



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 |
| ORIGINAL DOCUMENT/DOCUMENT ORIGINAL |
| ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 16 / 08 / 2013 |
| ម៉ោង (Time/Heure) : 15:50 |
| មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: S. ANIN P. AN |

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

09 July 2013

Substantive Hearing on evidence - Day 207

Prepared by:

Miriam MAFESSANTI and DUCH Phary

| |
|---|
| <u>Attendance Record</u> |
| 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. Faiza ZOUAKRI, Ms. Miriam MAFESSANTI, Mr. DUCH Phary |
| OCP: Mr. SENG Bunkheang, Mr. Dale LYSAK, Mr. VENG Huot, Mr. Tarik ABDULHAK, Mr. Keith RAYNOR, Ms. SONG Chorvoin |
| 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. VEN Pov |
| Witness: Mr. Stephen HEDER (TCE-33) |
| Others: Courtroom Officer, Transcribers, Ms. Paola ROBOTTI |

| <u>General court times</u> | | |
|----------------------------|-------------------|--------------------|
| Day | Start time: 09:00 | Finish time: 16:00 |
| Recess am | Start time: 10:45 | Finish time: 11:10 |
| Recess | Start time: 12:00 | Finish time: 13:30 |
| Recess pm | Start time: 14:45 | Finish time: 15:05 |
| | Total Court Time: | 4 hours 40 minutes |

| <u>Proceedings</u> | | | |
|---|-------------------|------------|-------------|
| Type of Issue | Raised By | Start time | Finish time |
| NC Defence reply to key documents presented by the Co-Prosecutors and Lead Co-Lawyers for the Civil Parties | NC Defence NC | 09:07 | 09:41 |
| | | 09:46 | 10:16 |
| OCP and LCLCP respond to E288/4 concerning KHIEU Samphan's decision to no longer answer questions | OCP | 10:18 | 10:36 |
| | LCLCP | 10:37 | 10:41 |
| | KS Defence | 10:41 | 10:44 |
| | KS | 10:44 | 10:45 |
| | | 11:12 | 11:14 |
| | KS Defence | 11:16 | 11:32 |
| | OCP | 11:32 | 11:37 |
| KHIEU Samphan Defence respond to the OCP's oral request concerning D366/7.1.366 | KS Defence | 11:40 | 11:57 |
| | | 13:34 | 13:45 |
| KHIEU Samphan Defence respond to the key document hearings | KS Defence | 13:45 | 13:49 |
| | OCP | 13:50 | 13:51 |
| | KS Defence | 13:51 | 13:54 |
| | TC | 13:58 | 14:00 |
| | KS Defence/OCP | 14:00 | 14:11 |
| | TC/KS Defence/OCP | 14:14 | 14:28 |
| | NC Defence | 14:29 | 14:32 |
| | KS Defence/OCP | 14:32 | 14:41 |
| Testimony of Witness Stephen HEDER (TCE-33) | TC OCP | 15:07 | 15:14 |
| | | 15:14 | 16:00 |

Summary of Proceedings

Response by NUON Chea and KHIEU Samphan to OCP and LCLP key document presentations (continued)

The NUON Chea Defence continue to respond to the presentation of key documents by the Co-Prosecutors and the Civil Parties' Lead Co Lawyers in relation to the alleged criminal policies of DK and the implementation of those policies, and NUON Chea's role within the government of DK. The accused NUON Chea also made a statement on the key

documents previously presented.

Oral Submissions by the Co-Prosecutors and Civil Parties' Lead Co-Lawyers concerning KHIEU Samphan's decision not to answer the Judges' and parties' questions E288/4

In response to E288/4, the Co-Prosecutors and the Civil Parties' Lead Co-Lawyers proposed means to facilitate the preparation of the KHIEU Samphan Defence for the questioning of their client. In the alternative, the Co-Prosecutors requested the Chamber warn the Accused KHIEU Samphan of the legal implications of his decision to no longer answer questions before the Chamber. After questioning the Accused about the basis for his decision, the Trial Chamber noted the Accused declines to answer questions even were the Trial Chamber to agree to the parties' suggestions concerning preparation.

KHIEU Samphan Defence respond to the OCP's request concerning D366/7.1.366

KS Defence Team opposed the Co-Prosecutors' oral request of 24 June 2013 to place D366/7.1.366 on the case-file pursuant to Rule 87(4) and requested it be dismissed.

KHIEU Samphan Defence respond to the key document hearings

The KS Defence Team challenged the purpose of the key document hearings.

Testimony of Witness Steve HEDER (TCE-33)

The Trial Chamber and the Co-Prosecutors pose questions to witness Stephen Heder (TCE-33). His testimony continues tomorrow.

| Record of Rule 87(3) Proceedings | | | | | | | |
|----------------------------------|------------------|---|--|-------|---------------|-----------------|----------------|
| TC No | OCIJ No | ERN | Title | Class | Note in Khmer | Note in English | Note in French |
| E3/175 | D43/1-V-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 | | | |
| E3/359 | D121/6.2 | 00408216-00408238 00434334-00434349 00408239-00408249 | សេចក្តីអត្ថាធិប្បាយនិងចម្លើយជាលាយលក្ខណ៍អក្សររបស់ឧច ចំពោះសំណួរសរសេរ Duch's written comments and answers to written questions Commentaires écrits de Duch et ses réponses aux questions écrites | P | 00408224 | 00434339 | |

| | | | | | | | |
|---------|-------------------------------|---|---|---|----------|----------|--|
| E3/355 | D117 | 00239830- 00239840 00242872- 00242882 00239820- 00239829 | កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ១៩ វិច្ឆិកា ២០០៨ Written Record of Interview of Duch by CIJ on 19-11-2008 Procès verbal d'interrogatoire de Duch par CJI le 19-11-2008 | P | 00239834 | 00242876 | |
| E3/1547 | D43/I V- Annex 41 | 00174100- 00174107 00771346- 00771348 00289865- 00289866 | ឧបសម្ព័ន្ធ ៤១៖ 412bbkkh សម្រង់ចម្លើយសារភាពរបស់ មាត ទូច ហៅ កែម [Partial T.] Annex 41: 412bbkkh Colour copy Excerpt of Confession of Meak Touch alias Kem Annex 41: 412bbkkh Colour copy Excerpt of Confession of Meak Touch alias Kem | P | 00174100 | 00771346 | |
| E3/1546 | D43/I V- Annex 26 | 00173049- 00173056 00224630- 00224630, 00753705- 00753710 00757862- 00757868, 00271450- 00271451 | ឧបសម្ព័ន្ធ ២៦៖ 319bbkkh សម្រង់ចម្លើយសារភាពរបស់ ម៉ុក សំអុល ហៅ ហុង Annex 26: 319bbkkh Colour copy Excerpt of Confession of Mok Sam-ol alias Hong [Partial T.] Annexe 26: Aveux de MOK Sam Ol alias HONG à S-21 (annotations des extraits de couleur) | P | 00173049 | | |
| E3/1548 | D43/I V- Annex 47 | 00174132- 00174133 00221776- 00221776, 00767463- 00767463 00289868- 00289868, 00766916- 00766917 | ឧបសម្ព័ន្ធ ៤៧៖ 440bbkkh សម្រង់ចម្លើយសារភាពរបស់ សាន់ ប៉ូ Annex 47: 451bbkkh Colour copy Excerpt of Confession of San Pau Annexe 47: 451bbkkh l'extrait en copie couleur de la confession de San Pau | P | 00174132 | 00767463 | |
| E3/1098 | D248 /3.12 | 00406601- 00406602 00524161- 00524161 00532704- 00532704 | សំបុត្រជូនអង្គការជាទីគោរព ស្នេហា ជាភាសាខ្មែរ ធ្វើដោយ ប៉ាល់ នៅថ្ងៃទី ២៦ ខែមីនា ឆ្នាំ១៩៧៨ Letter To Respected and Beloved Angkar in Khmer by Pal on date 26 March 1978 Document D21202 | P | 00406602 | 00524161 | |
| E3/3169 | D29- Attach- ment 66 | 00711363- 00711420 00002744- 00002773 00722063- 00722093 | ឯកសារភ្ជាប់ ៦៦៖ ឯកសារពិភាក្សាស្តីពី៖ "ប៉ូល ពត និង ខៀវ សំផន" ដោយ Steve Heder Attachment 66: Working Papers on "Pol Pot and Khieu Samphan" by Steve Heder Attachment 66: Document de travail intitulé: "Pol Pot et Khieu Samphan", Stephen Heder | P | | | |

| | | | | | | | |
|--------|----------------|---|---|---|--|--|--|
| E3/48 | D222 /1.7 | 00742603- 00742623 00393471- 00393641 00729651- 00729662 | [Partial T.] HEDER Stephen, Seven Candidates for Prosecution បេក្ខជនចំនួនប្រាំពីរនាក់ដែលត្រូវកាត់ទោ ស HEDER Stephen, Seven Candidates for Prosecution [Partial T.] Heder, Stephen, Sept candidats passibles de poursuites | P | | | |
| N/A | E190. 1.398 | 00830754- 00830817 00661455- 00661491 00792913- 00792950 | របាយការណ៍វិភាគដោយ Stephen HEDER មានចំណងជើងថា “ការវាយតម្លៃឡើងវិញ អំពីតួនាទីរបស់មេដឹកនាំជាន់ខ្ពស់ និង កម្មាភិបាលមូលដ្ឋានក្នុងឧក្រិដ្ឋកម្ម ក្នុងរបបកម្ពុជាប្រជាធិបតេយ្យ៖ ការទទួលខុសត្រូវរបស់កម្ពុជាក្នុង ទស្សនទានប្រៀបធៀប Analytical Report by Stephen HEDER entitled “Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective” Réévaluation du rôle joué par les hauts dirigeants et les responsables locaux dans les crimes commis sous le régime du Kampuchea démocratique : la responsabilité cambodgienne située dans une perspective comparative | P | | | |
| E3/22 | D222 /1.8 | 00942167- 00942168, 00281809- 00281810, 00747599- 00747640 00393642- 00393933 00704188- 00704210 | [Partial T.] កុម្មុយនិស្តកម្ពុជា និងគំរូរៀបចំណាម ភាគទី១ (ការយកតម្រាប់តាម និងឯករាជ្យឆ្នាំ១៩៣០ ដល់១៩៧៥) Cambodia Communism and the Vietnamese Model (Imitation and Independence, 1930- 1975) [Partial T.] Le communisme cambodgien et le modèle vietnamien | P | | | |
| E3/387 | D210 /5 | 00379481- 00379518 00350200- 00350231 00441411- 00441453 | ប្រតិចារិកនៃការថតសម្លេងបទសម្ភាសន៍ ជាមួយ អ៊ុក ប៊ុនឈឿន នៅថ្ងៃទី ០៤-០៨-១៩៩០ Transcript of recorded interview with OUK Bunchhoeun on 04-08-1990 Transcription des enregistrements des interviews avec OUK Bunchhoeun le 04-08- 1990 | P | | | |

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 the Accused KHIEU Samphan to the courtroom and the Accused NUON Chea to the holding cell by 09.00 on Wednesday 10 July 2013 (16.02).

Orders for Adjournment of Hearing

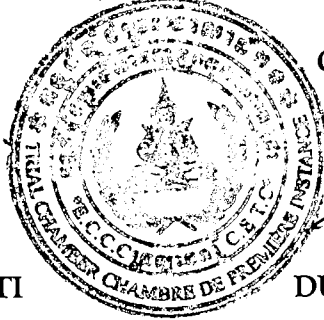
Court is adjourned and will resume at 09.00 on Wednesday, 10 July 2013 (16.02).

Phnom Penh, 09 July 2013

Greffier



Miriam MAFESSANTI



Greffier



DUCH Phary