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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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ម៉ោង (Time/Heure): ១៥:០៥

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: **SAN N RAN**

E1/152

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 December 2012

Substantive Hearing on evidence - Day 139

Prepared by:

Matteo CRIPPA and DAV Ansan

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.
OCP: Mr. SENG Bunkheang, Mr. CHAN Dararasmey, Mr. Vincent de Wilde d'Estmael, Mr. Dale Lysak.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (present but in his holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Jasper PAUW, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael KARNAVAS.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. SAM Sokong, Ms. Christine MARTINEAU, Mr. Emmanuel JACOMY, Ms. Isabelle DURAND, Ms. SIN Soworn, Mr. VEN Pov.
Witness / Civil Party: Witness Mr. PHAM Van (TCW-307), Civil Party Ms. Denise

AFFONCO (TCCP-1) (via video link from France).

Others: Ms. Eleanor DOYLE-MARKWICK, Mr. MAM Rithea (Duty Counsel).

General court times

Day	Start time: 9:05	Finish time: 16:35
Recess am	Start time: N/A	Finish time: N/A
Recess	Start time: 11:50	Finish time: 14:10
Recess pm	Start time: N/A	Finish time: N/A
	Total Court Time:	5 hours and 10 minutes

Proceedings

Type of Issue	Raised By	Start time	Finish time
Time allocation for questioning Witness PHAM Van (TCW-307)	OCP	9:14	9:27
Testimony of Witness PHAM Van (TCW-307)	OCP CPLCL TC	9:27 10:32 11:28	10:29 11:28 11:45
Objections to questions posed by members of the Bench	NC Defence	11:39	11:45
Waiver of the Accused's right to be present in the courtroom	NC Defence	11:48	11:49
Testimony of Civil Party Denise AFFONCO (TCCP-1)	TC CPLCL OCP	14:11 14:25 15:57	14:19 15:56 16:30
Request for recognition of international counsel for Civil Parties	CPLCL	14:19	14:25

Summary of Proceedings

Time allocation for questioning Witness PHAM Van (TCW-307)

The Co-Prosecutors requested additional time to question the Witness, as they lost some of their allocated time the day before due to the reading out of an oral decision. The Chamber stated that it would consider the request after hearing the line of questioning and considering its relevance.

Testimony of Mr. PHAM Van (TCW-307)

The Co-Prosecutors, Civil Party Lawyers and the Chamber questioned the Witness.

Objections to questions posed by members of the Bench

Counsel for NUON Chea objected to a question that Judge LAVERGNE posed to the Witness. The Chamber advised Parties that they cannot object to questions posed by members of the Bench.

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.

Testimony of Civil Party Denise AFFONCO (TCCP-1)

The Chamber, Civil Party Lawyers and Co-prosecutors questioned the Civil Party.

Request for recognition of international counsel for Civil Parties

The Civil Party Lawyers requested the Chamber recognise Mr. Julien RIVET, counsel accompanying the Civil Party. The Chamber decided that as counsel was not posing questions to the Civil Party, and was not present in the courtroom, there was no need to formally recognise Mr RIVET.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/1195	D366 /7.1.7 85	00057296-00057296 00519519-00519519 00531088-00531088	ជូនមិត្ត Pang ជាទីស្រឡាញ់និងនឹករលឹក To beloved and missed Comrade Pang To beloved and missed Comrade Pang	P			
E3/877	21.17	00021513-00021513 00185226-00185226 00283109-00283109	ទូរលេខលេខ ៥៤ ជូនម.៨៧០ ជាទីគោរពស្នេហានឹករលឹក: មុខព្រួយ ដាក់ដាក់ទិចយូនស្លាប់ម្នាក់នៅថ្ងៃទី ២៥- ០៥-១៩៧៧ Telegram # 54 to beloved and respected M.870: Our forces killed one Yuon in Dakk Dam on 25-05-1977. Telegramme 54 A l'attention du respecté et bien-aimé 870	P			

E3/2594	D175 /3.41	00230459- 00230598 00772315- 00772319, 00766871- 00766872 00773987- 00773988	ចម្លើយសារភាពរបស់ ម៉ែន ម៉េង ហៅ ឈិន [Partial T.] Confession of Men Meng alias Chhin [Partial T.] S.21: aveux de MEN Meng alias Chhin	P			
E3/1855	5.49	00015274- 00015543 00795971- 00795990, 00183295- 00183295 00779528- 00779548	ចំលើយសារភាពរបស់ម៉ែន ម៉េងហៅឈិនជាភាសាខ្មែរ [Partial T.] S-21 Confession of MAEN Meng alias Chhin [Partial T.] Aveux de MEN Meng alias CHHIN à S-21	P			
E3/2131	7.3	00006731- 00006743 00182876- 00182891 00842819- 00842831	បញ្ជីឈ្មោះអ្នកទោសផ្នែកកងពលកំទេចថ្ងៃ ទី ១០ មិថុនា ៧៧ S-21 Execution Log entitled "List of prisoners from Military Division smashed on 10 June 1977" Nom des prisonniers de division exécutés le 10 juin 1977	P			
E3/2592	D175 /3.30	00230380- 00230385	បញ្ជីឈ្មោះអ្នកទោសផ្នែក កងពល ៣១០ ចូលពីថ្ងៃទី ៩-៣០ មិថុនា ៧៧	P			
E3/1204	D366 /7.1.8 00	00020855- 00020855 00590303- 00590303 00531056- 00531056	ទូរលេខ៣៤: គោរពជូនម.៨៧០ ជាទីគោរពស្នេហា Telegram 34 : To respected and beloved Office 870 Telegram 34 : To respected and beloved Office 870	P	00020855	00590303	00531056
E3/58	D125 /160	00239934- 00239940 00250086- 00250092 00283912- 00283918	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ជាន វ៉ាន់ PHAN Van, Alias KHĂM Phăn Written Record of Interview of PHAN Van, Alias KHĂM Phăn Procès verbal d'audition de PHAN Van, Alias KHĂM Phăn	P	00239936	00250088	00283914
E3/447	D369 /4	00483241- 00483252 00486510- 00486520 00490547- 00490558	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី PHAN Van ជាន វ៉ាន់ [Corrected 1] Written Record of Interview of Witness PHAN Van ជាន វ៉ាន់ [Corrigé 1] Procès verbal d'audition de témoin PHAN Van ជាន វ៉ាន់	P			


E3/1896	5.95	00077192- 00077436, 00184466- 00184482 00282400- 00282464, 00769882- 00769907 00761025- 00761046	ចម្លើយសារភាពរបស់ស៊ុនដល្កនហៅស៊ូ ជាភាសាខ្មែរចុះថ្ងៃទី១៣មិថុនា១៩៧៨ [Partial T.] S-21 Confession of SIN Phal Kun alias Sou alias Pov Sou [Partial T.] Aveux de SIN Phal Kun alias Sou alias Pov Sou à S-21	P			
E3/1535	16.80	00021088- 00021089 00183657- 00183662	ឈ្មោះអ្នកទោសផ្នែក ពេទ្យអង្គការ Name of prisoners of Angkar Hospital Section	P			
E3/3976	D199 /15	00349104- 00349122 00346929- 00346937 00342178- 00342185	កំណត់ហេតុនៃការស្តាប់ចម្លើយ AFFONCO Denise Written Record of Interview of AFFONCO Denise Procès verbal d'audition de AFFONCO Denise	P	00349113, 00349120,	00346934, 00346932, 00346936, 00346931	00342181, 00342184, 00342180

Oral Orders/Decisions:


- Order allowing the Accused NUON Chea to participate from his holding cell during the afternoon session (waiver of the Accused is attached to this written record).
- Order for Court Officer to return Witness PHAM Van (TCW-307) to court for the hearing on 13 December 2012.
- Order for Court Officer, WESU Unit and AV booth officials to coordinate hearing of Civil Party testimony via video conference for the hearing on 13 December 2012.
- Order to bring the Accused persons back to the detention facility and to return them to the courtroom for the hearing on 13 December 2012, except IENG Sary who shall be brought to his holding cell to view proceedings from there.

Orders for Adjournment of Hearing
The hearing will resume on 13 December 2012 at 9:00 am.

Phnom Penh, 12 December 2012

Greffier

Matteo CRIPPA



Greffier

DAV Ansan