



# អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

## អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER

CHAMBRE PRELIMINAIRE

Criminal Case File

N° 002/19-09-2007-ECCC/OCIJ (PTC14)

Dated 28 October 2008

and

N° 002/19-09-2007-ECCC/OCIJ (PTC15)

Dated 18 November 2008

### **CONDUCT OF CRIMINAL PROCEEDINGS**

**Commencing 3 April 2009, 9:00 am**

**Public Hearing**

#### **SITTING TIMES**

Session 1 : 9 am to 10.15 am

(15 MINUTE BREAK)

Session 2 : 10.30 am to 11.45 am

(1.h LUNCH BREAK)

Session 3 : 12.45 pm – 2.00 pm

(15 MINUTE BREAK)

Session 4: 2.15 pm - 4.00 pm

(15 MINUTE BREAK)

#### **8:45am**

- Members of the public are present in the public gallery.
- The Co-Lawyers and the Charged Person are present in the courtroom.
- The Co-Lawyers for the Civil Parties and the Civil Parties are present in the courtroom.
- The National Greffier announces the Regulations governing the hearing.
- *First sound of the bell*: The Co-Prosecutors enter the courtroom.
- 4 PHOTOGRAPHERS enter (2 Photographiers and 2 Cameramen).

#### **9:00am**

- *Second sound of the bell*: Greffier invites all persons to stand by announcing “The Court”. The judges enter the courtroom
- The President invites all persons to be seated.

#### **Declaration of the President**

In the name of the Cambodian people and the United Nations, today the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia declares open the hearing of the two criminal

cases N° 002/19-09-2007-ECCC/OCIJ (PTC14), dated 28 October 2008 and N° 002/19-09-2007-ECCC/OCIJ (PTC15) dated 18 November 2008 in which :

-The Charged Person **KHIEU Samphan**, alias HEM, Cambodian nationality, male, born on 27 July 1931, in Rom Chek commune, Rom Duol district, Svay Rieng province, pre-arrest address Konkhlong village, O Tavao Quarter, Pailin district, Pailin town, Cambodia, father's name Khieu Long (deceased), mother's name Por Kong (deceased).

-Is charged with Crimes Against Humanity and Grave Breaches of the Geneva Conventions of 12 August 1949, being crimes set out and punishable under articles 5, 6, 29(new) and 39(new) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia dated 27 October 2004.

- Defence Co-Lawyers: Mr. SA Sovan  
Mr. Jacques VERGES

- Lawyers for the Civil Parties: Mr. HONG Kimsuon  
Mr. LOR Chunthy  
Mr. NY Chandy  
Mr. KONG Pisey  
Mr. YONG Phanith  
Mr. KIM Mengkhy  
Miss. MOCH Sovannary  
Ms. Silke STUDZINSKY  
Ms. Martine JACQUIN  
Mr. Philippe CANNONE  
Mr. Pierre Olivier SUR  
Ms. Elizabeth RABESANRATANA  
Mr. Olivier BAHOUGNE  
Mr. David BLACKMAN

**The President asks the Greffier:**

Are all the participants present at the hearing?

**The President Declares:**

Present at today's hearing are:

- |    |                     |                  |
|----|---------------------|------------------|
| 1. | Mr. PRAK Kimsan     | <b>President</b> |
| 2. | Mr. Rowan DOWNING   | Judge            |
| 3. | Mr. NEY Thol        | Judge            |
| 4. | Mrs. Katinka LAHUIS | Judge            |
| 5. | Mr. HUOT Vuthy      | Judge            |
| •  | Mr. PEN Pichsaly    | Reserve Judge    |
- Greffiers: Miss. SAR Chanrath  
Ms. Anne Marie BURNS

- Co-Prosecutors: Mr. Yet Chakriya Deputy Co-Prosecutors  
Mr. Vicent de WILDE d'ESTMAEL Deputy Co-Prosecutors

**The President invites the charged person to stand before the Judges**

Name? Alias? Age? Nationality? Place of birth? Occupation? Pre-arrest address? Father's name? Mother's name? Wife's name? How many children? Defence lawyers? Their names?

**The President reads out the rights of the Charged Person**

Pursuant to Rule 21(1)(d) of the Internal Rules, the Charged Person **KHIEU Samphan** is hereby informed that he:

- is presumed innocent as long as his guilt has not been established
- has the right to be informed of any charges brought against him
- has the right to be defended by a lawyer of his choice; and
- has the right to remain silent.

***Criminal Case I: N° 002/19-09-2007-ECCC/OCIJ (PTC14): Appeal against the Co-Investigating Judges Order Refusing the Request for Release:***

**The President invites the Co-Rapporteur to read the Report of Examination**

- o Judge **HUOT Vuthy (National Judge)** reads out the report

**The President invites the Charged Person to stand**

The President asks the Charged Person whether he would like to make a statement related to his appeal or if he would like his Co-Lawyers to speak on his behalf?

**The President invites the Co-Lawyers to make brief observations concerning the Request for Release**

(Duration: maximum **1h** divided between Co-Lawyers as appropriate)

**The President invites the Co-Prosecutors to make brief observations**

(Duration: maximum **1h** divided between Co-Prosecutors as appropriate)

**The President allows defence Co-Lawyers to replies**

(Duration: maximum **15 minutes** for Co-Lawyers to reply)

**The Judges may ask questions**

**The President asks the Charged Person if he has anything to add**

**Criminal Case II: N° 002/19-09-2007-ECCC/OCIJ (PTC15): Appeal against the Co-Investigating Judges Order on Extention of Provisional Detention:**

**The President invites the Co-Lawyers to make brief observations concerning the Extention of Provisional Detention**

(Duration: maximum **1h** divided between Co-Lawyers as appropriate)

**The President invites the Co-Prosecutors to make brief observations**

(Duration: maximum **1h** divided between Co-Prosecutors as appropriate)

**The President allows defence Co-Lawyers to replies**

(Duration: maximum **15 minutes** for Co-Lawyers to reply)

**The Judges may ask questions**

**The President asks the Charged Person if he has anything to add**

**The President provides information concerning the announcement of the decision**

**On request of any of the parties the PTC continues the hearing in camera**

**The President declares the hearing concluded**