



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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

Nation Religion Roi ប្រទេសកម្ពុជា ORIGINAL DOCUMENT/DOCUMENT ORIGINAL ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ០៧ / ០៦ / ២០១៣ ម៉ោង (Time/Heure): 13-50 មន្ត្រីទទួលបន្ទុកដំរើង/Case File Officer/L'agent chargé រូប: dossier <i>SANN P...</i>
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WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 February 2013

Substantive Hearing on evidence - Day 157

Prepared by:

Matteo CRIPPA and DUCH Phary

Attendance Record
Before: Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Mr. Matteo CRIPPA, Ms. SE Kolvuthy
OCP: Ms. SONG Chorvoïn, Mr. RAYNOR Keith
Accused: Mr. KHIEU Samphan, Mr. IENG Sary (present from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Ms. Anta GUISSÉ, Mr. ANG Udom, Mr. Michael G. KARNAVAS
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. HONG Kimsuon, Mr. KIM Mengkhy, M s. TY Srinna, Ms. SIN Soworn, Ms. Christine MARTINEAU
Witness: Mr. PIN Yathay (TCCP-116)
Others: Mr. UCH Arun, Ms. SOUR Sotheavy, Mr. Grant Ragland.

<u>General court times</u>		
Day	Start time: 9:05	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:50	Finish time: 15:05
	Total Court Time:	4 hours 50 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	TC	9:06	9:08
Testimony of Mr. PIN Yathay (TCCP-116)	TC	9:11	9:33
	CPLCL	9:33	11:38
	OCP	11:39	12:05
	TC	13:34	13:48
	NC Defence	13:49	13:49
	IS Defence	13:50	15:31
	KS Defence	15:32	15:44
Expression of suffering of Mr. PIN Yithay (TCCP-116)	TC	15:46	15:53
Trial Scheduling	TC	15:56	15:57

Summary of Proceedings

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

The Accused NUON Chea waived his right to be present in the courtroom for the entire day and submitted his waiver (E257/2). The Accused IENG Sary is present in his holding cell and due to his health will participate remotely for the entire day. The Trial Chamber granted IENG Sary's request to participate remotely to the proceedings from his holding cell for the entire day.

Testimony of Mr. PIN Yithay (TCCP-116)

The Civil Party Mr. PIN Yithay (TCCP-116) was questioned by the Trial Chamber, the Civil Parties Lead Co-Lawyers, the Office of the Co-Prosecutors, the IENG Sary Defence, and the KHEIU Samphan Defence.

Expression of suffering of Mr. PIN Yithay (TCCP-116)

The Civil Party Mr. PIN Yithay (TCCP-116) made a statement regarding the suffering he endured during the Democratic Kampuchea period and concluded his testimony.

Trial Scheduling

The Chamber informed the parties that due to the health of the accused NUON Chea and his failure to waive his right to be present during the testimony of witnesses, the Chamber will not conduct any hearings for the week of 11 February 2013. Court will resume on Monday, 18 February 2013.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/3988	D22/ 3649b	00588087- 00588430 00587516- 00587784 00587785- 00588086	ឯកសារបន្ថែមរបស់ដើមបណ្តឹងរដ្ឋប្បវេណី Supplementary information of civil party applicant/Document d'information supplémentaire de partie civile Supplementary information of civil party applicant/Document d'information supplémentaire de partie civile	P	00588135,		00587830,
					0058836,		00587831-
					00588146,		00587832,
					00588167,		00587841,
					00588167,	00587559,	00587859,
					00588188,	00587560,	00587860,
					00588199,	00587568,	00587879,
					00588220-	00587584,	00587879-
					00588221,	00587585,	00587880,
					00588222,	00587601,	00587889,
					00588226-	00587602,	00587890,
					00588227,	00587619,	00587890,
					00588230-	00587620,	00587891,
					00588231,	00587623,	00587904,
					00588246,	00587626,	00587907-
					00588268,	00587638,	00587908,
					00588112,	00587657,	00587922,
					00588113-	00587540,	00587943,
					00588114,	00587541,	00587808,
					00588139-	00587564-	00587808-
00588140,	00587565,	00587809,					
00588140-	00793877	00587834,					
00588141,		00587835,					
00588172-		00587835-					
00588173,		00587836,					
00568935		00568928					

Oral Orders/Decisions:

- Order allowing the Accused IENG Sary to participate from his holding cell during the entire day (waiver of the Accused is attached to this written record).
- Order to return Civil Party PIN Yithay (TCCP-116) back to his home.
- The Chamber instructs the security guards to take accused KHIEU Samphan and

IENG Sary to detention facility. The Chamber further instructs the security guards to have IENG Sary returned to the holding cell prior to 9:00 on Monday, 18 February 2013.

Orders for Adjournment of Hearing

The Court adjourned at 16:00 and will resume Monday, 18 February 2013 commencing from 9:00.

Phnom Penh, 7 February 2013
Greffier Greffier

The seal of the Extraordinary Chambers in the Courts of Cambodia (ECCC) is circular and features a central emblem with a sword and scales. The text around the perimeter includes "ROYAUME DU CAMBODGE" at the top, "EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA" around the middle, and "TRIBUNAL EXTRAORDINAIRE DU CAMBODGE" at the bottom. Below the seal, there are two handwritten signatures. The signature on the left is for Matteo CRIPPA, and the signature on the right is for DUCH Phary.

M. Professor
for Matteo CRIPPA

D. Phary
DUCH Phary