



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 / 10 / 2013
ម៉ោង (Time/Heure): 13:50
អគ្គិសនីទទួលខុសត្រូវឯកសារ/Case File Officer/L'agent chargé du dossier: SANN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 June 2013

Substantive Hearing on evidence - Day 199

Prepared by:

Ms. Miriam MAFESSANTI and Mr. DAV Ansan

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
Reserve Judge: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Ms. Faiza ZOUAKRI, Ms. Miriam MAFESSANTI, Ms. SE Kolvuthy, Mr. DAV Ansan
OCP: Mr. CHAN Dararasmey, Mr. SENG Bunkheang, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Dale LYSAK
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 GUISSÉ
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Ms. SIN Soworn
Witnesses: None
Others: Transcribers, Court officers, Ms. Jamie CRAWFORD

General court times		
Day	Start time: 09.00	Finish time: 16.00
Recess am	Start time: 10.15	Finish time: 10.40
Recess	Start time: 12.00	Finish time: 13.30
Recess pm	Start time: 14.40	Finish time: 15.00
	Total Court Time:	4 hours and 45 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Presentation of key documents related to cooperatives and worksites	OCP	09.04 09.23	09.19 10.13
Objection by KHIEU Samphan Defence	KS Defence team OCP TC	09.19 09.20 09.22	09.20 09.21 09.23
Presentation of key documents related to CPK policies on enemies and the targeting of specific groups	OCP	10.40 13.32 15.00	11.58 14.40 16.00

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 Rule 81(5). See Second Decision on Accused NUON Chea's Fitness to Stand Trial, E256/5, 2 April 2013.

Presentation of key documents related to cooperatives and worksites

The Co-Prosecutors presented key documents regarding joint criminal enterprise policies specific to cooperatives and worksites.

Objection by KHIEU Samphan Defence

The KHIEU Samphan defence team objected to the Co-Prosecutors' presentation of documents on the grounds that they are related to the implementation of policy and were thus inadmissible. The Co-Prosecutors responded that the documents are intended to illustrate the evolution of the policy concerning the establishment of cooperatives rather than demonstrate policy implementation. The Trial Chamber ruled that the documents presented by the Co-Prosecutors related to directives issued pursuant to the policy on cooperatives developed at the Centre rather than the implementation of the policy itself, and the objection was overruled.

Presentation of key documents related to CPK policies on enemies and the targeting of specific groups

The Co-Prosecutors presented key documents regarding joint criminal enterprise policies specific to the enemies of the Communist Party of Kampuchea and the targeting of specific groups.

<u>Record of Rule 87(3) Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
Key documents related to <u>cooperatives and worksites</u>				
E3/5		CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (article: "Another Important Victory of Cooperatives and Our Revolutionary Movement")	OCP	KH 00063347-48 FR 00538981 EN 00401507
E3/729		Revolutionary Youth No. 10 Oct., 1975	OCP	KH 00063400-01 EN 00357903 FR 00364224
E3/11		CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977	OCP	KH 00063174 FR 00492846 EN 00486256 KH 00063181 FR 00492951 EN 00486260-61
E3/144		Statement by POL Pot - Speech entitled "Long Live the 17th Anniversary of the Communist Party of Kampuchea," 30 September 1977	OCP	
E3/748		CPK Magazine entitled: " The Revolutionary Flag", Special Issue, October - November 1975	OCP	KH 0063268-69 FR 00499710-11 EN 00495826
E3/273		Foreign Broadcast Information Service collection of reports for January 1976 (see 5 January 1976)	OCP	KH 00657443 FR 00725798 EN 00167813 KH 00677446-48 FR 00725800-01 EN 00167814-15
E3/50		CPK publication: "The 3rd anniversary of the farmer collective organizing," 20 May 1976	OCP	KH 00442214 FR 00623787 EN 00636014 KH 00442217 FR 00623789

				EN 00636015-16 KH 00442220 FR 00623791-92 EN 00636018-19
E3/10		CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (article: "Extract of Speeches by the Comrade, President of the Party on the Occasion of the 16th Anniversary of the Grandiose Victory of the birth of the Communist Party of Kampuchea"; "The Heightened Class Ideology, Heighten the Ideology of 21 the Proletarian Class so that it should be more Perfect – as Perfect as Possible")	OCP	KH 00063069 FR 00491876 EN 00450509 KH 00063086 FR 00491889 EN 00450522 KH 00063095 FR 00491897 EN 00450531 KH 00063096 FR 00491898 EN 00450531 KH 00063101 FR 00491902 EN 00450535
E3/86		Document Centre of the National United Democratic Movement, "The true facts about Pol Pot dictatorial regime 1975 - 1979," 8 September 1976	OCP	KH 00224434 FR 00614098 EN 00081219
E3/216		Report on the visit of the Standing Committee to the Northwest Zone from 20-24 August 1976 (see "The Recommendations of Angkar" and "The Role after 19 Complete Liberation")	OCP	KH 00008488-89 FR 00343376-77 EN 00850975-76
E3/213		Minutes of the Meeting of the Standing Committee on the Party's Draft of a Four-Year Plan for the Construction of Socialism in all Domains, 1977-1980 dated 21 July to 2 August 1976	OCP	KH 00075818-19 FR 0001196-97 EN 00104020
E3/760		CPK Magazine entitled: " The Revolutionary Flag", Issue 6,	OCP	KH 00062850-51 FR 00487760-61

		June 1976		EN 00509615-16 KH 00062865 FR 00487774 EN 00509626
E3/761		Tung Pakdevat No 6., June 1976	OCP	
E3/193		Revolutionary Flag, No 8, August 1977	OCP	KH 00062979 FR 00611852 EN 00399246 KH 0062963-64 FR 00611839-40 EN 00399234-35 KH 00062978 FR 00611851 EN 00399246
E3/230		Minutes of Standing Committee meeting on 22 February 1976	OCP	KH 00000711 FR 00301330 EN 00182546
E3/733		Revolutionary Youth, No. 5 May, 1976	OCP	KH 00064011 FR 00524482 EN 00357874
E3/169		National Public Statement by KHIEU Samphan	OCP	KH S007004520 FR S00004805 EN 00280394
E3/182		Minutes of Standing Committee meeting on 9 October 1975	OCP	KH 00019126 FR 00292886 EN 00183407
E3/229		Minutes of Second Standing Committee meeting on 22 February 1976 at night	OCP	KH 00000720 FR 00334960 EN 00182627
E3/235		Summary of the Decisions of Standing Committee in the meeting of 19-20-21 April 1976	OCP	KH 00019145 FR 00322970 EN 00183419
E3/200		Speech of KHIEU Samphan at Anniversary Meeting on 15 April 1977	OCP	KH 00292806-07 EN 00419513-14 FR 00612167-68 KH 00292811 FR 00612170 EN 00419516
E3/201		Khieu Samphan's Speech at Anniversary Meeting	OCP	

E3/1783		Annex 2: New China News Agency, Chen Yung-Kuei's Cambodia Visit Reported, 22 December 1977	OCP	KH 00659260 FR 00606766 EN 00498181
Key documents related to CPK policies on enemies and the targeting of specific groups				
E3/9		Book by Philip SHORT entitled "Pol Pot, The History of a Nightmare"	OCP	EN 00396256 FR 00639526 EN 00396258-59 FR 00639529-31 EN 00396336 FR 00639616
E152.2		Book by GINA Chon and THET Sambath entitled "Behind the killing fields: a Khmer Rouge leader and one of his victims"	OCP	EN 00757506 FR 00849394-95 KH 00858278-79
E3/11		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September 1977	OCP	KH 00063136 EN 00486227 FR 00492812 KH 0063138 EN 00486228 FR 00492814 KH 00063141 EN 00486230 FR 00392816 KH 00063145 EN 00486233 FR 00492820 KH 00063148 EN 00486236-37 FR 00492824 KH 00063150-51 EN 00486238 FR 00492826 KH 00063160-61 EN 00486245-46 FR 00492834-35

				KH 00063163-64 EN 00486248 FR 00492837
E3/143		Foreign Broadcast Information Service collection of reports for September 1977	OCP	EN 00268771-76 KH 00769652-64 FR 00793333-39
E3/144		Dear respected Brother 89, Report on enemy situation inside Unit 310	OCP	
E3/2072		Press conference of Saloth Sar alias Pol Pot at Beijing, 3 October 1977	OCP	KH 00296201-02 EN S00080547 FR S00648890
E3/147		Foreign Broadcast Information Service collection of reports for January 1977	OCP	KH 00679796 EN 00168467 FR 00698446
E3/760		CPK Magazine entitled: " The Revolutionary Flag", Issue 6, June 1976	OCP	KH 00062849 EN 00509614 FR 00487759
E3/742		CPK Magazine entitled: " The Revolutionary Flag", Special Issue, April 1977	OCP	KH 00062985-86 EN 00478495-96 FR 00499753-54 KH 0062990-91 EN 00478500-01 FR 00499757-58
E3/135		Revolutionary Flag The Internal Party Magazine published monthly, Issue 6 June 1977	OCP	KH 0062802-03 EN 00446857 FR 00487719 KH 0062830 EN 00446879 FR 00487744 KH 00062805-06 EN 00446859-60 FR 00487722-23
E3/727		Tung Pakdevath No. 8 August, 1978	OCP	KH 00064556 EN 00185323-24 FR 00524450-51 KH 00064578-79 EN 00185342-43 FR 00524469-70 KH 00064567

				EN 00185333 FR 00524460
E3/746		CPK Magazine entitled: " The Revolutionary Flag", Issue 7, July 1978	OCP	KH 0064486-87 EN 00428289 FR 00611871 KH 00064502 EN 00428303-04 FR 00611884
E3/130		The CPK statute	OCP	Article 6.1, 6.2
E3/1173		CPK Document entitled "Advice of 870 no 02-76 about bomb drop of American imperialist into Siem Reap province on 25/2/76"	OCP	
E3/232		Minutes of Standing Committee meeting on local affairs on 8/3/76	OCP	Section 2.1 Section 2.2 Section 2.3 Section 3.1
E3/12		Decision of Central Committee on a number of problems, 30 March 1976	OCP	
E3/763		Guidance of the Central Committee of the Communist Party of Kampuchea, 20 June 1978	OCP	
E3/99		"Follow Up of Implementation of the Political Line In Mobilizing the National Democratic Front Forces of the Party", 22 September 1975	OCP	KH 00072402 EN 00244275 FR 00611567
E3/818		Presentation of comrade secretary general in the 1st meeting of ministers on 22/4/76	OCP	KH 00072756 EN 00143463 FR 00548896 KH 0072760-61 EN 00143467 FR 00548899-900
E3/522		Ieng Sary's Diary	OCP	KH 00427940-41 EN 00003330-31 FR 00657902
E3/857		Working with Committee's Chief of all Unit on 12/9/77	OCP	
E3/1110		Report on the meeting of Commerce Ministry held on	OCP	KH 00381695-96 EN 00583829

		25-26 July 1976		FR 00766077-78
E3/846		Ten-Day Report about situations of enemy, crowd and internal issues, 24 October 1976	OCP	
E3/174		DK Ministry of Commerce Intergovernmental Communication entitled "Decision of Commerce Committee to send staff to Security Education Camp dated 17 October 1976"	OCP	Section 2
E3/962		Annex 27: Decision of Chief of Commerce, dated 17 October 1976	OCP	
E3/5		CPK Magazine entitled: "The Revolutionary Flag", Issue 8, August 1975	OCP	KH 00063328 EN 00401491 FR 00538966 KH 00063340-42 EN 00401501 FR 00538975-76
E3/811		Note of Angkar office 703 and S-21 Meeting, 9 September 1976	OCP	
E3/822		Minute of the meeting by Tal, division 290 and Division 170, on 16 September 1976 at 16.15 p.m. (On the first page of this file, a hand-written note [sent to]: 1.89; 2.81; Nat; 4 Som; 5 Document.)	OCP	
E3/13		Minutes of the Meeting of the Secretaries and Deputy Secretaries of the Divisions and Independent Regiments, 9 October 1976	OCP	KH 00052408 EN 00183987 FR 00334977-78 KH 00052411 EN 00183990 FR 00334980 KH 00052413-15 EN 00183992-93 FR 00334982-83
E3/1164		DK-Military Report from Division 801, Political Section, 25 November 1976	OCP	Paragraph 3A Paragraph 3D Section 4

E3/1060		Handwritten Note "To Angkar", "To uncle 89" From Roeun 801, 25 March 1977	OCP	Paragraph 3 Paragraph 5
E3/877		Telegram # 54 to beloved and respected M.870: Our forces killed one Yuon in Dakk Dam on 25-05-1977.	OCP	Paragraph 3
E3/970		Annex 79: DK Military Report entitled "Dear Beloved Brother Duch," 30 May 1977	OCP	Paragraph 1 Paragraph 3 Paragraph 4
E3/3655		Excerpt of Confession of Sour Tuon alias Mao	OCP	KH 00173999 EN 00224628 FR 00271447
E3/915		Telegram 00: To Office 870 about the aggression of enemy on Kampuchea territory, 31 December 1977	OCP	
E3/928		Confidential telephone message on 1/4/78 : Report about total number of arrested and fired Vietnamese enemy	OCP	
D243/2.1 .16		Speech given by POL Pot, published in "Revolutionary Flag" April 1978 Issue	OCP	KH 00064717 EN 00519836 FR 00520348 KH 00064712-14 EN 00519833-34 FR 00520343-45
E3/871		Telegram # 21 to comrade Brother Pol: Report of comrade Chhouk in zone 24 about situation along, 21 March 1976	OCP	
E3/178		Weekly Report of Region 5 Committee, 21 May 1977	OCP	First section KH 00275587 EN 00342709 FR 00623305
E3/1120		Telegram 100 : To Brother Nhim about situation of enemies in region 5, 6 November 1977	OCP	
E3/950		From zone Secretary Nhim to respected Angkar 870 about the general situation and work in zone, 11 May 1978	OCP	

E3/863		From zone Secretary to Respected Angkar: about defending the enemy, 17 May 1978	OCP	Paragraph 5
E3/798		Minutes of the Meeting of the Secretaries and Deputy-Secretaries of Divisions and Independent Regiments, 30 August 1976 (section titled, "Brother 89 Reports on Enemy Situations in the Grassroots")	OCP	
E3/2424		Report on enemy's actions to 109 District Police	OCP	KH 00270752 EN 00322218 FR 00612216 KH 00270755-56 EN 00322220 FR 00612219
E3/156		Telegram 54: To respected Brother about the situation of the Youns undercover agent, 23 April 1978	OCP	Paragraph 3
E3/1058		The report about the enemy and their confession, 7 March 1977	OCP	
E3/1061		Report from Division 801 Secretary Roeun to Uncle 89, 24 March 1977	OCP	Section 2
E3/1077		Telegram from North Zone Secretary Sé to Committee 870, 10 April 1978	OCP	Section 1 Section 3
E3/175		Letter from North Zone Secretary Sé to Committee 870, 17 April 1978	OCP	
E3/1094		Report from M-401 to Angkar 4 August 1978	OCP	Section 1.2 KH 00143610 EN 00315374-75 FR 00593530
E3/2365		DC-Cam Map showing DK Security Offices and Execution Sites	OCP	
E3/2764		DC-Cam list of DK Prisons, 18 February 2008	OCP	
E3/2763		DC-Cam list of Burial or Mass Grave Sites, 18 February 2008	OCP	

E3/146		Revolutionary Youth Review Number Special year 1974	OCP	KH 00283409 EN 00538746 FR 00611810
E3/10		CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976	OCP	KH 00063093-94 EN 00450529-30 FR 00491895-96
E3/138		Fundamental Introductory Document for Party Member: <i>Sharpen the Ideology of the Proletarian Class Until It Becomes Very Sharp and Strong</i>	OCP	
E3/707		April 1978 Interview of IENG Sary by Dan BURSTEIN	OCP	KH S00728134 EN S00049323 FRS00742550
E3/783		"Revolutionary Flag" September - October 1972 (re. Strengthening and improving the stance, leadership behavior and work principle of the party)	OCP	KH 00442285 EN 00720205 FR 00721041
E3/117		Annex 1: Khieu Samphan Chairs NUFC Congress Session, 26 February 1975	OCP	
E3/189		Letter from the Permanent Representative of China to the United Nations addressed to the Secretary-General, 20 March 1975	OCP	
E3/3334		Message Text entitled "Khmer Report ~ March 4, 1975"	OCP	Paragraph 15
E3/120		Foreign Broadcast Information Service collection of reports for March 1975	OCP	KH 00700236-37 EN 00166828 FR 00700226-27
E3/118		Foreign Broadcast Information Service collection of reports for April 1975	OCP	KH 00700278 EN 00166949 FR 00700262 KH 00905195-96 EN 00166974 FR - pending
E3/2694		Telegram number 595, from French Consul Jean Dyrac to Paris, subject "Political Asylum", 18 April 1975	OCP	

E3/2700		Telegram number 605, from French Consul Jean Dyrac to Paris, subject "Departure of Refugees", 20 April 1975	OCP	
E3/2702		Telegram number 608, from French Consul Jean Dyrac to Paris, subject "Departure of Refugees", 20 April 1975	OCP	
D365/1.1.39		Washington Post AP report entitled "Cambodia Executions Confirmed," 1 November 1975	OCP	
E3/604		Article entitled: "Executions Admitted", Bangkok Post, 2 November 1975	OCP	
E3/832		From division 703 commander Pin, The Execution Order, 4 June 1975	OCP	
E3/276		Foreign Broadcast Information Service collection of reports for May 1976 (article titled "AFP lists generals reportedly executed," Bangkok, 21 May 1976).	OCP	
E3/3569		DK Biography of KOR Bun Heng alias Kohn	OCP	KH 00003745-46 EN 00743406 FR 00743081-82 KH 00003750 EN 00743411 FR 00743086
E3/128		DK Biography of LONG Norin alis Rith	OCP	
E3/1539		Names of prisoners who died at Office S-21, March 1976	OCP	

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 KHIEU Samphan to the courtroom and NUON Chea to the holding cell by 09:00

on Wednesday 26 June 2013. (16:00)

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on Wednesday 26 June 2013. (16.00)

Phnom Penh, 25 June 2013

Greffier

Greffier


Ms. Miriam MAFESSA  Mr. DAV Ansan 