



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

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):

07 / 12 / 2012

ម៉ោង (Time/Heure): 15:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: វ៉ាន់ ណូន

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 November 2012

Substantive Hearing on evidence - Day 132

Prepared by:

Roger PHILLIPS and SE Kolvuthy

<u>Attendance Record</u>
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. Roger PHILLIPS, Ms. SE Kolvuthy.
OCP: Mr. CHAN Dararasmey, Mr. Vincent de WILDE D'ESTMAEL, Mr. Keith RAYNOR.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea.
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Ms. MOCH Sovannary, Mr. LOR Chunthy, Ms. Christine MARTINEAU, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. TY Srinna.
Civil Party: : Mr. MEAS Saran (TCCP-82), Ms. OR RY (TCCP-105).
Others: Ms. Eleanor DOYLE-MARKWICK, Mr. Arun UCH, Ms. Sotheavy SOUR.

<u>General court times</u>		
Day	Start time: 9:25	Finish time: 16:05
Recess am	Start time: 10:45	Finish time: 11:05
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	4 hours and 25 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
The proceedings start at 9:25 due to technical issues			
Waiver of the Accused's right to be present in the courtroom	IS Defence	9:26	9:27
		15:12	15:13
	NC Defence	10:44	11:07
Absence of the International Co-Lawyer for IENG Sary	TC	9:27	9:27
Testimony of Civil Party MEAS Saran (TCCP-82)	CPL	9:28	10:12
	OCP	10:12	11:26
	TC	10:26	11:35
	NC Defence	11:36	14:30
	IS Defence	14:31	14:32
	KS Defence	14:32	14:32
Expression of suffering of Civil Party MEAS Saran (TCCP-82)	TC	14:33	14:37
Ruling on Co-Prosecutors objection	TC	11:58	12:04
Testimony of Civil Party OR Ry (TCCP-105)	TC	15:13	15:17
	LCL	15:18	16:04

Summary of Proceedings

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

The accused IENG Sary waived his right to be directly present in the courtroom for the Civil Parties TCCP-82 and TCCP-105. (9:26 and 15:12)

The Accused NUON Chea waived his right to be present in the courtroom for the whole day due to his health condition (10:44). The Doctor to examine NUON Chea during the recess, and the Chamber authorized NUON Chea to follow the proceedings from the

holding cell based on the treating doctor's medical report.

Absence of the International Co-Lawyer for IENG SARY

Mr. Karnavas, International Co-Lawyer for IENG Sary is absent today due to personal commitments.

Testimony of Civil Party MEAS Saran (TCCP-82)

The Civil Party lawyers put questions to the Civil Party, followed by the Co-Prosecutors, the Trial Chamber, and the NUON Chea Defence. The IENG Sary and KHIEU Samphan Defence teams stated they did not have any questions to put to the Civil Party.

Expression of suffering of Civil Party MEAS Saran (TCCP-82)

The Civil Party made a general statement regarding the harm he suffered during the DK period.

Ruling on Co-Prosecutors objection

The International Prosecutor asked NUON Chea counsel Mr. Ianuzzi, to put open questions rather than any suggestive questions. The Chamber stated that civil law tradition applied here and questions that are leading in nature are prohibited. The Chamber added that questions that are posed by parties in which parties are making their own conclusion or speculation and soliciting such consistent responses from the civil parties or witnesses are banned and they are not allowed, indeed, in the civil law tradition and we also are guided by the agreement - by the agreement and also the Internal Rules so that the application of the laws are consistent with what already stated in such rules and agreement.

Testimony of Civil Party Ms. OR RY (TCCP-105)

The Trial Chamber started questioning the Civil Party, followed by the Civil Parties Lawyers.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/3966	D22/118	00362173- 00362183 00362194- 00362201 00362202- 00362209	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ លោក មាស សារ៉ាន់ Civil party application of Mr. MEAS Saran Demande de constitution de partie civile de M. MEAS Saran	P	00362176	00362196	00362204

E3/1757	D222 /1.17	00710225- 00710230, 00789169- 00789258 00396894- 00397284 00700095- 00700099, 00763550- 00763601	សៀវភៅរៀបរៀងដោយ VICKERY Michael, Cambodia 1975-1982 ប្រទេសកម្ពុជា ឆ្នាំ១៩៧៥-១៩៨២ Book by VICKERY Michael, Cambodia 1975-1982 Book by VICKERY Michael, Cambodia 1975-1982	P		00396999	
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Oral Orders/Decisions:

- Order allowing the Accused NUON Chea to participate from his holding cell (waiver of the Accused is attached to this written record).
- Order to bring the Accused NUON Chea and KHIEU Samphan back to the detention facility and to return them to the courtroom for the hearing on 23 November 2012.
- Order to bring the Civil Party MEAS Saran (TCCP-82) to his accommodation.
- Order to bring the Civil Party OR Ry (TCCP-105) to his accommodation and to return him to the courtroom for the hearing on 23 November 2012.

Orders for Adjournment of Hearing

The hearing will resume on 23 November 2012 at 9:00 am.

Phnom Penh, 22 November 2012

Greffier


Roger PHILLIPS



Greffier


SE Kolvuthy