



ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... 10 / 04 / 2009

ម៉ោង (Time/Heure): 10:50

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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

Kingdom of Cambodia
Nation Religion King

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
ROYAUME DU CAMBODGE
Nation Religion Roi
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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de Première instance

ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):
..... 10 / 04 / 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: U. CH. A. P. U. N.

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL
PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

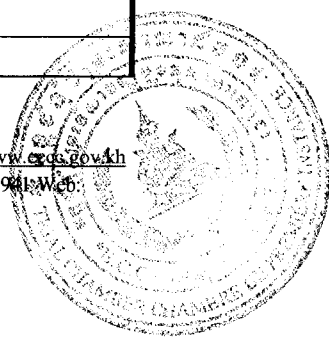
7 April 2009

Substantive Hearing - Day 5

Prepared by: Natacha WEXELS-RISER and SE Kolvuthy

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, Mr. Lim Suy Hong, Ms. Natacha Wexels-Riser, Mrs. Se Kolvuthy.		
OCP: Ms. Chea Leang, Mr. Robert Petit, Mr. Seng Bunkheang, Mr. Pich Sambath, Mr. Alexander Bates, Mr. Pak Chanlino, Mr. Jurgen Assmann.		
Accused: Mr. Kaing Guek Eav alias Duch.		
Defence for the Accused: Mr. François Roux, Mrs. Héleyn Uñac, Mr. Kar Savuth, Mr. Chan Ravuth, Mrs. Marie-Paule Canizares, Ms. Virginie Charpentier, Ms. Lucile Nattiez.		
Lawyers for the Civil Parties: Mr. Kong Pisey, Mr. Yung Phanit, Ms. Silke Studzinsky, Mr. KIM Mengkhy, Mr. Philippe Canonne, Ms. TY Srinna, Mr. Alain Werner		
Courtroom Officer/CMS: Mr. Kauv Keoratanak		
Others: Ms. Julie Masse, Mr. Khem Lindarita, Ms. Sam Makara, Mr. Pierre Cozette		

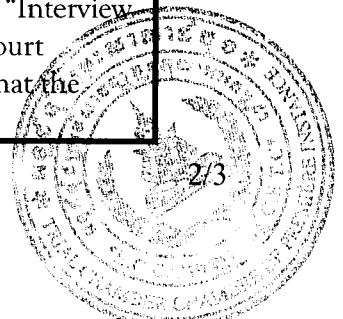
General court times		
Day	Start time: 09:05	Finish time: 16:35
Recess am	Start time: 10:35	Finish time: 10:55



Recess	Start time: 12:05	Finish time: 13:35
Recess pm	Start time: 14:50	Finish time: 15:10
	Total Court Time:	5 hours 20 min

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Attendance of witnesses during hearings	Defence	9:10	9:18
Questioning of the Accused on M-13 by the Chamber	TC	9:20	
Admissibility of documents "Interview with Ham In", DC Cam (Document D59, Annex 4), and "Interview with Im Vorn", DC Cam (Document D59, Annex 12)	Defence	11:45	11:50
Questioning of the Accused on M-13 by the Co-Prosecutors	OCP	14:10	15:40
Questioning of the Accused on M-13 by Civil Party lawyers	Civil Party Groups 1, 2 and 3	15:40	16:30

Summary of Proceedings:
<p>Witnesses attending the proceedings</p> <p>The Defence requested the Chamber to check if any witnesses were in the public gallery, and to remind them that witnesses are not to attend hearings. The Chamber recalled that according to the Internal Rules, witnesses shall not attend hearings before their testimony. It asked any witnesses attending the hearing to leave the courtroom and ordered the relevant sections of the Administration to ensure that no witnesses are present in the public gallery before their testimony.</p> <p>Questioning of the Accused by the Chamber</p> <p>The Chamber continued the questioning of the Accused on issues relating to M-13, including:</p> <ul style="list-style-type: none"> - conditions of detention - questioning of detainees - execution of detainees - end and closing of M-13 - methods of torture <p>The Chamber presented the document entitled "Interview with Ham In" (Document D59, Annex 4) and read extracts thereof (ERN 00289745 and 00289749 in the English version, ERN 00295087 and 00295091 in the French version).</p> <p>The defence objected to the use of this document and of the document entitled "Interview with Im Vorn" (Document D59, Annex 12), on the ground that these are not court documents, that the interview was conducted by an NGO rather than a judge, that the identity of the translator and whether he swore an oath is unknown.</p>



The Co-Prosecutors and Civil Parties submitted that these documents are in the case file and that all evidence is admissible. They suggested that if the texts were to be read in court the Khmer version, which was the original version, should be read.

The Chamber indicated that it would not use these documents at this stage, and that a decision on the admissibility of these documents would be issued in due course. It requested the parties not to refer to these documents.

The Chamber read an extract from the "Written Record of Interview of Duch by the Co-Investigating Judges 29 April 2008" (Document D70, ERN 00185482 in the French version, 00185475 in the English version and 00185467 in the Khmer version)

Questioning of the Accused by the Co-Prosecutors

The Co-Prosecutors questioned the Accused on issues relating to M-13.

Questioning of the Accused by the Civil Parties

The Civil Party lawyers for groups 1 and 2 questioned the Accused on issues relating to M-13.

The Chamber asked the remaining Civil Party lawyers to limit their questioning to 20 minutes. The international lawyer for Civil Party Group 2 objected to the time-limit and requested to ask all questions at the same time.

Civil Party Group 3 questioned the Accused on issues relating to M-13.

Record of Rule 87 Proceedings		
Reference No.	Name/Description	Other
E3/3	Written Record of Interview of Duch by CIJ on 29-04-2008	D70

Oral Orders/Decisions:
1. The Chamber recalled that according to the Internal Rules, witnesses shall not attend hearings before their testimony. It asked any witnesses attending the hearing to leave the courtroom and ordered the relevant sections of the Administration to ensure that no witnesses are present in the public gallery before their testimony.
2- Order to take the Accused to the Detention Facility and bring him back to court on 8 April 2009.

Orders for Adjournment of Hearing
Adjournment of Hearing: Hearing will resume on Wednesday 8 April 2009 at 9:00. <i>Mw/sf</i>

Phnom Penh,
9 April 2009

Natacha Wexels-Riser
Greffier
Natacha Wexels-Riser

Se Kolvuthy
Greffier
Se Kolvuthy