



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 14 / 10 / 2013
ម៉ោង (Time/Heure): 13 h 50
មន្ត្រីមូលបត្រករសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RANA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

08 July 2013

Substantive Hearing on evidence - Day 206

Prepared by:

Mr. Matteo CRIPPA and Mr. DAV Ansan

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE
Reserve Judge: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Mr. Matteo CRIPPA, Mr. DAV Ansan
OCP: Mr. SENG Bunkheang, Mr. Dale LYSAK
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN
Civil Parties: Mr PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr LOR Chunthy, Ms. SIN Soworn
Witnesses: N/A
Others: Courtroom Officers, Transcribers, Mr. Matthew CAMERON

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:05
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:00	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4:45

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Warning, pursuant to IR 37.1, to Mr. Arthur VERCKEN	TC	09:05	09:07
Response by NUON Chea Defence to OCP and LCLP key document presentations	NC Defence	09:11	09:43
		09:49	10:28
		10:52	11:58
		13:33	14:37
		15:02	16:05
Objection by OCP regarding documents not put before the Chamber	OCP	09:43	09:44
	NC Defence	09:44	09:45
	TC	09:48	09:49

Summary of Proceedings

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

The Accused NUON Chea was present in the holding cell pursuant to Internal Rule 81(5). See Second Decision on Accused NUON Chea's Fitness to Stand Trial, E256/5, 2 April 2013.

Warning, pursuant to IR 37.1, to Mr. Arthur VERCKEN

The Chamber delivered a warning, pursuant to IR 37.1, to Mr Arthur VERCKEN regarding his conduct after the close of proceedings on Thursday 4 July (see Oral Orders/Decisions below).

Response by NUON Chea Defence to OCP and LCLP key document presentations

The NUON Chea Defence responded to the presentation of key documents by the OCP and LCLP in relation to the alleged criminal policies of DK and the implementation of those policies, forced marriage, and NUON Chea's role within the government of DK. In response to an objection by the OCP the Chamber reminded the NUON Chea Defence that comments made in relation to documents not put before the Chamber will be given little, if any, weight. Within the debate the Chamber also clarified that documents created by a party to the proceedings, such as submissions or motions, are not suitable for presentation at a key documents hearing, and reminded the NUON Chea Defence that the issue of authenticity of copies of documents had previously been dealt with by the

Chamber, and was beyond the scope of a key documents hearing.

Record of Rule 87(3) Proceedings				
TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
E3/9		Book by Philip Short entitled "Pol Pot, The History of a Nightmare"	NC Defence	EN 00396488 FR 00639816
E152.2		Book by Philip SHORT or TETH Sambath	NC Defence	
E3/11		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September 1977 (FULL)	NC Defence	EN 00486227-8, 00486230, 00486233, 00486251-4 00486248, 00486256 KH 00063138, 00063141, 00063145, 00063148-9, 00063163, 00063174-5 FR 00492814-6, 00492820, 00492824, 00492837, 00492846
E3/2072		Press conference of Saloth Star alias Pol Pot at Beijing	NC Defence	
E3/147		Annex 0026: Foreign Broadcast Information Service collection of reports for January 1977	NC Defence	
E3/760		CPK Magazine entitled: "The Revolutionary Flag", Issue 6, June 1976 (FULL)	NC Defence	EN 005095614 KH 0062849 FR 00487759
E3/742		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, April 1977 (FULL)	NC Defence	
E3/135		Revolutionary Flag The Internal Party Magazine published monthly, Issue 6	NC Defence	

		June 1977		
E3/727		Tung Pakdevath No. 8 August, 1978	NC Defence	
E3/1173		CPK Document entitled "Advice of 870 no 02-76 about bomb drop of American imperialist into Siem Reap province on 25/2/76"	NC Defence	
E3/232		Minutes of meeting on local affairs on 8/3/76	NC Defence	
E3/12		Decision of central committee on a number of problems	NC Defence	
E3/763		Guidance of Central Committee of the CPK	NC Defence	
E3/99		About governing and carrying out the policy of gathering force of Democratic National Front of party (6 th document)	NC Defence	
E3/818		Presentation of comrade secretary general in the 1 ST meeting of ministers on 22/4/76	NC Defence	EN 00143463, 00143467 KH 00072576, 00072761 FR 00548896, 00548899
E3/5		CPK Magazine entitled: "The Revolutionary Flag", Issue 8, August 1975 (FULL)	NC Defence	
E3/871		Telegram # 21 to comrade Brother Pol: Report of comrade Chhouk in zone 24 about situation along	NC Defence	
E3/807		Telegram	NC Defence	
E3/146		Revolutionary Youth Review Number Special year 1974	NC Defence	EN 00538746 KH 00283409 FR 00611810
E3/10		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September - October 1976 (FULL)	NC Defence	
E3/707		Statement of IENG Sary - Kampuchea Today interview by Daniel BURSTEIN	NC Defence	
E3/783		Strengthening and improving the stance, leadership	NC Defence	

		behaviour and work principle of the party		
E3/117		Annex 1: Khieu Samphan Chairs NUFC Congress Session dated 26 February 1975	NC Defence	
E3/334		DK Government Telegram sent to Sok regarding the purchase of DDT, Acid and Other Goods	NC Defence	
E3/120		Annex 00004: Foreign Broadcast Information collection of reports for March 1975	NC Defence	
E3/118		Annex 00005: Foreign Broadcast Information collection of reports for April 1975	NC Defence	
E3/2694		Télégramme intitulé Asile politique	NC Defence	
E3/2700		Télégramme intitulé Départs de réfugiés	NC Defence	
E3/2702		Télégramme intitulé Départs de réfugiés	NC Defence	
	D365/1.1 .39	Washington Post AP report entitled "Cambodia Executions Confirmed"	NC Defence	
E3/604		Media article entitled: "Executions Admitted", Bangkok Post, 2 November 1975	NC Defence	
E3/832		The Execution Order	NC Defence	EN 00068919 KH 00068196 FR 00290121
E3/3569		Biography of KAO Bun Heng alias Khon, on 24 December 1976	NC Defence	
E3/128		Biography of Comrade Rith	NC Defence	
E3/1539		Name list of prisoners has been died at S-21 Office	NC Defence	
E3/2189		Annex 16: S-21 Prisoner List containing names of prisoners of the civil service	NC Defence	
E3/3597		[Corrected 1] Annex 2: Name	NC	

		list	Defence	
E3/197		Minutes of meeting of permanent committee Front on 11/3/76	NC Defence	
E3/1162		DK-Military Report from Division 310, Political Section	NC Defence	
E3/183		DK Document entitled "Minutes of the meeting 09 October 1975"	NC Defence	
E3/807		Meeting report of Secretary-Under secretary division and regiment.	NC Defence	
E3/193		Annex B: August 1977 Revolutionary Flag, No 8	NC Defence	EN 00399234-5 KH 00062963-4 FR 00611839-40
E186.1R		One Day at Po Chrey	NC Defence	
E3/1593		[Corrected 1] Book by Ben Kiernan entitled "The Pol Pot Regime: Race, Power and Genocide under the Khmer Rouge , 1975-79"	NC Defence	EN 00678523 KH 00637444-5 FR 00638786-7
E3/24		Written Record of Interview of PHY Phuon	NC Defence	EN 00223582 KH 00204069 FR 00503921-2
	D25/28	Written Record of Interview of EAP Duch	NC Defence	EN 00223475 FR 00651258
	D232/44	Written Record of Interview of KEP Moeun	NC Defence	
	D125/91	Written Record of Interview of SIM Tun	NC Defence	
E3/25		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, December 1976 - January 1977 (FULL)	NC Defence	EN 00491435 KH 00063053 FR 00504063
E3/1586		United Nations General Assembly	NC Defence	EN 00079815 KH 00291027-8 FR 00617797
E3/686		SWB FE/6869/A3/2 titled "Interviews with Democratic Kampuchea Leader on Population Policy and Struggle Against Vietnam" dated 2 November 1981, DCCN D35684, ERN S 00030339 -	NC Defence	

		00030364		
E3/10		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September - October 1976 (FULL)	NC Defence	EN 00450538-9 KH 00063104-5 FR 00491904-5
E3/750		CPK Magazine entitled: "Revolutionary Youth ," Issue 11, November 1975 (FULL)	NC Defence	EN 00522460 KH 00063615-7 FR 00525856
E3/766		Revolutionary Youth Number 11 November 1978	NC Defence	EN 00524181 KH 00376531-2 FR 00593981
E3/775		Global Vision: Revolution and non-revolution toward family building issue	NC Defence	EN 00417942-5 KH 00407100-1, 00407104 FR 00593928-30, 00593932
E93/7.2		Annex 1: NUON Chea interview clips (all text is spoken Khmer and subtitled in English in the clips)	NC Defence	EN 00711561 KH 00714127 FR 00897373
E169/4/ 1.1.1		Book entitled "Revolutionary Youth" (No. 7, July, 1975)	NC Defence	EN 00815131 KH 00809797 FR 00815910
E3/681		Media Article by Henry KAMM entitled "Pol Pot Aide Calls for World Support" in the New York Times dated 1 December 1980	NC Defence	EN 00122194 KH 00651245-6 FR 00630694
E3/733		Revolutionary Youth, No. 5 May, 1976	NC Defence	EN 00357874 KH 00063268-9 FR 00524482
E3/729		[Corrected 1] Revolutionary Youth No. 10 Oct., 1975	NC Defence	EN 00357903 FR 00364225
E3/182		Permanent's meeting of committee on 9 October 1975	NC Defence	
E3/229		Minutes of permanent committee meeting on 22 February 1976 at night	NC Defence	
E3/235		Decision of permanent committee in the meeting on 19-20-21 April 1976	NC Defence	
E3/213		[Corrected 1] Minutes of the Meeting of the Standing	NC Defence	

		Committee on the Pary's Draft of a Four-Year Plan for the Construction of Socialism in all Domains, 1977-1980 dated 21 July to 2 August 1976		
E3/230		Minutes of permanent committee meeting on 22 February 1976	NC Defence	
E3/748		CPK Magazine entitled: "The Revolutionary Flag", Special Issue, October - November 1975 (FULL)	NC Defence	EN 00495826 FR 00499710-1
E3/50		The 3 rd anniversary of the farmer collective organizing	NC Defence	
E3/16		KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea", Reahu, 10-2007	NC Defence	
E3/146		Revolutionary Youth Review Number Special year 1974	NC Defence	
E3/273		Annex 00014: Foreign Broadcast Information Service collection of reports for January 1976	NC Defence	
E3/193		Annex B: August 1977 Revolutionary Flag, No 8	NC Defence	
E3/1122		Telegram 69: To respected Brother about situation in District 41	NC Defence	
E3/1123		Telegram 69: To respected brother about situation in District 41	NC Defence	
E3/1124		Telegram 19: Respected and beloved Brother about receiving all telegram messages	NC Defence	
E3/1125		Report about confession of Hem Phy after three time of escape and re-arrest	NC Defence	
E3/1126		Report about confession of Hem Hang after four times of escape and re-arrest	NC Defence	
E3/1222		DK-Military Telegram by Comrade Dim entitled "Telegram 11, To Brother	NC Defence	

		Mut”		
E3/1223		DK Military Telegram entitled “Telegram 11 to Brother Mut”	NC Defence	
E3/1224		DK Military Telegram 15 entitled “Brother Mut please be informed”	NC Defence	
E3/1225		Sixteenth telegram sent to Mut about Enemy Situation	NC Defence	
E3/1226		Seventeh telegram sent to Mut about the change spare parts of warship by China friend	NC Defence	
E3/1135		To brother 89 about Achar Kang wife	NC Defence	
E3/892		Telegram 60: To Beloved and Missed Office 870 about situation in region 23	NC Defence	
E3/1154		Letter of Kol Reported to respected and beloved Brother Pol, Nuon and Phim	NC Defence	
E3/181		DK Telegram entitled “Telegram No 11”, Version 1	NC Defence	
E3/867		Telegram 16: To respected and beloved Brother 009 about activity of enemy in Svay Rieng province	NC Defence	
E3/519		Telegram No 32 Dated 29 March 1978	NC Defence	
E3/1144		Telegram 60: To Beloved and Missed Chief of 870 about a number of all section’s situation	NC Defence	
E3/1077		DK Telegram entitled “Telegram 324”	NC Defence	
E3/1008		Telegram 67: We would like to report to you about the Thai Embassy are very happy after they received your letter	NC Defence	
E3/156		Telegram 54: To respected Brother about the situation of the Yuon’s undercover agent	NC Defence	

Oral Orders/Decisions:

- The Chamber delivered the following warning to Mr. Arthur VERCKEN:
 - On Thursday 4 July after the President had announced the close of proceedings for the day, Mr Arthur VERCKEN, international lawyer for KHIEU Samphan, shouted angrily at the President. He then remained seated as the President and other Trial Chamber judges left the courtroom. This behaviour falls well below the standards of professionalism expected of lawyers appearing in this or any other court, and is a poor example to more junior lawyers. He was rude and disruptive in front of a witness, his professional colleagues and the public. He is warned pursuant to IR 37.1.
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility and to return the Accused KHIEU Samphan to the courtroom and the Accused NUON Chea to the holding cell by 09.00 on Tuesday, 9 July 2013 (16.07).

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09.00 on Tuesday, 9 July 2013 (16.07).

Phnom Penh, 08 July 2013

Greffier

Greffier

Mr. Matteo CRIPPA

Mr. DAV Ansan

