



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 26-Jun-2013, 14:06
Sann Rada
CMS/CFO:.....

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

19 June 2013
Trial Day 196

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LOR CHUNTHY	Khmer
MR. NOU MAO (TCW-801)	Khmer
MR. PICH ANG	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. RAYNOR	English
MR. SON ARUN	Khmer
MS. YE	English

1

1 P R O C E E D I N G S

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 As scheduled, today the Chamber is hearing the testimony of TCW

6 801.

7 Ms. Se Kolvuthy is now directed to report to the Chamber the

8 current status of the parties to the proceedings today.

9 THE GREFFIER:

10 Good morning, Mr. President and Your Honours. All the parties to

11 the proceedings are present. Mr. Nuon Chea is present in his

12 holding cell based on the decision made by the Trial Chamber, and

13 it is because due to his health.

14 Today, the Chamber is hearing TCW 801, and according to the best

15 knowledge of the witness, the witness says the witness is not in

16 a relationship with an accused or a civil party as provided in

17 Sub Rule 2 of Rule 24, and the witness already took the oath.

18 [09.03.44]

19 The witness will be assisted by the duty counsel, Mr. Mam Rithea,

20 and the witness has no - today, there is no reserve witness.

21 MR. PRESIDENT:

22 Thank you.

23 Court officer is now directed to bring in the witness for today,

24 please.

25 (Witness enters the courtroom)

2

1 QUESTIONING BY THE PRESIDENT:

2 Q. Good morning, Mr. Witness. What's your name?

3 Mr. Witness, could you please hold on a little bit? Wait until

4 you see the red light activated on that console before you

5 proceed to respond; otherwise, your message would not be properly

6 conveyed. Please be reminded that your message will be

7 interpreted into two other working languages, including French

8 and English. You may now proceed.

9 MR. NOU MAO:

10 A. I am Nou Mao alias Mouk. Good morning, Mr. President and Your

11 Honours.

12 [09.06.34]

13 Q. Thank you, Mr. Mao. How old are you?

14 A. I am 78 years old.

15 Q. Thank you. Where were you born, Mr. Mao?

16 A. I was born in Sameakki village.

17 Q. In which district and province, please?

18 Mr. Mao, please tell the Chamber your birthplace again.

19 (Short pause)

20 [09.08.34]

21 MR. PRESIDENT:

22 Mr. Witness, please answer again regarding the place of your

23 birth. Tell the Chamber which district, which province you were

24 born in?

25 MR. NOU MAO:

3

1 A. I was born in Udong district of Kampong Speu and the village
2 name is Yutth Sameakki.

3 Q. Where do you live?

4 A. I live in Udong district of Kampong Speu. The same commune but
5 this time Trapeang Thum village.

6 Q. What do you do for a living?

7 A. I am a peasant. In the past, I used to climb sugar palm trees
8 to collect sugar palm for making sugar.

9 Q. What's your father's name?

10 [09.10.14]

11 A. He is Nou and I am Nou Mao. However, this is the way they know
12 us in our Trapeang Thum village.

13 Q. What's your mother's name?

14 A. She is Khuon But (phonetic).

15 Q. What's your wife's name and how many children do you have?

16 A. She is Lach Norn (phonetic), and we have seven children.

17 Q. Thank you, Mr. Nou Mao.

18 According to the report by the greffier of the Trial Chamber, and
19 to the best of your knowledge, you are not in a relationship with
20 the Accused or civil party in this case. In other words, you are
21 not in the relationship with the two accused, Mr. Khieu Samphan
22 and Nuon Chea and that you already took the oath on the 12th of
23 June 2013. Is that correct?

24 A. Yes, it is. I already took the oath here.

25 Q. Thank you, Mr. Nou Mao.

4

1 Now, the Chamber would like to notify you of your rights under
2 Rule 28, right against self-incrimination of witnesses. As a
3 witness, you may object to making any statement that might tend
4 to incriminate you. In other words, you have the right not to
5 incriminate yourself.

6 [09.12.39]

7 And as the witness, Mr. Nou Mao, you shall respond to all the
8 questions put by the judges of the Bench and the parties to the
9 proceedings and you shall speak the truth, the whole truth,
10 nothing but the truth. And you shall respond to all the questions
11 based on your experiences and the events you have come across.
12 And please be straight to the questions put to you in your
13 response.

14 Mr. Nou Mouk – rather, Mr. Nou Mao, have you ever provided any
15 interview to any of the co investigators of the OCIJ Office?

16 A. I gave interview to the international newspaper.

17 Q. Do you still recall where you provided such interview and in
18 which year, please, if you remember?

19 A. It was a long time ago, and the events that happened over 30
20 years already could not make me remember everything, because now
21 I am old and my memory is no longer good. And with that, I
22 sincerely apologize if I cannot recollect the detailed
23 information that I am expected of.

24 [09.14.59]

25 Q. Thank you, Mr. Mao.

5

1 You just stated that currently you are Nou Mao alias Mouk. I have
2 a question to you: When did you begin using Mao as your name and
3 when exactly did you start using Mouk as your name also?

4 A. At the beginning, I was Nou Mao. Then in my commune unit there
5 were two persons having the same names. I mean, two persons
6 bearing "Mao" as their names. And since I was used by the commune
7 the name had to be changed.

8 Q. Thank you.

9 We would like to hand over to the Co Prosecutors to begin putting
10 questions to the witness before other parties to the proceedings.
11 Lead Co Lawyers for the civil parties will follow up with some
12 questions and both counsels will have half day for that.

13 QUESTIONING BY MR. RAYNOR:

14 Mr. President, Your Honours, good morning, may it please you.
15 Good morning to my fellow counsel, and in particular, good
16 morning to you, Nou Mao.

17 My name is Keith Raynor, and I am one of the Prosecutors in this
18 case.

19 [09.17.21]

20 Q. You have already told the Court that you remember giving an
21 interview to an international newspaper a long time ago. We have
22 on our Court file document number D313/1.2.405. That document
23 contains nine pages of handwritten notes by an international man
24 called Ben Kiernan. The document has your name in the form of Nou
25 Mouk. The words "Udong, 26 August 1981" appear.

6

1 Does that refresh your memory about the interview with the
2 international newspaper?

3 MR. NOU MAO:

4 A. I did give interview to the newspaper at Udong District Office
5 on one occasion, and it was on another occasion, during the war,
6 I was interviewed also. It was in the battlefield when the
7 interview was taken. And the commune committee allowed me to lead
8 people in - to bring people to the battlefield to bring food to
9 the soldiers and also to fetch or carry the wounded combatants.

10 [09.20.21]

11 And I was afraid. I was afraid because the Khmer Rouge did not
12 spare any person. For example, a reporter who met them, they were
13 lucky to meet me. Because on one occasion, as I remember, Udong
14 was attacked and soldiers, prisoners of war were evacuated to the
15 west direction, all way to the Thpong area, and a lot of people
16 had been evacuated to that place. I don't know what happened to
17 them.

18 And in the battlefield - I may have to go back a little bit - I
19 asked people to escape, because at that time aerial bombardments
20 were heavy. Some wounded people had to be brought to the rear and
21 that other people, including women combatants, had to move into
22 the battlefield to bring food to the soldiers. And at that time,
23 I was approached by the reporter and that I told them that they
24 were lucky to see me, and I also advised that they had to make
25 their way to the territory controlled by the Lon Nol. And at that

7

1 time, that area was controlled by Chan Raingsey.

2 [09.22.41]

3 Later on, surveillance was carried out against me and I was
4 accused of trying to arrange the escape for the American
5 newspaper - news reporter. And I told them that I did not engage
6 in arranging the escape of these reporters because that happened
7 during the war and it was chaotic and that people had disappeared
8 on their own volition. And later on things didn't stop there,
9 because they tried to find out more about what I had done to the
10 reporters.

11 Q. Thank you, Mr. Nou Mao.

12 I want to concentrate not on the interview - oh, sorry.

13 Mr. President, the witness is holding up a photograph which I
14 believe may be relevant. Can I ask a question based on this
15 document, please?

16 MR. PRESIDENT:

17 You may proceed.

18 BY MR. RAYNOR:

19 Q. Mr. Nou Mao, I've just seen you hold up in the courtroom a one
20 page photograph in black and white. Can I ask you, why did you
21 bring that photograph to Court, and who is the person shown on
22 the photograph?

23 [09.24.45]

24 MR. NOU MAO:

25 A. The person in the photo is Ben Kiernan. Ben Kiernan was the

8

1 journalist who interviewed me. I would like to read his name
2 again, his name is Ben Kiernan, and I still recognize him. And
3 indeed, I am reading out his name so that the message is clear
4 that this is the person we are referring to.

5 And please forgive me if I do not remember every detail of this
6 account. And I am an ordinary person who was meant to be used by
7 other people in the regime, and I never engaged in all of this,
8 in particular, in the Khmer Rouge.

9 And when it comes to Khmer Rouge, the term in Khmer "Red Khmer",
10 it means the people who were stained with red blood on their
11 hands. And people were coward, labelled, executed discriminately.
12 So again, the Khmer Rouge here refer - is referring to those who
13 had bloods on their hands.

14 [09.26.37]

15 MR. RAYNOR:

16 Thank you.

17 Mr. President, given that the witness, Mr. Nou Mao, has now
18 confirmed that he gave the interview with Ben Kiernan, has
19 referred to a photograph of Ben Kiernan and made it clear that he
20 wants that name to be recorded, and given that this interview
21 took place 31 years ago, it is my respectful application that
22 this witness, like other witnesses, should be provided now with a
23 copy of this relevant document so that the question and answers
24 make sense to him. Can I please proceed in that fashion?

25 [09.27.32]

1 MR. PRESIDENT:

2 Counsel for Mr. Khieu Samphan, you may proceed first.

3 MS. GUISSÉ:

4 Thank you, Mr. President.

5 First of all, good morning to you, good morning to everyone in
6 the courtroom and to the parties.

7 I think there is a shortcut here which is rather too fast. Before
8 showing the notes of the interview to the witness, I think he
9 should lay the foundation. For instance, under what circumstances
10 were the notes taken? Did he have an opportunity to see those
11 notes?

12 I think a number of preliminary questions ought to be put to the
13 witness, and it has always been the practice of the Chamber to
14 show the witness a document, to ask him whether the witness was
15 aware of the contents before and whether the witness was shown
16 the document after the interview. So I object to having questions
17 put to this witness before the foundation has been properly laid.

18 [09.28.52]

19 BY MR. RAYNOR:

20 Mr. President, I'm happy to ask some questions, but can we please
21 bear this in mind that Mr. Nou Mao has already told the Court:

22 "The events happened a long time ago...over 30 years...and it
23 could not make me remember everything. I am old and my memory is
24 no longer good." And that was followed by an apology.

25 So I'm going to ask some questions but then I'm going to repeat

10

1 my application.

2 Q. Mr. Nou Mao, when Ben Kiernan came to interview you, do you
3 remember if he came on his own or with another international man?

4 MR. NOU MAO:

5 A. Later on, they came to conduct research at Udong district, and
6 I also was accused. They didn't arrest or detain me; I was
7 allowed to raise domestic animals in Udong district.

8 [09.30.26]

9 Q. Please forgive me. I'm just trying to concentrate on this
10 interview with Ben Kiernan.

11 Now, his document suggests that that interview happened after the
12 Vietnamese had invaded, two years afterwards, in 1981 on the 26th
13 of August 1981. Now, does that date of 1981 sound about right to
14 you for the date when you gave the interview to Ben Kiernan?

15 A. Yes, that is correct. He went to see me with two cars at the
16 time. He was looking for me. He asked me as to how far was it
17 from Udong to Phnom Cheung Roas, and I told him that I did not
18 know it either.

19 Q. When Ben Kiernan came to see you in two cars, was there
20 another person with him or was he on his own to your
21 recollection?

22 A. He went along in two cars, and there were several people, male
23 and female, but prior to conducting interview with me, he offered
24 me a cigarette and I did smoke that cigarette. When I finished
25 the cigarette for about one or two minutes, then he started

11

1 asking me. At the place, there were two beds where we sat on and
2 we started the interview.

3 So it is correct, as reported in this document, I did provide an
4 interview with him. However, I wish to note that I have forgotten
5 much of its detail.

6 [09.33.33]

7 Q. Which village did this interview take place in?

8 A. It was at the district hall.

9 Q. Did Mr. Kiernan ask you questions in Khmer or another language
10 which was translated?

11 A. No, we did not speak Khmer, but it was translated into Khmer.

12 Q. When he asked you questions, do you remember if he had a -
13 some paper and a pen and wrote down your answers?

14 A. I did not take any notes. He could have taken some notes
15 because he wanted information from me.

16 [09.34.49]

17 Q. Do you remember if any of the people in the room were using a
18 tape recorder of some kind?

19 A. Yes, yes, there was. There was someone recording the interview
20 using audio equipment.

21 Q. Does the name Michael Vickery ring any bells?

22 A. I only recall that I had met this person during the wartime.
23 In the battle, I once met him, and then he again tried to look
24 for me, and he came all the way to meet me for that interview
25 again.

12

1 MR. RAYNOR:

2 Mr. President, in my respectful submission, the evidential
3 foundation has now been laid. Can I please, with your permission,
4 hand a copy of this interview to Nou Mao in Khmer?

5 MR. PRESIDENT:

6 International counsel, Mr. Victor Koppe, you may proceed.

7 MR. KOPPE:

8 Can you hear me now?

9 Good morning, Mr. President, Your Honours.

10 [09.36.46]

11 As I said, we also object to this procedure. No basis whatsoever
12 has been laid. It's obvious that this witness doesn't speak
13 English, so the document that we have in front of us is a written
14 form - is a written document laying down the content of the
15 interview. This witness only speaks Khmer, so there's really no
16 relevance for this document to be presented to the witness, so we
17 object.

18 MS. GUISSÉ:

19 Yes, Mr. President, just to add to what I said a while earlier,
20 to which I have not yet, as I see it, received an answer.

21 I understand that the Co Prosecutor is telling us that the
22 witness can remember having been interviewed by Ben Kiernan. The
23 question was asked about the translation, but we don't know who
24 was doing that translation or interpretation and I believe that's
25 important to establish.

13

1 [09.38.06]

2 Moreover, the question I was asking, and which should be put to
3 the witness is, was he at any specific moment able to re read the
4 notes that had been taken so as to see if he was able to make any
5 corrections on what had been written down?

6 Just to repeat then, I think that before showing notes taken on
7 that day in English by Ben Kiernan, is to know whether the
8 witness was able to read the notes and which person was doing the
9 interpreting.

10 One further point and this doesn't come out in the document. If
11 we don't know whether these notes were taken by Ben Kiernan on
12 that specific day or if it was done subsequently afterwards, and
13 we need to establish this from the witness before putting to him
14 a document about which we know very little as to how it was
15 drafted or prepared given the fact that Ben Kiernan himself did
16 not wish to come to testify before this Chamber.

17 [09.39.35]

18 MR. RAYNOR:

19 Mr. President, my learned friends can make whatever questions
20 they want to by way of cross-examination going to the weight or
21 probative value of this document. They are doing that now. They
22 are not making, in my submission, observations as to the
23 admissibility of this document.

24 This document has been on the case file for many years; it has
25 been available to all parties; it is on the Prosecution Rule 80

14

1 list; it is in revised Annex 12, and in my respectful submission,
2 this witness should not be put at a disadvantage, especially
3 because of the time lapse since the giving of this interview.

4 [09.40.38]

5 As we all know, countless witnesses before this Court have been
6 entitled to refresh their memory from documents written as
7 recently as 2009. Here we have a witness, an elderly witness, who
8 is saying to this Court that he cannot accurately recall all the
9 events, and in my submission, justice and fairness now require
10 that he should be entitled, as with every other witness, to
11 refresh his memory.

12 Can I also add that it's incorrect to categorize the history of
13 this case as far as Ben Kiernan is concerned to say that he
14 refused to testify? He in fact asked to testify by video link.

15 Now, Mr. President, we've now spent half an hour on this. Can I
16 please ask to proceed in the manner suggested? I can see my
17 friend's on her feet. I ask you not to allow her to make further
18 submissions and for this testimony to proceed.

19 MR. PRESIDENT:

20 That is correct. The counsel is not granted the floor to reply to
21 this issue.

22 (Judges deliberate)

23 [09.43.25]

24 MR. PRESIDENT:

25 I hand over the floor to Judge Silvia Cartwright to clarify on

15

1 this issue to the parties concerning the document subject to
2 examination now. Judge, you may proceed.

3 JUDGE CARTWRIGHT:

4 Yes, thank you, President.

5 First, a procedural matter. Where an objection has been made and
6 responded to, the Chamber will not normally allow a further reply
7 by the objectors.

8 As to the objections themselves, the Chamber accepts that this
9 document – that sufficient groundwork has been laid for this
10 document to be the subject of questioning of the witness. This
11 will be, of course – this, of course, includes questioning by the
12 Defence and ultimately the weight that will be placed on the
13 document is for the Chamber to determine.

14 So the objections are not sustained.

15 Thank you, President.

16 [09.44.47]

17 BY MR. RAYNOR:

18 Q. Mr. Nou Mao, can you tell us, please, what year it was when
19 you joined the Revolution?

20 MR. NOU MAO:

21 A. I have forgotten the date because it has been a long time. I
22 could respond to you if I had the chance to look at the document
23 and I can refer to my earlier statement. I have forgotten. I am
24 becoming more forgetful now. I cannot recall the exact date when
25 I joined the Revolution.

1 MR. RAYNOR:

2 Mr. President, with your leave, can I now please supply a copy of
3 the statement in Khmer?

4 MR. PRESIDENT:

5 You may proceed.

6 Court Officer, please obtain a hard copy document from the
7 Prosecutor and hand it over to the witness for his examination.

8 MR. RAYNOR:

9 Mr. President, I can see that my learned friend, Mr. Koppe, was
10 on his feet and I don't want to do this without him being given
11 the chance to object.

12 [09.46.16]

13 MR. KOPPE:

14 I don't understand, Mr. President, that's why object, why the
15 Khmer translation of the original document should be given to the
16 witness. The original document is English, and if he has anything
17 intelligent to say about this document he should be confronted
18 with the English original version and not with the Khmer
19 translation.

20 MR. RAYNOR:

21 That's ridiculous, Mr. President. Can I please proceed?

22 MR. PRESIDENT:

23 Mr. Prosecutor, you may proceed.

24 [09.47.11]

25 BY MR. RAYNOR:

17

1 Q. Mr. Nou Mao, that document has large black numbers in the top
2 left hand of each page. I know your duty counsel will assist. If
3 you look at the Khmer page with this number, 00909936; I give the
4 English and Khmer whilst you find – English and French whilst you
5 find that page. English, 00419458; French, 008935 – sorry –
6 French, 3548. The Khmer page, forgive me, is 00909939.

7 In fact it's a combination of those pages where you said that you
8 joined the Revolution in 1971 and you joined the Party in 1972.

9 Do those dates sound about right?

10 (Short pause)

11 Q. Can I ask duty counsel to try and assist the witness to get to
12 page number, Khmer, 00909936? It's the first page. And on that
13 page you state that you joined the Revolution in 1971. To your
14 recollection, was it 1971 when you joined the Revolution?

15 (Short pause)

16 [09.50.32]

17 MR. NOU MAO:

18 A. At that time, I was a member of the Commune Party in Cheung
19 Roas. I joined the Revolution in 1971. And prior to 1971, I – or
20 rather, prior to joining the Revolution, I was a farmer in Kampot
21 Province.

22 Q. Thank you, Mr. Nou Mao.

23 I want to ask you about a meeting that you discussed in these
24 notes. It was a 1972 meeting when Ta Mok met some monks, and I
25 quote from these notes:

18

1 [09.51.31]

2 "In 1972, at a meeting of over 3,000 monks in Kampong Chhnang,
3 Mok said, 'don't let the Vietnamese troops station in the wats or
4 in villages. They can only buy food with permission written.'"
5 Close quote.

6 Did Mok explain why these instructions were to be implemented
7 involving the Vietnamese?

8 A. Ta Mok convened a general meeting somewhere. I forget.

9 Q. In the same notes, it's English ERN, 00419464; Khmer,
10 00909943; and French, 00893550, you stated as follows about this
11 meeting - and I quote: "I was there, invited by two monks. There
12 was then no patriotic monks association. The monks' meeting was
13 to get them to defrock to join the army." End quote.

14 My question is do you know if any monks joined the army after
15 this meeting?

16 A. I have forgotten it.

17 Q. I want to move on to which positions were held by Ta Mok and
18 Chou Chet in the Southwest Zone. What position did Chou Chet
19 have?

20 [09.55.38]

21 A. Chou Chet was in charge of political affairs at that time. As
22 for Ta Mok, he was in charge of military affairs. Both Chou Chet
23 and Ta Mok, at the beginning, Chou Chet was more senior. So Chou
24 Chet was tasked to discuss with monks. He lured monks to join the
25 army. So at that time -- [correction interpreter] Ta Mok, not

19

1 Chou Chet - so Ta Mok convened a meeting of monks to lure them to
2 defrock.

3 I do not recall the year when he convened that meeting, but at
4 that time, all monks were defrocked and they were supposed to
5 join the army. That is all what I knew at that time.

6 Q. You say in these notes that Chou Chet's alias was Si, S-Y
7 (sic), and you also say that he was in the Central Committee.

8 MR. PRESIDENT:

9 Witness, please hold on.

10 Mr. Victor Koppe, you may proceed.

11 [09.57.53]

12 MR. KOPPE:

13 Yes, Mr. President, I do object against the way of questioning by
14 the Prosecutor. It's now being said that this witness said in
15 this statement or that he stated. No, what we have in front of us
16 is an English version of a transcript. He might have said that,
17 we don't know. It's not an official statement taken by official
18 investigators or by a judge; it's just a handwritten verbatim
19 report of what might have been said by this witness during that
20 interview.

21 We should not pretend here today that it is an official witness
22 statement in conformity with all relevant procedures. It's just a
23 piece of paper, presumably writing down what this witness has
24 said to Kiernan, nothing more. So I really object to the words
25 "you stated" or "you said".

20

1 BY MR. RAYNOR:

2 Mr. President, again, the submission is about weight not
3 admissibility. I will use different wording than "you said".

4 Q. This document records you telling Mr. Kiernan that Si was in
5 the Central Committee. Was Si in the Central Committee and if so
6 how did you know this?

7 [09.59.38]

8 MR. PRESIDENT:

9 Witness, please hold on.

10 Counsel for Mr. Nuon Chea, you may proceed.

11 MR. KOPPE:

12 I keep objecting to this method, Mr. President, and the way that
13 this is going I find ridiculous. First saying that you - that the
14 witness is recorded as having said that he is a member of the
15 Central Committee and then asking the same question. That is the
16 very definition of a leading question. It shouldn't be done like
17 that. Just ask open questions as you would do it in normal court.

18 MR. RAYNOR:

19 Mr. President, I think this is the fourth occasion upon which
20 when I have been asking questions Mr. Koppe has made this exact
21 submission. I have counted it on four occasions; you have
22 overruled him on four occasions. Do I have to repeat again that
23 this practice has been well established before this Tribunal? I
24 know on occasions last year, when Mr. Koppe was not here, that I
25 am proceeding in accordance with your direction, Mr. President,

1 repeated on at least four occasions. Can I proceed?

2 [10.01.02]

3 MR. PRESIDENT:

4 I believe there are two issues here. First, you already promised
5 to counsel that you would like to reframe your line of
6 questioning. Nonetheless, the line of questioning appears to be
7 the same as the previous questions before the objection was made.
8 We believe that if you honoured the promise then the problems
9 would not arise. We did not take action regarding the objection
10 recently by Counsel Koppe, because we were expecting your
11 reframing, your way of questioning the witness. With that, the
12 Chamber would like you to take into account this. And if you
13 resort to going back to the same line of questioning then you
14 would risk such objection.

15 The objection sustained. So Mr. Co Prosecutor you are now
16 instructed to re put the question in different ways and that the
17 way the document is being treated before the Chamber should be
18 not the way we treat the document as the statement before the Co
19 Investigators.

20 [10.02.40]

21 BY MR. RAYNOR:

22 Thank you, Mr. President.

23 Q. Mr. Nou Mao, do you know if Chou Chet held any positions
24 beyond those in the Southwest Zone?

25 MR. NOU MAO:

1 A. Chou Chet, alias Si, was in charge of politics and he was very
2 good at that, he was good at mobilizing people behind him, and
3 Mok was in charge of the military. However, Chou Chet gained more
4 popularity from the civilians than Mok, because Mok was popular
5 among the military.

6 Q. Did you ever receive any instructions, teaching, or study
7 sessions where Chou Chet was the teacher?

8 A. Yes, I was. He taught me at a pagoda in Thpong area. I forget
9 the name of the pagoda already, I believe. And the study sessions
10 were conducted to the north of Kai Tok (phonetic) Pagoda, and
11 about 300 people attended the sessions. Although I stated -
12 although it stated in this record that about 300 people attended
13 the sessions, but to me, I believe that there were about 200
14 people and the session last for about two months.

15 [10.05.13]

16 And the attendees were those potential cadres who would be tasked
17 with mobilizing people to join the Resistance Movement to
18 liberate the country. So I can say now that there were about 200
19 participants in that section. [Interpreter corrects]: The session
20 lasts for about one month or so.

21 Q. Now, when Chou Chet was teaching, did he ever say anything
22 about the Vietnamese and how you should treat the Vietnamese?

23 A. He didn't mention about the Vietnamese or Vietnam. I don't
24 remember hearing him say it in that session, but Vietnam or
25 Vietnamese were regarded as the friends of Cambodia. Vietnamese

1 helped Cambodia, that's what he said about Vietnam.

2 Q. Now, you can now remember where the study sessions took place?

3 [10.07.16]

4 A. It were - they were conducted at Thpong District to the north
5 of Kai Tok (phonetic) Pagoda, which was - it was about 2

6 kilometres from that pagoda, and the place where we attended the
7 sessions was near the riverbank and the session that was carried
8 out for about one month or so.

9 And in the study sessions, Vietnamese were not regarded as the
10 enemies, and that's what he taught us. And the sessions were for
11 the cadres who attended, and we were all instructed not to treat
12 the Vietnamese as our enemies but friends because they helped
13 Cambodia.

14 Q. Apart from being taught by Chou Chet, can you now remember the
15 names of the other teachers?

16 A. I don't remember all the teachers. I'm afraid I don't
17 recollect those names. So frankly, I do not wish to hide
18 anything, but my memory does not serve me well to recollect the
19 event. It was a long, long time ago.

20 [10.09.12]

21 Q. Can you now remember the exact year when you were being
22 lectured by Chou Chet?

23 A. No, I don't remember the exact year. I don't.

24 Q. Mr. President, the witness has now said he does not remember
25 the exact year and he does not remember the names of other

24

1 teachers. This material is contained in the Ben Kiernan notes,
2 and I do apply, having asked open-ended questions, now to put the
3 document to see if it refreshes the witness's memory.

4 MR. PRESIDENT:

5 You may proceed.

6 BY MR. RAYNOR:

7 Q. You – the record states from this interview as follows –
8 quote: "At Kantuot in 1973, there were 200, sometimes 150 people,
9 cadres, studying. Teachers were Si, Mok, Phal." Close quote. That
10 is on English page, 00419458; Khmer, 00909936; and French,
11 00893546.

12 Mr. Nou Mao, has that refreshed your memory that it was in 1973
13 and the other teachers were Mok and Phal?

14 [10.11.32]

15 MR. NOU MAO:

16 A. Yes, I now remember Mok. Mok came to lecture in the study
17 sessions at a later date already, and he was from the military.
18 And I don't remember the other names because I have not taken
19 note of these individuals.

20 Q. Can you remember now what you studied during the study
21 sessions?

22 A. During the study sessions, I remember first we were educated.
23 We, the cadres, were lectured, and that our detailed biographies
24 would be asked to produce and we had to write down our class
25 status, for example, worker or peasant classes. And that we were

1 encouraged in the sessions to go to the people to convince them
2 to join the Resistance Movement to liberate the country.
3 Unfortunately, I have not had a copy of the notes that I would
4 take during the study sessions.

5 [10.13.29]

6 Q. During the study sessions, did you have to have - sorry, let
7 me repeat. During the study sessions, did you ever have to study
8 documents?

9 A. No, I didn't. I didn't have any documents left with me, and
10 the reason I said no, because after the war no such document was
11 ever kept, and even my house and property was burned during the
12 war.

13 Q. The question was more on this line: When the teachers were
14 teaching you, did they ever refer to documentation?

15 A. I'm afraid I cannot respond to this question because these
16 things happened a very long, long time ago and my memory again is
17 not good enough to recollect what should be the detail of the
18 study materials. I can't exactly object to materials being
19 distributed in the study sessions, but I just would like to say
20 that we have experienced these wars and bombardments and all the
21 suffering, and for that I don't think my memory is good.

22 And I'm very sorry if this statement is out of the topic and that
23 I'm not answering to your question. I just attended the political
24 study sessions lectured by Chou Chet alias Si, and a few others
25 and this is the account I still recollect, and I am sorry if I

26

1 cannot recall everything.

2 MR. RAYNOR:

3 Mr. President, I've asked open-ended questions about the details
4 of these study sessions. The Ben Kiernan document does cover the
5 detail. Can I please again now use this document as a memory
6 refreshing document?

7 MR. PRESIDENT:

8 You may proceed.

9 [10.16.55]

10 BY MR. RAYNOR:

11 Q. Nou Mouk, this document states - I quote: "We studied
12 documents on the situation in Kampuchea, fighting the
13 Imperialists, on the plan to evacuate the people from the enemy
14 when Mok taught us." Close quote.

15 Does that refresh your memory that you were taught about the plan
16 to evacuate the people from the enemy?

17 MR. PRESIDENT:

18 Witness, hold on.

19 Counsel Kong Sam Onn, you may now proceed.

20 MR. KONG SAM ONN:

21 Thank you, Mr. President.

22 May I ask that Co Prosecutor refer to the ERN number of the
23 document he now citing from?

24 [10.18.05]

25 BY MR. RAYNOR:

1 Yes, forgive me. It's the same ERNs as the last entry, so Khmer,
2 00909936; French, 00893546; and English, 00419458.

3 Q. Mr. Nou Mao, my question was, has this now refreshed your
4 memory that you studied the plan to evacuate the people from the
5 enemy?

6 MR. NOU MAO:

7 A. Ta Mok talked about people - the evacuation of the people from
8 Phnom Penh. As for Chou Chet, he said that people should not be
9 evacuated. And at that time Mok was in charge of the military and
10 that Chou Chet, alias Si, was talking about not evacuating the
11 people from Phnom Penh. Nonetheless, his objection was challenged
12 by Mok who would like all people in the cities be evacuated. This
13 is what I learned during the political sessions.

14 Q. Just so I'm clear. Did you personally hear Ta Mok talking
15 about evacuating people from Phnom Penh at one of these meetings?
16 [10.20.37]

17 A. Yes, I did. Sometimes he asked me to attend military meetings
18 and he would then talk about attacking Phnom Penh and that
19 immediately after liberating Phnom Penh all the population in the
20 cities had to be evacuated. And he even pinpointed that every
21 walk of life in the city, regardless of officials or civilians,
22 had to be finally evacuated.

23 And he, at times, also warned the local cadres, in particular
24 those who challenged such evacuation; there were some people who
25 did not agree with the idea that the people should be evacuated

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1 from the city. They were of the opinion that such people or the
2 city dwellers would not know much about farming and they would be
3 allowed to stay where they were. And these people, after all,
4 after expressing such opposing ideas to the evacuation of the
5 population from the cities would then be reprimanded by Ta Mok -
6 rather by Mok on several occasions. That's all.

7 [10.22.33]

8 Q. Now, did Ta Mok talk about attacking Phnom Penh and all the
9 people being evacuated just on one occasion or more than one
10 occasion? In other words, did you hear this just once from Ta Mok
11 or did you hear it more than once from Ta Mok?

12 A. During the meetings where cadres from the base attended, he
13 would talk about this, and this what I learned from him. I heard
14 what he said, and these cadres from the base would be lectured on
15 how or when the city was liberated and that the population had to
16 be evacuated from Ta Mok idea.

17 Q. Did Ta Mok say where the people were going to be evacuated to,
18 after Phnom Penh?

19 A. Ta Mok would evacuate the population to different - or every
20 zone including the Southwest Zone and people from Kandal province
21 and also the West Zone, all of them were evacuated on mass.
22 And the people who had been evacuated from Phnom Penh were placed
23 to live in the cooperatives, some died, some had to work hard to
24 dig for some roots to supplement their food ration. I hope I
25 answered your question.

1 Q. When Ta Mok was speaking about the plan in 1973, did he say
2 whether this plan was just one involving the Southwest Zone that
3 you were in or was it to involve other zones?

4 [10.25.48]

5 A. He said the plan involved the whole country, regardless of the
6 Southwest, the North, the East, everyone had to be evacuated from
7 the city.

8 Q. When Ta Mok spoke of the plan with all having to be evacuated
9 from Phnom Penh from every walk of life, did he explain further
10 what he meant by "all walks of life"?

11 A. I'm afraid I can't answer this because I was at that time
12 wounded and engaged in the battlefield. Too engaged to observe
13 more closely what Ta Mok had been saying or referring to because
14 I had several medical reasons, that I became very ill and I had
15 to be admitted to the hospital and discharged from duty.

16 [10.27.38]

17 Q. Did Ta Mok explain to you why the people needed to be
18 evacuated?

19 A. I don't know about this because after I became very ill I was
20 no longer useful to them and they did not use me anymore.

21 Q. At the meeting when Ta Mok was talking about the plan and you
22 were there, was Chou Chet also present?

23 A. I don't remember whether he was there, I don't know. I can't
24 say about this because, again, I end up being severely injured in
25 the battlefield and then admitted to hospital and I had to buy

1 some medicine from Phnom Penh because I was bleeding a lot and I
2 became very emaciated and I couldn't do anything.

3 Q. After the meeting when Ta Mok spoke of the plan to evacuate,
4 did you go to any smaller meetings when evacuation was discussed?

5 A. I heard rumour from other peoples, but particularly from
6 lower-ranking cadres at the commune level. As I said, because of
7 my health status I needed to be hospitalized and then I had to
8 stay at home all the time so they no longer needed me. I was no
9 longer involved.

10 Q. Mr. Nou Mouk, can I make it plain to you that I'm not
11 suggesting that you've done anything wrong. Do you understand
12 that? I'll move on.

13 [10.31.29]

14 You said earlier that Chou Chet was against the evacuation. How
15 did you know this or find this out?

16 A. He talked in the training session when he provided political
17 training session. He actually was the one who opened training
18 centre for training cadres, and he also talked about it during an
19 informal session in the jungle. He made mention of it.

20 Q. What were you thinking when you'd heard Ta Mok talking of a
21 plan to evacuate all people from Phnom Penh and then you heard
22 Chou Chet saying he was against the evacuation? How did you feel
23 with those two different pieces of information?

24 A. One was from the political section, the other was from
25 military section. From political section, they induced people to

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1 evacuate and it was – and as Ta Mok, he was in charge of military
2 affairs and he said that people had to be evacuated regardless of
3 zones whether they were from Southwest Zone or any zone, but I
4 did not know whether or not the plan was eventually evacuated,
5 but that's what I heard, that he was determined that evacuation
6 had to take place. I cannot say anything about their decisions
7 because at the time–

8 [10.34.40]

9 Q. Mr. Nou Mouk, you just – the answer that came over
10 interpretation was, "I didn't know about their decisions at that
11 time". It sounded like you were going to say some extra words.

12 Were you or not? I'll move on.

13 Can you tell us if Ta Mok ever spoke about what was to happen to
14 the Khmer Hanoi?

15 A. There was a group of Khmer resistance forces known as Khmer
16 Viet Minh. They came to assist Cambodian people. There were
17 approximately 2,000 or 3,000 of them were arrested. Those
18 Cambodian people had been to Vietnam before. There were
19 approximately 3,000 of them.

20 Later on, the resistance gained momentum. They sent those Khmer
21 resistance forces carrying a back-sack as well as some AK rifle
22 and shotgun. They came to Cambodia and then they were divided
23 into various communes in the country and they worked as experts.

24 [10.37.37]

25 Those who were trained in army in Vietnam would be attached to

1 the army. Those who were trained in Vietnam to be cultural
2 expert, they were attached to cultural affairs. So there were
3 different sections that they were divided.

4 And when they were mobilized to fight against Lon Nol soldiers in
5 the battles, later they gathered those people, the Cambodian
6 Hanoi people, they actually gathered all of them from the commune
7 level as well as the military sections, they gathered those
8 people. Then those people mysteriously disappeared. Nobody knew
9 where they had been. I could say that the number was around,
10 roughly, over 2,000. They disappeared. I did not know where they
11 were sent to. They never returned. That's what I knew by my
12 experience back then.

13 [10.39.31]

14 MR. PRESIDENT:

15 Thank you, Mr. Prosecutor, and thank you, Mr. Witness. The time
16 is now appropriate for adjournment. The Chamber will adjourn now
17 and resume at 11.00.

18 Court officer is instructed to assist the witness during the
19 break and have him returned to this courtroom by 11.00.

20 The Court is adjourned.

21 (Court recesses from 1039H to 1101H)

22 MR. PRESIDENT:

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

24 And we would like to hand over to the Co-Prosecutor to continue
25 putting questions. You may proceed.

1 BY RAYNOR:

2 Q. Thank you very much, Mr. President.

3 Mr. Nou Mouk, before the break, you were talking about the

4 Khmer-Hanoi. My first question is: Whose idea was it to gather up

5 the 2 to 3,000 Khmer-Hanoi?

6 MR. PRESIDENT:

7 Mr. Witness, please hold on.

8 And Counsel Koppe, you may now proceed.

9 [11.02.40]

10 MR. KOPPE:

11 Thank you, Mr. President.

12 It's - it's not an objection, but I might be mistaken, but I

13 think the words "Khmer-Hanoi" is coming from the prosecutor and

14 the witness has been using Khmer-Viet Minh - Khmer Minh, if I

15 remember correctly.

16 BY MR. RAYNOR:

17 Q. I apologize to my learned friend. He is correct.

18 Whose idea was it to gather up the Khmer-Viet Minh?

19 MR. NOU MAO:

20 A. Khmer-Viet Minh were asked to help Cambodia, and this national

21 rescue committee was created and that this committee comprised of

22 Vietnamese experts, and that the war was waged against the French

23 during that period.

24 [11.04.14]

25 And the Viet Minh troops comprised of - that allowed to come by

1 Cambodians. I don't know who allowed them to come in, but these
2 people were placed in the expert groups and dispersed or were
3 located in different part of the country where they were holding
4 some senior positions including at the governor committee level
5 and they engaged in the fighting with joining the fight.

6 At that time, the fighting was very small because there were no
7 heavy weapons like grenades or other arsenals. And these people,
8 again, were integrated into the organizational body of the
9 structure at the base level and also the upper level. I don't
10 know how higher up they were placed in, but I believe they were
11 in these organizations.

12 And later on, the upper echelon asked that people at the base -
13 at all level be gathered up so that they could attend study
14 sessions. And during these study sessions, these experts from the
15 Khmer Viet Minh would also be part of the sessions, but these
16 people would never return after attending such sessions. I
17 presume that they could have been disappeared or they could have
18 died after these sessions.

19 [11.06.54]

20 So again, I am still convinced that they all died. I just don't
21 know where they died.

22 Q. When they were gathered up, was it just the men who were
23 gathered up?

24 A. Among the more than 3,000 people, there was no woman; all were
25 men. That's all I know and I just don't know where these people

35

1 could have been brought to because they were nowhere to be seen
2 after that. And they order - the order was made from the upper
3 echelon to gather up these people.

4 They could have died - disappeared and I don't know their fate,
5 and I apologize if I can't tell you why. I don't know.

6 [11.08.30]

7 Q. I want to move on to 1974. You've mentioned Ta Mok's view of
8 the plan to evacuate people from Phnom Penh.

9 You've mentioned Chou Chet's view of the plan to evacuate people
10 from Phnom Penh. Did you ever find out what the views were about
11 the evacuation of other senior leaders or leaders, apart from
12 Chou Chet and Ta Mok?

13 A. I don't know about this. As a person who was at the commune
14 level, it would not be possible for me to know about this. But I
15 heard, in the meeting, and people who could attend such meetings
16 must be the Party members. And I, as an ordinary member of the
17 commune - I would not be able to know much about that. That
18 doesn't mean I am now trying to hide anything, but I would like
19 to be honest to the President and Your Honours about what Mok and
20 Si - would be opposing one another regarding the evacuation plan.

21 [11.11.09]

22 I just don't know why they did not agree with one another on
23 this. I did attend political study sessions, and when it comes to
24 assemblies - the Party assemblies - I would not be entitled to
25 attend. And for that - I don't know about this.

1 Q. Thank you. Mr. President, my national colleague informs me
2 that there was a mistranslation in my question. Mr. Nou Mouk, in
3 1974, who was in favour of the evacuation, and who was against,
4 apart from Chou Chet and Ta Mok?

5 A. In which year are you referring to, please? I think I'm - I'm
6 afraid I can't remember this. It happened a very long time ago. I
7 only can tell you what I can remember.

8 Q. Mr. President, again, I've asked open-ended questions to
9 obtain this information. It is stated in the Ben Kiernan
10 document, and I would like please again to ask some questions
11 about this relevant passage. Can I please proceed?

12 [11.12.56]

13 MR. PRESIDENT:

14 You may proceed, but it appears to the Chamber that the witness
15 is not very well. He may have to refresh himself with a cold
16 drink, and then we may proceed. Let's see what he can tell us.
17 Mr. Co-Prosecutor, I believe you may now proceed. You can
18 proceed.

19 BY MR. RAYNOR:

20 Q. Thank you, Mr. President. I refer to English ERN 00419458,
21 Khmer 00909936, and French 00893546. The document states:
22 "Only in 1974, when they were planning to take Phnom Penh and
23 evacuate the people, some were in favour of the evacuation, and
24 others were not. Si did not want to evacuate them. Neither did Hu
25 Nim" - and then in brackets - "(Hou Youn)" - question mark. "Mok

1 and Khieu Samphan were in favour of the evacuation, 1974."

2 Mr. Nou Mouk, has that refreshed your memory with the words "Mok

3 and Khieu Samphan were in favour of the evacuation, 1974"?

4 [11.15.40]

5 MR. NOU MAO:

6 A. I'm afraid I don't remember this.

7 Q. Do you remember a company commander called Mat?

8 A. No. I don't know him.

9 Q. Mr. President, again I've asked open questions. The document
10 does contain relevant details. Can I please proceed in the manner
11 we have been proceeding so far?

12 MR. PRESIDENT:

13 You may now proceed.

14 BY MR. RAYNOR:

15 Q. So everyone can follow, I'm referring to English ERN 00419465,
16 Khmer 00909944, and French 00893551. The document states, and I
17 quote:

18 [11.17.40]

19 "Hou Youn didn't want Phnom Penh evacuated. Heard this from
20 soldiers, commanders. Later, this commander arrested. Named Mat.
21 Company commander. Died."

22 Can I please re-pronounce the name? Name Mat, not Met. "Mat.

23 Company commander. Died". Does that refresh your memory in any
24 way about Company Commander Mat?

25 A. Are you referring to Mat? Mat died at that time.

1 Q. Mr. President, so that we all understand the name, can I
2 please ask the assistance of duty counsel to take the witness to
3 the document that he has. Does he have it? And page number ERN
4 00909944. And on the 3rd and 4th lines of that page, written in
5 Khmer, is the name of this commander. Can I please ask that the
6 witness be shown that page?

7 MR. PRESIDENT:

8 You may proceed, and duty counsel is now directed to assist the
9 witness to locate the name on the relevant ERN page. And it's on
10 line number 4 from top.

11 [11.20.40]

12 MR. NOU MAO:

13 A. Yes, that commander of the company was called Mat. The
14 commander of company 120. And he died. I just - yes, I just did
15 not know why.

16 BY MR. RAYNOR:

17 Q. Now, did you ever speak to Commander Mat about Hou Youn, or
18 any other leaders?

19 A. Hou Youn came to hold an assembly in Taing Pho (phonetic)
20 location, and a lot of people who were members attended that
21 gathering. And he was talking against the evacuation of the
22 people, and he was very determined not to allow people to be
23 evacuated from Phnom Penh. That was Hou Youn who was saying this.
24 Later on, he disappeared, and I have no idea where he could have
25 been. That event was convened at Taing Pho (phonetic) pagoda,

1 when he talked about this. All different level, including the
2 commune and sector levels, came to attend the meeting, and it was
3 heard the Hou Youn mentioned that he did not want people to be
4 evacuated from Phnom Penh.

5 [11.23.28]

6 And I said also that I don't know where he was, after that. I
7 presume he was dead.

8 Q. At this time, in 1974, did you ever find out what Khieu
9 Samphan's view was about the evacuation?

10 A. I did not know Khieu Samphan, Hu Nim, and - let me recall
11 these names again - Khieu Samphan and Hu Nim and Hou Youn. I
12 think I don't remember this quite well. Yes, there were Hu Nim,
13 Hou Youn, and Khieu Samphan.

14 Q. I want to clarify - oh, sorry. Forgive me. I want to clarify
15 my question. I'm not asking if you knew Khieu Samphan. I'm asking
16 if you found out, from any source, whether Khieu Samphan was for
17 the evacuation or against the evacuation.

18 [11.25.30]

19 A. According to Mr. Khieu Samphan's position, he was in favour of
20 evacuating the people. Hou Youn did not agree with the idea, but
21 Hu Nim was also opposing the evacuation of the population. So
22 when they came to Phnom Penh, these people died at Tuol Sleng
23 prison, and I visited the prison during the State of Cambodia,
24 and I noted he wrote using his own blood at Tuol Sleng prison.
25 And I also found out that there was some torture instruments at

1 the Tuol Sleng, and practices including nail pulling and that
2 prisoners subjected to some poisonous insects – were also
3 introduced. And that I saw during the time of the State of
4 Cambodia, when I was allowed to pay a visit to the Tuol Sleng
5 prison. And that place was the place of mass execution. I was so
6 shocked when I entered the prison, first time.

7 Q. I just want to clarify your answers in the last few minutes.
8 Do I have it correctly that your understanding was that Hou Youn
9 was against the evacuation, and Khieu Samphan was in favour?

10 A. Yes, it is correct. That was my statement.

11 [11.28.19]

12 Q. Now, how had you found out or discovered that Khieu Samphan
13 was in favour of the evacuation?

14 A. I learned about this during the assembly held at Wat Taing Pho
15 (phonetic). But at that time, I did not know who was Hu Nim or
16 Hou Youn, when the meeting was convened and I attended. And only
17 at a later stage did I realize that it was the big Angkar,
18 comprised of Saloth Sar, who was behind this Angkar. And I
19 learned that it was Pol Pot, and that Saloth Sar and Pol Pot were
20 the same people. After Phnom Penh was liberated, I learned about
21 this information. During the time of the war, I never knew this.
22 And, also, at a further later stage, I realized that it was Pol
23 Pot who was originally Saloth Sar.

24 Q. Thank you. I want to still concentrate on 1974. You said in
25 your evidence, earlier today, when we were discussing Udong – and

41

1 can you bear with me, I want to give you a quote. You said
2 earlier:

3 "Udong was attacked, and soldiers - prisoners of war - were
4 evacuated in the west, and a lot of people had been evacuated to
5 that place."

6 [11.31.03]

7 My question is; how did you find out what had happened in Udong
8 and the evacuation of people from Udong?

9 A. At that time, I was living in Cheung Roas commune, Udong
10 district. Then the superior at the upper level told us that we
11 had to receive people from Udong. At that time, both Vietnamese
12 and Ta Mok forces were fighting their way in, and they could
13 defeat Lon Nol soldiers. They captured some soldiers, and then
14 they evacuated some people all the way through Amleang. I did not
15 know how many people had been evacuated. Some was relocated at
16 Taing Pho (phonetic) or Trapeang Traeunh village. There was
17 nothing over there. The land was barren. People did not grow any
18 crops. We had nothing to eat but wild potatoes and some wild
19 plants. So there were a lot of casualties. Some people died of
20 starvation. Some died of diseases, because they did not have
21 access to medicines.

22 [11.33.11]

23 And then, later on, when the war was breaking up in Phnom Penh,
24 then they returned to their hometown. That is all. I apologize, I
25 have become forgetful, and I have forgotten some of the events.

1 If I did not answer your question, I am happy to enlighten you
2 further as my capacity as a witness here, who has experienced or
3 heard and witnessed the events at that time.

4 Q. Mr. Nou Mouk, I will take you up on that offer to provide us
5 with some more information. You've said that you were living in
6 Cheung Roas - and I'm sorry if I've pronounced it wrong - in
7 Udong district when people were evacuated from Udong. Is that
8 correct?

9 A. That is correct. I stand by my statement.

10 Q. You said that some people were evacuated. Can I ask; did you
11 personally see any of the people who were evacuated from Udong?

12 A. No, I didn't see it by myself. But, during the meeting of the
13 commune committee, this issue of evacuation - were brought up.
14 They told us that there was Khmer Rouge and Vietnamese soldiers
15 were fighting with Lon Nol soldiers in Udong area, and people had
16 been evacuated before the fighting.

17 [11.35.41]

18 And those who were evacuated included the war captives, as well.

19 And those evacuees were relocated in Trapeang Traeunh, and many

20 of them died because of starvation and diseases. And that was

21 brought up during the meeting of the commune committee, they

22 reported the successes or achievements each commune had

23 accomplished. They told us members that our soldiers had defeated

24 Lon Nol soldiers, and people had been evacuated out of Udong up

25 to the west direction. And I myself did not witness it by my own

1 eyes, but there were representatives from each commune who came
2 to proselytize us – that we had been successful. We defeated our
3 opposing forces in Udong, and people had been evacuated to
4 Trapeang Traeunh, and they were relocated in the jungle.

5 [11.37.07]

6 There was no village or no district – that's what I knew at that
7 time. So we – I did not know that those people were evacuated
8 with the soldiers or so. I did not know. But I learned this
9 information of evacuation through the meeting of the commune
10 committee; that our soldiers had already conquered the war
11 against Lon Nol soldiers, and people had been evacuated.

12 Q. At the time of the evacuation of people from Udong, did you
13 have any friends or relatives who were living in Udong at the
14 time of the evacuation?

15 A. I had some relatives. My cousins, who lived in Khyang village
16 near Udong. They had been evacuated northwards. They didn't die,
17 but they were evacuated. And then, later on, additional forces
18 were reinforced to prevent the return of Lon Nol soldiers. So,
19 there was the first wave of evacuation of the people, and then
20 additional forces were reinforced in order to defend the area
21 around Udong.

22 Q. Do you know where Chou Chet was when Udong was evacuated?

23 A. Chou Chet was at the Southwest Zone. And Ta Mok forces and the
24 Vietnamese forces gathered to fight against Lon Nol, and Chou
25 Chet was staying back at Neak Dei (phonetic) the – at the

1 Southwest Zone. I did not know. But I do not disagree that Chou
2 Chet did not agree with the evacuation.

3 [11.40.20]

4 At that time, wherever the soldiers arrived, people were
5 evacuated. When they evacuated people, actually they did not --
6 or they were not prepared for the people. People had nothing to
7 eat. No -- not sufficient rice to eat; and they ate virtually
8 everything edible. They did not have rice stock for them to eat,
9 or any foodstuffs to eat. So, most -- some of them eventually
10 died of starvation, and some disappeared mysteriously, and some
11 barely survived.

12 Q. Mr. Nou Mouk, you've just said these words: "At that time,
13 wherever the soldiers arrived, people were evacuated." What did
14 you mean by the words "wherever the soldiers arrived"? Were you
15 talking just about Udong, or other places?

16 [11.41.52]

17 A. I refer to the battles where war erupted. There were several
18 battlefields. I did not grasp the war situation, and in addition
19 it took place a long time ago. I cannot recall it all. I can only
20 enlighten you to where I can recall. And I did not know what they
21 reported at that time. And most importantly, I have forgotten
22 most of these events.

23 Q. Thank you. I'd like to move on to 1975, and the evacuation of
24 Phnom Penh.

25 Now, did you see any of the people who had been evacuated from

1 Phnom Penh after the evacuation?

2 A. People who were at the front, and those who were at the rear,
3 had to support each other. And they had to leave the city. I may
4 be a bit long-winded on this issue, but following the evacuation,
5 people were organized into cooperatives. Cooperatives were
6 attached to each commune. And by the time, I had no right to do
7 anything, and in addition I was sick too. I may be deviating from
8 the line of questioning you are asking, but if I am moving away
9 from the subject matter you are asking, I can continue further.
10 But let me stop here.

11 [11.44.54]

12 Q. Thank you. Let me ask this question: After the evacuation--

13 MR. PRESIDENT:

14 Lead Co-Lawyer, you may proceed.

15 MR. PICH ANG:

16 Thank you, Mr. President. Good morning, Your Honours. I would
17 like to inform the Chamber that, for the Lead Co-Lawyer for the
18 civil party, we will need approximately 30 to 40 minutes to put
19 the question to this witness.

20 Thank you, Mr. President.

21 [11.45.35]

22 MR. RAYNOR:

23 Mr. President, can I indicate that I have three more pages. I
24 anticipate that I will need the 10 minutes up to 12 o'clock, and
25 can I ask for 15 minutes after lunch, please? There are, as I

1 say, four subject headings after 1975.

2 (Judges deliberate)

3 [11.46.55]

4 MR. PRESIDENT:

5 Realizing that the question put by the prosecutor are relevant to
6 the segment of trial in Case 002/01, for this reason, the Chamber
7 grants the opportunity for the prosecutor and Lead Co-Lawyers
8 alike to put the questions to the witness, as per the time
9 requested.

10 BY MR. RAYNOR:

11 Mr. President, Thank you. I'm grateful.

12 Q. Mr. Nou Mouk, after the evacuation of Phnom Penh in April
13 1975, did you hear groups referred to as New People and Old
14 People?

15 MR. NOU MAO:

16 A. Yes. Obviously, there was a clear segregation between Old
17 People and New People. According to the plan of the Khmer Rouge,
18 it indicated that we had to evacuate people out of all the zones
19 from Cheung Roas to Koh Kong and back from Koh Kong to Cheung
20 Roas; from Kampong Speu to Kampong Chhnang, and back from Kampong
21 Chhnang to Kampong Speu. As such, the Base People who had been
22 evacuated -- in other words, people -- the evacuees -- were
23 considered people from the Lon Nol administration. So, people
24 were evacuated, and the evacuation was not confined to people in
25 Phnom Penh. People in the liberated zone were also evacuated. In

1 all villages -- were evacuated.

2 [11.49.43]

3 Even in my village of Tumpoar of Kampong Chhnang province, my
4 uncles and my relatives were evacuated. Some of my relatives died
5 during this period. And as far as I was concerned, in the
6 cooperatives, I had no further rights, because I was sick at that
7 time. And I was placed instead in the sewing section, and they
8 separated at that time -- people. Ladies were tasked to sewing
9 clothes, and male people were tasked to prepare ploughs and other
10 agricultural tools.

11 Q. Thank you. You've mentioned the evacuations within your zone.
12 Did there come a time, later on, when people were evacuated to
13 other zones in other parts of the country?

14 A. Could you please clarify your question again? I did not get
15 your question. Could you please repeat your question?

16 [11.51.35]

17 Q. You've already spoken about evacuations taking place within
18 the Southwest zone. My question is: Did there come a time later
19 on when people were evacuated to a totally different zone in
20 another part of the country?

21 A. When the war was over, they prepared cooperatives for the
22 evacuees. The creation of such cooperatives was to help the
23 evacuees from Phnom Penh. But the leaders at the upper level had
24 a different view. They said that people had to be evacuated, and
25 cooperatives had to be organized, because we had already won in

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1 the war. So we had to reorganize the cooperatives.

2 And I would like to clarify on one point. In a meeting of
3 cooperatives, they made mention to the glorious history of
4 Angkorian era in Cambodia. Angkorian era of Cambodia at that time
5 was glorious, and now that we have gained victory, we have
6 conquered Phnom Penh -- they had a plan for a meeting with North
7 Korea.

8 When we were about to meet with our North Korean counterparts, we
9 wanted to think of a logo for our Party-

10 [11.54.52]

11 Q. Please forgive me, Mr. -- Mr. Nou Mouk, please forgive me, but
12 I think you're veering off from where the question was.

13 Mr. President, I'm going to have one final chance at this
14 question, and then there may be an application.

15 Mr. Nou Mouk, I am not asking you about the evacuation of people
16 from Phnom Penh or other areas that took place in April 1975. My
17 question is about later on. Now, later on, were people evacuated
18 out of their zone and to another zone in the country?

19 A. Yes, there was. People were evacuated across zones. And as far
20 as the Southwest zone was concerned, it reached all the way to
21 Koh Kong, and some of the people evacuated from Southwest zone
22 were also transferred to -- as far as Battambang province.

23 [11.56.39]

24 Q. Did you ever find out the reason why people were being
25 evacuated to Battambang?

1 A. This was the plan; the plan handed down by the leaders at the
2 upper level. They wanted the people not to segregate among
3 themselves as New or Base People, or they did not want people to
4 discriminate against each other, or they did not want people to
5 dig into the history of these people. I do not understand on this
6 point myself, either.

7 Q. Do you have any idea as to the number of people who were
8 evacuated to Battambang?

9 MR. PRESIDENT:

10 Witness, please hold on.

11 Counsel, you may proceed.

12 MR. KOPPE:

13 Thank you, Mr. President. I've been listening to a series of
14 questions now from the Prosecution -- phrasing his questions like
15 "did you ever find out", "did you have an idea about the things
16 that happened." And it seems to me that we have to come, to a
17 certain extent, to the protection of this witness. And what his
18 role as a witness today in this courtroom is. He is here to
19 testify as to the direct things that he saw and heard in the
20 period between 1975 and '79.

21 [11.58.41]

22 The way the questions are phrased allows him to have knowledge,
23 post-'79, enter into his answers. And, to give you an example,
24 the things that he has been testifying about with respect to
25 S-21. I'm convinced that these are things that he saw much later,

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1 and not in the relevant period. So, I would invite my learned
2 friend to ask the questions in such a way that it is clear to the
3 witness that we are asking -- and are only interested in -- what
4 he actually saw and heard in the period between 1975 and '79, or
5 before '75.

6 BY MR. RAYNOR:

7 Mr. President, I'm happy to proceed in that way.

8 Q. Mr. Nou Mouk, we're talking -- or you've been giving evidence
9 about -- people being moved from the Southwest zone to
10 Battambang. Now, how did you know that that had happened?

11 [11.59.59]

12 MR. NOU MAO:

13 A. I'm not sure I know exactly how many people who had been
14 transported to that area, because these people were taken by
15 train to Battambang. And, with that, I say I'm not very certain
16 myself, because I ceased to serve the commune office long time
17 ago, and I was placed to deal with handicraft instead. Asking me
18 how many people would be transported to Kampong Cham or Koh Kong
19 or Battambang -- I think I'm not placed in the right position to
20 tell you the right answer. I'm not able to do that. So, more or
21 less, I was kicked out of the commune committee, and with that I
22 did not have a position to know the information enough to respond
23 to your question. And when cooperatives were established, I had
24 no more capacity to know about what happened.

25 MR. PRESIDENT:

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1 Thank you, Mr. Witness, and thank you, the Co-Prosecutor.

2 It is now appropriate time already for the adjournment. The
3 Chamber will adjourn for now, and the next session will be
4 resumed by 1.30 p.m.

5 Court officer is directed to assist the witness during the break,
6 and also make sure that his duty counsel is properly assisted
7 during the adjournment, and have them returned to the courtroom
8 by 1.30 p.m.

9 Security personnel are now directed to bring Mr. Khieu Samphan to
10 the holding cell downstairs and have him returned to the
11 courtroom before 1.30 p.m.

12 The Court is adjourned.

13 (Court recesses from 1202H to 1330H)

14 MR. PRESIDENT:

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

16 I hand over the floor to the prosecutor to resume his line of
17 questioning to the witness. You may proceed.

18 BY MR. RAYNOR:

19 Q. Thank you very much, Mr. President.

20 Mr. Nou Mao, before the break, you had mentioned Battambang and
21 when you were talking about an evacuation you said: "They were
22 taken by train to Battambang."

23 Now, is that something you saw or is that something you have
24 heard from other people?

25 [13.31.48]

1 MR. NOU MAO:

2 A. Concerning the evacuation of people to Battambang, I did not
3 witness it by myself, but I heard that people had been evacuated
4 to Battambang and Kampong Chhnang provinces. I did not even know
5 the exact number of people evacuated.

6 I, at that time, was in a cooperative in Voa Sa village, Samraong
7 Tong district, Kampong Speu province. I was not given any task to
8 do, at that time; in other words, my right, my authority was
9 removed. The cooperative chief had me worked in a handicraft
10 workshop and I learned from others over there that their
11 relatives had been evacuated to Kampong Chhnang and Battambang
12 provinces. That's what I knew and the exact number of evacuees, I
13 did not know. That is all.

14 [13.33.24]

15 Q. Were any of your friends or relatives or people from your
16 village, where you were, evacuated to Battambang?

17 A. Yes, I had some relatives who were evacuated to Battambang and
18 some of my relatives were evacuated to Kampong Leaeng district,
19 Kampong Chhnang province.

20 I learned about this evacuation of my relatives from others. I
21 did not know the fate of my relatives who were evacuated. The
22 hope of survival was very minimal. There were many casualties in
23 the course of evacuation.

24 So, to answer your question, I learned about this evacuation from
25 the villager in Trapeang Thum cooperative. I learned from the

1 villagers -- from a villager who were from my hometown in
2 Trapeang Thum who was then in the cooperative who told me about
3 that evacuation.

4 [13.34.52]

5 Q. It may be a difficult question for you to answer, but can you
6 tell us what year it was when people were speaking about the
7 evacuation to Battambang?

8 A. I do not recall the year, but at that time both New and Old
9 People, who were incorporated into a cooperative, spoke about it
10 and that was the reason I knew about this evacuation, and I knew
11 that those people who had been evacuated were living in a
12 miserable condition.

13 And there was no communication allowed at that time. People could
14 not communicate with each other.

15 When I was in that cooperative, they removed all of my authority
16 or privilege and I was made to work in a handicraft workshop.

17 And again, I did not know the exact number of people who had been
18 evacuated. I only learned from others that my relatives were
19 already evacuated. I did not know the fate of those relatives,
20 but I was told that those people hope for survival was minimal.
21 That's what I knew at that time. That is all.

22 [13.36.54]

23 MR. RAYNOR:

24 Mr. President, I've asked open-ended questions as to the timings.
25 The document does help on this point. Can I please refer to it

1 again as a memory-refreshing document?

2 MR. PRESIDENT:

3 You may proceed.

4 BY MR. RAYNOR:

5 I refer to English ERN 00419463; Khmer, 00909941; French,
6 00893549. The document states:

7 "From 1970–1975, the people supported the war. In 1975–'76, they
8 lost their position because of evacuations from Kampong Speu to
9 Battambang, Kampong Speu to Koh Kong." Close quote.

10 Mr. Nou Mouk, having had your memory refreshed, does it sound
11 right or do you agree that it was in 1975/1976 that these
12 evacuations were being spoken of?

13 [13.39.15]

14 MR. NOU MAO:

15 A. I knew about the plan of the Khmer Rouge who planned to
16 evacuate people to Battambang province. It was the plan devised
17 by the Khmer Rouge. The objective of the evacuation was to
18 disconnect communication of -- or between the New People and Old
19 People. So in practice, they evacuated from -- they evacuated the
20 Base People in Kampong Chhnang to Kampong Speu and then the Base
21 People from Kampong Speu to Kampong Chhnang.

22 So what I observed at that time was that people at the base also
23 died as a consequence of the evacuation policy and the New
24 People, people from Phnom Penh, also died in the course of this
25 evacuation, so this was actually a political suicide by the Khmer

1 Rouge themselves.

2 [13.41.04]

3 But I, myself, did not have any right, any authority, whatsoever
4 at that time because I became sick. I could not do anything. I --

5 I was only made to work in handicraft workshop in Chambak
6 village. I work over there. For women, they were made to sew
7 clothes; and for men, they were tasked to produce plough and
8 other agricultural tools. And some of us were made to build
9 wooden houses and houses were built in a row in the cooperative.

10 That was what I knew and I believe that this evacuation led to
11 many casualties not only for the people in Phnom Penh, but also
12 the Base People. And the main object behind this policy was to
13 disconnect communication between the New People and the Old
14 People.

15 This is not my assumption, but this is the truth because I saw
16 the evacuation of people from Koh Kong and then they were
17 relocated at Srah Thul, which was my -- also my home village and
18 people in Srah Thul were transferred back to Koh Kong. Obviously,
19 this policy was devised in order that people did not communicate
20 with each other.

21 [13.43.09]

22 And as for food regime, it was not enough either, so evacuation
23 was meant for death actually. That's what I knew. That is all.

24 Thank you.

25 Q. Mr. Nou Mouk, after the evacuation in 1975 in April from Phnom

1 Penh, did you know of a place called -- excuse my pronunciation
2 and if you don't understand say so -- did you know of a place
3 called "srok" Thpong?

4 A. When I was relocated to Voa Sa commune, I never contacted
5 Thpong district, but I did know Thpong district, but I did not
6 grasp the situation -- the demographic situation of the district.
7 As I said, it was difficult to come up with the exact demographic
8 data because -- because people had been transfer out of the
9 district. They were swapped with people from other places. The
10 Base People were taken out and the New People were taken in.
11 That's what I knew of the situation at that place. Thank you.

12 [13.45.12]

13 Q. Do you remember if any people in particular were taken to
14 "srok" Thpong?

15 A. People were evacuated to Thpong district when the fighting was
16 erupting in Phnom Penh and people were evacuated from Udong, they
17 were relocated in Thpong district, but I did not know its exact
18 whereabouts in this district, but people could have been
19 evacuated from Udong and then they were travelling along Amleang,
20 but I did not know the exact location where they resided, but I
21 heard from the commune committee and the district committee about
22 that evacuation.

23 So, the Base people in Thpong had already been evacuated
24 elsewhere and the evacuees who were actually evacuated from Udong
25 were relocated in Thpong district.

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1 Q. Can you help the Court, please, on what, if anything, happened
2 to officials from the former Lon Nol regime or military officers?

3 A. They evacuated people regardless of their civil status. People
4 were evacuated and some of them were told that they would be
5 taken for further training in order to fight back. For evacuees
6 from the Southwest zone, were told that they were taken for
7 education, but they never returned. I assume that they must have
8 been killed.

9 [13.48.17]

10 I saw groups of Lon Nol soldiers were taken away. Those soldiers
11 were not armed. Even if they had rifles with them, they would be
12 asked to put them aside. And then they just -- they were just
13 taken away, and some of them were told that they were taken to
14 fight with the Vietnamese. Groups of them were taken away, but we
15 all thought that those people must have been killed. So they
16 evacuated people regardless of their status, whether they be
17 civilian or military personnel.

18 It is my personal judgment that those who were told to -- told to
19 go for education with the upper organization, those people were
20 destined for death. So, overall, people were cheated by the Khmer
21 Rouge.

22 The Khmer Rouge was in general gentle. They appear very gentle,
23 but they were very cruel. They killed people indiscriminately.

24 MR. PRESIDENT:

25 Counsel, if you have anything to raise, you may proceed.

1 [13.50.13]

2 MR. KONG SAM ONN:

3 Mr. Prosecutor asked a very brief question to the witness, but
4 since this morning, the witness has never responded to the
5 question of the prosecutor and his question (sic) has always been
6 long-winded and it never addressed the question posed by the
7 prosecutor and the prosecutor has kept complaining that he needs
8 time to put more question to this witness.

9 MR. KOPPE:

10 Mr. President, may I -- may I add an observation from my side. It
11 is an objection, as well, but maybe more phrased in an
12 instruction to the witness.

13 Would you please instruct this witness, again, that he is not
14 here to speculate or to make assumptions or to conclude; just
15 merely stating or testifying what he has seen and what he has
16 heard. He is continuously making assumptions and there's no place
17 for these assumptions or speculations in this courtroom when it
18 comes to this witness.

19 [13.51.29]

20 BY MR. RAYNOR:

21 My next question has absolutely nothing to do with assumptions.

22 Q. Mr. Nou Mao --

23 MR. KOPPE:

24 My request stands, Mr. President, and that will be that you
25 specifically instruct the witness not to speculate or assume;

1 just to testify as to the things that he know or saw.

2 MR. PRESIDENT:

3 Witness, the Chamber has already advised you as to your duty as a
4 witness to testify before the Chamber. You can testify to the
5 effect that you actually experienced yourself or you witnessed
6 it, you heard it, and you respond to the question based on the
7 facts that you encountered yourself or witness or heard it. And
8 please be reminded that you try to be brief in your statement to
9 each question.

10 [13.52.39]

11 And you, yourself, has informed the Chamber that you are rather
12 forgetful and you want brief question and you should also try to
13 be brief in your statement.

14 You may proceed, Mr. Prosecutor.

15 BY MR. RAYNOR:

16 Q. Mr. Nou Mouk, where were you when you saw groups of Lon Nol
17 soldiers being taken away?

18 MR. NOU MAO:

19 A. I saw they took Lon Nol soldier away in Cheung Roas commune in
20 Prey Chrum Pagoda. They evacuated people including soldiers as
21 well.

22 MR. RAYNOR:

23 Thank you, Mr. Nou Mao. Those were the questions we have. Thank
24 you.

25 [13.54.06]

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1 MR. PRESIDENT:

2 Thank you.

3 Now, I hand over the floor to the Lead Co-Lawyers for the civil
4 parties to put the question to the witness. You may proceed.

5 MR. PICH ANG:

6 Good afternoon, Mr. President. Good afternoon, Your Honours.

7 The delegated lawyer is Mr. Lor Chunthy and counsel Beini Ye.

8 MR. PRESIDENT:

9 You may proceed.

10 [13.54.50]

11 QUESTIONING BY MR. LOR CHUNTHY:

12 Q. First of all, good afternoon, Mr. President. Good afternoon,
13 Your Honours. Good afternoon to everyone and good afternoon, Mr.
14 Nou Mouk.

15 I am Lor Chunthy. I am a lawyer from the Legal Aid of Cambodia
16 and I am also a civil party lawyer. I have a few questions for
17 you in addition to the various questions put by my learned
18 colleagues from the Prosecution.

19 I would like to begin my question with the time when you first
20 joined the Revolution. Who inducted you to the revolution? Were
21 you introduced to Revolution by any relative?

22 A. No. Well -- but my cousin -- back then, my cousin who was a
23 member of the commune committee of Cheung Roas, who introduced me
24 because he was a Party member, and there was another relative by
25 the name of Ung Chhorn (phonetic) and then Mom Theul (phonetic)

1 and I was, back then, a member of the commune committee myself.

2 Q. Thank you. In connection with your entry into Revolution, what
3 was the reason behind your decision to join the Revolution?

4 [13.57.17]

5 MR. PRESIDENT:

6 Mr. Mao, please observe that the microphone is activated before
7 you speak.

8 MR. NOU MAO:

9 A. At that time, my relative, who was working in the commune
10 committee, asked me to join the Revolution. I told them that I
11 was not a suitable person taking into account my little education
12 and literacy. Then they continue to tell me that once I got
13 involved, I would learn from it, so at that time, I could not
14 protest any further or I would risk my own safety and security.

15 BY MR. LOR CHUNTHY:

16 Q. So you said if you protested, you would be at risk. Can you
17 please enlighten the Court on this point? What would be the
18 likely risk you would encounter if you protest joining?

19 A. The risk would be that I indirectly disagree with the
20 Revolution against Lon Nol administration, so if I did not join
21 the Revolution, they would not trust me because I was part of the
22 commune committee, as well, so I had no choice but to join the
23 Revolution.

24 [13.59.35]

25 Q. Thank you. I have another point that I wish to also ask you.

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1 When you joined the Revolution, did you receive any training on
2 the Party's policies?

3 A. I joined the Revolution hoping to liberate the people and
4 country. If I did not join the movement, I would have problem
5 being neutral because I either chose to join the Revolution or
6 end up being in the Lon Nol controlled zone, so I was in between
7 the rock and the hard place. And I had to work in three villages.
8 And the movement was popular; women, young people, including --
9 also asked to join the Revolution.

10 Q. What was actually the main purpose of the Revolution? Was the
11 Revolution meant to be made against any particular regime?

12 A. The Revolution was -- were create -- or was initiated against
13 the Lon Nol's regime because we were angry with them for bombing
14 the country.

15 [14.01.56]

16 Q. Thank you.

17 When did you start to know Ta Mok? If you don't remember the
18 exact year, can you also say whether you knew him in 1972 or
19 1973?

20 A. I don't remember this. I don't remember the exact date. I only
21 remember having met Ta Mok.

22 Q. Thank you. Between Ta Mok and Chou Chet -- and you said that
23 you know both of them -- who would be more superior in
24 governance?

25 MR. PRESIDENT:

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1 Mr. Witness, could you please now be reminded to pause a little
2 bit? Please wait until you see the red light before you proceed.
3 You may now proceed.

4 [14.03.32]

5 MR. NOU MAO:

6 I knew Ta Mok and Chou Chet alias Si. I knew them because they
7 lectured during the political study sessions at Kantuot. At that
8 time, cadres from different parts of the country attended such
9 sessions. There were about 200 participants in one of the
10 sessions and Chou Chet was engaged in giving lecture on politics.
11 I attended the session that last for about one month.

12 And by sometime late of the session, Ta Mok joined as a person
13 who lectured on military. On -- in one of the sessions, he said
14 cadres at all level had to ensure that they can encourage people
15 to join the movement to fight the Lon Nol and the American
16 imperialists.

17 Answering to your question, I can say that Chou Chet was more
18 superior in his skills and politics than Ta Mok.

19 [14.05.22]

20 Q. Thank you. You said you attended political study sessions and
21 that Ta Mok and Chou Chet lectured in the sessions. And you also
22 testified that Chou Chet and Ta Mok on one occasion had some
23 disagreement. On what point did they disagree?

24 A. I don't remember this, but Ta Mok who lectured in one of the
25 political study sessions and Chou Chet who also chaired the

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1 political study sessions when he focused on politics and where
2 about 200 cadres attended talked about politics and Ta Mok was
3 talking about fighting the imperialist and the Americans. But
4 whether Chou Chet and Mok -- or whether Chou Chet was better than
5 Mok in his popularity among the civilians, I can say that Chou
6 Chet was much popular than Mok in terms of civilian popularity --
7 among the civilian, I mean.

8 Q. Thank you. I think I was asking you about this -- or I may
9 rephrase it.

10 You said that Chou Chet and Ta Mok had some disagreement in their
11 point of view. My question to you would be whether they had
12 disagreement in the evacuation of the population or on which
13 point?

14 [14.07.41]

15 MR. PRESIDENT:

16 Mr. Witness, could you please be advised to please observe some
17 pause because it was not heard if you proceeded to speak when the
18 mic was not on. You may now proceed.

19 Co-Prosecutor, you may now proceed first, rather.

20 MR. RAYNOR:

21 Mr. President, on a number of occasions you have reminded the
22 Lead Co-Lawyers and others for the civil parties not to engage in
23 repetitive questioning which covers the very same grounds that
24 has already been covered at length by the prosecutors. This
25 questioning is on exactly the same grounds as issues that have

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1 already been covered and in my respectful submission; this does
2 not go to the primary function of civil party questioning which
3 is to elicit evidence of suffering.

4 In my respectful submission, counsel should move on to topics
5 relevant to his role. Thank you.

6 [14.08.55]

7 MR. PICH ANG:

8 Mr. President, and Your Honours, it is acceptable that the
9 question is repetitive; nonetheless, if counsels for the civil
10 parties are asked only to put questions regarding injuries, I'm
11 afraid it is hard to accept this position because counsels for
12 the civil parties will also be entitled to put questions
13 regarding the alleged crimes rather than the injury.

14 MR. PRESIDENT:

15 Thank you, Counsel. Your -- the observation is somehow relevant
16 because the Chamber will do it best to make sure that repetitive
17 questions are avoided and the Chamber will, at this juncture,
18 also consider the relevance of the question of the civil party
19 lawyers before the Chamber regarding the witness.

20 And indeed, counsel should be well reminded and that such thing
21 should not repeat itself.

22 [14.10.15]

23 MR. LOR CHUNTHY:

24 Thank you. And since Co-Prosecutor already pointed out about
25 this, I would like to proceed to putting questions -- further

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1 questions to Mr. Nou Mouk.

2 MR. PRESIDENT:

3 Counsel, please be advised that this witness is not Nou Mouk; he
4 is Nou Mao alias Mouk, and now please treat his official name as
5 Mao.

6 BY MR. LOR CHUNTHY:

7 Q. Thank you, Mr. President.

8 I think the main thrust of my question is this: When was Si
9 arrested?

10 MR. NOU MAO:

11 A. (Microphone not activated)

12 [14.11.24]

13 MR. PRESIDENT:

14 Mr. Witness, please observe some pause before you proceed.
15 Duty counsel should also be quick to help him so that he can be
16 well reminded and perhaps duty counsel may have to alert the
17 witness or just give him a signal before he can proceed to
18 respond to questions; otherwise, his message would not be heard.

19 MR. NOU MAO:

20 A. If I remember the question correctly, you were asking about a
21 person by the name of Si and when he was arrested. The answer is
22 simple. I don't know.

23 MR. PRESIDENT:

24 You may continue or you may proceed to another question.

25 [14.12.40]

1 BY MR. LOR CHUNTHY:

2 Q. Who arrested you and who detained you?

3 MR. NOU MAO:

4 A. People at the cooperatives who brought me to Basedth and where
5 I was detained; it was Pursat prison. I heard from other that
6 this person was from Sector 15, but later on, he also disappeared
7 and I don't know who could have arrested him. And his
8 father-in-law -- rather Si's brother-in-law was also deceased
9 when his wife still alive when I was detained at that prison.
10 Bombs were dropped at Peam Chan (phonetic). It was that moment
11 that prisoners who -- who -- some of them who were shackled had
12 to be evacuated.

13 Q. I am sorry to interrupt you. I will have the final question
14 for you, please.

15 You said you knew the plan to evacuate Phnom Penh. My question to
16 you is: After the evacuation of Phnom Penh, were you aware that
17 the Khmer Rouge asked people to come to Phnom Penh to work and if
18 so, what happened to them?

19 A. I don't know this, because now you are going back to the
20 evacuation of the population because we talked about this
21 already.

22 [14.15.15]

23 MR. LOR CHUNTHY:

24 Thank you very much, Mr. Witness. I have no further questions.

25 QUESTIONING BY MS. YE:

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1 Q. Good afternoon, Your Honours. Good afternoon to everyone in
2 and around the courtroom.

3 My name is Beini Ye. I am one of the international civil party
4 lawyers and I would like to ask you a few follow-up questions.

5 First, I want to talk about the Lon Nol soldiers that you -- you
6 said you saw were taken away. Can you tell the Court how many
7 soldiers you saw being taken away?

8 MR. NOU MAO:

9 A. I think your question also makes me go back a little bit.

10 Indeed, people were evacuated from the city and a lot of soldiers
11 also were sent from Phnom Penh. I saw them. They were not armed.
12 They were disarmed, in other words. They were seen carrying only
13 a backpack, a military backpack, and they were asked to move to
14 the West and they never returned.

15 [14.16.48]

16 Q. So the Lon Nol soldiers that you saw taken away in Kampong
17 Speu came, actually, from Phnom Penh; did I understand that
18 correctly?

19 A. Yes, it is correct. I saw them at Prey Chrum at Cheung Roas
20 commune. Indeed, these people were evacuated together; I mean the
21 soldiers along with the general public. And after that, I did not
22 know what happened. And again, please reassure that I'm not
23 really telling this for the sake of telling the Chamber. I am
24 telling all the truth.

25 MR. PRESIDENT:

1 Counsel, please move on to the next question.

2 [14.17.48]

3 BY MS. YE:

4 Q. Thank you, Mr. Witness.

5 And I would like to ask you now, how did you know that these were
6 Lon Nol soldiers if they were evacuated together with the
7 civilians?

8 MR. NOU MAO:

9 A. They could be identified because they were wearing uniforms --
10 the military uniforms and the gear that could make me tell you
11 that they were soldiers. And they were told that they would be
12 taken to study sessions.

13 And at that time, my health was not good, but I saw them and it
14 was not a rumour. I saw them personally and they were received at
15 a place to the south of the pagoda. A lot of Lon Nol soldiers
16 would be seen packing this area and they were brought from Phnom
17 Penh. And that's all I know. After they were taken to any study
18 sessions; that is not my knowledge.

19 And again, to confirm this, I saw them wearing military uniform
20 and the military gear, but they were not armed.

21 So again, I am telling the truth.

22 [14.19.34]

23 MR. PRESIDENT:

24 Counsel, you may proceed.

25 BY MS. YE:

1 Q. Thank you, Mr. Witness.

2 Can you -- because you said that you saw a lot of soldiers, can
3 you give us a rough estimate how many soldiers you saw at that
4 time?

5 MR. NOU MAO:

6 A. I'm afraid I cannot say exactly; perhaps, a hundred or so.
7 There were a lot of them and they were placed in a location near
8 that pagoda and they also were offered some food. And the
9 following day, they were sent to education sessions by the upper
10 echelon. And that's all I know.

11 Q. Thank you. Thank you, Mr. Witness.

12 I would like now to come to another topic. You said this morning
13 that after the evacuation from Phnom Penh, there was a clear
14 segregation between Base People and New People. My question is:
15 Could you please describe this segregation?

16 [14.21.06]

17 A. I'm afraid I cannot respond to this question because the only
18 thing I know is that people were asked to receive people from
19 Phnom Penh and that they identified the Base People and the New
20 People from Phnom Penh and that the Base People were asked to
21 prepare foods and other things to receive these newcomers.

22 Q. Thank you, Mr. Witness. After the arrival of these newcomers,
23 did you observe the -- that the treatment between the New People
24 and the Base People were the same or were they -- were they
25 different?

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1 A. I think it was at that time that I was no longer a member in
2 the organization in the cooperative. I was more or less an
3 ordinary person, but I know that three people would be grouped
4 together and that a Base person or villager would be placed among
5 these New People so that these New People could be monitored.

6 [14.22.45]

7 Q. Thank you, Mr. Witness. Why -- do you know why these New
8 People had to be monitored by Base People?

9 A. That I don't know because I was made to work at the handicraft
10 section and, at that place, I did not know much about his.

11 Q. Thank you. And after the monitoring of the New People, would
12 the Base People report to the Khmer Rouge authorities in your
13 cooperative?

14 A. I don't wish to speculate. It is only that I saw three New
15 People would be mixed with one Base person, but the -- the
16 purpose of having this group is, of course, to make sure that the
17 New People and the Base People can work together. I just don't
18 know further motive behind this grouping.

19 [14.24.23]

20 Q. Thank you, Mr. Witness.

21 I would like to now come to my last topic. You said earlier on
22 that before the Khmer Rouge took over, monks were lured to
23 defrock to join the -- to join the army during a meeting with Ta
24 Mok. My question is: Do you know if monks were also defrocked
25 after the Khmer Rouge took over?

1 A. I believe that there were no more monks to be defrocked
2 because they had already been defrocked because the Khmer Rouge
3 soldier already engaged in the movement to make sure monks were
4 defrocked.

5 I think perhaps this question is rather repetitive because Ta Mok
6 was in charge of cult section and in the rally; he promoted the
7 idea of having all the Buddhist monks defrocked.

8 [14.25.42]

9 Q. Thank you. Maybe I didn't make myself clear enough. I was
10 referring to the period after the Khmer Rouge took over. After
11 17th April 1975, did you know if the defrocking of monks
12 continued after that period?

13 A. No more monks could be defrocked because they had already been
14 defrocked at the very beginning. It was a kind of huge campaign
15 in defrocking the monks by the Khmer Rouge. Although people did
16 not wish to be defrocked, they had no choice but being defrocked
17 after all. And again, this was all the idea of Ta Mok who was in
18 charge of the cult section.

19 That's all from me. I think I already talked about this this
20 morning.

21 MS. YE:

22 Thank you, Mr. Witness. I have no further questions, and I wish
23 you a safe journey back home.

24 [14.27.05]

25 MR. PRESIDENT:

1 Thank you.

2 Mr. Witness, would you like to say anything else? I -- it
3 appeared to us that you would like to say a few words. You may
4 proceed.

5 MR. NOU MAO:

6 Actually, she said thank you to me and I just wish to thank her,
7 as well, and I thank you, Mr. President.

8 MR. PRESIDENT:

9 Thank you.

10 And it is now appropriate time already for the adjournment. The
11 Chamber will adjourn for 20 minutes. The next session will be
12 resumed by 10 to 3.00.

13 [14.27.52]

14 Court officer is now directed to assist the witness and his duty
15 counsel during the adjournment and have them returned to the
16 courtroom by the time said.

17 The Court is adjourned.

18 (Court recesses from 1428H to 1450H)

19 MR. PRESIDENT:

20 Please be seated. The Court is now back in session and we note
21 Mr. Raynor is now on his feet; you may now proceed.

22 MR. RAYNOR:

23 Mr. President, thank you. It's a small point, but I realized that
24 we have not dealt evidentially with the photograph that Mr. Nou
25 Mao produced of Ben Kiernan confirming that that was Ben Kiernan

1 and that that was the man he spoke to.

2 Mr. President, it seems to me that that should be received in
3 evidence before the Court, the photograph. My respectful
4 submission is; one means of doing that would be for the witness
5 to perhaps sign or put his thumb print on the photograph and that
6 then to be effectively evidence before the Court.

7 The Application to do so is made under Rule 87 on the basis that
8 this a document or a photograph which is conducive to
9 ascertaining the truth and obviously the Prosecution only became
10 aware of this photograph when Mr. Nou Mao showed in Court this
11 morning.

12 (Judges deliberate)

13 [14.52.01]

14 MR. PRESIDENT:

15 Mr. Raynor, could you please advise the Chamber as to where the
16 photograph is now?

17 MR. RAYNOR:

18 I don't know the answer to that, Mr. President. I think it's
19 still with the witness as I haven't done anything with it and I
20 don't know if anybody else taking custody of the photograph. So I
21 understand it's still with Mr. Nou Mao.

22 MR. PRESIDENT:

23 Mr. Mao, where is the photo you showed to the Chamber this
24 morning?

25 MR. NOU MAO:

1 I have kept it with me in my cassette.

2 [14.53.35]

3 MR. PRESIDENT:

4 Where is it?

5 MR. NOU MAO:

6 I think it is somewhere here.

7 MR. PRESIDENT:

8 Can you please raise it and put it up so that we can see?

9 The Court officer – rather, the Greffier of the Trial Chamber is
10 now directed to bring the photo from the witness so that it can
11 be placed in the case file. Thank you.

12 Next, we would like to hand over to counsel for Mr. Nuon Chea to
13 put some questions to this witness before counsels for Mr. Khieu
14 Samphan. You may proceed.

15 [14.54.50]

16 QUESTIONING BY MR. SON ARUN:

17 Good afternoon, Mr. President and Your Honours. Good afternoon,
18 Mr. Nou Mao. I am Son Arun; along with my colleague we represent
19 Nuon Chea. I have a few questions as follows.

20 Q. How far did you go to school when you were young? Just tell us
21 about your educational background please, briefly?

22 MR. NOU MAO:

23 A. I studied at the pagoda so I learned how to read and write at
24 the pagoda. We used chalk and small chalk board to write on.

25 Q. Thank you, that's enough.

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1 When you joined the Revolution, how old were you?

2 A. I think you can find this answer in the document already.

3 [14.56.28]

4 MR. PRESIDENT:

5 Witness, you don't need to really respond to this question
6 because it is repetitive and counsel is directed to proceed to
7 another question.

8 BY MR. SON ARUN:

9 Q. I would like to ask you another question. What was your role
10 when you first joined the Revolution and later on, what did you
11 do? And another question is: Did you ever become a soldier?

12 MR. NOU MAO:

13 A. I already testified earlier on, I joined the Revolution and
14 the time and date already told to the Court.

15 Q. Is that all?

16 [14.57.40]

17 MR. PRESIDENT:

18 Counsel, can you please be now directed to make sure that your
19 questions are brief, because we note that your final line of
20 questioning is rather lengthy and you would like him to be brief,
21 but at the same time, you put like three questions in one. And
22 that also you need to make sure that the question about his role
23 as a civilian be separate from the role as a soldier because you
24 appear to have put questions regarding two roles in the same time
25 and that is not useful or helpful. So, witness is an elderly

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1 person and he may not remember your question if it is too long.

2 BY MR. SON ARUN:

3 Q. Mr. Witness, I may repeat this question. Did you ever join the
4 army during the time you joined the Revolution?

5 MR. NOU MAO:

6 A. No I didn't. I never become a soldier and I was actually a
7 member of the Commune Committee.

8 [14.59.23]

9 Q. You said you were a member of the Commune Committee; is that
10 so? Commune Committee or Village Committee?

11 A. I was a member of the Village Committee supervising three
12 villages, Trapeang Thom, Trapeang Ten (phonetic) and another
13 village.

14 Q. You said you did not join the army, but this morning you said
15 that Ta Mok was the commander and that Chou Chet alias Si was
16 also the head of a zone and at the same time, you also testified
17 before this Chamber that you attend the study sessions where Chou
18 Chet and Ta Mok was lecturing. My question to you is: When you
19 attended the study sessions, in which capacity were you entitled
20 to attend such sessions that were lectured by Ta Mok and Chou
21 Chet?

22 A. When they called us for training, I was a member of the
23 commune; I was assigned to attend the training course as I have
24 already stated in my earlier testimony.

25 [15.01.40]

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1 Q. Were you a member of the Village Committee or Commune
2 Committee? I asked you two times already. Could you please
3 clarify this?

4 MR. RAYNOR:

5 Mr. President, that is doubly repetitive. He's already given an
6 answer: "I was a member of the Village Committee supervising
7 three villages." It's repetitive and I object.

8 MR. PRESIDENT:

9 Witness, respond to this question again because this question can
10 be easily confused. Were you a member of a Village Committee or
11 Commune Committee?

12 MR. NOU MAO:

13 A. I have said it already. First, I was in charge of three
14 villages: I was a member of Village Committee and then later on,
15 I was transferred to a commune, then I became a member of the
16 Commune Committee.

17 [15.03.05]

18 BY MR. SON ARUN:

19 Q. When Ta Mok or Chou Chet opened a training session, were you
20 always invited to attend the training or you, yourself did not
21 attend the training, you only heard from others about such
22 training courses?

23 MR. NOU MAO:

24 A. I made it clear this morning on this point.

25 MR. PRESIDENT:

1 The question is different. The question is whether or not you
2 attended those meeting sessions or you only heard of those
3 training sessions. This question is different from the ones you
4 were asked this morning. So you are directed to respond to this
5 question.

6 [15.04.12]

7 MR. NOU MAO:

8 A. I was a member of the commune and I studied with cadres from
9 the sectors; cadres from Thpong district. We studied at Kantuot
10 and in that training session, Ta Si and other trainers were
11 there. I did not know them all. I only knew Chou Chet alias Si
12 and then in the middle of the course, Ta Mok came too also to
13 deliver the course. At that time, I studied political studies. Ta
14 Si was in charge of political affairs; as for Ta Mok, he was in
15 charge of political -- military affairs.

16 Q. That is it. That's what I would like to get your
17 clarification. Now my next question: You were a member of Village
18 Committee and then you were a member of the Commune Committee and
19 you attended a training conducted by Chou Chet alias Si or Ta
20 Mok. So since you studied with Chou Chet and Ta Mok, could you
21 please enlighten the Court whether or not Chou Chet alias was Si
22 or Chan Si; can you please clarify this?

23 A. Chou Chet alias Chan Si.

24 [15.06.41]

25 Q. Thank you. When you were attending the training course

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1 conducted by leaders and there were many leaders attending this
2 meeting, who were the participants or the trainees who were
3 supposed to attend this training? Do you recall?

4 A. Those who attended the training course at Kantuot were from a
5 lower-ranking level from commune, from district, from sector
6 levels. They all attended the training sessions conducted at
7 Thpong district. The course lasted for more than a month.

8 Q. You said commune, district and sector level were invited to
9 attend this meeting, but you were a member of the Village
10 Committee. Why were you invited?

11 MR. PRESIDENT:

12 Mr. Counsel, you might not understand the witness very clearly;
13 he has already made it clear that earlier on he was a member of
14 the Village Committee and then he was - he became a member of the
15 Commune Committee. So that's why he was invited to attend the
16 training.

17 [15.08.36]

18 MR. SON AUN:

19 I find it confusing in his statement. Once he said he was a
20 member of the Village and then at another time, he said he was a
21 member of the Commune.

22 MR. PRESIDENT:

23 He made it very clear that before he was a member of the Village
24 Committee then he became a member of the Commune Committee. That
25 was clear.

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1 BY MR. SON ARUN:

2 I move on, Mr. President, then.

3 Q. Since this morning you have told the prosecutors concerning
4 those Cambodians who returned from Hanoi and Khmer Viet Minh,
5 would you enlighten the Court on the differences between these
6 two groups of Cambodian people you described?

7 [15.09.25]

8 MR. NOU MAO:

9 (Microphone not activated)

10 MR. PRESIDENT:

11 Witness, make sure that you see the red light on your mic before
12 you speak.

13 MR. NOU MAO:

14 A. Khmer Viet Minh who were from the former Khmer rescue movement
15 or Khmer Rescue Committee, they were called Khmer Viet Minh. And
16 there were approximately two to three thousands of them. They
17 were attached to different districts and communes.

18 MR. PRESIDENT:

19 Mr. Witness, make sure that you understand the question clearly.

20 The question is: What is the difference between Khmer from Hanoi
21 or/and Khmer Viet Minh? So can you distinguish between these two
22 groups of people? Who belongs to the Khmer Viet Minh and who
23 belongs to the other group which was Khmer from Hanoi?

24 [15.11.10]

25 MR. NOU MAO:

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1 A. For Khmer Viet Minh, earlier on this group of Cambodian people
2 had rallied the Vietnamese people and there were around 3,000 of
3 them and when the war was over, these 3,000 or so people were
4 taken to Vietnam, it could have be in Hanoi. Then these people
5 were called Khmer Viet Minh and they were originally from Khmer
6 Rescue Committee and those people upon returning from Vietnam
7 became the experts and they were attached to various communes and
8 districts across the country.

9 BY MR. SON ARUN:

10 Q. Thank you, Mr. Witness. Actually my question, I expect a
11 briefer answer to my question earlier on. I should move on now to
12 my next line of questioning.

13 You said that Khmer Viet Minh numbered to around 3,000. When did
14 their presence come to light, in other words, when did they
15 become recognized as Khmer Viet Minh?

16 [15.13.04]

17 MR. NOU MAO:

18 A. I cannot recall the date or when they were attached to the
19 armies. I do not recall unless I refer to the document.

20 MR. SON ARUN:

21 Mr. President, I think that the witness is too tired and he is
22 not focussed so I don't think that he can respond to my question
23 appropriately and I would like to end my questioning. I leave --
24 I cede the floor to my international colleague.

25 MR. PRESIDENT:

1 You may proceed.

2 [15.14.04]

3 MR. KOPPE:

4 Thank you, Mr. President.

5 Good afternoon, Mr. Witness. You were asked earlier today a
6 question about the reason behind the Revolution which was
7 started. Could you explain one more time why the Revolution of
8 the CPK was initiated?

9 (Short pause)

10 Mr. President, maybe he is indeed tired and maybe we shouldn't
11 press him all the way until 4 o'clock. Anyway I think we will go
12 into the morning, just given it - that into consideration.

13 MR. RAYNOR:

14 Mr. President, can I support that. I've been looking at the
15 witness for the last five minutes. He literally looks like he's
16 going to fall asleep. So I agree with my learned friend and his
17 comments.

18 MR. PRESIDENT:

19 Mr. Mao, do you think that you are able to respond to more
20 questions by parties or do you prefer that you break for the day?

21 MR. NOU MAO:

22 Well I am able to pursue today's hearing.

23 [15.16.09]

24 MR. PRESIDENT:

25 So, witness has already indicated that he is able to respond to

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1 the question, but to facilitate the witness in answering the
2 question, please try to reframe your question so that it is
3 easier, succinct for the witness to respond.

4 MR. KOPPE:

5 I will try that Mr. President.

6 Mr. Witness, why did the Revolution start? What was the reason
7 behind the Revolution of the Communist Party of Kampuchea?

8 MR. PRESIDENT:

9 Court Officer, please check his headphone. Make sure that the
10 battery is on and the headset is on and the battery is still
11 fully charged.

12 (Short pause)

13 [15.18.39]

14 Mr. Nou Mao, let me ask you again whether or not you are able to
15 go on. Looking at the appearance, you have lost some
16 concentration on the question. If you request the Chamber for a
17 break, we will accommodate your request and then we will resume
18 tomorrow morning. It is very likely that it will take only half a
19 day and we will be able to conclude by the first half of
20 tomorrow's session.

21 MR. NOU MAO:

22 My health status does not allow and I am not very well.

23 [15.19.34]

24 MR. PRESIDENT:

25 Thank you, Counsel, and thank you, Witness. It is very likely

1 that his health does not allow him to continue any further for
2 the day.

3 However, Mr. Mao, the Chamber wishes to thank you very much for
4 endeavouring to respond to the questions by parties. However,
5 your testimony has not yet been concluded and today due to your
6 health reason, the Chamber decides to adjourn the day hearing now
7 and the hearing will resume tomorrow morning.

8 So, tomorrow morning will be dedicated to hearing the testimony
9 of Mr. Nou Mao and the defence team for Mr. Nuon Chea will have
10 the floor to put the questions to this witness first. This is the
11 information for all parties as well as support staff concerned.
12 Mr. Nou Mao, your testimony has not yet been concluded. We will
13 resume hearing your testimony tomorrow. So you are invited to
14 come to testify before us once again tomorrow morning.

15 [15.20.57]

16 Court officer is now instructed to assist the witness, Mr. Nou
17 Mao, during the day and have him returned to this courtroom
18 tomorrow morning, before 9.00.

19 Mr. Mam Rithea, the Chamber wishes to also invite you to
20 accompany this witness tomorrow as well.

21 And security guards are instructed to bring Mr. Nuon Chea and Mr.
22 Khieu Samphan back to the detention facility and have them
23 returned to this courtroom tomorrow, before 9 o'clock. And as
24 well, Mr. Nuon Chea, he is to remain in the holding cell
25 downstairs, where audio-visual equipment will be connected for

1 him to follow the proceeding from downstairs.

2 The Court is now adjourned.

3 (Court adjourns at 1521H)

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