



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt / date de reception):
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer / L'agent chargé
du dossier: UCH ARUN

E1/201

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

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 June 2013

Substantive Hearing on evidence - Day 188

Prepared by:

Miriam MAFESSANTI and SE Kolvuthy

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
Reserve Judge: Judge THOU Mony
Greffiers: Ms. Miriam MAFESSANTI, Ms. SE Kolvuthy
OCP: Mr. CHAN Dararasmey, Mr. VENG Huot, Mr. Tarik ABDULHAK, 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 GUISSÉ
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. Pascal AUBOIN, Mr. HONG Kimsuon, Ms. Christine MARTINEAU, Ms. Nushim SAKARATI
Witnesses: Mr. Sydney SCHANBERG (TCW-624), Mr. CHHIM Sotheara (TCE-12)
Others: Mr. UCH Arun, Ms. SOUR Sotheavy, Ms. Elburg VAN BOETZELAER

BT

<u>General court times</u>		
Day	Start time: 08.30	Finish time: 16.20
Recess am	Start time: 10.00	Finish time: 10.20
Recess	Start time: 11.30	Finish time: 13.30
Recess pm	Start time: 14.50	Finish time: 15.05
	Total Court Time:	5 hours and 15 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness Sydney SCHANBERG (TCW-624)	TC	08.36	08.43
	OCP	08.45	09.58
		10.23	11.30
Notification of request for additional time to question the Expert	NC Defence	13.34	13.36
	LCLCP	13.36	13.36
	OCP	13.36	13.38
	TC	13.38	13.40
	NC Defence	15.54	16.00
	KS Defence	16.00	16.01
	LCLCP	16.01	16.03
	OCP	16.03	16.05
Testimony of Expert CHHIM Sotheara (TCE-12)	TC	13:41	13.44
	LCLCP	13.44	14.50
		15.06	15.38
	OCP	15.38	15.54

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.

Testimony of Witness Sydney SCHANBERG (TCW-624) (via video-link)

The Co-Prosecutors and the Lead Co-Lawyers pose questions to the Witness (TCW-624). The Trial Chamber emphasizes that the witness should not be treated as an expert and instructs parties to question the witness accordingly. Witness is informed that as a witness, he must tell the truth as experienced or observed.

Request for additional time to question Sydney SCHANBERG

The Trial Chamber grants the Co-Prosecutors' request for an additional half-day to question the witness.

Testimony of Expert CHHIM Sotheara (TCE-12)

The Lead Co-Lawyers and, subsequently, the Co-Prosecutors pose questions to the Expert CHHIM Sotheara (TCE-12).

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Notification of request for additional time to question the Expert

The NUON Chea Defence notifies the Chamber of the request they made yesterday, to the Senior Legal Officer, for additional time to question the expert CHHIM Sotheara (TCE-12). The Trial Chamber grants the defence request for additional time and directs that the hearing of the expert will resume on 6 June 2013 at 13.30. The Co-Prosecutors' will be granted an additional 20 minutes and the remaining time will be allotted between the Defence teams.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
N/A	E236/1/4/3.1	00898209-00898330	Booked by Sydney SCHANBERG entitled: "Cambodia Diary 1975 - A journalist's day-by-day notes on the fall of Cambodia to the Khmer Rouge"	S		00898279, 00898217-20, 00898221, 00898228, 00898231, 00898276, 00898230, 00898274-75, 00898277-79, 00898303-05, 00898291-92	
N/A	E243.2	00862567-00862631	Book by Sydney Schanberg entitled: "The Killing Fields"	P		00862586, 00862598	
E3/3368	D365/1.1.20	00655278-00655281 00444897-00444898 00664015-00664017	ប្រជាជនខ្មែររត់ភៀសខ្លួនចេញពីខ្មែរក្រហម មឈ្លានពាន៖ វាច្បាស់ណាស់ថា “អ្នកខ្លះនឹងមិនរស់រានមានជីវិតទេ” Cambodians Flee Red Invaders; it's clear "some won't survive" Les Cambodgiens fuient les envahisseurs rouges. Il ne fait aucun doute que " certains ne survivront pas"	P			
E3/3355	D313/1.2.85	00740893-00740898 00413795-00413804 00751936-00751938	[Partial T.] សារជាអត្ថបទស្តីពី៖ សារព័ត៌មានសង្ខេប EA - ថ្ងៃទី១០ ខែកញ្ញា Message Text entitled "September 10 - EA Press Summary" [Partial T.] Texte du message intitulé "Résumé de presse, AE, 10 septembre"	P	00740897	00413800	00751938

E3/117	D108 /43/1	00242308- 00242314 00166772- 00166775 00281432- 00281435	ឧបសម្ព័ន្ធ ១៖ Khieu Samphan Chairs NUFC Congress Session ចុះថ្ងៃទី ២៦ ខែកុម្ភៈ ឆ្នាំ ១៩៧៥ Annex 1: Khieu Samphan Chairs NUFC Congress Session dated 26 February 1975 Annex 1: Khieu Samphan Chairs NUFC Congress Session dated 26 February 1975	P	00242308	00166772	00281432
E3/2355 R	D108 /32.2 R	V00172454- V00172454 (EN)	Pol Pot: The Killing Embrece	P			
E3/2694	D199 /26.2. 199	00491363- 00491364 00486889- 00486889 00391442- 00391442	សារទូរលេខទាក់ទងនឹង ការជ្រកកោនផ្នែកនយោបាយ Télégramme intitulé Asile politique Télégramme intitulé Asile politique	P			
N/A	E190. 1.307	00644052- 00644068 00445259- 00445262 00596665- 00596671	សេចក្តីរាយការណ៍ព័ត៌មានអន្តរជាតិមានចំ ណងជើងថា "ការធ្វើវិសុទ្ធិកម្ម កម្ពុជា"(Newsweek) IMR entitled "Cambodia's 'Purification'" (Newsweek) Rapport de presse international intitulé "Cambodia's 'Purification'" (Newsweek)	P		00445261	

Oral Orders/Decisions:

- Order to the court officer to have CHHIM Sotheara (TCE-12) returned to the courtroom by 13.30 on Thursday 6 June 2013. (16.16)
- 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 Thursday 6 June 2013. (16.17)

Orders for Adjournment of Hearing
Court is adjourned and will resume at 09:00 on Thursday 6 June 2013. ១៤

Phnom Penh, 5 June 2013

Greffier

Greffier

M. Mafessan

Miriam MAFESSAN



SE Kolvuthy

SE Kolvuthy