



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 19 / 08 / 2013
ម៉ោង (Time/Heure): 16 : 20
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: <i>ANN ROA</i>

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

03 July 2013

Substantive Hearing on evidence - Day 204

Prepared by:

Mr. Roger PHILLIPS and Mr. DAV Ansan

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge YOU Ottara, Judge THOU Mony, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE
Reserve Judge: Judge Claudia FENZ
Greffiers: Mr. Roger Phillips, Mr. DAV Ansan
OCP: Mr. William SMITH, Mr. VENG Huot, Ms. SONG Chorvoïn, Mr. Keith RAYNOR, Ms. CHUN Soleak
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. PRUM Phalla, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Ms. SENG Socheata, Ms. Soumeya MEDJEUR
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. VEN Pov, Ms. Christine MARTINEAU, Ms. SIN Soworn
Witnesses: EK Hen (TCW-164), SUM Alat (TCW-689)
Others: Mr. UCH Arun, Ms. SOUR Sotheavy, Ms. Virginia THOMPSON

<u>General court times</u>		
Day	Start time: 09.05	Finish time: 16.00
Recess am	Start time: 10.45	Finish time: 11.00
Recess	Start time: 12.20	Finish time: 13.30
Recess pm	Start time: 14.45	Finish time: 15.00
	Total Court Time:	5 hours and 15 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Discussion regarding OCP introduction of new documents	NC Defence	9.06	9.38
Testimony of Witness EK Hen (TCW-164)	TC	9.38	9.48
	OCP	9.48	10.36
		11.02	11.49
	LCLCP	11.49	12.19
	NC Defence	13.33	14.03
	KS Defence	14.03	14.43
		15.02	15.28
Discussion regarding OCP presentation of photograph to Witness	NC Defence	10.36	10.44
Testimony of Witness SUM Alat (TCW-689)	TC	15.32	15.38
	OCP	15.38	15.59

Summary of Proceedings

Discussion regarding Co-Prosecutors' introduction of new documents

The Co Prosecutors sought to introduce two documents that were not put on the interface before the deadline pursuant to Internal Rule 87.4. NC Defence asked for the same leniency in the future, and KS Defence objected. The Trial Chamber granted the Co-Prosecutors permission to present said documents to the witness EK Hen (TCW-164).

Testimony of Witness EK Hen (TCW-164)

The Trial Chamber, the Co-Prosecutors, the Lead Co-Lawyers, NUON Chea Defence, and KHIEU Samphan Defence posed questions to Witness EK Hen (TCW-164). Testimony is concluded.

Discussion Regarding OCP presentation of photograph to Witness

NC Defence raised an objection to the Co-Prosecutors' presentation of a photo to Witness EK Hen (TCW-164) for identification purposes because photo was labelled with the person's name. TC orders the Co-Prosecutors not to rely on the photo for purposes of identification.

Testimony of Witness SUM Alat (TCW-689)

The Trial Chamber and Co-Prosecutors pose questions to Witness SUM Alat (TCW-689).

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/1662	D81-Annex A	00171429-001717980 0347049-00347050	បញ្ជីឈ្មោះអ្នកទោស ស-២១ (១៩៧៥-១៩៧៨) S-21 Prisoner list (1975-1978)	P	00171490		
E3/474	D94/8	00172062-00172065 00205046-00205050 00205051-00205055	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឯក ហេន Written Record of Interview of EK Hén Procès verbal d'audition de EK Hén	P	00172064, 00172064-65	00205048-49, 00205050	00205054, 00205053
E3/4635	19.5	00019575-00019591 00662005-00662026, 00183448-00183449 00795290-00795304	មជ្ឈមណ្ឌលឯកសារកម្ពុជាសម្ភាសន៍ជាមួយ ឯក ហេន DC-Cam Interview with EK Hen Déclaration de AEK Hen à DC CAM	P	00019582	00662025	00795296
E3/4636 R	D94/8R	TR00210124- TR00210124 (KH)	Interview of EK Hén	P	0:34:31 - 0:37:52		
E3/4637	D125/48	00196808-00196815 00242122-00242129 00274128-00274135	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស៊ឹម អាឡាត់ SUM Alăt Written Record of Interview of SUM Alăt Procès verbal d'audition de SUM Alăt	P	00196814	00242128	00274134

Oral Orders/Decisions:

- The Chamber grants OCP request to present to the Witness. (9.33) documents E3/1662 and D103/3.3, P1184, which had not been uploaded to the daily trial documents interface.
- The Chamber orders the Co-Prosecutors not to rely on photo D103/3.3, P1184

for purposes of identification. (10.42)


- The Chamber orders the KHIEU Samphan Defence to indicate as soon as possible the time they will need allocated to respond to key document hearings. (15.59)
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility and to return the Accused KHIEU Samphan to the courtroom and the Accused NUON Chea to the holding cell by 09.00 on Thursday 4 July 2013 (16.01).

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09.00 on Thursday 4 July 2013 (16.01).


Phnom Penh, 03 July 2013

Greffier


Mr. Roger PHILLIPS



Greffier


DAV Ansan