



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 August 2015

Trial Day 318

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

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KHIEU Samphan

Lawyers for the Accused:  
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LIV Sovanna  
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Trial Chamber Greffiers/Legal Officers:  
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For the Office of the Co-Prosecutors:  
William SMITH  
Travis FARR  
SONG Chorvoin  
Vincent DE WILDE D'ESTMAEL

For Court Management Section:  
UCH Arun

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Judge LAVERGNE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SMITH	English
Mr. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0914H)

3 MR. PRESIDENT:

4 Be seated. The Court is now in session.

5 In today's hearing, we will hold the key document presentations  
6 on three worksites: the 1st January Dam, the KampongChhnang  
7 Airfield construction worksite, and Trapeang Thma Dam worksite,  
8 following the hearing of the testimony of witnesses relating to  
9 the three worksites. Ms. Se Kolvuthy, please report the  
10 attendance of the Parties and individuals whom the Trial Chamber  
11 has invited to attend today's proceedings.

12 [09.15.58]

13 THE GREFFIER:

14 Mr. President, for today's proceedings, all Parties to the case  
15 are present. Mr. Nuon Chea is present in the holding cell  
16 downstairs. He has waived his right to be directly present in the  
17 courtroom. The waiver of Mr. Nuon Chea has already been delivered  
18 to the greffier. Thank you, Mr. President.

19 [09.16.23]

20 MR. PRESIDENT:

21 Now, the Chamber decides on the request by Nuon Chea. The Chamber  
22 has received a waiver from Nuon Chea dated the 26th August 2015,  
23 which states that due to his health reason; headache and back  
24 pain, he cannot sit and concentrate for long, and in order to  
25 effectively participate in future proceedings, he has requested

1 to waive his right to participate in and present in the courtroom  
2 on the 26th August 2015 hearing. Having seen the medical report  
3 of Nuon Chea by the duty doctor of the Accused at the ECCC, dated  
4 the 26th August 2015, who notes that Nuon Chea has a chronic back  
5 pain and when he sits longer, that situation exacerbates. For  
6 that reason, he recommends that the Chamber grants him his  
7 request and allow him to follow the proceedings from the holding  
8 cell downstairs. Based on the above information and pursuant to  
9 Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon  
10 Chea leave to follow today's proceedings remotely from the  
11 holding cell downstairs.

12 AV unit are now instructed to link the AV from the holding cell  
13 downstairs to the proceedings today. And that applies for the  
14 whole day today.

15 As per the memorandum of the Trial Chamber, document E315/1 dated  
16 the 17 December 2014, the Trial Chamber emphasizes that the Trial  
17 Chamber will hold the key document presentation hearings as has  
18 been done in Case 002/01 in order to allow the Parties the  
19 opportunity to present key documents relevant to the facts in the  
20 proceedings in each segment in Case 002/02. This will also help  
21 the public to understand the key documents as well as the facts  
22 of the worksites. Following the presentation of the key documents  
23 of the Tram Kak Cooperative as well as Krang Ta Chan Security  
24 Centre dated the 27th, 28th, and 30th April 2015, the Trial  
25 Chamber has decided that it will hold the key document

3

1 presentation hearings following the examinations of the evidence  
2 relating to the facts concerning the three worksites -- that is,  
3 the 1st January Dam worksite, the Kampong Chhnang Airfield  
4 worksite, and Trapeang Thma worksite.

5 [09.19.35]

6 The Chamber has requested the Party to select only limited  
7 documents and to avoid the document that has already been  
8 admitted or examined in detail in the previous proceedings. In  
9 order to ensure that these key document presentation hearings  
10 proceed smoothly, the Trial Chamber has requested the Parties who  
11 wish to present the document to the Trial Chamber and other  
12 Parties to submit the document before the hearing on the  
13 presentation of the key documents and no later than 1.30 p.m. of  
14 the 25th August 2015.

15 [09.20.21]

16 All Parties have already submitted their key documents by the  
17 deadline of the Trial Chamber. As notified in the email by senior  
18 legal officers of the 17 August 2015, the Senior Legal Officer of  
19 the Trial Chamber notes that the Trial Chamber will hold the key  
20 documentation presentation hearing for three days: on the 26th,  
21 27th, and 31st August 2015, in order to present key documents  
22 relating to the three worksites. Today and tomorrow, each Party  
23 will grant the opportunity -- will be granted the opportunity to  
24 present key document concerning these three worksites. And on the  
25 31st August 2015, the Party will be given the floor to respond or

4

1 observe on the key document present by other Parties.

2 [09.20.10]

3 The Chamber wishes to remind the Parties that the presentation of  
4 these key documents, the prosecutor and Lead Co-Lawyer for the  
5 civil parties will have one day for the presentation. As for the  
6 allocation of time for each party, it depends on the mutual  
7 agreement of the two parties, following which the defence team  
8 for Nuon Chea and Khieu Samphan will have half day each to  
9 present their key documents. Following the presentation by the  
10 two defence teams, the prosecutors and Lead Co-Lawyer for the  
11 civil parties will have half a day to respond or observe on the  
12 documents of the two defence teams. And towards the end of the  
13 key document presentation hearing, the defence teams or the  
14 Accused will have half day to reply to the presentation by the  
15 prosecutor and Lead Co-Lawyer for the civil parties.

16 [09.22.16]

17 The Trial Chamber wishes to remind the Parties, once again, that  
18 this documentation presentation is not -- is distinct from the  
19 presentation on the admissibility of the document. Because Party  
20 has already granted the opportunity to object in writing on the  
21 various documents submitted in Case 002/02, please refer to  
22 document E327. And Parties should focus on the documents that are  
23 most relevant to the worksites in subsequent order, starting from  
24 the 1st January Dam worksite followed by Kampong Chhnang Airfield  
25 worksite, and the Trapeang Thma Dam worksite, in order to assist

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1 the Trial Chamber in assessing the weight of the evidence toward  
2 the end of hearing in Case 002/02. The Trial Chamber wishes to  
3 remind all Parties that the documents are relating to the context  
4 or the policy that may be related to the three worksites are the  
5 subject for further consideration by the Trial Chamber in the  
6 subsequent hearing. For that reason, as the case may be, this  
7 document may be the subject for the presentations in the holding  
8 of the key document presentation in the future. And now, I hand  
9 over the floor to the Prosecution to present their key document.  
10 Please hold on. Counsel Arthur Vercken, the defence for Mr. Khieu  
11 Samphan, you may proceed.

12 [09.24.16]

13 MR. VERCKEN:

14 Yes. Good morning to all of you here as well as to the public. I  
15 apologize for interrupting here. I'm going to try to be very  
16 brief. But I was expecting you, Mr. President, to answer the mail  
17 that we sent to your Chamber yesterday evening. Indeed, when we  
18 look at the list that was sent by the Prosecution and the  
19 documents that they wish to use for this presentation of key  
20 documents, we consider that they go against the rule that you  
21 just reminded to us and that you had already established in the  
22 past -- that is to say, these key document hearings should not be  
23 a debate on the admissibility into evidence of documents.  
24 However, it's clear here, and your Chamber should decide on this,  
25 we have here several problems in the list that was sent to us by

1 the Prosecution. For example, there's Document D195.7 that was  
2 never listed by any Party, nor in the first case, nor in the  
3 second. So therefore, this document has never been admitted into  
4 evidence. That is the first document. And we also have a Document  
5 E342.1 in the Prosecution's list that was only admitted into  
6 evidence -- only one page of this document was admitted into  
7 evidence. And that came with a decision of your Chamber, with  
8 number E342/3 in which you stated that if the Prosecution wishes  
9 to use other excerpts of this book, it would be necessary for  
10 them to file a submission on the basis of Rule 87.4. Today, I  
11 don't know if they want to just read out this particular page  
12 that has been admitted -- that is to say, pages 8 and 9 of the  
13 book. But in their list, however, they are requesting to present  
14 the totality of this book, so which of course contradicts your  
15 memorandum E342/3.

16 [09.26.34]

17 And to finish, we have 18 documents here that the Prosecutions  
18 wish to use today in their presentation that are written records  
19 of interview coming from investigations that are now in the  
20 process -- so, that is to say, investigations linked to Cases 003  
21 and 004. And as you know, because we only received a courtesy  
22 copy of this, but given the nature of this issue, we believe that  
23 it was essential to inform you of our stance with regard to the  
24 1355, I think that's the figure, documents --1355 written records  
25 of interview that are still in the process in Cases 003 and 004.



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1 And we believe that these documents have been forwarded  
2 illegally. The only documents in our eyes that can be accepted  
3 are testimonies that are -- that come from witnesses or -- from  
4 witnesses before they appear or exculpatory elements. And it is  
5 clear that when we read the Prosecution's submissions is that  
6 they're forwarding these documents because they are inculpatory  
7 documents.

8 [09.28.02]

9 So, and you can imagine that, Your Honours, if today during a  
10 document hearing the Prosecutions wish to read excerpts of 18 of  
11 these written records of interview, this will certainly not be  
12 for exculpatory purposes. So, we therefore object to this  
13 practice that consists in allowing the Prosecution to do what  
14 they wish to do in complete contradiction with the rules that you  
15 have set because it is your Chamber that stated that the  
16 documents that were filed during the trial by the prosecutors and  
17 that have just been received are only documents that are  
18 inculpatory. So therefore, I'm asking you to cast aside the three  
19 series of documents I have just cited from today's presentation.  
20 And I am asking you to forbid the Prosecution from using D197.2  
21 and the 18 written records with index E319 and following. Thank  
22 you.

23 [09.29.17]

24 MR. PRESIDENT:

25 Mr. Prosecutor, you have any observation or response to the point

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1 raised by the defence team for Khieu Samphan?

2 MR. SMITH:

3 Just briefly, Your Honour. In relation to E342.1, in fact, the  
4 Prosecution won't be using that document today even though it was  
5 on the list. In relation to E195.7, that's a map. And it's hasn't  
6 been admitted into the evidence; it's on the case file, but it's  
7 quite a helpful map. I assume the Defence don't want the rules to  
8 be that stringent. It's quite a clear map.

9 But to avoid the debate for the moment, we won't be using that  
10 map, and at this stage. But as far as the other 18 documents,  
11 those documents have been admitted. The next point is, the  
12 Defence is saying that the Prosecution can't put forward  
13 inculpatory evidence. That's strange. That's the Prosecution's  
14 job, to put forward inculpatory evidence, whether it's from a  
15 written record or whether it's from a contemporaneous document.  
16 Of course, that's the Prosecution's role. Without going into  
17 details about what is exculpatory, what is inculpatory, I think  
18 one point I'd like to make is that, I think that we all know that  
19 when we look at the documents in this trial, there's elements  
20 that affect the reliability of other witnesses, and there's --  
21 either it strengthens the case or it weakens the case. That's the  
22 nature of evidence. But the idea that the Prosecution can't put  
23 forward inculpatory evidence is very strange. This seems to be  
24 tied up with their motion that they put forward about not having  
25 this other evidence come into the Trial. That's the subject of a

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1 motion and the Prosecution will respond to that. But that's  
2 certainly not -- these documents are admitted and the Prosecution  
3 is able to put forward inculpatory evidence. That's its job. My  
4 colleague prosecutor may want to add one thing further about  
5 those 18 documents because he's looked at them closely. Thank  
6 you.

7 [09.32.08]

8 MR. FARR:

9 Mr. President, I'll just add some details, so there is no  
10 confusion on the status. This relates to the E319 documents. The  
11 Prosecution made an 87.3 and 87.4 motion for the admission of  
12 those documents on the 25th of May of this year. No Party  
13 responded to the Prosecution's motion. On the 17th of July, the  
14 Trial Chamber granted the Prosecution motion for the admission of  
15 all of the documents that are on the list. That reference is  
16 E319/22/1. And in paragraph 1 on that memorandum, the Chamber  
17 noted that no Party had responded to the Prosecution motion.  
18 Thank you, Mr. President.

19 JUDGE FENZ:

20 Just to clarify, since the Prosecution appears to have the  
21 document ready. E319/21.3.19 is on -- is admitted too?

22 [09.33.21]

23 MR. FARR:

24 Can you read that number again for me, Your Honour?

25 JUDGE FENZ:

10

1 E319/21.3.19.

2 MR. FARR:

3 Your Honour, I believe it is. It's a link. The annex I would have  
4 to look through. But I'll confirm that before using it certainly.

5 [09.33.49]

6 MR. VERCKEN:

7 Very rapidly, Mr. President. I would like to say that the  
8 Co-Prosecutor who has responded to me at first appears not to  
9 understand what I said. And he has the right to do so. He says  
10 that the duty of the Co-Prosecutors is to present inculpatory  
11 evidence. Of course, that is obvious. There's no problem with  
12 that when we've understand stood that very clearly, there are  
13 procedural rules that provide for the respecting of the rights of  
14 the Defence. And that is why at the beginning of this trial, the  
15 scope of the trial has to be determined in order to enable the  
16 Defence to prepare themselves appropriately. It is not possible  
17 except where there are exceptions to continually fuel this trial  
18 with additional inculpatory evidence. And if you do so all the  
19 time, it means that there's no trial. This is a crucial rule. So  
20 the prosecutor appears to say that we are being prevented from  
21 presenting inculpatory evidence. We have not prevented you to do  
22 so for years during the investigations. Today, we are at trial,  
23 and you cannot, and the Chamber has made that clear to you and--

24 [09.36.07]

25 MR. PRESIDENT:

11

1 Arthur Vercken, this Chamber will hear only the issue in relation  
2 to the documents before us. And you made a submission already and  
3 it was responded by the Co-Prosecutor a while ago. Court officer,  
4 please check the headset of Arthur Vercken so that he can hear  
5 what I'm talking of.

6 MR. VERCKEN:

7 I can hear you now, Mr. President. I missed what you said at the  
8 beginning. What I was saying was that we filed a motion and  
9 you've been seized of that motion. These submissions violate the  
10 rules that you yourself set, Mr. President. The issue today is  
11 very urgent. It is imminent the prosecutor is preparing to  
12 violate the rules set by the Chamber. Are you opposed to that?

13 MR. PRESIDENT:

14 You are not given the floor to express any other matters other  
15 than the issue in relation to documents. You have the floor now,  
16 Judge Lavergne.

17 [09.36.26]

18 JUDGE LAVERGNE:

19 Very well. Let me try to clarify matters somewhat. I do  
20 understand that Khieu Samphan's defence is objecting to the  
21 tendering into evidence of three types of documents. A first  
22 document which is not in dispute by the Office of the Prosecutors  
23 and that has not been ruled admissible on record. And in due  
24 time, we will consider that case. We have another document in  
25 respect of which only one page has been admitted into evidence.

12

1 As for the rest, if there are applications, we will also have  
2 time to consider that as well. Regarding document E319, as  
3 pointed out earlier, we have cross-checked that and apparently,  
4 all the documents with the E319 reference number with the  
5 exception of perhaps one have been the subject of a memorandum by  
6 the Chamber dated the 17th of July. That memo is an E319/22/1,  
7 and that memorandum is a response to a motion filed by the  
8 Co-Prosecutors with a view to requesting that the Chamber admits  
9 those documents into evidence as new evidence. The Chamber has  
10 ruled on that motion. The Chamber has decided to grant that  
11 motion and those documents are now admissible. Today, if I do  
12 understand clearly what the Khieu Samphan defence is saying, it's  
13 a question of challenging the decision taken by the Chamber. If  
14 that is the case, you should do so as part of a written request  
15 which will be considered subsequently, but not during these  
16 proceedings. For the time being, till date, we've been seized  
17 with a courtesy motion which is not an official motion. That is  
18 all we have received so far.

19 [09.38.24]

20 MR. PRESIDENT:

21 The Chamber now gives the floor to the Co-Prosecutors to present  
22 key documents.

23 [09.38.39]

24 MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President. Good morning, Your Honours. And good

13

1 morning to the Parties and to the public. I note, Mr. President,  
2 that the time is 9.40 so we will try to make our presentation  
3 with the civil parties today. And if we do not succeed to do so,  
4 we will request you to grant us additional time tomorrow morning.  
5 On behalf of the Office of the Prosecutors, I'll present  
6 documents regarding the 1st January Dam. And immediately after  
7 me, the civil parties will present their documents regarding the  
8 same dam. And then, we will proceed in the same manner with the  
9 two other sites. I'd like to start with some considerations  
10 regarding documents that are of a general nature considering --  
11 regarding hydraulic and irrigation projects in the Democratic  
12 Kampuchea regime, and then I will present certain testimonies  
13 regarding documents dealing working conditions on the 1st January  
14 Dam worksite and the 6th January Dam worksite. And then, I will  
15 talk briefly about the purges that occurred during the same  
16 sectors during the construction of the dam. And I will conclude  
17 by referring to a number of visits by foreigners or party cadres  
18 to the 1st January Dam worksite. I will not return to certain  
19 documents that have already been presented and shown to certain  
20 witnesses before this Chamber, particularly videos which were  
21 shown to Meas Layhuor. But I would nevertheless like to start  
22 this documents presentation by having placed on the screen a  
23 video, and it is video E3/3048R, which is titled in English,  
24 "Building A Khmer Rouge dam". If that video lasts slightly more  
25 than four minutes, it is not obvious that that video footage was

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1 taken on the specific site of the 1st January Dam worksite as  
2 such. But the images nevertheless show the manner in which dams  
3 were built during that era. And on that video, we'll also see the  
4 faces of very young adolescents participating in the construction  
5 of that dam. Mr. President, do we have your leave to play this  
6 four-minute video?

7 MR. PRESIDENT:

8 You can proceed now.

9 [09.41.53]

10 (Audiovisual presentation)

11 [09.46.38]

12 MR. DE WILDE D'ESTMAEL:

13 Thank you. We have a second video that I would like to show. It  
14 is very short, it lasts six seconds. In any case, it is an  
15 extract from video E3/2348R, E3/2348R, titled, "Khmer Rouge  
16 History Of Genocide Part 1". And the passage that I would like to  
17 show on the screen lasts one minute 35 seconds up to 35 minutes  
18 55 seconds (sic). It shows the interest that the leaders had in  
19 the major irrigation works, particularly Nuon Chea who visited a  
20 dam during the regime. Mr. President with your leave may this  
21 video footage be screened.

22 MR. PRESIDENT:

23 Yes, you can proceed. AV technician, please project the video  
24 footage as requested by the Deputy Co-Prosecutor.

25 [09.47.51]



15

1 (Audiovisual presentation)

2 [UNIDENTIFIED SPEAKER:] "Nuon Chea, the secretary of the  
3 Communist Party of Democratic Kampuchea"

4 [09.48.03]

5 MR. DE WILDE D'ESTMAEL:

6 Very short. The next document is a written document, E3/2412. It  
7 is an article written by Francois Ponchaud and it is titled  
8 "Kampuchea--

9 MR. PRESIDENT:

10 You have the floor now, Mr. Koppe.

11 MR. KOPPE:

12 No objection, just a question for clarification in relation to  
13 the first video. I would be obliged if the Prosecution would give  
14 the particular seconds of the fragments in which young people or  
15 children they have in mind, so that we can look for it ourselves.

16 [09.48.56]

17 MR. DE WILDE D'ESTMAEL:

18 Very well. May I point out, Mr. President, that this video is  
19 available under ZyLAB, the first few minutes. Now let us talk  
20 about this article by Francois Ponchaud titled, "Kampuchea A  
21 Revolutionary Economy". It's dated January 1979. In this  
22 document, E3/2412, Ponchaud analyses particularly the role of  
23 major irrigation projects in the Kampuchea economy. The first  
24 extract on page 1 in the three languages: in French it is  
25 00410765; in English, 00598519; and in Khmer, 00812343. And I

1 quote: "Aware of the fact that only economic independence would  
2 guarantee genuine national independence and that agriculture was  
3 Kampuchea's only natural wealth, the leaders of the revolution  
4 mobilized the entire nation in 'the production offensive' 'to  
5 defence and build the country'." The second stage in the  
6 revolution. A little later on the same page, further down on the  
7 same page, Francois Ponchaud says the following:  
8 "According the revolutionary motto, if we have rice we can have  
9 everything. It is therefore the construction of a vast irrigation  
10 system for the country that has mobilized practically all the  
11 country's energy over the past three years."  
12 And Ponchaud continues by quoting the Khmer Rouge propaganda of  
13 that period, and it was on page 2 of the same document in all  
14 three languages. He says, "[...]since April 1975, 'the whole of  
15 Cambodia has been a huge construction site'."  
16 [09.51.24]  
17 This was an extract from a lecture given by Ieng Sary: "[...]the  
18 whole of Cambodia has been a huge construction site where the  
19 people work day and night, fearing neither fatigue nor pain'. The  
20 whole country is criss-crossed by a huge network of dykes and  
21 canals which is transforming it into a checkerboard of rice  
22 fields. These mammoth projects with shield production from the  
23 vagaries of nature and enable the people to be 'masters of the  
24 land and water', 'masters of nature', 'absolute masters of water  
25 and all times during both the rainy season and the dry season'.

1 In short, they will enable them to be truly 'masters of the  
2 country'."

3 Ponchaud is referring to the visits by Yugoslavians into  
4 Democratic Kampuchea, four in French, three and four in English,  
5 and four and five in Khmer. And this is what he states and I  
6 quote: "In March 1978, the delegation of Yugoslavian journalist  
7 visited a dozen dams". And further down on the same page, and I  
8 quote: "In Baray, they visited the 1st January Dam site which  
9 cuts across the Stueng Chinit River built in 1st of January 1977  
10 and -- between 1st of January 1977 and May of the same year".

11 Later on, he says that; "23,000 youths constructed the 6th  
12 January Dam reservoir on the river Tang Krasang and the 5th  
13 January Dam on the river Santuk."

14 [09.53.33]

15 On page 5 in French, 4 and 5 in English, and page 6 in Khmer, he  
16 describes the work done on the worksite. And I quote: "However,  
17 however extraordinary these projects may be, they are not without  
18 problems. The refugees often report that these networks of dykes  
19 and canals are built without any feasibility studies and in a  
20 chaotic manner according to the whims and caprices of the local  
21 cadres; and that in some case, they have even had to destroy the  
22 newly built dykes, as some of them were too high and others too  
23 low to allow for proper water distribution. Other refugees report  
24 that there were accidents and the earth dams could not withstand  
25 the water pressure." And lastly, last extract, the last two

1 excerpts of this article by Ponchaud. He concludes the article by  
2 referring to discipline and the human cost of the economic policy  
3 of Democratic Kampuchea.

4 [09.54.40]

5 First of all, on page 17 in French, 14 in English, and 17 in  
6 Khmer. And here again, I will quote the slogans of propaganda --  
7 of Khmer Rouge propaganda.

8 "All the people are mobilized 'to launch the offensive to build  
9 the country'. 'As we fought against American imperialists, we  
10 must fight to build the country.' It is the same struggle that  
11 continues. All official discourse reflects this constant tension.  
12 Work is denoted by the words 'fight', 'attack', 'offensive'.  
13 Achievements are hailed as victories. Construction sites are  
14 referred to as 'vanguard battlefields', the cooperatives are  
15 'rear battlefields'. Food crops are referred to as 'strategic'  
16 crops. Discipline is unrelenting and any negligence or outward  
17 expression of discontent warrants 'edification', meaning a rebuke  
18 and in most cases often punished by death."

19 And lastly, pages 17 and 18 in French, page 15 in English, and  
20 page 18 in Khmer; Ponchaud says the following and I quote:

21 "Failure to respect human factors and ideological intransigence  
22 that characterize the creation of the hydraulic infrastructures  
23 undermine seriously the likelihood of success. People who are  
24 bled dry subjected to the revolution, will they be able to  
25 guarantee political independence in the face of such a powerful

1 and ambitious neighbour as Vietnam."

2 [09.56.48]

3 So in document E3/20, Elizabeth Becker in her book, "When The War  
4 Was Over: Cambodia And The Khmer Rouge Revolution", expresses the  
5 same reservations regarding the quality of the results obtained.

6 The first excerpt is -- ERN in French is, 00638501 to 02; in  
7 Khmer, 00232318 to 19; and in English, 00237945. In this extract,  
8 she refers particularly to the 1st January Dam worksite, which  
9 she visited during her visit to Cambodia in December 1978. May I  
10 point out in passing for the purposes of the record that  
11 Elizabeth Becker erroneously situates this dam in the Northeast  
12 Zone as opposed to the North or Central Zone where the dam is  
13 located. Let me quote the extract: "The cadres of the Southwest  
14 Zone had been charged with ensuring that the Northwest would  
15 raise itself as Pol Pot demanded to the height of its reputation  
16 as a region endowed with a remarkable hydraulic works and very  
17 fertile rice fields. During the purge, they imposed on them new  
18 major irrigation site requiring that people work 24 hours round  
19 the clock. Rapid decisions and many hands, plans were drawn up by  
20 cadres who had no experience as engineers without consulting the  
21 peasants who knew the region. The construction of the 1st January  
22 Dam offers a good example of disastrous results obtained."

23 [09.59.06]

24 "That dam was built in 1977. The Centre" -- now I'm quoting from  
25 the text; no longer free translation: "The dam was built in 1977.

1 The Centre ordered it to be completed, dug, and constructed  
2 between the January harvest and the May planting season. It was  
3 to irrigate 20,000 hectares of land. There was practically no  
4 mechanical equipment available, no bulldozers for digging, and  
5 fuel trucks for hauling the earth. The cooperatives in the  
6 general vicinity had to donate labour teams of thousands of  
7 people with no training. They worked like ants, digging the earth  
8 with crude, picks, and shovels, carrying back-breaking loads of  
9 dirt and rocks in bamboo baskets balanced on poles across their  
10 shoulders. They worked around the clock with the moon and  
11 lanterns lighting the area at night. But they finished on time.  
12 And in the 1978 rainy season, the dam burst."

13 [10.00.35]

14 And further down, and I quote: "When the dam burst, people living  
15 downstream who were not protected were flooded. The remaining  
16 irrigation system remained useable. But numerous canals were  
17 either dis-aligned or needed basic repairs. That would have been  
18 unnecessary if the canals had been built correctly in the first  
19 place. But such considerations were not considered in the  
20 fundamental philosophy of the regime. Political conscience of the  
21 workers mattered more than technical skills. There was a special  
22 irony in the fact that the Khmer Rouge were inspiring themselves  
23 from the Angkar periods." A little bit later; "While the Khmers  
24 of Angkar era advanced the state of the art, constructing  
25 irrigation systems with hydraulic engineering techniques that

1 were sophisticated for their time, techniques which nonetheless  
2 were unable to prevent the salinization of the soil, the Khmer  
3 Rouge considered engineering skills incidental. They managed to  
4 reproduce the slavery of that previous era and little else."

5 [10.02.08]

6 The following document is document E3/8026. It is simply a site  
7 identification report regarding the 1st and 6th January Dam that  
8 was produced by the OCIJ on the 23rd of February 2009. And on  
9 page 2 in French, and page 2 in English, and page 2 and 3 in  
10 Khmer, there are two small paragraphs that I'm going to read out  
11 to you, and I quote (free translation): "Although the entire  
12 irrigation systems had been improved and modernized, the original  
13 dam still exists. It's called today the Irrigation Rehabilitation  
14 Project at Stueng Chinit. The modern work is different form the  
15 one of the Khmer Rouge period in that the basin is a new  
16 construction and that the main channels are shorter. The basin  
17 was built in the 1990s in order to avoid the flooding of the  
18 neighbouring area. At the Khmer Rouge period, the waters were not  
19 contained and the whole area became flooded."

20 [10.03.35]

21 So we saw during the Trial the importance of these major works  
22 and the hot nature of the building of the 1st January Dam site  
23 during the dry season. Another document mirrors this importance  
24 in the eyes of Pol Pot and of the Central Committee. This is  
25 document E3/1783. It is a FBIS report dated 22 December 1977,

1 which is entitled "Account of the Visit to Cambodia of Chen  
2 Yonggui". And first of all, there's a short sentence that is  
3 related by the Chinese radio and that is spoken out by Ros Nhim  
4 regarding another dam, the Trapeang Thma Dam, and which reminds  
5 that the major irrigation and dam building projects came from the  
6 Party Centre. This is at the French page, 00606766; English,  
7 00498181; and in Khmer, 0659260. And the following is said and I  
8 quote: "Comrade Nhim -- Ros Nhim, second vice president of the  
9 Northwest Zone of the CPK declared that the reservoir had been  
10 built in response to the appeal of the Central Committee of the  
11 Party requesting to build major water retention projects." (free  
12 translation).

13 [10.05.27]

14 This, of course, is a reference to the five-year plan of the  
15 Central Committee of the Party. In the same document, E3/1783,  
16 now regarding the 1st January Dam, the article continues, and  
17 it's on the same page in English and French, and in Khmer it's  
18 00659261. And I quote:

19 "Vice Premier Chen Yonggui also visited many other water  
20 conservancy projects. To mark the day of the offensive on Phnom  
21 Penh, January 1, 1975, the people in the Central Zone have built  
22 the January 1 Dam astride the Chinit River and brought 10,000  
23 hectares of land under irrigation. Comrade Pauk, a responsible  
24 party member of the Central Zone, told us: 'The Buddhist monks  
25 used to say that only god can damn the Chinit River. Some old men



23

1 were still sceptical when young people discussed construction of  
2 a dam in the river. Now a dam is there and many old people have  
3 come to see it.' As secretary Pol Pot put it well: 'The people  
4 themselves are gods.'" End of quote.

5 [10.07.10]

6 I'd like to note, however, that in this excerpt, mention is made  
7 of the fact that the project allowed for the irrigation of 10,000  
8 hectares of land, whereas in article E3/2412, of Francois  
9 Ponchaud, it is said that or that the Yugoslav journalist was  
10 speaking about 30,000 hectares and in Becker's book, she speaks  
11 about 20,000 hectares. And here we have an official Chinese  
12 version that brings the figure to 10,000.

13 Document E3/1339, the following document is a FBIS report of  
14 December 1977. On the English page 00168335, there is no French  
15 translation yet nor Khmer. This is -- the document is dated 8  
16 December 1977, and the name of the Cambodian figures accompanying  
17 Chen Yonggui are mentioned in this article. And this -- we have  
18 Pol Pot, Vorn Vet, Ke Pauk, and Om An. And mention is made in  
19 this article that thousands of cadres and people welcome them on  
20 site. Mr. President, now I'm going to turn to a segment regarding  
21 testimonies about working conditions and living conditions at the  
22 1st January Dam worksite. So if you want to break now, it maybe  
23 is a good time.

24 [10.09.15]

25 MR. PRESIDENT:

24

1 Thank you. The time is now appropriate for a short recess and the  
2 Chamber will adjourn now and resume at 10.30.

3 (Court recesses from 1009H to 1035H)

4 MR. PRESIDENT:

5 Please be seated. The Court is back in session.

6 And the Chamber now gives the floor to the Co-prosecutor to  
7 continue the presentation of key documents. But first, you have  
8 the floor now, Mr. Koppe.

9 MR. KOPPE:

10 Thank you, Mr. President. I have two objections: first objection  
11 is relating to something that was shown prior to the break. It  
12 might have been a translation issue because maybe in French it  
13 wasn't heard well, but I've formulated an objection nevertheless.  
14 We have been showed four minutes of footage. We have seen on that  
15 footage hundreds, maybe thousands of faces. We need to be able to  
16 defend ourselves -- our client against the allegation that there  
17 are youngsters or young people on the video. So I think you  
18 should instruct the Prosecution to tell us which still or which  
19 second on those four minutes the Prosecution is referring to.  
20 Maybe we will even concede, but at least we need to know which of  
21 the faces of those hundreds or thousands of people the  
22 Prosecution is having in mind. So that's my first objection, also  
23 in the form of requesting you to instruct the Prosecution to give  
24 us these stills.

25 [10.36.58]

1 My second objection is relating to the documents that are about  
2 to be shown. In the last key document presentation -- oh, sorry.  
3 I will slow down, Mr. President.  
4 My second objection is relating to the documents that are going  
5 to be discussed now. I made a similar objection during the  
6 previous key document presentation hearing in relation to civil  
7 party applications being used by the civil parties. That  
8 objection was overruled. I will not make a similar objection when  
9 it comes to civil party applications. However, if the Prosecution  
10 wishes to use WRIs in the next 10 or 15 minutes, I will object, I  
11 think. We're having a key document hearing; documents should be  
12 discussed either, preferably, contemporaneous documents, possibly  
13 also documents consisting of books or journals. But WRIs,  
14 although they are paper and strictly speaking, maybe a document,  
15 of course, I think this is not what the Trial Chamber meant.  
16 So, if the Prosecution is allowed to discuss WRIs, we have in  
17 fact a sort of semi-closing argument situation. I think we should  
18 not go there. The Prosecution should limit itself to documents in  
19 the legal, technical sense of the word.

20 [10.38.48]

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President. Regarding the first objection, quite  
23 frankly, the Defence will have the time on Monday to make its  
24 remarks regarding the evidence being at use. This is not the time  
25 to talk about the exact timing of the appearance of youths on the

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1 screen. I consider that as an interruption of this hearing, which  
2 took off 40 minutes, at the beginning.

3 Regarding the second objection, I do not see the basis for it.

4 The Office of the Prosecutors has often used contemporaneous  
5 documents because, in addition to having specific probative value  
6 as regards to the consideration of the 1st January Dam, there are  
7 a lot less documents that we can have available at the Party  
8 centre regarding the authority, the structures of the Party. In  
9 Case 01, regarding Krang Ta Chan, there are documents that have  
10 subsisted. So the idea I have is to link some extracts of records  
11 of hearings of -- or interviews of witnesses who are no longer  
12 alive. We are talking of three records of interviews and then two  
13 others that are very short and which refer to the link with the  
14 Baray Choan Dek, the 1st January Dam worksite.

15 We will not be able to use these documents further. I believe the  
16 Chamber has already ruled on the matter, and maybe the Chamber  
17 can confirm that.

18 (Judges deliberate)

19 [10.42.40]

20 Mr. PRESIDENT:

21 The objection of Mr. Koppe focuses on two points. Number one is  
22 to ask the Co-Prosecutors to project clearly concerning the video  
23 footage in relation to child labour. So the video should be  
24 clearly projected in relation to child labour so that it is clear  
25 for everyone.

1 Number two, the objection of Mr. Koppe on the second point is  
2 overruled in relation to key document presentation hearing,  
3 particularly concerning the written records of interview of  
4 witnesses who have passed away already. The Chamber allows  
5 parties to present such written records of interviews as long as  
6 the parties can prove that the witness in the written records of  
7 those interviews passed away. And in the document of the Trial  
8 Chamber -- that is, E315/1, it is clear that the documents to be  
9 presented should be limited to the relevant facts adjudicated  
10 before the Trial Chamber.

11 And the Chamber would like to inform the parties that this  
12 morning, the Chamber started the hearing late for this reason. It  
13 will grant an additional 50 minutes to the Co-Prosecutors and  
14 Lead Co-Lawyers to present their documents so that they can  
15 finish it by the time allocated.

16 The Chamber would like to once again reiterate that it will give  
17 additional 50 minutes to the Co-Prosecutors and the Lead  
18 Co-Lawyers, because this morning we started the hearing late. And  
19 once again, the Chamber grants an additional 50 minutes.

20 [10.45.56]

21 MR. SMITH:

22 Thank you, Your Honour. 40 minutes -- 50 minutes, thank you.

23 Your Honour, if I can just raise one other point, which has come  
24 up new. Obviously, I don't want to make it 60 minutes. But the --  
25 in terms of using written records of interviews at these

1 hearings, the Prosecution has prepared on that basis -- not just  
2 the written records of interviews of people that have died, but  
3 many people, and I'll just briefly explain why. Because, Your  
4 Honours, have requested us to focus as directly as we can on the  
5 facts relating to the different worksites and, as Your Honours  
6 are aware, in the other document hearings, when we were dealing  
7 with policies, there's far more policy evidence that's available  
8 in the contemporaneous form. But when we move to the particular  
9 worksites, perhaps Krang Ta Chan might be one exception, as Your  
10 Honours are aware, on the case file, there's far less  
11 contemporaneous direct documentation. And so the Prosecutors, to  
12 accord with Your Honours request, have looked at direct evidence,  
13 and that has been the basis of our presentation today. Where we  
14 can find contemporaneous DK documents, we do do that. But  
15 sometimes, other than policy evidence, there's not as many of  
16 those documents available. So we've had and needed to use written  
17 records of interview. And as far as the weight of written records  
18 of interview, the Defence say we should be using books and  
19 journal articles; of course, all parties have been using that  
20 material where they need to, but to be clear, books and journal  
21 articles are relying on original documentation, witness  
22 statements, etc. So it's a secondary source; an important one,  
23 but a secondary source. So as far as written records of  
24 interviews are concerned, Your Honours, we submit that they  
25 reliable corroborative pieces of evidence which we should be able

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1 to put before this Chamber, whether or not the author of that  
2 statement is dead or alive. And I would ask, Your Honours, if you  
3 could confirm that, because that would change the nature of our  
4 presentation quite markedly.

5 Thank you.

6 (Judges deliberate)

7 [10.49.12]

8 Mr. PRESIDENT:

9 The Chamber would like to reiterate again that on this portion,  
10 the objection of the Defence team is overruled. So Co-Prosecutors  
11 can proceed with presentation concerning the point that you have  
12 just raised. I, a while ago, made mention of the cases that some  
13 documents cannot be presented. So it is clear now that the  
14 objection by the defence team on this point is overruled; it is  
15 clear for everyone.

16 You have the floor now, Judge Lavergne.

17 JUDGE LAVERGNE:

18 Yes, Thank you, Mr. President. I will be very brief, but I want  
19 things to be very clear, particularly for the record. In the  
20 French version, 50 additional minutes will be granted to the  
21 Prosecutor, and not 15, as we have heard in French.

22 [10.50.32]

23 MR. DE WILDE D'ESTMAEL:

24 Mr. President, I will proceed with some testimonies concerning  
25 the 1st January Dam, and in particular, as I said earlier,

1 several witnesses who were close to Ke Pauk, the secretary of the  
2 former North Zone and the Central Zone.

3 The first record of interview is E3/5513. And it is the record of  
4 interview of Ieng Chham alias Chhi. He was a former bodyguard of  
5 Ke Pauk up to 1975. And in 1976, he was one of the rare persons  
6 who received a six-month training session on irrigation and  
7 hydroelectricity at the technical school of Ruessey Keo, in Phnom  
8 Penh, before the school was closed and the professors were  
9 arrested. He subsequently became a technician and a foreman of  
10 the 1st January Dam worksite. That is what I can say regarding  
11 his competencies in hydroelectricity and what happened at the  
12 Ruessey Keo technical school, and it is answer number 39.

13 [10.51.50]

14 "Most students there did not want to study hydroelectricity. I  
15 believe that most of them who were in training at the time could  
16 not use the knowledge they acquired because they did not eat  
17 enough and often fell sick. Consequently, they were obliged to  
18 drop out of school after they were taken ill."

19 Answer number 44, this is what he said:

20 "They told us to use our skills and practice at the cooperatives.  
21 They subsequently asked us to continue to study to increase our  
22 knowledge and skills and to get a certificate. Unfortunately, the  
23 school was closed, subsequently, somewhat later. During the  
24 study, they had a plan to conduct a field study at the  
25 hydroelectricity station at Kiriroam and other places, but we did



1 not manage to go there." End of quote.

2 Answer number 52 talks about the technical choices that were made  
3 as regards to 1st January Dam worksite, notably the absence of a  
4 stairway and the construction of a sluice gate. Answer number 52:

5 [10.53.24]

6 "I was sent to inspect the Chinit River and to visit a culvert  
7 built by the French in Siem Reap for us to choose which methods  
8 to block water. They did not choose the method the French had  
9 chosen for the Siem Reap Dam."

10 Question number 56:

11 "When did the construction start and when was the 1st January Dam  
12 worksite opened?"

13 Answer -- an answer by Ieng Chham:

14 "In between late 1976 and early 1977, the 1st January Dam was  
15 surveyed. They required that that we finish the lower foundation  
16 before the rainy season in 1977." End of quote. (Free  
17 translation)

18 [10.54.20]

19 In answer number 86, Ieng Chham points out that the 1st January  
20 Dam was completed in the year 1978. And I quote:

21 "I was in charge of that Dam up until the time when the  
22 Vietnamese entered the country." (free translation). And he  
23 points out that this is not the 6th January Dam.

24 Question 59:

25 "Did Sao" -- and we're referring to the head of the work team --

1 "did Sao who issue the master plan for the construction?"

2 Ieng Chham response:

3 "I did not know that at all. I just knew that Sao and I received  
4 the master plan from Ke Pauk. According to the plan examination,  
5 it was just an image plan, a simple picture. It was not the plan  
6 following technical standards. That plan was drawn on simple  
7 paper."

8 Ieng Chham explains the technical approximations made on the 1st  
9 January Dam worksite and concern to economise equipment, which  
10 led to at least one incident.

11 [10.55.56]

12 Answer 83, and I quote:

13 "At the time, my team tried very hard to work to do whatever, to  
14 finish the work set by the upper echelon. When we were not able  
15 to complete according to this set plan, we would be in danger.  
16 For instance, the front part of the spillway that Sao ordered us  
17 to use less cement and iron. It means that we needed to use the  
18 materials economically, unless -- and maintain the quality. But  
19 after I tried opening the rear water gate, half of the front part  
20 of the spillway was broken."

21 Regarding the importance of this 1st January Dam worksite, Ieng  
22 Chham says in answer number 63:

23 "The dam was placed under the supervision of the North zone,  
24 which included Sectors 41, 42 and 43. This means that the dam was  
25 controlled by the North zone."

1 [10.57.08]

2 And answer number 82, and we should recall that Ke Pauk came to  
3 that worksite once or twice a month.

4 Regarding sanitation and health care, Ieng Chham is very clear on  
5 this matter. In answer number 74 to 77, he states, in 74:

6 "There were many sick people. There were not enough medicines for  
7 treating them. Nevertheless, we made most of these medicines  
8 ourselves. They were small, round-shaped tablets which looked  
9 like rabbit pellets. We also had some medicines for intravenous  
10 (phonetic) injections."

11 Answer number 75:

12 "I didn't know whether those medics went through school or not  
13 because of those medics were very young. By my reckoning, they  
14 did not have specific knowledge or any experience."

15 Question 76:

16 "Were there hospital or places to accommodate and treat  
17 patients?"

18 [10.58.32]

19 Answer 76:

20 "They built a shelter as an office for accommodating the patients  
21 but you can't call that hospitals. I can say that the medicines  
22 were lacking in quality and the medics did not have the capacity  
23 at the time." End of quote. (Free translation)

24 And lastly, question 77 is uncategorical (sic):

25 "I saw that there were many people walking at some places. It

1 lacked sanitation. There was not enough to eat. The medics did  
2 not have quality or knowledge. These were the reasons why the  
3 patients did not survive."

4 Finally, at answer 85, Ieng Chham explains the following, and I  
5 quote:

6 "After the disappearance of Sao, Ke Pauk appointed me to be in  
7 charge of continuing the construction." End of quote.

8 And now, I would like to refer to document E3/7414--  
9 [10.59.51]

10 MR. PRESIDENT:

11 International Prosecutor, please hold on; and Counsel Koppe, you  
12 may proceed.

13 MR. KOPPE:

14 Thank you, Mr. President. I missed the part in which the  
15 Prosecution indicates that this TCW-252 is dead. I haven't heard  
16 that.

17 JUDGE FENZ:

18 To clarify this, what the President did when he tried to clarify  
19 his ruling was -- or tried to do, to say that it extends to all,  
20 not only to those that are dead. Apparently there was a  
21 translation issue. So there is no need to prove death. But the  
22 ruling that statements can be used extends to all of them.

23 MR. KOPPE:

24 But then we will officially withdraw from our document  
25 presentation because this is a farce.

1 [11.01.02]

2 MR. DE WILDE D'ESTMAEL:

3 I will continue, Mr. President. So I had finished by saying that  
4 answer 85, Ieng Chham had said that after the disappearance of  
5 Sao, Ke Pauk had appointed him to take charge of the construction  
6 work. Sao not only disappeared, he was arrested, interrogated and  
7 questioned, and executed at S-21. And we can find S-21 -- Sao's  
8 S-21 confession. His full name is Yap Yan, alias Sao. This is  
9 document E3/7414, dated 25 September 1977.

10 Another testimony is the testimony of Ke Pich Vannak, alias  
11 Vannak, Tha and Yuth -- E3/35.

12 Mr. President, I am being interrupted again I see--

13 MR. VERCKEN:

14 Yes, Mr. President, you won't be interrupted for long because the  
15 Khieu Samphan defence considers also that this document hearing  
16 does not have its place in this Trial and does not see why it  
17 should continue partaking in something that resembles more final  
18 statements than anything else. So therefore, we would like to  
19 withdraw from the process.

20 JUDGE FENZ:

21 Then let us put on record that the International Defence Counsels  
22 for both teams are leaving the room; National Defence Counsels  
23 are staying, at least so far. In this case, we can go ahead.

24 [11.03.20]

25 MR. KONG SAM ONN:

1 Mr. President, I am seeking your leave, Mr. President, since I am  
2 working as a team in my defence team, so I would like to also  
3 withdraw from these proceedings.

4 MR. PRESIDENT:

5 The International Prosecutor, you may proceed.

6 MR. SMITH:

7 First, Your Honour, just briefly for the record, the Prosecution  
8 hasn't been submitting closing arguments; it's been presenting  
9 evidence in accordance with your Order. The behaviour of the  
10 Defence is completely illogical. And in relation to -- certainly,  
11 in relation to the Khieu Samphan team, Your Honours, as you can  
12 see, the counsel for Khieu Samphan had walked out. Your Honours  
13 have standby counsel for Khieu Samphan and we will just ask, Your  
14 Honours, to consider whether or not they should come in place of  
15 the counsel that have decided not to participate in these  
16 proceeding. But maybe that's something to consider during the  
17 lunch break.

18 [11.05.04]

19 MR. DE WILDE D'ESTMAEL:

20 I am therefore going to proceed. The following testimony is  
21 document--

22 MR. PRESIDENT:

23 Is there any issue or observation on the withdrawal of the two  
24 defence teams?

25 How about the Lead Co-Lawyer for the civil parties, do you have

1 any observation?

2 MR. PICH ANG:

3 Mr. President, earlier on I wanted to observe on this, but now I  
4 have withdrawn my position. So I remain silent on this issue.

5 (Judges deliberate)

6 [11.09.39]

7 MR. PRESIDENT:

8 Just now we granted the floor and now you are dreaming and you  
9 are getting up on your feet. We do not have any more time for  
10 discussion on this issue, Counsel.

11 MR. PICH ANG:

12 Mr. President, since we are working in a team, so I needed some  
13 time to consult with my teammate before I made any observation. I  
14 would like to take this opportunity to express our position that  
15 the behaviour of the defence counsels is absolutely not  
16 appropriate. We believe that what the Prosecution has done and  
17 the proceedings that is now ongoing before Your Bench is the key  
18 document presentation. That's why the Party should have the  
19 opportunity to present the documents and they have the  
20 opportunity to object to any document once their time comes, and  
21 they can make an observation on this document. So this is not a  
22 final statement by the Party at all. So once again, we would like  
23 to reiterate our position, that the counsel has a duty to be  
24 present in this hearing, and if they withdraw from this  
25 proceeding, this is absolutely not appropriate.

1 [11.11.20]

2 MR. PRESIDENT:

3 If that is the case, you should have notified the Bench that you  
4 need some time to consult with your teammate before you made  
5 observations, rather than you said that you did not have any  
6 observation and then later on you stand on your feet, and you  
7 have an observation.

8 Now, I hand over the floor to Judge Lavergne.

9 JUDGE LAVERGNE:

10 Thank you, Mr. President. Of course, this is a rather exceptional  
11 situation here, rather extraordinary, in fact. And I would like  
12 simply to note, for the record that, apparently, the Khieu  
13 Samphan defence was intending to use at least one WRI, because I  
14 see that on the list of key documents that they submitted to the  
15 Chamber, we see document E3/35 -- this is the WRI of Ke Pich  
16 Vannak -- so therefore, I have some questions about why the Khieu  
17 Samphan defence reacted the way it did today. But we are going to  
18 see how we are going to manage the situation.

19 [11.12.50]

20 MR. PRESIDENT:

21 Thank you. The Chamber wishes to advise the Parties and members  
22 of the public that the presentation of key documents before the  
23 Chamber concerning the three worksites, now the Chamber cannot  
24 proceed because the two defence teams, both National and  
25 Internationals, have boycotted the proceedings and they have



1 walked out of this courtroom. And the Accused now do not have the  
2 defence lawyer to represent their interest now. And it is  
3 important that the proceedings before this Chamber is carried out  
4 with the presence of the defence teams to represent the Accused  
5 -- at least there is one National or International lawyers. But  
6 now, since both of them have boycotted and left the courtroom, so  
7 we cannot proceed.

8 [11.13.59]

9 For that reason, the Chamber adjourns the hearing now and resumes  
10 tomorrow at 9 a.m. And for your information, in between now and  
11 tomorrow morning, we will deliberate among the members of the  
12 Bench and with the Parties. We will look into this issue, as well  
13 as other facts to be heard in the future proceedings. And we have  
14 to make sure that it is correct and fair to all parties to  
15 proceed further.

16 And this issue has already been put forth to all Parties in Case  
17 001 and Case 002/01. We have followed the same proceedings. We  
18 have taken into considerations all the viewpoints of all Parties  
19 before we render a decision. And finally, we presented already  
20 before the proceedings today, we notified the Parties the  
21 proceedings, as well as the procedures on this presentation of  
22 the key documents. We made it very clear based on the Practice  
23 Direction to the Parties with reference to various documents that  
24 the Court has been using. And now, all of a sudden this morning,  
25 this incident took place. So for that reason, the Chamber now

40

1 adjourns the hearing and we will resume tomorrow at 9 a.m.

2 [11.15.35

3 Security guards are now instructed to bring the Co-Accused, Nuon  
4 Chea and Khieu Samphan, back to the detention facilities, and  
5 have them back in this courtroom tomorrow before 9 a.m. And other  
6 parties are also invited to the proceedings, tomorrow before 9  
7 a.m.

8 The Court is now adjourned.

9 (Court adjourns at 1116H)

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