



# The Court Report

## The Extraordinary Chambers in the Courts of Cambodia

Moving forward through justice

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The Civil Party (2-TCCP-219), Mr. Seng Soeun, testifies before the Trial Chamber in the Courts of Cambodia in Case 002/02 against Nuon Chea and Khieu Samphan on 29 August 2016. Photo: ECCC/ Sok Heng Nhet



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## Trial Chamber heard evidence on forced marriage and rape

Starting 22 August 2016, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) began hearing evidence on the trial topic of Regulation of Marriage, including charges of forced marriage and rape during the period of Democratic Kampuchea. Eight Civil Parties, three witnesses, and two experts are currently scheduled to testify during this part of the trial in Case 002/02 of Khieu Samphan and Nuon Chea.

According to the Closing Order, the Communist Party of Kampuchea implemented a policy of regulation of marriage by any means necessary to defend and implement the socialist

revolution in Cambodia, starting from before 1975 and continuing at least until 6 January 1979. Both men and women were allegedly forced to marry throughout Cambodia, often in mass ceremonies that would range from two to more than 100 couples at a time. By allegedly imposing the consummation of forced marriages, the perpetrators committed a physical invasion of a sexual nature against a victim under coercive circumstances in which the consent of the victim was absent.

The closing statement of OCIJ states that one of several objectives of this policy was to

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# Trial Chamber heard evidence on forced marriage

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control the interaction between individuals, such that they were only permitted to marry and have sexual relations in accordance with CPK policy. The concept of marriage was reconstructed under the CPK regime in order for the CPK to replace the role of parents and to enable the mothers to go to work. The CPK had the objective of increasing population growth and "building up a family". This objective was achieved by matching people with similar political status and marrying soldiers. Marriage was therefore a key means by which the CPK did "whatever can be done that is a gain for the revolution".

According to the Closing Order, there is evidence that the CPK forced people to marry as early as 1974. In September 1977, Pol Pot articulated a CPK objective of increasing Cambodia's population to 20 million within ten to fifteen years. He also stated that marriage ceremonies were to be held for groups of couples at the same time. The policy relating to population growth was reaffirmed at a national medi-

cal conference opened by Pol Pot and attended by representatives of the CPK government ministries and offices, zones and sectors and the armed forces. The implementation of a system of marriages arranged by the Party authorities among the population and within the Party itself was disseminated through CPK publications and reported to superiors through CPK telegrams. A report from the West Zone to Angkor provides information about marriage statistics and birth statistics.

OCCI's Closing Order states that the official documents and statements refer to the supposed voluntary basis of such marriages: Pol Pot stated that "young men and young women [were to] build up families on a voluntary basis" and marriages were said to be based upon a person's proposal of a spouse according to the decision of the command committee. Numerous witnesses state that they were forced to marry. Even those officials who stated that individuals freely agreed to marriage noted that, in practice, people were not able to assert their opposition for fear of violence or death.

In furtherance of this policy, single people in their twenties or early thirties were forced to marry by CPK authorities, usually in official buildings or in public places. After being made to spend a short period of time together, couples were required to return to their daily work and were brought together only when the CPK regime required, including in some cases to ensure consummation of the marriage. Some persons who did not agree to marriage in accordance with the Party line were deemed to be "enemies" however this was not applied in all instances of refusal.

Six hundred and sixty four (664) civil parties were declared admissible with regards to the policy of the regulation of marriage, since the alleged crimes described in the application were considered as being more likely than not to be true, pursuant to Internal Rule 23 bis (4). These civil parties have provided sufficient elements tending to establish prima facie personal harm as a direct consequence of the crime of forced marriage.

# Cambodian and American students from RUPP and Texas visit the ECCC

On 9 August a group of twenty-two American students in Education and their teacher from Texas and twelve Cambodian studying sciences at the Royal University of Phnom Penh visit the ECCC. Due to the hearings cancellation, they were not able to attend hearings but visited the public gallery instead. Instead, the Chairman of Public Affairs' section, Dim Sovannarom, gave them an overall presentation of the ECCC and the current proceedings. They also watched the presentation video made by the Public Affairs section. They had the chance to meet a representative of the Office of the Co-Prosecutors (OCP), Fergal Gaynor, who discussed the prosecution's work and the specificities of this international trial. The students were particularly interested in the different daily tasks at the ECCC, the current situation of Case 002/02, as well as the coming trials. They wondered how long it will take to finish the different trials and what will be the ending point of the ECCC. The students were also concerned about the importance of S-21 in the trial and the way the court found the evidence. Following their lectures, the group better understood the accuracy of the court and challenges faced daily by the ECCC's employees.



# Burmese and Philippine journalists visit the ECCC

On July 6, a group of 26 journalists from Myanmar and the Philippines came to the ECCC. They visited the public gallery and received presentations from the Public Affairs Section, the Prosecution team and the Defense Support Section. The visit was organized by the Centre for Peace and Conflict Studies (CPCS), based in Siem Reap. Three officers and one translator from the CPCS accompanied the group. "It was the third group for which I organized a visit to the ECCC and our discussions have always been lively. It was a good learning space," Mr. Nery Ronatay, from the Peace Process Support Team at the CPCS, commented.

The purpose of the visit was for the journalists to understand conflict transformation in Cambodia, as well as reconciliation and transitional justice issues, through the ECCC's work. "We are looking at parallels and lessons from Cambodia that can help them understand their own conflict context in Myanmar and how institutions like the ECCC could or could not work in their setting," Mr. Ronatay explained. "For me, the ECCC is a study of balance and paradox, of how peace and justice can co-exist as an equal, but sometimes incompatible, goal. It is also a test of hybridity, as it is the only model in the world where an international court blends with a domestic court, which by design provides both [an] opportunity and challenge to operationalize."

Created in 2008, the CPCS is a Cambodian NGO which aims at learning from Cambodia's history and post-war experience in order to foster peacebuilding initiatives and research, and to work on reconciliation and conflict transformation throughout Asia.



# PAS Outreach visits Treal High School in Kg Thom

On 18 July, the Public Affairs Section (PAS) visited Treal High School in Baray District, Kampong Thom Province. Having visited previously in 2014, the PAS is working to ensure students have up-to-date information about the trials.

The ECCC aims to foster public awareness through its outreach work, particularly with younger generations who were born after the Khmer Rouge era, to help them gain an understanding of recent Cambodian history and the context of the ongoing trial proceedings.

ECCC Press Officer, Pheaktra Neth, spoke to some of the 1000 students that attend the school about the progress of Case 002/02. Many of the students were aware of the trials and the defendants in the case. The students explained that they had heard of the Khmer Rouge through their teachers and families who had shared their stories and experiences with them.

The school was provided with additional books to be given to future students and teachers received more extensive information on the Trial Chamber Judgement for Case 002/01 and ECCC t-shirts. The school principal said that questions related to trials would be asked of the students during their exams and the information contained within the booklets would be a great resource.



### Supreme Court Chamber

In July, the Supreme Court Chamber continued its consideration of the respective appeals by Nuon Chea, Khieu Samphan, and the Co-Prosecutors against the case 002/01 trial judgement. It also continued deliberations on and drafting of the appeal judgement.

### Trial Chamber

The Trial Chamber was in Judicial Recess from 4 July to 24 July 2016. The Trial Chamber sat for four hearing days in July 2016, hearing one witness and one expert.

On 1 July 2016, the Trial Chamber issued a decision with respect to the KHIEU Samphan Defence request for clarification on the scope of Case 002/02 concerning Internal Purges. The Trial Chamber clarified that the scope of Case 002/02 was provided for in the Trial Chamber decision of further severance of Case 002 which was issued on 4 April 2014. The Trial Chamber clarified that contrary to the submissions of the KHIEU Samphan Defence, the Closing Order and severance decision do not limit internal purges to events in the North Zone in 1976 and the East Zone in 1978.

On 11 July 2016, the Trial Chamber issued a decision in which it denied the NUON Chea Defence request to recall witness PRAK Khan (2-TCW-931). The Trial Chamber found that the NUON Chea Defence failed to show new evidence or new circumstances which would warrant the Chamber to reconsider its original decision not to grant extra time to question the witness. The Chamber also concluded that the NUON Chea Defence failed to show good cause to grant the exceptional measure of recalling PRAK Khan as a witness, having regard to the probative value and cumulative nature of the expected evidence and the time originally allocated for the questioning of the witness.

On 11 July 2016, the Trial Chamber granted the International Co-Prosecutors' request for the admission of two documents, an audio recording and a written record of interview, relating to witness 2-TCW-850. The Chamber found that the documents constituted prior statements of the witness who is scheduled to testify in August 2016, and that its practice has been to admit into evidence all prior statements of witnesses who testify, to allow for a complete assessment of their testimony.

On 11 July 2016, the Trial Chamber also granted the NUON Chea Defence request for the admission of a document related to the testimony of expert Alexander Hinton (2-TCE-88). The document is a press article relating to



Witness 2-TCW-900 appears via videolink before the Trial Chamber in the Courts of Cambodia in Case 002/02 against Nuon Chea and Khieu Samphan on 21 March 2016. Photo: ECCC/Julian Sonntag

Mr. Hinton's experience testifying before the ECCC. The Chamber found that the request was timely and that the document was relevant as it related to Mr. Hinton's experience testifying as an expert at the ECCC. The Trial Chamber recalled that challenges regarding bias of an expert relate to the evaluation of their evidence and not to its admissibility.

On 11 July 2016, the Trial Chamber provided written reasons for its oral decision of 24 March 2016, partially granting the Co-Prosecutors' Rule 87(4) request to call an additional Civil Party SUN Vuth (2-TCCP-1016) during the Phnom Kraol Security Centre Trial Segment. The Trial Chamber denied the request to call an additional witness (2-TCW-1017). The Chamber found that the request was untimely, given that the requested testimony was available before the opening of trial. Despite this, the Trial Chamber considered whether it was in the interests of justice to hear the testimony of the civil party. The Chamber found that it was important to hear the testimony of SUN Vuth, as he was the only civil party who could provide evidence on the Phnom Kraol Security Centre crime site.

On 11 July 2016, the Trial Chamber granted the Co-Prosecutors' request to admit pursuant to Rules 87(3) and 87(4) photographs

which were allegedly taken at S-21. The Chamber noted that the photographs in question were not available prior to the opening of the trial and the Co-Prosecutors exercised due diligence in filing the request when they received copies of the photographs. The Chamber found that the photographs which depict individuals who were apparently detained at S-21 and related annotations, were closely related to material already on the case file and should be admitted.

On 11 July 2016, the Trial Chamber also granted the NUON Chea Defence request for the admission of a Victims Support Section report in relation to the Civil Party application of CHHUN Samorn (2-TCCP-236). The Chamber found that the request was untimely, but still considered whether it should be admitted. The Chamber held that the report did not qualify as a witness statement, but that it was prima facie relevant, reliable and closely related to other material on the Case File. The Chamber found that it was in the interests of justice for the report to be admitted as it was ancillary to the Civil Party application.

On 11 July 2016, the Trial Chamber issued a memorandum clarifying that the portion of the Khmer document E3/11 which contained POL Pot's speech would serve as the Khmer

translation of E3/144. The Trial Chamber issued this memorandum after it had been informed by the Interpretation and Translation Unit, that it would not be preparing a new translation for French document E3/144 as the relevant portions were contained in E3/11.

On 26 July 2016 the Trial Chamber issued 4 oral rulings.

The first oral ruling granted the Co-Prosecutors' request for the admission of four attachments to statement of witness 2-TCW-1005 pursuant to Rules 87(3) and (4).

The second oral ruling granted the NUON Chea Defence request for the admission of a document relevant to the anticipated testimony of 2-TCW-1005 pursuant to Rule 87(4). Written reasons are to follow for this ruling.

The third oral ruling partially granted the NUON Chea Defence request for the admission of an article written by witness Henri Locard (2-TCE-90) pursuant to Rule 87(4). The Chamber noted that the related Rule 93 request would be addressed by a written decision.

The fourth oral ruling granted the Co-Prosecutors' request for the admission of nine

chapters of the 2016 edition of Henri Locard's book "Pourquoi Les Khmer Rouge" pursuant to Rule 87(4). The Chamber noted that the portion of the request, so far as it related to Michael Vickery (2-TCE-94), was moot given that Mr. Vickery had declined to testify, as previously scheduled.

During the month of July, the Trial Chamber also issued 1 strictly confidential memorandum and 1 confidential decision.

### Pre-Trial Chamber

During the month of July 2016, the Pre-Trial Chamber notified its decision on an appeal concerning testimonies at trial in closed session (PTC 04/26) which is available on the ECCC website.

The Chamber completed its review of an appeal against a decision of the Defence Support Section (Case 14-06-2016-ECCC-PTC) and advanced preparations for deliberations on various other cases, including: one dealing all together with two applications for annulment of all investigative actions and of charges concerning some of the alleged purges and for annulment of charges of Grave Breaches, and with an appeal against International Co-Investigating Judge's refusal to forward seven

other such motions (PTC 03/28); two other cases dealing with applications for annulment of investigative actions (PTC 04/23) and (PTC 04/27); and an application for annulment of transcripts and written records of interviews (PTC04/1/28).

Furthermore, the Chamber was newly seized with an appeal against the International Co-Investigating Judge's Decision on a request for clarification concerning Crimes against Humanity and the Nexus with Armed Conflict (PTC 03/30).

Since January 2016, the Pre-Trial Chamber has issued a total of 12 decisions and is currently seized with six cases. Next deliberations are expected to take place in early August 2016.

### Office of the Co-Prosecutors

In July, staff and interns of the Office of the Co-Prosecutors were engaged across all cases, with continued trial hearings and litigation in case 002/02 as well as the ongoing investigations and litigation in cases 003, 004 and 004/01.

#### Case 002/02:

Trial hearings took place after the Court's summer recess period, with witnesses, including expert witness Henri Locard, testifying in relation to the trial segment dealing with internal purges. The Co-Prosecutors requested that the Chamber order the Accused to indicate whether they intended to testify before the end of trial. Additionally, the Co-Prosecutors filed five confidential requests and a confidential response to the Chamber. The Co-Prosecutors continued to discharge their disclosure obligations by requesting to disclose material from cases 003 and 004 into case 002.

#### Case 003:

Review and analysis of the evidence collected by the Co-Investigating Judges continued and a confidential request was filed by the International Co-Prosecutor.

#### Cases 004 and 004/01:

Review and analysis of the evidence collected in the investigations against the three Charged Persons continued. Additionally, in case 004, the International Co-Prosecutor filed a confidential request to the Co-Investigating Judges.

#### Outreach

Representatives of the Co-Prosecutors

office spoke to journalists visiting from the Center for Peace and Conflict Studies in Siem Reap about the background, goals and work of the Court, as well as meeting a group from the Cambodian Human Rights Action Committee to discuss how the Office of the Co-Prosecutors works and providing an overview of developments at the Court.

### Office of Co-Investigating Judges

During the month of July, the international side of the Office of the Co-Investigating Judges (“OICIJ”) continued the investigations of cases 003 and 004.

One field mission took place in case 003, in the course of which three interviews were obtained, and two investigation action reports were filed. In case 004, two field missions were carried out, generating six interviews and seven investigation action reports. Two witnesses were interviewed at the ECCC premises in case 003 and three in case 004.

During the month of July, The legal unit has been processing investigative material, and addressing investigative requests and procedural motions. The Analysts Unit assisted and participated in all field missions carried out during this period. They also assisted legal officers in analysing Khmer language documents and DK contemporaneous documents.

The supplementary information and civil party applications in cases 003 and 004, which presently total 2,479, are still being evaluated by analysts, investigators and legal officers, to assess their admissibility and relevance to both case files.

### Defence Support Section

#### Nuon Chea Defence

In July, the Nuon Chea Defence Team continued to be engaged in the Security Centres and “internal purges” segment. Alongside, it filed a series of requests before the Trial Chamber.

On 4 July, the Defence filed a response to a request for leave to submit an amicus curiae brief on forced marriage filed on 14 June by a group of international legal scholars and researchers. The group had requested permission to discuss two issues: the legal characterization of forced marriage as a crime against humanity, and the distinction between forced marriage and arranged marriage. In its response, the Defence argued that it would be premature for the Trial Chamber to accept the amicus curiae brief at this stage, before the parties had an opportunity to put forward



Monks visiting from Kandal Province observe the second day of testimony of former Tuol Sleng photographer Mr. Nhem En (2-TCW-919) on Case 002/02 proceedings against Nuon Chea and Khieu Samphan on June 2016. Photo: ECCC/Yar Rorsat

ward their submissions on matters related to forced marriage. It also expressed concerns regarding the lack of objectivity and neutrality on the part of the Applicants. Furthermore, the Defence argued that the relevant expertise of the Applicants was unclear as they described themselves as a “group of scholars and researchers” without outlining the era of expertise of each of them in relation to the topic of forced marriage. Finally, the Defence argued that the extensive use of amicus curiae could threaten equality of arms, and that the arguments the Applicants sought to make clearly benefit the Co-Prosecutors and the Civil Parties to the present case, which would unfairly increase the burden of the Defence, and eventually infringe upon the fundamental rights of Mr Nuon Chea. Therefore, the Defence requested the Trial Chamber to dismiss the Application.

On 13 July, the Defence filed a Rule 87(4) and Rule 93 request in relation to upcoming expert witness Henri Locard. It sought the admission into evidence of two documents: his Curriculum Vitae and an article he wrote for the Cambodia Daily entitled “In Questioning of Becker, Nuon Chea’s False History Prevails”. The Defence argued that the admission into evidence of his CV would be relevant to

establishing his background and expertise, and, therefore, his credibility, while the admission of the newspaper article would support the Defence’s position that Mr Locard is biased thereby preventing him from fulfilling his duty to testify with the utmost neutrality and objectivity as required for an expert witness. Finally, the Defence requested to be provided with Mr Locard’s PhD thesis on “Aspects de l’extermination du Kampuchéa démocratique et de l’idéologie khmère rouge (1975-1979)”.

#### Khieu Samphan Defence

In July 2016, the Khieu Samphan Defence Team remained fully engaged in preparing for the testimony of upcoming witnesses and two expert witnesses, including Henri Locard, a French historian, who appeared in court at the end of July. In mid-July, the Defence was informed by the Trial Chamber that the other expert eventually refused to testify.

The Defence also filed several submissions. On 4 July 2016, the Defence filed a response to a request for leave to file an amicus curiae brief related to the regulation of marriage segment. On July 5, further to a Trial Chamber memorandum informing the parties of the final stages and deadlines of Case 002/02, the Defence filed a motion urging the Trial Chamber to provide

the parties with the list of civil parties, witnesses and experts scheduled to testify during the last segment of Case 002/02. On July 14, the Defence filed a request seeking the admission of a document related to an upcoming witness expert. On July 22, the Defence responded to a motion filed by the Co-Prosecutor seeking the admission of a new document, and, on July 25, the Defence filed a response to a motion filed by the International Co-Prosecutor seeking the admission of several Case 003 and Case 004 documents.

#### Meas Muth Defence

In July, the Case 003 Defence filed a combined response to the amicus curiae on the question of whether under customary international law in 1975-1979, an attack by a state or organization against its own armed forces could amount to an attack directed against a civilian population for the purposes of Article 5 of the Establishment Law of the ECCC. The Case 003 Defence also filed an appeal to the Pre-Trial Chamber, two submissions to the Office of the Co-Investigating Judges, and one submission to the Trial Chamber, all of which have been classified as confidential. The Case 003 Defence continues to review material on the case file and to prepare submissions to protect their client’s fair

trial rights and interests.

#### Ao An Defence

In July, the Defence Team for Ao An filed an eleventh request for investigative action and a joint request for the reclassification of certain decisions of the International Co-Investigating Judge and filings by the Defence. In addition, the Ao An Defence team continued to review all materials on the case file to participate in the investigation, prepare for Ao An’s defence and protect his fair trial rights.

#### Yim Tith Defence

In July, the Yim Tith Defence Team continued to analyse the contents of the case file in order to participate in the investigation, prepare Mr Yim Tith’s defence and endeavor to protect his fair trial rights.

#### Im Chaem Defence

On 7 July, the Co-Investigating Judges officially recognised Mr Wayne Jordash, QC, as the foreign Co-Lawyer to represent Ms Im Chaem in Case 004/01 together with Dr Bit Seanglim, Ms Im Chaem’s national Co-Lawyer. On 27 July, the Co-Investigating Judges issued

a forwarding order under Internal Rule 66(4) requesting the Co-Prosecutors to file their final submission within three months. The Im Chaem Defence Team continues to review the evidence in the case file in order to prepare Ms Im Chaem’s defence and endeavor to safeguard her fair trial rights in the remaining proceedings of the pre-trial stage of Case 004/01.

### Civil Party Lead Co-Lawyers Section

#### Key Legal Developments

Following the judicial recess, the Lead Co-Lawyers for the Civil Parties continued to represent the consolidated group of civil parties, facilitating the examinations of and putting questions to one witness who testified regarding internal purges, as well as to the expert Henri Locard.

On 1 July 2016, the Lead Co-Lawyers filed their Response to Nuon Chea Defence’s Request for Admission of the Victims Support Section’s Report on the Application of Civil Party 2-TCW-236. The Lead Co-Lawyers explained the various types of documents that are related to civil parties. They emphasized that a Civil Party’s Victim Information Form, also known as a Civil Party Application, is an original document that is dated and signed by the Civil Party and a witness. The Lead Co-Lawyers noted that Victims Support Section Reports are summaries generated by the VSS and are not the statements of civil parties themselves. The Lead Co-Lawyers deferred to the wisdom of the Trial Chamber with respect to the admission of the document.

On 15 July 2016, the Lead Co-Lawyers filed their Submission Relating to Reparation Projects for Implementation in Case 002/02, pursuant to the direction of the Trial Chamber and elaborating on their oral submissions of 16 June 2016. The Lead Co-Lawyers provided information with respect to nine prioritized reparation projects that are being developed as proposed judicial reparation projects for the benefit of civil parties in Case 002/02.

In addition to the projects being developed in collaboration with the Royal Government of Cambodia, the nine projects elaborated in the submission are:

Educational projects aimed at addressing the harm of civil parties in general:

- App-Learning on Khmer Rouge History, Bophana Audiovisual Resource Center
- Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops, Documentation Center of Cambodia

•The Turtle Project: Innovative Cross Media Project promoting historical awareness and civil courage, Cambodian-German Cultural Association Educational projects aimed at addressing the harm of specific groups of civil parties:

•Community Media Project: The Cham People and the Khmer Rouge, Cambodian-German Cultural Association

•Phka sla Kraom Angkar: Forced Marriages of the Khmer Rouge Regime, Khmer Arts Academy, in collaboration with Kdei Karuna, TPO and the Bophana Center

•Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic minorities during the Khmer Rouge regime, Kdei Karuna Projects aiming to provide satisfaction to civil parties for the harm they suffered:

•The Untold Stories of Civil Parties participating in Case 002/02 at the ECCC, Cambodian Human Rights Action Coalition

•Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Center related to the ECCC (LDC) Projects aiming to provide rehabilitation to civil parties for the harm they suffered:

•Improving the health and mental well-being and reducing the risk of poverty and social exclusion of some civil parties and other vulnerable older people in Cambodia, HelpAge Cambodia

Outreach and training

Together with the Victims Support Section and their NGO partners, the Lead Co-Lawyers continued to participate in the development of reparation projects for case 002/02 and the implementation of judicial reparation projects for case 002/01.

On 2 July 2016, the Lead Co-Lawyers attended a civil party consultation hosted by the Cambodia-German Cultural Association with respect to the development of a proposed judicial reparation project for Case 002/02. Thirty-six civil parties participated in the event.

The National Lead Co-Lawyer attended the civil party forum held in Siem Reap on 19 July 2016, in which 111 civil parties participated. They were informed about the progress of proceedings in Case 002 and consulted with respect to their views on reparation projects being developed for Case 002/02.

Victims Support Section

Legal representation

The ECCC-funded Civil Party Lawyer team fully participated in all hearings and reviewed case files of witnesses and civil parties needed to be examined as the evidentiary hear-



ings of Case 002/02 still continued. At the same time, two members of the team identified their own civil party clients to attend the community theater, turtle project and peace dialogue organized by Meta House and to participate in testimonial therapy organized by Transcultural Psychosocial Organization (TPO). Also, the lawyer team participated in meeting between Lead Co-Lawyer Section and Civil Party Lawyers and in the Regional Forum organized by the VSS in Siem Reap.

Processing and analysis

The Processing and Analysis Team (PAT) continued to collect supplementary information in Cases 003 & 004 through phone calls made to applicants having been suffered from alleged crimes under the investigation scope of Cases 003 and 004. Additionally, the team received 16 pieces of supplementary information of civil party applicants in cases 003 & 004 and filed 6 power-of-attorney letters to the Office of Co-Investigating Judges.

Reparations and non-judicial measures

The Reparation & Non-Judicial Measure Team coordinated the implementation of all Reparation & Non Judicial Measure projects through meetings and technical support communication.

During the month, the reparation team members participated in the following:

• meeting with Mrs. Ros Sophearavy, Deputy Director of Choeng Ek Genocidal Center, at Choeng Ek's office to discuss Choeng Ek's proposed reparation projects to the ECCC, "Preserving Sculptures and Building a Memorial Statue at Choeng Ek Genocidal Center".

• the team's member together with LCL's officers had a meeting with Mr. Long Khet, Executive Director of Youth For Peace (YFP), at YFP's office to discuss the projects proposed by the organization, funding status, and way forwards.

• meeting with LCLs and CPLs to update about case 002/01 reparation, case 002/02 proposed reparation projects, and some other related matters.

• Mr. Hang Vannak, Chief of the VSS, and the team's members had a meeting with Mr. Nico, Chief of Meta House, and Mrs. Hildergard Weigert, a representative from the German Institute for Foreign Relations (IFA) to update about projects proposed by the Meta House and funding status.

• Another meeting with Mr. Long Khet, Executive Director of YFP, at YFP's office to discuss the development of the project entitled "Community Peace Learning Center at Phnom Sampov of Battambang Province and Treatment of Buddhists". In the afternoon of the same day, the team member also had a meeting at Bophana

Center to discuss Pka Sla project's progress, funding status and way forwards.

• many meetings with Lead Co-Lawyer Section to update about proposed reparation projects for case 002/02 and also to develop brochure and strategy for fund raising campaign.

In addition, Gender-Based Violence Project of the section coordinated and implemented its project through the following meetings and activities:

• The project had 3 separate meetings with Asian Foundation, COMFREL and GIZ to discuss GBV related activities and looked for an opportunity to collaborate with those organizations in further advocacy work to support GBV survivors.

• A workshop on "Gender-Sensitivity and Psychological Impact of Gender-Based Violence" was organized for 52 student lawyers at the Lawyer Training Center. The training aimed to strengthen gender sensitive capacities among student lawyers. One of another objective was to integrate psychological aspect into all stages of GBV clients' preparation and interviewing process. Those students who are soon becoming lawyers will work effectively and supportively toward the needs of GBV clients.

Outreach

During the month, Outreach Team in-

vited 19 civil parties, including 14 women, from Kampong Thom, Prey Veng, Kratie and Preah Sihanouk provinces to attend hearings of case 002/02 at the ECCC. At lunch break of each hearing day, they were also arranged to meet with their lawyers to be briefed on what already happened and what would be discussed in the courtroom. After the hearing ended in each day, Judgment Books of Case 002/01, radios and VSS newsletters were distributed to those CPs.

As usual, 10 CPs were arranged to sit in the Courtroom along with their lawyers and the rests were in the public gallery.

Under the financial support of Civil Peace Service (CPS)/ German Agency for International Cooperation (GIZ), Victims Support Sections and Civil Party Lead-Co Lawyers' Section of ECCC co-organized the Civil Party Consultation Forum in Siem Reap province on Judicial Reparation in Case 002/02 with 139 participants, including civil parties and focal persons from Kampong Thom and Siem Reap, civil party lawyers, civil party lead co-lawyers, a representative of Public Affairs Section (PAS) and Siem Reap provincial representatives. At the forum, VSS Chief, PAS Press Officer, National Lawyers and International Lead Co-Lawyers gave their presentation on the ECCC's current proceedings, and reparations. The speakers also answered and clari-

fied some questions or concerns of civil parties in the forum.

The purposes of the forum were (i) to inform civil parties about the developments of the ECCC's trial proceedings against NUON Chea and KHIEU Samphan; (ii) to provide opportunities for civil parties and their lawyers to discuss the issues related to the hearings of case 002/02 and proposed reparation requests in case 002/02.



Decisions/Orders

Public versions of the decisions, orders, opinions and considerations are available on the official ECCC website.

Trial Chamber

1 July 2016 Decision on KHIEU Samphan Urgent Request for Clarification of the Scope of Case 002/02 concerning Internal Purges <E420/1>

1 July 2016 Corrected Decision on International Co-Prosecutor's Requests to Admit Written Records of Interview Pursuant to Rules 87(3) and 87(4) <E319/47/3>

11 July 2016 Decision on NUON Chea Request to Recall Witness PRAK Khan (2-TCW-931) <E409/3>

11 July 2016 Decision on International Co-Prosecutor's Rule 87(4) Request to Admit into Evidence Two Documents Related to 2-TCW-850 <E417/1>

11 July 2016 Decision on NUON Chea's Rule 87(4) Request to Admit into Evidence a Document Related to the Testimony of Expert Alexander Hinton <E407/2>

11 July 2016 Decision on Co-Prosecutors' Rule 87(4) Request to Call an Additional Witness and an Additional Civil Party During the Phnom Kraol Security Centre Trial Segment <E390/3>

11 July 2016 Decision on the Co-Prosecutors' Request to Admit into Evidence the Photographs Identified as S-21 Photographs in the Corresponding List Admitted as E3/9214 <E394/1>

11 July 2016 Decision on NUON Chea's Rule 87(4) Request for Admission into Evidence of the Victims Support Section's Report on the Application of Civil Party 2-TCCP-236 <E419/2>

11 July 2016 Memorandum on Khmer version of French Document E3/144 <E423>

Pre Trial Chamber

PTC04/26

On 20 July 2016: the Pre-Trial Chamber notified its Decision unanimously dismissing the International Co-Prosecutor's Appeal concerning testimony at trial in closed session (D309/6).

## TC heard evidence on Internal Purges

**Disclaimer:** The following summaries of testimonies have been prepared by the Public Affairs Section for the purpose of providing the public with information about the on-going proceedings, and it is not an official document. The information contained in the summaries is based on information provided by a witness or civil party during their respective testimonies. As the Trial Chamber has not yet made any factual findings regarding the allegations in Case 002/02, nor made any determination about the credibility or veracity of the testimonies, the information contained in the summaries cannot be regarded as established facts.

On July, a witness and an expert testified in Case 002/02 trials hearing against Nuon Chea and Khieu Samphan.

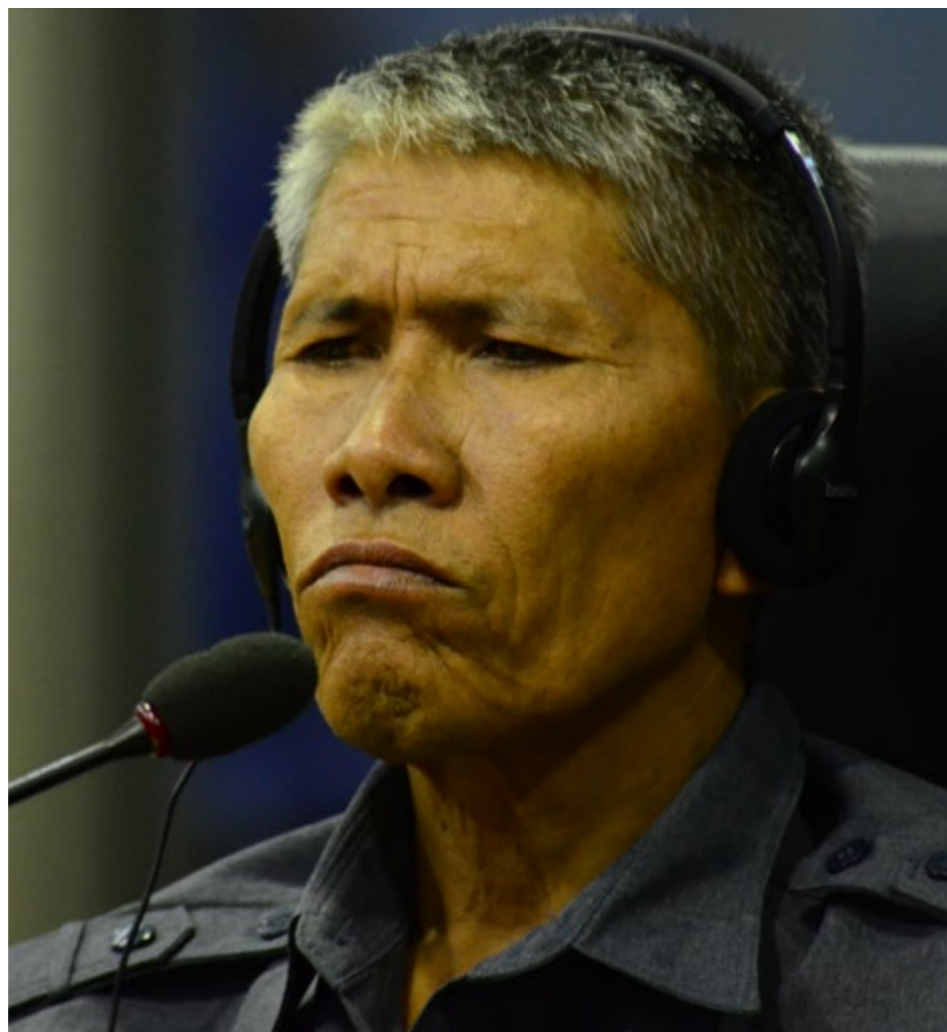
### Witness 2-TCW-1005

Witness 2-TCW-1005 – anonymous due to involvement in other cases – testified in July 2016 on the subjects of internal purges and forced marriage. He was born in 1958 in Tram Kak, Takeo province. His father died sometime around 1967 or '68; although the witness isn't sure precisely when or why because he was quite young, he does believe that it was because of his father's involvement in the CPK. In fact, he believes that his father's friendship with Son Sen is the only reason he is still alive today. His mother also joined the revolution quite early, in 1970.

The witness said he joined the Khmer Rouge army when he was 15. According to the witness, when several of his teachers were killed while participating in demonstrations against the Lon Nol regime, the witness was inspired to fight against Lon Nol, so he joined the army as part of a children's messenger unit. He stayed there for two and a half years, then moved to Kiri Vong in September of 1975 and onto Kratie in 1977 while moving up in the ranks of messenger units in those sectors.

Because of his increasingly important position in messenger units, the witness said he was present at many meetings of the higher echelons of leadership. His main testimony pertained to purges of the party leadership in the Khmer Rouge during the later years of the regime. One purge he spoke of in particular allegedly occurred in Sector 13 in 1977 when the secretary of the sector was removed from his position, originally due to health reasons and then arrested for alleged connections to the enemy. The witness explained that the secretary was replaced by the witness's cousin, who was only in the position for a short time before he, too, was accused of connections to the enemy and sent to S-21.

Another alleged purge in 1977 that the wit-



ness was questioned about, occurred during a period of intense fighting against the Vietnamese in the area near Kratie. As a leader of a messenger unit, the witness said he delivered a letter from the head office which required 11 of the top leaders in Sector 505 to go to a meeting in Phnom Penh. At the time, he said, he was young and he was happy that his superiors would be away for a few days. However, he realized they had been "disappeared" when their positions were filled with new cadres. Their names later appeared on the prisoner list of S-21, including one of his uncles.

The witness spoke in particular about the harmful effect of the mistrust between comrades sown by the party, specifically through their Revolutionary Flag magazine which told its readers that enemies of the party were everywhere. These enemies were referred to as "burrowing enemies", and much of the witness's testimony related to how the party dealt with these alleged burrowing enemies. The witness pointed out how the magazine and the party focused heavily on eradicating friends of the CIA and the KGB-affiliated Vietnamese, while ignoring the hunger and shortage of food

being suffered by the Cambodian people at that time.

According to the witness, the Khmer Rouge tended to move cadres who were from the East Zone into the Southwest Zone and vice versa, and each time they moved it was difficult for party members to trust them. As well as this, the witness said the mistrust meant that any person with any connection to Phnom Penh or outside Cambodia was disappeared because they were believed to be an agent of the enemy. He exemplified this with the case of his mother, who according to the witness was killed because of an aunt in Phnom Penh, even though she had been a member of the party since 1970.

The witness stressed that the principles of the party were sound – he remained a member of the Khmer Rouge until 1998. However the principles depended on execution, and in this he felt the party failed. The leadership was not consistent through the country, he said, and the breakdown occurred between the written tenets of the political society created by the Khmer Rouge and their implementation of them.



### Henri Locard, 28 July – 2 August 2016

Mr. Henri Locard provided 4 days of expert testimony at the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC). He is currently a volunteer at the history department at the Royal University of Phnom Penh. He began researching Democratic Kampuchea soon after his return to Cambodia in 1989 when his friend, Moeung Sonn, requested his assistance to write his biography. Shortly thereafter, he began a PhD on the ideology and political system of the Khmer Rouge. Over the following years he published a number of books including "Pol Pot's Little Red Book: The Sayings of Angkar"/"Petit livre rouge de Pol Pot" which was discussed during the course of his testimony.

Locard explained his use of secondary sources, including publications by David Chandler and Ben Kiernan, and primary sources from interviews, "hundreds and hundreds, if not

thousands" for which he took notes. He stated his research was "grassroots" within the provinces and communes – a dialogue of ordinary people. During this time he told the Court he collected slogans for his personal interest. Over the course of his research, he realised if these slogans were organised into themes – Maoist slogans, the "hunt for enemies", slogans about work, around the death of the individual or the collective life – that the ideology and the ways of thinking of the Khmer Rouge could be revealed.

Locard stated that he approached his research of Democratic Kampuchea from the history of the Cold War. He researched regimes similar in ideology including Vietnam, Communist Vietnam, Communist China, the Soviet Union and North Korea. He had a particular focus on China, as he believed the regime was largely modelled on China; that the regime was "a combination of the Great Leap Forward and

counterrevolution."

Locard spoke of his interest in the smaller provincial prisons, for which records are rare. He explained that in 1975-1976 most prisoners were those of the old regime – educated people connected with the Republican regime and the Sihanouk regime. During 1977-1978, the prisoners were from all classes and more and more from within the ranks of the revolution, the civilians and the military. Locard explained that was a major prison for each region, from the evidence he found, there were about 150 districts. Every district had a prison, and some districts had several, particularly those located closer to the centre.

He described the tiers of prisons – in the first tier were those that had less than 100 prisoners where there was one person asking the questions, interrogating and writing biographies. In the district prison there were more inmates. There were at least three people that conducted the interrogations – one who asks questions, one who writes in the notebooks and one who "hits/threatens to hit." In larger prisons, inmates may be into the hundreds, up to 1000, as was the case for Siem Reap Prison. Locard stated that the turnover was quite rapid with people interrogated over one to three days as room had to be made for new inmates. People usually did not survive more than three months; the average would be 3-4 weeks. Locard stated that the mode of interrogation and torture was similar to other Communist regimes. The system was therefore highly centralized, there was only vertical communication.

Locard stated that when the Vietnamese came in, there were abundant archives in all of the security centres on the 7 January 1979. He stated that they disappeared as the people's main concern was to survive at the end of the regime. Locard stated that in some locations, they were systematically destroyed, as Locard believed to have occurred in Tia Siem's district.





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