



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

08 08 2013
16:00pm

WRITTEN RECORD OF PROCEEDINGS

Phary & Vongpr

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

24 June 2013

Substantive Hearing on evidence - Day 198

Prepared by:

Miriam MAFESSANTI and DUCH Phary

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
Reserve Judge: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Ms. Faiza ZOUAKRI, Ms. Miriam MAFESSANTI, Mr. DUCH Phary, Mr. DAV Ansan
OCP: Mr. CHAN Dararasmey, Ms. SONG Chorvoin, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Keith RAYNOR
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Ms. Anta GUI SSE
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. HONG Kimsuon, Ms. SIN Soworn
Witnesses: N/A
Others: Court officers, Ms. Elburg VAN BOETZELAER

<u>General court times</u>		
Day	Start time: 09.00	Finish time: 16.05
Recess am	Start time: 10.40	Finish time: 11.00
Recess	Start time: 12.00	Finish time: 13.30
Recess pm	Start time: 14.45	Finish time: 15.05
	Total Court Time:	4 hours and 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Discussion recalling scheduling of key document hearing and allocation of time	TC	09.04	09.10
		15.07	15.09
Presentation of key documents relating to the forced movements of the population and cooperatives and labour camps	OCP	09.10	10.38
		11.01	12.00
		13.32	13.45
		13.50	14.40
		15.17	15.19
		15.40	16.04
Admissibility of document D366/7.1.366	KS Defence/OCP	13.45	13.49
	KS Defence	14.41	14.41
	TC	14.44	14.45
	OCP	15.09	15.14
	TC	15.15	15.17
Objections by KHIEU Samphan defence concerning key documents relating to the five policies	KS Defence	15.19	15.24
	OCP	15.25	15.28
	LCLCP	15.28	15.31
	KS Defence	15.31	15.33
	TC	15.38	15.40

Summary of Proceedings

Waiver of the Accused's right to be present in the courtroom

The Accused NUON Chea was present in the holding cell pursuant to Internal Rule 81(5). See Second Decision on Accused NUON Chea's Fitness to Stand Trial, E256/5, 2 April 2013.

Presentation of key documents

The Co-Prosecutors present key documents relating to the forced movements of the population (phases 1 and 2) and cooperatives and labour-camps.

Admissibility of document D366/7.1.366

The KHIEU Samphan defence objects to qualification of this document as a key document as it is not mentioned in any of the footnotes or Co-Prosecutors Rule 80 lists. After

verification, the Co-Prosecutors acknowledge that the document is not mentioned in the Closing Order or in their final Rule 80 list, and make an oral application for the document to be placed on the case-file under Rule 87(4). The Chamber invites the defence parties to make their submissions concerning the oral application during the allocated time for their submissions on the key documents presented by the Co-Prosecutors and Lead Co-Lawyers for the Civil Parties.

Objections by KHIEU Samphan defence concerning key documents relating to the five ICE policies

The KHIEU Samphan defence submits that the documents presented by the Co-Prosecutors and the Lead Co-Lawyers include documents on the five policies of Democratic Kampuchea, even those which are beyond the scope of Case 002/01. The Trial Chamber reiterates its original direction that evidence may be led as to the existence of all five policies, although evidence relating to the implementation of those policies would be limited only to the alleged policy of forced evacuation. Consequently, the Co-Prosecutors must limit their presentation of documents to fall within those parameters.

<u>Record of Rule 87(3) Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
Key documents related to the policy of forced movements of the population				
E3/214		Statute of Cambodian Communist party	OCP	EN: 00184033 KH: 0053018-19 FR: 00292923
E3/16		KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea", Reahu, 10-2007	OCP	EN: 00498231 KH: 00380267 FR: 00643834
E3/18		Book by KHIEU Samphan entitled: "Cambodia's recent history and the reasons behind the decisions I made"	OCP	EN: 00103778 KH: 00103873 FR: 00595484-85 EN: 00103776 KH: 00103870 FR: 00595479-80
E3/5		CPK Magazine entitled: "The Revolutionary Flag", Issue 8, August 1975 (FULL)	OCP	EN: 00401492 KH: 0063329 FR: 00538966
E3/25		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, December 1976 – January 1977 (FULL)	OCP	EN: 00491424 KH: 00063039-40 FR: 00504049-50
E3/1108		Reported about 23th anniversary of enemy meeting	OCP	EN: 00583819 KH: 00383754-55

		and speech on Hou Yun		FR: 00788350 KH: 00383755 KH: 00383756 EN: 00583821 FR: 00788352 KH: 00383757 FR: 00788 353 EN: 00583822 KH 00383759 FR: 00788354 EN: 00583823 KH: 00383763 FR: 00788356 EN: 00583824 KH: 00383766 FR: 00788357 EN: 00583826
E3/118		Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975	OCP	EN: 00166994 KH: 00846160-61 FR: 00845854-55
E3/22		Cambodia Communism and the Vietnamese Model (Imitation and Independence, 1930-1975)	OCP	EN: 00393831 KH: 00846160 EN: 00393832
E3/597		Media Article of Le Monde entitled "Interview with a Cambodian revolutionary", IENG Sary	OCP	FR: 00722245-46 KH: 00744036 EN: 00003963-64 KH: 00744039 EN: 00003964
E3/37		Written Record of Interview of KHIEU Samphan 14-12-2007 Morning	OCP	EN: 00156756 KH: 00156677-78 FR: 00156684
E3/637		Statement of Khieu Samphan, Hou Yun, Hu Nim	OCP	EN: 00740931 KH: 00442333 FR: 00752174 EN: 00740938 KH: 00442332-33

				FR: 00752174 EN: 00740939 KH: 00752175 FR: 00442333 EN: 00740943 KH: 00422336-37 FR: 00752178
E3/1815		Book by BEN Kiernan entitled: "How Pol Pot Came to Power"	OCP	EN: 00487488 KH: 00104868 EN: 00487489 KH: 00104869 EN: 00487491 KH: 00104870 EN: 00487493 KH: 00104871 EN: 00487495 KH: 00104873-74 EN: 00487497 EN: 00487499 EN: 00487506 KH: 00104880-81 EN: 00487510 KH: 00104881 EN: 00487504 KH: 0010487 EN: 00487532 KH: 00104885
E3/167		National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, Nr. 698, dated 11 April 1974	OCP	EN: 00280571 KH: 00596117 FR: 00000107 EN: 00280584 KH: 00596138 FR: 00000120-21 EN: 00280586

				KH: 00000122 FR: 00596141
E3/1238		[Partial T.] Congratulations from Chief of State Samdech Norodom Sihanouk to Mr. Khieu Samphan	OCP	EN: 00278739 KH: 00702017 FR: 00000021 EN: 00278740 KH: 00702019 FR: 00000022
E3/1242		Swedish Collection document, random documents from 1974 and 1975	OCP	EN: 00322964 KH: 00607959 FR: 00000049-50
E3/113		[Partial T.] Agence Kampuchea d'Information dated 2-April-1974 "RENMIN Ribao of Peking greets the FUNK and GRUNK delegation "	OCP	EN: 00280540 KH: 00704558 FR: 00000066-67 EN: 00280542 KH: 00704560-61 FR: 00000068 EN: 00280543 KH: 00704562 FR: 00000069 EN: 00280544 KH: 00704563-64 FR: 00000070 EN: 00280546 KH: S00704567-68 FR: 00000073
E3/1254		CPK Media Report by Agence Kampuchéa d'Information entitled "Nouvelles du Cambodge", diffusées par le Bureau d'Information du Front Uni National du Kampuchéa, nr. 695 dated 6 April 1974	OCP	EN: 00280547 KH: 00633740 FR: 00000080
E3/1255		National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, nr. 697, dated 10 April 1974	OCP	EN: 00280564 KH: 00593609 FR: 00000101

E3/167		National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, Nr. 698, dated 11 April 1974	OCP	EN: 00280590 KH: 00596147-48 FR: 00000126 EN: 00280591 KH: 00596149 FR: 00000128-29
E3/115		CPK Media Report by GRUNK Ministry of Information entitled "Nouvelles du Cambodge, Agence Kampuchea d'Information, No. 708"	OCP	EN: 00280594 KH: 005979166 FR: 00000148 EN: 00280595 KH: 00597967 FR: 00000149
E3/3312		Message Text entitled "April 30 EA Press Summary"	OCP	EN: 00412748 KH: 00740848-49 FR: 00763789-90
E3/3315		Khieu Samphan's Visit	OCP	EN: 00412754 KH: 00790011 FR: 00802337
E3/3318		French Reports Concerning Cambodia	OCP	EN: 00412773 KH: 00790015 FR: 00802340
E3/2939		Telegram from Department of State, Khieu Samphan visit to the PRC.	OCP	EN: 00377049 KH: 00738340-41 FR: 00766874
E3/11		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September 1977 (FULL)	OCP	EN: 00486247 KH: 00063162-63 FR: 00492836
E3/89		Interview avec Ieng Sary par Steve Heder	OCP	EN: 00417603 KH: 00062457-58 FR: 00332685
E3/687		International Media Article entitled "3 Unlikely Cambodian Allies map War on Vietnam" New York Times, 09 July 1982	OCP	EN: 00122280 KH: 00651187 FR: 00622449-50
E3/26		Suspect Statement of NUON Chea	OCP	EN: 00329511 KH: 00000899 FR: 00636871 EN: 00329512 KH: 00000901 FR: 00636873
	D248/5.1	Telegram from Department of	OCP	EN: 00377045-46

	.28	State, recent movement of Khmer refugees to Neak Loeng.		KH: 00658192-93 FR: 00663886-87
E3/3329		Lao Newspaper Story On Conditions In Khmer Rouge Zone In Cambodia	OCP	EN: 00412877 KH: 00632768 FR: 00599748
E3/114		National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, nr. 696 dated 7-8 April 1974	OCP	EN: 00280550 KH: 00000088 FR: 00662247 EN: 00280551 KH: 00000088 FR: 00662248 EN: 00280556 KH: 00662258 FR: 00000093-94
E3/2728		SWB - Far Eastern relations - Press review	OCP	EN: 00390921 KH: 00602506 FR: 00602498
E3/3295		Reports of the Chinese journalists delegation to Cambodia entitled: "Fighting Cambodia"	OCP	EN: 00419155 KH: 00751899 FR: 00756905-06
E3/27		[Corrected 2] Written Record of interview of Charged Person	OCP	EN: 00156743 KH: 00156614 FR: 00156666
E3/611		Cambodian Official: No massacres	OCP	
E3/550		Interview with IENG Sary	OCP	
E169/4/1.1.1		Book entitled "Revolutionary Youth" (No. 7, July, 1975)	OCP	EN: 00815131 FR: 00815912 KH: 00809797 EN: 00815133 KH: 00809799 FR: 00815913
E3/622		"U.S., Vietnam Aided 3 Coup Attempts, Cambodia Says"	OCP	
E3/624		Cambodian Defends '75 Closing of Nation to Prevent a Civil War	OCP	
	D366/7.1 .14	POL Pot and KHIEU Samphan	OCP	EN: 00087771
E3/117		Annex 1: Khieu Samphan Chairs NUFC Congress	OCP	

		Session dated 26 February 1975		
E3/118		Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975	OCP	
Key documents related to second forced movement				
E3/216		[Corrected 1] Note about permanent visited and the report about overall situation at the basic	OCP	EN: 00850974 KH: 00008487 FR: 00343375 EN: 00850975 KH: 00008488-89 FR: 00343376 EN: 00850976 KH: 0008490 FR: 00343377-78 EN: 00850977 KH: 00008491-92 FR: 00343378-79
E3/781		CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document)"	OCP	KH: 00072367 FR: 00543745 EN: 00523569 EN: 00523570 KH: 00072368 FR: 005432745 EN: 00523574 KH: 00072373 FR: 00543749-50 EN: 00523576 KH: 00072376 FR: 00543752 EN: 00523580 KH: 00072382 FR: 00543755-56 EN: 00523590 KH: 00072397 FR: 00543766 EN: 00523591

				KH: 00072397 FR: 00543766
E190.1.3 18		IMR entitled "The Khmer Rouge's Iron Grip on Cambodia"(Far Eastern Economic Review)	OCP	KH: 00708573 FR: 00780515 EN: 00005151
	D199/26. 2.184	IMR entitled "The Khmer Rouge's Iron Grip on Cambodia"(Far Eastern Economic Review)	OCP	EN: 00519810 KH: 00548749 FR: 00389829
E3/1181		Base General View of Sector 5 Northwest Zone	OCP	EN: 00223175 KH: 00214486 FR: 00612289 EN: 00223176 KH: 00214489 FR: 00612290 EN: 00223177 KH: 00214490 FR: 00612292
E3/3316		Amnesty International urges Cambodia to respond to allegations of summary executions	OCP	
Key documents related to cooperatives and labour-camps				
E3/18		Book by KHIEU Samphan entitled: "Cambodia's recent history and the reasons behind the decisions I made"	OCP	KH: 00103870-01 FR: 00595482 EN: 00103776-77 KH: 00103873 FR: 00395485 EN: 00103779 KH: 00103842 FR: 00595434 EN: 00103753 KH: 00103872-73 FR: 00395484 EN: 00103778
E3/108 and E3/122		Suspect Statement of KHIEU Samphan and NUON Chea	OCP	KH: 00347036 FR: 00613203 EN: 00000928 KH: 00347036

				EN: 00000928
E3/146		Revolutionary Youth Review Number Special year 1974	OCP	KH: 00283402 FR: 00611805 EN: 00538741 KH: 00283411 FR: 00611812 EN: 00538748
E3/16		KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea", Reahu, 10-2007	OCP	KH: 00380461 EN: 00498281 FR: 00643887 KH: 00380466 FR: 00643890 EN: 00498284 KH: 0038470-71 FR: 00643893 EN: 00498286 KH: 00643910 FR: 00380499-500 EN: 00498303 KH: 00380469-70 FR: 00643892 EN: 00498285-86

Oral Orders/Decisions:

- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and further instructs the security guards to return KHIEU Samphan to the courtroom and NUON Chea to the holding cell by 09:00 on Tuesday 25 June 2013. (16:05)

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on Tuesday 25 June 2013.

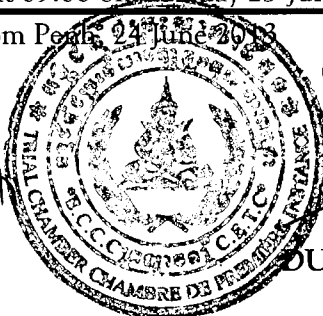
Phnom Penh, 24 June 2013

Greffier

Greffier

M. Mafessanti

Miriam MAFESSANTI



[Signature]
DUCH Phary