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មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officar/L'agent charយ៉ាតិ សាសនា ព្រះមហាអ្សាធ្វ

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អត្តដំនុំ៩ម្រះទិសាមញ្ញតូខត្យុលាការកម្ពុសា

Extraordinary Chambers in the Courts of Cambodia Chambres Extraordinaires au sein des Tribunaux Cambodgiens FKingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អតិព្វទំណែះមាយព្វត

Trial Chamber Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File Nº 002/19-09-2007-ECCC/TC

1 October 2012 Substantive Hearing on evidence – Day 114

Prepared by:

Roger PHILLIPS and DAV Ansan

<u>Attendance Record</u>

Before: Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT.

Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.

Greffiers: Mr. DUCH Phary, Roger PHILLIPS, Mr DAV Ansan.

OCP: Mr. SENG Bunkheang, Ms. SONG Chorvoin, Mr. Dale Lysak.

Accused: Mr. KHIEU Samphan, Mr. NUON Chea.

Defence for the Accused: Mr. SON Arun, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms.

Anta GUISSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.

Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Mr. VEN Pov, Ms. Beini YE, Ms. Christine MARTINEAU, Mr. PHANG Vichet.

Witness: Mr. KHIEV En (TCW-320).

Others: Mr. Jay GALIK.

ដូវជាតិលេខ ៤ សង្កាត់ ចោមចៅ ខ័ណ្ឌ ដង្កោ ក្រុងភ្នំពេញ កម្ពុជា ប្រអប់សំបុត្រ ៧១ ទូរស័ព្ទៈ ៤៨៥៩) -២៣-២១៩-៨១៤ ទូរសារៈ ៤៨៥៩) -២៣-២១៩-៨៤១ គេហេចំព័រៈ <u>www.eccc.gov.kh</u> National Road 4 ,Chaom Chau , Dangkao Phnom Penh Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: 023 218941 Web: www.eccc.gov.kh

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| General court times | | | | | | |
|---------------------|-------------------|------------------------|--|--|--|--|
| Day | Start time: 9:05 | Finish time: 16:05 | | | | |
| Recess am | Start time: 10:30 | Finish time: 10:50 | | | | |
| Recess | Start time: 12:05 | Finish time: 13:30 | | | | |
| Recess pm | Start time: 14:40 | Finish time: 15:10 | | | | |
| | Total Court Time: | 4 hours and 35 minutes | | | | |

| Proceedings | | | |
|---------------------------------|-------------------|------------|-------------|
| Type of Issue | Raised By | Start time | Finish time |
| Waiver of the Accused to be | IENG Sary Defence | 9:07 | 9:09 |
| present for the hearing of this | | | |
| Witness | | | |
| Waiver of the Accused's right | NUON Chea Defence | 12:02 | 12:03 |
| to be present in the courtroom | | | |
| Testimony of Witness KHIEV | TC | 9:10 | 9:18 |
| En (TCW-320) | OCP | 9:19 | 11:51 |
| | CPLCL | 11:52 | 15:23 |
| | TC | 15:23 | 15:33 |
| | NUON Chea Defence | 15:33 | 15:59 |
| Announcement of Oral | TC | 16:00 | 16:05 |
| Submissions | | | |

Summary of Proceedings

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

The Accused IENG Sary waived his right to be present in the courtroom for the whole day for the questioning of Witness KHIEV En (TCW-320). According to a medical report dated 28 September 2012, IENG Sary is being treated in the hospital and is unable to be present in the courtroom though he is mentally alert.

The Accused NUON Chea waived his right to be present in the courtroom for the afternoon session.

Testimony of Witness KHIEV En (TCW-320)

The Witness answered preliminary questions regarding his identity before the Chamber. Then the Co-Prosecutors started questioning the witness, followed by the Civil Party Lead Co-Lawyers, the Chamber, and the NUON Chea Defence.

Announcement of Oral Submissions

IENG Sary is unwell and remains hospitalized and the Chamber is currently obtaining expert medical diagnosis and prognosis of his condition. In light of scheduling witnesses and other matters, the Chambers wishes to have an open discussion on this matter. The

Chamber will hear oral submissions in public on various matters that IENG Sary's health issues bring forth. The exact time of these submissions has yet to be determined, but will occur following the completion of Witness TCW-320's testimony.

| TC No | OCIJ No | ERN | Title | Clas s | Note in Khmer | Note in English | Note in French |
|---------|-------------|---|---|-----------|--|-------------------------|---|
| E3/438 | D279 :/4 | 00373429- 00373438 00375870- 00375877 00426427- 00426435 | កំណត់ហេតុនៃការស្ដាប់ចម្លើយសាក្សី ខៀវ អេន KHIEV En Written Record of Interview of KHIEV En ខៀវ អេន Proces verbal d'audition de témoin KHIEV En ខៀវ អេន | P | 00373430- 31, 00373433, 00373436, 00373435 | 72, 00375873- 74, | 00426428- 29, 00426430- 31, 00426433, 00426432 |
| E3/231 | 13.7 | 00017124- 00017127 00528385- 00528387, 00183360- 00183362 00323930- 00323931 | កំណត់អង្គប្រជុំការងារយោសនាការថ្ងៃ ៨ មិនា ១៩៧៦ Minutes of meeting on information affairs on 8/3/76 Minutes of meeting on information affairs on 8/3/76 | : | 00017126- 27 | 00183362 | 00323931 |
| E3/1550 | 5.30 | 00006658- 00006711, 00008921- 00009001, 00003117- 00003122 00831472- 00831473, 00819912- 00819920, 00759691- 00759696, 00249844- 00249845, 00182805- 00182808- 00766901- 00766910, 00296021- 00296021, 00766888- 00766791- 00766793 | ចម្លើយ ហ៊្វ នឹម ហៅភាស់ ក្រសូងយោសនាការ អំពីប្រវត្តិបក្ស សេអ៊ីអា [Partial T.] Confession of Hou Nim alias Phoas [Partial T.] Aveux de HU Nim alias Phoas à S-21 | P | 00003118, 00006662 | 00242945, 00249844 | , :00766888 |

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| E3/1744 | 16.10 9 | 00746751- | ឈ្មោះអ្នកទោសដែលបានសូរចម្លើយនៅ ថ្ងៃទី ១៨ មេសា ១៩៧៨ Name of the prisoners have interrogated on 18/4/78 Noms des prisonniers interrogés le 18 avril 1978 | P | 00039907 | 00746762 | 00710269 |
|---------|------------|-----------------------|--|---|----------|----------|----------|
| ! | | 00329596- 00330129 | ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១ | P | 00329840 | 00329840 | |

Oral Orders/Decisions:

- Order accepting the Accused IENG Sary's waiver of his presence in the hearing of this Witness.
- Order allowing the Accused NUON Chea to participate from his holding cell (waiver of the Accused are attached to this written record).
- Order to bring the Accused NUON Chea and KHIEU Samphan back to the detention facility and to return them to the courtroom for the hearing on 2 October 2012.
- Order to bring Witness KHIEV En (TCW-320) to his accommodation and to return him to the courtroom for the hearing on 2 October 2012 before 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on 2 October 2012 at 9:00 a.m.

Phnom Penh, 1 October 2012

Greffier

Roger PHILLIPS

Greffier

DAV Ansan