



The KRT Trial Monitor

Prosecutor v Kaing Guek Eav,
alias 'Duch'

Report Issue No. 10:
Week Ending June 28, 2009

In this week's KRT Trial Monitor...

Duch questioned on the operation of S-21 Choeng Ek and Prey Sar (pp.2-5); Progress made in delineating the role of civil parties (p.5); Chamber increasingly efficient in ensuring effective time management (pp. 6-7)

1. SUMMARY

*"I was shocked and moved when I visited Choeng Ek [...] I was speechless."*¹

*"I am willing to be responsible for the souls lost."*²

During the first two days of this week, the parties questioned the Accused on the "Functioning of S-21" and "Killings at S-21, the surrounding areas and Choeng Ek". Questioning then turned to the "Establishment and Functioning of Prey Sar (S-24)".

Notable facts revealed by Duch largely concerned the functioning of the security office at Prey Sar. According to Duch, Prey Sar was in essence a "prison without walls". It was not a place for interrogation and torture, but a forced labor camp for those whose loyalty the Party doubted. Although detainees at Prey Sar had more freedom than the prisoners at S-21, their fate was ultimately the same - most were eventually smashed.

Duch claimed to have delegated all authority over Prey Sar to two subordinates and to have not personally make decisions. He nevertheless agreed that he had the power to stop the criminal practices, but did not because he was afraid for his life.

A significant procedural development this week was the further delimitation of the role of civil parties. While International Defense Lawyer François Roux argued that civil party lawyers should not act as a second prosecutor but only defend the interests of the civil parties, the Chamber strongly suggested otherwise by affirming a broad interpretation of Article 23(1) of the Internal Rules, which states that civil parties are to "support the prosecution". Nevertheless, the Civil Party Lawyers remained clearly mindful that they

¹Duch on Tuesday, June 23, 2009, when commenting on his visit to S-21 and Choeng Ek in February 2008.

² Duch on Thursday, June 25, 2009 talking about a list of 160 children that were brought from Prey Sar directly to Choeng Ek to be smashed.

also served the purpose of being a voice for the victims. Several questions were targeted specifically at obtaining answers sought by their respective clients from Duch.

Faced with pressing scheduling concerns, the Chamber displayed increased vigilance in ensuring efficient time management. Besides imposing fixed time limits on the Parties' questioning, President Nil Non also frequently interrupted repetitive and irrelevant questions. It is noteworthy that notwithstanding these time management measures, the proceedings were adjourned early twice this week. The first adjournment was due to a request by the prosecution for more time to prepare questions. The second was primarily to adhere to the schedule as questioning for the week had been completed. This raises concerns that further early adjournments will defeat the purpose of imposing time limits and reducing the number of witnesses testifying.

2. LEGAL AND PROCEDURAL ISSUES

A. Abridged Account of the Accused Person's Testimony on the operation of S-21 and Choeng Ek

This week, the Prosecution, the Civil Parties and the Defense each took turns to question Duch on the operation of S-21 and Choeng Ek.

Duch's quarters. A good part of International Co-Prosecutor William Smith's questioning revolved around the specifics of Duch's living and working quarters. Duch's office was next to his house and unless Ho or the chief interrogator visited him, he would be there alone. His house was also occupied by his three messengers – two telephone operators and a typist, and his wife would visit him once every 10 days.

Daily working routine. Duch worked about 12 hours each day³. He spent most of this time annotating confessions, and the rest on managing the operation of S-21 and training the staff. Lunch and dinner were at a communal dining hall, where Duch would invariably sit at the same table as Mam Nai, Pon and occasionally Ho. Except for a few guards on duty, all staff of S-21 ate in that dining hall. As such, Duch was able to be in contact with a large majority of his subordinates and staff, although he maintained that he spent no time chit-chatting with them. Duch also agreed that the food they had was more palatable than what was given to the prisoners.

Duch met with Ho about 2 to 3 times a day, and was close to Ho. Upon being summoned by Duch, Ho would go to Duch's office to discuss any problems that had arisen at S-21. Duch was careful to ensure that S-21 was running smoothly, and he knew what happened on a daily basis as all incidents were reported immediately.

Interrogation. It was common for Duch to instruct interrogators on the issues to emphasize in interrogations. Still, he maintained that he never attended interrogations personally. He did admit to having slapped a prisoner in the face after the prisoner had already confessed, claiming to have done this to keep Nath from beating up the prisoner.

Duch denied having ever trained the female interrogators. According to him, the female interrogators would instead observe interrogations led by senior interrogators.

³ 7-11AM, 2-5PM, 7PM-12AM.

Medical Experiments. Lawyer for Civil Party Group 2 Silke Studzinsky followed up on the issue of medical procedures on patients by attempting to attribute to Duch responsibility for the drawing of blood from prisoners. While Duch agreed that he knew the head of Hospital 98 (which received the blood supply), he maintained that they had never discussed the matter of blood transfusions. The drawing of blood was instead ordered by his superior Son Sen, who was also the superior of the head of Hospital 98.

Duch also asserted that the anatomical examinations of prisoners were a project of S-21 itself and had nothing to do with Hospital 98.

Starvation. Duch confessed that he gave the surplus of rice harvested in 1978 to the Angkar despite knowing that prisoners were dying of starvation. Again, he claimed he did so out of fear.

M-21. The term “M-21” was used by Nath to describe S-21 although this term was not recognized by his superiors. Nath used this term when arresting people from certain areas, such as the Saang and Keansvay districts. In addition, the term M-03 was used for purges within the Central Zone.

According to Duch, Nath was the only person in power at M-21, and Duch was merely Nath's secretary. To prove this, Duch relied on documents that addressed Nath as the Chairman of the Office. Duch stated that he was mainly involved in summarizing confessions for Nath, and reiterated that he had no authority at M-21.

Personal involvement. Duch stressed that he found favour with the upper echelon because he was hard-working and unerringly compliant. A CPK party line was the “spirit of inventiveness”, and Duch's inventiveness in introducing the useful “lists of enemies” pleased his superiors. Still, at the National Defense Counsel's prompting, Duch reiterated that he never killed anyone with his own hands, and that he had only once tortured a prisoner himself.

Also noteworthy is an interesting hypothesis submitted to Duch by Lawyer for Civil Party Group 1, Alain Werner. Werner suggested that the reason Duch closed his eyes and ears to the suffering at S-21 was because he was only concerned with satisfying his superiors, and suffering was of no interest and value to him. Notably, Duch agreed that this was “fundamentally correct”.

Fear. International Co-Prosecutor William Smith suggested to Duch that he was not afraid of getting arrested and smashed himself because he knew that he was good at his job and a great asset to the party. Duch agreed that he followed all orders given by the upper echelon, but claimed that he was put in fear when cadres of the North Zone were arrested. His fear increased when Vorn Vet was arrested, as he was connected to Duch. His fear was so great that he felt hopeless and numb towards the end of his tenure at S-21. He also stated that at that time, he could not believe that the Khmer Rouge would be defeated by the Vietnamese.

Regret. Duch again expressed regret for his actions and apologized to the victims of S-21. The Defense screened a clip of Duch's visit to Choeung Ek and S-21 in February 2008, which showed Duch overcome by emotion while reading out his apology to the victims of S-21. At Roux's prompting, Duch revealed that he had been praying and

giving offerings to the dead victims of the Khmer Rouge regime all the way up to the date of his arrest.

B. Abridged Account of the Accused Person's Testimony on the operation of Prey Sar (S-24)

Functioning of Prey Sar. The center for re-education at Prey Sar was named S-24 by Nath. It was part of S-21 and came under Duch's supervision when he became Chairman of S-21. The center was established shortly after April 17, 1975 and was designed to "re-educate" those whose loyalty the upper echelon doubted. The objective was to "temper" detainees and ingrain discipline through forced labor.

Detainees. The detainees at S-24 were called "elements" – persons not yet clearly identified as friends or enemies. Because of this policy of doubt, they were kept "in a prison without walls" – no one dared escape. Not only was it very difficult to leave the Prey Sar compound without being noticed, there was in any event nowhere safe for the detainees to go.

Attempts by Judge Silvia Cartwright to ascertain the total number of detainees at Prey Sar were only partially successful. According to Duch, at one point in March 1977, 1300 people were kept at Prey Sar.

The detainees came mainly from the army. There were also civilians, including family members of and persons close to those arrested and sent to S-21. There were men and women - including 6 pregnant women - and 160 children who had been separated from their parents who were at S-21. There were no foreign detainees at Prey Sar.

Detainees at Prey Sar were categorized into 3 groups based on their "true nature and stance": one group comprised those who were "better" and were subject to "light tempering"; the second comprised those who were "fair"; and the third those who were likely to harm the Party. While it was common for people in the first two groups to be shifted to the third group, it was impossible to get out of the third group. In fact, most detainees at Prey Sar were destined to be smashed.

When questioned by Lawyer for Civil Party Group 3, Moch Sovannary, Duch stated that he believed that only about 10% of the detainees at Prey Sar represented a danger to the party.

Re-education. Prey Sar detainees were made to work at least eight hours a day or more. When the moon was full, they would be made to work at night as well. Detainees were used for jobs more commonly done by animals (e.g. ploughing). Even women who had just given birth had to return to work as soon as they regained their strength, taking their newborns with them.

Significantly, Duch stated that the "re-education" was only a façade. Except for 30 military combatants who were sent to a tank unit, nobody was released from Prey Sar. Duch also pointed out that this was how Prey Sar differed from M13b.

Detention conditions. Freedom of movement and speech were severely restricted. Still, conditions at Prey Sar were better than at S-21 as detainees could move around

the Prey Sar compound and communicate occasionally with other detainees. The guards at Prey Sar were apparently unarmed.

According to Duch, people from all three groups of “elements” received the same food rations. These were inadequate but still better than at S-21. However, detainees categorized in the third group were spied on more than those from the less threatening groups.

Medical help was almost non-existent. After the removal of the first two medics, there were only assistant medics available. Pregnant women had to deliver their children in the Prey Sar compound. There was no access to a hospital.

Interrogation and torture. Duch denied that interrogation and torture took place at Prey Sar. He said that if it occurred, it was without his knowledge. He based this assertion on the fact that he never had to annotate confessions from Prey Sar.

Killings. Duch did not contest that 590 detainees from Prey Sar were sent to either S-21 or directly to Choeung Ek for smashing. He also agreed that children under the age of 7 who came to Prey Sar with their mothers were immediately sent to Choeung Ek.

Duch’s involvement. As chairman of S-21, Duch was also head of Prey Sar. Comrade Huy, who was stationed at Prey Sar, would report on Prey Sar affairs to Comrade Ho, who conveyed these reports daily to Duch.

Duch agreed that he delegated authority over Prey Sar to Huy and Ho because he trusted them. However, he admitted that he had complete and effective control over what happened. Duch also stated that he could have stopped the practices there if he had wanted to, but did not do so because he needed to ensure his own survival.

On the other hand, Duch denied having authority to order arrests. He said that Son Sen was responsible for ordering arrests within the military, while the top leaders (Pol Pot and Nuon Chea) had authority over the arrests of civilians.

Duch visited Prey Sar four times: first, to familiarize himself with the compound; second, to conduct a study session for the staff; third, to speak to detainees from the East Zone before they were released to be integrated into the tank unit; and finally, to visit Huy. Despite these visits, Duch claimed to have never personally observed the conditions of detention at Prey Sar.

C. Issues Raised or Observed During Trial

No legal issues were raised this week.

3. VICTIM PARTICIPATION AND WITNESS PROTECTION AND SUPPORT

Civil Party Attendance. 7 civil parties were present on Monday, and 6 on Tuesday, Wednesday and Thursday. They were from Civil Party Groups 2 and Group 4, and were funded by two Cambodian non-governmental organizations – namely, the Cambodian Human Rights Action Committee (CHRAC) and ADHOC.

Progress made in Delineating the Role of Civil Parties. Debates regarding the role of Civil Parties were ignited yet again on Monday. International Defense Counsel François Roux objected to a line of questioning pursued by Lawyer for Civil Party Group 4, Hong Kim Suon, stating that it “re-opened issues already addressed at length by the Prosecution”. As before, Roux invoked the argument that Civil Parties should not act as additional prosecutors. He submitted that Civil Party participation should be limited only to the issues of the victims’ suffering and damages, and that the Civil Party Lawyers should only be allowed to ask questions directly related to the victims being represented. In describing the role of victims in criminal proceedings as only secondary, Roux was careful to add that this was consistent with meaningful Civil Party participation, an equitable trial, and the rights of the Accused.

In rebuttal, lawyer for Civil Party Group 1, Alain Werner, argued for a broad interpretation of Internal Rule 23(1), which states that Civil Parties are to participate in the proceedings “by supporting the prosecution.” He pointed out that at the last trial management meeting, it was made clear that the only limits for Civil Parties were that they not raise repetitive questions or questions not within the current topic. Hong Kim Suon supported this argument and claimed that if Civil Party participation was only about the victims’ suffering and damages, the time spent on Civil Party representation would only serve to unnecessarily prolong the trial.

While the Chamber did not clarify Civil Parties’ role unequivocally,, it did finally make some headway in deciding this issue. It ruled in favor of the Civil Parties on the basis that Rule 23(1) permitted questioning “in order to support the Prosecution”. This tends to suggest that the Chamber will continue to adopt a broad interpretation of the Civil Party right to participate, and one which may include allowing Civil Parties to ask questions which fundamentally endeavor to prove the culpability of the Accused Person on the charges he faces in the Closing Order. Reiterating its previous determinations, the Chamber only cautioned that the Parties refrain from asking repetitive and long-winded questions, as well as questions outside the scope of the current topic under examination.

Civil Party Lawyers Serve as the Voice of the Victims. At the same time, Civil Party Lawyers placed noticeable emphasis on their role as a voice for their clients’ concerns and views. Indeed, the debate over the extent of the Civil Party Lawyers’ prosecutorial role, if any, should not obscure this other facet of their participation. For example, Alain Werner made it known that one of his questions to the Accused was specifically “on behalf of all my clients who lost their relatives.”⁴ National Lawyer for Civil Party Group 3, Moch Sovannary, also emphasized that she was acting in accordance with the “victims’ intention” when she questioned Duch about the detention period of a particular detainee, Uk Keth.⁵ The Civil Party Lawyers’ initiative in presenting the views and concerns of their respective clients is commendable.

Inability of the Civil Parties to Find a Common Speaker. The Chamber had earlier suggested that due to the limited time for questioning, the Civil Party groups could consider nominating one international and national lawyer to represent all four groups.

⁴Werner’s question concerned the 6 “release” lists discussed last week. Duch was adamant that there could be no release of prisoners from S-21 and called the lists a “facade”. Werner, however, suggested that Duch simply did not want to acknowledge that it was actually possible to release prisoners. Still, the Accused firmly maintained his erstwhile stance.

⁵The same approach could also be noticed during the questioning of Duch on Prey Sar by lawyer for Civil Party Group 3, Kim Mengkhy.

However, this suggestion was not taken up by the Civil Parties this week. This may be less than desirable in cases where the Civil Parties are given very tight time-frames for their questioning, and may be unable to develop their questioning fully.⁶

Order of Civil Party Questioning not for Civil Parties to Decide. On behalf of the four Civil Party groups, Civil Party Lawyer for Group 2 Silke Studzinsky informed the Chamber on Monday that the Civil Parties had agreed to proceed with questioning in an order slightly different from normal.⁷ Judge Nil Non decisively rejected this plan, declaring that it was not for the Civil Party Lawyers to unilaterally decide the sequence of questioning.⁸ He insisted that a proper request to the Chamber must first be made, and, after Civil Party Lawyer for Group 3 had completed questioning, ordered Studzinsky to either question the Accused or indicate she did not have any questions. No further explanation for this objection was given. The monitors find the Chamber's rigid stance rather surprising, as the Chamber had previously left it to the Civil Party groups to share the allocated time as they wished, and the proposed sequence was the result of their mutual agreement.

Witness Protection. On Monday, when announcing the list of witnesses next scheduled to testify, the Chamber specifically reminded the Parties not to reveal the identities of those witnesses. The Parties were subsequently careful to comply with the Chamber's directive.⁹

4. TRIAL MANAGEMENT

Judicial Management. Chamber increasingly active in ensuring efficient time management. Faced with pressing scheduling concerns, the Chamber appears increasingly strict in guarding the use of court time. President Nil Non readily intervened during questioning by instructing Duch to not answer questions the Chamber deemed repetitive. In fact, on Thursday, President Nil Non even answered a repetitive question from Lawyer for Civil Party Group 4 Hong Kim Soun on Duch's behalf, while reminding Duch to refrain from answering.

Despite the Chamber's constant appeals to the Parties to refrain from asking repetitive questions, Judge Thou Mony's own questioning of Duch was peppered with questions that had already been put to the Accused by President Judge Nil Non.¹⁰ President Nil Non made no attempt to intervene to prevent his fellow Judge's questioning.

⁶For example, for the questioning of the Accused on Prey Sar, the Civil Party Groups were only given a total of one hour for interrogation. Each group could therefore only ask questions for 15 minutes.

⁷The proposed order was Group 4, Group 3, Group 1, and finally Group 2. The practice previously was to follow the groups' numbers consecutively.

⁸See Courtroom Etiquette below.

⁹ For example, in Tuesday afternoon, before showing a video footage of the Accused person, Francois Roux specifically assured the Chamber that no victims or witnesses were shown in the footage.

¹⁰Examples of the repetitive questions asked by Judge Thou Mony were: Can the Accused explain the slogan "re-education"? Which units were sent to Prey Sar? Who had the power to decide to arrest the Elements? How were the Elements transferred to Prey Sar? Can the Accused elaborate on the food rations available at S-24?

Significantly, time limits set by the Chamber in its latest scheduling direction came into force this week. Things got off to a promising start, with all Parties adhering to the time limits with only one exception.¹¹

The Chamber also made repeated reference to the predetermined schedule of topics in managing the proceedings. While the Chamber allowed International Co-Prosecutor William Smith further time to question Duch on whether he was genuinely acting in fear and under duress when managing S-21, the Chamber was firm in warning him against moving beyond the current topic. Indeed, this line of questioning would appear more relevant to the later topic of the character of the Accused as opposed to the current topic of the functioning of S-21 and Choeung Ek. On Tuesday, the Chamber refused Duch's request to address the Civil Parties present in the courtroom, on the basis that Duch would be given the opportunity to do so when presenting his statement at the end of the proceedings.

The Chamber adjourned early on Wednesday at about 3PM, after the bench completed its questioning of the Accused. The International Co-Prosecutor William Smith and Civil Party Lawyer for Group 1, Alain Werner, had requested this early adjournment, citing the need for more time to prepare their own questioning to take into account the bench's questioning that day. Smith had also explained that with the strict time limits now imposed on the Parties, it was imperative that the Lawyers' questions were carefully and thoroughly considered. This consequently required more preparation time. The Chamber allowed the request this week. It remains an open question whether further early adjournments will defeat the objective of imposing time limits.

The Chamber again adjourned early on Thursday at lunchtime, as the Parties had completed their questioning scheduled for this week. It may be more prudent for Parties to prepare questions on more than the scheduled topics for a given week as the trial continues to progress.

Scheduling Order. The scheduling order for this week and the next 3 weeks of trial, as announced by the Chamber on Monday, is as follows:

22/6/09 – 24/6/09	Questioning of the Accused on the functioning of S-21 and Choeung Ek.
24/6/09 – 29/6/09	Questioning of the Accused on the operation of Security Office S-24 (Prey Sar).
30/6/09 – 14/7/09	Hearing of testimony of S-21 survivors, with one witness to be heard per day. The witnesses will be heard in the following order: KW-01, D25/3, D25/1, CP1/6, E2/61, E2/23, E2/33, E2/80, E2/32.

Trial Management Meeting. A closed-session trial management meeting initially scheduled for Thursday, 25 June, was moved forward to Tuesday afternoon, 23 June.¹² The Chamber considered, among other things, whether the witness list could be

¹¹Questioning of Duch on S-21 and Choeung Ek by the Prosecution; the Prosecution was given an additional 20 minutes for its questioning.

¹²This change was made at Roux's request. He explained that he was unable to be present if the meeting were on Thursday, as he had an urgent family matter to attend to.

reduced, in the hope that this would save up to 30 court days. The Chamber has decided that KW-01 will no longer testify.

Confessions Procured by Torture. On Tuesday, when Lawyer Studzinsky was questioning Duch on confessions relating to sexual offences, Judge Nil Non reminded Lawyer Studzinsky of the prohibition on the use of confessions obtained from torture.¹³

Interpretation Concerns. The questionable quality of interpretation continued to impede the effectiveness of the proceedings.¹⁴ In particular, monitors found the Khmer to English translation of National Co-Prosecutor Kar Savuth's questioning of the Accused on Tuesday difficult to understand. Given the interpretation challenges that already exist, it is imperative that the lawyers cooperate by speaking at a slower pace.¹⁵

In a display of continued cooperation between the Chamber and the interpreters, the Chamber prefaced each session this week with reminders to the parties to speak clearly and slowly.

Mindful of the possibility that important facts may be lost in translation, Judges Cartwright and Lavergne were again careful to summarize what they understood to be the Accused's testimony and obtain the Accused's clear confirmation of those facts before proceeding.

Discrepancies in Document Translation to be Addressed on a Case-by-Case Basis. On Tuesday, the Court's attention was drawn yet again to the potentially adverse impact of inaccurate document translation. As the National Co-Prosecutor was showing Duch a confession that he had annotated, Duch highlighted a discrepancy between the original Khmer writing and the English translation. The English translation indicated that Duch was ordering an arrest, when what was actually written was an order to look for certain persons. Given the Defense's position that Duch had no authority to order arrests, this discrepancy appeared to be significant, and is perhaps an example of how inaccurate translation may affect the probative value attached to the documentary evidence before the tribunal and the overall administration of justice. Not surprisingly, Roux requested that the Chamber consider excluding the document from the evidence. The Chamber ultimately allowed the Co-Prosecutor to use the document, ruling that future inaccuracies in documents used at the hearing could be corrected as and when discovered. This policy may prove problematic, however, given the burden of proof seemingly shifts to the Defense to determine inaccuracies in the translation.

Courtroom Etiquette. On Monday, President of the Chamber Judge Nil Non was uncommonly stern in admonishing Lawyer Silke Studzinsky for not respecting the Chamber's apparently exclusive power to determine the sequence of Civil Party group

¹³Lawyer Studzinsky clarified that she was relying on the confessions only to ascertain Duch's state of mind with regard to the truth of those confessions.

¹⁴See KRT Trial Monitor Report 4 page 9, Report 6 page 7, and Report 7 page 8. An example of what appears to be careless translation occurred during the debate over the role of the civil parties in the proceedings (see Victim Participation and Witness Protection and Support above). It was observed by a Khmer monitor that a reference by Roux to "civil party rights" was instead translated into Khmer as "co-prosecutor rights".

¹⁵In particular, lawyers may tend to speak at too fast a pace when reading aloud quotes and excerpts of documents. This occurred on Tuesday when Civil Party Lawyer for Group 1 Alain Werner was reading from a court transcript. The English translator informed the Chamber that she was unable to continue unless he slowed down.

questioning (see Victim Participation and Witness Protection and Support section above).¹⁶ From his words and demeanor, Judge Nil Non was clearly intent on putting Lawyer Studzinsky in her place. As explained above, it is not clear that Lawyer Studzinsky's breach of court procedure, if any, warranted this harsh response.

On Thursday, when the Chamber interrupted Studzinsky's questioning as this exceeded the scope of the current topic, Studzinsky appeared at first to ignore the Chamber. She stopped only after President Nil Non repeated his warning.

Although Lawyers do not generally have the prerogative to interrupt the Accused, Alain Werner did not allow the Accused to elaborate on his answer when the Accused tried to do so. Werner later explained that he did so because of his limited time for questioning.

Attendance by the Parties. All parties were present this week except for International Defense Counsel François Roux, who was absent on Wednesday and Thursday.¹⁷

Audience Attendance. The public gallery was quite full on Monday, with approximately 100 locals in attendance. There were 56 people from Teouk Talar commune, Rusei Keo District, Phnom Penh, and 4 people from Ta Keo provinces. There were also a number of students from Build Bright University. 25 people from Prey Veng province were sponsored to attend by MCC, a Christian organization. There were also 10 local interns from the Cambodian Center for Human Rights. In contrast, no locals were present on Tuesday, when the audience was comprised only of members of NGOs, embassies and international interns.

Public attendance was fairly high on Wednesday and Thursday, with about 150 students from the Mekong Kampuchea University of Business present. Thursday also saw 50 people from five different provinces attend – Kampong Chhnang, Prey Veng, Siem Reap, Battambang, and Kampot - all supported by the Peace Youth Organization.

Technical Problems. President Nil Non and Judge Sylvia Cartwright attempted on Wednesday to display documents on the video screens, but faced slight technical glitches. During Nil Non's questioning, the Accused Person's's screen did not work until after 2 or 3 minutes of trouble-shooting by the relevant court officer. Also, the International Co-Prosecutor explained that current attempts to link the screens to his monitor may unduly hold up the proceedings. He informed the Court that the IT team would rectify this issue by next week.

¹⁶Judge Nil Non's apparent annoyance did not come across fully in the English translation. According to a Khmer monitor, he had asked Lawyer Studzinsky in Khmer, "Do you have no questions? Why do you not respect the Chamber's order? You can not do whatever you want because only the Chamber has the power."

¹⁷Roux explained that he had an urgent family matter to attend to.

Time Management.

DAY/ DATE:	START:	MORN. BREAK:	LUNCH:	AFT. BREAK:	RECESS:	TOTAL HOURS IN SESSION
MON. 22/06/09	09.05	10.40 – 11.00	12.10 – 13.30	14.50 – 15.05	16.25	5 HOURS 25
TUE. 23/06/09	09.05	10.30 – 10.50			12.00	2 HOURS 35
WED. 24/06/09	09.00	10.20 – 10.45	12.10 – 13.30		14.40	3 HOURS 55
THURS. 25/06/09	09.00	10.40 – 11.00	-	-	12.05	2 HOURS 45
AVERAGE NO. OF HOURS IN SESSION : 3 HOURS 40 MINS TOTAL NO. OF HOURS THIS WEEK : 14 HOURS 40 MINS TOTAL NO. OF HOURS, DAYS, AND WEEKS AT TRIAL: 140 HOURS AND 30 MINS OVER 33 TRIAL DAYS OVER 9 WEEKS						



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