

**APPENDIX A
FOR REPORT NO.2 (MARCH 30 – APRIL 1, 2009)**

TABLE 1: HOURS IN SESSION

The following table sets out the number of hours the Chamber spent in session during Week 1 of Trial Proceedings.

DAY/ DATE:	START:	AM BREAK:	LUNCH:	PM BREAK:	RECESS:	TOTAL HOURS IN SESSION
MON. 30/03/09	10.10AM	-	12 – 1.30PM	14.30 – 3PM	3.10PM	3 HOURS
TUE. 31/03/09	9.00 AM	10:35 – 11:04 AM	12:10 – 13:40 PM	14:30 – 15:05 PM	16:20 PM	4 HOURS 46 MINS
WED 01/04/09	9.10 AM	9:59 – 10:40 AM	12:10 – 13:55 PM	15:15 – 15:40 PM	16:15 PM	4 HOURS 14 MINS
AVERAGE NO. OF HOURS IN SESSION:						4 HOURS
TOTAL NUMBER OF HOURS FOR WEEK 1:						12 HOURS
TOTAL NUMBER OF HOURS, DAYS AND WEEKS AT TRIAL:						12 HOURS over 3 DAYS during 1 WEEK

TABLE 2: WITNESSES DUE TO BE CALLED

The following table sets out the names of all the witnesses mentioned during the Co-Prosecutors Opening Statement to be called during the trial to prove the factual analyses in the Closing Order. Note that no witnesses for the Defense are included in this table.

PSEUDONYM:	TESTIMONY PERTAINS TO:	ADDITIONAL INFORMATION:
KW01	Witness was arrested and transferred to S21 after being repeatedly tortured at lower level security centers; The witness will testify to the structure of security center	-
KW04	Duch tortured this witness at S21 using electric shocks and plastic bag	The witness is also a civil party
KW07	This witness worked at S-21 and will testify to the allocation of detainees	Witness was in charge of recording short biographies of detainees; he can further attest to photos being attached to biographies
KW08	Duch as the author of decisions / orders in S-21	
KW09	Cadre were arrested; widespread element of Crimes Against Humanity; the nutrition of detainees	Guarding and transferring to S-21

KW10	Suicide attempts and methods; practice of draining blood, Duch told methods of torture	Former guard/interrogator at S-21
KW11	-	Former guard at S-21
KW15-21	Detainees were not allowed to commit suicide	
KW15	-	
KW16	Witness will confirm that photos were attached to the biographies of detainees	Photographer at S-21
KW19	Medical treatment only to keep people alive for further interrogation	
KW20	Medical service for prisoners	Former child medic
KW21	Detainees had to strip of their clothes, Men and Women were separate	Former guard at S-21

TABLE 3: COMPARISONS BETWEEN THE KRT PROCEEDINGS AND THE CAMBODIAN NATIONAL SYSTEM

PROCEDURE / ISSUE:	ECCC LAW / IR:	PROCEDURE AT KRT:	CAMB. PROV.:¹	PROCEDURE IN CAMBODIAN COURT:
Closing Order Read Out (Including Factual Analysis)	Rule 82	Entire Factual Analysis Read Out (Excluding Accused Person's Character, Background and "Exculpatory" Pre-trial Statements)		No clear provisions stated about reading the indictment by the court clerk, or briefing opening statement of the charges against the accused by the prosecutor, at the court of first instance; At the higher courts level (including the Appeals Court and the Supreme Court) the reading of the report by the reporting judge is required before the President interrogates the Accused.
Opening Statement By the Prosecutor	Rule 82	Prosecutor receives two hours to read out opening statement		Prosecutor reads out the charges faced by the accused; this is usually very brief.
Pre-trial Detention Conditions	Rules 63 – 65; Rule 82	Must have well-founded reasons to believe the crimes specified were committed; and be a necessary measure based on any of the following five grounds: to prevent interference with witnesses or collusion with accomplices; to preserve evidence; to guarantee the	CPC Art. 205	CPC provides that the investigating judge may detain a suspect if it is necessary under the same five grounds as the ECCC and further, to prevent offending.

¹ 'Camb Prov.' stands for Cambodian Provisions and refers to the relevant Cambodian legal instrument. 'CPC' refers to the newly enacted Cambodian Criminal Procedure Code, adopted by the Cambodian National Assembly on 7 June 2007 and first published in English in September 2008.

		appearance of the accused at the hearing; to protect the accused; or to preserve public order.		
Pre-trial Detention: Duration	Rules 63 – 65;	Judicial Discretion during trial phase, with the norm being s/he remains 'at liberty' under provisional detention is ordered or ongoing (no prescribed time limit)	CPC 208, 209	<p>Under Cambodian law, the time-limits for pre-trial detention vary depending on nature of offenses and defendant's maturity.</p> <p>Adult defendants: strict time-limits are set for pre-trial detention, which have been recently modified by the CPC. UNTAC Law provided for a maximum period of detention of 6 months for adult defendants charged with a felony offense (an initial four month period, which could be extended only by the investigating judge for a further two months)². New rules on pre-trial detention for adults permit pre-trial detention for an initial period of 6 months in felony cases, but the investigating judge may permit two further extensions of detention, for six months each time³. The judge must give reasons for the extension, by reference to Article 205. Thus, the new maximum time-limit for felony cases is 18 months. In misdemeanor cases, adults may be detained for an initial period of 4 months, which may be extended (once only) by a further period of 2 months⁴.</p>

² UNTAC Law, Article 14(4).

³ Criminal Procedure Code, Article 208.

⁴ Criminal Procedure Code, Article 209.

TABLE 4: JUDICIALLY AGREED OR UNDISPUTED FACTS

The following table sets out the sentences containing facts and their corresponding paragraphs in the Closing Order that have been agreed to, or are undisputed, between the Co-Prosecutors and the Defense. The International Co-Prosecutor stated during proceedings that out of a total of 351 factual allegations, 157 allegations have been agreed and 81 allegations are not disputed by the Prosecution and Defense.

Paragraph in the Closing Order (1 – 69):	Sentence(s) containing Facts Agreed or Not Contested:	Paragraph in the Closing Order (70 – 128):	Sentence(s) containing Facts Agreed or Not Contested:
10	Total	70	1, 4,5
11	2,3	71	Total
12	1,2	72	1
21	Total	73	2-4
22	1,2,4	74	1,2,4
24	1,2,4,6,7	75	Total
26	Total	76	Total
27	1,2,4,5	77	Total
28	Total	78	1,2,4
29	Total	79	Total
30	Total	80	1,5
31	1,2	81	Total
32	1-4	83	1,2
35	Total	86	Total
37	Total	88	Total
38	6	89	1-3
39	1,3	94	Total
40	2-4	102	7
41	Total	103	1,3-8
42	1	106	3,4
43	2, 5-7	107	1
44	1,5	109	1
45	2	111	1
48	Total	112	2
49	1-5	113	2
50	3-5	114	2-5
51	1-4	115	1-3
54	1	116	2,3

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56	1-3, 5,6	117	Total
57	1	118	Total
59	1	119	1-3
60	1	120	Total
62	2-7	121	1,2
63	1-6	123	3
64	2,3,5,6	124	1,5
66	Total	127	2
67	1	128	Total
69	1,3,5-8		