



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): 18 / 02 / 2016
ម៉ោង (Time/Heure) : 11:30
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SANN IDANA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 February 2016

Substantive Hearing on evidence 002/02

Prepared by:

Mr. EM Hoy and Mr. Roger PHILLIPS

Attendance Record
Before: Judge NIL Nonn (President), Judge Claudia FENZ, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony.
Reserve Judges: Judge Martin KAROPKIN.
Support Staff: Mr. KEO Vath.
Greffiers: Mr. Roger PHILLIPS, Mr. EM Hoy.
OCP: Mr. Nicolas KOUMJIAN, Mr. SREA Rattanak, Mr. SONG Chorvoin.
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan.
Defence for the Accused Nuon Chea: Mr. SON Arun, Mr. Victor KOPPE, Mr. LIV Sovanna
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn, Ms. Anta GUISSÉ, Ms. Soumeya MEDJEBEUR, Ms. SENG Socheata.
Appointed Standby Counsel for KHIEU Samphan: Ms. TOUCH Voleak, Mr. Calvin SAUNDERS.
Civil Parties: Mr. PICH Ang, Ms. Marie GUIRAUD, Mr. LOR Chunthy, Mr. VEN Pov, Ms. CHET Vanly, Mr. HONG Kimsuon, Ms. SIN Soworn, Ms. TY Srinna, Ms. Eleonor FERNANDEZ.
Witness: Expert YSA Osman (2-TCE-95) with OCIJ Legal Officer: Ms. Julie BARDECHE

Others: Mr. UCH Arun (Court Officer), Ms. SOUR Sotheavy (Associate Court Officer); Mr. MEACH Sovanna (Transcriber); Mrs. SAM Makara (Transcriber); Mr. LONH Nget (Transcriber) ; Ms Hannah KIM (Legal Intern).

<u>General court times</u>		
Day	Start time: 9:05	Finish time: 16:07
Recess am	Start time: 10:13	Finish time: 10:34
Recess	Start time: 11:33	Finish time: 13:32
Recess pm	Start time: 14:41	Finish time: 15:01
	Total Court Time:	4 hr 20 min

<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	9:05	9:08
NUON Chea Defence Request to follow the proceedings from the holding cell	NUON Chea Defence	9:08	9:10
Trial Chamber's order in light of concerns raised by OCIJ	Trial Chamber	9:19	9:25
Hearing of expert YSA Osman	Trial Chamber	9:12	9:19
		9:25	10:12
		10:34	10:53
	International Co-Prosecutor	10:54	11:33
		13:32	14:41
		15:01	16:07

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings and informed the parties and public that Judge Ottara would be absent for today and possibly tomorrow due to health problems, and replaced by National Reserve Judge THOU Mony. The Greffier informed the Trial Chamber that all Parties were present and that the expert has no relationship with the Accused or any Civil Party.

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

The Trial Chamber granted the request of NUON Chea to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

Trial Chamber's order in light of concerns raised by OCIJ

Regarding the modalities for questioning expert YSA Osman, raised by the International Co-Investigating Judge ('OCIJ') on 24 September 2015, the Chamber had requested the parties to make oral submissions on the measures requested by the OCIJ. The Chamber then issued its memorandum on modalities (E367/6) to the parties. Parties were also instructed to submit their list of documents to be used for questioning the expert. The Chamber notified the reasons for, and the conditions of, the presence of the legal officer representing the OCIJ. Parties were also requested that they not use in-house translations of

documents that exist only in one language, but rather to use a member of their team to read the original document so that the interpreters could provide a simultaneous interpretation. Finally, the expert was reminded that the Trial Chamber held ultimate responsibility for determining the relevance of questions and evidence.

Hearing of expert witness 2-TCE-95

The Trial Chamber and International Co-Prosecutor questioned expert 2-TCE-95.

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E367/1		01149658- 01149660; 01149656- 01149657	[Corrected 1] Letter from ICIJ concerning the Expert Testimony of OCIJ analyst Osman YSA	P	01149659	01149657	-
E367/6		01200781- 01200784; 01200775- 01200777; 01200778- 01200780	[Corrected 1] Trial Chamber Memorandum entitled: Modalities of Testimony for 2-TCE-95	P	01200781	01200775	01200778
E215		00822610- 00822625; 00821265- 00821274; 00824115- 00824125	Decision on Assignment of Experts	P	00822623	00821272	00824123
E3/1593	4.25	00637356- 00638099; 01149978- 01150245; 00638722- 00639444	[Corrected 1] Book by Ben Kiernan entitled "The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79"	P	00637755	01150136 01150137	00639022 00639251 00639049
E3/178	D00707	00017147- 00017160; 00183363- 00183373; 00296158- 00296167	Minutes of the Meeting on Social Affairs and Health on 10/6/76	P	00275588	00342709	00623305
E3/2653	D196.2	00904196- 00904430; 00219050- 00219245; 00943973- 00943985	YSA Osman, "Rebellion: Survivor's Stories from the Village", DC-Cam, 2006	P	-	00219193 00219210	00904414 00904408
E3/9700	E367/4.1.7	01199595- 01199598	Attachment 7: Michael Vickery, Comments on Cham Population	P	-	01199596	-

			Figures', Critical Asian Studies, Vol. 22, No. 1, January - March 1990				
E3/9701	E367/4.1.4	01199557-01199558	Attachment 4: YSA Osman, 'How many Cham killed important genocide evidence', Phnom Penh Post, 10 March 2006	P	-	01199558	-
E3/1822	4.47	00338995-00339006; 00078437-00078604; 00758327-00758335	Book by YSA Osman entitled: "OUKOUBAH - Justice for the Cham Muslims under the Democratic Kampuchea regime"	P	-	00078450 00078573 00078568 00078569	00758327 00758331- 00758332

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 (9:10).
- Request for parties, when questioning expert witness 2-TCE-95, to make oral submissions on the measures requested by the OCIJ, submit their list of documents to be used, and to not use in house translations of documents that only exist in one language. (9:25)

Order for Adjournment of Hearing

The hearing will resume on Wednesday, 10th February 2016 at 9:00am.


Phnom Penh, 9 February 2016

Greffier


Mr. EM Hoy



Greffier


Mr. Roger PHILLIPS