



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

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/dete de reception): 10 / 09 / 2015
ពេលវេលា (Time/Heure) : 14:10
បម្រើឯកសារករ/Case File Officer/L'agent chargé du dossier: VAN N. RANA

**WRITTEN RECORD OF PROCEEDINGS**

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 August 2015

Substantive Hearing on Evidence 002/02 – Day 317

Prepared by:

Mr. EM Hoy and Mr. Roger PHILLIPS

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President); Judge Claudia FENZ; Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge THOU Mony; Judge YOU Ottara (Absent)
<b>Reserve Judges:</b> Judge Martin KAROPKIN (Reserve)
<b>Greffiers:</b> Mr. EM Hoy; Mr. Roger PHILLIPS
<b>OCP:</b> Mr. Joseph Andrew BOYLE; Mr. SREA Rattanak; Ms. SONG Chorvoin
<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. SON Arun; Mr. LIV Sovanna
<b>Defence for the Accused Khieu Samphan:</b> Mr. KONG Sam Onn; Mr. Arthur VERCKEN
<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. VEN Pov; Mr. LOR Chunthy
<b>Witness:</b> Mr. NHIP Horl (2-TCCP-269)
<b>Others:</b> Mr. UCH Arun (Court Officer); Mr. VAT Somoa; Mrs. PICH Chariya; Mrs. SAM Makara (Transcribers); Ms. Aphra LEE; Mr. KOEUY Vinhkoern (Trial Chamber Interns)

<u>General court times</u>		
Day	Start time: 08:58	Finish time: 14:16
Recess am	Start time: 10:14	Finish time: 10:30
Lunch	Start time: 11:29	Finish time: 13:28
Recess pm	Start time: N/A	Finish time: N/A
	Total Court Time:	3 hours and 3 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	09:00	09:01
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:01	09:02
Hearing of Civil Party NHIP Horl (2-TCCP-269)	Trial Chamber	09:03	09:07
	Civil Parties Lead Co-Lawyers	09:07	10:14
	Co-Prosecutors	10:32	10:52
	Trial Chamber	10:53	11:15
	NUON Chea Defence	11:16	11:28
	KHIEU Samphan Defence	13:29	13:48
Debate on Questions as to Status and Admission of Civil Parties		13:49	14:07
		10:04	10:48
		13:38	13:50
Statement of Impact and Harm Suffered by Civil Party NHIP Horl (2-TCCP-269)	Civil Party NHIP Horl	14:07	14:13

### 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 Civil Party NHIP Horl (2-TCCP-269)

The Trial Chamber, the Civil Party Lead Co-Lawyers, the Co-Prosecutors, the NUON Chea Defence and the KHIEU Samphan Defence posed questions to the Civil Party.

**Debate on Questions as to Status and Admission of Civil Parties**

The Civil Party Lead Co-Lawyers (LCLs) questioned the Civil Party on marriage practices at the Trapeang Thma Dam worksite. The NUON Chea Defence (NC) objected as to whether these questions had any bearing on the Civil Party's admission directly related to the dam. The LCLs stated that the Civil Party had been admitted and any objection should have been made at the time of the investigation. The questions should be allowed because they relate to part of the Civil Party's own experience within the scope of the trial. The KHIEU Samphan Defence (KS) objected to questioning focused on facts which are not referred to in the civil party application. They submit a distinction should be made between a normal witness who should testify to facts and a civil party who has a different status.

The President said the defence is correct that if the person is here to be a civil party it is to discuss the suffering they endured and any questions concerning facts are merely subsidiary points. The LCLs clarified that a Trial Chamber decision (E315/1) ruled that civil parties can testify on facts as well as on suffering. The President urged the LCLs to make this submission in writing.

In the afternoon session, NC argued that it is necessary for the Defence to challenge the merits of the application and admission of the Civil Party because it was not done by an investigating judge. KS stated that the Defence is unable to challenge the link between a civil party harm and the facts being tried because the civil party was admitted at the pre-trial phase.

The Trial Chamber stated that questions as to a Civil Party's admissibility should have been put to the investigating judge and the Pre-Trial Chamber. Such questions should not be asked of the Civil Party.

**Statement of Impact and Harm Suffered by Civil Party NHIP Horl (2-TCCP-269)**

The Civil Party made a statement of the harm he suffered during the time of the Democratic Kampuchea.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5018	D22/3050	00560142; 00560154; 01060036- 01060039; 00897048- 00897063	Civil Party Application of NHIP Horl	P	00560150	01060039	00897059

**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 (09:02).
- 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 26 August 2015 (14:16).


**Orders for Adjournment of Hearing**

The hearing will resume on 26 August 2015 at 09:00 am.

Phnom Penh, 25 August 2015

Greffier

Greffier



The seal of the ECCC Chamber of First Instance is circular, featuring a central emblem with a flame and a scale, surrounded by text in Khmer and French: 'CHAMBRE DE PREMIERE INSTANCE' and 'ECCC'.

Handwritten signatures are present on either side of the seal. The signature on the left is identified as EM Hoy, and the signature on the right is identified as Roger PHILLIPS.

EM Hoy

Roger PHILLIPS