



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
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 27 / 06 / 2012
ម៉ោង (Time/Heure): 14 - 00
មន្ត្រីទទួលបន្ទុកករណី/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

20 June 2012

Substantive Hearing on evidence - Day 77

Prepared by:

Matteo CRIPPA and SE Kolvuthy

<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. Matteo CRIPPA, Ms. SE Kolvuthy, Ms. Natacha Wexels-Riser.
OCP: Mr. SENG Bunkheang, Mr. Huot Veng, Mr. Tarik Abdulhak, Mr. Vincent DE WILDE D'ESTMAEL, Mr. RAYNOR Keith, 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. VEN Pov, Ms. CHET Vanly, Ms. TY Srinna, Ms. Christine MARTINEAU, Mr. Barnabé NEKUIE.
Witness: Mr. YUN Kim (TCW-797), Mr. KHIEV Neou (TCW-321).
Others: Mr. LIM Bunheng (Counsel for Mr. YUN Kim), Ms. Julia Lemetayer, Ms. Chea Sivhoang. Mr. Arun Uch

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:45	Finish time: 11:05
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:50	Finish time: 15:10
	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	09:03	09:05
	Nuon Chea	13:57	14:00
Testimony of Witness YUN Kim (TCW-797)	CPCL	09:05	10:24
	Trial Chamber	10:24	12:03
	Nuon Chea Defence	13:33	14:34
	Khieu Samphan Defence	14:35	14:46
NUON Chea's Rule 87 request	Nuon Chea Defence	13:32	13:35
Testimony of Witness KHIEV Neou (TCW-321)	Trial Chamber	15:11	15:18
	OCP	15:19	16:00

<u>Summary of Proceedings</u>
<p><u>Waiver of the Accused's right to be present in the courtroom</u> The Accused Mr. IENG Sary and Mr. NUON Chea waived their right to be present in the courtroom (Mr. IENG Sary for the whole day and Mr. NUON Chea for the afternoon session).</p>
<p><u>Testimony of Witness YUN Kim (TCW-797)</u> The Civil Party Co-Lawyers commenced their questioning of the Witness. Subsequently, the Trial Chamber, the NUON Chea Defence and the KHIEU Samphan Defence put question to the Witness. NUON Chea Defence yielded its time for NUON Chea to make comments on the Witness's testimony but the Chamber rejected their request.</p>
<p><u>NUON Chea's Rule 87 request</u> NUON Chea Defence requested an oral decision on their Rule 87 request (concerning the impeachment of Witness TCW-797) filed as document E209. The Trial Chamber indicated that Rule 87 does not apply in the circumstances, as the Co-Investigating Judges' order which the Defence intended to use during the Witness testimony does not constitute evidence, as it is an act of procedure. The Defence was allowed to refer to the order in its cross-examination.</p>
<p><u>Testimony of Witness KHIEV Neou (TCW-321)</u> The Co-Prosecutor commenced the questioning of the Witness.</p>

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Class	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	00340150	00345192	00404178
E3/410	D232/61	00402518- 00402532 00412188- 00412202 00434563- 00434576	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី យុន គីម YUN Kim [Surrogate Sheet] Written Record of Interview of YUN Kim យុន គីម [Feuille remplacée] Procès verbal d'audition de témoin YUN Kim យុន គីម	P	00402522	00412191	00434567
E3/1675	D232/31	00391852- 00391861 00403029- 00403037 00424064- 00424073	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី [REDACTED] Written Record of Interview of [REDACTED] Procès verbal d'audition de témoin [REDACTED] en date du 02-11-2009	P			
E3/1676	D22/517	00496839- 00496850 00812377- 00812382 00811452- 00811465	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ នង សារ៉ានី NORNG Sarani 08-VU-01030 Civil party application of NORNG Sarani 08-VU-01030 Demande de constitution de partie civile de NORNG Sarani 08-VU-01030	P			
E3/1677	D125/8	00194474- 00194480 00272297- 00272303 00272304- 00272310	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី [REDACTED] Written Record of Interview of [REDACTED] Procès verbal d'audition de [REDACTED]	P			
E3/1678	D166/179	00349511- 00349520 00353491- 00353499 00407022- 00407030	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី [REDACTED] Written Record of Interview of [REDACTED] Procès verbal d'audition de [REDACTED]	P			

E3/1679	D200/3.1	00008494- 00008494 00766762- 00766763 00766748- 00766749	ទូរលេខ លេខ១៥ ស្តីពី៖ សូមជំរាបជូន បង ប៉ុល ជាទីគោរព Telegram 15 entitled "Respectfully submitted to comrade Brother Pol" Télégramme 15 intitulé "À l'attention du cher camarade Bang Pol"	P			
E3/1680	D232/8.1	00008494- 00008494 00766762- 00766763 00766748- 00766749	ទូរលេខ លេខ១៥ ស្តីពី៖ សូមជំរាបជូន បង ប៉ុល ជាទីគោរព Telegram 15 entitled "Respectfully submitted to comrade Brother Pol" Télégramme 15 intitulé "À l'attention du cher camarade Bang Pol"	P			
E3/507	D166/183	00355438- 00355442 00358139- 00358143 00408424- 00408428	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី KHIEV Noeu ខៀវ នៅ [Surrogate Sheet] Written Record of Interview of KHIEV Noeu ខៀវ នៅ [Feuille remplacée] Procès verbal d'audition de KHIEV Noeu ខៀវ នៅ	P			

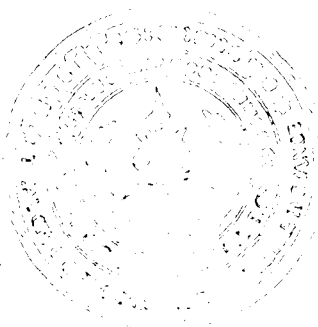
Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (14:00) 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 21 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 home.
- Order to bring the Witness KHIEV Neou (TCW-321) to his accommodation and to return him to the courtroom for the hearing on 21 June 2012 before 9:00am.

Orders for Adjournment of Hearing
The hearing will resume on 21 June 2012 at 9:00 a.m. *[Signature]*

Phnom Penh, 20 June 2012

Greffier
[Signature]
Matteo CRIPPA



Greffier
[Signature]
SE Kolvuthy