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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... 31 05 2013

ម៉ោង (Time/Heure): 11' 07

អគ្គិសនីបណ្ណសំណុំរឿង/Case File Officer/L'agent chargé du dossier: U C I A A R U N

E1/167

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

WRITTEN REORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 January 2013

Substantive Hearing on evidence - Day 154

Prepared by:

Faiza ZOUAKRI 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. SE Kolvuthy, Ms. Faiza ZOUAKRI, Mr. Roger PHILLIPS.
OCP: Mr. William SMITH, Mr. CHAN Dararasmey, 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. KONG Sam Onn, Ms. Anta GUISSÉ, Mr. ANG Udom.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. SAM Sokong, Ms. SIN Soworn
Witness: N/A.
Others: Mr. UCH Arun, Ms. SOUR Sotheavy, Mr. Grant RAGLAND.

Handwritten signature/initials

<u>General court times</u>		
Day	Start time: 09:20	Finish time: 16:05
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:00	Finish time: 13:35
Recess pm	Start time: 14:35	Finish time: 15:00
	Total Court Time:	4 hours 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of NUON Chea and KHIEU Samphan's right to be present in the courtroom	TC	9:21	9:23
OCP presentation of key documents.	OCP	9:32	16:05
Discussion on the admissibility and presentation of documents	NC Defence KS Defence	13:33 15:03	13:40 15:10
NUON Chea revokes waiver	NC Defence	14:57	15:01

<u>Summary of Proceedings</u>
<p><u>Waiver of the Accused's right to be present in the courtroom</u></p> <p>The Accused NUON Chea waived his right to be present in the courtroom for the entire day and has submitted his waiver, E258/2. KHIEU Samphan waived his right to be present in the courtroom for the presentation of those documents concerning IENG Sary and NUON Chea; however, KHIEU Samphan is required to participate from his holding cell in the afternoon during the presentation of documents related to him. The Accused IENG Sary is present in his holding cell and will participate remotely for the entire day due to his health.</p>
<p><u>The Office of the Co-Prosecutors presents key documents relevant to the roles of the Accused.</u></p> <p>The Co-Prosecutors presents key documents relating to the roles and responsibilities of IENG Sary and KHIEU Samphan during the period of the Democratic Kampuchea.</p>
<p><u>NUON Chea revokes waiver</u></p> <p>NUON Chea Defence indicates NUON Chea has revoked his earlier written waiver to be present during the presentation of documents concerning his role and will subsequently be transmitting the said revocation to the court.</p>

<u>Record of Rule 87(3) Proceedings</u>

2/7

TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
E9/21.3 Annex A		Copy of Indictment (Agreed Facts)	TC	E00656964- E00656981
E/2348 R		Meeting of Prince Sihanouk and IENG Sary with other members of the CPK.	OCP	N/A
E3/214		Statue of Communist Party of Kampuchea of 1976	OCP	00184024 (EN) 0053009 (KH)
E3/597		Interview with IENG Sary, "Interview of a Cambodian Revolutionary" appearing in <i>Le Monde</i>	OCP	00744036 (KH) 00722245 (FR) 00003963 (EN)
E3/111		Interview with IENG Sary, appearing in the <i>Vietnam Courier</i>	OCP	00711428 (KH) 00711429 00762415 (EN) 0762416 00738624 (FR)
E3/3051R		Video depicting leaders of CPK leading a rally at the Olympic Stadium.	OCP	N/A
E3/3201R		Video depicting IENG Sary's role at Vietnamese international delegation, 27 July 1975	OCP	N/A
E3/2348R		Video of IENG Sary talking with journalist regarding the reasons for the evacuation of Phnom Penh.	OCP	N/A
E3/550		IENG Sary interview given to Newsweek on 8 September 1975	OCP	00087603- (EN) 00087604 00291035 (KH) 00290138 00698732- (FR) 00698734
E3/27		Statement of KHIEU Samphan regarding the importance of the Standing Committee	OCP	00156619 (KH) 00156750 (EN)
E3/182		9 October 1975 standing Committee minutes	OCP	0019108 (KH) 00183393 (EN)
E3/227		2 November 1975 committee minutes	OCP	0019127 (KH)

E3/229		22 of February 1976 standing committee minutes	OCP	
E3/230		22 February 1976 standing committee minutes	OCP	000711 (KH)
E3/231		8 March 1976 standing committee minutes	OCP	
E3/217		11 March 1976 standing committee minutes	OCP	
E3/233		13 March 1976 standing committee minutes	OCP	
E3/234		13 March 1976 standing committee minutes	OCP	
E3/219		3 May 1976 standing committee minutes	OCP	
E3/220		7 May 1976 standing committee minutes	OCP	
E3/221		14 May 1976 standing committee minutes	OCP	
E3/238		28th of February, 1976	OCP	00072459 (KH) 00446631 (FR)
E3/223		17 May 1976 standing committee minutes	OCP	50000829 (KH) 00182708 00182711 (EN) 00323984 00323896 (FR)
E3/893		Telegram dated 26 January 1976	OCP	
E3/995		Telegram dated 19 March 1978	OCP	
E3/157		Telegram dated 21 April	OCP	
E3/12		Central Committee Decision on 30 March 1976 regarding right to smash inside and outside the ranks	OCP	
E3/210		KHIEU Samphan statement dated 14 December 2007	OCP	00156691 (KH) 0056691 (KH) 00156949 (EN)
E3/607		Speech given by IENG Sary regarding solidarity on 5 October 1976	OCP	00816624 (KH) 00586804 (EN)
N/A		IENG Sary Telegram, 20	OCP	

4/7

No E3 number in the system	D366/7.1.820	September 1978		
E3/1337		Ministry of Foreign Affairs Telegram	OCP	00333906 (KH) 00333917 00235721 (EN) 00235727 00235729 00235736 (FR) 00235736
E3/522		"The Diary of Khmer Rouge Foreign Ministry"	OCP	00427832- (KH) 00427833; 00427872; 00427921; 00427949; 0003239 (EN) 0003243 0003247 0003254, 0003216 0003336
E3/857		DK Report "Working With the Committees of Every Unit"	OCP	00086707 (KH) 00355487 (EN) 00811327 (FR)
E3/1550		Letter from Ministry of Propaganda		0003117 (KH) 0003118; 00766888 (FR) 00759691 (EN)
	D108/32.2	Video depicting power within the Standing Committee		
E3/1547		Summary of Meak Touch's S-21 Confession		
E3/3052R		Video Clip showing leadership entering into Olympic Stadium		
E3/489		Timeline Chart	OCP	
E3/89		Interview between Stephen Heder and IENG Sary on 17 December 1976.	OCP	
E3/547		Adversarial hearing where KHIEU Samphan made a statement	OCP	

E3/27		Statement given by KHEIU Samphan before OCIJ	OCP	00156614 (KH) 00156619 00156666 (FR) 00156672 00156743 (EN) 00156751
E3/37		Statement by KHIEU Samphan given to OCIJ	OCP	00156675 (KH) 00156677 00156756 (EN) 00156753 00156663 (FR) 00156680
E3/210		Statement by KHIEU Samphan given to OCIJ	OCP	00156689 (KH) 00156691 00156690 00156694 00156966 (FR) 00156948 (EN) 00156949
E3/858		List of bodyguards and staff assigned to officers	OCP	
E3/702		KHIEU Samphan wishes to remain silent	OCP	
	D295/2/2.23 R	Return of Sihanouk from China to Cambodia	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). (9:23)
- Order accepting NUON Chea's waiver of right to be present in the courtroom. (9:23)
- Order for KHIEU Samphan to be present in his holding cell during the presentation of key documents for the afternoon hearing. (9:24)
- Order for security guard to escort IENG Sary and KHIEU Samphan to the detention facility and have them to the holding cell the following morning before 9:00. (16:06)

Orders for Adjournment of Hearing
The Court adjourned at 16:05 and will resume the following morning commencing from 9:00am. *[Handwritten initials]*

Phnom Penh, 30 January 2013

Greffier



Faiza ZOUAKRI



Greffier



SE Kolvuthy