



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... 28 / 11 / 2016

ម៉ោង (Time/Heure) : 15:00

ឧត្តិករស្រុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SANN RADA

E1/462

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

23 August 2016

Substantive Hearing on evidence – Day 443

Prepared by:

Ms. Sivhoang CHEA and Ms. Stavroula PAPADOPOULOS

Attendance Record
Before: Judge YA Sokhan (President); Judge Jean-Marc LAVERGNE; Judge Claudia FENZ; Judge YOU Ottara; Judge THOU Mony.
Reserve Judges: Judge Martin KAROPKIN (Reserve)
Greffier/s: Ms. Sivhoang CHEA; Ms. Stavroula PAPADOPOULOS
OCP: Mr. Dale LYSAK; Mr. SENG Leang; Mr. Nicolas KOUMJIAN.
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mrs. Doreen CHEN; Mr. LIV Sovanna
Defence for the Accused Khieu Samphan: Mr. KONG Sam OnnMs. Anta GUISSÉ.
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS.
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. HONG Kimsuon; Ms. SIN Soworn; Mr. VEN Pov; Mr. LOR Chunthy.
Witness/ Civil Party: Mrs. OM Yeourn [2-TCCP-274]; Ms. SOU Sotheavy [2-TCCP-224]
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Court Officer); Ms. YUOS Sereiroth (Transcriber); Mr. LAY Nara (Transcriber); Mr. MEACH Sovanna; Mr. NOU

Monoroath (Transcriber); Ms. Elodie KANCEL; Ms. SENG Sothearaksmeay (Trial Chamber Interns).

General court times		
Day	Start time: 09:01	Finish time: 16:01
Recess am	Start time: 10:01	Finish time: 10:26
Recess	Start time: 11:32	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 14:59
	Total Court Time: 4h	Minutes: 18

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	9:01	9:03
NUON Chea Defence Request to follow the proceedings from the holding cell	NUON Chea Defence	9:03	9:05
Hearing of Civil Party 2-TCCP-274 (Mrs. OM Yeourn)	Lead Co-Lawyers for Civil Parties	9:05	9:38
	Co-Prosecutor	9:39	10:01
	NUON Chea Defence	10:31 13:30	11:32 13:59
	KHIEU Sampham Defence	14:00	14:18
Oral Ruling on Internal Rules 87(3) and (4) Request by NUON Chea Defence to Admit Civil Party Applications	Trial Chamber	10:27	10:31
Observation by Judge FENZ	Trial Chamber	13:36	13:36
Hearing of Civil Party 2-TCCP-224 (Ms. SOU Sotheavy)	Trial Chamber	14:23	14:27
	Lead Co-Lawyers for Civil Parties	14:27	15:37
	Co-Prosecutor	15:37	16:00

Summary of Proceedings**Opening of Substantial Hearing**

The President YA opened the proceedings and the Greffier informed the 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 NUON Chea's request to waive his right to be present in courtroom and to follow the proceedings from the holding cell.

Hearing of Civil Party 2-TCCP-274 (Mrs. OM Yeourn)

The Co-Lawyers for the Civil Parties, the Co-Prosecutors, NUON Chea Defence and KHIEU Samphan Defence posed questions to Civil Party 2-TCCP-274

Oral Ruling on Internal Rules 87(3) and (4) Request by NUON Chea Defence to Admit Civil Party Applications

The Trial Chamber ruled on a Request filed by NUON Chea Defence under Internal Rules 87(3) and (4) for the admission into evidence of four documents. Two of these documents concerned the Civil Party application of 2-TCCP-274 (Document E319/45.4.11) and the other two documents are excerpts of the Civil Party application of 2-TCCP-224 (Document E319/45.4.8). The Chamber recalled its practice to admit into evidence all prior statements of civil parties or witnesses who appear before it. The Trial Chamber granted NUON Chea Defence's request to admit into evidence the proposed excerpts of document E319/45/4.11 and assigned them Document Number E3/6011B. The Trial Chamber stated that it will issue a decision on the remainder of the request in due course.

Intervention of the Lead Co-Lawyer for the Civil Parties

The Lead Co-lawyer for the Civil Parties intervened during NUON Chea Defence Team's interrogation of Civil Party 2-TCCP-274 finding the questions asked by the Defence too repetitive, especially on the date of her first sexual relation with her husband. The President allowed the Defence to ask his question.

Observation of Judge FENZ on NUON Chea Defence Team's interrogation

During the interrogation of Civil Party 2-TCCP-274, Judge FENZ made an observation regarding the questions posed by NUON Chea's Defence Team to the Civil Party. Judge FENZ said that the Defence's questions were repetitive and which was against the rules. Judge FENZ also reminded NUON Chea's Defence Team that although there is need for a vigorous examination, there is a certain need for sensitivity.

Hearing of Civil Party 2-TCCP-224 (Ms. SOU Sotheavy)

The Trial Chamber, the Lead Co-Lawyer for the Civil Parties and the Co-Prosecutor posed questions to Civil Party 2-TCCP-224 (Ms. SOU Sotheavy).

New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/6011B	E319/45.4.11	01027323- 01027325; 01143513- 01143514;	Excerpt of Civil Party application of 2-TCCP-274 13-VSS-00318	C	-	-	-

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/6011A	E307/6.1.5	01003354- 01003356; 01137889- 01137890; 01030292- 01030293	Authority 5: Supplementary Information of Civil Party 2-TCCP-274 (09-VU-01594)	C	01003354; 01003355; 01003356;	01137889; 01137890;	01030292; 01030293;
E3/6011	D22/511	00496717- 00496725;	Civil Party application 2-TCCP-274 09-VU-01594	C	00496720- 00496721	-	-
E3/10604	E393.2	01222328- 01222936;	Annex 2: OCIJ S-21 Prisoners List 31 March 2016	P	-	01222672	-
E3/765	D248/4.10	00376472- 00376507; 00539976- 00540007; 00540008- 00540037	Revolutionary Youth Number 10 October 1978	P	00376494	00539994	00540024- 00540025
E3/4607	D22/31	00279722- 00279738; 00279708- 00279721; 00845977- 00845998	Civil Party Application of Ms. SOU Sotheavy	P	00279728	00279712	00845987

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 (09:05).
- Oral Ruling on Internal Rules 87(3) and (4) Request by NUON Chea Defence to Admit Civil Party Applications (10:27 to 10:31).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 24 August 2016 (16:00).

Orders for Adjournment of Hearing

The hearing will resume on Wednesday 24 August 2016 at 9:00am.

Phnom Penh, 23 August 2016.

Greffier

Greffier

Ms. Sivhoang CHHA  Ms. Stavroula PAPADOPOULOS 

