



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 30 / / 2016
ម៉ោង (Time/Heure) : 13 : 50
អ្នកទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SAN N RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 August 2016

Substantive Hearing on evidence 002/02 - Day 442

Prepared by:

Mrs. SE Kolvuthy and Ms. Maddalena GHEZZI

Attendance Record
Before: Judge YA Sokhan (President); Judge YOU Ottara; Judge Jean-Marc LAVERGNE; Judge Claudia FENZ; THOU Mony
Reserve Judges: Judge Martin KAROPKIN
Greffiers: Mrs. SE Kolvuthy; Ms. Maddalena GHEZZI
OCP: Mr. Nicholas KOUMJIAN; Mr. SENG Leang; Mr. Dale LYSAK
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused NUON Chea: Mrs. Doreen CHEN; Mr. LIV Sovanna
Defence for the Accused KHIEU Samphan: Ms. Anta GUISSÉ; Mr. KONG Sam Onn
Appointed Standby Counsel for KHIEU Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mr. PICH Ang
Witnesses and Civil Parties: 2-TCW-850; OM Yoeurn (2-TCCP-274)
Others: Mr. UCH Arun (Court Officer); Mr. VAT Somao; Mr. LONH Nget; Ms. SREY Nak; Mrs. PICH Chariya (Transcribers); Ms. McRae Alison DUNBAR (Trial Chamber Intern); Mr. KEO Vath

General court times		
Day	Start time: 9:00	Finish time: 16:00

Recess am	Start time: 10:07	Finish time: 10:27
Recess	Start time: 11:31	Finish time: 13:28
Recess pm	Start time: 14:34	Finish time: 14:57
	Total Court Time:	4 hours and 19 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:01	9:03
NUON Chea Defence Requests to follow the proceedings from the holding cell	NUON Chea Defence	9:03	9:06
Hearing of Witness 2-TCW-850	Trial Chamber Co-Prosecutors NUON Chea Defence KHIEU Samphan Defence	9:06 9:15 13:51 14:57	9:15 13:51 14:33 15:23
Submissions on the scope the charges of rape charges (E306/7 and E307/7/1)	KHIEU Samphan Defence	9:21	9:23
	Lead Co-Lawyers	9:23	9:25
Hearing of Civil Party OM Yoeurn (2-TCCP-274)	Trial Chamber	15:24	15:34
	Lead Co-Lawyers	15:34	15:58

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings. The Greffier informed the Trial Chamber that all Parties were present save for National Co-Counsel for NUON Chea, Mr. LIV Sovanna, who would be absent for the morning session. 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 the request of NUON Chea to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

Hearing of Witness 2-TCW-850

The Trial Chamber announced pursuant to E319/35, this was a Category A witness and would be referred to by pseudonym. The Trial Chamber, the Co-Prosecutors, the NUON Chea Defence and the KHIEU Samphan Defence questioned to witness 2-TCW-850.

KHIEU Samphan Defence oral submissions regarding the Lead Co-Lawyer for the Civil Parties' submissions on the scope of the charges of rape E306/7

The KHIEU Samphan Defence requested that the Trial Chamber deliver a Ruling on the scope of Rape charges as a matter of urgency in order to allow the parties to prepare. The Lead Co-Lawyer for the Civil Parties advised the Trial Chamber that its submission sought clarification in relation to the S-21 Security Centre, the Kraing Ta Chan and Tram Kok co-operatives.

Hearing of Civil Party OM Yoeurn (2-TCCP-274)

The Trial Chamber announced that pursuant to E319/35 the Civil Party is a Category A Civil Party and ought to be referred to by pseudonym. The Legal Officer of the OCIJ later informed the Chamber that categorisation as Category A of the Civil Party was lifted. The Trial Chamber and the Lead Co-Lawyers posed questions to Civil Party OM Yoeurn (2-TCCP-

274).

Re-Classified Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9517	E319/19.3.86	00980361-00980377, 99984868-00984883, 00998275-00998286	Written Record of Interview of [redacted]	C	00890370	00984877	00998281
E3/2073	/	00055162-00055218, 00876379-00876440, 00184136-00184139, 00892841-00892890	DC-Cam Statement of SAU Ren	P	00055197, 00055201	00876419, 00876423-00876424	00892873, 00892872

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9570	E319/19/19.3.75	00893174-00893177, 00901042-00901046, 00974985-00974988	Written record of witness interview of [redacted]	C	00893175 00893176	00901043 00901044	00974986
E3/9149R	/	T01227022-T01227022	Recording of Interview of [redacted]	C	18:35-18:58; 49:00-51:41; 51:41-52:23; 27:15		
E3/9587	E319.1.18	00997020-00997060, 01000663-01000700, 01050266-01050303	Written Record of Interview of [redacted] Dated 19-06-2014	C	00997052	01000693	01050295

E3/35	D166/166	00340559- 00340578, 00346145- 00346162, 00367717- 00367734	Written Record of Interview of KE Pich Vannak	P	00340565	00346152	00367723
E3/375	D166/177	00348789- 00348805, 00360749- 00360764, 00369912- 00369926	Written Record of Interview of BAN Siek	P	00348800	00360759	00369922
E3/4202	/	00858214- 00858410, 00920122- 00920144, 00757471- 00757568, 00849349- 00849484	Book by GINA Chon and THET Sambath entitled "Behind the Killing Fields: A Khmer Rouge Leader and one of his Victims"	P	00858335- 00858336	00757529- 00757530,	00847432
E3/5293	D166/175	00348838- 00348847, 00351699- 00351708	Written Record of Interview of [redacted]	C	00348845 00348842- 00348843, 00348844	00351705- 00351706, 00351703,	00367752, 00367749, 00367751
E3/10634	/	01136636- 01136641, 01151274- 01151279	Written Record of Interview witness [redacted]	C	01136640- 011366541	01151278	/
E3/6011	D22/511	00496717- 00496725, 00891277, 01306494, 00890596, 01303327- 01303329	Civil party application [redacted] 09- VU-01594	C	00496717	/	/

Oral Orders/Decisions:

- Order authorizing 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 (9:03).
- Order to take the Accused to the Detention facility and bring him back to court for the hearing on 23 August 2016 (15:59).

Order for Adjournment of Hearing
The hearing will resume on Tuesday, 23 August 2016 at 9:00am. *ST*

Phnom Penh, 22 August 2016

Greffier



Mrs. SE Kolvuthy



Greffier



Maddalena GHEZZI