



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/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 March 2015

Trial Day 261

Before the Judges: NIL Nonn, Presiding  
YA Sokhan  
Claudia FENZ  
Jean-Marc LAVERGNE  
YOU Ottara  
Martin KAROPKIN (Reserve)  
THOU Mony (Reserve)

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KHIEU Samphan

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I N D E X

MR. RIEL SON (2-TCW-860)

Questioning by Mr. Kong Sam Onn resumes .....page 3

Questioning by Mr. Vercken .....page 16

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MS. GUIRAUD	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. RIEL SON (2-TCW-860)	Khmer
MR. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0908H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now in session. Today the Trial Chamber will  
6 continue to hear the testimony of the witness, Riel Son to  
7 conclude and we may start to hear the testimony of 2-TCW-822 and  
8 we say may in this case because the witness has high blood  
9 pressure, he was admitted to the hospital and this morning he was  
10 seen by the doctor to see if he can provide testimony for today  
11 this afternoon. Secondly, the Chamber <informed> all Parties  
12 <already yesterday> that if we have time we will listen to the  
13 oral submission regard the request by the Lead <Co-Lawyers for  
14 civil parties> to request for testimony of a new civil party,  
15 D22/2500<, E344 and E344.1> including the request for admission  
16 of new document in relation to the request for hearing the  
17 testimony of the new civil party.

18 [09.10.55]

19 Greffier, Ms. Sivhoang, could you report the attendance of the  
20 Parties and individuals to today's proceedings.

21 THE GREFFIER:

22 Mr. President, for today's proceedings all Parties to this case  
23 are present. As for Mr. Nuon Chea, he is present in the holding  
24 cell downstairs as he requests to waive his right to be present  
25 in the courtroom. His waiver has been delivered to the greffier.

2

1 The witness who is to testify today to complete his testimony is  
2 Mr. Riel Son, and the witness and <Mr. Duch Phary,> his duty  
3 counsel, are present in the courtroom. We have a reserve witness  
4 2-TCW-822. The witness confirms that to his best knowledge he has  
5 no relationship by blood or by law to any of the two Accused,  
6 Nuon Chea or Khieu Samphan, nor to any of the civil parties  
7 admitted in this case. The witness will take an oath before the  
8 <Iron Club Statue at 10 a.m.> this morning.

9 MR. PRESIDENT:

10 Thank you Ms. Greffier. The Chamber now decides on the request by  
11 Nuon Chea. The Chamber has received the waiver from Nuon Chea  
12 dated 19 March 2015. He confirms that due to his poor health  
13 condition that he has headache, back pain and that he cannot sit  
14 for long and in order to effectively participate in the future  
15 hearings, he requests to waive his right to participate in and be  
16 present at the hearing of 19 March 2015, hearing. He has been  
17 informed by his counsel about the consequence of this waiver,  
18 that in no way it can be construed as a waiver of his rights to  
19 be tried fairly and to challenge evidence presented or admitted  
20 to the Court at any time during his trial.

21 [09.13.27]

22 Having seen the medical report by the duty doctor for the Accused  
23 at Extraordinary Chambers in the Courts of Cambodia, dated 19  
24 March 2015, who notes that the health condition of Nuon Chea, is  
25 that he has severe back pain when he sits for long and recommends

1 that the Chamber shall grant him his request so that he can  
2 follow the proceedings remotely from the holding cell downstairs.  
3 Based on the above information and pursuant to Rule 81.5 of the  
4 ECCC Internal Rules, the Chamber grants Nuon Chea's request to  
5 follow proceedings remotely from the holding cell downstairs via  
6 an audio visual means for today's proceedings as he waives his  
7 right to his direct presence in the courtroom.

8 The AV unit is instructed to link the proceedings to the room  
9 downstairs so that Nuon Chea can participate in and follow its  
10 proceedings remotely.

11 Before giving the floor to the Khieu Samphan's defence counsel,  
12 the Trial Chamber would like to instruct the greffier in  
13 cooperation with the Witness and Expert Support Unit to inform  
14 the reserve witness, 2-TCW-822, so that <> we can obtain the  
15 availability or his ability to give testimony and the Chamber  
16 wishes to hear that if his health is not well, the Chamber would  
17 like to obtain that information before the conclusion of the  
18 testimony of Mr. Riel Son.

19 [09.15.10]

20 The Trial Chamber is now giving the floor to the Defence Counsel  
21 for Mr. Khieu Samphan to continue his line of questioning for Mr.  
22 Riel Son.

23 QUESTIONING BY MR. KONG SAM ONN RESUMES:

24 Thank you, Mr. President. Mr. Witness, good morning and I will  
25 continue to put questions to you and yesterday we were talking

4

1 about your responsibility and also the structure of the district  
2 hospital where you worked. And now I would like to ask further  
3 about the code of conduct for the medical staff.

4 [09.16.12]

5 Q. My question for you is that, were there any meetings to  
6 discuss on the respect for discipline in giving treatment for the  
7 public during the regime?

8 MR. RIEL SON:

9 A. During that regime, there were meetings of code of conduct.  
10 The meetings were conducted every week, even though there was no  
11 problem occurred. We had meeting today for example and we set  
12 date for the next meeting so that everyone should adhere to the  
13 discipline and rules in the hospital. <Although> everyone was so  
14 <busy>, a meeting was imperative. So even if we failed to adhere  
15 for a day, we might be in trouble.

16 Q. Thank you, can you indicate or elaborate a bit further about  
17 the code of conduct or disciplines for your staff at the  
18 hospital, what were they?

19 A. The rules and disciplines for our hospital would include  
20 instructing the staff to be humble, gentle to the patients and  
21 when giving injection, they should avoid any difficulty, any rude  
22 word, to avoid problem. In general, the code of conduct for  
23 physicians or for medics, were all advised.

24 Q. Can you tell the Court if there is any case one of your staff  
25 violated the code of conduct or discipline, was there any action

1 against the person who breached or who violated the code of  
2 conduct?

3 A. Yes, there was incident like that at my hospital. It was a  
4 moral misconduct. <Both of them were women, but one acted as a  
5 husband, while the other one acted as a wife.> I <then> requested  
6 the district chief to remove the husband out of my place and  
7 <the> wife was in my hospital but the husband was sent to another  
8 hospital.

9 Q. Are you talking about two women <who loved> each other, is it  
10 correct?

11 A. Yes. <They were homosexuals>.

12 [09.19.28]

13 Q. My question for you is related to the implementation or the  
14 enforcement of the code of conduct. When you say medical  
15 practice, if there was any malpractice in that profession, you  
16 trained them well on that, was there any malpractice by any  
17 medical staff at your hospital?

18 A. There was no incident like that during that time. In fact  
19 there was no incident, so if any case happened, they would be a  
20 report to me and if it happened with the male or female nurse,  
21 there might be -- there would be a report to me.

22 [09.20.42]

23 Q. Thank you. Talking about providing services, including  
24 receiving complaint from the patients saying that the nurses used  
25 rude word or bad attitude towards the patients, did you receive



6

1 any complaints like that?

2 A. Yes, I did. Some young staff often made rude word or made  
3 mistake by using strong words but I immediately called them for  
4 reprimand for advice.

5 Q. Could you tell the Court how did you advise or instruct  
6 them<>?

7 A. Yes, I just told them not to do it again. It was a brief  
8 advice. There was no sanction for that mistake.

9 Q. As part of your management or control over your staff at the  
10 hospital, did you know <as to where> your staff <> were from<>?

11 A. Yes. I knew <that all> those staff <members> were <> from  
12 Takeo province, except Neary <Han> that we <talked of her>  
13 yesterday <that she> was <originally> from Kampong Chhnang  
14 province.

15 [09.22.43]

16 Q. Thank you. My next question is <> in relation to Mr. Khieu  
17 Samphan. In your testimony before the OCIJ before -- under  
18 document E3/5511, it is at question and answer 24. You said that,  
19 and I quote; "I saw Mr. Khieu Samphan at his wedding in Chambak  
20 Pannoareay village currently Stueng village, Khpob Trabek commune  
21 currently Ou Saray commune. However, I did not speak or talk to  
22 him." In the same statement, it is at question and answer number  
23 2, you said that, and I quote; "In this area, it was the area  
24 where Khmer Rouge was created, and Ta Mok's house <was> in  
25 Prakeab village, Trapeang Thum Khang Tboung, the people said that

1 during 1957 <or> 1958, Mr. Khieu Samphan went there and saw Ta  
2 Mok -- and met Ta Mok." End of quote.

3 My question is that, was this the only circumstance or were there  
4 two different circumstances or occasions when you <knew of Mr.>  
5 Khieu Samphan?

6 A. There were two different occasions. The first <one> happened  
7 <way> before the coup d'état. I heard from people that Khieu  
8 Samphan went there to meet with Ta Mok; and <on> another occasion  
9 I saw Mr. Khieu Samphan for a short time, in fact I didn't know  
10 him, but Yeay Khoeum the wife of Ta Mok who told me that he was  
11 Khieu Samphan. So these <were> the two <separate> occasions.

12 [09.25.46]

13 Q. Thank you. My follow up question for you on the same document  
14 at <question and> answer 2, and you said that, "People said  
15 during 1957 or '58 about that."

16 Did you hear a general speaking from one person to another or did  
17 you hear from a person by name or any relation with you as friend  
18 that he or she told you that Khieu Samphan went there to meet Ta  
19 Mok?

20 A. I heard from <> villagers <who were talking among themselves  
21 as the situation in the community was rather chaotic. People>  
22 would meet and ask <each other about things> and I heard this  
23 from them.

24 Q. Can you tell the specific date of that incident, was it during  
25 1957, <or> 1958? Was it early of the year or middle or at the end

8

1 of either of the years you have just mentioned?

2 A. No, I cannot recall the specific date because it was very long  
3 time ago and I did not pay attention to date as well.

4 Q. A while ago you indicated that the <situation in the district>  
5 was <rather chaotic>. In what circumstances that brought Mr.  
6 Khieu Samphan to see Ta Mok<?> Did you hear any accounts of <what  
7 led to their meetings>?

8 A. In fact,<> I was <a> young <man at that time, and> the old  
9 people knew about that<, they got panic> and <they told> each  
10 other <about that. As a> young <man>, I did not <really pay  
11 attention to that>.

12 [09.28.41]

13 Q. Thank you. In 1957 or 1958, did you know <of what position>  
14 Khieu Samphan <held> that led to the discussion <about him among>  
15 those villagers<>?

16 [09.29.05]

17 A. <To my recollection>, at that time Mr. Khieu Samphan <had  
18 already> fled to the jungle but I heard that he <had> fled to the  
19 jungle but I don't know where he was living.

20 Q. You said that Mr. Khieu Samphan fled into the forest. So I  
21 think you are mistaken about the date. It might be 1967 or 1968,  
22 is this correct?

23 A. Yes, that is correct. Because my memory does not serve me  
24 well.

25 Q. Thank you. Also regarding the time that you claimed you saw

1 Khieu Samphan, and you also mentioned in your written record of  
2 interview -- that is, question and answer 24 as well as during  
3 your testimony before this Chamber. I have some questions to put  
4 to you on this issue. You stated that Khieu Samphan was there  
5 <for> a wedding ceremony. You also talked about helping Ta Mok's  
6 wife to carry the rice cake. Can you tell the Court <as to> how  
7 <>you <knew that the> wedding <ceremony> was <> of Mr. Khieu  
8 Samphan?

9 A. I knew it was the wedding of Mr. Khieu Samphan because I was  
10 told about it by Yeay Khoeum. <On her way, she spotted me when  
11 she was carrying those heavy cakes. Since she knew me, she then  
12 asked me for help. I put the cakes> on my bicycle and <walked the  
13 bike, and she just continued walking. I was afraid so when I got  
14 there, I just dropped the cakes and made my return. As I was  
15 returning, she pointed to a> person<, and told me that he> was  
16 Mr. Khieu Samphan and I was about 50 <metres away> from the  
17 <place where Mr. Khieu Samphan was>.

18 Q. Thank you. Did you hear any music <being played> during that  
19 event or did you observe <any> guests <at the> ceremony<? Or>  
20 what was the situation like when you were there?

21 A. No. I did not see any guest because I was a bit far from <the  
22 office>. I saw only a few people from a distance and the only  
23 thing that I recall was that Yeay Khoeum pointed to that man and  
24 told me that it was Khieu Samphan and after that I left  
25 <immediately>.

1 [09.33.02]

2 Q. Thank you. From the location where you could see, was it your  
3 observation that it was a wedding ceremony?

4 A. I cannot say for sure because I was rather far from that  
5 office and the office was surrounded by a fence which was then  
6 surrounded by a bamboo grove. I couldn't see it clearly. But I  
7 saw a thatched roof building there. I only saw part of the roof  
8 and that's all I could see. If I were there at the building  
9 location then I could tell you for sure whether it was a wedding  
10 ceremony or not. <In fact, I was not allowed in. Yeay Khoeum  
11 asked me not to go further, and return.>

12 [09.34.10]

13 Q. Thank you. Can you tell the Court when you said that you saw  
14 Khieu Samphan at Khpob Trabek, what year was it?

15 A. I cannot recall the year, however at that time I was working  
16 at the Khpob Trabek dam and at night time I slept together with  
17 the workers and that's when I saw her carrying the rice cakes and  
18 I helped her to carry some of those cakes on my bicycle<> but I  
19 cannot recall the exact year as I had engaged in building the dam  
20 for few times -- that is, for same the dam.

21 Q. Thank you. Can you also tell the Court whether this event took  
22 place before or after the Coup d'état?

23 A. It was after the coup d'état and the Lon Nol regime was  
24 engaged in the aerial bombardment.

25 Q. Thank you. You stated that you did not see Khieu Samphan

11

1 clearly as you were about 50 <metres> away from him. Did you ever  
2 see the photo of Khieu Samphan previously, for example through  
3 media or newspapers?

4 A. Yes, I did see his photo in <newspapers and in> a magazine.  
5 That was when I was young and he was also rather young.

6 Q. Can you specify whether at the time you were young or at that  
7 time Khieu Samphan was young?

8 MR. PRESIDENT:

9 Witness, please observe the microphone.

10 MR. RIEL SON:

11 A. When I saw his photo, he was young and I myself was even  
12 younger than him. I was still single at the time.

13 [09.37.06]

14 BY MR. KONG SAM ONN:

15 Q. Thank you. I would like to ask you some further questions  
16 regarding E319.1.21, question and answer 50 -- that is, in  
17 relation to the head of the Monk Ta Ich. And let me quote your  
18 statement. "Ta Ich, who was head of monks at the pagoda,  
19 protested against the Khmer Rouge orders. He beat the drum to  
20 call the people to protest against the Khmer Rouge but no one  
21 dared come. The Khmer Rouge clique only beat him or two or three  
22 times with a club". End of quote.

23 How did you know about the drum beating and about the fact that,  
24 that man was beaten?

25 [09.38.47]

1 A. At that time, I was actually there not far from where it  
2 happened. There were monks coming from Phnom Penh and <among  
3 them> was also head of monks from <Quarters 24 at> Langka pagoda  
4 <with whom I used to live>. I knew him because I used to offer  
5 food to him. Later on, I was chased away to go home so I left the  
6 place.

7 Q. What were you doing there at that time?

8 [09.39.44]

9 MR. PRESIDENT:

10 Witness, please observe the microphone.

11 MR. RIEL SON:

12 A. At that time, I stayed at home and on the day the monks were  
13 <defrocked>, it took place not long after the coup d'état, but I  
14 cannot recall the details and I did not pay much attention to  
15 that event.

16 BY MR. KONG SAM ONN:

17 Q. Who were there with you?

18 A. I cannot recall it. There were some people standing there  
19 including a driver who was transporting <clothes, the driver was  
20 rather young and small>, and there was an elderly man who beat  
21 the monk with a club. I thought he joked when he beat the monk,  
22 but the monk said it hurt.

23 Q. Did you know the person who beat that monk?

24 A. No, I did not. He was an elderly man and his head was bald.

25 And at that time I - it was like the first time in the area where

1 I saw a jeep carrying clothes.

2 Q. Can you recall the year when it happened?

3 [09.41.30]

4 A. No, I cannot recall the year. It's been too long. And also, I  
5 did not pay attention to that event. And when I was interviewed  
6 by the DC-Cam, I kept thinking about what I knew and I -- this  
7 event popped up in my mind.

8 Q. You stated that you were at that pagoda at the time. Can you  
9 <tell> the Court <of your> purpose <> to that pagoda?

10 A. As I just stated, I went to the pagoda to offer food to my  
11 former teacher who was <the head of Quarters 24> from the Langka  
12 pagoda <. When I was young, I lived with him there.> So, I went  
13 <to the pagoda after I learned that he had been transferred  
14 there. I was going> there to offer him the food and then I saw  
15 <him there, and at the same time, I also saw a> jeep transporting  
16 clothes, and later on I left.

17 Q. Were there many people inside the compound of the pagoda  
18 besides an elderly man and a driver as you just stated?

19 [09.43.20]

20 A. No. Besides that there were <people> who cooked like four to  
21 five big pots <of rice> for the monks. And from what I can  
22 recall, there were two or three people in the kitchen.

23 Q. Were there many monks staying in that pagoda?

24 A. The monks actually did not stay in that pagoda. The monks had  
25 been evacuated from Phnom Penh and from elsewhere, and there were



1 more than 100 monks.

2 Q. Thank you. Now, I'd like to ask you some questions in relation  
3 to Ta Mok. In that same document, at question-answer 63, you said  
4 that you met Ta Mok in order to get instructions from him on how  
5 to produce medicines. And on the 17 March 2015 -- that is, two  
6 days ago, you testified at around 2.25 in the afternoon that,  
7 when you met Ta Mok you <were> afraid of him and you tried to  
8 avoid him, and other people felt the same. So my question to you  
9 is in relation to the meeting between you and Ta Mok when you  
10 were to receive instructions from him on how to produce  
11 medicines. Can you tell the Court what was it like at that time  
12 because you said you were afraid of him?

13 [09.46.03]

14 A. Ta Mok was a person whom you could go to see him or go to meet  
15 him only when he called you. And it <applied> to everyone. So if  
16 he called you, then you <had to> approach him. Otherwise, you  
17 <dared not, and the person would be in trouble if he or she did  
18 not approach him when he asked him or her to do so.> That is his  
19 character.

20 Q. Did you hear or did you see or did you receive any orders or  
21 instructions from him?

22 A. One day, I ran out of the main medicine, and when I saw him, I  
23 <approached> him -- that is, while I was on the road, and I told  
24 him that I ran out of the main medicine and -- that is, Camphor,  
25 because there were some patients who were poisoned or something

15

1 by food. And then he told us to go and buy it. And then I told  
2 him that we couldn't buy it anywhere because the money was no  
3 longer used. <While he was still on his Jeep,> he wrote me <a  
4 short note with a few words> to <take> to District 55 to meet  
5 with Chong (phonetic), and that I should get the money from him.  
6 So, off I went with the letter to meet with Ta Chong (phonetic).  
7 And Ta Chong (phonetic) gave us three or four pigs. Then I  
8 bartered the pigs with the Vietnamese for the medicine, and after  
9 that I returned. <That's what experienced with Ta Mok.>

10 [09.48.19]

11 Q. Thank you. Did you receive any orders in relation to security  
12 matters or in relation to arrest from Ta Mok?

13 A. No, none whatsoever. I did not receive any instruction for  
14 arrest from Ta Mok at all.

15 Q. What about other instructions or orders that Ta Mok gave to  
16 other people and that you knew about it, were there such orders  
17 or instructions?

18 A. Please repeat your question.

19 Q. My question to you is whether you heard that Ta Mok gave  
20 orders or instructions to other cadres in relation to the arrest  
21 or in relation to torturing, etc.? Did you ever hear such an  
22 order?

23 A. No, I never heard anything of that nature. If there was an  
24 order from Ta Mok, such an order would not be conveyed in front  
25 of me. It would be done secretly. So I never heard about the

16

1 arrest order or anything like that.

2 [09.50.16]

3 MR. KONG SAM ONN:

4 Thank you. Mr. President, I don't have any further question for  
5 this witness.

6 MR. PRESIDENT:

7 Thank you. And Arthur Vercken, you have the floor.

8 QUESTIONING BY MR. VERCKEN:

9 Thank you, Mr. President.

10 Q. Mr. Witness, I'd like to ask you something regarding Mr. Khieu  
11 Samphan. A while ago, you said that you saw him twice. I noted  
12 that when you were interviewed by <>investigators from DC-Cam,  
13 you also made mention of a third occasion, regarding an episode  
14 in which Mr. Khieu Samphan was <stripped naked> by the police in  
15 the <middle of the> market. Do you remember <speaking> about  
16 that, and <being> present?

17 [09.51.24]

18 MR. RIEL SON:

19 A. Yes, I did. At that time, I was a student in Phnom Penh, and I  
20 <was still a young man. I> went to pick up a food <carrier> from  
21 <a house located behind the residence of> Excellency Sarin Chhak  
22 <every day>. And at that time, I saw a crowd of people including  
23 the rickshaw drivers <way to the west of the Royal Palace. Phnom  
24 Penh then was rather small.> And I asked the people there what  
25 <was happening>. And they said that Khieu Samphan was being

1 mistreated. I heard -- that's all I heard. And then, I continued  
2 my trip to pick up my food <carrier>. At that time, I <somehow  
3 witnessed the event but I> was rather far from where it <was  
4 happening>. There were hundreds of rickshaw drivers at the time.

5 THE INTERPRETER:

6 The interpreter wishes to correct that. Counsel for defence  
7 actually talked of his being stripped naked.

8 BY MR. VERCKEN:

9 Q. You did not actually observe anything <with your own eyes>,  
10 you only heard about <what happened>?

11 MR. RIEL SON:

12 A. I saw it with my own eyes, but from a distance -- that is,  
13 like from one wall of this courtroom to another wall. I was that  
14 far. At that time, he was stripped naked and the rickshaw  
15 drivers, some of them offered him <scarves, shirts and trousers>  
16 to cover his body. <By the time I saw him, he was already wearing  
17 a Krama. I did not really understand what was happening as I was  
18 still a young man. It's been a long time already.> That's all I  
19 knew about that incident.

20 [09.53.23]

21 Q. Very well. You mentioned on several occasions <that day>,  
22 <sir>, that a number of people you associated with were not  
23 educated, they were sometimes illiterate, inexperienced. In your  
24 opinion, what justified the fact that during that period, people  
25 who were <not very competent> were assigned certain duties <that

1 they seemed incapable of fulfilling?> How do you explain the fact  
2 that you were surrounded by people who did not have the  
3 intellectual competence to carry out the tasks that were assigned  
4 to them? What explanation would you give in light of the  
5 experiences you had during that period?

6 A. In fact, I asked them the same question <as to> why the  
7 uneducated ones were given <positions>. Then they replied to me  
8 that <it was because they were illiterate that they were given  
9 the opportunity to learn> how to read and write<, and they even  
10 asked me to teach those people>. That was their response.

11 Q. And is that what you yourself tried to do subsequently, to  
12 educate those people? <To provide them with training?>

13 A. <Yes.>

14 Q. Please, <> repeat your answer. It was not translated into  
15 French. <Thank you, sir.>

16 [09.55.34]

17 MR. PRESIDENT:

18 Witness, please respond again as you - your response was before  
19 the microphone was on.

20 MR. RIEL SON:

21 I cannot recall the question. Please, put it again. Thank you.

22 BY MR. VERCKEN:

23 I was simply asking you whether you indeed tried to train <your>  
24 staff <so> that they could remedy their lack of education. Did  
25 you yourself try to train the people you associated with as you

1 were <> advised?

2 MR. RIEL SON:

3 A. Yes, I tried my best to provide education to the children in  
4 terms of studying letters and alphabets, and to the medical staff  
5 in the medical field in how to <give> a better injection. That  
6 happened when I worked at the hospital, because many female  
7 medical staff there did not know how to inject medicine. And the  
8 same thing applied to the male medical staff at the hospital.

9 [09.57.15]

10 Q. So would you say that as time went on, the situation improved  
11 from that standpoint -- that is, the standpoint of the training  
12 of the people who surrounded you?

13 A. Yes, they actually increased their capability.

14 Q. I would like <to have you speak a little bit> about something  
15 you also referred to when you were interviewed by DC-Cam  
16 investigators. <Specifically on the> trade <that took place> with  
17 Vietnam. <Bartering>. Before this Chamber, <over the last few  
18 days,> you have <already stated> that you engaged in trade by  
19 barter in order to obtain <medicines or> <products> you needed  
20 for producing medicines. Can you specify where you got the  
21 animals and the objects you <> bartered <to obtain those  
22 products?> How did you obtain <them>?

23 A. I made a request to Ta Mok and Ta Mok wrote a letter for me to  
24 go to District 55 to meet with Ta Chong. And Ta Chong gave me  
25 some pigs. <Ta Chong was his younger brother.> For example, I got

20

1 four pigs. And we were close to the border, so I <herded> the  
2 pigs to Angkor Borei and put them on a boat, and then I went to  
3 the border <at Bak Dai (phonetic)> for bartering.

4 [09.59.45]

5 Q. And these <bartering operations>, did they also <take place>  
6 during the Khmer Rouge regime between 1975 and 1979? Were there  
7 any such instances of bartering <during this time>?

8 A. The bartering continued until the relationship between the two  
9 countries broke off, because by that time the Vietnamese did not  
10 want to have any further relationship with us.

11 Q. And when you were questioned by the DC-Cam investigators <you  
12 engaged in conversation with them and> you also spoke about the  
13 purchase of watches for cadres -- <> in your region. Do you  
14 remember <this event>?

15 A. Talking about purchasing watches, <>I <never purchased> any  
16 watches for <any> cadre, but for myself, I do not wear any watch.  
17 I feel shy to wear it, but someone <like Ta Mok> gave me watches,  
18 I would give <them to other people>. I never <purchased any>  
19 watches for any cadres. But sometime at the economic office at  
20 the district, sometimes some dollar notes came with the clothes  
21 which were piled up. And sometimes, we found <some Rado or  
22 Citizen wrist> watches, <and> gave to other cadres <including  
23 village and commune chiefs>. But I didn't wear any watch. I don't  
24 like it.

25 [10.02.14]

1 Q. Of course. So, I'm going to refresh your memory a little bit,  
2 that's <a recurring phrase around here>, and I'm going to read a  
3 little excerpt from document, D313/1.2.409; <> French <ERN>,  
4 00808632; Khmer <ERN>, 00418835; and English <ERN>, 00729051. And  
5 this is your conversation 14 years ago with the DC-Cam  
6 investigators, and this is what you said:  
7 "I knew how to produce vitamin C because I had been trained to do  
8 so. And I would make <it> in small quantities depending on what  
9 orders I received from the higher <echelon>. I had bought the  
10 ingredients <for vitamin C> in Vietnam." "This was in 1975,  
11 wasn't it?"  
12 And then you answered: "Yes."  
13 "Question: How were you able to buy ingredients, because  
14 according to what you said, you threw away all of your money?"  
15 Answer: "I would use gold that had been given to me <by> Ta Mok  
16 as well as by the leaders in the area. For each purchase, I would  
17 bring four to five kilos of gold to Vietnam. And other people in  
18 the village would give me maybe one ounce of gold or two to three  
19 ounces of gold, <or ten ounces of gold,> in order to buy two,  
20 three or four watches, each time they <heard> that I would <be  
21 going> to Vietnam."  
22 "Question: And when they would wear these watches, weren't they  
23 confiscated?"  
24 "Answer: Why would they have done so? They were all cadres."  
25 "Question: In which year did you go to Vietnam to exchange this



1 gold?"

2 "Answer: This was in 1975 and 1976." End of quote.

3 That is the excerpt that led me to ask you that kind of question.

4 So does this refresh your memory? Do you remember now being given

5 gold to buy watches in Vietnam?

6 [10.04.45]

7 A. I knew about this, but I do not recall everything nor did I

8 remember the number of watches or quantity of gold.

9 Q. And do you know where this gold came from, this gold that they

10 would give to you to buy watches?

11 A. I don't know where they were from, but when I went to the

12 district office at the economic section, people gave me in a

13 small pack and I took it with my -- travelling by my bicycle to

14 do the barter.

15 Q. And this kind of transaction, was it authorised? Was it well

16 looked upon by the <Khmer Rouge> regime?

17 A. I was not quite sure at that time, but that bartering which I

18 dealt <could take place because I had> informed <both my>

19 district office and also the district <cadre> at the border

20 <where the bartering took place> about that transaction.

21 [10.06.53]

22 Q. So you were taking a risk, weren't you, engaging in that kind

23 of business?

24 A. Yes, I did take some risk. There might be accident especially

25 at the point of bartering because the Vietnamese took their goods

1 to exchange with us. They hid <their goods> from their police --  
2 their duty police. But on our side, <> we were authorised to do  
3 so, <but we were afraid of what they might do to us>. So, <for  
4 example,> I told them that I brought four pigs for <them and  
5 asked them to check their> goods to exchange, for example, ten  
6 looms of cloth <for making hammocks and some ropes> for the  
7 hammocks<>. And then the other party who did the bartering,  
8 sometime <met the required quantity, while some other times, they  
9 owed> us for some -- certain goods<, and would promise to bring  
10 us the stuff on the next barter or so.>

11 [10.08.21]

12 Q. Thank you for all of these specifications, but what I'd like  
13 to know is, were you taking any risks under that <Kampuchea>  
14 regime? Was this something that was possible in your area <given  
15 that> private property had been abolished, that everything was  
16 shared? Was it normal, was it acceptable in such a context to go  
17 buy watches with gold? Was that <risky? Considering> the  
18 authorities?

19 MR. PRESIDENT:

20 Please wait, Mr. Witness. International Deputy Co-Prosecutor, you  
21 may proceed.

22 (Technical problem)

23 (Court recesses from 1011H to 1035H)

24 MR. PRESIDENT:

25 Please be seated. The Court is now back in session.

1 And before I hand the floor to Arthur Vercken, the Chamber would  
2 like to inform the Parties that the reserve witness, 2-TCW-822,  
3 has a serious health condition -- that is, with hypertension, and  
4 the doctor recommends that he cannot testify today as he needs  
5 urgent <medical attention>. So, due to this critical health  
6 condition, the Chamber decides not to hear the testimony of this  
7 witness today, as well as next week. And the hearing of this  
8 witness's testimony will be rescheduled, and the Parties will be  
9 notified in due course.

10 And court officer, in collaboration with WESU, please make  
11 necessary arrangements for the transportation of witness  
12 2-TCW-822 to his residence or to where he needs to be treated,  
13 and please make that arrangement as soon as possible.

14 Now, the Chamber hands the floor to Khieu Samphan's defence --  
15 that is, Arthur Vercken to continue putting questions to this  
16 witness. You may proceed.

17 BY MR. VERCKEN:

18 Thank you, Mr. President. <Actually,> I wanted to respond to the  
19 objection of the Prosecutor, to say that contrary to what he  
20 <stated>, <it appears as though I> did not hear what he heard.  
21 The prosecutor said, before the technical problem we had, that  
22 the witness <allegedly> stated that it was Ta Mok who gave him  
23 the gold which he used to buy the watches. Under the Chamber's  
24 control, I did not hear that <at all>. What I heard was that Ta  
25 Mok gave him pigs which he used to buy medical supplies<>. So, I

1 would like to <put this question to> the witness <once more in  
2 order to> clarify this matter.

3 [10.39.18]

4 Q. <Sir>, before the break, did you say that Ta Mok had given you  
5 gold for the purpose of buying watches?

6 MR. RIEL SON:

7 A. At that time, we ran out of currency, so the district commerce  
8 office said it would request to Angkar, and then I went to  
9 collect gold from the district commerce office. And I was told  
10 that the gold belonged to Ta, and 'Ta' here means Ta Mok. And  
11 this happened on two occasions, that I talked about the trade of  
12 bartering. First I bartered for <> supplies with <gold>, and for  
13 the second round I bartered <for the supplies> with <pigs when we  
14 ran out of gold>.

15 [10.40.31]

16 Q. And did you give the watches to Ta Mok subsequently, or to the  
17 district office?

18 A. No. In fact the bartering was not only for watches, it was for  
19 all kinds of supplies. And I did not know what the district  
20 office gave to Ta Mok. Because for us, we would deliver the  
21 supplies to the district office and it was up to the district  
22 office to make the necessary distributions.

23 Q. And apart from supplies for the production of medicines, and  
24 the watches, do you remember any other goods <or merchandise>  
25 that you bought <by means of bartering> with Vietnamese?

1 A. Besides the watches, medical supplies, etc., we also bartered  
2 for <cloth and ropes> for hammocks, and that would be sent to the  
3 army.

4 Q. Very well. Please tell me, <whether or not you,> in your  
5 capacity as a cadre at that hospital, did you receive the same  
6 daily food rations as the <people who worked for you> and the  
7 patients at that hospital? <Were they completely identical or  
8 did you derive certain perks?>

9 A. In my unit, although I was not the chief, and was a deputy  
10 there, regardless of our position, we would eat the same food. If  
11 <only gruel was available>, we would eat the same gruel. And  
12 sometimes I also joined with the patients for our common eating.  
13 Once the bell was rung, then we would go for meal, and we never  
14 had any separate meal from the staff. <Not even once that I had a  
15 separate meal of steamed rice.>

16 [10.43.37]

17 Q. I have put this question to you because I also noted in your  
18 <> record of <> interview with DC-Cam -- that is, D313/1.2.409,  
19 <French ERN 00808630;> English, 00729049; Khmer, <00418832> and  
20 33. In this interview, which took place 14 years ago, you  
21 explained and I quote: "As soon as I heard the bell ring,  
22 signalling the time for meals, I immediately rushed to the  
23 refectory <where> I took three plates of <rice and half a bowl of  
24 water lily soup>." <End of quote. And reading the excerpt, I  
25 wondered:> Was that the ration that everyone received at the

1 hospital? <Meaning the patients, the staff.> Did each person  
2 receive four plates, <or rather three helpings of soup and> a  
3 <half a> bowl of <broth for> each meal?

4 A. Yes, we received the same ration. However, the gruel was not  
5 thick. It was a watery gruel. And I would usually consume two --  
6 two to three bowls of watery gruel, and after that I would have  
7 <half> a bowl of water lily soup, and then I'd top it up with  
8 water, drinking water. I sometimes had meals with the medical  
9 staff, and sometimes I would eat with the patients whose disease  
10 or illness condition was not infectious. And <for very sick  
11 patients, food was brought to them at their bed>.

12 [10.46.11]

13 Q. Thank you for this clarification, sir. I would like to put a  
14 very short question to you, precisely regarding a <member> of  
15 your staff; Uch Han, that was the nursing aide who was sent to  
16 Krang Ta Chan. You talked of this person, <you> identified that  
17 person as Uch Han. Please tell me, did that person have a  
18 nickname? <Did? you know that person simply by <that> name <or  
19 did she have a nickname>?

20 A. When the person was with me, her -- only one name was referred  
21 to.

22 Q. Which one?

23 A. Only one name was referred to, that is Han. <She was not known  
24 as Uch Han.> And I did not know the surname <back then>. We  
25 called her Neary Han.

1 Q. Do you recall how you got to know that she became a cook at  
2 Krang Ta Chan? How did you <discover> that she became a cook? Is  
3 it possibly because you ate there?

4 A. When I went to spray DDT, I saw Neary Han was cooking rice.  
5 And it was a small pot, and probably, from what I could see, it  
6 was a two-rice-can rice pot. And I did not speak to her as I was  
7 afraid, because over there I believed she was a prisoner.

8 [10.48.37]

9 Q. And did you happen to eat a meal at Krang Ta Chan?

10 A. No, never.

11 Q. You told this Chamber that you went to that centre only once.  
12 But when you were interviewed earlier, <one> could understand  
13 that, apart from the time when you went to spray <> at Krang Ta  
14 Chan, you also went there to give injections <with the> health  
15 care providers. Do you confirm <or deny> this <additional> visit  
16 to that security centre?

17 A. No, I reject that statement. I never went there to provide any  
18 injections.

19 Q. You also explained that you did your best to make sure you  
20 were called there, thanks to the intervention of one of <the>  
21 guards at Krang Ta Chan, <whom> you knew. Do you remember saying  
22 that?

23 [10.50.36]

24 A. No, that never happened. I did not know any guards there. What  
25 you said is untrue.

1 Q. <Sir>, I would like you to <obtain> some clarification  
2 regarding the fate, in any case what you knew to be the fate, of  
3 the Khmer Krom. First of all, in a personal capacity during  
4 Democratic Kampuchea, did you <> hear of any instructions  
5 targeting specifically the Khmer Krom? Instructions <that> had to  
6 do, <evidently,> with <> differential treatment <for> the Khmer  
7 Krom.

8 A. No, I did not receive any instructions aiming specifically at  
9 the Khmer Kampuchea Krom.

10 Q. And even if you did not receive instructions, did you witness  
11 any ill treatment or any specific treatment <that> the Khmer Krom  
12 <were subject to> during the Democratic Kampuchea regime <in your  
13 sector>?

14 A. No.

15 Q. I would like to conclude my <few> questions, <sir>, by  
16 referring to a conference on purges which you said you attended.  
17 You referred to it the day before yesterday, I believe, and  
18 <you>-- it was after 11 hours, 16 minutes and nine seconds. You  
19 stated that you attended a conference on purges. May I ask  
20 whether you do confirm that you personally attended a conference  
21 during which mention was made of purges?

22 A. Yes, I did attend that conference, and the purges were  
23 mentioned. That is, the purges of the evacuees from Phnom Penh,  
24 or in short, it was in relation to the purges of the New People.  
25 [10.54.27]



1 Q. That is precisely the point that caught my eye, because when  
2 you were asked to <state> who attended that conference, you  
3 <said> that the conference was attended by evacuees from Phnom  
4 Penh. <So I am now left wondering about this specific aspect, you  
5 seem to say that, at the conference, you> <told the> people  
6 <beforehand that they> <were> going to be purged. <Is that indeed  
7 what you are telling us? Can you give us further details about  
8 what actually happened?> <>

9 MR. PRESIDENT:

10 Witness, please wait. And the International Deputy Co-Prosecutor,  
11 you have the floor.

12 MR. LYSAK:

13 If Counsel is going to assert that this witness made that -- I  
14 don't recall any such statement by the witness that evacuees were  
15 present. So if he has that reference, if he could refer it to the  
16 witness and us, so that we can see which testimony he is  
17 referencing, I would appreciate it.

18 [10.55.44]

19 MR. PRESIDENT:

20 The objection by the Deputy International Co-Prosecutor is  
21 sustained, and Defence Counsel, if you prefer that line of  
22 questions, please refer to a specific document.

23 BY MR. VERCKEN:

24 Yes, of course. I will give the reference of the <unrevised>  
25 transcript of the 17th of March 2015, <starting at> 11 hours, 16

1 minutes and nine seconds. This was the answer-- <let me read out  
2 the question, so it's easier to grasp. This is> the question:

3 "Mr. Witness, I would like to know whether there was a meeting  
4 during which such instructions were given, or whether several  
5 meetings were held, during which that subject was broached."

6 I wanted to backtrack a little in order to be clearer. The  
7 witness was reacting to a quotation that had been read out to him  
8 regarding the Kampuchea Krom Khmer, who were accused at <a>  
9 meeting of being KGB agents and Vietnamese spies.

10 [10.57.29]

11 And I'll now <revert back to> the answer given immediately after  
12 11 hours, 16 minutes and nine seconds <by the witness>:

13 "As to the purges, what I know is that instructions of such a  
14 nature were given during the meeting I attended."

15 "Question: And can you tell us where that meeting took place?"

16 "Answer: That meeting was held in the refectory near Angk Roka  
17 market, in the refectory -- that is, in the kitchen at that  
18 location."

19 "Question: How many district cadres were present at that meeting?"

20 Were <there> any commune chiefs, <and if yes,> how many were  
21 present?"

22 "Answer: I do not recall the total number of persons who attended  
23 it, but I do recall that there were commune representatives from  
24 the neighbouring communes. There were also many people who were  
25 evacuees from Phnom Penh and Takeo."

1 [10.58.38]

2 Now I will skip <forward> and read a statement from two pages  
3 later on, an explanation given by the witness at 11 hours, 18  
4 minutes and 51 seconds regarding <the topic of> that meeting. And  
5 this is what the witness stated, and I quote: "Mention was made  
6 of purges during that meeting. These were members of the army who  
7 had to be purged from the rank of warrant officer, and as regards  
8 to members of the administration, it was from the first deputy  
9 mayor <on> that people had to be purged." <It is right before> 11  
10 hours, 21 minutes and <one> second. This is the passage from your  
11 statement of the 17th of March, Witness, <that caught my  
12 attention> and I found it surprising that reference was made to  
13 purges in the presence of the persons who had to be <subject to  
14 it, and I wondered> whether that is what you really meant<>?

15 MR. RIEL SON:

16 A. I didn't mention about the people who were to be purged  
17 attending that meeting. I didn't say that. The only people who  
18 attended the meetings were the village, commune representatives,  
19 and the district committees. And I myself represented the  
20 hospital. I also attended the meeting. And all the attendants  
21 were purely cadres.

22 Q. And was there a specific reason why you, as the head of the  
23 hospital, had to attend the meeting <on> purges<>?

24 A. As far as I know, there <were> no specific reasons, rather  
25 than calling the village chiefs and commune chiefs, and they were

1 told that the enemy would be <purged>. That's all.

2 [11.01.04]

3 Q. I understand <that well sir>, but you were neither a village  
4 chief, nor a commune chief. So why were you there?

5 A. When the meeting was convened by the district chief, all  
6 <representatives from the various> offices around the district  
7 were called to the meeting. In fact, it was a meeting to warn  
8 those cadres, or to instruct them to be cautious, especially at  
9 the hospital.

10 Q. And how were you supposed to show this caution at the  
11 hospital?

12 A. In fact, during that regime, at the hospital at night there  
13 were guards on duty very strictly, because there <were thieves>  
14 who stole rice very often. It happened at night, and then we  
15 would chase those thieves, many thieves who stole rice from our  
16 kitchen. And sometimes we didn't have enough rice for our meals,  
17 and then we would go to another place to borrow some rice for  
18 <making porridge for our patients>.

19 [11.03.02]

20 Q. What is the connection with the purges?

21 A. I am talking about the hospital. The purge <was carried out>  
22 against the <thieves> who stole rice from our hospital. So at  
23 different cooperatives, <there were no thieves as> anyone who  
24 stole anything would be arrested. And the rice would be stolen  
25 from the hospital by some women, and the thieves went away. And

1 as a member from the hospital, I was not instructed to do any  
2 purges, but that announcement on purges were meant to those  
3 village chiefs, commune chiefs and other people, but not directed  
4 to the representative from the hospital.

5 MR. VERCKEN:

6 I have no further questions, Mr. President. Thank you <sir>.

7 MR. PRESIDENT:

8 The Chamber thanks you, Mr. Riel Son, who <have> spent your time  
9 to give testimony before the Chamber as a witness until today,  
10 and your testimony will contribute to the ascertaining of the  
11 truth. Your testimony has now come <to> a conclusion, and you  
12 will be excused. You can go back to your residence or to any  
13 chosen destination, and the Chamber wishes you a good trip. And  
14 also thank you for Mr. Duch Phary, duty counsel, who attended in  
15 the courtroom to counsel the witness.

16 Court officer, you are instructed to coordinate with the Witness  
17 and Expert Support Section to facilitate the trip of the witness  
18 home or any place that he would like to go.

19 [11.06.10]

20 MR. PRESIDENT:

21 The Chamber now addresses the request <of the Lead Co-Lawyers for  
22 Civil Parties dated> the 17th of March <2015>, document E344 and  
23 E344.1 to summon civil party <D22/2500> under Internal Rule 87.4,  
24 and <to admit supplementary information in the attached Annex A>  
25 under Internal Rule <87.3 and 87.4> of the Internal Rules. The

1 floor is now given to the Lead <Co-Lawyers for civil parties> to  
2 address the Court if you have anything to add to the request and  
3 to the argument you addressed in the written request. You have  
4 five minutes to make oral submission now.

5 MS. GUIRAUD:

6 Thank you, Mr. President. I was not expecting to present this  
7 submission, because we believed that our written submission was  
8 sufficiently comprehensive. I simply wanted to have the Chamber's  
9 leave, <when necessary,> to address possible objections or  
10 arguments from the Defence teams <and> from the Co-Prosecutor's  
11 office. So, as far as we're concerned, we believe that this  
12 submission is relevant, that it addresses the requisites of Rule  
13 87.3 and that it responds to the requisites of Rule 87.4, in so  
14 far as that this is a reasoned submission and that this  
15 submission is useful to the ascertainment of truth. And also,  
16 <that> we explain in detail the reason why we did not have access  
17 to this information before formulating this <written> submission.  
18 We also explain the reason we're asking to hear the civil party,  
19 because the civil party has information on the acts of the  
20 accused persons.

21 [11.08.38]

22 <So,> I'll stop here <for now> and I'll simply ask you for the  
23 leave to respond and to provide complementary information if the  
24 Defence, <the Chamber or> the Co-Prosecution <>were to solicit  
25 clarification on such-and-such a point. Thank you very much.

1 MR. PRESIDENT:

2 Thank you. The Chamber would like to give the floor to the  
3 <Co-Prosecutors>.

4 [11.09.20]

5 MR. LYSAK:

6 Thank you, Mr. President, Your Honours. I'll be brief. We do  
7 support the request. The relevance of the information is  
8 self-apparent. The only additional point I would draw to your  
9 attention is that under the prior rulings of this Court, evidence  
10 relating to acts and conduct of the Accused is only admissible if  
11 the witness, or in this case civil party, appear in Court. That's  
12 a ruling from before, and I think that's an additional reason why  
13 the request should be granted.

14 MR. PRESIDENT:

15 Thank you, Co-Prosecutor. Now the floor is given to Defence  
16 Counsel, and Nuon Chea defence counsel will start first if you  
17 have any submission to address to the Court.

18 MR. KOPPE:

19 Thank you, Mr. President. Not really, actually. The thing is that  
20 we really do not see, well, the relevancy of this testimony. If  
21 Nuon Chea had in fact visited Leay Bour, we would happily and  
22 readily concede such a thing, such an event. Because, if he  
23 visited the worksite, what would that add to his conduct, what  
24 would that add to any proof of his alleged criminal  
25 responsibility to what happened there?

1 [11.10.57]

2 So, maybe I see things not very clearly, but I don't see the  
3 relevance of establishing a visit of Nuon Chea together with Pol  
4 Pot to the worksite. So, by all means, call for the witness. We  
5 don't really care.

6 MR. VERCKEN:

7 Yes, Mr. President, our position is pretty much the same. We  
8 believe that <> this is a tardy request presented by <our  
9 colleagues from> the civil parties. It's a loss of time.

10 [11.11.39]

11 And even more so, because when the civil party filled out the  
12 information requested, she stated that she is suffering from  
13 mental <illness>. This is index D22/2500. And that this person  
14 <has a tendency towards memory loss; whereas suddenly we bear  
15 witness to the complete opposite of such a claim in that she  
16 provides us with an extremely well-detailed testimony>. So,  
17 <after all,> the solution is maybe to have her come, but I  
18 <personally> think that this will be a waste of time.

19 <As it stands, it's up to the Chamber to> decide.

20 I note <that it is> not only <the> mental <health issues reported  
21 by the individual, which> completely contradict the fact that she  
22 could <all of a sudden> remember such important <events, but>  
23 also <the tardy nature of> the request<>, <that perhaps merits a  
24 dismissal.>

25 MR. PRESIDENT:



1 The Chamber would like to give the floor to the Lead <Co-Lawyers>  
2 to make the response to the submission made by the Defence  
3 Counsel.

4 MS. GUIRAUD:

5 Thank you, Mr. President. I will address this very briefly point  
6 by point. If I've understood <our colleague Koppe's observations  
7 well,><he appears to have> said is that the possible presence of  
8 Nuon Chea at Leay Bour is not an element that pertains to <what  
9 we refer to in English as> 'acts and conducts'. <In my view there  
10 is no mistaking the fact that>, in view of the <Chamber's>  
11 jurisprudence, that the presence of the accused persons on such a  
12 site pertains to their acts and conduct. And therefore, in view  
13 of your jurisprudence, <> you should summon this person so that  
14 this person may explain <themselves, and explain themselves> in  
15 an adversarial <manner>. The Defence, of course, being afforded  
16 the possibility to put the questions that it wishes. So <it seems  
17 to me that>, in view of your jurisprudence, the possible presence  
18 of Nuon Chea and Khieu Samphan in Leay Bour commune pertains to  
19 what you call the acts and conducts of the Accused.

20 [11.14.14]

21 Now, with regard to the fact that our request is tardy, and here  
22 I am responding <to our colleague from> the Khieu Samphan defence  
23 <team>, well we explain very clearly in our submission why we did  
24 not have this information at hand and why today we would like  
25 this information to be presented to the Chambers and to the

1 Parties.

2 So, as far as I'm concerned, you should consider that our request  
3 is not tardy, because we explain in detail why we did not have  
4 access to the <> information before we presented the submission  
5 to the Chamber.

6 [11.15.00]

7 Well, loss of time for the Defence, maybe; however, for us,  
8 hearing this person would be particularly useful to the  
9 ascertainment of the truth, <particularly> because she, indeed,  
10 intends to testify on the presence of the Accused at Leay Bour  
11 commune, which <is a commune that> falls within the <scope of  
12 this> segment<>.

13 So, of course, we will rely on the Chamber's discretion with  
14 regard to these matters; however, <it seems to me that> when we  
15 consider the criteria of Rule 87.3, as well as criteria of Rule  
16 87.4, as well as in light of <the> jurisprudence <of the Chamber  
17 in this regard>, I <believe> you <will admit> this request and  
18 summon this civil party to be heard before this Chamber. Thank  
19 you.

20 MR. PRESIDENT:

21 Thank you. Mr. Vercken, you have the floor.

22 MR. VERCKEN:

23 <> Very briefly, I see that the issue of the civil party's mental  
24 health has not been addressed. And I'd like to remind you that in  
25 this request she says that she's going to testify, testify,

1 testify. <They talk about the ascertainment of the truth;  
2 however> this is <still> a civil party, and we should <also keep  
3 that fact in mind>.

4 [11.16.31]

5 MS. GUIRAUD:

6 Mr. President, <in terms of a response:> with regard to this  
7 person's mental health, I can <attest to having met with this  
8 civil party and> she is perfectly able to testify before this  
9 Chamber. And with regard to the fact that I used the word  
10 "testify" on many occasions, it <is in actual fact merely a term  
11 I fall back on>, <But> of course, I <readily concede to the  
12 Defence> that civil parties do not testify <in this Chamber>, but  
13 <that> they are <> heard <and that they are acknowledged>. No  
14 problem <in that> regard <>.

15 [11.17.08]

16 MR. PRESIDENT:

17 The Trial Chamber thanks for all arguments and submissions in  
18 response to the request by the Lead <Co-Lawyers> for Civil  
19 Parties. The Trial Chamber will consider the request and the  
20 arguments made by the Parties and will issue the ruling in due  
21 course.

22 Now, the Chamber addresses the Defence request for an adjournment  
23 to permit them to read and analyze the disclosure of Case 003 and  
24 Case 004 statements, so that the Party can read and analyze  
25 disclosure of Case 003 and Case 004 statements.

1 The Chamber has considered the Nuon Chea written motion, the  
2 Co-Prosecutor's oral response and all the Parties' submissions  
3 during the hearing, and particularly those of the 4th and the 5th  
4 of March 2015.

5 Disclosure of statements from Case 003 and 004 has been ongoing  
6 since October of last year, and the Chamber has accorded the  
7 Parties additional time to review these documents where merited.  
8 On the 23rd of February 2015, the Nuon Chea defence indicated  
9 that it had read the disclosures it had received to-date. Since  
10 that time, the Office of the <Co-Prosecutors> has disclosed an  
11 additional 226 statements, constituting about 2,500 pages in  
12 English and 2,300 pages in Khmer. The Chamber has taken into  
13 consideration the size of the most recent disclosure and the  
14 current sitting schedule.

15 [11.19.42]

16 Further, the Chamber notes that the International  
17 Co-Investigating Judge disclosed documents which will permit  
18 multiple team members to review the documents and perform word  
19 searches. It further notes that it <intends> to change the  
20 sequence of worksite by delaying the hearing of Trapeang Thma dam  
21 to which a number of the new statements relate, until after the  
22 Kampong Chhnang airport topic.

23 Based on these considerations, the Chamber will adjourn the  
24 hearing schedule for the 6th through the 9th of April and will  
25 reconvene after the Khmer New Year recess on the 21st of April to

1 hear the testimony of the next witness. The Chamber considers  
2 this will provide the Defence and <lawyers for> civil parties  
3 sufficient opportunity to review the disclosed material. This is  
4 the ruling. The Chamber informed the <Parties> earlier that we  
5 will issue an oral ruling today.

6 [11.21.32]

7 The Trial Chamber would like to inform the Parties there's a  
8 change in schedule of hearing witness of the reserve witness for  
9 today. He has a severe health problem. We cannot hear his  
10 testimony during the next week and we will look at our  
11 possibility to call other witnesses to hear on next Monday.  
12 With regard to other changes of schedule, the Trial Chamber will  
13 notify the Parties, and it will be sent by our senior legal  
14 officer by email to you this afternoon <or tomorrow>. And then we  
15 will consider on that and we will rule on that in due course and  
16 we will notify the Parties, to notify to the Parties by our  
17 senior legal officers, as the reserve witness has a serious  
18 health problem.

19 I saw you are on your feet, Mr. International Deputy  
20 Co-Prosecutor. You may address the Court.

21 MR. LYSAK:

22 Thank you, Mr. President. I just wanted to bring one, a matter, a  
23 further matter to the attention to the Court that may affect your  
24 decisions on scheduling and witnesses next week. And this is in  
25 regards to, 2-TCW-809. The new statements that we've disclosed,

1 the large group, as I've previously indicated, do not contain  
2 information relevant to Tram Kak district, so his testimony  
3 wouldn't be affected by that. However, in starting to prepare for  
4 him, this is also a person who was transferred to the Central  
5 Zone in 1977, and has some significant information relating to  
6 the purge of the Central Zone. And, out of interest of fairness,  
7 the 220 statements that were disclosed do include I believe  
8 around 20 to 25 interviews related to the purge of the Central  
9 Zone. There may be in that group of five to 10 interviews of  
10 cadres not from Tram Kak district but from other areas of the  
11 Southwest Zone who were transferred up to Kampong Cham around the  
12 same time. These aren't interviews that I would expect to use;  
13 however, I want to make sure the Court is aware of that, the  
14 Defence is aware of that, that there are at least some new  
15 interviews of people, cadres who were transferred up to Kampong  
16 Cham that may be of interest at least in preparing for this  
17 witness. We'll continue to do our best here to give guidance to  
18 you where there are disclosures, new disclosures, or where there  
19 are matters that we become aware of, that may affect upcoming  
20 witnesses.

21 [11.24.48]

22 So, just to repeat, there is to my knowledge, nothing in these  
23 220 documents related to Tram Kak, but there are interviews  
24 related to the Central Zone and purge. I wanted you to be aware  
25 of that.

1 MR. PRESIDENT:

2 Thank you, and Counsel Koppe, you have the floor.

3 MR. KOPPE:

4 Just requesting the Prosecution, how we should read 3,000 pages  
5 as of next, as of tomorrow, because I think we get them tomorrow.  
6 We have to read them all before Monday, is that the idea? What's  
7 the idea of saying this? There's no way that we are able to read  
8 that, let alone analyze it, let alone discuss with our clients.  
9 So, it is an irrelevant remark, I would say.

10 MR. LYSAK:

11 There's nothing irrelevant about it. The Trial Chamber is  
12 considering which witnesses to call next week. I'm simply  
13 alerting the Chamber and the Parties that one of the remaining  
14 Tram Kak witnesses has information in addition to Tram Kak, so  
15 there is one overlapping area with respect to some of the new  
16 witness statements. That may be pertinent, that may be pertinent  
17 to the Defence. We've identified in the disclosure which ones do  
18 relate to the purge of North Zone, so they're there. It's for the  
19 Chamber to decide how to schedule this witness in view of that.

20 [11.27.00]

21 MR. VERCKEN:

22 A little additional question for the Prosecution: Do you expect  
23 to tell us what are the 20 or 25 testimonies that may interest us  
24 <out of these> 226<>?

25 MR. LYSAK:

1 The annex that was provided with the motion has the relevant  
2 subjects tagged. And, I actually am perfectly willing to send you  
3 an email identifying even from within those 25 which ones were  
4 cadres who, to my knowledge, came from the Southwest Zone to the  
5 Central Zone. I'm perfectly content to do that. But the, in terms  
6 of the issue of the purge of the North Zone, we have the relevant  
7 subjects are identified for each interview.

8 [11.28.05]

9 MR. PRESIDENT:

10 Thank you. I think that is sufficient for all Parties. Or, you  
11 wish to add some more, Counsel Vercken?

12 MR. VERCKEN:

13 Yes, indeed. We don't have the annex, so <Prosecutor,> can you  
14 please provide us with the details? Thank you.

15 MR. PRESIDENT:

16 Thank you. The Chamber is now facing the issue of the  
17 rescheduling due to the subsequent disclosure of statements.  
18 Also, we have to consider the status of witnesses, as in the case  
19 of the elderly age of the witness today. So, in order to  
20 reschedule the hearings, we had to take into accounts all these  
21 matters. And, up to this hour, the Chamber has yet <informed> all  
22 Parties as to which witness that the Chamber will call to testify  
23 on Monday. That's why the Chamber informs the <>concerned Parties  
24 that the Trial Chamber will hold a meeting, internal meeting,  
25 this afternoon as to which witness that we shall reschedule to be



1 heard on Monday next week, and the Parties will be informed  
2 either this afternoon or tomorrow morning.

3 [11.29.42]

4 The Chamber now adjourns today's proceeding and it will resume on  
5 Monday, next week -- that is, 23 March 2015, commencing from 9  
6 o'clock in the morning. This information is all for the Parties.  
7 And the security personnel, you are instructed to take the two  
8 Accused back into the ECCC detention facility and have them back  
9 into the courtroom on Monday next week before 9 o'clock.

10 The Court is now adjourned.

11 (Court adjourns at 1130H)

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