



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): ០៩ / ០៧ / ២០១២
ពេលវេលា (Time/Heure): 15.00
អ្នកផ្តល់មូលធនឯកសាររឿង/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° 002/19-09-2007-ECCC/TC

23 July 2012

Substantive Hearing on evidence - Day 82

Prepared by:

Andrew McINTYRE and SE Kolvuthy

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. DAV Ansan, Ms SE Kolvuthy.
OCP: Mr. VENG Huot, Ms. SONG Chorvoine, 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, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Mr. SAM Sokong Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. VEN Pov, Ms. TY Srina, Ms. Christine MARTINEAU, Mr. Olivier BAHOUGNE.
Witness: Mr. David CHANDLER (TCE-11).
Others: Mr. Simon MEISENBERG, Ms. Anne-Elise JOLICARD.

<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:20
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:15	Finish time: 13:30
Recess pm	Start time: 14:20	Finish time: 14: 40
	Total Court Time:	5 hours 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	9:03	9:06
	NC Defence	12:11	12:13
IENG Sary Defence request to put documents before the Chamber	IS Defence	15:54	16:16
Testimony of Expert Witness David CHANDLER (TCE-11)	NC Defence	9:06	14:18
	IS Defence	14:41	16:10

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).

IENG Sary Defence request to put documents before the Chamber

The IENG Sary Defence sought permission to put before the Chamber a number of documents. The Chamber reminded the IENG Sary Defence of its previous rulings on the admission of documents and invited it to make a formal Rule 87(4) request in due course in respect of the new documents.

Testimony of Expert Witness David CHANDLER (TCE-11)

The Nuon Chea Defence questioned the Expert Witness. The IENG Sary Defence then started questioning the Expert Witness.

<u>Record of Rule 87(3) Proceedings</u>							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French

E3/17	D222 /1.3	00392897- 00393174	[Surrogate Sheet] CHANDLER David, Brother Number One	P		pp. 117- 118, 00392924, 00392923, 00393074, 00392926, 00392929, 00392946, 00392933	
N/A	E172/ 24/5/ 1.1	00821665- 00821850	សៀវភៅនិពន្ធដោយ David Chandler មាន ចំណងជើងថា "ប៉ុល ពត៖ បងទី១"	P	00821673, 00821674, 00821682, 00821688, 00821668		
E3/1684	D108 /50/1 .4.6	00286568- 00286575, 00191816- 00192089 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	00191825, 00191839	p. 104, 00192672, 00192688	00357259
E3/1693	D108 /39/2	00357247- 00357451	"S21 ou le crime impuni des Khmers Rouges" by David Chandler, Edition Autrement Frontieres, 2002, in French	P			00357259
E3/12	6.3	00003136- 00003142, 00000758- 00000764 00182809- 00182814 00224363- 00224367	សេចក្តីសម្រេចរបស់គណៈមជ្ឈឹមអំពីបញ្ហា ផ្សេងៗមួយចំនួន Decision of central committee on a number of problems Decision of central committee on a number of problems	P			
E3/1690	4.26	00315050- 00315055 00104205- 00104207 00821419- 00821423	របប ប៉ុល ពត ការបង្រួបបង្រួម សន្និសីទ ថ្ងៃទី២០ ខែឧសភា ឆ្នាំ១៩៧៥ (ទំព័រ៥៥ ៥៦ និង៥៨) The Pol Pot Regime, Consolidation: The 20 May 1975 Conference, page 55,56 and 58 Consolidation : la conférence du 20 mai 1975	P		pp. 56-57	

N/A	E190.1.398	00830754- 00830817 00661455- 00661491 00792913- 00792950	របាយការណ៍វិភាគដោយ Stephen HEDER មានចំណងជើងថា “ការវាយតម្លៃឡើងវិញ អំពីតួនាទីរបស់មេដឹកនាំជាន់ខ្ពស់ និងកម្មា ភិបាលមូលដ្ឋានក្នុងឧក្រិដ្ឋកម្មក្នុងរបបកម្ពុ ជាប្រជាធិបតេយ្យ៖ ការទទួលខុសត្រូវ របស់កម្ពុជាក្នុងទស្សនទានប្រៀបធៀប Reassessing the Role of Se 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			
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Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:13) to the holding cell to observe the proceedings from there (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 the Accused NUON Chea, KHIEU Samphan and IENG Sary to the courtroom for the hearing on 24 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 24 July 2012 before 9:00am.

Orders for Adjournment of Hearing
 The hearing will resume on 24 July 2012 at 9:00 a.m.

Phnom Penh, 23 July 2012

Greffier    Greffier

Andrew McINTYRE SE Kolvuthy