



**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

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 30 / 07 / 2013
ពេលវេលា (Time/Heure) : 14'15 pm
ករណី : Case File Officer/L'agent chargé <i>Pauline A. [Signature]</i>

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

29 April 2013

Substantive Hearing on evidence - Day 172

Prepared by:

Matteo CRIPPA and Mr. DUCH Phary

<b>Attendance Record</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. Matteo CRIPPA, Mr. DUCH Phary
<b>OCP:</b> Ms. SONG Chorvoin, Mr. RAYNOR Keith
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea (participating from the holding cell)
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn, Ms. Anta GUISSÉ
<b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. LOR Chunthy, Mr. VEN Pov, Ms. CHET Vanly
<b>Witness:</b> Mr. SAR Sarin (TCCP-186), UNG Chhat (TCW-752)
<b>Others:</b> Ms. SOUR Sotheavy, Ms. Elburg van BOETZELAER

<u>General court times</u>		
Day	Start time: 09.05	Finish time: 16.00
Recess am	Start time: 10.25	Finish time: 10.50
Recess	Start time: 11.50	Finish time: 13.50
Recess pm	Start time: 14.40	Finish time: 15.05
	Total Court Time:	3 hours and 55 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	TC	09.07	09.09
Testimony of Civil Party SAR Sarin (TCCP-186)	TC	09.10	09.16
	LCLCP	09.16	10.27
		10.51	11.03
	OCP	11.04	11.19
Request by TCCP-186 for protective measures before continuing testimony  Request by Co-Prosecutors for a closed session to assess the request made by TCCP-186	KS Defence	11.19	11.21
	NC Defence	11.21	11.22
	OCP	11.22	11.26
	LCLCP	11.28	11.29
	OCP	11.36	11.38
	KS Defence	11.38	11.40
	TC	11.41	11.48
		13.51	13.52
	LCLCP	13.52	13.53
	TC	13.53	14.02
	LCLCP	14.02	14.03
	TC	14.03	14.05
	OCP	14.05	14.08
	LCLCP	14.08	14.10
	TC	14.10	14.24
	NC Defence	14.24	14.26
	KS Defence	14.26	14.29
	LCLCP	14.29	14.31
	TC	14.36	14.38
Testimony of Witness UNG Chhat (TCW-752)	TC	15.05	15.15
	OCP	15.15	16.00

**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 SAR Sarin (TCCP-186)**

The Lead Co-Lawyers and the Co-Prosecutors pose questions to the Civil Party.

**Request by TCCP-186 of protective measures before continuing testimony and****Request by Co-Prosecutors for a closed session to assess the request made by TCCP-186**

Upon the commencement of questioning by the Co-Prosecutors, the Civil Party expresses fear of testifying in front of the ECCC. Therefore, the Civil Party requests the Chamber that the United Nations and the Royal Government of Cambodia provide him with lifelong protective measures. He requests police protection (4 officers) from today until the rest of his life. The Civil Party does not want to continue his testimony without protective measures, not even *in camera*. The Co-Prosecutors request a closed session to deal with the request made by the Civil Party. Both the defence teams oppose to a closed session. The Lead Co-Lawyers stress the importance and value of the testimony of the Civil Party. As the Trial Chamber does not have the jurisdiction to provide Civil Party with the requested protection measures, these requests are denied and the testimony of the Civil Party is concluded.

**Testimony of Witness UNG Chhat (TCW-752)**

The Co-Prosecutors pose questions to the Witness.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/4596	D230/1.1.874c	00482761-00482840 00739493-00739570 00746443-00746511	បទសម្ភាសន៍ជាមួយដើមបណ្តឹង ស សារិន SAR Sarin Interview of complainant SAR Sarin ស សារិន សារិន Interview de plaignant SAR Sarin ស សារិន	P	00482836, 00482822	00739552	00746507, 00746494

E3/4597	D230 /1.1.8 74d	00482841- 00482841	របាយការណ៍ស្តីពីវិធានការកាតាឡូនរបស់ ដើមបណ្តឹង ស សារិន	P			
E3/4598	D125 /176	00277327- 00277337 00284415- 00284424 00352327- 00352338	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី UNG Chhät អ៊ុង ឆាត Written Record of Interview of UNG Chhät អ៊ុង ឆាត Procès verbal d'audition de KHEU Hun	P			

**Oral Orders/Decisions:**

- Order to the court officer to assist Civil Party Mr. SAR Sarin (TCCP-186) during the adjournment.
- Oral Ruling: The request by the Civil Party for the Royal Government of Cambodia and the United Nations to provide protection for the rest of his life is not appropriate. As the Chamber does not have any jurisdiction to provide such protection, the Chamber decides to conclude the Civil Parties testimony.
- The Chamber instructs the security guards to return the Accused KHIEU Samphan and the Accused NUON Chea to the detention facility, and return KHIEU Samphan to Court and NUON Chea to his holding cell by 09:00 on Tuesday 30 April 2013.

**Orders for Adjournment of Hearing**

Court is adjourned and will resume at 09:00 on Tuesday 30 April 2013.

Phnom Penh, 29 April 2013

Greffier

  
  
 Matteo CRIPPA      DUCH Phary