



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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

Nation Religion King
ព្រះរាជាណាចក្រកម្ពុជា
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ..... 20 ..... / ..... 03 ..... / ..... 2012 .....
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: ..... SANNAL RADA .....

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

**Case File N° 002/19-09-2007-ECCC/TC**

**13 March 2012**

**Substantive Hearing on evidence – Day 35**

Prepared by:  
**SE Kolvuthy and Matteo CRIPPA**

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony (Reserve), Judge Claudia FENZ (Reserve).
<b>Greffiers:</b> Ms. SE Kolvuthy, Mr. Matteo CRIPPA.
<b>OCP:</b> Mr. CHAN Dararasmey, Mr. Tarik ABDULHAK, Mr. VENG Huot, Mr. Vincent DE WILDE D'ESTMAEL.
<b>Accused:</b> Mr. KHIEU Samphan; Mr. NUON Chea; Mr. IENG Sary.
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Andrew IANUZZI; Mr. KONG Sam Onn, Ms. Anta GUISSÉ; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. Barnabé NEKUÏE, Mrs. CHET Vanly, Mr. KIM Mengkhy, Ms. TY Srinna, Mr. VEN Pov.
<b>Others:</b> Ms. Zuzana KOVALOVA.

Handwritten initials/signature

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:15
Recess am	Start time: 10:10	Finish time: 10:35
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:30	Finish time: 14:55
	Total Court Time:	4 Hours 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Amendment of oral ruling of 12 March 2012	Trial Chamber	09:05	09:09
KHIEU Samphan's oral objections to documents sought to be put before the Chamber	KHIEU Samphan Defence	09:09	10:10
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence NUON Chea Defence	10:08 12:02	10:10 12:03
Co-Prosecutors and Civil Parties' announcement	OCP Civil Party Lead Co-Lawyers	10:09	10:10
Co-Prosecutors' response to the oral objections of the Accused	OCP	10:35	16:03
Defence teams' request for additional time	IENG Sary Defence NUON Chea Defence KHIEU Samphan Defence Trial Chamber	16:03	16:07
Clarification of the hearing schedule	OCP NUON Chea Defence Trial Chamber	16:06	16:15

### Summary of Proceedings

#### Amendment of oral ruling of 12 March 2012

Due to some difficulties with English translation, the Trial Chamber clarified that on 12 March 2012 the President had ruled that the Trial Chamber would not allocate time to discuss "the probative value of the documents" (instead of the original translation "the assessment of the evidence"). Any such issue might be addressed as documents come up naturally during trial, but also in closing statements.

#### KHIEU Samphan's oral objections to documents sought to be put before the Chamber

The KHIEU Samphan Defence presented objections to documents submitted by the Co-Prosecutors and the Civil Parties.

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

The Accused IENG Sary and NUON Chea waived their right to be present in the

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courtroom.

**Co-Prosecutors and Civil Parties' announcement**

The Co-Prosecutors and the Civil Party Lead Co-Lawyers announced that they would not present any objections to the Defence list of documents.

**Co-Prosecutors' response to the oral objections of the Accused**

The Co-Prosecutors presented their response to oral objections raised by the Defence teams.

**Defence teams' request for additional time**

The Defence teams requested additional time to reply to the Co-Prosecutors and the Civil Party Lead Co-Lawyers' submissions. The Trial Chamber granted the request and allocated one hour in total to all Defence teams.

**Clarification of the hearing schedule**

Upon inquiry by the Co-Prosecutors, the Trial Chamber stated that it would adhere to the previously adopted scheduling order E172/5. However, this week's schedule would most likely not continue into the following week.

**Oral Orders/Decisions:**

- Order to bring the Accused IENG Sary (10:10) and NUON Chea (12:03) to the holding cell (waivers of the Accused 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 14 March 2012.

**Orders for Adjournment of Hearing**

The hearing will resume on 14 March 2012 at 9:00am. *MS*

Phnom Penh, 13 March 2012

Greffier

Greffier

SE Kolvuthy

Matteo CRIPPA

