



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

ម៉ោង (Time/Heure) : 14:40

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

E1/57

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

2 April 2012

Substantive Hearing on evidence - Day 45

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. DUCH Phary
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. HONG Kimsuon, Mr. VEN Pov, , Mr. Barnabé NEKUIE, Ms. Marie GUIRAUD, Ms. Lyma NGUYEN, Ms. CHET Vanly, Ms. SIN Sowom.
Witness: KAING Guek Eav alias DUCH.

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Others: Ms Alexandra PRASSOLOFF, Mr. Uch Arun		
General court times		
Day	Start time: 09:30	Finish time: 16:20
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:55	Finish time: 15:15
	Total Court Time:	4 hours, 40 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Testimony of KAING Guek Eav	OCP	09:30	10:35
	CLCP	11:00	16:20
Waiver of accused's right to be present in courtroom and request to follow the proceedings from the holding cell.	Defence for IENG Sary	10:35	10:35
	Defence for NUON Chea	12:00	12:00
Request about the time remaining for questioning	CLCP	13:35	13:40
		15:30	15:40
Objection as to scope of questioning	IENG Sary Defence	13:40	13:45
Request concerning the time allocated for Defence questioning	NUON Chea Defence KHIEU Samphan Defence IENG Sary Defence Trial Chamber	15:15	15:35
Discussion concerning documents considered by the TC in rendering its Decisions	KHIEU Samphan Defence IENG Sary Defence Trial Chamber	15:15	15:45

Summary of Proceedings
Court proceedings commenced belatedly at 9:30 am due to the late arrival of staff transportation caused by road diversions and a traffic jam.
<u>Testimony of KAING Guek Eav</u> The OCP continued and completed questioning of the Witness. Subsequently, the Civil-Party Co-Lawyers began the questioning of the Witness.
<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 courtroom. The Chamber grants their request.
<u>Request about the remaining time for questioning</u> The CLCP requested clarification from the TC as to the time remaining for their questioning of the Witness. The TC indicated that the CLCP had until the end of the day.

Later an additional one hour was provided to civil party lawyers.

Objection as to scope of questioning

IENG Sary Defence requested that the questions put to the Witness relate strictly to Case 002/01. The TC reminded the parties that they should use pseudonyms when they name other potential witnesses to be summoned by the court, and that questions put to the witness KAING Guek Eav should be related to the facts.

Request concerning the time allocated for Defence questioning

NUON Chea Defence requested clarification about the time which will be allocated to the defence teams to question witness KAING Guek Eav and they indicate that they would need two days. IENG Sary defence indicate that they would need approximately two days, depending on what would have already been covered by the other teams. The TC indicates that three days would be allocated for Defence questioning.

Discussion concerning documents considered by the TC in rendering its Decisions.

KHIEU Samphan Defence request clarification as to the documents that may serve as a basis for Chamber's Decisions.. The TC states that according to Rule 87(3), the Chamber must rely on documents put before the Chamber. When a witness is testifying, all prior testimonies and declarations are considered to be put before the Chamber.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/11	D243 /2.1.1 2	00063116-00063187-00486212-00486266-00492795-00492857	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ទង់បដិវត្ត លេខ ពិសេស កញ្ញា 1977 CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL)	P		00486228; 00486230	
E3/182	13.2	00019108-00019126-00183393-00183408-00292868-00292886	ការប្រជុំអចិន្ត្រៃយ៍ថ្ងៃទី ៩ តុលា ៧៥ Permanent 's meeting of committee on 9 October 1975 La réunion du Comité Permanent du 9 octobre 1975	P	0009108		
E3/107	D89	00197967-00197977-00198217-00198225-00197978-00197986	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ២៤ មិថុនា ២០០៨ Written Record of Interview of Duch by CIJ on 24-06-2008 Procès verbal d'interrogatoire de Duch par CJI le 24-06-2008	P		00198219	

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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		00182814	
E3/357	D120	00242917- 00242927 00242928- 00242938 00242939- 00242948	កំណត់ហេតុនៃការសួរដេញដោល 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		00242931	
E3/1551	16.67	00072558- 00072558	ឈ្មោះអ្នកទោស ក្រសួងពាណិជ្ជកម្មរដ្ឋ	P	00367432		
E3/1552	D288 /4.65. 1	00367632- 00367708 00367432- 00367530 00367531- 00367631	ប្រតិចារិតនៃដំណើរការនីតិវិធីជំនុំជម្រះករ ណី ខុច - ១៩ សីហា ២០០៩ Transcript of Proceedings - "Duch" Trial - 19 August 2009 Transcript of Proceedings - "Duch" Trial - 19 August 2009	P			
E3/342	D288 /6.68. 1	00329596- 00330129 00329596- 00330129	ឧបសម្ព័ន្ធ ១៖ ការពិនិត្យឡើងវិញ បញ្ជីអ្នកទោសនៅមន្ទីរស ២១ Annex 1: Revised S-21 Prisoner List	P			
E3/963	D108 /26.2 82	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	0086716		
E3/1140	D288 /5.21 0	00052994- 00052994 00178065- 00178065 00195953- 00195953	សំបុត្រ ស្និ ម៉េត ផ្ញើទៅ ខុច មានចំណងជើងថា "ជូនចំពោះសមមិត្ត ខុចជាទីស្នេហា" ថ្ងៃទី ០១ មេសា ១៩៧៧ Sou Met's letter to Duch entitled "Dear Beloved Comrade KAING Guek Eav alias Duch." 01 April 1977 Lettre de Sou Met à Duch "Bien aimé camarade Kaing Guek Eav alias Duch" 1er Avril 1977	P	00052994	00178065	
E3/971	D288 /5.21 1	00178066- 00178066	Sou Met's letter to Duch entitled "Dear Beloved Comrade KAING Guek Eav alias Duch." 01 May 1977	P		00178066	

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E3/1043	D108/31.40	00280086-00280086, 00002078-00002078, 00224319-00224319, 00178193-00178193, 00238846-00238846	ជំរាបមក ឌុច អំពីចម្លើយរបស់ សែម Annex 40: Report from SOU Met to KAING Guek Eav alias Duch that requests information regarding the confessions of Sem, of Battalion 512 Annex 40: Report from SOU Met to KAING Guek Eav alias Duch that requests information regarding the confessions of Sem, of Battalion 512	P	00002078	00224319
E3/259	9.2	00089841-00089852, 00184833-00184839 S, 00012644-00012659	សំណុំឯកសារច្បាប់រដ្ឋាភិបាលកម្ពុជាប្រជាធិបតេយ្យមានចំណង រដ្ឋធម្មនុញ្ញនៃកម្ពុជាប្រជាធិបតេយ្យ DK Government Legal Documents entitled Constitution of Democratic Kampuchea Swedish Collection Document 1976	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	00064566	00185332
E3/1553	D108/26.272	00088751-00088753	បញ្ជីរាយនាមអ្នកទោស៧នាក់ដែលជាជនជាតិអាមេរិចកាំង និងរៀតណាមដែលត្រូវបានចាប់ខ្លួននៅថ្ងៃ ២៦ ១១ ១៩៧៨	P		
E3/1554	D22/21/3	00211734-00211758, 00335569-00335579, 00323822-00323835	ឧបសម្ព័ន្ធនា ទិន្នន័យមជ្ឈមណ្ឌលឯកសារ កម្ពុជារបស់លោក មីហ្សែល ស្កត ឌីដ Annex 3: Confession of Mr. Michael Scott DEEDS at Tuol Sleng Annex 3: Confession de M. Michael Scott DEEDS à Tuol Sleng	P		
E3/1555	D130/8	00355904-00355917, 00355926-00355933, 00355918-00355925	ដីកាសម្រេចលើការប្រើប្រាស់ភស្តុតាងដែលបានមក ឬដែលអាចបានមកដោយ ការធ្វើ ទារុណកម្ម Order on use of statements which were or may have been obtained by torture Ordonnance sur l'utilisation des éléments obtenus ou susceptibles d'avoir été obtenus sous la torture	P		

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:37) 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

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courtroom for the hearing on 3 April 2012.

- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 3 April 2012.

Orders for Adjournment of Hearing
The hearing will resume on 3 April 2012 at 9:00am. *sh*

Phnom Penh, 2 April 2012

Greffier  Greffier
SE Kolvuthy  Roger PHILLIPS 