



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 reception):
..... 20 / 11 / 2016

ម៉ោង (Time/Heure) : 13 : 30

មន្ត្រីទទួលបន្ទុកសំណុំរឿង (Case File Officer/L'agent chargé du dossier):
..... SANU RADA

E1/496

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
7 November 2016
Trial Day 477

Prepared by:
EM Hoy and Ms. Maddalena GHEZZI

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: Mr. EM Hoy; Ms. Maddalena GHEZZI.
OCP: Ms. SONG Chorvoin; Mr. SENG Leang; Mr. Nicholas KOUMJIAN; Mr. William SMITH.
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: Mrs. TY Srinna; Mrs. SIN Soworn; Mr. PICH Ang; Mr. HONG Kimsuon; Ms. Marie GUIRAUD.
Witness: 2-TCW-1065 (Category A Witness).
Duty Counsel: Mrs. SOK Socheata.
Others: Mr. UCH Arun (Court Officer); Ms. SREY Nak (Transcriber); Mr. KEO, Vath, Mr. VAT Somao (Transcriber); Mr. LOHN Nget (Transcriber); Mr. LAY Nara (Transcriber); Ms. Anne-Catherine STANDAERT (Trial Chamber Intern).

<u>General court times</u>		
Day	Start time: 9:12	Finish time: 16:07
Recess am	Start time: 10:19	Finish time: 10:48
Recess	Start time: 11:30	Finish time: 13:31
Recess pm	Start time: 14:43	Finish time: 15:01
	Total Court Time:	4 h 7 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	9:13	9:14
NUON Chea Defence Request to follow the proceedings from the holding cell	NUON Chea Defence	9:14	9:15
KHIEU Samphan Defence Request for postponement of 2-TCW-953	KHIEU Samphan Defence	9:17	9:24
		9:31	9:32
		9:33	9:34
	Co-Prosecutors	9:24	9:31
	Lead Co-Lawyer for the Civil Parties	9:32	9:32
		9:36	9:37
	NUON Chea Defence	9:33	9:33
		9:37	9:37
	Trial Chamber	10:49	10:49
Key Documents Responses	Lead Co-Lawyer for the Civil Parties	9:38	9:39
	Co-Prosecutors	9:39	10:19
		10:51	11:01
	KHIEU Samphan Defence	11:01	11:30
		13:31	13:59
Hearing of Witness 2-TCW-1065	NUON Chea Defence	14:02	14:42
		15:01	15:48
	KHIEU Samphan Defence	15:48	16:03

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 courtroom and to follow the proceedings from the holding cell.

KHIEU Samphan Defence Request for postponement of 2-TCW-953

The Trial Chamber granted the KHIEU Samphan defence's request to postpone the hearing of 2-

TCW-953, due the disclosure, on Friday 4 November 2016, of a new statement of Witness 2-TCW-953 and accompanying audio recording.

Key Documents Responses

The Lead Co-Lawyers for the Civil Parties, the Co-Prosecutor and the KHIEU Samphan Defence made observations in response to the key documents presented by the other Parties.

Hearing of Witness 2-TCW-1065

Questions were put to the Witness 2-TCW-1065 by the NUON Chea Defence and the KHIEU Samphan Defence.

Reclassified Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1262		00224493- 00224496 00079722- 00079725 00076146- 00076148	Press Communiques of the spokesman of the Ministry of Propaganda and information of democratic Kampuchea	P	00224494	00079723	00076147

Other Documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/2373	D108/50/1.10	00324865- 00324919 00157762- 00157796 00809209- 00809238	Department of State paper regarding the border between Cambodia and Vietnam that describes the area that are unclear or in dispute	P	/	/	/
E3/1150	D366/7.1.136	00021444- 00021445 00539053- 00539054 00532737- 00532738	To beloved and missed Comrade Ya	P	00021445	00539054	00532738
E3/913		00020934- 00020936 00183644- 00183645 00329529- 00329530	Telegram 17: To respected Office-870 about activity of invading of Youn enemy on rubber plantation	P	/	/	/

E3/8373		00021463 00183693 00283108	To brother 89: Report about the situation along border	P	/	/	/
E3/878		00001264- 00001265 00182770 00611722- 00611723	Chhean's telegram no 46 reported Brother about the aggression of Khmer military on Vietnam border	P	00001265	00182770	00611723
E3/981	D108/28.109	00002824- 00002826 00314585- 00314587 00623823- 00623825	Telegram No 96 to brother M-81	P	00002824 00002825	00314586	00623824
E3/8369		00003182 00182815- 00182816 00343397- 00343397	Telegram 54: To Respected and Beloved Brother Office 870 about situation of border's battle fields National Route NO 13	P	00003182	00182815 00182816	00343397
E3/8372		00020917 00183632 00291043	Telegram 2: Report about situation of enemy along the Route 22-7	P	00020917	00183632	00291043
E3/1269	D108/28.197	00224148- 00224150 S00009871- 00009876 00305273- 00305280	International Media Report "Confession of captured Vietnamese"	P	/	S00009871	00305273
E3/791		00079290- 00079317 00721422- 00721446 00747879- 00747899	CPK Publication entitled "Views on the current situation of the revolution of Kampuchea"	P	00079295 00079296	00721426 00721427	00747882 00747883
E3/890		00020874- 00020874 00185187- 00185188 00386264- 00386264	Telegram 59: To Beloved and Missed Office 870 about situation of Sa Thngork's battle field and new situation around region 23	P	00020874	/	00386264
E3/10699	E445/1.1.1	01335024- 01335238	Attachment 1: Stephen J. Morris, 'The Origins of the Soviet-Vietnamese Alliance, Doctoral Dissertation, Columbia University, 1987	P	/	01335197	/

E3/9	D222/1.15	00755579- 00755583 00396177- 00396757 00639445- 00640068	Book by Philip Short entitled "Pol Pot, The History of a Nightmare"	P		00396504- 00396506 00396571 00396580- 00396583 003396597 00396585 00396078	00639837- 00639839 00639931 00639942- 00639946 00639964 00639949 00639686
E3/217		00000736- 00000743 00182635- 00182637 00334964- 00334966	Minutes of permanent committee meeting 11/3/76	P	/	/	/
E3/227		00019127- 00019135 00183409- 00183415 00290861- 00290869	The Permanent's meeting of committee on 2-11-75 at 7 o'clock at night	P	00019133	00183413	00290867 00290868
E3/8377	D108/28.37	00021458 00305245 00643478	Annex 37: To beloved Brother Say	P	/	/	/
E3/852		00021519- 00021523 00183715- 00183717 00386227- 00386231	Telegram 93,95: to Beloved and: Missed Office-870 about our success result in region 24	P	00021522	00183716	00386230
E3/1593		00637356- 00638099 01149978- 01150245 00638722- 00639444	[Corrected] Book by Ben Kiernan entitled "The Pol Pot regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79"	P	00637902- 00637903 00637771 00637947	01151085- 01151086 01150115 01150203 01150139	00639136- 00639137 00639034 00639172
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	00191526 00191560 00191553	00192379 00192408 00192403	00237062 00237086- 00237087 00237082
E3/9723		01310866- 01310869 01186943- 01186945	Australian diplomatic cable, Embassy Hanoi, 20 Aug 1975	P	/	/	/

E3/882		00001248- 00001251 01313132- 01313136 00386253- 00386256	To beloved Office 81 about a number of situation concerning Cambodian-Vietnamese border	P	/	/	/
E3/1651	D108/26.280	00086824- 00086836 00789497- 00789512 00841421- 00841436	S-21 Prisoner List containing names of prisoners interrogated at S-21	P	/	/	/
E3/794		00000777- 00000809 00182671- 00182692 00611612- 00611635	Minute of second meeting of ministers on 31/5/76	P	/	/	/
E3/799		00083157- 00083160 00184777- 00184781 00323914- 00323917	Note of Committee Division 920 Meeting: Report about enemy situation and our situation	P	/	/	/
E3/18		00103802- 00103899 00103717- 00103801 00595365- 00595529	Book by KHIEU Samphan entitled: "Cambodia's recent history and the reasons behind the decisions I made"	P	00103849 00103850	00103760	00595447
E3/893		00000708- 00000709 00182620- 00182622 00386272- 00386274	[corrected 1] Telegram #78 to brother M.870 and brother Ry: Report about the result after met Vietnam	P	00000708	00182620	00386272
E3/218		00000751- 00000757 00182651- 00182657 00334967- 00334971	Report of meeting Permanent Committee on 26-03-1976.: The result of negotiation with Viet Nam about the east border	P	00000753- 00000754 00000757	00182653 00182657	00334967- 00334969 00334971
E3/1020	D108/28.39	00021462- 00021462 00305246- 00305246 00711511- 00711511	To respected and beloved Brother 89	P	00021462	00305246	00711511

E3/923		00052345- 00052345 00185238- 00185238 00623151- 00623151	Letter No NR #01 to brother 89: "On 28-02-1976 our comrades fought 07 Group one more time"	P	00052345	00185238	00623151
E3/805		00052333- 00052335 00923160- 00923162 00315067- 00315069	Report of meeting division 920 about Situation of enemy, Situation of unit, Situation of food and clothes , Other problem	P	00052334	00923161	00315068
E3/143		00658432- 00658452 00769652- 00769664 00904132- 00904138/ 00168722- 00168779	Foreign Broadcast Information Service Collection of reports of September 1977	P	/	00168726	/
E3/243		00020938- 00020940 00532795- 00532796 00548911- 00548913	[Corrected 1] DK Military Telegram by Chhon entitled "Telegram 15- Radio Band 791- To Respected and Beloved Brother Pol"	P	00020938 00020939	00532795	00548911
E3/1076	D200/9.3	00052865 00323164 00504132	DK Telegram entitled "Telegram No 18"	P	00052865	00323164	00504132
E3/928		00017026 00183357 00611668	Confidential telephone message on 1/4/78: Report about Total number of arrested and fired Vietnamese enemy	P	00017026	00183357	00611668
E3/932	D232/11.1 D248/2.4	00020998- 00020999 00185199- 00185200 00392536- 00392537	Telegram 02: To respected committee 870: about situation of the battlefield around Road Number 7	P	00020998	00185199	00392536
E3/157	D200/9.1	00021011- 00021011 00348086- 00348087 00335196- 00335197	Telegram 08: To respected Brother about the situation of defending the border and Internal	P	/	/	/

E3/1568	D313/1.2.406.1	00713919- 00713993 00651862- 00651907 00743328- 00743384	RETYPE from a Handwritten interview of CHEA Sim, Phnom Penh, 3 Dec 1991, and Heng Samrin, Phom Penh, 2 Dec 1991	P	00713962 00713985	00651889 00651902	00743361 00743379
E3/10668		00808431- 00808438 00976854- 00976862 01001366- 01001373	Written Record of Interview of [redacted] date 02 May 2012	C	/	/	/
E3/3015R		V00422521- V00422521		P	00.00-02.19 minutes		


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. (9:12)
- 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 8 November 2016 before nine o'clock. (16:07)

Order for Adjournment of Hearing

The hearing will Resume on Tuesday 8 November 2016 at 9:00am

Phnom Penh, 7 November 2016
Greffier _____ Greffier _____



EM Hoy _____ Maddalena GHEZZI