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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN BADA

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
អង្គជំនុំជម្រះសាលាដំបូង
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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de Première instance

ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):
..... 22 04 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN BADA

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

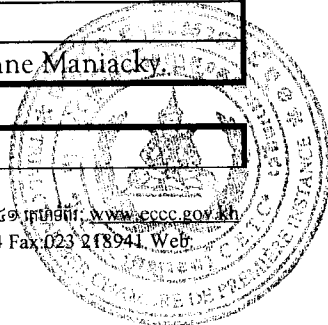
21 April 2009

Substantive Hearing - Day 9

Prepared by: Natacha WEXELS-RISER and SE Kolvuthy

Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony.
Reserve Judges: Judge YOU Ottara (Reserve) and Judge Claudia FENZ (Reserve)
Greffier/s: Mr. Matteo Crippa, Mr. Lim Suy Hong, Ms. Natacha Wexels-Riser, Mrs. Se Kolvuthy.
OCP: Mr. Yet Chakriya (morning), Mr. Tan Senarong (afternoon), Mr. Alexander Bates, Mr. Pich Sambath, Mr. Stuart Ford, Mr. Pak Chanlino.
Accused: Mr. Kaing Guek Eav alias Duch.
Defence for the Accused: Mr. Kar Savuth, Mr. François Roux, Mrs. Héleyn Uñac, Mr. Chan Ravuth, Ms. Lucile Nattiez, Ms. Virginie Charpentier (afternoon).
Lawyers for the Civil Parties: Mr. Kong Pisey, Mr. Yung Phanit, Ms. Silke Studzinsky, Mr. Hong Kimsuon, Ms. Moch Sovannary, Mr. Philippe Canonne, Ms. TY Srinna, Mr. Karim Khan, Mr. Alain Werner.
Courtroom Officer/CMS: Keo Ratanak Kauv.
Others: Mr. Scott Bywater, Mr. San Kiri, Mrs. Julie Masse, Mrs. Maryvonne Maniacky.

General court times



Day	Start time: 09:05	Finish time: 16:20
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:15
	Total Court Time:	4 hours and 55 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Questioning of Witness Chan Khân (KW-32) by the Trial Chamber	TC	9:05	9:56
Questioning of Witness Chan Khân (KW-32) by the Co-prosecutors	OCP	9:56	11:20
Questioning of Witness Chan Khân (KW-32) by the Civil Parties	CP1, CP2, CP3, CP4	11:20	15:46
Request to refer to Document D59 - Annex 1	CP2	13:55	
Request to refer to Document No.19.25 of the Introductory Submission	OCP	14:43	14:45
Questioning of Witness Chan Khân (KW-32) by the Defence	Defence	15:47	16:19

Summary of Other Proceedings:

Questioning of Witness Chan Khân (KW-32) by the Trial Chamber

The Trial Chamber continued questioning the witness on issues relating to M-13. The Chamber confronted the Accused with the statements of the witness.

Questioning of Witness Chan Khân (KW-32) by the Co-Prosecutors

The Co-Prosecutors questioned the witness on issues relating to M-13 and read extracts of the Written Record of Interview of CHAN Khân (Document D78/4). They confronted the Accused with the witness' statements.

Questioning of Witness Chan Khân (KW-32) by the Civil Parties

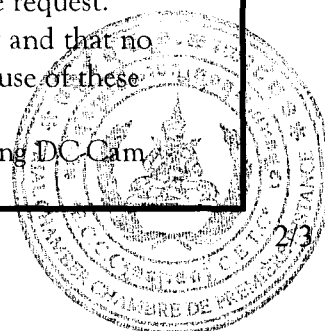
Civil Party Group 1 questioned the witness on issues relating to M-13 and questioned the Accused on issues relating to M-13.

Civil Party Group 2 questioned the witness on issues relating to M-13.

Civil Party Group 2 requested to use Document D59 - Annex 1 (Interview of Chan Khân by DC-Cam). The Co-Prosecutors and Civil Party Group 1 supported the request.

The Defence reiterated its arguments that DC-Cam is not a judicial body and that no procedural guarantees appear in DC-Cam documents. It objected to the use of these documents.

Civil Party Group 3 requested a general decision on the possibility of using DC-Cam documents.



The Chamber authorised the parties to refer to Document D59 - Annex 1.
The Co-Prosecutors requested the authorisation to use Document No. 19.25 (Annex C of the Introductory Submission, "Report number 65, SIPRA section, about Surrender name Chheun Sothy aka Sarin joined outside the fighting in 15-12-1974.").
The Chamber rejected the request and indicated that it would issue a written reasoned decision on this matter at a later stage. It invited comments from the parties by tomorrow morning.
Civil Party Group 3 questioned the witness on issues relating to M-13 and read extracts from Document D78/4. It questioned the Accused on the testimony of the witness.

Questioning of Witness Chan Khân (KW-32) by the Defence

The Defence questioned the witness on issues relating to M-13 and provided an opportunity for the Accused to address the witness.
The Accused indicated his intention to write a document asking for forgiveness from the victims of Omleang.

Record of Rule 87.2 Proceedings

Reference Number	Name/Description	Other
E3/10	Interview with Chan Khân by DC-Cam	D59, Annex 1

Oral Orders/Decisions:

The Chamber authorized the parties to refer to Document D59 Annex 1.
The Chamber denied the use of document No.19.25 (Annex C of the Introductory Submission, "Report number 65, SIPRA section, about Surrender name Chheun Sothy aka Sarin joined outside the fighting in 15-12-1974.").
Order to take the Accused to the Detention Facility and bring him back to court on 21 April 2009.

Orders for Adjournment of Hearing

Adjournment of Hearing: Hearing will resume on Wednesday, 22 April 2009 at 9:00. *NW*

Phnom Penh,
22 April 2009

NW
Greffier
Natacha WEXELS-RISER

Sethy
Greffier
SE Kolvuthy