



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):

13/02/2012

ម៉ោង (Time/Heure): 12:00

មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/L'agent chargé)

SANN RADD

002/19-09-2007-ECCC/TC  
E1/511

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

12 December 2016

Substantive Hearing on evidence – Day 491

Prepared by:

Mrs. SE Kolvuthy and Mr. Harshan ATHURELIYA

#### Attendance Record

**Before:** Judge NIL Nonn (President); Judge YA Sokhan; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE; Judge YOU Ottara.

**Reserve Judges:** Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve).

**Greffiers:** Mrs. SE Kolvuthy; Mr. Harshan ATHURELIYA.

**OCP:** Ms. SONG Chorvoin; Mr. SENG Leang; Mr. Nicholas KOUMJIAN; Mr. Joseph Andrew BOYLE.

**Accused:** Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan.

**Defence for the Accused Nuon Chea:** Mr. LIV Sovanna; 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 Vorleak; Mr. Calvin SAUNDERS.

**Civil Parties:** Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. HONG Kimsuon, Mr. LOR Chunthy; Mrs. SIN Soworn.

**Witnesses:** Mr. NONG Nim (2-TCW-1070); 2-TCW-823 (Category A witness).

**Duty Counsels:** Mr. MOEURN Sovann (for 2-TCW-1070); Mr. CHAN Sambo (for 2-TCW-823).

**Others:** Mr. UCH Arun (Court Officer); Ms. YOUS Sereyroth (Transcriber); Mr. LOHN Nget (Transcriber); Mr. VAT Somao (Transcriber); Ms. LY Boranine (Legal Consultant); Ms. Anne-Catherine STANDAERT (Trial Chamber Intern).

<u>General court times</u>		
Day	Start time: 9:06	Finish time: 16:07
Recess am	Start time: 10:15	Finish time: 10:30
Recess	Start time: 11:45	Finish time: 13:30
Recess pm	Start time: 14:10	Finish time: 14:30
	Total Court Time:	4 hours and 40 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	9:07	9:08
NUON Chea Defence Request to follow the proceedings from the holding cell	NUON Chea Defence Trial Chamber	9:08	9:10
Oral Ruling on KHIEU Samphan Defence Request to admit E319/43.3.7 into evidence	Trial Chamber	9:10	9:13
Oral ruling on KHIEU Samphan Defence request to admit E319/23.3.19.1 into evidence	Trial Chamber	9:13	9:15
Hearing of witness Mr. NONG Nim (2-TCW-1070)	Trial Chamber NUON Chea Defence Co-Prosecutors  Lead Co-Lawyer for the Civil Parties	9:16 9:22 11:21 13:33 13:54	9:22 11:19 11:40 13:54 14:07
Oral ruling on the request of the Co-Prosecutors to admit three documents into evidence	Trial Chamber	11:40	11:43
Observations by Mr. KOPPE relating to a document from Professor Heynowski	NUON Chea Defence	13:32	13:33
Hearing of witness 2-TCW-823 (Category A witness)	Trial Chamber Co-Prosecutors Lead Co-Lawyer for the Civil Parties	14:36 14:45 15:52	14:44 15:52 16:05

**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. 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 KHIEU Samphan Defence request to admit E319/43.3.7 into evidence**

On 7 December 2016, the KHIEU Samphan Defence informed the Trial Chamber that they considered document E319/43.3.7 relevant for the upcoming questioning of witness 2-TCW-823, therefore they requested its admission according to Internal Rule 87(3) and 87(4). The other parties did not object to this request. The Trial Chamber found that the proposed document satisfied the criteria of Internal Rules 87(4) and admitted it into evidence. Document E319/43.3.7 was assigned document number E3/10768.

**Oral ruling on KHIEU Samphan Defence request to admit E319/23.3.19.1 into evidence**

On 7 December 2016, the KHIEU Samphan Defence sought the admission of E319/23.3.19.1, a document related to 2-TCW-823 into evidence. This document consists of excerpts of a DC-Cam interview, containing a number of handwritten corrections made by the witness during his subsequent interview with the OCIJ. The Trial Chamber admitted document E319/23.3.19.1 into evidence as a prior statement of the witness and assigned it document number E3/9817A.

**Hearing of witness Mr. NONG Nim (2-TCW-1070)**

Questions were put to witness 2-TCW-1070 by the NUON Chea Defence followed by the Co-Prosecutors and the Lead Co-Lawyers for the Civil Parties. The witness testified through video-link.

**Oral ruling on the request of the Co-Prosecutor to admit three documents into evidence**

On 7 December, the Co-Prosecutors made a request to admit three documents pursuant to Internal Rule 87(4), which they submitted were relevant to the upcoming testimony of 2-TCE-1062. No objections were raised by other parties. The Trial Chamber granted the request and assigned the following document numbers: E3/10765 to Document 1, E3/10766 to Document 2 and E3/10767 to Document 3.

**Hearing of witness 2-TCW-823 (Category A)**

Questions were put to witness 2-TCW-823 by the Co-Prosecutor followed by the Lead Co-Lawyer for the Civil Parties.

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## Newly Admitted Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9817A	E319/23.3.19.1	01033983- 01033990 01313339- 01313344 01308956- 01308964	[Corrected 1] DC-Cam Interview of [REDACTED]	C	01033988	01313342	01308961
E3/10768	E319/43.3.7	01138455- 01138488 01170528- 01170551	Written Record of Interview of witness [REDACTED]	C	/	/	/
E3/10765		01319488- 01319491 01336753- 01336755 01336756- 01336758	The Report on the Preservation of the Remains of the Victims at Choeung Ek Genocidal Center	P	/	/	/
E3/10766		01319492- 01319493 01336759- 01336760 01336761- 01336764	The charts titled Exhausted list of Preserved remains and list of Marks of Torture and Marks of Execution	P	/	/	/
E3/10767		01319494- 01319515 01336765- 01336791 01336792- 01336810	The transcript of the interview of Him Huy conducted on 9 August 2014	P	/	/	/

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Reclassified Document

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10717 /		01340440- 01340530 01355695- 01355824 01348485- 01348572	[Corrected 2] DC-Cam's interview with Nong Nim	P	01340486 01340510 01340476 01340483 01340497 01340495 01340497 01340508 01340505 01340522 01340524 01340501	p. 67 (ERN 01355761) 101 (ERN 01355795) pp 52-53 (ERN 01355746-01355747) p. 63 (ERN 01355757) p. 62 (ERN 01355756) p. 82 (ERN 01355776) p. 80 (ERN 01355774) p. 83 (ERN 01355777) p. 94 (ERN 01355788) 01348551, 01355792 01355814 01355816 01355783 01355782	01348530 01348553 01348519 01348520 01348527 01348526 01348540 01348539 01348541 01348551 01348548 01348565 01348567 01348545 01348544
E3/517	D234/10	00373439- 00373445 00375878- 00375884 00426346- 00426352	Written Record of Interview of LOEK São	P	00373441	00375880	00426348
E3/3259	D313/1.2.203	P00416559	Photograph depicting senior leaders meeting a delegation	P		P00416559	

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E3/10665	F2/9.2	01168433- 01168486 01156796- 01156827	Annex 2: Interviews of TOAT Thoeun with THET Sambath and Robert LEMKIN, 21 October 2015	P	01168480	01156823	/
E3/9675		00955532- 00955541 00977710- 00977718 01104060- 01104067	Written Record of Interview of PAK Sok Dated 19-10-2013	P	00955535	00977713	01104062 01104063

### Other Documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1593	/	00637356- 00638099 01149978- 01150245 00638722- 00638099	[Corrected 1] Book by Ben Kiernan entitled "The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79	P	00637947	01150203	00639172
E3/9817	E319/23.3.19	01033991- 01033997 01040413- 01040418 01362309- 01362313	Written Record of Interview of [redacted] dated 20-10- 2014	C	01033991	01040414	01362309
E3/9069	E305/13.23.361	00926295- 00926339 00969918- 00969958	Statement of [redacted] (DC- Cam)	C	00926305 00926311 00926312 00926338 00926328	00969927 00969934 00969935 00969957 00969958 00969949	/
E3/10604	E393.2	01222328- 01222936	Annex 2: OCIJ S-21 Prisoners List 31 March 2016	P	/	01222426	/
F1/3.1	/	01116540- 01116644 01116406- 01116539 01118488- 01118632	Transcript of appeal hearing in Case 002/01 - 06 July 2015	P	/	/	/

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E3/9610	E319.1.27/ D118/102	00947574- 00947613 00974011- 00974052 00974702- 00974737	Written record of witness interview [REDACTED]	C	/	00974017	00974707
E3/3015R		V00422521	DDC_VI_001248 Pol Pot visiting a rubber tree plantation and Khmer Rouge soldiers preparing for war	P		01:53 + 10 Sec	

**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. (9:10)
- Oral Ruling on KHIEU Samphan Defence request to admit E319/43.3.7 into evidence. (9:12)
- Oral ruling on KHIEU Samphan Defence request to admit E319/23.3.19.1 into evidence. (9:15)
- Oral ruling on the request of the Co-Prosecutor to admit three documents into evidence. (11:43)
- The Trial Chamber ruled that Category A protective measures for 2-TCW-823 were legally appropriate. (14:32)
- Order to take the two accused, NUON Chea and KHIEU Samphan, back to the detention facility and have them returned to attend the proceedings on Tuesday 13 December 2016 before nine o'clock. (16:06)

**Order for Adjournment of Hearing**

The hearing will Resume on Tuesday 13 December 2016 at 9:00 am. *ss*

Phnom Penh, 12 December 2016  
Greffier  
  
Mrs. SE Kolv Athureliya