



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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 July 2015

Substantive Hearing on Evidence 002/02 – Day 304

Prepared by:
SE Kolvuthy and Matthew McCARTHY

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 17 / 08 / 2015
ម៉ោង (Heure) : 10:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង (Case File Officer/L'agent chargé du dossier): SANN PANDA

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Martin KAROPKIN
Reserve Judges: Judge THOU Mony
Greffiers: Mrs. SE Kolvuthy; Mr. Matthew McCARTHY
OCP: Mr. Nicholas KOUMJIAN; Mr. SENG Leang; Mr. Travis FARR; Mr. Dale LYSAK; Mr. Joseph Andrew BOYLE
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. LIV Sovanna; Mr. SON Arun
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. PICH Ang; Mr. HONG Kimsuon; Mr. VEN Pov; Mr. LOR Chuntty; Ms. SIN Soworn; Ms. TY Srinna
Witness: Civil Party Sen Sophon (2-TCCP-220)
Others: Mr. UCH Arun (Court Officer); Mr. Russell HOPKINS (Legal Advisor); Mr. VAT Somoa (Transcriber); Ms. SREY Nak (Transcriber); Mr. LONH Nget (Transcriber); Ms. Joëlle TRAMPERT (Intern); Mr. Richard LATTA (Intern); Mr. Sotol LY (Intern)

<u>General court times</u>		
Day	Start time: 09:02	Finish time: 15:53
Recess am	Start time: 10:06	Finish time: 11:04
Recess	Start time: 11:05	Finish time: 13:10
Recess pm	Start time: 14:41	Finish time: 14:59
	Total Court Time:	3 hours and 34 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	09:02	09:06
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:06	09:08
Parties' oral submissions on the disclosure of documents from Case 004 to Case 002/02	Trial Chamber	09:09	09:12
	Co-Prosecutors	09:12	09:32
		09:57	10:04
	Civil Party Lead Co-Lawyers	09:32	09:36
	NUON Chea Defence	09:36	09:47
	KHIEU Samphan Defence	09:47	09:57
Trial Chamber ruling to postpone the decision on the issue of disclosure and adjourn the proceedings until the afternoon session	Trial Chamber	11:04	11:05
Trial Chamber decision to reschedule the hearings on Trapeang Thma Dam	Trial Chamber	13:10	13:15
Hearing of Civil Party SEN Sophon (2-TCCP-220)	Trial Chamber	13:17	13:20
	Civil Party Lead Co-Lawyers	13:20	14:16
	Co-Prosecutors	14:16	15:50
NUON Chea observation regarding Co-Prosecutors' line of questioning in light of Supreme Court Chamber Decision F26	NUON Chea Defence	14:21	14:25
	Co-Prosecutors	14:25	14:29
	Trial Chamber	14:34	14:35

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present, with the Accused NUON Chea present in the holding cell.

Decision designating Reserve Judge Martin KAROPKIN to sit for Judge Claudia FENZ

Due to Judge Claudia FENZ's inability to attend the hearing, the Trial Chamber

designated Reserve Judge Martin KAROPKIN to replace her during the hearings of 27 July 2015 to 06 August 2015, pursuant to Internal Rule 79(4).

NUON Chea Defence 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.

Parties' oral submissions on the disclosure of documents from Case 004 to Case 002/02

As directed by the Trial Chamber, the Co-Prosecutors, the Civil Party Lead Co-Lawyers, the NUON Chea Defence and the KHIEU Samphan Defence put forward their submissions on the issue of whether disclosure of documents from Case 004 in Case 002/02 warranted adjourning the proceedings to permit all Parties to review these documents.

The Trial Chamber postponed its decision and adjourned the proceedings until 1:00 pm.

Trial Chamber decision to reschedule the hearings on Trapeang Thma Dam

At the beginning of the afternoon session, the Trial Chamber decided that the hearings on Trapeang Thma Dam should be postponed for a week to allow the Parties an adequate opportunity to review the recently disclosed documents. However, considering the distance they had travelled, the Trial Chamber decided that 2-TCCP-220 and 2-TCW-258 would be heard in accordance with the previous schedule. In addition, the Trial Chamber decided the evidence from 2-TCW-866 - in relation to Kampong Chhnang airfield - and from 2-TCW-926 - in relation to the 1st January Dam Worksite - should be heard as their evidence would not be affected by the recent disclosure.

Hearing of Civil Party SEN Sophon (2-TCCP-220)

The Trial Chamber, the Civil Party Lead Co-Lawyers and the Co-Prosecutors questioned Civil Party SEN Sophon (2-TCCP-220).

NUON Chea objection based on Supreme Court Chamber Decision F26

The NUON Chea Defence objected during the national Co-Prosecutor's questioning of the Civil Party, based on the Supreme Court Chamber's Decision of 17 May 2015. The Trial Chamber sustained the objection and ruled that Parties should refrain from reading out a civil party's prior statements in order to confirm the statement but could read from the statement for another purpose, such as refreshing their memory or testing their credibility.

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Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/4821	D22/1232	00523260- 00523269; 00916889- 00916892; 00909831- 00909836	Civil Party application of SEN Sophon 09-VU-00979	P	00523262 00523263 00523264	00916889 00916890	00909832 00909833 00909834

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E319/25.2		N/A; 01120381- 01120389; N/A	Annex I: Disclosure of Case 004 Documents Related to Case 002 Pursuant to Case 004-D193/28	SC	N/A		N/A
E319/25.3		N/A; 01120390- 01120400; N/A	Annex I: Disclosure of Case 004 Documents Related to Case 002 Pursuant to Case 004-D193/28	SC	N/A		N/A
E319/25.3.2	D5/1077	01022761- 01022771; 01073583- 01073592; N/A	Civil Party Application of [REDACTED]	SC			N/A
F26		01108641- 01108646; 01108636- 01108640; 01110266- 01110270	Supreme Court Chamber Directions on the conduct of the Hearing	P	01108645 01108646	01108639	01110269

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 (09:08).
- Decision rescheduling the trial section pertaining to Trapeang Thma Dam to allow Parties' adequate opportunity to review the disclosed documents and decision to hear 2-TCCP-220 and 2-TCW-258 in accordance with the prior schedule (13:15).

- Decision following the directions in Supreme Court Chamber Decision F26 instructing Parties to refrain from reading prior statements to witnesses for the purpose of seeking to confirm their prior statement (14:36).
- Order instructing the security personnel to bring the Accused back to the detention facility and to return them to the courtroom for the hearing on 28 July 2015 (15:52).

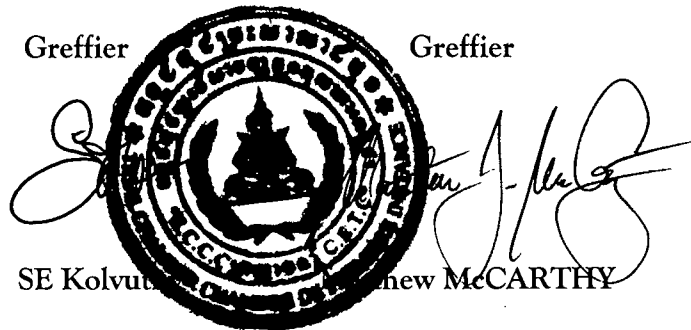
Orders for Adjournment of Hearing

The hearing will resume on 28 July 2015 at 9:00 am. *sv*

Phnom Penh, 27 July 2015

Greffier

Greffier



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