



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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

Nation Religion Roi
ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 07 / 05 / 2013
ម៉ោង (Time/Heure): 14 : 00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SAM RARA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 January 2013

Substantive Hearing on evidence - Day 152

Prepared by:

Roger PHILLIPS and SE Kolvuthy

Attendance Record
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, Ms. SE Kolvuthy, Mr. DAV Ansan, Mr. Roger PHILLIPS.
OCP: Mr. SENG Bunkheang, Mr. Dale Lysak.
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. KONG Sam Onn, Ms. Anta GUISSÉ, Mr. Michael KARNAVAS, Mr. ANG Udom.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. VEN Pov, Mr. SAM Sokong, Ms. TY Srinna, Ms. SIN Soworn, Ms. Christine MARTINEAU.
Witness: Mr. Al ROCKOFF (TCW-565)
Others: Ms. Elburg VAN BOETZELAER, Mr. UCH Arun, Ms. SOUR Sotheary.

General court times		
Day	Start time: 09:20	Finish time: 16:10
Recess am	Start time: 10:40	Finish time: 11:05
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:35	Finish time: 15:05
	Total Court Time:	4 hours and 50 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Waiver of NUON Chea's right to be present in the Courtroom	TC	09:20	09:21
IENG Sary's request for authorisation to participate remotely in the proceedings	TC	09:21	09:23
Request of the Co-Prosecutors seeking additional time for the hearing of witness Al ROCKOFF (TCW-565)	IS Defence OCP TC	09:23	09:30
Testimony of witness Al ROCKOFF (TCW-565)	TC OCP LCLCP TC (JL)	09:31 09:38 14:09 15:03	09:38 14:09 14:34 16:05
KHIEU Samphan's request for authorisation to participate remotely in the proceedings	KS Defence TC	12.01	12.06
Decision regarding request of Co-Prosecutors for additional time to question witness Al ROCKOFF (TCW-565)	TC	12.06	12.07

Summary of Proceedings

Waiver of NUON Chea's right to be present in the courtroom

The Accused NUON Chea is still admitted to the Khmer Soviet Friendship hospital and waived his right to be present in the courtroom for the entire day, including during the scheduled hearing today of witness TCW-565. According to the medical report, NUON Chea's health has improved significantly and he is expected to be discharged from the hospital shortly.

IENG Sary's request for authorisation to participate remotely in the proceedings and Waiver of IENG Sary's right to be present in the courtroom

The Accused IENG Sary is present in his holding cell due to his health and will participate remotely for the entire day. The Trial Chamber granted IENG Sary's request to participate remotely to the proceedings from his holding cell for the whole day.

Request of the Co-Prosecutors seeking additional time for the hearing of witness Al ROCKOFF (TCW-565)

IENG Sary's defence team argues that the request of the Co-Prosecutors for additional time for the hearing of witness Al ROCKOFF (TCW-565) was submitted too late and requests the Trial Chamber to stick to the original schedule of the hearing. The Co-Prosecutors state that the request for additional time for the hearing was submitted in a timely fashion. The Trial Chamber will assess the situation as the situation unfolds.

Testimony of Witness Al ROCKOFF (TCW-565)

The Trial Chamber, the Co-Prosecutors and, subsequently, the Lead Co-Lawyers for the civil parties put questions to the Witness.

KHIEU Samphan's request for authorisation to participate remotely in the proceedings

Request of the Accused KHIEU Samphan to participate from his holding cell for this afternoon's proceedings due to health reasons (KHIEU Samphan is still recovering from bronchitis). Oral Order of the Trial Chamber allowing KHIEU Samphan to participate remotely in this afternoon's proceedings. Instruction to submit KHIEU Samphan's waiver.

Decision regarding request of Co-Prosecutors for additional time to hear witness Al ROCKOFF (TCW-565)

Trial Chamber grants additional time to both the Co-Prosecutors and the Lead Co-Lawyers for the civil parties to put questions to the witness, until the afternoon recess.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Clas s	Note in Khmer	Note in English	Note in French
E3/117	D108 /43/1	00242308-	ឧបសម្ព័ន្ធ ១៖ Khieu Samphan Chairs				
		00242314	NUFC Congress Session ចុះថ្ងៃទី ២៦				
		00166772-	ខែកុម្ភៈ ឆ្នាំ ១៩៧៥	P	00242309	00166772	00281432
		00166775	Annex 1: Khieu Samphan Chairs NUFC				
		00281432- 00281435	Congress Session dated 26 February 1975 Annex 1: Khieu Samphan Chairs NUFC Congress Session dated 26 February 1975				

E3/3208	D313 /1.2.1 1	00826501- 00826518 00432391- 00432514 00700293- 00700298	[Partial T.] សៀវភៅនិពន្ធដោយលោក Roland Neveu ក្រោមចំណងជើងថា "ការដួលរលំនៃទីក្រុងភ្នំពេញ" Book by Roland Neveu entitled "The Fall of the Phnom Penh" [Partial T.] Livre de Roland Neveu intitulé "The Fall of the Phnom Penh"	P	00432437, 00432444, 00432458, 00432453, 00432481, 00432482, 00432469, 00432470		
E3/3986	D366 /7.1.4 16	P 00000001- 00000001	International Photograph by Al ROCKOFF.	P			
E3/3342	D313 /1.2.6	00738378- 00738423 00431115- 00431418 00763798- 00763839	[Partial T.] សៀវភៅរៀបរៀងដោយ Jon SWAIN មានចំណងជើងថា៖ "River of Time" Book by Jon SWAIN entitled "River of Time" [Partial T.] Livre de Jon Swain intitulé "River of Time"	P	00738393- 00738394	00431267- 00431268	00763811
E3/51	D366 /7.1.2 78	S 00644696- 00644740 S 00003276- 00003284 00597828- 00597853	របាយការណ៍ពីបណ្តាញសារព័ត៌មានអន្តរ ជាតិស្តីពីការដួលរលំនៅទីក្រុងភ្នំពេញ International Media report on the fall of Phnom Penh International Media report on the fall of Phnom Penh	P	S0064470 6- S0064470 7, S0064470 9, S0064471 0, S0064471 7	S0003278	00597834, 00597835, 00597840
E3/2355 R	D108 /32.2 R	V00172454- V00172454 (EN)	Pol Pot: The Killing Embrece	P	25.22- 26.05; 25.41	25.22- 26.05; 25.41	25.22- 26.05; 25.41
E3/3987	D365 /1.1.2 2	00656309- 00656317 00444899- 00444901 00664018- 00664022	ព័ត៌មានពីក្នុងប្រទេសកម្ពុជា Inside Cambodia Vu au Cambodge	P	00656314	00444900	00664021
E3/604	D313 /1.2.3 00	00632772- 00632773 00419043- 00419044 00599739- 00599742	បណ្តាញសារព័ត៌មានរបស់ Bangkok Post ចុះថ្ងៃទី ២ ខែវិច្ឆិកា ឆ្នាំ១៩៧៥ មានចំនងជើងថា៖ ការទទួលស្គាល់ថាមានការប្រហារជីវិត Media article entitled: "Executions Admitted", Bangkok Post, 2 November 1975 Article de Bangkok Post intitulé: "Executions Admitted", le 2 novembre 1975	P			
E3/2348 R	D108 /32.2 R	V00172506- V00172506 (FR)	Khmer Rouge History of Genocide	P	27:10- 27:59	27:10- 27:59	27:10- 27:59

E3/2694	D199 /26.2. 199	00491363- 00491364 00486889- 00486889 00391442- 00391442	សារទូរលេខទាក់ទងនឹង ការជ្រកកោនផ្នែកនយោបាយ Télégramme intitulé Asile politique Télégramme intitulé Asile politique	P			
E3/5818		New	Photograph taken by Al Rockoff	P			
E3/5819		New	Photograph taken by Al Rockoff	P			
E3/5820		New	Photograph taken by Al Rockoff	P			
E3/5821		New	Photograph taken by Al Rockoff	P			
E3/5822		New	Photograph taken by Al Rockoff	P			
E3/5823		New	Photograph taken by Al Rockoff	P			
E3/5824		New	Photograph taken by Al Rockoff	P			

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 to proceed today's hearing without the Accused NUON Chea present in view of his waiver (waiver of the Accused is attached to this written record).
- Order allowing the Accused KHIEU Samphan to participate from his holding cell during the afternoon session (waiver of the Accused is attached to this written record).
- Order to bring Witness Al ROCKOFF (TCW-565) back to his accommodation and return him back to the courtroom by 9 a.m. on Tuesday 29 January 2013.
- Order to bring the accused KHIEU Samphan and IENG Sary to the detention facility and have KHIEU Samphan returned to the courtroom by 9 a.m. on Tuesday 29 January 2013. Security personnel are instructed to have IENG Sary returned to his holding cell by 9 a.m. on Tuesday 29 January 2013.

Orders for Adjournment of Hearing

The hearing will resume on Tuesday 29 January 2013 at 09.00 a.m.

Phnom Penh, 28 January 2013

Greffier



Roger PHILLIPS



Greffier



SE Kolvuthy