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ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
.....10...../.....04...../.....2012.....	
ម៉ោង (Time/Heure) :.....09:00.....	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé	
.....SANN RANA.....	

E1/51

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGSPUBLIC

Case File N° 002/19-09-2007-ECCC/TC

20 March 2012

Substantive Hearing on evidence – Day 39

Prepared by:

DAV Ansan and Roger PHILLIPS

<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: Mrs. Se Kolvuthy, Mr. DAV Ansan, Mr. Roger PHILLIPS.
OCP: Mr. William SMITH, Mr. SENG Bunkheang, Mr. PICH Sambath, Mr. Bou Chanthan, Ms. Golriz Ghahraman, Mr. Chanlino Pak.
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 GUISSSE; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Mr. Ven Pov, Ms. TY Srinna, Mr. Barnabé NEKUIE, Ms. SIN Soworn, Ms. Lyma NGUYEN.
Others: Ms Almaz TEFFERA

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 15:20
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:00	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of KAING Guek Eav	Co-Prosecutors	09:10	15:20
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	10:30	10:31
		15:01	15:02
Request to limit scope of questioning of KAING Guek Eav to Case 002/01	Trial Chamber; Co-Prosecutors	10:50	10:53
Objection to testimony outside witness' personal knowledge	IENG Sary Defence; Co-Prosecutor; NUON Chea Defence; Trial Chamber	11:21	11:50
Objection to the method of questioning by the Co-Prosecutors	IENG Sary Defence	14:17	14:18
Request to adjourn today's hearing due to Accused's inability to participate effectively	NUON Chea Defence; Trial Chamber	15:04	15:20

Summary of Proceedings

Testimony of KAING Guek Eav

The Co-Prosecutors continue to put questions to KAING Guek Eav.

Request to waive 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).

Request to limit scope of questioning of KAING Guek Eav to Case 002/01

The Trial Chamber observes and reminds the parties to narrow their questioning of KAING Guek Eav to issues relevant to the trial of Case 002/01. The Co-Prosecutor provides clarification as to the questions that the Prosecution intends to put to the witness.

Objection to testimony outside witness' personal knowledge

The IENG Sary and NUON Chea Defence require clarification as to the sources of KAING Guek Eav's testimony. The Chamber clarifies that it will emphasize the witness' personal knowledge of events and documents at the time of the regime and will evaluate the testimony of this witness when it delivers its verdict taking into account the later examination by all the other parties..

Objection to the method of questioning by the Co-Prosecutors

The IENG Sary Defence objects to the method of questioning by the Co-Prosecutors of the witness KAING Guek Eav, arguing that the Co-Prosecutor is "feeding" the witness information.

Request to adjourn today's hearing

Following the request by the Accused NUON Chea to be excused from the courtroom, the NUON Chea Defence requests that the hearing be adjourned until tomorrow morning (21 March 2012). The Chamber instructs the medical team to examine the Accused NUON Chea and to advise the court on whether NUON Chea can effectively follow the proceedings. The Chamber warns the international co-lawyer PESTMAN that any interference with the independent medical team's examination will have repercussions. The Chamber considers his temporary absence from the courtroom an interference and adjourns the proceedings.

Record of Rule 87(3) Proceedings

TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
E3/147		Annex 00026: Foreign Broadcast Information Service collection of reports for January 1977	OCP	00679782-00679802 (KH) 00168465-00168470 (EN) 00698444-00698450 (FR)
E3/25		CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 -January 1977 (FULL)	OCP	00063039, p. 70 (KH); 00491406 (EN)

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:30) and NUON Chea (15:02) to the holding cell to observe the proceedings via the audio-visual equipment (Accused's waivers are attached to this written record).
- Order to medically examine the Accused NUON Chea in his holding cell.
- Order to Michel Pestman not to interfere in any manner with the medical examination of the Accused NUON Chea.
- Order to return Witness KAING Guek Eav to the detention facility and to bring

him to the courtroom for the hearing on 21 March 2012.

- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 21 March 2012.

Orders for Adjournment of Hearing

The hearing will resume on 21 March 2012 at 9:00am.

Phnom Penh, 20 March 2012

Greffier

Greffier



DAV Ansan

Roger PHILLIPS