



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

10 August 2015

Trial Day 308

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
Roger PHILLIPS
SE Kolvuthy

Lawyers for the Civil Parties:
Marie GUIRAUD
LOR Chunthy
PICH Ang
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
Joseph Andrew BOYLE
Travis FARR
Dale LYSAK
SENG Leang
William SMITH
SONG Chorvoïn

For Court Management Section:
UCH Arun

I N D E X

Mr. KAN Thorl (2-TCW-881)

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Questioning by Ms. GUIRAUD..... page 80

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KAN Thorl (2-TCW-881)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Mr. William SMITH	English
The President (YA Sokhan)	Khmer

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1 P R O C E E D I N G S

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 The Chamber continues it's hearing per schedule today -- actually
6 the Chamber will commence hearing the testimony of a witness
7 concerning Trapeang Thma Dam worksite. <The Greffier,> Ms. Se
8 Kolvuthy, please report the attendance of the Parties and other
9 individuals at today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings the Chamber -- the
12 greffier notes that all Parties to this case are present.

13 Mr. Nuon Chea is present in the holding cell downstairs as he
14 waives his right to be present in the courtroom. His waiver has
15 been delivered to the greffier.

16 We also received information from WESU that the witness who is
17 scheduled to testify today -- that is, 2-TCW-845, and

18 <2-TCW-876>, which is a reserve witness, cannot appear today.

19 However, we also have another reserve witness -- that is,

20 2-TCW-881, who is present in the Court.

21 [09.09.01]

22 MR. PRESIDENT:

23 Thank you. The Chamber now decides on the request by Nuon Chea.

24 The Chamber has received a waiver from the Accused, Nuon Chea,

25 dated 10 August 2015, which notes that due to his health; namely,

2

1 headache, backache, and that he cannot sit and concentrate for
2 long and in order to effectively participate in future hearings,
3 he requests to waive his right to participate in and be present
4 at the 10 August 2015 hearing.

5 Having seen the medical report of Nuon Chea by the duty doctor
6 for the Accused at the ECCC, dated 10 August 2015, who notes that
7 Nuon Chea has back pain when he sits for long and recommends that
8 the Chamber <shall> grant him his request so that he can follow
9 the proceedings remotely from the holding cell downstairs. Based
10 on the above information and pursuant to Rule 81.5 of the ECCC
11 Internal Rules, the Chamber grants Nuon Chea his request to
12 follow today's proceedings remotely from the holding cell
13 downstairs via an audio-visual means.

14 The AV Unit personnel are instructed to link the proceedings to
15 the room downstairs so that Nuon Chea can follow it remotely.
16 That applies for the whole day.

17 [09.10.52]

18 As scheduled, the Chamber shall hear testimony of a witness,
19 2-TCW-845, concerning the Trapeang Thma Dam worksite, however due
20 to the witness health, he cannot appear today and the reserve
21 witness -- that is, 2-TCW-876, has some urgent issues, who can
22 also not appear before us. The Chamber will hear testimony of
23 another witness -- that is, 2-TCW-881, this afternoon commencing
24 from 1.30 p.m.

25 The Chamber notes the Lead Co-Lawyers' request to make

1 submissions based on information contained in the Co-Prosecutors'
2 submission concerning the disclosure of Case 003 and 004 civil
3 party applications. They submit that this new information may
4 affect their choice of civil parties to appear to present
5 statements of harm <and suffering> regarding worksites. The
6 Chamber will therefore provide the Parties with an opportunity to
7 provide brief submissions of 10 minutes. However the Chamber
8 first makes several observations:

9 [09.12.36]

10 First, the relevance of the admission of civil party applications
11 in Cases 003 and 004 to the choice of civil parties who will
12 present suffering on worksite is limited, as only civil parties
13 in Case 002 can be heard during these hearings. Case 003 and 004
14 civil party applicants who are not party to Case 002 cannot
15 appear.

16 Second, the Chamber has already indicated to the Parties that it
17 would consider reasoned applications to recall witnesses or civil
18 parties based upon new facts, such as those contained in
19 disclosures from Cases 003 and 004. This would also include Case
20 003 and 004 civil party applications in appropriate
21 circumstances. Considering these factors the Chamber now invites
22 the Parties to make <oral> submissions on the issue of disclosure
23 of Case 003 and 004 applications in this case and hands the floor
24 to the Lead Co-Lawyers for civil parties regarding their <oral>
25 submission. You may proceed.

1 [09.13.06]

2 MS. GUIRAUD:

3 Thank you, Mr. President. Good morning to all of you. I simply
4 have a short request to make on the base of the email that was
5 sent to the Chamber and to the Parties on Friday <towards
6 midday>. As an introduction, I would like to say a few words on
7 the reason we sent this email and for which we did not come up
8 with a written submission that we could have had translated into
9 two languages. Of course, we were in an urgent situation so this
10 led us to request the Chamber to hold a debate today so that we
11 can have an adversarial hearing on this issue.

12 [09.13.55]

13 We received information that is important from the
14 Co-Prosecutors' office, Thursday afternoon. This information has
15 a direct impact on the list of civil parties that we had prepared
16 to forward officially to the Chambers and to the Parties on
17 Friday. Materially, it was impossible for us to draft and to
18 translate a submission on Friday, this is why we sent an email to
19 the Chamber, requesting that a public debate be held on this
20 issue and that we also be given leave to defer the <> forwarding
21 of the document to the Chamber. Since we did not obtain an answer
22 in due time, we decided to submit our list of civil parties
23 Friday, before 3 o'clock in the afternoon, which was the deadline
24 <for the clerk> to file the document. But we specified in this
25 document that we would like to have the possibility of reviewing

5

1 the list of civil parties that was annexed to this document, in
2 view of the civil party applications that are mentioned by the
3 Co-Prosecutor's office in their submission of Thursday. So, what
4 we're requesting is very simple in fact, we are simply asking for
5 the possibility of reviewing the list that was sent on Friday to
6 the Chamber and we would like to have a two-week delay to do that
7 and I will explain why we are requesting this two-week delay.

8 [09.15.47]

9 We received <>information from the Co-Prosecutors' office, that
10 about 200 or 250 civil party applications related to Trapeang
11 Thma, would be made available to the Parties this week,
12 apparently. And for the moment it is materially impossible for us
13 to know which documents among these 250 applications regarding
14 civil parties who are also civil parties in Case 002 and for the
15 moment we have no possibility of knowing if among these 250 or so
16 civil party applications that will be made available to the
17 Parties this week, if there are documents that are directly
18 related to the three civil parties that we had selected regarding
19 Trapeang Thma to testify during the impact hearing. So, we simply
20 need to have a minimum amount of time to <go through> these
21 documents as soon as they will be accessible so we can check,
22 first of all, that none of the documents concern the <three>
23 civil parties that we had pre-selected and more generally
24 speaking, which are the documents <>disclosed that will directly
25 concern the civil parties <admitted> in Case 002 for <the>

6

1 Trapeang Thma <segment>.

2 [09.17.25]

3 So, we filed our list but we would like the Chamber to give us
4 the possibility of amending, if necessary, this list within the
5 next two weeks. And the practical consequence of this request,
6 maybe, that the impact hearing will be postponed. So it will be
7 up to the Chamber to decide what seems to be the most suitable,
8 either to postpone the two days of the impact hearings regarding
9 the crimes that were committed at the worksites -- that is to
10 say, the 1st January Dam and the Kampong Chhnang Airport and
11 Trapeang Thma. So you may postpone these <two days of> hearings
12 or you may decide to hear the civil parties related to the <1st
13 January> dam and to the airport and therefore to postpone, if
14 necessary, the hearing of the civil parties who would testify on
15 the harm suffered <due to crimes taking place> at Trapeang Thma.

16 [09.18.43]

17 So, we also would like to inform the Chamber that this massive
18 forwarding of civil party applications will necessarily have an
19 impact on the choice that we will make with regard to the
20 documents that will be presented during the key document hearing.
21 Why? Because as the Chamber knows and the Parties also know,
22 since the beginning of Case 002, we chose to present documents,
23 such as civil party applications, VIFs, during these public
24 hearings and therefore we have to check that among the <around>
25 250 documents that are going to be communicated that there are no

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1 documents that are directly relevant to the civil parties in Case
2 002.
3 [09.19.37]
4 And finally the last request that we are making here and that we
5 are addressing to the Chamber, <but> which is in fact directed to
6 the Co-Prosecutors' office, we would like to be informed and <we
7 believe it is the right of all the parties to so be> -- with
8 regard to the way the Co-Prosecutors intend to forward the
9 remaining civil party applications in Cases 003 and 004. So the
10 <> pending questions we have are the following: Does the
11 Co-Prosecutors' office intend to forward other civil party
12 applications from Cases 003 and 004? And second question <is -
13 regarding which segment? And third question, how often may we be
14 receiving information on the sequencing of the civil party
15 applications that we will receive so that we can anticipate all
16 of the reviewing work that <we> will <undertake> -- that is to
17 say, <us> the Lead Co-Lawyers, the civil party <lawyers> and
18 finally with the civil parties themselves.
19 So, this is our request. We are basically asking for a two-week
20 delay to file an updated annex of the civil parties that will be
21 heard with regard to the harm suffered at the worksites,
22 requesting the Chamber to take into account the disclosing of the
23 civil party applications when the Chamber will give us the delay
24 within which we have to identify the key documents <for the
25 segment on> the worksites. And finally, requesting the

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1 Co-Prosecutors' office to provide us with the necessary
2 information so that we can plan the work ahead in the most
3 efficient way possible. Thank you very much, Mr. President.

4 [09.22.34]

5 MR. PRESIDENT:

6 The National Lead Co-Lawyer for civil parties, you may proceed.

7 MR. PICH ANG:

8 Good morning, Mr. President and Your Honours. I'd like to add my
9 observation on this matter regarding the new disclosures.

10 Lead Co-Lawyers for civil parties and lawyers for civil parties
11 actually do not wish to choose all those civil party applicants
12 from Case 003 and 004 to present and make their statements of
13 harm <and suffering>. What we want to know from the
14 Co-Prosecutors concerning the disclosure of those civil party
15 applications <or other disclosed documents> is that whether the
16 information from those civil party applications from Cases 003
17 and 004, who may also be Case 002 applicants, and if that is the
18 case, then it may impact on our selection of those civil parties
19 to provide their statements of harms <and suffering. Also, there
20 are other documents which may impact on our selection>. And that
21 is the main gist of our submission. For that reason, it is
22 imperative for us representing the civil parties to review those
23 documents thoroughly before we make our choice in selecting them
24 to present their statements of harms <and suffering>. Thank you.

25 [09.24.30]

1 MR. PRESIDENT:

2 Thank you. The Chamber now hands the floor to the Co-Prosecutor.

3 And you may proceed.

4 MR. SMITH:

5 Good morning, Mr. President, counsel, civil parties. Your Honour,
6 the Prosecution doesn't object to the civil parties making an
7 amendment to their victim impact list in relation to Trapeang
8 Thma Dam. One caveat to that would be, that at least that list be
9 made available a number of days prior to those civil parties
10 arriving in the courtroom, so that if there is a change in any of
11 the civil parties, the Prosecution can --

12 [09.25.20]

13 MR. PRESIDENT:

14 Mr. Deputy Co-Prosecutor, please hold on as we have some
15 technical issue with the interpretation system.

16 (Technical problem)

17 (Short pause)

18 [09.31.15]

19 MR. PRESIDENT:

20 The Co-Prosecutor, you may now resume your 10-minute session.

21 MR. SMITH:

22 Thank you, Mr. President. Just briefly the Prosecution don't
23 object to the application by the Lead Co-Lawyers to amend their
24 civil parties for the victim impact hearing in relation to
25 Trapeang Thma Dam. But we would say in relation to their

10

1 application for delay that, as Your Honours have said, these
2 applications are civil party applications from civil parties in
3 Cases 003 and 004, and unless they have an application in Case
4 002, they wouldn't be civil party appearing before this Chamber.
5 But I think it is important that they get an opportunity to see
6 whether or not the current civil parties listed in fact do have
7 an application also in 003 and 004 to take that into account. But
8 our submission would be, that really wouldn't take that long,
9 we'll just be simply looking at the list of names when that
10 material is provided.

11 [09.32.34]

12 In relation to the application for an adjournment of the key
13 document hearing, we would submit that application would only be
14 relevant to the Trapeang Thma Dam segment, that document hearing
15 and perhaps it is reasonable if they need a few extra days to
16 review those civil party applications that will be disclosed to
17 see whether they in fact would like to present some of those at
18 the document hearing.

19 So Your Honours, we would just -- when you decide on this, we
20 would certainly ask that you keep your schedule in relation to
21 Kampong Chhnang Airport site impact and document hearing, keep
22 your schedule for the 1st January Dam impact and document
23 hearing, and keep your schedule for the impact hearing for the
24 civil party application in relation to the Trapeang Thma Dam. But
25 in relation to the document hearings, we would have no objection

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1 if you wanted to defer that in relation to Trapeang Thma Dam to a
2 later date or even just the Lead Co-Lawyers component of that
3 hearing. And the reason why we say this is, the Prosecution has
4 said in this Case before that it's important that the victim
5 impact hearings and the document hearings in relation to a
6 particular segment are as close as they can to each other and I
7 think the main reason being is that the Parties, Your Honours and
8 the public can be dealing with one focus set of facts at a time,
9 which would obviously assist in that simulation process of
10 understanding the complete -- or, the totality of the evidence in
11 relation to that particular segment. So, we would have preferred
12 that the impact and the document hearing follow each particular
13 segment but we understand that Your Honours have grouped them
14 together after the three worksites. But in order to keep the
15 focus on the evidence, we would certainly ask that you not change
16 the schedule for Kampong Chhnang Airport nor 1st January Dam and
17 we would ask you to keep the schedule for the victim impact
18 hearings in relation to Trapeang Thma Dam, but we would have no
19 objection to the document hearing in relation to the civil
20 parties for Trapeang Thma Dam being postponed for an extra week
21 or two; and no objection to the amendment of the civil party
22 victim impact list for Trapeang Thma Dam, if the civil parties
23 believe that's necessary.

24 [09.35.57]

25 Your Honours, I noticed that you tried to keep the discussion

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1 this morning as focused as possible, last on the 27th July 2015,
2 senior prosecutor, Mr. Lysak, talked about the prosecutor's
3 disclosure obligations and the importance of them, the importance
4 to provide exculpatory material, the importance to provide
5 material that might mitigate or show the innocence of the
6 Accused, exculpatory material that might cast doubt on the
7 credibility of the evidence. We're well aware of that obligation;
8 Your Honours has reminded us of that obligation, and I can inform
9 the Court that the Prosecution are taking this whole issue of
10 disclosure as a top priority. These cases are large cases, they
11 inevitably involve thousands and thousands of pages of documents,
12 the key of course is to find the right pages on behalf of - for
13 the Defence, the Prosecution to address, but all Parties should
14 have the opportunity to be able to review that evidence.

15 [09.37.28]

16 When Parties say it is difficult, it's complicated to do these
17 cases because there's thousands of pages to consider,
18 unfortunately that's the nature of crimes against humanity. There
19 are massive violations against large population across the whole
20 country. These are not simple cases, they're not easy cases. At
21 the other Tribunals, disclosure is a central issue of making sure
22 that the trial is fair, making sure the defence have access to
23 the material and they have an opportunity to present that
24 material, if they so wish and they have an opportunity to
25 challenge it and we concur with Your Honour's approach, certainly

1 in the principle that you put forward at the beginning of this
2 hearing that if new material, new civil party applications brings
3 up some evidence that is useful for the Defence or is useful for
4 the Prosecution and it hasn't been available prior, then Your
5 Honours would consider the opportunity of being able to call
6 those witnesses so that the Defence or Prosecution can properly
7 present their cases. And similarly, we agree with Your Honours
8 position about the Parties: the Defence, the Prosecution, the
9 civil parties, being allowed to recall witnesses if, for example,
10 new information comes forward that throws a different light on
11 testimony that was put forward and no real opportunity was
12 available to be able to pose a certain number of questions.

13 [09.39.30]

14 So, with this case -- and I read the transcript of Monday, 27th
15 July, and read the accounts of the Defence and Prosecution and
16 Your Honours, and perhaps one further thing I would like to say
17 is that, Your Honours are well aware that there are two
18 concurrent ongoing investigations in 003 and 004 that will
19 continue and we've been given indications that they would
20 continue and conclude in 2016. As we speak now, investigators are
21 collecting evidence in relation to these cases and some of that
22 evidence overlaps the evidence in this Trial and so, until the
23 end of this Trial, it is highly likely and it is absolutely
24 certain that a certain percentage of that information, the
25 Prosecution is under an obligation to disclose, whether it's

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1 inculpatory, exculpatory, affects the credibility of the
2 evidence.

3 [09.40.45]

4 The Prosecution, at the end of this Case, does not want to be in
5 a position where the Defence have said, they've buried
6 information, they've hidden information, and they haven't
7 disclosed information; and rightly so, all relevant information
8 should be available to all Parties to make what they want with it
9 as they will. The fact that it's frustrating to continually get
10 documents and documents will come through to next year, is part
11 of the prosecution of large international crimes and that's what
12 we've all have been trained to do in this courtroom.

13 [09.41.27]

14 Your Honours, we have been asked to provide a broader approach by
15 the civil parties about what's coming when, perhaps if I take it
16 down to the most immediate point, the civil party applications
17 and their summary translations in relation to Trapeang Thma Dam
18 is being filed with this Court this afternoon and the
19 applications and the summaries will be made available by latest
20 Wednesday to the Defence. The next question you might ask: But
21 why now, why not last week or the week before when the other
22 civil party applications were put forward? And the answer to that
23 is, Your Honours, those applications were the result of full
24 translations and it was a priority that the Prosecution deal with
25 Written Records of Interview as a top priority, as a second

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1 priority, deal with civil party applications and their fully
2 translations and now we've had the opportunity to deal with civil
3 party applications with summary translations. And on the basis of
4 that, that material is being provided.

5 [09.42.38]

6 To conclude, I would say that, all of the civil party
7 applications that we believe have a relevance to this Case would
8 be made available to the Defence, the civil parties, Your
9 Honours, within about two and half weeks, but perhaps even less
10 because it requires the authority of the Investigative Judge. But
11 certainly what recent practices have shown, the Investigative
12 Judges have been very -- have become a lot quicker to make this
13 information available because they understand the importance of
14 having this information in well before this Trial ends so people
15 can have an opportunity to object, challenge or bring it forward.

16 [09.43.28]

17 And as Mr. Lysak said on the last occasion, this disclosure on -
18 today, should be available on Wednesday, relates to Trapeang Thma
19 Dam, and a few statements in relation to the Cham, is not an 87.4
20 application. It's a discharging of the Prosecution's obligation
21 to make sure Your Honours have the best evidence, to make sure
22 the Defence have any exculpatory material or any material that
23 affects the credibility of the evidence. What affects the
24 credibility of the evidence is a very complex question. If
25 someone said they worked 14 hours a day and someone said they

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1 worked 13 hours a day, does that affect the credibility of the
2 Prosecution's evidence, it's very, very difficult to determine
3 that; as a result the Prosecution want to err on the safe side to
4 make sure there's disclosure available if ever it was interpreted
5 at a later time that the Prosecution held on to material that
6 affected the credibility of the evidence before the Chamber, we
7 do not want to be in a position to that, we want the Defence to
8 have access to everything. What they do with it is a question for
9 them, but they should have that available to them.

10 [09.44.49]

11 My 10 minutes is up, I believe. I can give Your Honours details
12 as to the nature of those civil party application disclosures
13 that are referred to in this notice; I can give you the numbers
14 in relation to Case File 004 and Case File 003, but you may think
15 it is better to do that in a short filing where those numbers can
16 be provided, but certainly, we will have all of the material
17 available in the next couple of weeks, and Trapeang Thma Dam will
18 be available on Wednesday. Thank you.

19 MR. PRESIDENT:

20 Thank you. I hand over to Judge Jean-Marc Lavergne.

21 [09.46.09]

22 JUDGE LAVERGNE:

23 Thank you, <Mr.> President. Mr. Prosecutor, I would like to ask a
24 few questions so I can better understand what you've just
25 explained. You have said that all the civil party applications

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1 that have some relevance for the various segments that we've
2 already covered, Trapeang Thma for instance, <which> we will be
3 covering soon, will be available within <>two weeks and a half.
4 Can you tell us today -- when you speak of these applications
5 that will be available -- will it only be a part of it which will
6 be <subject to the filing of a request>?
7 Have you <already> been able to determine the number of such
8 applications that you wish to see filed as new evidence? Because
9 indeed, there are two aspects to this: You have <an> obligation
10 to disclose to all Parties all relevant evidence, but as
11 <prosecutors, couldn't you> ask that only a small part <of these
12 documents be submitted?> That's my first question.
13 [09.47.03]
14 My second question is <more geared towards> the civil party
15 lawyers. If I understand your position correctly, <the
16 Co-Investigators> have <only> presented <one> request <today,>
17 which is to review the list of civil parties that you would like
18 to see appear before the Chamber <for a hearing> on the impact of
19 crimes, specifically crimes committed on the sites-- of Trapeang
20 Thma. <They are asking for> two weeks <in which to do that>,
21 which would <translate into> a <24 August> deadline <>for the
22 filing of <a> revised list. I know these dates could change but I
23 believe that, as of today, the hearings <on the> impact <of
24 crimes, are scheduled> for 2nd and 3rd September, which is, in my
25 view, more than enough for all the Parties to be kept abreast of

18

1 what they need; did I understand correctly?

2 [09.48.21]

3 MS. GUIRAUD:

4 Yes, Judge Lavergne, you've understood correctly.

5 <We were not informed, I am speaking for the other Parties here>

6 perhaps, the other Parties can correct me if I'm wrong, but we

7 have not <yet> received any information on this 2nd and 3rd

8 September hearing. I did not have this date <in mind> and that's

9 why I was more general in <our request>.

10 <Yes--> if we have two weeks, <then we can> revise our list <by

11 24 August>, I think that gives us more than enough time, but

12 perhaps the Defence can correct us if we're wrong, and this would

13 leave enough time for all Parties to study the documents,

14 relative to the civil parties on the revised list.

15 I would like to add, this is on the first observation that you

16 made to the <Co-Prosecutors>, <that> other parties can also file

17 requests under 87.4 and we could perhaps <also> have an interest

18 in filing an 87.4 request for some documents that are <currently>

19 being disclosed by the Prosecution.

20 MR. PRESIDENT:

21 Yes, Mr. <Co-Prosecutor>, you may proceed.

22 [09.50.05]

23 MR. SMITH:

24 Thank you, Mr. President. Your Honour Judge Lavergne, in answer

25 to your question, yes, in relation to the notice that the

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1 Prosecution filed and that's E319/27 and that was on 6th August
2 which, the purpose of that notice was to outline our approach to
3 civil party applications particularly and our approach has been
4 revised in significant part on the basis of what we heard counsel
5 for Khieu Samphan and Nuon Chea stated on Monday, the 27th, and
6 the import of that -- those statements seem to be that if --
7 unless civil party applications were being put forward in
8 relation to Rule 87.4 -- unless they were being put forward as
9 evidence, the -- and I assume that unless they were viewed to be
10 exculpatory on our part or undermine the credibility of the
11 evidence -- that the Defence didn't really want to read them or
12 use them because enough was enough, too much information but
13 again that's the nature of these trials and so to try and deal
14 with that, to try and not overburden the Defence, if that's how
15 it is viewed, the new procedure that the Prosecution are adopting
16 now other than for the Trapeang Thma Dam one, which will be filed
17 today but we will provide a revised list.

18 [09.51.50]

19 As to dividing up the disclosure to those documents which we are
20 likely to put forward to the Court as 87.4 and those documents
21 which we are unlikely -- so the ones that the Defence see on our
22 list that we are unlikely to put forward, then it's really up to
23 them, of course, whether they want to read those documents or not
24 and so in the past, what we've been doing is, disclosing the
25 documents to the Court with no indication of whether or not 87.4

20

1 is likely or not on any particular document and so the idea was
2 to try and reduce the burden on the Defence by saying, of these
3 50 documents or whatever number documents in relation to this
4 segment, we're only putting forward, we're only likely to put
5 forward these 10 or these five, whatever the number be, a smaller
6 percentage of what you're receiving and then the Defence would
7 not need to concentrate on them if that was the case and so
8 that's procedure that we're putting in place now.

9 [09.53.11]

10 The only thing in relation to Trapeang Thma Dam is that, that
11 distinction hasn't been made in the filing today because of the
12 speed in which we wanted to get these documents to the Defence,
13 but what we will do and what we can do is by the end of the week,
14 we could make an estimation, we could make a filing to the Court
15 saying, of those that were disclosed, we envisage these 10
16 percent or 20 percent with the 87.4 applications whatever it
17 would be, but certainly, with all of the other disclosures that
18 will be happening in the next couple of weeks, we will be making
19 that distinction based on what we heard the Defence say.

20 [09.54.00]

21 And one final point, Your Honour, in relation to 87.4, in
22 relation to those applications before the Court, which is quite
23 different to the disclosure obligations, counsel for Khieu
24 Samphan said they would need more time to be able to determine
25 whether they would object to those documents or not and we would

21

1 certainly have no objection to the Khieu Samphan team or the Nuon
2 Chea team asking for extra time beyond what the Rules normally
3 allow, that 10 or 15 day period in order for them to properly
4 assess the material. If they wanted three weeks or a month in
5 light of the busy schedule of the Trial, we wouldn't object to
6 that and we think that's a reasonable request. Thank you.

7 MR. PRESIDENT:

8 Next, I hand over the floor to the defence team for Nuon Chea.
9 Counsel Koppe, you may proceed.

10 [09.55.07]

11 MR. KOPPE:

12 Thank you, Mr. President. Good morning, Your Honours. Good
13 morning, counsel. I have been listening with interest to both the
14 Prosecution and the civil party lawyers, but I'm not sure if I
15 follow everything to a maximum. We were here, just to remind
16 everybody in this courtroom, two weeks ago having, I think, a
17 similar discussion, then at that time we were being confronted
18 with having to read disclosure of about 50 civil party
19 applications and witness statements, which ultimately led you to
20 a decision to postpone hearing the witnesses for a week.

21 [09.56.02]

22 Not the first two witnesses but then during the testimony of
23 these two first witnesses, a new discussion came up about DC-Cam
24 statements, a big chunk of which is only available in Khmer not
25 in English or French. Now we're being confronted with another 200

1 civil party applications of which now I understand it is not
2 certain that they will all be put as evidence before the Chamber.
3 But, of course, at the end of the day it doesn't change the fact
4 that we have to read them not only in terms of evaluating the
5 evidence as such, but also to see if any of these civil party
6 applications might have any relevance as to the witnesses who are
7 appearing this week, and next week, and the week after in
8 relation to the dam.

9 And of course, in your earlier decision when you didn't postpone
10 the first two witnesses, you said, well there's always a
11 possibility that witnesses can be called back if there is a
12 reasoned request for this. But I don't think in practice that is
13 going to be a workable situation because sometimes it's only a
14 very small excerpt from a particular witness statement or a
15 particular civil party application that you would like to put
16 forward to a witness.

17 [09.57.44]

18 So we are now in a situation that there is possible or likely
19 relevant material out there waiting for us to be reviewed
20 possibly only as of Wednesday, but at the same time, this
21 afternoon, we are starting with another witness from the dam. So
22 I'm not quite sure if I see the difference in the discussion we
23 had two weeks ago other than now there's a possibility that these
24 documents might not be put forward as proper evidence in the
25 sense of Rule 87. But still we have the situation that we, of

1 course, would like to have the possibility to review these
2 documents to see if they might have any relevance in respect of
3 the upcoming witnesses of this week and next week. So having said
4 this, the question is whether we should continue with witnesses,
5 hearing witnesses in relation to the dam or whether -- we have
6 raised this question earlier -- whether we simply shouldn't put
7 on hold any witnesses in relation to the dam being questioned now
8 and simply wait for Case 003 and 004 to finish and revisit the
9 dam. I don't know; maybe sometime end of this year or beginning
10 of next year, and move on to the next segment being the treatment
11 of the Cham in relation to which witnesses have now been selected
12 and we have been notified of which witnesses are coming. So the
13 question I think is a more general issue, should we continue with
14 this very difficult situation of continuous stream of new
15 evidence and should we not simply freeze this segment, move on to
16 the next segment and continue with the dam once Case 003 and 004
17 -- the investigation of Case 003 and 004 are finished. So I think
18 this is a legitimate question that should be raised otherwise
19 we'll - unanswered -- otherwise we'll be continuing having this
20 discussion in the next two or three weeks. So I think this is -
21 at this stage, Mr. President, this is what I would like to say.
22 Thank you.

23 [10.00.28]

24 MR. PRESIDENT:

25 Thank you, Counsel. And now I would like to hand the floor to the

1 defence counsel for Khieu Samphan. You may proceed, Counsel
2 Guissé.

3 MS. GUISSÉ:

4 Thank you, Mr. President. Good morning to all of you. I must say
5 that we are here facing a discussion that even goes beyond the
6 dealings we had <up to this present time> and it really raises an
7 issue of procedure regarding the <interest and the> objective of
8 this communication. <To begin,> let me first answer <our learned
9 colleagues from the> civil parties with regard to their request
10 <for a delay> to revise the <civil parties'> list <they intend to
11 present> for this segment.

12 [10.01.22]

13 It is clear that we understand them and that we understand the
14 <potential> impact of <the dissemination of> such documents on
15 the preparation of their work and of course we cannot object to
16 this request and we will rely on the wisdom of the Chamber on how
17 the programme should be readjusted following this request. That
18 is my first point.

19 Second point, the disclosure obligation, such as formulated today
20 by <the Co-Prosecutor> Mr. Smith, calls upon comments that will
21 have to be developed <and detailed> in writing, but maybe I
22 should add a bit of clarification here because, <in line with
23 what we are being told from the other side,> we are aware that
24 this is a complex trial, <we are aware of that,> and <one in
25 which there are a lot of documents, of course we know that>.

1 <One aspect which we may be regarding differently, concerns the
2 consequences of disclosure during a trial of such a large
3 quantity of documents.>The point is not saying that the Defence
4 has issues reading the documents, it is more about how are we
5 going to organise our work. It's clear that, when we're facing a
6 segment, we are preparing witnesses for that segment and which
7 means that we have to analyse and assimilate what will be <useful
8 to prepare a defence for> our client <in the very same segment.>
9 This, of course, requires a lot of time and we cannot be, <like
10 we say in French, in two places at once. That's the first point>.
11 The second point is that <>I see that there might be a change in
12 the prosecutor's position because I remember <the> hearing
13 <which> Mr. Smith was referring to during which <his colleague>
14 Dale Lysak explained that there were certain numbers of documents
15 that have been forwarded but that didn't really change <much in
16 the end>.
17 So, this is, <once again,> something that the Prosecution may say
18 easily because they are aware of the documents <as part of their
19 work> in Cases 003 and 004, but the Defence and the civil parties
20 <too, are likely to> have another position because they don't
21 have access to these documents until these documents <are shared
22 with them>, so this, again, requires time and work, work that is
23 different for the civil parties and <>for the Defence. <This work
24 entails going beyond> simply reading the document, this requires
25 analysing the evidence and to see what kind of <impact> that will

1 have on the Defence strategy <or when representing one's client>.
2 So this is my second point.
3 [10.04.19]
4 Then, <the> third point; and this is a point that <I think> we're
5 going to really have to look at carefully <again> because, <in>
6 international jurisprudence <and up until this very day>, there
7 are no issues with regard to witnesses who are called upon to
8 testify in the Trial or who have already testified in the Trial
9 and for which disclosure of all the documents is necessary <and
10 important.>
11 <There are, of course> issues with regard to <everything that
12 could be used as exculpatory evidence for the accused.>
13 Obviously, it's necessary for the Defence <and other parties> to
14 be aware of these exculpatory elements.
15 The third point which is a bit more touchy which is - seems to be
16 completely new <from the Prosecution, again, in terms of
17 international jurisprudence,> is that <during proceedings,> we
18 have <the> investigation and this is what I said at last hearing
19 and there is an investigation that is in process. It is not the
20 co-prosecutors who are performing the investigation as <would be
21 the case in an adversarial process>.<There is an investigating
22 judge along with the Defence teams, who -- once again--> may
23 request certain acts that have an effect on the procedure and we
24 have no control on this. <What I mean is we might ask-- and
25 perhaps we will be able to ask> for 87.4s with regard to such and

1 such a witness who may not have testified previously in the
2 investigation of Case 002, and in that situation, we will have no
3 control on the elements regarding this witness because he is part
4 of <another proceeding in the investigation>.

5 So this issue will have to be revisited but with regard to the
6 incidents that this document has on the preparatory work on all
7 of the teams, it is clear that this is an important element and
8 that cannot be just treated quickly because, <again,> these are
9 elements that may have an effect on the way we will prepare the
10 witnesses.

11 If there are questions that we will raise based on the new
12 documents that we will be receiving,--<well,> we won't be able to
13 put these questions if we don't have the documents or we haven't
14 had the time to review the documents -- you know that our human
15 resources are limited and that days are only 24 hours long and
16 there are of course situations that are not humanly manageable
17 <if our intention is to do one's job properly.> So these are the
18 comments that I wanted to make with regard to this point.

19 [10.07.06]

20 Once again, I think that with regard to the <manner> and the way
21 that the documents should be forwarded, we should have a real
22 discussion about this, especially with regard to the impact that
23 these documents <announced by the prosecutors> will have. <For>
24 now I understand that there are 200 documents that will be
25 disclosed -- I haven't yet seen them -- so I cannot provide you

1 with a vision of what kind of impact that is going to have on the
2 Khieu Samphan's defence.

3 But it is clear that it will have an impact, because when we
4 speak about documents we're speaking about extra work for the
5 Defence. So, I will stop here <with my observations>, but if we
6 were to reshuffle the schedule as Nuon Chea's team suggested, we
7 will be <again> operating at a bare minimum within the defence
8 teams; we will have to adapt <and readapt> the work load and the
9 division of labour within the team, so therefore, the Chamber
10 will have to take into account these <adaptation needs>. We will
11 try to be flexible, but of course not at the detriment of the
12 defence of our client.

13 MR. PRESIDENT:

14 Deputy Co-Prosecutor, you may proceed.

15 [10.08.40]

16 MR. SMITH:

17 Mr. President, I understand that you want to keep the hearing
18 brief so I will be brief. Just a couple of responses, in relation
19 to counsel for Nuon Chea's request, perhaps -- or to think about
20 at least freezing Trapeang Thma Dam segment until the end of
21 Cases 003 and 004. The problem with that approach, Your Honours,
22 if you actually started to freeze every segment and not hear it
23 until every last piece of information comes in on Case File 003
24 and 004, what would that inevitably mean is that this Case would
25 be postponed for the next at least one year.

1 [10.09.18]

2 We're receiving three to five - certainly under 10 -- statements
3 every week from the Co-Investigating Judges. This will continue
4 right through to next year, we have to have a solution that gives
5 these Accused an expeditious trial, not delay it for a year but
6 also a fair trial that allows the defence to propose witnesses,
7 put evidence forward based on new information that becomes
8 available. I just don't think that's a workable solution, it's an
9 ideal solution but it's not workable.

10 And just in relation to counsel for Khieu Samphan's points, I
11 think one thing is clear, is that the Defence, the Prosecution,
12 the civil parties and if I can say the Judges understand that the
13 Prosecution has an obligation to disclose a wide array of
14 material. We have no choice in that. What Your Honours does with
15 it, what the Defence does with it, what we do with it, what the
16 civil parties do with it, that's really another question, but we
17 have an obligation to disclose. This is going to keep happening
18 throughout this period, what I would propose is that there'd be a
19 more workable, perhaps meeting, maybe with the senior legal
20 officers about the timing and the approach to get down the large
21 times between requesting for authority disclosed from the OCIJ to
22 getting that to the Defence, and what solution the defence can be
23 involved in, so we don't continually debate, debate, every week
24 or every two weeks.

25 [10.11.05]

30

1 Once these civil parties applications have been disclosed, once
2 these ones have been disclosed, apart from the portion that don't
3 have an English summary, that's really it in terms of backlog,
4 from then on in, we're going to be disclosing on a weekly or
5 two-weekly basis with a few statements coming in at that time and
6 so that's where we're moving to; quite an efficient system and we
7 would be happy to work with the Chamber, work with the Defence so
8 that whatever we do is not criticised but understood.

9 As far as delaying the proceedings, Your Honours, there's about
10 4,000 civil party applications in this case already. I would ask
11 Your Honours to consider how many of those applications have been
12 put forward to witnesses coming before this Court as propositions
13 and I don't think it is that many. Thank you.

14 MR. PRESIDENT:

15 Judge Lavergne, you have the floor.

16 [10.12.33]

17 JUDGE LAVERGNE:

18 Yes, a <short> question <again that> I would like to put to the
19 Co-Prosecutor. The current segment of the 002/02 case, in
20 particular the segment regarding Trapeang Thma is particularly
21 sensitive to the forwarding of new documents coming from Cases
22 003 and 004. We're going to have to consider a certain number of
23 other segments in Case 002/02; in particular, <segments on> the
24 treatment of specific groups whether it be the Cham, the
25 Vietnamese, the former officials of <Lon Nol's> Khmer Republic or

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1 other topics such as S-21. So, can you tell us, if <> possible,
2 <> regarding the other segments <to come in 02/002, will there be
3 considerable impact, will there be as--> if there will be the
4 same mass of new documents that will be <either> forwarded to the
5 Parties or <>the object of <a> request to be put before the
6 Chamber as <new pieces of> evidence.

7 <I believe> it is important for us to know this because now we
8 would like to have a more long term vision. We know that this is
9 a long <case-a long> trial and there are several phases that need
10 to be considered.

11 [10.14.06]

12 MR. SMITH:

13 Thank you, Your Honour. Earlier, I offered that maybe that could
14 be done in writing, but I can give you some brief numbers now.
15 Certainly what we can say from what we know in relation to the
16 civil party applications, the applications are going to diminish
17 quite remarkably from the number in Trapeang Thma Dam. For
18 example, on Wednesday and today you've received the notice, the
19 Defence will receive 31 civil party applications in relation to
20 the Cham and their corresponding summary, then, because we needed
21 to obviously get them out immediately and from that point forward
22 in relation to -- and this is in relation to Case 004 -- from
23 that point forward and we would hope in two weeks' time we would
24 get authorisation to release 103 applications relating to the Lon
25 Nol officials; 102 in relation to forced marriage; 60 in relation

1 to Krang Ta Chan, but largely in relation to finding out the
2 identity of people that were in that prison; 47 in relation to
3 the treatment of Vietnamese and Buddhist; 10 in relation to S-21;
4 six 1st January Dam; two Kampong Chhnang; one Tram Kak; and
5 there's about 19 others which we are sorting out, but in relation
6 to case file -- that was Case File 004 -- in relation to Case
7 File 003, 10 in relation to the treatment of the Cham, that will
8 become available at an expedited rate; 72 in relation to Lon Nol;
9 62 in relation to treatment of Vietnamese; 42 in relation to
10 forced marriage; 14 Krang Ta Chan; seven 1st January Dam; one
11 Kampong Chhnang Airport; 13 in relation to S-21. Now, some of
12 them, some of those numbers relate to applications that we've
13 reviewed that may have two or more issues in them so in total the
14 Case File 003, something less than 221 applications being put
15 forward not as evidence as such but in relation to our disclosure
16 obligation and obviously a far smaller percent in relation to
17 evidence, Case File 004 in total, including Trapeang Thma Dam,
18 650 applications, but they relate, again they relate to segments
19 in the future or segments in the past.

20 [10.16.50]

21 And, as I said to Your Honours, and I understand why you need a
22 clear path, I think everyone does in relation to disclosure, we
23 can't provide complete vision because as Khieu Samphan's counsel
24 has mentioned, although we're involved in the investigations, we
25 don't control the investigations in Cases 003 and 004. It is up

1 to the Investigative Judges on who gets interviewed and when and
2 how much they need. But we believe that with this disclosure over
3 the next couple of days for the immediate segment and for all the
4 other segments within the next couple of weeks -- because we need
5 to get that authorisation from the OCIJ -- we believe that the
6 significant backlog, the backlog in relation to the disclosure
7 has been done from the Prosecution and then we're moving towards
8 this just in time system where -- and this is where we can agree
9 with the Defence, perhaps we can discuss with them -- do we
10 disclose to you once a week or do we disclose to you once every
11 two weeks when we get three statements or five statements? Would
12 you like to wait for another two weeks? That's something more of
13 a technical discussion which we would be interested in the
14 Defence's view on how they would like to receive that material.
15 Thank you.

16 [10.18.12]

17 JUDGE LAVERGNE:

18 Thank you very much for this clarification. You have provided us
19 with information with regard to the civil party applications. Do
20 you have an idea of the situation with regard to other documents
21 other than the civil party applications? I know <that it might
22 be> a bit complex <because I know that the> investigation is in
23 process, and there might be other witnesses who are still being
24 heard or who are <still, maybe> going to be heard. <But> as of
25 today, do you have an idea of the situation considering the other

1 <types of> documents, aside from the civil party applications?

2 MR. SMITH:

3 We can give you some information, Your Honours, in relation to
4 that. Firstly, I would like to say with -- just to finish off on
5 civil party applications in relation to that -- on Case File 004,
6 there's about 720 civil party applications; and on Case File 003,
7 there's about 487 civil party applications, somewhat smaller. In
8 relation to Case File 003, by and large, we've got a summary of
9 translation of them and obviously this disclosure is done on that
10 basis, and for Case File 004, we have summary translations in the
11 main but smaller number of full translations of 1200 of them. So
12 those are the 500 of course, we need to get from the VSS Unit, we
13 need to get those summary translations if any further needs to be
14 disclosing, but then that's it.

15 [10.20.13]

16 As Mr. Lysak said the other week, we've obviously, perhaps for
17 obvious reasons, we have prioritised the review of written
18 records of interview and as of last Monday -- give or take a
19 document, but this is the position -- as of last Monday, 3rd
20 August, the Prosecution has got its document that it has received
21 off its desk and we have 70 written records of interview,
22 awaiting authority from the OCIJ to disclose. We've requested
23 them and we're waiting for authority to do that. What we have
24 found, Your Honours, is that there's a far more reactivity with
25 us and the Office of the Investigative Judges now. They very much

1 understand the urgency of making sure there's no build-up or
2 backlog and so we're getting a very short turnaround. I think
3 last week we had a turnaround of four or five days to get those
4 applications approved. We hope to build on those relationships to
5 keep that going for the obvious reasons raised by the Defence.

6 [10.21.27]

7 In terms of what those, sorry, 67 written records outstanding
8 with OCIJ, three - no, no, 42, sorry 12 relate to the Cham, 14
9 relate to Vietnamese, 30 relate to Khmer Republic officials,
10 seven relate to the Vietnamese issue and we have another 23
11 relate to force marriage, one 1st January Dam, and one Tram Kak.
12 So once we get the authority to disclose -- and we'll be working
13 hard this week to ask the Investigative Judges to release that
14 material -- then our desk is clear in terms of written records of
15 interview.

16 In terms of contemporaneous document, large numbers of those
17 contemporaneous documents on 003 and 004 are very similar, if not
18 the same as contemporaneous documents in case file this trial. So
19 the one thing we can say, Your Honours, is, those cases are
20 massive and we have basically employing someone full time to
21 co-ordinate disclosure, the whole office has to be involved and
22 we would appreciate any collaborative efforts with the Defence
23 for future disclosure to work out the best and most effective way
24 to get the material to them whether they would like it every two
25 weeks or every week, what would be useful for them. Thank you.

1 [10.23.14]

2 MR. KOPPE:

3 Mr. President.

4 MR. PRESIDENT:

5 Yes, Counsel Koppe, you have the floor.

6 MR. KOPPE:

7 I have a - if you would allow me - a question for the
8 Prosecution. I understand that there's a change in policy in
9 terms of which civil party application should be put before the
10 Chamber as evidence but I presume that's not the same situation
11 with WRIs. I think it would be fair to assume that all of those
12 70 or so WRIs would be put forward to the Chamber as evidence or
13 is that not the case; I would like, if possible, an answer to
14 that question.

15 [10.24.04]

16 MR. SMITH:

17 No, that would not be the case. The policy in relation to
18 indicating which written records of interview we would be putting
19 forward in relation to 87.4 that would be, we would indicate that
20 in our motion to disclose to the Chamber, so not every written
21 record of interview that we disclose to this Trial Chamber would
22 we necessarily be asking for Rule 87.4 application, and I think
23 we would indicate that - well, we would make best effort to
24 indicate that when those written records of interview are being
25 disclosed. But the answer is yes, we would be applying a similar

1 policy to written records of interview but I think it is highly
2 likely that probably more of them would be subject of Rule 87.4
3 applications for perhaps reasons which people may understand.

4 MR. PRESIDENT:

5 Defence Counsel for Khieu Samphan, you have the floor.

6 [10.25.35]

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. I would like to make my observation
9 regarding the debate this morning on the issue of the disclosure.
10 As a matter of principle, this will have an impact on the defence
11 of my client Khieu Samphan, that is based on these continuing
12 disclosure and we're not in any clear position to know when it is
13 going to end and that is confirmed by the International Deputy
14 Co-Prosecutor in his response to Judge Lavergne's request.
15 The <continuing disclosure of> documents that we received from
16 the proceedings of investigations by the International
17 Co-Investigating Judge <in Case 003 and 004>, is not actually a
18 complete set of documents conducted by the entire OCIJ <because
19 we> all know that there are two investigative teams <>within the
20 OCIJ, <which have to prepare the documents in these
21 investigations>, and <this is a proceeding issue in which> we
22 also see the disagreement in Cases 003 and 004 by OCIJ
23 Investigating Judges. And the disclosure by the OCP falls into a
24 similar fashion as the disclosure is initiated only by the
25 International Co-Prosecutor and not at the initiation by the

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1 entire representation of the OCP. Thus it is clear that we can
2 see a pattern of disagreement in the investigative process in
3 Cases 003 and 004 and as a result, some of those documents are
4 part of the disclosure for Case 002.

5 [10.27.54]

6 I have heard the Deputy <International> Co-Prosecutor on the
7 issue of those disclosures that they will disclose all kinds of
8 documents whether they are <inculpatory or exculpatory documents.
9 This is a good point and it is the obligation of Co-Prosecutor>.
10 However, from what we can see, they're all inculpatory evidence
11 so far, so this is an illustrative of a negative point in terms
12 of <>defending rights of my client Khieu Samphan according to the
13 applicable law and <trial> procedures. It is therefore my humble
14 request to the Chamber that the Chamber shall determine a
15 deadline for the disclosure of documents <>initiated<> by the
16 International Co-Prosecutor from Cases 003 and 004, <which are
17 used for Case 002>. This will minimise its impact on the defence
18 of my client Khieu Samphan, in addition it will avoid the
19 complexity of dealing with <the proceedings of> the continuing
20 disclosure of documents by the International Co-Prosecutor. The
21 <additional> disclosure <of documents> is within the limit of the
22 Co-Prosecutors but it does not apply to <the defence team>. Thank
23 you.

24 [10.29.55]

25 MR. PRESIDENT:

1 The Chamber will adjourn this morning's proceedings now and we
2 will resume this afternoon at 1.30, and at that time we will hear
3 testimony of a witness 2-TCW-881 and this information is for all
4 concerned parties and the general public. <Please be informed and
5 be on time.>

6 Security personnel, you are instructed to take Khieu Samphan to
7 the waiting room downstairs and have him returned to attend the
8 proceedings this afternoon before 1.30.

9 The Court is now in recess.

10 (Court recesses from 1030H to 1329H)

11 MR. PRESIDENT:

12 Please be seated. The Chamber is back in session.

13 The Chamber has already informed the Parties that the Chamber
14 will hear 2-TCW-881 this afternoon in relation to Trapeang Thma
15 Dam worksite, and <> after hearing this witness, the Chamber will
16 continue to hear <2-TCW-889>. And the Chamber will make its
17 announcement about other witnesses to testify before this Court
18 at the end of the session today.

19 Now, Court officers, you are instructed to invite 2-TCW-881 into
20 the courtroom.

21 Judge Lavergne, you have the floor.

22 [13.31.37]

23 JUDGE LAVERGNE:

24 Thank you, Mr. President. <I believe that I heard> that we,
25 <following this,> were going to hear <from witness> 2-TCW-289.

40

1 But I believe that the next witness will be 2-TCW-889.

2 (Short pause)

3 [13.32.28]

4 QUESTIONING BY THE PRESIDENT:

5 Q. Good afternoon, Mr. Witness. What is your name?

6 MR. KAN THORL:

7 A. Kan Thorl.

8 THE KHMER INTERPRETER:

9 Mic is not activated, Mr. President.

10 BY THE PRESIDENT:

11 Q. When were you born, Mr. Witness? Please wait, Mr. Witness.

12 Please observe the microphone. You can provide your answer after
13 you see the red light on the tip of your microphone.

14 MR. KAN THORL:

15 A. I was born in 1958.

16 [13.33.11]

17 Q. What is your current occupation?

18 Please wait for the microphone to go on before you speak.

19 A. I am a rice farmer.

20 Q. What are your parents' name?

21 A. My father's name is Nak Sam-An and my mother's Thon Pan.

22 Q. What about your wife, what is her name? And how many children
23 do you have together?

24 A. My wife's name is Taing Salam. We have four children.

25 [13.34.18]

1 Q. Thank you, Mr. Witness. To your best knowledge, do you have
2 relationship <by blood or by law to any of> the two Accused: Nuon
3 Chea and Khieu Samphan, and that of the Civil Parties admitted to
4 this Case <002>?

5 A. No.

6 Q. Have you already taken an oath before you appear in this
7 courtroom?

8 A. Yes, I have already taken an oath.

9 [13.35.11]

10 Q. Thank you. The Chamber would like to inform <you about> your
11 rights and obligation.

12 As a witness in the proceedings before the Chamber, you may
13 refuse to respond to any question or to make any comment which
14 may incriminate you -- your rights against self-incrimination.
15 Your obligations: As a witness in the proceeding before the
16 Chamber, you must respond to all questions by the Bench or
17 relevant Parties, except where your response or comments to those
18 questions may incriminate you as the Chamber has just informed
19 you of your rights as a witness.

20 You must tell the truth that you have known, heard, seen,
21 remembered, experienced, or observed directly about an event or
22 occurrence relevant to the questions that the Bench or Parties
23 pose to you. Do you understand, Mr. Witness?

24 A. Yes.

25 [13.36.55]

1 Q. Mr. Witness, have you ever provided an interview to any
2 investigators of the OCIJ? If yes, how many times did it take
3 place? <When and where did it take place?>

4 A. I was interviewed once at Paoy Snuol village.

5 Q. Thank you. Before you appear in this courtroom, have you
6 reviewed or read the written record of the interview that you
7 provided to the investigator of the OCIJ <to refresh your
8 memory>?

9 A. Yes, I have read it already.

10 Q. To your best knowledge, could you tell the Court whether the
11 written records of the interview <is correct and consistent as
12 well as> reflects what you provided to the investigator of the
13 OCIJ?

14 A. Yes, it is consistent.

15 MR. PRESIDENT:

16 Under Internal Rule 91bis of the ECCC <Internal Rules>, the floor
17 is now given to the Co-Prosecutor first before other Parties <to
18 put questions to Mr. Kan Thorl>. And the combined time for the
19 Co-Prosecutors and Lead Co-Lawyers for civil parties is the whole
20 afternoon today.

21 You may now proceed, Co-Prosecutor.

22 [13.39.05]

23 QUESTIONING BY MR. SENG LEANG:

24 Good afternoon, Mr. President, Your Honours, everyone in and
25 around the courtroom <this afternoon>. Good afternoon, Mr.

1 Witness. My name is Seng Leang. I am the National Deputy
2 Co-Prosecutor <from the Office of Co-Prosecutors>. I have some
3 questions on three topics today and I need your clarification for
4 the Chamber. The first topic I would like to explore is about
5 your background before and after 1975. The second topic is about
6 your work and function at Trapeang Thma worksite. And I will
7 explore more concerning working conditions at Trapeang Thma
8 worksite. And after my turn, my international colleagues will
9 have some questions for you as well.

10 Q. My first question: Can you tell the Court where you were born
11 and when you were born?

12 MR. KAN THORL:

13 A. I was born in Trapeang Thma Kandal village in 1958.

14 [13.40.55]

15 Q. Thank you. When did you join the resistance, I mean the Khmer
16 Rouge resistance?

17 A. No, I did not join any Khmer Rouge resistance.

18 Q. Immediately after 1975, what did you do and where was your
19 work place?

20 A. After 1975, I was part of a mobile unit.

21 Q. Where was your mobile unit stationed?

22 A. I was working in a mobile unit at the district level.

23 Q. What was the district? What was its name?

24 A. I was in a mobile unit and I had to work in different places
25 until Serei Saophoan district.

1 Q. What was your mobile unit's name?

2 A. Could you repeat your question?

3 [13.42.37]

4 Q. You told the Court that you were working in a mobile unit at
5 the district level. In which district were you in?

6 A. It was in Phnum Srok district.

7 Q. Can you tell the Court what did you do in that mobile unit?

8 A. First, I was assigned to work in a mobile unit. I did nothing
9 in that mobile unit. I was on a mobile.

10 Q. What was your position or function in that mobile unit?

11 A. Later on, I was the deputy chief of a platoon.

12 Q. Please give your response to my specific answer. I am not
13 asking you about the time that you were working at Trapeang Thma
14 worksite. I would like to know about the time when you were
15 working in a mobile unit <in Phnum Srok district>, what was your
16 position or function in that mobile unit?

17 A. When I was part of a mobile unit <in Phnum Srok district>, I
18 held no position.

19 [13.44.25]

20 Q. I would like to backtrack a little bit and I need your
21 clarification. Were you a base person or were you a new person?

22 A. I was a base person.

23 Q. Now I would like to ask about the time when you were in a
24 mobile unit. How many members were there in your mobile unit <in
25 Phnum Srok district>?

45

1 A. First, there were about 100 members in that unit.

2 Q. You stated that initially there were about 100 members in your
3 unit. And later on, how many were there in your unit?

4 A. Later on, the <>members was reduced to <70> people.

5 [13.45.45]

6 Q. You stated that later on there were only 70 members in your
7 mobile unit. Where did the 30 other members go?

8 A. Some of them came back to the local area or the base area and
9 some who were sick were referred to hospital.

10 Q. Why did they run away from that mobile unit?

11 MR. PRESIDENT:

12 You may now proceed, counsel for Mr. Khieu Samphan.

13 MS. GUISSSE:

14 (No interpretation)

15 <Thank you Mr. President. I think that, in French, there was a
16 problem with the translation because the figures do not make
17 sense.>

18 Could we ask the Prosecutor to ask the question again <so that we
19 may be presented with coherent figures?> In French we heard
20 <that> the witness said that they were only 30 <in the end> and
21 <therefore the question from the Prosecutor on the figure 70 was
22 not clear to us. Could we come back to that specific point, for
23 the translation>?

24 [13.47.19]

25 MR. PRESIDENT:

1 You may now proceed.

2 BY MR. SENG LEANG:

3 I heard the translation in English, it's 30 as well.

4 Q. Mr. Witness, can you tell the Court -- you first stated that
5 there were 100 members in your unit at the outset, and later on,
6 only 70 members remained in that unit; is that correct?

7 MR. KHAN THORL:

8 A. Later on, there were only 70 members in my unit.

9 Q. Mr. President, I would like to go back to my question I put
10 earlier. I would like to know, where did the 30 member go, what
11 happened?

12 A. Among the 30 member disappeared, some of them went back to the
13 base area, <to their village and commune> and some other were
14 hospitalised.

15 [13.48.38]

16 Q. Can you tell the Court why did people flee the mobile unit?

17 A. Because the mobile unit needed to move to work in a faraway
18 place from the birth village. And they had to sleep in the rain.

19 Q. What about you, did you voluntarily join the mobile unit or
20 were you required to work in that mobile unit?

21 A. I was required to be part of that mobile unit.

22 Q. You stated that they required you to be part of that mobile
23 unit. Why did you not refuse?

24 A. I <dared not> refuse the assignment.

25 Q. Why?

1 A. I was afraid of them.

2 [13.50.15]

3 Q. What were you afraid of? <Could you be more specific?>

4 A. I was afraid of their regulations and their treatment against
5 me.

6 Q. What do you mean by saying I was afraid of the regulation and
7 the treatments against you? Could you tell the Court precisely?

8 MR. PRESIDENT:

9 Mr. Witness, please wait for the microphone to go on before you
10 give your response. Could you repeat your answer please?

11 A. I was afraid that I would be taken away and killed.

12 BY MR. SENG LEANG:

13 Thank you, Mr. Witness. I would like now to ask you about the
14 work at Trapeang Thma worksite. Did you ever participate in
15 Trapeang Thma construction?

16 [13.51.36]

17 MR. KHAN THORL:

18 A. Yes, I myself participated in the construction of Trapeang
19 Thma.

20 Q. Where was Trapeang Thma construction site, what <zone or>
21 sector was it in?

22 A. It was situated in Trapeang Thma village, Paoy Char
23 sub-district, Phnum Srok district, Battambang province in Sector
24 5, Northwest Zone.

25 Q. Thank you, Mr. Witness. When did the construction start?

1 A. It started on 14 of February 1977.

2 Q. Thank you. When did you start work at that Trapeang Thma
3 worksite?

4 A. I started work on the 14 of February 1977.

5 Q. When the construction site was inaugurated, did any ceremony
6 hold at that place?

7 [13.53.42]

8 A. The <assembly> was held at that time, during the inauguration.

9 Q. Did you know anyone who participated in the construction with
10 you?

11 A. Yes.

12 Q. What were their names?

13 A. Yes. Soeu <Sam> (phonetic).

14 Q. Do you know who chaired the inauguration <assembly>?

15 A. Yes.

16 Q. Could you tell the name? And who was this person? Could you
17 repeat your response, what was that person's name?

18 A. Ta Nhim was the one who chaired the <assembly>.

19 Q. What did Ta Nhim say at that time in the <assembly>?

20 A. He stated that the workforce at Trapeang Thma worksite, there
21 were about 15,000 of them working there.

22 Q. When you started work at Trapeang Thma worksite, did you still
23 remain in the same mobile unit or were you relocated into another
24 unit?

25 [13.56.14]

1 A. First, I was on a mobile basis in the cooperatives.

2 Q. You stated, initially, that you were part of a mobile unit in
3 Phnum Srok district. After you had been relocated to work at
4 Trapeang Thma construction site, did you still remain in the same
5 mobile unit or were you relocated into another unit?

6 A. After I was stationed in the district, I <came back> to work
7 in a cooperative.

8 Q. So does it mean that you stopped being part of the mobile unit
9 at Phnum Srok district <when you came to work in the cooperative
10 at Trapeang Thma worksite>; is that true?

11 A. At that time, my members in the whole mobile unit were
12 relocated to work in a cooperative and we were required to build
13 Trapeang Thma Dam.

14 Q. Could you tell the Court <>when the construction ended?
15 [13.58.16]

16 A. Trapeang Thma construction site ended in 1977.

17 Q. What about you, when did you stop working at that worksite?
18 Did you stop working there before the construction ended or after
19 it ended?

20 A. After the completion of Trapeang Thma Dam, I was required to
21 dig a canal starting from Trapeang Thma Dam to Kouk Rumchek
22 village.

23 Q. Could you tell the Court, after the construction completed,
24 was there any ceremony held at that time?

25 A. No.

1 Q. Could you tell the Court the size <and the length> of Trapeang
2 Thma Dam?

3 A. <The> base of Trapeang Thma Dam was <18> to <20> metre wide
4 and the crest of the dam was 10 <>metre wide.

5 Q. Could you tell the Court about the people who were working in
6 that Trapeang Thma construction site, where were they from?

7 A. The workers who participated in the construction were gathered
8 from Sector <5 in which there were four districts including>
9 Preah Netr Preah, Serei Saophoan, Thma Puok, and Phnum Srok
10 districts.

11 [14.01.04]

12 Q. Were there any female, male workers as well as children in
13 that construction site?

14 A. There were middle-age workers, youth, male, female, and also
15 adolescent.

16 Q. Regarding adolescent, what was their age range?

17 A. Their age ranged from 15 to 18 years old.

18 Q. Were there many of them in the worksite compared to the total
19 workers in that construction worksite?

20 A. Not many of them working in that construction site.

21 Q. Now I have a few questions concerning the working conditions.

22 Can you tell the Court when you were working at the Trapeang Thma
23 Dam, what was your role at the time?

24 [14.03.08]

25 A. At the time, I was the deputy chief of a <platoon>.

1 Q. How many people under your supervision at that time?

2 A. There were 30 people.

3 Q. How did you divide tasks among people under your supervision?

4 A. As for the labour division, in the morning we would <go to
5 work>.

6 Q. Can you elaborate it a little further, among the 30 people
7 whom you allocated the task to them, how did you divide the task
8 for them; <were they divided in groups>?

9 A. <Amongst 30 members, we> divided them into three different
10 groups.

11 Q. Can you expand a little further as to what their individual
12 responsibility was at that time?

13 A. One of my subordinate was the cook in the kitchen and the
14 other one was the one who went out to catch fish to prepare food.

15 Q. How about others?

16 [14.05.22]

17 A. The rest were tasked to carry earth.

18 Q. In your position as the deputy chief of the <platoon>, can you
19 tell the Court about your role and responsibility in supervising
20 your subordinates within your <platoon>?

21 A. Could you please repeat your question, Mr. Prosecutor?

22 Q. You say that you were the <deputy> chief of the <platoon>. So
23 in that capacity, could you tell the Court your role and
24 responsibilities in supervising your team members or your
25 <platoon> members; what were your role and responsibilities then?

1 A. In a capacity as the deputy chief, generally in the morning,
2 we had to lead the <platoon> members to carry earth together. And
3 we had to supervise them <and to notice how many of them were
4 sick.>

5 [14.06.52]

6 Q. Did you yourself participate in carrying earth with your
7 <platoon> members?

8 A. Yes, I did.

9 Q. So within your <platoon> of 30 members, did they recruit
10 themselves to work at Trapeang Thma, in other words, did they
11 volunteer themselves to work at Trapeang Thma worksite or how did
12 they come to work over there?

13 A. <They were> assigned by the <upper echelon>.

14 Q. Did they have the right or were they allowed to protest if
15 they, for example, did not want to go?

16 A. No.

17 Q. In the exercise of carrying the earth over there, did you
18 provide them any supplies, any tools to do the job? If so, what
19 were they?

20 A. <We> provided certain materials to them. For example, we
21 provided them a hoe, a mosquito net, and the earth-carrying
22 basket.

23 Q. Was it mechanised at that time, in other words, did you
24 provide them any machinery?

25 [14.09.03]

1 A. At the beginning of course, there were some. There were five
2 <units of> machinery.

3 Q. What were they for?

4 A. They were for clearing the bushes in the area where we had to
5 build that <>dam.

6 Q. So it means, if I understand correctly, those machinery was
7 not for your <platoon> actually; is that correct?

8 A. No, they were not for our <platoon>.

9 Q. In carrying earth to build the Trapeang Thma Dam, did they
10 <set> any quota for your <platoon; how many cubic metre of soil
11 did each person have to carry per day>?

12 A. We had to accomplish three cubic metres of earth within a day
13 per person.

14 [14.10.26]

15 Q. So in this <three cubic metre> quota, was it imposed by you or
16 by your <upper echelon>?

17 A. It was decided upon by the upper echelon.

18 Q. Did they consult with the people that three cubic metre quota
19 is reasonable for people to accomplish for the day?

20 A. No, not at all.

21 Q. In your observation when your <platoon> members were working
22 there, how many per cent of the entire <platoon> members could
23 accomplish three cubic metres per day?

24 A. At the earlier stage, when <they> had to dig only the upper
25 layer of soil and the dam was still low, <80 per cent of them>

1 could accomplish it. <>

2 Q. So could you tell us the approximate percentage of people who
3 could accomplish it when <soil was> dug deeper and then the
4 height of the dam got higher?

5 A. Only up to 20 or 30 percent of the entire <platoon> members
6 could achieve the quota imposed.

7 Q. So what was the plan then, once the upper echelon learned that
8 only 20 to 30 percent could accomplish the plan or the quota
9 imposed?

10 [14.12.45]

11 A. The upper echelon summoned the head of <platoon> to reiterate
12 his commitment that he had to try to achieve the quota imposed.

13 Q. How did you know that?

14 A. When we were called to attend the meeting.

15 Q. Do you recall what your <platoon> head responded at the time?

16 A. At the time, the <platoon> head dared not protest at all. He
17 accepted whatever he was asked to do.

18 [14.13.52]

19 Q. So upon his return from the meeting, how would he delegate the
20 task or assign the task to his <platoon> members in order to
21 accomplish this quota?

22 A. Upon his return from the meeting, he would call for meeting
23 among <platoon> members and they had to make a commitment
24 altogether to accomplish this target.

25 Q. So following the commitment, were there still members who

1 could not accomplish this target?

2 A. Yes, there still were some who could not accomplish it.

3 Q. Who were in the position to monitor whether or not the members
4 accomplish the target set?

5 A. It was the regiment chief.

6 Q. Do you recall his name?

7 A. Yes, I do.

8 [14.15.36]

9 Q. So what happened <if they found out that> following the
10 commitment, then certain members could not achieve the target
11 set, what would happen to those people?

12 A. Once they could not achieve the target set, at the times, they
13 did not penalise the members but they would call those people to
14 self-criticize session or refashion <again and again>.

15 Q. Can you please expand on that a little bit, how did they do it
16 in the self-criticism sessions and refashion session?

17 A. For self-criticism and refashion session, they commented that
18 the reason why we could not accomplish the target set was due to
19 our <sluggishness,> laziness and our commitment. We did not have
20 a firm commitment to accomplish this task.

21 [14.16.58]

22 Q. So when people were criticized for being lazy, did you know
23 whether or not <> any measures <were taken afterwards> in order
24 to correct this situation?

25 A. No, I never saw any things like that.

1 Q. Thank you, Mr. Witness, I have only the last few questions.

2 I'd like you to tell the Court about the working hours, how many
3 hours did they have to work at the time?

4 A. In the morning, we had to get to the worksite at 7 a.m., and
5 then broke for lunch at 11 a.m., and then we resumed work at 1
6 p.m., and we finished the work for the day at 5 p.m.

7 Q. How about at night, were they required to work at night?

8 [14.18.21]

9 A. Sometimes, they were required to work at night too.

10 Q. So how many hours did they have to work and what time did they
11 start and what time did they finish?

12 A. From 7 p.m., in the evening till 10 at night.

13 Q. Thank you. Were there any instances when there was some
14 urgency which required your members to work beyond 10.00 p.m. in
15 the evening?

16 A. Yes, there were.

17 Q. Can you expand it further on that, <from what time to> what
18 time were they required to work in such instance?

19 A. When we were about to <be on an offensive and to> finish the
20 project, we had to carry earth the whole day and 24 hours
21 actually around the clock. But there were four shifts; from 7
22 <p.m.> to 10 <p.m.> and then from 10 <p.m.> to 1 <a.m.>, from 1
23 a.m. to 3 a.m. and from 3.00 to 5.00 early in the morning.

24 Q. How long did this particular task last?

25 A. It did not last long actually. It took only five days to

1 complete this.

2 [14.20.28]

3 Q. Did you work consecutively and continuously over five days'
4 period?

5 A. Yes, we worked five days in a row until we completed the task.

6 Q. So are you telling the Court that during this five-day period,
7 workers had to work both day and night?

8 A. Yes.

9 Q. How about your <unit> members, the overall conditions for
10 them, <could they struggle to> work five days in a row <easily or
11 painfully>?

12 A. Well, some members could not <endure> it and they fell asleep
13 over there <in the pit> at the site.

14 Q. How about the female members and the teenagers?

15 [14.21.53]

16 A. For teenagers, they were not required to do as the adult.

17 Q. How about the female members?

18 A. For females, they had to take turn as well. They had to be in
19 the shift too.

20 Q. I have one last question. When you were working there, did you
21 have the freedom to roam around or to go anywhere you wished to
22 go, for example, to visit your house?

23 A. No, I was not allowed to do so.

24 Q. When you were working there, were you under surveillance, was
25 there anybody guarding you working?

1 A. Yes. At night there were <>militiamen who would monitor our
2 movement.

3 Q. Were they armed?

4 A. Some were armed, others were not.

5 MR. SENG LEANG:

6 Thank you, Mr. Witness. And thank you very much, Mr. President. I
7 have no further questions. I would like to cede the floor to my
8 international colleague.

9 MR. PRESIDENT:

10 Yes, International Prosecutor, you may proceed.

11 [14.23.36]

12 QUESTIONING BY MR. BOYLE:

13 Good afternoon to the Judges, counsel. Good afternoon, Mr.
14 Witness. I have a few more questions in regard to the working
15 conditions, follow on from my national colleague.

16 Q. Did you ever hear of the Trapeang Thma Dam worksite being
17 referred to as a hot battlefield?

18 MR. KHAN THORL:

19 A. Could you please repeat your question?

20 Q. Certainly. Did you ever hear of the Trapeang Thma Dam worksite
21 being referred to as a hot battlefield?

22 [14.24.36]

23 A. Yes, I have.

24 Q. And where did you hear that?

25 A. I heard from the word of mouth actually. People talked from

1 one to another that Trapeang Thma <was> the hot battlefield.

2 Q. And what did you understand that to mean when you heard it?

3 A. My understanding was that that place <was> a very big
4 battlefield<>.

5 Q. And I know you mentioned earlier that the Trapeang Thma Dam
6 was completed in 1977. Do you remember which month it was
7 completed in?

8 A. The dam was completed in April 1977, just a little before the
9 Khmer New Year.

10 Q. I believe you stated earlier that it began being built in
11 February of 1977. So you're saying it was constructed between
12 February and April of 1977?

13 A. Yes.

14 [14.27.01]

15 Q. And while you were working on the dam, were you ever told of
16 the date by which the leadership wanted the dam to be completed
17 by?

18 A. Well, I heard from others that we had to complete it before
19 Khmer New Year.

20 Q. And do you know who it was who instructed that it needed to be
21 completed before Khmer New Year?

22 A. He was Ta Val.

23 Q. And who was Ta Val?

24 A. Ta Val was the commander in charge of Trapeang Thma
25 construction site.

1 Q. And do you know why it had to be completed before the Khmer
2 New Year?

3 [14.28.39]

4 A. That I do not know.

5 Q. Do you ever remember -- do you remember ever seeing people get
6 sick at the worksite?

7 A. Yes, I do.

8 Q. And what types of illnesses do you remember people having or
9 what types of symptoms?

10 A. They normally suffered from diarrhoea and some fevers.

11 Q. And at that time, did you have any understanding of why they
12 were getting fevers or diarrhoea?

13 A. The reason being was that they had to work under the direct
14 sunlight and they ate the food without proper hygiene.

15 Q. Why do you say that the food did not have proper hygiene, what
16 was unhygienic about the food?

17 A. There were many flies during that time.

18 Q. And why did the presence of many flies make the food
19 unhygienic?

20 A. When we came to have our meal, we could see our meal was
21 roamed around by flies.

22 Q. Do you remember on average how many people would get sick
23 every day or be sick every day?

24 A. I knew only what happened in my platoon; two, three or five of
25 them got sick per day.

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1 [14.31.39]

2 Q. And when people got sick, were they given any medicine?

3 A. No.

4 Q. So if someone got sick, how did they recover?

5 A. Some workers got recovered because they used traditional
6 medicines.

7 Q. And who would give them the traditional medicines?

8 A. There was a medic within <each> mobile unit.

9 Q. And from your position at the time, did the medic appear
10 knowledgeable in medicine?

11 A. No. There were only rabbit <like-dropping> pellets.

12 Q. The medic that provided the rabbit dropping pellets, did that
13 person seem to have or appear to have knowledge of medicine?

14 [14.33.37]

15 MR. KOPPE:

16 Mr. President?

17 MR. PRESIDENT:

18 You may now proceed, Mr. Koppe.

19 MR. KOPPE:

20 Thank you, Mr. President. I object to this question. Unless this
21 witness has some personal relationship with this particular
22 medic, had had conversations with him about his professional
23 background or medical background, then the witness might be able
24 to give an answer to that question. But that has to be
25 established first. Not just off-the-cuff asking this witness

1 whether somebody had some medical background, is a question that
2 this witness couldn't answer.

3 MR. BOYLE:

4 Mr. President, I can ask couple of background--

5 MR. PRESIDENT:

6 You may now proceed, Co-Prosecutor.

7 [14.34.29]

8 BY MR. BOYLE:

9 Sorry. I can ask a couple of background questions before that.

10 Q. Mr. Witness, did you ever see one of the medics administer or
11 provide the rabbit dropping pellets to anyone who was sick?

12 MR. KHAN THORL:

13 A. Yes.

14 Q. And did you ever talk to this medic or the medic that you saw
15 provide the medicine?

16 A. Yes, I talked to them.

17 Q. And what can you tell us about their experience or their
18 training in medicine?

19 [14.35.33]

20 A. I do not know about that.

21 MR. BOYLE:

22 Mr. President, with your leave now, I'd like to read a portion of
23 the witness' statement that he provided to the Investigating
24 Judges to see if I can refresh his memory?

25 MR. PRESIDENT:

1 You can do so, Mr. Co-Prosecutor.

2 BY MR. BOYLE:

3 This is a statement, E3/7803 at English ERN, 00277822; Khmer,
4 00267755; and French, 00486084. And this is what it says: "Medics
5 came to provide treatment but there was no good medicine, just
6 rabbit pellet medicine. The medics had no knowledge or
7 experience. Some were illiterate. For instance, the medic Thmaol
8 who was stationed at the company to treat the people could not
9 read a single letter of the alphabet." Mr. Witness, hearing that
10 does that refresh your memory, as to your perception of the
11 qualifications of the medics?

12 [14.37.11]

13 MR. KHAN THORL:

14 A. It is true what you have just read.

15 Q. Was there water available to drink at the construction site?

16 A. At the outset, there was enough <water> for us to drink.

17 Q. Sorry, I think there was a mix-up in the translation. Was
18 there water available for you to drink at the worksite?

19 A. At the outset, there was enough water for us to drink. Later
20 on, after the completion of Trapeang Thma Dam, we went to build
21 another dam. And at that place, there was not enough water to
22 drink.

23 Q. At the Trapeang Thma Dam, do you know where the water that you
24 would drink would come from?

25 [14.38.44]

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1 A. The water originated from a stream nearby.

2 Q. Do you know if it was purified in any way to make it drinkable
3 before it was provided to you?

4 A. No.

5 MR. PRESIDENT:

6 Thank you, Mr. Deputy Co-Prosecutor. It is now convenient time
7 for a short break. The Chamber will take a short break from now
8 until 3 o'clock. <Please be back in the courtroom.>

9 Court officer, please find a proper place for this witness during
10 the break time. And please invite him back into the courtroom at
11 3 p.m.

12 The Court is now in recess.

13 (Court recesses from 1439H to 1500H)

14 MR. PRESIDENT:

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

16 The Chamber announces the ruling on the application by the civil
17 party Lead Co-Lawyers. Last Friday, Lead Co-Lawyers for the civil
18 parties filed a list of civil parties who will testify during the
19 hearing on sufferings relating to the worksites, document
20 E315/1/3.1. They now request to file a revised list within two
21 weeks. They submit that they need additional time to consider the
22 Co-Prosecutors' disclosure of several hundred civil party
23 applications from Case 003 and 004 related to Trapeang Thma Dam
24 expected this week and whether this will require them to amend
25 the list filed. None of the other parties object to this request.

1 Although information contained in civil party applications in
2 Cases 003 and 004 have limited relevance, as only individuals who
3 are civil parties in Case 002 can be selected to appear during
4 the impact hearing, the Chamber, nonetheless, considers that the
5 revision of the list in two weeks' time is appropriate in the
6 current circumstances to preserve the current victims' rights to
7 participate in the trial. Considering the impact hearings and key
8 documents hearings are tentatively scheduled for the first week
9 of September, the list will be finalised in advance of the
10 hearings and provide the Parties and Chamber sufficient advanced
11 notice to prepare. The Lead Co-Lawyers' request is therefore
12 granted and a revised list of civil parties is to be filed by the
13 24th August 2015.

14 Mr. Prosecutor, you may now resume your line of questioning with
15 the witness in question.

16 [15.03.46]

17 BY MR. BOYLE:

18 Thank you very much, Mr. President. Witness, right before the
19 break I had asked you about whether the water -- whether you knew
20 that the water that you were drinking from the stream was
21 purified before it was given to you. And the answer I heard was
22 no, but it wasn't clear to me if you didn't know or if it wasn't
23 purified, so can you please tell us whether you know if the water
24 was purified before it was given to you to drink?

25 MR. KHAN THORL:

1 A. That I do not know whether the water was purified or not.

2 [15.04.42]

3 Q. Thank you. Did you ever attend any meetings while you were
4 working at the Trapeang Thma worksite?

5 A. Yes, I did, but I only attended the lower level meetings.

6 Q. And what do you mean when you say, lower level meetings; who
7 would participate in these meetings?

8 A. Only the battalion chief down to the lower level.

9 Q. And does that mean there were other types of meetings for more
10 senior people that you were aware of?

11 A. That I do not know.

12 Q. And what would be discussed at the meetings that you attended?

13 A. Those meetings I attended were about strengthening the
14 activities of building the dam and intensify our activities in
15 completing the construction of the dam.

16 [15.06.45]

17 Q. Who would talk at these meetings?

18 A. The battalion chief.

19 Q. And do you remember the battalion chief's name?

20 A. Yes I do.

21 Q. Can you please say what it is?

22 A. He was a man by the name Run.

23 Q. And how often would these meetings be held?

24 A. Once every week or 10 days.

25 Q. And in your position as deputy platoon chief, did you

1 communicate the information that you learned at the meeting to
2 anyone else?

3 [15.08.18]

4 A. Upon returning from the meeting I was obliged to call the
5 members under my supervision to attend <>information
6 dissemination session.

7 Q. And what would you say at these information dissemination
8 sessions?

9 A. I talked them about the issue concerning the discipline and
10 the vision <of Angkar> and management of tasks.

11 Q. Did the battalion chief, when he was leading meetings, ever
12 say where he got his information from that he was providing to
13 you?

14 [15.09.34]

15 A. He said he received from the headquarters.

16 Q. And what did you understand the headquarters to mean?

17 A. Actually it was from the commander in charge of the Trapeang
18 Thma Dam.

19 Q. And who was that person?

20 A. He was Ta Val.

21 Q. You mentioned that one of the topics that was discussed, was
22 discipline. What did you mean by discipline?

23 A. By discipline I meant we had to respect the working hours, we
24 had to come to the worksite on time and leave it on time as well.

25 Q. Did they ever discuss in the meetings what would occur if you

1 didn't come to work on time or otherwise not respect the
2 discipline?

3 A. Yes, they did discuss that. If anybody failed to abide by the
4 disciplinary rules, their food ration, or their ration in general
5 would be reduced.

6 [15.11.44]

7 Q. Do you know how much it would be reduced?

8 A. First 20%, by 20%.

9 Q. You said that's first. Would it be reduced by more if there
10 were additional instances of not respecting discipline?

11 A. Yes.

12 Q. How much would it be reduced the second time?

13 A. It would be reduced by 50%.

14 Q. And how about the third time?

15 [15.13.07]

16 A. That I do not know.

17 Q. Was it only, not arriving on time for work, that was
18 considered an infraction for which your food would be reduced, or
19 were there other things that a person might do that would result
20 in them having their food reduced?

21 A. Yes, there were some who reported that they were sick and they
22 could not come to work, but actually they went and did something
23 else. <So, their food ration would be reduced as well.>

24 Q. Were there any other sorts of penalties that you were aware of
25 other than having food reduced?

1 A. No, I never saw it.

2 Q. Did you know of any people who had their food reduced?

3 A. Yes, I did. But I do not recall their names.

4 Q. And the people that you knew, what were the violations that
5 they were accused of?

6 A. They accused them of being conscious illness, something like
7 that.

8 Q. Do you know what that meant, to have a conscious illness?

9 [15.15.46]

10 A. To call a spade a spade, those people pretended, for example,
11 to be sick.

12 Q. Were you ever aware of any visitors coming to see the Trapeang
13 Thma worksite?

14 A. Yes, I did.

15 Q. Can you please tell us who you saw visit the worksite?

16 A. It was the man by the name of Ta Nhim.

17 Q. And who was Ta Nhim?

18 [15.17.02]

19 A. He was the chairman of the Northwest Zone.

20 Q. How many times did you see him visit the site?

21 A. I saw him visit the site three times.

22 Q. And when he came was he alone or was he with other visitors?

23 A. He came with other people as well, every time he came there
24 were three cars coming with him.

25 Q. Do you remember the approximate dates of when he visited the

1 dam worksite, the three times that you saw him?

2 A. That I do not recall.

3 Q. And do you know of who else was with him when he visited the
4 dam worksite on any of the occasions?

5 A. I do not recall and I did not know any of them.

6 Q. Did you remember seeing anyone else from the upper level come
7 to visit the dam worksite, or learning about others for the upper
8 level coming to visit the dam worksite?

9 A. I also saw once the Chinese leaders came to visit the site
10 too.

11 [15.19.38]

12 Q. I'll ask you about that in a moment. First I'd like to read
13 you a section from your written record of interview, to see if it
14 refreshes your memory of other people that you might have seen
15 visit the worksite. This is at English, 00277822 to 3; French,
16 00486084; and Khmer, 00267756; and you say: "I saw upper level
17 come down to inspect. The most senior were Ta Nhim, the Northwest
18 Zone commander, Ta Khleung the Deputy Northwest Zone commander,
19 Hoeng, the Sector 5 commander stationed at Trapeang Thma Dam
20 construction site who inspected frequently, every week or two,
21 and Ta Val who was stationed at the Trapeang Thma Dam
22 construction site both morning and afternoon." Does that refresh
23 your memory in regards that you also saw Ta Khleung and Hoeng also
24 visit the worksite?

25 A. Yes, that is correct.

1 [15.21.13]

2 Q. How many times did you see Ta Khheng visit the worksite?

3 A. I saw him only once.

4 Q. And how did you know that it was Ta Khheng?

5 A. At the inauguration or the opening of the construction site,
6 Ta Nhim who delivered <a speech at> the opening at that ceremony,
7 he mentioned that this was Ta Khheng, and he was <his deputy>.

8 Q. How many times did you see Hoeng visit the worksite?

9 A. Hoeng, Hoeng came to the site often. Sometimes once a week,
10 once every fortnight.

11 Q. When Ros Nhim came to visit the three times, what would he do
12 on his visits?

13 A. He drove the car and then he stopped by <>and he visited <>the
14 workers <who were digging soil and he asked whether> the earth
15 was <tough and how many cubic metre we could carry the soil per
16 day.>.

17 Q. And when Hoeng would visit the worksite and Ta Val would visit
18 the worksite -- sorry we'll just start with Hoeng. When Hoeng
19 would visit the worksite, what would he do while he was there?

20 [15.23.52]

21 A. I saw Ta Hoeng there but he did not do anything specific, he
22 only walked on the dam and then he looked here and there, that
23 was it.

24 Q. Would you be told in advance when Ros Nhim was coming to visit
25 the worksite?

1 A. Yes, they <informed us in advance>.

2 Q. And would any special preparations be made when Ros Nhim was
3 visiting the worksite?

4 A. That I do not know.

5 Q. Were you ever aware of a time when the Trapeang Thma Dam
6 worksite came under the control of the Southwest Zone?

7 A. From late 1977 onwards.

8 [15.25.17]

9 Q. And how did you become aware that it had come under the
10 control of the Southwest Zone?

11 A. I do not know.

12 Q. Were you aware of any changes when the Southwest Zone took
13 control of the worksite?

14 A. I only knew that once the Southwest Zone <cadres> came to take
15 over those who were from the Northwest Zone disappeared, they
16 were no longer there.

17 [15.26.34]

18 Q. Do you know why they disappeared?

19 A. I do not know.

20 Q. Did your living conditions get worse, or better, or stay the
21 same when the Southwest Zone took over?

22 MR. PRESIDENT:

23 Counsel Koppe, you may proceed.

24 [15.27.12]

25 MR. KOPPE:

1 I think I have an observation in relation to the formulation of
2 the question, not necessarily an objection. I don't think the
3 Southwest Zone as such took over the control of the Northwest
4 Zone. There were cadres, most of them who were originally coming
5 from the Southwest Zone, who took positions in various districts
6 and sectors. There was no particular moment, in my understanding,
7 of a takeover by the Southwest Zone. The first arrests were, I
8 think, made in February-March, '77, and the last ones in May,
9 '78. So, the question suggests that there was a takeover at one
10 particular point the Southwest Zone. I don't think that is an
11 accurate question. So that's my observation. So, maybe,
12 Prosecution can reformulate the question.

13 MR. BOYLE:

14 I believe that the witness said that he was aware of the arrival
15 of cadres from the Southwest Zone in late 1977. So, when I'm
16 talking about the arrival of the Southwest Zone, I am referring
17 to what the witness understood the arrival of the Southwest Zone
18 to be.

19 [15.28.42]

20 MR. PRESIDENT:

21 Mr. Prosecutor, you may proceed now.

22 BY MR. BOYLE:

23 Q. Thank you, Mr. President. Did you ever see any arrests at the
24 Trapeang Thma Dam worksite?

25 MR. KHAN THORL:

1 A. No.

2 [15.29.17]

3 Q. I'd like to read a portion of your written record of
4 interview. It's at English, 00277821; French, 00486083; and
5 Khmer, 00267754 to 55. "One day, I saw that they had arrested
6 people, and tied them up, and were walking them nearby my
7 building during the night. I did not know their names. The people
8 who were walking them were dressed in black, and had guns slung
9 on their shoulders, so I assumed that they were soldiers."

10 Does that refresh your memory as to witnessing arrests at the
11 Trapeang Thma Dam worksite?

12 [15.30.15]

13 MR. PRESIDENT:

14 Witness, please repeat your answer to the question put by the
15 Prosecutor, because just now you answered before the mic was on.

16 A. Yes, that is correct. It does refresh my memory.

17 Q. And did you know who those people were?

18 A. No, I do not know.

19 MR. BOYLE:

20 Thank you, Mr. President. My time is up.

21 MR. PRESIDENT:

22 Thank you, Mr. Deputy Co-Prosecutor. The floor is now given to
23 Lead Co-Lawyer for civil parties to put questions to this
24 witness. You may now proceed.

25 [15.31.19]

1 MR. PICH ANG:

2 Q. Good afternoon, Mr. President, Your Honours, everyone in and
3 around the courtroom. I would like to cede the floor for Mr. Lor
4 Chunthy. He will be representing the Lead Co-Lawyer for civil
5 parties. <With your leave, Mr. President, we would like to
6 proceed.>

7 MR. PRESIDENT:

8 You may now proceed, Counsel Lor Chunthy.

9 [15.31.42]

10 QUESTIONING BY MR. LOR CHUNTHY:

11 Q. Thank you, Mr. President. Good afternoon, everyone. Good
12 afternoon also, Mr. Witness. My name is Lor Chunthy. I am a civil
13 party lawyer. I am from Legal Aid of Cambodia. I have a few
14 questions for you in relation to Trapeang Thma construction site,
15 where you were assigned to work at that place. Some questions had
16 been put by the Co-Prosecutors already, and I will have some
17 other questions. You stated you were working at that construction
18 site. Did marriage happen at that construction site? And how was
19 the marriage organized?

20 MR. KHAN THORL:

21 A. Yes, there were marriages happening at that place.

22 Q. Thank you. <Was> the marriage held for one couple, or for many
23 couples at a time?

24 [15.33.38]

25 A. There were 30 to 40 couples in one marriage at a time.

1 Q. Before the marriage was held for those couples, did the
2 couples know each other in advance? And did they know about the
3 marriage which would be held for them?

4 A. They knew each other in advance, and they knew each other
5 through their respective chiefs, or their respective <>battalion
6 chiefs.

7 Q. Did they really want to get married? If they really wanted to
8 get married, <what> did they <have to> do? Did they make the
9 proposal to have the marriage held for them?

10 A. They would go and tell verbally the respective chief. For
11 example, a male worker would go to tell their chief, and <their
12 chief would go to talk to and to request the chief of female
13 workers.> And after they agreed to get married with one another,
14 then the marriage would be held for that couple.

15 [15.35.49]

16 Q. <Were> there any instances that the couples did not know each
17 other in advance, but they were paired up?

18 A. I did not witness such incidents in my mobile unit.

19 Q. Thank you. Now, I would like to ask you about the time when
20 you were working at the construction site. You mentioned about
21 food rations. Could you tell the Court once again about the food
22 ration? How was the food ration divided or distributed when you
23 were working at that dam site?

24 A. First, one person received three meals per day. I mean, they
25 received three cans of rice per day.

1 Q. First they received the food ration as you mentioned. And what
2 happened later on in relation to food rations?

3 A. Later on, food ration was reduced, and the food ration was
4 reduced to two cans of rice per day, or even less than that --
5 that is, one <>and a half cans of rice per day.

6 [15.38.18]

7 Q. After the food ration was reduced, I would like to know
8 whether the food -- the work quota remained the same, or the work
9 quota was also reduced.

10 A. After the food ration had been reduced, at that time the dam
11 construction was completed, and we were <rotated> to dig a canal
12 down the dam site.

13 Q. Once again the food ration was reduced for workers, and <>were
14 they weak after their food ration had been reduced? <Did they
15 fall sick?> Or could they do the work as normal?

16 A. They became weaker and weaker after the food ration had been
17 reduced.

18 [15.39.59]

19 Q. You mentioned that the food ration was reduced at the time
20 when the workers were assigned to dig a canal. Where did it
21 happen? I mean, <>where was the canal located? <Were it within
22 Trapeang Thma Dam?>

23 A. We were required to dig a canal <down from> the dam
24 construction site.

25 Q. While you were working at that Trapeang Thma Dam construction

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1 site, and you mentioned that you were there until the end of the
2 construction, <during that time> were you <rotated> to work in
3 other dam construction sites?

4 A. Yes, I was assigned to build another dam after that time, in
5 Kaun Kleng area.

6 Q. Was Kaun Kleng area close to the dam site? And did you all go
7 together?

8 MR. PRESIDENT:

9 You may now proceed, Counsel for Mr. Khieu Samphan.

10 [15.42.06]

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. I think perhaps the lawyer for civil
13 parties confused with the facts mentioned by this witness. The
14 lawyer for civil parties asked about the time when the witness
15 was working at Trapeang Thma worksite, and I believe that the
16 answer -- the period mentioned by this witness was after the
17 completion of the dam construction. And I believe that the
18 witness went to work at Kaun Kleng after the completion of the
19 <Trapeang Thma > dam construction.

20 BY MR. LOR CHUNTHY:

21 Q. I will rephrase my question. I would like to move to another
22 topic. When you were working at Trapeang Thma Dam worksite, you
23 said that <>there were meetings. Were self-criticism or criticism
24 sessions held at that time?

25 [15.43.43]

1 MR. KHAN THORL:

2 A. Self-criticism and criticism sessions were held almost every
3 day.

4 Q. I believe that in the meetings, instructions would be
5 disseminated to the participants. And I believe a quota was set
6 for workers. And if workers could not achieve or accomplish their
7 work quota, what kind of punishment imposed on them?

8 A. I already told the Court that food ration was reduced. This
9 was one kind of the punishments imposed on us.

10 Q. The food ration was reduced, as mentioned by you. So does it
11 mean that food ration was reduced until the person deterred what
12 they did? <Or was the food ration reduced gradually until the
13 person was not able to work? How was it actually reduced?>

14 [15.45.32]

15 A. Those who <really> fell sick received enough food rations, but
16 for those who had a <imaginary sickness>, as I mentioned, their
17 food ration was reduced. And after these people recovered from
18 that so-called <imaginary sickness>, they would <go back> to
19 work, and their food ration <would be> provided <as usual> to
20 them.

21 Q. You mentioned about the adolescents, or teenagers. Were
22 adolescents required to accomplish the three cubic metres of soil
23 per day as well?

24 A. There was no certain work quota for those adolescents or
25 teenagers. They worked in <collective> groups.

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1 Q. You stated that there were 30 members in a platoon. And after
2 the orders, or instructions, were received by the chief, and
3 meetings would be convened among the 30 members. <Was the work
4 quota> given to one particular worker <or the entire platoon?
5 This means that amongst 30 members, each member was given 3 cubic
6 metres.> And if that individual could not accomplish that work
7 quota, could somebody else within the group help him or her to
8 accomplish the work quota?

9 [15.47.41]

10 A. If one could not accomplish the work quota, <the platoon chief
11 or> the deputy chief of the platoon, or a member of the platoon,
12 could help that person.

13 Q. Did everyone receive the same work quota? I mean, including
14 the chief of the platoon and the deputy chief of the platoon as
15 well, did they receive the same work quota?

16 A. Actually, no work quota was set for the <three chiefs of the
17 platoon>.

18 MR. LOR CHUNTHY:

19 Mr. President, I think we still have a few minutes, so I would
20 like to cede the floor for the International Lead Co-Lawyer.

21 MR. PRESIDENT:

22 You may now proceed, International Co-Lead Lawyer.

23 [15.48.54]

24 QUESTIONING BY MS. GUIRAUD:

25 Q. Thank you, <Mr.> President, and I thank my colleague for

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1 having given me these few minutes. <Because> I have a few
2 questions to ask, some follow-up questions on the issue of
3 <marriages>.

4 Good afternoon, Mr. Witness. My name is <>Marie Guiraud. I am
5 Counsel for the civil parties. I would like to come back to your
6 statement regarding <the> marriages <that would take place>. You
7 spoke of 30 to 40 couples that would marry at one time. I would
8 first like to know if these marriage <ceremonies> were celebrated
9 on the construction site or elsewhere? <Where were the marriage
10 ceremonies held?>

11 MR. KHAN THORL:

12 A. The marriage was held at the construction site where the
13 mobile unit was required to work.

14 Q. And what was your role, if you had one, in the marriage
15 ceremony?

16 A. I was invited as a guest during the marriage time, and I was
17 there to attend the marriage.

18 Q. At that time, did you receive any explanations as to why so
19 many couples were being married at the same time on the
20 construction site?

21 [15.50.44]

22 A. Yes, they gave explanations during that time. They said
23 parents in the past spent <a lot of> money to hold a marriage for
24 their children <and money was also spent on chairs and tables>,
25 and during this time, no need to spend anything. What we needed

1 to do is to allow the couples to hold their arms together, and
2 make a resolution.

3 Q. Did the couples live together after getting married?

4 A. The battalion chief allowed the newly-weds to stay together
5 for three days.

6 Q. And what happened after those three days? At least for the
7 men, <can you comment on that>?

8 A. After three days the newly-weds would meet each other once in
9 every 10 days.

10 [15.52.33]

11 Q. Did you know if the married couples' parents were informed <of
12 or> present at the <marriage ceremony>?

13 A. No.

14 Q. <Just for clarification purposes, no> they were neither
15 informed nor present <at the ceremony>? Is this what you are
16 saying to us?

17 A. That is true.

18 Q. Now, you said you were a guest <at these ceremonies>. Could
19 you tell us how many such wedding ceremonies you were present at
20 <while you were at> the Trapeang Thma construction site?

21 [15.53.41]

22 A. I was there in the wedding only once.

23 Q. Thank you. You said that the newly-weds spent three days
24 together, and then they went back to work. Where did <couples>
25 stay for those three days?

1 A. The battalion chief would contact the <nearby> cooperatives
2 <>, and they would find houses, <villager's houses> to allow the
3 newly-weds to spend time for three days.

4 Q. You then said that the couples were <allowed> to see each
5 other every 10 days. Do you know <if the couples, if the men for
6 example, which concerns you,> do you know if they had to ask for
7 permission to meet <their wives>? Or was there a different system
8 in place?

9 [15.54.59]

10 A. There was clear instruction at that time that the newly-weds
11 could spend time together for three days after the marriage, and
12 after that they could visit their wives or husbands once in every
13 10 days.

14 Q. But did they have to ask <for> permission to be able to
15 <travel to> see their wives? I'm asking you about the men since I
16 imagine you know more what happened with the men.

17 A. For those who stayed close to their spouses, they needed not
18 to ask permission. However, for those who were working away from
19 their spouses' houses, they had to ask for a laissez-passer or a
20 letter.

21 Q. And who <granted> this laissez-passer? To whom did they have
22 to ask for permission? <Do you know?>

23 A. The battalion chief.

24 Q. I have one last question as it is 4.00 p.m. Did you get
25 married under Democratic Kampuchea?

1 A. No, I did not get married during DK.

2 MS. GUIRAUD:

3 Thank you very much, Mr. Witness, for having answered my
4 questions. Thank you, Mr. President, I'm done.

5 [15.57.27]

6 MR. PRESIDENT:

7 Thank you, Lead Co-Lawyer for civil parties. It is now a
8 convenient time for the adjournment. The Chamber will adjourn the
9 hearings today now, and it will resume tomorrow on 11 August
10 2015, at 9 a.m. The Chamber will continue to hear witness Kan
11 Thorl, and if time allows, it will continue to hear 2-TCW-889.

12 Please be informed <and be on time>. After hearing 2-TCW-889, the
13 Chamber will continue to hear 2-TCW-937.

14 Thank you very much, Mr. Kan Thorl. The hearing of your testimony
15 as a witness has not come to an end yet. You are therefore
16 invited to be here once again tomorrow at 9 a.m. Court officers
17 with the WESU unit, please send Mr. Kan Thorl to the desired
18 destination, and please invite him back into the courtroom
19 tomorrow, 11 August 2015, before 9 a.m.

20 Security personnel are instructed to bring the two Accused, Mr.
21 Nuon Chea and Khieu Samphan, back to the detention facilities of
22 the ECCC, and have them returned tomorrow, Tuesday, 11 August
23 2015 <before 9 a.m>.

24 The Court is now adjourned.

25 (Court adjourns at 1559H)