



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): 25 / 09 / 2009
ម៉ោង (Time/Heure) : 15:30
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: [Signature]
ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date /Date de certification): 28 / 09 / 2009
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: [Signature]

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

4 August 2009

Substantive Hearing - Day 52

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

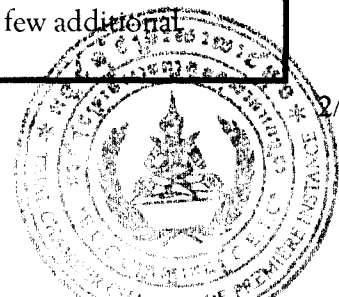
Attendance Record
Before: Judge NIL Nonn (President), Judge Silvia CARTWRIGHT, Judge YA Sokhan, Judge Jean-Marc LAVERGNE, Judge THOU Mony.
Reserve Judges: Judge YOU Ottara (Reserve) and Judge Claudia FENZ (Reserve)
Greffier/s: Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser, Mr. Matteo Crippa, Mr. Duch Phary, Ms. Aline Briot.
OCP: Mr. Tan Senarong, Mr. Anees Ahmed, Mr. Zachery Lampell, Mr. Pak Chanlino, Mr. Keng Somarith, Mr Chee Virak.
Accused: Mr. Kaing Guek Eav alias Duch.
Defence for the Accused: Mr. Kar Savuth, Mr. François Roux, Mrs. Héleyn Uñac, Mr. Chan Ravuth, Mr. Alexandre Prezanti (morning).
Lawyers for the Civil Parties: Ms. Silke Studzinsky, Mr. Kong Pisey, Mrs. Fabienne Trusses-Naprous, Mr. Kim Mengkhy, Mr. Alain Werner, Ms. Ty Srinna.
Courtroom Officer/CMS: Mr. Kouv Keoratanak
Others: Mr. Scott Bywater, Mrs. Julie Massé, Mr. Lay Nara, Mrs. Maryvonne Maniacky, Mr. Kong Sam Onn.



General court times		
Day	Start time: 9:05	Finish time: 16:15
Recess am	Start time: 10:40	Finish time: 10:55
Recess	Start time: 12:15	Finish time: 13:35
Recess pm	Start time: 14:40	Finish time: 15:00
	Total Court Time:	5 hours

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Questioning of Witness Lach Mean (KW-21)	Co-Prosecutors	9:08	10:16
Questioning of Witness Lach Mean (KW-21)	Civil Party Group 1 (10:18 to 10:38), Group 2 (10:55 to 11:19)	10:17 10:55	10:38 11:19
Questioning of Witness Lach Mean (KW-21)	Defence	11:19	12:04
Observations of the Accused	TC	12:05	12:11
Reading of witness statements of KHIEU Chés, PESS Math, Nhem En and observations by the Parties	TC	13:36	16:12

Summary of Proceedings:
<p>Questioning of Witness Lach Mean (KW-21) by the parties The Co-Prosecutors, Civil Party Group 1 questioned Witness Lach Mean on the functioning of S-21.</p> <p>Reading of witness statements of KHIEU Chés, PESS Math, NHEM En The Chamber read the statement of KHIEU Chés and invited the parties to make observations. The Co-prosecutors requested that the statement be admitted as evidence. Civil Party Group 2 requested that another statement of this person at ERN 00079767 be read: "Victims and Perpetrators? Testimony of Young Khmer Rouge Comrades" (IS 4.3). The Chamber rejected the request. The Accused acknowledged that the statement is accurate and plausible.</p> <p>The Chamber read the statement of PESS Math and invited the parties to make observations. The Co-Prosecutors requested that the statement be admitted as evidence The Civil Parties had no comments. The Defence did not oppose that the document be put before the Chamber. The Accused acknowledged that the statement is generally appropriate and made a few additional comments.</p>



The Chamber read the statement of Nhem En and invited the parties to make observations.

Civil Party Group 1 had no comments.

The Defence indicated that it did not challenge that the statement be put before the Chamber, but objected to its contents and contested the credibility of the witness. It did not however wish to call this witness.

The Accused made observations on the statement and partly contested its veracity.

Record of Rule 87.3 Proceedings				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/245	D48/2, Annex 1	"Report of Crime Scene Reenactment at Tuol Sleng on 27 February 2008", Photographs no.49 ("Ammunition box and can for prisoners to defecate and urinate in") and no.39 ("Painting by Vann Nath" of collective prisoner cell)	C	00198028-00198081, in particular 00198078 and 00198068; 00181395-00181448, in particular 00181445 and 00181435; 00181449-00181502. Already in E3 folder.
E68.1	NA	Revised S-21 Prisoner List	P	00329596-00330129
E3/449	D92/1, Annex 6	Interview with DC-Cam and witness Lach Mean	P redacted	00057053-00057078, in particular 00057066; 00335276-00335296, in particular 00335287, 00335288 and 00335291; 00337992-00338015. Redact personal information.
E3/450	D2-6	Written Record of OCP Interview with Lach Mean (Mien) (7 December 2006)	P redacted.	00146786-00146789, in particular 00145587, 00146789; 00145579-00145588; 00147728-00147731. Redact personal information.
E3/451	D22/13	Written Record of OCIJ Interview with Lach Mean (24 October 2007)	P redacted.	00363550-00363562, 00363672-00363686; 00162771-00162781, in particular 00162775, 00162777, 00162778. Redact personal information.
E3/451-Annex	D22/13-Annex	Khmer Annex to Written Record of OCIJ Interview with Lach Mean	P	00162782-00162793, in particular 00162786-00162787, 00162790;



				00162794-00162796
E3/452	IS 16.119	Daily interrogation of prisoner's name on 30/4/78 by cold group	P	00039595-00039602, in particular 00039595 and 00039596; 00233803-00233817
E3/453	IS 16.77	Name list of the prisoners from ministry and devers zones have interrogated by hot group	P	00233825-00233838, in particular 00233835; 00039714-00039721, in particular 00039714.
E3/454	IS 8.1	Interrogation of prisoner 's name on April 1978 by hot group	P	00006957-00006968; 00182913-00182934; 00224368-00224384
E3/425	IS 16.159	Name of prisoners of Social Section	P	00040092-00040093. (Khmer only). Already in E3 folder.
E3/455	D57, Annex 16	Annex 16: S-21 Prisoner List containing names of prisoners of the civil service	P	00040220-00040221, in particular 00040220; 00181626-00181626
E3/456	D28/2	Written Record of Interview of KHIEU Chés (28 November 2007)	P redacted.	00163636-00163641, 00305201-00305208, 00163642-00163648. Redact personal details
E3/457	D76/2	Written Record of Interview PESS Matt	P redacted.	00195706-00195710, 00186559-00186563, 00356968 - 00356972. Redact personal details
E3/458	D22/15	Written Record of Interview of NHÉM En	P redacted.	00162833-00162851, 00162852-00162871, 00195653-00195672. Redact personal details

Oral Orders/Decisions:

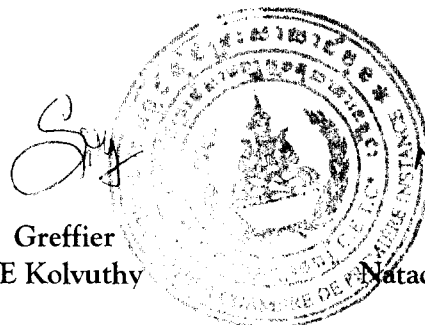
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 5 August 2009.

Orders for Adjournment of Hearing

The hearing will resume on Wednesday, 5 August 2009 at 9:00. *SKV NW2*

Phnom Penh,
4 August 2009

SKV
Greffier
SE Kolvuthy



N.W. Riser
Greffier
Natacha WEXELS-RISER