



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ០៩ / ១០ / ២០១២
ម៉ោង (Time/Heure) : ១៤ : ០០
ឈ្មោះមន្ត្រីបញ្ជាក់សំណុំរឿង / Case File Officer/L'agent char : ឃុន អ័រុន
លេខសំណុំរឿង : UCH ARUN

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 September 2012
Substantive Hearing on evidence – Day 112

Prepared by:

Matteo CRIPPA and DUCH Phary

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. Matteo CRIPPA, Ms. SE Kolvuthy, Mr. DUCH Phary.
OCP: Mr. VENG Huot, Mr. SENG Bunkheang, Mr Andrew CAYLEY, Mr William SMITH, Mr. Dale LYSAK.
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. Michiel PESTMAN, Mr. KONG Sam Onn, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Ms. Christine MARTINEAU, Mr. VEN Pov, Mr. SAM Sokong Ms. MOCH Sovannary, Ms. CHET Vanly, Mr. KIM Mengkhy, Ms. Françoise GAUTRY.
Witness: Mr. LIM Sivuntha, Mr. KY Bousour.
Others: Ms. Sonia MESSAOUDI.

General court times		
Day	Start time: 9:10	Finish time: 14:15
Recess am	Start time: 10:45	Finish time: 11:05

Recess	Start time: 12:10	Finish time: 13:30
	Total Court Time:	3 hours and 25 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Oral ruling to Hold the hearing in Public	TC	9:20	9:22
Testimony of the Doctors Mr. LIM Sivuntha and Mr. KY Bousour from the Khmer-Soviet Friendship Hospital	TC	9:26	10:19
	IS Defence	10:20	11:30
	OCP	11:30	11:52
	CPLCL	11:53	12:08
Scheduling of the testimony of Expert Philip SHORT	OCP	13:33	13:48
	CPLCL	13:48	13:54
	IS Defence	13:54	14:06
	NC Defence	14:07	14:09
	KS Defence	14:09	14:13

Summary of Proceedings

Oral ruling to Hold the hearing in Public

Upon hearing the submission from the IENG Sary Defence, the Chamber ruled to hold this hearing in public.

Testimony of Doctors Mr. LIM Sivuntha and Mr. KY Bousour from the Khmer-Soviet Friendship Hospital

The Trial Chamber put questions to IENG Sary's treating doctors about IENG Sary current health status, followed by IENG Sary Defence, the Co-Prosecutors and finally the Civil Party Lead Co-Lawyers.

Scheduling of the Testimony of Expert Philip SHORT

Due to the current physical health status of IENG Sary, the Chamber required the opinions of the parties concerning the hearing of the testimony of Philip SHORT who is scheduled to testify from the 1 to the 8 October 2012.

The Co-Prosecutors and the Civil Party Lead Co-Lawyers did not oppose the adjournment of the expert testimony. IENG Sary did not waive his right to be present during the testimony of Philip SHORT. However, after consulting with his client, the IENG Sary Defence prepared a list of 8 witnesses for which he voluntarily waived his right to be present.

The Chamber will take into consideration the observations made by parties and will in due course issue a memorandum scheduling the upcoming trial proceedings.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
N/A	E172/24	00810605-00810606 00810603 00810603 00810604-00810604	ព័ត៌មានបច្ចុប្បន្នភាពទាក់ទងនឹងការកំណត់កាលបរិច្ឆេទស្តាប់សក្ខីកម្មអ្នកជំនាញដែលភាគីបានស្នើសុំ Updated information regarding scheduling of proposed experts Mise à jour des informations concernant la comparution d'experts proposés	P			
N/A	E11/87/2	00848124-00848127 00848142-00848144 00847922-00847923	របាយការណ៍សុខភាពរបស់លោក អៀង សារី ថ្ងៃទី១៩ ខែកញ្ញា ឆ្នាំ២០១២ Medical report of IENG Sary on 19 September 2012 Rapport médical de IENG Sary du 19 septembre 2012	S			
N/A	E229/1	00847944-00847950 00847939-00847943 00848284-00848289	ចម្លើយតបរបស់សហព្រះរាជអាជ្ញាទៅនឹងការជូនដំណឹងពាក់ព័ន្ធនឹងសាក្សីនាពេលខាងមុខ និងពាក្យសុំលះបង់សិទ្ធិមានវត្តមានរបស់ អៀង សារី និងសំណើសុំឱ្យពិចារណាលើការកោះហៅសាក្សីសម្រាប់ដំណាក់កាលទីមួយបន្ថែមទៀត និង សាក្សីទីតាំងឧក្រិដ្ឋកម្មនៅក្នុងអំឡុងខែតុលា និងខែវិច្ឆិកា Co-prosecutors' response to notice concerning upcoming witnesses and Mr. Ieng Sary's waiver of his right to be present and request to consider calling of further first phase and crime base witnesses during the October and November period Réponse des Co-Procureurs concernant l'avis relatif aux témoins devant comparaître prochainement au procès et à la renunciation par Ieng Sary de son droit à assister à leur audition, et demande visant à faire comparaître, en Octobre et en Novembre, d'autres témoins dont la déposition se rapporte à la première phase du procès ou à des faits sous-jacents des crimes reprochés	C			

Oral Orders/Decisions:

- Decision that the hearing of the day will be hold in public.

Orders for Adjournment of Hearing

The hearing will resume on 25 September 2012 at 9:00 a.m.

Phnom Penh, 21 September 2012



Matteo CRIPPA

DUCH Phary