



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
<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 27 / 04 / 2012
ម៉ោង (Time/Heure): 9:30
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Cases File Officer/L'agent chargé du dossier: UCH ACUM

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

05 April 2012

Substantive Hearing on evidence - Day 48

Prepared by:  
SE Kolvuthy and Roger PHILLIPS

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.
<b>Greffiers:</b> Ms. SE Kolvuthy, Mr. Roger PHILLIPS, Mr. DAV Ansan
<b>OCP:</b> Mr. William SMITH, Mr. Dale LYSAK, Mr. SENG Bunkheang.
<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, Mr. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. MOCH Sovannary, Mr. HONG Kimsuon, Mr. VEN Pov, Mr. Mr. Barnabé NEKUIE, Ms. Marie GUIRAUD, Ms. CHET Vanly, Ms. SIN Sowom.
<b>Witness:</b> KAING Guek Eav alias DUCH.
<b>Others:</b> Ms. Alexandra PRASSOLOFF. <i>[Signature]</i>

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:10
Recess am	Start time: 10:55	Finish time: 11:20
Recess	Start time: 12:10	Finish time: 13:30
Recess pm	Start time: 14:35	Finish time: 15:00
	Total Court Time:	4 hours 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Temporary Replacement of Judge Lavergne	TC	09:05	09:05
Testimony of KAING Guek Eav	NUON Chea Defence	09:09	16:10
Procedure for questioning	CPCL TC	09:35	09:45
Observation concerning production of documents	TC	10:10	10:10
Objection to the scope of document put to the witness	OCP	10:25	10:40
Objection to the substance of question put to the witness	OCP TC	11:30	11:40
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence NUON Chea	10:55 12:10	10:55 12:10
Issue concerning the presentation of a document	NUON Chea Defence TC	11:40 13.35	11:50 13:35
Request for indication of time for questioning	TC	16:05	16:10

<u>Summary of Proceedings</u>
<p><b><u>Temporary Replacement of Judge Lavergne</u></b> The TC indicated that Judge Fenz will replace Judge Lavergne for today's hearing, due to health concerns of the latter.</p>
<p><b><u>Testimony of KAING Guek Eav:</u></b> The NUON Chea Defence continued their questioning of the Witness.</p>
<p><b><u>Issue on the manner of questioning</u></b> The CPCL objected to a question put to the Witness by NUON Chea Defence, stating that it amounted to a conclusion which was not proper during a cross-examination. The TC denied the objection and reminded the parties that at the ECCC the Chamber will not practice the adversarial practice of ICTR and ICTY, and also reminded the parties that they should put simple questions to the Witness.</p>
<p><b><u>Observation concerning production of documents</u></b> The TC ruled that when a party wishes to put a document to seek clarification from the</p>

witness being cross-examined it is advised to request that the materials be put up on the screen and that hardcopies be produced to the witness.

**Objection to the scope of document put to the witness**

OCP objection. The TC declared that because the document in question was a an interview with an individual during which the witness was not present, the counsel could only put general questions to the witness but may not refer to particular portions of the interview.

**Objection to the substance of question put to the witness**

OCP objected to the question asking the Witness to comment on the TC Judgement in Case 001. The TC sustained the objection .

**Request to waive Accused's presence in the courtroom**

The Defence for Ieng Sary and Nuon Chea request to waive the Accused's presence in the courtroom. The Chamber grants their request.

**Issue concerning the presentation of a document**

NUON Chea Defence moved the court to present movie footage. The OCP opposed that request arguing that this document did not appear on the list provided by the defence containing the documents it intended to put before the Chamber. The TC sustained the objection and advised counsel for NUON Chea that he will have to make a written request pursuant to 87(4) should he want to present this document.

**Request for indication of time for questioning**

The TC requested the Defence teams to indicate how much time they would need to finish questioning of the witness. NUON Chea Defence indicated that it would need another hour to complete the questioning. IENG Sary Defence indicated that it would need one day and KHIEU Samphan also indicated that they would need a day. The TC scheduled Monday and Tuesday for the IENG Sary and KHIEU Samphan teams to question the witness. *R/S*

**Record of Rule 87(3) Proceedings**

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/175	D43/1 V- Annex 11	00173883- 00173894 00223903- 00223903, 00583931- 00583931 00280047- 00280047	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធទទ្ធ: 117bbkhh សម្រង់ចម្លើយសារភាពរបស់ សាន់ អ៊ាប ហៅ ខុន [Surrogate Sheet] Annex 11: 117bbkhh Colour copy Excerpt of Confession of San Eap alias Khon [Feuille remplacée] Annex 11: 117bbkhh l'extrait en copie couleur de la confession de San Eap alias Khon	P	00173883	00583931	00280047

E3/355	D117	00239830- 00239840 00242872- 00242882 00239820- 00239829	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ថ្ងៃទី ១៩ វិច្ឆិកា ២០០៨ Written Record of Interview of Duch by CIJ on 19-11-2008 Procès verbal d'interrogatoire de Duch par CJI le 19-11-2008	P	00239834	00242876	00239824
E3/359	D121 /6.2	00408216- 00408238 00434334- 00434349 00408239- 00408249	សេចក្តីអត្ថាធិប្បាយនិងចម្លើយជាលាយល ក្នុងអក្សររបស់ឌុច ចំពោះសំនួរសរសេរ Duch's written comments and answers to written questions Commentaires écrits de Duch et ses réponses aux questions écrites	P	00408238	00434349	00408249
E3/61	D87	00195562- 00195570 00195571- 00195579 00195580- 00195589	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ០២ មិថុនា ២០០៨ [Surrogate Sheet] Written Record of Interview of Duch by CIJ on 02-06-2008 [Feuille remplacée] Procès verbal d'interrogatoire de Duch par CJI le 02-06- 2008	P	00195564	00195573	00195582
E3/1565	5.42	00017305- 00017351 00182773- 00182779	ចម្លើយសារភាពរបស់ គង់ គៀន ហៅ អ៊ុង វ៉េត នៅមន្ទីរ ស-21 S-21 Confession of KUNG Kien alias Eung Vet	P			
E3/1566	D288 /6.52 /4.41	00320807- 00320810 00327352- 00327354 00327355- 00327358	ឧបសម្ព័ន្ធ ៤១៖ កំណត់ហេតុសួរចម្លើយ ថ្ងៃទី៥ ខែមិថុនា ឆ្នាំ២០០២ Annex 41: Written Record of Interview - 5 June 2002 Annexe 41: Procès-verbal d'interrogatoire 5 juin 2002	P	00320808- 09	00327353	
E3/1567	20.20	00172208- 00172212 00002621- 00002623 00384724- 00384727	អ៊ីម៉ែល របស់ចាន់ដា នាយ៉ា ផ្ញើទៅអោយ យូ ឆាង អំពីadditional material ជាភាសាអង់គ្លេស នៅថ្ងៃទី០២ ខែមេសា ឆ្នាំ២០០១ International MediaReport entitled "I am in danger" by Nate THAYER International MediaReport entitled "I am in danger" by Nate THAYER <i>Rf</i>	P	00172210	00002622	00384725

E3/347	20.19	00160879- 00160884, 00160889- 00160920, 00002494- 00002557 00160885- 00160888, 00002494- 00002557, 00184996- 00185058 00160889- 00160920, 00160921- 00160974	បទសម្ភាសន៍តាមខ្សែអាត់ជាមួយ ឌុច អតីតប្រធានសន្តិសុខខ្មែរក្រហម ស-២១ សម្ភាសន៍ដោយ មជ្ឈមណ្ឌលឯកសារកម្ពុជា សរសេរជាភាសាខ្មែរ និងអង់គ្លេស នៅថ្ងៃទី១៨ មិថុនា ឆ្នាំ១៩៩៩ UNHCHR Suspect Statement of KANG Keck Iev alias DUCH UNHCHR Suspect Statement of KANG Keck Iev alias DUCH	P	00160879	00185055	
E3/1568	D313 /1.2.4 06.1	00713919- 00713993 00651862- 00651907 00743328- 00743384	អត្ថបទដែលបានវាយសារឡើងវិញពីអត្ថប ទសរសេរដោយដៃនៃបទសម្ភាសន៍ជាមួយ ជា ស៊ីម ថ្ងៃទី ៣ ខែធ្នូ ឆ្នាំ ១៩៩១ និង ហេង សំរិន ២ ខែធ្នូ ឆ្នាំ ១៩៩១ នៅទីក្រុងភ្នំពេញ RETYPE from a Handwritten interview of CHEA Sim, Phnom Penh, 3 Dec 1991, and Heng Samrin, Phnom Penh, 2 Dec 1991 Transcription dactylographique de notes manuscrites prises durant des entretiens menés avec Heng Samrin et Chea Sim à Phnom, les 2 et 3 décembre 1991 respectivement	P	00713945- 54	00651878- 83	00743349- 54
E3/451	D86/ 27	00187649- 00187670 00204338- 00204356 00186168- 00186191	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ០៥ ០៥ ២០០៨ Written Record of Interview of Duch by CIJ on 05-05-2008 Procès verbal d'interrogatoire de Duch par CJI le 05-05-2008	P	00187653	00204342	00186172
E3/456	D90	00198870- 00198878 00198879- 00198886 00198887- 00198894	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ២៥ មិថុនា ២០០៨ Written Record of Interview of Duch by CIJ on 25-06-2008 Procès verbal d'interrogatoire de Duch par CJI le 25-06-2008	P	00198873	00198882	00198890
E3/1569	D86/ 25	00185465- 00185472 00185473- 00185479 00185480- 00185487	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ២៩ ០៤ ២០០៨ Written Record of Interview of Duch by CIJ on 29-04-2008 Procès verbal d'interrogatoire de Duch par CJI le 29-04-2008	P	00185466	00185474	00185481


E3/1564	D238	00403873- 00403883 00403884- 00403893 00403894- 00403903	កំណត់ហេតុនៃការស្តាប់ចម្លើយ ឌុច ដោយសហចៅក្រមស៊ើបអង្កេត ចុះថ្ងៃទី 10-11-2009 Written Record of Interview of Duch by CIJ dated 10-11-2009 Procès verbal d'interrogatoire de Duch par CJI le 10-11-2009	P	00403877	00403888	00403897
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	00398224- 225	00398231- 233	00398239
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	00003141	00182813- 14	00224346
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	00009108	00183393	00292868

**Oral Orders/Decisions:**

- Order to bring the Accused IENG Sary (10:55) 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 09 April 2012.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 09 April 2012.

**Orders for Adjournment of Hearing**  
The hearing will resume on 09 April 2012 at 9:00am. *R/S*

Phnom Penh, 05 April 2012

Greffier  Greffier  
*SE Kolvuthy* *Roger PHILLIPS*  
 SE Kolvuthy Roger PHILLIPS