



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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de Première instance

ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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

01 / OCT / 2009

ម៉ោង (Time/Heure) : 12:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé

du dossier

WRITTEN RECORD OF PROCEEDINGS - "DUCHE TRIAL"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

25 August 2009

Substantive Hearing – Day 63

ឯកសារបានផ្តល់ឱ្យត្រឹមត្រូវតាមច្បាប់ដើម

CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

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

01 / OCT / 2009

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé

du dossier

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. Seng Bunkheang, Mr. Vincent De Wilde D'Estmael, Mr. Pak Chanlino, Mr. Ty Monin, Mr. Huot Vichet, Mr. Mam Chanvannak.

Accused: Mr. Kaing Guek Eav alias Duch.

Defence for the Accused: Mr. Kar Savuth, Mr. François Roux, Mrs. Marie-Paule Canizarès, Mr. Chan Ravuth, Mr. Alexandre Prezanti (morning), Ms. Lucile Nattiez.

Lawyers for the Civil Parties: Mr. Hong Kimsuon, Mr. Kong Pisey, Mrs. Fabienne Trusses-Naprous, Mr. Kim Mengkhy, Mr. Alain Werner, Ms. Ty Srinna, Ms. Jessica Finelle.

Courtroom Officer/CMS: Mr. Uch Arun.

Others: Mr. Scott Bywater, Mrs. Pich Chariya, Mr. Meach Sovanna, Mrs. Julie Massé.



<u>General court times</u>		
Day	Start time: 9:05	Finish time: 15:45
Recess am	Start time: 10:40	Finish time: 11:00
Recess	Start time: 12:30	Finish time: 13:40
Recess pm	Start time: 14:45	Finish time: 15:25
	Total Court Time:	4 hours and 30 minutes

<u>Proceedings</u>			
Type of Issue	Raised By	Start time	Finish time
Questioning of Expert Chhim Sotheara (CP2/5)	TC	9:12	10:10
Questioning of Expert Chhim Sotheara (CP2/5)	Co-Prosecutors	10:11	10:39
Questioning of Expert Chhim Sotheara (CP2/5)	Civil Party Group 4 (11:05 to 11:20), Group 1 (11:20 to 11:39)	11:05	11:39
Questioning of Expert Chhim Sotheara (CP2/5)	Defence	11:40	12:12
Observations of the Accused	TC	12:14	12:22
Presentation of challenges of Civil Party applications	Defence	13:40	13:59
General response to Defence challenges and discussion	Civil Party Groups 1, 2, 3 and 4 Defence	14:00	15:44

Summary of Proceedings:

Questioning of Expert Chhim Sotheara (CP2/5)

The Trial Chamber, Co-Prosecutors, Civil party groups 4 and 1 as well as the Defence questioned Expert Chhim Sotheara. The Accused made observations on the testimony.

Presentation of challenges of Civil Party applications

The Defence indicated its intention to contest a total of 26 civil party applications of Civil Parties were not heard by the court in previous hearings and which are not currently scheduled to be heard. The general reasons for the contestations are:

- 1) *no kinship has been established between the Civil Party and the victim;*
- 2) *absence of evidence proving the detention of the victim mentioned by the Civil Party application at S-21.*

Specifically, the Defence contested the following Civil Party applications:

E2/22, E2/37, E2/66, D25/15, E2/30, E2/38, E2/41, E2/49, E2/57, E2/63, E2/64, E2/65, E2/69, E2/70, E2/71, E2/73, E2/74, E2/75, E2/76, E2/77, E2/81, E2/82, E2/83, D25/20, E2/35, E2/62.



<u>Record of Rule 87.3 Proceedings</u>				
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 26 August 2009.

Orders for Adjournment of Hearing

The hearing will resume on Wednesday 26 August 2009 at 9:00.

SKV NWR

Phnom Penh,
25 August 2009



 Greffier SE Kolvuth Greffier Natacha WEXELS-RISER