



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ឯកសារដើម**  
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: ..... SANN RADA .....

002/19-09-2007-ECCC/TC  
E1/519

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

11 January 2017

Substantive Hearing on evidence -Day- 499

Prepared by:

Mrs. SE Kolvuthy and Mr. Harshan ATHURELIYA

<b>Attendance Record</b>
Before: Judge NIL Nonn (President); Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Claudia FENZ
Reserve Judges: Judge Martin KAROPKIN; Judge THOU Mony
Greffier/s: Mrs. SE Kolvuthy; Mr. Harshan ATHURELIYA
OCP: Mr. Nicholas KOUMJIAN; Ms. SONG Chorvoin
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Mr. Victor KOPPE; Mr. SON Arun; 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; Mrs. SIN Soworn
Witness: N/A

Others: Mr. UCH Arun (Court Officer); Mr. LONH Nget (Transcriber); Mrs. PICH Chariya (Transcriber); Ms. Dhevy Sunantha SIVAPRAKASAM (Intern).

<u>General court times</u>		
Day	Start time: 9:04	Finish time: 10:43
Recess am	Start time: 9:59	Finish time: 10:21
Recess	Start time: /	Finish time: /
Recess pm	Start time: /	Finish time: /
	Total Court Time:	1 hour and 17 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	9:05	9:05
NUON Chea Defence Request to follow proceedings from the holding	Trial Chamber	9:06	9:07
Hearing of Oral Submissions by Parties on the remaining charges in Case 002	Lead Co-Lawyer for Civil Parties	9:09	9:30
	Co-Prosecutor	9:31	9:38
	NUON Chea Defence	9:39	9:45
	KHIEU Samphan Defence	9:45	9:58
Hearing of Oral Submissions on Defence Resources	NUON Chea Defence	10:23	10:29
	KHIEU Samphan Defence	10:29	10:34
	Co-Prosecutor	10:35	10:36
	Lead Co-Lawyers for Civil Parties	10:36	10:37
Close of Evidentiary Hearings in Case 002/02	Trial Chamber	10:37	10:43

#### 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.

##### Hearing of oral submissions by Parties on the remaining charges in Case 002

The Chamber heard oral submissions by the Lead Co-Lawyers for Civil Parties, the Co-Prosecutor, the NUON Chea Defence and the KHIEU Samphan Defence in response to

the Civil Party Lead Co-Lawyers' request for clarification relating to the remaining charges in Case 002 (E439).

The Chamber informed the Parties that it would take all submissions into consideration and issue its decision in due course.

**Hearing of oral submissions on Defence Resources**

The Chamber heard oral submissions by the NUON Chea Defence, the KHIEU Samphan Defence, the Co-Prosecutor and the Lead Co-Lawyers for Civil Parties on proposed cuts to Defence funding which may have an impact on the performance of duties by the Defence teams prior to the scheduled dates for Closing Briefs and Closing Arguments.

The Chamber informed the Parties that it would take all submissions into consideration and consult with the Office of the Administration in order to deal with this issue.

**Close of evidentiary hearings in Case 002/02**

The Chamber announced the close of evidentiary hearings in Case 002/02 as of 11 January 2017, subject to the possibility of re-opening proceedings to hear the testimony of 2-TCW-946 by video-link if it can be arranged no later than 31 January 2017. The Parties will be informed of developments in this regard.

The Chamber reminded the Parties that the Closing Briefs would be due on 24 April 2017 and that no written responses would be accepted. The Co-Prosecutors were allocated no more than 800 pages, the Defence teams were allocated 550 pages each for their Closing Briefs and the Lead Co-Lawyers for Civil Parties were allocated 550 pages for submissions on all issues including reparations. The Chamber further notified the Lead Co-Lawyers for Civil Parties that the deadline for the final claim for reparations would be 22 May 2017.

The Chamber informed the Parties that Closing Statements would be heard starting 5 June 2017. In this respect, the Chamber allocated one day to hear the Lead Co-Lawyers for the Civil Parties, three days for the Co-Prosecutors and two days each for the Defence teams. The Chamber notified the Parties that one day would be allocated for the hearing of rebuttals and four hours for the hearing of the final statements of the Accused, should they wish to exercise their right to do so.

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## Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E439		01326293 - 01326299/ 01324957 - 01324962/ /	Civil Party Lead Co-Lawyers' Request for clarification relating to remaining charges in Case 002	P	/	/	/
E439/1		01328319 - 01328326/ / 01328312 - 01328316	Observations de la Défense de M. KHIEU Samphân en réponse à la demande de clarification des Parties civiles concernant les poursuites restantes du dossier 002	P	/	/	/
E439/2		01328336 - 01328349/ 01327865 - 01327874/ /	Nuon Chea's response to civil party lead co-lawyers' request for clarification relating to the remaining charges in case 002	P	/	/	/
E439/3		01328350 - 01328358/ 01328329 - 01328335/ /	Co-prosecutors' response to civil party lead co-lawyers' request for clarification relating to the remaining charges in case 002	P	/	/	/
E439/4		01329705 - 01329709/ 01329701 - 01329704/ /	Civil Party Lead Co-Lawyers' reply to Nuon Chea's response to Request for clarification relating to remaining charges in Case 002	P	/	/	/
E301/9/1/1/3		01003086 - 01003159/ 01003043 - 01003085/ 01033816 - 01033875	Decision on KHIEU Samphan's immediate appeal against the Trial Chamber's decision on additional severance of Case 002 and scope of Case 002/02	P	01003136 - 01003137; 01003072 - 01003073; 01033856	01003157 - 01003158; 01003084; 01033873 - 01033874	01003145; 01003077; 01033863
E275/2/1/1		00943772 - 00943819/ 00950531 - 00950560/ 00942454 - 00942483	Urgent request by the defence team of Mr. KHIEU Samphan for an immediate stay of proceedings	P	00943774; 00943776	00950532; 00950533	00942455; 00942456

**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 (9:06).
- Close of evidentiary hearings in Case 002/02, subject to the possibility of re-opening proceedings to hear the testimony of 2-TCW-946 no later than 31 January 2017. (10:39)
- Order to take the Accused to the Detention Facility (10:43).

**Orders for Adjournment of Hearing**

- Closing statements will be held on Monday 5 June 2017 at 9am. *JP*

Phnom Penh, 11 January 2017

Greffier

Mrs. SE Kolvut *SE* Athureliya