



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 ព្រះរាជាណាចក្រកម្ពុជា 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 មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SAN RADA
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WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 August 2012

Substantive Hearing on evidence – Day 93

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. SENG Bunkheang, Mr. Vincent de Wilde d'ESMAEL, 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. Andrew IANUZZI, Mr. PRUM Phalla, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS,
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. Ferdinand DJAMMEN NZEPA, Mr. LOR Chunty, Ms. Marie GUIRAUD, Ms. CHET Vanly, Mr.

VEN Pov.
Witness: ONG Thong Hoeung (TCW-490).
Others: Ms. Eleanor DOYLE-MARKWICK.

<u>General court times</u>		
Day	Start time: 9:04	Finish time: 16:03
Recess am	Start time: 10:23	Finish time: 10:42
Recess	Start time: 12:02	Finish time: 13:32
Recess pm	Start time: 14:45	Finish time: 15:03
	Total Court Time:	4 hours 52 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	9:05	9:08
	NUON Chea Defence	12:02	12:02
Testimony of Witness ONG Thong Hoeung (TCW- 490)	CPLCL	9:08	10:22
		10:42	11:24
	TC	11:24	12:00
	NUON Chea Defence	13:44	15:24
	IENG Sary Defence	15:24	16:03
Objection to emotional response from the Witness	IENG Sary Defence	13:32	13:43
Objection to questions outside temporal scope of the trial	OCP	14:10	14:15

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 ONG Thong Hoeung (TCW-490)

The CPLCL began questioning the Witness. The TC, NUON Chea Defence and IENG Sary Defence then proceeded to question the Witness.

Objection to emotional response from the witness

The IENG Sary Defence objected to the Witness' emotional response to questions put to him by the Chamber earlier in the day. The President did not uphold the objection; stating that counsel should object to any questions at the time they are put to a witness and that counsel should not discourage a witness from providing evidence to the court.

Objection to questions outside temporal scope of the trial

The OCP objected to questions to the Witness from the NUON Chea Defence regarding

events outside the temporal scope of the current trial. The President upheld the objection. The NUON Chea Defence requested written reasons for the decision. The President rejected this request and stated that counsel is not entitled to comment regarding decisions; counsel has the right to make a formal appeal against a decision under the rules.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/97	D141/1	00270680-00270707 00287097-00287112 00241881-00241896	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី អុង ថុងហឿង [Surrogate Sheet] Written Record of Interview of ONG Thong Hoeung [Feuille remplacée] Procès verbal d'audition de ONG Thong Hoeung	P	00270685, 00270705, 00270684-00270686	00287100, 00297110,	00241884, 00241883-00241884
E3/1713	D141/1.2	00659077-00659085, 00831062-00831320 00785742-00785882, 00657418-00657425 00287879-00288154	ឧបសម្ព័ន្ធ ២៖ សៀវភៅនិពន្ធដោយលោក អុង ថុងហឿង មានចំណងជើងថា "ត្រលប់មើលក្រោយវិញនៃរឿងដ៏សែនខ្លោចផ្សំមួយ" [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	00659078, 00831246, 00831254, 00831070, 00659077-00659085, 00831241, 00831253-00831254, 00831255	00657419, 00785878-79	00287879-00288154, 00288092, 00288100, 00288019, 00288093-94, 00288086, 00288101, 00288102
E3/1714	D108/27.19	00324672-00324798 00170692-00170773 00648960-00649033	ឧបសម្ព័ន្ធ ១៩៖ បទសម្ភាសន៍ជាមួយជនភៀសខ្លួនកម្ពុជា នៅតាមបណ្តោយព្រំដែនកម្ពុជា-ថៃ Annex 19: Interviews with Kampuchean Refugees at Thai-Cambodia Border, Prepared for the Ishiyama Committee Annual Report, 1980 Annex 19: Rapport annuel: Auditions de réfugiés kampuchéens à la frontière thaïlandaise, préparées pour le comité Ishiyama, 1980	P			

E3/1683	D108 /50/1 .75	00701668- 00701679, 00820987- 00820997, 00823678- 00823691, 00825418- 00825422 00193067- 00193488 00824485- 00824491, 00726657- 00726663, 00825423- 00825430	[Partial T.] ឧបសម្ព័ន្ធ ៧៥៖ សៀវភៅមានចំណងជើងថា សោកនាដកម្មជាប្រវត្តិសាស្ត្រនៃប្រទេសក ម្ពុជា Annex 75: Book entitled "The Tragedy of Cambodian History" [Partial T.] Annexe 75: Livre de David P. Chandler "The Tragedy of Cambodian History, Politics, War and Revolution since 1945"- Extraits	P	00193374	
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Oral Orders/Decisions

- Order to bring the Accused NUON Chea (12:02) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- Order for the Accused NUON Chea to submit a waiver of his right to be present in the courtroom (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- Hearing to resume at 9:00am on Monday 13 August 2012 with the testimony of SUONG Sikoeun alias Kung alias Thorn (TCW-694).
- Order to bring Witness ONG Thong Hoeung (TCW-490) to the court on Monday 13 August 2012 as an alternate witness.
- Order for the co-accused to be taken to the detention facility and returned to the courtroom before 9:00am on Monday 13 August 2012.

Orders for Adjournment of Hearing
 The hearing will resume on 13 August 2012 at 9:00 a.m. ✓

Phnom Penh, 9 August 2012

Greffier  Greffier

Matteo CRIPPA  SE Kolvuthy