



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):14.....08.....2013.....
ម៉ោង (Time/Heure) :.....15:50.....
បេក្ខនាមបុគ្គលិកទទួលខុសត្រូវ : Case File Officer/L'agent chargéSANN RADA.....

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 July 2013

Substantive Hearing on evidence - Day 211

Prepared by:

Faiza ZOUAKRI and DUCH Phary

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: Mr DUCH Phary, Ms. Miriam MAFESSANTI, Ms Faiza ZOUAKRI
OCP: Ms. SONG Chorvoin, Mr. Keith RAYNOR, Mr. Tarik ABDULHAK
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 GUISSSE
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. SIN Soworn,
Witnesses: Stephen HEDER
Others: Courtroom Officers, Transcribers, Ms. Paola ROBOTTI

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:10
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:05
	Total Court Time:	5 hours 05 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
The Trial Chamber recalled its prior ruling made on 18 th of April regarding the Accused KHIEU Samphan's decision to no longer answer questions before the Chamber	TC	09:04	09:06
Request for additional time to question the witness	NC Defence/KS Defence	09:07	09:10
Testimony of Mr. Stephen HEDER	NC Defence	09:10 10:52 13:32 15:07	10:30 12:07 14:43 16:08

<u>Summary of Proceedings</u>
<p><u>Waiver of the Accused's right to be present in the courtroom</u> 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.</p> <p><u>The Trial Chamber recalled its ruling of 18th April 2012 about the Accused KHIEU Samphan's decision to exercise his rights to remain silent</u> The Trial Chamber recalled its oral ruling of 18 April 2012 on legal implications of the Accused KHIEU Samphan's decision to no longer answer questions before the Chamber.</p> <p><u>The NUON Chea and KHIEU Samphan Defences requested additional time to question the Witness</u> The request will be granted by the Trial Chamber if it deems it necessary and depending on the relevance of the questions posed to the witness.</p> <p><u>Testimony of Witness Stephen HEDER (TCE-33)(continued)</u> The NUON Chea Defence questioned Witness Stephen HEDER. During the questioning by the Defence, the Chamber reminded the Defence on several occasions that Mr. Heder</p>

was appearing before the Chamber as a witness of fact rather than as an expert, and that questions should therefore be phrased accordingly.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
N/A	E131/1/13.3	00844550-00844616 00773700-00773771 00802800-00802833	ឧបសម្ព័ន្ធ ព័រ ស្ទេវ អេដឺរ Steve Heder មានចំណងជើងថា "ជាតិសាសន៍និយម លទ្ធិម៉ាក្សនិយម ការកំណត់ក្រុមគោលដៅ និងអំពើប្រល័យពូជសាសន៍" Annex 3: Booked by Steve Heder entitled "Racism, Marxism, Labelling and Genocide in Ben Kiernan's The Pol Pot Regime" Annex 3: Booked by Steve Heder entitled "Racism, Marxism, Labelling and Genocide in Ben Kiernan's The Pol Pot Regime"	P	00844599-600, 00844591, 00844572, 00844574, 00844583-84, 00844609-610, 00844553-54, 00844571	00773700, 00773753, 00773724, 00773726, 00773736, 00773764, 00773703, 00773723	00802825, 00802821, 00802811, 00802812, 00802816-17, 00802830-31, 00802801, 00802810
N/A	E190.1.398	00830754-00830817 00661455-00661491 00792913-00792950	របាយការណ៍វិភាគដោយ Stephen HEDER មានចំណងជើងថា "ការវាយតម្លៃឡើងវិញ អំពីតួនាទីរបស់មេដឹកនាំជាន់ខ្ពស់ និងកម្មាភិបាលមូលដ្ឋានក្នុងឧក្រិដ្ឋកម្ម ក្នុងរបបកម្ពុជាប្រជាធិបតេយ្យ៖ ការទទួលខុសត្រូវរបស់កម្ពុជាក្នុង ទស្សនទានប្រៀបធៀប Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective" 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	00830815-16	00661459, 00661490	00792949

E3/1593	4.25	00637356- 00638099, 00279007- 00279011 00678476- 00678740 00638722- 00639444, 00291052- 00291054	សៀវភៅនិពន្ធដោយ Ben Kiernan មានចំណងជើងថា៖ "របបប៉ុល ពត ពូជសាសន៍ អំណាច អំពើប្រល័យពូជសាសន៍" [Corrected 1] Book by Ben Kiernan entitled "The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79" Livre écrit par Ben Kiernan intitulé "La Génocide au Cambodge, 1975-1979: Race, Idéologie et Pouvoir"	P	00637460, 00637406, 00637441- 42, 00637444- 46, 00637675- 76	00678529, 00678510, 00678522, 00678523, 00678598	00638799, 00638758- 762, 00638784- 85, 00638786- 87, 00638963, 00639340
E3/1568	D313 /1.2.4 06.1	00713919- 00713993 00651862- 00651907 00743328- 00743384	អត្ថបទដែលបានវាយសារឡើងវិញពីអត្ថប ទសរសេរដោយដៃនៃបទសម្ភាសន៍ជាមួយ ជា ស៊ីម ថ្ងៃទី ៣ ខែធ្នូ ឆ្នាំ ១៩៩១ និង ហេង សំរិន ២ ខែធ្នូ ឆ្នាំ ១៩៩១ នៅទីក្រុងភ្នំពេញ RETYPE from a Handwritten interview of CHEA Sim, Phnom Penh, 3 Dec 1991, and Heng Samrin, Phnom Penh, 2 Dec 1991 Transcription dactylographique de notes manuscrites prises durant des entretiens menés avec Heng Samrin et Chea Sim à Phnom, les 2 et 3 décembre 1991 respectivement	P	00713954- 55	00651884	00743356- 57
E3/22	D222 /1.8	00942167- 00942168, 00281809- 00281810, 00747599- 00747640 00393642- 00393933 00704188- 00704210	[Partial T.] កុម្មុយនិស្តកម្ពុជា និងគំរូរៀនណាម ភាគទី១ (ការយកគម្រាប់តាម និងឯករាជ្យឆ្នាំ១៩៣០ ដល់១៩៧៥) Cambodia Communism and the Vietnamese Model (Imitation and Independence, 1930- 1975) [Partial T.] Le communisme cambodgien et le modèle vietnamien	P		00393786- 790	

Oral Orders/Decisions:

- The Chamber directs the court officer to assist the Witness Stephen Heder to return to the courtroom at 09.00 on Wednesday, 17 July 2013 (16:08).
- 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, 17 July 2013 (16:10).


Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on Wednesday, 17 July 2013 (16:10).

Phnom Penh, 16 July 2013

Greffier

Greffier


Faiza ZOUAKRI
DUCH Phary