



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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

Nation Religion Roi ជាតិសាសនាព្រះមហាក្សត្រ
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 08 / 01 / 2016
ម៉ោង (Time/Heure) : 13:20
Case File Officer/L'agent chargé Sivhoang CHEA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 November 2015

Substantive Hearing on Evidence 002/02 – Day 340

Prepared by:
Sivhoang CHEA and Roger PHILLIPS

<u>Attendance Record</u>
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Claudia FENZ
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN(Reserve)
Greffiers: Ms. Sivhoang CHEA; Mr. Roger PHILLIPS
OCP: Mr. Nicolas KOUMJIAN; Mr. Dale LYSAK; Mr. 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. 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. HONG Kimsuon; Mr. Ven POV
Witness: [REDACTED] (2-TCW-918)
Duty Counsel for the Witness: Mr. Mam RITHEA
Others: Mr. UCH Arun (Court Officer); Mr. LONH Nget; Ms. SREY Nak; Ms. SOK Sopheakmonica (transcribers); Ms. Clémentine PLAGNOL

General court times		
Day	Start time: 09:06	Finish time: 16:06
Recess am	Start time: 09:19	Finish time: 10:00
Recess	Start time: 11:33	Finish time: 13:32
Recess pm	Start time: 14:46	Finish time: 15:09
	Total Court Time:	3 hours and 57 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	09:07	09:07
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:08	09:09
Oral Ruling on Requests to Rescind order E319/7/3 by KHIEU Samphan and Co-Prosecutors (E376 and E376/1)	Trial Chamber	09:10	09:11
	Co-Prosecutors	09:12	09:15
	Lead Co-lawyers	09:15	09:15
	NUON Chea Defence	09:16	09:16
	KHIEU Samphan Defence	09:17	09:18
	Trial Chamber	10:00	10:08
	Co-Prosecutors	10:08	10:10
	KHIEU Samphan Defence	10:10	10:13
Hearing of Witness [REDACTED] (2-TCW-918)	Co-Prosecutors	10:13	10:15
	Trial Chamber	10:16	10:21
	Trial Chamber	10:21	10:27
	Co-Prosecutors	10:27	16:06

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 NUON Chea's request to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

Oral Ruling on Requests to Rescind Order E319/7/3 by KHIEU Samphan and Co-Prosecutors (E376 and E376/1)

The Chamber indicated it received documents E319/35 and E319/35/2 from the International Co-Investigating Judge which raised new issues. Upon requests for further submissions, the Co-prosecutors and the KHIEU Samphan Defence team maintained their respective positions. The Lead Co-lawyers for Civil Parties and the NUON Chea Defence had no additional comments.

The Trial Chamber reversed its order in E319/7/3. The prior ruling in E319/7 remains in force but with the additional guidelines following the Co-Investigating Judges' request. The Chamber required the use of pseudonyms for any Case 003 and 004 witness or civil party who testifies in Case 002/02 in order to continue in public session. Pursuant to Internal Rule 29 and Article 4.1 of the practice direction on protective measures, the Chamber decided it will apply any protective measures ordered by the Co-Investigating Judges for Case 003 and 004 witnesses. The Chamber affirmed it will communicate to the Co-Investigating Judges concurrently with the Parties in Case 002/02, the list of witnesses, civil parties and experts, selected to testify on each topic.

The Co-prosecutors and the KHIEU Samphan Defence team requested clarification as to whether the use of pseudonyms was required for all persons who have given a Case 003 or 004 interview, suggesting that such was not necessary for witnesses who have been interviewed in Case 002/02, or by DC-Cam, before being interviewed by the Co-Investigating Judges in on-going investigations. The Co-Prosecutors also suggested that a witness might be able to waive the use of a pseudonym. The Chamber explained that this must be considered on a case-by-case basis balancing the need for a public hearing with the confidentiality of on-going investigations. For the current witness, the Chamber required the use of a pseudonym.

Hearing of Witness [REDACTED] (2-TCW-918)

The Trial Chamber, the Co-Prosecutors and the Lead Co-Lawyers for Civil Parties posed questions to the Witness [REDACTED] (2-TCW-918).

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	00275497	00342721	00623318 00623319
E3/1783	D376.3	00659257- 00659262; 00498179- 00498181; 00606764- 00606767	New China News Agency, Chen Yung-Kuei's Cambodia Visit Reported, 22 December 1977	P	00659260	00498181	00606766
E3/771	D248/4.6	00376312- 00376349; 00509660- 00509690; 00594030- 00594059	Revolutionary Youth Number 7-8 July-August 1977	P	00376343 00376344	00509686	00594053 00594054

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9483	/	00895155- 00895164; 00937031- 00937038; 00967788- 00967796	Written record of witness interview of [REDACTED]	C	00895155	00937031	00967788
E3/9504	/	00727220- 00727223; 00738310- 00738313; 00755082- 00755085	Written Record of Interview of witness [REDACTED]	C	00727220	00738310	00755082
E3/9567	/	01003839- 01003851; 01044759- 01044775; /	Written Record of Interview of [REDACTED] Dated 22- 07-2014	C	010038448 010038449	01044771 01044772	/
E3/9094	E305/13.23.384	00734030- 00734120; 00728641- 00728705; 01123606- 01123663	Statement of [REDACTED] (DCCam)	C	00734039 00734040 00734044 00734049 00734050 00734059 00734060 00734061 00734065 00734066 00734070 00734071 00734078 00734079 00734080 00734081 00734082 00734084	00728647 00728648 00728651 00728654 00728655 00728662 00728663 00728666 00728667 00728670 00728675 00728676 00728677 00728678 00728679 00728680	01123611 01123612 01123615 01123618 01123619 01123625 01123626 01123629 01123632 01123633 01123637 01123638 01123639 01123640 01123641

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 (09:08).
- Order granting the KHIEU Samphan Defence and Co-Prosecutors' Requests to Rescind Order E319/7/3, reverting to E319/7 subject to additional guidelines (10:00).
- 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 1 December 2015 (16:06).

Orders for Adjournment of Hearing

The hearing will resume on 1 December 2015 at 9:00 am.

Phnom Penh, 30 November 2015

Greffier



Sivhoang CHEA

Greffier



Roger PHILLIPS