



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 ORIGIN
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 24 / 06 / 2016
ម៉ោង (Time/Heure):..... 10:15
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent ch: du dossier: <i>SANN Roda</i>

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/16-06-2016-ECCC/TC

16 June 2016

Substantive Hearing on Evidence 002/02 - Day 420

Prepared by:

Mrs. SE Kolvuthy and Mr. Matteo CRIPPA

Attendance Record
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE, Judge Claudia FENZ.
Reserve Judges: Judge Martin KAROPKIN (Reserve); Judge THOU Mony (Reserve)
Greffiers: Mrs. SE Kolvuthy; Mr. Matteo CRIPPA
OCP: Mr. SENG Leang; Mr. Dale LYSAK; Mr. SREA Rattanak; Ms. Nisha PATEL
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan.
Defence for the Accused Nuon Chea: Mr. SON Arun; Mr. Victor KOPPE, 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: Mrs. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD, Mr. HONG Kimsoun, Mr. VEN Pov, Mrs. SIN Soworn
Witness: Mr. KAING Guek Eav <i>alias</i> DUCH (2-TCW-916)
Others: Mr. Ken ROBERTS (Trial Chamber Senior Legal Officer), Mr. KEO Vath (Support Staff), Mr. UCH Arun (Court Officer); Mrs. SOUR Sotheavy (Associate Court Officer), Mr. LONH Nget; Mrs. PICH Chariya, Ms. SOK Sopheakmonica, Ms. SREY Nak (Transcribers), Ms. Alexandra Barry (Trial Chamber Intern), Ms. Dararaeksmeay SOUN (Trial Chamber Intern)

<u>General court times</u>		
Day	Start time: 09:01	Finish time: 15:40
Recess am	Start time: 10:16	Finish time: 10:38
Recess	Start time: 11:31	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:04
	Total Court Time:	3 hours and 54 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	09:01	09:02
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	9:02	9:03
Hearing of witness Mr. KAING Guek Eav alias DUCH (2-TCW-916)	Trial Chamber	9:04	10:15
	NUON Chea Defence	10:38	11:31
Observations by Judge Lavergne	Trial Chamber	13:41	14:39
Observations by Judge Lavergne	Trial Chamber	13:32	13:34
Observations by Co-Prosecutor	Co-Prosecutor	13:35	13:40
Indication of Reparation Projects for Implementation in Case 002/02	Lead Co-Lawyers	15:04	15:38

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 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 witness Mr. KAING Guek Eav alias DUCH (2-TCW-916)

Judge Lavergne and Counsel for NUON Chea put questions to witness Mr. KAING Guek Eav alias DUCH (2-TCW-916).

Observations by Judge Lavergne

Judge Lavergne drew attention to similarities between photographs depicting Vietnamese prisoners in document E3/262 and E3/2354R. The Judge also drew the court's attention to document E414, a memorandum which stated the Trial Chamber would not amend the transcript of 25 April 2016.

Observations by Co-Prosecutor

The Co-Prosecutor made three observations to assist the court with respect to the daily prisoner lists circulated by the Trial Chamber.

Indication of Reparation Projects for Implementation in Case 002/02

In response to E352/2 issued by the Trial Chamber on 10 June 2016, the Lead Co Lawyers for the Civil Parties to Case 002/02 presented an overview of reparation projects for implementation in Case 002/02. The Lead Co-Lawyers outlined nine projects, eight of which had adequate funding to be implemented immediately. The Lead Co-Lawyers also indicated a further four projects that had been submitted to the Royal Government of Cambodia but had not yet received approval.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10120	/	01014164-01014188	Name list of prisoners of all Ministries entered in July 1978	P	01014173	/	/
E3/719	/	01248192-01248192	[Partial T.] Excerpts from the E3/719R The Angkar (Color)	P	/	01248192	/
E3/8436	/	00086819-00086821/00250012-00250014	Name of prisoners of Vietnamese espionage section	P	00086819	00250012	/
E3/8492	/	00086843-00086851/00181701-00181703	Annex 139: Prisoner list containing the name of Vietnamese spies	P	/	/	/
E3/8394	/	00293948-00294000/S 00011352-00011386/S 00011387-00011420	DK Government Public Statement entitled "Evidences on the Vietnamese Aggression Against Democratic Kampuchea"	P	00293980	S 00011374	/
E3/10521	/	01180411-01180417/01195307-01195316	Kvieng Thy Thoeung, Kvieng Hiv Lang, Choeng Thann Hoerung, N 126, 127, 128, Toek Sap	P	01180411 - 01180417	01191483 - 01191495	/
E3/2352R	/	01239944-01239963/01245225-01245240/	Transcript of Video entitled "Interview with S-21 survivor Phan Than Chan" (2001 version)	P	01239944-963	/	01241045-59

		01241045- 01241059					
E3/2354R	/	V00172621- V00172621	Cambodia Kampuchea	P	V0017262 1- V0017262 1	V001726 21- V001726 21	V001726 21- V001726 21
E3/528	/	00320780- 00320785/ 00327317- 00327320/ 00327321- 00327324	Written Record of Interview - 02 June 1999	P	00320783	00327319	00327324

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/5794	/	00325768- 00325847/ 00325546- 00325651/ 00325652- 00325767	Transcript of Proceedings - "Duch" Trial - 28 April 2009	P	/	/	/
E3/347	/	00160879- 00160884/ 00184996- 00185058/ 00160921- 00160974	UNHCHR Suspect Statement of KANG Keck Iev alias DUCH	P	00160896	00002511	00160932
E3/9	/	00755579- 00755583/ 00396177- 00396757/ 00639445- 00640068	Book by Philip Short entitled "Pol Pot, The History of a Nightmare"	P	/	00396572	00639933
E1/51.1	/		Transcript of Proceedings	P	/	/	/
E3/355	/	00239830- 00239840/ 00242872- 00242882/ 00239820- 00239829	Written Record of Interview of Duch by CIJ on 19-11- 2008	P	00239836	00242878	00239825

E3/456	/	00198870- 00198878/ 00198879- 00198886/ 00198887- 00198894	Written Record of Interview of Duch by CIJ on 25-06- 2008	P	00198873	00198882	00198890
E3/65	/	00146477- 00146489/ 00147517- 00147527/ 00147892- 00147901	Written Record of Interview of Duch by CIJ on 07-08- 2007	P	00146487	00147525	00147900
E3/1567	/	00172208- 00172212/ 00002621- 00002623/ 00384724- 00384727	International Media Report entitled "I am in danger" by Nate THAYER	P	00172211	00002623	/

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 (09:03).
- Order instructing the security personnel to bring the Accused back to the detention facility and to return them to the courtroom for the hearing on Monday, 20 June 2016 (14:40).

Order for Adjournment of Hearing

The hearing will resume on Monday, 20 June 2016 at 9:00 am. *SW*

Phnom Penh, 16 June 2016

Greffier _____

Mrs. SE Ko _____ teo CRIPPA

