



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
..... 29 / 01 / 2013 .....

ម៉ោង (Time/Heure) :..... 11 : 03 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier:..... UCLIA ARUN .....

E1/154

**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 Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

14 December 2012

Substantive Hearing on evidence - Day 141

Prepared by:

Roger PHILLIPS and DAV Ansan

|  |
|--|
| <b>Attendance Record</b>   |
| <b>Before:</b> Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT. |
| <b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.  |
| <b>Greffiers:</b> Mr. Roger PHILLIPS, Mr. DUCH Phary, Mr. DAV Ansan.   |
| <b>OCP:</b> Mr. Keith RAYNOR, Mr. Vincent de Wilde d'Estmael, Ms. SONG Chorvoin.   |
| <b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (present but in his holding cell).                               |
| <b>Defence for the Accused:</b> Mr. SON Arun, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. Michael KARNAVAS.    |
| <b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. KIM Mengkhy, Mr. VEN Pov.                                  |
| <b>Witness :</b> Mr. PHAN Van (TCW-307), Mr. SUON Kanil (TCW-695).   |
| <b>Civil Party:</b>  |
| <b>Others:</b> Mr. Jay GALIK, Mr. MAM Rithea (Duty Counsel).   |

| <b>General court times</b> |                   |                        |
|----------------------------|-------------------|------------------------|
| Day                        | Start time: 9:00  | Finish time: 16:00     |
| Recess am                  | Start time: 10:30 | Finish time: 10:55     |
| Recess                     | Start time: 12:15 | Finish time: 13:35     |
| Recess pm                  | Start time: 14:40 | Finish time: 15:00     |
|                            | Total Court Time: | 4 hours and 55 minutes |

| <b>Proceedings</b>  |            |            |             |
|---|------------|------------|-------------|
| Type of Issue   | Raised By  | Start time | Finish time |
| Testimony of Witness PHAN Van (TCW-307)   | KS Defence | 9:05       | 9:52        |
|   | IS Defence | 9:52       | 10:27       |
| Testimony of Witness SUON Kanil (TCW-695)                                       | TC         | 10:55      | 11:05       |
|   | OCP        | 11:05      | 16:00       |
| Waiver of the Accused's right to be present in the courtroom                    | NC Defence | 12:00      | 12:00       |
| Request to give Mr. Andrew IANUZZI an opportunity to apologize for his contempt | OCP        | 12:01      | 12:03       |
|   | NC Defence | 12:03      | 12:03       |
|   | TC         | 12:03      | 12:13       |

### **Summary of Proceedings**

#### **Testimony of Mr. PHAN Van (TCW-307)**

The KHIEU Samphan Defence put questions to the Witness, followed by the IENG Sary Defence. The Witness completed his testimony.

#### **Testimony of Mr. Suon Kanil (TCW-695)**

The Trial Chamber put questions to the Witness, followed by Office of the Co-Prosecutors.

#### **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.

#### **Request to give Mr. Andrew IANUZZI an opportunity to apologize for his contempt**

The Office of Co-Prosecutors requested the Trial Chamber give Mr. Andrew IANUZZI, if he wished to do so, an opportunity to apologize for his contempt during the last

proceeding. Mr. IANUZZI declined the opportunity to apologize. The Trial Chamber recalled that this notion was not a part of the Internal Rules of the Court, but noted that Mr. IANUZZI's language in declining to apologize was inappropriate and that the use of this inappropriate terminology would be relayed to his bar association.

| Record of Rule 87(3) Proceedings |              |   |  |       |   |   |   |
|----------------------------------|--------------|---|--|-------|---|---|---|
| TC No                            | OCIJ No      | ERN   | Title  | Class | Note in Khmer   | Note in English                                 | Note in French                                  |
| E3/58                            | D125/160     | 00239934-<br>00239940<br>00250086-<br>00250092<br>00283912-<br>00283918 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី<br>ជាន វ៉ាន់ PHAN Van, Alias KHĂM Phăn<br>Written Record of Interview of PHAN Van,<br>Alias KHĂM Phăn<br>Procès verbal d'audition de PHAN Van, Alias<br>KHĂM Phăn   | P     | 00239936,<br>00239934   | 00250088  | 00283914,<br>00283915                           |
| N/A                              | E1/85.1      | 00816637-<br>00816727<br>00817432-<br>00817542<br>00817302-<br>00817431 | ប្រតិចារិកសវនាការលើអង្គសេចក្តីនៃសំណុំរឿង ០០២ - ថ្ងៃទី ១២ ខែមិថុនា<br>ឆ្នាំ២០១២<br>Transcript of hearing on the substance in<br>Case 002 - 12 June 2012<br>Transcript of hearing on the substance in<br>Case 002 - 12 June 2012   | P     | 00816722  | 00817536  | 00817423  |
| E3/1195                          | D366/7.1.785 | 00057296-<br>00057296<br>00519519-<br>00519519<br>00531088-<br>00531088 | ជូនមិត្ត Pang ជាទីស្រឡាញ់និងនឹករលឹក<br>To beloved and missed Comrade Pang<br>To beloved and missed Comrade Pang  | C     |   |   |   |
| E3/344                           | D232/8       | 00373490-<br>00373505<br>00384422-<br>00384435<br>00426140-<br>00426156 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី<br>សួន កានិល SUON Kanil ថ្ងៃទី ១៨-០៨-<br>២០០៩<br>[Corrected 1] Written Record of Interview of<br>SUON Kanil សួន កានិល dated 18-08-2009<br>[Corrigé 1] Procès verbal d'audition de<br>témoin SUON Kanil សួន កានិល dated 18-<br>08-2009 | P     | 00373492,<br>00373509,<br>00373496,<br>00373498,<br>00373513,<br>00373499 | 00384424,<br>00384428,<br>00384429,<br>00384430 | 00426142,<br>00426144,<br>00426148,<br>00426150 |

|         |               |   |   |   |  |                       |                       |
|---------|---------------|---|---|---|--|-----------------------|-----------------------|
| E3/411  | D232<br>/9    | 00373506-<br>00373517<br>00390073-<br>00390082<br>00424032-<br>00424044 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី<br>សួន កានិល SUON Kanil ថ្ងៃទី ១៩-០៨-<br>២០០៩<br>[Corrected 1] Written Record of Interview of<br>SUON Kanil សួន កានិល dated 19-08-2009<br>Procès verbal d'audition de témoin SUON<br>Kanil សួន កានិល dated 19-08-2009  | P | 00373511-<br>12,<br>00373512-<br>16,<br>00373510 | 00390078,<br>00390077 | 00424038,<br>00424036 |
| E3/2926 | D232<br>/9.1  | 00333779-<br>00333795<br>00333779-<br>00333795                          | S-21 Prisoners coming from the old North<br>Zone/Central Zone<br>S-21 Prisoners coming from the old North<br>Zone/Central Zone  | P |  |                       |                       |
| E3/74   | D232<br>/11   | 00373518-<br>00373521<br>00384688-<br>00384691<br>00426161-<br>00426164 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី<br>សួន កានិល SUON Kanil ថ្ងៃទី ២១-០៨-<br>២០០៩<br>Written Record of Inerview of SUON Kanil<br>សួន កានិល dated 21-08-2009<br>Procès verbal d'audition de témoin SUON<br>Kanil សួន កានិល en date du 21-08-2009  | P | 00373520   | 00426163              | 00384690              |
| E3/519  | D248<br>/2.3  | 00001092-<br>00001092<br>00377841-<br>00377841<br>00532680-<br>00532680 | ទូរលេខ លេខ៣២ ថ្ងៃទី ២៩ មីនា ១៩៧៨<br>Telegram No 32 Dated 29 March 1978<br>Telegram No 32 Dated 29 March 1978  | P |  |                       |                       |
| E3/932  | 21.10<br>9    | 00020998-<br>00020999<br>00185199-<br>00185200<br>00392536-<br>00392537 | ទូរលេខ ០២៖ សូមជំរាបមក គណៈ ៨៧០<br>ជាទីស្នេហា និងរលឹក<br>អំពីសភាពការណ៍សមរក្សមិជ្ឈរលេខ ៧<br>Telegram 02 : To respected committee 870:<br>About situation of the battlefield around<br>Road Number 7<br>Telegram 02 : To respected committee 870:<br>About situation of the battlefield around<br>Road Number 7 | P |  |                       |                       |
| E3/516  | D232<br>/11.2 | 00002986-<br>00002986<br>00321720-<br>00321721<br>00532675-<br>00532676 | ទូរលេខ លេខ១០៖ ជំរាបមកគណៈ ៨៧០<br>ជាទីស្នេហា និងរលឹក<br>DK Telegram entitled "Telegram No 10"<br>DK Telegram entitled "Telegram No 10"  | P |  |                       |                       |

|        |               |   |   |   |
|--------|---------------|---|---|---|
| E3/254 | D232<br>/11.3 | 00020972-<br>00020972<br>00377840-<br>00377840<br>00504013-<br>00504013 | <p>សេចក្តីរាយការណ៍អំពីសកម្មភាពខ្លាំង<br/>នៅមុខកំពូល</p> <p>Instruction from Office M-870 to Brother Si<br/>and Pork to take appropriate measure against<br/>enemy activities in Muk Kampoul</p> <p>Instruction from Office M-870 to Brother Si<br/>and Pork to take appropriate measure against<br/>enemy activities in Muk Kampoul</p> | P |
|--------|---------------|---|---|---|

**Oral Orders/Decisions:**

- Order allowing the Accused NUON Chea to participate from his holding cell during the afternoon session (waiver of the Accused is attached to this written record).
- Order to bring the Accused NUON Chea back to the detention facility and to return him to the courtroom for the hearing on 17 December 2012.
- Order to bring Mr. PHAN Van (TCW-307) to his home.
- Order to bring Mr. SUON Kanil (TCW-695) to his accommodation and to return him to the courtroom for the hearing on 17 December 2012.

**Orders for Adjournment of Hearing**

The hearing will resume on 17 December 2012 at 9:00 am.

Phnom Penh, 14 December 2012

Greffier



Roger PHILLIPS

Greffier



DAV Ansan