

Defence Counsel Has Say Once More
Stuart White
October 9, 2012

Andrew Ianuzzi, co-counsel for Nuon Chea, took the opportunity to “rehabilitate the record” yesterday morning at the Khmer Rouge tribunal, repeating his previous remarks that were ordered stricken from the trial’s transcript after last Wednesday’s hearing.

The attorney for Brother No 2 also sought to clarify remarks from trial chamber Judge Silvia Cartwright that seemingly disallowed striking out passages from witness interviews – as Ianuzzi had tried to do in the case of a passage containing prohibited “torture tainted” material – despite the judge herself signing an order to strike Ianuzzi’s remarks just days later.

Ianuzzi went on to read remarks from Judge Cartwright made immediately after Wednesday’s kerfuffle, in which she said in response to Ianuzzi’s request to strike the material, that “the applicable legal framework that this Court operates under does not provide for striking out as a remedy”.

“Judge Cartwright has clearly said that striking out is not a possibility, and then the chamber, under her signature, has struck something out of the record,” Ianuzzi said.

After a brief departure in which he began quoting Lewis Carroll’s *Through the Looking Glass*, Ianuzzi’s microphone was cut off for the second time by the chamber, and he was made to cede the floor.

Later in the day, Nuon Chea’s national counsel, Son Arun, asked witness and former regimental commander Meas Voeun if he had actually seen Nuon Chea at strategic meetings in the lead-up to the fall of Phnom Penh, as he had alleged in an earlier statement.

Ultimately, Voeun disavowed his previous remarks, saying, “as for Nuon Chea, I was not sure whether he was attending or not, so for that reason, I wish to remove his name [from my statement]”.

After a string of objections and responses from every party in the courtroom, judge Cartwright ruled that while Voeun could not retract evidence from his statement to co-investigators, the chamber would “take into account the aural testimony of this witness in placing such weight as we think appropriate on this evidence”.