



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 ព្រះរាជាណាចក្រកម្ពុជា Nation Religion Roi ORIGINAL DOCUMENT/DOCUMENT ORIGINAL ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ០៩ / ០៧ / ២០១២ ម៉ោង (Time/Heure): 15 : ០០ អន្តើមទូលបន្ទុកឯកសាររឿង/Case File Officer/L'agent chargé du dossier: SANN RARA
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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 July 2012

Substantive Hearing on evidence – Day 85

Prepared by:

Natacha WEXELS-RISER and SE Kolvuthy

Attendance Record
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: Ms. Natacha WEXELS-RISER, Ms. SE Kolvuthy, Mr. DUCH Phary.
OCP: Ms. SONG Chorvoin, Mr. SENG Bunkheang, Mr. Tarik ABDULHAK, Mr. Dale Lysak, Mr. BOU Chanthan.
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. Arthur VERCKEN, Mr. KONG Sam Onn, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Ms. Christine MARTINEAU, Mr. LOR Chuntty, Mr. VEN Pov, Ms. TY Srinna.
Witness: ROCHOEM Ton alias PHY Phuon (TCW-564).
Others: Mr. Jay GALIK, Ms. Sonia MESSAOUDI, Mr. LIM Bunheng (Duty counsel).

<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:00
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:05	Finish time: 13:40
Recess pm	Start time: 14:45	Finish time: 15:00
	Total Court Time:	4 hours and 45 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	9:02	9:03
	NUON Chea	12:03	12:06
	KHIEU Samphan	14:42	14:43
Testimony of Witness ROCHOEM Ton alias PHY Phuon	OCP	9:05	16:00
Ruling on NUON Chea Defence request for NC to observe the proceedings remotely	TC	13:39	13:45

Summary of Proceedings

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

The three Accused waived their right to be present in the courtroom (Mr. IENG Sary for the whole day, Mr. NUON Chea for the afternoon session and Mr. KHIEU Samphan from 14:42).

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

The Co-Prosecutors continued questioning the witness.

Ruling on NUON Chea Defence request for his client to observe the proceedings remotely

The Trial Chamber denied NC Defence counsel request on the basis that the facilities in the holding cell are available to enable the Accused to participate in more informal circumstances than in the courtroom. They have been inspected and approved by all parties. If, however, they are not serving their purpose, it is the responsibility of counsel for the particular accused to draw that to the Chamber's attention when it happens and not make a general comment in Court.

Record of Rule 87(3) Proceedings							
TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
E3/63	D107/3	00228843-00228846 00231408-00231412 00376053-00376057	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ភី ភូន ស [Surrogate Sheet] Written Record of interview of PHY Phuon [Feuille remplacée] Procès verbal d'audition de PHY Phuon	P	00228844	00231409-10	00376054-55
E3/9	D222/1.15	00755579-00755583 00396177-00396757 00639445-00640068	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] [Partial T.] សៀវភៅនិពន្ធដោយ Philip Short មានចំណងជើងថា៖ "ប៉ុល ពត ប្រវត្តិនៃសុបន្តិអាក្រក់មួយ" [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	00755782	00396465, 00396468	00639786-87, 00369790-1
E3/136	D313/1.2.237	P 00416593-00416593 P 00416593-00416593 P 00416593-00416593	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971	P			
E3/1595	D313/1.2.234	P 00416590-00416590 P 00416590-00416590 P 00416590-00416590	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971 [Surrogate Sheet] Photograph depicting senior leaders at a Party Congress, possibly in 1971	P			
E3/11	D243/2.1.12	00063116-00063187 00486212-00486266 00492795-00492857	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ទង់បដិវត្ត លេខ ពិសេស កញ្ញា 1977 [Surrogate Sheet] CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September 1977 (FULL) [Feuille remplacée] CPK Magazine entitled: "The Revolutionary Flag", Special Issue, September 1977 (FULL)	P	00063162	00486247	00492836

E3/24	D91/ 10	00204066- 00204075 00223578- 00223588 00503917- 00503929	[សិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ភី ភូ ន ថ្ងៃទី០៥ ១២ ២០០៧ [Surrogate Sheet] Written Record of Interview of PHY Phuon [Feuille remplacée] [Corrigée 1] Procès verbal d'audition de PHY Phuon	P	00204070- 71	00223583- 84	00503923- 24
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Oral Orders/Decisions

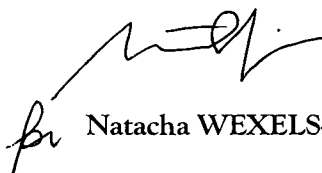
- Order for the parties to draw the Chamber's attention on the capacity of the accused to participate, and not to make general comments in Court.
- Order to bring the Accused NUON Chea (12:04) and KHIEU Samphan (14:42) to the holding cell (waivers of the Accused IENG Sary (remainder of the day) NUON Chea (afternoon), and KHIEU SAMPHAN are attached to this written record).
- Order to bring the Accused back to the detention facility and to return the Accused NUON Chea, KHIEU Samphan and IENG Sary to the courtroom for the hearing on 30 July 2012.
- Order to bring the Expert Witness ROCHOEM Ton alias PHY Phuon to his accommodation and to return him to the courtroom for the hearing on 30 July 2012 before 9:00am.

Orders for Adjournment of Hearing

The hearing will resume on 30 July 2012 at 9:00 a.m.

Phnom Penh, 26 July 2012

Greffier


Natacha WEXELS-RISER



Greffier


SE Kolvuthy