



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge Nation Religion Roi ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ០៤ / ០៩ / ២០១២
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: S.A. ANN PA. VAN

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

20 August 2012

Substantive Hearing on evidence – Day 98

Prepared by:

Matteo CRIPPA and DAV Ansan

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: Mr. Matteo CRIPPA, Mr. DUCH Phary, Mr. DAV Ansan, Mr. Roger PHILLIPS.
OCP: Mr. CHAN Dararasmey, Mr. VENG Huot, Mr. CHAN Dara Rasmey, 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. 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. VEN Pov, Ms. CHET Vanly, Ms. Philippine SUTZ, Mr. HONG Kimsuon, Ms. Beini YE, Ms. Christine MARTINEAU, Mr. LOR Chunthy
Witness: SUONG Sikoen (TCW-694), SA Siek (TCW-609)

Others: Ms. LY Nimol, Mr. Jay GALIK, Mr. MAM Rithea (Duty counsel).

General court times

Day	Start time: 9:00	Finish time: 16:10
Recess am	Start time: 10:35	Finish time: 11:00
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	5 hours

Proceedings

Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence	9:04	9:06
	NUON Chea Defence	12:03	12:05
Ruling on the request to use documents during examination of the Witness SUONG Sikoeun (TCW-694)	TC	9:07	9:08
Testimony of Witness SUONG Sikoeun (TCW-694)	IENG Sary Defence	9:08	13:43
Admittance of WESU staff to assist the Witness SA Siek alias Sim (TCW-609)	TC	13:49	13:51
Testimony of SA Siek alias Sim (TCW-609)	OCP	13:53	14:14
	CPCL	14:14	15:29
	TC	15:29	16:05

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).

Ruling on the request to use documents during examination of the Witness SUONG Sikoeun (TCW-694)

Further to the submissions made last week, the Chamber authorized the NUON Chea Defence, if they wish to do so to, to quote from document D366/7.1.564. They may not revisit topics which have already been canvassed, particularly where these questions were found to be irrelevant or

repetitious. The motion to revisit documents D22/185.5 and E3/1435 is denied. The full reasons for this decision will be placed on the case file in due course.

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

The IENG Sary Defence continued questioning the Witness. This completed the testimony of the Witness and he was excused by the Chamber.

Admittance of WESU staff to assist the Witness SA Siek alias Sim (TCW-609)

The Chamber allowed WESU staff member Ly Nimol to assist the witness for the remaining of her testimony due to the witness becoming very emotional.

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

The OCP continued questioning the Witness. The CPCL then questioned the Witness. The Chamber then questioned the Witness.

Record of Rule 87(3) Proceedings							
TC No	OCJ No	ERN	Title	Clas s	Note in Khmer	Note in English	Note in French
N/A	E1/10	00832127-00832214 00833184-00833293 00833057-00833183	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំណុំរឿង ០០២ - ថ្ងៃទី ០៦ ខែសីហា ឆ្នាំ២០១២ Transcript of hearing on the substance in Case 002 - 06 August 2012 Transcript of hearing on the substance in Case 002 - 06 August 2012	P	00832181, 00832182, 00832183, 00832184, 00832205, 00832206, 00832211, 00832199, 00832200, 00832192-94	00833251, 00833253, 00833254, 00833281, 00833289, 00833273, 00833274, 00833266-67, 00833289	00833134, 00833135, 00833137, 00833138, 00833168, 00833169, 00833170, 00833160, 00833161, 00833162, 00833151-57, 00833179
E3/42	D167	00327200-00327211 00327212-00327221 00327222-00327230	(លិខិតបញ្ជាក់ការជំនួសឯកសារ) កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្នង 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	00327206-00327207, 00327207-00327209, 00327209-00327210,	00327217, 00327218-00327219, 00327219	00327226-00327227, 00327227-00327229, 00327228-00327229

E3/371	D143	00288233- 00288239 00290412- 00290417 00288240- 00288245	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្វង ស៊ីគៀន 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	00288234- 00288235, 00288236- 00288237	00290413- 00290416, 00290415	00288241- 00288242, 00288243- 00288244
E3/413	D233 /2	00357525- 00357534 00361008- 00361017 00405451- 00405459	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សាឡុត បាន SALOT Ban /សូ ហុង SO Hong ថ្ងៃទី ២២-០៧-២០០៩ [Surrogate Sheet] Written Record of Interview of SALOT Ban សាឡុត បាន/SO Hong សូ ហុង Dated 22-07-2009 [Feuille remplacée] Procès verbal d'audition de témoin SALOT Ban សាឡុត បាន/SO Hong សូ ហុង en date du 22-07-2009	P	00357530- 00357531	00361014	00405456
E3/101	D147	00290434- 00290439 00290440- 00290445 00290446- 00290451	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្វង ស៊ីគៀន ថ្ងៃទី១៧ ខែមីនា ឆ្នាំ២០០៩ [Surrogate Sheet] Written Record of Interview of witness SUONG Sikoeun by CIJ on 17 March 2009 [Feuille remplacée] Procès verbal d'audition de témoin SUONG Sikoeun par CJI le 17 mars 2009	P	00290437- 00290438	00290443	00290449
N/A	E1/10 3.1	00832506- 00832603 00833498- 00833611 00833612- 00833741	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំ ណុំរឿង ០០២ - ថ្ងៃទី ០៧ ខែសីហា ឆ្នាំ២០១២ Transcript of hearing on the substance in Case 002 - 07 August 2012 Transcript of hearing on the substance in Case 002 - 07 August 2012	P	00832518, 00832525- 00832526, 00832516- 00832517	00833510, 00833521- 00833522, 00833508- 00833509	00833626, 00833639, 00833623- 00833624,

E3/1683	D108 /50/1 .75	00701668- 00701679, 00820987- 00820997, 00823678- 00823691, 00825418- 00825422 00193067- 00193488 00726657- 00726663, 00824485- 00824491, 00825423- 00825430	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] ឧបសម្ព័ន្ធ ៧៥៖ សៀវភៅមានចំណងជើងថា សោកនាដកម្មជាប្រវត្តិសាស្ត្រនៃប្រទេសក ម្ពុជា [Surrogate Sheet] Annex 75: Book entitled "The Tragedy of Cambodian History" [Feuille remplacée] [Partial T.] Annexe 75: Livre de David P. Chandler "The Tragedy of Cambodian History, Politics, War and Revolution since 1945"- Extraits	P	00193374
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	
N/A	E1/10 4.1	00834168- 00834252 00834253- 00834356 00834357- 00834473	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំ ណុំរឿង ០០២ - ថ្ងៃទី ០៨ ខែសីហា ឆ្នាំ២០១២ Transcript of hearing on the substance in Case 002 - 08 August 2012 Transcript of hearing on the substance in Case 002 - 08 August 2012	P	00834205 00834298 00834407
E3/377	D168	00327231- 00327241 00327242- 00327250 00327251- 00327259	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្នង ស៊ីគឿន ថ្ងៃទី០៧ ខែឧសភា ឆ្នាំ២០០៩ [Surrogate Sheet] Written Record of Interview of witness SUONG Sikoeun by CIJ on 07 May 2009 [Feuille remplacée] Procès-verbal d'audition du témoin SUONG Sikoeun	P	00327235- 00327246- 00327255- 00327238 00327247 00327257

E3/1699	D91/26	00204150- 00204154 00223639- 00223643 00343361- 00343365	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្ងួង ស៊ីគឿន ថ្ងៃទី១៩ ១២ ២០០៧ [Surrogate Sheet] Written Record of Interview of SUONG Sikoeun [Feuille remplacée] Procès verbal d'audition de SUONG Sikoeun	P	00204152- 00204153	00223642	00343363- 00343365
N/A	E1/37.1	00776520- 00776630 00776268- 00776395 00776396- 00776519	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំ ណុំរឿង ០០២ - ថ្ងៃទី០១ ខែកុម្ភៈ ឆ្នាំ២០១២ Transcript of hearing on the substance in Case 002 - 01 February 2012 Transcript of hearing on the substance in Case 002 - 01 February 2012	P	00776592	00776350	00776475
E3/1698	D154.3	00003474- 00003504 00816729- 00816743 00290754- 00290803	ការអត្តធិប្បាយពីជីវប្រវត្តិបដិវត្តន៍របស់ ស្ងួង ស៊ីគឿន Description of SUONG Sikoeun's biography Biographie révolutionnaire de SUONG Sikoeun	P			
N/A	E1/95.1	00826614- 00826713 00828713- 00828858 00828565- 00828712	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំ ណុំរឿង ០០២ - ថ្ងៃទី ២៤ ខែកក្កដា ឆ្នាំ២០១២ Transcript of hearing on the substance in Case 002 - 24 July 2012 Transcript of hearing on the substance in Case 002 - 24 July 2012	P	00826678- 00826679	00828805	00828657- 00828658
E3/1716	D154.2	00824620- 00824644 00826569- 00826592 00290701- 00290753	ជីវប្រវត្តិបដិវត្តន៍របស់ ស្ងួង ស៊ីគឿន SUONG Sikoeun's biography SUONG Sikoeun's biography	P	00824620	00826569	00290701- 00290702
E3/34	D91/3	00204005- 00204012 00223553- 00223561 00491000- 00491010	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឡុង នរិន ថ្ងៃទី០៤ ១២ ២០០៧ [Surrogate Sheet] Written Record of Interview of LONG Norin [Feuille remplacée] Procès verbal d'audition de LONG Norin	P	00204007- 00204008	00223556	00491003- 00491004

E3/1725	D200 /6.8	00833490- 00833497 00834863- 00834870 00835914- 00835921	<p>[កែតម្រូវ ១] ប្រតិចារឹកបទសម្ភាសន៍ជាមួយអ្នកស្រី ស សៀក ថ្ងៃទី២៤ ខែមីនា ឆ្នាំ២០០៩ Transcript of recorded interview with SA Siek dated 24 March 2009 Transcription d'audition de SA Siek en date du 24 mars 2009</p>	P	00833490, 00834863, 00835914, 00833495, 00834868, 00835919, 00833492 00834865 00835916
E3/1550	5.30	00008921- 00009001, 00006658- 00006711, 00003117- 00003122 00819912- 00819920, 00182805- 00182808, 00249844- 00249845, 00831472- 00831473, 00759691- 00759696 00766901- 00766910, 00766888- 00766891, 00296021- 00296021, 00766791- 00766793	<p>ចម្លើយ ហ៊ុន សែន ហៅកាត់ ក្រសួងយោសនាការ អំពីប្រវត្តិបក្ស សេដ្ឋីអា S-21 Confession of HU Nim alias Phoas, Minister of Propaganda [Partial T.] Aveux de HU Nim alias Phoas à S-21</p>	P	00008923 00249844 00766902
E3/379	D200 /6	00294797- 00294815 00323321- 00323339 00385192- 00385212	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី SA Siek ស សៀក [Surrogate Sheet] Written Record of interview of SA Siek ស សៀក [Feuille remplacée] Procès verbal d'audition de témoin SA Siek ស សៀក</p>	P	00294810 00323334 00385207
E3/342	D288 /6.68. 1	00329596- 00330129 00329596- 00330129	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១ [Surrogate Sheet] Annex 1: Revised S-21 Prisoner List</p>	P	00329972, 00329972, 00329863, 00329863, 00329829, 00329829, 00329647 00329647

E3/18	4.23	00103802- 00103899 00103717- 00103801 00595365- 00595529	<p>សៀវភៅនិពន្ធដោយ ខៀវ សំផន មានចំណងជើងថា៖ "ប្រវត្តិសាស្ត្រកម្ពុជាថ្មីៗនេះនិងគោលជំហរ របស់ខ្ញុំជាបន្តបន្ទាប់" Booked by KHIEU Samphan entitled: "Cambodia's recent history and the reasons behind the decisions I made" Livre écrit par KHIEU Samphan intituté:"L'histoire récente du Cambodge et mes prises de position"</p>	P	00103750	00595425- 00595428
E3/118	D262. 5	00700267- 00700288 00166888- 00167025 00700256- 00700266	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធ ០០០០៥៖ លោក ខៀវ សំផន ចេញផ្សាយសេចក្តីថ្លែងការណ៍ស្តីពីស្ថាន ភាពបច្ចុប្បន្ន [Surrogate Sheet] Annex 00005: Foreign Broadcast Information Service collection of reports for April 1975 [Feuille remplacée] Annexe 00005: KHIEU Samphan fait une déclaration sur la situation actuelle</p>	P	00166897- 98, 00166923- 25, 00700256- 00166927, 67, .006948-49, 00700264- 00166994- 66 96, 00167012- 13	
E3/1695	D359 /1/1. 1.37	00796130- 00796133 00166994- 00166996 00537451- 00537491	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] ឧបសម្ព័ន្ធ ៣៧៖ របាយការណ៍ និង ឯកសារប្រទេសកម្ពុជារៀបរាប់ពីទំនាក់ទំនង រវាង កម្ពុជា និង រដ្ឋដទៃទៀត [Surrogate Sheet] [Partial T.] Annex 37: Cambodian documents and statements about the relations between Cambodia and other states [Feuille remplacée] Annex 37: Cambodian documents and statements about the relations between Cambodia and other states</p>	P	00537478- 81	
E3/228	13.4	00017105- 00017113 00182614- 00182619 00301321- 00301329	<p>កំណត់ហេតុអង្គប្រជុំគណៈអចិន្ត្រៃយ៍ថ្ងៃ ៩ មករា ១៩៧៦ Minutes of permanent committee meeting on 9 January 1976 Procès verbal de la réunion du Comi'te Permanent du 9 janvier 1976</p>	P		
E3/231	13.7	00017124- 00017127 00183360- 00183362, 00528385- 00528387 00323930- 00323931	<p>កំណត់អង្គប្រជុំការងារយោសនាការថ្ងៃ ៨ មីនា ១៩៧៦ Minutes of meeting on information affairs on 8/3/76 Minutes of meeting on information affairs on 8/3/76</p>	P	00528385- 87	

E3/225	13.23	00000837- 00000851 00000837- 00000851, 00182715- 00182724 00323903- 00323913	កំណត់ហេតុនៃអង្គប្រជុំការងារយោសនា ការថ្ងៃ ១ មិថុនា ១៩៧៦ Minute of meeting on information affairs on 1/6/76 Minute of meeting on information affairs on 1/6/76	P			
E3/1726	D200 /6.4	00381210- 00381214 00524040- 00524048 00538890- 00538899	កំណត់ហេតុនៃកិច្ចប្រជុំគណៈកម្មការអចិន្ត្រៃយ៍ ខែមិថុនា ១៩៧៦ Minutes of meeting Standing Committee, june 1976 Minutes of meeting Standing Committee, june 1976	P			00538898
E3/637	D366 /7.1.5 60	00442326- 00442358 00740931- 00740970 00752169- 00752204	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] សេចក្តីថ្លែងការណ៍របស់ ខៀវ សំផន, ហ៊ុន នីម, និង ហ៊ុន យន់ [Surrogate Sheet] Statement of Khieu Samphan, Hou Yun, Hu Nim [Feuille remplacée] Déclaration de KHIEU Samphan, Hou Yun, Hu Nim	P	00442352- 58	00740963- 70	00752195- 204
E3/372	D144	00290418- 00290423 00290424- 00290428 00290429- 00290433	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ស្នង ស៊ីគឿន ថ្ងៃទី១៣ ខែមីនា ឆ្នាំ២០០៩ [Surrogate Sheet] Written Record of Interview of witness SUONG Sikoeun by CIJ on 13 March 2009 [Feuille remplacée] Procès verbal d'audition de témoin SUONG Sikoeun par CJI le 13 mars 2009	P	00290420- 21	00290431- 32	00290426

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).
- Further to the submissions made last week, the Chamber authorized the NUON Chea Defence, if they wish to do so to, to quote from document D366/7.1.564. The motion to revisit documents D22/185.5 and E3/1435 is denied.
- Order to allow hearsay evidence. Witness is allowed to answer a question regarding what her husband, who is now deceased, told her regarding his work and life during conversations during the relevant period.
- 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 21 August 2012.
- Order to return the Witness SUONG Sikoen alias Kung alias Thorn (TCW-694) to his home (13:43).
- 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 21 August 2012 before 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on 21 August 2012 at 9:00 a.m.


Phnom Penh, 20 August 2012

Greffier


Matteo CRIPPA



Greffier


DAV Ansan