



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): ២៥ / ០៦ / ១២
ម៉ោង (Time/Heure): ១៥ : ៣០
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SAN N RADA

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 June 2012

Substantive Hearing on evidence - Day 76

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 YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. Matteo CRIPPA, Ms. SE Kolvuthy.
OCP: 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. Andrew IANUZZI, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. VEN Pov, Mr. KIM Mengkhy, Ms. CHET Vanly, Ms. TY Srinna, Ms. Christine MARTINEAU, Mr. Barnabé NEKUIE.
Witness: Mr. YUN Kim (TCW-797).
Others: Mr. LIM Bunheng (Counsel for Mr. YUN Kim), Ms. Zuzana KOVALOVA, Ms. HING Vandamet.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	4 hours 45 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	09:02	09:02
	NUON Chea	12:00	12:00
NUON Chea's Rule 86 request	NUON Chea Trial Chamber	09:06	09:13
President's order	Civil Party Lead Co-Lawyers Trial Chamber	09:15	09:16
Testimony of Witness YUN Kim (TCW-797)	Trial Chamber	09:17	09:26
	Co-Prosecutors	09:26	16:00

Summary of Proceedings

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

The Accused Mr. IENG Sary waived his right to be present in the courtroom for the whole day while Mr. NUON Chea waived his right to be present for the afternoon session.

NUON Chea's Rule 86 request

NUON Chea Defence requested an oral decision on their Rule 86 request (concerning the impeachment of Witness TCW-797) filed the day before (E209). The President informed the Counsel that the Trial Chamber had not yet received a copy of the request and noted that the request had been belated. The Chamber would adopt a decision in due course.

President's order

Following the remark of the Civil Party Lead Co-Lawyer, the President ordered NUON Chea's Counsel, Mr. Andrew IANUZZI to remove a logo he attached to his robe.

Testimony of Witness YUN Kim (TCW-797)

Following the initial questions by the President, the Co-Prosecutors commenced their questioning of the Witness.

<u>Record of Rule 87.3 Proceedings</u>							
TC No	OCIJ No	ERN	Title	Cl as s	Note in Khmer	Note in English	Note in French

E3/368	D125/184	00340147-00340155-00345189-00345196-00404175-00404182	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី YUN Kim យុន គីម [Surrogate Sheet] [Corrected 2] Written Record of Interview of YUN Kim យុន គីម [Feuille remplacée] Procès verbal d'audition de YUN Kim យុន គីម	P	00340154	00345195	00404181
E3/5	D243/2.1.1	00063311-00063353-00401476-00401511-00538951-00538985	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ទង់បដិវត្ត លេខ 8 សីហា 1975 [Surrogate Sheet] CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL) [Feuille remplacée] CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL)	P	00063316	00401480-81	00538956
E3/1666	D108/26.147	00088638-00088643-00224659-00224659	បញ្ជីឈ្មោះ ខ្មាំងនៅក្រុម (ក) ដែលយកមកសួរ Annex 147: S-21 Prisoner List containing names of prisoners interrogated at S-21 on 2 February 1978	P			
E3/1667	D159/5.3	00296525-00296572	ចម្លើយសារភាព បានសារៀន ហៅ កង លេខាតំបន់៥០៥ ខេត្តក្រចេះ	P			
E3/1668	16.71	00052894-00052894-00185255-00185272-00710479-00710480	ឈ្មោះអ្នកទោសនៅ ផ្នែក ២១យ Name of prisoners in Kh-21 Section Noms des prisonniers de la section 21-D	P			
E3/1669	D366/7.1.116	00028918-00028982-00786217-00786229-00795422-00795431	ស២១ ចម្លើយសារភាពរបស់ សាន់ ប៊ុនហ៊ី ហៅ គួន S-21 Confession of SANN Bunhy alias Kuon [Partial T.] Aveux de Sann Bunhy alias Kuon à s-21	P			
E3/1670	D159/5.6	00297066-00297205-00766956-00766968-00763407-00763420	ចម្លើយសារភាព ប៊ន ណាត ហៅ យី លេខាតំបន់៥០៥ [Partial T.] Confession of Born Nan alias Yy, secretary of sector 505 [Partial T.] Aveux de Born Nan alias Yy, secrétaire du secteur 505	P			
E3/342	D288/6.68.1	00329596-00330129-00329596-00330129	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១ [Surrogate Sheet] Annex 1: Revised S-21 Prisoner List	P	00329602, no. 151	00329602, no. 151	

E3/1671	D108/26.296	00171139- 00171144 00181789- 00181790 00296035- 00296035	ឧបសម្ព័ន្ធ ២៩៦៖ មានឈ្មោះអ្នកទោសជាស្ត្រី ដែលមកពីពោធិ៍ក្រសួងម៉ង់ត៍ និង មន្ទីរ-ក១៥។ មានចំណារផ្សេងៗស្តីពីអ្នកទោសម្នាក់ៗ ដោយរួមមានការលើកឡើងពីពិសោធន៍វេជ្ជសា ស្ត្រី Annex 296: Contains the names of female prisoners, namely from the cement factory and K- 15. Bears a variety of annotations about each prisoner, including the mention of medical experiments. Annexe 296: Contient les noms des prisonniers féminines	P			
E3/1672	16.116	00039748- 00039763 00233690- 00233702 00712110- 00712131	ឈ្មោះអ្នកទោសសួរប្រចាំថ្ងៃ ២៧ មេសា ៧៨ Daily interrogation of prisoner 's name on 27/4/78 by cold group Noms des prisonniers interrogés le 27 avril 1978	P	00039750	00233693	
E3/1673	D108/26.202	00088649- 00088655 00767728- 00767745 00771964- 00771975	ឈ្មោះអ្នកទោសសួរថ្ងៃ ៧ ឧសភា ៧៨ ដោយពួកត្រជាក់ S-21 Prisoner List containing names of prisoners interrogated at S-21 on 7 May 1978 Liste des prisonniers de S-21 sur laquelle figurent les noms des prisonniers interrogés à S-21 le 7 mai 1978	P	00088655	00767743	
E3/1674	16.104	00039731- 00039747 00802404- 00802416 00810679- 00810691	ឈ្មោះអ្នកទោសសួរប្រចាំថ្ងៃ ១១ មេសា ៧៨ ដោយពួកត្រជាក់ Daily interrogation of prisoner 's name on 11/4/78 by cold group Noms des prisonniers interrogés le 11 avril 1978	P	00039737	00802413	
E3/727	11.14	00064551- 00064585 00185322- 00185347 00524447- 00524475	ទង់បដិវត្ត លេខពិសេស ឧសភា មិថុនា ១៩៧៨ Tung Pakdevath No. 8 August, 1978 Tung Pakdevath No. 8 August, 1978	P	00064559, 00064577	00185326, 00185341	00524453, 00524468
E3/1651	D108/26.280	00086824- 00086836 00789497- 00789512	ឧបសម្ព័ន្ធ ២៨០៖ ឈ្មោះអ្នកទោសផ្នែក កងពល ៨០៥ និងកងពល ២៧០ Annex 280: S-21 Prisoner List containing names of prisoners interrogated at S-21	P	00086833- 34, 00086832	00789508- 510, 00789507	

Oral Orders/Decisions:

- Order to remove the logo from the robe of Counsel for NOUN Chea.
- 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 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 20 June 2012 (if Mr. IENG Sary waives his right to be present in the courtroom).

- Order to bring the Witness YUN Kim (TCW-797) to his accommodation and to return him to the courtroom for the hearing on 20 June 2012 before 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on 20 June 2012 at 9:00 a.m. *SS, MZ*

Phnom Penh, 19 June 2012

Greffier



Matteo CRIPPA

Greffier



SE Kolvuthy