



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
23 / 04 / 2012

ម៉ោង (Time/Heure) : 10:00 ព្រះរាជាណាចក្រកម្ពុជា
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
du dossier: Ratanak ព្រះមហាក្សត្រ

E1/53

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

26 March 2012

Substantive Hearing on evidence - Day 41

Prepared by:

Duch Phary and Roger PHILLIPS

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Ms. SE Kolvuthy, Mr. Roger PHILLIPS, Mr. DUCH Phary.
OCP: Mr. William SMITH, Mr. SENG Bunkheang, Mr. PICH Sambath, Mr. Dale LYSAK, Ms. Golriz GHARAMAN.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Jasper PAUW, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. VEN Pov, Mr. Barnabé NEKUIE, Ms. Lyma NGUYEN, Ms. SOWORN
Witness: KAING Guek Eav alias DUCH
Others: Mr. Philippe GOUT
General court times

Day	Start time: 9:00	Finish time: 16:00
Recess am	Start time: 10:35	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	4 hours 50 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of KAING Guek Eav	OCP	09:04	16:00
Waiver of the Accused's right to be present in courtroom.	Counsel for IENG Sary	10:30	10:30
Waiver of the Accused's right to be present in courtroom.	Counsel for NUON Chea	12:00	12:00
Announcement of motion for Rule 35 investigation and stay of proceedings	Counsel for NUON Chea	13:35	13:50
Request for additional time in the questioning of witness KAING Guek Eav	Co-Prosecutors Civil Parties	14:35	14:40

Summary of Proceedings

Testimony of KAING Guek Eav:

Co-prosecutors continue to question witness KAING Guek Eav.

Counsel for IENG Sary objects to questions regarding CPK Statute because witness is not an expert and the statute refers to a period not relevant for to Case 002/1. Counsel for NUON Chea objects to questions regarding S-21 not relevant to Case 002/01.

The TC rejects the objections by both counsels.

Announcement of motion for Rule 35 investigation and stay of proceedings:

Counsel for NUON Chea announces intention to file a motion for investigation into the political interference with ECCC based on the Co-Investigating Judge Kasper-Ansermet's last Wednesday "Note on Egregious Dysfunctions within the ECCC". The Counsel further request for a stay of proceedings until this investigation is carried out. Counsel for KHIEU Samphan supports this request

OCP responds that this remark is only relevant for cases 003 and 004.

Request for additional time in the questioning of witness KAING Guek Eav:

OCP requests one more day, until Thursday noon, to question KAING Guek Eav for an overall 5 days period. Civil Parties request 3 more hours to question KAING Guek Eav.

The TC grants OCP and Civil Parties' requests.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/153 1	19.15 7	00087221- 00087232, 00020162- 00020189 00269951- 00269970, 00290949- 00290957, 00183468- 00183470 00611669- 00611680, 00337589- 00337616	ប្រវត្តិរូបសង្ខេបឈ្មោះ រស់ អែម, យុទ្ធជន DC-Cam Statement of RUOH Aem Brief biography of Ruos Emf, militant.	P			
E3/105 2	D108 /7.7	00173458- 00173465 00289848- 00289862 00221962- 00221965	ឧបសម្ព័ន្ធ ៧៖ 85bbkkh សម្រង់ចម្លើយសារភាពរបស់ ចាន់ មុល ហៅ តុល Annex 7: 85bbkkh Colour copy Excerpt of Confession of Chan Mon alias Tol Annexe 7: 85bbkkh l'extrait en copie couleur de la confession de Chan Mol alias Tol	P			

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:31) and NUON Chea (12:00) to the holding cell (waivers of the Accused are attached to this written record).
- Order to return Witness KAING Guek Eav to the detention facility and to bring him to the courtroom for the hearing on 27 March 2012.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 27 March 2012.

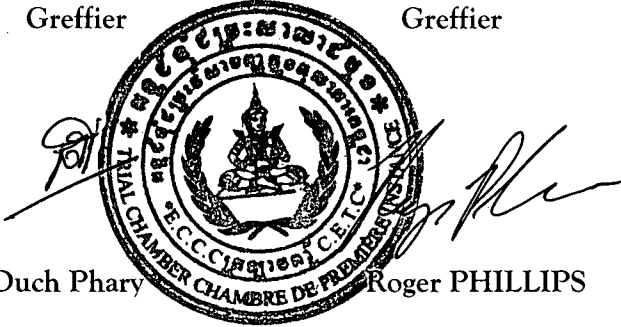
Orders for Adjournment of Hearing

The hearing will resume on 27 March 2012 at 9:00am.

Phnom Penh, 26 March 2012

Greffier

Greffier



Duch Phary

Roger PHILLIPS