



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

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 13 / 06 / 2012
ពេលវេលា (Time/Heure): 09:50
អង្គបញ្ជីឯកសារករ/Case File Officer/L'agent chargé du dossier: SANN RADA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 May 2012

Substantive Hearing on evidence – Day 65

Prepared by:
Matteo CRIPPA and SE Kolvuthy

<u>Attendance Record</u>
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. Matteo CRIPPA, Mr. DUCH Phary, Ms. SE Kolvuthy.
OCP: Mr. CHAN Dararasmey, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Dale LYSAK.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. KONG Sam Onn, Ms. Anta GUISSÉ, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. SAM Sokong, Ms. TY Srinna, Ms. Laure DESFORGES, Mr. Barnabé NEKUÏE.
Witness: NY Khan (TCW-487).
Others: Mr. MAM Rithea (Counsel for the Witness), Ms. Zuzana KOVALOVA.

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:10
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:15	Finish time: 13:35
Recess pm	Start time: 14:35	Finish time: 15:00
	Total Court Time:	5 hours

<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	09:05	09:05
	NUON Chea	12:15	12:15
Testimony of the Witness NY Khan	Co-Prosecutors	09:05	12:15
	Civil Party Lawyers	13:35	16:10
Use of written statements by the Accused and other witnesses concerning the Witness	IENG Sary Defence Co-Prosecutors Trial Chamber	09:40	09:50

<u>Summary of Proceedings</u>
<p><u>Waiver of the Accused's right to be present in the courtroom</u> The Accused waived their right to be present in the courtroom (Mr. IENG Sary for the whole day and Mr. NUON Chea for the afternoon session).</p>
<p><u>Testimony of the Witness NY Khan</u> The Co-Prosecutors continued questioning of the Witness. Subsequently, the Civil Party Lawyers put questions to the Witness on behalf of the Civil Party Lead Co-Lawyers.</p>
<p><u>Use of written statements by the Accused and other witnesses concerning the Witness</u> The IENG Sary Defence requested a ruling on admission of this specific type of documents. The Trial Chamber allowed the Co-Prosecutor to put document E3/89 to the Witness. It noted that, in this situation, the Accused had the right to confront the Witness.</p>

<u>Record of Rule 87.3 Proceedings</u>							
TC No	OCIJ No	ERN	Title	C a s e s	Note in Khmer	Note in English	Note in French
E3/760	D243/2.1. 5	00062836- 00062876 00233948- 00233953, 00509604- 00509635 00487748- 00487784	ទង់បដិវត្ត លេខ 6 មិថុនា 1976 CPK Magazine entitled: " The Revolutionary Flag", Issue 6, June 1976 (Partial) CPK Magazine entitled: " The Revolutionary Flag", Issue 6, June 1976 (FULL)	P			

E3/193	D189.2	00062946-00062980 00399221-00399248 00611825-00611853	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធ ខ: ទង់បដិវត្ត លេខ ៨ ខែសីហា ឆ្នាំ១៩៧៧ [Surrogate Sheet] Annex B: August 1977 Revolutionary Flag, No 8 [Feuille remplacée] Annex B: August 1977 Revolutionary Flag, No 8	P	00062964	00399235-36	00611840
E3/1219	D369/12.1	00021510-00021512 00233930-00233930, 00583933-00583936 00532780-00532783	ឧបសម្ព័ន្ធ 1: សប្តុត្រជូនអង្គការជំរុញការសំអាតនៅក្នុងភូមិភាគទាំងមូល Annex 1: Letter to Angkar Informing the infiltration purge in a whole Zone Annex 1: Letter to Angkar Informing the infiltration purge in a whole Zone	P			
E3/89	20.6	00062452-00062509 00417599-00417643, 00003660-00003669 00332681-00332725	បទសម្ភាសន៍ជាមួយ អៀង សារី ដោយ ស្ទីវ ហេដ័រ Steve Hader interview of IENG SARY, In English dated 17 Dec 1996 Interview avec Ieng Sary par Steve Heder	P	00062471-72, 00062472	00417313-15, 00417314	00332695-97, 00332695
E3/1361	D262.40	00790608-00790612, 00701769-00701784, 00729011-00729012 00168780-00168894 00801553-00801555, 00700200-00700210	[Partial T.] ឧបសម្ព័ន្ធ 00040: របាយការណ៍ស្តីពីសេវាផ្សព្វផ្សាយព័ត៌មានបរទេស របាយការណ៍សំរាប់ខែមេសា ឆ្នាំ១៩៧៨ Annex 00040: Foreign Broadcast Information Service collection of reports for April 1978 [Partial T.] Annexe 00040: Les envoyés tunisien et norvégien arrivent le 1er avril	P		00168863	
E3/75	D262.44	00701848-00701860 00168895-00169022 00726641-00726649	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] ឧបសម្ព័ន្ធ 00044: ខៀវ សំផន អបអរសាទរចំពោះប្រធានាធិបតីសិង្ហបុរី [Surrogate Sheet] Annex 00044: Foreign Broadcast Information Service collection of reports for August 1978 [Feuille remplacée] [Partial T.] Annexe 00044: Khieu Samphan adresse ses félicitations au président de singapour	P		00168935, 00168940-42	

E3/45	D95	00205146- 00205155 00205156- 00205163 00205164- 00205172	(លិខិតបញ្ជាក់ការជំនួសឯកសារ) កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ថ្ងៃទី ១៥ កក្កដា ២០០៨ [Surrogate Sheet] Written Record of Interview of Duch by CIJ on 15-07-2008 [Feuille remplacée] Procès verbal d'interrogatoire de Duch par CJI le 15-07-2008	P			
E3/294	D262.46	00702823- 00702844 00170162- 00170337 00700211- 00700223	ឧបសម្ព័ន្ធ ០០០៤៦៖ សីហនុចូលរួម ខៀវ សំផន ថ្លែងទៅកាន់ពិធីលៀងសាយភោជនបក្សកុម្មុនី ស្តុកម្ពុជា Annex 00046: Foreign Broadcast Information Service collection of reports for October 1978 Annexe 00046: Sihanouk assiste au banquet du parti communiste du Kampuchéa, KHIEU Samphan y prononce un discours	P			
E3/1608	D108/28.3 18	S 00810113- 00810138 S 00013179- 00013194 S 00793492- 00793509	ឧបសម្ព័ន្ធ ៣១៨៖ "ទំនាក់ទំនងនៃបណ្តាប្រទេសចុងបូព៌ា" Annex 318: "Far Eastern Relations:" Annexe 318: Relations avec l'Extrême-Orient	P	S 00870127, S 00810122, S 00810121, S 00810129- 30	S 00013184- 85, S 00013190- 92, S 00013189, S 00013185, S 00013184, S 00013190	S 00793498- 99, S 00793503- 07, S 00793502, S 00793499, S 00793498, S 00793503
E3/1112	D252.12	00020960- 00020962 00434861- 00434863 00810029- 00810032	ទូរលេខ ៣០៦៖ ជំរាបបង វ៉ាន់ ជាទីស្នេហា អំពីសំភាសនរបស់ភ្ញៀវយូហ្គោស្លាវី Telegram 306 : To Beloved Brother Vann about the interview with guests from Yugoslavia Télégramme 306: au très cher frère Vann au sujet de l'entretien avec les invités yougoslaves	P	00020960- 62	00434861- 63	00810029- 32
E3/1113	D252.13	00001080- 00001082 00434864- 00434866 00623009- 00623012	ទូរលេខ ៦១៖ សូមជំរាបមក បង ជាទីគោរពស្នេហា អំពីទស្សនៈកិច្ចរបស់អ្នកកាសែត យូហ្គោស្លាវី នៅភូមិភាគពាយ័ព្យ Telegram 61 : To respected and beloved Brother about The visit paid by Yugoslavian reporters to Northwest Zone Télégramme 61: Respecté et aimé frère à propos de la visite effectuée par des journalistes yougoslaves à Zone Nord-Ouest	P			


E3/1156	D366/7.1.214	00032944-00032945-00524507-00524508-00807142-00807143	លិខិតពី កន និង មុត ជូនចំពោះបងជាគោរពស្នេហា Letter from Kân and Mut to "Respected Brother" Lettre de Kân et Mut adressée au "respecté frère"	P			
E3/1609	19.172	00700064-00700073-00078074-00078081-00703452-00703457	បទសម្ភាសន៍របស់ អុង ថុង ហៀង និង សារី គីមហុង ជាមួយ ខៀវ សំផន, អៀង សារី, នី កន និង ហោ ណាំហុង ធ្វើថ្ងៃទី២៩ កុម្ភៈ ១៩៨០ Interview with KHIEU Samphan, IENG Sary, NI Kân and HAO Nam Hong by ONG Thong Hoeung and SAUV Kim Hong on 29th February 1980 Interview de ONG Thong Hoeung et SAUV Kim Hong avec KHIEU Samphan, IENG Sary, NI Kân et HAO Nam Hong, le 29 février 1980	P	00700069	00078077	00703455
E3/1610	D91/22	00204131-00204134-00702360-00702364-00529341-00529345	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី នី កន ថ្ងៃទី១៣ ១២ ២០០៧ [Corrected 1] Written Record of Interview of NY Kân [Corrigé 1] Procès verbal d'audition de NY Kân	P			00529341

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:15) 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 30 May 2012.
- Order to bring the Witness back to his home and return him to the courtroom for the hearing on 30 May 2012.

Orders for Adjournment of Hearing
The hearing will resume on 30 May 2012 at 9:00am. ~~35~~

Phnom Penh, 29 May 2012

Greffier  Greffier 
Matteo CRIPPA  SEK Kolvuthy