



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ទទួល បាន (Date of receipt/date de reception): ១១ / ០១ / ២០១៥
ម៉ោង (Time/Heure) : ១៤:៥០
ស្នងការប្រតិបត្តិ ឯកសារ (Case File Officer/L'agent chargé du dossier): SANN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 January 2015

Substantive Hearing on Evidence 002/02 – Day 230

Prepared by:

Sivhoang CHEA and Matthew McCARTHY

Attendance Record
Before: Judge NIL Nonn (President), Judge Claudia FENZ, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony (replacing Judge YOU Ottara)
Reserve Judges: Judge Martin KAROPKIN (Reserve)
Greffiers: Mrs. SE Kolvuthy; Ms. Sivhoang CHEA; Mr. Matthew McCARTHY
OCP: Mr. Nicolas KOUMJIAN; Mr. SENG Leang; Mr. Travis FARR, Mr. Dale LYSAK; Mr. Salim NAKHJAVANI
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. SON Arun; Mr. Victor KOPPE
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. LOR Chunthy; Mr. VEN Pov; Ms. CHET Vanly; Ms. TY Srinna; Mr. Yiqiang LIU
Witness: MEAS Sokha alias Thlang (2-TW936)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer);

Mr. NOU Monoroath (Transcriber); Ms. SREY Nak; Mr. Sheriffo JAMMEH; Ms. Kerri MILES; Mrs. Sara ERJAVEC, Mr. HOU Chiseng

General court times

Day	Start time: 09:02	Finish time: 16:03
Recess am	Start time: 09:25	Finish time: 10:00
Recess	Start time: 12:07	Finish time: 13:35
Recess pm	Start time: 14:36	Finish time: 14:58
	Total Court Time:	4 hours 26 minutes

Proceedings

Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of parties	Trial Chamber, Greffier	09:02	09:05
Fitness of the Accused	Trial Chamber	09:05	09:07
Clarifications on the role of Standby Counsel	Trial Chamber	09:08	09:12
Civil Party Lead Co-Lawyers' request to admit into evidence as a new document a map	Trial Chamber	09:12	09:13
Civil Party Lead Co-Lawyers' questioning of the assigned experts	Trial Chamber	09:13	09:14
Request to follow the proceedings from the holding cell and to waive the Accused's right to be present in the courtroom	NUON Chea Defence Trial Chamber	09:21 09:22	09:22 09:23
Suspension of the hearing	Trial Chamber	9:25	10:00
Continuation of questioning of witness 2-TW936	Co-Prosecutors Trial Chamber Lead Co-Lawyers NUON Chea Defence	10:00 11:39 13:36 14:01	11:38 12:06 14:01 16:01
Objection to the authenticity of proposed document	NUON Chea Defence	10:37	10:47
Requests for adjournment	KHIEU Samphan Defence	15:46 16:01	15:49 16:02

Summary of Proceedings

Opening of the hearing and report on attendance of parties

The President announced that reserve judge THOU Mony was on the bench in place of Judge YOU Ottara. The Greffier informed the Chamber that all parties were present.

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Fitness of the accused

The President noted that following the medical assessment prior that week, the hearing on fitness of the Accused is scheduled for 23 January 2015. The Chamber instructed the Parties to inform the Court whether they will require a hearing on the fitness of the Accused by 15:00 on 21 January 2015.

Clarifications on the role of the Standby Counsel

The President reminded the Parties of the Chamber decision to reject the reconsideration of the appointment of standby Counsel for KHIEU Samphan as no new circumstances or arguments were raised, and of the Trial Chamber decision to reject the request to change the seating arrangements. The President briefly described the role of the Standby Counsel.

Civil Party Lead Co-Lawyers' request on new evidence

The Chamber rejected the Civil Party Lead Co-Lawyer request to admit into evidence as a new document – a map they intend to use during the hearing of 2-TCCP-296 – since the proposed document is not conducive to ascertaining the truth.

Civil Party Lead Co-Lawyers' questioning of the assigned experts

The Trial Chamber confirmed that, consistent with past practice, the Civil Party Lead Co-Lawyers will be permitted to question the assigned experts.

NUON Chea request to follow the proceedings from the holding cell

NUON Chea Defence sought permission for the Accused to follow the proceedings from the holding cell. The President noted that the Accused waived his right to be present in the courtroom. The Chamber granted the request (the written waiver is attached to this written record) (09:23).

Suspension of hearing due to technical issues

At 09:25 the hearing was suspended for 35 minutes due to technical issues (the Co-Prosecutors' microphones were not working).

Questioning of Witness 2-TW-936

The Co-Prosecutors started with the questioning of the Witness 2-TW-936, followed by the questioning from the Trial Chamber and Civil Party Lead Co-Lawyer. NUON Chea Defence commenced with the questioning of the Witness 2-TW-936. The Trial Chamber will continue to hear the remainder of the testimony on 22 January 2015.

Objection to the authenticity of proposed document

The NUON Chea Defence challenged the authenticity of the Co-Prosecutors proposed document (E3/4095). The Chamber rejected the objection to admissibility as not being timely (10:45).

Requests for adjournment

The KHIEU Samphan Defence requested for an adjournment of the proceedings due to KHIEU Samphan experiencing exhaustion, alternatively, to permit KHIEU Samphan to

follow the proceedings from the holding cell. The Trial Chamber granted the request permitting the Accused to follow the remainder the day's proceedings from his holding cell (15:49).

The KHIEU Samphan Defence requested for an adjournment of the proceedings due to the ill health of the Accused. The Trial Chamber granted request and adjourned (16:01).

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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	P	00167511 00163513 00163514 00163515 00163516 00163518	00223495 00223496 00223497 00223499 00223500 00223501	00178112 00178113 00178114 00178115 00178116 00178117
E3/5826	D25/30	00163503- 00163509 00223486- 00223492 00178422- 00178427	Written Record of Interview of HUN Kimseng	P	00163506 00263507 00263508	00223489 00223490 00223491	00178425 00178426 00178427
E3/4095	D157.17	00271089- 00271131 00747236- 00747298 00721205- 00721272	5 th Confession entitled "Contemptible Traitors Pol Pot and IENG Sary"	P	00271089 00271098 00271101 00271102 00271106	00747250 00747254- 00747257 00747262 00747263	00721219 00721220 00721224- 00721227 00721233 00721234
E3/5834	D232/93	00427971- 00427981 00434687- 00434697 00434698- 00434708	Written Record of Interview of SREI Than	P		00434691 00434692	00434702 00434703
E3/5835	D25/32	00163520- 00163527 00223503- 00223509 00178428- 00178433	Written Record of Interview of SOK Sott	P	00163521 00163525	00223505 00223508	00178430 00178433
E3/4145	D312.1.51	00068730- 00068738 00762837- 00762847 00761093- 00761103	List of prisoner suggeste to Party to kill (NOTE: typographical error in title of document on Case File.)	P	00068730	00762837 00762844	00761093 00761100

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Oral Orders/Decisions:

- Instructed the Parties to inform the Chamber whether they will require a hearing on the fitness of the two Accused by 21 January 2015 at 15:00 (09:06).
- Decision rejecting additional evidence proposed by the Civil Party Lead Co-Lawyer to use at the hearing of the Civil Party 2- TCCP-296 (09:13).
- Decision granting the Civil Party Lead Co-Lawyer to question experts at the hearing on the fitness of the Accused (09:14).
- 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 holding cell (09:23).
- Order authorizing the Accused KHIEU Samphan to follow the proceedings from the holding cell and instructing the AV unit to connect the AV link to the holding cell for the remainder of today's proceedings (15:49).
- Order to the security personnel to bring the two Accused back to detention facilities and to return them back in the courtroom for the hearing on 22 January 2015 at 09:00 am (16:05).

Orders for Adjournment of Hearing

The hearing will resume on 22 January 2015 at 09:00 am.

Phnom Penh, 21 January 2015

Greffier

Greffier

Sivhoang
Sivhoang CHH



Andrew McCarthy
Andrew McARTHUR