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

ម៉ោង (Time/Heure): 9:00

មន្ត្រីទទួលខុសត្រូវក្រុមប្រឹក្សានៃសវនករ/Case File Officer/L'agent chargé du dossier: Ratanak

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

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

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de Première instance

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

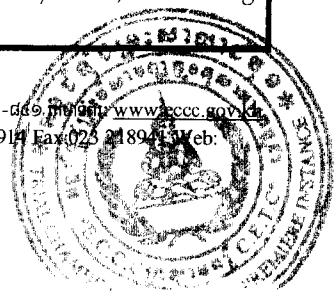
Case File N° 001/18-07-2007-ECCC/TC

22 July 2009

Substantive Hearing - Day 48

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

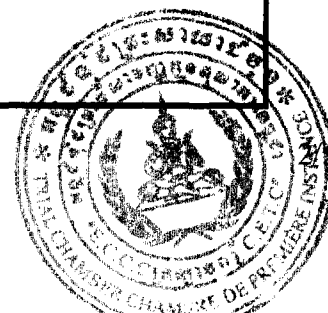
Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony.
Reserve Judges: Judge YOU Ottara (Reserve) and Judge Claudia FENZ (Reserve)
Greffier/s: Mr. Matteo Crippa, Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser, Mr. Lim Suy-Hong.
OCP: Mr. Tan Senarong, Mr. William Smith, Mr. Zachery Lampell, Mr. Pich Sambath, Mr. Keng Somarith, Mr. Anees Ahmed (afternoon), and Ms. Alicja Nilsson (afternoon).
Accused: Mr. Kaing Guek Eav alias Duch.
Defence for the Accused: Mr. Kar Savuth, Mr. François Roux, Mrs. Héleyn Uñac, Mr. Chan Ravuth, Ms. Lucile Nattiez.
Lawyers for the Civil Parties: Ms. Silke Studzinsky, Mrs. Martine Jacquin, Ms. Moch Sovannary, Mr. Alain Werner, Ms. Ty Srinna, Mr. Hong Kimsuon, Mr. Kong Pisey, Mr. Kim Mengkhy.
Courtroom Officer/CMS: Mr. Kouv Keoratanak.
Others: Mr. San Kiri, Mr. Pierre Cozette, Mrs. Julie Massé, Mr. Scott Bywater, Mr. Kong Sam Onn.



<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:05
Recess am	Start time: 10:45	Finish time: 11:00
Recess	Start time: 12:15	Finish time: 13:35
Recess pm	Start time: 15:05	Finish time: 15:20
	Total Court Time:	5 hours and 15 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Issues relating to self-incrimination	Lawyer for the witness	9:05	9:14
Questioning of Witness Prak Khan (KW-10)	Co-Prosecutors	9:14	10:06
Questioning of Witness Prak Khan (KW-10) Group 3: questioning of the Accused on issues relating to witness Prak Khan's testimony	Civil Party Group 4 (10:06 to 10:20), Group 3 (10:22 to 10:42), Group 2 (11:04 to 11:21), Group 1 (11:21 to 11:38)	10:06	11:38
Observations of the Accused	Trial Chamber	11:39	12:12
Questioning of Witness Prak Khan (KW-10)	Defence	13:42	14:31
Questioning of Witness Kok Sros (KW-11)	Trial Chamber	14:35	
Observations on the questioning of Accused and witnesses and application to submit additional questions in writing to be asked by the Chamber	Co-Prosecutors Civil Party Groups 3 and 2 Defence	15:24	16:01

<u>Summary of Proceedings:</u>
<p>Questioning of Witness Prak Khan (KW-10) by the Co-Prosecutors The Co-Prosecutors questioned witness Prak Khan on the functioning of S-21.</p> <p>Questioning of Witness Prak Khan (KW-10) by the Civil Parties Civil Party Groups 4, 2 and 1 questioned witness Prak Khan on the functioning of S-21. Civil Party Group 3 questioned the Accused on issues relating to the testimony of Prak Khan.</p> <p>Observations of the Accused</p>



The Chamber invited the Accused to make observations on the testimony of witness Prak Khan.

Questioning of Witness Prak Khan (KW-10) by the Defence

The Defence questioned witness Prak Khan on the functioning of S-21.

Questioning of Witness Kok Sros (KW-11)

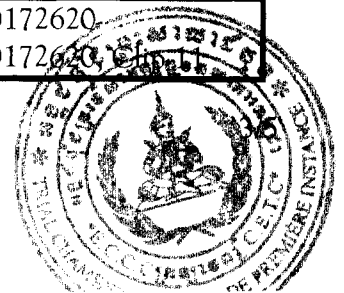
The Chamber questioned Witness Kok Sros (KW-11) on the functioning of S-21.

Observations on the questioning of Accused and witnesses

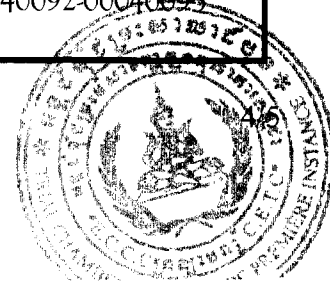
The Co-Prosecutors submitted that the Accused should not be questioned in the middle of the testimony of a witness. Civil Party Group 3 did not object to the request, but submitted that in the event the Civil Parties were not in a position to question the Accused during witness testimony, they should be given an additional opportunity to question the Accused at the end of the testimony. The Defence requested to be allocated the same time as the Co-Prosecutors and the Civil Parties together. The Chamber indicated it would rule on this issue during the next hearing.

Civil Party Group 2 noted that its questioning was interrupted before its time ran out and requested to be given the opportunity to provide additional questions to be asked by the Chamber. The Co-Prosecutors supported the request. The Defence objected to the request. The Chamber indicated that it would rule on this issue at the next hearing.

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.
E3/245	D48/2-Annex 1	Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008	C	00198028-00198081, 00181395-00181448, in particular 00181437. Already in the E3 folder.
E109	NA	Aerial Photo showing a close-up of the S21 area (D45/1/8) annotated by witness Prak Khan	P	00354328-00354328 (Khmer only)
E3/416	D32/IV, Annex 58	Annex 58: Colour copy Excerpt of Confession of Eng Meng Heang alias Chhon	P	00224127-00224127 Related ERNS: 00174392-00174434, 00235669-00235669
E3/417	D69, Annex A	S-21 The Khmer Rouge Killing Machine, Rithy Panh, Clip 19 at 01:08:42 - 01:10:27	P	V00172620-V00172620, Clip 19
E3/418	D69, Annex A	S-21 The Khmer Rouge Killing Machine, Rithy Panh, Clip 11,	P	V00172620-V00172620, Clip 11



		at 00:42:56 - 00:43:34		
E3/419	D69, Annex A	S-21 The Khmer Rouge Killing Machine, Rithy Panh, Clip 20, at 01:15:13 - 01:19:30	P	V00172620-V00172620, Clip 20
E3/420	D69, Annex A	BBC's Phel Rees Cambodia Report Including Nuon Chea Interview	P	V00172527-V00172527
E3/421	D69, Annex A	"Inside Pol Pot's Secret Prison"	P	V00172525-V00172525
E3/422	D69, Annex A	S-21 The Khmer Rouge Killing Machine, Rithy Panh	P	V00172620-V00172620 (Full documentary)
E3/423	D69, Annex A	"The Land of Silence" in "Shadow of the Past: 4 films about reconciliation"	P	V00172520
E3/413	D19/VIII	Interview of Prak Khan	P. Redacted	00161552-00161567, in particular 00161555 and 00161562; 00146593-00146612, in particular 00146599; 00164583-00164607. Already in E3 folder. Redact personal information.
E3/415	D2-7	Written Record of Interview of Prak Khan	P. Redacted	00147732-00147738, 00146790-00146796, in particular 00146792; 00145589-00145603, in particular 00145597. Already in E3 folder. Redact personal information.
E3/414	D19/VII	Written Record of Interview Prak Khan	P. Redacted	00164608-00164629, in particular 00164623, 00146613-00146634, 00161568-00161586, in particular 00161577, 00161584, 00161585. Already in E3 folder. Redact personal information.
E3/424	D25/1	Bou Meng's Civil Party Application	P. Redacted	00156811-00156824. Redact personal information.
E3/425	IS 16.159	Name of prisoners of Social Section	P	00040092-00040093



E3/14	IS 13.2	Permanent Committee meeting of 9 October 1975	P	00019108-00019126, in particular 00019121; 00183393-00183408, 00292868-00292886. Already in E3 folder.
E3/55	IS 13.14	CPK Standing Committee Meeting Minutes entitled <i>Summary of the Decisions of the Standing Committee in the Meeting of 19-20-21 April 1976</i> dated 19 April 1976 to 21 April 1976	P	00019142-00019148. Already in E3 folder.
E3/371	D57-Annex 296	Annex 296: Names of female prisoners	P	00171139-00171144, in particular 00171143, 00181789-00181790. Already in E3 folder.
E3/426	IS 14.2	Statistique list of Santibal S-21	P	00007445-00007513, 00225379-00225415, 00278744-00278776.

Oral Orders/Decisions:

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 27 July 2009.

Orders for Adjournment of Hearing

The hearing will resume on Monday, 27 July 2009 at 9:00.

SKV NWR.

Phnom Penh,
22 July 2009



 SE Kolvuthy Greffier
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 Atacha WEXELS-RISER