



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 24-Feb-2015, 13:02
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

18 February 2015

Trial Day 246

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. FARR	English
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SAO HAN (2-TCW-807)	Khmer
MS. SONG CHORVOIN	Khmer
MS. TY SRINNA	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today the Chamber will continue to hear the testimony of the

6 witness, Sao Han.

7 And Ms. Se Kolvuthy, could you report the attendance of the

8 Parties and individuals to today's proceedings?

9 [09.05.18]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case

12 are present. As for Nuon Chea, he's present in the holding cell

13 downstairs as he request to be present in the courtroom. His

14 waiver has been delivered to the greffier.

15 The witness who is to testify today -- that is, Mr. Sao Han -- is

16 present in the courtroom; and the reserve witness is 2-TCW-944,

17 confirms that to his best knowledge he has no relationship by

18 blood or by law to any of the two Accused, Nuon Chea or Khieu

19 Samphan, nor to any of the civil parties admitted in this case.

20 This Witness will take an oath before the Iron Statue at 10

21 o'clock this morning before his testimony. He has a duty -- he

22 has an assisting counsel, Duch Phary, with him.

23 [09.06.29]

24 MR. PRESIDENT:

25 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

2

1 request by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea dated 18th
3 February 2015. He confirms that due to his poor health conditions
4 -- that is, back pain and that he cannot sit for long -- and in
5 order to effectively participate in the future hearings, he
6 requests to waive his right to participate in and be present at
7 the 18th February 2015 hearing.

8 He has been informed by his counsel about the consequence of this
9 waiver -- that in no way it can be construed as a waiver of his
10 rights to be tried fairly or to challenge evidence presented or
11 admitted to this Court at any time during this trial.

12 Having seen the medical report by the duty doctor for the Accused
13 at the ECCC, dated 18th February 2015, the doctor notes that the
14 health condition of Nuon Chea is that he has backache when he
15 sits for long and recommends that the Chamber shall grant him his
16 request so that he can follow the proceedings remotely from a
17 holding cell downstairs.

18 Based on the above information, and pursuant to Rule 81.5 of the
19 ECCC Internal Rules, the Chamber grants Nuon Chea's request to
20 follow the proceedings remotely from a holding cell downstairs
21 via an audio-visual means, and that applies for today's
22 proceedings.

23 And as Nuon Chea waives his direct presence in the courtroom, AV
24 Unit you're instructed to link the proceedings to the room
25 downstairs so that Nuon Chea can follow it.

3

1 The Chamber now gives the floor to the Co-Prosecutors to put
2 question to this witness. You have the floor.

3 [09.08.52]

4 QUESTIONING BY MR. FARR RESUMES:

5 Thank you, Mr. President. Good morning, Mr. President, Your
6 Honours and everyone in and around the courtroom, and good
7 morning to you also, Mr. Sao Han.

8 Q. At the end of the session yesterday, we were discussing your
9 brother's arrest. Can you tell us how long after the fall of
10 Phnom Penh your brother arrived in your village?

11 MR. SAO HAN:

12 A. It was a few days after the fall of Phnom Penh he arrived.
13 Then the village chief and his group came to invite him for
14 re-education.

15 Q. So how long was it after he arrived in your village that he
16 was arrested?

17 A. I didn't know when he was arrested. I think three days after
18 he was taken away for re-education. That's what was told to his
19 wife and his family.

20 Q. And can you tell us how you learned about his arrest? Did you
21 learn from his wife and his family or did you witness it
22 personally?

23 A. When the village chief and group chief came to arrest him, my
24 family members were there, including my mother and the wife and
25 the family of my brother.

1 [09.11.15]

2 Q. And you mentioned yesterday that he was arrested by a
3 militiaman. From whom did you learn that he had been arrested by
4 that militiaman?

5 A. I learnt of that information via my sister-in-law.

6 Q. In answer 46 of your interview, you say the following --
7 quote: "I knew that there was a killing site at Krang Ta Chan. My
8 older brother, Luon Ham, was arrested and taken to Krang Ta
9 Chan". End quote. Can you tell us how you know your brother was
10 taken to Krang Ta Chan?

11 A. He was taken away in a horse cart; they did not tie him up.
12 And only later on, I learnt from the neighbours that he was taken
13 and killed at Krang Ta Chan.

14 [09.12.40]

15 Q. And when did you learn that?

16 A. It was during the day time. I cannot recall the date that I
17 heard of the information as we didn't know which day of the week
18 it was. Our main focus was to work in the rice fields.

19 Q. In answer 35 of your OCIJ interview, you described your
20 brother as a Lon Nol soldier. Can you tell us what rank he had
21 and where he had served?

22 A. He was a former Lon Nol soldier and I did not meet him then
23 until the time that he was arrested and taken away and I
24 personally did not know which rank he held.

25 Q. I'd like to ask you about three other people from your area.

5

1 Their names are Nuon Chen (phonetic), Pech Chan (phonetic) and
2 Uok Narun (phonetic). Did you know any of these people, and if
3 so, can you tell us what happened to them during the Khmer Rouge
4 period?

5 A. I am not familiar with the three names that you just
6 mentioned.

7 [09.14.37]

8 Q. Okay, thank you. I'd like to ask you about another arrest now.
9 In answer 41 of your OCIJ interview, you said the following --
10 quote:

11 "One night I saw them call a person away with them but I do not
12 remember the name. That person was sent to carry leaves on
13 shoulder poles but never reappeared. The militia chairman used
14 his subordinates in the militia to call that person away. Sim was
15 the militia chairman, whether he is dead or alive is unknown.
16 Many others disappeared besides that one but I do not remember
17 their names". End quote.

18 Can you tell us more about the militia chairman, Sim? Who he was
19 and what his involvement was in arrests?

20 A. Sim was the militia chairman in Tram Kak district. He usually
21 deployed his subordinates in the militia to go and get any person
22 that he needed.

23 MR. FARR:

24 Mr. President, with the Chamber's leave, I would now like to show
25 the witness document E3/2437, ERN 00366707, in English; 00271003,

6

1 in Khmer; and 00623848, in French. This is a document signed by a
2 person named Sim, dated 29 April 1977, at Tram Kak and addressed
3 to the Chief of Education, office of District 105.

4 [09.16.48]

5 MR. PRESIDENT:

6 And Counsel, you may proceed.

7 MS. GUISSÉ:

8 Good morning, Mr. President. Thank you for allowing me to speak.
9 Prior to showing the witness the document, I would like the
10 Co-Prosecutor to explain to us how this document is related to
11 the witness. I understand that there is a name on the document
12 but can he please explain to us why it would be useful or
13 worthwhile to show the document to the witness when he has
14 already stated that he had no prior knowledge of the subject
15 matter.

16 MR. PRESIDENT:

17 And the International Co-Prosecutor, could you enlighten the
18 Chamber on the relevancy of that document to this witness'
19 testimony?

20 MR. FARR:

21 Yes, Your Honour. First of all, this is a document that is signed
22 by the person that we believe the witness has just spoken about
23 -- that is, the militia chairman, Sim. It relates to another
24 arrest. The witness, in his OCIJ statement, said: "many others
25 disappeared besides that one, but I do not remember their names."

7

1 In this context, this is a document that the witness clearly may
2 be able to help us contextualise if he is allowed to look at it.

3 [09.18.25]

4 MR. PRESIDENT:

5 Yes, in that case you can proceed.

6 BY MR. FARR:

7 And could I also ask that the document be broadcast, please?

8 Q. Mr. Sao Han, I'll give you a moment to look at this document.

9 As I mentioned, it's signed by a person named Sim. It's dated 29
10 April 1977 at Tram Kak and I'm just going to read a short portion
11 of the document. It says -- quote:

12 "Comrade Chief of Education Office of District 105: For your
13 information, as the following, I would like to send Samrit Mat
14 and report about his activities to Comrade as follows". End
15 quote. The document then goes on to say that he was a soldier
16 with the rank of sergeant and describes him criticising Angkar.
17 Now my question is: Did you know this person, Samrit Mat, and do
18 you know anything about his arrest?

19 MR. SAO HAN:

20 A. I do not know this person.

21 [09.20.03]

22 Q. Okay, thank you for that.

23 I'd now like to turn to the topic of cooperatives. In answer 24
24 of your OCIJ interview, you were asked whether you remember when
25 private property rights were eliminated and this is what you said

1 -- quote:

2 "After Phnom Penh fell in 1975, all property, such as livestock,
3 paddy fields and houses were placed under collective ownership.
4 The people reacted to property being placed under collective
5 ownership but they did not dare say anything for fear that they
6 would be taken away and killed". End quote.

7 Can you tell us a little bit more about this process of property
8 being placed under collective ownership? How did it happen and
9 who caused it to happen?

10 A. That happened in 1976. The village chief convened a meeting
11 and all the villagers had to attend that meeting. He announced
12 that all private properties had to be gathered and placed under
13 collective ownership, including cattle, cooking utilities, et
14 cetera. So, from that day onwards, the private ownership was
15 abolished.

16 [09.21.57]

17 Q. And can you tell us the name of that village chief if you
18 remember it?

19 A. The first village chief was Thim and the second person in the
20 village was Achar Neang, and the third person within the village
21 committee was Ta Ek. However, they all died.

22 Q. You said that people reacted to property being placed under
23 collective ownership but that they did not dare say anything for
24 fear they would be taken away and killed. Can you tell us who the
25 people feared would take them away and kill them?

1 A. The people feared the most -- what the people feared the most
2 was the village chief and his militia.

3 Q. Answer 25 of your OCIJ interview indicates that after 17 April
4 1975, you were assigned to work in the rice fields. Who was it
5 that assigned you to work there?

6 A. When I was assigned to work in the rice fields, it was
7 assigned by the unit chief. The unit chief would assign to us to
8 work in designated locations or areas.

9 [09.24.02]

10 Q. And do you recall the name of that unit chief?

11 A. It was Ta Mam. He was in charge of a unit.

12 Q. In answer 27 of your OCIJ interview, you said -- quote: "They
13 had us put up checkerboards straight paddy dykes, either single
14 or twin, and we dug both large and small feeder canals." End
15 quote.

16 Can you tell us what specific work you were required to do? Were
17 you digging? Were you carrying dirt? Lifting things? What were
18 your actual physical tasks?

19 A. I was assigned to build dykes or to plough the rice fields, or
20 to plant vegetables or to engage in the dry season farming. I
21 engage in all sorts of work in the field.

22 Q. What hours were you required to work?

23 A. For agricultural work, it started from 4 o'clock in the
24 morning and it concluded about 12 or 1 o'clock in the -- by noon.
25 Usually, when it was time to conclude the work, a bell was rang,

10

1 and that's when we knew that it was the noon time that we had to
2 conclude the assigned quota.

3 [09.26.00]

4 Q. And what would you then do in the afternoon?

5 A. During the transplanting season, I tended cows and make sure
6 that they fed -- they were fed properly, and at night-time after
7 we had our meals, then we had to pull the rice seedlings.

8 Q. So what time would your work conclude for the day?

9 A. Usually, a day's work ended around 7 or 8 p.m.

10 Q. Were there ever occasions when you were required to work past
11 7 or 8 p.m.?

12 A. No.

13 Q. During the time you were working in the rice fields, were you
14 free to leave your work unit if you wished to?

15 A. No, absolutely not.

16 Q. And why not? What would have happened to you or what did you
17 believe would have happened to you?

18 A. Since the time that I lived and the 3 years 8 months 20 days
19 period, I never ask for a permission to go anywhere. I usually
20 would just finish the work that I was assigned to do.

21 [09.28.15]

22 Q. And why didn't you ever ask for permission to go anywhere?

23 A. Because I was really very afraid, very afraid of the unit's
24 chief. I never dared to speak to him and usually, I tried my best
25 to complete the work quota as soon as possible, and usually, it

11

1 was the unit's chief who spoke to me when he assigned me to work
2 at a specific location.

3 Q. And why were you afraid of your unit chief?

4 A. I was very, very afraid of him because I saw people taken
5 away. So, for one full day work, usually I never spoke a word to
6 my unit's chief and I spoke only a very few words to people who
7 were working with me or close to me.

8 Q. And when you saw people taken away, did you know why they had
9 been taken away?

10 A. I did not know the reason for them being taken away. They were
11 taken away and simply disappeared.

12 Q. I think you mentioned a little bit earlier something about
13 quotas. Were workers in your unit punished if they failed to
14 reach their quotas?

15 MR. PRESIDENT:

16 Mr. Witness, please wait. And counsel Kong Sam Onn, you have the
17 floor.

18 [09.30.35]

19 MR. KONG SAM ONN:

20 Thank you, Mr. President. I'd like to object to this question
21 addressed by the Co-Prosecutor. He made an unclear question, and
22 it was a kind of hypothetical question, and that what would
23 happen, would there be a punishment if the production was not
24 reached, so it was a hypothetical kind of a question and I object
25 to it.

1 MR. FARR:

2 Your Honour, I don't feel that that was a hypothetical question.

3 I am asking him about concrete cases in which workers failed to
4 reach their quotas and what then happened.

5 (Judges deliberate)

6 [09.31.57]

7 MR. PRESIDENT:

8 The objection is overruled.

9 And Mr. Witness, please respond to the last question posed to you
10 by the International Co-Prosecutor if you can recall it.

11 BY MR. FARR:

12 Perhaps I should repeat my question, Mr. President.

13 Q. Sir, can you tell us what happened to workers in your unit who
14 failed to reach their quotas?

15 MR. SAO HAN:

16 A. The quota assigned by Angkar to produce farming, for example,
17 one hectare of land to produce three tonne of rice per hectare.

18 And during the harvesting season, I don't know whether they
19 measure or they do the weighing of the produce, so there was no
20 punishment happen in my unit.

21 [09.33.08]

22 Q. You just mentioned the number of three tonnes per hectare, and
23 in answer 30 of your OCIJ interview, you say you attended
24 meetings where you were told to strive to get three to four
25 tonnes per hectare. As a lifelong rice farmer, did you feel that

13

1 that was a reasonable or realistic production goal based on
2 conditions in your area?

3 MR. PRESIDENT:

4 Please wait, Mr. Witness. Mr. Koppe, you may proceed.

5 MR. KOPPE:

6 Mr. President, good morning. This is a question that goes far
7 beyond the capabilities of this witness. There is -- I can
8 guarantee you -- tonnes of literature about how -- what is
9 reasonable, what can you expect of how many tonnes per hectare.
10 It depends on all kinds of biological circumstances. Right now,
11 we are having 16 tonnes per hectare, if I understand correctly,
12 so there is much more to it than just asking a farmer as to what
13 the realistic goals are or three tonnes per hectare. So it's an
14 expert question, not a question for this witness.

15 (Judges deliberate)

16 [09.37.07]

17 MR. PRESIDENT:

18 Judge Fenz, you may take the floor to respond to the objection by
19 the defence counsel to the last question put by the
20 Co-Prosecutor. You may proceed.

21 JUDGE FENZ:

22 For the reasons mentioned by the Defence, obviously the Chamber
23 wouldn't base any factual findings exclusively on the answer
24 whatever it will be of this witness. But that doesn't mean that
25 the witness is not in a position to answer the question, and the

14

1 Chamber wants to hear the answer.

2 BY MR. FARR:

3 So I will just repeat the question for you.

4 Q. Mr Sao Han, as someone who had been farming rice in the period
5 before 1975, did you think that the goal of three to four tonnes
6 per hectare was an achievable goal, was a possible goal?

7 A. As far as I know, I am a farmer, we could not produce that
8 three or four hectare -- three, four tonnes per hectare. We could
9 not achieve that.

10 [09.38.31]

11 Q. I'd now like to ask you a few questions about the food you
12 received while you are working in the cooperatives. And can you
13 tell us first where did you go for your meals?

14 A. When I need meals, we would tell -- we would be told to go to
15 the kitchen, and we get a plate of rice and large bowl of soup
16 for 10 people around the table.

17 Q. And how many other people ate their meals in this place where
18 you ate?

19 A. Every day all the Base People and 17 April People would go to
20 the communal kitchen for meals.

21 Q. At answer 33 of your OCIJ interview, you said - quote: "The
22 rations were gruel and sometimes a little rice, but it did not
23 satisfy our hunger. There was a large bowl of soup that we shared
24 eating 10 persons per table." End quote.

25 Can you tell us what effect these rations had on the health of

15

1 the workers at the cooperatives?

2 [09.40.10]

3 MR. KOPPE:

4 He is again not an expert. He can say something about what
5 happened to him. Why he didn't have enough soup, but he cannot
6 possibly say anything on the health effects of his fellow
7 cooperative members.

8 BY MR. FARR:

9 Yeah. I'm - I'm happy to rephrase to limit it to the witness and
10 people he had personal contact with.

11 Q. Mr. Sao Han, can you tell us what effect these rations had on
12 your own health and the health of anyone that you had direct
13 contact with?

14 MR. SAO HAN:

15 A. We did not receive enough food and meals and then our health
16 become -- became weak. Some get swollen body, and they go to the
17 hospital and some disappear. I don't know what happened to them.
18 Sometime a nurse came to distribute medicine at the unit and also
19 in the group. The medicine was produced locally in the area.

20 [09.41.46]

21 Q. Did people ever complained to the cooperative chief or to any
22 other leader when they felt there was not enough food?

23 A. Absolutely not. No one there complain anything. We just
24 complain by ourselves among one or two people, and if it is
25 overheard by the Khmer Rouge, the person will be disappeared.

16

1 Q. In answer 42 of your OCIJ interview, you said - quote: "Even
2 people who had conflicts about not getting enough food or who had
3 broken a spoon or a plough were considered to be enemies." End
4 quote.

5 Do you know why these people who had conflicts about not having
6 enough food were considered to be enemies?

7 A. In practice, the unit chief, they keep saying like that. They
8 kept threatening people in these terms.

9 MR. FARR:

10 Mr. President, with the Chambers leave, I would now like to show
11 the witness document E3/4127. The ERN in Khmer is 00270806; in
12 English, it's 00362229; and in French, it's 00632505. And this is
13 a document from Tram Kak district, dated 17 January 1978, and
14 it's about someone who was arrested for complaining about rice
15 rations.

16 [09.44.10]

17 MR. PRESIDENT:

18 Counsel, you may proceed.

19 MS. GUISSÉ:

20 Mr. President, here again I would like the Co-Prosecutor to tell
21 us what the link is between this document and this witness. I
22 understand that he wants to speak about similar events. But as
23 was done with the previous document, it was not necessary to show
24 the document to the witness to put the question to him. So if he
25 needs to put a question regarding one person in particular, he

17

1 should first ask the witness if he knows this particular person,
2 and then possibly give him the document so he does not need to
3 see the document to answer this question, if these are questions
4 that are similar to the questions that were put to him
5 previously. So I object to this process because it is something
6 that is recurrent, where without there being a link between a
7 witness and a document, a document is systematically read out to
8 a witness and I don't think it's useful and I don't think it is a
9 good way of proceeding with regard to the ascertainment of the
10 truth.

11 [09.45.03]

12 MR. FARR:

13 Your Honour, in my submission, there's certainly been adequate
14 foundation laid for the use of this document. The witness has
15 just said that people overheard complaining about food would
16 disappear. This is a document from his area; it's from Tram Kak.
17 The document contains a degree of detail in addition to the name
18 of a person. These are details that we submit could very
19 reasonably be expected to jog the memory of the witness. Of
20 course with the distance of time that we're dealing with, merely
21 reciting a name may not be as helpful to a witness who could
22 potentially help the Chamber to contextualise the document.

23 [09.45.50]

24 MR. KOPPE:

25 Mr. President if you will allow me to react, if you have a closer

18

1 look at the Krang Ta Chan documents, as I call them commonly, if
2 they are authentic, you will be able to read that nobody was
3 actually arrested only because he was complaining about food.
4 Sometimes it was mentioned that somebody was complaining about
5 food, but there's always a larger context. There's always
6 accusations of working closer with Vietnamese or other issues
7 like structurally stealing from the community. So just taking out
8 this one passage from the document that the witness doesn't even
9 know doesn't make any sense. Something wrong or --

10 MR. PRESIDENT:

11 Please finish your exchange of objection and response. Defence
12 Counsel, do you have anything to address the Court? Please do so,
13 yes.

14 [09.47.01]

15 MS. GUISSÉ:

16 Yes, Mr. President. Given the reply provided to us by the
17 Co-Prosecutor, I have even further reasons to object, because he
18 is explaining to us that he did not have the intention of
19 providing the name of the person which he wants the witness to
20 react to and he was intending to refresh his memory. But you
21 cannot refresh a witness's memory if we do not know at the start
22 if it was his intention to speak about this person. So in this
23 case, he's providing him with information that he did not have
24 before.

25 I'm speaking maybe a bit fast, so maybe I will speak a bit slower

19

1 for the interpretation. Let me repeat. That is to say that first
2 of all, and this has always been practised here before the
3 Chamber, if we wish to refresh the memory of the witness we have
4 to know first of all if it was his intent or if he knew the
5 person who is concerned by the events. Here the witness can only
6 speak, generally speaking, about people who were arrested, but we
7 do not have the proof that the witness knew this person who is
8 the object of the document that the Prosecution wants to submit
9 to him, and therefore it's not possible to use this document to
10 refresh the witness's memory if we do not know if the person who
11 is mentioned in this document is someone the witness knew. So
12 therefore, as of the start, there is at least one step that has
13 been cast aside which we shouldn't.

14 [09.48.53]

15 MR. PRESIDENT:

16 Co-Prosecutor, do you have anything to respond to this remark?

17 MR. FARR:

18 Well, certainly, I am intending to provide the name of the
19 person; the name of the person is in the document. But there are
20 also additional details about the incident that will present a
21 fuller picture that I think will be more useful in allowing the
22 witness to say accurately whether he remembers this or not. This
23 is a question more about an incident than it is about a
24 particular person.

25 (Judges deliberate.)

1 [09.52.50]

2 MR. PRESIDENT:

3 Judge Lavergne, you may proceed.

4 JUDGE LAVERGNE:

5 Thank you, Mr. President. The Chamber wishes to say that when a
6 document is relevant to examine the witness on a topic he is
7 familiar with, the document may be used. This practice also has
8 another benefit, is that when an International Counsel or the
9 International Co-Prosecutor puts questions, there might be
10 problems with the pronunciation of Khmer names, so the fact of
11 reading out the language, the document in the original language
12 of the witness may help in avoiding this kind of problem. Also
13 the Chamber is sometimes concerned by the fact that in certain
14 questions, the reality of a situation might be poorly
15 represented, so by providing the original document to the witness
16 we avoid this kind of -- or this risk of confusion. So the
17 Chamber therefore authorises the use of the document in question.

18 [09.54.07]

19 MR. FARR:

20 And could I ask that the document be broadcast as well, please?

21 MR. PRESIDENT:

22 Your request is granted.

23 BY MR. FARR:

24 Q. Mr. Sao Han, as you can see this document is addressed to
25 Comrade Brother, Committee of the Education Office in District

21

1 105. It's dated 17th January 1978, and it's signed by a person
2 named Nun. My first question is: Do you remember a Khmer Rouge
3 leader or cadre named Nun in Tram Kak?

4 MR. SAO HAN:

5 A. I'm not clear on this name. I don't know this name.

6 [09.55.32]

7 Q. Okay. I'd now like to read a little bit of the document to
8 you. It says: "We have arrested a new resident named Sok Se in
9 Tram Kak village, Tram Kak sub-district. This person argued that
10 on 14th January, he was instructed to work like an animal and
11 that the store was full of rice while the food ration was very
12 little." End quote. It then goes on to talk about him complaining
13 about planting cassavas in this month and saying why do we need
14 to follow those enemies who know nothing about it. And then it
15 continues -- quote: "Therefore the District Committee decided to
16 instruct us to arrest and send him to your place." End quote. And
17 what I want to ask you is: Are you familiar with this incident
18 when this person named Sok Se was arrested for these complaints?

19 A. I refrain to answer this question because I don't know Sok Se
20 and who he was. I don't know him.

21 Q. Okay, thank you.

22 Can you tell us when cooperatives were established in Tram Kak
23 district? Were people free to farm and grow what they wanted? For
24 example, could you have grown your own vegetables or fruit to eat
25 when you were hungry?

1 A. People could grow vegetables, but the people from the economic
2 section would collect the crops. People were not allowed to
3 collect them for food.

4 [09.57.48]

5 Q. In answer 36 of your OCIJ statement, you said that many people
6 were sick with things like fever and diarrhoea. Was there
7 adequate medical care for these people?

8 A. No.

9 Q. Can you tell us what happened to people who had fevers and
10 diarrhoea in your experience?

11 MR. KOPPE:

12 Mr. President, is the witness a doctor now or a medical person?

13 "Adequate medical care", how would he know?

14 (Judges deliberate)

15 [09.59.07]

16 MR. PRESIDENT:

17 The objection by the defence counsel does not sustain.

18 Witness, please answer to the last question put by the

19 Co-Prosecutor if you still remember the question.

20 MR. SAO HAN:

21 A. Anyone who got diarrhoea -- there was no medicine for them at
22 the group or at the unit. A round rabbit pellet-like medicine was
23 given to those people who fell sick, but the medicine was not
24 efficient for treatment. I didn't see any modern medicine for any
25 treatment.

1 [09.59.58]

2 BY MR. FARR:

3 Q. I'd now like to ask you a few questions about the topic of
4 internal enemies.

5 In your interview at answer 42 you were asked this question --
6 quote: "During meetings, did they talk about sweeping clean
7 internal enemies?" End quote. Your answer was: "They did, even
8 people who had conflicts about not getting enough food, or who
9 had broken a spoon or a plough, were considered to be enemies. I
10 never saw them arrest anyone during meetings." End quote.

11 I asked you earlier about people who had conflicts about not
12 getting enough food. Can you tell us why people who had broken a
13 plough or a spoon were considered to be internal enemies?

14 MR. SAO HAN:

15 A. In each meeting that we attended, the unit chief reiterated
16 the same points to all the attendants.

17 Q. And can you tell us what he told you as best you can remember?

18 A. I can recall that if a plough or spoon was broken, then the
19 person who did it would be considered as an internal enemy within
20 the cooperative, and that's the language that was used by the
21 unit chief.

22 [10.01.55]

23 Q. You've mentioned people who complained about food or who broke
24 ploughs being considered internal enemies. Do you remember any
25 other group being identified as internal enemies at these

1 meetings?

2 A. From what I recall, during the meetings they reiterated the
3 points that I just said. It means if you broke a spoon or a
4 plough or if you were to steal something you would be considered
5 an internal enemy.

6 Q. You have mentioned the unit chief speaking at the meetings. Do
7 you recall anyone else speaking at the meetings?

8 A. We did not dare to raise any issues or to protest and it was
9 the unit chief who spoke during the meeting.

10 [10.03.07]

11 Q. You also said that you never saw anyone arrested in these
12 meetings at which internal enemies were discussed. Do you know of
13 any situation of a person being arrested for having a conflict
14 about food or for having broken a spoon or a plough?

15 A. No, I did not. Of course they would have other reasons for the
16 arrest of other people, but personally I did not witness that
17 arrest.

18 Q. I'd now like to ask you a few questions about the status of
19 Buddhism and Buddhist practice during the period of 1975 to 1979.
20 And could you start by telling the Court, as best you remember,
21 what happened to Buddhist pagodas and Buddhist statues in your
22 area during the period from 1975 to 1979?

23 A. What I saw in regard to the Buddhist statues, I didn't see
24 them in the pagoda anymore as they were all taken away. So did
25 were the Buddhist books and disciplines. And some of the Buddhist

25

1 books were used to wrap tobacco as a smoke.

2 [10.05.05]

3 Q. In answer 45 of your OCIJ statement, you said that pagodas
4 were used as hospitals and workshops. Can you tell us about any
5 specific examples you remember of particular pagodas being used
6 as hospitals and workshops?

7 A. There was one Ayadom (phonetic) Pagoda in Tram Kak commune. It
8 was turned into a workshop. And here I refer specifically to the
9 monks' dining hall in that pagoda. And also in Thma Kaev Pagoda,
10 it was turned into a place where they worked. .

11 Q. Do you know what happened to Buddhist monks in your area
12 during that period?

13 A. Buddhist monks in my area -- to my knowledge, I did not know
14 actually what happened to them. But I knew they were defrocked,
15 all of them were defrocked.

16 Q. And how did you know that?

17 A. I saw monks being walked to be defrocked. They walked them
18 along the road towards the northern direction.

19 Q. Were you familiar with a pagoda called Wat Angk Roka or Wat
20 Champa? And if so, can you tell us what they were used for in
21 that period?

22 A. I know Angk Roka Pagoda. I also know Champa Pagoda, but I did
23 not know what they were used for during the regime.

24 [10.07.26]

25 Q. Do you remember ever being told anything about whether you

26

1 were allowed to practice Buddhism in that period? And if so, what
2 were you told?

3 A. During the regime, they did not say anything at all about the
4 religion because all kinds of religions were prohibited and we
5 were not allowed to practice any religion. And we were told also
6 not to believe in any superstition.

7 Q. And who was it who told you not to believe in any
8 superstition?

9 A. At each meeting the group chief or the unit chief repeated the
10 same message that we should not believe in superstition and that
11 we should not pray to the statues -- the spirit statues.

12 Q. I now have a few questions for you about weddings during the
13 period 1975 to 1979. And at answer 43 of your OCIJ statement, you
14 mention weddings of 10 to 20 couples at a time. And you say --
15 quote: "They had them make resolutions."

16 Can you tell us what a resolution was in your understanding, and
17 how and why they were made?

18 A. Based on the information I received when I asked those people
19 who made resolutions, it means that those people were asked
20 whether they would accept his or her partner to be for life. And
21 if they said yes, it means they made the resolution. And as for
22 the parents or the relatives of those couples, they were not
23 allowed to attend such a ceremony.

24 [10.10.05]

25 Q. You just said that these people were asked whether they would

1 accept someone as a partner. Who was it that was asking them
2 whether they would accept someone as a partner?

3 A. I did not know whether any of them refused, but I knew about
4 them making resolutions because at that time the people who
5 attended the ceremony included the commune chief, the village
6 chief and the unit chiefs.

7 Q. You also said that parents and other relatives weren't
8 permitted to attend those ceremonies. Did anyone ever explain to
9 you why parents and other relatives weren't permitted to attend?

10 A. I did not know the details nor understand why they did that.

11 Q. Can you tell us now whether you recall a unit referred to as a
12 widows unit in your cooperative?

13 A. Yes.

14 [10.11.55]

15 Q. Can you tell us what that unit was?

16 A. A widow unit, based on what I saw in my village, it referred
17 to a group of women whose husbands were taken away or whose
18 husbands died. So the women without husbands were placed into
19 this widows group. As for women with younger children, they would
20 be put into another group. So regardless of their status, this
21 widows group would engage in the same kind of work that we
22 engaged in the rice fields.

23 MR. PRESIDENT:

24 The time is now appropriate for a short break. We will take a
25 break now and return at half past 10.00. And Court officer,

28

1 please assist the witness during the break and have him returned
2 to the courtroom at 10.30.

3 The Court is now in recess.

4 (Court recesses from 1013H to 1036H)

5 MR. PRESIDENT:

6 Please be seated.

7 The Court is now in session and the Chamber would like to give
8 the floor to the Co-Prosecutor and Lead Co-Lawyers to proceed
9 with the questioning for this witness. You may have the floor.

10 MR. FARR:

11 Thank you, Mr. President. With the Chamber's leave, I would like
12 to show the witness another document. This is E3/2057, and I'm
13 interested specifically in ERN pages 00079142 to 43, in Khmer;
14 00276586 to 87 in English; and 008482012 to 02 in French. This is
15 a document from Tram Kak district dated 4th February 1978, and
16 it's related to the widow's unit that the witness has just been
17 discussing.

18 MR. PRESIDENT:

19 Your request is granted.

20 [10.38.09]

21 MR. FARR:

22 And I would ask that the document be broadcast as well.

23 MR. PRESIDENT:

24 Your request is granted.

25 BY MR. FARR:

29

1 Q. Mr. Sao Han, as I've just mentioned, this is a document dated
2 4th February 1978, from Tram Kak district. And I'd like you to
3 just focus on the portion that has been circled or boxed on the
4 copy I gave you. And I'll just read a quote. It says:

5 "The enemy situation in the Tram Kak sub-district base is as
6 follows:

7 We have grasped inside the Widow Concentration Unit that they
8 have a plan to gather forces: One, Khiev Touch, the leader; two,
9 Dim Van Ny; three, I Van; and four, Bich Sok.

10 All four of them are new women whose husbands Angkar has
11 smashed." End quote. And the document then continues with a
12 variety of allegations against these women, including plans to
13 assassinate team and unit chairman and possibly poisoning people.
14 My question doesn't relate to those allegations. My question is
15 simply: Do you know any of the four women whose names I've just
16 read?

17 [10.40.00]

18 MR. SAO HAN:

19 A. I don't know anyone of the four women you have just read their
20 names.

21 MR. FARR:

22 Thank you, Mr. Sao Han.

23 Mr. President, with the Chamber's leave, I'll now pass the floor
24 to the National Deputy Prosecutor.

25 MR. PRESIDENT:

1 Yes, National Co-Prosecutor, you may proceed.

2 [10.40.34]

3 QUESTIONING BY MS. SONG CHORVOIN:

4 Good morning, Your Honours, Mr. President, Parties and the public
5 in and around the courtroom. Good morning, Mr. Witness. My name
6 is Chorvoïn. I have a few questions to put to you today.

7 Q. Mr. Witness, you testify and you responded to the OCIJ,
8 E3/5515. On question and answer 29, you respond to the following
9 question: "What were the name of the district and sector office?"
10 Your response was that district chief was Ta San, who is still
11 alive but I'm not sure whether he is in Samlout, Pailin or Anlong
12 Veng. And the sector secretary, I don't remember his name. I
13 remember that Ta Mok, who was from Trapeang Thum, Tram Kak
14 district, Takeo province and I don't remember anyone else. And
15 you said that Ta San was the district secretary. And when was he
16 -- work as the district secretary at that time, do you remember?

17 MR. SAO HAN :

18 A. I don't remember when he was becoming the district, but I
19 heard later that he was a district chief.

20 [10.42.13]

21 Q. Who were the deputies of Ta San?

22 A. I don't know.

23 Q. Who was the district chief before Ta San and do you remember
24 his name?

25 A. No, I don't know him.

1 MS. SONG CHORVOIN:

2 Thank you, witness. And Mr. President, I don't have any further
3 question to put to this witness.

4 MR. PRESIDENT:

5 The floor is now given to the Lead Co-Lawyers to put question to
6 the witness.

7 QUESTIONING BY MS. TY SRINNA:

8 Thank you, Mr. President. To begin, I would like to say good
9 morning to Mr. President and Your Honours, Parties. Good morning,
10 Mr. Witness. My name is Ty Srinna. I am the civil party lawyer. I
11 have a number of questions to put to you and I may need
12 clarification to your testimony yesterday and today.

13 [10.43.31]

14 Q. My first question for you is that, do you know the chief of
15 the Tram Kak cooperative? What is his name?

16 MR. SAO HAN:

17 A. The cooperative chief, I know him.

18 MR. PRESIDENT:

19 Counsel, could you please continue your line of questioning.

20 BY MS. TY SRINNA:

21 In the cooperative, was there any change of the chief of the
22 cooperative? Was he the one who always -- who was always there
23 from 1975 to 1979? Was there any change or replacement of the
24 chief?

25 MR. SAO HAN:

1 A. No.

2 [10.44.54]

3 Q. I would like to continue my questions. Yesterday, you told the
4 Court on the category of people, you said that there were New
5 People. My question for you is as follows: For the New People,
6 did they have any freedom of movement within your Tram Kak
7 cooperative or in your commune?

8 A. During the three years regime, both the Base People and the
9 New People had no rights of movement.

10 Q. If the people wanted to move from one district to another or
11 from one district to another district, could they travel on their
12 own volition or was there any authorisation for them to move from
13 one place to another as I indicated earlier?

14 A. For anyone -- for any permission needed for that kind of
15 travelling or moving, I don't know what happened to that.

16 [10.46.46]

17 Q. During that regime, the people in Tram Kak cooperative, did
18 people contact or visit their family members? Could they maintain
19 their relationship between their parents, son and father and so
20 on?

21 MR. PRESIDENT:

22 Please respond to the question again, because you responded while
23 the microphone was not activated.

24 MR. SAO HAN:

25 A. The relationship from a person or people in one cooperative

1 with another people in another cooperative or district, there was
2 none of that kind of relationship.

3 [10.47.52]

4 Q. You said yesterday that when the people were evacuated from
5 Phnom Penh and they arrived in Tram Kak, those who had relatives
6 there, they can live with other relative and those who had no
7 relative would build their huts and stay there. My question is as
8 follows: For those evacuee who arrived in your area and they had
9 no relatives over there, can they return to their home village to
10 see their -- to live with their family in a different destination
11 or places?

12 A. After the evacuation of Phnom Penh, people arrived in my area
13 and those who had no relatives. But during the first step, some
14 people could request to go -- to return to their home village but
15 after the unit was formed, they could not do that.

16 Q. I would like to move on to the farming. Were the Old People
17 and the New People assigned to do the same work in a paddy field
18 or different kind of work?

19 A. After cooperative was created, doing rice farming were
20 communally and people would work together. The Base People would
21 do the ploughing and the women unit would do the transplanting
22 for the farming.

23 [10.50.06]

24 Q. Thank you. While they were ploughing and transplanting rice
25 paddy, was there anyone who supervised or watched them while they

1 are working, for example, the militiamen or the commune chief who
2 watch them?

3 A. No. There were only the unit chief and the group chief who
4 supervised and watched the people while they are working.

5 Q. Do you know the reason why only the unit chief and the group
6 chief who would supervise and watch the people at the work site?

7 A. In principle of that regime, the supervision of that worker
8 was done only by the unit chief and the group chief.

9 Q. Could you state again for the Court, why was it necessary that
10 they need to supervise and watch people at their work site?

11 A. The strategy of that regime -- it was their common practice
12 every day, every week and months, so the unit chief and the group
13 chief would always supervise and watch their member to do hard
14 work.

15 [10.52.00]

16 Q. Have you ever heard or known during the farming, people fall
17 sick or become very weak they could not do the job? What happened
18 to this kind of people?

19 A. I was belonging to the ploughing unit. I did not witness
20 anything or any incidence like that.

21 Q. Do you mean that you never witnessed anything or you witnessed
22 but you don't want to know anything further?

23 MR. PRESIDENT:

24 Witness, please wait.

25 MR. SAO HAN:

1 A. I heard people disappear from the unit or the group.

2 BY MS. TY SRINNA:

3 Q. Do you know the reason why they disappeared from the unit or
4 from the group?

5 MR. SAO HAN:

6 A. When I returned and meet with other members, I asked what
7 happened to everyone and someone said that they were very weak,
8 they had diarrhoea.

9 [10.53.33]

10 Q. Was it a complete disappearance or was there anyone just
11 disappeared from your group a while and then he or she returned
12 to your group and continues to work? Could you please shed light
13 for the Court?

14 A. People who had diarrhoea or fever and they would absent a day
15 or two and then they return to work as usual.

16 Q. Thank you. Now I would like to move on to the topics on food
17 rations. You told the Court already about the ration, but I would
18 like to know the food ration for the teachers or the militiamen
19 or the cadre in a cooperative where you were working. Was there
20 any difference in their ration than other villagers?

21 A. Food ration for militiamen, for teachers, I had no idea as
22 regards their food ration. I know only the food ration for people
23 in my group -- in my unit.

24 [10.55.06]

25 Q. Thank you. What did you have for food? Was it cooked rice or

1 any kind of food when you eat communally with your members?

2 A. In my cooperative, we would receive cooked rice -- steamed
3 rice, but in a small amount of rice and we would eat around the
4 table of 10 people at a time.

5 Q. You said that you received rice for food every day, was it
6 sufficient for you and all the members in your group? I mean the
7 10 people in your group.

8 A. No, it was not enough.

9 Q. I would like to know, the harvested rice, when you worked
10 during the regime, what happened to the harvested rice? Was the
11 rice distributed or stored for consumption for the people in the
12 commune or in the unit?

13 A. After the harvesting, those paddies were stored in a long
14 building. It was not distributed to other people.

15 [10.56.53]

16 Q. As per your observation, can you tell the Court the quantity
17 of the harvest each year when you collected those kinds of crops?

18 A. After the harvesting season, I saw paddies were stored in the
19 20 by -- 20 metres by 10 metres building -- there were a large
20 quantity of rice paddies stored.

21 Q. Do you have any idea if the rice was taken to any place
22 anywhere else?

23 A. No, I don't know.

24 Q. Thank you. Now I would like to move on to another topic,
25 especially on the meetings you were attending. In the commune

1 meeting, were all people in the commune invited or called to the
2 meeting or was it a meeting for each group of people who were at
3 that worksite?

4 A. Very often, we would have a meeting at each unit and groups.
5 [10.58.45]

6 Q. Was the meeting held every day or every month?

7 A. When we moved our worksite from place to another, there was a
8 meeting to inform everyone for that movement, that where we would
9 be moved to another place, to another worksite.

10 Q. Was it a daily meeting or a monthly meeting? Please, indicate
11 more specific.

12 A. It was not every day. When there was a plan decided by Angkar,
13 and then there was a meeting for that.

14 Q. You said that unless there's a plan from Angkar for people to
15 do, and then a meeting was convened. Is this correct?

16 A. Yes, correct.

17 Q. Thank you. (Microphone not activated)

18 MR. PRESIDENT:

19 Please, activate your microphone.

20 [11.00.08]

21 BY MS. TY SRINNA:

22 Q. I would like to ask you further about the meeting attendees.
23 Who were the attendees to those meetings?

24 MR. SAO HAN:

25 A. For major meetings, it would be the unit chief who chaired;

1 but for smaller meetings, it was the group chiefs. The group
2 chiefs received the work plan from the unit chief.

3 Q. Did you attend another kind of mass meeting or major meeting
4 at a commune level, for instance?

5 A. I seldom attended such a major meeting. However, regularly I
6 attended the unit meeting held at the village level.

7 Q. During the time that you lived in Tram Kak district, did you
8 ever see any leaders go to visit your place or to visit the
9 people there?

10 A. No, I did not.

11 [11.01.50]

12 Q. You have stated before this Court about the food regime, and
13 that people did not dare to complain about the insufficient food,
14 because they were afraid they would disappear if they spoke about
15 it and were overheard. Regarding the disappearance, were you the
16 only person who knew about the possible disappearance or other
17 people who worked in your unit also knew about the disappearance?

18 A. On the issue of disappearance, we knew that people disappeared
19 from a group or from a unit and that made us very, very afraid.
20 We did not even dare to say anything about it.

21 Q. When someone disappeared, the person who knew of the
22 disappeared, for example, the person who worked in your team or
23 worked across from you, knew about it or were other people in the
24 village knew about such a disappearance?

25 A. I could not respond to that, as I did not know.

1 [11.03.45]

2 Q. On the issue of fear, as you stated that you were afraid
3 regarding -- regardless of the issues that you had, for example,
4 the insufficient food, what about other people? Were other people
5 also afraid or were they fearful as in the case of your fear that
6 you mentioned?

7 A. For each disappearance of a person within the group,
8 personally, I was very, very fearful and I did not dare say
9 anything about it. As for other people, I believe they were --
10 they had the same feeling.

11 Q. Could you please repeat your last part, as when you were
12 speaking the microphone was off?

13 A. When there was a disappearance of someone within the group, I
14 became even more fearful and didn't dare say anything about it
15 because I was afraid that, one day, it would be my turn.

16 Q. What about others? The people who worked across you, were they
17 afraid of disappearance too?

18 A. As for those who worked in the group, they were wondering and
19 we were talking quietly amongst ourselves about why that person
20 disappeared.

21 [11.05.37]

22 Q. When you were talking about the disappearance, what did you
23 think of how they felt about the disappearance?

24 A. I believed they also felt the same. It means they were also
25 fearful.

1 Q. My next one is in relation to the security office. Did you
2 know if there was any security office or centre in your
3 cooperative?

4 A. No, I was not aware of any security office in my area, as it
5 was a very secret issue.

6 Q. Did you know about the existence of a Krang Ta Chan Security
7 Office?

8 A. I knew about it only at a later stage and after 1979, I mean,
9 and I also went to visit that location.

10 Q. During the period of the regime that you lived at the Tram Kak
11 cooperative, did you see any mass graves or pits?

12 A. No, I did not.

13 [11.07.30]

14 Q. Now my question is in relation to the houses of the villagers.
15 In your cooperative, were people given houses to live in? And
16 that those houses later became the properties of those people or
17 only the houses were given to them as a temporary accommodation?

18 A. It was only for temporary accommodation, it was not meant for
19 private ownership.

20 MS. TY SRINNA:

21 Thank you, Mr. Witness; and Mr. President, I don't have any
22 further questions for this witness and I'd like to pass the floor
23 to my colleague, Ms. Marie, to put further questions to this
24 witness.

25 MR. PRESIDENT:

1 Thank you, and, yes, International Lead Co-Lawyer for the civil
2 parties, you have the floor.

3 [11.08.30]

4 QUESTIONING BY MS. GUIRAUD:

5 Thank you, President. Good morning, Mr. Witness.

6 Q. I have some very brief questions to put to you. I would like
7 to know if there were any militiamen in your cooperative.

8 MR. SAO HAN:

9 A. There was a group of militiamen at the commune.

10 Q. Can you please tell us what their role was?

11 A. The role of the militiamen, as I experienced, was to monitor
12 the activity of the people at their houses.

13 Q. If I understand correctly, the main activity of the militiamen
14 was to monitor the activities in houses and not to monitor
15 activities in the fields. Is that correct?

16 A. Yes.

17 [11.10.02]

18 Q. Do you know what they were monitoring? When you state that
19 they were monitoring houses, what exactly were they surveying?

20 A. While they were watching the houses, they were waiting to see
21 whether anyone would steal any food or anything.

22 Q. Thank you. You talked about a group of militiamen, how many
23 militiamen comprised the groups and what ages were they?

24 A. I did not know how many militiamen were in the group as I was
25 afraid to ask such a question, and I also did not know about

1 their age range.

2 Q. Can you please tell us if you saw them regularly or did you
3 see the militiamen only on an exceptional basis?

4 A. I saw them only occasionally, as I mostly engaged in worksites
5 outside the village.

6 Q. Thank you. Were the militiamen armed?

7 A. When I saw them, yes, they did carry weapons.

8 [11.11.59]

9 Q. What kind of weapons?

10 A. I did not know the kind of weapons that they carried.

11 Q. But to be more specific, are you talking about a firearm?

12 A. (No interpretation)

13 MS. GUIRAUD:

14 I'm sorry; I did not hear the response. Mr. President, I'm
15 awaiting the response. Shall I repeat my question?

16 MR. PRESIDENT:

17 Mr. Witness, please respond to the last question and please wait
18 for the microphone to be activated first, before you respond.

19 MR. SAO HAN:

20 A. Occasionally, when I saw the militiamen, they carried weapons
21 in their arms.

22 [11.13.32]

23 BY MS. GUIRAUD:

24 Q. And my final question, in light of the fact that I didn't
25 fully understand your answer, I'd like to know what kind of

1 weapon they bore. Was it a firearm?

2 MR. SAO HAN:

3 A. Yes, they were rifles. But I didn't recognize the kinds or the
4 model of those rifles.

5 Q. Thank you. And one last question.

6 At the time, did you know how these "chlops" – how these
7 militiamen were recruited?

8 A. No, I didn't know how they were recruited.

9 Q. Thank you. And, perhaps, another question, this will be my
10 final one.

11 Yesterday we heard a testimony from a witness who stated that the
12 militiamen were ordered to survey newly married couples in order
13 to verify if they consummated their marriages. Did you yourself
14 ever witness this sort of practice?

15 A. I did not see such event.

16 [11.15.03]

17 MS. GUIRAUD:

18 Thank you, Mr. Witness. Thank you, Mr. President. I have no
19 further questions.

20 MR. PRESIDENT:

21 Thank you. Now the Chamber would like to hand the floor to the
22 defence teams. First, it is given to Nuon Chea's defence team.

23 QUESTIONING BY MR. KOPPE:

24 Thank you, Mr. President. Good morning, Mr. Witness. I have not
25 very many questions, just a few.

1 Q. One question that I have is about what you just said 20
2 minutes ago.

3 Did I understand correctly that you only heard about Krang Ta
4 Chan after 1979?

5 MR. SAO HAN:

6 A. Yes, that is correct.

7 [11.16.08]

8 Q. Earlier, you were also asked about your brother being taken
9 away by militiamen. Would it be correct if I say that you only
10 knew after 1979 where he had been taken or were you able to tell
11 before 1979 what had happened to him?

12 A. Before 1979, nothing happened. He worked for the former Lon
13 Nol government.

14 I'd rather like you to put the question to me again.

15 MR. PRESIDENT:

16 Please lower the microphone.

17 Counsel Koppe, please rephrase your question as the witness seems
18 not to get it fully. Thank you.

19 Q. I will try to phrase it in a different way.

20 Mr. Witness, you said earlier this morning that you had only
21 heard about Krang Ta Chan, the security centre, Krang Ta Chan,
22 after 1979. Having said that, I would like now to ask you about
23 your brother. When did you learn exactly where your brother was
24 taken to?

25 A. After the arrest of my brother, I learned from our family

1 members.

2 [11.18.46]

3 Q. What is it exactly, Mr. Witness, that you learned about where
4 they took your brother?

5 A. I did not know.

6 Q. So your answer now is that you did not know between 1975 and
7 1979 where they took your brother; is that correct?

8 A. Yes, that is correct.

9 Q. Who told you or how do you know that your brother was possibly
10 taken to Krang Ta Chan? You said that maybe you heard that after
11 1979, if I'm not mistaken. Do you know how you got that knowledge
12 or you don't know also?

13 A. During that regime, I learned from someone who tended the cows
14 near that vicinity, and at that time I was tending the cows too,
15 so he told me that I should not go near Krang Ta Chan area. And
16 that happened during the regime. And after 1979, we all went to
17 see Krang Ta Chan, I mean those people who lost their family
18 members. And later on, we held a ritual for the lost souls at
19 Krang Ta Chan.

20 [11.21.02]

21 Q. Did you maybe see the name of your brother on documents that
22 were found after 1979 or you didn't?

23 A. No, I did not see his name.

24 Q. So, to conclude, would it then be fair to say that you don't
25 know for sure that your brother ended up in Krang Ta Chan?

1 A. Yes.

2 Q. Thank you, Mr. Witness. Another question, and that's a
3 question about the word "disappearance". That is a word that you
4 have often used this morning. What exactly do you mean with the
5 word "disappearance"?

6 A. I used the word "disappearance" because when someone
7 disappeared and never returned, then I use it for such event.

8 [11.22.24]

9 Q. I understand that answer, Mr. Witness, but would it be
10 possible if somebody went away from the cooperative, didn't come
11 back, that maybe he was transferred to another zone or another
12 cooperative but that you didn't know?

13 A. I would not know about that. The only thing I knew is when
14 somebody disappeared from a group or from a unit.

15 Q. So, just to be sure, your word "disappearance" simply means
16 that somebody went away and didn't come back; correct?

17 A. Yes, that is correct.

18 Q. Thank you, Mr. Witness. You had spoken earlier about your unit
19 chief, your group chief and sometimes about other leading cadres.

20 Now, when I understand your answers correctly, it seems that
21 particularly your unit chief was not a very nice man. Would that
22 be correct if I say that?

23 A. Yes, that is correct.

24 [11.23.55]

25 Q. I would like to put some words to you and ask you if any of

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1 these words would describe his attitude toward you and other
2 members of your unit, characteristics as you will, as you
3 describe the behaviour of the unit chief. So, I'm going to give
4 you six or seven words and I would like to ask you if any of
5 these words apply to his behaviour and his attitude to you. Do
6 you understand my question to follow?

7 A. No, I don't.

8 Q. I will rephrase.

9 MR. KOPPE:

10 Mr. President, I would like to use a document which I did not put
11 on the interface, but it is a document well known with all
12 parties. It is a page from a "Revolutionary Flag" from July 1978.
13 It is ER/746, and the English ERN is 00428305; the Khmer ERN is
14 006450; and the French, ERN 000611886. Now, the English page of
15 this "Revolutionary Flag" is 17, and specifically, I would like
16 to go to the paragraph just before paragraph 5. There are some
17 attitudes and words being described and I would like to use these
18 words and ask the witness if he recognizes the behaviour of his
19 unit chief in any of those words.

20 [11.26.10]

21 MR. PRESIDENT:

22 International Lead Co-Lawyer for civil parties, you may proceed.

23 MS. GUIRAUD:

24 Thank you, Mr. President. As a matter of principle, I object to
25 the use of this document. We have attempted to make sure that all

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1 parties follow the same procedure and place all of the documents
2 to be referred to on the interface. Yesterday, we exercised an
3 exception, perhaps it was the day before, but if we are to allow
4 exceptions every day, the procedure or the existence thereof
5 makes no sense. Therefore, I would defer to the assessment of
6 this Chamber to make the wise decision.

7 [11.27.03]

8 MR. KOPPE:

9 Mr. President, sometimes when you listen to a witness, when he
10 talks about certain things, you think of a possible line of
11 questioning, and it just came up during the questioning of this
12 witness. I have no intention to surprise anybody. I'd be happy to
13 stop now and continue after the break. But besides this, it's a
14 highly debated document, everybody knows about it. It's not
15 something that is unknown to the parties. I know it's a difficult
16 question. I know that there might be problems with the question
17 itself. I understand that. But what I'm trying to achieve is to
18 see or to be able to determine whether the behaviour of the unit
19 chief or the group chief was bad individual behaviour or possibly
20 within the lines of the Party. So, what is interesting of this
21 document, there are some styles and attitudes of carrying out
22 work and maybe the witness recognizes himself, or recognizes the
23 unit chief or the group chief in any of those words. I don't
24 think there should be a problem with the line of questioning.

25 [11.28.30]

1 MR. PRESIDENT:

2 The Deputy Co-Prosecutor, you have the floor.

3 MR. FARR:

4 Thank you, Mr. President. At the very least, I think it will be
5 difficult to determine whether we would have an objection to the
6 document or the line of questioning without having at least a few
7 minutes to look at it. That's, of course, the purpose of
8 providing notice of documents. If Mr. Koppe is happy to move on
9 to another line of questioning, repeat the document number, which
10 I didn't catch, and come back to this after the break, then we
11 would be able to indicate whether we have an objection or not.

12 [11.29.14]

13 MR. PRESIDENT:

14 Counsel Koppe, please repeat the document number, as the Parties
15 did not get it. Please do it slowly or do it twice, as we
16 previously instructed all parties to do so. If you have other
17 questions, please proceed with other questions first and leave
18 these questions aside and let other parties review this
19 particular document first and then when we return from our lunch
20 break, then we can discuss this document and the questions you
21 intend to ask.

22 MR. KOPPE:

23 Yes, Mr. President, again, it is a "Revolutionary Flag" from July
24 1978. It is E3/746, and English, ERN 00428305; French, ERN
25 00611886; and Khmer, ERN 0064504. And the words I was intending

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1 to use, the reason I'm using this document, because I would like
2 to have the exact Khmer word, is the --

3 [11.30.43]

4 MR. PRESIDENT:

5 Do you have other questions to put to the witness? Leave aside
6 the question related to this document, because we let other
7 parties to review the document during the lunch break and we will
8 discuss it when we return from our break.

9 We also have the International Lead Co-Lawyer for civil parties
10 who opposed your question in relation to this document. And you
11 may ask other questions after we gather the comments, observation
12 from the Prosecution, and then the Chamber will rule on this
13 document and the question that you intend to put to this witness.

14 MR. KOPPE:

15 Thank you, Mr. President. One very small --

16 MR. PRESIDENT:

17 Judge Fenz, you have the floor.

18 [11.31.50]

19 JUDGE FENZ:

20 Just one question to the previous issue -- to the issue of the
21 document. If I understood that correctly, the questions would go
22 to the personality of a person, so why don't you ask an open
23 question as to how he would describe the person? Why do we need
24 to feed him from a document?

25 MR. KOPPE:

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1 Well, it has a legal background, my question, because if there's
2 a difference in how -- let's say the top of the CPK thought that
3 certain positions should be taken and how it was implemented or
4 executed on the lower level, and there is a discrepancy between
5 that. That is an interesting possible legal argument.

6 The other reason is that the words that are used here are very
7 typical for those days and I was hoping by using this document
8 that we have the exact Khmer words being presented to the witness
9 so that we can get as close as possible to a possible description
10 of the attitude of the unit chief and the group chief, who
11 apparently were, well, not very nice people. So that's why I
12 wanted to stay as close to the description of - the attitude of
13 the group chief and the unit chief by using the words described
14 of - the words used to describe the behaviour of lower-ranking
15 cadres.

16 [11.33.20]

17 In other words, to finish my argument, apparently higher-level
18 cadres or the top of the CPK didn't want lower cadres to behave a
19 certain way. And they had explicitly formulated how lower cadres
20 shouldn't behave. And I would like to be able to determine
21 whether these characteristics of attitudes of lower cadres toward
22 people may bring back memories with this witness. So there's a
23 legal and a fact rationale behind the question.

24 MR. PRESIDENT:

25 The International Lead Co-Lawyer for civil parties, you may

1 proceed.

2 [11.34.20]

3 MS. GUIRAUD:

4 Thank you, Mr. President, for giving me the floor again. Just a
5 brief observation so that you may, if necessary, take it into
6 account when you deliberate. I understand the need of all parties
7 to call upon documents that have not been placed on the interface
8 the day before. This is not something that for me is really an
9 issue, especially since we will have the possibility of going
10 over the document over the lunch break. But the Chamber has to be
11 clear, because if the Chamber makes an exception for our
12 colleague, Koppe, they should also be given to the other parties
13 for the rest of the trial and it should be clear for everyone,
14 that is to say that we will also enjoy the possibility when we
15 believe that it is necessary to use a document that has not been
16 placed on the interface the day before, well the Chamber has to
17 also give us the same opportunities, and this for all parties.
18 Thank you, Mr. President.

19 [11.35.29]

20 MR. PRESIDENT:

21 The time is appropriate for a lunch break. We will take a break
22 now and return at 1.30 this afternoon.

23 Court officer, please assist the witness during the break and
24 have him returned to the courtroom at 1.30 this afternoon.

25 Security guards, you are instructed to take Khieu Samphan to the

1 waiting room downstairs and have him returned to the courtroom
2 this afternoon before 1.30.

3 The Court is now adjourned.

4 [Court recesses from 1136H to 1343H)

5 MR. PRESIDENT:

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

7 Before handing over the floor to the Co-Prosecutor to make his
8 observation in relation to the request to present a document to
9 the witness, the Chamber wishes to make a notice that Judge
10 Karopkin is -- has a health issue this afternoon, so he will not
11 be present in the courtroom during this afternoon's session.

12 Now, the Chamber gives the floor to the International Deputy
13 Co-Prosecutors, who make observations on the document requested
14 to present to the witness this morning.

15 [13.44.45]

16 MR. FARR:

17 Thank you, Mr. President. We don't object to the specific use of
18 this document under these circumstances, but I want to make it
19 very clear why that is. It's because this is a one-page document,
20 because counsel explained in very clear terms what he intends to
21 do with the document, and we've had a two-hour break to review
22 it. If any of those things were different, we would object. If it
23 were a longer document, if counsel had not explained how he
24 intends to use it, or if we had had less time to review, and the
25 reason we would object is because the lack of notice does cause

1 us real prejudice. When a document is not noticed, by the time
2 we've opened it and taken a look at it, counsel may be on their
3 second or third question, and we still wouldn't have had a chance
4 to figure out how it relates to the witness's testimony, and to
5 put it in context.

6 [13.45.56]

7 And I should specifically note in that regard that we don't
8 accept the idea that this document is so well-known that everyone
9 in the courtroom will immediately be familiar with it. In a case
10 file with as many documents as this one, no one can be expected
11 to be familiar with the nuance of every page of every document.
12 And that's one of the reasons that we have these notice rules.
13 This, in particular, is a "Revolutionary Flag" magazine. There
14 are quite a number of those on the case file, and they're fairly
15 lengthy documents.

16 So, we understand that a degree of flexibility is required in the
17 implementation of procedural rules, and we also realize that at
18 some point we may be asking Your Honours for flexibility. But
19 nevertheless, the rules need to remain the rules, and the
20 exceptions need to remain the exceptions. So, while in this
21 particular case we don't object, we don't wish this to be
22 understood as agreeing to any derogation of the basic rules that
23 Your Honours have set out for noticing documents.

24 [13.47.11]

25 MR. KOPPE:

1 If I may react, Mr. President. It's an interesting answer,
2 especially in the light of the fact that the International
3 Co-Prosecutor himself last week, when examining the expert, came
4 with documents which were not on the interface, and of course we
5 didn't object to them. But I suppose the question touches on a
6 larger issue, and that is, I understand that it is not the
7 purpose of examination to surprise Parties, or to surprise the
8 Trial Chamber. However, things come sometimes up during the
9 examination-in-chief that weren't anticipated in preparing the
10 witness. So, I think we should not stick to a very difficult
11 rule, which as a rule is understandable as such. But if we stick
12 to the fact that something has to be on the interface, and we
13 have no flexibility as to putting documents in front of a
14 witness, which in theory should all be known to the Parties, then
15 I think we're manoeuvring into an area which we really -- or in a
16 sphere -- we really do not want to come.

17 [13.48.36]

18 So, I think, as a general rule -- and maybe you should make a
19 general finding on this, or a general ruling on this -- if it is
20 a document well known to all the parties, well discussed, at
21 length sometimes, in 002/01, then of course parties should avoid
22 the element of surprise, and we should all be able to -- if it's
23 not on the interface -- to find it and to look for it, but we
24 should still be able to use it. So, I think maybe at this point
25 in time, it would be good if the Trial Chamber, if you, Trial

1 Chamber, make a sort of general ruling as to what should be done
2 in respect of this.

3 MR. FARR:

4 Your Honour, I apologise for rising again. There's just one more
5 thing that I'd meant to say, that Mr. Koppe reminded me of. As I
6 understand it, his intended use of this document is to make the
7 argument that the behaviour of cadres on the ground did not match
8 what he would say was a higher standard, set out in
9 "Revolutionary Flag" magazine. That, in our submission, is not an
10 issue that arose during the evidence of this witness. It was
11 foreseeable that that issue -- it was foreseeable before the
12 testimony of this witness, that that issue is one that he might
13 like to have explored.

14 [13.50.27]

15 MR. PRESIDENT:

16 What about the Lead Co-Lawyers? Do you have anything to address
17 the Court? Have you read the document? Is your position the same
18 concerning the matter of putting documents into the interface?

19 MS. GUIRAUD:

20 Thank you, Mr. President. I will stand by what I said before the
21 lunch break. My position is similar to my colleague's position,
22 Victor Koppe. I think there should be a rule, a principled rule,
23 with regard to this issue. We should notify the day before the
24 documents that we want to use during the examination. It's a
25 simple rule. It's based on the principle of adversarial debating.

1 It is enshrined in the Internal Rules. The Parties have the duty
2 to notify to the other parties the documents that they're going
3 to use when examining witnesses.

4 [13.51.40]

5 So, I think it's hard to transgress this general principle. Of
6 course, everything is subject to interpretation. I can understand
7 that there might be an issue in exceptional circumstances, and
8 that it might be necessary to call upon a document that was not
9 placed on the interface. So, in itself that's not a problem for
10 me. However, the rule should be the same for everyone, as I said
11 before the lunch break, and we should, of course, be informed
12 that there are exceptional situations.

13 [13.52.19]

14 So, we would like that the principles of adversarial debates be
15 confirmed, and that we be sure that documents be notified the day
16 before. But on an exceptional basis during a hearing, we do not
17 object to the fact that documents be presented, if the other
18 parties have the possibility of reading these documents, or even
19 to ask questions with relation to these documents. So, as soon as
20 a new document is presented, the parties should be in a position
21 to put new questions with regard to the usage of this document.
22 So I agree with my colleague. So I think that the Chamber should
23 rule on the basis of principle, and we should stick to this
24 principle for the remainder of the hearings.

25 MR. PRESIDENT:

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1 Concerning document E3/746, after your perusal, after your
2 reading, what is your position on this document?

3 MS. GUIRAUD:

4 I would have liked the Chamber to come up with a decision on
5 principle before I say what I think with regard to the use of
6 this document. If the Chamber thinks that this document should be
7 used on an exceptional basis, that is not a problem for me.

8 [13.54.03]

9 MR. KOPPE:

10 Mr. President, sorry to reply. Just to be clear, the purpose of
11 my questioning was not necessarily to put the document before the
12 witness. What was my concern is to be able to use those very
13 specific contemporaneous words, and those revolutionary words
14 which, as I understand, are hardly used in Khmer anymore. So,
15 it's not that he has to recognise the document, because he
16 cannot. It's just about those words that, as you can see, which
17 are not typical Khmer anymore. That's all.

18 MR. PRESIDENT:

19 Judge Fenz, you have the floor.

20 [13.54.44]

21 JUDGE FENZ:

22 Just to avoid further debate, do I understand the parties'
23 submissions correctly? They don't object today to the use of this
24 document for the reasons given. However, everybody would
25 appreciate direction -- a directive by the Chamber on how we will

1 go about the use of the interface in a more general manner. Do I
2 understand it correctly? I look at all the parties and see heads
3 nodding. Because then we can go ahead.

4 MR. KOPPE:

5 Yes, with the difference, of course, that we are hardly ever
6 examining in-chief, and we're always reacting. So things come up
7 during examination, and then we are in a different position.

8 JUDGE FENZ:

9 And we will give thought to that when we develop the general
10 directive. But are we okay with this? So, we can go ahead. There
11 is agreement of all the parties that this document can now be
12 used by the defence counsel in this manner, on an exceptional
13 basis, and with the understanding that there will be general
14 guidelines forthcoming. Yes?

15 [13.55.54]

16 MR. FARR:

17 That's correct, Your Honour. Yes.

18 JUDGE FENZ:

19 Yes. Okay.

20 MS. GUIRAUD:

21 Indeed.

22 MR. KOPPE:

23 Thank you, Judge Fenz.

24 [13.56.03]

25 BY MR. KOPPE:

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1 Mr. Witness, we had a long discussion about things that really do
2 not concern you.

3 Q. Before the break, you might remember, we were speaking about
4 your unit chief, very briefly about your unit chief and your
5 group chief. I want to ask you if you'll be able to describe, if
6 you remember well, the attitudes and the way of operating of the
7 unit chief and the group chief. How did they interact with you?
8 How did they interact with the other members of your unit? What
9 kind of person was this unit chief?

10 I would like to use or to give you a few words, and ask you if
11 these words possibly describe the behaviour of your unit chief
12 and group chief. So, my first -- the first word I would like to
13 use in order to ask you if that word describes the attitude and
14 behaviour of your unit chief would be "authoritarian".

15 MR. SAO HAN:

16 A. Concerning the word "authoritarian", actually the chief
17 ordered us to do labour every day.

18 [13.58.05]

19 Q. In his behaviour, was he -- another word I would like to use
20 -- behaving like a Mandarin?

21 A. The position of the unit committee, they absolutely used the
22 workers to meet the quotas of Angkar.

23 Q. Would you use the word "militaristic" to describe the attitude
24 of your unit chief or your group chief?

25 A. Yes, I can describe him as "materialism".

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1 Q. I heard something different back in the translation. I used
2 the word "militaristic", but I heard something --

3 THE INTERPRETER:

4 Correction from the Interpreter: "I could describe him as
5 'materialistic'."

6 MR. KOPPE:

7 Well, that's -- I said "militaristic", not "materialistic".

8 THE INTERPRETER:

9 I'm sorry. "Militaristic".

10 [13.59.58]

11 MR. KOPPE:

12 I did give the interpreters the actual passage from the
13 "Revolutionary Flag", so they have it in front of them.

14 BY MR. KOPPE:

15 Q. Mr. Witness, would you describe your group chief or your unit
16 chief as "single-minded" -- "akacheck" (phonetic)?

17 MR. SAO HAN:

18 A. I could not describe him as he is "single-minded".

19 Q. I think I have one more left -- two more left.

20 Would you describe either of them as "bureaucratic" or "liberal"?

21 A. I could not say they are -- or he is bureaucratic or liberal.

22 [14.01.08]

23 Q. I've given you some words in order to be able to understand
24 how you would describe the behaviour of your unit chief and group
25 chief. Now in a more general sense, could you -- using your own

1 words -- describe his behaviour toward you, and toward the group
2 or the unit?

3 A. I cannot say anything about this.

4 Q. The reason I'm asking all of this is because, before the lunch
5 break, you were telling that you were fearful of him when you
6 would complain. People would be fearful of him because if a spoon
7 would break, he would threaten people to send them away. So I'm
8 trying to understand how things went in those years, what the
9 interaction was between you and your unit members, and the unit
10 chief. So, again, and this is my last question on the subject,
11 please describe the attitude or stance, if you will, of this
12 person.

13 A. When there was an issue, for example of a broken spoon, nobody
14 dared to go and have any discussion with the unit chief.

15 [14.02.58]

16 Q. And this is exactly my question, exactly the problem that I
17 want to discover. Why is it exactly that you were fearful of him?
18 What made you fearful of him?

19 A. We were fearful of him because of what we saw -- that is, the
20 disappearances of people from the group and from the unit. And of
21 course, we presumed those people who disappeared, died.

22 Q. But before the lunch break, we had also established that
23 disappearance is going away from the cooperative or the unit, and
24 not coming back, not necessarily anything harmful to the person.
25 Do you understand what I mean, Mr. Witness?

1 A. No, I don't.

2 [14.04.16]

3 Q. Let me try it another way. I understand fear of something to
4 happen is a personal thing, but I'm trying to find out whether
5 you had, or your group members had, real reasons to be fearful of
6 your unit chief or your group chief. So, I'm trying to figure out
7 exactly what he said, and how he behaved toward you, et cetera.
8 So, would you be able to shed some more light about how he
9 interacted with you, and what made you fearful?

10 A. I was fearful of my unit chief. Those people whom I work with
11 disappeared and never returned. And that made me very fearful of
12 him.

13 Q. Okay, thank you. Thank you, Mr. Witness. I'll have one last
14 small subject, and that's the following: that's the situation of
15 the food and the communal eating. Yesterday we had a witness
16 testifying, coming from another commune. And he told us that on a
17 regular basis people were also eating fish with rice and soup,
18 and sometimes beef, sometimes vegetables. Was that the same in
19 your cooperative, your commune?

20 A. It was slightly different to my cooperative. We had our own
21 vegetables for our own unit, including the local vegetables,
22 cucumbers or pumpkin, et cetera. But we didn't -- we seldom had
23 pork or beef. It's very, very rare to have this meat.

24 [14.06.32]

25 Q. And how about fish? Did you have in your commune a unit -- a

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1 fishing unit that would go out trying to catch fresh fish?

2 A. In my cooperative, we did have a fishermen unit. But there was
3 no big pond or river in my area. We only have some small ponds,
4 and the group office men would go and find fish for us. Let me
5 give an example; as for the fresh fish we had: for a bowl of
6 soup, we would have one or two pieces of fresh fish.

7 MR. KOPPE:

8 Okay. Thank you very much, Mr. Witness.

9 Mr. President, this ends my questioning. I would like to take the
10 opportunity, however, to correct myself. Earlier this morning, I
11 said something about what is a record of hectares rice per tonne.
12 I used 16. It is in fact 14. 8. I apologize. It's a Chinese
13 record, by the way.

14 [14.07.55]

15 MS. GUISSÉ:

16 Yes, Mr. President, I wish to inform you that the Khieu Samphan
17 team has no questions for this witness.

18 (Judges deliberate)

19 [14.11.22]

20 MR. PRESIDENT:

21 Mr. Sao Han, the Chamber is grateful for your testimony for today
22 and hearing of your testimony has come to a conclusion and you
23 may be excused from the Court and return to your residence or
24 wherever place you wish to go to.

25 Court officer, please make an arrangement for the transportation

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1 of this witness to his residence or wherever he wishes to go to,
2 and that is to do it in cooperation with WESU.

3 And we have an issue to deal with -- that is, there has been a
4 request of a protective measure to the Trial Chamber for the next
5 witness. For that reason, we will take a 20-minute break and
6 resume at 2.30, in order to deliberate and decide on the request
7 for protective measure for the upcoming witnesses.

8 The Court is now in recess.

9 (Court recesses from 1412H to 1439H)

10 MR. PRESIDENT:

11 Please be seated.

12 The Chamber would like to inform the Parties and the general
13 public that the Chamber has received some requests from witnesses
14 on protective measure and WESU unit is currently making an
15 assessment on those request and then produce a report pursuant to
16 the procedures that we have before us, and in order to comply
17 with the procedures at ECCC, that the three official languages
18 needs to be made of those documents and so far we haven't
19 received those documents in three languages. For that reason, we
20 cannot proceed with the assessment of those requests. And Parties
21 will be sent the translation and the request tomorrow. For that
22 reason, we will adjourn and we will hear the testimony of the
23 witness 2-TCW-944 tomorrow morning, and before we proceed with
24 the testimony we will be likely holding a non-public hearing on
25 the request for protective measures by certain witnesses. For

1 that reason, we will adjourn the hearing now, for today's
2 proceedings.

3 [14.41.17]

4 Court officer, please, in co-operation with WESU, make necessary
5 arrangement for 2-TCW-944 to his place of residence and have him
6 returned tomorrow morning to the courtroom before 9 o'clock in
7 the morning.

8 Security guards, you are instructed to take the two Accused back
9 to the detention facility of the ECCC and have them returned to
10 attend the proceedings tomorrow morning before 9 o'clock.

11 The Court is now adjourned.

12 (Court adjourned at 1441H)

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