



**ឯកសារដើម**  
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ម៉ោង (Time/Heure): 13:00 ព្រះរាជាណាចក្រកម្ពុជា

មន្ត្រីទទួលបន្ទុកសំណុំរឿង (Case File Officer/L'agent chargé du dossier): UCH Arun ជាតិ សាសនា ព្រះមហាក្សត្រ

E1/54

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

27 March 2012

Substantive Hearing on evidence – Day 42

Prepared by:

DAV Ansan and Matteo CRIPPA

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.
<b>Greffiers:</b> Mr. DAV Ansan, Ms. Natacha WEXELS-RISER, Mr. DUCH Phary, Mr. Matteo CRIPPA
<b>OCP:</b> Mr. William SMITH, Mr. SENG Bunkheang, Mr. PICH Sambath, Mr. Dale LYSAK, Ms Sarah ANDREWS Mr Chanlino Pak.
<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. Jasper PAUW, Mr. KONG Sam Onn, Ms. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Ms. MOCH Sovannary, Mr. VEN Pov, Mr. Barnabé NEKUIE, Ms. Lyma NGUYEN, Ms. SIN Sowom.
<b>Witness:</b> KAING Guek Eav alias DUCH
<b>Others:</b> Ms. Alexandra PRASSOLOFF

<b>General court times</b>		
Day	Start time: 09:05	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours, 40 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Testimony of KAING Guek Eav	OCP	09:05	16:00
Waiver of the accused's right to be present in the courtroom	IENG Sary Defence	10:30	10:30
	NUON Chea	12:00	12:00
Issue concerning the manner of questioning the witness	NUON Cheam Defence	10:00	10:00
	IENG Sary Defence	13:45	13:50
	Trial Chamber	14:30	14:35
Issue concerning the presentation of documents before the witness	NUON Chea defence	11:20	11:40
	IENG Sary Defence	14:30	14:35
	KHIEU Samphan Defence Trial Chamber	15:30	15:50

### **Summary of Proceedings**

#### **Testimony of KAING Guek Eav**

The Co-Prosecutors continued to put questions to the Witness.

#### **Issue concerning the manner of questioning the witness**

The NUON Chea and the IENG Sary Defence objected to the questioning by the Co-Prosecutors, arguing that there were leading questions and that the Co-Prosecutors were treating the witness as an expert, instead. The Trial Chamber advised the Co-Prosecutors to ensure that questions put to the witness do not appear to be leading.

#### **Issue concerning the presentation of documents before the witness**

All Defence Team objected to the questioning by the Co-Prosecutors on the basis that it was beyond the scope of the trial, and shall not be about S-21. The KHIEU Samphan Defence objected to certain documents being put before the witness on the grounds that the witness was unaware of these documents at the time of the facts. The Chamber recalled its previous ruling stating that any party may put a document to a witness and ask if the witness has seen this document before. If the witness has not seen it, the document should be removed from the witness. To clarify the issue, the Chamber added that the witness knowledge of a document should not be confined to the period of Democratic Kampuchea.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/153 2	3.1	00068149-00068149 00235659-00235659 00623527-00623527	ប្រវត្តិរូបអ្នកទោសឈ្មោះ អ៊ឹង សុក ជាប្រធានពាណិជ្ជកម្ម ប្រចាំនៅហុងកុង Biography of Prisoner, Ing Sok, Trade Chief in Hong Kong Biography of Prisoner, Ing Sok, Trade Chief in Hong Kong	P			
E3/153 3	3.5	00068148-00068148, P 00000039-00000043 00242035-00242035 00598003-00598003	ប្រវត្តិរូបអ្នកទោសជាប់ឃុំឃាំងឈ្មោះ ផល វ៉ា, សមាជិកគណកម្មាធិការពាណិជ្ជកម្មរដ្ឋប្រចាំនៅហុងកុង Prisoner biography of Phal Va, Committee member of Commercial state in Hong Kong. Prisoner biography of Phal Va, Committee member of Commercial state in Hong Kong.	P			
E3/153 4	D108 /26.8 2	00087007-00087009 00181667-00181669	បញ្ជីឈ្មោះអ្នកទោសផ្នែកក្រសួងការបរទេស ស Annex 82: S-21 Prisoner List containing names of prisoners from the Ministry of Foreign Affairs	P			
E3/153 5	16.80	00021088-00021089 00183657-00183662	ឈ្មោះអ្នកទោសផ្នែក ពេទ្យអង្គការ Name of prisoners of Angkar Hospital Section	P			
E3/153 6	D121. 4	00021088-00021089 00183657-00183662	ឧបសម្ព័ន្ធ ៤ : បញ្ជីអ្នកទោស ស២១០ : ពេទ្យអង្គការ ERN 00021088 Annex 4: S21 Prisoners List: Angkar Hospital, ERN 00021088	P			
E3/153 7	D43/I V- Annex 75	00174754-00174760 00224639-00224639 00271459-00271459	ឧបសម្ព័ន្ធ ៧៥៖ ៦៤២bbkkh សម្រង់ចម្លើយសារភាពរបស់ ទីវ ម៉ឺ ហៅ សន្តិភាព Annex 75: 642bbkkh Colour copy Excerpt of Confession of Tiv Mei alias Santepheap Annexe 75: 642bbkkh l'extrait en copie couleur de la confession de Tiv Mei alias Santepheap	P			
E3/153 8	D312. 1.46	00090136-00090137	បញ្ជីឈ្មោះអ្នកទោសដែលត្រូវកំទេចហើយនៅថ្ងៃទី ២២ មីនា ៧៦	P			
E3/153 9	7.2	00006744-00006747 00182892-00182903	ឈ្មោះអ្នកទោសដែលងាប់នៅមន្ទីរ ស-២១ Name list of prisoners has been died at S-21 Office	P			

E3/154 0	D312. 1.55	00090138- 00090141	ឈ្មោះអ្នកទោសដែលដាច់នៅមន្ទីរ ស-២១	P			
E3/154 1	16.46	00040750- 00040756, 00106309- 00106315 00233891- 00233898, 00185348- 00185363 00296018- 00296018	ស្ថិតិអ្នកទោសដែលផ្អាកសួរក្នុង ខែមករា ១៩៧៧ Statistique of prisoners interrupted to interrogate in January 1977 Liste de la désignation de zone Nord en 1963-1977	P			
E3/154 2	D312. 1.25	00008118- 00008142	ស-២១ បញ្ជីរាយឈ្មោះអ្នកទោសដែលកំពុងសួរក្នុ ងខែ ១,៧៧	P			
E3/727	11.14	00064551- 00064585 00185322- 00185347 00524447- 00524475	ទង់បដិវត្ត លេខពិសេស ឧសភា មិថុនា ១៩៧៨ Tung Pakdevath No. 8 August, 1978 Tung Pakdevath No. 8 August, 1978	P			
E3/833	14.3	00077661- 00078056 00242259- 00242263, 00184579- 00184618 00373110- 00373115, 00282468- 00282547	កំណត់ហេតុរបស់ចាន់ជាភាសាខ្មែរចុះថ្ងៃទី ១៧ ធ្នូ ១៩៧៧ S-21 Notebook by MAM Nai alias Chan [Corrigé 1] S-21 Livre de Mam Nai alias Chan	P			
E3/154 3	D159 /5.22	00299584- 00299956	ចម្លើយសារភាព ចាប់ មិត្ត លេខាស្រុក ខ្សាច់កណ្តាល តំបន់២២ ភូមិភាពបូព៌ា	P			
E3/154 4	10.5	00053000- 00053000 00184020- 00184020 00290166- 00290166	វិធានការសួរចម្លើយដែលធ្វើឱ្យ បែន សាន ហៅ យា សារភាពនៅថ្ងៃទី ២៦ កញ្ញា ៧៦ Interrogating measure that Pen San call Ya gaven the trusth on 26/9/76 Les moyens d'interroger Pen San alias Ya, à passer aux aveux le 26/9/76	P			
E3/117 7	D366 /7.1.4 81	00002251- 00002251 00517314- 00517314 00501189- 00501189	សំបុត្ររបស់ខុច ជួនចំពោះសមមិត្ត ប៉ុន Duch's letter to Comrade Pon Duch's letter to Comrade Pon	P			

E3/259	9.2	00089841- 00089852 00184833- 00184839 S 00012644- 00012659	សំណុំឯកសារច្បាប់រដ្ឋាភិបាលកម្ពុជាប្រជា ធិបតេយ្យមានចំណង រដ្ឋធម្មនុញ្ញនៃកម្ពុជាប្រជាធិបតេយ្យ DK Government Legal Documents entitled Constitution of Democratic Kampuchea Swedish Collection Document 1976	P			
E3/214	9.1	00053007- 00053080 00184022- 00184047 00292914- 00292934	លក្ខន្តិកៈបក្សកុម្មុយនិស្តកម្ពុជា Statute of cambodian communist party Status du Parti Communiste du Kampuchéa	P			
E3/12	6.3	00003136- 00003142, 00000758- 00000764 00182809- 00182814 00224363- 00224367	សេចក្តីសម្រេចរបស់គណៈមជ្ឈឹមអំពីបញ្ហា ផ្សេងៗមួយចំនួន Decision of central committee on a number of problems Decision of central committee on a number of problems	P			

**Oral Orders/Decisions:**

- Order to bring the Accused IENG Sary (10:30) and NUON Chea (12:00) to the holding cell.
- Ruling clarifying that the ruling concerning a witness previous knowledge of a document put before him by a party is not confined to the period of Democratic Kampuchea.
- Order to return Witness KAING Guek Eav to the detention facility and to bring him to the courtroom for the hearing on 28 March 2012.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 28 March 2012.

**Orders for Adjournment of Hearing**

The hearing will resume on 28 March 2012 at 9:00am.

Phnom Penh, 27 March 2012

Greffier




  
 DAV Ansan Matteo CRIPPA