



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 08 / 08 / 13
ពេលវេលា (Time/heure) : 16:00 PM
Case File Officer/L'agent chargé <i>[Signature]</i>

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 June 2013

Substantive Hearing on evidence - Day 200

Prepared by:

Matteo CRIPPA and Mr. 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. Miriam MAFESSANTI, Mr. Matteo CRIPPA, Mr. DUCH Phary
OCP: Mr. CHAN Dararasmey, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Dale LYSAK, Mr. SENG Bunkheang
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 GUISSÉ
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. VEN Pov
Witnesses: None
Others: Transcribers, Court officers, Ms. Virginia THOMPSON

General court times		
Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:35	Finish time: 11:00
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:25	Finish time: 14:50
	Total Court Time:	4 hours 40 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Presentation of key documents related to CPK enemies and the targeting of specific groups	OCP	9:04	9:47
Presentation of key documents related to forced marriage	OCP	9:48	10:36
Objection to presentation of documents discussing implementation of JCE	KS Defence	11:02	11:05
	NC Defence	11:05	11:08
	LCLCP	11:08	11:15
	OCP	11:15	11:21
	KS Defence	11:21	11:28
	NC Defence	11:28	11:30
	OCP	11:31	11:32
	TC	11:38	11:40
Presentation of key documents related to JCE policies	LCLCP	11:44	11:48
		11:40	11:44
		11:49	12:01
		13:32	14:24
		14:48	15:42

Summary of Proceedings

Presentation of key documents by the Co-Prosecutors

The Co-Prosecutors present key documents regarding the alleged policies of targeting enemies of the Communist Party of Kampuchea and specific groups, as well as policies regarding the regulation of marriage and forced marriages.

Presentation of key documents by the Lead Co-Lawyers for the Civil Parties

The Lead Co Lawyers for the Civil Parties present key documents regarding the creation of worksites and cooperatives, the re-education of bad elements, identification and elimination of enemies, and forced marriage.

Objection to presentation of documents discussing implementation of JCE

The KHIEU Samphan and NUON Chea Defence object to the presentation of documents that demonstrate implementation of the JCE policies falling outside the scope of Case 002/01. The Co-Prosecutors and the Lead Co-Lawyers for the Civil Parties respond that

they are leading evidence as to the existence of the five policies included in the Closing Order. The Co-Prosecutors further submit that international jurisprudence provides that the existence of a policy may be inferred from, inter alia, evidence of its implementation at the ground level. The Chamber declares that parties have the right to comment on the relevance and probative value of any documents referred to during the key documents hearing, and the Chamber will make appropriate determinations in the course of its verdict but notes that documents relating to implementation of policies falling outside the scope of Case 002/01 are irrelevant.

<u>Record of Rule 87(3) Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
OCP - Key Documents Related to CPK Policies on Enemies and the Targeting of Specific Groups (LON Nol soldiers) (continued)				
E3/2189		Annex 16: S-21 Prisoner List containing names of prisoners of the civil service	OCP	
E3/3597		[Corrected 1] Annex 2: Name list	OC	
E3/197		Minutes of meeting of permanent committee Front on 11/3/76	OCP	KH 00000747 EN 00182641 FR 00334963
E3/1162		DK-Military Report from Division 310, Political Section, 26 May 1976	OCP	
E3/813		Minutes of the meeting of comrades 164: Report on vessel training	OCP	
E3/807		Meeting report of Secretary-Under secretary division and regiment.	OCP	KH 00052305 EN 00183949 FR 00323923
E3/2438		List of number of Cambodian people in Kampuchea Krom made by Kus sub-district, 29 April 1977	OCP	
E3/2049		Number of the people who come from Kampuchea Krom to stay in Ang Ta Saom sub-district, Tram Kak District, 30 April 1977	OCP	
E3/2281		Annex 71: S-21 Prisoner List containing names of prisoners categorized as the Kampuchea Krom People, 4 May 1977	OCP	
E3/2048		Report on enemy's actions for Tram Kak District Police	OCP	KH 00079089 EN 00276562-63 FR 00611659

				KH 00079090 EN 00276563-64 FR 00611660
				KH 00079091 EN 00276564 FR 00611661
D157.38		Report to local Angkar on a youngster called Lim Song	OCP	KH 00143476 EN 00322133 FR 00612838
D25/28		Written Record of Interview of EAP, 30 October 2007	OCP	KH 00163493 EN 00223476 FR 00651259
E3/135		Revolutionary Flag The Internal Party Magazine published monthly, Issue 6 June 1977	OCP	KH 00062795 EN 00446850 FR 00487712
D232/44		Written Record of Interview of KĒP Moeun, 29 October 2009	OCP	
D125/91		Written Record of Interview of SIM Tun, 4 August 2008	OCP	KH 00212109 EN 00275111 FR 00342628
E3/193		Annex B: August 1977 Revolutionary Flag, No 8	OCP	KH 00062960 EN 00399232 FR 00611836
E3/952		Telegram # 94 to brother Pol: Report to Brother about enemy, people and production situation in north region	OCP	
E3/179		The report about Enemy situation, People situation, Build socialism situation, 29 May 1977	OCP	KH 00008498 EN 00183011-12 FR 00236768-69
E3/1144		Telegram 60: To Beloved and Missed Chief of 870 about a number of all section 's situation, 5 September 1977	OCP	KH 00069447 EN 00517923 FR 00532726
E3/996		Telegram 313 : Respected and beloved Chief of 870 about a number of situation, 19 March 1978	OCP	
OCP - Key documents related to <u>the regulation of marriage</u>				
E3/25	D243/2.1 .9	CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 -January 1977 (FULL)	OCP	KH 00063054 EN 00491435 FR 00504063
E3/1586		United Nation General Assembly, Speech by IENG Sary, 11 October 1977	OCP	EN 00079813 FR 00617795 KH 00291028 EN 0079815

				FR 00617798-99
E3/686	D56 doc 234	SWB FE/6869/A3/2 titled "Interviews with Democratic Kampuchea Leader on Population Policy and Struggle Against Vietnam" dated 2 November 1981, DCCN D35684, ERN S 00030339-00030364	OCP	KH 00644682 EN 0030349 FR 00599792
E3/10	D243/2.1 .7	CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (FULL)	OCP	KH 0063104 EN 00450538 FR 00491904-05
E3/750	D243.2.1. 21	CPK Magazine entitled: "Revolutionary Youth," Issue 11, November 1975 (FULL)	OCP	KH 0063614-15 EN 00522460 FR 00525856-57
E3/766	D248/4.1 1	Revolutionary Youth Number 11 November 1978	OCP	KH 00376532 EN 00524181 FR 00593981
E3/775	D267/3/ 36	Global Vision: Revolution and non-revolution toward family building issue	OCP	KH 00407098 EN 00417942 FR 00593928 KH 00407100 EN 00417942 FR 00593929 KH 00407102 EN 00417944 FR 00593931 KH 00407103 EN 00417945 FR 00593932 KH 00407100-01 EN 00417943 FR 00593930 KH 00407104-05 EN 00417945-46 FR 00593932
E3/681	D56 Doc.209	Media Article by Henry KAMM entitled "Pol Pot Aide Calls for World Support" in the New York Times, 1 December 1980	OCP	KH 00651246 EN 00122194 FR 00630693-94
E3/9		Book by Philip Short entitled "Pol Pot, The History of a Nightmare"	OCP	EN 00396533-34 FR 00639883

LCLCP - Key documents related to the creation of cooperatives and worksites				
D22/110 2		Civil party application of ORN Oeun 09-VU-00217	LCLCP	FR 00861668 EN 00839950 KH 00518426
D22/152		Civil party application of Mr. SAY Kanal	LCLCP	FR 00905152 EN 00404896 KH 00368784
D22/206 6		[Partial T.] Civil party application of CHHEUM Kong 09-VU-00124	LCLCP	FR 00894013 EN 00890970-71 KH 00544536
E3/1676		Civil party application of NORNG Sarani 08-VU-01030	LCLCP	FR 00811456 EN 00812379 KH 00496842
D22/195 4		Civil party application of PONG Muy Len 08-VU-02401	LCLCP	FR 00540871 EN 00853159 KH 00555779
D22/195		Civil party application of Ms. PUT Pum	LCLCP	FR 00898049 EN 00434305-06 KH 00397780-81
D22/194 7a		Supplementary information of civil party applicant/Document d'information supplémentaire de partie civile	LCLCP	FR 00905155 EN 00851264-65 KH 00578135
D22/129		Civil party application of Mr. ROU Ren	LCLCP	FR 00909841 EN 00398344 KH 00365048
LCLCP - Key documents related to the use of cooperatives to detect enemies				
D22/275 1		Civil party application of YANN Nhar 09-VU-01713	LCLCP	FR 00899639 EN 00873677 KH 00556118
D22/124 2		[Partial T.] Civil party application of CHEY Yeun 09-VU-00107	LCLCP	FR 00906225 EN 00891214 KH 00523379
D22/143		Civil party application of Ms. CHAN Sinang	LCLCP	FR 00898347 EN 00402949 KH 00365377
D22/147		Civil party application of Ms. HUO Chantha	LCLCP	FR 00896817 EN 00402961 KH 00368682
D277/8		Written Record of Interview of Civil Party MAO Kroeurn	LCLCP	FR 00424136 EN 00384787 KH 00375548
D22/201 1		[Partial T.] Civil party application of DUONG Ngiem 09-VU-00241	LCLCP	FR 00900237 EN 00893689- 90 KH 00541770

D22/201 4a		Supplementary information of civil party applicant/Document d'information supplémentaire de partie civile	LCLCP	FR 00903104 EN 00899065 KH 00580736
LCLCP - Key documents related to <u>the use of cooperatives to abolish private life and develop collectivization</u>				
D22/164 4		[Partial T.] Civil party application of TEP Samean 09-VU-00550	LCLCP	FR 00895187 EN 00891247-48 KH 00532347
D22/290 3		[Partial T.] Civil party application of SANN Hem 09-VU-01916	LCLCP	FR 00779605 EN 00779605-06 KH 00558351
D22/375 5		Civil party application of SUM Eng Hong 10-VU-00198		FR 00892710 EN 00892762 KH 00875009
D22/524		[Partial T.] Civil party application of KUNG Narin 09-VU-00037	LCLCP	FR 00897129 EN 00890599 KH 00496952
D22/836		[Patial.T] Civil party application of KHÿN SÿMBAT 09-VU-00715	LCLCP	FR 00860969 EN 00893532 KH 00504601
LCLCP - Key documents related to <u>the re-education of bad elements and elimination of enemies</u>				
D22/155 7		[Partial T.] Civil party application of BICH Hach 09-VU-00735	LCLCP	FR 00905218 EN 00888498 KH 00530391-92
D22/289 6		Civil party application of SON EM 09-VU-01909	LCLCP	FR 00807149 EN 00793363 KH 00558233
D22/623		[Patial.T] Civil party application of SOS Min 07-VU-00100	LCLCP	FR 00849889 EN 00893530 KH 00499873
LCLCP - Key documents related to <u>"enemies"</u>				
D277/6		Written Record of Interview of Civil Party KHIEV Horn	LCLCP	FR 00426411 EN 00377369 KH 00375525
D22/452		Civil party application of SOK Thearith 08-VU-01214	LCLCP	FR 00813223 EN 00818604 KH 00495978
D22/374 4		Civil party application of CHEA Marie 10-VU-00187	LCLCP	FR 00491077 EN 00889676 KH 00875443
D22/32		Civil Party Application of Hong Savath	LCLCP	FR 00899928 EN 00332219 KH 00279752

D22/376 5		Civil party application of YIM Mam 10-VU-00208	LCLCP	FR 00892711 EN 00892763 KH 00875010
D22/164 4		[Partial T.] Civil party application of TEP Samean 09-VU-00550	LCLCP	FR 00895189 EN 00891250 KH 00532329
D22/206 8		Civil party application of DY Roeun 09-VU-00126	LCLCP	EN 00893383 KH 00534560
D22/141 4		[Partial T.] Civil party application of RUON Dara 09-VU-00243	LCLCP	FR 00893960 EN 00891235 KH 00528133
D22/377 2		Civil party application of THONG Samien 10-VU-00216	LCLCP	FR 00846053 EN 00569922-23 KH 00863960-61
D22/328		Civil party application of MANN You Soh	LCLCP	FR 00901469 EN 00864442 KH 00484726
D22/183 6a		Supplementary information of civil party applicant/Document d'information supplémentaire de partie civile	LCLCP	EN 00834848 KH 00579044
D217/3		Written Record of Interview of civil party SUONG Sim	LCLCP	FR 00372052-53 EN 00353702-04 KH 00349497
D22/193		Civil party application of Ms. SA Lai Heang or HENG Lai Heang	LCLCP	EN 00446588 KH 00388697
D22/342		Civil party application BIEAN Sareth	LCLCP	FR 00920506 EN 00864551 KH 00484873
E3/3963		Annex4:Description by Mrs MOM Sam Oeurn of the alleged criminal acts	LCLCP	FR 00333881 EN 00242251 KH 00198403
D22/346 1		Civil party application of KHOEM Sambat 09-VU-03810	LCLCP	FR 00859055 EN 00856522 KH 00566393
LCLCP - Key documents related to the treatment of targeted groups				
D246/10		Written Record of Interview of Civil Party IN Vuthy	LCLCP	FR 00381128 EN 00373230 KH 00381020
D22/33		Civil Party Application of Tes Ding	LCLCP	FR 00901477 EN 00332196 KH 00279767
D22/367 5a		[Partial T.] Supplementary information of civil party applicant/Document d'information supplémentaire de	LCLCP	FR 00894118 EN 00891063 KH 00588456

		partie civile		
D246/15		Written Record of Interview of Civil Party KIM So គីម ស៊ុន/SONG Kimso	LCLCP	FR 00426390 EN 00388620 KH 00385135
D22/201 1		[Partial T.] Civil party application of DUONG Ngiem 09-VU-00241	LCLCP	FR 00900237 EN 00893689 KH 00541770
D404/2/ 3.2		Annex A: Supplementary information	LCLCP	FR 00899194 EN 00607001 KH 00615756
D22/164		Civil party application of Mr. HIM Man	LCLCP	FR 00898349 EN 00414861 KH 00369040
D22/384 9		Civil party application of CHHORN Seng Daran 10-VU-00618	LCLCP	EN 00571043 KH 00863995
D22/932 a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00898367 EN 00903179 KH 00532129
D22/489 a		[Partial T.] Supplementary information/Document d'information supplementaire	LCLCP	FR 00893691 EN 00891271 KH 00577131
D22/165 1a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00898045 EN 00903220 KH 00583194
D22/201 4a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00908105 KH 0000965
D22/351 8a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00898089 EN 00856209 KH 00585460
D22/353 2a		[Partial T.] Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00891055 EN 00851043
D22/3		Civil Party Petition of SOUM Rithy	LCLCP	FR 00632663 EN 00156856 KH 00157098
D246/13		Written Record of Interview of Civil Party POV Sinuon	LCLCP	FR 00424100 EN 00387500 KH 00385096
D22/191		Civil party application of VA Dani	LCLCP	FR 00676858

9		09-VU-01439		EN 00884472 KH 00540448
D246/14		Written Record of Interview of Civil Party CHAB Khuong	LCLCP	FR 00424111 EN 0387497 KH 00385092
D22/206 6		[Partial T.] Civil party application of CHHEUM Kong 09-VU-00124	LCLCP	EN 00890971 KH 00534636 FR 00894013
D246/7		Written Record of Interview of Civil Party LONG Mary	LCLCP	FR 00426371 EN 00384413 KH 00373704
LCLCP - Key documents related to forced marriage				
D22/503		[Partial T.] Civil party application of ING Mom 09-VU-01595	LCLCP	FR 00916922 EN 00891273 KH 00496605
D22/506		[Partial T.] Civil party application of LAY Koem Chheen 09-VU-01588	LCLCP	FR 00893515 EN 00891274 KH 00496650-51
D22/64a		[Partial T.] Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	EN 00894919 KH 00568236
D22/16a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00881712 EN 00853936-37 KH 00584546-48
E9/32.2. 14		Supplementary statement of CHUM Neou	LCLCP	FR 00891889 EN 00891888 KH 00678181
D125/39		Written Record of Interview of T'ANN Saroeun	LCLCP	FR 00272777 EN 00225533 KH 00196824
D199/18		Written Record of Interview of Mrs. THUCH Sithan dated 10-06-2009	LCLCP	FR 00342208 EN 00345228 KH 00349555
D278/2		Written Record of Interview of Civil Party SENG Chon	LCLCP	FR 00422433 EN 00400488 KH 00390296
D22/139 a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00898344-45 EN 00863874-75 KH 00580448-49
D22/207 4		Civil party application of TOUCH Sokhoeun 09-VU-00245	LCLCP	FR 00894174 EN 00891040-41 KH 00559294

D22/620		[Partial T.] Civil party application of PEN Sochan 09-VU-01589	LCLCP	FR 00900951 EN 00891279-80 KH 00499824-25
D22/129 1a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00893362 EN 00891223 KH 00584390-91
D22/106 7a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00578977 EN 00846968 KH 00578979-80
D22/385 8a		Supplementary information of civil party applicant/Document d'information supplementaire de partie civile	LCLCP	FR 00916921 EN 00853176 KH 00584796
D22/297 6		[Partial T.] Civil party application of CHEA Dieb 09-VU-01993	LCLCP	FR 00894115 EN 00891042 KH 00559320

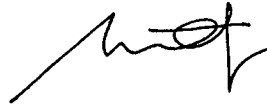
Oral Orders/Decisions:

- The Chamber declares that parties have the right to comment on the relevance and probative value of any documents referred to during the key documents hearing, and the Chamber will make appropriate determinations in the course of its verdict. However, the Chamber notes documents relating to implementation of policies falling outside the scope of Case 002/01 are irrelevant (11:38).
- The Chamber requests the Office of the Co-Prosecutors to provide a list of the documents to be presented relating to the role of NUON Chea before tomorrow morning (15:54).
- The Chamber defers Defence responses to the key document presentations for one week, and they shall begin on Monday 8 July 2013 (15:56).
- 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 Wednesday 26 June 2013 (15:59).

Orders for Adjournment of Hearing
Court is adjourned and will resume at 9:00 on Thursday 27 June 2013.

Phnom Penh, 26 June 2013

Greffier



Matteo CRIPPA



Greffier



DUCH Phary