



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 ឯកសារដើម
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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 April 2012

Substantive Hearing on evidence - Day 58

Prepared by:

DUCH Phary 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. DUCH Phary, Ms. SE Kolvuthy.
OCP: Mr. CHAN Dararasmey, Mr. Vincent de WILDE D'ESTMAEL.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. LOR Chunthy, Mr. HONG Kimsuon, Ms. CHET Vanly, Mr. Barnabé NEKUIE, Ms. SIN Soworn, Mr. VEN Pov.
Witness: SALOTH Ban (TCW-586).
Others: Mr. MAM Rithea (Counsel for the Witness), Mr. Philippe GOUT.

General court times

Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:50	Finish time: 11:05
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:05
	Total Court Time:	4 hours 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of SALOTH Ban	IENG Sary Defence	09:00	11:58
	NUON Chea Defence	13:30	15:40
	KHIEU Samphan Defence	15:40	16:00
Waiver of the Accused's right to be present in the courtroom	Counsel for IENG Sary	10:46	10:46
	Counsel for NUON Chea	12:00	12:00
Clarification of practice regarding use of documents to impeach witnesses	NUON Chea Defence Trial Chamber	14:38	15:07

<u>Summary of Proceedings</u>
<p><u>Testimony of Witness SALOTH Ban (TCW-586)</u> The IENG Sary Defence, NUON Chea Defence and KHIEU Samphan Defence questioned the Witness.</p>
<p><u>Clarification of practice regarding use of documents to impeach witnesses</u> The NUON Chea Defence attempted to present to the Witness a document (D366/7.1.473) that had not previously been put before the Chamber, and was not included on any party's list of documents filed in accordance with Internal Rule 80(3). The NUON Chea Defence submitted that the document could be used for the purpose of impeaching the Witness.</p>
<p><u>Waiver of the Accused's right to be present in the courtroom</u> The Accused IENG Sary and NUON Chea waived their right to be present in the courtroom.</p>

Record of Rule 87.3 Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/413	D233/2	00357525- 00357534 00361008- 00361017 00405451- 00405459	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សាឡុត បាន SALOT Ban /សូ ហុង SO Hong ថ្ងៃទី ២២-០៧-២០០៩ Written Record of Interview of SALOT Ban សាឡុត បាន/SO Hong សូ ហុង Dated 22-07-2009 Procès verbal d'audition de témoin SALOT Ban សាឡុត បាន/SO Hong សូ ហុង en date du 22-07-2009	P	00357531	00405457	00361014
E3/459	D91/15	00204099- 00204102 00223594- 00223597 00524352- 00524356	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឡុត និត្យា ហៅសួរ ហុង ថ្ងៃទី១២ ១២ ២០០៧ Written Record of Interview of Saloth Ban, alias SO ឡុត និត្យា ហៅសួរ ហុង Procès verbal d'audition de Saloth Ban, alias SO ឡុត និត្យា ហៅសួរ ហុង	P	00204100-01	00223596	00524354
E3/91	D91/14	00204093- 00204098 00223589- 00223593 00503930- 00503937	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ឡុត និត្យា ហៅសួរ 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	0020409798	00223593	00503936-37
E3/1603	D56- Doc. 010	S 00635915- 00635919 S 00024902- 00024903 S 00632827- 00632829	ព័ត៌មានអន្តរជាតិ, ប្រទេសវៀតណាមនិងកម្ពុជាចូលបក្សកុម្មុយនិស្ត ស្ស៊ី International Media Article Viet Nam-Cambodia Joint Communique International Media Article Viet Nam-Cambodia Joint Communique	P			
N/A	E1/68.1	00803147- 00803234 00804254- 00804366 00804129- 00804253	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំណុំរឿង ០០២ - ថ្ងៃទី២៥ ខែមេសា ឆ្នាំ២០១២ Transcript of hearing on the substance in Case 002 - 25 April 2012 Transcript of hearing on the substance in Case 002 - 25 April 2012	P		pp. 72-74, 89-90	

Oral Orders/Decisions:

- Decision that the NUON Chea Defence could not use document D366/7.1.473 for the purpose of impeaching the Witness without first seeking leave from the Chamber.

- Order to bring the Accused IENG Sary (10:46) 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 01 May 2012.

Orders for Adjournment of Hearing

The hearing will resume on 01 May 2012 at 9:00am. *Am*

Phnom Penh, 30 April 2012

Greffier

Greffier

D
DUCH Phat  *AM*
Andrew McINTYRE