



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
29 / 02 / 2012

ម៉ោង (Time/Heure) : 13:40

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: Ratanak

E1/42

**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  
Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

13 February 2012

Substantive Hearing on evidence – Day 30

Prepared by:

DAV Ansan and Roger PHILLIPS

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony (Reserve); Judge Claudia FENZ (Reserve)
<b>Greffiers:</b> Mr. DAV Ansan, Mr. Roger PHILLIPS.
<b>OCP:</b> Mr. CHAN Darasmey, Mr. Vincent De Wilde d'Estmael, Mr. VENG Huot, Mr. Tarik ABDULHAK, Mr. TOCH Vannarith, Mr. CHUN Soleak.
<b>Accused:</b> Mr. KHIEU Samphan; Mr. NUON Chea; Mr. IENG Sary.
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Michiel PESTMAN; Mr. KONG Sam Onn; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Ms. CHET Vanly, Mr. Barnabé NEKUIE, Ms. MOCH Sovannary, Mr. VEN Pov, Mr. LOR Chunthy, Mr. Olivier BAHOUAGNE.
<b>Others:</b> Court officers, transcribers, Ms. Zuzana KOVALOVA.

<b>General court times</b>		
Day	Start time: 09:05	Finish time: 16:10
Recess am	Start time: 10:40	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

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Decision to designate Judge Claudia FENZ to replace Judge Silvia CARTWRIGHT	Trial Chamber	09:05	09:05
Information concerning new counsel for KHIEU Samphan	Trial Chamber	09:10	09:10
Observation of the NUON Chea Defence	NUON Chea Defence	09:15	09:20
Clarification as to the nature of documents intended to be presented by the Co-Prosecutors	KHIEU Samphan Defence IENG Sary Defence Co-Prosecutors Trial Chamber	09:20	09:40
Submission of documents considered to be of particular relevance for Case 002/01	Co-Prosecutors	09:40	16:10
Waiver of IENG Sary's right to be present in the courtroom	IENG Sary Defence Trial Chamber	10:35	10:35
Waiver of NUON Chea's right to be present in the courtroom	NUON Chea Defence Trial Chamber	12:00	12:00
Ruling on the Defence Counsel's objections concerning the presentation of documents by the Co-Prosecutors	Trial Chamber	14:40	14:40
Co-Prosecutors' request for additional time	Co-Prosecutors Trial Chamber	13:35	13:40

### **Summary of Proceedings**

#### **Decision to designate Judge Claudia FENZ to replace Judge Silvia CARTWRIGHT**

Due to health problems of Judge CARTWRIGHT, the President announced the decision to designate Judge FENZ to replace Judge CARTWRIGHT during her absence (from 13-16 February 2012). The decision was based on Rule 79(4) of the Internal Rules.

#### **Information concerning new counsel for KHIEU Samphan**

The Parties were informed that a new counsel Anta GUISEE joined the KHIEU Samphan

Defence team and that she had not taken an oath yet. The Trial Chamber allowed the counsel to be present in the courtroom without making any observations.

**Observation of the NUON Chea Defence**

The international Defence Counsel for NUON Chea stated that a Khmer term “na aeng” repeatedly used by the President of the Trial Chamber at the hearing of 8 February 2012 to address him was inappropriate and intimidating (000777437-439 (KH)) and could give appearance of bias of the Court.

**Clarification as to the nature of documents intended to be presented by the Co-Prosecutors**

The KHIEU Samphan Defence and the IENG Sary Defence requested that the Co-Prosecutors present only documents which had already been put before the Chamber and were specifically relevant to Case 002/01. The Co-Prosecutors noted that the Parties had already been informed about these documents via the Co-Prosecutors’ list.

**Submission of documents considered to be of particular relevance for Case 002/01**

The Co-Prosecutors presented twelve documents to the Trial Chamber.

**Waiver of IENG Sary’s right to be present in the courtroom**

The Accused waived his right to be present in the courtroom for the whole day.

**Waiver of NUON Chea’s right to be present in the courtroom**

The Accused waived his right to be present in the courtroom in the afternoon.

**Ruling on the Defence Counsel’s objections concerning the presentation of documents by the Co-Prosecutors**

The Trial Chamber ordered the Co-Prosecutors not to make any statements or pleadings on the basis of the documents presented. However, the Parties were allowed to explain why they considered these particular documents important and place them into context.

**Co-Prosecutors’ request for additional time**

The Co-Prosecutors requested 40 additional minutes to present documents. The Trial Chamber would decide on the matter at a later stage.

**Oral Orders/Decisions:**

- Decision to assign Judge Claudia FENZ to be in the place of Judge Silvia CARTWRIGHT during her absence.
- Order to bring the Accused IENG Sary (10:36) and NUON Chea (12:02) to the holding cell (waivers of the Accused are attached to this written record).
- Ruling that the Chamber will not allow [the] Co-Prosecutor to make any statement during this time when the documents are being put.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 14 February 2012.

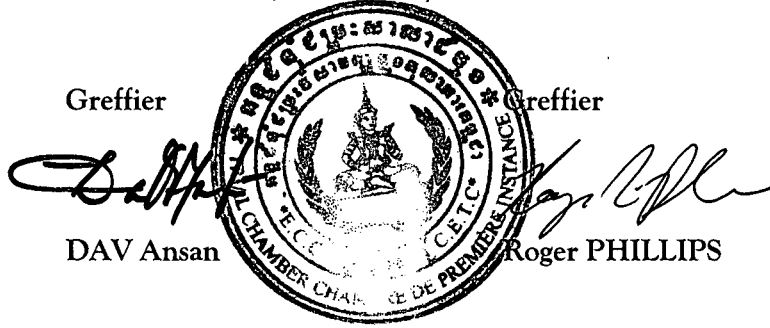
**Orders for Adjournment of Hearing**

The hearing will resume on 14 February 2012 at 9:00am.

Phnom Penh, 13 February 2012

Greffier

Greffier



DAV Ansan

Roger PHILLIPS