



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 02 / 12 / 2016
ម៉ោង (Time/Heure) : 13:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង, Case File Officer/L'agent chargé SANN RADA

002/19-09-2007-ECCC/TC  
E1/471

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**  
**PUBLIC**  
Case File N° 002/19-09-2007-ECCC/TC

8 September 2016  
Substantive Hearing on evidence – Day 452

Prepared by:  
Mrs. SE Kolvuthy and Mr. Harshan ATHURELIYA

<b>Attendance Record</b>		
Before: Judge YA Sokhan (Presiding); Judge Jean-Marc LAVERGNE; Judge Claudia FENZ; Judge YOU Ottara; Judge THOU Mony		
Reserve Judges: Judge Martin KAROPKIN		
Greffier/s: Mrs. SE Kolvuthy, Mr. Harshan ATHURELIYA		
OCP: Mr. Vincent DE WILDE D'ESTMAEL; Ms. SONG Chorvoin		
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan		
Defence for the Accused Nuon Chea: Mrs. Doreen CHEN; Mr. Liv SOVANNA		
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; Mr. LOR Chunthy; Mr. Hong Kimsuon; Ms. Martine JACQUIN; Ms. SIN Soworn		
Others: Mr. UCH Arun (Court Officer); Mr. LONH Nget (Transcriber); Mrs. SAM Makara (Transcriber); Ms. McRae Alison DUNBAR (Trial Chamber Intern); Mr. KEO Vath, Mr. SOK Sopheak		
<b>General court times</b>		
Day	Start time: 9:01	Finish time: 11:36
Recess am	Start time: 10:12	Finish time: 10:30

Recess	Start time: n/a	Finish time: n/a
Recess pm	Start time: n/a	Finish time: n/a
	Total Court Time:	2 hours and 7 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Opening of Hearing	Trial Chamber , Greffier	9:01	9:03
NUON Chea Defence request to follow the proceedings from the holding cell	NUON Chea Defence	9:03	9:06
Key Documents Presentation	KHIEU Samphan Defence	9:06	10:49
Submissions regarding OCP's Internal Rules 87(3) and 87(4) proposal for additional Civil Party 2-TCCP-1063 and admission of evidence (E436)	Lead Co-Lawyer for the Civil Parties	10:51	10:52
	NUON Chea Defence	10:52	10:52
	KHIEU Samphan Defence	10:53	10:59
	Co-Prosecutor	11:00	11:08
Submissions on proposed Trial Chamber schedule prior to Pchum Ben recess	NUON Chea Defence	11:10	11:15
	Co-Prosecutor	11:15	11:17
	Lead Co-Lawyer for the Civil Parties	11:18	11:22
	KHIEU Samphan Defence	11:22	11:25
Submissions regarding the Trial Chamber's proposal to call additional Civil Party 2-TCCP-1064	Co-Prosecutor	11:27	11:29
	Lead Co-Lawyer for the Civil Parties	11:29	11:31
	NUON Chea Defence	11:32	11:33
	KHIEU Samphan Defence	11:33	11:35

### Summary of Proceedings

#### Opening of hearing and report on attendance of the Parties

The President 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 Ms. Marie GUIRAUD, International Lead Co-Lawyer for Civil Party was absent for personal reasons. The accused NUON Chea was 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.

#### Key Documents Presentation

The KHIEU Samphan Defence responded to the Key Documents Presentation conducted on 12 August 2016.

#### OCP proposal to call additional Civil Party 2-TCCP-1063 and admit evidence (E436)

The Chamber heard submissions from the Lead Co-Lawyer for the Civil Parties who submitted that the Civil Party had relevant evidence to give and did not oppose the

proposal. The NUON Chea Defence made no submissions. The KHIEU Samphan Defence opposed the proposal on the basis of lack of timeliness. The Co-Prosecutor submitted that statements were relevant to the role of the accused in the closing order and the prejudice caused by the delay would not be significant.

**Trial Chamber proposal regarding scheduling**

The Chamber heard submissions from the parties regarding the scheduling of witnesses prior to the Pchum Ben recess. The NUON Chea Defence indicated that a short filing was anticipated regarding 2-TCW-959 and that should 2-TCE-83 not be called by the Trial Chamber, they would request that Steve HEDER and Stephen MORRIS be called as experts. Counsel would also file a written submission requesting the appearance of Patrick HEUVELINE. The Co-Prosecutor submitted that it would be ready for the witnesses. The Lead Co-Lawyer for the Civil Parties left scheduling to the wisdom of the chamber and noted health issues for 2-TCCP-264 and 2-TCCP-251. The KHIEU Samphan Defence asked for a tentative list of likely witnesses for the remainder of the trial. The Trial Chamber indicated that it would advise the outcome.

**Trial Chamber proposal to call additional Civil Party 2-TCCP-1064**

The Chamber announced its proposal to call an additional Civil Party 2-TCCP-1064 on the topic of Regulation of Marriage. The Co-Prosecutor and Lead Co-Lawyer for the Civil Parties supported the proposal. The NUON Chea Defence made no submissions regarding the probative value of the evidence but requested time to prepare. The KHIEU Samphan Defence noted the lack of timeliness of the proposal and requested that they be given time to prepare. The Trial Chamber indicated that it would advise the outcome.

**New E3s**

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/106 70	E319/57 .2.7	0111842 7- 0111843 2, 0119062 0- 0119062 5	Supplementary Information	C	/	/	/

**Other/ No Change**

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
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E3/378	D122/2 2	00349536- 00349547 00345540- 00345544 00342202- 00342205	Written record of interview of Mrs. THUCH Sithan dated 10-06-2009	P	00349538	00345541	00342203
E3/20	/	00231987- 00232710 00237694- 00238316 00638281- 00638721	Book by Elizabeth BECKER entitled "When the War was Over: Cambodia and the Khmer Rouge Revolution"	P	/	/	/
E3/420 2	/	00858214- 00858410 and 00920122- 00920144 00757471- 00757568 00849349- 00849484	Book by Gina CHON and THET Sambath, entitled "Beyond the Killing Fields: Khmer Rouge leader and one of his victims'	P	0085825 4	0075749 6	00849378
E3/158 6	/	00291025- 00291028 00079209- 00079818 00617790- 00617806	United Nations General Assembly	P	Para 45	Para 45 0007981 3	00617797 Para 60 00617795 Para 45
E3/215	D243/2 .1.19	00064586- 00064621 00488614- 00488640 00524063- 0064621	CPK Magazine entitled: "The Revolutionary Flag" Issue 9, September 1978	P	0006461 7	0048863 7	00532093
E3/723 3R	/	V0100396 8- V0100396 8	Red Wedding, DVD, directed by Lida Chan and Guillaume Suon	P	/	0016865 1	/

E3/290	D262.3 5	00701740- 00701751, 00896405- 00896406 00168611- 00168721	Foreign Broadcast Information Service collection of reports for October 1977	P	/	/	00168651
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E3/686	D35684	00644682- 00644688 00030339- 00030364 00599779- 00599811	SWB titled "Interviews with Democratic Kampuchea Leader on Population Policy and Struggle with Vietnam" dated 2 November 1981	P	00644682	00030349	00599792
E3/25	D243/2 .1.9	00063000- 00063058 00491394- 00491438 00504014- 00504066	CPK Magazine entitled: "The Revolutionary Flag" special issue December 1976-January 1977	P	00063054	00491435	00504063
E3/562	D108/2 8.240	00249989- 00249994 S0001055 8- S0001056 9 00280373- 00280388	International Media Report "Phnom Penh Rally Marks 17 April anniversary"	P	00249991	S0001056 5	00280381- 00280382
E3/16	/	00380221- 00380560 00498220- 00498306 00643822- 00643913	KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea" Reahu, 10-2007	P	00380467	/	00639883

E3/9	/	00755579 - 00755583 and 01169731 - 01169811 and 01312394 - 01312488 and 01313415 - 01313604 00396177 - 00396757 00639445 - 00640068	Phillip SHORT's book entitled "Pol Pot: The History of a Nightmare"	P	/	00396533 - 00396534	0063988 3
E3/750	D243 /2.1. 21	00522451 - 00522479 , 00063601 - 00063639 , 00525846 - 00525879 ,	CPK Magazine entitled: "Revolutionary Youth" Issue 11, November 1975	P	0006361 6	00522461	0052585 8

E3/730	/	00063712 - 00063754 , 00184246 - 00184255 , 00363422 - 00363455 , 00403302 - 00403334	Revolutionary Youth Number 12 December 1975	P	0006430 9	00392451	0061152 7
E3/765	/	00376472 - 00376507 00539976 - 00540007 00540008 - 00540037	Revolutionary Youth Number 10 October 1978	P	Number 6	Number 6	Number 6
E3/109 4	D2- 15.30	00143603 - 00143617 00143618 - 00143630 and 00315368 - 00315383 00593523 - 00593538	To respected Angkar from M401	P	/	/	/

E3/109 2	D2/1 5.20	00143575 - 00143580 00143581 - 00143581 and 00289921 - 00289924 00611446 - 00611450	To respected Angkar from M401	P	0014357 9	00289924	0061144 9- 0061145 0
E3/399 3	E109 /2.3. 1	00923051 - 00923055 00922105 - 00922108 00751297 - 00751552	Book by Raoul Marc Jennar entitled "KHIEU Samphan and les Khmers rouges"	P	/	/	/
E3/281 3	D222 /1.13	00633833 - 00633855 00632939 - 00632948 00395254 - 00395693	Book by NORODOM Sihanouk entitled "Prisonnier des Khmers Rouges"	P	0063284 3- 0063284 4	00632939	0039535 3
E3/106 20	E319 /40.4 .21	01115751 - 01115768 01147794 - 01147815	Written record of interview witness [redacted]	C	Q 578, 79, 81- 84, 90 92	Q 578, 79, 81-84, 90 92	/
E3/900 0	/	00992171 - 00992234	The Mystery of Sexual Violence Under the Khmer Rouge Regime	P	/	00992194	/



E3/957 5	E319/ 19.3.1 4	00996489 - 00996511 01025286 - 01025309 01114035 - 01114052	Written record of interview of [redacted]	C	0099649 0 Q 57, 58, 73, 76	01025287 Q 57, 58, 73, 76	0114036 Q 57, 58, 73, 76
E3/980 8	E319/ 19.3.2 06	01037170 - 01037183 01053942 - 01053958 01137869 - 01137880	Written record of interview of [redacted]	C	Q 73, 74, 77, 78, 79	Q 73, 74, 77, 78, 79	Q 73, 74, 77, 78, 79
E3/966 2	E319/ 21.3.9	01045645 - 01045661 01057756 - 01057776 01128440 - 01128453	Written record of interview of civil party [redacted]	C	Q 31	Q 31	Q 31
E3/979 0	E319/ 13.3.4 3	00977059 - 00977074 00986706 - 00986724 00980511 - 00980524	Written record of interview of civil party [redacted]	C	Q 92-93	Q 92-93	Q 92-93
E3/982 0	E319/ 19.3.1 95	01029951 - 01029968 01050558 - 01050578 01128332 - 01128346	Written record of interview of [redacted]	C	/	/	/

E3/363	D125 /147	00236031	Written Record of Interview of SIM Hao	P	/	/	/
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		00236036					
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		00239065					
		-					
00239070							
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		00269894					
		-					
		00269899					

**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 (09.06).
- Order to take the Accused to the Detention Facility and bring them back to court for the Hearing on 13 September 2016 (11:36).

**Orders for Adjournment of Hearing**

The hearing will resume on 13 September 2016 at 9:00am. *SP*

Phnom Penh, 8 September 2016

Greffier

Greffier

*SE Kolvut*  *Harshan ATHURELIYA*