



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

<p>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL</p> <p>ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  ..... ០៩ ..... ០៩ ..... ២០១៥ .....</p> <p>ពេលវេលា (Time/Heure) : ..... 14 : 25 .....</p> <p>មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  du dossier: ..... SAMN PANDA .....</p>
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WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 February 2015

Substantive Hearing on Evidence 002/02 – Day 247

Prepared by:

Sivhoang CHEA and Roger PHILLIPS

<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 THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
<b>Greffiers:</b> Ms. SE Kolvuthy; Ms. Sivhoang CHEA; Mr. Roger PHILLIPS
<b>OCP:</b> Mr. SENG Leang; Mr. Nicholas KOUMJIAN; Mr. Dale LYSAK; Vincent de Wilde d'ESTMAEL
<b>Accused:</b> Mr. NUON Chea; Mr. KHIEU Samphan
<b>Defence for the Accused Nuon Chea:</b> Mr Victor KOPPE; Mr. SON Arun
<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> Ms. Marie GUIRAUD; Mr. VEN Pov; Mr. LOR Chunthy; Ms. SIN Soworn; Mr. HONG Kimsuon
<b>Witness:</b> Mr. SREI Than alias Duch (2-TCW-944)
<b>Others:</b> Mr. Russell HOPKINS (Legal Advisor); Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. SREY Nak, Mr. VAT Somoa

(Transcribers); Mr. DUCH Phary (Duty Counsel); Ms. Sara ERJAVEC; Mr. Yassir Al-Khudayri

<u>General court times</u>		
Day	Start time: 09:09	Finish time: 11:45
Recess am	Start time: 10:00	Finish time: 10:30
	Total Court Time:	2 hours and 6 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	09:09	09:11
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:11	09:13
Oral ruling on closed session	Trial Chamber	09:13	09:15
Discussion on the grounds for protective measures for Witness 2-TCW-944 (closed session)	Trial Chamber	09:17	09:19
		09:52	09:59
	Co-Prosecutors	09:20	09:25
		09:39	09:47
	Civil Parties Co-Lawyer	09:25	09:27
	NUON Chea Defence	09:27	09:32
		09:51	09:52
	Khieu Samphan Defence	09:32	09:39
	Duty Counsel	09:48	09:51
Oral ruling on request for protective measures	Trial Chamber	10:31	10:32
Questioning of Witness Srei Than alias Duch (2-TCW-944)	Trial Chamber	10:32	10:41
	Co-Prosecutor	10:41	11:40
Additional instructions regarding protective measures granted to the Witness	Trial Chamber	11:40	11:41

#### Summary of Proceedings

##### Opening of hearing and report on attendance of Parties

The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present. The Accused NUON Chea was present in the holding cell.

##### NUON Chea request to follow the hearing from the holding cell

The Trial Chamber granted the request of the NUON Chea Defence Team for NUON Chea to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

**Oral ruling on closed session**

The Trial Chamber ruled that the discussion on the grounds for protective measures will be held in closed session.

**Discussion on the grounds for protective measures for Witness 2-TCW-944**

The Co-Prosecutors and the Civil Party Lead Co-Lawyers supported the request for protective measures. The NUON Chea Defence indicated it had no objection to the particular protective measures and enquired whether NUON Chea would be able to see an undistorted picture in the holding cell. The KHIEU Samphan Defence noted the importance of public hearings, while stating that it had no objection to the request. The Duty Counsel explained the Witness's concerns, requested that the witness' address not be disclosed and that the witness' face be distorted on the broadcast in order to avoid disclosure to the public.

**Oral ruling on the request for protective measures**

The Trial Chamber granted the Witness' request not to disclose his address and image to the public. The Trial Chamber instructed the A/V Unit to distort the image of the witness and separately ordered the media not to divulge the images of the Witness.

**Questioning of Witness Srei Than alias Duch (2-TCW-944)**

The Trial Chamber and Co-Prosecutors posed questions to the Witness Srei Than alias Duch (2-TCW-944).

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5852	D125/129	00224787- 00224792; 00231672- 00231677; 00234573- 00234578	Written Record of Interview of SREI Than	C	00224788; 00224789; 00224790; 00224791	00231673; 00231674; 00231675;	0023457400234575; 00234576
E319.1.25		00960642- 00960650; 00970066- 00970076; 00973030- 00973038	Written Record of Witness Interview Srei Than	S	00960644 00960645	00970068 00970070	00973032 00973033
E3/5153		00172042- 00172045 00205087- 00205091 00205092- 00205096	Written Record of Interview of KEO Chandara	P	00172044	00205090	00205095
E3/5834		00427971- 00427981; 00434687- 00434697; 00434698- 00434708	Written Record of Witness Interview SREI Than	P	00427972 00427974	00434688 00434689 00434690	00434699 00434700 00434701
E3/5853	D40/20	00165328- 00165336; 00433567- 00433575; 00524316- 00524324	Written Record of Interview of Witness SAING Sim	C	00165329	00433568	00524317
E319.1.33		00968170- 00968196 00980277- 00980305 00982607- 00982632	Written Record of Interview of Witness [2- TCW-847]	S	00968173 00968174	00980280	00982610
E3/2120		N/A 00416302- 00416468 N/A	Official Published Version] Book by MENG-TRY Ea entitled "The Chain of Terror: The Khmer Rouge Southwest Zone Security System"	P	N/A	00416390	N/A

E3/2109	00068014- 00068016 00276555- 00276556 00290272- 00290274	Report on prisoners by late November 1977	P	00068014	00276555	00290272
E3/5830	00365692- 00365692 00363333- 00363333; 00371259- 00371259	Annex D: Plan of Kraing Ta Chan Security Centre compiled from information provided by witness SAY Sen	P	00365692	00363333	00371259

**Oral Orders/Decisions:**

- Order authorizing the Accused NUON Chea to follow the proceedings from the holding cell and instructing the A/V Unit to connect the A/V link to the proceedings (09:11).
- Order to hold a closed hearing, to empty the auditorium, and instructing the A/V Unit to disconnect the audio and visual links to the auditorium (09:13).
- Decision granting protective measures to the Witness 2-TCW-944 (10:31).
- Order instructing the A/V Unit to distort the image of the witness (10:32).
- Order instructing the media covering the trial not to publish any photographs or images of the Witness, regardless of the time they were taken (11:40).
- Order instructing the security personnel to bring the Accused back to the detention facility and to have them return in the courtroom for hearing on 23 February 2015 before 9:00am (11:45).


**Orders for Adjournment of Hearing**

The hearing will resume on 23 February 2015 at 09:00 am.

Phnom Penh, 19 February 2015

Greffier

Greffier



Sivhoan  Roger PHILLIPS 