

E 2/64



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
30 / 09 / 2009

ម៉ោង (Time/Heure): 11:45

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

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់**  
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification):  
30 / 09 / 2009

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de Première instance

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

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

18 August 2009

Substantive Hearing - Day 59

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> Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser, Mr. Matteo Crippa, Mr. Duch Phary, Ms. Aline Briot.
<b>OCP:</b> Mr. Vincent De Wilde D'estmael, Mr. Seng Bunkheang, Mr. Pak Chanlino, Ty Monin, Huot Vichet.
<b>Accused:</b> Mr. Kaing Guek Eav alias Duch.
<b>Defence for the Accused:</b> Mr. Kar Savuth, Mr. François Roux (absent), Mrs. Marie-Paule Canizarès, Mrs. Héleyn Uñac, Mr. Chan Ravuth, Mr. Alexandre Prezanti.
<b>Lawyers for the Civil Parties:</b> Ms. Silke Studzinsky, Mrs. Fabienne Trusses-Naprous, Mr. Kim Mengkhy, Mr. Alain Werner, Ms. Ty Srinna.
<b>Courtroom Officer/CMS:</b> Mr. Uch Arun.
<b>Others:</b> Mrs. Maryvonne Maniacky, Mr. Meach Sovanna, Mr. Pierre Cozette.



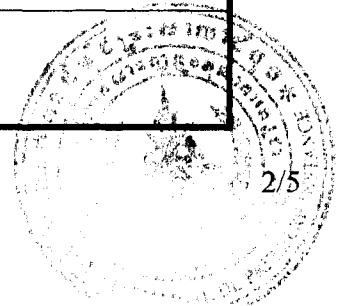
<u>General court times</u>		
Day	Start time: 9:05	Finish time: 16:35
Recess am	Start time: 10:35	Finish time: 10:55
Recess	Start time: 12:00	Finish time: 13:35
Recess pm	Start time: 14:45	Finish time: 15:10
	Total Court Time:	5 hours and 10 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Withdrawal of request to hear Civil Party E2/77	Civil Party Group 2	9:09	9:12
Hearing of Civil Party Antonya Tioulong (D25/27)	Civil Party group 3	9:12 10:58	10:32 11:05
Observations of the Accused	TC	11:07	11:09
Hearing of Civil Party Hav Sophea (D25/4)	Civil Party Group 1	11:11	11:58
Observations of the Accused	TC	11:58	12:00
Issues relating to the schedule of hearing of Civil Parties	Civil Party Group 2	13:36	13:54
Hearing of Civil Party So Soung (E2/34)	Civil Party Group 3	13:55	14:44
Questions to Civil Party So Soung	Co-Prosecutors	15:11	15:20
Questions to Civil Party So Soung	Defence	15:20	15:27
Observations of the Accused	TC	15:28	15:32
Hearing of Civil Party Neth Phally (E2/50)	Civil Party Group 1	15:35	16:17
Questions to Civil Party Neth Phally (E2/50)	Co-Prosecutors	16:17	16:19
Observations of the Accused	TC	16:28	16:30
Information concerning schedule of hearing	TC	16:30	16:35

**Summary of Proceedings:**

**Withdrawal of request to hear Civil Party E2/77**

Civil Party Group 2 withdrew its request to hear Civil Party E2/77.



**Hearing of Civil Party Antonya Tioulong**

The Civil Party Lawyer requested that Civil Party Antonya Tioulong (D25/27) be allowed to speak on her own behalf and on behalf of Civil Parties D25/28, D25/26 and E2/29. The Chamber heard Civil Party Antonya Tioulong. Neither the Co-Prosecutors nor the Defence had any comments.  
The Accused made some observations on the testimony.

**Hearing of Civil Party Hav Sophea**

The Chamber heard Civil Party Hav Sophea. Neither the Co-Prosecutors nor the Defence had any comments.  
The Accused made some observations on the testimony and acknowledged that the victim was detained at S-21.

**Issues relating to the schedule of hearing of Civil Parties**

Civil Party Group 2 provided information relating to the health, availability and readiness of Civil Parties of this group to be heard, as well as the health and availability of lawyers of Civil Party Group 4.

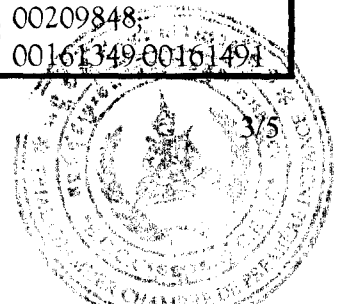
**Hearing of Civil Party So Soung**

The Chamber heard Civil Party So Soung.  
The Co-Prosecutors and the Defence questioned the Civil party.  
The Accused made some observations on the testimony.

**Hearing of Civil Party Neth Phally**

The Chamber heard Civil Party Neth Phally.  
The Co-Prosecutors questioned the Civil Party. The Defence did not have any comments.  
The Accused acknowledged that the victim was detained at S-21.

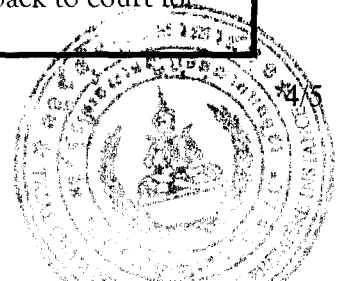
<b>Record of Rule 87.3 Proceedings</b>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E2/39.4	NA	Annex 4: Tioulong Raingsy - Over line before April 17 (Biography)	P	00274780-00274784, 00274775-00274779, 00274785-00274793
E2/29.2 E3/476/2	IS 3.4 D25/26/2	Annex 2: Tuol Sleng Prisoner Biography of Lim Kimari	P	00088813-00088813, 00226076-00226076, 00211858-00211858. 00344226,
E2/29.3 E3/476/3	D25/26/3	Annex 3: Photograph of Lim Kimari at Tuol Sleng	P	00211859-00211859, 00088813-00088813, 00211858-00211858
E3/498	D43, Annex B	Prisoner list	P	00209738-00210035, in particular 00209848; 00161349-00161494



E68.1	NA	Revised prisoner list	P	00329596-00330129, in particular 00329659 and 00329839
E140.2	NA	Annex 2: DC-Cam Biographical database record on List of Prisoners smashed from September to December 1976	P	00362305-00362305, 00358633-00358633
E140.4	NA	Birth certificate of Hav Sophea	C	00362307-00362307
E3/499	D25/4	Civil Party Petition of HAV Sophea, including Prisoner Biography of Chen Sea and photograph of Chen Sea	P redacted	00211220-00211233, 00188769-00188783, 00195959-00195974. Redact personal information.
E2/34/5.3 and E5/7/1.4	NA	Photograph of Meas Sun	P	00282315-00282315
E2/34/5.2	NA	Certificate from Mayor certifying the kinship between So Soung and her sister and brother-in-law	P	00364928-00364928, 00364929-00364929
E2/34	NA	Civil Party Application of So Saung	P redacted	00360767-00360771, 00274459-00274466, in particular 00274461, 00286686-00286691. Redact personal information.
E140.6	NA	Annex 6: Biography of Neth Bunthy at S21	P	00358646-00358646, 00362310-00362310
E140.7	NA	Annex 7: Certification of S-21 Documents to Ms Ty Srinna	P	00362311-00362311, 00358649-00358649
E140.8	NA	Annex 8: Book of Residence of Chhaet Phally	C	00362312-00362313, 00358652-00358653
E140.9	NA	Annex 9: National Identity Card of Chhoeut Phally	C	00358656-00358656, 00362314-00362314

**Oral Orders/Decisions:**

- Decision to amend the schedule as follows:
  - Seang Vandy, Im Sunthy and Phung Guth Sunthary to be heard on Wednesday 19 August.
  - Chhin Navy, Chum Sirath and Ou Savrith to be heard on Thursday 20 August.
  - Touch Monin, Ros Men and Chum Neou to be heard on Monday 24 August
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 19 August 2009.




**Orders for Adjournment of Hearing**

The hearing will resume on Wednesday 19 August 2009 at 9:00. *SKV NLR*

Phnom Penh,  
18 August 2009

*SE Kolvuthy*  
Greffier  
SE Kolvuthy



*Natasha Wexels-Riser*  
Greffier  
Natasha WEXELS-RISER