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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
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ពេលវេលា (Time/Heure) : ៩ : ០០

ឈ្មោះបុគ្គលិកសំណុំរឿង / Case File Officer/L'agent chargé de dossier: UCH ARUN

E1/197

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
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 May 2013

Substantive Hearing on evidence – Day 184

Prepared by:

Mr. Matteo CRIPPA and Mr. DUCH Phary

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony (Reserve) and Judge Claudia FENZ (Reserve).
Greffier/s: Mr. Matteo CRIPPA, Mr. DUCH Phary
OCP: Mr. CHAN Dararasmeay, Mr. Vincent de Wilde d'Estmael
Accused: Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. SUON Visal, Mr. PRUM Phalla, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Ms. Shéhérazade BOUARFA, Ms. OUCH Sreypath
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. Pascal AUBOIN, Ms. Beini YE, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. Christine MARTINEAU, Ms. SIN Soworn, Ms. Katrina Marie Natale
Witness: Ms. SOU Sotheavy (TCCP-151), Mr. AUN Phally (TCCP-2), Ms. SANG Rath (TCCP-129), Mr. YOS Phal (TCCP-172)
Others: Mr. MEACH Sovanna, Mr. Sheriffo JAMMEH, Ms. Seynabou DIOP, Mr. UCH Arun, Ms. SOUR Sotheavy, Ms. Jamie CRAWFORD

<u>General court times</u>		
Day	Start time: 09.05	Finish time: 16.25
Recess am	Start time: 10.30	Finish time: 10.50
Recess	Start time: 12.00	Finish time: 13.30
Recess pm	Start time: 15.05	Finish time: 15.25
	Total Court Time:	5 hours and 0 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Discussion regarding accused's right to remain silent	Trial Chamber	09.07	09.23
Testimony of Civil Party TCCP-151	TCCP-151 Civil Party Co-Lead Lawyer KHIEU Samphan OCP KS Defence	09.27 09.36 10.02 10.10 10.17	09.36 10.01 10.06 10.17 10.28
Testimony of Civil Party TCCP-2	TCCP-2 Civil Party Co- Lead Lawyer OCP NC Defence KS Defence	10.51 11.08 11.27 11.42 11.58	11.07 11.27 11.42 11.58 12.01
Testimony of Civil Party TCCP-129	Civil Party Co-Lead Lawyer OCP	13.29 13.54	13.53 14.05
Testimony of Civil Party TCCP-172	Civil Party Co-Lead Lawyer KHIEU Samphan OCP NC Defence KS Defence	14.10 14.25 14.51 15.23 15.40 16.01 16.12	14.22 14.50 15.03 15.40 16.01 16.05 16.22

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.

Discussion regarding accused's right to remain silent

KHIEU Samphan requests that questions and documents to be referenced be submitted to him in advance. The NUON Chea Defence indicated that the accused will not invoke his right to remain silent in future proceedings, with some exceptions. Judge Cartwright informed the parties that the structure of questioning of the accused will be addressed via email later today.

Testimony of Civil Party SOU Sotheavy (TCCP- 151)

The Civil Party Lead Co-Lawyers, Office of the Co-Prosecutors, and KHIEU Samphan Defence pose questions to the Civil Party (TCCP-151). KHIEU Samphan responds to questions posed by the Civil Party (TCCP-151). Testimony of Civil Party SOU Sotheavy (TCCP-151) is concluded.

Testimony of Civil Party AUN Phally (TCCP-2)

The Civil Party Lead Co-Lawyers, Office of the Co-Prosecutors, the NUON Chea Defence and the KHIEU Samphan Defence pose questions to the Civil Party (TCCP-2). Testimony of Civil Party AUN Phally (TCCP-2) is concluded.

Testimony of Civil Party SANG Rath (TCCP-129)

The Civil Party Lead Co-Lawyers and the Office of the Co-Prosecutors pose questions to the Civil Party (TCCP-2). Testimony of Civil Party AUN Phally (TCCP-2) is concluded.

Testimony of Civil Party YOS Phal (TCCP-172)

The Civil Party Lead Co-Lawyers, the Office of the Co-Prosecutors, the NUON Chea Defence and the KHIEU Samphan Defence pose questions to the Civil Party (TCCP-172). KHIEU Samphan responds to questions posed by the Civil Party (TCCP-172). Testimony of Civil Party YOS Phal (TCCP-172) is concluded.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Classes	Note in Khmer	Note in English	Note in French
E3/4607	D22/31	00279722-00279738 00279708-00279721 00845977-00845998	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ លោកស៊ី សុផារី Civil Party Application of Mr. Sou Sotheavy Constitution de partie civile de M. Sou Sotheavy	P			
E3/4608	D277/10	00418467-00418471 00426414-00426417 00437001-00437005	កំណត់ហេតុនៃការស្តាប់ចម្លើយដើមបណ្តឹងរដ្ឋប្បវេណី SOU Sotheavy ស៊ី សុផារី, ចុះថ្ងៃទី 13-10-2009 Written Record of Interview of Civil Party SOU Sotheavy ស៊ី សុផារី, dated 13-10-2009 Procès verbal d'audition de partie civile SOU Sotheavy ស៊ី សុផារី, en date du 13-10-2009	P	00418470		00437003

E3/4609	D277/11	00418472- 00418481 00434877- 00434885 00486415- 00486425	<p>[កែតម្រូវ ១]</p> <p>កំណត់ហេតុនៃការស្តាប់ចម្លើយដើមបណ្តឹង ឯកភាពស្តាប់ចម្លើយដើមបណ្តឹង ឯកភាពស្តាប់ចម្លើយដើមបណ្តឹង SOU Sotheavy ស៊ូ សុធាវី, ចុះថ្ងៃទី 18-12-2009 Written Record of Interview of Civil Party SOU Sotheavy ស៊ូ សុធាវី, dated 18-12-2009 Procès verbal d'audition de partie civile SOU Sotheavy ស៊ូ សុធាវី, en date du 18-12-2009</p>	P			
E3/4610	D22/207	00411854- 00411860 00850849- 00850854	<p>ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងឯកភាពស្តាប់ចម្លើយ របស់លោក យស់ ផល Civil party application of Mr. YOS Phal</p>	P			
E3/4611	D296/2	00418482- 00418489 00455374- 00455380 00455381- 00455389	<p>កំណត់ហេតុនៃការស្តាប់ចម្លើយដើមបណ្តឹង ឯកភាពស្តាប់ចម្លើយដើមបណ្តឹង ឯកភាពស្តាប់ចម្លើយដើមបណ្តឹង យស់ ផល YOS Phal Written Record of Interview of Civil Party YOS Phal យស់ ផល Procès verbal d'audition de partie civile YOS Phal យស់ ផល</p>	P			
E3/4612	D22/207a	00580746- 00580748 00861858- 00861859 00938428- 00938429	<p>ឯកសារបន្ថែមរបស់ដើមបណ្តឹងឯកភាពស្តាប់ចម្លើយ 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>	P			

Oral Orders/Decisions:

- 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 Wednesday 29 May 2013. (16.24)

Orders for Adjournment of Hearing
Court is adjourned and will resume at 09.00 on Wednesday 29 May 2013.

Phnom Penh, 27/05/2013
Greffier
Greffier




Matteo CRIPPA
Phary