



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
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ម៉ោង (Time/Heure) : ១៦ : ០០

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/ L'agent chargé du dossier: UCH Arun

E1/214

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 RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 June 2013

Substantive Hearing on evidence - Day 201

Prepared by:

Miriam MAFESSANTI and SE Kolvuthy

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara
Reserve Judge: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Ms. Miriam MAFESSANTI, Ms. SE Kolvuthy
OCP: Mr. SENG Bunkheang, Mr. Dale LYSAK
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, Ms. Anta GUISSÉ
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. VEN Pov
Witnesses: None
Others: Mr. Arun UCH, Ms. Sotheavy SOUR, Ms. Jamie CRAWFORD

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<u>General court times</u>		
Day	Start time: 9.05	Finish time: 14.35
Recess am	Start time: 10.35	Finish time: 11.00
Recess	Start time: 12.00	Finish time: 13.30
Recess pm	Start time:	Finish time:
	Total Court Time:	3 hours and 35 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Presentation of key documents related to the roles and responsibilities of NUON Chea	OCP	09.05	10.37
		11.01	11.59
		13.31	14.35

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.

Presentation of key documents related to the roles and responsibilities of NUON Chea

The Co-Prosecutors presented key documents related to the roles and responsibilities of the Accused NUON Chea.

<u>Record of Rule 87(3) Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
E3/218		26 March 1976 Standing Committee minutes	OCP	KH 00000756-57 EN 00182656-57 FR 00334970-71
E3/182		9 October 1975 Standing Committee minutes	OCP	KH 00019113 EN 00183396 FR 00292873
E3/54		19 September 2007 Written Record of Initial Appearance	OCP	KH 00148744 EN 00148817 FR 00148921
E3/558		19 September 2007 Written Record of Adversarial Hearing	OCP	KH 00148677 EN 00148699 FR 00148715
E3/232		8 March 1976 Standing Committee minutes	OCP	KH 00017118 EN 00182630 FR 00323933

E3/274		22 March 1976 announcement of National Assembly election results	OCP	KH 00896377-87 EN 00167985-89 FR 00700110-12 KH 00896377-78 EN 00167985 FR 00700111
E3/165		11-13 April 1976 1 st Conference of People's Representative Assembly	OCP	pp. 43-44 pp. 53-66 KH 00053641 EN 00184073 FR 00301358
E3/78		18 January 1978 Nuon Chea speech published in <i>Nouvelles du Kampuchea Democratique</i>	OCP	KH 00705172 EN 00290285 FR S00009311
E3/196		30-31 July 1978 Nuon Chea presentation to Communist Party of Denmark	OCP	KH 00224458 EN 00762392 FR 00280665-66 KH 00224467 EN 00762397-98 FR 00280671 KH 00224473-74 EN 00762402 FR 00280674-75 KH 00224476 EN 00762404 FR 00280676
E3/108		10 June 2006 interview of Nuon Chea	OCP	KH 00347043 EN 00000932 FR 00613208 KH 00347046-47 EN 00000934 FR 00613210-11
E152.2		Book by Thet Sambath & Gina Chon titled <i>Behind the Killing Fields</i>	OCP	KH 00920126 EN 00757477 EN 00757555 KH 00920135 EN 00757556 KH 00920140 KH 00858245

				EN 00757493 FR 00849372
				KH 00858246 EN 00757493 FR 00849372
				KH 00858381-82 EN 00757546 FR 00849463
				KH 00858363-64 EN 00757539 FR 00849451
				KH 00858308-09 EN 00757520-21 FR 00849414-15
				KH 00858310-11 EN 00757521 FR 00849416
				KH 00858340 EN 00757531 FR 00849435-36
				KH 00858310 EN 00757521 FR 00849416
				KH 00858355 EN 00757536 FR 00849446
				KH 00858350 EN 00757534-35 FR 00849442-43
				KH 00858336-37 EN 00757530 FR 00849433
				KH 00858358-59 EN 00757537 FR 00849448
				KH 00858404

				EN 00757560 FR 00849479
E186.1R		Video titled "Additional footage: Nuon Chea interview"	OCP	V00800935 00:14:15 - 00:17:47 00:09:26 - 00:12:52 00:19:11 - 00:19:44
E3/26		7 October 2006 interview of Nuon Chea	OCP	KH 00000899 EN 00329511 FR 00636871 KH 00000901 EN 00329512 FR 00636873 KH 00000903 EN 00329514 FR 00636875 KH 00000906-07 EN 00329517 FR 00636879
E3/536R		BBC's Phil Rees Cambodia Report Including Nuon Chea Interview	OCP	V00172527 00:16:16-00:17:32
E3/192		27 September 1976 statement by Khieu Samphan of State Presidium appointing Nuon Chea to "replace Comrade Pol Pot temporarily and assume the role of Acting Premier"	OCP	
E3/269		17 October 1976 report in Democratic Kampuchea News Bulletin that "interim Prime Minister" Nuon Chea received Albanian Ambassador Dhimiter Stamo	OCP	EN 00525825 KH 00597037 FR 00389125
E3/147		Phnom Penh Domestic Service broadcast of "excerpts" of 16 January 1977 speech by "acting prime minister" Nuon Chea on 9 th anniversary of RAK	OCP	KH 00679792-802 EN 00168465-70 FR 00698444-50 KH 00679793 EN 00168465 FR 00698444 KH 00679796 EN 00168467 FR 00698446

E3/191		BBC-SWB report of same radio broadcast	OCP	
E3/544		28 January 1977 report in Peking Review titled 9 th <i>Anniversary of Founding of Revolutionary Army</i> , describing speech given by "Acting Prime Minister" Nuon Chea on the history of the RAK and its "future militant tasks"	OCP	EN S00005866 KH S00807441 FR S00802372
E3/485		24 January 1977 report from French Embassy in China describing visit of Chinese delegation to Cambodia and stating that Nuon Chea "is still interim Prime Minister in the absence of Pol Pot who is, from all indications, ill"	OCP	EN 00519825 FR 00391070 KH 00524036
E3/285		23 March 1977 message from State Presidium Chairman Khieu Samphan and Acting Prime Minister Nuon Chea to Pakistan President & Prime Minister	OCP	EN 00168531 KH 00699188-89 FR 00741948 KH 00897511 EN 00168541 KH 00897512 EN 00168543
E3/1245		30 March 1977 message of congratulations from Acting Prime Minister Nuon Chea to new Prime Minister of Burma, published in Voice of Democratic Kampuchea	OCP	KH 00641725 EN 00484193 FR S 00006771
E3/286		14 April 1977 message of congratulations from Bulgarian leaders to State Presidium Chairman Khieu Samphan and Acting Prime Minister Nuon Chea on occasion of 2 nd DK anniversary	OCP	KH 00899400 EN 00168222 KH 00899401-02 EN 00168232 FR 00896375-76 KH 00899401 EN 00168231
E3/287		29 April 1977 message of greetings from State Presidium President Khieu Samphan and Acting Prime Minister Nuon	OCP	KH 00679826-28 EN 00168121-22 FR 00698451-52

		Chea to SRV leaders		KH 00679849-50 EN 00168151 FR 00698466
E3/2677		5 July 1977 circular from French Ministry of Foreign Affairs noting that “[s]ince September 1976, Mr. Nuon Chea has been standing in for Pol Pot”	OCP	
E3/143		31 August 1977 message of congratulations from Acting Prime Minister Nuon Chea to Prime Minister of Malaysia	OCP	KH 00904132 EN 00168724 KH 00904133-34 EN 00168727-28 KH 00904137-38 EN 00168729-30 KH 00658446-48 EN 00168738-39 FR 00687146-48
E3/486		29 September 1977 report by French Ambassador to Thailand regarding official announcement on Radio Phnom Penh of existence of CPK and Pol Pot’s trip to China, noting that Nuon Chea had taken over as acting prime minister during Pol Pot’s extended absence since 26 September 1976	OCP	
E3/89		17 December 1996 interview of Ieng Sary, stating that Nuon Chea replaced Pol Pot as Prime Minister, despite the fact Ieng Sary held the position of 1 st Deputy PM to Pol Pot	OCP	KH 00062487 EN 00417626 FR 00332707
E3/86		8 September 1996 statement of Ieng Sary’s Democratic National Union Movement (DNUM) that in 1976 “it was Nuon Chea, the personality No. 2 in the Party and then President of the National	OCP	KH 00224430 EN 00081215 FR 00614094

		Assembly who was designated by Pol Pot to replace him as Prime Minister ad interim”		
E3/154		Telegram from Chhon to Brother Pol dated 30 November 1975, copied to Nuon Chea	OCP	
E3/1188		Telegram from Buth (NE Zone) to Respected Brother dated 29 January 1976, copied to Nuon Chea	OCP	
E3/1122		Telegram No. 11 from Division 164 Deputy Secretary Dim dated 24 September 1976, copied to Brother Nuon and Brother Khieu	OCP	
E3/1123		Telegram No. 12 from Division 164 Deputy Secretary Dim dated 27 September 1976, copied to Brother Nuon and Brother Khieu	OCP	
E3/1124		Telegram No. 15 from Division 164 Deputy Secretary Dim dated 6 October 1976, copied to Brother Nuon and Brother Khieu	OCP	
E3/1125		Telegram No. 16 from Division 164 Deputy Secretary Dim dated 6 October 1976, copied to Brother Nuon and Brother Khieu	OCP	
E3/1126		Telegram No. 17 from Division 164 Deputy Secretary Dim dated 6 October 1976, copied to Brother Nuon and Brother Khieu	OCP	
E3/1135		Report from Division 164 Secretary Mut to Son Sen (Brother 89) dated 19 October 1976, with note from Son Sen <i>alias</i> Khieu to Bang Nuon dated 20 October 1976 forwarding report	OCP	
E3/1192		Telegram No. 2 from Sector 105 Secretary Laing to Brother Nuon dated 12 October 1976	OCP	

E3/1189		Telegram No. 3 from Sector 105 Secretary Laing to Brother Nuon dated 12 October 1976	OCP	
E3/1154		Letter from Kol to Bang Pol, Bang Nuon and Bang Phim, dated 15 March 1977	OCP	
E3/892		Telegram from Chhon to Office 870 dated 29 October 1977, copied to Uncle Nuon	OCP	
E3/181		Telegram from Son Sen (47) dated 14 February 1978, copied to Uncle Nuon	OCP	
E3/867		Telegram from Son Sen (47) to Brother 09 dated 20 March 1978, copied to Uncle Nuon	OCP	
E3/519		Telegram from Ke Pauk to Committee 870 dated 29 March 1978, copied to Uncle Nuon	OCP	
E3/1144		Telegram from North Zone Secretary Se to Committee 870 dated 5 September 1977, copied to Uncle Nuon	OCP	
E3/898		Telegram from North Zone Secretary Se to Committee 870 dated 11 December 1977, copied to Uncle Nuon	OCP	
E3/1077		Telegram from North Zone Secretary Se to Committee 870 dated 10 April 1978, with handwritten annotation "Uncle Nuon"	OCP	
E3/1008		Telegram from Roat to Brother dated 12 April 1978, with handwritten annotation "Uncle Nuon"	OCP	
E3/156		Telegram from Sector 105 Secretary Sarun to Respected Brother dated 23 April 1978, with handwritten annotation "Uncle Nuon"	OCP	
E93/7.3R		Interview by Thet Sambath : "Nuon Chea on Killing Traitors"	OCP	V00717048 00:44:18 - 00:44:41 [No. 119 on Zylab 'AV Evidence During Trial']

		Interview by Thet Sambath - "Nuon Chea on Confessions"		[No. 121 on Zylab 'AV Evidence During Trial']
		Interview by Thet Sambath - "Nuon Chea on the Nation"		[No. 116 on Zylab 'AV Evidence During Trial']
E3/2357R		BBC documentary titled "Pol Pot: The Journey to the Killing Fields" [No. 165 on Zylab 'AV Evidence During Trial']	OCP	V00172603 00:44:18-00:44:41
E3/1565		Confession of KUNG Kien alias Eung Vet	OCP	KH 00017305 EN 00822048 FR 00825431
E3/1706		Confession of head of Liaison Committee with Thailand dated 21 July 1977, which includes comments addressed to "Respected Brother" (identified by Duch as Son Sen's handwriting) and annotation "Brother Nuon has already received one copy"	OCP	KH 00174021 EN 00224632 FR 00785267
E3/1828		Confession of TEUT San	OCP	KH 00000881 EN 00662328 FR 00766068
E3/3697		Confession of KUN Dim	OCP	KH 00175293 FR 00289872 EN 00822359
E3/1842		Confession of HEM Soth alias Sien	OCP	KH 00017272 EN 00662317 FR 00766911
E3/3665		Confession of PHENG Sun alias Chey	OCP	KH 00174111 EN 00224634 FR 00386361
E3/2129		Confession of CHUM Penh	OCP	KH 00017413 EN 00769567 FR 00343744
E3/1889		Confession of SAO Tong Li	OCP	KH 00017492 EN 00796688 FR 00763394
E3/1875		Confession of PECH Chay	OCP	KH 00017468 EN 00748373 FR 00766072

E3/1894		Confession of SIENG Pauy alias Sean	OCP	KH 00005357 EN 00702082 FR 00747299
E3/1879		Confession of PHORN Phal	OCP	KH 00005192 EN 00182725 FR 00796697
E3/1537		Confession of TIV Mei alias Santepheap	OCP	KH 00174754 EN 00224639 FR 00271459
E3/1688		Confession of CHAP Mit	OCP	KH 00226401 EN 00284069 FR 00294523
E3/1882		Confession of CHAP Veuan alias Srean	OCP	
E3/3689		Confession of LUN En	OCP	
E3/1831		Confession of CHEA Sreng alias Thal	OCP	
E3/1839		Confession of DI Leng alias Pheap	OCP	
E3/1841		Confession of EUM (or IM) Chhea alias Chhean	OCP	
E3/3645		Confession of MAO Choeun alias Ly	OCP	
E3/1687		Confession of CHOUT Nhe	OCP	
E3/1764		Confession of AN Kan alias Kol	OCP	
E3/1843		Confession of HANG Bau	OCP	
E3/1869		Confession of NHEUM Sim alias Saut	OCP	
E3/1886		Confession of SAK Man alias Veuan	OCP	
E3/1826		Confession of TAING An alias En	OCP	
E3/3648		Confession of SIENG Phon alias Pha	OCP	KH 00173881
E3/175		Confession of SAN Eap alias Khon	OCP	
E3/1546		Confession of MOK Sam Ol alias Hong	OCP	
E3/1548		Confession of SAN Pau	OCP	
E3/1547		Confession of MEAK Touch alias Keam	OCP	
E3/1098		26 March 1978 letter from West Zone Deputy Secretary Pal	OCP	

E3/94		Interview of IENG Sary by Elizabeth Becker, 22 July 1981	OCP	KH 00578895 EN 00342501-02 FR 00602000
E3/93		Interview with IENG Sary, 28 August 1996	OCP	KH 00224443 EN 00078610 FR 00347376
E3/25		December 1976 - January 1977 Revolutionary Flag	OCP	KH 00063014 FR 00504027 EN 00491406 KH 00063016 EN 00491407-08 FR 00504028-29 KH 00063023 EN 00491412 FR 00504033 KH 00063039-41 EN 00491424 FR 00504049

Oral Orders/Decisions:

- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility and to return KHIEU Samphan to the courtroom and NUON Chea to the holding cell by 09:00 on Monday 1 July 2013 (14.36).

Orders for Adjournment of Hearing

Court is adjourned and will resume at 9.00 on Monday 1 July 2013 (14.35). *SC*

Phnom Penh, 27 June 2013

Greffier

M. Mafessant

Miriam MAFESSANT



Greffier

SE Kolvuthy

SE Kolvuthy