



**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 Box ព្រះរាជាណាចក្រកម្ពុជា
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... 12 / ..... 12 / ..... 2012
ម៉ោង (Time/Heure): ..... 09:00
អគ្គិសនីបញ្ជីឯកសារ/Case File Officer/L'agent: du dossier: ..... SANN RA-DA

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

5 November 2012

Substantive Hearing on evidence – Day 127

Prepared by:

Matteo CRIPPA and DUCH Phary

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT.
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.
<b>Greffiers:</b> Mr. DAV Ansan, Mr. Matteo CRIPPA, Mr. DUCH Phary.
<b>OCP:</b> Ms. SONG Chorvoin, Mr. Dale LYSAK.
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea.
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Jasper PAUW, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. Michael G. KARNAVAS, Mr. ANG Udom.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. TY Srinna, Ms. SIN Soworn, Ms. Christine MARTINEAU, Mr. Pascal AUBOIN, Ms. Nushin SAKARATI, Ms. Beini YE
<b>Witness:</b> SUM Chea (TCW-690), LIM Bunheng (Duty Counsel).
<b>Others:</b> Mr. Simon MEISENBERG, Mr. Jay GALIK.

<b><u>General court times</u></b>		
Day	Start time: 9:00	Finish time: 16:10
Recess am	Start time: 11:00	Finish time: 11:20

Recess	Start time: 12:15	Finish time: 13:35
Recess pm	Start time: 14:50	Finish time: 15:10
	Total Court Time:	5 hours 10 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present	TC	9:03	9:04
	NC Defence	12:13	12:14
Testimony of SUM Chea (TCW-690)	TC	9:06	9:14
	OCP	9:14	11:28
	CPLCL	11:33	12:13
	TC	13:36	13:56
	NC Defence	13:57	15:51
	IS Defence	15:52	16:10
Ruling on use of witness statements of witnesses not currently before the Chamber	TC	10:47	10:54
		15:25	15:28
Ruling on timing of use of the revised S-21 Prisoners List	TC	11:30	11:33
Ruling on use of documents when questioning a witness	TC	14:36	14:40

### **Summary of Proceedings**

#### **Waiver of the Accused's right to be present**

The Accused IENG Sary waived his right to be present in the courtroom for the whole day and for the questioning of Civil Party SUM Chea (TCW-690).

The Accused NUON Chea waived his right to be present in the courtroom for the afternoon session.

#### **Testimony of SUM Chea (TCW-690)**

The Trial Chamber put question to the witness, followed by the Co-Prosecutors, the Civil Parties, the NUON Chea Defence, and the IENG Sary Defence. The witness completed his testimony.

#### **Ruling on use of witness statements of witnesses not currently before the Chamber**

The Chamber reiterated its ruling that parties must not extract any portion of the witness

interview of another witness as the basis to put questions to the witness before the Chamber. Parties may ask general questions to the current witness based on an overview of the information in witness interviews of other witnesses.

**Ruling on timing of use of the revised S-21 Prisoners List**

The Chamber ruled that parties may note for the record the names of person on the revised S-21 Prisoners List during the time allocated to that party for questioning. No other time will be allocated for doing so.

**Ruling on use of documents when questioning a witness**

The Chamber ruled that the NUON Chea Defence may use the substance of the information from a book by Michael Vickery, but may not expressly quote in detail from that book when putting a question to the witness.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/3961	D94/9	00205056- 00205060 00223344- 00223348 00705375- 00705381	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សុំ ជា [Corrected 1] Written Record of Interview of SUM Chea [Corrigé 1] Procès verbal d'audition de SUM Chea	P	00205057-58	00223345-47	00705376-79
E3/3962	D166/117	00287533- 00287541 00293362- 00293369 00355870- 00355878	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឌីម សំហួន KHOEM Sânhuon Written Record of Interview of KHOEM Sânhuon Procès verbal d'audition de YEAN Lun យ៉ាន លន់	P	00287535-36	00293364-65	00355872-73
E3/342	D288/6.68.1	00329596- 00330129	ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១	P			
E3/2374	D108/50/12	00191136- 00191137	Annex 2: 1:10,000 scale colour map of Phnom Penn, on the reverse is the street guide and locations of buildings in the city	P			


E3/1757	D222 /1.17	00710225- 00710230, 00789169- 00789258 00396894- 00397284 00700095- 00700099, 00763550- 00763601	សៀវភៅរៀបរៀងដោយ VICKERY Michael, Cambodia 1975-1982 ប្រទេសកម្ពុជា ឆ្នាំ១៩៧៥-១៩៨២ Book by VICKERY Michael, Cambodia 1975-1982 Book by VICKERY Michael, Cambodia 1975-1982	P	00396998
E3/1568	D313 /1.2.4 06.1	00713919- 00713993 00651862- 00651907 00743328- 00743384	អត្ថបទដែលបានវាយសារឡើងវិញពីអត្ថប ទសរសេរដោយដៃនៃបទសម្ភាសន៍ជាមួយ ជា ស៊ីម ថ្ងៃទី ៣ ខែធ្នូ ឆ្នាំ ១៩៩១ និង ហេង សំរិន ២ ខែធ្នូ ឆ្នាំ ១៩៩១ នៅទីក្រុងភ្នំពេញ RETYPE from a Handwritten interview of CHEA Sim, Phnom Penh, 3 Dec 1991, and Heng Samrin, Phnom Penh, 2 Dec 1991 Transcription dactylographique de notes manuscrites prises durant des entretiens menés avec Heng Samrin et Chea Sim à Phnom, les 2 et 3 décembre 1991 respectivement	P	00713947, 00651879, 00713945, 00651878, 00713958 00651886 00743351

**Oral Orders/Decisions:**

- Order allowing the Accused NUON Chea to participate from his holding cell (waiver of the Accused are 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 06 November 2012.
- Order to bring the Witness SUM Chea (TCW-690) to his home.

**Orders for Adjournment of Hearing**  
The hearing will resume on 06 November 2012 at 9:00 am.

Phnom Penh, 5 November 2012

Greffier   
Matteo CRIPPA DUCH Phary