



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):
10, AUG, 2009

ម៉ោង (Time/Heure): 16:00

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

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

10 June 2009

Substantive Hearing - Day 26

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

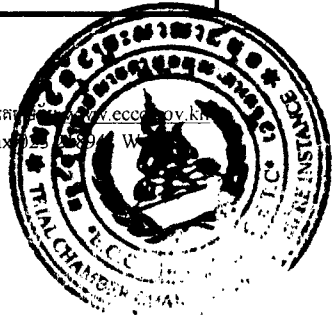
ឯកសារពន្យល់តាមច្បាប់

CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date /Date de certification):
11, AUG, 2009

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

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, Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser, Mr. Duch Phary.
OCP: Mr. William Smith, Mr. Seng Bunkheang, 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 (absent), Mrs. Marie-Paule Canizares; Mrs. Héleyn Uñac, Mr. Chan Ravuth.
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.
Courtroom Officer/CMS: Mr. Uch Arun;
Others: Mr. Scott Bywater, Mr. Khem Lindarita, Mrs. Maryvonne Moussounda Maniacky, Mrs. Julie Massé,



General court times		
Day	Start time: 9:05	Finish time: 16:00
Recess am	Start time: 10:45	Finish time: 11:10
Recess	Start time: 12:00	Finish time: 13:40
Recess pm	Start time: 14:55	Finish time: 15:35
	Total Court Time:	4 hours and 10 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Questioning of Accused on the Issue of Armed Conflict	Trial Chamber	9:10	11:18
Questioning of Accused on the Issue of Armed Conflict	Co-Prosecutors	11:22	14:29
Questioning of Accused on the Issue of Armed Conflict	Civil Party Group 4	14:29	15:52
Agenda of the Trial Management Meeting of 11 June 2009	Trial Chamber	15:35	15:46
Questioning of Accused on the Issue of Armed Conflict	Defence	15:52	15:53
Questioning of Accused on the Issue of Armed Conflict	Trial Chamber	15:54	15:59

Summary of Proceedings:

Questioning of Accused on the Issue of Armed Conflict by the Chamber

The Chamber continued the questioning of the Accused on the issue of armed conflict, and the relations between Vietnam and Democratic Kampuchea.

Questioning of Accused on the Issue of Armed Conflict by the Co-Prosecutors

The Co-Prosecutors questioned the Accused on the issue of armed conflict, and the relations between Vietnam and Democratic Kampuchea.

Questioning of Accused on the Issue of Armed Conflict by the Civil Party Lawyers

Civil Party Group 4 questioned the Accused on the issue of armed conflict. Civil Party Groups 3, 2 and 1 abstained from questioning the Accused on the issue of armed conflict.

Questioning of Accused on the Issue of Armed Conflict by the Defence

The Defence abstained from questioning the Accused on the issue of armed conflict.

Questioning of Accused on the Issue of Armed Conflict by the Chamber

The Chamber continued the questioning of the Accused on the issue of arm



Record of Rule 87.3 Proceedings				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E68.27	NA	Annex 27: Vietnamese Prisoners Entering S-21	P	00333610-00333628
E68.31	NA	Annex 31: S-21 Prisoners Described as Vietnamese (Chart)	P	00333650-00333650
E5/2.13	NA	S-21 Confession of Vietnamese Prisoner TROENG Yaing Lak	P	00240048-00240070, in particular 00240049, 00240053, 00284002-00284002
E68.30	NA	Annex 30: S-21 Prisoners identified as Vietnamese	P	00333645-00333649
E3/200	IS 17.2	International Media Report dated 19 January 1978 on Speech of Pol Pot on 17 January 1978	P	00224837-00224852, 00008671-00008698 in particular 00224837. Already in E3 folder.
E3/199	IS 4.9	The "Black Paper"	P	00082510-00082560. Already in E3 folder.
E3/225	D65	Written Record of Interview of Duch by CIJ on 28-03-2008	C	00177587, 00177580, 00177595,
E3/23	D11	Written Record of Interview of Duch by CIJ on 07-08-2007	C	00147522, 00146492, 00147896. Already in E3 folder.
E3/229	D69- Annex A	Film entitled "Cambodia Kampuchea." Provides, amongst other matters, testimonies regarding Vietnamese attacks into Cambodia, and Democratic Kampuchea counter-attacks. Additionally provides Vietnamese archival footage of the discovery of Office Office S-21 (Tuol Sleng) (Tuol Sleng) discovery. (Source: James Gerrand)	P	V00172621
E52/4.41	NA	Annex 41: Written Record of Interview - 5 June 2002	C	00327352-00327354, in particular 00320808
E3/193	D91/I - Annex 74	"Brother Enemy", Book by Nayan Chanda	P	00191546. Already in E3 folder.



Oral Orders/Decisions:

- The Chamber informed the parties of a swearing in ceremony at 9:00AM and of the agenda of the Trial management Meeting
 1. Estimated duration of the trial proceedings
 2. Discussion of any problems over availability of lawyers and staff, discussion with the administration over staff and administration issues
 3. Sitting days
 4. Trial recesses, including public holidays and Plenary session
 5. Guidelines on the implementation of Rule 87(3) and 87(6)
 6. Allocation of time for presentations by Civil Parties
 7. Any other matters raised by the parties
- Order to take the Accused to the Detention Facility and bring him back to court for the Trial Management Meeting on 11 June 2009.

Orders for Adjournment of Hearing

Adjournment of Hearing: The hearing will resume on Monday, 15 June 2009 at 9:00.

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Phnom Penh,
10 June 2009

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 Greffier SE Kolvuthy *[Handwritten signature]* Greffier
 Attaché WEXELS-RISER