

**Nuon Chea, Ieng Sary Defence Claims ‘Subterfuge’**

**Stuart White**

**August 28, 2012**

Witness Ton Rochoem, alias Phy Phuon, continued to be a source of controversy at the Khmer Rouge tribunal yesterday, with defence teams for both co-accused Nuon Chea and Ieng Sary calling on the court to address issues with the former Khmer Rouge administrator’s testimony.

In an addendum to a previous filing calling for summary action against Minister for Foreign Affairs Hor Namhong for interference in the tribunal’s work, Nuon Chea’s defence drew a timeline linking the testimony of Phuon that Namhong was in charge of the Boeung Trabek detention facility, to Namhong’s statement to the press the next day refuting the testimony and to Phuon’s subsequent retraction of his remarks to local media.

“[Namhong’s] statement appears to have efficiently and effectively achieved one of its intended results,” the filing read, going on to argue that the court should take “summary action” against Namhong for comments amounting to governmental interference in the court.

Nuon Chea defence counsel Andrew Ianuzzi said that at a minimum the court should issue a statement condemning Namhong’s actions.

“In this instance, you have an action that had a much more tangible effect on the proceedings, and the response should be much more robust,” he said, adding that interference in court proceedings violated the Cambodian penal code. “If they take really robust steps, such as referring it to the local authorities, with the prospect of a real investigation, possible jail time, possible sanctions, possible fines – in a normal judicial system, that could act as a deterrent.”

Ieng Sary’s team also joined the scrum, taking the court’s investigators to task for interview techniques that it claimed amounted to “subterfuge.”

The team discovered that the second of Phuon’s two interviews with court investigators appeared to have been “staged ... where questions and answers were prepared based on a prior unrecorded interview and then read into a recording device”.

Ieng Sary attorney Michael Karnavas called for the interpreter from Phuon’s second interview to clarify contradictions in the statements.

“We are now uncovering all sorts of irregularities, calling into question the quality and value of these statements,” Karnavas said.

Court spokesman Lars Olsen could not be reached.