



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... 13 / 08 / 2012

ម៉ោង (Time/Heure):..... 15:10

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

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

24 July 2012
Substantive Hearing on evidence – Day 83

Prepared by:

Andrew McINTYRE and DAV Ansan

<u>Attendance Record</u>
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, Mr. DAV Ansan, Ms. Natacha WEXELS-RISER.
OCP: Mr. CHAN Dararasmey, Mr. SONG Chorvoine, Mr. Tarik ABDULHAK, Mr. Salim NAKHJAVANI.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, 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. LOR Chunthy, Mr. VEN Pov, Mr. HONG Kimsuon, Ms. SIN Soworn.
Witness: Mr. David CHANDLER (TCE-11).
Others: Mr. Simon MEISENBERG, Mr. Jay GALIK.

<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:00
Recess am	Start time: 10:35	Finish time: 11:00
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours, 50 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence NUON Chea Defence	9:07 12:03	9:09 12:04
Ruling on IENG Sary Defence request	TC	9:11	9:15
Ruling on NUON Chea Defence Request	TC	15:04	15:08
Testimony of Expert Witness David CHANDLER (TCE-11)	IENG Sary Defence KHIEU Samphan Defence	9:15 14:04	14:02 16:00

Summary of Proceedings

Waiver of the Accused's right to be present in the courtroom

The Accused Mr. IENG Sary and Mr. NUON Chea waived their right to be present in the courtroom (Mr. IENG Sary for the whole day and Mr. NUON Chea for the afternoon session).

Testimony of Expert Witness David CHANDLER (TCE-11)

The IENG Sary Defence continued their questioning of the Expert Witness. The KHIEU Samphan Defence then commenced their questioning of the Expert Witness.

<u>Record of Rule 87(3) Proceedings</u>							
TC No	OCIJ No	ERN	Title	Classes	Note in Khmer	Note in English	Note in French
E3/1691	D288/4.59.1	00361467-00361553-00361336-00361466-00361582-00361721	ប្រតិចារិតនៃដំណើរការនីតិវិធីជំនុំជម្រះករណី ឌុច - ០៦ សីហា ២០០៩ Transcript of Proceedings - "Duch" Trial - 06 August 2009 Transcript of Proceedings - "Duch" Trial - 06 August 2009	P	00361492, 00361534	p. 58, 00361370, 00361436	00361619, 00361689
E3/17	D222/1.3	00392897-00393174	[Surrogate Sheet] CHANDLER David, Brother Number One	P		00392985	00821734-00821736

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	00003142, 00003141	00182814, 00182813	00224367, 00224366
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Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:04) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- Order to bring the Accused back to the detention facility and to return the Accused NUON Chea, KHIEU Samphan and IENG Sary to the courtroom for the hearing on 25 July 2012. Upon receiving his waiver, the Chamber will decide if IENG Sary may follow the hearing from the detention cell.
- The Chamber denied the IENG Sary Defence request to put a new document before the Chamber in order to use it during the questioning to the expert witness. The request was not timely and lacked relevance.
- The Chamber denied the NUON Chea Defence request to make an oral application in order to admit a new document. The application would need to be in writing and in accordance with Internal Rule 87(4), in part because the document is only in English and would at least need to be translated to Khmer.
- Order to bring the Expert Witness David CHANDLER (TCE-11) to his accommodation and to return him to the courtroom for the hearing on 25 July 2012 before 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on 25 July 2012 at 9:00 a.m.

Phnom Penh, 24 July 2012

Greffier



Andrew McINTYRE



Greffier



DAV Ansan