



**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

Kingdom of Cambodia  
Nation Religion King

~~Royaume du Cambodge~~  
~~Nation Religion Roi~~

**ORIGINAL DOCUMENT/DOCUMENT ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
..... 20 / 10 / 2009 .....

ម៉ោង (Time/Heure) : .. 10:00 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier: ..... C.A. Juy .....

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de Première instance

**WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL (CORRECTED)**

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

18 May 2009

Substantive Hearing - Day 16

**ឯកសារធានាថាត្រឹមត្រូវតាមច្បាប់ដើម**

**CERTIFIED COPY/COPIE CERTIFIÉE CONFORME**

ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date /Date de certification):  
..... 21 / 10 / 2009 .....

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier: ..... C.A. Juy .....

<b>Attendance Record</b>
<b>Before:</b> Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony.
<b>Reserve Judges:</b> Judge YOU Ottara (Reserve) and Judge Claudia FENZ (Reserve)
<b>Greffier/s:</b> Mr. Matteo Crippa, Mr. Duch Phary, Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser.
<b>OCP:</b> Mr. Tan Senarong, Mr. Alexander Bates, Mr. Pich Sambath, Mr. Stuart Ford; Mr. Pak Chanlino.
<b>Accused:</b> Mr. Kaing Guek Eav alias Duch.
<b>Defence for the Accused:</b> Mr. Kar Savuth, Mr. François Roux, Mrs. Héleyn Uñac, Mr. Chan Ravuth, Ms. Lucille Nattiez
<b>Lawyers for the Civil Parties:</b> Ms. Silke Studzinsky, Mr. Kong Pisey, Ms. Ty Srinna, Mr. Alain Werner, Mrs. Elizabeth Rabesandratana; Mr. Kim Menghy, Mr. Hong Kim Suon (afternoon).
<b>Courtroom Officer/CMS:</b> Keo Rattanak.
<b>Others:</b> Mrs. Julie Massé, Mr. Scott Bywater, Mr. Lay Nara, Mr. Pierre Cozette.

SKV

<u>General court times</u>		
Day	Start time: 09:15	Finish time: 16:30
Recess am	Start time: 10:50	Finish time: 11:10
Recess	Start time: 12:20	Finish time: 13:50
Recess pm	Start time: 14:35	Finish time: 14:55
	Total Court Time:	4 hours 55

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Recognition of Foreign Civil Party Lawyer	CP3	09:20	09:25
Questioning of the Accused on the Issue of Implementation of CPK Policy	TC (continuation from 30 April 2009)	09:25	14:35
Oath of Expert Craig Etcheson	TC	14:55	
Questioning of Expert Craig Etcheson	TC	14:55	16:30

<u>Summary of Proceedings:</u>
<p><b>Recognition of Foreign Civil Party Lawyer (Rule 23(7)(e)(i)):</b> Mrs. Elizabeth Rabesandratana was introduced by her Cambodian Co-Lawyer and recognised by the Trial Chamber to act in proceedings for Civil Party Group 3.</p> <p><b>Questioning of the Accused on the Issue of Implementation of CPK Policy</b> The Chamber continued the questioning of the Accused on the issue of implementation of CPK Policy. The Chamber indicated that the Parties will question the Accused after the completion of the testimony of expert Craig Etcheson.</p> <p><b>Questioning of Expert Craig Etcheson on the Issue of Implementation of CPK Policy</b> The Expert confirmed his identity and indicated his age, nationality and occupation. He confirmed that he had no blood relation with any of the parties of the proceedings. The Expert took the oath. The Chamber established the expert status of the expert and questioned him on issues relating to the implementation of the CPK policy.</p>

<u>Record of Rule 87.3 Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	ERN/Remarks

SKY

E3/31	D46	Written Record of Interview of Duch by Co-Investigating Judges on 18 February 2008	Public	00164327-00164335
E3/32	D2-15	Written Record of Analysis by Craig C. Etcheson, Investigator of the Office of Co-Prosecutors	Public	00146822- 00146887
E66	None	The Organization of Democratic Kampuchea (Chart by Craig Etcheson)	Public	New Document
E3/33	IS 4.15	Book by Craig ETCHESON entitled "The Rise and Demise of Democratic Kampuchea"	Public	00105316- 00105324
E3/28	IS 9.1	Communist Party of Kampuchea Statutes of January 1976	Public	00182022- 00182047 Already in E3 folder. No notification needed.
E3/13	IS 6.3	Decisions of the Central Committee on Various Matters dated 30 March 1976	Public	00182809- 00182814 Already in E3 folder. No notification needed.
E3/14	IS 13.2	Meeting of Standing Committee, 9 October 1975	Public	00183393-00183408, in particular 00183396. Already in E3 folder. No notification needed.  [Note for CMS: no action required.]
E3/34	IS 5.15	S-21 Confession of CHOU Chet alias Si	Public	00013660- 00013990
E3/29	IS 11.10	CPK Magazine entitled Revolutionary Flag, Special Issue, October - November 1977	Public	00000267- 00000277 Already in E3 folder. No notification needed.
E3/35	IS 11.14	Revolutionary Flag, Special Number, May-June 1978	Public	00064551-00064585
E3/36	None	Revolutionary Flag, June 1976	Public	00062836-00062876, 00233948-00233953
E3/37	IS 13.25	"Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions, Secretaries and Deputy	Public	00183959-00183961

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	Secretaries of Regiments" (2 August 1976)		
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**Oral Orders/Decisions:**

Order to take the Accused to the Detention Facility and bring him back to court on 19 May 2009.

**Orders for Adjournment of Hearing**

Adjournment of Hearing: The hearing will resume on Tuesday, 19 May 2009 at 9:00.

SKV NRW

Phnom Penh,  
27 May 2009 (corrected on 15 October 2009)



SE Kolvithy      *J.W. Riser*      Greffier  
 SE Kolvithy      Greffier  
 SE Kolvithy      Attaché WEXELS-RISER