



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ឯកសារច្បាប់ត្រឹមត្រូវតាមច្បាប់
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):
22 / 07 / 2009
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RADA

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de Première instance

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de réception):
22 / 07 / 2009
ពេលវេលា (Time/Heure): 13 : 30
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RADA

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

26 May 2009

Substantive Hearing - Day 21

Prepared by: DUCH Phary and Matteo CRIPPA

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. Duch Phary, Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser.
OCP: Mr. Alexander Bates, Mr. Seng Bunkheang, Mr. Pich Sambath; Mr. Pak Chanlino, Mr. Chea Phalla.
Accused: Mr. Kaing Guek Eav alias Duch.
Defence for the Accused: Mr. Kar Savuth, Mr. François Roux, Mrs. Marie-Paule Canizares; Mrs. Héleyn Uñac, Mr. Chan Ravuth, Ms. Virginie Charpentier (morning), Ms. Lucile Nattiez (afternoon)
Lawyers for the Civil Parties: Ms. Silke Studzinsky, Mr. Kong Pisey, Ms. Moch Sovannary, Mrs. Elisabeth Rabesandratana, Ms. Ty Srinna, Mr. Alain Werner, Mr. Hong Kim Suon, Mr. Yung Panith.
Courtroom Officer/CMS: Mr. KAUV Keoratanak
Others: Mrs. Julie Massé, Mr. NOL Dara, Mr. San Kiri, Mrs. Maryvonne Maniacky

General court times		
Day	Start time: 09:15	Finish time: 16:25
Recess am	Start time: 10:55	Finish time: 11:20
Recess	Start time: 11:40	Finish time: 13:30
Recess pm	Start time: 14:50	Finish time: 15:50
	Total Court Time:	3 hours and 55 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Questioning of Expert Nayan Chanda on the Issue of Armed Conflict	OCP (continuation from 25 May 2009)	09:10	09:40
Questioning of Expert Nayan Chanda on the Issue of Armed Conflict	Civil Party Lawyers	09:40	10:30
Questioning of Expert Nayan Chanda on the Issue of Armed Conflict	Defence	10:30	11:40
Questioning of Expert Craig Etcheson on the Issue of Implementation of CPK Policy	Co-Prosecutors	13:35	14:23
Discussion relating to which documents can be put to the expert and Decision of the Chamber on this issue	All parties	14:23	16:21

Summary of Proceedings:
<p>Questioning of Expert Nayan Chanda on the Issue of Armed Conflict The Co-Prosecutors completed their questioning of the expert on issues relating to the armed conflict.</p>
<p>Questioning of Expert Nayan Chanda on the Issue of Armed Conflict The Lawyers for the Civil Parties for Groups 4 and 1 questioned the expert on issues relating to the armed conflict. The Lawyers for the Civil Parties to Group 2 and 3 did not ask any question to the expert.</p>
<p>Questioning of Expert Nayan Chanda on the Issue of Armed Conflict The Defence questioned the expert on issues relating to the armed conflict. The Accused also made comments.</p>
<p>Questioning of Expert Craig Etcheson on the Issue of Implementation of CPK Policy The Co-Prosecutors questioned the expert on issues relating to the implementation of CPK</p>

Policy at S-21.

Discussion relating to which documents can be put to the expert and Decision of the Chamber on this issue

The Defence objected to the questioning of the expert in relation to documents not included in the Annexes of the expert's Analysis and the issue was discussed by the parties. Nine letters from Sou Met to Duch were collectively put before the Chamber and accepted by the Defence (see below).

Record of Rule 87.3 Proceedings				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/160	13.31	Meeting of Comrade Tall, Division 290 and 170	Public	00002233-00002235. Already in E3 folder, no notification needed.
E3/210	D68	Sou Met's letter to Duch entitled "Dear Beloved Comrade KAING Guek Eav alias Duch." 01-Apr-1977	Public	00052994, 00178065, 00195953 Attached to D68, Written Record of Interview of Duch of 02.04.2008. Only this page should be transferred to E3.
E3/211	D68	Sou Met's letter to Duch entitled "Dear Beloved Brother KAING Guek Eav alias Duch", 30-May-1977	Public	00002416, 00178066, 00242288. Attached to D68, Written Record of Interview of Duch of 02.04.2008. Only this page should be transferred to E3.
E3/164	IS D2-15.21, D64, Annex 28	DK Military Telegram by SOU Met entitled <i>To beloved Comrade Brother Duch, Please Be Informed</i> dated 1 June 1977	Public	00002417, 00178187, 00233327. Already in E3 folder, no notification needed.
E3/212	D32/VI, Annex 02, D68	Sou Met's letter to Duch entitled "Dear Beloved Comrade KAING Guek Eav alias Duch". 01-Jun-1977	Public	00002422, 00195318, 00195955 (Attached to D68, Written Record of Interview of Duch of 02.04.2008. Only page 00178067

				should be transferred to E3.)
E3/40	D64, Annex 29, D2-15.22, , D32/V, Annex 4	Annex 29: Report from SOU Met to Kaing Guek Eav, 02-Jun-1977	Public	00002423, 00002409, 00238845. Already in E3 folder, no notification needed.
E3/213	D68	Sou Met's letter to Duch entitled "Dear Beloved Brother KAING Guek Eav alias Duch." 28-Jul-1977	Public	00002436, 00195956 Attached to D68, Written Record of Interview of Duch of 02.04.2008. Only page 00178068 should be transferred to E3.
E3/214	D64, Annex 40	Annex 40: Report from SOU Met to KAING Guek Eav alias Duch that requests information regarding the confessions of Sem, of Battalion 512, 10-Aug-1977	Public	00002078, 00224319, 00238846
E3/215	D56, Annex 3; D32/VI, Annex 03	Sou Met's letter to Duch entitled "Dear Beloved Brother KAING Guek Eav alias Duch." 03-Oct-1977	Public	00175362, 00223921, 00195320, 00244266, There are two different English versions of this document. 00195957 Also attached to D68, Written Record of Interview of Duch of 02.04.2008. Only page 00178069 should be transferred to E3.
E3/216	D68	Sou Met's letter to Duch entitled "Dear Beloved Brother KAING Guek Eav alias Duch." 04-Oct-1977	Public	00052992, 00178070, 00195958 Attached to D68, Written Record of Interview of Duch of 02.04.2008. Only this page should be transferred to E3.

Oral Orders/Decisions:

Order to take the Accused to the Detention Facility and bring him back to court on 27 May 2009.

Orders for Adjournment of Hearing

Adjournment of Hearing: The hearing will resume on Wednesday, 27 May 2009 at 9:00.

Phnom Penh, 26 May 2009

Greffier

Greffier



DUCH Phary



Matteo CRIPPA