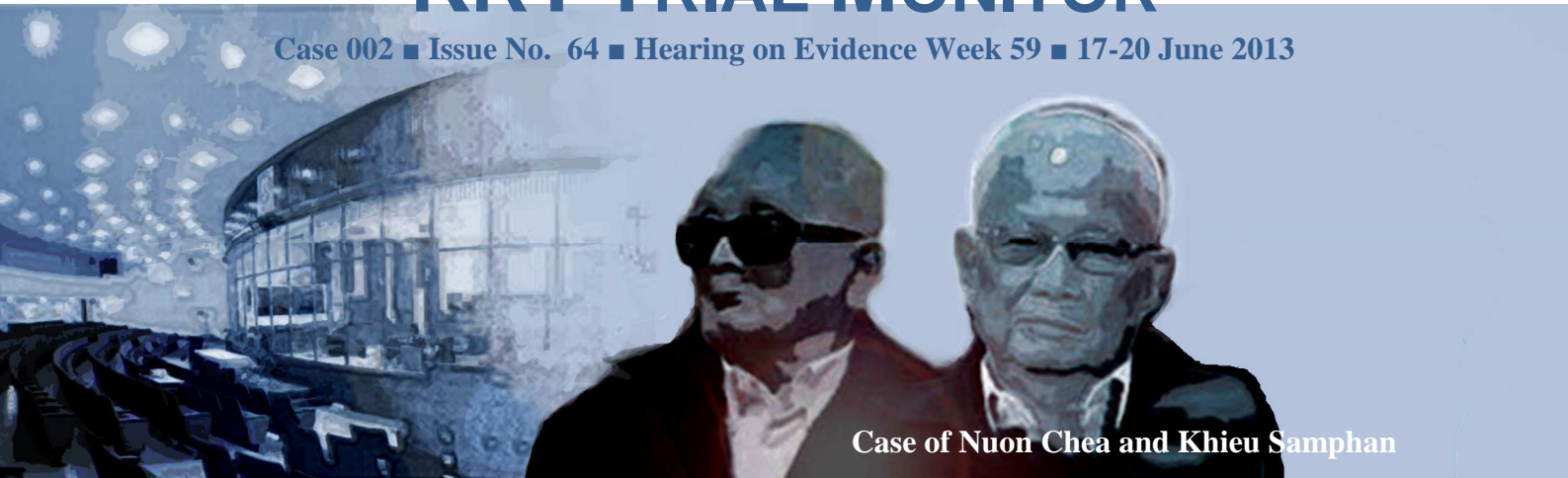


# KRT TRIAL MONITOR

Case 002 ■ Issue No. 64 ■ Hearing on Evidence Week 59 ■ 17-20 June 2013



Case of Nuon Chea and Khieu Samphan

Asian International Justice Initiative (AIJI), a project of East-West Center and UC Berkeley War Crimes Studies Center\*

*At that time, I was very young, and respecting the organizational discipline was just normal. Everyone had to respect - follow such discipline. It's normal.<sup>1</sup>*

- Leng Chhoeung, Witness

## I. OVERVIEW

This week the Chamber examined two witnesses, both former KR cadres who testified primarily on the role of the Co-Accused. Leng Chhoeung described his work as Khieu Samphan's driver prior to the fall of Phnom Penh in January 1979. Nou Mao testified that he had known a plan amongst the CPK leaders to evacuate Phnom Penh prior to 17 April 1975. However, he was unable to maintain with certainty whether Khieu Samphan supported the evacuation policy. He also provided information about the fate of Lon Nol soldiers who arrived at his commune after the fall of Phnom Penh in 1975.

Various legal and procedural issues arose throughout the week, the most notable of which concerned the use of Ben Kiernan's interview notes during Nou Mao's examination. Although the Witness had been interviewed by historian Ben Kiernan in 1981, he had never been formally interviewed by the OCIJ. Further objections were raised concerning repetitive questioning and witness speculation. Aside from these issues, the trial proceeded over three days without any significant trial management issues.

## II. SUMMARY OF CIVIL PARTY AND WITNESS TESTIMONIES

This week, the Chamber heard the testimonies of two lower ranking former KR cadres, Leng Chhoeung and Nou Mao alias "Mouk." From 1978 until the end of the DK period, Leng Chhoeung was employed as Khieu Samphan's personal driver. He gave a unique insight into his personal life. The questioning of Nou Mao, a former handicraft maker under the KR, was largely based on an interview conducted by Ben Kiernan in 1981. Nou Mao spoke about a range of topics during the DK era including the Khmer Viet Minh forces, the treatment of monks and Lol Non soldiers.

### A. Leng Chhoeung's Testimony (TCW-384)

Witness Leng Chhoeung is a 50 year-old man currently serving as the Deputy Chief of the Sampov Lun District Battambang Statistics Office. Proposed as a character witness by the Khieu Samphan Defense, Leng Chhoeung testified on his experience as Khieu Samphan's personal driver from late 1978 until January 1979.<sup>2</sup> Addressing the conditions he

experienced during the DK period, Leng Chhoeung testified that he did not feel mistreated by the KR, adding that he felt “normal.” Although the Witness recalled that he often missed his hometown and family, he confirmed that he had joined the revolution voluntarily and felt personal responsibility to carry out the work assigned to him.

### **1. Experiences Prior to 17 April 1975**

Leng Chhoeung was 10 years old when he joined the revolution in 1973 against his parent’s wishes. The Witness told the Court how a Village Chief had visited his school in Takeo Province and asked whether the students were interested in joining the revolution. He said, “[E]veryone raised their hand, so we joined them together.”<sup>3</sup> After Takeo was liberated, Leng Chhoeung was assigned to build dykes and dams in a Children’s Unit located at Tram Kna. According to his recollection, no one was forced to work in the field, and those who became ill were permitted to stay home and rest. Although the Witness could not recount any specific rules in the unit, he stated it was clear that “no one was free to do whatever they wanted.” Despite his desire to contribute to the movement, he recalled that he missed his hometown, a feeling that had led him to “cry out loud” at times. However, he explained to the Court that he felt he had no choice other than to remain with the KR.

### **2. Experience living at K-12 and Transfer to K-3**

In 1976, Leng Chhoeung was sent to Phnom Penh to attend the Khmer-Soviet Technical School, known as K-12. For two years he cleaned houses in the vicinity of the school under the supervision of Ta Meal. He also received driving lessons while there—a skill that secured his appointment as the personal driver for Khieu Samphan. The Witness recalled that he was transferred to K-3 to take up the new appointment at some point between August and November 1978. Leng Chhoeung confirmed that he had heard about the disappearance of cadres. However, in relation to the disappearance of his former supervisor Ta Meal, the Witness claimed not to have known about the event until he was transferred to K-3. His statement was contradicted by an S-21 prisoner list the Prosecution showed to the Witness that listed Ta Meal’s date of arrest as 8 May 1978.

### **3. Experiences living and working at K-3**

Leng Chhoeung served as Khieu Samphan’s personal driver from late 1978 until Khieu Samphan fled into the mountains after the Vietnamese arrived in Cambodia. The Witness recalled that a person known as “Sami” who was also in charge of K-3 had supervised him during this time. The Witness testified that he lived about 10 meters from Khieu Samphan’s house in the K-3 compound. He explained that the compound was located near the Royal Palace in a group of approximately 20 apartments. The buildings that were in relatively good condition were occupied and the rest were left abandoned. The Witness described Khieu Samphan’s house as a “modest place,” adding that he did not have an office or a secretary and only had minimal furniture including a telephone. Leng Chhoeung admitted that he had never entered Khieu Samphan’s house, but claimed to know the information from looking inside a glass front door. The Witness also explained that Nuon Chea and Ieng Sary’s houses were located across the road. The Witness explained that at K-3, food was not plentiful, but he felt content with his rations. The Witness confirmed that Khieu Samphan’s wife worked in one of the kitchens at K-3, but added that workers were required to eat at a different kitchen.

### **4. Knowledge of Khieu Samphan’s Movements**

Leng Chhoeung testified that a few times per week, he drove Khieu Samphan the four kilometers from K-3 to K-1 for meetings which he estimated lasted between 30 minutes to an

hour. The meetings were with Nuon Chea and Ieng Sary, a fact he gathered from the presence of their personal drivers outside the compound. The Witness stated that he only drove Khieu Samphan outside Phnom Penh on two occasions, once to Kandal Province and another time to Takeo.<sup>4</sup> Occasionally, he would drive Khieu Samphan around the vicinity of Phnom Penh, but during those trips Khieu Samphan usually never left the vehicle. He recalled one occasion where he drove Khieu Samphan to a major meeting at the Olympic Stadium. While he waited, he heard over the loudspeakers that Pol Pot and Nuon Chea had also attended the event. According to the Witness' impression, Pol Pot presided over the event and Khieu Samphan did not address the crowd.

Judge Lavergne asked whether special authorization was necessary in order to drive outside Phnom Penh during the DK period, to which Ieng Chhoeung answered that there were no checkpoints and he did not need any letter of authorization. The Witness was also questioned in relation to the last occasion he drove Khieu Samphan. Ieng Chhoeung told the Court that at 7.00pm on 6 January 1979 with no prior arrangements or luggage packed; he drove Khieu Samphan alone out of Phnom Penh. They drove from Phnom Penh to Pursat, where Khieu Samphan met with Nuon Chea and Pol Pot before driving to Pailin. In Pailin, Ieng Chhoeung recounted how he and Khieu Samphan had climbed a mountain and parted ways.

## **5. Role and Character of the Accused**

Ieng Chhoeung described the Accused as a gentle and kind-hearted man who lived a very simple life. The Witness stated that in his opinion, Khieu Samphan was also not particularly powerful within the KR leadership. Ieng Chhoeung explained that the only reason he knew Khieu Samphan was the President of the State Presidium was because he had heard so on the radio. Elaborating on the basis for this belief, he explained that Khieu Samphan did not appear to have a lot of work to do, spent most of his time in Phnom Penh and left his house less often than Ieng Sary. Ieng Chhoeung acknowledged that since he had never entered Khieu Samphan's house he could not be certain that Khieu Samphan did not work from home or ever held meetings with other leaders there. When asked if Khieu Samphan had received any visitors from foreign delegations, Ieng Chhoeung said "maybe one or two." Prosecutor Vincent de Wilde d'Estmael pressured the Witness with a list of banquets allegedly attended by Khieu Samphan, including an event in 1978 to welcome the Romanian President. However, Ieng Chhoeung maintained that while he served as the Accused's driver, Khieu Samphan only received two or three visits from diplomats and insisted the Romanian President's visit had occurred in 1977 when the Accused was still working at K-12. However, when the Prosecutor confronted the Witness with a 1978 list of countries where diplomats had their credentials confirmed by Khieu Samphan, Ieng Chhoeung admitted that he was unsure of the exact number of visitors Khieu Samphan had hosted.

## **6. Witness Demeanor and Credibility**

Ieng Chhoeung repeatedly referred to his young age during the DK period, which he stated had affected his knowledge and ability to recollect facts. One of the major discrepancies in his recollection of the events concerned the date that Ta Meal was arrested and whether the Witness had been present during his superior's arrest.<sup>5</sup> The Witness' account of Khieu Samphan's movements was also inconsistent with testimony from other witnesses. Although Ieng Chhoeung claimed he was Khieu Samphan's sole driver, he could not recall having driven Khieu Samphan to a meeting in Borei Keila the night before he fled Phnom Penh, a fact that was confirmed by the testimony of two other witnesses.<sup>6</sup> Secondly, Khieu Samphan's wife So Socheat testified that on 6 January 1979 or thereabouts, Khieu Samphan picked her and their two children up, and drove them to the train station.<sup>7</sup> Ieng Chhoeung claimed he never drove Khieu Samphan to either location.

## **B. Nou Mao's Testimony (TCW 801)**

Witness Nou Mao took the stand on Wednesday morning to testify on his experience in the KR, the policy and planning behind the evacuation of Phnom Penh, the treatment of monks, Lon Nol soldiers and Khmer Viet Minh during the DK.<sup>8</sup> During the Witness' testimony, it emerged that he had not been interviewed by the OCIJ, but by journalist and historian, Ben Kiernan on 26 August 1981. Although the Chamber permitted the Witness to refer to the notes of interview taken by Ben Kiernan, the Witness' poor health affected his ability to testify and the Chamber adjourned several times to allow the Witness to rest.

### **1. Recruitment to the Khmer Rouge**

Born in Yutth Sameakki village in Udong District, Kampong Speu, Nou Mao worked as a farmer in Kampot Province prior to joining the KR in 1971. According to the Witness, the purpose of the revolution was to mobilize people against the Lon Nol regime and expel the "American Imperialists." He was assigned as part of the village committee, tasked to supervise three villages, namely Tropeang Thom, Tropeang Toeng, and Tram Kol. He was later promoted to commune committee member in Cheung Roas. The Witness told the Court how he had been seriously injured after falling off a hammock during an aerial bombardment in Phnom Baat. After his injury, at approximately the same time the cooperatives were established to receive evacuees from Phnom Penh, the Witness was demoted to work as a handicraft maker. The Witness also claimed that he was arrested in Basedth at one point and sent to Pursat prison, but did not elaborate on his detainment.

### **2. Evacuation Policy**

Nou Mao recalled that during commune meetings and political study sessions, leaders including Ta Mok and Chou Chet lectured on plans to evacuate Phnom Penh. The Witness testified that policy of evacuations had already been applied to Liberated Zones prior to 17 April 1975, an issue that he recalled was often discussed at commune meetings. Specifically, the Witness recalled the evacuations from Udong Province and Phase Two evacuations in the Southwest Zone. The Witness described the evacuation policy as "political suicide" by the KR, adding that the evacuations were "meant for death," because without adequate food rations, many "base" and "new people" died.

The Witness made it clear, however, that not all KR leaders had supported the evacuation at the time. Notably, he stated that Hou Yun and Chou Chet opposed the forced evacuation, while Ta Mok was a major supporter of the policy. In support of this statement, the Witness referred to a number of meetings he had attended where the leaders had expressed their views on the policy. Hou Yun had made his stance on the policy clear during a meeting at Taing Pho pagoda at some time in 1972-1973. During study sessions the Witness had attended at some time in 1973, Nou Mao also recalled that Ta Mok and Chou Chet had exhibited opposing views on the evacuation plan. Ta Mok insisted that everyone in the cities should be evacuated while Chou Chet did not agree that Phnom Penh citizens should be evacuated. In relation to Khieu Samphan's support for the policy, the Witness gave testimony that was inconsistent with Ben Kiernan's notes of interview. The notes of interview had recorded him telling Ben Kiernan that he learned of Khieu Samphan's support from a military company leader called Mat. However, under examination by the Defense, the Witness confirmed that he never knew Khieu Samphan and did not know if he supported the policy.

### **3. Study Sessions**

The Witness also recalled attending a number of study sessions at Kantuot, Thpong District, with other lower ranking cadres from Commune, District and Sector level. The Witness could not recall the exact dates of the sessions, but Ben Kiernan's interview notes cited the year as 1973. At the time, Chou Chet alias "Sy" gave lectures on political matters while Ta Mok addressed military affairs. Nou Mao explained before the Chamber that during the study sessions he attended, attendees had to submit their biographies and were encouraged to recruit others to join the resistance movement.

### **4. Treatment of Khmer Viet Minh Forces**

During his testimony, the Witness explained the role of the Khmer Viet Minh during the revolution and their subsequent treatment after 1974. A group of around 2,000 to 3,000 resistance fighters known as Khmer Viet Minh forces had been sent from Vietnam to serve as advisors for military and cultural affairs. Although there was some confusion with the interchangeable use of terms "Khmer Viet Minh" and "Khmer from Hanoi," Prosecutor Raynor confirmed that "Khmer Viet Minh" referred to the Khmer resistance fighters who came back to fight against the Lon Nol regime after education in Vietnam. The Witness told the Court that some time during 1974, thousands of Khmer Viet Minh forces were gathered up by the "upper echelons" of the KR and sent off for re-education, after which they disappeared and were never seen again. The Witness was convinced that these people died, although he did not elaborate on his belief with any further details.

### **5. Treatment of Monks**

Nou Mao was also questioned in relation to the campaign to defrock monks. After referring to the notes from his interview with Ben Kiernan in 1981, the Witness recalled that Ta Mok organised meetings in Kampong Chnnang that were intended to lure monks to defrock and join the army. However, the Witness was not able to remember how many monks joined the army after that meeting. At one point during his testimony, Nou Mao claimed that there were no more monks to defrock after 17 April 1975, although he conceded he had no direct knowledge of the situation in Phnom Penh.

### **6. Treatment of Lon Nol Soldiers**

In relation to the disappearance of Lon Nol soldiers after the evacuation of Phnom Penh, the Witness stated that he witnessed the arrival of both military and civilian evacuees in Cheung Roas. Nou Mao recalled that the approximately 100 unarmed Lon Nol soldiers were then separated from the civilians and sent to the south of Prey Chrum Pagoda. The soldiers left and never returned, and he heard from others that Angkar had sent them for re-education. The Witness stated he believed they had perished. After Koppe challenged the Witness about his "speculation" that the soldiers had perished, Nou Mao retorted, "you can either say I speculate, or say I tell you the truth because they never returned."<sup>9</sup>

### **7. Witness Demeanor and Credibility**

The Witness appeared tired and became increasingly unwell as his testimony progressed. The Chamber adjourned his testimony early on a number of occasions because he was visibly too exhausted to continue. Towards the end of his testimony on Wednesday, for example, it became clear that he was have difficulty concentrating and following questions from the Nuon Chea Defense team. Notwithstanding his health issues, Nou Mao avoided speculation where possible and continually reminded the Chamber that the events were a long time ago and his memory was limited. However, monitors noted major inconsistencies



between the Witness testimony and Ben Kiernan's interview notes dated 1981, particularly in relation to the role of Khieu Samphan (See section B.2). At the conclusion of his testimony, the Chamber agreed with both the Prosecution and Defense that the transcript would need to be examined carefully when weighing the testimony due to the number of contradictions that had emerged. Perhaps partly due to his poor health, the Witness' responses also often strayed from the question, prompting the Chamber to remind the Witness to provide relevant and succinct answers.

### **III. LEGAL AND PROCEDURAL ISSUES**

Legal and procedural issues this week focused on the examination procedures for witnesses, with a number of objections raised on speculation and repetitive questioning. The Prosecution also requested that the Civil Party Lawyer's questioning be limited to the suffering of their clients. Prolonged debate transpired on the use of Ben Kiernan's interview notes during the examination of Witness Nou Mao, particularly because the interview was not a sworn statement and it was unclear whether the Witness had been provided an opportunity to verify the notes Kiernan had taken. Ultimately, the Chamber allowed the Witness to refer to the notes but warned the Prosecution that the document was not to be used in the same manner as a sworn OCIJ statement.

#### **A. Order of Witness Questioning**

On Monday, after President Nil Nonn confirmed the identity of Witness Leng Chhoeung, debate ensued on the order of questioning by the Parties. Although Defense Counsel for Khieu Samphan had also proposed Leng Chhoeung as a witness, Anta Guissé suggested that in accordance with the order indicated in a memorandum issued by the Trial Chamber, the OCP should commence questioning.<sup>10</sup> Prosecutor De Wilde D'Estmael responded that the Chamber should follow "established practice" and require the Party who called the witness to commence questioning. According to Guissé, since the Witness was supposed to appear on the list of witnesses the OCP had requested and the testimony of this witness was not related to the conduct of the Accused, the OCP should start first. President Nil Non ruled that the Witness was primarily a Defense witness and as such, the Defense should commence questioning in spite of what had been mentioned in the Trial Chamber memorandum.

#### **B. Witness Speculation and Scope of Knowledge**

The extent to which a witness was permitted to offer speculation or opinion appeared squarely within the discretion of the Chamber throughout the week. On Monday, the President sustained an objection from the Defense and warned the Prosecution to refrain from inviting the Witness Leng Chhoeung to "express his observations" after Prosecutor Chan Dararasmey asked the Witness about the hardship of people under the DK era. On Wednesday, without a ruling from the Chamber, the Prosecution agreed to alter its' question after the Defense objected that the Prosecution had invited Witness Nou Mao to respond to questions without acknowledging the source of the information. During the Defense' cross-examination of Nou Mao, the President overruled an objection from Prosecutor Raynor in relation to a question that invited the Witness to comment about the KR leaders' stance on the evacuation of Phnom Penh, stating that it was "not appropriate" or "well-founded." Raynor had claimed that Koppe's question invited "speculation of the highest degree" as it asked the Witness to talk about what might have happened between Chou Chet and Ta Mok. Koppe defended his line of questioning, indicating that he had been attempting to contradict the Witness and referred to the Prosecution's cross-examination of So Socheat the previous week in support of his approach.<sup>11</sup>

### **C. Repetitive Questioning and Challenge to Civil Party Lawyer's Questions**

The issue of repetitive questioning was raised at a number of points during the week. Raynor took particular issue with questions posed by the Civil Party Lawyers that he considered to be repetitive and claimed that a number of questions posed were beyond the role of the Civil Parties. During Civil Party Lawyer Lor Chunthy's questioning of Witness Nou Mao, the Prosecution objected to the line of questioning, claiming that he was merely repeating the Prosecution questions posed earlier and by doing so, had exceeded his function as a Civil Party Lawyer.<sup>12</sup> CPLCL Pich Ang acknowledged that while some questions may have appeared repetitive, the Civil Party Lawyers were permitted to question witnesses in relation to the crimes alleged and should not be restricted to asking questions about the suffering of victims. President Judge Nil Nonn instructed the Civil Party Lawyers to avoid asking repetitive questions, and stated that the Chamber would consider the relevance of future questions. In furtherance of the ruling, the Chamber requested that Civil Party Lawyer Beini Ye move on to another topic when she attempted to pursue questions related to the purging of Lon Nol's soldiers. The President also asked Defense counsel Son Arun to move on to another topic after Prosecutor Raynor objected, claiming his questions had become "doubly repetitive."<sup>13</sup>

### **D. Use of Ben Kiernan's Notes of Interview in Witness Examination**

On Wednesday morning, the Chamber overruled Defense objections and allowed the Prosecution to use the handwritten notes of an interview conducted by Ben Kiernan with Witness Nou Mao 31 years ago during the examination. Guissé had objected to the use of the notes and claimed that Raynor had failed to lay sufficient foundation for the notes, in particular, whether the Witness had read them to confirm their veracity. She reminded the Chamber that the only way to establish this was by asking the Witness, since Ben Kiernan refused to testify before the Chamber.<sup>14</sup> Koppe also argued that since the original document was in English, and Nou Mao only read and spoke Khmer, the document would not be of assistance to the Witness. He also questioned whether the document accurately reflected Nou Mao's own words from 31 years earlier.

In response, Raynor argued that use of the document was justifiable due to Nou Mao's poor memory, ill health and the lapse of time since the events in question. He also referred to previous witnesses who had been permitted to refer to documents in order to refresh their memories. Addressing the Defense arguments, Raynor claimed that the interview had already been deemed admissible and the Defense arguments were only relevant to probative value.<sup>15</sup> Following deliberations with the other Trial Chamber Judges, the President reminded Parties of the distinction between the notes and a sworn OCIJ statement. Although the Chamber permitted Parties to use the notes during the examination, the President sustained several objections from the Defense in relation to the Prosecution's use of the notes, admonishing Raynor for attempting to rely on the notes as he would an OCIJ interview record.<sup>16</sup>

### **E. Trial Chamber's Procedural Ruling Limiting Parties Rebuttal to Objections**

Prior to delivering the Chamber's ruling on the use of Ben Kiernan's notes, Judge Cartwright addressed the parties with "a procedural matter." She stated that the Chamber would not hear secondary arguments from Parties after they had made an initial objection and it had been responded to. The Chamber's procedural ruling followed an attempt by Guissé to address the court for a second time after Prosecutor Raynor responded to her objection.

## F. Internal Rule 87 Application to Admit New Evidence

On Wednesday morning, Prosecutor Raynor asked Witness Nou Mao about a photograph of Ben Kiernan he had received from the Witness and Expert Support Unit (**WESU**) prior to providing his testimony. After the photograph was produced and the Witness had explained how he obtained it, Raynor requested that it be admitted into evidence pursuant to IR 87.<sup>17</sup> The Prosecutor justified the submission of the photograph as new evidence at trial stage since it was pertinent to ascertaining the truth and “obviously” the OCP was only aware of its existence when the Witness produced it. Despite the apparent surprise from the Defense that it was accepted practice for WESU to provide witnesses with photographs to verify their identity, the President directed the photograph to be admitted to the case file and informed the Defense they could make submissions on the issue later.

## IV. TRIAL MANAGEMENT

This week, the Trial Chamber completed the testimony of two witnesses. Due to a national holiday on Tuesday, the Court was only in session for three days this week. With the exception of several courtroom etiquette issues, the week’s hearings were completed relatively smoothly.

### A. Attendance

The Accused Nuon Chea remained in the holding cell due to his health condition while Khieu Samphan directly observed the proceedings in the courtroom throughout the week.

**Civil Party Attendance:** Approximately 15-20 Civil Parties attended the proceedings daily, either in the courtroom or in the public gallery.

**Parties Attendance:** All Parties were properly represented during the week.

### Attendance by the Public:

DATE	MORNING	AFTERNOON
Monday 17/6/2013	<ul style="list-style-type: none"><li>350 Government Youth Association from 8 sangkats of Phnom Penh (<i>the term “sangkat” is known as “commune” for province level</i>).</li><li>1 foreign observers</li></ul>	<ul style="list-style-type: none"><li>350 Government Youth Association from 8 sangkats of Phnom Penh</li><li>5 foreigners</li></ul>
Wednesday 19/6/2013	<ul style="list-style-type: none"><li>100 Government’s youth association for Khan Russei Keo, Phnom Penh</li><li>150 villagers from Khan Ruesei Keo, Phnom Penh</li><li>04 foreign observers</li></ul>	<ul style="list-style-type: none"><li>100 Government’s Youth Association for Khan Russei Keo, Phnom Penh</li><li>150 villagers from Khan Ruesei Keo, Phnom Penh</li><li>3 foreign observers</li></ul>
Thursday 20/6/2013	<ul style="list-style-type: none"><li>300 students from Bak Touk High School, Phnom Penh</li><li>12 foreign observers</li></ul>	<ul style="list-style-type: none"><li>200 scouts from different High Schools in Phnom Penh</li><li>50 youth from Cambodian Red Cross in Phnom Penh</li><li>14 foreign observers</li></ul>

### B. Time Management

The Chamber exhibited some flexibility with regards to time management this week. This was noted in particular when the Chamber provided extended breaks or early adjournment to



accommodate the health concerns of Witness Nou Mao. Additional time was also granted to the Prosecution for questioning. However, the Chamber's apparent flexibility was also balanced by a tighter rein on repetitive questioning by Parties, displaying an intent to expedite the proceedings.

**C. Courtroom Etiquette**

This week, monitors observed that it was the audience, not the Parties who displayed poor etiquette on a number of occasions. On Thursday morning, monitors observed a number of students disrupting the proceedings in addition to two occasions when a mobile telephone was heard ringing in the headsets and public gallery.

**D. Translation and Technical Issues**

There were minor translation problems this week related to the speed of the speakers and the pronunciation of Khmer names. Monitors noted that the issues could be minimized if National counterparts pronounced names rather than international lawyers. On Monday, interpreters asked the speakers in the courtroom to slow their statements down. Prolonged confusion also occurred due to lack of clarity concerning whether Anta Guissé was asking Witness Leng Chhoeung about Sophang alias "Phang" or Pang, the former Chairperson of Office 870. A similar instance occurred on Wednesday when Prosecutor Raynor referred to a Company Commander he pronounced as "Meth" to Witness Nou Mao. After several exchanges, the Witness confirmed that the person in question was named "Mat". Technical issues also arose on Wednesday during the afternoon session when the sound in the public gallery was unclear, preventing the audience to follow the proceedings properly.

**E. Time Table**

DATE	MORNING SESSION 1	MORNING SESSION 2	AFTERNOON SESSION 1	AFTERNOON SESSION 2	TOTAL HOURS IN SESSION
Monday 17/06/13	9:05-10:29	10:52-12:03	13:32-14:39	15:00-15:53	4 hours and 35 minutes
Wednesday 19/06/13	9:02-10:40	11:01-12:02	13:30-14:28	14:50-15:21	4 hours and 8 minutes
Thursday 20/06/13	9:02-10:28	10:52-11:27	13:33-14:38	-	3 hours and 6 minutes
Average number of hours in session				4 hours 25 minutes	
Total number of hours this week				11 hours 49 minutes	
Total number of hours, days, weeks at trial				846 hours 7 minutes	
<b>191 TRIAL DAYS OVER 60 WEEKS</b>					

**Unless specified otherwise,**

- the documents cited in this report pertain to *The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan* before the ECCC;
- the quotes are based on the personal notes of the trial monitors during the proceedings;
- the figures in the *Public Attendance* section of the report are only approximations; and
- photos are courtesy of the ECCC.

**Glossary of Terms**

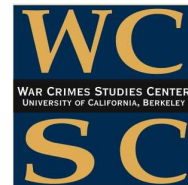
Case 001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (Case No. 001/18-07-2007-ECCC)
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan</i> (Case No. 002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or “KRT”)
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IR	Internal Rules of the ECCC Rev. 8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors of the ECCC
RAK	Revolutionary Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit



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AIJI TRIAL MONITORING



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\* AIJI is a collaborative project between the East-West Center, in Honolulu, and the War Crimes Studies Center, University of California, Berkeley. Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in South-East Asia. The Program is funded by the Open Society Foundation, the Foreign Commonwealth Office of the British Embassy in Phnom Penh, and the Embassy of Switzerland in Bangkok.

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1 Trial Chamber. Transcript of Trial Proceedings (17 June 2013). E1/208.1 [hereinafter, 17 June Transcript]. Lines 21-24. 52.

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2 Mr. Leng Chheoung was examined in the following order: President of the Trial Chamber Nil Nonn; International Defense Counsel Anta Guisse; Judge Jean-Marc Lavergne; National Prosecutor Chan Darasmey; International Prosecutor Vincent de Wilde d'Estmael.

3 17 June Transcript. Lines 22-25, 1-2. 48-49.

<sup>4</sup> The Witness stated that he attempted to drive Khieu Samphan to Takeo in order to inspect flood damage but the road conditions were too poor to allow them to go any further.

<sup>5</sup> The Witness claimed that he had heard of Ta Meal's arrest and execution considering that he was assigned to K-3 sometime in April 1978, while Ta Meal's arrest occurred sometime in May. This statement was further contradicted later on when International Prosecutor Vincent De Wilde D'Estmael produced a document from S-21 showing that Ta Meal was arrested in April 1978.

6 The two Witnesses mentioned by Prosecutor de Wilde d'Estmael were Mr. Ros Suy (TCW-570), who testified on 25 April 2013, and Mr. Sim Hao (TCW-648), who testified on 13 June 2013. For Ros Suy's testimony, see Case 002 KRT Trial Monitor. Issue No. 57, Hearing on Evidence Week 52 (22-27 April 2013).; For Sim Hao, see Case 002 KRT Trial Monitor. Issue 62. Hearing on Evidence Week 57 (03-07 June 2013).

7 See Case 002 KRT Trial Monitor. Issue No. 63. Hearing on Evidence Week 58 (10-14 June 2013).

8 Mr. Nou Mao was examined in the following order: President of the Trial Chamber Nil Nonn; International Prosecutor Keith Raynor; National Civil Part Lawyer Lor Chunthy; National Defense Lawyer for Nuon Chea Son Arun; International Defense Lawyer for Nuon Chea Victor Koppe.

9 Trial Chamber. Transcript of Trial Proceedings (20 June 2013). E1/210.1. Lines 21-22. 20.

10 See Trial Chamber. "Announcement of remaining hearings prior to the close of evidentiary proceedings in Case 002/02 and scheduling of Final Trial Management Meeting for 13 June 2013" (31 May 2013). E288. par 6. 2.

11 See Case 002 KRT Trial Monitor. Issue 63. Hearing on Evidence Week 58 (10-14 June 2013). 6-8.

12 Trial Chamber. Transcript of Trial Proceedings (19 June 2013). E1/209.1. Lines 1-5, 24-25. 64-65.

<sup>13</sup> Son Arun had been asking questions related to Witness Nou Mao's attendance in training sessions presided by Ta Mok and Chou Chet.

<sup>14</sup> The Prosecutor however, asserted that Ben Kiernan did not refuse to testify but rather requested to be allowed to testify by remote participation.

<sup>15</sup> See Internal Rules of the Extraordinary Chambers In The Courts of Cambodia, Revision 8, as revised on 3 August 2011 [hereinafter Internal Rules] Rule 80 on Preparation of the Trial. Particularly on documents, IR 80.3 provided that the 3. The Chamber may order the parties, within a prescribed time limit prior to the Initial hearing, to file documents including b). A list of exhibits they intend to offer in the case, containing a brief description of their nature and contents. d). A list of new documents which they intend to put before the Chamber with a brief description of their contents and a list of documents already on the case file, appropriately identified.

<sup>16</sup> Koppe objected four times to Raynor's questioning of Nou Mao. The objections referred to Raynor primarily relying on Ben Kiernan's notes of his interview with the Witness during the examination to refresh the Witness' memory on matters he professed he had forgotten about. The Prosecutor used terms like "you stated..." when confirming the content of Ben Kiernan's interviews. Koppe's objection was founded on a lack of certainty that the document, originally handwritten in English, accurately reflected Nou Mao's own words from his interview taken 31 years prior.

<sup>17</sup> See Internal Rules of the Extraordinary Chambers In The Courts of Cambodia, Revision 8, as revised on 3 August 2011, Rule 87. Rule 87(4) provides that during trial, at the request of a party, the Chamber may admit any new evidence that it deems conducive to ascertaining the truth so long as it is in compliance with Rule 87(3).