



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 ព្រះរាជាណាចក្រកម្ពុជា Nation Religion Roi ORIGINAL DOCUMENT/DOCUMENT ORIGINAL ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 25 / 06 / 2012 ម៉ោង (Time/Heure): 15 : 30 មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA
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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

13 June 2012

Substantive Hearing on evidence - Day 74

Prepared by:

Natacha WEXELS-RISER and SE Kolvuthy

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. Matteo CRIPPA, Ms. Natacha WEXELS-RISER, Mr. DUCH Phary, Ms. SE Kolvuthy.
OCP: Mr. VENG Huot, Mr. Tarik ABDULHAK, Mr. Keith RAYNOR.
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. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. KIM Mengkhy, Ms. TY Srinna, Mr. Barnabé NEKUIE.
Witness: Mr. OEUN Tan (TCW-488).
Others: Mr. SENG Rethy (Counsel for the Witness), Ms. Zuzana KOVALOVA.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:05
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:00	Finish time: 13:30
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 the Accused's right to be present in the courtroom	IENG Sary	09:00	09:00
	NUON Chea	12:00	12:00
Request for clarification of a ruling	IENG Sary	09:05	09:07
	NUON Chea	09:12	09:13
Inquiry about NUON Chea's written request	NUON Chea	09:07	09:10
Testimony of Witness OEUN Tan (TCW-488)	Trial Chamber	09:10	09:23
		15:55	16:05
	Co-Prosecutors	09:23	14:40
	Civil Party Lead Co-Lawyers	15:02	15:55

Summary of Proceedings

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).

Request for clarification of a ruling

The Counsel for IENG Sary requested clarification of a ruling adopted the day before. He asked the Trial Chamber's guidance as to the manner in which the Defence could use the Witness' testimony for the purposes of impeaching the Witness (and avoid their revisiting of the matter as being repetitive). The request was supported by the NUON Chea Defence. In order to facilitate the matter, the Trial Chamber asked the Counsel for IENG Sary to submit a memo to the Senior Legal Officer.

Inquiry about NUON Chea's written request

NUON Chea Defence inquired about an email sent to the Senior Legal Officer on 24 April in respect of a list of publications of the Trial Chamber Judges. The President informed him that the Trial Chamber would rule on the request in due course.

Testimony of Witness OEUN Tan (TCW-488)

After the initial questions put to the Witness by the President of the Trial Chamber, the Co-Prosecutors commenced their questioning. Subsequently, the Civil Party Lead Co-Lawyers put questions to the Witness. Finally, Judge LAVERGNE and the President questioned the Witness.

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Classes	Note in Khmer	Note in English	Note in French
E3/33	D107/2	00231798-00231811-00235125-00235136-00235328-00235341	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី អៀន តាន [Surrogate Sheet] Written Record of interview of OEUN Tan [Feuille remplacée] Procès verbal d'audition de OEUN Tan	P	00231800, 00231803- 04, 00231809, 00231807	00235127, 00235130, 00235134, 00235132- 33	00235331, 00235333-34, 00235339, 00235337-38
E3/104	D91/9	00204049-00204056-00204057-00204065-00524369-00524378	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស វី ថៃ ទី ០៥ ១២ ២០០៧ [Surrogate Sheet] Written Record of Interview of Sà Vi [Feuille remplacée] Procès verbal d'audition de Sà Vi	P	00204053,	00204061- 62	00524374-75
E3/342	D288/6.68.1	00329596-00330129-00329596-00330129	ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១ Annex I: Revised S-21 Prisoner List	P	Entry 3391	Entry 3391	Entry 3391

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:00) to the holding cell (waivers of the Accused are attached to this written record).
- Order to bring the three 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 14 June 2012.
- Order to bring the Witness OEUN Tan (TCW-488) to his accommodation and to return him to courtroom for the hearing on 14 June 2012 before 9:00 a.m.

Orders for Adjournment of Hearing
The hearing will resume on 14 June 2012 at 9:00 a.m. *SK*

Phnom Penh, 13 June 2012

Greffier *N.W. Ris* Natacha WEXELS-RISER

 Greffier *SE Kolvuthy* SE Kolvuthy