



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 25 / 01 / 2016
ម៉ោង (Time/Heure) : 15:00
ឈ្មោះមន្ត្រីបម្រើឯកសារ (Case File Officer/L'agent chargé) SOM RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 January 2016

Hearing on Substance in Case 002/02 – Day 355

Prepared by:

Sivhoang CHEA and Evelyn CAMPOS SANCHEZ

Attendance Record
Before: Judge NIL Nonn (President); Judge Claudia FENZ; Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara;
Reserve Judges: Judge THOU Mony; Judge Martin KAROPKIN;
Greffiers: CHEA Sivhoang; Ms. Evelyn CAMPOS SANCHEZ
OCP: Mr. Vincent DE WILDE D'ESTMAEL; Mr. Dale LYSAK; Mr. SENG Leang; Ms. SONG Chorvoin
Accused: Mr. NUON Chea; Mr. KHIEU Samphan.
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. SON Arun; Mr. LIV Sovanna
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. VEN Pov
Witness: Witness MUY Vanny (2-TCW-987) and Witness SÂY Doeun (2-TCW-988)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. SREY Nak; LONH Nget; Ms. SAM Makara; Ms. SOK Sopheakmonica (Transcribers); Mr Lachlan SLATTERY (Trial Chamber Intern)

<u>General court times</u>		
Day	Start time: 9:04	Finish time: 15:32
Recess am	Start time: 9:54	Finish time: 10:12
Recess	Start time: 11:42	Finish time: 13:34
Recess pm	Start time: 14:42	Finish time: 15:01
	Total Court Time:	3hr 59min

<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	9:04	9:06
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	9:06	9:07
Hearing of Witness MUY Vanny (2-TCW-987)	KHIEU Samphan Defence	9:08	9:54
Hearing of Witness SAY Doeun (2-TCW-988)	Trial Chamber	10:12	10:23
	Co-Prosecutors	10:23	11:29
		11:38	11:41
		13:35	13:37
	KHIEU Samphan Defence	13:47	13:51
	Co-Prosecutors	13:51	14:14
	NUON Chea Defence	14:14	14:42
		15:01	15:06
Co-Prosecutor Request for leave to use document E319/19.3.226 in court	Trial Chamber	15:06	15:25
	KHIEU Samphan Defence	15:25	15:30
	Co-Prosecutors	11:29	11:31
	Trial Chamber	11:32	11:32
	KHIEU Samphan Defence	11:32	11:32
	Trial Chamber	11:32	11:33
	KHIEU Samphan Defence	11:33	11:34
	Co-Prosecutors	11:34	11:35
	KHIEU Samphan Defence	11:35	11:36
	Trial Chamber	11:36	11:37
Co-Prosecutors	11:37	11:38	
		13:37	13:38
	Trial Chamber	13:38	13:47

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings and requested the Greffier to report on the attendance of parties to the hearing. 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 NUON Chea's request to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

Hearing of Witness Witness MUY Vanny (2-TCW-987)

The KHIEU Samphan Defence posed questions to the Witness.

Hearing of Witness Witness SÂY Doeun (2-TCW-988)

The Co-Prosecutors, the Trial Chamber, the NUON Chea Defence, and the KHIEU Samphan Defence posed questions to the Witness.

Co-Prosecutor Request for leave to use document E319/19.3.226 in court

The Co-Prosecutors requested to show document E319/19.3.226 to 2-TCW-988 in order to know whether 2-TCW-988 knew the person in said document was a Long Sword Group member. The KHIEU Samphan Defence objected to showing this document because its admission into evidence, requested by the Co-Prosecutors on 25 September 2015, is pending before the Trial Chamber. The Co-Prosecutors maintained the usefulness of putting the name contained in that document to 2-TCW-988 in order for 2-TCW-988 to confirm that information. Judges Lavergne and Fenz clarified that showing the name of said person to 2-TCW-988 does not amount to admitting it into evidence. The KHIEU Samphan Defence did not disagree with only showing the name to 2-TCW-988 but stressed that this in no way shall serve as basis for the Trial Chamber's pending decision. The Bench admitted into evidence document E319/19.3.226, with reasons to follow.

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9660	E319/19.3.95	01007903-01007909, 01044595 - 01044602, 01118054-01118060	Written Record of Interview of SÂY Doeun	C	01007907, 01007908	01044599,01044600,	01118057, 01118058
E3/3861		00009213-00009218, 00657714-00657726, 00634431-00634443	List of Prisoners 'smashed' 8-7-77 North Zone	P	00009215	00657716	00634431
E3/9346		00235013-00235017, 00235506-00235509, 00283945-	Written Record of Interview of SÂMRET Muy	P	00235016	00235508	00283948

		00283949					
E3/9654	E319/19.3.226	01023118- 01023124, 01044612- 01044620, 01120102- 01120107	Written Record of Interview of [REDACTED]	C	/	/	/
E3/5257		00243099- 00243109, 00251012- 00251022 , 00342661- 00342675,	Written Record of Interview of TAY Kimhuon	P	00243104	00251017	00342670
E1/346.1		01146147- 01146238, 01145917- 01146022, 01146023- 01146146	Transcript of hearing on the substance in Case 002/02 - 14 September 2015	P	/	/	/
E1/345.1		01142261- 01142291, 01142425- 01142459, 01142387- 01142424	Transcript of hearing on the substance in Case 002/02 - 10 September 2015	P	/	/	/

Oral Orders/Decisions:

- Order authorising the Accused NUON Chea to follow the proceedings from the holding cell (09:07).
- Order admitting into evidence document E319/19.3.226, with reasons to follow.
- 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 13 January 2016 (15:32).

Order for Adjournment of Hearing

The hearing will resume on 13 January 2016 at 9:00.

Phnom Penh, 12 January 2016

Greffier



Sivhoang CHEA



Greffier



Reto CAMPOS SANCHEZ