



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

ព្រះមហាក្សត្រ

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

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ម៉ោង (Time/Heure) : ១៥ : ០២

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé

of: SANN BANY

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 November 2016

Trial Day 474

Prepared by:

Ms. Sivhoang CHEA and Mr. Roger PHILLIPS

| |
|---|
| 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: Ms. Sivhoang CHEA; Mr. Roger PHILLIPS. |
| OCP: Ms. SONG Chorvoin; Mr. SENG Leang; Mr. Nicholas KOUMJIAN; Mr. Joseph Andrew BOYLE. |
| 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: Mr. KONG Sam Onn; Ms. Anta GUISSÉ |
| Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS. |
| Civil Parties: Ms. TY Srinna; Ms. CHET Vanly; Mr. LOR Chunthy; Ms. Marie GUIRAUD. |
| Witness: 2-TCW-1046 (Mr. IENG Phan); 2-TCW-1065 (Category A Witness). |
| Others: Ms. SREY Nak (Transcriber); Ms. YUOS Sereiroth (Transcriber); Mrs. SOUR Sotheavy (Associate Court Officer); Mr. VAT Samao (Transcriber); Mr. MEACH Sovanna (Transcriber); Mr. MAM Rithea (Duty Counsel); Mr. CHAN Sambour (Duty Counsel); Ms. Anne-Catherine STANDAERT (Trial Chamber Intern). |

| <u>General court times</u> | | |
|----------------------------|-------------------|--------------------|
| Day | Start time: 9:01 | Finish time: 16:03 |
| Recess am | Start time: 10:13 | Finish time: 10:32 |
| Recess | Start time: 11:30 | Finish time: 13:32 |
| Recess pm | Start time: 14:42 | Finish time: 15:01 |
| | Total Court Time: | 4 hours 22 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 | 9:01 | 9:02 |
| NUON Chea Defence Request to follow the proceedings from the holding cell | NUON Chea Defence | 9:03 | 9:03 |
| | Trial Chamber | 9:03 | 9:05 |
| Hearing of Witness Mr. IENG Phan (2-TCW-1046) | NUON Chea Defence | 9:05 | 9:59 |
| | Trial Chamber | 10:00 | 10:05 |
| | KHIEU Samphan Defence | 10:05 | 11:28 |
| Request by the NUON Chea Defence to present documents to Witness 2-TCW-1046 (Mr. IENG Phan) | NUON Chea Defence | 9:30 | 9:31 |
| | | 9:32 | 9:33 |
| | | 9:33 | 9:34 |
| | Lead Co-Lawyer for the Civil Parties | 9:31 | 9:32 |
| | Judge LAVERGNE | 9:33 | 9:33 |
| Hearing of Witness 2-TCW-1065 | Trial Chamber President | 13:32 | 16:03 |
| Provision of Documents to Witness 2-TCW-1065 | Trial Chamber | 16:01 | 16:02 |

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, except for Mr. PICH Ang, the National Lead Co-Lawyer for the Civil Parties, due to personal reasons. 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 courtroom and to follow the proceedings from the holding cell.

Hearing of Witness 2-TCW-1046 (Mr. IENG Phan)

Questions were put to the Witness by the NUON Chea Defence, followed by the Trial Chamber and the KHIEU Samphan Defence.

Request made by NUON Chea Defence regarding presenting documents to Witness 2-TCW-1046

The NUON Chea Defence asked the Trial Chamber whether he could present documents to the Witness 2-TCW-1046 that the Witness had not seen before. The Lead Co-Lawyer for the Civil Parties made an observation concerning the purpose of showing these documents to the Witness. The Trial Chamber allowed the NUON Chea Defence to present the documents.

Hearing of Witness 2-TCW-1065

Questions were put to the Witness by the Trial Chamber.

Provision of Documents to Witness 2-TCW-1065

Judge Lavergne identified several documents and asked the Court Officer to provide these documents to the witness in advance of the following days hearing.

Reclassified Document

| TC No | OCIJ No | ERN (KH, ENG, FR) | Title | Class | Note in Khmer | Note in English | Note in French |
|--------|-------------|---|--|-------|----------------------|--------------------|-------------------|
| E3/992 | D108/28.204 | 00001071 00795287 00597360 | DK-Military Telegram by Rom entitled Telegram 06 | P | 00001071 | 00795287 | 00597360 |
| E3/946 | D175/6.16 | 00021015- 00021016 00185205- 00185206 00332727- 00332728 | Telegram 20: Dear respected and beloved Brother about the situation of the enemy at Preah Tunle | P | 00021015 | 00185205 | 00332727 |
| E3/862 | | 00021019- 00021029 00185207- 00185214 00814597- 00814604 | The report of the supervision situation in the entire Ploch region for the first week in May 1978 | P | 00021019 | 00185207 | 00814597 |
| E3/428 | D234/9 | 00373479- 00373489 00374945- 00374953 00485471- 00485481 | Written Record of Interview of SOKH Chhien សុខ ឈឿន | P | 00373485 00373486 | 00374950 | 00485477 |
| E3/426 | D234/6 | 00357490- 00357495 00364069- 00364073 00403066- 00403070 | [Corrected 1] Written Record of Interview of LOHN Dos | P | 00357492 | 00364071 | 00403068 |

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|---------|-------------|--|--|---|----------|-----------------------|-----------------------|
| E3/8370 | | 00020889 00183621 00291040 | Telegram 91:to Beloved Office-870 about situation of enemies in battle field route No 22 on 9/12/77 | P | 00020889 | 00183621 | 00291040 |
| E3/988 | D108/28.117 | 00020918 00305260 00611595 | Telegram 1 : To respected and beloved Brother Pol about situation of enemy | P | 00020918 | 00305260 | 00611595 |
| E3/905 | | 00020919 00183633 00386276 | Telegram 06 : To respected and beloved Office 870 about situation of Yuon (Vietnam) | P | 00020919 | 00183633 | 00386276 |
| E3/906 | | 00020922 00183637 00386277 | Telegram 07: To respected and beloved Office 870 about situation of enemy aggression on 22/12/77 | P | 00020922 | 00183637 | 00386277 |
| E3/908 | | 00020923 00183638- 00183639 00386278- 00386279 | [Corrected 1] Telegram 09: To respected and beloved Office 870 about enemy situation along the route 7 | P | 00020923 | 00183638- 00183639 | 00386278- 00386279 |
| E3/909 | | 00020921 00183636 00386280 | Telegram 03 : To respected and beloved Office 870 about situation of Yuon at rubber Memot plantation | P | 00020921 | 00183636 | 00386280 |

Other Documents (No Change)

| | | | | | | | |
|---------|--------------|---|--|---|----------------------|----------------------|----------------------|
| E3/2376 | D108/50/1.74 | 00191296- 00191815 00192169- 00192666 00236900- 00237256 | Book by NAYAN Chanda entitled "Brother Enemy: The War after the War" | P | 00181682 00191719 | 00192524 00192558 | 00237170 00237196 |
| E3/361 | D123/2 | 00194462- 00194473 00766447- 00766459 00268878- 00268892 | [Corrected 1] Written record of Interview of CHHOUK Rin | P | 00194463 00194464 | 00766449 | 00268880 |
| E3/1044 | D108/31.44 | 00020881- 00020881 00875624- 00875624 00324864- 00324864 | Report of recommended arrest list from REN, General Staff of Revolutionary Army of Kampuchea | P | 00020881 | 00875624 | 00324864 |

| | | | | | | |
|----------|---|--|---|----------------------|----------------------|----------------------|
| E3/13 | 00052402- 00052416 00940336- 00940358 00334972- 00334984 | Note of Secretary meeting, vice secretary and regiment about Situation to defense the country and the measure to defense the country | P | 00052414 | 00940355 | 00344983 |
| E1/182.1 | 00902739- 00902839 00904573- 00904688 00904573- 00904688 | [corrected 3] Transcript of hearing on the substance in case 002-23 April 2013 | P | / | 00902656 | 01323684 |
| E3/853 | 00052825- 00052828 00185243- 00185246 00290267- 00290271 | Record about situation of defense and economic at Southwest zone | P | 00052825 | 00185283 | 00290267 |
| E3/10669 | 00808439- 00808443 00976863- 00976868 01001374- 01001378 | Written Record of Interview of [redacted], dated 03 May 2012 | C | 00808439 00808443 | 00976863 00976867 | 01001374 01001377 |

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 (9:05).
- 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 Wednesday 2 November 2016 before nine o'clock. (16:03)

Order for Adjournment of Hearing

Hearing will Resume on Wednesday 2 November 2016 at 9:00am

Phnom Penh, 1 November 2016

Greffier



Ms. Sivhoang CHEA



Greffier



Mr. Roger PHILLIPS