



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): ៧ / ១១ / ២០១២
ម៉ោង (Time/Heure) : ១៤ : ៤០
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier:..... UCH / ASUN

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 October 2012

Substantive Hearing on evidence – Day 118

Prepared by:

Matteo CRIPPA and DUCH Phary

Attendance Record
Before: Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. Matteo CRIPPA, Mr. DUCH Phary, Mr. DAV Ansan (legal officer).
OCP: Mr. VENG Huot, Mr. Tarik ABDULHAK, Mr. Keith RAYNOR.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea.
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. Michael G. KARNAVAS, Mr. ANG Udom
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. VEN Pov, Ms. Christine MARTINEAU, Mr. PHANG Vichet, Ms. NGORN Rothna.
Witness: Mr. MEAS Vooun alias SVAY Vooun. Mr. SENG Rethy (Duty Counsel).
Others: Ms. Sonia MESSAOUDI.

General court times		
Day	Start time: 9:05	Finish time: 16:05
Recess am	Start time: 10:35	Finish time: 10:55
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours 55 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Request by the NUON Chea Defence concerning the striking of a statement	NUON Chea	9:07	9:10
Testimony of Witness MEAS Voeun (TCW-428)	CPLCL	9:10	10:16
	TC	10:16	15:07
	NC Defence	15:08	16:02
Waiver of the Accused's right to be present in the courtroom	NUON Chea	12:03	12:04
Ruling on IENG Sary Defence about the use of confessions	TC	13:54	13:56
		15:03	15:04
Ruling on Co-Prosecutors objection on the request for striking a statement from the record made by Co-investigative judges	TC	15:50	15:58

Summary of Proceedings

Request by the NUON Chea Defence concerning the striking of statements from the record

Nuon Chea Defence sought clarification on the legal framework applicable to this procedure. It pointed out that Judge Cartwright indicated that the legal framework does not provide for striking out as a remedy, while two days later she issued an order to strike words from the transcript of the proceedings.

Testimony of Witness MEAS Voeun, alias SVAY Voeun (TCW-428)

The Civil Party Lead Co-Lawyers put questions to the witness, followed by the Trial Chamber and the NUON Chea Defence.

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 (12:03).

Ruling on IENG Sary Defence request for clarification about the use of confessions

IENG Sary Defence asked why it was not allowed to comment on the contents of

confessions while Judge Lavergne was permitted to do so. The NUON Chea Defence supported this request. The Chamber ruled it has not changed its previous decisions indicating that the use of confessions is forbidden. Questions asked Judge Lavergne were not based on the contents of those confessions, but on other sources.

Ruling on Co-Prosecutors objection on the request for striking a statement from the record made by Co-investigative judges

The Co-Prosecutors objected to the NUON Chea Defence requesting the witness whether he wished to remove portions of his prior statements, arguing that this it is not a procedure available at this Court The Nuon Chea Defence, supported by IENG Sary Defence and KHIEU Samphan Defence, argued it is possible to do so.

The Chamber stated that there is no procedure available for striking a statement from the record made by the Co-Investigating Judges. However, the Chamber will take into account the oral testimony of the witness in weighing his evidence when reaching its verdict.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/1745	D170/1	00304324- 00304341 00338382- 00338395 00485407- 00485422	កំណត់ហេតុនៃការស្តាប់ចម្លើយដើមបណ្តឹងរដ្ឋប្បវេណី មឿង សុន MOEUNG Sonn Written Record of Interview of Civil Party M. MOEUNG Sonn Procès verbal d'audition de partie civile MOEUNG Sonn	P	00304334-35	00338390-91	00485416-17
E3/1746	D22/1328	00525738- 005257470 0850561- 00850562	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ ប៉ាក់ សំឌិន PAK SamDin 08-VU-01273 [Partial T.] Formulaire de renseignement de la partie civile Prak Sam Din 08-VU-01273	P	00525741-42		00850561
E3/1747	D125/86	00206385- 00206398 00243007- 00243020 00243021- 00243032	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ខឹមណារ៉េត KHOEM Naréth Written Record of Interview of KHOEM Naréth Procès verbal d'audition de KHOEM Naréth	P	00206389	00243011	00243025
E3/1748	D22/772	00502118- 005021290 0850348- 00850349	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ ណៅ យ៉ម NAO Yâm 08-VU-02315 [Partial T.] Formulaire de renseignement de la partie civile de Nao Yâm 08-VU-02315	P	00502123		00850348

E3/1749	D43/I V- Annex 78	00174775- 00174781 00782272- 00782278, 00224640- 00224640 00795809- 00795814, 00271460- 00271460	ឧបសម្ព័ន្ធទី៨: 742bbkkh សម្រង់ចម្លើយសារភាពរបស់ ផុក ពិន ហៅ ស៊ីវ Annex 78: 742bbkkh Colour copy Excerpt of Confession of Pok Pin alias Siv Annexe 78: 742bbkkh l'extrait en copie couleur de la confession de Pok Pin alias Siv	P	00174775- 81	00782272- 78, 00224640	
E3/1682	5.15	00013660- 00013990 00818951- 00819084, 00185069- 00185182 00842835- 00842934	ចម្លើយសារភាពមន្ទីរ ស-២១ របស់ ជូ ជេត ហៅ ស៊ី [Partial T.] S-21 Confession of CHOU Chet alias Si [Partial T.] Aveux à S-21 de CHOU Chet alias Si	P	00013660- 990	00818951- 9084	00842835- 2896
E3/1098	D248 /3.12	00406601- 00406602 00524161- 00524161 00532704- 00532704	សំបុត្រជូនអង្គការជាទីគោរព ស្នេហា ជាភាសាខ្មែរ ធ្វើដោយ ប៉ាល់ នៅថ្ងៃទី ២៦ ខែមីនា ឆ្នាំ១៩៧៨ Letter To Respected and Beloved Angkar in Khmer by Pal on date 26 March 1978 Document D21202	P			
E3/1750	D108 /28.4 8	00000860- 00000860 00233647- 00233648 00623217- 00623218	ឧបសម្ព័ន្ធទី៨: ទូរលេខលេខ៤៤ ជំរាបបង ជី គោរពជ្រាប អំពីសភាពការណ៍ក្នុងខែសីហា ១៩៧៦ Annex 48: Telegram No 44, sent to respected Brother 89 for his knowledge, about the situation in August 1976. Annex 48: Telegram No 44, sent to respected Brother 89 for his knowledge, about the situation in August 1976.	P			
E3/1037	D108 /28.9 8	00161790- 00161790 00233645- 00233645 00710220- 00710220	ឧបសម្ព័ន្ធ ៩៨៖ សេចក្តីរាយការណ៍តាមទូរលេខ លេខ ៤៥ ចុះថ្ងៃទី ២ ខែតុលា ឆ្នាំ ១៩៧៧ Annex 98: Report by telegram number 45 on 2nd October 1977 Annex 98: Report by telegram number 45 on 2nd October 1977	P			

E3/1007	D108/28.234	00001111-00001111 00324834-00324834 00811278-00811278	ឧបសម្ព័ន្ធ ២៣៤៖ ទូរលេខ ៦៧៖ យើងខ្ញុំសូមរាយការណ៍ជូន បង អំពីទូតថៃមានសេចក្តីរីករាយអោយបាន ទទួលលិខិតរបស់បង Annex 234: Telegram 67: We would like to report to you about the Thai Embassy are very happy after they received your letter. Annexe 234: Télégramme 67. Rapport sur la satisfaction de l'ambassade de Thaïlande suite à votre lettre	P		
E3/476	D108/50/13	00193066-00193066 00295143-00295143 00295144-00295144	ឧបសម្ព័ន្ធ ៣៖ ផែនទីភូមិសាស្ត្រ ១៩៧៦ នៃរដ្ឋកម្ពុជាប្រជាធិបតេយ្យបង្ហាញពីទីតាំង ដែលពួកគេបានបាញ់ Annex 3: 1976 Colour map of Democratic Kampuchea showing zones as they stood at that time Annexe 3: 1976 Copie couleur de la carte de Kampuchea Démocratique présente les zones où l'on a pris	P		
E3/928	18.59	00017026-00017026 00183357-00183357 00611668-00611668	ទូរស័ព្ទសំដាត់ ចុះថ្ងៃទី ១ មេសា ៧៨ សេចក្តីរាយការណ៍ អំពីចំនួនសរុបនៃការចាប់បាន និងបាញ់ស្លាប់ខ្មាំងយួន Confidential telephone message on 1/4/78 : Report about Total number of arrested and fired Vietnamese enemy Confidential telephone message on 1/4/78 : Report about Total number of arrested and fired Vietnamese enemy	P		
E3/1751	D56-Doc.098	S 00008976-00008979	BBC SWB Thai Trade with Cambodia	P		S 00008979
E3/1275	D108/28.254	S 00819983-00819983 S 00010294-00010447	[Partial T.] ឧបសម្ព័ន្ធ ២៥៤៖ "ទំនាក់ទំនងជាមួយលោកខាងលិចដ៏យូរអង្វែង" Annex 254: "Far Eastern Relations"	P		S 000010313
E3/1752	D108/28.292	S 00795923-00795925 S 00008277-00008277 S 00768339-00768340	ឧបសម្ព័ន្ធ ២៩២៖ របាយការណ៍ពីសារព័ត៌មានអន្តរជាតិ Tough ព្រមានពីទីក្រុងបាងកក Annex 292: International Media Report Tough Warning from Bangkok Annexe 292: Mise en garde sévère de Bangkok	P		

E3/1094	D2-15.30	00143603-00143617-00315368-00315383, 00143618-00143630-00593523-00593538	គោរពជូនអង្គការជាទីគោរពស្នេហា និងនឹករលឹក ពីមថ្ងៃទី១១ To respected Angkar from M401 A l'attention de l'Angkar qui m'est chère et bien-aimée du bureau 401	P			00593529-30
E3/1753	D108/31.24	00006182-00006183-00178180-00178182-00643419-00643420	ឧបសម្ព័ន្ធប្រឆាំង អំពីគណៈកម្មាធិការប្រឆាំងបដិវត្តនៅ ស.រ ឧត្តរមានជ័យ Annex 24: Confession of Koy Thuon about the Anti revolutionay committee at Siem Reap and Ouder Meanchey Annexe 24: Les éléments du comité régional contre-révolutionnaire de Siem Reap et Ouder Meanchey	P			
E3/1754	D366/7.1.91	00029853-00030108-00822328-00822358-00834733-00834757	ស២១ ចំណើយសារភាពរបស់ ប៉ា ផល ហៅ សុត [Partial T.] S-21 Confession of Pa Phall alias Sot [Partial T.] Aveux à S21 de PA Phal alias Sot	P			
E3/239	21.16	00092616-00092617-00185434-00185434, 00069529-00069529-00386249-00386250	ទូរលេខលេខ ១៦ សូមជំរាបគណៈ ៨៧០ ជាទីគោរពស្នេហា ៖ ខ្ញុំសូមរាយការណ៍ជូនសភាពការណ៍ នៅខេត្តឧត្តរមានជ័យ Telegram # 16 to beloved and respected chief of 870: I would like to report about the situation in Otdor Meanchey Province. Telegram # 16 to beloved and respected chief of 870: I would like to report about the situation in Otdor Meanchey Province.	P			
E3/1091	D2-15.27	00020852-00020854-00143572-00143574-00622994-00622996	ទូរលេខ ៥៣៖ គោរពជូនគណៈ ៨៧០ ជាទីគោរពស្នេហា និងនឹករលឹក Telegram no 53: To beloved and missed chief of 870 Telegram no 53: To beloved and missed chief of 870	P			
E3/1144	D312.2.21	00069447-00069449-00517923-00517925-00532725-00532728	ទូរលេខ ៦០៖ គោរពជូនគណៈ ៨៧០ ជាទីស្នេហា និងនឹករលឹក អំពីសភាពការណ៍គ្រប់ផ្នែកមួយចំនួន Telegram 60: To Beloved and Missed Chief of 870 about a number of all section 's situation Telegram 60: To Beloved and Missed Chief of 870 about a number of all section 's situation	P			

E3/898	21.55	00020903- 00020903 00183626- 00183626 00335194- 00335194	<p>ទូរលេខ ២៣៦ ៖ គោរពជូន គណៈ ៨៧០ ជាទីស្នេហា អំពីការស្នើសុំចាត់តាំងស្រុកសៀមរាប និងស្រុកបន្ទាយស្រី ជាស្រុកតែមួយ Telegram 236: To beloved Chief 870 about request to combine SiemReap and Banteay Srey District in one District Télégramme 236: A l'attention du respecté et bien-aimé 870, à propos de la combinaison le district de Siem Reap et Banteay Srey</p>	P			
E3/918	21.78	00001060- 00001062 00182757- 00182758 00611724- 00611726	<p>ទូរលេខ ២៥៤៖ គោរពជូនគណៈ ៨៧០ ជាទីស្នេហា អំពីសភាពការណ៍ខ្លាំងនៅតាមព្រំដែនខេត្ត ព្រះវិហារ និងឧត្តរមានជ័យ Telegram 254: To respected and beloved Chief of 870 about situation of enemy along of the border of Preah Vihea and Otdar Meanchey Province Telegram 254: To respected and beloved Chief of 870 about situation of enemy along of the border of Preah Vihea and Otdar Meanchey Province</p>	P			
E3/996	D252. 15	00001084- 00001085 00436995- 00436996 00597362- 00597363	<p>ទូរលេខ ៣១៣៖ គោរពជូនគណៈ ៨៧០ ជាទីស្នេហា អំពីសភាពការណ៍មួយចំនួន Telegram 313 : Respected and beloved Chief of 870 about a number of situation Télégramme 313: A l'attention du bien-aimé comité 870 au sujet de la situation des ennemis</p>	P			
E3/1077	D200 /3.7	00296228- 00296231 00340539- 00340542 00768297- 00768299	<p>ទូរលេខកម្ពុជាប្រជាធិបតេយ្យ មានចំណងជើងថា "ទូរលេខ 324" DK Telegram entitled "Telgram 324" A l'attention du comité 870 bien-aimé (Télégramme 324)</p>	P			
E3/1209	D366 /7.1.8 17	00001102- 00001103 00522888- 00522888 00597809- 00597809	<p>ទូរលេខ ៣៣០៖ គោរពជូន គណៈ ៨៧០ ជាទីស្នេហា ៖ សភាពការណ៍ការពារ សភាពការណ៍ កសាង សភាពការណ៍ ប្រជាជន និងជីវភាពប្រជាជន Telegram 330: To beloved Committee 870 about : Defense situation, development situation, People situation and peole lives and the metter of creating forces Telegram 330: To beloved Committee 870 about : Defense situation, development situation, People situation and peole lives and the metter of creating forces</p>	P			

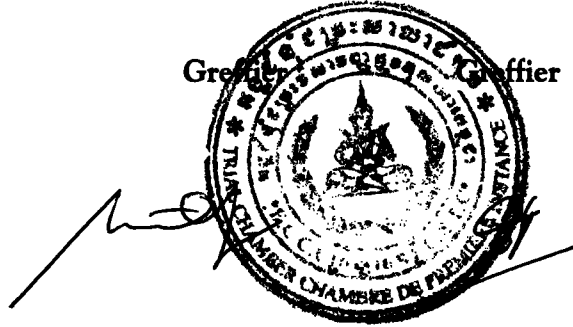
E3/232	13.8	00017116- 00017123 00182628- 00182634 00323932- 00323936	កំណត់ហេតុនៃអង្គប្រជុំការងារប្រចាំថ្ងៃ ៨ មីនា ១៩៧៦ Minutes of meeting on local affairs on 8/3/76 Minutes of meeting on local affairs on 8/3/76	P			
E3/404	D232 /30	00398479- 00398484 00403023- 00403028 00484197- 00484202	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សារុន SAO Sarun Written Record of Interview of SAO Sarun សៅ សារុន Procès verbal d'audition de témoin BUN Buon ប៊ុន ប៊ុន	P			
E3/424	D234 /25	00418517- 00418523 00421068- 00421074 00455266- 00455272	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី មាស រឿន MEAS Voeun [Corrected 1] Written Record of Interview of MEAS Voeun មាស រឿន [Corrigé 2] Procès verbal d'audition de témoin MEAS Voeun មាស រឿន	P			
E3/73	D369 /12	00486474- 00486478 00491659- 00491662 00509790- 00509794	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី MEAS Voeun មាស រឿន ចុះថ្ងៃទី 04-03- 2010 Written Record of Interview of Witness MEAS Voeun មាស រឿន dated 04- 03-2010 Procès verbal d'audition de témoin MEAS Voeun មាស រឿន en date du 04-03-2010	P	Answer 6	Answer 6	Answer 6

Oral Orders/Decisions:

- Order allowing the Accused NUON Chea to participate from his holding cell (waiver of the Accused is attached to this written record).
- Order to bring the Accused NUON Chea and KHIEU Samphan back to the detention facility and to return them to the courtroom for the hearing on 9 October 2012.
- Order to bring Witness MEAS Voeun (TCW-428) to his accommodation and return him to the Courtroom on Monday 9 October 2012.

Orders for Adjournment of Hearing
The hearing will resume on 9 October 2012 at 9:00 a.m.

Phnom Penh, 8 October 2012



Matteo CRIPPA

DUCH Phary