



**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

**អង្គជំនុំជម្រះសាលាដំបូង**  
Trial Chamber  
Chambre de première instance

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ..... 25 / 07 / 2013 .....
ម៉ោង (Time/Heure) : ..... 16 : 10 .....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង : Case File Officer/L'agent chargé .....

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

23 May 2013

Substantive Hearing on evidence – Day 183

Prepared by:  
Roger PHILLIPS and SE Kolvuthy

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
<b>Reserve Judges:</b> Judge THOU Mony (Reserve) and Judge Claudia FENZ (Reserve).
<b>Greffier/s:</b> Mr. Roger PHILLIPS, Ms. SE Kolvuthy
<b>OCP:</b> Mr. HUOT Veng, Mr. Tarik ABDULHAK.
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
<b>Defence for the Accused:</b> Mr. Arun SON, Mr. Victor KOPPE, Mr. KONG Sam Onn, Mr. Arthur VERCKEN.
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-RORT, Mr. Pascal AUBOIN, Ms. TY Srinna, Mr. Madhev MOHAN
<b>Civil Party:</b> Mr. CHAU Ny (TCCP-187)
<b>Others:</b> Mr. UCH Arun , Ms. Sotheavy SOUR

<b>General court times</b>		
Day	Start time: 9:00	Finish time: 11:05

Recess am	Start time: N/A	Finish time: N/A
Recess	Start time: N/A	Finish time: N/A
Recess pm	Start time: N/A	Finish time: N/A
	Total Court Time:	2 hours, 5 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Waiver of Accused's Right to be Present in the Court Room	TC	9:10	9:10
Testimony of Civil Party	KS Defence	9:12	9:38
		9:40	9:41
	Civil Party	9:49	9:50
	KS	9:43	9:49
	OCP	9:51	10:05
	LCLCP	10:05	10:25
Statement of Suffering	Civil Party	10:27	10:32
Right to Put Questions to the Accused and Right to Remain Silent	OCP	10:32	10:35
	LCLCP	10:35	10:39
	TC	11:01	11:02

### Summary of Proceedings

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

The Accused NUON Chea was present in the holding cell pursuant to Internal Rule 81(5). See Second Decision on Accused NUON Chea's Fitness to Stand Trial, E256/5, 2 April 2013.

#### Testimony of Civil Party CHAU Ny (TCCP- 187)

The Civil Party CHAU Ny (TCCP-187) was recalled upon request by the KHIEU Samphan Defence (E267/3). The KHIEU Samphan Defence, Lead Co-Lawyers, and Office of the Co-Prosecutors pose questions to the Civil Party CHAU Ny (TCCP-187). Civil Party CHAU Ny (TCCP-187) poses questions to Accused KHIEU Samphan, who responds. Testimony of Civil Party CHAU Ny (TCCP-187) is concluded.

#### Statement of Suffering

Civil Party CHAU Ny (TCCP-187) makes his statement of suffering.

#### Right to Put Questions to the Accused and Right to Remain Silent

The Office of the Co-Prosecutors and the Lead Co-Lawyers for the Civil Parties make submissions concerning their right to put questions to the accused, pursuant to Internal Rule 90. The Chambers requests that the Accused inform them by 09:00 Monday 27 May 2013 of whether they wish to retain or waive their right to remain silent.

RD  
2/3

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
N/A	E1/14 6.1	00865447- 00865537 00866675- 00866783 00866563- 00866674	ប្រតិចារឹកសវនាការលើអង្គសេចក្តីនៃសំណុំរឿង ០០២ - ថ្ងៃទី ២៣ ខែ វិច្ឆិកា ឆ្នាំ២០១២ Transcript of hearing on the substance in Case 002 - 23 November 2012 Transcript of hearing on the substance in Case 002 - 23 November 2012	P			

#### Oral Orders/Decisions:

- Order to return Civil Party Chau Ny to his home.
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and further instructs the security guards to return KHIEU Samphan to the courtroom and NUON Chea to the holding cell by 09:00 on Monday 27 May 2013. (11:02)
- The Chamber announces that there will be a trial management meeting held within the next few weeks, and that the Accused NUON Chea and KHIEU Samphan must inform the Trial Chamber if they wish to retain the right to remain silent by 09:00 Monday 27 May 2013. If not, further time will be allocated for their examination by the Prosecution, Defence, and Lead Co-Lawyers. (11:01)

#### Orders for Adjournment of Hearing

Court is adjourned and will resume on Monday 27 May 2013 at 9:00am.

Phnom Penh, 23 May 2013

Greffier



Roger PHILLIPS



Greffier



SE Kolvuthy