



**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 King  
ជាតិ សាសនា ព្រះមហាក្សត្រ

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

..... 13 / 06 / 2012

ម៉ោង (Time/Heure): ..... 16:00

អ្នកទទួលបន្ទុកសំណុំរឿង/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

28 May 2012

Substantive Hearing on evidence - Day 64

Prepared by:

DUCH Phary and Matteo CRIPPA

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.
<b>Greffiers:</b> Mr. Matteo CRIPPA, Mr. Duch PHARY.
<b>OCP:</b> Mr. Chan DARARASMEY, Mr. HUOT Veng, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Dale LYSAK.
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea and IENG Sary (from the holding cell).
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Ms. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. LOR Chunthy, Mr. VEN Pov, Mr. KIM Mengkhy, Ms. Laure DESFORGES, Mr. Barnabé NEKUIE, Ms. TY Srinna.
<b>Witness:</b> Witness NY Khan (TCW-487)
<b>Others:</b> Mr. MAM Rithea (Counsel for the Witness), Ms Alexandra PRASSOLOFF.

<b><u>General court times</u></b>		
Day	Start time: 09:10	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:00

Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	5 hours, 15 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	IENG Sary	09:10	09:10
	NUON Chea	12:05	12:05
Oral decision of the Trial Chamber concerning the status of document D366/7.1.188	Trial Chamber	09:10	09:15
Testimony of TCW-487 (NY Khan)	TC OCP	09:15	16:00

**Summary of Proceedings**

**Waiver of the Accused's right to be present in the courtroom**  
 The Accused IENG Sary (whole day) and the Accused NUON Chea (12:05) waived their right to be present in the courtroom.

**Oral decision of the Trial Chamber concerning the status of document D366/7.1.188**  
 The Trial Chamber issued its oral decision on the status of document D366/7.1.188 (see below).

**Testimony of TCW-487 (NY Khan)**  
 Witness was provided with a lawyer pursuant to Rule 28(9).  
 The Co-Prosecutors put questions to the Witness.

**Record of Rule 87.3 Proceedings**

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/1607	D366/7.1.188	00442359-00442374	លក្ខន្តិកៈ សម្ព័ន្ធយុវជន កុម្មុយនីស	P			
		00574533-00574545	កម្ពុជា "ស. យុវកក"				
		00574546-00574557	Statute of CPK Youth league				
			Statute of CPK Youth league				
			[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] សៀវភៅនិពន្ធដោយ Philip				
E3/9	D222/1.15	00755579-00755583	Short មានចំណងជើងថា៖ "ប៉ូល ពត	P		00396185, 00396347, 00396699, 00396393, 00396452, 00396476	00639630, 00639706, 00639780, 00639800
		00396177-00396757	ប្រវត្តិនៃសុបន្តិអាក្រក់មួយ"				
		00639445-00640068	[Surrogate Sheet] Book by Philip Short entitled "Pol Pot, The History of a Nightmare"				
			[Feuille remplacée] Livre écrit par Philip Short intitulé "Pol Pot, Anatomie d'un cauchemar"				

E3/130	D366/7.1.187	00442251- [លិខិតបញ្ជាក់ការជំនួសឯកសារ]		00442253-	00184024,	00292916,
		00442281		54,	00184025,	00292917,
		00184022- លក្ខន្តិកៈ បក្សកុម្មុយនិស្តកម្ពុជា	P	00442255,	00184027,	00292919,
		00184047 [Surrogate Sheet] The CPK statute		00442257,	00184032	00292922
		00292914- [Feuille remplacée] Status du Parti		00442261		
		00292934 Communiste du Kampuchea				

**Oral Orders/Decisions:**

- Oral decision of the Trial Chamber concerning the status of document D366/7.1.188:  
 During the hearing on 23 May 2012, the Trial Chamber sought clarifications from the Co-Prosecutors with regard to Document D366/7.1.188, entitled “Statute of CPK Youth league”. The Co-Prosecutors intend to refer to this document during the testimony of witness TCW-487. From a preliminary review of the Case File, it appeared that this document was not included in the Co-Prosecutors initial lists of documents relevant to the trial, filed in April 2011 (Document E9/31) and July 2011 (Document E109/4), respectively. Further to the clarification given by the Co-Prosecutors during the hearing on 23 May 2012, the Chamber now confirms that this document was included in both the Co-Prosecutors initial lists of documents. As it is included in Annex 2 of Document E109/4, this document should also have been assessed by the Chamber in its Decision E185 on the admissibility of documents proposed by the Co-Prosecutors as relevant to the trial. The Chamber has therefore reviewed Document D366/7.1.188 in light of the principles enunciated in its Decision E185 and considers it to have been put before the Chamber. Accordingly, as soon as practicable, this document will be assigned an E3 reference number. In the meantime, the Document will continue to be referred to as D366/7.1.188.
- Order to bring the Accused NUON Chea (12:05) to the holding cell (waivers of the Accused are attached to this written record).
- Order to bring the Accused back to the detention facility and to return the Accused NUON Chea and KHIEU Samphan to the courtroom and the Accused IENG Sary to the holding cell for the hearing on 29 May 2012.
- Order to bring witness TCW-487 back to his home and to return him to courtroom for the hearing on 29 May 2012

**Orders for Adjournment of Hearing**  
 The hearing will resume on 29 May 2012 at 9:00am.

Phnom Penh, 28 May 2012

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DUCH Phat Matteo CRIPPA