

E2/89/4.1

STRICTLY CONFIDENTIAL
Case 001/18-07-2007-ECCC/TC
Witness Expert Support Unit (WESU)
ANNEX 1 09-VU-00170

Civil Party Name: OUK Neary
VU Registration No: 09-VU-00170
Status: Civil Party

1. Background Information

Ms. Ouk is a French National. Ms. Ouk's mother is a recognized Civil Party Participant, Mrs. Martine Le Feuvre, VU Reference Number 09-VU-00169. Mrs. Le Feuvre does not wish to pursue protection measures for herself. Ms. Ouk states that she would not be readily identified as the daughter of Ms. Mrs. Le Feuvre, as her mother has since remarried and changed her name.

Ms. Ouk's states that her father was a serving diplomat in the Cambodian Embassy in Dakar, Senegal in 1977 when he was called by Ieng Sary to return to Cambodia. He returned on 15 June 1977 and was subsequently arrested and sent to S21 on 17 June 1977, and that his death sentence was signed by Duch on 9 December 1977.

Ms. Ouk has requested that her identifying information be withheld from Defense, Accused and public.

2. Identified Risks and Concerns

Ms. Ouk is a flight attendant for Air France. Given that her position is in the public domain, her security, safety and privacy is a priority. Her flight itinerary is predominantly to China and Vietnam where she travels at least twice a month. She is concerned that if her identity is known, this may impact on her professional functions. Her Air France picture profile can be easily searched under her name on the Internet.

Ms. Ouk indicated that she still has family in Cambodia, and she is concerned that if she is publically identified as a civil party, there may be potential for harm for these relatives. As a result, she has not divulged to them that she is civil party, nor are they aware of her visit to Cambodia for the Initial Hearing in Case 001/18-07-2007-ECCC/TC

Ms. Ouk fears that the family and supporters of the accused have extensive networks that could be used to intimidate or cause harm to her. She is also requesting civil party status in Case 002 and also holds fears of the family and supporters of the charged persons in that case.

Ms. Ouk reported incidents over a long period of years that she feels are interlinked, and that collectively, she construes as possible evidence of present threat.

- a) In 1997, while residing in France, she was on an internet public chat forum discussing issues of Cambodia. Her contribution was about bringing justice to

E2/89/4.1

STRICTLY CONFIDENTIAL

Case 001/18-07-2007-ECCC/TC

Witness Expert Support Unit (WESU)

ANNEX 1 09-VU-00170

Cambodians. This comment resulted in her receiving several threats and aggressive comments in reply. She discontinued writing in this forum.

- b) Ms. Ouk states that her father used to work in the Cambodian Embassy in Senegal with a Mr. CHAN Youran (now retired from Cambodian Ministry of Foreign Affairs). After her father returned to Cambodia, Mr. Chan would call and write letters to her mother up until a final letter which was received in 1994. Ms. Ouk states that Mr. Chan indicated in one phone call that her father was still alive. Mr. Chan is closely linked to Pol Pot, Ieng Sary and Khieu Samphan.

During 2003, after one of her work flights to Beijing, China, Ms. Ouk obtained information that Mr. Chan might have been in China in an official capacity at the Embassy of Cambodia. She wrote a short letter of re-introduction, mentioned the subject of justice for Cambodia and included a photograph of her son. This letter was delivered by her hotel directly to an address that hotel staff believed to be that of the Cambodian Embassy.

The following morning, she received a phone call from someone identifying himself as “Kek Erang (her spelling) – Cambodian Ambassador in China”.¹ He read out the letter and commenced to speak to her aggressively in Khmer. When he realized that Ms. Ouk was French, he reverted to this language and became calm. Ms. Ouk took the telephone number of the caller and indicated that she would call back.

Before calling back Ms Ouk went to the address she had put on the letter and found that this was an old office building that appeared to be vacant, and therefore she did not know who had received her letter.

She later called back Mr. Kek Erang, who then invited to meet her and “have some tea”. She declined. Ms. Ouk learned something two years after this incident that indicated to her that an expression relating to drinking tea was a Khmer idiom meaning “to be killed”.² (Her concern is exacerbated by the fact that she had sent a photo of her son to the reader).

¹ The Cambodian Ambassador in China during this period had a very similar name with a slightly different spelling, H.E. Mr. KHEK Lerang.

² WESU has been able to establish background about an expression referring to making boiling water to prepare tea which has an implied threat; it appears this expression stems from 18th Century aggression by Vietnamese against Cambodians. We have been unable to establish any indication that the expression has commonly been used as a threat by Cambodians against Cambodians, or used by the Khmer Rouge. WESU did hear an unsubstantiated opinion that the term was used by members of General Lol Nol’s forces against Vietnamese in the early 1970’s. The term appears to be understood as an expression of insult toward Vietnamese persons. WESU can supply the article which referenced this expression and sparked the concern of Ms. Ouk if requested by the Chamber.

E2/89/4.1

STRICTLY CONFIDENTIAL

Case 001/18-07-2007-ECCC/TC

Witness Expert Support Unit (WESU)

ANNEX 1 09-VU-00170

Ms. Ouk has been travelling to Beijing on an extremely regular basis over the last six years. Since this incident, she has not experienced any further strange phone calls or incidents.

3. WESU Comments

Given that the mother of Ms. Ouk (Mrs. Martine Le Feuvre) is also a civil party, and due to the content of the material submitted, the relationship between both civil parties could be evident even with the redaction of Ms. Ouk's identifying details to the Defence. Mrs. Martine Le Feuvre's civil party application was submitted with attachments, among which was her Diplomatic Passport from the 1970's which has photographs of her young children at the time, and a copy of the birth certificate of Ms. Ouk Neary. These are in the case-file to which the Defence currently has access.

It would seem likely that any evidence required by the Chambers in relation to the death of the Ms. Ouk's father could be obtained from her mother, Mrs. Martine Le Feuvre, thereby minimizing the exposure of Ms. Ouk in the public domain.

The incidents referred to by Ms. Ouk as having caused her concern do not appear to form a pattern of intimidation or threat in relation to her participation as a civil party.

- Internet Forum - Ms. Ouk did not provide any personal information on this forum.
- Mr. Chan Youra – who was a colleague of the deceased father of the Ms. Ouk, has not made contact with the family since 1994 and has not demonstrated any risk or threat to the family.
- Beijing, China – The incident in 2003 appears ambiguous, particularly the comment to “have some tea”. Ms. Ouk has been travelling to China consistently for the last 6 years and no other unusual events have occurred.

Ms. Ouk has informed her mother, husband and son of her application. Intermediaries ASF France and DC Cam are also aware of her application, therefore this information could leak from other sources even with non-disclosure of identifying details ordered by the Chamber.

WESU does recognize that given Ms. Ouk's profession and with her profile in the Air France staff pages, there is potential that she may be recognized as a civil party if her name were to be public and simple internet research was carried out

WESU realizes that Ms. Ouk has genuine concerns for the continuing safety of her family members, particularly concern for her young son; however her concerns do not appear to cause significant harm to her physical, emotional or psychological health.

E2/89/4.1

STRICTLY CONFIDENTIAL

Case 001/18-07-2007-ECCC/TC

Witness Expert Support Unit (WESU)

ANNEX 1 09-VU-00170

WESU cannot find sufficient grounds to recommend that protection measures be granted, however WESU can inform the Chamber that the granting of her requested measures would bring her relief from general anxiety and concern.

WESU remains at the disposal of the Trial Chamber to provide additional information or respond to questions.

Wendy Lobwein



Coordinator

Witness and Expert Support Unit

Date: March 31, 2009