



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
08 / 02 / 2012

ម៉ោង (Time/Heure) : 15:00

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

E1/27

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

16 January 2012

Substantive Hearing on evidence – Day 15

Prepared by:

DUCH Phary and Roger PHILLIPS

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara, Judge Claudia FENZ.
Reserve Judges: Judge THOU Mony (Reserve)
Greffier/s: Mr. DUCH Phary, Mr. Lim Suy HONG, Mr. Roger PHILLIPS.
OCP: Mr. Chan DARASMEY, Mr. William SMITH, Mr. Pak Chanlino, Ms. Sarah ANDREWS, Mr. Toch VANNARITH.
Accused: Mr. NUON Chea, Mr. IENG Sary, Mr. KHIEU Samphan.
Defence for the Accused: Mr. Arun SON, Mr. Jasper PAUW, Mr. Michiel PESTMAN, Mr. Andrew IANUZZI, Mr. Mark S ELLIS; Mr. KONG Sam Onn; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. Lor Chunthy, Mr. HONG Kimsuon, Mr. Barnabé NEKUIE, Ms. SIN Soworn, Mr. SAM Sokong, Mr. VEN Pov, Lor Chunthy, Ms. TY Srinna, Mr. Kim Mengkhy, Ms. Philipine SUTZ.
Witness: None
Others: Mr. Dejan BERBEROVIC; Ms. Almaz TEFFERA, Ms. Susan LAMB.

General court times

Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:25	Finish time: 10:40
Recess	Start time: 12:15	Finish time: 13:35
Recess pm	Start time: 14:35	Finish time: 15:05
	Total Court Time:	4 hours 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Request to clarify his position regarding his testimony	KHIEU Samphan Defence; Trial Chamber	09:03	09:05
Submissions regarding general evidentiary issues	Trial Chamber; Co-Prosecutor; CLCP; NON Chea Defence; IENG Sary Defence; KHIEU Samphan Defence	09:06	12:03
Request to follow the proceedings from the detention facility	NUON Chea Defence; Co-Prosecutor	09:08	09:12
Request to follow the proceedings from the holding cell	IENG Sary Defence	10:20	10:23
Hearing of oral objections to E3 Documents in OCP Annex A1	Trial Chamber; NUON Chea Defence; IENG Sary Defence; KHIEU Samphan	13:35	15:55

Summary of Proceedings

Request to clarify his position

The KHIEU Samphan Defence team asks permission for KHIEU Samphan to clarify his position on whether he will respond to questions put in relation to the second segment of the trial of Case 002. The Accused KHIEU Samphan states that his position of 13 December 2011 has not changed, as he will answer every question concerning the facts raised by parties and concerning fully provided documents.

Submissions regarding general evidentiary issues

The Co-Prosecutor, the Co-Lawyers for the Civil Parties, the NUON Chea Defence, the IENG Sary Defence and the KHIEU Samphan Defence make submissions in relation to general evidentiary issues, for instance on issues of authenticity and admission of new documents.

The NUON Chea Defence clarifies that NUON Chea did not exercise his right to remain silent during last week's session but instead challenged the authenticity of the documents presented to him.

The Chamber reads out Rule 87, reminding the Parties of its exact content.

Request to follow the proceedings from the detention facility

The NUON Chea Defence requests permission for the Accused NUON Chea to follow the proceedings from the detention facility until the end of this week's hearings.

The Chamber requires the Defence to produce a detailed waiver of the Accused's right to be present in the courtroom.

The Co-Prosecutor objects to NUON Chea's request to follow the proceedings from the detention facility, instead of the holding cell. The Chamber rejects NUON Chea's request, as he is required to follow the proceedings via audio-visual means from his holding cell.

Request to follow the proceedings from the holding cell

The IENG Sary Defence requests permission for the Accused IENG Sary to follow the proceedings from the holding cell until the end of this week's hearings.

The Chamber grants IENG Sary's requests and requires the Defence team to produce a detailed waiver of the Accused's right to be present in the courtroom.

Hearing of oral objections to E3-Documents

The Defence divides the total allocated time of 2 hours among themselves.

The Chamber allows the NUON Chea Defence team to mention names of two DC-CAM witnesses during their statements.

The NUON Chea, IENG Sary and KHIEU Samphan Defence teams present their arguments.

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea and IENG Sary to the holding cell.
- Order to bring the Accused to the detention facility and for tomorrow's hearing to bring the Accused KHIEU Samphan to the courtroom and to bring the Accused NUON Chea and IENG Sary to the holding cell.

Orders for Adjournment of Hearing

The hearing will resume on Tuesday 17 January 2012 at 9:00am.

Phnom Penh, 16 January 2012

Greffier

Greffier



DUCH Phary




Roger PHILLIPS