



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
..... 08 ..... / ..... 02 ..... / ..... 2012 .....

ម៉ោង (Time/Heure) : ..... 15:00 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier: ..... Ratanak .....

**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

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 January 2012

Substantive Hearing on evidence - Day 14

Prepared by:

DUCH Phary and Matteo CRIPPA

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony (Reserve) and Judge Claudia FENZ (Reserve).
<b>Greffier/s:</b> Mr. DUCH Phary, Mr. Matteo CRIPPA, Mrs. Faiza ZOUAKRI.
<b>OCP:</b> Mr. Tarik Abdulhak, Mr. Vincent de WILDE d'ESTMAEL, Mr. Dale LYSAK, Mr. Chan Dararasmey, Mr. Huot Veng, Mr. SENG Bunkheang, Mr. CHEA Phalla.
<b>Accused:</b> Mr. NUON Chea, Mr. IENG Sary, Mr. KHIEU Samphan.
<b>Defence for the Accused:</b> Mr. Arun SON, Mr. Michiel PESTMAN; Mr. KONG Sam Onn; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Mr. Barnabé NEKUIE, Mr. SAM Sokong, Ms. SIN Soworn, Mr. VEN Pov, Ms. Nushin SARKARATI Mr. Lor Chunthy, Ms. TY Srinna, Mr. Kim Mengkhy.
<b>Witness:</b> None
<b>Others:</b> Mr. Simon MEISENBERG, Ms. Almaz TEFFERA.

**General court times**

Day	Start time: 09:10	Finish time: 15:00
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:10	Finish time: 13:35
	Total Court Time:	4 hours 5 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Examination of the Accused NUON Chea	Co-Prosecutor	09:15	12:00
Waiver of NUON Chea and IENG Sary's right to be present in the courtroom in the afternoon session	NUON Chea Defence; Trial Chamber;	12:05	12:10
Examination of the Accused KHIEU Samphan	KHIEU Samphan; Trial Chamber	13:35	14:57
Observation that the Accused NUON Chea is not following the proceedings	NUON Chea Defence	13:40	13:41
Announcement of replacement of Judge Cartwright by Judge Fenz	Trial Chamber	14:58	15:00

### Summary of Proceedings

#### Examination of the Accused NUON Chea

The Co-Prosecutor continues examining the Accused NUON Chea.

The Accused NUON Chea reiterates he will not respond to questions that are based on copied documents, as their authenticity has not been established yet. The Chamber declares that, in the event that the Accused chooses not to answer to a question, it assumes that the Accused is exercising his right to remain silent.

#### Waiver of NUON Chea and IENG Sary's right to be present in the courtroom in the afternoon session

The Accused NUON Chea and IENG Sary waive their rights to be present in the courtroom in the afternoon session (the written waiver are attached to this written record).

#### Examination of the Accused KHIEU Samphan

The KHIEU Samphan Defence requests clarification of the content of the examination. The Chamber notes that it has previously clarified that the Accused will be questioned on the historical background of the entire Case 002.

The Chamber (Judge Lavergne) reads passages from certain documents, which were put before the Chamber. The Chamber asks KHIEU Samphan to clarify certain terms referred to in these documents by KHIEU Samphan. The KHIEU Samphan Defence clarifies that the Accused KHIEU Samphan has not changed his position of 13 December 2011. The

Chamber declares that if the Accused chooses not to respond to certain questions, he may exercise his right to remain silent.

Observation that the Accused NUON Chea is not following the proceedings from his holding cell

The NUON Chea Defence indicates that NUON Chea is not following the proceedings from his holding cell due to fatigue.

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/16	D213.2	00380221-00380560-00498220-00498306-00643822-00643913	ខៀវ សំផន " ពិចារណាអំពីប្រវត្តិសាស្ត្រកម្ពុជាពីដើមរហូតដល់សម័យកម្ពុជាប្រជាធិបតេយ្យ" " រាហូ 10-2007  KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea", Reahu, 10-2007  "Considerations on the History of Cambodia From Early Stage to the Period of Democratic Kampuchea", extrait du livre de KHIEU Samphan, Éd. Reahu, Octobre 2007	P	00380380, 00380389-00380390	00498238, 00498243	00643842, 00643847, p. 10, 42, 43
E3/3	20.28	00078183-00078207-00184652-00184679-00596175-00596202	សម្ភាសន៍លោកនួនជា ស្តីពីសេចក្តីថ្លែងការណ៍មួយមានចំណងជើងថា "ប្រវត្តិនៃការតស៊ូនិងចលនារបស់អ្នកស្រុកស្រែជនជាតិខ្មែររបស់យើងចាប់ពី ១៩៥៤ដល់១៩៧០" ជាភាសាខ្មែរគ្មានចុះកាលបរិច្ឆេទដោយលោកខ្នងខែម  National Suspect Statement entitled "History of the Struggle and Movement of Our Cambodian peasants from 1954 to	P	00078197, 0078198	00184668, 00184669	00596190, 00596192

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
			1970." by NUON Chea  National Suspect Statement entitled "History of the Struggle and Movement of Our Cambodian peasants from 1954 to 1970." by NUON Chea				
E3/18	4.23	00103802- 00103899 00103717- 00103801 00595365- 00595529	ប្រវត្តិសាស្ត្រថ្មីៗរបស់ប្រទេសកម្ពុជា Cambodian's Recent History L'histoire récente du Cambodge et mes prises de position	P	00103820- 00103821, 00103802- 00103899, 00103815- 00103816, 00103818- 00103819	00103733- 00103734, 00103717- 00103801, 00103729- 00103730, 00103732- 00103733	00595394- 00595395, 00595365- 00595529, 00595388, 00595393, pp. 46, 53
E3/27	D46	00156612- 00156620 00539255- 00539266 00156664- 00156673	កំណត់ហេតុសួរចម្លើយ ខៀវ សំផន [Corrected 1] Written Record of interview of Charged Person Procès verbal d'interrogatoire de KHIEU Samphan	P	00156614	00156744	00156667
E3/5	D243 /2.1.1	00063311- 00063353 00401476- 00401511 00538951- 00538985	ទង់បដិវត្ត លេខ 8 សីហា 1975  CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL)  CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL)	P	00063334	00401496	00538971
E3/10	D243 /2.1.7	00063059- 00063115 00450501- 00450548 00491868- 00491913	ទង់បដិវត្ត លេខ ពិសេស កញ្ញា-តុលា 1976 CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (FULL)	P	00063072	00450510	00491878
E3/37	D47	00156674- 00156678	កំណត់ហេតុសួរចម្លើយ ខៀវ	P			00156684

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
		00156752- 00156757 00156679- 00156685	សំឡេង(ព្រឹក) Written Record of Interview of KHIEU Samphan 14-12-2007 Morning Procès verbal d'interrogatoire de KHIEU Samphan le 14-12-2007 le matin				
E3/112	D58	00157632- 00157639 00170881- 00170884 00157640- 00157704	ស្នើបញ្ជូនលិខិតរបស់លោកខៀវ សំផន ចុះថ្ងៃទី ៣០ ធ្នូ ២០០៧ Request to send a letter by KHIEU Samphan Lettre manuscrite de KHIEU Samphan et traduction française de son deuxième livre aux CJJ	P			
E3/28	18.1	00290197- 00290198 00068101- 00068129	សមាសភាពរបស់រាជរដ្ឋាភិបាលកម្ពុជា ជាតិកម្ពុជា ១៩ មិថុនា ១៩៧៣ Le siège du cambodge à l'Organisation des Nations Unies; Cambodia's Seat in the United Nations, 19 June 1973	P	00290197- 00290198	00068101- 00068129	00068101- 00068129

**Oral Orders/Decisions:**

- Order to bring the Accused back to the detention facility and to have them returned to the courtroom on Monday 16 January 2012.

**Orders for Adjournment of Hearing**  
The hearing will resume on Monday 16 January 2012 at 9:00am.

Phnom Penh, 12 January 2012  
Greffier Greffier

  
DUCH Phary

  
Chambre de Première Instance

  
Matteo CRIPPA