



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Request for Correction

Case : 002/19-09-2007-ECCC/TC

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 04-Feb-2015, 13:27
CMS/CFO: Sann Rada

To Document No(s):	ERN(s):	Request Date:	Correction Type:
E1/247.1	01056401-01056466	02/02/2015	<input checked="" type="checkbox"/> Change to Original <input type="checkbox"/> Change to Translation <input type="checkbox"/> Reclassification

Reason for changes:
Error in interpretation.

Details:
<p>The correction is made on the English version:</p> <p>- ERN 01056412, p. 9, L.19-25 to 01056413, p. 10, L. 1-2</p> <p>The following footer is added to this transcript:</p> <p>"Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript."</p>

Filed by: Reath Panhean

Signature:

Approved by Greffier (for originals):

Signature:

Approved by ITU (for translations):

Signature:

1 proceedings. You mentioned two or three times. Could you be brief so that the Chamber and other
2 parties and the Judges understand, because we acted on that in our Ruling.

3 [09.18.25]

4 So when you have an occasion to speak, so please speak more slowly so that the interpretation can
5 do good job and for proper record.

6 MS. GUISSÉ:

7 I will pay attention to this of course, and I will not speak for too much longer. But I simply want to say
8 that we are going to defend Mr. Khieu Samphan in a fully independent manner and this was simply
9 the point I wanted to raise at the beginning of this hearing. Of course I am not very hopeful, but I am
10 simply asking the Chamber to reconsider its decision to impose the presence of lawyers who, for the
11 moment, have no procedural role to play in this Trial.

12 MR. PRESIDENT:

13 Thank you. Counsel Kong Sam Onn, you can -- you may proceed but please briefly address the
14 Court, because we have everything in the written documents.

15 [09.19.32]

16 MR. KONG SAM ONN:

17 Mr. President, Your Honours, all parties, and members of the public, and all people in and around
18 the courtroom, first of all I would like to make a remark on the presence of the court-appointed
19 standby counsel. The purpose is to defend the interests of the Accused, Khieu Samphan, this is the
20 main purpose. I think this is a good idea by the Trial Chamber, but they will also (unintelligible) point
21 for us. So, the counsel for Mr. Khieu Samphan should be highly qualified and there shall be good
22 cooperation by Mr. Khieu Samphan for the counsel. But in fact the appointment of the standby
23 counsel is contrary to the professional career and the independence of the defence counsels
24 because the standby counsel will follow the instruction or the advice by the Trial Chamber. And ~~this~~
25 ~~raises~~ another question ~~whether would be our question here before~~ the Chamber ~~is, as just~~
26 ~~stated, and we are now~~ preparing ~~its paperwork to be sent to and referring the request to~~ the

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript.

1 ~~<relevant bar associations professional bodies>~~to review our conduct here, ~~<etc. However, but>~~ so
2 far those competent bodies ~~<has have>~~not decided ~~<that whether>~~we ~~<have committed commit>~~
3 any misconduct~~<. The and the order of the>~~ Trial Chamber~~< has considered; based on its views and~~
4 ~~its ruling>~~that we ~~<commit have committed a acts of professional>~~ misconduct and this adversely
5 affects the exercise of ~~<the efficient our rights of and our capacity to defend>~~ Mr. Khieu Samphan
6 ~~<to fair trial efficiently,>~~ because the presence of the standby counsel may interfere ~~<with>~~ our
7 defence.

8 [09.22.28]

9 In relation to the disciplinary action, in the case where the Cambodian Bar Association, especially in
10 my case, if the Bar Association did not find any misconduct on my part, so what will happen to the
11 appointment of the standby counsel here? It can be seen that this is a pressure put on the Defence
12 Counsel for Mr. Khieu Samphan. It is a great pressure on us. It does not mean that it ensure the
13 right of Mr. Khieu Samphan to defence, because Khieu Samphan himself indicated clearly that he
14 will continue to receive the service from his counsel of his own choosing.

15 In the case where the Cambodian Bar Association found that we committed a misconduct, so there
16 will be a warning -- written warning or suspension of my practice or disbar myself from the
17 Association, but we cannot anticipate anything before the Bar Association issue any decision, so I
18 don't think -- we can continue to defend and represent our clients in the Court unless we are
19 disbarred from the Bar Association. So, I would like to request that the Trial Chamber review the
20 decision on the appointment of the standby counsel because this is infringe or affect the right of the
21 Defence Counsel to defend our client. Thank you.

22 [09.24.36]

23 MR. PRESIDENT:

24 Defence counsel for Mr. Nuon Chea, you may proceed.

25 MR. SUON VISAL:

26 Counsel, Mr. President, I don't have any further remark to make, but I have to share my legal

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript.