



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
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ម៉ោង (Time/Heure) : ១២០

មន្ត្រីទទួលបន្ទុកសំណុំរឿង , Case File Officer/L'agent chargé
du dossier: **SANN ROPA**

E1/486

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
19 October 2016
Trial Day 467

Prepared by:
Mr. EM Hoy and Mr. Roger PHILLIPS

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| Attendance Record |
| Before: Judge NIL Nonn (President); Judge YA Sokhan; Judge YOU Ottara; Judge Claudia FENZ; Judge Jean-Marc LAVERGNE |
| Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve) |
| Greffiers: Mr. EM Hoy; Mr. Roger PHILLIPS |
| OCP: Ms. SONG Chorvoin; Mr. Nicholas KOUMJIAN |
| 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 |
| 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. HONG Kimsuon; Ms. Marie GUIRAUD |
| Witness: 2-TCE-98 (Mr. Stephen John MORRIS) |
| Others: Ms. SOUR Sotheavy (Associate Court Officer); Mr. UCH Arun (Court Officer); Ms. SAM Makara (Transcriber); Ms. SREY Nak (Transcriber); Mr. LONH Nget (Transcriber); Mr. NOU Monorath (Transcriber); Mr. KEO Vath (Support Staff); Ms. Anne-Catherine STANDAERT (Trial Chamber Intern) |

| <u>General court times</u> | | |
|----------------------------|-------------------|--------------------|
| Day | Start time: 9:02 | Finish time: 16:01 |
| Recess am | Start time: 10:13 | Finish time: 10:33 |
| Recess | Start time: 11:48 | Finish time: 13:34 |
| Recess pm | Start time: 14:45 | Finish time: 15:02 |
| | Total Court Time: | 4 hours 36 minutes |

| <u>Proceedings</u> | | | |
|---|------------------------------------|---------------|----------------|
| Type of Issue | Raised By | Start time | Finish time |
| Opening of Hearing and report on attendance of the Parties | Trial Chamber, Greffier | 9:02 | 9:02 |
| NUON Chea Defence Request to follow the proceedings from the holding cell | NUON Chea Defence | 9:02 | 9:03 |
| | Trial Chamber | 9:03 | 9:04 |
| Hearing of Expert 2-TCE-98 (Mr. Stephen John MORRIS) | NUON Chea Defence Co-Prosecutor | 9:04 13:34 | 11:47 16:00 |
| Oral ruling regarding additional time for the hearing of Expert 2-TCE-98 requested by NUON Chea Defence | Trial Chamber | 10:33 | 10:34 |

| <u>Summary of Proceedings</u> |
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| <p><u>Opening of hearing and report on attendance of the Parties</u> The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present, with the Accused NUON Chea present in the holding cell.</p> <p><u>NUON Chea Defence request to follow the proceedings from the holding cell</u> The Trial Chamber granted NUON Chea's request to waive his right to be present in courtroom and to follow the proceedings from the holding cell.</p> <p><u>Hearing of Expert 2-TCE-98 (Mr. Stephen John MORRIS)</u> Questions were put to the Expert by the NUON Chea Defence, followed by the Co-Prosecutors.</p> <p><u>Oral ruling regarding additional time for the hearing of Expert 2-TCE-98</u> The Trial Chamber granted the request from the NUON Chea Defence for additional time to question the Expert 2-TCE-98. Until 11:45 AM, the NUON Chea Defence was allowed to ask questions to the Expert.</p> |

Reclassified Document

| TC No | OCIJ No | ERN (KH, ENG, FR) | Title | Class | Note in Khmer | Note in English | Note in French |
|---------|---------|---|---|-------|---------------|-----------------|----------------|
| E3/1407 | | S 00657396-00657406 S 00008679-00008684 S 00687047-00687052 | International Media Report entitled "Teng Ying-chao's Visit to Cambodia" (BBC SWB) | P | S00657406 | S00008683 | S00687052 |
| E3/749 | | 00399100-00399165 00532681-00532703 00593936-00593961 | CPK Magazine entitled: "Revolutionary Youth" Issue 8, August 1975 (FULL) | P | 00399114 | 00532686 | / |
| E3/884 | | 00001237-00001239 00182762-00182765 00386257-00386259 | Telegram no 68 : To beloved and missed Office 89 about Kampuchea-Vietnam 's aggression on 30/8/77 | P | 00001237 | 00182762 | 00386257 |
| E3/2270 | | 00086738-00086738 00784584-00784584 00810094-00810094 | S-21 Prisoner List containing names of prisoners from the MFA | P | 00086738 | 00784584 | 00810094 |
| E3/878 | | 00001264-00001265 00182770-00182770 00611722-00611723 | Chhean 's telegram no 46 reported to Brother about the aggression of Khmer military on Vietnam border | P | 00001264 | 00182770 | / |
| E3/880 | | 00001258-00001260 00182767-00182768 00623013-00623015 | Telegram 56: To respected and beloved brother about Sun send letter read : | P | 00001258 | 00182766 | 00623013 |
| E3/884 | | 00001237-00001239 00182762-00182765 00182762-00182765 | Telegram no 68 : To beloved and missed Office 89 about Kampuchea-Vietnam 's aggression on 30/8/77 | P | 00001237 | 00182762 | 00386257 |

Other Documents (No Change)

| <i>TC No</i> | <i>OCIJ No</i> | <i>ERN (KH, ENG, FR)</i> | <i>Title</i> | <i>Class</i> | <i>Note in Khmer</i> | <i>Note in English</i> | <i>Note in French</i> |
|--------------|----------------|---|---|--------------|--|--|--|
| E3/7335 | | 01169665- 01169727 01001635- 01001656 01214513- 01214536 | Attachment 2: UN Security Council Official records 2108 th meeting 11 January 1979 | P | / | 01001643 | 01214522 |
| E3/2376 | | 00191296- 00191815 00192169- 00192666 00236900- 00237256 | Book by NAYAN Chanda entitled "Brother Enemy: The War after the War" | P | 00191609 00191634 00191635 00191580 00191604 0019139596 00191529 00191530531 00191552 00191415 00191402 00191555 00191556 001914539 00191527 | 00192449 00192472 00192401 00192588 00192446 00192266 00192381 00192383 00192402 00192282 00192272 00192405 00192391 00192380 | 00237119 00237136 00237080 00237116 00236977 00237064 00237065 00237080 00236990 00236981 00237083 00237084 00237072 00237063 |

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|---------|---|--|-----|----------------------|--|----------------------------------|
| E3/7338 | 01001657- 01001985 | Attachment 4: Stephen J Morris Why Vietnam Invaded Cambodia Political Culture and the Causes of War | P / | | 01001817 01001773 01001795 01001692 01001876 01001878 01001720 01001721 01001722 01001723 01001734 01001762 01001779 01001674 01001675 01001748 01001747 01001772 01001881 01001765 01001766 01001768 01001769 01001770 01001910 01001774 | |
| E3/799 | 00083157- 00083160 00184777- 00184781 00323914- 00323917 | Note of Committee Division 920 Meeting : Report about enemy situation and our situation | P | 00083157 00083160 | 00184777 00184781 | 00323914 00323917 |
| E3/221 | 00000810- 00000826 00182693- 00182705 00386175- 00386175 | Observing the Vietnamese reaction in the meeting on 14/5/76 | P | 00000813 | 00182696 | 00386178 |
| E3/887 | 00021448- 00021448 00185223- 00185223 00283096- 00283096 | Telegram through Koulam to Uncle 89 about Night in 22-01-1976 Yuon fought our patrol in front and behind in our camp | P | 00021448 | 00185223 | 00283096 |
| E3/2370 | 00251353- 00251356 00187375- 00187397 00344726- 00344748 | Vietnam-Cambodia Conflict dated 04 October 1978 | P / | | 00187396 00187397 00187389 | 00344747 00344748 00344740 |

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|---------|---|---|---|----------------------------------|----------------------------------|-----------------------|
| E3/4202 | 00858214- 00858410 00757471- 00757568 00849349- 00849484 | Book by GINA Chon and THET Sambath entitled "Behind the killing fields: a Khmer Rouge leader and one of his victims" | P | / | 00757521 | 00849415 |
| E3/196 | 00224457- 00224481 00762391- 00762408 00280665- 00280679 | [Corrected 1] Statement of the Communist Party of Kampuchea to the Communist Worker's Party of Denemak, July 1978 | P | 00224473 00224474 | 00762402 | 00280675 |
| E3/18 | 00103802- 00103899 00103717- 00103801 00595365- 00595529 | Booked by KHIEU Samphan entitled: "Cambodia's recent history and the reasons behind the decisions I made" | P | 00103849 00103850 | 00103759 00103760 | 00595446 00595447 |
| E3/882 | 00001248- 00001251 01313132- 01313136 00386253- 00386256 | To beloved Office 81 about a number of situation concerning Cambodian-Vietnamese border | P | 00001248- 00001251 | 01313132- 01313136 | 00386253- 00386256 |
| E3/1593 | 00637356- 00638099 01149978- 01150245 00638722- 00639444 | Book by Ben Kiernan entitled "The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79" | P | 00637942 00637943 | 01150201 01150202 | 00639168 00639169 |
| E3/9644 | 01120065- 01120101 01085963- 01086001 01125296- 01120101 | The Khmer Rouge and the Vietnamese Communists: A history of their relations as told in the Soviet archives | P | 01120075 01120098 01120099 | 01085974 01085975 01085999 | 01125304 01125322 |
| E3/4202 | 00858214- 00858410 00757471- 00757568 00849349- 00849484 | Book by GINA Chon and THET Sambath entitled "Behind the killing fields: a Khmer Rouge leader and one of his victims" | P | 00858293 00858279 | 00757511, 00757506 | 00849403 00849394 |
| E3/1757 | 00396894- 00397284 | Book by VICKERY Michael, Cambodia 1975-1982 | P | / | 00396945 | / |

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|----------|----------|---|--|---|----------------------|----------------------|----------------------------------|
| E3/20 | | 00231987- 00232710 00237694- 00238316 00638281- 00638721 | Book by Elizabeth Becker entitled "When the war was over" | P | 00232350 00232392 | 00237970 00238002 | 00638524 00638525 00638555 |
| E3/10709 | E435.1.8 | 01323954- 01329955 | Attachment 8: 'Samdech Norodom Sihanouk Denounces Viet Nam's Aggression' Beijing Review, 12 Jan 1979 | P | - | 01323954 | |
| E3/10699 | | 01335024- 01335238 | Attachment 1: Stephen J. Morris, 'The Origins of the Soviet-Vietnamese Alliance', Doctoral Dissertation, Columbia University, 1987 | P | | 01335197 | |

Oral Orders/Decisions:


- 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. (9:04)
- Order to take the Accused KHIEU Samphan to the detention facility and bring him back to court for the hearing at 1:30 PM. (11:47)
- Order to take the two accused, NUON Chea and KHIEU Samphan, back to the detention facility and have them returned to attend the proceedings on Thursday 20 October 2016 before nine o'clock. (16:01)

Order for Adjournment of Hearing

Hearing will Resume on Thursday 20 October 2016 at 9:00am

Phnom Penh, 19 October 2016

Greffier


Mr. EM Hoy


Greffier


Mr. Roger PHILLIPS