



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER

CHAMBRE PRELIMINAIRE

Criminal Case File

N° 002/19-09-2007-ECCC/OCIJ (PTC17)

Dated 10 November 2008

CONDUCT OF CRIMINAL PROCEEDINGS

Commencing 02 April 2009, 9:00 am

Public Hearing

SITTING TIMES

Session 1 : 9 am to 10.15 am

(15 MINUTE BREAK)

Session 2 : 10.30 am to 11.45 am

(1.30h LUNCH BREAK)

Session 3 : 1.15 pm – 2.30 pm

(15 MINUTE BREAK)

Session 4: 2.45 pm - 4.00 pm

8:45am

- Members of the public are present in the public gallery.
- The Co-Lawyers and the Charged Person are present in the courtroom.
- The Co-Lawyers for the Civil Parties and the Civil Parties are present in the courtroom.
- The National Greffier announces the Regulations governing the hearing.
- *First sound of the bell*: The Co-Prosecutors enter the courtroom.
- 4 PHOTOGRAPHERS enter (2 Photographiers and 2 Cameramens).

9:00am

- *Second sound of the bell*: Greffier invites all persons to stand by announcing “The Court”. The judges enter the courtroom
- The President invites all persons to be seated.

Declaration of the President

In the name of the Cambodian people and the United Nations, today the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia declares open the hearing of the criminal case N° 002/19-09-2007-ECCC/OCIJ (PTC17), dated 10 November 2008 in which :

- The Charged Person **IENG Sary**, alias “**Vann**”, Cambodian, male, born 24 October 1925, in Loeung Va Village, Loeung Va Commune, Tra Vinh District, Tra Vinh Province, Kampuchea Krom, pre-arrest address No 47B, Street 21, Group 36, Zone 4, Tonle Bassac Quarter, Chamkarmon District, Phnom Penh, Cambodia, father’s name **Kim Riem** (deceased), mother’s name **Tram Thi Loi** (deceased), wife’ name IENG Thirith with four children.

- Is charged with crimes against humanity and grave breaches of the Geneva Convention of 12 August 1949, crimes set out and punishable under articles 5, 6, 29(new) and 39(new) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia dated 27 October 2004.

- Defence Co-Lawyers: Mr. ANG Udom
Mr. Michael KARNAVAS

- Lawyers for the Civil Parties: Mr. HONG Kimsuon
Mr. LOR Chunthy
Mr. NY Chandy
Mr. KONG Pisey
Mr. YONG Phanith
Mr. KIM Mengkhy
Miss. MOCH Sovannary
Ms. Silke STUDZINSKY
Ms. Martine JACQUIN
Mr. Philippe CANNONE
Mr. Pierre Olivier SUR
Ms. Elizabeth RABESANRATANA
Mr. Olivier BAHOUAGNE
Mr. David BLACKMAN

The President asks the Greffier:

Are all the participants present at the hearing?

The President Declares:

Present at today’s hearing are:

- | | | |
|----|---------------------|---------------|
| 1. | Mr. PRAK Kimsan | President |
| 2. | Mr. Rowan DOWNING | Judge |
| 3. | Mr. NEY Thol | Judge |
| 4. | Mrs. Katinka LAHUIS | Judge |
| 5. | Mr. HUOT Vuthy | Judge |
| • | Mr. PEN Pichsaly | Reserve Judge |

- Greffiers: Miss. SAR Chanrath
Ms. Entela JOSIFI

- Co-Prosecutors: Mr. TAN Senarong Deputy Co-Prosecutors

Mr. Anees AHMED Deputy Co-Prosecutors

The President invites the charged person to stand before the Judges

Name? Alias? Age? Nationality? Place of birth? Occupation? Pre-arrest address? Father's name? Mother's name? Wife's name? How many children? Defence lawyers? Their names?

The President reads out the rights of the Charged Person

Pursuant to Rule 21(1)(d) of the Internal Rules, the Charged Person **IENG Sary** is hereby informed that he:

- is presumed innocent as long as his guilt has not been established
- has the right to be informed of any charges brought against him
- has the right to be defended by a lawyer of his choice; and
- has the right to remain silent.

The President invites the Co-Rapporteur to read the Report of Examination

- o Judge **NEY Thol (National Judge)** reads out the report

The President invites the Charged Person to stand

The President asks the Charged Person whether he would like to make a statement related to his appeal or if he would like his Co-Lawyers to speak on his behalf?

**The President invites the Co-Lawyers to make brief observations concerning the
Extent of Provisional Detention**

(Duration: maximum **1h 30 mn** divided between Co-Lawyers as appropriate)

The President invites the Co-Prosecutors to make brief observations

(Duration: maximum **1h 30 mn** divided between Co-Prosecutors as appropriate)

The President invites the Co-Civil Party Lawyers to make brief observations

(Duration: maximum **1h 30 mn** divided between Co-Civil Party Lawyers as appropriate)

The President allows defence Co-Lawyers to replies

(Duration: maximum **15 minutes** for Co-Lawyers to reply)

The Judges may ask questions

The President asks the Charged Person if he has anything to add

The President provides information concerning the announcement of the decision

On request of any of the parties the PTC continues the hearing in camera

The President declares the hearing concluded