



**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 <b>ព្រះរាជាណាចក្រកម្ពុជា</b>
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 P... <i>(Signature)</i>

**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**

<b><u>Attendance Record</u></b>
<b>Before:</b> Judge NIL Nonn (President), Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT.
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia FENZ.
<b>Greffiers:</b> Mr. DUCH Phary, Mr. DAV Ansan, Mr. Roger PHILLIPS.
<b>OCP:</b> Mr. CHAN Dararasmey, Mr. Vincent de Wilde d'Estmael, Mr. BOU Chanthan.
<b>Accused:</b> Mr. KHIEU Samphan, Mr. NUON Chea.
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Andrew IANUZZI, Mr. KONG Sam Onn, Mr. Arthur VERCKEN Mr. Michael G. KARNAVAS, Mr. ANG Udom
<b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. SAM Sokong, Mr. LOR Chunthty, Mr. HONG Kimsuon, Mr. VEN Pov, Ms. TY Srinna.
<b>Witness:</b> Ms. YIM Sovann (TCCP-169), Mr. CHUM Sokha (TCCP-25).
<b>Others:</b> Mr. Jay GALIK.

<b>General court times</b>		
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

<b>Proceedings</b>			
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