



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

15 December 2016  
Trial Day 494

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 15-Feb-2017, 14:14  
CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
YA Sokhan  
YOU Ottara  
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KHIEU Samphan

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I N D E X

2-TCW-971

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**List of Speakers:**

Language used unless specified otherwise in the transcript

| Speaker                  | Language |
|--------------------------|----------|
| 2-TCW-971                | Khmer    |
| Judge FENZ               | English  |
| The GREFFIER             | Khmer    |
| Ms. GUIRAUD              | French   |
| Ms. GUISSE               | French   |
| Mr. KONG Sam Onn         | Khmer    |
| Mr. KOPPE                | English  |
| Mr. KOUMJIAN             | English  |
| Judge LAVERGNE           | French   |
| Mr. LOR Chunthy          | Khmer    |
| Mr. LYSAK                | English  |
| The President (NIL Nonn) | Khmer    |
| Mr. PICH Ang             | Khmer    |
| Mr. SREA Rattanak        | Khmer    |

1

1 PROCEEDINGS

2 (Court opens at 0911H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear testimony of a witness, 2-TCW-971,

6 via a video link from Ourdor Meanchey province.

7 Due to some internet and technical issues, the Chamber will first  
8 hear oral submissions by parties on two issues. And before we do  
9 that, Mr. Em Hoy, please report the attendance of the parties and  
10 other individuals to today's proceedings.

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case  
13 are present.

14 Mr. Nuon Chea is present in the holding cell downstairs. He has  
15 waived his right to be present in the courtroom. The waiver has  
16 been delivered to the greffier.

17 The witness who is to conclude his testimony today, namely,

18 2-TCW-971, will testify via a video link from Ourdor Meanchey

19 province. The witness has Mr. Mam Rithea as his duty counsel.

20 We also have a reserve witness today, that is, 2-TCW-1042, who

21 confirms that, to his best knowledge, he has no relationship, by

22 blood or by law, to any of the two Accused, that is, Nuon Chea

23 and Khieu Samphan, or to any of the civil parties admitted in

24 this case.

25 Thank you.

1 [09.13.59]

2 MR. PRESIDENT:

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

4 The Chamber has received a waiver from Nuon Chea, dated 15

5 December 2016, which states that, due to his health, that is,

6 headache, back pain, he cannot sit or concentrate for long. And

7 in order to effectively participate in future hearings, he

8 requests to waive his right to be present at the 15 December 2016

9 hearing.

10 Having seen the medical report of Nuon Chea by the duty doctor

11 for the Accused, at the ECCC, dated 15 December 2016, which notes

12 that, today, Nuon Chea has a constant lower back pain when he

13 sits for long and recommends that the Chamber shall grant him his

14 request so that he can follow the proceedings remotely from the

15 holding cell downstairs. Based on the above information and

16 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber

17 grants Nuon Chea his request to follow today's proceedings

18 remotely from the holding cell downstairs via an audio-visual

19 means.

20 [09.15.18]

21 The Chamber instructs the AV Unit personnel to link the

22 proceedings to the room downstairs so that Nuon Chea can follow.

23 That applies for the whole day.

24 And before we proceed to hear testimony of witness, <2->TCW-971,

25 the Chamber wishes to hear oral submissions by parties on two

1 requests. First, a request by the Co-Prosecutors to call two  
2 additional witnesses, and the ability to hold the key document  
3 hearing regarding the role of the Accused, document E452. And the  
4 second request made by the Lead Co-Lawyers for civil parties to  
5 admit one document pursuant to Rule 87.4 <of the ECCC Internal  
6 Rule>, that is, document E285/2.

7 All parties were notified via an email by the senior legal  
8 officer yesterday, so that they could prepare themselves to make  
9 an oral response to the two requests today. Now the Chamber will  
10 hear oral responses on the first issue.

11 [09.16.32]

12 On the 13 of December 2016, the Co-Prosecutors submitted a  
13 request to the Chamber to call two additional witnesses related  
14 to the role of the Accused, pursuant to Rule 87.3 and 87.4. The  
15 Co-Prosecutors claimed that half of the 10 witnesses that they  
16 propose were not called to testified on the role of the Accused.  
17 In addition, the Co-Prosecutors observed that some witnesses and  
18 civil parties were removed from the list of the witnesses and  
19 civil parties and experts by the Trial Chamber, due to health  
20 reasons or other reasons. And the Co-Prosecutors confirms that  
21 they do not intend to make any key document presentation in  
22 relation to the role of the Accused and, for that reason, the  
23 Co-Prosecutor requests the Chamber to consider calling the two  
24 additional witnesses and that each of the two witnesses would not  
25 span more than one day.

4

1 And in order for the Chamber and the parties to understand this  
2 request well, the Chamber wishes to give the floor to the  
3 Co-Prosecutors to reiterate their submission or request, as well  
4 as the <possibility> to hold the key document presentation  
5 regarding the role of the Accused.

6 You have the floor.

7 [09.18.16]

8 MR. KOUMJIAN:

9 Thank you, Mr. President, Your Honours.

10 I have nothing additional to what we have in our motion. Briefly,  
11 what we've submitted is that we think it would be more useful to  
12 use the time to hear these two additional witnesses which each  
13 have, we think, pretty short testimony regarding interactions  
14 with Khieu Samphan.

15 The key document hearing, we certainly will attend and respond to  
16 any documents put forward by the Defence. We may even present  
17 some documents if you have the hearing. But our view is that all  
18 of this is things that we'll address in depth in our final brief  
19 and our closing arguments, so the key document hearing, if we do  
20 present documents, will be somewhat repetitious of things we've  
21 already covered or things we will cover in depth in our final  
22 brief and closing argument.

23 (Judges deliberate)

24 [09.20.54]

25 MR. PRESIDENT:

5

1 In principle, I would hand the floor to other parties, but it is  
2 unclear from what I heard through the response of the  
3 Co-Prosecutor, and the issue is that <we need to hear from  
4 parties so that> we <can> schedule the hearing for next month<,  
5 early January 2017>. And if no parties wish to make any key  
6 document presentations, then the schedule would be different in  
7 order to expedite the proceedings.

8 So please make your stand clear.

9 MR. KOUMJIAN:

10 Thank you. I apologize for not being clear.

11 Your Honour, if any of the other parties plan to present  
12 documents, we would respond. However, if no other party plans to  
13 present documents and it's -- we would prefer not to have the  
14 hearing unless, Your Honours, request to do so. Then we will. But  
15 we think we will cover the exact same material in our closing  
16 brief and final arguments, so we do not think it is necessary.

17 [09.22.15]

18 MR. PRESIDENT:

19 Thank you.

20 And now the floor is given to the Lead Co-Lawyers for civil  
21 parties to respond to the two issues, that is, the request for  
22 additional witnesses as well as the <possibility> to hold key  
23 document <presentation>.

24 MR. PICH ANG:

25 Thank you, Mr. President.



6

1 In relation to the request to hear two additional witnesses, the  
2 Lead Co-Lawyers do not have any objection, and relies on, Your  
3 Honour's, discretion.

4 For the second issue, that is, in relation to the key document  
5 presentation, we do not have any key documents to be presented.

6 [09.22.58]

7 MR. PRESIDENT:

8 Thank you.

9 Now I'd like to hand the floor to the Defence Counsel for Nuon  
10 Chea.

11 MR. KOPPE:

12 Yes, Mr. President.

13 We agree, if that's all right with you, that the Khieu Samphan  
14 defence team answers first because the two witnesses mainly  
15 relate to Khieu Samphan's position, and I will come with my  
16 reaction after the Khieu Samphan team's reaction, if that's all  
17 right.

18 MS. GUISSSE:

19 Thank you, Mr. President, and good morning to everyone.

20 In the Khieu Samphan defence team, we have <several> remarks to  
21 make with regard to the Prosecution's <motion>, and I don't  
22 believe I will surprise anyone by saying that we object strongly  
23 to this last-minute request on their part.

24 [09.23.58]

25 And when I say we will surprise no one, I should even add to that

7

1 that we should surprise the Chamber even less so, given the  
2 decisions that it issued recently with regard to 87.4.

3 As you underlined, Mr. President, at the beginning of your  
4 statement, the Prosecution's request is formulated on the 13th of  
5 December 2016, that is to say, a few days before the closing of  
6 <this trial>.

7 And I'm referring here to your recent decisions, but I should  
8 rather refer to a memo, E421, from 28 August 2016, which is a  
9 memo that was drafted out of principle, in which you indicated  
10 under which conditions the 87.4 submissions of the parties could  
11 come into play as of then.

12 [09.24.59]

13 And here, I believe -- so that you may understand our position  
14 clearly -- I believe that we're obliged to get back to what you  
15 said, you, the Chamber. So the memo is E421/4. And I'd like to  
16 remind you of the basic rule which you recalled in paragraph 15  
17 of this memo, and I quote:

18 "The Chamber considers that the parties, including the  
19 Co-Prosecutors, had sufficient opportunities to <obtain> evidence  
20 during a three-year judicial investigation, throughout the  
21 <initial> 2011-2014 trial in Case 002/01, and the current  
22 proceedings from October 2014 to present."

23 So that was the idea. At one point in time -- this was in August  
24 2016 -- when <there are> new elements, okay, but <when> we have  
25 been involved in a trial for <several> months <and years>

8

1 already. And so you continued, and here I would like to quote  
2 paragraph 17 of your memo by saying the following:

3 "This being said, however, if new <evidence for Cases 003 and 004  
4 must be brought to light at a stage in the trial where it will be  
5 impossible to debate them before the Chamber>, the Co-Prosecutors  
6 <could still request --> if they deem that these elements should  
7 have a decisive consequence on the Chamber's verdict -- that they  
8 be taken into account during the appeal." End of quote.

9 [09.26.45]

10 And you indicate -- and this is the element I would like to draw  
11 your attention to in particular and I'd like to base my

12 argumentation in particular. In paragraph 19 of the same memo:

13 "Therefore, as an exception to the 1 September 2016 deadline, the  
14 Chamber will consider the Co-Prosecutors' or Lead Co-Lawyers'  
15 requests to admit new evidence where they seek to rebut new  
16 evidence which is sought by the Accused and admitted by the  
17 Chamber after this deadline."

18 And in paragraph 21, you concluded:

19 "Considering all of the foregoing, it is the Chamber's view that  
20 the above deadline properly balances the rights of the parties  
21 with the need to bring this <second> case to finality within  
22 reasonable time."

23 So <a> proper balance.

24 [09.28.01]

25 MR. PRESIDENT:

1 Counsel, please slow down and read the last paragraph again

2 <because the interpreter could not grasp it.>

3 MS. GUISSÉ:

4 No problem. It's true that when I get a little bit passionate,  
5 maybe I speak a bit fast. I understand.

6 Now, so I'd like to remind the interpreters that we indicated  
7 that we were going to use this memo, E421/4, <so I think that  
8 they can follow me along,> and I'm going to quote, again,  
9 paragraph 21 of this memo:

10 "Considering all of the foregoing, it is the Chamber's view that  
11 the above deadline properly balances the rights of the parties  
12 with the need to bring <the second> case to finality within  
13 reasonable time." End of quote.

14 So, I'd like to recall that in this memo, the Chamber indicated  
15 that the Prosecution had up until <01> September 2016 to  
16 indicate, one, the elements, the written statements that they  
17 wish to have admitted into evidence and, at the same time, to let  
18 us know the witnesses that they wanted to hear before the Chamber  
19 and then, by 1 September, they would have to ask for the  
20 appearance of these witnesses.

21 [09.29.30]

22 So I wanted to start with this decision <by the Chamber> because  
23 in this memo, you <indeed> recalled that, <after a certain> point  
24 in time, we can't keep on going with the investigation of a trial  
25 that is <underway>.

10

1 The request of the Co-Prosecutors is more than tardy and, on top  
2 of this, it's based on arguments that are not properly reasoned.  
3 And I'm saying this quite easily because the date of 1 September  
4 had been set, even before the Chamber provided us with the list  
5 of possible witnesses that it wanted to hear regarding the role  
6 of the Accused.

7 I'd like to recall that the list of the 10 witnesses that the  
8 Chamber had retained regarding the role of the Accused was  
9 provided on 14 September 2016, which means that if the  
10 Co-Prosecutors had wanted to call these two witnesses which  
11 they're requesting today, <back then>, they had <more than>  
12 enough time given the memo that sets the deadline to 1 September.  
13 They didn't do so.

14 [09.30.44]

15 Another argument which is faulty in the Co-Prosecution's  
16 argument, is <to> say: "Yes, of course there are <several> people  
17 who cannot come testify". That's true. Except that what they  
18 forget to tell us is that, regarding the 10 witnesses that you  
19 retained regarding the role of the Accused, eight of them were  
20 requested by the Prosecution. Eight.

21 So please do not tell me that we do not <listen to them> -- that  
22 we're not calling the people that they want to hear.

23 So out of these 10 people who -- out of the eight people who were  
24 proposed by the Prosecution, <only> two did not testify, TCW-871  
25 and Sar Sarin, the civil party, for the reasons that we all know.

11

1 And regarding TCW-871, I'd like to remind you that the Chamber  
2 had decided to replace him by TCW-823, who testified this week.  
3 So the replacement was already done.

4 And I'd like to also recall that on top of this, the Chamber also  
5 heard one civil party that was requested following an 87.4 by the  
6 Co-Prosecutors. This is 2-TCCP-1063.

7 Here again <the> request by the Prosecution was accepted.

8 [09.32.17]

9 And I'd like to recall as well that there was an extra witness  
10 who was called essentially regarding the purges and who also  
11 testified regarding the role of the Accused.

12 The Prosecution is telling us, "Yes, we need two additional  
13 witnesses." Because <this is how it must be perceived>, they are  
14 not replacement witnesses <as we have requested, these are  
15 supplementary witnesses that the Prosecution would not have  
16 thought of before 1 September.> And now, <at the last minute,>  
17 they are stealthily requesting these witnesses, <to bridge the  
18 gaps> <in their preparation for this trial>.

19 Let me remind the Chamber that, in another memo by the Chamber,  
20 E408/6/2 of the 3rd of November 2016, you refused to grant Khieu  
21 Samphan's request to call <back> Mr. Ponchaud and Mr. Heder for  
22 the reasons that, when we made that request that they replace the  
23 testimony of <Mr. Vickery,> who <didn't want to> testify before  
24 the Chamber, you said that the testimonies were not similar to  
25 those of Mr. Vickery, and you rejected our request.

12

1 [09.33.40]

2 I note that, of the two witnesses that the Prosecution is  
3 requesting to call <today>, there are only brief passages on Mr.  
4 Khieu Samphan. But be that as it may, on a peripheral basis,  
5 there are a number of issues that are mentioned that have not  
6 entered into the role of the Accused.

7 And let me recall the <observations> my colleague Koppe <was able  
8 to make> on several occasions on this segment of the trial on  
9 behalf of the Accused, <where sometimes we started to wonder why  
10 these witnesses were called> for that segment <in particular,  
11 because - and often, it's what we can see from the Prosecution's  
12 questioning at that time - often it dealt with> different issues.  
13 <So this cannot become> another basis for bringing in new  
14 evidence <at the last minute> which would further <prolong> his  
15 trial, <in prejudice of> Mr. Khieu Samphan's rights.

16 [09.34.42]

17 Why do I insist on these issues? I'm saying that they are not  
18 asking for replacement witnesses, but they are additional  
19 witnesses being requested in the last minute. <Because,> since  
20 we've been conducting this trial <starting in> 2011<, we have  
21 always known, when we give our lists, that> some witnesses  
22 wouldn't appear, and <that is why we> sometimes <follow the  
23 practice of naming> reserve witnesses.

24 And <I highlight that for> the Prosecution, <they already> had  
25 reserve witnesses on the <initial> list <but> they are not

1 requesting those reserve witnesses today. There was at least one  
2 <reserve> witness who had to testify on the role of the Accused.  
3 <That's not who they are asking for.>

4 The reasons provided by the Prosecution is that "We have reasons  
5 to call two new witnesses whose focus <is essentially> on the  
6 role of Mr. Khieu Samphan, because Mr. Thet Sambath <in  
7 particular> did not appear to testify".

8 [09.35.39]

9 <As far as> I know, Thet Sambath, unless we are proven wrong, has  
10 always been put forward by the Prosecution to talk about the role  
11 of the Accused, Nuon Chea, not the role of the Accused, Khieu  
12 Samphan. That, again, is an additional element, which shows that  
13 what the Prosecution is asking for today is not a replacement  
14 witness, but supplementary witnesses, <at> the last minute. And  
15 they do not provide any explanation <as to> why that request was  
16 not made on the 1st of September 2016.

17 Let me give <one> example. The first witness requested by the  
18 Prosecution, in paragraph 5 of the application, E452, is a  
19 witness whose written statement was requested for admission by  
20 the Prosecution on the 6th of May 2016. That was in motion  
21 E319/47. The WRI was admitted on <29 June> 2016, by <your  
22 decision,> E319/47/3.

23 Let me recall that, at the time, when we objected to the  
24 admission of that WRI and it was because we need to underscore  
25 one important point, <we still object to this, based on the



14

1 principle, that we > <should not> do investigations during the  
2 trial < phase, and much less> at the end of the trial.

3 In any case, when made our objection, and that was <done> by <my  
4 colleague> Mr. Kong Sam Onn on the 23rd May 2016 hearing, we said  
5 that if the Prosecution thought that that witness was important,  
6 why did they not call him? That was on the 23rd of May 2016. That  
7 is before the deadline of the 1st of September 2016.

8 [09.37.32]

9 <The> Prosecution could have called that witness, but they didn't  
10 do so. In spite of the fact that we had drawn the Prosecution's  
11 attention to that, they did not do so.

12 <So, at> the time, they did not have the intention of calling  
13 that witness, <he was not on the list>. And at the time, they  
14 <did not know which witnesses> were going to be called <by the  
15 Chamber> to testify on the role of <Khieu Samphan>.

16 The second witness, <WRI E3/10751,> requested by the Prosecution  
17 in paragraph 6 of its application -- they made the request on the  
18 25th of July 2016. The document is <E319/52>. And here <we can  
19 see that the> witness was supposed to testify on the subject of  
20 purges. That document was admitted on 23rd of November 2016, by  
21 decision <E319/52/4>.

22 [09.38.37]

23 In both cases, since they had requested the admissions as of the  
24 25th of July 2016, there again, the Prosecution had all the  
25 leeway to call that witness, bearing in mind the 1st September

15

1 2016 deadline you had <set>. They didn't do so.  
2 To come today and present arguments and saying that it was,  
3 "Because some witnesses did not appear and we are asking the  
4 Chamber to replace them," on the date when they had those  
5 documents, if they had considered that it was that important,  
6 they should have done so, respecting the deadline you set.  
7 We have spoken at length of the duration of this trial and  
8 <recently> the Prosecution <told us> -- <when> for the first time  
9 we have an S-21 document which we'd consider as an original --  
10 <that when we mentioned that> those persons who testified on S-21  
11 <did not have a chance to be confronted with this document, they  
12 told us: "Oh, but it's not necessary to call them." But then  
13 there is no problem when, on> the 13th of December 2016, they are  
14 calling two more witnesses to testify <against> Khieu Samphan <on  
15 the role of the Accused>, whereas they had those statements well  
16 before the 1st September 2016 deadline set by the Chamber.  
17 [09.39.50]  
18 <At some point, we have to be serious. And at some point, >the  
19 Chamber should make it clear that they are not here to assist the  
20 Prosecution, <who have not followed due diligence when they  
21 should have. We strongly oppose the appearance of these witnesses  
22 before the Court.> So I don't know what will be the decision of  
23 the Chamber.  
24 In any case, I've made it a point of duty to refer you to your  
25 memo of August 2016, because I thought everything was clearly

16

1 said in that memo, and I wanted to recall all this at length.

2 It's very important. <Because there are always references to the  
3 Defence using stalling tactics, and> it's important for us to  
4 <show> that the Prosecution <also uses them>.

5 [09.40.33]

6 I hope that the Chamber will<, in its wisdom, respect> the  
7 principles it set out in its memo.

8 I perhaps forgot to respond on the issue of documents. Yes, the  
9 Khieu Samphan team will have documents to present on the role of  
10 the Accused, and that is, generally speaking, because it appears  
11 that the Chamber said on several occasions, notably in memo  
12 <E315/2> the fact that the documents relating to national  
13 policies should be presented in this segment as regards the role  
14 of the Accused. So we, the Defence, have a few documents to  
15 present.

16 MR. PRESIDENT:

17 <Thank you. Judge Lavergne, you have the floor.>

18 JUDGE LAVERGNE:

19 I would like to make a remark that Counsel Guisse may react. I  
20 note, unless I'm wrong, that the witnesses the Prosecution is  
21 seeking to call <have both been interviewed by the OCIJ> and  
22 <their> WRIs that have been declared admissible, so they are  
23 already on <the case file>, therefore.

24 The question arises whether there are, indeed, parts of the WRIs  
25 that concern the role of the Accused. Those statements should be

17

1 subject to cross-examination and, for purposes of clarity, the  
2 Khieu Samphan Defence doesn't wish to cross-examine witnesses on  
3 statements they have made and which are on record. <>

4 [09.42.30]

5 MS. GUISSÉ:

6 Judge Lavergne, I believe that there's an issue of law here that  
7 has been very clear. It's been very clear that, as part of  
8 written statements, all that has to do with the role and conduct  
9 of the Accused <may not be> taken into account by the Chamber. If  
10 we are only talking of written statements and the Chamber is of  
11 the view that the request by the Prosecution is tardy, we do not  
12 have to cross-examine the witnesses on the role of the Accused  
13 because <by definition, legally,> you are not allowed to use  
14 those elements. <It is very clear that, legally,> if you do not  
15 grant the Prosecution's tardy request to <once again> catch up  
16 their evidence, we do not need to cross-examine the witness,  
17 because you <will not be able> to use those documents in your  
18 deliberations against Mr. Khieu Samphan.

19 [09.43.21]

20 MR. PRESIDENT:

21 <Thank you. Now I'd like to hand the floor to the Defence Counsel  
22 for Nuon Chea.>

23 MR. KOPPE:

24 Yes, Mr. President, we have a few remarks to make in response to  
25 the request.

1 First of all, to get that out of the way, as always, we will not  
2 be presenting any key documents. We have not done so since that  
3 particular hearing in August 2015, and we will not change our  
4 position.

5 And of course, we will also not react if the Prosecution now  
6 chooses to present documents because the Khieu Samphan team  
7 wishes to do so.

8 Second point is in relation to the request, E452, to summons two  
9 more witnesses for this last segment, the role of the Accused.

10 [09.44.26]

11 Mr. President, on various occasions during testimony within this  
12 segment, we have expressed strong surprise as to the reasons for  
13 calling these witnesses that have so far appeared in this  
14 particular segment. On many occasions, we have completely failed  
15 to see why the called witnesses, summonsed witnesses, really have  
16 anything to say at all about the role of the Accused.

17 Many witnesses were asked questions about all kinds of other  
18 subjects apart from the role of the Accused, and it seems that  
19 this role of the Accused segment is a sort of -- a leftover  
20 residual category sort of segment. That is at least what we  
21 observe.

22 And the same, I have to say, goes -- applies to the two witnesses  
23 that the Prosecution now, at the very last moment, wishes to  
24 examine because the first witness is someone who was in charge of  
25 mobile forces in Sector 1. He is a low-ranking cadre who really

19

1 cannot possibly have anything intelligent or worthwhile to say  
2 about the roles of the Accused. The only reason why he  
3 potentially could be interesting and the reason why we might ask  
4 questions to that particular witness is because he was the nephew  
5 or the cousin of the number 2 or number 3 of the Northwest Zone,  
6 Heng Teav, alias Paet, or Ta Kantol.

7 [09.46.40]

8 As the Chamber knows, we are very interested in rebellious and  
9 treasonous activities, especially from cadres in the Northwest  
10 Zone, and this witness being the cousin of Heng Teav might have  
11 additional information that would concern our arguments.

12 Having said that, let me then immediately also refer to the  
13 following. If the Chamber were to decide to grant the  
14 Prosecutor's request and dismiss all the very relevant arguments  
15 of the Khieu Samphan team, then we would like to point out to the  
16 following. There is -- there are two audio files on the case file  
17 of interviews -- containing interviews of Heng Teav by Steve  
18 Heder. One of the interviews has been partially transcribed. That  
19 is all laid down in document E3/5309.

20 [09.47.55]

21 However, the other audio file, which is interesting to the Nuon  
22 Chea defence team and -- is a document which has only the audio  
23 file in Khmer. As you know, Steve Heder speaks fluently Khmer.  
24 We have our own internal translation, but, of course, that will  
25 not be helpful. But we will be asking questions to the witness if

1 he were to be summonsed in relation to that interview.

2 So if he were to come, then we ask urgently to have then  
3 translated document -- or rather, audio file E3/2767R, also known  
4 as document D210/12R. There are some interesting things in there  
5 that Heng Teav told Steve Heder.

6 Having said that and moving now to that second witness. Also,  
7 that second witness proposed by the Prosecution is a low-ranking  
8 cadre from Division 164 who, as the other witness, might have  
9 encountered Khieu Samphan at some point in some time. Completely  
10 irrelevant, in our view, for the role of the Accused.

11 [09.49.38]

12 That all, Mr. President, if I may, contrasts strongly with the  
13 witnesses that we have requested for this segment, the role of  
14 the Accused. Prosecution is complaining that only half of their  
15 requested witnesses have been summonsed. None of our witnesses in  
16 relation to the role of Accused have appeared.

17 We thought that our request for the Thiounn brothers, Thiounn  
18 Thioeunn and Thiounn Prasith, their evidence would be very  
19 important, we believe, to this particular segment. Of course,  
20 they refused to testify, but still.

21 We have completely given up hope that you will call the most  
22 important witness for this segment, someone who knew Nuon Chea  
23 very well, who was his messenger at some point, the one and only  
24 character witness of Nuon Chea, and that is, of course, Heng  
25 Samrin.

21

1 We now know that the Supreme Court Chamber has ruled that not  
2 calling him in Case 002/01 was erroneous and unreasonable. It is  
3 even much more so if you're not calling him in 002/02. We have  
4 requested him for every single segment, but also, of course, for  
5 the role of the Accused, not in the least as a character witness.  
6 So now having to deal with two very marginal witnesses at the  
7 very last moment is, I believe, quite ironical.

8 I think, Mr. President, that's all that I wish to say at this  
9 moment.

10 [09.51.52]

11 MR. PRESIDENT:

12 <Please proceed, Mr. Co-Prosecutor.>

13 MR. KOUMJIAN:

14 May I respond? I didn't hear a translation, but may I respond?

15 MR. PRESIDENT:

16 Please proceed, Mr. Co-Prosecutor.

17 [09.52.12]

18 MR. KOUMJIAN:

19 Your Honours, first of all, the -- in regards to Khieu Samphan's  
20 arguments, the request for these witnesses is based on interviews  
21 that occurred after the start of the trial, after the Prosecutors  
22 submitted their list of witnesses. The WRIs the Prosecution  
23 requested before the 1st of September deadline for these.  
24 The issue here is not the admission of documents and WRIs; it is  
25 testimony. And as explained in our motion, we believe that these



1 additional witnesses are justified by the several witnesses  
2 listed in paragraph 3 that we only learned this month would not  
3 be able to testify, in paragraph 3 of our submission.

4 Also I note in listening to Khieu Samphan, they have stated,  
5 which we agree with, that the passages related to Khieu Samphan  
6 and his role are limited, are very brief in the two WRIs, so they  
7 have not explained in any way why the timing of the request would  
8 prejudice them. They have not said why they would be unable to be  
9 prepared to examine these witnesses or how the timing of the  
10 request prejudices them in that we're obviously talking about  
11 them coming next month, and they would have plenty of time to  
12 prepare their examinations.

13 [09.53.54]

14 In regards to Nuon Chea's arguments, first of all, it's  
15 interesting that while Nuon Chea says that, "Witnesses in one  
16 segment, role of the Accused, should not be cross-examined about  
17 other matters relevant to the trial", they've indicated they  
18 would intend to examine the witness about a matter, that we've  
19 said consistently, Nuon Chea has failed to show any relevance to  
20 the trial at all and that is his claim of internal rebellion  
21 justifying the mass murder of thousands -- tens and hundreds of  
22 thousands of individuals.

23 So that's in -- we will not object if he examines the witnesses  
24 on that because it simply doesn't hurt us. It simply doesn't help  
25 his case.

1 [09.54.51]

2 Your Honour, on the other matter, I want to make clear just one  
3 thing, my position on the Supreme Court Judgment and the issue of  
4 Heng Samrin. What they said is that it was an error not to  
5 request his -- to find out if he was willing to testify.

6 And I would urge Your Honours -- and I'm speaking on my own  
7 behalf. I have not -- my Co-Prosecutor's not here with me this  
8 morning -- that Your Honours find out if he is willing to  
9 testify. I think he'd be a fantastic witness for the Prosecution.  
10 I have absolutely no doubt about that, given the information that  
11 we know he said in previous interviews.

12 And I would urge all witnesses to cooperate with the Court and  
13 help bring to light the horrible history and the truth about what  
14 happened in Democratic Kampuchea.

15 Thank you.

16 MR. PRESIDENT:

17 Judge Lavergne, you may proceed.

18 [09.55.56]

19 JUDGE LAVERGNE:

20 Thank you, Mr. President.

21 I want to be sure that I properly understood the request made and  
22 the remarks made by the Nuon Chea Defence. Counsel Koppe, do you  
23 wish to have examined the two witnesses proposed by the  
24 Prosecution, or just one of them? I do not think I properly  
25 understood your position on the subject.

1 MR. KOPPE:

2 No, Judge Lavergne. We oppose the request on the same grounds as  
3 presented by the Khieu Samphan team. In a subsidiary way, we said  
4 if the Chamber were to decide to call the cousin of Heng Teav as  
5 a witness, then we believe it's important to have translated the  
6 recorded interview of his uncle who held, we believe, the number  
7 2 position or maybe the number 3 position in the Northwest Zone.  
8 And that interview between Heng Teav and Steve Heder had some  
9 interesting elements in it which, if the witness has any  
10 knowledge at all about this, we would like to confront him with.  
11 So it's -- it's a request in the scenario that you will grant the  
12 Prosecutor's request.

13 [09.57.33]

14 MS. GUISSÉ:

15 Mr. President, I would like to make a very brief statement in  
16 rebuttal.  
17 If the Prosecution doesn't understand why for <a defendant> to  
18 have two witnesses at the last minute is prejudicial, I <don't  
19 know what to say> -- for one, I consider it a logical point. The  
20 problem we face <is> not just <a matter> of preparation, but <a>  
21 problem of principle, all the more so as the two witnesses the  
22 Prosecution would like to have called to testify have been  
23 examined by a Co-Investigating Judge as Judge Lavergne indicated,  
24 <but yet again, as part of an investigation in which> Mr. Khieu  
25 Samphan <was not a party>. <And it is not based on the testimony

1 of these witnesses that he was brought before this Chamber.>

2 [09.58.26]

3 The fact that, repeatedly, last-minute witnesses are being called  
4 to strengthen the Prosecution's evidence <- because this is about  
5 strengthening the evidence> and <completing> the Prosecution's  
6 case, which was incomplete. That is <the> problem, in a case in  
7 which there are investigations, as you pointed out in the memo  
8 that I <cited>, Case 002/01, <which> was very long and  
9 investigations that were very long, to say that in the last  
10 minute we need those persons in order to find Mr. Khieu Samphan  
11 guilty, is, < for me, proof that this is a flawed trial.>

12 MR. PRESIDENT:

13 Now we conclude the first topic and we proceed to the second  
14 topic.

15 The Chamber is hearing oral submissions of the second topic,  
16 <pursuant to> the <Rule> 87.4 <of the ECCC Internal Rule, Lead  
17 Co-Lawyers have requested> to admit an appendix of the second  
18 edition of "Cambodia Hidden Scars".

19 [09.59.43]

20 In the request <of> the LCLs filed yesterday, they requested the  
21 Chamber to admit this appendix by stating that they <just>  
22 obtained it from the DC-Cam on 23rd November 2016. The LCLs  
23 claimed that this appendix is relevant, reliable and authentic,  
24 and it will assist the Chamber in acknowledging the specific  
25 mental harm endured by <> civil parties and in recognizing the

1 appropriateness of the reparation projects by the LCLs in their  
2 final claim in particular.

3 First the Chamber gives the floor to the Lead Co-Lawyers for  
4 civil parties to present their request.

5 Please proceed.

6 MS. GUIRAUD:

7 Thank you, Mr. President, and good morning to all of you.

8 I believe that you have perfectly summed up our request to admit  
9 a new element of evidence on the basis of Rule 87 <of the Rules  
10 of Procedure>. This document, therefore, was accessible on 23  
11 November 2016, that is to say, after the date of 1 September that  
12 is mentioned in the <Chamber's> memos that were recalled by our  
13 colleague <earlier>, E421/4 and E421. And we wish, therefore, to  
14 have admitted a document which is an appendix to the second  
15 edition of a DC-Cam report whose title you provided, Mr.  
16 President.

17 [10.01.32]

18 This document is entitled, and I'm <going> to quote in English  
19 because this document is only available in English now, so in  
20 English, "The Mental Health Outcomes Resulting From Crimes  
21 Committed by the Khmer Rouge Regime".

22 So, this document seems to us to be particularly relevant because  
23 it makes the connection between the psychological harm that was  
24 endured and the trial that we are busy with today, that is to  
25 say, Case 002/02, and this document seems to us to be reliable

1 because it comes from a particularly well-reputed laboratory  
2 because it's a laboratory which depends on the psychiatry and  
3 behavioural sciences of the medical school of Stanford  
4 University.

5 [10.02.31]

6 And our request seems diligent as well because we were informed  
7 of the publication of this report by a newsletter that was sent  
8 by DC-Cam that we received on 23 November. And I'd like to  
9 specify that we requested the translation of this document into  
10 Khmer, and ITU told us that the Khmer version will be ready in  
11 the first week of January.

12 And to finish, this document seems to us to be particularly  
13 relevant for our requests regarding moral and collective  
14 reparations that we will formulate once this trial closes in our  
15 final submissions for reparations. And this is why, in order to  
16 help the Chamber to assess the appropriate character of our  
17 reparation request, that we wish to see this document admitted.  
18 Thank you, Mr. President.

19 MR. PRESIDENT:

20 Thank you.

21 And I'd like now to hand the floor to the Co-Prosecutor to make a  
22 response or observation.

23 MR. KOUMJIAN:

24 Your Honour, we believe the request is well founded and support  
25 it.

1 [10.04.06]

2 MR. PRESIDENT:

3 And now I hand the floor to the Co-Counsel for the defence team  
4 of Nuon Chea.

5 MR. KOPPE:

6 Yes, Mr. President. We have no observations to make in respect of  
7 the timing of the request. However, we do have a few things to  
8 say about the content of the request.

9 It's a complicated report, and I only had an opportunity to  
10 briefly glance at it, go through it. We agree with the Lead  
11 Co-Lawyers for civil parties that Stanford is, indeed, a  
12 "particularly well-reputed institution". As a matter of fact, the  
13 report that was issued one year ago by Stanford WSD Handa Centre  
14 for Human Rights and International Justice regarding the 002/01  
15 judgment was a very solid, accurate and good report. So there's  
16 no discussion about the reputation of Stanford University; on the  
17 contrary.

18 [10.05.44]

19 However, what I understand from the summary in the request and  
20 also from going through this particular document, it is supposed  
21 to be a, and I quote paragraph 11 of the -- of the 87 request, "a  
22 clinical, academic and empirical research".

23 And when I go through the text of that report, it says that  
24 traumatic events were discussed and experienced and that,  
25 somehow, the people involved in drafting this report were able,

1 on the basis of written records of testimony, to make all kinds  
2 of far-reaching conclusions as to trauma suffered by the various  
3 civil parties that testified.

4 One thing -- and maybe that's because I'm only a simple lawyer,  
5 as I said yesterday as well -- I fail to see how it is possible  
6 for any clinical researcher, or any medical person, or anyone  
7 with a medical background to make all kinds of far-reaching  
8 conclusions on the basis of what they see in Court or what they  
9 read in a transcript.

10 [10.07.25]

11 I see no evidence whatsoever of any of the people involved in  
12 drafting this report on actually having spoken themselves to the  
13 civil parties, so on that basis, I cannot say that this report  
14 should be added because it simply lacks a clear methodology and  
15 it simply lacks, in my view, a reasoned conclusion.

16 It just ties literature that is known to certain civil party  
17 testimony. It's basing itself upon all kinds of backdated  
18 information in the introduction. It's, in this stage, I believe,  
19 unsuited completely to be admitted into evidence.

20 MS. GUISSÉ:

21 No observations in the Khieu Samphan defence team. Thank you, Mr.  
22 President.

23 MS. GUIRAUD:

24 A short reply, Mr. President, if you allow me, to the Nuon Chea  
25 defence team because my colleague seems to be confusing here the



1 debate on admissibility and the debate of the probative value of  
2 this report.

3 With regard to admissibility, you're going to have to look at  
4 three criteria; reliability, relevance and diligent nature of the  
5 request. And I believe that in our written submission, you have  
6 enough elements to consider that the criteria that were specified  
7 in Rule 83, are abided by. Therefore, the document must and will  
8 be admitted, and then we will have a debate on the probative  
9 value of this document and it will be up to the Nuon Chea defence  
10 team to make its own submissions regarding the probative value of  
11 this document.

12 But it appears to me that the document may be admitted, should be  
13 admitted, and that the methodology and the subject of this report  
14 are <explained> in a very clear way, so it will then be up to the  
15 Chamber to see how it wishes to use this report.

16 MR. KOPPE:

17 If I may very briefly, Mr. President, that's a very interesting  
18 response considering the fact that evidence, which is extremely  
19 relevant and highly reliable was denied by the Trial Chamber, and  
20 I think civil party Lead Co-Lawyers were very happy with that.  
21 That's, of course, the evidence produced by Robert Lemkin. So,  
22 now, to come up with this very formal criteria all of a sudden,  
23 seems a bit awkward.

24 [10.10.36]

25 MS. GUIRAUD:

1 Mr. President, let me reply, and this should be noted in the  
2 transcript. So the remarks of our colleague regarding our  
3 supposed position with regard to Mr. Lemkin seemed completely  
4 inappropriate, so I'd like this to stand on the record.

5 MR. PRESIDENT:

6 The Chamber thanks all the parties in relation to your  
7 observations or responses on the two issues. We will consider all  
8 your responses and we will issue our decision in due course.

9 Q. Good morning, Mr. Witness. Are you present in the room?

10 [10.11.43]

11 2-TCW-971:

12 A. Yes, I am. Good morning, Mr. President.

13 MR. PRESIDENT:

14 You look so cheerful, so you may proceed with your testimony?

15 2-TCW-971:

16 Yes, I'd like to finish my testimony, although I have some lower  
17 back pain.

18 MR. PRESIDENT:

19 We need to have a 15-minute break, and you can have a break, too.

20 And we will resume at 25 past 10.00.

21 It is now appropriate for a short break. We take a break now and  
22 resume at 25 past 10.00 to continue our proceedings.

23 The Court is now in recess.

24 (Court recesses from 1012H to 1029H)

25 MR. PRESIDENT:

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

2 And now the Chamber is hearing the testimony of 2-TCW-971.

3 Good morning, Mr. Witness. Are you ready?

4 2-TCW-971:

5 Yes, I'm ready, Mr. President.

6 MR. PRESIDENT:

7 Counsel Mam Rithea, are you there?

8 MR. MAM RITHEA:

9 I am here, and I'm ready.

10 [10.30.28]

11 MR. PRESIDENT:

12 And now the Chamber gives the floor to the defence team for Mr.

13 Nuon Chea to put questions to the witness. You may now proceed.

14 QUESTIONING BY MR. KOPPE RESUMES:

15 Thank you, Mr. President.

16 Q. Good morning, Mr. Witness. I will be continuing my --

17 2-TCW-971:

18 A. Good morning.

19 Q. I will be continuing my questions from where we left off last

20 week. Just to remind you, when I asked my questions last week,

21 you testified about your observations once you had arrived in the

22 Northwest Zone in Battambang on the 1st of January 1978. You told

23 the Chamber that you had observed that people did not have enough

24 food, although there was plenty of rice in storage.

25 You also said last week that you and others from the Southwest

1 Zone distributed the rice and that people were very happy with  
2 that. I have a few follow-up questions, Mr. Witness.

3 You talked about the storage of rice that you observed. Where was  
4 this storage of rice, this warehouse? Was it in Thma Koul?

5 (Technical problem)

6 [10.33.02]

7 JUDGE LAVERGNE:

8 May I avail myself of this opportunity to ask you, Mr. Koppe, to  
9 give us the reference and to identify the place <you mentioned>  
10 because <it's not clear.> Sometimes when we read the transcripts,  
11 we have problems understanding the identities involved and the  
12 places <he is> referring to.

13 MR. KOPPE:

14 Yes, certainly. It's the draft transcript of 9 December 2016, at  
15 10.14 and a bit further. He talks about the rice storage in Thma  
16 Koul. He says, "It was at Thma Koul because I saw the rice in the  
17 storage."

18 [10.33.58]

19 He, a bit further, 10.16, said that people were happy when the  
20 rice was given to them, that people did not have sufficient food,  
21 he said, at 10.10 in the morning. And at 10.11, he said:

22 "I did not understand why they left it or why it" -- the rice --  
23 "was not given to the people."

24 These are the four excerpts from the transcript of last week.

25 Of course, also in his WRI, he says the same thing, but in

1 different words.

2 (Technical problem)

3 [10.40.08]

4 MR. PRESIDENT:

5 Good morning, Mr. Witness.

6 2-TCW-971:

7 Good morning, Mr. President.

8 MR. PRESIDENT:

9 The internet is always cut, so when can we conclude your  
10 testimony?

11 2-TCW-971:

12 I really want to conclude it very soon, Mr. President.

13 [10.40.26]

14 MR. PRESIDENT:

15 And Koppe, you may now proceed.

16 BY MR. KOPPE:

17 Q. Mr. Witness, I believe we all want the same. Good morning  
18 again. I don't think you heard me, so let me repeat what I said.

19 Last week, you testified about events, after you had arrived in

20 Battambang on the 1st of January 1978. You talked about your

21 observations, that people did not have enough food, although

22 there was rice in storage, and that you subsequently distributed

23 the rice you found and that people were happy that you did.

24 [10.41.10]

25 Let me ask you a follow-up question. The storage of rice that you

1 discovered, the warehouse that you discovered, you said that was  
2 in Thma Koul. Can you describe that warehouse in Thma Koul where  
3 you discovered this rice?

4 2-TCW-971:

5 A. Let me clarify it once again, Mr. Counsel.

6 The statement that "people were starved", that statement was made  
7 by Ta Mok <who sent me>. I and Ta Chay were <immediately sent> to  
8 Battambang to <carry out the fact-finding> whether people were  
9 starved<,> had no rice to eat <and were incarcerated>. I was  
10 instructed to go there promptly. <We had to leave at 11 a.m., and  
11 arrived there at 4.00 in the morning on the next day.> Ta Mok  
12 ordered Ta Chay and me to go and see whether that was the case.  
13 That statement was made by him. <He wanted to know whether it was  
14 true or not.>

15 [10.42.34]

16 Upon my arrival, Ta Mok ordered Ta Chay to assign me to go to  
17 check at Doun Teav. When I arrived at Doun Teav to see if people  
18 were detained and were starved<. At that time,> I went to a  
19 cooperative, and people there cooked rice <with big pots>. They  
20 ate collectively.

21 They appeared not to be starved. <This is rather long as I  
22 described it further.> They had enough food to eat. I, at the  
23 time, advised them that one can of rice should be given to each  
24 person <for a day> and that <this amount> should not be  
25 decreased.

1 Regarding the mobile units, people were mobilized in order to put  
2 in mobile units. They were not detained. In fact, they were  
3 mobilized <but not detained> and placed in mobile units to be in  
4 charge of different worksites. In fact, they were not starved,  
5 but they <simply> could not eat their fill because of the  
6 difficulty of transportation of food.

7 <Seeing this situation,> I, at the time, advised that the people  
8 who were placed in mobilized units should be allowed to return to  
9 their homes. That instruction was received by me from Ta Chay.

10 [10.44.45]

11 Q. Well, let me follow up on this. At 10.11 last week, you said  
12 that you didn't understand why they left the rice in storage and  
13 why it was not given to the people. But you said:

14 "From what I saw, I thought that the rice had been stored there  
15 for a long time, so the quality became bad."

16 And then you said:

17 "And as I said, in some areas, the people did not have sufficient  
18 food to eat."

19 No translation, Mr. President?

20 [10.45.28]

21 (Technical problem)

22 (Judges deliberate)

23 [10.48.04]

24 MR. PRESIDENT:

25 Again, good morning, Mr. Witness.

1 2-TCW-971:

2 Yes, good morning.

3 MR. PRESIDENT:

4 We try once again so that we can conclude very soon.

5 <Counsel,> Koppe, you may now resume your questioning. And please  
6 repeat your question.

7 [10.48.28]

8 BY MR. KOPPE:

9 Q. Yes. Mr. Witness, following up the issue of the starving  
10 people in the Northwest Zone, you said that it was Ta Mok, who  
11 said that. But you also said last week that you did not  
12 understand why they left the rice in the storage, why it was not  
13 given to the people, and that once it was distributed to the  
14 people, they were very happy.

15 Is that correct?

16 2-TCW-971:

17 A. That <was another> case <happened> at Thma Koul. They were two  
18 different cases.

19 [10.49.24]

20 Q. Well, that was actually one of my questions because you speak  
21 about several areas. You speak about Thma Koul, you speak about  
22 Veal Trea, and you also speak about Doun Teav.

23 So, let's start talking about Thma Koul first, and let's talk  
24 about the storage of rice, the warehouse with rice in it that you  
25 saw.



1 Can you describe exactly where in Thma Koul this warehouse, which  
2 was full of rice, was situated?

3 A. Thma Koul warehouse was right located at the old Thma Koul  
4 market. It was right within that Thma Koul.

5 Q. And can you describe that warehouse? How big was it? How much  
6 rice did you find stored in the warehouse in Thma Koul?

7 A. I did not measure how large the warehouse was, and I did not  
8 count the amount of rice <and other stuff> within that warehouse.

9 <I just saw it.>

10 [10.51.05]

11 Q. I understand. But can you give an indication, or is that very  
12 difficult, the indication as to how much rice you saw stored in  
13 that warehouse?

14 A. I cannot <estimate> that. The warehouse stored jars of brown  
15 sugar and rice. I saw some <cloths. Therefore, I cannot tell the  
16 exact amount of rice stored there.>

17 Q. Can you tell us, if you remember, in which sector of the  
18 Northwest Zone Thma Koul was situated?

19 A. Counsel, upon my arrival at that location, it was in Sector 3.

20 Q. And we also briefly now spoke about Doun Teav. Which sector of  
21 the Northwest Zone was that?

22 (Technical problem)

23 [10.53.00]

24 MR.KOPPE:

25 I'm -- I'm not a technical person, but would it make a difference

1 if we just heard the audio and switched off the video? That could  
2 usually assist in transferring data quicker.

3 MR. KOUMJIAN:

4 Yes, I would support that. Obviously, there's more -- much more  
5 data necessary for video. There's an advantage to see the  
6 witness, but in this case, I think it's preferable to get the  
7 audio rather than nothing.

8 JUDGE FENZ:

9 In case this is an option, does everybody agree because  
10 obviously, you don't have a -- a visual then; is there any  
11 objection to that in case it's technically possible?

12 For the record, no objections.

13 MR. PRESIDENT:

14 Since there is a request from the party and no other parties  
15 objected to the request, Roger, now please arrange with the AV  
16 and all -- we can only hear the sound, we do not need the video;  
17 <This would be better,> is that possible?

18 (Short pause)

19 [10.55.35]

20 MR. PRESIDENT:

21 The technicians mentioned already that it's not possible to hear  
22 only sound, but technicians need to connect both video and sound  
23 together; if not, that's not possible.

24 (Short pause)

25 [10.56.34]

1 MR. PRESIDENT:

2 Now, we try one more time. This is the last time for the  
3 connection and if it still causes the problem, we may find other  
4 means to proceed the hearing of testimony of this witness.

5 Counsel, you may now resume your questioning.

6 BY MR. KOPPE:

7 Q. Mr. Witness, we were speaking about storage of rice that you  
8 found in a warehouse in Thma Koul; you couldn't tell the  
9 quantity, but are you in a position to say whether the rice that  
10 you saw was husked rice or non-husked rice?

11 2-TCW-971:

12 A. In the warehouse, there was no unhusked rice, but there was  
13 rice, <dried fish> and cloth.

14 Q. In terms of geography, you said Thma Koul is in Sector 3; have  
15 you heard of a -- another place called Thma Puok?

16 A. Thma Puok -- Thma Puok was not close to Thma Koul. I am not  
17 clear with your question.

18 Q. My -- let me -- let me rephrase my question. Do you know  
19 whether similar warehouses, full with rice, were discovered in  
20 other areas in the Northwest Zone; areas such -- or places such  
21 as Battambang or Thma Puok?

22 A. I have never seen those warehouses.

23 [10.59.07]

24 Q. That's -- that's fine, Mr. Witness. In your WRI, at answer 4,  
25 you said that upon discovering the problems with food and to

1 "Lighten the workload for the people who were starving", you said  
2 that they had me resolved the problem of food. My question is,  
3 did you and the other Southwest Zone cadres finally manage to  
4 resolve the problem?

5 A. I went to solve the problem at Thma Koul warehouse. I invited  
6 villagers and people in the mobile units to get the rice <at that  
7 warehouse>. The warehouse was used to store rice <,not only for>  
8 people to eat <but also for staff who worked there>.

9 Q. I understand the resolving of this immediate problem upon your  
10 arrival, but were you able to resolve the rice and -- or food  
11 problem in that area on a more structural basis; did people,  
12 after you distributed that rice, get enough rice to eat?

13 [11.01.01]

14 A. Due to the short time I was there and, as I said, I opened the  
15 warehouse and I distributed the rice to the nearby villagers and  
16 not long after, I was transferred elsewhere. So that was the one  
17 occasions that I <helped organise> it because no longer I was not  
18 in control in that area.

19 Q. I understand. My question -- my following question is; how did  
20 you and your fellow cadres found out that rice was being stored  
21 in the Thma Koul warehouse? How were you able to locate that  
22 warehouse because you, of course, were not familiar with Thma  
23 Koul; how were you able to detect this rice -- this warehouse  
24 full of rice?

25 A. When I arrived, there were people who were working <at> that

1 warehouse. They were part of a female unit and those women told  
2 me about it, so after I inspected the warehouse, I saw the rice  
3 and then I distributed the rice including those which was in bad  
4 quality to the nearby villagers.

5 Q. And these -- these women who warned you about this rice being  
6 stored; were they also from the Southwest Zone?

7 A. They were the women who had arrived before my arrival and they  
8 came from Srae Ambel or the salt field.

9 Q. Do you know any of them?

10 [11.03.18]

11 A. We separated our ways, so I did not know and probably some of  
12 them went to the refugee camps and probably some <went abroad,  
13 and some may> die.

14 Q. Now, upon discovery or -- or rather upon warning by these  
15 Southwest Zone female cadres about this -- the warehouse, were  
16 you able to find out who it was that ordered to keep this rice in  
17 the warehouse and not to distribute it to the people; do you know  
18 who had been responsible for doing that?

19 A. No, I did not ask about that, and when I arrived I saw those  
20 people there, so I organized the rice as what I said. And that's  
21 what I was instructed by Ta Chay, even for the rice with bad  
22 quality that the rice should also be distributed.

23 [11.04.38]

24 Q. Last week, we briefly spoke about what could have been  
25 possibly the reasons for storing rice and not giving it to the

1 people. Mr. Witness, let me read to you something from a weekly  
2 report of another sector; a sector that you were not in, Sector  
3 5.

4 Mr. President, it is document E3/178; English, ERN 00342708;  
5 Khmer, 00275587; and French, 002 -- sorry, 00623304.

6 And this is what that weekly report, dated the 21st of May 1977,  
7 says.

8 "By searching and finding the enemy's trick that rice was hidden  
9 in Phnom Srok, rice and salt were hidden like in Preah Netr Preah  
10 district; rice was hidden in Thma Puok district; rice was hidden  
11 in Sisophon district." End of quote.

12 Mr. Witness, although these are all places that you were not  
13 working in, did you, maybe, hear at meetings or other occasions  
14 that rice had been hidden in other places in the Northwest Zone  
15 as well?

16 [11.06.35]

17 A. No, I did not hear that and as I said, I was there for a short  
18 period of time only, so I was not aware of <those prior> issues  
19 and I did not hear about the rice being hidden elsewhere, <and  
20 the name of a person who did that,> as what you just said.

21 Q. Did you ever hear of rice being taken out of the Northwest  
22 Zone into Thailand?

23 A. No, I was not aware of that. As I said, I went there last.

24 Q. A final question: Did you ever hear, during meetings, who  
25 might have been ultimately responsible for storing all those rice

1 at various places, a person called Ham (phonetic)?

2 A. No, the name did not sound familiar. As I said, I was the last  
3 one who came to the area and I did not know that.

4 [11.08.05]

5 Q. Fine, Mr. Witness, now let me move on from the situation of  
6 food to the situation of working conditions in the Northwest Zone  
7 in respect of various places.

8 What is it that you can tell us about what you found about  
9 working conditions of people in the Northwest Zone?

10 A. I do not understand your question.

11 Q. Well, let me -- let me read to you what you said in -- in your  
12 interview -- your WRI, question and answer 63; you said, and I  
13 quote, "This was the reason that we had been sent to see who had  
14 overworked the people without adequate food".

15 And in question and answer 4, you said you were sent to, "lighten  
16 the workload for the people".

17 And in question and answer 65, you said, "When I arrived, I let  
18 the men and women in the mobile unit and children go back to  
19 their homes". In other words, you arrived; what did you do to  
20 lighten the working conditions of the people?

21 A. At the time, <first, all remaining> food stored in the  
22 warehouse had to <> be distributed and second; as for the  
23 children unit and the mobile units, I sought opinion from Ta Chay  
24 and Ta Chay's instruction was for them to return to their  
25 respective homes. And as I said, I was there for a short period

1 of time, so I declared that everyone should return <> home.

2 [11.10.45]

3 Q. And which people did you send home; you said people who had  
4 over -- who had been overworked and had inadequate food; which  
5 people--

6 A. How could I remember everyone; there were so many people?

7 Q. I -- I understand, but were they mobile unit workers; where  
8 were they from; who were the people that you sent home?

9 A. The people that I sent home were those who worked in mobile  
10 units and in the children unit <that concentrated> at Thma Koul.

11 [11.11.36]

12 Q. Now, let me follow up with this -- by this and -- and read to  
13 you what you said in that same answer and question 63. You said  
14 the reason that you were sent was to deal with the overworked  
15 people who had inadequate food and then you say, "We were to  
16 eliminate all of those acts, but the Vietnamese arrived when we  
17 had not done that yet." End of quote.

18 What did you mean when you said, "We were to eliminate all of  
19 those acts"?

20 A. I meant that when I <arrived> there, I stopped people from  
21 overworked and that they had sufficient food to eat and I did not  
22 want to have a concentration or collective of people to work.

23 <This was our purpose of going there.>

24 Q. And do you know whether people were able to stay at home after  
25 you had sent them home?



1 A. I could not know about that since I did not know about their  
2 homes or their families, but I made an announcement that everyone  
3 should return home.

4 Q. And everybody did, is that correct?

5 A. Yes, they separated their ways to go to their home.

6 [11.13.35]

7 Q. Mr. Witness, I would like to read an excerpt to you from an  
8 interview that the Minister of Social Affairs gave to an American  
9 journalist, Ieng Thirith.

10 Mr. President, that is document E3/659; English, ERN 00182322;  
11 Khmer, 00741117 and 118; French, 00743047. Now, this is what she  
12 said and I would like to -- to get your reaction.

13 "Yes, I was travelling in order to see the conditions of the  
14 people and at the time, when I came back in Phnom Penh, I  
15 reported to our leaders that there was something queer in some  
16 provinces. For example, in Battambang, I saw something very  
17 clear; that they make people, all people, go into the rice fields  
18 very far from the village and they have no home and I saw they  
19 have no home and they are all ill. I reported to my leaders that.  
20 To the prime minister, 'That's quite queer; it is not normal.  
21 There is something wrong in this'."

22 [11.15.10]

23 And a bit further, "At the time, I told my leader there is  
24 something wrong in that province because I know the directives of  
25 the prime minister. Not young, not old people, not pregnant

1 women, not women feeding babies and not small children, but I saw  
2 everybody there in the rice fields, in open air; nothing, and  
3 with the sun -- very hot sun, I saw many people ill of diarrhoea  
4 and malaria, so I reported it to him." End of quote.

5 Mr. Witness, is that something that you can confirm as being the  
6 situation when you arrived in Battambang?

7 A. When I arrived in Battambang, I did not go to every place.

8 From Thma Koul to Mongkol Borei route, I saw people <, in mobile  
9 units,> working in the rice field and they worked in groups, as I  
10 indicated earlier, and they did not lived in proper houses, but  
11 they lived in a shelter.

12 Q. I understand that you didn't go everywhere, but do you, in --  
13 in general terms, agree with the observations that were made by  
14 Ieng Thirith, that there was something wrong going on in the  
15 province?

16 A. Yes, I saw her report, too, that she spoke about the people  
17 working in the open field. <It is correct.>

18 Q. And are there other specific elements that you agree to in  
19 Ieng Thirith's statement or interview?

20 A. I did not catch your full question; what points are you  
21 talking about?

22 [11.17.33]

23 Q. Well, for instance, her observation that things were wrong in  
24 the province because what she saw was in violation of the  
25 directives of the prime minister; she means Pol Pot. Did you

1 observe that the situation was contrary to the guidelines on  
2 working conditions, etc.?

3 A. The activities were like what she described and that's what I  
4 saw, too, because people did not live in proper home <and good  
5 condition of living. These were> violating the directives <.>  
6 People were working too hard <but given insufficient food>.

7 Q. Now, in your -- your answer 4 in your WRI, you also mention  
8 something in relation to the workload, so you didn't only send  
9 people back to -- to their homes, but you also said -- or you  
10 also talked about, "Lighten the workload for the people who were  
11 starving." End of quote.

12 What did you do to lighten the workload, which measures did you  
13 take?

14 [11.19.17]

15 A. In order to lighten the workload, it was my understanding that  
16 it would be better for them not to work in concentrated group; it  
17 would be better for them to work, individually, at their <homes>.

18 Q. Did you also take measures to diminish the hours of work per  
19 day?

20 A. When I arrived, I did not work on the reducing of the number  
21 of hours<, but I went there to demobilise the workforces.> I  
22 would like to remind you again, I was there for a very short  
23 period of time.

24 Q. I understand. Do you know what the guidelines were for  
25 working, what the general directives were in terms of how many

1 hours per day and how many days per month people were supposed to  
2 work?

3 A. Regarding the working hours or the schedule, it was unclear;  
4 that is, from what I saw, people would rest at <10 or> 11, but  
5 the starting time varied.

6 Q. Can you -- let me rephrase; was the -- the directive on  
7 working hours, 8 hours a day and 15 minutes break for every hour  
8 and a long lunch time as well?

9 [11.21.20]

10 A. At the time, the working hours varied, but as I said, they  
11 would rest at 11 and they would resume working at 1.30 or 2  
12 o'clock. <This was continually practiced, but we did not make any  
13 announcement about the exact working hours >.

14 Q. That's clear; thank you, Mr. Witness. We -- we spoke about you  
15 trying to solve the food situation, trying to light -- to lighten  
16 the workload of -- of people who had been overworked; do you know  
17 whether there were also other tasks of Southwest Zone cadres to  
18 do? Were there also investigations going on; do you know whether  
19 there was monitoring going on? What -- what do you know about any  
20 other measures that were taken by the Southwest Zone cadres in  
21 the Northwest Zone?

22 [11.22.34]

23 A. Cadres or people who worked there, they came in stages<.  
24 Before me, there were others.> I was the last group who came and  
25 I only knew what I did and I was not aware of what they had done

1 previously.

2 Q. Do you know whether there were also investigations being done,  
3 into the unlawful killing of people in the Northwest Zone?

4 A. No, I was not aware of that.

5 Q. Did you know anything about cadres who were not coming from  
6 the Southwest Zone, but who were sent directly by Pol Pot to the  
7 Northwest Zone to investigate the killings of Kampuchea Krom  
8 people by Ros Nhim?

9 A. No, I was not aware of that. I did not know anything about  
10 this when I arrived.

11 Q. The -- the other -- the other cadres, who were not from the  
12 Northwest Zone, were they only Southwest Zone cadres that you saw  
13 or were there also other cadres coming to investigate matters in  
14 the Northwest Zone?

15 A. I did not know about that; I only knew those people who came  
16 with my group. Even <those> who <were> from the Southwest <and  
17 came before me>, I did not know them.

18 [11.24.38]

19 Q. I understand. I think my final question, Mr. Witness: Do you  
20 know whether one of the most important reasons that Ros Nhim was  
21 arrested -- Ros Nhim; that is, the leader of the Northwest Zone  
22 -- was because he was involved in killing of Kampuchea Krom  
23 people?

24 A. Any matters to do with Ros Nhim, I was not aware of it. I only  
25 knew I was the last group who was sent there and I did not know

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1 who had worked there before I arrived.

2 MR. KOUMJIAN:

3 Mr. President, can I just ask for a reference of what Counsel's  
4 basis is for his question that Ros Nhim is the one who killed the  
5 Khmer Krom?

6 MR. KOPPE:

7 Yes, it's evidence that's not admitted into -- into evidence.

8 It's ERN--

9 [11.26.04]

10 JUDGE FENZ:

11 Sorry, then we can stop here. If it's evidence that's not  
12 admitted, you can't use it and you know it.

13 MR. KOPPE:

14 I was just answering the question; it's evidence coming from the  
15 interviews that Robert Lemkin took and that the Chamber refuses  
16 to admit.

17 Mr.--

18 MR. KOUMJIAN:

19 Now, if I could just make a comment on that; what Counsel's  
20 talking about -- well, perhaps, I'll do it with the witness.  
21 That's okay. Go ahead, sorry.

22 BY MR. KOPPE:

23 Q. Mr. Witness, you arrived in Battambang on the 1st of January  
24 1978; however, Ros Nhim wasn't arrested until May -- end of May,  
25 beginning of June '78; did you hear anything or did you observe

1 anything in relation to the arrest of Ros Nhim, the chief of the  
2 Northwest Zone?

3 (Technical problem)

4 [11.30.02]

5 MR. PRESIDENT:

6 Counsel Koppe, you may resume. Let's hopes that you can finish  
7 your questioning before lunch time.

8 BY MR. KOPPE:

9 Ah, yes, Mr. President, it was actually my last question.

10 Q. Mr. Witness, you arrived in Battambang on the 1st of January  
11 1978; you were very specific about that. Ros Nhim wasn't arrested  
12 until five months later. Did you hear anything about his arrest;  
13 did you observe anything? Did you hear anything from the cadres  
14 about his arrest?

15 [11.30.48]

16 A. No, I did not because when I arrived, I <dared not> ask these  
17 kinds of questions; it was not my personal matter and I only did  
18 what I was instructed to.

19 MR. KOPPE:

20 Thank you very much, Mr. Witness. Thank you, Mr. President.

21 MR. PRESIDENT:

22 Thank you. And I'd like now to hand the floor to the  
23 Co-Prosecutors to put questions to the witness and probably we  
24 can go for another 15 minutes.

25 QUESTIONING BY MR. KOUMJIAN:

1 Q. Sir, you mentioned you were from the third wave of Southwest  
2 cadres sent to the Northwest; did you know Yeay Rim, sent to  
3 Bakan district?

4 A. I did not know Yeay Rim; I did not know which one.

5 Q. Well, did you hear about the killing of Khmer Krom in about  
6 August 1978, in Bakan?

7 A. I do not really get your question; could you repeat it?

8 Q. Yes, did you hear about the killing of Khmer Krom in about  
9 August of 1978?

10 [11.32.31]

11 MR. KOPPE:

12 The similar things should apply to the Prosecution; please give  
13 us the reference.

14 BY MR. KOUMJIAN:

15 I will give the reference after the break. I have.

16 Q. Did you hear about the killing of Khmer Krom in Bakan  
17 district, Mr. Witness?

18 Counsel knows this -- that fact is part of a video.

19 2-TCW-971:

20 A. I was not aware about that.

21 [11.33.01]

22 Q. Thank you. Sir, in your WRI, your interview, you mentioned  
23 that you were a teacher and that because of that you had to be  
24 vigilant during the Khmer Rouge regime; can you explain what you  
25 meant?



1 A. I had to do what I was assigned to do; that was the thing that  
2 I was afraid at that time. I was afraid that I would be accused  
3 of opposing <those former officials>; that's why I was to be  
4 careful.

5 Q. Let me read your answer and just have you clarify it. In  
6 answer 24, you said, "During the Khmer Rouge regime, I had to be  
7 vigilant because I used to be a teacher. My three uncles, two  
8 siblings, and seven cousins died during the Khmer Rouge regime."  
9 So why was the fact that you were a teacher -- why did that --  
10 did you mention that in explaining you had to be vigilant; did  
11 that make you suspect, the fact that you were a teacher?

12 A. I was afraid that they suspected me. My cousins did not die  
13 after 1975; they died in the period of Lon Nol when they were  
14 soldiers. They died because they were soldiers engaging at the  
15 war against Lon Nol.

16 Q. So let me briefly -- before I ask you questions about your  
17 time in the Northwest -- let me briefly go over your time there,  
18 make sure we understand it. You said you arrived -- you left the  
19 Southwest on the 31st of December and arrived the 1st of January  
20 1978. You said you then -- excuse me, you said you spent about 10  
21 days in Doun Teav and then were sent to Thma Koul; is that  
22 correct?

23 [11.35.33]

24 A. That is correct.

25 Q. And you stayed in Thma Koul, which would have been -- you

1 would have arrived in the middle of January -- you stayed there  
2 until just before the Vietnamese arrived when you were  
3 transferred to, I think it was Mongkol Borei; is that correct?

4 A. I cannot recall how long I was at Thma Koul; <but it> was not  
5 long <there>. I had to <distribute> food and made the  
6 announcement <about the discharge of children units and released  
7 them. I told> those who were in the mobile units that they  
8 <could> go back home, then I <told them> to <go to> Mongkol  
9 Borei.

10 Q. So just so we understand the timing, you were assigned to  
11 Mongkol Borei just before the Vietnamese arrived, which would  
12 have been December of '78; is that correct?

13 [11.36.40]

14 A. To my recollection, the Vietnamese approached the frontier  
15 already, but they did not go deep into the territory of  
16 Kampuchea. The situation <became> chaotic already when I arrived  
17 at Mongkol Borei.

18 Q. So that we understand it a little better, how much time did  
19 you spend in Mongkol Borei before having to flee the Vietnamese?

20 A. I cannot remember it; two or three months, I did not record  
21 it. <But> I was there for a brief moment. The situation at the  
22 border became intensified already.

23 Q. Okay, thank you. When you arrived in the Northwest Zone, was  
24 Ta Mok the head of the zone?

25 A. He may have been the secretary.

1 Q. Did you report to Ta Mok directly or through someone else?

2 A. I had my direct superior, Ta Chay, <who> went with me. We were  
3 assigned to that location on the same occasion. <Since Ta Chay  
4 was my superior,> I had to <> report directly to <him>. He was on  
5 mobile; he did not stay put in one place.

6 [11.38.35]

7 Q. And did Ta Chay report to Ta Mok, to your knowledge?

8 A. Yes, the report would go through hierarchical order.

9 Q. When you were in Thma Koul, you said you were in the commerce  
10 office of the sector, Sector 3, who did you report to?

11 A. <That time,> Ta Chay was with me. If there <were> things  
12 happening, I asked for his opinion.

13 Q. Who was the sector secretary?

14 A. No one was completely -- was appointed, at the time, but there  
15 was -- and there was no official announcement who was the sector  
16 secretary, but Ta Chay was there to be in charge of the sector.

17 Q. How about Ta Tom, wasn't he the sector secretary in Sector 3  
18 when you arrived?

19 [11.40.19]

20 A. The post was vacant. I did not see people in the commerce  
21 office <or sector office>.

22 Q. So you did hear of Ta Tom, the sector secretary; is that  
23 correct?

24 A. I heard of his name later. I asked others who was the chief or  
25 secretary of the sector and I was told that it was Ta Tom; <but>

1 I never saw <> his face and I did not know when he disappeared. I  
2 did ask the question <to the people in mobile units>; who the  
3 sector secretary was and I was told it was Ta Tom. I did not see  
4 his face. I did not know where he was gone at the time.

5 Q. Now, sir, we have an entry for -- on several documents from  
6 S-21 and on the OCIJ list, Mr. President, Your Honours, number  
7 6857. In these documents, there's a list of a person with the  
8 alias, Tom; real name Phok Tom or Phok Sary, Secretary of Sector  
9 3, and these documents show he entered S-21, between 25 June '78  
10 and 30 June '78, 1978.

11 So Sir, did you ever meet Ta Tom, before he was taken to S-21 in  
12 June 1978?

13 A. I do not know this individual. I never saw his face.

14 Q. You talked about rice in a warehouse in the centre of the town  
15 -- the centre of the market for Thma Koul; is that correct;  
16 that's where you saw it?

17 [11.42.58]

18 A. I told the Court already about that issue.

19 Q. So sir, was the -- was the rice visible as soon as you entered  
20 the warehouse?

21 A. I went inside and had a look if the rice was there, so that I  
22 could <distribute> rice villagers and people.

23 Q. Okay, please answer the question that I asked and the question  
24 was: When you walked in the warehouse, could you see the rice or  
25 was it hidden in some way?

1 A. It was not hidden. It was visible and some rice was not in  
2 good quality. The rice was not hidden<; it was put in large bags  
3 and stored in barns>. Some could not be used because it was  
4 stored for a long time<; but some were in good condition>.

5 [11.44.16]

6 Q. Sir, you've told us that you arrived in the Northwest Zone in  
7 January in -- in Tuol -- excuse me, Tuol Kheiv in January and you  
8 didn't leave until the end of the year -- a couple of months  
9 before the end of the year. Did you collect rice; how was the  
10 rice that was farmed in your area collected or distributed?

11 A. They had not yet harvested or collected rice when I was there.  
12 <I only saw people in mobile units working> at different places  
13 <in rice field. The rice yield had not been transported to any  
14 particular place yet.> they did not yet send and collect the  
15 rice.

16 Q. Can you tell us; when you were in the Northwest Zone, was rice  
17 exported or was it sent to another country or to Phnom Penh?

18 A. I did not witness that. <Upon my arrival,> I did not witness  
19 any transportation to any other places.

20 Q. So sir, what do you know about the amount of rice taken from  
21 the Northwest Zone and sent to the Centre or exported, before you  
22 arrived in 1977-1976?

23 A. I was not aware of that.

24 Q. Well, sir, there's a document, E3/201; in Khmer, the ERN is  
25 00292805; in French, 00612166; and in English 00419513; it's a

1 speech by Khieu Samphan where he said, "We have a good crop for  
2 1977; we even have a surplus of grain for export". Do you know  
3 anything about rice being exported?

4 [11.47.19]

5 A. I was not aware of important <or> big tasks. I was lower in  
6 rank. <Such major affairs,> I was <not aware of>.

7 Q. There's another document, sir, E3/2059; in Khmer, the ERN is  
8 00088796; in French, 00623416; and in English, 00583647; and this  
9 lists the export statistics from various zones, January to  
10 September 1978, that would have been the time that you were in  
11 Thma Koul. And it indicates that from the Northwest Zone, rice  
12 and husked rice; 29,758.145 tonnes, were exported.

13 Were you under any instructions that you know of in the North,  
14 from the Centre, to send rice to the Centre for export?

15 A. When I arrived there, I did not see any activities of  
16 transports.

17 [11.48.47]

18 Q. When you asked about -- were told that there were problems;  
19 that people were starving in the Northwest, did anyone talk about  
20 the fact that rice was being taken from the Northwest and  
21 exported to earn money for the Khmer Rouge regime?

22 MR. KOPPE:

23 I object to this question. There are all kinds of argumentative  
24 points in this question. It's totally unclear where this is  
25 coming from. I mean I know -- I've read about this in -- in

60

1 various books. These are all kinds of conclusions; however, one  
2 doesn't exclude the other possibility. You can still hide rice  
3 away from people and export at the same time.

4 BY MR. KOUMJIAN:

5 Your Honour, the argument is being made by Counsel; he save that,  
6 we submit, for arguments. I asked a question; the witness can  
7 answer yes or no. He indicated in his response to questions put  
8 to him by Counsel that he had heard that there were problems in  
9 the Northwest and people didn't have enough food. I'm asking him  
10 if he heard this explanation.

11 Your Honour, but let me move on in the interests of time and  
12 satisfy Counsel by citing some sources for this.

13 [11.50.12]

14 There's a book, sir, E3/1593, by Ben Kiernan and at French, ERN  
15 00639160; English 01150196, and Khmer, 00637932; he wrote that,  
16 "Many refugees and survivors in Cambodia report that rice was  
17 being shipped to China despite the widespread starvation in the  
18 country."

19 And down a bit, "But in 1976, Democratic Kampuchea officials  
20 claimed to have exported 100,000 tonnes of rice the previous  
21 year" -- that would be 1977, before you got to the Northwest --  
22 "to rice deficit countries such as Yugoslavia, Madagascar, and  
23 Hong Kong."

24 Did you ever hear about rice being taken from the Northwest for  
25 export while people were starving?

1 [11.51.24]

2 MR. KOPPE:

3 Mr. President, I object to this way of questioning. It has  
4 nothing to do anymore with asking the witness for evidence that  
5 he is aware of. It's making an argument -- done in a quite  
6 pathetic way, I have to say and on top of this, quoting Kiernan  
7 who has just been totally dismissed by the Supreme Court Chamber  
8 as someone we cannot use for evidence because he's irrelevant.

9 MR. KOUMJIAN:

10 Your Honour, I won't respond to Counsel's questions. Obviously,  
11 he's afraid of the answers of the witness, but may I get the  
12 witness' answers?

13 MR. PRESIDENT:

14 The objection is overruled. The question can be put. Witness,  
15 please respond to the question.

16 2-TCW-971:

17 I do not recall the question. I did not get it.

18 [11.52.37]

19 BY MR. KOUMJIAN:

20 Q. Well, I'll ask it again. Before I do, I'll give you some more  
21 evidence to respond to in regards to this issue.

22 This is from, purportedly, an interview with the adopted son of  
23 Ros Nhim, E3/10665; it's not translated into French, the English,  
24 ERN 01156820; and in Khmer, 01168475. He said at this -- that:  
25 "The amount" -- he said -- "It is not enough. This amount given



1 to Angkar, as a plan, it was gone and the people ate porridge.  
2 There was not even rice husk to eat because they took the husky  
3 rice, so there was nothing to mill, so nothing to produce rice  
4 husk for people to eat."

5 And then he said:

6 "They said 1 million tonnes. We said 50,000 tonnes because the  
7 harvest was not good. This was the plan. If we could have enough  
8 rice for them, they accused us of betrayal; they said like that."

9 So Mr. Witness, as a person who was in -- working in the commerce  
10 office in one of the sectors of the Northwest Zone, I'm asking  
11 you again: Did you receive instructions from the Centre about  
12 sending rice to the Centre or to Sihanoukville or export?

13 [11.54.31]

14 2-TCW-971:

15 A. I was not aware of that. I was performing the tasks at the  
16 lowest level and I was not aware of the <previous> tasks  
17 performed by the upper level. <Even though you try to ask me, I  
18 do not know it.> There were big and important tasks, which I was  
19 not aware of. Concerning <> the commerce office, it was not the  
20 trading office selling and buying stuff<.> It was <a mere> place  
21 where <a few> stuff <was transported to and stored. It was not to  
22 store rice>. I was not aware about <any big> transports.

23 MR. PRESIDENT:

24 I thank you very much, Mr. Witness.

25 It is now the lunch break time. We will take a lunch break from

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1 now until 1.30.

2 And also this information is for the duty counsel <as well as the  
3 witness>. You may now relax.

4 The Chamber now takes a lunch break until 1.30.

5 Security personnel, is instruct -- are instructed to bring Khieu  
6 Samphan back to the waiting room downstairs and please return him  
7 into the courtroom before 1.30 in the afternoon.

8 The Court is now -- is in recess for lunch break.

9 (Court recesses from 1155H to 1340H)

10 MR. PRESIDENT:

11 Please be seated. The Court is now in session.

12 Good afternoon, Mr. Witness, are you ready?

13 2-TCW-971:

14 I am ready, Mr. President, good afternoon.

15 MR. PRESIDENT:

16 And the floor is now given to the International Co-Prosecutor to  
17 resume the questioning. You may now proceed.

18 [13.40.54]

19 BY MR. KOUMJIAN:

20 Q. Good afternoon, Mr. Witness. I hope to be brief.

21 Did you ever attend--

22 2-TCW-971:

23 A. Good afternoon, Mr. Co-Prosecutor.

24 Q. Sir, did you ever attend training sessions, any kind of  
25 training in Phnom Penh?

1 A. Never, I never attended any training.

2 Q. Did you ever meet or see Nuon Chea or Khieu Samphan?

3 A. I never met them physically; I heard of their names and I saw  
4 their pictures.

5 Q. When you were in the Northwest Zone, did you ever hear people  
6 talking about Nuon Chea coming from that area?

7 A. No, I never heard of that.

8 Q. Did you ever hear of Nuon Chea visiting the Northwest Zone?

9 [13.42.15]

10 A. No, I never heard that he came to that zone.

11 Q. Thank you. You said that you were in the third group of

12 Southwest cadres to be sent to the Northwest and in your

13 statement, you said Ta Mok was the one who told you to go to the  
14 Northwest.

15 Do you know when the first two groups arrived in -- in the  
16 Northwest Zone?

17 A. I cannot recall. They may have arrived before me. Maybe in  
18 1977, but I do not recall the exact month and day.

19 Q. Thank you. But was it correct that by the time you arrived, Ta  
20 Mok was already governing the zone and you only reported to Ta  
21 Mok and southwest cadres? You did not report to northwest cadres?

22 [13.43.26]

23 A. I did not know who was in charge of the northwest. I <just

24 came with> Ta Chay <who was my superior>. I would go to seek his

25 opinions on any kind of tasks.

1 Q. In answer 19 of your interview with the Co-Investigating  
2 Judges you said, "Before Ta Mok arrived the former leadership in  
3 the Northwest Zone committee had all been taken away."

4 How did you know that?

5 A. After I had arrived I went to my workplace and I asked the  
6 <people in> mobile units and <residents> there as to the  
7 location. I was told that it was the sector. I asked who was in  
8 charge of the sector. I was told Ta Tom and then my question was  
9 again put to those people where Ta Tom went and I was told that  
10 they did not know.

11 Q. Did you ever take orders or instructions from Ta Tom or only  
12 from Ta Chay and Ta Mok?

13 A. I never saw him <when I arrived there>. I knew only Ta Chay  
14 who went with me and I would receive orders from Ta Chay. I never  
15 saw that person.

16 Q. When you arrived in the Northwest Zone, particularly lets go  
17 -- I know you went to two different locations first, Doun Teav  
18 and then Thma Koul. Were the people that you took care of there,  
19 were they originally from those areas or had they been taken from  
20 other places such as Phnom Penh or the Eastern Zone or the  
21 Southwest Zone?

22 [13.45.57]

23 A. I did not know them all. When I arrived, I saw some people  
24 working.

25 Some females were <, in charge of the commerce office,> from Srae

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1 Ambel, as I was told. I was there for quite a short time. That is  
2 why I did not know where they were from.

3 Q. You talk about females from Srae Ambel, the salt field, those  
4 were cadres from the Southwest Zone; is that correct?

5 A. I asked about their background. Some were from the southwest  
6 and they were working at the commerce <office>. But I did not  
7 know from which provinces they were from. All I knew is that they  
8 were from Srae Ambel.

9 Q. During 1978 when you were there in the Northwest Zone -- you  
10 told all us year -- did you see people from the Eastern Zone  
11 arrive?

12 [13.47.20]

13 A. I did not know all those people. I didn't know where they were  
14 from since I did not ask about their origins and background.

15 Q. So sir, you said the mobile unit, you told the people to go  
16 home. Where were their homes? If they were from Phnom Penh could  
17 they go back to Phnom Penh? If they were from the East could they  
18 go back to the East?

19 MR. KOPPE:

20 I object to this question. These are two hypothetical questions  
21 because he doesn't know whether these people are from the East  
22 Zone or from Phnom Penh. So it's presenting him with a  
23 hypothetical situation.

24 MR. KOUMJIAN:

25 I can only find out what the witness knows if we ask him the

1 question, find out what he knows. He said he sent them home and I  
2 am asking where the homes were, if he knows.

3 [13.48.23]

4 MR. PRESIDENT:

5 Witness, you do not need to respond since you have already told  
6 that you do not know about that.

7 BY MR. KOUMJIAN:

8 Q. Sir, you said in your interview that people were divided into  
9 groups. Perhaps it would be helpful if I can find and read that  
10 to you. It's Answer 23 of your interview.

11 You said that, "People were -- did not have food to eat. People  
12 were divided into two or three groups."

13 What did you mean by "divided into two or three groups?"

14 A. They were divided into <two or three> groups<>. Some people  
15 were <sent> to stay in cooperatives since they were elderly and  
16 some young people were sent to <mobile units and children were  
17 placed at> children's unit.

18 [13.49.33]

19 Q. Sir, when you're talking about groups, were you talking about  
20 New People versus Old People versus New People versus Base  
21 People?

22 A. I did not understand either. I can -- I could not distinguish  
23 who were old and who were new and who came first and who came  
24 last. They were divided according to their age, the elderly and  
25 the middle-aged people and <children. I could not distinguish if

1 they were New or Old People>.

2 Q. Sir, can you describe briefly during the months you spent in  
3 Doun Teav, you said from mid-January until towards the end of the  
4 year, what exactly was your job?

5 A. I was at Doun Teav for 10 days, the longest. I <merely> went  
6 there to observe the mobile units and cooperatives and then I was  
7 reassigned to <Thma Koul>.

8 Q. I apologize; that's correct, Doun Teav 10 days and then Thma  
9 Koul. I mixed the two up.

10 In Thma Koul can you describe the job you did? Were you part of  
11 the commerce office of Sector 3?

12 A. Yes, that is correct. I was in charge of the distribution of  
13 the items in the warehouse. That was my task.

14 [13.51.39]

15 Q. So sir, did you, in your work in Thma Koul from the middle of  
16 January until late in the year, meet the chief of the zone  
17 agriculture and the deputy chief of the rice-grinding factory?  
18 Did you meet those persons?

19 A. I never <met> chief of <the agriculture and I did not know the  
20 chief of the zone's rice mill either>.

21 Q. Let me just see if I can refresh your recollection from  
22 documents from Tuol Sleng from S-21. According to the OCIJ list,  
23 number 11461, Lim Nam, was chief of Thma Koul zone agriculture  
24 and entered S-21 on 16 or 18 June 1978, during the months you  
25 were there.

1 Un Sam-Ang was the deputy chief of Thma Koul zone rice grind  
2 factory and entered S-21 on the 21st or 30th of June 1978. On the  
3 list he's number 11468. Do you remember these persons being  
4 arrested while you were there in the commerce office of Sector 3?  
5 [13.53.35]

6 A. I did not see and know this individual. I did not know all of  
7 them.

8 Q. You said you got to the commerce office about 10 days after  
9 arriving after the 1st of January. Did you know Raing Lap the  
10 deputy chief of Sector 3, state commerce or Phai Lop; again, the  
11 same title, deputy chief of Sector 3 commerce? Do you know either  
12 of those individuals?

13 A. I did not know them. I never heard of their names.

14 BY MR. KOUMJIAN:

15 Your Honours, again from the OCIJ list, Raing Lap is number 8052  
16 and entered S-21 on the 21st of January 1978; Phai Lop entered  
17 S-21 on the 21st of April 1978, although there is also a record  
18 of February '78, as the entry day. They are, respectfully; Raing  
19 Lap, number 8052; Phai Lop, number 7028.

20 Q. Sir, was Thma Koul, at the time you were there, was it a  
21 separate district or was it part of Bavel district?

22 [13.55.34]

23 2-TCW-971:

24 A. When I was at Thma Koul, Thma Koul was within Bavel district.

25 Q. Sir, again the records from S-21 show that the secretary of



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1 Bavel district, Chheng Chhan alias Chhon, entered S-21 on the  
2 17th or 18th of June 1978. Weren't you aware that the secretary  
3 -- excuse me. Perhaps my colleague will read the name.

4 MR. SREA RATTANAK:

5 Mr. President, I heard the mispronunciation of the names.  
6 Therefore, I wish to read the name. The name is Chheng Chhan,  
7 alias Chhon and you can find <> it's number <617>.

8 MR. KOUMJIAN:

9 The other two individuals from Bavel district--  
10 [13.56.47]

11 MR. SREA RATTANAK:

12 The other two individuals from the same list; Chea Ke, alias Kim,  
13 and Peou Seap. They were from Bavel. Chea Ke is at 885 and Peou  
14 Seap is at 7050.

15 BY MR. KOUMJIAN:

16 Q. So Mr. Witness, while you were working at Thma Koul, according  
17 to these records, the secretary of Bavel district was arrested in  
18 June '78. The deputy, Kim, was arrested on the 30th of January  
19 1978 when apparently you were there and then possibly his  
20 replacement Peou, Seap, was arrested -- excuse me, not his  
21 replacement -- the member Peou Seap, a member of Bavel district,  
22 was arrested the same dates, 30th of January 1978.  
23 Weren't you aware, being in Thma Koul and working in the sector  
24 office, about the arrests of cadre from Bavel district?

25 [13.58.14]

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1 MR. PRESIDENT:

2 The connection, internet connection lost <again>.

3 (Technical problem)

4 [14.00.02]

5 MR. PRESIDENT:

6 Good afternoon, Mr. Witness.

7 2-TCW-971:

8 Good afternoon, Mr. President.

9 MR. PRESIDENT:

10 A while ago there was no connection. Now, we resume our hearing

11 and the floor is given back to the <International Deputy>

12 Co-Prosecutor to resume the questioning. Please repeat the last

13 question. The witness may have forgotten it.

14 [14.00.22]

15 BY MR. KOUMJIAN:

16 Q. Certainly. Sir, I read the records from S-21, Tuol Sleng which

17 showed that the secretary of Bavel district was arrested in June

18 '78, and Deputy Kim or member Kim, member of the district was

19 arrested 30 January '78, along with another member of the

20 district, Peou Seap, on the same date. Were you aware of these

21 arrests of the leadership of Bavel district while you were

22 working in that district at Thma Koul?

23 2-TCW-971:

24 A. No, I was not aware of it at all. I was at a very low level

25 and I would not be allowed to know about these matters. <In

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1 addition>, I was there for a short period of time, so I was not  
2 familiar with the geographical location or to get to know those  
3 people. <Then, I was transferred to other locations. To sum up,>  
4 I did not even know who <were> the former district chiefs.

5 Q. And when you arrived in Doun Teav -- you said you were only  
6 there for 10 days on the 1st of January -- was there anyone in  
7 charge of Doun Teav? Who was the leadership there?

8 [14.01.54]

9 A. When I arrived, there was one person at the commune level whom  
10 I met at the commune office. Besides, that I did not have any  
11 contact with anyone else. I worked based on Ta Chay's  
12 instructions as I had to go directly to the cooperatives <to  
13 organise>.

14 Q. Did you know someone named Vung, his real name Loek Soeut, who  
15 became the secretary of Sector 4?

16 A. No.

17 MR. SREA RATTANAK:

18 The name is Loek Soeut, alias Vung.

19 2-TCW-971:

20 A. No, I did not know this person.

21 [14.02.53]

22 BY MR. KOUMJIAN:

23 Just for Your Honours -- for the record it's -- that name appears  
24 at number 4395 on the S-21 list.

25 Q. Sir, you talked about arrests. Did you ever hear talk from Ta

1 Mok about enemies?

2 A. Even young children also used the word "kmang", <or> enemy,  
3 and when adult <persons> -- I mean adult people who were angry  
4 with one another, we would say the person was an enemy too. <But  
5 I did not know this word refer to which group.>

6 Q. What happened to people who were considered enemies during the  
7 DK regime?

8 A. I did not know what the enemy meant because people were alike,  
9 including men and women. We were all Khmer and I did not know who  
10 would be considered enemies. <I did not pay much attention to the  
11 extent which group of people this word referred to.>

12 Q. Let me read the answer you gave to the investigators and ask  
13 you to explain it.

14 You were asked if, during meetings, they ever talked about  
15 enemies or traitors and you said:

16 "Yes, they did. They said be careful about the group boring holes  
17 from within and track the activities of the enemies."

18 Sir, who said that?

19 [14.04.38]

20 A. The person who chaired the meeting <> usually <used that  
21 word>.

22 Q. Well, who chaired the meetings that you're talking about?

23 A. At my side, it was Ta Chay who led the meeting.

24 Q. And did Ta Chay talk about Lon Nol forces, that you should be  
25 looking for them or say anything about Lon Nol -- former Lon Nol

1 soldiers or officers?

2 A. No, he never said anything about that. <Each> meeting <was  
3 very important. They> focused on <the increase of> the  
4 agricultural production, but he never mentioned anything  
5 regarding the <past> of the Lon Nol regime.

6 [14.05.48]

7 Q. Well, sir, in that interview, after you told the investigator  
8 that you were warned at meetings to be careful about the group  
9 boring holes from within, he asked you what that referred to,  
10 "the group boring holes from within". And you said they refer to  
11 Lon Nol forces who might rise again; they were afraid that the  
12 Lon Nol group would return.

13 What did you mean by that? What did they tell you about the Lon  
14 Nol forces?

15 A. They spoke about <group boring holes from within, and> the  
16 infiltrated force, as you just said, and that refers to the Lon  
17 Nol forces who infiltrated within.

18 Q. So what did they encourage you to do, to look to find them and  
19 to identify them?

20 A. No. We were told to be vigilant in terms of there could be any  
21 actions that could happen.

22 Q. Sir, you said in answer 71, the end of your interview, that  
23 when you arrived in Thma Koul:

24 "The specialized people who had been in the sector office such as  
25 photographers, the motor bike and car repairmen, and so on, had

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1 all been dismissed. After I arrived there, I had to go find all  
2 of these people. Some of them had disappeared."

3 When you say people had disappeared, what did you understand?

4 [14.07.54]

5 A. The word "disappearance" was used because we could not find  
6 <those people> and I did not know their native villages <were. I  
7 asked> their neighbours. <> Some of them knew <but> some did not  
8 know. Those people were not found. Some of them may> live far  
9 away because at the time people were gathered to live as a group.

10 Q. Mr. Witness, I'd like you to respond to something that a  
11 person from the Northwest Zone told a historian academic, and  
12 this is E3/1593; in Khmer, 006377991 (sic); in French, 00639207;  
13 and English, 01150217. This says:

14 "Another Base Person, Savy, recalls that in 1978, entire groups  
15 of eight to 10 people had to subsist on one tin of rice per day.  
16 The Southwest cadres had accused the Northwest of feeding us  
17 gruel when rice was plentiful but they soon were giving us less  
18 than before."

19 [14.09.26]

20 Sir, this Base Person from the Northwest says that the situation  
21 actually got worse for food after the arrival of Southwest Zone  
22 cadres. Can you explain that?

23 A. I did not know if such an event took place anywhere. However,  
24 at my place while I was at Thma Koul, people appreciated our  
25 action <and they were happy> since we were close to them and

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1 since we gave them rice to eat and some other stuff. But I did  
2 not know if such an event happened anywhere else.

3 Q. Sir, do you recall the Chinese visit to the Southwestern Zone,  
4 a visit of a Chinese leader, Chen Yonggui, in December 1977?

5 A. No, no. Not at all.

6 MR. PRESIDENT:

7 Witness, please hold on.

8 And Counsel Koppe, you have the floor.

9 MR. KOPPE:

10 The question is answered but the visit was to the Northwest Zone  
11 in December '77. So he couldn't have known.

12 [14.10.46]

13 MR. KOUMJIAN:

14 No, the visit was to the Southwest Zone in December 1977. I think  
15 it was to Tram Kak, if Counsel remembers when we were doing the  
16 Tram Kak section. It was to Tram Kak in particular they stopped  
17 at.

18 And the cites for that are -- for this -- E3/1339. Also, the book  
19 "Brothers in Arms", E3/9642.

20 And Counsel just--

21 MR. KOPPE:

22 I have to speak by heart, but I believe he went to Trapeang Dam  
23 in Northwest Zone, but he might as well visit the Southwest Zone.  
24 But anyway he doesn't know.

25 (Short pause)

1 [14.11.42]

2 MR. KOUMJIAN:

3 Mr. President, I believe that's all the questions I have for this  
4 witness. However, I was asked earlier to provide a citation and  
5 that was to my question to the witness about the killing of Khmer  
6 Krom occurring in August or later of 1978.

7 So that was months after the death of Ros Nhim, which is also  
8 relevant to the questions that Counsel was asking about Ros Nhim  
9 ordering the death of Khmer Krom.

10 The citations for that include from brief research, E3/10683.

11 This is the WRI of one of the killers of the Khmer Krom, who was  
12 interviewed. He talked about the killing and about a meeting  
13 where the orders were given.

14 In answer 114 of that interview, he said that the meeting was  
15 held in August because at the time the rice and planting had  
16 already been completed and the rice plants had started growing.  
17 Obviously, the killing would have happened after the meeting  
18 giving the order.

19 Also, E3/5908 and E3/9515 -- it's a civil party's application and  
20 their interview where the civil party confirms its statement,  
21 that between July and August they ordered children units in that  
22 commune to dig pits that were eventually used for the Khmer Krom  
23 people who were killed, obviously subsequently to the pits being  
24 dug, in July or August 1978.

25 [14.13.34]



1 Also, E3/9758, the witness -- the civil party being interviewed  
2 by OCIJ, puts the killing in October 1978.

3 Also, E3/9519, the person talks about the same meeting where the  
4 order was given. In fact the order was given by a Southwest Zone  
5 cadre, Yeay Rim and that was in late 1978.

6 So the evidence, we say, in the case file, is absolutely clear  
7 that in Khan (phonetic) district the killing of the Khmer Krom  
8 that Counsel is talking about occurred months after the death of  
9 Ros Nhim by Southwest Zone cadres.

10 [14.14.30]

11 MR. KOPPE:

12 Since the Prosecution is making arguments, I feel obliged to  
13 react briefly.

14 These would be the first witnesses that we can actually trust in  
15 terms of reliability when it comes to months. Usually witnesses  
16 don't even know exactly the year events took place.

17 Secondly, this doesn't exclude the fact that Pol Pot still could  
18 have done investigations into killings by Ros Nhim of Khmer Krom  
19 people. One doesn't exclude the other.

20 So that is my reaction.

21 MR. PRESIDENT:

22 Thank you.

23 And now we hand the floor to the Lead Co-Lawyers for civil  
24 parties to put questions to the witness.

25 MR. PICH ANG:

1 Mr. President, please allow Counsel Lor Chunthy to put questions  
2 to the witness.

3 MR. PRESIDENT:

4 Yes. You may proceed, Counsel.

5 [14.15.41]

6 QUESTIONING BY MR. LOR CHUNTHY:

7 Good afternoon, Mr. President, Your Honours and everyone.

8 Q. And good afternoon, Mr. Witness. My name is Lor Chunthy. I am  
9 a lawyer for civil parties. I am from <> Legal Aid of Cambodia,  
10 and I have some questions to put to you in relation to your  
11 experience from 1975 to 1977. During this period, that is, you  
12 were in Takeo province, and what was your role and position?

13 MR. PRESIDENT:

14 Now, we have an internet problem again.

15 (Technical problem)

16 [14.18.59]

17 MR. PRESIDENT:

18 Again, good afternoon, Mr. Witness. Can you hear me?

19 2-TCW-971:

20 A. Yes. Yes, I do.

21 MR. PRESIDENT:

22 Lawyer for civil parties, you may continue.

23 BY MR. LOR CHUNTHY:

24 Thank you, Mr. President.

25 Q. And Mr. Witness, allow me to repeat my last question.

1 Between 1975 and 1977 while you were in Takeo Province what was  
2 your role and position and where?

3 2-TCW-971:

4 A. From 1975 to 1977, I was a teacher and I taught children. That  
5 is, young children and teenagers.

6 Q. Thank you. And while you were there did you observe that there  
7 were people from Phnom Penh coming to your area?

8 A. Yes, I did. There were people who came to the villages.

9 [14.20.34]

10 Q. From 1975 to '77, what was your observation in terms of the  
11 living conditions of the people there?

12 A. Generally speaking, <regardless of> the New and the Base  
13 People, <they> cooked rice only for a few months. And from the  
14 middle to the later period of the year, <they> all ate the same  
15 soft rice or gruel.

16 Q. And did you observe that people were sent from the Southwest  
17 to the Northwest Zone?

18 A. Please repeat your question.

19 Q. Before you went to Battambang province, did you observe people  
20 were sent from the Takeo province to Battambang province?

21 [14.21.51]

22 A. I was not aware of the previous movement, that is, how many  
23 people or cadres were sent. But during the time that I was sent  
24 there were only a few cadres and the rest were families and  
25 youths. We were in the third wave.

1 Q. You made mention that you went to Battambang on the 1st of  
2 January 1978. And when you first arrived, what was your  
3 observation regarding the living conditions of the people?

4 A. When I first arrived in Battambang province, I went to inspect  
5 the worksites as I indicated earlier, including cooperatives in  
6 Doun Teav.

7 <In relation to eating,> in the cooperatives people ate a normal  
8 meal, but in the mobile units they ate differently. And when I  
9 asked why, because they said that that was due to the problem of  
10 transportation. As for the food, the food was what they could  
11 find.

12 Q. Regarding Ta Mok, who sent you there, do you know how many  
13 zones did he control at the time? <Did you know this?>

14 [14.23.44]

15 A. When I was in Takeo he was controlling Takeo as well, and when  
16 I was in Battambang he also came to Battambang too. So it is  
17 likely that he was controlling two areas at the same time. <But  
18 it was due to my understanding.> However, allow me to add when he  
19 was in Battambang the situation along the border had changed.

20 Q. During each meeting with Ta Mok or with other people, what  
21 were the main content of the meetings that he raised to all the  
22 participants?

23 A. I did not attend any major meetings chaired by Ta Mok because  
24 I was at a very lower level. <Only> Ta Chay <participated in such  
25 meeting>. I never attended any meeting he chaired.

1 Q. You actually used a phrase that they wanted to burn the  
2 outside skin and keep the inner part raw. That is part of your  
3 testimony <number 63> in E3/9593. Can you explain to the Chamber  
4 what you mean by that?

5 [14.25.34]

6 A. When I said that, they burn the outer part crisp and keep the  
7 inner part raw, is that before I went there, they gathered people  
8 and those people worked in groups and there was some remaining  
9 rice.

10 But later on when I went there, I was instructed to demobilize  
11 the units and to <investigate> the food supplies. So, these two  
12 instructions were not consistent and maybe on one side they want  
13 to do something while the other side did not agree. So it seems  
14 that there is a fraction between the two groups.

15 Q. And based on your response, <it was your observation,> did you  
16 continue working in your position or did you feel afraid?

17 A. Frankly speaking, everybody was shivering. It means that we  
18 were so concerned. That's why we did what we were asked to do,  
19 since we were afraid.

20 Q. So you said you were afraid. Were you afraid because they  
21 spoke about the fact that you had to be vigilant with those  
22 groups who were infiltrating inside?

23 A. Yes. I was afraid that I would be accused of being part of  
24 this sect, or that sect<>. That's why I did what I was asked and  
25 I could not stop doing it.

1 Q. This may be my last question.

2 And upon your arrival you said that you changed the situation or  
3 you demobilized the mobile units. Was it done in a structured way  
4 or did you organize things according to your own way?

5 [14.28.18]

6 A. <When I arrived there, things became hectic>. It means that I  
7 had to work immediately and there were only a few of us. So we  
8 could not have any proper <structure>. Later on we were  
9 transferred elsewhere, so I did not know what happened after we  
10 were moved elsewhere. <I was assigned to this place or to that  
11 place.>

12 Q. <One more point,> are you familiar with the name of Ta Tit?

13 A. I knew him since he was a monk. At the time I was young and  
14 later on I knew that he <was defrocked> in <around> 1975, and  
15 from that time onwards, I did not know what position he held or  
16 what he did. I only knew him when he was in monkhood.

17 Q. And are you familiar with Yeay Chaem and her position?

18 [14.29.28]

19 A. Yes, I do know Yeay Chaem. She came also from Takeo province  
20 but she had come to the northwest earlier. And to my  
21 understanding, when she was in the Northwest Zone she worked at  
22 Phnum Srok district committee.

23 Q. You said that when you <went there,> you saw mobile units.  
24 What were those people in the mobile units were doing?

25 A. They were harvesting rice while others were working on the

1 rice dykes<, the straight lines of dykes>. Besides these, some  
2 were collecting fertilizer. So there were all kinds of  
3 agricultural works they were engaging in.

4 MR. LOR CHUNTHY:

5 Thank you.

6 And Mr. President, I don't have any further questions.

7 MR. PRESIDENT:

8 Thank you.

9 And lastly, I would like to hand the floor -- but first I give  
10 the floor to Judge Lavergne.

11 [14.31.04]

12 QUESTIONING BY JUDGE LAVERGNE:

13 Yes, thank you, Mr. President.

14 Good afternoon, Witness. I have <several> questions to put to you  
15 and, first of all, follow-up questions.

16 Q. This morning the Co-Prosecutor read out your answer, answer  
17 number 24 in your WRI, E3/9593. And you had said to the  
18 Investigators of the OCIJ that under the old regime you were a  
19 teacher, and you specified that three of your <younger> uncles,  
20 and two of your <biological> brothers and seven cousins had died  
21 under the Khmer Rouge regime. And you said this morning that your  
22 cousins died under the Lon Nol regime.

23 <But> can you tell us if these cousins were Lon Nol soldiers or  
24 were they revolutionary soldiers?

25 [14.32.26]

1 2-TCW-971:

2 A. They were soldiers. My cousins were part of the revolutionary  
3 army and one of my female siblings died in the mobile unit.

4 Q. So none of your younger uncles nor any of your brothers or  
5 cousins died under the DK regime; is that so?

6 A. My uncle died after 1975. After 1975, <he disappeared,> I did  
7 not know where he was called to.

8 Q. And was your uncle a soldier?

9 A. He was a former teacher.

10 Q. Was he a teacher under the old regime as you said? Must we  
11 understand that you and your uncle were teachers under the Lon  
12 Nol regime or under the Sangkum regime?

13 A. My uncle was a teacher under the <old> Sangkum and also under  
14 Lon Nol. And I became a teacher later on in the later regime.

15 Q. Fine. And so did the disappearance -- <because I understood  
16 that your uncle disappeared - did the disappearance> of your  
17 uncle trouble you?

18 [14.35.14]

19 A. Yes, I was concerned because <of the loss of> my relatives  
20 with no reasons.

21 Q. Well, you are speaking about the death of relatives. So does  
22 that mean that several people in your family died without any  
23 reason or only your uncle?

24 A. My uncle and one female cousin and one sibling died after  
25 1975, and the rest died in the revolutionary war. Concerning my



1 younger sister, <I knew the reason of her death ;> she died in a  
2 mobile unit because of her illness.

3 Q. <And were> your uncle; your brothers and sisters living in  
4 Tram Kak district?

5 A. Correct.

6 Q. Did you hear about a re-education centre by the name of Krang  
7 Ta Chan?

8 A. I heard people made mention about that centre, but I did not  
9 know its whereabouts and I never went <near. They would not allow  
10 me to go near,> I heard of the name.

11 [14.37.10]

12 Q. And what did you learn about the disappearance of your family  
13 members, that is to say, your sisters, your brothers; your uncle?  
14 What did you get to know about that?

15 A. My female cousin< who disappeared> went to work in a mobile  
16 unit. She was from Phnom Penh. Her father was a former soldier.  
17 <That was my uncle, a soldier whose daughter was her.> For this  
18 reason she was sent to a mobile unit and disappeared. <She never  
19 returned.> I did not know what was the reason for the  
20 disappearance of my uncle. We never met each other since we were  
21 working <far from one another> in different places. Later on I  
22 learned about this.

23 Q. Did you eventually believe that these disappearances might  
24 represent a danger for you? Did you think that you might be  
25 possibly considered as being tied to people who were suspected of

1 being enemies?

2 A. I told the Court <already> that I was so terrified because my  
3 relatives and siblings died without reason. <I did not know what  
4 would happen with me next.> That is why I had to <work hard and>  
5 do whatever I was told to <build myself up>.

6 Q. Fine. I have a few questions regarding your work at the  
7 <office of the> commerce section at the Tram Kak District. Can  
8 you hear me?

9 [14.39.22]

10 A. I heard you.

11 Q. You said -- this was during your first interview -- that  
12 before leaving for Battambang, a meeting was held that was  
13 chaired by Ta Mok and Ta Chay at the district office at the Angk  
14 Roka Market. And you said the following regarding Ta Mok: "He was  
15 used to calling us to inform us of the situation."

16 So this is the transcript of the hearing of 9 December 2016, and  
17 this was after 10.02.45. So <while you worked at the commerce  
18 department,> were you used to being called to attend meetings  
19 with Ta Mok <for updates on> the situation?

20 [14.40.39]

21 A. I and Ta Mok rarely met one another. I did not dare to  
22 approach him unless I <had business with him. In the meeting on  
23 that day, they decided to send Ta Chay> to Battambang. <Then, Ta  
24 Chay called me to go> to Battambang <> with <him. But Ta Mok  
25 never directly assigned me>. <Since he held the senior position,>

1 I did not dare to go closer <to him>.

2 Q. Witness, I am not speaking about what happened in Battambang.

3 I am speaking about Tram Kak district.

4 So when you were working at Tram Kak district did you ever have

5 an opportunity of meeting Ta Mok? So, let me repeat what you

6 stated during the first hearing. You said that, "He was used to

7 calling us to inform us about the situation."

8 So did you ever see Ta Mok when you were working in Tram Kak?

9 (Technical problem)

10 [14.43.02]

11 MR. PRESIDENT:

12 It is now the appropriate time for a break. The Chamber will take

13 a break from now until 3 p.m.

14 Mr. Witness, we take a break and we will resume at 3 p.m. Maybe

15 the witness could not hear us.

16 (Court recesses from 1443H to 1500H)

17 MR. PRESIDENT:

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

19 And before I hand the floor to Judge Lavergne to put further

20 questions, I would like to inquire with the defence team for

21 Khieu Samphan if you would like to put further questions to the

22 witness and if that is the case, how much time do you anticipate?

23 MR. KONG SAM ONN:

24 Mr. President, if Judge Lavergne concludes his questions, maybe I

25 don't have any questions but if he continues with his questions

1 I'll see if I need to have the floor.

2 MR. PRESIDENT:

3 Mr. Witness, are you ready?

4 [15.01.40]

5 2-TCW-971:

6 Yes, I am.

7 MR. PRESIDENT:

8 Judge Lavergne, you can resume your questioning.

9 BY JUDGE LAVERGNE:

10 Thank you, Mr. President. Mr. Witness, I indeed still have a few  
11 questions to put to you and there are still follow-up questions.

12 Q. A while ago, in answer to a question put to you by the civil  
13 party lawyer you stated that persons came from Phnom Penh to  
14 visit, if I understood correctly, your village.

15 Can you tell us, who are those people from Phnom Penh and, to be  
16 more specific, can you tell us whether you saw Nuon Chea or Khieu  
17 Samphan come to visit Tram Kak district <or> Sector 13?

18 2-TCW-971:

19 A. I never saw any of them since 1970. I never saw Om Chea, Om  
20 Khieu Samphan.

21 [15.03.10]

22 Q. Very well. When you were in the commerce section, can you tell  
23 us who was your superior; who was the secretary of the commerce  
24 section in the Tram Kak district office?

25 A. At that time there was an office chief of the district and his

1 name was <Chhoeut> (phonetic). I did not know his whereabouts  
2 because we separated from one another a long time ago.

3 Q. <Chheun > (phonetic), was he the chief of commerce or the  
4 <chief> of the district office?

5 A. He was chief of the district office and he was also in charge  
6 of that commerce <office>.

7 Q. Very well. So when you received instructions and you had to  
8 submit reports, he was the person you had <to> address reports  
9 to. Is that correct?

10 A. Yes, that is correct.

11 [15.04.40]

12 Q. Can you tell us how many persons in all worked in the district  
13 office?

14 A. There were four people; myself, him and there were two others  
15 and I heard that one <already> passed away and I did not know the  
16 whereabouts of the other one.

17 Q. Very well. I would like you to explain to the Chamber the  
18 difference between your role and your activities when you were at  
19 Tram Kak and when you were sent to the Northwest Zone? Were your  
20 duties and responsibilities the same? Did you have the same  
21 prerogatives or they were different and how were they different?

22 A. Regarding my work at the commerce <office>, as I said, that  
23 commerce office was not a trading office, it was where they  
24 stored rice <or stuff> for <the> distribution <to cooperatives>.  
25 At Tram Kak, the office was not that busy, we had time to rest.

1 <But> when I came to Battambang, I was always busy<. It was  
2 always difficult>. I had to move around quite a lot. That's the  
3 different situation because at Battambang I was busier than over  
4 there.

5 Q. Mr. Witness, I understand that you had <more> to do in  
6 Battambang, but did your role change or it was the same, that is,  
7 managing warehouses or distributing some goods and merchandise?

8 [15.06.57]

9 A. It remained the same.

10 Q. Very well. A while ago, you talked about the situation in the  
11 Northwest Zone and the places you went to. And you stated that  
12 some <people> needed to eat more than the rations given out to  
13 them.

14 Can you tell us whether there were any rice rations that were  
15 <established> and that were calculated per person? Was there a  
16 measured quantity of rice that had to be given to each person?

17 (Technical problem)

18 [15.09.59]

19 MR. PRESIDENT:

20 The Chamber wishes to inform the <parties> that the reserve  
21 witness, 2-TCW-1042, it seems that we do not have sufficient time  
22 to hear his testimony, and the Chamber notified the witness so  
23 that he could return to his residence and <the Chamber will  
24 determine the> schedule <to hear his testimony> at a later stage.  
25 So it is clear for parties that today the Chamber will not begin

1 hearing testimony of witness, 2-TCW-1042. <If this witness has  
2 not been informed yet,> Greffier or court officer, please work  
3 with WESU to notify the said witness so he could return to his  
4 residence.

5 [15.11.02]

6 MR. KOPPE:

7 Just a follow-up question if I may, Mr. President?

8 Has a decision been made in respect of admitting that orange log  
9 book that we discussed a week ago?

10 (Judges deliberate)

11 [15.14.17]

12 MR. KOPPE:

13 Maybe my request faded into the air.

14 JUDGE FENZ:

15 It didn't, we are just checking something.

16 MR. KOPPE:

17 Okay.

18 MR. PRESIDENT:

19 Judge Lavergne, you may resume.

20 JUDGE LAVERGNE:

21 Very well. Thank you, Mr. President.

22 BY JUDGE LAVERGNE:

23 Q. Witness, my question to you was whether you were aware of the  
24 existence of a rice food ration <established> for each person,  
25 that is, a certain quantity that had to be given to each person?

1 [15.15.12]

2 2-TCW-971:

3 A. Regarding the food ration, for each meal it was one can <of  
4 rice> per person.

5 Q. And did the same ration apply to the Northwest Zone, in the  
6 Takeo sector, in Tram Kak district, was it the same ration  
7 everywhere?

8 A. Yes, to my understanding at the location where I lived, per  
9 meal it was one can <of rice> per person.

10 Q. And when you were at Tram Kak, were you in charge of making  
11 sure that food ration was respected?

12 A. There were people who were responsible for at different  
13 locations, namely, at <different> cooperatives offices or  
14 branches of offices. There were group chiefs who were responsible  
15 for that.

16 Q. And who did those group chiefs report to?

17 A. They reported to us and then we reported to our chief.

18 Q. And did you see any reports in which the issue of food  
19 shortages was mentioned?

20 A. There was towards the later period of the year because at the  
21 end of the year the food supply was less than the beginning of  
22 the year, so then when we were informed about that we had to  
23 reduce the ration due to the shortage of rice.

24 [15.18.00]

25 Q. And do you know in what year that was, and are we talking only



1 of the Tram Kak district or <are you> talking of the Northwest  
2 Zone?

3 A. There was no problem in the Northwest Zone, but I experienced  
4 that issue at Tram Kak.

5 So when there was a shortage, we had to reduce the ration. For  
6 example, we reduced from 10 to eight.

7 Q. So from what you were able to see with your own eyes, in your  
8 opinion was the food situation better in Tram Kak district than  
9 in the Northwest Zone or was it worse in Tram Kak district than  
10 what you saw in the Northwest Zone, or was it the same thing?

11 [15.19.11]

12 A. At the location where I worked, that is in the Northwest Zone,  
13 it seemed that the food was sufficient at the units that I went  
14 to, but I could not say about the other locations.

15 Q. So to sum up what you're saying, where you were in the  
16 Northwest Zone you witnessed a situation that appeared to be one  
17 of food sufficiency, whereas when you were in Tram Kak district  
18 you were informed of periods during which there were food  
19 shortages. Did I properly understand your testimony?

20 A. Yes.

21 Q. Very well. You stated that you received reports from group  
22 chiefs. Can you tell us whether you, for your part, issued  
23 instructions to group chiefs and to cooperatives as regards the  
24 quantity of rice that had to be produced and did you, yourself,  
25 receive instructions to achieve certain production quotas?

1 A. Regarding the monthly meeting, the focus was to push for more  
2 <rice> production and then the information was disseminated to  
3 the communes and the district levels so that they could produce  
4 more rice yield in terms of quality and quantity than the  
5 previous years. And this topic was discussed in every meeting.

6 [15.21.25]

7 Q. Were fixed quantities set? Were there any particular quotas of  
8 rice production to be met per hectare?

9 A. They set the quota but the quotas could not be reached at some  
10 locations and the quota was three tonnes of rice yields per  
11 hectare, but that could not be achieved everywhere.

12 And for that reason, the food supply was dependent on various  
13 <communes> and cooperatives if they received more rice yields  
14 then they enjoyed more food. And for the areas that the rice  
15 yield was not sufficient, then the food would be reduced.

16 [15.22.37]

17 Q. Did you report the quantities of rice produced whether the  
18 quotas fixed were met or not? And if you did submit such reports,  
19 to whom did you submit them?

20 A. Regarding the yearly rice production, <the commune and> the  
21 cooperative <level would> report to the district.

22 Q. Very well. I would like you to be shown a document, which in  
23 principle should have been brought <here> -- it's document

24 E3/8418.

25 Can we also have that document placed on the screen?

1 MR. PRESIDENT:

2 Yes, you may.

3 And, duty counsel, please provide the written -- the said  
4 document to the witness for his view.

5 MR. MAM RITHEA:

6 Thank you, Mr. President, I'll do that.

7 [15.24.22]

8 BY JUDGE LAVERGNE:

9 I do not know whether the document can be screened, so I <will>  
10 give a summary description thereof. It is a document containing  
11 information regarding the quantities of rice produced during the  
12 dry season that were received or obtained from nine communes in  
13 Tram Kak District, as of 19 April 1977.

14 So we have a total quantity of 1,231 bags that were <brought to  
15 the rice mill> in Kbal Pou and a quantity of rice <consumed  
16 between 27 March 1977 to 19 April 1977, that is, 457 bags.

17 Q. Witness, have you ever seen this document or a similar  
18 document <while> you working at the commerce department?

19 [15.25.32]

20 2-TCW-971:

21 A. No, I never saw this. When such a report was made, the report  
22 would be submitted to the district committee. I testified  
23 earlier, the management of the work at the commerce was mainly  
24 dealt with salt and clothes and <rice was> rarely dealt with<>.

25 Q. Have you read the document, and can you tell us what is meant

1 by, "Total Quantity of Rice <Consumed>"? What were the bags of  
2 rice used for; was it used for <barter>? Was rice sent to the  
3 sectors and were other goods received in exchange?

4 A. No, I do not understand it. This list is about the number or  
5 the total number of the unhusked rice that they produced. < In  
6 total, there were 957 bags of milled rice.> I read this  
7 document, but I did not know from whom the report was made and to  
8 whom the report was submitted.

9 Q. <There is> mention of a rice mill at Kbal Pou. Do you know  
10 whether there was indeed a rice mill at Kbal Pou? Under whose  
11 authority was it; was it under the district, the sector or  
12 cooperative? What do you have to tell us in that regard?

13 [15.28.22]

14 A. I did not have a grasp regarding this rice mill. I did not  
15 know who control it, however, people said that it was a large  
16 rice mill. And if that is the case, it means that it was under  
17 the management of the sector and not the district. <But this is  
18 my speculation because the district level could not manage such a  
19 large rice mill.>

20 Q. Very well. I would like you to be shown another document and  
21 it is E3/2441, and to be more specific the ERNs regarding that  
22 document are as follows. In Khmer, 00270958 to 59; in English,  
23 00369485 to 86; French, 00611761 to 62.

24 Have you seen this document, Witness? I don't know if it's also  
25 possible to display it on the screen.

1 I am trying to locate the document.

2 MR. PRESIDENT:

3 Yes, you may. And AV Unit, please show that document on the  
4 screen as requested by Judge Lavergne.

5 [15.30.23]

6 BY JUDGE LAVERGNE:

7 The last paragraph should be shown, the last paragraph on this  
8 page. The last paragraph states the following -- it's the  
9 paragraph of the previous page. It's the last paragraph of the  
10 previous page, yes.

11 So it states the following:

12 "When there was no longer any cassava at the base, the situation  
13 became much worse. Indeed, the threshed rice could only be  
14 distributed by four cans per day <for> 10 people in a day, <in  
15 the morning> as well as in the evening. So I would like Angkar to  
16 know how serious the situation is."

17 And this report is dated 13 October 1977.

18 Q. So, Witness, does this correspond to reports as you would  
19 receive them when you were at the district office?

20 2-TCW-971:

21 A. In the district commerce, we did not receive such a report. As  
22 I said, the reports were made to the district committee and they  
23 did not report to my section. <We never received such reports.>

24 [15.32.14]

25 Q. You can read that, apparently, the quantities of rice that

1 were distributed per day and per person are very far removed from  
2 the food rations that you described, that is to say, one can of  
3 rice per person. So can you tell us if you know the person who  
4 signed this report? Can you see the signature?

5 A. I do not know this person, Soeun, I do not know him.

6 Q. Fine. I would like now to display another document, the last  
7 one. This is document E3/2109. Can we display this document,  
8 please, on the screen?

9 Here are the ERNs, French, 00290272 to 74; English, 00276556 --  
10 55 to 56 rather; and Khmer, 00068014 to 016.

11 [15.34.14]

12 MR. PRESIDENT:

13 Yes, please.

14 BY JUDGE LAVERGNE:

15 Q. So the first paragraph of this document seems to entail  
16 prisoners. It mentions 75 prisoners, that is to say, a certain  
17 number of people who <were> cleansed, and six people who died of  
18 illness.

19 And you told us that you heard about Krang Ta Chan but that you  
20 had never been there. So did you receive the reports or  
21 information regarding the prisoners at Krang Ta Chan?

22 2-TCW-971:

23 A. It was not my role to receive those reports. I had nothing to  
24 do with those reports.

25 Q. Well, you should read the second paragraph, however. The

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1 second paragraph is entitled "Expenditures", and the following is  
2 stated:

3 "Expenditures: <For> the entire office <we> expended <the  
4 equivalent of> 860 cans of <rice - the equivalent in paddy rice>.  
5 This represented 34 <buckets> full. And we expended 80 cans of  
6 salt. <Expended> 95<? - a question mark - 95> bags of rice for  
7 Samraong commune. <Eleven>? <-- question mark - bags of rice -- >  
8 and-a-half bags of <cassava> for <the village of> Toteng Thngai.  
9 <We supplied> 21 <bags of> rice seedlings to 106, and <three>  
10 horse carts of <cassava> plants."

11 So did the district office in Tram Kak monitor the expenditures  
12 that were carried out in the district?

13 [15.36.39]

14 A. I was not aware of this matter, Mr. President, particularly  
15 about the expenditures of rice. <I had no knowledge about the  
16 amount of sending in and sending out. As I already indicated  
17 that> I was at commerce <office in Angk Roka> and there was only  
18 rice, salt and the embroidered cloth< and other remaining clothes  
19 because there was a textile mill nearby.> I was not aware of the  
20 <transportation of the food supply>.

21 Q. Do you recognize the handwriting here? Do you know who might  
22 have drafted this report?

23 A. I did not know this individual.

24 Q. Do you know if in Tram Kak district some people were arrested  
25 for having eaten or stolen food, rather, to eat because they were

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1 hungry?

2 [15.38.08]

3 A. I was not aware of arrests since I was working only at my  
4 office. That happened in cooperatives. I was not informed, and  
5 when such thing happened, <it was their business.> They would  
6 make the report according to their chain of command.

7 Q. And what was this hierarchical system; who would report <to>  
8 whom? To whom was the report addressed and how was the report  
9 circulated?

10 A. I did not know how to explain that to you. There was no clear  
11 hierarchical <structure>. The <> commune <level> would make  
12 reports to <the district level, and the district would> forward  
13 the reports up the line. I, myself, did not receive any reports  
14 like that. I was in charge and <prepared> the items <for  
15 distribution> at my location. <I worked as a normal assistant  
16 there.>

17 Q. Witness, did you ever travel to the sector office?

18 A. I never entered it, that -- the sector was located at Takeo  
19 and I was posted at Angk Roka. I never went inside that office of  
20 the sector.

21 Q. Do you know where it was located in Takeo? Can you tell us  
22 exactly where this office was?

23 [15.40.31]

24 A. To my knowledge, it was located right at the place where the  
25 <provincial> hotel is standing. <That existed when I left for



1 Battambang.>

2 Q. I don't have enough time so I'm not going to put to you many  
3 more questions, but I'd like to put a last question to you,  
4 however.

5 Did you ever witness food assistance arriving in Tram Kak  
6 district? Do you remember having received rice coming from China  
7 or from other countries? Or was there any assistance that was  
8 provided to the people of Tram Kak <district>?

9 A. I was not aware where it was from. <The foodstuff would be  
10 sent through> the high level<, then, they would> send the food to  
11 the low level. For example, I was at Angk Roka. The people at  
12 Takeo would bring in the fabric to me and then I was in charge  
13 for the distributing that fabric. <But> I did not know where that  
14 fabric was taken from.

15 [15.42.07]

16 Q. Fine. Do you know if rice was sent by the Centre and do you  
17 know if any rice came from <other countries> as a form of aid,  
18 <particularly China>?

19 A. I do not understand your question. I have already told you  
20 already that I have no idea about how the rice and unhusked rice  
21 were transported<. I did not know> the tasks of <such sending>.

22 JUDGE LAVERGNE:

23 Fine. Thank you very much, Witness, I have no further questions  
24 to put to you given the amount of time that I have left.

25 MR. PRESIDENT:

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1 And now the floor is given to the defence team for Mr. Khieu  
2 Samphan.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. We have no questions.

5 MR. PRESIDENT:

6 Thank you. The Chamber is grateful to you, Mr. Witness. The  
7 hearing of your testimony as a witness has now come to an end.  
8 Your testimony will contribute to the ascertainment of the truth.  
9 You may now be excused. I wish you good luck, good health and  
10 prosperity. The Chamber is grateful to you as well, Mr. Mam  
11 Rithea, the duty counsel. You may now take a rest too.

12 [15.44.08]

13 MR. MAM RITHEA:

14 Thank you, Mr. President.

15 MR. PRESIDENT:

16 The Chamber expresses our thanks to the <WESU staff and> support  
17 staff for assisting in arranging the video-link and you all can  
18 now take a rest.

19 Next, the Chamber wishes to issue an oral ruling on the  
20 Co-Prosecutor's request to call two additional witnesses on The  
21 Role of the Accused.

22 The Chamber is seized of the Co-Prosecutor's request to hear two  
23 additional witnesses, E3/10627 and E3/10751 on the role of the  
24 Accused. The request was filed on 13 December 2016, E452.

25 [15.45.10]

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1 The Khieu Samphan Defence objected to hearing <the testimony of>  
2 the new <witnesses> because of the late date of the request.  
3 The Nuon Chea Defence opposed the request but submitted that if  
4 the requests are granted <by the Chamber>, an additional document  
5 should also be admitted <into evidence> for purposes of  
6 cross-examination.

7 The Chamber considers the request is untimely. Further, it is not  
8 convinced that the interests of justice require the hearing of  
9 these two witnesses and therefore <the Chamber> rejects the  
10 request.

11 Full written reasons for this decision will follow in due course.

12 Another issue, the Chamber has received a request of 2-TCW-1042,  
13 via WESU, by stating that the witness <2-TCW-1042> who wishes to  
14 request using her laptop while she is testifying before the  
15 Chamber in the upcoming days.

16 The Chamber now is seeking the opinions <from> all parties about  
17 the request of the witness. Do you have any observations or  
18 objection to the request to use her laptop?

19 [15.46.51]

20 MR. LYSAK:

21 We have no objections I think given the size of the document that  
22 the witness is going to be questioned about. I think that would  
23 greatly -- possibly greatly facilitate the questioning, so we  
24 would agree to that request.

25 MR. PRESIDENT:

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1 And for those who are silent now, it is considered that you agree  
2 with the request. Is that correct? And the request of Mr. Koppe?

3 MR. KOPPE:

4 That assumption is correct, Mr. President. We fully agree with --  
5 that it would be very practical if the witness has her laptop  
6 with her indeed.

7 [15.47.47]

8 MR. KONG SAM ONN:

9 Mr. President, I have an observation. If the witness uses the  
10 laptop and indicates the figure of -- in the list, I don't think  
11 that there is any problem. The laptop can store any kinds of  
12 documents and if in some cases, the witness should not use <her>  
13 laptop because she may not refer to the documents concerned.

14 MR. PRESIDENT:

15 The request is very short and she wants to be able to <fully>  
16 respond to the questions put by the party, particularly the  
17 questions which are to be put under the indication or condition  
18 of the <International> Co-Investigating Judges. In order to  
19 facilitate the proceedings, I think that the use of laptop is  
20 appropriate.

21 The second issue about the request of Koppe to admit the <yellow>  
22 log book, <received> from Professor Heynowski. The Chamber is  
23 already -- the Chamber already placed that log book into the  
24 shared drive, but has not yet admitted into the evidence. The  
25 Chamber will inform <the> parties very soon about this.

1 [15.49.32]

2 MR. KOPPE:

3 One very brief point in this matter, Mr. President, if I may. I'm  
4 quite sure that you will admit that orange log book.

5 Would it be possible to liaise with the Office of the  
6 Co-Investigating Judges to have the upcoming witness look at the  
7 original orange log book that is displayed at CMS so that we, if  
8 we want to, can ask her questions about that log book?

9 MR. PRESIDENT:

10 It is fine, and that is a good intention from counsel.

11 Again, it is now time for the adjournment. The Chamber will  
12 adjourn now and the Chamber will resume its hearing on Wednesday,  
13 4 January 2017, at 9 a.m.

14 On that day, the Chamber will hold a key documents hearing in  
15 relation to the role of the Accused. Please be informed and  
16 please attend the hearing. The security personnel are instructed  
17 to bring Nuon Chea and Khieu Samphan back to the ECCC's detention  
18 facility and have them returned into the courtroom on 04 of  
19 January 2017, before 9 a.m.

20 The Court is now adjourned.

21 (Court adjourns at 1551H)

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