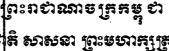
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ថ្ងៃ ខែ ឆ្នាំ មច្ចល (Date of receipt/Date de reception):

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# អខ្ពប់សុំបម្រះទីសាមញ្ញតូខតុលាការកម្ពប់

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

# **ಜ**ತ್ರಕೃತ್ಯಣಿ:ಖಾಬಕ್ಷಕಾ

Trial Chamber Chambre de première instance

#### WRITTEN RECORD OF PROCEEDINGS

#### **PUBLIC**

Case File Nº 002/19-09-2007-ECCC/TC

## 6 December 2011 Substantive Hearing on evidence - Day 5

Prepared by:

DUCH Phary and Faiza ZOUAKRI/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 (Reserve) and Judge Claudia FENZ (Reserve).

Greffier/s: Mr. DUCH Phary, Mr. Matteo CRIPPA, Ms Faiza ZOUAKRI.

OCP: 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.

Accused: Mr. NUON Chea, Mr. IENG Sary, Mr. KHIEU Samphan.

Defence for the Accused: 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.

Civil Parties: 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. Philipine SUTZ.

Civil Party: KLAN Fit

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

#### **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.

Record of Rule 87.3 Proceedings					
TC Ref	OCIJ Ref No.	Name/Description	Class. (S,	Remarks	
No.			C or P)		
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	Р		

#### Oral Orders/Decisions:

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

002/19-09-2007-ECCC/TC

E1/17

Orders for Adjournment of Hearing

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

