



In this week's KRT Trial Monitor ...

Chamber hears detailed evidence on the functioning of the S-21 Office's component sites (pp.2-5); Witness Bou Thon reminds all that it is time to heal wounds (p.5); Parties gear up for the introduction of Civil Party applications into evidence (p.6); Civil Party lawyers appear to embrace common representation (p.6); ECCC facilities overrun by high level of public attendance (p. 7)...

1. SUMMARY

"Everyone has suffered a great deal, but it is time to heal the wounds..."ⁱ

Over the course of this 3-day court week, the Chamber heard a total of 12 witness testimonies, 3 oral and 9 written. The Chamber's decision to read into the record written witness statements (or summaries of statements) continues to prove valuable to the overall expeditiousness of the proceedings. One concern raised by the International Co-Prosecutor concerning the reading of witness statements was that the Accused's waiver of his right to summon witnesses in specific circumstances pursuant Internal Rule 84(1) had not been properly obtained. The Chamber promptly put the matter to rest, holding that the Accused had provided the requisite waiver at previous trial management meetings.

Witness' testimonies disclosed detailed evidence concerning the three composite S-21 sites under Duch's supervision: the S-21 prison, Prey Sar (or S-24) and Choeung Ek. Notable facts revealed included details of S-21's Special Prison for senior CPK cadres, and facts tending to show a greater degree of involvement and responsibility on Duch's part than what Duch has admitted. Also of note was Duch's apparent intention to forego appealing any conviction entered by the Trial Chamber. Proceedings drew to a close on Wednesday with a memorable court appearance by witness Bou Thon, during which she launched into an emotional narrative of her grief and loss, reminding all that the endeavor to reconcile with the past is as difficult as it is necessary.

On the Court's upcoming agenda is the introduction of Civil Party applications into evidence. In light of the fact that the Defense will have the opportunity to challenge Civil Party applications next Monday ahead of the Chamber hearing Civil Party testimonies next week, Civil Party Lawyers indicated their intention to furnish the Chamber with additional supporting documents. These efforts to ensure they are adequately prepared to support testifying Civil Parties and refute challenges from the Defense are arguably an improvement from previous occasions, when the extent to which Civil Party Lawyers had prepared for trial seemed cause for concern.

An urgent concern yet to be addressed by the ECCC is the persistent problem of increased public attendance far outrunning the facilities available to accommodate it. In particular, monitors find it of pressing importance that locals traveling hours by bus to the Court be spared the disappointment of having to view a video broadcast from outside the gallery due to a lack of seats inside the gallery.

2. LEGAL AND PROCEDURAL ISSUES

A. Summary of Witness' Testimonies

The following summary groups the evidence presented by both oral and written witness testimonies and by topic area. For a more complete overview of the evidence, readers should consult Annexure A to this report.

The following witness testimonies were either presented or heard this week:

Oral Testimonies

- Chun Phal, a former S-21 guard;
- Soam Meth, a former S-21 guard at S-21's Special Prison; and
- Bou Thon, a member of Cambodia's "New People" who was sent to Prey Sar.

Written Testimonies

- Mok Sithim, a former S-21 medic;
- Toy Teng, a former S-21 guard stationed outside the compound;
- Soam Sam Ol, a messenger with the Ministry of Foreign Affairs;
- Chey Sopheara, Deputy Chairman of the directorate responsible for the running of the present-day Tuol Sleng Genocide Museum;
- Meas Peng Kry, a former S-21 driver who transported prisoners to Choeung Ek;
- Ouk Bun Seng, a former Khmer Rouge soldier arrested and sent to Prey Sar;
- Eam Horn, a former S-21 guard;
- Thach Seak, a former female Khmer Rouge soldier who was subsequently arrested and sent to S24; and
- Kaing Pan, a former female staff of S-21 sent to S24.

Extent of Duch's Responsibility. Several aspects of this week's evidence potentially negate Duch's repeated claims that he had no choice but to execute the upper echelon's commands.

Interrogations conducted personally by Duch. Duch has consistently maintained that, with the exception of one detainee,ⁱⁱ he never personally interrogated S-21 prisoners. However, Soam Meth described before the Chamber two incidents when he witnessed Duch personally involved in interrogations at S-21's Special Prison.ⁱⁱⁱ On one occasion, Soam Meth witnessed Duch interrogate and torture a detainee by beating him with a rattan stick. The second incident Soam Meth recounted appeared more circumstantial: upon returning to guard a detainee whom his superior had just

violently tortured, he saw Duch carrying a rattan stick and standing with other guards nearby.

Influence and standing with the upper echelon: Soam Sam Ol, a messenger of the Ministry of Foreign Affairs, claimed to have seen Duch at his workplace, where Duch participated in weekly meetings with the CPK's upper echelon, namely, Pol Pot, Son Sen, Ta Mok, Nuon Chea and Ieng Sary. Duch's weekly attendance at these meetings continued from 1977 to 1979. Soam Sam Ol surmised that Duch was bringing confessions to the upper echelon at these meetings.^{iv}

As further evidence of Duch's closeness to the upper echelon, Soam Sam Ol recalled seeing members of the upper echelon at Duch's wedding ceremony, namely, Son Sen, Nuon Chea and Ieng Thirith.

Scope for mercy at S-21? Accounts of opportunities for mercy at S-21 despite the risk of punishment obliquely detracted from Duch's claims that he made certain orders and committed certain actions because he had no choice. Soam Meth described how he protected a fellow guard who had inadvertently left a scarf in the detention facility that a detainee later used to attempt suicide. Soam Meth had thwarted the suicide attempt, and kept the incident a secret. He also explained his belief that his transfer to Prey Sar was engineered by Him Huy, a senior officer at S-21, in order to protect him from being smashed, should the upper echelon discover that Soam Meth's brother had been deemed an enemy.

Duch's response. Duch vigorously denied witness' evidence concerning his direct involvement in interrogations as well as the presence of members of the "upper echelon" at his wedding. With regard to the interrogations, he stated that, with one exception,^v he had never visited Tuy during his interrogations as he knew of Tuy's propensity for violence and wished to distance himself from that. He further highlighted a document purportedly proving that he did not visit interrogations conducted by Tuy,^{vi} and stated that even if he had wanted to, as the leader of S-21, he did not have time to participate in interrogations.

Guilty by association. Whether eventually sent to the S-21 prison, Prey Sar or Choeung Ek, prisoners were arrested based on mere association with others who had been labeled traitors by the Angkar. For example, Bou Thon surmised that her husband Pork Horn had been arrested and sent to S-21 because he was part of a network of persons linked to Koy Tun, who was arrested for treason. Her supposition was confirmed by Duch, who attributed Pork Horn's arrest and execution to the CPK political line of removing all "strings of traitors". Likewise, Thach Seak was sent to Prey Sar due to her status as member of the North Zone. Toy Teng and Kaing Pan had similar stories.^{vii} Paranoia evidently reigned during the DK regime - Thach Seak was told, "It is not just you in the [North Zone] who are traitors. Even your mothers and fathers are traitors as well."

S-21 Prison.

Special Prison. As a former guard at S-21's Special Prison, Soam Meth was able to shed light on the functioning of that site. The Special Prison was presumably used specifically to detain senior CPK cadres.^{viii} The conditions of the special prison were similar to the conditions of prisoners held in the common rooms of S-21, with few significant differences. However, one such difference was that detainees were given a bucket of water to wash themselves, rather than being hosed down. Also, instead of ammunition boxes, they were given pots to relieve themselves.

Detention Conditions. As in previous weeks, evidence provided regarding detention conditions at S-21 largely corroborated the evidence of other witnesses. An apparent difference was raised when Chun Phal recounted letting detainees individually wash themselves with a water hose. Prior testimony indicates that detainees were usually collectively hosed down by the guards. Earlier evidence that the purpose of medical treatment at S-21 was primarily to keep prisoners alive for interrogation was also supported by Mok Sithim's testimony. He stated that he had been specifically instructed by an interrogator to treat those interrogated "because [the interrogator had] not finished interrogating them". At the same time, he acknowledged that medicines available at S-21 were generally ineffective.

Interrogation and torture: Witnesses who were former S-21 guards all recalled seeing marks of beatings and wounds on detainees returning from interrogation. Their indirect evidence tended to prove the use of the following interrogation methods: removal of nails, electrocution and beatings that left open wounds. Direct evidence of the methods employed was provided by Saom Meth, who testified to witnessing prisoners being hit with rattan sticks and electrocuted on their genitals and ears, as well as the pulling out of nails, piercing with pins, and the wrapping of plastic bags around prisoners' heads.

Blood-drawing. Former S-21 medic Mok Sithim claimed that he had never seen the practice of blood-drawing firsthand nor did he know where the drawn blood would be taken. However, he claimed to have treated 20 to 30 prisoners whose blood had been drawn. He also alleged to have seen bags of spoiled blood thrown away near his living quarters. Duch later clarified that the blood drawn would have been deposited at S-21's own hospital, Hospital 98. He reiterated that the practice had already been carried out when S-21 had been under the supervision of Nat, although it became more frequent during Duch's chairmanship.

Purges. Soam Meth noted that he became increasingly afraid of Duch, when he noticed guards of the Special Prison disappearing. From an original number of 50, only 4 to 5 remained while the rest gradually disappeared. In an analogy to highlight how he felt about guards being smashed, he stated: "It was like using an ox and then killing the ox."

Prey Sar (S-24). Descriptions of Prey Sar by witnesses were largely similar. According to Bou Thon, it was a "depository" or transit station, where prisoners were temporarily detained before being sent to different units or locations. Tach Seak had been told that Prey Sar was a place for "holding traitors from the previous era, for tempering and self-building."

A prison without walls: At Prey Sar, perimeter fences were absent, detainees lived unshackled in ordinary houses and living quarters were generally left unguarded. Still, Toy Teng, Kaing Pan and Bou Thon testified that no one dared to escape or move freely, echoing earlier characterizations of Prey Sar as a "prison without walls".

Composition of detainees: Tach Seak placed the number of prisoners at Prey Sar at 2000. According to her, Toy Teng, Bou Thon and Kaing Pan, detainees at Prey Sar included the "New People", soldiers from the East and North Zones, intellectuals and people "involved in moral issues" and "political dissent". Kaing Pan also revealed the detention of young child detainees aged between 8 to 10 years old, whose

parents had been accused of having “tendencies”. Some were purportedly children of high-ranking officials in the previous regime.

Treatment of detainees: As disclosed in earlier testimony, working hours at Prey Sar were grueling with little time for rest. Only Toy Teng stated he had not been assigned work at night to minimize opportunities for escape. According to Tach Seak, medical treatment was inadequate, as detainees were given only 2 or 3 medicinal pills when sick. Toy Teng, Bou Thon and Tach Seak recalled being given meals twice a day for lunch and dinner. This comprised rice in the morning and very thin gruel in the evening, although there appear to be exceptions when detainees received 3 meals in one day.^{ix} Bou Thon further observed that the meager rations continued even though the harvest of rice, corn and vegetables was plentiful.

According to Tach Seak, detainees who had committed “offenses” were not allowed to eat yet were required to work as usual.^x They would be put in a building where they were hung from chains and beaten. While Bou Thon maintained that she did not see others being mistreated or beaten at Prey Sar, she had, for an apparently minor infraction, been beaten so violently that the scars on her face could still be seen.^{xi}

Arrival and removal of detainees from S24. All relevant witnesses unanimously agreed that detainees who were not successfully tempered would be sent to S-21 to be smashed. Kaing Pan personally witnessed the removal of S-24 detainees via covered trucks at night, and claimed to recognize the same trucks when at S-21 for study sessions and to have heard screams from within. According to Thach Seak, truckloads of people arrived every night. Bou Thon stated that these included 2 or 3 truckloads of young children. The prisoners would disappear by the next day. Terrified that their turn would come, detainees maintained silence about these disappearances.

Choeung Ek. Corroborating earlier testimony, both Toy Teng and Meas Peng Kry testified that prisoners brought to Choeung Ek were first temporarily held in a wooden house before their execution. According to Toy Teng, only Cambodian men and women were killed at the Choeung Ek killing fields. That no children were executed at Choeung Ek was also corroborated by Meas Peng Kry. However, Bou Thon appeared to have seen child corpses when she visited the killing fields in 1979, during the exhumation of the mass graves.^{xii} In addition, Toy Teng gave a detailed description of the method by which prisoners were executed. Essentially, they were hit at the base of their neck with a pipe and then slashed with a knife, either at the throat or belly. He heard no screams, only the blows.

Duch’s Observations. On Wednesday, Duch emphatically declared that he would “accept without challenge all the judgments that may be made by this Chamber.” This appears to indicate his intention to not appeal a conviction by the Trial Chamber. In addition, Duch expressed doubts with respect to the truth of the testimonies of Mok Sithim, Meas Peng Kry, Ouk Bun Seng and Eam Horn.

Surviving The Aftermath Of The DK Regime. An emotional narrative, and one which told of coming to grips with a future without loved ones and a life pervaded by a lingering sense of loss, made Bou Thon’s testimony distinguishable from all others the tribunal heard this week. This served as an important reminder that the end of the

DK regime had not served to demarcate the end of the surviving victims' suffering. While clear memories of her husband and children remained, she repeated her sister's advice to her: "Everyone has suffered a great deal, but it is time to heal the wounds."

B. Arguments Raised at Trial

Waiver of the Accused's Right to Summon Witnesses under Rule 84.1 Clarified.

After reading Toy Teng's sworn affidavit on Tuesday, International Co-Prosecutor Mr. Anees Ahmed requested that the Defense state for the record that it had no objections to Toy Teng not being summoned before the Chamber. This request was made in light of Rule 84(1) of the Internal Rules^{xiii} and the fact that the Accused did not have opportunity to address Toy Teng's testimony at the Pre-Trial stage. The International Co-Prosecutor's request was thus an apparent pre-emptive effort to ensure the Defense would not rely on its right under Rule 84(1) to raise future objections to this witness' testimony.

In response, the Chamber declared the International Co-Prosecutors' motion unnecessary. It found that the Defense's waiver of its right under Rule 84(1) had already been given in accordance with the Internal Rules, as the Defense provided this waiver in prior trial management meetings. The Chamber's decision is significant in that it clarifies when the Defense may be considered to have properly waived its right under Rule 84(1).

3. VICTIM PARTICIPATION AND WITNESS AND VICTIM PROTECTION AND SUPPORT

Attendance of Civil Parties. The Civil Parties present numbered 14 on Monday and 12 on Tuesday and Wednesday.

Civil Party Applications To Be Put Before the Chamber. On the Court's upcoming agenda is the introduction of Civil Party applications into evidence. Currently, 14 of the 93 Civil Parties are scheduled to appear before the Chamber for questioning over the course of the next 2 weeks. However, Civil Party Group 3 Lawyer Ms. Fabienne Trusse Naprous confirmed on Wednesday that her team was withdrawing its request to have Civil Party E2-81 summoned for questioning, as further supporting documents could not be found.

In addition, applications of 66 Civil Parties are provisionally considered as put before the Chamber. The Defense will be given the opportunity to pose any objections to these applications on Monday (17 August 2009). It is worth noting that substantive issues concerning the Civil Party applications were raised during this week's proceedings, despite there being a separate date set aside precisely for this purpose.^{xiv} The Chamber's response on these occasions^{xv} was to remind the parties that such matters could be raised at a later date.

Civil Party Lawyers To Provide Additional Documentation To Support Clients' Civil Party Applications. Throughout this week, Civil Party Lawyers made known their intention to furnish the Chamber and parties various additional documentary evidence to support their clients' Civil Party applications.^{xvi} There was a visible urgency on the part of the Civil Party Lawyers to deliver the additional documents to the Defense by this week, in order to be better placed to refute any challenge from the Defense to their clients' applications on 17 August 2009 or to their clients'

testimonies when summoned before the Chamber. These efforts appear to allay doubts as to the extent of preparation by Civil Party lawyers, which had previously been a cause for concern.^{xvii}

Presence of Legal Counsel for Witnesses. Lawyer Kom Sam On continued to be present in Court in his capacity as legal counsel to insider witnesses. His presence was dispensed with on Wednesday, when it came time for victim witnesses to be questioned before the Chamber.

Civil Party Lawyers Appear to Embrace Common Representation. The previous mode of Civil Party participation, where each Civil Party Group made individual submissions and took turns questioning, had often resulted in repetitive and irrelevant questioning that delayed the proceedings.^{xviii} Faced with restrictive time limits imposed by the Chamber on their questioning, Civil Party Lawyers have been making a sustained and concerted effort to cooperate and maximize the effectiveness of their questioning.^{xix} On Tuesday and Wednesday, the 4 Civil Party groups appointed one Civil Party Lawyer to represent them all in the questioning of witnesses.^{xx} Monitors opine that this practice of opting for common representation allowed for greater coherency and reduced the occurrence of repetitive questioning.

Accused's Observations Distressing to Witness. Despite the Chamber's prior ruling directing the Accused to direct his observations to the Chamber, Duch spoke directly to Civil Party Bou Thon. The witness became increasingly emotional as a result, prompting Civil Party Group 2 lawyer Silke Studinsky to rise to object. President Nil Non initially reminded Duch to refrain from observations that would exacerbate the suffering of the witness, but overruled subsequent objections to Duch's observations on the basis that Duch enjoyed the right to speak. Still, the Accused's right to speak can be given effect to without compromising the well-being of witnesses. Monitors suggest that should witnesses become emotional during the Accused's observations, they should have the option of leaving the courtroom.

4. TRIAL MANAGEMENT

Judicial Management

Scheduling. The Chamber has announced that the subsequent two weeks shall be allocated to the hearing of Civil Parties, an agenda item that should have begun this week according to the Scheduling Order issued on 7 July 2008. Given that proceedings are presently 3 days behind schedule, the Chamber set a new agenda necessary for the week on Monday.^{xxi} Proceedings largely unfolded in accordance with this agenda.

Time Management. Evidently anxious that proceedings this week be completed on schedule, the Chamber wasted no opportunity to expedite the trial. As the questioning of Soam Meth ended earlier than scheduled on Tuesday, 2 witness statements were read out in addition to the 5 initially planned.

Parties' Attendance. Mr. Tan Senarong assumed the duty of National Co-Prosecutor for the entire week. Deputy International Co-Prosecutor Mr. Anees Ahmed appeared on Monday and Tuesday morning, and was replaced by Mr. Vincent De Wilde from Tuesday afternoon onwards. International Defense Counsel Mr. Francois Roux was absent this week^{xxii} and Ms. Canizares represented the Defense instead.

Public Attendance: Proceedings were well-attended throughout the week due to the continued support of the Public Affairs Section of the ECCC. On Monday, the public

gallery was fully occupied by more than 450 locals from 3 communes, including Rokar Kpos, Setbo, and Svay Rolom of Sa Ang district, Kandal province. On Tuesday, the local audience comprised 400 teachers from Tak Mao and approximately 40 people from Angsnuol district, Kandal province. Wednesday saw the attendance of roughly 430 people from Stoung District, Kampong Thom Province and 50 from Boribo district, Kampong Chhnang province.

Problems Accompanying the High Level of Public Attendance. Increased public attendance at the Court is now far greater than the facilities available are able to accommodate. Hence, as there were insufficient seats in the public gallery on Wednesday, a number of locals had to follow the proceedings via video broadcast outside the courtroom. This prompts the question whether it is worth taking a long journey by bus only to be made to view a video broadcast.

In addition to insufficient seats, visitors must endure bottlenecked queues at the public cafeteria and restrooms. Monitors are concerned that this problem stems from a lack of communication between the Public Affairs Section and the intermediary NGOs that arrange the locals' visits to the Court. Greater coordination between the Court and civil society seems to be required, as does further strategic discussion by Court officials as to how best to ameliorate these problems.

Technical Problem. On Monday, a brief interruption of the proceedings occurred because the English and French interpretation could not be relayed.

Time Management.

| DAY/ DATE: | START: | MORN. BREAK: | LUNCH: | AFT. BREAK: | RECESS: | TOTAL HOURS IN SESSION |
|--|--------|---------------|------------|-------------|---------|------------------------|
| MON. 10/08/09 | 09.00 | 10.35 – 10.55 | 12.00-1.30 | 2.55-3.15 | 4.10 | 5 HOURS 00 Min |
| TUE 11/08/09 | 9.05 | 10.40 – 11.00 | 12.15-1.30 | 2.40-3.00 | 4.00 | 5 HOURS 00 Min |
| WED 12/08/09 | 9.00 | 10.30 – 10.50 | 11.45-1.30 | - | 2.50 | 4 HOURS 50 Min |
| AVERAGE NO. OF HOURS IN SESSION : 4 HOURS 57 MINS | | | | | | |
| TOTAL NO. OF HOURS THIS WEEK : 14 HOURS 50 MINS | | | | | | |
| TOTAL NO. OF HOURS, DAYS, AND WEEKS AT TRIAL: 250 HOURS AND 4 MINS OVER 57 TRIAL DAYS OVER 16 WEEKS | | | | | | |

ⁱ Bou Thon during questioning by Judge Lavergne on Wednesday, 12 August 2009.

ⁱⁱ This detainee was senior CPK cadre Koy Tun, Chairman of the North Zone.

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- ⁱⁱⁱ According to Soam Meth, the Special Prison was used specifically to detain senior CPK cadres.
- ^{iv} Soam Sam Ol based this supposition on the fact that the document folders Duch always carried to the meetings were similar to those delivered by Duch's subordinate Chan (also known as Mam Nai) to the Ministry of Foreign Affairs, which contained confessions.
- ^v That occasion was during the interrogation of a District Secretary, with whom Duch claimed to have merely "played politics" with.
- ^{vi} The contents of this document remain unclear as it was neither displayed nor summarized.
- ^{vii} Toy Teng was transferred to Prey Sar because his cousin had been arrested, while Kaing Pan was sent there purportedly because her elder sister had been a teacher.
- ^{viii} Soam Meth based this belief on the fact that the prisoners were given their own rooms and a single guard was assigned to each prisoner. The chief of his unit had also described the detainees as "special prisoners".
- ^{ix} According to Tach Seak, detainees could receive 3 meals per day, including dessert, if they were called for and attended meetings with Duch at Prey Sar.
- ^x These offences involved picking and eating other food to supplement the meager meals.
- ^{xi} Her beating was triggered by her mere remark that some bananas she had seen would be good for the detainees' meals.
- ^{xii} It was upon seeing corpses with blonde hair that she became convinced her 3 daughters had perished at Choeng Ek.
- ^{xiii} Rule 84.1 makes clear that the Accused has the absolute right to summon opposing witnesses he had no opportunity to examine at the Pre-Trial stage.
- ^{xiv} For example, on Monday, the International Co-Defense Counsel expressed preliminary objections to a number of Civil Party applications and reserved the Accused's right to comment on them. Ms. Canizares pointed out that the Accused objected to E2-77, E2-34, E2-81, and E2-82 on the basis of lack of documentation to show that the victims were detained in S-21. Objection to E2-50 would be left pending until the Accused received documentation from the relevant Civil Party legal team. The International Defense Lawyer also stated that Duch only acknowledged one out of the four relatives of D25-6 as victims at S-21; E289 was also singled out as a Civil Party without any documentation to support her or his claim. As for the remaining Civil Parties, Ms. Canizares asserted that the Accused would not challenge them but would comment on their applications at a later date.
- ^{xv} Another incident occurred on Wednesday, a request was made by Civil Party Group 2 Lawyer Ms. Silke Studzinsky for permission to orally inform the Chamber of additional information recently received from her client, Nam Mon. Her request was rejected.
- ^{xvi} On Monday, Alain Werner informed the Chamber that the Civil Party Group 1 legal team had compiled a new file of exhibits for examination by the Defense this week in preparation for the appearance of their clients before the Chamber next week. The Defense had raised preliminary objections to one of their Civil Party clients (E2-50). On Tuesday, Ms. Fabienne Trusse Naprous indicated a similar intention for the purpose of supporting her team's request to have Civil Party E2-81 questioned before the Chamber.
- ^{xvii} See KRT Report Issue No. 13 at Pages 6 and 7.
- ^{xviii} See KRT Report Issue No. 3 at Page 6, KRT Report Issue No. 7 at Page 6, KRT Report Issue No. 8 at Page 6 and KRT Report Issue No. 8 at Page 6.
- ^{xix} See KRT Report Issue No. 16 at Page 8.
- ^{xx} On Tuesday and Wednesday, National Lawyer for Civil Party Group 1 Ms. Ty Srina examined Saom Meth and Bou Thon respectively on behalf of all the Civil Party Groups.
- ^{xxi} The agenda for this week as announced on Monday was as follows: Monday, 10 August 2009 – half-day oral testimony of Mr. Chhun Phal followed by half-day oral testimony of KW-15. Tuesday, 11 August

2009 - reading of the following: statement of Mok Sithim; interview record of Toy Teng and Sam Sam Ol, summary of Sei Ca Kira (Chey Sophea); and statement of Meas Peng Kry. Wednesday, 12 August 2009 – oral testimony of KW-29 followed by the reading of the statements of Ouk Bun Seng (who, although originally scheduled to testify, is unable to do so due to serious illness), Thach Seak and Kang Pan. Wednesday afternoon was reserved in case the Chamber was unable to finish as scheduled on Tuesday.

^{xxii} His absence was due to work commitments at the Special Tribunal for Lebanon.