



**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 premiere instance

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... 29 / 04 / 2013 .....
ម៉ោង (Time/Heure):..... 15:30 .....
អន្តេបទពលបេសកកម្មរឿង/Case File Officer/l.'agent chargé du dossier: ..... <i>SANN RADA</i> .....

**WRITTEN REORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

24 January 2013

Substantive Hearing on evidence - Day 151

Prepared by:

Matteo CRIPPA and DUCH Phary

<b>Attendance Record</b>
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: Mr. Matteo CRIPPA, Mr. DUCH Phary
OCP: Mr. Keith RAYNOR, Mr. VENG Huot, Mr. TOCH Vannarith
Accused: Mr. IENG Sary (present from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. Michael KARNAVAS, Mr. ANG Udom.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Mr. VEN Pov, Ms. TY Srinna, Ms. SIN Soworn, Mr. PHANG Vichet, Ms. NGORN Rothna
Witness: N/A.
Others: Courtroom officer, transcribers, Mr. Grant RAGLAND

<b>General court times</b>		
Day	Start time: 09:00	Finish time: 14:40
Recess am	Start time: 10:30	Finish time: 11:00

Recess	Start time: 12:00	Finish time: 1:30
Recess pm	Start time: NA	Finish time: NA
	Total Court Time:	3 hours and 35 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Waiver of Accused's right to be present in the courtroom.	TC	9:03	9:04
Parties continue presentation of documents to the court	OCP	9:04	9:39
	LCLCP	9:40	12:03
Discussion on admissibility of documents	NC Defence	13:50	13:51
	IS Defence	13:52	14:03
	KS Defence	14:03	14:13
Discussion regarding the testimony of Civil Parties	OCP	14:13	14:15
	LCLCP	14:16	14:18
	IENG Sary Defence	14:21	14:25
	TC	14:25	14:33

### 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. They submitted their waivers (E258/2 and E223/4 respectively). The Accused IENG Sary is present in the holding cell and due to his health will participate remotely for the entire day.

#### Parties continued presentation of documents to the court

The court continued to give the parties an opportunity to present documents to the court, to have an adversarial hearing on these documents, as well as to discuss key documents already before the court regarding the Tuol Po Chrey killing site and the forced movement of the population.

#### Discussion on admissibility of documents

Defence Counsel objected to various forms of evidence being presented including letters, videos, evidence given without relevant information, including the date, circumstances, and identities of the parties.

Discussion regarding the testimony of Civil Parties\_The IENG Sary Defence argues that civil parties' failure to take an oath makes their testimony suspect, while the civil party Lead Co-Lawyers disagree. The Trial Chamber recalls that it has previously ruled on this issue.

### Record of Rule 87(3) Proceedings

TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
E3/781		CPK Document entitled "Governing and Carrying Out Policy and Restoring All Fields of the Country." September 1975	OCP	00072373- 00072374; 00072381; 00072394; 00072397; (KH) 00543749- 00543750; 00543755; 00543764; 00543766; (FR) 00523573 - 00523574; 00523579; 00523588; 00523590; (EN)
E190.1.3 18		William Shawcross, Far Eastern Economic Review, on the 2nd of January, 1976. "The Khmer Rouge's Iron Grip on Cambodia"	OCP	00708573 (KH) 00780515 (FR) 00005151 (EN)
	D199/26.2.184	21st of January, 1976 "Cambodia: The New York Times Reports New Enforced Movements with a High Death Toll".	OCP	00548749 (KH) 00389829; 00612290 (FR) 00519810 (EN)
E3/1181		Report entitled "Base General View of Sector 5, Northwest zone".		00214486; 00214488 00214489 00214490 (KH) 00612289; 00612290 00612291 (FR) 00223175; 00223176 (EN)
E3/3316		Amnesty International Report	OCP	00591055 (KH) 00607929 (FR) 00419921 (EN)
E3/3011 R		"La Recolte du Riz".	OCP	
	D22/100	Civil Party statement describing the removal family from Kampong Som.	LCLCP	00850531- 00850532; (FR) 00369510 00369511; (EN) 00358174 (KH)

	D22186	Civil Party Statement Regarding Security Centre	LCLCP	00816822-00816823; (FR) 00417896-00417897 (EN) 00387631 (KH)
	D22/8	Description of working conditions and eventual transportation to S-21	LCLCP	00343764 (FR) 00156813 (EN) 00152355 (KH)
	D22/1370.1	Description of Krang Ta Chan security center in the Southwest Zone	LCLCP	N/A
	D22/144	Description of Siem Reap prison	LCLCP	N/A
	D22/1721A	Description of security center in the West Zone	LCLCP	N/A
	D22/3280	Description of Phnom Srey security centers in Kampong Cham	LCLCP	N/A
	D22/3828	Description of S-21 security center	LCLCP	N/A
	D22/83	Description of Security center in the Southwest Zone	LCLCP	N/A
	D22/1240	Forced transfer	LCLCP	00861757-00861758; (FR) 00840000; (EN) 00523356-00523357 (KH)
	D22/3751	Forced transfer	LCLCP	00865640 (FR) 00569592 (EN) 00873721-00873722 (KH)
	D22/3850	Forced transfer	LCLCP	00860735-00860736; (FR) 00867203; 00867204; (EN) 0057056-0057058 (KH)
	D22/10	Forced transfer	LCLCP	N/A
	D22/121A	Forced transfer	LCLCP	N/A
	D22/203	Forced transfer	LCLCP	N/A
	D22/216	Forced transfer	LCLCP	N/A
	D22/235	Forced transfer	LCLCP	N/A

	D22/257	Forced transfer	LCLCP	N/A
	D22/273	Forced transfer	LCLCP	N/A
	D22/348	Forced transfer	LCLCP	N/A
	D22/354	Forced transfer	LCLCP	N/A
	D22/1999	Forced transfer	LCLCP	00541456 (KH)
	D22/525	Forced transfer	LCLCP	00496962 (KH)
	D22/2953	Forced transfer	LCLCP	00557816 (KH)
	D22/1340	Forced transfer	LCLCP	00526053 (KH)
	D22/1322	Forced transfer	LCLCP	00525684 (KH)
	D22/1248	Forced transfer	LCLCP	00523449 (KH)
	D22/3129	Forced transfer	LCLCP	00560829 (KH)
	D22/3787	Forced transfer	LCLCP	00570179 (KH)
	D22/247	Forced transfer	LCLCP	00421489 (KH)
	D22/2818	Forced transfer	LCLCP	00556891 (KH)
	D22/40	Forced transfer	LCLCP	00323606 (KH)
	D22/35	Forced transfer	LCLCP	00323529 (KH)
	D22/2451	Forced transfer	LCLCP	00551621 (KH)
	D22/1794	Forced transfer	LCLCP	00535334 (KH)
	D22/3461	Forced transfer	LCLCP	00566392 (KH)
	D22/231	Forced transfer	LCLCP	00421213 (KH)
	D22/2751	Forced transfer	LCLCP	00556117 (KH)
	D22/519	Forced transfer	LCLCP	00496869 (KH)
	D22/3623	Forced transfer	LCLCP	00567828 (KH)
	D22/1414	Forced transfer	LCLCP	00528133 (KH)
	D22/2470	Forced transfer	LCLCP	00551851 (KH)
	D22/1079	Tuol Po Chrey	LCLCP	00518541 (KH)
	D22/1529	Tuol Po Chrey	LCLCP	00530043 (KH)
	D22/2011	Tuol Po Chrey	LCLCP	00541770 (KH)
	D22/1557	Tuol Po Chrey	LCLCP	00530391 (KH)
	D22/32	Tuol Po Chrey	LCLCP	00279757 (KH)

**Oral Orders/Decisions:**

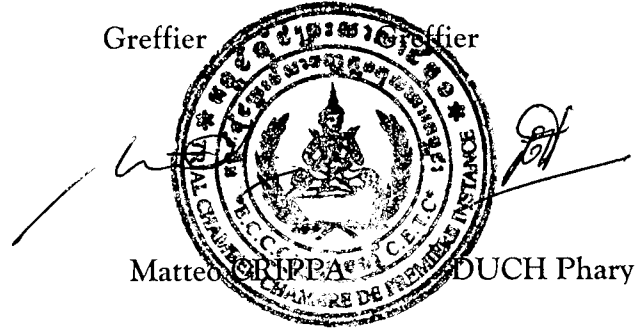
- Order allowing the Accused IENG Sary to participate from the holding cell during the entire day. (Waiver of the accused is attached to this written record).
- Order accepting KHIEU Samphan and NUON Chea's waivers of right to be present in the courtroom. (Waivers of the accused are attached to this written record).

- Chamber instructs security guards to take accused IENG Sary to detention facility and have him returned to the holding cell on 28 January 2013 before 9:00 a.m.

Orders for Adjournment of Hearing  
The Court adjourned at 14:40 and will resume at 9:00 a.m. on 28 January 2013.

Phnom Penh, 24 January 2013

Greffier



Matteo CRIPPA DUCH Phary