



## ឯកសារដើម

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

29 / 09 / 2009

ម៉ោង (Time/Heure): 09:30

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

E1/58

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារប្រតិបត្តិការត្រួតពិនិត្យសំណុំរឿង

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

30 / 09 / 2009

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de Première instance

## WRITTEN RECORD OF PROCEEDINGS - "DUCH" TRIAL

## PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

5 August 2009

Substantive Hearing - Day 53

Prepared by: SE Kolvuthy and Natacha WEXELS-RISER

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.

OCP: Mr. Yet Chakriya, Mr. Anees Ahmed, Mr. Zachery Lampell, Mr. Pak Chanlino, Mr Chee Virak.

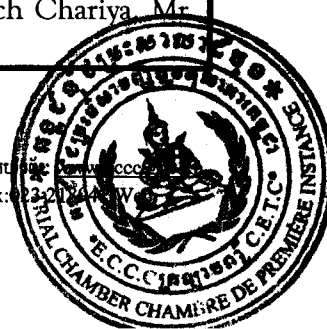
Accused: Mr. Kaing Guek Eav alias Duch.

Defence for the Accused: Mr. Kar Savuth, Mr. François Roux, Mrs. Héleyn Uñac, Mr. Chan Ravuth.

Lawyers for the Civil Parties: Ms. Silke Studzinsky, Mr. Kong Pisey, Mrs. Fabienne Trusses-Naprous, Ms. Moch Sovannary, Mr. Alain Werner.

Courtroom Officer/CMS: Mr. Kauv Keoratanak

Others: Mr. Scott Bywater, Mrs. Julie Massé, Mr. Pierre Cozette, Ms. Pich Chariya, Mr. Kong Sam Onn.



<u>General court times</u>		
Day	Start time: 9:00	Finish time: 16:15
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:05	Finish time: 13:30
Recess pm	Start time: 14:40	Finish time: 15:20
	Total Court Time:	4 hours and 50 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Questioning of Witness Chiem Suor (KW-22)	TC	9:04	10:22
Questioning of Witness Chiem Suor (KW-22)	Co-Prosecutors	10:22	10:38
Questioning of Witness Chiem Suor (KW-22)	Civil Party Group 3 (11:01 to 11:22), Group 2 (11:23 to 11:33)	11:01	11:33
Questioning of Witness Chiem Suor (KW-22)	Defence	11:33	11:53
Observations of the Accused on Chiem Suor's testimony	TC	11:54	11:59
Reading of witness statements of Nhep Hau and Kung Phai, and observations by the Parties	TC	13:34	16:15

<u>Summary of Proceedings:</u>
<p><b>Questioning of Witness Chiem Suor (KW-22) by the Chamber</b> The Chamber questioned witness Chiem Suor on the functioning of S-21.</p> <p><b>Questioning of Witness Chiem Suor (KW-22) by the parties</b> The Co-Prosecutors, Civil Party Groups 3 and 2, and the Defence questioned witness Chiem Suor on the functioning of S-21.</p> <p><b>Observations of the Accused</b> The Accused contested the veracity of the testimony, in particular the part of the testimony concerning the burning of live prisoners.</p> <p><b>Reading of witness statement of NHEP Hau and KUNG Phai</b> The Chamber read the statement of Nhep Hau and invited the parties to make observations. The Co-Prosecutors did not make any observations. Civil party group 1 indicated that they did not have any observations. The Defence referred to Rules 85 and 87 of the Internal Rules and asked the Chamber to request the Co-Prosecutors to indicate which elements in the remaining statements</p>



relevant and new. The Defence requested that this and the following statements to be read be excluded, on the ground that they are repetitive, irrelevant and prolong the proceedings. The Co-Prosecutors opposed the request, but requested that summaries be read instead of the full statements.

Civil Party Group 2 objected to the Defence request in instances where the Civil parties opposed the removal from the witness list. The statements of those witnesses should be read.

The Defence agreed with the proposal of the Co-Prosecutors to read summaries only, and requested the Co-Prosecutors to indicate which are the new and relevant facts in each statement.

The Accused was given an opportunity to comment on the statement of this witness.

The Chamber read the statements of Kung Phai and invited the parties to make observations. The Co-Prosecutors and the Civil Parties indicated that they did not have any objection.

The Defence objected to the contents of the testimony but not to the document being put before the Chamber.

The Accused was given an opportunity to comment on the statement of this witness.

<b>Record of Rule 87.3 Proceedings</b>				
TC Ref Number	OCIJ Ref Number	Name/Description	Class. (S, C or P)	Remarks
E3/459	D22/12	Written Record of Interview of CHIEM Soeu	P redacted.	00225099-00225118, 00162757-00162770, 00162742-00162756, in particular 00162753. Redact personal details
E3/316	D69- An A- P0017	KAING Guek Eav alias Duch presiding over an Evening meal of Office S-21 staff during Democratic Kampuchea regime period	P	P 00005247-00005247. Already in E3 folder.
E3/460	D22/10	Written Record of Interview of NHEP Ho	P redacted.	00162681-00162692, 00162693-00162705, 00305141-00305154. Redact personal details.
E3/461	D28/1	Written Record of Interview of KUNG Phai	P redacted.	00163626-00163630, 00163631-00163635, 00164482-00164486. Redact personal details.
E3/462	D53	Written Record of confrontation	C	00165460-00165463, 00165456-00165459, 00165464-00165466.
E3/396	D54	Written Record of Confrontation	C	00166561-00166570, 00166588-00166599



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