



**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge

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| ប្រទេសកម្ពុជា<br>Kingdom of Cambodia<br>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL<br>ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):<br>..... 25 / 06 / 2012 .....<br>ម៉ោង (Time/Heure): ..... 15 : 30 .....<br>មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé<br>du dossier: ..... SANN RAYDA ..... |
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**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

**Case File N° 002/19-09-2007-ECCC/TC**

**17 May 2012**

**Substantive Hearing on evidence – Day 61**

Prepared by:

**SE Kolvuthy and Faiza ZOUAKRI**

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|---|
| <b><u>Attendance Record</u></b>   |
| <b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.  |
| <b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.   |
| <b>Greffiers:</b> Mr. DAV Ansan, Ms. SE Kolvuthy, Ms. Faiza ZOUAKRI.  |
| <b>OCP:</b> Mr. VENG Huot, Mr. RAYNOR Keith, Mr. Tarik ABDULHAK.  |
| <b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary.  |
| <b>Defence for the Accused:</b> Mr. SON Arun, Mr. Michiel Pestman, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.         |
| <b>Civil Parties:</b> Ms. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. Barnabé NEKUIE, Mr. VEN Pov, Mr. HONG Kimsuon, Mr. Kim Mengkhy, Mr. Pascal AUBOIN. |
| <b>Witness:</b> Witness PEAN Khean (TCW-504).   |
| <b>Others:</b> Mr. MAM Rithea (Counsel for the Witness), Ms. Alexandra PRASSOLOFF.  |

| <b>General court times</b> |                   |                     |
|----------------------------|-------------------|---------------------|
| Day                        | Start time: 09:05 | Finish time: 16:45  |
| Recess am                  | Start time: 10:40 | Finish time: 11:00  |
| Recess                     | Start time: 12:05 | Finish time: 13:35  |
| Recess pm                  | Start time: 14:40 | Finish time: 15:00  |
|                            | Total Court Time: | 5 hours, 30 minutes |

| <b>Proceedings</b>  |                       |            |             |
|---|-----------------------|------------|-------------|
| Type of Issue   | Raised By             | Start time | Finish time |
| Testimony of Witness PEAN Khean (TCW-504)                     | OCP                   | 09:10      | 10:40       |
|   | CLCP                  | 11:00      | 12:05       |
|   | NUON Chea Defence     | 13:35      | 15:35       |
|   | IENG Sary Defence     | 15:35      | 15:50       |
|   | KHIEU Samphan Defence | 15:50      | 16:45       |
| Waiver of the Accused's right to be present in the courtroom  | IENG Sary Defence     | 10:40      | 10:40       |
|   | NUON Chea             | 12:05      | 12:05       |
| Notice of the evacuation of the Accused IENG Sary to hospital | IENG Sary Defence     | 14:00      | 14:00       |
| Issues concerning documents                                   | OCP                   | 14:30      | 15:30       |
|   | CPLCL                 |            |             |
|   | NUON Chea Defence     |            |             |
|   | TC                    |            |             |

| <b>Summary of Proceedings</b>   |
|---|
| <p><b><u>Testimony of Witness PEAN Khean</u></b><br/>The Co-Prosecutors completed the questioning of the Witness, followed by the Civil-Party Co-Lawyers, NUON Chea Defence, IENG Sary Defence and KHIEU Samphan Defence.</p>   |
| <p><b><u>Waiver of the Accused's right to be present in the courtroom</u></b><br/>The Accused IENG Sary and the Accused NUON Chea waived their right to be present in the courtroom.</p>  |
| <p><b><u>Notice of the evacuation of the Accused IENG Sary to hospital</u></b><br/>IENG Sary Defence informed the Chamber that their client had been evacuated to the hospital due to his condition. The Trial Chamber decided that the proceedings would continue in the Accused's absence, pursuant to Rule 81(5), having obtained the Accused's consent to do so. The Chamber stressed that it will examine the medical report provided by the treating physician of the ECCC on Monday morning.</p> |
| <p><b><u>Issue concerning documents</u></b><br/>The Co-Prosecutors requested clarification on the position of the Trial Chamber concerning the use of statements of other individuals during the examination of witnesses. The Civil-Party Lead Co-Lawyer requested clarification on the possibility of putting</p>   |

documents to a witness, which he/she may not be aware of.

The Trial Chamber indicated that NUON Chea Defence was allowed to put document D224.14 (SOAS/HRW Interview of Prum Yet) before the Chamber and could be used as a basis for examination conducted by NUON Chea Defence. The Chamber clarified that should it find the document to be irrelevant (because the witness was unfamiliar with the statements or the subject was outside the framework of the debate), it would simply rule that questioning would not go on.


The Co-Prosecutors reminded all the parties that document D125/207 had been objected to by IENG Sary Defence in document E131/1/10.19. The Trial Chamber authorized the NUON Chea Defence to proceed with the document as there was no strong objection to the limited use of the document in that context.

| Record of Rule 87.3 Proceedings |             |   |   |       |               |                 |                |
|---------------------------------|-------------|---|---|-------|---------------|-----------------|----------------|
| TC No                           | OCIJ No     | ERN   | Title   | Class | Note in Khmer | Note in English | Note in French |
| E3/342                          | D288/6.68.1 | 00329596-00330129<br>00329596-00330129                      | ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ<br>បញ្ជីអ្នកទោសនៅមន្ទីរស ២១<br>Annex 1: Revised S-21 Prisoner List   | P     | 00330124      | 00330124        |                |
| N/A                             | E187.1      | 00801768-00801771<br>00089701-00089702<br>00644575-00644576 | ឧបសម្ព័ន្ធ ១៖<br>បទសម្ភាសន៍ធ្វើឡើងដោយ SOAS<br>ជាមួយ Pean Khean នៅថ្ងៃទី២៥<br>ខែកក្កដា ឆ្នាំ២០០៥<br>Annex 1: SOAS interview of Pean Khean,<br>dated 25 July 2005<br>Annexe 1 : Interview de Pean Khean<br>effectué par SOAS le 25 juillet 2005 | P     | 00801769      | 00089701        | 00644575       |

|             |          |   |   |   |                           |           |          |
|-------------|----------|---|---|---|---------------------------|-----------|----------|
| E3/160<br>4 | 5.39     | 00006757-<br>00006956,<br>00005994-<br>00006184,<br>00005709-<br>00005832,<br>00005844-<br>00005993<br>00776989-<br>00776994,<br>00773088-<br>00773135,<br>00759697-<br>00759708,<br>00096779-<br>00096813,<br>00769830-<br>00769831<br>00766794-<br>00766795,<br>00759975-<br>00759985,<br>00766973-<br>00766978 | ចម្លើយសារភាពនៅ ស២១របស់ កុយ<br>ធួន<br>[Partial T.] S-21 Confession of KOY Thuon<br>[Partial T.] Aveux de KOY Thuon alias<br>KHUON alias THUCH à S-21   | P | 00005994<br>,<br>00006066 | 00769830, | 00766794 |
| E3/435      | D276/6   | 00373446-<br>00373453<br>00375885-<br>00375891<br>00424121-<br>00424127   | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី<br>ពាន យាន PEAN Khean<br>Written Record of Interview of PEAN<br>Khean ពាន យាន<br>Procès verbal d'audition de témoin PEAN<br>Khean ពាន យាន                                    | P |                           |           |          |
| E3/160<br>5 | D224.14  | 00658158-<br>00658158<br>00352073-<br>00352073<br>00631370-<br>00631370   | ឧបសម្ព័ន្ធ 00014: SOAS/HRW<br>កិច្ចសម្ភាសន៍របស់ ព្រំ យេត<br>Annex 00014: SOAS/HRW Interview of<br>Prum Yet<br>Annexe 00014: SOAS/HRW interview<br>avec Prum Yet   | P | 00658158                  | 00352073  | 00631370 |
| E3/160<br>6 | D125/207 | 00242051-<br>00242056<br>00250135-<br>00250141<br>00277305-<br>00277310   | របាយការណ៍អនុវត្តដីកាចាត់ឱ្យស៊ើបសួរ<br>ជំនួស ចុះថ្ងៃទី 07-11-2008<br>Report of the Execution of Rogatory Letter,<br>dated 07-11-2008<br>Rapport d' exécution de Commission<br>rogatoire, en date du 07-11-2008 | P |                           |           |          |

**Oral Orders/Decisions:**

- Order to bring the Accused IENG Sary (10:40) and NUON Chea (12:05) to the holding cell (waiver of the Accused is attached to this written record).
- Order to bring the three Accused back to the detention facility.
- Order to bring the Witness TCW-504 to his home.

**Orders for Adjournment of Hearing**  
The hearing will resume on 21 May 2012 at 9:00am. 

Phnom Penh, 17 May 2012

Greffier  Greffier   
SE Kolvuth  Faiza ZOUAKRI