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អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RALE

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

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

21 June 2012

Substantive Hearing on evidence - Day 78

Prepared by:

Natacha WEXELS-RISER and DUCH Phary

<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: Ms. Natacha Wexels-Riser, Mr. DUCH Phary.
OCP: Mr. SENG Bunkheang, Mr. Huot Veng, Mr. Tarik Abdulhak, Mr. RAYNOR Keith.
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.
Civil Parties: Mr. PICH Ang, Mr. SAM Sokong Ms. Elisabeth SIMONNEAU-FORT, Ms. Christine MARTINEAU, Mr. Barnabé NEKUIE, Ms. SIN Soworn, Mr. KIM Mengkhy.
Witness: Mr. KHIEV Neou (TCW-321).
Others: Ms. Alexandra PRASSOLOFF.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 15:40
Recess am	Start time: 10:35	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours, 40 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
Testimony of Witness KHIEV Neou (TCW-321)	OCP	09:05	13:40
	CPCL	13:45	14:40
	TC	15:00	15:20
Request alleging discrepancies between audio and written recordings of OCIJ interview of the witness	KHIEU Samphan Defence	13:40	13:45
	NUON Chea Defence	15:20	15:25
Request on the admissibility of documents	NUON Chea Defence	15:25	15:35
Oral ruling on misconduct of Defence Counsel	Trial Chamber	15:40	15:40
Scheduling of next hearing	Trial Chamber	15:40	15:40

Summary of Proceedings

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

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).

Testimony of Witness KHIEV Neou (TCW-321)

The Co-Prosecutor completed their questioning of the Witness. Subsequently, the Civil-Party Lead Co-Lawyers questioned him.

Request alleging discrepancies between audio and written recordings of OCIJ interview of the witness

The KHIEU Samphan Defence, supported by the NUON Chea Defence, alleged that there were discrepancies between audio records of the OCIJ interview and the written record of the interview and that it should be given no weight.

Request on the admissibility of documents

The NUON Chea Defence declined to question the witness as it was only permitted by the Chamber to use one of two documents requested for the questioning, namely the

document that appeared on at least one party's documents list, as required by the applicable procedures.

Oral ruling on misconduct of Defence Counsel

The Trial Chamber issued an oral ruling on misconduct of international Defence counsel of the NUON Chea Defence team pursuant to Rule 38 (see below).

Scheduling of next hearing

The Trial Chamber informed the public and the parties that the court would recess and reconvene on 16 July 2012 to hear expert David Chandler

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/1681	5.12	00013269- 00013352 00183232- 00183245	ចំណើយសារភាពរបស់ចេងអាន ជាភាសាខ្មែរនៅថ្ងៃទី០៣វិច្ឆិកា១៩៧៨ S-21 Confession of CHENG An, Minister of Industry	P			
E3/1682	5.15	00013660- 00013990 00185069- 00185182	ចម្លើយសារភាពមន្ទីរ ស-២១ របស់ ជូ ជេត ហៅ ស៊ី S-21 Confession of CHOU Chet alias Si	P			
E3/1098	D248/3.1 2	00406601- 00406602 00524161- 00524161 00532704- 00532704	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] សំបុត្រជូនអង្គការជាតិគោរព ស្នេហា ជាភាសាខ្មែរ ធ្វើដោយ ប៉ាល់ នៅថ្ងៃទី ២៦ ខែមីនា ឆ្នាំ១៩៧៨ [Surrogate Sheet] Letter To Respected and Beloved Angkar in Khmer by Pal on date 26 March 1978 [Feuille remplacée] Document D21202	P			
E3/342	D288/6.6 8.1	00329596- 00330129 00329596- 00330129	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១ [Surrogate Sheet] Annex 1: Revised S-21 Prisoner List	P	No. 1509, no. 2896	No. 1509, no. 2896	No. 1509, no. 2896
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	00355440 00355442	00358141 00358143	00408426, 00408428

E3/1236	T8154	00187898-0018790000631462-00631466	របាយការណ៍ប្រចាំសប្តាហ៍ក្រសួងពាណិជ្ជកម្មស្តីពីបរិមាណស្រូវ និងអង្ករ Rapport hebdomadaire du Ministère du commerce sur les quantités de riz et de paddy	P			
E3/1232	T8191	00187883-00187885-00809206-00809208-00612209-00612213	របាយការណ៍ប្រចាំសប្តាហ៍ មានចំណងជើងថា “ស្ថិតិចូល, ចេញ និងតុល្យការ” និង “ស្រូវ និងអង្ករដែលនៅសល់ក្នុងឃ្នាំង” Weekly Reports entitled "Statistics of input, output and balance" and "Remaining husked rice and paddy in the warehouses" Rapports hebdomadaires intitulés "Nombre des entrées, des sorties et des reliquats" et "Riz décortiqué et paddy restant dans les entrepôts"	P			
E3/1228	T8164	00187895-0018789700597532-00597534	របាយការណ៍ប្រចាំសប្តាហ៍នៅក្រសួងពាណិជ្ជកម្ម មានចំណងជើងថា “ស្ថិតិចូល, ចេញ និងតុល្យការ” និង “ស្រូវ និងអង្ករដែលនៅសល់ក្នុងឃ្នាំង” Rapports hebdomadaires du Ministère du commerce intitulés "Nombre des entrées, des sorties et des reliquats" et "Riz décortiqué et paddy restant dans les entrepôts"	P			

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:00) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) 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 16 July 2012 (if Mr. IENG Sary waives his right to be present in the courtroom).
- Oral ruling on misconduct of Defence counsel

During the proceedings in Case 002/01, the Chamber has observed a consistent pattern of misconduct by the NUON Chea Defence, and in particular by the international members of the team. This misconduct has included - but not been limited to - wilful violations of the Chamber’s orders and authorized disclosure to the press of confidential or strictly confidential material and statements in court which are

disrespectful of the Court or which otherwise do not accord with the recognized standards and ethics of the legal profession.

In consequence, the Chamber provides notice that these and other examples of misconduct will be brought to the attention of the relevant national bar associations for appropriate actions, pursuant to Internal Rule 38.

The trial Chamber also issues a formal warning, in accordance with Internal Rule 38, and notes that it may invoke the procedures set out in that Rule, independently of any actions taken by individual bar associations.

- Order to bring the Witness KHIEV Neou (TCW-321) to his home.

Orders for Adjournment of Hearing

The hearing will resume on 16 July 2012 at 9:00 a.m. *an*

Phnom Penh, 21 June 2012

Greffier

N.W. Riser

Natacha WEXELS-RISER

Greffier

Phary

DUCH Phary