

Civil party applicant Theory Seng appealing ECCC decision regarding  
Meas Muth and Sou Met of Case 003, lodging another application  
against CPK Secretaries madam Im Chaem, Ta An, Ta Tith of Case  
004

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PRESS RELEASE

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PHNOM PENH, 5 May 2011: The overt political interference into Cases 003 and 004 of the United Nations-backed Extraordinary Chambers in the Courts of Cambodia (“ECCC”) by Cambodian Prime Minister Hun Sen and the UN’s subsequent collusion as reflected by the action (or more correctly, inaction) of the international co-investigating judge, is an affront to victims of the Khmer Rouge. We deserve more than the cheap justice that is being administered right now by these cases. We appeal to the donors and the international community to put an end to this legal fiction that is being written for us *vis-à-vis* these cases—that there are two standards of justice: dignified justice for people of the developed world; and cheap, tattered justice for the poor, like us Cambodians.

On 3 April 2011, I, Theory Chan SENG, submitted a very public application entitled “*Civil Party Application to Case No. 003/004*” with the ECCC Victims Support Section, which was filed with the Co-Investigating Judges (“CIJs”) 19 days later on 22 April, as verbally confirmed to me that same evening by ECCC Public Affairs chief Reach Sambath when we were guests on a *Radio Free Asia* call-in show.

In this one application, I publicly named and expressly hold Khmer Rouge military commanders **Meas Muth** and **Sou Met** directly, personally, individually responsible to me for the **Crimes against Humanity** (including the legal elements of murder, extermination, enslavement, imprisonment, torture, political persecution) in their roles as commanders of the **Navy and Air Force of Democratic Kampuchea**, respectively, and for their material contribution in developing and implementing the **common design and purpose** of a **joint criminal enterprise** which impacted the **whole of Cambodia**. That is to say, as a matter of international law, they are **directly responsible** for my legal injuries during the fall and exodus out of **Phnom Penh (Phase I Movement)** when my father, a Lon Nol military commander, “disappeared”; and the movement of the population of the **East Zone (Phase 3)** when the Khmer Rouge imprisoned my family and me first at **Wat Tlork** and then **Boeung Rai Security Centers**, where I experienced and witnessed, *inter alia*, the death of my mother, among the 30,000 (thirty-thousand) lives estimated to have been extinguished at Boeung Rai. Here, the **legal nexus are the CRIMES**, not the geographically districts and zones they physically commandeered, *vis-à-vis me as an applicant*, except for their criminal actions as they were related to the capture and exodus out of Phnom Penh in 1975 when we shared proximity.

On late Friday afternoon, 29 April 2011, the CIJs publicly announced the closing of investigation of Case 003 in one sentence.

On late Tuesday, 3 May 2011, following a long holiday weekend, my lawyer Mr. Choung Chou-Ngy signed for the receipt of two separate documents (dated the same day as the closing of investigation announcement) with the decisions of the CIJs, both documents classified “Confidential”, even though the names of the five charged persons are not mentioned.

Since the lodging of my first application on 3 April 2011 until now, I have received additional information which will allow me to demonstrate legal injuries “as a direct consequence of at least one of the **crimes against the Charged Person**” pursuant to Rule 23*bis* with greater clarity the names of the Charged Persons, their crimes and category of whether they fall in Case 003 or Case 004.

Consequently, I will **appeal the CIJ decisions** of my one application to “Case No. 003/004” naming Meas Muth (also spelled Meah Mut and *aka* Khe Muth) and Sou Met with the Pre-Trial Chamber which I have until May 16 to submit. These two military commanders are grouped in Case 003.

Simultaneously, I will **submit a second civil party application** involving the crimes committed against me by CPK Secretary “**Me**” **Im Chaem** of **Region 5**, particularly of the mass graves in Phum Travong in Preah Net Preah district (Northwest Zone); CPK Secretary “**Ta**” **An** of **Region 41** (Central Zone, mainly of Kampong Thom, Pol Pot’s birthplace province) also believed to be deputy to Ke Pauk (also spelled Kae Pok, now deceased named in *Seven Candidates for Prosecution* by Steve Heder and Brian Tittmore); and “**Ta**” **Tith** (brother of “Ta” Mok, the “butcher”, who died under police custody also named in *Seven Candidates for Prosecution*) who was CPK Secretary of Kirivong District 109 of **Region 13** (Southwest Zone, where the butcher Ta Mok ruled along with his network of family members in senior positions in the Zone—two brothers-in-law, including Ta Tith, four sons, two daughters and five sons-in-law, including Meas Muth) and instrumental in the 2<sup>nd</sup> Phase Movement of the Southwest Zone population to the northwest where he terrorized **Region 1** (Northwest Zone). It is believed that these military commanders (including Meas Muth and Sou Met) of the Southwest and Central Zones were also instrumental in the purges of the East Zone where I was imprisoned during the Khmer Rouge years. These three CPK Secretaries are grouped in Case 004. I have until 15 days after the closing of investigation into Case 004, which the CIJs have yet to announce.

The CIJs have woefully failed in their Rule 56 responsibility in keeping the public informed generally, and in providing adequate, timely information to victims in order that we may file civil party applications specifically. Even with sufficient information, it still takes great energy, time and resources to put an application together for any educated, well-informed victim. Now consider the difficulty in light of the stress of political pressure, of intimidation, of lack of information giving by the ECCC of the average Cambodian victim. This ECCC which initially, genuinely, substantively, unprecedentedly embraced victims into its process as “civil parties” (of which I was the first) is quickly turning against victims and their meaningful participation.

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