



**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

Nation Religion Roi	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
..... 20 / 03 / 2015 .....	
ម៉ោង (Time/Heure) : .....	
..... 11 : 25 .....	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé	
du dossier: .....	
SAMN RANA	

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

9 March 2015

Substantive Hearing on Evidence 002/02 – Day 254

Prepared by:

SE Kolvuthy and Matthew McCARTHY

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President); Judge Claudia FENZ; Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara
<b>Reserve Judges:</b> Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
<b>Greffiers:</b> Ms. SE Kolvuthy; Mr. Matthew McCARTHY
<b>OCP:</b> Mr. Nicholas KOUMJIAN; Mr. Dale LYSAK; Ms. SONG Chorvoin
<b>Accused:</b> Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
<b>Defence for the Accused Nuon Chea:</b> Mr Victor KOPPE; Mr. SON Arun; Mr. SOUN Visal
<b>Defence for the Accused Khieu Samphan:</b> Mr. KONG Sam Onn; Mr. Arthur VERCKEN
<b>Standby Counsel for the Accused Khieu Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
<b>Civil Parties:</b> Ms. Marie GUIRAUD; Mr. LOR Chunthy; Mr. VEN Pov; Mr. TY Srinna
<b>Witness:</b> Mr. NEANG Ouch alias Ta San (2-TCW-803)
<b>Others:</b> Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. CHHOUK Kimmoa; Ms. SOK Sopheakmonica; Mr. MEACH Sovanna; Ms. SREY Nak (Transcribers); Ms. Sara ERJAVEC; Mr. Chiseng HOU

*Handwritten mark*

Duty Counsel: Mr. MOEURN Sovann
---------------------------------

<u>General court times</u>		
Day	Start time: 09:02	Finish time: 16:02
Recess am	Start time: 10:13	Finish time: 10:32
Recess	Start time: 11:33	Finish time: 13:31
Recess pm	Start time: 14:43	Finish time: 15:05
	Total Court Time:	4 hours and 20 minutes

<u>General court times</u>		
Day	Start time: 09:02	Finish time: 16:02
Recess am	Start time: 10:13	Finish time: 10:32
Recess	Start time: 11:33	Finish time: 13:31
Recess pm	Start time: 14:43	Finish time: 15:05
	Total Court Time:	4 hours and 20 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing, request to delay the testimony of witness 2-TCW-803 and attendance of the Parties	Trial Chamber, Greffier (NUON Chea)	09:02	09:07
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:07	09:09
Questioning of Witness NEANG Ouch (2-TCW-803)	Trial Chamber	09:15	09:25
	Co-Prosecutors	09:25	16:01
Internal Rule 36(1) - "remind[ing] a witness of their duty to tell the truth"	Co-Prosecutor	15:09	15:10
		15:15	15:16
	NUON Chea Defence	15:10	15:11
	KHIEU Samphan Defence	15:11	15:12
	Trial Chamber	15:14	15:14

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing, request to delay the testimony of witness 2-TCW-803 and attendance of the Parties	Trial Chamber, Greffier (NUON Chea)	09:02	09:07
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:07	09:09
Questioning of Witness NEANG Ouch (2-TCW-803)	Trial Chamber	09:15	09:25
	Co-Prosecutors	09:25	16:01
Internal Rule 36(1) - "remind[ing] a witness of their duty to tell the truth"	Co-Prosecutor	15:09	15:10
		15:15	15:16
	NUON Chea Defence	15:10	15:11
	KHIEU Samphan Defence	15:11	15:12
	Trial Chamber	15:14	15:14

<u>Summary of Proceedings</u>
<p><b><u>Opening of hearing, request to delay the testimony of witness 2-TCW-803, attendance of the Parties</u></b></p> <p>The President opened the proceedings and summarized the reasons rejecting the NUON Chea request to delay the testimony of witness NEANG Ouch (2-TCW-803) for an unspecified time due to disclosures from Cases 003 and 004. The Greffier informed the Trial Chamber that all Parties were present in the courtroom except for the Accused NUON Chea. NUON Chea was present in the holding cell.</p> <p><b><u>NUON Chea request to follow the hearing from the holding cell</u></b></p> <p>The Trial Chamber granted the request of the NUON Chea Defence waiving NUON Chea's right to be present in the courtroom and to follow the proceedings from his holding cell.</p> <p><b><u>Questioning of Witness NEANG Ouch alias Ta San (2-TCW-803)</u></b></p> <p>The Trial Chamber and the Co-Prosecutors questioned of the witness.</p> <p><b><u>Internal Rule 36(1) - "remind[ing] a witness of their duty to tell the truth"</u></b></p>

**Opening of hearing, request to delay the testimony of witness 2-TCW-803, attendance of the Parties**

The President opened the proceedings and summarized the reasons rejecting the NUON Chea request to delay the testimony of witness NEANG Ouch (2-TCW-803) for an unspecified time due to disclosures from Cases 003 and 004. The Greffier informed the Trial Chamber that all Parties were present in the courtroom except for the Accused NUON Chea. NUON Chea was present in the holding cell.

**NUON Chea request to follow the hearing from the holding cell**

The Trial Chamber granted the request of the NUON Chea Defence waiving NUON Chea's right to be present in the courtroom and to follow the proceedings from his holding cell.

**Questioning of Witness NEANG Ouch alias Ta San (2-TCW-803)**

The Trial Chamber and the Co-Prosecutors questioned of the witness.

**Internal Rule 36(1) - "remind[ing] a witness of their duty to tell the truth"**

32

International Co-Prosecutor requested that the Trial Chamber allow the national Co-Prosecutor to read the applicable Cambodian law on perjury and, pursuant to Internal Rule 36, reminded the witness of his duty to tell the truth and the consequences that may result from failure to do so. The NUON Chea Defence noted that Internal Rule 36 authorizes the Trial Chamber to remind the witness not one of the Parties. The KHIEU Samphan Defence noted that the witness may feel intimidated by the instruction. The Trial Chamber permitted the national Co-Prosecutor to remind the witness of his duty to tell the truth and the consequences that may result from failure to do so.



TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/400		00373454- 00373462 00379166- 00379174 00426173- 00426182	Written Record of Interview of PECH Chim	P	00373455 00373456	00379168	00426175
E319.1.15		00971364- 00971383 00981135- 00981156 00971351- 00971363	Written Record of Interview of NEANG Ouch	S	00971367 00971368 00971370 00971371 00971382	00981138 00981139 00981142 00981155 00981156	00978804 00978805 00978807 00978817
E3/4628		00373385- 00373392 00379301- 00379308 00426192- 00426200	Written Record of Interview of PECH Chim dated 26-08-2009	P	00373386	00379303	00426193
E319.1.14		00971351- 00971363 00980865- 00980878 00977355- 00977366	Written Record of Interview of NEANG Ouch	S	00971359	00980873 00980874	00977362 00977363
E3/1593		00637356- 00638099 00678476- 00678740 00638722- 00639444	[Corrected 1] Book by Ben Kiernan entitled "The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, [sic] 1975-79" (TYPO IN ORIGINAL)	P	00637488 00637490 00637634 00637488 00637489 00637490	00678538 00678587 00678590	00638821- 00638824
E3/135		00062789- 00062835 00446846- 00446883 00487707- 00487747	Revolutionary Flag The Internal Party Magazine published monthly, Issue 6 June 1977	P	00062794 00062795 00062796	00446850 00446851	00487711 00487712 00487713 00487714
E3/1339		01063905- 01063907 00168307- 00168399 N/A	Foreign Broadcast Information (FBIS) Collection of December 1977, Phnom Penh Domestic Service Broadcast	P	01063905 01063906 01063907	00168350 00168351	N/A

95-

E305/13.23.330		00929848- 00929916 00951825- 00951881 N/A	Statement of IM Chaem (DC-Cam)	P	00929877 00929878	00951845 00951847	N/A
E3/5857	D232/86	00418432- 00418437 00424727- 00424731 00436920- 00436924	Written Record of Interview of BIN Heng	P	00498434 00498435	00424729	00436922
E3/4627		00163489- 00163500 00223472- 00223482 00651255- 00651267	Written Record of Interview of EAP Duch	P	00163490 00163491	00223473 00223474	00651256 00651257
E319/12.3.2		00998722- 00998767 01057675- 01057732 N/A	Written Record of Interview of [redacted]	S	00998727	01057681	N/A
E319.1.17		00900700- 00900705 00911438- 00911443 00981795- 00981800	Written Record of Witness Interview [redacted]	S	00900702 00900704	00911440 00911442	00981797 00981799
E3/2444		00271028- 00271029 00322148- 00322151 00623340- 00623342	Report on the enemy's actions and the collective in the youth unit in Sre Ranong sub-district	P	00271029	00322149	
E3/2453		00270770- 00270785 00388574- 00388587 00611767- 00611775	Report on admissions made by Region 105	P	00270773 00270774 00270785	00388577 00388587	00611775
E3/2785		00079113- 00079121 00322191- 00322200 00753635- 00753640	Report to Tram Kak Police on the sending of three people	P	00079114 00079115	00322192 00322193	00753636

85

E3/2423	00079124- 00079134 00322206- 00322216 00611729- 00611736	Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109	P	00079128	00322210	00611732
E3/4093	00270786- 00270793 00831486- 00831492 00729674- 00729677	Report on smashing of four widows in Takeo	P	00279786 00279787	00831486	00729674

**Oral Orders/Decisions:**

- Order authorizing the Accused NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceedings (09:09).
- Order instructing the security personnel to bring the Accused back to the detention facility and to have them return in the courtroom for hearing on 10 March 2015 before 09:00 am (16:02).

**Orders for Adjournment of Hearing**

The hearing will resume on 10 March 2015 at 09:00 am. *85*

Phnom Penh, 9 March 2015

Greffier

Greffier

SE Kolvut

Matthew McCARTHY

