



**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 ព្រះរាជាណាចក្រកម្ពុជា Nation Religion King <b>ORIGINAL DOCUMENT/DOCUMENT ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... 04 / 09 / 2012 .....
ម៉ោង (Time/Heure): ..... 11:00 .....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: ..... SA N N RADA .....

**អង្គជំនុំជម្រះសាលាដំបូង**  
 Trial Chamber  
 Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

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

**21 August 2012**

**Substantive Hearing on evidence – Day 99**

Prepared by:

**Roger PHILLIPS and SE Kolvuthy**

<b>Attendance Record</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. DAV Ansan, Mr. Roger PHILLIPS
<b>OCP:</b> Mr. VENG Huot, 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. Jasper PAUW, Mr. SON Arun, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. VEN Pov, Mr. HONG Kimsuon, Ms. Beini YE, Ms SIN Soworn.
<b>Witness:</b> SA Siek alias Sim (TCW-609), KIM Vun (TCW-338)
<b>Others:</b> Mr. Arun UCH, Ms Anne-Elise JOLICARD, Ms. LY Nimol (WESU Assistant), Ms. Hing Vandamet

**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: 14:45	Finish time: 15:00
	Total Court Time:	5 hours and 5 minutes

<b><u>Proceedings</u></b>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence	9:01	9:04
	NUON Chea Defence	12:02	12:04
Testimony of Witness SA Siek alias Sim (TCW-609)	NUON Chea Defence	9:04	9:33
	IENG Sary Defence	9:33	9:48
	KHIEU Samphan Defence	9:49	10:35
Testimony of Witness KIM Vun (TCW 338)	TC	10:59	11:13
	OCP	11:13	16:10
Ruling on the OCP Request for additional time	TC	15:03	15:11
Ruling on NUON Chea defence's objection	TC	15:40	15:49

#### **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 SA Siek alias Sim (TCW-609):**

The NUON Chea Defense started questioning the Witness. The IENG Sary Defence then questioned the Witness. The KHIEU Samphan Defence then questioned the Witness.

##### **Testimony of Witness KIM Vun alias Chhaom (TCW-338):**

The Chamber started questioning the Witness. He answered preliminary questions about his identity. The OCP then questioned the Witness.

##### **Ruling on the OCP Request for additional time to question Witness KIM Vun:**

Co-prosecutors asked for one and a half days to be shared between the Prosecution and the Civil Parties for the Witness KIM Vu. The Chamber ruled that time that has been allocated for one witness has to be used at that time and it cannot be considered to use for putting questions to another witness.

##### **Ruling on NUON Chea defence's objection:**

NUON Chea Defence pointed out that at the Meeting on Friday 17 August the Chamber upheld that Parties are supposed to first establish whether or not the Witness has seen the

document and if he has not, then it needs to be taken away from him because it might confuse the Witness.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/379	D200/6	00294797-00294815 00323321-00323339 00385192-00385212	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី SÅ Siek ស សៀក [Surrogate Sheet] Written Record of interview of SÅ Siek ស សៀក [Feuille remplacée] Procès verbal d'audition de témoin SÅ Siek ស សៀក	P	00294803, 00294798, 00294797, 00294814	00323327, 00323322-00323323	00385199, 00385193, 00385192, 00385211
E3/1725	D200/6.8	00833490-00833497 00834863-00834870 00835914-00835921	[កែតម្រូវ ១] ប្រតិចារឹកបទសម្ភាសន៍ជាមួយអ្នកស្រី ស សៀក ថ្ងៃទី២៤ ខែមីនា ឆ្នាំ២០០៩ Transcript of recorded interview with SÅ Siek dated 24 March 2009 Transcription d'audition de SÅ Siek en date du 24 mars 2009	P	00833497, 00833490	00834870, 00834863	00835921, 00835914
E3/380	D201/10	00357195-00357202 00365640-00365647 00485428-00485434	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី KIM Vun គឹម វុន ចុះថ្ងៃទី 25-07-2009 [Surrogate Sheet] Written Record of Interview of KIM Vun គឹម វុន dated 25 July 2009 [Feuille remplacée] Procès verbal d'audition de témoin KIM Vun គឹម វុន en date du 25 Juillet 2009	P	00357197, 00357200, 00357202	00365642, 00365645	00485429, 00485429-00485430, 00485433
E3/637	D366/7.1.5 60	00442326-00442358 00740931-00740970 00752169-00752204	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] សេចក្តីថ្លែងការណ៍របស់ ខៀវ សំផន, ហ៊ុន នឹម, និង ហ៊ុន យន់ [Surrogate Sheet] Statement of Khieu Samphan, Hou Yun, Hu Nim [Feuille remplacée] Déclaration de KHIEU Samphan, Hou Yun, Hu Nim	P	00442332, 00442328	00740938, 00740933	00752174, 00752170

E3/381	D201 /11	00357203- 00357207 00365526- 00365530 00402996- 00403000	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី KIM Vun គឹម រុន ចុះថ្ងៃទី 28-07-2009 [Surrogate Sheet] Written Record of Interview of KIM Vun គឹម រុន dated 28 July 2009 [Feuille remplacée] Procès verbal d'audition de témoin KIM Vun គឹម រុន en date du 28 Juillet 2009	P	00357205	00365528	00402997- 00402998
E3/5	D243 /2.1.1	00063311- 00063353 00401476- 00401511 00538951- 00538985	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ទង់បដិវត្ត លេខ 8 សីហា 1975 [Surrogate Sheet] CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL) [Feuille remplacée] CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL)	P	00063311, 00063324, 00063341	00401476, 00401488, 00401501	00538951, 00538963, 00538976
E3/262	12.16	00622985- 00622992 00528388- 00528393 S 00004705- 00004709	ការប្រជុំពេញអង្គលើកទី១ នីតិកាលទី១ នៃសភាតំណាងប្រជាជននៃកម្ពុជា សេចក្តីប្រកាសព័ត៌មានថ្ងៃទី១៤ ខែមេសា ឆ្នាំ១៩៧៦ First plenary session of the first legislature of the people representative assembly of Kampuchea, Press Release 14 April 1976 First plenary session of the first legislature of the people representative assembly of Kampuchea, Press Release 14 April 1976	P	00622986, 00622989, 00622990	00528389, 00528391, 00528392	00004706, 00004708, 00004709

**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).
- Ruling that when we are dealing with a document that has been tendered into evidence and that has been shown to the parties, it is a document whose contents can be used to lay a foundation to questions that a party wished to ask. Such a document can be given to the Witness if he has a nexus with the subject matter.
- 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 22 August 2012.
- Order to bring the Witness SA Siek alias Sim (TCW-609) to her accommodation.
- Order to bring the Witness KIM Vun alias Chhaom (TCW-338) and to return him

to the court room tomorrow before 9:00 a.m.

Orders for Adjournment of Hearing  
The hearing will resume on 22 August 2012 at 9:00 a.m. *SD RP*

Phnom Penh, 21 August 2012

Greffier



SE Kolvuthy



Greffier



Roger PHILLIPS