



**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

**ORIGINAL DOCUMENT/DOCUMENT ORIGINAL**

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មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé  
du dossier:..... **JANN RADA** .....

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

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

**15 March 2012**

**Substantive Hearing on evidence – Day 37**

Prepared by:

**DUCH Phary and Natacha WEXELS-RISER**

<b><u>Attendance Record</u></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> Mr. DUCH Phary, Ms Natacha WEXELS-RISER.
<b>OCP:</b> Mr. CHAN Dararasmey, Mr. Vincent DE WILDE D'ESTMAEL, Mr. SENG Bunkheang, Mr, Dale LYSAK, Mr. VENG Huot
<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 GUISSSE; 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 NEKUIE, Mrs. CHET Vanly, Mr. KIM Mengkhy, Ms. TY Srinna, Mr. VEN Pov.
<b>Others:</b> Mr. Philippe GOUT

<b>General court times</b>		
Day	Start time: 09:00 a.m.	Finish time: 04:15 p.m.
Recess am	Start time: 10:30a.m.	Finish time: 10:50 a.m.
Recess	Start time: 12:20 p.m.	Finish time: 01:45 p.m.
Recess pm	Start time: 02:20 p.m.	Finish time: 02:50 p.m.
	Total Court Time:	5 Hours

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Defence objections to OCP documents	Defence Teams for NUON Chea, IENG Sary and KHIEU Samphan	09:03 a.m.	10:26 a.m.
Discussion on modalities for Ben Kiernan's testimony	NUON Chea, IENG Sary and KHIEU Samphan's Defence Teams	10:51 a.m.	04:15 p.m.
Discussion hearing schedule	Trial Chamber	11:03 a.m.	11:42 a.m.
Waivers of IENG Sary and NUON Chea's right to be present in courtroom	Defence Teams for IENG Sary and NUON Chea	10:29 a.m. 12:18 p.m	10:29 a.m. 12:18 p.m

### Summary of Proceedings

#### Defence objections to OCP documents:

The Defence teams for NUON Chea, IENG Sary and KHIEU Samphan presented their objections to the documents put forward by the OCP.

#### Discussion on modalities for Ben Kiernan's testimony:

All Defence teams objected to the hearing of Professor Ben Kiernan via video-link. The Co-Prosecutors indicated their preference for a hearing in person but indicated that video-link technology was a good alternative in case of unavailability of this individual. The Civil Parties supported the Co-Prosecutors' submissions.

#### Discussion on hearing schedule:

The Trial Chamber announced the schedule for next week:  
Monday and Wednesday (mornings only): questioning of NUON Chea (no hearing in the afternoons)  
Tuesday and Thursday (full days): Duch testimony.

#### Waiver of the right to be present in courtroom:

IENG Sary and NUON Chea waived their right to be present in courtroom.

**Record of Rule 87.3 Proceedings. No E3 table for this hearing.**

**Oral Orders/Decisions:**

- Order to bring the Accused IENG Sary (10:29) and NUON Chea (12:18) 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 19 March 2012.

**Orders for Adjournment of Hearing**

The hearing will resume on 19 March 2012 at 9:00am.

Phnom Penh, 15 March 2012

Greffier

Greffier

