

ឯកសារត្រឹមត្រូវតាមច្បាប់  
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ថ្ងៃ ខែ ឆ្នាំ ថ្ងៃការបញ្ជាក់ (Certified Date/Date de certification):  
 ..... 05 / 10 / 2009 .....

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

E1/71



**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):  
 ..... 05 / OCT / 2009 .....

ម៉ោង (Time/Heure) : ..... 08:00 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé  
 du dossier: ..... C. A. Fey .....

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

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

31 August 2009

Substantive Hearing - Day 66

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. Tan Senarong, Mr. Anees Ahmed, Mr. Pich Sambath, Mr. Pak Chanlino, Mr. Ty Monin, Mr. Huot Vichet, Ms. Madeleine Arens (morning).
<b>Accused:</b> Mr. Kaing Guek Eav alias Duch.
<b>Defence for the Accused:</b> Mr. Kar Savuth, Mr. François Roux, Mr. Chan Ravuth, Mrs. Héleyn Uñac, Mr. Alexandre Prezanti, Ms. Lucile Nattiez.
<b>Lawyers for the Civil Parties:</b> Mrs. Christine Martineau, Mr. Alain Werner, Ms. Ty Srinna (morning).
<b>Courtroom Officer/CMS:</b> Mr. Uch Arun.
<b>Others:</b> Mr. Scott Bywater, Mrs. Julie Massé, Mr. San Kiri, Mr. Meach Sovanna.



<u>General court times</u>		
Day	Start time: 9:10	Finish time: 16:20
Recess am	Start time: 10:30	Finish time: 10:55
Recess	Start time: 12:15	Finish time: 13:30
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
Recognition of Civil Party Lawyer Christine Martineau	Civil Party Group 1 (on behalf of Group 3) TC	9:11	9:14
Information concerning Civil Party action	Civil Party Group 1	9:15	9:16
Information concerning scheduling	TC	9:16	9:19
Request to read document by Henry King and to show extract from video clip, request to give additional time to Expert Raoul Marc Jennar	Defence	9:20	9:23
Oath by experts Françoise Sironi Guilbaud and Ka Sunbaunat	TC	9:26	9:34
Hearing of experts Françoise Sironi-Guilbaud and Ka Sunbaunat	TC	9:34	13:50
Questioning of Experts Françoise Sironi-Guilbaud and Ka Sunbaunat	Co-Prosecutors	13:51	15:31
Request to inform experts of reason of Civil Parties' absence and non-questioning of the experts by Civil Parties	Civil Party Groups 1 and 3	15:32	15:38
Questioning of Experts Françoise Sironi-Guilbaud and Ka Sunbaunat	Defence	15:38	16:15

<u>Summary of Proceedings:</u>
<p><b>Recognition of Civil Party Lawyer Christine Martineau</b> The Chamber recognised Civil Party Lawyer Christine Martineau.</p> <p><b>Information concerning Civil Party action</b> Civil Party Group 1 indicated that due to the Civil Parties' lack of understanding of the</p>



Chamber's decision not to allow Civil Parties to question character witnesses, they decided not to attend the hearing today.

**Information concerning scheduling of remaining hearings**

The Chamber informed the parties of the scheduling for the remaining hearings (see below).

**Request to read document by Henry King and to show extract from video clip, request to give additional time to Expert Raoul Marc Jennar**

The Defence requested that a statement from Henry King be read in court and that an extract from a video-clip from the Obrenovic trial be shown in court. It also requested that Raoul Marc Jennar be given additional time if necessary for his testimony.

**Oath by experts Françoise Sironi-Guilbaud and Ka Sunbaunat**

The two experts took the oath.

**Hearing of experts Françoise Sironi-Guilbaud and Ka Sunbaunat**

The Chamber established the expertise of Françoise Sironi-Guilbaud and Ka Sunbaunat and questioned them on the character of the Accused.

The Co-Prosecutors and the Defence questioned the experts on issues relating to the character of the Accused.

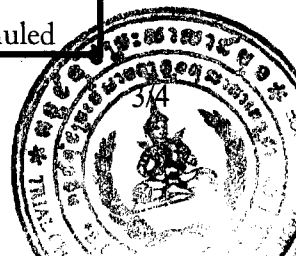
<b>Record of Rule 87.3 Proceedings</b>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/509	B1/IV	Report of Experts Françoise Sironi-Guilbaud and Ka Sunbaunat	Public	00210946-00211081 00211082-00211151, 00177506-00177576 To be issued with extract of the transcript on correction of gender of child and number of deaths the Accused thought there were at S-21.

**Oral Orders/Decisions:**

• **Order concerning scheduling**

Experts KW-34 and Françoise Sironi-Guilbaud will testify together. They will first summarise their report filed during the OCIJ stage, and then present the update of this report. Questioning will follow.

Due to scheduling constraints, the Chamber has decided to hear the witnesses scheduled



for this week (D1, D2, D3, D4, D5 and D6) immediately after the testimony of Experts KW-34 and Françoise Sironi-Guilbaud.

If the testimonies scheduled for this week finish early, the Chamber will continue the questioning of the Accused on his character. If time allows, the Co-Prosecutors and the Defence will also be able to question the Accused at this time.

On 14 and 15 September, the Chamber will hear the testimonies of experts and witnesses Richard Goldstone, Raoul Marc Jennar, Christopher Lapel, D8 and Stéphane Hessel.

On 16 September (full day) and 17 September (morning only), the Chamber, Co-Prosecutors and Defence, as appropriate, will finish the questioning of the Accused on his character. The Chamber will also deal with procedural matters such as putting documents before the Chamber under Rule 87 at this stage. If more time is needed for this, hearings will continue on 22nd (and if necessary) 23rd September.


- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 1 September 2009.

#### Orders for Adjournment of Hearing

The hearing will resume on Tuesday 1 September 2009 at 9:00. *SKV NWL*

Phnom Penh,  
31 August 2009

*SKV*  
Greffier  
Se Kolvuth



*N.W. Riser*  
Greffier  
Stéphanie WEXELS-RISER