



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

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|---|
| <b>ឯកសារដើម</b>   |
| ORIGINAL DOCUMENT/DOCUMENT ORIGINAL   |
| ថ្ងៃ ទី ឆ្នាំ ទទួល (Date of receipt/date de reception):<br>..... ០៥ / ០៣ / ២០១៥ ..... |
| ម៉ោង (Time/Heure) : ..... ១០ : ៥០ .....   |
| Case File Officer/L'agent chargé<br>du dossier: <i>SANN PARD</i>                      |

**WRITTEN RECORD OF PROCEEDINGS**

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 January 2015

Substantive Hearing on Evidence 002/02 – Day 234

Prepared by:

SE Kolvuthy and Matthew McCARTHY

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| <b>Attendance Record</b>   |
| <b>Before:</b> Judge NIL Nonn (President), Judge Claudia FENZ, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara                           |
| <b>Reserve Judges:</b> Judge Martin KAROPKIN (Reserve); Judge THOU Mony (Reserve)  |
| <b>Greffiers:</b> Mrs. SE Kolvuthy; Ms. Sivhoang CHEA; Mr. Matthew McCARTHY  |
| <b>OCP:</b> Mr. Nicholas KOUMJIAN; Mr. SENG Bunkheang; Ms. SONG Chorvoin, Mr. Joseph Andrew BOYLE; Mr. SREA Rattanak, Mr. Vincent de WILDE d'ESTMAEL |
| <b>Accused:</b> Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan   |
| <b>Defence for the Accused Nuon Chea:</b> Mr. SON Arun; Mr. Victor KOPPE; Mr. SOUN Visal   |
| <b>Defence for the Accused Khieu Samphan:</b> Mr. KONG Sam Onn; Ms. Anta GUISSÉ  |
| <b>Standby Counsel for the Accused Khieu Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS  |
| <b>Civil Parties:</b> Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. LOR Chunthy; Mr. HONG Kimsuon; Mr. VEN Pov; Ms. TY Srinna                                 |
| <b>Witness:</b> CHOU Koemlan (2-TCCP-238); EM Phoeung (2-TCW-954);   |

**Others:** Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. MEACH Sovanna (Transcriber); Ms. SOK Sopheakmonica (Transcriber); Mr. NOU Monoroath (Transcriber); Ms. SREY Nak (Transcriber); Mr. Mario D'ALESSANDRO; Ms. TAUCH Tanneary.

#### General court times

|           |                   |                    |
|-----------|-------------------|--------------------|
| Day       | Start time: 09:05 | Finish time: 15:50 |
| Recess am | Start time: 10:10 | Finish time: 10:35 |
| Recess    | Start time: 11:35 | Finish time: 13:30 |
| Recess pm | Start time: 14:45 | Finish time: 15:00 |
|           | Total Court Time: | 4 hours 10 minutes |

#### Proceedings

| Type of Issue   | Raised By                         | Start time | Finish time |
|---|-----------------------------------|------------|-------------|
| Opening of hearing and report on attendance of parties    | Trial Chamber, Greffier           | 09:05      | 09:06       |
| Request to follow the proceedings from the holding cell   | Trial Chamber (NUON Chea Defence) | 09:07      | 09:10       |
| Questioning of Civil Party CHOU Koemlan 2-TCCP-238        | Trial Chamber                     | 09:10      | 09:45       |
|   | NUON Chea Defence                 | 09:46      | 10:11       |
|   | KHIEU Samphan Defence             | 10:37      | 11:33       |
|   |                                   | 13:30      | 15:17       |
| Oral ruling on the fitness of both Accused to stand trial | Trial Chamber                     | 10:33      | 10:37       |
| Civil Party statement                                     | Civil Party                       | 15:18      | 15:30       |
| Questioning of Witness 2-TCW-954 EM Phoeung               | Trial Chamber                     | 15:36      | 15:48       |

#### Summary of Proceedings

##### Opening of the Substantive Hearing

The President opened the proceedings and the Greffier informed the Chamber that all parties are present except for the accused, NUON Chea, who followed the proceedings from his holding cell. NUON Chea's waiver to be present in Court has been delivered to the Greffier. The Trial Chamber informs the Parties of NUON Chea's waiver of right to follow the proceedings from the courtroom and his request to follow the proceedings from the holding cell. The Trial Chamber granted NUON Chea's request to follow the proceedings from the holding cell.

##### Questioning of Civil Party CHOU Koemlan (2-TCCP-238)

The Trial Chamber commenced with the questioning of Civil Party 2-TCCP-238 followed by the NUON Chea Defence and KHIEU Samphan Defence.

##### Oral ruling on the fitness of both Accused to stand trial

Pursuant to Rule 32, and taking into account assessments and reports rendered by medical experts, the court found that both Accused, NUON Chea and KHIEU Samphan, remain fit to stand trial. As advised by the experts, the Chamber will order appropriate testing and monitoring of the Accused. The Trial Chamber also revised its current sitting schedule. Beginning today, 27 January 2015, the Chamber will begin proceedings at 9:00 a.m. and adjourn for lunch at 11:30 a.m., resume proceedings at 1:30 p.m. and adjourn at 4:00 p.m.. Beginning 2 February 2015, the Trial Chamber will generally sit four days a week, on Monday through Thursday, when possible. A revised schedule and order of call for the witnesses, experts and civil parties to be heard during the current trial session will be circulated to the parties.

**Civil Party statement**

The Civil Party addresses the Chamber and the Accused.

**Questioning of Witness EM Phoeung (2-TCW-954)**

The Trial Chamber commenced the questioning of EM Phoeung (2-TCW-954). The witness informed the Court about his inability to attend the proceedings in the following days. The Chamber reschedules 2-TCW-954's testimony in accordance with his availability, possibly in the coming week.

**Oral Orders/Decisions:**

| TC No   | OCIJ No    | ERN (KH, ENG, FR)   | Title  | Class | Note in Khmer                    | Note in English       | Note in French                   |
|---------|------------|---|--|-------|----------------------------------|-----------------------|----------------------------------|
| E3/5635 |            | 00897420-<br>00897427<br>00678302-<br>00678308<br>00898378-<br>00898382 | Witness statement of CHOU Koemlan            | P     | 00897420<br>00897422<br>00897423 | 00678302<br>00678304  | 00898378<br>00898379<br>00898380 |
| E3/5840 | D22/2502/1 | 01053476-<br>01053478<br>00550930-<br>00550931                          | Victims Unit Report on civil party applicant | P     | 01053477                         | 00550930-<br>00550931 | /                                |

- Order authorizing the Accused NUON Chea to follow the proceedings from the holding cell.
- Order to the security personnel to bring the two Accused back to detention facilities and to return them to the courtroom for hearings on 29 January 2015 at 09:00 am.

**Orders for Adjournment of Hearing**

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The hearing will resume on 29 January 2015 at 09:00 am. *85*

Phnom Penh, 27 January 2015

Greffier Greffier  
*SE Kolvuth* *J. McCarthy*  
SE Kolvuth J. McCarthy M<sup>C</sup>CARTHY