



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... ៣ ១១ 2016

ម៉ោង (Time/Heure) : 15:30

ប្រតិបត្តិការបណ្តុំរឿង (Case File Officer/L'agent chargé
of dossier): SANN RADA

002/19-09-2007-ECCC/TC
E1/502

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

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 November 2016
Trial Day 483

Prepared by:
Mrs. SE Kolvuthy and Mr. Roger PHILLIPS

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).
Greffiers: Mrs. SE Kolvuthy; Mr. Roger PHILLIPS.
OCP: Mr. William SMITH; Mr. SENG Leang
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan.
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. SON Arun; Mr. LIV Sovanna.
Defence for the Accused Khieu Samphan: Ms. Anta GUISSSE; Mr. KONG Sam Onn
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS.
Civil Parties: Ms. Marie GUIRAUD; Mr. PICH Ang; Mr. LOR Chunthy; Mr. VEN Pov.
Witness: Ms. BEIT Boeurn (2-TCW-953); Ms. SOK Socheata (Duty Counsel)
Others: Mrs. SOUR Sotheavy (Associate Court Officer); Mr. LONH Nget (Transcriber); Mr. VAT Somao (Transcriber); Ms. SREY Nak (Transcriber); Ms. Tereza TUPA (TC Intern); Mr. KEO Vath

<u>General court times</u>		
Day	Start time: 9:04	Finish time: 14:38
Recess am	Start time: 10:16	Finish time: 10:33
Recess	Start time: 11:40	Finish time: 13:31
Recess pm	Start time: /	Finish time: /
	Total Court Time:	3 hours and 26 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	9:04	9:06
NUON Chea Defence Request to follow the proceedings from the holding cell	Trial Chamber	9:06	9:07
Oral ruling to admit document	Trial Chamber	9:07	9:13
Hearing of Witness BEIT Boeurn (2-TCW-953)	Trial Chamber	9:13	9:22
	Co-Prosecutor	9:22	11:40
	Khieu Samphan Defence	13:32	14:37

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 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 the courtroom and to follow the proceedings from the holding cell.

Oral Ruling on admission of prior statement and audio-recording of interview of 2-TCW-953

Pursuant to the new guidelines established by the International Co-Investigating Judge for requesting disclosure from Cases 003 and 004, on 4 November 2016 the International Co-Prosecutor made available by email to the Chamber and the other Parties document D114/183, a Written Record of Interview (WRI) of 2-TCW-953. This witness is due to testify in Case 002/02 during the Role of the Accused trial topic. The International Co-Prosecutor subsequently also made available to the Parties and the Chamber the audio-recording of the interview (D114/183R). On 7 November, the International Co-Investigating Judge authorised by email the disclosure of D114/183 and D114/183R to the Parties in Case 002, followed by a formal decision on 17 November 2016 (D100/40).

The 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) and that 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 (E363/3, para. 25). The Chamber therefore admits on its own motion 2-TCW-953's prior WRI D114/183 and assigns it Document

Number E3/10721.

The Chamber also recalls its recent decision that it will not generally admit all existing audio-recordings of interviews. The Chamber may admit specific relevant parts of an audio-recording where a Party identifies a discrepancy between the audio-recording and its corresponding written record of interview (E441/2, para. 17). As no discrepancy between the audio-recording and the WRI of 2-TCW-953 has been shown, the Chamber will not admit D114/183R into evidence at this stage.

Hearing of Witness BEIT Boeurn (2-TCW-953)

Questions were put to the Witness by the Trial Chamber, followed by Co-Prosecutor and Khieu Samphan Defence.

Newly Admitted Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10721	D114/183	01213579- 01213609 01300034- 01300056	Written Record of Interview of [2-TCW-953]	C	01213585 01213595 01213597 01213598 01213599 01213600 01213593 01213604 01213604	01300038 01300045 01300047 01300048 01300048 01300049 01300044 01300052 01300052	/

Reclassified Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5647	/	00054371- 00054427 00640136- 00640186 00332559- 00332600	DC-Cam Interview with Pet Na	P	00054410 00054389- 00054390 00054389- 00054390 00054420- 00054421 00054415 00054424- 00054425 00054413 00054387 00054389 00054381	00640171 00640152 00640152 00640180- 00640182 00640175- 00640176 00640184 00640174 00640150 00640151 00640144- 00640145	00332588 00332572 00332572- 00332573 00332595- 00332596 00332592 00332598 00332599 00332590 00332557 00332572 00332566

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/2376	D108/50/1.74 D91/1	00191296- 00191815 00192169- 00192666 00236900- 00237256	Book by NAYAN Chanda entitled "Brother Enemy: The War after the War"	P	00191354	00192228	00237647
E3/562	D108/28.240	00249989- 00249994 S00010558- 00010569 00280373- 00280388	International Media Report "Phnom Penh Rally Marks 17 th April Anniversary"	P	00249989- 00249990 00249992	S00010563 S00010565	00280379- 00280380 00280383

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 (9:07).
- Oral ruling admitting document E3/10721 as evidence (9:12).
- Order to take the two Accused to the Detention Facility and bring them back to court for the Hearing on 29 November 2016 (14:38).

Order for Adjournment of Hearing

The hearing will resume on Tuesday 29 November 2016 at 9:00 am. *85-*

Phnom Penh, 28 November 2016

Greffier  Greffier

Mrs. SE Kolv  Greffier PHILLIPS

