



**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 Roi
<b>ឯកសារដើម</b>
<b>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ..... ០២ / ០៧ / ២០១៣ .....
ម៉ោង (Time/Heure) : ..... ១១ : ៣០ .....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier:..... <b>SANN RADA</b> .....

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

8 April 2013

Substantive Hearing on evidence - Day 164

Prepared by:

Miriam MAFESSANTI and DUCH Phary

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ
<b>Greffiers:</b> Ms. Miriam MAFESSANTI, Mr. DUCH Phary, DAV Ansan
<b>OCP:</b> Mr. CHAN Dararasmey, Mr. SENG Bunkheang, Mr. Vincent DE WILDE D'ESTMAEL
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN
<b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Ms. CHET Vanly, Ms. Beini YE
<b>Witness:</b> CHHAOM Seè (TCW-100)
<b>Others:</b> Mr. UCH Arun, Ms. SOUR Sotheavy, Mr. Grant RAGLAND

<u>General court times</u>		
Day	Start time: 09:10	Finish time: 15:50
Recess am	Start time: 10:40	Finish time: 11:10
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours and 20 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	NC	09:08	09:09
	TC	09:24	09:27
Party submissions on the severance of Case 002/01	KS	09:09	09:24
	OCP		
	TC		
	LCLCP		
	NC		
Testimony of Witness CHHAOM Seè (TCW-100)	TC	09:27	09:32
	OCP	09:33	10:20
	LCLCP	10:20	10:41
	LCLCP	11:13	11:33
	NC	11:33	12:01
	NC	13:32	14:16
	KS	14:16	14:39
	KS	15:03	15:46
Scheduling of proceedings	TC	15:47	15:47

### Summary of Proceedings

#### Waiver of the Accused's right to be present in the courtroom

The Accused NUON Chea is absent due to health concerns and waived his right to be present in the courtroom for the entire day.

#### Parties discuss the severance of Case 002/01

The Chamber reiterates that it retains its prior Decision on Severance and the scope of Case 002/01 remains as previously determined.

#### Testimony of Witness CHHAOM Seè (TCW-100)

The Trial Chamber, the Co-Prosecutors, the Lead Co-Lawyers as well as the KHIEU Samphan and NUON Chea Defence pose questions to the Witness.

**Scheduling of proceedings**

The Trial Chamber states that the proceedings will resume on 9 April 2013, with the hearing of witness TCW-536.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/405	D232/49	00401297- 00401307 00406209- 00406219 00422247- 00422257	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឆោម សែ CHHAOM Sè ថ្ងៃទី ៣១-១០- ២០០៩ Written Record of Interview of CHHAOM Sè ឆោម សែ Dated 31-10-2009 Procès verbal d'audition de témoin CHHAOM Sè ឆោម សែ en date du 31-10- 2009	P	00401303, 00401301		00422251
E3/3984	D232/50	00401308- 00401312 00403573- 00403576 00422258- 00422261	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឆោម សែ CHHAOM Sè ថ្ងៃទី ០២-១១- ២០០៩ Written Record of Interview of CHHAOM Sè ឆោម សែ Dated 02-11-2009 Procès verbal d'audition de témoin CHHAOM Sè ឆោម សែ en date du 02-11- 2009	P			
E3/240	21.20	00001266- 00001267 00182771- 00182772, 00897667- 00897668 00282550- 00282551	ទូរលេខ ០៧ របស់ស.ម.វី រាយការណ៍ជូនបង អំពីការចាប់បានខ្មាំងយួន ២០៧ នាក់ Ry 's telegrams no 07 reported to Brother about arrested of 207 Vietnamese enemies Ry 's telegrams no 07 reported to Brother about arrested of 207 Vietnamese enemies	P			
E3/1160	D366/7.1.3 84	00021468- 00021468 00590304- 00590304 00532749- 00532749	DK Military Telegram "ជំរាបបង៨៩ ជាទីគោរពនឹករលឹក" DK Military Telegram "To respected and missed Brother 89" DK Military Telegram "To respected and missed Brother 89"	P			

E3/342	D288 /6.68. 1	00329596- 00330129	ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១	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	00401315	00406222	00422279
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			

**Oral Orders/Decisions:**

- Order allowing the Accused NUON Chea to participate from the holding cell during the entire day. (09:25)
- Order to the court officer to assist Witness CHHAOM Sè (TCW-100) during the adjournment. (15:47)
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and return them to Court by 09:00 on Tuesday 9 April 2013. (15:47)

**Orders for Adjournment of Hearing**  
Court is adjourned and will resume at 09:00 on Tuesday 9 April 2013. (15:48)

Phnom Penh, 8 April 2013

Greffier  Greffier

  
Miriam MAFESSANTI DUCH Phary