



# អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

## អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER

CHAMBRE PRELIMINAIRE

Criminal Case File

N° 002/19-09-2007-ECCC/OCIJ (PTC03)

Dated 12 December 2007

### CONDUCT OF CRIMINAL PROCEEDINGS

Commencing 30 June 2008, 9:00 am

Public Hearing

#### *SITTING TIMES*

Session 1 : 9 am to 10.15 am

15 MINUTE BREAK

Session 2 : 10.30 am to 11.45 am

LUNCH BREAK

Session 3 : 12.45 am - 2 pm

15 MINUTE BREAK

Session 4 (after hearing the parties) : 2.15 pm - 3.30 pm

#### 8:45am

- Members of the public are present in the public gallery.
- The Co-Lawyers and the Charged Person are present in the courtroom.
- The Co-Lawyers for the Civil Parties and the Civil Parties are present in the courtroom.
- The National Greffier announces the Regulations governing the hearing.
- *First sound of the bell*: The Co-Prosecutors enter the courtroom.

#### 9:00am

- *Second sound of the bell*: Greffier invites all persons to stand by announcing "The Court". The judges enter the courtroom
- The President invites all persons to be seated.

### Declaration of the President

In the name of the Cambodian people and the United Nations, today the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia declares open the hearing of the criminal case N° 002/19-09-2007-ECCC/OCIJ (PTC03), dated 12 December 2007 in which :

- The Charged Person **IENG Sary**, alias **Vann**, Cambodian, male, born 24 October 1925, in Loeung Va Village, Loeung Va Commune, Tra Vinh District, Tra Vinh Province, Kampuchea Krom, pre-arrest address No 47B, Street 21, Group 36, Zone 4, Tonle Bassac Quarter, Chamkarmon District, Phnom Penh, Cambodia, father's name **Kim Riem** (deceased), mother's name **Tram Thi Loi** (deceased), with four children.

- Is charged with crimes against humanity and grave breaches of the Geneva Convention of 12 August 1949, crimes set out and punishable under articles 5, 6, 29(new) and 39(new) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia dated 27 October 2004.

- Defence Co-Lawyers:                   ANG Udom  
  Michael KARNAVAS
- Lawyers for the Civil Parties:       HONG Kim Suon  
  LOR Chunthy  
  NY Chandy  
  KONG Pisey  
  Silke STUDZINSKY

**The President asks the Greffier:**

Are all the participants present at the hearing?

**The President Declares:**

Present at today's hearing are:

- |    |                     |                  |
|----|---------------------|------------------|
| 1. | Mr. PRAK Kimsan     | <b>President</b> |
| 2. | Mr. Rowan DOWNING   | Judge            |
| 3. | Mr. NEY Thol        | Judge            |
| 4. | Mrs. Katinka LAHUIS | Judge            |
| 5. | Mr. HUOT Vuthy      | Judge            |
| •  | Mr. PEN Pichsaly    | Reserve Judge    |
- Greffiers:                   Mr. KEO Vanny  
  Mr. Dirk Jan LAMAN
- Co-Prosecutors:       Mr. YET Chakriya  
  Mr. William Smith

**The President invites the charged person to stand before the Judges**

**\* Charged Person is brought to the dock**

Name ? Alias? Age ? Nationality ? Place of birth? Occupation? Pre-arrest address ? Father's name ? Mother's name ? Wife's name? How many children? Defence lawyers ? Their names?

**The President reads out the rights of the Charged Person**

Pursuant to Rule 21(1)(d) of the Internal Rules, the Charged Person **IENG Sary** is hereby informed that he:

- is presumed innocent as long as his guilt has not been established
- has the right to be informed of any charges brought against him
- has the right to be defended by a lawyer of his choice; and
- has the right to remain silent.

**The President invites the Co-Rapporteur to read the Report of Examination**

- o Judge **NEY Thol** reads out a summary of the report

**The President invites the Charged Person to stand**

The President asks the Charged Person whether he would like to make a statement related to his appeal or if he would like his Co-Lawyers to speak on his behalf.

*\*Charged Person is invited to return to his seat next to the Defence Lawyers*

**Any preliminary matters raised by the Parties will be heard**

**I. The President invites the Co-Lawyers to make brief observations concerning jurisdiction (preliminary issues and *ne bis in idem*)**

**Rule 22-2 (a):** “The national lawyer shall request recognition of any foreign lawyer, the first time such lawyer appears before each judicial body of the ECCC.”

(Duration: maximum **1h30mn** divided between Co-Lawyers as appropriate)

**The President invites the Co-Prosecutors to make brief observations**

(Duration: maximum **1h30mn** divided between Co-Prosecutors as appropriate)

**The President invites the Lawyers for Civil Parties to make brief observations**

(Duration: maximum **1h30mn** divided between Lawyers for Civil Parties as appropriate)

**The President allows replies**

**The Judges may ask questions**

**II. The President invites the Co-Lawyers to make brief observations concerning jurisdiction (amnesty/pardon)**

(Duration: maximum **1h** divided between Co-Lawyers as appropriate)

**The President invites the Co-Prosecutors to make brief observations**

(Duration: maximum **1h** divided between Co-Prosecutors as appropriate)

**The President invites the Lawyers for Civil Parties to make brief observations**

(Duration: maximum 1h divided between Lawyers for Civil Parties as appropriate)

**The President allows replies**

**The Judges may ask questions**

**III. The President invites the Co-Lawyers to make brief observations concerning provisional detention**

(Duration: maximum 1h 30mn divided between Co-Lawyers as appropriate)

**The President invites the Co-Prosecutors to make brief observations**

(Duration: maximum 1h 30mn divided between Co-Prosecutors as appropriate)

**The President invites the Lawyers for Civil Parties to make brief observations**

(Duration: maximum 1h divided between Lawyers for Civil Parties as appropriate)

**The President allows replies**

**The Judges may ask questions**

**The President asks the Charged Person if he has anything to add**

**The President provides information concerning the announcement of the decision**

**The President declares the hearing concluded**