



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): 12 / 07 / 2013
ម៉ោង (Time/Heure) : 13 : 30
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

9 April 2013

Substantive Hearing on evidence - Day 165

Prepared by:

Roger PHILLIPS and SE Kolvuthy

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Mr. Roger PHILLIPS, Ms. SE Kolvuthy
OCP: Mr. CHAN Dararasmey, Mr. SENG Bunkheang, Mr. Vincent DE WILDE D'ESTMAEL.
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, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. Christine MARTINEAU
Witness: Mr. Francois PONCHAUD (TCW-536)
Others: Mr. UCH Arun, Ms. SOUR Sotheary, Ms. Elburg van BOETZELAER

<u>General court times</u>		
Day	Start time: 09.10	Finish time: 16.10
Recess am	Start time: 10.35	Finish time: 10.55
Recess	Start time: 12.05	Finish time: 13.45
Recess pm	Start time: 14.40	Finish time: 15.05
	Total Court Time:	4 hours and 35 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of NUON Chea's right to be present in the Courtroom	TC	09:10	09:13
Testimony of Witness Francois PONCHAUD (TCW-536)	TC	09.14	10.34
		10.56	12.05
		13.45	14.01
		14.10	14.43
		15.04	16.11
Classification of Witness Francois Ponchaud (TCW-536)	NC Defence	14.01	14.02
	OCP	14.02	14.03
	NC Defence	14.03	14.04
	TC	14.04	14.10

Summary of Proceedings

Waiver of NUON Chea's right to be present in the courtroom

The Accused NUON Chea waived his right to be present in the courtroom for the entire day due to health concerns. The Trial Chamber received a medical report by his treating physicians recommending the Accused participate in the proceedings from his holding cell through video link.

Testimony of Witness Francois PONCHAUD (TCW-536)

The Trial Chamber posed questions to the Witness.

Classification of Witness Francois Ponchaud (TCW-536)

The NUON Chea defence requests the Trial Chamber to clarify whether the witness is testifying as a factual witness or an expert. The Trial Chamber confirms that Francois PONCHAUD was called to testify as a witness, and is not considered an expert.

Record of Rule 87(3) Proceedings

2/5

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/2815	D222 /1.2	00392595-00392896-00237257-00237693	BIZOT, Francois, Le Portail (The Gate) BIZOT, Francois, Le Portail (The Gate)	P		00392829	00237590
E3/1772	D359 /1/1.1.56	00897509-00897510, 00897370-00897372-00897506-00897508-00897368-00897369	[Partial T.] ឧបសម្ព័ន្ធ ៥៦៖ ព័ត៌មាន និង ការវាយតម្លៃពីទំនាក់ទំនងនៃកម្ពុជាចំពោះ ប្រទេសឡាវ [Partial T.] Annex 56: Info and Assessment about the relations of Kampuchea towards and Laos [Partial T.] Annex 56: Info and Assessment about the relations of Kampuchea towards and Laos	P			
E3/2694	D199 /26.2.199	00491363-00491364-00486889-00486889-00391442-00391442	សារទូរលេខទាក់ទងនឹង ការជ្រកកោនផ្នែកនយោបាយ Télégramme intitulé Asile politique Télégramme intitulé Asile politique	P			
E3/4586	D199 /26.2.116	00491778-00491780-00762125-00762127-00391346-00391348	ការចេញផ្សាយព័ត៌មានរបស់ក្រសួងព័ត៌មាននៃ រាជរដ្ឋាភិបាលបង្រួបបង្រួមជាតិកម្ពុជា(GRUNK) ស្តីពីការចាកចេញរបស់ជនបរទេសពីកម្ពុជា GRUNK publication-Press communique from Minister of Propaganda entitled "Departures of foreigners" Communiqué de presse du Ministère de la Propagande et de l'information du GRUNK sur le Départ des étrangers du Kampuchéa.	P			
E3/4587	D133 /1.1	00598503-00598505-00410317-00410318	Lettre de Francois Ponchaud aux CJI Lettre de Francois Ponchaud aux CJI	P			

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E3/4588	D199 /26.2. 137	00877499- 00877504, 00877495- 00877498, 00876599- 00876604 00878358- 00878367 00386883- 00386905	[Partial T.] កិច្ចសម្ភាសន៍របស់តំណាងទីភ្នាក់ងារព័ត៌ មានកម្ពុជា ជាមួយលោក ខៀវ សំផន ឧបនាយករដ្ឋមន្ត្រី និងជាអគ្គមេបញ្ជាការកងទ័ពប្រជាជន ដោះជាតិកម្ពុជា [Partial T.] Interview of Khieu Samphan and Speeches Made by Ieng Sary Bulletin d'information du GRUNK intitulé "Situation au Kampuchea après la liberation totale et définitive" numéro spéciale 220 Bis/75.	P	00877499 - 00877504	00878358 - 00878361	00386886 - 00386889
E3/2411	D133 /1.2	00832481- 00832495 00609100- 00609111 00410323- 00410326	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ច្បាប់ថតចម្លងនៃអត្ថបទដែលចុះផ្សាយនៅ ក្នុងកាសែត Le Monde ពីថ្ងៃ ១៦ ដល់ ១៨ កុម្ភៈ ១៩៧៦ [Surrogate Sheet] Copy of article published in Le Monde from 16 to 18 February 1976 [Feuille remplacée] Copie de l'article publié dans le journal le Monde du 16 au 18 février 1976	P			
E3/1804	2.2	00235800- 00235816 00087524- 00087536 00233158- 00233170	ក្រុមប្រឹក្សាសេដ្ឋកិច្ច និង សង្គម អង្គការសហប្រជាជាតិ United Nations - Economic and social council Nations Unies - Conseil Economique et Social	P		00233161	

Oral Orders/Decisions:

- Order allowing the Accused NUON Chea to participate from the holding cell during the entire day (waiver of the Accused is attached to this written record). (9.12)
- The Trial Chamber rules that Francois PONCHAUD was called before the Chamber as a witness. The Chamber will deal with any concerns as to the questioning of the witness as they arise during the examination of the witness. (14.08)
- Order to the court officer to assist Witness during the adjournment and have him returned to the courtroom by 09:00 on Wednesday 10 April 2013. (16.12)
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and have KHIEU Samphan returned to the courtroom and NUON Chea to his holding cell by 09:00 on Wednesday 10 April 2013. (16.12)

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on Wednesday 10 April 2013.

Phnom Penh, 9 April 2013

Greffier



Roger PHILLIPS



Greffier



SE Kolvuthy