



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
..... 16 / 08 / 2013 .....

ម៉ោង (Time/Heure): ..... 14:15 .....

មន្ត្រីទទួលបន្ទុកករណី/Case File Officer/L'agent chargé  
..... *SANN PHON* .....

E1/221

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**  
Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

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

**អង្គជំនុំជម្រះសាលាដំបូង**  
Trial Chamber  
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 July 2013

Substantive Hearing on evidence - Day 208

Prepared by:

Roger PHILLIPS and SE Kolvuthy

<u>Attendance Record</u>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara,
<b>Reserve Judge:</b> Judge THOU Mony, Judge Claudia FENZ,
<b>Greffiers:</b> Mr. Roger PHILLIPS, Ms. SE Kolvuthy, Mr. Simon MEISENBERG
<b>OCP:</b> Mr. Tarik ABDULHAK, Ms. SONG Chorvoin, Mr. Keith RAYNOR
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. LOR Chunthy, Ms. Beini YE, Mr. VEN Pov, Ms. SIN Soworn
<b>Witnesses:</b> Steven HEDER (TCE-33)
<b>Others:</b> Mr. Arun UCH, Ms. SOUR Sotheavy, Ms. Virginia THOMPSON, Ms. Chhun Danin, Ms. Yek Chhunlin.

<u>General court times</u>		
Day	Start time: 9.05	Finish time: 16.10
Recess am	Start time: 10.40	Finish time: 11.00
Recess	Start time: 12.00	Finish time: 13.35
Recess pm	Start time: 14.45	Finish time: 15.05
	Total Court Time:	4 hours and 50 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Discussion of introduction of new evidence (closed session 9.19 - 9.27)	NC Defence	9.04	9.11
		9.19	9.27
		9.32	9.40
	TC	9.11	9.19
		9.27	9.32
		10.01	10.05
		10.01	10.05
Testimony of Witness Steven HEDER (TCE-33)	OCP	9.40	9.50
		9.50	10.01
		10.05	10.40
		11.01	11.59
		13.33	14.45
		15.06	16.09

<u>Summary of Proceedings</u>
<p><u>Discussion of introduction of new evidence</u></p> <p>NC Defence request to admit new evidence in the form of an email pursuant to Internal Rule 87.4, as well as to call potential witness TCW-382, author of the email, and to suspend current testimony of Steven Heder (TCE-33) pursuant to Internal Rule 93.</p> <p><u>Testimony of Witness Steven HEDER (TCE-33)</u></p> <p>The Co-Prosecutors posed questions to Witness Steven HEDER (TCE-33).</p>

<u>Record of Rule 87(3) Proceedings</u>							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French

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E3/198	20.23	00078213- 00078214 00184680- 00184681 00296212- 00296213	សម្ភាសន៍លោកខៀវសំផនហៅហែម នៅតំបន់ប៉ៃលិនជាភាសាខ្មែរចុះថ្ងៃទី១៧ សីហា២០០៥ SOAS/HRW Suspect Interview of KHIEU Samphan alias Haem SOAS/HRW Interview de KHIEU Samphan alias Haem	P			
E3/89	20.6	00062452- 00062509 00417599- 00417643 00332681- 00332725	បទសម្ភាសន៍ជាមួយ អៀង សារី ដោយ ស្ទីវ ហេដឺរ Interview avec Ieng Sary par Steve Heder Interview avec Ieng Sary par Steve Heder	P			
E3/190	20.7	00172247- 00172248 00081571- 00081572 00607965- 00607965	លោកស្ទីវហេដឺរ បានធ្វើការពិភាក្សាជាមួយលោកអៀងសារី ជាភាសាអង់គ្លេសចុះថ្ងៃទី០៤មករា១៩៩៩ Steve Heder, A Discussion with Ieng Sary, 4 January 1999 Steve Heder, A Discussion with Ieng Sary, 4 January 1999	P			
E3/1714	D108 /27.1 9	00324672- 00324798 00170692- 00170773 00648960- 00649033	ឧបសម្ព័ន្ធ ១៩៖ បទសម្ភាសន៍ជាមួយជនភៀសខ្លួនកម្ពុជា នៅតាមបណ្តោយព្រំដែនកម្ពុជា-ថៃ Annex 19: Interviews with Kampuchean Refugees at Thai-Cambodia Border, Prepared for the Ishiyama Committee Annual Report, 1980 Annex 19: Rapport annuel: Auditions de refugiés kampuchéens à la frontière thailandaise, préparées pour le comité Ishiyama, 1980	P			
E3/4640	D125 /10	00181829- 00181832 00272321- 00272323 00272324- 00272326	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី នង ណាន NORNG Nân Written Record of Interview of NORNG Nân Procès verbal d'audition de NORNG Nân	P			
E3/4641	D108 /42/1	00176308- 00176311 00188801- 00188804 00401917- 00401920	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ជ័យ សូភោរ៉ា Written Record of Interview of CHEY Sopheara [Corrigé 1] Procès verbal d'audition de CHEY Sopheara	P			

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E3/4642	D125 /7	00181801- 00181803 00272291- 00272293 00272294- 00272296	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឡៃ ថៃ LAI Thai Written Record of Interview of LAI Thai Procès verbal d'audition de LAI Thai	P			
E3/4643	D91/ 11	00204076- 00204079 00204080- 00204082 00491156- 00491158	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ម៉ាំង សាន ថ្ងៃទី០៥ ១២ ២០០៧ Written Record of Interview of MAING San Procès verbal d'audition de MAING San	P			
E3/4644	D366 /7.1.6 06	00743279- 00743279 00208252- 00208252 00740790- 00740790	កិច្ចសម្ភាសន៍របស់ ការិយាល័យសហព្រះរាជអាជ្ញា ជាមួយ ចេង ចុល OCP Interview of CHENG Tol Déclaration de CHENG Tol (CETC, OCP)	P			
E3/4645	D366 /7.1.6 12	00794731- 00794733 00222960- 00222961 00793341- 00793342	បទសម្ភាសន៍របស់ OCP ជាមួយ PAO Li OCP Interview of PAO Li Entretien OCP Pao Li, 17 novembre 2006	P			
E3/4646	D366 /7.1.6 07	00833782- 00833783 00208441- 00208441 00793344- 00793344	បទសម្ភាសន៍របស់ OCP ជាមួយ Tes Seuan OCP Interview of Tes Seuan Tes Seuan entretien Secteur 41, 11 November 2006	P			
E3/4647	D366 /7.1.6 10	00789294- 00789295 00222957- 00222957 00793343- 00793343	បទសម្ភាសន៍របស់ OCP ជាមួយសមាជិកគណៈកម្មាធិការភូមិ Krauch OCP interview of Krauch Village Pagoda Committee member OCP interview membre comité pagode village krauch	P			
E3/4648	D366 /7.1.6 08	00789296- 00789298 00222958- 00222959 00793328- 00793329	បទសម្ភាសន៍របស់ OCP ជាមួយ Nai Seu OCP Interview of NAI Seu Entretien OCP NAI Seu, 11 novembre 2006	P			
E3/4649	D366 /7.1.6 11	00744606- 00744610 00222962- 00222964 00793330- 00793332	បទសម្ភាសន៍របស់អង្គការសហព្រះរាជអា ជ្ញាជាមួយ សឹង លឹម នៅថ្ងៃទី១៧ ខែវិច្ឆិកា ឆ្នាំ២០០៦ OCP interview of SOENG Leum, on 17 November 2006 Entretien OCP avec SOENG Leum, 17 novembre 2006	P			

E3/390	D210 /9	00392067- 00392107 00436846- 00436876 00479778- 00479821	ប្រតិចារិកនៃការថតសម្លេងបទសម្ភាសន៍ ជា មួយ ម៉ាត់ លី នៅឆ្នាំ ១៩៩០ Transcript of recorded interview with MAT Ly in 1990 Transcript of recorded interview with MAT Ly in 1990	P			
E3/4650	D210 /10	00392108- 00392132 00436877- 00436898 00463013- 00463036	ប្រតិចារិកនៃការថតសម្លេងបទសម្ភាសន៍ ជា មួយ នួន សារ៉េត នៅឆ្នាំ ១៩៩០ Transcript of recorded interview with NUON Saret in 1990 Transcript des enregistrements des interviews avec Nuon Saret en 1990	P	00392113, 00392112	00436882, 00436881	00463018, 00463017
N/A	E190. 1.72	00742277- 00742280 00567469- 00567470, 00567471- 00567477 00744418- 00744419	សក្ខីកម្មរបស់ វ៉ាន់ រិទ្ធ (សម្ភាសន៍ដោយ Steve Heder) Interview of Van Rith by Steve Heder in 2004 hand written Interview de Van Reut, alias Meuan, réalisée par Steve Heder	P			
E3/22	D222 /1.8	00942167- 00942168, 00281809- 00281810, 00747599- 00747640 00393642- 00393933 00704188- 00704210	[Partial T.] កុម្មុយនិស្តកម្ពុជា និងគំរូរៀបរយ ភាគទី១ (ការយកគម្រាប់តាម និងឯករាជ្យឆ្នាំ១៩៣០ ដល់១៩៧៥) Cambodia Communism and the Vietnamese Model (Imitation and Independence, 1930- 1975) [Partial T.] Le communisme cambodgien et le modèle vietnamien	P		00393689, 00393715, 00393722, 00393726, 00393732, 00393738, 00393741, 00393746, 00393765, 00393825, 00393826, 00393827, 00393828, 00393830, 00393831, 00393832	
E3/131	D366 /7.1.4 10	00062291- 00062322 00716409- 00716430 00720996- 00721013	ប្រវត្តិចលនាស៊ូរបស់កសិករពី 1954 ដល់ 1970 History of the Struggle Movement from 1954 to 1970 Histoire de la lutte de nos paysans khmers de 1954 à 1970	P			
E3/145	D366 /7.1.4 59	00442091- 00442159 00715045- 00715076 00727312- 00727366	បទឧទ្ទេសនាមរបស់តំណាងបក្ស នាថ្ងៃកំណើតរបស់ បក្សកុម្មុនិស្តកម្ពុជា ៣០ កញ្ញា ៦០ ដល់ ៣០ កញ្ញា ៧៧ Speech of Party Representative in 17th anniversary of CPK birthday Discours du représentant du Parti lors du 17e anniversaire de la fondation du PCK	P			

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E3/196	20.30	00224457- 00224481 00762391- 00762408 00280665- 00280679	សេចក្តីថ្លែងការណ៍របស់បក្សកុម្មុយនិស្តកម្ពុជា ជូនចំពោះបក្សកុម្មុយនិស្តកម្ពុជាករដែលដឹកនាំ ខែកក្កដា ១៩៧៨ [Corrected 1] Statement of the Communist Party of Kampuchea to the Communist Worker's Party of Denemak, July 1978 Statement of the Communist Party of Kampuchea to the Communist Worker's Party of Denemak, July 1978	P			
E3/1683	D108 /50/1 .75	00825418- 00825422, 00823678- 00823691, 00701668- 00701679, 00820987- 00820997 00193067- 00193488 00825423- 00825430, 00824485- 00824491, 00726657- 00726663	[Partial T.] ឧបសម្ព័ន្ធ ៧៥៖ សៀវភៅមានចំណងជើងថា សោកនាដកម្ពុជាប្រវត្តិសាស្ត្រនៃប្រទេសកម្ពុជា Annex 75: Book entitled "The Tragedy of Cambodian History" [Partial T.] Annexe 75: Livre de David P. Chandler "The Tragedy of Cambodian History, Politics, War and Revolution since 1945"- Extraits	P			
E3/3708	D56- Doc. 006	S 00699676- 00699678 S 00022971- 00022978 S 00707432- 00707433	គណៈប្រតិភូរណសិរ្សប្រមូលជាតិកម្ពុជា និងរាជរដ្ឋាភិបាលបង្រួបបង្រួមជាតិកម្ពុជា នៅសាធារណរដ្ឋប្រជាធិបតេយ្យវៀតណាម International Media Article Delegation of the National United Front of Kampuchea and the Royal Government of National Union of Cambodia in DRVN Une délégation du front uni national du Kampuchéa et du gouvernement royal d'union nationale du Kampuchéa en république démocratique du Vietnam	P			
E3/1815	4.24	00104672- 00104890 00487091- 00487550 00701419- 00701421	សៀវភៅនិពន្ធដោយ ប៊ិន ឃៀន មានចំណងជើងថា៖ "តើ ប៉ុល ពត ចូលកាន់អំណាចបែបណា?" Booked by BEN Kiernan entitled: "How Pol Pot Came to Power" Livre écrit par BEN Kiernan intitulé: "How Pol Pot Came to Power"	P		00487489, 00487491, 00487504	00104869, 00104870, 00104889

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E3/4602	Book_IN_Sopheap	00906861-009070760 0906733-00906860	សៀវភៅក្រោមចំណងជើងថា៖ "ខៀវសំផន" ដោយ អ៊ិន សុភាព Book titled "Khieu Samphan" by IN Sopheap	P			
E3/1714	D108/27.19	00324672-00324798 00170692-00170773 00648960-00649033	ឧបសម្ព័ន្ធ ១៩៖ បទសម្ភាសន៍ជាមួយជនភៀសខ្លួនកម្ពុជានៅតាមបណ្តោយព្រំដែនកម្ពុជា-ថៃ Annex 19: Interviews with Kampuchean Refugees at Thai-Cambodia Border, Prepared for the Ishiyama Committee Annual Report, 1980 Annex 19: Rapport annuel: Auditions de réfugiés kampuchéens à la frontière thaïlandaise, préparées pour le comité Ishiyama, 1980	P	00324703, 00324705, 00324722, 00324725, 00324726-27, 00324757, 00324763	00170712, 00170713, 00170723, 00170724, 00170725, 00170745, 00170748, 00170749	00648977, 00648978, 00648987, 00648988, 00648989-90, 00649007, 00649010, 00649011
E3/89	20.6	00062452-00062509 00417599-00417643 00332681-00332725	បទសម្ភាសន៍ជាមួយ អៀង សារី ដោយ ស្ទីវ ហេដ័រ Interview avec Ieng Sary par Steve Heder Interview avec Ieng Sary par Steve Heder	P	00062457-58	00417603	00332685
N/A	E190.1.398	00830754-00830817 00661455-00661491 00792913-00792950	របាយការណ៍វិភាគដោយ Stephen HEDER មានចំណងជើងថា "ការវាយតម្លៃឡើងវិញអំពីតួនាទីរបស់មេដឹកនាំជាន់ខ្ពស់ និងកម្មាភិបាលមូលដ្ឋានក្នុងឧក្រិដ្ឋកម្មក្នុងរបបកម្ពុជាប្រជាធិបតេយ្យ៖ ការទទួលខុសត្រូវរបស់កម្ពុជាក្នុងទស្សនទានប្រៀបធៀប Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective" Réévaluation du rôle joué par les hauts dirigeants et les responsables locaux dans les crimes commis sous le régime du Kampuchea démocratique : la responsabilité cambodgienne située dans une perspective comparative	P			
E3/4651	D313/1.2.251	00419086-00419086	Summary of events happened from 1970-1978 from a notebook	P			

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**Oral Orders/Decisions:**

- The Chamber denies the NC Defence motion to suspend hearing of the testimony of Steven Heder (TCE-33), and further rules that NC defence may make a written submission by Monday, 15 July by 14.00 that clearly identifies which new evidence it wishes to submit. The submission may be in English only with translations to follow. (10.02)
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility and to return the Accused KHIEU Samphan to the courtroom and the Accused NUON Chea to the holding cell by 09.00 on Thursday, 11 July 2013 (16.11).

**Orders for Adjournment of Hearing**

Court is adjourned and will resume at 09.00 on Thursday, 11 July 2013 (16.11). *sw*

Phnom Penh, 10 July 2013

Greffier

*Roger PHILLIPS*  
Roger PHILLIPS



Greffier

*SE Kolvuthy*  
SE Kolvuthy