



**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

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| Royaume du Cambodge<br>ព្រះរាជាណាចក្រកម្ពុជា<br>Nation Religion Roi<br>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL |
| ថ្ងៃខែឆ្នាំទទួល (Date of receipt/Date de reception):<br>..... 31 / 08 / 2012 .....                         |
| ម៉ោង (Time/Heure): ..... 14 : 50 .....   |
| អ្នកផ្តល់មូលបត្រករណី/Case File Officer/L'agent chargé du dossier: ..... SANN RANA .....                    |

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

16 August 2012

Substantive Hearing on evidence – Day 97

Prepared by:

Matteo CRIPPA and DUCH Phary

|   |
|---|
| <b><u>Attendance Record</u></b>   |
| <b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.  |
| <b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.   |
| <b>Greffiers:</b> Ms SE Kolvuthy, Mr. Matteo CRIPPA, Mr. DUCH Phary, Mr. Roger PHILLIPS.  |
| <b>OCP:</b> Mr. CHAN Dararasmey, Mr. VENG Huot, Mr. Vincent de WILDE D'ESTMAEL, Mr. Tarik ABDHULAK, Mr. RAYNOR Keith.   |
| <b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)   |
| <b>Defence for the Accused:</b> Mr. SON Arun, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.   |
| <b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. Ferdinand DJAMMEN NZEPA, Ms. SIN Soworn, Ms MOCH Sovannary, Mr. HONG Kimsuon, Ms. Beini YE. |
| <b>Witness:</b> SUONG Sikoen alias Kung alias Thorn (TCW-694), SA Siek alias Sim (TCW-609)  |
| <b>Others:</b> Mr. MAM Rithea (Duty counsel), Ms. Eleanor DOYLE-MARKWICK.   |

|                                   |                   |                    |
|-----------------------------------|-------------------|--------------------|
| <b><u>General court times</u></b> |                   |                    |
| Day                               | Start time: 09:08 | Finish time: 15:56 |

|           |                   |                    |
|-----------|-------------------|--------------------|
| Recess am | Start time: 10:31 | Finish time: 10:56 |
| Recess    | Start time: 12:14 | Finish time: 13:33 |
| Recess pm | Start time: 14:42 | Finish time: 15:02 |
|           | Total Court Time: | 4 hours 45 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 | 09:09      | 09:11       |
|   | NUON Chea Defence | 12:11      | 12:14       |
| Discussion of the circumstances in which documents can be quoted to witnesses | TC                | 09:12      | 09:18       |
| Testimony of Witness SUONG Sikoeun (TCW-694)                                  | IENG Sary Defence | 09:18      | 12:11       |
| Testimony of SA Siek alias Sim (TCW-609)                                      | OCP               | 13:33      | 15:51       |
|   | TC                | 15:21      | 15:23       |

### 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).

#### Discussion of the circumstances in which documents can be quoted to witnesses

On the previous day of hearing, the IENG Sary Defence, NUON Chea Defence and KHIEU Samphan Defence sought clarification from the Trial Chamber regarding the circumstances in which a document can be quoted to a witness. The Chamber had stated that they would rule on the issue today.

The Chamber requested that the NUON Chea Defence inform the Chamber which documents they wish to use to question the witness and whether those documents had been put before the Chamber previously. The Chamber stated that the NUON Chea Defence must satisfy the Chamber that the documents have been put before the Chamber previously and that questions related to those documents are relevant and not repetitive.

The NUON Chea Defence stated that they would provide those details, however they considered that the issue was the use of documents more broadly in questioning witnesses. The Chamber stated that this general issue would be considered tomorrow, during the Trial Management Meeting.

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

The IENG Sary Defence continued questioning the witness.

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

The OCP continued questioning the witness. The Chamber questioned the witness briefly

regarding her level of literacy.

| Record of Rule 87(3) Proceedings |             |   |   |       |  |  |  |
|----------------------------------|-------------|---|---|-------|--|--|--|
| TC No                            | OCIJ No     | ERN   | Title   | Class | Note in Khmer                          | Note in English                                  | Note in French                                     |
| N/A                              | E3/100      | 00204146-00204149-00223634-00223638-00344698-00344701 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សីស្ងួង ស៊ីគឿន ថ្ងៃទី១៧ ១២ ២០០៧<br>Written Record of Interview of SUONG Sikoeun<br>Procès verbal d'audition de SUONG Sikoeun  | P     | 00204147-48                            | 00223636   | 00344699-700                                       |
| E3/372                           | D144        | 00290418-00290423-00290424-00290428-00290429-00290433 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ]<br>កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សីស្ងួង ស៊ីគឿន ថ្ងៃទី១៣ ខែមីនា ឆ្នាំ២០០៩<br>[Surrogate Sheet] Written Record of Interview of witness SUONG Sikoeun by CIJ on 13 March 2009<br>[Feuille remplacée] Procès verbal d'audition de témoin SUONG Sikoeun par CJI le 13 mars 2009 | P     | 00290420-21                            | 00290431-32                                      | 00290426   |
| E3/752                           | D243/2.1.23 | 00063840-00063876-00593548-00593577-00525880-00525908 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ]<br>ទស្សនាវដ្តី យុវជន និង យុវនារី បដិវត្ត លេខ 3 មីនា 1976<br>[Surrogate Sheet] CPK Magazine entitled: "Revolutionary Youth," Issue 3, March 1976 (FULL)<br>[Feuille remplacée] CPK Magazine entitled: "Revolutionary Youth," Issue 3, March 1976 (FULL)                      | P     | 00063862                               | 00593566   | 00525897   |
| E3/11                            | D243/2.1.12 | 00063116-00063187-00486212-00486266-00492795-00492857 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ]<br>ទង់បដិវត្ត លេខ ពិសេស កញ្ញា 1977<br>[Surrogate Sheet] CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September 1977 (FULL)<br>[Feuille remplacée] CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September 1977 (FULL)                  | P     | 00063116                               | 00486212   | 00492795   |
| E3/379                           | D200/6      | 00294797-00294815-00323321-00323339-00385192-00385212 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ]<br>កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី SÂ Siek ស សៀក<br>[Surrogate Sheet] Written Record of interview of SÂ Siek ស សៀក<br>[Feuille remplacée] Procès verbal d'audition de témoin SÂ Siek ស សៀក   | P     | 00294810, 00294806, 00294813, 00294809 | 00323334, 00323330, 00323336, 00323337, 00323333 | 00385206, 00385203, 00385209, 00385210, 00385205-6 |

|         |               |   |  |   |                    |                    |          |
|---------|---------------|---|--|---|--------------------|--------------------|----------|
| E3/1722 | D200/6.3      | 00340543-00340555-00294785-00294790                   | ការពិនិត្យឡើងវិញលើរបាយការណ៍ការពារជាតិរបស់ប្រជាជនកម្ពុជា<br>Past Years national Defense Report Reviewed   | P | 00340543, 00340547 | 00294785, 00294786 |          |
| E3/118  | D262.5        | 00700267-00700288-00166888-00167025-00700256-00700266 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ]<br>ឧបសម្ព័ន្ធ ០០០០៥៖ លោក ខៀវ សំផន<br>ចេញផ្សាយសេចក្តីថ្លែងការណ៍ស្តីពីស្ថានភាពបច្ចុប្បន្ន<br>[Surrogate Sheet] Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975<br>[Feuille remplacée] Annexe 00005: KHIEU Samphan fait une déclaration sur la situation actuelle | P |                    | 00166996, 00166994 |          |
| E3/201  | D313/1.2.3 28 | 00292803-00292815-00419512-00419518-00612165-00612173 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ]<br>សុន្ទរកថារបស់ ខៀវ សំផន<br>នៅឯកិច្ចប្រជុំតំរប់ខួប<br>[Surrogate Sheet] Khieu Samphan's Speech at Anniversary Meeting<br>[Feuille remplacée] Khieu Samphan's Speech at Anniversary Meeting  | P | 00292808           | 00419512           | 00612165 |
| E3/464  | D92/8         | 00204738-00204745-00226106-00226113-00503944-00503952 | [លិខិតបញ្ជាក់ការជំនួសឯកសារ]<br>កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ថា សុតិ<br>[Surrogate Sheet] [Corrected 1]Written Record of Interview of THA Sot<br>[Feuille remplacée] Procès verbal d'audition de THA Sot  | P |                    |                    |          |
| E3/1723 | D369/22       | 00492931-00492933-00498427-00498429-00529486-00529488 | កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី<br>THA Sot ថា សុតិ<br>Written Record of Interview of Witness THA Sot ថា សុតិ<br>Procès verbal d'audition de témoin THA Sot ថា សុតិ  | P |                    |                    |          |
| E3/1724 | D369/40       | 00498435-00498437-00492720-00492721-00498433-00498434 | កំណត់ហេតុនៃកិច្ចស៊ើបសួរ<br>Written Record of Investigative Action<br>Procès verbal d'acte d'instruction  | P | 00498437           | 00492721           | 00498434 |

**Oral Orders/Decisions:**

- Order to bring the Accused NUON Chea (12:14) 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 20

August 2012.

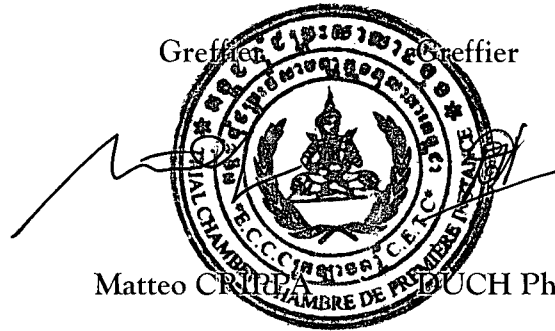
- Order to bring the Witness SUONG Sikoen alias Kung alias Thorn (TCW-694) to his accommodation and to return him to the courtroom for the hearing on Monday 20 August 2012 before 9:00am.
- Order to bring the Witness SA Siek alias Sim (TCW-609) to her accommodation and to return her to the courtroom for the hearing on Monday 20 August 2012 before 9:00am.

**Orders for Adjournment of Hearing**

The hearing will resume on 20 August 2012 at 9:00 a.m.

Phnom Penh, 16 August 2012

Greffier គ្រូប្រឹក្សាសាលាដំបូង



Matteo CRIPPA UCH Phary