

**ឯកសារបញ្ជាក់ថាជាកម្រិតប្រកបដោយភាពត្រឹមត្រូវ**  
**CERTIFIED COPY/COPIE CERTIFIÉE CONFORME**

ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):  
 ..... ០២ / ១០ / ២០០៩ .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé  
 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  
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):  
 ..... ០២ / ១០ / ២០០៩ .....

ម៉ោង (Time/Heure): ..... ១៣ : ១០ .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé  
 du dossier: ..... **SANN RADA** .....

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

**PUBLIC**

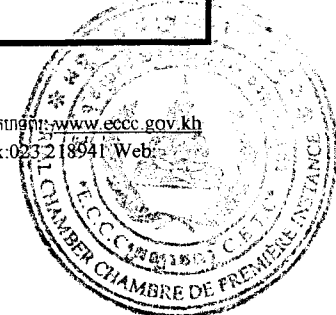
Case File N° 001/18-07-2007-ECCC/TC

24 August 2009

Substantive Hearing - Day 62

Prepared by: DUH Phary 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.
<b>OCP:</b> Mr. Seng Bunkheang, Mr. Vincent De Wilde D'Estmael, Mr. William Smith (morning), Mr. Pak Chanlino, Mr. Phann Sochea, Mr. Ty Monin, Mr. Huot Vichet, Mr. Mam Chanvannak.
<b>Accused:</b> Mr. Kaing Guek Eav alias Duch.
<b>Defence for the Accused:</b> Mr. Kar Savuth, Mr. François Roux, Mrs. Marie-Paule Canizarès, Mr. Chan Ravuth, Mrs. Héleyn Uñac (morning), Mr. Alexandre Prezanti.
<b>Lawyers for the Civil Parties:</b> Mr. Hong Kimsuon, Mr. Kong Pisey, Mrs. Fabienne Trusses-Naprous, Ms. Moch Sovannary, Mr. Alain Werner, Ms. Ty Srinna, Ms. Jessica Finelle.
<b>Courtroom Officer/CMS:</b> Mr. Uch Arun.
<b>Others:</b> Mrs. Maryvonne Maniacky, Mr. Scott Bywater, Mr. Pierre Cozette, Ms. Pich Chariya.



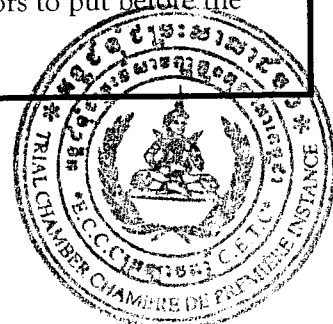
<u>General court times</u>		
Day	Start time: 9:05	Finish time: 16:45
Recess am	Start time: 10:50	Finish time: 11:15
Recess	Start time: 11:50	Finish time: 13:35
Recess pm	Start time: 14:45	Finish time: 15:05
	Total Court Time:	5 hours and 10 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Information on schedule	TC	9:07	9:12
Requests by OCP regarding schedule	Co-Prosecutors	9:12	9:15
Issues relating to Civil Parties	Civil Party Groups 2, 1 and 3	9:15	9:25
Hearing of Civil Party Chum Neou	Civil Party Group 4, TC	9:26	10:29
Questions to Civil Party Chum Neou	Co-Prosecutors	10:29	10:49
Questions to Civil Party Chum Neou	Defence	11:17	11:39
Questions of the Civil party to the Accused and observations of the Accused	TC	11:40	11:46
Decision by the Chamber on the request by the Co-Prosecutors	TC	13:35	13:38
Hearing of Civil Party Chhin Navy (D25/2)	Civil Party Group 2 and TC	13:39	15:47
Questions to Civil Party Chhin Navy	Co-Prosecutors	15:47	15:51
Hearing of Civil Party Touch Monin (D25/14)	Civil Party group 4 and TC	15:55	16:38

Summary of Proceedings:**Requests by the Co-Prosecutors relating to scheduling**

The Co-Prosecutors requested to be given one or one and a half hour to question the Accused on issues relating to his character.

They also requested that half an hour be given for the Co-Prosecutors to put before the Chamber documents relating to armed conflict.



**Issues relating to Civil Parties**

Civil Party Group 2 indicated that the international co-lawyer would be absent as she is in hospital.

He also indicated that Civil Party Ros Men was sick and unable to testify.

Additional information was given by Groups 1 and 3 on issues relating to Civil Parties.

**Hearing of Civil Party Chum Neou (D25/16)**

The Court continued to hear Civil Party Chum Neou.

The Co-Prosecutors and the Defence questioned Chum Neou. The Accused made some observations on her testimony.

**Decision on request by the Co-Prosecutors**

The Chamber issued its decision on the request of the Co-Prosecutors to be allocated time to put documents before the Chamber (see below).

**Hearing of Civil Party Chhin Navy (D25/2)**

The Court heard Civil Party Chhin Navy. The Co-Prosecutors questioned the Civil party.

Neither the defence nor the Accused had any questions or observations.

**Hearing of Civil Party Touch Monin (D25/14)**

The Court heard Civil Party Touch Monin. Neither the Co-Prosecutors nor the Defence had any questions. The Accused did not make any observations.

<b>Record of Rule 87.3 Proceedings</b>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/503/2	D25/16/2	Annex 2: Prisoner Biography of Chum Neou	P	00233371-00233371, 00211380-00211380, 00289729-00289729. Already in E3 folder.
E68.5	NA	Annex 5: S-21 Prisoners Identified as Men	P	00330944-00331191, in particular 00331076. Already put before the Chamber.
E68.14	NA	Annex 14: S-21 Prisoners from RAK Center Units	P	00331730-00331865, in particular 00331803. Already put before the Chamber.
E3/505	D25/2	Civil Party Petition of CHHIN Navy	P redacted.	00152367-00152374, 00156825-00156833, 00280031-00280043. Redact personal information and last (copy of ID card).
E3/506	D36,	DC-Cam List of smashed people in S-21	P	00086610-00086611, 00086612-00086619,



	Annex A			in particular 00080640; 00158333-00158334, 00158331-00158332
E3/507/1	D25/14/1	ID Card Touch Monin	C	00211332-00211332, 00231878-00231878
E3/507	D25/14	Civil Party Petition of Mr TOCH Monin	P redacted.	00238408-00238414, 00211321-00211331
E3/508	D43, Annex A	List of S-21 Prisoners	P	00161072-00161348, in particular 00161084 and 00161073; 00218021-00218212; 00218653-00218941; 00171429-00171798, in particular 00171449.
E3/498	D43, Annex B	Prisoner list	P	00209738-00210035; 00161349-00161491, in particular 00161356
E3/507/2	D25/14/2	Annex 2: DC-Cam CBIO Record of Mr. CHEA Khan	P	00239024-00239025, 00211333-00211333

**Oral Orders/Decisions:**

• **Decision to amend the schedule**

The Chamber repeated its decision to amend the schedule, which was announced to the parties during the hearing of 20 August, but which was not communicated to the public, due to technical glitches. The Chamber would like to inform the parties that due to the progress of the proceedings and the withdrawal of the request to hear a number of Civil Parties in the last few days, the Chamber has re-scheduled the hearings for next week.

On Monday, the Chamber will continue to hear Chum Neou and will hear Chhin Navy, Touch Monin and Ros Men. After hearing these Civil Parties, the Chamber will break for the day.

On Tuesday morning, the Chamber will hear expert CP2/5 on issues relating to the suffering of Civil parties.

On Tuesday afternoon, the Chamber will start hearing the challenges of Civil Party applications by the Defence, and responses of Civil Parties thereto. The Chamber will hear such challenges and responses for approximately 2 days.

The Chamber will then start questioning the Accused on his character.

The following week, the Chamber will start hearing experts and witnesses on the character of the Accused.

The Chamber reserves the right to change the schedule and will keep the parties informed if further amendments are required.



- **Decision on request by the Co-Prosecutors**

The Chamber refers to various requests of the Co-Prosecutors to put documents before the Chamber under Rule 87.


The Chamber will allocate time to the parties at the end of the hearing of testimonies to put documents which are already on the case file before the Chamber according to Rule 87 (3) .

If parties wish to file new documents according to Rule 87 ( 4 ) , they should do so as soon as possible.

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 25 August 2009.

**Orders for Adjournment of Hearing**

The hearing will resume on Tuesday 25 August 2009 at 9:00. *MMZ* .

Phnom Penh, 24 August 2009  
Greffier  
  
DUCH Phary  
Natacha WEXELS-RISER  
Greffier