



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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20 June 2013
Trial Day 197

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Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
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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
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NOU MAO (TCW-801)	Khmer
MR. RAYNOR	English

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber is going to continue hearing witness questions

6 continue to be put by counsels for the Accused.

7 Mr. Nou Mao, yesterday the Chamber noted your health concerns; in

8 the late afternoon we also noted that you could not take anymore

9 and today, the Chamber would like to offer you some soft drink so

10 that you can refresh yourself. And the Chamber is very mindful of

11 your health concerns so should you wish to observe some break or

12 if you feel you are too tired to continue, please signal the

13 Chamber then we will help to ensure that you will be well taken

14 care of and the duty counsel is also advised to also make sure

15 you keep an eye on him so that if he is not very tired to

16 continue.

17 And now we would like to hand over to counsels for Mr. Nuon Chea

18 to continue putting these questions. You may proceed.

19 [09.03.49]

20 QUESTIONING BY MR. KOPPE RESUMES:

21 Thank you, Mr. President. Good morning. Good morning, Your

22 Honours. Good morning, counsel; and good morning, Mr. Witness.

23 Q. I have a few questions for you today. My first question is the

24 following: Yesterday you testified that you joined the

25 Revolution. Could you explain why there was a Revolution? What

2

1 was the purpose of this Revolution?

2 MR. NOU MAO:

3 A. The purpose of the Revolution is as follows: It was meant for
4 us to participate in promoting the people movement to join the
5 Revolution to expel the imperialists, in particular, the American
6 imperialists. That's all I know.

7 [09.05.23]

8 Q. Do you know when the Revolution started?

9 A. I'm afraid my memory does not serve me well as to when exactly
10 the Revolution could have started. You may refer to the document
11 for this please. I think there are some records of my statement I
12 discussed with the reporter or the journalist and you may find it
13 useful.

14 Q. Mr. Witness, do you know when the Communist Party of Kampuchea
15 was founded?

16 A. The CPK was founded in, I think -- I don't remember this exact
17 date. I know it was founded, but I forget the year it was
18 founded. I wish to tell you the truth behind this, but because my
19 memory is so poor I am not able to speculate, so just put it
20 simply that I forget.

21 Q. Yesterday, Mr. Witness, you said something about the colour
22 red in respect to the term Khmer Rouge and you made a reference
23 to blood. What was the reason? Do you know why the Khmer Rouge
24 was called the Khmer Rouge; or in other words, what does the
25 colour red really mean?

3

1 A. I am of the opinion that Khmer Rouge or Red Khmer was about
2 blood; red is the colour of the blood and that blood here belongs
3 to the people who engaged in the resistance movement. So this
4 blood comes from the people who were killed joining the movement.

5 [09.08.44]

6 Q. I agree with you, Mr. Witness, that red is the colour of
7 blood, but does red, do you know also signify something different
8 when it comes to the Communist Party of Kampuchea or the Khmer
9 Rouge?

10 A. I am afraid I don't know this.

11 Q. Mr. Witness, do you know what the Standing Committee of the
12 Communist Party of Kampuchea is?

13 A. I don't understand the CPK or that Committee. I just don't
14 understand why such a Party was established and I believe that
15 this Cambodian Party was established for the purpose of gathering
16 up forces to fight against the Lon Nol regime.

17 Q. Let me ask it differently, Mr. Witness. When you joined the
18 Revolution in the years after, have you ever heard the words
19 "Standing Committee"?

20 A. I have never heard about this. I didn't know about this. You
21 may ask me another question please. Or I just feel that the
22 question is not clear enough.

23 [09.11.23]

24 Q. I'm very sorry for that, Mr. Witness.

25 Have you ever heard of the words, "Central Committee of the

4

1 Communist Party of Kampuchea"?

2 A. I just know that the Cambodians' Party was established and, of
3 course, the main purpose of establishing this Party is to make
4 sure people can join force for the Revolution.

5 Q. Do you remember, Mr. Witness, if or whether the Communist
6 Party of Kampuchea had a magazine or a publication in which they
7 outlined what the Revolution was all about?

8 A. I'm not aware of this.

9 Q. Have you ever, Mr. Witness, read anything, any publication
10 about the policy of the CPK since you joined the Revolution?

11 A. No, I haven't; I haven't read any publications as you said;
12 never.

13 Q. Does "Revolutionary Flag" ring a bell, Mr. Witness?

14 A. No, it doesn't. I don't know what the "Revolutionary Flag"
15 could represent or is like.

16 [09.14.37]

17 Q. Have you ever heard of something called the "Red Flag"?

18 A. Yes, I have.

19 Q. What do you remember about it?

20 A. I have heard about "Red Flag", but I think my memory does not
21 allow me to recollect the detail of what's written in the "Red
22 Flag" to answer to your question. It was a very long time ago.

23 Q. Yesterday, Mr. Witness, you spoke about a person called Ta
24 Mok. What do you remember about Ta Mok?

25 A. Ta Mok was in the military and Chan Si was in charge of

5

1 political affairs and these people were in charge of educating
2 cadres from various villages and communes.

3 [09.16.27]

4 Q. My question, Mr. Witness, was more about what do you remember
5 of him as a person; have you ever spoken to him like we do now,
6 face-to-face, for instance?

7 A. I never met him in person, but I saw him during study
8 sessions, the study sessions where commune cadres and cadres from
9 the sector also attending.

10 Q. So the -- tell me if I'm wrong, so the only time that you saw
11 Ta Mok was when you were in the presence of 150 or 200 or 300
12 other cadres; is that correct?

13 A. Yes, it is. Yes, it is. I saw him in the study sessions when
14 other cadres also joined.

15 Q. Yesterday, Mr. Witness, you testified that Ta Mok was and I
16 quote you literally, "Politically inferior to Chou Chet". Would
17 you be able to explain to us what made you say that Ta Mok was
18 "politically inferior to Chou Chet"?

19 A. Chou Chet was very good in politics, I mean political;
20 applying politics and he gained a lot of popularity among the
21 population than Ta Mok and he was good at gathering up people to
22 join the fight. At that time he was superior than Ta Mok in terms
23 of politics. When I am referring to this, I mean he was good at
24 politics and among the population as compared with Ta Mok.

25 [09.19.37]

6

1 Q. Would you be able to tell us if there was a difference in
2 political rank or to use a difficult word, hierarchy; do you know
3 if Ta Mok was higher in rank than Chou Chet or the other way
4 around?

5 A. Only at the later date when Ta Mok who was in the military was
6 stronger or better in managing the military and in fighting in
7 the war because he could convince young male and female
8 combatants to take part, to be armed in this movement. And Mr.
9 Chan Si was only good in politics and he was not in charge of the
10 military so he could only convince the cadres, the civilians to
11 be on his side. But as I indicated it was Ta Mok who could
12 convince the combatants to join him, so that's all.

13 [09.21.35]

14 Q. My question, Mr. Witness, was if you are able to tell whether
15 Ta Mok was higher in the terms of hierarchy than Chou Chet; do
16 you know that or not?

17 A. I don't know because as I said, Ta Mok was more superior in
18 military when Chou Chet would be more superior in the civilian
19 population. So I can presume that Ta Mok could have been in
20 higher rank or was holding more power than people who were good
21 at politics because he was engaged in gathering up a lot of
22 people to join him in the fight, and -- but that also thanks to
23 Chou Chet who influenced the civilians to take part in these
24 study sessions. So all in all, the military and the civilians
25 would join together to become one force so these people were good

7

1 or powerful in their own respective domain and with that, I
2 cannot say exactly whether anyone of them is more powerful than
3 another.

4 [09.23.45]

5 Q. I will interrupt you, Mr. Witness. Let me ask one more
6 question on this subject. Do you know the respective positions of
7 Ta Mok and Chou Chet after 17 April 1975?

8 A. No, I don't know. I was at the commune committee level. The
9 position was not placing me in the right place to know about
10 this. But I did engage in political study sessions, and later on
11 I just don't know what happened. Perhaps I can say that the
12 people who were powerful in the military domain would be more
13 powerful than those who had power controlling civilians.

14 Q. May I ask you, Mr. Witness, to just tell us what you know, and
15 not what you assume? Having said that, let me go back to this
16 political session -- this study session in which both Ta Mok and
17 Chou Chet were present. Now, yesterday, you said something about
18 a difference of opinion between the two. Could you expand a
19 little more as to what those two people were disagreeing about?

20 A. That I don't know. I mean, the point that they were
21 disagreeing about; because one was in politics, one in the
22 military.

23 [09.26.20]

24 Q. Let me refresh your memory a little bit, Mr. Witness.
25 Yesterday, you said something about a difference of opinion in

8

1 respect of the evacuation of Phnom Penh. Does that ring a bell?

2 A. When it comes to the evacuation, the opinion or the position

3 of the military of the Southwest is very firm. It is that

4 whenever the battle or the victory was -- when we won the victory

5 over a place, then the people had to be evacuated. And this is

6 the firm policy of the soldiers in the Southwest.

7 Q. Just another question about this meeting; I'm not quite sure

8 whether you said this political session -- education session --

9 was in 1973 or 1974. Do you remember which year, and do you also

10 remember the month of that year when these sessions took place?

11 A. I don't remember that exact year. I don't remember the date. I

12 cannot recollect it. Even the names of individuals who I knew

13 very well could not be recalled.

14 Q. Could you, Mr. Witness, nevertheless make an attempt trying to

15 estimate when this meeting was? Was it two years before Phnom

16 Penh was liberated? Was it one year before Phnom Penh was

17 liberated?

18 A. I can say that it happened before the people were evacuated. I

19 can presume that it could have happened before the event of the

20 evacuation. So, again, I try not to speculate, but my memory does

21 not really serve me very well, so I may put it that way.

22 [09.29.47]

23 Q. Now, when Ta Mok was speaking about evacuation of Phnom Penh,

24 do you remember exactly what his arguments were? What did he say

25 about a possible evacuation of Phnom Penh?

1 A. He claimed of the military forces -- he proudly said that we
2 had conquered the war, in particularly the East and Northwest
3 zones. And he further emphasized that, upon our victory, we had
4 to continue to fight until we completely liberated Phnom Penh.

5 Q. I understand what you're saying, Mr. Witness, but my question
6 is: Did Ta Mok explain why, after a military victory, the whole
7 city of Phnom Penh had to be evacuated? What were the reasons for
8 this measure? Do you remember?

9 A. It has been many years since then, and I did not understand it
10 either, because it was purely military affairs. At that time,
11 Phnom Penh was under siege by a conquering military. It has been
12 many years, anyway. I cannot recall it very well. But he said
13 that we had to mobilize our total force in order to completely
14 conquer Phnom Penh.

15 [09.32.05]

16 There was a firm policy that we had to conquer the war at any
17 cost, so -- and he also encouraged the soldiers that we had a
18 sufficient force to achieve our plan. But as for the evacuation
19 of the people and the reason behind it, I did not know and did
20 not understand it either, because I was not involved in military
21 affairs. I was, at that time, a member at the commune level only.

22 Q. Do you remember, Mr. Witness, if at these political study
23 sessions a subject was also the bombing from the air from B-52
24 planes? Do you remember that?

25 A. During the period of aerial bombardment, the bombardment

10

1 occurred in Vietnam, Cambodia, and Laos. And in that period,
2 Cambodia was requested to send an envoy to negotiate, in order to
3 restore peace in the country. And --

4 Q. I'm sorry to interrupt you, Mr. Witness. I apologize, because
5 I don't have so much time. But my question was whether, at the
6 political study session, there was a topic called "the bombing by
7 the imperialists", for instance.

8 A. I cannot recollect on this point.

9 [09.34.27]

10 Q. Do you remember if Ta Mok spoke about the refugee situation in
11 Phnom Penh, maybe, or about the food problems in Phnom Penh?

12 A. Well, I did not grasp of this situation concerning the
13 shortage of food supply in the city. It was, actually, the sphere
14 of responsibility of military section, and I was at that time
15 attached to only commune levels. I did not grasp the situation.

16 Q. Mr. Witness, would it be possible that Ta Mok and Chou Chet
17 never spoke about plans to evacuate Phnom Penh, and that your
18 memory is failing you?

19 MR. PRESIDENT:

20 Witness, please hold on.

21 Mr. Prosecutor, you may proceed.

22 [09.36.02]

23 MR. RAYNOR:

24 Mr. President, I do object to this question. It invites
25 speculation of the plainest degree, the witness having been

11

1 warned only to give evidence about what he saw or heard. This
2 question invites testimony considerably beyond that permitted
3 sphere, and for that reason I object. This witness is being asked
4 about possibilities of what might have happened between Chou Chet
5 and Ta Mok. It's too broad and too speculative, and I therefore
6 object. Thank you.

7 MR. KOPPE:

8 Mr. President, I'm merely putting the proposition to this
9 witness, actually in a friendly way. Whether his memory might
10 have failed him and that there was no such meeting. I could also
11 use it in a much more negative manner, as the Prosecution has
12 been doing last week with Khieu Samphan's wife. I'm trying to be
13 very polite here. I could also say "you're making this up; it's
14 nonsense what you're saying". But I'm just trying to point to the
15 witness the possibility that his memory is failing. And I think I
16 should be allowed to ask that question.

17 (Judges deliberate)

18 [09.38.28]

19 MR. PRESIDENT:

20 The objection and grounds for objection by the prosecutor on the
21 last question put by the Defence are not appropriate and
22 well-founded. Then this objection is not sustained, and witness
23 is directed to respond to the last question by counsel, if you
24 can recall the question. Otherwise, Mr. International Counsel,
25 you may repeat your last question so that the witness can respond

1 to it.

2 BY MR. KOPPE:

3 Q. I will repeat the question, Mr. President.

4 Mr. Witness, would it be possible that your memory is failing
5 you, and that there was never any discussion on a meeting between
6 Ta Mok and Chou Chet about the evacuation of Phnom Penh?

7 [09.39.30]

8 MR. NOU MAO:

9 A. I do not recall, because at that time I was merely a member of
10 the commune committee. My knowledge of the situation was limited.
11 I only became aware of the situation when I attended political
12 trainings. I only learned that both Chan Si and Ta Mok had
13 different responsibilities. And as for the plan for evacuation of
14 people out of Phnom Penh, it was beyond my knowledge. When they
15 invited me to a meeting conducted by Ta Si, I attended the
16 meeting. But the one organized by Ta Mok was a different one,
17 because Ta Mok was in charge of military affairs. Of course,
18 military affairs and political affairs are interrelated. Both of
19 them were closely related. But all of us viewed them as Angkar
20 Leu or upper organization. We only knew it as upper organization,
21 and I did not even understand what constituted upper
22 organization. I have forgotten most of it.

23 Q. Thank you, Mr. Witness. I would like to move on.

24 You mentioned a person yesterday called Hu Nim. What can you say
25 about Hu Nim? Did you know him personally, for instance? Did you

13

1 ever meet him?

2 A. I did not know Hu Nim. And neither did I know Khieu Samphan.
3 Hou Youn, on the contrary -- he was quite vocal against the
4 evacuation of people.

5 [09.42.45]

6 So Hou Youn was quite determined that he was against the
7 evacuation of people. And he also made that clear in Tumpoar
8 village, Thpong district of Kampong Speu province. And I never
9 seen -- he disappeared.

10 Q. Mr. Witness, sorry I interrupt you again. You were speaking
11 now about Hou Youn. My question was about Hu Nim. You just
12 testified that you don't know Hu Nim, but I believe you also
13 testified that you thought Hu Nim was, like Khieu Samphan,
14 against the evacuation of Phnom Penh. Or did I -- or am I
15 mistaken in this?

16 MR. RAYNOR:

17 Mr. President, there was no evidence yesterday from this witness
18 about Hu Nim being against the evacuation. Can I clarify for my
19 learned friend's benefit that the reference to Hu Nim arose when
20 I was reading an extract of the document -- and I'll get the page
21 --

22 [09.44.19]

23 MR. KOPPE:

24 I have it here in front of me. You mean page 00419458? The
25 handwritten notes?

14

1 MR. RAYNOR:

2 Yes.

3 BY MR. KOPPE:

4 Q. I will rephrase my question.

5 Mr. Witness, in this verbatim report of Ben Kiernan -- of the
6 interview that he had with you -- it seems that you have told him
7 that Hu Nim was against the evacuation of Phnom Penh. Do you
8 remember saying such a thing to Ben Kiernan?

9 MR. NOU MAO:

10 A. No, I did not say so to Ben Kiernan. I only mentioned that Hou
11 Youn was against the evacuation, not Hu Nim. Hu Nim -- Hou Youn
12 convened a general meeting in Taing Pho Pagoda in Thpong, and
13 Khieu Samphan did not actually -- I did not mention anything
14 about Khieu Samphan either.

15 [09.45.41]

16 But Hou Youn was the one who convened a general meeting in Taing
17 Pho Pagoda. I was from a far distance, anyway, because at that
18 time there were many people in the pagoda compound listening to
19 his address. I did not know him personally. I only heard of him.
20 Hou Youn -- I could only see him from the distance, but since
21 then I have never seen him again.

22 Q. Mr. Witness, are you saying -- or maybe implying -- that you
23 never spoke to Ben Kiernan about Hu Nim because you didn't know
24 Hu Nim? Would that be a fair conclusion for me?

25 A. Where I know, and I can recall, I would tell you accordingly.

15

1 I did not know Hu Nim personally. I did not even have a chance to
2 meet him in person or see him anywhere. I only heard his name
3 from others. And people talk about Hu Nim, Hou Youn, and Khieu
4 Samphan, who all left Phnom Penh. And I saw Hou Youn from a
5 distance when he convened a general meeting, gathering all --
6 gathering cadres and civilians in that convention.

7 [09.47.40]

8 And he made an announcement that, once Phnom Penh was liberated,
9 evacuation need not take place. Phnom Penh dwellers should remain
10 in the city. According to him, keeping people in the city would
11 be easy. The situation would not be chaotic, if otherwise
12 evacuated.

13 Q. Thank you, Mr. Witness. But, like I said, my question was
14 relating to Hu Nim. Would it be -- I'll rephrase my question.
15 Would it be true to say that you have absolutely no idea whether
16 Hu Nim was in favour or opposed to the evacuation of Phnom Penh?

17 A. No, I do not know that.

18 Q. Okay --

19 A. I knew nothing of Hu Nim.

20 Q. I will leave further questions on Hou Youn and Khieu Samphan
21 to my colleagues, so I'll move on to another subject, Mr.
22 Witness.

23 [09.49.01]

24 Yesterday, you spoke about approximately 100 Lon Nol soldiers --
25 former Lon Nol soldiers who were coming from Phnom Penh, and who

16

1 were kept -- if I remember correctly -- close to a pagoda. Do you
2 remember testifying about that yesterday?

3 A. Yes, I do. I was there, at the pagoda, with the military
4 personnel there. Those people and soldiers were evacuated from
5 Phnom Penh, and they were relocated south of the pagoda. And you
6 may want to ask me why I recognize that they were military
7 personnel. I said that they were soldiers, because they had their
8 back-sacks with them, but they were not armed. And, according to
9 what people told me, they were all supposed to go for an
10 education session. That's what I knew at the time. They told me
11 that Angkar Leu or upper organization would send these people for
12 education.

13 [09.50.38]

14 I never saw them again, because that was the only time I saw
15 those soldiers, and the number of soldiers and people over there
16 could number to hundreds, or could be a little less than 100. If
17 you want to double-check on this fact, you may go and ask people
18 currently living around the pagoda. They would also testify on
19 it.

20 Q. I would, if I could, Mr. Witness. But that aside -- do you
21 remember yourself actually speaking to one of these hundred
22 former Lon Nol soldiers?

23 A. No, I didn't, because I was sick. People told me that. Many
24 soldiers were gathered over there. And I, at that time, was sick.
25 And south of that pagoda, there were lots of evacuees --

17

1 civilians and military -- and they asked us to contribute
2 foodstuffs for them to eat. And we saw some of them were carrying
3 their babies along. Some were pulling the cart with them,
4 carrying some belongings with them. And there was another group,
5 which was relocated at -- somewhere around Krang Chek. And they
6 asked those people to surrender certain belongings, like cars or
7 motorbikes and other belongings there.

8 [09.53.15]

9 Q. Thank you, Mr. Witness. But let us speak now only about these
10 hundred Lon Nol soldiers. You said you didn't speak to them
11 yourself. You heard from others, that they had maybe spoken to
12 them. The people that were speaking about these 100 Lon Nol
13 soldiers and that they were coming from Phnom Penh. Did they tell
14 you how they knew that these soldiers were coming from Phnom
15 Penh?

16 A. They were evacuated in a line and they had to go through the
17 corridor south of a pagoda. And people were, at that time,
18 requested to provide some rice or food stuff for these people.
19 And then these soldiers and evacuees were sent further.
20 It was quite close to the pagoda, and it was approximately only
21 100 metres away from the pagoda. I was staying there and I was
22 seriously sick then. They told me not to bother with this
23 evacuation of people and they did not want me to go and ask about
24 anything concerning these people.
25 I saw them wash themselves in the pond and I recognized that

18

1 these people were Khmer -- were Lon Nol soldiers, and people told
2 me that these people were supposed to be sent for further
3 education. And I did not know what further education they were
4 about to pursue. I did not know.

5 [09.55.50]

6 Q. My question, Mr. Witness, was whether the people who told you
7 that these Lon Nol soldiers were from Phnom Penh, how, in fact,
8 they knew that they were from Phnom Penh. Did they speak, for
9 instance, to these Lon Nol soldiers?

10 Can you enlighten us on this?

11 A. The evacuees comprise of civilians and military personnel.
12 They were mixed up. Both civilian and soldiers were all
13 evacuated, but when it comes to their relocation, they were
14 gathered in separate places. And we also bore witness to the fact
15 that some people were carrying their babies and belongings along.

16 [09.57.03]

17 Q. Mr. Witness, I'm going to interrupt. I apologize. But I will
18 try one more time.

19 How -- you were saying yesterday that they -- that these soldiers
20 were coming from Phnom Penh. Would you tell us, please, what the
21 source of this -- this testimony of yours is? How do you know
22 that these people came from Phnom Penh? Who told you that, and
23 how did they know that?

24 A. The people who told me about that, they came along with those
25 soldiers. They told me that these soldiers were evacuated all the

19

1 way from Thnal Totueng and people told me that these soldiers
2 were Lon Nol soldiers. And these soldiers were temporarily
3 located south of the pagoda near a pond, a big pond. And then
4 they stayed there overnight. They prepared their food over there.
5 And according to these people, they told me that the soldiers
6 were to be sent for further education and they would be promoted.
7 And those people who came to request the people to provide rice
8 and food stuff for those soldiers and evacuees told me
9 accordingly. And I also saw those soldiers taking baths in the
10 pond as well.

11 [09.59.00]

12 Q. So Witness, did you personally know any of those 100 Lon Nol
13 soldiers?

14 A. No, I did not know any of them personally. I never
15 communicated with those soldiers. I didn't bother to ask them
16 where these soldiers were from, but the evacuees who came along
17 with the soldier told us that at the intersection in Thnal
18 Totueng, these people -- civilian evacuees -- were supposed to
19 turn to Cheung Roas, and they met with those soldiers as well.
20 And then they stayed overnight in Cheung Roas near a pagoda, as I
21 said. And there were up to thousands of them.

22 Q. Thank you. Thank you, Mr. Witness. But my question was whether
23 you knew them personally. Your answer was no.

24 Now, my question to you is the following. Yesterday, sir, you
25 said that, and I quote you literally, "They never returned". Now,

20

1 if you didn't know any of these soldiers personally, how would
2 you be able to tell or how would you know that they never
3 returned?

4 A. The reason I know they didn't return because none of them has
5 ever returned. I just don't know where they could have been taken
6 to for education sessions or others. And I know at the beginning
7 that these people had been sent for education, and I have never,
8 ever seen them returned.

9 [10.01.49]

10 Q. But, Mr. Witness, but -- maybe I don't understand you well.
11 But if you don't know somebody, if you don't know where he lives,
12 where he's coming from, now, how would you be able to tell us
13 that this particular person never returned?

14 Did you go back to Phnom Penh and inform, for instance, about one
15 of these Lon Nol soldiers? Inquire, I mean.

16 A. I had been working in Cheung Roas commune all along. And
17 during my tenure or the time I worked there, I never saw them
18 coming back, so that's why I said they never returned.

19 Q. But, Mr. Witness, aren't you, in fact, speculating? You have
20 no idea whether these people returned to their homes.

21 A. You can either say I speculate or you can either say I tell
22 you the truth because they never returned.

23 [10.03.27]

24 Q. A final question, Mr. Witness, on this subject. You also said
25 yesterday that you heard that these people were taken for

21

1 education and that, and I quote you literally, "they were
2 assigned for death".

3 Have you actually witnessed yourself that any of these 100 Lon
4 Nol soldiers were killed?

5 A. I never been with them, but I know that people who had certain
6 ranks were supposed to attend study sessions and they were from
7 various units. And I heard this being said at the location to the
8 north of Prey Chum Pagoda.

9 And whether these people had been sent for education or
10 execution, I don't know, but I heard people said -- I heard from
11 those who brought food to the soldiers told us that those
12 soldiers did not know where they would be sent to. The only thing
13 they knew was that Angkar sent them for education.

14 [10.05.27]

15 Q. You said, Mr. Witness, that you have heard from people that
16 these soldiers were sent for re-education. Were you able to
17 determine whether these people that were telling you this really
18 couldn't -- really knew -- really could know? Were they reliable
19 sources when they were telling you this?

20 Would you be able to enlighten us on the sources of these people
21 that told you this?

22 A. The people who told me about this were the people of the base,
23 those who delivered foods for these soldiers. And also, the New
24 People, the evacuees, had to engage in preparing the takeaway for
25 these soldiers as well. And the Base People engaged in bringing

22

1 this food -- or preparing this food for those soldiers, they were
2 all soldiers. And they came back telling us that those soldiers
3 were to be sent for education. And that's what I learned from the
4 people, and that's what I need to tell the Court now.

5 And everyone knew very well that these people would be sent
6 further from this location. We just don't know whether they were
7 destined for execution or else.

8 [10.07.28]

9 Q. But, Mr. Witness, if you're saying that people were bringing
10 these soldiers food, food is, you will agree with me, to eat and
11 to survive.

12 Now, why would you then say yesterday that these people were
13 assigned for death if they, at the same time, according to your
14 sources, they were getting food to eat?

15 A. I just presumed that when people had to be sent further from
16 this location I believe it is -- it was most likely that they
17 would be killed because they had not been killed, they would have
18 returned. So my belief is based on the notion that I could never
19 see them back.

20 MR. KOPPE:

21 Thank you very well -- thank you very much, Mr. Witness. You have
22 enlightened me with your answers.

23 Thank you, Mr. President.

24 [10.08.58]

25 MR. PRESIDENT:

1 Thank you.

2 Now we would like to hand over to counsels for Mr. Khieu Samphan
3 to put some questions for the witness. You may proceed, Counsel.

4 QUESTIONING BY MS. GUISSÉ:

5 Thank you, Mr. President. Good morning to everyone in the
6 courtroom and to the parties, and good morning, Mr. Nou Mao.

7 [10.09.22]

8 Q. My name is Anta Guissé. I am Co-International Counsel for Mr.
9 Khieu Samphan, and I would like to put a few questions to you as
10 well in light of what you stated yesterday and what you have
11 stated today. If my questions are not clear, please do not
12 hesitate to seek clarifications from me.

13 I would like us to briefly revisit the interview you had with Ben
14 Kiernan a few years ago.

15 When you talked about that interview, you stated that you had
16 spoken to an international journalist. My question to you is as
17 follows. Is that how Mr. Ben Kiernan introduced himself to you,
18 saying that he was a journalist?

19 MR. NOU MAO:

20 A. Reporter who approached me in the war or at -- at the battle
21 said -- or just -- they just came to me when I was trying to
22 collect or distribute foods for the soldiers and when I was
23 engaged in gathering up people to collect the wounded and in the
24 midst of my mission, I was approached by the reporter, who then
25 conducted the interview.

1 He asked me about the Khmer Rouge and where the Khmer Rouge could
2 gather these forces and where this food could be brought from and
3 where the Khmer Rouge could bring them, I mean the food.

4 [10.11.50]

5 Q. Witness, I know that we ask a lot of you, and it is not always
6 easy to answer the questions, but I am trying to put specific
7 questions to you so I would like to request you to also respond
8 to my questions concisely.

9 You have just given a long answer in which you referred to a
10 journalist who came to the battlefield. Was that journalist Ben
11 Kiernan?

12 A. Yes, he is Ben Kiernan.

13 Q. And to answer my previous questions, do you say that he is a
14 journalist because that is how he introduced himself to you?

15 A. Yes, he presented himself as a journalist who came to obtain
16 some information from me.

17 Q. When you state that it was on the battleground, would you
18 agree with me that you only referred to the battlefield after
19 1979?

20 A. Yes, it is over 30 years already since it happened, so it has
21 been a very -- it was a very long time ago.

22 [10.14.17]

23 Q. I do understand that that was a long time ago, but my question
24 to you is whether it was after 1979 -- that is, after the entry
25 of the Vietnamese into Cambodian territory?

1 A. It was during the fighting when Lon Nol soldiers were also
2 there. We were fighting the Lon Nol soldiers because at that time
3 we were -- there were two groups of people or soldiers, the group
4 belonging to Chan Raingsey and the Lon Nol controlled groups. I
5 may need to go a little bit further than this. I told the
6 reporter that his safety -- he would be -- his personal security
7 would be on the line because he had interviewed me, and I asked
8 him to leave immediately. Otherwise, he would be in great danger.
9 He asked me these questions, and perhaps I will be repetitive on
10 this. He asked about the food where the Khmer Rouge collected,
11 and I said they would be brought from the rear, and then I--
12 [10.16.35]

13 Q. I crave your indulgence, Witness, for interrupting you. I
14 would like you to clarify something. When I asked you on what
15 battleground that scene you referred to with the journalist
16 unfolded, you answered by saying that it was during fighting
17 against Lon Nol soldiers.

18 Do I understand you correctly that that interview with Ben
19 Kiernan occurred before the 17th of April 1975 -- that is, before
20 the Khmer Rouge won the war against the forces of Lon Nol?

21 A. No, we were still fighting to win the victory over these Lon
22 Nol soldiers, but it was fierce fighting and it was a tug of war.
23 No side won yet, and we had to engage in these battlefields and
24 everyone had to prepare to fight because the other section -- the
25 other group would not allow the opponents from other section to

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1 come into theirs. And I think at that time there were heavy
2 aerial bombardments and people who had to bring food to the
3 soldiers, although, were in danger of these aerial bombardments,
4 and I was asked to assist the other combatants, women and men.

5 [10.18.53]

6 MR. PRESIDENT:

7 Mr. Mao, can you please listen to the question carefully and
8 respond directly to the question being asked? Please, be brief.

9 It is not appropriate at all to respond to the questions and that
10 you stray away from topics being asked.

11 And on another point, your health is not very good, so it would
12 be very beneficial and useful to both of you, counsel and the
13 Chamber, if you respond so briefly and precisely to the questions
14 being put to you. The question is simple, I believe. Counsel was
15 asking you about the interview you gave to Ben Kiernan. Was it
16 conducted before 1975 or after 1979? What would you answer?

17 MR. NOU MAO:

18 I don't remember the exact year, so I can't exactly say when it
19 was. I would like you to refer to the document. It could have
20 been 1979 or years after. I just forget it. I am sorry for this.

21 [10.21.00]

22 BY MS. GUISSÉ:

23 Q. Witness, if you do not recall the date, you should bear in
24 mind that you stated a while ago that you were talking about
25 fighting against Lon Nol's soldiers. Do you confirm that point?

1 MR. RAYNOR:

2 Mr. President, I think we need to be faithful to what was--

3 MR. PRESIDENT:

4 Mr. Witness, please hold on, and International Co-Prosecutor, you
5 may now proceed.

6 MR. RAYNOR:

7 Mr. President, the questioning needs to be faithful to what this
8 witness said yesterday about the interview with Ben Kiernan, in
9 terms of the audio recorded interview with Ben Kiernan. And I put
10 to the witness the date of the interview, the circumstances of
11 the interview, and he confirmed that the -- his recollection was
12 that this interview had taken place on the 26th of August 1981.
13 Now, I object to the questions being put in the way that they are
14 given that that was his testimony yesterday about the date of the
15 audio recorded interview with Ben Kiernan.

16 [10.22.26]

17 MS. GUISSÉ:

18 Yes, Mr. President, I do understand the fix in which the
19 prosecutor is, but I think either it is an interpretation problem
20 or my statements are being distorted. Today, I have not referred
21 to the witness' statement given yesterday. All I am asking of him
22 is clarification regarding a point he made a while ago, and I
23 think all the parties heard what he stated regarding fighting. I
24 asked him between whom the fighting was and he said it was
25 between the Khmer Rouge and Lon Nol's troops. So I did not refer

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1 to what he stated yesterday. That is the first point.

2 Secondly, I would like to return to Mr. Ben Kiernan's notes, and

3 I recall that yesterday I made an objection regarding the

4 circumstances under which the Co-Prosecutor questioned the

5 witness, because I want to put open questions to the witness

6 before referring to the notes. So I think the Co-Prosecutor's

7 objection is not well founded because everyone has heard this

8 morning that the witness referred to Lon Nol soldiers. He said so

9 a few minutes ago. So I would like to clarify this point and

10 request that the Chamber allow me to continue putting questions

11 to the witness.

12 [10.24.15]

13 MR. PRESIDENT:

14 The objection is not sustained and you may proceed, Counsel.

15 BY MS. GUISSÉ:

16 Thank you, Mr. President.

17 Q. Witness, a while ago, you referred to a meeting between you

18 and a journalist on the battlefield. When I asked you whether

19 that journalist on the battlefield was Ben Kiernan, you answered

20 by saying, yes. And I went on to put this other question to you

21 to refresh your memory, whether the journalist you saw on the

22 battleground was indeed Ben Kiernan, whose photograph you showed

23 us yesterday?

24 MR. NOU MAO:

25 A. Yes, I met with him in person.

1 [10.25.35]

2 MS. GUISSÉ:

3 For the sake of clarity, may I request the Court officer to show
4 us the document with Ben Kiernan's photograph, with the
5 President's leave, and before the witness is shown the picture,
6 we would like to see that photograph on this side because the
7 picture was not given to us yesterday. May I therefore request
8 that that photograph be shown to us so that we can see the
9 inscription on it because we didn't see it yesterday? It was
10 rather blurred. And then the photograph should be shown to the
11 witness so that we can be sure that we are talking about the same
12 person.

13 [10.26.35]

14 MR. PRESIDENT:

15 Ms. Se Kolvuthy, can you advise the Chamber as to where the photo
16 we ordered you to place on the case file yesterday is?

17 The photo has already been sent to the CMS section so that it
18 could be placed in the case file, and for this, the photo cannot
19 be brought to the Chamber for display.

20 And since it is now appropriate moment already for adjournment
21 and that the witness appears to be rather tired, we may take a
22 20-minute break and the next session will be resumed by 10 to
23 11.00.

24 During this interval, the Court greffier is now directed to
25 assist to ensure that the photo can be returned to be displayed

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1 in the courtroom from the CMS section. And indeed the purpose of
2 displaying this photo is for the confirmation from the witness,
3 and it can be done after the session -- when we resume our next
4 session.

5 And Court officer is now directed to assist the civil -- rather,
6 the witness during the adjournment.

7 The Court is adjourned.

8 (Court recesses from 1028H to 1052H)

9 MR. PRESIDENT:

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

11 The Chamber wishes to inform Mr. Mao that please first listen
12 carefully to the questions, and that you should respond directly
13 to the questions being put to you. Please try your best not to
14 elaborate further on the points that are not relevant to the
15 questions. And we note very carefully that your health is not
16 good and please tell the Chamber if you can continue or if you
17 would like to take some rest.

18 And, again, duty counsel is encouraged to notify the Chamber if
19 you feel that your client is too weak to continue.

20 Counsel is at the same time advised to shorten the questions by
21 putting straightforward and easy to understand questions so that
22 the witness can precisely respond to them. You may now proceed.

23 MS. GUISSÉ:

24 Thank you, Mr. President. I shall do my best to comply with your
25 injunctions.

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1 During the break, I was in fact given a copy of the photograph
2 that was produced by the witness yesterday and I would like him
3 to be shown it so that we can continue my questioning; with the
4 assistance of the Court officer, please. It now has a number,
5 E1/209.2.

6 [10.55.34]

7 BY MS. GUISSÉ:

8 Q. Mr. Nou Mao, do you recognize the photograph?

9 MR. NOU MAO:

10 A. Yes, I do recognize the person in the photo, the person who
11 interviewed me in the battlefield. Later on, he also interviewed
12 me on another occasion in the state of Cambodia in Udong
13 district. So this same person came to me twice to conduct the
14 interviews, so one interview in the previous date and another one
15 during the state of Cambodia.

16 [10.56.32]

17 Q. Excuse me, Mr. Witness, we'll try and go step by step. I'm
18 going to ask you some very precise questions and I'd like you to
19 answer as precisely as you can, and then we will go along bit by
20 bit and that way we won't get too confused as suggested by the
21 President.

22 Now, the first question about the photograph: Where did you get
23 this photograph from? Who gave it to you?

24 A. This photo was given to me by someone who asked me whether I
25 recognized the person in the photo, and after looking at the

1 photo for a while I started to realize that this is the person I
2 used to know and that – however, this person is more or less
3 similar to the person who interviewed me on those two occasions.
4 So I then concluded that that's the person, the reporter, so I'm
5 sure he's the right person who really interviewed me on those two
6 occasions.

7 [10.58.22]

8 Q. One more question about the photograph. Underneath, there is
9 something written in black. Can you tell us who wrote that and
10 what it says? Can you read it out? Perhaps I should have asked
11 that first. Can you read it out?

12 A. Would you like me to read the content of what I -- to know
13 which part of this photograph you would like me to read?

14 Q. The part written with black ink directly under the photograph
15 and it is in Khmer. The other notations are by the Court officer.
16 I want you to read what is written directly under that photograph
17 and to tell us who wrote it.

18 A. I don't understand this. With regard to the writing in black
19 ink, I think that is an annotation of someone. And this is just,
20 you know the whole picture and writing that I obtained from the
21 person who gave it to me and it is -- the person in the photo is
22 indeed Ben Kiernan.

23 [11.00.55]

24 Q. Who gave you this photograph? What is that person's name?

25 A. I do not remember that person's name. He -- I just received it

33

1 and I was asked the question to confirm whether I recognized the
2 person in the photograph and I said, yes, he looked more or less
3 like the person I once -- who once interviewed me. Then I was
4 offered this photo but I -- you know, at the beginning I did not
5 know the person in the photo was Ben Kiernan but the person
6 approached me and handed over to me this photo, and he just asked
7 me for confirmation whether I recognized that person and I said,
8 yes, he was Ben Kiernan and then the document was dropped and
9 here this. And I was sure that this was the same person who came
10 twice to interview me.

11 Q. Although you do not remember the name of the person who gave
12 you the photograph, can you tell us when that person came to see
13 you?

14 A. The photo was given to me when I was staying at a building. I
15 don't remember this name of the building. It was when I was
16 there.

17 [11.03.18]

18 MR. PRESIDENT:

19 Counsel, you may continue putting other questions, but the
20 Chamber is informed that the WESU unit provided this photo to
21 him. So, Counsel, you may proceed putting more questions.

22 MS. GUISSÉ:

23 I did not know that the witness protection unit engaged in such
24 operations, giving photographs to witnesses. We will revisit that
25 issue later. When someone is testifying before the Chamber, the

1 principle is that--

2 MR. PRESIDENT:

3 Judge Lavergne, you may now proceed.

4 JUDGE LAVERGNE:

5 Thank you, Mr. President. I hope that what I say will clarify
6 what happened. In fact, we were informed not too long ago by an
7 email sent by the -- an assistant, that at the very beginning of
8 the process to contact the witness, the witness and expert
9 support section showed the witness the photograph to be sure that
10 the person contacted was the person sought by the Chamber. No
11 other reasons are given for that, apart from just identifying the
12 witness. I have heard the information--

13 [11.05.26]

14 MR. PRESIDENT:

15 Judge Cartwright, you may now proceed, please.

16 JUDGE CARTWRIGHT:

17 Yes, thank you, President. Just to inform counsel that the
18 photograph was used by WESU during its inquiries to make sure
19 that they had the right witness, potential witness. So that was
20 the purpose for which the photograph was used.

21 But I think we should move on now with the questioning of this
22 witness and if you wish to raise other issues later, so be it.

23 MS. GUISSÉ:

24 That is precisely what I am going to do, Your Honour.

25 [11.06.07]

1 BY MS. GUISSÉ:

2 Q. Mr. Nou Mao, you stated that you met the person on the
3 photograph which you identify as being Ben Kiernan's photograph.
4 You stated that you met him on two occasions. Do I understand
5 clearly that the first time was on the battlefield and the second
6 occasion was in Udong in the district office? Is that indeed what
7 you have just stated?

8 MR. NOU MAO:

9 A. Yes, it is correct.

10 Q. And in order that everyone should clearly understand your
11 evidence, do you confirm what you said a while ago that the first
12 time he met you on the battleground was when the Khmer Rouge
13 troops were confronting the Lon Nol forces; do you confirm that
14 point?

15 A. No, I cannot respond to this, but I just confirmed that the
16 interview was conducted in the battlefield and we parted our
17 ways. I did not know where he could have gone to after a brief
18 interview with me.

19 [11.08.02]

20 Q. I will try one last time. A while ago when you referred to the
21 battlefield, you said that Khmer Rouge troops were fighting
22 against Lon Nol troops. Do you recall saying that a while ago and
23 do you stand by your statement?

24 A. I think the interview took place for less than half an hour
25 before he left me because I asked him to go quickly before he

1 would be in trouble. And after he left, I was--

2 Q. Excuse me, Witness; I am sorry I have to interrupt you. My
3 question was not to find out what became of the journalist.

4 Subsequently, my question is very precise.

5 Do you recall that a while ago, during this hearing, you stated
6 that at the time when you saw the journalist that was on the
7 battlefield when the Khmer Rouge forces were fighting against Lon
8 Nol forces. Do you remember saying that?

9 A. Yes, I do.

10 [11.09.55]

11 Q. Do I understand, therefore, that you are confirming this
12 point?

13 A. Yes, it is correct.

14 Q. I would like to put questions to you now on the second
15 meeting, that is, in the Udong district office. We are going to
16 talk only about the second encounter. Is that clear because I
17 want to focus on this in my second question?

18 A. Yes, when he came to Udong office people came in two cars and
19 they were searching for me and then they met me, then the
20 interview took place.

21 Q. Responding to a question put to you by the Co-Prosecutor
22 regarding that encounter or that interview, you stated that you
23 spoke in Khmer and that what you said was interpreted to you and
24 the questions asked were also interpreted to you; is that
25 correct?

1 A. Yes, it is.

2 [11.11.43]

3 Q. You also stated that it is possible that you are not very sure
4 of that, that it is possible that on that day Ben Kiernan -- that
5 is the person who interviewed you -- took notes. My question to
6 you is as follows: Did the interpreter read out those notes back
7 to you regardless of when that happened?

8 A. The interview took place in Udong and two vehicles came and
9 they carried these people who came to interview me--

10 Q. Excuse me, Mr. Witness, my question was very specific. I am
11 not asking you to tell me again who was present, all I am asking
12 is whether the interpreter, at any point in time, read out the
13 notes that Mr. Ben Kiernan took on that day. I am asking you to
14 answer only this question, whether notes taken by Mr. Ben Kiernan
15 were read back to you?

16 A. Yes, it was read back to me by the interpreter.

17 [11.13.35]

18 Q. All the notes were read back to you by the interpreter, is
19 that what you are saying? Perhaps I should reformulate my
20 question. Let me rephrase it.

21 Was the interpreter reading word for word what was written on
22 paper?

23 A. I don't remember this quite well, and with that I'm afraid if
24 I tell you whether he read this all, then it would not be
25 accurate because I think my memory is really poor.

1 Q. One last point regarding the notes. Before coming to this
2 hearing, were you able to read the notes in Khmer in light of
3 which you have been questioned over the past few days?

4 Witness, did you understand my question?

5 A. Yes, I did.

6 [11.15.49]

7 Q. If you did understand my question, perhaps I should put it to
8 you again so that it should be as clear as possible.

9 My question was whether before coming to this hearing you read
10 the notes in Khmer which have been the subject of your
11 examination before this Chamber over the past few days?

12 A. Yes, I have read the note time and again, the writing in that
13 document. However, although I have read them time and again, my
14 memory is still -- is very poor. I forget a lot.

15 Q. One last clarification. When were those notes in Khmer handed
16 to you if you do recall that?

17 A. I don't recall it.

18 Q. Was it before you came to the Tribunal or on the day you
19 arrived here at the Tribunal?

20 A. It was given to me when I was still at home. The document was
21 brought to me there. Upon receiving the document I kept reading
22 it. However, the document contained several pages; it's too long
23 for me to read, and since there's too much information in the
24 document itself it makes me difficult to remember everything.

25 [11.18.35]

1 Q. And was the document given to you at the same time with the
2 photograph?

3 A. No, the photograph was given to me later. The photograph was
4 just given to me when I was summoned to appear before the
5 Chamber.

6 Q. How about the notes in Khmer that you received. Who gave you
7 those notes? Do you remember the person's name?

8 A. No, I don't, I don't remember the name of the person who gave
9 me the document.

10 Q. And can you tell us whether that was a week ago, a month ago;
11 was it this year or the last year?

12 A. It was given to me only by the time I was summoned to appear
13 before this Chamber.

14 [11.20.34]

15 Q. Very well. We will make a motion on this later certainly, but
16 let me press on with my examination.

17 Mr. Nou Mao, in answer to a question put to you by my learned
18 colleague of the Nuon Chea defence team, yesterday you said you
19 held a position in the village committee and in the commune
20 committee. Apart from those two functions or offices, did you
21 hold any other office? I am talking, of course, of the Democratic
22 Kampuchea period.

23 A. Before I became the member of the commune committee, I was in
24 charge of a village committee supervising three villages.

25 Q. Here again, Witness, may I request you to pay particular

40

1 attention to the questions I am putting to you. The question I
2 have just asked is whether, apart from the village committee and
3 the commune committee, you held other offices, you had other
4 duties -- that is, apart from those two?

5 A. When I was the member of the village committee, I was not part
6 of the commune committee yet.

7 [11.22.47]

8 MR. PRESIDENT:

9 Counsel, can you please advise the Chamber as to how much time
10 you would like to take to put questions to this witness, please?

11 MS. GUISSÉ:

12 Mr. President, I think I will need three-quarters of an hour. If
13 things were simpler, I would need less time, but as you can see I
14 am putting many questions to the witness in order to get the
15 answer to my first question. That is why I need more time.

16 (Judges deliberate)

17 [11.24.48]

18 MR. PRESIDENT:

19 Counsel would like to have more time putting questions to this
20 witness, and given the fact that the witness's health is rather
21 not good and that it would be best if we allow the witness to
22 have some rest so that he can recuperate to respond to all the
23 questions put by counsel for Mr. Khieu Samphan. For that, the
24 Chamber may now adjourn a bit early and the next session will be
25 resumed by 1.30 p.m.

41

1 Mr. Mao, the Chamber has already decided to adjourn the session
2 because we know note that your health is not very good, and it
3 would be best if you can have some time to break so that you can
4 stay focussed on answering the questions by counsel. And it would
5 be best if you have this rest.

6 The next session will be resumed by 1.30 and from now until then
7 you can take a break and we hope that the testimony of yours will
8 be concluded by this afternoon's session, first session.

9 [11.26.18]

10 Court officer is now directed to assist the witness and his duty
11 counsel during the adjournment and have them returned to the
12 courtroom before 1.30 p.m.

13 Security personnel at the same time are also directed to bring
14 Mr. Khieu Samphan down to his holding cell downstairs and have
15 him returned to the courtroom when the next session resumes.

16 The Court is adjourned.

17 (Court recesses from 1126H to 1332H)

18 MR. PRESIDENT:

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

20 We now would like to hand over to counsel for Mr. Khieu Samphan
21 to continue putting questions to the witness. You may proceed.

22 BY MS. GUISSÉ:

23 Q. Thank you, Mr. President.

24 Good day to you, once again, Mr. Mao. I hope you've had time to
25 relax a little during the break that we held.

42

1 I'd like to come back to the question that I was asking you
2 earlier on and, as I have asked before, do please pay proper
3 attention to the question I'm asking and give as precise answers
4 as you can. And my question is to ask you if apart from your post
5 on the village committee and subsequently on the commune
6 committee, did you hold any other positions during Democratic
7 Kampuchea?

8 [13.34.32]

9 MR. NOU MAO:

10 A. During the Democratic Kampuchea regime, I was a member of the
11 village committee; then I was promoted to the position of a
12 member of the commune committee.

13 Q. And apart from those two positions, did you hold any others;
14 yes or no?

15 A. No, I worked in the commune only.

16 Q. Yesterday, when you were answering a question from my learned
17 colleague from the Nuon Chea team, just a tiny bit after -- let
18 me just check the transcript. I apologize for that, a little bit
19 after 10.28 in the provisional transcript from yesterday.

20 With your kind leave, Mr. President, I would like this draft be
21 put up on the screens and I would like my colleague, Kong Sam
22 Onn, to read in Khmer the excerpt that I'm referring to in that
23 transcript.

24 [13.37.02]

25 MR. PRESIDENT:

1 You may proceed.

2 MR. KONG SAM ONN:

3 Thank you, Mr. President.

4 I would like to read this statement the witness Nou Mao already
5 testified.

6 Response: "Chan Si, at that time, I did not know this well
7 because my memory has lost and I don't know whether he knew this
8 or not because I got wounded in the battlefield and I had to
9 continue buying medicines from Phnom Penh to cure my sickness and
10 I could not go anywhere because I was very emaciated and I
11 couldn't do anything else."

12 BY MS. GUISSÉ:

13 Q. Mr. Witness, yesterday you therefore told us that you were
14 wounded on the battlefield and yesterday, when you were answering
15 a question from my colleague from the Nuon Chea team, you said
16 that you had never held any kind of military rank. Can you
17 explain to the Chamber in what circumstances you were wounded on
18 the battlefield?

19 MR. NOU MAO:

20 A. I believe that it happened at the rear when I did not get
21 injured yet.

22 [13.39.10]

23 Q. My colleague says that we may have some communication problems
24 here. The excerpt was read back to you just now from your
25 declaration -- your statement, rather, of yesterday in which you

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1 said that you had been wounded on the battlefield and so my
2 question is: If you never held any military rank, in what
3 circumstances did you -- were you wounded?

4 A. Yes, I got wounded, but that happened afterward. When I was
5 interviewed by the journalist, I did not -- I was not yet
6 injured. The injury was sustained at a later date. I got injured
7 because I fell off the hammock.

8 [13.40.53]

9 Q. Mr. Witness, I read out what you said yesterday and there was
10 no reference to a hammock. You talked about being wounded on the
11 battlefield, so yes or no; were you wounded on the battlefield?

12 A. In the battlefield, actually, I did not get injured, but later
13 on, bombs were dropped by a plane and because of the bombs, I got
14 injured in Phnum Bat location. And, indeed, the bomb were dropped
15 and I fell from the hammock and the -- the fall caused great
16 injury to my shoulder and my shoulder was displaced and I -- when
17 I coughed, you know, I could see blood were coming, so that's
18 what happened.

19 Q. Let's move on. You told us that your health problems meant to
20 you being withdrawn from your duties in the commune; am I
21 understanding your statement correctly?

22 A. Yes, it is correct. I was removed because I got wounded and I
23 could no longer be useful.

24 Q. Do you remember roughly the date when you stopped your
25 position you held in the commune? Was it a good deal of time

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1 before the Khmer Rouge victory?

2 A. It was during the time when cooperatives were established to
3 receive people who had been evacuated from Phnom Penh.

4 [13.43.58]

5 Q. Do you remember the year?

6 A. No, I don't remember.

7 Q. I'd like to show the witness an excerpt from Ben Kiernan's
8 notes on the subject in document D313/1.2.405; ERN in Khmer is
9 009009938 (sic); in French, 00893547; in English, 00419460. In
10 the French text, it's the last paragraph.

11 And with your permission, Mr. President, we'll put this on the
12 screen.

13 These are the notes that were taken during the interview and
14 according to Ben Kiernan, you tell him that you were sick and
15 after 1974, you were losing blood.

16 "In 1975, I was evacuated to Khum Voan (phonetic) in Kampong Speu
17 after the evacuation."

18 Now, does this trigger your memory, Mr. Witness? Was this in 1974
19 when you fell ill or were injured?

20 A. I fell ill in the year when the cooperatives were being
21 established and at that time, did -- did not consider me as an
22 important member of the committee and they stopped using me
23 already and I had no more rights as a member.

24 [13.46.53]

25 Q. Mr. Witness, given those facts, is it fair to assert that the

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1 education sessions that you talked about before this Chamber took
2 place before you fell ill; the education sessions with Ta Mok or
3 the ones with Chou Si?

4 A. That happened before I did not fall ill and I was still a
5 member of the commune committee and Chan Si and Ta Mok convened
6 --

7 Q. Excuse me. I apologize for interrupting, but I'm asking
8 precise questions. We're moving step by step so as to avoid any
9 confusion and you confirmed to me that this was before, so now,
10 I'm going to ask you questions about these education sessions and
11 the first question is about the one with Ta Mok.

12 First, was there one education session with Ta Mok or several?

13 A. People who participate -- I only attended the sessions
14 lectured by Chan Si, not by Ta Mok.

15 [13.49.28]

16 Q. Mr. Witness, yesterday you told us that you attended education
17 sessions given by Ta Mok. Will you confirm that now?

18 A. My statement remains the same. I attended the session chaired
19 by Chou Chet and later on, in -- in the -- by the -- near the end
20 of the session, then Ta Mok also came to give lecture.

21 Q. The question I am asking is -- no, let me put it in another
22 way. You told us that the education session with Chou Chet took
23 place in the Thpong district to the north of Wat Kaet Tok
24 (phonetic); that was yesterday just before 10.08. Is that where
25 the education session with Chou Chet took place?

1 A. The place where we attended the session was to the north of
2 that pagoda near the riverbank and the session lasted for about
3 one month and all cadres from different communes were invited to
4 attend the session and these cadres who were in the political
5 sections were all invited to attend the session and it was -- the
6 session was conducted at a school.

7 [13.52.22]

8 Q. Thank you for those details, Mr. Witness. Once again, I am
9 asking you to stick as closely as you can in your answers to the
10 questions I am asking which I'm trying to make as precise as
11 possible. If I need further details, I will ask you. My time is
12 limited, you must understand, and if we carry on like this, I
13 won't be able to get to the end of my questioning in the time I
14 have.

15 So, you talked to us about this education session and if I have
16 made the right interpretation of what you said just now, you said
17 that during a one month training session, Ta Mok, somewhere
18 towards the end of the session, came to address the gathering.
19 And so the question I want to ask you is: Apart from that one
20 month session in the Thpong district, did you attend any other
21 training sessions that were given by Ta Mok?

22 A. I attended the study session, as I already emphasized; the
23 session convened by Chou Chet on political matters and later, to
24 the -- or by the end of the session, then Ta Mok was also
25 involved in lecturing on military.

1 [13.54.20]

2 Q. Excuse me, Mr. Witness. I really am sorry to interrupt, once
3 again, but you have just repeated to me what you have already
4 said. Mine was a different question. What I want to know is apart
5 from that training session that you've just told me about -- and
6 I entirely understood what you were saying -- apart from that
7 one, were there other education sessions with Ta Mok at another
8 time?

9 A. No, I did not attend any other sessions lectured by Ta Mok
10 again.

11 Q. Thank you for that information.

12 You also mentioned Hou Youn yesterday at 11.21 and I'll just find
13 the references for that - 11.21.

14 With your permission, Mr. President, I'd like the draft
15 transcript to be placed on the screen so that the witness can
16 follow it.

17 Yesterday, you said that Hou Youn came to chair a gathering and
18 the place you mentioned was Wat Taing Pho. Do you remember what
19 you said yesterday and do you confirm that Hou Youn came to Wat
20 Taing Pho to chair a gathering?

21 A. I attended that session along with other cadres from the
22 sector level who also attended the session when matter regarding
23 evacuation was discussed and I heard that he argued that when the
24 -- when we won the victory then population should not be
25 evacuated. That's what I heard from him. I think he talked a lot

1 more than this. He talked a lot more than this, but I just don't
2 recollect all.

3 [13.58.25]

4 Q. Mr. Witness, do you remember the year it was when Hou Youn
5 came to chair that gathering? Can you recall this?

6 A. No, I can't. I cannot recall the year and, again, I wish not
7 to speculate.

8 Q. With permission of the President, I'd like to show Ben
9 Kiernan's notes; document D313/1.2.405; ERN in Khmer, 00909939;
10 in French, 00893548; and in English, 00419461. In the French
11 version, it's roughly in the middle of the page. These are the
12 notes that Mr. Ben Kiernan took when you had your interview and
13 this is what you said:

14 "I saw Hou Youn only once in 1972 at Taing Wat Pho at a meeting
15 or a party, but I didn't meet him personally. He didn't mention
16 the Vietnamese present, only the popular movement at the start of
17 1973."

18 [14.00.55]

19 Now, do these notes trigger anything in your memory, Mr. Witness?
20 Was it in '72 or the start of '73 that you saw Hou Youn at that
21 gathering at Taing Wat Pho (phonetic)?

22 A. I do not recall the year or the month of that year. To my
23 recollection, Mr. Hou Youn, who came to brief all the cadres, he
24 said: "Upon victory, we must not evacuate people."

25 I did not know him clearly at that time. He briefed the cadres

1 who were from the commune, district, and sectors. He actually
2 touch -- touch upon many matters ranging from economics to
3 political matters. A lot of issues were addressed in his speech,
4 but what I recall was that he said: "Upon victory, we must not
5 evacuate the people."

6 Q. Witness, although you do not remember the exact date, do you
7 confirm what I have just read out to you from Ben Kiernan's
8 notes; that is to say that you did not -- you only saw Hou Youn
9 at Wat Taing Pho only once?

10 A. Yes, that is correct.

11 [14.03.40]

12 Q. Did you attend other meetings at Wat Taing Pho?

13 A. Later, I did not attend any meeting in Thpong district anymore
14 and upon the training at Wat Taing Pho in Thpong district, our
15 commune committee members were never called for meeting in that
16 place again.

17 Q. Thank you for this clarification. So you only saw Hou Youn
18 once.

19 This morning, responding to a question put to you by my learned
20 colleague of the Nuon Chea defence team, Mr. Koppe, you stated
21 that you did not know whether Hu Nim was in favour or against the
22 evacuation. That question was put to you between 9.45 and 10
23 a.m., according to my notes. You -- you stated that you did not
24 know Hu Nim's position.

25 I would now like to have placed on the screen a passage from your

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1 statement of yesterday and I will ask my colleague to read it out
2 to you. In that passage, you indicate the position of Hu Nim and
3 the position of Khieu Samphan and it's the record at 11.23. My
4 learned colleague, Kong Sam Onn, will read out to you what you
5 said yesterday.

6 [14.06.21]

7 MR. KONG SAM ONN:

8 With Mr. President leave, I would like to read out -- quote:

9 "According to the position of Mr. Khieu Samphan, he was in favour
10 of the evacuation of the people. Hou Youn was against the
11 evacuation and Hu Nim did not -- or were not in favour of
12 evacuation of people either."

13 Thank you, Mr. President.

14 BY MS. GUISSÉ:

15 Q. Witness, I have just read out to you your statement of
16 yesterday and you stated in that statement that Hu Nim was not in
17 favour of the evacuation and that Khieu Samphan, for his part,
18 was favourable to that evacuation. That is what you stated
19 yesterday.

20 And this morning at 9.45, in any case, between 9.45 and 10 a.m.,
21 you said you did not know whether Hu Nim was in favour of the
22 evacuation or not.

23 [14.07.39]

24 Regarding Hu Nim, can you tell the Chamber what his position was?

25 MR. NOU MAO:

1 A. I did not know about Hu Nim's position. What I stated earlier
2 was about Hou Youn's position during the gathering in Wat Taing
3 Pho Pagoda and I -- I had never known Hou Youn before that
4 gathering.

5 And as for Mr. Khieu Samphan, I never attended any meeting
6 addressed by Mr. Khieu Samphan. And as for Hou Youn, he convened
7 this gathering. He only made mention that if we conquered the
8 war, we did not need to evacuate the people. That's what Hou Youn
9 said in his address to the gathering.

10 As for Mr. Hu Nim and Mr. Khieu Samphan, I never met them and I
11 never knew them either.

12 [14.09.02]

13 Q. I very well understand your answer, Witness, but here again I
14 want my learned colleague, Kong Sam Onn, to read part of your
15 testimony yesterday and it is still the draft transcript and this
16 time around, it is shortly after 9.27 -- or rather, 11.27, and
17 here you are talking about the position of Khieu Samphan and the
18 question put to you by the Co-Prosecutor was as follows:

19 "How did you know that Khieu Samphan was in favour of the
20 evacuation?"

21 And this is your answer. It will be read out to you in Khmer.

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. I would like to read the quote. Quote:

24 Question: "How did you know that Khieu Samphan was in favour of
25 the evacuation plan?"

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1 Response: "I knew it during the gathering at Taing Pho Pagoda,
2 but I never knew Mr. Khieu Samphan. That's correct; Hu Nim, Hou
3 Youn, Khieu Samphan, I did not know them and I only learned about
4 it when I came to attend the gathering at Taing Pho Pagoda." End
5 quote.

6 Thank you, Mr. President.

7 [14.10.52]

8 BY MS. GUISSÉ:

9 Q. So it transpires from the answer you gave yesterday that it
10 was at that meeting held at Wat Taing Pho that you got to know
11 what Khieu Samphan and Hu Nim's positions were. Can you tell the
12 Chamber whether or not you knew Khieu Samphan's position
13 regarding the evacuation of Phnom Penh?

14 MR. NOU MAO:

15 A. No, I did not know his position. As I said, I knew the
16 position of Mr. Hou Youn who addressed the gathering, at that
17 time; that evacuation of people from the city was not needed.
18 As for Mr. Khieu Samphan and Mr. Hu Nim, I did not know them and
19 when I was attending that gathering, I did not know them either.
20 That is it.

21 [14.12.14]

22 Q. Thank you for this clarification, Witness.

23 I'll go into another line of questioning and I will soon be done.
24 You stated that you only attended a single --

25 MR. PRESIDENT:

1 Please hold on, Madam Counsel.

2 Mr. Prosecutor, you may proceed.

3 MR. RAYNOR:

4 Mr. President, I can only invite my learned friend to clarify,

5 but in answer -- the last question with the extract having been

6 read out from 11.28 from the transcript, the first point I wish

7 to make: The question that was put was that the witness had found

8 out at the meeting at Wat Taing Pho what Khieu Samphan and Hu

9 Nim's positions were. The actual extract with my question was:

10 "How had you found out or discovered that Khieu Samphan was in

11 favour of the evacuation?"

12 So my question did not address Hu Nim, but it's been represented

13 that my question did.

14 [14.13.31]

15 And the second observation I have is that with the question being

16 framed: Did you know what Khieu Samphan's position was regarding

17 the evacuation; it's implicit in the answer that the witness

18 thought that the question went to his position, generally, and

19 not his view or his line or another word about the evacuation.

20 In my respectful submission, this should be cleared up.

21 MS. GUISSÉ:

22 Yes, Mr. President, here again, I can understand why the

23 Co-Prosecutor is somewhat in a fix, but I precisely made sure the

24 statement of the witness was cited extensively to avoid

25 interpretation problems as to what the witness specifically said.

55

1 And in my question, I was particularly attentive to focus on the
2 question put to Hu Nim and the question put to the witness
3 regarding Mr. Khieu Samphan and the witness' answer is clear. It
4 is not in line with the expectations of the prosecutor. It is not
5 what the witness stated yesterday.

6 [14.14.54]

7 And today, I have tried to avoid any confusion in my questions
8 by citing the Khmer transcript to make sure this wouldn't pose
9 any problem, so I request the Chamber not to take the
10 Co-Prosecutor's objection into account. And I also request the
11 Chamber's leave to complete my examination of the witness.

12 MR. PRESIDENT:

13 Counsel, you may continue your line of questioning and please
14 indicate the time you expect to conclude your questioning of this
15 witness because your request time of 45 minute has already
16 lapsed.

17 Please hold on, Counsel.

18 [14.16.30]

19 Mr. Nou Mao, if you have anything to say?

20 (Short pause)

21 MS. GUISSÉ:

22 Mr. President, I do not know what the witness' health status is.
23 I have only five additional minutes to put questions to the
24 witness on Ta Mok and if the witness is not in a position to take
25 any further questions, I wouldn't mind ending my examination of

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1 the witness here, but if I can ask questions for the next five
2 minutes, I will do so, but if he cannot take any further
3 questions, I wouldn't mind wrapping up my examination of the
4 witness at this juncture.

5 (Short pause)

6 [14.20.14]

7 MR. PRESIDENT:

8 Mr. Prosecutor, you may proceed.

9 MR. RAYNOR:

10 Mr. President, I do rise at this stage because this evidence, in
11 my submission, has been left in an unsatisfactory position. If
12 the Prosecution had the right of re-examination, we would. We do
13 not. The juxtaposition of the use of the word "position" with the
14 answer "I did not know him; I did not know either of them" leaves
15 this important piece of evidence unclarified.

16 I cannot re-examine. The cross-examination is moving, I think, to
17 another point. All I can do in these circumstances is to invite
18 you or other Judges of the Court to clarify the answers given by
19 the witness at some stage. Thank you.

20 MS. GUISSÉ:

21 Mr. President, I had thought you had already ruled on the
22 objection and I don't know why the prosecutor is revisiting that
23 matter.

24 [14.21.34]

25 MR. PRESIDENT:

1 Counsel, you may resume your last questioning because you have
2 only five more minutes; other additional questions will not be
3 entertained.

4 BY MS. GUISSÉ:

5 Q. Thank you, Mr. President.

6 Mr. Witness, one last issue I would like to put questions to you
7 on has to do with Ta Mok. You stated that he was in charge of
8 military affairs. Before this Chamber, Mr. Chhouk Rin, a witness
9 who was a soldier, came to testify. My first question to you is:
10 Do you know Mr. Chhouk Rin?

11 MR. NOU MAO:

12 A. No, I don't.

13 Q. At the 23 April 2013 hearing, shortly before 11.23 a.m. and
14 also shortly after 15.49 p.m., that witness stated that Ta Mok
15 used a slogan which was well-known and it is translated into
16 French as follows:

17 "Above Ta Mok was nothing but his hat."

18 [14.23.16]

19 And the same witness pointed out -- and may I request Mr.
20 President's leave to show this witness the slogan or the extracts
21 of the hearing of the 23rd of April 2003 (sic); 1/8/1.1 after
22 15.49? This is what that witness said by way of description of Ta
23 Mok:

24 "When Ta Mok, for instance, ordered the troops to do this or
25 that, for instance, to go and engage in fighting, that had to be

1 done. If I did not draw up a detailed report, he could bring out
2 his firearm and shoot at us. There were times when he was good
3 and at times, he was very cruel." End of quote.

4 Witness, within the West and Northwest zones, did you hear anyone
5 talk about such incidents regarding Ta Mok and does it tally with
6 what you know of Ta Mok's character and his reputation at the
7 time?

8 A. I am trying to recollect. I cannot recollect it because it
9 because it has been quite a long time now.

10 [14.25.27]

11 MS. GUISSÉ:

12 Very well, Witness. I will allow you to take a well-deserved rest
13 because I have no further questions for you.

14 I thank you, Mr. President, for the additional five minutes you
15 have granted me.

16 (Judges deliberate)

17 [14.26.35]

18 MR. PRESIDENT:

19 I hand over to Judge Silvia Cartwright. You may proceed, Judge.

20 JUDGE CARTWRIGHT:

21 Thank you, President.

22 The Chamber wishes to respond to the prosecutor's comment a few
23 minutes ago simply to say that it notes the comment and will take
24 it into account when the Chamber evaluates this witness'
25 evidence.

1 Thank you, President.

2 MR. PRESIDENT:

3 Thank you, Judge.

4 Mr. Nou Mao, your testimony has come to an end now and you are no
5 longer needed before the Chamber and the Chamber wishes to thank
6 you for taking your time to testify before the Chamber over the
7 last two days. We note that you have endeavoured to answer all
8 the questions put by all parties involved. We hope that your
9 testimony will contribute to ascertaining the truth and we wish
10 you the best of luck and good health.

11 [14.27.58]

12 And the time is now appropriate for the adjournment. The Chamber
13 will adjourn now and we will resume hearing on Monday the 23rd
14 (sic) starting from 9 o'clock in the morning.

15 And on Monday, we will start hearing the key document
16 presentation by the parties. This is for the information for all
17 parties concerned as well as the support staff and members of
18 public.

19 Counsel -- International Counsel for Mr. Khieu Samphan, you may
20 proceed.

21 MS. GUISSÉ:

22 Yes, Mr. President, I would also like to make my remarks because
23 if I have properly understood the Chamber's decision, as voiced
24 by Judge Cartwright, the Chamber will take into account the
25 Co-Prosecutor's comments.

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1 [14.29.02]

2 I have not had an opportunity to respond to those comments and
3 it's my view that if the Chamber is to take into account the
4 Co-Prosecutor's comments, the principle of adversarial debate
5 entitles me to also respond to the comments of the Co-Prosecutor
6 because our analysis of the situation is different from the
7 Co-Prosecutors.

8 If the Chamber is to take into account the Co-Prosecutor's
9 comments, the Chamber should also take into account the Defence's
10 comments.

11 MR. PRESIDENT:

12 Court officer is now instructed to assist the witness in
13 cooperation with the WESU unit for the arrangement of his
14 transport back home.

15 [14.29.54]

16 Mr. Nou Mao and Mr. Mam Rithea, you are now released. You may
17 leave the courtroom now. The Chamber have other final issue of
18 the day to discuss.

19 (Short pause)

20 (Witness excused)

21 MR. PRESIDENT:

22 Both counsels, if you would like to say a few words, you may now
23 proceed; both parties to the proceedings.

24 MS. GUISSÉ:

25 Thank you, Mr. President.

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1 If my understanding was correct of the comment made by the
2 Co-Prosecutor, there is apparently some confusion in the way of
3 asking a question using the word "position" relating to Khieu
4 Samphan. We don't have the day's transcripts, but we will have
5 them shortly.

6 [14.31.26]

7 When the witness asked my question -- answered my question,
8 sorry, and when I asked him if he was aware of Mr. Khieu
9 Samphan's position about the evacuation, in the French
10 translation -- I don't know how it was in English -- he said that
11 if he had been able to know Hou Youn's position at the time, it
12 was because he would have communicated it to him at the meeting
13 at Wat Taing Pho and meanwhile, he did not know Khieu Samphan's
14 position, nor that of Hu Nim about the evacuation.

15 It was said clearly and so today if the idea that there is some
16 confusion does not really correspond to the facts in the Chamber.
17 Moreover, at several points during his testimony -- and this is
18 also a point doubtless that the Chamber will come back to when it
19 evaluates the transcripts -- the witness did say certain things
20 and then the direct opposite; perhaps because he has forgotten;
21 perhaps because he is confused; perhaps because certain questions
22 were leading questions, but when the witness answered my question
23 which clearly said that it was Mr. Khieu Samphan's position with
24 respect to the evacuation of Phnom Penh, there was no lack of
25 clarity.

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1 [14.33.19]

2 So I do find that the prosecutor's position of claiming that
3 there is confusion because he doesn't like the response, just as
4 the response didn't please him particularly yesterday during the
5 hearing when the witness first said that he did not know Khieu
6 Samphan's position; there again, I don't believe this is a
7 faithful reflection of what happened in the hearing.

8 The Chamber has told us that it will take account of the
9 Co-Prosecutor's comments and I think everything will be a great
10 deal clearer when we have all of the transcript and we can refer
11 to it including today's.

12 Those are the comments, Mr. President, that I wanted to make at
13 this juncture. Thank you.

14 MR. PRESIDENT:

15 Thank you.

16 Mr. Co-Prosecutor, you may now proceed.

17 [14.34.19]

18 MR. RAYNOR:

19 Mr. President, I'll be brief. It's when the question elicits the
20 answer "I did not know him" in relation to Khieu Samphan; in
21 other words, the witness believes that the question is addressing
22 whether he knew Khieu Samphan or not. There was then the use of
23 the word "position"; so: "Did you know Khieu Samphan's position",
24 having asked lots of questions about hierarchy.

25 All I invite you to do is to have regard to today's transcript

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1 when you ultimately consider this position and also have regard
2 to yesterday's transcript when at 11.28.17, not mentioning Hu Nim
3 at all in my question, I asked:

4 "How had you found out or discovered that Khieu Samphan was in
5 favour of the evacuation?"

6 And the answer was:

7 "I learned about this during the assembly held at Wat Taing Pho."
8 It's a matter for Your Honours to have regard to all the evidence
9 when you have the transcripts available. Thank you.

10 [14.35.35]

11 MR. PRESIDENT:

12 Counsel, please proceed.

13 MS. GUISSÉ:

14 Well, there's one point we will agree on; myself and the
15 Prosecution, that we should both look at the transcript of the
16 hearing. But let me state, once again, that if I was careful to
17 point to the answer in Khmer of the witness, it was precisely so
18 as to avoid any translation problems.

19 The Chamber will appreciate the situation from the transcripts,
20 but obviously the Prosecution's position and mine is not the same
21 as this and it will be the transcripts that will enlighten us for
22 the final decision I believe. Thank you, Mr. President.

23 [14.36.34]

24 MR. PRESIDENT:

25 Thank you.

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1 We would like to inform parties to the proceedings that
2 definitely the Chamber will rely on the record of the transcript
3 of the proceedings when the Chamber deliberates on the probative
4 value of the evidence collected during the proceedings. The
5 Chamber will have to review all the evidence being presented
6 during the hearing from the very beginning until the conclusion
7 of the evidentiary evidence hearing.

8 Without any further observation, then the Chamber would like to
9 conclude this session now.

10 And security personnel are now directed to bring Mr. Khieu
11 Samphan and Nuon Chea back to the detention facility and have
12 them returned to the courtroom by Monday the 24th of June 2013 by
13 9 a.m.

14 Mr. Nuon Chea is directed to be returned to his holding cell
15 downstairs where he can observe the proceedings through
16 audio-visual link.

17 The Court is adjourned.

18 (Court adjourns at 1438H)

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