



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
ក្នុង ថ្ងៃ ទទួល (Date of receipt/Date de reception): 28 07 2016
ម៉ោង (Time/Heure): 14 : 30
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANUN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 May 2016

Substantive Hearing on Evidence 002/02 -Day 409

Prepared by:

Ms. Sivhoang CHEA and Mr. 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: Ms. Sivhoang CHEA; Mr. Matthew J. McCARTHY
OCP: Mr. SENG Leang; Mr. Travis FARR; Mr. Joseph ANDREW BOYLE
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; Ms. Doreen CHEN
Defence for the Accused KHIEU Samphan: Ms. Anta GUISSÉ; Mr. KONG Sam Onn
Standby Counsel for the Accused KHIEU Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Ms. Marie GUIRAUD, Mr. PICH Ang; Mr. VEN Pov; Mrs. CHET Vanly; Mr. HONG Kimsuon
Witness: Mr. HIM Huy (2-TCW-906)
Others: Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Ms. SOK Sopheakmonica (Transcriber); Ms. PICH Chariya (Transcriber); Ms. Stephanie ROUAULT (Transcriber); Mr. LOEUNG Sopheak (Transcriber); Hannah KIM (Trial Chamber Intern) Dararaeksmeay Soun (Trial chamber National Intern)

<u>General court times</u>		
Day	Start time: 8:59	Finish time: 15:50
Recess a.m.	Start time: 10:06	Finish time: 10:30
Recess	Start time: 11:26	Finish time: 13:29
Recess p.m.	Start time: 14:39	Finish time: 15:00
	Total Court Time:	4 hr 3 min

<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	9:01	9:01
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	9:01	9:02
Hearing of witness Mr. HIM Huy (2-TCW-906)	NUON Chea Defence	9:02	10:06
		10:30 13:43	11:26
	KHIEU Samphan Defence	14:29	14:29
		15:13	15:48
Oral responses to International Co-Prosecutor's request (E319/47)	Trial Chamber	13:30	13:32
	Co-Prosecutor	15:02	15:13
	KHIEU Samphan Defence	15:13	15:14

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 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. HIM Huy (2-TCW-906)

The NUON Chea Defence and the KHIEU Sasmphan Defence posed questions to witness Mr. HIM Huy (2-TCW-906).

Oral responses to International Co-Prosecutor's request (E319/47)

The Trial Chamber asked the Co-Prosecutors to provide clarification on their request to admit WRIs from ongoing Case 003 and 004 investigations, concerning the witness Mr. HIM Huy (2-TCW-906). In particular, the Co-Prosecutors were asked to specify which WRIs were subject to this request, whether these documents had already been forwarded to the Parties and the reasons for the timing of the request. The Co-Prosecutor did so after the afternoon break.

The International Co-Prosecutor clarified that the request was a Rule 87(4) filing. The

Parties were informed that the WRIs in the request with Case 002 numbers had already been disclosed to them, including those in relation to the witness. It was clarified that these WRIs were available in disclosure filings, E319/40, E319/41 and E319/46. Moreover, the Parties were informed that WRIs without Case 002 numbers were being disclosed to them through this request, including those pursuant to the Chamber's decision in E363/3 regarding the Prosecution's disclosure requirements.

The KHIEU Samphan Defence responded to the Co-Prosecutor's request by informing the Parties that they would be filing an application before the Chamber to grant them additional time to prepare for future witnesses, in lieu of the documents disclosed in the request.

New E3s

TC No.	OCIJ No.	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10603	D108/57/1	00210939- 00210939; 00210940- 00210940; 00218982- 00218982	Annex A: S-21 Security Centre	P	-	-	-

Reclassified

TC No.	OCIJ No.	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7641	D108/3/13	00162771- 00162781; 00363550- 00363562; 00363672- 00363686	Written Record of Interview of LACH Mean	P			
E3/8063.14	D108/32.2- P0014	P 00005254- 00005254; P 00005254- 00005254; P 00005254- 00005254	Photograph depicting HIM Huy	P	-	00005254	-
E3/1813	-	00742752- 00742763; 00078710- 00078966;	Book by Craig Etheson entitled "After the Killing Fields"	P	-	00078740	-

		00703458- 00703465					
E3/8386	D366/7.1.135	00002637- 00002640; 00521631- 00521634; 00532733- 00532736	S-21 (K-8): Circulations	P	00002640	00521634	00532736
E3/5793	D288/4.16.1	00325470- 00325545; 00322831- 00322927; 00325363- 00325469	Transcript of Proceedings - "Duch" Trial - 27 April 2009	P	-	-	-
E3/1136	D267/5/1.1.5	00160081- 00160081; 00543743- 00543744; 00548764- 00548764	Plan to expand rice in 1976	P	00160081	00543743	00548764

Other documents (No Change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9431	D86/16- Annex 1	00181395- 00181448; 00198028- 00198081; 00181449- 00181502	Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008 (Annex 32)	P	-	00198061	-
E3/7461	D288/4.50.1	00354102- 00354189; 00353878- 00353987; 00353988- 00354101	Transcript of Proceedings - "Duch" Trial - 16 July 2009	P	-	-	-
E3/765	D248/4.10	00376472- 00376507; 00539976- 00540007; 00540008- 00540037	Revolutionary Youth Number 10 October 1978	P	00376492- 00376493	00539994	00540024- 00540025
E3/7639	D108/3/11	00162706- 00162717; 00162729- 00162741; 00338071-	Written Record of Interview of NIM Kim Sreang	P	00162713 00162710	00162736 00162734	00338079 00338077

		00338084					
E3/849	-	00052319- 00052319; 00183956- 00183956; 00334995- 00334995	Cambodia Revolutionary Armed Force General Staff - Joint Statistics of Armed Force, March 1977	P	-	-	-
E3/833	-	00077661- 00078056; 00184579- 00184618; 00282468- 00282547,	S-21 Notebook by MAM Nai alias Chan	P	00077756	00184595	-
E3/355	D117	00239830- 00239840; 00242872- 00242882; 00239820- 00239829	Written Record of Interview of Duch by CIJ on 19-11-2008	P	-	00242875	-
E3/1570	D86/9	00154220- 00154233; 00154189- 00154203; 00154204- 00154219	Written Record of Interview of Duch by CIJ on 29-11-2007	P	00154229	00154198	00154214

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 (9:01)
- Order to take the Accused NUON Chea and KHIEU Samphan to the Detention Facility and bring them back to court for the hearing on 23 May 2016 (15:49).

Order for Adjournment of Hearing

The hearing will resume on Monday, 23 May 2016 at 9 a.m.

Phnom Penh, 5 May 2016

Greffier

Greffier

Ms. Sivhoang

Matthew J. McCARTHY

