



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):

12 / 09 / 2012

ម៉ោង (Time/Heure) : 16:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer / L'agent chargé

du dossier: WCH ARUN

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

E1/117

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 August 2012

Substantive Hearing on evidence – Day 104

Prepared by:

Natacha WEXELS-RISER and DUCH Phary

| <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: Ms. Natacha WEXELS-RISER, Mr. DUCH Phary, Mr. DAV Ansan. |
| OCP: Mr. CHAN Dararasmey, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Keith RAYNOR, Mr. Tarik ABDULHAK, Mr. VENG Huot. |
| 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: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. HONG Kimsuon, Ms. CHET Vanly, Ms. Christine MARTINEAU, Ms. TY Srinna, Ms. Philipine SUTZ, Ms. MOCH Sovannary. |
| Witness: Mr. NORNG Sophang (TCW-480). |
| Civil party: Mr. EM Oeun (TCCP-28). |
| Others: Ms. Eleanor DOYLE-MARKWICK, Ms. Sonia MESSAOUDI. |

| <u>General court times</u> | | |
|-----------------------------------|-------------------|--------------------|
| Day | Start time: 9:00 | Finish time: 15:50 |
| Recess am | Start time: 10:25 | Finish time: 10:55 |

| | | |
|--------|-------------------|------------------------|
| Recess | Start time: 12:10 | Finish time: 14:15 |
| | Total Court Time: | 4 hours and 15 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 | 9:03 | 9:05 |
| | NUON Chea Defence | 12:06 | 12:07 |
| Testimony of Civil Party EM Oeun (TCCP-28) | KHIEU Samphan Defence | 9:06 | 10:15 |
| | TC | 10:19 | 10:23 |
| Testimony of Witness NORNG Sophang (TCW-480) | TC | 10:56 | 11:04 |
| | OCP | 11:05 | 15:45 |

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 Civil Party EM Oeun (TCCP-28)

The KHIEU Samphan Defence continued questioning the Civil Party. Then, the Chamber allowed the Civil Party to express himself about the damages he suffered during the Democratic Kampuchea regime.

Testimony of the Witness NORNG Sophang (TCW-480)

The Trial Chamber questioned the Witness, followed by the Co-Prosecutors.

| <u>Record of Rule 87(3) Proceedings</u> | | | | | | | |
|---|-----------------|---|---|-------|--------------------|--------------------|--------------------|
| TC No | OCIJ No | ERN | Title | Class | Note in Khmer | Note in English | Note in French |
| E3/1730 | D230/2/4.2.277a | 00508416-00508427 00777620-00777626 00822257-00822272 | ពាក្យបណ្តឹងរបស់ដើមបណ្តឹង អែម អឿន 10-VU-00406 Complaint of EM Oeun 10-VU-00406 Plainte de EM Oeun 10-VU-00406 | P | 00508424 | 00777625 | 00822270 |
| E3/1729 | D22/3963 | 00573967-00573988 00751861-00751874 00786171-00786194 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ] ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ អែម អឿន EM Oeun 10-VU-00964 [Surrogate Sheet] Civil party application of EM Oeun 10-VU-00964 [Feuille remplacée] Demande de constitution de partie civile de EM Oeun 10-VU-00964 | P | 00573980, 00573975 | 00751868, 00751866 | 00786187, 00786184 |

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|-------|------------|---|---|---|-----------------------|-----------------------|-----------------------|
| E3/64 | D200 /3 | 00328022- 00328048 00334042- 00334064 00411692- 00411715 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី NORNG Sophâng និង សុផង់/ NORNG Sengchim និង សេងជីម ចុះថ្ងៃទី 18-02-2009 [Surrogate Sheet] Written Record of interview of NORNG Sophâng និង សុផង់/ NORNG Sengchim និង សេងជីម dated 18- 02-2009 [Feuille remplacée] Procès verbal d'audition de témoin NORNG Sophâng និង សុផង់/ NORNG Sengchim និង សេងជីម en date du 18-02-2009 | P | 00328023, 00328030 | 00334042, 00334049 | 00411694, 00411699 |
| E3/67 | D200 /9 | 00294534- 00294550 00483963- 00483976 00374931- 00374944 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី NORNG Sophâng និង សុផង់/ NORNG Sengchim និង សេងជីម ចុះថ្ងៃទី 28-03-2009 [Surrogate Sheet] Written Record of interview of NORNG Sophâng និង សុផង់/ NORNG Sengchim និង សេងជីម dated 28- 03-2009 [Feuille remplacée] Procès verbal d'audition de témoin NORNG Sophâng និង សុផង់/ NORNG Sengchim និង សេងជីម en date du 28-03-2009 | P | 00294542 | 00483971 | 00374938 |

Oral Orders/Decisions:

- Order to allow Accused IENG Sary to participate from his holding cell (waiver of the Accused IENG Sary (full day) is 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 Monday 3 September 2012.
- Order to return the accused IENG Sary and IENG Thirith to the courtroom for the hearing on Thursday 30 August 2012.
- Order to bring the Civil Party EM Oeun (TCCP-28) to his accommodation.
- Order to bring the Witness NORNG Sophang (TCW-480) to his accommodation and to return him to the courtroom for the hearing on Monday 3 September 2012 before 9:00am.

Orders for Adjournment of Hearing**The hearing will resume on 30 August 2012 at 9:00 a.m.**

Phnom Penh, 29 August 2012

Greffier

Greffier

N.W.R.



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Natacha WEXELS-RISER

DUCH Phary