



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge

Nation Religion King ព្រះរាជាណាចក្រកម្ពុជា
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 13 06 2012
ម៉ោង (Time/Heure): 16 : 00
អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RAPA

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 May 2012

Substantive Hearing on evidence – Day 63

Prepared by:
DUCH Phary and Matteo CRIPPA

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. Matteo CRIPPA, Mr. Duch PHARY.
OCP: Mr. Chan DARARASMEY, Mr. SENG Bunkheang, Mr. Vincent DE WILDE D'ESTMAEL, Mr. Dale LYSAK.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Ms. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. LOR Chunthy, Mr. HONG Kimsuon, Mr. VEN Poy, Mr. KIM Mengkhy, Ms. Laure DESFORGES, Mr. Barnabé NEKUIE, Mr. Pascal AUBOIN.
Others: Mr. LIM Sivutha (ECCC Doctor), Mr. UCH Arun, Mr. Philippe GOUT

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 11:05
Recess am	Start time: 09:50	Finish time: 10:45
	Total Court Time:	1 hour 10 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
IENG Sary's waiver of his right to be present at trial	Counsel for IENG Sary	09:06	09:11
Hearing of ECCC Doctor on IENG Sary's ability to participate in the proceedings	Trial Chamber	09:12	09:47
Trial Chamber's decision to adjourn the hearing and to modify the hearings' schedule	Trial Chamber	10:45	10:51
Discussion on the documents put before the Chamber for the questioning of witnesses	Trial Chamber	10:51	11:05

Summary of ProceedingsIENG Sary's waiver of his right to be present at trial

Counsel for IENG Sary indicates that its client waives his presence for the part of today proceedings related to his medical condition. He also consents to the discussion on his health conditions to be held in public. However, he does not waive his presence for the hearing of the two upcoming witnesses - namely witnesses TCW-487 and TCW-583.

Hearing of ECCC Doctor on IENG Sary's ability to participate in the proceedings

The ECCC doctor maintains that IENG Sary should rest for the remainder of this week without participating to the proceedings neither in person nor remotely from the holding cell. He should be able to participate to the proceedings next week, initially by remote means.

Trial Chamber's decision to adjourn the hearing and to modify the hearings' schedule

Following the ECCC Doctor's report, the Trial Chamber adjourns the hearings and will resume on Monday 28 May 2012 with the hearing of witness TCW-487 or, should Mr. IENG Sary not be able to participate to the proceedings, of witness TCW-488.

Discussion on the documents put before the Chamber for the questioning of witnesses

Judge Lavergne addresses three documents that the parties intend to use during the questioning of witnesses. The documents shall be properly filed as new documents and put before the Chamber in accordance with Rule 87(4). The relevant requests shall be made in writing. The Trial Chamber also stresses that from now on, when documents raise such matters it will inform the parties before the hearing and will not address these issues during the hearing because it is time consuming.

OCP clarifies that the document they intend to use was already included on annex 2 of their April 2011 Documents List and is indexed in E9/31.2. NUON Chea's Defence objects the Trial Chamber's position and requests that, if a request under Rule 87(4) is to be raised, it should be done orally and publicly before the Chamber.

Record of Rule 87.3 Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
N/A	E11/70/2	00809898-00809898	របាយការណ៍សុខភាពរបស់លោក អៀង ជឿង	P			

00809922-00809922 សារី ថ្ងៃទី២០ ខែឧសភា ឆ្នាំ២០១២
 00809911-00809911 Medical Report of Mr. IENG Sary on 20
 May 2012
 Rapport médical de IENG Sary du 20 mai
 2012

Oral Orders/Decisions:

- Decision to adjourn the hearings until 28 May 2012.
- Order to bring the two Accused back to the detention facility and to return them to the courtroom for the hearing on 28 May 2012.
- Order to bring witness TCW-487 back to his home and to return him to the courtroom for the hearing on 28 May 2012.

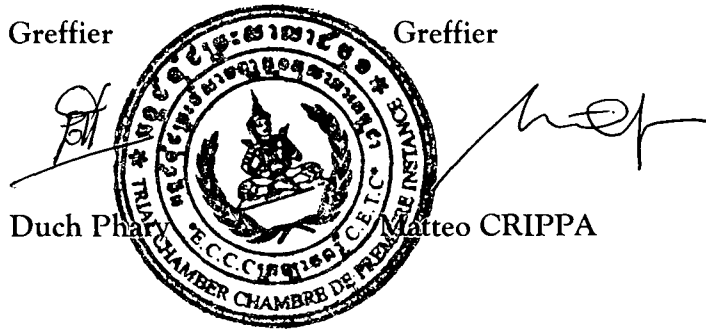
Orders for Adjournment of Hearing

The hearing will resume on 28 May 2012 at 9:00am.

Phnom Penh, 23 May 2012

Greffier

Greffier



Duch Ph...

Matteo CRIPPA