



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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

Nation Religion Roi ជាតិសាសនាព្រះមហាក្សត្រ
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: ANN Pina

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 October 2012

Substantive Hearing on evidence - Day 123

Prepared by:

Roger PHILLIPS and DAV Ansan

<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. DUCH Phary, Mr. DAV Ansan, Mr. Roger PHILLIPS.
OCP: Mr. CHAN Dararasmey, Mr. Vincent de Wilde d'Estmael, Mr. BOU Chanthan.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea.
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Mr. Arthur VERCKEN Mr. Michael G. KARNAVAS, Mr. ANG Udom
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. SAM Sokong, Mr. LOR Chunthty, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. TY Srinna.
Witness: Ms. YIM Sovann (TCCP-169), Mr. CHUM Sokha (TCCP-25).
Others: Mr. Jay GALIK.

General court times		
Day	Start time: 9:10	Finish time: 16:20
Recess am	Start time: 10:20	Finish time: 10:45
Recess	Start time: 12:10	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	4 hours and 55 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present	TC	9:08	9:08
Request by Civil Parties regarding scope of testimony	CPLCL	9:09	9:48
Ruling on request for Civil Parties request	TC	9:49	9:51
Personal statement of Civil Party YIM Sovann (TCCP-169) and observations by parties	CPLCL IENG Sary Defence NUON Chea Defence KHIEU Samphan Defence	9:52 10:04 10:06 10:08	10:04 10:06 10:08 10:11
Request that defence team observations of Civil Party statements should not be made in the presence of the Civil Party	OCP	10:11	10:17
Testimony of Civil Party CHUM Sokha (TCCP-25)	TC CPLCL OCP NUON Chea Defence IENG Sary Defence KHIEU Samphan Defence	10:47 10:50 15:04 15:47 15:48 15:48	10:49 14:40 15:47 15:47 15:48 15:49
Ruling on objection to relevance by the NUON Chea Defence	TC	11:53	11:54
Waiver of the Accused's right to be present in the courtroom	NUON Chea Defence	12:07	12:07
Personal statement of Civil Party CHUM Sokha (TCCP-25)	TC	15:49	16:16

Summary of Proceedings

Waiver of the Accused's right to be present

The Accused IENG Sary waived his right to be present in the courtroom for the whole day and for the questioning of Civil Party YIM Sovann (TCCP-169) and Civil Party CHUM Sokha (TCCP-25).

Request by Civil Parties regarding scope of testimony

The Civil Party Lead Co-Lawyers' Requested that Civil Parties be able to make statements for all suffering within the entirety of Case 002, and not just limit their statements to the scope of Case 002/01.

Ruling on request for Civil Party Request

The Chamber requests written submissions from the Civil Parties on this point by the end of the week. For the current Civil Party YIM Sovann (TCCP-169) and until the Trial Chamber rules on the written submissions made, the Trial Chamber ruled that statements are allowed to cover all harms in the scope of the Case 002.

Personal statement of Civil Party YIM Sovann (TCCP-169) and observations by parties

Civil Party YIM Sovann (TCCP-169) made a personal statement followed by observations by the parties.

Request that defence team observations of Civil Party statements should not be made in the presence of the Civil Party

The Co-Prosecutors requested that the defence not make any observations regarding Civil Party statements until after the Civil Party has left the courtroom as to not embarrass the Civil Party.

Testimony of Civil Party CHUM Sokha (TCCP-25)

The Trial Chamber began questioning the Civil Party CHUM Sokha (TCCP-25), followed by Civil Party Lead Co-Lawyers, the Co-Prosecutors, , NUON Chea Defence, IENG Sary Defence, and KHIEU Samphan Defence.

Ruling on objection to relevance brought by the NUON Chea Defence

The Trial Chamber ruled that the primary focus of any information from any Witness or Civil Party must be on Case 002/01. Any other background information must be kept to an absolute minimum.

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 afternoon session.

Personal statement of Civil Party CHUM Sokha (TCCP-25)

Civil Party CHUM Sokha made a personal statement. There were no observations made by any parties.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/3953	D22/110.1	00359558-00359683	ឧបសម្ព័ន្ធ ១០: រឿង នរកលោកីយក្នុងសម័យ ប៉ុល ពត ភាគទី១	P			
E3/3954	D22/110.2	00359684-00359810	ឧបសម្ព័ន្ធ ២០: រឿង នរកលោកីយក្នុងសម័យ ប៉ុល ពត ភាគទី២	P	00359684-698		
E3/3955	D22/110.3	00359811-00359880	ឧបសម្ព័ន្ធ ៣០: រឿង នរកលោកីយក្នុងសម័យ ប៉ុល ពត ភាគទី៣ ចប់	P			

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 Civil Party YIM Sovann (TCCP-169) to her home.
- Order to bring the Civil Party CHUM Sokha (TCCP-25) to his home.
- 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 October 2012.


Orders for Adjournment of Hearing

The hearing will resume on 23 October 2012 at 9:00 a.m.


Phnom Penh, 22 October 2012

Greffier

Greffier


Roger PHILLIPS




DAV Ansan