



# The Court Report

## The Extraordinary Chambers in the Courts of Cambodia Moving forward through justice



### Court closed due to flooding

The ECCC was delayed in opening after the Pchum Ben break, from 29 September to 2 October, due to flooding in the compound. The court was inaccessible from 3-9 October. During this time a walkway was built from National Road #4 to the employee entrance so that the court would be accessible regardless of water levels. The court reopened on 10 October 2016, although water levels did not decrease to the point where visitors could be hosted until early November, due to remaining water in the rest of the compound. The visitor parking lot in particular remained flooded until early December. Although normal entry routes have resumed, the walkway remains in place in case of future flooding. *Photo: NHET Sok Heng / ECCC*

## In this issue...

### On the blog

We spoke to Chhun Phanapha, executive director of the ECCC's **Weekly Radio Show**. It's run out of the Women's Radio Centre of Cambodia, and Panaphan has helmed the show for the last three years. Read what Phanapha has to say on **page 2**.

### Judicial updates

The **Supreme Court** got ready for the appeal announcement of Case 002/01, the **Office of the Co-Investigating Judges** interviewed 39 witnesses, and the **Nuon Chea Defence Team** argued for an increased limit to the length of their closing arguments. These are just some of the teams – read more on **pages 3-4**.

### Testimonial summaries

Twenty witnesses and civil parties came before the Trial Chamber in September and October. They testified on topics ranging from **forced marriage, internal purges and conflict between Cambodian and Vietnamese forces** during the Khmer Rouge era. Read their testimonial summaries on **pages 5-8**.

## The Court in numbers



**25**  
trial days



**10** witnesses, civil parties,  
**7** expert witnesses.  
**3**



**Extraordinary Chambers in the Courts of Cambodia**

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# hearing their voices

Radio show helps Cambodians explore the legacy of the Khmer Rouge and the ECCC

The suit jacket that Chhun Phanapha is wearing is such a bright shade of pink that it seems to be glowing. It is the first thing you notice about her when you walk in the room. The second is the aura of capability and calmness she gives off, and the third is her voice: soft and lyrical, like birdsong.

As the executive producer of the ECCC's weekly radio show, these traits are surely godsend to the rest of her team. Phanapha leads a group of women working out of small, tightly-packed rooms on the second floor of the Women's Media Centre, in the north of Phnom Penh. Each week they produce an hour-long audio exploration of the Khmer Rouge Tribunal.

She's been working with the Women's Centre for years but Phanapha took over the radio show just two years ago. The show first began in 2011, and after a hiatus for most of 2013 began again later that year. To Phanapha, it plays a vital role in exploring the legacy left by the Khmer Rouge in Cambodia.

"We have a lot of listeners call into our program and we have a lot of people interested in the court, and they want to know how it will continue with Khmer Rouge leaders," she explained through a translator.

To explore this legacy, she and her team focus the show on a different topic each week, usually something relevant to what's currently happening in the Trial Chamber of the ECCC. Each show features summaries of the witnesses in court that week, followed by stories from Cambodian citizens about their experiences relating to that topic.

But the thing Phanapha makes an effort to emphasize is the proceedings of the court heavily. One of the recent shows, for example, had a legal consultant from the Supreme Court Chamber talking about the upcoming appeal judgement of Case 002/01.

"Before the show, [people] didn't know about the process of the ECCC. They wondered why it takes so long to give justice to the leaders, to the victims of the Khmer Rouge. After they listen to the show, they know the process of the ECCC," said Phanapha. This understanding, to her, is crucial in allowing the country to move on from the trauma incurred during the Khmer Rouge era.

In a country that is still mainly rural with low levels of TV or internet penetration, radio is a vital mode through which the court can access the public and spread information

on what it is doing. The show has over two million listeners – not weighted towards any age range in particular, says Phanapha, based on the callers who phone in with their comments and views.

To her, this reach is proof of the importance of the work they're doing. But it goes deeper than that. In a country still heavily dominated by patriarchal structures, the fact that the show is produced almost entirely by women puts it in a unique position to tap into stories and perspectives that, more often than not, stay hidden.

"Because we are women, we know the feelings of the women victims," said Phanapha. "Women can show their hearts to us."

In other words, she says, they can talk about rape and other atrocities they experienced during the Khmer Rouge era – ones they wouldn't otherwise talk about.

The callers generally respond to the content of the show, and the team tries to ensure the topics covered are appealing to their diverse range of listeners. "Some programs we focus on the youth, some programs we focus on the old people," said Phanapha. Older Cambodians often call to share their experiences that are relevant

# judicial updates

## Supreme Court Chamber

In September and October, 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.

The Supreme Court Chamber scheduled the pronouncement of the appeal judgement for Wednesday, 23 November, at 9:00 a.m. in the main courtroom of the ECCC.

## Trial Chamber

The Trial Chamber sat for 12 hearing days in September and 13 days in October, hearing testimony from nine witnesses, three expert and nine Civil Parties. This included the key document presentation in relation to the fifth segment of Case 002/02 on Forced Marriage, and the submissions on the harm suffered with respect to the regulation of marriages.

During the months of September and October 2016, the Trial Chamber issued 14 public written decisions and delivered 14 oral rulings. It also issued 23 confidential memoranda or decisions.

The Trial Chamber issued two decisions with respect to the fitness of the accused Nuon Chea and Khieu Samphan to stand trial and also issued orders for continued quarterly cognitive testing. The Chamber concluded that it was satisfied that both accused remained fit to stand trial and did not suffer from any mental or physical impairment which would prohibit their participation in proceedings.

In mid-September it granted a request by a group of international legal scholars and researchers for leave to submit an amicus curiae brief on the topic of Forced Marriage pursuant to Internal Rule 33. The Chamber issued an oral ruling denying the Lead Co-Lawyers' request for an additional day for the impact hearing on the harm suffered by Civil Parties in relation to the fifth segment of Case 002/02 on Forced Marriage and ordered the Lead Co-Lawyers to file a revised list of Civil Parties to testify in accordance with this schedule.

It also issued an oral ruling in which it partially granted the Khieu Samphan Defence request for additional time to question witness Ieng Phan, and ruled that an additional half a day would be granted, so that the witness would testify for a day and a half in total.

## Pre-Trial Chamber

During the months of September and October, the Pre-Trial Chamber notified a decision related to an appeal against the International Co-Investigating Judge's refusal to forward seven motions for annulment and to two applications for annulment of investigative actions concerning alleged purges and grave breaches of the Geneva Conventions a decision related to a motion regarding the scope of an application for annulment of non-audio-recorded written records of interviews, and a decision on an application for annulment of investigative actions.

The Pre-Trial Chamber further advanced preparations for deliberations on six other cases, including two applications for annulment of investigative actions, one appeal concerning the nexus between crimes against humanity and armed conflict, one appeal against decisions on disclosure of Case 004 material into Case 002, one application for annulment of disclosure decisions, and one application for annulment of non-audio-recorded written records of interviews.

The Chamber was also seised during the period under consideration with one new appeal against decisions on disclosure of Case 003 material into Case 002 and one new appeal against a decision on a request for investigative action.

## Office of the Co-Investigating Judges

The international side of the OCIJ continued the investigations of cases 003 and 004.

One field mission took place in case 003, in the course of which six interviews were obtained. In case 004, eight field missions were carried out, generating twenty interviews. Seven witnesses were interviewed at the ECCC premises in case 003 and six in case 004.

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 civil party applications in cases 003 and 004, which presently total 2,479, and related materials are being evaluated by analysts, investigators and legal officers, to assess their admissibility and relevance to both case files. The need for protective measures is being assessed and the assignment of lawyers to unrepresented applicants is being organised.

## Defence

### Nuon Chea Defence

The Defence sought the admission into evidence of Kasumi Nakagawa's Curriculum Vitae, as it relates to her background and expertise and is therefore relevant to her credibility and the weight to be attributed to her evidence. It requested to be provided with a number of documents underlying her publications on Gender-based violence during the DK Regime, in order to analyse the basis for her evidence.

The Defence also requested the Trial Chamber to summons Mr. Patrick Heuveline as a demographics expert in relation to the issue of the death toll during the DK Regime. It also requested the admission into evidence of his latest demographic study concerning the number of accidental deaths during the DK Regime, as it constitutes the latest study in this field.

In October, it requested to be granted a 600-page limit as well as an additional month to draft its closing brief, on the basis of the unprecedented scope and complexity of the case. It argued that a well-reasoned closing brief with the necessary amount of details would assist the Trial Chamber in ascertaining the truth by providing clear arguments and thorough discussions on all key issues. For the same reasons, the Defence requested an extension of time to review the evidence, and to effectively and

clearly present its arguments.

### **Khieu Samphân Defence**

In September and October, the Defence filed several submissions. In particular, it requested the disclosure and admission of all available audio recordings of written records of interview from Case 003 and 004 admitted in Case 002/02, with the sanctioning of the Prosecution by the Chamber for breach of its disclosure obligations. It responded to the Civil Party Lead Co-Lawyers' request for clarification relating to remaining charges in Case 002. It stated that the silence of the Trial Chamber regarding these charges amounts to a serious violation of the rights of Khieu Samphân to legal certainty and to be tried within a reasonable time. The Defence recalled that it already complained about this situation in May 2014.

### **Meas Muth Defence**

In September, the Meas Muth Defence Team filed an appeal against a decision to disclose Case 003 documents into Case 002. It also filed a response to the International Co-Prosecutor's request for an extension of time to respond to the appeal. In October, the Defence filed a response to a request by the International Co-Prosecutor and prepared several submissions to be filed in November. The Defence continues to review material on the case file and to prepare submissions to protect its client's fair trial rights and interests.

### **Ao An Defence**

In September, the Ao An Team filed two annulment applications to the Pre-Trial Chamber. The Defence also filed replies to International Co-Prosecutor's response regarding these applications. In addition, the team submitted a request for case file access for its pro bono member. In October, the Defence filed a notice of appeal against the International Co-Investigating Judge's Decision on AO An's Sixth Request for Investigative Action. The Defence continued to review all the evidence in the Case File and prepare submissions in order to safeguard Ao An's fair trial rights.

### **Yim Tith Defence**

The 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**

In September, upon the Im Chaem Defence Team's request, the Pre-Trial Chamber confirmed that the decision on Ao An's annulment application regarding all unrecorded interviews will not impact Case 004/01. The Defence is currently preparing a response to the Co-Prosecutors' Final Submissions, notified to the Defence on 28 October, based on a thorough review of the Case File. The Defence endeavours to safeguard Ms. Im Chaem's fair trial rights in the remaining proceedings of the pre-trial stage of Case 004/01.

## **Office of the Co-Prosecutors**

### **Case 002/02**

The Co-Prosecutors presented evidence in a key documents hearing relating to the segment of the trial involving forced marriage. Outside the courtroom, they filed a request to admit into evidence a number of translations of contemporaneous Vietnamese documents prepared by historian Christopher Goscha – which relate to issues relevant to Case 002/02 including: targeting of the Vietnamese, internal purges and forced labour. They also filed a response to the Civil Party Co-Lawyers request for clarification regarding the remaining charges in Case 002. The Co-Prosecutors reiterated previous statements regarding the inherent difficulty of excluding certain incidents or crime sites and the need to ensure that the events examined in Case 002 were reasonably representative of the true extent of the Accused's criminal responsibility. Consequently, they submitted to the Chamber that it was in the interests of justice and efficiency to terminate the proceedings in respect of the facts excluded from Case 002.

### **Case 003**

Review and analysis of the evidence collected to date by the Co-Investigating Judges continued. The International Co-Prosecutor also confidentially filed a request to the Co-Investigating Judges.

### **Cases 004 and 004/01**

Review and analysis of the evidence collected in the investigations against the three Charged Persons was ongoing. Additionally, in case 004, the International Co-Prosecutor confidentially filed three confidential requests and five confidential responses to the Co-Investigating Judges.

## **Civil Parties Co-Lawyers**

### **Key Legal Developments**

The team facilitated the examinations of and put questions to one witness, seven Civil Parties and two expert witnesses who testified about the regulation of marriage during Democratic Kampuchea. One witness gave evidence relating to the S-21 Security Centre, and four witnesses testified as to Internal Purges. One expert and three witnesses testified on the nature of the armed conflict.

### **Activities and Outreach**

Together with the VSS 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.

Meta House hosted Community Theater and Peace Dialogue events as part of its proposed judicial reparations project, "The Courageous Turtle". Seventy-four civil parties were invited to participate in the events and the International Lead Co-Lawyer and representatives were in attendance.

## **Victims Support Sector**

### **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 four pieces of supplementary information indicating alleged criminal acts in cases 003 & 004 from lawyers, and filed six power-of-attorney letters and 12 pieces of supplementary information to the Office of Co-Investigating Judges. The manager of the team participated in a two-day workshop on improving cooperation in the prosecution of conflict-related sexual violence in Nuremberg, Germany, organized by the International Nuremberg Principles Academy with approximately 30 representatives of judicial mechanism and civil society organizations.

### **Outreach**

Outreach Team invited 54 Civil Parties (CPs) including 36 female CPs from Phnom Penh, Kampot, Siem Reap, Kampong Speu, Pursat, Koh Kong, Ratanak Kiri and Kampong

# testimonial summaries

*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.*



## **Kasumi Nakagawa – 13-14 September**

She was an expert witness testifying on forced marriage during the Khmer Rouge period. She first became interested in how the Khmer Rouge impacted women during her undergrad, and has conducted research on gender and women, particularly forced marriage, in Cambodia since 2006. Her research focused on the period prior to the KR and during. Marriage, she found, was a communal and family matter in which males had more decision power and females had almost none. Although she acknowledged women were sometimes consulted during the Khmer Rouge period, she did not think genuine consent could be given. As well as this, before the Khmer Rouge marriage was organized by families and no interaction with the authorities was needed – this changed under the KR. She did not have enough evidence to confirm whether or not there was a top-down policy to organize forced marriages. The greatest harm of forced marriages, she said, was the destruction of the safety net inherent in marriages: men and women lost the protection of their families because they were separated from both their families and their new spouses. The mother of the

bride suffered heavily because it was her responsibility to organize the marriage and she was unable to do so.



## **Noem Oem – 15 September**

Noem Oem *alias* Nhim Kim Sreang was born in 1953. He was the chief of the photography unit at S-21. He stated that spent time in prison for getting caught in a fight. According to the witness, he personally took between 4000-5000 photographs. He stated that Nhem En had no special skill in photography, contrary to the latter's statement. Mr. Sreang's main role was to take photos and develop the film. He said there was no set system for organizing the photos of prisoners. This changed in 1978 at request of Duch but it still wasn't a regular system. He did not see many children.



## **Mom Vun – 16 September**

Mom Vun was born in 1948 in Siem Reap province, where she lived before 1975. Her husband was Tan Him. She was assigned to harvest rice when her child was young; when her child died she was assigned to build dykes. Her older siblings were accused of being traitors and killed. Her mother died from sickness. She was forced to re-marry within a few months of her husband's disappearance in 1975. Two days before her marriage she was held at gunpoint and raped by five men, one by

one. She and her husband didn't like each other but they felt they had no choice but to get married or be killed. She didn't inform her family of the wedding because it wasn't done in the traditional way. Although they tried to avoid consummating the marriage, militiamen held torches on them and forced her husband's penis into her. She separated from her husband in 1984. At a meeting in 1976 she saw Nuon Chea speak.

## **Heng Lai Heang – 19 September**

HENG Lai Heang was born in 1950 in Kratie province, where she and her family lived in a communal farming community. In 1971, she joined the revolutionary movement when men from the jungle urged them to join to liberate the country. She was on a local committee, so she was responsible for disseminating information about the revolution to the Base People in all the villages. During this period she witnessed many ceremonies and selection for marriage. In 1976, her supervisors in the committee of Sector 505 in the Northeast Zone arranged her marriage. She refused many times but when they used the word "stubborn" to describe her, she agreed to the arrangement for her safety. For her it was a resistance against this new power if she didn't accept. She became pregnant a year after her wedding, but her husband was arrested in 1978 and she was accused of being linked to a traitor. He was sent to a study session and never returned. She was removed to a work site for wives of traitors in Kratie province. Regarding the policy against Vietnamese, she stated that this policy was initiated at the local level at the beginning and was disseminated to the district after. This was established because of the conflict between Khmer Rouge and Vietnamese. All of them, even half-blood, were smashed. This was the case of her uncle's family.

## **Sem Om – 20 September**

Sem Om joined the Revolution in 1973 in the Division 1 and Battalion 502. First he was in charge of the economic affairs, delivering rice to soldiers. After when he



was at the Vietnamese border he was in charge of the radio communication system. He heard on the radio the order given to leave and go to protect their family. He learned that Comrad Oeun planned to agitate people. They stocked equipment and arranged uniforms to topple Pol Pot. Oeun was arrested like many others chiefs and cadres. They were in a constant fear at this time. He heard some Khmer voices spoke about joining the Vietnamese side to topple Pol Pot. Also he stated that soldiers from the East Zone were arrested and killed, their wives too. When he worked as a messenger for Him Horn he heard about a plan to topple Pol Pot. Horn was accused of being a traitor and committed suicide. He stated that there was a special unit in charge of purging. He spoke about marriages and explained that cadres and disabled people were the only ones to get married. Marriage for combatants was prohibited. The main aim of those marriage was to produce children for Angkar.



#### **2-TCW-1036 – 21 September**

2-TCW-1036 joined the Revolution in 1972. He began as a messenger, then he was transferred and imprisoned in 1977. He was messenger for Ruos Nhim, but was not in his closest circle – he only accompanied him to distant places. The witness heard that Ruos Nhim was arrested at the end of 1978. He remembered vaguely that he accompanied him to the Vietnamese border in 1977, and mentioned a truck with uniforms there. He didn't see any Vietnamese there but apparently they collected uniforms from Vietnam. They often changed their locations. He couldn't

remember many things or gave different statements than previous ones. According to him, under the KR "there were no problems."



#### **Peg Levine – 10-12 October**

The Australian-American academic Peg LeVine was born in 1952. She is a registered clinical psychologist, an anthropologist with a focus on medical anthropology, a professor and a research affiliate at the Shoah Foundation Center for Advanced Genocide Research in Los Angeles.

She learned about the Cambodian conflict in 1980 when she was working in a mental health centre, where many Cambodian refugees were. She began her research in 1997 on the specific topic of weddings under the Democratic Kampuchea.

She explained that it was a really hard work to stay neutral with that kind of topic. For example, before the expression "forced marriage" was used before the Courts, no one said anything about it but preferred the expression "arranged marriage." The expert chose to use the expression "conscripted marriage." She explained that the marriages were thought of as if they were providing a service to the future of their country. For her, it was to serve Angkar, a question of loyalty. The definition of forced marriage in a legal view is that one under violence or threat of violence and when people get married not with their free will. Her investigations showed that only under ten per cent were threatened to death if they didn't accept to marry someone. She stated that perception of weddings depended on perception of Angkar.

She stated that the ceremony was different according to leaders. Lack of rituals disturbed many people. Regarding the consummation of marriage, she said that no couple stated that they were forced to do it or monitored, it was expected that people would consummate their marriage in the first three days. She pointed out that we expect the same from couples in every

country. She said that she couldn't define forced marriage but she rejected using this to define marriages under Khmer Rouge. She explained that she established the authenticity of weddings through of the perception of people.



#### **Pen Sochan – 12-13 October**

Pen Sochan was born in Pursat Province. She was living with her parents before she was transferred to another village. She got married around 15 or 16 years old with 12 other couples while she was in a mobile unit, where she made fertilizer. She refused her unit chief's requests, who asked her if she was mature because she was already on the list of Comrade Oeun. None of her relatives were there. Comrade Oeun said that to get married and produce children were Angkar's instructions. She said that they built a floor of bamboo trees which they partitioned into twelve rooms for the twelve couples. She was threatened to death if she didn't consummate her wedding by the third night. They were monitored by militiamen who told her husband to rape and beat her, so he did. Militiamen always reminded them that they had to produce children for Angkar. She was young and afraid. She suffered a lot and her mother couldn't help her. She got married a second time to a soldier who had many others wives. She was beaten and raped by him also and had six children with him. She stated that her life was painful. She suffered a lot physically and psychologically because she lost many members of her family and was forced to get married.

#### **Cheal Choeun – 13-17 October**

Cheal Choeun was born in 1952 in Pursat village. He is a rice farmer. He was a Khmer Rouge soldier until 1975. After that he went to Battambang because of the bad living conditions. He testified on the massacre of Lon Nol soldiers, persecution of Buddhists and forced marriage. He gave some leaders' names and affirmed that he



heard about Ruos Nhim. He never heard anything about rebellion project, just about military training without knowing about its purpose. He accompanied former Lon Nol soldiers to Samdech immediately after the victory of Khmer Rouge in Phnom Penh. The witness stated that 50 Lon Nol soldiers were transported. He never knew what happened to their bodies after he seen their death by shot. He was asked to fire the gun but he was too shaken. Before this period, he was studying to become a monk but in 1975 he left the monkhood. The Khmer Rouge instructed them to work in the rice fields and plant cotton. He was married during that time under the order of his direct supervisor Pheap.



#### **2-TCW-1037 – 17 October**

2-TCW-1037 was living in the forest until 1975 because of the chaos faced by the country. He remained in the revolution until 1975. Between 1970 and 1975 he joined the army to liberate the nation. After that, he was in charge of economics and logistics in a zone, especially distribution of food and ammunitions to the battlefield. He remembered and confirmed the existence of many people, cadres and locations names. The leaders in the Military Zone were accused of having connections with CIA. He heard that Ruos Nhim and Ta Nhim planned to attack Pol Pot. They were killed with all participants for that. During this period he confirmed their transfer to other places with more difficult living conditions. He spoke about high-level cadres who were sent to Phnom Penh. It was a part of the general policy of purges. Those who were linked to the Military Zone were accused of being

traitors. He said that people monitored each other under Democratic Kampuchea. He spoke about the purges policy against the Vietnamese and explained that measures against them were harder than those against Cham. Cham people mostly survived if they obeyed, but Vietnamese were killed most of the time. Finally he spoke about the marriages. He explained that some were forced to get married and others could marry the one they wanted. He was arranged to get married on 31 December 1975 with thirty others couples. After the ceremony, they were all dispersed to various locations – it was a rule that wife and husband stayed together during three days, to consummate their weddings after that they were separated and sent to different worksites. If they wanted to see each other they needed permission.



#### **Stephen Morris – 18-20 October**

The expert was born in 1949. He is an Australian researcher, writer and teacher in international politics and history. He has studied and written on the relations between Vietnam and Cambodia during this period. He tried to understand why these two former allies country came into a military conflict. To him, it was different Communists who misunderstood the situation. He explained that the behaviour of the Vietnamese was aimed at creating one space with one ethnicity, called Indochina Federation. He added that imperialism was deeply rooted in the Vietnamese elite. The Vietnamese always wanted to have control in Cambodia, but Pol Pot's policies gave them an apparent license to intervene and eliminate Cambodia's independence. The Vietnamese used Cambodians who retreated to Vietnam in 1954 to re-infiltrate in order to control Cambodian communism. He said that the concept of the "enemy" was very central to these movements. According to him as Stalin had created a construct in which his rivals were seen as agent of foreign powers, Pol Pot created a narrative in which the enemies

from within were KTB or CIA agents. It was a period of paranoia and personality cults. He described DK as a conspiratorial organization. Morris recounted that in April 1977, DK attacked a Vietnamese village causing a substantial number of civilian casualties. He said it was irrational, because Cambodia was much weaker than Vietnam. Indeed there was a disparity of strength between both sides. The purges and terror campaigns that took place after 1975 were directed against loyal members of the KR. This showed, he said, paranoia and weakness in relation to the conflict with Vietnam. KR were against the Soviet Union and sympathetic to China until 1976.



#### **Preap Sokhoeum – 20-24 October**

Preap Sokhoeum was born in 1951 in Kampong Cham province. She had two daughters. She was working on a cotton plantation in 1975 when she was called to be married. After the marriage she found only sadness. She did not know her husband before. Both were weeping because they wanted their parents here. He tried to have sex with her but she told him because the marriage hadn't been held with the proper customs she did not acknowledge it and therefore did not allow him to touch her. She knew they were being watched. Eventually he raped her. She became pregnant after that. Her husband came to see her one day and she didn't even remember his face. He raped her again, telling her that it was Angkar's instructions and it would kill them both if they didn't have sex. He later disappeared, and she was told her baby would be killed because her husband was a traitor. She knew several couples who had refused to consummate their marriage or get married, and they were all disappeared. Her siblings were all killed because one of them had been a Lon Nol soldier. She asserted that the KR completely eliminated the feeling of family relationship.

#### **Kul Nem – 24 October**

Kul Nem was born around 1956 in Takeo



province. He was moved in the arm from Phnom Penh to Kratie and then Monduliri in 1975. He was forced to marry there, despite having a fiancé already in his village. He still feels guilty about that to this day. His wife became pregnant but she miscarried because she was exhausted from being overworked. He was sent to K-11 which was a punishment. His wife was from the Pnong ethnicity.



#### **Nget Chat – 25 October**

Nget Chat was born in Pursat province, where she lives today. She narrowly avoided execution in 1978 but her husband did not. She was forced to marry three or four days after he disappeared. Her entire family was killed. Her husband and her family was Kampuchea Krom. She was told to remarry because she had children and to think of their destiny.



#### **Soy Naroen – 25 October**

Soy Naroen was born in 1955 in Kampong Cham. She was separated from her family on 17 April 1975. She worked in a mobile unit with 20-30 other women. She was forced to be married in 1975. She was upset because her parents were not there, but she agreed to give herself to her

husband because there were militiamen walking back and forth in front of the shelter they were sleeping in. She became pregnant soon after but was forced to work regardless. She got malaria at six months and the baby died because she had no medicine to cure her malaria. She became pregnant again and this time the child survived. Her sister was also married but not until 1978 when conditions were much worse. 11 of her relatives died.



#### **Chuon Thi – 25-26 October**

He was promoted to regiment leader three months after the fall of Phnom Penh. He was in charge of troops defending the city. He stated that he was allowed to employ his own strategies to defend without communicating with the others, because it was Cambodian territory. He said the KR did not have a policy to attack the Vietnamese but because the latter attacked, they had to attack them. He married without being forced – he loved his wife, who was an ordinary citizen, and asked his unit chief to marry her. His parents were not present. He said if people did not like each other then they did not have to marry. He had never encountered people being monitored to ensure they consummated a marriage. He repeatedly said that Cambodian troops who engaged in combat with Vietnamese troops were simply defending their country.



#### **Sao Maing – 27 October**

Sao Maing was born in 1951 in Monduliri province. He was a Khmer Rouge soldier between 1975-79. He was married to his wife who he knew before and loved. He

described border clashes that occurred between the Cambodians and Vietnamese around 1976, and intensified in 1977-78. He said there was no fighting inside Vietnamese territory, only when they came into Cambodia.



#### **Ieng Phan – 31 October**

Ieng Phan was born in 1952 in Takeo province. He was promoted through the ranks of the army up to the position of regiment commander. He was part of the attack on Phnom Penh in 1975. His division attacked the Vietnamese at the border in 1977, when the fighting was still sporadic. He recalls the Vietnamese troops entering Takeo, very far from the border. The Cambodian side experienced more casualties because the Vietnamese were better armed and larger in numbers. So they often tried to hit the Vietnamese from behind because in a head-on fight they would have lost – therefore according to the witness they were only trying to defend their territory. Their orders from up top were to do just that.

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: Chhnang provinces to attend hearings.  
: At lunch break each 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. 10 CPs were arranged to sit in  
: the Courtroom along with their lawyers  
: and the rest were in the public gallery.

: The Chief of the VSS participated in  
: the 2016 Cambodian-German Bilateral  
: Consultation, conducted at the Cambodian  
: Development Council (CDC) in the first  
: week of September for the discussion on  
: the funding of the Victims Support Section.

: The Reparation & Non-Judicial Measure  
: Team participated in various meetings and  
: events with partners regarding projects for  
: reparations.

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the material discussed in the show; young Cambodians call because they're curious about this aspect of their history.

The people who listen and engage with the show are what drive Phanapha. After two years helming the ship, her energy hasn't abated. She quickly rattles off specific goals she has for upcoming shows – they already do profiles of victims but she would like to do more. "Young people want to know who the victims were, who was in the Khmer Rouge," she says.

The only constraint, as always, is money. "Our program depends on donors, so if we have funds we can do more," said Phanapha.

For her, there's a personal connection to the potential this show holds for Cambodians. "The program reduced the stress that I kept a long time ago for my family, because my father died during the Khmer Rouge era," she said. "I had violence towards the leader of the Khmer Rouge, but when I work for the ECCC [show], I use an open heart to talk and it reduced the

strain on my mental health."

Phanapha now better understands the court's procedures, so she is able to explain to the people who the show profiles, including her own family. "Especially my mother – after she listened she felt less unhappiness. She began to forget the past. It is history for the youth to learn. For the old people, they want to forget because it hurts them."

She gestures to her neon pink suit jacket. "I am able to be colourful now," she smiles. "I feel better."



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## The Court Report

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