



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):

..... ០១ / ០៩ / ២០១២

ពេលវេលា (Time/Heure):..... ១១ : ១៥

មន្ត្រីទទួលបន្ទុកករណីសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RADA

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS
PUBLIC

Case File N° 002/20-09-2007-ECCC/TC

20 July 2012

Substantive Hearing on evidence – Day 81

Prepared by:

Andrew McINTYRE and DUCH Phary

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. Andrew McINTYRE, Mr. DUCH Phary, Ms. SE Kolvuthy.
OCP: Mr. SONG Chorvoin, Mr. CHAN Dararasmey, Mr. Tarik ABDULHAK, Mr. Salim NAKHJAVANI.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. Jasper PAUW, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Ms. Christine MARTINEAU, Mr. Lor CHUNTY, Ms. TY Srinna, Ms. CHET Vanly, Mr. Olivier BAHOUGNE, Mr. HONG Kimsuon, Mr. PHANG Vichet.
Witness: Mr. David CHANDLER (TCE-11).
Others: Mr. Simon MEISENBERG, Ms. Sonia MESSAOUDI.

<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:20
Recess am	Start time: 10:35	Finish time: 10:55
Recess	Start time: 12:15	Finish time: 13:35
Recess pm	Start time: 14:45	Finish time: 15:00
	Total Court Time:	5 hours and 25 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IS Defence	09:03	09:06
	NC Defence	12:07	12:09
Ruling on use of the Daily Trial Documents Interface	TC	9:07	9:09
Testimony of Expert Witness David CHANDLER (TCE-11)	OCP	9:14	11:14
	CPLCL	11:15	16:14
IS Defence Request regarding handwritten notes made by TCE-11	IS Defence	12:03	12:13

Summary of Proceedings

Waiver of the Accused's right to be present in the courtroom

The Accused Mr. IENG Sary and Mr. NUON Chea waived their right to be present in the courtroom (Mr. IENG Sary for the whole day and Mr. NUON Chea for the afternoon session).

Ruling on use of the Daily Trial Documents Interface

Noting its ruling of 19 July 2012 on the NUON Chea Defence's request under Internal Rule 87(4), and noting that over 1,100 documents had been uploaded to the Daily Trial Documents Interface by all the parties, the Chamber ruled on the proper use of the Interface.

Testimony of Expert Witness David CHANDLER (TCE-11)

The Co-Prosecutors continued to put questions to the expert witness. The Civil Party Lead Co-Lawyers then questioned the expert witness.

IS Defence Request regarding handwritten notes made by TCE-11

The IS Defence observed that TCE-11 had made handwritten notes while giving testimony and asked that these notes be placed on the Case File. The Chamber rejected the request.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class Notes in Khmer	Note in English	Note in French
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E3/1684	D108 /50/1 .4.6	00191816- 00192089, 00286568- 00286575 00182365- 00182395, 00192667- 00192932 00357247- 00357451	សៀវភៅនិពន្ធដោយ DAVID Chandler មានចំណងជើងថា៖ "សំឡេងពីមន្ទីរ ស- ២១" Book by DAVID Chandler entitle: "Voices from S-21 - Terror and History in Pol Pot's Secret Prison" Livre écrit par DAVID Chandler intitulé: "Pol Pot, Anatomie d'un cauchemar"	P	00191880, 00191976, 00191900, 00191897- 98, 00191910, 00191846, 00191910- 13	00192724, 00192813, 00192742- 43, 00192739- 40, 00192751, 00192694, 00192752- 53	00357311, 00357393, 00357331- 32, 00357328, 00357341, 00357341- 43
[លិខិតបញ្ជាក់ការជំនួសឯកសារ]							
E3/5	D243 /2.1.1	00063311- 00063353 00401476- 00401511 00538951- 00538985	ទង់បដិវត្ត លេខ 8 សីហា 1975 [Surrogate Sheet] CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL) [Feuille remplacée] CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL)	P	00063341- 42	00401501- 02	00538976- 77
[លិខិតបញ្ជាក់ការជំនួសឯកសារ]							
E3/4	D123 /3.1	00062905- 00062945 00268913- 00268946 00349970- 00349995	ឧបសម្ព័ន្ធ ១: "ទង់បដិវត្តន៍" លេខ ៧ កក្កដា ១៩៧៦ [Surrogate Sheet] Annex 1: "Revolutionary Flag ", Issue 7, July 1976 [Feuille remplacée] Annexe 1: "Etendard révolutionnaire", Tung Pakdévoat, No7, juillet 1976	P	000062922 , 00062935,	00268927, 00268938	00349980, 00349989
[លិខិតបញ្ជាក់ការជំនួសឯកសារ]							
E3/201	D313 /1.2.3 28	00292803- 00292815 00419512- 00419518 00612165- 00612173	សុន្ទរកថារបស់ ខៀវ សំផន នៅឯកិច្ចប្រជុំគំរប់ខួប [Surrogate Sheet] Khieu Samphan's Speech at Anniversary Meeting [Feuille remplacée] Khieu Samphan's Speech at Anniversary Meeting	P	00292805	00419413	00612166
E3/1687	5.16	00005403- 00005421 00185061- 00185062, 00182786- 00182786, 00758196- 00758220 00343411- 00343428	ចម្លើយសារភាពនៅ ស២១របស់ ជូត ញ៉ៃ S-21 Confession of CHOUT Nhe Confession de Chout Nhé	P	00005403	00185061	
E3/1688	D288 /6.5/ 2.47	00226400- 00226412 00284069- 00284069, 00796636- 00796668 00808584- 00808601, 00294523- 00294523	ចម្លើយសារភាព ចាប់ មិត [Partial T.] S-21 Confession of CHAP Mit [Partial T.] Aveux à S-21 de CHAP Mit	P	00226401	00284069	

E3/1565	5.42	00017305- 00017351 00822048- 00822101, 00182773- 00182779 00825431- 00825470	ចម្លើយសារភាពរបស់ គង់ គៀន ហៅ អ៊ុង រើត នៅមន្ទីរ ស-21 S-21 Confession of KUNG Kien alias Eung Vet Aveux de KUNG Kien alias Eung Vet à S21	P	00017305	00182773	
E3/1689	D288 /6.5/ 2.32	00227819- 00227876, 00240071- 00240284 00284045- 00284046, 00773005- 00773006 00294513- 00294513	ចម្លើយសារភាព សូ គីមអាន [Partial T.] S-21 Confession of SO Kim An alias ACHAR Mey (214 pages) [Partial T.] S-21 Confession de SO Kim An	P	00227819	00284045	00800646- 659
E3/1550	5.30	00008921- 00009001, 00006658- 00006711, 00003117- 00003122 00819912- 00819920, 00182805- 00182808, 00249844- 00249845, 00831472- 00831473, 00759691- 00759696 00766901- 00766910, 00766888- 00766891, 00296021- 00296021, 00766791- 00766793	ចម្លើយ ហ៊ូ នីម ហៅភាស់ ក្រសួងយោសនាការ អំពីប្រវត្តិបក្ស សេអ៊ីអា S-21 Confession of HU Nim alias Phoas, Minister of Propaganda [Partial T.] Aveux de HU Nim alias Phoas à S-21	P	00008923	00249844- 45	00766902
E3/232	13.8	00017116- 00017123 00182628- 00182634 00323932- 00323936	កំណត់ហេតុនៃអង្គប្រជុំការងារប្រចាំថ្ងៃ ៨ មីនា ១៩៧៦ Minutes of meeting on local affairs on 8/3/76 Minutes of meeting on local affairs on 8/3/76	P	00017118	00182630	00323933

E3/1683	D108 /50/1 .75	00825418- 00825422, 00820987- 00820997, 00701668- 00701679, 00823678- 00823691 00193067- 00193488 00824485- 00824491, 00726657- 00726663, 00825423- 00825430	[Partial T.] ឧបសម្ព័ន្ធ ៧៥៖ សៀវភៅមានចំណងជើងថា សោកនាដកម្មជាប្រវត្តិសាស្ត្រនៃប្រទេសកម្ពុជា Annex 75: Book entitled "The Tragedy of Cambodian History" [Partial T.] Annexe 75: Livre de David P. Chandler "The Tragedy of Cambodian History, Politics, War and Revolution since 1945"- Extraits	P	00701668	00193302, 00193916			
		E3/17	D222 /1.3	00392897- 00393174	[Surrogate Sheet] CHANDLER David, Brother Number One ពិនិត្យការក្តាប់ និងអនុវត្តមតិសំណើយោបាយ ប្រមូលកម្លាំងរណសិរ្ស ប្រជាជាតិប្រជាធិបតេយ្យរបស់បក្ស (ឯកសារទី៦)	P	00821758	00393007	
		E3/99	6.2	00072400- 00072407 00244274- 00244278 00611566- 00611570	About governing and carryngout the policy of gathering force of Democratic National Front of party (6th document) About governing and carryngout the policy of gathering force of Democratic National Front of party (6th document) របប ប៉ុល ពត ការបង្រួបបង្រួម សន្តិសីទថ្ងៃទី២០ ខែឧសភា ឆ្នាំ១៩៧៥ (ទំព័រ៥៥ ៥៦ និង៥៨)	P		00244274- 78	
		E3/1690	4.26	00315050- 00315055 00104205- 00104207 00821419- 00821423	The Pol Pot Regime, Consolidation: The 20 May 1975 Conference, page 55,56 and 58 Consolidation : la conférence du 20 mai 1975	P	000315051		
		E3/1691	D288 /4.59. 1	00361467- 00361553 00361336- 00361466 00361582- 00361721	ប្រតិចារិតនៃដំណើរការនីតិវិធីដំនុំជម្រះករណី ណី ឌុច - ០៦ សីហា ២០០៩ Transcript of Proceedings - "Duch" Trial - 06 August 2009 Transcript of Proceedings - "Duch" Trial - 06 August 2009	P	00361545, 00361546, 00361543, 00361539- 540	00361454, 00361456, 00361450, 00361446- 47 00361720, 00361704, 00361599- 700	
		N/A	E180	00787936- 00787977 00791976- 00792031 00792695- 00792741	កំណត់ហេតុសរសេរដោយដៃរបស់សាក្សី កាំង ហ្គេចអ៊ាវ Written statement by witness KAING Guek Eav Déclaration écrite du témoin KAING Guek Eav	P	00787936- 977	00791976- 2031	00792695- 741

			[លិខិតបញ្ជាក់ការជំនួសឯកសារ]			
		00275587-	សេចក្តីវាយការណ៍របស់គណៈកម្មាធិការតំ			
		00275598	បន្ថែម ប្រចាំអាទិត្យ ២១ ឧសភា ១៩៧៧	P		
E3/178	D175	00342708-	[Surrogate Sheet] Weekly Report of			
	/4.3	00342723	Region 5 Committee, 21 May 1977			
		00623304-	[Feuille remplacée] Weekly Report of			
		00623321	Region 5 Committee, 21 May 1977			
			ទូរលេខ ១៥ សូមគោរពមកជូនសមមិត្ត			
		00008494-	បងប៉ុល:			
		00008495	អំពីប្រជាជនមិនគោរពការណែនាំរបស់អង្គ			
E3/154	21.3	00008495,	ការ	P	00008494	00185064
		00185064-				-65
		00185065	Telegram #15 to brother Pol: About The			
		00386260-	people disrespect Angkar advised.			
		00386260	Telegram #15 to brother Pol: About The			
			people disrespect Angkar advised.			
		00218550-	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី			
		00218555	សេង ស្រីង SĒNG Srun			
E3/1692	D125	00242084-	Written Record of Interview of SĒNG Srun	P	00218553	00242087
	/98	00242088	Procès verbal d'audition de SĒNG Srun		-54	-88
		00337422-				
		00337426				

Oral Orders/Decisions:

- Ruling that parties should upload very few documents, in general no more than 5 to 10 per party per witness, to the Daily Trial Documents Interface, and that this should be done at least two weeks in advance of examination of the witness. The Chamber also clarified that uploading a document to the Interface does not necessarily mean that it may be put before the Chamber. The contents or substance of new documents not admitted under Rule 87(4) may be used in examining a witness, but parties may not quote from the document or specifically identify it in court.
- Ruling that handwritten notes by a witness made in order to help the witness understand complicated questions need not be placed on the Case File.
- Order to bring the Accused NUON Chea (12:09) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- Order to bring the Accused back to the detention facility and to return them to the courtroom for the hearing on 23 July 2012.
- Order to bring the Expert Witness David CHANDLER (TCE-11) to his accommodation and to return him to the courtroom for the hearing on 23 July 2012 before 9:00am.

Orders for Adjournment of Hearing
 The hearing will resume on 23 July 2012 at 9:00 a.m.

Phnom Penh, 20 July 2012
 Greffier Greffier

