



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
19 / 09 / 2015

ម៉ោង (Time/Heure): 11:08

អ្នកដឹកនាំឯកសារ/Case File Officer/L'agent chargé
du dossier: **SANN RADA**

E1/337

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

26 August 2015

Substantive Hearing on Evidence 002/02 - Day 318

Prepared by:

SE Kolvuthy and Matthew McCARTHY

<u>Attendance Record</u>
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge YOU Ottara; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE
Reserve Judge: Judge THOU Mony; Judge Martin KAROPKIN
Greffiers: Ms. SE Kolvuthy; Mr. Matthew McCARTHY
OCP: Mr. William SMITH; Mr. Vincent DE WILDE D'ESTMAEL; Mr. Travis FARR; Ms. SONG Chorvoin
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; Ms. CHET Vanly; Ms. Lyma NGUYEN
Others: Mr. UCH Arun (Court Officer); Mr. NOU Monoroath (Transcriber); Mr. LONH Nget (Transcriber); Mr. Richard LATTA (Trial Chamber Intern), Mr. Chhorn Sokkuma(Trial Chamber Intern)

32

General court times		
Day	Start time: 09:14	Finish time: 11:16
Recess	Start time: 10:09	Finish time: 10:35
	Total Court Time:	1 hour and 36 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:15	9:16
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:16	09:16
KHIEU Samphan Defence objection	KHIEU Samphan Defence Co-Prosecutor	09:24	09:38
		09:38	10:09
Key Documents Hearing	Co-Prosecutor	09:38	11:16
NUON Chea Defence objection	NUON Chea Defence	10:35	11:00

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.

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.

Objection to Co-Prosecutors' Presentation by KHIEU Samphan Defence

The International Co-Prosecutor presented key documents on the 1st January Dam worksite. The KHIEU Samphan Defence argued that the key document presentation hearing should not be a debate on the admissibility of documents and specifically objected, first, to the Co-Prosecutor's use of D195.7 (erroneously identified as "E195.7"). The KHIEU Samphan Defence noted that this document is not admitted into evidence. Secondly, the KHIEU Samphan Defence also objected to the presentation of E342.1 in its entirety since only two pages of this document have been admitted. Finally, the KHIEU Samphan Defence objected to the presentation of 18 Written Record of Interviews from cases 003 and 004 on the basis that they include inculpatory evidence. The KHIEU Samphan Defence request that the Chamber refuse the three series of documents cited above and requested that the Chamber forbid the Co-Prosecutors to present D197.2. The Chamber denied the request, noting that the 18 Written Records of Interview had been admitted in their decision E319/22/1.

Objection to Co-Prosecutors' Presentation by NUON Chea Defence

The NUON Chea Defence objected to the Co-Prosecutors' presentation of written record of interviews ("WRI"), arguing that contemporaneous documents, not WRI, should be

32

presented at a key document hearing, and arguing that if WRI are presented, then the key document hearing becomes a semi-closing argument. International defence counsel for NUON Chea withdrew from hearing. All remaining defence counsel also withdrew from the proceedings. The President adjourned the proceedings due to the absence of all defence counsel.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/3048r		V00422552- V00422552	Building a Khmer Rouge Dam	P			
E3/2348r		V00172506- V00172506	Khmer Rouge History of Genocide, part 1	P			
E3/2412	D133/1.6	00812343- 00812365	François PONCHAUD: "Kampuchea, a Revolutionary Economy"	P	00812343; 00812349; 00812360; 00812361	00598519; 00598523- 00598524; 00598533; 00598534	00812343; 00812345; 00812350- 00812351
E3/8026	D166/146	00337439- 00337456; 00290633- 00290646; 00294775- 00294784	Site Identification Report 23 February 2009 OCIJ	P	00337440- 00337441	00290634	00294776
E3/1783	D376.3	00659257- 00659262; 00498179- 00498181; 00606764- 00606767	FBIS Report of 22 December 1977	P	00659260; 00659261	00498181	00606766
E3/7414	D43/IV	00174119- 00174121; 00225265; 00251347	Colour Copy Excerpt of Confession of YAP Yan Alias SAO	P	00174121	00225265	00251347

92

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E342.1		00976019- 00976115	Book by Andrew Mertha entitled "Brothers in Arms: Chinese Aid to the Khmer Rouge, 1975-1979"	P			
E319/21.3.19	D119/173	01065971- 01065981; 01076968- 01076980	Written Record of Witness Interview: [REDACTED]	SC			
E3/20		00231987- 00232710; 00237694- 00238316; 00638281- 00638721	Book by Elizabeth Becker entitled "When the War was over: Cambodia and the Khmer Rouge Revolution"	P	00232318- 00232319	00237945	00638501- 00638502
E3/1339		00168307- 00168399	Fibis Collection of Dec 1977	P	NA	00168335	NA
E3/5513	D323/54	00402438- 00402453; 00410228- 00410243; 00422286- 00422303	Written Record of Interview of IENG Chham	P	00402443; 00402444; 00402445; 00402446; 00402447; 00402449	00410233;00410234; 00410236; 00410237; 00410238	00422292; 00422292; 00422293; 00422295; 00422296; 00422298
E3/35	D166/166	00340559- 00340578; 00346145- 00346162; 00367717- 00367734	Written Record of Interview of KÈ Pich Vannak	P			

2

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 (9:16).
- Chamber granted the Co-Prosecutors and Lead Co-Lawyers for the Civil Parties an extra 50 minutes to present key documents due to interruptions and objections (10:42).
- 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 27 August 2015 (11:16).

Orders for Adjournment of Hearing

The hearing will resume on 27 August 2015 at 9:00 am. *SP*

Phnom Penh, 26 August 2015

Greffier  Greffier
SE Kolvuth  
Matthew McARTHUR