



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): 01, OCT, 2009
ម៉ោង (Time/Heure) : 12:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: C.A. Juy

WRITTEN RECORD OF PROCEEDINGS - "DOCUMENT TRIAL"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

19 August 2009

Substantive Hearing - Day 60

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

ឯកសារបានតម្កល់ដោយមន្ត្រីមត្តសាមញ្ញដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date /Date de certification): 01, OCT, 2009
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: C.A. Juy

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, Mr. James Walton.
OCP: Mr. Vincent De Wilde D'estmael, Mr. Seng Bunkheang, Mr. Pak Chanlino, Ty Monin, Huot Vichet, Mam Chanvannak.
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, Ms. Lucile Nattiez.
Lawyers for the Civil Parties: Ms. Silke Studzinsky, Mrs. Fabienne Trusses-Naprous, Ms. Moch Sovannary, Mr. Alain Werner, Ms. Ty Srinna.
Courtroom Officer/CMS: Mr. Uch Arun.
Others: Mrs. Maryvonne Maniacky, Mr. Scott Bywater, Mr. Pierre Cozette.

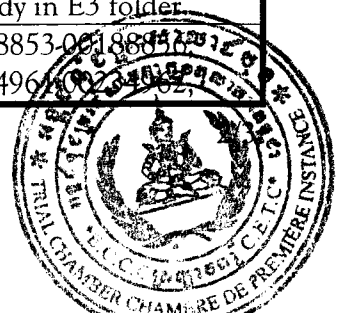


<u>General court times</u>		
Day	Start time: 9:05	Finish time: 15:35
Recess am	Start time: 10:25	Finish time: 10:45
Recess	Start time: 12:00	Finish time: 13:30
	Total Court Time:	4 hours and 40 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Hearing of Civil party Im Sunthy (D25/7)	Civil Party Group 2	9:16	10:20
Hearing of Civil party Phung Guth Sunthary (D25/5) and questions to the Accused	Civil Party Group 2 and TC	10:45	14:32
Observations of the Accused	TC	14:33	14:35
Hearing of Civil Party Seang Vandy (D25/13)	Civil Party Group 2	14:39	15:32

<u>Summary of Proceedings:</u>
<p>Hearing of Civil party Im Sunthy (D25/7) The Chamber heard Civil Party Im Sunthy. Neither the Co-Prosecutors nor the Defence questioned the Civil Party.</p>
<p>Hearing of Civil party Phung Guth Sunthary (D25/5) and questions to the Accused The Chamber heard Civil Party Phung Guth Sunthary. Neither the Co-Prosecutors nor the Defence questioned the Civil party. The Accused answered some questions and acknowledged the testimony of Im Sunthy and Phung Guth Sunthary.</p>
<p>Hearing of Civil Party Seang Vandy (D25/13) The Chamber heard Civil Party Seang Vandy. Neither the Co-Prosecutors nor the Defence questioned the Civil party. The Accused answered some questions and acknowledged the testimony.</p>

<u>Record of Rule 87.3 Proceedings</u>					
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks	
E3/400/7	D25/5/7	Annex 7 to Civil Party Petition of PHUNG Guth Sunthary: List of Prisoners from France who have not been questioned	P	00234957-00234960, 00188847-00188850, 00188851-00188851. Already in E3 folder.	
E3/400/8	D25/5/8	Annex 8 to Civil Party Petition of PHUNG Guth Sunthary: List of	P	00188853-00188856, 00234961-00234962	



		Prisoners Arrived on 12 December 1976		00188852-00188852. Already in E3 folder.
E3/400/11	D25/5/11	Annex 11 to Civil Party Petition of PHUNG Guth Sunthary: Prisoner list	P	00188870-00188875, 00239745-00239750, 00188876-00188876
E3/400/9	D25/5/9	Annex 9 to Civil Party Petition of PHUNG Guth Sunthary: Biography of prisoner Phung Ton and List of Prisoners from the Ministry of Foreign Affairs	P	00188857-00188859, 00239013-00239016, 00188860-00188861. Already in E3 folder.
E3/400/5	D25/5/5 (ENG) D25/5/12 (KH)	Annex 5 to Civil Party Petition of PHUNG Guth Sunthary: Prisoner list	P	00234955-00234956, 00188877-00188878 Already in E3 folder.
E3/400/13	D25/5/13	Annex 13 to Civil Party Petition of PHUNG Guth Sunthary: Report on health Condition of Enemies as of 6 July 1977	P	00335539-00335542, 00188881-00188882, 00188883-00188884. Already in E3 folder.
E3/400/5.b	D25/5/5 (KH and FR)	Autobiography of Phung Thon	P	00188817-00188822, 00188832-00188838. Note that D25/5/5 in English is a different document. The autobiography does not seem to exist in English in the case file.
E3/400/1	D25/5/1	Annex 1 to Civil Party Petition of PHUNG Guth Sunthary: Letter of unknown date	P	00188811-00188812, 00239989-00239989, 00224277-00224278
E3/400/2	D25/5/2	Annex 2 to Civil Party Petition of PHUNG Guth Sunthary: Letter of 5 March 1975	P	00188813-00188814, 00224305-00224305, 00239990-00239991
E3/400/3	D25/5/3	Annex 3 to Civil Party Petition of PHUNG Guth Sunthary: Letter of 23 December 1975	P	00225019-00225019, 00284318-00284318, 00188815-00188815
E3/500	IS 5.94	S-21 Confession of SIENG Phon alias Pha	P	00004458-00004477, 00182827-00182827.
E141.1	NA	Written Record of Response of Sieng Phon alias Pha	P	00363590-00363605
E3/501	D32/IV- Annex 10	Annex 10: 107bbkkh Colour copy Exerpt of Confession of SIENG Phon alias Pha	P	00173881-00173882, 00324622-00324622, 00221765-00221765




Oral Orders/Decisions:


- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 20 August 2009.

Orders for Adjournment of Hearing

The hearing will resume on Thursday 20 August 2009 at 9:00 *SKV NWR.*

Phnom Penh,
19 August 2009


Greffier
SE Kolvuthy


Greffier
Natcha WEXELS-RISER

