



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

**Request for Correction**

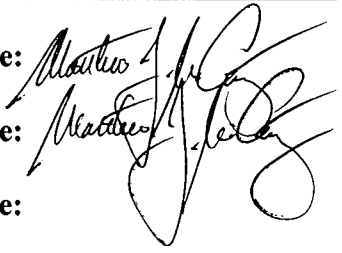
**Case :** 002/19-09-2007-ECCC/TC

To Document No(s):	ERN(s):	Request Date:	Correction Type:
E387/2	01213161-01213163	4 May 2016	<input checked="" type="checkbox"/> Change to Original <input type="checkbox"/> Change to Translation <input type="checkbox"/> Reclassification

**Reason for changes:**  
 To reconcile all versions before publication of forthcoming decision E387/3.

**Details:**  
 See changes to language in "tracked changes" throughout. See changes to numbers in para. 6.

**Filed by:** Matthew McCARTHY

**Signature:** 

**Approved by Greffier (for originals):** Matthew McCARTHY

**Signature:** 

**Approved by ITU (for translations):**

**Signature:**

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E387/2 /CUT-3



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

TRIAL CHAMBER

TO: All Parties, Case 002

Date: 10 March 2016

FROM: NIL Nonn, President of the Trial Chamber

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Decision on NUON Chea Defence and KHIEU Samphan Defence Internal Rule 87(4) requests related to the testimony of expert Alexander HINTON (2-TCE-88)

1. The Trial Chamber is seized of an Internal Rule 87(4) ~~motion request~~ from the NUON Chea Defence (“NUON Chea Motion Request”) to admit 17 documents related to the upcoming testimony of Alexander HINTON (2-TCE-88), filed 3 March 2016 (E387). The Chamber is also seized of the KHIEU Samphan Defence’s Internal Rule 87(4) ~~motion request~~ (“KHIEU Samphan Motion Request”) to admit ~~6~~ six documents related to Mr. HINTON’s expected testimony, filed 4 March 2016 (E387/1). The Chamber heard the ~~parties’ oral~~ responses to these motions ~~orally~~ during court proceedings on 7 March 2016.

2. The Chamber notes that both the NUON Chea Defence and the KHIEU Samphan Defence filed corrections affecting the numbering of the annexes to the NUON Chea Motion Request and the KHIEU Samphan Motion Request. Herein the instant decision, the Chamber uses the corrected annex numbers ~~and provides descriptions for~~ clarification.

3. With respect to ~~E387~~ the NUON Chea Request, the Trial Chamber partially grants the ~~motion request~~ and admits into evidence the following documents, ~~with~~ (newly assigned document numbers in brackets):

- a. E387.1.1 (E3/9702) – Alexander HINTON curriculum vitae;
- b. ~~E387.1.2–3~~ (E3/9703) = “Mapping the Great Famine”, Volodymyr Dibrova, Ukrainian Weekly, 30 June 2013;

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- c. ~~E387.1.3-2 (E3/9704) – “Anthropology, Cultural”, *Encyclopedia of Genocide and Crimes against Humanity*~~
- d. E387.1.4 (E3/9705) – DC-Cam, “Board of Directors and Advisors”;
- e. E387.1.5 (E3/9706) – “Cambodian Genocide Memory Project”, Center for the Study of Genocide and Human Rights;
- f. E387.1.6 (E3/9707) – “Director’s Welcome”, Center for the Study of Genocide and Human Rights;
- g. E387.1.7 (E3/9708) – “Hinton helped bring one of two major American archives of Khmer Rouge-related documents to the R-N campus in 2005”, *Have You Met Rutgers-Newark?*;
- h. E387.1.8 (E3/9709) – Alexander HINTON profile, Rutgers University College – Newark website;
- i. E387.1.9 (E3/9710) – “Begrudgement, Reconciliation, and the Khmer Rouge”, Alex Hinton, *Magazine of Documentation Center of Cambodia*, No. 20, August 2001;
- j. E387.1.10 (E3/9711) – “Why did they kill? (1)”, Alex Hinton, *Phnom Penh Post*, 7 October 2005;
- k. E387.1.11 (E3/9712) – “Opinion: Is there justice in Cambodia?”, Alex Hinton, *Phnom Penh Post*, 27 June 2011;
- l. E387.1.12 (E3/9713) – “Time running out for Khmer Rouge tribunals”, Tom Fawthrop, *Al-Jazeera English*, 22 April 2013;
- m. E387.1.13 (E3/9714) – “Transitional justice time: Uncle San, Aunt Yan, and outreach at the Khmer Rouge Tribunal”, Alexander Laban Hinton, *Genocide and Mass Atrocities in Asia: Legacies and Prevention*, 2013;
- n. E387.1.14 (E3/9715) – “Justice and Time at the Khmer Rouge Tribunal: In Memory of Vann Nath, Painter and S-21 Survivor”, Alexander Laban Hinton, *Genocide Studies and Prevention: An International Journal*, 2014;
- o. E387.1.17 (E3/9716) – “Limits of Memory”, The New School – University Events website.

Comment [MM1]: Previous corrections.

4. The Chamber ~~denies~~ ~~rejects~~ the NUON Chea ~~Motion~~ ~~Request~~ with respect to documents E387.1.15 (“Problems of International Codification – Were the Atrocities in Cambodia and Kosovo Genocide?”, William A. Schabas, *New England Law Review*, 2001) and E387.1.16 (“Seeking justice for the killing fields”, Alex Hinton, *New York Times*, 31 May 2006).

5. With respect to ~~E387/1~~, the ~~request by the~~ KHIEU Samphan ~~Defence~~ ~~Request~~, the Trial Chamber admits into evidence the following documents:

~~E387/2~~ /corr-3

- a. E387/1.3 (E3/9717) – “Yes, indeed! Why did they kill (so many)?”, Henri Locard, *Phnom Penh Post*, 9 September 2005;
  - b. E387/1.5 (E3/9718) – “Why did they kill? Genocide definition debate continues”, Alex Hinton, *Phnom Penh Post*, 2 December 2005;
  - c. E387/1.6 (E3/9719) – “Defining genocide”, Alex Hinton, *Phnom Penh Post*, 27 January 2006.
6. The Chamber notes that E387/1.1, E387/1.2 and E387/1.4 have been admitted into evidence at paras 23.a., 23.i., and 23.j. – respectively, E3/9702, E3/9710, and E3/9711.
7. Written reasons for this decision will be issued in due course.