



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
29 / 09 / 2009

ម៉ោង (Time/Heure): 14:00

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

E1/49

**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

**ក្រសួងព្រហ្មទណ្ឌ**  
Ministry of the Royal Palace

CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de Première instance

ថ្ងៃ ខែ ឆ្នាំ ធ្វើការបញ្ជាក់ (Certified Date/Date de certification):  
30 / 09 / 2009

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

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

**PUBLIC**

Case File N° 001/18-07-2007-ECCC/TC

15 July 2009

Substantive Hearing – Day 44

Prepared by: DUCH Phary and Natacha WEXELS-RISER

<u>Attendance Record</u>
<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 (morning and 1 <sup>st</sup> afternoon session), Mr. William Smith, Mr. Seng Bunkheang (2 <sup>nd</sup> afternoon session), Mr. Pich Sambath, Mr. Zachery Lampell.
<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, Mr. Alexandre Prezanti.
<b>Lawyers for the Civil Parties:</b> Ms. Silke Studzinsky, Mr. Kong Pisey, Mrs. Martine Jacquin, Ms. Moch Sovannary, Mr. Alain Werner, Ms. Ty Srinna, Mr. Hong Kimsuon.
<b>Courtroom Officer/CMS:</b> Mr. Uch Arun.
<b>Others:</b> Mr. Pierre Cozette, Mrs. Julie Massé, Mr. Scott Bywater, Mr. Lay Nara, Mr. Kong Sam Onn.



<b>General court times</b>		
Day	Start time: 9:00	Finish time: 15:30
Recess am	Start time: 10:45	Finish time: 11:05
Recess	Start time: 11:55	Finish time: 13:30
Recess pm	Start time: 14:35	Finish time: 15:10
	Total Court Time:	4 hours

<b>Proceedings</b>			
Type of Issue	Raised By	Start time	Finish time
Questioning of witness Mam Nai, alias Chan (KW-08)	Co-Prosecutors	9:06	10:09
Questioning of witness Mam Nai, alias Chan (KW-08)	Civil Party Group 4 (10:11 to 10:19), Group 3 (10:19 to 10:43), Group 2 (11:04 to 11:30, Group 1 (11:30 to 11:52)	10:10	11:52
Questioning of witness Mam Nai, alias Chan (KW-08)	Defence	13:32	14:00
Observations by the Accused on testimony of Mam Nai (KW-08)	Accused	14:04	14:14
Additional observations by witness Mam Nai	Trial Chamber	14:16	14:23
Observations on the calling of witnesses and on JCE	Co-Prosecutors Defence	14:26	14:35
Comments on parties' observations on the calling of witnesses and on JCE	Trial Chamber	15:10	15:13
Questioning of witness Him Huy (KW-09) and request for lawyer by the witness	Trial Chamber Witness Him Huy	15:17	15:28

**Summary of Proceedings:**

**Questioning of Witness Mam Nai (KW-08) by the Co-Prosecutors**

The Co-Prosecutors questioned witness Mam Nai on the functioning of S-21.

**Questioning of Witness Mam Nai (KW-08) by the Civil Parties**

Civil Party Groups 4, 3, 2 and 1 questioned witness Mam Nai on the functioning of S-21 and M-13.

**Questioning of Witness Mam Nai (KW-08) by the Defence**

The Defence questioned witness Mam Nai on the functioning of S-21 and M-13.



**Observations by the Accused on testimony of Mam Nai (KW-08) and additional observations by Mam Nai**

The Accused made observations on the testimony of Mam Nai, further to which the witness made additional observations.

**Questioning of Witness Him Huy (KW-09) by the Chamber and request for lawyer by the witness**

The Chamber established the identity of witness Him Huy. The witness requested more time to consult with his lawyer.

<b>Record of Rule 87.3 Proceedings</b>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/16	D45/1/8	Aerial Photo showing a close-up of the S21 area	P	00189137-00189137. Already in E3 folder.
E3/15	D29	Written Record of Interview of Duch by the Co-Investigating Judges on 22 November 2007, in particular the sketch drawn by the Accused	C	00153565-00153576, in particular 00153575. Already in E3 folder
E3/245	D48/2-Annex 1	Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008. Photo no. 31bis	C	00198028-00198081, 00181449-00181502, 00181395-00181448, in particular 00181427.
E3/314	D69- An A-P0014	Office S-21 guard HIM Huy with a squad of ten soldiers during Democratic Kampuchea regime period	P	P 00005254-00005254. Already in E3 folder.
E3/400/6	D25/5/6	Annex 6 to Civil Party Petition of PHUNG Guth Sunthary	P	00188839-00188840, 00239011-00239012, 00188844-00188846
E5/2.8	NA	S-21 Confession of CHHEAV Sun Heng	P	00283986-00283986, 00226555-00226580, in particular 00226555
E3/401	IS 5.115	S-21 Confession of VANN Piny	P	00183791-00183796, 00026082-00026190, in particular 00026177
E3/402	IS 5.40	Biography of Chin Salam	P	00081840-00082495, in particular 000081842
E2/86.3 and E2/88.3	NA	Annex 3: Confession of James William Clark	P	00006979-00006979, 00340119-00340119, 00333422-00333422
E3/394	D22/16	Written Record of Interview of Witness (Mam Nai), 7	P. Redacted	00162905-00162934, in particular 00162934



		November 2007		00165022-00165023 and 00165033-00165034. Already in E3 folder.
E68.28	NA	Annex 28: S-21 Prisoners described as Vietnamese soldiers	P	00333629-00333635
E68.29	NA	Annex 29: S-21 Prisoners described as Vietnamese spies	P	00333636-00333644
E3/403	D64, Annex 21	Annex 21: The three-month plan in 1977	P	00079150-00079155, 00178176-00178176, 00333278-00333281
E3/231	IS 14.3	S-21 Notebook by MAM Nai alias Chan	P	00077661-00078056, in particular 00078012, 00184579-00184618, 00242259-00242263. Already in E3 folder
E2/61.2	NA	Annex 2: Biography of Ear Hor	P	00361722-00361729, 00360995-00361007, 00279915-00279930, in particular 00279916-00279917. Already in E3 folder.
E3/397	D50/2	Written Record of Interview Mâm Nai	P. Redacted.	00164385-00164389, 00164390-00164394, 00164395-00164399, in particular 00164397. Already in E3 folder.
E3/244	D48/2	Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008	C	00181328-00181346, 00197998-00198008, 00181347-00181356, in particular 00181353. Already in E3 folder.

**Oral Orders/Decisions:**

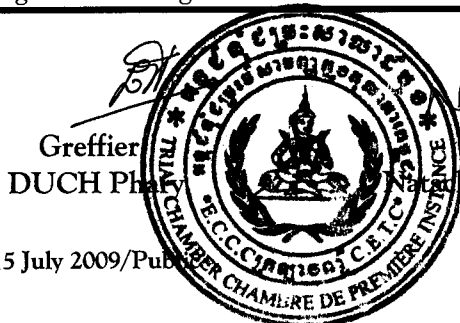
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 16 July 2009.

**Orders for Adjournment of Hearing**

Adjournment of Hearing: The hearing will resume on Thursday, 16 July 2009 at 9:00. *WEXELS-RISER*

Phnom Penh,  
15 July 2009

Greffier  
DUCH PH



Greffier  
WEXELS-RISER