



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

C26/5/27
ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គបុរេជំនុំជម្រះ

Pre-Trial Chamber
Chambre Préliminaire

Criminal Case file No. 002/19-09-2007-ECCC (PTC14 and 15)

WRITTEN RECORD OF HEARING

On 27 February 2009, at 10:00am, the Pre-Trial Chamber commences the hearing of the Appeal against the Co-Investigating Judges' Order Refusing the Request for Release and the Appeal against the Co-Investigating Judges' Order on Extension of Provisional Detention lodged by the Charged Person **KHIEU Samphan**, alias Hem, male, born on 27 July 1931, at Commune of Rom Chek, District of Rom Duol, Province of Svay Rieng, Cambodia, residing before his arrest in the village of KonKhlong Sangkat Otavao, Khan Pailin, Pailin City, father's name KHIEU Long (deceased), mother's name POR Kong (deceased), spouse's name SO Soheat, with four children. The Charged Person 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.

The composition of the Court:

1. Judge PRAK Kimsan, President
2. Judge Rowan DOWNING
3. Judge NEY Thol
4. Judge Katinka LAHUIS
5. Judge PEN Pichsaly

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... 30 / 09 / 2009

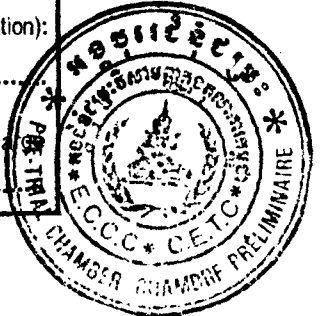
ម៉ោង (Time/Heure) : ... 15:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: *Chay*

ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date /Date de certification):
..... 01 / OCT / 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: *Chay*



Deputy Co-Prosecutors:

YET Chakriya

Vincent De WILDE D'ESTMAEL

Greffiers:

SAR Chanrath

Anne-Marie BURNS

The Charged Person is present and represented by his national Co-Lawyer, **SA Sovan**.

The Civil Parties are represented by **Hong Kim Suon, Lor Chunthy, Ny Chandy, Silke Studzinsky, MOCH Sovannary, Kim Mengkhy, KONG Pisey** and **David BLACKMAN**.

The President identifies the Charged Person and reads the charges against him, as stated above.

The Greffier notes the absence of six of the Civil Party Lawyers and the International Co-Lawyer, Jacques VERGÈS.

The President notes the absence of Judge HUOT Vuthy and states that, pursuant to Internal Rule 77(8), Reserve Judge PEN Pichsaly is to take his place.

The President notes the absence of the International Co-Lawyer and asks the Charged Person whether he would like to make any observations on this matter. The Charged Person responds that Jacques VERGÈS cannot attend the hearing. He requests the hearing be adjourned to a later date.

At 10:08, SA Sovan states that he was informed the night before that a relative of Jacques VERGÈS had undergone an operation. He requests that the hearing be adjourned until 3 April 2009. He provides to the court a medical report concerning the operation.



At 10:10, the President asks the Co-Prosecutors if they have received the report. YET Chakriya replies that they did, adding that the day before they have received information that the International Co-Lawyer would be here today, although one hour late. SA Sovan responds that Jacques VERGÈS is in Paris with a relative who was involved in a traffic accident.

At 10:14, Vincent De WILDE D'ESTMAEL notes conflicting information received by the Prosecution about the capacity of the International Co-Lawyer to attend the hearing and defers to the authority of the court to decide on the postponement of the proceedings.

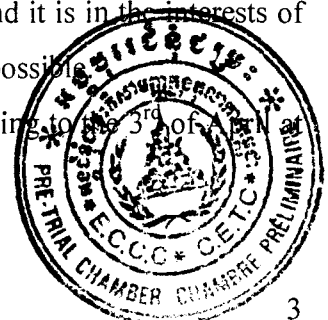
NY Chandy declares that he does not object to the postponement of the hearing but would like the Chamber to take into consideration his remarks before making its decision. He suggests that when the request was made to delay the hearing for one hour, the International Co-Lawyer already knew that he would be unable to attend. He submits that the absence of one of the Co-Lawyers should not affect the proceedings, considering their nature.

At 10:17, SA Sovan summarises his communication with Jacques VERGÈS relating to the delay and subsequent need for an adjournment.

The hearing is adjourned from 10:19 to 10:46.

At 10:46, the President pronounces the decision of the Pre-Trial Chamber:

1. The Pre-Trial Chamber has some questions in relation to the issue of the International Co-Lawyer's inability to attend today's hearing. However, these cannot be addressed at this moment.
2. The Pre-Trial Chamber notes that the Charged Person and his national Co-Lawyer have asked to adjourn the hearing. The appeal before the Pre-Trial Chamber deals with matters related to the detention and it is in the interests of the Charged Person to deal with the matter as soon as possible.
3. The Pre-Trial Chamber will therefore adjourn the hearing to 9am.



At 10:46, the President adjourns the hearing. He announces that the written version of the decision will be notified at a later date.

The transcripts of the hearing are attached to this Written Record of Hearing and form part of it.

Phnom Penh, 25 September 2009

President

Greffiers



PRAK Kim


SAR Chanrath


Anne Marie BURNS