



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ មូល (Date of receipt/Date de reception):  
..... ០២ / ១០ / ២០០៩ .....

ម៉ោង (Time/Heure): ..... ១៣ : ១០ .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé  
du dossier: ..... S.A.N.N...RADA.....

E 1 / 72

**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  
Royaume du Cambodge  
Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**  
Trial Chamber  
Chambre de Première instance

**ឯកសារច្បាប់ត្រឹមត្រូវតាមច្បាប់ដើម**  
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):  
..... ០២ / ១០ / ២០០៩ .....

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

WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

1 September 2009

Substantive Hearing - Day 67

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. Aida Keshavarzi
<b>OCP:</b> Mr. Tan Senarong, Mr. Anees Ahmed (morning), Mr. Vincent De Wilde D'Esmael, Mr. Pich Sambath (morning), Mr. Ty Monin (morning), Mr. Huot Vichet (morning).
<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 (morning), Ms. Lucile Nattiez (morning).
<b>Lawyers for the Civil Parties:</b> Mrs. Christine Martineau, Mr. Alain Werner, Mr. Kim Mengkhy.
<b>Courtroom Officer/CMS:</b> Mr. Kauv Keoratanak
<b>Others:</b> Mr. Scott Bywater, Mrs. Julie Massé, Mr. Lay Nara, Mr. Meach Sovanna.



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

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Request to read a letter from Civil Parties	Civil Party Group 1	9:07	9:15
Questioning of Experts Françoise Sironi-Guilbaud and Ka Sunbaunat	Defence	9:16	10:07
Observations of the Accused on the testimony	TC	10:08	10:09
Issues relating to the testimony of character and Defence witnesses	Defence and Co-Prosecutors	10:32	10:53
Questioning of Witness Sou Sath (D1)	TC	10:54	11:09
Questioning of Witness Sou Sath (D1)	Co-Prosecutors	11:09	11:22
Questioning of Witness Sou Sath (D1) and Request for the witness to visit the Accused	Defence	11:26	11:33
Questioning of Witness Tep Sem (D2)	TC	11:35	11:54
Questioning of Witness Tep Sem (D2)	Co-Prosecutors	11:54	12:06
Questioning of Witness Tep Sem (D2)	Defence	13:34	13:41
Questioning of Witness Tep Sok (D3)	TC	13:45	14:05
Questioning of Witness Tep Sok (D3)	Co-Prosecutors	14:06	14:20
Questioning of Witness Tep Sok (D3)	Defence	14:22	14:41
Questioning of Witness Chou Vin (D4)	TC	15:04	15:43



Questioning of Witness Chou Vin (D4)	Co-Prosecutors	15:43	15:59
Questioning of Witness Chou Vin (D4)	Defence	16:00	16:14

**Summary of Proceedings:**

**Request to read a letter from Civil Parties**

Civil Party Group 1 requested the authorisation to read a letter written by 28 Civil Parties. The Chamber instructed the Civil Parties to file their letter in accordance with the applicable procedures.

**Questioning of Experts Françoise Sironi-Guilbaud and Ka Sunbaunat**

The Defence continued questioning the experts on issues relating to the character of the Accused. The Accused made a few observations on the testimony.

**Issues relating to the testimony of character and Defence witnesses**

The Co-Prosecutors responded to the requests made by the Defence on 31 August. The Co-Prosecutors did not object to the reading of Henry King's statement, as long as it is placed on the case file and the Co-Prosecutors are provided an opportunity to comment. The Co-Prosecutors did not oppose that witnesses make a spontaneous declaration without questioning. The Co-prosecutors expressed doubt as to the relevance of the video-clip. The Co-Prosecutors considered that the time allocated to Raoul Marc Jennar is sufficient.

**Questioning of Witness Sou Sath (D1)**

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

The Defence requested the witness to be granted the right to visit the Accused. The Chamber granted the request.

**Questioning of Witness Tep Sem (D2)**

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

**Questioning of Witness Tep Sok (D3)**

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

**Questioning of Witness Chou Vin (D4)**

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

**Record of Rule 87.3 Proceedings**

TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
NOT ANY				




**Oral Orders/Decisions:**

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 2 September 2009.

**Orders for Adjournment of Hearing**

The hearing will resume on Wednesday 2 September 2009 at 9:00. *SW NWR*

Phnom Penh,  
1 September 2009

 *N. Riser*  
Greffier SE Kolvuthy      Greffier Natacha WEXELS-RISER