



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 September 2016

Trial Day 460

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Jan-2017, 09:38  
CMS/CFO: Sann Rada

Before the Judges: YA Sokhan, Presiding  
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Jean-Marc LAVERGNE  
THOU Mony  
YOU Ottara  
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I N D E X

2-TCW-1036

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1036	Khmer
Ms. CHEN	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Mr. PICH Ang	Khmer
The President (YA Sokhan)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of

6 2-TCW-1036 and begins hearing testimony of a civil party,

7 2-TCCP-1064, in relation to Regulation of Marriage.

8 Ms. Se Kolvuthy, please report the attendance of the parties and

9 other individuals to today's proceedings.

10 [09.02.35]

11 THE GREFFIER:

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

13 are present except Mr. Liv Sovanna, the National Counsel for Nuon

14 Chea, who is absent without providing any reason.

15 Mr. Nuon Chea is present in the holding cell downstairs. He has

16 waived his rights to be present in the courtroom. The waiver has

17 been delivered to the greffier.

18 The witness who is to conclude his testimony today, that is,

19 2-TCW-1036, as well as his duty counsel, <Chan Sambour,> are

20 present in the courtroom.

21 And the upcoming civil party, 2-TCCP-1064, is <in the waiting

22 room and> ready to be called by the Chamber.

23 Thank you.

24 [09.03.39]

25 MR. PRESIDENT:

1 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the  
2 request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 22nd  
4 September 2016, which states that, due to his health, that is,  
5 headache, back pain, he cannot sit or concentrate for long. And  
6 in order to effectively participate in future hearings, he  
7 requests to waive his right to be present at the 22nd September  
8 2016 hearing.

9 He advises that his counsel advised him about the consequence of  
10 this waiver, that in no way it can be construed as a waiver of  
11 his rights to be tried fairly or to challenge evidence presented  
12 to or admitted by this Court at any time during this trial.

13 [09.04.34]

14 Having seen the medical report of Nuon Chea by the duty doctor  
15 for the accused at the ECCC, dated 22nd September 2016, which  
16 noted that, today, Nuon Chea has back pain and feels dizzy when  
17 he sits for long and recommends that the Chamber shall grant him  
18 his request so that he can follow the proceedings remotely from  
19 the holding cell downstairs.

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

24 The Chamber instructs the AV Unit personnel to link the  
25 proceedings to the room downstairs so that Nuon Chea can follow.

3

1 That applies for the whole day.

2 And before I hand the floor to the Co-Prosecutor to continue  
3 putting further question to the witness, the Chamber issues an  
4 oral ruling on decision to call Trial Chamber witness 2-TCW-1065.  
5 On 13 September 2016, the Chamber informs the parties that it was  
6 considering calling one additional witness for the trial topic on  
7 the nature of the armed conflict, that is , 2-TCW-1065, and  
8 invited the parties to make submissions on the matter.

9 [09.06.14]

10 Having heard the parties' submissions on 15 September, the  
11 Chamber decides to call 2-TCW-1065 during the topic on the nature  
12 of the armed conflict, and we'll hear him after 13th October 2016  
13 for two days. The OCP will initiate questioning.

14 The Written Records of Interview associated to this witness are,  
15 therefore, admitted into evidence with the following numbers:

16 <E319/43.3.9> is designated as E3/10667, E319/43.3.10 <is  
17 designed as> E3/10668, and E319/43.3.11 is designated as  
18 E3/10669.

19 The Chamber notes that the three Written Records of Interviews  
20 indicates that the interviews of 2-TCW-1065 were audio or video  
21 recorded and will address this matter in due course. Written  
22 reasons will follow in due course.

23 Again, I hand the floor to the Co-Prosecutor to continue putting  
24 further questions to the witness.

25 [09.07.52]

1 QUESTIONING BY MR. LYSAK RESUMES:

2 Thank you, Mr. President. Good morning, Your Honours, counsel,  
3 [2-TCW-1036].

4 Q. I wanted to follow up with you on a few questions about the  
5 trip to Phnom Den that defence counsel asked you about yesterday.  
6 How long did it take for your group to drive from Battambang to  
7 Phnom Den?

8 2-TCW-1036:

9 A. I left at night time, and I didn't know what time it was. And  
10 when I arrived, it was dawn.

11 Q. And how many vehicles or trucks were in the group, the convoy  
12 that you travelled with?

13 A. There were two vehicles.

14 Q. And do I understand correctly, one of those vehicles was a big  
15 GMC truck?

16 A. Yes.

17 Q. And what was the second vehicle?

18 A. It was a Jeep.

19 [09.09.43]

20 Q. Did you go through Phnom Penh on your way from Battambang to  
21 Phnom Den?

22 A. It's likely that we went through Phnom Penh, but since I did  
23 not know the location well and since it was night time. <I  
24 departed from Battambang.>

25 Q. Do you know whether or not Ta Nhim -- Ta Nhim had obtained

1 travel passes from the Centre for your two vehicles to travel  
2 through Phnom Penh, to travel from Battambang down to Phnom Den?

3 A. I did not know about that.

4 Q. When you arrived in Phnom Den, you said it was dawn. Did you  
5 get out of -- outside of your vehicle and do anything while you  
6 were there, or did you remain in your vehicle?

7 A. I remained in my vehicle except when I had to relieve myself.

8 Q. And how long in total were you in Phnom Den before you  
9 returned?

10 A. I didn't stay overnight, and during the daytime on that day, I  
11 remained there, but we left again at night.

12 [09.11.50]

13 Q. Now, you testified yesterday that you didn't travel with Ta  
14 Nhim when you went to Phnom Den, that he had left Battambang at 9  
15 a.m., in the morning and you left at night.

16 When you arrived in Phnom Den, did you see Ta Nhim and talk to  
17 him there?

18 A. No.

19 Q. Since he didn't travel with you, are you -- do you know  
20 whether Ta Nhim was even there in Phnom Den when you arrived?

21 A. He had gone there before I left.

22 Q. Did you -- my question is: Did you see him in Phnom Den while  
23 you were there?

24 A. I did not see him because when I was there, they told me to  
25 remain with my vehicle, and I did not know where he went or

6

1 whether he was somewhere in the area. <I went there after him.>

2 [09.13.35]

3 Q. Now, you testified yesterday that the uniforms that were  
4 picked up, you've described them as Vietnamese military uniforms,  
5 bluish in colour.

6 During the time you worked with Ta Nhim, do you know -- did you  
7 ever hear whether the leaders of Democratic Kampuchea were trying  
8 to put spies or agents within Vietnam to find out what was going  
9 on there? Did you ever hear anything on that subject?

10 A. No, I did not.

11 Q. Let me turn to another subject, Mr. Witness.

12 You testified yesterday that one of your assignments while you  
13 were in the sector military in the pre-April '75 period was to  
14 spy on Lon Nol barracks. You identified one location as Banan.

15 When the Khmer Rouge took power on 17 April 1975, what happened  
16 to the Lon Nol officials and soldiers, especially those who held  
17 ranking positions?

18 A. I didn't know anything about that. That was the affairs of the  
19 senior peoples to deal with.

20 [09.15.25]

21 Q. Do you know what happened to the Lon Nol soldiers who were at  
22 the barracks that you had been spying on?

23 A. After I went spying in that location, then there was an attack  
24 on that barrack.

25 Q. Okay. I want to focus on the period -- the period immediately

7

1 after the Khmer Rouge took power in 17 April 1975. I want to just  
2 ask you about an excerpt in a book that was written by Thet  
3 Sambath.

4 This is E3/4202, E3/4202; ERNs: Khmer, 00858392; English,  
5 00757552; French, 00849470. This was a book written based on his  
6 interviews of Nuon Chea, and in this excerpt, he's discussing  
7 Nuon Chea's home town, which we talked about yesterday, Wat Kor.

8 And this is what is written -- quote:

9 "His home town also suffered devastating losses. Many pilots  
10 serving in the government air force lived in Wat Kor, and most of  
11 them were killed during the Khmer Rouge years." End of quote.

12 Did you ever hear anything, Mr. Witness, about the pilots who had  
13 served in the Lon Nol air force in Wat Kor, Nuon Chea's home  
14 town? Did you ever hear anything about that?

15 A. No, I did not.

16 [09.17.56]

17 Q. Let me move to another subject that defence counsel asked you  
18 about yesterday, and that was an individual who went by the  
19 revolutionary alias Ham.

20 And I wanted to -- do you read, Mr. Witness?

21 A. No, I don't.

22 Q. Well, let me read to you -- there is a telegram in -- that's  
23 in evidence.

24 Your Honours, this is document E3/1208, E3/1208. It is a telegram  
25 that was written by Ta Nhim on the 21st of December 1977 to

1 "Respected Angkar 870". And the last sentence of this telegram  
2 reads as follows -- quote:

3 "I wish the security to ask Ham, who is responsible for zone  
4 military logistics, as soon as possible so that all of his  
5 connections are identified and arrested." End of quote.

6 The Ham that you spoke of yesterday who had been part of the  
7 Northwest Zone general staff, was his assignment or his position  
8 the chief of logistics or the chief of the zone military  
9 economics?

10 A. He was with the Northwest Zone.

11 [09.20.18]

12 Q. Let me read to you what you said in his -- in your OCIJ  
13 interview, E3/9581, at answer 67. And you were asked about Ham,  
14 and you identified three people you knew who had that name. And  
15 this is the third person who went by the name Ham. This is what  
16 you identified as his role -- quote:

17 "He used to be a military commander, but, as he was aged and  
18 injured, he was assigned to take charge of rice and ammunition  
19 warehouses in Sala Krau, east of Pailin." End of quote.

20 Is it -- is that the Ham that you were talking about yesterday  
21 with defence counsel? Was that his position, and do you remember  
22 whether he held the title of chief of zone military economics or  
23 logistics?

24 A. I do not know about his position.

25 [09.21.45]

1 MR. PRESIDENT:

2 Counsel for Nuon Chea, you have the floor.

3 MR. KOPPE:

4 Yes. Thank you, Mr. President.

5 I might be mistaken, but the telegram that was referred to by the

6 prosecutor doesn't talk about Ham but, in the English

7 translation, Sam (phonetic). French is Ham, and I just was

8 informed, but in my English version, it says "Sam" with an S.

9 MR. LYSAK:

10 You might have an old version. I have the one off -- right off of

11 ZyLAB with the E3 number on it, and it says Ham.

12 JUDGE FENZ:

13 That's true. I have the same one. I just opened it.

14 MR. KOPPE:

15 I have E3/1208.

16 [09.22.36]

17 MR. LYSAK:

18 Yes.

19 MR. KOPPE:

20 It says Sam with an S.

21 BY MR. LYSAK:

22 Q. The Ham that you remembered that had been part of the

23 Northwest Zone military that you remember, is he someone who

24 survived the Khmer Rouge regime, or someone who was arrested and

25 disappeared at some point during the regime?

1 2-TCW-1036:

2 A. I did not know about that.

3 [09.23.23]

4 Q. The reason I ask you, Mr. Witness, is this telegram is a  
5 request from Nhim asking about his interrogation, the  
6 interrogation of this person who had been responsible for zone  
7 military logistics. And in the S-21 -- the OCIJ S-21 list, number  
8 100 and -- I'm sorry, number 1,791 on that list, 1,791, is a 36  
9 year-old male named Phy or Hy Hing, alias Ham, identified as  
10 chief of Northwest Zone military economics who entered S-21 on  
11 the 13th or 14th of September 1977 and died in October.

12 Do you -- did you know Ham's full name? Do you remember whether  
13 the Ham who was in charge of the rice and ammunition warehouses  
14 who you identified in your interview, whether his full name was  
15 Phy or Hy Hing, alias Ham?

16 A. I did not know; I only heard people refer to him as Ham.

17 [09.25.10]

18 Q. Last subject I want to ask you about, Mr. Witness, are you  
19 able to tell the Court what happened during the Khmer Rouge  
20 regime to the Vietnamese people who were still living in  
21 Battambang province?

22 A. I did not know.

23 Q. I ask you as one of the -- another one of the reports that was  
24 sent by Ta Nhim to the Party leaders in Phnom Penh. That is in  
25 evidence, E3/863, E3/863. It's a telegram or report dated 17 May

11

1 1978, less than a month before the time of his arrest.

2 And in this report to Angkar 870, the fifth paragraph reads as  
3 follows:

4 "The meeting raised a question about how to decide on the  
5 elements of soldiers from previous regime and the 'Yuon' with  
6 Khmer spouses and the half-breed Khmer 'Yuon'. Regarding this  
7 issue, the meeting would like to ask Angkar 870 what to do with  
8 them. Whatever Angkar decides, please give instruction." End of  
9 quote.

10 First question, Mr. Witness, do you remember during the time you  
11 worked with Ta Nhim whether he reported to and received  
12 instructions from the leaders in Phnom Penh?

13 A. I did not know about that since I was not close to him.

14 [09.27.30]

15 Q. Did you ever accompany him to Phnom Penh?

16 A. No, I did not.

17 Q. In the same telegram, which, as I said, is written less than a  
18 month before his arrest, Nhim -- Ta Nhim wrote the following at  
19 the bottom of this -- quote:

20 "I have already received a telegram which advised me to take a  
21 rest at the hospital. An illness still exists, especially  
22 irregular blood pressure, which is up and down all the time. I  
23 have had a lower back pain for two to three days. I'm not able to  
24 sit and walk."

25 And it continues on, and he says that if the illness becomes more

12

1 serious, he will go seek treatment.

2 Does this refresh your memory? Do you remember whether, towards  
3 -- in 1978, near the time he was arrested, whether Nhim was in  
4 poor health at the time?

5 A. I knew that he was unwell, but I do not know the symptoms or  
6 the illnesses he had since he did not tell me anything about  
7 that.

8 [09.29.20]

9 MR. LYSAK:

10 Thank you, Mr. Witness. We have no further questions.

11 MR. PRESIDENT:

12 Thank you, Co-Prosecutor.

13 And the floor is now given to the Lead Co-Lawyers for civil  
14 parties to put question to the witness.

15 MS. GUIRAUD:

16 Thank you, Mr. President. Good morning, everyone. We don't have  
17 any questions for this witness.

18 MR. PRESIDENT:

19 And Judge Lavergne, you have the floor.

20 [09.29.56]

21 QUESTIONING BY JUDGE LAVERGNE:

22 Thank you, Mr. President.

23 Q. Mr. Witness, I would like us to revisit your trip to Phnom  
24 Den. I understood that you didn't get out of your vehicle, but  
25 can you tell us whether you saw any persons of Vietnamese origin

1 or whether you saw Vietnamese vehicles close to your vehicle?

2 2-TCW-1036:

3 A. No, I did not see them.

4 Q. Can you explain where those uniforms you saw came from? Where

5 did they come from? Did they fall from heaven? Who brought them?

6 Who brought them?

7 A. I did not know. They were brought in, and <> they were

8 transported in, and we received them. <They were transported to

9 me and I transported them to Battambang.>

10 [09.31.22]

11 Q. In order to receive them, sir -- in order to receive those

12 uniforms, someone had to give them to you, or were they left on

13 the spot? I do not understand.

14 Did someone hand those uniforms to you?

15 A. I saw them brought those uniform, and then they left.

16 Q. Well, who were those people? You said, "I saw them bring

17 them". Who were "they"?

18 Were they Vietnamese soldiers, were they Khmer soldiers? Do you

19 know who they were?

20 A. I did not know them. I did not know whether they were Khmer.

21 Q. Did you hear them speak? Were they dressed in black? Did they

22 have Vietnamese uniforms?

23 A. They wore black clothes.

24 Q. At any point in time when you were in Phnom Den, did you hear

25 people speaking Vietnamese?

1 <Did you have> any radio equipment <with you> for communication  
2 purposes?

3 A. No, we did not have.

4 [09.33.36]

5 Q. Who was with you during the trip in your vehicle? Who was with  
6 you?

7 A. We had three people: Phy and Sam (phonetic).

8 Q. And what did those persons tell you?

9 A. No, they did not tell me anything. And they did not speak  
10 anything. We simply drove our vehicle back.

11 Q. Who was driving the vehicle? Was it you or they?

12 A. It <>was one of the men. For me, I sat at the rear.

13 Q. So if I understand correctly, you travelled at night with two  
14 other persons. You went practically across the whole of Cambodia.  
15 You arrived in Phnom Den. You did not exchange a word.

16 And then you stayed there on the spot for a whole day and you  
17 left again in the evening for Battambang. And you did not  
18 exchange a single word.

19 A. No, I did not mean like that. <We did talk, but> when you  
20 asked me about our exchange of words <when> they brought in the  
21 materials, we did not talk during that time.

22 [09.36.01]

23 Q. Very well. So before or afterwards, did you discuss what had  
24 happened, who had brought in equipment and the reasons why the  
25 equipment was brought?

15

1 A. No, we did not talk about that.

2 Q. Were you afraid of going on such a trip and to see that kind  
3 of equipment being exchanged, and what did you think?

4 A. He told us that when we departed <from> Battambang, we did not  
5 need to feel worried because we left at night time<, so no one  
6 would block us>.

7 Q. The Co-Prosecutor put a question to you this morning regarding  
8 the Vietnamese who may have resided in the Battambang region. Did  
9 you know whether there were any persons of Vietnamese origin  
10 living in the Battambang region before the 17th of April 1975 or  
11 after the 17th of April 1975?

12 A. No, I did not know. I did not go out much often. Mostly, I  
13 stayed at the base. <I was not allowed to walk around.>

14 [09.38.12]

15 Q. And when you accompanied Ta Nhim, did you happen to accompany  
16 him to dam construction sites? Did you have the opportunity to  
17 go, for instance, to the Trapeang Thma dam worksite?

18 A. No.

19 Q. I do not very well understand. Where did you accompany Mr. Ta  
20 Nhim to? What did you visit with him? Did you see any visitors  
21 who came to meet Ta Nhim?

22 A. Yes, I saw some of them, but as I told you, I was assigned to  
23 <guard> outside. Only those who were close to him would know  
24 about this. <I was just a messenger at layer 2. I only went near  
25 him when necessary.>

1 Q. Did you know whether there were enemies during the period of  
2 Democratic Kampuchea and who were considered as the enemy?

3 A. I did not know regarding this matter.

4 [09.40.05]

5 Q. So according to you, you knew absolutely nothing as to whether  
6 there <were certain categories> of persons that the leaders of  
7 Democratic Kampuchea could have considered as the enemy?

8 A. No. I was not close to him. I was outside, so I did not know  
9 much.

10 Q. Did you know, for instance, <if> some people tried to flee to  
11 Thailand during the period of Democratic Kampuchea?

12 A. No.

13 Q. According to you, during the period of Democratic Kampuchea  
14 did any people suffer from hunger?

15 A. Yes, there were. It happened at some places.

16 Q. And did you witness that yourself? Did you, yourself, suffer  
17 from hunger, and why were those people suffering from hunger?

18 A. For <us>, we were given rice to eat <once a day>, and if we  
19 accompanied him, we <got to eat more> rice. <> And at our base,  
20 sometimes we ate porridge.

21 [09.42.25]

22 Q. You haven't answered my question, sir.

23 I asked whether there were people -- or rather, you said that  
24 there were people who suffered from hunger. And I asked you why  
25 those people suffered from hunger.

17

1 A. At my place, we had enough food.

2 Q. Very well. So as a matter of fact, everything was perfect  
3 during the period of Democratic Kampuchea. You didn't experience  
4 any problems. There were no enemies, people ate to their fill.

5 MR. PRESIDENT:

6 Defence counsel for Nuon Chea, you have the floor.

7 MR. KOPPE:

8 Yes, Mr. President.

9 I know it's very difficult for Judge Lavergne to hide his bias.  
10 It's not easy for him, I know, but at least he can make an  
11 attempt.

12 [09.43.40]

13 JUDGE LAVERGNE:

14 I am trying to understand what this witness is saying, Counsel  
15 Koppe, and I would like him to answer my questions.

16 MR. PRESIDENT:

17 Mr. Witness, please answer the question.

18 2-TCW-1036:

19 A. Please repeat your question, Your Honour.

20 BY JUDGE LAVERGNE:

21 Q. Well, let me put a more open question to you.

22 Did you observe that there were any problems whatsoever during  
23 the period of Democratic Kampuchea and, if yes, what were those  
24 problems?

25 [09.44.42]

18

1 2-TCW-1036:

2 A. There were no problems.

3 JUDGE LAVERGNE:

4 Well, Mr. Koppe, I think I don't have any further questions.

5 MR. PRESIDENT:

6 Thank you, Your Honour.

7 The floor is now given to defence counsel for Khieu Samphan.

8 [09.45.10]

9 QUESTIONING BY MS. GUISSÉ:

10 Thank you, Mr. President.

11 Q. Good morning, witness. My name is Anta Guisse. I am

12 International Co-Counsel for Mr. Khieu Samphan, and it is in this

13 capacity that I will put some follow-up questions to you, and I

14 will limit myself to something you know because you experienced

15 that personally, specifically, <in> your work as a bodyguard,

16 driver, and messenger to Ta Nhim.

17 First of all, I would like us to revisit something you said

18 yesterday. You stated that <Ta Nhim's> guard corps consisted of

19 three guards who were close to him, and four worked outside. And

20 I believe you were in that group that worked outside.

21 Did I properly understand your testimony?

22 2-TCW-1036:

23 A. Yes, that is correct.

24 [09.46.26]

25 Q. I believe I did understand, and please correct me if I am

1 wrong in pronouncing that name. You said that among those close  
2 to Ta Nhim was a person called Chouk (phonetic) - or, rather,  
3 Chrouk. I beg your pardon. I think that is the name you gave  
4 yesterday, and you said there was a messenger called Chrouk.

5 A. Yes, that is correct.

6 Q. Yesterday, you also stated that, at the place where Ta Nhim  
7 resided, that place was different from where you lived yourself.

8 Did I properly understand your testimony?

9 A. Yes, that is correct.

10 Q. How far was the house in which you lived from Ta Nhim's house?

11 A. It's about 50 or 60 metres away from each other.

12 Q. In that house in which you resided, were all the guards living  
13 with you, that is, the three who <were> close to Ta Nhim and the  
14 four others, including yourself, who are assigned to work  
15 outside?

16 Were you all residing in the same house?

17 A. No, we lived separately. For them, they lived closer to him.

18 [09.48.26]

19 Q. When you talk of "them", who are you referring to, that is,  
20 the persons who lived closer to Ta Nhim?

21 A. His personal messengers. For us, we lived outside.

22 Q. Very well. And where were those personal messengers residing?

23 Were they living in a house close to Nhim's house, that is, <or  
24 just closer than the 50 meters between Nhim's house and yours?>

25 A. They lived with him, but for me, I lived far from him.

1 <Normally, he would assign them to perform regular tasks. Only>  
2 if he had assignments for me to <go to distant places that> he  
3 would call me to come.

4 Q. Very well. So if I properly understood you, the three  
5 bodyguards who were close to him lived in the same house as Ta  
6 Nhim. Is that correct?

7 A. Yes.

8 [09.50.02]

9 Q. Very well. I would now like to put a follow-up question to you  
10 regarding the times when you used the Jeep to drive Ta Nhim to  
11 various locations.

12 My question is as follows. When you took the Jeep and drove it to  
13 accompany Ta Nhim, was one of the three bodyguards who lived with  
14 him always with you, or did it sometimes happen that Ta Nhim  
15 <went out with you alone>?

16 A. No, <there> were different vehicles. He was in one vehicle and  
17 I was in another because I provided security protection for him.  
18 <When his vehicle stopped, I would park my vehicle far from him  
19 and I would walk around to guard him.>

20 Q. Very well. As a matter of fact, if I understand you correctly,  
21 regardless of where you went, you were always in a different  
22 vehicle different from the one in which Ta Nhim was, if I did  
23 understand you correctly.

24 A. Yes, that is correct.

25 Q. Another question related to the previous question as regards

21

1 the three bodyguards you referred to as being the closest guards  
2 to him; were they systematically in Ta Nhim's vehicle whenever he  
3 went out?

4 A. Yes, his <driver and> personal bodyguards were in the same car  
5 with him.

6 [09.51.50]

7 Q. Did they always leave in a group of three persons or <were the  
8 guards rotated>?

9 A. No, they <did not rotate, the three always went anywhere  
10 together>.

11 Q. I'll have to rephrase my question because the answer you gave  
12 doesn't answer my question. My question is: Did the guards take  
13 turns to go out with him or were <the> three of them <always>  
14 together?

15 A. Three of them accompanied him; all of them went out with him  
16 except me because I was far from him. For <the three of> them,  
17 they went all together.

18 [09.53.13]

19 Q. Very well. <Now that you have clarified that,> I would like us  
20 to now talk about your trip to Phnom Den. I am speaking by memory  
21 because I've not read through the draft again. I believe I  
22 understood that you said that Ta Nhim had left in the morning of  
23 that day and that you, yourself, left in the evening; did I  
24 understand you correctly?

25 A. Yes.

1 Q. On that day in the morning, did you see him leave?

2 A. He had already left.

3 Q. You say that when someone came to tell you that you had to go  
4 to Phnom Den, Ta Nhim had already left; is that what you're  
5 saying?

6 A. He <>was still there and then he asked his men to come and  
7 tell me and then he left. <And I left in the evening.>

8 Q. Very well, but my question is whether you saw him leave  
9 physically or you simply saw his men come to give you that  
10 information; did you actually see him board his vehicle to leave?

11 A. Yes.

12 [09.55.17]

13 Q. I think there may well be another interpretation problem here.  
14 Did you see him board the vehicle and leave; is that what you're  
15 saying?

16 A. I did not see him boarding the vehicles; <I was behind his  
17 house.> I only heard from other people that he's gone.

18 Q. Who came to <give you information that you had> to go to Phnom  
19 Den to join Ta Nhim?

20 A. The person who worked at the office.

21 Q. Do you recall that person's name?

22 A. Yes, the name was Kaiy (phonetic).

23 Q. In answer to a question put to you by Judge Lavergne -- and  
24 here I'm <referring to> my recent notes -- I believe I did  
25 understand that when Judge Lavergne asked you whether you were

1 afraid of traveling that you did say that someone had told you  
2 not to be worried because you were traveling at night; did I  
3 properly understand your statement?

4 A. Yes.

5 [09.57.20]

6 Q. Who told you that you didn't have to worry because you were  
7 traveling at night?

8 A. Ta Kaiy (phonetic) came to tell me that he had already left  
9 for Phnom Den and he told us not to worry because we left at  
10 nighttime<, so no one would do anything to us>.

11 Q. So it was Kaiy (phonetic) who told you so; did he tell you  
12 that it was Ta Nhim, himself, who had asked you to travel at  
13 night?

14 A. Yes.

15 Q. Let us now talk about the time when you arrived in Phnom Den.  
16 You say you didn't recall at what time in the evening you left,  
17 but you did arrive early in the morning; when you arrived <very  
18 early in the morning>, who did you see in Phnom Den?

19 A. I saw some people, but I did not know those people. They came  
20 to get the vehicle to transport the materials and after the  
21 materials were loaded on the vehicle and then we departed.

22 [09.59.10]

23 Q. You have stated -- and I'm sorry, I don't remember the name of  
24 <these people> -- you said that there were two persons -- or two  
25 other persons in your vehicle, so I understood that there were

24

1 three of you. Were those two other persons also bodyguards like  
2 yourself, who worked outside, or you are talking of other  
3 persons?

4 A. I said that there were three people, including myself, in the  
5 vehicle and the three people, including myself, went there under  
6 his order.

7 Q. I understood this part of your testimony quite well. The  
8 additional part I'd like to know <is> if the two other people,  
9 besides you, in the vehicle, were also bodyguards from the  
10 four-member team that was <less close> to Ta Nhim, or were they  
11 other people <who were not Ta Nhim's> bodyguards.

12 A. I was one of the three people and then there was another group  
13 <> who were closer to him.

14 [10.01.02]

15 Q. So if I understand correctly, the other two people who were in  
16 your vehicle were people who were close to Ta Nhim and who were  
17 among his three bodyguards, is that correct?

18 MR. PRESIDENT:

19 Co-Prosecutor, you have the floor.

20 MR. LYSAK:

21 At least on the English translation, that's not what -- what the  
22 witness just said; he said that they were a different group. But  
23 you can clarify, but I don't think you should put it to the  
24 witness that that's what he said.

25 [10.01.50]

1 BY MS. GUISSÉ:

2 That's what I understood in French, but there's no problem; I'll  
3 clarify.

4 Q. There was a problem in the interpretation or I didn't  
5 understand your <answer> very well. Can you please clarify who  
6 were the two other people who were in the vehicle with you; what  
7 <were> their functions?

8 2-TCW-1036:

9 A. They did not have any other function. We all served him. <They  
10 were his messengers.>

11 Q. Okay, then I just need you to clarify: Earlier, you indicated  
12 that in the group of messengers and bodyguards, there were three  
13 who were close and who were those who were the personal  
14 bodyguards of Ta Nhim and there were four, including you, who  
15 worked outside, who were a bit further away from him. So my  
16 question is to know if the two who were in the vehicle were part  
17 of his personal bodyguard team or if they were part of your group  
18 of messengers who worked more outside; do you understand my  
19 question?

20 A. Yes.

21 [10.03.17]

22 Q. So since you understand my question, can you please tell me if  
23 those people who were in your vehicle were among the personal  
24 bodyguards or if they were part of the group who worked outside?

25 A. Are you referring to the three people who were close to him

1 because we were in a separate group; we were outside?

2 Q. All right. In the vehicle that you were in when you went to  
3 Phnom Den, who was with you; were these people from the <close>  
4 group or from the group that worked outside?

5 A. Yes, they were the three people who were outside. As I said,  
6 there were first and second groups.

7 Q. That I had understood that you were talking about the first  
8 and second groups in general. Here, I'm asking you, on this  
9 particular day, when you were in Phnom Den, were there only the  
10 people from your group from outside or were there also members of  
11 his personal bodyguard team?

12 A. It was the outside group.

13 [10.05.34]

14 Q. Outside of the people that you saw who gave the material to  
15 the people getting out of the car, did you see other people that  
16 you knew, outside of those who provided that material?

17 A. I saw them, but I did not know them because I moved away from  
18 the vehicle, and I did not stay near it, <I went back to the  
19 office> after the materials were unloaded at his house.

20 Q. Another clarification, perhaps, it will be easier this way;  
21 did I understand correctly that when you left on that day, you  
22 left following another vehicle?

23 A. Yes.

24 Q. Who was in this other vehicle? You said that in your own  
25 vehicle, your co-workers who were less close to Ta Nhim than the

1 others were there, but who was in the second vehicle or in the  
2 vehicle that you were following?

3 A. The three people with me included Phy and I cannot recall the  
4 other name.

5 [10.07.45]

6 Q. And my last question before the break, Mr. President: When you  
7 say that Ti (phonetic) was among them, was he in your vehicle or  
8 was he in the vehicle that left before yours?

9 A. They were in the same vehicle as me.

10 Q. My question was: Do you remember who was in the other vehicle,  
11 the vehicle that you were not in?

12 A. I only recall Phy, and I cannot recall the others since we  
13 separated from one another a long time ago.

14 MS. GUISSÉ:

15 Mr. President, if you would like to take the break now, I will  
16 continue on Phnom <Den> after.

17 MR. PRESIDENT:

18 Co-Prosecutor, you have the floor.

19 [10.09.16]

20 MR. LYSAK:

21 Yes, thank you, Mr. President. Normally, I don't object over time  
22 issues, but the Defence had only - Khieu Samphan defence only had  
23 15 minutes. They've well exceeded that 15 minutes. Normally, I  
24 wouldn't consider that an issue, but I simply don't see any  
25 reason for us to be extending the time for this witness giving

28

1 the, to put it mildly, rather lack of significance or importance  
2 of the evidence that's coming here.

3 MR. PRESIDENT:

4 Counsel for Khieu Samphan, you have the floor.

5 [10.10.01]

6 MS. GUISSÉ:

7 Thank you, Mr. President. I thought that the issue of time would  
8 not be a problem given that the prosecutors and civil parties did  
9 not ask questions on the subject for which the witness appeared.  
10 And in general, it's true; I don't have a lot of questions,  
11 generally, because the topics have already been somewhat  
12 exhausted, but in fact, the <Prosecution has> not spent much time  
13 on the issue of Phnom Den, which was actually the reason that the  
14 witness appeared. On the other topics, yes, I understand the  
15 strictness, but since I haven't had much time on this topic, I  
16 don't know if this sign I'm receiving from Judge Fenz is about  
17 how much time I have or--

18 JUDGE FENZ:

19 Cut it down to how much longer do you need.

20 MS. GUISSÉ:

21 All right. I think that -- for myself, I think I have about 15  
22 minutes and my colleague says he would have several additional  
23 questions also.

24 (Judges deliberate)

25 [10.11.36]

1 MR. PRESIDENT:

2 The Chamber will grant you an additional 10 minutes to conclude  
3 your questioning.

4 BY MS. GUISSÉ:

5 Q. Mr. Witness, you've understood that our time is very limited;  
6 therefore, I'll continue. I'll speak about the return.

7 When you were leaving the equipment you'd put in the vehicle, you  
8 say that you were starting on the road toward Battambang, still  
9 at night.

10 So my first question is: Who asked you to drive at night?

11 2-TCW-1036:

12 A. It was Ta Nhim.

13 Q. When did he tell you this concerning the return trip or when  
14 did you have this information that for the return trip, it was  
15 also necessary to leave at night?

16 A. It was at around 5 o'clock.

17 [10.12.44]

18 Q. <Around> 5 o'clock in the afternoon?

19 A. Yes, 5 o'clock in the afternoon.

20 Q. I understand from your testimony that at 5 o'clock p.m. in the  
21 afternoon when you were in Phnom Den, you received the  
22 instruction to leave at night; did I correctly understand your  
23 testimony?

24 A. Yes.

25 Q. Who gave you this information?

1 A. The soldiers who were there.

2 Q. When you say the soldiers who were there, were those the ones  
3 you didn't know who were carrying the equipment or were there  
4 other soldiers there?

5 A. They were different and I did not know about the arrangement;  
6 however, when the materials were loaded, that's what we were  
7 told.

8 [10.14.52]

9 Q. So then you started on the road to Battambang <and upon your  
10 return> to Battambang, do you know where the equipment was  
11 unloaded?

12 A. I drove the vehicle to his place and I left the vehicle there  
13 and there were people there who would organize unloading those  
14 materials and then I left.

15 Q. Who were you talking about; at whose home were you?

16 A. That is the house of Ta Nhim. I left the vehicle at his house.  
17 I handed everything over, then I left; I left to my sleeping  
18 quarter <at the field>.

19 Q. And when you left the vehicle at Ta Nhim's house, do you know  
20 if Ta Nhim was there; did you see him or do you know if he was  
21 there?

22 A. I did not see him. <I let someone there knew that> I left the  
23 vehicle there and then I left.

24 Q. And without having seen him, himself, did you see one of his  
25 <close team of> personal bodyguards?

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1 A. I did not. I only see people who were on standby at the office  
2 including Ta Kaiy (phonetic).

3 [10.17.00]

4 Q. Was Ta Kaiy (phonetic) there when you left the vehicle, and if  
5 so, did you talk with him at all?

6 A. I told him, "Brother, the car has arrived" and then I was told  
7 to drive it in, to fully cover the vehicle and then after I did  
8 that, I left.

9 Q. Were you told why the vehicle needed to be completely covered?

10 A. Because there were uniforms and other equipment in the vehicle  
11 <so> we had to fully cover it so that nobody could see it. <I did  
12 not really know about the details. I only did what I was told to  
13 do.>

14 Q. And do you know why it was important that no one see this  
15 equipment; was that explained to you?

16 A. No, I only was asked to fully cover it.

17 MS. GUISSÉ:

18 Mr. President, thank you for these additional minutes. I have  
19 finished since I cannot continue.

20 MR. PRESIDENT:

21 National Counsel Kong Sam Onn, you have the floor. You have four  
22 more minutes.

23 [10.19.03]

24 QUESTIONING BY MR. KONG SAM ONN:

25 Thank you, Mr. President, and good morning, Mr. Witness.

1 Q. I'd like to have a clarification. At one point, that is, at 9  
2 hours 59 minutes this morning, you stated that when you arrived  
3 at Phnom Den, people came to bring a vehicle into transport the  
4 materials. After you arrived, didn't you get out your vehicle and  
5 went along with others?

6 2-TCW-1036:

7 A. No, our group was not allowed to go with them as we had to  
8 wait there in order to receive the materials when they arrived.

9 Q. This morning, you also testified that you drove the vehicle  
10 with two others; namely, Sam (phonetic) and Phy, and when you  
11 arrive at Phnom Den, Phy and Sam (phonetic) also did not go with  
12 another group; is that correct?

13 A. Yes.

14 [10.20.00]

15 Q. Did you have to wait there throughout the morning and until  
16 what time the vehicle returned?

17 A. It was around 3 o'clock.

18 Q. So you had to wait until 3 o'clock and you meant 3 p.m.?

19 A. Yes.

20 Q. So when the vehicle returns to you -- to your location at  
21 Phnom Den and you saw the -- the GMC truck was fully loaded with  
22 those equipment and materials; is that correct?

23 A. Yes.

24 Q. So from 3 o'clock that afternoon, you and other colleagues,  
25 Sam (phonetic) and Phy, took control of that vehicle and then

1 later on, <in the evening on the same> day, you returned to  
2 Battambang province; is that correct?

3 A. Yes.

4 MR. KONG SAM ONN:

5 Thank you, Mr. President, and thank you, Mr. Witness.

6 [10.21.27]

7 MR. PRESIDENT:

8 Thank you, Counsel, and thank you, Witness.

9 JUDGE FENZ:

10 Can I just take the floor?

11 MR. PRESIDENT:

12 (No interpretation)

13 JUDGE FENZ:

14 I'm sorry; I didn't want to interrupt you, yes.

15 MR. PRESIDENT:

16 Judge Fenz, you have the floor.

17 [10.21.42]

18 JUDGE FENZ:

19 Probably should have waited until the witness is gone.

20 This is just to alert the parties. Please check your email. There

21 is an email from the Nuon Chea defence, a very recent one from

22 10.04, which requests submissions.

23 We will allow this submission and parties should be ready to

24 comment on that. Thank you.

25 MR. PRESIDENT:

34

1 The Chamber would like to thank Mr. Witness, and the hearing of  
2 your testimony is now concluded.

3 Court officer, please work with WESU to make transport  
4 arrangement for the witness to return to his residence.

5 And the Chamber will take 20 minutes break from now.

6 (Court recesses from 1022H to 1047H)

7 MR. PRESIDENT:

8 Please be seated. The Chamber is now back in session.

9 Before the break, the Chamber received an email in English from  
10 defence counsel for Nuon Chea requesting for the testimony of

11 Civil Party 2-TCCP-1064 <> to be held after the Pchum Ben break.

12 And in order to clarify the matter, I'd like to hand the floor to  
13 Judge Fenz to clarify this request.

14 Judge Fenz, you have the floor.

15 [10.48.50]

16 JUDGE FENZ:

17 Thank you, President.

18 Yes, the Nuon Chea team has, indeed, sent an email to the parties  
19 and the Court alerting us to the existence of previous record,

20 the DC-Cam interview of the upcoming civil party and has asked to  
21 be allowed to make submissions.

22 In order to avoid two rounds of submissions, we suggest that you  
23 make the two -- well, obvious submissions, one being 87.4 to

24 admit the document and the second to postpone, at the same time,

25 then we can comment also at the same time.

35

1 The floor is given to the Nuon Chea defence.

2 [10.49.43]

3 MS. CHEN:

4 Thank you, Judge Fenz.

5 Good morning, Mr. President, Judges, parties, and everyone in the  
6 courtroom.

7 Yes, as we said in our email, we've just discovered this new  
8 DC-Cam statement of the upcoming civil party.

9 In terms of the Rule 87.4 request, we consider the statement to  
10 be directly relevant to the case. It addresses -- we haven't been  
11 able to read it in any detail as I explained in the email, but  
12 from what we saw from a brief scheme, it seems to be addressing,  
13 indeed, the topics that are at issue in the civil party's  
14 testimony and the reasons for which she is called.

15 From what we can see, the information -- certain information  
16 seems to be different, so that could be interesting as well but  
17 we haven't, as I said, looked in any detail so I can't comment  
18 any more in that regard.

19 [10.50.26]

20 Obviously, also it's a prior written statement of the witness so  
21 -- of the civil party, my apologies -- so, in that sense, we  
22 consider it to be important to have in any case as background  
23 information about the civil party.

24 In terms of postponement, given the overlap in the material in  
25 that statement with the other material on the case file, we think

1 it would make more logical sense that the civil party testify  
2 only after all of these statements are available to all of the  
3 parties and we can question her in one go about all of these  
4 things, especially if it's possible that there may be differences  
5 in what she said in different documents.

6 [10.51.07]

7 And I also outlined in my email but I'm happy to go through that  
8 again, are the factors that are relevant to us in this regard and  
9 that is, obviously, we've just been notified of this document. We  
10 only have it in Khmer for the moment. It's 35 pages.

11 We've just put it in for translation. We asked for it to be  
12 submitted back on 29 September, noting that ITU says that they  
13 can normally do four pages a day. We've yet to hear back. The 29  
14 September would not be a very realistic deadline in any case but  
15 we were hoping to get it back urgently so that the parties would  
16 have it upon resumption of hearings after the Pchum Ben break.

17 I understand that that language direction, Khmer to English, is  
18 outsourced, so perhaps it could be possible that it's faster, we  
19 don't know. In any case, we don't have confirmation yet from ITU  
20 about when they could have the statement back.

21 [10.51.57]

22 We also understand that the Khieu Samphan team has also requested  
23 the translation into French. Again, from what we understand, no  
24 confirmation as to when that translation could be delivered.  
25 Obviously, as I also mentioned, it happens today that our

1 national co-lawyer is unable to be with us and also our national  
2 legal consultant who's unable to be with us, so they are unable  
3 to look at the document in detail and/or to question the civil  
4 party about that document or to discuss the contents of the  
5 document with our client in any substantial way.

6 So our understanding, as a final point, is just that given the  
7 time already, it would seem unlikely, in any case, that the civil  
8 party would complete her testimony today and then, obviously,  
9 we're looking at a long recess. So it might make more sense if  
10 she were to testify after the break in any case so that there  
11 isn't this long delay between the start and the end of her  
12 testimony.

13 I think that's all I have for the moment, Judge.

14 [10.52.54]

15 JUDGE FENZ:

16 Can I just ask you -- it was a bit quick so I might have missed  
17 it -- but did I understand you correctly, you have information  
18 from the Translation Unit that they would have English  
19 translation by 29 September?

20 MS. CHEN:

21 No, my apologies, I was a bit quick. We asked for that, just to  
22 try and have the statement back to the parties before the end of  
23 the Pchum Ben break, and that seems to be last working day. They  
24 haven't confirmed yet whether they can do that.

25 Our understanding is, at least for Khmer to English, it's

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1 outsourced, so perhaps it would be possible to produce it faster  
2 than the usual four pages per day. So we don't yet know in that  
3 regard.

4 Thank you.

5 JUDGE FENZ:

6 Thank you. I give the floor to the Khieu Samphan defence. Please  
7 shortly respond to both requests.

8 [10.53.45]

9 MS. GUISSÉ:

10 As regards to the two applications, we obviously support the Nuon  
11 Chea defence team and we note that this is often the problem when  
12 we have civil parties and witnesses drawn from other cases  
13 summoned to testify. We discover some documents belatedly, and  
14 <of course that has an effect> in terms of preparation, <and now  
15 we find ourselves> in a very particular case.

16 So we endorse the application, that this document be tendered  
17 into evidence as a prior statement of the civil party and that  
18 the parties, in any case, the Defence -- I don't know about the  
19 others -- should be allowed to have sufficient time to prepare  
20 themselves<, given the inclusion of these new elements>.

21 JUDGE FENZ:

22 Thank you. The floor is given to the Co-Lead Lawyers.

23 [10.54.45]

24 MR. PICH ANG:

25 Good morning, Your Honour. Related to the request by the Nuon

1 Chea defence team, the Lead Co-Lawyer for civil party do not have  
2 any objection to this matter.

3 We have already reviewed briefly the document and we thought that  
4 the document is somehow relevant. The civil party <also stated  
5 that she used to be> invited for interview with DC-Cam;  
6 therefore, our team does not have any objection.

7 JUDGE FENZ:

8 And there's (Microphones overlapping).

9 MR. PRESIDENT:

10 The floor is given to Judge Lavergne.

11 [10.55.39]

12 JUDGE LAVERGNE:

13 Yes, thank you, Mr. President. This is just a request for  
14 clarification.

15 Is that person a civil party in Case 002 and, if that is the  
16 case, I am somewhat surprised that the Civil Party Lead  
17 Co-Lawyers did not inform us <until> the last minute of the  
18 existence of this DC-Cam interview.

19 Can you please provide some explanations as to why we are hearing  
20 about this in the last minute, and we are hearing it from the  
21 Nuon Chea defence team, and not from the Civil Party Lead  
22 Co-Lawyers?

23 MR. PICH ANG:

24 Your Honour, I have just asked the civil party and I just  
25 received information from her that she has given interview to

1 DC-Cam. So the information -- I learned about her interview with  
2 DC-Cam. I just received it quite recently. I did not receive it  
3 long time ago.

4 [10.56.50]

5 JUDGE LAVERGNE:

6 This is just a remark. I think that it will perhaps be better to  
7 somewhat anticipate the interviews of civil parties and to ask  
8 questions that may be useful for the preparation of this  
9 examination of the civil party; otherwise, we wouldn't find  
10 ourselves in this situation today.

11 MS. GUIRAUD:

12 Thank you, Mr. President. I would like to add a remark in answer  
13 to the questions asked by Judge Fenz. We don't have any objection  
14 as to the postponement of the examination of the civil party  
15 until after the Pchum Ben break.

16 To answer Judge Lavergne's question, this civil party was  
17 proposed by the Chamber proprio motu at the last minute. So there  
18 we are. This <may> also explain a number of things.

19 [10.57.53]

20 JUDGE LAVERGNE:

21 That notwithstanding, this is a <confirmed> civil party from Case  
22 002, so even though that civil party was proposed by the Chamber,  
23 you should have been informed well in advance.

24 MS. GUIRAUD:

25 Welcome to our world, Judge Lavergne.

1 JUDGE FENZ:

2 Let's first finish this round and then to the Prosecution for  
3 both requests, please.

4 MR. DE WILDE D'ESTMAEL:

5 Thank you, Judge Fenz. We do not have any objection to the Rule  
6 87.4 application. <Perhaps to partly explain, when> I presented  
7 the documents, and I <used these documents, the WRI, there was an  
8 error. I think the ICOJ had identified him as a witness. It was  
9 WRI E3/9820, I did not realize this mistake immediately, myself,  
10 that he was a civil party in Case 002.>

11 In any case, that document was discovered recently. We do not  
12 have it on record. It is available only in Khmer so we, indeed,  
13 are requesting that the appearance of this civil party be  
14 postponed until after next week, but <also>, until the  
15 translation of that person's prior statements are available in  
16 <either> French <or> English. <Probably one or two days after the  
17 translations are available, so we have enough time to prepare  
18 adequately.>

19 [10.59.27]

20 We've not been able to scan through the documents, so I don't  
21 know whether there are any variations or any contradictions and  
22 <how much> weight that could be attached to such variations.  
23 <But> this is something that can be crosschecked only when the  
24 document is made available to all the parties.

25 That is our position. Thank you, Honourable Judge.

1 MS. CHEN:

2 It's just an addendum; we've received information from the ITU  
3 that they cannot guarantee the delivery of the document by 29  
4 September.

5 (Judges deliberate)

6 [11.01.29]

7 MR. PRESIDENT:

8 I'd like to hand the floor to Judge Fenz.

9 JUDGE FENZ:

10 I am issuing the decision on both requests.

11 Firstly, that the discussed DC-Cam interview as attached to the  
12 email is admitted into evidence according to Internal Rule 87.4.  
13 Short reasoning: It's standing jurisprudence of this Chamber that  
14 previous statements of upcoming -- individuals who are coming to  
15 testify are to be admitted in the interest of justice.

16 As to the postponement, the Chamber also grants the request to  
17 postpone the hearing of the civil party until further notice.

18 This further notice will be provided by email. As to the  
19 reasoning, we basically refer to the request and to the fact that  
20 all the parties have either not objected or even supported that  
21 request.

22 [11.02.57]

23 MR. PRESIDENT:

24 Thank you, Judge Fenz.

25 The Chamber will adjourn the proceedings for today and will

1 resume after the Pchum Ben recess, and that would mean it will

2 resume on Tuesday, 4 October starting from 9 o'clock.

3 And on that day, the Chamber will hear testimony of expert

4 2-TCE-81 in relation to Regulation of Marriage.

5 Security personnel, you are instructed to take the two accused,

6 Nuon Chea and Khieu Samphan, back to the detention facility of

7 the ECCC and have them returned to attend the proceedings on

8 Tuesday, 4 October 2016, before 9 o'clock.

9 The Court is now adjourned.

10 (Court adjourns at 1103H)

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