



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge Nation Religion Roi ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ០៩ / ០៧ / ២០១២
ម៉ោង (Time/Heure): 15:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 July 2012

Substantive Hearing on evidence – Day 84

Prepared by:

Andrew McINTYRE and SE Kolvuthy

<u>Attendance Record</u>
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE, Judge YA Sokhan, Judge YOU Ottara.
Reserve Judges: Judge THOU Mony, Judge Claudia FENZ.
Greffiers: Mr. Andrew McINTYRE, Mr. DUCH Phary, Ms. SE Kolvuthy, Ms. Natacha WEXELS-RISER.
OCP: Mr. CHAN Dararasmey, Mr. SENG Bunkheang, Ms. SONG Chorvoin, Mr. Tarik ABDULHAK, Mr. Salim NAKHJAVANI, Mr. Dale LYSAK.
Accused: Mr. KHIEU Samphan, Mr. NUON Chea, Mr. IENG Sary (from the holding cell)
Defence for the Accused: Mr. SON Arun, Mr. Andrew IANUZZI, Mr. Jasper PAUW, Mr. KONG Sam Onn, Mr. Arthur VERCKEN, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. LOR Chunthy, Mr. VEN Pov, Ms. CHET Vanly.
Witness: Mr. David CHANDLER (TCE-11), Mr. ROCHOEM Ton (TCW-564).
Others: Mr. Simon MEISENBERG, Ms. Julia LEMETAYER, Mr. LIM Bunheng (duty counsel).

<u>General court times</u>		
Day	Start time: 09:00	Finish time: 16:00
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 11:25	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:05
	Total Court Time:	4 hours, 10 minutes.

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Waiver of the Accused's right to be present in the courtroom	IENG Sary Defence	09:04	09:07
	NUON Chea Defence	11:25	11:25
Testimony of Expert Witness David CHANDLER (TCE-11)	KHIEU Samphan Defence	09:07	11:21
Testimony of Witness ROCHOEM Ton, alias PHY Phuon (TCW-564)	TC	13:52	14:13
	OCP	14:13	16:00
Ruling of the TC regarding IS Defense objection	TC	13:30	13:52

Summary of Proceedings

Waiver of the Accused's right to be present in the courtroom

The Accused Mr. IENG Sary and Mr. NUON Chea waived their right to be present in the courtroom (Mr. IENG Sary for the whole day and Mr. NUON Chea for the afternoon session).

Testimony of Expert Witness David CHANDLER (TCE-11)

The expert witness was questioned by the KHIEU Samphan Defence, which concluded his testimony.

Testimony of Witness ROCHOEM Ton, alias PHY Phuon, alias Vycheam (TCW-564)

The witness answered preliminary questions regarding his identity. He was then questioned by the Chamber And the Co-Prosecutors.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French

E3/12	6.3	00003136-00003142, 00000758-00000764 00182809-00182814 00224363-00224367	សេចក្តីសម្រេចរបស់គណៈមជ្ឈឹមអំពីបញ្ហា ផ្សេងៗមួយចំនួន Decision of central committee on a number of problems Decision of central committee on a number of problems	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		p. 2	
E3/1683	D108 /50/1 .75	00825418-00825422, 00823678-00823691, 00701668-00701679, 00820987-00820997 00193067-00193488 00824485-00824491, 00726657-00726663, 00825423-00825430	[Partial T.] ឧបសម្ព័ន្ធ ៧៥៖ សៀវភៅមាន ចំណងជើងថា សោកនាដកម្មជាប្រវត្តិ សាស្ត្រនៃប្រទេសកម្ពុជា Annex 75: Book entitled "The Tragedy of Cambodian History" [Partial T.] Annexe 75: Livre de David P. Chandler "The Tragedy of Cambodian History, Politics, War and Revolution since 1945"- Extraits	P		00193250	
E3/9	D222 /1.15	00755579-00755583 00396177-00396757 00639445-00640068	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] សៀវភៅនិពន្ធដោយ Philip Short មាន ចំណងជើងថា៖ "ប៉ូល ពត ប្រវត្តិនៃសុបន្តិ អាក្រក់មួយ" [Surrogate Sheet] Book by Philip Short entitled "Pol Pot, The History of a Nightmare" [Feuille remplacée] Livre écrit par Philip Short intitulé "Pol Pot, Anatomie d'un cauchemar"	P	00755581	00396199	00639458
E3/17	D222 /1.3	00392897-00393174	[Surrogate Sheet] CHANDLER David, Brother Number One	P	p. 60	00392974	00821724


E3/63	D107 /3	00228843- 00228846 00231408- 00231412 00376053- 00376057	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ភី ភូ S [Surrogate Sheet] Written Record of interview of PHY Phuon [Feuille remplacée] Procès verbal d'audition de PHY Phuon</p>	P			
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Oral Orders/Decisions:

- Order to bring the Accused NUON Chea (11:25) to the holding cell (waivers of the Accused IENG Sary (full day) and NUON Chea (afternoon) are attached to this written record).
- Order to bring the Accused back to the detention facility and to return the Accused NUON Chea and KHIEU Samphan to the courtroom and the Accused IENG Sary to the holding cell for the hearing on 26 July 2012 (if Mr. IENG Sary waives his right to be present in the courtroom).
- Order to arrange Expert Witness David CHANDLER's return to his home.
- The IENG Sary Defence questioned the regularity of one of the witness's statements before the OCIJ, based on the audio-recording of the interview. The Chamber decided that the question would be ruled upon if any irregularity appeared during the witness's questioning.
- Order to bring the Witness ROCHOEM Ton (TCW-564) to his accommodation and to return him to the courtroom for the hearing on 26 July 2012 before 9:00am.

Orders for Adjournment of Hearing
The hearing will resume on 26 July 2012 at 9:00 a.m.

Phnom Penh, 25 July 2012

Greffier    Greffier
Andrew McINTYRE SE Kolvuthy