



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): ២១ / ០៩ / ២០១៦
ពេលវេលា (Time/Heure): 14 : 30
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

07 June 2016

Substantive Hearing on evidence 002/02 -Day 414

Prepared by:
Ms. Sivhaong CHEA and Mr. Roger PHILLIPS

Attendance Record
Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge THOU Mony; Judge Claudia FENZ
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
Greffiers: Ms. Sivhaong CHEA; Mr. Roger PHILLIPS
OCP: Mr. SENG Leang; Mr. Vincent DE WILDE D'ESTMAEL; Ms. SONG Chorvoin; Mr. Dale LYSAK; Mr. SREA Rattanak;
Accused: Mr. NUON Chea; Mr. KHIEU Samphan
Defence for the Accused NUON Chea: Mr. Victor KOPPE; Mr SON Arun; Mr. LIV Sovanna; Mrs. Doreen CHEN
Defence for the Accused KHIEU Samphan: Ms. Anta GUISSÉ; Mr. KONG Sam Onn
Standby Counsel for the Accused KHIEU Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD, Mrs. SIN Soworn; Mrs. Eleonor FERNANDEZ
Witnesses: Mr. SUOS Thy (2-TCW-816) with Duty Counsel MAM Rithea; Mr KAING Guek Eav <i>alias</i> Duch (2-TCW-916)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer);

Mr. NOU Monoroath (Transcriber); Mr. SOK Sopheakmonica (Transcriber); Mr. MEACH Sovanna (Transcriber); Mr. YUOS Sereiroth (Transcriber); Mr. KEO Vath (Support Staff); Natalie GUNARIDIS (Trial Chamber Intern)

<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:04
Recess a.m.	Start time: 10:09	Finish time: 10:30
Recess	Start time: 11:34	Finish time: 13:30
Recess p.m.	Start time: 14:38	Finish time: 14:58
	Total Court Time:	4 hours 25 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:00	9:02
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	9:02	9:04
Hearing of witness SUOS Thy (2-TCW-816)	NUON Chea Defence	9:04	9:35
	Trial Chamber	9:35	9:35
	KHIEU Samphan Defence	9:36	10:09
		10:30	10:58
Hearing of witness KAING Guek Eav <i>alias</i> Duch (2-TCW-916)	Trial Chamber	11:02	11:18
	Co-Prosecutors	11:18	16:03
KHIEU Samphan Defence observations as to knowledge of the Witness	KHIEU Samphan Defence	13:39	13:41
	Co-prosecutors	13:41	13:43
	NUON Chea Defence	13:42	13:43
	Trial Chamber	13:43	13:48

<u>Summary of Proceedings</u>
<p><u>Opening of hearing and report on attendance of the Parties</u></p> <p>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.</p>
<p><u>NUON Chea Defence request to follow the proceedings from the holding cell</u></p> <p>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.</p>
<p><u>Hearing of witness SUOS Thy (2-TCW-816)</u></p> <p>The NUON Chea Defence, the Trial Chamber and the KHIEU Samphan Defence completed the questioning of witness SUOS Thy.</p>
<p><u>Hearing of witness KAING Guek Eav (2-TCW-916)</u></p> <p>The Trial Chamber and the Co-Prosecutors questioned witness KAING Guek Eav.</p>
<p><u>KHIEU Samphan Defence observations on knowledge of the Witness</u></p>

The KHIEU Samphan Defence raised the issue that testimony given by Duch could be based on information he has gained as a result of his extensive research into the case file by virtue of his position as the Accused in Case 001. It submits that it is important to distinguish between answers Duch gives during his testimony that are based on his observations and experiences for the period in question, and those based on documents he has read since.

The Co-Prosecutors argued that there was no evidence to indicate that the answers Duch had provided thus far were based off books or other material. They stated that due to the nature of his position as head of S-21, Duch was in a position to know vital information, such as the positions held by different people in the Democratic Kampuchea period. They also pointed out that the Defence would have the opportunity to cross-examine the witness.

The NUON Chea Defence agreed with the comments of the KHIEU Samphan Defence.

The Trial Chamber made an oral ruling instructing parties to seek clarification from the witness on the source of his knowledge, as it would be hard to determine when his answers are based on his personal experiences rather than on documents he read.

Reclassified

TC No.	OCIJ No.	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9320		00051642-00051642; 00337967-00337991; 00909136-00909165; 00280472-00280536	Biography of Suos Thy and Interview with Suos Thy by DC CAM	P	00052031; 00052003; 00052004	00337985; 00909161; 00909162	00280259; 00280501; 00280502
E3/7637		00229030-00229036; 00185877-00185880; 00344702-00344705	Annex 8: SUOS Thy describes Office S-21 (Tuol Sleng) in 1975 under IN Nol alias Nat and the transition to KAING Guek Eav alias Duch as the chairman	P	00229033	00185878	00344703
E3/967		00088736-00088737; 00800892-00800893; 00810671-00810672	Annex 76: S-21 Prisoner List entitled Chann's report on 18 prisoners taken into S-21 on 22 May 1977	P	/	/	/
E3/8638		00001582-00001598; 01155176-01155192; 01179060-01179076	Interrogation logs of a security center	P	/	/	/

E3/7603	00145604- 00145617; 00146797- 00146802; 00392490- 00392504	Written Record of Interview of SUOS Thi	P	00145602	00146798	00392492
E3/965	00068840- 00068843; 00316312- 00316318; 00324630- 00324636	Brief Story of people who set free	P	00068840; 00068841	00316312; 00316313	00324630; 00324631
E3/529	00095692- 00095695; 00329129- 00329132; 00327359- 00327362	Written Record of Interview - 7 July 2002	P	00095693	00329130	00327360
E3/429	00403904- 00403915; 00403916- 00403927; 00403928- 00403939	Written Record of Interview of Duch by CIJ dated 11-11-2009	P	00403909	00403920- 00403921	00403932- 00403933
E3/832	00161790- 00161790; 00233645- 00233645; 00710220- 00710220	Report by telegram number 45 on 2nd October 1977	P	00161790	00233645	00710220
E3/524	00325258- 00325331; 00322542- 00322639; 00322640- 00322740	Transcript of Proceedings - "Duch" Trial - 22 April 2009	P	/	00322619- 00322620; 00322621	00322720- 00322721; 00322722
E3/3652	00173928- 00173943; 00224084- 00224084; 00807332- 00807343	186bbkkh Colour copy Excerpt of Confession of Lang Pring alias Lang Phat	P	/	/	/
E3/8493	00095505- 00095506; 00181623- 00181625; /	Annex 14: Daily controlling list of prisoners force	P	/	/	/
E3/5800	00342749- 00342828; 00341955- 00342058; 00342059-	Transcript of Proceedings - "Duch" Trial - 16 June 2009	P	/	00342049- 00342051	00342160- 00342162

		00342169					
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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
E3/7466		00356885- 00356966; 00356784- 00356884; 00357760- 00357867	[REDACTED] Transcript of Proceedings - "Duch" Trial - 28 July 2009	P	/	00356812; 00356817; 00356830; 00356872	00357790; 00357795- 00357796; 00357810- 00357811; 00357855- 00357856
E3/8648		00288471- 00288477; 00292816- 00292818; 00303515- 00303521	Annex A9: List of S-21 Prisoners in Division 920 Released 26-11- 1977	P	/	/	/
E3/1684		00191816- 00192089; 00192667- 00192932; 00357247- 00357451	Book by DAVID Chandler entitle: "Voices from S-21 - Terror and History in Pol Pot's Secret Prison"	P	00191835	00192685; 00192676	00357268
E3/10604		01222328- 01222936	Annex 2: OCIJ S-21 Prisoners List 31 March 2016	P	/	/	/
E3/7465		00356696- 00356783; 00356588- 00356695; 00357643- 00357759	Transcript of Proceedings - "Duch" Trial - 27 July 2009	P	/	00356665- 00356665	00357728
E3/1052		00289848- 00289862; 00221962- 00221965; 00173458- 00173465	85bbkkh Colour copy Excerpt of Confession of Chan Mon alias Tol	P	/	/	/
E1/63.1		00801357- 00801437; 00801869- 00801963; 00801772- 00801868	[Corrected 1] Transcript of hearing on the substance in Case 002 - 18 April 2012	P	/	00801874- 00801875	00801778
E3/5794		00325768- 00325847; 00325546-	[Corrected 1] Transcript of Proceedings - "Duch" Trial - 28 April 2009	P	/	00325625- 00325626	00325738- 00325739

		00325651; 00325652- 00325767					
E1/53.1		00793408- 00793491; 00795037- 00795152; 00794926- 00795036	Transcript of hearing on the substance in Case 002 - 26 March 2012	P	/	00795118- 00795119	00795004- 00795005
E3/1539		00006744- 00006747; 00182892- 00182903; 00855344- 00855353	Name list of prisoners has been died at S-21 Office	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)
- Oral ruling instructing parties to seek clarification from Duch on whether his answers as based on his observations and experiences from the time in question, or from documents he has read since (13:47).
- Order to take the Accused to the Detention Facility and bring them back to court for the hearing on Wednesday, 8 June 2016 (16:04).

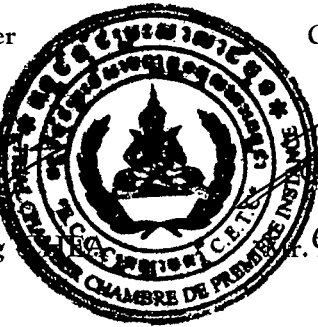
Order for Adjournment of Hearing

The hearing will resume on Wednesday 8 May 2016 at 9:00 a.m.

Phnom Penh, 07 June 2016

Greffier

Greffier



Ms. Sivhaong Mr. Roger PHILLIPS