

Accused Nuon Chea resumes his testimony during the first trial in Case 002 at the ECCC.

**Alleged Suspects in Case 004 Exposed During Case 002 Questioning:
Testimony of Accused Nuon Chea and Witness Prak Yut**

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*“I come to this court under no threat . . . nobody coached me”
- Witness Prak Yut*

On Monday, January 30, 2012, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) resumed hearing evidence in Case 002 against accused Nuon Chea, Ieng Sary and Khieu Samphan. The morning session began with the continued examination of Nuon Chea, while, after nearly three days of questioning, witness Prak Yut concluded her testimony in the afternoon session.

Questioning of Nuon Chea by the Prosecution

Chamber President Nil Nonn began the day’s proceedings by reminding the prosecution that its questioning would be limited to the morning session and then turned the floor over to international senior assistant prosecutor Dale Lysak to continue the questioning of Nuon Chea.

Mr. Lysak first asked Nuon Chea about the Khmer Rouge’s decision to abolish private property in the early 1970s. Nuon Chea responded that “there was no abolishment of private property” at that time but that the Khmer Rouge policy was one of “land redistribution.” Mr. Lysak then read out a statement from a copy of the Khmer Rouge publication *Revolutionary Flag*, which stated

that the Khmer Rouge leaders had an emergency meeting in 1972 because certain members of the movement retained “capitalist” and “petty bourgeoisie” sentiments. Nuon Chea responded that he was not part of the administrative process but involved solely in “education.” This followed Nuon Chea’s previously established pattern of claiming that his role in the Khmer Rouge was limited to education and propaganda and that the movement had a completely compartmentalized command structure.

Upon further questioning, Nuon Chea testified that cooperatives were not established “systematically” by the Khmer Rouge movement but were formed “from the countryside areas” gradually and thus he could provide no date or year when cooperatives were implemented. He did explain that the Khmer Rouge first created low-level (smaller) cooperatives and later, high-level (larger) cooperatives and stated that the Khmer Rouge leaders reasoned that establishing cooperatives would avoid wasted labor efforts and food among the peasantry.

Mr. Lysak then asked about a Khmer Rouge statement that creating cooperates served the function of “attacking the power of the feudalists, land-owners and capitalists.” Nuon Chea responded by again denying personal involvement in the creation or implementation of Khmer Rouge policy, arguing that his role was solely education, but he did note that cooperatives were created by the Democratic Kampuchea (DK) government. When asked about the pre-DK period of the early 1970s, Nuon Chea stated that cooperatives were not implemented immediately and that the emphasis was on education because people living in Khmer Rouge-controlled areas did not have sufficient understanding of party ideology to implement cooperatives immediately in all areas.

The prosecution then changed topics and asked Nuon Chea about his whereabouts in the period leading up the Khmer Rouge victory of April 17, 1975. Nuon Chea appeared confused by this question and responded by providing his location on April 17, 1975. Following some clarification by Mr. Lysak, Nuon Chea asked for additional clarification apparently due to translation difficulties. After some discussion about the translation of the questions by the prosecution, Nuon Chea eventually stated that he did travel to Phnom Penh in early 1975.

Next, the prosecution asked Nuon Chea how many times Ieng Sary returned to Cambodia from Beijing between 1973 and 1975. Nuon Chea answered that he recalls Ieng Sary returned two times during this period and stated further that, on one trip, Ieng Sary accompanied “the prince”¹ to visit Siem Reap province but he did not recall the other trip. When asked for more information, Nuon Chea reiterated his previous testimony that Pol Pot had instructed Nuon Chea to ignore the work of the “intellectuals” and to focus on education only, and thus he did not concern himself with Ieng Sary’s activities.

¹ The ECCC English translation clearly used the word “prince”; however, it is likely that Nuon Chea was referring to King Norodom Sihanouk, who allegedly traveled to Cambodia from China accompanied by Ieng Sary.



Khieu Samphan receives a foreign delegation at Po Chen-tong (Phnom Penh) airport. Ieng Sary, Nuon Chea, Vorn Vet and Yun Yat wait behind him. (Source: Documentation Center of Cambodia)

Mr. Lysak then returned to a statement made in *Revolutionary Flag* that had been explored during earlier questioning of Nuon Chea that described how the Khmer Rouge successfully “liberated” areas in Cambodia, such as Uddong. Nuon Chea responded that he was not informed about military actions because responsibility for the military was entrusted solely to Son Sen and Pol Pot at the time. Nuon Chea did state that the Khmer Rouge “simply evacuated people so that they could grow rice and feed themselves” in cooperatives, explaining that there was a food shortage in Phnom Penh. Mr. Lysak then read out an excerpt of a speech purportedly delivered by Khieu Samphan which stated that the Khmer Rouge military killed 5,000 enemy troops in Uddong and captured 1,500 additional enemy soldiers. He then asked Nuon Chea what was done with the captured enemy soldiers. Nuon Chea denied any knowledge of the issue and suggested that the prosecution ask Khieu Samphan about the topic directly.

Next, Mr. Lysak asked about the term “class struggle” utilized by the Khmer Rouge. Nuon Chea denied that the party engaged in “class struggle” but stated that the party instead encouraged people to work together in cooperatives to help feed one another. He further testified that the leadership only instructed party members not to gamble, womanize or commit other moral transgressions and also “not to exercise our power in violation of other people’s rights.”

The prosecution then turned to the topic of the decision to evacuate Phnom Penh by the Khmer Rouge leadership. Mr. Lysak reminded Nuon Chea of his previous testimony that the leadership held an extraordinary meeting of the Central Committee of the Communist Party of Kampuchea (CPK) in 1974, where the decision was made to evacuate Phnom Penh. Nuon Chea responded that, during this meeting, the CPK leaders discussed a decision by the United States to discontinue bombing missions in Cambodia and support of the Lon Nol regime. Nuon Chea further stated that the CPK observed that part of the assistance to the Lon Nol regime included food aid, so the Central Committee decided to evacuate Phnom Penh “temporarily” to solve the anticipated food shortage. Upon further questioning, Nuon Chea stated that the meeting was held near the Chi Nit river, lasted three days and was attended by representatives from all Zones.

When asked for names of attendees, Nuon Chea identified Pol Pot, himself, Ta Mok, Sao Phim, Koy Thuon and Son Sen as attendees he remembered but stated that others he cannot remember were also present.

Mr. Lysak then turned to specific policies associated with the evacuation of Phnom Penh. First, Mr. Lysak asked why individuals with sufficient food who wished to stay in their homes were still forcibly evicted from the city. Nuon Chea responded that the food shortage was extreme and that only “gangsters and others [the Khmer Rouge] could not control” had gathered enough rice to eat in the city. Nuon Chea further stated that a special committee chaired by Son Sen was tasked with carrying out the evacuation of Phnom Penh, although he did admit that the Central Committee had already decided to evacuate the entire city in 1974 at the extraordinary meeting (discussed above). He further testified that this evacuation was to be “temporary” and based on two “important situations” – first, a “looming war” with Vietnam and, second, food shortages in Cambodia’s cities. Thus, Nuon Chea stated that the CPK leadership reasoned that it would be safer to disperse the population of the cities to the countryside because of pressure from the Viet Cong and from the United States, both of whom the CPK feared would attack.

Nuon Chea then testified that the evacuation order did cover all city dwellers but that evacuees were expected to help one another by pooling their transportation resources, such as carts and vehicles. He further stated that the CPK feared that the United States would attack once Phnom Penh was captured and again explained that the CPK also feared the Viet Cong would not assist if the United States attacked, but might even use such an attack as an opportunity to strike against the CPK themselves. During this testimony, Nuon Chea stated that the CPK believed the Viet Cong were jealous of the successes of the Khmer Rouge, who managed to liberate Phnom Penh before the Viet Cong fully controlled South Vietnam.

Mr. Lysak then asked whether, around the time of the liberation of Phnom Penh, the CPK made the decision not to allow any new members and, if so, why this decision was made. Nuon Chea responded by discussing another perceived threat to the CPK from within the Khmer Rouge’s internal ranks. He stated that certain “bad elements” formed various movements at the time that acted “under the pretext of the revolution” and had ulterior motives and agendas, such as to rob people of their money and other possessions during the evacuation. He also named several perceived traitor groups and stated that one such group had sought to ally itself with South Vietnamese forces. Nuon Chea stated that, as a result, “the door was not closed” in 1974 for entry into the CPK, and members were elected with more scrutiny and could not just join freely. He then returned to his theme that the end of the civil war against the Lon Nol regime was a “confusing” time, during which American bombing “for 200 days and 200 nights” killed many Cambodians, while various groups vied for power and sought to subvert the CPK’s revolution.

The prosecution continued further into the subject of internal enemies and asked about the purge of certain CPK cadres in Koh Kong province. Nuon Chea responded that the Koh Kong area was not the issue at the time, but that it was the East Zone, near Vietnam that was the problem. Showing again his obvious vitriol for the Vietnamese communist movement, Nuon Chea stated that many hundreds of thousands of Vietnamese people lived in the East Zone, where food was limited. Furthermore, he testified that it was the Khmer Rouge who assisted the Viet Cong and not the other way around, noting that the Viet Cong sought refuge in Cambodia and enjoyed

logistical support from the CPK during the Vietnam war. He maintained that “people who did not know the real situation stated that Vietnam assisted Kampuchea a lot,” when in reality it was the opposite situation.

Despite Nuon Chea’s apparent efforts to move the questioning to the East Zone, Mr. Lysak asked specifically about a Koh Kong CPK cadre named Chhong. Nuon Chea stated that Chhong was called to meet with Ta Mok but was ambushed and killed by bandits in the forest along the way to the meeting, stating that this was all he heard at the time.

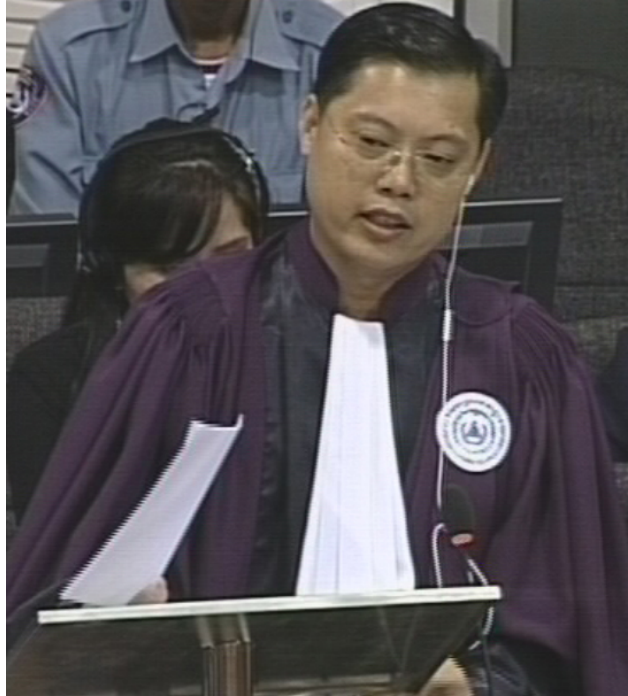


Khieu Samphan, Nuon Chea and Ieng Sary (last three in photograph from left to right) meet with a foreign delegation in this undated file photo. (Source: Documentation Center of Cambodia)

The final topic discussed by the prosecution during the first half of the morning session was the statement by the CPK that the “seven Lon Nol super-traitors” were to be executed. Mr. Lysak asked whether Nuon Chea agreed with the decision to execute these individuals. Nuon Chea responded that he did not know about this decision but only heard it announced on the radio at the time. The prosecution then pushed Nuon Chea to provide his opinion of whether the decision to order these executions was a proper one. Following an objection from the Nuon Chea defense, Nuon Chea then simply stated that, because his role was in education, he was not involved in the decision to order the executions, maintaining that such decision was entrusted to military authorities. The prosecution then asked whether the Standing or Central Committees did not renounce the call to execute the “seven traitors.” Nuon Chea simply stated that he did not know.

Ieng Sary Retires to the Holding Cell for the Day at His Usual Time

At this point, just prior to the morning break, defense counsel for Ieng Sary rose and informed the Chamber that Ieng Sary wished to waive his right to be present in the courtroom and to move to the courtroom holding cell to participate via audio-visual link. This request from Ieng Sary has become a daily occurrence and was granted, as per usual, but the Chamber, contingent upon receipt of a written waiver signed by Ieng Sary.



National Assistant Prosecutor Seng Bunkheang continues the prosecution's examination of Nuon Chea.

Prosecution Resumes Questioning of Nuon Chea

Following the morning break, national prosecution counsel Seng Bunkheang took up the questioning of Nuon Chea. The topic of this testimony was the handwritten notes that Nuon Chea had utilized during his previous testimony, which had subsequently been provided to the parties.² Seng Bunkheang asked Nuon Chea to clarify several portions of the notes that were difficult to read.

During this questioning, Nuon Chea clarified several unclear statements in the documents regarding the early Khmer Rouge armed movement, the Lon Nol coup d'état and additional allegations that the Vietnamese had attempted to control and/or subvert the Khmer Rouge revolution.

Regarding the *Revolutionary Flag* CPK booklet, Nuon Chea testified that the booklet was considered “confidential” prior to the victory of April 17, 1975, and had been provided only to certain Khmer Rouge cadres. He explained that the booklet was published manually at this time and distributed secretly, as the Lon Nol government would arrest anyone found with such a publication.

The prosecution also explored the topic of Nuon Chea's education in Thailand and initial entry into the communist movement in Cambodia. Nuon Chea stated that he adopted a Thai name during his education and became involved with “progressive” student movements while in Thailand.

² During his previous testimony, especially his response to the prosecution's opening statement, Nuon Chea referred to his own handwritten notes. These notes were admitted into evidence by the Trial Chamber, and copies provided to all parties.

Nuon Chea then testified that Cambodian communists noticed Nuon Chea's activities in Thailand and informally invited him to join the CPK. When Nuon Chea returned to Cambodia, he stated that he was invited to join the Indochinese communist party.

Generally, Nuon Chea stated that the Cambodian communists had "criteria" for selecting candidate members, involving moral purity and dedication to the cause. A candidate had to be nominated by three existing members of the party and had to take an oath to adhere to party policies and sacrifice personal interests for the "common interest." Candidates were also tested during an evaluation phase before becoming full-rights members.

Regarding advancement into the upper echelons of the CPK, Nuon Chea testified that party members first had to become local leaders and then slowly move up the chain of command. To move up, cadres had to be committed to the movement and work hard. He noted that the "important thing is that [candidate CPK members] had a good class background," meaning upbringing as a peasant. Nuon Chea noted that others could join the party without a good class background, but underwent a probationary period of up to two years.

Seng Bunkheang then asked Nuon Chea when he first met Khieu Samphan. Nuon Chea responded that he met Khieu Samphan "in the forest" but did not remember the date.

The prosecution then sought to explore an interview with Nuon Chea conducted by a provincial editor for the *Bangkok Post*. At first, Nuon Chea stated that he did not remember the interview. After some confusion regarding the document in question, it was eventually projected on the courtroom monitor. Nonetheless, Nuon Chea stated that he did not recall any such interview.

The prosecution next asked about a book discussing Nuon Chea, which stated that he was named to the CPK Central Committee in 1951. Nuon Chea responded that he is unaware of any such book and that in 1951 he was only a party member in charge of propaganda and education. He edited a newspaper and worked on disseminating propaganda at the grassroots level.

Seng Bunkheang then asked about who was involved in designing the CPK's political line in the 1950 and 1960s. Nuon Chea stated that "at the beginning" it was Tou Samouth, Pol Pot and himself who designed the CPK's political line.

Nuon Chea Finishes Testifying for the Day and Retires to the Courtroom Holding Cell

At this point, the Chamber prepared to adjourn for the lunch break and informed the prosecution that its time for questioning had run out, and the floor would be turned over to other parties. The Nuon Chea defense then interjected and informed the Chamber that Nuon Chea wished to retire to the courtroom's holding cell for the afternoon. Counsel reminded the Chamber that it had indicated that Nuon Chea would only be questioned in the morning. Chamber President Nil Nonn granted this request and instructed the defense to submit a written waiver signed by Nuon Chea. The Chamber then noted that the questioning of witness Prak Yut would continue for the afternoon session and adjourned for lunch.



Witness Prak Yut continues her testimony Monday at the ECCC.

Testimony of Prak Yut Continues with Additional Civil Party Questioning

Following the lunch break, the civil parties were granted an additional fifteen minutes to pose questions to Prak Yut, as they had run out of time at the end of the previous hearing amidst challenges by defense counsel to the use of testimony of other witnesses. The Chamber reminded all parties not to use the testimony of other witnesses during questioning and turned the floor over to the civil parties to utilize their allotted time.

Civil party counsel Philippine Sutz then reminded Prak Yut about her role as a witness and not an accused. Following some confusion, Ms. Sutz asked Prak Yut about her knowledge of security centers during the DK period. During this questioning, Prak Yut stated that she was “in charge of security” in the area surrounding Phnom Bros prison and providing “education.” Upon further questioning, Prak Yut stated that people who committed transgressions were taken to the district office for “reeducation.” Ms. Sutz then asked the Chamber for permission to “briefly refer” to some victim information sheets, which Ms. Sutz explained refer to the Phnom Bros security center and mention Prak Yut specifically by name.

The Chamber noted that the civil parties had already used up their extra 15 minutes of allocated questioning time, and the judges then conferred among themselves for several minutes before rendering a decision. After asking for clarification regarding the specific victim information forms referred to, Chamber Judge Sylvia Cartwright informed the civil parties that the Chamber would render a decision on the issue later after deliberating on the issue.

At this point, following some confusion about translation issues for the victim statements, Michael Karnavas, international defense counsel for Ieng Sary, objected to the line of questioning the civil parties sought to explore. Mr. Karnavas argued that the questioning sought to elicit self-incriminating testimony from Prak Yut and challenged the relevance of such

testimony to the first Case 002 trial. He also requested that the Chamber advise Prak Yut of her right to remain silent, should it allow the request of the civil parties.

As Ms. Sutz began to respond to the Ieng Sary defense objection, Prak Yut herself interjected and provided her commentary on the topic. She stated that, in Kampong Siem district, her sole role was to reeducate people and denied any knowledge of killings at Phnom Bros, explaining that she remained focused solely on her assigned role.

At this point, the Chamber judges conferred again, and President Nil Nonn stated that the additional time given to the civil parties had ended and turned the floor over to counsel for Nuon Chea to question Prak Yut.



International counsel for Nuon Chea, Michiel Pestman, cross-examines witness Prak Yut.

Nuon Chea Defense Again Raises Allegations of Government Interference

Michiel Pestman, international counsel for Nuon Chea, then took up questioning and began by asking Prak Yut about her role of being “in charge of women’s affairs.” Prak Yut acknowledged that she had held this role. Mr. Pestman then asked if Prak Yut ever met with other sector authorities in charge of women’s affairs within the Zone. Prak Yut stated that there were meetings in sector 35, but that people from other areas did not attend such meetings.

Next Mr. Pestman asked about her Zone Committee colleagues. Prak Yut initially claimed that all but one of her colleagues was dead. However, when asked which one of her colleagues was still alive, Prak Yut changed her statement, saying that all of her colleagues had died and that, if anyone had survived, she had not been in contact with them at any point following the DK period.

Mr. Pestman then turned back to the topic of meetings among women’s affairs representatives and asked Prak Yut whether she ever met Im Chaem, who was in charge of women’s affairs in Sector 13 in the Southwest Zone. Upon this questioning, Prak Yut admitted that she had attended women’s affairs meetings for the Zone and that Im Chaem had likely been present at such meetings.

Mr. Pestman next asked Prak Yut about one of her interviews with the investigators of the Office of the Co-Investigating Judges (OCIJ). Specifically, he asked Prak Yut about her statement to the investigators that Ta An was a member of the Sector 35 Committee. When confronted with this statement, Prak Yut responded that there were up to nine members of the Committee and she was unsure if Ta An was a member of this Committee. Mr. Pestman then pushed on, asking why Prak Yut had avoided mentioning Ta An's name when discussing the Sector 35 committee numerous times throughout her testimony, despite naming other members. Prak Yut did not clearly respond and appeared hesitant during this line of questioning.

Mr. Pestman then asked Prak Yut about Ta An's role during the DK period after they worked together on the Sector 35 Committee. Prak Yut responded that she is unsure if Ta An is dead or alive currently. Mr. Pestman asked her why she is unsure when Ta An currently lives approximately 30 kilometers from Prak Yut's current house. She responded that she simply had not contacted him and thus knew nothing about his current situation.

Mr. Pestman followed up by asking whether Prak Yut was afraid to testify regarding Ta An. She responded by claiming that she "is not afraid to talk about [Ta An]," stating that she and Ta An were separated when the "*Youn*"³ invaded and had not been in contact since.

Following up on this answer, Mr. Pestman asked Prak Yut, "Have you ever heard about Case 004 at this Court?" This question prompted an immediate interjection by Chamber President Nil Nonn, who stated that the question is not relevant to the first Case 002 trial.

Nonetheless, Mr. Pestman continued to press Prak Yut, stating, "What if I told you that Ta An and Im Chaem are suspects in Case 004?" This prompted another interruption by Chamber President Nil Nonn, who reminded Mr. Pestman that he must stay within the topics to be discussed and that Mr. Pestman should be "well aware" of this by this time. Mr. Pestman then explained that he was pursuing the current line of questioning to impeach Prak Yut as a witness, not to seek specific facts and stated, "I'm here to establish government interference in Case 002."

Chamber Judge Cartwright then interjected and appeared annoyed with Mr. Pestman's persistence, reminding him that his role is to "represent his client in this trial."

Mr. Pestman then proceeded by asking Prak Yut if anyone approached her before testifying and whether she is aware of the government's opposition to further investigation in Case 004. This question prompted an objection from the prosecution, which argued that "there are only a few people" in the courtroom who are aware of the factual information related to Case 004.

Mr. Pestman responded to this objection by arguing that "everyone" is well aware of the facts of Case 004, which are freely available on the internet.⁴ He further stated, "I believe that this witness is not free to testify" because of the government's opposition to Case 004.

³ A derogatory term used by the Khmer Rouge to refer to the Vietnamese.

⁴ Confidential ECCC documents from Cases 003 and 004 were previously leaked on the internet by the news service Scoop, based in New Zealand.

Chamber President Nil Nonn did not entertain this argument and instructed Mr. Pestman to limit his questioning specifically to the topics covered in the first Case 002 trial. The President then gave the floor to Judge Cartwright to pose some questions to Prak Yut before the Nuon Chea defense could continue.



Trial Chamber President Nil Nonn interrupts questioning by the Nuon Chea defense.

Judge Cartwright asked Prak Yut directly, “Has anyone threatened you about giving evidence in court today?” Prak Yut stated in response “I come to this court under no threat.” Judge Cartwright then asked if anyone asked Prak Yut “to be careful” about her testimony. Prak Yut denied this as well, stating “nobody coached [her]” to give certain testimony.

Chamber President Nil Nonn then announced the afternoon break.

Following the break, the President inquired if the Nuon Chea defense had any other questions. Mr. Pestman stated that, while the defense had no additional questions, he desired to make some observations about the previous exchange regarding his questions to Prak Yut about her knowledge of Case 004.

Mr. Pestman stated that the defense has the duty to cross-examine a witness, and it is not up to a judge to “come to the rescue” of a witness being impeached. He further added that, as long as it is within the boundaries of the law, the Nuon Chea defense team can choose its strategy freely. Mr. Pestman then “warned” the Chamber that the defense team would continue to raise the issue of political interference moving forward, as this was a core aspect of its strategy.

Prosecution counsel Dale Lysak then clarified the position of the prosecution, arguing that the Mr. Pestman had been interfering with the witness by suggesting that Prak Yut was being improperly influenced without directly asking as much. He further stated that it is the

prosecution's position that it was wholly proper and acceptable for Judge Cartwright to question Prak Yut in order to obtain clarification.

At this point Judge Jean-Marc Lavergne asked the civil parties if the documents they sought to use earlier (see above) in questioning had been translated to all three official ECCC languages and for additional clarification regarding why the civil parties sought to use such documents. Civil party counsel Philippine Sutz responded that some of the documents had been translated, but that not all documents were submitted by represented civil parties and, thus, have not been translated. She continued that the goal of the civil parties is to use the documents to help ascertain the CPK chain of command and communication structures related specifically to executions.

Following this clarification, Judge Cartwright put additional questions to Prak Yut. First, Judge Cartwright asked whether Prak Yut's faith in the revolution waned after her husband was arrested. To this, Prak Yut responded that "it would be incorrect if [she had] protest[ed]" the arrest of her husband and that although his arrest saddened her and she loved him, she "had to sacrifice" and "did not even cry when he was arrested."

Judge Cartwright Questions Witness

Next, upon additional questioning by Judge Cartwright, Prak Yut stated that in her view it is "wrong" to force people to work, but that at the time of the revolution she believed "we had to follow the plan of the upper echelon." Regarding what happened to people who could not be successfully "reeducated," Prak Yut claimed that there was "no arrests or killings, but there was reeducation" and further claimed that there "were no killing of people because they only made minor mistakes."

As for arrests and killings at the higher levels, Prak Yut responded that "it is true" that such killings occurred. Judge Cartwright then read out a statement by Prak Yut made to OCIJ investigators that local authorities "prepared the case" of suspected traitors and violators of CPK policies and submitted this information to the upper echelons. Prak Yut then acknowledged that this statement was made by her and is true to the best of her knowledge.

Ieng Sary and Khieu Samphan Defense Teams Decline Opportunity to Cross

This concluded questioning of Prak Yut by Judge Cartwright and the Ieng Sary and Khieu Samphan defense teams were provided opportunities to question the witness. Both defense teams declined to question Prak Yut. This left the request of the civil parties to pose additional questions based on civil party applications and victim statements as the only outstanding issue concerning Prak Yut's testimony.



Civil party lawyer Philippine Sutz reacts to the Trial Chamber's rejection of her request to use specific documents during questioning.

Chamber Considers and Rejects Civil Party Application to Use Documents in Questioning

After the judges conferred briefly, Judge Lavergne turned back to the request of the civil parties, asking if the documents sought to be used were translated into at least Khmer and either French or English. At this point counsel for Khieu Samphan asked for the original documents, rather than the summaries of the statements, which apparently did not appear in the digitized case file. Civil party counsel Philippine Sutz clarified that only the summaries of the statements are available in any language other than Khmer. Ms. Sutz argued however, the large number of civil party applications renders full translation impractical and stated that the documents are authentic, reliable and relevant to questioning.

Chamber President Nil Nonn then abruptly denied the request of the civil parties, stating that, because the documents are not translated into any language other than Khmer, they cannot be used. The President then proceeded to excuse Prak Yut as a witness and adjourned proceedings for the day, to be resumed the following morning at 9 a.m.