



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de Première instance

**ឯកសារដើម**

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
..... 27 / 04 / 2009 .....

ម៉ោង (Time/Heure): ..... 14:00 .....

មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé  
du dossier: ..... C.A. Huy .....

WRITTEN RECORD OF PROCEEDINGS - "DUCH PHARY AND MATTEO CRIPPA"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

22 April 2009

Substantive Hearing - Day 10

Prepared by: DUCH Phary and Matteo CRIPPA

**ឯកសារច្បាប់**

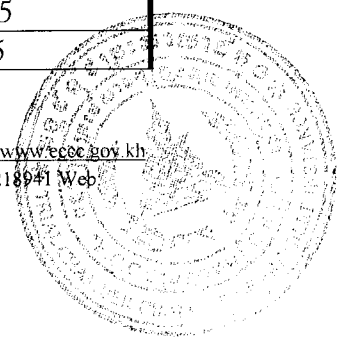
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification):  
..... 27 / 04 / 2009 .....

មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé  
du dossier: ..... C.A. Huy .....

<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. Lim Suy Hong, Mr. Duch Phary, Mrs. Se Kolvuthy.
<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. Lucile Nattiez, Ms. Virginie Charpentier.
<b>Lawyers for the Civil Parties:</b> Mr. Yung Phanit, Ms. Silke Studzinsky, Mr. Hong Kimsuon, Mr. Philippe Canonne, Ms. TY Srinna, Mr. Karim Khan (Morning), Mr. Alain Werner.
<b>Courtroom Officer/CMS:</b> Arun Uch
<b>Others:</b> Mr. Pierre Cozette, Mr. Lay Nara; Mr. San Kiri

<b>General court times</b>		
Day	Start time: 09:10	Finish time: 16:15
Recess am	Start time: 10:45	Finish time: 11:35



Recess	Start time: 12:15	Finish time: 14:00
	Total Court Time:	4 hours, 35 minutes

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Introduction of Other Documents pertaining to "Issues Relating to M-13"	Trial Chamber	09:10	11:45
Request to Ensure Accuracy of Interpretations Services and Court Records	Defence	09:15	
Clarification on Accused Interview with UNHCHR (Document D9)	Trial Chamber, OCP and Defense	11:45	15:10
Questioning of the Accused on the issue of establishment of S-21 and Ta Kmao Prison	Trial Chamber	15:10	16:15

#### **Summary of Proceedings:**

##### **Introduction of Other Documents pertaining to "Issues Relating to M-13"**

The Trial Chamber inquired with the parties whether they intend to introduce other documents pertaining to "Issues Relating to M-13".

The Co-Prosecutors indicated that they would like to use Documents D59.4 and D59.12 filed during the investigation phase as well as Document 19.25 contained in the Introductory Submissions on the basis that they are relevant to the proceedings. The Co-Prosecutors and the parties also discussed on general principles of admissibility of documents and their use during the proceedings. The Defence requested the Chamber to declare inadmissible Documents D59.4 and D59.12 as well as Document 1.8 from the Introductory Submissions.

The Chamber will issue a decision in due course.

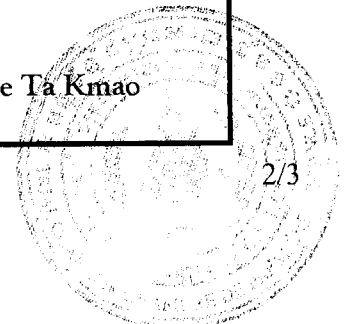
##### **Request to Ensure Accuracy of Interpretations Services and Court Records**

During the discussion concerning the introduction of other documents pertaining to "Issues Relating to M-13", the Defence raised the issue of possible inaccuracies in the interpretation of the proceedings as well as in the records thereof and formally asked the Court to ensure their accuracy for the proper conduct of the proceeding.

##### **Clarification on Accused Interview with UNHCHR (Document D9)**

The Chamber sought clarification from the Accused in order to determine the circumstances of the taking of his interview with a representative of the UNHCHR in 1999, now contained in Document D9.

##### **Questioning of the Accused on the issue of establishment of S-21 and the Ta Kmao Prison**



The Chamber questioned the Accused on issues relating the establishment of S-21 and the Ta Kmao prison.

#### Record of Rule 87.3 Proceedings

Reference Number	Name/Description	Other
E3/11	Written Record of Interview of Duch by the Co-Investigating Judges on 21 January 2008	D38
E3/12	Written Record of Interview of Duch by the Co-Investigating Judges on 5 May 2008	D72

#### Oral Orders/Decisions:

Order to take the Accused to the Detention Facility and bring him back to court on 23 April 2009.

#### Orders for Adjournment of Hearing

Adjournment of Hearing: Hearing will resume on Thursday, 23 April 2009 at 9:00 and continue for the morning session only.

Phnom Penh, 22 April 2009

Greffier Greffier

DUCH Phary

Matteo CRIPPA