



**ឯកសារបញ្ជាក់ថាជាកម្រងឯកសារត្រឹមត្រូវតាមច្បាប់**  
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ថ្ងៃខែឆ្នាំនៃការបញ្ជាក់ (Certified Date/Date de certification):

22 / 07 / 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé

SANN RADA

**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

**ឯកសារដើម**

**ORIGINAL DOCUMENT/DOCUMENT ORIGINAL**

ថ្ងៃខែឆ្នាំទទួល (Date of receipt/Date de reception):

02 / 07 / 2009

ម៉ោង (Time/Heure): 11:20

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé

de l'instance SANN RADA

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de Première instance

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

**PUBLIC**

Case File N° 001/18-07-2007-ECCC/TC

13 July 2009

Substantive Hearing - Day 42

Prepared by: DUCH Phary 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.
<b>OCP:</b> Mr. Tan Senarong, Mr. Anees Ahmed (morning and first afternoon session), Mr. William Smith (second afternoon session), Mr. Zachery Lampell, Ms. Welch Kirsty, Mr. Chea Phalla, Mr. Jacopo Rossi.
<b>Accused:</b> Mr. Kaing Guek Eav alias Duch.
<b>Defence for the Accused:</b> Mr. Kar Savuth, Mr. François Roux; Mrs. Marie Paule Canizares, Mrs. Héleyn Uñac, Mr. Chan Ravuth, Ms. Lucile Nattiez.
<b>Lawyers for the Civil Parties:</b> Ms. Silke Studzinsky, Mr. Kong Pisey, Mrs. Martine Jacquin, Ms. Moch Sovannary, Ms. Ty Srinna, Mr. Alain Werner.
<b>Courtroom Officer/CMS:</b> Mr. Uch Arun;
<b>Others:</b> Mrs. Julie Massé, Mr. Scott Bywater, Mr. San Kiri, Mr. Meach Sovanna



<u>General court times</u>		
Day	Start time: 9:00	Finish time: 15:20
Recess am	Start time: 10:25	Finish time: 10:40
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:35	Finish time: 14:50
	Total Court Time:	4 hours and 25 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Questioning of Civil Party Nam Mon (E2/32)	Trial Chamber	9:01	10:23
Questioning of Civil Party Nam Mon (E2/32)	Co-Prosecutors	10:45	11:10
Questioning of Civil Party Nam Mon (E2/32)	Civil Party Group 2 (11:11 to 11:47), Group 3 (11:48 to 11:52)	11:11	11:52
Questions by Civil Party Nam Mon (E2/32) to the Accused	Civil Party	11:53	11:55
Observations by the Accused	Accused	11:56 13:34	12:01 13:46
Questioning of Civil Party Nam Mon (E2/32)	Trial Chamber	13:47	13:51
Questioning of Civil Party Nam Mon (E2/32)	Defence	13:51 13:55	13:53 14:32
Questioning of witness Mam Nai, alias Chan (KW-08)	Trial Chamber	14:53	
Observations relating to self-incrimination and joint criminal enterprise	Defense Co-Prosecutors	14:59	15:06

#### Summary of Proceedings:

##### **Questioning of Civil Party Nam Mon (E2/32) by the Chamber**

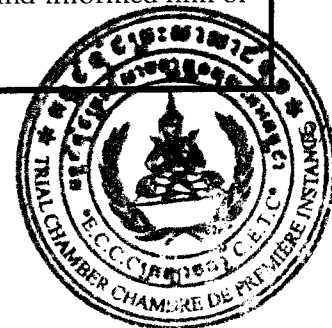
The Chamber continued questioning Civil Party Nam Mon on the functioning of S-21 and S-24.

##### **Questioning of Civil Party Nam Mon (E2/32) by the parties**

The Co-Prosecutors, Civil Party Groups 2 and 3 and the Defence questioned Civil Party Nam Mon (E2/32) on the functioning of S-21 and S-24.

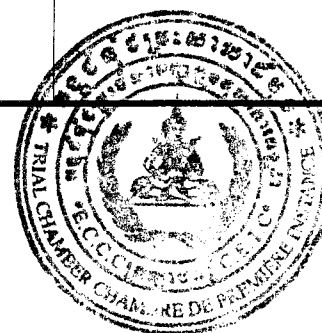
##### **Questioning of witness Mam Nai, alias Chan (KW-08)**

The Chamber established the identity of witness Mam Nai (KW-08) and informed him of his right not to incriminate himself.



**Observations by the Defence relating to self-incrimination and joint criminal enterprise**  
The Defense made some observations relating to self-incrimination of witness KW-08 in relation to the Co-Prosecutors' submission on joint criminal enterprise.

<u>Record of Rule 87.3 Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E2/32.4	NA	Annex 4: Photograph of Yeath Yon, Ken Tos, Yorn Roeun, Yorn Yun, Chuon Yorn, Sok Heng and Vat Khoeun	P	00274367-00274373
E2/32.1	NA	Annex 1: Description of Crime by Nam Mon	P	00321445, 00274363
E2/32.3	NA	Annex 3: Biography of Yarn Yona	P	00327649-00327649, 00274366-00274366, 00327648-00327648
E68.1	NA	Revised S-21 prisoner list	P	00329596-00330129, in particular 00330113. Already put before the Chamber.
E3/245	D48/2-Annex 1	Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008	C	00198028-00198081, 00181395-00181448, in particular 00181396. Already in the E3 folder.
E3/392	D49/13	Report of the Execution of Rogatory Letter, dated 19 February 2008	C	00186575-00186588, 00186589-00186601 00224089-00224099
E2/80.2	NA	Annex 2: Complain Letter by Ms. Chin Mat	P. Redacted	00281156-00281162, in particular 00281158, 00286726-00286730, 00322282-00322286 Already put before the Chamber.
E47.22	NA	S-21 Prisoner List dated 30/12/77	P	00288858 -00288858
E2/80/4.2	NA	Biography of Khim Met	P	00347466-00347467, 00343200-00343200
E3/315	D69- An A- P0005	KAING Guek Eav alias Duch with MAM Nai alias Chan and family during Democratic Kampuchea regime period	P	P 00005249-00005249



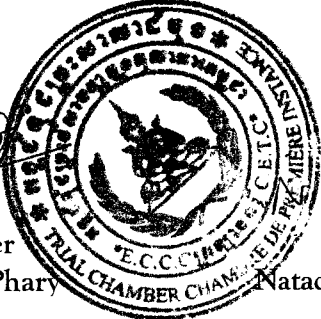
**Oral Orders/Decisions:**

- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 14 July 2009.

**Orders for Adjournment of Hearing**

Adjournment of Hearing: The hearing will resume on Tuesday, 14 July 2009 at 9:00. *NW*

Phnom Penh,  
13 July 2009

 *[Signature]*  
Greffier  
DUCH Phary

*[Signature]*  
Greffier  
Natacha WEXELSRISER