



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, 10:18
CMS/CFO: Sann Rada

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC-SC

2 July 2015

Hearing – Day 1

Prepared by: PHAN Theoun and Paolo LOBBA

Attendance Record
Before: 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
Greffier/s: Volker NERLICH, SEA Mao, Sheila PAYLAN, Paolo LOBBA, PHAN Theoun
OCP: CHEA Leang, Nick KOUMJIAN, Joseph Andrew BOYLE, SONG Chorvoin, SREA Rattanak, Ruth Mary HACKLER, TOCH Vannarith
Accused: NUON Chea, KHIEU Samphân.
Defence for NUON Chea: SON Arun, Victor KOPPE, LIV Sovanna, Doreen CHEN, Xiaoyan NIE, Prum PHALLA
Defence for KHIEU Samphân: KONG Sam Onn, Arthur VERCKEN, Marie CAPOTORTO, Clement BOSSIS, SENG Socheata
Civil Party Lead Co-Lawyers: Marie GUIRAUD, SIN Soworn, HONG Kimsuon, VEN Pov, TY Srinna, SNGUON Sohearith
Witness: SAO Van (SCW-4).
Others: UCH Arun (Court Officer), SOK Sopheak Monica (Transcriber), NOU Monoroath (Transcriber), VAT Somoa (Transcriber), NEY Someta (Transcriber), Amy

BARBER (Consultant), Gayane KHECHOOMIAN (Intern).

<u>General court times</u>		
Day	Start time: 8:59	Finish time: 16:31
Recess am	Start time: 10:45	Finish time: 11:03
Lunch	Start time: 11:54	Finish time: 13:27
Recess pm	Start time: 15:33	Finish time: 16:01
	Total Court Time:	5 hours and 11 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Introduction and procedural history.	The President	9:00	9:10
Co-Rapporteurs' Report.	Judge YA and Judge MWACHANDE-MUMBA	9:10	9:26
Identification of Witness and Informing Witness of his Rights.	The President	9:26	9:34
Questioning of SCW-4 on issues relating to interview with Office of the Co-Investigating Judges, the Witness's family, occupation and political party affiliation.	Co-Lawyers for NUON Chea	9:34	9:47
Questioning of SCW-4 on issues relating to activities, positions, and functions of the Witness and his family members between 1970-1975.	Co-Lawyers for NUON Chea	9:47	9:58
Questioning of SCW-4 on issues relating to the Witness's functions, leaders of the Southwest Zone and family on the day of liberation and after 1975.	Co-Lawyers for NUON Chea	9:58	10:14
Questioning of SCW-4 on issues relating to Ta Mok and the meeting where the policy not to harm former LON Nol soldiers was discussed and personal feelings pertaining thereto.	Co-Lawyers for NUON Chea	10:14	11:15
Questioning of SCW-4 on	Co-Lawyers for KHIEU	11:15	11:27

issues relating to the liberation of Phnom Penh and effects of the American bombings.	Samphân		
Questioning of SCW-4 on issues relating to the order not to harm LON Nol soldiers.	Co-Lawyers for KHIEU Samphân	11:27	11:30
Questioning of SCW-4 on issues relating to the Witness's position and status from 1975-1979.	Co-Lawyers for KHIEU Samphân	11:30	11:36
Questioning of SCW-4 on issues relating to food deficiencies, the collective cooperative and private property.	Co-Lawyers for KHIEU Samphân	11:36	11:44
Questioning of SCW-4 on issues relating to the Witness's decision-making authority between 17 April 1975 and the Witness's subsequent demotion.	Co-Lawyers for KHIEU Samphân	11:44	11:52
Questioning of SCW-4 on issues relating to illiterate cadres.	Co-Lawyers for KHIEU Samphân	11:52	11:53
Questioning of SCW-4 on issues relating to the meeting with Ta Mok, Party decisions and order not to harm soldiers.	Civil Party Lead Co-Lawyers	13:36	13:42
Questioning of SCW-4 on issues relating to the Witness's background, service, the Khmer Rouge and receiving orders.	Co-Prosecutors	13:42	14:20
Questioning of SCW-4 on issues relating to Ta Mok's involvement in arrests, alleged policy to target LON Nol soldiers and the Takeo Province meeting.	Co-Prosecutors	14:20	15:34
Questions by Judges and Answers by SCW-4 on issues relating to orders not to harm former LON Nol soldiers, Party Centre decisions, meetings and conferences.	The President, Judge YA, Judge KLONOWIECKA- MILART	16:01	16:31

Summary of Proceedings:

Opening of the hearing and report on attendance of the parties

The President opened the proceedings and introduced SCW-4. The Greffier informed the Chamber that all Parties were present. NUON Chea was present in the courtroom until 10:39 then followed the hearing from the holding cell.

Co-Rapporteurs' Report

Judge YA and Judge MWACHANDE-MUMBA read out the Co-Rapporteurs' Report relating to the command structure of the Communist Party of Kampuchea, the alleged policy to target Khmer Republic soldiers and officials and the events at Tuol Po Chrey.

Informing the Witness of his rights

The President informed SCW-4 of his rights.

Questioning of SCW-4

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-4.

Documents Used During the Questioning

<u>Document Number</u>	<u>OCIJ Number</u>	<u>Name/Description</u>	<u>Used by</u>	<u>Class</u>	<u>ERN/Reference</u>
E3/5518		Written Record of Interview of Sao Hean	Co-Prosecutors	P	EN 00413899; FR 00702554; KH 00408316.
E3/2048		Report to Tram Kak District Angkar from Cheang Torng Commune Chief Yeah Boeun	Co-Prosecutors	P	EN 00276562, 00276564; FR 00611659, 00611661; KH 0007909, 00079089.
E127/7.1.8	IS 18.33	Written Record of Interview of SAO Van	NUON Chea Defence	P	EN 00901570; KH 00893277; FR 00978649.
E3/5498	D232/7, D232/6/Corr- 1	Written Record of Interview of Bun Thien	Co-Prosecutors	C	EN 00384400; FR 00416524; KH 00368601.

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 (10:39).
- Order to grant 10 minutes additional time to Co-Lawyers for NUON Chea for questioning the Witness (10:45).
- Order to grant 15 minutes additional time to Co-Prosecutors for questioning the Witness (15:11).
- Order instructing the security personnel to bring NUON Chea and KHIEU Samphân back to the Detention Facility and to have them return to the courtroom for the hearing on 3 July 2015.

Orders for Adjournment of Hearing

The hearing will resume on Friday, 3 July 2015 at 9:00 a.m.

Greffiers



PHAN Theoun



Paolo LOBBA