



**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

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de réception):

25/01/2016

ម៉ោង (Time/Heure): 15:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង : Case File Officer/L'agent chargé  
du dossier: SAMM PAPA

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

16 December 2015

Substantive Hearing on evidence -350

Prepared by:

Sivhoang CHEA and Evelyn CAMPOS SANCHEZ

**Attendance Record**

**Before:** Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge YOU Ottara; Judge Martin KAROPKIN.

**Reserve Judges:** Judge THOU Mony (Reserve).

**Greffiers:** Ms. Sivhoang CHEA; Ms. Evelyn CAMPOS SANCHEZ.

**OCP:** Mr. Nicolas KOUMJIAN; Ms. SONG Chorvoin.

**Accused:** Mr. NUON Chêa (from the holding cell); Mr. KHIEU Samphan.

**Defence for the Accused Nuon 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:** Ms. Marie GUIRAUD; Mr. LOR Chunthy.

**Witness:** 2-TCW-1000 with his duty counsel Mr. MOEUN Sovann.

**Others:** Mr. UCH Arun (Court Officer); Ms. NEY Someta; Mr. NOU Monoroath (Transcriber); Ms. SREY Nak; Elena FAVARO VIANA (Trial Chamber Intern)

<u>General court times</u>		
Day	Start time: 9:08	Finish time: 14:42
Recess am	Start time: 10:12	Finish time: 10:33
Recess	Start time: 11:32	Finish time: 13:32
	Total Court Time:	3 hours 15 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:09	9:11
NUON Chea Defence Requests to follow the proceedings from the holding cell	NUON Chea Defence	9:11	9:12
Submissions by NUON Chea Defence on similarities between witness PRAK Doeun (2-TCCP-300) and Witness in Document E3/4732	Nuon Chea Defence	9:12	9:19
		9:22	9:23
		9:25	9:27
		9:28	9:29
	Co-Prosecutor Trial Chamber, Judge Lavergne Civil Party Lead Co-Lawyer	9:19	9:20
		9:20	9:22
		9:23	9:25
Hearing of Witness [REDACTED] (2-TCW-1000)	Trial Chamber Co-Prosecutors Civil Party Lead Co-Lawyer Trial Chamber, Judge Lavergne	9:29	9:30
		9:30	9:43
		9:43	13:37
		13:37	13:54
Co-Prosecutors do not object to testimony of Mr. Robert Lemkin in Case 002/02	Co-Prosecutor Trial Chamber	13:54	14:36
		14:37	14:38
Co-Prosecutors to email the Trial Chamber about witnesses to be called for the Treatment of the Vietnamese Trial Topic	Co-Prosecutor	14:38	14:38
		14:39	14:39
Trial Chamber Adjournment	Trial Chamber	14:39	14:42

### Summary of Proceedings

#### Opening of hearing and report on attendance of the Parties

The President opened the proceedings and 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 the proceedings from the holding cell

The Trial Chamber granted the request of the NUON Chea Defence Team for NUON Chea to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

#### Submission by Nuon Chea Defence on similarities between Civil Party GA Doeun and PRAK Doeun (2-TCCP-300) in Document E3/4732

The NUON Chea defence makes submissions based on Civil Party PRAK Doeun (2-TCCP-

300) who testified on 3 December, 2015. They ask the Civil Parties Lead Co-Lawyers to disclose information as to whether PRAK Doeun is the same person referred to in document E3/4732, who, contrary to his own testimony, allegedly killed his Vietnamese wife, in order for them to decide to recall PRAK Doeun to provide further clarification. This was responded to by the Co-Prosecutors and Trial Chamber. The Civil Parties Lead Co-Lawyers replied that the NUON Chea request has no legal basis unless it is made pursuant to Internal Rule 87(4). They state that the person referred to in document E3/4732 is not PRAK Doeun. They finally submit that they will only respond to an official request in writing by the NUON Chea defence or rely on Chamber's wisdom.

**Hearing of Witness [REDACTED] (2-TCW-1000)**

The Trial Chamber, Co-prosecutors, and the Civil Party Lead Co-Lawyer questioned the witness 2-TCW-1000. Protective measures in document E319/3 were applied.

**NUON Chea Defence objects to submission of Document E3/928 and E3/929 to witness**

The NUON Chea Defence objects to showing document E3/928 and E3/929 to witness. The Co-Prosecutors state they are the same documents with different translations. The KHIEU Samphan Defence also objects and submits that the method of showing documents and questioning witnesses in Court has not been followed. The Civil Party Lead Co-Lawyers state the document was already presented to the witness as document E319/23.3.44.3 (E3/928) in which the present document is annexed. The Trial Chamber overrules the objection stating the document and information from the witness is relevant.

**Co-Prosecutors do not object to testimony of Mr. Robert Lemkin in Case 002/02**

The Co-Prosecutors made clear in a submission that they do not object to the Testimony of Mr. Robert Lemkin in the trial case 002/02.

**Co-Prosecutors to email the Trial Chamber about witnesses to be called for the Treatment of the Vietnamese Trial Topic**

Co-Prosecutor stated they would have an email sent to the Trial Chamber by the end of 16 December 2015 with a request of the witnesses to be called for the Treatment of the Vietnamese trial topic.

**Reclassified**

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/4989		00556211- 00556219; 00891032- 00891034; 00891035- 00891037	Civil Party Application of [REDACTED]	P	00556218	00891034	00891036
E3/4732		00905169- 00905174; 00427376- 00427380; 00950248-	Victim Statement of Nguyen Thi Tyet	P	00905173	00427379	00950250

		00950251					
E3/9673	E319/23.3.48	00955566- 00955573; 00977843- 00977849; 01032417- 01032422	Written Record of Interview of [REDACTED]	C	00955567	00977844	01032418
E3/928		00017026- 00017026; 00183357- 00183357; 00611668- 00611668	Confidential telephone message on 1/4/78: Report about Total number of arrested and fired Vietnamese enemy and	P	00017026	00183357	00611668
E3/929		00143507- 00143508; 00143505- 00143506;	Written Record of Interview of Kaing Guek-Eav alias Duch		00143505	00143507	N/A
E3/9674	E319/23.3.44	00955478- 00955490; 00977526- 00977537; 00976195- 00976206	Written Record of Interview of [REDACTED]	C	00955486;00955 487; 00955488; 00955489	00977534; 00977535; 00977536	00976203; 00976204
E3/9675	E319/23.3.46	00955532- 00955541; 00977710- 00977718; 01104060- 01104067	Written Record of Interview of [REDACTED]	C	00955536- 00955537; 00955488; 00955486	00977714; 00977535; 00977534	01104063- 01104064; 00976204; 00976203
E3/9092	E305/13.23.3 82	00955491- 00955518; 00978564- 00978583; 00980432- 00980452	Statement of [REDACTED]( DC-Cam)	C	00955507- 00955508	00978576	00980444
E3/9676	E319/23.3.44 .3	00955477- 00955477; 00143507- 00143508; 00611668- 00611668	Confidential telephone message on 1/4/78: Report about Total number of arrested and fired Vietnamese enemy	C	00955477	00143507- 00143508	00611668

## Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E1/58.1		00796557- 00796632; 00798164- 00798256; 00798063- 00798163	Transcript of hearing on the substance in Case 002 - 03 April 2012	P	00796575	00798185	00798085

**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 (9:12).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 5 January 2016 (14:42).

**Order for Adjournment of Hearing**

The hearing will resume on Tuesday, 5th January 2016 at 9:00am.

Phnom Penh, 16 December 2015

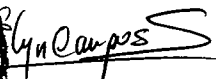
Greffier



Sivhoang CHH



Greffier



AMPOS SANCHEZ