



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... 25 / 04 / 2012

ម៉ោង (Time/Heure) : 10 : 00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
..... SANN RA DA

E1/56

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

29 March 2012

Substantive Hearing on evidence - Day 44

Prepared by:
SE Kolvuthy and Roger PHILLIPS

Attendance Record
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. DAV Ansan
OCP: Mr. William SMITH, Mr. Dale LYSAK, Mr. CHANLINO Pak, Mr. SENG Bunkheang.
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, Mr. HONG Kimsuon, Mr. VEN Pov, Mr. KIM Mengkhy, Mr. Barnabé NEKUIE, Ms. Lyma NGUYEN, Ms. CHET Vanly.
Witness: KAING Guek Eav alias DUCH. <i>KS - PP</i>

Others: Mr. UCH Arun; Mr. Philippe GOUT		
General court times		
Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:15	Finish time: 13:35
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
Questioning of KAING Guek Eav	Co-Prosecutors	09:00	16:00
Discussion on the witness's ability to authenticate annotations and objection on the questioning	Defence for Ieng Sary Defence for Nuon Chea Trial Chamber	11:10	11:48
Waiver of accused's right to be present in courtroom and request to follow the proceeding from the holding cell.	Defence for IENG Sary	10:30	10:30
	Defence for NUON Chea	12:10	12:10
Co-Prosecutors' request for additional time to question the witness.	Co-Prosecutors	14:35	15:00
Objection to questions regarding documents not recognized by the witness.	Defence for KHIEU Samphan and Trial Chamber	15:30	15:35

<p><u>Summary of Proceedings</u></p> <p><u>Testimony of KAING Guek Eav</u> The Co-Prosecutors continued to put questions to the Witness.</p> <p>Discussion on the witness's ability to authenticate annotations and objection on questioning.</p> <p>Defence for Ieng Sary objected on the witness's ability to authenticate annotations with respect to some documents presented by the Co-Prosecutors to the witness. Defence for Nuon Chea objected to OCP questions that led the witness to speculate. The Trial Chamber asked some questions to the witness for clarification.</p> <p><u>Request to waive Accused's presence in the courtroom</u> The Defence for Ieng Sary and Nuon Chea request to waive the Accused's presence in the</p>
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courtroom. The Chamber grants their request.

Co-Prosecutors' request for additional time to question the witness:

OCP requested one more hour and half on Monday to finish its questioning. Counsels for Ieng Sary and KHIEU Samphan objected. Civil parties agreed to share their allocated time one hour with OCP. TC denies the request of OCP. However, TC grants the sharing of time one hour from the Civil parties.

Objection to questions regarding documents not recognized by the witness:

Defence for Khieu Samphan objected to OCP's questioning by quoting the specific paragraph from a document not recognized by the witness. The Chamber recalls its ruling on the proper procedure to present documents.

Discussion on procedure to present documents:

Counsel for KHIEU Samphan requests that the witness first state what he recalls of a document before being presented with it. TC recalls its prior ruling. Documents not recognized by the witness shall be withdrawn from the witness. Only then may questions related to this document be put. The TC's President underlines that it is not a serious matter and parties have different ways in putting question to the witness. All parties can benefit from the way one another put questions to the witness.

However OCP asks the witness to recall what he knows of this document before handing it over to him.

see AP

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/763	D248/3.3	00079279-00079282 00275217-00275220 00623528-00623531	សេចក្តីណែនាំរបស់គណៈមជ្ឈឹមបក្សកុម្មុយនីស្តកម្ពុជា Guidance of Central Committee of the CPK Guidance of Central Committee of the CPK	P			
E3/740	D108/50/1.7	00082731-00082731 00305412-00305412 00583932-00583932	ឧបសម្ព័ន្ធ ៧៖ សេចក្តីណែនាំនៃការប្រើពាក្យអង្គការ និងពាក្យបក្ស Annex 7: Introduces guidelines on the use of words 'Angkar and Party' issued by Committee 870 on 11 July 1977 and copied to all divisions, regiments and offices throughout Democratic Kampuchea Annex 7: Introduces guidelines on the use of words 'Angkar and Party' issued by Committee 870 on 11 July 1977 and copied to all divisions, regiments and offices throughout Democratic Kampuchea	P			

E3/1173	D366/7 .1.475	00072484- 00072485 00525781- 00525782	មតិណែនាំរបស់ ៨៧០លេខ ២០-៧៦ ស្តីអំពីការទម្លាក់គ្រាប់បែក របស់ចក្រពត្តិអាមេរិកលើក្រុងសៀមរាបថ្ងៃទី ២៥ កុម្ភៈ ៧៦ CPK Document entitled "Advice of 870 no 02-76 about bomb drop of American imperialist into Siem Reap province on 25/2/76"	P			
E3/183	D232/8 .3	00019108- 00019124 00183393- 00183406 00292868- 00292884	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឯកសារកម្ពុជាប្រជាធិបតេយ្យ " ការប្រជុំអចិន្ត្រៃយ៍ ០៩-១០-៧៥" [Surrogate Sheet] DK Document entitled "Minutes of the meeting 09 October 1975" [Feuille remplacée] Le document du KD intitulé "Compte-rendu de réunion du 09 Octobre 1975"	P			
E3/220	13.16	00000827- 00000828 00182706- 00182707 00323891- 00323891	កំណត់ហេតុនៃអង្គប្រជុំគណៈអចិន្ត្រៃយ៍ថ្ងៃទី ៧ ឧសភា ១៩៧៦ [Corrected 1] Minutes of permanent committee meeting on 7/5/76 Minutes of permanent committee meeting on 7/5/76	P			
E3/394	D228	00398220- 00398227 00398228- 00398235 00398236- 00398243	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះ ថ្ងៃទី ២២-១០-២០០៩ Written Record of Interview of Duch by CIJ on 22-10-2009 Procès verbal d'interrogatoire de Duch par CJI le 22-10-2009	P			
E3/1546	D43/I V- Annex 26	00173049- 00173056 00753705- 00753710, 00224630- 00224630 00757862- 00757868, 00271450- 00271451	ឧបសម្ព័ន្ធប្រចាំ: 319bbkkh សម្រង់ចម្លើយសារភាពរបស់ ម៉ុក សំអុល ហៅ ហុង [Partial T.] Annex 26: Excerpt of Confession of Mok Sam-ol alias Hong [Partial T.] Annexe 26: Aveux de MOK Sam Ol alias HONG à S-21 (annotations des extraits de couleur)	P			
E3/357	D120	00242917- 00242927 00242928- 00242938 00242939- 00242948	កំណត់ហេតុនៃការសួរចម្លើយឌុច ថ្ងៃទី ២៧ វិច្ឆិកា ឆ្នាំ២០០៨ Written Record of Interview of Duch by CIJ on 27-11-2008 Procès verbal d'interrogatoire de Duch par CJI le 27-11-2008	P			
E3/963	D108/2 6.282	00086716- 00086717 00181772- 00181774	ឈ្មោះមនុស្សនៅ ក្រសួងការបរទេស ដែលជាប់ចម្លើយខ្លាំង Annex 282: S-21 Prisoner List containing names of implicated persons from the Ministry of Foreign Affairs	P			

28

E3/1547	D43/I V- Annex 41	00174100- 00174107 00771346- 00771348 00289865- 00289866	ឧបសម្ព័ន្ធ ៤១៖ 412bbkkh សម្រាប់ចម្លើយសារភាពរបស់ មាត ទូច ហៅ តែម [Partial T.] Annex 41: 412bbkkh Colour copy Excerpt of Confession of Meak Touch alias Kem Annex 41: 412bbkkh Colour copy Excerpt of Confession of Meak Touch alias Kem	P			
E3/1548	D43/I V- Annex 47	00174132- 00174133 00221776- 00221776, 00767463- 00767463 00766916- 00766917, 00289868- 00289868	ឧបសម្ព័ន្ធ ៤៧៖ 440bbkkh សម្រាប់ចម្លើយសារភាពរបស់ សាន់ ប៉ូ Annex 47: 451bbkkh Colour copy Excerpt of Confession of San Pau Annexe 47: Aveux de SAN Pau à S- 21	P			
E3/1549	D43/I V- Annex 58	00174392- 00174434 00224127- 00224127, 00769683- 00769715 00235669- 00235669	ឧបសម្ព័ន្ធ ៥៨៖ 555bbkkh សម្រាប់ចម្លើយសារភាពរបស់ អេង ម៉េងហ៊ីង ហៅ ឆុន Annex 58: 555bbkkh Colour copy Excerpt of Confession of Eng Meng Heang alias Chhon Annexe 58: 555bbkkh L'extrait en copie couleur de la confession de Eng Meng Heang alias Chhon	P			
E3/1550	5.30	00008921- 00009001, 00006658- 00006711, 00003117- 00003122 00759691- 00759696, 00182805- 00182808, 00249844- 00249845 00296021- 00296021, 00766791- 00766793, 00766901- 00766910, 00766888- 00766891	ចម្លើយសារភាពរបស់ ហ៊ូ នីម ហៅ ភាស់ S-21 Confession of HU Nim alias Phoas, Minister of Propaganda [Partial T.] Confession of Hou Nim alias Phoas	P			

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:30) and NUON Chea (12:10) 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 02 April 2012.
- Order to bring the three Accused to the detention facility and to return them to

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the courtroom for the hearing on 02 April 2012.

Orders for Adjournment of Hearing
The hearing will resume on 02 April 2012 at 9:00am. *AS-RH*

Phnom Penh, 29 March 2012

Greffier  Greffier
SE Kolvuth   Roger PHILLIPS