



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Kingdom of Cambodia
Nation Religion King

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Royaume du Cambodge ព្រះរាជាណាចក្រកម្ពុជា Nation Religion Roi
ORIGINAL DOCUMENT / DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 12 / 08 / 2012
ម៉ោង (Time/Heure): 15 : 00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SAMR RADA

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

13 August 2012

Substantive Hearing on evidence – Day 94

Prepared by:

Matteo CRIPPA and DUCH Phary

<u>Attendance Record</u>
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: Mr. Matteo CRIPPA, Mr. DUCH Phary, Mr. DAV Ansan.
OCP: Mr. CHAN Dararasmey, Mr. VENG Huot, Mr. Vincent de Wilde d'Estmael, Mr. Dale Lysak.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell).
Defence for the Accused: Mr. SON Arun, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISSÉ, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. Ferdinand DJAMMEN NZEPA, Ms. SIN Soworn, Mr. LOR Chunthy, Ms. Beini YE, Mr. VEN Pov.
Witness: Dr. KIM Samsan
Others: Mr. Jay GALIK, Mr. MAM Rithea (Duty Counsel)

<u>General court times</u>		
Day	Start time: 9:25	Finish time: 13:50
Recess am	Start time: n/a	Finish time: n/a
Recess	Start time: 9:55	Finish time: 13:45

Recess pm	Start time: n/a	Finish time: n/a
	Total Court Time:	35 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence	9:34	9:36
Testimony of Doctor KIM Samsan on the health of Mr. IENG Sary	TC	9:37	9:50
Deferral of the proceedings due to the health of Mr. IENG Sary	TC	9:51	9:55
Adjournment of the proceedings due to the health of Mr. IENG Sary	TC	13:44	13:50

Summary of Proceedings

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

The Accused Mr. IENG Sary submitted a waiver of his right to be present in the courtroom, however, after submitting this waiver Mr. IENG Sary's health condition worsened. Through his defence counsel, Mr. IENG Sary explained that while he was willing to waive his right to be present in the courtroom, he was not willing to waive his right to participate in the proceedings and did not feel that he could participate due to his health condition. Mr. IENG Sary wanted to be able to participate during the testimony of the two scheduled witnesses for the day, ONG Thong Hoeung (TCW-490) and SUONG Sikoen alias Kung alias Thorn (TCW-694).

Testimony of Doctor KIM Samsan on the health of Mr. IENG Sary

The Chamber questioned Dr. KIM Samsan regarding the health of Mr. IENG Sary. Dr. KIM Samsan testified that Mr. IENG Sary required to go more frequently to the bathroom which resulted in dizziness and that IENG Sary claimed to have trouble with mental focus and memory.

Deferral of the proceedings due to the health of Mr. IENG Sary

The Chamber deferred the proceedings due to Mr. IENG Sary's health preventing him from participating. The proceedings will resume at 13:30.

Adjournment of the proceedings due to the health of Mr. IENG Sary

Upon resumption of the proceedings for the afternoon session, Mr. IENG Sary continued to suffer from health conditions that prevented him from participating in the proceedings and Doctor KIM Samsan recommended that he not participate in the proceedings. The proceedings were adjourned and will resume tomorrow at 9:00am with the testimony of Mr. ONG Thong Hoeung (TCW- 490) being heard first due to scheduling requirements.

Record of Rule 87(3) Proceedings

TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)
n/a	n/a	n/a	n/a	n/a


Oral Orders/Decisions


- Order to bring the Accused back to the detention facility and to return the Accused NUON Chea, KHIEU Samphan and IENG Sary to the courtroom for the hearing on 14 August 2012.
- Order to bring the Witness SUONG Sikoen alias Kung alias Thorn (TCW-694) to his accommodation and to return him to the courtroom for the hearing on 14 August 2012 before 9:00 a.m.
- Order to bring the Witness ONG Thong Hoeung (TCW-490) to his accommodation and to return him to the courtroom for the hearing on 14 August 2012 before 9:00 a.m.

Orders for Adjournment of Hearing

The hearing will resume on 14 August 2012 at 9:00 a.m.

Phnom Penh, 13 August 2012

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Matteo CRIPPA DUCH Phary