



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):
.....18/01/2017.....
ម៉ោង (Time/Heure) :.....14:45.....
អ្នកទទួលស្របច្បាប់/Case File Officer/L'agent chargé
du dossier:.....SANN RADA.....

002/19-09-2007-ECCC/TC
E1/515

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

4 January 2017

Substantive Hearing on evidence -Day- 495

Prepared by:

Mrs. SE Kolvuthy and Mr. Roger PHILLIPS

Attendance Record
Before: Judge NIL Nonn (President); Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Claudia FENZ; Judge THOU Mony
Reserve Judges: Judge Martin KAROPKIN (Reserve)
Greffier/s: Mrs. SE Kolvuthy; Mr. Roger PHILLIPS
OCP: Mr. Nicholas KOUMJIAN; Ms. SONG Chorvoïn; Mr. Vincent DE WILDE D'ESTMAEL
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. SON Arun
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; Mrs. SIN Soworn; Mrs. TY Srinna; Mr. HONG Kimsuon; Mr. VEN Pov
Witness: N/A

72

Others: Mr. UCH Arun (Court Officer); Mr. LONH Nget (Transcriber); Mr. MEACH Sovanna (Transcriber); Ms. Dhevy Sunantha SIVAPRAKASAM (Intern).

<u>General court times</u>		
Day	Start time: 9:02	Finish time: 11:35
Recess am	Start time: 10:09	Finish time: 10:30
Recess	Start time: /	Finish time: /
Recess pm	Start time: /	Finish time: /
	Total Court Time:	2 hours and 10 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantive Hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:02	9:04
NUON Chea Defence Request to follow proceedings from the holding	Trial Chamber	9:04	9:06
Oral Ruling on the Co-Prosecutors' Request to respond to the key documents presentation by KHIEU Samphan Defence	Trial Chamber	9:06	9:07
Hearing of Presentation of Key Documents	KHIEU Samphan Defence	9:08	11:28
Hearing of Oral Submissions on the issue of admission into evidence of the confessions of CHUM Mey (2-TCCP-243) (E455)	Co-Prosecutor	11:30	11:30
	Lead Co-Lawyers for Civil Parties	11:30	11:31
	NUON Chea Defence	11:31	11:32
	KHIEU Samphan Defence	11:32	11:33
	Trial Chamber	11:34	11:35

Summary of Proceedings

Opening of Substantive Hearing and report on attendance of the Parties

The President opened the proceedings and informed the Court of the absence of Judge YA Sokhan from the bench. The Greffier informed the Trial Chamber that all Parties were present, except Mr. Victor Koppe, International Defence Counsel for NUON Chea was absent due to health problem. The Accused NUON Chea present in the holding cell.

92

NUON Chea Defence request to follow 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 proceedings from the holding cell.

Oral ruling on Co-Prosecutors' request to respond to key documents presentation by KHIEU Samphan Defence

The Chamber granted the Co-Prosecutors' request to respond to the key documents presentation by KHIEU Samphan's Defence and scheduled the Co-Prosecutors' response to be heard from 1.30pm during the Hearing of 5 January 2017 for the duration of one court session.

Hearing of presentation of key documents

With respect to the presentation of key documents, the Chamber requested Parties to adhere to its Memorandum dated 28 January 2016 (E315/2) and to relevant decisions, including the Chamber's Decision dated 5 February 2016 (E350/8).

The Chamber heard the presentation of key documents from KHIEU Samphan's Defence.

Hearing of oral submissions on the issue of admission into evidence of the confessions of CHUM Mey (2-TCCP-243) (E455)

In accordance with its Memorandum dated 27 December 2016 (E455), the Chamber heard oral submissions from the International Co-Prosecutor, Lead Co-Lawyers for the Civil Parties, NUON Chea's Defence and KHIEU Samphan's Defence with respect to the issue of admission into evidence of the confessions of CHUM Mey (2-TCCP-243). The Chamber reserved its ruling on the issue.

27

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7260		01056955 - 01056961/ 00995821 - 00995822/ 01238472 - 01238473	Annex 5: The Limits of KR Control	P	01056959	00995822	01238473
E3/7263		01056969 - 01056978/ 00995831 - 00995833/ 01305662 - 01305666	Annex 8: Internal Party Dissension	P	01056970	00995831	01305662
E3/1485		00714165 - 00714173/ 00168405 - 00168409/ 00743648 - 00743653	DK Media reports entitled "KHIEU Samphan receives Yugoslav Trade Delegation and Yugoslav Economic Delegation concludes Visit 4 Feb" (Phnom Penh Domestic Service)	P	00714165	00168405	00743648
E3/7294		01114224 - 01114227/ 00994170 - 00994172/ 01237545 - 01237547	Annex 30: What was China's Khmer Rouge Role?	P	01114224 - 01114227	00994170 - 00994172	01237545 - 01237547
E3/7321		00714181 - 00714186/ 00583653 - 00583657/ 00772300 - 00772303	Tunneling for total revolution, The Cambodia Daily, March 27 - 28, 2010	P	00714181 - 00714186	00583653 - 00583657	00772300 - 00772303
E3/5659		00602356 - 00602373/ 00442650 - 00442660/ 00614079 - 00614091	Statement of KHO Vanny	P	00602360	00442652 - 00442653	00614082

82

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1757		01137755 - 01137763; 00789169 - 00789258/ 00396894 - 00397284/ 01237537 - 01237544; 00763550 - 00763560	Book by VICKERY, Michael 1975 - 1982	P	01137757; 01137758; 01137760; 00789170; 00789229	00396918; 00396918 - 00396919; 00396920; 00396932; 00397096	01237539; 01237540; 01237542; 00763550; /
E3/5		00063311 - 00063353/ 00401476 - 00401511/ 00538951 - 00538985	CPK Magazine entitled: "The Revolutionary Flag", Issue 8, August 1975	P	00063350	00401509	00538983
E3/748		00063236 - 00063271/ 00495800 - 00495828/ 00499683 - 00499712	CPK Magazine entitled: "The Revolutionary Flag", Special Issue, October to November 1975	P	00063258; 00063259; 00063260	00495818; 00495819; 00495819	00499701; 00499702; 00499702
E3/139		00064958 - 00065009/ 00455278 - 00455321/ 00491914 - 00491957	CPK Magazine entitled: "The Revolutionary Flag", Issue 11, November 1976	P	00064965 - 00064966; 00064988; 00064992	00455284; 00455303; 00455307	00491919; 00491940; 00491943
E3/750		00063601 - 00063639/ 00522451 - 00522479/ 00525846 - 00525879	CPK Magazine entitled: "Revolutionary Youth", Issue 11, November 1975	P	00063604 - 00063605; 00063608 - 00063609; 00063610 - 00063611	00522453 - 00522454; 00522456 - 00522457; 00522457 - 00522458	00525849; 00525851; 00525853

52

E3/732	00064278 - 00064322/ 00392427 - 00392462/ 00611505 - 00611538	Revolutionary Youth, Special No. Apr. 1976	P	00064296 - 00064297; 00064297 - 00064298; 00064301	00392441; 00392442 - 00392443; 00392445	00611518; 00611519; 00611521
E3/166	00063188 - 00063235/ 00517813 - 00517848/ 00492757 - 00492794	CPK Magazine entitled: "Revolutionary Youth", Issues 2 and 3, February to March 1976	P	00063214; 00063215	00517833; 00517833 - 00517934	00492778; 00492779
E3/4527	00830754 - 00830817/ 00661455 - 00661491/ 00792913 - 00792950	Analytical report by Stephen HEDER entitled "Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective"	P	00830768 - 00830769; 00830789 - 00830790	00661462 - 00661463; 00661475 - 00661476	00792921; 00792933
E3/1714	00324672 - 00324798/ 00170692 - 00170773/ 00648960 - 00649033	Interviews with Kampuchean Refugees at Thai-Cambodia Border, Prepared for the Ishiyama Committee Annual Report, 1980	P	00324687; 00324730 - 00324731; 00324735 - 00324736	00170702; 00170727; 00170730	00648969; 00648992; 00648994
E3/4589	00323716 - 00323748/ 00323683 - 00323702/ 00283054 - 00283072	Francois Ponchaud "Cambodge Libéré" Echange France-Asie, Dossier No 13, January 1976	P	00323722; 00323731	00323686; 00323691	00283057; 00283062
E3/25	00063000 - 00063058/ 00491394 - 00491438/ 00504014 - 00504066	CPK Magazine entitled: "The Revolutionary Flag", Special Issue, December 1976 to January 1977	P	00063038; 00063054 - 00063055	00491424; 00491436	00504048; 00504063 - 00504064
E3/182	00019108 - 00019126/ 00183393 - 00183408/ 00292868 - 00292886	Permanent's Meeting of Committee on 9 October 1975	P	00019108	00183393	00292868

E3/222	00000770 - 00000771/ 00182665 - 00182666/ 00323892 - 00323893	Minutes of permanent committee meeting on 15/5/76	P	00000770	00182665	00323892
E3/235	00019142 - 00019148/ 00183416 - 00183422/ 00322968 - 00322972	Decision of permanent committee in the meeting of 19, 20, 21 April 1976	P	00019145	00183419	00322970
E3/9	01313415 - 01313604/ 00396177 - 00396757/ 00639445 - 00640068	Book by Philip Short entitled "Pot Pot: The History of a Nightmare"	P	01313415; /	00396509; 00396510	00639844; 00639845
E3/230	00000711 - 00000712/ 00182546 - 00182547/ 00301330 - 00301331	Minutes of permanent committee meeting on 22 February 1976	P	00000711 - 00000712	00182546 - 00182547	00301330
E3/659	00741083 - 00741150/ 00182298 - 00182342/ 00743020 - 00743071	Suspect Statement of IENG Thirith alias Phea - audio interview with Elizabeth Becker (ECCC/OCP-transcript)	P	00741119	00182323	00743049
E305/17	01112574 - 01112596/ 01112541 - 01112555/ 01112556 - 01112573	Decision on Objections to Documents Proposed to Be Put before the Chamber in Case 002/02	P	01112574 - 01112596	01112541 - 01112555	01112556 - 01112573
E3/9253	00170541 - 00170585/ 00175536 - 00175559/ 00197755 - 00197777	Confession of Chum Manh (alias CHUM Mey)	P	00170541 - 00170585	00175536 - 00175559	00197755 - 00197777

21

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 (9:05).
- Order granting the Co-Prosecutors' request to respond to the key documents presentation by KHIEU Samphan Defence and scheduling one court session to hear the Co-Prosecutors' response during the Hearing of 5 January 2017.
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 5 January 2017 (11:34).

Orders for Adjournment of Hearing

The hearing will resume on Thursday 5 January 2017 at 1.30pm. *SP*

Phnom Penh, 4 January 2017

Greffier  Greffier

[Signature]
Mrs. SE KAMPHEA Roger PHILLIPS