



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
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ម៉ោង (Time/Heure) : 15:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier: Ratanak

E1/29

**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

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

18 January 2012

Substantive Hearing on evidence - Day 17

Prepared by:

DUCH Phary and Natacha WEXELS-RISER

|   |
|---|
| <b>Attendance Record</b>  |
| <b>Before:</b> Judge NIL Nonn (President), Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara, Judge Claudia FENZ.   |
| <b>Reserve Judges:</b> Judge THOU Mony (Reserve)  |
| <b>Greffier/s:</b> Mr. DUCH Phary, Mrs. Natacha WEXELS-RISER.   |
| <b>OCP:</b> Mr. Dale Lysak, Ms. Sarah ANDREWS, Mr. Vincent De Wilde d'Estmael, Mr. Tarik Abdulhak, Ms. Golriz Ghahraman, Mr. Chan DARASMEY, Mr. Pak Chanlino, Mr. Huot Veng . |
| <b>Accused:</b> Mr. KHIEU Samphan.  |
| <b>Defence for the Accused:</b> Mr. Arun SON, Mr. Michiel PESTMAN, Mr. Andrew IANUZZI; Mr. KONG Sam Onn; Mr. ANG Udom, Mr. Michael G. KARNAVAS.                               |
| <b>Civil Parties:</b> Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. Lor Chunthy, Mr. HONG Kimsuon, Ms. SIN Soworn, Mr. SAM Sokong, Mr. VEN Pov, Ms. Philippine SUTZ.        |
| <b>Witness:</b> None  |
| <b>Others:</b> Mr. Dejan BERBEROVIC; Ms. Almaz TEFFERA.   |

|                            |                   |                    |
|----------------------------|-------------------|--------------------|
| <b>General court times</b> |                   |                    |
| Day                        | Start time: 09:05 | Finish time: 16:00 |

|           |                   |                    |
|-----------|-------------------|--------------------|
| Recess am | Start time: 10:20 | Finish time: 10:50 |
| Recess    | Start time: 11:45 | Finish time: 13:35 |
| Recess pm | Start time: 14:30 | Finish time: 14:55 |
|           | Total Court Time: | 4 hours 10 minutes |

| <u>Proceedings</u>   |   |                |                |
|--|---|----------------|----------------|
| Type of Issue  | Raised By   | Start time     | Finish time    |
| Witness scheduling issues  | NUON Chea Defence;<br>Trial Chamber   | 09:05<br>10:50 | 09:07<br>10:53 |
| Hearing of responses to Defence objections to categories of documents contained in Annex A2 (cont'd) | Co-Prosecutor; CLCP   | 09:07          | 10:15          |
| Hearing of oral objections to categories of documents contained in Annex A3 and responses            | NUON Chea Defence;<br>IENG Sary Defence;<br>KHIEU Samphan Defence;<br>Co-Prosecutor; CLCP | 10:53          | 14:30          |
| Hearing of oral objections to categories of documents contained in Annex A4                          | NUON Chea Defence;<br>IENG Sary Defence;<br>KHIEU Samphan Defence;<br>Co-Prosecutor       | 14:55          | 15:00          |
| Waiver from following proceedings  | NUON Chea Defence   | 15:00          | 15:02          |

### Summary of Proceedings

#### Witness scheduling issues

The NUON Chea Defence requested clarification concerning appearance before the Chamber of DC Cam's Director Youk Chang. The Chamber informed the parties that it would summon TCW-766, a DC Cam senior management officer, on Monday, 23 January 2012. The Chamber required each party to indicate the estimated time needed for questioning of TCW-766 and TCW-542 by tomorrow morning.

#### Hearing of responses to Defence objections to categories of documents contained in Annex A2 (cont'd)

The Co-Prosecutors responded to the Defence teams' objections to the documents contained in Annex A2.

The Co-Lawyers for Civil Parties presented their positions.

#### Hearing of oral objections to categories of documents contained in Annex A3

The NUON Chea, IENG Sary and KHIEU Samphan Defence presented their objections in relation to the documents contained in Annex A3.

The NUON Chea Defence requested the Co-Prosecutor to specify whether any of the

documents stem from DC Cam. The Co-Prosecutor responded that they could do so if afforded sufficient time.

The Co-Prosecutors presented their arguments in response to the objections raised by the Defence teams.

The Co-Lawyers for the Civil Parties presented their positions.

**Hearing of oral objections to categories of documents contained in Annex A4**

The NUON Chea, IENG Sary and KHIEU Samphan Defence presented their objections in relation to the documents contained in Annex A4.

The Co-Prosecutors responded to the Defence teams' objections to the documents contained in Annex A4.

**Waiver from following proceedings**

The NUON Chea Defence informed the Chamber that the Accused NUON Chea had not followed the proceedings in the afternoon and referred to the 17 January 2012 waiver of the Accused's right to be present in court.

**Oral Orders/Decisions:**

- Order to bring the three Accused back to the detention facility and to return the Accused KHIEU Samphan to the courtroom for the hearing on 19 January 2012, while bringing the Accused NUON Chea and IENG Sary to the holding cell to follow the proceedings.

**Orders for Adjournment of Hearing**

The hearing will resume on Thursday 19 January 2012 at 9:00am.

Phnom Penh, 18 January 2012  
Greffier

*[Signature]*

DUCH Phary



Greffier

*[Signature]*

Natacha WEXELS-RISER