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E387/2

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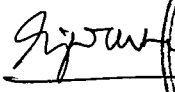
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Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens


Kingdom of Cambodia
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TRIAL CHAMBER

TO: All Parties, Case 002 **Date:** 10 March 2016

FROM: NIL Nonn, President of the Trial Chamber 

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer 

SUBJECT: Decision on NUON Chea Defence and KHIEU Samphan Defence Internal Rule 87(4) requests related to the testimony of expert Alexander HINTON (2-TCE-88)

1. The Trial Chamber is seised of an Internal Rule 87(4) request from the NUON Chea Defence (“NUON Chea Request”) to admit 17 documents related to the upcoming testimony of Alexander HINTON (2-TCE-88), filed 3 March 2016 (E387). The Chamber is also seised of the KHIEU Samphan Defence’s Internal Rule 87(4) request (“KHIEU Samphan Request”) to admit six documents related to Mr. HINTON’s expected testimony, filed 4 March 2016 (E387/1). The Chamber heard the oral responses to these motions during court proceedings on 7 March 2016.
2. The Chamber notes that both the NUON Chea Defence and the KHIEU Samphan Defence filed corrections affecting the numbering of the annexes to the NUON Chea Request and the KHIEU Samphan Request. In the instant decision, the Chamber uses the corrected annex numbers.
3. With respect to the NUON Chea Request, the Trial Chamber partially grants the request and admits into evidence the following documents (newly assigned document numbers in brackets):
 - a. E387.1.1 (E3/9702) – Alexander HINTON curriculum vitae;
 - b. E387.1.3 (E3/9703) – “Mapping the Great Famine”, Volodymyr Dibrova, *Ukrainian Weekly*, 30 June 2013;

- c. E387.1.2 (E3/9704) – “Anthropology, Cultural”, *Encyclopedia of Genocide and Crimes against Humanity*;
- d. E387.1.4 (E3/9705) – DC-Cam, “Board of Directors and Advisors”;
- e. E387.1.5 (E3/9706) – “Cambodian Genocide Memory Project”, Center for the Study of Genocide and Human Rights;
- f. E387.1.6 (E3/9707) – “Director’s Welcome”, Center for the Study of Genocide and Human Rights;
- g. E387.1.7 (E3/9708) – “Hinton helped bring one of two major American archives of Khmer Rouge-related documents to the R-N campus in 2005”, *Have You Met Rutgers-Newark?*;
- h. E387.1.8 (E3/9709) – Alexander HINTON profile, Rutgers University College – Newark website;
- i. E387.1.9 (E3/9710) – “Begrudgement, Reconciliation, and the Khmer Rouge”, Alex Hinton, *Magazine of Documentation Center of Cambodia*, No. 20, August 2001;
- j. E387.1.10 (E3/9711) – “Why did they kill? (1)”, Alex Hinton, *Phnom Penh Post*, 7 October 2005;
- k. E387.1.11 (E3/9712) – “Opinion: Is there justice in Cambodia?”, Alex Hinton, *Phnom Penh Post*, 27 June 2011;
- l. E387.1.12 (E3/9713) – “Time running out for Khmer Rouge tribunals”, Tom Fawthrop, *Al-Jazeera English*, 22 April 2013;
- m. E387.1.13 (E3/9714) – “Transitional justice time: Uncle San, Aunty Yan, and outreach at the Khmer Rouge Tribunal”, Alexander Laban Hinton, *Genocide and Mass Atrocities in Asia: Legacies and Prevention*, 2013;
- n. E387.1.14 (E3/9715) – “Justice and Time at the Khmer Rouge Tribunal: In Memory of Vann Nath, Painter and S-21 Survivor”, Alexander Laban Hinton, *Genocide Studies and Prevention: An International Journal*, 2014;
- o. E387.1.17 (E3/9716) – “Limits of Memory”, The New School – University Events website.

4. The Chamber rejects the NUON Chea Request with respect to documents E387.1.15 (“Problems of International Codification – Were the Atrocities in Cambodia and Kosovo Genocide?”, William A. Schabas, *New England Law Review*, 2001) and E387.1.16 (“Seeking justice for the killing fields”, Alex Hinton, *New York Times*, 31 May 2006).

5. With respect to the KHIEU Samphan Request, the Trial Chamber admits into evidence the following documents:

- a. E387/1.3 (E3/9717) – “Yes, indeed! Why did they kill (so many)?”, Henri Locard, *Phnom Penh Post*, 9 September 2005;
 - b. E387/1.5 (E3/9718) – “Why did they kill? Genocide definition debate continues”, Alex Hinton, *Phnom Penh Post*, 2 December 2005;
 - c. E387/1.6 (E3/9719) – “Defining genocide”, Alex Hinton, *Phnom Penh Post*, 27 January 2006.
6. The Chamber notes that E387/1.1, E387/1.2 and E387/1.4 have been admitted into evidence at paras 3.a., 3.i., and 3.j. – respectively, E3/9702, E3/9710, and E3/9711.
7. Written reasons for this decision will be issued in due course.