



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
05 / 01 / 2017

ពេលវេលា (Time/Heure): 11:30

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

E1/504

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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

30 November 2016

Substantive Hearing on evidence – Day 485

Prepared by:

Mr. EM Hoy and Ms. Evelyn CAMPOS SANCHEZ

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge THOU Mony; Judge Jean-Marc LAVERGNE; Judge Claudia FENZ
Reserve Judges: Judge Martin KAROPKIN (Reserve)
Greffier/s: Mr. EM Hoy; Ms. Evelyn CAMPOS SANCHEZ
OCP: Ms. SONG Chorvoin; Mr. Vincent DE WILDE D'ESTMAEL; Mr. Nicolas KOUMJIAN
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. SON Arun; 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. PICH Ang; Ms. Marie GUIRAUD; Mr. HONG Kimsuon; Mr. VEN Pov; Ms. SIN Soworn; Ms. TY Srinna
Witness: Mrs. KHEAV Neab (2-TCCP-258); 2-TCCP-1063 [Redacted]
Others: Ms. SOUR Sotheavy (Associate Court Officer); Ms. YUOS Sereiroth (Transcriber);

Ms. SAM Makara (Transcriber); Mr. NOU Monoroath; Mr. MEACH Sovanna; Ms. Elodie KANCEL (Trial Chamber Intern).

General court times		
Day	Start time: 09:04	Finish time: 16:02
Recess am	Start time:10:18	Finish time: 10:38
Recess	Start time: 11:30	Finish time: 13:33
Recess pm	Start time: 14:12	Finish time: 14:30
	Total Court Time: 4 hours	17 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	09:04	09:06
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	09:06	09:07
Oral Ruling on the admission of Civil Party application of 2-TCCP-1063	Trial Chamber	09:08	09:10
Hearing of Civil Party Ms. KHIEV THEAB Neab (2-TCCP-258)	Co-Prosecutor KHIEU Samphan Defence	09:10 10:54 13:33	10:11 11:30 14:12
Oral submissions and ruling on the proposed hearing of witness 2-TCW-1069 during Friday 1 December 2016 afternoon session	Trial Chamber NUON Chea Defence Co-Prosecutor KHIEU Samphan Trial Chamber NUON Chea Defence	10:11 11:29 10:13 10:14 10:17 10:18 10:38	10:13 11:29 10:14 10:15 10:18 10:19 10:42
Hearing of 2-TCW-1063 [Redacted]	Trial Chamber Lead Co-Lawyer for the Civil Parties Co-Prosecutor	14:35 14:39 15:41	14:39 15:41 16:01

Summary of Proceedings

Opening of the Substantive Hearing

The President NIL opened the proceedings and informed the parties that Judge YOU Ottara is absent for urgent personal matters. After deliberation, Judge THOU Mony will take his place until he is able to return to the Bench. The Greffier informed the Chamber that all parties were present. NUON Chea was present in the holding cell.

NUON Chea 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.

Oral Ruling on the admission of Civil Party Application of 2-TCCP-1063

The Trial Chamber notes that the Civil Party Application of 2-TCCP-1063 is currently classified under document reference number D22/194. The Chamber has recently admitted this Civil Party's Supplementary Information as Document E3/10670 (see E436/1). Another Supplementary Information for this Civil Party was previously admitted as E3/5932a. In line with the Chamber's practice concerning the admission of material relevant to individuals appearing at trial, the Chamber now accordingly admits 2-TCCP-1063's Civil Party Application and assigns document reference number E3/10670a to it.

Hearing of Civil Party Ms. KHIEV THEAB Neab (2-TCCP-258)

The Co-Prosecutor and the KHIEU Samphan Defence questioned Civil Party 2-TCCP-258.

Oral submissions and ruling on the hearing of 2-TCW-1069 during Friday 1 December 2016 afternoon session

The Trial Chamber invited the parties to present their observation on whether or not they would be ready to question witness 2-TCW-1069 during the afternoon session on 1 December 2016. The NUON Chea Defence submitted his readiness to the availability of English translations of DC-Cam interviews of 2-TCW-1069 and 2-TCW-1070 who will be used during the questioning of 2-TCW-1069. The Co-Prosecutor said that he will be ready to hear the questions of the defence but will be ready to ask questions only during the following week and added that it was not reasonable to postpone the hearing if other solutions are available to work on the documents. The KHIEU Samphan Defence said that they will not be ready and that to proceed in a state of haste will risks botching their preparations. As the translations of the relevant documents had already been finalised, the Chamber decided to schedule the hearing of witness 2-TCW-1069 during the afternoon session on 1 December 2016.

Hearing of Civil Party 2-TCCP-1063 [Redacted]

The Trial Chamber, the Co-Lawyer for the Civil Parties and the Co-Prosecutor questioned Civil Party 2-TCCP-1063.

New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10670a	D22/194	00397755- 00397763; 00422199- 00422208; -	Civil party application of [Redacted]	C	00422200; 00422204	00397756; 00397758	-

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/6425	-	00544162- 00544176; 01114147- 01114160; 01152689- 01152693	Civil party application of THEAV Neab 08-VU-00436	P	00544168; 00544170	01114153; 01114154	01152692; 01152693
E3/6425 a	D22/2 038a	00581516- 00581522; 01069299- 01069303; 01151393- 01151397	Supplementary information of civil party applicant	P	00581519	01069300	01151395
E3/1045 4	-	01018811- 01018815; - -	Name of prisoners killed on 2/12/78	P	-	-	-
E3/1974	-	00052897- 00052900; 00184007- 00181009; 00884076- 00884080	Name of prisoners of Foreign Affairs, State Sewing and State Economy Ministry's Section	P	00052897	00184007-08	00884077
E3/2178	D100/ 26.140	00021090- 00021091; 00631977- 00631982; 00855396- 00855401	S-21 Prisoner List containing names of prisoners from the General Staff Office	P	00021091	00631981	00855400
E3/5542	-	00381012- 00381022; 00373225- 00373231; 00381118- 00381130	Written Record of Interview of Civil Party IN Vuthy	P	-	-	-

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7708	-	00242402-00242405; 00250739-00250742; 00274496-00274499	Written Record of Interview of Civil Party of DUONG Sau	C	-	-	-
E3/3970	D296/10	00422470-00422481; 00434928-00434938; 00448663-00448674	Written Record of Interview of Civil Party PECH Srey Phâl	P	-	-	-
E3/9479	E319/12.3.9	01008715-01008728; 01044691-01044705; 01120135-01120146	Written Record of Interview of Civil Party KHEAV Neap	C	01008720-21; 01008727	01044697; 01044704	01120139-40; 01120145
E3/342	D288/6.68.1	(KH, ENG) 00329596-00330129;	Revised S-21 Prisoner List	P	00329780	00329780	-
E3/5932 a	D22/194a	00578455-00578456; 01332267-01332269;	Supplementary information of civil party applicant	C	00578455	01332268	-
E3/1067 0	E319/57.2.7	01118427-01118432; 01190620-01190625;	Supplementary Information	C	01118429	01190623	-
E301/9/1	-	00981701-00981733; 00981666-00981686; 00982098-00982123	Decision on Additional Severance of Case 002/02 and Scope of Case 002/02	P	00981727	00981682	00982118


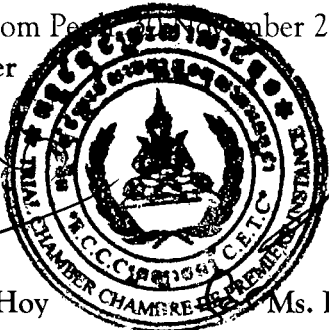
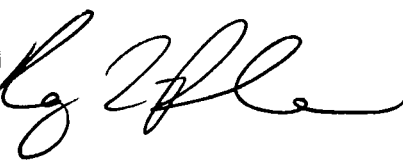
Oral Orders/Decisions:

- 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 (09:07).
- Oral Ruling on the admission of Civil Party application D22/194 as new evidence under number E3/10670a (09:10).
- Oral Ruling on the scheduling of hearing of witness 2-TCW-1069 during the afternoon session on 1 December 2016 (11:29).
- Order to refer to Civil Party 2-TCCP-1063 with his pseudonym only, in accordance with the OCIJ classification of the Civil Party in category A in E390/35 (14:31).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 01 December 2016 (16:02).

Orders for Adjournment of Hearing

The hearing will resume on Thursday 01 December 2016 at 9:00am.

Phnom Penh, 30 November 2016
Greffier Greffier

  
Mr. EM Hoy Ms. Evelyn CAMPOS SANCHEZ