



**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

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ..... ០៥ / ០៧ / ២០១៣ .....
ពេលវេលា (Time/Heure) : ..... 10 : 30 .....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: ..... <i>K. N. N. R. A. D. A.</i> .....

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

10 April 2013

Substantive Hearing on evidence - Day 166

Prepared by:

Miriam MAFESSANTI and DUCH Phary

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ
<b>Greffiers:</b> Ms. Miriam MAFESSANTI, Mr. DUCH Phary
<b>OCP:</b> Mr. CHAN Dararasmey, Mr. Vincent DE WILDE D'ESTMAEL, Mr. PHANN Sochea
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. LOR Chunthy, Ms. MOCH Sovannary, Ms. TY Srinna, Ms. Christine MARTINEAU, Ms. SIN Soworn
<b>Witness:</b> François PONCHAUD (TCW-536)
<b>Others:</b> Mr. UCH Arun, Ms. SOUR Sotheary, Ms. Elburg van BOETZELAER

<b>General court times</b>		
Day	Start time: 09.05	Finish time: 16.00
Recess am	Start time: 10.35	Finish time: 10.55
Recess	Start time: 12.10	Finish time: 13.35
Recess pm	Start time: 14.45	Finish time: 15.05
	Total Court Time:	4 hours and 50 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness Francois PONCHAUD (TCW-536)	OCP	09.06	10.32
	OCP	10.55	11.26
	LCLCP	11.26	12.08
	LCLCP	13.35	13.54
	KS Defence	13.55	14.44
	KS Defence	15.06	15.59
Decision of the Trial Chamber allowing the witness to continue his testimony in French	TC	15.51	15.51

### **Summary of Proceedings**

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

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.

#### **Testimony of Witness Francois PONCHAUD (TCW-536)**

The Co Prosecutors, the Lead Co-Lawyers for the Civil Parties and, subsequently, the KHIEU Samphan Defence posed questions to the Witness.

#### **Decision of the Trial Chamber allowing the witness to continue his testimony in French**

The Trial Chamber decides that the witness is allowed to continue his testimony in French in order to minimize translation issues.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Clas s	Note in Khmer	Note in English	Note in French
N/A	E243.1	00862277- 00862566 00862017- 00862134 00862135- 00862276	សៀវភៅនិពន្ធដោយ François Ponchaud មានចំណងជើងថា៖ "កម្ពុជាឆ្នាំសូន្យ" Book by François Ponchaud entitled: "Cambodia Year Zero" Livre écrit par François Ponchaud intitulé: "Cambodge année Zéro"	P	00862296, 00862302, 00862303, 00862306- 00862307, 00862308 - 00862309, 00862316- 00862318, 00862318, 00862320, 00862351, 00862285, 00862286, 00862288, 00862291, 00862321	00862034, pp. 15-16, 19-20, 21, 26-28, 28, 51, 11, 2, 25, 4-5, 7	00862147, 26-27, 30- 31, 32, 38- 40, 39, 40, 65, 12, 15, 17, 18, 21, 36-37
E3/370	D133	00286601- 00286616 00333949- 00333957 00282824- 00282831	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី Francois Ponchaud Written Record of Interview of witness Francois Ponchaud by CIJ Procès verbal d'audition de témoin Francois Ponchaud par CJI	P	p. 7	p. 4	p. 4
E3/4588	D199 /26.2. 137	00877499- 00877504, 00877495- 00877498, 00876599- 00876604 00878358- 00878367 00386883- 00386905	[Partial T.] សុន្ទរកថាលោក អៀង សារី ឧបនាយករដ្ឋមន្ត្រីនៃរាជរដ្ឋាភិបាលរូបរួម ជាតិកម្ពុជា និងជាប្រធានគណៈប្រតិភូកម្ពុជា នៅមហាសន្និបាតវិសាមញ្ញលើកទីប្រាំពីរ របស់អង្គការសហប្រជាជាតិ [Partial T.] Interview of Khieu Samphan and Speeches Made by Ieng Sary Bulletin d'information du GRUNK intitulé "Situation au Kampuchea après la liberation totale et définitive" numéro spéciale 220 Bis/75.	P			

E3/118	D262. 5	00905178- 00905203, 00846158- 00846172, 00700267- 00700288, 00895406- 00895418 00166888- 00167025 00700256- 00700266, 00895397- 00895405, 00845853- 00845863	[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	00846160	00166994	00845854- 00845855
E3/2411	D133 /1.2	00832481- 00832495 00609100- 00609111 00410323- 00410326	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ច្បាប់ថតចម្លងនៃអត្ថបទដែលចុះផ្សាយនៅ ក្នុងកាសែត Le Monde ពីថ្ងៃ ១៦ ដល់ ១៨ កុម្ភៈ ១៩៧៦ [Surrogate Sheet] Copy of article published in Le Monde from 16 to 18 February 1976 [Feuille remplacée] Copie de l'article publié dans le journal le Monde du 16 au 18 février 1976	P	00832483, 00832485, 00832491, 00832487, 00832492	00609102, 00609103, 00609109, 00609105, 00609110	00410324, 00410325
E3/4589	D134. 1	00323716- 00323748 00323683- 00323702 00283054- 00283072	Francois Ponchaud "Cambodge Libéré កម្ពុជាដែលត្រូវបានរំដោះ" Exchange France- Asie, Dossier លេខ 13, មករា 1976 Francois Ponchaud "Cambodge Libéré" Exchange France-Asie, Dossier No 13, January 1976 Francois Ponchaud "Cambodge Libéré" Exchange France-Asie, Dossier No 13, Janvier 1976	P	00323735	00323693	00283064
E3/1804	2.2	00235800- 00235816 00087524- 00087536 00233158- 00233170	ក្រុមប្រឹក្សាសេដ្ឋកិច្ច និង សង្គម អង្គការសហប្រជាជាតិ United Nations - Economic and social council Nations Unies - Conseil Economique et Social	P			

N/A	E1/14 6.1	00865447- 00865537 00866675- 00866783 00866563- 00866674	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំណុំរឿង ០០២ - ថ្ងៃទី ២៣ ខែ វិច្ឆិកា ឆ្នាំ ២០១២ Transcript of hearing on the substance in Case 002 - 23 November 2012 Transcript of hearing on the substance in Case 002 - 23 November 2012	P	14:07	14:07	14:07
E3/608	D313 /1.2.3 10	00635928- 00635932 00419841- 00419843 00632566- 00632568	លោក ខៀវ សំផន ត្រូវបានសម្ភាសអំពីការប្រហារជីវិតនានាដែលជាបញ្ហាប្រទេសជាតិ KHIEU Samphan Interviewed on Executions, National Problems KHIEU Samphan interviewé concernant les exécutions, les problèmes nationaux	P			
N/A	E190. 1.353	00811098- 00811105 00445460- 00445460 00775746- 00775749	របាយការណ៍សារព័ត៌មានអន្តរជាតិមានចំណងជើងថា "មិនដឹងពីទំហំនៃសោកនាដកម្មនៅកម្ពុជា" (សារព័ត៌មាន Washington Post) IMR entitled "The Unknown Dimensions of the Cambodian Tragedy" (Washington Post) IMR entitled "L'ampleur de la tragédie cambodgienne reste inconnue"	P	00811089	00445460	00775746
E3/4590	D133 /1.4	00836078- 00836355 00820319- 00820634 00410336- 00410536	ការបកប្រែ ឬសង្ខេបជាភាសាបារាំងនៃសក្ខីកម្ម ចំនួន ៩៤ Translation or Summary of 94 Refugee Accounts Traduction ou résumé en français des 94 témoignages	P	00323728, 00846128- 00846129	00820377- 00820378, 0032368- 0032380	00410379, 00283060,

**Oral Orders/Decisions:**

- Decision of the Trial Chamber allowing the witness to continue his testimony in French (15.51).
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and have KHIEU Samphan returned to the courtroom, and NUON Chea returned to his holding cell, by 9:00 on Thursday 11 April 2013.

**Orders for Adjournment of Hearing**  
Court is adjourned and will resume at 9:00 on Thursday 11 April 2013.

Phnom Penh, 10 April 2013

Greffier

Greffier

*M. Mafessanti*



*[Signature]*

Miriam MAFESSANTI

DUCH Phary