



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): 02-Feb-2012, 12:14
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 January 2012

Trial Day 22

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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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. KARNAVAS	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MS. PRAK YUT (TCW-542)	Khmer
MR. SAM SOKONG	Khmer
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French
MS. SUTZ	French
MR. VERGÈS	French

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

2 (Court opens at 0908H)

3 MR. PRESIDENT:

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

5 Mr. Duch Phary, could you please report to the Court on the
6 presence of witness Prak Yut. Is she here?

7 THE GREFFIER:

8 Mr. President, Prak Yut is here and she is at the waiting room,
9 awaiting call by the Chamber. Thank you, Mr. President.

10 MR. PRESIDENT:

11 Thank you, Mr. Phary.

12 [09.10.36]

13 Before we proceed with the hearing on the testimonies of Prak
14 Yut, the Chamber would like to see whether parties have anything
15 to raise at this moment and that such applications or requests
16 shall be addressed before the witness is summoned into the
17 courtroom.

18 Counsel for Ieng Sary, you may now proceed.

19 MR. KARNAVAS:

20 Good morning, Mr. President. Good morning, Your Honours. And good
21 morning to everyone in and around the courtroom.

22 [09.11.15]

23 I do have an application. I'll try to be brief. I'm mindful that
24 we have a witness waiting, and hopefully we can try to complete
25 her testimony today.

2

1 The Prosecution, yesterday, aside from asking leading questions
2 throughout the examination -- a topic which I will bring up
3 shortly -- went, in our opinion, well beyond the scope of the
4 first trial. Now, how could that be? The Prosecution, in their
5 summary of this particular witness, noticed the particular
6 paragraphs in the Closing Order to which this witness was
7 expected to testify. That summary was well -- was prepared well
8 before Your Honours issued your Decision of 22 September 2001
9 severing the case -- severing the Closing Order into several
10 cases.

11 [09.12.21]

12 In looking at their summary, it would appear that they anticipate
13 eliciting testimony from the witness on paragraphs 168 to 177,
14 178 to 2,000 -- to 204, 205 to 215, 353 to 363, 740 to 744, 745
15 to 790, and they list the topics.

16 In your Severance Order, Your Honours, you made it abundantly
17 clear, especially having attached an annex which is E124/7.2,
18 informing the parties as to the nature of the first trial and
19 it's our understanding that save for the experts who are entitled
20 to testify about the entire Closing Order or anything within the
21 entire Closing Order, witnesses are limited to the first part of
22 -- the first trial with the exception that if leave is sought for
23 good cause and leave is granted -- this was brought up at one of
24 the meetings and it was -- and we understood that there must be
25 an application for leave and they must demonstrate why a witness

3

1 would need to be questioned outside the scope of the first trial.
2 On 17 November 2001, Your Honours, you issued a memorandum where
3 you state quite clearly on page 2 -- and this is E141, for the
4 record, on page 2, you say: "No examination of topics to be
5 included in the latter trials will be permitted." So you were
6 rather explicit there.

7 [09.14.32]

8 On 28 November, you again issued a memorandum, E141/12, wherein
9 you note -- and I'll quote this paragraph:

10 "The Chamber reminds the Co-Prosecutors that their examination
11 shall be limited to facts relevant to the first trial. If it is
12 considered that these witnesses ought to be -- to also testify on
13 matters beyond the scope of Case 002/01, the Co-Prosecutors may
14 make an oral application to the Trial Chamber who will determine
15 whether it is in the interest of effective trial management to
16 hear these witnesses also on other topics. However, the Chamber
17 advises that such applications shall only rarely be granted. 28
18 November 2011."

19 [09.15.36]

20 Then, in -- on 29 November 2011, in E145, Your Honours issued
21 another memorandum and on page 3 of this memorandum, you also
22 indicate that no questioning on areas outside the scope of this
23 trial will however, be permitted.

24 It would appear, Your Honours, that you have been not just clear,
25 but crystal clear as to what you expect the parties or what you

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1 expect from the parties concerning testimony to be elicited or
2 adduced from the witnesses and it is for the parties, I daresay,
3 to self-manage themselves and police themselves to ensure that
4 they stay within the confines of your orders and your decisions.
5 It is our respectful submission that that is not the case, at
6 least with this particular witness. Yesterday, there was
7 testimony concerning dams and it is very clear that that
8 testimony, it would appear, falls right outside the parameters of
9 the first trial.

10 [09.17.00]

11 There may be an explanation. Perhaps because the testimony was
12 elicited in such a fashion that we were plainly unaware
13 throughout the entire period of the questioning as to what period
14 in time the gentleman was eliciting questions and was trying to
15 adduce evidence from this particular witness.

16 It must be stressed, it must be stressed that we realize that
17 prior to the Severance Order when the cases were being
18 investigated, statements were provided by these witnesses. The
19 investigators, at the time, obviously were not aware of -- that
20 down the road, there would be a severance. So the statements may
21 contain areas -- may contain valuable information to the
22 Prosecution or to other parties that fall outside of the first
23 case. But simply because it's in a statement, it doesn't mean
24 that it can be referred to and referenced to and questioned about
25 without first seeking leave if you're going outside the

1 parameters of 001.

2 [09.18.14]

3 We would respectfully request that you issue an order to all the
4 parties that they are to strictly abide by the -- by your orders.

5 There are two -- there are three prosecutors today; I believe
6 there were three yesterday. Surely if one transgressed, the
7 others would have known about it; presumably they're coordinating
8 and it begs the question, is this a calculated design to go
9 outside or is it a mere lapse of due diligence.

10 Either way, Your Honours, it takes up valuable time for us to
11 stand up and object. It also gives the appearance, rightly or
12 wrongly, that we on the Defence side, are somehow trying to
13 obstruct the process. It eats up valuable time. It is much more
14 efficient if the parties stay within the confines and I would
15 expect in the future, Your Honours, that with -- when witnesses
16 come that perhaps prior to the witness being -- testifying that
17 whoever leads the witness make an offer of proof as to the
18 paragraphs they intend to elicit testimony from and give the
19 other parties an opportunity to respond and this would avoid the
20 constant interruptions that come with objections.

21 I didn't object yesterday because I did not want to break the
22 flow. I'm raising it at this point in time hoping that the
23 Prosecution can recalibrate its examination so that it can be
24 much more streamlined, much more efficient, and within your
25 orders. If they don't, obviously I will be objecting and I will

6

1 be objecting repeatedly and vigorously.

2 [09.20.13]

3 And the same thing goes with leading questions. Yesterday there
4 were a series of leading questions where the question assumes
5 facts that have not been elicited from the witness. Perhaps they
6 are in the statement and perhaps there is this misguided notion
7 that if it's in a statement, you can use the statement as facts
8 from which to build a question even though those facts have not
9 come from the witness's mouth.

10 We would object to any leading questions, especially when the
11 questions are quite suggestive to the witnesses.

12 [09.20.49]

13 Those are my submissions, Your Honour. I appreciate you taking
14 the time to hear me. If the Prosecution wishes to respond that's
15 fine, but I certainly -- if they do respond, I certainly would
16 like an explanation for Your Honours as to how the dams fall
17 within the confines of the first trial. Which paragraphs in
18 particular? Which period?

19 Thank you.

20 MR. PRESIDENT:

21 International Co-Prosecutor, you may now proceed.

22 MR. LYSAK:

23 Thank you, Mr. President, and I will try to be brief.

24 I certainly agree that we want to avoid interruptions and I think
25 this objection and speech was entirely unnecessary if counsel had

1 himself engaged in the due diligence of reading these sections of
2 the Closing Order that are part of Case 002/1.

3 In particular, a large focus of our examination and one of the
4 principle reasons that this witness was included in our list was
5 because of her role as a member of the sector committee and the
6 district secretary.

7 As the Court is aware, paragraphs 64 to 71 of the Closing Order,
8 which deal with national administrative structures, as well as
9 paragraph 72 through 112, which deal with communications
10 structure, are part of this case and what those paragraphs -- the
11 facts in those paragraphs specifically deal with is the authority
12 of zone, sector, and districts; the communication of party policy
13 and instructions down from the centre through the zones, sectors
14 and districts and the reporting of information up from the
15 communes, districts to sectors and zones. To give you an example,
16 paragraph 68 includes the following facts -- paragraph 68 of the
17 Closing Order:

18 "Implementation of decisions of the Central and Standing
19 Committees was performed by the secretaries of the zones and the
20 autonomous sectors. Policies and instructions of the Central and
21 Standing Committees were disseminated to the zone and autonomous
22 sector secretaries who in turn would disseminate them among
23 sector and district-level secretaries for implementation.
24 Conversely, the sub-districts reported back up to the district
25 committees, which reported to the sector committees, which in

8

1 turn reported to the zone committees."

2 [09.23.53]

3 And I could continue on reading from here, but the point is that
4 as part of the plan for this trial, the Trial Chamber has
5 requested that the proof be made regarding the general
6 administrative structures, who had authority to do what within --
7 as between zones, sectors, districts, and how reporting of
8 information and reporting of instructions worked.

9 In order to cover those topics, obviously, we need to get into
10 some details. We do not intend to go into specific details of
11 crimes that are not part of this case, but it is obviously
12 necessary, in order to properly inform the Court as to how a
13 district secretary reported up above to get into a little bit of
14 information about the subjects that were reported.

15 [09.24.48]

16 So to specifically respond to counsel's question, the reason dams
17 were brought up is because part of this witness's statement
18 before was on the reporting of what went on at dams and the
19 hardships that people faced there including starvation and
20 numbers of deaths and how that information was reported up to the
21 upper echelon. And that is the reason that we are covering that.
22 We do not intend to get into details of dams or worksites that
23 are part of later cases. We are using this information to prove
24 the facts that are part of the administrative structure and
25 communications section.

1 So I hope that is - that is informative to the Court.
2 That-Obviously, in addition to those subjects, we will have some
3 questions for this witness, related to the first and second
4 forced movements. I will have some questions related to the
5 People's Representative Assembly, which is also one of the
6 subjects that is included in this part of the case.

7 [09.25.54]

8 And the only other thing I would add to this is that for any
9 witness, I think it is important to get some background
10 information about the witness; where they were located during --
11 before and during the democratic period, what their positions
12 were; just so we have a context to understand their testimony.
13 Those are the areas that we have endeavoured to cover this
14 witness. We will do that within the time that has been allocated
15 and I think this objection would have been entirely unnecessary
16 if counsel had simply read the relevant sections of the Closing
17 Order.

18 I will add that the second reason that we wanted to call this
19 witness is something we will not be covering, and that is the
20 issue of the purge of the central zone because that is part of a
21 crime that is part -- currently not part of this case. And,
22 certainly, that was a significant reason that we wanted to hear
23 from this witness because she was one of the cadres from the
24 southwest zone who was sent up to the central zone to take over
25 positions -- districts and sector positions when the existing

10

1 cadres were purged.

2 [09.27.08]

3 Now, there will be some need -- it's impossible for her to tell
4 her story without touching briefly on that, but we will not be
5 getting into details about the arrests, the broads -- the broad
6 purge of the zone. That is obviously the subject of another
7 trial. But in the sense that it is necessary to understand her
8 testimony and that it relates to the structural issues and
9 reporting issues, that would be the only extent we would cover
10 subjects like that.

11 I hope that is helpful.

12 MR. PRESIDENT:

13 Lead Co-Lawyer for the civil parties may proceed first, before we
14 give -- or hand over to counsel for Ieng Sary.

15 [09.28.01]

16 MS. SIMONNEAU-FORT:

17 Yes, Mr. President. We, of course, support the concerns of the
18 Defence, that is, to say -- to abide by the rules, but we,
19 however, believe that the Co-Prosecutors have not overstepped the
20 scope in their questioning by limiting themselves, of course, to
21 the confines of the sub-trial.

22 However, I would like the rules to be applied strictly to
23 everyone. And as far as I remember, the civil parties are
24 subjected to the same rules as the witnesses and I have an
25 example here that troubles me. I remember Klan Fit, for example.

11

1 The prosecutors and the civil parties limited themselves to the
2 confines of the first sub-case without bringing up the purges.

3 Whereas the Defence overstepped, we believe, the confines of this
4 first sub-case.

5 So we would therefore like the rules to be applied to all parties
6 in terms of questioning, including the Defence.

7 [09.29.17]

8 MR. PRESIDENT:

9 Counsel for Ieng Sary, please proceed.

10 MR. KARNAVAS:

11 Thank you very much, Mr. President, Your Honours.

12 What we heard was a rather clever excuse for going into areas
13 outside the scope. Paragraph 7 makes it very clear, "no
14 cooperatives, worksites", and goes on. What part of "worksites"
15 does the prosecutor not understand?

16 They say: Well, this was for purely administrative purposes. We
17 want to show that there's communication.

18 And then the question begins how people were eating, how much
19 food there was, did you see them -- in a very leading fashion --
20 getting ill, maybe dying. What does that have to do with the
21 administrative structure? Nothing.

22 [09.30.08]

23 What the attempt is, is to get -- to inch in and to begin talking
24 about specific worksites because once they get into that area, it
25 then invites the other side to get into it.

12

1 Now, I understand that they have some problems. They are -- the
2 way the Severance Order is drafted and the way the Closing Order
3 is drafted and that you need context. But at what point does
4 context stop and we go into substance?

5 There lies the problem, Your Honour. I could care less if the
6 Prosecution has the authority or the right to go into all the
7 areas. I just want to know, from the beginning, what it is
8 because it puts us at a disadvantage. And to simply say, well,
9 "we're just talking about the reporting system" and in the
10 process, you begin using matters that are in the statement in a
11 leading fashion that goes into the substance of areas that are
12 strictly prohibited.

13 [09.31.09]

14 Now, maybe they-- maybe it's hard to decide -- to draw that
15 distinction -- to draw the line. My point is, the better practice
16 is to say: We're going to be touching upon these areas and this
17 is how far we're going to go; do we have permission? Otherwise,
18 it causes us to object and this was a good faith effort to bring
19 this matter to some sort of a resolution.

20 But if the Trial Chamber thinks that the Prosecution is entitled
21 to go into these areas for contextual reasons, then I reserve the
22 right to make my record by objecting every time I think that it's
23 outside the scope. Thank you.

24 [09.32.02]

25 MR. PRESIDENT:

13

1 Counsel for Nuon Chea, you may now proceed.

2 MR. PESTMAN:

3 I see you're very eager to discuss this topic. I just want to
4 take this opportunity to support my colleague.

5 MR. PRESIDENT:

6 Could you please hold on a moment?

7 (Judges deliberate)

8 [09.34.45]

9 Before we proceed to counsel for Nuon Chea, I would like to hand
10 over to Judge Silvia Cartwright to clarify things a little bit.

11 Thank you.

12 Counsel for Nuon Chea, could you please be on your feet?

13 JUDGE CARTWRIGHT:

14 Yes, thank you, President. Counsel for Nuon Chea, this is not in
15 any way intended to cut off your submission.

16 MR. PESTMAN:

17 Yes.

18 JUDGE CARTWRIGHT:

19 I just want to clarify the procedure for future occasions. If
20 counsel -- as has happened this morning -- for Ieng Sary makes a
21 submission, it should then be answered by the prosecutor, the
22 civil -- the Co-Lead Lawyers, other defence counsel who wish to
23 support or clarify, and then counsel for Ieng Sary will have the
24 final right of reply knowing what everyone has to say.

25 So I just want to clarify that procedure for the future.

14

1 [09.36.08]

2 For the present time, I gather that you support the submission of
3 Ieng Sary, so that is taken into account.

4 MR. PESTMAN:

5 Yes.

6 JUDGE CARTWRIGHT:

7 And if counsel for Khieu Samphan wish to support or oppose,
8 perhaps they could say so, but that means we then have to give
9 counsel for Ieng Sary a further say, which we want to avoid
10 having to occur.

11 So could you please limit your comments, now, unless you've got
12 some extended matters that you wish to say simply to support or
13 otherwise, as the case may be?

14 And this is simply to clarify the procedure for future occasions
15 of this nature. Thank you.

16 MR. PESTMAN:

17 All I wanted to do was support the submissions made by my
18 colleague. I think we need clear parameters -- instructions or
19 what is allowed and what is not allowed to discuss or to ask a
20 particular witness, especially when discussing events after 1975.
21 That's all I wanted to say. Thank you.

22 MR. VERGÈS:

23 Defence for Khieu Samphan is in full support.

24 [09.37.36]

25 JUDGE CARTWRIGHT:

15

1 And I presume, Mr. Karnavas, you have nothing further in
2 response?

3 MR. KARNAVAS:

4 No. No, Your Honour. Thank you for enquiring.

5 (Judges deliberate)

6 [09.40.16]

7 MR. PRESIDENT:

8 Thank you, Defence Counsel, for your application to the Chamber
9 to confirm the procedure.

10 On this particular subject, yesterday, as the President of the
11 Chamber, we advised the Prosecution very clearly, and in addition
12 I also advised the parties involved in discussing the subject
13 matters before the Chamber and we have so far directed parties to
14 focus on the subject matters.

15 Taking into account the facts in the Severance Order, in the
16 first mini-trial, as indicated in document E124/7.2, this is the
17 scope of the alleged facts that parties should examine and bring
18 up evidence relating to the facts set out in the scope of this
19 trial, which is known as Case 002/01.

20 Secondly, the Chamber wishes to advise parties that parties
21 involved in the examination of the alleged facts, it should be in
22 orders as set out in paragraphs indicated in document E124/2.7.2.
23 So the examination of evidence should be in the order of the
24 paragraph enumerated in this document.

25 And the facts set out in those paragraphs have been actually

1 clear because they are the titles of the documents, for example
2 the administrative structure, military structure, the facts
3 relating to the joint criminal enterprise, the policy, and the
4 forced movement in phase one and phase two. And there are several
5 other alleged facts in those paragraphs, and the parameters have
6 been set very clear in order from the small number to the bigger
7 number.

8 [09.43.59]

9 So, once again, the Chamber would like to advise the parties to
10 be focused on the questions and make sure that the questions are
11 simple and specific so that the witness can answer the question
12 and the Chamber can also trace the development of questions and
13 facts that evolves.

14 So, again, the Chamber wishes to remind the parties to be focused
15 when putting question to the witness as directed by the Chamber
16 so far.

17 On a separate issue, in certain issue, parties may have dwelled
18 on other points which are considered irrelevant. However, there
19 are certain areas which are also useful in the discussion of the
20 subject matter.

21 [09.45.23]

22 And the Chamber takes into account every question the parties ask
23 and the Chamber will make effort to follow the line of
24 questioning whether or not they remain in the parameters of the
25 subject matter. I understand that the facts involve the crimes

17

1 that took place across Cambodia, and of course these involve the
2 historical backgrounds, for example, the history of the
3 Democratic Kampuchea, which we have already heard the testimony
4 by witness, and the Communist Party of Kampuchea would have when
5 established long before 1975.

6 So there have been a lot of issues which are -- the Chamber
7 wishes to remind parties again that they should be focused when
8 putting questions. It should be straightforward and within the
9 parameters of Case 002/01.

10 [09.46.52]

11 And to make this even clearer, I would like to hand over to Judge
12 Silvia Cartwright to add.

13 Your Honour, you may proceed.

14 JUDGE CARTWRIGHT:

15 Thank you, President. The President has outlined the general
16 approach that the Court will take in relation to the current
17 trial, specifically in relation to this objection.

18 The Court considers that the questions put to this witness
19 concerning issues which are not strictly within the historical
20 segment of the trial can be put so long as they relate strictly
21 to issues of the structure communications, but do not go into the
22 substance of those issues which will be explored in later trials.
23 Now, having said that, it's necessary to remind counsel that it
24 is vital that they not put questions to this witness which allow
25 her to go into the substance or encourage her to go into the

1 substance. And certainly the Chamber agrees that leading
2 questions, which would-- Leading questions of any variety should
3 not be put to this witness.

4 [09.48.33]

5 It's perhaps unfortunate that this witness' knowledge spans such
6 a wide timeframe, but it is important that we take advantage of
7 her presence to cover all topics of which she has knowledge which
8 are directly relevant to this trial.

9 So, Mr. Karnavas, I hope that clarifies matters for you.

10 The Chamber will endeavour to control the questions as much as it
11 can to avoid objections from counsel, which tend to take longer
12 to resolve. So, prosecutors, please bear in mind these comments
13 and that the Chamber will endeavour strictly to control this.

14 [09.49.26]

15 As to the Co-Lead Lawyers' submission that the rules apply to
16 everyone, that is of course correct. However, questions put by
17 Defence do tend to-- More latitude is normally allowed to
18 questions put by the Defence because they are trying usually to
19 undermine what the prosecutors and the Lead Co-Lawyers are
20 attempting to achieve through a witness.

21 However, that is not to say that those questions can stray beyond
22 the parameters of this trial. Thank you. Thank you, President.

23 MR. PRESIDENT:

24 Thank you, Your Honour.

25 Now, the court officer is instructed to bring the witness before

19

1 the Chamber.

2 (The witness, Ms. Prak Yut, is taken to the dock)

3 [09.51.50]

4 Good morning, Ms. Prak Yut.

5 Today, the Chamber will continue the hearing of your testimony.

6 And before we hand over to the Prosecution, we wishes to -- we

7 wish to advise the parties that, when you ask questions, you have

8 to make sure that your mic is being activated. And please make

9 sure that you pause a bit before you start the next question so

10 that the translation gets through properly, so that parties

11 involved in the proceeding understand the content of the question

12 and answers.

13 [09.52.44]

14 Now, I hand over to the Prosecution to put questions to the

15 witness. You may now proceed.

16 QUESTIONING BY MR. SENG BUNKHEANG RESUMES:

17 Good morning, Mrs. Witness. I would like to continue my line of

18 questioning.

19 Q. Before the 17 of 1975 (sic), where did you live? And what did

20 you do?

21 MS. PRAK YUT:

22 A. Before 17 of April 1975? I cannot remember. Well, I did not

23 know where I was residing at that time. I forget. I don't know.

24 It has been such a long time so I could not remember it.

25 Q. Did you live in Takeo or Kampot province at that time? Do you

1 recall that?

2 [09.54.27]

3 A. Before 17 of April, I cannot remember. I don't know whether I
4 was residing in Takeo or Kampot province.

5 Q. So after the 17 of April 1975, did you notice that the place
6 where you were living had more new people coming in?

7 A. Before the 17 of April 1975, the population in my area where I
8 lived did not rise.

9 Q. So I first ask you where you lived before the 17th of April
10 1975. Then after 1975 -- after the 17 of April 1975, I would like
11 to know whether or not you noticed the increase of the number of
12 people in your area.

13 A. After 17 of April 1975, I did not notice whether there was an
14 influx of new people to my area. I did not take any notice of
15 that.

16 [09.56.15]

17 Q. So did you notice new faces -- I mean the new people who had
18 never lived in your area? Did you notice any newcomers to your
19 area?

20 A. Well, at that time, I lived in that village and I did not see
21 any new faces. I only noticed that people in my neighbourhood
22 lived as normal.

23 Q. Can you tell us whether or not there were group of people who
24 are called the 17 April People?

25 [09.57.14]

21

1 A. Back then, I did not hear about the 17 people -- 17 April
2 People. I did not know. I did not see those people who are called
3 the 17 April People. I did not pay attention. I am not making an
4 excuse; that was the truth. That's what I knew. I-- At the place
5 where I was living at that time, there were no people known as
6 the 17 people -- 17 April People. Back then, I did not even pay
7 attention to it.

8 Q. You said you did not pay attention to the influx of new
9 people, but I would like to know now if you have heard of the 17
10 April People?

11 A. No. [Correction, interpreter:] Yes, I have. I have heard of
12 the 17 April People.

13 Q. When did you first hear the 17 April People?

14 A. Some time in 1976.

15 Q. In the mobile unit which you informed the Chamber yesterday,
16 you said you managed a mobile unit of around 200 to 300 members.
17 So can you tell us whether or not there were new people or 17
18 April People in that unit?

19 A. In the mobile unit I supervised, later on there were new
20 members -- new people coming in this mobile unit.

21 [09.59.22]

22 Q. Did you know where those new people come from?

23 A. When they came to stay with the mobile unit I supervised, they
24 came from the village -- actually, there are a few villages. They
25 send those people to work in the mobile unit. But I do not know

1 as to what villages sent those people to work in my mobile unit.

2 Q. Did you know that people were evacuated from cities, from
3 Phnom Penh?

4 A. Yes, I do. I heard that people were evacuated from cities.

5 However, I felt that it was none of my business. I only heard of
6 it and I was not interested in the news, although I heard of such
7 evacuation. And we observed that there were evacuees, but at my
8 location I was not interested in these evacuations.

9 [10.01.18]

10 Q. Can you tell us what the upper echelon did with this
11 evacuation?

12 A. I have no idea.

13 MR. KARNAVAS:

14 Your Honour, if I may be heard? Before the gentleman begins
15 asking questions about the upper echelon, he needs to lay a
16 foundation that she actually had access to the upper echelon,
17 wherever the upper echelon may be, as opposed to assuming a fact
18 that has not been established.

19 MR. PRESIDENT:

20 Co-Prosecutor, you may now proceed.

21 MR. SENG BUNKHEANG:

22 Upper echelon here is referring to the quote from the statement
23 from the witness, who indicated that upper echelon asked her to
24 do some things. And we have not put question to that particular
25 portion. We just asked her to see what was it like.

1 MR. PRESIDENT:

2 Counsel for Ieng Sary, you may proceed.

3 [10.02.42]

4 MR. KARNAVAS:

5 As I noted yesterday, simply because it's in a statement, it
6 doesn't mean that the gentleman gets to use what's in the
7 statement as a basis for his question in formulating the
8 question. He needs to elicit the testimony from the witness.

9 So, if I may assist the gentleman, he should ask with whom she
10 was communicating above, at what level, up to which point, and
11 then he can proceed.

12 But to give this term, "upper echelon", because she uses it or it
13 may have been fed to her, may have been fed to her by one of the
14 investigators, that is not sufficient.

15 So he needs to establish a foundation as to how far she went up
16 and at what level she was communicating with.

17 And if she wants to call those people "upper echelon", then at
18 least, now, we have a ceiling and we have a proper definition of
19 what she means by "upper echelon", because later on, Your
20 Honours, you will be asked to draw some conclusions. The
21 Prosecution will have you believe the upper echelon may be at the
22 very, very top.

23 I don't know, but I think, in order to have a proper record, we
24 need to make sure that the testimony comes from the witness, not
25 from some statement given -- and she gave four statements,

24

1 incidentally, all of which are not necessarily identical. And we
2 don't know whether she was actually fed that term or that was a
3 term that she came up with.

4 [10.04.05]

5 So I would appreciate if the testimony came from the witness'
6 mouth through proper questioning, open-ended: who, what, where,
7 why, how, explain, describe. Thank you.

8 MR. PRESIDENT:

9 The objection is not sustained.

10 Co-Prosecutor may proceed.

11 BY MR. SENG BUNKHEANG:

12 Thank you, Mr. President.

13 [10.04.38]

14 Q. Witness, do you still remember the question I just put to you?
15 What were you asked to do by the upper echelon?

16 MS. PRAK YUT:

17 A. I don't quite remember the question, but to me, I worked at a
18 lower level and people were evacuated from other cities. In fact,
19 I do not -- I did not know much about this evacuation and I did
20 not know whether these matters were discussed at the upper
21 echelon or not. And I am talking the truth -- telling the truth,
22 and I am not here to give my version of excuses. That's all I can
23 tell.

24 [10.05.37]

25 Q. To the best of your knowledge, do you know how evacuations

1 took place?

2 A. I learned -- I saw people were walking on the streets.

3 However, I did not know how they were evacuated from the first
4 place, from the cities, although I noted -- I saw them walking,
5 filling the roads.

6 Again, I'm not making any excuses; I'm telling the truth. And as
7 -- in my capacity as a member of the lower level echelon, I did
8 not know what happened at the upper echelon level.

9 Q. Thank you. You said you saw people walking on some roads. Did
10 you notice the condition of those people?

11 A. I think there were some difficulties or hardship those people
12 endured because in -- it is a common sense that people could have
13 been experiencing some hardship.

14 [10.07.42]

15 Q. Can you please elaborate further on this, about the hardship?
16 How was it like?

17 A. People who were walking with children in the sun, I think it
18 was difficult. That's all I can tell.

19 Q. How did people go about on those roads? I mean, how did they
20 get from one place to another?

21 [10.08.27]

22 A. Some took their bicycles or motorbikes; some were on foot.

23 Q. Thank you. Did you see any people be at the place to guard the
24 evacuees?

25 A. I did not observe this carefully. I did not know whether there

26

1 were any security guards or armed people to guard them because I
2 was not very interested in this. I had another fish to fry, for
3 example, doing farming, so I not -- I was not interested in the
4 evacuees.

5 I was committed to assisting my own people in my location doing
6 farming and going about my other businesses.

7 [10.10.02]

8 Q. Do you think those people were willing to be evacuated?

9 A. I have no idea.

10 MR. KARNAVAS:

11 Mr. President, if I may be heard very briefly? I was cautioned
12 not to ask the witness -- I believe it was yesterday -- to
13 speculate.

14 This was a question calling for speculation. What the people
15 thought, what she thinks the people thought is calling for a
16 speculation.

17 I would expect counsel not to ask those sorts of questions. Thank
18 you.

19 MR. PRESIDENT:

20 Objection is sustained.

21 Prosecutor is now advised to put question that is not calling for
22 speculation.

23 BY MR. SENG BUNKHEANG:

24 Thank you, Mr. President.

25 Q. During the period when you were working in Kampot province,

1 did you know that people were evacuated from one location to
2 another?

3 [10.11.29]

4 MS. PRAK YUT:

5 A. I did work in Kampot province, but I had no knowledge of
6 people being evacuated. It was the business of my boss, my
7 superior, because I was just an assistant who assisted my
8 superior with his work. When it comes to evacuation of people
9 from Kampot to other locations, it was none of -- beyond my
10 knowledge.

11 It is the truth. No lies. I worked there. There was a district
12 secretary and I was helping him with his daily work and he made
13 the decision, which was beyond my knowledge.

14 [10.12.34]

15 Q. You said you had no idea of when evacuation took place, but do
16 you agree that there was such evacuation?

17 A. Yes, I do.

18 Q. Thank you. Was there any cooperative being established in
19 Kampot province?

20 A. Yes, it was.

21 [10.13.26]

22 Q. Thank you. When was the cooperative established in the first
23 place?

24 A. I cannot recall. It was a long time ago. I don't remember the
25 month or the year in which such cooperative was established. I

28

1 did not take note of this date and time passed by. It was so long
2 ago and I'm afraid my memory is very poor now when I am aging.

3 Q. Thank you. You said you don't remember the dates; it's fine.
4 But was it happening when you were still in Kampot that the
5 cooperatives were established?

6 A. Yes, it was during the time when I was in Kampot district, not
7 -- yeah, in Kampot district.

8 Q. Do you know who ordered the establishment of such
9 cooperatives?

10 A. I don't know who created the cooperatives, but we and other
11 chiefs of the districts would be called to execute the
12 cooperatives' establishment plan. And I did not know how the
13 decision was made and how it was created. I was only informed
14 that cooperatives would be created in our district and we had to
15 follow.

16 [10.15.47]

17 MR. SENG BUNKHEANG:

18 Thank you.

19 Mr. President, I have no further questions to put, but I would
20 like my colleague to proceed with further questions, with your
21 leave.

22 MR. PRESIDENT:

23 International Co-Prosecutor, you may now proceed.

24 QUESTIONING BY MR. LYSAK:

25 Thank you, Mr. President. Good morning.

1 [10.16.15]

2 Q. Before I get to any questions of substance, I want to ask you
3 whether you remember giving a number of interviews to
4 representatives of the Court back in 2009.

5 MS. PRAK YUT:

6 A. Are you talking about the interview they conducted with me?

7 Q. Yes. Do you remember giving interviews to investigators from
8 the Office of Co-Investigating Judges back in 2009, two years -
9 two or more years ago?

10 A. Yes, I do.

11 Q. Did you tell the truth during those interviews?

12 A. Yes, I did.

13 [10.17.37]

14 Q. And you were interviewed four times; is that correct?

15 A. Yes, it is.

16 Q. Each time you were interviewed, were you given an opportunity
17 to review a written record of your interview?

18 A. Yes, I was. I was read out loud. Well, actually, I did not
19 read the interviews because I could not read and write, but I was
20 read out.

21 Q. So the interviews were read to you by the investigators; is
22 that correct?

23 A. Yes, it is. After each interview, the content of the interview
24 would be read out to me.

25 [10.18.53]

1 Q. And did you put your thumbprint on the pages of those
2 interviews to confirm their accuracy?

3 A. Yes, I did.

4 Q. Did you recently have an opportunity to have those statements
5 read to you when you came to the Court to testify?

6 A. Yes, I did. Some questions were read out to me again, but I
7 don't remember the details. But I remember that the questions
8 were read out to me recently.

9 Q. Was it this week that your prior statements were read to you
10 or was it when you first came to the Court last month in
11 December?

12 A. Last week.

13 Q. And when those statements were read to you, did you notice any
14 information that was incorrect?

15 A. No I didn't. I was read out all the questions and I could
16 confirm that they are correct.

17 [10.21.01]

18 Q. I want to start by just going back to clarify where it was you
19 lived and the positions you held from the time you joined the
20 revolution in 1970 through the Democratic Kampuchea regime.

21 You testified yesterday that you joined the revolution in 1970.

22 Where were you living in 1970, when you joined the revolution?

23 A. Please be informed that I joined the revolution in 1970, when
24 I was living in Kampot and then Takeo province. I only lived in
25 those two provinces when I joined the revolution.

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1 Later on, in 1977, I moved to the Central Zone, at Sector 42,
2 where I stayed for two months. When my husband was arrested, I
3 returned. In 1970, when I was resided in Takeo, I did not do
4 anything, although I joined the revolution. But when I was in
5 Kampot, I later on was promoted to be the sixth member of the
6 sector. And that position was promoted to me in Kampot and I was
7 in the position in charge of women's affairs in 1975, indeed.

8 [10.23.18]

9 Later on, I left Kampot for Kampong Cham after being in Kampot
10 for three years, and I spent two months in Kampong Cham. After
11 that situation, I returned.

12 Q. Thank you for that. I'd like to go through each place step by
13 step if I can. When you joined the revolution in 1970, did I
14 understand you to say that you were still living in Takeo at that
15 time? Is that correct?

16 A. Yes, it is.

17 Q. And were you still living in Tram Kak district, the place you
18 were born?

19 A. Yes, I was.

20 Q. Did you know who Ta Mok was?

21 A. I did not know him; I knew of him. I don't know where he was
22 born.

23 Q. Did you understand what his position was when you joined the
24 revolution in Tram Kak district in 1970?

25 [10.25.03]

1 A. No I didn't. When I joined the revolution I did not work with
2 Ta Mok. I worked with other people and I did not know where he
3 was, what he did.

4 Q. Did you know he was from the same district as you?

5 A. No I didn't. I didn't know that Ta Mok was from the same
6 district because he could have been living in a different
7 commune, although within the same Tram Kak district.

8 Q. Who was it that assigned you - you testified yesterday that
9 you moved to Kampot and became a member of the Sector 35
10 Committee in either 1973 or '74. Who was it that assigned you to
11 move from Tram Kak district to Sector 35?

12 [10.26.22]

13 A. It was not Ta Mok who assigned me; it was another person who
14 already passed away now, but he assigned me to work at the sector
15 in Kampot. I don't recollect his name. He's a man; he passed
16 away. Perhaps Ta Phan, but again, he deceased and he asked me to
17 work in Kampot. I think Ta Phan. Yes, I think I can remember his
18 name now. He must be Ta Phan, but he's deceased.

19 Q. Now you've testified that you joined the revolution in 1970.
20 Does that mean that you also became a member of the Communist
21 Party of Kampuchea in 1970, or did that happen later?

22 A. I was a member of the party in 1970s - I don't know before 1970
23 or after 1970. I cannot recollect, but I was member. I don't know
24 just before or after 1970.

25 Q. Now you told my colleague yesterday that you do not remember

1 who introduced you to the revolution or the party, but in your
2 first interview with the investigators from the Office of
3 Co-Investigating Judges, you testified that you were introduced
4 to the revolution by your cousin, a Mr. Um Hem. Was that
5 testimony truthful? Were you introduced to the revolution by your
6 cousin?

7 A. I am sorry. I think my apologies; my cousin was actually the
8 person who introduced me into the revolution, the person named
9 Hem. He was deceased, although his wife is still alive. He died
10 of sickness.

11 Q. What was his position or role in the party at the time he
12 introduced you?

13 A. He held no particular roles. At the village, he was leading a
14 small group of people and was a village chief. And when I was --
15 he -- under -- I lived with his family. I was about 14 -- 13 or
16 14 years old, and I was introduced by him to join the revolution,
17 although I was too young to know what the revolution or the party
18 was back then.

19 [10.30.52]

20 Q. Okay, I'm glad you mentioned that because I was a little
21 confused by when you said yesterday that you were very, very
22 young when you joined the revolution. You told us that you're 67
23 years old now which, by my calculations, means you would have
24 been around 25 years old in 1970, when you joined the revolution.
25 Were you 13 or 14 when you joined the revolution, or were you

1 closer to 25 years old?

2 A. I'm afraid I don't remember the details because it was very
3 long, long time ago, and I don't remember how old I was when I
4 joined the revolution, and I, myself, am not clear due to the
5 fact that this event was happening long, long time ago, and I was
6 not really interested in this - or, I was not interested to keep
7 any record of the date when I joined the revolution or the year
8 of my age back then.

9 Q. You told the investigators of the -- from the Court that you
10 were born in 1947. Is that the year you were born in?

11 A. Yes, it is. If I said 1947 in that paper, I must be -- it must
12 be correct. Although I don't remember all, I think it is true
13 that I was born in 1947.

14 Q. You also told my colleague, yesterday, that you were never
15 given any documents to study regarding the policies of the party,
16 but in the statement that -- your first statement that you gave
17 to the Co-Investigating Judges, you testified as follows:

18 "Q. Were there pagodas, monks, and religious practices?

19 "A. At that time, there was a disseminated booklet and there were
20 no monks and pagodas."

21 And I'm reading from D34/4, English ERN 00364084, Khmer ERN
22 00357514, French ERN 00403127.

23 [10.34.10]

24 As you previously testified, did you receive a booklet regarding
25 party policy on pagodas and monks?

1 [10.34.33]

2 A. Yes. At that time, I received a booklet about the pagoda and I
3 read that booklet. But I do not remember the details, but I do
4 not actually remember whether or not the book mentioned that
5 there was a policy of eliminating pagodas or so. And I, at that
6 time, thought to myself that, well, if there was that policy,
7 that's fine. If it was actually enshrined in the policy, I have
8 nothing to say, I would simply follow. But if the upper echelons
9 says there won't be any pagoda allowed, then I have nothing to
10 say, I simply follow.

11 MR. PRESIDENT:

12 Mr. Karnavas, you may proceed.

13 MR. KARNAVAS:

14 Thank you, Mr. President. And I understand it's time for the
15 break, but I wish to just make one point of clarification. Twice,
16 now, the gentleman on the Prosecution side has referred to the
17 statement and has indicated to the witness that she testified.
18 It is my understanding that a statement that might have been
19 given to an investigator is not testimony; it's a statement.
20 So I would prefer if we have some guidance. Are we to refer to a
21 statement as testimony when we are confronting a witness with
22 such a statement?

23 It does tend to cause confusion. It also may tend to elevate the
24 nature of the statement itself. My understanding is testimony is
25 what comes from the Court itself. I could be wrong, but I don't

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1 believe that testimony comes from a statement, especially when
2 the witness, in giving the statement, was not under oath.

3 MR. LYSAK:

4 If I may respond just briefly, Mr. President. The witnesses were
5 under oath, as indicated in the statement, and I think any
6 statement given under oath qualifies as testimony. But this is a
7 matter of semantics. But it certainly is incorrect that
8 witnesses-- The assertion that witnesses were not under oath is
9 incorrect. She was under oath when she gave this statement.

10 [10.37.01]

11 MR. PRESIDENT:

12 Élisabeth Simonneau-Fort is now on her feet. You may proceed if
13 you have any issue to raise.

14 MS. SIMONNEAU-FORT:

15 Thank you very much, Mr. President. If I may, a point of a
16 clarification.

17 This is a written record of witness interview that is part of the
18 proceedings that was undertaken during the judicial investigation
19 and part of the Closing Order. This obviously was a statement
20 made by the witness prior to these hearings and is entirely
21 valid. Thank you, Your Honour.

22 [10.37.59]

23 MR. PRESIDENT:

24 Is there any reply you want to make, Mr. Karnavas?

25 MR. KARNAVAS:

1 Thank you, Mr. President. I do stand corrected. I do notice that
2 the statement was given under oath, but I still maintain that
3 it's not - it's not testimony; it is a statement, so I stand by
4 my objection.

5 MR. PRESIDENT:

6 Thank you.

7 It is now appropriate to take a short adjournment. The Chamber
8 will adjourn for 20 minutes, and we will resume at 11.

9 Court officer is instructed to bring the witness to the waiting
10 room and bring her back before the Chamber before 11.

11 The counsel for Nuon Chea is on his feet. Do you have any other
12 matters to raise?

13 MR. PESTMAN:

14 Yes. Thank you. Mr. President, my client is tired and requests to
15 be transferred to the holding cell so that he can follow the
16 proceedings from downstairs. I will hand over the request of --
17 the waiver as soon as he signs it.

18 [10.39.39]

19 MR. PRESIDENT:

20 The Counsel for Ieng Sary, is there any issue you want to raise?

21 You may proceed.

22 MR. ANG UDOM:

23 Mr. President and Your Honours, since my client has severe back
24 pain, I would like, on his behalf, to ask for your leave to let
25 him follow the proceedings from the holding cell, downstairs. He

1 has expressly waived his right to participate directly for -- in
2 this proceeding for the whole day.

3 MR. PRESIDENT:

4 Upon receiving the oral request by the defence for Nuon Chea and
5 Ieng Sary, who waive their rights to participate directly in this
6 hearing but instead follow the proceeding in the holding cell,
7 due to the ailing health of the Accused, the Chamber grants the
8 requests made by the counsels for Nuon Chea and Ieng Sary, who
9 submitted to the Chamber that they have expressly waive their
10 right to participate directly but instead follow the proceedings
11 from the holding cell, downstairs, where the audiovisual
12 equipment is linked for the two Accused to follow the proceeding.

13 [10.41.20]

14 The Chamber advises the two counsels that you should hand over
15 the written waiver of rights with the fingerprint from the two
16 Accused and hand over them to the Chamber urgently.

17 And the technician is also instructed to make sure that the audio
18 equipment is linked so that the two Accused can follow from the
19 holding cell, downstairs.

20 The court officer - the security guards are now instructed to
21 bring the two Accused to the holding cell and make sure that the
22 equipment is linked for the two Accused.

23 The Court is now adjourned.

24 (Court recesses from 1042H to 1107H)

25 MR. PRESIDENT:

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

2 [11.08.24]

3 Before we proceed to the Co-Prosecutor to continue putting
4 questions to the witness, we would like to ask that counsel
5 Karnavas be on his feet when the Chamber is ruling on his request
6 before the break.

7 The Chamber notes that the objections by counsel for Ieng Sary
8 before the break was not sustained. The statement made in this
9 Court is also part of the statement made under oath, and it can
10 be regarded as testimonies.

11 And to be more precise and to make sure that this will not happen
12 again in the future, I would like to hand over to Judge Silvia
13 Cartwright to clarify further on this. The floor is now for Judge
14 Silvia Cartwright. You may proceed.

15 JUDGE CARTWRIGHT:

16 Thank you, President. Mr. Karnavas, I think the President has
17 been clear enough and that you understood that the legal system
18 in which we are engaged has certain fundamental differences,
19 procedurally. And you have now understood, of course, that the
20 statements made during the investigation phase are under oath
21 and, technically, can be called testimony. That is why your
22 objection has not been sustained. Thank you.

23 [11.10.17]

24 MR. KARNAVAS.

25 Thank you, Mr. President. And thank you, Your Honours.

1 MR. PRESIDENT:

2 International Co-Prosecutor, you may now proceed with the
3 questions to the witness.

4 BY MR. LYSAK:

5 Thank you, Mr. President.

6 [11.10.34]

7 Q. Before our break, you had just described for us a booklet that
8 you received. And please understand that at this -- at this part
9 -- in this part of the trial I don't want to ask you questions,
10 get into the details of the substance of the policy.

11 What I simply want to ask you at this time is: When was it that
12 you received this booklet regarding pagodas and monks? Was it--
13 Do you remember the year or do you remember-- If not the year, do
14 you remember whether it was during the time you were on the
15 Sector 35 Committee or after that?

16 MS. PRAK YUT:

17 A. We received the booklet after or maybe before, when I was on
18 the Sector 35 Committee. I don't remember very well. But there
19 was no actual records. For that reason, I don't remember it very
20 well. Again, I did not know when -- whether when I was in Kampot
21 or Takeo province when the booklet was being distributed. I take
22 no notice of this situation and, for that reason, I don't
23 remember the dates.

24 I may wish to inform Mr. President that I do not want to
25 speculate the dates when I feel that it is not quite sure. And

41

1 I'm afraid that it is better to -- for me to say that I don't
2 remember rather than giving you any misleading dates.

3 [11.13.27]

4 MR. PRESIDENT:

5 Mrs. Prak Yut, in the future, if you are not sure whether you
6 remember the dates or not, you just simply say you don't
7 remember, because it would save the Court a great deal of time
8 and it also good for recording. Thank you.

9 International Co-Prosecutor, you may now proceed.

10 BY MR. LYSAK:

11 Thank you for clarifying that.

12 [11.14.09]

13 Q. Do you remember who it was that provided you with that
14 booklet?

15 MS. PRAK YUT:

16 A. No, I don't remember. I don't remember his name.

17 Q. Was it someone from the Party?

18 A. Yes, it is.

19 A. During the time you were a member of the Communist Party of
20 Kampuchea, did you receive a publication called "Revolutionary
21 Flag"?

22 A. As a member of the CPK, I rarely provided -- or delivered
23 these magazines, because I could not read or write very well, and
24 for that reason I did not keep good records of any publications
25 by the regime.

1 [11.15.55]

2 Q. I understand your testimony regarding your reading. Do you
3 remember, though, a booklet called "Revolutionary Flag" that had
4 pictures of red flags on the cover being delivered to the sector
5 or district offices at which you worked?

6 A. I don't know which document you're referring to. I did not
7 take "Revolutionary Flags" document seriously, and I can't
8 recollect this event.

9 Q. What I'm trying to find out is, even though you didn't read
10 the books, did you see booklets called "Revolutionary Flag"
11 during the time you were a member of the Party?

12 [11.17.16]

13 A. Yes, I did. I used to see these books because I was a member
14 of the Party, although I did not read them, but I saw them.
15 Again, I was not good at reading those -- the materials, but I
16 saw them.

17 Q. And where was it that you would see these "Revolutionary Flag"
18 books?

19 A. When I was in Kampot province. Yes, I saw them in Kampot
20 province.

21 Q. Were they at a particular place in Kampot? Were they at one of
22 the Party's offices that you can identify for us?

23 A. These documents, the "Revolutionary Flags" magazines was --
24 were found at Kang Chap's location. After scanning a few pages,
25 and I found it difficult to continue reading, I left them there.

1 And I did not know where the books could have been brought to,
2 since Kang Chap already deceased.

3 Q. Where was Kang Chap's location in Kampot?

4 [11.19.38]

5 A. He was at the former provincial hall in Kampot, the former
6 Kampot province.

7 Q. And was that location the Sector 35 Office?

8 A. Yes, it was.

9 Q. So I want to go back now, just to briefly go back to
10 clarifying the sequence of positions and locations that you had.
11 You testified that after you became a member of the Sector 35
12 Committee, in 1973 or 1974, that you were there for three or four
13 years before you transferred to Kampong Cham.

14 Do you recall the month and year it was that you moved to Kampong
15 Cham and became the secretary of Kampong Siem district?

16 A. I was in Kampot in 1973, '74, and '75, '76 -- four years --
17 and in 1977, I was transferred to Kampong Cham. So, from '73
18 through '76, I was in Kampot.

19 [11.21.45]

20 Q. Do you remember which month or what part of the year it was
21 that you transferred to Kampong Cham, in 1977?

22 A. No, I don't.

23 Q. Let me see if I can refresh your recollection. In your first
24 interview with the investigators from OCIJ, you said that you
25 were transferred from Sector 35 to Kampong Siem district in March

1 or April 1977. That's document D234/4. And in a later interview
2 -- D234/15, answers A2 through A4 -- you stated that your
3 transfer was ordered by Kang Chap in February of 1977.

4 Does that refresh your recollection as to when it was, in 1977,
5 that you were transferred from Kampot to Kampong Siem district?

6 A. Yes, it is correct. I don't - I said I didn't remember, but
7 with that statement, I can refresh my memory, and it is correct.

8 [11.23.38]

9 Q. So it was sometime between February and April 1977 that you
10 transferred to Kampong Siem district; is that correct?

11 A. Yes, it is.

12 Q. And how long did you work as the secretary of Kampong Siem
13 district?

14 A. I had worked there for two months. When my husband was
15 arrested, I returned.

16 Q. Where did you go after Kampong Siem district?

17 A. I moved from Kampong Siem to the Southwest in 1978 --
18 correction, to the Northwest.

19 Q. Where, in the Northwest, were you transferred to in 1978?

20 A. I was transferred to Battambang provincial hall, and it was
21 the location where I was asked to stay. And later on I was asked
22 to go to a cotton plantation after I spent three nights at the
23 city hall.

24 [11.25.55]

25 Q. Where was this cotton plantation? Do you remember what

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1 district it was in, where it was in relation to Battambang city?

2 A. It was in Samlout district or Rotonak Mondol. I never lived in
3 that location before so I am not quite sure whether this account
4 is correct. I perhaps was in Samlout.

5 Q. Was it the State cotton plantation at Chi Pan?

6 A. Yes.

7 Q. What was your position at that plantation?

8 A. After I was transferred from Kampong Cham to the northwest, Ta
9 Mok said that I had no further role and responsibilities, and was
10 transferred to the cotton plantation. I was asked to do nothing
11 but to gather the plantation, since my husband had already been
12 arrested. I was finally asked to do the plantation work because,
13 after my husband was arrested, I was no longer trusted.

14 [11.27.56]

15 Q. And do you recall the month, in 1978, that you arrived in
16 Battambang?

17 A. I'm afraid not. I don't remember the exact month.

18 Q. Let me try to refresh your recollection again. In your first
19 interview with the investigators from the Court, you stated -
20 quote: "I arrived in Battambang around 9 a.m., in October 1978."

21 Does that refresh your recollection? Was it correct that the
22 month that you arrived in Battambang was October of 1978?

23 A. Yes, it is correct, although I said earlier on I didn't
24 remember.

25 Q. And how long were you -- how long did you work at the cotton

1 plantation in Battambang?

2 A. I worked there for two months or so, then the bombardments --
3 there were aerial bombardments all over Battambang, and we could
4 not continue working at the plantation. We had just started the
5 work on the plantation briefly, then this event happened, and we
6 left.

7 [11.30.07]

8 Q. Thank you for clearing up the time periods of your various
9 positions.

10 Before I move to the next subject, you -- yesterday, you
11 testified that, when you were transferred from Kampot to Kampong
12 Cham-- I'm sorry. Yesterday, you testified that you were
13 transferred from Kampot to Kampong Cham after re-education by
14 Kang Chap.

15 Could you describe for the Court what you were referring to when
16 you -- by the re-education that you received from Kang Chap
17 before your transfer?

18 A. Before I was transferred to Kampong Cham, I was called by Kang
19 Chap to his office, where I was educated and informed that I
20 would be transferred to Kampong Cham. I was meeting him at his
21 office.

22 Q. How long was this meeting?

23 A. I was called by Kang Chap at 4 p.m. The meeting took place
24 until 6 p.m., so it was for two hours, and I was -- in which I
25 was asked to go to Kampong Cham. And as this was the order from

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1 my superior, I had nothing but obey such a decision. And I then
2 was asked to stay in Kampong Siem, where he would be transferred
3 as well to Siem Reap.

4 Q. When you said he would be transferred to Siem Reap, you're
5 referring to -- you're referring to Kang Chap; is that right?

6 [11.32.45]

7 A. Yes, it is.

8 Q. In this two-hour meeting that you had with Kang Chap, did he
9 explain to you why you were being sent to Kampong Siem district?

10 A. He did not explain anything further. He just said that he,
11 himself, would be moving to Siem Reap and that I would be
12 transferred to Kampong Siem, in Kampong Cham. And, upon having
13 heard this, I did not contest such a decision because I -- it was
14 up to him. Wherever he would like me to go, I would go there.

15 Q. I'm going to turn to my-- My next area of questions are going
16 to relate to your period on the Sector 35 Committee, and
17 specifically, to the authority structure that existed there,
18 meaning the authority and responsibilities that zones, sectors,
19 and districts had, as well as the communication system, how --
20 how instructions or policies were communicated down and the
21 information that was reported up by the districts and communes to
22 the higher levels.

23 [11.34.17]

24 The first thing I want just to clear up is: While you were on the
25 Sector 35 Committee, where -- where was -- where was your office?

1 Where did you work?

2 A. In Sector 35 Committee, we had different task to supervise.

3 For example, I was in Kampot district, and Phan in Tuk Meas, the

4 other in Kampong Trach, and the other one was responsible in

5 Chhuk, and Mr. Chhun was responsible for the district committee

6 in Kaoh Sla. So the task was clearly designated.

7 And once every two or three months, we met in order to set out

8 the work plan. For example, the building of a dyke or dams. Then,

9 we met every three months.

10 And, again, every three months, we also look at the working in

11 progress as well, we jointly look at that.

12 And in this committee, Mr. Kang Chap was actually in charge of

13 the sector, but at the district level, the tasks were clearly

14 divided among ourselves.

15 [11.36.00]

16 Q. Okay. I'll get back to my question.

17 But just to clarify, if I understand you correctly, you're saying

18 that the members of the sector committee each had responsibility

19 for a particular district and that you're -- you were responsible

20 for Kampot district; did I understand you correctly?

21 A. Yes, I am responsible for Kampot district.

22 Q. Did you have an office in Kampot district?

23 A. Yes, I do.

24 Q. And was that the same office as the district secretary's, or

25 did you have a different office in Kampot district?

1 A. There is a separate -- there is a separate office for the
2 district and a separate office for the sector, so they are
3 completely separate.

4 Q. How many people worked at your office, your sector office, in
5 Kampot district?

6 A. As I informed you earlier, there were four or five members:
7 Phan, Sean, Ti, and Kat, and myself, and Chap, but they are all
8 dead; five of us are deceased.

9 [11.38.07]

10 Q. The people you just identified were the people who were the
11 members of the sector committee. I was asking you about people
12 who worked at the office that you had in Kampot district, not the
13 people who were members of the sector committee. Do you
14 understand my question?

15 A. Yes. At the district office, the members of district committee
16 comprised of four members, and the structure is arranged as in
17 the sector as well. But once again, members in the district
18 committee are all dead.

19 We work as a team of five and we run the day-to-day management of
20 the office. And among five members, and I am the assistant. In
21 that committee, actually, there are four members, and I was the
22 assistant in the district committee.

23 [11.39.17]

24 Q. In terms of the reporting structure, is it correct -- did the
25 district secretary report to you and you reported to the sector

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1 secretary, Kang Chap? Was that the reporting structure?

2 A. As for the structure of report, Ta Noy and myself reported to
3 the -- Kang Chap, and we were the assistants so we reported to
4 Kang Chap. We actually the assistants in the district so we
5 discuss -- I discuss with Ta Noy, and then, once we agree on the
6 substance of the report, then we would forward it to Kang Chap.

7 Q. The person you referred to as Ta Noy, was he the secretary of
8 Kampot district?

9 A. He is the secretary of Kampot district, and I am his
10 assistant, because he is not well literate, so I assisted him
11 with the work of the district committee. So, at that time, Ta Noy
12 was not well literate, so we discussed with each other before we
13 prepare report to submit to the sector committee. So I normally
14 discussed with him before the report is produced and sent to the
15 sector committee.

16 [11.41.01]

17 Q. The reason I've asked you this a couple of times is because,
18 in your first interview with the Co-Investigating Judges, which
19 is document D234/4, you made the following statement -- quote:

20 "Ta Noy, the district secretary, reported to me and I reported to
21 Kang Chap, the sector secretary." End of quote.

22 This is from English ERN 00364079, Khmer 00357508, and French ERN
23 00403123.

24 So I'd like you to clarify whether -- You testified here that you
25 were his assistant; you told the investigators that he reported

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1 to you and you reported to Kang Chap; which is correct?

2 A. That's correct, what you described, but, again, I do not
3 remember clearly because it has been such a long time.

4 Q. Just so we're clear, the statement that is correct is the one
5 you gave to the investigators from the Court, which is that Ta
6 Noy reported to you and you reported to Kang Chap; is that right?

7 [11.42.48]

8 A. That is correct.

9 Q. And another thing I wanted to clear up: you said a number of
10 times that -- in Court, here, that the Sector 35 Committee only
11 met every three months. However, in your statement to the
12 investigators, you indicated that the meetings of the Sector 35
13 Committee were monthly.

14 Were the meetings monthly or were they only every three months?

15 A. If I said, in my interview with the investigator of the
16 Office of Co-Investigating Judge, as three months -- or once
17 every three months or monthly, then I do not object against my
18 earlier statement. So, if it said in that statement that the
19 meeting was held once every month, then I would stand by my
20 earlier statement.

21 [11.44.17]

22 Q. Let me just read to you, then, the statement from your first
23 interview with the investigators, which is D234/4, reading from
24 English ERN 00364080, Khmer ERN 00357509, and French ERN 403124
25 (sic) -- quote:

1 "Q: How was the meeting held in the sector committee?

2 "A: The meeting was held regularly, once a month, similar to
3 those of the district level."

4 Is it correct, as you told the investigators, that the sector
5 committee, in fact, meant -- met on a regular basis, every month?

6 A. That is correct.

7 Q. One of the subjects that, you indicated yesterday, were
8 discussed at sector meetings were moral offences.

9 My question for you is whether district committees had authority
10 to decide what to do with persons who made mistakes or committed
11 moral offences, or was that something that needed to be brought
12 to the sector committee. Who - who was it that had authority to
13 decide what to do with people who had made mistakes?

14 [11.46.29]

15 A. For those who committed moral offences, the member of the
16 district committee does not have any authority to decide. We had
17 to ask for opinions from the sector committee. We simply met, but
18 we dare not make any decision. If the sector said that the person
19 committed any moral offences, then we had to refer to them if
20 that offence was serious. So we did not have any authority; we
21 merely referred to them. So we did not have decision-making
22 power. We referred to Kang Chap, and then it's up to him to
23 decide whether or not he wanted the person to be re-educated or
24 so.

25 Q. And, in terms of the procedure for how you would refer such

1 matters to Kang Chap, was that done only at meetings or was it
2 also done through letters or written communications?

3 A. When we reported to Kang Chap, we did not make such report in
4 writing; we reported orally to the members of the committee, and
5 before we forwarded the report, we had to study thoroughly. We
6 dare not make a quick report or conclusion of anything. We had to
7 study it thoroughly before we sent the report to him.

8 [11.48.26]

9 Q. The translation indicated -- was that you sent reports to Kang
10 Chap. Were there actual written reports that you sent to Kang
11 Chap, or was it always done orally at meetings?

12 A. Yes, there was -- it was in writing. Again, I have to make it
13 clear that the report was in writing; it was not an oral report.

14 Q. And who had responsibility for making such reports for the
15 sector secretary?

16 A. Nobody had exclusive right. We had to be consensus on the
17 teams, and upon agreement by the district committee, then we
18 would report it to the upper authority. Nobody had an exclusive
19 power or decision-making authority to report individually.

20 Q. Were these written reports sent by telegram or were they -- or
21 were messengers used to deliver these reports? How were the
22 written reports sent to the sector secretary?

23 A. We sent the reports through a messenger. Never had we send it
24 through a telegram.

25 [11.50.16]

1 Q. Did Sector 35 have a telegram office?

2 A. I don't know. It was the issue of the sector. I do not have
3 any knowledge of it.

4 Q. Who was it -- whose authority needed to be obtained in order
5 for persons to be executed? Was that authority also provided by
6 sector committees?

7 A. I am a member of the sector committee, but as for the decision
8 to execute anyone, I was not aware of because I was the sixth
9 member of the committee and I did not know who was involved in
10 the decision to execute anyone. And I was not involved in the
11 decision-making process in terms of the execution of anyone. I
12 did not know how they came about deciding to execute anyone. Even
13 though I am a member of the sector committee, but I did not
14 involve in the decision of the execution of anyone. I am being
15 honest about that.

16 Q. Were minutes kept of the meetings of the Sector 35 Committee?

17 A. Actually, the secretary himself kept the minutes for himself.
18 He prepared the minutes himself. Whenever there was a meeting, he
19 recorded the minutes himself, and I simply took note and
20 listened-- I did not take notes, actually, but the secretary
21 himself had a note or minutes by himself because he was the one
22 who chaired the meeting, so he kept the record to himself.

23 [11.52.44]

24 Q. Do you know what was done with the minutes of Sector 35
25 Committees? Were they distributed to anyone?

1 A. No. Actually, he had his own notebook and he wrote it on his
2 own notebook, and we did not know whether he kept a record of it.
3 We did not know. But we merely listened to him, and he -- we did
4 not even take note of what was discussed in the meeting.

5 Q. During the time that you were a member of the Sector 35
6 Committee, did you attend meetings of the Kampot District
7 Committee?

8 A. I am a member of Sector 35 Committee, but I am an assistant of
9 the District Committee of Kampot, so I attended meeting. I
10 attended meeting with the secretary of Kampot district. And
11 whenever a meeting to set out the plan of the committee, I would
12 attend regularly.

13 Whenever the district secretary met, I would attend the meeting.
14 But there was no any special or extraordinary plan. Actually, the
15 plan itself was to set out the direction of work, for example,
16 building dam or dyke. That was all. We only talk about the
17 irrigation, water supplies or so. That's what the substance of
18 the meeting was all about.

19 [11.54.46]

20 And of course I attended every meeting. If I did not attend the
21 meeting, how could I be the assistant? When I was an assistant, I
22 had to attend all of those meeting.

23 Q. How often were the district committee meetings held?

24 A. It depends. Sometimes if there are urgent matters to discuss,
25 then we meet. We call upon members to convene the extraordinary

1 meeting. Otherwise, we met once every three months. But on a
2 monthly basis, we would meet, sometime. We met once every three
3 months. So it depends on whether or not there are urgent matters
4 to discuss.

5 [11.55.52]

6 Q. Did the district committee receive written reports from each
7 of the communes in the district?

8 A. The district committee receives report from the commune, of
9 course. Every month they have to send report from the commune
10 level.

11 Q. What were the subjects, general subjects that the communes
12 would report to the district committee every month?

13 A. Generally, they report about the cultivation of crops, for
14 example which commune has already cultivated rice paddies or
15 which commune has not. And we also set out the plan, for example
16 to construct the dam, or then we monitor the progress of the
17 work, whether or not they had accomplished the target set out in
18 the plan.

19 [11.57.21]

20 Q. Did the reports also address persons who had committed false
21 -- mistakes or moral offences or enemies of the party? Was that a
22 regular subject on which reports were submitted to the district?

23 MR. PRESIDENT:

24 There is no translation in Khmer.

25 MR. LYSAK:

1 Should I repeat the question, Mr. President? Yes.

2 BY MR. LYSAK:

3 Q. The question was whether one of the subject matters on which
4 the communes regularly reported to the district was on the issue
5 of persons who had committed moral offences or false or enemies
6 of the Party that had been identified. Was that a regular subject
7 matter reported on?

8 [11.58.34]

9 MR. PRESIDENT:

10 The defence counsel for Nuon Chea is on his feet. Do you have any
11 matters to raise?

12 MR. PESTMAN:

13 Yes, thank you. I think we need some guidance from the Bench.

14 This morning, we were told that questions with regard to
15 structure and communication were allowed, and witnesses were
16 supposed to answer those questions, but that questions into the
17 substance of the structure and the communications were not going
18 to be allowed.

19 So I would say that this is not inside the scope of the first
20 mini trial, but maybe you can give us some clearer instructions.

21 MR. LYSAK:

22 If I may briefly respond, Mr. President, the sections of the
23 Closing Order that are part of this case, including paragraph 76
24 itself, as an example, discusses how zones and sectors reported
25 to the Standing Committee on agricultural situation, rice

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1 harvest, irrigation systems, the livelihood of the people and the
2 enemy and military situation.

3 So it's not our intention to get into specifics or details, but
4 without information as to the general subjects that were
5 reported, this information is not going to be useful to the
6 Court.

7 [12.00.08]

8 MR. PRESIDENT:

9 The objection by the defence counsel for Nuon Chea is not
10 sustained.

11 The witness is directed to answer question put by the
12 Prosecution.

13 MS. PRAK YUT:

14 Could you please ask the question again?

15 MR. PRESIDENT:

16 Co-Prosecutor, please repeat the question because the witness
17 seems to have forgotten your question. So, please, repeat your
18 question so that the witness can answer your question.

19 [12.00.58]

20 BY MR. LYSAK:

21 Yes, thank you, Mr. President.

22 Q. My question was whether one of the subjects that was reported
23 by communes to the district committee was on the existence of
24 persons who had committed moral offences, made mistakes or
25 enemies that had been identified. Was that one of the regular

1 subjects that was included in reports?

2 MS. PRAK YUT:

3 A. This question relevant to the report from the commune level to
4 the district level, the report would include the results of our
5 work, and of course it also included some wrongdoings of some
6 people. And I agreed with the report, it doesn't mean that I
7 agreed that there could have been enemies, but we, at the
8 district level, would like to understand the situation and we did
9 not really want people to be executed.

10 [12.02.25]

11 Frankly, we helped some people, although who - those who
12 committed some wrongdoings, we helped educate them as much as we
13 can to make sure that they correct themselves.

14 And I think that's all for me, And if you are not clear, you may
15 put further questions on this.

16 Q. Thank you for that. Was another subject that was reported on
17 by communes to districts and from the districts to the sectors
18 the conditions of the people who were working at work sites such
19 as dam sites? Was that a regular subject of reports?

20 [12.03.23]

21 A. Reports had to be made through this chain of line -- command,
22 for example from commune to district, from district to sector,
23 and the report must be made in writing. And we had to include in
24 the reports, as indicated, what we had achieved and what we have
25 not yet achieved.

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1 MR. PRESIDENT:

2 Thank you, Mr. Co-Prosecutor. And thank you, Witness.

3 Since it is now appropriate time for lunch adjournment, the
4 session is adjourned.

5 Afternoon session will resume at 1.30 p.m.

6 Court officer is now instructed to assist the witness so that she
7 can be returned to the courtroom as scheduled.

8 Security personnels are now instructed to take Khieu Samphan to
9 the holding cell and have him returned to the courtroom before
10 1.30.

11 The Court is adjourned for lunch.

12 (Court recesses from 1204H to 1335H)

13 MR. PRESIDENT:

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

15 We would like to hand over to the Co-Prosecutor to proceed with
16 the remaining of the questions to this witness.

17 Co-Prosecutor is now reminded that you still have one hour left
18 for this questioning.

19 BY MR. LYSAK:

20 Thank you, Mr. President.

21 [13.36.59]

22 Q. When we broke, we were talking about subject matters that were
23 reported from the communes and districts to the sector level. And
24 I wanted to ask you whether one of the subjects that was reported
25 by the communes to the districts and by the districts to the

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1 sectors was the hardships faced by workers in the district.

2 Was that a subject -- regular subject of reports, hardships such
3 as starvation and food shortages?

4 MS. PRAK YUT:

5 A. This report included, indeed, the hardship of the people and
6 just -- other things, not just the hardship. The district was
7 supposed to report to the sector on this condition. Thank you.

8 Q. And did the district inform the sector when there was
9 insufficient food and people were starving?

10 [13.38.40]

11 A. The reports also included some of these, for example when
12 people at the work site lacked sufficient food, and we asked
13 sector to do something about this.

14 Q. Thank you for that response. Did the reports sent to the
15 sector inform them regarding the number of sick people and number
16 of people who had died in the district?

17 A. The report would include the numbers of sick people, indeed,
18 and -- but not dead people because there were more people -- sick
19 people than people who died.

20 Q. Well, when you were interviewed by the investigators from the
21 Court on the -- in the -- on the 18th of November 2009 -- this is
22 document D234/15, answer 28 -- you gave the following testimony
23 -- quote:

24 "Q: Did you report the number of the sick and dead to the upper
25 echelon?

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1 "A: Yes, I reported to the upper echelon about the number of the
2 sick people and food shortage, and also requested the assistance
3 from the upper echelon. I also reported the number of the dead to
4 the upper echelon." End of quote.

5 Was your statement to the investigators truthful, Mrs. Prak Yut?
6 Did you, in fact, report to the sector the number of dead people
7 in your district?

8 [13.41.51]

9 A. Yes, the statement was truthful. I did report on that.

10 Q. And in further regard to communications between the zones,
11 sectors, and districts, were zones, sector, and district leaders
12 informed in advance regarding planned arrests of cadres in their
13 organizations? Was that a matter that was reported to zone,
14 sector, and district leaders?

15 A. The leaders did not tell me anything about the arrest. I was
16 not informed.

17 Q. Were you told in advance about the arrest of your husband?

18 A. Before my husband was arrested, I was told by Ta Mok that my
19 husband had been arrested, and I met him. I couldn't remember the
20 date when my husband was arrested, but that's what I was told.

21 Q. There may have been a problem in the translation, so let me
22 clarify: Were you told in advance that your husband was going to
23 be arrested -- in other words, told before he was actually
24 arrested?

25 [13.44.01]

1 A. Yes, indeed, I was informed before my husband had been
2 arrested. I would like to correct my previous statement. I did
3 make a mistake.

4 Q. How far in advance of your husband's arrest were you given
5 notice by Ta Mok that he was going to be arrested?

6 A. Three days.

7 Q. Were you also warned -- told about the arrest in advance by
8 your sector secretary?

9 A. I was not informed by the sector committee. I was only
10 informed by Ta Mok concerning this arrest.

11 Q. Let me see if I can refresh your recollection.

12 In the statement you gave again to the investigators from the
13 Court in November 2009 -- D234/15, and this is in answer 34 --
14 you made the following statement -- quote:

15 "It was not only the sector secretary who called to tell me about
16 my husband arrest; even Ta Mok, who was the zone secretary, also
17 called to tell me that my husband would be arrested."

18 [13.45.54]

19 Is it correct, as you told the investigators, that you were
20 informed in advance by both the sector and zone secretary of his
21 arrest?

22 A. I think perhaps I made wrong. I think Ta Noy, and the sector
23 committee, and Ta Mok did inform me on this. This is the truth.

24 Q. And do you know -- are you able to tell the Chamber how the
25 zone, sector, and district secretaries were all aware in advance

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1 of the plan to arrest your husband? Do you know how it is that
2 they were all aware of that?

3 A. I had no knowledge of how the decision made concerning the
4 arrest of my husband. I did never know what happened and I only
5 heard that my husband was arrested when I was told by the people
6 concerned, as I indicated. And when I was informed that my
7 husband was arrested -- or would be arrested and then arrested, I
8 had no idea. I had -- I could not do anything.

9 [13.47.50]

10 Q. What - what was your husband's position? Where was he working
11 at this time?

12 A. Before his arrest, he did not do anything. He was the head of
13 the office for Kang Chap. He was not a district chief. He was a
14 clerk, nothing else.

15 Q. Did you warn your husband that he was going to be arrested?

16 A. I did not dare to inform him because Ta Mok warned me already
17 that the information he told me must be kept between me and him.
18 Otherwise, I, too, would be in trouble.

19 Q. Thank you for answering those questions.

20 You indicated a number of times -- made statements a number of
21 times that you were required to follow instructions that were
22 provided to you, such as the one you've just described from Ta
23 Mok.

24 Could you tell the Chamber what happened to those who did not
25 follow instructions from the upper echelon?

1 [13.49.42]

2 A. Those people would be educated. And when it comes to the
3 arrest of my husband, although I knew that, I just kept mum. I
4 could not protest and I had to follow the instruction provided to
5 me. I did not even dare to talk to my husband about this. And
6 this is really the truth. At that time, I did not breach what I
7 was told not to do, and for example, if I told my husband about
8 this and he escaped, and I would be in big trouble.

9 Q. Thank you. You were asked yesterday about the re-education
10 office in Kampot district. And in response to the question, you
11 -- at least the English translation indicated that the chief was
12 responsible for the re-education office.

13 I'm not sure whether the translation came through okay, but who
14 was the chief who you referred to, who was responsible -- had
15 authority and was responsible for the Kampot district
16 re-education office?

17 [13.51.38]

18 A. The chief, here, was referred to a person whose name I don't
19 remember, who was deceased. He worked at the Education
20 Department, and there was a head for Education Department. He was
21 the successor of Ta Noy, and he was deceased. I'm sorry that I
22 can't recollect his name.

23 Q. Okay. So, just to clarify, you were referring to a person
24 whose name you can't remember, who was the chief of the
25 re-education office; is that right?

1 A. Yes, it is.

2 Q. I want to ask you a few questions, now, about the period in
3 which you were -- served as the Kampong Siem district secretary.
4 And again, just to clarify something, you had, I think, earlier,
5 before my questions, indicated that you were only the -- located
6 in Kampong Siem district for three months, two or three months.
7 But based on the testimony we went through at the start, am I
8 correct that you were actually in Kampong Siem district serving
9 as district secretary for over a year, from the time you arrived,
10 in between February and April 1977, until the time you were sent
11 to Battambang, in October 1978? Is it correct that you were
12 located in Kampong Siem during that entire time?

13 [13.53.46]

14 A. I think I had been working there for a few months, not up to
15 one year, because I was there until August, not - not a year. And
16 in the statement I made before the Co-Investigating Judges, I
17 think that I stand by that statement.

18 Q. Yes, but even if it was August when you left for Battambang,
19 you arrived in Kampong Siem district in the early part of 1977
20 and were there until August of 1978, the next year.

21 So is it not correct that the period you were in Kampong Siem
22 district was much more than a couple of months? You were there
23 for over a year; correct?

24 A. Yes, it is.

25 Q. Where was your district office located?

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1 A. Are you referring to the Kampong Siem district office?

2 Q. Yes.

3 A. It was located to the west of Phnom Pros Mountain near
4 Angkuonh Dei Pagoda.

5 Q. How far away from Phnom Pros were you? How many kilometres?

6 A. I'm afraid I cannot say exactly how far it was from Phnom
7 Pros. I just can't say so.

8 [13.56.20]

9 Q. When you were asked yesterday, you testified that there --
10 Kampong Siem district did not have a re-education office or
11 security office. But when you were asked by the investigators in
12 your initial interview -- in document D234/4, at page English
13 00364083, Khmer 00357513, and 00403127 -- you gave the following
14 answer:

15 "Q: Was there a security centre in Kampong Siem district?

16 "A: In Kampong Siem district, during the time, I controlled the
17 district, there was a security centre, but I did not allow
18 sending people to that centre."

19 My question is, as testified -- you testified to the
20 investigators initially; was it true that there was in fact a
21 security centre in Kampong Siem district?

22 MR. PRESIDENT:

23 The counsel for Nuon Chea, you may proceed.

24 MR. PESTMAN:

25 I understand it's an interesting topic to the prosecutor, but I

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1 really don't understand how this could fall within the scope of
2 the first trial. Whether there was a security centre in Kampong
3 Siem or not is completely irrelevant. It doesn't say anything
4 about the command structure or about communications after 1975,
5 so I object to this question.

6 [13.58.12]

7 MR. LYSAK:

8 Mr. President, if I may respond, I intend to ask general
9 questions regarding the structures of districts: Did they have a
10 re-education office? How were they responsible? How was food
11 allocated within the district? Did they have their own medical
12 services?

13 I'm not going to get into details on this, but I think it's
14 important for us, if we are -- if we, as the Co-Prosecutors, have
15 the burden of proof to prove the structures of Democratic
16 Kampuchea, including zones, sectors, and districts, I think we
17 need - we need to go into a little bit of information. I'm not
18 going to get into details about what went on at the security
19 centre; I'm just trying to establish whether one existed and
20 whose -- under whose authority it was.

21 [13.59.28]

22 MR. PRESIDENT:

23 The objection by Nuon Chea counsel is not sustained.
24 The Chamber would like to hear the response from the witness to
25 the question by the prosecutor.

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1 If witness still remembers the question, she is now instructed to
2 respond. If not, she may ask Co-Prosecutor to repeat the
3 question. Madam Prak Yut, do you still remember the question
4 asked by the Co-Prosecutor? Or Mr. Co-Prosecutor may put the
5 question again to make sure that the witness understands the
6 question and can respond to it.

7 [14.00.32]

8 BY MR. LYSAK:

9 Q. The question was whether, as you testified to the
10 investigators from the Court-- Was there a security office in
11 Kampong Siem district?

12 MS. PRAK YUT:

13 A. There was security office in Kampong Siem district, and I
14 would like to submit that it is true.

15 Q. Where was it located?

16 A. Back then, it was right next to the district office, somewhere
17 between the district office and Phnom Pros Mountain.

18 Q. The security office that was next to Phnom Pros, was that a
19 district security office under your authority, or was it a
20 security office that was under someone else's authority, whether
21 a sector, zone or military?

22 A. It does not -- it did not belong to the sector or the zone, it
23 was for the district. And that centre was for re-educating any
24 people who were bad, who were found in the district. It does not
25 -- it did not concern the sector. It was I who was re-educating

1 those people at that place.

2 [14.02.41]

3 Q. Well, I will move on now because we can't -- we're not to
4 discuss the subject of that, but I hope someday we get to hear
5 from you about that further.

6 My next questions relate to reports during the period that you
7 were the Kampong Siem district secretary.

8 Did you prepare written reports on the situation in your district
9 during the time you were Kampong Siem district secretary?

10 A. I was the secretary of Kampong Siem district. I reported to
11 the sector, and my report was in writing. I did that once a
12 month. It was about the plan implementation within the district.
13 I also reported on the situations.

14 Q. And this was a written report. How was it sent to the sector
15 secretary? Was it sent by telegram or was it sent by messengers?

16 A. The report was sent through messengers, messengers who lived
17 with me. They were not made informed of telegram.

18 [14.04.14]

19 Q. Where was the sector secretary located, to whom you reported
20 while you were Kampong Siem district secretary?

21 A. I do not remember where it was. I was a newcomer, and I did
22 not ask for the location of the place. I do not collect in which
23 district it was. I don't even remember clearly the place where I
24 lived.

25 Q. You testified yesterday that you participated in meetings with

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1 the zone secretary, Ke Pauk. Who else attended the meetings with
2 Ke Pauk that you were present at?

3 A. They were secretary committees, for example Sector 41, Sector
4 42, and he was the chief because he was the zone committee. In
5 the meeting, there were some peoples, but I do not remember their
6 names. I don't remember the names of those who attended the
7 meeting.

8 Q. Where were those meetings held?

9 A. It was in Kampong Cham town.

10 [14.06.08]

11 Q. Was it at the location of the zone office?

12 A. Yes, it was the location of the zone office.

13 Q. And, in general, what were the subject matters that were
14 discussed at the meetings with the zone secretary that you
15 attended?

16 A. Most of the times, we discussed the work that the people
17 needed to do, for example to build dams or to dig up canals. We
18 discussed the matters concerning whether our people were in good
19 living conditions, and so the zone committees could devise
20 solutions for the problems, for all types of problems.

21 Q. Was there any discussion, in those meetings, regarding
22 policies or instructions that had been received from the Party
23 leaders in Phnom Penh?

24 A. I do not know about that because, during the zone committee
25 meetings, we only discussed what I have told you, and I don't

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1 know what were discussed between the zone committees and people
2 from Phnom Penh. I do not know about that. I only come to know
3 when there were announcements on -- at the lower level.

4 [14.08.04]

5 Q. How were announcements made at the local level, on those
6 matters?

7 You've just indicated that you learned of policies and
8 instructions when announcements were made at the local level. How
9 were those announcements made?

10 A. He instructed us. He instructed the people to build dams and
11 things like that, and nothing else. And he urged that the people
12 tried to build dams and to dig up canals. That is to meet the
13 plan. This is what he said.

14 Q. Who is the "he" you're referring to? Who is it that provided
15 those instructions?

16 A. He was Ta Pauk.

17 Q. You're referring to the zone secretary, Ke Pauk; is that
18 correct?

19 A. Yes, that is correct.

20 [14.09.40]

21 Q. (Microphone not activated)

22 I want to turn to a different subject, now, and ask you a few
23 questions regarding an entity called the People's Representative
24 Assembly.

25 In 1976, did you become aware of the entity the People's

1 Representative Assembly?

2 A. Let me tell you this. During that time, I was not aware of
3 what the People's Representatives were, but I have heard from Ta
4 Noy, who told me that I was about to become a people
5 representative, but I did not, at that time, even know what it
6 meant. But it was what Ta Noy told me. And when I went to the
7 zone, Ta Chap also told me that I would be a representative for
8 the people. But this is what I was told, I never worked as a
9 representative of the people. The point is I did not understand
10 the matter. It's like that I was in the position, but I never
11 attended any meetings. And, like I said, I, myself, did not even
12 know what it means by the word "people's representative".

13 [14.11.35]

14 Indeed, I was a candidate at that time. However, I was not aware
15 of the roles that I were to do, and it was not even clear when
16 the zone people told me that I was to be people's representative.
17 And at that time we were not knowledgeable about anything. This
18 is what I'm -- would like -- I'm telling you, which is the truth.

19 Q. Okay. Let me ask you a few specific questions.

20 To your knowledge, was there ever actually an election where
21 people voted and elected you as a representative of the People's
22 Assembly?

23 A. I do not know about election.

24 Q. Did you ever observe any people voting in Kampot district, in
25 March 1976 or any time in 1976?

1 A. No, I do not know about that.

2 [14.13.06]

3 Q. I gather, then, that you, yourselves, didn't vote in any
4 election, on the 20th of March 1976, for the People's
5 Representative Assembly.

6 A. No, I did not vote.

7 Q. And, if I understood your statement a few minutes ago-- Well,
8 why don't you tell me? Let me just ask you this way: Tell us how
9 it is that you first learned that you had been selected as a
10 representative of the People's Assembly. How is it that you
11 learned that you had been named to that position?

12 A. I do not remember when. I do not recall the year. No, I don't
13 remember.

14 [14.14.15]

15 Q. I was actually asking how, and I think you had previously
16 testified that several individuals, your district secretary, Ta
17 Noy, and sector secretary, Kang Chap, had informed you of your
18 appointment to the People's Representative Assembly.

19 Let me ask: Was that the first time-- Was that how you learned
20 that you had been named as a representative of the People's
21 Assembly, through those conversations that you - that you've
22 described, with Ta Noy and Kang Chap?

23 A. The first time he told me, but there was no formal meeting in
24 the sector. I was only informed that I was selected as the
25 representative of the people.

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1 Q. The issue of meetings was actually my next question. So let me
2 ask you this: Were you ever, at any time, invited to attend a
3 meeting of the People's Representative Assembly?

4 A. No, I was not.

5 [14.15.51]

6 Q. Were you ever notified of any legislation that was proposed or
7 passed by the People's Representative Assembly?

8 A. No, I was not.

9 Q. I gather that you never voted on any legislation as a member
10 of the People's Representative Assembly?

11 A. You are right, I never voted.

12 Q. Was your husband also named as a representative of the
13 People's Assembly?

14 A. Yes, my husband was also a representative.

15 Q. And could you tell the Chamber what your husband's name was?

16 A. My husband's name was Am.

17 [14.17.09]

18 Q. That was- Excuse me. That was his alias, Am; is that right?

19 A. It was the name that I used to address him the first times --
20 in the first times we met. I addressed him "Am".

21 Q. Was his full name Sam Dam? Is that right?

22 A. His original name was Sam Dam, but his alias was Am.

23 Q. What part of the country was your husband from?

24 A. He was in Prey Veng, Prey Veng province.

25 [14.18.16]

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1 Q. Do you know how – how he learned, how your husband learned
2 that he had been named as a representative of the People's
3 Assembly?

4 A. We learned about that relatively at the same time.

5 Q. The accused Nuon Chea, in this case, has claimed that he was
6 busy working on legislative matters during the Democratic
7 Kampuchea period, in his capacity as chairman of the People's
8 Representative Assembly.

9 So I'd like to ask you, as one of the named representatives of
10 the Assembly: Did you ever work with Nuon Chea on any legislative
11 matters between April 1975 and January 1979?

12 A. No, I never.

13 Q. Were you ever present for any speeches given by Nuon Chea in
14 his capacity as chairman of the People's Representative Assembly?

15 A. No, I never was.

16 [14.19.57]

17 Q. Did you ever meet Nuon Chea during the Democratic Kampuchea
18 regime?

19 A. No, I never met him.

20 MR. LYSAK:

21 Mr. President, at this time, I'd like to show a document -- have
22 a document handed to this witness, which is document IS 13.13.
23 And for the record this is a document titled "Document on
24 Conference of Legislature of the People's Representative Assembly
25 of Kampuchea" from the 11th to 13th of April 1976". If I may pass

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1 -- have a copy of this document shown -- given to the witness?

2 MR. PRESIDENT:

3 Can the Co-Prosecutor identify the document again? Because I

4 heard from the translation it's 1,000 and something; I don't

5 think this can be in transcript properly. Can the Co-Prosecutor

6 identify the document -- that is, the document number and the

7 document title, the document that you are requesting to be shown

8 on the screen?

9 [14.21.57]

10 MR. LYSAK:

11 Yes, Mr. President. I actually just want to show the document to

12 the witness, but it's document IS 13.13, and it is a document

13 that is titled -- quote -- "Document on Conference of Legislature

14 of the People's Representative Assembly of Kampuchea" from the

15 11th to the 13th of April 1976.

16 MR. PRESIDENT:

17 You are permitted to do so.

18 And court officer is instructed to bring the document from the

19 Co-Prosecutor to the witness.

20 (Short pause)

21 [14.23.02]

22 BY MR. LYSAK:

23 Q. I'm not going to ask you to read this document, Ms. Prak Yut.

24 There's a few photos in it that I'm going to show to you.

25 But my first question is simply whether you attended a meeting of

1 the People's Representative Assembly in Phnom Penh, on the dates
2 of 11 to 13 April 1976.

3 MS. PRAK YUT:

4 A. I do not remember everything about the meeting of the
5 Assembly. I'm not sure I remember whether I attended any meeting
6 of the Assembly. It was a long time ago. I find that you ask the
7 question again and again.

8 I forget about the dates of the meeting. And, what I can see on
9 this document, it refers to the General Assembly, the first
10 General Assembly meeting, and I don't remember about it. This is
11 my answer to you. I will answer more if you ask me more
12 questions.

13 [14.24.42]

14 Q. Yes. I'd like you to look at what is page 4 of the Khmer
15 version of the document. It is ERN -- Khmer ERN 00053607. And,
16 Mr. President, we'll also show -- show this photograph on the
17 screen. It's not a very good copy, but there is a photograph,
18 next to page 4 of the document, which purports to be a photograph
19 of the members of the People's Representative Assembly gathered
20 in front of the Assembly building on the 11th of April 1976.
21 And I simply want you to look at that photograph and see if that
22 refreshes your recollection as to whether or not you were present
23 at this meeting.

24 A. You asked me whether I was present during this Assembly
25 meeting. Well, let me express my view.

1 If you strongly insist that I was present there, I could not deny
2 it, but I just don't remember whether I was present. And I don't
3 remember the date of the meeting because I did not note -- I did
4 not take any note.

5 [14.26.40]

6 I'm not speaking -- I cannot just answer without knowing for sure
7 that I remember that, because, as I remember, I only heard
8 something about a meeting -- the meeting. I was not paying very
9 close attention to that. This is my answer to you.

10 Q. Please understand, I'm not suggesting anything by my question.

11 I'm trying to find out whether or not, to the best of your
12 recollection, you were present at this Assembly meeting.

13 Let me ask you the question in a slightly different way: The
14 building that's shown in this photograph appears to be a fairly
15 famous building, here in Phnom Penh, called the Chaktomuk
16 Conference Hall and Theatre that's on the riverfront.

17 Do you ever recall attending any meetings at that building, in
18 Phnom Penh, during the period of Democratic Kampuchea?

19 [14.28.05]

20 A. I don't think I attended a meeting. I want to be this brief
21 because at that time--

22 Q. One final thing I want to ask, just, again, to try to refresh
23 your recollection as best we can as to whether or not you
24 attended this meeting.

25 On pages 35 to 36 of the Khmer version of the document, which is

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1 Khmer ERN 00053628 through 53629, English ERN 00184063 through
2 184064 and French ERN 00301350, if you-- On those pages, you will
3 find a list of the nine agenda items that were debated and
4 decided by the Assembly representatives at this meeting.

5 And, as you've indicated, you have trouble reading; let me just
6 read to you a number of the agenda items that were discussed at
7 this meeting to see if that refreshes your recollection: number
8 1, "examination of the results of the universal elections 20th
9 March 1976"; number 2 on the agenda item is "preparation of work
10 systems of the People's Representative Assembly of Kampuchea",
11 including a number of commissions; item number 3 on the agenda
12 item is as follows:

13 "Examine, consider, and decide upon the request--" Excuse me.

14 "Examine, consider, and decide upon the request for retirement of
15 Prince Norodom Sihanouk in accordance with the prince's personal
16 announcement made on 2nd April 1976 and the government
17 announcements of 4th April 1976 concerning Prince Norodom
18 Sihanouk's personal request to retire, which the government has
19 sent to the Assembly."

20 [14.30.55]

21 Let me stop and ask you about that agenda item specifically: Do
22 you remember being present for any meeting that considered
23 whether to accept the retirement request of then Prince Sihanouk?
24 A. I have never been involved with the former King. I never knew
25 where he went. I never keep any memory of this event because I

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1 have never known anything about it.

2 Q. My question was simply whether you recall being present at a
3 meeting that discussed the resignation of Sihanouk. Were you ever
4 present at any such meeting?

5 A. (No interpretation)

6 [14.32.10]

7 MR. LYSAK:

8 I'm sorry, I didn't hear a translation of an answer.

9 MR. PRESIDENT:

10 Could you please respond?

11 MS. PRAK YUT:

12 A. No, I never attended a meeting. I never knew anything about
13 that meeting. It is really the truth. I never attended such
14 meeting. How could I answer if I don't know?

15 BY MR. LYSAK:

16 Q. Thank you.

17 I have a few questions for you related to the forced movements,
18 and then I will turn over the questioning to someone else.

19 [14.33.14]

20 My colleague has asked you some questions about the evacuation of
21 Phnom Penh.

22 First of all, am I correct, based on the testimony you've given
23 us today, that, at the time of 17th of April 1975, you were a
24 member of the Sector 35 Committee in Kampot? Is that correct?

25 MS. PRAK YUT:

1 A. Yes, it is.

2 Q. Can you tell the Chamber whether-- Prior to the 17th of April
3 1975, were there food shortages in Kampot?

4 A. When I was in Kampot, it was rare that there was any food
5 shortages because people had enough food to eat. And this is what
6 I witnessed working there. So I can say that people had food to
7 eat, although, in some places, people may lack some food, but
8 it's not really big shortages. And people can share the food.

9 [14.35.05]

10 Q. As a member of the Sector 35 Committee, are you able to tell
11 the Chamber why it is that the city or town of Kampot was
12 evacuated in April 1975?

13 A. I think I made it clear already that I did not remember how
14 people were evacuated, because the committee of the sector did
15 not tell me anything about this, and this is all the truth I can
16 tell. And I saw people being evacuated, but I had nothing to do
17 with it.

18 So, again, I am telling the truth. I am before this Court to tell
19 the truth. I'm not making up any excuses. And I did not know how
20 the decision to evacuate the people from the cities was made.

21 [14.36.35]

22 Q. When you say you saw people being evacuated, were these people
23 being evacuated from Kampot city?

24 A. Yes, I saw them being evacuated from Kampot city, but I just
25 did not know who made the decision for such evacuation.

1 Q. And as a member of the Sector 35 Committee, are you aware of
2 any involvement of the sector committee in the evacuation of
3 Kampot city?

4 A. No, I am not, because I was not engaged in this process; I
5 worked at the paddy fields all the time. Even during the 7 of
6 January, I was not in the city, I was at the fields, so what
7 being decided or executed in the cities was outside my knowledge.
8 [14.38.01]

9 Q. Did-- Excuse me. Did the Sector 35 Committee receive any
10 instructions on what to do with evacuees from the cities -- that
11 you're aware of?

12 A. No, I don't know. I don't know anything about this. And I,
13 perhaps, repeat time again that they were responsible for the
14 plans they implemented, and I had nothing to do with this, and I
15 don't know.

16 Q. Mr. President, I have one more question, if I can proceed to
17 finish at this time.

18 The last question I wanted to ask you, Ms. Prak Yut, is whether
19 the sector committee received any instructions on what to do with
20 former soldiers or officials from the Lon Nol government.

21 A. Could you please repeat this question?

22 Q. Yes. My question is whether the sector committee received any
23 instructions or whether you received any instructions on what to
24 do with former officials or soldiers from the Lon Nol government.

25 A. I don't understand. I don't understand the question, not the

1 answer.

2 [14.39.57]

3 Q. Let me read to you a statement you provided to the
4 investigators in your initial interview, which is document
5 D234/4, which is at English ERN 00364084, Khmer ERN 00357514, and
6 French ERN 00403127. And your testimony was as follows:

7 "Q: Was there a plan for officials, police officers, soldiers and
8 intellectuals in Lon Nol regime?

9 "A: I received an order to help re-educate them, but I did not
10 know where they were arrested and sent to." End of quote.

11 As you testified to the investigators, did you receive an order
12 to re-educate Lon Nol's soldiers and officials?

13 A. No, I did not receive any orders on this. If-- Whatever said
14 in the statement before the Co-Investigating Judges, I still
15 stand by that decision.

16 [14.41.52]

17 Q. Well, I'm a little confused. You told - you told the
18 investigators that you did receive an order to re-educate former
19 Lon Nol officers and soldiers; is that correct?

20 A. Yes, it is.

21 Q. Who did you receive that order from?

22 A. I received these orders from Ta Chap. I was told to help
23 re-educate former officials at communes and district -- and
24 villages, rather.

25 Q. And by "Ta Chap", you're referring to the sector secretary

1 Kang Chap; is that correct?

2 A. Yes.

3 [14.43.03]

4 MR. LYSAK:

5 Thank you, Mrs. Prak Yut. Mr. President, that's all the questions
6 I have.

7 MR. PRESIDENT:

8 Thank you. Since it is now appropriate time for an adjournment,
9 we shall--

10 (Judges deliberate)

11 [14.44.03]

12 Since it is now appropriate time for adjournment, we will take a
13 20-minute break. The session will be resumed at 3.05.

14 (Court recesses from 1444H to 1505H)

15 MR. PRESIDENT:

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

17 Next, we will be -- proceed with the Lead Co-Lawyers.

18 However, before we do so, the Chamber would like to render its
19 oral decision concerning the documents, as follows.

20 During last week's hearing, the parties raised questions as to
21 the proper application of Internal Rule 87.

22 The Trial Chamber provides the following guidelines regarding the
23 applicability of Internal Rule 87 insofar as it concerns
24 relevance and reliability, including authenticity, of documents
25 intended to be put before the Chamber.

1 [15.07.43]

2 Internal Rule 87.3(a) requires that a document be relevant. A
3 document that clearly lacks reliability, including authenticity,
4 may be considered by the Chamber to be unsuitable to prove the
5 facts it purports to prove.

6 Internal Rule 87.3(c). Internal Rule 87.3, therefore, requires
7 documents intended to be put before the Chamber to satisfy prima
8 facie standards of relevance, reliability, and authenticity.

9 Where, for example, a document does not appear to be a forgery or
10 unrepresentative of the original, the Chamber shall consider the
11 document to have been put before it.

12 Objections of this type must be raised at the time it is proposed
13 to put a document or other evidence before the Chamber. Any
14 further submissions as to the document's reliability shall go,
15 instead, to the weight to be accorded to it by the Chamber.

16 [15.09.30]

17 Internal Rule 67.3 requires the Co-Investigating Judges to review
18 and evaluate documents to determine whether, as a whole, there is
19 sufficient evidence to support the charges against the Accused.

20 It follows that, during the judicial investigation, the
21 Co-Investigating Judges assessed all documents placed on the case
22 file for relevance and accorded some probative value to the
23 evidence cited in the Closing Order.

24 [15.10.19]

25 The Closing Order was subject to appeal to the Pre-Trial Chamber.

1 For these reasons, the Trial Chamber has accorded the documents
2 cited in the Closing Order a presumption of relevance and
3 reliability, including authenticity, and has given them an E3
4 number. Documents that are on the case file, but are not found in
5 the Closing Order have not been accorded this presumption.

6 Original documents are a preferred method of proof and will be
7 accorded more weight than photocopies of documents. The fact that
8 certain words within a document are illegible does not preclude
9 putting it before the Chamber. Such issues are a matter of weight
10 and shall not be considered when evaluating the requirements of
11 Internal Rule 87.3.

12 Material such as analytical reports, books, documentary films,
13 and media articles may be relevant and will not be excluded as a
14 category. Its probative value, however, shall be determined by
15 the Chamber in due course.

16 The ICTY and other international tribunals have adopted a
17 practice that permits judges to exclude evidence if its probative
18 value is substantially outweighed by the need to ensure a fair
19 trial. This is not reflected in the ECCC legal framework and is
20 in any event unnecessary because professional judges have the
21 ability to disregard unduly prejudicial evidence.

22 [15.13.10]

23 There is no procedure requirement, before the ECCC, to call
24 witnesses with personal knowledge to authenticate documents on
25 the case file. Nonetheless, testimony as to chain of custody and

1 provenance will assist the Chamber in assessing the weight to be
2 attributed to particular documents.

3 The Trial Chamber has previously indicated that parties seeking
4 the introduction of documents at trial bear the burden of
5 ensuring their timely availability in all three official
6 languages. Please see document E131/1. Some latitude will be
7 granted by the Chamber where parties are precluded from doing so
8 due to overload -- workload constraints of the ITU and when the
9 relevant portions of the documents the parties intend to put
10 before the Chamber and to use as the basis to question a witness
11 or an accused are available in at least one language that the
12 accused or the witness can understand. Alternatively, and where
13 the relevant portion of a document in question is brief and can
14 be easily translated in Court, the Chamber may allow that portion
15 of the document in question to be put to an accused or witness.

16 [15.15.10]

17 Now, if this issue continues to be raised by the parties, the
18 Trial Chamber reiterates that evidence obtained through torture
19 has limited uses. The Chamber reminds the parties of its
20 memorandum E74 in Case 002 and its oral decisions in Case 001 of
21 the 20th and the 28th of May 2009.

22 This concludes the Trial Chamber's oral decision on the general
23 application of Internal Rule 87. Objections to specific documents
24 will be addressed in due course.

25 [15.16.00]

1 The second issue. Because the Trial Chamber intends to conduct
2 its hearings, next week and the subsequent week, by hearing
3 testimony of Mr. Chhang Youk, the Director of the Documentation
4 Center of Cambodia, and to hear testimony of expert TCE-80, the
5 Trial Chamber wishes to seek information from all parties
6 concerning the amount of time that the parties intends to use to
7 put questions to the witness and the experts, as indicated
8 earlier.

9 The Chamber is of the view that it may not receive immediate
10 response from the parties, so the parties may have some time to
11 think about the time allocation and provide their answers through
12 email to the Senior Legal Officer by tomorrow – tomorrow, lunch
13 time. Upon the receipts of the information, the Chamber will
14 inform the parties accordingly in terms of the time allocation.

15 [15.17.42]

16 Next, I now hand over to the Lead Co-Lawyers to -- or the lawyers
17 who received delegation from the Lead Co-Lawyers to put questions
18 to this witness.

19 I now note the counsel for Nuon Chea is on his feet. You may
20 proceed, Counsel.

21 MR. PESTMAN:

22 Thank you, Mr. President.

23 Just -- I couldn't understand clearly which expert witness the
24 Trial Chamber intends to call next week or the week after that.
25 And, in addition to that, is it the Chamber's intention not to

90

1 hear my client on the historical background of the conflict until
2 after those two people have been heard?

3 (Judges deliberate)

4 [15.19.37]

5 MR. PRESIDENT:

6 Let me clarify the issue. Parties have been informed of the
7 procedure as to put questions to the Accused and to hear
8 testimonies of witnesses or experts. As you may be aware, that --
9 the Accused will be continued to be questioned next week and the
10 following week, and as Mr. Nuon Chea has indicated that he
11 exercises his right to respond to only questions during the
12 morning sessions.

13 [15.20.41]

14 So, in general, we will devote the morning sessions to put
15 questions to the accused Nuon Chea, and the rest of the time will
16 be allocated to hearing testimonies of witness and expert, as
17 indicated earlier upon our receipts of the information from the
18 parties. Especially next week, on Monday and Tuesday, in the
19 morning sessions, we will be hearing testimony of the accused
20 Nuon Chea, and in -- the afternoon sessions will be devoted to
21 hearing testimony of witness Prak Yut. And for the rest of the
22 time, as I indicated, we will hear a witness and expert, as I
23 informed the parties, and the expert is TCE-80.
24 The Chamber now awaits - now awaits the information from the
25 parties. Do you understand this clearly, Counsel?

1 MR. PESTMAN:

2 Yes. Thank you very much.

3 MR. PRESIDENT:

4 Next, the Chamber would like to hand over to civil party lawyers
5 who receive delegation to put question to the witness.

6 [15.22.34]

7 QUESTIONING BY MR. SAM SOKONG:

8 First of all, my respects to Mr. President and Your Honours. And
9 good afternoon, Mrs. Prak Yut. I have a number of questions for
10 you.

11 Q. This morning, as well as in the preceding sessions, you said
12 that you joined the revolution, and you joined the revolution
13 with the introduction by Um Hem. I want to know, did you do
14 anything or any work for the revolution after you joined the
15 revolution?

16 MS. PRAK YUT:

17 A. At the time, I was 13 years old and I joined the revolution
18 with my uncle, Um Hem, in Kampong Chhnang -- rather, Kampong
19 Speu, but I did not do any work because I was not yet introduced
20 to anything. I did not do anything when I - when I joined the
21 revolution.

22 Q. When you joined the revolution, did you ever work as a - a
23 worker at a factory?

24 A. It was not when I joined the revolution the first time, it was
25 when I moved to Kampot and I was with soldiers. There were about

1 150 people who sewed clothes - clothes for soldiers.

2 [15.24.25]

3 Q. Concerning the clothes - the garment factory, who was the
4 chief?

5 A. There was no chief. The machines were installed in a house -
6 rather, under the house of someone, and we were sewing clothes
7 for soldiers. The size is about 150 -- the size of the people was
8 150.

9 Q. Was it before 1975 or after 1975?

10 A. It was prior to 1975.

11 [15.25.20]

12 Q. Concerning your work as making clothes for the soldiers, I
13 want to know who gave order to you to make clothes for the
14 soldiers, and what for?

15 A. It was Ta Chap who told me to do that work, that the clothes
16 were for soldiers. Without clothes, how could we cover our body?

17 Q. Where did you send to after you finish your making clothes?

18 A. We sent to Ta Chap.

19 Q. Another question concerns the evacuation. This morning you
20 said you heard of the evacuation in Kampot and you were, at that
21 time -- was a member of the - of Sector 35 and also the assistant
22 to Kampot District Committee.

23 Just want to know whether the district was located near Kampot
24 province.

25 A. The places were located near one another. It was in the Kbal

1 Romeas, Kampot town -- Kampot is a -- it was a town of Kampot
2 province.

3 [15.26.55]

4 Q. When there was evacuation out of Kampot town, did you ever
5 hear any radio broadcast that people were to be evacuated out of
6 Kampot?

7 A. I was in Kampot at that time but I lived far away from Kampot
8 province, then I lived there-- I was not living near the place,
9 so I did not know about the evacuation of people there. The
10 commune in which I lived was far away from the city - from the
11 town, so, again, I was not aware of the evacuation. I don't know
12 whether - or what time the evacuation took place, even though I
13 was living on the outskirts of the town, but it was not near
14 enough for me to know.

15 Q. Concerning the evacuation, this morning you said that you
16 witnessed people walking out of the provincial town to various
17 places. When you saw those people, did you see any soldiers
18 escorting those people?

19 A. I did not examine closely whether there were soldiers, because
20 I was not walking close to them. I was far away from them, so I
21 did not know whether there was soldiers or not. I do not know
22 whether there were guards walking after those people. Like I
23 said, I did not examine it closely when it comes to evacuation,
24 so I do not know. That's why I said I do not know about the
25 evacuation of the people. I do not know whether there were

1 escorting soldiers.

2 [15.29.22]

3 Q. I now move to the next question, concerning to the zone
4 committee. Can you tell the Court, how many provinces were there
5 within the Southwest Zone?

6 A. There were Kampot, Takeo, Kampong Speu. Yes, and these three,
7 only these three. Let me count again: Takeo, Kampot, Kampong
8 Speu. I'm not sure whether there were four or five - four or
9 three provinces.

10 Q. Within the zone, can you describe the administrative structure
11 within the zone?

12 A. I did not take part of the administration.

13 Q. You said you were the sixth member of Sector 35. Can you tell
14 us whether Kampot - whether Sector 35 was located in Kampot?

15 A. Yes.

16 Q. Were there any offices in Sector 35? Or what was the structure
17 like?

18 A. There was office in sector.

19 Q. How many offices were there in Sector 35?

20 A. I do not know about that because it was under the control of
21 sector committee. I was not taking charge over that because it
22 was the chief of the sector who was responsible for that.

23 [15.31.33]

24 Q. This morning, I heard your testifying that you were the
25 chairperson of a mobile unit. Could you tell the Court who was

1 supervising the mobile unit?

2 A. I said I was leading a mobile unit for the commune and
3 district, not under the sector. And I was a chairperson, and
4 there were also other members who jointly work with me.

5 Q. When, for example, you had any problems to report, so where
6 did you report to?

7 A. I had to report to the district because I was under the
8 supervision of the district.

9 Q. Do you know where the district would report further to?

10 A. They would report to the sector. I reported to him, who
11 reported to the sector.

12 Q. In Sector 35 -- and you were the sixth member and part of the
13 working group in Kampot province -- did you notice that there
14 were cooperatives?

15 A. Yes, I did.

16 [15.33.17]

17 Q. Were cooperatives under supervision of the district or other
18 levels?

19 A. The cooperatives were under the supervision of communes and
20 villages.

21 Q. This morning, you indicated that, at district level, there
22 would be meetings, and report would be written to the upper
23 echelon, including the sector committee.

24 My question is: Who prepared this written reports? Did people
25 also sign on those reports before they are - they were submitted

1 to the upper echelon?

2 A. When the reports were sent from the district, people who were
3 in charge of the district would give their thumbprints - or,
4 rather, signatures on the reports. That's all I can say.

5 Q. In each report, did you notice whether the report copied to
6 anyone?

7 A. If the report was meant to be sent to Kang Chap, then it would
8 be addressed to Kang Chap.

9 [15.34.55]

10 Q. Apart from Kang Chap, do you - have you noted that the report
11 would be copied to someone else?

12 A. No.

13 Q. This morning, I heard you saying that you were sixth member of
14 Sector 35 and a person who was tasked with assisting Ta Noy, the
15 district committee, and you were tasked with educating youth.
16 Could you tell the Court what subject were part of the education
17 program you implemented?

18 A. We were educating people on the practical things. There were
19 no other subjects. We had the - we had to educate people to be
20 very careful in implementing their work plan, including building
21 the dams or digging canals.

22 Q. This morning, you were testifying that there were meetings in
23 which plans to dig canals, build dams were discussed. Were you
24 engaged in rendering - putting this plans to be discharged or
25 not?

1 [15.36.54]

2 A. Normally, the meetings would be conducted at the district
3 levels, and the plans from the meetings would be endorsed by
4 members of the sector, and that how the plans could be executed
5 would be shared among other members and approved, because no plan
6 could be executed without very careful consideration and
7 discussion. And I was part in inputting ideas in how the plans
8 could be executed.

9 Q. During the course of your work at the site, have you noted any
10 senior leaders coming by?

11 A. No.

12 Q. This morning, you testified that, in Kampong Cham, there was a
13 security office. My question about security office: Was there any
14 security offices in Kampot?

15 A. I don't know. I think people who was in charge of the sector
16 committee would be able to tell you about this, because it was
17 none of my business.

18 [15.38.35]

19 Q. In your capacity as the sixth member of Sector 35, did you
20 ever attend meetings when zone secretaries were attending?

21 A. I used to attend meetings with Ta Mok.

22 Q. With Ta Mok? What kind of topics being discussed in that
23 meeting - in those meetings?

24 A. Nothing other than discussion on how to build good dams,
25 irrigation system, dykes, canals -- nothing else. And I did

1 attend such meetings with him.

2 Q. I would like to ask you another question: When you were
3 transferred from the Southwest to the Central Zone, from Kampot
4 to Kampong Cham, were there any other people transferred along
5 with you, or were you the only person to be transferred?

6 A. At that time, my whole family was transferred, no outsiders.
7 And I don't think other people would like to go with me because
8 they would be lonely. That's why I only took my whole family with
9 me to Kampong Cham.

10 Q. I'm not asking about your family, I'm asking whether other
11 members were transferred as well.

12 [15.40.34]

13 A. At the beginning, my family went with me to Kampong Cham.
14 Later on, there were a few other people who were also
15 transferred. I don't remember their names. Some people were
16 transferred to Chamkar Leu district, and some to other locations
17 which I don't know.

18 Q. So this means that other people were also transferred; is that
19 correct?

20 A. Yes, it is. I know that other people were also transferred; I
21 just don't remember their names.

22 Q. When you were in Kampong Cham, Kampong Siem district, were you
23 the secretary of Kampong Siem?

24 A. I was the first member of the committee.

25 Q. When you were there, you were replacing the predecessor. Do

1 you know where your predecessor could have gone?

2 A. I don't know because, when I was there, no one was seen in
3 that location.

4 [15.42.13]

5 Q. When you approached Kampong Siem district, did you ever meet a
6 person called Chan Chakrey?

7 A. My district was close to the base where Chan Chakrey worked.
8 His soldiers were there. I had never known him before, but his
9 soldiers would mistreat people in the local area. I heard of him,
10 I never met him in person. I heard his name, Chan Chakrey, but I
11 had never been close to him. I met him once.

12 Q. When you worked in Kampong Siem district, Kampong Cham
13 province, could you tell the Court, to the best of your
14 knowledge, the structure of -- organizational structure of the
15 district?

16 A. I don't know. I never attended meetings at the zone level,
17 where such an organizational structure could have been decided -
18 or made. I just don't know.

19 Q. When you were in Kampong Cham, did you have any meetings with
20 the district committee there?

21 [15.44.07]

22 A. At the beginning, I was called to a meeting chaired by the
23 zone committee. Later on, he also called another meeting in
24 Kampong Siem, and I was asked to execute his plans and
25 instructions.

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1 Q. When you were in Kampong Siem, attending meetings with
2 district committees or zone secretaries, did you learn anything
3 about the plan to remove the current commune chiefs or village
4 chiefs?

5 A. I don't know.

6 MR. SAM SOKONG:

7 Thank you, Mr. President and Your Honours. I have no further
8 questions to put to the witness. I would like to share the floor
9 with my colleague.

10 [15.45.15]

11 MR. PRESIDENT:

12 Thank you, Counsel.

13 The next counsel, you may proceed.

14 QUESTIONING BY MS. SUTZ:

15 Thank you very much, Mr. President. Good afternoon, everyone.

16 Good afternoon, Mrs. Prak Yut. I will endeavour to be very brief
17 because I do see that I have very little time remaining. I am a
18 lawyer for the civil parties. I also have a few questions to put
19 to you.

20 [15.45.45]

21 Q. Can we just return to the chronology that you laid out for us?
22 Yesterday, you stated that you joined the revolution in 1970. You
23 also stated -- in fact, you confirmed that you were born in 1947.
24 So, if my calculations are correct, you were 23 years of age in
25 1970, and yet you've just confirmed to my esteemed colleague that

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1 you were 23 years old when you joined the revolution and you were
2 actually in Kampong Speu, when you told the Co-Prosecutor this
3 morning that you were living in Takeo.

4 Therefore, can you just please clarify or elaborate and perhaps
5 restate for us the timeline, so that it is perfectly clear?

6 MS. PRAK YUT:

7 A. I was born in Takeo, not Kampong Speu.

8 Q. Yes. Very well, I understand that, but this morning, you
9 stated that you joined the revolution in 1970, from Takeo. That
10 would mean that you were 23 years of age at the time. And you've
11 just told my colleague that you were 13 years of age when you
12 joined the revolution. So which statement am I to rely upon? Did
13 you join the revolution prior to 1970?

14 [15.47.18]

15 A. I think I was not good at remembering the exact date when I
16 was joining the revolution. I may say now that I don't remember
17 when I joined the revolution, because I know that you made some
18 calculation and you may say that I could have joined the
19 revolution in - when I was 23. So I frankly cannot elaborate on
20 this because I am not sure whether I was joining the revolution
21 on that date.

22 Q. Thank you.

23 I'll move on to my next question. During the DK regime, did you
24 have an alias or a pseudonym?

25 A. Prak Yut is the only name I have used ever since.

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1 Q. Were you ever called Yeay Yut or Yeay Mlou, which means Yeay
2 "Betel Leaf"?

3 A. I think people could call me that, you know, like they
4 identified me as Yeay Mlou or Yeay Yut, but frankly my name
5 remains Prak Yut all along. To me, it doesn't matter I was called
6 Yeay Mlou or Yeay Yut; it's still Prak Yut. I'm telling the
7 truth.

8 I'm not really angry with you putting this question to me. Again,
9 people could have called me Yeay Mlou because I eating - I was
10 eating "mlou".

11 Q. I thank you very much, Madam.

12 [15.49.40]

13 Allow me to put a few questions with respect to the historical
14 context of the time, focusing on the period before 1975.

15 You stated this morning that you joined a party. Can you please
16 tell us the name of the Party that you joined?

17 A. I don't remember.

18 Q. Was it the Communist Party of Democratic Kampuchea?

19 A. I'm not quite sure on this. That's pretty simple and short.

20 Q. Did you know the name of the leader of the Party during the
21 time that you became a member of that Party?

22 [15.50.53]

23 A. No, I don't.

24 Q. Have you ever heard of the term "Standing Committee"?

25 A. Yes, I have. However, I never understood what "Standing

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1 Committee" could have meant.

2 Q. You had no knowledge of the role of the Standing Committee?

3 A. No, I don't.

4 Q. Were you aware the names of certain members of that committee?

5 A. Could you please repeat the question?

6 Q. Were you aware of the names of certain members of that

7 Standing Committee?

8 [15.52.05]

9 A. I don't think I know this.

10 Q. Have you ever heard of the term "Central Committee"?

11 A. No, never.

12 Q. When you joined the revolution, had you heard of the names

13 Khieu Samphan, Nuon Chea, Ieng Sary?

14 A. (No interpretation)

15 MS. SUTZ:

16 I am sorry, I am afraid I did not hear the answer through the

17 interpretation.

18 MR. PRESIDENT:

19 Counsel, you may repeat the current question.

20 [15.53.26]

21 BY MS. SUTZ:

22 Q. Had you heard of the names Nuon Chea, Ieng Sary or Khieu

23 Samphan, at the time that you joined the revolution, of course?

24 (Short pause)

25 [15.54.13]

1 MR. PRESIDENT:

2 Mrs. Prak, can you answer this question?

3 MS. PRAK YUT:

4 A. I have heard of these names, although I never met them in
5 person.

6 BY MS. SUTZ:

7 Q. Can you please tell us what you knew about those people at the
8 time?

9 [15.54.46]

10 MS. PRAK YUT:

11 A. I don't know what they did, back then.

12 Q. I wish now to focus a few questions pertaining to the period
13 you were stationed in Kampot and as a member of District (sic)
14 35.

15 You were in Kampot as a district secretary as of 1973, that is to
16 say, two years prior to the occupation of Phnom Penh by the Khmer
17 Rouge.

18 Now, at the time, in 1973, is it true that the region was already
19 under the control of the Khmer Rouge?

20 A. Yes, it was during the Khmer Rouge time.

21 Q. Could you please describe to us how the zone was organized in
22 1973, that is, prior to 1975, prior to the occupation of Phnom
23 Penh by Khmer Rouge? Was it similar to what you described this
24 morning?

25 A. I could not tell anything about the zone organization because

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1 it was beyond my understanding.

2 [15.56.41]

3 MR. PRESIDENT:

4 Counsel Karnavas, you may now proceed.

5 MR. KARNAVAS:

6 Thank you, Mr. President. And I apologize for the interruption,

7 but clearly, this morning, she never indicated that she had any

8 knowledge about the zone. And going into this area after she

9 particularly told us the extent of her knowledge, going up the

10 food chain as it were, it's pretty clear that she is incapable of

11 providing the sort of answers that perhaps the civil parties wish

12 to illicit from this witness.

13 I would certainly also echo the fact that the civil parties

14 should be - should not be going over territory that has already

15 been covered quite nicely by the Prosecution. There's no need for

16 repetition.

17 [15.57.45]

18 MS. SUTZ:

19 If I may have leave to reply, Mr. President, my question centres

20 on the pre-1975 period. I want to develop information on the

21 historical context. I am seeking information on the organization

22 of Sector 35, if it resembled its structure after 1975.

23 (Judges deliberate)

24 [15.58.50]

25 MR. PRESIDENT:

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1 The objection by counsel for Nuon Chea is not sustained.
2 Witness is now instructed to respond to the question put by
3 counsel for the civil parties. If you understand the question and
4 can respond to it now, you can do so. If you are not clear you
5 remember it, counsel is advised to repeat it.

6 (Short pause)

7 [15.59.35]

8 I take it that the witness has forgotten the question you asked.
9 So could you please repeat it?

10 BY MS. SUTZ:

11 Yes, of course, Mr. President. And I will be very brief because I
12 know that time is elapsing.

13 Q. Now, in 1973, what was the structure of the Kampot District?

14 Was it similar or identical to what you stated to us this
15 morning? Because we are talking about a sector, a district, and a
16 zone.

17 MS. PRAK YUT:

18 A. I don't think I quite understand the question. Are you talking
19 about the structure of each level, whether the structure is
20 identical at all levels? Could you please be more precise on
21 this? This morning, I think I already responded, and now it is
22 raised again.

23 [16.00.49]

24 Q. If I may, I will end on a totally different question: In 1973,
25 within Sector 35, were there already cooperatives established?

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1 A. I did already respond. Yes, there were cooperatives already in
2 1973, but the cooperatives were not yet well organized. It was
3 organized in small cooperatives.

4 Q. Thank you very much.

5 I wish now to move on to the next topic, if we could just return
6 to the period when you were working in Kampong Siem.

7 You told us this morning that you were the secretary of the
8 Kampong Siem district. What was your position, exactly?

9 [16.02.13]

10 A. As the secretary of the Kampong Siem district, I was the
11 chairperson of the district. That was my position.

12 Q. And back then, did you also have other positions within the
13 sector and within the zone?

14 A. I was in Sector 41, but I was in charge of Kampong Siem. I was
15 not regularly positioned at the zone.

16 Q. But you told us that you were part of the sector committee of
17 Sector 41.

18 A. I do not recall what rank I was as a member at that sector.

19 Q. Please allow me to refresh your memory a little bit about
20 this. I believe you told the investigators from the OCIJ, in the
21 written records of interviews, in- The number is D234/4
22 precisely, and I will give you the English ERN: 00751716. And I
23 will quote in English: "I was Kampong Siem District Secretary in
24 the Central Zone and the fourth member of the Sector 41."

25 So can you confirm this?

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1 [16.04.28]

2 A. No, I can't, because I forget about it. I just recall that I
3 was a fourth member of Sector 41. Besides that, I don't think I
4 can elaborate more, because I forget. And, as I said, I am
5 forgetful and I don't remember everything.

6 MS. SUTZ:

7 Mr. President, if you please allow me, I would like to share a
8 document that's on the case file. This is an interview with a
9 witness, and the witness number is TCW-695. Would you please give
10 me leave to read an excerpt from this interview?

11 MR. PRESIDENT:

12 Can you identify the document and indicate whether the document
13 is in the case file, and what are the ERN numbers in the three
14 languages, so that other parties are informed of the document?

15 [16.05.50]

16 MS. SUTZ:

17 Okay, fine. The document number is D232/9; English ERN 00390077;
18 French, 00424036; and Khmer, 00373510.

19 MR. PRESIDENT:

20 I note Mr. - lawyer for Nuon Chea is on his feet. You may
21 proceed.

22 MR. PESTMAN:

23 Yes, thank you. I'm a bit confused. I remember that when my
24 colleague, Jasper Pauw, wanted to confront Deputy Director of
25 DC-Cam with a statement given by another witness, that was not

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1 allowed, as that witness was going to be heard in court, and we
2 had to wait for that witness to confirm that particular witness
3 with his own statements.

4 I don't know who this witness is, but I understand it has a TC
5 number, so I suppose it's on one of the lists, and there is at
6 least a risk or a serious possibility that this witness will be
7 heard.

8 If I understand the ruling correctly, you gave earlier this week,
9 then it is not possible to confront this particular witness with
10 that statement.

11 [16.07.24]

12 MR. PRESIDENT:

13 Could counsel be advised to speak closely to the mic?

14 And could counsel for civil party indicate again the document ID,
15 because, as you indicate, the code TC, this raises the issue. So
16 can you provide the D number of the document? Because this will
17 indicate that the document is in the case file.

18 MS. SUTZ:

19 Yes, of course. Let me give you the index again: D232/9. And I
20 also already gave you the ERNs, but I could give them to you
21 again if necessary.

22 MR. PRESIDENT:

23 Court officer is instructed to display the document on the screen
24 for parties and the witness.

25 Yes, Counsel.

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1 [16.08.58]

2 MR. PESTMAN:

3 I was instructed to speak closer to the microphone. Do I have to
4 repeat my question? I'm not sure whether it was understood.

5 (Judges deliberate)

6 [16.12.35]

7 MR. PRESIDENT:

8 Counsel for civil party, the documents that you intend to display
9 -- that is, D232/9 -- is it a statement of the witness before the
10 Co-Investigating Judges or before the investigators or it is the
11 statement of another witness?

12 If this document is the statement of another witness or not, the
13 Chamber would like to hear clearly from you before the Chamber
14 can rule on this.

15 [16.13.33]

16 MS. SUTZ:

17 This document is indeed a written record of interview of another
18 witness by the investigators of the OCIJ.

19 I was only suggesting to read a few passages, that's all, and not
20 necessary to display it on the screen.

21 MR. PRESIDENT:

22 Document which is the interview of another witness is not allowed
23 to be used for the questioning of another witness. This matter
24 has been ruled by the Chamber during the hearing of testimony of
25 witness 766.

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1 And this concludes your time of the - of the time to put
2 questions before this witness.

3 And it is also the appropriate time for the Chambers to adjourn
4 for this week's proceedings, and the hearing will continue on
5 Monday the 30th of January, beginning from 9 o'clock in the
6 morning.

7 [16.14.57]

8 Mrs. Prak Yut, the Chamber would like to invite you to come again
9 next week. And probably your testimony will be concluded on
10 Monday, next week.

11 Court officer is instructed to coordinate with WESU in order to
12 facilitate for Mrs. Prak Yut to travel back to her residence.

13 Security guards are instructed to bring the Accused back to the
14 detention facilities and return them to the courtroom on Monday
15 the 30th 2012 (sic).

16 The Court is now adjourned.

17 (Court adjourns at 1615H)

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