



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): 23 / 01 / 2013
ម៉ោង (Time/Heure): 15:00
មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé du dossier: SAMN RADA

WRITTEN REORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 March 2013

Substantive Hearing on accused NUON Chea's Fitness

Prepared by:

Matteo CRIPPA and DAV Ansan

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge YOU Ottara, Judge Jean-Marc LAVERGNE
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ
Greffiers: Mr. DAV Ansan, Mr. Matteo CRIPPA
OCP: Mr. Andrew CAYLEY, Mr. SENG Bunkheang, Mr. Dale LYSAK
Accused: Mr. NUON Chea (present in the holding cell).
Defence for the Accused: Mr. SON Arun, Mr. Victor KOPPE, Mr. KONG Sam Onn
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. SAM Sokong, Mrs. SIN Soworn, Mr. LOR Chunthy, Mrs. Christine MARTINEAU, Mr. HONG Kimsuon, Mrs. CHET Vanly, Mr. VEN Pov
Experts: Mr John CAMPBELL and Mr Seená FAZEL
Courtroom officers: Mr. UCH Arun, Mrs. SOUR Sotheavy
Others: Mr. Simon MEISENBERG, Grant RAGLAND

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:00
Recess am	Start time: 10: 35	Finish time: 11:00
Recess	Start time: 12:10	Finish time: 13:40
Recess pm	Start time: 14:25	Finish time: 14:45
	Total Court Time:	4 hours and 40 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Open hearing and inform previous related proceedings	TC	09:04	09:20
Questioning of the Experts regarding the fitness of the Accused NUON Chea	TC	09:22	11:00
	NC	11:00	11:30
	OCP	11:30	12:10
	LCL	13:40	13:58
Waiver of KHIEU Samphan's right to be present in the courtroom	TC	13:37	13:39
Final remarks regarding the fitness of NUON Chea	NC	14:00	14:05
	OCP	14:05	14:11
	LCL	14:11	14:20
	NC	14:20	14:24
Discussion on the health status of NUON Chea and its effect on severance	NC	14:47	14:49
	KS	14:49	14:51
	OCP	14:51	14:53
	TC	14:53	14:55
	OCP	14:55	15:01
	LCL	15:02	15:11
	TC	15:11	15:46
The Chamber to reconvene to render its decision concerning the fitness of NUON Chea	TC	15:49	15:50
Oath ceremony for new OCIJ investigator	TC	15:50	15:58

Summary of Proceedings

Open hearing and inform previous related proceedings

The Trial Chamber announces the start of current trial proceedings on the testimony of medical experts and discussions on accused NUON Chea health among parties. The President recalls related proceedings and the Defence counsel agrees in principle to have this proceeding in public.

Questioning of the Experts regarding the fitness of the Accused NUON Chea

The Trial Chamber and the parties question the experts regarding their views as expressed in the medical report they prepared on 20 March 2013 accessing NUON Chea's fitness to stand trial (E256).

Waiver of KHIEU Samphan's right to be present in the courtroom

The Accused KHIEU Samphan waived his right to be present in the courtroom for the afternoon severance hearing.

Final remarks regarding the fitness of NUON Chea

The parties made their final remarks regarding the fitness of NUON Chea as informed by the Expert Medical Report and the expert opinions of Mr John CAMPBELL and Mr. Seena FAZEL.

Discussion on the health status of NUON Chea and its effect on severance

The Chamber gives the parties an opportunity to discuss the health status of NUON Chea and its effect, if any, on their opinions regarding the severance of Case 002/01.

The Chamber to reconvene to render its decision concerning the fitness of NUON Chea.

The Chamber announces it will reconvene on Friday, 29 March 2013 to render its decision regarding the fitness of NUON Chea.

Oath ceremony for new OCII investigator

The Trial Chamber administers the oath to Ms. Julie PLANTE.

Oral Orders/Decisions:

- The Chamber allows NUON Chea to participate from the holding cell and instructs the AV officials to ensure equipment is property connected. (09:09 - 09:10) (Waiver of the accused is attached to this written record).
- The Chamber instructs the security guards to return the Accused KHIEU Samphan to the detention facility. (13:39)
- The Chamber instructs the security guards to return the Accused NUON Chea to the detention facility. (15:59) (Waiver of the accused is attached to this written record).

Orders for Adjournment of Hearing

Court is adjourned and will resume at 09:00 on 29 March 2013. (15:59)

Phnom Penh, 25 March 2013

Greffier



Matteo CRIPPA



Greffier



DAV Ansan