



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  
Nation Religion Roi

អង្គជំនុំជម្រះតុលាការកំពូល  
Supreme Court Chamber  
Chambre de la Cour suprême

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 23-Jul-2015, 10:21  
CMS/CFO: Sann Rada

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC-SC

6 July 2015  
Hearing – Day 3

Prepared by: PHAN Theoun and Paolo LOBBA

<b>Attendance Record</b>
<b>Before:</b> Judge KONG Srim (President), Judge Florence Ndepele MWACHANDE-MUMBA, Judge SOM Sereyvuth, Judge Agnieszka KLONOWIECKA-MILART, Judge MONG Monichariya, Judge Chandra Nihal JAYASINGHE, Judge YA Narin
<b>Greffier/s:</b> Volker NERLICH, SEA Mao, Sheila PAYLAN, Paolo LOBBA, PHAN Theoun
<b>OCP:</b> SONG Chorvoin, Nick KOUMJIAN
<b>Accused:</b> NUON Chea (from holding cell), KHIEU Samphân
<b>Defence for NUON Chea:</b> SON Arun, Victor KOPPE, LIV Sovanna, Doreen CHEN, Xiaoyan NIE, Prum PHALLA
<b>Defence for KHIEU Samphân:</b> KONG Sam Onn, Arthur VERCKEN, Marie CAPOTORTO, Clement BOSSIS, SENG Socheata
<b>Civil Party Lead Co-Lawyers:</b> Marie GUIRAUD, SIN Soworn, HONG Kimsuon, VEN Pov, TY Srinna, SNGUON Sohearith
<b>Witness:</b> TOAT Thoeun (also spelled TOIT Thoeurn) (SCW-5)
<b>Others:</b> UCH Arun (Court Officer), SREY Nak (Transcriber), VAT Somoa (Transcriber), LONH Nget (Transcriber), Amy BARBER (Consultant), Gayane KHECHOOMIAN (Intern), Samina ULLAH (Intern), Natalia NYCZAK (Intern)

<u>General court times</u>		
Day	Start time: 9:13	Finish time: 17:11
Lunch	Start time: 11:53	Finish time: 13:23
Recess pm	Start time: 15:11	Finish time: 15:25
	Total Court Time:	6 hours and 13 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Introduction and Identification of Witness and Informing Witness of His Rights.	The President	9:13	9:26
Questioning of SCW-5 on issues relating to the Witness's Written Record of Interview, family, character, background, Northwest Zone and Ta Nhim's character.	Co-Lawyers for NUON Chea	9:26	10:28
Questioning of SCW-5 on issues relating to the CPK structure, the Witness's role in the CPK and weapons storage in the forest.	Co-Lawyers for NUON Chea	10:28	10:42
Questions by Judge and Answers by SCW-5 on issues relating to weapons storage in the forest.	Judge KLONOWIECKA-MILART	10:42	10:46
Questioning of SCW-5 on events relating to intentions of storing weapons in the forest and rebellion against Angkar.	Co-Lawyers for NUON Chea	10:46	11:13
Questioning of SCW-5 on events relating to invasions of DK, armed conflict, attack on former Southwest soldiers and the Witness's arrests in 1978.	Co-Lawyers for NUON Chea	11:13	11:46
Questioning of SCW-5 on events relating to the attack on Pursat Village, evacuation of people, the killing of former LON Nol soldiers and Toul Po Chrey.	Co-Lawyers for NUON Chea	13:23	13:58

Questioning of SCW-5 on events relating to the Witness's role in carrying out security duties, Ta Nhim and the evacuation.	Co-Lawyers for KHIEU Samphân	13:58	14:19
Questioning of SCW-5 on events relating to the capture of Pursat Village and surrender of LON Nol troops.	Co-Lawyers for KHIEU Samphân	14:19	14:27
Questioning of SCW-5 on events relating to Zones and leadership.	Co-Lawyers for KHIEU Samphân	14:27	14:36
Questioning of SCW-5 on issues relating to weapons storage, the three grandfathers and studying in China.	Co-Lawyers for KHIEU Samphân	14:36	14:55
Questioning of SCW-5 on issues relating to the fate of the three grandfathers, number of warehouses constructed and the Southeastern Zone.	Co-Lawyers for KHIEU Samphân	14:55	14:57
Questioning of SCW-5 on issues relating to flying bombers in China, the danger of returning to Cambodia and the need to capture Kampuchea Krom.	Co-Lawyers for KHIEU Samphân	14:57	15:05
Questions by Judge and Answers by SCW-5 on issues relating to flying aircrafts to capture Kampuchea Krom.	Judge KLONOWIECKA-MILART	15:05	15:08
Questioning of SCW-5 on issues relating to the Witness's stay in China, the Northwest Zone, conference in Phnom Penh, Ta Nhim and Standing committee members of the Witness's Zone.	Civil Party Lead Co-Lawyers	15:25	15:45
Questioning of SCW-5 on relations between Ta Nhim and NUON Chea and NUON Chea's betrayal.	Civil Party Lead Co-Lawyers	15:45	15:49
Questioning of SCW-5 on issues relating to NUON Chea's betrayal of Ta Nhim and the Witness, Tuol Po	Co-Prosecutors	15:49	16:02

Chrey, CPK policy and transportation of soldiers.			
Questioning of SCW-5 on issues relating to China and retake of Kampuchea Krom.	Co-Prosecutors	16:02	16:06
Questioning of SCW-5 on issues relating to messages sent to and from the Zones/Party Centre and the transportation of people to Phnom Penh.	Co-Prosecutors	16:06	16:18
Questioning of SCW-5 on issues relating to Pang in the hierarchy.	Co-Prosecutors	16:18	16:20
Questions by Judge and Answers by SCW-5 on issues relating to the events at Tuol Po Chrey and attendance at a meeting.	Judge MWACHANDE-MUMBA	16:20	16:22
Questions by Judge and Answers by SCW-5 on issues relating to dissemination of policies and levels of authority, study sessions, transportation and killing of former LON Nol soldiers.	Judge MONG	16:22	16:36
Questions by Judge and Answers by SCW-5 on issues relating to mobilisation of 7,000 families in the absence of radio and Vietnamese troops.	Judge SOM	16:36	16:42
Questions by Judge and Answers by SCW-5 on issues relating to trucks transporting former LON Nol soldiers to Tuol Po Chrey and details about relating CPK policy overheard at meeting.	Judge KLONOWIECKA-MILART	16:42	16:57
Questions by Judge and Answers by SCW-5 on issues relating to Offices 560 and 870, Pang, the Witness's role as messenger, Ta Nhim and taking soldiers into the forest.	Judge YA	16:57	17:05
Questioning of SCW-5 on events relating to Ta Nhim	Co-Lawyers for NUON Chea	17:05	17:06

ordering killing of soldiers after taking Pursat Village and Battambang.			
Questions by Judge and Answers by SCW-5 on issues relating to Ta Nhim needing help from SCW-5 and reasons for not joining SCW-5 in the forest.	Judge JAYASINGHE	17:06	17:08

**Summary of Proceedings:**

**Opening of the hearing and report on attendance of the parties**

The President opened the proceedings and introduced SCW-5. The Greffier informed the Chamber that all Parties were present, with NUON Chea present in the holding cell.

**Informing the Witness of his rights**

The President informed SCW-5 of his rights.

**Questioning of Witness SCW-5**

The Co-Lawyers for NUON Chea, the Co-Lawyers for KHIEU Samphân, the Civil Party Lead Co-Lawyers, the Co-Prosecutors and the Supreme Court Chamber questioned SCW-5.

**Documents Used During the Questioning**

Document Number	Name/Description	Used by	Class	ERN/Reference
E3/2376	Nayan Chanda: "Brother Enemy: The War After the War"	NUON Chea Defence	C	EN 00192401; FR 00237080; KH 00191550.
E3/13	Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments 9 October 1976	NUON Chea Defence	P	EN 00940343; FR 00334976; KH 00052406.
E3/5774	Written Record of Interview of UNG Chhat	NUON Chea Defence	C	EN 00284420; FR 00352333; KH 00277333.
E3/9	Philip Short: "Pol Pot: The History of a Nightmare"	NUON Chea Defence	P	EN 00396327; FR 00639638.
F2/4.1.1, E319.1.27	Written Record of Witness Interview of TOAT Theoun	KHIEU Samphân Defence	S	EN 00974011- 00974052; FR 00974702-

				00974737; KH 00947574- 00947613.
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**Other Documents Used for Questioning, in Relation to Which a Decision on Admission into Evidence Is still Pending**

<u>Document Number</u>	<u>Name/Description</u>	<u>Used by</u>	<u>Class</u>	<u>ERN/Reference</u>
F2/7.1.3, E319/13.3.58	Written Record of Interview of [Redacted]	NUON Chea Defence	S	EN 00970467-8; FR 00974761-2; KH 00947282.
F2/7.1.1, E319/19.3.107	Written Record of Interview of [Redacted]	NUON Chea Defence	S	EN 00970079; FR 01044643; KH 00960676.
F2/7.1.2, E319/13.3.17	Written Record of Interview of [Redacted]	NUON Chea Defence	S	EN 00978422; FR 01004436; KH 00951906.

Oral Orders/Decisions:

- Order authorising NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceedings (9:16).
- Order to grant 10 minutes additional time to Co-Lawyers for NUON Chea for questioning the Witness (11:34).
- Order to grant 25 minutes additional time to Co-Lawyers for NUON Chea for questioning the Witness (13:23).

**Greffiers**

PHAN Theoun

Paolo LOBBA