



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/Data de reception): ០១ / ០៥ / ២០១៦
ពេលវេលា (Time/Heure): ១០ : ០០
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

04 May 2016

Substantive Hearing on evidence - Day 408

Prepared by:

Mrs. SE Kolvuthy and Ms. Maddalena GHEZZI

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: Mrs. SE Kolvuthy; Ms. Maddalena GHEZZI
OCP: Mr. SENG Leang; 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; Mr. LIV Sovanna; Mrs. Doreen CHEN
Defence for the Accused Khieu Samphan: Ms. Anta GUISSÉ; Mr. KONG Sam Onn;
Appointed Standby Counsel for KHIEU Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. VEN Pov; Mrs. SIN Soworn
Witness: Mr. HIM Huy (2-TCW-906) with duty counsel Mr. MAM Rithea
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. Pich Chariya (Transcriber); Ms. SOK Sopheakmonica (Transcriber); Mr. NOU Monoroath (Transcriber); Ms. SREY Nak (Transcriber); Ms. Nathalie MARTIN (Trial Chamber Intern), Mr. Keo Vath, Ms. SUON Darareksmey.

General court times		
Day	Start time: 9:01	Finish time: 16:01
Recess am	Start time: 10:09	Finish time: 10:30
Recess	Start time: 11:39	Finish time: 13:39
Recess pm	Start time: 14:40	Finish time: 14:59
	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 the parties	Trial Chamber, Greffier	9:01	9:02
NUON Chea request to follow the proceedings from the holding cell	NUON Chea Defence	9:02	9:04
Hearing of witness HIM Huy (2-TCW- 906)	Co-Prosecutors	9:04	13:44
	Lead Co-Lawyers	13:44	15:02
	Trial Chamber	15:02	15:39
	NUON Chea Defence	15:39	16:01
Objection by NUON Chea Defence to Witness HIM Huy (2-TCW- 906) declining to respond to a question	NUON Chea Defence	11:13	11:15
	Trial Chamber	11:15	11:15
	NUON Chea Defence	11:15	11:15
	Trial Chamber	11:16	11:16
	NUON Chea Defence	11:16	11:16
	Co-Prosecutors	11:16	11:17
	NUON Chea Defence	11:17	11:17
	Trial Chamber	11:18	11:25

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 request to follow 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 remainder of proceedings from the holding cell.

Hearing of witness HIM Huy (2-TCW- 906)

The Co-Prosecutors, Trial Chamber, Lead Co-Lawyers and NUON Chea Defence questioned witness HIM Huy (2-TCW- 906).

Objection by NUON Chea Defence to witness HIM Huy (2-TCW- 906) declining to respond to a question

Following advice from his Duty Counsel, Witness HIM Huy (2-TCW- 906) declined to respond to the question to avoid self-incrimination. The NUON Chea Defence objected and submitted that in this case the Witness had no right to decline to answer the question.

The Chamber decided that based on the information available to it and the fact that the witness declined to respond to the question, it could not to compel the witness to respond to any question if the witness exercises his right against self-incrimination.

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7461	D288/4.50.1	00354102-00354189; 00353878-00353987; 00353988-00354101	Transcript of Proceedings – “Duch” Trial - 16 July 2009	P	/	00353926	00354038
E3/5154	D108/2/5	00146643-00146653; 00161595-00161604; 00148089-00148101	Written Record of Interview of HIM Huy	P	00146651	00161603	00148099
E3/2357R	D108/32.2R	V00172603-V00172603	Video entitled “Pol Pot - The Journey to the Killing Fields”	P	/	/	/
E3/1918	12.43	00185406-00185408; 00081226-00081276; 00782279-00782281	Searching for truth No. 31	P	/	/	/
E3/9195	E305/13.23.48	00340091-00340093; 00104911-00104912;	“National Media Report entitled “Former S-21 Comrades Reunite and Recall Their Past Experiences” (Searching for the Truth Magazine, No. 31, July 2002 at pages 28-29)”	P	00340092	00104911	/

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/536R	D299.1.46R	V00172527-V00172527	BBC's Phel Rees Cambodia Report Including Nuon Chea Interview	P	/	/	/
E3/1693	D108/39/2	00191816-00192089;	Book by DAVID Chandler entitle: "Voices from S-21 -	P	00191879	00192723	00357310

		00192667- 00192932; 00357247- 00357451	Terror and History in Pol Pot's Secret Prison"				
E3/7462	D288/4.51.1	00354785- 00354858; 00354589- 00354683; 00354684- 00354784	Transcript of Proceedings - "Duch" Trial - 20 July 2009	P	/	00354643	00354740
E3/5155	D108/2/6	00146635- 00146642; 00161587- 00161594; 00148079- 00148088	Written Record of Interview of HIM Huy	P	00146638; 00146639; 00146640	00161591; 00161592	00148083; 00148084; 00148085
E3/5158	D108/23/2	00164446- 00164448; 00164449- 00164452; 00164453- 00164455	Written Record of Interview of HIM Huy	P	00164447	00164451	00164454
E3/5766	D86/17	00165425- 00165433; 00165434- 00165441; 00165442- 00165449	Written Record of Confrontation on 28-02- 2008	P	00165428	00165437	00165445

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 (9:03)
- Oral ruling on the right against self-incrimination of the Witness to allow the Witness to decline to respond to a question (11.23)
- Order to take the Accused to the Detention Facility and bring them back to the courtroom for the hearing on 05 May 2016 (16:01)

Order for Adjournment of Hearing

The hearing will resume on Thursday, 05 May 2016 at 9:00 a.m. *8-*

Phnom Penh, 04 May 2016

Greffier



Mrs. SE Kolvuthy



Greffier



Ms. Maddalena GHEZZI