



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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

Nation Religion Ro	ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 06 / 11 / 2012	
ម៉ោង (Time/Heure):..... 14:50	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RAN	

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 October 2012

Substantive Hearing on evidence - Day 119

Prepared by:

Matteo CRIPPA 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. Matteo CRIPPA, Ms. SE Kovuthy, Mr. DAV Ansan (legal officer).
OCP: Mr. VENG Huot, Mr. Tarik ABDULHAK, Mr. Keith RAYNOR.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea.
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. Michael G. KARNAVAS, Mr. ANG Udom
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. VEN Pov, Mr. LOR Chunthty, Ms. SIN Soworn.
Witness: Mr. MEAS Voeun alias SVAY Voeun. Mr. SENG Rethy (Duty Counsel).
Others: Ms. Anne-Elise JOLICARD.

General court times		
Day	Start time: 9:00	Finish time: 16:15
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:10	Finish time: 13:35
Recess pm	Start time: 14:45	Finish time: 15:10
	Total Court Time:	5 hours 5 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness MEAS Voeun (TCW-428)	NC Defence	9:07	10:22
	IS Defence	10:23	10:37
	KS Defence	11:03	15:37
Ruling on whether parties can pose questions that are not based on any evidence	TC	10:11	10:13
Reading of Paragraphs of the Closing order	TC	15:41	16:09
Waiver of the Accused's right to be present in the courtroom	NUON Chea	12:11	12:12
Oral decision on Counsel Behaviour	TC	16:10	16:12

Summary of Proceedings

Testimony of Witness MEAS Voeun, alias SVAY Voeun (TCW-428)

The Defence teams completed the questioning of the witness.

Ruling on whether parties can pose questions that are not based on any evidence

The Chamber ruled that a question that is not based on material or a Witness Statement that cannot be tested by the Court is not admissible. The court can operate only on evidence. Consequently, if there is a prior Witness Statement that has been heard and examined in this Court, or a document that has been put before the Chamber, these are all viable basis for putting questions to a witness. Instructions from an Accused cannot be given much weight unless the Accused chooses not to exercise his right to remain silent and makes himself available for questioning on that topic.

Reading of Paragraphs of the closing order

Pursuant to Rule 89bis of the Internal Rules, the Greffier read out paragraphs of the Closing Order related to the killing of former LON Nol officers at Tuol Po Chrey (Paragraph 205 to 209, 698 to 711, Paragraph 975 to 977, Paragraph 1105 to 1113 and 1191 to 1193)

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

The Accused NUON Chea waived his right to be present in the courtroom for the afternoon session (12:11).

Oral decision on Counsel Behaviour

The Chamber ruled upon the continuing improper conduct of Counsel IANUZZI. The ruling found that the conduct fell well below the professional standards expected of any lawyer. The Chamber will forward the complaint to the Bar Association of which the Counsel is a member and will invite the association to consider it together with the earlier complaint made against him.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/424	D234/25	00418517- 00418523 00421068- 00421074 00455266- 00455272	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី មាស រឿន MEAS Voeun [Corrected 1] Written Record of Interview of MEAS Voeun មាស រឿន [Corrigé 2] Procès verbal d'audition de témoin MEAS Voeun មាស រឿន	P	00418521	00421072	00455270
N/A	E142/3	00788412- 00788423 00788404- 00788411 00792752- 00792760	សេចក្តីសម្រេចលើសំណើសុំឱ្យបំពេញកិច្ច ស៊ើបសួរដោយអនុលោមតាមវិធាន ៣៥ នៃវិធានផ្ទៃក្នុង ពាក់ព័ន្ធនឹងភាពពុំត្រឹមត្រូវនៅក្នុងកំណត់ ហេតុជាលាយលក្ខណ៍អក្សរ និងជាសំឡេងនៃការស្តាប់ចម្លើយសាក្សីរបស់ ក.ស.ច.ស [Corrected 1] Decision on NUON Chea's request for a rule 35 investigation regarding inconsistencies in the audio and written records of OCIJ witness interviews Décision relative à la requête de NUON Chea concernant les enregistrements audio	P			

E3/80	D369 /7	00486468- 00486473 00491653- 00491658 00509783- 00509789	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី MEAS Voeun មាស រៀន ចុះថ្ងៃទី 03-03- 2010 [Corrected 1] Written Record of Interview of Witness MEAS Voeun មាស រៀន dated 03- 03-2010 [Corrigé 2] Procès verbal d'audition de témoin MEAS Voeun មាស រៀន en date du 03-03-2010	P	00486472	00491657	00509787- 00509788
E3/1755	D369 /7.2	00852112- 00852121 00853547- 00853556	ផ្នែកមួយនៃប្រតិចារិកបទសម្ភាសន៍រវាងអ្នក ស៊ើបអង្កេត និងលោក មាស រៀន ថ្ងៃទី០៦ ខែមីនា ឆ្នាំ២០១០ Partial Transcript of recorded interview by investigator with Mr. MEAS Voeun dated 03 March 2010	P			
E3/1756	D359 /1/1. 1.1	00851604- 00851608 00852373- 00852375	ឧបសម្ព័ន្ធ ០១៖ គោលនយោបាយ យោធា និង សេដ្ឋកិច្ចអភិវឌ្ឍន៍ប្រទេសកម្ពុជា ១៩៧០-៧៣ Annex 1: Political, military and economic development Cambodia 1970-73	P	00851605, 00851607	00852374, 00852375	00535853, 00535855
E3/425	D234 /26	00418567- 00418571 00421611- 00421615 00455273- 00455277	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សេង គឹមរៀន SENG Kimoeun [Corrected 1] Written Record of Interview of SĒNG Kimoeun សេង គឹមរៀន [Corrigé 1] Procès verbal d'audition de témoin SĒNG Kimoeun សេង គឹមរៀន	P			
E3/411	D232 /9	00373506- 00373517 00390073- 00390082 00424032- 00424044	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សួន កានិល SUON Kanil ថ្ងៃទី ១៩-០៨- ២០០៩ [Corrected 1] Written Record of Interview of SUON Kanil សួន កានិល dated 19-08-2009 Procès verbal d'audition de témoin SUON Kanil សួន កានិល dated 19-08-2009	P	00373510	00390077	00424036

Oral Orders/Decisions:

- Order allowing the Accused NUON Chea to participate from his holding cell (waiver of the Accused is attached to this written record).
- The Chamber found Counsel IANUZZI conduct fell well below the professional standards expected of any lawyer and it will forward complaint to his admitted Bar

Association for consideration.

- 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 9 October 2012.
- Order to bring Witness MEAS Voeun (TCW-428) to his accommodation.

Orders for Adjournment of Hearing

The hearing will resume on 10 October 2012 at 9:00 a.m.

Phnom Penh, 9 October 2012

Greffier



Matteo CRIPPA



Greffier



DAV Ansan