



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
..... 22 ..... 10 ..... 2015 .....

ម៉ោង (Time/Heure): ..... 11:00 .....

មន្ត្រីទទួលបន្ទុកដំណើររឿង/Case File Officer/L'agent chargé du dossier: ..... Sann Rada .....

E1/339

**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

1 September 2015

Substantive Hearing on Evidence 002/02 – Day 320

Prepared by:  
Mr. EM Hoy, Mr. Roger PHILLIPS

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (Presiding); Judge YA Sokhan; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; Judge YOU Ottara
<b>Reserve Judges:</b> Judge Martin KAROPKIN (Reserve)
<b>Greffiers:</b> Mr. EM Hoy; Mr. Roger PHILLIPS
<b>OCP:</b> Mr. Vincent DE WILDE D'ESTMAEL; Mr. William SMITH; Mr. SENG Bunkheang
<b>Accused:</b> Mr. NUON Chea; Mr. KHIEU Samphan
<b>Defence for the Accused Nuon Chea:</b> Mr. Victor KOPPE; Mr. LIV Sovanna; Mr. SON Arun
<b>Defence for the Accused Khieu Samphan:</b> Ms. Anta GUISSÉ; Mr. KONG Sam Onn
<b>Standby Counsel for the Accused Khieu Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
<b>Civil Parties:</b> Ms. Marie GUIRAUD ; Mr. PICH Ang; Ms. SIN Soworn; Mr. LOR Chunty; Mr. VEN Pov; Mr. HONG Kimsuon
<b>Witness:</b> Civil Party NUON Narom 2-TCCP-991; Civil Party CHAO Lang 2-TCCP-992
<b>Others:</b> Mr. UCH Arun (Court Officer); Ms. NEY Someta; Ms. SREY Nak (Transcriber); Mr. LAY Nara (Transcribers); Mr. LONH Nget (Transcriber); Ms. Joëlle TRAMPERT (Intern)

<b>General court times</b>		
Day	Start time: 09:01	Finish time: 16:27
Recess am	Start time: 10:06	Finish time: 10:31
Recess	Start time: 11:31	Finish time: 13:29
Recess pm	Start time: 14:41	Finish time: 15:00
	Total Court Time:	4 hours and 54 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	09:01	09:04
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:04	09:06
Trial Chamber query regarding the use of a contested document by Civil Party Lead Co-Lawyers	Trial Chamber	09:06	09:07
	Civil Party Lead Co-Lawyers	09:07	09:11
Hearing on harm suffered by Civil Party NUON Narom 2-TCCP-991	Trial Chamber	09:13	09:17
	Civil Party Lead Co-Lawyers	09:17	10:06
	Co-Prosecutors		
	NUON Chea Defence	10:31	10:54
	KHIEU Samphan Defence	10:54	11:22
		11:22	11:30
Trial Chamber ruling on preliminary issues raised during the Key Document Hearing of 26 August 2015	Trial Chamber	13:29	13:44
Hearing on harm suffered by Civil Party CHAO Lang 2-TCCP-992	Trial Chamber	13:44	13:49
	Civil Party Lead Co-Lawyers	13:49	15:07
	Co-Prosecutors	15:07	15:30
	NUON Chea Defence	15:30	15:52
	KHIEU Samphan Defence	15:52	16:24

### 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 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.

#### Trial Chamber query regarding the use of a contested document by Civil Party Lead Co-Lawyers

The KHIEU Samphan Defence had previously objected to the use of document E319/25.3.24 by the Civil Party Lead Co-Lawyers. The Trial Chamber enquired whether the Civil Party Lead Co-Lawyers still intended to use the document, as Civil Party 2-TCCP-995 had been removed from the

list for the hearings on harm suffered. The Civil Party Lead Co-Lawyers responded that they did indeed not intend to use the document as Civil Party 2-TCCP-995 would not be testifying.

**Hearing on harm suffered by Civil Party NUON Narom 2-TCCP-991**

The Trial Chamber, Civil Party Lead Co-Lawyers, Co-Prosecutors, NUON Chea Defence and KHIEU Samphan Defence posed questions to Civil Party NUON Narom (2-TCCP-991) regarding the harm suffered during the Democratic Kampuchea regime.

**Trial Chamber ruling on preliminary issues raised during the Key Document Hearing of 26 August 2015**

During the Co-Prosecutors' presentation at the Key Document Hearing of 26 August 2015, the international counsel of the NUON Chea Defence objected to the presentation of written records of interview (WRIs) obtained by the Office of the Co-Investigating Judges. Subsequently, both NUON Chea Defence and KHIEU Samphan Defence abandoned the courtroom. On 27 August 2015, the Chamber requested each Defence team to provide the legal basis for its abandonment of the courtroom the previous day. Neither of the Defence teams was able to do so. Furthermore, the Trial Chamber confirmed that Parties were allowed to refer to WRIs in the Key Document Hearing, as the probative value and weight to be awarded to these documents will be considered at the end of the evidentiary hearings. Thus, the NUON Chea Defence objection was rejected.

The Trial Chamber stated the KHIEU Samphan Defence requests made in document E363 would be addressed in due course. As the KHIEU Samphan Defence had made no objections to the Co-Prosecutors' motion to admit into the Case File eighteen WRIs from Cases 003 and 004, the Trial Chamber permitted the Co-Prosecutors to present them. The KHIEU Samphan Defence further objected to the use of two documents by the Co-Prosecutors. The Co-Prosecutors retracted one document and the Trial Chamber did not permit the presentation of the other.

As regards the statements made by Counsel Koppe on 27 August 2015, which appear to overstep the bounds of legitimate courtroom behavior, the Trial Chamber stated it was in the process of considering what appropriate action should be taken.

**Hearing on harm suffered by Civil Party CHAO Lang 2-TCCP-992**

The Trial Chamber, Civil Party Lead Co-Lawyers, Co-Prosecutors, NUON Chea Defence and KHIEU Samphan Defence posed questions to Civil Party CHAO Lang (2-TCCP-992) regarding the harm suffered during the Democratic Kampuchea regime.

**Reclassified**

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/4909		00541468-00541475; 01060570-01060575; 00906250-00906250	Civil Party Application NUON Narom 09-VU-00540	P			
E3/5965A	D22/339A	00586026-00586027; N/A; N/A	Supplementary information of Civil Party Applicant	P	00586027	N/A	N/A
E3/5965	D22/339	00484831-00484845; N/A; 00846972-00846973	Civil Party Application of CHAO Lang 09-VU-01036	P	00484834 00484835 00484836 00484949	N/A	00846972
E3/3104R		V00172476- V00172476	<i>Process des Khmer Rouges</i>	P			

**Other documents (No Change)**

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E319/27.4.13 (English version of E3/5965)	D5/140.6 (and D22/339)	01062372-01062389; 01098613-01098625; N/A	Civil Party application of CHAO Lang 13-VSS-00632	SC		0109861501098616 01098624	N/A

**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 (09:04).
- Order instructing the security personnel to bring the Accused back to the detention facility and to return them to the courtroom before 9:00 am for the hearing on 2

September 2015 (16:27).

**Orders for Adjournment of Hearing**  
The hearing will resume on 2 September 2015 at 9:00 am.

Phnom Penh, 1 September 2015

Greffier

Greffier



Mr. EM Hoy

Mr. Roger PHILLIPS