



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de recep. ពក):
 ០១ / ១២ / ២០១៦

ម៉ោង (Time/Heure) : ១៥ : ១០

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
 **SANN RADA**

002/19-09-2007-ECCC/TC
E1/500

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
21 November 2016
Trial Day 481

Prepared by:
Mrs. SE Kolvuthy and Mr. Harshan ATHURELIYA

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| Attendance Record |
| Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; Judge YOU Ottara. |
| Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve). |
| Greffiers: Mrs. SE Kolvuthy; Mr. Harshan ATHURELIYA. |
| OCP: Ms. SONG Chorvoin; Mr. Dale LYSAK; Mr. Vincent DE WILDE D'ESTMAEL. |
| Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan. |
| Defence for the Accused Nuon Chea: Mr. SON Arun; Mr. LIV Sovanna; Mr. Victor KOPPE. |
| Defence for the Accused Khieu Samphan: Ms. Anta GUISSSE; Mr. KONG Sam Onn |
| Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Vorleak; Mr. Calvin SAUNDERS. |
| Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. HONG Kimsuon; Mr. LOR Chunthy. |
| Witnesses: Ms. THUCH Sithan (2-TCW-842); 2-TCCP-223 (Category A Civil Party). |
| Others: Mrs. SOUR Sotheavy (Associate Court Officer); Mr. VAT Somao (Transcriber); Mr. UCH Arun (Court Officer); Mr. LOHN Nget (Transcriber); Mr. MEACH Sovanna (Transcriber); Ms. Anne-Catherine STANDAERT (Trial Chamber Intern). |

| <u>General court times</u> | | |
|----------------------------|-------------------|------------------------|
| Day | Start time: 9:03 | Finish time: 15:58 |
| Recess am | Start time: 10:18 | Finish time: 10:37 |
| Recess | Start time: 11:37 | Finish time: 13:58 |
| Recess pm | Start time: / | Finish time: / |
| | Total Court Time: | 4 hours and 15 minutes |

| <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 | 9:03 | 9:04 |
| NUON Chea Defence Request to follow the proceedings from the holding cell | Trial Chamber | 9:04 | 9:06 |
| Hearing of Civil Party 2-TCCP-223 | Trial Chamber | 9:10 | 9:14 |
| | Lead Co-Lawyer for the Civil Parties | 9:14 | 10:02 |
| | Co-Prosecutor | 10:03 | 11:35 |
| Hearing of Witness 2-TCW-842 | Delay due to video link | 13:30 | 13:59 |
| | Trial Chamber | 13:59 | 14:07 |
| | Co-Prosecutor | 14:07 | 15:43 |
| | Problems with video link | 15:43 | 15:58 |

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings and 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 Civil Party 2-TCCP-223

Questions were put to the Civil Party by the Lead Co-Lawyer for the Civil Parties followed by the Co-Prosecutor.

Hearing of Witness 2-TCW-842

Due to technical issues with the video link, the afternoon session of the Trial Chamber started late and ended early. Questions were put to the Witness by the Co-Prosecutor.

Reclassified Document

| TC No | OCIJ No | ERN (KH, ENG, FR) | Title | Class | Note in Khmer | Note in English | Note in French |
|---------|------------|---|---|-------|---------------|-----------------|----------------|
| E3/9996 | D06513 | 01012304 | Daily controlling list of prisoners 30/7/77 | P | / | / | / |
| E3/4377 | / | 00226789- 00226951 00756702- 00756720 00226789- 00226951 | S-21 Confession of LENG Sim Hak alias SEI | P | / | / | / |
| E3/2276 | D108/26.42 | 00040788- 00040789 00887841- 00887843 | Name of prisoners of Social Affairs section | P | 0040788 | 00887842 | / |

Other Documents (No Change)

| TC No | OCIJ No | ERN (KH, ENG, FR) | Title | Class | Note in Khmer | Note in English | Note in French |
|---------|------------|---|---|-------|-----------------------|---|----------------|
| E3/9477 | D118/249 | 00990856- 00990868 01034080- 01034096 01112104- 01112115 | Written Record of Interview of Civil Party [redacted] | C | 00990857 | 01034080 01034087 01034090- 01034092 | 01112104 |
| E3/9646 | / | 01017015- 01017071 01139858- 01139863 | [Partial T.] Annex 2: S-21-prisoner list June 1977 | P | 01017058 01017054 | / | / |
| E3/2285 | D108/26.86 | 00009067- 00009317 00873122- 00873671 | List of prisoners | P | 0009303-0009309 | 00873637 | / |
| E3/1857 | / | 00075059- 00075560 00764001 00763677 | S-21 Confession of MAEN Tol alias Mên Tol alias Sat | P | / | / | / |
| E3/378 | D199/22 | 00349536- 00349547 00345540- 00345544 00342202- 00342205 | Written Record of Interview of Mrs. THUCH Sithan dated 10-06-2009 | P | 00349539- 00349540 | 00345541 | 00342203 |

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|----------|------------|---|--|---|------------------|----------------------|----------------------|
| E3/1733 | D279/6.1 | 00019108- 00019126 00183393- 00183408 00292868- 00292886 | DK Document entitled "Minutes of the meeting 09 October 1975" | P | 0001910800019109 | 00183393 00183394 | 00292868 00292869 |
| E3/39 | C20/5/19.1 | 00384908- 00384969 00293024- 00293076 00293077- 00293133 | [REDACTED] Transcript leng Thrith of Appeal Hearing on 24 February 2009 | P | / | / | / |
| E3/5000 | D22/2896 | 00558230- 00558240 00793361- 00793368 00807144- 00807159 | Civil party application of [REDACTED] | C | 00558234 | 00793364 | 00807151 |
| E3/6636A | D22/2896a | 00579465- 00579467 00859257- 00859259 | Supplementary information of civil party applicant | C | 00579467 | 00859259 | / |
| E3/5305 | D199/18 | 00349548- 00349556 00345226- 00345229 00342206- 00342209 | Written Record of Interview of Mrs. THUCH Sithan date 10-06-2009 | P | 00349555 | 00345228 00345229 | 00342208 |

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 proceeding. (9:06)
- The Trial Chamber ruled that Category A protective measures for 2-TCCP-223 were legally appropriate. (9:07)
- Order to take the two accused, NUON Chea and KHIEU Samphan, back to the detention facility and have them returned to attend the proceedings on Tuesday 22 November 2016 before nine o'clock. (15:56)

Order for Adjournment of Hearing

Hearing will Resume on Tuesday 22 November 2016 at 9:00 am. *85*

Phnom Penh, Cambodia, 21 November 2016

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SE Kolvuthy
Mrs. SE Kolvuthy AMRE DEPUTY PROSECUTOR GENERAL
Phnom Penh, Cambodia, 21 November 2016
ATHURELIYA
Mrs. SE Kolvuthy AMRE DEPUTY PROSECUTOR GENERAL