



ឯកសារដើម

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មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé
SANN AA2A

002/19-09-2007-ECCC/TC
E1/498

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

10 November 2016

Substantive Hearing on evidence – 479

Prepared by:
Mr. EM Hoy and Ms. Evelyn CAMPOS SANCHEZ

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge THOU Mony; Judge Claudia FENZ
Reserve Judges: Judge Martin KAROPKIN (Reserve)
Greffier/s: Mr. EM Hoy; Evelyn CAMPOS SANCHEZ
OCP: Mr. Vincent DE WILDE D'ESTMAEL; Mr. SREA Rattanak; Mr. Dale LYSAK, Mr. Nicholas KOUMJIAN
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. Victor KOPPE; Mr. Liv SOVANNA;
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. VEN Pov; Mr. HONG Kimsuon
Witness: 2-TCW-913 and 2-TCCP-235 (Category A Civil Party)
Others: Mr. UCH Arun (Court Officer); Mr. LOHN Nget (Transcriber); Aureliarita MARCELLUS (Intern); Mr. Keo Vath (Support staff); Ms. Sam Makara; Mr. Meach Sovanna; Mr. Nou Monoroth

General court times

Day	Start time: 9:12	Finish time: 16:02
Recess am	Start time: 11:42	Finish time: 13:30
Recess pm	Start time: 14:58	Finish time: 15:15
	Total Court Time:	3 hours and 45 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber, Greffier	9:16	9:17
NUON Chea Defence Request to follow proceedings from the holding	Trial Chamber	9:17	9:18
Hearing of Witness 2-TCW-913 (Category A Civil Party)	International Co-Prosecutor	9:31	11:39
	Trial Chamber	13:31	13:41
	KHIEU Samphan Defence	13:42	14:02
Hearing of Witness 2-TCCP-235 (Category A Civil Party)	Lead Co-Lawyers for Civil Parties	14:12	15:19
	International Co-Prosecutor	15:20	16:02

Summary of Proceedings
<p><u>Opening of the Substantive Hearing and report on attendance of the Parties</u></p> <p>The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present with the exception of International Co-Counsel for KHIEU Samphan, with the Accused NUON Chea present in the holding cell.</p> <p><u>Reserve Judge</u></p> <p>The President informed the parties that Judge YOU Ottara was absent due to urgent personal matters and that reserve Judge THOU Mony would replace him until he was able to return.</p> <p><u>Testimony of SAR Sarin (2-TCCP-237)</u></p> <p>The President informed the parties that while the Chamber was scheduled to continue to hear the testimony of SAR Sarin (2-TCCP-237), the Civil Party did not attend the hearing and subsequently could not be contacted.</p> <p><u>NUON Chea Defence request to follow proceedings from the holding cell</u></p> <p>The Trial Chamber granted NUON Chea's request to waive his right to be present in the courtroom and to follow proceedings from the holding cell.</p> <p><u>Hearing of Witness 2-TCW-913</u></p> <p>Questions were put to the witness 2-TCW-913 by the International Co-Prosecutor, the Lead Co-Lawyer for Civil Parties, Judge Lavergne and the KHIEU Samphan Defence.</p> <p><u>Objection regarding scope of questioning</u></p> <p>The NUON Chea Defence objected to the scope of questioning of 2-TCW-913 on matters which fell outside the scope of Case 002/02. The Chamber ruled that questions beyond</p>

the scope of Case 002/02 should not be put to the witness. The Chamber ruled that while the crime site discussed was not within the scope of Case 002/02, it would allow limited questions relevant to national policies.

Hearing of Witness 2-TCCP-235 (Category A Civil Party)

Questions were put to the witness 2-TCCP-235 (Category A Civil Party) by the Lawyer for Civil Party and International Co-Prosecutor.

Other Documents (no change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E319/35		01188632-01188635/ 01167284-01167286/ 01175045-01175047	Memorandum of International Co-Investigating Judge entitled "Disclosure of Material from cases 003 and 004 to Case 002"	P	/	/	/
E301		00961011-00961013 00961009-00961010/ 00961014-00961015	Trial Chamber memorandum entitled "Scheduling of Trial Management Meeting in Case 002/02"	P	/	/	/
E301/9/1.1		00981692-00981700/ 00981687-00981691/ 00982092-00982097	Annex: List of paragraph and portions of the Closing Order relevant to Case 002/02	P	/	00981687	/
E315		01024946-01024954/ 01024933-01024938/ 01024939-01024945	Decision on Sequencing of Trial Proceeding in Case 002/02	P	/	/	/
E3/9771	E319/23.3.43	01043313-01043329/ 01055682-01055682-01055701	Written Record of Interview of [REDACTED]	C	01043314	01055683	/
E3/9086	E305/13.23.377	00977439-00977468/ 00983491-00983529 /	Statement of [REDACTED] (DC- Cam)	C	00977447, 00977451	00983502, 00983507	/

E3/9745	E319/23.3.42	01043285- 01043310/ 01074582- 01074612 /	Written Record of Interview of [REDACTED]	C	/	01074589	/
E3/5979a	D22/406a	00578509- 00578510/ 00865684- 00865686/ 01190876- 01190878	Supplementary information of civil party applicant	C	00578510	00865686	01190877

Newly Admitted Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10718	E319/23.3.38	00977420- 00977430 00983530- 00983539/ 01123512- 01123518	Written Record of Interview of [REDACTED]	C	00979421	00983531	01123513
E3/10718.1	E319/23.3.38.1	00977431- 00977436/ 00983485- 00983490/ 01365673- 01365677	Biography of [REDACTED]	C	00977436, 00977432	00983490, 00983485	/
E3/10718.2	E319/23.3.38.2	01374687- 01374691/ 00977437- 00977438/ 01381058- 01381060	[REDACTED], A Life Remains From Death, DC- Cam	C	/	/	/
E3/10719	E319/23.3.39	00977469- 00977481/ 00983540- 00983551/ 01201452- 01201460	Written Record of Interview of [REDACTED]	C	/	00983547	/
E3/10719.1	E319/23.3.39.1	00977482- 00977482/ 01145014- 01145014 /	Sketch of Places and Roads	C	/	/	/
E3/10719.2	E319/23.3.39.2	00977483- 00977483 / /	Administrative Map of Steung Hav District, Sihanoukville 2008- 2010	C	/	/	/

E3/10720	E319/23.3.40	00977485- 00977499/ 00983552- 00983565/ 00996600- 00996609	Written Record of Interview of [REDACTED]	C	/	/	/
E3/10720.1	E319/23.3.40.1	00977500- 00977504 / /	Photos	C	/	/	/
E3/10719.3	E319/23.3.39.3	00977484- 00977484 / /	Administrative Map of Sihanoukville Province	C	/	/	/
E3/10719.4	E319/23.3.39.4	00977505- 00977525 / /	CD containing 21 photos of [REDACTED]	C	/	/	/

Oral Orders/Decisions:

- Decision appointing reserve Judge THOU Mony to replace Judge YOU Ottara for the duration of the hearing due to the absence of Judge YOU Ottara (9:14).
- Order that 2-TCW-913 and 2-TCCP-235 in accordance with Category A protective measures would testify under Pseudonym.
- 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 (9:17) Oral ruling that three documents and corresponding annexes pertaining to 2-TCW-913 will be admitted into evidence (9:21).
- The Chamber ruled that questions beyond the scope of Case 002/02 should not be put to the witness 2-TCW-913. The Chamber ruled that while the crime site was not within the scope of Case 002/02, it would allow limited questions relevant to national policies. (10:59, 11:25).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 11 November 2016 (16:01).

Orders for Adjournment of Hearing

The hearing will resume on Friday, 11 November 2016 at 9:00am.

Phnom Penh 11 Nov 2016

Greffier

Mr. EM Hoy

Greffier

CAMPOS SANCHEZ