



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
.....10...../.....04...../.....2015.....

ម៉ោង (Time/Heure):.....10:30.....

អគ្គិសនីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:.....Sann Rada.....

E1/272

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

05 March 2015

Substantive Hearing on Evidence 002/02 – Day 253

Prepared by:

Sivhoang CHEA and Matthew McCARTHY

Attendance Record
Before: Judge NIL Nonn (President); Judge Claudia FENZ; Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara
Reserve Judges: Judge Martin KAROPKIN (Reserve); Judge THOU Mony (Reserve)
Greffiers: Ms. Sivhoang CHEA; Mr. Matthew McCARTHY
OCP: Mr. Nicholas KOUMJIAN; Ms. CHEA Leang; Mr. Vincent de Wilde d'ESTMAEL; Ms. SONG Chorvoin; Mr. Dale LYSAK
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr Victor KOPPE; Mr. SON Arun; Mr. SUON 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: Ms. Marie GUIRAUD; Mr. LOR Chunthy; Ms. TY Srinna; Mr. HONG Kimsuon; Ms. SIN Soworn
Witness: Mr. VAN Soeun (2-TCW-847)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. SREY Nak, Ms. SAM Makara (Transcribers); Mr. MAM Rithea (Duty Counsel); Mr.

Yassir AL-KHUDAYRI; Mr. LY Sotol

<u>General court times</u>		
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Day	Start time: 9:03	Finish time: 15:51
Recess am	Start time: 10:14	Finish time: 10:40
Recess	Start time: 11:51	Finish time: 13:41
Recess pm	Start time: 14:42	Finish time: 15:08
	Total Court Time:	3 hours and 6 minutes

<u>Proceedings</u>			
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Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of Parties	Trial Chamber, Greffier	9:04	9:05
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	9:05	9:06
Notification of Trial Management Meeting	Trial Chamber	9:07	9:09
Questioning of Witness VANN Soeun (2-TCW-847)	NUON Chea Defence	09:09	10:13
		11:33	11:37
	Khieu Samphan Defence Trial Chamber	10:41 11:32	11:28 11:33
NUON Chea request to visit Krang Ta Chan Security Office	NUON Chea Defence	09:43	09:46
NUON Chea request for closed session	NUON Chea Defence	11:28	11:29
NUON Chea and KHIEU Samphan request to hold the Trial Management Meeting in open session	NUON Chea Defence	11:42	11:45
	KHIEU Samphan Defence	11:46	11:46
Trial Management Meeting	Trial Chamber	13:41	13:46
		14:29	14:30
		15:33	15:35
	NUON Chea Defence	13:46	14:15
		15:35	15:40
		15:44	15:46
	KHIEU Samphan	14:16	14:28
		15:40	15:44
	Co-Prosecution	14:30	15:21
		15:46	15:49
		15:21	15:33
	Lead Co-Lawyer	15:21	15:33
15:49		15:50	

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, except the international co-counsel for KHIEU Samphan. The Accused NUON Chea was present in his holding cell.

NUON Chea request to follow the proceedings 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.

Notification of parties regarding the Trial Management Meeting

The Trial Chamber notified the parties that the testimony of witness 2-TCW-803 will be postponed due additional time needed by the parties to review documents related to 2-TCW-803's testimony and due to this Trial Management Meeting.

Questioning of Witness VAN Soeun (2-TCW-847)

The NUON Chea Defence and the KHIEU Samphan Defence questioned witness VAN Soeun (2-TCW-847).

NUON Chea request to for a site visit to the Krang Ta Chan Security Office

The Defence requested a site visit by all parties in order to observe the physical dimensions and other details of Krang Ta Chan. The Trial Chamber suspended ruling on the request to visit the detention facility, stating that it would later rule on the request in due course.

NUON Chea request for closed session

The NUON Chea Defence requested questioning 2-TCW-847 in camera to avoid violating the Chamber's rules protecting the identity of alleged sexual assault victims. The Chamber granted the request. The Chamber ordered that all persons present in the public gallery be escorted. The Chamber also instructed the A/V Unit to discontinue the audio and visual broadcast of the proceedings.

Defence request to hold Trial Management Meeting in public session

NUON Chea Defence requested that the Trial Management meeting be held in public. The KHIEU Samphan Defence joined the NUON Chea Defence's request. The Chamber granted the request, based on the public interest, on the condition that the parties would respect the confidentiality of Case 003 and 004 materials in accordance with E319/7.

Trial Management Meeting**Defence motion on disclosure of case 003 and 004 statements**

NUON Chea Defence argued that it does not have sufficient time to properly read and analyse the Case 003 and 004 documents disclosed by the OCP and that several of these


3/6

documents are not relevant. The NUON Chea defence requested the temporary adjournment of hearings in order to review statements from Cases 003 and 004 disclosed by OCP.

The KHIEU Samphan Defence also noted its lack of time and resources to prepare a defence and the need for more time and disclosure to analyse documents from cases 003 and 004.

The Trial Chamber asked about the amount of additional time needed for document analysis by the Defence. The NUON Chea Defence stated that a definite answer would be impossible to give at that moment. The KHIEU Samphan Defence requested six weeks. The OCP alleged inconsistencies between the Defence's request of additional time to analyse document and the request for more documentary disclosure from other cases.

The Co-Prosecution stated that it would not file a written response to the Defence's motion. The Co-Prosecution noted that the alteration of segments would collide with matters of disclosure of documents of cases 003 and 004 - and it is the OCIJ who is responsible for such disclosure.

Additionally:

- The NUON Chea Defence requested assurances from the Chamber that the Khmer Krom will not be included as a 'targeted group' in case 002/02. The Co-Prosecution opposed excluding evidence of attacks on Khmer Krom, since attacking enemies was part of Khmer Rouge policy.
- The NUON Chea Defence requested an order to the OCP requesting the disclosure of additional relevant evidence from cases 003 and 004. The KHIEU Samphan Defence mentioned the possible need to recall certain witnesses if these additional documents from cases 003 and 004 are not disclosed. The KHIEU Samphan Defence also noted the lack of translation to French of certain documents. The Lead Co-Lawyer for Civil Parties stated that it is of interest that as many documents possible be disclosed. Also, it was mentioned that the OCIJ should broaden the conditions for disclosure. The NUON Chea Defence later proposed to invite the OCIJ to disclose the matters that would be relevant to case 002/02.



TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5852		00224787- 00224792 00231672- 00231677; 00234573- 00234578	Written Record of Interview of Witness SREI Than alias Duch	P(redacted)	00224792	00231677	00234578
E319.1.33		00968170- 00968196; 00980277- 00980305; 00982607- 00982632	Written Record of Interview of VANN Soeun វ៉ាន់ សៀន (Note: The Defence Counsel for KHIEU Samphan - Mr. KONG SAM ONN - did not provide the ERN numbers for the issues that were raised. ERN 00980278 was not expressly mentioned)	SC	0096818600968187	00980278 00980294 00980295	00982622 00982623
E3/5845		00165351- 00165358; 00223207- 00223213; 00490905- 00490913	Written Record of Interview of VANN Soeun វ៉ាន់ សៀន (Note: The Defence Counsel for KHIEU Samphan - Mr. KONG SAM ONN - did not provide the ERN numbers for the issues that were raised. ERN 00223208 was not expressly mentioned)	P		00223208	
E3/4846		00527717- 00527770; 00527771- 00527796; 00943267- 00943276	Interview by Mr. Chhoung Sophearith and Mr. Ea Meng-try	P	00527731	00527778	00943268
E319.1.32		00980096- 00980123; 00983566- 00983590; 00988934- 00988960	Written Record of Witness Interview HUL Hoeun (81	SC	00980109	00983577	00988946

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 (09:07).
- Decision to hold a Trial Management Meeting, instead of beginning the testimony of Witness 2-TCW-803 and to return 2-TCW-803 to his residence (9:07).
- Decision granting NUON Chea Defence's request to partially hear 2-TCW-847's testimony in camera, to avoid revealing the identity of an alleged sexual assault victim (11:29).
- Decision granting the NUON Chea Defence's and KHIEU Samphan Defence's request to hold the Trial Management Meeting in open session (13:42).
- Order adjourning the Trial Management Meeting (15:50).
- Order to the security personnel to bring the two Accused back to detention facilities and to return them to the courtroom for the hearing on 09 March 2015 at 9:00 (15:51).

Orders for Adjournment of Hearing

The hearing will resume on 09 March 2015 at 09:00.

Phnom Penh, 05 March 2015

Greffier

Greffier



Sivhoang CHEA
Sivhoang CHEA

Matthew McCARTHY
Matthew McCARTHY