



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 Roi
ជាតិសាសនាព្រះមហាក្សត្រ
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 13 / 06 / 2012
ម៉ោង (Time/Heure): 09:56
មន្ត្រីមួយរូបបន្តករឯករៀង/Case File Officer/L'agent chargé du dossier: SACIN RANA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 May 2012

Substantive Hearing on evidence – Day 66

Prepared by:

Matteo CRIPPA and SE Kolvuthy

Attendance Record
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. Huot Veng, Mr. Tarik Abdulhak, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Dale LYSAK,
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. SAM Sokong, Ms. TY Srinna, Ms. Laure DESFORGES, Mr. Barnabé NEKUIE, Mr. HONG Kimsuon, Mr. VEN Pov, Mr. KIM Mengky, Ms. Sin Soworn.
Witness: NY Khan (TCW-487), SAR Kimlomouth (TCW-583)

Others: Mr. MAM Rithea and Mr. LIM Bunheng (Counsels for the Witness), Mr. Philippe GOUT

General court times

Day	Start time: 09:00	Finish time: 16:05
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:50	Finish time: 15:10
	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	09:01	09:02
	NUON Chea	12:02	12:04
Trial Chamber's clarification on Co-Prosecutors' documents	Trial Chamber	09:04	09:06
Testimony of Witness TCW-487	Trial Chamber Defence Counsels	09:06	14:47
Testimony of Witness TCW-583	Co-Prosecutors	15:11	16:02

Summary of Proceedings

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

The Accused IENG Sary (at 09:02) and NUON Chea (at 12:02) waived their right to be present in the courtroom. Both accused follow the proceedings from the holding cell.

Trial Chamber clarification on Co-Prosecutors' documents

Judge Lavergne provides clarifications with regard to two documents put forward by the Co-Prosecutors for the cross-examination of Witness TCW-487. Judge Lavergne provides additional information as to the date of receipt of these documents and the names of those who received them. These two documents are telegrams 306 and 307 carrying document number D252.12 and D252.13, respectively.

Testimony of Witness TCW-487 (NY Khan)

The Trial Chamber and Defence counsels for NUON Chea, IENG Sary and KHIEU Samphan put questions to the witness. During questioning, the Trial Chamber ruled that international Counsel for NUON Chea was not allowed to question the witness on the oath he took prior to his testimony before the Court. The Trial Chamber also ruled that International counsel for NUON Chea failed to put before the Chamber a document he intended to use in accordance with Internal Rule 87. The floor was therefore handed over to counsel for IENG Sary.

Testimony of Witness TCW-583 (SAR Kimlomouth)

The witness is brought before the Chamber and the Trial Chamber informs him of his

rights and duties. Co-Prosecutors proceed with the questioning of the witness.

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/1112	D252.12	00020960- 00020962 00434861- 00434863 00810029- 00810032	ទូរលេខ ៣០៦៖ ជំរាបបង វ៉ាន ជាទីស្នេហា អំពីសំភាសនាបស់ភ្ញៀវយូហ្គោស្លាវី Telegram 306 : To Beloved Brother Vann about the interview with guests from Yugoslavia Télégramme 306: au très cher frère Vann au sujet de l'entretien avec les invités yougoslaves	P	00434861- 63	00434861- 63	00810029-32
E3/1113	D252.13	00001080- 00001082 00434864- 00434866 00623009- 00623012	ទូរលេខ ៦១៖ សូមជំរាបមក បង ជាទីគោរពស្នេហា អំពីទស្សនៈកិច្ចរបស់អ្នកកាសែត យូហ្គោស្លាវី នៅភូមិភាគពាយ័ព្យ Telegram 61 : To respected and beloved Brother about The visit paid by Yugoslavian reporters to Northwest Zone Télégramme 61: Respecté et aimé frère à propos de la visite effectuée par des journalistes yougoslaves à Zone Nord-Ouest	P			
E3/1611	D369/16	00486479- 00486482 00491298- 00491301 00509800- 00509804	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី NY Kân នី កន ចុះថ្ងៃទី ០៩-០៣-២០១០ Written Record of Interview of Witness NY Kân នី កន Dated 09-03-2010 Procès verbal d'audition de témoin NY Kân នី កន en date du 09-03-2010	P			
E3/1156	D366/7.1.214	00032944- 00032945 00524507- 00524508 00807142- 00807143	លិខិតពី កន និង មុត ជូនចំពោះបងជាគោរព ស្នេហា Letter from Kân and Mut to "Respected Brother" Lettre de Kân et Mut adressée au "respecté frère"	P			
E3/460	D91/21	00204127- 00204130 00223623- 00223626 00529337- 00529340	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី នី កន ថ្ងៃទី១២ ១២ ២០០៧ Written Record of Interview of NY Kân Procès verbal d'audition de NY Kân	P	00204129	00223626	00529340

E3/1610	D91/22	00204131- 00204134- 00702360- 00702364- 00529341- 00529345	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី នី កន ថ្ងៃទី១៣ ១២ ២០០៧ [Corrected 1] Written Record of Interview of NY Kân [Corrigé 1] Procès verbal d'audition de NY Kân	P	02044134, 00204132		
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Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:02) to the holding cell (waiver of the Accused is 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 31 May 2012.
- Order to bring the Witness back to his accommodation and to return him to courtroom for the hearing on 31 May 2012.

Orders for Adjournment of Hearing

The hearing will resume on 31 May 2012 at 9:00am. *[Signature]*

Phnom Penh, 30 May 2012

Greffier *[Signature]* Greffier *[Signature]*
 Matteo CRIPPA *[Signature]* Kolvuthy *[Signature]*

