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E1/206

**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

12 June 2013

Substantive Hearing on evidence - Day 193

Prepared by:

Matteo CRIPPA and DUCH Phary

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
<b>Reserve Judge:</b> Judge THOU Mony
<b>Greffiers:</b> Mr. Matteo CRIPPA, Mr. DUCH Phary, Ms. SE Kolvuthy
<b>OCP:</b> Mr. CHAN Dararasmey, Ms. SONG Chorvoin, Mr. Tarik Abdulhak, Mr. Vincent de Wilde d'Estmael, Mr. Keith RAYNOR
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. HONG Kimsuon, Ms. Christine MARTINEAU, Ms. CHET Vanly, Ms. SIN Soworn
<b>Witnesses:</b> Ms. SO Socheat alias Rin (TCW-673), Mr. SIM Hao (TCW-648)
<b>Others:</b> Mr. UCH Arun, Ms. SOUR Sotheavy, Ms. Elburg VAN BOETZELAER

<u>General court times</u>		
Day	Start time: 09.00	Finish time: 16.05
Recess am	Start time: 10.55	Finish time: 11.20
Recess	Start time: 12.05	Finish time: 13.00
Recess pm	Start time: 14.40	Finish time: 15.00
	Total Court Time:	5 hours and 15 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness SO Socheat (TCW-673)	OCP	09.05	09.10
		09.16	09.49
	LCLCP	09.50	10.28
	TC/Witness/TC	10.29	10.37
Admissibility of documents E282.1.19 and E282.1.22	KS Defence	09.10	09.10
	OCP	09.10	09.11
	KS Defence	09.11	09.12
	TC	09.14	09.16
Request for Sanctions against national defence lawyer of KHIEU Samphan	OCP	10.37	10.45
	KS Defence	10.46	10.52
	NC Defence	10.52	10.53
Testimony of Witness SIM Hao (TCW-648)	TC	11.23	11.32
	OCP	11.32	12.03
		13.00	14.40
		15.00	15.20
	LCLCP	15.21	15.58
Court scheduling	TC	15.59	16.01
	KS Defence	16.01	16.01
	NC Defence	16.01	16.03
	TC	16.03	16.05

### Summary of Proceedings

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

The Accused NUON Chea was present in the holding cell pursuant to Internal Rule 81(5). See Second Decision on Accused NUON Chea's Fitness to Stand Trial, E256/5, 2 April 2013.

#### Testimony of Witness SO Socheat (TCW-673)

The Co-Prosecutors and, subsequently, the Lead Co-Lawyers posed questions to SO Socheat (TCW-673). The testimony of this witness has been concluded.

**Admissibility of documents E282.1.19 and E282.1.22**

KHIEU Samphan objects against the reference to documents E282.1.19 and E282.1.22. The Co-Prosecutors submit that these documents are declassified Wikileaks documents. The Chamber instructs the Co-Prosecutors to disregard the question regarding the documents.

**Request for Sanctions Against national defence lawyer for KHIEU Samphan**

The Co-Prosecutors request that the national defence counsel of KHIEU Samphan be sanctioned regarding his strategy during the examination of witness SO Socheat (TCW-673) as it is not in line with the internal norms (IR 35). The Co-Prosecutors submit and request a formal rebuke or other punishment, that behavior of national counsel for KHIEU Samphan is reported to Cambodian Bar Association, and that a formal warning is given to the national defence counsel of KHIEU Samphan by the Court.

**Testimony of Witness SIM Hao (TCW-648)**

The Trial Chamber and, subsequently, the Co-Prosecutors and Lead Co-Lawyers posed questions to SIM Hao (TCW-648).

**Court scheduling**

The Trial Chamber informs the parties of the proceedings of changes in the scheduling regarding the hearing of witnesses and the Trial Management Meeting. The Trial Management Meeting will be held on Thursday morning, the hearing of the testimony of the witness will continue in the afternoon. KHIEU Samphan and NUON Chea seek the Chamber's leave not to attend the Trial Management Meeting.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/16	D213.2	00380221-00380560 00498220-00498306 00643822-00643913	ខ្សែវ សំផន " ពិចារណាអំពីប្រវត្តិសាស្ត្រកម្ពុជាពីដើមរហូតដល់សម័យកម្ពុជាប្រជាធិបតេយ្យ " រាហូ 10-2007 KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea", Reahu, 10-2007 "Considerations on the History of Cambodia From Early Stage to the Period of Democratic Kampuchea", extrait du livre de KHIEU Samphan, Éd. Reahu, Octobre 2007	P	00380459-60	00498280	00643886
E3/342	D288/6.68.1	00329596-00330129	ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១	P			

E3/363	D125/147	00236031- 00236036 00239065- 00239070 00269894- 00269899	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស៊ីម ហោ SIM Hao Written Record of Interview of SIM Hao Procès verbal d'audition de SIM Hao	P	00236031, 00236033, 00236035, 00236034, pp. 2, 3, 4	pp. 2, 3, 4, 5	pp. 2, 4, 5, 6
E3/4623	19.17 7	00055219- 00055277, 00053656- 00053665 00679685- 00679732, 00939407- 00939414, 00184140- 00184142 00813943- 00813952	បទសម្ភាសន៍របស់មជ្ឈមណ្ឌលឯកសារកម្ពុជា ជាមួយ ថាត ហៅ ស៊ីមហោ រស់នៅភូមិត្រាច ឃុំកំពង់ចិនជើង ស្រុកស្ទឹង ខេត្តកំពង់ធំ, សរសេរជាភាសាខ្មែរ សម្ភាសន៍ដោយ វ៉ាន់ ថាន់ពៅដារ៉ា, ស៊ុន យ៉ិន និងយ៉ិន ឆាយ នៅថ្ងៃទី១៣ ខែមករា ឆ្នាំ២០០៣ DC-Cam Statement of SEUM Hao alias That. Biographie du combattant Sim Hao alias That	P	00053659, 00055227, 00055251, 00055269, 00055238- 39	00679694, 00679695, 00679705- 07, pp. 37- 38, 23-24	p. 5
E3/4624	19.19 2	00068560- 00068569, 00055278- 00055328 00699050- 00699109, 00184143- 00184146 00618502- 00618550	ប្រវត្តិរបបជីវិត សមមិត្ត ខាត់ ខាន់ ហៅ រ៉ី, សមាជិកក្រុម DC-Cam Interview with SUON Ri Interview de DC-Cam avec SUON Ri	P	00055292- 93	pp. 18-19	pp. 14-15
E3/472	D94/ 5	00170625- 00170628 00205029- 00205032 00205033- 00205037	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស៊ីម ហោ Written Record of Interview of SIM Hao Procès verbal d'audition de SIM Hao	P	00170627	00205031	00205035

**Oral Orders/Decisions:**

- Order to the court officer to assist Witness SIM Hao (TCW-648) during the adjournment and have him returned to the courtroom by 09.00 on Thursday 6 June 2013. (16.04)
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and further instructs the security guards to return KHIEU Samphan to the courtroom and NUON Chea to the holding cell by 13:30 on Thursday 12 June 2013. (16.05)

**Orders for Adjournment of Hearing**

Court is adjourned and will resume at 09:00 on Thursday 13 June 2013.

Phnom Penh, 12 June 2013

Greffier

Greffier



Matteo CRIPPA



DUCH Phary