



ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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អគ្គិសនីធម្មនុញ្ញករ/Case File Officer/L'agent chargé
du dossier: SANN RADA

E1/481

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

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 October 2016

Substantive Hearing on evidence – Day 462

Prepared by:

Mr. EM Hoy and Ms. Evelyn CAMPOS SANCHEZ

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge YOU Ottara; Judge Jean-Marc LAVERGNE; Judge Claudia FENZ
Reserve Judges: Judge THOU Mony; Judge Martin KAROPKIN
Greffier/s: Mr. EM Hoy; Ms. Evelyn CAMPOS SANCHEZ
OCP: Mr. SENG Leang; Mr. Nicolas KOUMJIAN
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Noun Chea: Ms. DY Socheata; Mr. LIV Sovanna; Mr. Victor KOPPE
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. OUCH Sreypath; Ms. Anta GUISSÉ; Mr. Clément BOSSIS
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Mr. LOR Chunthy; Mr. HONG Kimsuon; Ms. SIN Soworn; Mr. VEN Pov; Ms. Marie GUIRAUD
Witness: Ms. Peggy LEVINE (2-TCE-81)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer);

Mr. LONH Nget (Transcriber); Ms. SREY Nak (Transcriber); Ms. PICH Charkya (Transcriber); Mr. VAT Somao (Transcriber); Ms. Elodie KANCEL (Trial Chamber Intern).

<u>General court times</u>		
Day	Start time: 9:01	Finish time: 16:02
Recess am	Start time: 10:20	Finish time: 10:39
Recess	Start time: 11:35	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:03
	Total Court Time: 4 hours	29 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	9:01	9:03
NUON Chea Defence Request to follow the proceedings from the holding cell	NUON Chea Defence	9:03	9:04
Hearing of Expert 2-TCE-81 (Ms. Peggy Levine)	KHIEU Samphan Defence Trial Chamber Co-Prosecutor	9:07	9:59
		10:05	11:16
		11:19	11:35
		13:31	15:59
Oral ruling on OCP's oral request for extension of time for the questioning of Expert 2-TCE-81	Co-Prosecutor	9:59	10:00
	Trial Chamber	11:19	11:19
Oral ruling on the admission of two documents relevant to the questioning of Expert 2-TCE-81	Trial Chamber	10:03	10:04
Oral ruling on the NUON Chea Defence's requests pursuant to Internal Rule 87(4) to admit new documents as evidence (E434 and E435)	Trial Chamber	15:59	16:01

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President NIL opened the proceedings and the Greffier informed the Chamber that all parties were present.

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.

Hearing of Expert 2-TCE-81 (Ms. Peggy Levine)

The KHIEU Samphan Defence, the Trial Chamber and the Co-Prosecutors questioned Expert 2-TCE-81 (Ms. Peggy Levine).

Oral ruling on OCP oral request for extension of time for the questioning of Expert 2-TCE-81

The Co-Prosecutor made an oral request for additional time for all the Parties, to question Expert Ms. Peggy Levine, citing the importance of her testimony for the trial. No objection was made regarding the request.

The Trial Chamber granted the Co-Prosecutor's request and allocated one additional trial session to all Parties for the questioning of the Expert.

Oral ruling on the admission of two documents relevant to the questioning of Expert 2-TCE-81

The Trial Chamber wished to admit two documents provided by Expert 2-TCE-81 and relevant to her testimony into evidence. The parties did not make any objections. The Trial Chamber admitted the two documents into evidence (E310679 and E3/10680).

Oral ruling on the NUON Chea Defence's requests pursuant to Internal Rule 87(4) to admit documents as evidence (E434 and E435)

The Trial Chamber issued an oral ruling on the request presented by the NUON Chea Defence on 30 August 2016 regarding the admission of twenty documents as new evidence (requests E434 and E435). With respect to Document E434, the Trial Chamber admitted Documents 1, 11 and 12 and denied the admission of the other documents and also denied the Co-Prosecutor's request introduced in Document E434/1 to identify and summon the person interviewed in Document 18. With respect to Document E/435, the Trial Chamber admitted document 8 and denied the admission of the remaining documents.

New E3s

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10679	-	01335696-01335697;	Questionnaire	P	-	01335696-01335697	-
E3/10680	-	(KH & EN) 01335698	Confidentiality form	P	01335698	01335698	-
E3/10706	-	01323834-01323840;	Attachment 1: William Duiker, China and Vietnam: The Roots of the Conflict, bibliography, 1986	C	-	-	-
E3/10707	F2/8.1.23	01141697-01141716;	Attachment 23: Hoang Van Hoan, A Drop in the Ocean: Hoang Van Hoan's Revolutionary Reminiscences, 1988 (extracts)	P	-	-	-
E3/10708	F2/8.1.27	01141740-01141769;	Attachment 27: U.S Policy Towards Indochina Since Vietnam's Occupation of Kampuchea: Hearings Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives', 15, 21, 22 Oct 1981 (extracts)	P	-	-	-
E3/10709	E435.1.8	01323954-01329955;	Attachment 8: 'Samdech Norodom Sihanouk Denounces Viet Nam's Aggression' Beijing Review, 12 Jan 1979	P	-	-	-

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/1794	D357 .1.22	00894147-8, 00806226-9, 00806220-5, 00834033-42, 00806213-9/ 00482421- 00482714/ 00809683-6, 00821550-3, 00822186-9	Authority 22: Peg Levine, A contextual Study into the Wedding and Births under the Khmer Rouges: The Ritual Revolution, thesis, Monash University Faculty of Arts, Asian Studies, (2007)	P	-	00482602- 00482610; 00482505; 00482607; 00482528; 00482553; 00482664	-
E3/10676	-	01330847- 01330848, -	FINAL Submission of Transcripts for Court Review Peg Levine (23 September 2015)	P	-	01330847- 01330848	-
E3/10677	-	01334888- 01335002, -	Booked by Peg Levine entitled “Love and Dread in Cambodia”	P	-	01334892- 01334898- 01334899- 01334902- 01334947- 01334950- 01334951- 01334952- 01334959- 01334985	-



Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/4202	-	00858214-00858410; 00757471-00757568; 00849349-00849484	Book by GINA Chon and THET Sambath entitled "Behind the killing fields: a Khmer Rouge leader and one of his victims"	P	-	00757496	-
E3/16	D213.21	00380221-00380560; 00498220-00498306; 00643822-00643913	KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea	P	00380467	00498284	00643891
E3/681	D56	00651245-00651247; 00122194-00122195; 00630693-00630694	Media Article by Henry KAMM entitled "Pol Pot" Aide Calls for World Support" in the New York Times dated 1 December 1980	P	-	00122194	00630694
E3/775	D267/3.36	00407096-00407108; 00417940-00417947; 00593926-00593935	Global Vision: Revolution and non-revolution toward family building issue	P	00407100	00417943	00593930

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 (09:04).
- Oral ruling on the admission of two documents relevant to 2-TCE-81 questioning (E3/10679 and E3/10680) (10:03).
- Oral ruling on OCP oral request for extension of time for the questioning of Expert 2-TCE-81
- Oral ruling on the admission of documents as new evidence: regarding Document E434, the Trial Chamber admitted documents 1, 11 and 12 and rejected the admission of the other documents. Regarding Document E435, the Trial Chamber admitted document 8 and rejected the other documents (16:01).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 12 October 2016 (16:02).

Orders for Adjournment of Hearing
The hearing will resume on Wednesday 12 October 2016 at 9:00am.

Phnom Penh	16
Greffier	Greffier
	
Mr. EM Hoy	Evelyn CAMPOS SANCHEZ

