



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 11 / 10 / 2012 ព្រះរាជាណាចក្រកម្ពុជា

ម៉ោង (Time/Heure) : 15 : 25 ជាតិ សាសនា ព្រះមហាក្សត្រ

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: UCH ACUN ព្រះរាជាណាចក្រកម្ពុជា

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 October 2012

Substantive Hearing on evidence – Day 120

Prepared by:

Roger PHILLIPS and DUCH Phary

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Ms. SE Kovuthy, Mr. DUCH Phary, Mr. Roger PHILLIPS
OCP: Mr. VENG Huot, Mr. Tarik ABDULHAK, Mr. Keith RAYNOR.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea.
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISE, Mr. Michael G. KARNAVAS, Mr. ANG Udom
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. VEN Pov, Mr. LOR Chunthty.
Witness: n/a
Others: Mr. Jay GALIK.

<u>General court times</u>		
Day	Start time: 9:10	Finish time: 16:00
Recess am	Start time: 10:40	Finish time: 11:00

Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours and 45 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Request by NUON Chea to make remarks	TC	9:10	9:11
Request by NUON Chea Defence for clarification on ruling	NUON Chea Defence TC	9:15	9:16
Request of NUON Chea	TC	9:20	9:20
Remarks by NUON Chea	NUON Chea Defence	9:21	9:23
Presentation of documents related to the administrative and communication structures during the DK period	OCP	9:33	15:59
Waiver of the Accused's right to be present in the courtroom	NUON Chea	12:03	12:05

Summary of Proceedings

Request by NUON Chea to make remarks

The Chamber granted NUON Chea's request to make remarks in response to paragraphs in the Closing Order related to Segment 3 of Case 002/01, including military structures, movements of the population and Toul Pou Chrey.

Request by NUON Chea Defence for clarification on ruling

The NUON Chea Defence requested clarification of a Chamber ruling and that any such clarification be provided in writing for purposes of clarity. The President instructed that such a request needs be in writing as well.

Request of NUON Chea

The President asked NUON Chea whether he was fit to respond to questions or whether he intended to exercise his right to not respond to questions. NUON Chea said he would not respond to questions.

Remarks by NUON Chea

NUON Chea made remarks related to paragraphs in the Closing Order related to Segment 3 of Case 002/01, , including military structures, movements of the population and Toul Pou Chrey.

Presentation of documents related to the administrative and communication structures

during the DK period

The OCP presented documents they deem most relevant to the administrative and communication structures of the DK regime.

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

The Accused NUON Chea waived his right to be present in the courtroom for the afternoon session (12:11).

<u>Record of Rule 87(3) Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
	IS5.71	S-21 Confession of Ou Pin, alias Ham, the deputy secretary of sector 32 of the West Zone	OCP	
	D366/7.1.63	Book by Ministry of Education entitled "Political Geography of Democratic Kampuchea"	OCP	
	IS5.69 E190.1.14	Confession of CHEY Suon dated 20 November 1976	OCP	
	IS18.11	Ministry of Commerce report on meeting with North Korean delegation on 21 August 1976	OCP	
	IS18.12	Ministry of Commerce report on meeting with North Korean delegation on 26 August 1976	OCP	
	D366/7.1.823	Ministry of Commerce report on meeting with North Korean delegation dated 7 September 1976	OCP	
	IS18.14	Ministry of Commerce report on meeting with	OCP	

		North Korean delegation dated 30 September 1976		
	IS18.19	Ministry of Commerce report on meeting with North Korean delegation dated 1 November 1976	OCP	
E3/130		The CPK Statute	OCP	
E3/27		Written Record of Interview of KHIEU Samphan	OCP	00156618 (KH) 00156749-51 (EN) 00156671-72 (FR)
E3/37		Written Record of Interview of KHIEU Samphan dated 14 December 2007	OCP	
E3/89		Interview with IENG Sary by Steve Heder in 1996	OCP	00062453-54 (KH) 00417600 (EN) 00332682 (FR)
E3/12		Decision of the Central Committee Regarding a Number of Matters	OCP	
E3/232		Minutes of Meeting on Base Work dated 8 March 1976	OCP	00017118 (KH) 00182630 (EN) 00323933 (FR)
E3/507		Written Record of Interview of KHIEV Noeu	OCP	
E3/197		Minutes of Meeting of the Standing Committee, the Front dated 11 March 1976	OCP	
E3/179		Report on the Enemy Situation, People Situation, Build Socialism Situation dated 29 May 1977	OCP	
E3/557		Written Record of Adversarial Hearing of KHIEU Samphan	OCP	

E3/218		Report on the meeting of the Standing Committee dated 26 March 1976	OCP	00000756-57 (KH) 00182656-57 (EN) 00334971 (FR)
E3/557		Written Record of Adversarial Hearing of KHIEU Samphan dated 19 November 2007	OCP	
E3/229		Report on the meeting of the Standing Committee dated the evening of 22 February 1976	OCP	
E3/230		Report on the meeting of the Standing Committee dated 22 February 1976	OCP	
E3/1495		DK Media Report entitled "PRC Delegation led by Chen Yeung-Kuie arrives 3 December"	OCP	00727838 (KH) 00168315 (EN) 00750223 (FR)
E3/1496		DK Media Report entitled "Hosts Farewell Banquet"	OCP	00727587 (KH) 00168351 (EN) 00726150 (FR)
E3/1499		DK Media Reports entitled "Souphanouvong Arrival Reported," "Pol Pot Meets Delegation," and "Khieu Samphan Receives Souphanouvong"	OCP	00714316-18 (KH) 00168363-64 (EN) 00743645-46 (FR)
E3/182		Report on the meeting of the Standing Committee dated 9 October 1975	OCP	00019110-109 (KH) 00183394-95

				(EN) 00292869-70 (FR)
E3/760		"The Revolutionary Flag" magazine, Issue 6, dated June 1976	OCP	00062845-46 (KH) 00509611 (EN) 00487756 (FR) 00062848- 49(KH) 00509614 (EN) 00487758 (FR) 00062873- 74(KH) 00509634(EN) 00487783-84 (FR)
E3/193		"The Revolutionary Flag" magazine, Issue 8, dated August 1977	OCP	00062948 (KH) 00399222-23 (EN) 00611826 (FR) 00062949 (KH) 00399223 (EN) 00611827 (FR) 00062955 (KH)

				00399228-29 (EN) 00611832 (FR) 00062963-64 (KH) 00399235 (EN) 00611839 (FR) 0062964-65 (KH) 00399236 (EN) 00611840 (FR) 00062977-78 (KH) 00399245-46 (EN) 00611850- 51 (FR)
E3/745		“The Revolutionary Flag” magazine, Issue 3, dated March 1978	OCP	00064455-56 (KH) 00504072 (EN) 00491845 (FR) 00064456-57 (KH) 00574073 (EN) 00491846 (FR) 00064458-59

				(KH) 00504073 (EN) 00491847-48 (FR) 00064460-61 (KH) 00504075 (EN) 00491849 (FR) 00064466 (KH) 00504081 (EN) 00491853 (FR)
E3/1094		Report addressed to Respected Angkar from M401 dated 4 August 1978	OCP	00143611-12 (KH) 00315376 (EN) 00593532 (FR)
E3/781		CPK document entitled "Governing, carrying out policy, and restoring all fields in the country"	OCP	00072389 (KH) 00523585 (EN) 00543760-61 (FR) 00072390 (KH) 00523586 (EN) 00543761 (FR) 00072393 (KH)

				00523588 (EN) 00543763-64 (FR) 00072396-97 (KH) 00523590-91 (EN) 00543765-66 (FR)
E3/216		Record of the Standing Committee's visit to the Northwest Zone, 20-24 August 1975	OCP	00008486 (KH) 00850973 (EN) 00343375 (FR) 0008489 (KH) 00850975-76 (EN) 00343377 (FR) 00008490 (KH) 00850977 (EN) 00343378 (FR) 00008492 (KH) 00850978 (EN) 00343379 (FR)
E3/1173		CPK document entitled "No. 02-76 Instructions from 870" regarding bombs	OCP	

		dropped by American imperialists on Siem Reap province on 25 February 1976		
E3/740		Annex 7: Guidelines on the use of the terms "Angkar" and "Party" issued on 11 July 1977 by Office 870	OCP	
E3/741		Instructions from Office 870 dated 3 January 1978	OCP	00284278 (KH) 00296003-04 (EN) 00611865 (FR) 00284281 (KH) 00296006 (EN) 00611867 (FR) 00284282 (KH) 00296007 (EN) 00611868 (FR)
E3/763		Guidance of the Central Committee of the CPK on the Party's policy on misled persons dated 20 June 1978	OCP	00079280 (KH) 00275218 (EN) 00623529 (FR)
E3/727		Revolutionary Flag, Special Number dated May-June 1978	OCP	00064561-62 (KH) 00185328-29 (EN) 00524455-56 (FR)

				00064556-57 (KH) 00185324 (EN) 00524451 (FR) 00064566-67 (KH) 00185332-33 (EN) 00524459-60 (FR) 0064576-77 (KH) 00185341 (EN) 00524468 (FR) 00064578-79 (KH) 00185342-43 (EN) 00524469- 70 (FR)
E3/1186		Report to Office 870 by Sector 22 on the enemy situation in Mukh Kampul district dated 19 March 1978	OCP	00019203-05 (KH)
E3/177		Telegram No. 32 dated 20 March 1978 regarding enemy activities in Mukh Kampul	OCP	
E3/724		"Revolutionary Youth" magazine dated July 1975	OCP	

E3/731		"Revolutionary Flag" magazine dated December 1975 - January 1976	OCP	00809798-99 (KH) 00815132-33 (EN) 00815911-12 (FR)
E3/28		"Cambodia's seat in the United Nations" dated 19 June 1973	OCP	
E3/1399		Media report by FBIS dated 8 October 1974 regarding the GRUNK Cabinet	OCP	
E9/31		FBIS document dated 16 January 1975 entitled "Sihanouk's 15th of November 1974 Decree Relieving GRUNK Ministers"	OCP	00811259-65 (KH) 00166706-08 (EN)
E3/1256		CPK public statement entitled "Press Release" by the GRUNK Mission in Paris	OCP	00630985 (KH) 00004604 (FR) 00280610 (EN)
E3/182		Minutes of a meeting of the Standing Committee on 9 October 1975	OCP	00019108 (KH) 00183393-94 (EN) 00292868-69 (FR)
E3/197		Minutes of a meeting of the Standing Committee on 3 November 1976	OCP	00000545 (KH) 00182639 (EN) 00334961-62 (FR)

				00000547-48 (KH) 00182640-41 (EN) 00334963 (FR)
E3/12		"Decision of the Central Committee Regarding a Number of Matters" dated 30 March 1976	OCP	00003140-41 (KH) 00182813 (EN) 00224366 (FR) 00003141-42 (KH) 00182814 (EN) 00224366-67 (FR)
E3/1371		"Declaration of the Government of Democratic Kampuchea Regarding the Declaration of Samdech Norodom Sihanouk Requesting His Retirement" dated 1 April 1976	OCP	00806211 (KH)
E3/165		Document on Conference of Legislature of the People's Representative Assembly of Kampuchea from 11-13 April 1976	OCP	00053634 (KH) 00184067-68 (EN) 0030154 (FR) 00053635 (KH)

				001868-69 (EN) 00301355 (FR)
E3/262		First plenary session of the first legislature of the people representative assembly of Kampuchea, Press Release 14 April 1976	OCP	
E3/235 and E3/236		Summary of the Decisions of the Standing Committee in the meeting 19-20 April 1976	OCP	0019142-43 (KH) 00183416-17 (EN) 00322968-69 (FR) 00019146-47 (KH) 00183420 (EN) 00322971 (FR)
E3/817		Presentation by the Comrade Party Secretary during the session of the first meeting of the Council of Ministers on 22 April 1976	OCP	00072753 (KH) 00143461 (EN) 00548899-900 (FR) 00072761 (KH) 00143467 (EN) 00548899-900 (FR)
E3/818		Presentation of comrade secretary general in the 1st meeting of ministers on	OCP	

		22/4/76		
E3/522 and E3/926		IENG Sary's Diary, 1976-1979	OCP	00427928 (KH) 00003321 (EN) 00657891 (FR) 00427949 (KH) 00003336-37 (EN) No French translation 00827849 (KH) 00003267(EN) 00657989 (FR) 00427928 (KH) 00003231 (EN) 00657891 (FR) 00427907-26 (KH) 00003304-20 (EN) Problem with French translation. 00427850 (KH)

				00003267 (EN)
				00657884 (FR)
				00427916 (KH)
				00003310 (EN)
				00657883 (FR)
				00427924 (KH)
				00003318 (EN)
				00657889 (FR)
				00427822 (KH)
				00003247 (EN)
				00657828 (FR)
				00427825 (KH)
				00003249 (EN)
				00657829 (FR)
				00427830 (KH)
				00003252 (EN)
				00657832 (FR)
				00427856 (KH)
				00003270-71 (EN)

				00657846 (FR)
				00427844 (KH)
				00003262 (EN)
				00657991 (FR)
				00427940 (KH)
				00003331 (EN)
				00657902 (FR)
				00427946 (KH)
				00003234-35 (EN)
				00657905 (FR)
E3/857		"Working with the Committee of Every Unit of Organization" dated 12 September 1977	OCP	00086707 (KH)
				00355487 (EN)
				00811327 (FR)
				00086708-09 (KH)
				00355489 (EN)
				00811328-29 (FR)
				00086710-11 (KH)
				00355491 (EN)

				00811331 (FR) 0086712 (KH) 00355493 (EN) 00811332 (FR)
E3/1534		S-21 Prisoners List containing prisoners from the Ministry of Foreign Affairs	OCP	00087007-09 (KH) 00181667-69 (EN)
E3/233 and E3/234		Minutes of the Meeting of the Standing Committee on 13 March 1976	OCP	00000749 (KH) 00301333 (FR) 00182650 (EN)
E3/220		Minutes of the Meeting of the Standing Committee on 7 May 1976	OCP	
E3/1625		S-21 Confession of SOEU Vasi alias Doeun	OCP	

Oral Orders/Decisions:

- Order allowing the Accused NUON Chea to participate from his holding cell (waiver of the Accused are attached to this written record).
- Order to bring the Accused NUON Chea and KHIEU Samphan back to the detention facility and to return them to the courtroom for the hearing on 18 October 2012.

Orders for Adjournment of Hearing

The hearing will resume on 18 October 2012 at 9:00 a.m.

Phnom Penh, 10 October 2012

Greffier Greffier

 Phary