



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT / DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt / Date de réception):
..... ០៧ ..... / ០៩ ..... / ២០១៦ .....
ម៉ោង (Time / Heure):
..... 14 : 35 .....
ករណី (Case File / Dossier):
..... SANNV ..... Padas .....

**WRITTEN RECORD OF PROCEEDINGS**

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 August 2016

Hearing on evidence - Day 439

Prepared by:

Ms. Sivhoang CHEA and Mr. Roger PHILLIPS

<b>Attendance Record</b>
<b>Before:</b> Judge YA Sokhan (presiding); Judge Jean-Marc LAVERGNE; Judge Claudia FENZ; Judge YOU Ottara; Judge THOU Mony
<b>Reserve Judges:</b> Judge Martin KAROPKIN;
<b>Greffier(s):</b> Ms. Sivhoang CHEA; Mr. Roger PHILLIPS
<b>OCP:</b> Mr. Nicholas KOUMJIAN; Mr. SREA Rattanak
<b>Accused:</b> Mr. KHIEU Samphan; Mr. NUON Chea (from the holding cell)
<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>Standby Counsel for the Accused KHIEU Samphan:</b> Mr. Calvin SAUNDERS; Ms. TOUCH Voleak
<b>Civil Parties:</b> Ms. Marie GUIRAUD; Mr. PICH Ang; Ms. SIN Soworn; Mr. HONG Kimsuon
<b>Others:</b> Mr. KEO Vath (Support Staff); Mr. UCH Arun (Court Officer); Mr. VAT Somao (Transcriber); Mr. NOU Monoroath (Transcriber); Mr. Sebastian BATES; Mr. KHEAV Mady (Trial Chamber Intern)

<u>General court times</u>		
Day	Start time: 9:01am	Finish time: 10:36am
Recess am	Start time: 9:52am	Finish time: 10:10am
	Total Court Time: 1:17	

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of the Hearing	Trial Chamber Greffier	9:01am	9:03am
NUON Chea's request to follow the proceedings from the holding cell	NUON Chea Defence Trial Chamber	9:03am	9:05am
Response on key documents by the KHIEU Samphan Defence	KHIEU Samphan Defence	9:05am	9:52am
Oral submissions on the designation of an expert with respect to the 'Nature of the Armed Conflict' trial topic	NUON Chea Defence	10:10am	10:25am
	KHIEU Samphan Defence	10:25am	10:31am
	Co-Prosecutors	10:31am	10:34am
	Lead Co-Lawyers	10:34am	10:35am

### Summary of Proceedings

#### Opening of the Hearing

The Trial Chamber declared the opening of the hearing and requested the Greffier to check the attendance of the parties to the hearing. The Accused Mr. NUON Chea waived his right to be present in the courtroom.

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

The Trial Chamber granted Mr. NUON Chea's request to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

#### Response on key documents by the KHIEU Samphan Defence

The KHIEU Samphan Defence made submissions on the documents presented by the Office of the Co-Prosecutors and the Civil Party Lead Co-Lawyers.

#### Oral submissions on the designation of an expert with respect to the 'Nature of the Armed Conflict' trial topic

The Trial Chamber heard submissions from the Parties.

## Reclassified

TC No.	OCIJ No.	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7703	D125/149	00236744 - 00236748, 00242169- 00242172, 00426114 - 00426117	Written Record of Interview of UONG Dos	P	00236746	00242171	00426116
E3/7702	D125/148	00236726 - 00236729, 00239508 - 00239511 00274824 - 00274827	Written Record of Interview of Sok El	P	00236727	00239509- 10	00274825
E3/160A	/	00000880 (KH)	Telegram 34 from Chhan to M-870	P	/	/	/
E3/9288	D366/7.1. 834	00021447; 00506646; 00517742	To respected and beloved brother 89	P	/	/	/
E3/1020	D108/28.39	00021462; 00305246; 00711511	To respected and beloved brother 89	P	/	/	/
E3/4201R	/	V00720414	Facing Genocide - Khieu Samphan and Pol Pot by David Aronowitsch and Staffan Lindberg	P	/	/	/
E3/4035	E152.1.38.1	00780955-00780956; 00789051-00789052; 00790532-00790533	Transcript of recorded interview with KHIEU Samphan	P	00780955	00789051	00790532
E3/4032	E152.1.35.1	00784642-00784643; 00798304- 00798305;00818737- 00818738	Transcript of recorded interview of KHIEU Samphan	P	00784642- 3	00798304- 5	00818737- 8

## Other documents (No Change)

TC No.	OCIJ No.	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/240	/	00001266- 00001267; 00897667- 00897668; 00282550- 00282551	Ry's telegrame no. 7 reported to Brother about arrested of 207 Vietnamese	P	00001266	00897667	002825510
E3/405	D232/49	00401297- 00401307; 00406209- 00406219; 00422247- 00422257	Written Record of Interview of Chhaom Se, 31- 10-2009	P	00401302- 3	00406214- 5	00422252- 3
E3/1164	D366/7.1.389	00052323- 00052329; 00516708- 00516713; 00532750- 00532756	DK-Military Report from Division 801, Political Section	P	/	/	/
E3/60	/	00143582- 00143602 (KH-ENG)	To respected Angkar from M401	P	/	/	/
E3/1664	D222/1.19	00742838- 00742889, 00950593- 00950594; 00397566- 00397749; 00707390- 00707411, 00937020- 00937022	Book by Sara Colm and Sorya Sim entitled "Khmer Rouge Purges in the Mondul Kiri Highlands - region 105"	P	/	00397615	/
E3/1192	D366/7.1. 779	00021529, 00508560, 00499961	Telegram 2: To Dearest Brother Nuon	P	/	/	/
E3/1194	D248/5.1. 12	00021533, 00548893, 00532707	Telegram 10: Sent to brother about rice Production	P	/	/	/

E3/1118	D252.22	00000875, 00436997, 00796733- 00796734	Third and fourth telegram to Nuon about Enemy situation and request some devices.	P	/	/	/
E3/1196	D366/7.1. 786	00000879; 00506647; 00597060	To beloved and missed Office 870	P	/	/	/
E3/1199	D366/7.1. 791	00052312; 00531038; 00623114 - 5	DK-Government Telegram by San 11, Dated 6 April 1977, Division 920, Political Section, To Respected and Beloved Brother 98	P	/	/	/
E3/877	/	00021513; 00185226; 00283109	Telegram 16: To respected and beloved brother Pol about situation of battlefield Route No27	P	/	/	/
E3/1204	D366/7.1. 800	00020855; 00590303; 00531056	Telegram 34: To respected and beloved office 870	P	/	/	/
E3/1020	D108/28.39	00021462; 00305246; 00711511	To respected and beloved brother 89	P			
E3/217	/	00000736- 00000743; 00182635- 00182637; 00334964- 00334966	Minutes of permanent committee meeting on 11/3/76	P	/	/	/

E3/218	/	00000751- 00000757; 00182651- 00182657; 00334967- 00334971	Report of meeting Permanent Committee on 26-03-1976.: The result of negotiation with Viet Nam about the eastern border	P	00000753- 5	00182653- 6	00334969- 70
E3/10645	/	01240560- 01240561 (KH); 01240557- 01240559 (ENG)	Attachment 3: Cheung Ek Genocidal Center: the Inventory of the Skeletons of the Victims, Preface	P	/	/	/
E404/4	/	01242958- 01242960; 01242956- 01242957; 01249928- 01249930	Trial Chamber Memorandum Entitled "Decision on the Admission into Evidence of the Choeung Ek Study Documents"	P	01242960	01242957	01249929- 30
E3/18	/	00103802- 00103899; 00103717- 00103801; 00595365- 00595529	Booked by KHIEU Samphan entitled "Cambodia's Recent History and the reasons behind the decisions I made"	P	00103891	00103794	00595513
E3/10604	/	01222328- 01222936 (ENG)	Annex 2: OCIJ S- 21 Prisoners List 31 March 2016	P	/	/	/

E3/3169	/	00711363- 00711420; 00002744- 00002773; 00722063- 00722093	Working Papers on "Pol Pot and Khieu Samphan" by Steve Heder	P	00711393	0002760	00722090
E3/4202	E152.2	00858214- 00858410; 00849349- 00849484; 00757471- 00757568	Book by GINA Chon and THET Sambath entitled "Behind the killing fields: a Khmer Rouge leader and one of his victims"	P	00858306- 7; 00858328	00757520; 00757527	00849413; 00849427
E408/6	/	01312354- 01312358 (KH); 01312085- 01312087 (FR)	Demande réitérée de la Défense de M. KHIEU Samphan d'entendre 2- TCE-87 et 2-TCE- 99	P	/	/	/
E3/22	D222/18	00281809- 00281810, 00747599- 00747640, 00942167- 00942168; 00393642- 00393933; 00704188- 00704210, 00944140- 00944141	Cambodia Communism and the Vietnamese Model (Imitation and Independence, 1930-1975)	P	/	/	/

**Oral Orders/Decisions:**

- Order authorising the Accused Mr. NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceedings (9:05am).
- Order to take the Accused to the Detention Facility and bring them back to court for the hearing on Wednesday, 17 August 2016 (10:36am).

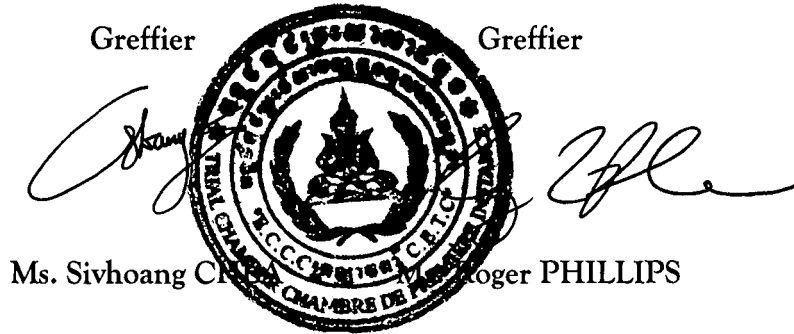
**Order for Adjournment of Hearing**

The hearing will resume on Wednesday, 17 August 2016 at 9:00am.

Phnom Penh, 16 August 2016

Greffier

Greffier



Ms. Sivhoang Ch...

Roger PHILLIPS