



ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

02 / 12 / 2016

ម៉ោង (Time/Heure) :

15:30

បម្រើធុរកិច្ច/Case File Officer/L'agent chargé

SANN RADA

E1/477

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

20 September 2016

Substantive Hearing on evidence – Day 458

Prepared by:

Mr. EM Hoy and Ms. Stavroula PAPADOPOULOS

Attendance Record
Before: Judge YA Sokhan (Presiding); Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge THOU Mony.
Reserve Judges: Judge Martin KAROPKIN (Reserve).
Greffier/s: Mr. EM Hoy; Ms. Stavroula PAPADOPOULOS.
OCP: Mr. Vincent DE WILDE D'ESTMAEL; Mr. SONG Chorvoin; Mr. Dale LYSAK.
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused NUON Chea: Mr. SON Arun; Mr. Victor KOPPE; Mr. LIV Sovanna; Ms. Doreen CHEN.
Defence for the Accused KHIEU Samphan: Mr. KONG Sam Onn; Ms. Soumeya MEDJEBEUR; Ms. OUCH Sreypath; Ms. Anta GUISSSE; Mr. TAN Chhayrath; Mr. Clément BOSSIS.
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. LOR Chunthy; Ms. CHET Vanly; Mr. VEN Pov.
Witness/Civil Party: 2-TCCP-283 (Ms. MOM Vun); 2-TCW-1031 (Mr. SEM Om).

Others: Mr. UCH Arun (Court Officer); Mr. LONH Nget (Transcriber); Ms. SOUR Sotheavy (Associate Court Officer); Mr. VAT Somao; Mr. MEACH Sovanna; Mr. Kerri MILES (Transcriber); Ms. Elodie KANCEL (Trial Chamber intern); Mr. KEO Vath (Support staff).

General court times		
Day	Start time: 09:00	Finish time: 16:03
Recess am	Start time: 10:06	Finish time: 10:29
Recess	Start time: 11:32	Finish time: 13:30
Recess pm	Start time: 14:32	Finish time: 14:51
	Total Court Time:	4 hours 23 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	09:00	09:02
NUON Chea Defence Request to follow the proceedings from the holding cell	NUON Chea Defence	09:02	09:04
Hearing of Civil Party 2- TCCP-283 (Mrs. MOM Vun)	NUON Chea Defence	09:04	09:46
Hearing of Witness 2-TCW-1031	Trial Chamber NUON Chea Defence Co-Prosecutor	09:54	10:00
		10:00	10:06
		10:29	11:32
		13:30	14:31
		14:51	16:02
The NUON Chea Defence Internal Rule 87(4) request to admit audio recording	NUON Chea Defence	13:57	13:59
Oral Ruling on the NUON Chea Defence request to admit audio recording	Trial Chamber	13:59	13:59

Summary of Proceedings

Opening of hearing and report on attendance of the Parties
The President YA opened the proceedings and the Greffier informed the Chamber that all parties were present.

The 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.

<u>Hearing of Civil Party 2-TCCP-283 (Mrs. MOM Vun)</u> The NUON Chea Defence questioned Civil Party 2-TCCP-283. <u>Objection by the Lead Co-Lawyer for the Civil Parties on questions asked by the NUON Chea Defence</u> The Lead Co-Lawyer for the Civil Parties objected to questions asked by the NUON Chea Defence to the 2-TCCP-283, arguing that they were not fact-based and appropriate for a Civil Party. The Trial Chamber overruled the objection. <u>Hearing of Witness 2-TCW-1031 (Mr. SEM Om)</u> The Trial Chamber, the NUON Chea Defence and the Co-Prosecutor questioned witness 2-TCW-1031. <u>The NUON Chea Defence Internal Rule 87(4) request to admit audio recording as evidence</u> The NUON Chea Defence wanted to use an audio recording in court and, accordingly, was directed by the Chamber to first make a request pursuant to Internal Rule 87(4) to admit the audio recording (KTI0818) as evidence. The other Parties had no objection to the request. <u>Oral Ruling on the NUON Chea Defence Rule 87(4) request</u> The Trial rendered an oral ruling admitting the audio recording of E3/7523 as evidence. <u>Objection by the NUON Chea Defence on a question asked by the Co-Prosecutor and ruling of the Trial Chamber</u> The NUON Chea Defence made an objection on a question asked by the Co-Prosecutor, arguing that it was outside of the scope of Case 002/02. The Trial Chamber overruled the objection. <u>Objection by the KHIEU Samphan Defence on a question asked by the Co-Prosecutor and ruling of the Trial Chamber</u> The KHIEU Samphan Defence objected to a question asked by the Co-Prosecutor, arguing that it was about the content of confessions of people who were tortured. The President asked the Co-Prosecutor to reformulate his question.
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New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7523R	KTI0818	T01228301-T01228301	audio recording		-	-	-

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7235	E307/6.1.4	01003338- 01003353; 01074561- 01074571; 01112067- 01112082	Authority 4: Transcript of Ms. MOM Vun's Testimony in the Women's Hearing with the Young Generation, Phnom Penh, 24 September 2013	P	01003348	01074568	01112077
E3/6307	D22/16/2	00532022- 00532030; 01168542- 01168546; 01137819- 01137826	Civil party application of MOM Vun 09-VU-00273	P	00532025; 00532026; 00532027	01168544; 01168545	01137822; 01137823;01137824
E3/7234	E307/6.1.3	01003333- 01003337; 01077095- 01077097; 01030450- 01030453	Authority 3: Testimonial Therapy Narrative of Ms. MOM Vun, 12 March 2013	P	01003337	01077097	01030453
E3/7523	-	00061133- 00061179; 00875539- 00875592; 00884204- 00884247	DC-Cam Statement of SEM Am	P	00061147; 00061155; 00061156; 00061157; 00061164; 00061165; 00061166	00875554; 00875555; 00875556; 00875557; 00875574; 00875575; 00875576; 00875577	00884217; 00884225; 00884226; 00884227; 00884233; 00884234; 00884235
E3/7523	-	00058077; 00184216- 00184218; -	The brief biography of Prum Cham aka Chhaot, Stung district, Kampong Thom, sub chief of the group	P	00058077	00184216- 00184218;	-
E3/5149	-	00170632- 00170635; 00205042- 00205045; 00524396- 00524400	Written Record of Interview of SEM Am	P	00170633- 00170634	00205044	00524397- 00524398
E3/5641	E190.1.62	00055120- 00055161; 00881760- 00881807; 00233899- 00233901; 00892713- 00892761	DC-Cam Statement of NOP Hat	P	00055134- 00055135; 00055140	00881777; 00881783	00892731; 00892737

E3/2073	-	00055162- 00055218; 00184136- 00184139, 00876379- 00876440; 00892841- 00892890	DC-Cam Statement of SAU Ren	P	00055210	00876433	00892884
E3/509	D166/73	00270156- 00270161; 00282214- 00282218; 00285594- 00285599	Written Record of Interview of KHORN Brak	P	00270159- 00270160	00282217	00285597- 00285598

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7583	-	00053802- 00053811, 00053839- 00053893; 00184082- 00184085, 00876528- 00876580, 00887830- 00887839; 00407974- 00408014, 00939823- 00939826	Biography of Khoeum Sam Huon aka Aun, Soldier's big unit, company 1, battalion 316, division 310	P	00053869	00876559	00407996
E3/1593	-	00637356- 00638099, 00279007- 00279011; 01149978- 01150245; 00291052- 00291054, 00638722- 00639444	Book by Ben Kiernan entitled "the Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79"	P	00637826- 00637827 00637857; 00637879- 00637880	01150169; 01150177; 01150194	00639102; 00639154; 00639181
E3/2117	-	00192933- 00193063; 00081277- 00081488; 00762103- 00762110	Book concerning the history of Khmer Rouge Division 703, a military unit comprised of soldiers from Sector 25 who were considered to be among the elite forces of the DK military	P	00192975	00081344	-
E3/7516	-	00020563- 00020604; 00876477- 00876527, 00183598- 00183600; 00892633- 00892669	DC-Cam Statement of SAEM Heuan alias Kim	P	00020598	00876520	00892665
E3/1585	-	00095532- 00095543; 00185435, 00897649- 00897666; 00611636- 00611653	Statistics of trainee to study general staff term	P	00095533- 00095534	00897650	00611637

E3/9843	-	01009982- 01010061; - -	The list of prisoners entered in January 1977	P	-	-	-
E3/2285	D108/ 26.86	00009067- 00009317; 00873122- 00873671; -	List of prisoners	P	00009199- 00009200	00873411	-

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 (09:04).
- Oral ruling on Internal Rule 87(4) Request by the NUON Chea Defence to admit an audio recording as evidence (13:59).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 21 September 2016 (16:02).

Orders for Adjournment of Hearing

The hearing will resume on Wednesday 21 September 2016 at 9:00am.

Phnom Penh, 20 September 2016

Greffier

Greffier


Mr. EM Hoy
Ms. Stavroula PAPADOPOULOS