



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

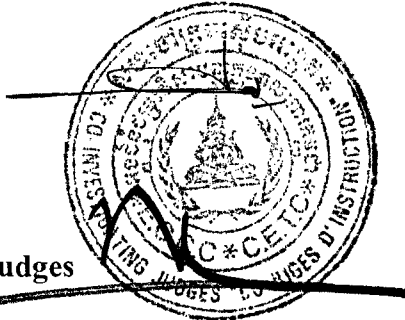
ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
OFFICE OF THE CO-INVESTIGATING JUDGES
BUREAU DES CO-JUGES D'INSTRUCTION

TO: **IENG Thirith Defence Team** Date: 03 December 2009
A: PHAT Pouv Seang
Diana ELLIS

FROM: **You Bunleng**
DE:

Marcel Lemonde

Co-Investigating Judges



PUBLIC

SUBJECT: **ACCEPTANCE OF IENG THIRITH'S REQUEST CONCERNING UNIFORM**
OBJET: **SPELLING OF WITNESS NAMES AND LOCATIONS**

REF: 002/19-09-2007-ECCC-OCIJ - D241

In your Request dated 13 November 2009, you asked the Co-Investigating Judges to “analyze the information available on the Case File and to provide the defence with a comprehensive list of the names of witnesses and locations mentioned throughout the Case File, and the different spellings used in English and/or French for one person or location”¹.

The Co-Investigating Judges are well aware of the problems raised by differences in the transliteration of Khmer names and locations. Indeed, there is no agreed standard form of transliteration of Khmer into English, due partly to the existence of phonetic sounds that do not exist in English. This is exacerbated, as the Defence points out, by the use of a distinct set of transliteration systems for French.

¹ D241 Defence Investigative Request for Uniform Spelling of Witness Names and Locations Mentioned throughout the Case File, 13 November 2009, para. 9.

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ប័ណ្ណបញ្ជាក់ច្បាប់
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification):
03 / 12 / 2009
មន្ត្រីទទួលបន្ទុកឯកសាររឿង/Case File Officer/L'agent chargé
du dossier: Uch Arun

ប័ណ្ណដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
03 / 12 / 2009
ម៉ោង (Time/Heure): 15:00
មន្ត្រីទទួលបន្ទុកឯកសាររឿង/Case File Officer/L'agent chargé
du dossier: Uch Arun

As regards the ECCC, despite concerted efforts since the opening of the Court, it has proved difficult to obtain consensus on a standard form for the transliteration of Khmer names. In addition, the ECCC has received large quantities of "latin script" translations of Khmer documents produced by third parties, each of which use their own transliteration system. In the case of bodies such as DC-Cam with large collections, there are even wide variations from one document to another within their collections. Whilst the ECCC translation service follows its own transliteration template, many documents had already been translated before the protocol was agreed and outsourced translations cannot be as strictly controlled. Cambodians also have a tendency to change names for a range of reasons and there is no comprehensive, countrywide system of name registration for all living Cambodians. Depending on where a name appears in the case file and why, the full name, including any alias, or aliases, may not be reproduced. Finally, many witnesses already have an "official" transliteration of their name on their identity documents, which must also be taken into account, especially as regards proof of identity of witnesses and Civil Parties.

In sum, it is impossible to ensure that Khmer names will always be transliterated in the same way. It is evident that, in these circumstances, only the original Khmer version of these names can be considered authentic. Accordingly, the Co-Investigating Judges have adopted a policy of including, wherever possible, the Khmer name of witnesses and other persons and places named in documents produced by OCIJ staff. In addition, the OCIJ Greffiers have compiled a list of Khmer names and "preferred" transliterations of the locations under investigation in Case File 002 and the names of OCIJ witnesses.

In response to your request, and in particular with a view to facilitating the identification of witnesses, the Co-Investigating Judges have instructed the Greffiers to review the Case File and compile a table containing the Khmer spelling of the abovementioned categories of names, the OCIJ preferred transliteration (which we make every effort to use in all OCIJ produced documents), a list of any other transliterations used to designate these persons and places and, in the case of witnesses, a list of all Written Records of interviews conducted with them by the OCIJ. This table will be provided to the parties as soon as possible. Of course, given the ongoing nature of the judicial investigation, we cannot guarantee that this list will be exhaustive.

Finally, should the OCIJ Greffiers discover an error in the transliteration of names in OCIJ produced Written Records and other documents, a request for correction would be filed with CMS. The Co-Investigating Judges note the discrepancies referred to in your Request and have instructed the Greffiers to review them for possible correction. If the Defence finds any further information of this nature, it may inform the OCIJ Greffiers accordingly.

