



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de réception):
15 / 09 / 2009

ម៉ោង (Time/heure): 16:00

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

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

ឯកសារចម្លងបញ្ជាក់ថាត្រឹមត្រូវតាមច្បាប់កម្ពុជា
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ថ្ងៃ ខែ ឆ្នាំ ច្បាប់បញ្ជាក់ (Certified Date/Date de certification):
16 / 09 / 2009

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de Première instance

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

2 July 2009

Substantive Hearing - Day 37

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

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. Lim Suy-Hong.
OCP: Mr. Tan Senarong, Mr. William Smith, Mr. Pich Sambath, Mr. Zachery Lampell, Mr. Chea Phalla.
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, Ms. Lucile Nattiez.
Lawyers for the Civil Parties: Ms. Silke Studzinsky, Mr. Kong Pisey, Mrs. Martine Jacquin, Ms. Moch Sovannary, Ms. Ty Srinna, Mr. Alain Werner, Mr. Hong Kimsuon.
Courtroom Officer/CMS: Mr. Kouv Keoratanak;
Others: Mr. Lay Nara, Mr. Scott Bywater, Mr. Khem Lindarita, Mrs. Maryvonne Maniacky, Ms. Aline Briot.

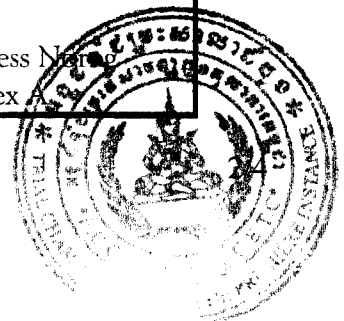


General court times		
Day	Start time: 9:00	Finish time: 16:00
Adjournment	Start time: 9:40	Finish time: 10:25
Recess am	Start time: 11:20	Finish time: 11:35
Recess	Start time: 12:15	Finish time: 13:30
Recess pm	Start time: 14:50	Finish time: 15:15
	Total Court Time:	4 hours and 20 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Request that a Statement of 13 February 2009 by witness Norng Chanphal be placed on the case file and request that video-clips E5/10 Annex A (V00271181, V00271182) be shown to witness Norng Chanphal. Discussion.	Co-Prosecutors TC Civil Party Group 1 Defence	9:03	9:40
Decisions the Co-Prosecutors' requests	TC	10:26	10:34
Questioning of witness Norng Chanphal	TC	10:35	13:49
Questioning of witness Norng Chanphal	Co-Prosecutors	13:49	14:10
Questioning of witness Norng Chanphal	Civil Party Group 1 (14:12 to 14:29), Group 3 (14:30 to 14:41), Group 4 (14:41 to 14:46)	14:12	14:46
Additional questioning of witness Norng Chanphal	TC	14:48	14:50
Questions by Norng Chanphal to the Accused	TC	15:17	15:21
Additional questions to the Accused concerning testimony of Norng Chanphal and discussion	TC	15:23	15:49
Questioning of witness Norng Chanphal	Defence	15:49	15:59

Summary of Proceedings:**Request by the Co-Prosecutors**

The Co-Prosecutors requested that a Statement of 13 February 2009 by witness Norng Chanphal be placed on the case file and request that video-clips E5/10 Annex A



(V00271181, V00271182) be shown to witness Norng Chanphal.

Civil Party Groups 1 and 3 supported the request by the Co-Prosecutors that the video be shown and confirmed that they had received the statement only yesterday.

The Defence objected to both requests.

Decision on request by the Co-Prosecutors concerning the statement of Norng Chanphal

The Chamber issued a decision taking note of the fact that the statement has been placed on the case file, and rejecting the request to put it before the Chamber, in accordance with Rule 87(4).

Discussion and decision on request to show two segments of video footage

The Chamber noted that the video footage is already on the case file. It enquired with the Co-Prosecutors whether the original reasons for requesting this video to be used as evidence are still valid.

The Co-Prosecutors indicated that it is the best video material which depicts S-21 at the time. It provides the best evidence of the conditions under which people were kept, of the killings at S-21, the number of people who were killed when the Khmer Rouge left, detention conditions, torture equipment, and photography equipment. The relevance of this video goes to every aspect of this case.

The Chamber indicated that it has yet to decide whether to put this video before the Court. It may at a later stage decide to show short clips of the video.

Questioning of witness Norng Chanphal by the Chamber

The Chamber questioned witness Norng Chanphal on the functioning of S-21.

Questioning of witness Norng Chanphal by the Co-Prosecutors and Civil Parties

The Co-Prosecutors and Civil Party Groups 1, 3 and 4 questioned witness Norng Chanphal on the functioning of S-21.

Additional questions to the Accused concerning testimony of Norng Chanphal and discussion

The Chamber asked additional questions to the Accused on the testimony of the witness, and showed the witness a still image of video V00271181 (7 minutes and 9 seconds).

Questioning of witness Norng Chanphal by the Defence

The Defence questioned witness Norng Chanphal on the functioning of S-21.

Record of Rule 87.3 Proceedings				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/16	D45/1/8	Aerial Photo showing a close-up of the S21 area	P	00189137-00189137. Already in E3 folder.
E5/12/1	NA	Group1 - Civil Parties' Co-Lawyers additional witness	C	00289879-00289879. particular



	list, with annexes	00291146, 00289887
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Oral Orders/Decisions:

• **Oral Decision on Norng Chanphal's statement**

The Chamber takes note of the filing of the statement of Norng Chanphal to DC-Cam dated 13 February 2009.

The Chamber rejects the request by the Co-Prosecutors to put this document before the Chamber according to Rule 87(4).

Reasoning

The statement was taken on 13 February 2009. The Co-Prosecutors have been in possession of this document for several months and only filed it today. This did not allow the parties, especially the Defence, sufficient time for preparation.

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 6 July 2009.

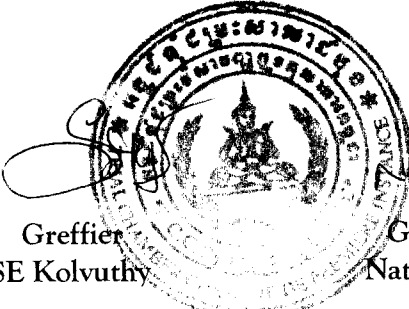
Orders for Adjournment of Hearing

Adjournment of Hearing:

The Chamber retired to deliberate on a request for 45 minutes in the morning.

The hearing will resume on Monday, 6 July 2009 at 9:00. *SE Nuv*

Phnom Penh,
2 July 2009



Greffier
SE Kolvuthy
Greffier
Natacha WEXELS-RISER