



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... 26 / 02 / 2015

ម៉ោង (Time/Heure) : 15:35

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
..... SAMNAN PANA

E1/263

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

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 February 2015

Substantive Hearing on Evidence 002/02 – Day 243

Prepared by:
Sivhoang CHEA and Matteo CRIPPA

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Claudia FENZ, Judge YA Sokhan, Judge Jean-Marc LAVERGNE; Judge YOU Ottara
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
Greffiers: Mrs. SE Kolvuthy; Ms. Sivhoang CHEA; Mr. Matteo CRIPPA
OCP: Mr. SENG Bunkheang; Mr. SREA Rattanak; Mr. Vincent de Wilde d'Estmael;
Accused: Mr. NUON Chea; Mr. KHIEU Samphan;
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. SOUN Visal;
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Anta GUISSÉ
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. LOR Chuntay; Mr. VEN Pov; Ms. TY Srinna
Witness: EM Phoeung (2-TCW-954); PHNEU Yav (2-TCW-934)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. SREY Nak (Transcriber); Mr. Mario D'ALESSANDRO; Mr. HOU Chiseng; Ms. NEY Someta

<u>General court times</u>		
Day	Start time: 09:08	Finish time: 16:01
Recess am	Start time: 10:18	Finish time: 10:36
Recess	Start time: 11:32	Finish time: 13:22
Recess pm	Start time: 14:43	Finish time: 15:01
	Total Court Time:	4 hours 27 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	09:08	09:11
Request to follow the proceedings from the holding cell	Trial Chamber (NUON Chea Defence)	09:11	09:14
Observations regarding the introduction of statements from Case 004 in the case file of Case 002/02	NUON Chea Defence	09:14	09:19
		15.25	15.30
	KHIEU Samphan Defence	09:19	09:21
		15.30	15.34
	Co-Prosecutor	09:21	09:23
		15.36	15.44
	Civil Parties Co-Lawyers	09:23	09:24
		15.44	15.46
	Trial Chamber	09:30	09:34
		15.34	15.36
		15.47	15.50
Questioning of Witness EM Phoeung (2-TCW-954)	Co-Prosecutors	09:35	11:30
	Civil Party Lead Co-Lawyer	13:23	13:50
	NUON Chea Defence	13:51	14:24
	KHIEU Samphan Defence	14:24	15:25
Questioning of Witness PHNEOU Yav (TCW-934)	Trial Chamber	15:52	15:59

Summary of Proceedings

Opening of the Substantive Hearing

The President opened the proceedings. The Greffier informed the Chamber that all parties are present except for the accused NUON Chea. NUON Chea is present in the holding cell.

NUON Chea request to follow the hearing from the holding cell

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 pursuant internal rule 81.5.

Observations regarding the introduction of statements from Case 004 in the case file of Case 002/02

The NUON Chea and KHIEU Samphan's Defence teams raised concerns about the ongoing and continuing disclosure of statements from Case 004 in case file 002/02. The Co-Prosecutor indicated that he will inform the Chamber as soon as possible about the total number of the statements for which disclosure is sought. During the afternoon session, the NUON Chea defence made additional remarks about the volume of statements from Case 004 disclosed in Case 002/02. Accordingly, the NUON Chea defence requested a postponement of the proceedings to review these statements. The KHIEU Samphan Defence supported the request by the NUON Chea Defence, adding remarks about the repetitive character of some of the statements. The Co-Prosecutor and Civil Parties Lead Co-Lawyer objected to the Defence request. The Trial Chamber will consider the issue in due course.

Questioning of witness EM Phoeung (2-TCW-954)

The Co-Prosecutor started the questioning of Witness EM Phoeung (2-TCW-954) followed by Civil Party Lead Co-Lawyer, NUON Chea Defence and KHIEU Samphan Defence. The testimony of the witness has been completed.

Questioning of Witness PHNEU Yav (2-TCW-934)

Trial Chamber started the questioning of Witness PHNEU Yav (2-TCW-934). The witness has taken an oath and has no relations with other parties in the trial. The President informed the witness about his rights and duties.

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5133		00165258- 00165264 00223197- 00223202 00702332- 00702338	Written Record of Interview of ÊM Phoeung	P	00165258 00165259 00165260 00165261 00165262	00223197 00223199 00223200 00223201	00702332 00702334 00702335 00702336
E319.1.33		00968170- 00968196 00980277- 00980305 00982607- 00982632	Written Record of Interview of (REDACTED)	C	00968187 00968188	0098029500980296	00982623 00982624
E3/5831	IS 19.42	00088472- 00088479 00350097- 00350103 00655657- 00655663	DC-Cam: Interview with Em Phoeung	P	00088474	00350101	00655661
E3/2818		N/A 00703863- 00704167 N/A	Book by HARRIS Ian, entitled: "Buddhism Under Pol Pot"	P	N/A	00704135	N/A
E3/259		00089841- 00089852 00184833- 00184839 N/A	DK Government Legal Documents entitled "Constitution of Democratic Kampuchea"	P	00089850 00089851	00184838	N/A

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 holding cell.
- 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 17 February 2015 at 09:00 am.

Orders for Adjournment of Hearing

The hearing will resume on 17 February 2015 at 09:00 am.

Phnom Penh, 16 February 2015

Greffier

Greffier



Sivhoang

teo CRIPPA