



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... ២២ / ១០ / ២០១៥

ម៉ោង (Time/Heure): ១១ : ០០

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

E1/343

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

8 September 2015

Substantive Hearing on Evidence 002/02 – Day 324

Prepared by:

Mr. EM Hoy, Mr. Roger PHILLIPS

Attendance Record
Before: Judge NIL Nonn (Presiding); Judge YA Sokhan; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; Judge YOU Ottara
Reserve Judges: Judge Martin KAROPKIN (Reserve); Judge THOU Mony (Reserve)
Greffiers: Mr. EM Hoy; Mr. Roger PHILLIPS
OCP: Mr. Vincent DE WILDE D'ESTMAEL; Mr. SENG Leang; Mr. Dale LYSAK; Mr. TOCH Vannarith
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. LIV Sovanna; Mr. SON Arun
Defence for the Accused Khieu Samphan: Ms. Anta GUISSÉ; Mr. KONG Sam Onn
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. PICH Ang; Mrs. TY Srinna; Mr. VEN Pov; Mr. LOR Chunty
Witness: Witness IT Sen (2-TCW-813); Civil Party SOS Min (2-TCCP-244)
Others: Mr. UCH Arun (Court Officer); Mr. LOEUNG Sopheak (Transcriber); Ms. SREY Nak (Transcriber); Mr. MEACH Sovanna (Transcriber); Mr. LONH Nget (Transcriber); Ms. Sokchea SIM (Intern); Ms. Joëlle TRAMPERT (Intern)

<u>General court times</u>		
Day	Start time: 09:02	Finish time: 16:14
Recess am	Start time: 10:13	Finish time: 10:34
Recess	Start time: 11:33	Finish time: 13:32
Recess pm	Start time: 14:50	Finish time: 15:03
	Total Court Time:	4 hours and 39 minutes

<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	09:03	09:04
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:04	09:06
Hearing of Witness IT Sen (2-TCW-813)	NUON Chea Defence KHIEU Samphan Defence	09:06 11:02	11:02 14:03
Co-Prosecutors objection to NUON Chea Defence's reference to a document not admitted into evidence	Trial Chamber and all Parties	09:54	10:05
Hearing of Civil Party SOS Min (2-TCCP-244)	Trial Chamber Civil Party Lead Co-Lawyers Co-Prosecutors	14:06 14:10 15:41	14:10 15:41 16:12

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.

Hearing of Witness IT Sen (2-TCW-813)

The NUON Chea Defence and KHIEU Samphan Defence questioned Witness IT Sen (2-TCW-813).

Co-Prosecutors objection to NUON Chea Defence's reference to a document not admitted into evidence

The NUON Chea Defence put questions to Witness IT Sen concerning the Cham rebellion. When the Co-Prosecutors requested the basis for these questions, the NUON Chea Defence referred to a report by Human Rights Watch (E347.3). The Trial Chamber noted that the KHIEU Samphan Defence had requested this document to be admitted into evidence in the present case (E347) and that this request had been rejected by the Trial Chamber (E347/1). The Co-Prosecutors

were of the opinion that by not providing a basis, the NUON Chea Defence was leading the Witness. The KHIEU Samphan Defence requested clarification on the Co-Prosecutors' position, as it was not clear from the Trial Chamber's jurisprudence that every question put to a Witness must be based on a document admitted into evidence. The Trial Chamber concluded that Parties should provide a basis for the information they intend to confront a Witness with.

Hearing of Civil Party SOS Min (2-TCCP-244)

The Trial Chamber, the Civil Party Lead Co-Lawyers and the Co-Prosecutors questioned Civil Party SOS Min (2-TCCP-244).

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5205	D125/100	00221847-00221851; 00275161-00275164; 00293919-00293923	Written Record of Interview of MAN Sen (Zain)	P	00221850	00275163 - 00275164	00293922

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/387	D210/5	00379481-00379518; 00350200-00350231; 00441411-00441453	Transcript of recorded interview with OUK Bunchhoeun on 04-08-1990	P	00379487	00350206	00441419
E3/5195	D125/78	00204428-00204433; 00242093-00242099; 00274716-00274722	Written Record of Interview of IT Sen	P	00204429 00204430	00242095	00274718

E3/9334	D125/7 8.1	00204434- 00204439; 00204440- 00204443; 00274723- 00274726	Annex 1: Interview of IT Sen in "The Cham Rebellion, Survivors' Stories from the Villages", Ysa Osman, Documentation series No. 9, DC-Cam, 2006	P	00204438	00204443	00274725
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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 (09:06).
- Order instructing the security personnel to bring the Accused back to the detention facility and to return them to the courtroom for the hearing on 9 September 2015 (16:14).

Orders for Adjournment of Hearing

The hearing will resume on 9 September 2015 at 9:00 am.

Phnom Penh, 8 September 2015

Greffier

Greffier



Mr. EM Hoy




Mr. Roger PHILLIPS