



**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  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

31 / 08 / 2012

ម៉ោង (Time/Heure): 14:50

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

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

15 August 2012

Substantive Hearing on evidence – Day 96

Prepared by:

Matteo CRIPPA and DUCH Phary

**Attendance Record**

**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:** Ms SE Kolvuthy, Mr. Matteo CRIPPA, Mr. DUCH Phary, Mr. Roger PHILLIPS.

**OCP:** Mr. CHAN Dararasmey, Mr. VENG Huot, Mr. Vincent de WILDE D'ESTMAEL, Mr. Tarik ABDHULAK, Mr. RAYNOR Keith, 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. 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, Mr. LOR Chunthy,, Ms MOCH Sovannary, Mr. VEN Pov, Mr. HONG Kimsuon, Ms. Beini YE.

**Witness:** SUONG Sikoan alias Kung alias Thorn (TCW-694), SA Siek alias Sim (TCW-609)

**Others:** Ms. Sonia MESSAOUDI, Mr. MAM Rithea (Duty counsel).

**General court times**

Day

Start time: 9:00

Finish time: 16:05

Recess am	Start time: 10:35	Finish time: 11:05
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	4 hours and 45 minutes

<b><u>Proceedings</u></b>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence NUON Chea Defence	9:04 12:03	9:06 12:04
Testimony of Witness SUONG Sikoeun (TCW-694)	NUON Chea Defence IENG Sary Defence	9:07 11:24	11:23 12:00
Testimony of Witness SA Siek alias Sim (TCW-609)	TC OCP	13:35 13:44	13:44 16:02
Oral ruling on Defence request on the use of documents and the questions put to witnesses	TC	10:22	10:23
Oral ruling Defence Request for the Chamber to apply its previous ruling on the use of documents	TC	15:30	15:31
Oral ruling on Defence query regarding the circumstances in which documents can be directly quoted to a witness	NUON Chea Defence	15:46	15:46

### **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).

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

The NUON Chea Defence continued questioning the Witness.

#### **Testimony of Witness SA Siek alias Sim (TCW-609)**

The Trial Chamber started to put questions to the witness. Then the Co-Prosecutors questioned the witness.

#### **Oral ruling on Defence request on the use of documents and questions put to witnesses**

The NUON Chea Defence attempted to use a document to question a witness. Although this document had already been used for the same purpose by the Co-Prosecutors, the Chamber prevented the NUON Chea Defence from using the document because the document was not connected to the accused.

**Oral Ruling on request for the Chamber to apply its previous ruling on the use of documents**

The Chamber had previously stated that a document could only be quoted to a witness if that witness had no knowledge of the document. The KHIEU Samphan and the NUON Chea Defence requested that this rule apply to the Co-Prosecutors. The Co-Prosecutors wished to use a transcript of a Democratic Kampuchea radio broadcast to question the witness. The Chamber considered that this document was unique because it was relevant to the case and the Co-Prosecutors had conceded that the witness may have no knowledge of the document. On this basis, the Chamber allowed the Co-Prosecutors to refer to the document in questions put to the witness. However, the Chamber would not allow the document to be shown to the witness either in person or on a screen.

The Chamber reiterated that a document that has been put before it previously may be used as a basis to put questions. However, this general rule is subject to the relevance of the reading of the document and the relevance of the questions formulated.

**Oral ruling on Defence query regarding the circumstances in which documents can be directly quoted to a witness**

The NUON Chea Defence requested further clarification regarding which documents can be directly quoted to a witness, and in what circumstances. Counsel queried the statement by the Chamber that, if a document has been put before it already, the only remaining question is one of relevance. The Chamber will rule on this issue tomorrow.

**Record of Rule 87(3) Proceedings**

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/1718	3.7	00103479- 00103672 00754756- 00754978 00103372- 00103478	សៀវភៅនិពន្ធដោយ Laurence Picq មានចំណងជើងថា៖ "ឆ្ងាយហួសដើងមេឃ" Book entitled "Beyond the Horizon" Livre écrit par Laurence Picq intitulé: "Au Delà Du Ciel"	P			
E3/40	3.9	00583604- 00583636 00528409- 00528410, 00813077- 00813103 00096751- 00096752, 00078986- 00079039	ស្តង់ ស៊ីយ៉េន Account of SUONG Sikoeun alias Kung alias Thorn Phnom Malai / Suong Sikoeun	p		00813077- 00813103	00078986- 00079039

E3/371	D143	00288233- 00288239 00290412- 00290417 00288240- 00288245	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្វង ស៊ីគឿន ថ្ងៃទី១២ ខែមីនា ឆ្នាំ២០០៩ [Surrogate Sheet] Written Record of Interview of witness SUONG Sikoeun by CIJ on 12 March 2009 [Feuille remplacée] Procès verbal d'audition de témoin SUONG Sikoeun par CJI le 12 mars 2009	P	00288233	00290412	00288240
E3/42	D167	00327200- 00327211 00327212- 00327221 00327222- 00327230	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្វង ស៊ីគឿន ថ្ងៃទី០៦ ខែឧសភា ឆ្នាំ២០០៩ [Surrogate Sheet] Written Record of Interview of witness SUONG Sikoeun by CIJ on 06 May 2009 [Feuille remplacée] Procès verbal d'investigations M. TAN Peng Khun/TAN Jean Pierre	P	00327200	00327212	00327222
E3/9	D222 /1.15	00755579- 00755583 00396177- 00396757 00639445- 00640068	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] សៀវភៅនិពន្ធដោយ Philip Short មានចំណងជើងថា៖ "ប៉ុល ពត ប្រវត្តិនៃសុបន្តិអាភ្នក់មួយ" [Surrogate Sheet] Book by Philip Short entitled "Pol Pot, The History of a Nightmare" [Feuille remplacée] Livre écrit par Philip Short intitulé "Pol Pot, Anatomie d'un cauchemar"	P		00396547- 48	00639901
E3/1719	D199 /26.2. 80	00820658- 00820659 00742300- 00742301 00386798- 00386799	ទូរលេខ មានចំណងជើងថា ដំណើរទស្សនកិច្ចនៅកម្ពុជា របស់រដ្ឋមន្ត្រីការបរទេសថៃ Telegram entitled "Visit to Cambodia by the Thai minister of foreign affairs" Télégramme intitulé Visite au Cambodge du ministre Thailandais des affaires étrangère	P	00820658	00742300	00386798
E3/1720	D22/ 185.5	00387616- 00387617	Annexe 5: Liste de ministères et des dirigeants dan l'ancien regime	P			

E3/1435	D56- Doc. 187	00595262- 00595276 S 00017976- 00017990 00597811- 00597822	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] សេចក្តីថ្លែងការណ៍របស់សមាជិកៈអចិន្ត្រៃយ៍សភាតំណាងប្រជាជនកម្ពុជា នៃរដ្ឋាភិបាលកម្ពុជាប្រជាធិបតេយ្យ តំណាងកងទ័ពជាតិកម្ពុជាប្រជាធិបតេយ្យ និងតំណាងបក្សស្វ័យនិរន្តរណ៍របស់រដ្ឋាភិបាល [Surrogate Sheet] Statement of the Congress of the Standing Committee of the Assembly of the Kampuchean People's Representatives, the Government of DK, the Representatives of the DK National Army and the Representatives of Various Governmental [Feuille remplacée] Statement of the Congress of the Standing Committee of the Assembly of the Kampuchean People's Representatives, the Government of DK, the Representatives of the DK National Army and the Representatives of Various Governmental	P	00595262, 00595274	00017976, 00017988	00597811
E3/1721	D366 /7.1.5 64	00636001- 00636007 00078096- 00078099 00630981- 00630984	សក្ខីកម្មរបស់មនុស្សផ្សេងៗដែលសាច់ញាតិរបស់គេត្រូវបានសម្លាប់ដោយ ប៉ុល ពត និង អៀង សារី Testimony of Various People Whose Relatives Were Murdered by the Pol Pot-Ieng Sary Clique" Vietnamese Archive Document: 1980 32(N442)/T.8341 Dudocument d'archives Vietnamien « Témoignage de différentes personnes dont les membres de la famille ont été assassinés par la clique de Pol Pot-Ieng Sary » : 1980 32(N442)/T.8341	P	00636001, 00636007	00078096, 00078099	00630981, 00630984
E3/379	D200 /6	00294797- 00294815 00323321- 00323339 00385192- 00385212	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី SÂ Siek ស សៀក [Surrogate Sheet] Written Record of interview of SÂ Siek ស សៀក [Feuille remplacée] Procès verbal d'audition de témoin SÂ Siek ស សៀក	P	00294801, 00294802, 00294800	00323324- 25, 00323326, 00323324	00385196, 00385197, 00385195

E3/118	D262.5	00700267- 00700288 00166888- 00167025 00700256- 00700266	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធ ០០០០៥៖ លោក ខៀវ សំផន ចេញផ្សាយសេចក្តីថ្លែងការណ៍ស្តីពីស្ថាន ភាពបច្ចុប្បន្ន</p> <p>[Surrogate Sheet] Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975</p> <p>[Feuille remplacée] Annexe 00005: KHIEU Samphan fait une déclaration sur la situation actuelle</p>	P	00700267	00166897	00700256
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**Oral Orders/Decisions:**

- Order to bring the Accused NUON Chea (12:05) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- 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 16 August 2012.
- Order to bring the Witness SUONG Sikoan alias Kung alias Thorn (TCW-694) to his accommodation and to return him to the courtroom for the hearing on 16 August 2012 before 9:00am.
- The Trial Chamber stated that a document that has been put before the TC previously may be used as a basis to put questions. However, this general rule is subject to the relevance of the reading of the document and the relevance of the questions formulated.
- Order to bring the Witness SA Siek alias Sim (TCW-609) to his accommodation and to return him to the courtroom for the hearing on 16 August 2012 before 9:00am.

**Orders for Adjournment of Hearing**

The hearing will resume on 16 August 2012 at 9:00 a.m.

Phnom Penh, 15 August 2012

Greffier ព្រះបរមរាជវាំង Greffier

  
  
 Matteo CRIPPA DUCH Phary