



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ០២ / ១០ / ២០១៦
ម៉ោង (Time/Heure) : ១៥ : ០០
មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/Agent chargé du dossier): SONN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 October 2016

Substantive Hearing on evidence – Day 470

Prepared by:

Mrs. SE Kolvuthy and Ms. Stavroula PAPAPOULOS

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge YOU Ottara; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
Greffier/s: Mrs. SE Kolvuthy; Ms. Stavroula PAPAPOULOS
OCP: Mr. SREA Rattanak; Mr. Vincent DE WILDE D'ESTMAEL; Mr. Dale LYSAK
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. SONN 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: Mr. LOR Chunthy; Ms. SIN Soworn; Mr. HONG Kimsuon; Ms. CHET Vanly; Ms. Marie GUIRAUD
Witness/Civil Party: Ms. NGET Chat (2-TCCP-1067); Ms. SAY Narooun (2-TCCP-1068); Mr. CHOUN Thy (2-TCW-859)
Others: Mr. UCH Arun (Court Officer); Mrs. SOUR Sotheavy (Associate Court Officer); Mr. KEO Vath (Support staff); Mr. BUN Limhour (TPO staff); Ms. SOK Socheata (Duty

Counsel); Ms. YOUS Sereyroth (Transcriber); Mr. LONH Nget (Transcriber); Mr. MEACH Sovanna (Transcriber); Mrs. SAM Makara (Transcriber); Ms. Elodie KANCEL (Trial Chamber Intern)

<u>General court times</u>		
Day	Start time: 9:03	Finish time: 16:01
Recess am	Start time: 10:08	Finish time: 10:27
Recess	Start time: 11:38	Finish time: 13:33
Recess pm	Start time: 14:42	Finish time: 15:05
Total Court Time: 4 hours and 21 minutes		

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	9:03	9:05
NUON Chea request to follow the proceedings from the holding cell	Trial Chamber	9:05	9:06
Hearing of 2-TCCP-1067 (Ms. NGET Chat)	Co-Lawyer for the Civil Parties	9:07	9:20
	Co-Prosecutor	9:21	9:43
	NUON Chea Defence	9:44	9:56
	KHIEU Samphan Defence	9:56	10:06
Hearing of 2-TCCP-1068 (Ms. SAY Naroeun)	Trial Chamber	10:29	10:32
	Co-Lawyer for the Civil Parties	10:32	11:03
	Co-Prosecutor	11:03	11:17
	NUON Chea Defence	11:17	11:34
Oral Ruling on the Co-Prosecutors' request pursuant to Internal Rules 87(3) and 87(4) to Admit Documents as Evidence	Trial Chamber	13:35	13:38
Hearing of 2-TCW-859 (Mr. CHOUN Thy)	Trial Chamber	13:43	13:53
	KHIEU Samphan Defence	13:58	16:00

Summary of Proceedings

Opening of the Substantive Hearing

The President NIL opened the proceedings and the Greffier informed the Chamber that all parties were present. NUON Chea is present in the holding cell.

NUON Chea Defence's 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 Ms. NGET Chat (2-TCCP-1067)

The Trial Chamber, the Lead Co-Lawyer for the Civil Parties, the Co-Prosecutor, the

NUON Chea Defence and the KHIEU Samphan Defence questioned Civil Party 2-TCCP-1067.

Objection by the KHIEU Samphan Defence on the line of questioning of the Co-Prosecutor

The KHIEU Samphan Defence objected to the line of questioning of the Co-Prosecutor related to the issue of the Khmer Krom, on the basis that this issue is not part of Case 002/02. The Chamber overruled the objection.

Objection to a question asked by the Co-Prosecutor to Civil Party 2-TCCP-1067

The NUON Chea Defence objected to a question asked by the Co-Prosecutor to the Civil Party 2-TCCP-1067 on the basis that the Co-Prosecutor was asking the Civil Party to speculate. The Chamber sustained the objection.

Hearing of SAY Naroen (2-TCCP-1068)

The Trial Chamber, the Co-Lawyer for the Civil Parties, the Co-Prosecutor, and the NUON Chea Defence questioned Civil Party 2-TCCP-1068.

Oral Ruling on the Co-Prosecutors' request pursuant to Internal Rules 87(3) and 87(4) to Admit Documents as Evidence

The Chamber notes that the International Co-Prosecutor has filed a request pursuant to Internal Rules 87(3) and 87(4) for the admission into evidence of 8 documents (E319/56). One document sought for admission (E319/56.3.2) is a Written Record of Interview of witness 2-TCW-859 from Case 003, who is scheduled to begin his testimony today.

The Chamber further notes that consolidated responses by the NUON Chea Defence and KHIEU Samphan Defence to the International Co-Prosecutors' 87(3) and 87(4) requests E319/56 and E319/58 were filed on Monday 10 October 2016, in which they do not oppose the admission of E319/56.3.2.

The Trial Chamber recalls its practice to admit into evidence all prior statements of Civil Parties or witnesses who appear before it pursuant to Internal Rules 87(3) and 87(4). It is in the interest of ascertaining the truth that the Chamber and parties have access to all of the statements of Civil Parties and witnesses who will be heard in Case 002/02.

The Chamber therefore admits document E319/56.3.2 into evidence and assigns it Document number E3/10713.

Hearing of CHOUN Thy (2-TCW-859)

The Trial Chamber and the KHIEU Samphan Defence questioned Witness 2-TCW-859.

New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10713	E319/56.3.2	01146342- 01146354; 01168338- 01168352;	Written Record of Interview	C	-	-	3/5
Written Record of Proceedings – 25 October 2016/Public							

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/6451a	D22/2152/1	00546328-00546330;	Victim Unit's report on civil party applicant NGET Chat 09-VU-01698	P	-	00546329	-
E3/6451	D22/2152	00546314-00546327; 01339138-01339144;	Civil party application of NGET Chat 09-VU-01698	P	00546324	-	-
E3/5009	D22/2975	00559304-00559312; 01339049-51, 00887718; 01339052-55, 00889675	Civil party application of SAY Naroeun 09-VU-01992	P	00559307; 00559309	-	-
E3/946	-	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

Other documents (No Change)


TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9790	E319/13.3.43	00977059- 00977074; 00986706- 00986724; 00980511- 00980524	Written Record of Interview of Civil Party [Redacted]	C	00977070; 00977071; 00977072	00986720; 00986721; 00986722	00980521;00980522; 00980523
E3/4593	D369/6	00485620- 00485629; 00513311- 00513319; 00520454- 00520462	Written Record of Interview of Witness CHUON Thi	P	00485620; 00485627; 00485628; 00485629	00513311; 00513317; 00513318; 00513319	00520454; 00520460; 00520461; 00520462
E3/4604	D243/2.1.16	00064706- 00064752; 00519829- 00519862; 00520338- 00520381	CPK Magazine entitled: "The Revolutionary Flag", Issue 4, April 1978 (FULL)	P	00064714; 00064717	00519835; 00519836	00520345; 00520348
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

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 (09:06).
- Oral Ruling on the Co-Prosecutors' request pursuant to Internal Rules 87(3) and 87(4) to Admit Documents as Evidence (13:36 to 13:38).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 26 October 2016 (16:01).

Orders for Adjournment of Hearing

The hearing will resume on Wednesday 26 October 2016 at 9:00am. *SE*

Phnom Penh, 26 October 2016
Greffier *SE* Greffier

Mrs. SE Kevouroula PAPADOPOULOS