



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 ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):

24 / 02 / 2015

ពេលវេលា (Time/heure): 15:00

WRITTEN RECORD OF PROCEEDINGS Case File Officer/L'agent chargé

SANN RADA

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 January 2015

Substantive Hearing on Evidence 002/02 – Day 233

Prepared by:

SE Kolvuthy 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 Bunkheang; Ms. SONG Chorvoin; Mr. Dale LYSAK; Mr. Joseph Andrew Boyle; Mr. SREA Rattanak; Mr. Vincent de Wilde d'Estmael
Accused: Mr. NUON Chea (from the holding cell); 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; Ms. SIN Soworn; Ms. CHET Vanly; Mr. LOR Chunthy; Ms. TY Srinna; Mr. HONG Kimsuon; Mr. VEN Pov; Mr. Yiqiang LIU
Witness: OM Suphany (2-TCCP-296); CHOU Koemlan (2-TCCP-238)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer);

Ms. PICH Chariya; Ms. SREY Nak; Mr. MEACH Sovanna; Ms. SOK Sopheakmonica (Transcribers); Mrs. Sara ERJAVEC; Mrs. Tauch Tan Neary

<u>General court times</u>		
Day	Start time: 09:06	Finish time: 15:15
Recess am	Start time: 10:44	Finish time: 11:02
Recess	Start time: 12:01	Finish time: 13:34
Recess pm	Start time: 14:48	Finish time: 15:11
	Total Court Time:	3 hours 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of parties	Trial Chamber, Greffier	09:07	09:09
Request to follow the proceedings from the holding cell	NUON Chea Defence	09:09	09:11
Use of documents not in the Case File	Trial Chamber	09:11	09:14
	Co-Prosecutor	09:35	09:37
	Civil Party Lead Co-Lawyer	09:19	09:21
Continuation of testimony of Civil Party 2-TCCP-296	Civil Party Lead Co-Lawyer	09:29	09:31
	NUON Chea Defence	09:16	10:01
	KHIEU Samphan Defence 2-TCCP-296	10:17	10:25
Testimony of Civil Party 2-TCCP-238	NUON Chea Defence	10:01	10:16
	Trial Chamber	10:26	10:42
	Civil Party Lead Co-Lawyer	11:06	11:13
Disclosure of Statements from Case File 004	Co-Prosecutors	11:13	14:03
	NUON Chea Defence	14:03	14:47
	Co-Prosecutors	13:34	13:35
Adjournment and changing of sitting schedule	Co-Prosecutors	13:35	13:47
	Trial Chamber	15:11	15:13

Summary of Proceedings

Opening of the Substantive Hearing

The President informed the Parties of the absence of Judge YOU Ottara, who was substituted by Judge THOU Mony. The Greffier informed the Chamber that all parties are present. NUON Chea was present from his holding cell.

NUON Chea waiver to be present at the Courtroom

The President informed the Parties of NUON Chea's request to follow the proceedings from the holding cell and the waiver of his right to follow the proceedings from the courtroom. The Trial Chamber granted the request.

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Use of document not in the Case File

The International Co-Prosecutor objected to the questioning of NUON Chea Defence based on a document not in the Case File. The Civil Party Lead Co-Lawyer joined the objection. The Trial Chamber reminded the parties that only documents on Case File can be used during the hearings and that a party must submit a rule 87(4) request when introducing documents which are not in the Case File. However, the Trial Chamber exceptionally allowed the NUON Chea Defence to submit these documents on shared drive within 48 hours, accompanied by a Rule 87(4) request. The Chamber concluded that the Civil Party will be recalled for questions based on those documents if necessary.

Testimony of Civil Party OM Suphany (2-TCCP-296)

The NUON Chea Defence continued with the questioning of the Civil Party 2-TCCP-296, followed by questioning from KHIEU Samphan Defence. The Civil Party made a statement on the impact of the crimes and poses question to the Accused through the Trial Chamber. The Accused exercise their right to remain silent. Testimony of Civil Party OM Suphany (2-TCCP-296) is concluded.

Testimony of Civil Party CHOU Koemlan (2-TCCP-238)

The Trial Chamber, Civil Party Lead Co-Lawyer and Co-Prosecutors posed questions to the Civil Party.

New Statements proposed by the OCP

The NUON Chea Defence requested clarifications from the Office of the Co-Prosecutors in regard to the disclosure of statements from Case File 004 relevant to the Case 002/02 (E319/8).

Adjournment and changing of the sitting schedule

The Trial Chamber informed the parties that it will adjourn due to ill health of the Accused KHIEU Samphan. The Trial Chamber informed the Parties that from 27 January 2015 onwards, the morning sessions will be from 09:00 am - 11.30 am, in order to grant the Accused KHIEU Samphan more time to rest. The afternoon sessions remain unchanged.

SP

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E323.1.1		01032943- 01032959 01036454- 01036469 01036470- 01036489	Contemporaneous Diary of 2-TCCP-296	P	01032950 01032951 01032952	01036460 01036461 01036462	01036477 01036478 01036479 01036480
E3/5839		00562744- 00562947 01037335- 01037343 01037344- 01037351	Civil Party Application of OUM Suphany 09-VU-03554	P	00562857	01037338	01037346
E3/5469		00506456- 00506478 00746213- 00746228 00822236- 00822256	Complaint of CHOU Kim Lan 08-VU-01708	P	00506465	00746219	00822246
E3/135		00062789- 00062835 00446846- 00446883 00487707- 00487747	Revolutionary Flag, The Internal Party Magazine published monthly, Issue 6 June 1977	P			
E3/289		/ 00168479- 00168513 /	Foreign Broadcast Information Service collection of reports for July 1977	P	N/A	00168509 00168510 00168511	N/A
E3/4083		00068024- 00068037 00323943- 00323978 00778851- 00778879	Prisoner List	P	00068026 00068030	00323948 00323961 00323962	00778854 00778865 00778866

Oral Orders/Decisions:

- Decision designating Judge THOU Mony to take place of Judge YOU Ottara during is unavailability (09:08).
- 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

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(09:10).

- Decision instructing NUON Chea Defence to submit new evidence under Rule 87(4) (09:36).
- Decision adjourning the hearing due to absence of the Accused KHIEU Samphan (15:13).
- Decision shortening the morning sitting session from 27 January 2015 onwards (15:14).
- 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 27 January 2015 at 09:00 am (15:14).

Orders for Adjournment of Hearing

The hearing will resume on 27 January 2015 at 09:00 am. *AM*

Phnom Penh, 26 January 2015

Greffier

Greffier

SE Kolv

Matthew McCARTHY

