



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 Roi

ឯកសារដើម ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):19.....08.....2013.....
ម៉ោង (Time/Heure):.....16:20.....
អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: <i>[Signature]</i>

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

15 July 2013
Substantive Hearing on evidence - Day 210

Prepared by:

Mr. Roger PHILLIPS and Mr. DAV Ansan

Attendance Record
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE
Reserve Judge: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Mr. Roger PHILLIPS, Mr. DAV Ansan
OCP: Ms. SONG Chorvoin, Mr. Tarik ABDULHAK, Mr. Keith RAYNOR
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 GUISE
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mrs. Beini YE, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. SIN Soworn, Ms. Eleonor FERNANDEZ
Witnesses: Stephen HEDER (TCE-33)
Others: Courtroom Officers, Transcribers, Mr. Matthew CAMERON

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:15
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	5 hours

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness Stephen HEDER (TCE-33)	OCP	09:06	10:30
		10:52	12:03
	LCLCP	13:34	14:39
		15:02	15:24
Request by the NUON Chea Defence to Admit New Evidence, Summons Rob LEMKIN and Initiate an Investigation	TC	15:27	15:29
	KS Defence	15:29	15:33
	OCP	15:33	15:55
	LCLCP	15:55	16:01
	NC Defence	16:04	16:16

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 Stephen HEDER (TCE-33)

The Co-Prosecutors and Lead Co-Lawyers posed questions to Witness Stephen HEDER (TCE-33).

Request by the NUON Chea Defence to Admit New Evidence, Summons Rob LEMKIN and Initiate an Investigation

The KHIEU Samphan Defence, Co-Prosecutors and Lead Co-Lawyers presented oral submissions in relation to the request by the NUON Chea Defence to admit new evidence, summons Rob LEMKIN and initiate an investigation. The NUON Chea Defence

presented oral submissions in reply. The Chamber reserved its decision.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/573	D210/14/1.2	00640499- 00640501 00427599- 00427600 00632508- 00632509	ប្រតិចារិកនៃកំណត់ត្រាដោយដៃនៃកិច្ចពិភាក្សារវាងលោក Stephen Hederជាមួយលោកអៀង សារី នៅថ្ងៃ 14-01-1999 Transcription of Shorthand notes of Stephen Heder's Discussion with IENG Sary on 04-01-1999 Transcripte des Notes manuscrites de la discussion de Stephen Heder avec IENG Sary le 04-01-1999	P			
N/A	E190.1.72	00742277- 00742280 00567469- 00567470, 00567471- 00567477 00744418- 00744419	សក្ខីកម្មរបស់ វ៉ាន់ រិទ្ធ (សម្ភាសន៍ដោយ Steve Heder) Interview of Van Rith by Steve Heder in 2004 hand written Interview de Van Reut, alias Meuan, réalisée par Steve Heder	P	00742278		00742278
E3/48	D222/1.7	00742603- 00742623 00393471- 00393641 00729651- 00729662	[Partial T.] HEDER Stephen, Seven Candidates for Prosecution បេក្ខជនចំនួនប្រាំពីរនាក់ដែលត្រូវកាត់ទោស [Partial T.] Heder, Stephen, Sept candidats possibles de poursuites	P		pp. 65, 93	
E3/1915	12.40	00172250- 00172256 00087513- 00087514 00819089- 00819093	បទសម្ភាសន៍របស់ ឌុច ដោយ Nate Tayer “ការរៀបរាប់ពិស្តារអំពីការស្លាប់មនុស្ស” Interview with DUCH by Nate Tayer “The dead in detail” La mort en detail ; “”duch” met en cause les chefs khmers rouges encore en vie dans les massacres, entretien avec nate thayer	P			

E3/1567	20.20	00172208- 00172212 00002621- 00002623 00384724- 00384727	អ៊ីម៉ែល របស់ចាន់ដា នាយ៉ា ផ្ញើទៅអោយ យុ នាង អំពី additional material ជាភាសាអង់គ្លេស នៅថ្ងៃទី០២ ខែមេសា ឆ្នាំ២០០១ International MediaReport entitled "I am in danger" by Nate THAYER International MediaReport entitled "I am in danger" by Nate THAYER	P			
E3/724	11.1	00663856- 00663865 00089735- 00089742 00620168- 00620173	ទស្សនាវដ្តីយុវជន និងយុវនារីបដិវត្តន៍- ខែកក្កដា ១៩៧៥ CPK Magazine entitled RevolutionaryYouth, July 1975 CPK Magazine entitled RevolutionaryYouth, July 1975	P			
E3/731	11.5	00234494- 00234510 00089743- 00089754 00343729- 00343737	ទស្សនាវដ្តីបក្សកុម្មុយនីស្តកម្ពុជា ដែលមានចំណងជើងថា ទង់បដិវត្តន៍ ខែធ្នូ ឆ្នាំ១៩៧៥-ខែមករា ឆ្នាំ១៩៧៦ CPK Magazine entitled Revolutionary Flag, December 1975 - January 1976 Magazine de CPK intitulée Drapeau Révolutionnaire, Décembre 1975 - Janvier 1976	P			
N/A	E169/ 4/1.1. 1	00809783- 00809825 00815123- 00815149 00815902- 00815929	សៀវភៅមានចំណងជើងថា៖ យុវជន និង យុវនារី បដិវត្ត (លេខ ៧ កក្កដា ១៩៧៥) Book entitled "Revolutionary Youth" (No. 7, July, 1975) Book entitled "Revolutionary Youth" (No. 7, July, 1975)	P	00809793		
N/A	E169/ 4/1.1. 2	00809826- 00809859 00865691- 00865718 00883110- 00883135	សៀវភៅមានចំណងជើងថា៖ ទង់ បដិវត្ត (លេខពិសេស ធ្នូ-មករា ១៩៧៥-១៩៧៦) Book entitled "Revolutionary Flag" (Special Number, December - January, 1975-1976) Livre intitulé "Jeunesse révolutionnaire", Numéro 7, juillet 1975	P	00809826, 00809829		
E3/25	D243 /2.1.9	00063000- 00063058 00491394- 00491438 00504014- 00504066	ទង់បដិវត្ត លេខ ពិសេស ធ្នូ-មករា ១៩៧៦- ៧៧ CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 -January 1977 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 -January 1977 (FULL)	P	00063039	00491424	00504049

E3/1108	D248 /6.1.1 3	00383754- 00383768 00583819- 00583828 00788350- 00788360	សេចក្តីរាយការណ៍ ការប្រជុំធ្វើបុណ្យខួបលើកទី ២៣ របស់ខ្មាំង នឹងសន្ទុកថាលោក ហ៊ូ យ៉ុង Reported about 23th anniversary of enemy meeting and speech on Hou Yun Rapport pour le 23e anniversaire et discours de HOU Yun	P	00383763	00583824	00788356
E3/118	D262. 5	00905178- 00905203, 00846158- 00846172, 00700267- 00700288, 00895406- 00895418 00166888- 00167025 00845853- 00845863, 00700256- 00700266, 00895397- 00895405, 00937004- 00937019	[Partial T.] ឧបសម្ព័ន្ធ ០០០០៥៖ លោក ខៀវ សំផន ចេញផ្សាយសេចក្តីថ្លែងការណ៍ស្តីពីស្ថាន ភាពបច្ចុប្បន្ន Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975 Annexe 00005: KHIEU Samphan fait une déclaration sur la situation actuelle	P	00846160- 1	00166994	00845854- 5
E3/1238	12.1	S 00773085- 00773087, 00702015- 00702047 00278739- 00278743 S 00000020- 00000040	[Partial T.] អំណរសាទររបស់សម្តេចព្រះប្រមុខរដ្ឋ នរោត្តម សីហនុ ចំពោះលោក ខៀវ សំផន [Partial T.] Congratulations from Chief of State Samdech Norodom Sihanouk to Mr. Khieu Samphan Congratulations from Chief of State Samdech Norodom Sihanouk to Mr. Khieu Samphan	P		00278739	

E3/114	12.5	S 00662247- 00662267 00280550- 00280563 S 00000086- 00000099	ទំងកិច្ចានុភាព សមត្ថភាព និងកិត្តិយសរបស់ជាតិ របស់ប្រជាជនកម្ពុជា របស់រណសិរ្សប្រមុខជាតិកម្ពុជា (វ.វ.ជ.ក.) និងរបស់រាជរដ្ឋាភិបាលប្រមុខជាតិកម្ពុជាអ ណ្តែតខ្ពស់ត្រដែតលើឆាកអន្តរជាតិ National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, nr. 696 dated 7-8 April 1974 National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, nr. 696 dated 7-8 April 1974	P	00662258	00280556	00000093- 4
E3/167	12.7	00596117- 00596152 00280571- 00280593 S 00000107- 00000129	ទីភ្នាក់ងារព័ត៌មានកម្ពុជា ផ្សាយដោយការិយាល័យព័ត៌មាននៃរណ សិរ្សប្រមុខជាតិកម្ពុជា National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, Nr. 698, dated 11 April 1974 National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, Nr. 698, dated 11 April 1974	P	00596141	00280586	00000122
E3/1815	4.24	00104672- 00104890 00487091- 00487550 00701419- 00701421	សៀវភៅនិពន្ធដោយ ប៊ិន ឃៀននិ មានចំណងជើងថា៖ "តើ ប៉ុល ពត ចូលកាន់អំណាចបែបណា?" Booked by BEN Kiernan entitled: "How Pol Pot Came to Power" Livre écrit par BEN Kiernan intitulé: "How Pol Pot Came to Power"	P			
E3/11	D243 /2.1.1 2	00063116- 00063187 00486212- 00486266 00492795- 00492857	ទំងបដិវត្ត លេខ ពិសេស កញ្ញា ១៩៧៧ CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL)	P	00063162- 3	p. 36	00492836

E3/687	D56- Doc. 252	00651184- 00651189 00122279- 00122280 00622449- 00622450	សារព័ត៌មានអន្តរជាតិចំណងជើង សម្ព័ន្ធមិត្តកម្ពុជាទាំងបី គ្រោងធ្វើសង្គ្រាមជាមួយវៀតណាម“ New York Times ថ្ងៃទី០៩ កក្កដា ឆ្នាំ ១៩៨២ International Media Article entitled "3 Unlikely Cambodian Allies map War on Vietnam" New York Times, 09 July 1982 International Media Article entitled "3 Unlikely Cambodian Allies map War on Vietnam" New York Times, 09 July 1982	P	00651187	00122280	
E3/3864	D84/ 2.5	00323619- 00323623 00498337- 00498339 00271499- 00271501	ច្បាប់ចម្លងនៃលិខិតរបស់ អគ្គលេខាធិការនៃ Amnesty International Martin Ennals ផ្ញើជូនទៅ ខៀវ សំផន (Khieu Samphan) ចុះថ្ងៃទី ២៨ ខែកុម្ភៈ ឆ្នាំ ១៩៧៧ Copy of a letter of the Secretary General of Amnesty International Martin Ennals addressed to Khieu Samphan dated 28 February 1977 Copy of a letter of the Secretary General of Amnesty International Martin Ennals addressed to Khieu Samphan dated 28 February 1977	P			
E3/3311	D313 /1.2.3 30	00591041- 00591042 00419521- 00419521 00607922- 00607923	អង្គការលើកលែងទោសអន្តរជាតិព្រួយបារម្ភ ពីកង្វះចម្លើយតប របស់រដ្ឋាភិបាលនៃរបបកម្ពុជាប្រជាធិបតេ យ្យទៅនឹងសេចក្តីអំពាវនាវនានា Amnesty International Concerned At Democratic Kampuchean Government's Lack of Response to Appeals Amnesty International Concerned At Democratic Kampuchean Government's Lack of Response to Appeals	P			
E3/89	20.6	00062452- 00062509 00417599- 00417643 00332681- 00332725	បទសម្ភាសន៍ជាមួយ អៀង សារី ដោយ ស្ទីវ ហេដ័រ Interview avec Ieng Sary par Steve Heder Interview avec Ieng Sary par Steve Heder	P	00062453	00417600	

E3/1740	D200/9.13	00837642- 00837645 00838744- 00838746 00843075- 00843078	ផ្នែកមួយនៃប្រតិចារឹកបទសម្ភាសន៍ដោយ អ្នកស៊ើបអង្កេតជាមួយលោក នង សុផង់ ថ្ងៃទី២៨ ខែមីនា ឆ្នាំ២០០៩ Partial transcript of recorded interview by investigator with NORNG Sophang dated 28 March 2009 Transcription d'audition du témoin NORNG Sophang, en date du 28 mars 2009	P	00324731	00170727	00648992
E3/4653	D22/306	00484382- 00484393 00864056- 00864064 00898083- 00898083	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណី របស់ នង សារ៉ាន NORNG Sarân Civil party application of NORNG Sarân [Partial T.] Demande de constitution de partie civile de NORNG Sarân	P	00484385- 6	00864058	00898083
E3/4654	D246/16	00390309- 00390319 00400461- 00400470 00434832- 00434842	កំណត់ហេតុនៃការស្តាប់ចម្លើយដើមបណ្តឹង រដ្ឋប្បវេណី SOT Sem សុត សែម Written Record of Interview of Civil Party SOT Sem សុត សែម Procès verbal d'audition de partie civile SOT Sem សុត សែម	P	00390312	00400463	00434834
E3/4655	D22/3765	00875000- 00875014, 00569829- 00569841 00892762- 00892764 00847007- 00847020, 00892710- 00892712	[Partial T.] ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណី របស់ យីន ម៉ម YIM Mam 10-VU-00208 [Partial T.] Civil party application of YIM Mam 10-VU-00208 [Partial T.] Constitution de partie civile de YIM Mam 10-VU-00208	P	00875010	00892763	00892711
E3/4656	D22/2068	00544558- 00544570 00893382- 00893387 00923427- 00923430	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណី របស់ ឌី សារ៉េន DY Roeun 09-VU-00126 [Partial. T] Civil party application of DY Roeun 09-VU-00126 [Partial T.] Demande de constitution de partie civile de DY Roeun 09-VU-00126	P	00544541	00893384	00923428
E3/4657	D217/3	00349493- 00349502 00353698- 00353707 00372048- 00372058	កំណត់ហេតុនៃការស្តាប់ចម្លើយដើមបណ្តឹង រដ្ឋប្បវេណី SUONG Sim ស្វង់ ស៊ីម Written Record of Interview of civil party SUONG Sim ស្វង់ ស៊ីម Procès verbal d'audition de partie civile SUONG Sim ស្វង់ ស៊ីម	P	00349497- 8	00353702	00372053
N/A	E186.1R	V00800935- V00800935 (KH-EN)	One day at Po Chrey	P	One day at Po Chrey 22:00 and 00:48	One day at Po Chrey 22:00 and 00:48	One day at Po Chrey 22:00 and 00:48

N/A	E152. 2	00858214- 00858410, 00920122- 00920144 00757471- 00757568 00849349- 00849484	ឧបសម្ព័ន្ធ ២៖ សៀវភៅនិពន្ធដោយលោក GINA Chon និងលោក ថេត សម្បត្តិ មានចំណងជើងថា “នៅពីក្រោយវាលពិឃា តៈ មេដឹកនាំខ្មែរក្រហមម្នាក់និងជនរងគ្រោះម្នា ក្នុងចំណោមជនរងគ្រោះជាច្រើនរបស់គា ត់” Annex 2: Book by GINA Chon and THET Sambath entitled “Behind the killing fields: a Khmer Rouge leader and one of his victims” Annexe 2: Derrière les champs de la mort : un dirigeant khmer rouge et l'une de ses victims GINA Chon et THET Sambath	P			
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Oral Orders/Decisions:

- The Chamber directs the court officer to assist the Witness Stephen Heder to return to the courtroom at 09.00 on Tuesday, 16 July 2013 (15:26).
- The Chamber reserves its decision in relation to the request by the NUON Chea Defence to admit new evidence, summons Rob LEMKIN and initiate an investigation (16:17).
- 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 Tuesday, 16 July 2013 (16:17).

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on Tuesday, 16 July 2013 (16:17).

Phnom Penh, 15 July 2013

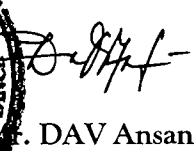
Greffier



Mr. Roger PHILLIPS



Greffier



Mr. DAV Ansan