



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

Nation Religion Roi ជាតិសាសនាព្រះមហាក្សត្រ
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ម៉ោង (Time/Heure) : 15 : 00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: <i>S. G. N. R. S. D. /</i>

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 December 2011

Substantive Hearing on evidence - Day 6

Prepared by:

DAV Ansan/DUCH Phary and Faiza ZOUAKRI/Natacha WEXELS-RISER

<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 and Judge Claudia FENZ
Greffier/s: Mr. DUCH Phary, Mrs. Faiza ZOUAKRI, Mrs. Natacha WEXELS-RISER, Mr. DAV Ansan
OCP: Mr. William SMITH, Mr. SENG Bunkheang, Mr. Chan DARASMEY, Mr. HUOT Veng, Mr. Vincent De WILDE d'ESTMAEL, Mr. Chea PHALLA, Mr. Phann SOCHEA, Mr. Toch VANNARITH.
Accused: Mr. NUON Chea, Mr. IENG Sary, Mr. KHIEU Samphan.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Andrew IANNUZI, Mr. PHALLA Prum, Ms. Zara LOCKSHIN, Ms. Mojan SAMADI, Mr. Sokleap NGON, Mr. Tomas HAMILTON; Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Ms. SENG Socheata, Ms. Marie CAPOTORTO, Ms. Shéhérazade BOUARFA, Ms. Clémence WITT, Ms. Mathilde CHIFFERT, Mr. OUCH Sreypath; Mr. ANG Udom, Mr. Michael G. KARNAVAS, Mr. Michael VICKERY, Ms. Suzana TOMANOVIC, Mr. Joshua KERN, Mr. Neville SORAB, Mr. SO Mosseny, Ms. Helen SULLIVAN.

Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Ms. MOCH Sovannary, Mr. HONG Kimsuon, Mr. Pascal AUBOIN, Mr. Kim MENGKHY, Ms. Philippine SUTZ, Ms. Christine MARTINEAU.
Civil Parties: KLAN Fit (TCCP-185), ROMAM Yun (TCCP-123)
Witness: LONG Norin (TCW-395)
Others: Courtroom officers, transcribers, Mr. Dejan BERBEROVIC, Ms Diana ELLIS, Ms. Almaz TEFFERA, Ms. Jin CHIEN

General court times		
Day	Start time: 9:15	Finish time: 16:00
Recess am	Start time: 10:20	Finish time: 10:45
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 14:55
	Total Court Time:	4 hours 40 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Schedule for questioning of Civil Parties	Trial Chamber	9:15	9:18
Objection to Civil Party KLAN Fit's consultation with lawyer	IENG Sary Defence	9:18	9:24
Request for leave to question LONG Norin on the entirety of Case 002	Co-Prosecutors; IENG Sary Defence	9:24	9:29
Examination of ROMAM Yun	Trial Chamber; Civil Party Lead Co-Lawyers; Co-Prosecutors	9:29	11:54
Objection to Civil Party ROMAM Yun's consultation with lawyer	IENG Sary Defence	10:43	10:57
Schedule for questioning of LONG Norin	Trial Chamber	10:57	11:00
Observation on time allocation	Co-Prosecutors, IENG Sary Defence	11:35	11:48
Request for clarification on questioning of ROMAM Yun and of LONG Norin	All Defence teams and Co-Prosecutors, Trial Chamber	11:54	12:02
Questioning of LONG Norin	Trial Chamber; Co-Prosecutors	13:42	16:00
Instructions on attendance of Civil Parties	Trial Chamber	14:58	15:00

Summary of Proceedings

The President declared the opening of the hearing.

Schedule for questioning of Civil Parties

Upon being informed that Civil Party KLAN Fit cannot attend the hearing due to health problems, the Trial Chamber indicated that Civil Party ROMAM Yun will testify instead.

Objections to Civil Party consultations with lawyers

The IENG Sary Defence and Co-Prosecutors observed that Civil Party Lead Co-Lawyers should refrain from consulting with Civil Parties during breaks. The Co-Prosecutors further observed that this standard should also apply to the Accused. Civil Party Lead Co-Lawyers submitted that, unlike witnesses, Civil Parties may communicate with counsel, to which the Trial Chamber agreed.

Motion to question Witness LONG Norin on entire Case 002

The Co-Prosecutors requested leave to question LONG Norin on of the entirety of Case 002, due to concerns over his health. The IENG Sary Defence objected to the timing of the request. The Chamber granted the motion.

Questioning of Civil Party ROMAM Yun

The Chamber questioned Civil Party ROMAM Yun, followed by the Civil Party Lead Co-Lawyers and the Co-Prosecutors.

Schedule for questioning of Witness LONG Norin

The Chamber indicated that LONG Norin will be questioned in the afternoon and the following day, unless his health does not permit, in which case he will be questioned on 9 December 2011.

Request for clarification on questioning of Civil Party ROMAM Yun

The Defence teams requested clarification on the allocation of time for questioning of Civil Party ROMAM Yun. The Chamber indicated that precise time allocation is difficult due to unpredictable factors such as the health of persons summoned. The Chamber granted the Co-Prosecutors an additional 15 minutes to question the Civil Party.

Questioning of Witness LONG Norin

The Chamber and the Co-Prosecutors questioned Witness LONG Norin.

Instructions on attendance of Civil Parties

The Chamber excused Civil Parties KLAN Fit and YOMAM Yun from further Court attendance and instructed WESU to escort them home. The Civil Parties will be summoned to testify again after hearings resume in January 2012.

<u>Record of Rule 87.3 Proceedings</u>				
TC Ref No.	OCIJ Ref No.	Name/Description	Class. (S, C or P)	Remarks
E3/127	D208/3.2	Transcript of recorded interview with Romam Yun dated 08 July 2009	P	

Oral Orders/Decisions:

- Order instructing WESU to escort Civil Parties KLAN Fit and YOMAM Yun home
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 8 December 2011.

Orders for Adjournment of Hearing

The hearing will resume on 08 December 2011 at 9:00am.

Phnom Penh, 7 December 2011

Greffier



DAV Ansan



Greffier



Faiza ZOUAKRI