



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 25 / 04 / 2016
ម៉ោង (Time/Heure): 15:30
ស្នងការណ៍ករណី/Case File Officer/L'agent chargé du dossier: SAMN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 February 2016

Substantive Hearing on evidence 002/02 - Day 367

Prepared by:

EM Hoy and Evelyn CAMPOS SANCHEZ

Attendance Record
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)
Greffier/s: Mr. Em Hoy; Ms. Evelyn CAMPOS SANCHEZ
OCP: Mr. SREA Rattanak; Mr. Dale LYSAK; Mr. Vincent DE WILDE D'ESTMAEL; Mr. SONG Chorvoïn
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. SON Arun; Mr. Victor KOPPE; Mr. LIV Sovanna
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSÉ; Mr. Clement BOSSIS; Ms. SENG Socheata
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. LOR Chunthy; Mr. VEN Pov;

Mr. HONG Kimsuon; Mrs. SIN Soworn; Ms. TY Srinna
Witnesses: Mr. SAO Van (2-TCW-989); MEAS Vouen (2-TCW-1008)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. MEACH Sovanna, Ms. SREY Nak; Mr. Laurent SOULARD; Mr. Sheriffo JAMMEH (Transcribers); Mr. Lachlan SLATTERY (Trial Chamber Intern)

<u>General court times</u>		
Day	Start time: 9:06	Finish time: 16:09
Recess am	Start time: 10:09	Finish time: 10:35
Recess	Start time: 11:32	Finish time: 13:32
Recess pm	Start time: 14:42	Finish time: 15:01
	Total Court Time:	4 hours and 18 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber, Greffier	9:06	9:08
NUON Chea Defence Requests to follow the proceedings from the holding cell	NUON Chea Defence	9:08	9:10
Hearing of witness SAO Van (2-TCW-989)	NUON Chea Defence	9:10	10:09
	NUON Chea Defence	10:36	10:41
	Trial Chamber	10:42	10:42
Co-Prosecutors' 87(4) request to admit documents E319/23.3.28, E319/23.3.29, E319/23.3.30, E319/23.3.31, E319/23.3.33 and E319/23.3.32 into evidence; and NUON Chea Defence 87(4) oral request to admit documents E319/23.3.17, E319/23.3.17.1 and E319/23.3.18 into evidence.	Trial Chamber	10:43	10:44
	International Co-Prosecutors	10:44	10:47
	Trial Chamber	10:46	10:47
	NUON Chea Defence	10:47	10:49
	Trial Chamber	10:49	10:50
	NUON Chea Defence	10:50	10:51
	Trial Chamber	10:52	10:52
	NUON Chea Defence	10:52	10:53
	KHIEU Samphan Defence	10:53	10:55
	Trial Chamber	10:55	10:55
	KHIEU Samphan Defence	10:55	10:56
	Trial Chamber	10:56	10:56
NUON Chea Defence	10:56	10:58	

	International Co-Prosecutors	10:59	11:01
	Trial Chamber	11:01	11:02
	NUON Chea Defence	11:02	11:03
	Trial Chamber	11:03	11:08
Hearing of witness MEAS Vouen (2-TCW-1008)	Trial Chamber	11:08	11:20
	NUON Chea Defence	11:20	11:31
	NUON Chea Defence	13:32	13:39
	International Co-Prosecutors	13:39	13:40
	NUON Chea Defence	13:40	13:40
	Trial Chamber	13:40	13:40
	NUON Chea Defence	13:40	13:42
	Trial Chamber	13:42	13:43
	NUON Chea Defence	13:43	14:42
	NUON Chea Defence	15:02	15:13
	International Co-Prosecutors	15:13	16:07

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

Hearing of witness SAO Van (2-TCW-989)

The NUON Chea Defence posed questions to witness SAO Van (2-TCW-989).

Co-Prosecutors' Internal Rule 87(4) motion request to admit documents into evidence

The Co-Prosecutors requested to use five documents (E319/23.3.28, E319/23.3.29, E319/23.3.30, E319/23.3.31, E319/23.3.33 and E319/23.3.32) as per its motion that it had filed with the Trial Chamber in November 2015 but the Chamber had not yet ruled.

There were no objections to this request.

The KHIEU Samphan Defence submitted that the documents referred to by the Co-Prosecutor would also be useful for the KS Defence.

The Trial Chamber made an oral ruling to admit into evidence E319/23.3.28, E319/23.3.29, E319/23.3.30, E319/23.3.31, E319/23.3.33 and E319/23.3.32 with reasons to be issued in due course.

NUON Chea Defence 87(4) oral request to admit documents into evidence

The NUON Chea Defence requested the Trial Chamber to decide on its pending oral request in relation to document E319/23.3.17.1 and to admit this document into evidence so that witness 2-TCW-1008 could be questioned on it. The NUON Chea Defence submitted that this document is prima facie relevant to questioning witness 2-TCW-1008 as it is a DC-Cam statement in which the interviewee speaks extensively about what happened in the Democratic Kampuchea territorial waters. The Trial Chamber asked the NUON Chea Defence why the second requirement under rule 87.4, had not been previously met to which the NUON Chea Defence responded that due to a lack of resources a request under rule 87.4 was not filed. The NUON Chea Defence extended its request to the Trial Chamber to admit an additional two documents: E319/23.3.17 and E319/23.3.18.

The Co-Prosecutors did not object to these documents being admitted.

The Trial Chamber made an oral ruling to admit into evidence E319/23.3.17, E319/23.3.17.1 and E319/23.3.18 with written reasons to be issued in due course.

Hearing of witness MEAS Vouen (2-TCW-1008)

The Trial Chamber and the NUON Chea Defence posed questions to witness MEAS Vouen (2-TCW-1008).

New

E3#	Doc.#	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9736	E319/23.3.28	01051790-01051807, 01057615-01057635	[Corrected 1] Written Record of Interview of MEAS Saran	C	/	/	/
E3/9737	E319/23.3.29	00970604-00970614, 00978395-00978404, 01081625-01081632	Written Record of Interview of MEAS Vouen dated 14-01-2014	C	/	/	/
E3/9738	E319/23.3.30	00970615-00970625, 00978405-00978414, 01059852-01059859	Written Record of Interview of MEAS Voeun Dated 15-01-2014	C	00970618, 00970619, 00970622, 00970624, 00970625	00978407, 00978408, 00978410, 00978411, 00978413	01059854, 01059855, 01059856, 01059857, 01059858, 01059859
E3/9739	E319/23.3.31	00970627-00970639, 00978508-00978518, 01106510-01106518	Written Record of Interview of MEAS Voeun	C	00970637-00970638	00978517	01106517
E3/9740	E319/23.3.32	00970641-00970651, 00978519-00978527, 01100807-01100814	Written Record of Interview of MEAS Voeun Dated 17-01-2014	C	00970644, 00970645	00978521, 00978522	01100809, 01100810
E3/9741	E319/23.3.33	00970654-00970665, 00978528-00978537, 01185029-01185037	Written Record of Interview of MEAS Vouen Dated 20-01-2014	C	/	/	/
E3/9742	E319/23.3.17	009955639-00955647-00976561-	Written Record of Interview of LIET Lan Dated 23-10-2013	C	/	/	/

		00976569, 00976214- 00976221					
E3/9742.1	E319/23.3.17.1	00955574- 00955638, 01170774- 01170857, 00996658- 00996716	Attachment 1: DC- Cam Interview of LIET Lan	C	00955619	01170833	00996698- 00996699
E3/9743	E319/23.3.18	00955648- 00955656, 00976570- 00976578, 00973100- 00973106	Written Record of Interview of LIET Lan Dated 24-10-2013	C	/	/	/

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1593	/	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	00637496	01150043	00638827
E3/117	D108/43/1	00242308- 00242314, 00166772- 00166775, 00281432- 00281435	KHIEU Samphan Chairs NUFC Congress Session dated 26 February 1975	P	/	/	/

E3/118	D262.5	00166888- 00167025	Foreign Broadcast Information Service collection of reports for April 1975	P	/	00166896	/
E3/9118	/	00957771- 00957831, 01098746- 01098786	Statement of SAO Port (DC-Cam)	C	00957786, 00957789, 00957800	01098756, 01098758, 01098766	/
E3/8752	E233/1.1	00733312- 00733352, 00849486- 00849523	Annex: DC- CAM interview of TCW-428 dated 11 December 2010	C	00733313, 00733320, 00733321, 00733315, 00733330, 00733327, 00733312, 00733342	00849487, 00849494,00849495, 00849489, 00849503, 00849500, 00849495, 00849511	/
E3/424	D234/25	00418517- 00418523, 00421068- 00421074, 00455266- 00455272	[Corrected 1] Written Record of Interview of MEAS Voeun	C	00418519	00421071	00455268
E3/9699	/	00990382- 00990405, 01076839- 01076868, 01118077- 01118097	Written Record of Interview of HEANG Ret	C	00990394, 00990395	01076854, 01076856, 01076857	01118088, 01118088, 01118089
E3/9	D222/1.15	/, 00396177- 00396757, 00639445- 00640068	Book by Philip Short entitled 'Pol Pot: The History of a Nightmare'	P	/	00396587	00639551
E3/80	D369/7	00486468- 00486473, 00491653- 00491658, 00509783- 00509789	[Corrected 1] Written Record of Interview of Witness MEAS Voeun dated 03-03-	P	00486471, 00486472	00491656, 00491657	00509786, 00509787

			2010				
E3/193	D189.2	00062946- 00062980, 00399221- 00399248, 00611825- 00611853	August 1977 Revolutionary Flag, No 8	P	00062965	00399236	00611840
E3/73	D369/12	00486474- 00486478, 00491659- 00491662, 00509790- 00509794	Written Record of Interview of Witness MEAS Voeun dated 04-03- 2010	P	00486477	00491662	00509790

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 (9:10am).
- Oral ruling to grant Co-Prosecutors' 87(4) request to admit documents E319/23.3.28, E319/23.3.29, E319/23.3.30, E319/23.3.31, E319/23.3.33 and E319/23.3.32 into evidence; and NUON Chea Defence 87(4) oral request to admit documents E319/23.3.17, E319/23.3.17.1 and E319/23.3.18 into evidence (11:06am).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 3 February 2016 (16:09pm).

Orders for Adjournment of Hearing

The hearing will resume on Wednesday 3 February 2016 at 9:00am.

Phnom Penh, 2 February 2016

Greffier

Greffier

EM Hoy

elyn CAMPOS SANCHEZ

