



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 King ព្រះមហាក្សត្រ
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 26 / 03 / 2013
ម៉ោង (Time/Heure): 10 : 40
មន្ត្រីទទួលបន្ទុកករណី/Case File Officer/L'agent chargé du dossier: S. ANN R. D. A.

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 January 2013

Substantive Hearing on evidence - Day 146

Prepared by:

Matteo CRIPPA and DUCH Phary

Attendance Record
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. Roger PHILLIPS, Ms. SE Kolvuthy, Mr. Matteo CRIPPA, Mr. DUCH Phary.
OCP: Mr. CHAN Dararasmey, Mr. Vincent de Wilde d'Estmael, Mr. Dale Lysak, Mr. PHANN Sochea.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (present but in his holding cell), Mr. IENG Sary (present but in his holding cell).
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. Arthur VERCKEN, Mr. Michael KARNAVAS, Mr. ANG Udom.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Mr. SAM Sokong, Ms. CHET Vanly, Ms. Beini YE, Mr. PHANG Vichet.
Witness: Mr. UNG Ren (TCW-754), Mr. CHHAOM Se (TCW-100).

Others: Mr. UCH Arun, Ms. Elburg VAN BOETZELAER.

General court times

Day	Start time: 9:04	Finish time: 16.03
Recess am	Start time: 10.15	Finish time: 10.30
Recess	Start time: 12.00	Finish time: 13.33
Recess pm	Start time: 14:39	Finish time: 15.02
	Total Court Time:	4 hours and 48 minutes

Proceedings

Type of Issue	Raised By	Start time	Finish time
Oral Order allowing the Accused IENG Sary and NUON Chea to participate from the holding cells.	TC	09.07	09.08
Testimony of Witness UNG Ren (TCW-754).	KS Defence KS Defence	9:09 9:38	9:38 9:41
Oral Order to return Witness UNG Ren (TCW-754) to his home.	TC	09.41	09.43
Discussion application by Lead Co-Lawyers for the civil parties regarding the request that Civil Party TCCP-94 be summoned to give testimony before the TC.	TC LCLCP OCP NC Defence IS Defence KS Defence	09.43	10.11
Testimony of Witness CHHAOM Se (TCW-100).	TC OCP	10:36 13.33 15.02	11.59 14.38 16.02

Summary of Proceedings

Oral order allowing the accused NUON Chea to participate from the holding cell.

The Chamber received a medical report from the physician at the ECCC detention facility who examined NUON Chea's health prior to the hearing today and observed that NUON Chea has problems with his health. The physician recommends that NUON Chea, cannot participate directly in the court room. However, he can follow the proceeding from the

holding cell downstairs. Based on the medical report of the physician, the Chamber orders NUON Chea, to follow the proceeding remotely from the holding cell downstairs. That applies for today's proceeding.

Testimony of Witness UNG Ren (TCW-754).

The Defence Counsels of KHIEU Samphan continued to pose questions to the Witness. The Witness concluded his testimony.

Lead Co-Lawyers request that Civil Party TCCP-94 be summoned to give a testimony before the TC.

The Lead Co-Lawyers stipulated that it is relevant to summon the Civil Party TCCP-94 to be heard, as she has relevant evidence to provide on the roles of the accused IENG Sary and KHIEU Samphan. The Co-Prosecutors supported this view. The IENG Sary and the KHIEU Samphan Defence stated that the information Civil Party TCCP-94 has to offer is not relevant to the trial. After deliberating, the Chamber deferred the summons of Civil Party TCCP 94 and will consider the relevance of the Civil Party as opposed to the other Civil Parties appearing before the Chamber. A final decision concerning this matter will be made in due course.

Testimony of Witness CHHAOM Se (TCW-100).

The Chamber and, subsequently, the Co-Prosecutors posed questions 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
E3/3982	D232/34.4	00876329- 00876331- 00877231- 00877233- 00877234- 00877236	ផ្នែកមួយនៃប្រតិចារឹកបទសម្ភាសន៍ដោយ អ្នកស៊ើបអង្កេតជាមួយលោក អ៊ុង រ៉េន ថ្ងៃទី២៣ ខែតុលា ឆ្នាំ២០០៩ Partial transcript of recorded interview by investigator with UNG Rèn អ៊ុង រ៉េន dated 23 October 2009 Transcription partielle d'audition du témoin UNG Rèn	P			

N/A	E172	00780658- 00780665 00780654- 00780657 00782527- 00782531	<p>អនុស្សរណៈស្តីពី៖ សាក្សី ដើមបណ្តឹងរដ្ឋប្បវេណី និងអ្នកជំនាញក្រុមបន្ទាប់ដែលអង្គជំនុំជម្រះនឹងស្តាប់សក្ខីកម្មក្នុងសំណុំរឿង ០០២/០១</p> <p>Memorandum entitled "Next group of witnesses, Civil Parties and Experts to be heard in Case 002/01"</p> <p>Mémoire intitulé "Prochain groupe de témoins, parties civiles et experts appelés à déposer au cours du premier procès dans le cadre du dossier n° 002"</p>	P			
E3/3983	D22/ 3762	00787901- 00787910 00569764- 00569770, 00790459- 00790460 00793887- 00793888, 00812369- 00812376	<p>ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ NEOU Sarem 10-VU-00205</p> <p>Civil party application of NEOU Sarem 10-VU-00205</p> <p>[Partial T.] Formulaire de renseignement sur la victime NEOU Sarem 10-VU-00205</p>	C			
E3/405	D232 /49	00401297- 00401307 00406209- 00406219 00422247- 00422257	<p>កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សីឆោម សែ CHHAOM Sè ថ្ងៃទី ៣១-១០-២០០៩</p> <p>Written Record of Interview of CHHAOM Sè ឆោម សែ Dated 31-10-2009</p> <p>Procès verbal d'audition de témoin CHHAOM Sè ឆោម សែ en date du 31-10-2009</p>	P			
E3/3984	D232 /50	00401308- 00401312 00403573- 00403576 00422258- 00422261	<p>កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សីឆោម សែ CHHAOM Sè ថ្ងៃទី ០២-១១-២០០៩</p> <p>Written Record of Interview of CHHAOM Sè ឆោម សែ Dated 02-11-2009</p> <p>Procès verbal d'audition de témoin CHHAOM Sè ឆោម សែ en date du 02-11-2009</p>	P			

E3/407	D232/53	00401313- 00401320 00406220- 00406227 00422277- 00422285	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឆោម សែ CHHAOM Sè ថ្ងៃទី ០៨-១១- ២០០៩ Written Record of Interview of CHAOM Sè ឆោម សែ Dated 08-11-2009 Procès verbal d'audition de SIENG Soeun	P			
E3/3985	D369/8	00484137- 00484141 00488698- 00488702 00490937- 00490941	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី CHHAOM Sè ឆោម សែ Written Record of Interview of Witness CHHAOM Sè ឆោម សែ Procès verbal d'audition de témoin CHHAOM Sè ឆោម សែ	P			
E3/465	D92/9	00204746- 00204752 00204753- 00204759 00503953- 00503960	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី គង់ សុខា Written Record of Interview of KUNG Sokha Procès verbal d'audition de KUNG Sokha	P			
E3/417	D233/9	00399184- 00399187 00404286- 00404289 00434723- 00434726	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សីឡុត និត្យា LOT Nitya /សូ ហុង SO Hong /សាឡុត បាន SALOT Ban ថ្ងៃទី ២២-១០- ២០០៩ [Corrected 1] Written Record of Interview of LOT Nitya ឡុត និត្យា/SO Hong សូ ហុង/SALOT Ban សាឡុត បាន Dated 22- 10-2009 [Corrigé 1] Procès verbal d'audition de témoin LOT Nitya ឡុត និត្យា/SO Hong សូ ហុង/SALOT Ban សាឡុត បាន en date du 22-10-2009	P			
E3/5	D243/2.1.1	00063311- 00063353 00401476- 00401511 00538951- 00538985	ទង់បដិវត្ត លេខ ៨ សីហា ១៩៧៥ CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL)	P	00063324		

E3/876	21.15	00021514- 00021514 00183714- 00183714 00386248- 00386248	ទូរលេខ៤៣ ចុះថ្ងៃទី ២៣-០៥-១៩៧៧ គោរពជូនបង រឿន ជាទីស្នេហា, កងពល ៨០១, ផ្នែកនយោបាយ Telegram # 43 on 23-05-1977 to respected and beloved Brother Roeun: division 801, Political Section Telegram # 43 on 23-05-1977 to respected and beloved Brother Roeun: division 801, Political Section	P			
E3/1164	D366 /7.1.3 89	00052323- 00052329 00516708- 00516713 00532750- 00532756	DK-Military Report from Division 801, Political Section DK-Military Report from Division 801, Political Section DK-Military Report from Division 801, Political Section	P	00052325, 0052327	00516711	00532754
E3/2285	D108 /26.8 6	00009067- 00009317 00873122- 00873671	បញ្ជីឈ្មោះអ្នកទោសកំទេចឆ្នាំ ១៩៧៧ Annex 86: List of prisoners	P	00009298	00873622	
E3/2951	D267 /2.2	00414950- 00414997 00783145- 00783157 00807262- 00807272	ចម្លើយសារភាពរបស់ កែវ សេង KEO Seng ហៅ សារឿន Saroeun Confession of Keo Seng alias Saroeun Aveux de Keo Seng alias Saroeun	P	00414996	00783155	

Oral Orders/Decisions:

- Oral Order allowing the Accused IENG Sary and NUON Chea to participate from the holding cells through remote means during the day’s proceedings based on an assessment of their respective medical reports.
- Oral Order to return Witness UNG Ren (TCW-754) to his home.
- Decision of the TC to defer the hearing of TCCP-94. The TC will come to a decision regarding the hearing of TCCP-94 in due course.
- Order to the court officer to assist Witness CHHAOM Se (TCW-100) during the adjournment and have him returned to the courtroom by 9 a.m. on Monday 14 January 2013.
- Order to the security personnel to bring the accused NUON Chea and KHIEU Samphan to the detention facility and have them returned to the courtroom by 9 a.m. on Monday 14 January 2013. Order to return IENG Sary to the holding cell.

Orders for Adjournment of Hearing

The hearing will resume on 14 January 2013 at 09.00am.

Phnom Penh, 11 January 2013

Greffier



Matteo CRIPPA



Greffier



DUCH Phary