



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 King
ជាតិ សាសនា ព្រះមហាក្សត្រ

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: JANN PARR

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 April 2012

Substantive Hearing on evidence – Day 57

Prepared by:

SE Kolvuthy 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. Andrew McINTYRE, Mr. DAV Ansan, Ms. SE Kolvuthy.
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. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. LOR Chunthy, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Mr. KIM Mengkhy, Ms. CHET Vanly, Mr. Barnabé NEKUIE, Ms. Elisabeth RABESANDRATANA.
Witness: SALOTH Ban (TCW-586).
Others: Mr. LIM Bunheng (Counsel for the Witness), Ms. Zuzana Kovalova.

General court times		
Day	Start time: 09:00	Finish time: 16:05
Recess am	Start time: 10:45	Finish time: 11:10

Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:00
	Total Court Time:	4 hours 55 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Testimony of Witness SALOTH Ban (TCW-586)	Trial Chamber	09:05	11:25
	IENG Sary	11:25	16:05
Clarification as to the use of testimony of other witnesses	IENG Sary Defence	10:40	10:45
	NUON Chea Defence Civil Party Lead Co-Lawyers Trial Chamber		
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence	10:45	10:45
	NUON Chea Defence	12:00	12:00

Summary of Proceedings

Testimony of Witness SALOTH Ban (TCW-586)

The President of the Trial Chamber and Judge LAVERGNE put questions to the Witness. Subsequently, the IENG Sary Defence proceeded with the questioning of the Witness.

Clarification as to the use of testimony of other witnesses

Having heard submissions from the Parties, the Trial Chamber clarified that it did not intend to change its jurisprudence concerning the use, during the questioning of a witness, of testimony given by another witness. As regards the testimony of the Witness TCW-729, referred to by Judge LAVERGNE, the Trial Chamber expects to hear that particular witness at a later stage, at which time the Parties will be able to put questions.

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.

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/446	D369/36	00492957- 00492972 00503160- 00503172 00529506- 00529520	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី LOT Nitya ឡុត និត្យា/SALOT Ban សាក្សី បាន/ SO Hong សួរ ហុង Written Record of Interview of Witness LOT Nitya ឡុត និត្យា/SALOT Ban សាក្សី បាន/ SO Hong សួរ ហុង Procès verbal d'audition de témoin LOT Nitya ឡុត និត្យា/SALOT Ban សាក្សី បាន/ SO Hong សួរ ហុង	P		Questions and Answers 39, 41, 47, 49	
N/A	E172/13/1.2	00802568- 00802568	អត្តសញ្ញាណប័ណ្ណរបស់ សេង និត្យា	P			

N/A	E172/13/1.3	00802569-00802569	អត្តសញ្ញាណប័ណ្ណនាយទាហានរបស់សួរ ហុង	P			
E3/91	D91/14	00204093-00204098-00223589-00223593-00503930-00503937	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សីឡុត និត្យា ហៅសួរ ហុង ថ្ងៃទី១១ 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	00204093-98	00223590-91	p. 3
E3/413	D233/2	00357525-00357534-00361008-00361017-00405451-00405459	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សីសាឡុត បាន SALOT Ban /សួរ ហុង SO Hong ថ្ងៃទី ២២-០៧-២០០៩ Written Record of Interview of SALOT Ban សាឡុត បាន/SO Hong សួរ ហុង Dated 22-07-2009 Procès verbal d'audition de témoin SALOT Ban សាឡុត បាន/SO Hong សួរ ហុង en date du 22-07-2009	P	00357530, 00357530-31	p. 7, 00361013	p. 6, 00405455
E3/160 2	D369/18	00488076-00488094-00498620-00498635-00702941-00702958	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី TOCH Vannarith តូច វណ្ណារិទ្ធ [Corrected 1] Written Record of Interview of Witness TOCH Vannarith តូច វណ្ណារិទ្ធ [Corrigé 1] Procès verbal d'audition de témoin TOCH Vannarith តូច វណ្ណារិទ្ធ	C		00498631	00702953

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:45) 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 30 April 2012.

Orders for Adjournment of Hearing
The hearing will resume on 30 April 2012 at 9:00am. *AM*

Phnom Penh, 26 April 2012

Greffier

Greffier

SE Kolvuthy

Andrew McINTYRE

