



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... 23 / 02 / 2012

ម៉ោង (Time/Heure) : 15:00

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

E1/35

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

30 January 2012

Substantive Hearing on evidence - Day 23

Prepared by:

DUCH Phary and Matteo CRIPPA

Attendance Record
Before: Judge NIL Nonn (President), Judge YA Sokhan, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony (Reserve) and Judge Claudia FENZ (Reserve).
Greffier/s: Mr. DUCH Phary, Mr. Matteo CRIPPA, Ms. Natacha WEXELS-RISER.
OCP: Mr. SENG Bunkheang, Mr. Dale LYSAK, Mr. Veng Huot.
Accused: Mr. NUON Chea, Mr. IENG Sary, Mr KHIEU Samphan.
Defence for the Accused: Mr. SON Arun, Mr. Michiel PESTMAN, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Ms. Ty Srinna, Mr. HONG Kimsuon, Ms. SIN Soworn, Mr. Barnabé NEKUIE, Ms. Philippine SULT, Mr. Olivier BAHOUgne.
Witness: Mrs. PRAK Yut (TCW-542).
Others: Courtroom officer, transcribers, Ms. Zuzana KOVALOVA.

General court times		
Day	Start time: 09:05	Finish time: 15:40
Recess am	Start time: 10:35	Finish time: 10:55
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	4 hours, 25 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Questioning of the Accused NUON Chea (Cont.)	Co-Prosecutors	09:08	12:00
Waiver of IENG Sary's right to be present in the courtroom	IENG Sary Defence Trial Chamber	10:30	10:31
Waiver of NUON Chea's right to be present in the courtroom	NUON Chea Defence Trial Chamber	12:01	12:01
Questioning of the Witness PRAK Yut (TCW-542) (Cont.)	Co-Lawyers for the Civil Parties NUON Chea Defence Trial Chamber	13:35	15:37
Ruling on whether the Co- Lawyers for the Civil Parties may put certain documents to the Witness PRAK Yut	Co-Lawyers for the Civil Parties Trial Chamber KHIEU Samphan Defence IENG Sary Defence	13:51 15:11 15:26	14:06 15:15 15:37

Summary of Proceedings

Questioning of the Accused NUON Chea (Cont.)

The Co-Prosecutors continue the questioning of the Accused.

Waiver of IENG Sary's right to be present in the courtroom

The Accused waives his right to be present in the courtroom for the whole day.

Waiver of NUON Chea's right to be present in the courtroom

The Accused waives his right to be present in the courtroom in the afternoon.

Questioning of the Witness PRAK Yut (TCW-542) (Cont.)

The Co-Lawyers for the Civil Parties continue the questioning of the Witness PRAK Yut. Subsequently, the NUON Chea Defence proceeds with the questioning. Judge Cartwright inquires whether anyone has threatened the Witness before testifying before the Court. The Witness states that she has not been threatened in any way and that she has responded to all questions in a truthful and honest manner. The IENG Sary Defence and the KHIEU Samphan Defence do not have any questions for the Witness.

Ruling on whether the Co-Lawyers for the Civil Parties may put certain documents to the Witness PRAK Yut

The Co-Lawyers for the Civil Parties seek clarification as to whether they may confront Witness PRAK Yut with certain victim information forms (documents D22/1264 and D22/3358) which relate to her. The Defence Counsel raise their concerns about possible implications (e.g. possibility for the Witness to incriminate herself). The Co-Lawyers for the Civil Parties clarify that the full version of documents is only in Khmer (two applications for translation have been submitted under nos. E9/32 and E109/2). The Trial Chamber rules that it does not allow questions based on these documents.

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/166	D243/2.1.3	00063188- 00063235 00517813- 00517848 00492757- 00492794	ទង់បដិវត្ត លេខ 2-3 កុម្ភៈ-មីនា 1976 CPK Magazine entitled: " The Revolutionary Flag", Issues 2 and 3, February - March 1976 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Issues 2 and 3, February - March 1976 (FULL)	P	00063228, 00063229	00517844, 00517844- 00517845	00492790
E3/50	D366/7.1.61	00442207- 00442250 00636008- 00636043 00623782- 00623816	ខួបឆ្នាំទី៣ នៃការចាត់តាំងសហករន៍កសិករ The 3rd anniversary of the farmer collective organizing The 3rd anniversary of the farmer collective organizing	P	00442209	00636009	00623783
E3/25	D243/2.1.9	00063000- 00063058 00491394- 00491438 00504014- 00504066	ទង់បដិវត្ត លេខ ពិសេស ធ្នូ-មករា 1976-77 CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 -January 1977 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, December 1976 -January 1977 (FULL)	P	00063040	00491424	00504049
E3/167	12.7	00596117- 00596152 00280571- 00280593 S 00000107- 00000129	ទីភ្នាក់ងារព័ត៌មានកម្ពុជា ផ្សាយដោយការិយាល័យព័ត៌មាននៃរណសិរ្សប្រមូលជាតិកម្ពុជា National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau	P	00596141	00280586	S 00000122

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			d'Information du Front Uni National du Kampuchea, Nr. 698, dated 11 April 1974 National Media Report entitled Nouvelles du Cambodge, Agence Kampuchea d'Information, diffusées par le Bureau d'Information du Front Uni National du Kampuchea, Nr. 698, dated 11 April 1974				
E3/10	D243/2.1.7	00063059- 00063115 00450501- 00450548 00491868- 00491913	ទង់បដិវត្ត លេខ ពិសេស កញ្ញា-តុលា 1976 CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September - October 1976 (FULL)	P	00063095	00450531	00491897
E3/11	D243/2.1.12	00063116- 00063187 00486212- 00486266 00492795- 00492857	ទង់បដិវត្ត លេខ ពិសេស កញ្ញា 1977 CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL) CPK Magazine entitled: " The Revolutionary Flag", Special Issue, September 1977 (FULL)	P	00063162, 00063133	00486247, 00486225	00492836, 00492280
E3/117	D108/43/1	00242308- 00242314 00166772- 00166775 00281432- 00281435	ឧបសម្ព័ន្ធទ្វី១: Khieu Samphan Chairs NUFC Congress Session ចុះថ្ងៃទី ២៦ ខែកុម្ភៈ ឆ្នាំ ១៩៧៥ Annex 1: Khieu Samphan Chairs NUFC Congress Session dated 26 February 1975 Annex 1: Khieu Samphan Chairs NUFC Congress Session dated 26 February 1975	P			
E3/3	20.28	00078183- 00078207 00184652- 00184679 00596175- 00596202	សម្ភាសន៍លោកនួនជា ស្តីពីសេចក្តីថ្លែងការណ៍មួយមានចំណងជើងថា "ប្រវត្តិនៃការតស៊ូនិងចលនារបស់អ្នកស្រុកស្រែជនជាតិខ្មែររបស់យើងចាប់ពី១៩៥៤ដល់	P	00078199	00184671	00596193

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			<p>ល់១៩៧០"</p> <p>ជាភាសាខ្មែរគ្មានចុះកាលបរិច្ឆេទដោយលោកខ្លុងខែម</p> <p>National Suspect Statement entitled "History of the Struggle and Movement of Our Cambodian peasants from 1954 to 1970." by NUON Chea</p> <p>National Suspect Statement entitled "History of the Struggle and Movement of Our Cambodian peasants from 1954 to 1970." by NUON Chea</p>				
E3/108	20.34	00347031- 00347048 00000925- 00000935 00613200- 00613212	<p>[កែតម្រូវ១] កំណត់ត្រានៃការនិយាយរបស់ខៀវសំផននិងនួន ជាភាសាអង់គ្លេសដោយ ម៉េង ទ្រីអិរ៉ា និងសុភក្តិ លាង នៅចន្លោះថ្ងៃទី ០៩-១១ ខែមិថុនា ឆ្នាំ២០០៦</p> <p>Suspect Statement of KHIEU Samphan and NUON Chea</p> <p>Suspect Statement of KHIEU Samphan and NUON Chea</p>	P	00347040- 00347048	0000931- 00000935	
E3/16	D213.2	00380221- 00380560 00498220- 00498306 00643822- 00643913	<p>ខៀវ សំផន "</p> <p>ពិចារណាអំពីប្រវត្តិសាស្ត្រកម្ពុជាពីដើមរហូតដល់សម័យកម្ពុជាប្រជាធិបតេយ្យ" រាហូ 10-2007</p> <p>KHIEU Samphan, "Consideration on the history of Cambodia from Early stage to the Period of Democratic Kampuchea", Reahu, 10-2007</p> <p>"Considerations on the History of Cambodia From Early Stage to the Period of Democratic</p>	P	00380305- 00380307	00498222- 00498226	00643822- 00643824

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
			Kampuchea", extrait du livre de KHIEU Samphan, Éd. Reahu, Octobre 2007				
E3/163	D234/4	00357505- 00357516 00364077- 00364086 00403121- 00403129	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ប្រាក់ យុត PRAK Yut ថ្ងៃទី ២១-០៧-២០០៩ [Corrected 1] Written Record of Interview of PRAK Yut ប្រាក់ យុត dated 21 July 2009 [Corrigée 2] Procès verbal d'audition de témoin PRAK Yut ប្រាក់ យុត en date du 21- 07-2009	P			
E3/168	D234/8	00357517- 00357519 00364074- 00364076 00403078- 00403079	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ប្រាក់ យុត PRAK Yut ថ្ងៃទី ២៩-០៧-២០០៩ [Corrected 1] Written Record of Interview of PRAK Yut ប្រាក់ យុត dated 29 July 2009 [Corrigé 1] Procès verbal d'audition de témoin PRAK Yut ប្រាក់ យុត en date du 29- 07-2009	P			
E3/164	D234/15	00404640- 00404647 00407795- 00407801 00434761- 00434768	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ប្រាក់ យុត PRAK Yut ថ្ងៃទី ១៨ វិច្ឆិកា ២០០៩ Written Record of Interview of PRAK Yut ប្រាក់ យុត Dated 18-11-2009 Procès verbal d'audition de témoin PRAK Yut ប្រាក់ យុត en date du 18-11-2009	P			
E3/162	D234/16	00404648- 00404654 00407802- 00407808 00436984- 00436990	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ប្រាក់ យុត PRAK Yut ថ្ងៃទី ១៩ វិច្ឆិកា ២០០៩ Written Record of Interview of PRAK Yut ប្រាក់ យុត Dated 19-11-2009 Procès verbal d'audition de témoin PRAK Yut ប្រាក់ យុត en date du 19-11-2009	P			
	E148		Notes used by accused NUON Chea during the hearing of 5 December 2011	P	p. 1, 00757831 (p.2)		

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary (10:35) and NUON Chea (12:01) to the holding cell (waivers of the Accused are attached to this written record).
- Ruling of the Trial Chamber not to allow the Co-Lawyers for the Civil Parties to put questions, based on several specified victim information forms, to the Witness PRAK Yut.
- Order to bring the three Accused to the detention facility and to return them to the courtroom for the hearing on 31 January 2012.

Orders for Adjournment of Hearing

The hearing will resume on 31 January 2012 at 09:00.

Phnom Penh, 30 January 2012

Greffier



DUCH Phary



Greffier



Matteo CRIPPA