



**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  
**ឯកសារដើម**

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

02 / 12 / 2012

ពេលវេលា (Time/Heure): 15:00

មន្ត្រីទទួលខុសត្រូវក្រុមប្រឹក្សាឯកសារ/Case File Officer/L'agent chargé  
du dossier: **SANN RANA**

**WRITTEN RECORD OF PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

12 November 2012 - Day 130

**Hearing on IENG Sary health issue and Substantive Hearing on evidence**

Prepared by:

**Roger PHILLIPS and SE Kolvuthy**

**Attendance Record**

**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. DAV Ansan, Mr. Roger PHILLIPS, Ms. SE Kolvuthy.

**OCP:** Mr. William Smith, Mr. SENG Bunkheang, Mr. Dale LYSAK.

**Accused:** Mr. KHIEU Samphan, Mr. NUON Chea.

**Defence for the Accused:** Mr. SON Arun, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. Michael G. KARNAVAS, Mr. ANG Udom.

**Civil Parties:** Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. VEN Pov, Ms. TY Srinna, Ms. SIN Soworn, Ms. Christine MARTINEAU, Ms. Nushin SAKARATI.

**Witness:** : Mr. PE CHUY Chip Se (TCW-507).

**Others:** Ms. Sonia MESSAOUDI, Mr. MOEURN Sovan (Duty counsel), Mr. Arun UCH, Ms. Sotheavy SOUR.

<b><u>General court times</u></b>		
Day	Start time: 9:05	Finish time: 16:20
Recess am	Start time: 11:10	Finish time: 11:30
Recess	Start time: 12:10	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	5 hours and 10 minutes

<b><u>Proceedings</u></b>			
Type of Issue	Raised By	Start time	Finish time
Oral submissions made by the parties about IENG Sary 's fitness	IS Defense	9:12	10:00
	OCP	10:01	10:28
	CLPCL	10:28	10:34
Ruling on Nuon Chea Defense's request about NUON Chea's health	TC	10:59	11:09
Waiver of the Accused's right to be present in the courtroom	NC Defense	11:32	11:34
	IS Defense	11:35	11:36
Testimony of Witness PE CHUY Chip Se (TCW-507)	TC	11:37	11:46
	OCP	11:47	15:31
	CPL	15:32	16:15
NUON Chea's request about the statement given by the Witness PE CHUY Chip Se (TCW-507) to Mr. Henri Locard	NC Defense	16:15	16:21

**Summary of Proceedings****Oral submissions by parties about IENG Sary's fitness**

The IENG SARY Defense counsel made oral submissions, followed by the Co-Prosecutors and the Civil Party Lead Co-lawyers. The Trial Chamber also asked some clarifications of the IENG Sary Defense.

**Ruling on Nuon Chea Defense's request about NUON Chea's health**

NUON Chea Defense counsels asked for the findings of the Doctor who has examined NUON Chea, in order to assess if he can effectively participate in the proceedings. They also requested a copy of the medical report.

The Chamber stated it received a report from the treating doctor, Dr. AM Sovun,

concerning NUON Chea's examination. The Doctor found the situation is not very serious.

Therefore, according to the medical report, the Chamber authorized him to follow the hearing from the holding cell. The Chamber stated the medical report will be given to the parties and NUON Chea Defense counsels will receive it during the break.

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

The Accused NUON Chea waived his right to be present in the courtroom for the whole day due to his health condition. (11:32)

The accused IENG Sary waived his right to be present in the courtroom for witness TCW-507. (11:35)

**Testimony of Witness PE CHUY Chip Se (TCW-507)**

The Trial Chamber put questions to the witness, followed by the Co-Prosecutors, and the Civil Party lawyers.

**NUON Chea Defense's request about the statement given by the Witness PE CHUY Chip Se (TCW-507) to Mr. Henri Locard**

The NUON Chea Defense asked the Chamber to take back the statement given by the witness to Mr. Henri Locard and the observations and conclusions made by him, from the witness, in order to avoid contaminating the knowledge and the testimony of the witness.

Although the Chamber stated it would rule on Wednesday 14 November morning session on this issue, the Greffier was directed after the session to retrieve the document from the witness.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/3964	D125/127	00224050-00224056 00225209-00225214 00239975-00239981	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ប្រជុំ ជីបសេ PĒ CHUY Chip Sè Written Record of Interview of PĒ CHUY Chip Sè Procès verbal d'audition de PĒ CHUY Chip Sè	P	00224051, 00224053, 00224051-00224052	00225210-11, 00225212	00239976-77

E3/3863	D83-Annex 00012	00287233- 00287237, 00812853- 00812941 00164149- 00164207 00779378- 00779435	[Partial T.] របាយការណ៍ស្តីពីខេត្តសៀមរាប៖ ភូមិភាគឧត្តរថ្មី ព័ត៌មានពាក់ព័ន្ធមាននៅក្នុងបទសម្ភាសន៍ របស់ពុទ្ធ ពុំ ត្រង់ទំព័រ៣៥-៣៧] Report on Siem Reap Province: New North Zone [The relevant information is in an interview of Puth Pom on pages 35-37] Province de Siemreap : nouvelle région Nord, phumphiek	P	00812860- 65, 00812868	00164153- 56, 00164159	00779381- 85, 00779387
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**Oral Orders/Decisions:**

- Order allowing the Accused NUON Chea and IENG Sary to participate from their holding cell (waiver of the Accused are attached to this written record).
- Order to bring witness Chip Se (TCW-507) to his accommodation and bring him back to the courtroom for the hearing on 14 November 2012.
- Order to bring back KHIEU Samphan in the courtroom after the morning recess.
- 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 14 November 2012.

**Orders for Adjournment of Hearing**

The hearing will resume on 14 November 2012 at 9:00 am.

Phnom Penh, 12 November 2012

Greffier

  
Roger PHILLIPS



Greffier

  
SE Kolvuthy