



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

..... 17 / 08 / 2012

ម៉ោង (Time/Heure): 15:25

អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: Samn Rong

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 August 2012

Substantive Hearing on evidence – Day 92

Prepared by:

Matteo CRIPPA and SE Kolvuthy

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. Matteo CRIPPA, Ms. SE Kolvuthy, Mr. DUCH Phary.
OCP: Mr. CHAN Dararasmey, Mr. Vincent de Wilde d'Estmael, Mr. Dale LYSAK.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell).
Defence for the Accused: Mr. SON Arun, Mr. Jasper PAUW, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. Ferdinand DJAMMEN NZEPA, Ms. SIN Soworn, Ms. MOCH Sovannary, Ms. Marie GUIRAUD, Mr. LOR Chuntly, Ms. CHET Vanly, Mr. VEN Pov.
Witness: SUONG Sikoan alias Kung alias Thorn (TCW-694), ONG Thong Hoeung (TCW-490).
Others: Ms. Sonia MESSAOUDI, Mr. MAM Rithea (Duty counsel for TCW-694).

General court times

Day	Start time: 9:00	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:10	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours and 55 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	IENG Sary Defence	09:03	09:05
	NUON Chea Defence	12:03	12:07
Oral decision on Defence request to use a new document during its examination of TCW-490 (E172/27/3)	TC and NUON Chea Defence	09:05	09:07
Testimony of Witness SUONG Sikoeun alias Kung alias Thorn (TCW-694)	CPLCL	09:08	09:18
	TC	09:18	10:30
	KHIEU Samphan Defence	10:53	12:00
Decision on the request of Witness TCW-694 to rest until Monday	TC	12:01	12:03
Testimony of Witness ONG Thong Hoeung (TCW- 490)	OCP	13:35	15:57

Summary of Proceedings

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

The Accused Mr. IENG Sary and Mr. NUON Chea waived their right to be present in the courtroom (Mr. IENG Sary for the whole day and Mr. NUON Chea for the afternoon session).

Oral decision on NUON Chea Defence request to use a new document during its examination of TCW-490 (E172/27/3)

The Chamber denied the NUON Chea Defence request. The Chamber repeatedly emphasised that applications to admit new evidence under Rule 87(4) must be timely. When a new document is relevant to a particular witness, the application to admit it must generally be filed two weeks in advance of that individual's testimony, as clarified in memorandum E218. The NUON Chea Defence's application was filed on 3 August 2012, less than a week before the scheduled appearance of TCW-490. Therefore, the NUON Chea Defence did not explain when and by what means it discovered the document, thus preventing any analysis of whether efforts to discover it could have been made at an earlier juncture.

Testimony of Witness SUONG Sikoeun alias Kung alias Thorn (TCW-694)

The Civil Party Lead Co-lawyers continued their questioning of the Witness. Then, the Trial Chamber and KS defence questioned the Witness.

Decision on the request of Witness TCW-694 to rest until Monday

The Chamber granted the request of the Witness to rest this afternoon and tomorrow the whole day. His testimony will resume on Monday 13 August 2012 at 9:00am.

Testimony of Witness ONG Thong Hoeung (TCW-490)

The Co-prosecutors concluded their questioning the Witness.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/99	6.2	00072400- 00072407 00244274- 00244278 00611566- 00611570	ពិនិត្យការក្តាប់ និងអនុវត្តមាតិកាសេចក្តីប្រកាស ប្រមូលកម្លាំងរណសិរ្ស ប្រជាជាតិប្រជាធិបតេយ្យរបស់បក្ស (ឯកសារទី៦) About governing and carryngout the policy of gathering force of Democratic National Front of party (6th document) About governing and carryngout the policy of gathering force of Democratic National Front of party (6th document)	P			
E3/113	12.3	S 00704555- 00704568 00280539- 00280546 S 00000062- 00000078	[Partial T.] ទីភ្នាក់ងារសារព័ត៌មានកម្ពុជាចុះថ្ងៃទី០២ ខែមេសា ឆ្នាំ១៩៧៤ “RENMIN Ribao ទទួលស្វាគមន៍គណៈប្រតិភូនៃរណៈសិរ្ស ប្រជាជាតិកម្ពុជា(FUNK) និងរាជរដ្ឋាភិបាលកម្ពុជា(GRUNK)” [Partial T.] Agence Kampuchea d'Information dated 2-April-1974 “RENMIN Ribao of Peking greets the FUNK and GRUNK delegation ” Agence Kampuchea d'Information daté 2- apvil-1974 “RENMIN Ribao de Peking salue la delegaton du FUNK et GRUNK”	P	00000065- 73		
E3/97	D141 /1	00270680- 00270707 00287097- 00287112 00241881- 00241896	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី អុង ថុងហៀង [Surrogate Sheet] Written Record of Interview of ONG Thong Hoeung [Feuille remplacée] Procès verbal d'audition de ONG Thong Hoeung	P	00270685- 86	00287100	00241884
E3/550	20.4	00291035- 00291038 00087603- 00087604 00698732- 00698734	សម្ភាសន៍ជាមួយ អៀង សារី Interview with IENG Sary Interview avec IENG Sary	P	00291036	00086003	00698733

E3/1713	D141 /1.2	00659077- 00659085, 00831062- 00831320 00785742- 00785882, 00657418- 00657425 00287879- 00288154	[Partial T.] ឧបសម្ព័ន្ធ ២៖ សៀវភៅនិពន្ធដោយលោក អុង ថុងហៀង មានចំណងជើងថា "ត្រលប់មើលក្រោយវិញនៃរឿងជំនឿសន្តោ ចផ្សាមួយ" [Partial T.] Annex 2: Book by ONG Thong Hoeung entitled "J'ai cru aux Khmers rouges: Retour sur une illusion" Annexe 2: Livre écrit par ONG Thong Hoeung intitulé "J'ai cru aux Khmers rouges: Retour sur une illusion"	P	00831090- 91	00287910- 11
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Oral Orders/Decisions

- Order to bring the Accused NUON Chea (12:06) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- The Chamber denied the NUON Chea Defence request to put a new document before the Chamber in order to use it during the questioning to the witness. The request was not timely and lacked relevance.
- Order to bring the Witness SUONG Sikoen alias Kung alias Thorn (TCW-694) to his accommodation and to return him to the courtroom for the hearing on 13 August 2012 before 9:00am.
- Order to bring the Witness ONG Thong Hoeung (TCW-490) to his accommodation and to return him to the courtroom for the hearing on 09 August 2012 before 9:00am.
- Order to bring the Accused back to the detention facility and to return the Accused NUON Chea, KHIEU Samphan and IENG Sary to the courtroom for the hearing on 09 August 2012.

Orders for Adjournment of Hearing

The hearing will resume on 9 August 2012 at 9:00 a.m. ១៧

Phnom Penh, 8 August 2012

Greffier



Matteo CRIPPA



Greffier



SE Kolvuthy