



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 24-Jan-2017, 15:06  
CMS/CFO:.....  
**Sann Rada**

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/26-07-2016-ECCC/TC

26 July 2016

Substantive Hearing on evidence 002/02 - Day 429

Prepared by:

Ms. Sivhoang CHEA and Ms. Maddalena GHEZZI

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President); Judge YA Sokhan; Judge THOU Mony (morning session); Judge YOU Ottara (afternoon session); Judge Jean-Marc LAVERGNE; Judge Claudia FENZ
<b>Reserve Judges:</b>
<b>Greffiers:</b> Ms. Sivhoang CHEA; Ms. Maddalena GHEZZI.
<b>OCP:</b> Mr. William SMITH; Ms. SONG Chorvoin; Mr. SREA Rattanak
<b>Accused:</b> Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
<b>Defence for the Accused NUON Chea:</b> Mr. Victor KOPPE; Mr. LIV Sovanna
<b>Defence for the Accused KHIEU Samphan:</b> Ms. Anta GUISSÉ; Mr. KONG Sam Onn;
<b>Appointed Standby Counsel for KHIEU Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
<b>Civil Parties:</b> Ms. Marie GUIRAUD, Mr. PICH Ang, Mr. VEN Pov, Mr. HONG Kimsuon, Ms. TY Srinna, Ms. SIN Soworn, Mr. LOR Chunthy
<b>Witness:</b> (2-TCW-1005)
<b>Others:</b> Mr. UCH Arun (Court Officer), Mrs. SOUR Sotheavy (Associate Court Officer); Ms. SOK Sopheakmonica, Mrs. SAM Makara, Mr. VAT Somao, Mr. LONH Nget (Transcribers); Ms. McRae Alison DUNBAR (Trial Chamber Intern); Mr. KEO Vath (Support Staff)

<u>General court times</u>		
Day	Start time: 9:01	Finish time: 16:02
Recess am	Start time: 10:14	Finish time: 10:38
Recess	Start time: 11:36	Finish time: 13:32
Recess pm	Start time: 14:51	Finish time: 15:12
	Total Court Time:	4 hours 20 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	9:01	9:03
NUON Chea Defence Requests to follow the proceedings from the holding cell	NUON Chea Defence	9:03	9:06
Parties' Oral Submissions E319/48/1	Lead Co-Lawyers	9:07	9:07
	NUON Chea Defence	9:08	9:08
	KHIEU Samphan	9:08	9:09
	Defence	9:10	9:11
	Co-Prosecutors	9:10	9:10
		9:11	9:13
Parties' Oral Submissions on E424	Lead Co-Lawyers	9:14	9:14
	KHIEU Samphan Defence	9:15	9:16
Hearing of Witness (2-TCW-1005)	Trial Chamber	9:18	9:31
	Co-Prosecutor	9:31	16:01
Rulings on Parties' Rule 87(4) requests E424, E415/1, E415/2, and E319/48/1	Trial Chamber	15:12	15:29

<u>Summary of Proceedings</u>
<p><b><u>Opening of hearing and report on attendance of the Parties</u></b> The President opened the proceedings and indicated that Judge YOU Ottara would be absent for the morning due to personal reasons. After deliberation the Chamber appointed reserve Judge THOU Mony to sit in place of Judge YOU Ottara pursuant to Internal Rule 79(4) . The Greffier informed the Trial Chamber that all Parties were present. The Accused NUON Chea was present in the holding cell.</p>
<p><b><u>NUON Chea Defence request to follow the proceedings from the holding cell</u></b> The Trial Chamber granted the request of NUON Chea to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.</p>
<p><b><u>NUON Chea Defence's request to admit one document (E424)</u></b> The Trial Chamber granted the NUON Chea Defence's Rule 87(4) Request to Admit One Document in Relation to Witness 2-TCW-1005 (E424) and admitted document E319/43.3.3 into evidence with number E3/10639.</p>
<p><b><u>Oral Ruling on the NUON Chea Defence's request to admit two documents (E415/1)</u></b> The Trial Chamber granted the NUON Chea request to admit Henri LOCARD's article into evidence (E415/1.1.1) and declared moot the request to admit Mr. LOCARD's CV as it was already in</p>

evidence.

**Oral Ruling on the OCP's Rule 87(4) request to admit documents relevant to Michael Vickery (2-TCE-94) and Henri Locard (2-TCE-90) (E415/2).**

The Chamber admitted chapters 3 to 11 of the 2016 edition of the book "Pourquoi les Khmers Rouges" (E3/10640) and declared moot the remainder of the request relating to Mr. Vickery as the expert is no longer to testify (15:21).

**Co-Prosecutors' Request to admit 4 documents (E319/48/1)**

The Trial Chamber heard submissions on OCP's Rule 87(4) Request to Admit 4 Documents relating to witness 2-TCW-1005. The Chamber admitted the documents into evidence with the following document numbers: E3/10635 for D119/84.1; E3/10636 for D119/85.1; E3/10637 for D119/87/1 and E3/10638 for D119/85.2

**Hearing of witness (2-TCW-1005)**

The Co-Prosecutors questioned witness 2-TCW-1005.

### New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10635	D119/84.1	00975699-00975709 01192855-01192874	Attachment to 2-TCW-1005 WRI	C	/	/	/
E3/10636	D119/85.1	00975773-00975774	Attachment to 2-TCW-1005 WRI	C	/	/	/
E3/10637	D119/87/1	00975801-00975801; 00983609-00983610; 00981639-00981640	Attachment to 2-TCW-1005 WRI	C	/	/	/
E3/10638	D119/85.2	00975775-00975775	Attachment to 2-TCW-1005 WRI	C	/	/	/
E3/10639	E319/43.3.3	01089446-01089489; 01098403-01098427	Written Record of Interview EM Sarin	P	/	01089446-01089489; 01098403-01098427	/

E3/10644	E415/1.1.1	01306512- 01306514; 01304573- 01304574	Attachment 1: 'In Questioning of Becker, Nuon Chea's False History Prevails' by 2-TCE-90, 17 February 2015	P	/	/	/
E3/10640	/	01379644- 01379777	Pourquoi les Khmers Rouges	P	/	/	/

## Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9513	D119/84	00975686- 00975698; 00982698- 00982709; 00980787- 00980796	Written Record of Interview of 2-TCW-1005	C	00975687; 00975688- 00975690	00982699; 00982700- 00982701	00980788; 00980789- 00980790
E3/9647	D119/84.2	00975710- 00975759; 01212263- 01212339; 00996550- 00996599	DC-Cam Interview of 2-TCW-1005	C	00975756- 00975757; 00975716;  00975715	01212334- 01212335; 01212271- 01212273; 01212270- 01212271	00996596- 00996597; 00996556- 00996557; 00996555
E3/10622	D219/488	01136699- 01136731; 01170582- 01170601	Written Record of Interview witness 2-TCW-1005	C	01136708- 01136709; 01136712- 01136713; 01136725- 01136726; 01136715- 01136716	01170587- 01170588; 01170590; 01170597- 01170598; 01170592	/
E3/9835	D119/85	00975760- 00975772; 00980797- 00980806; 00982710- 00982720	Written Record of Interview of 2-TCW-1005	C	00975770	00982718	00980804
E3/9814	D119/87	00975789- 00975800; 00982733-	Written Record of Interview of 2-TCW-1005	C	00975783- 00975784	00982728	00980813

		00982742; 00980837- 00980845					
E3/10604	E393.2	01222328- 01222936	Annex 2: OCIJ S- 21 Prisoners List	P	/	/	/
E3/135	D2-15.4	00062789- 00062835; 00446846- 00446883; 00487707- 00487747	Revolutionary Flag Issue 6, June 1977	P	00062803 /	00142905; 00142912	00487719; 00487736
E3/12		00000758- 00000764; 00182809- 00182814; 00224363- 00224367	Decision of central committee on a number of problems	P	00000758	00182809	00224363

**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 proceedings (9:06).
- Oral Ruling granting the NUON Chea Defence's Internal Rule 87(4) Request to admit document E319/43.3.3 (E3/10639) in Relation to Witness 2-TCW-1005 (E424). (15:15).
- Oral Ruling on NUON Chea Defence's Rule 87 (4) Request and Rule 93 Request in Relation to Henri LOCARD (E415/1). (15:17).
- Oral Ruling on the OCP's Rule 87(4) Request to Admit Document Relevant to the Testimony of Michael Vickery (2-TCE-94) and Henri Locard (2-TCE-90) (E415/2). (15:21).
- Oral Ruling on the OCP's Rule 87(4) Request to Admit 4 Documents (E319/48/1). (15:28).
- Order to take the Accused to the Detention Facility and bring them back to court for the Hearing on Wednesday, 27 July 2016 (16:03).

**Order for Adjournment of Hearing**

The hearing will resume on Wednesday, 27 July 2016 at 9:00am.

Phnom Penh, 26 July 2016

Greffier



Ms. Sivhoang CHEA



Greffier



Ms. Maddalena GHEZZI