



**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

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... ១២ / 12 / 2016 .....
ពេលវេលា (Time/Heure): ..... 16 h 10 .....
មន្ត្រីបម្រើឯកសារ/Case File Officer/L'agent chargé ..... S. ANN PAO .....

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

9 December 2016  
Trial Day 490

Prepared by:  
Ms. Sivhoang CHEA and Ms. Maddalena GHEZZI

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President); Judge YA Sokhan; Judge Jean-Marc LAVERGNE; Judge Thou Mony; Judge Claudia FENZ.
<b>Reserve Judges:</b> Judge Martin KAROPKIN (Reserve).
<b>Greffiers:</b> Ms. Sivhoang CHEA; Ms. Maddalena GHEZZI.
<b>OCP:</b> Mr. Nicholas KOUMJIAN; Mr. SREA Rattanak.
<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.
<b>Defence for the Accused Khieu Samphan:</b> Ms. Anta GUISSÉ.
<b>Standby Counsel for the Accused Khieu Samphan:</b> Ms. TOUCH Voleak; Mr. Calvin SAUNDERS.
<b>Civil Parties:</b> Ms. Marie GUIRAUD; Mr. LOR Chunthy; Mr. PICH Ang; Mrs. SIN Soworn; Mrs. TY Srinna.
<b>Witness:</b> (2-TCW-971) with Duty Counsel Mr. MOEURN Sovann.
<b>Others:</b> Mr. UCH Arun (Court Officer); Mr. MEACH Sovanna (Transcriber); Mr. LONH Nget (Transcriber); Ms. Tereza TUPA (TC Intern).

<u>General court times</u>		
Day	Start time: 9:03	Finish time: 11:00
Recess am	Start time: 10:20	Finish time: 10:57
Recess	Start time: /	Finish time: /
Recess pm	Start time: /	Finish time: /
	Total Court Time:	1'20"

<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	9:03	9:06	
NUON Chea Defence Request to follow the proceedings from the holding cell	NUON Chea Defence	9:06	9:07	
Oral Submissions in relation to Document E319/43.3.7	Trial Chamber	9:07	9:09	
	KHIEU Samphan Defence	9:09	9:12	
	NUON Chea Defence	9:12	9:12	
	Co-Prosecutors	9:12	9:12	
	Lead Co-Lawyers for Civil Parties	9:12	9:12	
Oral Submissions in relation to Documents from Professor Heynowski (E443/2)	KHIEU Samphan Defence	9:13	9:15	
		Trial Chamber	9:16	9:20
			9:31	9:32
			9:40	9:40
	Co-Prosecutors		9:45	9:46
			9:20	9:22
			9:39	9:40
	Lead Co-Lawyers for the Civil Parties		9:41	9:42
			9:22	9:23
			9:32	9:33
NUON Chea Defence		9:40	9:40	
		9:23	9:31	
		9:38	9:39	
		9:41	9:41	
KHIEU Samphan Defence		9:33	9:38	
		9:42	9:45	
Hearing of Witness 2-TCW-971	Trial Chamber	9:47	9:53	
	NUON Chea Defence	9:53	10:20	

### Summary of Proceedings

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

The President opened the proceedings and informed the Parties that Judge YOU Ottara is

absent due to urgent matters. Judge THOU Mony was appointed to replace Judge YOU Ottara, pursuant to Internal Rule 79(4). The Greffier further informed the Trial Chamber that all Parties were present, except Mr. KONG Sam Onn, who 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.

**Oral Submissions in relation to Document E319/43.3.7**

The Trial Chamber heard oral submissions from all parties in relation to request made by KHIEU Samphan Defence pursuant to Rule 87(4) to admit into evidence document E319/43.3.7.

**Oral Submissions in relation to Documents from Professor Heynowski**

The Trial Chamber heard oral submissions from all parties in relation to documents obtained from Professor Heynowski (E443/2).

**Hearing of the Witness (2-TCW-971)**

Questions were put to the Witness by the NUON Chea Defence.

**Other documents (No Change)**

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/9593	E319.1.9	00968028- 00968041 00978765- 00978780 00977909- 00977922	Written Record of Interview of [Redacted]	C	0096802900968030 00968037 00968030- 00968031 00968034 00968039	00978766 00978767 00978775 00978768 00978771 00978778 00978772	00977910 00977911 00977917- 00977918 00977911- 00977912 00977914 00977920 00977915
E3/10750	E319/52.2.19	01184392- 01184420 01207662- 01207688	Written Record of Interview of [Redacted]	C	01184396 01184407	01207666 01207677	/

**Oral Orders/Decisions:**

- Decision to have Judge Mony to substitute Judge Ottara in his absence pursuant Internal Rule 79 (4) (9:03).
- 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 (9:07).
- Order to take the two Accused to the Detention Facility and bring them back to court for the Hearing on 12 December 2016 (11:00).

**Order for Adjournment of Hearing**

The hearing will resume on Monday 12 December 2016 at 9:00 am.

Phnom Penh, 9 December 2016

Greffier

Greffier

Ms. Sivhoang

Maddalena GHEZZI

