



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 ជាតិសាសនាព្រះមហាក្សត្រ
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 24 / 05 / 2012
ម៉ោង (Time/Heure): 09 : 35
មន្ត្រីទទួលបន្ទុកដំណោះស្រាយ/Case File Officer/L'agent chargé du dossier: SANN RANA

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 April 2012

Substantive Hearing on evidence – Day 54

Prepared by:

DAV Ansan and Andrew McINTYRE

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. DUCH Phary, Mr. Andrew McINTYRE, Mr. DAV Ansan.
OCP: Mr. CHAN Dararasmey, Mr. Vincent DE WILDE D'ESTMAEL, Mr. DALE Lysak.
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, Ms. Anta GUISSSE, 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, Ms. CHET Vanly Ms. SIN Soworn, Mr. Barnabé NEKUIE, Ms. Elisabeth RABESANDRATANA.
Witness: SALOTH Ban (TCW-586)
Others: Mr. LIM Bunheng (counsel for the witness), Mr. UCH Arun, Ms. Alexandra

PRASSOLOFF.		
General court times		
Day	Start time: 09:05	Finish time: 16:00
Recess am	Start time: 10:35	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

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Indication of the name of Civil Party Lawyers assigned to question the witness	CPLCP TC	09:05	09:10
Issue concerning the list of documents to be communicated by the parties before questioning of witnesses	IENG Sary Defence	09:10	09:15
Questioning of Witness SALOTH Ban (TCW-586)	OCP	09:15	16:00
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
Reminder concerning the procedure for objections to a question by duty counsel	TC	15:40	15:45

Summary of Proceedings

Indication of the name of Civil Party Lawyers assigned to question the witness

The Civil Party Lead Co-Lawyer indicates to the chamber that Ms. CHET Vannly and Ms. Elisabeth RABESANDRATANA will take charge of the questioning of the witness as civil party lawyers. The Trial Chamber permits the assignment of the questioning and intervention times to the two civil party lawyers.

Issue concerning the list of documents to be communicated by the parties before questioning of witnesses

The IENG Sary Defence indicates that it did not receive through the Daily Trial Documents interface the list of documents on which OCP intends to rely for questioning. OCP replies that they have used the interface to share the documents on which they intend to rely. The TC instructs OCP to provide the documents to the parties.

Questioning of Witness SALOTH Ban (TCW-586)

The Witness has taken the oath, is assisted by a lawyer, and has been notified of his rights. The Co-Prosecutors question the witness.

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.

Reminder concerning the procedure for objections to a question by duty counsel

After the witness's counsel rose to say that a question could possibly cause his client to incriminate himself, the TC advised that duty counsel should first discuss such matters with his client and that it was the witness's decision whether to respond or not, after consultation with his counsel.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/136	D313 /1.2.2 37	P 00416593- 00416593 P 00416593- 00416593 P 00416593- 00416593	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971	P			
E3/1595	D313 /1.2.2 34	P 00416590- 00416590	Photograph depicting senior leaders at a Party Congress, possibly in 1971	P			
E3/137	D313 /1.2.2 36	P 00416592- 00416592 P 00416592- 00416592 P 00416592- 00416592	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971	P			
E3/91	D91/ 14	00204093- 00204098 00223589- 00223593 00503930- 00503937	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឡុត និត្យា ហៅសូរ ហុងថ្ងៃទី១១ ១២ ២០០៧ [Surrogate Sheet] Written Record of Interview of Saloth Ban, alias SO Hong [Feuille remplacée] Procès verbal d'audition de Saloth Ban, alias SO Hong	P	00204096, 00204095- 96	00223592	00503934, 00503933

E3/446	D369 /36	00492957- 00492972 00503160- 00503172 00529506- 00529520	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី LOT Nitya ឡូតី និត្យា/SALOT Ban សាក្សី បាន/ SO Hong ស្ងួរ ហុង Written Record of Interview of Witness LOT Nitya ឡូតី និត្យា/SALOT Ban សាក្សី បាន/ SO Hong ស្ងួរ ហុង Procès verbal d'audition de témoin LOT Nitya ឡូតី និត្យា/SALOT Ban សាក្សី បាន/ SO Hong ស្ងួរ ហុង	P		Answer number 2, A4, A5, A21, A32, A37, A39, A70	
E3/413	D233 /2	00357525- 00357534 00361008- 00361017 00405451- 00405459	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សាក្សី បាន SALOT Ban /ស្ងួរ ហុង SO Hong ថ្ងៃទី ២២-០៧-២០០៩ Written Record of Interview of SALOT Ban សាក្សី បាន/SO Hong ស្ងួរ ហុង Dated 22- 07-2009 Procès verbal d'audition de témoin SALOT Ban សាក្សី បាន/SO Hong ស្ងួរ ហុង en date du 22-07-2009	P	00357530	00361012	00405455

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 bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 24 April 2012.

Orders for Adjournment of Hearing

The hearing will resume on 24 April 2012 at 9:00am.

Phnom Penh, 23 April 2012

Greffier  Greffier 
 DAV Ansan  Andrew McINTYRE