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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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ម៉ោង (Time/Heure): 10:30

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: *Sann Rade*

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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 PROCEEDINGSPUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 March 2015

Substantive Hearing on Evidence 002/02 – Day 263

Prepared by:

SE Kolvuthy and Maddalena GHEZZI

<u>Attendance Record</u>
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. SE Kolvuthy; Ms. Maddalena GHEZZI; Mr. Roger PHILLIPS
OCP: Mr. Dale LYSAK; Mr. SENG Bunkheang; Ms. SONG Chorvoin; Mr. Vincent de WILDE d'ESTMAEL; Mr. BOU Chanthan
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr Victor KOPPE; Mr. SON Arun; Mr. SUON Visal
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSSE
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. LOR Chunthy; Mr. VEN Pov; Ms. SIN Soworn; Mr. HONG Kimsuon; Ms. MOCH Sovannary; Mr. KIM Mengkhy
Civil Parties: SAUT Saing (2-TCCP-304); SORY Sen (2-TCCP-271)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. SOK Sopheakmonica; Mr. VAT Somoa; Ms. NEY Someta; Ms. SAM Makara

(Transcribers); Mr. Yassir AL-KHUDAYRI; Mr. LY Sotol

General court times

Day	Start time: 09:01	Finish time: 16:41
Recess am	Start time: 10:12	Finish time: 10:30
Recess	Start time: 11:33	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:05
	Total Court Time:	5 hours and 5 minutes

Proceedings

Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of Parties	Trial Chamber, Greffier	09:02	09:03
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:03	09:05
Questioning of Civil Party SAUT Saing (2-TCCP-304)	NUON Chea Defence	09:08	10:49
	KHIEU Samphan Defence	10:49	13:48
		13:55	14:00
	Trial Chamber	13:50	13:54
Decision on request for protective measures for Civil Party 2-TCCP-271	Trial Chamber	10:30	10:33
KHIEU Samphan request to make public the transcript of Civil Party 2-TCCP-271's previous questioning in closed session.	KHIEU Samphan Defence	10:34	10:37
Civil Party's statement of impact	Civil Party SAUT Saing (2-TCCP-304)	14:01	14:04
Questioning of Civil Party SORY Sen (2-TCCP-271)	Co-Lawyers for Civil Parties	14:13	14:20
	Co-Prosecution	14:21	15:27
	NUON Chea Defence	15:27	15:55
	KHIEU Samphan Defence	15:55	16:31
KHIEU Samphan motion requesting confrontation between witnesses	KHIEU Samphan Defence	16:32	16:37
Civil Party's statement of impact	Civil Party SORY Sen (2-TCCP-271)	16:37	16:38

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Summary of Proceedings**Opening of hearing and report on attendance of 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 request to follow the hearing from the holding cell

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

Questioning of Civil Party SAUT Saing (2-TCCP-304)

The Trial Chamber, NUON Chea Defence and KHIEU Samphan Defence continued and concluded the questioning of Civil Party SAUT Saing (2-TCCP-304). The Civil Party made a statement on the harm suffered.

Decision on the request for protective measures for Civil Party SORY Sen (2-TCCP-271)

The Trial Chamber decided to lift the provisional protective measures of closed session for Civil Party 2-TCCP-271, as the Civil Party declared that he was no longer afraid of making his testimony public. The Chamber reminded the Parties that the decision did not affect the Chamber's previous direction relevant to the procedure for the hearing of evidence concerning victims of sexual based offences.

KHIEU Samphan request to make the transcript of the closed hearing of 5 February public

The Trial Chamber granted the request of KHIEU Samphan to make the transcript of the closed hearing of 5 February public as a result of the lifting of protective measures.

Questioning of Civil Party SORY Sen (2-TCCP-271)

The Co-Lawyer for Civil Parties, Co-Prosecution and NUON Chea Defence and KHIEU Samphan Defence continued and concluded the questioning of Civil Party SORY Sen (2-TCCP-271). The Civil Party made a statement on the harm suffered.

The Trial Chamber instructed the Civil Party SAY Sen (2-TCCP-271) to write the address of one of the persons mentioned during testimony – Han.

KHIEU Samphan motion requesting confrontation between witnesses

The KHIEU Samphan Defence requested to confront two witnesses due to contradictory testimonies. The Co-Prosecution suggested that the KHEIU Samphan Defence be directed to make a written submission. The Civil Party Lead Co-Lawyers and the NUON Chea Defence supported the suggestion for written proceedings. Trial Chamber instructed the KHIEU Samphan Defence to submit a written request to the Chamber.

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TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5863		00354358- 00354368; 00379416- 00379424; 01055812- 01055824	Civil party application of Mr. SAUT Saing	C	00354360 00354361 00354364 00354366	00379417 00379418 00379421 00379422	01055815 01055816 01055820 01055822
E3/5853	D40/20	00165328- 00165336; 00433567- 00433575 00524316- 00524324	Written Record of Interview of SAING Sim	P	00165332 00165334	00433571 00433573	00524320 00524323
E29/466		01072053- 01072056; 01066608- 01066609; 01072836- 01072838	Witness Expert Support Unit (WESU) Risk Assessment of SORY Sen	C	01072056	01066609	N/A
E3/2062		00079436- 00079442; 00301363- 00301370; 00789274- 00789282	Brief history of "Genocidal Site" Kraing Ta Chan of Pol Pot-Ieng Sary Clique, Kus sub-district, Tram Kak district, Takeo province	P	00079439	00301366	N/A
E3/5864	D40/21	00165337- 00165343; 00223547- 00223552; 00524325- 00524332	Written Record of Interview of SAUT Saing	C			
E319.1.23		00964478- 00964492; 00970112- 00970130; 00973084- 00973099	Written Record of Interview of [Redacted]	S	00964482 00964487 00964488	00970117 00970123 00970124	00973088 00973093 00973094
E3/4626		00373463- 00373472; 00380131- 00380139; 00426201- 00426211	Written Record of Interview of PECH Chim ព្រះ ចិន dated 27-08-2009	P			

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E319.1.24		00960627- 00960641 00969617- 00969633; 00973016- 00973029	Strictly Confidential Witness Interview of [Redacted]	S	00960637 00960640	00969628 00969632	00973025 00973028
E3/5865	D22/88A	00579252	Supplementary information on civil party applicant	C	00579252	N/A	N/A
E319.1.33		00968170- 00968196; 00980277- 00980305; 00982607- 00982632	Written Record of Interview of [Redacted]	S			
E3/5866	D125/220.35	00365690; 00363331; 00371257	Plan of site of former Kraing Ta Chan Prison	P	00365690	00363331	00371257
E3/5828	D125/220	00365707- 00365713; 00363337- 00363340; 00371249- 00371253	Report of Execution of Rogatory Letter, dated 17-03-2009	P	00365711	00366669	00371252
E319/20.2		01072285- 01072286	Written Record of Investigation Action	S	N/A	01072285	N/A
E3/5827		00270855- 00270897; 00866424- 00866463; 00872799- 00872835	Victim's background	P	00270874	00866433 00866434	00872808 00872809
E3/5844		01056208- 01056209; 01056614- 01056615; 01056616- 01056617	Transcript of Recorded Interview by Investigator with HUN Kimseng	P	01056209	01056615	01056617

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E3/4846		00527717- 00527770; 00527771- 00527796; 00943267- 00943276	DC Cam Document "Interview with SOY Sen"	P	00527748	00527786	00943276
E3/5867	D125/220.30	P00355394	Photo 29	P	P00355394	P00355394	P00355394
E3/5868	D125/220.31	P00355395	Photo 30	P	P00355395	P00355395	P00355395

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 (09:05)
- Decision on request for protective measures for Civil Party 2-TCCP-271. (10:33)
- Order granting the KHIEU Samphan Defence request to make public the transcript Civil Party 2-TCCP-271's previous appearance in court, in light of the lifting of protective measures. (10:37)
- Order instructing the AV Unit to connect the broadcast of hearings to the public gallery at the end of SAUT Saing (2-TCCP-304)'s questioning. (14:06)
- Order instructing Civil Party SORY Sen (2-TCCP-271) to write the address of one of the persons mentioned during testimony - Han. (15:42)
- Order instructing the KHIEU Samphan Defence to file a written motion requesting a confrontation between witnesses. (16:37)
- Order instructing the security personnel to bring the Accused back to the detention facility and to have them return in the courtroom for hearing on 26 March 2015 before 09:00 am. (16:41)

Orders for Adjournment of HearingThe hearing will resume on 26 March 2015 at 09:00 am. *SD*

Phnom Penh, 25 March 2015

Greffier

Greffier

[Signature]

SE Kolva

*[Signature]*

Valena GHEZZI