



**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

**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

19 January 2012

Substantive Hearing on evidence – Day 18

Prepared by:

DUCH Phary and Roger PHILLIPS

<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, Mr. Roger PHILLIPS.
<b>OCP:</b> Mr. William SMITH, Ms. Sarah ANDREWS, Mr. Tarik ABDULHAK, Ms. Golriz GHARAMAN, Mr. Seng Bunkheang, Mr. Chan DARASMEY, Ms. Falguni Debnath, 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. VEN Pov.
<b>Witness:</b> None
<b>Others:</b> Mr. Dejan BERBEROVIC; Ms. Almaz TEFFERA.

<b>General court times</b>		
Day	Start time: 09:00	Finish time: 14:50

Recess am	Start time: 10:20	Finish time: 10:40
Recess	Start time: 12:15	Finish time: 13:30
Recess pm	Start time:	Finish time:
	Total Court Time:	4 hours 15 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Enquiry of the estimated time for questioning of witnesses TCW-766 and TCW-542	Trial Chamber; Co-Prosecutor; CLCP; NUON Chea Defence; IENG Sary Defence; KHIEU Samphan Defence	09:00	09:10
Hearing of oral objections to categories of documents contained in Annex A4 (cont'd)	Co-Prosecutor; CLCP	09:10	09:55
Hearing of oral objections to categories of documents contained in Annex A5	NUON Chea Defence; IENG Sary Defence; KHIEU Samphan Defence; Co-Prosecutor; CLCP	09:55	12:10
Request for clarification from the parties of the estimated time needed to examine the Accused NUON Chea	Trial Chamber	12:10	13:40
Reply in relation to all objections relevant to Annex A1-A5	NUON Chea Defence; IENG Sary Defence; KHIEU Samphan Defence	13:40	14:40
Scheduling for the hearing of the testimony of the witnesses TCW-766 and TCW-542	Trial Chamber	14:40	14:45
Request for Chamber's decision on Prime Minister's press statements	NUON Chea Defence	14:45	14:45

#### **Summary of Proceedings**

##### **Hearing of oral objections to categories of documents contained in Annex A4 (cont'd)**

The Co-Prosecutor continues the response to the Defence teams' objections to the documents contained in Annex A4.

The Co-Lawyers for the Civil Parties present their position.

##### **Enquiry of the estimated time for questioning of witnesses TCW-766 and TCW-542**

The Chamber enquires on the estimation of time needed by the parties for questioning witnesses TCW-766 and TCW-542. The Co-Prosecutor estimates that a half day for each. CLCP estimate two hours for each. All three defences (via NC Defence) request a total of

1.5 days. NC needs ½ day for TCW-542. The IENG Sary Defence estimates 1.5 hours for TCW-542. The KHIEU Samphan Defence estimates 15 minutes to 1 hour for TCW-542. The Co-Prosecutor states that it will be able to provide by Tuesday a new list specifying those documents that originate from DC Cam.

**Hearing of oral objections to categories of documents contained in Annex A5**

The NUON Chea, IENG Sary and KHIEU Samphan Defence present their objections in relation to the documents contained in Annex A5.

The Co-Prosecutor continues the response to the Defence teams' objections to the documents contained in Annex A5.

The Co-Lawyers for the Civil Parties present their position.

**Reply in relation to all objections relevant to Annex A1-A5**

As specified in E159, the three Defence teams exercise their right to reply in relation to all objections relevant to Annex A1-A5.

**Request for clarification from the parties of the estimated time needed to examine the Accused NUON Chea**

The Chamber requests the parties to provide an estimate of the time needed to question NUON Chea in relation to the first segment of the trial of Case 002.

The Co-Lawyers for the Civil Parties estimate that 4 hours will suffice. The NUON Chea Defence will not need more than one day (i.e. two half days). The IENG Sary Defence clarifies that it has not yet decided whether it will put any questions to NUON Chea; in any case it will not need more than one hour. The KHIEU Samphan Defence will need 45 minutes to one hour to examine NUON Chea.

The Senior Legal Officer will inform the parties on the schedule of next week's hearings.

**Request for Chamber's decision on Prime Minister's press statements**

The Chamber considers this a repetitive matter before the Chamber and directs counsel for NUON Chea not to raise the issue again.


**Oral Orders/Decisions:**

- Order to bring the three Accused to the detention facility and to return the three Accused to the courtroom for the hearing on 23 January 2012.

**Orders for Adjournment of Hearing**

The hearing will resume on 23 January 2012 at 9:00am.

Phnom Penh, 19 January 2012  
Greffier Greffier

The seal of the ECCC Chamber of the First Instance is circular, featuring a central emblem with a traditional Khmer design. The text around the perimeter includes 'ECCC' at the top, 'CHAMBER OF THE FIRST INSTANCE' at the bottom, and 'ROYAUME DU CAMBODGE' and 'ROYAUME DU CAMBODGE' on the sides. The names 'DUCH Phao' and 'Roger PHILLIPS' are written below the seal, with their respective signatures above them.

DUCH Phao Roger PHILLIPS