



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 23 / 12 / 2016
ពេលវេលា (Time/Heure): 09 : 30
សម្របសម្រួល/Case File Officer/L'agent chargé du dossier: SANN PORN

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 December 2016

Substantive Hearing on evidence - 486

Prepared by:
SE Kolvuthy and Stavroula PAPADOPOULOS

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Claudia FENZ
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
Greffier/s: Mrs. SE Kolvuthy; Ms. Stavroula PAPADOPOULOS
OCP: Mr. Nicholas KOUMJIAN; Ms. SONG Chorvoin; Mr. SREA Rattanak
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. SON Arun; Mr. Victor KOPPE
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSSE
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD; Mrs. TY Srinna; Mrs. SIN Soworn
Witness: 2-TCCP-1063 (Category A Civil Party); Mr. SIN Oeng (2-TCW-1069) with Duty Counsel Mr. CHAN Sambo.
Others: Mr. UCH Arun (Court Officer); Mr. LOHN Nget (Transcriber); Ms. PICH Chariya (Transcriber); Ms. YOUS Sereiroth (Transcriber); Ms. SREY Nak (Transcriber); Mr. Tonich SANG (Intern); Ms. Dhevvy Sunantha SIVAPRAKASAM (Intern).

General court times		
Day	Start time: 9:02	Finish time: 16:04

Recess am	Start time: 11:04	Finish time: 11:18
Recess	Start time: 11:29	Finish time: 13:31
Recess pm	Start time: 14:45	Finish time: 15:03
	Total Court Time:	4 hours and 30 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber, Greffier	9:03	9:04
NUON Chea Defence Request to follow proceedings from the holding	Trial Chamber NUON Chea Defence	9:04	9:05
Hearing of Civil Party 2-TCCP-1063 (Category A Civil Party)	KHIEU Samphan Defence Civil Party 2-TCCP-1063	9:06 10:30	10:38 11:00
Request for extension of time to hear Witnesses SIN Oeng (2-TCW-1069) and 2-TCW-1070	NUON Chea Defence Co-Prosecutor KHIEU Samphan Defence Lead Co-Lawyers for Civil Parties	11:19 11:20 11:21 11:21	11:20 11:20 11:21 11:22
Hearing of Witness SIN Oeng (2-TCW-1069)	Trial Chamber NUON Chea Defence	11:22 13:34 15:03	11:29 14:44 16:01
Oral Ruling on the Admission of Evidence - DC-Cam statement of 2-TCW-920	Trial Chamber	13:31	13:32
Oral Ruling on Request for extension of time to hear Witnesses SIN Oeng (2-TCW-1069)	Trial Chamber	13:32	13:34

<u>Summary of Proceedings</u>
<p><u>Opening of the Substantive Hearing and report on attendance of the Parties</u> The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present, with the Accused NUON Chea present in the holding cell.</p>
<p><u>NUON Chea Defence request to follow proceedings from the holding cell</u> The Trial Chamber granted NUON Chea's request to waive his right to be present in the courtroom and to follow proceedings from the holding cell.</p>
<p><u>Hearing of Civil Party 2-TCCP-1063 (Category A Civil Party)</u> Questions were put to Civil Party 2-TCCP-1063 (Category A Civil Party) by KHIEU Samphan's Defence.</p>
<p><u>Hearing of Witness SIN Oeng (2-TCW-1069)</u> Questions were put to the witness SIN Oeng (2-TCW-1069) by the Trial Chamber and NUON Chea's Defence.</p>
<p><u>Oral Ruling on Request for extension of time to hear Witnesses SIN Oeng (2-TCW-</u></p>

1069)

The Trial Chamber granted the NUON Chea Defence's request for an extension of time to question witnesses SIN Oeng (2-TCW-1069). The Trial Chamber stipulated 1.5 days for hearing this witness, wherein 3 sessions were granted to the Defence teams and 3 sessions to the Co-Prosecutor and the Lead Co-Lawyers for the Civil Parties, combined.

Oral Ruling on Admission of Evidence – DC-Cam statement of 2-TCW-920

The Chamber notes that the Co-Prosecutors informed it of the existence of a prior DC-Cam statement of 2-TCW-920 on Case File 004. Considering that this is a public document and in order to avoid multiple requests to the International Co-Investigating Judge for disclosure, the Chamber obtained the document directly from DC-Cam and provided it to the parties in advance of the testimony of the witness. Recalling the practice of the Chamber to admit the prior statements of testifying witnesses, the Chamber now admits the DC-Cam Statement of 2-TCW-920 and accords it Document number E3/10762.

New E3 Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Classes	Note in Khmer	Note in English	Note in French
E3/10762		00923733 - 00923752/ 01066786 - 01066804/ /	Transcript of interview of Nhik Ly	C	00923733 - 00923752	01066786 - 01066804	/

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10716		01340531 - 01340600/ 01353301 - 01353412/ 01345468 - 01345537	DC-Cam's interview with Sin Ung	P	01340556; 01340559; 01340545; 01340542; 01340578 - 01340579; 01340539; 01340556; 01340554; 01340577; 01340584; 01340560	01353342; 01353347; 01353324; 01353319; 01353378 - 01353379; 01353315; 01353341; 01353339; 01353376; 01353387; 01353348	/
E3/3259		P00416559	Photograph depicting senior leaders meeting a delegation	P	P00416559	P00416559	P00416559
E3/3250		P00416551	Photograph depicting senior leaders preparing to greet a Chinese delegation at Pochentong airport	P	P00416551	P00416551	P00416551
E3/3015 R		V00422521 - V00422521	Video of Pol Pot visiting a rubber tree plantation and Khmer Rouge soldiers preparing for war	/	/	/	/
E3/10665		01168433 - 01168486/ 01156796 - 01156827/ /	Annex 2: Interviews of TOAT Thoeun with THET Sambath and Robert LEMKIN, 21 October 2015	P	01168447; 01168451; 01168457	01151803; 01151806; 01151766	/
E3/10717		/ 01354116 - 01354231/ /	DC-Cam's interview with Norng Nim	P	/	01354173; 01354165; 01354168; 01354177; 01354198	/
E3/2014		00039869 - 00039875/ 01305691 - 01305699/ /	Name's list of the prisoners from Ministries and devers zones have interrogated by documentation group	P	00039874	01305698	/


Other documents (No change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1070 A	D22/194	00397755 - 00397763/ 00422199 - 00422208/ /	Civil Party application of [REDACTED]	C	00397758	00422204; 00422202	/
E3/10670		01118427 - 01118432/ 01190620 - 01190625/ /	Supplementary Information	C	01118427 - 01118432; 01118429 - 01118430	01190620 - 01190625; 01190623	/
E3/5932 A		00578455 - 00578456/ 01332267 - 01332269/ /	Supplementary information of civil party applicant	C	00578456; 00578455 - 00578456;	01332268; 01332267 - 01332269;	/
E3/1070 B	D22/194/4	00407824 - 00407824; 00407825 - 00407825/ /	[Corrected 1] Power of attorney letter	C	00407824	00407825	/
E3/1593		00637356 - 00638099/ 01149978 - 01150245/ 00638722 - 00639444	Book by Ben Kiernan entitled "The Pol Pot regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975 -79"	P	00637771	01150139	00639033
E3/2376		00191296 - 00191815/ 00192169 - 00192666/ 00236900 - 00237256	Book by NAYAN Chanda entitled "Brother Enemy: The War after the War"	P	00191597	00192440	00237066
E3/1568		00713919 - 00713993/ 00651862 - 00651907/ 00743328 - 00743384	RETYPE from a Handwritten interview of CHEA Sim, Phnom Penh, 3 Dec 1991, and Heng Samrin, Phnom Penh, 2 Dec 1991	P	00713971	00651894	00743368

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 (9:04)
- Oral ruling admitting a DC-Cam statement of 2-TCW-920 as evidence and granting it document number E3/10762.
- Oral ruling granting an extension of time to question witnesses SIN Oeng (2-TCW-1069) for a total of 1.5 days for all Parties combined.
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 5 December 2016 (16:03).


Orders for Adjournment of Hearing


The hearing will resume on Monday 5 December 2016 at 9:00am. 

Phnom Penh,

Greffier

Greffier



Mrs. SE K  Stavroula PAPADOPOULOS