



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
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ឈ្មោះបុគ្គលិកបម្រើឯកសារ (Case File Officer/L'agent chargé dossier):
..... SAMN ANDA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

3 September 2015

Substantive Hearing on Evidence 002/02 – Day 322

Prepared by:

EM Hoy and Matthew J. McCARTHY

Attendance Record
Before: Judge NIL Nonn (President); Judge Jean-Marc LAVERGNE; Judge YA Sokhan; Judge Claudia FENZ; Judge YOU Ottara
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
Greffiers: Mr. EM Hoy; Mr. Matthew J. McCARTHY
OCP: Mr. William SMITH; Mr. Vincent De WILDE D'ESTMAEL; Mr. SENG Bunkheang; Ms. SONG Chorvoine; Mr. Travis FARR
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. Victor KOPPE; Mr. SON Arun
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. PICH Ang; Mr. LOR Chunthy; Ms. CHET Vanly; Mr. VEN Pov
Witness: N/A
Others: Mr. UCH Arun (Court Officer); Ms. SOK Sopheakmonica; Ms. NEY Someta; Mr. LOEUNG Sopheak; Mr. LONH Nget (Transcribers); Ms. Aphra LEE; Mr. KRY Tongho (Trial Chamber Interns)

General court times		
Day	Start time: 09:00	Finish time: 15:57
Recess am	Start time: 10:15	Finish time: 10:32
Lunch	Start time: 11:33	Finish time: 13:30
Recess pm	Start time: 14:38	Finish time: 15:01
	Total Court Time:	4 hours and 20 minutes

Proceedings				
Type of Issue	Raised By	Start time	Finish time	
Opening of hearing and report on attendance of Parties	Trial Chamber, Greffier	09:02	09:03	
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09:03	09:04	
Key Documents Hearing	Co-Prosecutors	09:05	09:42	
		10:33	11:32	
		13:34	13:47	
		13:56	14:38	
		15:01	15:18	
	Civil Parties Lead Co-Lawyers	09:43	10:15	
		13:48	13:55	
	15:18	15:33		
KHIEU Samphan Defence request	KHIEU Samphan Defence	13:31	13:33	
KHIEU Samphan Defence objection	Trial Chamber	15:37	15:38	
		15:38	15:54	
	KHIEU Samphan Defence	15:51	15:47	
		Co-Prosecutors	15:47	15:49
		Civil Party Lead Co-Lawyers	15:50	15:51
Trial Chamber ruling	Trial Chamber	15:55	15:56	

Summary of Proceedings

Opening of hearing and report on attendance of 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.

Key Documents Hearing

The Co-Prosecutors and Civil Party Lead Co-Lawyers presented key documents on the 1st January Dam Worksite, the Kampong Chhnang Airport Worksite and the Trapeang Thma Dam Worksite.

KHIEU Samphan Defence request

The KHIEU Samphan Defence requested the opportunity to respond to key documents presented by the Co-Prosecutors and Civil Party Lead Co-Lawyers. The Trial Chamber granted the request and allocated the KHIEU Samphan Defence time on Monday 7 September to make observations.

Objection to Appearance of 2-TCW-987 by KHIEU Samphan Defence

The KHIEU Samphan Defence objected to the appearance of witness 2-TCW-987, arguing this new witness was not listed as a potential witness in Case 002 and was interviewed in another investigation for a different case. The KHIEU Samphan Defence stated this replacement does not respect the Accused's right to a proper defence and noted this objection is related to their submission regarding Written Records of Interview from Cases 003 and 004.

The Co-Prosecutors and Civil Party Lead Co-Lawyers made observations on the objection. The Trial Chamber stated it would consider all the points raised by the Parties and make a ruling in due course.

Co-Prosecutors' Request to Respond to Defence Comments

The Trial Chamber granted the KHIEU Samphan Defence's request to make oral submissions on the Co-Prosecutors' and Lead Co-Lawyers' presentation of documents. The Co-Prosecutors sought an opportunity to respond to these submissions. The Trial Chamber denied the Co-Prosecutors' request.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/3048R	N/A	N/A	Video	P	00.00.16- 00.00.17; 00.01.29- 00.01.33; 00.03.46- 00.03.47; 00.03.56- 00.04.01	00.00.16- 00.00.17; 00.01.29- 00.01.33; 00.03.46- 00.03.47; 00.03.56- 00.04.01	00.00.16- 00.00.17; 00.01.29- 00.01.33; 00.03.46- 00.03.47; 00.03.56- 00.04.01
E144/1/1.1		00787402; 00794166	Confirmation of Death Certificate of Ke Pich Vannak	P	00787402	00794166	N/A
E29/471.1		01105067;	Copy of Death Certificate of	P	01105067	01106550	01106551

		01106550; 01106551	KE Un				
E3/9349	D166/32	00239919- 00239926; 00244154- 00244160; 00277434- 00277441	Written Record of Interview of CHUOP Non	P	00239921 00239922 00239923	00244156 00244157 00244158	00277436 00277437 00277438
E3/5287	D166/155	00321778- 00321783; 00330772- 00330777; 00404187- 00404192	Written Record of Interview of MEN Le	P			
E3/2166	D108/26.116	00086934- 00086936; 00785262- 00785266; 00727406- 00727411	List of prisoners from the Central Zone and S-21 Khor	P			
E3/7414	D43/IV-Annex 44		Annex 44: Colour copy Excerpt of Confession of Yap Yan alias Sao	P			
E3/2165	D108/26.114	00088756- 00088758; 00755545- 00755548; 00727401- 00727405	List of prisoners from the Central Zone	P			
E3/2410	D132.4	00807617- 00807671; 00609061- 00609099; 00236390- 00236414	News report on Cambodia (BISC) between October and November of 1978, No.5	P	00807656	00609088	00236408
E3/284	D262.27	00168400- 00168432	Foreign Broadcast Information Service collection of reports for February 1977	P		00168413	
E3/286	D262.29	00681198- 00681228 00168183- 00168257 00701439- 00701455	Foreign Broadcast Information Service collection of reports for April 1977	P	00701453 00701454	00168194 00168253	00681225 00681226

E3/293	D232.43	00169689- 00169777	Foreign Broadcast Information Service collection of reports for July 1978	P	N/A	00169739 00169740	N/A
E3/755	D243/2.1.26	00064197- 00064240; 00509636- 00509659; 00543656- 00543691	CPK Magazine entitled: "Revolutionary Youth", Issue 9, September 1968 (FULL)	P			
E3/6850	D22/3842	00570942- 00570950	Civil Party Application of MAY Lunn 10- VU-00584	P	00570948	N/A	N/A
E3/6015	D22/527	00496983- 00496993; 00893521- 00893528; 00923450- 00923455	Civil Party Application of KIM Hounn 09- VU-00092	P	00496687 00496688	00893526 00893527	00923453 00923454
E3/6324	D22/1675	00533399- 00533409; 01066659- 01066662	Civil party application of CHHIM Rin 08- VU-01260	P	00533402	00106660	N/A
E3/6810a	D22/3651a	00588433- 00588435; 00588431- 00588432	Supplementary information of civil party applicant	P	00588434	N/A	00588431
E3/9350	D166/36	00239948- 00239953; 00244167- 00244172; 00274342- 00274347	Written Record of Interview of VAN Sorn	P	00239949 00239951	00244169 00244170	00274344 00274345
E3/3014R	N/A		Video	P		00.00.15 00.00.38	

E3/1139	D279/5/1.1.8	00160090; 00602524; 00514740	Military Committee Division 502	P	00160090	00602524	00514740
E3/222		00000770- 00000771; 00182665- 00182666; 00323892- 00323893	Minutes of permanent committee meeting on 15/5/76	P	00000771	00182666	00323892
E3/5279	D166/118	00287547- 00287552; 00293007- 00293011; 00342676- 00342680	Written Record of Interview of SRENG Thi	P	00287548 00287549 00287550 00287551	00293008 00293009 00293010	00342677 00342678 00342679
E3/5263	D166/71	00270176- 00270180; 00282222- 00282225; 00283347- 00283351	Written Record of Interview of SRENG Thi	P	00270178 00270179 00270180	00282224 00282225	00283349 00283350 00283351
E3/84		00000711- 00000712; 00182546- 00182547; 00301330- 00301331	Minutes of permanent committee meeting on 22 February 1976				
E3/970	D108/26.79	00002416; 00335202; 00242288	DK Military Report entitled "Dear Beloved Brother Duch"	P	00002416	00335202	00242288
E3/7877	D231/24	00342434- 00342438; 00346976- 00346980; 00411782- 00411787	Written Record of Interview of TES Trech	P	00342437	00346979	00411785 00411786
E3/5276	D166/114	00282951- 00282955; 00287353- 00287357; 00339919- 00339923	Written Record of Interview of SIN Sot	P	00282954 00282955	00287356	00339922

E3/1054	D108/8.2	00175361; 00195318; 00195319	Letter from Met to Beloved Comrade brother Duch	P	00175361	00195318	00195319
E3/9381	D108/31.29	00229038; 00002409; 00238845	Annex 29: Report from SOUT Met to Kaing Geuk Eav	P	00229037	00002409	00238845
E3/1050	D108/7.4	00173330- 00173332; 00316309- 00316311; 00643503- 00643506	Letter from Meth to Comrade Brother Duch	P			
E3/1141	D288/5.213	00002436- 00198068; 00278443	Sou Met's Letter to Duch entitled "Dear Beloved Comrade Kaing Geuk Eav alias Duch." 28 July 1977	P	00002436	00198068	00278443
E3/1040	D108/31.21	00079150- 00079155; 00178176; 00333278- 00333281	The three month plan in 1977	P			
E3/1087	D108/8.3	00143570- 00143571; 00195320; 00195321	Letter to Duch from Met	P	00143570 00143571	00195320	00195321
E3/1182	D366/7.1.498	00159936- 00159937; 00598173- 00598174; 00529479- 00529480	Staff office report to Brother about the work done in Division 170 at Kampong Chhnang	P			
E3/369	D125/31	00195434- 00195440; 00272713- 00272719; 00272720- 00272727	Written Record of Interview of KOY Mon	P			
E3/7893	D232/91	00427966- 00427970; 00455250- 00455253; 00446617- 00446621	Written Record of Interview of UM Man	P			

E3/7894	D232/92	00422490- 00422496; 00426038- 00426043; 00446622- 00446628	Written Record of Interview of KHVAE Ni	P			
E3/4694	D22/129	00365041- 00365049; 00398339- 00398345; 00909837- 00909842	Civil Party Application of Mr. ROU Ren	P	00365048	00398344	00909841
E3/6427a	D22/2042a	00581527- 00581531	Supplementary Information of Civil Party Applicant	P	00581529	N/A	N/A
E3/771	D248/4.6	00376312- 00376349; 00509660- 00509690; 00594030- 00594059	Revolutionary Youth Number 7-8 July-August 1977	P	00376343 00376344 00376345	00509685 00509686 00509687	00594052 00594053 00594054 00594055
E3/8050	D232/96	00464718- 00464724; 00428004- 00428008; 00450433- 00450437	Report of the Execution of Rogatory Letter, dated 06-01- 2010: Site Identification Report	P	00464720	00428005	00450434
E3/300	D56- Doc.087	00704534- 00704551; 00702865- 00702878; 00006800- 00006807	National Media Report entitled: "The revolutionary workers celebrate the 22 nd anniversary of the founding of the union of Kampuchean workers with lofty resolution goals"	P	00704541	00702870	0006803
E3/592	D29- Attachment 89	00002798- 00002801; 00002802- 00002805; 00623775- 00623779	Attachment 89: Second "Open Letter" of Khieu Samphan	P	00002799	00002803	00623766
E3/950	D200/9.6	00021043- 00021045; 00185215- 00185218; 00296221- 00296223	To respected Angkar about the general situation and work in zone	P	0021043 0021044 0021045	00185215 00185216 00185217 00185218	00296221 00296222 00296223

E3/863	18.65	00076286- 00076288; 00321961- 00321963; 00623408- 00623410	To Respected Angkar: about defending the enemy	P	00076286	00321961	00623408
E3/1783	D376.3	00659257- 00659262; 00498179- 00498181; 00606764- 00606767	New China News Agency, Chen Yung-Kuei's Cambodia Visit Reported, 22 December 1977	P	00659259 00659260	00498180 00498181	00606766
E3/1181	D366/7.1.497	00214486- 00214490; 00223175- 00223177; 00612289- 00612292	Base General View of Sector 5 Northwest Zone	P	00214487 00214490	00223175 00223176	00612290 00612291
E3/9284	D366/7.1.505	00214491- 00214495; 01046926- 01046931	Report on the situation in Sector 5	P	00214495	01046931	N/A
E3/1900		00193556- 00193557; 00909168- 00909169	S-21 Execution Log, Uncatalogued execution list of 39 prisoners	P	N/A	00193556	00909168
E3/2254	D108/26.273	00086763- 00086768; 00789703- 00789710; 00834849- 00834856	S-21 Prisoner List containing names of prisoners interrogated at S-21	P	00086766	00789707	00834853
E3/2474	D159/5.50	00304369- 00305063; 00766158- 00766320; 00761628- 00761745	Confession of Men Chun alias Hing, secretary of sector 5, NW Zone	P			

E3/7366	D159/5.61	00307626-00307766; 00782250-00782271; 00794824-00794839	Confession of Ngan Nhem alias Hat, Secretary, Phnom Srok District, Sector 5	P			
E3/7395	D267/5/1.1.16	00427770-00427813; 00795788-00795808; 00965816-00965869	An Maong: A history of the Traitorous of An Maong (Self-confession) Secretary of Preah Net Preah District, Sector 5	P			
E3/8991	E305/13.23.292	00730216-00730242; 00969882-00969917	Statement of BOU Mao (DC-CAM)	P	00730232	00969903	N/A
E3/7805	D166/69	00267742-00267746; 00277814-00277811; 00315173-00315177	Written Record of Interview of CHIEP Chhean	P	00267743 00267746	00277815 00277817	00315174 00315177
E3/6543	D22/2605	00553159-00553168	Civil Party Application of CHUON Bros 09-VU-01755	P	00553167	N/A	N/A
E3/6382	D22/1922	00540477-00540485	Civil Party Application of LEAN Penh 09-VU-01345	P	00540480	N/A	N/A
E3/6391	D22/1932	00540620-00540628	Civil Party Application of BLEK Saleut 09-VU-01355	P	00540623	N/A	N/A
E3/6630	D22/2888	00558116-00558124; 01069322-01069325	Civil Party Application of THUN Ham 09-VU-01901	P	00558119	01069323	N/A

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/35	D166/166	00340559- 00340578; 00346145- 00346162; 00367717- 00367734	Written Record of Interview of KE Pich Vannak	P	00340563 00340564	00346149 00346150 00346151	00367721 00367722
E3/5264	D166/75	00271378- 00271386; 00283339- 00283346; 00333973- 00333979	Written Record of Interview of KE Un	P	00271382 00271383	00283343 00283344	00333976 00333977
E3/2782	E3/2783	00164118- 00164137; 00089707- 00089716; 00596203- 00596214	KE Poch Autobiography	P	00164130 00164131 00164132 00164133	00089713 00089714	
E3/2956	D267/5/1.1.20	00214716- 00214724; 00222965- 00222968; 00758242- 00758252	Name list of people from North zone from 1-2-77 to 27-377	P	00214717 00214718 00214721 00214723	00222965 00222967	00758244 00758248 00758249 00758251
E3/76	D232.45	00701871- 00701889; 00170338- 00170455; 00701861- 00701870	Foreign Broadcast Information Service collection of reports for September 1978	P		00170396 00170431	
E3/294	D232.46	00170162- 00170337	Foreign Broadcast Information Service collection of reports for October 1978	P		00170186	
E3/295	D262.48	00169023- 00169171	Foreign Broadcast Information Service collection of reports for December 1978	P		00169074 00169084 00169118 00169119 00169169	

E3/182	D279/6.1	00019108- 00019126; 00183393- 00183408; 00292868- 00292886	Permanent's meeting of committee on 9 October 1975	P	0019126	00183407	00292886
E3/229		00000713- 00000720; 00182625- 00182627; 00334958- 00334960	Minutes of permanent committee meeting on 22 February 1976 at night	P	00000716	00186267	00334960
E3/236	D279/7.1	00019142- 00019148; 00183416- 00183422; 00322968- 00322972	Decision of permanent committee in the meeting on 19-21/04/1976	P	00019145	00183419	00322970
E3/13		00052402- 00052416; 00940336- 00940358; 00334972- 00334984	Note of Secretary meeting, vice secretary and regiment about Situation to defend the country and the measures to defend the country	P	00052411 00052414	00940350 09405354 09405355	00334980 00334982 00334983
E3/362	D123/3	00210208- 00210215; 00268893- 00268900; 00268901- 00268908	Written Record of Interview of CHHOUK Rin	P	00210209 00210211 00210212	00268895 00268896 00268897	00268903 00268904 00268905
E3/361	D123/2	00194462- 00194473; 00766447- 00766459; 00286678- 00268892	Written Record of Interview of CHHOUK Rin	P	00194467 00194468 00194471 00194472	00766453 00766457	00268884 00268885 00268889 00268890
E3/807		00052304- 00052311; 00933833- 00933845; 00323922- 00323929	Meeting report of Secretary-Under secretary division and regiment	P	00052304 00052305	00933834	00323922

E3/1140	D288/5.210	00052994; 00178065; 00195953	Sou Met's Letter to Duch entitled "Dear Beloved Comrade KAING Guek Eav alias Duch" 01 April 1977	P	00052994	00178065	00195953
E3/849		00052319; 00183956; 00334995	Cambodia Revolutionary Armed Force General Staff - Joint statistics of armed force, March 1977	P	00052319	00183956	00334995
E3/3959	D166/74	00270162- 00270170; 00278680- 00278687; 00486095- 00486101	Written Record of Interview of KUNG Kim	P	00270168 00271069 00271070	00278685 00278686 00278687	00486100 00486101
E3/3962	D166/117	00287533- 00287541; 00293362- 00293369; 00355870- 00355878	Written Record of Interview of KHOEM Samhoun	P	00287538 00287539 00287540	00293367 00293368 00293369	00355875 00355876 00355877 00355878
E3/8385	D288/5.216	00052992; 00198070; 00195958	Sou Met's Letter to Duch entitled "Dear beloved brother Kaing Geuk Eav alias Duch." 04-Oct-1977	P	00052992	00198070	00195958
E3/1094		00143603- 00143617; 00315368- 00315383; 00593523- 00593538	To Respected Angkar from M401	P			
E3/18		00103802- 00103899; 00103717- 00103801; 00595365- 00595529	Book by KHIEU Samphan entitled: "Cambodia's recent history and the reasons behind the decision I made"	P	00103878	00103780	00595487
E3/178	D175/4.3	00275587- 00275598; 00342708- 00342723; 00623304- 00623321	Weekly Report of Region 5 Committee, 21 May 1977	P	00275587 00275589 00275596	00342709 00342711 00342719	00623305 00623307 00623317

E3/179	D175/3.94	00008497- 00008501; 00183010- 00183018; 00236767- 00236773	The report about Enemy situation, People situation, Build socialism situation	P	00808501	00183016 00183017	00236772
E3/1339	D196.12	00168307- 00168399	Foreign Broadcast Information (FBIS) Collection of December 1977, Phnom Penh Domestic Service Broadcast	P		00168341	
E3/4604	D243/2.1.16	00064706- 00064753; 00519829- 00519862; 00520338- 00520381	CPK Magazine entitled: "The Revolutionary Flag", Issue 4, April 1978 (FULL)	P	00064727	00519843	00520357
E319/19.3.33	D119/47	00933090- 00933094; 00966712- 00966717; 00974779- 00974784	Written Record of Interview of [REDACTED]	SC	00933093 00933094	00966716 00966717	00974783
E319/21.3.5	D219/175	01065995- 01066004; 01076997- 01077008	Written Record of Interview Witness [REDACTED]	SC	01066001	01077004	N/A
E319/19.3.47	D119/98	00978906- 00978915; 00985181- 00985193; 00988995- 00989004	Written Record of Interview of [REDACTED]	SC	00978910	00985186 00985187	00988999
E319/19.3.24	D119/20	00894499- 00894504; 00901016- 00901020; 00967837- 00967842	Written Record of witness interview of [REDACTED]	SC	00894503	00901020	00967841
E319/21.3.3	D219/130	01049226- 01049254; 01059935- 01059972; 01133306- 01133332	Written Record of Interview of Civil Party [REDACTED]	SC	01049235 01049236 01049237 01049242	01059947 01059948 01059949 01059956	01133315 01133316 01133321

E357.1	D13771	01128615- 01128616	Annex 1: S-21 list of prisoners smashed 6 March 1978	P	01128615	N/A	N/A
E3/3972	D108/26.104	00086927- 00086933; 00837604- 00837613; 00864725- 00864733	S-21 Prisoner List containing names of prisoners from the Northwest Zone and the Western Zone	P	0086932	00837611	00864731
E3/2285	D108/26.86 D312.1.62	00009067- 00009317; 00873122- 00873671	List of Prisoners	P	00009303	00873633	N/A
E3/342	D288/6.68.1 E68.1	00329596- 00330129	Revised S-21 Prisoner List	P			
E357.4		01128619- 01128690	Annex 4: S-21 confession of Heng Rin alias Mei	P			
E319/19.3.46	D119/94	00976172- 00976185; 00982753- 00982766	Written Record of Interview of [REDACTED]	SC	00976181	00982762	
E3/3861	D83-Annex- 00008	00009213- 00009218; 00657714- 00657726; 00634431- 00634443	Name list of prisoner killed in 1977	P			

Oral Orders/Decisions:

- Order authorizing 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).
- Order instructing the security personnel to bring the Accused back to the detention facility and to have them return in the courtroom for the hearing on 7 September 2015 (9:00).

Orders for Adjournment of Hearing

The hearing will resume on 7 September 2015 at 09:00 a.m.

Phnom Penh, 3 September 2015

Greffier Greffier

EM Hoy Matthew J. McCARTHY
for