



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
23 / 09 / 2009

ម៉ោង (Time/Heure): 9:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent charge  
du dossier: Ratanak

**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

**បញ្ជីច្បាប់**  
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**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de Première instance

ថ្ងៃ ខែ ឆ្នាំ បញ្ជាក់ (Certified Date/Date de certification):  
23 / 09 / 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent charge  
du dossier: SAN N. RADA

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

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

20 July 2009

Substantive Hearing - Day 46

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

<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, Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser, Mr. Duch Phary.
<b>OCP:</b> Mr. Seng Bunkheang (morning), Mr. William Smith, Mr. Zachery Lampell, Mr. Pak Chanlino (morning), Mr. Christopher Hale (morning), Ms. Chun Soleak (morning), Mr. Chee Virak (morning), Mr. Tan Senarong (afternoon), Mr. Pich Sambath (afternoon).
<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, Mr. Alexandre Prezanti.
<b>Lawyers for the Civil Parties:</b> Ms. Silke Studzinsky, Mrs. Martine Jacquin, Mr. Kim Mengkhy, Mr. Alain Werner, Ms. Ty Srinna, Mr. Hong Kimsuon, Mr Kong Pisey
<b>Courtroom Officer/CMS:</b> Mr. Kouv Keoratanak.
<b>Others:</b> Mr. Khem Lindarita, Mrs. Maryvonne Maniacky, Mr. Pierre Cozette, Mrs. Julie Massé, Mr. Scott Bywater, Mr. Kong Sam Onn (for Him Huy's testimony).



<u>General court times</u>		
Day	Start time: 9:05	Finish time: 16:20
Recess am	Start time: 10:35	Finish time: 11:00
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 15:05	Finish time: 15:25
	Total Court Time:	5 hours and 5 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Request for closed session to raise an issue relating to Rule 28	Co-Prosecutors	9:08	9:11
Questioning of witness Him Huy (KW-09) and questions to the Accused	Co-Prosecutors	9:13	10:12
Questioning of witness Him Huy (KW-09)	Civil Party Group 1 (10:13 to 10:21, 10:23 to 10:36), Group 2 (11:02 to 11:24), Group 3 (11:24 to 11:44), Group 4 (11:44 to 12:05)	10:13	12:05
Observations by the Accused	Defence	13:34	13:43
Questioning of witness Him Huy (KW-09)	Defence	13:43	14:38
Questions to the Accused and the witness	TC	14:39	14:57
[REDACTED]	[REDACTED]	15:26	16:11
[REDACTED]	[REDACTED]	16:12	16:17

Summary of Proceedings:**Request for closed session to raise an issue relating to Rule 28**

The Co-Prosecutors requested a closed session to raise an issue relating to Rule 28 of the Internal Rules.

**Questioning of witness Him Huy (KW-09) and questions to the Accused by the Co-Prosecutors**

The Co-Prosecutors questioned the witness and the Accused on issues relating to the functioning of S-21, including Choeng Ek.

**Questioning of witness Him Huy (KW-09) by the Civil Parties**

Civil Party Groups 1, 2, 3 and 4 questioned the witness on issues relating to the functioning of S-21, including Choeng Ek

**Observations by the Accused**

The Accused made observations on the testimony.

**Questioning of witness Him Huy (KW-09) by the Defence**

The Defence questioned the witness on issues relating to the functioning of S-21, including Choeng Ek

**Additional questions to the Accused and the witness by the Chamber**

The Chamber asked additional questions to the Accused and the witness.



<b>Record of Rule 87.3 Proceedings</b>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/407	IS. No document number.	Interview with Comrade Him Huy, Former Pol Pot Cadre working at Office S21, currently the Tuol Sleng genocide Museum.	P. Redacted.	00052499-0052506, 00290093-00290102, 00141004-00141008, in particular 00141007 to 00141008. Note that this is the same document as 00147413-00147417 (part of Document D5). However the document under ERNs above, which were mentioned in court, should



				placed in the E3 folder. Redact place of birth on first page.
E3/408	IS. No document number.	Peter Maguire Interview with Him Huy	P. Redacted.	00104913-00104924, in particular 00104921-00104922, 00104923. The Khmer reference 00235765-00235766 given in court does not exist. Note that this is the same document as 00147418-00147429 (part of Document D5). Redact place of birth on first page.
E3/409	IS D5	Interview of Him Huy by Craig Etcheson and Youk Chang, 29 February 1996	P. Redacted.	00104941-00104944, in particular 00104944. Note that this is the same document as document 00147446-00147449 (part of D5). Redact personal information.
E3/410	D19/V	Written Record of Interview of Him Huy by CIJ	P. Redacted.	00148089-00148101, 00146643-00146653, 00161595-00161604, in particular 00161598. Redact personal information.
E3/244	D48/2	Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008	C	00197998-00198008, in particular 00198004. Already in the E3 folder.
E3/411	D61/I-Annex 02	Ben Kiernan's Interview with Him Huy, 14 July 1996	P	00280075-00280080, 00171147-00171152, 00280068-00280074, in particular 00280073.
E3/412	D61/I-Annex 03	Report on the meeting with a former Khmer Rouge names Him Huy	P. Redacted.	00171153-00171154, in particular 00171154, 00280081-00280083, in particular 00280081 and 00280082, 00251290-00251291, in particular 00251290. Redact address and place of birth.



E3/406	D19/VI	Written Record of Interview of HIM Huy		00161587-00161594. Already in E3 folder.
E3/242	D48/1	Report of Crime Scene Reenactment at Cheung Ek on 26 February 2008	C	00197993-00197997. Already in E3 folder.
E3/218	D52	Written Record of Confrontation	Conf. To be reclassified at a later date.	00165434-00165441. Already in E3 folder.

**Oral Orders/Decisions:**

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 21 July 2009.

**Orders for Adjournment of Hearing**

Adjournment of Hearing: The hearing will resume on Tuesday, 21 July 2009 at 9:00. *SKV*  
*NWZ*

Phnom Penh,  
20 July 2009

*SE Kolvuthy*  
Greffier  
SE Kolvuthy



*W. Riser*  
Greffier  
W. Riser