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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RADA

E1/61

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

បញ្ជាក់ថា ជាកម្រិតបញ្ជាក់
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវបញ្ជាក់ (Certified Date/Date de certification):
..... ១០ / ០១ / ២០០៩

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de Première instance

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

11 August 2009

Substantive Hearing - Day 56

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: Mrs. Se Kolvuthy, Ms. Natacha Wexels-Riser, Mr. Matteo Crippa, Mr. Duch Phary, Ms. Aida Keshavarzi.
OCP: Mr. Tan Senarong, Mr. Anees Ahmed (morning), Mr. Vincent De Wilde D'estmael (afternoon), Mr. Zachery Lampell, Mr. Chee Virak (morning), Mr. Veng Huot (afternoon).
Accused: Mr. Kaing Guek Eav alias Duch.
Defence for the Accused: Mr. Kar Savuth, Mr. François Roux (absent), Mrs. Marie-Paule Canizarès, Mrs. Héleyn Uñac, Mr. Chan Ravuth.
Lawyers for the Civil Parties: Ms. Silke Studzinsky, Mr. Hong Kimsuon, Mrs. Fabienne Trusses-Naprous, Ms. Moch sovannary, Mr. Alain Werner, Ms. Ty Srinna, Mr. Kong Pisey.
Courtroom Officer/CMS: Mr. Kouv Keoratanak.
Others: Mrs. Julie Massé, Mr. Lay Nara, Mr. Scott Bywater, Mr. Meach Sovanna, Mr. Kong Sam Onn (morning).



General court times		
Day	Start time: 9:05	Finish time: 16:00
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:15	Finish time: 13:35
Recess pm	Start time: 14:45	Finish time: 15:05
	Total Court Time:	4 hours and 35 minutes

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Issues concerning Civil parties	Civil Party Groups 1 and 3	9:07	9:14
Questioning of Witness Saom Meth (KW-15)	Co-Prosecutors	9:14	9:37
Questioning of Witness Saom Meth (KW-15)	Civil Party Group 1 (9:38 to 9:58), 3 (9:59 to 10:06)	9:38	10:06
Questioning of Witness Saom Meth (KW-15)	Defence	10:06	10:19
Observations of the Accused	TC	10:20	10:34
Reading of Written Records of Interviews of Makk Sithim, Tay Teng, Soam Sam Ol, Meas Pengkry, Uk Bunseng, Horn (Ham) Iem and observations by the parties	TC	11:02	16:00

Summary of Proceedings:

Issues concerning Civil parties

Civil Party Group 1 reported that additional information had been provided to the Defence with respect to application E2/50, and that this material would be placed on the case file.

Civil Party Group 3 withdrew its request to hear E2/82. It further indicated that it expected additional documents to support application E2/81.

Questioning of witness Saom Meth (KW-15) by the parties

The Co-Prosecutors, Civil Party Groups 1 and 3 and the Defence questioned witness Saom Meth on the functioning of S-21.

The Accused made observations on the testimony of this witness.

Reading of Written Records of Interviews of Makk Sithim, Tay Teng, Soam Sam Ol, Meas Pengkry, Uk Bunseng, Horn (Ham) Iem and observations by the parties

The Greffier read the Written Record of interview of Makk Sithim and the paragraphs of the Written Record of Confrontation (D54) relevant to this witness.

The Co-Prosecutors and Civil Parties did not have any comments on the statements



The Defence pointed out that according to this statement there were no female medics in S-21.

The Accused made some observations.

The Greffier read the Written Records of interview of Tay Teng.

The Co-Prosecutors made no comments.

Civil Party Group 4 noted that the Statements made it clear that there were indeed torture and executions at S-21.

The Defence agreed with Civil Party Group 4.

The Accused made some observations.

The Greffier read the Written Records of interview of Soam Sam Ol and the summary of the Written Record of Interview of Chey Sopheara.

Neither the Co-Prosecutors, the Civil Parties or the Defence had any comments.

The Accused did not have any comments on the summary of Chey Sopheara's statement.

With respect to Soam Sam Ol, the Accused read extracts of Document D47.

The Accused stated that the Senior leaders were not present at his wedding, as was stated by the witness.

The Greffier read paragraphs relating to Meas Pengkry in Documents D48/1 and D52.

The Chamber heard the observations of the parties on these documents as well as on Document D28/7, which was read on 28 July 2009.

Neither the Co-Prosecutors, the Civil Parties or the Defence had any comments.

The Accused accepted these statements.

The Greffier read the Written Record of Interview of Uk Bunseng.

Neither the Co-Prosecutors, Civil Parties or the Defence did have any comments.

The Accused made some observations.

The Greffier read Documents the paragraphs of D48/1 and D52 relating to Tay Teng.

The Co-Prosecutors made no comments.

Civil Party Group 2 requested that an additional paragraph recording an answer by Him Huy be read.

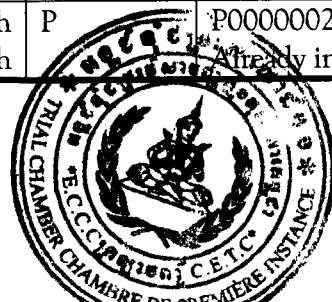
Neither the Defence nor the Accused has any comments.

The Greffier read the Written Record of interview of Iem Horn.

The Co-Prosecutors, the Civil Parties and Defence made no comments.

The Accused made some observations.

<u>Record of Rule 87.3 Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/256	D69- An A-P0143	Painting of S-21 prisoner Vann Nath depicting prisoner being tortured with	P	P00000025-00000025. Already in E3 folder.



		pliers		
E3/482	D28/3	Written Record of Interview of SAOM Mét	P redacted.	00163658-00163666, in particular 00163663; 00163649-00163657, in particular 00163653; 00165064-00165071. Redact personal information. Already in E3 folder.
E3/483	IS 19.167	DC Cam interview with Saom Meth	P redacted	00051644-00051751, in particular 0051666; 00337617-00337706, in particular 00337636. Redact address on first page.
E3/73	IS 14.4	S-21 Notebook by Tuy and HOEUNG Song Huor alias Pon dated 12 April 1978 - 17 December 1978	P	00184483-00184529, 00077442-00077660. Reference in court to ERN 00077153 is incorrect for Case 001. Already in E3 folder.
E3/484	D28/8	Written Record of Interview of Makk Sithim	P redacted.	00163709-00163713, 00191126-00191131, 00305209-00305215. Redact personal info
E3/396	D54	Written Record of Confrontation	P reclassified.	00166561-00166570, 00166588-00166599, 00166571-00166580. Reclassify as public
E3/485	D28/12	Written Record of Interview of Tay Teng	P redacted.	00163775-00163779, 00163780-00163784, 00165087-00165091. Redact personal info
E3/486	D50/3	Written Record of Interview of Tay Teng	P redacted.	00164400-00164404, 00164405-00164409, 00164410-00164414. Redact personal info
E3/487	D78/6	Written Record of Interview of Soam Sam Ol	P redacted.	00186772-00186775, 00209205-00209208, 00209209-00209213. Redact personal info
E3/488	D83/1	Written Record of Interview Chey Sopheara	P redacted.	00176308-00176311, 00188801-00188804,



				00191095-00191099. Redact personal info
E3/489	D47	Written Record of Interview of Duch by CIJ on 19-02-2008	C	00164360-00164370, 00164345-00164359, in particular 00164353; 00164630- 00164640
E3/242	D48/1	Report of Crime Scene Reenactment at Cheung Ek on 26 February 2008	P reclassified	00197993-00197997. Already in E3 folder. Reclassify as public
E3/218	D52	Written Record of Confrontation	P reclassified	00165434-00165441. Already in E3 folder. Reclassify as public.
E3/490	D78/7	Written Record of Interview Uk Bunseng	P redacted.	00186776-00186783, 00189046-00189052, 00203976-00203982. Redact personal info
E3/491	D28/5	Written Record of Interview of IEM Hân	P redacted.	00163672-00163678, 00163679-00163685, 00171799-00171805. Redact personal info

Oral Orders/Decisions:

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 12 August 2009.

Orders for Adjournment of Hearing

The hearing will resume on Wednesday 12 August 2009 at 9:00. *NWR*

Phnom Penh, 11 August 2009
Greffier

[Signature]
DUCH Phary
Chambrea WEXELS-RISER

