



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge

Nation Religion Roi **ព្រះមហាក្សត្រ**

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

.....15.....1.....06.....1.....2012.....

ម៉ោង (Time/Heure):.....11:45.....

អង្គបុគ្គលបន្តករសំណុំរឿង/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

31 May 2012

Substantive Hearing on evidence – Day 67

Prepared by:

Roger PHILLIPS and DAV Ansan

<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. Roger PHILLIPS, Mr. DAV Ansan, Ms. SE Kolvuthy
OCP: Mr. HUOT Veng, Mr. Tarik ABDULHAK, Mr. RAYNOR Keith
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Michael PESTMAN, Mr. Jasper PAUW, 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. HONG Kimsuon, Mr. Kim Mengkhy, Ms. SIN Soworn Mr. SAM Sokong, Ms. TY Srinna, Ms. Laure DESFORGES, Mr. Barnabé NEKUÏE.
Witness: SAKIM Lmut (TCW-583)
Others: LIM Bun Heng, Alexandra PRASSOLOFF.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:05
Recess am	Start time: 10:45	Finish time: 11:05
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:05
	Total Court Time:	4 hours, 55 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 Defence	09:00	09:00
	NUON Chea Defence	12:00	12:00
Notice of the civil-party lawyers who will question the witness	CPCL	09:05	09:05
Testimony of Witness SAKIM Lmut (TCW-583)	Co-Prosecutors	09:05	16:05
Clarification of the status of certain documents	TC OCP	11:20	11:50
Notice of a translation issue	KHIEU Samphan Defence	14:45	14:45

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

Notice of the civil-party lawyers who will question the witness

The Civil-Party Lead Co-Lawyer informed the Chamber and the parties that Counsel Sin Soworn and Barnabé Nekuie will be putting question to the witness.

Testimony of Witness SAKIM Lmut (TCW-583)

The Co-Prosecutors put questions to the Witness.

Clarification of the status of certain documents

The Trial Chamber requests clarification as to the status of documents D279/6.1 (E3/182) and D279/7.1 (E3/235) which the Co-Prosecutor intends to put to the witness, and refers to its previous ruling that documents which were unknown to the witness may be used as the basis for questioning should this be relevant to the proceedings. The Co-Prosecutor indicated that both documents bear the signature of the witness and of the OCIJ investigator. The Trial Chamber authorized document D279/7.1 to be put to the witness.

Notice of a translation issue

KHIEU Samphan Defence indicated that the French version of document with ERN 00501192 did not bear the translation of the handwriting part that is found on the Khmer document and also contained in the English.

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/9	D222/1.15	00755579-00755583 00396177-00396757 00639445-00640068	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] សៀវភៅនិពន្ធដោយ Philip Short មានចំណងជើងថា៖ "ប៉ូល ពត ប្រវត្តិនៃសុបន្តិអាភ្នក់មួយ" [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"	P		00396469	00639792
E3/182	13.2	00019108-00019126 00183393-00183408 00292868-00292886	ការប្រជុំអចិន្ត្រៃយ៍ថ្ងៃទី ៩ តុលា ៧៥ Permanent 's meeting of committee on 9 October 1975 La réunion du Comité Permanent du 9 octobre 1975	P			
E3/236	D279/7.1	00019142-00019148 00183416-00183422 00322968-00322972	ឧបសម្ព័ន្ធទ្វីលីសរុបសេចក្តីសម្រេច របស់គណៈអចិន្ត្រៃយ៍ក្នុងអង្គប្រជុំ ថ្ងៃ ១៩-២១ មេសា ១៩៧៦ Annex1: Decision of permanent committee in the meeting on 19-21/04/1976 Annexe 1:Decision of permanent committee in the meeting on 19-21/04/1976	P	0001914647		
E3/1612	D279/6.1	00019108-00019126 00183393-00183408 00292868-00292886	ឧបសម្ព័ន្ធទ្វីលីស ការប្រជុំអចិន្ត្រៃយ៍ ថ្ងៃទី ០៩ ១០ ១៩៧៥ Annex1: Permanent's meeting of committee on 09-10-1975 Annexe 1: Permanent's meeting of committee on 09-10-1975	P			
E3/439	D279/6	00418539-00418551 00425907-00425918 00455344-00455355	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សគីម លុត SÁKIM Lmut, dated 18-12-2009 [Corrected 2] Written Record of Interview of SÁKIM Lmut សគីម លុត, dated 18-12-2009 Procès verbal d'audition de témoin SÁKIM Lmut សគីម លុត, en date du 18-12-2009	P		A39, 44, 45, 46	
E3/336	21.93	00072620-00072629 00699131-00699140 00657286-00657295	របាយការណ៍ប្រើប្រាស់ឥណទាន១៤០លានយ៉ន ចុះថ្ងៃទី ១៥ ខែកុម្ភៈ ឆ្នាំ១៩៧៨ Credit Expenditure of 140 million Yuans as of 15 January 1978 Utilisation d'un crédit de 140 millions de yuans au 15 février 1978	P			

E3/1 613	D248/6.1. 11	00381830- 00381834 00509693- 00509699 00532716- 00532720	<p>ជូនចំពោះបង ហែម ជាទីស្រឡាញ់ និងគោរព៖ របាយការណ៍អំពីកិច្ចប្រជុំជាមួយកូរ៉េ ចុះថ្ងៃទី ១២ ខែ ធ្នូ ១៩៧៧ នៅក្រសួងពាណិជ្ជកម្ម</p> <p>To Respected and Beloved Brother Hem : Reported about meeting with Korea on 12/8/77 at Commerce Ministry</p> <p>To Respected and Beloved Brother Hem : Reported about meeting with Korea on 12/8/77 at Commerce Ministry</p>	P			
E3/1 614	D366/7.1. 160	00003179- 00003179 00519498- 00519499 00501192- 00501192	<p>ជូនចំពោះបងហែមជាទីគោរពស្រឡាញ់៖ សេចក្តីវាយការណ៍ស្តីពីជំនួបពិភាក្សាជាមួយអគ្គរដ្ឋទូត របស់ យូហ្គោស្លាវី នៅក្រសួងពាណិជ្ជកម្ម</p> <p>To Respected and Beloved Brother Hem : Report about the disussion with Yugoslav Ambassador at the Commerce Ministry</p> <p>To Respected and Beloved Brother Hem : Report about the disussion with Yugoslav Ambassador at the Commerce Ministry</p>	P			
E3/1 615	18.50	00067708- 00067709 00234311- 00234312 00769565- 00769566	<p>ជូនបង ហែម ជាទីគោរពស្នេហា ៖ សូមវាយការណ៍អំពីការជួបសន្ទនាជាមួយអគ្គរដ្ឋទូតយូ ហ្គោស្លាវី នៅស្ថានទូតយូហ្គោស្លាវី</p> <p>To Respected and Beloved Brothe Hem : Reported about the disussion with Yougoslavie A,mbassador at the Embassy of Yougoslavie</p> <p>To Respected and Beloved Brothe Hem : Reported about the disussion with Yougoslavie A,mbassador at the Embassy of Yougoslavie</p>	P			
E3/1 616	18.53	00003145- 00003146 00590298- 00590299 00769732- 00769733	<p>ជូនបង ហែម ជាទីគោរពស្នេហា ៖ សូមវាយការណ៍អំពីការជួបសន្ទនាជាមួយអគ្គរដ្ឋទូតយូ ហ្គោស្លាវី នៅក្រសួងពាណិជ្ជកម្ម</p> <p>To Respected and Beloved Brothe Hem : Reported about the disussion with Yougoslavie A,mbassador at the Commerce Ministry</p> <p>Rapport de l'entretien avec l'ambassadeur yougoslave</p>	P			
E3/1 617	D366/7.1. 509	00002971- 00002972 00743385- 00743387 00665468- 00665470	<p>ជូនចំពោះបងហែម ជាទីគោរពនឹងស្នេហា៖ សូមវាយការណ៍ជូនបង ស្តីពីការជួបសន្ទនាជាមួយអគ្គរដ្ឋទូត យូហ្គោស្លាវី នៅក្រសួងពាណិជ្ជកម្ម</p> <p>To Respected and Beloved Brothe Hem: Report about the disussion with Yugoslavian Ambassador at the Commerce Ministry</p> <p>À l'attention de Bang Hem très respecté et bien-aimé: Compte rendu de la discussion avec l'ambassadeur yougoslave au Ministère du commerce</p>	P			

E3/1 618	D366/7.1. 510	00002846- 00002849 00680478- 00680480 00665471- 00665476	ជូនចំពោះបងប្រាកដជាទីគោរពនឹងស្នេហា៖ សូមរាយការណ៍ជូនបង អំពីទស្សនៈកិច្ចនៃក្រុមអ្នកបច្ចេកទេស យូហ្គោស្លាវី To Respected and Beloved Brother Hem: Report about the visit of Yougoslav Technician Group À l'attention de Bang Hem très respecté et bien-aimé: Rapport de la visite du groupe des techniciens yougoslaves	P			
E3/1 619	D161/1.4	00278325- 00278326 00350169- 00350170 00711509- 00711510	ជូនចំពោះក្រុមហ៊ុន រ៉ែន ហ្វុង ហុងកុង To REN FUNG company, Hong Kong Lettre du KD envoyée à la société REN FUNG en date du 07 juillet 1978	P			
E3/1 620	D279/7.5	00278325- 00278326 00350169- 00350170 00711509- 00711510	ឧបសម្ព័ន្ធទី៥ ជូនចំពោះក្រុមហ៊ុន រ៉ែនហ្វុង ហុងកុង, ថ្ងៃទី ៧ កក្កដា ១៩៧៨ Annex 5: To REN FUNG Company, Hong Kong, on 7 july 1978 Annexe 5: Lettre du KD envoyée à la société REN FUNG en date du 07 juillet 1978	P			
E3/1 621	21.142	00076290- 00076291 00701958- 00701959 00665451- 00665452	ជំរាបមកស.ម គ្រិន, ណាត ជាទីស្នេហានឹករលឹក ៖ អំពីការផ្ទេរភាគហ៊ុន Letter to comrade Krin and Nat regarding the transfer a invested money Lettre envoyée aux camarades Krin et Nat concernant le transfert des actions	P			
E3/1 622	D279/7.7	00076290- 00076291 00701958- 00701959 00665451- 00665452	ឧបសម្ព័ន្ធទី៧៖ ជំរាបមក ស.ម គ្រិន ណាត ជាទីស្នេហានឹករលឹក ស្តីពី ការបញ្ជូនប្រាក់វិនិយោគ Annex7:To beloved and missed comrade Krin and Nat about the transfer invested money Annexe7: À l'attention des camarades Krin et Nat qui sont bien-aimés et qui me sont chers	P			
E3/1 623	21.147	00066327- 00066327 00172216- 00172216 00623526- 00623526	ទូរលេខរដ្ឋាភិបាលកម្ពុជាប្រជាធិបតេយ្យ ដែលមានចំណងជើងថា៖ "ពាក់ព័ន្ធនឹងការវិលវិញរបស់ គ្រិន និង សុខ" DK Government Telegram entitled "Regarding Return of Krin and Sok" DK Government Telegram entitled "Regarding Return of Krin and Sok"	P			
E3/1 624	D279/7.9	00066327- 00066327 00172216- 00172216 00623526- 00623526	ឧបសម្ព័ន្ធទី៩៖ជំរាបមក ស.ម គ្រិន ណាត ជាទីស្នេហានឹករលឹក Annex9: To beloved and missed Comrade Krin and Nat Annexe 9: To beloved and missed Comrade Krin and Nat	P			

E3/1 532	3.1	00068149- 00068149 00235659- 00235659 00623527- 00623527	ប្រវត្តិរូបអ្នកទោសឈ្មោះ អ៊ុង សុក ជាប្រធានពាណិជ្ជកម្ម ប្រចាំនៅហុងកុង Biography of Prisoner, Ing Sok, Trade Chief in Hong Kong Biography of Prisoner, Ing Sok, Trade Chief in Hong Kong	P			
E3/1 625	5.92	00012397- 00012691, 00012189- 00012396, 00011926- 00012188, 00011673- 00011925, 00011473- 00011672, 00011291- 00011472 00096915- 00096948, 00766994- 00766994, 00769579- 00769579, 00768011- 00768024, 00183220- 00183221, 00183208- 00183219, 00766836- 00766849, 00759709- 00759712 00761023- 00761024, 00296031- 00296031, 00766331- 00766331, 00766972- 00766972, 00769868- 00769881	គណបក្សពលករបដិវត្តកម្ពុជា ថ្ងៃទី ១៣ ខែ មិថុន ឆ្នាំ ១៩៧៧ ជាភាសាខ្មែរ English summary of S-21 Confession of SOEU Vasi alias Deuan [Partial T.] S-21 : aveux de SEUA Vasi alias CHHOEUR Doeun	P			

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:00) to the holding cell (waiver of the Accused is 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 4 June 2012.

- From now on, the Trial Chamber will only permit one response to any issue raised during the proceedings. No replies will be permitted.
- Order to bring the Witness TCW-583 to his home and to return him to courtroom for the hearing on 4 June 2012.

Orders for Adjournment of Hearing

The hearing will resume on 4 June 2012 at 9:00am.

Phnom Penh, 31 May 2012

Greffier



Greffier

Roger PHILLIPS

DAY Ansan