



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
..... 13 / 03 / 2015 .....

ម៉ោង (Time/Heure): ..... 14 : 15 .....

ឧត្តមនាយកប្រតិបត្តិឯកសារ/Case File Officer/L'agent chargé du dossier: **Sann Rada**

E1/264

**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

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 February 2015

Substantive Hearing on Evidence 002/02 – Day 245

Prepared by:

Sivhoang CHEA and Maddalena GHEZZI

<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. Maddalena GHEZZI; Ms. Sivhoang Chea
<b>OCP:</b> Mr. Nicholas KOUMJIAN; Ms. SONG Chorvoin; Mr. Vincent de Wilde d'ESTMAEL; Mr. Travis FARR
<b>Accused:</b> Mr. NUON Chea; Mr. KHIEU Samphan
<b>Defence for the Accused Nuon Chea:</b> Mr Victor KOPPE; Mr. SUON 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> Ms. Marie GUIRAUD; Mr. LOR Chunthy; Mr. VEN Pov; Ms. TY Srinna
<b>Witness:</b> Mr. PHNEU Yav (2-TCW-934); Mr. SAO Han (2-TCW-807)
<b>Others:</b> Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. NEY Someta; Ms. SREY Nak; Mr. MEACH Sovanna; Mr. LOEUNG Sopheak (Transcribers); Ms. Sara ERJAVEC; Mr. HOU Chiseng

<u>General court times</u>		
Day	Start time: 09:03	Finish time: 16:05
Recess am	Start time: 10:13	Finish time: 10:33
Recess	Start time: 11:32	Finish time: 13:36
Recess pm	Start time: 14:43	Finish time: 15:05
	Total Court Time:	4 hours 16 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	09:04	09:05
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:05	09:07
Questioning of Witness PHNEU Yav (2-TCW-934)	Co-Prosecutors	09:08	11:09
	Civil Party Lead Co-Lawyer	11:10	11:31
	NUON Chea Defence	13:49	14:18
	KHIEU Samphan Defence	14:18	15:34
Disclosure of statements from Case 004	NUON Chea Defence	13:36	13:37
	Co-Prosecutors	13:38	13:40
	KHIEU Samphan Defence	13:41	13:42
	Civil Party Lead Co-Lawyers	13:42	13:43
	Trial Chamber	13:47	13:49
Questioning of Witness SAO Han (2-TCW-807)	Trial Chamber	15:36	15:43
	Co-Prosecutors	15:43	16:03

<u>Summary of Proceedings</u>
<p><b><u>Opening of hearing and report on attendance of Parties</u></b> 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.</p>
<p><b><u>NUON Chea request to follow the hearing from the holding cell</u></b> 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.</p>
<p><b><u>Questioning of Witness PHNEU Yav (2-TCW-934)</u></b> The Parties questioned the Witness PHNEU Yav (2-TCW-934).</p>
<p><b><u>Disclosure of ICJ statements from Case 004</u></b> In the light of the new disclosure of ICJ statements from Case 004, the NUON Chea Defence noted that it was time to request the postponement of the questioning or the</p>

hearings in order to have time to read through the statements. The KHIEU Samphan Defence echoed the NUON Chea Defence's concerns. The Civil Party Lead Co-Lawyers expressed understanding for the Defence Teams and noted that they are in the same difficult situation. Trial Chamber notified the Parties that they will be given time to familiarise themselves with the newly disclosed documents and that details would follow by email to the Parties.

Questioning of Witness SAO Han (2-TCW-807)

The Trial Chamber and Co-Prosecutors began questioning of Witness 2-TCW-807. The questioning will resume on 18 February 2015.

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5515		00402454- 00402461 00410244- 00410251 00422304- 00422311	Written Record of Interview of PHNEOU Yav	P	00402455 00402456 00402457 00402458 00402459 00402460 00402461	00410245 00410246 00410247 00410248 00410249 00410250 00410251	00422305 00422306 00422307 00422308 00422309 00422310 00422311
E3/5515R	D232/62R	TR00423629- TR00423629	Audio Recording of Interview of PHNEOU Yav	P		01:05:41- 01:06:57	
E3/4084		00079083- 00079085 00290264- 00290266 00795281- 00795283	Report on But Vin made by Takem sub-district, Tram Kak District	P	00079083	00290264	00795281
E3/5856	D157.55	00271010- 00271010 00363652- 00363652 00793350- 00793351	Meeting agenda	P	00271010	00363652	00793350
E3/5518		00408312- 00408320 00413895- 00413902 00702550- 00702558	[Corrected 1] Written Record of Interview of SAO Hean	P	00408314 00408315 00408316 00408318	00413896 00413897 00413898 00413899 00413901	00702551 00702552 00702553 00702554 00702556

**Oral Orders/Decisions:**

- Order authorising the Accused NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceedings (09:07).
- Order to the security personnel to bring the two Accused back to detention facility and have them return in the courtroom for the hearing on 18 February 2015 before 09:00 am (16:05).

**Orders for Adjournment of Hearing**

The hearing will resume on 18 February 2015 at 09:00 am.

Phnom Penh, 17 February 2015

Greffier

Greffier



Sivhoang HHEA



Magdalena GHEZZI