



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de réception):  
23 / 09 / 2009

ម៉ោង (Time/Heure): 9:00

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

F 1/52

**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

ជាតិ សាសនា ព្រះមហាក្សត្រ

CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

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

23 / 09 / 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé

du dossier: 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

21 July 2009

Substantive Hearing - Day 47

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

<b><u>Attendance Record</u></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. William Smith, Mr. Zachery Lampell, Mr. Pak Chanlino, Mr. Christopher Hale.
<b>Accused:</b> Mr. Kaing Guek Eav alias Duch.
<b>Defence for the Accused:</b> Mr. Kar Savuth, Mr. François Roux, Mrs. Héleyn Uñac, Mr. Chan Ravuth, Ms. Lucile Nattiez.
<b>Lawyers for the Civil Parties:</b> Ms. Silke Studzinsky, Mrs. Martine Jacquin, Ms. Moch Sovannary, Mr. Alain Werner, Ms. Ty Srinna, Mr. Hong Kimsuon (afternoon), Mr Kong Pisey.
<b>Courtroom Officer/CMS:</b> Mr. Kouv Keoratanak.
<b>Others:</b> Mrs. Maryvonne Maniacky, Mr. Pierre Cozette, Mrs. Julie Massé, Mr. Scott Bywater, Mr. Kong Sam Onn.

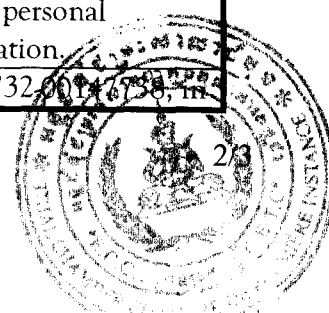


<u>General court times</u>		
Day	Start time: 9:30	Finish time: 16:10
Recess am	Start time: 10:45	Finish time: 11:00
Recess	Start time: 12:05	Finish time: 13:40
Recess pm	Start time: 15:00	Finish time: 15:20
	Total Court Time:	4 hours and 30 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Decision on Request by the Co-Prosecutors for confidential classification of document filed by the Defence	Trial Chamber	9:32	9:34
Questioning of Witness Prak Khan (KW-10)	Trial Chamber	9:35	16:07

<u>Summary of Proceedings:</u>
<p><b>Decision on Request by the Co-Prosecutors for confidential classification of document filed by the Defence</b></p> <p>The Chamber issued its decision on the Co-Prosecutors' request for confidential classification of a submission filed by the Defence in relation to self-incrimination. It indicated that the reasons would be issued in due course.</p> <p><b>Questioning of Witness Prak Khan (KW-10)</b></p> <p>The Chamber questioned Prak Khan on the functioning of S-21.</p>

<u>Record of Rule 87.3 Proceedings</u>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/413	D19/VIII	Interview of Prak Khan	P. Redacted	00161552-00161567, in particular 00161558, 00146593-00146612, 00164583-00164607. Redact personal information.
E3/414	D19/VII	Written Record of Interview Prak Khan	P. Redacted	00164608-00164629, in particular 00164623, 00146613-00146634, 00161568-00161586. Redact personal information.
E3/415	D2-7	Written Record of Interview	P.	00147732-00147738, in



		of Prak Khan	Redacted	particular 00147735, 00146790-00146796, 00145589-00145603. Redact personal information.
E3/244	D48/2	Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008	C	00181347-00181356, in particular 00181353, 00197998-00198008. Already in the E3 folder.
E3/245	D48/2-Annex 1	Annex 1: Report of Crime Scene Reenactment at TUOL Sleng on 27 February 2008, Photograph of "S-21, Internal Rules"	C	00198028-00198081, 00181395-00181448, in particular 00181448 (KH), 00198081 (ENG). Already in E3 folder.

**Oral Orders/Decisions:****Decision on Co-Prosecutors' request for confidential classification of document filed by the Defence**

1. The Request will be classified as a public document when it is ready for filing in the case file.
  2. The closed session sought on 20 July was inappropriate. The subject-matter did not fall within the narrow confines of IR28.8
  3. The Trial Chamber will continue to ensure that witnesses whom it considers at risk of self-incrimination receive legal advice and are warned by the Chamber pursuant to IR28. The Defence may no longer warn witnesses of their right to remain silent when they come to give testimony.
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 22 July 2009.

**Orders for Adjournment of Hearing**

The hearing will resume on Wednesday, 22 July 2009 at 9:00.

SAW NWR.

Phnom Penh,  
21 July 2009

Greffier  
SE Kolvuthy



Greffier  
Natacha WEXELS-RISER