



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 King ORIGINAL DOCUMENT/DOCUMENT ORIGINAL ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ០៤ / ០៩ / ២០១២ ម៉ោង (Time/Heure): 11 : ០០ មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: S.A.N.N. R.A. D.

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 August 2012

Substantive Hearing on evidence - Day 100

Prepared by:

Natacha WEXELS-RISER 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: Ms. Natacha WEXELS-RISER, Mr. DUCH Phary, Ms. SE Kolvuthy.
OCP: Mr. VENG Huot, Mr. Tarik ABDHULAK, Mr. Keith RAYNOR.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. VEN Pov, Mr. KIM Mengkhy, Ms. Beini YE, Ms. Christine MARTINEAU, Ms. TY Srinna.
Witness: KIM Vun alias Chhaom (TCW-338).
Others: Mr. Arun UCH, Ms. Sonia MESSAOUDI, Mr. Jay GALIK.

General court times		
Day	Start time: 9:00	Finish time: 16:05
Recess am	Start time: 10:35	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	5 hours

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence	9:03	9:04
	NUON Chea Defence	12:02	12:04
Testimony of Witness KIM Vun alias Chhaom (TCW-338)	OCP	9:06	11:20
	CPLCL	11:21	12:01
	TC	13:39	14:09
	KS Defence	14:09	16:01
Ruling on NC and KS request about the use of documents	TC	9:58	10:08
Ruling on Defence teams and CPLCL request concerning a document related to his family to the witness	TC	11:18	11:19

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 Kim Vun alias Chhaom (TCW-338):

The OCP continued questioning the Witness, followed by the CPLCL, the Trial Chamber, and the KHIEU Samphan Defence.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/380	D201/10	00357195-00357202 00365640-00365647 00485428-00485434	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី KIM Vun គឹម រុន ចុះថ្ងៃទី 25-07-2009 [Surrogate Sheet] Written Record of Interview of KIM Vun គឹម រុន dated 25 July 2009 [Feuille remplacée] Procès verbal d'audition de témoin KIM Vun គឹម រុន en date du 25 Juillet 2009	P	00357199, 00357196, 00357201- 202	00365644, 00365641, 00365646	00485431- 32, 00485429, 00485434
E3/262	12.16	00622985-00622992 00528388-00528393 S 00004705-00004709	ការប្រជុំពេញអង្គលើកទី១ នីតិកាលទី១ នៃសភាតំណាងប្រជាជននៃកម្ពុជា សេចក្តីប្រកាសព័ត៌មានថ្ងៃទី១៤ ខែមេសា ឆ្នាំ១៩៧៦ First plenary session of the first legislature of the people representative assembly of Kampuchea, Press Release 14 April 1976 First plenary session of the first legislature of the people representative assembly of Kampuchea, Press Release 14 April 1976	P	00622989		
E3/10	D243/2.1.7	00063059-00063115 00450501-00450548 00491868-00491913	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ទង់បដិវត្ត លេខ ពិសេស កញ្ញា-តុលា 1976 [Surrogate Sheet] CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (FULL) [Feuille remplacée] CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (FULL)	P	00063059, 00063062	000450501 000450504	00491868, 00491871
E3/381	D201/11	00357203-00357207 00365526-00365530 00402996-00403000	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី KIM Vun គឹម រុន ចុះថ្ងៃទី 28-07-2009 [Surrogate Sheet] Written Record of Interview of KIM Vun គឹម រុន dated 28 July 2009 [Feuille remplacée] Procès verbal d'audition de témoin KIM Vun គឹម រុន en date du 28 Juillet 2009	P	00357205- 207	00365528- 29	00402997- 99

E3/11	D243 /2.1.1 2	00063116- 00063187 00486212- 00486266 00492795- 00492857	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ទង់បដិវត្ត លេខ ពិសេស កញ្ញា 1977 [Surrogate Sheet] CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL) [Feuille remplacée] CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL)	P	00063116, 00063118	00486212, 00486214	00492795, 00492797
E3/169	D108 /28.2 43	S 00704515- 00704533 00280389- 00280402 S 00004798- 00004830	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធ ២៤៣៖ សន្ទរកថាដោយសមមិត្ត ខៀវ សំផន [Surrogate Sheet] Annex 243: National Public Statement by KHIEU Samphan [Feuille remplacée] Annex 243: National Public Statement by KHIEU Samphan	P			
E3/1727	D201 /10.1	00833790- 00833794 00834918- 00834922 00835738- 00835742	ប្រតិចារិកបទសម្ភាសន៍ដោយអ្នកស៊ើបអ ង្កេតជាមួយលោក គឹម រុន ថ្ងៃទី២៥ ខែកក្កដា ឆ្នាំ២០០៩ Transcript of recorded interview by investigator with KIM Vun dated 25 July 2009 Transcription de l'interview effectuée par l'enquêteur avec KIM Vun, en date du 25 juillet 2009	P	00833791	00834919	00835738- 39
E3/1728	D201 /11.1	00833795- 00833795 00834717- 00834717 00835743- 00835743	ប្រតិចារិកបទសម្ភាសន៍ដោយអ្នកស៊ើបអ ង្កេតជាមួយលោក គឹម រុន ថ្ងៃទី២៨ ខែកក្កដា ឆ្នាំ២០០៩ Transcript of recorded interview by investigator with KIM Vun dated 28 July 2009 Transcription d'enregistrement audio d'entretien avec Kim Vun en date du 28 juillet 2009	P	00833795	00834717	00835743
E3/729	11.3	00063397- 00063434 00357900- 00357930, 00184230- 00184245 00364222- 00364251	យុវជន និង យុវនារី បដិវត្ត លេខ១០ ខែតុលា ឆ្នាំ១៩៧៥ Revolutionary Youth No. 10 Oct., 1975 [Corrigée 1] Revolutionary Youth No. 10 Oct., 1975	P	0063432- 433	00357929- 30	00364250- 51

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:05) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- The TC ruled so long as the Chamber considers that certain documents are put before the Chamber or that the Chamber deems they are appropriate, then parties may be allowed to use this document to be examined with the witness regardless of whether they are in the Daily interface.
- Order to bring the Accused back to the detention facility and to return the Accused NUON Chea, KHIEU Samphan and IENG Sary to the courtroom for the hearing on 23 August 2012.
- Order to bring the Witness KIM Vun (TCW-338) to his accommodation and to return him to the courtroom for the hearing on 23 August 2012 before 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on 23 August 2012 at 9:00 a.m. *SP*

Phnom Penh, 22 August 2012

Greffier

N.W. Ri

Natacha WEXELS-RIS



Greffier

SE Kolvuthy

SE Kolvuthy