



**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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
 ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Nov-2014, 13:35  
**Sann Rada**  
 CMS/CFO:.....

TRANSCRIPT OF PROCEEDINGS  
 PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

24 November 2014  
 Trial Day 227

Before the Judges:

NIL Nonn, Presiding  
 Claudia FENZ  
 YA Sokhan  
 Jean-Marc LAVERGNE  
 YOU Ottara  
 THOU Mony (Reserve)  
 Martin KAROPKIN (Reserve)

Accused:

NUON Chea  
 KHIEU Samphan

Lawyers for the Accused:

SON Arun  
 Victor KOPPE

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy

Lawyers for the Civil Parties:

PICH Ang  
 Marie GUIRAUD  
 Yiqiang LIU  
 SIN Soworn  
 VEN Pov  
 LOR Chunthy  
 HONG Kimsuon  
 CHET Vanly

For the Office of the Co-Prosecutors:

Nicholas KOUMJIAN  
 SENG Bunkheang  
 SENG Leang  
 Salim NAKHJAVANI

For Court Management Section:

UCH Arun

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
THE PRESIDENT (NIL Nonn, Presiding)	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0907H)

3 MR. PRESIDENT:

4 Please be seated.

5 Madam Se Kolvuthy, could you report on the attendance of the

6 Parties to the proceedings today.

7 THE GREFFIER:

8 Mr. President, for today's proceedings, the Greffier notes that

9 all Parties to the proceedings are present, except the defence

10 counsel for Khieu Samphan who are absent and they notified the

11 Chamber that they continue not to participate in the proceedings

12 in Case 002/02.

13 As for the civil party -- TCCP-296 -- is present and ready to be

14 called by the Chamber.

15 Thank you.

16 [09.09.22]

17 MR. PRESIDENT:

18 Thank you, Madam Greffier.

19 The Chamber notes that on Sunday, the 23rd November 2014, that is

20 yesterday, we received a letter from the defence team for Khieu

21 Samphan who notified the Chamber that the Defence will continue

22 not to participate in the proceedings in Case 002/02 despite the

23 fact that they have been appointed by the Chamber. Also, in their

24 letter, they raised the same argument that they have raised

25 earlier.

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1 Everything the Chamber has done to this point has been with the  
2 goal of getting counsel for Khieu Samphan into Court, to commence  
3 the substantive proceedings in Case 002/02.

4 [09.10.34]

5 The Khieu Samphan defence has had adequate time to prepare for  
6 the Trial in the 10 months between the Closing Argument and the  
7 Judgement in Case 002/01, during which time they were fully  
8 compensated. The Chamber also considers they have had adequate  
9 time to prepare the Appeal, while noting the Nuon Chea defence  
10 has the same issues and workload and announced on 17 October  
11 2014, that he had been ready since March 2014.

12 The Chamber considers that the real problem is the Khieu Samphan  
13 defence's lack of diligence. As one example, both international  
14 lawyers for the Khieu Samphan defence are currently in Paris  
15 where they have law offices. This is at a time when their full  
16 attendance should be to this case in Phnom Penh.

17 [09.11.59]

18 The Chamber's concession of reducing the Trial days from three  
19 days a week to two days a week was ignored. It is obvious that  
20 none of these concessions and accommodations on the part of the  
21 Chamber have worked. The Chamber further notes that its primary  
22 responsibility is to commence and then conduct the Trial in Case  
23 002/02 in a fair and expeditious manner for the interest of  
24 justice to prevail. It is clear that the Khieu Samphan defence  
25 will not participate in the proceedings in Case 002/02 before the

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1 end of this year. Counsel for Khieu Samphan have declared that  
2 they will commence the Trial after the Appeal brief is due on 29  
3 December 2014.

4 The Chamber recognises that at this point in time, there are, at  
5 most, six trial dates left in the Chambers trial calendar for  
6 2014. The Chamber has advised Khieu Samphan himself that the  
7 right to counsel of his choosing is not absolute. The Chamber  
8 also recognises that any effort to replace Khieu Samphan's  
9 defence team at this time will result in a substantial delay in  
10 the Trial.

11 (Microphone not activated)

12 (No interpretation)

13 [09.14.02]

14 MR. PRESIDENT:

15 The Chamber has advised Khieu Samphan himself that the right to  
16 counsel of his choosing is not absolute. The reason for this is  
17 that there are no -- the Chamber also recognises that any effort  
18 to replace Khieu Samphan's defence team at this time will result  
19 in a substantial delay in the Trial. The reason for this is that  
20 there are no attorneys available at this time who are familiar  
21 with the voluminous case file and could take over on short  
22 notice.

23 As a consequence, the Chamber has no reasonable alternative but  
24 to adjourn the case until January 2015. Both Khieu Samphan  
25 himself and his defence counsel have asserted that their purpose

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1 is not to delay the Trial beyond January 2015. We will all have  
2 an opportunity to see if that is a true statement.

3 In the meantime, the Chamber will continue to pursue other  
4 options as mentioned by the President on 17 November 2014,  
5 including appointment of further counsel.

6 Furthermore, the Chamber considers referring the misconduct of  
7 counsel to the appropriate professional body as per Internal Rule  
8 38.

9 [09.15.40]

10 At this time, all trial dates, scheduled by the Trial Chamber in  
11 2014, are cancelled.

12 The Trial is adjourned until 8 January 2015.

13 The Chamber instructs and invites all the Parties to Case 002/02  
14 to participate in the proceedings on the 8 January 2015,  
15 commencing from 9 a.m.

16 And the Chamber wishes to thank the witness – the civil party,  
17 TCCP-296, for taking a journey by a summons to this Court. Due to  
18 the adjournment of today's proceedings, Court officials in  
19 liaison with the WESU, to coordinate the journey of the civil  
20 party, TCCP-296, back to the residence until further summons by  
21 the Trial Chamber.

22 Security guards, you are instructed to take the accused, Nuon  
23 Chea and Khieu Samphan to the detention facility and have them  
24 returned to this courtroom on Thursday the 8th of January 2015,  
25 prior to 9 a.m.

1 The Court is now adjourned.

2 (Court adjourned at 0917H)

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