



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ០៩ / ១០ / ២០១៥
ពេលវេលា (Heure) : 13 : 20
មន្ត្រីទទួលខុសត្រូវ (Case File Officer/L'agent chargé du dossier): SANN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 October 2015

Substantive Hearing on Evidence 002/02 – Day 334

Prepared by:
Sivhoang CHEA and Robynne CROFT

Attendance Record
Before: Judge NIL Nonn (President); Judge Claudia FENZ; Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN(Reserve)
Greffiers: Ms. Sivhoang CHEA; Ms. Robynne CROFT
OCP: Mr. Dale LYSAK; Ms. SONG Chorvoin
Accused: Mr. NUON Chea; 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. 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. LOR Chunthy; Mr. Ven POV
Witness: Witness BAN Seak (2-TCW-950)
Others: Mr. UCH Arun (Court Officer); Mrs. PICH Chariya; Mr. VAT Somoa; Mr. NOU Monoroath, Mr. LONH Nget (Transcribers); Ms. Clémentine PLAGNOL; Ms. Sokchea SIM (Interns)

<u>General court times</u>		
Day	Start time: 09:02	Finish time: 16:02
Recess am	Start time: 10:16	Finish time: 10:32
Recess	Start time: 11:35	Finish time: 13:32
Recess pm	Start time: 14:37	Finish time: 14:59
	Total Court Time:	4 hours and 25 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	09:05
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:05	09:09
Hearing of Witness BAN Seak (2-TCW-950)	Trial Chamber	09:09	9:17
	Co-Prosecutors	09:18	15:23
	Lead Co-Lawyers for the Civil Parties	15:23	16:01
NUON Chea Defence Request to delay the hearing of the treatment of the Cham until after the completion of the Case 004 investigation	NUON Chea Defence	11:15	11:17
		11:20	11:26
	Co-Prosecutors	11:17	11:18
	Trial Chamber	11:18	11:19
		11:26	11:29
	Lead Co-Lawyers for the Civil Parties	11:19	11:19
	KHIEU Samphan Defence	11:19	11:20

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

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.

Hearing of Witness BAN Seak (2-TCW-950)

The Trial Chamber, the Co-Prosecutors and the Lead Co-Lawyers for Civil Parties posed questions to the Witness BAN Seak (2-TCW-950).

NUON Chea Defence Request to delay the hearing of the treatment of the Cham until after the completion of the Case 004 investigation

The Parties responded to the NUON Chea Defence Request to delay the hearing of the

treatment of the Cham until after the completion of the Case 004 investigation due to the ongoing disclosure of evidence from that case. The Chamber rejected the NUON Chea Request and ordered that the proceedings will proceed as scheduled.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5275	D166/113	00282918- 00282921; 00284490- 00284494; 00339915- 00339918	Written Record of Interview of BAN Siek	P	00282920 00282921	00284492 00284493	00339917 00339918
E3/2957	D267/5/1.1.21	00214734- 00214737; 00583837- 00583842; 00759768- 00759773	Name List of Prisoners from the Central Zone	P	00214734 00214735	00583837 00583838 00583839	00759768 00759769 00759770
E3/1822		00338995- 00339006; 00078437- 00078604 00758327- 00758335	Book by Ysa Osman entitled: "OUKOUBAH - Justice for the Cham Muslims under the Democratic Kampuchea Regime"	P	/	00078568	00758331
E3/6979a	D230/1.1.101a	00452291- 00452296	Complaint of TUL The	P	00492293	/	/
E3/6979b	D230/1.1.101b	00452297- 00452297	Summary of Complaint of TUL The	P	/	/	/
E3/7690	D125/126.1	00223896- 00223896; 00223897- 00223899; 00485382- 00485382	Annex1: Extract of "The Cham Rebellion: Survivors' Stories from the Villages", Ysa Osman, Documentation series No. 9, DC-Cam, 2006, page 116 (English)	P	00223896	00223899	00485382

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/2956	D267/5/1.1.20	00214716- 00214724; 00222965- 00222968; 00758242- 00758252	Name list of people from North zone from 1-2-77 to 27-3- 77	P	00214720	00222966	00758247
E3/2166	D108/26.116	00086934- 00086936; 00785262- 00785266; 00727406- 00727411	List of prisoners from the Central Zone and S-21 Khor	P	00086934	00785263	00727407
E3/5253	D166/29	00235000- 00235003; 00235481- 00235484; 00250058- 00250060	Written Record of Interview of CHEU Thân	P	00235002	00235483	00250059
E3/154		00008494- 00008495; 00185064- 00185065; 01125271- 01125272	Telegram No. 15 Respectfully Submitted to Beloved Comrade Brother Pol	P	00008494	00185064	01125271
E3/2782		00095544- 00095558; 00089704- 00089716	Ke Pauk's Autobiography from 1949-1985	P	0095552	00089714	/
E3/2783	D83-Annex- 00011	00164118- 00164137; 00596203- 00596214	Ke Pauk's Autobiography from 1949-1985	P	/	/	00596212

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/375	D166/177	00348789- 00348805; 00360749- 00360764; 00369912- 00369926	Written Record of Interview of BAN Siek ហ៊ាន សៀក	P	00348796 00348797 00348799 00348800 00348802 00348803 00348804	00360756 00360759 00360761 00360762 00360763	00369919 00369921 00369924 00369926
E3/9556		00800952- 00800957; 00841963- 00841968; 00841969- 00841973	Written Record of Interview of [REDACTED]	SC	/	/	/
E3/9517		00980361- 00980377; 00984868- 00984883; 00998275- 00998286	Written Record of Interview of [REDACTED]	SC	00980370 00980376	00984877 00984882	00998281 00998285
E3/9649		01104603- 01104609; 01116321- 01116325; N/A	Written Record of Interview witness [REDACTED]	SC	01104608 01104609	01116324	/
E3/9499		01046827- 01046845; 01063603- 01063626; 01106528- 01106545	Written Record of Interview of [REDACTED]	SC	01046831 01046832	01063608 01063609	01106532
E3/390	D210/9	00392067- 00392107; 00436846- 00436876; 00479778- 00479821	Transcript of recorded interview with MAT Ly in 1990	P	00392076	00436853	00479788
E3/455	D86/7	00146668- 00146679; 00149907- 00149919; 00149932- 00149945	Written Record of Interview of Duch	P	00146678	00149917	00149943
E3/35	D166/166	00340559- 00340578; 00346145- 00346162; 00367717- 00367734	[Corrected 1] Written Record of Interview of KÈ Pich Vannak កែ ប៊ិចវណ្ណៈ	P	00340568 00340569 00340570	00346154 00346155	00367726 00367727

E3/5216	D125/126	00223890- 00223895; 00225494- 00225499; 00234567- 00234572	Written Record of Interview of [REDACTED]	C	00223891	00225496	00234569
E3/9324	D125/106	00218596- 00218598; 00242063- 00242065; 00485138- 00485139	Written Record of Interview of [REDACTED]	C	00218597	00242064	00485139
E3/5288	D166/158	00326652- 00326655; 00336288- 00336292; 00411587- 00411590	Written Record of Interview of [REDACTED]	C	00326653 00326654	00336290 00336291	00411588 00411589
E3/5196	D125/81	00204454- 00204457; 00223085- 00223089; 00274737- 00274741	Written Record of Interview of [REDACTED]	C	00204456	00223088	00274740

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).
- Decision rejecting NUON Chea Defence Request to delay the hearing of the treatment of the Cham until after the completion of the Case 004 investigation (11:26).
- 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 06 October 2015 (16:03).

Orders for Adjournment of Hearing

The hearing will resume on 6 October 2015 at 9:00 am.

Phnom Penh, 5 October 2015

Greffier

Greffier

Sivhoang *CROFT*
Sivhoang CHH *CROFT*
CHAMBRE DE PREMIERE INSTANCE