



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

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

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

Nation Religion Roi <b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): .....19.....08.....២០១៤.....
ម៉ោង (Time/Heure) :.....11:35.....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier:..... <b>SANN PORN</b> .....

**WRITTEN RECORD OF PROCEEDINGS**

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 July 2014  
Further Initial Hearing

Prepared by:  
SE Kolvuthy and Robynne CROFT

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony (Reserve) and Judge Claudia FENZ (Reserve).
<b>Greffier/s:</b> Ms. SE Kolvuthy and Ms. Robynne CROFT
<b>OCP:</b> Ms. CHEA Leang; Mr. Nicholas KOUMJIAN; Mr. William SMITH; Mr. SENG Bunkheang; Mr. SENG Leang; Ms. SONG Chorvoin; Mr. SREA Rattanak; Mr. Tarik ABDULHAK; Mr. Salim NAKHJAVANI; Mr. Andrew BOYLE.
<b>Accused:</b> Mr. NUON Chea (participating from the holding cell); Mr. KHIEU Samphan.
<b>Defence for the Accused:</b> Mr. SON Arun; Mr. Victor KOPPE; Mr. KONG Sam Onn; Ms. Anta GUISSÉ.
<b>Civil Parties:</b> Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. SAM Sokong; Mr. LOR Chunthy; Mr. HONG Kimsuon; Mr. VEN Pov; Mr. KIM Mengkhy; Ms. CHET Vanly; Ms. TY Srinna; Ms. SIN Soworn; Mr. Yiqiang LIU, Ms. Eleonor FERNANDEZ.
<b>Witness:</b> None
<b>Others:</b> Courtroom Officers, Transcribers, Ms. Alix JANSSENS, Mr. Russell HOPKINS, Ms. Sivhoang CHEA.

<b>General court times</b>		
Day	Start time: 9:00	Finish time: 15:15
Recess am	Start time: 10.30	Finish time: 10.50
Recess lunch	Start time: 12:15	Finish time: 13:35
Recess pm	Start time:	Finish time:
	Total Court Time:	4 hours and 35 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Ruling on the presence of NUON Chea in the holding cell due to his health condition	NUON Chea Defence	9:03	9:05
Request for the recognition of new International Lead Co-Lawyer and Civil Party Lawyer	Lead Co-Lawyers for the Civil Parties	9:12	9:15
Further specification of Civil Party reparation awards for Case 002/02	Lead Co-Lawyers for the Civil Parties	9:17	9:45
Status of remaining preliminary objections	Trial Chamber	9:45	9:49
Submissions on clarification on the notion of Case 002/01 serving as a 'general foundation' for subsequent trials	KHIEU Samphan Defence Team	9:50	10:11
Submissions on possible recharacterisation of the crimes and forms of responsibility included in the Closing Order with regards to Case 002/02	Office of the Co-Prosecutors, Lead Co-Lawyers for the Civil Parties and KHIEU Samphan Defence Team	10:12	10:18
Information about the availability of the parties for the commencement of evidentiary hearings in Case 002/02	Office of the Co-Prosecutors, Lead Co-Lawyers for the Civil Parties, NUON Chea Defence Team and KHIEU Samphan Defence Team	10:19	10:29
Submissions on the order of the presentation of evidence (sequencing)	NUON Chea Defence Team, KHIEU Samphan Defence Team, Office of the Co-Prosecutors and Lead Co-Lawyers for the Civil Parties	10:51	11:17

Submissions on Witness, Civil Party and Expert Lists	Office of the Co-Prosecutors, Lead Co-Lawyers for the Civil Parties, NUON Chea Defence Team and KHIEU Samphan Defence Team	11:22	15:13
Application to Proceed in Closed Session	Office of the Co-Prosecutors	11:44	11:52
Request not to use the pseudonyms of certain witnesses	NUON Chea Defence Team	14:13	14:25
Request for extension of time to file Internal Rule 87(4) responses	KHIEU Samphan Defence Team	14:55	15:06

**Summary of Proceedings:**

**Ruling on presence of NUON Chea in the holding cell due to his health condition**

The Trial Chamber ruled that NUON Chea could be present in the holding cell during the further Initial Hearing due to his health condition.

**Request for the recognition of the new International Lead Co-Lawyer and Civil Party Lawyer**

The Chamber recognised Ms. Marie GUIRAUD as International Lead Co-Lawyer and Mr. Yiqiang LIU as a Civil Party Lawyer.

**Further specification of Civil Party reparation awards in Case 002/02**

The Lead Co-Lawyers for the Civil Parties provided an initial specification of the substance of the awards they intend to seek within the final claim for collective and moral reparations in Case 002/02. The Co-Prosecutors supported the Civil Party specification and the KHIEU Samphan Defence Team made an observation on the reparation request.

**Status of remaining preliminary objections**

The Chamber notified the parties that two remaining preliminary objections in Case 002 are to be addressed at this time and the Chamber will issue written decisions on these issues shortly.

**Submissions on clarification of the notion of Case 002/01 serving as a 'general foundation' for subsequent trials**

The KHIEU Samphan Defence Team requested clarification of the notion of Case 002/01 serving as a 'general foundation' for subsequent phases of Case 002, as well as clarification of a number of issues arising from the additional severance, such as the role of the Accused and the impact of the decision of the Supreme Court Chamber on the appeal of additional severance.

The Office of the Co-Prosecutors and the NUON Chea Defence made observations on the The KHIEU Samphan Defence Team submissions. The NUON Chea Defence Team

suggested that a further initial hearing be scheduled specifically on this issue after the pronouncing of the Judgment in Case 002/01. The KHIEU Samphan Defence Team supported this request.

**Submissions on possible recharacterisation**

The Office of the Co-Prosecutors gave notice of its intention to appeal the Trial Chamber's Decision finding that JCE was not part of international law during the time of the jurisdiction of the ECCC. They supported the Defence Teams' suggestion to have a further initial hearing on the issue of 'general foundation' after the Judgment in Case 002/01 is issued and requested that for the witnesses who had pseudonyms in Case 002/01, the same pseudonyms be used.

The Lead Co-Lawyers for the Civil Parties and the KHIEU Samphan Defence Team made no specific submissions but requested that they be allowed to make further written submissions in case they find it necessary.

**Information about the availability of the parties for the commencement of evidentiary hearings in Case 002/02**

All Parties informed the Chamber about their availability to participate in the evidentiary hearings in 2014 and 2015. The Office of the Co-Prosecutors and the Lead Co-Lawyers for the Civil Parties informed that, in the event of an appeal in Case 002/01, they have no objection to the reduction of hearing days per week until the appeal is finalized. The NUON Chea Defence Team reiterated their request that the hearings commence at 7.20am, their client being best able to concentrate in the morning. The KHIEU Samphan Defence Team retained their earlier position on trial scheduling.

**Submissions on the order of the presentation of evidence**

The NUON Chea Defence Team and the KHIEU Samphan Defence Team made submissions on the proposed order of topics to be heard at trial, with the Office of the Co-Prosecutors and the Lead Co-Lawyers for the Civil Parties responding.

**Submissions on Witness, Civil Party and Expert Lists**

The Parties discussed the proposed witness, Civil Party and expert lists.

**Application to Proceed in Closed Session**

The Trial Chamber rejected the request by the Office of the Co-Prosecutors to hold the ensuing session of the hearing regarding certain witnesses in closed session.

**Request not to use pseudonyms of certain witnesses**

The Trial Chamber granted leave for the NUON Chea Defence Team to use the real names of proposed witnesses 2-TCW-878, 2-TCW-831, 2-TCW-951.

**Request for extension of time to file Internal Rule 87(4) responses**

The KHIEU Samphan Defence team requested an extension of 10 days to file their Internal Rule 87(4) responses. The Chamber decided that there is no need for this request for an extension of time to be made in writing and reserved ruling on the request.

**Oral Orders/Decisions:**

- Order authorizing the Accused NUON Chea to follow the proceedings from the holding cell (9:00)
- Recognition of Ms. Marie GUIRAUD as International Lead Co-Lawyer and Mr. Yiqiang LIU as Civil Party Lawyer (9:15)
- Order to bring the Accused KHIEU Samphan to the holding cell and return him to Court at 13.00 (12:15)
- Order to permit discussion of certain witnesses by full name instead of pseudonym (14:25)
- Decision that the KHIEU Samphan Defence request for an extension of time to respond to Internal Rule 87(4) submissions may be made orally (15:06)
- Order to bring the Accused back to Detention Facility (15:13)

**Orders for Adjournment of Hearing**

- Order to adjourn the hearing (12:15)
- Order to close the hearing (15:13)
- The Trial Chamber will reconvene on 7 August 2014 to issue its judgement in Case 002/01

Phnom Penh, 30 July 2014

Greffier

Greffier

For.

SE Kolvuth



RCroft

Robynne CROFT