



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

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 02 / 06 / 2015 ម៉ោង (Time/Heure) : 15 : 05 មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé CAMN RAYDA
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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

25 May 2015

Substantive Hearing on Evidence 002/02 – Day 285

Prepared by:
SE Kolvuthy and Maddalena GHEZZI

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Claudia FENZ
Reserve Judges: Judge THOU Mony (Reserve)
Greffiers: Mrs. SE Kolvuthy; Ms. Maddalena GHEZZI
OCP: Mr. Nicolas KOUMJIAN; Mr. SREA Rattanak; 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. LIV Sovanna
Defence for the Accused KHIEU Samphan: Ms. Anta GUISSSE; Mr. KONG Sam Onn
Standby Counsel for the Accused KHIEU Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Ms. TY Srinna
Witness: Mrs. MEAS Laihuor (2-TCW-851)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. SREY Nak; Mrs. PICH Chariya; Mr. VAT Somoa; Ms. SOK Sopheakmonica (Transcribers); Mr. Yassir AL-KHUDAYRI; Mr. LY Sotol

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General court times		
Day	Start time: 09:09	Finish time: 16:06
Recess am	Start time: 10:48	Finish time: 11:07
Recess	Start time: 11:37	Finish time: 13:33
Recess pm	Start time: 14:41	Finish time: 15:01
	Total Court Time:	4 hours and 22 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of Parties	Trial Chamber, Greffier	09:09	09:12
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:12	09:14
Hearing on the parties' submissions on the use of evidence obtained through torture in Case 002/02	Co-Prosecutors	09:15	09:48
	Lead Co-Lawyers	09:48	10:02
	NUON Chea Defence	10:02	10:30
	KHIEU Samphan Defence	10:30	10:47
Hearing of Witness MEAS Laihuoy (2-TCW-851)	Trial Chamber	11:09	11:15
	Co-Prosecutors	11:15	16:04
Oral ruling on the NUON Chea Defence request for clarification on whether the Khmer Krom are included as a "quasi" targeted group for the purposes of Case 002/02	Trial Chamber	13:34	13:38

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 Defence request to follow the hearing from the holding cell

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

Hearing on the parties' arguments and submissions on the use of evidence obtained through torture in Case 002/02

The Co-Prosecutors, the Lead Co-Lawyers, the NUON Chea Defence and the KHIEU Samphan Defence made oral submissions regarding the use of evidence obtained through

30-

torture in Case 002/02.

Hearing of Witness MEAS Laihuor (2-TCW-851)

The Trial Chamber and Co-Prosecutors questioned the Witness MEAS Laihuor (2-TCW-851).

Oral ruling on the NUON Chea Defence request for clarification on whether the Khmer Krom are included as a targeted group for the purposes of Case 002/02

The Trial Chamber ruled that Case 002/02 does not include charges relating to the targeting of the Khmer Krom as a specific group; that it would continue to assess evidence on a case by case basis in accordance with the ECCC legal framework, and as a general rule evidence proposed or discussed in court which appears to related solely to the targeting of the Khmer Krom and exclusively relevant to the establishment of the elements of persecution as a crime against humanity or genocide against the Khmer Krom will be deemed not relevant and not allowed; and that evidence pertaining to the Khmer Krom may nonetheless be relevant to other issues in Case 002/02, and as such may be admissible.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/3857		00070431-00071084; 00825261-00825338; 00850216-00850283	Confession of Chor Chhan alias Sreng	P	00070438 00070803	00825261 00825306	00850216 00850255
E3/4202		00858214-00858410; 00757471-00757568; 00849349-00849484	Book by GINA Chon and THET Sambath entitled "Behind the killing fields: a Khmer Rouge leader and one of his victims"	P		00757520	
E3/5264		00271378-00271386; 00283339-00283346; 00333973-00333979	Written Record of Interview of KÈ Un	P	00271382 00271383	00283343	00333976

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TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9351	D166/38	00239927- 00239933; 00244161- 00244166; 00283906- 00283911	Written Record of Interview of MEAS Laihuo	P	00239929 00239930 00239931 00239932	00244162 00244163 00244164 00244165 00244166	00283907 00283908 00283909 00283910 00283911
E3/8028	D166/186	00347592- 00347596; 00342223- 00342225; 00345234- 00345236	Report of the Execution of Rogatory Letter, dated 01-05-2009: Site Identification Report	P	00347592 00347495	00342223 00342225	

Other documents (no change)

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TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E350/1		01097947- 01097962; 01097936- 01097946	Co-Prosecutors' Submission regarding the Application of the Torture Convention to S-21 confessions and other records relating to interrogations of prisoners	P	01097958 01097959	01097943 01097944	N/A
E3/1684		00191816- 00192089; 00192667- 00192932; 00357247- 00357451	Book by DAVID Chandler entitled: "Voices from S-21 - Terror and History in Pol Pot's Secret Prison"	P	00191882	00192726	00357313
E313		01006291- 01007288; 01005661- 01006290; 01004877- 01005660	Case 002/01 Judgement	P	01006582 01006583 01006584	01005840 01005841	01005100 01005101
E319/16		01072139- 01072151; 01072129- 01072138	NUON Chea's Motion in relation to Disclosures from Cases 003 and 004 and Response to the International Co-prosecutor's Filing Providing Information in this Regard	P			N/A
E301/9/1.1		00981692- 00981700; 00981687- 00981691; 00982092- 00982097	Annex: List of paragraph and portions of the Closing Order relevant to Case 002/02	P	00981694	00981688	00982093

35

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 (09:14).
- Oral Ruling to the NUON Chea request for clarification, establishing that the Khmer Krom are not included as a targeted group for the purposes of Case 002/02. (13:38)
- Order instructing the security personnel to bring the Accused back to the detention facility and to have them return to the courtroom for the hearing on 26 May 2015 before 9:00 am (16:06).

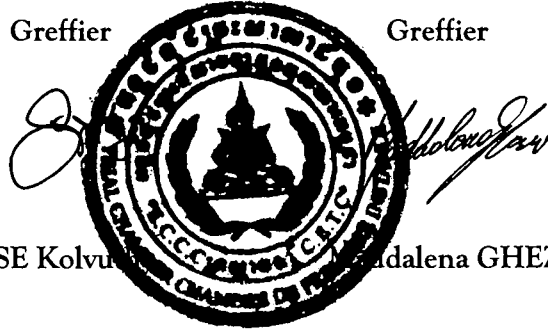
Orders for Adjournment of Hearing

The hearing will resume on 26 May 2015 at 09:00 am. *SP*

Phnom Penh, 25 May 2015

Greffier

Greffier



SE Kolvut

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