



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... ០៧ / ០៧ / ២០១២

ម៉ោង (Time/Heure):..... ១៥ : ០០

អន្តិបណ្ណបណ្ណសំណុំរឿង/Case File Officer/L'agent chargé
du dossier..... SAKANT BANNA

E1/153

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

13 December 2012

Substantive Hearing on evidence - Day 140

Prepared by:

Matteo CRIPPA and DAV Ansan

| |
|--|
| <u>Attendance Record</u> |
| 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, Ms. SE Kolvuthy, Mr. DAV Ansan. |
| OCP: Mr. CHAN Dararasmey, Mr. Vincent DE WILDE D'ESTMAEL. |
| 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, Mr. HONG Kimsuon, Ms. Christine MARTINEAU, Mr. Emmanuel JACOMY, Ms. Isabelle DURAND, Mr. LOR Chunthy, Mr. VEN Pov. |
| Witness : Mr. PHAM Van (TCW-307). |
| Civil Party: Ms. Denise AFFONCO (TCCP-1) (via video link from France). |
| Others: Ms. Sonia MESSAOUDI, Mr. MAM Rithea (Duty Counsel). |

| General court times | | |
|----------------------------|-------------------|-----------------------|
| Day | Start time: 9:05 | Finish time: 16:35 |
| Recess am | Start time: 10:30 | Finish time: 10:50 |
| Recess | Start time: 12:10 | Finish time: 14:00 |
| Recess pm | Start time: 15:30 | Finish time: 15:45 |
| | Total Court Time: | 5 hours and 5 minutes |

| Proceedings | | | |
|--|------------|------------|-------------|
| Type of Issue | Raised By | Start time | Finish time |
| Testimony of Witness PHAM Van (TCW-307) | TC | 9:07 | 9:35 |
| | NC Defence | 9:35 | 12:04 |
| | | 15:47 | 16:21 |
| | KS Defence | 16:22 | 16:31 |
| Ruling on the misconduct by Mr. Andrew IANUZZI | TC | 11:48 | 11:52 |
| Waiver of the Accused's right to be present in the courtroom | NC Defence | 12:06 | 12:08 |
| IENG Sary's request about the adjournment of the hearing until updated medical status of IENG Sary | IS Defence | 12:04 | 12:04 |
| Testimony of Civil Party Denise AFFONCO (TCCP-1) | NC Defence | 14:07 | 15:16 |
| | IS Defence | 15:17 | 15:18 |
| | KS Defence | 15:18 | 15:18 |
| Expression of suffering of Civil Party Denise AFFONCO (TCCP-1) | TC | 15:19 | 15:26 |
| Statement of Mr. Jasper PAUW regarding last days in Court | NC Defence | 16:32 | 16:33 |

Summary of Proceedings

Testimony of Mr. PHAM Van (TCW-307)

The Trial Chamber put questions to the Witness, followed by NUON Chea Defence team.

Ruling on the misconduct of Mr. Andrew IANUZZI

The Chamber found that international counsel for NUON Chea, Mr. Andrew IANUZZI was in contempt of Court and was abusing proceedings despite repeated warnings from the

Chamber. In accordance with Rule 38(1), the Chamber decided to withdraw his right of audience before the Court for the rest of the day.

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. (12:06)

IENG Sary's request about the adjournment of the hearing until updated medical status of IENG Sary

The IENG Sary Defence received a report from its case file manager informing that Mr. IENG Sary did not observe the proceedings from 11.49 and his heartbeat was irregular. Therefore, they asked the Chamber to adjourn the hearing until an update on his medical status was available. Upon receipt of the report from the doctor, the proceedings continued in the afternoon session.

Testimony of Civil Party Denise AFFONCO (TCCP-1)

Nuon Chea Defence questioned the Civil Party. However IENG Sary and KHIEU Samphan Defence teams did not have any questions to put to the Civil Party.

Expression of suffering of Civil Party Denise AFFONCO (TCCP-1)

The Civil Party made a general statement regarding the harm she suffered during the DK period. The Trial Chamber allowed for observations regarding the statement of suffering but none were made.

Statement of Mr. Jasper PAUW regarding last days in Court

The international counsel for NUON Chea, Mr. Jasper PAUW informed the Chamber that today it was the last day he appeared before the Court.

| Record of Rule 87(3) Proceedings | | | | | | | |
|---|--|-----------|--|-------|---------------|-----------------|----------------|
| TC No | OCIJ No | ERN | Title | Class | Note in Khmer | Note in English | Note in French |
| E3/1101 | D248 /5.1.1 1 | 00376671- | Telegram on September 23, 1976 : To show | P | | | |
| | | 00376671 | opinion to 290 | | | | |
| | | 00524192- | Telegram on September 23, 1976 : To show | | | | |
| | | 00524192 | opinion to 290 | | | | |
| 00532706- | Telegram on September 23, 1976 : To show | | | | | | |
| 00532706 | opinion to 290 | | | | | | |

| | | | | | | | |
|---------|----------------------|---|--|---|----------|-----------------|----------|
| E3/1196 | D366 /7.1.7 86 | 00000879- 00000879 00506647- 00506647 00597060- 00597060 | ជូន ម. ៨៧០ ជាទីស្នេហា និងរលឹក To beloved and missed Office 870 To beloved and missed Office 870 | P | | | |
| E3/877 | 21.17 | 00021513- 00021513 00185226- 00185226 00283109- 00283109 | ទូរលេខលេខ ៥៤ ជូនម.៨៧០ ជាទីគោរពស្នេហានឹករលឹក: មុខព្រហ្ម ដាក់ដាក់ទិចយួនស្លាប់ម្នាក់នៅថ្ងៃទី 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 | | | |
| E3/1030 | D108 /28.7 6 | 00033312- 00033312 00324806- 00324806 00623150- 00623150 | ទូរលេខ ០៣ របស់ស.ម សុភា រាយការណ៍ជូនបង ឆាន អំពីការសភាពការណ៍ពួក ៧ Annex 76: Telegram no 03, reported to Brother Chhan about Group 7's situation Annex 76: Telegram no 03, reported to Brother Chhan about Group 7's situation | P | | | |
| E3/57 | D200 /4 | 00287700- 00287709 00290503- 00290511 00353098- 00353108 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី KHAM Phăn ខាំ ផាន់ [Corrected 1] Written Record of interview of KHAM Phăn ខាំ ផាន់ Procès verbal d'audition de témoin KHAM Phăn ខាំ ផាន់ | P | 00287705 | 00290509 | 00353104 |
| E3/1664 | D222 /1.19 | 00742838- 00742889 00397566- 00397749 00707390- 00707411 | [Partial T.] ជីវិតក្នុងតំបន់រំដោះខេត្តមណ្ឌលគិរី Book by Sara Colm and Sorya Sim entitled "Khmer Rouge Purges in the Mondul Kiri Highlands - region 105" [Partial T.] La vie dans la province de Mondol Kiri libérée | P | | 00397653- 54 | |
| E3/58 | D125 /160 | 00239934- 00239940 00250086- 00250092 00283912- 00283918 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ផាន 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 | 00239937 | 00250089 | 00283915 |

| | | | | | | | |
|--------------|----------------------|---|---|---|--|-----------------------|---|
| E3/3977 R | D125 /160R | TR0027377-4- TR0027377-4 (KH) | Audio Recording of the interview of PHAN Van, Alias KHAM Phan | P | | | |
| E3/447 | D369 /4 | 00483241-00483252 00486510-00486520 00490547-00490558 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី PHAN Van ជាន វ៉ាន [Corrected 1] Written Record of Interview of Witness PHAN Van ជាន វ៉ាន [Corrigé 1] Procès verbal d'audition de témoin PHAN Van ជាន វ៉ាន | P | | 00486512 | |
| N/A | E9/32 .2.29 | 00678309-00678441 | Livre écrit par la partie civile AFFONCO Denise sur les événements qu'elle a vécus pendant les années khmers rouge | P | | | 00678322-24, 00678330, 00678383, 00678385, 00678421 |
| 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 | | 00346936 | |
| E3/2144 | C22/1 /32.3 4 | 00190136-00190706 | Table of Authorities 36: Genocide in Cambodia – Documents from the Trial of P01 Pot and leng Sary, University of Pennsylvania Press, Philadelphia, 2000 | P | | 00190592, 00190698 | |
| 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 | | | |
| E3/1194 | D366 /7.1.7 81 | 00021533-00021533 00548893-00548893 00532707-00532707 | ទូរលេខ ១០ ជូនបង អំពីការបង្កបង្កើនផលស្រូវ Telegram 10: Sent to brother about Rice production Télégramme 10: A l'attention du cher frère bien-aimé à propos de la production du riz | P | | | |
| E3/1189 | D366 /7.1.6 68 | 00021531-00021531 00590301-00590301 00532776-00532776 | ទូរលេខ៣: ជូនបងទី១ និងទី២ ពីឡាំង Telegram No. 3 from Laing to brother No. 1 and 2 Telegram No. 3 from Laing to brother No. 1 and 2 | P | | | |

| | | | | | | | |
|---------|----------------------|---|--|---|--|--|--|
| E3/1193 | D366 /7.1.7 80 | 00021532- 00021532 00590302- 00590302 00531061- 00531061 | ជូនមិត្ត ខៀន ជាទីស្នេហានិងរលឹក To beloved and missed Brother Doeun To beloved and missed Brother Doeun | P | | | |
| E3/1192 | D366 /7.1.7 79 | 00021529- 00021529 00508560- 00508560 00499961- 00499961 | ទូរលេខ ២ ជូនបង នួន Telegram No. 2 : To Dearest Brother Nuon Télégramme 2: Cher frère Nuon | P | | | |
| E3/1191 | D366 /7.1.7 78 | 00021530- 00021530 00539058- 00539058 00531062- 00531062 | ជូនមិត្ត ខៀន ជាទីស្នេហានិងរលឹក To beloved and missed Comrade Doeun To beloved and missed Comrade Doeun | P | | | |

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 to bring the Accused NUON Chea back to the detention facility and to return him to the courtroom for the hearing on 14 December 2012.
- Order to escort Mr. Andrew Ianuzzi, the defence lawyer for Mr. Nuon Chea, out of this courtroom. (11:51)
- Order to return Mr. PHAM Van (TCW-307) to the courtroom for the hearing on 14 December 2012.


Orders for Adjournment of Hearing

The hearing will resume on 14 December 2012 at 9:00 am.

Phnom Penh, 13 December 2012

Greffier

Greffier

Matteo CRIPPA  *DAV Ansan*

Matteo CRIPPA

DAV Ansan