



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... ១៥ / ០៦ / ២០១២

ម៉ោង (Time/Heure): ១៥ : ៣០

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SAMN PA-DA

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

7 June 2012

Substantive Hearing on evidence - Day 71

Prepared by:
Matteo CRIPPA and SE Kolvuthy

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge THOU Mony.
Reserve Judges: Judge Claudia FENZ.
Greffiers: Ms. Natacha WEXELS-RISER, Mr. Matteo CRIPPA, Mr. DAV Ansan, Ms. SE Kolvuthy.
OCP: Mr. CHAN Dararasmey, 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. Michael PESTMAN, 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, Mr. VEN Pov, Mr. SAM Sokong, Ms. TY Srinna, Mr. Barnabé NEKUIE.
Witness: SAO Sarum (TCW-604), KHOEM Ngorn (TCW-323).
Others: LIM Bunheng (Consel for SAO Sarum), MAM Rithea (Counsel for KHOEM Ngorn), Ms. Zuzana KOVALOVA.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:05	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
Decision replacing Judge	Trial Chamber	09:01	09:02
Waiver of the Accused's right to be present in the courtroom	IENG Sary	09:03	09:03
	NUON Chea	12:03	12:03
Adjustment of the schedule	Trial Chamber	09:06	09:06
Testimony of Witness SAO Sarun (TCW-604)	Co-Prosecutors	09:07	12:00
Discrepancies between the audio recording and the written statement and request to make oral arguments	KHIEU Samphan and NUON Chea Defence	11:43	11:46
		12:02	12:03
		13:33	13:38
Testimony of Witness KHOEM Ngorn (TCW-323)	Co-Prosecutors	13:40	16:00

Summary of Proceedings

Decision replacing Judge

The Chamber indicates that, as Judge YOU Ottara is not available, Judge THOU Mony will replace him until he is available, pursuant to Internal Rule 79(4).

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

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).

Adjustment of the schedule

Due to Witness TCW-604's health and age, the Trial Chamber will alternate the hearing of Witness TCW-604 with that of Witness TCW-323.

Testimony of Witness SAO Sarun (TCW-604)

The Co-Prosecutors continued questioning of the Witness.

Discrepancies between the audio recording and the written statement and request to make oral arguments

KHIEU Samphan and NUON Chea Defence observed discrepancies between the audio recording of the interview of the Witness TCW-604 with the Co-Investigating Judges and the transcript of the interview. They stated that in the audio recording the alias of Mr

KHIEU Samphan was suggested by the investigators and not indicated by the Witness. They requested the transcription of specified portions of the audio recording. The Chamber indicated that requests for the transcriptions and translations of audio recordings of witness interviews should be put in writing and with clearly identified passages for transcription and translation. Since the Defence identified the relevant passage, the request was granted.

The NUON Chea defence also requested to be allowed to make oral arguments on issues not directly pertaining to a witness being heard, rather than in writing. The Chamber reiterated its previous order that such arguments be made in writing in order to expedite the conduct of the proceedings.

Testimony of Witness KHOEM Ngorn (TCW-323)

The Co-Prosecutors questioned the Witness.

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/367	D125/167	00251435- 00251441 00278692- 00278697 00486008- 00486013	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សៅ សារុន SĀO Sarun Written Record of Interview of SĀO Sarun Procès verbal d'audition de IM Aun អ៊ឹម អ៊ុន	P	00251440, 00251441, 00251439	00278697, 00278696	00486013, 00486011
E3/384	D201/6	00345902- 00345908 00348371- 00348376 00354235- 00354240	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី SAO Sarun សៅ សារុន ចុះថ្ងៃទី 30-06- 2009 [Corrected 1] Written Record of Interview of SAO Sarun សៅ សារុន dated 30-06- 2009 [Corrigé 2] Procès verbal d'audition de témoin SAO Sarun សៅ សារុន en date du 30-06-2009	P	00345904, 00345905, 00345903	00348373, 00348374, 00348372- 73	00354237, 00354238, 00354236
E3/1645	D175/3.31	00230386- 00230394 00809627- 00809639 00809998- 00810017	ឈ្មោះអ្នកចូលថ្ងៃ២៣.១១.៧៧ Name who entered on 23.11.77 Nom des prisonniers arrivés le 23 novembre 1977	P		Numbers 128 and 129 on the list.	

E3/383	D201/5	00345909- 00345915 00350260- 00350266 00361760- 00361766	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី SAO Sarun សៅ សារុន ចុះថ្ងៃទី 29-06- 2009 [Corrected 1] Written Record of Interview of SAO Sarun សៅ សារុន dated 29-06- 2009 [Corrigé 1] Procès verbal d'audition de témoin SAO Sarun សៅ សារុន en date du 29-06-2009	P	00345913, 00345912, 00345911, 00345914	00350264, 00350263, 00350262, 00350265	00361764, 00361763, 00361762, 00361765
E3/248	D108/28.126	00021054- 00021054 00324809- 00324809 00631446- 00631446	ឧបសម្ព័ន្ធ ១២៦: ទូរលេខ ៤៧ គោរពជូន បង មន្ទីរ ៨៧០ ជាទីគោរពស្នេហា អំពីប្រជាជនយួនរត់ចូលមកដីយើង Annex 126: Telegram 47 : To respected and beloved Brother Office 870 about Yuon 's people entry into our territory Annexe 126: Télégramme 47 : A l'attention du Frère de M. 870 bien-respecté et bien- aimé	P			
E3/1078	D201/5.3	00020993- 00020993 00361189- 00361189 00623104- 00623104	ទូរលេខ លេខ 46 ចុះថ្ងៃទី 09-04-1978 Telegram No 46 dated 09-04-1978 Telegramme No 46 en date du 09-04-1978	P			
E3/1646	D175/3.15	00229930- 00229930 00486391- 00486391 00276980- 00276980	ផ្នែកតំបន់ ១០៥ (កង លាន) Section Region 105 (កង លាន) Section Region 105 (កង លាន)	P			
E3/156	21.113	00017027- 00017027 00296220- 00296220, 00185184- 00185184 00531910- 00531910	ទូរលេខ ៥៤: គោរពជូន បង ជាទីគោរព អំពីសភាពការណ៍ពួកចារកម្មយួន Telegram 54: To respected Brother about the situation of the Youns undercover agent [Corrigé 1] Telegram 54: To respected Brother about the situation of the Youns undercover agent	P			
E3/1647	D280/18	00368613- 00368622 00375672- 00375680 00426448- 00426457	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ខឹម ងន KHOEM Ngorn Written Record of Interview of KHOEM Ngorn ខឹម ងន Procès verbal d'audition de témoin KHOEM Ngorn ខឹម ងន	P		00375674	

E3/1648	19.72	00020812- 00020847, 00019490- 00019490 00809951- 00809997, 00183607- 00183609, 00799177- 00799177 00799091- 00799124	សំដីរបស់ ឌីម ងន ជាបុគ្គលិកក្រសួងការបរទេស ដោយ ជេង ពង្សរ៉ាសី DC-Cam Statement of KHOEM Ngon Déclaration de KHOEM Ngorn (DC-Cam)	P	00019490	00797177	
---------	-------	---	---	---	----------	----------	--

Oral Orders/Decisions:

- Decision to replace Judge YOU Ottara with Judge THOU Mony until the former is available to resume his position, pursuant to Internal Rule 79(4).
- Decision to grant request for the transcription of audio recording as identified by the Defence for KHIEU Samphan.
- 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 11 June 2012.
- Order to bring the Witness TCW-604 to his home and to return him to courtroom for the hearing on 11 June 2012 before 9:00 a.m;
- Order to bring the Witness TCW-323 to his home and to return him to courtroom for the hearing on 11 June 2012 before 9:00 a.m.

Orders for Adjournment of Hearing

The hearing will resume on 11 June 2012 at 9:00 a.m. 

Phnom Penh, 7 June 2012

Greffier



Matteo CRIPPA

Greffier



SE Kolvuthy