



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
26 / 12 / 2011

ម៉ោង (Time/Heure) : 15:50

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

E1/21

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា

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

13 December 2011

Substantive Hearing on evidence – Day 9

Prepared by:

DUCH Phary and Matteo CRIPPA

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony and Judge Claudia FENZ.
Greffier/s: Mr. DUCH Phary, Mr. Matteo CRIPPA, Ms. Faiza ZOUAKRI
OCP: Mr. Andrew CAYLEY, Ms. CHEA Leang, Mr. Dale LYSAK, Mr. SENG Bunkheang, Mr. HUOT Veng, Mr. Chan DARASMEY, Mr. Toch VANNARITH, Mr. BOU Chanthan.
Accused: Mr. NUON Chea, Mr. IENG Sary, Mr. KHIEU Samphan.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. KONG Sam Onn, Mr. Arthur VERCKEN; Mr. ANG Udom, Mr. Michael KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Ms. Christine MARTINEAU, Ms. Nushin SARKARATI.
Witness: None
Others: court officers, transcribers, Mr. Dejan BERBEROVIC, Mr. Simon MEISENBERG, Ms. Jin CHIEN, Mr. Xavier FERRAND.

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:10
Recess am	Start time: 10:45	Finish time: 11:05
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:50	Finish time: 15:20
	Total Court Time:	5.0 hours

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Examination of Accused NUON Chea	Trial Chamber	09:05	12:04
Request for re-evaluation of medical condition	NUON Chea Defence	12:04	12:05
Request to adjourn examination of NUON Chea	NUON Chea Defence	13:35	13:37
Examination of Accused IENG Sary	Trial Chamber	13:37	13:43
Observations on examination of IENG Sary	IENG Sary Defence, Trial Chamber	13:43	13:53
Observations on examination of Accused KHIEU Samphan	KHIEU Samphan Defence, Trial Chamber	13:53	14:16
Examination of KHIEU Samphan	Trial Chamber	13:54	14:06
Response to Closing Order	KHIEU Samphan	14:16	16:08
Request for IENG Sary to observe proceedings remotely from holding cell	IENG Sary Defence, Trial Chamber	15:20	15:23

Summary of Proceedings

Examination of Accused NUON Chea

The Chamber resumed examination of Accused NUON Chea.

Request for re-evaluation of medical condition

The NUON Chea Defence requested medical examination of the Accused. The Chamber granted the request and ordered medical examination of all Accused during the recess.

Request to adjourn examination of NUON Chea

The NUON Chea Defence requested to adjourn the examination of the Accused due to fatigue. The Chamber granted the request.

Examination of Accused IENG Sary

The Chamber examined Accused IENG Sary on his identity and personal background.

Observations on examination of IENG Sary

The IENG Sary Defence requested leave to read a statement. The Chamber requested clarification on whether IENG Sary will comment on the charges in the Closing Order. The Defence indicated the Accused's intention to exercise his right to remain silent.

Examination of Accused KHIEU Samphan

The Chamber examined Accused KHIEU Samphan on his identity and personal background.

Observations on examination of KHIEU Samphan

The Chamber requested clarification on whether KHIEU Samphan will answer questions put to him. KHIEU Samphan indicated that he would only comment on the Closing Order, but reserves the right to respond to the Co-Prosecutors' evidence as it is presented.

Response to Closing Order

KHIEU Samphan responded to various paragraphs of the Closing Order read in Court on December 5, 2011.

Request for IENG Sary to observe proceedings remotely from holding cell

The IENG Sary Defence requested that the Accused be allowed to observe the proceedings remotely from the holding cell. The Chamber granted the request. Upon order by the Chamber, the Defence submitted a signed waiver. The Chamber instructed the Greffier to enter the waiver and medical reports of all Accused into the case file. All these documents are attached to this written record.

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/5	D243/2 .1.1	00063311- 00063353 00401476- 00401511 00538951- 00538985	ទង់បដិវត្ត លេខ ៨ សីហា ១៩៧៥ CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Issue 8, August 1975 (FULL)	P	00063328	00401491	00538966
E3/25	D243/2 .1.9	00063000- 00063058 00491394- 00491438 00504014- 00504066	ទង់បដិវត្ត លេខ ពិសេស ធ្នូ-មករា ១៩៧៦-៧៧ CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 – January 1977 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 – January 1977 (FULL)	P	00063021 , 00063015	00491411 , 00491406	00504033 , 00504027
E3/11	D243/2 .1.12	00063116- 00063187 00486212- 00486266 00492795- 00492857	ទង់បដិវត្ត លេខ ពិសេស កញ្ញា ១៩៧៧ CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL)	P	00063120	00486215	00492799
E3/130	D366/7 .1.187	00442251- 00442281 00184022-	លក្ខន្តិកៈ បក្សកុម្មុយនិស្តកម្ពុជា The CPK statute	P			

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
		00184047 00292914- 00292934	Status du Parti Communiste du Kampuchea				

Oral Orders/Decisions:

- Order instructing medical examination of all Accused during recess
- Order instructing detention personnel to escort Accused IENG Sary to holding cell


Orders for Adjournment of Hearing

The hearing will resume on Wednesday 14 December 2011 at 9:00am.

Phnom Penh, 13 December 2011
Greffier Greffier


DUCH Phary




Matteo CRIPPA