

ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):

..... 12 / 12 / 2016

ម៉ោង (Time/Heure) : 16:15

ចម្លងទម្រង់បញ្ជីឯកសាររឿង , Case File Officer/L'agent chargé

..... SANN RANA



E1/497

**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

8 November 2016

Substantive Hearing on evidence – Day 478

Prepared by:

Ms. Sivhoang CHEA and Mr. Harshan ATHURELIYA

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge YOU Ottara; Judge Jean-Marc LAVERGNE; Judge Claudia FENZ.
Reserve Judges: Judge Martin KAROPKIN (Reserve); Judge THOU Mony (Reserve).
Greffier/s: Ms. Sivhoang CHEA; Mr. Harshan ATHURELIYA.
OCP: Mr. SREA Rattanak; Mr. Nicolas KOUMJIAN; Mr. Dale LYSAK.
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan.
Defence for the Accused Noun Chea: Mr. SON Arun; Mr. Victor KOPPE; 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: Mr. PICH Ang; Mr. VEN Pov; Mr. HONG Kimsuon; Ms. SIN Soworn; Ms. CHET Vanly
Witness: Witness 2-TCW-1065; Civil Party SAR Sarin (2-TCCP-237).
Others: Ms. SOUR Sotheavy (Associate Court Officer); Mrs. SOK Socheata (Duty Counsel); Ms. VAT Somao (Transcriber); Ms. SAM Makara (Transcriber); Ms. PICH Charkya (Transcriber); Ms. Elodie KANCEL (Trial Chamber Intern).

<u>General court times</u>		
Day	Start time: 9:02	Finish time: 16:02
Recess am	Start time: 9:58	Finish time: 10:21
Recess	Start time: 11:33	Finish time: 13:32
Recess pm	Start time: 14:44	Finish time: 15:01
	Total Court Time:	4 hours 21 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	9:03	9:04
NUON Chea request to follow the proceedings from the holding cell	Trial Chamber	9:05	9:06
Hearing of Witness 2-TCW-1065	KHIEU Samphan Defence	9:06	9:54
Hearing of Civil Party SAR Sarin (2-TCCP-237)	Trial Chamber	10:23	10:28
	Lead Co-Lawyer for the Civil Parties	10:28	14:07
	Co-Prosecutor	14:07	16:00
Civil Party SAR Sarin (2-TCCP-237)'s request to change the scheduling of his testimony	Civil Party 2-TCCP-237	10:29	10:29
	Trial Chamber	10:30	10:31
		13:32	13:33

Summary of Proceedings

Opening of the Substantive Hearing

The President opened the proceedings and the Greffier informed the Chamber that all parties were present except Mr. KONG Sam Onn (who was absent for personal reasons), and Ms. Marie GUIRAUD, Lead Co-Lawyer for the Civil Parties. NUON Chea was present in the holding cell.

NUON Chea Defence's 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 2-TCW-1065

The KHIEU Samphan Defence questioned Witness 2-TCW-1065.

Hearing of Civil Party Mr. SAR Sarin (2-TCCP-237)

The Trial Chamber, the Lead Co-Lawyer for the Civil Parties and the Co-Prosecutor questioned Civil Party 2-TCCP-237.

2-TCCP-237 (Mr. SAR Sarin)'s request to change the scheduling of his testimony
 2-TCCP-237 requested that he be allowed to testify only half a day at a time due to his health issues (high blood pressure). The Trial Chamber reminded the Lead Co-Lawyer for the Civil Parties that the request should have been presented to the Chamber earlier and that they would try and conclude as soon as possible and make provision for a break.

Relying on the report made by the duty doctor that stated that the Civil Party was in good health, the Trial Chamber rejected the request to change the scheduling of 2-TCCP-237. The Trial Chamber added that in the case where the Civil Party would have health issues during the hearing the latter will be adjourned or the Civil Party will have the possibility to be assisted by a doctor.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/889	-	00020877; 00183616; 00386262	Telegram 56: To Respected and Beloved Office 870 about situation of border's battle field	P	00020877	00183616	00386262
E3/891	-	00020878; 00183617; 00386265	Telegram 61: To Respected and Beloved Office 870 about situation of battle field Route No 22	P	00020878	00183617	00386265
E3/908	-	00020923; 00183638- 00183639; 00386278- 00386279	Telegram 09: To respected and beloved Office 870 about enemy situation along the route 7	P	00020923	00183638	00386278
E3/5783 ¹	D230 /1.1.8 74c	00482761- 00482840; 00739493- 00739570; 00746443- 00746511	Interview of complainant SAR Sarin	P	00482778; 00482800; 00482812	00739510; 00739511-12; 00739532; 00739544	00746460; 00746461; 00746479; 00746487
E3/1859	-	00074845- 00075058; 00184388 & 00744621- 00744634; 00766126- 00766137	S-21 Confession of MAO Khem Noeun alias PHUM	P	00074845	00746421	00766126

¹ A duplicate of document E3/5783 entitled "Interview of complainant SAR Sarin" can be found under number E3/4596.

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10667	E319/43.3.9	00808425-00808430; 00976847-00976853; 01001360-01001365	Written Record of Interview of [Redacted] dated 01 May 2012	C	00808427; 00808428-29	00976849; 00976850-51	01001362; 01001363-64
E3/852	-	00021519-00021523; 00183715-00183717; 00386227-00386231	To respected M.870: Enemy situation along the east border	P	00021519	00183715	00386227
E3/10669.1	E319/43.3.11.1	00020943-00020944; 00183646-00183647; 00611727-00611728	Annex 1: To beloved and Missed Brother	C	00020943-00020944	00183646-00183647	00611727-00611728
E3/387	D210/5	00379481-00379518; 00350200-00350231; 00441411-00441453	Transcript of recorded interview with OUK Bunchhoeun on 04-08-1990	P	00379486	00350205	00441418
E3/1339	-	01169188-01169189 [P.T]; 00168307-00168399; 00728276 & 00801556	Foreign Broadcast Information (FBIS) Collection of December 1977, Phnom Penh Domestic Service Broadcast	P	01169188-01169189	00168335-00168336	-
E3/10604	E393.2	01222328-01222936;	Annex 2: OCIJ S-21 Prisoners List 31 March 2016	P	-	01222516	-

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 to take the Accused to the Detention Facility and bring them back to court for the Hearing on 10 November 2016 (16:02).

Orders for Adjournment of Hearing

The hearing will resume on Thursday 10 November 2016 at 9:00am.

Phnom Penh, 8 November 2016

Greffier

Greffier



Ms. Sivhoang CHEA

Mr. Harshan ATHURELIYA