



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
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WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 April 2013

Substantive Hearing on evidence - Day 167

Prepared by:

Roger PHILLIPS and DUCH Phary

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Mr. Roger PHILLIPS, Mr. DUCH Phary
OCP: Mr. CHAN Dararasmey, Mr. VENG Huot, Mr. Tarik ABDULHAK, Mr. Vincent DE WILDE D'ESTMAEL
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. SIN Soworn, Ms. Beini YE
Witness: Mr. Francois PONCHAUD (TCW-536)
Others: Mr. UCH Arun, Ms. SOUR Sotheary, Ms. Elburg van BOETZELAER

<u>General court times</u>		
Day	Start time: 09.05	Finish time: 16.05
Recess am	Start time: 10.30	Finish time: 10.55
Recess	Start time: 11.55	Finish time: 13.35
Recess pm	Start time: 14.50	Finish time: 15.05
	Total Court Time:	4 hours and 40 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Reiteration of the Chamber's oral decision of 10 April 2013 allowing the witness to continue testifying in French	TC	9.05	9.08
Testimony of Witness Francois PONCHAUD (TCW-536)	KS Defence	09.09	09.48
	NC Defence	09.51	10.30
	NC Defence	10.54	11.53
Oral submissions regarding application for KHIEU Samphan's immediate release on bail	TC	13.35	13.39
	KS Defence	14.11	14.38
	TC/KS Defence	14.39	14.48
	KS Defence	15.04	15.06
	KS	15.06	15.09
	OCP	15.10	15.53
	KS Defence	15.54	16.03
Admissibility of <u>Lemonde extracts under Internal Rule 87(4) (E280)</u>	OCP	13.39	13.41
	KS Defence	13.41	13.44
	OCP	13.44	13.49
	KS Defence	13.49	13.56
	TC	14.06	14.11

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 KHIEU Samphan Defence and, subsequently, the NUON Chea Defence posed questions to the Witness.

KHIEU Samphan's motion to admit Lemonde extracts under Internal Rule 87(4) (E280)

The Co-Prosecutor challenge the admissibility of extracts from Lemonde's book as

proposed by the KHIEU Samphan Defence in E280 on the basis of its late filing. Alternatively, the Co-Prosecutor request that the hearing is deferred to another day, enabling the Co-Prosecutor to respond to the additional document. The Trial Chamber notes that the application for immediate release of the Accused must be ruled upon as soon as possible. Therefore, the Chamber will proceed with the hearing on the request of the Accused and will seek the comments on the admissibility of the proposed extracts from Lemonde's book annexed to E280 at a later time. The Chamber will advise in due course whether comments by parties must be made in writing or orally.

Oral submissions regarding application for KHIEU Samphan's immediate release on bail

Following the written application of the Defence requesting the immediate release of the Accused KHIEU Samphan on bail, the KHIEU Samphan Defence and, subsequently, the Co-Prosecutors made oral submissions. The Trial Chamber will render a decision regarding the request for immediate release of the Accused in due course.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Clas s	Note in Khmer	Note in English	Note in French
E3/608	D313 /1.2.3 10	00635928-00635932 00419841-00419843 00632566-00632568	លោក ខៀវ សំផន ត្រូវបានសម្ភាសអំពីការប្រហារជីវិតនានា ដែលជាបញ្ហាប្រទេសជាតិ KHIEU Samphan Interviewed on Executions, National Problems KHIEU Samphan interviewé concernant les exécution, les problèmes nationaux	P	00419841-00419843	0632566-0632578	00632566-00632568
E3/481	D199 /26.2. 172	00548745-00548747 00519807-00519809 00389472-00389474	លិខិតទាក់ទងនឹងព័ត៌មាន "ផ្លូវការ" ស្តីពីបក្សកុម្មុយនិស្តកម្ពុជា Lettre intitulée Renseignements "officiels" sur le PC cambodgien Lettre intitulée Renseignements "officiels" sur le PC cambodgien	P			
N/A	E190. 1.409	S 00753046-00753048 S 00005745-00005745 S 00752469-00752470	កាសែត Herald-Tribune ចេញផ្សាយថ្ងៃទី ១១ ខែ ឧសភា ឆ្នាំ ១៩៧៦, "បានគេចចេញដោយសារ "អំពើហោរហៅ" របស់ពួកខ្មែរក្រហម" SMD Escape because of Khmer brutality, Herald Tribune, Swedish collection document 1976 Herald Tribune, 11 mai 1976, "Fuite devant la brutalité des Khmers rouges"	P	00753046	00005745	00752469

E3/4591	D133.1	00897584-00897589 00885114-00885117 00882125-00882128	ផ្នែកនៃប្រតិចារឹកបទសម្ភាសន៍ជាមួយលោក កិ François Ponchaud ដោយការិយាល័យសហចៅក្រមស៊ើបអង្កេត កិ Partial Transcript of François Ponchaud Interview, 13 February 2009 Part I Transcription partielle de l'enregistrement avec François Ponchaud par le Bureau des cojuges d'instruction en date du 13 février 2009 (partie 1)	P	00897587, 00897586	00885116	00882127
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		00862072	00862187
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	00286615	00333955	00282830
E3/1757	D222/1.17	00710225-00710230, 00789169-00789258 00396894-00397284 00763550-00763601, 00700095-00700099, 00892822-00892824	សៀវភៅរៀបរៀងដោយ VICKERY Michael, Cambodia 1975-1982 ប្រទេសកម្ពុជា ឆ្នាំ១៩៧៥-១៩៨២ Book by VICKERY Michael, Cambodia 1975-1982 Book by VICKERY Michael, Cambodia 1975-1982	P	00789180	p. 49	

Oral Orders/Decisions:


- The Chamber instructs the security guards to return the Accused NUON Chea to the detention facility and have him returned to the courtroom by 09:00 on Monday 22 April 2013. (11:56)
- The Chamber instructs the security guards to return the Accused KHIEU Samphan to the detention facility and have KHIEU Samphan returned to the courtroom by 09:00 on Monday 22 April 2013. (16:04)

Orders for Adjournment of Hearing
Court is adjourned and will resume at 09:00 on Monday 22 April 2013.

Phnom Penh, 11 April 2013

Greffier

Greffier


Roger PHILLIPS




DUCH Phary