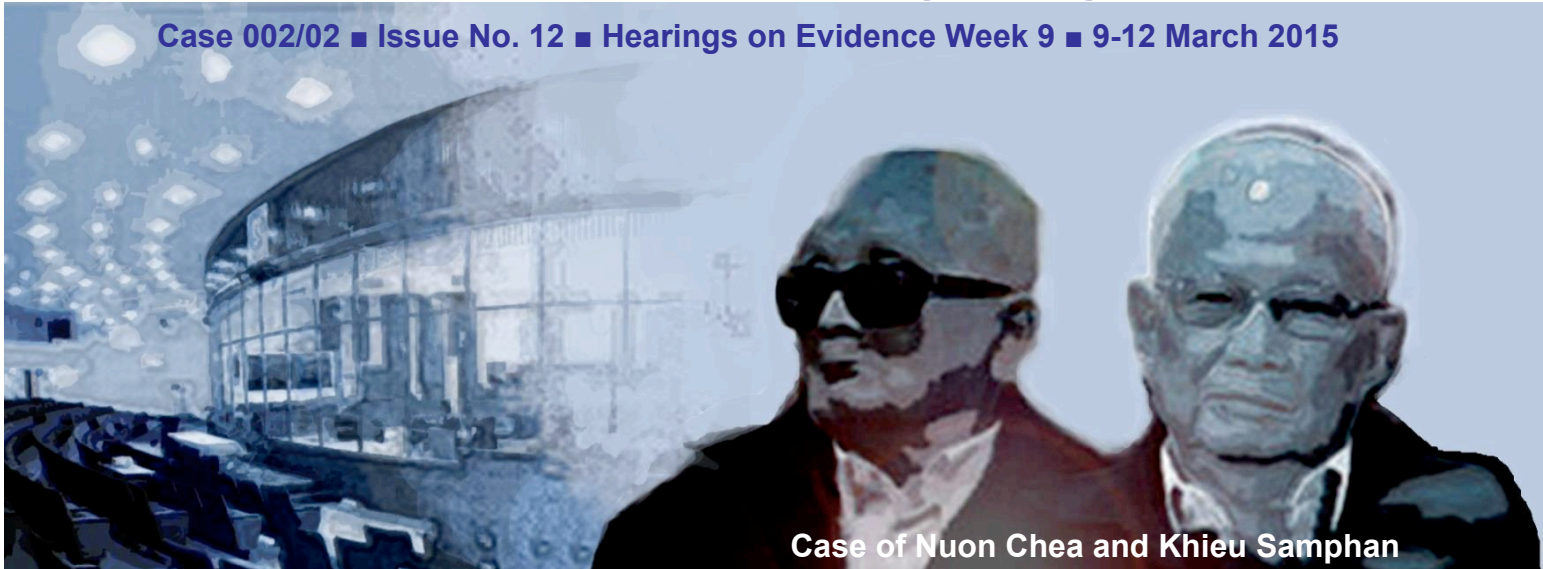


KRT TRIAL MONITOR

Case 002/02 ■ Issue No. 12 ■ Hearings on Evidence Week 9 ■ 9-12 March 2015



Case of Nuon Chea and Khieu Samphan

Asian International Justice Initiative (AIJI), a project of East-West Center and the WSD Handa Center for Human Rights and International Justice at Stanford University (previously known as the UC Berkeley War Crimes Studies Center)

*I am not afraid to tell you about my position at the time.
I was instructed to assist in the worksite building the dams or dykes, et cetera.*

- Witness Neang Ouch¹

I. OVERVIEW

The Trial Chamber continued to hear evidence from former cadres in Tram Kak District from 9 to 12 March. Following the previous weeks' examination of former guards and officials at Kraing Ta Chan Security Center, this week the Court heard evidence regarding food and labor conditions in DK's rural cooperatives, as well as the administrative structure in District 105, Sector 13, and the Southwest Zone. The Chamber heard from two witnesses, Mr. Neang Ouch, who is alleged by others to have been chief of District 105 in 1977 and 1978, and Mr. Nut Nouv, the former of chief of Srae Ronoung Commune in 1978. Both witnesses provided details about cooperative labor, food supply, and security policy, as well as their understandings of the DK administrative hierarchy. Neang Ouch's testimony contained notable inconsistencies, and he denied holding any District-level position, which prompted the OCP to warn him of penalties for perjury. Additionally, this week the Chamber attempted to clarify its directives on the confidentiality of future witnesses, while effectively dealing with issues of trial scheduling and time management.

II. SUMMARY OF WITNESS TESTIMONY

The Chamber proceeded efficiently through the testimony of two witnesses who were formerly Khmer Rouge cadres in Tram Kak District. The first witness, Neang Ouch, testified over the course of four days. Although the Witness repeatedly denied others' statements that he was chief of Tram Kak District at one point in the DK era, these allegations, if true, would make him the highest-ranking former Khmer Rouge official to testify yet in Case 002/02. The second witness, Mr. Nut Nouv, began his testimony on 12 March and will continue in the following week. He discussed his experiences as a cadre in Tram Kak, including his role as chief of Srae Ronoung Commune from 1978 until the end of DK.

A. Summary of Testimony by Witness Neang Ouch

Over more than three days' worth of evidentiary hearings this week, the Trial Chamber heard the testimony of Mr. Neang Ouch, alias 'San'.² Previous witnesses have identified Neang Ouch as the former secretary of District 105 (Tram Kok District) in 1977.³ The Witness currently resides in Samlout District, Battambang Province, where he has lived since the fall of DK. His testimony dealt with his position within the Khmer Rouge prior to 1975, his familial ties to Ta Mok, his knowledge of the DK administrative hierarchy, his work in Leay Bour Commune, and details on forced marriages and execution orders.

1. Witness' Roles Before and During 1975

During the years between 1970 and 1975, Neang Ouch testified that he was assigned to "the Front" in Tram Kak District, tasked with overseeing propaganda and efforts to appeal for new followers to join the United Front of Kampuchea (FUNK). The Witness claimed he was not able to fulfill his responsibilities in this position after he contracted malaria, but he was not consistent about the details of his illness.⁴ Neang Ouch was subsequently appointed chief of education for the Southwest Zone, after having met Ta Sy, a deputy of Ta Mok in the Southwest Zone (and, later, the leader of the West Zone). Neang Ouch taught for four years. The Witness claimed that he was never referred to as 'Teacher San', which contradicted another witness' OCIJ statement that noted someone known as 'Kruu (Teacher) San' had received training on documents provided by 'Angkar' in the Liberated Zone. Neang Ouch explained that the Takeo Sector Committee (Sector 13, in DK terms) later transferred him to Koh Andet district, where he assisted Ta Penh, the District chief.

2. Witness' Roles in Tram Kak and Interactions with DK Senior Leaders After 1975

Throughout Neang Ouch's testimony, he pointed out various positions he held in Tram Kak district during the DK era. The Witness confirmed that he was the brother-in-law of Ta Mok, as he married the former Southwest Zone Secretary's youngest sister, Oung Koeun, in 1966. The Witness initially claimed he never saw Ta Mok, however, he later acknowledged that they met on several occasions in 1975 after the 'liberation' of the country, when they planned the building of a dam at Angkor Borei together. The Witness was not always consistent in explaining how often he met Ta Mok, first noting that the Zone Secretary visited his worksite twice a month, but later stating the visits occurred more frequently. The Witness claimed that Ta Mok himself transferred him to "assist" in growing rice and digging canals at a cooperative in Leay Bour Commune in 1976 or 1977. He initially characterized his role there as that of a typical cooperative laborer, helping with the rice harvest and dam construction. However, Neang Ouch explained that his immediate superior was Sector 13 official Ta Ran, who later tasked him specifically with welcoming foreign delegations that visited the cooperative, acting as a "spokesperson" for other District and Sector officials, and coordinating with commune and mobile unit chiefs concerning work and food rations. Although the Witness acknowledged he held such responsibilities and reported to the Sector, he continued to deny that these roles constituted any position as District 105 chief.

International Co-Prosecutor Nicholas Koumjian cited an excerpt from scholar Ben Kiernan's book, which categorized 'San', Ta Mok's brother-in-law and a former schoolteacher, as a "leading CPK official."⁵ Neang Ouch disregarded this and claimed instead that he was "not an important cadre," only having assisted the District in dam and canal construction.⁶ Neang Ouch instead claimed that Sector 13 official Ta Ran oversaw District 105 in 1977, and that there were no other District chiefs after that point. However, the Witness contradicted this testimony at another point, as he explained that Ta Mok's oldest daughter, 'Yeay Khom', served as District 105 chief until 1977, when Ta Kith and Ta Chhay then took the position in succession. The Parties confronted the Witness with multiple letters ordering deportation, interrogation, and execution, with the signature of 'San'. The Witness denied knowledge all but one, which was

sent to someone named 'Chhoeun' about "sweeping clean" a group of detained widows and their children if they refused to be separated. The Witness declared that he did not know the fate of these women and children, and that he only wrote this letter under dictation from Sector 13 official Ta Ran. When the Witness identified 'Chhoeun' as a District 105 official, Mr. Koppe questioned how the Witness, who claimed to be working as an assistant to the District, was able to give orders to a higher-ranked cadre. Neang Ouch again explained that he was only forwarding orders dictated from Sector official Ta Ran. On other occasions, the Witness alluded to a higher position without admitting it. Under questioning by Mr. Koumjian, for example, the Witness confirmed he had a messenger working for him, but he also claimed at another point that only the District Committee had messengers working for them. Under questioning from the Judges, Neang Ouch also confirmed that he met Nuon Chea on two occasions in Phnom Penh in 1977 and 1978, when he attended 'study sessions' which focused on "the class struggle and to get rid of the capitalist class from within."⁷

3. Cooperative Conditions and Treatment of Targeted Groups

The Witness described visits of delegations from Sweden and China to Leay Bour Commune's 'model' cooperative. Neang Ouch claimed that the delegations were received in a "casual manner," denying a claim that laborers would stop work to receive "a new set of clothes each, and then proceed to the communal mess hall."⁸ Under questioning from the Civil Parties on the scarcity of food in some Tram Kak cooperatives, Neang Ouch explained that there was a District-wide system through which cooperatives with food surpluses would share their rations with hungrier cooperatives. He added that those who complained of insufficient food or stole food due to hunger were not punished but only issued with warnings and education, for they were considered 'minor crimes'. With regard to 'serious crimes', such as rape, Neang Ouch maintained that victims were never punished, but perpetrators were arrested or sent for 're-education'. He confirmed that people were sent to Kraing Ta Chan for such 're-education' and sometimes faced interrogations, however, the Witness repeatedly denied knowledge of executions there. The Witness was asked about the meaning of the phrase 'to sweep clean', and, after consultation with his Duty Counsel, he confirmed that the term signified execution. Regarding the regulation of marriage, the Witness stated that the commune chiefs arranged marriages in Leay Bour cooperative, but he testified that he never saw anyone refuse the weddings, nor did he ever witness militiamen eavesdropping under new couples' homes to ensure marriages were consummated. He further added that "matched" couples married by the Khmer Rouge were given opportunity to consent, and that they faced no punishment if they separated after marriage. The Witness also denied the existence of policies targeting any categories of people, including evacuees from Phnom Penh, the Cham, Khmer Krom, or ethnic Vietnamese, in Tram Kak District.

4. Witness Demeanor and Credibility

Neang Ouch repeatedly claimed he could not provide answers or was unaware of Khmer Rouge policies, as he was only concerned with his own needs during the DK era. However, he appeared to be aware of how his inability to provide answers was perceived, declaring on one occasion, "I do not have anything to hide, Your Honour, but I simply cannot recall it."⁹ As has already been noted, the Witness frequently contradicted himself. For example, he initially claimed he did not learn of Kraing Ta Chan until after the 1979 Vietnamese invasion of Cambodia, yet he later confirmed receiving messages from the Security Center during the DK era. The Witness denied so many sworn statements of other witnesses and corroborating documentary evidence suggesting that he in fact was chief of District 105, that the OCP at one point explicitly reminded him of the criminal penalties for perjury (see III.A). Notably, the Witness frequently sought consultation from his Duty Counsel even on objective questions concerning Khmer Rouge terminology, such as the difference between 'light' and 'serious' offenses, or the term 'sweeping clean'. In one of Neang Ouch's stranger attempts to evade questioning, he declined to speak about DK policies regarding the treatment of ethnic

Vietnamese and relations with Vietnam in the name of his “personal safety and security.” He declared, “I dare not speak about this because lots of Vietnamese people are now living in Cambodia.” When Defense Counsel proposed a possible *in camera* hearing to discuss the topic, Neang Ouch reiterated his worries and explained that many Vietnamese live near his home in Samlout and nearby Pailin Province.¹⁰ Given that the two areas lie along the Cambodia-Thai border and were Khmer Rouge strongholds fighting against the Vietnamese occupation in the 1980s, it seems unlikely that a substantial number of Vietnamese live there.

B. Summary of Testimony by Witness Nut Nouv

Witness Nut Nouv is 74 years old and lives in Ang Roneab village, Tram Kak commune, Tram Kak district, Takeo province, where he also lived as a Khmer Rouge group leader from 1970 to 1973. His examination before the Chamber, however, mostly concerned his subsequent position as records-keeper at the Nheang Nhang Commune office and his appointment as chief of Srae Ronoung Commune in early 1978. His testimony commenced on 12 March with the OCP’s questions, and it will continue next week.¹¹

1. Arrival of Urban Evacuees and Their Treatment in Tram Kak District

The Witness testified that he was working in the Nheang Nhang Commune office at the time of the country’s liberation in 1975, and he saw a group of approximately 1000 people arrive from Phnom Penh. He stated that the urban evacuees, or so-called ‘17 April people’ were welcomed to live and eat with the ‘base’ people, but he acknowledged they were already identified in separated lists. The Witness said that he never saw cadres take the biographies of the evacuees, explaining that he was focused on economic matters working as a clerk in the Commune office. However, he testified that he heard an announcement calling for evacuees to include their positions or jobs in the previous regime in biographies. Nut Nouv testified that some of those who responded to the announcement never came back after “they were sent for re-education,” while others remained as long as they did not oppose the DK’s “general principles.”¹² He further elaborated that opposition to the DK regime referred to people who did not agree with or dared to speak out against the Revolution. In relation to cooperatives in Nheang Nhang Commune, the Witness explained that, when city dwellers arrived in his area, they were first organized into ‘mutual assistant teams’. He testified that, by 1977, these teams were structured into cooperatives, which were characterized by the introduction of communal eating and work units categorized as ‘full-rights people’, ‘candidate people’ and ‘depositees’.¹³ Nut Nouv also said there was food shortage in his commune, and he clarified that the Commune chief determined the food rations and oversaw the general supply. He acknowledged that his own role, in an economic function at the Commune office, included reporting about economic expenditures, consumption of meat, fish, and vegetables, and the distribution of food. He explained that he would send reports to “the upper level,” but that the Commune chief kept any details on distinctions between ‘base people’ and ‘17 April people’. He identified his superiors as Ta Soeun, the commune chief, and Ta Mean, a deputy.

2. Experiences as Chief of Srae Ronoung Commune, Tram Kak District

Nut Nouv testified that he was promoted to be chief of Srae Ronoung Commune in early 1978. The Witness was asked about the administrative structure of District 105 and Sector 13, and he explained that he was instructed to attend monthly District- and Sector-level meetings to discuss security matters. However, he insisted that Commune officials had no decision-making authority in this domain, claiming that decisions on arrests and ‘smashing’ came only from the Zone or Sector. The Witness recalled the chiefs of Sector 13 (Takeo Province) successively as Ta Saom, then Ta Prak, and lastly, Ta Ran. The Witness specifically denied involvement in actual decisions related to security, and he testified that he heard of, but never met, Ta Ann, the chief of Kraing Ta Chan Security Center. Asked to define the phrase ‘sweeping clean’, Nut Nouv explained that it referred to purges of cadres who were disloyal to the CPK, including

commune chiefs or committee members. The Witness testified that he arrived at Srae Ronoung Commune only after the prior chief had purged cadres there. Therefore, Nut Nouv claimed, no one was arrested during his tenure as chief of the Commune. However, he also described his fear of such internal purges as the impetus to work harder to achieve DK's economic goal of harvesting three tons of rice per hectare in the Commune. Concerning food rations, Nut Nouv testified that all categories of people ate rice gruel, but he added that, in his commune, there would be a small celebration, with pork and beef served, every ten days. He also asserted that no one in his commune ever pretended to be sick or tried to escape.

3. Witness Demeanor and Credibility

Nut Nouv appeared to try hard to providing as much factual information as he could. When unsure about a particular question, he politely asked the Prosecutors to either repeat or clarify their questions. He proactively acknowledged his own confusion or uncertainty with regards to particular subjects, especially if he claimed not to be present for an event in question. However, it was notable that he was unable to recall details of security-related meetings and purges of former Lon Nol officials during the period when he was chief of Srae Ronoung Commune. In contrast, he provided many details regarding the economic program and food supply under his tenure in the Commune. As a result of this inconsistent ability to recall such key details, the OCP was unable to determine a clear picture on security policies and the relevant administrative structure in District 105 and Sector 13.

III. LEGAL AND PROCEDURAL ISSUES

This week, the Parties grappled with two particular procedural dilemmas that were raised during the sometimes tense examination of Witness Neang Ouch. Concerns over his credibility prompted the OCP to cite procedures on the punishment of perjury. Separately, the Chamber clarified policies protecting the confidentiality of witnesses who have not yet appeared before the Chamber, but even the Judges did not consistently adhere to their own directives.

A. OCP's Reference to Perjury Laws During Former Cadre's Testimony

On Monday the 9th, international Co-Prosecutor Nicholas Koumjian repeatedly confronted Witness Neang Ouch with statements from others identifying him as the former chief of District 105, but he consistently rebuffed these allegations. The first three sessions of the OCP's examination grew tenser as the International Co-Prosecutor specifically raised the need to evaluate the Witness' credibility. At the outset of the day's final session, the Co-Prosecutor re-summarized the statements of other individuals about the Witness' administrative position in DK. He then reminded the Witness that he was not at the ECCC "to be prosecuted for what happened during the Khmer Rouge period," but he also reminded him that he took an oath before his testimony at the Court, and that he was therefore "subject to penalty of perjury."¹⁴ Citing Internal Rule 36, Mr. Koumjian asked his national colleague, national Senior Deputy Co-Prosecutor Song Chorvoin, to read out Article 545 of the Cambodian Code of Criminal Procedure, which sets out the criminal penalties for perjury. Victor Koppe interjected to clarify that Internal Rule 36 specifically gives the Chambers the ability to remind a Witness of the duty to tell the truth, and he argued that the Prosecution could only request the Chamber to remind the Witness.¹⁵ Kong Sam Onn argued against the OCP's action, calling it "something like a threat to the witness."¹⁶ Mr. Koumjian did not react to Defense Counsel's specific statements, but he requested that the Court advise the Witness "of the consequences of not telling the truth."¹⁷ With the permission of the Judges, Ms. Song Chorvoin read out the text of Article 545 of the CPC.¹⁸ Mr. Koumjian then resumed his questioning, stating, "Mr. Witness, your fellow Cambodians are in the audience listening. The victims of the crimes are listening. Can you tell us, were you appointed to the District committee of Tram Kak?"¹⁹ The Witness again denied holding the position of Tram Kak District chief, stating that the other witnesses cited "may confuse or they may – made a mistake."²⁰ From this point onwards, the International Co-

Prosecutor and other Parties stopped openly doubting the Witness' credibility, and there was no indication that the Trial Chamber would take any action to forward the situation to the domestic criminal courts on the grounds of alleged perjury.

B. Confidentiality of Witnesses

The Chamber struggled this week to clarify a coherent policy on the confidentiality of other witnesses referenced during witness testimony. As the international CPLCL questioned Witness Neang Ouch on the morning of March 10th, she attempted to cite the OCIJ interview of a woman who Mr. Neang Ouch had worked with in District 105 and she referred to this witness by name. Defense Counsel Kong Sam Onn took the floor to object, drawing attention to the confidentiality required for witnesses who have not yet appeared before the Chamber. When Ms. Guiraud explained that this witness had not made any requests for protective measures of confidentiality, Counsel Victor Koppe intervened to ask for clarification from the Chamber, saying, "Now I'm getting confused. Are we now allowed to use the names of future witnesses or aren't we?"²¹ The Chamber announced that all Parties should refer to the pseudonyms or relevant document numbers of future witnesses, rather than using their real names. Later that day, however, Judge Lavergne referred to the OCIJ interview of another witness using his pseudonym, 2-TCW-809, but failed to remind Mr. Neang Ouch not to state this witness' name. When Neang Ouch revealed the name of the relevant witness, Judge Lavergne stated, "I had hoped that the name of that person wouldn't be revealed, but on the other hand it facilitates matters," and he proceeded to use the real name of that witness throughout his examination of Neang Ouch. The name of this Witness was therefore written multiple times into the public transcript.²² The next day, however, before Mr. Koppe referred to another witness' statement to OCIJ during examination of Neang Ouch, the President reminded Counsel to write the witness' name on a piece of paper to "conform to the issue of confidentiality." As the events this week demonstrated, the Chamber has not made clear, coherent rulings on the confidentiality of other witnesses who have yet to testify. Furthermore, Judge Lavergne's use of Neang Ouch's human error, in revealing the name of one witness, to "facilitate matters" indicated the Chamber's disregard for its own directives.

IV. TRIAL MANAGEMENT

This week, the Trial Chamber purposefully moved forward with Case 002/02, allowing two witnesses to be heard even as it continued to decide on the Defense motion concerning the issue of ongoing disclosures from Cases 003 and 004. The President also interrupted two Defense Counsel on separate occasions, sparking brief confrontations with the Parties.

A. Attendance

Nuon Chea waived his right to be present in the main courtroom and observed proceedings from the holding cell, while Khieu Samphan was present in the courtroom during all sessions throughout the week.

Judge Attendance: All judges of the Trial Chamber were present in the courtroom throughout this week.

Civil Parties Attendance: There were approximately ten Civil Parties observing the proceedings each day this week in the courtroom.

Parties: All the Parties were present in the courtroom this week. Mr. Arthur Vercken, international Co-Lawyer for Khieu Samphan, made his first appearance in Case 002/02.

Attendance by the public: During the 12 March hearing, younger high school students under the age of 16 were not allowed to sit in the public gallery after the ECCC guards noted they

were having problems paying attention to the proceedings.

DATE	MORNING	AFTERNOON
Monday 09/03/2015	<ul style="list-style-type: none"> ▪ Approximately 160 students from Hun Sen Bun Rany Wat Phnom High School, Khan Daun Pehn, Phnom Penh ▪ Five foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 230 students from Hun Sen Bun Rany Wat Phnom High School, Khan Daun Pehn, Phnom Penh ▪ Two foreign observers
Tuesday 10/03/2015	<ul style="list-style-type: none"> ▪ Approximately 200 students and five teachers from Entrak Tevy High School, Khan Tuol Kork, Phnom Penh ▪ Seven foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 200 students and five teachers from Entrak Tevy High School, Khan Tuol Kork, Phnom Penh ▪ 17 international students from Institute of Human Rights and Peace Studies, Mahidol University, Bangkok, Thailand ▪ One foreign observer
Wednesday 11/03/2015	<ul style="list-style-type: none"> ▪ Approximately 250 villagers, including Cham, from Tuek Phos district, Kampong Chhnang ▪ Approximately 40 students from Paññāsāstra University of Cambodia, Phnom Penh ▪ Four monks ▪ 17 foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 200 students and Prek Eng High School, Khan Chmar Ampov, Phnom Penh ▪ Five foreign observers
Thursday 12/03/2015	<ul style="list-style-type: none"> ▪ Approximately 140 students and five teachers from Wat Koh High School, Khan Daun Pehn, Phnom Penh ▪ 15 foreign observers 	<ul style="list-style-type: none"> ▪ Approximately 50 students and five teachers from Wat Koh High School, Khan Daun Pehn, Phnom Penh ▪ Two foreign observers

B. Time Management

This week, the Trial Chamber demonstrated its intention to hear the testimony of Witness Neang Ouch, even though the Defense Team for Nuon Chea had asked that his testimony be deferred until after thorough review of documents entering the case file from the investigations in Cases 003 and 004.²³ At the outset of the week's hearings, President Nil Nonn announced the Chamber's oral decision to proceed with its agenda to hear the Witness, with the reasoning that the Witness' testimony cannot be delayed indefinitely even as evidence will continue to be disclosed. Further, he reminded Parties of their right to make applications to recall witnesses if future disclosures include evidence relevant to their testimony. As a consequence of its decision, the Trial Chamber successfully heard the full testimony of Witness Neang Ouch over three days, and it commenced the testimony of a new witness, Nut Nouv, on the final day of the week's proceedings.

C. Courtroom Etiquette

On 11 March, Mr. Suon Visal, national consultant to Nuon Chea, observed that Judge Jean-Marc Lavergne's prior questioning of Witness Neang Ouch over two hearing sessions resembled the

role of the prosecutor. President Nil Nonn swiftly interrupted the Defense lawyer and sharpened his tone as he reprimanded him. The President said, “You are not allowed to criticize the Bench. I refer you to the procedure and also to Cambodian Law, and if you are not sure, you can also refer us to any particular law which allows you to criticize the Bench.” When Suon Visal responded bluntly that the President had interrupted him as he planned to discuss legal procedures, the President again interrupted and asked him to put questions to the Witness rather than criticize the Bench. Suon Visal proceeded with questioning but promised to file an appeal to the Supreme Court Chamber “at a later stage.”

In the final minutes of the 11 March hearing, the President allowed the Parties to briefly comment on the OCP’s regarding a new witness’ testimony. Although Arthur Vercken, international counsel for Khieu Samphan, explained his team did not object to this request, he used the opportunity to critique the OCP’s disclosures of documents from Cases 003 and 004. After allowing this criticism to go on for a long time and for Counsel to begin to repeat himself, the President interrupted, stating, “We allowed you the floor last time to speak of this issue. You did not participate in that meeting.”²⁴ He reminded Counsel that the time allotted was simply to discuss the specific OCP request, E319/7, and that the Chamber still had to hear the Civil Parties’ submissions with little time left in the day. When Mr. Vercken began to resume his criticism, however, the President immediately interrupted him to remind him of his absence at the trial management meeting and to tell him that his time was expired.

Trial monitors also noted Parties and Judges’ continued use of cellphones during proceedings; on one occasion, Judge Lavergne had to silence his own phone when it started to ring just as he was questioning Witness Neang Ouch.

D. Translation and Technical Issues

Several translation and technical issues occurred this week, prompting complaints from the Parties and the Bench about the accuracy of communications. Witnesses were asked to repeat their answers on multiple occasions due to a missed English or French translation. There was also a document cited during Judge Lavergne’s examination of Witness Neang Ouch that had apparently been poorly translated. As the Judge asked about teachers in District 105 (Tram Kak District), Defense Counsel Koppe noted the English translation of document E313.1.18 read “105 teachers.” Judge Lavergne explained the French version said the same, but that his interpretation was that the document referred to teachers in District 105. He then asked his Khmer colleagues to confirm the situation and found that “what is on that record corresponds to what I’m saying.” Regarding technical interruptions, the audio system on the Defense’s side of the courtroom was malfunctioning at the start of hearings on March 9th, and the President promptly instructed the AV unit to fix the issue.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 09/03/2015	9:01	10:12 – 10:31	11:31 – 13:29	14:42 – 15:04	16:01	4 hours and 21 minutes
Tuesday 10/03/2015	9:02	10:10 – 10:29	11:35 – 13:35	14:42 – 14:59	16:01	4 hours and 23 minutes

Wednesday 11/03/2015	9:06	10:12 – 10:31	11:34 – 13:32	14:37 – 15:00	16:08	4 hours and 22 minutes
Thursday 12/03/2015	9:00	10:22 – 10:41	11:34 – 13:32	14:44 – 15:06	16:07	4 hours and 28 minutes
Average number of hours in session				4 hours and 23 minutes		
Total number of hours this week				17 hours and 34 minutes		
Total number of hours, day, weeks at trial				118 hours and 23 minutes		
33 TRIAL DAYS OVER 12 WEEKS						

*This report was authored by Johanna Hamark Kindborg, Huy Sambor, Nget Lonh, Daniel Mattes, Lina Tay, Phoebe Sabin, Penelope Van Tuyl, and Oudom Vong as part of AIJI's KRT Trial Monitoring and Community Outreach Program. AIJI is a collaborative project between the East-West Center, in Honolulu, and the WSD Handa Center for Human Rights and International Justice at Stanford University (previously known as the UC Berkeley War Crimes Studies Center). 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 Southeast Asia.



Unless specified otherwise,

- § the documents cited in this report pertain to *The Case of Nuon Chea 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 made by AIJI staff; 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
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ Trial Chamber, Transcript of Trial Proceedings (9 March 2015), E1/273.1 [hereinafter **9 MARCH TRANSCRIPT**], lines 22-24, p. 24.

² Mr. NEANG Ouch (2-TCW-803) was questioned in the following order: President NIL Nonn; national Senior Deputy Co-prosecutor SONG Chorvoin; international Co-Prosecutor Nicholas KOUMJIAN; international Civil Party Lead Co-Lawyer Marie GUIRAUD; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; national Legal Consultant for Nuon Chea, SUON Visal; international Co-Lawyer for Nuon Chea, Victor KOPPE; international Co-Lawyer for Khieu Samphan, Arthur VERCKEN; national Co-Lawyer for Khieu Samphan, KONG Sam Onn.

³ The OCP cited OCIJ statements of witnesses who have not yet testified before the Tribunal, but they also noted that Ta San was named as a chief of Tram Kak District (also known as District 105) during the DK period by Mr. Van Soeun, alias Suon, a former guard and messenger at Kraing Ta Chan Security Center. See CASE 002/02 KRT TRIAL MONITOR, Issue 11, Hearings on Evidence Week 8 (3-5 March 2015), p. 3.

⁴ Initially, the Witness testified he “contracted malaria and it lasted for six months” (9 MARCH TRANSCRIPT, lines 7-8, p. 11). He soon thereafter reiterated this claim, but said that he “had malaria for a month” (9 MARCH TRANSCRIPT, line 23, p. 27).

⁵ *The Pol Pot Regime: Race, Power and Genocide in Cambodia under the Khmer Rouge* (E3/1593) by Ben KIERNAN.

⁶ 9 MARCH TRANSCRIPT, lines 23-25, p. 37.

⁷ Trial Chamber, Transcript of Trial Proceedings (10 March 2015), E1/274.1 [hereinafter **10 MARCH TRANSCRIPT**], lines 18-19, p. 46.

⁸ The claim is also found in scholar Ben Kiernan’s book, *The Pol Pot Regime: Race, Power and Genocide in Cambodia under the Khmer Rouge* (E3/1593).

⁹ 10 MARCH TRANSCRIPT, lines 24-25, p. 46.

¹⁰ Trial Chamber, Transcript of Trial Proceedings (12 March 2015), E1/276.1 [hereinafter **12 MARCH TRANSCRIPT**], lines 23-25, p. 11; lines 1-3, p. 12.

¹¹ Mr. NUT Nouv (2-TCW-948) was questioned in the following order: President NIL Nonn; national assistant prosecutor SREA Rattanak; international senior assistant prosecutor Vincent DE WILDE D’ESTMAEL.

¹² 12 MARCH TRANSCRIPT, line 7, p. 40; line 12, p. 40.

¹³ The Witness explained this categorization scheme clearly: “The ‘full-rights people’ refers to the faithful or loyal people to Angkar. And the ‘candidate people’ refer to those who had their children study or had their children living in the enemy zone. As for the ‘depositees’, they refer to all city dwellers who had been evacuated.” See 12 MARCH TRANSCRIPT, lines 3-8, p. 43.

¹⁴ 9 MARCH TRANSCRIPT, lines 8-9, p. 75; line 19, p. 75.

¹⁵ Rule 36, “False Testimony under Solemn Declaration,” reads as follows: “1. The Co-Investigating Judges or the Chambers may, on their own initiative or at the request of a party, remind a witness of their duty to tell the truth and the consequences that may result from failure to do so. 2. If the Co-Investigating Judges or the Chambers have grounds for believing that a witness may have knowingly and wilfully given false testimony, they may follow the procedure, as applicable, in Rule 35(2). 3. Cambodian Law shall apply in respect of sanctions imposed for false testimony under solemn declaration.”

¹⁶ 9 MARCH TRANSCRIPT, line 3, p. 77.

¹⁷ 9 MARCH TRANSCRIPT, line 9, p. 77.

¹⁸ Article 545 of the CPC, as Song Chorvoin’s dictation was translated by the ECCC interpreters, reads as follows: “The false testimony made after the oath before the Chamber or before the Judicial Police who acted in the framework of rogatory letter shall be punished for two to five years in prison and shall be fined for 4 million riel to 100 million riel. And the witness shall be exempt from any punishment if he or she retracts his or her testimony spontaneously and only speaks the truth before the decision terminating the investigating or trial procedure is made.”

¹⁹ 9 MARCH TRANSCRIPT, lines 21-24, p. 78.

²⁰ 9 MARCH TRANSCRIPT, lines 15-16, p. 79.

²¹ 10 MARCH TRANSCRIPT, lines 22-24, p. 17.

²² 10 MARCH TRANSCRIPT, pp. 66-67.

²³ See CASE 002/02 KRT TRIAL MONITOR, Issue 11, Hearings on Evidence Week 8 (3-5 March 2015), pp. 3-6.

²⁴ The President was referring to the trial management meeting it held on the afternoon of 5 March 2015. The Greffier had reported that day that Counsel Arthur Vercken was not present that day in the courtroom due to health issues. See CASE 002/02 KRT TRIAL MONITOR, Issue 11, Hearings on Evidence Week 8 (3-5 March 2015), p. 7.