



**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

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

21 March 2016

Substantive Hearing on Evidence 002/02 - Day 386

Prepared by:

Mr. EM Hoy and Mr. Matthew J. McCARTHY

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President); Judge Jean-Marc LAVERGNE; Judge YA Sokhan; Judge Claudia FENZ; Judge YOU Ottara
<b>Reserve Judges:</b> Judge THOU Mony; Judge Martin KAROPKIN
<b>Greffiers:</b> Ms. EM Hoy; Mr. Matthew J. McCARTHY
<b>OCP:</b> Mr. Dale LYSAK; Mr. SREA Rattanak; Mr. Vincent de WILDE d'ESTMAEL
<b>Accused:</b> Mr. NUON Chea; Mr. KHIEU Samphan
<b>Defence for the Accused Noun Chea:</b> Mr. SON Arun; Mr. Victor KOPPE
<b>Defence for the Accused KHIEU Samphan:</b> Mr. KONG Sam Onn; Ms. Anta GUISSÉ
<b>Standby Counsel for the Accused KHIEU Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
<b>Lead Co-Lawyers for Civil Parties:</b> Mr. PICH Ang; Ms. Marie GUIRAUD, Ms. Sin Soworn, Ms. TY Srinna, Ms. Chet Vanly, Mr. Ven Pov.
<b>Witness:</b> (2-TCW-900) with duty counsel Mr. MAM Rithea
<b>Others:</b> Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. LONH Nget (Transcriber); Ms. SOK Sopheakmonica (Transcriber); Ms. PICH Charkya (Transcriber); Mr. LAY Nara (Transcriber); Ms. Hannah KIM (Trial Chamber

Intern); Mr. Lachlan SLATTERY (Trial Chamber Intern); Keo Vath (Support Staff)

### General court times

Day	Start time: 9:05	Finish time: 16:09
Recess am	Start time: 10:13	Finish time: 10:33
Recess	Start time: 11:35	Finish time: 13:33
Recess pm	Start time: 14:43	Finish time: 15:01
	Total Court Time:	4 hr 28 min

### Proceedings

Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber Greffier	9:05	9:08
NUON Chea Defence request to follow the proceedings from the holding cell		9:08	9:11
Partial oral ruling on request by International Co-Prosecutor	Trial Chamber	9:11	9:12
Motion by Co-Prosecutors to hear 2-TCCP-1016 and 2-TCW-1017	International Co-Prosecutor	9:14	9:18
	Civil Parties	9:33	9:39
	NUON Chea Defence	9:19	9:20
	KHIEU Samphan Defence	9:20	9:23
Hearing of witness 2-TCW-900		9:23	9:33
		9:39	9:42
	Trial Chamber	9:42	9:53
Hearing of witness 2-TCW-900	International Co-Prosecutor	9:53	10:13
		10:34	11:35
		13:33	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. Witness 2-TCW-900 was present via video-link from Anlong Veng District, Oddar Meanchey Province.

#### 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.

#### Oral responses to Co-Prosecutors' request E390

The Chamber heard oral responses from the parties to the Co-Prosecutor's request (E390)

to call 2-TCW-1017 and 2-TCCP-1016 in relation to Phnom Kraol Security Centre to replace witnesses who are now deceased. The Co-Prosecutors noted that they brought this motion after receiving information that three of the six witnesses to be called for this trial segment had died.

The Lead Co-Lawyers did not object to the Co-Prosecutors' request.

The NUON Chea Defence did not object the request, but argued that 2-TCW-1017's brother should testify in addition to 2-TCW-1017, not as 2-TCW-1017's substitute.

The KHIEU Samphan Defence objected to the timing of the Co-Prosecutors' request, brought after the Phnom Kraol Security Centre trial topic had begun. The KHIEU Samphan Defence argued that calling new witnesses in the middle of a trial segment impacts the Defence's ability to prepare. The KHIEU Samphan Defence also argued that, judging from 2-TCW-1017's written record of interview, 2-TCW-1017 did not appear to have knowledge pertinent to the trial topic and that 2-TCCP-1016 likewise did not have any relevant information on the security centre. 2-TCCP-1016 would be an additional witness instead of a replacement. It asked that the Chamber reject the Co-Prosecutor's application as tardy.

In response to the NUON Chea Defence, the Co-Prosecutors first noted that Co-Prosecutors had no objection to calling 2-TCW-1017 either in lieu of her brother or in addition to him. In response to the KHIEU Samphan Defence's objections, the Co-Prosecutors argued that their request is not tardy but that the Co-Prosecutors have filed an urgent motion based on a situation requiring them to move expeditiously, as the Defence has done in the past. The Co-Prosecutors also noted that although 2-TCCP-1016 did not explicitly identify Phnom Kraol Security Centre by name, the location is inferred from other information in her written record of interview.

**Partial oral ruling on request International Co-Prosecutor's request E319/36**

The Trial Chamber made a partial oral ruling on the International Co-Prosecutor's request E319/36, admitting into evidence witness 2-TCW-900's written record of interview (E319/23.3.5), assigning it document number E3/9734. Written reasons for this ruling and on the remainder of E319/36 will follow in due course.

**Hearing of 2-TCW-900 via video-link**

The Trial Chamber and International Co-Prosecutor questioned witness 2-TCW-900 via video-link. The Chamber reminded Parties that they should, pursuant to document E29/478/2, use the witness's pseudonym during the proceeding in order to protect the integrity and confidentiality of the current OCIJ investigation and the witness's security.

## New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9734	E319/23 .3.5	00936736- 00936738; 00974007- 00974010; 00970394- 00970398	Minutes of the meeting of comrades 164: Report on vessel training (Annex 1 to Written Record of Interview of PRES Mean)	P			

## Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5607	D369/15	00485636- 00485641; 00490559- 00490564; 00520432- 00520437	Written Record of Interview of Witness SIM Sal	P	00485638	00490561	00520434
E3/5512	D232/51	00401321- 00401330; 00403577- 00403586; 00422262- 00422271	Written Record of Interview of CHIN Kimthong, Dated 03-11-2009	P	00401326 00401327- 00401328	00403582 00403583- 00403584	00422267 00422268- 00422269
E3/7684	D125/111	00221751- 00221756; 00250070- 00250076; 00485149- 00485155	Written Record of Interview of KHOEM Peou	P	00221753	00250072- 00250073	00485151
E3/406	D232/52	00401331- 00401335; 00404075- 00404079; 00422272- 00422276	Written Record of Interview of CHIN Kimthong, dated 05-11-2009	P	00401333	00404078	00422274
E3/5605	D369/13	00484142- 00484146; 00488703-	Written Record of Interview of CHIN Kimthong	P	00484143	00488704	00488704

		00488707; 00490529- 00490533					
--	--	------------------------------------	--	--	--	--	--

## Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/407	D232/53	00401313- 00401320; 00406220- 00406227; 00422277- 00422285	Written Record of Interview of CHAOM Se, dated 08-11-2009	P	00401320	00406226	00422284
E3/240		00001266- 00001267; 00897667- 00897668 00282550- 00282551	Ry's telegram no 07 reported to Brother about arrested of 207 Vietnamese enemies	P	00001266	00897667	00282550
E3/1164	D366/7.1.389	00052323- 00052329; 00516708- 00516713; 00532750- 00532756	DK-Military Report from Division 801, Political Section	P	00052327	00516711	00532754
E3/9734	E319/23.3.5	00909667- 00909674; 00943559- 00943566; 00986660- 00986668	Written Record of Interview of CHIN Kimthong	C	00909669	00943561- 00943562	00986662- 00986663
E3/5512	D232/51	00401321- 00401330; 00403577- 00403586; 00422262- 00422271	Written Record of Interview of CHIN Kimthong, Dated 03-11-2009	C	00401327- 00401328	00403583- 00403584	00422269- 00422270
E3/405	D232/49	00401297- 00401307; 00406209-	Written Record of Interview of CHHAOM Se, dated 31-10-2009	P	00401300 00401304-	00406213- 00406214	00422250- 00422251- 00422255

		00406219; 00422247- 00422257			00104305	00406216	
--	--	------------------------------------	--	--	----------	----------	--

**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)
- Order to take the Accused to the Detention Facility and bring him back to court for the hearing on 22 March 2016. (16:09)


**Orders for Adjournment of Hearing**

The hearing will resume on 22 March 2016 at 9:00 a.m.

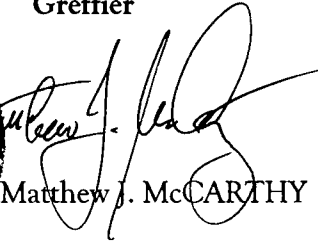
Phnom Penh, Monday 21 March 2016

Greffier

Greffier

  
 Mr. EM Hoy



  
 Matthew J. McCARTHY