



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ទទួល ទទួល (Date of receipt/date de reception):
23 / 04 / 2012

ម៉ោង (Time/Heure) : 10:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent charge
ឈ្មោះ dossier: Retanak

E1/55

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

28 March 2012

Substantive Hearing on evidence - Day 43

Prepared by:

Duch Phary and Roger PHILLIPS

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Ms. SE Kolvuthy, Mr. Roger PHILLIPS, Mr. DUCH Phary.
OCP: Mr. William SMITH, Mr. HUOT Veng, Mr. Dale LYSAK, Mr. CHANLINO Pak.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Jasper PAUW, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Mr. VEN Pov, Mr. KIM Mengkhy, Mr. Barnabé NEKUIE, Ms. Lyma NGUYEN, Ms. SIN Soworn.
Witness: KAING Guek Eav alias DUCH.
Others: Ms Zuzana KOVALOVA.

<u>General court times</u>		
Day	Start time: 09:00	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 45 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of KAING Guek Eav	Co-Prosecutors	09:00	16:00
Observations regarding the presentation of documents	KHIEU Samphan Defence NUON Chea Defence Co-Prosecutors Civil-Party Lead Co-Lawyers Trial Chamber	09:15	09:25
Request for extension of time	Co-Prosecutors NUON Chea Defence Trial Chamber	10:30	10:55
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence NUON Chea Defence	10:30 12:00	10:30 12:00
Issues regarding authenticity of documents and earlier motions of the Parties	NUON Chea Defence KHIEU Samphan Defence Civil-Party Lead Co-Lawyers Trial Chamber	10:55	11:10

Summary of Proceedings

Testimony of KAING Guek Eav

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

Observations regarding the presentation of documents

The Defence teams opposed the practice to present to the Witness any documents the authenticity of which had not been confirmed. The Co-Prosecutors and the Civil-Party Lead Co-Lawyers referred to the Trial Chamber's relevant ruling from the day before. The Trial Chamber dismissed the objections and reminded the Co-Prosecutors not to ask the Witness to explain his personal views about documents.

Request for extension of time

The Trial Chamber granted the Co-Prosecutors' request for one half-day of additional time to question the Witness. The NUON Chea Defence did not object to that request.

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

The Accused IENG Sary and NUON Chea waived their right to be present in the courtroom.

Issues regarding authenticity of documents and earlier motions of the Parties

Following the observations made by the Parties, the Trial Chamber noted that even though not all of the Parties' motions had been ruled on (e.g. those concerning the authenticity of documents), the Trial Chamber had been doing its best to address the pending motions.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Classes	Note in Khmer	Note in English	Note in French
E3/342	D288/6.68.1	00329596-00330129	ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១	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			
E3/1545	D311/2	00386463-00386474 00391690-00391700 00434948-00434960	កំណត់ហេតុនៃការស្តាប់ចម្លើយ សាក្សី ឆាំង យុ CHHAN Youk ថ្ងៃទី០៦ តុលា ២០០៩ Written Record of Interview of CHHAN Youk ឆាំង យុ Procès verbal d'audition de témoin CHHAN Youk ឆាំង យុ	P			
E3/811	D108/31.4	00008502-00008503 00178149-00178150 00314924-00314925	ឧបសម្ព័ន្ធ០៤: កំណត់ហេតុអង្គប្រជុំជាមួយមន្ទីរ ៧០៣ របស់អង្គការ និង ស-២១ Annex 04: Note of Angkar office 703 and S-21 Meeting Annex 04: Note of Angkar office 703 and S-21 Meeting	P			
E3/801	13.33	00088911-00088917 00184821-00184823, 00597952-00597960 00322973-00322981	កំណត់ហេតុនៃការប្រជុំការងារបង្កើនផល សភាពការណ៍ខ្មាំង និង សភាពការណ៍បក្ស Note of harvest meeting Enemy and Party Situation Note of harvest meeting Enemy and Party Situation	P			

E3/763	D248 /3.3	00079279- 00079282 00275217- 00275220 00623528- 00623531	សេចក្តីណែនាំរបស់គណៈមជ្ឈឹមបក្សកុម្មុយនិស្តកម្ពុជា យ នីស្តកម្ពុជា Guidance of Central Committee of the CPK Guidance of Central Committee of the CPK	P			
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Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:30) and NUON Chea (12:00) to the holding cell (waivers of the Accused are attached to this written record).
- Order to return the Witness to the detention facility and to bring him to the courtroom for the hearing on 29 March 2012.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 29 March 2012.


Orders for Adjournment of Hearing

The hearing will resume on 29 March 2012 at 9:00am.

Phnom Penh, 28 March 2012

Greffier

Greffier



Duch Phary

Roger PHILLIPS