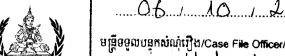
# ឯកសារបាន៩**ឧចម្ភុខក្រឹមខ្លេចងាម**ច្បាច់ដើម

CERTIFIED CORY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខ្លាំ នៃការបញ្ជាក់ (Certifified Date/Date de certification):



ត្រុះរាទាំណាចក្រភម្ម ទា មន្ត្រីមទូលបន្ទុកសំណុំរឿង/Case File Officer/L'agent charge

អត្ថខិត្តិ៩ម្រះនិសាមញ្ញតូខតុលាការកម្ពុ៩រ

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

Nation Religion King Royaume du Cambodge Nation Religion Roi

Kingdom of Cambodia

អតិទូរំឡាំនាមាខារាព្ធខ

Trial Chamber Chambre de Première instance

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

# **PUBLIC**

Case File No 001/18-07-2007-ECCC/TC

15 September 2009 Substantive Hearing - Day 70

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ORIGINAL DOCUMENT/DOCUMENT ORIGIN,

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 06 / 10 / 2009

មន្ត្រីទទូលមន្ទកសំណុំរឿង/Case File Officer/L'agent che du dossier: UCh Arun

Prepared by: DUCH Phary 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: Mr. Matteo Crippa, Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser, Mr. Duch

OCP: Mrs. Chea Leang (morning), Mr. William Smith, Mr. Tan Senarong, Mr. Seng Bunkeang, Mr. Vincent De Wilde D'Esmael, Mr. Phann Sochea (morning).

Accused: Mr. Kaing Guek Eav alias Duch.

Defence for the Accused: Mr. Kar Savuth, Mr. François Roux, Mr. Chan Ravuth, Mrs. Héleyn Uñac, Ms. Lucile Nattiez.

Lawyers for the Civil Parties: Mr. Alain Werner, Mrs. Christine Martineau, Ms. Ty Srinna, Mr. Kim Mengkhy, Mr. Hong Kimsuon.

Courtroom Officer/CMS: Mr. Kauv Keoratanak

Others: Mr. Scott Bywater, Mrs. Julie Massé, Mr. Meach Sovanna, Mr. San Kiri.

001/18-07-2007-ECCC/TC

E1/75

General court times		
Day	Start time: 9:05	Finish time: 16:20
Recess am	Start time: 10:40	Finish time: 11:05
Recess	Start time: 12:10	Finish time: 13:35
Recess pm	Start time: 15:10	Finish time: 15:30
	Total Court Time:	5 hours and 5 minutes

Type of Issue Raised By Start time Finish time  Questioning of Witness Christopher Lapel  Questioning of Witness Christopher Lapel  Questioning of Witness Christopher Lapel  Observations of the Accused on the testimony of Christopher Lapel  Withdrawal of the request to hear Robert Piché and other issues  Questioning of Expert Stéphane Hessel  Questioning of Expert Stéphane Hessel  Questioning of Expert Stéphane Hessel  Observations of the Accused on faculty of the Accused on the control of the Accused on issues relating to the control of the Accused on faculty of the Accused on facul	Proceedings			
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his character	Questioning of the Accused on	TC	15:30	16:18
	his character			

# Summary of Proceedings:

# Questioning of Witness Christopher Lapel

Witness Christopher Lapel took the oath according to the Christian religion. The Chamber questioned the witness on the character of the Accused. The Co-Prosecutors and the Defence questioned the witness on the character of the Accused.

E1/75

## Withdrawal of the request to hear Robert Piché and other issues

The Defence withdrew its request to hear Robert Piché and requested that a letter written by Henry King be read in court. He also requested that a book ("God has a dream: A Vision of Hope for our Time" by Desmond Tutu") which was listed in Document E5/9 be put before the Chamber. The Co-Prosecutors requested that the specific pages the Defence intends to use in its closing statement be translated. The Chamber recalled the contents of Rule 87 and indicated that it would rule on all requests to put documents before the Chamber at the same time. The Chamber informed the parties that it did not intend to read the letter from Henry King in court.

#### Questioning of the Accused on issues relating to his character

The Chamber continued questioning the Accused on issues relating to his character (continuation from 2 September 2009).

#### Questioning of Expert Stéphane Hessel

The expert took the expert oath. The Chamber questioned the Expert on issues relating to reconciliation and forgiveness. The Co-Prosecutors, Civil Party Groups 3 and 2, as well as the Defence questioned the expert on issues relating to reconciliation and forgiveness. The Accused made a few observations on the testimony.

## Questioning of the Accused on his character

The Chamber continued questioning the Accused on this character (continuation from morning session and 2 September).

Record of Rule 87.3 Proceedings				
TC Ref	OCIJ Ref	Name/Description	Class. (S, C	Remarks
Number	Number		or P)	
E3/509	B1/IV	Report of Experts Françoise Sironi-	Public	00210946-00211081,
		Guilbaud and Ka Sunbaunat		in particular
				00177548; 00211082-
				00211151, 00177506
				00177576. Already in
				E3 folder.
E3/244	D48/2	Report of Crime Scene Reenactment at	P	00181328-00181346,
, _ , .		TUOL Sleng on 27 February 2008	reclassified	00197998-00198008,
				00181347-00181356.
				Already in E3 folder.
				Reclassify as public.

#### Oral Orders/Decisions:

• Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 16 September 2009.

## Orders for Adjournment of Hearing



001/18-07-2007-ECCC/TC

E1/75

The hearing will resume on Wednesday 16 September 2009 at 9:00. M.

Greffier

**DUCH Phar** 

Phnom Penh, 15 September 2009

Greffier

Gracha WEXELS-RISER