



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

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 02 / 09 / 2015
ពេលវេលា (Time/Heure) : 09:50
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SANN RAO

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

28 July 2015

Substantive Hearing on Evidence 002/02 – Day 305

Prepared by:  
Sivhoang CHEA and Maddalena GHEZZI

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Martin KAROPKIN (Reserve); Judge Claudia FENZ (Absent)
<b>Reserve Judges:</b> Judge THOU Mony
<b>Greffiers:</b> Ms. Sivhoang CHEA; Ms. Maddalena GHEZZI
<b>OCP:</b> Ms. SONG Chorvoin; Mr. Joseph Andrew BOYLE; Mr. Travis FARR; Mr. SENG Leang
<b>Accused:</b> Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
<b>Defence for the Accused Nuon Chea:</b> Mr. Victor KOPPE; Mr. LIV Sovanna; Mr. SON Arun
<b>Defence for the Accused Khieu Samphan:</b> Mr. KONG Sam Onn, Ms. Anta GUISSÉ
<b>Standby Counsel for the Accused Khieu Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
<b>Civil Parties:</b> Ms. Marie GUIRAUD; Mr. PICH Ang; Mr. HONG Kimsuon; Mr. VEN Pov; Ms. SIN Soworn; Mrs. TY Srinna
<b>Witness:</b> Civil Party SEN Sophon (2-TCCP-220); Witness MAM Soeurm (2-TCW-858)
<b>Others:</b> Mr. UCH Arun (Court Officer); Ms. SOK Sopheakmonica; Ms. SREY Nak; Mrs. PICH Chanya; Mrs. SAM Makara (transcribers); Ms. Joëlle TRAMPERT; Ms. Clementine PLAGNOL; Mr. Sotol LY

<u>General court times</u>		
Day	Start time: 09:01	Finish time: 16:07
Recess am	Start time: 10:13	Finish time: 10:31
Recess	Start time: 11:17	Finish time: 13:34
Recess pm	Start time: 14:43	Finish time: 15:01
	Total Court Time:	4 hours and 13 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	09:01	09:04
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:04	09:06
NUON Chea Defence request for clarification with regard to a number of DC-Cam statements not available and English and/or French	NUON Chea Defence	09:06	09:15
		15:02	15:04
		16:04	16:04
		09:16	09:17
	Co-Prosecutors Trial Chamber	09:17	09:20
		10:09	10:13
		15:05	15:05
		16:02	16:02
Civil Party Lead Co-Lawyers KHIEU Samphan Defence	09:19	09:19	
	16:04	16:05	
Hearing of Civil Party SEN Sophon (2-TCCP-220)	NUON Chea Defence	09:22	10:09
	KHIEU Samphan Defence	10:31	11:07
	Civil Party Statement on harm suffered	11:08	11:15
Hearing of Witness MAM Soeurm (2-TCW-858)	Trial Chamber	13:36	13:49
	Co-Prosecutors	13:49	15:34
	Civil Party Lead Co-Lawyers	15:34	16:02
NUON Chea objection to the Co-Prosecutors' questioning in light of Supreme Court Chamber Decision F26	NUON Chea Defence	14:18	14:19
		14:24	14:25
	KHIEU Samphan Defence	14:19	14:20
		14:20	14:24
	Co-Prosecutors Civil Party Lead Co-Lawyers	14:25	14:27
		Trial Chamber	14:30

### 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. The Accused NUON Chea was present in the holding cell.

#### NUON Chea Defence request to follow the proceedings from the holding cell

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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.

**NUON Chea Defence request for clarification with regard to a number of DC-Cam statements not available in English and/or French**

The NUON Chea Defence raised a question pertaining to the use sixty-six DC-Cam statements, the summary of which was recently disclosed by the OCP in the present hearings (E353). The NUON Chea Defence noted that of the sixty-six original DC-Cam Statements, only thirteen, including the one it intended to use (E3/8991), had been translated into English and none into French. The Trial Chamber requested the NUON Chea Defence to provide the full list of sixty-six documents to the Chamber so that it could consider the matter.

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

The NUON Chea Defence and the KHIEU Samphan Defence questioned Civil Party SEN Sophon (2-TCCP-220). The Civil Party made a victim impact statement.

**Hearing of Witness MAM Soeurm (2-TCW-858)**

The Trial Chamber, the Co-Prosecutors and the Civil Party lead Co-Lawyers questioned Witness MAM Soeurm (2-TCW-858).

**NUON Chea objection to the Co-Prosecutors' questioning in light of Supreme Court Chamber Decision F26**

The NUON Chea Defence objected to the Co-Prosecutors' manner of questioning Witnesses by putting to them excerpts of prior statements and asking for confirmation. The other Parties also presented their views. The Trial Chamber instructed the Parties to ask open questions, and clarified that in the case of an inconsistency, the relevant passage in the statement can be cited in order to clarify the matter and ask follow up questions.

**New E3s**

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9440	D22/1232/1	N/A; 00523258- 00523259; N/A	Victim Unit's Report on Civil Party Applicant SEN Sophon 09-VU- 00979	P	N/A	00523259	N/A

## Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/8991	E305/13.23.292	00730216- 00730242; 00969882- 00969917; N/A	Statement of BOU Mao (DC- Cam)	P	00730232	00969903	N/A
E3/8050	D232/96	00464718- 00464724; 00428004- 00428008; 00450433- 00450437	Report of the Execution of Rogatory Letter, dated 06-01- 2010: Site Identification Report	P	00464719	00428005	00450434
E3/7323	D166/99	00279086- 00279091; 00289997- 00290002; 00483957- 00483962	Written Record of Interview of HENG Samuot	P	00279088	00289999	00483959

## Other documents (No Change)

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	00523264	00916890	00909834

**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 (09:06).
- Ruling instructing Parties to ask open questions and refrain from reading prior statements to Witnesses unless an inconsistency arises (14:30).
- 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 29 July 2015 (16:07).

**Orders for Adjournment of Hearing**  
The hearing will resume on 29 July 2015 at 9:00 am. *sr*

Phnom Penh, 28 July 2015

Greffier

Greffier



For: Sivhoang CH... Madalena GHEZZI