



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de recep. on): 26 / 08 / 2015
ពេលវេលា (Time/Heure) : 15:15
មន្ត្រីទទួលបន្ទុកសំណុំរឿង : Case File Officer/L'agent chargé SAMNARA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 August 2015

Substantive Hearing on Evidence 002/02 – Day 312

Prepared by:

SE Kolvuthy and Roger PHILLIPS

Attendance Record
Before: Judge NIL Nonn (President); Judge Claudia FENZ; Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge THOU Mony, Judge YOU Ottara (Absent)
Reserve Judges: Judge Martin KAROPKIN (Reserve)
Greffiers: Ms. SE Kolvuthy; Mr. Roger PHILLIPS
OCP: Mr. Nicholas KOUMJIAN; Ms. SONG Chorvoine; Mr. Vincent DE WILDE D'ESTMAEL; Mr. Joseph Andrew BOYLE; Mr. SREA Rattanak
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. SON Arun; Mr. LIV Sovanna
Defence for the Accused Khieu Samphan: Mr. Arthur VERCKEN; Mr. KONG Sam Onn
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. PICH Ang; Mr. VEN Pov; Mrs. TY Srinna and Mr. LOR Chunthy
Witness: Mr. CHHIT Yoeuk (2-TCW-937); Mr. CHHUM Seng (2-TCW-828)
Others: Mr. UCH Arun (Court Officer); Ms. SOK Sopheakmonica; Mr. VAT Somoa; Mr. LAY Nara; Mr. LONH Nget (Transcribers); Ms. Aphra LEE; Ms. SIM Sokchea (Trial Chamber Interns)

General court times		
Day	Start time: 09:01	Finish time: 16:01
Recess am	Start time: 10:07	Finish time: 10:28

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Lunch	Start time: 11:18	Finish time: 13:29
Recess pm	Start time: 14:40	Finish time: 14:58
	Total Court Time:	4 hours and 10 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	09:02	09:03
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:04	09:05
Hearing of Witness CHHIT Yoeuk (2-TCW-937)	NUON Chea Defence	09:06	10:07
		10:29	10:55
	KHIEU Samphan Defence	10:56	11:04
		11:05	11:15
Scope of the Trial Regarding Targeting Former Officials of the Khmer Republic	NUON Chea Defence Trial Chamber	14:32	14:33
		14:35	14:36
Hearing of Witness CHHUM Seng (2-TCW-828)	Trial Chamber Co-Prosecutors	13:32	13:41
		13:42	14:24
		14:25	14:40
		15:07	15:59

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.

Hearing of Witness CHHIT Yoeuk (2-TCW-937)

The NUON Chea Defence and KHIEU Samphan Defence posed questions to the Witness.

Scope of the Trial Regarding Targeting Former Officials of the Khmer Republic

The Co-Prosecutor questioned the Witness on the targeting Lon Nol soldiers by the Khmer Rouge, which elicited an objection from the NUON Chea Defence. The Defence stated this question was directly contrary to the decision laid down by the Trial Chamber (E315), which outlined that the treatment of former Khmer Republic officials is limited to Tram Kok, the 1st January Dam, Kraing Ta Chan and S-21. Thus this falls outside the scope of Treapeang Thma Dam.

The Co-Prosecutor submitted that the questions are about the difference between the cadres of the Northwest and those of the Southwest. The focus is on why the Witness at the time talked of certain degrees of tolerance given the fact that the Southwest cadres had

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not yet arrived to his location.

The President overruled the NUON Chea Defence's objection and stated the question is relevant to the topic of purges.

The Defence for KHIEU Samphan sought subsequent clarification of the President's ruling and questioned whether the scope of the trial had been extended regarding the policy of targeting former officials of the Khmer Republic. The Co-Prosecutor responded that there are two ways to establish the policy existed, either on the instructions and orders that were given or from what occurred on the ground. However, the question which led to the objection was connected to the difference between the Northwest Zone cadres and the Southwest Zone cadres within the context of purges, therefore this debate is misguided.

The Civil Party Lead Co-Lawyers outlined that the Chamber will have to decide on the existence of the policy at the national level, then the crimes committed in the implementation of the policy, which are limited to certain sites. The Lead Co-Lawyers agreed with the Co-Prosecutor's that it is perfectly legitimate to put general questions on the existence of these policies.

Judge Jean-Marc Lavergne responded to these observations and said the Chamber will not make a lengthy comment as the Chamber has clearly ruled on the objection that was raised.

Hearing of Witness CHHUM Seng (2-TCW-828)

The Trial Chamber and Co-Prosecutors posed questions to the Witness.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9076	E305/13.23.368	00728841- 00728896; 00731151- 00731190	Statement of MUN Mut alias MUN Sarooun (DC-Cam)	P	00728868 00728869 00728870	00731170 00731172	N/A
E127/7.1.6	D119/33	00907522- 00907530; 00923043- 00923050; 00988634- 00988642	Written Record of Interview of CHHIT Yoeuk	P	00988637 00988638	00923045 00923046	00907525 00907526
E3/9010	E305/13.23.308	00730759- 00730816; 00728608- 00728640; 01123575- 01123605	Statement of CHHUM Seng (DC-Cam)	P	00730761 00730800	00728610 00728632	01123577 01123598
E3/9008	E305/13.23.306	00728770- 00728840;	Statement of CHHIT Yoeuk (DC-Cam)	P	00728796 00728797	00731123 00731124	01123720 01123721

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		00731105- 00731150; 01123704- 01123742			00728798 00728815 00728816 00728822 00728823 00728824 00728832 00728883	00731135 00731140 00731145 00731146 00731139	01123729 00112330 01123732 01123733 01123738
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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
E3/178	D175/4.3	00275587- 00275598; 00342708- 00342723; 00623304- 00623321	Weekly Report of Region 5 Committee, 21 May 1977	P	00275587	00342708	00623304
E3/9094	E305/13.23.384	00734030- 00734120; 00728641- 00728705; 01123606- 01123663	Statement of PAN Chhuong (DC-Cam)	C	00734089	00728683	01123644

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 (09:06).
- Order instructing the security personnel to bring the Accused back to the detention facility and to have them return in the courtroom for the hearing on 18 August 2015 (16:00).

Orders for Adjournment of HearingThe hearing will resume on 18 August 2015 at 09:00 am. *SP*

Phnom Penh, 17 August 2015

Greffier

Greffier

SE Kolvuthy

Roger PHILLIPS

