



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge

Nation Religion	ព្រះរាជាណាចក្រកម្ពុជា
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 22 / 07 / 2013	
ម៉ោង (Time/Heure) : 12 : 00	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង (Case File Officer/L'agent chargé du dossier): SANN RADA	

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 May 2013

Substantive Hearing on evidence - Day 181

Prepared by:

Ms. Miriam MAFESSANTI and Mr. DAV Ansan

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony
Reserve Judges: Judge Claudia FENZ
Greffiers: Ms. Miriam MAFESSANTI, Ms. SE Kolvuthy, Mr. DAV Ansan
OCP: Mr. CHAN Dararasmey, Ms. SONG Chorvoin, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Dale LYSAK
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
Defence for the Accused: Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. Pascal AUBOIN, Ms. Beini YE
Witness: Mr. PRUM Sou (TCW-548), Mr. Philippe JULLIAN-GAUFRES (TCW-277)
Others: Mr. UCH Arun, Ms. SOUR Sotheavy, Ms. Elburg VAN BOETZELAER, Ms. Pauline RODOT

General court times		
Day	Start time: 09.05	Finish time: 16:40
Recess am	Start time: 10.30	Finish time: 10.45
Recess	Start time: 11.50	Finish time: 13:30
Recess pm	Start time: 14:55	Finish time: 15:15
	Total Court Time:	5 hours and 20 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness PRUM Sou (TCW-548)	TC	09.09	09.18
	OCP	09.18	10.28
		10.47	11.31
	LCLCP	11.31	11.49
Testimony of Witness Philippe JULLIAN-GAUFRES (TCW-277)	TC	13.32	13.37
	KS	13.37	14.21
	TC	14.21	14.55
	OCP	15.17	16.17
	LCLCP	16.17	16.31

Summary of Proceedings

Waiver of the Accused'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 PRUM Sou (TCW-548)

The Co-Prosecutors and the Lead Co-Lawyers pose questions to Witness PRUM Sou (TCW-548).

Testimony of Witness Philippe JULLIAN-GAUFRES (TCW-277)

The Trial Chamber, the KHIEU Samphan Defence, the Co-Prosecutors and the Civil Party Lead Co-Lawyers interviewed the witness.

Oral Decision on the modalities for questioning the Civil Parties

The Chamber outlined the modalities for questioning of the civil parties (see below).

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/4606	D234/18	00407769- 00407772 00414068- 00414071 00434779- 00434783	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ព្រំ សុន Written Record of Interview of PRUM Son Procès verbal d'audition de témoin PRUM Son	P			

E3/232	13.8	00017116- 00017123 00182628- 00182634 00323932- 00323936	កំណត់ហេតុនៃអង្គប្រជុំការងារប្រចាំថ្ងៃ ៨ មីនា ១៩៧៦ Minutes of meeting on local affairs on 8/3/76	P				
E3/874	21.14	00003703- 00003706 00185060- 00185060 00623911- 00623913	ទូរលេខ ៥០ គោរពជូនបង ជាទីស្នេហា និង រលឹក: អំពីទំព័រតំបន់ការពារប្រាសាទព្រះវិហារ យកកាំភ្លើងអាគាដដើម និងបេ៤០ចំនួន២ដើម រត់ចូលថៃ Telegram # 50 to beloved and respected Brother about Militant Prasat Preah Vihear zone taked 8 AKAs and 2 B-B guns 40 escaped to Thai land.	P				
E3/1091	D2- 15.27	00020852- 00020854 00143572- 00143574 00622994- 00622996	ទូរលេខ ៥៣៖ គោរពជូនគណៈ ៨៧០ ជាទី គោរពស្នេហា និងនឹករលឹក Telegram no 53: To beloved and missed chief of 870	P				
E3/1144	D312. 2.21	00069447- 00069449 00517923- 00517925 00532725- 00532728	ទូរលេខ ៦០៖ គោរពជូនគណៈ ៨៧០ ជាទី ស្នេហា និងនឹករលឹក អំពីសភាពការណ៍ គ្រប់ផ្នែកមួយចំនួន Telegram 60: To Beloved and Missed Chief of 870 about a number of all section 's situation	P				
E3/342	D288 /6.68. 1	00329596- 00330129	ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជី អ្នកទោសនៅមន្ទីរស ២១	P				
E3/2470	D159 /5.4	00296573- 00297021 00768217- 00768271 00842838- 00842888	ចម្លើយសារភាព ប្តី ជាត ហៅ ហង្ស លេខា តំបន់១០៣ ភូមិភាគឧត្តរ [Partial T.] Confession of Bou Phat alias Heng, secretary of sector 103, North zone [Partial T.] Aveux de Bou Phat alias Heng, Secrétaire du Secteur 103, Zone Nord	P	00296593- 94	00768226- 27	00842846- 47	
E3/918	21.78	00001060- 00001062 00182757- 00182758 00611724- 00611726	ទូរលេខ ២៥៤៖ គោរពជូនគណៈ ៨៧០ ជាទី ស្នេហា អំពីសភាពការណ៍ខ្លាំងនៅតាមព្រំដែន ខេត្តព្រះវិហារ និងឧត្តរមានជ័យ Telegram 254: To respected and beloved Chief of 870 about situation of enemy along of the border of Preah Vihea and Otdar Meanchey Province	P				
E3/1077	D200 /3.7	00296228- 00296231 00340539- 00340542 00768297- 00768299	ទូរលេខកម្ពុជាប្រជាធិបតេយ្យ មានចំណងជើង ថា "ទូរលេខ 324" DK Telegram entitled "Telgram 324" À l'attention du comité 870 bien-aimé (Télégramme 324)	P				

E3/175	D43/IV-Annex 11	00173883-00173894 00223903-00223903, 00583931-00583931 00280047-00280047	ឧបសម្ព័ន្ធ ១១៖ 117bbkkh សម្រង់ចម្លើយសារភាពរបស់ សាន់ អ៊ាប ហៅ ខុន Annex 11: 117bbkkh Colour copy Excerpt of Confession of San Eap alias Khon Annexe 1: Bordereux d'envoi transmis au "Bien Aimé Com 870", ERN 00173883, D43/IV	P			
E3/3563	D366/7.1.80	00068580-00068601 00814960-00814984 00834071-00834091	ស២១ ចម្លើយសារភាពរបស់ សាន់ អ៊ាប ហៅ ខុន S-21 Confession of SAN Eab alias Khon Aveux à S21 de SAN Eab, alias Khon	P			
N/A	E1/21.1	00760239-00760307 00761767-00761865 00761866-00761971	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំណុំរឿង ០០២ - ថ្ងៃទី១៣ ខែធ្នូ ឆ្នាំ២០១១ Transcript of hearing on the substance in Case 002 - 13 December 2011	P		00761840-45	00761946-50
E3/259	9.2	00089841-00089852 00184833-00184839 S 00012644-00012659	សំណុំឯកសារច្បាប់រដ្ឋាភិបាលកម្ពុជាប្រជាធិបតេយ្យមានចំណងជើងរដ្ឋធម្មនុញ្ញនៃកម្ពុជាប្រជាធិបតេយ្យ DK Government Legal Documents entitled Constitution of Democratic Kampuchea Swedish Collection Document 1976	P			
N/A	E190/2.5	00907755-00907771 00911413-00911422 00809322-00809334	ឯកសារភ្ជាប់ ៤៖ សក្ខីកម្មរបស់ Philippe Jullian-Gaufres Attachment 4: Testimony of Philippe Julian	P	00907771, 00907765, 00907758	00911422	00809334, 00809329, 00809325
E3/273	D262.14	00657431-00657462 00167797-00167863 00725791-00725804	[កែតម្រូវ ១] [Partial T.] ឧបសម្ព័ន្ធ០០០១៤៖ អៀង សារី រៀបចំពិធីជប់លៀងជូនមន្ត្រីការទូត Annex 00014: Foreign Broadcast Information Service collection of reports for January 1976 [Partial T.] Annexe 00014: IENG Sary donne une réception pour les diplomates	P	00657450	00167816	00725798, 00725802
E3/201	D313/1.2.328	00292803-00292815 00419512-00419518 00612165-00612173	សុន្ទរកថារបស់ ខៀវ សំផន នៅឯកិច្ចប្រជុំគំរប់ខួប Khieu Samphan's Speech at Anniversary Meeting	P	00292813-14	00419517	00612172

E3/628	D366 /7.1.2 54	00709542- 00709547 00524516- 00524521 00740913- 00740916	បណ្តាញសារព័ត៌មានអន្តរជាតិរបស់ TIME Magazine ស្តីពី៖ ការអំពាវនាវសុំការគាំទ្រពី អន្តរជាតិ International Media Article by TIME Magazine entitled "A Plea for International Support" Article de TIME intitulé "Un appel en faveur d'une aide internationale"	P	00709544	00740915	00524517
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Oral Orders/Decisions:

- Order to the court officer to assist Witness PRUM Sou (TCW-548) during the adjournment and have him returned to the courtroom on 09:00 Wednesday 22 May 2013 (11.50).
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and further instructs the security guards to return KHIEU Samphan to the courtroom and NUON Chea to the holding cell by 09:00 on Wednesday 22 May 2013 (16.39).

- **Oral Decision on the modalities for questioning the Civil Parties**

The Chamber decides that the Parties may question the Civil Parties on relevant factual issues subject to the time limitations already announced (see E267/3). Considering the Co-Prosecutors and the Defence will be granted an opportunity to ask questions the Chamber will not grant an additional opportunity to comment on Civil Party statements of suffering.

The Victim Impact hearing is scheduled for 27, 29 and 30 May and 4 June 2013. One session of 75 minutes will be devoted to each civil party, with the Lead Co-Lawyers having two-thirds of the time available per session, and the remainder to be divided among the OCP and the two defence teams. Civil parties wishing to put a question to an accused must do so during the time allocated to the Lead Co-Lawyers.

The Chamber grants an extension of time to hear the testimony of expert TCE-12 who will be heard on the afternoon of 5 June 2013. Allocated time will be two-thirds to the Lead Co-Lawyers, and the remainder to be divided among the three other parties.

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on Wednesday 22 May 2013

Phnom Penh, May 22, 2013

M. Mafesau
Greffier
Ms. Miriam MAFESAU



Mr. DAV Ansan
Greffier
Mr. DAV Ansan