



E1/62

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

ប្រជាជន

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

27 / 04 / 2012

ម៉ោង (Time/Heure) : 14:50

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
du dossier: SANN RANA

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 April 2012

Substantive Hearing on evidence – Day 50

Prepared by:

SE Kolvuthy and Roger PHILLIPS

Attendance Record

Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, 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. PICH Sambath, Mr. SENG Bunkheang.

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. HONG Kimsuon, Ms. TY Srinna, Mr. Barnabé NEKUIE, Ms. Marie GUIRAUD, Ms. CHET Vanly, Ms. Lyma NGUYEN.

Witness: KAING Guek Eav alias DUCH.

Others: Ms. Alexandra PRASSOLOFF, Arun UCH

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:15
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:10	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	5 hours, 15 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Testimony of KAING Guek Eav	KHIEU Samphan Defence	09:00	15:10
	NUON Chea Defence	15:10	16:00
Clarification as to the manner of questioning	TC	10:15	10:25
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence	10:35	10:35
	NUON Chea Defence	12:05	12:05
Request about the conduct in the courtroom	OCP	11:05	11:05
Clarification of a question by Judge Lavergne	TC	11:05	11:10
Enquiry on whether the Accused wished to respond to KAING Guek Eav testimony	TC	16:00	16:10

Summary of Proceedings

Testimony of KAING Guek Eav

The KHIEU Samphan Defence put questions to the Witness. Subsequently, NUON Defence put questions to the witness.

Clarification as to the manner of questioning

The TC advised Defence counsel to put questions precisely and in short form for the witness to understand.

Waiver of the Accused's right to be present in the courtroom

The Accused IENG Sary and NUON Chea waived their right to be present in the courtroom.

Clarification of a question

Judge Lavergne took the floor to clarify a question put by the Defence to the witness.

Request about the conduct in the courtroom

OCP requested the TC to remind all parties that they abide by Rule 22(4) stating that lawyers have an obligation to promote the fair and effective conduct of the hearings.

Enquiry on whether the Accused wished to respond to KAING Guek Eav testimony

AKP

The TC required the three Defence teams to indicate whether their clients were intending to confront the witness KANG Guek Eav. NUON Chea Defence indicated that their client would like to give a statement in response to the witness testimony. IENG Sary Defence indicated that their client will remain silent. KHIEU Samphan Defence indicated that their client did not wish to question the witness Duch. NUON Chea Defence indicated that it would present objections to procedural rulings of the Trial Chamber.

Trial Chamber Ruling

TC indicated that NUON Chea should file written submissions on its request. NUON Chea would be granted an opportunity to make a statement the next trial day, and would then be asked questions by the parties.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/452	D86/4	00146549-00146561-00147563-00147573-00147926-00147935	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ២៣ ៨ ២០០៧ Written Record of Interview of Duch by CIJ on 23-08-2007 Procès verbal d'interrogatoire de Duch par CJI le 23-08-2007	P	00146551		00147929
E3/107	D89	00197967-00197977-00198217-00198225-00197978-00197986	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ២៤ មិថុនា ២០០៨ [Surrogate Sheet] Written Record of Interview of Duch by CIJ on 24-06-2008 [Feuille remplacée] Procès verbal d'interrogatoire de Duch par CJI le 24-06-2008	P	00197973	00198222	00197983
E3/355	D117	00239830-00239840-00242872-00242882-00239820-00239829	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ថ្ងៃទី ១៩ វិច្ឆិកា ២០០៨ Written Record of Interview of Duch by CIJ on 19-11-2008 Procès verbal d'interrogatoire de Duch par CJI le 19-11-2008	P	00239833	00242875	00239823

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E3/347	20.19	00160879- 00160884, 00160889- 00160920, 00002494- 00002557 00160885- 00160888, 00002494- 00002557, 00184996- 00185058 00160889- 00160920, 00160921- 00160974	បទសម្ភាសន៍តាមខ្សែអាត់ជាមួយ ឌុច អតីតប្រធានសន្តិសុខខ្មែរក្រហម ស-២១ សម្ភាសន៍ដោយ មជ្ឈមណ្ឌលឯកសារកម្ពុជា សរសេរជាភាសាខ្មែរ និងអង់គ្លេស នៅថ្ងៃទី១៨ មិថុនា ឆ្នាំ១៩៩៩ UNHCHR Suspect Statement of KANG Keck Iev alias DUCH UNHCHR Suspect Statement of KANG Keck Iev alias DUCH	P	00160890	00002507	00160922
E3/106	D86/ 23	00177620- 00177630 00177631- 00177640 00177641- 00177651	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ០១ ០៤ ២០០៨ [Surrogate Sheet] Written Record of Interview of Duch by CIJ on 01-04-2008 [Feuille remplacée] Procès verbal d'interrogatoire de Duch par CJI le 01-04- 2008	P	00177625	00176535	p. 5, 00177646
E3/1560	D288 /6.52 /4.25	00320786- 00320789 00327325- 00327327- 00327328- 00327331	ឧបសម្ព័ន្ធ ២៥៖ កំណត់ហេតុសួរចម្លើយ ថ្ងៃទី៩ ខែមិថុនា ឆ្នាំ១៩៩៩ Annex 25: Written Record of Interview - 09 June 1999 Annexe 25: Procès-verbal d'interrogatoire - 09 juin 1999	P			
E3/450	D86/ 24	00178045- 00178057 00178058- 00178070 00195945- 00195958	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ០២ ០៤ ២០០៨ Written Record of Interview of Duch by CIJ on 02-04-2008 Procès verbal d'interrogatoire de Duch par CJI le 02-04-2008	P	00178048	00178061	00195948
E3/456	D90	00198870- 00198878 00198879- 00198886 00198887- 00198894	កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ២៥ មិថុនា ២០០៨ Written Record of Interview of Duch by CIJ on 25-06-2008 Procès verbal d'interrogatoire de Duch par CJI le 25-06-2008	P	00198875	00198883	00198891
E3/530	D288 /6.52 /4.43	00095688- 00095691 00329133- 00329135 00327363- 00327365	ឧបសម្ព័ន្ធ ៤៣៖ កំណត់ហេតុសួរចម្លើយ ថ្ងៃទី៤ ខែកក្កដា ឆ្នាំ២០០២ Annex 43: Written Record of Interview - 4 July 2002 Annexe 43: Procès-verbal d'interrogatoire - 4 juillet 2002	P	00095691	00329135	00327365

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E3/60	D88	00195590- 00195598 00195599- 00195607 00195608- 00195617	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ០៣ មិថុនា ២០០៨ [Surrogate Sheet] Written Record of Interview of Duch by CIJ on 03-06-2008 [Feuille remplacée] Procès verbal d'interrogatoire de Duch par CJI le 03-06- 2008	P	00195598	00195606	00195616
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Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:37) and NUON Chea (12:07) to the holding cell (waivers of the Accused are attached to this written record).
- Order to return the Witness to the detention facility.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 18 April 2012.

Orders for Adjournment of Hearing

The hearing will resume on 18 April 2012 at 9:00am. *sufl*

Phnom Penh, 10 April 2012

Greffier

Greffier

SE Kolvuthy

Roger PHILLIPS