

E1/73



**ឯកសារដើម**  
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 ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Data de reception):  
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 ព្រះរាជាណាចក្រកម្ពុជា ..... SANN RAPA .....  
 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

**ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់ដើម**  
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 ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Data de certification):  
 ..... 02 / 10 / 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

2 September 2009

Substantive Hearing - Day 68

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, Ms. Aline Briot
<b>OCP:</b> Mr. Seng Bunkheang, Mr. William Smith, Mr. Vincent De Wilde D'Esmael, Mr. Pak Chanlino, Mrs. Chun Soleak, Mr. Man Chanvannak
<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 (afternoon), Ms Lucile Nattiez (Morning)
<b>Lawyers for the Civil Parties:</b> Mrs. Christine Martineau, Mr. Alain Werner, Ms. Moch Sovannary.
<b>Courtroom Officer/CMS:</b> Mr. Kouv Keoratanak
<b>Others:</b> Mr. Scott Bywater, Mrs. Julie Massé, Mr. Lay Nara, Mr. San Kiri.



<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:20
Recess am	Start time: 10:45	Finish time: 11:05
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:45	Finish time: 15:05
	Total Court Time:	5 hours and 15 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Inquiry concerning availability of parties for the Final Hearing, further to the Co-Prosecutor's request for postponement	TC	9:08	9:14
Questioning of Witness Hun Smirn (D5)	TC	9:15	9:35
Questioning of Witness Hun Smirn (D5)	Co-Prosecutors	9:35	9:48
Questioning of Witness Hun Smirn (D5)	Defence	9:49	10:01
Questioning of Peng Poan (D6)	TC	10:04	10:26
Questioning of Peng Poan (D6)	Co-Prosecutors	10:26	10:44
Questioning of Peng Poan (D6)	Defence	11:06	11:18
Observations of the Accused on character witnesses	TC	11:21	11:23
Questioning of the Accused on his character	TC	11:23	16:20
Information relating to Civil Parties	Civil Party Group 1	13:34	13:35

<u>Summary of Proceedings:</u>
<p><b>Inquiry concerning availability of parties for the Final Hearing, further to the Co-Prosecutor's request for postponement</b></p> <p>Further to the Co-Prosecutors' request to postpone the hearing of Closing Statements, the Chamber inquired with the parties about their availability. Civil Party Groups 1 and 3 as well as the Defence indicated their flexibility on the date of this hearing.</p> <p><b>Questioning of Witness Hun Smirn (D5)</b></p> <p>The Chamber, the Co-Prosecutors and the Defence questioned witness Hun Smirn on the character of the Accused.</p>



**Questioning of Witness Peng Poan (D6)**

The Chamber, the Co-Prosecutors and the Defence questioned witness Peng Poan on the character of the Accused.

**Observations of the Accused on character witnesses**

The Accused made observations on the testimonies of witnesses Sou Sath (D1), Tep Sem (D2), Tep Sok (D3), Chou Vin (D4), Hun Smirn (D5) and Peng Poan (D6).

**Questioning of the Accused on his character**

The Chamber continued the questioning of the Accused on his character.

**Information relating to Civil Parties**

Civil Party Group 1 indicated that the lawyers for Civil Party Groups 2 and 4 have been absent from the proceedings due to their effort to find documents in support of their clients' Civil Party applications.

**Record of Rule 87.3 Proceedings**

TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/510	IS 4.1	Book: When the War was Over, Elizabeth Becker	P	00237694-00238316, 00231987-00232710




**Oral Orders/Decisions:**

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 14 September 2009.

**Orders for Adjournment of Hearing**

The hearing will resume on Monday 14 September 2009 at 9:00. *SKV NWR*

Phnom Penh,  
2 September 2009

Greffier SE Kolvuthy      Greffier W. Riser