



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

E1/37

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

1 February 2012

Substantive Hearing on evidence – Day 25

Prepared by:

DUCH Phary and Faiza ZOUAKRI

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony (Reserve); Judge Claudia FENZ (Reserve)
Greffier/s: Mr. DUCH Phary, Mrs. Faiza ZOUAKRI.
OCP: Mr. Dale Lysak, Ms. Sarah ANDREWS, Mr. Tarik Abdulhak, Mr. Chan DARASMEY, Mr. Seng Bunkheang, Mr. Chea Phalla.
Accused: Mr. KHIEU Samphan; Mr. NUON Chea; Mr. IENG Sary.
Defence for the Accused: Mr. Arun SON, Mr. Michiel PESTMAN, Mr. Jasper PAUW; Mr. Arthur VERCKEN, Mr. KONG Sam Onn; Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. Lor Chunthy, Mr. HONG Kimsuon, Ms. SIN Soworn, Mrs. Chet Vanly, Mr. VEN Pov, Mrs. Ty Srinna.
Witness: YOUK Chhang (TCW-793)
Others: Mr. Dejan BERBEROVIC; Ms. Almaz TEFFERA.

<u>General court times</u>		
Day	Start time: 09:05	Finish time: 16:00
Recess am	Start time: 10:20	Finish time: 10:50
Recess	Start time: 12:00	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	4 hours 50 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Examination of Witness YOUK Chhang (TCW-793)	Trial Chamber; Co-Prosecutors; CLCP	09:05	16:02
Request to follow the proceedings from the holding cell and to waive the Accused's right to be present in the courtroom	IENG Sary Defence; NUON Chea Defence	10:23 12:00	10:25 12:01
Objection to the conduct of the Witness' examination	IENG Sary Defence	14:33	14:35
Objection to scope of questioning by CLCP	IENG Sary Defence	15:30	15:40

Summary of Proceedings

Examination of Witness YOUK Chang

The Trial Chamber commenced the examination of the witness followed by the Co-Prosecutors and the Co-Lawyers for Civil Parties.

Request to follow the proceedings from the holding cell and to waive the Accused's right to be present in the courtroom

The IENG Sary and NUON Chea Defences sought permission for the Accused to follow the proceedings from the holding cell and indicated that the respective Accused waived their right to be present in the courtroom. The Chamber granted both requests (the written waiver are attached to this written record).

Objection to the conduct of the Witness' examination

The IENG Sary Defence objected to the way the Co-Prosecutors conducted their examination of the witness as it seemed to aim at authenticating specific documents, instead of questioning him in relation to the methodology of DC-Cam. The Trial Chamber dismissed the objection.

Objection on the scope of questioning by CLCP

The IENG Sary Defence objected to the scope of the CLCP's examination of the witness on the grounds of lack of relevance of the questions. The Trial Chamber dismissed the objection.

Allocation of time for questioning by the Defence

The Chamber indicated to the Defence teams that they shall indicate at the next hearing the length of time they would require for the examination of the witness.

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/169	D108/28.243	S 00704515-00704533 00280389-00280402 S 00004798-00004830	ឧបសម្ព័ន្ធ ២៤៣៖ សន្ទរកថាដោយសមមិត្ត ខៀវ សំផន Annex 243: National Public Statement by KHIEU Samphan Annex 243: National Public Statement by KHIEU Samphan	P			
E3/170	D243/2.1.13	00064754-00064825 00182548-00182594 00665397-00665450	ទង់បដិវត្ត លេខ ពិសេស តុលា-វិច្ឆិកា 1977 CPK Magazine entitled: "The Revolutionary Flag," Issues 10 and 11, October - November 1977 Magazine de CPK intitulé "Étendard révolutionnaire" Numéro spécial, octobre-novembre 1977	P	00064754		
E3/171	D22/174.5	00088813-00088813 00226076-00226076 00211858-00211858	ឧបសម្ព័ន្ធ ៥០: ប្រវត្តិបង្កកទោសជាប់ឃុំឃាំង Annex 5: Prisoner's biography Annex 5: Biographie du détenu	P			
E3/172	D366/7.1.27	00087197-00087206 00738424-00738431 00742941-00742950	ប្រវត្តិបសង្ខេបរបស់ ខាត់ ខាន់ ហៅ រី Biography of KHAT Khann alias SUON Ri Biographie de KHAT Khann alias SUON Ri	P			
E3/173	D366/7.1.789	00091098-00091100 00548797-00548798 00541745-00541747	របាយការណ៍ក្រសួងពាណិជ្ជកម្មរបស់កម្ពុជាប្រជាធិបតេយ្យ "ជូនចំពោះ បងហែមជាទីគោរពស្នេហា សូមរាយការណ៍ស្តីពីការជួបមិត្តចិន នៅស្ថានទូតចិន ថ្ងៃទី ១៤ ខែ ៣ ឆ្នាំ ១៩៧៧" DK Ministry of Commerce Report entitled "Report To respected and Beloved Brother Hem on the meeting with China at the Embassy of China on 14/3/77" DK Ministry of Commerce Report entitled "Report To respected and Beloved Brother	P			

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
			Hem on the meeting with China at the Embassy of China on 14/3/77"				
E3/174	D366/7.1.159	00068728-00068729-00548780-00548781-00529468-00529469	ក្រសួងពាណិជ្ជកម្ម កម្ពុជាប្រជាធិបតេយ្យ គណៈក្រសួងពាណិជ្ជកម្ម មតិយោបល់គ្រប់ផ្នែក ថ្ងៃទី ១៧-១០-១៩៧៦ DK Ministry of Commerce Intergovernmental Communication entitled "Decision of Commerce Committee to send staff to Security Education Camp dated 17 October 1976" DK Ministry of Commerce Intergovernmental Communication entitled "Decision of Commerce Committee to send staff to Security Education Camp dated 17 October 1976"	P			
E3/175	D43/1 V-Annex 11	00173883-00173894-00583931-00583931-00280047-00280047	ឧបសម្ព័ន្ធទទៈ 117bbkkh សម្រង់ចម្លើយសារភាពរបស់ សាន់ អិប ហៅ ខុន Annex 11: 117bbkkh Colour copy Excerpt of Confession of San Eap alias Khon Annex 11: 117bbkkh l'extrait en copie couleur de la confession de San Eap alias Khon	P	00173883		
E3/176	D108/28.231	00225331-00225333 S 00010492-00010497-00316388-00316395	ឧបសម្ព័ន្ធប៣១៖ របាយការណ៍ផ្សព្វផ្សាយអន្តរជាតិ "ចម្លើយសារភាពរបស់អ្នកស៊ើបការរៀតណាម" Annex 231: International Media Report "Confession of Vietnamese Spy" Annexe 231: Rapport média international "Confession d'un espion vietnamien"	P			
E3/177	D366/7.1.516	00020972-00020972-00377840-00377840-00504013-00504013	សេចក្តីរាយការណ៍ពីស្ថានភាពសត្រូវនៅតំបន់ មុខកំពូល Report about activity of enemy in Muk Kampoul Report about activity of enemy in Muk Kampoul	P			

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E3/178	D175/4.3	00275587- 00275598 00342708- 00342723 00623304- 00623321	សេចក្តីរាយការណ៍របស់គណៈកម្មាធិការតំបន់៥ ប្រចាំអាទិត្យ ២១ ឧសភា ១៩៧៧ Weekly Report of Region 5 Committee, 21 May 1977 Weekly Report of Region 5 Committee, 21 May 1977	P			
E3/179	18.41	00008497- 00008501 00183010- 00183018 00236767- 00236773	សេចក្តីរាយការណ៍ អំពីសភាពការណ៍ខ្លាំង, សភាពការណ៍ប្រជាជន, សភាពការណ៍កសាងសង្គមនិយម The report about Enemy situation, People situation, Build socialism situation. Le raport de la situation des ennemis, de la situation des peuples, de la construction du socialisme	P			
E3/180	D175/3.94	00008497- 00008501 00183010- 00183018 00236767- 00236773	សេចក្តីរាយការណ៍អំពីសភាពការណ៍ខ្លាំង គិតពីថ្ងៃទី០៤ ឧសភា ១៩៧៧ ដល់ ២៩ ឧសភា ១៩៧៧ សរសេរជាភាសាខ្មែរ នៅថ្ងៃទី២៩ ខែឧសភា ឆ្នាំ១៩៧៧ The report about Enemy situation, People situation, Build socialism situation. Report of enemy's situation from 04 May 1977-29 May 1977, In Khmer on dated 29 May 1977	P			
E3/181	D200/3.5	00296226- 00296226 00340537- 00340537 00623352- 00623353	ទូរលេខកម្ពុជាប្រជាធិបតេយ្យ មានចំណងជើងថា "ទូរលេខ លេខ 11", Version 1 DK Telegram entitled "Telegram No 11", Version 1 [Corrigé 1] KD Telegramme intitulé "Telegramme No 11", Version 1	P			
E3/182	13.2	00019108- 00019126 00183393- 00183408 00292868- 00292886	ការប្រជុំអចិន្ត្រៃយ៍ថ្ងៃទី ៩ តុលា ៧៥ Permanent 's meeting of committee on 9 October 1975 La réunion du Comité Permanent du 9 octobre 1975	P			
E3/183	D232/8.3	00019108- 00019124 00183393- 00183406	ឯកសារកម្ពុជាប្រជាធិបតេយ្យ " ការប្រជុំអចិន្ត្រៃយ៍ 09-10-75" DK Document entitled "Minutes of the	P			

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
		00292868- 00292884	meeting 09 October 1975" Le document du KD intitulé "Compte-rendu de réunion du 09 Octobre 1975"				
E3/184	D150	00291423- 00291429 00294419- 00294424 00291430- 00291435	កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី សំង យុ ថ្ងៃទី១៩ ខែមីនា ឆ្នាំ២០០៩ Written Record of Interview of witness YOUK Chhang by CIJ on 19 March 2009 Procès verbal d'audition de témoin YOUK Chhang par CJI le 19 mars 2009	P	00291424	00294420	00291431

Oral Orders/Decisions:

- Order to bring the Accused IENG Sary and NUON Chea to the holding cell for the afternoon session to follow the proceedings via the audio-visual equipment.
- Order to bring the three Accused back to the detention facility and to return the three Accused to the courtroom for the hearing on 2 February 2012 at 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on Thursday 2 February 2012 at 9:00am.

Phnom Penh, 1 February 2012

Greffier

DUCH Ph



Greffier

Faiza ZOUAKRI