



ឯកសារដើម
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
du dossier: Ratana K

E1/44

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

15 February 2012

Substantive Hearing on evidence – Day 32

Prepared by:

Phary DUCH and Matteo CRIPPA

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Claudia FENZ, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony (Reserve)
Greffiers: Mr. DUCH Phary, Mr. Matteo CRIPPA.
OCP: Mr. Dale Lysak, Mr. SENG Bunkheang, Mr. Tarik ABDULHAK, Mr. Bou Chanthan, Mr. CHEA Phalla.
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, Ms. Anta Guisse; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. Sam Sokong, Mr. Olivier Bahougne, Ms. MOCH Sovannary, Mr. Barnabé NEKUIE, Ms. SIN Soworn, Ms. CHET Vanly, Mr. Ven Pov.
Others: Ms Almaz TEFFERA

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 15:40
Recess am	Start time: 10:35	Finish time: 11:00
Recess	Start time: 12:10	Finish time: 13:50
Recess pm	Start time: 15:00	Finish time: 15:20
	Total Court Time:	4 hours, 10 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Submission of documents considered of particular relevance for Case 002/01	CLCP; NUON Chea Defence	09:09	15:35
Request of waiver of the Accused's right to be present in the courtroom and observe the proceedings from the holding cell	IENG Sary Defence; NUON Chea Defence	10:31 12:04	10:33 12:07
Oral decision in relation to the document list submitted by the NUON Chea Defence	Trial Chamber; NUON Chea Defence; Co-Prosecutor;	13:50	14:11
Request not to conclude the historical background segment of the trial	NUON Chea Defence	15:35	15:40

Summary of Proceedings

Submission of documents considered of particular relevance for Case 002/01

The Co-Lawyers for the Civil Parties raise general observations before submitting documents they consider of particular relevance for Case 002/01, with particular focus to those related to the Accused KHIEU Samphan.

The NUON Chea Defence decides to postpone its submission of documents until the Chamber ruled upon the admissibility of the four documents contained in the Defence's list. The Chamber reminds the Defence that it is required to present documents D222/1.17 and D313/1.2.2 at this stage, as previously ruled upon. With regard to the four remaining documents, the Chamber will inform the parties on their admissibility in due course. In case the Defence intends to submit further documents before the Chamber it needs to do so in writing. Finally, the Chamber indicates that after today's hearing the Defence will not be provided with another opportunity to submit the two documents before it.

Request of waiver of the Accused's right to be present in the courtroom and observe the proceedings from the holding cell

The Chamber grants IENG Sary and NUON Chea's requests to waive their right to be present in the courtroom and follow the proceedings from the holding cell via the audio-visual equipment (Accused's waivers are attached to this written record).

Oral decision in relation to the document list submitted by the NUON Chea Defence

The NUON Chea Defence previously communicated to the Chamber a list of documents in accordance with E170. The Co-Prosecutor alleges that the NUON Chea Defence has not adhered to imposed deadlines in their submission of documents. Some of the documents in the list were not translated into all three languages. The Chamber allows the NUON Chea Defence to discuss two documents from its list of six, i.e. D222/1.17 and D313/1.2.2 that were not objected to by the Co-Prosecutors. The Chamber will rule upon the admissibility of the remaining four documents in that list during the next trial session. The Chamber allows the NUON Chea Defence to respond in writing to the Co-Prosecutor's objections to the list the Defence has submitted.

Request not to conclude the historical background segment of the trial

The NUON Chea Defence requests the Chamber not to conclude the historical background segment of Case 002/01 and that further submissions be made. The Chamber requests the Defence to file its submissions in writing.

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:33) and NUON Chea (12:07) to the holding cell to observe the proceedings via the audio-visual equipment (Accused waivers are attached to this written record).
- Oral decision in relation to the document list submitted by the NUON Chea Defence.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 16 February 2012.

Orders for Adjournment of Hearing

The hearing will resume on 16 February 2012 at 9:00am.

Phnom Penh, 15 February 2012

Greffier

Greffier

DUCH Phasr CHAMBRE DE PREMIERE INSTANCE
E.C.C.C. ព្រឹត្តិសវនករដំបូង
CHAMBER OF FIRST INSTANCE
E.C.C.C.

Matteo CRIPPA