



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
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 10 / 04 / 2015
ម៉ោង (Time/Heure): 14:50
ឈ្មោះ មន្ត្រីបន្តសំណុំរឿង (Case File Officer/L'agent chargé) ANN PAPA

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

02 April 2015

Substantive Hearing on Evidence 002/02 – Day 268

Prepared by:
SE Kolvuthy and Matteo CRIPPA

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; Mr. Matteo CRIPPA; Ms. Maddalena GHEZZI
OCP: Mr. SREA Rattanak; Mr. Vincent de Wilde d'ESTMAEL
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. Victor KOPPE
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSSE
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; Ms. TY Srinna; Mr. SAM Sokong
Witness: Civil Party EAM Yen (2-TCCP-985); Civil Party THANN Thim (2-TCCP-288); Civil Party BENG Boeun (2-TCCP-981); Civil Party YEM Khonny (2-TCCP-983)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. VAT Somoa; Mr. MEACH Sovanna; Ms. Kerri MILES; Ms. SREY Nak (Transcribers); Mr. Yassir AL-KHUDAYRI, Mr. HOU Chiseng, Mr. LY Sotol

<u>General court times</u>		
Day	Start time: 09:12	Finish time: 16:00
Recess am	Start time: 10:14	Finish time: 10:32
Recess	Start time: 11:31	Finish time: 13:31
Recess pm	Start time: 14:44	Finish time: 14:59
	Total Court Time:	4 hours and 15 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	09:12	09:15
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:15	09:17
Hearing on Harm suffered by Civil Party EAM Yen (2-TCCP-985)	Co-Prosecutors	09:17	09:18
	NUON Chea Defence	09:18	09:39
	KHIEU Samphan Defence	09:39	10:12
Hearing on Harm suffered by Civil Party THANN Thim (2-TCCP-288)	Trial Chamber	10:35	10:38
	Lead Co-Lawyers	10:38	11:13
	Co-Prosecutors	11:14	13:45
Lead Co-Lawyers explanation of the reason that Chau Ny's name is mentioned in several Civil Party applications	Lead Co-Lawyers	13:32	13:37
NUON Chea request that the Civil Party THANN Thim (2-TCCP-288) be summoned again to testify on facts.	NUON Chea Defence	13:50	13:51
	KHIEU Samphan Defence	13:51	13:52
	Co-Prosecutors	13:52	13:52
	Lead Co-Lawyers	13:52	13:54
	Trial Chamber	13:54	13:57
Hearing on Harm suffered by Civil Party BENG Boeun (2-TCCP-981)	Trial Chamber	14:00	14:05
	Lead Co-Lawyers	14:05	14:32
	Co-Prosecutors	14:33	14:43
	NUON Chea Defence	14:59	15:18
	KHIEU Samphan Defence	15:18	15:29
Hearing on Harm suffered by Civil Party YEM Khonny (2-TCCP-983)	Trial Chamber	15:33	15:36
	Lead Co-Lawyers	15:36	15:54

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.


2/5

NUON Chea request to follow the hearing from the holding cell

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

Hearing on Harm suffered by Civil Party EAM Yen (2-TCCP-985)

NUON Chea Defence and KHIEU Samphan Defence posed questions to the Civil Party EAM Yen (2-TCCP-985) regarding the harm suffered during the Democratic Kampuchea.

Hearing on Harm suffered by Civil Party THANN Thim (2-TCCP-288)

The Trial Chamber, Lead Co-Lawyers and Co-Prosecutors posed questions to the Civil Party THANN Thim (2-TCCP-288) regarding the harm suffered during the Democratic Kampuchea.

During the hearing, the NUON Chea Defence requested that the Civil Party be summoned to a later date to be heard about his knowledge of facts relevant to Case 002/02. The KHIEU Samphan Defence made no observations.

The Co-Prosecutors submitted that it was possible to continue asking additional questions during the current hearing, and that it was unnecessary to recall the Civil Party. The Lead Co-Lawyers did not support the application of the NUON Chea Defence.

The Trial Chamber granted the request by the NUON Chea Defence and decided to adjourn the hearing of the Civil Party THANN Thim (2-TCCP-288). The Civil Party will be summoned to return to the court in due course.

Lead Co-Lawyers explanation of reason Chau Ny's name is mentioned in several Civil Party applications

In response to a request for clarification from the Trial Chamber, the Lead Co-Lawyers explained that CHAU Ny's name appears on several Civil Party application forms because he was in charge of outreach and complaints in 2007 and 2008 in Takeo province, although the Lead Co-Lawyers could not confirm this with certainty.

Hearing on Harm suffered by Civil Party BENG Boeun (2-TCCP-981)

The Trial Chamber, Lead Co-Lawyers, Co-Prosecutors, NUON Chea Defence and KHIEU Samphan Defence posed questions to the Civil Party BENG Boeun (2-TCCP-981) regarding the harm suffered during the Democratic Kampuchea.

Hearing on Harm suffered by Civil Party YEM Khonny (2-TCCP-983)

The Trial Chamber and Lead Co-Lawyers posed questions to the Civil Party YEM Khonny (2-TCCP-983) regarding the harm suffered during the Democratic Kampuchea.

82

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5874	D22/2161	00546424- 00546432; 01069536- 01069536	[Partial T.] Civil party application of EAM Yen 09-VU-01711	P	00546430 00546432	01069536	N/A

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5034	D22/3211	00562516- 00562525; 01060191- 01060196; 00951211- 00951213	Civil party application of THANN Thim 09-VU-03508	P			
E3/2423	D157.105	00079124- 00079134; 00322206- 00322216; 00611729- 00611736	Letter to the Party in Tram Kak district for the arrest of Kab, a new youngster from District 109	P			
E3/4719	D22/222	00418269- 00418278; 00436826- 00436834; 00898350- 00898352	Civil party application of Mr. BENG Boeun	P	00418269	00436826 00436830	00898350 00898351

32

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/4930		00579111-00579112; 00937099-00937100; 00923153-00923154	Supplementary information of civil party applicant	P	00579111	00937099	00923153
E3/5035		00581840-00581842; 00859292-00859293; 00869780-00869781	Supplementary information of civil party applicant	P			
E319/12.3.8		00998106-00998127; 01035002-01035025	Written Record of Interview of Civil Party THANN Thim តាន់ ធីម	SC			N/A

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 proceedings (09:17)
- Trial Chamber decision granting the NUON Chea Defence request to adjourn the Hearing on Harm of Civil Party THANN Thim (2-TCCP-288) and to recall him at a later date. (13:57)
- 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 03 April 2015 before (15:59)

Orders for Adjournment of Hearing

The hearing will resume on 03 April 2015 at 09:00 am. *SS*

Phnom Penh, 02 April 2015

Greffier

Greffier

SE Kolvuthy  *Matteo CRIPPA*