



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

ឯកសារដើម
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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

Lawyers for the Accused:

Victor KOPPE
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:

CHEA Sivhoang
Robynne CROFT
Matthew MCCARTHY
SE Kolvuthy

Lawyers for the Civil Parties:

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

For the Office of the Co-Prosecutors:

Nicholas KOUMJIAN
Dale LYSAK
SENG Bunkheang
SENG Leang
SREA Rattanak

For Court Management Section:

UCH Arun

I N D E X

Mr. MEAS Sokha alias Thlang (2-TCW-936)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
Ms. GUIRAUD	French
Ms. GUISSE	French
The GREFFIER	Khmer
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. LIU	English

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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 002/01.

17 The Trial Chamber attempted to commence the hearings on 17 and 24
18 November <2014>, but on both occasions, National and
19 International Co-Counsel for Mr. Khieu Samphan failed to appear
20 in Court.

21 After several failed attempts at finding a workable compromise
22 with the Khieu Samphan defence that would allow the hearing in
23 Case 002/02 to start, the Trial Chamber was left with no choice
24 but to adjourn until today, the 8th of January 2015. This
25 decision was based in part on the Khieu Samphan defence statement

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1 that it would be able to resume participation in Case 002/02 once
2 it had filed its Appeal brief against Case 002/01 on 29 December
3 2014. Regretfully, 25 trial days over the course of 10 weeks have
4 been lost. During this time, the Trial Chamber took <some> steps
5 addressing the conduct of National and International Counsel for
6 Khieu Samphan.

7 [09.05.29]

8 In particular, in order to protect the proceedings against
9 possible future obstruction and ensure that Case 002/02 moves
10 forward fairly and expeditiously, on the 5th of December <2014>,
11 the Trial Chamber ordered the Defence Support Section to appoint
12 National and International court-appointed standby counsel. The
13 role of the standby counsel will be to prepare and maintain
14 capacity to take over the defence of Khieu Samphan at any time
15 this Chamber should determine necessary to replace current
16 counsel. The Chamber notes that on 7 January 2015, the Defence
17 Support Section appointed Ms. Tuoch Vorleak and Mr. Calvin
18 Saunders as National and International standby counsel and that
19 the oath taking ceremony as a lawyer member of the Cambodian Bar
20 Association for the International standby counsel took place on
21 the 5th of January 2015.

22 [09.06.50]

23 The Trial Chamber recalls that on 19 December 2014, it also
24 issued an order referring the misconduct of National and
25 International counsels for Khieu Samphan to respective and

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1 appropriate professional bodies pursuant to Internal Rule 38.2
2 <of the ECCC Law> with a view to seizing their respective
3 disciplinary boards. The Trial Chamber also notes that in its
4 scheduling order of 17 December 2014, it decided to maintain a
5 sitting schedule of three days per week until a new assessment of
6 the Accused's fitness to stand trial is completed. Accordingly,
7 on December -- 18 December 2014, the Trial Chamber ordered the
8 assessment <by> the expert to assess the Accused <> to stand
9 trial and it will begin on the 19 of January 2015.

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

12 [09.08.17]

13 THE GREFFIER:

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

18 The witness for testimony today is witness 2-TCW-936, is present
19 in his room and is ready to be called in and he confirmed that,
20 to his knowledge, he has no relationship to any of the two
21 accused, Nuon Chea and Khieu Samphan, or to any other civil
22 parties recognised before the Trial Chamber in Case 002/02, and
23 they took an oath before the Iron Statue on the 17 of November
24 2014. And this witness has no counselling -- counsel.

25 Another reserve<, civil party> 2-TCCP-296, is also present in the

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1 room and is ready to be called by the Chamber. Thank you.

2 [09.09.38]

3 MR. PRESIDENT:

4 Thank you, greffier.

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

8 MS. GUISSÉ:

9 Yes, thank you, Mr. President. Good morning to all of the people
10 here present today. I believe that given the logistical problems
11 this morning, it is necessary for us to speak briefly. I heard
12 the reminder of the <procedure> by the President and we are here,
13 and as we said a while ago; that <as long as> Mr. Khieu Samphan's
14 rights were <respected in the> Appeals brief, <then we see> no
15 obstacle for <Mr. Khieu Samphan's defence to be present in the
16 courtroom>.

17 And I noted the Chamber's decision to appoint <> standby lawyers,
18 and I must say that I am rather surprised to see how the Chamber
19 is imposing the presence of these lawyers <with whom,> I wish to
20 say in a very solemn way -- I have, of course, no personal
21 problems with them -- but still, today, <> the presence of two
22 lawyers <is being> imposed upon <the courtroom, who of course>
23 have been nominated by the Chamber, but <who, at present,> have
24 no procedural role <insofar as> Mr. Khieu Samphan is represented
25 by his normal counsel, the counsel he has chosen, <the counsel he

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1 has appointed, and> the counsel who, until now, <have> always
2 <acted in> his best interest. And these lawyers who are present
3 here today, <in> the first row here, which explains why <> it's a
4 bit tight here and we do not <even> have <> the equipment
5 necessary <for each lawyer to be able to work.> These lawyers are
6 present here in the courtroom, and I regret to say so, not
7 because the Chamber is afraid Mr. Khieu Samphan will not be
8 represented, because he is actually represented<>.

9 [09.11.59]

10 But if indeed we had substitute lawyers -- and let me use a
11 metaphor from the sports world -- when we have <> substitute
12 players <in a team, they are not on the field at the same time as
13 the people they are supposed to be replacing. Should any problems
14 arise; they are on a substitutes' bench,> waiting <for the right
15 moment>. The reason why, in <disregard> of the most basic rules
16 of confidentiality, because here, at the Defence, sometimes we of
17 course communicate with our clients and with the other lawyers,
18 and we speak about confidential elements.

19 [09.12.37]

20 But the only reason we see today the presence of these two
21 lawyers<, who,> once again <are surely> very professional<,>
22 that's not what I'm questioning; but their <> presence in the
23 courtroom is absolutely not necessary, absolutely not compulsory,
24 and if once again, the aim of the Chamber was to <ensure the
25 continuity of> Khieu Samphan's defence -- <which, incidentally,

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1 is> not being jeopardised <--> but if the point was to ensure
2 this <presence, this> continuity, well, these lawyers could
3 <follow the hearings from their office,> read the transcripts.
4 And today what I note is that <there is> pressure <exerted upon>
5 Mr. Khieu Samphan; pressure which I suppose is <somewhat of a
6 vexatious measure towards Khieu Samphan's defence lawyers, whose
7 stance was not well-received by> the Chamber<, nor was the
8 exertion of their independence in adopting such stances>. But in
9 any case, <> the physical presence of these lawyers in the
10 courtroom is not necessary as long as Mr. Khieu Samphan is
11 represented. And if the Chamber <were to> judge their presence
12 <necessary,> having them <on the defence bench, monopolising a
13 dock> which<, up to now,> Nuon Chea<'s team were able to occupy,
14 thereby forcing us to squeeze in. This is, once again, a
15 vexatious measure>. Nobody can be deceived<, I wanted to say this
16 on record>. This is a <> sad message that the Chamber is giving
17 in a general way to the defence, and generally speaking to what
18 international criminal justice is supposed to stand for. And the
19 Chamber is also sending off a message which is far from being a
20 guarantee of the impartiality of <the> trial, and of the
21 possibility of Mr. Khieu Samphan to ensure his defence in serene
22 conditions, because<, again, there> is <> pressure<, that's
23 clear>. The Defence's <mission> is not to <allow for a quick
24 conviction, passively, and> not <stir> things up; the <duty> of
25 the Defence is to fight tooth and nail to defend its client <in

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1 accordance with professional ethics>.

2 [09.14.52]

3 And I understand that the <Chamber has made an announcement
4 concerning a potential referral to our bar associations.> I
5 should say that as of 6 January 2015, we, <my colleague> Arthur
6 Vercken and myself, we have spoken with the Paris Bar to see how
7 we are going to organise ourselves, because we wish <to be able
8 to> present our <position and our defence>, because <there is an
9 accusation of misconduct against us. As of> 6 January <2015, the
10 Prosecution Authority of the Paris Bar had yet to receive
11 anything,> and I find that absolutely regrettable. I don't know
12 what the problem is, but maybe in terms of professional ethics,
13 we should get some clarification <>, because <there are
14 accusations of misconduct on the part of the Defence.>

15 [09.15.41]

16 And I'd like to remind you that our -- my colleague, Kong Sam
17 Onn, <also present, has> always told us that he <was acting in
18 accordance with his> professional ethics, and it's <in accordance
19 with our professional ethics and> what we <believed to be> the
20 best for our client's <defence> that we have always <acted>. And
21 I'm sorry to <note> that <> the Chamber <sees> things
22 differently. And I think it's important that <there is
23 clarification from> an <> independent body <that is a guardian of
24 our professional ethics so that the matter is clarified>. I will
25 not of course keep on speaking; <I wouldn't want us to be accused

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1 again of delaying.> I would simply like to <say> that <it> is a
2 sad message today to <exert> such pressure on Khieu Samphan and
3 <> on his defence. In any case, <as defence lawyers, we do not
4 respond well to being pressured>. We simply would like to
5 continue defending <Mr. Khieu Samphan> in full independence and
6 in full freedom<>, and we will continue doing so until <> we are
7 dismissed <of our duties,> if this is indeed the aim of the
8 Chamber. But I would like simply to remind you that we have
9 always acted in compliance with our professional ethics, and we
10 hope that our respective Bars can rule on this matter as soon as
11 possible, so that <there is no further ambiguity on this matter>.

12 [09.17.05]

13 <As for the presence>, once again, <of the Chamber lawyers,>
14 because they are not yet <Mr. Khieu Samphan's lawyers, who has an
15 established defence team, I think that> if the Chamber believes
16 that they must do this job in <> parallel<, which> I think that
17 this is completely useless, but of course the Chamber is free to
18 decide <for itself>. But in any case; imposing <under> these
19 conditions<, in> the first row, <when> the team<, a priori, does
20 not have the right> to speak <before this Chamber, constitutes an
21 extremely negative> message that the Chamber is sending to the
22 Defence and<, at the same time,> to --

23 MR. PRESIDENT:

24 Counsel<, you stated> that you don't want the public and other
25 parties <to think> that you <are delaying> the proceedings. You

1 mentioned <that> three <or four> times. Could you be brief so
2 that the Chamber and other parties and the Judges understand
3 <this issue>, because we <already> acted on that in <writing in>
4 our Ruling.

5 [09.18.25]

6 So when you have an occasion to speak, so please speak more
7 slowly so that the interpretation can do <a> good job and for
8 proper record <of your statement>.

9 MS. GUISSÉ:

10 I will <endeavour> to <do> this of course, and I will not speak
11 for much longer. But I simply want to say that we <will continue>
12 to defend Mr. Khieu Samphan <tooth and nail> in a fully
13 independent <and free> manner, and this was simply the point I
14 wanted to raise at the beginning of this hearing. <Also simply
15 asking the Chamber, although> I am not very hopeful, to
16 reconsider its decision to impose the presence of lawyers who,
17 for the moment, have no procedural role to play in this Trial.

18 MR. PRESIDENT:

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

22 [09.19.32]

23 MR. KONG SAM ONN:

24 Mr. President, Your Honours, all parties, and members of the
25 public, and all people in and around the courtroom, first of all

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1 I would like to make a remark on the presence of the
2 court-appointed standby counsel. The purpose is to defend the
3 interests of the Accused, Khieu Samphan, this is the main
4 purpose. I think this is a good idea by the Trial Chamber, but
5 the <negative point we should reconsider is that> the counsel for
6 Mr. Khieu Samphan should be highly qualified and there shall be
7 good cooperation by Mr. Khieu Samphan for the counsel. But in
8 fact the appointment of the standby counsel is contrary to the
9 professional career and the independence of the defence counsels
10 because the standby counsel will follow the instruction or the
11 advice by the Trial Chamber. And <this raises> another question
12 <, whether> the Chamber <is, as just stated, now> preparing <its
13 paperwork to be sent to> the <relevant bar associations> to
14 review our conduct here, <etc. However,> so far those competent
15 bodies <have> not decided <whether> we <have committed> any
16 misconduct<. The> Trial Chamber <has considered> that we <have
17 committed acts of professional> misconduct and this adversely
18 affects the exercise of <our rights and our capacity to defend>
19 Mr. Khieu Samphan <efficiently,> because the presence of the
20 standby counsel may interfere <with> our defence.

21 [09.22.28]

22 In relation to the disciplinary action, in the case where the
23 Cambodian Bar Association, especially in my case, if the Bar
24 Association did not find any misconduct on my part, so what will
25 happen to the appointment of the standby counsel here? It can be

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1 seen that this is a pressure put on the Defence Counsel for Mr.
2 Khieu Samphan. It is a great pressure on us. It does not mean
3 that it ensure the right of Mr. Khieu Samphan to defence, because
4 Khieu Samphan himself indicated clearly that he <is content with>
5 the service from his counsel of his own choosing.
6 <In terms of punishment, for example,> in the case where the
7 Cambodian Bar Association found that we committed a misconduct,
8 so there will be a warning<, a> written warning or <a> suspension
9 <> or disbar myself from the Association, but we cannot
10 anticipate anything before the Bar Association issues any
11 decision. <This issue is also the point, that if it is the case
12 that the Bar Association issues a punishment, even then there
13 will be no impact on our practice.> We can <still> continue to
14 defend and represent our clients in the Court unless <there is a
15 suspension of our practice or in case> we are disbarred from the
16 Bar Association. So, I would like to request that the Trial
17 Chamber review the decision on the appointment of the standby
18 counsel because this is infringe or affect the right of the
19 defence counsel to defend our client. Thank you.

20 [09.24.36]

21 MR. PRESIDENT:

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

23 MR. SUON VISAL:

24 Counsel, Mr. President, I don't have any further remark to make,
25 but I have to share my legal opinion <on two points. First,

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1 regarding the role of> the standby counsel <>, because <are they
2 defence counsel or standby counsel? If they are not defence
3 counsel,> they will not have any role which is the same as the
4 defence counsel. I request that the Trial Chamber consider this
5 matter again. The second point is that their presence in this
6 courtroom, when they don't have <a> role <as defence counsel,
7 they cannot sit with the defence team. This is the point that we
8 have to defend and reconsider.> So, as they are called standby,
9 they are sitting here next to us, the public may confuse that
10 they are also the defence counsel but in fact they are just
11 standby counsel, appointed by the Court and the client has not
12 chosen them to represent him. <Therefore, their right to defend
13 the case has yet to be approved.> So, this is under our national
14 law and also in international law. <And another point is:> if
15 they are sitting <together like this,> it will affect the
16 confidentiality of each team. And then we <don't> feel
17 comfortable <if we> discuss any confidential matter here <and
18 they might know it. So this might affect our defence strategy.>
19 So I would like the Court to reconsider this matter again. Thank
20 you.

21 [09.26.39]

22 MR. KOPPE:

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

25 Mr. President, we were rather surprised, I have to say, with the

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

15 [09.28.00]

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

24 MR. PRESIDENT:

25 Mr. Khieu Samphan, you may proceed.

1 [09.28.55]

2 MR. KHIEU SAMPHAN:

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

15

1 <In this case, I would like Cambodian compatriots and all
2 venerable monks to consider that.>

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

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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 <that> justice <> be sought <in a
21 reasonable time>. So, any action which delay the Court proceeding
22 -- the hearings -- it will affect the civil parties. I have
23 presented this matter repeatedly and the Court hearing cannot be
24 delayed, if there is no necessary issues to be considered<, since
25 it will affect the civil parties' right to receive justice as

1 some of them have already died or can no longer follow the trial.
2 In relation to the fitness to stand trial> to ensure that the
3 Court proceedings move smoothly, I believe that there should be
4 <a> standby counsel to defend the interests of the Accused, in
5 case that the defence counsel for Mr. Khieu Samphan boycotts the
6 proceeding. This is very necessary. I understand that a standby
7 counsel is very necessary, however it has to be balanced not to
8 affect the <strategy of Khieu Samphan's defence counsel in
9 defending their client. Here, it is the Chamber itself who should
10 consider this case according to the actual situation, whether the
11 presence of the standby counsel could affect the strategy in
12 defending Khieu Samphan's case. Nonetheless, we think that> the
13 standby counsel should have <the capacity and> enough time to
14 <fully> consult the case file <as well as the proceedings> so
15 that they can replace <> the current counsel for Mr. Khieu
16 Samphan if necessary <>. And <it is a point that> the defence
17 counsel for Mr. Khieu Samphan mentioned often -- very often --
18 that if the counsel do not have the access to the case file or do
19 not have enough time to consult the case file, it will affect or
20 jeopardise the rights of the Accused<. So it is very crucial that
21 the> standby counsel <> be entitled to <access and investigate
22 the case file and the proceedings meticulously> so that they <>
23 can replace the defence counsel for Mr. Khieu Samphan<. I think
24 that this is a reasonable point, that they can attend and have
25 the capacity to observe the proceedings fully.>

18

1 [09.38.29]

2 In relation to seats occupied by standby counsel, and I <am a bit
3 surprised that the defense counsel, especially Mr. Arthur
4 Vercken, even stated that, "Would you like the standby counsel to
5 sit with the judges or the prosecutors as well?"> <What interests
6 me now is that> there seem to be three teams -- three defence
7 teams. <They think that this affects the seats. There used to be
8 four defence teams. This included the> defence counsel for Mr.
9 Ieng Sary <and the defence counsel for> Ms. Ieng Thirith <as
10 well. The seats were divided into four groups and no big issues
11 were raised regarding the seats, but now we just have two defence
12 teams. I don't think adding another team will affect the seats>.
13 So <I think this is not a big issue. Thank you, Mr. President.>

14 MR. PRESIDENT:

15 <Thank you for all your input.> I may now give you the floor but
16 you have to be brief<, avoiding repetition. If a party has raised
17 a point, the Chamber does not allow you to add more on that.>

18 [09.39.57]

19 MS. GUIRAUD:

20 Thank you, Mr. President. I will be, indeed, extremely brief. I'd
21 simply like to react to the statement by my learned friend,
22 Koppe, when he proposed to the Chamber that the standby counsel
23 sit on this side of the courtroom, thereby insinuating<, if I
24 understand the message my colleague Koppe hinted at,> that there
25 would be an objective alliance between the Chamber, the

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1 Prosecutors, and the civil parties, and that we would be acting
2 together by virtue of a community of interest. <I clearly
3 understood my colleague Koppe's message.> I would like to clarify
4 for <my colleagues, for the Accused, for the audience, that that
5 is absolutely not the case;> that <we> are completely
6 independent. And let me remind the public, that <the> solution
7 chosen by the Chamber is not the one that we would have wished
8 for, <is not the one we strongly urged for, that> we have
9 supported <along with> the Co-Prosecutors. <We are, in the end,
10 like the Defence; we duly note a decision> which we did not <wish
11 for. I simply wanted to evoke this fundamental point> so that
12 everyone, in this courtroom <and outside, can> understand the
13 <positions of each one of us>.

14 [09.41.21]

15 MR. PRESIDENT:

16 I note the submissions from two defence teams. The Chamber will
17 take this issue to be considered and we will issue ruling in due
18 course. The Chamber wishes to advise the parties and members of
19 the public that the Chamber will start the hearing on the
20 substance in Case 002/02 with the factual allegations concerning
21 the first phase, namely Tram Kak cooperative, including the
22 treatments of Buddhists and the related Krang Ta Chan Security
23 Centre. The first witnesses and civil parties to be heard on this
24 topic are 2-TCW-936, 2-TCCP-296, 2-TCCP-238, 2-TCW-954 and
25 2-TCW-834. The full list has been communicated to the parties on

20

1 17 December 2014, E328.1. The first witness to be heard today is
2 witness 2-TCW-936. Before proceeding to the examination on
3 witness 2-TCW-936, the Chamber must clarify a procedural issue.
4 The Chamber reminds the Accused, Nuon Chea and Khieu Samphan, of
5 the following: pursuant to <ECCC> Internal Rule 21.1(d), the
6 Accused has the right to remain silent; pursuant to Internal Rule
7 90, should the Accused resolve not to exercise the right to
8 remain silent, the bench, Co-Prosecutors, other parties, and
9 defence counsels may put questions to the Accused.

10 [09.43.56]

11 In an email sent to the senior legal officers of the Trial
12 Chamber on 30th September 2014, both Nuon Chea and Khieu Samphan
13 reaffirmed that they would not respond to any questions. In the
14 opening of proceedings in Case 002/02 on 17 October 2014, Nuon
15 Chea stated that he maintained the position to remain silent,
16 whereas Khieu Samphan did not make it clear whether he would
17 resolve to exercise the right to remain silent. Now, the Chamber
18 again asks Mr. Khieu Samphan, do you maintain your position not
19 to respond to questions or you have changed your position and
20 have reserved your right to respond to questions by the bench and
21 other parties?

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

23 [09.45.08]

24 MR. KHIEU SAMPHAN:

25 Thank you, Mr. President. Because there is pressure on my defence

21

1 team as realised by parties and every member of the public, I do
2 not have any hope in the Chamber <to be impartial>. So I remain
3 -- I would like to exercise my right to remain silent. However,
4 in light of the context of Case 002/02, I would like to reserve
5 my right to make any statement on my part at any time necessary.

6 MR. PRESIDENT:

7 Thank you, Mr. Khieu Samphan. Having now ascertained the position
8 of both Accused regarding the exercise of the right to remain
9 silent, the Chamber notes that it will proceed on the basis that
10 they maintain their expressed position unless <and> until such
11 time as the Chamber is expressly informed otherwise by the
12 Accused or their counsels. Therefore, it is incumbent upon them
13 to inform the Chamber in a timely and efficient manner, should
14 the Accused resolve to waive their right to remain silent and be
15 willing to respond to questions by the bench or relevant parties
16 at any stage of the proceedings.

17 [09.47.10]

18 The next point related -- relates to the Civil Party Lead
19 Co-Lawyer request, notified on 29 December 2014, <document> dated
20 25 December 2014. The Lead Co-Lawyers request that a new document
21 be placed on the case file and admitted into evidence. The new
22 document consists of a map on which boundaries of Trapeang Thum
23 Khang Tbound and Angk Ta Saom communes in the Tram Kak district
24 have been shaded. In addition, the Lead Co-Lawyers assert that
25 the map contains location headers and a legend identifying

1 seventeen key locations where 2-TCCP-296 indicates having stayed
2 or worked during the Democratic Kampuchea period. The Lead
3 Co-Lawyers indicate that map was prepared by the civil parties on
4 the basis of 2-TCCP-296 written statements on case file 002 and
5 that the map will be verified by the civil party during her
6 examination. The Chamber notes that 2-TCCP-296 is likely to be
7 heard already tomorrow. On the 5th January 2015, the Khieu
8 Samphan defence filed its response objecting to the Civil Party
9 Lead Co-Lawyers' request.

10 [09.49.09]

11 First, the Chamber wishes the Civil Party Lead Co-Lawyers to
12 clarify who prepared the map. In the request at paragraph 8, it
13 is stated that the map was prepared by the Civil Parties. Is that
14 the Civil Party, the Civil Party Lawyer or the Civil Party Lead
15 Co-Lawyers?

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

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

23 MR. PICH ANG:

24 Mr. President, Your Honours, because we have the presence of the
25 civil party lawyer representing the civil party in question, I

1 would like now -- I would like now to ask the President to allow
2 the civil party lawyer <Yiqiang> to address the Court.

3 [09.50.53]

4 MR. PRESIDENT:

5 You may now proceed, Mr. Lawyer.

6 MR. LIU:

7 Good morning, Mr. President, Your Honours, and everyone in and
8 around the courtroom. To explain this map, how it was prepared, I
9 have three things to follow -- to explain to Your Honours and to
10 other parties. The first: this is a map that already exists on
11 the case file. It's not a map created but a map already on the
12 case file. What the section has been helping us to create this
13 map, or this new map, let's refer to it as, is the location of
14 the places that the civil party has been to, according to her --
15 VIF -- and other materials on the case file. So that is all
16 wording, all the names of the places she has been to, that's
17 already on the case file and we put together -- sorry there's no
18 translation, Your Honour? Can you hear me, Your Honour?

19 [09.52.14]

20 MR. PRESIDENT:

21 There was no translation in Khmer a while ago. You may now
22 continue.

23 MR. LIU:

24 Thank you very much, Your Honour. I will start from the
25 beginning. So this map was already in the case file, that's what

1 I was saying, and this new map was submitted -- was based on the
2 map that is already on the case file. We put the names of the
3 places that the civil party has been to, according to her
4 statement. Again, that is already on the case file. We're not
5 submitting a new evidence at all, but rather, as requested by the
6 Chamber for the purpose of efficiency, to put together all the
7 information we have on the case file. That's the first point.
8 The second on the location -- yes, I noticed that there were
9 named 17 on the submission but there were only 16 places. I wish
10 to take this opportunity to confirm with Your Honours that we
11 submitted 16 places and/or from the declarations or documents
12 from the case file, submitted by this particular civil party.
13 Now the last point on the location -- it's impossible -- what I
14 understand from the experts, the specialists on this is -- it's
15 impossible to locate the villages, so it's not possible to locate
16 the villages on the map but, indeed, it's possible to see at the
17 commune level. The civil party has been to 16 different places,
18 most of them she can identify to the village level, and all of
19 them she can identify to the commune level. So we show this map
20 to explain where she has been to, even though the village level
21 cannot be seen clearly or marked out in the map. Thank you.

22 [09.54.28]

23 MR. PRESIDENT:

24 Judge Fenz, you may now proceed.

25 JUDGE FENZ:

25

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

5 [09.54.53]

6 MR. LIU:

7 Thank you, Your Honour, for your question. The process is: I read
8 through all the materials with my assistant and take them out --
9 the name of the places -- and then I give to the expert in the
10 section who knows how to put the names into the map and possibly
11 the location. So I confirm the name of the places with the civil
12 parties, but not the map. That's why I think it's essential to
13 introduce this map during the hearings where she can have a
14 chance to say that if she has been to those places as indicated
15 on this map. Thank you. I shall remain at your disposal Your
16 Honours, if you have further questions.

17 MR. PRESIDENT:

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

19 [09.56.02]

20 MR. KOPPE:

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

1 MR. LIU:

2 Your Honour, I was just checking with my Lead Co-Lawyer whether I
3 should answer this question directly, or should I waiting (sic)
4 your confirmation to answer this question. What I understand is,
5 I should answer the question directly to my learned friends. So,
6 after this map was produced, the civil party does not have a
7 chance to sit with me to point out these places with her. What I
8 understand is, she cannot see clearly the village level on the
9 map so I didn't pursue that to work together with her on this
10 map. I hope that answered the question.

11 [09.57.44]

12 MR. PRESIDENT:

13 You may now have the floor, Judge Fenz.

14 JUDGE FENZ:

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

17 MR. LIU:

18 Your Honour, sorry for this confusion. What I did is -- I made a
19 decision not to work with her because, as you can see, we were
20 rushed to prepare this map the day before the hearing -- the
21 hearing date was later postponed -- but we were rushing to
22 prepare this map one day before the hearing so I take that
23 decision not to go through the map. As I understand, it would be
24 very long process to work this out with her for various reasons.
25 Thank you, Your Honour.

1 [09.58.40]

2 MR. PRESIDENT:

3 We plan to hear the first witness today and we appear to lose
4 some time because of <unplanned> matters raised by parties. The
5 Chamber invites the OCP and the Nuon Chea defence to make their
6 submissions, if any, at the end of the hearing today.

7 The Chamber will subsequently issue an oral ruling on the Lead
8 Co-Lawyer request before the Chamber begins to hear the civil
9 party in question. The Chamber now moves to provide the parties
10 and the public with an indication of the sequencing of the
11 proceedings before the Chamber.

12 As emphasised - emphasised in its decision on the subsequent --
13 on the sequencing of the case, the Chamber recalls that no clear
14 lines can be drawn between the topics in which this trial has
15 been divided and that it is highly possible that civil parties,
16 witnesses and experts will have knowledge about, and give
17 evidence on, one or more topics. In order to avoid civil parties,
18 witnesses and experts being needlessly recalled during later
19 stages of this trial, they shall be questioned on all topics
20 about which they may have knowledge. As a general rule,
21 questioning on topics that are not relevant to the scope of Case
22 002/02 will not be permitted.

23 [10.00.35]

24 Pursuant to Internal Rule 91bis <of the ECCC Law> and except when
25 otherwise decided by the Chamber or agreed upon by the parties,

1 particularly when the Judges wish to ask follow-up questions or
2 further clarification or when agreed upon by the questioning
3 parties, the questioning put to the witnesses and experts shall
4 take place in the following order: the President or Judges of the
5 Bench appointed by the President shall comment with some of the
6 preliminary questions followed by the Co-Prosecutors, the Civil
7 Party Lead Co-Lawyers and the defence teams for Nuon Chea and
8 Khieu Samphan. The questioning of civil parties shall be led by
9 the Civil Party Lead Co-Lawyers, after questions from the
10 President or Judges of the bench appointed by the President, and
11 be followed by questioning by the Co-Prosecutors and the defence
12 for Nuon Chea and Khieu Samphan.

13 [10.01.42]

14 At the end of the questioning, the civil parties may raise or
15 indicate the harm they have suffered where is relevant in Case
16 002/02. In this regard, the Chamber also reminds the parties that
17 they may object to the continued hearing of the testimony of any
18 witness if they consider that such testimony is not conducive to
19 ascertaining the truth, pursuant to Internal Rule 91.3. All
20 parties are reminded that during the questioning or oral
21 arguments, they should strictly adhere to accepted professional
22 standards. The Chamber will not tolerate rude or offensive
23 language towards other parties, witnesses, civil parties, experts
24 or other individuals.

25 Next, court officer is now instructed to call witness 2-TCW-936

1 in the courtroom.

2 (Short pause)

3 (Witness enters the courtroom)

4 [10.04.43]

5 QUESTIONING BY THE PRESIDENT:

6 Q. Welcome witness <>. What is your name?

7 MR. MEAS SOKHA:

8 A. (Microphone not activated)

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

11 [10.05.13]

12 A. My name is Meas Sokha. I was living in Srae Kruo <village>,
13 Cheang Tong sub-district, Tram Kak district.

14 Q. Could you reply to my question; it is <> easier for you? Mr.
15 Sokha, what is your date of birth, do you remember, do you
16 remember it?

17 A. (Microphone not activated)

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

21 A. My name is Meas Sokha. I was living in Srae Kruo <village>,
22 Cheang Tong commune, Tram Kak district, Takeo province.

23 [10.06.08]

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

25 The Court official can you facilitate him so that he can know

1 when the microphone is activated before he responds to the
2 question?

3 A. (Microphone not activated)

4 Q. What is your date of birth? So you should indicate only your
5 date of birth to be <> easier for you <to respond>.

6 A. My name is Meas Sokha. I am living in Cheang Tong commune,
7 <Srae Kruo village,> Tram Kak district, Takeo province. Could you
8 please ask me on the facts?

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

11 A. I was born in 1960.

12 Q. Thank you. And your place of birth? And your current address?
13 [10.07.45]

14 A. (Microphone not activated)

15 Q. You should wait until your microphone is activated so that
16 other people - other party can hear your voice and it can be
17 interpreted. Otherwise your voice cannot be heard to other
18 people.

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

22 Q. What is your occupation nowadays?

23 A. I'm a <waste collector> and rice farmer.

24 Q. What is your father's name?

25 The court officer, could you help him <> understand and <> follow

1 my instruction? <I already explained this to him many times, but
2 it seems like he did not follow my instruction. Could you sit
3 near him and help him respond to the questions?>

4 [10.09.39]

5 Q. What is your father's name?

6 A. My father died during the Pol Pot regime. His name is Meas
7 Kun.

8 Q. What is your mother's name?

9 A. Her name is Hun Kimseng alias Nha.

10 Q. What is your wife's name?

11 A. She is Keo Hoeun.

12 Q. How many children do you have?

13 A. I have three children.

14 Q. Mr. Meas Sokha, based on the report of the greffier this
15 morning, to your knowledge you have no relation - any relative -
16 father, mother, or any relative admitted as civil party in Case
17 File 002; is it correct?

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

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

21 A. Yes, this is correct.

22 [10.11.32]

23 Q. Now, I would like to tell you the rights and obligations as a
24 witness. You are the witness to this proceeding before the Trial
25 Chamber. You may refuse to answer any question or any affirmation

1 that leads to incriminate yourself. This is the right against
2 self-incrimination. This means that your response or statement
3 may lead to your prosecution but you have an obligation as a
4 witness to give testimony in this proceeding before the Chamber.
5 You shall have -- have to answer all questions put by Judges from
6 the bench or the parties unless those questions may put you into
7 incrimination as I told you earlier. As a witness, you should
8 tell the truth based on your knowledge, your experience, what you
9 have heard or your observation, <or that you remember of> any
10 event related to the question posed by the Judge or any party to
11 these proceedings.

12 Mr. Meas Sokha, did you <ever> give any interview or testimony
13 before this Court? And if so, how many times and where <and when>
14 you gave interview or statement?

15 [10.13.21]

16 A. The testimony I gave on the Krang Ta Chan event, I gave one
17 interview <at my home> and I took the interviewer to Krang Ta
18 Chan one time.

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

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

24 Q. Based on your knowledge and memory, your statement that you
25 read to refresh your memory, are those answers and statements

1 correct in the same manner as you gave to the investigator from
2 the OCIJ?

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

5 [10.14.45]

6 MR. PRESIDENT:

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

8 MS. ANTA GUISSÉ:

9 Thank you, Mr. President. I simply would like to object with
10 regard to the written record of the interview. I will only make
11 this objection once, and it will apply to all witnesses. I
12 would like to remind you that in our Appeals brief, we raised
13 this issue of this process of having the witnesses read over
14 their prior statements, which we think alters their statements
15 before the Court. So, I would like to note for the written
16 record that in general terms the Khieu Samphan defence objects
17 to this practice again in Case 002/02, as used by the Chamber.
18 I'm making this remark for this witness in particular, but
19 generally speaking, it applies to all witnesses who will have
20 to read over their statements before they testify before the
21 Chamber.

22 [10.15.56]

23 MR. PRESIDENT:

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

25 Because we have this practice all the way in Case 002/01 and here

1 we continue our practice. We believe that it has not been
2 objected and we decided in our ruling, and we will continue in
3 this Case 002/02. Basically it is the same case, 002, but we have
4 severance for proceedings on the case, <not the division of the
5 case itself>. <Concerning this matter,> Other parties, do you
6 have any observation to make<? Because> we stick to our strategy
7 that we have decided, and <we have listened to all the parties as
8 well regarding this issue,> so that we can move forward
9 expeditiously.

10 Mr. Koppe, you may proceed.

11 [10.17.17]

12 MR. KOPPE:

13 Thank you, Mr. President. Yes, we have made very extensive
14 submissions in our Appeal brief about this very practice. We
15 think it is counterproductive to the ascertainment of the truth
16 that a witness is shown his prior statements before testifying. I
17 refer simply now to our submissions in the Appeal brief. I think
18 the Trial Chamber is quite aware of the principal problems we
19 have with this practice. Of course, there are other issues at
20 stake, not necessarily with this witness but with the upcoming
21 civil parties. If you like I could make specific arguments in
22 respect of the civil parties but we are now dealing with a
23 witness, with a Trial Chamber witness, a TCW witness.
24 So, I leave it up to you if we should concentrate now our
25 objections to the -- this very practice of presenting the -- can

35

1 you hear me -- this very practice to a witness not being a civil
2 party. But if you like we can now raise issues, although we are
3 not prepared but we can simple refer to our Appeal Brief, on --
4 in respect of the practice of civil parties. Them being led by
5 civil party lawyers, not giving oath before the iron --

6 MR. PRESIDENT:

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

9 (Short pause)

10 (Technical problem)

11 Now, as we have a small technical problem, we cannot continue our
12 proceedings and it is now an appropriate time for <a break>, so
13 we will start before -- at 10.40 a.m.

14 So, Court officer, facilitate the witness to his room for a
15 break.

16 GREFFIER:

17 All rise.

18 (Court recesses from 1019H to 1048H)

19 MR. PRESIDENT:

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

21 The Trial Chamber have heard the objections by the two defence
22 counsels on the proceeding and procedure conducted by the Trial
23 Chamber, that allow the witnesses or civil party to read their
24 statement they gave in interview to the OCIJ investigation in
25 order to refresh their memory, because it happened a long time

1 ago. The Trial Chamber implemented this procedure in Case 002/01.
2 Now we heard the objections, and in order to expedite our
3 proceedings, we advise the defence counsels to put their
4 objections and requests in writing. Could you refer to a
5 paragraph or argument in your Appeal brief to the Supreme Court
6 Chamber against Case 002/01, so that the Trial Chamber have a
7 proper ground for decision? We will rule on this matter in due
8 course.

9 [10.50.21]

10 Now, the Trial Chamber would -- wish to continue with the
11 proceedings for today with this witness. In the questioning of
12 this witness, <pursuant to Internal Rule 90bis,> we will give the
13 floor to the Co-Prosecutor, to put questioning to Mr. Meas Sokha
14 <prior to any other relevant parties>. As proposed by the OCP,
15 the Co-Prosecutor and the Lead Co-Lawyer will have half-day for
16 questioning -- this morning and this afternoon because we have
17 spent this morning in the procedural matter this morning.
18 Prosecution, you may proceed.

19 [10.51.16]

20 QUESTIONING BY MR. SENG LEANG:

21 Thank you, Mr. President. Your Honours, all parties to this
22 proceeding in and around the courtroom. And good morning, Mr.
23 Witness.

24 My name is Seng Leang. I am the Deputy Prosecutor of the ECCC. I
25 will have many questions, a number of questions, to the witness

1 so that you can respond those questions to the Court, especially
2 on the living conditions and working conditions in Tram Kak
3 <district> during the DK period. And then my colleagues will ask
4 you more questions about the arrest of your family members, and
5 other issues related to Krang Ta Chan prison.

6 The first topic I would like to ask you questions <regarding> the
7 work site and cooperative in Cheang Tong <commune,> Tram Kak
8 district<, from April> 1975 <to June> 1976.

9 [10.52.52]

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

12 MR. MEAS SOKHA:

13 A. Your Honours, I was living in Cheang Tong commune, Srae Kruo
14 village, Tram Kak district, Takeo province after the 17th April
15 <>.

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

22 A. I was staying in a mobile unit, but I was tending cows. I did
23 not <collect cow manure and I did not carry dirt. My assignment
24 was tending cows from the house to> Krang Ta Chan <security
25 centre>.

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

7 [10.55.47]

8 A. At that time, I was permitted to live with my parents because
9 I was still a small boy. <They allowed me to stay at home and> I
10 was assigned to tender cattle in <the unit>.

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

12 A. There were only six members <who tended the cattle>.

13 Q. How old were they during that time?

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

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

17 [10.57.08]

18 A. The children, during the Khmer Rouge, were not allowed to go
19 to school, but there were some teaching conducted under a tree,
20 and <pens made from bamboo.>

21 Q. You said that the children would study under the tree. So what
22 happened to <schools>?

23 A. There was no school operated. There was no activity. But those
24 buildings were used to store ammunition and other things <like an
25 arsenal>.

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

3 [10.58.26]

4 A. They were from 10 to 14 years old. They were sent to a
5 children's unit and anyone who were <> 15 was sent to a youths'
6 <candidate> unit<>.

7 Q. What was the difference between the children's unit and the
8 <candidate> unit?

9 A. <Between> the children's unit and the <candidate> unit, the
10 difference was that the <candidate> unit was for <the adults to
11 order them> to work<, carrying dirt to build canals and dig big
12 ponds>.

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

16 A. I did not attend in the canal-digging, but I was <only>
17 assigned to tender cattle. Because I was still a young boy, I was
18 not assigned <to do anything else>.

19 Q. Can you tell the Court about your working hours<? At what time
20 did you start working?>

21 A. My morning assignment <started> from the early morning, <I
22 guarded and herded the cows> and I spent all day until dusk
23 <doing that>. We marched the cows back to the village and we were
24 given <dinner at night. At midday, lunch> was brought by other
25 people to us.

1 [11.01.02]

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

3 A. As I was a young boy, I was not assigned to work at nights,
4 only the adults or the youth <> would be assigned to work at
5 night.

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

8 A. Freedom of movement was prohibited. We <did not have the time
9 to> move anywhere. Because I was assigned only to tend cows, and
10 if any cow <got> lost anywhere, I <would> be punished <and taken
11 away to be killed> for that.

12 Q. Did you have any case that children who were assigned to tend
13 cows and some of the cows <were> missing or lost from his
14 assignment? <And did they get punished>?

15 A. I did not experience any case like that. Since I left my home
16 in 1976, I was held in Krang Ta Chan prison <ever since>.

17 Q. Were you permitted to visit your parents often<>?

18 A. No, I was not allowed to visit home. It's only <possible if> I
19 sneak out from my unit to visit my parents, but when I was caught
20 <sneaking> out, I was tortured and brought back 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 <MR. KOPPE:>

25 <Mr. President, I object to this question. I didn't hear anything

1 -->

2 [11.04.17]

3 MR. PRESIDENT:

4 Mr. Koppe, you may proceed.

5 MR. KOPPE:

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

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

10 MR. PRESIDENT:

11 Thank you, Mr. Koppe. This is the principle to be adhered to in
12 our Chamber. There should be no leading question allowed before
13 the Chamber.

14 BY MR. SENG LEANG:

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

17 [11.05.21]

18 Q. In your interview with OCIJ, you mentioned about communal
19 eating in the cooperative. Could you clarify, <in Tram Kak
20 district,> were cooperative created, and were communal eating
21 applied? When was that?

22 A. Communal eating started in 1974, for one month. Then the
23 communal eating was cancelled. We were allowed to eat
24 individually, after the cancellation. And after 1975 or 1976,
25 though, communal eating was then imposed <again>.

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

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

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

6 A. There were six of us in the group <who tended cows>, and other
7 groups consisted of many members. And I do not recall them.

8 Q. What were you provided to eat?

9 A. We were given <a scoop> of steamed rice with <water lily> soup
10 <or> with morning glory soup, <which> were cooked with chickens
11 <that went in the toilets (sic) or sugar. They cooked those for
12 us to eat>.

13 [11.07.52]

14 Q. Did you have full meal?

15 A. I did not have enough meal because I received only a little
16 rice.

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

19 A. People did not report to the cooperative about the food
20 because they were afraid that they <would be taken away to be>
21 killed by the chief of cooperative.

22 Q. In one interview, in your mother's interview with OCIJ,
23 document D25/30, ERN in English 00223487; ERN in Khmer, 00163504;
24 French, ERN 00178423; your mother said, because she did not eat
25 food and did not have the power to work. When your mother stated

1 about this, it was noted down. My question is: who did your
2 mother report to about her eating?

3 MR. PRESIDENT:

4 Mr. Lawyer, you may now proceed.

5 [11.09.57]

6 MR. KONG SAM ONN:

7 I would like to object to the question. The witness can answer
8 only in relation to the incident or experience happened to
9 himself only. <But> he or she cannot answer to any question which
10 he has no knowledge about. <The witness's response will only lead
11 to an assumption.>

12 MS. GUISSÉ:

13 Mr. President, let me add something to the objection<.> My
14 learned friend did not properly explain the document he was
15 referring to. I heard D25/30. In any case, we understood from the
16 interpretation that the document was from the witness. So, could
17 <Mr. Prosecutor clarify which> document he is referring to?

18 [11.11.10]

19 MR. PRESIDENT:

20 Mr. Koppe, you may now proceed.

21 <MR. KOPPE>:

22 Thank you, Mr. President. It would also be very helpful if
23 Counsel laid some foundation of issues here. We're going from
24 communal eating to eating with his mother. We all know important
25 events occurred in June 1976. It is not very helpful the way this

1 examining is going right now.

2 MR. SENG LEANG:

3 Mr. President, before I start my questioning I inform everyone
4 already about the topics to be questioned by me, and the topics
5 include living -- I indicated the topics to be questioned in
6 relation to <work sites and the cooperatives> in Cheang Tong
7 <commune>, Tram Kak district, from April 1975 to June 1976, and
8 the topics include <work sites and cooperatives, which> are
9 mentioned in the Closing Order. I would like to ask the President
10 whether or not I can proceed with my questioning.

11 [11.13.08]

12 MR. PRESIDENT:

13 I have -- we have not ruled on the objection, so how can you
14 proceed? <First> the Defence Counsel would like to know where the
15 document is from and what is it about. <This is not clear.
16 Second, what is your idea over the> objection concerning your
17 questioning. And, I gave you the floor to respond to the
18 objection, and you have to consider your questioning approach and
19 you have to respond to the objection posed by the Defence
20 Counsel, so that the Chamber can have the basis for consideration
21 and decision.

22 MR. SENG LEANG:

23 As for the document number <--> the interview of witness' mother
24 with OCIJ<, is> document D25/30. This is <the document.>
25 As for the objection <itself>, I believe my question relates to

1 my topic <as I mentioned earlier.>

2 [11.14.40]

3 MR. PRESIDENT:

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

6 MR. SENG LEANG:

7 Mr. President, I appear to respond to the objection posed by the
8 Defence Counsel. I provided the document number <>, and I already
9 responded to the objection by Mr. Koppe, and I would like to know
10 what else should I respond?

11 MR. PRESIDENT:

12 Mr. Co-Prosecutor, you should have heard the objections by the
13 Defence Counsel. And, you said that you want to respond to their
14 objections. Your responses and the objections are useful for the
15 Chamber's consideration and decision. <The question is whether or
16 not you respond to the objections. You have to be clear about the
17 objections regarding your questions and the objections from other
18 parties.> I would like to know whether you want to respond or not
19 so that the Chamber can decide. And, the Chamber will have to
20 decide which question is allowed and which question is not
21 permitted. <The point is: which question is it? Or is this the
22 kind of question that is not permitted by law? Or the objections
23 can be overruled so that the witness can respond to your
24 question. This is the procedure we have used for six years.>

25 [11.16.38]

1 MR. LYSAK:

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

5 MR. PRESIDENT:

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

8 [11.17.14]

9 MR. LYSAK:

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

23 [11.18.18]

24 MR. PRESIDENT:

25 You may now proceed, Madam Lawyer. Next time you should only, you

1 know, make your objection once, so that <the respondent can
2 respond to expedite the proceedings. Don't go back and forth.
3 Only this time, this is permitted.>

4 MS. GUISSÉ:

5 Yes, indeed, Mr. President, but I'm obliged to react to the
6 <International> Co-Prosecutor's clarifications. The fact of being
7 able to use statements from other witnesses is not a problem, but
8 at least we should establish the foundation for this<. But here,
9 if out of nowhere,> the witness <is told, "Your mother said
10 this";> the witness does not know which document we're speaking
11 about, nor under which conditions these statements were made, and
12 once again, <> the <National> Co-Prosecutor's question came out
13 of <nowhere>. So, <I ask, if> there is indeed a <procedure> that
14 was followed in <the first case, in 002/02, excuse me,> Case
15 002/01; well then, there was a <requirement,> each time when a
16 lawyer used a document, to establish the origin of the document
17 and to <establish> under which conditions <he could ask the
18 witness questions on this subject. Here, this was not the case.
19 And the proof is that we didn't even> know which document
20 <exactly> we <were> speaking about from the start. So, we're
21 simply asking you to follow the proper <procedure>.

22 (Judges deliberate)

23 [11.20.11]

24 MR. PRESIDENT:

25 The objection of the Defence Counsel is not sustained. The

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1 witness is instructed to answer to the question by the
2 Co-Prosecutor and if the witness do not -- does not remember the
3 question, he can ask the Co-Prosecutor to re-question.
4 Mr. <National> Co-Prosecutor <has clearly shown the context of
5 this question;> perhaps <he's worried> if there is <any> problem
6 with the translations. <However, the National and International
7 Judges have understood, like I did, that the context of the
8 question has been stated clearly by the National Co-Prosecutor.
9 And this type of question is permitted because> the witness is
10 instructed to answer only the question in relation to his/her
11 personal experience and knowledge<, that he knew, or heard, or
12 saw, or remembered, or observed or experienced himself>. And, in
13 fact, <for six years,> we appear to have no problem in relation
14 to our procedural practice. You may now proceed, Mr.
15 Co-Prosecutor.

16 MR. SENG LEANG:

17 To facilitate the questioning process, I would like now to
18 present the document to the witness, document D25/30. I would
19 like to hand the document to the witness.

20 MR. PRESIDENT:

21 You can provide the context of the document but you cannot hand
22 this document to the witness.

23 [11.21.59]

24 BY MR. SENG LEANG:

25 Thank you, Mr. President. I would like to ask my question again.

1 In the interview of your mother with the OCIJ, document D25/30
2 ERN in English, 00223487; Khmer, ERN 00163504; French, ERN
3 00178423. Your mother said that, "Because <of communal eating,> I
4 did not have enough to eat, I said so. I had no energy to work."
5 This was recorded. Did you know about the statement of your
6 mother?

7 MR. MEAS SOKHA:

8 A. I knew some, and I did not pay attention to the statement of
9 my mother. I would like the Court to proceed <with> the question
10 in relation to the Krang Ta Chan Security Office. <Please don't
11 talk about the cooperative because I did not pay> any, you know,
12 attention in relation to cooperative.

13 [11.23.37]

14 MR. PRESIDENT:

15 Witness, you cannot order or instruct the parties to ask any
16 questions. You have to answer to the question posed by the party.
17 If you do not know, you can say so. <This is the procedure.> You
18 have no right to direct or order the party to ask any question
19 you want. Please listen to the question carefully and respond
20 accordingly. And, if you are not clear, you can ask the party to
21 question -- to put the question again.

22 BY MR. SENG LEANG:

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

25 MR. MEAS SOKHA:

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1 A. I only know that she <talked> to those in the cooperative and
2 I do not know about the statement was recorded or not <because
3 they had their own investigator outside. Since> she mentioned
4 <it> to her colleagues in <the kitchen while they were peeling
5 banana trees or something to make soup. While talking, there were
6 people who listened, since there might have been spies among
7 them.> I do not know about that. <That's all I know.>

8 [11.25.25]

9 Q. Do you know about your mother's living <> conditions at the
10 time she was living in the cooperative? Was she healthy?

11 A. At the time, <a month after my mother> delivered a baby<,> her
12 health was weak. <She was hungry and tired, and she was also
13 ill.>

14 Q. I move my question to a new topic in relation to the treatment
15 on New People. My question is: The people were transferred from
16 Phnom Penh or from other regions after 17 April 1975 to Tram Kak
17 <district>; do you know about that?

18 A. <For> Old and New People, what I know is that they were
19 evacuated <to different bases and they were divided into> New or
20 Old group. <That's all I know.>

21 Q. Do you know how the New People<, who had just been evacuated
22 to Tram Kak district,> were characterised?

23 [11.27.38]

24 MR. PRESIDENT:

25 You may now proceed, Mr. Koppe.

1 MR. KOPPE:

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

10 MR. PRESIDENT:

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

12 <This kind of remark is not necessary.>

13 [11.28.42]

14 BY MR. SENG LEANG

15 Q. Could you indicate <what> were <the> New People<, who just
16 arrived at Tram Kak district, called> at the time?

17 MR. MEAS SOKHA:

18 A. New People were evacuated <to> different <bases> and they were
19 <called> 17 April People <and> Lon Nol civil servants <>.

20 Q. Could you indicate <whether> your family <was> characterised
21 <as> 17 April People?

22 A. I was not 17 April People because I was the local people
23 <since previous regime> and I never worked in the civil service.
24 I was originally from <Srae Kruo village. I never moved
25 anywhere>.

1 Q. Do you know <> during the Khmer Rouge regime people were
2 categorized into <how many groups>?

3 A. People were divided into three groups. There <were candidates,
4 depositees and>, full-rights<>.

5 Q. Can you tell the Court the difference between New and Base
6 People as regards <to eating conditions,> working conditions,
7 <and> living conditions? Were they assigned to <do this together
8 or separately>?

9 A. The New People and Old People <>, some of them were assigned
10 to work together and other were assigned to work separately, and
11 in some case the Base People <were accused of being so-called
12 feudalists or wealthy people, were mixed with> the New People <>.

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

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

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 <district>, 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<s> who were fighting at Phnom Penh and during <1975>, I
14 didn't see any Buddhist practice.

15 [11.33.39]

16 Q. What happened to the <monks and> the Buddhist temples <> in
17 Tram Kak district <during that time>?

18 A. I know that monks were disrobed and Buddhist temples were used
19 as clinic and used as pigsty and <security centres. That's all I
20 know>.

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 <00178112>, you said that, "The Buddhist temple close to our area
24 was dismantled and the <Buddha statues> were buried. <There were
25 two pagodas near my village. Moeang Char pagoda was turned into a

1 clinic, and Angk Baksei pagoda was turned into> a cooperative and
2 they dismantled <only the roofs>." My question for you is that,
3 in Tram Kak district, when was the temple closed and when was
4 those monk - were those monk disrobed?

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

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

8 MR. PRESIDENT:

9 Mr. Koppe, you may proceed.

10 [11.35.48]

11 MR. KOPPE:

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

17 MR. PRESIDENT:

18 The Prosecution, you may proceed with your questioning.

19 BY MR. SENG LEANG

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

23 MR. MEAS SOKHA:

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

1 refused to - to leave his monkhood.

2 MR. SENG LEANG:

3 Thank you, Mr. Witness.

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

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

6 [11.37.32]

7 MR. PRESIDENT:

8 Prosecution, you may proceed.

9 QUESTIONING BY MR. LYSAK:

10 Thank you, Mr. President.

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

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

13 questions today about the arrest of your family and your

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

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

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

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

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

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

20 first."

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

22 were arrested by the Khmer Rouge in June 1976?

23 [11.39.08]

24 MR. MEAS SOKHA:

25 A. I will respond to your question because, from June 1976, <my

1 father> was arrested because they assigned <him> to be <a> chief
2 in the Khmer Rouge since <> 1961<,> during the Issarak movement
3 period<. And later, in 1976, he> complained about <insufficient>
4 food rations and they <> accused <him> of betraying the
5 cooperative.

6 Q. Thank you. I'll get back to the reasons your family was
7 arrested. What I want to start is by asking you to tell us how
8 many people from your family were arrested by the Khmer Rouge in
9 1976.

10 [11.40.22]

11 A. <Twelve> members of my -- of my family member were arrested by
12 the Khmer Rouge.

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

15 A. My siblings and <> my brother-in-law <> all together, there
16 were 12 people from my family who were arrested<, including> my
17 father.

18 Q. How many of your siblings were arrested?

19 A. My siblings were eight of them, I have eight siblings in my
20 family.

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

22 A. They were all arrested as the family and my father <and my
23 brother-in-law> were arrested earlier<. And seven of> my brothers
24 and sisters <and my nieces and nephews were arrested later,> and
25 all together 12 people were arrested.

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

3 A. <> There were four of <my younger siblings and> there were two
4 babies: <one was> my elder sister's <and another one was my
5 mother's. There were two infants. There was my elder sister's
6 baby and three or four of my siblings.

7 Q. And the children of your elder sister, how old were they?

8 A. For my sister's babies, the oldest ones were three or four
9 years old and the infant was two months old.>

10 [11.43.49]

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

17 A. Yes, they were from the same village. They were also my
18 relative -- my relatives. <They were not strangers.>

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

21 A. I <know the names: 1) Bourn> (phonetic), <2)> To (phonetic),
22 <3) Yeay> Sin (phonetic), <4)> Huot (phonetic), and then <5)>
23 Heng (phonetic), and another one, <6)> Huon (phonetic). <He was>
24 the father. <They were> taken earlier<,> in 1974.

25 MR. LYSAK:

1 Mr. President, at this time there was another Witness from Srae
2 Kruo village who was also interviewed by OCIJ. That Witness has a
3 pseudonym, he was originally going to testify but he has been
4 learned to be deceased. I would ask -- like to ask the Witness
5 whether he knows this person and would propose to do that by
6 giving him the Witness statements and asking him if he knows that
7 individual. Also, since now he is deceased, rather than referring
8 to him by the pseudonym from the Court I request to be able to
9 refer to him by name. So with your leave if I may submit the
10 statement of this Witness so that Mr. Meas Sokha may tell us if
11 he knows this person.

12 (Judges deliberate)

13 [11.47.15]

14 MR. PRESIDENT:

15 Judge Fenz, you may proceed:

16 JUDGE FENZ:

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

20 MR. LYSAK:

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

23 JUDGE FENZ:

24 Thank you.

25 (Judges deliberate)

1 [11.48.06]

2 MR. PRESIDENT:

3 The Trial Chamber allows the Prosecution to use his <full> name,
4 the name of the witness, because he is now deceased.

5 BY MR. LYSAK:

6 Thank you, Mr. President.

7 Mr. Witness, the Office of the Co-Investigating Judges
8 interviewed another person from Srae Kruo village whose name was
9 Sok Soth<>.

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

12 MR. MEAS SOKHA:

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

15 Q. Was Sok Soth <> one of the other people from Srae Kruo village
16 that -- who was arrested at the same time as your family?

17 [11.49.30]

18 A. Sok Soth <> was one of the people who were arrested <with me>
19 and <with> his brother Sok San<>, and <Soeur Someur> (phonetic),
20 and another one Suon Ya (phonetic).

21 Q. Now you made some reference earlier to this, but let me ask
22 you, can you tell the Court why it was that the Khmer Rouge
23 arrested your father, mother and most of your family in June
24 1976?

25 A. The reason of my father's arrest was <that> my brother-in-law

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1 was told that he should convene a meeting and collect thumbprints
2 <> to depose the village chief<, to elect the new village chief,
3 cooperative chief,> in order to make the living condition of the
4 people better. After that meeting and everyone put thumbprints --
5 some of them put thumbprints on the document -- on the paper and
6 then my brother-in-law was asked to send the report to the Khmer
7 Rouge and then <he was arrested and has since disappeared.> Later
8 on the next day, my father was arrested <at 1 p.m.> in June <>
9 but I do not remember the specific date for that.

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

14 [11.51.48]

15 A. The vote was to remove the cooperative chief<, the village
16 chief>. The letter was given to my brother-in-law and later they
17 asked <him> to convene the meeting and to remove the <village>
18 chief<>. His name is Aun Nop from Srae Kruo <village>, but I
19 don't know whether he's still alive, but I heard that he was
20 living in Sampov Lun at the Thai-Cambodia border.

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

23 A. As far as I know, they wanted to <target> my father. <They
24 wanted to depose my father and then take him away to be killed.>
25 They colluded between the commune chief and the village chief.

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1 Because they could not arrest my father without any ground,
2 without any mistake, <they tricked my father and> my
3 brother-in-law to convene the meeting so that they <had the
4 evidence that they plotted a coup to depose the village chief.
5 That's all I know.>

6 [11.53.57]

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

9 A. I was not present at that meeting. I was tending cows. But
10 when I returned<,> people told me that<,> "A meeting to depose the
11 village chief was held. All of you didn't join it." I replied, "I
12 couldn't because I was busy tending cows." That was what I said
13 to them.> That's all I know<>.

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

15 A. My father was arrested in the next morning. <At midday, when I
16 returned from tending cows to have lunch at the cooperative, I
17 saw> three militiamen came and they told him to go and to see
18 Angkar and they told him to leave his knife, and my father left
19 me <> a plate<,> a spoon and <a knife.> He told me that, <"You
20 should go home.">

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

24 [11.55.57]

25 A. Five days after his arrest, <they> came to arrest <my mother

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1 and my siblings> and other villagers: <Sok Soth, Sok San, Soeur
2 Someur (phonetic), Suon Ya (phonetic). We> were taken <in a truck
3 to be detained> at Angk Roka prison and in the next morning we
4 were transferred to Krang Ta Chan and we arrived there <late
5 afternoon at 3 p.m>.

6 MR. LYSAK:

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

10 MR. PRESIDENT:

11 You may proceed with your questioning, Mr. Prosecutor.

12 BY MR. LYSAK:

13 Thank you, Mr. President.

14 Q. You've indicated that you were first taken to the Angk Roka
15 office. Can you describe for us where the Angk Roka office was
16 and what the building was like where you were detained when you
17 were first arrested?

18 [11.57.43]

19 MR. MEAS SOKHA:

20 A. Angk Roka prison was a temporary place before people were
21 taken further to Krang Ta Chan. The building there was a concrete
22 building -- one concrete building -- remain from the old regime
23 and the prisoners were arrested <from other villages to be
24 detained there.>.

25 Q. How many -- were there other prisoners at the Angk Roka prison

1 when you arrived there? And if so, how many other prisoners were
2 there?

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

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

9 [11.59.26]

10 A. I don't know where the District Office was <exactly>, because
11 all I know was that I was arrested and sent to detain at Angk
12 Roka prison. I don't know where the District Office was. <During
13 that period, we could not know about the District Office.>
14 Sometimes they moved their office from one place to another. <>
15 They would use small houses <as their offices, because the Khmer
16 Rouge could not have permanent offices>.

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

19 A. I was detained in Angk Roka for one night and on the next <day
20 at 3 p.m.,> I was transferred to Krang Ta Chan and upon my
21 arrival I was put <> into a prison cell immediately.

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

24 A. When I arrived in Krang Ta Chan, I didn't see my father, and I
25 met <Yeay> Sin (phonetic), who told me that, "Your father has

1 been taken away and <I saw> only his <> cigarette lighter. <They
2 beat him and your brother Boeun up really bad." That was all she
3 told me.>

4 [12.01.29]

5 Q. Did you ever see your father again?

6 A. I was not allowed to meet with my relatives. <I was not even
7 allowed to see them. They rarely allowed us, not just prisoners,
8 to see anyone.>

9 Q. Yes, my <question was> -- after that day, did you, your mother
10 or anyone in your family ever see your father again?

11 A. I never met with my father <again>. As for my mother, I could
12 see her and I could see my relatives<, including my sister and
13 two nephews>. My father was taken away and killed before that
14 time<, before they allowed us to work outside.>

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

19 [12.03.17]

20 A. As for the premises of Krang Ta Chan, people around Krang Ta
21 Chan security <were> asked to live one kilometre away from the
22 area and Krang Ta Chan area landsite was <at most> about three
23 <hectares,> so that they can enlarge <to one square kilometre>.

24 Q. Were there fences?

25 A. There were two levels <of> barbed wire fences. <Inside the

1 building, there were barbed wires around it. The wires were put
2 inside the walls, below the floor, under the roof, just like a
3 chess grid.>

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

6 A. There were three buildings for keeping prisoners and one
7 building for workers, two <or three> small halls -- kitchen halls
8 -- and there was one place for questioning prisoners.

9 [12.05.19]

10 MR. PRESIDENT:

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

14 Court officer is instructed to coordinate with the witness so
15 that he can have <a> proper place <to> relax and the Court
16 officer <is> instructed to bring the witness back at 1.30 --
17 before 1.30.

18 And, security guard is instructed to bring the Accused, <Nuon
19 Chea and Khieu Samphan,> to the detention facility and bring them
20 back before 1.30.

21 (Court recesses from 1206H to 1351H)

22 MR. PRESIDENT:

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

24 This afternoon, the Trial Chamber wishes to inform the parties
25 and the members of the public that it cannot continue to hear the

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1 testimony by Meas Sokha because we heard from a letter of the
2 treating doctor at the ECCC indicating that Mr. Khieu Samphan
3 feels very dizzy and his blood pressure is very high. And now the
4 treating doctor at the ECCC decided to send him to the Khmer
5 Soviet Friendship Hospital because he fall sick and he could not
6 attend the hearing so the Trial Chamber cannot proceed its
7 proceedings without his presence.

8 So, it is decided to adjourn the hearing for this afternoon and
9 the hearing will resume tomorrow starting <as usual> from 9 a.m.
10 in the morning and the parties and witness, Meas Sokha, are
11 advised to return to this courtroom tomorrow and we will -- based
12 on the report on the health of Mr. Khieu Samphan whether he can
13 continue to attend the hearing tomorrow and we will start
14 tomorrow at 9 a.m. [13.53.06]

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

18 And if Mr. Khieu Samphan <feels better and> arrives in time, you
19 are also instructed to bring him to this courtroom and <,with
20 other related matters,> we need to hear from the <standby>
21 doctors about the health condition of Khieu Samphan <at> the
22 Khmer Soviet Friendship Hospital so that it has the basis for
23 continuing its proceedings tomorrow.

24 The Court is now adjourned.

25 <THE GREFFIER:>

1 All rise.

2 (Court adjourned at 1353H)

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