



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
..... 23 / 02 / 2012 .....

ម៉ោង (Time/Heure) :..... 15:00 .....

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

E1/40

**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

8 February 2012

Substantive Hearing on evidence – Day 28

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); Judge Claudia FENZ (Reserve)
<b>Greffiers:</b> Mr. DUCH Phary, Mr. Matteo CRIPPA.
<b>OCP:</b> Mr. SENG Bunkheang, Mr. PICH Sambath, Mr. BOU Chanthan, Mr. Toch Vannarith, Mr. Phann Sochea, Mr. DALE Lysak; Ms. Soleak Chun;
<b>Accused:</b> Mr. KHIEU Samphan; Mr. NUON Chea; Mr. IENG Sary.
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Andrew IANUZZI, Mr. Jasper PAUW; Mr. KONG Sam Onn; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Mr. PICH Ang; Ms. Elisabeth SIMONNEAU-FORT; Mr. HONG Kimsuon; Mr. VEN Pov; Ms. MOCH Sovannary; Mr. Barnabé NEKUIE; Ms. SIN Soworon.
<b>Witness:</b> None
<b>Others:</b> Courtroom officer, transcribers, Mr. Philippe GOUT.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 12:00
Recess am	Start time: 10:30	Finish time: 10:55
Recess pm	Start time: none	Finish time: none
	Total Court Time:	2 hours, 35 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Questioning of NUON Chea	NUON Chea Defence Trial Chamber	09:02	11.50
Waiver of IENG Sary's right to be present in the courtroom	IENG Sary Defence	09.03	09.05
Presentation of documents by Judge Laverge	Trial Chamber	09.50	11.50

### Summary of Proceedings

#### Waiver of IENG Sary's right to be present in the courtroom

The Accused waived his right to be present in the courtroom for the whole day.

#### Questioning of Accused NUON Chea

The NUON Chea Defence asks permission to file the following requests:

- Request to hear additional witnesses with regard to the historical background.
- Request to revisit the remarks made by the Prime Minister at a press conference in Vietnam.

The Chamber precludes the Defence from raising further requests at this stage and indicates that the time allocated to the Defence to question NUON Chea has expired. Thereafter, Judge Lavergne questioned the Accused NUON Chea.

The Chamber orders the NUON Chea Defence to file a written request for the hearing of additional witnesses with regard to the historical background.

#### Presentation of documents

Judge Laverge presented various documents to the Accused NUON Chea and KHIEU Samphan and asked whether they have any remark to make. The Accused KHIEU Samphan indicates that he intend to rely on his right to remain silent.

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/144	4.40	00291057- 00291062 S 00012660- 00012698	សេចក្តីថ្លែងការណ៍របស់ ប៉ុល ពត ក្រោមចំណងជើងថា៖ ជ័យយោឌូបលើកទី១៧របស់បក្សកុម្មុយនិស្តកម្ពុជា	P			

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
		S 00012471- 00012528	យនីសកម្ពុជា Statement by POL Pot - Speech entitled "Long Live the 17th Anniversary of the Communist Party of Kampuchea" Déclaration de POL Pot intitulée "Les grandioses victoires de la revolution du Kampuchea"				
E3/25	D243 /2.1.9	00063000- 00063058 00491394- 00491438 00504014- 00504066	ទង់បដិវត្ត លេខ ពិសេស ធ្នូ-មករា 1976-77  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			00504049- 00504050
E3/114	12.5	S 00662247- 00662267 00280550- 00280563 S 00000086- 00000099	ទង់កិត្យានុភាព សមត្ថភាព និងកិត្តិយសរបស់ជាតិ របស់ប្រជាជនកម្ពុជា របស់រណសិរ្សប្រយុទ្ធជាតិកម្ពុជា (រ.រ.ជ.ក.) និងរបស់រាជរដ្ឋាភិបាលប្រយុទ្ធជាតិកម្ពុជា ជាអណ្តែតខ្ពស់ត្រដែតលើឆាកអន្តរជាតិ 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	P	S 00662257- 00662259	00280556- 00280557	S 00000093- 00000094

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
			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				
E3/118	D262.5	00700267- 00700288 00166888- 00167025 00700256- 00700266	ឧបសម្ព័ន្ធ ០០០០៥៖ លោក ខៀវ សំផន ចេញផ្សាយសេចក្តីថ្លែងការណ៍ស្តីពីស្ថានភាពបច្ចុប្បន្ន Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975 Annexe 00005: KHIEU Samphan fait une déclaration sur la situation actuelle	P	00700267- 00700288	00166994- 0016696	
E3/28	18.1	00290197- 00290198 00068101- 00068129	សមាសភាពរបស់រាជរដ្ឋាភិបាលរូបរួមជាតិកម្ពុជា ១៩ មិថុនា ១៩៧៣ Le siège du cambodge à l'Organisation des Nations Unies; Cambodia's Seat in the United Nations, 19 June 1973	P			
E3/189	D108/43/3	00323157- 00323163 00179652- 00179655 00186604- 00186609	ឧបសម្ព័ន្ធ៣: លិខិតចុះថ្ងៃទី២០ ខែមីនា ឆ្នាំ១៩៧៥ ពីតំណាងអចិន្ត្រៃយ៍របស់ចិនប្រចាំអង្គការសហប្រជាជាតិ ជូនចំពោះអគ្គលេខាធិការ Annex 3: Letter dated 20 March 1975 from the Permanent Representative of China to the United Nations addressed to the Secretary-General dated 20 March 1975 Annex 3: Letter dated 20 March 1975 from the Permanent Representative of China to the United Nations addressed to the Secretary-General, en date du 20 mars 1975	P			
E3/167	12.7	00596117- 00596152	ទីភ្នាក់ងារព័ត៌មានកម្ពុជា	P	00596138- 00596141	00280584- 00280586	

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
		00280571- 00280593 S 00000107- 00000129	ផ្សាយដោយការិយាល័យព័ត៌មាននៃ ណាសិប្បប្រមជាតិកម្ពុជា 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				

**Oral Orders/Decisions:**

- Order to bring the Accused IENG Sary (09:05) to the holding cell (waivers of the Accused are attached to this written record).
- Order to bring the three Accused back to the detention facility and to return the three Accused to the courtroom for the hearing on 9 February 2012 at 9:00am.

**Orders for Adjournment of Hearing**

The hearing will resume on 9 February 2012 at 9:00am.

Phnom Penh, 8 February 2012

Greffier

Greffier

DUCH Phary

Matteo CRIPPA

