



ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ ថ្ងៃការបញ្ជាក់ (Certified Date/Date de certification):
 22 / 07 / 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
 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
 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):
 22 / 07 / 2009

ម៉ោង (Time/Heure): 11 : 20

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

14 July 2009

Substantive Hearing – Day 43

Prepared by: DUCH Phary 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. Duch Phary.
OCP: Mr. Tan Senarong , Mr. William Smith, Mr. Pich Sambath, Mr. Zachery Lampell.
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. 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.
Courtroom Officer/CMS: Mr. Uch Arun;
Others: Mr. Khem Lindarita, Mrs. Maryvonne Maniacky, Mr. Pierre Cosette, Mr. Nol Dara, Mr. Kong Sam Onn, Ms. Aline Briot.

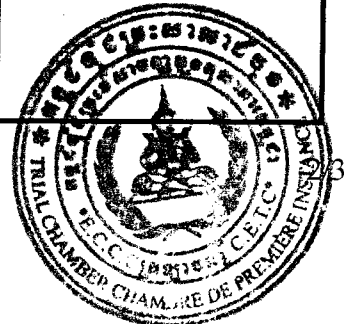


<u>General court times</u>		
Day	Start time: 9:10	Finish time: 16:20
Recess am	Start time: 10:30	Finish time: 10:50
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:50	Finish time: 15:05
	Total Court Time:	5 hours and 10 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Observations on the seating of the lawyer of the witnesses and concerning the application of Rule 28(8)	Defence Civil Party Group 3 Co-Prosecutors	9:12	9:30
Questioning of witness Mam Nai, alias Chan (KW-08)	Trial Chamber	9:30	16:13

<u>Summary of Proceedings:</u>
<p>Observations on the seating of the lawyer of the witnesses and concerning the application of Rule 28(8)</p> <p>The Defence expressed concern that the witness' lawyer is seated at the same bench as the Defence, and requested that he be seated next to the witness. Civil Party Group 3 supported the request. The Co-Prosecutors did not express a preference concerning the seating, but raised a procedural point with respect to Rule 28(8).</p> <p>Questioning of Witness Mam Nai (KW-08) by the Chamber</p> <p>The Chamber questioned witness Mam Nai (KW-08) on issues relating to M-13 and the functioning of S-21.</p>

<u>Record of Rule 87.3 Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/393	D22/14	Written Record of Interview of Witness (Mam Nai), 26 October 2007	P. Redacted	00162809-00162820, in particular 00162818. Redact personal information.
E3/394	D22/16	Written Record of Interview of Witness (Mam Nai), 7 November 2007	P. Redacted	00162905-00162934, in particular 00162909, 00162915
E3/395	IS 5.66	Confession of Ngo Anh Torn, people living in Village No 3, Phou Hany Sub-district, An Phou District, about Position of military in An Yang province before	P	00066314-00066316, 00184342-00184344, 00324517-00324518



		5/12/78		
E5/2.8	NA	S-21 Confession of CHHEAV Sun Heng	P	00283986-00283986, 00226555-00226580, in particular 00226566-00226567
E3/396	D54	Written Record of Confrontation	C	00166561-00166570, 00166588-00166599, 00166571-00166580
E3/397	D50/2	Written Record of Interview Mâm Nai	P. Redacted.	00164390-00164394, 00164385-00164389, 00164395-00164399
E3/398	D57, annex 105	Annex 105: Chan's report to "Brother" regarding prisoners entered on 6 October 1977	P	00088706-00088708, 00225327-00225328, 00333262-00333263
E3/399	D57, Annex 081	Annex 81: Chan's report on prisoners taken into S-21 on 31 May 1977	P	00088733-00088733, 00219406-00219406, 00333261-00333261


Oral Orders/Decisions:

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 15 July 2009.

Orders for Adjournment of Hearing

Adjournment of Hearing: The hearing will resume on Wednesday, 15 July 2009 at 9:00. *NWR*

Phnom Penh,
14 July 2009



Greffier
DUCH Phary
Greffier
Natacha WEXELS-RISER