



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 DOCUMENT/DOCUMENT ORIGINAL
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WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 January 2017

Substantive Hearing on evidence – 498

Prepared by:

EM Hoy and Stavroula PAPADOPOULOS

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: Mr. EM Hoy; Ms. Stavroula PAPADOPOULOS
OCP: Mr. Nicholas KOUMJIAN; Mr. Dale LYSAK; Ms. SONG Chorvoin
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. Victor KOPPE; Mr. SON Arun
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUI SSE; Mrs. SENG Socheata; Ms. Cecile ROUBEIX
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. HONG Kimsuon; Ms. Marie GUIRAUD; Mr. VEN Pov; Ms. SIN Soworn; Mr. LOR Chunthy
Witness: VOEUN Vuthy (2-TCE-1062)
Others: Ms. SOUR Sotheavy (Associate Court Officer); Ms. SAM Makara (Transcriber);

Mr. NOU Monoroath (Transcriber); Mr. KEO Vath (Support Staff); Ms. Dhevy Sunantha SIVAPRAKASAM (Intern).

General court times

Day	Start time: 9:03	Finish time: 11:41
Recess am	Start time: 10:27	Finish time: 10:44
Recess	Start time: /	Finish time: /
Recess pm	Start time: /	Finish time: /
	Total Court Time: 2' 21"	2 hours 21 minutes

Proceedings

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	9:03
NUON Chea Defence Request to follow proceedings from the holding	Trial Chamber	9:04	9:05
Oral Ruling on the issue of admission into evidence of the confession of CHUM Mey (2-TCCP-243) (E455)	Trial Chamber	9:05	9:06
Hearing of Witness VOEUN Vuthy (2-TCE-1062)	KHIEU Samphan Defence	9:07	10:26
Hearing of Reply by KHIEU Samphan Defence to the Co-Prosecutors' Response to the key documents presentation by KHIEU Samphan Defence	KHIEU Samphan Defence	10:46	11:23
Hearing of Oral Responses by Parties on the issue of admission into evidence of photographs related to documents received from Walter HEYNOWSKI (2-TCW-946) on 26 December 2016	Trial Chamber International Co-Prosecutor Lead Co-Lawyers for Civil Parties NUON Chea Defence KHIEU Samphan Defence	11:24 11:26 11:28 11:28 11:30	11:25 11:27 11:28 11:29 11:30
Request by KHIEU Samphan Defence to admit into	KHIEU Samphan Defence International Co-Prosecutor	11:30 11:39	11:39 11:39

evidence photographs taken by CMS at the time of receiving the Orange Logbook	Lead Co-Lawyers for Civil Parties NUON Chea Defence	11:39 11:40	11:40 11:41
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Summary of Proceedings

Opening of the Hearing and report on attendance of the Parties

The Greffier informed the Trial Chamber that all Parties were present, with the Accused NUON Chea present in the holding cell.

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 the issue of admission into evidence of the confession of CHUM Mey (2-TCCP-243) (E455)

The Chamber considered submissions made by Parties on 4 January 2016 with respect to admission into evidence of the coloured version of the confession of CHUM Mey (2-TCCP-243). The black-and-white version of the confession had already been admitted onto the case file as E3/925 and the Chamber considered that the coloured version revealed nothing additional to or different from the black-and-white version and it was unnecessary to admit it as a new document. The Chamber accordingly ruled that the coloured version of the confession of CHUM Mey (2-TCCP-243) be added to the Khmer version of E3/9253 and admitted to the case file as E3/9253a.

Hearing of Expert VOEUN Vuthy (2-TCE-1062)

Questions were put to the witness VOEUN Vuthy (2-TCE-1062) by KHIEU Samphan's Defence.

Hearing of reply by KHIEU Samphan Defence to the Co-Prosecutors' response to the key documents presentation by KHIEU Samphan Defence

The Chamber heard the reply by KHIEU Samphan's Defence to the Co-Prosecutors' response to the key documents presentation by KHIEU Samphan's Defence.

Hearing of oral responses by Parties on the issue of admission into evidence of photographs related to documents received from Walter HEYNOWSKI (2-TCW-946) on 26 December 2016

The Chamber heard oral responses by the International Co-Prosecutor, Lead Co-Lawyers for Civil Parties, NUON Chea's Defence and KHIEU Samphan's Defence on the issue of admission into evidence of photographs related to the documents received from Walter HEYNOWSKI (2-TCW-946) on 26 December 2016. The Chamber informed parties that it would take all responses into consideration and issue its ruling in due course. The Chamber noted that no party objected to the admission into evidence of the photographs related to documents received from Walter HEYNOWSKI (2-TCW-946).

Request by KHIEU Samphan Defence to admit into evidence photographs taken by CMS at the time of receiving the Orange Logbook

KHIEU Samphan's Defence made a request to admit into evidence photographs taken by CMS at the time of receiving the Orange Logbook. The Chamber heard responses by the International Co-Prosecutor, Lead Co-Lawyers for Civil Parties and NUON Chea's Defence on this issue. The Chamber informed parties that it would take all submissions and responses into consideration and issue its ruling in due course.

New E3s

E3/10799	01380158 - 01380158	Photo #8	P	/	01380158	/
E3/10800	01380159 - 01380159	Photo #9	P	/	01380159	/

Reclassified

TC No	OCI J No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10678		/ 01321158 - 01321162/ /	Curriculum Vitae of VOEUN Vuthy	P	/	01321158 - 01321162	/
E3/10769		01359071 - 01359085/ 01362849 - 01362865/ /	Intro and certain pages of study on Kraing Ta Chan - Voeun Vuthy	P	01359071 - 01359085	01362849 - 01362865	/
E3/5659		00602356 - 00602373/ 00442650 - 00442660/ 00614079 - 00614091	Statement of KHO Vanny	P	00602370	00442658	00614089
E3/3113R		/ V 00172509 - V 00172509/ /	Jungle War	P	/	V 00172509	/

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10643		01235428 - 01235506/ 01235378 - 01235427/ /	Evaluation report of the Choeung Ek conservation of Victims at Killing Field project	P	01235491; 01235450	01235398; 01235390	/
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	01319488	01336753	01336756
E3/10648		01240476 - 01240507/ 01324883 - 01324913/ 01332508 - 01332538	Annex C: Choeung Ek Study identified in E404 Notice, Volumes 1 to 32, summary charts, un-paginated	P	01240476	01324883	01332508
E3/5214		00223055 - 00223070/ 00225500 - 00225513/ 00702886 - 00702902	Written Record of Interview of SAY Sen	P	00223069 - 00223070	00225512 - 00225513	00702901
E1/282.1		01084792 - 01084888/ 01081469 - 01081583/ 01081340 - 01081468	Transcript of hearing on the substance in case 002/02 - 25 March 2015	P	01084862	01081552	01081433
E315/2		01197462 - 01197467/ 01197459 - 01197461/ 01198141 - 01198144	Trial Chamber Memorandum Entitled "Further Information on Key Document Presentation Hearings in Case 002/02 and Scheduling of Third Key Document Presentation Hearing"	P	01197463 - 01197464	01197460	01198142
E3/214		00053007 - 00053080/ 00184022 - 00184047/ 00292914 - 00292934	Statute of Cambodian Communist Party	P	00053080	00184046	00292933

E3/222	00000770 - 00000771/ 00182665 - 00182666/ 00323892 - 00323893	Minutes of permanent committee meeting on 15/5/76	P	00000770	00182665	00323892
E3/742	00062981 - 00062999/ 00478492 - 00478507/ 00499750 - 00499765	CPK Magazine entitled: "The Revolutionary Flag", Special Issue, April 1977	P	00062997	00478506	00499763
E3/918	00001060 - 00001062/ 00182757 - 00182758/ 00611724 - 00611726	Telegram 254: to respected and beloved Chief of 870 about situation of enemy along of the border of Preah Vihear and Otdar Meanchey province	P	00001062	00182758	00611725
E3/232	00017116 - 00017123/ 00182628 - 00182634/ 00323932 - 00323936	Minutes of meeting on local affairs on 8/3/76	P	00017121	00182633	00323935
E3/2376	00191296 - 00191815/ 00192169 - 00192666/ 00236900 - 00237256	Book by NAYAN Chanda entitled "Brother Enemy: The War after the War"	P	/	/	/
E3/9	01313415 - 01313604/ 00396177 - 00396757/ 00639445 - 00640068	Book by Philip Short entitled "Pot Pot: The History of a Nightmare"	P	/	/	/
E3/3169	00711363 - 00711420/ 00002744 - 00002773/ 00722063 - 00722093	Working Papers on "Pol Pot and Khieu Samphan" by Steve Heder	P	/	00002745	/

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	00830754 - 00830817	00661455 - 00661491	00792913 - 00792950
E3/687	00651184 - 00651189/ 00122279 - 00122280/ 00622449 - 00622450	International Media Article entitled "Three Unlikely Cambodian Allies map War on Vietnam" New York Times, 09 July 1982	P	/	/	/
E3/628	00709542 - 00709547/ 00524516 - 00524521/ 00740913 - 00740916	International Media Article by TIME Magazine entitled "A Plea for International Support"	P	/	/	/
E3/203	00385386 - 00385414/ 00423996 - 00424016/ 00434206 - 00434237	Transcript of recorded interview with KHIEU Samphan on 04-08-1980	P	/	/	/
E3/608	00635928 - 00635932/ 00419841 - 00419843/ 00632566 - 00632568	Khieu Samphan Interviewed on Executions, National Problems	P	/	/	/
E1/179.1	00900101 - 00900185/ 00998883 - 00999003/ 00999113 - 00999239	Transcript of hearing on the substance in Case 002 - 10 April 2013	P	00900163 - 00900164	00998968 - 00998971	00999203 - 00999204
E1/180.1	00901328 - 00901418/ 00999363 - 00999490/ 00904433 - 00904572	Transcript of hearing on the substance in Case 002 - 10 April 2013	P	00901403; 00901366	00999469; 00999417	00904549 - 00904550; 00904492

E3/18	00103802 - 00103899/ 00103717 - 00103801/ 00595365 - 00595529	Book by Khieu Samphan entitled "Cambodia's recent history and the reasons behind the decisions I made"	P	00103876	00103780	00595489
E1/130.1	00851092 - 00851176/ 00853270 - 00853375/ 00853376 - 00853489	Transcript of hearing on the submissions in Case 002 - 04 October 2012	P	00851149	00853341 - 00853342	00853453
E3/8639	00196269 - 00196505/ 00177801 - 00177900/ 00177801 - 00177900	5186 Photos of S-21 Prisoners from OCP	P	/	/	/

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 (9:04).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 11 January 2017 (11:41).

Orders for Adjournment of Hearing

The hearing will resume on Wednesday 11 January 2017 at 9am.

Phnom Penh, 10 January 2017

Greffier

Greffier

  

EM Hoy

Stavroula PAPADOPOULOS