



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, 10:20

CMS/CFO: Sann Rada

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC-SC

3 July 2015

Hearing – Day 2

Prepared by: PHAN Theoun and Paolo LOBBA

<u>Attendance Record</u>
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: SONG Chorvoin, Nick KOUMJIAN, SENG Kheang, SREA Rattanak, Travis FARR
Accused: NUON Chea (from holding cell), 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 Sothearith
Witness: SAM Sithy (SCW-3).
Others: UCH Arun (Court Officer), SREY Nak (Transcriber), VAT Somoa (Transcriber), LONH Nget (Transcriber), Amy BARBER (Consultant), Gayane KHECHOOMIAN (Intern).

<u>General court times</u>		
Day	Start time: 8:56	Finish time: 16:04
Recess am	Start time: 10:24	Finish time: 10:47
Lunch	Start time: 12:11	Finish time: 12:59
Recess pm	Start time: 14:36	Finish time: 14:54
	Total Court Time:	5 hours and 39 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	8:56	9:10
Questioning of SCW-3 on issues relating to initial statements to the Office of the Co-Investigating Judges.	Co-Lawyers for NUON Chea	9:10	9:15
Questions by Judge and Answers by SCW-3 on issues relating to how many times SCW-3 was interviewed.	Judge MONICHARIYA	9:15	9:17
Questioning of SCW-3 on issues relating to court transcript of SCW-3's prior interview.	Co-Lawyers for NUON Chea	9:17	9:26
Questioning of SCW-3 on events relating to 17 April 1975 and the circumstances of the Witness's family being evacuated.	Co-Lawyers for NUON Chea	9:26	10:21
Questions by Judge and Answers by SCW-3 on issues relating to the exhumation of bodies from graves at the alleged killing site.	Judge KLONOWIECKA-MILART	10:21	10:22
Questioning of SCW-3 on issues relating to details of the alleged crime site.	Co-Lawyers for NUON Chea	10:49	10:51
Questions by Judge and Answers by SCW-3 on issues relating to the shooting of the Witness's mother.	Judge KLONOWIECKA-MILART	10:51	10:52

Questioning of SCW-3 on issues relating to relatives that survived the alleged crime site.	Co-Lawyers for NUON Chea	10:52	11:23
Questioning of SCW-3 on issues relating to events after the alleged killing, including articles and interviews.	Co-Lawyers for KHIEU Samphân	11:23	11:44
Questioning of SCW-3 on issues relating to events leading up to the alleged shooting in the forest.	Co-Lawyers for KHIEU Samphân	11:44	11:53
Questions by Judge and Answers by SCW-3 on issues relating to militia men in the forest and types of weapons used in the alleged shooting.	Judge KLONOWIECKA-MILART	11:53	11:57
Questioning of SCW-3 on issues relating to men, women and children being taken into the forest.	Co-Lawyers for KHIEU Samphân	11:57	12:12
Questioning of SCW-3 on issues relating to the journey of the evacuation, leadership and pit in the forest.	Civil Party Lead Co-Lawyers	13:01	13:14
Questioning of SCW-3 on issues relating to the Khmer Rouge working group, announcement to former LON Nol soldiers and events at Kraing Lovea Security Centre.	Co-Prosecutors	13:14	13:30
Questions by Judges and Answers by SCW-3 on issues relating to Kraing Lovea Security Centre.	Judge KLONOWIECKA-MILART, the President	13:30	13:32
Questioning of SCW-3 on issues relating to location of alleged killing site being in the vicinity of the Party Centre.	Co-Prosecutors	13:32	13:50
Questioning of SCW-3 on issues relating to 17 April 1975, evacuation, the Witness's family and threat of American bombings.	Co-Prosecutors	13:50	14:12
Questions by Judge and Answers by SCW-3 on issues	Judge KLONOWIECKA-MILART	14:12	14:13

relating to the Witness's sister's death.			
Questioning of SCW-3 on issues relating to the Witness's sister's death, taking down biographies at the cooperative, post-survival of massacre and enemy policies.	Co-Prosecutors	14:13	14:36
Questioning of SCW-3 on issues relating to work groups and taking oath for interviews.	Co-Lawyer for KHIEU Samphân	14:54	15:04
Questioning of SCW-3 on details of the circumstances of journey to the alleged killing site.	Co-Lawyer for KHIEU Samphân	15:04	15:33
Questions by Judges and Answers by SCW-3 on issues relating to circumstances of the alleged shooting at the killing site.	Judge SOM, Judge KLONOWIECKA-MILART, the President	15:33	15:49
Questions by Judges and Answers by SCW-3 relating to the Witness's education level.	Judge MWACHANDE-MUMBA, Judge KLONOWIECKA-MILART	15:49	15:54
Questions by Judges and Answers by SCW-3 relating to sustenance during the journey to the alleged killing site, direction walked during the evacuation, road travelled and size of crowd.	Judge JAYASINGHE, Judge YA	15:54	16:00
Questions by Judge and Answers by SCW-3 regarding name of the Witness's interviewer.	Judge KLONOWIECKA-MILART	16:00	16:03

Summary of Proceedings:

Opening of the hearing and report on attendance of the parties

The President opened the proceedings and introduced SCW-3. 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-3 of his rights.

Questioning of SCW-3

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-3.

Documents Used During the Questioning and Admitted into Evidence

<u>New Document Number</u>	<u>OCIJ Number</u>	<u>Name/Description</u>	<u>Used by</u>	<u>Class</u>	<u>ERN/Reference</u>
F1/2.1R	D125/94R	Audio Recording of Interview of witness SAM Sithy	KHIEU Samphân Defence	P*	TR00273709- TR00273709

*Reclassified.

Other 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>
E3/5201		Written Record of Interview of SAM Sithy	NUON Chea Defence	P*	EN 00275137, 00275139, 00275142; FR 00275143, 00275146-47; KH 00212119, 00212121-3.

*Reclassified.

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 (8:59).
- Order to grant 10 minutes additional time to Co-Lawyers for NUON Chea for questioning the Witness (10:10).
- Order allowing Co-Lawyers for NUON Chea and Co-Lawyers for KHIEU Samphân to question the Witness from 10:47 until 12:00, combined (10:47).
- Order to grant a few minutes of additional time to Co-Prosecutors for questioning the Witness (14:32).
- Order to grant 30 minutes additional time to Co-Lawyers for KHIEU Samphân for questioning the Witness (14:54).
- 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 6 July 2015.

Orders for Adjournment of Hearing

The hearing will resume on Monday, 6 July 2015 at 9:00 a.m.

Greffiers

A stylized blue ink signature in cursive script.

PHAN Theoun

A stylized blue ink signature in cursive script.

Paolo LOBBA