



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

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de réception): 06 / 07 / 2016
ម៉ោង (Time/Heure) : 11:15
ប្រតិបត្តិការបណ្តុះបណ្តាល / Case File Officer/L'agent chargé du dossier: <b>SANN RADA</b>

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/03-05-2016-ECCC/TC

03/05/16

Substantive Hearing on evidence - 407

Prepared by:

Mr. EM Hoy and Ms. Evelyn CAMPOS SANCHEZ

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara; Judge Jean-Marc LAVERGNE; Judge Claudia FENZ.
<b>Reserve Judges:</b> Judge Martin KAROPKIN (Reserve); Judge THOU Mony (Reserve)
<b>Greffiers:</b> Mr. EM Hoy; Ms. CHEA Sivhoang; Ms. Evelyn CAMPOS SANCHEZ
<b>OCP:</b> Mr. SENG Leang; Mr. Dale LYSAK; Mr. Travis FARR
<b>Accused:</b> Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan.
<b>Defence for the Accused Nuon Chea:</b> Mr. Victor KOPPE; Mr. SON Arun; Ms. Doreen CHEN; Mr. LIV Sovanna
<b>Defence for the Accused Khieu Samphan:</b> Ms. Anta GUISSÉ; Mr. KONG Sam Onn
<b>Standby Counsel for the Accused Khieu Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
<b>Civil Parties:</b> Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. HONG Kimsuon; Mr. VEN Pov; Mrs. SIN Soworn; Ms. TY Srinna; Mr. LOR Chunthy
<b>Witness:</b> Mr. MAKK Sithim (2-TCW-808) with Duty Counsel Mr. MOEURN Sovann; Mr. HIM Huy (2-TCW-906) with Duty Counsel Mr. MAM Rithea.
<b>Others:</b> Mr. KEO Vath (Support staff), Mr. UCH Arun (Court Officer), Ms. SOUR Sotheavy (Associate Court Officer), Ms. SREY Nak (Transcriber); Mr. LONG Nget (Transcriber); Mr. LAY Nara (Transcriber); Ms. YUOS Sereiroth (Transcriber); Ms. Alexandra BARRY (Intern), Ms. DARARAEKSMEY Soun (Intern)

<u>General court times</u>		
Day	Start time: 9:00	Finish time: 15:59
Recess am	Start time: 10:13	Finish time: 10:30
Recess	Start time: 11:33	Finish time: 13:30
Recess pm	Start time: 14:17	Finish time: 14:38
	Total Court Time: 4'24"	

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:00	09:02
NUON Chea Defence Request to follow the proceedings from the holding	NUON Chea Defence	9:03	09:04
Recognition of Ms. Doreen CHEN before the ECCC as Defence counsel for NUON Chea	NUON Chea Defence; Trial Chamber	09:04	09:09
Hearing of Witness MAKK Sithim (2-TCW-808)	International Co-Prosecutor Lead Co-Lawyers for Civil Parties Trial Chamber  NUON Chea Defence KHIEU Shamphan Defence	09:10  09:47 10:08 10:55 11:28 10:55 13:45 13:45	09:46  10:08 10:55 11:30 13:45 14:17
Decision on NUON Chea Defence request for an adjournment of 4 weeks to prepare for S-21 witnesses and Decision to admit into evidence all documents underlying the new OCIJ prisoners' list (E393.2)	NUON Chea Defence; Trial Chamber	13:31	13:34
Correction to point 3) of oral ruling on NUON Chea request for adjournment	Trial Chamber	14:38	14:40
Hearing of Witness HIM Huy (2-TCW-906)	Trial Chamber, President International Co-Prosecutor	14:41 14:48	14:48 15:59

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.

**Recognition of Ms. Doreen CHEN before the ECCC as Defence counsel for NUON Chea**

Pursuant to Internal Rule 22(2)(a), the President of the Trial Chamber has recognized Ms. Doreen CHEN to practice as defense counsel for NUON Chea before the ECCC and has acknowledged she possesses the same rights and privileges than those granted to National counsels.

**Hearing of Witness MAKK Sithim (2-TCW-808)**

Questions were put to the witness Mr. MAKK Sithim (2-TCW-808) by the Co-Prosecutors, the Lead Co-Lawyers for Civil Parties, NUON Chea and KHIEU Samphan's Defence.

**Decision on NUON Chea Defence request for an adjournment of 4 weeks to prepare for S-21 witnesses and Decision to admit into evidence all documents underlying the new OCIJ prisoners' list (E393.2)**

The Chamber is seized of a request by the NUON Chea Defence for an adjournment of four weeks to prepare for the three remaining witnesses on the S-21 topic, namely 2-TCW-906, 2-TCW-816 and 2-TCW-916, primarily to review the documents underlying the S-21 prisoners list produced by the Office of the Co-Investigating Judges (E393.2). Alternatively, it requests that only the Co-Prosecutors and Lead Co-Lawyers question these witnesses prior to an adjournment (E402).

Having heard the parties' submissions and noting that none of them oppose the admission of the documents underlying the new OCIJ prisoners list (E393.3). The Chamber:

- (1) Admits all documents underlying this list that were not previously admitted;
- (2) Considers that the new S-21 list does not require the delay of the testimony of 2-TCW-906 and therefore denies the Defence request in this respect;
- (3) Decides to hear the full testimony of 2-TCW-906 this week as scheduled;
- (4) Further decides to adjourn the hearings for one week (9-12 May) before proceeding to the previously scheduled 13-20 May judicial recess. Upon reconvening on 23 May, the Chamber will hear the remaining S-21 witnesses, 2-TCW-816 and 2-TCW-916 before proceeding to internal purges witnesses and Civil Parties.

The full written reasons for this decision will follow in due course.

**Correction to point 3) of oral ruling on NUON Chea request for adjournment**

The Chamber issues a correction on point (3) of the ruling and redacts 2-TCW-808 as it was not mentioned in the submissions and is irrelevant.

**Hearing of Witness HIM Huy (2-TCW-906)**

Mr. HIM Huy 2-TCW-906 was questioned by the International Co-Prosecutor.

## Reclassified Documents

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/8461		00002219- 00002221/ 00853243- 00853246/ 00856178- 00856181	List of heavily ill prisoners	P	00002219	00853243 00853244	00856178 00856179
E3/7666		00163816- 00163819/ 00163820- 00163824, 00235795/ 00235799	Written Record of Interview of SEK Dan	P	00163818	00163822	00235797
E3/3181		00088688- 00088691/ 00784611- 00784615/ 00728978- 00728982	S-21 List of prisoners died on 3, 4, 7 and 12/10/1977	P	/	/	/
E3/8460		00068896- 00068902/ 00843436- 00843449/ 00846991- 00847002	S-21 List of prisoners died of disease from 7/9/77	P	00068899	00843443 00843444	00846998
E3/7673		00163709- 00163713/ 00401868- 00401874/ 00305209- 00305215	Written Record of Interview of Mak Sithim	P	00163713 00163712 00163710 00163711	00401872 00401873 00401871 00401870 00401870	00305214 00305213 00305212 00305212
E393.2		01222328- 01222936	Annex 2: OCIJ S-21 Prisoners List 31	P	/	01222749	/
E3/2164		00008076- 00008078/ 00181692- 00181695/ 00845960- 00845963	S-21 Prisoner List containing names of prisoners	P	00008077	00181692	00845960
E3/8386		00002637- 00002640/ 00521631-	S-21 (K-8): Circulations	P	00002640	00521634	00532736

		00521634/ 00532733- 00532736					
E3/352		00186559- 00186563/ 00195706- 00195710/ 00947814- 00948351	Written record of Interview Pes Math	P	00186560	00195708	00401889
E3/9431		00181395- 00181448/ 00198028- 00198081/ 00181449- 00181502	Annex 1: Report of Crime Scene Reenactment at Toul Sleng on 27 February 2008	P	00181447 00181396	0019080 00198029	00181501 00181450
E3/7663		00163775- 00163779/ 00401834- 00401839/ 00401840- 00401845	Written Record of Interview of Tay Teng	P	00163713	00401873	00305014
E3/5792		00325332- 003525362/ 00322741- 00322782/ 00322783- 00322830	Transcript of Proceedings - "Duch" Trial 23 April 2009	P	/	00322766	00322811
E3/5155		00146635- 00146642/ 00161587- 00161594/ 00148079- 00148088	Written Record of Interview of HIM Huy	P	00146636 00146673	00161588 00161589	00148081
E3/7673		00163709- 00163713/ 00401868- 00401874/ 00305209- 00305215	[Corrected 1] Written Record of Interview of Mak Sithim	P	00163710 00163711 00163712 00163713	00401870 00401871 00401872 00401873	00305212 00305213 00305214
E3/5155		00146635- 00146642/ 00161587- 00161594/ 00148079- 00148088	Written Record of Interview of HIM Huy	P	00146636 00146673	00161588 00161589	00148081
E3/5766		00165434- 00165441/	Written Record of Confrontation on 28-02-2008	P	/	00165437	/

		00165442- 00165449/ 00165424- 00165433					
--	--	---	--	--	--	--	--

### Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/2285		00009067- 00009317/ 00873122- 00873671	List of prisoners	P	0009212 00009167	00873432 00873332	/
E3/7463		00355288- 00355357/ 00355106- 00355192/ 00355193- 00355287	Transcript of Proceedings "Duch" Trial 21 July 2009	P	/	00355145	00355235
E3/7467		00358954- 00359038/ 00358849- 00358953/ 00359187- 00359300	Transcript of Proceedings "Duch" Trial 03 August 2009	P	/	00358875	00359215
E3/7461		00354102- 00354189/ 00353878- 00353987/ 00353988- 00354101	Transcript of Proceedings - "Duch" Trial - 16 July 2009	P	/	00353889 00353890	00354000 00354001

#### 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 proceeding (9:03).
- Recognition of Ms. Doreen CHEN to practice as Counsel for NUON Chea before the Trial Chamber (09:04)
- The Trial Chamber ruled on the request by NUON Chea Defence for adjournment. (13:31)
- Witness Mr. MAKK Sithim (2-TCW-808) and duty counsel excused. WESU ordered to make arrangements (14:17)
- The President of the Trial Chamber amended point 3) of the oral decision regarding the NUON Chea request for adjournment. (14:38)
- Witness Mr. HIM Huy excused for the evening and asked to return for the Hearing on 04 May 2016. WESU asked to make appropriate arrangements for the witness. (15:58)
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 4 May 2016 (15:59).

[Redacted]

**Order for Adjournment of Hearing**  
The hearing will resume on Wednesday 4 May 2016 at 9:00am.

Phnom Penh, 3 May 2016

Greffier

Greffier

 *[Signature]* *[Signature]*  
Mr. EM H *[Signature]* CAMPOS SANCHEZ