



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**ព្រះរាជាណាចក្រកម្ពុជា**

**ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge

Nation Religion Roi <b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... ០៧ / ០៦ / ២០១៣
ម៉ោង (Time/Heure): ..... ០១ - ០០
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: ..... <b>SANN RADA</b>

**WRITTEN REORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

29 March 2013

Substantive Hearing on evidence - Day 163

Prepared by:

Roger PHILLIPS and SE Kolvuthy

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ
<b>Greffiers:</b> Mr. Roger PHILLIPS, Ms. SE Kolvuthy
<b>OCP:</b> Mr. William SMITH, Mr. SENG Bunkheang, Mr. Dale LYSAK
<b>Accused:</b> Mr. KHIEU Samphan.
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn
<b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. LOR Chunthy, Mr. HONG Kimsuon, Ms. CHET Vanly, Ms. Beini YE, Ms. Christine MARTINEAU
<b>Witness:</b> N/A
<b>Others:</b> Ms. Susan LAMB, Elburg van BOETZELAER

*Handwritten mark*

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 09:20
	Total Court Time:	20 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of NUON Chea's right to be present in the Courtroom	TC	09:03	09:04
Oral decision on the fitness to stand trial of the Accused NUON Chea	TC	09.04	09.05
Oral decision on the severance of Case 002	TC	09.05	09.12
Scheduling of proceedings	TC	09.12	09.21

#### Summary of Proceedings

##### Waiver of NUON Chea's right to be present in the courtroom

The Accused NUON Chea is absent due to health concerns and waived his right to be present in the courtroom for the entire day.

##### Oral decision on the fitness to stand trial of the Accused NUON Chea

Notwithstanding the advanced age and frailty of the accused Nuon Chea and the Accused's precarious physical health, the recent report and testimony of the court-appointed medical experts clearly indicate that the Accused remains capable of meaningful participation in his own defence. On the basis of the conclusions of the medical experts, the Trial Chamber, therefore, affirms its earlier finding that the accused Nuon Chea is fit to stand trial. The Trial Chamber's written decision in this regard will follow as soon as possible.

##### Oral decision on the severance of Case 002

The Trial Chamber decides to sever Case 002, pursuant to Internal Rule 89ter, by confining the scope of Case 002/01 to the charges related to forced movement of population phases 1 and 2 and executions at Tuol Po Chrey. The written decision on the severance of Case 002/01 will be notified in due course.

##### Scheduling of proceedings

The Trial Chamber states that the proceedings will be resumed on the 8<sup>th</sup> of April 2013, concluding the hearing of witness TCW-100 and subsequently hearing witness TCW-536. Judge Sylvia CARTWRIGHT adds that funding for the national staff has been secured until the end of April 2013. Furthermore, The Chamber will seek further submissions

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from the parties concerning witnesses and experts to be heard in the weeks following the 8th of April should it consider this is required to enable it to discharge its trial management functions. Pending any such request by the Trial Chamber, the parties should not file further suggested witness and expert lists or proposed schedules for the on-going hearing in Case 002/01.

Oral Orders/Decisions:

- Based on the hearing of 2 medical experts (Mr John CAMPBELL and Mr Seena FAZEL) and the submissions of the parties on 25 March 2013 regarding the fitness to stand trial, the Chamber rules that the Accused NUON Chea remains capable of meaningful participation in his own defence and therefore rules that the Accused NUON Chea is fit to stand trial.
- For the reasons that will be outlined in its written decision, the Trial Chamber decides to sever Case 002 pursuant to Internal Rule 89ter, by confining the scope of Case 002/01 to the charges related to forced movement of population phases one and two and executions at Toul Po Chrey.
- The Chamber instructs the security guards to return the Accused KHIEU Samphan to the detention facility.

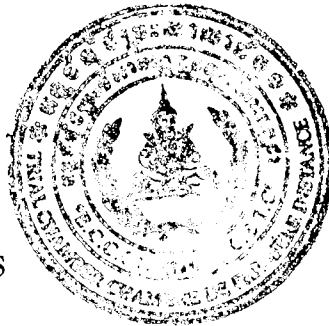
Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on Monday 8 April 2013. *SP*

Phnom Penh, 29 March 2013

Greffier

*M. Professor*  
*for* Roger PHILLIPS



Greffier

*SE Kolvuthy*  
 SE Kolvuthy