



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGIN
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 12 / 10 / 2016
ម៉ោង (Time/Heure): 11:30
អ្នកផ្ញើឯកសារសំណុំរឿង/Case File Officer/L'agent ch du dossier: SAMVADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 September 2016
Substantive Hearing on evidence - Day 457

Prepared by:
SE Kolvuthy and Evelyn CAMPOS SANCHEZ

Attendance Record
Before: Judge YA Sokhan (President); Judge Jean-Marc LAVERGNE; Judge Claudia FENZ; Judge YOU Ottara; Judge THOU Mony
Reserve Judges: Judge Martin KAROPKIN
Greffier/s: Ms. Evelyn CAMPOS SANCHEZ; Mrs. SE Kolvuthy
OCP: Mr. Vincent de Wilde d'Estmael; Mr. Joseph Andrew BOYLE; Ms. Nisha PATEL; Mr. SENG Leang
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan
Defence for the Accused Nuon Chea: Mr. SON Arun; Mr. Liv SOVANNA; Ms. Doreen CHEN
Defence for the Accused Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSÉ
Standby Counsel for the Accused Khieu Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Ms. Ty Srinna; Mr. LOR Chunthy; Mr. VEN Pov; Ms. CHET Vanly
Civil Party: Ms. HENG Lai Heang (2-TCCP-251)
Others: Mr. UCH Arun (Court Officer); Mrs. SOUR Sotheavy (Associate Court Officer); Mr. VAT Somao (Transcriber); Ms. Georgina QUINTON SMITH (Trial Chamber Intern); Mr. KEO Vath (Support staff); Mr. NOU Monoroath (Transcriber); Mr. Sheriffo JAMMEH (Transcriber); Ms. SREY Nak (Transcriber); Mr. KHEAV Mady

<u>General court times</u>		
Day	Start time: 09.08	Finish time: 16.17
Recess am	Start time: 10.10	Finish time: 10.30
Recess	Start time: 11.38	Finish time: 13.30
Recess pm	Start time: 14.44	Finish time: 15.03
	Total Court Time:	4 hours and 36 Minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Substantial Hearing	Trial Chamber , Greffier	09.08	09.10
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	09.10	09.12
Hearing of Civil Party HENG Lai Heang (2-TCCP-251) by video-link	Trial Chamber	09.13	09.17
		14.21	14.44
	Lead Co-Lawyers for the Civil Parties	09.18	11.02
	Co-Prosecutor	11.02	11.37
	NUON Chea Defence	13.30	14.20
	KHIEU Samphan Defence	15.03	16.10
	Victim Impact Statement	16.10	16.16
Oral ruling on NUON Chea Defence request under Internal Rule 87(4) to admit four documents into evidence (E416)	Trial Chamber	10.30	10.34

Summary of Proceedings

Opening of the Substantive Hearing

The Trial Chamber declared the opening of the hearing and requested the Greffier to check the attendance of the parties to the hearing. The Greffier confirmed that all parties were present, except Mr. Victor KOPPE, International Defence for NUON Chea was absent for personal reasons. The accused NUON Chea waived his right to be present in the courtroom.

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 Civil Party HENG Lai Heang (2-TCCP-251) by Video-Link

The Lead Co-Lawyers for the Civil Parties, Office for the Co-Prosecutor, Defence for NUON Chea, Trial Chamber and Defence for KHIEU Samphan posed questions to Civil Party HENG Lai Heang.

Oral ruling on NUON Chea Defence request under Internal Rule 87(4) to admit four

documents into evidence (E416)

The Trial Chamber is seised of an Internal Rule 87(4) request filed by the NUON Chea Defence on 22 June 2016 to admit four documents into evidence, that is Document **E416**.

The request seeks to admit the following documents:

- (1) Transcripts of interviews with four anonymous witnesses, conducted by Mr. Robert LEMKIN (2-TCW-877) and Mr. Thet SAMBATH (2-TCW-885) for their film “Enemies of the People” (Document **F2/4/3/3/6.2**);
- (2) Notes written by Mr. LEMKIN related to these interviews (Document **F2/4/3/3.1**);
- (3) Mr. LEMKIN’s written record of interview before the Supreme Court Chamber (Document **F2/4/3/1**), and
- (4) An article published by the *Cambodia Daily Weekend* on 18 June 2016 (Document **E416/3.1.2**)

On 28 June 2016, the Co-Prosecutors filed a response to the request, that is Document **E416/1**, and the Lead Co-Lawyers filed a response on 4 July 2016, that is Document **E416/2**. The NUON Chea Defence replied to the Co-Prosecutors’ response on 5 July 2016, that is Document **E416/3**.

Having considered the submissions by the Parties, the Trial Chamber finds that Mr. LEMKIN’s written record of interview, Document **F2/4/3/1**, has already been admitted into evidence in Case 002/02 under Document Number **E3/9620**. The request in relation to this document is therefore moot.

With respect to the Transcripts, that is Document **F2/4/3/3/6.2**, the Chamber admits into evidence only the interview of the witness identified as W2, who is believed to be TOAT Thoeun (2-TCW-829) according to the Supreme Court Chamber decision F2/9. The Chamber therefore admits this excerpt of the Transcripts, that is Document F2/9.2, and assigns it Document Number E3/10665.

The Chamber denies the remainder of the NUON Chea Defence request in its entirety, with written reasons to follow.

New E3s

TC No		ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10665	F2/9.2	01168433- 01168486 01156796- 01156827 /	Annex 2: Interviews of TOAT Thoeun with TETH Sambath and Robert LEMKIN, 21 October 2015	P	/	/	/

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/436	/	00405484- 00405495 00414561- 00414572 00424142- 00424153	Written record of interview of Civil Party HENG Lai Heang/SA Lai Heang	P	00405490 00405491 00405488 00405489 00405487 00405494	00414567 00414568 00414585 00414566 00414564 00414671	00424148 / 00424146 00424147 00424145 00424152

Other documents (No change)

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/10604	/	/ 01222328- 01222936 /	Annex 2: OCIJ S-21 Prisoners List 31 March 2016	P	/	01222336	/
E3/765	/	00376472- 00376507 00539976- 00540007 00540008- 00540037	Revolutionary Youth Number 10 October 1978	P	00376493- 4	00539994	00540024- 5

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 (09.12).
- Order admitting one document F2/4/3/3/6.2 into evidence in accordance with Internal Rule 87(4) as document number E3/10665 (10.34).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 20 September 2016 (16.17).

Orders for Adjournment of Hearing
The hearing will resume on 20 September 2016 at 9:00am. <i>SD</i>

Phnom Penh, 19 September 2016

Greffier

Greffier



SE Kolvut

CAMPOS SANCHEZ