



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 ព្រះរាជាណាចក្រកម្ពុជា ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/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

23 August 2012

Substantive Hearing on evidence - Day 101

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, Mr. DUCH Phary, Ms. SE Kolvuthy.
OCP: Mr. VENG Huot, Mr. Vincent de Wilde d'Estmael, Mr. Keith RAYNOR, Mr. CHAN Dararasmey.
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 GUISSÉ, 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.
Witness: KIM Vun alias Chhaom (TCW-338), EM Oeun (TCCP-28).
Others: Mr. Arun UCH, Ms. Eleanor DOYLE-MARKWICK.

General court times		
Day	Start time: 09:05	Finish time: 16:10
Recess am	Start time: 10:25	Finish time: 10:45
Recess	Start time: 12:05	Finish time: 13:30
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	09:04	09:07
	NUON Chea Defence	12:01	12:02
Testimony of Witness KIM Vun alias Chhaom (TCW-338)	NUON Chea Defence	09:08	11:09
	IENG Sary Defence	11:09	11:31
Testimony of Civil Party EM Oeun (TCCP-28)	Trial Chamber	11:36	11:43
	Civil Party Lead Co-Lawyers	11:44	16:10
Questioning by a Single Lawyer on behalf of Each Party	Trial Chamber	13:30	13:35
Trial Management Meeting on 27 August 2012	Trial Chamber	16:09	16:10

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 NUON Chea and the IENG Sary Defence questioned the Witness. The testimony of the Witness was completed.

Testimony of Civil Party EM Oeun (TCCP-28):

The Trial Chamber posed some preliminary questions to the Civil Party. Afterward, the Civil Party Lead Co-Lawyers questioned the Civil Party.

Questioning by a Single Lawyer on behalf of Each Party

The Chamber reminded all parties of the request it made during the Trial Management Meeting on 17 August 2012 to arrange, where possible, for a single lawyer to pose questions on behalf of each party.

Trial Management Meeting on 27 August 2012

The Trial Chamber informed the parties that further to the meeting held on 17 August 2012, another trial management meeting will be held on Monday, 27 August 2012, in the

afternoon. The meeting will be held in closed session.

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			
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	00357203, 00357205, 00357206- 07	00365526, 00365528, 00365229	00402996, 00402998- 999

N/A	D243 /4	00439917- 00439923 00429019- 00429022 00485278- 00485281	<p>ដីកាសម្រេចលើសំណើរបស់សហព្រះរាជអាជ្ញាដើម្បីដាក់ទស្សនាវដ្តី "ទង់បដិវត្តន៍" ចំនួន ១៩ច្បាប់ និង "យុវជននិងយុវនារីបដិវត្តន៍" ចំនួន១៨ច្បាប់ និង សំណើសុំកិច្ចស៊ើបសួរដោយសហព្រះរាជអាជ្ញាទាក់ទងនឹង ទស្សនាវដ្តីប.ក.ក "ទង់បដិវត្តន៍" និង "យុវជននិងយុវនារីបដិវត្តន៍"</p> <p>Order on Co-Prosecutors' Request for admission of 19 issues of "Revolutionary Flag" and 18 issues of "Revolutionary Youth" and Co-Prosecutors' Request For Investigative Action Regarding CPK Magazines Revolutionary Flag And Revolutionary Youth</p> <p>Ordonnance sur la Demande des co-procureurs d'admettre 19 séries de "Drapeau révolutionnaire" et 18 séries de "Jeunesse révolutionnaire" et la Demande des co-procureurs d'actes d'instruction concernant les magazines du PCK "Drapeau révolutionnaire" et "Jeunesse révolutionnaire"</p>	P			
E3/1729	D22/3963	00573967- 00573988 00751861- 00751874 00786171- 00786194	<p>ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ អែម អឿន EM Oeun 10-VU-00964</p> <p>Civil party application of EM Oeun 10-VU-00964</p> <p>Demande de constitution de partie civile de EM Oeun 10-VU-00964</p>	P	00573979	00751867	00786186


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).
- 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 27 August 2012.
- Order to return the Witness KIM Vun (TCW-338) to his accommodation.
- Order to bring the Civil Party EM Oeun (TCCP-28) to his accommodation and to return him to the courtroom for the hearing on 27 August 2012 before 9:00am.


Orders for Adjournment of Hearing

The hearing will resume on 27 August 2012 at 9:00 a.m.

Phnom Penh, 23 August 2012

Greffier

Matteo CRIPPA



Greffier

SE Kolvuthy