



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): 16 / 08 / 2013
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WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 July 2013

Substantive Hearing on evidence - Day 209

Prepared by:

Faiza ZOUAKRI and SE Kolvuthy

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE.
Reserve Judge: Judge Claudia FENZ, Judge THOU Mony,
Greffiers: Ms. Faiza ZOUAKRI, Ms. Miriam MAFESSANTI, Ms. SE Kolvuthy
OCP: Ms. SONG Chorvoin, Mr. Tarik ABDULHAK, 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, Mr. Arthur VERCKEN
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. SIN Soworn
Witnesses: Steven HEDER (TCE-33)
Others: Mr. Arun UCH, Ms. SOUR Sotheavy, Mr. Simon MEISENBERG, Ms. Jamie CRAWFORD

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<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:10
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:10	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	5 hours

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness Stephen HEDER (TCE-33)	OCP	09:04	10.30
		10:53	12.09
		13:33	14.41
		15.02	16.10

<u>Summary of Proceedings</u>
<p><u>Waiver of the Accused's right to be present in the courtroom</u> 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.</p> <p><u>Testimony of Witness Stephen HEDER (TCE-33)</u> The Co-Prosecutors pose questions to Witness Stephen 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
E3/1714	D108/27.19	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	00324776-77, 00324742-43, 00324746, 00324712, 00324717	00170757, 00170734, 00170737, 00170716, 00170719	00649019-20, 00648998-99, 00649000-01, 00648981-82, 00648984

N/A	E190. 1.398	00830754- 00830817 00661455- 00661491 00792913- 00792950	របាយការណ៍វិភាគដោយ Stephen HEDER មានចំណងជើងថា “ការវាយតម្លៃឡើងវិញ អំពីតួនាទីរបស់មេដឹកនាំជាន់ខ្ពស់ និង កម្មាភិបាលមូលដ្ឋានក្នុងឧក្រិដ្ឋកម្ម ក្នុងរបបកម្ពុជាប្រជាធិបតេយ្យ៖ ការទទួលខុសត្រូវរបស់កម្ពុជាក្នុង ទស្សនទានប្រៀបធៀប Reassessing the Role of Se Analytical Report by Stephen HEDER entitled “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	00830775	00661466, 00661470, Footnotes 17, 14,68- 74, 78, 20- 22, 44, 45, 57, 59, 103-105, 125, 126	00792925
E3/387	D210 /5	00379481- 00379518 00350200- 00350231 00441411- 00441453	ប្រតិចារិកនៃការថតសម្លេងបទសម្ភាសន៍ ជាមួយ អ៊ុក ប៊ុនឈឿន នៅថ្ងៃទី 04-08-1990 Transcript of recorded interview with OUK Bunchhoeun on 04-08-1990 Transcription des enregistrements des interviews avec OUK Bunchhoeun le 04-08-1990	P	00379483- 84, 00379484- 85, 00379485- 86, 00379488	00350203, 00350204, 00350205, 00350207	00441416, 00441417, 00441418
N/A	E131/ 1/13. 3	00844550- 00844616 00773700- 00773771 00802800- 00802833	ឧបសម្ព័ន្ធ ៣៖ សៀវភៅនិពន្ធ Steve Heder មានចំណងជើងថា “ជាតិសាសន៍និយម លទ្ធិម៉ាក្សនិយម ការកំណត់ក្រុមគោលដៅ និងអំពើប្រល័យពូជសាសន៍” Annex 3: Booked by Steve Heder entitled “Racism, Marxism, Labelling and Genocide in Ben Kiernan's The Pol Pot Regime” Annex 3: Booked by Steve Heder entitled “Racism, Marxism, Labelling and Genocide in Ben Kiernan's The Pol Pot Regime”	P		p. 32, footnote 48	
E3/48	D222 /1.7	00742603- 00742623 00393471- 00393641 00729651- 00729662	[Partial T.] HEDER Stephen, Seven Candidates for Prosecution បេក្ខជនចំនួនប្រាំពីរនាក់ដែលត្រូវកាត់ទោស HEDER Stephen, Seven Candidates for Prosecution [Partial T.] Heder, Stephen, Sept candidats possibles de poursuites	P		00393521, 00393523, pp. 138- 139, footnotes 138-139	

E3/214	9.1	00053007- 00053080 00184022- 00184047 00292914- 00292934	លក្ខន្តិកៈបក្សកុម្មុយនិស្តកម្ពុជា Statute of cambodian communist party Status du Parti Communiste du Kampuchéa	P			
E3/232	13.8	00017116- 00017123 00182628- 00182634 00323932- 00323936	កំណត់ហេតុនៃអង្គប្រជុំការងារប្រចាំថ្ងៃ ៨ មីនា ១៩៧៦ Minutes of meeting on local affairs on 8/3/76 Minutes of meeting on local affairs on 8/3/76	P			
E3/952	21.13	00000766- 00000767 00182658- 00182660 00350762- 00350763	ទូរលេខលេខ ៩៤ ជូនបង ប៉ុល: រាយការណ៍ជូនបងពីសភាពការណ៍ខ្នង, មហាជន និងបង្ករបង្កើតផល នៅភូមិភាគខត្តរ Telegram # 94 to brother Pol: Report to Brother about enemy, people and production situation in north region. Télégramme: 44 A l'attention du respecté Bang Pol à propos de la situation des ennemis, celle de la population et de la production générale dans la Zone Nord	P			
E3/871	21.11	00052346- 00052346 00185241- 00185241 00324505- 00324506	ទូរលេខ ២១ គោរពជូនស.មបង ប៉ុល: សេចក្តីរាយការណ៍របស់ស.ម ឈូក តំបន់២៤ ស្តីពីសភាពការណ៍នៅតាម Telegram # 21 to comrade Brother Pol: Report of comrade Chhouk in zone 24 about situation along Telegram # 21 to comrade Brother Pol: Report of comrade Chhouk in zone 24 about situation along	P			
E3/135	D2- 15.4	00062789- 00062835 00446846- 00446883, 00142902- 00142916 00487707- 00487747	ទង់បដិវត្ត ទស្សនាវដ្តីផ្ទៃក្នុងបក្ស ផ្សាយចេញរាល់ខែ លេខ ៦ មិថុនា ១៩៧៧ Revolutionary Flag The Internal Party Magazine published monthly, Issue 6 June 1977 Étendard révolutionnaire, No 6 juin 1977	P			

E3/8	4.4	00823693-00823704, 00823448-00823451 00103989-00104170 00822843-00822853, 00824870-00824877, 00824058-00824059	<p>[Partial T.] កំណត់ហេតុ នៃអង្គប្រជុំគណៈអចិន្ត្រៃយ៍ ស្តីអំពីគំរោងផែនការ ៤ឆ្នាំ កសាងសង្គមនិយមគ្រប់ផ្នែក ឆ្នាំ១៩៧៧- ១៩៨០ ពីថ្ងៃ ២១ ខែ៧ ដល់ថ្ងៃ ២ ខែ៨ ឆ្នាំ១៩៧៦</p> <p>[Corrected 1] Minutes of the Meeting of the Standing Committee on the Party's Draft of a Four-Year Plan for the Construction of Socialism in all Domains, 1977-1980 dated 21 July to 2 August 1976</p> <p>[Partial T.] Procès-verbal de la réunion du Comité Permanent au sujet de la planification des plans quadriennaux de la construction du socialisme dans tous les domaines, 1977-1980, du 21 juillet jusqu'au 2 août 1976</p>	P			
E3/986	D108 /28.1 14	00020895-00020895 00305259-00305259 00611594-00611594	<p>ឧបសម្ព័ន្ធ ១១៤៖ ទូរលេខ ១៥ គោរពជូន គណៈ ៨៧០ ជាទីគោរពស្នេហា អំពីសភាពការណ៍ខ្មាំង</p> <p>Annex 114: Telegram 15 : To Respected and Beloved Chief 870 about enemy situation Annex 114: Telegram 15 : To Respected and Beloved Chief 870 about enemy situation</p>	P			
E3/390	D210 /9	00392067-00392107 00436846-00436876 00479778-00479821	<p>ប្រតិចារិកនៃការថតសម្លេងបទសម្ភាសន៍ ជា មួយ ម៉ាត់ លី នៅឆ្នាំ ១៩៩០</p> <p>Transcript of recorded interview with MAT Ly in 1990 Transcript of recorded interview with MAT Ly in 1990</p>	P	00392106-07, 00392105	00436875, 00436874, 00436873, p. 22	00479818
E3/4652	D224. 81	00789290-00789293 00352076-00352077 00776175-00776177	<p>ឧបសម្ព័ន្ធ 00081: បទសម្ភាសន៍របស់ SOAS/HRW ជាមួយ Ream Di</p> <p>Annex 00081: SOAS/HRW Interview of Ream Di Annexe 00081: Entretien avec Ream Di réalisé par SOAS/HRW</p>	P		00352076	
E3/79	D108 /2/8	00146593-00146612 00161552-00161567 00164583-00164607	<p>កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី (ប្រាក់ ខន)</p> <p>Written Record of Interview of Prak Khan Procès verbal d'audition de Prak Khan</p>	P			

១៧-៥

E3/216	13.1	00008485- 00008493 00850973- 00850978 00343374- 00343380	កំណត់ហេតុ អំពីទស្សនកិច្ច អចិន្ត្រៃយ៍ និងសេចក្តីរាយការណ៍អំពីសភាពកាណ្យូម នៅមូលដ្ឋាន [Corrected 1] Note about permanent visited and the report about overall situation at the basic Procès-verbal de la visite du Comité Permanent et le compte-rendu de la situation générale sur le terrain	P			
E3/797	13.27	00052376- 00052379 00183964- 00183965, 00234456- 00234459 00386192- 00386195	កំណត់ហេតុនៃការប្រជុំលេខា, អនុលេខាកងពល និង វេសេនាធំឯករាជ អំពីកំណត់ចំនួនដី ដែលត្រូវធ្វើកសិកម្ម សំរាប់ផែនការ៤ឆ្នាំ Note of Secretary, Under-secretary Division and Independence Regiment Meeting. About 4 years planning of party to limite the farm for do agriculture. Note of Secretary, Under-secretary Division and Independence Regiment Meeting. About 4 years planning of party to limite the farm for do agriculture.	P			
E3/781	D366 /7.1.1 57	00072367- 00072399 00523569- 00523592 00543745- 00543767	CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document)" CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document)" CPK Document entitled "Governing and carrying out policy and restoring all fields of the country (3rd document)"	P			
E3/729	11.3	00063397- 00063434 00357900- 00357930, 00184230- 00184245 00364222- 00364251	ទស្សនាវដ្តី យុវជន និង យុវនារី បដិវត្ត លេខ១០ ខែតុលា ឆ្នាំ១៩៧៥ [Corrected 1] Revolutionary Youth No. 10 Oct., 1975 [Corrigée 1] Revolutionary Youth No. 10 Oct., 1975	P			
E3/2782	D2-15.1	00095544- 00095558 00089704- 00089707, 00089707- 00089716	ទស្សនាវដ្តីនៃមជ្ឈមណ្ឌលឯកសារកម្ពុជា, កែ ពក ការពារខ្លួនមុនពេលស្លាប់, សរសេរជាភាសាខ្មែរ លេខ២៧ ខែមីនា ឆ្នាំ២០០២ Biography of Ke Pauk from 1957 until the present	P			

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E3/12	6.3	00003136- 00003142 00182809- 00182814 00224363- 00224367	សេចក្តីសម្រេចរបស់គណៈមជ្ឈឹមអំពីបញ្ហា ផ្សេងៗមួយចំនួន Decision of central committee on a number of problems Decision of central committee on a number of problems	P			
E3/190	20.7	00172247- 00172248 00081571- 00081572 00607965- 00607965	លោកស្ទីវហេដឌឺរ បានធ្វើការពិភាក្សាជាមួយលោកអៀងសារី ជាភាសាអង់គ្លេសចុះថ្ងៃទី០៤មករា១៩៩៩ Steve Heder, A Discussion with Ieng Sary, 4 January 1999 Steve Heder, A Discussion with Ieng Sary, 4 January 1999	P			
E3/1820	4.37	00342505- 00342540 00105794- 00105817 00896746- 00896774	កម្ពុជាឆ្នាំសូន្យ និងនូវដោយ François Ponchaud Cambodia Year Zero by François Ponchaud Livre écrit par Francois Ponchaud intitulé: " Cambodge année Zéro"	P			
E3/798	13.28	00052380- 00052383 00183966- 00183969 00386196- 00386200	កំណត់ហេតុនៃការប្រជុំលេខា, អនុលេខាកងពល និង វរៈសេនាធំកងពល អំពីពិនិត្យសភាពការណ៍ខ្មាំង និងចាត់វិធានការ Note of Secretary, Under-secretary Division and Independence Regiment Meeting. About Controlling enemy situation and take measures. Note of Secretary, Under-secretary Division and Independence Regiment Meeting. About Controlling enemy situation and take measures.	P			
E3/804	13.39	00008475- 00008484, 00095507- 00095527 00233710- 00233721 00386201- 00386210	កំណត់ហេតុនៃការប្រជុំលេខា និងភក្តុភារកងពល និង វរៈសេនាធំកងពល អំពីសកម្មភាពខ្មាំងខាងក្រៅ និងខាងក្នុង Report of meeting under secretary and logistics division and independence regiment about Activity of enemy out side and inside. Report of meeting under secretary and logistics division and independence regiment about Activity of enemy out side and inside.	P			

E3/3169	D29- Attach- ment 66	00711363- 00711420 00002744- 00002773 00722063- 00722093	ឯកសារភ្ជាប់ ៦៦៖ ឯកសារពិភាក្សាស្តីពី៖ "ប៉ុល ពត និង ខៀវ សំផន" ដោយ Steve Heder Attachment 66: Working Papers on "Pol Pot and Khieu Samphan" by Steve Heder Attachment 66: Document de travail intitulé: "Pol Pot et Khieu Samphan", Stephen Heder	P	00711377, 00711379- 80, 00711385, 00711386, 00711389, 00711397, 00711408, 00711410, 00711416- 17	00087771, 00087773, 00087776, 00087777, 00087778, 00087783, 00087789, 00087790, 00087793, 00087794, Footnote 37, 39, 40	00722071, 00722072, 00722075, 00722076, 00722077, 00722081, 00722087, 00722088, 00722090, 00722091
E3/118	D262. 5	00905178- 00905203, 00846158- 00846172, 00700267- 00700288, 00895406- 00895418 00166888- 00167025 00845853- 00845863, 00700256- 00700266, 00895397- 00895405, 00937004- 00937019	[Partial T.] ឧបសម្ព័ន្ធ ០០០០៥៖ លោក ខៀវ សំផន ចេញផ្សាយសេចក្តីថ្លែងការណ៍ស្តីពីស្ថាន ភាពបច្ចុប្បន្ន Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975 Annexe 00005: KHIEU Samphan fait une déclaration sur la situation actuelle	P			
E3/203	D210 /4	00385386- 00385414 00423996- 00424016 00434206- 00434237	ប្រតិចារិកនៃការថតសម្លេងបទសម្ភាសន៍ ជាមួយ ខៀវ សំផន នៅថ្ងៃទី ០៤-០៨-១៩៨០ Transcript of recorded interview with KHIEU Samphan on 04-08-1980 Transcription des enregistrements des interviews avec KHIEU Samphan le 04-08- 1980	P		00424014, 00424013, 00424016	00434233, 00434232, 00434236- 7
E3/182	13.2	00019108- 00019126 00183393- 00183408 00292868- 00292886	ការប្រជុំអចិន្ត្រៃយ៍ថ្ងៃទី ៩ តុលា ៧៥ Permanent 's meeting of committee on 9 October 1975 La réunion du Comité Permanent du 9 octobre 1975	P			

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E3/144	4.40	00291057- 00291062 S 00012660- 00012698 S 00012471- 00012528	សេចក្តីថ្លែងការណ៍របស់ ប៉ុល ពត ក្រោមចំណងជើងថា៖ ជ័យយោខូបលើកទី១៧របស់បក្សកុម្មុយនីស្ត សកម្ពុជា Statement by POL Pot - Speech entitled "Long Live the 17th Anniversary of the Communist Party of Kampuchea" Déclaration de POL Pot intitulée "Les grandioses victoires de la revolution du Kampuchea"	P			
E3/703	D84- Annex A-02	00700545- 00700573 00003999- 00004015 00693791- 00693810	អ្វីជាការពិតនិងយុត្តិធម៌អំពីការចោតប្រកាស ទៅលើការសំលាប់ម្ចាស់របស់ខ្មែរក្រហម ម What are the truth and justice about the accusations of the mass killings against the Democratic of Kampuchea during 1975-79 La vérité et la justice à propos des massacres qui auraient été perpétrés par le kampuchéa démocratique de 1975 à 1978	p			

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 to return the Accused KHIEU Samphan to the courtroom and the Accused NUON Chea to the holding cell by 09.00 on Monday, 15 July 2013 (16:12).
- The Chamber directs the court officer to assist the Witness Stephen Heder to return to the courtroom at 09.00 on Monday 15 July (16:12).

Orders for Adjournment of Hearing
Court is adjourned and will resume at 09:00 on Monday 15 July 2013 (16:12). ១៧

Phnom Penh, 11 July 2013

Greffier



Faiza ZOUAKRI



Greffier



SE Kolvuthy