



**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  
 Royaume du Cambodge

**អង្គជំនុំជម្រះសាលាដំបូង**  
 Trial Chamber  
 Chambre de première instance

Nation Religion King <b>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL</b> ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ..... 23 / 10 / 2012 ..... ម៉ោង (Time/Heure) : ..... 16 : 15 ..... បម្រើឯកសារ/បន្តករឯកសារ/Case File Officer/L'agent chargé du dossier: ..... SANN RADA .....
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**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

**Case File N° 002/19-09-2007-ECCC/TC**

**25 September 2012**

**Substantive Hearing on evidence – Day 113**

Prepared by:

**Roger PHILLIPS and SE Kolvuthy**

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT.
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.
<b>Greffiers:</b> Ms. SE Kolvuthy, Roger PHILLIPS, Mr DAV Ansan.
<b>OCP:</b> Mr. CHAN Dararasmey, Mr Vincent deWILDE D'ESTMAEL.
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea.
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Mr. VEN Pov, Mr. HONG Kimsuon, Ms. MOCH Sovannary, Ms. SIN Soworn, Ms. Françoise GAUTRY, Ms. Christine MARTINEAU.
<b>Witness:</b> Ms. NOEM Sem (TCW-475).
<b>Others:</b> Ms. Anne-Elise JOLICARD, Mr. UCH Arun, Ms. SOUR Sotheavy.

<b><u>General court times</u></b>		
Day	Start time: 9:10	Finish time: 16:10
Recess am	Start time: 10:25	Finish time: 10:45
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 14:55
	Total Court Time:	4 hours and 55 minutes

<b><u>Proceedings</u></b>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused to be directly present for the hearing of this Witness	IENG Sary Defence	9:11	9:13
Waiver of the Accused's right to be present in the courtroom	NUON Chea	11:59	12:01
Testimony of Witness NOEM Sem (TCW-475)	TC	9:16	9:27
	OCP	9:27	14:15
	CPLCL	14:15	15:20
	KS Defence	15:20	15:39
	NC Defence	15:40	15:54
	IS Defence	15:55	16:05

### **Summary of Proceedings**

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

The Accused Mr. IENG Sary waived his direct presence for the hearing of this Witness (as well as for six other Witnesses and one Civil Party). The medical report number E11/88/1 by the Khmer-Soviet Friendship Hospital and the hearing of his two treating doctors on Friday 21 September 2012 stated the necessity of hospitalisation of IENG Sary for a month or more.

The Accused NUON Chea waived his right to be present in the Courtroom for the afternoon session.

#### **Testimony of Witness NOEM Sem (TCW-480)**

The Witness answered preliminary questions regarding her identity before the Chamber. Then the Co-prosecutors started questioning the witness, followed by the Civil Party Lead Co-Lawyers, the KHIEU Samphan Defence, the NUON Chea Defence and IENG Sary Defence.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/115	12.8	00597966-00597970-00280594-00280596-S-00000147-00000151	របាយការណ៍សារព័ត៌មានបក្សកុម្មុយនីស្តកម្ពុជាដោយក្រសួងព័ត៌មាននៃរាជរដ្ឋាភិបាលរួមជាតិកម្ពុជា ដែលមានចំណងជើងថា "ជំនឿនៃប្រទេសកម្ពុជា ភ្នាក់ងារព័ត៌មានកម្ពុជា លេខ៧០៨" CPK Media Report by GRUNK Ministry of Information entitled "Nouvelles du Cambodge, Agence Kampuchea d'Information, No. 708" CPK Media Report by GRUNK Ministry of Information entitled "Nouvelles du Cambodge, Agence Kampuchea d'Information, No. 708"	P			
E3/108	20.34	00347031-00347048-00000925-00000935-00613200-00613212	[កែតម្រូវ ១] កំណត់ត្រានៃការនិយាយរបស់ ខៀវសំផននិងនួន ជាភាសាអង់គ្លេស ដោយ ម៉ែង ទ្រីតិ និងសុភក្តិ លាងនៅចន្លោះថ្ងៃទី ០៩-១១ ខែមិថុនា ឆ្នាំ២០០៦ Suspect Statement of KHIEU Samphan and NUON Chea Suspect Statement of KHIEU Samphan and NUON Chea	P			
E3/43	D201/8	00357217-00357224-00365656-00365663-00402989-00402995	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី NOEM Sèm នីម សែម Written Record of Interview of NOEM Sèm នីម សែម Procès verbal d'audition de témoin NOEM Sèm នីម សែម	P	00357223, 00357220, 00357221, 00357222, 00357217	00365661, 00365659, 00365660, 00365662, 00365656	00402994, 00402992, 00402993, 00402989
E3/1741	D201/8.2	00379573-00379574	ឧបសម្ព័ន្ធ 2: រូបថត ដែលមានរូបរបស់ Khan Lin ខាន់ លីន, ហៅ កែន Kèn	P			
E3/1742	D201/8.1	00379571-00379572	ឧបសម្ព័ន្ធ 1: រូបថត ដែលមានរូបរបស់ Khan Lin ខាន់ លីន, ហៅ កែន Kèn ថតនៅថ្ងៃទី 20-01-1987	P			

E3/1743	D224.16	00590188-00590192-00089699-00089700-00644741-00644743	ឧបសម្ព័ន្ធ 00016: កិច្ចសម្ភាសន៍របស់ SOAS/HRW ជាមួយ លោក សៃម Neum Saem Annex 00016: SOAS/HRW Interview of Neum Saem Annexe 00016: Interview de SOAS/HRW avec Neum Saem	P	00590191, 00590190	00089699	00644742, 00644741
E3/37	D47	00156674-00156678-00156752-00156757-00156679-00156685	កំណត់ហេតុសួរចម្លើយ ខៀវ សំផន(ព្រឹក) Written Record of Interview of KHIEU Samphan 14-12-2007 Morning Procès verbal d'interrogatoire de KHIEU Samphan le 14-12-2007 le matin	P	00156677	00156756	00156683
E3/1657	D22/1175	00521304-00521315-00842557-00842564-00813500-00813511	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ ស៊ុន សៀន UTH Soeunn 09-VU-00004 Civil party application of UTH Soeunn 09-VU-00004 Demande de constitution de partie civile de UTH Soeunn 09-VU-00004	P	00521307		00813503

**Oral Orders/Decisions:**

- Order allowing the Accused IENG Sary to waive his direct presence in the hearing of this Witness pursuant to Rule 81.5 of the ECCC Internal Rules.
- Order allowing the Accused NUON Chea to participate from his holding cell (waiver of the Accused are attached to this written record).
- Order to bring the Accused NUON Chea and KHIEU Samphan back to the detention facility and to return them to the courtroom for the hearing on 01 October 2012.
- Order to bring Witness NOEM Sem (TCW-475) to her accommodation.

**Orders for Adjournment of Hearing**  
The hearing will resume on 01 October 2012 at 9:00 a.m.

Phnom Penh, 25 September 2012

Greffier    Greffier  
Roger PHILLIPS SE Kolvuthy