



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
ជាតិសាសនាព្រះមហាក្សត្រ

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

<p>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL</p> <p>ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 09 / 03 / 2015</p> <p>ម៉ោង (Time/Heure) : 14 - 25</p> <p>មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SANN RAY</p>

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

02 February 2015

Substantive Hearing on Evidence 002/02 – Day 236

Prepared by:

SE Kolvuthy and Maddalena GHEZZI

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); Judge Martin KAROPKIN (Reserve)
Greffiers: Mrs. SE Kolvuthy; Ms. Sivhoang CHEA; Ms. Maddalena GHEZZI
OCP: Mr. SENG Bunkheang; Ms. SONG Chorvoin; Mr. Dale LYSAK; Mr. Travis FARR
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. Victor KOPPE; Mr. SOUN Visal
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn
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
Witness: Ms. CHEANG Sreimom (2-TCW-834); Mr. KEV Chandara (2-TCW-964);
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. SREY Nak (Transcriber); Ms. SOK Sopheakmonica (Transcriber); Ms. NEY Someta (Transcriber); Mr. CHHUN Marosa (Transcriber); Mr. Mario D'ALESSANDRO; Ms.

Tauch Tanneary

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:10
Recess am	Start time: 10:10	Finish time: 10:35
Recess	Start time: 11:35	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours 20 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	09:05	09:07
Request to follow the proceedings from the holding cell	Trial Chamber (NUON Chea Defence)	09:08	09:12
Questioning of Witness CHEANG Sreimom (2-TCW-834)	NUON Chea Defence	09:13	09:30
	KHIEU Samphan Defence	09:35	10:11
Questioning of Witness KEO Chandara (2-TCW-964)	Trial Chamber	10:36	10:44
	Co-Prosecutors	10:44	14:16
	Civil Party Lead Co-Lawyer	14:17	14:26
	NUON Chea Defence	14:26	15:55
	KHIEU Samphan Defence	15:55	16:07
Trial Chamber Oral Ruling	Trial Chamber	15:03	15:05

<u>Summary of Proceedings</u>
<u>Opening of the Substantive Hearing</u> The President opened the proceedings and the Greffier informed the Chamber that all parties were present except for the Accused NOUN Chea and Mr. Arthur VERCKEN (International Co-Counsel for KHIEU Samphan). NUON Chea following the proceedings from the holding cell.
<u>NUON Chea request to follow the hearing from the holding cell</u> The President informed the Parties of NUON Chea's request to follow the proceedings from the holding cell and waiver of right to follow the proceedings from the courtroom. The Trial Chamber granted the request pursuant Internal Rule 81.5.
<u>Questioning of Witness CHEANG Sreimom (2-TCW-834)</u> NOUN Chea Defence commenced the questioning of Witness CHEANG Sreimom (2-TCW-834) followed by KHIEU Samphan Defence.
<u>Questioning of Witness KEO Chandara (2-TCW-964)</u>

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The Co-Prosecutor questioned the Witness, followed by the Civil Party Lead Co-Lawyer, NOUN Chea Defence and KHIEU Samphan Defence.

Trial Chamber Oral Ruling

The Trial Chamber issued an oral ruling on the request by the NUON Chea Defence for the reconsideration of certain practices for the examination of witnesses and Civil Parties in particular, on: (i) the practice of permitting witnesses to review prior statements before testifying and then to answer questions based on those statements; (ii) the undue restriction of the scope of Defence cross-examination; and (iii) the undue heavy reliance on Civil Party testimony. The Trial Chamber rejected the NUON Chea Request with written reasons to follow.

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TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1398		00065933- 00066015 00814500- 00814568 00823066- 00823119	Geography Text book of DK's Ministry of Education	P	00065933	00814500	00823066
E3/775		00407096- 00407108 00417940- 00417947 00593926- 00593935	Global Vision: Revolution and non-revolution toward family building issue	P	00407096- 00407108	00417940- 00417947	00593926- 00593935
E3/5832		00402462- 00402469 00410261- 00410267 00434531- 00434538	Written Record of Interview of CHEANG Sreimom	P	00402467	00410265	00434536
E3/5837	D25/24	00163455- 00163464 00223450- 00223458 00178089- 00178096	Written Record of Interview of KEV Chandara	P	00163457 00163458 00163459 00163460 00163461 00163462 00163465	00223452 00223453 00223455 00223456 00223457	00178091 00178092 00178093 00178094 00178095
E3/5153		00172042- 00172045 00205087- 00205091 00205092- 00205096	Written Record of Interview of KEV Chandara	P	00172043 00172044 00172045	00205088 00205090 00205091 00204089	00205093 00205094 00205095 00205096
E3/2062		00079436- 00079442 00301363- 00301370 00789274- 00789282	Brief history of "Genocidal Site" Kraing Ta Chan of Pol Pot-Ieng Sary Clique, Kus sub-district, Tram Kak district, Takeo province	P	00079436	00301363	00789274

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E319.1.5		00891165- 00891168 00970441- 00970445 00967221- 00967225	Written Record of Interview of KEV Chandara	SC	00891168	00970445	00967225
E3/5838	D175/8.90	00032891- 00032894 00713113- 00713115 00710238- 00710239	Genocidal Report of Pol Pot in Tram Kak District	P	00032891- 00032894	00713113- 00713115	00710238- 00710239

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.
- Ruling rejecting NUON Chea Defence request for the reconsideration of certain practices for the examination of witnesses and Civil Parties.
- 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 4 February 2015 at 09:00 am.

Orders for Adjournment of Hearing

The hearing will resume on 4 February 2015 at 09:00 am. *gv*

Phnom Penh, 2 February 2015

Greffier Greffier

SE Kolvuthy
SE Kolvuthy*Phena Ghezzi*
Phena GHEZZI