



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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

Nation Religion Roi
ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ២៦ / ០១ / ២០១៣
ម៉ោង (Time/Heure): ១០ : ៤០
មន្ត្រីទទួលបន្ទុកឯកសាររឿង/Case File Officer/L'agent chargé du dossier: SANN RINDA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 January 2013

Substantive Hearing on evidence - Day 145

Prepared by:

DUCH Phary and Faiza ZOUAKRI

Attendance Record
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony, Claudia FENZ
Greffiers: Ms. SE Kolvuthy, Mr. DUCH Phary Mr. Roger PHILLIPS, Ms. Faiza ZOUAKRI.
OCP: Mr. CHAN Dararasmey, Mr. Dale LYSAK, Mr. TOCH Vannarith.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (present in the holding cell), Mr. IENG Sary (present in the holding cell).
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. Joshua ROSENSWEIG, Mr. PRUM Phalla Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Ms. Mathilde CHIFFERT Mr. Michael KARNAVAS, Mr. ANG Udom, Mr. SO Mosseny
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Ms. TY Srinna, Ms. Beini YE, Ms. NGORN Rothna
Witness: Mr. UNG Rèn (TCW-754).
Others: Courtroom officer, transcribers, Mr. Grant RAGLAND, Mr. UCH Arun, Ms. SOUR Sotheary.

<u>General court times</u>		
Day	Start time: 9:05	Finish time: 16:10
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:50	Finish time: 15:30
	Total Court Time:	4 hours and 30 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
NUON Chea's request seeking permission to participate to the proceedings from the holding cell	NUON Chea TC	9:05	9:14
Questioning of UNG Rèn (TCW-754)	OCP	9:14	10:30
	TC	10:52	11:10
	NC Defence	11:10	12:05
		13:33	13:43
	IS Defence	13:44	15:32
	KS Defence	15:32	14:08

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 and is in the holding cell due to his health.

NUON Chea requests to participate remotely to the proceedings and Waiver of NUON Chea's right to be present in the courtroom

The NUON Chea Defence referred to the medical report of the court physician recommending that the Accused remain in the courtroom for a short period of time as he was suffering from dizziness and fatigue. The Trial Chamber granted NUON Chea's request to participate remotely to the proceedings from his holding cell for the whole day. 9:12.

Testimony of Witness UNG Ren (TCW-754)

The OCP, Trial Chamber, and Defence for NUON Chea, IENG Sary, and KHIEU Samphan questioned the witness.

IENG Sary Defence requests to play audio tape, D232/21.1

The IENG Sary Defence requested that audio tape D232/21.1 be played, as he was unable to view the transcript due to a technical error in the coding. OCP objected on grounds that the transcript had been put in the case file the previous day.

IENG Sary Defence clarified that the Defence and the OCP were referring to two separate audio transcriptions. Defence argued that its request was relating to transcriptions that had not yet been placed on the case file. The Trial Chamber denied the Defence's request.

IENG Sary Defence's requests disclosure of investigators' notes during the interview of witnesses

IENG Sary Defence, in response to witness's statement that notes had been taken during the investigation, asked clarification as to whether the witness had been "primed" or questioned by investigators before his interview being taped. In response, the Trial Chamber reminded Defence of its decision on 7 December 2012 where it indicated that witness statements taken by the Office of the Co-Investigating Judges are entitled to a presumption of reliability.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/401	D232/18	00373473- 00373478 00381023- 00381028 00426212- 00426218	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ពេជ្រ ជឹម PECH Chim ថ្ងៃទី ២៨-០៨- ២០០៩ [Corrected 1] Written Record of Interview of PECH Chim ពេជ្រ ជឹម dated 28-08-2009 [Corrigé 2] Procès verbal d'audition de témoin PECH Chim ពេជ្រ ជឹម en date du 28-08-2009	P	00379449	00381036	00424050
E3/1164	D366/7.1.3 89	00052323- 00052329 00516708- 00516713 00532750- 00532756	DK-Military Report from Division 801, Political Section DK-Military Report from Division 801, Political Section DK-Military Report from Division 801, Political Section	P	00052327	00516711	
E3/2285	D108/26.8 6	00009067- 00009317 00873122- 00873671	បញ្ជីឈ្មោះអ្នកទោសកំទេចឆ្នាំ ១៩៧៧ Annex 86: List of prisoners	P	00009223	00873461	

E3/810	D108 /9.1	00052389- 00052401 00195339- 00195354 00195355- 00195368	<p>កំណត់ហេតុនៃការប្រជុំលេខា, ភស្តុភាររបស់កងពល និង វៈសេនាធំ អំពីសភាពការណ៍ខ្មាំង នឹង បក្ស</p> <p>Note of Secretary logistics's division and regiment meeting about Enemy and Party situation</p> <p>Le proces verbal de la réunion des secrétaires et responsables des logistiques des divisions et régiments concernant la situation des anémies et situation du parti</p>	P			
E3/799	13.29	00083157- 00083160 00184777- 00184781 00323914- 00323917	<p>កំណត់ហេតុ នៃការប្រជុំគណៈកម្មាធិការកងពល ៩២០៖ រាយការណ៍ពីសភាពការណ៍ខ្មាំង និងសភាពការណ៍យើង</p> <p>Note of Committee Division 920 Meeting: Report about enemy situation and our situation.</p> <p>Note of Committee Division 920 Meeting: Report about enemy situation and our situation.</p>	P			
E3/822	D248 /6.1.5	00002233- 00002235 00381484- 00381486 00224407- 00224409	<p>កំណត់ហេតុ នៃការប្រជុំ ស.ម គាល់ កងពល ២៩០ និងកងពល ១៧០ អំពីសភាពការណ៍ខ្មាំងក្នុងអង្គភាព មិនមានបញ្ហាប្លែកទេ</p> <p>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.)</p> <p>Compte rendu de la réunion, division 290 et 170 à propos de la situation des enemies</p>	P			
E3/1024	D108 /28.5 3	00052349- 00052349 00185551- 00185551 00810100- 00810100	<p>ទូរលេខចុះថ្ងៃទី ២៣-០៩-១៩៧៦ ជូនស.ម រៀនជាទីគោរពនិងស្នេហា: មតិណែនាំទៅ ៨០១</p> <p>Annex 53: DK-MilitaryTelegram by Khiev entitled Telegram Dated 23 September 1976, To Beloved and Missed Comrade Reuan</p> <p>Annexe 53: télégramme militaire du KD du 23 septembre 1976 au cher camarade Reuan</p>	P			
E3/1101	D248 /5.1.1 1	00376671- 00376671 00524192- 00524192 00532706- 00532706	<p>Telegram on September 23, 1976 : To show opinion to 290</p> <p>Telegram on September 23, 1976 : To show opinion to 290</p> <p>Telegram on September 23, 1976 : To show opinion to 290</p>	P			

E3/1212	D366 /7.1.8 36	00161795- 00161798 00233906- 00233906, 00782243- 00782245	អំពីឈ្មោះ ក្រូច យុទ្ធជនកងពល ៥០២ DK-Military Report on Krauch from Division 502	P			
E3/1151	D366 /7.1.1 40	00162492- 00162492 00233970- 00233971 00646077- 00646078	ទូរលេខ ១០ ជូនបង មុត អំពីសភាពកាណ៍ខ្លាំង នៅតាមព្រំដែន Telegram No 10, sent to brother Mut: about the situation of enemy at the border Télégramme 10, À l'attention du camarade Mut: qui est bien-aimé et qui m'est cher	P			
E3/1107	D248 /5.1.8	00376661- 00376662 00574471- 00574472 00532713- 00532714	ទូរលេខ ០២ ចុះថ្ងៃទី ២៦-១១-៧៧ ជូនបង ៨៩ របស់កង ៨២០ ផ្នែកនយោបាយ Telegram 02 to brother 89 issued on 26-11-1976 of Division 820, Politics part Telegram 02 to brother 89 issued on 26-11-1976 of Division 820, Politics part	P			
E3/1079	D2- 15.14	00052340- 00052341 00877020- 00877021, 00143503- 00143503 00611945- 00611946	របាយការណ៍ជូនបង ៨៩ ចុះថ្ងៃទី២៥ ខែធ្នូ ឆ្នាំ១៩៧៦ DK telegram: The report sent by Roeun, division 801[Policy Department] to to uncle 89 DK telegram: The report sent by Roeun, division 801[Policy Department] to to uncle 89	P			
E3/13	13.34	00052402- 00052416 00183982- 00183994 00334972- 00334984	កំណត់ហេតុនៃការប្រជុំលេខា, អនុលេខា និង ររ:សេនាធំ អំពីសភាពការណ៍ ការការពារប្រទេស និង វិធានការ ការការពារប្រទេស Note of Secretary meeting, vice secretary, and regiment about Situation to defense the coutry and the measure to defense the country Le procès-verbal de la réunion des secrétaires et des sous secrétaires et du régiment indépendant, à propos de la situation de défense du pays et les mesures de défense de notre pays	P			
E3/1585	13.35	00095532- 00095543 00185435- 00185435 00611636- 00611653	ស្ថិតិសិក្ខាកាម រៀនវគ្គសេនាធិការ Statistics of trainee to study general staff term Statistics of trainee to study general staff term	P			

E3/847	18.22	00008459- 00008470 00195322- 00195338 00623199- 00623216	តារាងស្ថិតិសិក្ខាកាម វគ្គសេនាធិការ, លើកទី០២ DK Military Report entitled "Second General Staff Study Session." DK Military Report entitled "Second General Staff Study Session."	P			
E3/1045	D108 /40.2	00160048- 00160063 00335247- 00335267 00841451- 00841469	ឧបសម្ព័ន្ធ ០២៖ សៀវភៅកំណត់ហេតុ លេខ ០៩២ ឈ្មោះ:កម្មាភិបាល-យុទ្ធជន កងពល ៥០២ Annex 02: Notesbook No 092, name of Cadres and soldiers of Division 502 Annexe 2- Cahier n0 092: Noms des cadres et soldats de la division 502	P	00160061- 00160063	00335265- 00335267	
E3/1109	D248 /6.1.1 9	00160126- 00160130 00574473- 00574478 00529458- 00529462	សេចក្តីរាយការណ៍ ពីមន្ទីរសេនាធិការ អំពីការក្តាប់ និង តាមដានការប្រជុំដីវភាពរបស់កងពល Reporting from general staff office about To control a life of division meeting Reporting from general staff office about To control a life of division meeting	P			
E3/815	D2- 15.13	00095527- 00095531 00877015- 00877019, 00143500- 00143502 00623944- 00623948	កំណត់ហេតុនៃការប្រជុំលេខា អនុលេខាកងពលនិងវរសេនាធិ Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Regiments Compte-rendu de la réunion des secrétaires, des sous-secrétaires de divisions et de régiments	P	00095530	00143502	00623946
E3/1163	D366 /7.1.3 88	00087054- 00087056 00233930- 00233930, 00877002- 00877004 00612263- 00612266	សេចក្តីរាយការណ៍ជូនអង្គការប្រជាជាតិ យុ "ពីសកម្មភាពបោសសំអាតពួកអាក្បត់ នៅក្នុងជួរទូទាំងភូមិភាគ" DK-Government Report entitled "Report to the Organization about actions to sweep up contemptible traitors." Report on the Situation in Division 450	P			
E3/1131	D267 /5/1. 1.2	00160067- 00160067 00505039- 00505039 00520424- 00520424	សេចក្តីរាយការណ៍របស់មន្ទីរសេនាធិការ Report on the general staff office Report on the general staff office	P			

E3/1166	D366 /7.1.3 91	00052338- 00052340 00233943- 00233943, 00876997- 00877001 00795855- 00795857	រាយការណ៍ជូនបង អំពីសភាពការណ៍កងពល ៤៥០ [Partial T.] DK-Military Report entitled "Report about the Situation in Division 450" Rapport militaire du KD sur la situation de la division 450	P			
E3/2231	D108 /26.2 2	00088720- 00088721 00785257- 00785259 00727398- 00727400	ឧបសម្ព័ន្ធ ២២៖ បញ្ជីឈ្មោះអ្នកទោសរក្សាទុក Annex 22: List of prisoners to be kept Annexe 22: Noms des prisonniers "à garder"	P	00088720		
E3/1161	D366 /7.1.3 85	00052322- 00052322 00532941- 00532941, 00876995- 00876996	របាយការណ៍ទៅលើស្ថានភាពទូទៅនៅក្នុង តំបន់ ៣១០ និង តំបន់ ៤៥០ DK-Military Report on the overall situation in Division 310 and Division 450	P			
E3/1044	D108 /31.4 4	00231700- 00231700, 00020881- 00020881 00875624- 00875624, 00178198- 00178198 00324864- 00324864	ការបកប្រែដោយសង្ខេបអំពីឈ្មោះប្រជាជ ន និង សកម្មភាពសត្រូវដែលត្រូវបានបញ្ជូនទៅ អោយ កាំង ហ្គេតអ៊ាវ បងហ៊ុយ និង ព្រៃ ស Report of recommended arrest list from REN, General Staff of Revolutionary Army of Kampuchea Report of recommended arrest list from REN, General Staff of Revolutionary Army of Kampuchea	P			
E3/1241	12.15	00323878- 00323888 00087741- 00087746 00662284- 00662290	វិទ្យុភ្នំពេញ 2300 GMT ថ្ងៃទី២២ ខែមីនា ឆ្នាំ១៩៧៦ SWB ថ្ងៃទី២២ ខែមីនា ឆ្នាំ១៩៧៦ FE/5166/B/2 [ភ្នំពេញសេវាកម្មព័ត៌មានក្រុងភ្នំពេញរងក្រច ក] Phnom Penh Radio, 2300 GMT 22 March 1976 SWB 23 March 1976 FE/5166/B/2 [Kyoto News Service Version in parentheses] Radio Phnom Penh de 2300 GMT, le 22 mars 1976 SWB et le 23 mars 1976 FE/5166/B/2 [Version du service Kyoto News entre parenthèses]	P			

E3/165	13.13	00053603- 00053645 00184048- 00184078 00301334- 00301362	សន្និបាតលើកទី១ សម័យកាលទី ១ របស់សភាតំណាងប្រជាជនម្តុជា ១១-១៣ មេសា ៧៦ General Assembly first session of representative assembly of Kampuchea People 11-13/4/76 L'assemblée des représentants du Peuple du Kampuchéa 11-13/4/76	P			
E3/402	D232 /21	00379444- 00379450 00381031- 00381037 00424045- 00424052	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី អ៊ុង រ៉ែន UNG Rèn Written Record of Interview of UNG Rèn អ៊ុង រ៉ែន Procès verbal d'audition de témoin UNG Rèn អ៊ុង រ៉ែន	P	00379450	00381037	00424052
E3/84	D232 /34	00398511- 00398520 00408393- 00408402 00434420- 00434429	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី អ៊ុង រ៉ែន UNG Rèn Written Record of Interview of UNG Rèn អ៊ុង រ៉ែន Procès verbal d'audition de témoin IENG Chham អៀង ឆាំ	P	00398513- 00398514, 00398517, 00398518	00408395- 00408396, 00408399- 00408400	00434422- 00434423, 00434426- 00434427

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea to the holding cell (medical report and waivers of the accused are attached to this written record). (9:14)
- Order denying IENG Sary's Defence Counsel's request to play audio tape, D232/21.1. (14:07)
- Order for IENG Sary Defence to abide by its ruling regarding references being made to notes in case file. (15:32)
- Order to bring the accused back to detention facility and have them return to the courtroom by 9:00 a.m. (16:10)

Orders for Adjournment of Hearing
The hearing will resume on January 11, 2012

Phnom Penh, 10 January 2013

Greffier



Faiza ZOUAKRI



Greffier



DUCH Phary