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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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(ម៉ោង (Time/Heure): ១០:៣០

អង្គទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: Sann Ruda

E1/280

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

19 March 2015

Substantive Hearing on Evidence 002/02 – Day 261

Prepared by:

Sivhoang CHEA and Maddalena GHEZZI

<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; Ms. Maddalena GHEZZI
OCP: Mr. Dale LYSAK; Mr. SENG Leang; Ms. SONG Chorvoin
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. SON Arun; Mr. SOUN Visal
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Mr. Arthur VERCKEN
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. LOR Chunthy; Mr. VEN Pov; Mr. TY Srinna; Ms. SIN Soworn; Mr. HONG Kimsuon
Witness: Mr. RIEL Son (2-TCW-860)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. SREY Nak, Mr. VAT Somoa (Transcribers); Ms. Sara ERJAVEC; Mr. Chiseng HOU

Duty Counsel: Mr. DUCH Phary

<u>General court times</u>		
Day	Start time: 09:09	Finish time: 11:30
Recess am	Start time: 10:11	Finish time: 10:35
	Total Court Time:	1 hour and 57 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantive Hearing and attendance of the Parties	Trial Chamber, Greffier	09:09	09:12
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:12	09:13
Questioning of Witness RIEL Son (2-TCW-860)	KHIEU Samphan Defence	09:15	11:04
Reschedule of hearing of Witness (2-TCW-822)	Trial Chamber	10:36	10:38
Request to hear new Civil Party and admission of new evidence	Trial Chamber	11:06	11:07
		11:15	11:17
	Civil Party Lead Co-Lawyers	11:07	11:09
		11:12	11:14
	Co-Prosecutor	11:09	11:10
	NUON Chea Defence	11:10	11:12
	KHIEU Samphan Defence	11:12	11:12
Request for adjournment of hearings due to disclosure of statements from Cases 003 and 004	Trial Chamber (NUON Chea Defence)	11:17	11:21
Re-scheduling of Witnesses	Co-Prosecutor	11:22	11:25
	NUON Chea Defence	11:25	11:25
	Co-Prosecutor	11:26	11:27
	KHIEU Samphan Defence	11:27	11:28
	Trial Chamber	11:28	11:30

<u>Summary of Proceedings</u>
<u>Opening of hearing and attendance of the Parties</u>
The President opened the proceedings and the Greffier informed the Trial Chamber that

all Parties were present except for the Accused NUON Chea. 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 RIEL Son (2-TCW-860)

The questioning of Witness 2-TCW-860 was resumed and concluded. The Duty Counsel for Witness 2-TCW-860 was present in the courtroom.

Reschedule of hearing of Witness (2-TCW-822)

The Chamber informed the Parties that due to serious health conditions, reserve Witness 2-TCW-822 could not testify and that the hearing of this Witness will be rescheduled in due course.

Request to hear a new Civil Party and admission of new evidence

The Trial Chamber heard the Parties' oral submissions regarding the request of Lead Co-Lawyer to hear a new Civil Party and to admit a new document (E344 and E344.1). The Co-Prosecutor supported the Lead Co-Lawyer request. The NUON Chea Defence submitted this Civil Party was not relevant, but did not object to the request. While not objecting, the KHIEU Samphan Defence noted that the request was not timely and the Civil Party is not reliable due to the state of her mental health. The Trial Chamber will issue the ruling in due course.

Request for adjournment of hearings due to the disclosure of Statements from Cases 003 and 004

The Trial Chamber ruled on the NUON Chea Defence Team request to adjourn the hearings (see E319/16, T. 4 March 2015, T. 5 March 2015) and announced it will adjourn the hearings during the week of 6 and 9 April and resume after the Khmer New Year judicial recess, in order to allow the Parties to review the disclosed material.

Scheduling of Witnesses

The Trial Chamber announced it would notify the Parties via e-mail on the Witness order and schedule for Monday, 23 March 2015.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5511		00402497- 00402504 00412169- 00412175 00434507- 00434513	Written Record of Interview of RIEL San	P	00402498 00402504	00412171 00412175	00434508 00434513

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E319.1.21		00975621- 00975646 00982633- 00982663 00980616- 00980640	Written record of Witness interview of [REDACTED]	SC	00975628 00975629	00982641 00982643	00980622 00980624
E3/5859		00418807- 00418889 00729022- 00729109 00808602- 00808693	DC-Cam interview with RIEL Sorn on 22nd May 2001	P	00418835 00418832 00418833	00729051 00729049	00808632

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 (09:13).
- Decision to adjourn the hearings in order to give the Parties time to review the disclosed statements from Cases 003 and 004 (11:20).
- 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 March 2015

before 09:00 am (11:30).

Orders for Adjournment of Hearing
The hearing will resume on 23 March 2015 at 09:00 am.

Phnom Penh, 19 March 2015

Greffier

Greffier



Sivhoang CHE

Maddalena GHEZZI