of points”<sup>3300</sup> and because the marriage “was organised according to the tradition. Although I was a widow with a child,> my mum <> conducted my second marriage in a traditional way with the participation of the achar and <> elder people and other traditional practices, so that the second wedding followed a detailed traditional practices.”<sup>3301</sup>

1431. “So it somehow gave me some kind of a comfort to my heart. And my wedding was also attended by hundreds of peoples, so I <acknowledged> the wedding arranged by my <mother>,”<sup>3302</sup> the Civil Party testified. “It's completely different from the one in the Khmer Rouge regime. It did not give me any happiness

<sup>3296</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 107 lines 8-15. After she was raped, Civil Party PREAP Sokhoeurn’s husband “continued to console me that I had lost my virginity already. He <> explained that to me that I did not have any virginity to return <> for anyone <else>. I was disappointed from that time onward, and I bore the situation.” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 20 October 2016, **E1/487.1**, p. 107 line 23 – p. 108 line 1.

<sup>3297</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 16 lines 12-14.

<sup>3298</sup> “When my mother asked me to get married to my second husband, she also talked to me,” the Civil Party explained, “[s]he told me "You are alone and you are getting older now. <If you live alone, you will be looked down.> You should have a husband.”” See Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 16 line 24 – p. 17 line 2.

<sup>3299</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 17 lines 3-7.

<sup>3300</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 17 lines 18-19.

<sup>3301</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 18 lines 8-14.

<sup>3302</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 18 lines 15-17.

at all. <I was always with tears even to this day.> I felt fed up with it, <especially, when my child was born, I was threatened, I was asked to give my child to be killed. That's my life, and I am so done with it.>”<sup>3303</sup>

***Harm resulting from not having a choice in spouse selection - Civil Party YOS Phal and Civil Party KUL Nem***

1432. Describing his relationship with his fiancée, Civil Party YOS Phal explained that “I loved her and I proposed to her parents and relatives. Her parents and relatives agreed to my proposal. We -- we loved each other, and we became engaged. And we loved each other with our heart.”<sup>3304</sup>

1433. In a meeting with his unit chief Comrade Ry, the Civil Party was told that he would be killed if he married his fiancée, because her brother had been smashed by Angkar. Ry then repeated the phrase “when we dig the grass, we have to dig out the root” and asked him whether or not he was the son of Angkar.<sup>3305</sup> Civil Party YOS Phal testified that “[b]ecause I was so terrified, I was afraid that I and that woman would be killed and my relatives would also be killed, I gave my answer that I was the son of Angkar.”<sup>3306</sup> “I had to answer like that so that I would survive.”<sup>3307</sup>

1434. Civil Party YOS Phal described, “I felt so sorrowful that I could not marry my fiancée whom I loved and I wanted to live with her for life. It was like the fruit was about <to ripen> and then it was picked and taken away from me and I had no right to

<sup>3303</sup> Oral Testimony of Civil Party PREAP Sokhoeurn, T., 24 October 2016, **E1/488.1**, p. 18 lines 18-22.

<sup>3304</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 14 lines 10-13. “Whenever we had food,” he recalled, “we would share with each other. We hoped that, in the future, we would live together as husband and wife.” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 14 lines 14-15.

<sup>3305</sup> Comrade Ry asked him: ““Does your fiancée have any relatives who were smashed by Angkar?”” and he responded that, ““[o]ne of her brothers was smashed by Angkar.”” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 17 lines 23-24. The Civil Party recalled Ry stating that: ““If Angkar smashed members of her relatives, you cannot get married to that woman. Some days later, you will all -- you would -- you would also be killed like the relatives of that woman because members of her families were under investigating -- were under investigation by Angkar, so you have to change your mind now. Now you are the son of Angkar. What do you think? Do you want to die or do you want to live? If you get married to that woman, you will die because when we dig the grass, we have to dig out the root.”” See Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 17 line 25 – p. 18 line 8.

<sup>3306</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 18 lines 13-15.

<sup>3307</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 18 lines 23-24.

protest against that.”<sup>3308</sup> “I felt a heavy pain in my chest, and even now when I think about it it's beyond belief. And I scolded myself, how come I was born during such a terrible period of time.”<sup>3309</sup> “My love for her could not be described in words. We used to go everywhere together, to a religious ceremony together, to made an offering together. There were so memories between us. But, in the end, I lost her. Although later on I was married, I still had feeling for her and I was wondering why I was so unfairly treated. Even after I forced to marry, I did not love my married wife.”<sup>3310</sup>

1435. Civil Party KUL Nem was also engaged. The Civil Party agreed to get married to another woman in order to survive and described feeling unsettled about marrying a woman that was not his fiancée.

1436. “During the three-day period, I became so worried,” Civil Party KUL Nem described, “<I could not eat,> because I did not know what to do since I had a fiancée at my village. So, after the three-day period, they asked me again and I replied that I agreed to the arrangement for the marriage despite my unsettling feeling, since I had a fiancée at my village. Because I did that in order to survive so that I could see the open sky again and see what happened to the country and that's how I felt. And because of this sadness and I lodged a complaint to this Court so that I could express all these things out.”<sup>3311</sup> – this unsettling feeling remains with him “until the present day.”<sup>3312</sup>

### *Control over family relations, separation of families*

1437. Civil Party MOM Vun explained how the regime affected family relations: “During Khmer Rouge regime, husbands and wives and children were all separated from each other. The children were in the children's mobile unit. The mothers were in

<sup>3308</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 61 lines 14-17.

<sup>3309</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 61 lines 19-21.

<sup>3310</sup> Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 61 line 22 – p. 62 line 4.

<sup>3311</sup> See Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 89 lines 18 – p. 90 line 2.

<sup>3312</sup> “I got married to my wife and I decided to take care of her because I took up the points that my mother was also a woman and the woman that I married to was also a woman, so I had to take care of her. And when I went to my village, my fiancée remained unmarried and I apologized to her that I had married another woman and that would mean that it's a dishonour on my side to her. <She did not blame me.> And of course, this unsettling feeling remains with me until the present day.” See Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 90 lines 4-12.

the female units and the husbands were in the male units and for the very small ones and infants they were with elderly women.”<sup>3313</sup>

1438. Civil Party MOM Vun explained that after she became pregnant, she was separated from her husband and “separated to work at distant places from each other.”<sup>3314</sup> As for the children, they were assumed to be children of Angkar, separated from their mothers, and managed by Angkar.<sup>3315</sup>

1439. Civil Party SOU Sotheavy’s wife gave birth to a girl during the regime. The Civil Party, who was not able to visit the new-born child or be present during childbirth,<sup>3316</sup> described the suffering she experienced as a result of being separated from her child. “[A]lthough I was a transgender, I had a child like other people, and it was – it was tragic that we got separated from each other. It was painful for me. Although I did not love woman, I still feel sympathy toward my child.”<sup>3317</sup> As for her wife, Civil Party SOU Sotheavy explained that “[w]hen we were re-educated together, I felt frightened. I try hard to find them, but I cannot. Since my health was good until now my health was poor, I have always thought about them.”<sup>3318</sup>

1440. Civil Party SOU Sotheavy explained that since the fall of the regime, she has had no contact with her wife and daughter. “Since the baby was born until nowadays, I

<sup>3313</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 74 lines 17-21. The Civil Party stated that she “did not know the reason behind their separation of us away from each other and I did not dare to even question them. I simply followed the order. They put us to work in different locations and even our children, <> they were not allowed to come back home. They stayed at their <worksites>. For me, I could return back to my home <because I had> infants. But for the growing-up children, they were separated <> from their mothers. They were allowed to come back <once every one and a half month or once every> two months.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 74 line 25 – p. 75 line 8.

<sup>3314</sup> Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 84 lines 11-12.

<sup>3315</sup> “They said that the children were children of Angkar and they told me to produce many children so that Angkar <> would have many children <to serve them>. Those of my children were not considered as my children anymore because they were separated away from me. <They were managed by Angkar. For the children aged two or three years old were looked after by elderly women.> I had no children with me.” See Oral Testimony of Civil Party MOM Vun, T., 16 September 2016, **E1/475.1**, p. 84 lines 18-24.

<sup>3316</sup> “I was not aware that my wife was pregnant until she delivered, but my in-law came to tell me that my wife delivered a daughter and that the baby -- the female baby was beautiful. I did not have time to go and visit her because I was required to break <one cubic metre of> rock <per day; otherwise, we would not be given rice to eat>. I really wanted to go home to see the face of my child, but I could not walk.” See Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 89 lines 3-9.

<sup>3317</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 91 lines 2-6.

<sup>3318</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, **E1/462.1**, p. 91 lines 7-9.

have never received any news about her.”<sup>3319</sup> “For my wife, I don't know whether she's still alive. And if she's still alive, I don't know where she live. I also try to search for my daughter and my wife, but I could not find them. Since 1980, until now, I tried to search for them but I could not find them although I am a transgender but I have sympathetic feeling toward them and try to locate them but I could not find them.”<sup>3320</sup>

***Sexual orientation and gender identity - Civil Party SOU Sotheavy***

1441. Civil Party SOU Sotheavy testified, “I did not like women and I did that because of the Pol Pot regime. Like now, I am by myself but I don't have any feeling for any women. And that's why I said that I did not have any feelings to have sexual intercourse with a woman. And that was the only time that I had sexual intercourse with a woman< because I was afraid of death,> and it's also because I was under the effects of alcohol.”<sup>3321</sup>

1442. On the harms she suffered during the DK regime, Civil Party SOU Sotheavy explained that “[e]verybody knows what happened during the regime, but for me I suffered the most. I was looked down upon. I was forced to get married. I was sexually abused due to my transgender nature.”<sup>3322</sup>

***Mental harm resulting from loss of child/miscarriage due to the conditions imposed by the regime***

1443. Civil Party SA Lai Heang also described not having the means to care for her child: “I did not have any rights and I did not given any proper time to rest. I could not provide comfort to my beloved child. As a result, my child's health became weak and his body was emaciated, and my child was constantly sick and the treatment was

<sup>3319</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 90 lines 10-12.

<sup>3320</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 23 August 2016, E1/462.1, p. 90 lines 14-20.

<sup>3321</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, E1/463.1, p. 47 lines 16-22.

<sup>3322</sup> Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, E1/463.1, p. 70 lines 1-3. “<Nothing can ever compensate for all the suffering I have had endured>,” she concluded, “I want to express this suffering and harms so that people understand that I suffered. I suffered from those acts. And I know my day is coming soon since I'm now 78 years old. There is nothing else for me during this life. Maybe this is the karma that I received from what I did in my previous condition or life.” See Oral Testimony of Civil Party SOU Sotheavy, T., 24 August 2016, E1/463.1, p. 70 lines 9-15.

very scarce and the nutrition was also scarce.”<sup>3323</sup> The child later died, causing further suffering. “As a result, later on my child died. My child died after 1979 as a result of malaria and due to his poor health since after the delivery.”<sup>3324</sup>

1444. Civil Party KUL Nem testified to the suffering he endured, as an expectant father, after his wife had a miscarriage: “I had a baby, but he was not mature enough to be born. There was a miscarriage <after five or six months of pregnancy>. I felt angry, at that time, but I kept my anger to myself. I did not express it out. We had no right to express our anger <like today>. I also did not dare to oppose them. I took my the dead body of my baby to be buried while my wife was staying at the hospital and that was it.”<sup>3325</sup> The Civil Party described feeling both angry and helpless.<sup>3326</sup>

1445. After the Vietnamese liberated the country, Civil Party KUL Nem’s wife had another miscarriage.<sup>3327</sup> “I <thought it was> because my wife <was> required to work so hard. <She had miscarriage twice during the Pol Pot regime> and that effect remained even after the Vietnamese liberated the country. <It was perhaps> because she was overworked, <that> she had a miscarriage.”<sup>3328</sup> “I talk about the effect of exhaustion as the result of overwork that remained from the regime until later on. <She had miscarriage twice during the regime.> The effect remained.”<sup>3329</sup>

1446. Civil Party SAY Naroeun testified to losing her child after she contracted malaria and to the suffering she endured as a result of the miscarriage: “My baby <did> not survive. After I was six months pregnant, I had a malaria. I did not have any medicines or medical treatment <for prenatal care>. And when I became nine

<sup>3323</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 101 lines 20-24.

<sup>3324</sup> Oral Testimony of Civil Party SA Lai Heang, T., 19 September 2016, **E1/476.1**, p. 102 lines 1-3.

<sup>3325</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 92 lines 17-23.

<sup>3326</sup> “I knew [why the child did not survive],” the Civil Party explained, “but I did not dare to talk about it because my wife was required to work too hard and she became exhausted and that was the reason of her miscarriage. <I was angry but I did not know what to do about it.>” See Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 93 lines 4-7.

<sup>3327</sup> The Civil Party explained that “after the Vietnamese liberated the country; I had another baby, but the baby did not survive because again, my wife experienced the miscarriage. I had <to stop trying to have children. I told the doctor to make it stop.> I have no children now. I have only niece and nephews. I told my niece and nephew to study hard because I have no children; I have only them considering as my own children.” See Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 93 lines 17-23.

<sup>3328</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 113 lines 19-23.

<sup>3329</sup> Oral Testimony of Civil Party KUL Nem, T., 24 October 2016, **E1/488.1**, p. 114 lines 2-4.

months, 10 days pregnant, my baby died. <With that black regime, my> baby died because I had had a malaria and I did not receive any medicine or medical treatment. I asked them for medicine, but they gave me only the rabbit pellets. <I even did not see my baby when he/she> died. I felt pitiful for <him/her>. I did not know when my baby died. I felt suffered terribly. <Though I did not plan to have a baby, as a mother, I loved the child. But at the end, I did not see his/her face even one bit.> And this is the things that made me really suffered and I cannot forget about it.”<sup>3330</sup>

### (3) Material harm

#### *Loss of educational/work/livelihood opportunities*

1447. “During that authoritarian regime,” Civil Party PEN Sochan explained, “I had suffered a lot. And <> after the regime, I met a bad husband. Then I continued to suffer a lot.”<sup>3331</sup> The Civil Party explained that the events she experienced continue to have an adverse impact on her life and wellbeing: “At the moment, I am a widow with six children. <> I have been in a foreign country to make a living for two years. <I don't have a house.> I have never had a happy life.”<sup>3332</sup>

1448. “After I got married,” Civil Party MEY Savoeun explained, “we were sent to Neak Loeang. Our belongings and properties <such as cows, chickens, ducks, dogs, oxcarts, etc.> had been removed from us and we were allowed to go to board <a> boat <> only with some clothes, and at Chbar Ampov, we were given some clothes and scarves. And that was for the purpose of easy identification.”<sup>3333</sup>

## Chapter 12: Role of the Accused

### A. Overview of Civil Party Evidence

1449. Five civil parties were called to testify on the role of the Accused. Three civil parties provided evidence on the acts and conduct of KHIEU Samphan or NUON Chea.

<sup>3330</sup> Oral Testimony of Civil Party SAY Naroen, T., 25 October 2016, E1/489.1, p. 43 lines 4-18.

<sup>3331</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 68 lines 9-11.

<sup>3332</sup> Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, E1/483.1, p. 69 lines 2-4.

<sup>3333</sup> Oral Testimony of Civil Party MEY Savoeun, T., 17 August 2016, E1/459.1, p. 27 lines 14-19.

**(1) Civil Party OU Dav**

1450. Civil Party OU Dav was an ordained monk in Chrap (phonetic) pagoda, Ou Rumchek village, Mroum commune, Banteay Meas district, Kampot province in 1970.<sup>3334</sup> In 1971, when the Civil Party was about 15 years old,<sup>3335</sup> the Civil Party was forced to defrock and drafted into the army of the “revolutionary Angkar.”<sup>3336</sup> The Civil Party was provided with military training to “<mount the final blow against> Phnom Penh<,>”<sup>3337</sup> and was based out of Pochentong Airport on 17 April 1975.<sup>3338</sup>

1451. In 1975 and 1976 the Civil Party remembered hearing KHIEU Samphan making speeches over the radio in support of the revolution.<sup>3339</sup> Civil Party OU Dav also witnessed the division commanders arriving at Pochentong, including Ta Mok, Sou Met <and Meas Muth> and that they issued various orders.<sup>3340</sup> At Pochentong, the Civil Party sought out his elder brother to warn him to take off his pilot’s uniform because the Civil Party heard, through the unit chief, that all pilots would be executed.<sup>3341</sup> Civil Party OU Dav acted as the “the chief of a special group for intelligence gathering <in the battlefield,> attached to Battalion 180” and witnessed the evacuation of Phnom Penh.<sup>3342</sup> Around 30 April 1975,<sup>3343</sup> the Civil Party, along with Battalion 180, was sent to Kampong Som where the Battalion was demobilized and the Civil Party was sent to the navy.<sup>3344</sup>

1452. After five months on a ship,<sup>3345</sup> the Civil Party received a request to attend a meeting on Kaoh Sdach or Sdach Island.<sup>3346</sup> The Civil Party was arrested with nine

<sup>3334</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 77 lines 10-15.

<sup>3335</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 78 line 9.

<sup>3336</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 78 lines 1-4.

<sup>3337</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 79 lines 14-16.

<sup>3338</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 79 lines 22-23.

<sup>3339</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 107 lines 7-18.

<sup>3340</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 80 lines 16-20.

<sup>3341</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 100 lines 7-13.

<sup>3342</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 80 lines 4-5.

<sup>3343</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 83 lines 3-4.

The Civil Party responded regarding Battalion 180, “Yes, one battalion was sent there and there were about 400 to 500 soldiers.” Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 84 lines 2-3.

<sup>3344</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 84 lines 7-9.

<sup>3345</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 84 lines 12-17.

other people upon their arrival<sup>3347</sup> and accused of being an infiltrated enemy.<sup>3348</sup> He was tortured<sup>3349</sup> and was assigned to work for 12 or 13 months in a canned fish factory on Koh Kong Island.<sup>3350</sup> In the second half of 1977,<sup>3351</sup> the Civil Party was sent to a meeting in Phnom Penh at Borei Keila, along with approximately 1000 others.<sup>3352</sup> At Borei Keila, the Civil Party witnessed NUON Chea, SON Sen, and Ta Mok encourage the soldiers in the fight against the Vietnamese,<sup>3353</sup> and he heard NUON Chea say, “[w]e absolutely prevent the 'Yvon' enemies to invade our country.”<sup>3354</sup>

1453. After the meeting, the group was separated and sent in two different directions, “one group was sent crossing Neak Loeng, and as for my group -- about 400 of us -- we had to catch a ferry to the north part of Chrouy Changva Bridge and we <further> had to <catch another ferry at> Tonle Bet.”<sup>3355</sup> The Civil Party was sent to fight against the Vietnamese<sup>3356</sup> in the East Zone,<sup>3357</sup> where the Civil Party was the Deputy Chief of Company 1.<sup>3358</sup> When the Civil Party arrived at the deputy commander’s headquarters in the East Zone, around 9 or 10 a.m., they witnessed SON Sen<sup>3359</sup> and two Chinese advisors who arranged them into units.<sup>3360</sup>

1454. Civil Party OU Dav lost a total of over 20 members of his family during the DK regime.<sup>3361</sup> When the Civil Party returned to his village, he learned from a woman in charge of a prison<sup>3362</sup> that his father was tortured and died in Kraing Ta Chan

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<sup>3346</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 84 lines 20-25.

<sup>3347</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 85 lines 9-10.

<sup>3348</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 85 lines 10-11.

<sup>3349</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 85 lines 9-15.

<sup>3350</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 85 lines 15-19 and p. 86 line 10.

<sup>3351</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 104 lines 12-13.

<sup>3352</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 91 lines 22-25.

<sup>3353</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 94 lines 1-15.

<sup>3354</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 94 lines 13-14.

<sup>3355</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 95 lines 16-19.

<sup>3356</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 4 lines 3-5.

<sup>3357</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 4 lines 17-20.

<sup>3358</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 5 lines 11-13.

<sup>3359</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 7 lines 7-14.

<sup>3360</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 4 line 25 – p. 5 line 3.

<sup>3361</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 20 lines 10-14.

<sup>3362</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 18 lines 7-11.

Security Centre<sup>3363</sup> in late 1975 or early 1976.<sup>3364</sup> One of the Civil Party's uncles, a former teacher who lived in a non-liberated zone, was also sent to Kraing Ta Chan.<sup>3365</sup> The Civil Party also lost his three older brothers, one of whom was a Khmer Republic soldier,<sup>3366</sup> and his mother, who was considered "a family member of the enemy."<sup>3367</sup>

## (2) Civil Party PREAP Chhon

1455. Civil Party PREAP Chhon was a LON Nol soldier in Division 410 in Basak Commune Svay Rieng province.<sup>3368</sup> The Civil Party joined in 1971<sup>3369</sup> but returned to civilian life after being wounded.<sup>3370</sup> On 14 April 1975, the Khmer Rouge entered Svay Rieng.<sup>3371</sup> On 17 April 1975,<sup>3372</sup> Civil Party PREAP Chhon was evacuated with his brothers, sisters, and parents to Ta Chey <village>, Kampong Chamlang <commune,> Svay <Chrum district, Svay> Rieng province, in order to allow the soldiers to sweep clean the Vietnamese soldiers.<sup>3373</sup> They were kept at Ta Chey village for one month when Civil Party PREAP Chhon's brother was sent to a study session at Wat Kruos pagoda because he was accused of being a former LON Nol soldier.<sup>3374</sup> The Civil Party's brother disappeared at that time.<sup>3375</sup> The Civil Party's brother-in-law was a former soldier, and he was executed at Koh Dach. His wife, the Civil Party's sister, also disappeared since that time.<sup>3376</sup>

1456. Two weeks later, the Civil Party's father was taken to study at Ta Chey pagoda because he was accused of being a member of the "<self-defence force

<sup>3363</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 13 lines 22-25 and p. 14 lines 21-24.

<sup>3364</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 17 lines 6-10.

<sup>3365</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 15 lines 3-9.

<sup>3366</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 19 lines 11-18.

<sup>3367</sup> Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 20 lines 22-24.

<sup>3368</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 78 lines 21-23.

<sup>3369</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December, 2016, **E1/505.1**, p.4 lines 4.

<sup>3370</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December, 2016, **E1/505.1**, p. 4 lines 6-9.

<sup>3371</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December, 2016, **E1/505.1**, p. 5 line 20– p. 6 line 4.

<sup>3372</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 81 line 10.

<sup>3373</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 79 lines 2-10.

<sup>3374</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 79 lines 20-24.

<sup>3375</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 79 line 25 – p. 80 line 2.

<sup>3376</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December, 2016, **E1/505.1**, p. 44 lines 20-24.

against the revolution>.”<sup>3377</sup> About two weeks after, the Civil Party was sent to study at the same pagoda, where he witnessed around 500 prisoners, some of whom he knew had previously been soldiers.<sup>3378</sup> Civil Party PREAP Chhon was assigned to engage in hard labour without enough food when he was imprisoned.<sup>3379</sup> The Civil Party was detained for nine months, at which time the Civil Party and his father were released and allowed to re-join their families in the cooperative.<sup>3380</sup>

1457. In June 1976, Civil Party PREAP Chhon was evacuated to Peam Chor <district>, Prey Veng province, and separated from his parents and siblings, who were sent to <Ta Chey village, Khpos> Chamlang (phonetic) <commune>, Svay Chrum district, Svay Rieng province.<sup>3381</sup> In 1977, Civil Party PREAP Chhon was evacuated a second time, across the country, to Preaek Chik cooperative, <Snay Sampor (phonetic) commune in Battambang.<sup>3382</sup> On this journey, the Civil Party stopped for a rest at Chbar Ampov market (in Phnom Penh),<sup>3383</sup> where the Civil Party joined many other evacuees from the East Zone (Prey Veng, Svay Rieng, and Kampong Cham).<sup>3384</sup> They were under armed guard to prevent any of the evacuees from escaping back to their home provinces.<sup>3385</sup>

1458. The Civil Party testified that he heard KHIEU Samphan give a speech<sup>3386</sup> and saw him distribute materials at Chbar Ampov market.<sup>3387</sup> The Civil Party testified that he knew it was KHIEU Samphan when he saw him in the market because soldiers had shown a film in their village before he was evacuated, and people identified

<sup>3377</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 80 lines 3-8.

<sup>3378</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 80 lines 9-15.

<sup>3379</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 80 lines 14-19.

<sup>3380</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 80 line 22 – p. 81 line 4.

<sup>3381</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 44 lines 8-18. The Civil Party detailed the members of his family, “included my elder brother, sister <> my father, my mother, one of my sister and brother <, together, 5 people>”.

<sup>3382</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 104 lines 5-13 and Oral Testimony of Civil Party PREAP Chhon, T., 1 December, 2016, **E1/505.1**, p. 44 line 25 – p. 46 lines 9, 21-25.

<sup>3383</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 12 lines 2-5.

<sup>3384</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November 2016, **E1/504.1**, p. 82 lines 7-8. And, Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 12 lines 2-5.

<sup>3385</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November 2016, **E1/504.1**, p. 105 lines 15-17.

<sup>3386</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November 2016, **E1/504.1**, p. 90 lines 5-7.

<sup>3387</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November 2016, **E1/504.1**, p. 82 lines 16-19.

KHIEU Samphan.<sup>3388</sup> The Civil Party continued to recall that, “[o]n that day, Khieu Samphan came at around eight o'clock in the morning. He came with some of his colleagues and there were about 10 of them although I did not count the exact number.”<sup>3389</sup> After his speech, the Civil Party also witnessed KHIEU Samphan distributing clothes and other equipment to the evacuees,<sup>3390</sup> and personally to the Civil Party.<sup>3391</sup> When the Civil Party was evacuated to Battambang, he was given insufficient food and was overworked.<sup>3392</sup>

1459. The Civil Party fell ill at Preaek Chik Cooperative due to the living and working conditions<sup>3393</sup> and was hospitalized at Kochdei (phonetic) hospital for two weeks.<sup>3394</sup> Civil Party PREAP Chhon was subsequently forced to evacuate, although still ill, due to Vietnamese attacks.<sup>3395</sup> The Civil Party’s brother,<sup>3396</sup> elder sister and her husband, were executed after it was determined that he was a former LON Nol soldier.<sup>3397</sup> The Civil Party’s father, mother, younger brother, and younger sister were also executed <at Bak Chenhchien>.<sup>3398</sup>

1460. Civil Party PREAP Chhon recalled hearing “[f]rom the <survivor's account>, they, my parents, <> stayed there for two or three months. Then my father had been called out for execution. My siblings -- my <two> younger <sisters were called from the children unit> called for execution as well. My father, my mother, my younger brother, and my younger sister, four of them, were executed <at Bak Chenhchien>. <I felt shocked soon I learned about this.> It was my suffering that I have lost my parents and my siblings. I was so terrified. My elder brother, one of <among> them, <> was also killed in Prey Veng.”<sup>3399</sup>

<sup>3388</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 89 lines 17-22.

<sup>3389</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 89 lines 8-10.

<sup>3390</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November 2016, **E1/504.1**, p. 82 lines 16-19.

<sup>3391</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 40 lines 5.

<sup>3392</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 47 line 19 – p. 48 line 13.

<sup>3393</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 48 line 13.

<sup>3394</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 49 lines 8-13.

<sup>3395</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 49 lines 14-23.

<sup>3396</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 79 lines 20-24.

<sup>3397</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 44 lines 20-24.

<sup>3398</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 49 lines 1-3.

<sup>3399</sup> Oral Testimony of Civil Party PREAP Chhon, T., 1 December 2016, **E1/505.1**, p. 48 line 22 – p. 49 line 6.

**(3) Civil Party SON Em**

1461. Civil Party SON Em lived in Bakan district of Pursat province.<sup>3400</sup> After the liberation of 17 April 1975, the Civil Party was in Battambang, where he was a messenger<sup>3401</sup> and received guests at Battambang University for study sessions.<sup>3402</sup> Civil Party SON Em remained at the university until early 1977 and then went to join Office 560, in Battambang province, where he was in charge of receiving visitors and delivering documents to Office 870.<sup>3403</sup> Civil Party SON Em's father was in charge of the industrial sector in the Northwest Zone and would attend meetings at Zone Office 560 with his great-uncle, Say.<sup>3404</sup> The Civil Party's great-uncle was the Office Chief of Office 560, and he supervised the Civil Party.<sup>3405</sup> The Civil Party's father previously worked with NUON Chea,<sup>3406</sup> and knew KHIEU Samphan in Phnom Penh in the 1950s and 60s.<sup>3407</sup> The Civil Party's mother previously lived with NUON Chea in the 1950s.<sup>3408</sup> Civil Party SON Em testified to the purges first of the North Zone in early 1977 and then of the Northwest Zone.<sup>3409</sup> The Civil Party recalled that cadre from the Southwest Zone came to Battambang at that time and took the place of lower level cadre.<sup>3410</sup> Both the Civil Party's father and uncle were accused of being traitors and were executed at S-21 in June 1977.<sup>3411</sup>
1462. The Civil Party testified that NUON Chea accused his great-uncle, "< "the Contemptible> Say," of being a traitor of the CPK<sup>3412</sup> during a gathering of hundreds

<sup>3400</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 6 lines 9-10.

<sup>3401</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 6 lines 15-21.

<sup>3402</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 6 lines 19-21 and p. 9 lines 20-23.

<sup>3403</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 10 line 21 – p. 11 line 5.

<sup>3404</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 13 line 19 - p. 14 line 2.

<sup>3405</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 13 lines 12-20.

<sup>3406</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 10 lines 3-6.

<sup>3407</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 32 lines 2-5 and p. 33 lines 19-23.

<sup>3408</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 4 lines 21-23.

<sup>3409</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 32 lines 7-11.

<sup>3410</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 32 lines 12-15.

<sup>3411</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 21 lines 6-23 and p. 23 line 15 – p. 24 line 17.

<sup>3412</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 14 lines 7-10.

of people from the Northwest Zone in Phnom Penh in 1977.<sup>3413</sup> The Civil Party recalled that there were between 400 and 500 people from his unit at the meeting in Phnom Penh and that “people kept disappearing.”<sup>3414</sup> Civil Party SON Em was in disbelief as they were referring to his uncle and father.<sup>3415</sup>

1463. After the meeting, Civil Party SON Em was transferred from Phnom Penh to Takao (phonetic) pagoda <near> Chey Oudom (phonetic) pagoda<sup>3416</sup> where he was made to overwork without enough food.<sup>3417</sup> Civil Party SON Em testified that during the regime, he was separated from his parents, siblings and relatives, he lost his father and uncle at S-21, and he did not receive an education.<sup>3418</sup> Civil Party SON Em testified that, “[u]p to today, the relatives of my father, all of them died and none survived.”<sup>3419</sup> The Civil Party also testified that, as a result of his transfer to Phnom Penh, he does not have any land and finds it difficult to survive.<sup>3420</sup>

#### (4) Civil Party SAR Sarin

1464. Civil Party SAR Sarin was selected to be a driver for K-12,<sup>3421</sup> which was under the direct supervision of the Party Centre, 870.<sup>3422</sup> The K-12 headquarters was the venue to receive foreign guests and presidents, and also to receive technical advisors, experts, and engineers from other countries.<sup>3423</sup> It was also the parking space for vehicles used by the DK leadership, such as POL Pot, NUON Chea, and KHIEU Samphan.<sup>3424</sup> Civil Party SAR Sarin testified that he drove many foreign guests who visited Cambodia from Pochentong airport.<sup>3425</sup> The Civil Party stated that

<sup>3413</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 14 lines 6-25.

<sup>3414</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 41 line 24 – p. 42 line 2.

<sup>3415</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 14 lines 17-25 and p. 40 lines 2-7.

<sup>3416</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 42 lines 2-4.

<sup>3417</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 34 lines 7-10.

<sup>3418</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 45 lines 15-20.

<sup>3419</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E/500.1**, p. 37 lines 18-19.

<sup>3420</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 45 lines 20-25.

<sup>3421</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 30 lines 5-8.

<sup>3422</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 32 lines 22-24.

<sup>3423</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 31 line 21 – p. 32 line 4.

<sup>3424</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 31 lines 21-24.

<sup>3425</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 34 lines 18-20 and p. 37 lines 16-19. Civil Party SAR Sarin also testified in Case 002/01, “I took a lot of foreign visitors. Every week, there were several foreigners visiting Cambodia. There were people from Yugoslavia and other countries because

KHIEU Samphan, the State Presidium of the Democratic Kampuchea,<sup>3426</sup> would typically receive presidential delegates from other countries.<sup>3427</sup> The Civil Party gave examples of KHIEU Samphan receiving delegates from Burma<sup>3428</sup> and Laos.<sup>3429</sup>

1465. Civil Party SAR Sarin recalled attending political study sessions, the first in late 1975 at the Soviet technical school in Phnom Penh.<sup>3430</sup> Just over a year later, in April 1977, the Civil Party attended study sessions for an anniversary event at Borei Keila.<sup>3431</sup> There he heard NUON Chea and KHIEU Samphan speak about the policies underlying the DK regime.<sup>3432</sup> The study sessions took place about a week before the anniversary celebration of 17 April.<sup>3433</sup> Civil Party SAR Sarin testified that Lon Nol soldiers were considered to be enemies by the DK regime, and that they were sent to study sessions and disappeared.<sup>3434</sup> In 1978, the Civil Party testified that he transported ammunition to supply the East, Central, and Northeast Zones<sup>3435</sup> but after Sao Phim's suicide in June, he was no longer able to go to the East Zone.<sup>3436</sup>

1466. The Civil Party did not return to the Trial Chamber for the second scheduled day of his testimony, therefore, his testimony ended before the completion of questioning by all of the parties.<sup>3437</sup>

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people were from different countries that I can't remember them all. They have delegation from Burma, Laos, and also Secretary of Chinese Communist Party, Chen Yonggui, also known as Dazhai, also came to visit the country." Oral Testimony of Civil Party SAR Sarin, T., 29 April 2013, **E1/185.1**, p. 21 lines 12-18.

<sup>3426</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 35 lines 8-10. Civil Party SAR Sarin also testified in Case 002/01, "Khieu Samphan. We knew for sure that he was the Chairman of the State Presidium of the CPK. Now, his position would be equivalent to the president already, because only when the President of Burma was visiting Cambodia at that time to be received by Mr. Khieu Samphan", Oral Testimony of Civil Party SAR Sarin, T., 29 April 2013, **E1/185.1**, p. 25 lines 24-25.

<sup>3427</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 37 lines 16-19.

<sup>3428</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 34 line 18 – p. 35 line 3. *See also*, Oral Testimony of Civil Party SAR Sarin, T., 29 April 2013, **E1/185.1**, p. 25 lines 10-14 and p.27 lines 13-23.

<sup>3429</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 38 lines 9-20. *See also*, Oral Testimony of Civil Party SAR Sarin, T., 29 April 2013, **E1/185.1**, p. 28 lines 13-19.

<sup>3430</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 39 lines 4-10.

<sup>3431</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 39 lines 4-10.

<sup>3432</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 41 lines 10-20.

<sup>3433</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 56 lines 9-11.

<sup>3434</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 66 lines 6-17.

<sup>3435</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 57 line 24 – p. 58 line 4.

<sup>3436</sup> Oral Testimony of Civil Party SAR Sarin, T., 8 November 2016, **E1/497.1**, p. 58 lines 5-7.

<sup>3437</sup> In response to the Chamber's request for clarification, the Lead Co-Lawyers explained that the Civil Party cannot be compelled to testify because he chose to retain his Civil Party status (Oral Hearing, T., 13 December

**(5) Other Civil Party evidence**

1467. Civil Party KHEAV Neab, who testified during the impact hearings for security centres and execution sites, testified to seeing KHIEU Samphan around the New Year of 1978 with her husband at the Central Market in Phnom Penh.<sup>3438</sup> She explained that it was her husband who told her that it was KHIEU Samphan.<sup>3439</sup> The Civil Party testified that KHIEU Samphan distributed materials, including blue and white kramas.<sup>3440</sup> Civil Party KHEAV Neab's husband was later arrested and executed.<sup>3441</sup>

1468. Civil Party CHEA Dieb testified during the segment on forced marriage. The Civil Party was based in Phnom Penh from after she entered on 17 April 1975.<sup>3442</sup> She testified that she saw KHIEU Samphan on two occasions before she was married in late 1975.<sup>3443</sup> She saw him first while attending a meeting at Borei Keila, and second at Ounalom pagoda, where he conducted a training session for an entire day for youths drawn from mobile units going to work for the Ministry of Commerce.<sup>3444</sup> The Civil Party explained that, “[a]lthough I did not know him before, I was familiar with him because I saw him on a documentary movie when he went to visit <Korea and the documentary film was shown to us. I met him only once.”<sup>3445</sup> “And when I saw him, I knew that he was Khieu Samphan. At that time, he had a small build. He was thin and <in the Khmer Rouge regime> he wore <black pants and> black <short sleeve shirt>.”<sup>3446</sup>

1469. Civil Parties CHOU Koemlan and OEM Saroeurn testified during the segment on Tram Kok Cooperatives. Civil Party CHOU Koemlan testified that she saw

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2016, E1/512.1 [Corrected 1], p. 3 lines 11-14). On 20 December, the Lead Co-Lawyers submitted that the testimony of Civil Party SAR Sarin, remains part of the public trial record and may be considered by the Trial Chamber when assessing the entirety of the evidence in Case 002 (Civil Party Lead Co-Lawyers' Submission on the Use of Testimony by Civil Party 2-TCCP-237, 20 December 2016, E453/2, para. 22, 26).

<sup>3438</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, E1/503.1, p. 81 line 25 – p. 82 line 6.

<sup>3439</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, E1/503.1, p. 82 lines 9-13.

<sup>3440</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November, 2016, E1/504.1, p. 9 lines 11-12.

<sup>3441</sup> See, Chapter 10: S-21 Security Centre.

<sup>3442</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, E1/466.1, p. 64 lines 11-13, p. 65 line 22.

<sup>3443</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, E1/467.1, p. 45 line 9.

<sup>3444</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, E1/467.1, p. 3 lines 11-17.

<sup>3445</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, E1/466.1, p. 110 line 25 – p. 111 line 3.

<sup>3446</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, E1/466.1, p. 111 lines 14-17.

KHIEU Samphan and NUON Chea at the site where she dug canals in the dry season of 1977.<sup>3447</sup> The Civil Party explained that she learned that the visitors were KHIEU Samphan and NUON Chea from her unit chief,<sup>3448</sup> and she had recognized KHIEU Samphan from a photograph that she had seen.<sup>3449</sup>

1470. Civil Party OEM Saroeurn testified that NUON Chea and KHIEU Samphan came to visit her cooperative at Tram Kok in 1977.<sup>3450</sup> The Civil Party testified that her unit chief<sup>3451</sup> told her that NUON Chea, KHIEU Samphan, and POL Pot came to visit her cooperative at Tram Kok but that she “did not know any of them.”<sup>3452</sup>

## **B. Evidence Provided by Civil Parties at Trial**

### **(1) Evidence related to NUON Chea**

#### **a.) General knowledge/visit to Tram Kok Cooperatives (1977)**

1471. Civil Party CHOU Koemlan testified that, at the Tram Kok Cooperatives, “[d]uring the DK regime of Khmer Rouge, Ta Mok accompanied the three Khmer Rouge leaders who travelled in a vehicle, and they were Pol Pot, Khieu Samphan and Nuon Chea. And Ta Mok was in a separate vehicle. They visited the Ou Chambak canal worksite. The plan was to irrigate the water from to Ou Chambak to the west area of the railway, in order to make three harvests per year of rice produce.”<sup>3453</sup> She stated that their car “stop[ped] at the head work <at the foot of Ou Chambak bridge> area, and they were looking at us carrying earth. The commune committees and head of the unit <accompanied> them.”<sup>3454</sup>

<sup>3447</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 62 lines 6-18.

<sup>3448</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 67 lines 6-10.

<sup>3449</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 66 line 19 – p. 67 line 2.

<sup>3450</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 9 lines 8-25.

<sup>3451</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 41 lines 9-16.

<sup>3452</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 9 line 25 – p. 10 line 1.

<sup>3453</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 65 line 24-p. 66 line 5.

<sup>3454</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 63 line 14-16.

1472. Civil Party CHOU Koemlan explained that she knew it was NUON Chea because her unit chief told her, “[i]t was the Base People, namely the unit's chief who knew him. The district chief, the commune committee knew him and told my unit chief, and unit chief told me further that the representative of the country came to visit us. They were the leaders and they were the one who were in charge of the country.”<sup>3455</sup>
1473. Civil Party CHOU Koemlan elaborated on seeing NUON Chea and KHIEU Samphan at the worksite: “I was working and could see four of them including Ta Mok. At that time, they <were> talking to the worker<s> that we need<ed> to attack our work so that we could get water <from Ou Chambak Pumping Station,> to farm on the west of the railroad <, about three to four tons per hectare>. So, we need to attack in our work, so we could reach to a prosperous future and having rice to eat. And after that, we would need - we would have energy.”<sup>3456</sup>
1474. Civil Party CHOU Koemlan recalled that when she overheard NUON Chea, KHIEU Samphan and POL Pot talking, “I could hear everything. They said that we should start to dig the canal deeper in order to irrigate the water from Ou Chambak through that area down to the rice fields west of the railway station to Veal Charong (phonetic) and to Leay Bour, and that we should try to harvest three to six tonnes of rice produce per hectare.”<sup>3457</sup> “[T]hey were talking amongst themselves, except for Ta Mok. Ta Mok was talking to us -- the workers -- and to the unit chief.”<sup>3458</sup>
1475. Civil Party OEM Saroeurn testified that “[i]t happened in 1977, but I cannot recall the month of that year. At that time, we were building -- digging a canal, <we carried dirt to build> Ou Chambak railway station. And we were facing towards the east, and the vehicle was approaching from the west. But I knew Ta Mok clearly

<sup>3455</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 67 lines 6-10.

<sup>3456</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, E1/252.1 [Corrected 1], p. 62 lines 14-21.

<sup>3457</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 4 lines 12-17.

<sup>3458</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 27 January 2015, E1/253.1 [Corrected 1], p. 4 lines 22-23.

while he was in a jeep vehicle. And there was another vehicle together, but I did not recognize the model of that vehicle. And later on, after the visit, they left. Then Yoeun told me the names of those senior figures. <I never saw them before.><sup>3459</sup> “Yoeun told me they were Nuon Chea, Khieu Samphan and Pol Pot. But myself, personally, I did not know any of them.”<sup>3460</sup> Yoeun “was the chief of unit number 3. This individual was the Base Person.”<sup>3461</sup>

1476. Civil Party OEM Saroeurn elaborated on the visit by the leaders, stating that “<I saw the army come> to receive them with the commune chief and with the unit chief. But we were still busy carrying earth to build the dam. And <> they were standing to the right -- to the right side, <four to six meters away from me,> while I was carrying the earth to build the dam.”<sup>3462</sup> “When I saw them, they were standing to the right of me, and they were about five or six metres from me. They were standing on the National Road, and I was working down there in the worksite.”<sup>3463</sup>

#### **b.) Propaganda, Education and Public Training**

1477. Civil Party SON Em testified that in Battambang, when the Civil Party worked at the University of Battambang before being sent to Phnom Penh in 1977,<sup>3464</sup> that NUON Chea would, at times, chair study sessions.<sup>3465</sup> “Nuon Chea came to chair meetings at the Battambang University, and I, personally, saw him there. He was in a white shirt and <> black trousers.”<sup>3466</sup>

#### **c.) Meeting in Phnom Penh in front of people from the Northwest Zone (1977)**

1478. After Civil Party SON Em was brought from Battambang to Phnom Penh, “[i]n 1977, I received information from Nuon Chea, who had brought me to Phnom

<sup>3459</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 9 lines 8-16.

<sup>3460</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 9 line 25 – p. 10 line 1.

<sup>3461</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 41 lines 15-16.

<sup>3462</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 11 lines 7-11.

<sup>3463</sup> Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 32 lines 20-22.

<sup>3464</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 7 line 24 – p. 8 line 4.

<sup>3465</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 8 lines 2-4; Oral Testimony of Civil Party SON Em, T., 22 November 2016, **E1/501.1**, p. 7 lines 1-6.

<sup>3466</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, **E1/500.1**, p. 35 lines 20-22.

Penh. He said that, < "the Contemptible> Say was the traitor of the Party". So because Say was my uncle and Nuon Chea accused Say of being a traitor of the Communist Party of Kampuchea."<sup>3467</sup> The Civil Party clarified that, "Nuon Chea said so during the gathering of <hundreds of> people from the Northwest Zone <to listen to his speech>. He explained to us that a number of people in the <leaders> of the <Northwest Zone> were traitors, and he said that the Party brought all of us here in order to help us escape the killing by those traitorous leaders. <I therefore perceived that> Nuon Chea <accused> Say, my uncle, <of being> a traitor<>. And a number of people who were persecuted or killed in the Northwest Zone were carried out by those traitorous leaders. And he said that he brought all of us here in order to save us from being persecuted and killed by those <provincial> traitors."<sup>3468</sup>

1479. The Civil Party confirmed, "I saw Nuon Chea came onto the stage. And then he started telling about the stories that I told you earlier."<sup>3469</sup>

1480. The Civil Party clarified that, "[i]n a workshop session, Nuon Chea told the participants, and that happened in 1977. He said that Say, who was my great-uncle, worked as a close messenger to Ta Tou Samouth. And Say leaked information to outsiders who dissatisfied with Tou Samouth. And when Tou Samouth left his house for work, he disappeared <in that time>."<sup>3470</sup> Civil Party SON Em further testified, "I recall clearly that he said especially <great uncle> Say and the zone cadres betrayed <the Party> and for that reason, they were arrested and that those cadres killed the Party leader; namely, Tou Samouth, and that is what he said."<sup>3471</sup>

1481. The Civil Party did not believe that what NUON Chea was saying about the leaders of the Northwest Zone was true: "No, I did not because, what he said and the real event were not consistent."<sup>3472</sup>

#### **d.) Speech at Borei Keila in front of soldiers (second half 1977)**

<sup>3467</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, E1/500.1, p. 14 lines 6-10.

<sup>3468</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, E1/500.1, p. 14 lines 15-25.

<sup>3469</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, E1/500.1, p. 17 lines 3-5.

<sup>3470</sup> Oral Testimony of Civil Party SON Em, T., 22 November 2016, E1/501.1, p. 7 lines 1-6.

<sup>3471</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, E1/500.1, p. 41 lines 6-9.

<sup>3472</sup> Oral Testimony of Civil Party SON Em, T., 21 November 2016, E1/500.1, p. 40 lines 6-7.

1482. Civil Party OU Dav testified that he was sent to Borei Keila in Phnom Pen to attend a meeting in the second half of 1977<sup>3473</sup> with around 1,000 other soldiers.<sup>3474</sup>
1483. Civil Party OU Dav explained that the people at Borei Keila were lined up to listen to the speeches: “<While being lined up, there were three leaders:> Son Sen, Ta Mok, and Nuon Chea<. And> as for Nuon Chea, who was in charge of military, he spoke and gave encouragement to almost 1,000 soldiers <who were old soldiers>, including me at the time. <That was what encouraged me.>”<sup>3475</sup>
1484. Civil Party OU Dav recalled NUON Chea’s speech,<sup>3476</sup> “[h]e convinced all of us that comrades <> and the Party’s beloved combatants, “You have engaged in the war against the American imperialist and its puppets. You have fought for the victory of 17 April 1975 for our revolutionary Party <and our people>. This is well known across the globe, but as of now, contemptible ‘Yuon’ enemies<> do not abandon <> their ambition to annex <our Democratic Kampuchea> into Indochina <Federation>. They <continuously brought> a number of divisions in and they sent spy agents <in order to invade> our Democratic Kampuchea <territory>. It is our very courageous soldiers who have fought against <and captured several prisoners of war>. Our Party believe in all of you, comrades <and combatants>. We absolutely prevent the ‘Yuon’ enemies to invade our country.” <This is what I can recall.>”<sup>3477</sup>
1485. Civil Party OU Dav testified that “[a]fter <the> speech of encouragement <was concluded> by Uncle Nuon Chea and Ta Mok and others, they organized us to be sent into <two> different <directions>. One group was sent crossing Neak Loeang, and as for my group -- about 400 of us -- we had to catch a ferry to the north part of Chrouy Changva Bridge and we <further> had to <catch another ferry at> Tonle Bet.”<sup>3478</sup>

## (2) Evidence related to KHIEU Samphan

<sup>3473</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, E1/498.1, p. 104 lines 12-13.

<sup>3474</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, E1/498.1, p. 91 lines 22-25.

<sup>3475</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, E1/498.1, p. 93 lines 18-22.

<sup>3476</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, E1/498.1, p. 104 lines 12-13.

<sup>3477</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, E1/498.1, p. 94 lines 2-15.

<sup>3478</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, E1/498.1, p. 95 lines 14-19.

**a.) General knowledge**

***Visits to Tram Kok cooperative (1977)***

1486. As discussed above, Civil Party CHOU Koemlan<sup>3479</sup> and Civil Party OEM Sarouern<sup>3480</sup> testified that KHIEU Samphan visited Tram Kok cooperative, along with Ta Mok, Pol Pot and Nuon Chea in 1977.

1487. Civil Party CHOU Koemlan testified that she knew KHIEU Samphan when he visited Tram Kok Cooperative, “I saw him during the Sangkum Reastr Niyum regime, because his photo was published in the newspaper as the People's Representative and I had heard of his name during that regime as well. So, when he came for a visit, I recognized him and he, in fact, called all the - in fact all the chiefs, unit chiefs, group chiefs and commune committee accompanied him while he was walking, but I was still unearthing the soil. And he actually went to Cooperative Number 1, as well as my other sibling saw him too and the other two Khmer Rouge leaders, at the K1 cooperative.”<sup>3481</sup> Civil Party OEM Sarouern testified that she did not know KHIEU Samphan personally and that his name was given to her by her unit chief after the visit.<sup>3482</sup>

***Presence at Central Market, Phnom Penh – distributing blue kramas to East zone evacuees (1978)***

1488. Civil Party KHEAV Neab testified that around the New Year of 1978, KHIEU Samphan distributed kramas at Central Market in Phnom Penh, “it was during the months that people were evacuated from Prey Veng province <of the East Zone. When> those people were put to stay in Phsar Thmei, <we were> tasked to cook rice for those people. Krama and <clothes> were distributed to them and I saw from a distance <of three metres away>, <I saw Khieu Samphan, the senior leader. He> was

<sup>3479</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 65 line 24 – p. 66 line 5.

<sup>3480</sup> Oral Testimony of Civil Party OEM Sarouern, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 32 lines 1-22.

<sup>3481</sup> Oral Testimony of Civil Party CHOU Koemlan, T., 26 January 2015, **E1/252.1** [Corrected 1], p. 66 line 19 – p. 67 line 2.

<sup>3482</sup> Oral Testimony of Civil Party OEM Sarouern, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 9 line 20 – p. 10 line 1, p. 41 line 9 - p. 42 line 4.

distributing food and clothes to the evacuees <>.”<sup>3483</sup> The Civil Party testified that her husband told her it was KHIEU Samphan at the market, “I saw him and I asked my husband and my husband told me that he was Ta Khieu Samphan, and that was what my husband told me. <I recognized him that he was the leader of the country.> He was there for about five minutes and then he disappeared.”<sup>3484</sup> The Civil Party clarified, “I cannot recall the exact date, but what I can recall was that it happened after Pchum Ben.”<sup>3485</sup> And that, “[t]he krama that he handed to the people there at <Phsar Thmei or the Central Market,> was blue and white in colour.”<sup>3486</sup> The Civil Party also “saw him distributing the <blue and white> krama to one elderly woman.”<sup>3487</sup>

## **b.) Propaganda, Education and Public Training**

### **(i.) Study session at Ounalom Pagoda, Phnom Penh (1975)**

1489. Civil Party CHEA Dieb testified that, before she was married in late 1975, “I met Khieu Samphan at Ounalom Pagoda. He came to open a session for the female combatants to study and I met him there once” in Phnom Penh.<sup>3488</sup> The Civil Party further recalled that “[h]e said that all female cadres needed to work for the state and those with the age above 19 from all ministries needed to be arranged to get married. We should not keep them unmarried.”<sup>3489</sup> Civil Party CHEA Dieb was invited to the meeting at Ounalom Pagoda by “the chief at my place, that is, Phan (phonetic), when I was at Tuol Tumpung market. And there were people from other spearheads who attended that assembly in Ounalom pagoda. There were hundreds of people.”<sup>3490</sup>

### ***Disseminating general DK policies***

1490. Civil Party CHEA Dieb recalled that at Ounalom Pagoda, “[b]efore Khieu Samphan spoke about marriage, he spoke about leading male and female youths to

<sup>3483</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 81 line 25 – p. 82 line 6.

<sup>3484</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 82 lines 9-13.

<sup>3485</sup> Oral Testimony of Civil Party KHEAV Neab, T., 29 November 2016, **E1/503.1**, p. 83 lines 4-5.

<sup>3486</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November, 2016, **E1/504.1**, p. 9 lines 11-12.

<sup>3487</sup> Oral Testimony of Civil Party KHEAV Neab, T., 30 November, 2016, **E1/504.1**, p. 15 lines 20-21.

<sup>3488</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 66 lines 4-6.

<sup>3489</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 66 lines 17-19.

<sup>3490</sup> Oral Testimony of Civil Party CHEA Dieb, T., 31 August 2016, **E1/467.1**, p. 51 line 25 – p. 52 line 3.

strive to work hard for the Party and the State and that we should not violate the disciplines or regulations and they spoke about the policies of Angkar. These were the main points that he raised.”<sup>3491</sup>

***Disseminating the policy on population growth / regulation of marriage***

1491. Civil Party CHEA Dieb testified that during the study session at Ounalom Pagoda, KHIEU Samphan “said that all female cadres needed to work for the state and those with the age above 19 from all ministries needed to be arranged to get married. We should not keep them unmarried.”<sup>3492</sup> “He did not say about whether the marriage was based on love or not, but he just simply said this should be arranged to get – to get married <for the female youth with the age above 19 and the male youth with the age of 25 years old. He asked all ministries to arrange married for all male and female youths.> We should not kept them all without marriage, only those who were still young should be kept unmarried. <He said that.>”<sup>3493</sup>

1492. At Ounalom pagoda, CHEA Dieb testified that KHIEU Samphan declared that older male and female youths “should be -- get married so that they would produce children to -- and when we -- when they produce children, we will have more forces to defend our territory. <That's what he said.>”<sup>3494</sup> “<Not long> after he said that,” Civil Party CHEA Dieb recalled, “my forces were arranged to get married <during the DK regime>.”<sup>3495</sup>

**c.) Public statements**

**(i.) Radio Broadcasts (1975-1976)**

1493. Civil Party OU Dav testified that “I, personally, never saw him. I never saw <Uncle Khieu Samphan>, but I heard his speech.”<sup>3496</sup> The Civil Party continued, “I heard his speech from the inception of the DK. <But I could not recall everything though I often listened to the news on the radio.> Most of the time, the <> songs

<sup>3491</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 90 lines 11-15.

<sup>3492</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 66 lines 17-19.

<sup>3493</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 67 lines 1-7.

<sup>3494</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 67 lines 11-14.

<sup>3495</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 67 lines 18-19.

<sup>3496</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 107 lines 2-3.

were played on the radio as well as speeches.”<sup>3497</sup> The Civil Party “heard Khieu Samphan's voice over the radio broadcast disseminating the information. It was in 1975 or 1976, that <was clear in'76,> I was able to hear the voice of Mr. Khieu Samphan. He made a broadcast over the radio.”<sup>3498</sup> The Civil Party testified that, “[h]e made inspiring and good speeches. He made mention about the rice supply. One individual would receive one-can-and-a-half or two cans of rice. That was one of the topic he made mention in the radio. He said that each and every one would receive a can - one-can-and-a-half or two cans of rice per day.”<sup>3499</sup>

**(ii.) Meeting at Borei Keila (1975)**

1494. Civil Party CHEA Dieb testified that she saw KHIEU Samphan at Borei Keila. “I met him at the stadium at Borei Keila; it was on the day when Hu Nim, Hou Youn was tried. <I also participated in that event. He was the advisor at that place.> At that time, he called the messengers of Hu Nim, Hou Youn to be interrogated. I did not stay there long and after the messengers gave the answers, I <was sick and sent to> the hospital and that was it; I did not meet him anymore since then. At that time, we addressed him as Om or Uncle.”<sup>3500</sup>

**(iii.) Speech at Chbar Ampov market, Phnom Penh (1977)**

1495. Civil Party PREAP Chhon testified to seeing KHIEU Samphan in 1977 at Chbar Ampov market.<sup>3501</sup> The Civil Party described that “[w]hen Khieu Samphan arrived at the market, people were instructed to line up in order to listen to his speech and to receive him. So we were instructed to stand in a row to <form a> meeting <and to receive him>, and when he arrived he made a speech and I also made mention the parts of his speech a while ago. <In that occasion,> he said that we made a revolution in order to eliminate the Lon Nol regime. And another point was to eliminate the

<sup>3497</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 107 lines 22-25.

<sup>3498</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 107 lines 7-10.

<sup>3499</sup> Oral Testimony of Civil Party OU Dav, T., 10 November 2016, **E1/498.1**, p. 107 lines 14-18.

<sup>3500</sup> Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 66 lines 6-13. The Civil Party clarified that she saw KHIEU Samphan two times before her marriage and it happened in 1975 (**E1/467.1**, p. 45 line 9, **E1/466.1**, p. 87 line 23 – p. 88 line 8); she was married 6 or 7 months after she arrived in Phnom Penh (**E1/467.1**, p. 45 lines 9-11).

<sup>3501</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 89 lines 8-12.

capitalist, the feudalist, the intellectuals. He didn't want them to exist. That's what he meant in his speech. He made mention of many other points but I cannot recall them. I only recalled the main content of his speech.”<sup>3502</sup>

1496. The Civil Party clarified, “I made the claim that he was Khieu Samphan because I used to watch a film before I was evacuated. Soldiers showed the film at our village and I saw him in the film and people who knew him said that that was <Mr.> Khieu Samphan. That's why I am certain that it was Khieu Samphan. I knew him from that film that I watched.”<sup>3503</sup>

1497. Civil Party PREAP Chhon described, “[a]fter he arrived, he told the people there that we made the revolution in order to topple the Lon Nol regime because Lon Nol was <anti> the revolution. And another point was for us to oppose the capitalists, feudalist and intellectuals. Later on, he said in our revolution, we would not allow to have different classes of people, that is the rich and the poor, and that everyone would be equal.”<sup>3504</sup>

1498. “He also gave some advice that Angkar evacuated us in order to get away from the Yuon invaders, that they were concerned that the Yuon invaders would kill us <all>. For that reason, we were evacuated out of <the Vietnamese> claw in order to go to the Southwest Zone,<> at the time, <so far> they <already> encroached through portions of the border. And another point of his advice is that when we arrived in the Southwest, that is in Battambang, that we <must> respect the Party's lines <and policies> strictly, and not to betray the Party. <> If we betrayed the Party and the Party knew it, then we would be killed<. He added another point that, "If you are kept, no gain; if you're pulled out, no loss! It is for those who betrayed the revolution.> He spoke on many other points, but I cannot recall them because it happened so long ago.”<sup>3505</sup>

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<sup>3502</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 90 lines 5-16

<sup>3503</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 89 lines 17-22.

<sup>3504</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 95 lines 7-13.

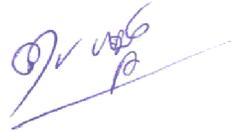
<sup>3505</sup> Oral Testimony of Civil Party PREAP Chhon, T., 30 November, 2016, **E1/504.1**, p. 95 line 15 – p. 96 line 4.

**V. DISPOSITIVE**

**WHEREFORE**, the Civil Party Lead Co-Lawyers respectfully request that the Trial Chamber:

- (1) Properly apply the law, in light of the Prosecution's submissions;
- (2) Take into account the above presentation of Civil Party evidence when examining whether the acts set out in the Indictment amount to crimes falling within the jurisdiction of the ECCC, and whether the Accused have committed those acts;
- (3) Acknowledge the harm suffered by the civil parties as a result of the commission of the crimes for which the Accused are convicted.

Respectfully submitted,

Date	Name	Place	Signature
2 October 2017	PICH ANG National Lead Co-Lawyer	Phnom Penh	
	Marie GUIRAUD International Lead Co-Lawyer	Phnom Penh	