



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
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អ្នកប្រគល់ឯកសារ/Case File Officer/L'agent chargé  
du dossier: SONN RODA

E1/379

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

20 January 2016

Prepared by:  
Sivhoang CHEA and Evelyn CAMPOS SANCHEZ

|  |
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| <b>Attendance Record</b>   |
| <b>Before:</b> Judge NIL Nonn (President); Judge Claudia FENZ; Judge YOU Ottara; Judge YA Sokhan; Judge Martin KAROPKIN.   |
| <b>Reserve Judges:</b> Judge THOU Mony (Reserve).  |
| <b>Greffiers:</b> Ms. Evelyn CAMPOS SANCHEZ; Ms. Sivhoang CHEA   |
| <b>OCP:</b> Mr. Nicholas KOUMJIAN; Mr. Dale LYSAK; Mr. SENG Leang; Ms. SONG Chorvoin.  |
| <b>Accused:</b> Mr. NUON Chea (from the holding cell) and Mr. KHIEU Samphan.   |
| <b>Defence for the Accused Nuon Chea:</b> Mr. Victor KOPPE; Mr. SON Arun; Mr. LIV Sovanna.   |
| <b>Defence for the Accused Khieu Samphan:</b> Mr. KONG Sam Onn, Ms. Anta GUISSÉ.   |
| <b>Appointed Standby Counsel for KHIEU Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS.   |
| <b>Civil Parties:</b> Mr. Pich Ang; Ms. Marie GUIRAUD; Ms. Isabelle DURAND; Mr. Hong Kimsuon; Ms. Ven Pov; Ms. Sin Soworn.   |
| <b>Witness/Civil Party:</b> Witness 2 -TCW-938; Civil Party Mr. LACH Kry (2-TCCP-844).   |
| <b>Others:</b> Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. Sok Sopheakmonika; Mr. Vath Somao; Mr. Lonh Nget; Mr. Nou Monoroath (Transcribers); Mr. William McCready (Intern). |

| <u>General court times</u> |                     |                        |
|----------------------------|---------------------|------------------------|
| Day                        | Start time: 9.05am  | Finish time: 4.04pm    |
| Recess am                  | Start time: 10.14am | Finish time: 10.31am   |
| Lunch                      | Start time: 11.35am | Finish time: 1.34pm    |
| Recess pm                  | Start time: 2.43pm  | Finish time: 3.01pm    |
|                            | Total Court Time:   | 4 hours and 25 minutes |

| <u>Proceedings</u>  |                             |                   |                    |
|---|-----------------------------|-------------------|--------------------|
| Type of Issue   | Raised By                   | Start time        | Finish time        |
| Opening of hearing and report on attendance of the Parties                            | Trial Chamber, Greffier     | 9.05am            | 9.08am             |
| NUON Chea Defence Request to follow proceedings from his cell                         | NUON Chea Defence           | 9.08am            | 9.09am             |
| Continuation of Hearing of Witness 2-TCW-938  | NUON Chea Defence           | 9.09am<br>10.33am | 10.14am<br>11.35am |
| TC instructions on the use of transcripts during the examination of Witness 2-TCW-938 | Trial Chamber, President    | 10.31am           | 10.33am            |
| Hearing of Civil Party LACH Kry (2-TCW-844)   | Trial Chamber, President    | 1.34pm            | 1.39pm             |
|   | Co-Lawyer for Civil Parties | 1.39pm            | 2.34pm             |
|   | Co-Prosecution              | 2.34pm<br>3.02pm  | 2.42pm<br>3.23pm   |
|   | Defence for NUON Chea       | 3.23pm            | 3.38pm             |
|   | Defence for KHIEU Samphan   | 3.38pm            | 4.02pm             |

### Summary of Proceedings

#### Opening of hearing and report on attendance of the Parties

The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present, with the Accused NUON Chea present in the holding cell.

#### NUON Chea Defence request to follow the proceedings from the holding cell

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

#### Continuation of Hearing of Witness 2-TCW-938

The NUON Chea Defence Team questioned witness 2-TCW-938 in closed session.

**TC instructions on the use of transcripts during the examination of Witness 2-TCW-938**

The Chamber reminded the Parties of two points regarding the use of transcripts in the examination of the witness. First, that 'if the counsel raise the transcripts of witness, the objection cannot be made.' Second, that the parties should start with the open, general questions related to the witness' knowledge before using the transcripts or records of other witnesses to cross-examine.

**Hearing of Civil Party (2-TCW-844)**

The Trial Chamber, President; Co-Lawyer for Civil Parties; the Co-Prosecution; the NUON Chea Defence and the KHIEU Samphan Defence Team questioned Civil Party (2-TCW-844) in open session.

**Reclassified**

| TC No   | OCIJ No        | ERN<br>(KH,<br>ENG, FR)   | Title  | Class | Note in<br>Khmer                                | Note in<br>English                              | Note in<br>French                               |
|---------|----------------|---|--|-------|---|---|---|
| E3/9507 | D129/138       | 01056037-<br>01056066<br>01059269-<br>01059302<br>01123901-<br>01123925 | Written Record of Interview<br>Witness YOU Vann          | P     | 01056042-<br>01056043,<br>01056049-<br>01056050 | 01059275-<br>01059276,<br>01059283-<br>01059384 | 01123905-<br>01123906,<br>01123911-<br>01123912 |
| E3/9310 | E305/13/1.3.26 | 00963088-<br>00963154<br>01064224-<br>01064302<br>01157154-<br>01157218 | DC Cam Statement of<br>[REDACTED]                        | P     | 00963148  | 01064295  | 01157212  |
| E3/9118 | E305/13.23.405 | 00957771-<br>00957831<br>01098746-<br>01098786                          | Statement of SAO Port (DC-<br>Cam)                       | P     | 00957789  | 01098758  | /   |
| E3/9522 | D117/70        | 01046790-<br>01046798<br>01056213-<br>01056220<br>01120108-<br>01120115 | Written Record of<br>[REDACTED]                          | P     | 01046797  | 01056219  | 01120114-<br>01120115                           |
| E3/9496 | D117/71        | 01046800-<br>01046811<br>01056221-<br>01056232<br>01103656-<br>01103667 | Written Record of Interview<br>of [REDACTED]             | P     | 01046802,<br>01046809                           | 01056223,<br>01056229                           | 01103658,<br>01103664                           |
| E3/6927 | D410/7/1.2.1   | 00633672-<br>00633673   | [Corrected 1] Attachment 1:<br>Statement of Successor of | P     | 00633672-                                       | 00621411-                                       | /   |

|         |                         |   |   |   |                       |                       |                       |
|---------|-------------------------|---|---|---|-----------------------|-----------------------|-----------------------|
|         |                         | 00621411-<br>00621411   | LACH Ny (D22/2609),<br>LACH Kri   |   | 00633673              | 00621411              |                       |
| E3/5630 | E0/32.2.23              | 00895419-<br>00895423<br>00678289-<br>00678291<br>00891890-<br>00891893 | Supplementary statement of<br>LACH Kri ( LACH Kry)  | P | 00895419,<br>00895420 | 00678289,<br>00678289 | 00891890,<br>00891991 |
| E3/9340 | D410/7/1.2.3<br>D166/12 | 00225205-<br>00225208<br>00233281-<br>00233284<br>00325248-<br>00325251 | Attachment 3: OCIJ, Written<br>Record of Interview of<br>Witness, LACH Kri, dated 24<br>September 2008, Doc. no.<br>D166/12 | P | 00225206              | 00233282              | 00325249              |
| E3/5640 | E190.1.57               | 00034380-<br>00034409<br>00645382-<br>00645407<br>00657797-<br>00657823 | DC-Cam interview with<br>LACH Kri (Prey Veng<br>district, Prey Veng)  | P | 00034406              | 00645404              | 00657820              |

### Other documents (No Change)

| TC No   | OCIJ No        | ERN<br>(KH,<br>ENG, FR)   | Title  | Class | Note in<br>Khmer      | Note in<br>English    | Note in<br>French     |
|---------|----------------|---|--|-------|-----------------------|-----------------------|-----------------------|
| E3/9499 | D129/120       | 01046827-<br>01046845<br>01063603-<br>01063626<br>01106528-<br>01106545 | Written Record of Interview<br>of [REDACTED]   | C     | 01046832-<br>01046834 | 01063610-<br>01063612 | 01106533-<br>01106535 |
| E3/9496 | D117/71        | 01046800-<br>01046811<br>01056221-<br>01056232<br>01103656-<br>01103667 | Written Record of Interview<br>of [REDACTED]   | C     | 01046809              | 01056229              | 01103664              |
| E3/1568 | D313/1.2.406.1 | 00713919-<br>00713993<br>00651862-<br>00651907<br>00743328-<br>00743384 | RETYPE from a<br>Handwritten interview of<br>CHEA Sim, Phnom Penh, 3<br>Dec 1991, and Heng Samrin,<br>Phnom Penh, 2 Dec 1991 | P     | 00713954-<br>00713955 | 00651884              | 00743356              |
|         | /              | 01114932-   | Transcript of Appeal   | P     | /                     | 01115162-             | 01117417,             |

|        |  |          |                              |  |  |          |          |
|--------|--|----------|------------------------------|--|--|----------|----------|
| F1/1.1 |  | 01115255 | Proceedings Public           |  |  | 01115172 | 01117428 |
|        |  | 01115129 | Case File N° 002/19-09-2007- |  |  |          |          |
|        |  | 01115255 | ECCC/SC                      |  |  |          |          |
|        |  | 01117381 | 2 July 2015                  |  |  |          |          |
|        |  | 01117516 |                              |  |  |          |          |

**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 (09:09am)
- Order setting the combined time for the Co-Lawyer for Civil Parties and the Co-Prosecution to question Civil Party LACH Kry (2-TCW-844) at two sessions.
- 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 21 January 2016 before 9.am.

**Order for Adjournment of Hearing**

The hearing will resume on 21 January 2016 at 9.am.

Phnom Penh, 20 January 2016

Greffier



Ms. Sivhoang CHH



Greffier



Ms. Evelyn CAMPOS SANCHEZ