



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារដើម

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**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF PROCEEDINGS
PUBLIC

Case File N° 002-02/19-09-2007-ECCC/TC

08 January 2015

Trial Day 228

Before the Judges:

NIL Nonn, Presiding
Claudia FENZ
YA Sokhan
Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)

Accused:

NUON Chea
KHIEU Samphan

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy
Robynne CROFT
Matthew MCCARTHY
CHEA Sivhoang

Lawyers for the Accused:

SON Arun
Victor KOPPE
SUON Visal
KONG Sam Onn
Anta GUISSÉ

For the Office of the Co-Prosecutors:

Nicholas KOUMJIAN
SENG Bunkheang
SENG Leang
SREA Rattanak
Dale LYSAK
BOU Chanthan

Lawyers for the Civil Parties:

PICH Ang
Marie GUIRAUD
Yiqiang LIU
LOR Chunthy
HONG Kimsuon
VEN Pov
SIN Soworn
Mahesh RAI

For Court Management Section:

UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. KOUMJIAN	English
MR. LYSAK	English
MR. MEAS SOKHA (2-TCW-936)	Khmer
THE PRESIDENT (NIL Nonn, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SENG LEANG	Khmer
MR. SUON VISAL	Khmer
MR. YIQIANG LIU	English

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

4 Today the Trial Chamber of the Extraordinary Chambers in the
5 Courts of Cambodia sits with the composition of the following
6 Judges on the Bench: Judge Nil Nonn, President; Judge Jean-Marc
7 Lavergne, Judge Ya Sokhan, Judge Claudia Fenz, Judge You Ottara;
8 and two reserve Judges: one, Judge Thou Mony; and two, Judge
9 Martin Karopkin. Today Judge Martin Karopkin is busy; he could
10 not attend this -- today's hearing this morning.
11 The Trial Chamber will briefly recall the procedural history that
12 led to today's hearing. The hearings on the substance of Case
13 002/02 were originally scheduled to start on 17 October 2014,
14 however the Khieu Samphan defence announced it would not
15 participate to the proceedings in Case 002/02 until after it
16 filed its Appeal brief against Case 002/001.
17 The Trial Chamber attempted to commence the hearings on 17 and 24
18 November, but on both occasions, National and International
19 Co-Counsel for Mr. Khieu Samphan failed to appear in Court.
20 After several failed attempts at finding a workable compromise
21 with the Khieu Samphan defence that would allow the hearing in
22 Case 002/02 to start, the Trial Chamber was left with no choice
23 but to adjourn until today, the 8th of January 2015. This
24 decision was based in part on the Khieu Samphan defence statement
25 that it would be able to resume participation in Case 002/02 once

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1 it had filed its Appeal brief against Case 002/001 on 29 December
2 2014. Regretfully, 25 trial days over the course of 10 weeks have
3 been lost. During this time, the Trial Chamber took several steps
4 addressing the conduct of National and International Counsel for
5 Khieu Samphan.

6 [09.05.29]

7 In particular, in order to protect the proceedings against
8 possible future obstruction and ensure that Case 002/02 moves
9 forward fairly and expeditiously, on the 5th of December, the
10 Trial Chamber ordered the Defence Support Section to appoint
11 National and International court-appointed standby counsel. The
12 role of the standby counsel will be to prepare and maintain
13 capacity to take over the defence of Khieu Samphan at any time
14 this Chamber should determine necessary to replace current
15 counsel. The Chamber notes that on 7 January 2015, the Defence
16 Support Section appointed Ms. Tuoch Vorleak and Mr. Calvin
17 Saunders as National and International standby counsel and that
18 the oath taking ceremony as a lawyer member of the Cambodian Bar
19 Association for the International standby counsel took place on
20 the 5th of January 2015.

21 [09.06.50]

22 The Trial Chamber recalls that on 19 December 2014, it also
23 issued an order referring the misconduct of National and
24 International counsels for Khieu Samphan to respective and
25 appropriate professional bodies pursuant to Internal Rule 38.2

1 with a view to seizing their respective disciplinary boards. The
2 Trial Chamber also notes that in its scheduling order of 17
3 December 2014, it decided to maintain a sitting schedule of three
4 days per week until a new assessment of the Accused's fitness to
5 stand trial is completed. Accordingly, on December -- 18 December
6 2014, the Trial Chamber ordered an -- the assessment of the expert
7 to assess the Accused witness to stand trial and it will begin on
8 the 19 of January 2015.

9 Greffier, Se Kolvuthy, please report to the Chamber the
10 attendance of the parties to today's proceedings.

11 [09.08.17]

12 THE GREFFIER:

13 Mr. President, for today's hearing it is noted that all parties
14 to the proceedings are present. Please note that the presence of
15 Tuoeh Vorleak and Mr. Calvin Saunders, the court-appointed
16 standby counsel for Khieu Samphan.

17 The witness for testimony today is witness 2-TCW-936, is present
18 in his room and is ready to be called in and he confirmed that,
19 to his knowledge, he has no relationship to any of the two
20 accused, Nuon Chea and Khieu Samphan, or to any other civil
21 parties recognised before the Trial Chamber in Case 002/02, and
22 they took an oath before the Iron Statue on the 17 of November
23 2014. And this witness has no counselling -- counsel.

24 Another reserve witness TCCP -- 2-TCCP-296 is also present in the
25 room and is ready to be called by the Chamber. Thank you.

1 [09.09.38]

2 MR. PRESIDENT:

3 Thank you, greffier.

4 Now, I declare the adversarial hearing in Case 002/02 open. The
5 Chamber wishes to advise the parties and members of the public --
6 I saw you on your feet. You may proceed, Counsel.

7 MS. GUISSÉ:

8 Yes, thank you, Mr. President. Good morning to all of the people
9 here present today. I believe that given the logistical problems
10 this morning, it is necessary for us to speak briefly. I heard
11 the reminder of the proceedings by the President and we are here,
12 as we said a while ago. That is to say that once Mr. Khieu
13 Samphan's rights were abided by in the filing of his Appeal
14 brief, there was no obstacle for us coming today.

15 And I noted the Chamber's decision to appoint duty lawyers or
16 standby lawyers and I must say that I am rather surprised to see
17 how the Chamber is imposing the presence of these lawyers and I
18 wish to say in a very solemn way, I have, of course, no personal
19 problems with them, but still, today, I am being faced with the
20 presence of two lawyers that's been imposed upon me. Of course
21 they have been nominated by the Chamber, but they have no
22 procedural role in so far that Mr. Khieu Samphan is represented
23 by his normal counsel, the counsel he has chosen, the counsel who
24 until now were always working for his best interests. And these
25 lawyers who are present here today, here on the first row here,

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1 which explains why this is -- it's a bit tight here and we do not
2 have all of the equipment necessary, these lawyers are present
3 here in the courtroom, and I regret to say so, not because the
4 Chamber is afraid Mr. Khieu Samphan will not be represented,
5 because he is actually represented by us.

6 [09.11.59]

7 But if indeed we had substitute lawyers, and let me use a
8 metaphor from the sports world, when we have replacement players,
9 substitute players, on the field, who -- they normally are
10 sitting in the back waiting for the situation to come up when
11 they will be necessary. The reason why, in complete violation of
12 the most basic rules of confidentiality, because here, at the
13 defence, sometimes we of course communicate with our clients and
14 with the other lawyers, and we speak about confidential elements.

15 [09.12.37]

16 But the only reason we see today the presence of these two
17 lawyers -- once again I'm sure they are very professional --
18 that's not what I'm questioning, but their mere presence in the
19 courtroom is absolutely not necessary, absolutely not compulsory,
20 and if once again, the aim of the Chamber was to make sure that
21 Khieu Samphan's defence would continue in a normal way, and it's
22 not being jeopardised, as I like to remind you, but if the point
23 was to ensure this continuity, well, these lawyers could have
24 simply read the transcripts. And today what I note is that we --
25 they are putting pressure on Mr. Khieu Samphan, pressure which I

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1 suppose is maybe something a bit of a threat to us, and it seems
2 the Chamber has not appreciated our positions. But in any case,
3 the presence, the physical presence of these lawyers in the
4 courtroom is not necessary as long as Mr. Khieu Samphan is
5 represented. And if the Chamber had to judge their presence
6 neighbour and having them here occupy seats which were original
7 given to Nuon Chea and which makes it -- for us a bit
8 uncomfortable, I think that this is something that is a bit
9 derogatory. Nobody of course can be deceived in this way. This is
10 a very sad message that the Chamber is giving in a general way to
11 the defence, and generally speaking to what international
12 criminal justice is supposed to stand for. And the Chamber is
13 also sending off a message which is far from being a guarantee of
14 the impartiality of a trial, and of the possibility of Mr. Khieu
15 Samphan to ensure his defence in serene conditions, because he is
16 being pressured. The defence's vocation is not to have, is not to
17 not shake things up; the aim of the defence is to fight tooth and
18 nail to defend its clients.

19 [09.14.52]

20 And I understand that the -- I should say that as of 6 January
21 2015, we, Arthur Vercken and myself, we have spoken with the
22 Paris Bar to see how we are going to organise ourselves because
23 we wish, of course, to present our case, because, of course, our
24 client is being tried and on 6 January 2005, the Paris Bar has
25 still not yet been seized, and I find that absolutely

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1 regrettable. I don't know what the problem is, but maybe in terms
2 of professional ethics, we should get some clarification on this,
3 because we are being accused of misconduct.

4 [09.15.41]

5 And I'd like to remind you that our -- my colleague, Kong Sam
6 Onn, always told us that he is respecting professional ethics,
7 and it's by respecting what we believe is the best for our
8 clients that we have always been involved in this trial. And I'm
9 sorry to see that the trial interprets things -- the Chamber
10 interprets things differently. And I think it's important that we
11 call upon an outside independent body to clarify the matter. I
12 will not of course keep on speaking; I would simply like to tell
13 you that this is a sad message that is being given to us today to
14 put such pressure on Khieu Samphan and to put such pressure on
15 his defence. In any case, we do not take this too lightly and we
16 simply would like to continue defending in full independence and
17 in full freedom Mr. Khieu Samphan, and we will continue doing so
18 until of course we are dismissed. If -- whether this be -- if
19 this is indeed the aim of the Chamber. But I would like simply to
20 remind you that we have always acted in compliance with our
21 professional ethics, and we hope that our respective Bars can
22 rule on this matter as soon as possible so that things are
23 perfectly clear.

24 [09.17.05]

25 Now, once again, the appointed duty, because they are not yet --

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1 have not been -- if the Chamber believes that they must do this
2 job in a parallel manner, I think that this is completely
3 useless, but of course the Chamber is free to decide. But in any
4 case, imposing in these conditions on the first row, whereas the
5 team has not yet the opportunity to speak, it's a very poor
6 message that the Chamber is sending to the Defence and to --

7 MR. PRESIDENT:

8 Counsel state that you don't want the public and other parties
9 understand that you delay the proceedings. You mentioned two or
10 three times. Could you be brief so that the Chamber and other
11 parties and the Judges understand, because we acted on that in
12 our Ruling.

13 [09.18.25]

14 So when you have an occasion to speak, so please speak more
15 slowly so that the interpretation can do good job and for proper
16 record.

17 MS. GUISSÉ:

18 I will pay attention to this of course, and I will not speak for
19 too much longer. But I simply want to say that we are going to
20 defend Mr. Khieu Samphan in a fully independent manner and this
21 was simply the point I wanted to raise at the beginning of this
22 hearing. Of course I am not very hopeful, but I am simply asking
23 the Chamber to reconsider its decision to impose the presence of
24 lawyers who, for the moment, have no procedural role to play in
25 this Trial.

1 MR. PRESIDENT:

2 Thank you. Counsel Kong Sam Onn, you can -- you may proceed but
3 please briefly address the Court, because we have everything in
4 the written documents.

5 [09.19.32]

6 MR. KONG SAM ONN:

7 Mr. President, Your Honours, all parties, and members of the
8 public, and all people in and around the courtroom, first of all
9 I would like to make a remark on the presence of the
10 court-appointed standby counsel. The purpose is to defend the
11 interests of the Accused, Khieu Samphan, this is the main
12 purpose. I think this is a good idea by the Trial Chamber, but
13 they will also (unintelligible) point for us. So, the counsel for
14 Mr. Khieu Samphan should be highly qualified and there shall be
15 good cooperation by Mr. Khieu Samphan for the counsel. But in
16 fact the appointment of the standby counsel is contrary to the
17 professional career and the independence of the defence counsels
18 because the standby counsel will follow the instruction or the
19 advice by the Trial Chamber. And <this raises> another question
20 <, whether> the Chamber <is, as just stated, now> preparing <its
21 paperwork to be sent to> the <relevant bar associations> to
22 review our conduct here, <etc. However,> so far those competent
23 bodies <have> not decided <whether> we <have committed> any
24 misconduct <. The> Trial Chamber <has considered> that we <have
25 committed acts of professional> misconduct and this adversely

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1 affects the exercise of <our rights and our capacity to defend>
2 Mr. Khieu Samphan <efficiently,> because the presence of the
3 standby counsel may interfere <with> our defence.

4 [09.22.28]

5 In relation to the disciplinary action, in the case where the
6 Cambodian Bar Association, especially in my case, if the Bar
7 Association did not find any misconduct on my part, so what will
8 happen to the appointment of the standby counsel here? It can be
9 seen that this is a pressure put on the Defence Counsel for Mr.
10 Khieu Samphan. It is a great pressure on us. It does not mean
11 that it ensure the right of Mr. Khieu Samphan to defence, because
12 Khieu Samphan himself indicated clearly that he will continue to
13 receive the service from his counsel of his own choosing.

14 In the case where the Cambodian Bar Association found that we
15 committed a misconduct, so there will be a warning -- written
16 warning or suspension of my practice or disbar myself from the
17 Association, but we cannot anticipate anything before the Bar
18 Association issue any decision, so I don't think -- we can
19 continue to defend and represent our clients in the Court unless
20 we are disbarred from the Bar Association. So, I would like to
21 request that the Trial Chamber review the decision on the
22 appointment of the standby counsel because this is infringe or
23 affect the right of the Defence Counsel to defend our client.

24 Thank you.

25 [09.24.36]

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1 MR. PRESIDENT:

2 Defence counsel for Mr. Nuon Chea, you may proceed.

3 MR. SUON VISAL:

4 Counsel, Mr. President, I don't have any further remark to make,
5 but I have to share my legal opinion to have the standby counsel
6 to be present, because I don't think they are the Defence Counsel
7 here. So they will not have any role which is the same as the
8 Defence Counsel. I request that the Trial Chamber consider this
9 matter again. The second point is that their presence in this
10 courtroom when they don't have the role to defend our (sic)
11 client, their presence in the courtroom is not necessary. So, as
12 they are called standby, they are sitting here next to us, the
13 public may confuse that they are also the Defence Counsel but in
14 fact they are just standby counsel, appointed by the Court and
15 the client has not chosen them to represent him. So, this is
16 under our national law and also in international law. So, if they
17 are sitting here in the same room, so it will affect the
18 confidentiality of each team. And then we are not feel
19 comfortable that we will discuss any confidential matter here. So
20 I would like the Court to reconsider this matter again. Thank
21 you.

22 [09.26.39]

23 MR. KOPPE:

24 Thank you, Mr. President. Good morning, Your Honours. Good
25 morning, Counsel.

12

1 Mr. President, we were rather surprised, I have to say, with the
2 email that we received yesterday from the Senior Legal Officer
3 about the seating arrangements today. Now, maybe to the public it
4 might seem a trivial matter, who is sitting where, however we do
5 not consider this to be a trivial matter. The fact that these
6 standby counsel for Khieu Samphan are sitting in the first row on
7 the side of the Defence, taking our places, we consider nothing
8 less to be an insult to us, an insult to Khieu Samphan, insult to
9 our client and an insult to the defence teams. We really see no
10 point why these counsel, who we consider modern day equivalents
11 of the very honourable lawyer, Hope Stevens, who represented Pol
12 Pot and Ieng Sary in the 1979 trial, why they are sitting here.
13 They will not address the Court, they are here to follow the
14 proceedings, they can do that here, but better they can even do
15 it on the other side of the bench.

16 [09.28.00]

17 I really don't see why there's necessity to interfere in such a
18 brutal manner in the seating arrangements which have been going
19 on for two years. There's no role for this standby counsel,
20 there's particularly no role for this standby counsel in our
21 seats. So my request would be to reconsider the decision and
22 maybe put them somewhere in the back or maybe have them watch the
23 video footage outside, or like I said before, have them sit over
24 there. There's no place for them at this side of the courtroom.

25 MR. PRESIDENT:

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1 Mr. Khieu Samphan, you may proceed.

2 [09.28.55]

3 MR. KHIEU SAMPHAN:

4 Thank you, Mr. President. I would like -- Your Honours, and all
5 parties in the courtroom and all around the courtroom and
6 Cambodian compatriots and venerable monks, as you are all well
7 aware that I have the right to a fair trial from a court which is
8 impartial, with my defence counsels of my own choice. Now you all
9 have seen the real situation. First, I indicated that I have a
10 trust in my defence counsels, including Arthur Vercken and Anta
11 Guissé, who are International Counsel; and Mr. Kong Sam Onn, who
12 is my National Counsel. I know them very well and I trust them
13 very much and we work together to prepare an Appeal brief, which,
14 I think, this is very good in terms of legal and factual issues.
15 We have just finished our Appeal brief and we filed on the 29 of
16 December 2014. My Appeal brief indicated directly and precisely
17 the errors made by the Trial Chamber.

18 In conclusion, my defence counsels indicated very clearly that I
19 am very happy with those argument and they are the independent
20 counsel and they are not submit to the Trial Chamber. But this
21 morning the Trial Chamber have decided the appointment of so
22 called standby counsel. This is one of the tricks to prevent from
23 - to prevent my counsel from performing their career here in a
24 full force. So, I think the Trial Chamber made decision on its
25 own discretion which is violate or infringe the law. So, I think

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1 the Trial Chamber made any effort to move forward even though it
2 is a violation of the rule.

3 Thank you, Mr. President.

4 [09.32.31]

5 MR. PRESIDENT:

6 Do any other parties would like to make any address to the Court?

7 The Prosecution, you may proceed.

8 MR. KOUMJIAN:

9 Your Honour, I'll be very brief. The reason that we're here
10 discussing standby counsel - I wish to remind those following -
11 is because on the 17th of October, Defence Counsel in this case
12 defied the Court and walked out and we've lost two months of
13 trial. Witnesses who were summoned to the Court, who were waiting
14 to testify, have had to wait for two months. There was a great
15 financial loss to the Court; more importantly, justice in this
16 case has been delayed for two months.

17 Standby counsel has been used in international tribunals and in
18 domestic systems to prevent exactly what happened in this case -
19 that the Court is held hostage to counsel simply defying the
20 orders of the Court. We've heard this morning from Khieu
21 Samphan's counsel that they view this as pressure, or a threat.
22 The only threat or pressure is that they must obey the orders of
23 the Court. Khieu Samphan and Nuon Chea have a right to a fair
24 trial. That is, a fair trial according to the Rules of the Court,
25 not for them to decide when the Court will have hearings, what

15

1 the schedule of the Court will be. So I won't take up any more
2 time. We think after listening to a half hour of this, it's time
3 to begin the evidence in this case.

4 [09.34.20]

5 MR. PRESIDENT:

6 Thank you, Mr. Co-Prosecutor.

7 The Co-Lead Lawyer, you may now proceed.

8 MR. PICH ANG:

9 Mr. President, Your Honours, parties, members of the public in
10 and around the courtroom, and those who view from afar – view the
11 hearing from afar. I -- we do respect the interests and the
12 rights of the Accused who have their defence counsel. It is
13 necessary that the Accused shall have professional counsel for
14 themselves so that the Court proceedings move effectively and
15 smoothly, and this is to respect the defence rights of the
16 Accused.

17 [09.35.20]

18 For Lead Co-Lawyers representing civil parties, it is very
19 important that the rights of the Accused should not jeopardise
20 the Court proceedings and the justice to be sought. So, any
21 action which delay the Court proceeding – the hearings – it will
22 affect the civil parties. I have presented this matter repeatedly
23 and the Court hearing cannot be delayed, if there is no necessary
24 issues to be considered. We understand that victims -- surviving
25 victims are at advanced age. To ensure that the Court proceedings

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1 move smoothly, I believe that there should be standby counsel to
2 defend the interests of the Accused, in case that the Defence
3 Counsel for Mr. Khieu Samphan boycotts the proceeding. This is
4 very necessary. I understand that a standby counsel is very
5 necessary, however it has to be balanced not to affect the
6 professional conduct of lawyers. So, I encourage the Chamber to
7 also - to balance the professional - profession of counsel and
8 lawyers. And the standby counsel should have enough time to
9 consult the case file so that they can replace - the current
10 counsel for Mr. Khieu Samphan if necessary or in the case that
11 the Defence Counsel for Mr. Khieu Samphan boycotts the
12 proceeding. And the Defence Counsel for Mr. Khieu Samphan
13 mentioned often - very often - that if the counsel do not have
14 the access to the case file or do not have enough time to consult
15 the case file, it will affect or jeopardise the rights of the
16 Accused, so standby counsel should be entitled to time so that
17 they can consult case files and can replace the Defence Counsel
18 for Mr. Khieu Samphan in case the current lawyer denies to be
19 present before the Chamber.

20 [09.38.29]

21 In relation to seats occupied by standby counsel, and I heard -
22 there is a point mentioned that the standby counsel can have a
23 seat anywhere other than the Defence Counsel seats. So we can see
24 that now there are - there seem to be three teams - three defence
25 teams. And we - it appears that there are - there seems to be

17

1 teams - Defence Counsel for Mr. Ieng Sary here or Mr. -- Ms. Ieng
2 Thirith. So I believe that, originally, we planned that the seats
3 should be occupied by four teams of - for the Accused but now you
4 can see the standby lawyers occupy the seat of the defence
5 counsel.

6 MR. PRESIDENT:

7 I may now give you the floor but you have to be brief.

8 [09.39.57]

9 MS. GUIRAUD:

10 Thank you, Mr. President. I will be, indeed, extremely brief. I'd
11 simply like to react to the statement by my learned friend,
12 Koppe, when he proposed to the Chamber that the standby counsel
13 sit on this side of the courtroom, thereby insinuating that there
14 would be an objective alliance between the Chamber, the
15 Prosecutors, and the civil parties, and that we would be acting
16 together by virtue of a community of interest. I would like to
17 clarify for the purposes of this proceeding, for the Court and
18 public, that the civil parties are completely independent. And
19 let me remind the public, that a solution chosen by the Chamber
20 is not the one that we would have wished for, we have supported
21 the Co-Prosecutors. But in this case, we are simply taking note
22 of a decision which we did not contribute to and I want to say
23 so, so that everyone in this courtroom should understand the
24 position of each party.

25 [09.41.21]

18

1 MR. PRESIDENT:

2 I note the submissions from two defence teams. The Chamber will
3 take this issue to be considered and we will issue ruling in due
4 course. The Chamber wishes to advise the parties and members of
5 the public that the Chamber will start the hearing on the
6 substance in Case 002/02 with the factual allegations concerning
7 the first phase, namely Tram Kak cooperative, including the
8 treatments of Buddhists and the related Krang Ta Chan Security
9 Centre. The first witnesses and civil parties to be heard on this
10 topic are 2-TCW-936, 2-TCCP-296, 2-TCCP-238, 2-TCW-954 and
11 2-TCW-834. The full list has been communicated to the parties on
12 17 December 2014, E328.1. The first witness to be heard today is
13 witness 2-TCW-936. Before proceeding to the examination on
14 witness 2-TCW-936, the Chamber must clarify a procedural issue.
15 The Chamber reminds the Accused, Nuon Chea and Khieu Samphan, of
16 the following: pursuant to Internal Rule 21.1(d), the Accused has
17 the right to remain silent; pursuant to Internal Rule 90, should
18 the Accused resolve not to exercise the right to remain silent,
19 the bench, Co-Prosecutors, other parties, and defence counsels
20 may put questions to the Accused.

21 [09.43.56]

22 In an email sent to the senior legal officers of the Trial
23 Chamber on 30th September 2014, both Nuon Chea and Khieu Samphan
24 reaffirmed that they would not respond to any questions. In the
25 opening of proceedings in Case 002/02 on 17 October 2014, Nuon

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1 Chea stated that he maintained the position to remain silent,
2 whereas Khieu Samphan did not make it clear whether he would
3 resolve to exercise the right to remain silent. Now, the Chamber
4 again asks Mr. Khieu Samphan, do you maintain your position not
5 to respond to questions or you have changed your position and
6 have reserved your right to respond to questions by the bench and
7 other parties?

8 Mr. Khieu Samphan, you may now have the floor.

9 [09.45.08]

10 MR. KHIEU SAMPHAN:

11 Thank you, Mr. President. Because there is pressure on my defence
12 team as realised by parties and every member of the public, I do
13 not have any hope in the Chamber. So I remain – I would like to
14 exercise my right to remain silent. However, in light of the
15 context of Case 002/02, I would like to reserve my right to make
16 any statement on my part at any time necessary.

17 MR. PRESIDENT:

18 Thank you, Mr. Khieu Samphan. Having now ascertained the position
19 of both Accused regarding the exercise of the right to remain
20 silent, the Chamber notes that it will proceed on the basis that
21 they maintain their expressed position unless -- until such time
22 as the Chamber is expressly informed otherwise by the Accused or
23 their counsels. Therefore, it is incumbent upon them to inform
24 the Chamber in a timely and efficient manner, should the Accused
25 resolve to waive their right to remain silent and be willing to

20

1 respond to questions by the bench or relevant parties at any
2 stage of the proceedings.

3 [09.47.10]

4 The next point related – relates to the Civil Party Lead
5 Co-Lawyer request, notified on 29 December 2014, dated 25
6 December 2014. The Lead Co-Lawyers request that a new document be
7 placed on the case file and admitted into evidence. The new
8 document consists of a map on which boundaries of Trapeang Thum
9 Khang Tboung and Angk Ta Saom communes in the Tram Kak district
10 have been shaded. In addition, the Lead Co-Lawyers assert that
11 the map contains location headers and a legend identifying
12 seventeen key locations where 2-TCCP-296 indicates having stayed
13 or worked during the Democratic Kampuchea period. The Lead
14 Co-Lawyers indicate that map was prepared by the civil parties on
15 the basis of 2-TCCP-296 written statements on case file 002 and
16 that the map will be verified by the civil party during her
17 examination. The Chamber notes that 2-TCCP-296 is likely to be
18 heard already tomorrow. On the 5th January 2015, the Khieu
19 Samphan defence filed its response objecting to the Civil Party
20 Lead Co-Lawyers' request.

21 [09.49.09]

22 First, the Chamber wishes the Civil Party Lead Co-Lawyers to
23 clarify who prepared the map. In the request at paragraph 8, it
24 is stated that the map was prepared by the Civil Parties. Is that
25 the Civil Party, the Civil Party Lawyer or the Civil Party Lead

21

1 Co-Lawyers?

2 Also, in paragraph 6, your request states that the map identifies
3 seventeen locations by location headers and legends where the
4 civil party stayed or worked, however only sixteen are listed in
5 the legend. Further, while the legend is clear, the locational
6 map are not visible. Can you clarify how you intend to identify
7 those locations on the map?

8 Lead Co-Lawyer, you may now have the floor.

9 MR. PICH ANG:

10 Mr. President, Your Honours, because we have the presence of the
11 civil party lawyer representing the civil party in question, I
12 would like now – I would like now to ask the President to allow
13 the civil party lawyer to address the Court.

14 [09.50.53]

15 MR. PRESIDENT:

16 You may now proceed, Mr. Lawyer.

17 MR. LIU:

18 Good morning, Mr. President, Your Honours, and everyone in and
19 around the courtroom. To explain this map, how it was prepared, I
20 have three things to follow – to explain to Your Honours and to
21 other parties. The first: this is a map that already exists on
22 the case file. It's not a map created but a map already on the
23 case file. What the section has been helping us to create this
24 map, or this new map, let's refer to it as, is the location of
25 the places that the civil party has been to, according to her --

22

1 VIF -- and other materials on the case file. So that is all
2 wording, all the names of the places she has been to, that's
3 already on the case file and we put together - sorry there's no
4 translation, Your Honour? Can you hear me, Your Honour?

5 [09.52.14]

6 MR. PRESIDENT:

7 There was no translation in Khmer a while ago. You may now
8 continue.

9 MR. LIU:

10 Thank you very much, Your Honour. I will start from the
11 beginning. So this map was already in the case file, that's what
12 I was saying, and this new map was submitted - was based on the
13 map that is already on the case file. We put the names of the
14 places that the civil party has been to, according to her
15 statement. Again, that is already on the case file. We're not
16 submitting a new evidence at all, but rather, as requested by the
17 Chamber for the purpose of efficiency, to put together all the
18 information we have on the case file. That's the first point.
19 The second on the location - yes, I noticed that there were named
20 17 on the submission but there were only 16 places. I wish to
21 take this opportunity to confirm with Your Honours that we
22 submitted 16 places and/or from the declarations or documents
23 from the case file, submitted by this particular civil party.
24 Now the last point on the location - it's impossible - what I
25 understand from the experts, the specialists on this is - it's

23

1 impossible to locate the villages, so it's not possible to locate
2 the villages on the map but, indeed, it's possible to see at the
3 commune level. The civil party has been to 16 different places,
4 most of them she can identify to the village level, and all of
5 them she can identify to the commune level. So we show this map
6 to explain where she has been to, even though the village level
7 cannot be seen clearly or marked out in the map. Thank you.

8 [09.54.28]

9 MR. PRESIDENT:

10 Judge Fenz, you may now proceed.

11 JUDGE FENZ:

12 I would just ask for a clarification. On the basis of the map
13 that was already in the case file and the statement, was it you,
14 counsel, who prepared this new map? Or did you sit together with
15 your client and do it or – what exactly was the process?

16 [09.54.53]

17 MR. LIU:

18 Thank you, Your Honour, for your question. The process is: I read
19 through all the materials with my assistant and take them out –
20 the name of the places – and then I give to the expert in the
21 section who knows how to put the names into the map and possibly
22 the location. So I confirm the name of the places with the civil
23 parties, but not the map. That's why I think it's essential to
24 introduce this map during the hearings where she can have a
25 chance to say that if she has been to those places as indicated

24

1 on this map. Thank you. I shall remain at your disposal Your
2 Honours, if you have further questions.

3 MR. PRESIDENT:

4 Mr. Koppe, you may now have the floor.

5 [09.56.02]

6 MR. KOPPE:

7 Thank you, Your Honour. I have just a brief follow-up question to
8 the civil party lawyer because I'm not clear on the answer. Has
9 the civil party who is going to testify actually seen this map -
10 pointed out things on the map? Or is it just a confirmation of
11 the place names? So my question is: Has she seen the actual map?

12 MR. LIU:

13 Your Honour, I was just checking with my Lead Co-Lawyer whether I
14 should answer this question directly, or should I waiting (sic)
15 your confirmation to answer this question. What I understand is,
16 I should answer the question directly to my learned friends. So,
17 after this map was produced, the civil party does not have a
18 chance to sit with me to point out these places with her. What I
19 understand is, she cannot see clearly the village level on the
20 map so I didn't pursue that to work together with her on this
21 map. I hope that answered the question.

22 [09.57.44]

23 MR. PRESIDENT:

24 You may now have the floor, Judge Fenz.

25 JUDGE FENZ:

25

1 So one final question: You tried to do it with her but it wasn't
2 possible because she couldn't see the level. Is that the answer?

3 MR. LIU:

4 Your Honour, sorry for this confusion. What I did is - I made a
5 decision not to work with her because, as you can see, we were
6 rushed to prepare this map the day before the hearing - the
7 hearing date was later postponed - but we were rushing to prepare
8 this map one day before the hearing so I take that decision not
9 to go through the map. As I understand, it would be very long
10 process to work this out with her for various reasons. Thank you,
11 Your Honour.

12 [09.58.40]

13 MR. PRESIDENT:

14 We plan to hear the first witness today and we appear to lose
15 some time because of matters raised by parties. The Chamber
16 invites the OCP and the Nuon Chea defence to make their
17 submissions, if any, at the end of the hearing today.

18 The Chamber will subsequently issue an oral ruling on the Lead
19 Co-Lawyer request before the Chamber begins to hear the civil
20 party in question. The Chamber now moves to provide the parties
21 and the public with an indication of the sequencing of the
22 proceedings before the Chamber.

23 As emphasised - emphasised in its decision on the subsequent - on
24 the sequencing of the case, the Chamber recalls that no clear
25 lines can be drawn between the topics in which this trial has

1 been divided and that it is highly possible that civil parties,
2 witnesses and experts will have knowledge about, and give
3 evidence on, one or more topics. In order to avoid civil parties,
4 witnesses and experts being needlessly recalled during later
5 stages of this trial, they shall be questioned on all topics
6 about which they may have knowledge. As a general rule,
7 questioning on topics that are not relevant to the scope of Case
8 002/02 will not be permitted.

9 [10.00.35]

10 Pursuant to Internal Rule 91bis and except when otherwise decided
11 by the Chamber or agreed upon by the parties, particularly when
12 the Judges wish to ask follow-up questions or further
13 clarification or when agreed upon by the questioning parties, the
14 questioning put to the witnesses and experts shall take place in
15 the following order: the President or Judges of the Bench
16 appointed by the President shall comment with some of the
17 preliminary questions followed by the Co-Prosecutors, the Civil
18 Party Lead Co-Lawyers and the defence teams for Nuon Chea and
19 Khieu Samphan. The questioning of civil parties shall be led by
20 the Civil Party Lead Co-Lawyers, after questions from the
21 President or Judges of the bench appointed by the President, and
22 be followed by questioning by the Co-Prosecutors and the defence
23 for Nuon Chea and Khieu Samphan.

24 [10.01.42]

25 At the end of the questioning, the civil parties may raise or

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1 indicate the harm they have suffered where is relevant in Case
2 002/02. In this regard, the Chamber also reminds the parties that
3 they may object to the continued hearing of the testimony of any
4 witness if they consider that such testimony is not conducive to
5 ascertaining the truth, pursuant to Internal Rule 91.3. All
6 parties are reminded that during the questioning or oral
7 arguments, they should strictly adhere to accepted professional
8 standards. The Chamber will not tolerate rude or offensive
9 language towards other parties, witnesses, civil parties, experts
10 or other individuals.

11 Next, court officer is now instructed to call witness 2-TCW-936
12 in the courtroom.

13 (Short pause)

14 (Witness enters the courtroom)

15 [10.04.43]

16 QUESTIONING BY THE PRESIDENT:

17 Welcome witness 2-TCW-936.

18 Q. What is your name?

19 MR. MEAS SOKHA:

20 A. (Microphone not activated)

21 Q. Could you wait till the microphone is activated so that your
22 voice can be heard in the courtroom?

23 [10.05.13]

24 A. My name is Meas Sokha. I was living in Srae Kruo, Cheang Tong
25 sub-district, Tram Kak district.

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1 Q. Could you reply to my question; it is more easier for you? Mr.
2 Sokha, what is your date of birth, do you remember, do you
3 remember it?

4 A. (Microphone not activated)

5 Q. Could you wait until your microphone is activated? It is
6 signalled by the red light so that your voice can be heard in the
7 courtroom and for the Interpretation Unit.

8 A. My name is Meas Sokha. I was living in Srae Kruo, Cheang Tong
9 commune, Tram Kak district, Takeo province.

10 [10.06.08]

11 Q. What is your birth of -- date of birth?

12 The Court official can you facilitate him so that he can know
13 when the microphone is activated before he responds to the
14 question?

15 A. (Microphone not activated)

16 Q. What is your date of birth? So you should indicate only your
17 date of birth to be more easier for you.

18 A. My name is Meas Sokha. I am living in Cheang Tong commune,
19 Tram Kak district, Takeo province. Could you please ask me on the
20 facts?

21 Q. I want to know your date of birth, so you should reply only to
22 my question.

23 A. I was born in 1960.

24 Q. Thank you. And your place of birth? And your current address?

25 [10.07.45]

1 A. (Microphone not activated)

2 Q. You should wait until your microphone is activated so that
3 other people – other party can hear your voice and it can be
4 interpreted. Otherwise your voice cannot be heard to other
5 people.

6 A. My name is Meas Sokha. I was born in 1960. Now I am living in
7 Srae Kruo village, Cheang Tong sub-district, Tram Kak district,
8 Takeo province.

9 Q. What is your occupation nowadays?

10 A. I'm a small businessman and rice farmer.

11 Q. What is your father's name?

12 The court officer, could you help him to understand and he can
13 follow my instruction?

14 [10.09.39]

15 Q. What is your father's name?

16 A. My father died during the Pol Pot regime. His name is Meas
17 Kun.

18 Q. What is your mother's name?

19 A. Her name is Hun Kimseng alias Nha

20 Q. What is your wife's name?

21 A. She is Keo Hoeun

22 Q. How many children do you have?

23 A. I have three children

24 Q. Mr. Meas Sokha, based on the report of the greffier this
25 morning, to your knowledge you have no relation – any relative –

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1 father, mother, or any relative admitted as civil party in Case
2 File 002; is it correct?

3 A. Yes, this is correct, Mr. President.

4 Q. And you have taken an oath before the Iron Statue in this
5 Court before you attended this courtroom; is it correct?

6 A. Yes, this is correct.

7 [10.11.32]

8 Q. Now, I would like to tell you the rights and obligations as a
9 witness. You are the witness to this proceeding before the Trial
10 Chamber. You may refuse to answer any question or any affirmation
11 that leads to incriminate yourself. This is the right against
12 self-incrimination. This means that your response or statement
13 may lead to your prosecution but you have an obligation as a
14 witness to give testimony in this proceeding before the Chamber.
15 You shall have -- have to answer all questions put by Judges from
16 the bench or the parties unless those questions may put you into
17 incrimination as I told you earlier. As a witness, you should
18 tell the truth based on your knowledge, your experience, what you
19 have heard or your observation, any event related to the question
20 posed by the Judge or any party to these proceedings.

21 Mr. Meas Sokha, did you give any interview or testimony before
22 this Court? And if so how many times and where you gave interview
23 or statement?

24 [10.13.21]

25 A. The testimony I gave on the Krang Ta Chan event, I gave one

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1 interview and I took the interviewer to Krang Ta Chan one time.

2 Q. Thank you. And before you entered into this courtroom, did you
3 read your testimony that you gave to the OCIJ investigator to
4 refresh your memory?

5 A. Yes, I did some reading but I have bad memory, I forget many
6 -- some things but I remember quite a lot.

7 Q. Based on your knowledge and memory, your statement that you
8 read to refresh your memory, are those answers and statements
9 correct in the same manner as you gave to the investigator from
10 the OCIJ?

11 A. Yes, they are correct to my knowledge; especially the facts
12 happening in Krang Ta Chan.

13 [10.14.45]

14 MR. PRESIDENT:

15 Defence counsel for Mr. Khieu Samphan, you may proceed.

16 MS. ANTA GUISSÉ:

17 Thank you, Mr. President. I simply would like to object with
18 regard to the written record of the interview. I will only make
19 this objection once but it would also stand for all witnesses. I
20 would like to remind you that in our Appeal brief, we raised this
21 issue of this process of having the witnesses read over their
22 prior statements, which we think kind of alters (sic) their
23 statement when they speak before the Court. So, I would like you
24 to note that generally speaking, the Khieu Samphan defence
25 objects to this practice as used by the Chamber. I'm making this

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1 remark for this witness but generally speaking, we oppose this
2 process and for all witnesses who have read over their statements
3 before they testified before the Chamber.

4 [10.15.56]

5 MR. PRESIDENT:

6 Other parties, do you have any observation to make on this?

7 Because we have this practice all the way in Case 002/01 and here
8 we continue our practice. We believe that it has not been
9 objected and we decided in our ruling, and we will continue in
10 this Case 002/02. Basically it is the same case, 002, but we have
11 severance for proceeding on the case. Other parties, do you have
12 any observation to make because we stick to our strategy that we
13 have decided and practiced in the previous proceedings so that we
14 can move forward expeditiously.

15 Mr. Koppe, you may proceed.

16 [10.17.17]

17 MR. KOPPE:

18 Thank you, Mr. President. Yes, we have made very extensive
19 submissions in our Appeal brief about this very practice. We
20 think it is counterproductive to the ascertainment of the truth
21 that a witness is shown his prior statements before testifying. I
22 refer simply now to our submissions in the Appeal brief. I think
23 the Trial Chamber is quite aware of the principal problems we
24 have with this practice. Of course, there are other issues at
25 stake, not necessarily with this witness but with the upcoming

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1 civil parties. If you like I could make specific arguments in
2 respect of the civil parties but we are now dealing with a
3 witness, with a Trial Chamber witness, a TCW witness.
4 So, I leave it up to you if we should concentrate now our
5 objections to the – this very practice of presenting the – can
6 you hear me – this very practice to a witness not being a civil
7 party. But if you like we can now raise issues, although we are
8 not prepared but we can simple refer to our Appeal Brief, on – in
9 respect of the practice of civil parties. Them being led by civil
10 party lawyers, not giving oath before the iron –

11 MR. PRESIDENT:

12 Could you please hold on we have a technical problem to solve
13 before you may proceed.

14 (Short pause)

15 (Technical problem)

16 Now, as we have a small technical problem, we cannot continue our
17 proceedings and it is now an appropriate time for adjournment in
18 the morning, so we will start before – at 10.40 a.m.

19 So, Court officer, facilitate the witness to his room for a
20 break.

21 GREFFIER:

22 All rise.

23 (Court recesses from 1019H to 1048H)

24 MR. PRESIDENT:

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

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1 The Trial Chamber have heard the objections by the two defence
2 counsels on the proceeding and procedure conducted by the Trial
3 Chamber, that allow the witnesses or civil party to read their
4 statement they gave in interview to the OCIJ investigation in
5 order to refresh their memory, because it happened a long time
6 ago. The Trial Chamber implemented this procedure in Case 002/01.
7 Now we heard the objections, and in order to expedite our
8 proceedings, we advise the defence counsels to put their
9 objections and requests in writing. Could you refer to a
10 paragraph or argument in your Appeal brief to the Supreme Court
11 Chamber against Case 002/01, so that the Trial Chamber have a
12 proper ground for decision? We will rule on this matter in due
13 course.

14 [10.50.21]

15 Now, the Trial Chamber would - wish to continue with the
16 proceedings for today with this witness. In the questioning of
17 this witness, we will give the floor to the Co-Prosecutor, to put
18 questioning to Mr. Meas Sokha. As proposed by the OCP, the
19 Co-Prosecutor and the Lead Co-Lawyer will have half-day for
20 questioning - this morning and this afternoon because we have
21 spent this morning in the procedural matter this morning.
22 Prosecution, you may proceed.

23 [10.51.16]

24 QUESTIONING BY MR. SENG LEANG:

25 Thank you, Mr. President. Your Honours, all parties to this

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1 proceeding in and around the courtroom. And good morning, Mr.
2 Witness.

3 My name is Seng Leang. I am the Deputy Prosecutor of the ECCC. I
4 will have many questions, a number of questions, to the witness
5 so that you can respond those questions to the Court, especially
6 on the living conditions and working conditions in Tram Kak
7 cooperative during the DK period. And then my colleagues will ask
8 you more questions about the arrest of your family members, and
9 other issues related to Krang Ta Chan prison.

10 The first topic I would like to ask you questions include the
11 work site and cooperative in Cheang Tong of Tram Kak district
12 during 1975 through 1976.

13 [10.52.52]

14 Q. My first question for you is that, after 17 April 1975, where
15 did you live?

16 MR. MEAS SOKHA:

17 A. Your Honours, I was living in Cheang Tong commune, Srae Kruo
18 village, Tram Kak district, Takeo province after the 17th April
19 1975.

20 Q. Thank you, Witness. In your interview given to the OCIJ
21 investigator, document D25/31 ERN in English, 00223494; ERN in
22 Khmer, 00163511; and in French, 00178111; you said that you were
23 assigned to collect cow manure and dig canal in a children's
24 unit. My question for you is that: when you were working in a
25 children's unit, were you permitted to live with your parents?

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1 A. I was staying in a mobile unit, but I was tendering cows. I
2 did not do dirt carrying, any dirt for canal-building, but my
3 assignment sometimes get close to Krang Ta Chan.

4 Q. Thank you for your response, but I would like you to keep your
5 response as short as possible to my question. I will ask several
6 other questions, so could you stay – could you stick to my
7 question only? Can you indicate again whether you were allowed to
8 stay with your parents when you were in a children's unit?

9 [10.55.47]

10 A. At that time, I was permitted to live with my parents because
11 I was still a small boy, but I was assigned to tender cattle in a
12 children's unit.

13 Q. How many children were there in your unit?

14 A. There were only six members in my unit.

15 Q. How old were they during that time?

16 A. They were at the same age, but all of them had died.

17 Q. In your commune, during the Khmer Rouge regime, was there any
18 children allowed to go to school?

19 [10.57.08]

20 A. The children, during the Khmer Rouge, were not allowed to go
21 to school, but there were some teaching conducted under a tree,
22 and we don't have any stationary, proper stationary, like we have
23 in a normal school.

24 Q. You said that the children would study under the tree. So what
25 happened to the school building and the school?

1 A. There was no school operated. There was no activity. But those
2 buildings were used to store ammunition and other things.

3 Q. As far as you know, the children you were assigned to work in
4 a children's unit, can you tell us the age of those children?

5 [10.58.26]

6 A. They were from 10 to 14 years old. They were sent to a
7 children's unit and anyone who were at 15 was sent to a youths'
8 unit as a candidate unit for doing labour.

9 Q. What was the difference between the children's unit and the -
10 it's called a temporary unit?

11 A. The children's unit and the temporary unit, the difference was
12 that the temporaries' unit was for children who were 15 years old
13 and ready to work harder in doing labour.

14 Q. Now I would like to come back to canal-building. Could you
15 describe what did you do when your unit was assigned to do this
16 kind of canal-building?

17 A. I did not attend in the canal-digging, but I was always
18 assigned to tender cattle. Because I was still a young boy, I was
19 not assigned for that canal-digging.

20 Q. Can you tell the Court about your working hours in the morning
21 and in the afternoon?

22 A. My morning assignment will start from the early morning, and I
23 spent all day until dusk. We marched the cows back to the village
24 and we were given lunch. It was brought by other people to us.

25 [11.01.02]

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1 Q. Was there any time that you were assigned to work at night?

2 A. As I was a young boy, I was not assigned to work at nights,
3 only the adults or the youth in a mobile unit would be assigned
4 to work at night.

5 Q. Now, come back to the assignment or labour in your children's
6 unit. Were you allowed to move freely at that time?

7 A. Freedom of movement was prohibited. We could not move
8 anywhere. Because I was assigned only to tender cows, and if any
9 cow get lost anywhere, I will be punished for that.

10 Q. Did you have any case that children who were assigned to tend
11 cows and some of the cows missing or lost from his assignment?
12 What happened to him?

13 A. I did not experience any case like that. Since I left my home
14 in 1976, I was held in Krang Ta Chan prison -- prisoner.

15 Q. Were you permitted to visit your parents often, or from time
16 to time?

17 A. No, I was not allowed to visit home. It's only I could do
18 that, I sneak out from my unit to visit my parents, but when I
19 was caught, when I was sneak out, I was tortured and brought back
20 to my unit.

21 Q. You said that when you sneaked out to visit home and you were
22 punished for that, other than the punishment by beating, was
23 there any other form of punishment?

24 [11.04.17]

25 MR. PRESIDENT:

1 Mr. Koppe, you may proceed.

2 MR. KOPPE:

3 Thank you, Mr. President. Please ask -- instruct Counsel not to
4 ask any leading questions. I didn't hear anything about beating.

5 I think Counsel should ask open questions as to whether
6 maltreatment existed, and how?

7 MR. PRESIDENT:

8 Thank you, Mr. Koppe. This is the principle to be adhered to in
9 our Chamber. There should be no leading question allowed before
10 the Chamber.

11 BY MR. SENG LEANG:

12 I will not respond to the objection. However, I would like to
13 proceed with my questioning.

14 [11.05.21]

15 Q. In your interview with OCIJ, you mentioned about communal
16 eating in the cooperative. Could you clarify, were cooperative
17 created, and were communal eating applied? When was that?

18 A. Communal eating started in 1974, for one month. Then the
19 communal eating was cancelled. We were allowed to eat
20 individually, after the cancellation. And after 1975 or 1976,
21 though, communal eating was then imposed.

22 Q. When you were asked to eat in the cooperative, where did you
23 eat exactly?

24 A. I ate in the Srae Kruo village, Cheang Tong commune, Tram Kak
25 district.

1 Q. How many people joined you in the communal eating?

2 A. There were six of us in the group, and other groups consisted
3 of many members. And I do not recall them.

4 Q. What were you provided to eat?

5 A. We were given spoons of steamed rice with soup prolit
6 (phonetic) -- with morning glory soup, and the morning glory were
7 cooked with chickens or duck.

8 [11.07.52]

9 Q. Did you have full meal?

10 A. I did not have enough meal because I received only a little
11 rice.

12 Q. When you did not have enough to eat, were there any people
13 reported to the cooperative that you were not full?

14 A. People did not report to the cooperative about the food
15 because they were afraid that they were killed by the Chief of
16 Cooperative.

17 Q. In one interview, in your mother's interview with OCIJ,
18 document D25/30, ERN in English 00223487; ERN in Khmer, 00163504;
19 French, ERN 00178423; your mother said, because she did not eat
20 food and did not have the power to work. When your mother stated
21 about this, it was noted down. My question is: who did your
22 mother report to about her eating?

23 MR. PRESIDENT:

24 Mr. Lawyer, you may now proceed.

25 [11.09.57]

1 MR. KONG SAM ONN:

2 I would like to object to the question. The witness can answer
3 only in relation to the incident or experience happened to
4 himself only. He or she cannot answer to any question which he
5 has no knowledge about.

6 MS. GUISSÉ:

7 Mr. President, let me add something to the objection? My learned
8 friend did not properly explain the document he was referring to.
9 I heard D25/30. In any case, we understood from the
10 interpretation that the document was from the witness. So, could
11 Counsel for the Prosecution explain the document he is referring
12 to?

13 [11.11.10]

14 MR. PRESIDENT:

15 Mr. Koppe, you may now proceed.

16 MR. KOPPEE:

17 Thank you, Mr. President. It would also be very helpful if
18 Counsel laid some foundation of issues here. We're going from
19 communal eating to eating with his mother. We all know important
20 events occurred in June 1976. It is not very helpful the way this
21 examining is going right now.

22 MR. SENG LEANG:

23 Mr. President, before I start my questioning I inform everyone
24 already about the topics to be questioned by me, and the topics
25 include living -- I indicated the topics to be questioned in

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1 relation to working condition in Cheang Tong, Tram Kak district
2 from April 1975 to June 1976, and the topics include also the
3 cooperative -- living conditions and working conditions in
4 cooperative and these issues are mentioned in the Closing Order.
5 I would like to ask the President whether or not I can proceed
6 with my questioning.

7 [11.13.08]

8 MR. PRESIDENT:

9 I have -- we have not ruled on the objection, so how can you
10 proceed? The Defence Counsel would like to know where the
11 document is from and what is it about. And there is also
12 objection concerning your questioning. And, I gave you the floor
13 to respond to the objection, and you have to consider your
14 questioning approach and you have to respond to the objection
15 posed by the Defence Counsel, so that the Chamber can have the
16 basis for consideration and decision.

17 MR. SENG LEANG:

18 As for the document number, this document is D25/30. It is the
19 interview of witness' mother with OCIJ. Again, document D25/30.
20 This is the interview of the witness' mother with OCIJ.
21 As for the objection, I believe my question relates to my topic.
22 [11.14.40]

23 MR. PRESIDENT:

24 Could you respond to the objection posed by the Defence Counsel,
25 so that the Chamber can have the ground for decision?

1 MR. SENG LEANG:

2 Mr. President, I appear to respond to the objection posed by the
3 Defence Counsel. I provided the document number -- that is,
4 D25/30, and I already responded to the objection by Mr. Koppe,
5 and I would like to know what else should I respond?

6 MR. PRESIDENT:

7 Mr. Co-Prosecutor, you should have heard the objections by the
8 Defence Counsel. And, you said that you want to respond to their
9 objections. Your responses and the objections are useful for the
10 Chamber's consideration and decision. Do you -- did you hear the
11 objections from other parties? And, you have to respond. I would
12 like to know whether you want to respond or not so that the
13 Chamber can decide. And, the Chamber will have to decide which
14 question is allowed and which question is not permitted. And, the
15 Chamber will have to decide and to object the question and it may
16 reject any answers to the question posed by any party if it is
17 not permitted.

18 [11.16.38]

19 MR. LYSAK:

20 If I may just briefly indicate, this is a procedure that was
21 established in the prior trial. In fact, it was the result of the
22 defence who initially wished to ask -

23 MR. PRESIDENT:

24 There was no translation. Court Officer, please coordinate with
25 the translation unit so that there is translation.

1 [11.17.14]

2 MR. LYSAK:

3 Mr. President, what I wanted to say was that this was a practice
4 that was established in the first trial. It was the result of the
5 Defence who initially wished to pose questions to witnesses from
6 other witness statements. There was a practice established. It
7 was followed by the Defence and us. In this case, we are
8 attempting to ask a question on a subject matter regarding
9 reporting of food. The witness has already been asked and Counsel
10 wishes to present some testimony from his mother, someone that he
11 certainly has knowledge and involvement with on the same subject.
12 So, the procedure, we ask simply here to follow the same
13 procedure that was followed in the first trial and to have an
14 opportunity to pose to witnesses, information from other
15 interviews of which they have knowledge.

16 [11.18.18]

17 MR. PRESIDENT:

18 You may now proceed, Madam Lawyer. Next time you should only, you
19 know, make your objection once, so that we cannot lose the time.

20 MS. GUISSÉ:

21 Yes, indeed, Mr. President, but I'm obliged to react to the
22 Co-Prosecutor's clarifications. The fact of being able to use
23 statements from other witnesses is not a problem but at least we
24 should establish the foundation for this and this seems to come
25 out of nothing. We're telling to the witness your mother said

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1 this, but the witness does not know which document we're speaking
2 about, nor under which conditions these statements were made, and
3 once again, the question – the International Co-Prosecutor's
4 question came out of nothing as well. So, in case there is indeed
5 a practice that was followed in Case 002/01, well then, there was
6 a necessity each time when a lawyer used a document, to establish
7 the origin of the document and to set under – to understand under
8 which conditions the document could be used. So, now we don't
9 know which document we're speaking about from the start. So,
10 we're simply asking you to follow the proper practice.

11 (Judges deliberate)

12 [11.20.11]

13 MR. PRESIDENT:

14 The objection of the Defence Counsel is not sustained. The
15 witness is instructed to answer to the question by the
16 Co-Prosecutor and if the witness do not -- does not remember the
17 question, he can ask the Co-Prosecutor to re-question.
18 Mr. Co-Prosecutors, perhaps if there is no problem with the
19 translations, I think perhaps it is clear concerning the response
20 to the objections by the International Co-Prosecutor. The witness
21 is instructed to answer only the question in relation to his/her
22 personal experience and knowledge. And, in fact, we appear to
23 have no problem in relation to our procedural practice. You may
24 now proceed, Mr. Co-Prosecutor.

25 MR. SENG LEANG:

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1 To facilitate the questioning process, I would like now to
2 present the document to the witness, document D25/30. I would
3 like to hand the document to the witness.

4 MR. PRESIDENT:

5 You can provide the context of the document but you cannot hand
6 this document to the witness.

7 [11.21.59]

8 BY MR. SENG LEANG:

9 Thank you, Mr. President. I would like to ask my question again.
10 In the interview of your mother with the OCIJ, document D25/30
11 ERN in English, 00223487; Khmer, ERN 00163504; French, ERN
12 00178423. Your mother said that, "Because I did not have enough
13 to eat, I said so. I had no energy to work." This was recorded.
14 Did you know about the statement of your mother?

15 MR. MEAS SOKHA:

16 A. I knew some, and I did not pay attention to the statement of
17 my mother. I would like the Court to proceed the question in
18 relation to the Krang Ta Chan Security Office. I do not have any,
19 you know, attention in relation to cooperative.

20 [11.23.37]

21 MR. PRESIDENT:

22 Witness, you cannot order or instruct the parties to ask any
23 questions. You have to answer to the question posed by the party.
24 If you do not know, you can say so. You have no right to direct
25 or order the party to ask any question you want. Please listen to

1 the question carefully and respond accordingly. And, if you are
2 not clear, you can ask the party to question – to put the
3 question again.

4 BY MR. SENG LEANG:

5 Q. Do you know about the report of your mother through anyone at
6 the time?

7 MR. MEAS SOKHA:

8 A. I only know that she talk to those in the cooperative and I do
9 not know about the statement was recorded or not. And, she
10 mentioned about the way she cooked a meal, cooked soup, and
11 perhaps she mentioned to her colleagues in the Cooperative, and I
12 do not know about that.

13 [11.25.25]

14 Q. Do you know about your mother's living or working conditions
15 at the time she was living in the cooperative? Was she healthy?

16 A. At the time, she delivered a baby, for a month and her health
17 was weak, and she did not have enough to eat. So, she was ill, I
18 guess.

19 Q. I move my question to a new topic in relation to the treatment
20 on New People. My question is: The people were transferred from
21 Phnom Penh or from other regions after 17 April 1975 to Tram Kak
22 Cooperative; do you know about that?

23 A. Old and New People, what I know is that they were evacuated
24 and a group in, you know, New or Old group or in cooperatives.

25 Q. Do you know how the New People were characterised?

1 [11.27.38]

2 MR. PRESIDENT:

3 You may now proceed, Mr. Koppe.

4 MR. KOPPE:

5 Thank you, Mr. President. I think Counsel should be reminded that
6 the witness at the time was 15 years old in '75. He can give
7 testimony about things that he saw, things that he read, maybe,
8 things that he heard. But, asking him something in general about
9 the treatment of New People, as such, is way beyond the capacity
10 of this particular witness. So, please instruct, Mr. President,
11 Counsel to ask questions that this witness can probably or
12 possibly answer.

13 MR. PRESIDENT:

14 Mr. Co-Prosecutor, you may now proceed with your questioning.

15 [11.28.42]

16 BY MR. SENG LEANG

17 Q. Could you indicate how were New People named at the time?

18 MR. MEAS SOKHA:

19 A. New people were evacuated from different regions and they were
20 named 17 April People or Lon Nol civil servants or soldiers.

21 Q. Could you indicate how was your family characterised or named?
22 Was your family named 17 April People?

23 A. I was not 17 April People because I was the local people and I
24 never worked in the civil service. I was originally from my local
25 area.

1 Q. Do you know that during the Khmer Rouge regime people were
2 categorized into group or into class?

3 A. People were divided into three groups. There was the
4 (unintelligible), full-rights people and New People.

5 Q. Can you tell the Court the difference between New and Base
6 People as regards working condition, living condition? Were they
7 assigned to work in the same place or eat in a same place?

8 A. The New People and Old People or Base People, some of them
9 were assigned to work together and other were assigned to work
10 separately, and in some case the Base People and the New People
11 get along well and work together. And even though they consider
12 the New People as feudalist but they could work together.

13 Q. Do you have any idea how many families of the New People who
14 were sent to the Tram Kak Cooperative?

15 A. I don't know about that.

16 MR. PRESIDENT:

17 Please hold on. Mr. Koppe, you may proceed.

18 MR. KOPPE:

19 Thank you Mr. President. Again this is a 15 year old witness at
20 the time, a 15 year old person at the time. He is asking to
21 speculate, he is asking to give ideas about things. This witness
22 should not give any opinions.

23 [11.32.05]

24 MR. PRESIDENT:

25 Objection is not sustained. The Prosecution may continue to put

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1 question to the witness.

2 BY MR. SENG LEANG:

3 Witness, I would like you to confirm before moving on to another
4 topic, how many New People? In the interest of time I would like
5 to move on to another topic -- that is the treatment of the
6 Buddhists.

7 Q. In between April 1975 and January 1979 were people in Tram
8 Kak, in your cooperative, allowed to practice any Buddhist
9 religion at all?

10 MR. MEAS SOKHA:

11 A. Buddhism practice, I observed that in 1973 and 1974, the monks
12 were ordered to - to bring chicken and ducks to support the
13 soldier who were fighting at Phnom Penh and during the duration
14 you mentioned, I didn't see any Buddhist practice.

15 [11.33.39]

16 Q. What happened to the - the temple, the Buddhist temple and the
17 Buddhists in Tram Kak district?

18 A. I know that monks were disrobed and Buddhist temple were used
19 as clinic and used as pigsty and to store other material and
20 equipment.

21 Q. In your interview with the OCIJ, document D25/31, ERN and in
22 English 00223495; ERN and in Khmer 00163512; ERN and in French
23 00178489, you said that, "the Buddhist temple close to our area
24 was dismantled and the Buddhist shrines were buried and Mean Chey
25 village were turned into clinic and Mean Chey would become a

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1 cooperative and they dismantled those buildings." My question for
2 you is that, in Tram Kak district, when was the temple closed and
3 when was those monk – were those monk disrobed?

4 A. In 1975, all monks across the country were disrobed.

5 Q. Do you know that any monk who refused to – to leave the
6 monkhood?

7 MR. PRESIDENT:

8 Mr. Koppe, you may proceed.

9 [11.35.48]

10 MR. KOPPE:

11 But how could this witness possibly say that everybody in 1975,
12 in the country was disrobed? I think there is also a role for you
13 to instruct the witness and also to instruct Counsel not to
14 speculate not to ask questions that the witness cannot possibly
15 answer. I can stand up every time but what's the point.

16 MR. PRESIDENT:

17 The Prosecution, you may proceed with your questioning.

18 BY MR. SENG LEANG

19 Q. Mr. Witness. I would like you to indicate what happened in
20 your commune, especially in Cheang Tong commune. Were monks --
21 was there any monk who refused to leave the monkhood?

22 MR. MEAS SOKHA:

23 A. I don't know anything about any monk who refused to leave the
24 monkhood as force, I just heard that the patriach Nun Nget, who
25 refused to – to leave his monkhood.

1 MR. SENG LEANG:

2 Thank you, Mr. Witness.

3 Mr. President, now I have finished my part of questioning and Mr.

4 Dale, my colleague, will continue to put question to the witness.

5 [11.37.32]

6 MR. PRESIDENT:

7 Prosecution, you may proceed.

8 QUESTIONING BY MR. LYSAK:

9 Thank you, Mr. President.

10 Good morning, Mr. Meas Sokha. My name is Dale Lysak, I'm one of

11 the International Prosecutors. I'm going to be asking you

12 questions today about the arrest of your family and your

13 detention at Krang Ta Chan. And I want to start by asking you

14 some questions about the circumstances that led to the arrest of

15 your family. You've indicated in your OCIJ interview, this is

16 D25/31, at Khmer 00163512; English 00223496; and French 00178112,

17 that in June 1976 and I quote: "My family was arrested and taken

18 to Krang Ta Chan prison. My father was arrested and taken away

19 first."

20 My first question to you is, how many people from your family

21 were arrested by the Khmer Rouge in June 1976?

22 [11.39.08]

23 MR. MEAS SOKHA:

24 A. I will respond to your question because -- from June 1976 I

25 was arrested because they were assigned to be chief in the Khmer

1 Rouge since 1970 -- 1961 and during the Issarak movement period,
2 and later my parents in 1971 they complained about food ration
3 and they were accused of betraying the cooperative.

4 Q. Thank you. I'll get back to the reasons your family was
5 arrested. What I want to start is by asking you to tell us how
6 many people from your family were arrested by the Khmer Rouge in
7 1976.

8 [11.40.22]

9 A. Ten members of my - of my family member were arrested by the
10 Khmer Rouge.

11 Q. Can you tell us who those people were, how they were related
12 to you, what their names were as best you can remember?

13 A. My siblings and only my brother-in-law and all together there
14 were 12 people from my family who were arrested and also my
15 father.

16 Q. How many of your siblings were arrested?

17 A. My siblings were eight of them, I have eight siblings in my
18 family.

19 Q. Were all eight of your siblings arrested or just some of them?

20 A. They were all arrested as the family and my father were
21 arrested earlier and my brothers and sisters and all together 12
22 people were arrested.

23 Q. The siblings of yours who were arrested were they older than
24 you or younger than you?

25 A. My younger siblings and there were four of them and - and two

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1 elder brothers and there were two babies among them and the
2 children of my elder sister were also among them. They were three
3 years and another baby two months old.

4 [11.43.49]

5 Q. Thank you, Mr. Witness. In your OCIJ interview -- and this is
6 at page: Khmer, 00163513; English, 00223496; French, 00178112;
7 you indicated that there were five other villagers, four adults
8 and one child, who were also arrested with your family. Were
9 those people from the same village as you, the five people who
10 were arrested at the same time as your family?

11 A. Yes, they were from the same village. They were also my
12 relative - my relatives.

13 Q. Do you remember the names of any of those five people who were
14 also arrested?

15 A. I, simply - Born (phonetic), To (phonetic), Yiey Sin
16 (phonetic), Huot (phonetic), and then Heng (phonetic), and
17 another one, Huon (phonetic), the father was Huon (phonetic), and
18 was taken earlier than the other members. He was taken in 1974.

19 MR. LYSAK:

20 Mr. President, at this time there was another Witness from Srae
21 Kruo village who was also interviewed by OCIJ. That Witness has a
22 pseudonym, he was originally going to testify but he has been
23 learned to be deceased. I would ask - like to ask the Witness
24 whether he knows this person and would propose to do that by
25 giving him the Witness statements and asking him if he knows that

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1 individual. Also, since now he is deceased, rather than referring
2 to him by the pseudonym from the Court I request to be able to
3 refer to him by name. So with your leave if I may submit the
4 statement of this Witness so that Mr. Meas Sokha may tell us if
5 he knows this person.

6 (Judges deliberate)

7 [11.47.15]

8 MR. PRESIDENT:

9 Judge Fenz, you may proceed:

10 JUDGE FENZ:

11 I have just one question. What exactly is the purpose to show him
12 the statement, provided we are allowed to identify the person per
13 name?

14 MR. LYSAK:

15 I think if I am allowed to identify him by name then - then I can
16 proceed without that.

17 JUDGE FENZ:

18 Thank you.

19 (Judges deliberate)

20 [11.48.06]

21 MR. PRESIDENT:

22 The Trial Chamber allows the Prosecution to use his name, the
23 name of the witness, because he is now deceased.

24 BY MR. LYSAK:

25 Thank you, Mr. President.

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1 Mr. Witness, the Office of the Co-Investigating Judges
2 interviewed another person from Srae Kruo village whose name was
3 Sok Soth (phonetic).

4 Q. Do you, did you know a person named Sok Soth from Srae Kruo
5 village ?

6 MR. MEAS SOKHA:

7 A. Yes, I know him. He used to be a village chief but he passed
8 away now.

9 Q. Was Sok Soth (phonetic) one of the other people from Srae Kruo
10 village that -- who was arrested at the same time as your family?

11 [11.49.30]

12 A. Sok Soth (phonetic), was one of the people who were arrested
13 and his brother Sok San (phonetic), and Suor Somao (phonetic),
14 and another one Suon Ya (phonetic).

15 Q. Now you made some reference earlier to this, but let me ask
16 you, can you tell the Court why it was that the Khmer Rouge
17 arrested your father, mother and most of your family in June
18 1976?

19 A. The reason of my father's arrest was my brother-in-law was
20 told that he should convene a meeting and collect thumbprints and
21 to dispose the village chief and in order to make the living
22 condition of the people better. After that meeting and everyone
23 put thumbprints - some of them put thumbprints on the document --
24 on the paper and then my brother-in-law was asked to send the
25 report to the Khmer Rouge and then later on the next day my

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1 father was arrested in June 1976 but I do not remember the
2 specific date for that.

3 Q. This meeting that was convened - conveyed, where you said
4 people were asked to give their thumbprints, by asking for their
5 thumbprints, do you mean that people were asked to vote on
6 whether to remove this village chief?

7 [11.51.48]

8 A. The vote was to remove the cooperative chief. The letter was
9 given to my brother-in-law and later they asked to convene the
10 meeting and to remove the cooperative chief after that meeting.
11 His name is Aun Nop from Srae Kruo, but I don't know whether he's
12 still alive, but I heard that he was living in Sampov Lun at the
13 Thai-Cambodia border.

14 Q. Was Aun Nop a good cooperative chief? Are you able to tell the
15 Court why people wanted to remove him as the chief?

16 A. As far as I know, they wanted to arrest my father and they
17 colluded between the commune chief and the village chief because
18 they could not arrest my father without any ground, without any
19 mistake, on the part of my father. And then the Khmer Rouge
20 ordered my brother-in-law to convene the meeting so that they
21 have the ground for the arrest because they collect thumbprints
22 in that meeting to make the arrest.

23 [11.53.57]

24 Q. Were you present at this meeting where thumbprints were
25 collected from people about the removal of the cooperative chief?

1 A. I was not present at that meeting. I was tendering cows. But
2 when I returned in the afternoon -- in the evening - people told
3 me that a meeting was held. That's all I know about that meeting.

4 Q. How soon after that meeting was your father arrested?

5 A. My father was arrested in the next morning. One night has
6 passed and three militiamen came and they told him to go and to
7 see Angkar and they told him to leave his knife and my father
8 left me with a plate and spoon and he told me that you should
9 keep this for yourself.

10 Q. And in relation to the time when your father was arrested,
11 when were you and the rest of your family members arrested by the
12 Khmer Rouge?

13 [11.55.57]

14 A. Five days after his arrest, the Khmer Rouge came to arrest all
15 family - all family members in my family - and other villagers I
16 told you the names earlier. They were taken to detain at Angk
17 Roka prison and in the next morning we were transferred to Krang
18 Ta Chan and we arrived there late at night at 3 a.m. in the
19 morning.

20 MR. LYSAK:

21 Yes, Sokha, Mr. President, I was about to turn to a different
22 subject at this time. I can continue on or if this is an
23 appropriate time for the break I can stop here.

24 MR. PRESIDENT:

25 You may proceed with your questioning, Mr. Prosecution.

1 BY MR. LYSAK:

2 Thank you, Mr. President.

3 Q. You've indicated that you were first taken to the Angk Roka
4 office. Can you describe for us where the Angk Roka office was
5 and what the building was like where you were detained when you
6 were first arrested?

7 [11.57.43]

8 MR. MEAS SOKHA:

9 A. Angk Roka prison was a temporary place before people were
10 taken further to Krang Ta Chan. The building there was a concrete
11 building - one concrete building - remain from the old regime and
12 the prisoners were arrested and sent to that prison before
13 sending to Krang Ta Chan.

14 Q. How many - were there other prisoners at the Angk Roka prison
15 when you arrived there? And if so, how many other prisoners were
16 there?

17 A. At my arrival, I saw no other prisoners - only members in my
18 family - but I saw shackles, bloodstains and also shackles and
19 handcuffs remain in that prison.

20 Q. Can you tell us, do you know whether -- where the Tram Kak
21 District Office was located and whether it was located -- where
22 it was located, in relation to the Angk Roka prison?

23 [11.59.26]

24 A. I don't know where the District Office was, because all I know
25 was that I was arrested and sent to detain at Angk Roka prison. I

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1 don't know where the District Office was. Sometimes they moved
2 their office from one place to another. They don't use large
3 buildings for their office. They would use small houses and so
4 on.

5 Q. Alright, let me turn to what happened. Where were you taken
6 after the Angk Roka office?

7 A. I was detained in Angk Roka for one night and on the next
8 morning I was transferred to Krang Ta Chan and upon my arrival I
9 was put into detention into a prison cell immediately.

10 Q. When you arrived at Krang Ta Chan, did you see your father
11 there?

12 A. When I arrived in Krang Ta Chan, I didn't see my father, and I
13 met Yiey Sin (phonetic), who told me that, "Your father has been
14 taken away and he left here only his lighter, a cigarette
15 lighter". And he told me that he was tortured very severely
16 before taken away.

17 [12.01.29]

18 Q. Did you ever see your father again?

19 A. I was not allowed to meet with my relatives, so we were not
20 allowed to meet with anyone.

21 Q. Yes, my quest – after that day, did you, your mother or anyone
22 in your family ever see your father again?

23 A. I never met with my father. As for my mother, I could see her
24 and I could see my relatives. My father was taken away and killed
25 before that time.

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1 Q. I'd like to start - if you could describe for the Court the
2 Krang Ta Chan prison; how big the compound was, whether there
3 were fences, that type of information. Can you give us a general
4 description of the Krang Ta Chan prison?

5 [12.03.17]

6 A. As for the premises of Krang Ta Chan, people around Krang Ta
7 Chan security was asked to live one kilometre away from the area
8 and Krang Ta Chan area landsite was about three kilometres so
9 that they can enlarge at the next stage.

10 Q. Were there fences?

11 A. There were two levels of wire - barbed wire fence - and so the
12 fence was built by wire - barbed wire fence.

13 Q. And inside the barbed wire fence, how many buildings were
14 there, that were used to detain prisoners?

15 A. There were three buildings for keeping prisoners and one
16 building for workers, two small halls - kitchen halls - and there
17 was one place for questioning prisoners.

18 [12.05.19]

19 MR. PRESIDENT:

20 Thank you, Mr. Co-Prosecutor. Thank you, Mr. Witness. It is now
21 lunch time. The Chamber is taking one hour and a half for lunch
22 and Court will resume at 1.30.

23 Court officer is instructed to coordinate with the witness so
24 that he can have the proper place for relax and the Court officer
25 instructed to bring the witness back at 1.30 - before 1.30.

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1 And, security guard is instructed to bring the Accused to the
2 detention facility and bring them back before 1.30.

3 (Court recesses from 1206H to 1351H)

4 MR. PRESIDENT:

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

6 This afternoon, the Trial Chamber wishes to inform the parties
7 and the members of the public that it cannot continue to hear the
8 testimony by Meas Sokha because we heard from a letter of the
9 treating doctor at the ECCC indicating that Mr. Khieu Samphan
10 feels very dizzy and his blood pressure is very high. And now the
11 treating doctor at the ECCC decided to send him to the Khmer
12 Soviet Friendship Hospital because he fall sick and he could not
13 attend the hearing so the Trial Chamber cannot proceed its
14 proceedings without his presence.

15 So, it is decided to adjourn the hearing for this afternoon and
16 the hearing will resume tomorrow starting from 9 a.m. in the
17 morning and the parties and witness, Meas Sokha, are advised to
18 return to this courtroom tomorrow and we will -- based on the
19 report on the health of Mr. Khieu Samphan whether he can continue
20 to attend the hearing tomorrow and we will start tomorrow at 9
21 a.m. [13.53.06]

22 Security personnel are now instructed to bring Nuon Chea back to
23 the detention facility and bring him back tomorrow at 9 o'clock
24 in the morning.

25 And if Mr. Khieu Samphan arrives in time, you are also instructed

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1 to bring him to this courtroom and we need to hear from the
2 doctors about the health condition of Khieu Samphan from the
3 Khmer Soviet Friendship Hospital so that it has the basis for
4 continuing its proceedings tomorrow.

5 The Court is now adjourned.

6 All rise.

7 (Court adjourned at 1353H)

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