



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 ជាតិ សាសនា ព្រះមហាក្សត្រ
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 25 / 01 / 2013
ម៉ោង (Time/Heure): 11:10
អគ្គិបណ្ឌិតបន្តករសំណុំរឿង/Case File Officer/L'agent chargé du dossier: <i>ANN P. RO</i>

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 December 2012

Substantive Hearing on evidence - Day 142

Prepared by:

Roger PHILLIPS and SE Kolvuthy

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara (session 1 only), Judge Silvia CARTWRIGHT, Judge Claudia FENZ (replacing Judge Jean-Marc LAVERGNE), Judge THOU Mony (replacing judge YOU Ottara in session 2).
Reserve Judges: Judge THOU Mony (acting as reserve judge in session 1).
Greffiers: Mr. Roger PHILLIPS, Ms. SE Kolvuthy.
OCP: Mr. Keith RAYNOR, Ms. SONG Chorvoin.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (present but in his holding cell).
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. Michael KARNAVAS, Mr. ANG Udom.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. KIM Mengkhy, Ms. SIN Soworn.
Witness: Mr. SUON Kanil (TCW-695).
Others: Ms. Eleanor DOYLE-MARKWICK, Mr. UCH Arun, Ms. SOUR Sotheary.

General court times		
Day	Start time: 9:07	Finish time: 11:56
Recess am	Start time: 10:32	Finish time: 10:56
Recess	Start time: n/a	Finish time: n/a
Recess pm	Start time: n/a	Finish time: n/a
	Total Court Time:	2 hours and 30 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Composition of the bench during today's hearing	TC	9:10	9:10
		10:56	10:57
Testimony of Witness SUON Kanil (TCW-695)	OCP	9:13	9:58
	CPLCL	9:59	10:32
	NC Defence	10:57	11:39
	IS Defence	11:40	11:42
	KS Defence	11:42	11:48
Waiver of the Accused's right to be present in the courtroom	NC Defence	9:10	9:13
Witness schedule for remainder of week	TC	11:48	11:56

Summary of Proceedings
<p><u>Composition of the bench during today's hearing</u> Judge Claudia FENZ replaced Judge Jean-Marc LAVERGNE, who is ill, during today's proceedings, pursuant to Internal Rule 79(4). Judge THOU Mony will replaced Judge YOU Ottara, who is ill, during session 2 of proceedings.</p>
<p><u>Testimony of Witness SUON Kanil (TCW-695)</u> The Co-Prosecutors, Civil Parties and Defence teams posed questions to the Witness. The Witness concluded his testimony.</p>
<p><u>Waiver of the Accused's right to be present in the courtroom</u> The Accused NUON Chea waived his right to be present in the courtroom for the entire day.</p>
<p><u>Witness schedule for remainder of week</u> Witness SA Vi (TCW-620) was scheduled to testify this afternoon, and over the next</p>

couple of days. However, the Witness was injured in a traffic accident and is unable to attend the proceedings. WESU will attempt to locate another witness or civil party who is available to testify this week. If WESU is successful in this attempt, the Chamber may resume hearings later in the week. The Chamber will update parties via email no later than tomorrow morning. NB: Parties were later informed by e-mail that no additional witnesses were available and that the Trial Chamber would recess until 8 January 2013.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
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	00373507, 00373516	00390074- 75, 00424082	00424033, 00424043
E3/344	D232/8	00373490- 00373505 00384422- 00384435 00426140- 00426156	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សួន កានិល SUON Kanil ថ្ងៃទី ១៨-០៨- ២០០៩ [Corrected 1] Written Record of Interview of SUON Kanil សួន កានិល dated 18-08-2009 [Corrigé 1] Procès verbal d'audition de témoin SUON Kanil សួន កានិល dated 18- 08-2009	P	00373503	00384434	00426154
E3/1679	D200/3.1	00008494- 00008494 00766762- 00766763 00766748- 00766749	ទូរលេខ ១៥ ស្តីពី៖ សូមជំរាបជូន បង ប៉ុល ជាទីគោរព Telegram 15 entitled "Respectfully submitted to comrade Brother Pol" Télégramme 15 intitulé "À l'attention du cher camarade Bang Pol"	P			

E3/511	D175 /6.20	00000766- 00000767 00182658- 00182660 00350762- 00350763	<p>ទូរលេខលេខ ៩៤ ជូនបង ប៉ុល: រាយការណ៍ជូនបងពីសភាពការណ៍ខ្នង, មហាជន និងបង្ករបង្កើតផល នៅភូមិភាគឥសាន</p> <p>Telegram # 94 to brother Pol: Report to Brother about enemy, people and production situation in north region. Télégramme: 44 A l'attention du respecté Bang Pol à propos de la situation des ennemis, celle de la population et de la production générale dans la Zone Nord</p>	P			
E3/3978	D22/ 3451	00565828- 005658390 0849874- 00849875	<p>ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណី បស់ លី ហ៊ឹម LI Him 09-VU-03800 [Partial T.] Demande de constitution de partie civile de LIM Him 09-VU-03800</p>	P	00565834		00849874
E3/932	21.10 9	00020998- 00020999 00185199- 00185200 00392536- 00392537	<p>ទូរលេខ ០២៖ សូមជំរាបមក គណៈ ៨៧០ ជាទីស្នេហា និងរលឹក អំពីសភាពការណ៍សមរក្សមិជ្ឈរលេខ ៧</p> <p>Telegram 02 : To respected committee 870: About situation of the battlefield around Road Number 7 Telegram 02 : To respected committee 870: About situation of the battlefield around Road Number 7</p>	P			

Oral Orders/Decisions:

- Order allowing the Accused NUON Chea to participate from his holding cell during the entire day (waiver of the Accused is attached to this written record).
- Order to return Mr. SUON Kanil (TCW-695) to his home.
- Order to bring the Accused NUON Chea, IENG Sary and KHIEU Samphan back to the detention facility.


Orders for Adjournment of Hearing

The hearing is adjourned until the Chamber determines whether a replacement witness or civil party will be available to testify this week. ៗ

Phnom Penh, 17 December 2012

Greffier

[Signature]
FOR Roger PHILLIPS



Greffier

[Signature]
SE Kolvuthy