



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 18 / 05 / 2016
ម៉ោង (Time/Heure):..... 15:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: JANN PAWS

WRITTEN RECORD OF PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

Trial Day 381

11 March 2016

Substantive Hearing on evidence 002/02

Prepared by:

Mr. EM Hoy and Ms. Maddalena GHEZZI

<u>Attendance Record</u>
Before: Judge NIL Nonn (President); Judge Jean-Marc Lavergne; Judge YA Sokhan; Judge YOU Ottara; Judge Claudia FENZ;
Reserve Judges: Judge THOU Mony (Reserve); Judge Martin KAROPKIN (Reserve)
Greffiers: Mr. EM Hoy; Ms. Maddalena GHEZZI
OCP: Mr. Dale LYSAK; Mr. SREA Rattanak
Accused: Mr. NUON Chea (from the holding cell); Mr. KHIEU Samphan.
Defence for the Accused Nuon Chea: Mr. SON Arun; Mr. Victor KOPPE
Defence for the Accused Khieu Samphan: Ms. Anta GUISSÉ; Mr. KONG Sam Onn
Appointed Standby Counsel for KHIEU Samphan: Ms. TOUCH Voleak; Mr. Calvin SAUNDERS
Civil Parties: Mr. PICH Ang; Ms. Marie GUIRAUD; Mr. LOR Chunthy;
Witness: Witness Mr. Neth Savat (2-TCW-817)
Others: Mr. UCH Arun (Court Officer), Ms. SOUR Sotheavy (Associate Court Officer); Mrs. Sam MAKARA (Transcriber); Mr. Lay NARA; Ms. PICH Charkya (Transcriber); Mr. MEACH Sovanna (Transcriber); Ms. Hannah KIM (Legal Intern); Keo Vath (Support Staff)

General court times		
Day	Start time: 9:06	Finish time: 16:02
Recess am	Start time: 10:18	Finish time: 10:36
Recess	Start time: 11:40	Finish time: 13:33
Recess pm	Start time: 14:46	Finish time: 15:07
	Total Court Time:	4 hr 24 min

Proceedings			
Type of Issue	Raised By	Start time	Finish time
Opening of hearing and report on attendance of the Parties	Trial Chamber, Greffier	9:06	9:07
NUON Chea Defence Requests to follow the proceedings from the holding cell	NUON Chea Defence	9:07	9:09
Hearing of witness NET Savat (2-TCW-817)	Trial Chamber	9:10	9:20
	Co-Prosecutors	9:20	11:40
	Lead Co-Lawyers	13:41	13:51
	NUON Chea Defence	13:51	15:28
	KHIEU Samphan Defence	15:28	16:00
Oral submissions on NUON Chea Defence's Internal Rule 87(4) request	Trial Chamber	13:35	13:40
Oral ruling to objection by the Prosecution	Trial Chamber	15:08	15:15

Summary of Proceedings

Opening of hearing and report on attendance of the Parties

The President opened the proceedings and the Greffier informed the Trial Chamber that all Parties were present. The Accused NUON Chea was present in the holding cell.

NUON Chea Defence request to follow the proceedings from the holding cell

The Trial Chamber granted the request of NUON Chea to waive his right to be present in the courtroom and to follow the proceedings from the holding cell.

Hearing of Witness NET Savat (2-TCW- 817)

The Trial Chamber, International Co-Prosecutor, Co-Lawyer for Civil parties, NUON Chea Defence, and the KHIEU Samphan Defence posed questions to NET Savat.

Oral submissions in relation to Rules 87.4 request

The Trial Chamber heard oral submissions by the parties in relation to the NUON Chea Defence request to admit E319/23.4.1. The Parties did not object to the admission of the document into evidence.

Oral ruling on the Co-Prosecutors' objection to the use of certain portions of E3/7696

The Trial Chamber sustained the objection by Co-Prosecutor to the NUON Chea Defence

use of certain portions of document E3/7696. The Chamber noted that at English ERN 00384164 of E3/7696 all statements in parenthesis were the direct statement of NETH Savat, while the portions outside the brackets in E3/7696 came from an S-21 Confession.

No Change

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/367	D125/167	00251435- 00251441; 00278692- 00278697; 00486008- 00486013	Written Record of Interview of SAO Sarun and Transcript of interview of SAO Sarun D125/167R	P	00251440- 00251441	00278697	00486013
E3/1645	D175/3.31	00230386- 00230394; 00809627- 00809639; 00809998- 00810017	Name who entered on 23.11.77	P	-	00809636 00809637	00810013- 00810014
E3/266	D135.1	00289644- 00289722 00082510- 00082560; 00284569- 00284658	E-100, Editions du Centenaire "The Black Paper: Facts and Evidence of the Acts of Aggression and Annexation of Vietnam against Kampuchea", 27 January 1979	P	00289676	00082542	00284601
E3/13	L01500	00183982- 00183994; 00052402- 00052416; 00334972- 00334984	Note of Secretary meeting, vice secretary, and regiment about Situation to defense the country and the measure to defense the country	P	00052413- 00052414 00652406	00940354 00940343	00344983 00334976

Reclassified

TC No	OCIJ No	ERN (KH, ENG, FR)	Title	Class	Note in Khmer	Note in English	Note in French
E3/7696	D125/138.1	00231473- 00231581; 00384100- 00384204; 00384205- 00384306	Annex 1: Interview of NĒT Savat by DC-Cam staffs in Mondulkiri on 17 December 1999 (D24373, ERN 00231473-00231581)	P	00231531 00231542 00231511- 00231512 00231547 00231487 00231496	00384159 00384152 00384164 00384116 00384111 00384034- 00384035 00384169 00384120	00384264 00384268 00384258 00384241 00384273 00384217 00384227
E3/7695	D125/138	00236712- 00236717; 00239482- 00239488; 00274812- 00274818	Written Record of Interview of NET Savat	P	00236715 00236716 00236713	00239485- 00239486 00239487 00239484 00239483	00274815 00274817 00274814 00274813
E3/5178	D125/47	00197855- 00197866; 00274094- 00274105; 00485179- 00485190	Written Record of Interview of BUN Loeng Chauy	P	-	-	-
E3/7960	D366/7.1.585	00450266- 00450329; 00851611- 00851730; 00763868- 00763933	DC-Cam interviews in Mondul Kiri province	P	00851666	00450295- 00450296	0073899

Oral Orders/Decisions:

- Order authorizing the Accused NUON Chea to follow the proceedings from the holding cell and instructing the AV Unit to connect the AV link to the proceedings (9:09).
- Oral ruling on Co-Prosecutors' Objection to the use of certain portions of document E3/7696 (15:09).
- Order to take the Accused to the Detention Facility and bring him back to court for the Hearing on 14 March 2016 (16:02).


Order for Adjournment of Hearing

The hearing will resume on Monday, 14 March 2016 at 9:00am.


Phnom Penh, 11 March 2016

Greffier

Greffier


Mr. EM Hoy




Ms. Maddalena GHEZZI