



ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
23 / 02 / 2012	
ម៉ោង (Time/Heure) : 15:00	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: Ratanak	

E1/38

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

2 February 2012

Substantive Hearing on evidence – Day 26

Prepared by:

DUCH Phary and Faiza ZOUAKRI

<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. Faiza ZOUAKRI.
OCP: Ms. Sarah ANDREWS, Mr. Tarik ABDULHAK, Mr. CHAN Dararasmey.
Accused: Mr. KHIEU Samphan; Mr. NUON Chea; Mr. IENG Sary.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Jasper POUW; Mr. KONG Sam Onn; Mr. ANG Udom, Mr. Michael G. KARNAVAS, Mr. Arthur VERCKEN.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. SAM Sokong, Mr. VEN Pov, Mr. CHET Vanly.
Witness: YOUK Chhang (TCW-793)
Others: Courtroom officer, transcribers, Mr. Dejan BERBEROVIC; Ms. Zuzana KOVALOVA.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 15:55
Recess am	Start time: 10:20	Finish time: 10:45
Recess	Start time: 11:45	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:00
	Total Court Time:	4 hours 30 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Time allocation for individual Defence teams for questioning of Witness YOUK Chhang	Trial Chamber	09:01	09:12
Questioning of Witness YOUK Chhang	KHIEU Samphan Defence NUON Chea Defence	09:13	15:54
Waiver of IENG Sary's right to be present in the courtroom	IENG Sary Defence	10:20	10:20
Waiver of NUON Chea's right to be present in the courtroom	NUON Chea Defence	11:45	11:45
Ruling concerning the Accused NUON Chea's presumption of innocence	Trial Chamber	15:55	15:55

Summary of Proceedings

Time allocated to each Defence team for questioning YOUK Chhang

The Defence teams indicated how much time would be required for the examination of the witness. Due to scheduling constraints, the Trial Chamber modified the order in which the Defences would question the Witness.

Questioning of YOUK Chhang

The KHIEU Samphan Defence questioned of the Witness followed by the NUON Chea Defence.

Waiver of IENG Sary's right to be present in the courtroom

The Accused waived his right to be present in the courtroom for the whole day.

Waiver of NUON Chea's right to be present in the courtroom

The Accused waived his right to be present in the courtroom in the afternoon.

Ruling concerning the Accused NUON Chea's presumption of innocence

Referring to the presumption of innocence guaranteed by the Cambodian Constitution, the Trial Chamber held that it would not take into account any statements which had been made in the media.

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/185	23.2	00141852- 00141856 00141857- 00142081	សំបុត្ររបស់សហព្រះរាជអាជ្ញានៃអ.វ.ត.ក ទៅនាយកមជ្ឈមណ្ឌលឯកសារកម្ពុជា Formal Request for material from the Document Center for Cambodia(DC-Cam)	P		00141959, 00141961	
E3/186	D366/ 7:1.68	00444489- 00444593	THE STUDY OF CPK CC	P		00444493, 00444496, 00444501, 00444502, 00444499, 00444517, 00444518, 00444524	

Oral Orders/Decisions:

- Orders to bring the Accused IENG Sary (10:20) and NUON Chea (11:45) to the holding cell (waivers are attached to this written record).
- Decision on the objection raised by the International Defence Counsel of NUON Chea in [regard] to the public comments [concerning the] guilt of his client.
- Order to bring the three Accused back to the detention facility and to return the three Accused to the courtroom for the hearing on 6 February 2012 at 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on 6 February 2012 at 9:00am.

Phnom Penh, 2 February 2012

Greffier  DUCH Phat

 Greffier  Faiza ZOUAKRI