



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
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ROYAUME DU CAMBODGE
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ០២ / ០១ / ២០១១
ម៉ោង (Time/Heure) : ១០ : ៥០
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: JACIN RAOA

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

31 January 2011

Applications for Provisional Release

Prepared by: DUCH Phary and Natacha WEXELS-RISER

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony.
Reserve Judges: Judge YOU Ottara (Reserve) and Judge Claudia FENZ (Reserve)
Greffier/s: Mrs. SE Kolvuthy, Ms. Natacha WEXELS-RISER, Mr. DUCH Phary, Mr. LIM Suy-Hong.
OCP: Mrs. CHEA Leang, Co-Prosecutor; Mr. Andrew CAYLEY, Co-Prosecutor; Mr. SENG Bunkheang, Deputy Co-Prosecutor; Mr. PICH Sambath, Senior Assistant; Mr. PAK Chanlino, Assistant to Co-Prosecutors; Ms. Colleen GILG, Associate Legal Officer; Mr. PHANN Sochea, Greffier.
Accused: Mr. NUON Chea; Mr. KHIEU Samphan, Mrs. IENG Thirith
Defence for the Accused: Mr. SON Arun, Co-lawyer; Mr. Jasper PAUW, Legal Consultant; Mr. Andrew IANUZZI, Legal Consultant; Mr. Phalla Prum, Case Manager. Mr. SA Sovan, Co-Lawyer; Mr. SENG Socheata, Case Manager; Mr. Frédéric HIVON, Legal Consultant; Ms. Marie CAPOTORTO, Legal Consultant; Ms. Shéhérazade BOUARFA, Legal Consultant.

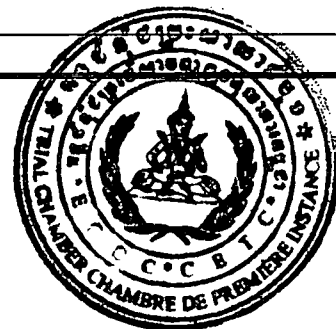


Mr. PHAT Pouy Seang, Co-lawyer; Mr. KHAN Sereyvuthy, Case Manager; Ms. Vera MANUELLO, Legal Consultant.
Lawyers for the Civil Parties: Mr. PICH Ang and Ms. Elisabeth SIMONNEAU FORT.
Courtroom Officer/CMS: Mr. UCH Arun.
Others: Mr. Scott BYWATER, Mr. LAY Nara, Mr. MEACH Sovanna, Mrs. Franziska ECKELMANS, Ms. Susan LAMB.

General court times		
Day	Start time: 9:30	Finish time: 15:40
Recess am	Start time: 10:40	Finish time: 11:05
Recess	Start time: 11:45	Finish time: 13:35
Recess pm	Start time: 14:25	Finish time: 14:50
	Total Court Time:	3 hours and 30 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Recognition of Foreign Lawyer	Trial Chamber	09:40	09:45
Participation of Civil Party Lead Co-Lawyers	Defence for IENG Thirith and NUON Chea	09:45	09:50
Presence of IENG Thirith during the Hearing	Trial Chamber	09:55	10:00
Application for Provisional Release	Defence for NUON Chea	10:00	10:40
Application for Provisional Release	Defence for KHIEU Samphan	11:05	11:20
Application for Provisional Release	Defence for IENG Thirith	11:20	11:25
Additional Submissions from the Defence	Trial Chamber	11:25	11:45
Response to Applications for Provisional Release	Office of the Co- Prosecutors	13:35	14:20
Reply to OCP Response to Applications for Provisional Release	Defence for NUON Chea	14:50	15:20
Reply to OCP Response to Applications for Provisional Release	Defence for KHIEU Samphan	15:20	15:30
Reply to OCP Response to Applications for Provisional Release	Defence for IENG Thirith	15:30	15:35

Summary of Proceedings:
The President declares the opening of the hearing.



Recognition of Foreign Civil Party Lawyers (Rule 22(2)(a)):

Mr Jasper PAW is introduced by the Cambodian Co-Lawyer and recognised by the Trial Chamber for these proceedings.

Participation of Civil Party Lead Co-Lawyers:

The President indicates that the Civil Party Co-Lead Lawyers are allowed to attend the hearing but have no right to make comments with regards to the applications for release.

Presence of IENG Thirith during the Hearing:

IENG Thirith waives her right to be present during the hearing and indicates that her lawyers will continue to represent her in her absence. She is escorted back to the Detention Facility.

Presence of NUON Chea during the hearing:

NUON Chea feels unwell. His lawyer indicates that he waives his right to be present during the hearing and indicates that his lawyers will continue to represent him in his absence. He is escorted back to the Detention Facility.

Applications for Provisional Release

Each Defence Team presents its oral arguments in support of their respective Applications for Provisional Release and answers two questions of the Trial Chamber. Upon request of the Trial Chamber, each Defence Team also presents additional submissions pursuant to Rule 63(3).

OCP Responses to Applications for Provisional Release and Defence Replies

The Co-Prosecutors present their oral responses to all Defence Applications for Provisional Release. Thereafter, each Defence team is allowed to reply to the Co-Prosecutors responses.

Oral Orders/Decisions:

Order to take the Accused to the Detention Facility.

Orders for Adjournment of Hearing

The hearing is adjourned. Written Decisions on the Defence Applications for Provisional Release will be issued as soon as possible pursuant to Rule 82(3). *new*

Phnom Penh,
31 January 2011



 Greffier DUCH Phary Greffier Natacha WEXELS-RISER