



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): ០២ / ១២ / ២០១៤
ម៉ោង (Time/Heure) : ១៥ : ០៣
ប្រតិបត្តិការករណីរឿង (Case File Officer/L'agent chargé) SAMN RAY

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 August 2016

Substantive Hearing on evidence - Day 446

Prepared by:

Mrs. SE Kolvuthy and Ms. Stavroula PAPADOPOULOS

Attendance Record
Before: Judge YA Sokhan (Presiding); Judge Jean-Marc LAVERGNE; Judge THOU Mony; Judge Claudia FENZ; Judge YOU Ottara.
Reserve Judges: Judge Martin KAROPKIN (Reserve).
Greffier/s: Mrs. SE Kolvuthy; Ms. Stavroula PAPADOPOULOS.
OCP: Mr. SREA Rattanak, Mr. Dale LYSAK.
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. Victor KOPPE; Mr. LIV Sovanna
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; Ms. SIN Soworn; Mr. LOR Chunthy.
Witness/ Civil Party: Mr. SENG Soeun (2-TCCP-219).
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. VATH Somao (Transcriber); Mr. LONH Nget (Transcriber), Ms. SREY Nak

(Transcriber); Ms. YUOS Sereiroth (Transcriber); Mr. KEO Vath (Support Staff); Ms. Elodie KANCEL (Trial Chamber Intern); Mr. SOK Sopheak

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:03
Recess am	Start time: 10:15	Finish time: 10:35
Recess	Start time: 11:30	Finish time: 13:30
Recess pm	Start time: 14:32	Finish time: 14:49
	Total Court Time:	4 hours and 26 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	9:00	9:01
NUON Chea Defence Request to follow the proceedings from the holding cell	Trial Chamber	9:01	09:03
Observations of the Parties regarding the Hearing of Witness 2-TCW-1002 in Closed Session	Co-Prosecutor	9:05	9:06
	Lead Co-Lawyer for the Civil Parties	9:06	9:06
	NUON Chea Defence	9:06	9:06
	KHIEU Samphan Defence	9:06	9:07
Oral ruling on Internal Rules 87(3) and (4) Request by the NUON Chea Defence to Admit New Document into evidence	Trial Chamber	9:09	9:13
Hearing of Civil Party SENG Soeun (2-TCCP-219)	Trial Chamber	9:14	9:22
	Lead Co-Lawyer for the Civil Parties	9:22	10:15
	Co-Prosecutor	10:36	14:32
	Trial Chamber	14:49	15:00
	NUON Chea Defence	15:00	16:01
Objection on a question asked by the Co-Prosecutor	NUON Chea Defence	13:36	13:36
	Trial Chamber	13:37	13:37
Objection on a question asked by the Co-Prosecutor	KHIEU Samphan Defence	13:58	13:58
	Trial Chamber	13:59	13:59
Objection on a question asked by the Co-Prosecutor	NUON Chea Defence	14:27	14:27
	Co-Prosecutor	14:28	14:28
	Trial Chamber	14:29	14:29
Objection on a question asked by the NUON Chea Defence	Lead Co-Lawyer for the Civil Parties	15:30	15:31
	KHIEU Samphan Defence	15:31	15:32

	NUON Chea Defence	15:32	15:33
	Trial Chamber	15:33	15:33

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President YA 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 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.

Observations of the Parties regarding the Hearing of Witness 2-TCW-1002 in Closed Session

The Trial Chamber heard submissions from the Parties regarding the Hearing of Witness 2-TCW-1002 in Closed Session. The Co-Prosecutor did not object to the request that the witness be heard in Closed Session. The Lead Co-Lawyer for the Civil Parties, the NUON Chea Defence and the KHIEU Samphan Defence stated that they had no observations to make. The Trial Chamber stated that it will take a decision in due time.

Oral Ruling on Internal Rules 87(3) and (4) Request by NUON Chea Defence

The Chamber notes that the NUON Chea Defence filed a written request under Internal Rule 87(4) that is, Document E430, on 22 August 2016, for the admission into evidence of four documents. Two of the documents were admitted through an oral decision rendered on 23 August 2016. The Chamber now addresses the remainder of the request in which the NUON Chea Defence seeks to admit excerpts from Document E319/45.4.8, which is the Civil Party application of 2-TCCP-286, who is scheduled to give a statement tomorrow. While Document E430 refers to 2-TCCP-28, it is clear from the other information in the request that the Defence intended to refer to 2-TCCP-286.

The Chamber notes that part of proposed document E319/45.4.8 is already contained within admitted document E3/5010, which is also the Civil Party Application 2-TCCP-286. The excerpts sought for admission by the NUON Chea Defence are additional parts of said Civil Party Application. The Chamber notes that some of the ERN references provided in the request are erroneous and the Chamber therefore relies instead on the excerpts attached to the Defence's filing in rendering its decision.

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 grants the NUON Chea Defence's request to admit into evidence the proposed excerpts of document E319/45.4.11, which are contained at document numbers E430.2 and E430.4. The Chamber assigns these excerpts, combined, Document

Number E3/5010B.

Hearing of Civil Party SENG Soeun (2-TCCP-219)

The Trial Chamber, the Lead Co-Lawyer for the Civil Parties, the Co-Prosecutor and the NUON Chea Defence questioned Civil Party SENG Soeun (2-TCCP-219).

Objection by the NUON Chea Defence to a question asked by the Co-Prosecutor to Civil Party 2-TCCP-219

The NUON Chea Defence objected to a question asked by the Co-Prosecutor to Civil Party 2-TCCP-219, stating that the question was leading the Civil Party. After deliberation, the Judges allowed the Co-Prosecutor to continue his questioning [13:37].

Objection by the KHIEU Samphan Defence to the questioning of Civil Party 2-TCCP-219 by the Co-Prosecutor

The KHIEU Samphan Defence objected to the questioning of Civil Party 2-TCCP-219 by the Co-Prosecutor, arguing that the hearing was straying away from the segment on the Regulation of Marriage. After deliberation, the Judges overruled the objection [13:59].

Objection by the NUON Chea Defence to the question asked by the Co-Prosecutor to Civil Party 2-TCCP-219

The NUON Chea Defence objected to a quotation from document E1/206.1 referred to by the Co-Prosecutor, stating that it was a “totally disingenuous out-of-context quotation of evidence”. The Co-Prosecutor responded that he was confronting the Civil Party with evidence that’s before the Court. After deliberation, the President overruled the objection and allowed the Co-Prosecutor to proceed with his questioning [14:29].

Objection by the Lead Co-Lawyer for the Civil Parties to the question asked by the NUON Chea Defence to Civil Party 2-TCCP-219

The Lead Co-Lawyer for the Civil Parties objected to a question asked by the NUON Chea Defence stating that it was a leading question. The President asked Counsel for NUON Chea to reformulate his question [15:33].

New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5010B	E430.2 ; E430.4	01019384- 01049386; 01139647- 01139648; -	Excerpt of Civil party application of CHEA Dieb 13-VSS-00314	C	-	-	-
E3/5068/1	D22/3605/1	00754073- 00754075; 00567556- 00567557; 00758000- 00758001	Victim Unit's report on the civil party applicant SENG Soeun 09-VU-04218	P	-	00567556	00758000

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/409	D232/59	00402505- 00402517; 00412176- 00412187; 00434539- 00434551	[Corrected 1] Written Record of Interview of SENG Soeun	P	00402507; 00402509; 00402511; 00402512; 00402513; 00402515; 00402516;	00412178; 00412180; 00412181; 00412182; 00412183; 00412185; 00412186;	00434541; 00434543; 00434545; 00434546; 00434549; 00434550;
E3/5643	E190.1.405	00059307- 00059407; 00753814- 00753900; 00756558- 00756651	Interview with TCCP-142	P	00059318; 00059327; 00059348; 00059360- 00059361; 00059380; 00059381; 00059402;	00753825; 00753835; 00753854; 00753864; 00753878; 00753879; 00753896;	00756568; 00756577; 00756596; 00756607- 00756608; 00756626; 00756647;

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9833	E319/28.3.17	01095235- 01095269; 01111826- 01111849;	[Corrected 1] Written Record of Interview witness MUOL Eng	C	01095267; 01095268	01111848	-
E3/1094	-	00143603- 00143617; 00315368- 00315383; 00593523- 00593538	To respected Angkar from M401	P	00143610; 00143617;	00315374; 00315383;	00593530; 00593538;
E3/1651	D108/26.280	00086824- 00086836; 00789497- 00789512; 00841421- 00841436	S-21 Prisoner List containing names of prisoners interrogated at S-21	P	00086832; 00086833- 00086834;	00789507; 00789508- 00789510;	00841431; 00841432- 00841434;
E3/746	-	00064485- 00064511; 00428289- 00428307; 00611870- 00611892	CPK Magazine entitled: "The Revolutionary Flag", Issue 7, July 1978 (FULL)	P	00064495	00428297	00611878
E3/765	D248/4.10	00376472- 00376507; 00539976- 00540007; 00540008- 00540037	Revolutionary Youth Number 10 October 1978	P	00376493- 00376494	00539994	00540024- 00540025

Oral Orders/Decisions:

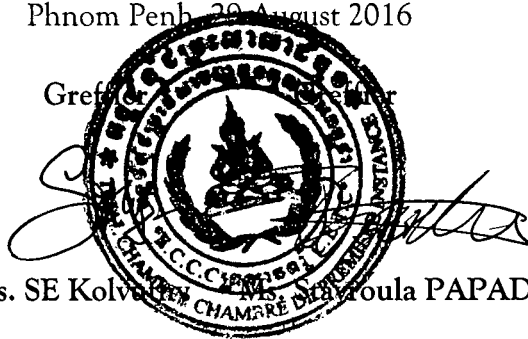
- Order authorising the Accused NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceedings (09:03).
- Oral Ruling on Internal Rules 87(3) and (4) Request by NUON Chea Defence to Admit Civil Party Applications (09:09 to 09:13).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 30 August 2016 (16:02).

Orders for Adjournment of Hearing

The hearing will resume on Tuesday 30 August 2016 at 9:00am. *SP*

Phnom Penh, 29 August 2016

Greffier



Mrs. SE Kolva CHAMARE DICKIYOUla PAPADOPOULOS