



# Extraordinary Chambers in the Courts of Cambodia

## A Guide to the First Trial in Case 002

April 2014

### Introduction

The second case before the Extraordinary Chambers in the Courts of Cambodia is now on trial.

In Case 002, four individuals who allegedly held high positions in the Khmer Rouge regime (Democratic Kampuchea) were charged with crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide.

Two of the four accused – former Deputy Secretary of the Communist Party of Kampuchea Nuon Chea and former Head of State Khieu Samphan – stand trial. The case against another accused, Ieng Thirith, was severed after she was found unfit to stand trial due to dementia while the proceedings against Ieng Sary were terminated after his death.

The first trial in Case 002, known as Case 002/01, began on 21 November 2011 with opening statements by prosecutors and lawyers for civil parties and accused, and concluded with closing statements in late October 2013 following 20 months of evidentiary hearings. A trial judgement is expected in mid-2014.

The first trial focused on charges of crimes against humanity committed during the course of two population movements, from Phnom Penh and other regions, as well as executions of members of the Lon Nol regime (Khmer Republic) at Tuol Po Chrey in Pursat. The trial also considers the roles of the accused in the Democratic Kampuchea regime, including the establishment and implementation of the regime's policies, relevant to the charges set out in the indictment (Closing Order).

In the course of the first trial in Case 002, the Trial Chamber sat for 222 days, heard the live evidence of 92 individuals, including three experts, 53 fact witnesses, five character witnesses and 31 civil parties, and examined hundreds of thousands of pages of documents in relation to historical background, administrative and communication structures of the regime, Khmer Rouge military structure, forced evacuations and executions of Lon Nol officials.

The following is a summary of the trial proceedings in Case 002/01.



*People wave white flags in the streets of Phnom Penh as the Khmer Rouge enter the city in April 1975 (Source: from the presentation of the prosecution's opening statements)*

### Accused Persons



#### NUON Chea

**Date of Birth:** 7 July 1926

**Place of Birth:** Voat Kor, Sangkae, Battambang

**Position in Democratic Kampuchea:** Deputy Secretary of the Communist Party of Kampuchea (CPK)

**Date of Arrest:** 19 September 2007

Nuon Chea (Long Bunruot, by birth) studied law at Bangkok's Thammasat University, where he became a member of the Thai Communist Party. Appointed Deputy Secretary of the Communist Party of Kampuchea in 1960, he retained this position and his membership in the party's Standing Committee throughout the period of Democratic Kampuchea. He remained with the Khmer Rouge until reaching a deal with the Cambodian government in December 1998 that allowed him to live near the Thai border.



#### KHIEU Samphan

**Alias:** Hem

**Date of Birth:** 27 July 1931

**Place of Birth:** Rom Chek, Rom Duol, Svay Rieng

**Position in Democratic Kampuchea:** Head of State (Chairman of the State Presidium)

**Date of Arrest:** 19 November 2007

Khieu Samphan studied in France in the 1950s and published his doctoral dissertation "Cambodia's economy and industrial development". Upon his return to Cambodia, Khieu Samphan became a professor before being appointed Secretary of State for Trade in Sihanouk's regime in 1962. Under threat from Sihanouk's security forces, he allegedly went into hiding in 1967 and re-emerged within the Khmer Rouge resistance in the early 1970s. In 1976 he was appointed Democratic Kampuchea's Head of State. He succeeded Pol Pot after the latter retired as the official head of the Khmer Rouge in 1987, and represented Democratic Kampuchea at the 1989 International Conference on Cambodia in Paris. After pledging allegiance to the Cambodian government in 1998, he left the Khmer Rouge and went to live in the northwestern province of Pailin.

# Opening Statements

The Case 002 trial proceedings began on **21 November 2011** with opening statements by the prosecutors describing the alleged crimes for which the accused are indicted as well as their alleged roles in and responsibilities for these crimes. The accused and their lawyers were then provided with an opportunity to make a statement in response.

## The Prosecution

Co-Prosecutor Chea Leang laid out the criminal incidents in the indictment, which form the basis of the trials in Case 002. Her international counterpart, Mr Andrew Cayley, said that the evidence would show how the three accused – Nuon Chea, Ieng Sary and Khieu Samphan—were involved in those crimes as participants in a joint criminal enterprise, a legal doctrine that considers each member of the group responsible for crimes committed by the group in furtherance of a common plan. Here is a summary of what the prosecution contend regarding the crimes alleged in the Closing Order, the roles of the accused and the policies of the Khmer Rouge regime.

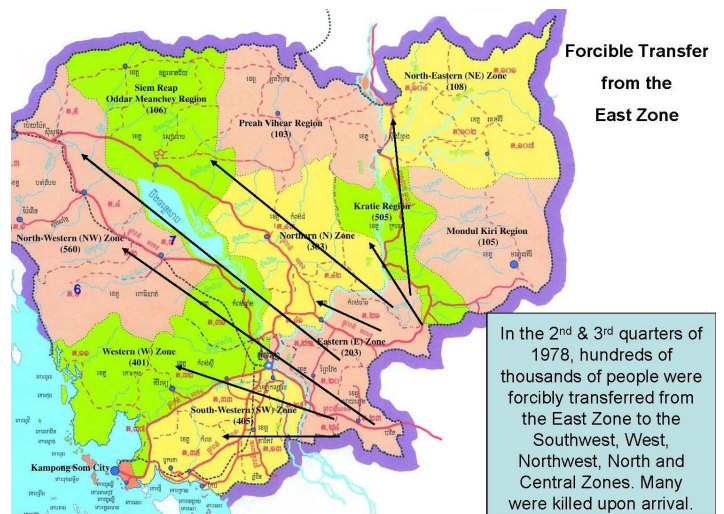
### Alleged Crime Episodes

- Forced movements of the population: Shortly after the Khmer Rouge toppled the Khmer Republic regime on 17 April 1975, more than two million city dwellers in Phnom Penh were forced to move to rural areas. Similar forced evacuations took place from other urban centres across Cambodia.
- Forced labour, enslavement and deaths: People were forced to work day and night in inhumane conditions at labour camps and agricultural cooperatives. Episodes at five sites, such as the Srae Ambel salt fields in Kampot and the Kampong Chhnang Airport, are included in the Case 002 indictment. The enslavement of the population led to deaths from overwork, exhaustion and executions.

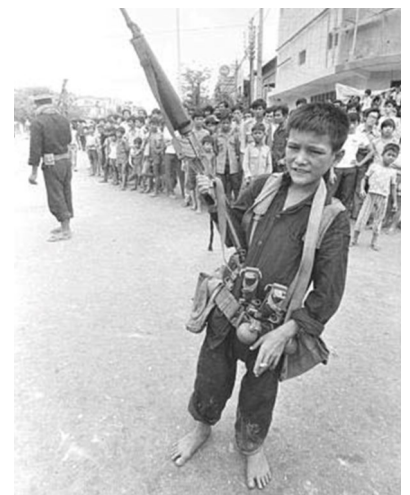


Forced labour at canal worksite.

- Persecution of the Buddhists: The regime instituted a country-wide campaign of suppression of the Buddhist religion, disrobing monks and banning Buddhist rituals and ceremonies.
- Forced marriage: Hundreds of thousands of men and women were forced to marry by “Angkar”, and suffered rape, torture, murder or other inhumane acts on a mass scale.
- Crimes at 11 security centres: The regime is believed to have established more than 200 security centres across Cambodia where “enemies” were arrested, tortured and executed. Crimes committed at 11 of those, including S-21 in Phnom Penh, are included in the indictment.



- Genocide of the Cham and the Vietnamese ethnic groups: Cham people in Kampong Cham and the Vietnamese in Prey Veng and Svay Rieng provinces were subject to systemic extermination ordered by the regime leadership.
- Crimes during the armed conflict with Vietnam: The regime staged incursions into Vietnam, resulting in the deaths or disappearance of more than 30,000 people and the displacement of 400,000 more. Many of the victims were transferred to S-21 for interrogation and execution.
- Third forced movement of the population and purges of the East Zone: In the latter half of the Democratic Kampuchea regime, a massive purge took place in the East Zone, resulting in up to 250,000 deaths and the forced transfer of nearly its entire population to other parts of the country.



Phnom Penh, 17 April 1975

*\*Images on this page are from the presentation of the prosecution's opening statements*



## Alleged Common Criminal Plan of the CPK

According to the prosecution, all three accused are alleged to have participated in the design and implementation of the following core policies of the Communist Party of Kampuchea (CPK):

- Forced movement from urban to rural areas
- Forced labour in worksites and cooperatives
- Use of violence to “smash”, or kill, enemies through a nationwide network of reeducation or security offices
- Persecution of Buddhists, Cham and Vietnamese
- Forced marriage

The prosecution alleged that these policies were established by the party’s leadership, in which the three accused were involved.



The three accused from left to right: Ieng Sary, Khieu Samphan and Nuon Chea  
\*Images are from the presentation of the prosecution’s opening statements.

## Alleged Roles of the Accused

The prosecution allege that the accused held the following key positions in the regime, among other roles:

### **Nuon Chea**

- Chairman of the People’s Representative Assembly
- Deputy Secretary of the Communist Party of Kampuchea
- A full-rights member of the CPK’s Standing Committee and Central Committee
- Responsible for party affairs, political education and training of cadres

### **Khieu Samphan**

- Chairman of the State Presidium (Head of State)
- Member of the CPK’s Central Committee
- A *de facto* member of the CPK’s Standing Committee
- The political chairman of Office 870
- Responsible for overseeing commerce matters throughout the country

### **Ieng Sary**

- Deputy Prime Minister for Foreign Affairs
- A full-rights member of the CPK Standing Committee and Central Committee

## **The Defence**

In response to the prosecution’s opening arguments, all three accused made statements. While Nuon Chea and Khieu Samphan disputed the allegations against them, Ieng Sary questioned the legality of the trial against him.



### Nuon Chea

“Whatever has been indicated in the opening statements is not true. My position in the revolution is to serve the interest of the nation and the people,” said Nuon Chea in his response. “Oppression, injustice had compelled me to devote myself to fight for my country. I had to leave my family behind to liberate my motherland from colonialism and aggression and oppression by the forces, by the thieves who wished to steal our land and wipe Cambodia off the face of the world.”



### Ieng Sary

Ieng Sary read a statement reaffirming his objection to the ECCC’s jurisdiction to prosecute him in light of the Royal Pardon and Amnesty that King Norodom Sihanouk granted him in 1996. The accused requested that all proceedings against him be suspended until the Supreme Court Chamber delivers its ruling on the matter.

**Editor’s note:** In March 2012, the Supreme Court Chamber ruled as inadmissible a defence appeal against the Trial Chamber’s decision declaring that the 1996 amnesty and pardon did not prevent the prosecution of Ieng Sary on serious international crimes. However, proceedings against Ieng Sary were eventually terminated upon his death on 14 March 2013, without a final judgment being rendered.



### Khieu Samphan

Describing the prosecution’s statements as “guesswork” and made up of “peremptory claims,” Khieu Samphan claimed that he was not responsible for any crimes laid out by the prosecution.

“I continue to hope that this trial will at least give me an opportunity to explain to the Cambodian public how it is possible for me to have occupied an official senior position in Democratic Kampuchea without having been a part of the decision-making process and without having been informed of all that was happening in our country.”

# Hearing of Evidence

## Trial Topic 1

## Forced Movement of the Population

*The first trial in Case 002 concerns crimes against humanity in relation to phases one and two of the forced movement of the population. The two phases of population movement are described as follows in the indictment:*

**“Phase one”** concerns the forced evacuation of Phnom Penh that took place from 17 April 1975 onwards. It is estimated that between 1.5 and 2.6 million people, mainly civilians, were forced to leave the city in all directions—in most cases without knowing their final destinations. The majority of people traveled on foot, while others drove or pushed their cyclos, motorbikes or cars. Some had to travel through the night with no rest for several days. People who were involuntarily moved to the rural areas from Phnom Penh were identified as “new people” and targeted upon arrival. (Closing Order, pp. 60-69).

**“Phase two”** relates to the forced movements from the Central, Southwest, West and East Zones which took place from September 1975 and continued through 1977. Hundreds of thousands of people—including women, children and elderly people—were subjected to such movements and forced to move several times before reaching their final destination. Some of them were allegedly connected to the Lon Nol regime and others were “new people” moved from Phnom Penh. A number of Cham people were also amongst the people evacuated (Closing Order, pp. 69-74).

According to the Closing Order, the movement of the population from towns and cities to rural areas, as well as from one rural area to another, were used to implement and defend the socialist revolution of the Communist Party of Kampuchea.

The Closing Order alleges that the forced population movements had the following objectives:

- To “fulfil the labour requirements of the cooperatives and worksites”;
- To provide “food supplies to the population” and protect “it from security threats”; and
- To “deprive city dwellers and former civil servants of their economic and political status and transform them into peasants”.

## Segment 1

## Historical Background of Democratic Kampuchea

### Nuon Chea, Accused

Testified 5, 6, 13-15  
December 2011;  
10-12, 30-31 January;  
8, 9, 16 February 2012



Nuon Chea, 85, was questioned by the Trial Chamber about his background, the positions he held in the communist movement and his knowledge of party structure and policy. His testimony also touched upon the party’s policies on armed struggle and the evacuation of Phnom Penh.

In January, he was recalled and questioned amongst other things on his motivations for joining the Communist Party, the creation of the Khmer Rouge’s armed forces, the elimination of the currency, and the existence of security centres prior to the establishment of Democratic Kampuchea in April 1975.

In February, Nuon Chea testified concerning the provision of basic needs to people in the Khmer Rouge controlled cooperatives, the use of bartering, supply of weaponry to the Khmer Rouge forces, their control over the population and the circumstances in which he joined the revolutionary movement.

*The first segment of the first trial in Case 002, which examines the historical background of Democratic Kampuchea and the roles of the accused, began in December 2011 and continued until mid-February 2012. The Court initiated the hearing of evidence by questioning the three accused on their biographical backgrounds leading up to their involvement in the communist movement and the establishment of Democratic Kampuchea. During this period, six individuals – two civil parties and four witnesses – gave evidence.*

### Ieng Sary, Accused

Testified 13 December 2011

Ieng Sary, 86, read a short statement emphasising his right to remain silent and indicated that he would not respond to further questioning for the entire duration of the trial.

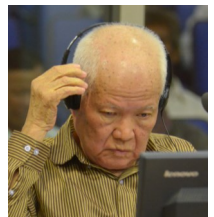


### Khieu Samphan, Accused

Testified 13 December 2011, 12, 16 January 2012

Former Head of State Khieu Samphan, 80, expressed his wish to exercise his right not to answer questions related to the charges against him until he hears all evidence against him. He nevertheless answered a few biographical questions and read a statement focusing on a number of allegations contained in the Closing Order.

When he was called upon again in January, Khieu Samphan reiterated his right to remain silent but did, however, choose to answer a few questions regarding the historical background of Democratic Kampuchea.





**Klan Fit, Civil Party**

Testified 6 December 2011; 10-11 January 2012

Mr Klan Fit, 65, became a deputy secretary of District 21 in the Northeast Zone in 1976 after being promoted from his starting position as a messenger. He was in charge of six communes and was responsible for providing education on farming. He was questioned about his recruitment into the revolutionary forces, the administration of the Communist Party of Kampuchea and their party meetings, as well as his observations of evacuated populations.

**Romam Yun, Civil Party**

Testified 7 December 2011; 10 January 2012

Mr Romam Yun, 70, from Rattanakiri held the position of village chief, commune chief and then district chief in the Northwest Zone during the Khmer Rouge regime. He testified about his position in the Khmer Rouge, particularly his duties as deputy chairman of his sector, the policies of the regime, and the flow of information between upper and lower echelons of the Khmer Rouge.

**Long Norin, Witness**

Testified 7-8, 14-15 December 2011

Mr Long Norin, 73, testified from his home in Malai, Banteay Meanchey, through audio-visual link due to his frail health. He was a former staff member of the Ministry of Foreign Affairs. He was questioned about his biographical background, his involvement in the revolutionary movements, and his work at the ministry where he saw staff disappear from the ministry.

**Prak Yut, Witness**

Testified 25-26, 30 January 2012

Ms Prak Yut, 67, became a district secretary of Kampong Cham in 1977. She testified about her experiences as a mid-level Khmer Rouge official, answering questions about the chain of command within the ranks of KR officials, the issuing of reports to the upper echelons and her knowledge of education and security centers.

**Documentation Hearing**

In addition to witness testimony, the trial involves a large number of documents, including many from the Democratic Kampuchea era.

In the course of the trial, the Trial Chamber held a number of hearings to allow the parties to present documents they deemed particularly relevant to the historical background, the administrative and military structures of the Democratic Kampuchea regime, the regime's policies, population movements, the executions of Lon Nol officials, and the responsibility of the accused.

Among the documents presented were copies of **Revolutionary Flag** (a magazine published by the Communist Party of Kampuchea between 1974 and 1979), academic books, speeches by the accused, foreign diplomatic correspondence, and minutes of Standing Committee meetings.

The Documentation Center of Cambodia (DC-Cam) is a repository for historical documents from the Khmer Rouge era and has provided the ECCC with approximately 500,000 pages of documents to date. The director and the deputy director of DC-Cam were called to testify regarding the methodology used to identify, collate and preserve contemporaneous documents of the Khmer Rouge regime and to verify the authenticity of these documents.



Khmer Rouge publication "Revolutionary Flag,"  
file photo from UNESCO

**Vanthan Dara Peou, Witness**

Testified 23-25 January 2012

Mr Vanthan Dara Peou, deputy director of DC-Cam, was questioned on the procedures for gathering and processing documents, the education and training of their staff, and DC-Cam's procedures for authenticating documents.

**Youk Chhang, Witness**

Testified 1-2, 6 February 2012

Mr Youk Chhang, director of DC-Cam, testified regarding his professional background and DC-Cam's sources of funding and documents. He also discussed the procedures his staff uses to process documents and their methods for verifying the authenticity of documents.



**Editor's Note:** The spelling of Cambodian names is based on their official IDs and might differ from those in various court documents.

## Segment 2 DK Administrative and Communication Structures

In March 2012, the Trial Chamber commenced the second segment of the trial, examining the administrative and communication structures of Democratic Kampuchea. The court heard the testimony of 20 witnesses, one expert and one civil party before moving into the third segment of the trial in early October 2012. Below are brief profiles of those who testified in court during this segment of the trial. Their testimony was mostly based on personal experiences during the Khmer Rouge era or historical expertise.

### Kaing Guek Eav, alias Duch, Witness

Testified 19-21, 26-29 March 2012; 2-5, 9-10 April 2012

Mr Kaing Guek Eav, 69, is the former chairman of security prison S-21 in Phnom Penh, who was put on trial in Case 001, convicted of crimes against humanity and grave breaches of the 1949 Geneva Conventions, and sentenced to life imprisonment.

He was questioned about Khmer Rouge ideology and policies, the evacuation of Phnom Penh and other cities, the chain of command within the Communist Party of Kampuchea, and the role of the accused. He also testified about his personal life experiences both before and after the Democratic Kampuchea regime, and policies and specific events concerning M-13 and S-21 which he oversaw.



### Ny Kan, Witness

Testified 28-30 May 2012

Mr Ny Kan, 69, was a former Khmer Rouge propaganda official and protocol officer at the Ministry of Foreign Affairs. He testified about the role and activities of his brother Son Sen, an alleged senior member of the regime, and the evacuation of Phnom Penh in 1975. He also described zone meetings, self-criticism sessions and the use of propaganda.



### Sar Kimlomouth, Witness

Testified 30-31 May; 4-5 June 2012

Mr Sar Kimlomouth, 80, was the former deputy director of the Democratic Kampuchea National Bank. He testified about the leadership of the commerce committee and the organisational structure of the central bank, as well as meetings with foreign trade delegations.



### Saut Toeung, Witness

Testified 18-20 April 2012

Mr Saut Toeung, 62, was a personal bodyguard and messenger for Nuon Chea. He was questioned about his activities, including accompanying Nuon Chea across the country for study sessions and worksite visits, as well as to China and North Korea.



### Sao Sarun, Witness

Testified 5-7, 11-12 June 2012

Mr Sao Sarun, an 80-year-old farmer from Oddar Meanchey, served as a district and later sector secretary under the Khmer Rouge regime. He was questioned on communications with the senior leadership in Phnom Penh and his encounters with Pol Pot and Nuon Chea. He was also asked about the re-opening of markets and the re-circulation of currency.



### Saloth Ban, Witness

Testified 23-26, 30 April; 2 May 2012

Mr Saloth Ban, 67, from Malai, Banteay Meanchey, is a nephew of the late Pol Pot (Saloth Sar) and was the former secretary-general of the Ministry of Foreign Affairs. He testified on the fate of intellectuals who returned to Cambodia after 1975, arrests at his ministry and the general structure of the Communist Party of Kampuchea.



### Khoem Ngorn, Witness

Testified 7, 11 June 2012

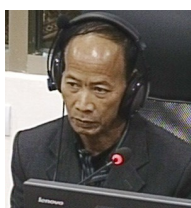
Mr Khoem Ngorn, 57, was a teenage combatant for the Khmer Rouge and later worked for the Ministry of Foreign Affairs as a companion to foreign delegations. He was questioned on his tasks at the ministry, his military background, the purges, the evacuations of urban centers and self-criticism sessions.



### Pean Khean, Witness

Testified 2-3, 17 May 2012

Mr Pean Khean, 62, joined the revolution in 1966 from Rattanakiri and became a messenger and a bodyguard for the Northern Zone Secretary, Koy Thuon, during the Khmer Rouge regime. He testified about his duties and knowledge pertaining to arrests of Khmer Rouge cadres. He also described the meeting places of Khmer Rouge leaders.



### Ouen Tan, Witness

Testified 13, 14 June 2012

Mr Oeun Tan, 69, is a farmer from Battambang who was a messenger and bodyguard for Pol Pot. He testified about his tasks, the meetings of Khmer Rouge leaders and the events taking place at K-1, Pol Pot's residence.





**Yun Kim, Witness**

Testified 19-20 June 2012

Under the Khmer Rouge regime, Mr Yun Kim, 70, was a commune and cooperative chief in Kratie. He testified about the roles of senior leaders, the establishment of cooperatives and the structure and organisation of sectors and districts. He also testified on forced marriages, the treatment of the Cham, purges and the armed conflict with Vietnam.

**Ong Thong Hoeung, Witness**

Testified 7-9 August 2012

Mr Ong Thong Hoeung, 67, was an economics student in Paris who moved back to Cambodia in 1976. Upon his return, he was sent to the K15 re-education and work camp. The witness, currently a resident of Belgium, described the harsh life conditions at the camp and discussed the importance of secrecy in the regime. He also testified about his parents' execution and losing many other members of his family.

**Khiev Neou, Witness**

Testified 20-21 June 2012

Mr Khiev Neou, 79, was a former Buddhist monk who was disrobed by the Khmer Rouge in 1975 and sent to work in the Southwest Zone under Ta Mok, a late military commander. He testified about the disrobing of monks, the practice of religion during the regime and self-criticism sessions. He also discussed the evacuations, the establishment of cooperatives and his relationship with Ta Mok.

**Sa Siek, alias Sim, Witness**

Testified 15-16, 20-21 August 2012

Mr Sa Siek, 56, organized dance and musical performances for the Khmer Rouge as a member of the Ministry of Propaganda and Education. She discussed the content of radio broadcasts which she was responsible for typing at the ministry. She also spoke about the internal purges in her office and the disappearance of many of her colleagues.

**David Chandler, Expert**

Testified 18-20, 23-25 July 2012

Mr David Chandler, 79, is a historian and author of five books on Cambodian history and the Khmer Rouge, including *Brother Number One* and *Voices from S-21*.

During six days of questioning, Mr Chandler testified about the foundations of the Communist Party of Kampuchea (CPK), the five policies of Democratic Kampuchea and the accused's involvement in policy planning and decision-making. He also testified on classification of "new" and "base" people and the strategic targeting of specific groups. He further discussed his research methods and sources as well as the membership of the CPK and other entities during the Democratic Kampuchea period.

**Kim Vun, alias Chhaom, Witness**

Testified 21-23 August 2012

Mr Kim Vun, 53, began working at the printing house for the Khmer Rouge at age 12. During his testimony, he explained the different types of publications as well as the distribution of materials to the zones.

**Em Oeun, Civil Party**

Testified 23, 27-29 August 2012

Mr Em Oeun, 61, a civil party in Case 002, worked as a doctor during the Khmer Rouge era. He described medical training and experimental sessions whereby doctors were forced to operate on live prisoners. He also discussed forced marriages and political study sessions.

**Rochoem Ton, alias Phy Phoun, Witness**

Testified 25-26, 30-31 July; 1-2 August 2012

Mr Rochoem Ton, 64, served as Pol Pot's personal bodyguard and messenger between Pol Pot and Ieng Sary. He was questioned about the communication structure of Office 870 (allegedly the headquarters of the party center's leading body), purges within the Ministry of Foreign Affairs, and his role in dealing with security matters.

**Suong Sikoeun, aliases Kung and Thorn, Witness**

Testified 2, 6-8, 14-16, 20 August 2012

Mr Suong Sikoeun, 75, joined the communist movement in Paris, became a full-right member of the Communist Party of Kampuchea in 1971, and later headed the information and propaganda department at the Ministry of Foreign Affairs. He testified about foreign language broadcasts and the roles of each of the accused.

**Norng Sophang, Witness**

Testified 29 August; 3-6 September 2012

Mr Norng Sophang, 60, decoded and encrypted messages as the head of the Khmer Rouge telegram translation unit. He testified about the process of translating telegrams and communication between the KR offices. He also described the recruitment of children from the zones and their training on how to code telegrams.



**Chea Say, Witness**

20 September 2012

Mr Chea Say, 59, served as a mechanic in the Khmer Rouge auto repair unit fixing trucks and transporting people. He testified about assisting in the evacuation of Phnom Penh and attending political study sessions as well as working conditions during the regime.

**Noem Sem, Witness**

25 September 2012

Ms Noem Sem, 59, was a member of the arts troupe in the Ministry of Information, performing propaganda songs and reading radio broadcasts. She was questioned about working at a radio station in Hanoi and traveling with the delegation of Khmer Rouge leaders to 13 other countries for performances.

**Khiev En, Witness**

1-2 October 2012

Mr Khiev En, 54, worked for the Department of Propaganda in the news gathering section at K33. The witness testified about intercepting news broadcasts and technical training as well as the disappearance of colleagues from his office.

**Segment 3****Military Structure and Forced Evacuations**

In October 2012, the Trial Chamber moved onto the third and last segment of the evidentiary hearing to examine the Democratic Kampuchea regime's military structure and two phases of forced movements of the population in 1975 and onwards. In the ensuing few months, a number of witnesses, civil parties and experts testified on these topics. Prior to commencing this final segment of the evidentiary hearings, the Trial Chamber expanded the scope of trial, and in April 2013, began hearing witness testimonies concerning the executions of the former members of the Lon Nol regime at Tuol Po Chrey in Pursat.

**Meas Voeun, alias Svay Voeun, Witness**

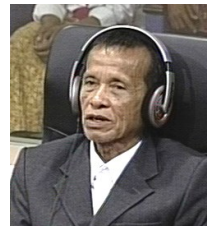
Testified 3-4, 8-9 October 2012

Mr Meas Voeun, 68, first served as a bodyguard and messenger before he was promoted to regiment commander in the Communist Party of Kampuchea. He testified about the process leading to the issuance of orders, the capture of foreign combatants and battles that occurred in Udong and elsewhere before the Khmer Rouge took control of Phnom Penh.

**Sok Chhin, Civil Party**

Testified 23 October 2012

Mr Sok Chhin, 67, was a railroad repairman during the Khmer Rouge and testified about the evacuation of people from Phnom Penh by train. The civil party described seeing train cars packed with civilians of all ages, as well as dead bodies along the railroad tracks.

**Yim Sovann, Civil Party**

Testified 19, 22 October 2012

Ms Yim Sovann, 53, who was moved from Phnom Penh and labeled as one of the "the 17 April People" by the Khmer Rouge, described her suffering and how her family was forced to evacuate the city and then to work, and received little food even while suffering from illnesses.

**Lay Bony, Civil Party**

Testified 23-24 October 2012

Ms Lay Bony, 62, described being categorised as a "new person" and being forced to evacuate Phnom Penh a few weeks after giving birth to her child. She also testified about her daughter, son, husband and other family members who all died of illness during the Khmer Rouge era.

**Chum Sokha, Civil Party**

Testified 22 October 2012

Mr Chum Sokha, 57, was a former Lon Nol soldier until he surrendered to the Khmer Rouge in 1975. The civil party recounted his suffering, including being starved, shackled, beaten, and forced to work for more than 12 hours per day.

**Kung Kim, Civil Party**

Testified 24-25 October 2012

Mr Kung Kim, 56, served as a low-level Khmer Rouge soldier who invaded Phnom Penh on 17 April 1975. Following the attack, he was stationed in the northern part of the city and tasked with protecting the area. The civil party described the command structure of the military and interactions with other cadres working in the area.





**Sum Chea, Witness**

Testified 5 November 2012

Mr Sum Chea, 59, a former Khmer Rouge soldier, testified about his participation in the evacuation of Phnom Penh. He described the treatment of the infirmed and the elderly and the treatment of Lon Nol soldiers.

**Chau Ny, Civil Party**

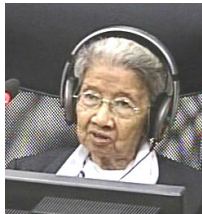
Testified 23 November 2012

Mr Chau Ny, 59, moved to Phnom Penh to join the American-backed military forces but never actually did so. He testified about being transported to Battambang province during the evacuation of Phnom Penh and how people were treated when they arrived there. He also asked Khieu Samphan where the body of his uncle lies.

**Mom Sam Ourn, Witness**

Testified 6 November 2012

Ms Mom Sam Ourn, 84, was a French teacher until 1970 and lost her husband and six of her children during the Khmer Rouge regime. She testified about the evacuation of Phnom Penh and described being held at gunpoint by a Khmer Rouge soldier and seeing corpses along the road out of the city. She also described the health problems she has as a result of trauma experienced during the Khmer Rouge era.

**Pech Srey Phal, Civil Party**

Testified 5 December 2012

Ms Pech Srey Phal, 60, who lost her newborn baby during the evacuation from Phnom Penh, testified about educated people, such as doctors and teachers, being forced to register with the Khmer Rouge after the evacuation of Phnom Penh.

**Pe Chuy Chip Se, Witness**

Testified 12, 14 November 2012

Mr Pe Chuy Chip Se, 58, was a clerk at the Pongro Security Office in Chikreng District, Siem Reap province under the Khmer Rouge regime. He was questioned about joining the Khmer Rouge in 1971, the security office in Siem Reap, notably on the basis of previous interviews that were conducted by the Co-Investigating Judges. He also discussed his role in managing the evacuees during the evacuation of Siem Reap.

**Toeng Sokha, Civil Party**

Testified 4 December 2012

Ms Toeng Sokha, 65, was a school teacher before the Khmer Rouge era and testified about the evacuation of Phnom Penh. She was also asked questions about the discrimination against the "new people" when they arrived in the provinces.

**Meas Saran, Civil Party**

Testified 14, 22 November 2012

Mr Meas Saran, 63, was working in a medical center in Phnom Penh during the evacuation of the city. Besides testifying about his forced evacuation, he talked about being captured and questioned by the Khmer Rouge.

**Kim Vanndy, Civil Party**

Testified 5-6 December 2012

Mr Kim Vanndy, 50, whose uncle was a colonel of the Navy in the Lon Nol regime, talked about the fighting between the Khmer Rouge and Lon Nol soldiers in Phnom Penh and the evacuation of the city. He also described being segregated as a "new person" in the provinces.

**Or Ry, Civil Party**

Testified 22-23 November 2012

Ms Or Ry, 50, testified about leaving Phnom Penh during the evacuation, focusing particularly on the different modes of transportation people were forced to use. She also talked about the torture she endured and mentioned that of her family, only she and one other sibling survived the Khmer Rouge regime.

**Hun Chhunly, Witness**

Testified 6-7, 11 December 2012

Mr Hun Chhunly, 74, was a medical professional in a Lon Nol military hospital in Battambang before the Khmer Rouge regime came to power. He testified about his book, *Exodus*, and his work in both the civilian and military hospitals during the Khmer Rouge era.



**Kham Phan, alias Phan Van, Witness**

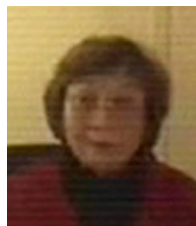
Testified 11-14 December 2012

Mr Kham Phan, 53, worked as a decoder and a driver for the Khmer Rouge, and his father was an officer in Sector 105. He discussed attending meetings in Phnom Penh with his father as well as telegrams from the center summoning people to be re-educated in Phnom Penh.

**Denise Affonço, Civil Party**

Testified 12-13 December 2012

Ms Denise Affonço, 68, who testified via video-link from France, is a French national who was working for the French Embassy during the evacuation of Phnom Penh. She explained how she and her family were treated by the Khmer Rouge soldiers. She was also questioned about her testimony during the 1979 People's Revolutionary Tribunal.

**Suon Kanil, alias Neang, Civil Party**

Testified 14, 17 December 2012

Mr Suon Kanil, 59, worked as a telegram decoder for the Khmer Rouge, starting in 1971. He answered questions about the communication structure in the northwest zone and the leadership in this zone.

**Sor Vi, alias Song, Witness**

Testified 8-9 January 2013

Mr Sor Vi, 52, worked as a security guard in the K-1 office, the compound which Pol Pot allegedly lived in and which functioned as a protection unit for senior leaders in Phnom Penh under the Khmer Rouge regime. He testified about how the compound functioned, the work he did there, and the people he saw entering the compound.

**Ung Ren, Witness**

Testified 9-11 January 2013

Mr Ung Ren, 63, is a former Khmer Rouge soldier who commanded a regiment in Division 801 in Ratanakiri Province, in the Northwest Zone. He was questioned about the military structure of the Khmer Rouge and the attack and evacuation of Phnom Penh.

**Chhaoum Se, Witness**

Testified 11 January, 8 April 2013

Mr Chhaoum Se, 62, was chief of a re-education center in Division 801, located in the Northwest Zone. He discussed his work and the chain of command of which he was part and the process by which orders were issued as well as answering questions about the evacuation of Phnom Penh.

**Al Rockoff, Witness**

Testified 28-29 January 2013

Veteran American photo journalist Al Rockoff, 64, covered the fall of Phnom Penh and evacuation of the city in 1975. He was depicted in the famous movie *The Killing Fields*.

He testified about how he photographed the events and provided them to international news organisations as a freelance photographer. He testified about his experience living in the French Embassy after 17 April 1975 and those seeking asylum at the embassy. He also talked about the evacuation and leaving on a convoy with other foreigners to the Thai border.

In addition, Mr Rockoff explained the context of several photographs presented to the court as evidence by the prosecution.

**Pin Yathay, Civil Party**

Testified 7 February 2013

Mr Pin Yathay, 68, worked for the Ministry of Public Works as an engineer before the Khmer Rouge took power. He testified about evacuating Phnom Penh with his family and the living conditions in the various camps where he was transported after leaving the city. Additionally, he was questioned on sections of his book which outlined his experience during the Khmer Rouge era.





## Accused Ieng Sary Dies

Former Deputy Prime Minister for Foreign Affairs Ieng Sary died in custody at the Khmer-Soviet Friendship Hospital on 14 March 2013 from an “irreversible cardiogenic shock” after he was hospitalised 10 days earlier. He was 87.



The elderly accused was arrested on 12 November 2007 and later charged with crimes against humanity, grave breaches of the Geneva Conventions and genocide along with the three other accused, Nuon Chea, Khieu Samphan and Ieng Thirith.

Since his arrest, Ieng Sary had been hospitalised on a number of occasions for heart conditions and other ailments, including a two-month hospitalisation in late 2012 due to difficulty in breathing and general weakness. Around that time, the Trial Chamber concluded that he remained capable of participating in his own defence and fit to stand trial. Four months later, his condition worsened and he died before the hearing of evidence concluded in Case 002/01.

Following his death, the Trial Chamber terminated proceedings in both criminal and civil actions against the accused in accordance with the Cambodian Code of Criminal Procedure and the ECCC's Internal Rules. No determination of guilt or innocence on the charges against him will be made.

### Francois Ponchaud, *Witness*

Testified 9-11 April 2013

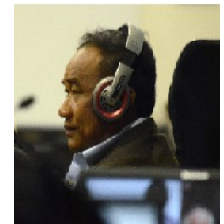
Mr Francois Ponchaud, 74, is a priest who has been living in Cambodia for over 47 years. He was among the last group of foreigners to be expelled from Cambodia in May 1975, after having spent weeks in the French Embassy compound. The author of the book *Year Zero*, he answered questions on the evacuation of Phnom Penh and his encounters with Khieu Samphan as well as his interviews with soldiers and refugees inside and outside Cambodia between 1975 and 1979.



### Chhouk Rin, *Witness*

Testified 22-23 April 2013

Mr Chhouk Rin, 60, a former Khmer Rouge army commander, testified about his interactions with Nuon Chea, the role of Khieu Samphan in the Communist Party and his understanding of the party's command structure. The witness also answered questions about what he witnessed during the evacuation of Kampot, the content and proceedings of the Communist Party's “study sessions” and the purges in his district.



### Chhun Thy, *Witness*

Testified 24 April 2013

Mr Chhun Thy, 68, was a battalion commander and deputy regiment commander under the Khmer Rouge. He answered questions about the leadership of the Communist Party, the process by which orders were issued and the capture and evacuation of Phnom Penh. He also testified about his unit's activities in various provinces and its agricultural assignments, the content of the party's propaganda broadcasts, and the storage and distribution of Khmer Rouge armaments.



### Ruos Suy, *Witness*

Testified 25 April 2013

Mr Ruos Suy, a 60-year-old rice farmer, was chief of a military unit overseeing the Khmer Rouge's network of warehouses. He was questioned on the production, storage, distribution and export of various resources during the Khmer Rouge era, such as rice, fabric, rubber and steel, and the alleged role of both accused in relation to them. Mr Ruos was also questioned regarding the disappearance of arrested persons, the evacuation of Phnom Penh and the denouncement of people as traitors, as well as on Khieu Samphan and Nuon Chea's alleged involvement in study sessions.



## Trial Topic 2 Tuol Po Chrey

After a long judicial process, the scope of trial in Case 002/01 was settled to include only executions of former members of the Lon Nol regime at Tuol Po Chrey in Pursat, in addition to the two phases of population movement.

Case 002 was originally split into a series of smaller, manageable trials by a Trial Chamber's severance order in September 2011, with the first trial focusing on crimes against humanity during the two phases of population movement. Responding to requests by the parties, the Trial Chamber added the executions of Lon Nol officials into the scope of the first trial in October 2012.

However, the Supreme Court Chamber invalidated the original severance order in February 2013, ordering the Trial Chamber to review the scope of trial taking into consideration all relevant factors, including representativeness of the Closing Order as a whole. After a review and reassessment, the Trial Chamber issued a decision again severing Case 002 and limiting the scope of Case 002/01 to the same previous criminal episodes: forced movements of the population, crimes against humanity committed in the course of the evacuation, and executions of Lon Nol officials at Tuol Po Chrey.

Against this decision, both the prosecutors and Nuon Chea's defence team appealed to the Supreme Court Chamber. These appeals were dismissed in July 2013. Upon this decision, the scope of trial was affirmed to focus on the two phases of evacuation and Tuol Po Chrey executions.

At Tuol Po Chrey, the Closing Order alleges that a large number of former Khmer Republic officials were executed shortly after being evacuated from Phnom Penh and other urban areas. During the evidentiary hearings, several individuals testified on this matter.

**Sar Sarin, Civil Party**

Testified 29 April 2013

Mr Sar Sarin, 55, joined the Khmer Rouge in the propaganda unit at age 13 before moving to a special “driving unit” where he drove both the leaders of the Communist Party of Kampuchea and visiting dignitaries. He answered questions on early propaganda activities of the Khmer Rouge, the conduct of visiting foreign dignitaries, and the party’s study sessions, before demanding protective measures for further testimony. He appeared again in court on 23 July 2013 but gave no testimony for lack of protection.

**Ieng Phan, Witness**

Testified 20 May 2013

Mr Ieng Phan, 60, reached the rank of Division Commander in the Khmer Rouge military and provided testimony on the command structure of the Khmer Rouge and the process by which orders were distributed down the chain of command. He also testified about his role in the evacuation of Phnom Penh.

**Ung Chhat, Witness**

Testified 29-30 April 2013

Mr Ung Chhat, 62, is a former Khmer Rouge soldier who worked as a guard in Pursat. He testified about what he witnessed in relation to the capture of Lon Nol soldiers and their transportation from the town of Pursat to the alleged mass execution site at Tuol Po Chrey.

**Prum Sou, Witness**

Testified 21-22 May 2013

Mr Prum Sou, 62, was a propagandist working in the commerce and agricultural office in Khmer Rouge Sector 103. He testified about the evacuation of Phnom Penh residents to cooperatives.

**Philippe Jullian-Gaufres, Character Witness**

Testified 21 May 2013

Mr Philippe Jullian-Gaufres, 84, first met Khieu Samphan in Paris in 1957 whilst they were both studying at university, and has met with him on four occasions after 1979, most recently in 2005. Through video-link, Mr Gaufres gave his assessment of Khieu Samphan’s character, political ideology and intentions for Cambodia whilst in government, and the manner in which he is regarded by the Cambodian population.

**Lim Sat, Witness**

Testified 2-3 May 2013

Mr Lim Sat, 54, is a former Khmer Rouge soldier who was stationed near Tuol Po Chrey in Pursat. He testified on what he witnessed during the day of an execution, as well as on the days preceding and in the aftermath of the execution. He also gave testimony on a series of purges alleged to have taken place.

**Sockon Chau, Character Witness**

Testified 22 May 2013

Mr Sockon Chau, 67, lived in Cambodia until 1956 when he left to study in France. He met Khieu Samphan first in 1974, and then on three occasions since, most recently in 2005. He testified from Paris about Khieu Samphan’s character, and stated that the accused was intelligent and pleasant and that his personal character had not changed between these meetings over time.

**Philip Short, Expert**

Testified 6-9 May 2013

Mr Philip Short, 68, is a journalist and historian who authored the book *Pol Pot: Anatomy of a Nightmare*. In the 1970s, Mr Short was based in China working as a journalist for the BBC. In his coverage of the Democratic Kampuchea regime, he has conducted research and interviews with witnesses, survivors and perpetrators.

Mr Short was questioned on many issues central to Case 002: the evacuations of smaller areas prior to 1975; the structure of the Communist Party of Kampuchea; the details of meetings in which key policies were decided and implemented; the evacuation of Phnom Penh; Khieu Samphan’s relationship to Pol Pot and the Standing Committee; the ideology of the Khmer Rouge; and the distinction between “old” and “new” people, or revolutionaries and counter-revolutionaries. He was extensively questioned on his research methodology and the sources he relied upon.

**Chau Ny, Civil Party**

Testified 23 May 2013

Mr Chau Ny, 59, described how his uncle, a prominent banker of Kampuchea Krom ethnicity, received a letter allegedly from Khieu Samphan requesting his presence in Phnom Penh. His uncle was never seen again. This was his second appearance in court, following the first one on 23 November 2012.





## VICTIM IMPACT HEARINGS

*Fifteen civil parties, who survived Khmer Rouge atrocities, testified in court about their experiences and sufferings during the Democratic Kampuchea regime and thereafter. They were selected by the Lead Co-Lawyers to present evidence on the impact of the crimes alleged in Case 002/01 on them. This testimony is a sample of the suffering alleged by the all 3,867 civil parties admitted to Case 002. During the testimonies, the civil parties confronted the accused with direct questions.*

### Sou Sotheavy, Civil Party

Testified 27 May 2013

Ms Sou Sotheavy, 72, identifies herself as a transgendered person. She testified about her forceful evacuation from Phnom Penh in 1975, the loss of all her immediate family, and the repeated beatings and rapes she suffered subsequently.



### Chan Socheat, Civil Party

Testified 29 May 2013

Ms Chan Socheat, 67, told the chamber how she lost every member of her immediate family, including 13 brothers and sisters to overwork and starvation.



### Aun Phally, Civil Party

Testified 27 May 2013

Mr Aun Phally, 48, gave a statement of suffering describing the deaths of the rest of his family, and his subsequent suffering as an orphan in a children's unit where he was forced to work without food or water and regularly beaten.



### Chheng Eng Ly, Civil Party

Testified 29 May 2013

Ms Chheng Eng Ly, 60, who testified through video-link from Paris, described the numerous atrocities she witnessed, including a woman being forced to dig her own grave before being buried alive, and the brutal murder of a baby.



### Sang Rath, Civil Party

Testified 27 May 2013

Ms Sang Rath, 72, described how her family was divided by age and gender and put to work in Battambang province. Within one year, each of her four children and her husband had died from starvation and exhaustion.



### Huo Chantha, Civil Party

Testified 29 May 2013

Ms Huo Chantha, 60, described both the immediate and long-term effects of being forcefully evacuated and being placed in a labour camp, having lost her husband to a heart condition acquired as a result of the conditions he faced in such a camp.



### Yos Phal, Civil Party

Testified 27 May 2013

Mr Yos Phal, 58, was a policeman under the Lon Nol regime. He described how his entire squad was killed under suspicion of being internal enemies, and how his father was killed because he was no longer useful to the revolution.



### Nou Hoan, Civil Party

Testified 30 May 2013

Mr Nou Hoan, 74, described the pain he has felt since his daughter, nephews and cousins were removed during the night and 'smashed' by Khmer Rouge soldiers more than 30 years ago.



### Thouch Phandarasor, Civil Party

Testified 29 May 2013

Ms Thouch Phandarasor, 65, spoke of the suffering she endured losing first her parents then the rest of her family and being placed into forced labour camps.



**Sophan Sovany, Civil Party**

Testified 30 May 2013

Ms Sophan Sovany, 57, described the misery resulting from her entire family being killed during Democratic Kampuchea. She recalled traumatic events such as witnessing the killing of a pregnant woman with a hoe.

**Yin Roum Dou, Civil Party**

Testified 30 May 2013

Mr Yin Roum Dou, 43, testified about his experiences after being evacuated from Phnom Penh to a cooperative, where he was separated from his family and sent to a "children's unit" where he was badly beaten, tortured and imprisoned.

**Po Dina, Civil Party**

Testified 30 May 2013

Ms Po Dina, 59, told the Trial Chamber how her husband "disappeared," son starved to death, and how she herself was beaten severely, imprisoned and tortured after refusing a forced marriage.

**Bay Sophany, Civil Party**

Testified 4 June 2013

Ms Bay Sophany, 67, who currently resides in America, spoke about the suffering she and her family endured as a consequence of the evacuation of Phnom Penh. She described the death of all of her three children as well as her experience working in cooperatives. She asked the accused whether they were aware that children were beaten and executed in the camps.

**Soeun Sovandy, Civil Party**

Testified 4 June 2013

Mr Soeun Sovandy, 60, detailed the hardships he faced after being evacuated from Phnom Penh, separated from his parents and put into a forced labour camp. He asked the accused why the Khmer Krom minority group were targeted, whether they were involved in the implementation of the regime policy, and whether they would have acted differently in hindsight.

**Seng Sivutha, Civil Party**

Testified 4 June 2013

Ms Seng Sivutha, 47, described how she was treated working in the cooperatives after the evacuation of Phnom Penh, where she was beaten regularly and lost her eyesight. She questioned the accused as to why children were put to work and why they did not ensure enough food was available.



## Accused Express Sympathies for Victims

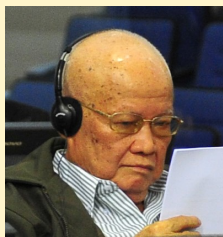
During the hearing of statements of suffering from selected civil parties from 27 May to 4 June 2013, Nuon Chea and Khieu Samphan both answered questions posed by them and expressed varying levels of remorse for the suffering inflicted on the Cambodian people.

**Khieu Samphan, Accused**

Testified 27, 29, 30 May

Former Head of State Khieu Samphan expressed a number of times his sorrow and remorse for the pain and suffering of the Cambodian people, but reiterated his oft-stated position that he was not involved in the implementation of Standing Committee policy and that his position was merely that of a figure-head.

At one point, when requested by a civil party, Khieu Samphan prayed as a fellow Buddhist for the souls of those who died. At other times, he expressed his sympathy to civil parties, their beloved victims and others who perished during the regime.

**Nuon Chea, Accused**

Testified 29, 30 May 2013

Former Deputy Secretary of the Communist Party Nuon Chea also answered questions from the holding cell downstairs from the courtroom.

Responding to queries on why the Khmer Rouge distinguished between '17 April people' and other Cambodians and why the Khmer Rouge were so cruel, Nuon Chea reiterated that it was not his desire to divide the nation but rather unite the Cambodian people against the threat of foreign invasion.

He also indicated in a response that as a member of the regime he carries "moral responsibility" for the events that took place during the Democratic Kampuchea and expressed his condolences to the family members of the victims.





**Sydney Schanberg, Witness**

Testified 5-7 June 2013

Mr Sydney Schanberg, 79, is an American Pulitzer prize-winning journalist who was stationed in Phnom Penh during the forced evacuation, made famous in his depiction by Sam Waterston in the film *The Killing Fields*. He testified via video-link about the forced evacuation of Phnom Penh, the alleged execution of Lon Nol soldiers and officials after the Khmer Rouge took Phnom Penh in 1975, his observation of similar practices throughout the country, and his knowledge of the Khmer Rouge upper echelons.

**Sim Hao, Witness**

Testified 12-13 June 2013

Mr Sim Hao, 62, is a village chief who joined the revolution in 1972 and became the deputy head of a battalion in 1975. He testified about the arrests and purges of cadres, the evacuation of Phnom Penh and meetings with Khieu Samphan.

**Chhim Sotheara, Expert**

Testified 5-6 June 2013

Mr Chhim Sotheara, 45, testified as an expert on the psychological impact of the various traumatic experiences described by Khmer Rouge victims that he has observed in his work as a clinical psychiatrist and academic researcher. During his testimony, he answered questions on the psychological impact of issues such as post-traumatic stress disorder, survivor guilt, political and religious based violence, and geographical dislocation.

**Leng Chheoung, Witness**

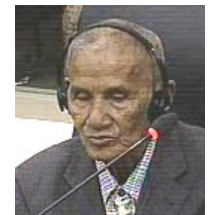
Testified 17 June 2013

Mr Leng Chheoung, 50, worked as a driver for Khieu Samphan from mid-1978 until the Vietnamese invasion in 1979. He testified about the movements of Khieu Samphan during the last few months of the Democratic Kampuchea regime.

**Nou Mao, alias Nou Mouk, Witness**

Testified 19-20 June 2013

Mr Nou Mao, 78, worked in the military and then as a commune official. He testified about the study sessions by senior KR leaders such as Chou Chet and Ta Mok, the treatment of Khmer Viet Minh, and the opinions of senior KR leaders regarding the evacuation of Phnom Penh six months prior to its occurrence.

**Sok Rœur, Character Witness**

Testified 7 June 2013

Mr Sok Rœur, 52, was called to testify about Khieu Samphan's character based on his time working as a bodyguard for Khieu Samphan between 1989 and 1996.

**Tun Soeun, Character Witness**

Testified 10 June 2013

Mr Tun Soeun, 52, provided testimony as to his father-in-law Khieu Samphan's behaviour after the Democratic Kampuchea era, as he only made his acquaintance in 1982.

**So Socheat, alias Rin, Character Witness**

Testified 10-12 June 2013

Ms So Socheat, Khieu Samphan's wife, testified about her husband's character and provided testimony as to his movements between 1975 and 1979 and their life before, during and after the Democratic Kampuchea era.

**Pech Chim, Witness**

Testified 1 July 2013

Mr Pech Chim, 72, was a former 'deputy of the district front' in Takeo province, which included in its jurisdiction the administration of the security centre Krang Tachang. He answered on distinctions between 'good' and 'bad' people and the executions of the latter, the role of the accused at study sessions, and his observations whilst working at the security centre.

**Lev Lam, Witness**

Testified 2 July 2013

Mr Lev Lam, 57, was a Khmer Rouge militia man in District 12 in Kampong Chhnang from 1972 to 1975 and worked in a mobile unit afterwards. Mr Lev testified about executions in the area conducted by the Khmer Rouge after people were evacuated from his village from 1975 onwards.



**Ek Hen, Witness**

Testified 3 July 2013

Ms Ek Hen, 56, was a member of the Khmer Rouge military before being placed in mobile working units after the formation of Democratic Kampuchea. She answered questions about the disappearances of associates from her workplace, the denouncement of people as traitors and the presence of the accused at her worksites.

**Stephen Heder, Witness**

Testified 9-11, 15-18 July 2013

Mr Stephen Heder, 60, is a political scientist and historian, and previously worked in the ECCC's offices of the Co-Prosecutors and then of the Co-Investigating Judges. Since the Khmer Republic period in the early 1970s, he had worked as a journalist and researcher in Cambodia, and continued to cover Cambodia even after he left the country in April 1975. His publications include *Seven Candidates for Prosecution: Accountability for the Crimes of the Khmer Rouge*.



Mr Heder testified about the role of the accused in planning and implementing the policy of the Communist Party of Kampuchea, their presence at meetings on policy making and their revelations in interviews he conducted. He also testified about his first-hand accounts of the situation on the ground and the actions of the Khmer Rouge forces in the evacuation of the population from Phnom Penh. Mr Heder further described his experiences interviewing many refugees, soldiers and officials before, during and after the period of Democratic Kampuchea.

**Sum Alath, Witness**

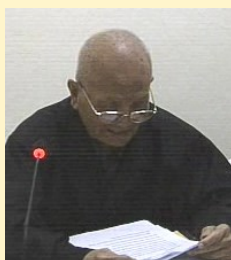
Testified 3-4 July 2013

Mr Sum Alath, 60, a retired state employee, was a Lon Nol soldier in Pursat when the Khmer Rouge captured it. He testified about battles between the two forces and the executions at Tuol Po Chrey.

**Nuon Chea, accused**

Testified 9 July 2013

In his 30-minute statement, the accused testified about his role in the forced evacuation of Phnom Penh, and claimed that mass migration was due to the food shortages that followed years of conflict throughout the country. He then questioned the accuracy of the documents presented by the prosecution, requesting the chamber to reject them. He also challenged his alleged attendance of political meetings with the former Prime Minister of Democratic Kampuchea, Pol Pot.



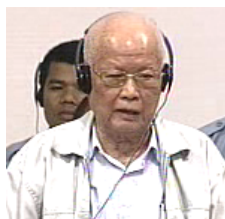
## End of Evidentiary Hearings

*In the final weeks of the evidentiary hearings in July 2013, the accused, who previously expressed their intention to make themselves available for questioning before the hearing concludes, announced that they decided not to answer any further questions. Both Nuon Chea and Khieu Samphan claimed that the court has failed to respect their rights to a fair trial and stated that they no longer held faith in the court proceedings. With this, the hearing of evidence ended with the testimony of Mr Stephen Heder.*

**Khieu Samphan, Accused**

Testified 9 July 2013

In his brief statement, the former Head of State stated that his decision to exercise his right to remain silent was due to the court failing to respect his rights, as well as the rights of his defence team. He claimed that while he initially had faith in the proceedings, he no longer held confidence in the capacity of the court.

**Nuon Chea, Accused**

Testified 17 July 2013

Echoing co-accused Khieu Samphan's statement from the previous week, Nuon Chea Party claimed that the court had failed to respect the principles of fair trial. He also stated that his defence team was prohibited from asking substantive questions throughout the trial, and claimed that the court had failed to uphold a balanced approach to the proceedings.





## Closing Statements

Following the 20-month-long evidentiary hearings, the first trial in Case 002 concerning Nuon Chea and Khieu Samphan concluded on **30 October 2013** with the 10-day **closing statements** presented by the prosecutors and lawyers for the defence and civil parties. The prosecution asked for life sentences to be meted out to the accused, while Nuon Chea and Khieu Samphan sought acquittal. The following is a summary of the final arguments presented to the Trial Chamber before it retired to deliberate and prepare a judgment to be issued by mid-2014.

### The Prosecution

Citing testimonial and documentary evidence presented during the 212-day trial, the prosecution outlined how the evidence has proven that the two accused played a key role in a criminal enterprise and are guilty of crimes against humanity, including forcible transfer, persecution and murder, committed during two phases of forced evacuation of the population from 1975 onwards and the mass execution of former Khmer Republic regime soldiers at Tuol Po Chrey in Pursat in April 1975.

#### Alleged Crimes Against Humanity

The alleged crimes include:

- Forcibly removing millions of people from their homes in Phnom Penh from 17 April 1975 onwards;
- Depriving people of adequate food, shelter and medical assistance during the forced transfers;
- Causing 20,000 deaths during the evacuations, including some 10,000 deaths through execution and another 10,000 deaths resulting from exhaustion and starvation;
- Depositing evacuees, known as “new people” or “17 April People” in rural cooperatives where they were subjected to systemic discrimination, mistreatment and forced labour;
- Systematically targeting and murdering thousands of officers of the former Khmer Republic regime in the days immediately following the fall of Phnom Penh in 1975;



Khmer Republic soldiers are led to Olympic Stadium in Phnom Penh under Khmer Rouge guard on 17 April 1975.

- Executing Lon Nol soldiers and officials en masse at Tuol Po Chrey, shortly after the communist party took control of the northwestern province of Pursat;
- Relocating some 500,000 people to the North and the Northwest by force, starting from September 1975, depriving them of adequate food, shelter, medical assistance and minimum sanitary conditions and subjecting the group to mistreatment, enslavement or execution during or after the forced transfer.

These alleged crimes constitute the crimes against humanity of murder, extermination, political persecution, as well as other inhumane acts of forced transfer, attacks on human dignity and enforced disappearances, the prosecution claimed.

**Editor's Note:** Images here are from the closing statements presentation by the prosecution

#### Alleged Common Criminal Plan

The prosecution argued that these crimes did not occur in isolation, but rather took place in accordance with well-established policies of the Communist Party of Kampuchea (CPK) to evacuate urban centres' civilian populations and to target those perceived as enemies, including former officials of the Khmer Republic. They alleged that the two accused were part of



Map of the Movement of the Population presented by the prosecution

the decision-making body and belonged to the collective party leadership known as the “Party Centre”, which governed Cambodia through a strict hierarchy and a highly organised administrative and communication structure. The prosecution alleged that:

- The Party Centre members worked and lived together in close proximity before and during the CPK's rule;
- The party leadership collectively made decisions, issued instructions to, and received regular reports from, the cadres in charge of CPK zones and autonomous sectors and the military;
- The accused were part of a common plan or a “joint criminal enterprise” that used criminal means to achieve their political objectives and maintain power. The joint criminal enterprise “cast aside” the individual and exercised control over all aspects of individual lives, depriving the population of their basic rights and freedoms and arbitrarily subjecting many to torture and death. The joint criminal enterprise in effect created “a slave state” across Democratic Kampuchea.

The prosecution claimed that the joint criminal enterprise was carried out with a criminal intent to enslave the population and execute all perceived enemies.



Foreigners and Cambodians seek refuge in the French Embassy in 1975.

## Alleged Roles of the Accused

### Nuon Chea

- Deputy Secretary of the Communist Party of Kampuchea (CPK), second only to Pol Pot (Brother Number 2)
- Member of the CPK Standing Committee and Central Committee
- Responsible for political education as well as party affairs, including punishment and removal of cadres, direct supervision of S-21, and oversight of the Ministries of Propaganda, Education and Social Affairs

The prosecution characterised the accused as an extremist who “crossed the line from revolutionary to war criminal responsible for the deaths of hundreds of thousands of Cambodians”.

### Khieu Samphan

- Chairman of State Presidium (Head of State)
- Member, and later Chairman, of Political Office 870, a powerful executive office in charge of monitoring the implementation of Party Centre orders
- Responsible for the oversight of the Ministry of Commerce and internal distribution of supplies

The prosecution claimed he was part of the “elite, central leadership”

of the CPK, and described him as a man who used his positive reputation and popularity to make a key contribution to the criminal enterprise.

The prosecution claimed that both accused made significant contribution to the joint criminal enterprise, including:

- Participating in the meetings of the party leadership where they unanimously decided residents would be forced to leave the cities when the CPK assumed power;
- Taking part in decision-making concerning the elimination of Khmer Republic officials as well as the use of violence against citizens;
- Ordering, encouraging and prompting CPK cadres and the military to commit crimes, including evacuation of cities, enslavement of the civilian population and executing suspected enemies through direct instructions, public speeches, radio broadcasts and indoctrination.

### Request for Sentencing

Wrapping up the final arguments, the prosecution requested the Trial Chamber to convict the accused and sentence them to life imprisonment. “We ask you for justice, justice for the victims who perished and justice for the victims who survived,” said Co-Prosecutor Chea Leang, arguing that life imprisonment is “the only punishment that they deserve”.

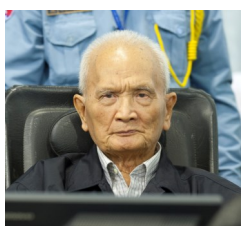
## The Defence

The defence for Khieu Samphan and Nuon Chea delivered their closing statements, requesting the acquittal of both accused. The defence co-lawyers refuted the prosecution’s allegations that the accused had central roles in developing and implementing CPK policies, arguing instead that the accused’s involvement was restricted to administration, propaganda and education. The defence counsels advocated that the true motives and policies of the CPK could not be understood unless the geopolitical context prior to 1975 was properly analysed, raising issues of the economic crisis, food and housing shortages and cold war dynamics, including US bombing of Cambodia.

The defence counsels argued that the procedures employed by the tribunal were pursued with a pre-conceived conclusion of the accused’s guilt and that the fairness of the proceedings was compromised, especially considering the recent change of the scope of Case 002/01 to include alleged crimes at Tuol Po Chrey as well as political interference from the Cambodian government.

On the last day of the closing statements, the two accused read their final statements, asserting their innocence.

### Nuon Chea



CPK’s former Deputy Secretary Nuon Chea, who observed most of the proceedings throughout the trial from a holding cell due to his poor health, read aloud his statement in a wheelchair in the courtroom. In his 90-minute statement, he expressed a sense of moral responsibility for the victim’s suffering but stated that he did not commit the alleged crimes.

*“I would like to express my deepest remorse and moral responsibility to the victims and the Cambodian people who suffered during the Democratic Kampuchea regime. As a matter of historical fact, the CPK’s policy and plan were solely designed to one purpose only to liberate the country from the colonisation, imperialism, exploitation, extreme poverty and invasion from neighboring countries. The CPK’s policy was clear and specific: it wanted to create an equal society where people were the master of the country... The CPK’s movement was not designed to kill people or destroy the country. My hope and wishes were destroyed by those who betrayed the movement... Your Honours,*

*based on the evidence and reasons I have stated... I respectfully submit you acquit me of all charges and, accordingly, release me.”*

### Khieu Samphan



Former Head of State Khieu Samphan reiterated his disappointment with the trial, stating that he no longer had faith in the ECCC as the court is pre-determined to find him guilty and had violated his fair trial rights.

*“[W]hatever I did was to uphold the respect for fundamental rights, and to build a Cambodia that was strong, independent and peaceful... Those who will decide on my case have refused to take into consideration the truth, and now classify me as a monster. I have lost desire to say anything further.”*

*“[I]t seems that no matter how hard I try to explain, they [the court] will only turn their deaf ears. It is clear that everyone only wants one thing from me: my admission of guilt to charges brought against me, the charges concerning the acts that I had never ever committed. Because I did not know what happened subsequently following the victory, I had no reason to admit the guilt despite mounting pressures on me... [...] I firmly hope that whatever*

*it is, you wise judges will find justice.”*



## The Civil Parties

Lawyers for civil parties also submitted final statements highlighting a number of evidence and illustrating the suffering of civil parties throughout the regime and the traumatic aftereffect of the Communist Party's tactics, such as hunger, fear, dependency and enslavement.

"Over the past 30 years, many of the civil parties in this case had never recounted their stories to anyone. It took an impressive degree of courage and determination to apply as civil parties, recall the stressing memories, and put them into words," said Lead Co-Lawyer Pich Ang. He and his international counterpart stressed the importance of victim's participation and their desire to seek justice. "We owe the greatest possible respect, the deepest compassion, and most certainly justice," said Elisabeth Simonneau-Fort.

In Case 002, about 4,000 victims are admitted as civil parties. On behalf of them, the lawyers outlined 13 proposed reparation projects to be awarded if the accused are found guilty. Projects are divided under three main categories: (1) remembrance and memorisation, (2) rehabilitation, and (3) documentation and education. Below are brief descriptions of those projects.

### Proposed Reparation Projects

	Project	Project partner	Description
1	<b>National Day of Remembrance</b>	Royal Government of Cambodia (RGC)	Creating an official national day of remembrance honoring victims and survivors of the Khmer Rouge in Cambodia.
2	<b>Public Memorials Initiative</b>	Kdei Karuna (KdK) and Youth for Peace (YfP)	Developing a small number of public memorial sites (approx. 6) with related truth-telling and educational activities throughout Cambodia.
3	<b>Memorial for Khmer Rouge Victims: "For Those Who Are No Longer Here"</b>	Séra ING, ANVAYA Association, Embassy of France, OUBA SAS, ACYC SARL	Producing and staging a group of sculptural monuments, evoking the forced evacuation of Phnom Penh, on a raised triangular platform adjacent to the French Embassy in Phnom Penh.
4	<b>Monument for Khmer Rouge Victims in France</b>	International Federation for Human Rights (FIDH) and two victims associations	Constructing a monument for victims living in France at the Pagoda of Vincennes in Paris in order to provide a space where survivors and relatives of the victims can hold ceremonies.
5	<b>Testimonial Therapy</b>	Transcultural Psychosocial Organisation (TPO)	Providing approximately 200 civil parties the opportunity to participate in testimonial therapy, during which they are invited to talk about their traumatic experiences with the support of a mental health professional.
6	<b>Self-Help Groups for Rehabilitation</b>	Transcultural Psychosocial Organisation (TPO)	Creating locally-based and professionally facilitated self-help groups (voluntary associations of people that meet to help themselves and each other overcome traumatic suffering).
7	<b>Permanent Exhibition on Forced Transfer &amp; Tuol Po Chrey</b>	Documentation Center of Cambodia (DC-Cam)	Establishing the permanent exhibitions on forced transfer and the executions at Tuol Po Chrey in five Cambodian provincial museums. Topics may change to reflect other aspects of civil parties' and victims' experiences.
8	<b>Mobile Exhibition on Forced Transfer &amp; Tuol Po Chrey</b>	Kdei Karuna (KdK) and Youth for Peace (YfP)	Creating a multimedia exhibition combining film and other audiovisual material with participatory activities that encourage visitors to reflect on the issues presented, relating them to their personal lives.
9	<b>New Chapter on Forced Transfer &amp; Tuol Po Chrey in Teacher's Guidebook</b>	Documentation Center of Cambodia (DC-Cam)	Including an additional chapter on forced transfer and the Tuol Po Chrey execution site in the <i>Teacher's Guidebook: The Teaching of A History of Democratic Kampuchea (1975-1979)</i> .
10	<b>Community Peace Learning Center in Samrong Khnong</b>	Youth for Peace (YfP)	Constructing a learning center (composed of an information center, a museum and a dialogue room) in a historical site where mass killings of the Khmer Rouge regime occurred.
11	<b>Illustrated Civil Party Storybook</b>	Cambodian Human Rights Action Committee	Producing books in which civil parties tell their stories through both written narratives and illustrative artworks.
12	<b>Publication &amp; Distribution of Case 002/01 Judgment</b>	ECCC (Sections of Civil Party Lead Co-Lawyers, Victims Support and Public Affairs)	Providing civil parties with the Case 002/01 judgment both in its full text as well as a summary version.
13	<b>Publication of Civil Party Names on ECCC Website</b>	ECCC (Sections of Civil Party Lead Co-Lawyers, Victims Support and Public Affairs)	Publishing civil party names in the judgment in Case 002/01 and on the ECCC website as a recognition of the harm suffered by civil parties and acknowledgment of their participation in the proceedings.

## TIMELINE

27-30 June 2011	<b>Initial Hearings</b> of Case 002. The Trial Chamber considers preliminary objections and witnesses.
22 Sept 2011	<b>Severance Order.</b> Case 002 is split into a series of smaller trials with the first trial (Case 002/01) focusing on population movements and related crimes against humanity.
21-23 Nov 2012	<b>Opening Statements.</b> Prosecutors lay out alleged crimes they claim the accused committed while Nuon Chea, Ieng Sary and Khieu Samphan deny the accusations. Nuon Chea states that he was acting in defence of the country, whilst Khieu Samphan states that he was a figurehead and knew nothing of the atrocities. Ieng Sary does not offer any explanation.
5 Dec 2011	<b>Hearing of Evidence</b> in Case 002/01. It begins with the examination of the historical background and the roles of the accused. All three accused answer to questions on their personal backgrounds while other witnesses provide testimony on historical context.
20 March 2012	The trial enters the <b>second segment</b> to hear testimonies relating to the administration and communication structures of Democratic Kampuchea. The Trial Chamber examines about 20 witnesses on this topic for the next six months, including former head of security prison S-21 Kaing Guek Eav, alias Duch, who was found guilty in Case 001.
18 July 2012	The Trial Chamber commences hearing of its first expert witness, Mr David Chandler, an American historian and author of "Brother Number One" and "Voices from S-21". The chamber will hear testimony from two more experts, Mr Phillip Short and Dr Chhim Sothea, in May 2013 before concluding the evidentiary hearing.
Mid-Sept 2012	Scheduled hearings are cancelled due to Ieng Sary's hospitalisation. The accused is eventually released from the hospital on 7 November after he is declared fit to stand trial by the court.
2 Oct 2012	The evidentiary hearing moves to the <b>third and final segment</b> to hear testimonies on the military structure of Democratic Kampuchea and forced movements of population from Phnom Penh and provinces. The chamber hears more than 30 witnesses in this segment for the next seven months.
8 Feb 2013	The Supreme Court Chamber declares the Trial Chamber's severance order invalid. The Trial Chamber consequently holds hearings on severance on 18 and 20 February to hear submissions from parties and considers Nuon Chea's fitness in the next month.
14 March 2013	Proceedings against <b>Ieng Sary</b> are terminated, following his death on the same day.
29 March 2013	<b>2nd Severance Order</b> (oral decision). It limits the trial scope to the forced evacuations of Phnom Penh and subsequent movements from other regions, crimes against humanity and the execution of Khmer Republic officials and Lon Nol soldiers at Tuol Po Chrey in Pursat. The written decision is issued on 26 April 2013. The chamber also declares Nuon Chea fit to stand trial.
29 April 2013	The Trial Chamber begins to hear testimonies on the executions at Tuol Po Chrey.
27 May 2013	<b>Victim Impact Hearings.</b> 15 selected civil parties testify about their traumatic experiences and sufferings for the next four trial days. Responding to questions posed by the civil parties, Nuon Chea and Khieu Samphan offer tentative apologies at various moments during the hearings.
10 June 2013	Khieu Samphan's wife, Ms So Socheat, takes the stand. She is one of five character witnesses to appear before the court to testify about Khieu Samphan's character.
23 July 2013	<b>End of Evidentiary Hearings.</b> The Trial Chamber has sat for 212 trial days and heard the testimony of 92 individuals. It will hear the closing statements of all parties from 16–31 October 2013, during which Nuon Chea and Khieu Samphan are also expected to make final statements.
16-30 Oct 2013	<b>Closing Statements.</b> Prosecutors ask for life sentence while both the accused request for acquittal. Civil parties request 13 reparation projects to be awarded, in case of conviction. A trial judgement is expected by mid-2014.

## Trial at Numbers

- Trial from 21 November 2011 to 30 October 2013
- 222 trial days over the two-year period
- Testimonies of 92 individuals, including 3 experts, 53 fact witnesses, 5 character witnesses and 31 civil parties, excluding 2 treating doctors and 2 medical experts who testified on the accused fitness
- More than 290 written motions filed by the parties so far, resulting in over 250 written or oral decisions
- More than 5,500 evidentiary documents admitted so far, totaling over 222,000 pages in all three official languages
- In total, 103,724 persons attended the trial proceedings during the 222 trial days

## 2nd Trial in Case 002 on the Way

The Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia has further severed Case 002 and set the scope of the second trial in Case 002, known as Case 002/02, as representative of the main charges of genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions.

It will examine evidence against Nuon Chea and Khieu Samphan in relation to alleged crimes of genocide, forced marriage, purges and other criminal episodes at four security centres, three worksites and one cooperative, among others. It is expected to commence later in 2014.

## Disclaimer

*"A Guide to the First Trial in Case 002" is prepared by the Public Affairs Section of the Extraordinary Chambers in the Courts of Cambodia for public visitors. It provides a brief overview of the first trial in order to assist the public in following the trial proceedings. This information sheet neither represents the Court's official views on the trial nor constitutes an official document of the ECCC.*

*Complete transcripts of testimony are available on the ECCC website at: [www.eccc.gov.kh/en/Case002-Transcripts/en](http://www.eccc.gov.kh/en/Case002-Transcripts/en).*



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