



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): 29 / 01 / 2013
ម៉ោង (Time/Heure): 15:30
អគ្គិសនីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SAN N. PANA

WRITTEN REORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 January 2013

Substantive Hearing on evidence - Day 150

Prepared by:

Faiza ZOUAKRI and DUCH Phary

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Ms. Faiza ZOUAKRI, Mr. DUCH Phary, Mr. Roger PHILLIPS.
OCP: Mr. Keith RAYNOR, Mr. VENG Huot
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (present but in his holding cell).
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. ANG Udom, Mr. Michael KARNAVAS, Mr. KONG Sam Onn, Ms. Anta GUISSÉ
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Ms. SIN Soworn, Ms. TY Srinna
Witness: N/A.
Others: Ms. Laura GRETZ, Mr. Grant RAGLAND, Mr. UCH Arun, Ms. SOUR Sotheary.

<u>General court times</u>		
Day	Start time: 09:10	Finish time: 4:05
Recess am	Start time: 10:30	Finish time: 10:55

Recess	Start time: 12:00	Finish time: 1:30
Recess pm	Start time: 14:45	Finish time: 15:10
	Total Court Time:	4 hours and 35 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused NUON Chea and KHIEU Samphan's right to be present in the courtroom	TC	9:07	9:08
OCP presents key documents	OCP	9:09 11:01 11:33 13:32 15:09	10:32 11:23 12:00 14:45 16:02
Parties discuss the health of IS citing E245/3)	IS Defence OCP	10:55 11:00	11:00 11:01
Waiver of Accused's right to be present in the courtroom	IS Defence; TC	12:02	12:03

Summary of Proceedings

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

The Accused NUON Chea and KHIEU Samphan waived their right to be present in the courtroom for the entire day's document hearing due to health reasons. They submitted their waivers, E258/2 and E223/4, respectively. The Accused IENG Sary is present in the holding cell and has waived his right to participate in the hearings due to his health condition.

Presentation of key documents by the Co-prosecutors

The OCP presented key documents regarding the remaining factual segments, namely movement of the population, beginning with Phase 1 and continuing to Phase 2 as well as Tuol Po Chrey.

Health of the Accused IENG Sary

Counsel for IENG Sary expressed concern regarding the health of IENG Sary, particularly whether the health of the Accused prevents him from following the proceedings.

Record of Rule 87(3) Proceedings

TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
E3/3334		United States Department of State report	OCP	0070867 (KH) 00413053 (EN) 00751935 (FR)

E3/3551		United States Department of State report	OCP	00725702 (KH) 00763934 (FR) 00725704 (KH) 00413033 (EN) 00763934 (FR)
E3/3334		United States Department of State report	OCP	00740868 (KH) 00413054 (EN) 00751931 (FR) 00740869 (KH) 00413056 (EN) 00751932 (FR) 00740871 (KH) 00413057 (EN) 00751933 (FR)
E3/3336		United States Foreign Broadcast	OCP	0063544 - 0063545 (KH) 00413126 (EN) 0059974 - 0059975 (FR) 00635049 - 00635051 (KH) 00414132 - 00414135 (EN) 00599762 - 00599763, 00599765 (FR) 00635053 (KH) 00413136 (EN) 00599767 (FR)
E3/120		United States Department of State report	OCP	00166810 (EN) 00166821 (EN) 00166830 - 00166831 (EN) 00700233 (KH) 00166826 (EN)
E3/3341		United States Department of State Report	OCP	00413194 (EN) 00606713 (FR) 00631509 - 00631511 (KH)

				00413198 - 00413199 (EN) 00606718 - 00606719 (FR) 00631514 (KH) 00413202 (EN) 00606722 (FR)
N/A		FBIS Report	OCP	00166851 (EN)
E3/118		FBIS Report	OCP	00169901 00166919 00166921 00166927 00066937 00166939 - 00166940 00266950 00166969 - 00166971 00166959 - 00166960 00166972 - 00166973 00166974 00166976 (EN) 00846158 (KH)
	D108/32.2R	"Pol Pot: The Killing Embrace"	OCP	
E3/118		FBIS Report: "Private Weapons to be Borrowed"	OCP	00700274 - 00700275 (KH) 00166919 00166921; 00166927; 00066937; (EN)
E3/3445		Memorandum of White House Cabinet Meeting, 16 April 1975.	OCP	00738432 - 00738436 (KH) 00443342 00443344 (EN) 00777633 00777636 (FR)
E3/2864		Communiqué of French journalist Jean-Jacques Cazaux	OCP	00712954 (KH) 00710311 00710313 (EN) 00391422 00391423 (FR)
E3/2687		Telegram from the Ministry of Foreign Affairs in Paris	OCP	00490992 (KH) 00391430 (FR)

		to the French Embassy in Phnom Penh		
E3/51		“Revolutionary Flag”, Issue 7, July 1976	OCP	00644702 - 00644703 00644709 (KH) 00003277 00003278 (EN) 00597831 - 00597832 00597835 (FR)
E3/2689		Telegram from Jean Dyrac, French Ambassador at the French Embassy in Phnom Penh, to the French Ministry of Foreign Affairs in Paris.	OCP	00490995 (KH) 00486884 (EN) 00391434 (FR)
E3/2688		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 17 April 1975	OCP	00490993 - 00490994 (KH)
E3/2696		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris	OCP	00491977 (KH) 00491278 (EN) 00391444 (FR)
E3/2684		Jean-Jacques Cazaux chronology, 18 April 1975	OCP	00710314 (EN) 00391423 (FR)
E3/2692		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 18 April 1975	OCP	00490997 (KH)
E3/2693		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 18 April 1975	OCP	00490998 (KH)
E3/2694		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 18 April 1975	OCP	00491363 00491364 (KH)
E3/2691		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 18 April	OCP	00490996 (KH)

		1975		
E3/51		International Media Report on the fall of Phnom Penh	OCP	00644713 00644720 00644722 (KH) 00597837; 00597841 00597842 (FR) 00003279 00003280 00166992 (EN)
	D108/32.2R	"Cambodia Year Zero" No. 10	OCP	
E3/118		FBIS report	OCP	00166983 00166984 00166988 00166989 (EN)
N/A		"Los Angeles Times" 8th of May 1975	OCP	0664009 00664010 (KH) 00664007 (FR) 00445203 (EN)
E3/3367		"Chicago Tribune", 19th of April 1975	OCP	00444890 (EN)
E3/118		Voice of the NUFC	OCP	00166988 00166989 (EN)
E3/2698		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 19 April 1975	OCP	00810736 (KH)
E3/2701		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 20 April 1975	OCP	00492868 (KH)
E3/2702		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 20 April 1975: "Departure of Refugees"	OCP	00492870 (KH)
E3/2684		20th of April 1975 notes from Jean-Jacques Cazaux	OCP	00391426 (FR) 00710319 (EN)
E3/118		Khieu Samphan broadcast on the 21st of April headed "A Victory Message"	OCP	00846160 00846161 (KH) 00166994 (EN)
E3/2707		Telegram from the French Embassy in Phnom Penh to	OCP	00492871 (KH)

		the Ministry for Foreign Affairs		
E3/2714		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 22 April 1975	OCP	00555739 (KH)
E3/2715		Telegram from the French Embassy in Phnom Penh to the Ministry for Foreign Affairs in Paris, 23 April 1975: "Foreign Refugees at the Embassy of France"	OCP	00813074 (KH)
E3/118		26th of April 1975 FBIS document by Joël Henri "Refugees Say Khmer Rouge Executions Have Begun"	OCP	00167019 00167020 (EN)
E3/2684		Report from Jean-Jacques Cazaux" 26th of April 1975	OCP	00391424 (FR) 00710315 (EN)
E190.1.302		28th of April 1975 "Time" magazine article	OCP	00858667 (KH) 00777553 (FR) 00002603 (EN)
E3/2684		30th of April 1975 Report of Jean-Jacques Cazaux	OCP	00391425 (FR) 00710317 (EN)
E3/51		1st of May 1975 "Times" article: "We are Lost and Confused"	OCP	00644734; 00644735 (KH) 00597850 (FR) 00644734 (EN)
E3/3366		Jean-Jacques Cazaux article appearing in the "Los Angeles Times" on the 8th of May 1975	OCP	00631524 (KH) 00606727 (FR) 00445201 (EN)
E3/2666		Telegram from French Foreign Embassy in Thailand to the Ministry of Foreign Affairs in Paris, 23 rd of June of 1975 "The Testimony of Brigadier-General Sor Buon, Former General in the Khmer National Armed Forces"	OCP	00499661 (KH) 00499662 00499664 00499665 00499666 00386857 003868561 (FR) 00517763 00517767 0051774 (EN)
E3/51		Compilation from the "Times" newspaper	OCP	00644730 (KH) 00597847 (FR) 00003282 (EN)
E3/3372		"Washington Post" on the	OCP	00831549 (KH)

		4th of June 1975		00445435 (EN)
E3/3316		Amnesty International news release, 30th of March 1978 "Amnesty International Urges Cambodia to Respond to Allegations of Summary Executions"	OCP	00591055 (KH) 00607928 00607929 (FR) 00419920 (EN)
E3/216		Record of the Standing Committee's visit to the Northwest Zone from the 20th to the 24th of August 1975	OCP	00008485; 00008487- 00008492 (KH) 00343375- 00343379 (FR) 00850973- 00850978 (EN)
E3/781		Communist Party of Kampuchea document dated in September 1975	OCP	00072367; 00072368 00072369 (KH) 00543745 00543747 (FR) 00523569 00523570 00523571 (EN)
	D108/32.2R	"Cambodia Year Zero" Item 1012.	OCP	
		"Cambodia: A History of Genocide" Video No. 11	OCP	
		"Cambodia Year Zero", Video No. 15	OCP	
		"One Day at Po Chrey" Video No. 12	OCP	

Oral Orders/Decisions:

- Order allowing the Accused IENG Sary to participate from the holding cell during the entire day (waiver of the Accused is attached to this written record. (12:02)
- The Chamber directs the treating doctors to provide the Chamber an updated medical report on the condition of IENG Sary by 1:15. (12:02)
- The Chamber instructs the security guards to take accused IENG Sary to detention facility. The Chamber further instructs the security guards to have IENG Sary returned to the holding cell prior to 9:00 on Thursday, 24 January 2013. (4:08 p.m.)

Orders for Adjournment of Hearing

The court is adjourned at 16:08 and will resume Thursday, 24 January 2013 commencing from 9:00.

Phnom Penh, 23 January 2013

Greffier Greffier


Faiza ZOGA KRI... UCH Phary