



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 ជាតិ សាសនា ព្រះមហាក្សត្រ
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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de Première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

31 March 2015

Substantive Hearing on Evidence 002/02 – Day 266

Prepared by:
Sivhoang CHEA and Roger PHILLIPS

<u>Attendance Record</u>
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: Ms. Sivhoang CHEA; Mr. Roger PHILLIPS
OCP: Ms. SONG Chorvoine; Mr. Vincent de Wilde d'ESTMAEL; Mr. Dale LYSAK
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr Victor KOPPE; Mr. SUON Visal
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSÉ
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. LOR Chunthy; Ms. SIN Soworn; Mr. HONG Kimsuon; Mr. VEN Pov
Witness: Richard DUDMAN (2-TCW-923)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. Todd LOWELL (Assistant US Attorney by videolink); Mr. Jason BARRETT (Counsel for Witness by videolink); Ms. SREY Nak; Ms. PICH Chariya (Transcribers); Mr. Yassir AL-KHUDAYRI; Mr. LY Sotol

<u>General court times</u>		
Day	Start time: 08:04	Finish time: 10:59
Recess am	Start time: 09:00	Finish time: 09:11
	Total Court Time:	2 hours and 44 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	08:04	08:05
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	08:05	08:07
Questioning of Witness Richard DUDMAN (2-TCW-923) via videoconference	NUON Chea Defence	08:08	08:26
	Co-Prosecutors	08:26	09:53
	Lead Co-Lawyers	09:54	10:00
Trial Chamber decision on the Co-Prosecutors' request E342	Trial Chamber	10:03	10:05
NUON Chea and KHIEU Samphan request to examine civil parties on the content of civil parties' statements	NUON Chea Defence	10:05	10:12
	KHIEU Samphan Defence	10:12	10:15
		10:22	10:26
	Co-Prosecutors	10:15	10:22
Discussion on Lead Co-Lawyers proposed time allocations for hearing Civil Parties	Lead Co-Lawyers	10:26	10:37
		10:49	10:51
		10:55	10:56
	KHIEU Samphan Defence	10:37	10:38
		10:46	10:47
	NUON Chea Defence	10:38	10:44
		10:54	10:55
	Co-Prosecutors	10:48	10:49
		10:56	10:57
	Trial Chamber	10:51	10:53



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.

Questioning of Witness Richard DUDMAN (2-TCW-923) via videoconference

The NUON Chea Defence, Co-Prosecutors and Lead Co-Lawyers questioned the Witness Richard DUDMAN (2-TCW-923) by videoconference.

Trial Chamber decision on Co-Prosecutors' request E342

The Trial Chamber instructed the Co-Prosecutors to specify the excerpts of the document it seeks to be admitted into evidence, in lieu of the entire book.

NUON Chea request to cross-examine civil parties appearing for the Hearing on Harm suffered by Civil Parties

The NUON Chea Defence requested the Trial Chamber to have equal time to question each civil party appearing during the Hearing on Harm if the statements on suffering introduce new facts of allegations against the Accused. KHIEU Samphan also requested clarification on whether the civil parties can be questioned on purely factual issues.

Discussion on Lead Co-Lawyers proposed time allocations for hearing Civil Parties

The Lead Co-Lawyers, NUON Chea Defence, KHIEU Samphan Defence, Co-Prosecutors and Trial Chamber discussed the Civil Party Lead Co-Lawyers proposed schedule for the hearing on civil party suffering, contained in E315/1/1.1.



Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1156		00032944 00032945; 00524507- 00524508; 00807142 00807143	Letter from Kan and Mut to Respected Brother	P	00032944	00524507	00807142
E3/295		00701932- 00701946; 00169023- 00169171	Foreign Broadcast Information Service Collection of Reports for December 1978	P		00169107 00169135 00169159	N/A
E3/2285		00009067- 00009317; 00873122- 00873671	List of Prisoners	P	00009220 00009221 00009222 00009223	00873450 00873451 00873452 00873453 00873454 00873455 00873456 00873457 00873458 00873459 00873460 00873461	N/A

E3/342		00329596- 00330129	Revised S21 Prisoner List	P			N/A
E3/1651		00086824- 00086836; 00789497- 00789512; 00841421- 00841436	S21 Prisoner list containing names of prisoners interrogated at S21	P			

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Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E338.17		S00023188- S00023193	Article by R. Dudman: Forty Days with the Enemy, 1 November 1971, pp. 5-10, ERN	P	N/A	S00023188 S00023189	N/A
E338.19		01070495- 01070502; 00444937- 00444938;	Conformity a must for survival in Cambodia (Chicago Tribune) 26 December 1978	P	01070497	00444937 00444938	N/A
E307/5.2.16		01077091- 01077094; 01002091- 01002091; 01072646- 01072648	Attachment 16: Richard Dudman Pol Pot Brutal Yes But No Mass Murderer	P		01002091	
E305/12.58		S01056940- S01056947; S00014124- S00014125	Is Cambodia Starving?	P		S00014124	N/A
E305/12.54		01063264- 01063275; S00014147- S00014150	Cooperative (The Tampa Tribune, Times, Sunday, December, 31, 1978)	P	01063272	S00014149 S000141	N/A
E3/5873R		TR00232779- TR00232779 _4	Richard Dudman and Elizabeth Becker's interview with Pol Pot	P	TR00232779- TR00232779 _4	33:15- 42:55	N/A

E333.1	01047237- 01047241; 01054088- 01054092; 01054093- 01054096	Annex: Report on Visit by British Professor and American Journalists	P	01047239 01047240	01054090 01054091	01054094 01054095
E3/742	00062981- 00062999; 00478498- 00478507; 00499750- 00499765	CPK Magazine entitled "The Revolutionary Flag", Special Issue, April 1977	P	00062986 00062991	00478496 00478501	00499754 00499758
E236/5	00885478- 00885480; 00885476- 00885477; 00885901- 00885902	Trial Chamber memorandum entitled "Further information regarding trial scheduling"	P			
E315/1	01047332- 01047334; 01047330- 01047331	Information on (1) Key Document Presentation Hearings in Case 002/02 and (2) Hearings on Harm Suffered by the Civil Parties in Case 002/02	P	01047333 01047334	01047331	N/A
E267/3	00906117- 00906131; 00902172- 00902181; 00940496- 00940507	Decision on request to recall civil party TCCP-184, for review of procedure concerning civil parties' statements on suffering and related motions and responses (E240, E240/1, E250, E250/1, E267, E267/1 and E267/2)	P			
E336	01055869- 01055882; 01054673- 01054682	NUON Chea's request regarding certain practices to be undertaken when examining upcoming civil party 2-TCCP- 271 and other case 002/02 witnesses and civil parties generally	P		01054678	N/A
E3/3290	01070690- 01070745; 00419201- 00419290	New War in Southeast Asia: Documents on Democratic Kampuchea and the Current Struggle for National Independence	P	01070693 01070694 01070696 01070714 01070715	00419207 00419211	N/A

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 (08:07).
- Order instructing the AV Unit to play the audio exhibit in Document D28R, as requested by the NUON Chea Defence (09:12).
- Trial Chamber decided on the Co-Prosecutor's request to admit into evidence the document contained in the request E342. The Trial Chamber instructed the Co-Prosecution to submit the specific pages it intends to admit into evidence (10:04).
- 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 01 April 2015 before (10:59).

Orders for Adjournment of Hearing

The hearing will resume on 01 April 2015 at 08:00 am.

By

Phnom Penh, 31 March 2015

Greffier

Greffier



Sivhoang CHH

Gregger PHILLIPS