



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 ជាតិ សាសនា ព្រះមហាក្សត្រ
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 04 / 01 / 2013
ពេលវេលា (Time/Heure): 10.50
មន្ត្រីទទួលខុសត្រូវឯកសារ/Case File Officer/L'agent chargé du dossier: SAMMY RAO

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 December 2012

Substantive Hearing on evidence - Day 136

Prepared by:

Roger PHILLIPS and DUCH Phary

<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. Roger PHILLIPS, Mr. DUCH Phary.
OCP: Mr. HUOT Veng, Mr Tarik ABDULHAK.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea.
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. Jasper PAUW, Mr. KONG Sam Onn, Ms. Anta GUISSSE, Mr. ANG Udom, Mr. Michael KARNAVAS.
Civil Parties: Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. HONG Kimsuon, Mr. VEN Pov, Mr. LOR Chunthy, Ms. TY Srinna, Ms. Isabelle DURAND, Ms. Christine MARTINEAU, Ms. SIN Soworn.
Civil Party: Mr. KIM Vanndy (TCCP-59), HUN Chhunly (TCW-247)
Others: Ms. Eleanor DOYLE-MARKWICK.

General court times		
Day	Start time: 9:03	Finish time: 16:04
Recess am	Start time: 10:18	Finish time: 10:38
Recess	Start time: 12:03	Finish time: 13:31
Recess pm	Start time: 14:42	Finish time: 15:06
	Total Court Time:	4 hours 50 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Recognition of new international counsel for the Civil Parties	CPLCL	9:07	9:09
IENG Sary's health status	IS Defence	9:09	9:23
Testimony of Mr. KIM Vanndy (TCCP-59)	CPLCL OCP	9:24 9:50	9:49 10:08
Expression of suffering of Mr. KIM Vanndy (TCCP-59)	TC	10:10	10:17
Testimony of Mr. HUN Chhunly (TCW-247)	TC OCP	10:40 10:46	10:46 16:02
Waiver of the Accused's right to be present in the courtroom	NC Defence	12:01	12:03

Summary of Proceedings

Recognition of new international counsel for the Civil Parties

The CPLCL asked the Chamber to recognise Isabelle DURAND as a new international lawyer for the Civil Parties. Isabelle DURAND is a member of the Toulouse Bar Association in France. She has also been recognised by the Bar Association of Cambodia. The Chamber recognised Isabelle DURAND as an international lawyer for the Civil Parties before the Chamber, giving her the same rights and privileges as national Civil Party lawyers.

IENG Sary's health status

Counsel for IENG Sary made several requests related to the health status of the Accused. Firstly, Counsel requested that IENG Sary be permitted to follow proceedings from his holding cell for the entire day, as he was feeling fatigued and could not sit for long. Secondly, Counsel asked the Chamber to appoint an expert to determine whether the

Accused is mentally fit to participate in proceedings. Counsel also requested a medical assessment of the Accused's mental state on a daily basis. Thirdly, Counsel asked the Chamber to clarify whether their Case Manager was responsible for waking the Accused should he fall asleep during proceedings.

The Chamber stated that the ruling of yesterday stands. The Chamber ruled that there was no new medical information that would justify intervention by the Chamber. Additionally, the Chamber informed Counsel that if they wish to make a claim based on mental impairment suffered by their client, they must do so in writing. Unless there is something exceptional or new, the Chamber will not entertain oral submissions on this issue each morning.

Testimony of Mr. KIM Vanndy (TCCP-59)

The Civil Party was questioned by the Civil Party Lead Co-Lawyers and the Co-Prosecutors. None of the Defence teams posed any questions to the Civil Party.

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.

Expression of suffering of Mr. KIM Vanndy (TCCP-59)

The Civil Party read out a statement expressing the suffering he experienced during the Democratic Kampuchea period.

Testimony of Mr. HUN Chhunly (TCW-247)

The Witness was questioned by the Trial Chamber and the Co-Prosecutors. None of the Defence teams posed any questions to the Witness.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/3971	D22/1352	00526163-00526174 00866005-00866013 00867506-00867519	ពាក្យសុំតាំងខ្លួនជាដើមបណ្តឹងរដ្ឋប្បវេណីរបស់ គីម វ៉ាន់ឌី KIM Vanndy 08-VU-01538 Civil party application of KIM Vanndy 08-VU-01538 Constitution de partie civile de KIM VANNDY 08-VU-01538	P	00526168	00866008	

E3/3351	D313 /1.2.8	00678744- 00678942 00369669- 00369820 00700301- 00700309	<p>សៀវភៅនិពន្ធដោយលោក HUN Chunly មានចំណងជើងថា "ជីវិតគ្រូពេទ្យម្នាក់ក្នុងរបបខ្មែរក្រហម" Book by HUN Chunly entitled "The Life of a Physician under the Khmer Rouge Regime" Livre de HUN Chunly intitulé "The Life of a Physician under the Khmer Rouge Regime"</p>	P	00678758, 00678761- 62, 00678763, 00678769, 00678759, 00678762, 22, 00678813, 00678765, 00678768, 00678758, 00678774, 00678777, 00678779, 00678778- 79, 00678782, 00678789, 00678793, 00678815, 00678842, 00678846, 00678804, 00678836, 00678822, 00678828, 00678865	00369685, 00369689, 00369682, 00369721- 22, 00369686, 00369688, 00369689, 00369693, 00369695, 00369696, 00369699, 00369705, 00369707, 00369723, 00369741, 00369744, 00369716, 00369736, 00369727, 00369731, 00369758
E3/3972	D108 /26.1 04	00086927- 00086933 00837604- 00837613 00864725- 00864733	<p>ឧបសម្ព័ន្ធ ១០៤៖ បញ្ជីរាយការណ៍ប្រចាំខែ ៩ ឆ្នាំ ១៩៧៧ អំពីអ្នកទោសមកពីភូមិភាគពាយ័ព្យ និងភូមិភាគបស្ចឹម Annex 104: S-21 Prisoner List containing names of prisoners from the Northwest Zone and the Western Zone Annexe 104: Liste mensuelle des prisonniers originaires des zones Nord-ouest et Est (septembre 1977)</p>	P	00086931	00837610 00864730- 31

- Oral Orders/Decisions:**
- Order allowing the Accused NUON Chea to participate from his holding cell during the afternoon session (waiver of the Accused is attached to this written record).
 - Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 7 December 2012.
 - Order to assist Mr. KIM Vandy (TCCP-59) to return home.
 - Order to bring Mr. HUN Chhunly (TCW-247) to his accommodation and to return him to the courtroom for the hearing on 7 December 2012.

Orders for Adjournment of Hearing

The hearing will resume on 7 December 2012 at 9:00 am.

Phnom Penh, 6 December 2012

Greffier

Greffier



Roger PHILLIPS



DUCH Phary