



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de réception):
..... 14 / 05 / 2016

ពេលវេលា (Time/Heure) : 11:15

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

E1/360

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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 December 2015

Substantive Hearing on Evidence 002/02 – Day 341

Prepared by:
EM Hoy and Matthew McCARTHY

<u>Attendance Record</u>
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; Judge YOU Ottara
Reserve Judges: Judge Martin KAROPKIN; Judge THOU Mony
Greffiers: Mr. EM Hoy; Mr. Matthew McCARTHY
OCP: Mr. SENG Leang; Ms. SONG Chorvoin; Mr. Dale LYSAK
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. LIV Sovanna; Mr. SON Arun
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn, Ms. Anta GUISSÉ,
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. HONG Kimsuon; Mr. PICH Ang; Mr. VEN Pov, Ms. TY Srinna, Mr. LOR Chunthy
Witness: (2-TCW-918)
Others: Mr. UCH Arun (Court Officer); Mr. VAT Somoa (Transcriber); Ms. SOK Sopheakmonica (Transcriber); Mr. LOEUNG Sopheak (Transcriber); Mr. MEACH Sovanna (Transcriber); Mr. MAM Rithea (Duty Counsel); Mr. Richard LATTA (Trial Chamber Intern);

<u>General court times</u>		
Day	Start time: 9:22	Finish time: 16:02
Recess am	Start time: 10:27	Finish time: 10:42
Recess	Start time: 11:33	Finish time: 13:32
Recess pm	Start time: 14:28	Finish time: 14:47
	Total Court Time:	4 hours 7 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	9:21	9:23
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	9:24	9:25
Oral responses to International Co-Prosecutor's motion to call new witness on the treatment of the Vietnamese (E319/36, paras 11, 12)	Trial Chamber	9:25	9:27
	Co-Prosecutor	9:27	9:30
	Co-Lead Lawyer	9:30	9:31
	NUON Chea	9:32	9:37
	KHIEU Samphan	9:37	9:43
	Judge Fenz	9:43	9:45
	Co-Prosecutors	9:45	9:49
Oral responses to International Co-Prosecutor's motion to admit written records of interview related to the treatment of the Cham (E319/32)	KHIEU Samphan	9:50	9:50
	Trial Chamber	13:32	13:35
	Co-Prosecutors	13:35	13:37
	Co-Lead Lawyers	13:37	13:38
	KHIEU Samphan	13:38	13:55
	NUON Chea	13:55	13:56
	Co-Prosecutors	13:56	14:04
Hearing of Witness (2-TCW-918)	KHIEU Samphan	14:05	14:08
	Co-Prosecutors	9:54	10:59
	Co-Lead Lawyers	10:59	11:12
	Judge Lavergne	11:15	15:00
	NUON Chea	15:01	16:02

Summary of Proceedings

The start of the proceedings was delayed due to A/V Unit technical difficulties.

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, with the Accused NUON Chea 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.

Oral responses to the International Co-Prosecutor's motion to call a new witness on the treatment of the Vietnamese and to admit related documents (E319/36, paras 11, 12)

The International Co-Prosecutor proposes that the Chamber call an additional witness for treatment of Vietnamese based on information from a recently disclosed OCIJ interview in Case 003 and submits that the proposed witness's knowledge on the treatment of the Vietnamese was not discussed in any significant detail in his earlier statement to the Documentation Center of Cambodia. The International Co-Prosecutor submits that the proposed witness can give evidence on treatment of the Vietnamese. The International Co-Prosecutor also proposes admitting into evidence 3 of the 5 written records of interview ("WRI") recently disclosed by the OCIJ. The Civil Party Lead Co-Lawyers support the request to hear this witness and admit the supporting WRI. The NUON Chea Defence team objects to calling the proposed witness but submitted that should the Chamber grant the International Co-Prosecutor's request, it would omit important contextual evidence should it admit the 3 WRI proposed by the International Co-Prosecutor and not the other 2 recently disclosed WRI. The NUON Chea Defence submits that if the Chamber admits the 3 WRI proposed by the International Co-Prosecutor, that all 5 of the proposed witness's WRI should be admitted. The KHIEU Samphan Defence also objects to calling the proposed witness.

Oral responses to the International Co-Prosecutor's request to admit WRI relating to the treatment of the Cham (E319/32)

The International Co-Prosecutor seeks to admit into evidence 25 interviews that relate primarily to the treatment of the Cham, which became available only after the start of the trial. The Lead Co-Lawyers for Civil Parties have no objection to the request. The KHIEU Samphan Defence and NUON Chea Defence both object to the admission of these documents. During these oral responses, the NUON Chea Defence also request a decision on from the Chamber on a pending motion, E370. The KHIEU Samphan Defence requests a decision on its motion, E364. The Trial Chamber noted that it will consider these oral responses in its decision on E319/32.

Witness (2-TCW-918)

The Co-Prosecutors, International Lead Co-Lawyer, Trial Chamber and NUON Chea Defence questioned witness (2-TCW-918).

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5657		00061321- 00061354; 00089771- 00089790; 00347354- 00061354	DC-Cam Interview with IM Chem	P	000613215	00089773	00347356
E3/9094		00734030- 00734120; 00728641- 00728705; 01123606- 01123663	DC-Cam: Khmer Rouge 'Trapeang Thma' Dam Construction Interview series: interview No.2	P	00734097- 00734098; 00734104; 00734059- 00734062; 00734089; 00734102; 00734090; 00734089; 00734112	00728689; 00728694; 00728672- 00728673; 00728683; 00728686; 00728684; 00728683; 00728699	01123649- 01123650; 01123653; 01123625- 01123626; 01123644; 01123647; 01123645; 01123644; 01123658
E3/9443		00729869- 00729919	DC-Cam Promoting Accountability Project Field Trip's Report in Preah Netr Preah District, Banteay Meanchey Province June 14 to 19, 2011	P	/	00729874	/
E3/9564	E319/19.3.18	01003875- 01003890; 01044791- 01044810	Written Record of Interview of MUN Mot, alias MUN Saroeun	C	01003885	01044804	/
E3/531	D288/6.6 8.49	00333797- 00333847	Annex 49 - S-21 Prisoners Coming from the Northwest Zone	P	00333797	00333797	/

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9646		01017015- 01017071; 01139858- 01139863	Annex 2: Name list of prisoners entering on 28 June 1977	P	01017016	01139858	/
E3/2254	D108/26.273	00086763- 00086768; 00789703- 00789710; 00834849- 00834856	Names of Prisoners from Division 603	P	00086766	00789707	00834853
E3/9524	D119/100	00978928- 00978935; 00985171- 00985180; 00988961- 00988968	Written Record of Interview for CHEAM Kin 21	SC	00978933	00985176- 00985177	00988965
E3/9567	D119/136	01003839- 01003851; 01044759- 01044775	Written Record of Interview for PAN Chhuong.	SC	01003843; 01003846	01044764; 01044769	/
E3/9076		00728841- 00728896; 00731151- 00731190	Khmer Rouge 'Trapeang Thma' Dam Construction Interview Series: Interview No. 4 - Interview with MUN Mut	P	00728870- 00728871	00731172	/

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 (09:08).
- 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 2 December 2015 (16:06).

Orders for Adjournment of Hearing

The hearing will resume on 2 December 2015 at 9:00 am.

Phnom Penh, 1 December 2015

Greffier

Greffier

EM Hoy



new MCCARTHY