



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 ជាតិ សាសនា ព្រះមហាក្សត្រ
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ១១ / ០៣ / ២០១២
ម៉ោង (Time/Heure) : ១៤ : ៥៦
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: SANN RANA

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

12 March 2012

Substantive Hearing on evidence – Day 34

Prepared by:
SE Kolvuthy and Roger PHILLIPS

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony (Reserve), Judge Claudia FENZ (Reserve).
Greffiers: Mr. DUCH Phary, Mrs. Se Kolvuthy, Mr. Dav Ansan, Mr. Roger PHILLIPS.
OCP: Mr. Tarik ABDULHAK, Mr. Dale Lysak, Mr. SENG Bunkheang, Chan Dararaksmey.
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, Ms. Anta Guisse; 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. Ven Pov, Ms. Ty Srinna.
Others: Ms. Almaz TEFFERA.

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<u>General court times</u>		
Day	Start time: 09:10	Finish time: 15:55
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:35	Finish time: 15:05
	Total Court Time:	4 Hours 20 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Reading out of the relevant paragraphs of the Closing Order	Trial Chamber	09:15	11:54
Request of a waiver of the Accused's presence in the courtroom	IENG Sary Defence; NUON Chea Defence	10:29 11:59	10:30 12:01
Clarification on the status of translation requests	Trial Chamber; CLCP	11:56	11:59
Recognition of international defense lawyer of Accused KHIEU Samphan	Trial Chamber	13:31	13:35
Hearing of oral objections to documents sought to be put before the Chamber by the parties	Trial Chamber; NUON Chea Defence; IENG Sary Defence	13:35	15:50
Response to NUON Chea's requests	Trial Chamber	15:50	15:55

Summary of Proceedings

Reading out of paragraphs of the Closing Order

The second segment of Case 002 relating to administrative and communication structures, and some elements of the roles of the Accused, i.e. paragraphs 33-112, 869-872, 880-892, 1001-1015, 1131-1144 and 1147-1150 of the Closing Order read out in Court.

Request to waive Accused's presence in the courtroom

The IENG Sary Defence requests to waive the Accused's presence in the courtroom. The Chamber denies this request as today's hearing relates to the Accused's allegations, which requires his presence in the courtroom during the morning session.

For the afternoon session, the Chamber grants Accused NUON Chea and IENG Sary's requests to follow the remainder of the proceedings from the holding cell via audio-visual equipment (Accused's waivers are attached to this written record).

Clarification of status of translation requests

The Chamber asks the Civil Party Lead Co-Lawyers to clarify the status of the translation

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requests they have made concerning some specified documents.

Recognition of international defense lawyer for Accused KHIEU Samphan

After having taken an oath with the appeals court, the Chamber recognizes Ms. Anta GUISSSE as KHIEU Samphan's defence lawyer.

Hearing of oral objections to documents sought to be put before the Chamber by the parties

The Chamber hears the parties' oral objections to documents sought to be put before the Chamber by the parties (E109/1.1, E109/2.1, E109/4 and E109/6.2). The NUON Chea, IENG Sary and KHIEU Samphan Defence teams present oral objections to documents submitted by the parties.


Response to NUON Chea's requests

The Chamber informs the NUON Chea Defence that written submissions objecting to documents submitted by parties cannot be entertained as the Defence had sufficient time to make oral objections this afternoon. Further, the Chamber informs the Defence team that it will not issue any instructions in relation to the discussions on the assessment of evidence, as parties can reach their assessment on the evidence at the conclusion of the proceedings (referring to Internal Rule 94).

Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (12:01) and IENG Sary (12:01) to the holding cell and to provide them with the audio-visual equipment; and to bring the Accused KHIEU Samphan back to the courtroom after the lunch break (Accused's waivers 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 13 March 2012.

Orders for Adjournment of Hearing

The hearing will resume on 13 March 2012 at 9:00am. 

Phnom Penh, 12 March 2012

Greffier  SE Kolvuth

 Greffier  PHILLIPS