

**ឯកសារច្បាប់ត្រឹមត្រូវតាមច្បាប់ដើម**  
**CERTIFIED COPY/COPIE CERTIFIÉE CONFORME**

ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវពាក់ (Certified Date/Date de certification):  
 ..... 22 / 05 / 2009 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer / L'agent chargé  
 du dossier: ..... UCH ARUN .....



**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):  
 ..... 19 / 05 / 2009 .....

ម៉ោង (Time/Heure) : ..... 13:00 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer / L'agent chargé  
 du dossier: ..... C.A. 4 .....

**WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL**

**PUBLIC**

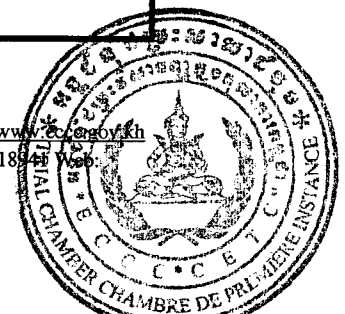
**Case File N° 001/18-07-2007-ECCC/TC**

**28 April 2009**

**Substantive Hearing - Day 13**

Prepared by: Se Kolvuthy and Matteo CRIPPA

<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. Virginie Charpentier.
<b>Lawyers for the Civil Parties:</b> Ms. Moch Sovannary, Ms. Silke Studzinsky, Mr. Kong Pisey, Mr. Hong Kimsuon, Mr. Philippe Canonne, Ms. TY Srinna, Mr. Alain Werner, Mr. Yung Panit.
<b>Courtroom Officer/CMS:</b> Rada Sann.
<b>Others:</b> Mrs. Maryvonne Moussounda Maniacky, Mrs. Julie Massé, Mr. Lay Nara, Mr. Pierre Cozette.



<u>General court times</u>		
Day	Start time: 09:10	Finish time: 16:30
Recess am	Start time: 10:30	Finish time: 11:00
Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:45	Finish time: 15:20
	Total Court Time:	4 hours, 45 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Parties' right to discuss with the Accused outside of the hearing - Oral Decision	Trial Chamber	9:10	9:15
Questioning of the Accused on the Issue of Establishment of S-21 and the Ta Kmao Prison	Trial Chamber	09:15	10:30
Request for Scheduling of the Trial Proceedings	Civil Parties Group 1	11:00	11:10
Requests by Civil Party Lawyers for Group 3 Concerning Pending Issues	Civil Parties Group 3	11:10	11:15
Questioning of the Accused on the Issue of Establishment of S-21 and the Ta Kmao Prison	Co-Prosecutors	11:15	
Application by Civil Party Group 1 for an Order Requiring Proper Identification of Filings - Oral Decision	Trial Chamber	13:35	13:35
Scheduling of the Trial Proceedings - Oral Decision	Trial Chamber	13:35	13:40

**Summary of Proceedings:**

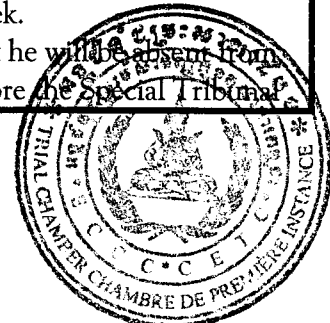
**Questioning of the Accused on the Issue of Establishment of S-21 and the Ta Kmao Prison**

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

**Request for Scheduling of the Trial Proceedings**

Civil Party Lawyer for Group 1 requested clarification on the future scheduling of the trial proceedings. The Trial Chamber responded that it will issue a detailed scheduling of the trial proceedings for May and June 2009 before the end of this week.

Foreign Lawyer for the Defence, Mr. Francois Roux, indicated that he will be absent from the proceeding for the rest of this week, due to a commitment before the Special Tribunal



for Lebanon.

**Requests by Civil Party Lawyers for Group 3 Concerning Pending Issues**

Civil Party Lawyer for Group 3 requested the Trial Chamber to rule on pending issues concerning the admissibility of statements produced by DC-Cam and the accuracy of interpretation services. The Trial Chamber indicated that it is currently deliberating on the issue of admissibility of DC-Cam statements but due to its complexity a decision will be issued only upon resumption of the proceedings in May 2009. With regards to the issue of the accuracy of the interpretation services, the Chamber informed the parties that it will be discussing it with the Office of Administration.

**Questioning of the Accused on the Issue of Establishment of S-21 and the Ta Kmao Prison**

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

The Co-Prosecutors referred to Document E5/2.1, D58/II Annex 24 and E5/2.9.

**Record of Rule 87.3 Proceedings**

Reference Number	Name/Description	Other
E3/24	Confession of UM Soeun	D58/II Annex 24

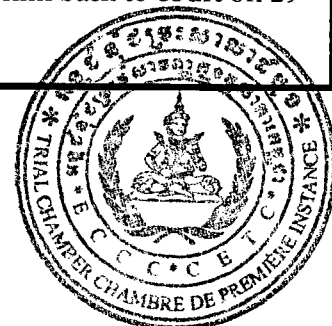
**Oral Orders/Decisions:**

1. The Chamber rejected the request by Civil Party Lawyer for Group 1 made orally on 27 April 2009 that during the questioning of the Accused, no party, including the Defence, discuss with him about answers given during the hearing, on the basis that the Internal Rules do not limit the right of the Defence to discuss with the Accused at any time during the proceedings;

2 - The Trial Chamber granted the application by Civil Party Group 1 for an Order Requiring Proper Identification of Filings by Civil Parties Groups contained in Document No. E45;

3 - The Trial Chamber indicated that the trial proceedings will be suspended from 1 to 5 June 2009 as well as from 27 to 31 July 2009 due the use of the ECCC Courtroom already scheduled by the Pre-Trial Chamber. The Chamber also indicated that the trial proceedings will continue for the remaining periods of June-August 2009.

4 - Order to take the Accused to the Detention Facility and bring him back to court on 29 April 2009.



Orders for Adjournment of Hearing

Adjournment of Hearing: The hearing will resume on Wednesday, 29 April 2009 at 9:00.

*sh*  
*me*

Phnom Penh,  
20 May 2009

  
Greffier Se Kolvuthy      Greffier Matteo CRIPPA