



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 Roi
ជាតិសាសនាព្រះមហាក្សត្រ

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃខែឆ្នាំទទួល (Date of receipt/Date de reception):
25 / 06 / 2012

ម៉ោង (Time/Heure): 15:30

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

5 June 2012

Substantive Hearing on evidence - Day 69

Prepared by:

DUCH Phary

Natacha WEXELS-RISER

Attendance Record
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. Andrew McINTYRE, Ms. Natacha WEXELS-RISER, Mr. DUCH Phary, Mr. DAV Ansan.
OCP: Mr. HUOT Veng, Mr. Tarik ABDULHAK, Mr. RAYNOR Keith, Mr. SENG Bunkheang, 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. Jasper PAUW, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, 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, Mr. Barnabé NEKUIE, Mr. VEN Pov.
Witnesses: SAKIM Lmut, SAO Sarun.
Others: Mr. Sovann MOEURN, and Mr. LIM Bunheng (Counsel for the Witnesses), Mr. Philippe GOUT

General court times

Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:10	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of IENG Sary's right to be present in the courtroom	Greffier DUCH Phary	09:02	09:05
Testimony of Witness SAKIM Lmut (TCW-583)	KHIEU Samphan Defence NUON Chea Defence Trial Chamber	09:06	12:07
Waiver of NUON Chea's right to be present in the courtroom	NUON Chea Defence	12:09	12:10
Testimony of Witness SAO Sarun (TCW-604)	Trial Chamber OCP	13:39	16:00
Trial Chamber's oral decision to grant leave to Prosecution to put a new document before the Chamber	Trial Chamber	14:07	14:09

Summary of Proceedings

Waiver of IENG Sary's right to be present in the courtroom

The Greffier reports that IENG Sary will participate in proceedings from the holding cell and has waived his right to be present for the whole day's hearing.

Testimony of Witness SAKIM Lmut (TCW-583)

The KHIEU Samphan Defence, NUON Chea Defence and Trial Chamber put questions to the witness.

Testimony of witness SAO Sarun (TCW-604)

The Trial Chamber and 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
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E3/439	D279/6	00418539- កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សតីម លុត 00418551- SÁKIM Lmut, dated 18-12-2009 00425907- [Corrected 2] Written Record of Interview of SÁKIM Lmut 00425918- សតីម លុត, dated 18-12-2009 00455344- 00455355- Procès verbal d'audition de témoin SÁKIM Lmut សតីម លុត, en date du 18-12-2009	P	00418545	
		[លិខិតបញ្ជាក់ការជំនួសឯកសារ]			
E3/105	D279/7	00418552- កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សតីម លុត 00418566- SÁKIM Lmut, dated 19-12-2009 00425221- [Surrogate Sheet] [Corrected 3] Written Record of 00425230- Interview of SÁKIM Lmut សតីម លុត, dated 19-12-2009 00455356- 00455369- [Feuille remplacée] Procès verbal d'audition de témoin SÁKIM Lmut សតីម លុត, en date du 19-12-2009	P	00425229	
		ឧបសម្ព័ន្ធទី៤៖ កំណត់ហេតុស្តីពីការ ចរចា រវាងគណៈប្រតិភូ៣ ណាជួកម្នាក់ម្នាក់ជាប្រជាធិបតេយ្យ និងគណៈប្រតិភូក្រសួងពាណិជ្ជកម្មក្រៅប្រទេសនៃសា ធារ ណារដ្ឋប្រជាមានិតចិន ថ្ងៃទី ៣ ធ្នូ ១៩៧៨ ពេលរសៀល			
E3/164	D279/7.4	00002988- ធារ ណារដ្ឋប្រជាមានិតចិន ថ្ងៃទី ៣ ធ្នូ ១៩៧៨ 00002991- ពេលរសៀល 00002714- 00002716- Annex4: Report on the negotiation between Democratic 00753574- Kampuchea's Commercial Delegation and People Republic 00753576- of China's International Trade Delegation 03-12-1978 in the Afternoon Annexe 4: Procès-verbal de la négociation entre la délégation du commerce du Kampuchea démocratique et la délégation du Ministère du commerce extérieure de la République populaire de Chine, l'après-midi du 3 décembre 1978	P	00002711	00002714
E3/366	D125/165	00242411- 00242415- កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ហាំ អនស៊ី HAM 00250748- Ánsi 00250751- Written Record of Interview of HAM Ánsi 00283163- 00283167- Procès verbal d'audition de KÈV Touch កែវ ទូច	P	00242412	00250749 00283164 -65
E3/367	D125/167	00251435- 00251441- កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សៅ សារុន SÁO 00278692- Sarun 00278697- Written Record of Interview of SÁO Sarun 00486008- 00486013- Procès verbal d'audition de IM Aun អ៊ឹម អូន	P	00251437	00278693 00486009
E3/164	D175/3.55	00230779- 00230793- ពិនិត្យប្រវត្តិរបបដឹកនាំ ឈ្មោះ បដិវត្តសុរុន 00812735- 00812743- Examine Revolutionary biography: Bai ,Revolutionary 00812844- name Sorun 00812852- Examen de la biographie révolutionnaire de Sorun	P	00230783, 00230781, 00230782, Q 14, 11	

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:09) to the holding cell (waiver of the Accused is attached to this written record).
- Decision to grant leave to the Prosecution to put Document D175/3.55 before the Chamber:
 - The Chamber noted that the request by the Prosecution to put before the Chamber document D175/3.55 was based on Rule 87.3 and 87.4 and that it had also been submitted in writing (E203). Since the subject of this document was relevant, the Chamber granted leave for the prosecution to put this document before the Chamber to examine. The Chamber clarified, however, that the purpose of putting this document before the Chamber was not to impeach the witness, as this issue had already been dealt with in the Memorandum of the Chamber dated the 24th of May 2012.
- 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 6 June 2012.
- Order to bring the Witness SAO Sarun (TCW-604) to his temporary accommodation and to return him to courtroom for the hearing on 6 June 2012.

Orders for Adjournment of Hearing

The hearing will resume on 6 June 2012 at 9:00am. *ml*

Phnom Penh, 5 June 2012

Greffier  Greffier 
 DUCH Phary  Natacha WEXELS-RISER
 CHAMBER CHAMERE DE PREMIERE INSTANC