



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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de recep on): ២៧ / ០១ / ២០១៥ ម៉ោង (Time/Heure) : ១៥:៣០ មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SA VIN RANA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 January 2015

Substantive Hearing on Evidence 002/02 – Day 228

Prepared by:
Sivhoang CHEA and Robynne CROFT

Attendance Record
Before: Judge NIL Nonn (President), Judge Claudia FENZ, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara
Reserve Judges: Judge THOU Mony (Reserve)
Greffiers: Mrs. SE Kolvuthy; Ms. Robynne CROFT; Ms. Sivhoang CHEA; Mr. Matthew Jordan Ekundayo Mccarthy
OCP: Mr. Nicholas KOUMJIAN; Mr. SENG Bunkheang; Mr. SENG Leang; Mr. SREA Rattanak; Mr. Dale LYSAK
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. SON Arun; Mr. Victor KOPPE; Mr. SUON Visal
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSÉ
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. Yiqiang LIU; Mr. LOR Chunthy; Mr. HONG Kimsun; Mr. VEN Pov; Ms. SIN Soworn; Mr. Mahesh Rai
Witness: MEAS Sokha alias Thlang (2-TCW-936)

Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. MEACH Sovanna (Transcriber); Mr. NOU Monoroath (Transcriber); Mr. Laurent SOULARD (Transcriber); Ms. Sara ERJAVEC

General court times

Day	Start time: 09:00	Finish time: 13:55
Recess am	Start time: 10:20	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13.50
	Total Court Time:	2 hours 40 minutes

Proceedings

Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	09:01	09:09
Defence objections to the presence of Standby Counsel in the courtroom and to the new seating arrangements	KHIEU Samphan Defence	09:10	09:24
	NUON Chea Defence	09:24	09:28
	KHIEU Samphan	09:28	09:32
	Co-Prosecutors	09:32	09:34
	Civil Party Lead Co-Lawyers	09:34	09:41
President's query regarding the right of the Accused persons to remain silent	Trial Chamber	09:43	09:45
	KHIEU Samphan	09:45	09:46
Civil Party Lead Co-Lawyers' request to admit into evidence as a new document a map	Trial Chamber Civil Party Lead Co-Lawyers NUON Chea Defence	09:47	09:58
Questioning of Witness MEAS Sokha (2-TCW-936)	Co-Prosecutors	10:05	12:05
Defence objection to the practice of permitting witnesses and Civil Parties to review their prior statements before testifying	KHIEU Samphan Defence	10:14	10:15
	NUON Chea Defence	10:17	10:21
		10:50	10:51
Adjournment of the hearing	Trial Chamber	13:51	13:53

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings and the Greffier informed the Chamber that all parties were present. The President briefly recalled the procedural history of the appointment of Standby Counsel for the Accused KHIEU Samphan.

Defence objections to the presence of Standby Counsel in the courtroom and to the new seating arrangements

The KHIEU Samphan Defence team objected to the presence of the Standby Counsel in

the courtroom, as well as the new seating arrangements, and requested that the Trial Chamber reconsider its decisions. The NUON Chea Defence team echoed these objections. The Co-Prosecutors and Civil Party Lead Co-Lawyers responded in support of the presence of Standby Counsel as necessary to ensure the smooth conduct of proceedings. The Trial Chamber noted the submissions and declared that a ruling will be issued in due course.

President's query regarding the right of the Accused persons to remain silent

The President queried whether the Accused intend to exercise their right to remain silent. Both Accused asserted that they maintain this right, with KHIEU Samphan noting that he also reserves his right to make any statement at any time he deems necessary.

Civil Party Lead Co-Lawyers' request to admit into evidence as a new document a map

The President and the International Co-Lawyer for NUON Chea requested clarifications from the Civil Party Lead Co-Lawyers on their request to admit into evidence as a new document a map they intend to use during the hearing of 2-TCCP-296. The President announced that the Trial Chamber will issue a decision on this matter before the hearing of 2-TCCP-296.

Questioning of Witness MEAS Sokha (2-TCW-936)

The Co-Prosecutors commenced the questioning of the Witness.

Defence objection to the practice of permitting witnesses to review their prior statements before testifying

The Defence Teams objected to the practice of permitting witnesses to refresh their memories by reviewing their prior statements before testifying. The Trial Chamber requested that the Parties put their submissions into writing, including reference to any relevant sections of their Appeal Briefs.

Adjournment of the hearing

The Trial Chamber adjourned the hearing until 9 January 2015 due to the ill health and hospitalisation of the Accused KHIEU Samphan.

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5825	D25/31	00163510- 00163519 00223493- 00223502 00178110- 00178117	Written Record of Interview of MEAS Sokha	C	00163511 00163512 00163513	00223494 00223495 00223496	00178111 00178112 00178112
E3/5826	D25/30	00163503- 00163509 00223486- 00223492 00178422- 00178427	Written Record of Interview of HUN Kimseng	C	00163504	00223487	00178423

Oral Orders/Decisions:

- The Trial Chamber ordered the Parties to put their submissions on the practice of permitting witnesses to review their prior statements before testifying into writing, with reference to relevant sections of their Appeal Briefs (10:51).
- The President ordered security to bring the Accused NUON Chea to the detention facilities and return both Accused to the courtroom on 9 January 2015 at 09:00 am (13:53).

Orders for Adjournment of Hearing

The hearing will resume on 9 January 2015 at 09:00 am.

Phnom Penh, 8 January 2015

Greffier

  

Sivhoang CHH Robynne CROFT