



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
27 / 12 / 2011

ម៉ោង (Time/Heure): 11:30

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

E1/17

**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 PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 December 2011

Substantive Hearing on evidence – Day 5

Prepared by:

DUCH Phary and Faiza ZOUAKRI/Matteo CRIPPA

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony (Reserve) and Judge Claudia FENZ (Reserve).
<b>Greffier/s:</b> Mr. DUCH Phary, Mr. Matteo CRIPPA, Ms Faiza ZOUAKRI.
<b>OCP:</b> Mr. Andrew CAYLEY; Mr. Dale LYSAK; Mr. SENG Bunkheang; Mr. HUOT Veng; Mr. Chan DARASMEY; Mr. Toch VANNARITH; Mr. BOU Chanthan; Mr. Chanlino Pak; Mr. Vincent De WILDE d'ESTMAEL.
<b>Accused:</b> Mr. NUON Chea, Mr. IENG Sary, Mr. KHIEU Samphan.
<b>Defence for the Accused:</b> Mr. Arun SON, Mr. Michiel PESTMAN, Mr. Andrew IANUZZI, Mr. PHALLA Prum; Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Ms. SENG Socheata; Mr. ANG Udom, Mr. Michael G. KARNAVAS, Mr. SO Mosseny.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-RORT, Mr. SAM Sokong, Mr. LOR Chunthy, Ms. Sovannary MOCH, Mr. Kimsuon HONG, Mr. VEN Pov, Mr. Pascal AUBOIN, Ms. Christine MARTINEAU, Mr. Kim MENGKHY, Ms. Philippine SUTZ.
<b>Civil Party:</b> KLAN Fit
<b>Others:</b> Mr. Dejan BERBEROVIC; Mr. Simon MEISENBERG; Ms Diana ELLIS; Mr. UCH Arun; Mr. Se Kuchvisal; Ms. Nathalie TURCOVICH; Ms. Almaz TEFFERA; Mr.

Xavier FERRAND

**General court times**

Day	Start time: 9:05	Finish time: 16:10
Recess am	Start time: 10:20	Finish time: 11:05
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours and 30 minutes

**Proceedings**

Type of Issue	Raised By	Start time	Finish time
Questioning of the Accused NUON Chea	Trial Chamber	9:08	11:19
Request for re-evaluation of medical condition and waiver of the right to be present of Accused NUON Chea	NUON Chea Defence	9:09	9:10
Request for clarification about scheduling of Civil Parties' testimony	KHIEU Samphan Defence	9:10	9:12
Request to be brought to the detention facility	NUON Chea Defence	11:06	11:07
Questioning of Civil Party KLAN Fit (TCCP-185)	Trial Chamber; Civil Party Lead Co-Lawyers; Co-Prosecutors	11:20	16:03
Request for clarification on whether the Civil Parties/Interpreter have to take an oath	NUON Chea Defence; KHIEU Samphan Defence	11:32	11:40
Request for clarification regarding the questioning of Civil Parties/Witnesses	Civil Party Lead Co-Lawyers, Co-Prosecutors, IENG Sary Defence	13:33	13:43

**Summary of Proceedings**

The President declared the opening of the hearing.

**Questioning of the Accused NUON Chea**

The President announced that NUON Chea's questioning will continue during the morning session, taking into account his medical condition, which might influence the time of his questioning in the afternoon session.

**Request to re-evaluate the medical condition of the Accused Nuon Chea and waiver of his right to be present during the hearing**

The NUON Chea Defence requested to have the Accused's medical condition re-evaluated

and indicated that the Accused waives his right to be present in the courtroom during the afternoon session. The Chamber indicated that the Accused's health condition is taken into account and reiterated that his medical condition is being medically monitored.

**KHIEU Samphan Defence's request concerning Civil Parties to be heard in court**

The KHIEU Samphan Defence inquired about the order in which the Civil Parties will be heard during the afternoon session. The Chamber referred to document E131/18 of 2 December 2011.

**NUON Chea's request to be brought to the detention facility**

NUON Chea requested leave to be brought back to the detention facility due to fatigue. The President permitted NUON Chea to be brought to the holding cell and to follow the proceedings from the holding cell. The Chamber announced that the questioning of the Accused will be resumed at a later date to permit him to rest.

**Questioning of Civil Party KLAN Fit (TCCP-185)**

The Trial Chamber questioned Civil Party KLAN Fit, followed by the Civil Party lawyers and the Co-Prosecutor.

**Request for clarification on whether a Civil Party/Interpreter have to take an oath**

The Nuon Chea Defence requested clarification on whether a Civil Party/Interpreter have to take an oath. The Trial Chamber ruled that neither the Civil Parties nor the Interpreter, who assists Civil Parties/Witnesses have to take an oath.

**Request for clarification regarding the questioning of Civil Parties/Witnesses**

The Parties requested clarification regarding the procedure to follow on the questioning of the Witnesses/Civil Parties beyond the scope of the first trial segment. The Trial Chamber referred to E145, which addresses these issues.

<b><u>Record of Rule 87.3 Proceedings</u></b>				
TC Ref No.	OCIJ Ref No.	Name/Description	Class. (S, C or P)	Remarks
E3/125	D247/1	Written Record of Interview of Civil Party KLAN Vet/Fit	P	
E3/126	D247/1/Corr-1	Demande de rectificatif document D247/1 "Corrigées pour des raisons techniques"	P	

**Oral Orders/Decisions:**

- Decision to bring the Accused NUON Chea to the holding cell and participate in the proceedings via audio-visual equipment

**Orders for Adjournment of Hearing**

The hearing will resume on 07 December 2011 at 9:00am.

Phnom Penh, 6 December 2011

Greffier

Greffier



DUCH Phary

Faiza ZOUAKRI