



**ឯកសារដើម**  
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
..... 12 / 09 / 2012 .....

ម៉ោង (Time/Heure) : ..... 16 : 00 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier: ..... ០២៧ ៧៧៧ .....

E1/119

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

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

**អង្គជំនុំជម្រះសាលាដំបូង**  
Trial Chamber  
Chambre de première instance

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

31 August 2012

Hearing on Fitness to Stand Trial – Day 106

Prepared by:

**Roger PHILLIPS and DUCH Phary**

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT.
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.
<b>Greffiers:</b> Ms. Susan LAMB, Mr. Roger PHILLIPS, Ms. SE Kolvuthy, Mr DUCH Phary, Mr. Simon MEISENBERG.
<b>OCP:</b> Mr. CHAN Dararasmey, Ms. SONG Chorvoin, Mr Tarik ABDULHAK, Mr Keith RAYNOR, Mr. Salim NAKHJAVANI.
<b>Accused:</b> Ms. IENG Thirith (from the holding cell), Mr. IENG Sary (from the holding cell).
<b>Defence for the Accused:</b> Ms. Diana ELLIS, Mr. PHAT Pov Seang, Mr. ANG Udom.
<b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. SAM Sokong, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. SIN Soworn, Ms. Beini YE.
<b>Experts:</b> Dr. Seena FAZEL, Prof. John CAMPBELL, Dr. HUOT Lina.
<b>Others:</b> Mr. Michael YIQIANG LIU, Ms. Sonia MESSAOUDI.

<b>General court times</b>		
Day	Start time: 9:10	Finish time: 16:15
Recess am	Start time: 10:35	Finish time: 10:55
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:30	Finish time: 14:45
	Total Court Time:	5 hours and 5 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Oral ruling on the OCP request concerning the provision of documents to Dr. CHAK Tida	TC	9:09	9:14
Testimony of the 3 medical experts: Mr. Seena FAZEL, Mr. John CAMPBELL, and Mr. HUOT Lina	TC	9:14	10:26
	OCP	10:27	11:20
	CPLCL	11:21	12:03
	IENG Thirith Defence	13:31	14:17
Oral Ruling on CPLCL request about the presence of IENG Thirith in the courtroom	TC	14:24	14:26
Closing submissions by the parties	OCP	14:44	15:22
	CPLCL	15:23	15:40
	IENG Thirith Defence	15:40	16:11

### **Summary of Proceedings**

#### **Oral ruling re OCP request concerning the provision of documents to Dr. CHAK Tida**

The Co-Prosecutors moved the Chamber to provide Dr. CHAK Tida certain expert reports concerning the physical and mental fitness of Mrs. IENG Thirith. The Chamber granted the request and asked the Greffier to ensure these reports were provided to Dr. CHAK Tida.

#### **Testimony of the medical experts: Dr. FAZEL, Prof. CAMPBELL, and Dr. HUOT**

The Trial Chamber questioned the 3 medical experts followed by the Co-Prosecutors, the Civil Party Lead Co-Lawyers and IENG Thirith Defence.

#### **Oral Ruling on CPLCL request about the presence of IENG Thirith in the courtroom**

The CPLCL moved the court to bring IENG Thirith to the courtroom during submissions by the parties. The Chamber noted that it is not necessary to grant such a request. IENG Thirith was ordered to attend the hearings remotely via the holding cell.

#### **Closing submissions by parties**



Judge Cartwright asked the parties to respond to three questions during the closing submissions pertaining to: IENG Thirith's fitness or unfitness to stand trial, her release or her continuing detention, and any conditions on her release from detention and their legal basis. The Co-prosecutors made their closing submissions, followed by the CPLCL and IENG Thirith Defence.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
N/A	E111/3.3	00739081-00739085-00738563-00738565	ឧបសម្ព័ន្ធ ខ៖ ឯកសារវេជ្ជសាស្ត្រ និង ឯកសារបានមកពីប្រធានមន្ទីរឃុំឃាំង ចងក្រងនៅក្រោយពេលចាប់ខ្លួន អៀង ធីរិទ្ធ នៅថ្ងៃទី ១៤ ខែ វិច្ឆិកា ឆ្នាំ ២០០៧ Annex B: Medical documents and documents from the head of the Detention Unit compiled after the arrest the IENG Thirith on 14 November 2007	C			
N/A	E138/1/7/12	00810694-00810697-00809103-00809104-00810692-00810693	របាយការណ៍នៃកម្មវិធីបណ្តុះបណ្តាលស្តីពី ការលើកកម្ពស់សតិបញ្ញាស្មារតីឲ្យលោក ស្រី អៀង ធីរិទ្ធ ដែលមានធ្វើនៅ អ.វ.ត.ក Report on cognitive stimulation training for IENG Thirith Rapport sur le stage de stimulation de la fonction cognitive de IENG Thirith effectué aux cetc	S			
N/A	E138/1/8/2012	00841087-00841087-00839570-00839570	កំណត់ហេតុរបស់គិលានុបដ្ឋាយិកាដោយ ផ្នែកលើពិន្ទុនៃតារាងវាយតម្លៃ ថ្ងៃទី១២ ខែកក្កដា ឆ្នាំ២០១២ The notes by the nurses from the score on 12 July 2012	S			

**Oral Orders/Decisions:**

- Orders that the following documents be provided to Dr. CHAK Thida: E29/1, E37/9/9, E63/3/6.1, E62/3/6, E62/3/12, E111/8, E138/1/7/12, E138/1/7/4.
- Order to bring the accused IENG Thirith and IENG Sary back to the detention facility, and to return M. IENG Sary to the courtroom on Monday 3 September 2012.

**Orders for Adjournment of Hearing**  
The hearing will resume on 03 September 2012 at 9:00 a.m.

Phnom Penh, 31 August 2012  
Greffier  
  
Roger PHILLIPS  
  
CHAMBER OF THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA  
H. Phary