



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): ១៧ / ០៤ / ២០១៣
ម៉ោង (Time/Heure): 15:00
មន្ត្រីទទួលបន្ទុកដំណុំរឿង/Case File Officer/L'agent chargé du dossier: <i>SANN VAND</i>

WRITTEN REORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 January 2013

Substantive Hearing on evidence - Day 148

Prepared by:

Matteo CRIPPA and DAV Ansan

Attendance Record
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Mr. Matteo CRIPPA, Mr. DAV Ansan, Mr. DUCH Phary
OCP: Mr. CHAN Dararasmey, Mr. SENG Bunkheang, Mr. Vincent de WILDE D'ESTMAEL, Mr. Dale LYSAK, Mr. BOU Chanthan
Accused: Mr. IENG Sary (present from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. SAM Sokong, Mr. LOR Chunthy, Ms. Christine MARTINEAU
Witness: N/A
Others: Courtroom officer, transcribers, Mr. Grant RAGLAND

<u>General court times</u>		
Day	Start time: 9:10	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 11:55	Finish time: 13:40
Recess pm	Start time: 14:20	Finish time: 15:00
	Total Court Time:	4 hours

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of Accused's right to be present in the courtroom.	KS Defence	9:19	9:20
	IS Defence		
	NC Defence		
Parties present documents to the court	OCP	9:41	10:29
	OCP	15:07	15:59
Discussion on admissibility of documents	CP	10:54	10:55
	IS Defence	10:56	11:09
	KS Defence	11:09	11:17
	IS and KS Defence	13:52	13:59
	OCP	14:00	14:17

Summary of Proceedings

Waiver of the Accused's right to be present in the courtroom

The Accused NUON Chea and KHIEU Samphan waived their right to be present in the courtroom for the entire day. They submitted their waivers the previous week (E258/2 and E223/4 respectively). The Accused IENG Sary is present in his holding cell and due to his health will participate remotely for the entire day. The Trial Chamber granted IENG Sary's request to participate remotely to the proceedings from his holding cell for the whole day.

Parties present documents to the court

The court gave the parties an opportunity to present documents to the court, to have an adversarial hearing on these documents, as well as to discuss key documents already before the court regarding the Tuol Po Chrey killing site and the forced movement of the population.

Discussion on admissibility of documents

As the OCP read documents into the record it noted its objection to various testifying letters and other documents. The KHIEU Samphan and IENG Sary Defence likewise responded with their objections to various documents, recordings, letters, and videos.

Record of Rule 87(3) Proceedings				
TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
IS 5.63		S-21 Confession of MUOL Sambath alias Ros Nhim	None (Closing Order)	KH: 00024650-00024683 EN: 00183742-00183744; 00780859-00780891-full translation FR: 00785202-00785248
	D125/217	Site Identification Report for Tuol Po Chrey	None (Closing Order)	KH: 00377195-00377253 EN: 00294305-00294345 FR: 00829797-00829799
E216/3.1 (Different excerpts than E3/40 or IS 3.9)		"Odyssey of a Khmer Rouge intellectual : The road to hell is paved with good intentions." SUONG Sikoeun	OCP	KH: 00829456-00829458; 00829460-00829465 EN: 00829794-00829796 FR: 00829797-00829799
E152.2		"Behind the Killing Fields" Gina CHON, SAMBATH Thet	OCP	KH: 00858214-00858410 EN: 00757471-00757568

				FR: 00849349-00849484
E3/128		Biography of LONG Narin alias Rith	OCP	KH: 00003709-00003725 EN: 00754298-00754308 FR: 00752352-00752366
E152.1.1R - E152.1.54 R E152.1.1.1 - E152.1.54. 1		Khieu Samphan interview parts 1 to 54	OCP	V00753059-V00753112,
A1980/1/15R. 5 And E190.1.297 R		Khieu Samphan interview parts 1 to 54	OCP	N/A
E93/7.3R, E93/7.2R		Interview of Nuon Chea entitled "Nuon Chea on Confessions" and "Nuon Chea on Year Zero"	OCP	KH: V00717048-V00717048, EN: 00714127-00714130- FR: 00711651-00711653
E109/2.3.1		Livre écrit par Raoul Marc Jennar intitulé "Khieu Samphan and les Khmers Rouges"	LCL Civil Parties	FR: 00751207-00751552

E01/8.3R		"Survive in the heart of the Khmer Rouge Madness." SAIDNATTAR Roshane	LCL Civil Parties	EN: V00720415
E186.1R		"Enemies of the people" (Nuon Chea interview) and 16 additional footages SAMBATH Thet and LEMKIN Rob	LCL Civil Parties and OCP	EN: V00800935
	D172.6	"Transformation in Cambodia", Commonwealth CHANDLER David	Ieng Sary	KH: 00818590-00818600 EN: 00335745-00335748 FR: 00825588-00825591
E190.1.407		"Democratic Kampuchea: Themes and Variations" VICKERY Michael	Ieng Sary	EN: S 00047272-00047299, FR: S 00047300-00047329
E190/2.2		"Sihanouk, Prince of Light, Prince of Darkness" OSBORNE Milton	Ieng Sary	EN 00808150-00808309
	D22/2052.1	"177 released from S-21, DC-Cam Records show"; GILLISON Douglas, LY HOR	Ieng Sary	KH: 00814871-00814873 EN: 00548253-00548256 FR: 00836686-00836691
E190/2.6,	D153.12	"Bombs over Cambodia" KIERNAN Ben, OWEN Taylor	Khieu Samphan	EN: 00809335-00809338
E190/2.10		"The US Bombardment of Cambodia, 1969-1973, Vietnam	Khieu Samphan	EN: 00809342-00809360

		Generation”		
E190/2.11		Kampuchea Decade for the Genocide: Report of a Finnish Inquiry 3 Commission”	Khieu Samphan	EN: 00809361-00809435
E190/2.13		Transcription of a conversation between Nixon and Kissinger	Khieu Samphan	EN: 00809451-00809457
E190/2.14		Transcription of a conversation between Kissinger and General Haig	Khieu Samphan	EN: 00809458-00809460
E190/2.16		Memorandum of a conversation between Indonesian President Suharto and Ford & Kissinger	Khieu Samphan	EN: 00809480-00809491
E190/2.15		Memorandum of conversation : Secretary’s Meeting with Foreign Minister Chatchai of Thailand	Khieu Samphan	EN: 00809461-00809479
E190.1.408		"Conversation with PECH Lim Kuon" French Ministry of Foreign Affairs, PECH Lim Kuon	Khieu Samphan	KH: 00823179-00823181 EN: 00823177-00823178 FR: 00389075-00389077
E190/2.9		Résolution de l'Assemblée Générale des Nations Unies, 34 ème session, la Situation au Kampuchea, A/RES/34/22	Khieu Samphan	FR: 00809341-00809341
E190/2.17		A Special Supplement: Cambodia, The New York Review of Books, Noam Chomsky	Khieu Samphan	EN: 00809492-00809526
E190.1.412		Dépêche de l'AFP intitulée "Arrivée d'une délégation laotienne en	Khieu Samphan	FR: 00391115-00391115

		visite au Cambodge"		
E190.1.411		"Defecting Khmer Rouge helicopter pilot tells of life in Phnom Penh" by The Times	Khieu Samphan	KH: S 00752666- 00752668 EN: S 00005730- 00005730 FR: S 00752467- 00752468
E190.1.409		Escape because of Khmer brutality" HERALD TRIBUNE	Khieu Samphan	KH: S 00753046- 00753048 EN: S 00005745- 00005745 FR: S 00752469- 00752470
E190.1.410		"Cambodia: Two Views from Inside" NEWSWEEK	Khieu Samphan	KH: S 00774492- 00774496 EN: S 00005751- 00005752 FR: S 00752471- 00752473
E190/2.8		"Cambodia: The verdict is guilty on Nixon and Kissinger" SHAWCROSS William	Khieu Samphan	EN: S 00006020- 00006046
E190/2.5		Letter of Philippe Jullian-Gaufres in favour of Khieu Samphan (OCP and Civil Parties Object)	Khieu Samphan	FR: 00809322- 00809334

E190/2.7		Letter of Sam Sok in favour of Khieu Samphan (OCP and Civil Parties Object)	Khieu Samphan	FR: 00809339-00809340
E190/2.18		Letter of Roland Dumas in favour of Khieu Samphan (OCP and Civil Parties Object)	Khieu Samphan	FR: 00809527-00809527
E190/2.19		Letter of Mrs Claude Katz in favour of Khieu Samphan (OCP and Civil Parties Object)	Khieu Samphan	FR: 00809528-00809531
E190/2.4		Article entitled « Entretien avec Laurence Picq, juin 1984 »	Khieu Samphan	FR 00809313-00809321
E190/2.20		Noam Chomsky Interview by George McLeod »	Khieu Samphan	EN: 00809532-00809535
E190/2.12		“Roots of the US Troubles in Afghanistan: Civilian Bombing Casualties and the Cambodian precedent” KIERNAN Ben, OWEN Taylor	Khieu Samphan	EN: 00809436-00809450
E131/1/13.3		Steve Heder entitled “Racism, Marxism, Labelling and Genocide in Ben Kiernan's The Pol Pot Regime”	Nuon Chea	KH: 00844550-00844616 EN: 00773700-00773771 FR: 00802800-00802833
E131/1/13.12		Excerpt of book by JOEL Brinkley entitled “Cambodia’s Curse, The modern history of a troubled land” (OCP and Civil Parties Object)	Nuon Chea	KH: 00778348-00778376 EN: 00773832-00773847 FR: 00788878-

				00788894
E131/1/13 .8		USGAO Report entitled "Report to the subcommittee on refugees and escapees committee on the judiciary United States Senate"	Nuon Chea	KH: 00777559- 00777593 EN: 00773774- 00773804 FR: N/A
E131/1/13 .6		Article by The New York Times "Saigon, Prodded by U.S., Lends Rice to Cambodia"	Nuon Chea	KH: 00775769- 00775771 EN: 00773773- 00773773 FR: 00789699- 00789700
E131/1/13 .4		"A Cambodian Anniversary Marked only by misery" SCHANBERG Sydney	Nuon Chea	KH: 00775762- 00775768 EN: 00773772- 00773772 FR: 00789695- 00789698
E131/1/13 .2		.D. Allman in Vanity Fair entitled "Sihanouk's Sideshow" (OCP and Civil Parties Object)	Nuon Chea	KH: 00793942- 00793979 EN: 00773684- 00773699 FR: NA
E131/1/13 .9		U.S. Air Operations in Cambodia: April 1973, US Senate SFRC	Nuon Chea	KH: 00777594- 00777613_ EN: 00773805- 00773818 FR: 00789655- 00789671
E131/1/13. 11		K-5 Construction plan for fiscal year 1987 - The Council of Minister (OCP and Civil Parties	Nuon Chea	KH: 00774424- 00774428 EN: 00773822- 00773831

		Object)		FR: 00793316-00793327
E131/1/13 .10		Working visit to Thailand of H.E. Second Prime Minister HUN Sen (OCP and Civil Parties Object)	Nuon Chea	EN: 00773819-00773821
	D199/26.2 .116	GRUNK Publication - Press Communique from Minister of Propaganda entitled "Sur Le Départ des Etrangers du Kampuchéa"		
	D199/26.2 .193	Telegram from the French Ministry of Defence to the French Ministry of Foreign Affairs, entitled "Situation in Phnom Penh (17 April 1975 at 23:00)"		
	D199/26.2 .194	Telegram from French Ministry of Defence to French Ministry of Foreign Affairs re 'Situation at the French Embassy in Phnom Penh'		
	D199/26.2 .205	Telegram 602 from Jean DYRAC, French Embassy Phnom Penh, to French Ministry of Foreign Affairs re "SCCT"		
	D199/26.2 .202	Telegram 755/760 from ARNAUD, French Embassy in Peking, to French Ministry of Foreign Affairs re "Interview with Mr. PennNouth"		

	D199/26.2 .213	Telegram 609 from Jean DYRAC, French Embassy Phnom Penh, to French Ministry of Foreign Affairs re "Situation à Phnom Penh"		
	D199/26.2 .209	Telegram from French Ministry of Defence to French Ministry of Foreign Affairs, entitled "Situation this morning - 20 April" - 20 April 1975		
	D199/26.2 .219	Telegram from Lorine, a Phnom Penh French embassy employee, to the French Ministry of Foreign Affairs		
	D199/26.2 .228	Telegram from a French diplomat in Geneva regarding a message sent by the International Red Cross in Geneva to its branch in Phnom Penh, as copied to the French Ministry of Foreign Affairs.		
	D199/26.2 .227	Telegram 810/811 from ARNAUD, French Embassy in Peking, to French Ministry of Foreign Affairs re "Entretien avec M. CHIAO Kuan Hua"		
	D199/26.2 .256	Telegram from a French diplomat in Geneva to French Ministry of Foreign Affairs regarding arrangements by ICRC at the Thai border to welcome the evacuees from the French Embassy in		

		Phnom Penh.		
	D313/1.2. 64	Telegram from US Embassy in Bangkok to US Secretary of State re 'Evacuation of Foreigners From Cambodia'		
	D313/1.2. 65	Telegram from the US Embassy in Bangkok to the US Secretary of State, entitled "American Talks of Phnom Penh After The Fall"		
	D199/26.2 .23	Telegram 654 from Richer, French Ambassador in Hanoi, to several embassies through the French Ministry of Foreign Affairs, entitled "Chinese aircraft in Cambodia"		
	D108/28.3 3	International Committee of the Red Cross (ICRC), Annual Reports on Cambodia for 1975, 1978 and 1979 (excerpts)		
	D199/26.2 .102	Communication from French Ministry of Foreign Affairs entitled "Premier questionnaire de la Commission des Finances de l'Assemblée Nationale sur le projet de loi des Finances pour 1976"		
	D365/1.1. 3	International Media Reports entitled "Phnom Penh Evacuation Is Ordered" and "Cambodians Told to Leave Capital"		

	D365/1.1. 10	International Media Report entitled "Phnom Penh Was Ghost City"		
	D365/1.1. 15	International Media Report entitled "Evacuees Tell of Executions, Kindness"		
	D365/1.1. 22	International Media Report entitled "Inside Cambodia"		
	D365/1.1. 17	International Media Report entitled "500 More Foreigners Leave Cambodia"		
	D365/1.1. 19	International Media Report entitled "Cambodia Leaders Shot, Doctor Says"		
	D365/1.1. 23	International Media Report entitled "Cambodia Reds Are Uprooting Millions As They Impose a 'Peasant Revolution'"		
	D365/1.1. 18	International Media Report entitled "Cambodia's Move In Emptying Cities May Fill Food Need"		
	D365/1.1. 26	International Media Report entitled "Khmer Upheaval"		
	D365/1.1. 28	International Media Report entitled "Cambodian Transformation"		
	D365/1.1. 34	International Media Report entitled "Urban Exodus Complete, Cambodia Refugees Say"		
	D365/1.1. 38	International Media Report entitled "Cambodia's Crime..."		

	NEW	International Media Report entitled "Cambodia: a Forced Return to the Land"		
	NEW	International Media Report entitled "Inside Cambodia"		
	D365/1.1.42	International Media Report entitled "Refugees Depict Grim Cambodia Beset by Hunger"		
	NEW	International Media Report entitled "A U.S. Aide Reports Huge Cambodia Toll Under Rule of Reds"		
	D365/1.1.49	International Media Report entitled "Cambodian Women Recall Nightmare of 2 Escapes"		
	NEW	International Media Report entitled "The World: Strong Words on Cambodia"		
	D108/28.303	International Media Report entitled "The Brutal Revolution of Once Gentle Cambodia"		
	D366/7.1.302	International Media Report entitled "Cambodian Home and Foreign Policy: Party Anniversary Speech by Pol Pot"		
	D366/7.1.416	Photograph by Al Rockoff depicting evacuation of Phnom Penh		
	D313/1.2.238	Photograph depicting KR combatants at Olympic Stadium		

	D277/9	Rogatory Letter Completion Report		
	NEW	Prisoner List of a Re- education Office of Tram Kak District		
	D157.20, D157.20/C orr-1	Report on contemptible Lim (Lip)		
	D157.10	Kraing Ta Chan Confession of NOP Neang alias KUNG Sokhon (partial).		
	D157.9	Notebook entitled "For Interrogation"		
	D157.17	Notebook of an interrogator at Kraing Ta Chan Security Centre		
	IS 18.6	List entitled "List of Khmer Kampuchea Krom" from a Tram Kak District commune		
	D157.26	Report to the Party		
	IS 18.2	List of Vietnamese or Khmer Krom in Ang Ta Som Commune		
	D157.27	Report from Kraing Ta Chan Chairman to District Office; Report from Chamcar Pot		
	D157.14	Reports between Sub- district and District Offices.		
	D157.87	Reports from communes to District office		
	D157.32	Reports between sub- district and district offices and Kraing Ta Chan Security Office.		
	D157.34	Reports from Kraing Ta Chan Security Office to the District Office		
	D2-15.9,	Reports from		

	D157.38	Communes to District Office.		
	D157.40	Report from Lviev Commune to District Office		
	D157.44	Report from Tram Kak District Office.		
	D157.42	Reports from Communes to District Office.		
	IS 18.32	Prisoner List of Kraing Ta Chan Security Office		
	D232/16.1	Annex 1 to the Written Record of Interview of PECH Chim D232/16		
	D157.4	Report from Kap, Nhaeng Nhang commune.		
	D157.54	Report from Nhuam Khbop Trabek Commune to District Office		
	IS 18.37	Reports from Ta Phem and Popoel subdistrict offices to District Office.		
	D157.61	Report from Leay Bo Commune to District Office		
	IS 18.46, D232/73.4	Reports entitled "To Kit, Tram Kok District" and "To the Party".		
	D157.62	Report from Ang Ta Saom Subdistrict to District Office		
	D232/18.2	Annex 2: Report attached to Written Record of Interview of PECH Chim D232/18		
	D157.65	Reports from communes to District Office and Kraing Ta Chan Security Office.		
	D232/78.2	Letter from Ann to		

		Boeun		
	D157.37	Reports from Cheang Tong Commune and Khpaub Trabek Commune to District Office.		
	D157.67	Report from Khun, Kbal Pou commune, Tram Kak District		
	NEW	Report from Ann entitled "Office of Education of District 105 - Report"		
	D157.68	Report from Ta Phem Commune to District Office; Report from District 105 Re-Education Office to Party		
	D157.70	Report from An, Kraing Ta Chan Security Centre to San, Tram Kok District.		
	D157.72	Report from Communes to District Office		
	D157.77	Report from On, K-105, to Angkar.		
	D157.79	Report from Ta Phem Commune to District Office		
	D157.83	Report from Nhang Nhang commune to Kraing Ta Chan Security Office.		
	D157.84	Report from Popel Commune to District Office		
	IS 18.52	Report from Trapeang Thom Khang Cheun Sub-district Cooperative to the Tram Kak District Office.		
	D157.33	Report on Three New		

		Local People by unidentified author in Tram Kak District		
	D157.89	Report from Khpaub Trabek Commune to District Office		
	D157.91	Reports between subdistrict and district offices and Kraing Ta Chan Security Office.		
	D157.92	Reports between Nhang Nhang commune, Kraing Ta Chan Security Office and Sector 13.		
	D157.94	Reports from Communes to Kraing Ta Chan Security Office.		
	D157.97	Reports from communes cooperatives to district office and from Kraing Ta Chan Security Office.		
	D157.99	Reports between subdistrict and district offices and Kraing Ta Chan Security Office.		
	D157.100	Notebook of an interrogator at Kraing Ta Chan Security Centre		
	D312.1.51, D312.1.51-Correction 1	Prisoner List from Kraing Ta Chan Security Office		
	D157.108	Report on Tram Kak District by Choeun, Sorn, Meng and Boeun		
	D199/26.2 .184	International Media Report entitled "Cambodia: The New York Times Reports New and Forced		

		Movements with a High Death Toll"		
	D166/130	Report of the Execution of Rogatory Letter		
	IS 18.78	Analytical Report by DC-Cam entitled "Site Report Form Number 150201"		
	D313/1.2.104	Photograph depicting Tuol Po Chrey killing site		
	D313/1.2.106	Photograph depicting Tuol Po Chrey mass grave pits		
	D125/194	Report of the Execution of Rogatory Letter		
E3/5		Revolutionary Flag	OCP	KH: 000633 000630; 00063340 to 42 00401488 EN: 00401491; 00401498; 00401501; FR: 00538963 00538966; 00538973 to 74 00538975 to 76
E3/214		Statute of the Communist Party 22 of Kampuchea	OCP	
E3/182		Meeting of the Standing Committee dated the 14 9th of October 1975	OCP	
E3/1150		11 of November 1975 letter.	OCP	
E3/229		Standing Committee minutes on the 22nd of February 1976	OCP	
E3/3866		Document sent from Northeast Zone	OCP	
E3/217		Minutes of the meeting of the Standing Committee dated the 11 of March 1976	OCP	

E3/235		Standing Committee dated the 19th, 20th, and 21 st of April 1975 ~ 1976	OCP	
E3/221		Minutes of the meeting of the Standing Committee dated the 14 th of May 1976	OCP	
E3/224		Minutes of the meeting of the Standing Committee dated the 30th of May 1976	OCP	
D56/10.00 8		Report from a Vietnamese messenger regarding the public announcement by the FUNK and the GRUNK	OCP	
E3/290		International media report, FBIF		
E3/1714		Interview with a Cambodian refugee at the Khmer, Thai border		KH: 00324763 EN: 00170748 FR: 00649010 to 11
E3/94		Interview by Ieng Sary on the 22 nd of July 1981		KH: 00578895 EN: 00342501 FR: 00602000
E3/93		Interview by Ieng Sary conducted on 28 August 1996		KH: 00224443 EN: 00078610 FR: 00347376
E3/86		Communique by Ieng Sary's group dated 8 September 1996		KH: 00224430 EN: 00081215 FR: 00614094
E3/832		4 June 1975 order conveyed by Comrade Pin		
E3/1016		5 January 1976 report from division 164 secretary Mut to Brother 89		
E3/887		23 January 1976 telegram to Uncle 89 from 05		

E3/1175		26 February 1976 daily report on the situation relating to CIA enemies		
E3/923		March 1976 report from Chhin, the secretary of division 920		
E3/1176		16 March 1976 report from division 310 secretary Oeun		KH: 00021470
E3/1162		26 May 1976 report from division secretary Oeun		

Oral Orders/Decisions:

- Order allowing the Accused IENG Sary to participate from the holding cell during the entire day (waiver of the Accused is attached to this written record).
- Chamber instructs security guards to take accused IENG Sary to detention facility and have him returned to the holding cell the following morning before 9:00 a.m.

Orders for Adjournment of Hearing

The Court adjourned at 16:00 and will resume the following morning commencing from 9:00.

Phnom Penh, 21 January 2013

Greffier

Greffier





Matteo CRIPPA

DAV Ansan