



**ឯកសារដើម**  
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
..... 31 / 05 / 2013 .....

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អ្នកបញ្ជូនឯកសារដំបូង/Case File Officer/L'agent charge  
du dossier: ..... UCH ARUN .....

E1/166

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

**ព្រះរាជាណាចក្រកម្ពុជា**

**ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

WRITTEN REORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

29 January 2013

Substantive Hearing on evidence - Day 153

Prepared by:

Roger PHILLIPS and SE Kolvuthy

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge YA Sokhan, Judge YOU Ottara, Judge Silvia CARTWRIGHT, Judge Jean-Marc LAVERGNE)
<b>Reserve Judges:</b> Judge THOU Mony, Judge Claudia Fenz
<b>Greffiers:</b> Mr. Roger PHILLIPS, Ms. SE Kolvuthy, Mr. DAV Ansan.
<b>OCP:</b> Mr. SENG Bunkheang, Mr. Dale Lysak
<b>Accused:</b> Mr. KHIEU Samphan, Mr. IENG Sary (present but in his holding cell).
<b>Defence for the Accused:</b> Mr. SON Arun, Mr. Victor KOPPE, Anta GUISSSE, Mr. Michael KARNAVAS, Mr. ANG Udom.
<b>Civil Parties:</b> Ms. Elisabeth SIMONNEAU-FORT, Mr. PICH Ang, Mr. VEN Pov, Ms. Christine MARTINEAU.
<b>Witness:</b> Mr. Al ROCKOFF (TCW-565)
<b>Others:</b> Mr. UCH Arun, Ms Pauline RODOT, Ms. SOUR Sotheavy.

**General court times**

Day	Start time: 09:05	Finish time: 11:55
Recess am	Start time: 10:35	Finish time: 11:00
	Total Court Time:	2 hours and 25 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
IENG Sary's request for authorisation to participate remotely to the proceedings	TC	9:05	9:05
Waiver of NUON Chea's right to be present in the Courtroom	TC	9:05	9:06
Testimony of witness Al ROCKOFF (TCW-565)	NC KS	9:07 10:18	10:18 11:38
OCP Intervention	OCP	11:16	11:16
KHIEU Samphan waiver of his right to be present for document hearings on 30 and 31 January.	KS Defence	11:36	11:38
The OCP submission regarding document admissibility	OCP	11:39	11:39
Trial Chamber ruling on procedure for admissibility of documents	TC	11:40	11:45
Trial Chamber questions to parties regarding document hearing	TC	11:47	11:52

#### Summary of Proceedings

##### IENG Sary's request for authorisation to participate remotely to the proceedings and his waiver to be present in the courtroom

The Accused IENG Sary is present in his holding cell due to his health and will participate remotely for the entire day. The Trial Chamber granted IENG Sary's request to participate remotely to the proceedings from his holding cell for the entire day.

##### Waiver of NUON Chea's right to be present in the courtroom

The Accused NUON Chea is still admitted to the Khmer Soviet Friendship hospital and

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waived his right to be present in the courtroom for the entire day.

Testimony of Witness AI ROCKOFF (TCW-565)

The Defence Counsels of NUON Chea and KHIEU Samphan pose questions to the Witness. The Witness concluded his testimony.

Objections raised by the OCP

The Defence questioned the witness in order to know if he had been approached by the Co-Investigating Judges. The Co-prosecutor objected to the relevance of this question and reminded the Court that the witness was not in a position to understand the different organs of the Court.

The President consider the Defence's question as repetitive and advise the witness not to respond to this question.

Waiver of KHIEU Samphan's right to be present for document hearing

KHIEU Samphan waiver of his right to be present for document hearings on 30 and 31 January.

Objection raised by the OCP

The "Killing fields" film cannot be taken as evidence before the Chamber.

Two objections are raised by the OCP:

The Defence's Counsel keeps asking repetitive questions and is mischaracterizing the witness's answers.

The President sustains these objections and instructs the witness not to respond to this latest question.

The President indicates that the Parties are not allowed to present a document to the witness which is not on one of the Parties proposed lists.

Record of Rule 87(3) Proceedings

TC Ref Number	OCIJ Ref Number	Name/Description	Party/TC	Remarks (ERN)

Oral Orders/Decisions:


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- Order allowing the Accused IENG Sary to participate from the holding cell during the entire day (waiver of the Accused is attached to this written record).
- Ruling on NUON Chea's waiver to be present during today's hearing of the witness. Order to proceed today's hearing without the Accused NUON Chea present.
- Order to bring Witness AI ROCKOFF (TCW-565) back to his accommodation.
- Order to the security personal to bring M. KHIEU Samphan to the detention facility and to return M. IENG Sary to his holding cell, and have them returned to the Courtroom by 9 am on Thursday 30 January 2013.

**Orders for Adjournment of Hearing**Court will resume at 9:00 a.m. on 30 January 2013. *SP*

Phnom Penh, 29 January 2013

Greffier

  
*for* Roger PHILLIPS

Greffier



SE Kolvuthy