



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... 25 / 11 / 2014

ម៉ោង (Time/Heure): 14:30

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: Sann Rada

E1/242

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 RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 October 2014

Further Opening Hearings Case 002/02 – Day 225

Prepared by:

SE Kolvuthy and Roger PHILLIPS

| |
|---|
| Attendance Record |
| Before: Judge NIL Nonn (President), Judge Claudia FENZ, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge YOU Ottara. |
| Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve) |
| Greffiers: Mrs. SE Kolvuthy; Mr. Roger PHILLIPS; Ms. Sivhoang CHEA. |
| OCP: Ms. CHEA Leang; Mr. Nicolas KOUMJIAN; Mr. William SMITH; Mr. SENG Bunkheang; Mr. SENG Leang; Ms. SONG Chorvoin; Mr. SREA Rattanak; Mr. Vincent DE WILDE D'ESTMAEL; Mr. Dale LYSAK; Mr. Salim NAKHJAVANI; Mr. Joseph Andrew BOYLE. |
| Accused: Mr. NUON Chea; Mr. KHIEU Samphan. |
| Defence for the Accused Noun Chea: Mr. SON Arun; Mr. Victor KOPPE; Mr. SUON Visal. |
| Defence for Khieu Samphan: Mr. KONG Sam Onn; Ms. Anta GUISSÉ |
| Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. LOR Chunthy; Ms. MOCH Sovannary; Mr. HONG Kimsuon; Mr. VEN Pov; Ms. TY Srinna; Ms. SIN Soworn; Mr. Yiqiang LIU. |
| Witness: n/a |

Others: Mr. Russell HOPKINS (Legal Advisor); Mr. UCH Arun (Court Officer); Ms. SOUR Sotheavy (Associate Court Officer); Mr. Laurent SOULARD (Transcriber); Ms. Kerri MILES (Transcriber); Mr. Sheriffo JAMMEH (Transcriber), Mr. Mario D'ALESSANDRO.

General court times

| | | |
|-----------|-------------------|--------------------|
| Day | Start time: 09:00 | Finish time: 14:55 |
| Recess am | Start time: 10:30 | Finish time: 10:55 |
| Recess | Start time: 11:45 | Finish time: 13:30 |
| | Total Court Time: | 3 hours 45 minutes |

Proceedings

| Type of Issue | Raised By | Start time | Finish time |
|--|---|------------|-------------|
| Opening of the Substantive Hearing | Trial Chamber | 09:03 | 09:13 |
| Reading of Counts against the Accused | Greffier | 09:13 | 09:21 |
| President query regarding Accused Invocation of Right to Remain Silent | Trial Chamber | 09:21 | 09:21 |
| | NUON Chea | 09:22 | 09:23 |
| | KHIEU Samphan | 09:23 | 09:25 |
| Opening Statement | Co-Prosecutors | 09:26 | 11:45 |
| Issues of Civil Parties | Trial Chamber | 10:27 | 10:27 |
| | Lead Co-Lawyers | 10:27 | 10:29 |
| Response of the Accused | NUON Chea | 13:31 | 14:00 |
| | NUON Chea Defence | 14:01 | 14:02 |
| | KHIEU Samphan | 14:03 | 14:17 |
| | KHIEU Samphan Defence | 14:18 | 14:30 |
| Defence exit the courtroom | Defence team of NUON Chea and KHIEU Samphan | 14:38 | |
| Observation on the Defence boycott | Co-Prosecutor | 14:38 | 14:40 |
| | Lead Co-Lawyer | 14:41 | 14:44 |

Summary of Proceedings

Opening of the Substantive Hearing

The Trial Chamber President declares the opening of the hearing of case 002/02.

Reading of Counts

Greffier read the counts against the Accused.

President asks about right to remain silent

President queried whether the accused intend to exercise their right to remain silent.

NUON Chea invoked this right. KHIEU Samphan indicated he would respond to the President's question after making his opening statement.

Co-Prosecutors Opening Statements

The Co-Prosecutors made their brief Opening Statements.

Issues of Civil Parties

The President asked the Lead Co-Lawyers to clarify the information regarding the group of civil parties who would like to submit a motion to the Trial Chamber. The Lead Co-Lawyer said he will meet with the civil parties during the break.

Accused Response (NUON Chea)

The Accused NUON Chea responded to the Co-Prosecutors' opening statement. He also asked the bench to step down until the issuance of the decision on the pending Disqualification Applications, stating that otherwise he will instruct his lawyers to leave the Court.

Accused Response (KHIEU Samphan and his lawyers)

The Accused KHIEU Samphan responded to the Co-Prosecutors' Opening Statement. He requested to not take part in the proceedings in case 002/02 until the Appeal has been fully submitted to the Supreme Court Chamber. Defence Counsel responded to the opening statement of the Co-Prosecutors and announced an intention to boycott the proceedings on the instruction of their client.

Defence exit the courtroom

Defence Teams of both accused leave the Courtroom. Accused remain.

Observation on the Defence boycott

The international Co-Prosecutor requests the Court to order Defence Counsel to appear again. Civil Parties Lawyers emphasize that it is also interest of the civil parties to have the defence present and to see the right of the defence respected though balanced with the rights of the civil parties.

Oral Orders/Decisions:

- The Chamber wishes that all parties will attend the trial meeting which is scheduled for Tuesday 21 October 2014 at 9 a.m.
- The president orders the security to bring the accused to the prison facilities (14:54).

Orders for Adjournment of Hearing
The hearing is adjourned and the Chamber will notify the hearing schedule to the parties.

Phnom Penh, 25 November 2014

Greffier

Greffier



SE Kolvuthy

Roger PHILLIPS