



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
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ម៉ោង (Time/Heure): 9:15

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

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

28 June 2011

Initial Hearing - Day 2

Prepared by: SE Kolvuthy and Faïza Zouakri

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony.
<b>Reserve Judges:</b> Judge YOU Ottara (Reserve) and Judge Claudia FENZ (Reserve)
<b>Greffier/s:</b> Mrs. SE Kolvuthy, Ms. Faïza ZOUAKRI, Mr. DUCH Phary, Ms. Natacha WEXELS-RISER, Mr. Matteo CRIPPA.
<b>OCP:</b> Mrs. Chea Leang, Co-Prosecutor; Mr. Andrew Cayley, Co-Prosecutor; Mr. William Smith, Deputy Co-Prosecutor; Mr. Chan Dararasmey, Deputy Co-Prosecutor; VENG Hout, Senior Co-Prosecutor, Mr. Tarik ABDULHAK, Senior Co-Prosecutor, Mr. Chea Phalla, Investigator; Mr Pak Chanlino, Assistant; Mr. Phann Sochea, Greffier.
<b>Accused:</b> Mr. Nuon Chea (morning); Mr. Ieng Sary (morning); Mrs. Ieng Thirith (morning); Mr. Khieu Samphan.
<b>Defence for the Accused:</b> Mr. Son Arun, Co-Lawyer; Mr. Michiel Pestman, Co-Lawyer; Mr. Victor Koppe, Co-Lawyer; Mr. Andrew Ianuzzi, Legal Consultant; Mr. Phalla Prum, Case Manager; Ms. Annebrecht Vossenberg, Legal Consultant; Mr. Sa Sovan, Co-Lawyer; Mr. Jacques Vergès, Co-Lawyer, Ms. Seng Socheata, Case Manager; Ms. Marie Capotorto, Legal Consultant, Ms. Shéhérazade Bouarfa, Legal Consultant; Mr. Phat Pouy Seang, Co-

lawyer; Ms. Karlijn Van der Voort, Legal Consultant (on behalf of Co-lawyer); Mr. Khan Sereyvuthy, Case manager; Ms. Vera Mannuello, Legal Consultant; Mr. Ang Udom, Co-lawyer; Mr. Michael G. Karnavas, Co-lawyer; Ms. Tanya Pettay, Legal Consultant; Mr. Neville Sorab, Legal Consultant; Mr. Mosseny So, Case Manager; Mr. Joshua Kern, Legal consultant.

**Civil Parties:** Mr. Pich Ang, Lead Co-lawyer; Ms. Elisabeth Simonneau-Fort, Lead Co-lawyer; Mr. Hong Kimsuon, Civil Party Lawyer; Ms. Silke Stuzinsky, Civil Party Lawyer; Mr. Olivier Bahougne, Civil Party Lawyer; Ms. Lyma Nguyen, Civil Party Lawyer; Ms. Fabienne Trusses-Naprous, Civil Party Lawyer; Ms Moch Sovannary, Civil Party Lawyer; Mr. Sam Sokong, Civil Party Lawyer; Ms. Ty Sryna, Civil Party Lawyer; Mr. Pascal Aubouin, Civil Party Lawyer.

**Courtroom Officer/CMS:** Mr. Kauv Keo Ratanak

**Others:** Ms. Julie Massé, Mr. San Kiri, Mr. Khem Lidarita, Mr. Meach Sovanna (Transcriber)

#### General court times

Day	Start time: 9:15	Finish time: 16:27
Recess am	Start time: 10:30	Finish time: 10:58
Recess lunch	Start time: 11:55	Finish time: 13:37
Recess pm	Start time: 14:30	Finish time: 14:50
	Total Court Time:	4 hours and 55 minutes

#### Proceedings

Type of Issue	Raised By	Start time	Finish time
Nuon Chea's request to leave the courtroom	Accused Nuon Chea	9:17	9:19
Ieng Sary Defence reply on Preliminary objection ( <i>Ne bis in idem</i> )	Ieng Sary Defence	9:19	9:41
Ieng Sary Defence request for the accused to be allowed to observe the proceedings from the holding cell.	Ieng Sary Defence	9:44	9:45
Ieng Sary Defence submissions on Preliminary objection (royal pardon and amnesty)	Ieng Sary Defence	9:47	10:28
Trial Chamber indicates to the Civil Party Lawyers that they may make oral submissions at the end of the proceedings; regarding the list of witnesses whose names were decided upon by the Pre-Trial	Trial Chamber	10:58	11:02

Chamber in its recent decision.			
Ieng Sary Defence request for the Accused to be allowed to observe the proceedings from the holding cell due to back problems	Ieng Sary Defence	11:02	11:03
OCP response on Preliminary objections (amnesty and pardon)	Office of the Co-Prosecutors	11:05	11: 53
Ieng Sary Defence request for the Accused to be allowed to observe the proceedings from the holding cell.	Ieng Sary Defence	13:40	13:41
Lead Co-Lawyers response on Preliminary objections (amnesty and pardon)	Civil Party Lawyers	13:42	14:13
Ieng Sary Defence reply on Preliminary Objections (Amnesty and pardon)	Ieng Sary Defence	14:14	14:28
Ieng Thirith Defence request for the Accused to be allowed to return to the Detention Facility.	Ieng Thirith Defence	14:50	14:53
Ieng Sary Defence submissions on Preliminary objections (Statutory Limitations - Grave Breaches)	Ieng Sary Defence	14:54	15:27
Co-Prosecutors' Response on Preliminary objections (Statutory Limitations - Grave Breaches)	Office of the Co-Prosecutors	15:28	16:10
Submissions on admissibility of civil parties' application	Civil Party Lawyers	16:11	16:26

**Summary of Proceedings:**

**Nuon Chea's request to leave the courtroom:**

Nuon Chea indicates that he will leave the courtroom and shall return when his Defence lawyers present the Accused's submissions. The Chamber granted the request.

**Ieng Sary Preliminary Objection (Ne bis in idem)**

The Defence presents its reply concerning its preliminary objection on the issue of *ne bis in idem*.

**Ieng Sary Defence's request to allow the Accused to leave the courtroom**

The Defence requests that Ieng Sary be authorized to leave the courtroom whenever he needs to, so that the Defence may present its submissions without interruptions. Trial Chamber dismisses the request and indicates that it may grant leave to the Accused to be absent from the courtroom upon reasoned request, which was not the case.

**Ieng Sary Defence submissions on Preliminary Objection (amnesty and pardon)**

The Defence presents its submission concerning the preliminary objection on the issue of amnesty and pardon.

**Submissions on admissibility of civil parties' application**

The Trial Chamber indicates that, following the Lead Co-Lawyers' request concerning the list of witnesses whose names were decided upon by the Pre-Trial Chamber in its recent decisions, the Civil Party Lawyers may present their submissions at the end of the proceedings, if they so wish, indicating precisely the nature of the request they intend to make.

**Ieng Sary Defence request for leave to the Accused to follow proceedings from the holding cell**

The Defence for Ieng Sary requests leave for the Accused to follow the proceedings from the holding cell, due to back problems. The Chamber grants the request.

**Co-Prosecutors' Response on Preliminary Objection (Amnesty and pardon)**

The Co-Prosecutors make their submissions in response to the preliminary objection on the issue of amnesty and pardon.

**Ieng Sary Defence request for leave to the Accused to follow proceedings from the holding cell (afternoon session)**

Ieng Sary Defence requested that the Accused be allowed to observe the proceedings from the holding cell as he cannot remain seated more than twenty minutes. The Trial Chamber granted this request.

**Civil Parties' Response on Preliminary Objection (amnesty and pardon)**

The Civil Party Lawyers present their submissions in response to the preliminary objection on the issue of amnesty and pardon.

**Ieng Sary Defence reply on Preliminary Objection (amnesty and pardon)**

The Defence presents its reply on the issue of amnesty and pardon.

**Ieng Thirith Defence request for the Accused to be allowed to return to the Detention Facility**

Ieng Thirith Defence requests that the Accused be allowed to return to the Detention Facility because she is tired. The Trial Chamber grants the request.

**Ieng Sary Preliminary Objection (Statutory limitations - Grave breaches of the Geneva Conventions of 1949)**

The Ieng Sary Defence presents its submissions on the preliminary objection concerning

the applicability of statutory limitations to Grave breaches of the Geneva Conventions of 1949.

**Co-Prosecutors' Response on Preliminary Objection (Statutory limitations - Grave breaches of the Geneva Conventions of 1949)**

The Co-Prosecutors make their submissions in response to the preliminary objection on the applicability of statutory limitations to Grave breaches of the Geneva Conventions of 1949.

**Submissions on admissibility of civil parties' applications**

The Lead Co-Lawyers state that only the Civil Parties are allowed to produce a list of Civil Parties entitled to be heard during the first 4 phases of the trial. They also seek a clarification on the Trial Chamber's indication of "DK Policy" as initial trial topic. Finally, they request a two months time period to assess a new list of Civil Parties further to the recent decision of the Pre Trial Chamber which admitted a large number of new Civil Parties in the case.

**Oral Orders/Decisions:**

Order authorising the Accused Nuon Chea to leave the courtroom and to return when his Defence presents its submissions (09:19).

Order granting Ieng Sary Defence's request to authorize the Accused to follow the proceedings from the holding cell and instructing the AV unit to connect the AV link to the holding cell (11:03).

Order granting Ieng Thirith Defence's request to return to the Detention Facility (14:53).

Order to bring the Accused back to the Detention Facility and bring them back to court for the Hearing on 29 June 2011.

**Orders for Adjournment of Hearing**

The hearing will resume on Wednesday 29 June 2011 at 9:00. *StS - lx*

Phnom Penh,  
28 June 2011

*StS*  
Greffier  
SE Kolvuthy



*StS*  
Greffier  
Faïza Zouakri