



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): 13 / 1 / 08 / 2012 ម៉ោង (Time / Heure): 10 : 00 មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer / L'agent chargé du dossier: SANN RADA
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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

31 July 2012

Substantive Hearing on evidence – Day 87

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. DAV Ansan.
OCP: Mr. SENG Bunkheang, Mr Tarik ABDULHAK, 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. Arthur VERCKEN, Mr. KONG Sam Onn, Mr. ANG Udom, Mr. Michael G. KARNAVAS.
Civil Parties: Mr. PICH Ang, Ms. Elisabeth SIMONNEAU-FORT, Mr. SAM Sokong, Mr. VEN Pov.
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: 16:05
Recess am	Start time: 10:25	Finish time: 10:50
Recess	Start time: 12:10	Finish time: 13:30
Recess pm	Start time: 14:30	Finish time: 14:50
	Total Court Time:	5 hours

<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	9:04
	NUON Chea	12:02	12:02
Testimony of Witness ROCHOEM Ton alias PHY Phuon (TCW-564)	TC	9:05	10:25
	NC Defence	10:50	14:30
	IS Defence	14:55	16:03
Oral ruling on IENG Sary Defence request about the use of confessions	TC	16:02	16:03

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, Mr. NUON Chea for the afternoon session).

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

The Trial Chamber questioned the witness. The Defence then questioned the witness.

Oral Ruling in IENG Sary Defence request about the use of confessions

The Chamber referred to its prior ruling on the use of torture-tainted evidence and reiterated that parties may not refer to the content of any of the confessions extracted under torture, but parties may refer to other annotations or the dates on the confessions.

Record of Rule 87(3) Proceedings

TC No	OCIJ No	ERN	Title	Class	Note in Khmer	Note in English	Note in French
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E3/189	D108 /43/3	00323157- 00323163 00179652- 00179655 00186604- 00186609	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] ឧបសម្ព័ន្ធព្រះវិចិត្តចុះថ្ងៃទី២០ ខែមីនា ឆ្នាំ១៩៧៥ ពីតំណាងអចិន្ត្រៃយ៍របស់ចិនប្រចាំអង្គការ សហប្រជាជាតិ ជូនចំពោះអគ្គលេខាធិការ</p> <p>[Surrogate Sheet] Annex 3: Letter dated 20 March 1975 from the Permanent Representative of China to the United Nations addressed to the Secretary-General dated 20 March 1975 [Feuille remplacée] Annex 3: Letter dated 20 March 1975 from the Permanent Representative of China to the United Nations addressed to the Secretary-General, en date du 20 mars 1975</p>	P			
E3/1695	D359 /1/1. 1.37	00796130- 00796133 00166994- 00166996	<p>[Partial T.] ឧបសម្ព័ន្ធ ៣៧៖ របាយការណ៍ និង ឯកសារប្រទេសកម្ពុជារៀបរាប់ពីទំនាក់ទំនង រវាង កម្ពុជា និង រដ្ឋដទៃទៀត</p> <p>[Partial T.] Annex 37: Cambodian documents and statements about the relations between Cambodia and other states</p>	P			
E3/18	4.23	00103802- 00103899 00103717- 00103801 00595365- 00595529	<p>សៀវភៅនិពន្ធដោយ ខៀវ សំផន មានចំណងជើងថា៖ "ប្រវត្តិសាស្ត្រកម្ពុជាថ្មីៗនេះនិងគោលជំហរ របស់ខ្ញុំជាបន្តបន្ទាប់"</p> <p>Booked by KHIEU Samphan entitled: "Cambodia's recent history and the reasons behind the decisions I made" Livre écrit par KHIEU Samphan intituté:"L'histoire récente du Cambodge et mes prises de position"</p>	P			
N/A	E190. 1.406	00660820- 00660874 00660621- 00660651 00754243- 00754297	<p>បទសម្ភាសន៍ជាមួយ TCW-564</p> <p>Interview with TCW-564 Interview avec TCW-564</p>	P	00660845, 00660870, 00660865, 00660821, 00660835, 00660820	00660634, 00660649, 00660646, 00660633, 00660629, 00660621	00754259, 00754244
E3/24	D91/ 10	00204066- 00204075 00223578- 00223588 00503917- 00503929	<p>[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ភី ភួន ថ្ងៃទី០៥ ១២ ២០០៧</p> <p>[Surrogate Sheet] Written Record of Interview of PHY Phuon [Feuille remplacée] [Corrigée 1] Procès verbal d'audition de PHY Phuon</p>	P	00223583	00204070- 71	00503922- 24

E3/63	D107 /3	00228843- 00228846 00231408- 00231412 00376053- 00376057	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី ភី ភួន [Surrogate Sheet] Written Record of interview of PHY Phuon [Feuille remplacée] Procès verbal d'audition de PHY Phuon	P	00228845	00231410	00376055- 56
E3/60	D88	00195590- 00195598 00195599- 00195607 00195608- 00195617	[លិខិតបញ្ជាក់ការជំនួសឯកសារ] កំណត់ហេតុនៃការសួរចម្លើយ ឌុច ចុះថ្ងៃទី ០៣ មិថុនា ២០០៨ [Surrogate Sheet] Written Record of Interview of Duch by CIJ on 03-06-2008 [Feuille remplacée] Procès verbal d'interrogatoire de Duch par CJI le 03-06- 2008	P	00195598	00195606	

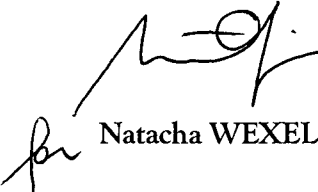
Oral Orders/Decisions:


- The Chamber referred to its prior ruling on the use of torture-tainted evidence and reiterated that parties may not refer to the content of any of the confessions extracted under torture, but parties may refer to other annotations or the dates on the confessions.
- Order to bring the Accused NUON Chea (12:02) 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 them to the courtroom for the hearing on 31 July 2012.
- Order to bring Witness ROCHOEM Ton alias PHY Phuon to his accommodation and to return him to the courtroom for the hearing on 1 August 2012 before 9:00am.


Orders for Adjournment of Hearing

The hearing will resume on 1 August 2012 at 9:00 a.m. 

Phnom Penh, 31 July 2012

Greffier 
Natacha WEXELS-RISER



Greffier 
SE Kolvuthy