

Khiev Neou on his final day of testimony at the court

Nuon Chea Defense to be Reported to National Bar Associations for Misconduct

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Witness Khiev Neou began his second and final day of testimony Thursday, June 21, 2012 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary. It was the final day of open session before the Court adjourned for a three-week break; proceedings are scheduled to resume Monday, July 16, 2012.

The Court was not lacking visitors, however. Eighteen buses came through the parking lot over the course of the day, bringing almost a thousand visitors to view the proceedings. None of them witnessed a dull moment. Despite a few translation issues, Mr. Neou's clear, articulate, and detail-rich answers held the visitors' attention and helped members of the Chamber proceed through their examinations swiftly.

The hallmark of the day, however, did not occur until the final minutes of proceedings, when President Nonn gave international counsel for Nuon Chea notice that their misbehavior had

resulted in letters for sanctions being sent to the relevant national bar associations from the members of the bench. Because President Nonn made the announcement at the close of proceedings, no member of Nuon Chea's defense team was able to reply.

International Senior Assistant Prosecutor Tarik Abdulhak Begins Examination of Witness Khiev Neou

Before handing the floor to International Senior Assistant Prosecutor Tarik Abdulhak to begin examination of the witness, President Nonn inquired about the presence of parties in the Chamber. The Court Officer announced that International Co-Lawyer for Ieng Sary Mr. Michael Karnavas was "absent for no reason," as he had been the day before. His client, Ieng Sary, was also absent; as usual, President Nonn granted Ieng Sary permission to participate in proceedings remotely from his holding cell due to continuing health issues. President Nonn then gave the floor to Mr. Abdulhak.

Thanking Mr. Neou for traveling a long way to "help the Court find the truth," Mr. Abdulhak proceeded to put a few questions to the witness concerning the period before 1975.

After Mr. Abdulhak asked his first question, Mr. Neou replied, "Due to my poor health and having so many things on my mind. I could not concentrate fully and sometimes I speak up and down in circles." He then asked Mr. Abdulhak to repeat his question.

"Which of the two communes did you grow up in?" he asked, seeking clarification from the witness's testimony the day before.

"When I was born Trapaing Thom commune existed in only one form. Later on it was divided into two," Mr. Neou explained. "It was split by a road," he clarified, into the northern commune called Trapaing Thom Khang Tboung and a southern commune called Trapaing Thom Khang Cheung. The village he grew up in was in the southern commune. Ta Mok, he said, was also from the southern commune of Trapaing Thom Khang Cheung.

Later, he explained, he moved from his local pagoda in Trapaing Thom to Ang Rokar pagoda in Takeo Province. Ang Rokar pagoda was where the monks gathered when the Khmer Rouge came to power; however, Mr. Neou clarified, he had already been living at Ang Rokar for some time so had been at the pagoda before the other monks arrived.

"Why did the monks gather at the Ang Rokar pagoda?" Mr. Abdulhak inquired.

"At that time, people told us that Ankar required us to go and stay at the Ang Rokar pagoda," Mr. Neou explained. These people, he said were "representatives of Ankar ... They were part of the Khmer Rouge revolutionary movement, also known as the front."

Mr. Abdulhak asked Mr. Neou whether he could have stayed at his local pagoda if he had wanted to. Mr. Neou replied, "What we were asked to do, we did. I would also like to say that when I was young and went through the various stages of war, we were told to plant a Kapok tree and to keep silent on other matters and mind our business."

“What happened after you all gathered at the pagoda?” Mr. Abdulhak continued.

“We had to prepare ourselves to leave the monkhood,” Mr. Neou responded. “As a result, I left the monkhood amongst many other monks.”

“Why did you feel that you had to leave the monkhood?”

“As I stated earlier,” Mr. Neou said, “we were told to mind our own business ... so we really did not inquire much about the instruction. So when we were told to leave the monkhood, we just left the monkhood.”

“So at this point in time you had been a monk for over fifteen years. How did you feel about having to leave the monkhood?” Mr. Abdulhak inquired.

“I had been a monk not only for fifteen years but for twenty years,” Mr. Neou corrected, “since Cambodia had been a French colony, that is in 1954, up to 1975, that is the period you are referring to. And of course Buddhism had rooted deeply in the Kampuchean society. Of course we practiced Buddhism but if we had to do so we had to comply with them. At that time I was 42 years old,” he added.

When asked if monks who did not disrobe were able to continue as monks, Mr. Neou replied, “During that time I did not notice any senior monk or any novice monk who objected to disrobing.”

“Did you hear of any monks who objected to disrobing?” Mr. Abdulhak followed.

“It was kind of a third hand information, that is, I was told by someone who was told by someone else,” Mr. Neou began, “but I was told that there was a monk named Ang from Kirivong District in Takeo Province ... who was instructed to disrobe but he resisted and hung himself.”

After disrobing, Mr. Neou explained, he practiced Buddhism in secret. Later he learned others did so as well, but he never saw people practicing Buddhism after the monks were instructed to disrobe.

“Why was it that you practiced your religion secretly?” Mr. Abdulhak asked.

Mr. Neou replied passionately, “I have good faith. Buddhism is one of the best religions in the world!”

Realizing the witness had misunderstood his question, Mr. Abdulhak rephrased, “Why could you not practice it in the open? Of course you wanted to continue your religion.”

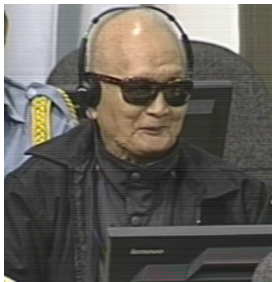
“Again, all monks were defrocked. How could we contest? How could we practice the religion in the open if there were no monks left?”

Mr. Abdulhak inquired about the Muslim Khmers at the time. “In your district of Tramkok were there any Cham communities?”

“I’m not sure,” he replied. “However, I know that there were a few Chams at Damdek. I think they were blacksmiths. But there was not a huge community.”

“What happened with the Chams and the Muslim religion? Were they able to practice their religion?”

Mr. Neou did not know. Mr. Neou then remarked, “Please be more precise and clear in this. I heard in Khmer that ‘monks were defrocked.’ That was not the case. There were no arrests. They were not forced. They disrobed voluntarily.”



Nuon Chea smiled and talked to himself with what appeared to be a pleased expression at hearing Mr. Neou’s statement.

“You said there was no force for monks to leave monkhood. Did you not personally wish to return to monkhood in this period?” Mr. Abdulhak inquired.

“During the three year period I think I had no desire to return to monkhood,” Mr. Neou explained. “When I left the monkhood I was 42 years old and got married and had children. And there was no condition of ‘what if I could return to monkhood.’ Before I left the monkhood perhaps I loved the status quo; however, when I left I never wanted to go back.”

Witness Khiev Neou Recalls his Observations During the Evacuations of Cities

When he left the pagoda at Ang Rokar, Mr. Neou explained, he went to his mother’s home in his home village of Trapaing Thom. “Due to my poor health condition,” he continued, “I was asked by the people in my commune to stay with the doctors,” informing the Court that there was a hospital located near the pagoda at Trapaing Thom.

Mr. Abdulhak moved on, asking Mr. Neou about his comments regarding the evacuation of Phnom Penh from his testimony the day before. “I saw them [people evacuating to Takeo] even before I left monkhood,” Mr. Neou explained. He clarified his testimony from the day before, saying that he did not witness the evacuation *at* Phnom Penh, though he heard about it, but he did see evacuees entering Takeo who came from various places, including Phnom Penh.

“Do you know who was responsible for these evacuees?” Mr. Abdulhak inquired.

“We know more about the term Ankar and no individuals were ever mentioned. There were committees,” he replied, “but everyone was referred to as Ankar.”

“Were there any instructions about where people should go?” Mr. Abdulhak asked.

“When traveling I did not hear anything,” Mr. Neou stated. “During that time people could choose to go wherever they wish.”

Mr. Abdulhak mentioned Mr. Neou's statement from the day before where he talked about meeting relatives who had evacuated Phnom Penh. "Did they tell you why they had left the city?" Mr. Abdulhak then inquired.

"They told me about the attack and that people had to move out," Mr. Neou replied. When asked where they went after leaving Phnom Penh, Mr. Neou said they returned to their "native communities."

"After they went to their native villages, did they continue to live in their homes with their families?" Mr. Abdulhak asked.

"Later on when I paid a visit, I saw people who had moved from the city were put to live together in a newly established village."

Witness Khiev Neou Discusses Cooperatives and Self-Criticism Sessions

Mr. Abdulhak, moving on to another topic, asked Mr. Neou if these new villages were the cooperatives he had described the day before. Mr. Neou responded, "In my village there was a cooperative, but I did not stay in the cooperative because I left the village. I only know about this because I visited the village."

"Was everyone from that village made to live in the cooperative or only some people?" Mr. Abdulhak inquired.

"People from military units lived separately; however, the villagers were put in the cooperatives," Mr. Neou stated. When asked what the people did in the cooperatives, Mr. Neou responded, "They did nothing new. They did farming. The same old routines. But this time they had to do them collectively."

"As far as you knew, could people choose not to live in the cooperative?" Mr. Abdulhak asked. Mr. Neou was not sure, but said that might have been the case since he never saw any people living outside the cooperatives.

Mr. Abdulhak asked Mr. Neou what he knew about educational meetings or criticism and self-criticism sessions. Mr. Neou responded, "There were self-criticism sessions that were convened to discuss about the work progress and the shortcomings of the people ... Usually the content was to discuss the shortcomings of the individuals." The meetings were held by the village chiefs in the villages, he added, and chaired by the commune chiefs at the commune level. "But in fact," Mr. Neou continued, "they [the chiefs] would be designated by Ankar."

"What happened to those people in the Tramkok district after April of 1975?" Mr. Abdulhak inquired.

"Regarding the former officials," Mr. Neou replied, "some are still living today. One I know is now at a pagoda. And some have disappeared since and never returned to the villages ... Even their relatives did not know about their whereabouts ... One person ... was a medic and went to

study medicine in Paris for three years; when I asked his relatives where he was, they told me he had disappeared. Nobody knows what happened to him.”

“Between that time and now, did you ever hear any additional information about former officials who disappeared in that area?” Mr. Abdulhak followed.

“What I heard of is no different than what the millions of people throughout the Kampuchean country know,” he replied. “It is not firsthand information. So for me I’m getting older and older every year so I just mind my own business and take care of my poor health. So I don’t involve myself in other people’s business.” He then added that, though he was old, he had very young children with whom he was busy caring for.

“Thank you, Mr. Witness,” President Nonn interrupted. “However, please focus your response to the question being put to you ... otherwise it will drag on and we will have to ask you to come back tomorrow. And you will miss your family.”

Witness Khiev Neou Discusses Biographies

Changing the topic, Mr. Abdulhak asked, “Were people asked to write personal biographies?”

Mr. Neou replied, “I don’t know about the general population, but the people who worked were asked to write a personal biography ... I was not asked to make a biography ... because many of them knew me. But as for the younger ones, they were asked to write a biography.” Mr. Neou, however, was unaware of who requested that the biographies be made and to whom the biographies were sent.

Witness Khiev Neou Discusses District and Sector Committee Leaders

Referring to one of Mr. Neou’s earlier statements where he had mentioned being told to stay at the local hospital, Mr. Abdulhak asked, “Do you recall the names of the people who told you to stay at the hospital?”

“Many of them are either old or passed away – those at the commune. And many of them at the district [Tramkok district] also died during the war,” Mr. Neou responded.

“Were any members of Ta Mok’s family on the district committee or any other positions of responsibility at your district?” Mr. Abdulhak followed. Mr. Neou recalled Ta Mok’s younger sibling having worked at the commune level, but added that he had already passed away. He also said he believed the rest of Ta Mok’s siblings had passed away as well.



Ta Mok (center) eats a meal with friends and relatives in the 1980s near the Cambodian-Thai border
(source: Documentation Center of Cambodia)

“Tramkok was located in Sector 13,” Mr. Neou informed the Court. “I could not say whether he was the official secretary of the sector. It was the affair of the upper level.”

Witness Khiev Neou Discusses Living with Ta Mok

Mr. Abdulhak returned to the issue of Mr. Neou’s stay at the hospital in Trapaing Thom; he inquired how long Mr. Neou stayed in the hospital and what he did once he was released.

Mr. Neou explained that he did not stay at the hospital for long, only a couple days, but because he was sickly, he didn’t engage in any specific task at the time. When he left the hospital, Mr. Neou continued, he went to live with Ta Mok, who had asked him to stay with him. Ta Mok, he said, told a man in the provincial community, a man named Saom, who came to deliver him the message.

When Mr. Neou left the hospital, he explained, he met Ta Mok near Kantuot River, where there was a military base as well as banana fields. The area, he said, was a former Lon Nol military barrack. “I think this was in 1976, at the earliest 1975,” he added.

“What did you do at this location?” Mr. Abdulhak inquired.

“I did not do any major tasks so I assisted in counting the tools and other stuff.” He also said he helped soldiers working in the banana fields fix tools such as hoes.

“Did Ta Mok stay at this location?” Mr. Abdulhak asked.

“Ta Mok was not far from where I stayed. He was in his office adjacent to where I stayed,” Mr. Neou responded. Regarding other higher-level cadres at Kantuot, “I saw people from the sector, from the district, and the division. So there were many higher level people,” Mr. Neou responded.

When asked who came to visit Ta Mok in Kantuot, Mr. Neou replied, “Ta Mok’s task was the south area of Phnom Penh. His work was dealing with the zone, not the Phnom Penh area. But it was close to the Phnom Penh area, so it was easier for him to communicate with those in Phnom Penh,” Mr. Neou explained. Mr. Neou mentioned seeing “quite a number of people from Phnom Penh,” but because he had previously left the monkhood, he did not know and therefore did not recognize any of those people.

“Was Pol Pot one of those people?” Mr. Abdulhak followed. Mr. Neou replied, “I don’t think I saw him. But I saw him in Takeo. But it was just a brief moment.” This was at Ta Mok’s house in Takeo, but again, Mr. Neou stated, he only stayed for a “brief moment.”

Witness Khiev Neou Discusses his Time in Phnom Penh Working at the State Commerce Warehouse

Mr. Neou went on to say that he did not stay with Ta Mok in Kantuot for long. He was later asked by Ta Mok to work at the commercial transportation unit that exported commodities from the southwest zone. The unit, he said, was stationed in Phnom Penh, and he continued working there until the Vietnamese invasion in January of 1979. His position, he explained, “was to manage people at the transport section. I oversaw a few drivers. That’s all. I had no further authority than this.”

This office in Phnom Penh, Mr. Neou explained, was meant to transport material from Phnom Penh to outside Phnom Penh. The material, he explained, was stored and transported out of the “state warehouse.”

“What type of materials?” Mr. Abdulhak inquired. “Dishes, household tools, cement, steel, things that people needed. And this also includes some candles. Anything people could use would be transported from the warehouse,” he said. Mr. Neou could not remember where the warehouse was located in Phnom Penh. However, he said people would come to the warehouse in trucks, carrying letters allowing them to load and transport materials to further destinations.

The letters, Mr. Neou explained, were issued by “the upper Ankar, from the above economic section.” The Secretary of the Economy at that time, Mr. Neou said, was Mr. Vorn Vet. “I did not know him at that time. I think there was another unit called K-22. I did not examine the letter carefully, but I remember they came from the K-22 office.”

Mr. Abdulhak asked about produce that was transported to the warehouse. Mr. Neou explained that there was “cotton, rice, all those products produced by the local people ... And also coconuts were transported for making soap.” His unit, he confirmed, was responsible for transporting this produce from the Southwest Zone to Phnom Penh. This occurred, he said, “quite frequently,” but “varied depending on the availability of the product.”

“Do you recall a normal transport of these items? How many trucks would be involved? Are we talking about large quantities or small quantities?” Mr. Abdulhak followed.

“That was the organization of the management of the state warehouse,” Mr. Neou replied.

Mr. Abdulhak Inquires about Officials in Phnom Penh Who “Disappeared”

Mr. Abdulhak moved on and asked Mr. Neou if he ever met a man named Cheng Am, the Minister of Industry, during the period he worked at the state warehouse. “I met him when he came to inquire about the bricks,” he replied. “And actually I came in contact with Cheng An when I made inquiries about the bricks. And sometimes I met Vorn Vet there too.”

“Did you ever meet an individual named Van Rith?”

“I cannot recall the surname, but I met a person by the name of Rith ... He was at the foreign trade section, but I’m not 100 percent sure.”

When Mr. Neou was asked if he knew what became of Cheng Am, he said he did not know. Mr. Abdulhak proceeded to inform the Court for the record of a document in the case file that was a S-21 confession containing the name of “Am.”

Mr. Abdulhak then asked Mr. Neou, “Do you know what happened to Vorn Vet?”

Mr. Neou replied, “I only heard from other people that he had issues and then he disappeared from the industry. However, that information was not official.” Mr. Neou was unable to provide any specifics, adding again, “I was only mindful of my own self and when I heard about that I was rather concerned so I kept quite ... So I just worked to survive.”

“Apart from Vorn Vet did you know anyone else who disappeared in that period?” Mr. Abdulhak asked.

Mr. Neou replied, “Hu Nim and Hou Yon disappeared. But that was earlier ... But I was completely in the dark regarding the disappearance of these individuals, because I had no contact with these individuals at all.” When asked if he noticed any ordinary cadres working in Phnom Penh disappearing, Mr. Neou responded, “Some people who were not close to me disappeared. I heard about the disappearance of other people here and there.”

“Do you know why these disappearances occurred?” Mr. Abdulhak continued.

“The disappearances were due to being accused of being traitors,” Mr. Neou replied. However, Mr. Neou could not say what acts one had to commit to be regarded as a traitor. “I only knew about the branch, but not the root of the tree,” he added.

Education Meetings in Phnom Penh

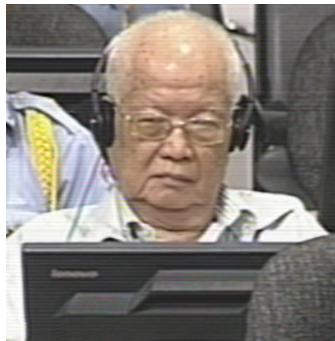
Mr. Abdulhak switched topics, asking Mr. Neou about any meetings he attended while living in Phnom Penh. Mr. Neou stated that he attended occasional education meetings chaired by a man named Sam Bit, Ta Mok’s deputy. “Lessons were taught. They talked about the lines of the revolution, the lines of the people,” Mr. Neou replied. However, he said, “They never touched upon the name of an individual. They touched upon the lines of the people in the revolution.”

“What were the most important lines that you were taught about?” Mr. Abdulhak inquired.

Mr. Neou responded, “The lines of the revolution mainly raised the issue of dealing with peasants. It was said that 85 percent of people in the country were peasants, so people were made to conform with the majority of the country ... For those who were not peasants, they needed to make themselves work like peasants. As for me I had been a monk, so I had to conform myself to be a peasant, to carry the work of a peasant, although, when I was young, I used to work like a peasant and worked in the rice fields.”

Asked if he ever saw Ta Mok come to Phnom Penh to attend meetings, Mr. Neou said he only travelled to Phnom Penh when he was called to attend meetings with the upper echelon. He would not stay in the city long, he continued, usually less than a day. Mr. Neou could not provide specific names of the individuals who requested that Ta Mok come to Phnom Penh, but added again, “Normally, at that time, people did not prefer to refer to individuals by names. They preferred to refer to them by Ankar.”

Witness Khiev Neou Discusses Meetings he Had with Khieu Samphan



Mr. Abdulhak asked Mr. Neou if he ever met Khieu Samphan during the period he worked in Phnom Pehn. “I saw him. I met him,” Mr. Neou replied. “I met him on two occasions ... Publically and universally he was known to be the head of the State Presidium. I heard it from radio broadcasts.”

Mr. Neou said he first saw Khieu Samphan when he was outside of the Ministry of Industry while he was on his way to accompany some people to a rubber plantation. Later on, when Khieu Samphan learned about Mr. Neou, Khieu Samphan requested an audience with him.

Mr. Abdulhak asked Mr. Neou what they discussed at this initial meeting. “He asked about people at Battambang,” Mr. Neou responded. “He asked about the request from Battambang that there was a need for fabric, or clothes. And he said we only had white plain cloth ... We discussed about white cloth during the old times when they could be dipped in the mud for the color ... In particular, the topic of discussion was about the materials people needed. And I was also talking about the sawmill. And we discussed the conventional tools used by people and that we should not resort to tools manufactured by factories, but should stick to our traditional manner of using tools.”

Mr. Abdulhak proceeded to inquire about the second occasion Mr. Neou met Khieu Samphan. Mr. Neou replied, “On one occasion it was raining cats and dogs and a national road was flooded and people contacted me to contact the upper echelon to help.” He informed the Court that he subsequently contacted Khieu Samphan. When he met with Khieu Samphan, Mr. Neou continued, Khieu Samphan asked for his opinion. Ultimately, he said, they decided to bring in a crane to fix the road. During the meeting, Mr. Neou said, he also requested bottles for provincial workers who made fish sauce; the workers, he explained, had not been able to find any containers to put the sauce in and had asked him for help.

“What did Khieu Samphan say to you during this meeting?” Mr. Abdulhak followed. “He was pleased. And we reached a consensus. And materials were transported ... He gave the green light and was pleased that the materials could be used for the people.”

Mr. Abdulhak asked Mr. Neou where these meetings would take place. He met Khieu Samphan at the Ministry of Commerce, Mr. Neou said. “Normally Mr. Vorn Vet would be in charge. But in his absence, Mr. Khieu Samphan would take his place.” However, Mr. Neou told Mr. Abdulhak that he did not know if he had a regular role in connection with the Ministry of Commerce. “I only know what I saw at that time,” he added.

When asked how he knew how to contact Khieu Samphan, Mr. Neou responded, “My nephew by marriage worked closely with Khieu Samphan. So I communicated with him. He was called Fen.”

Witness Khiev Neou Discusses Upper Level Officials Coming to Phnom Penh

Mr. Abdulhak proceeded to inquire about top leaders that Mr. Neou had seen coming to Phnom Penh to meet with members of the upper echelon. “In Phnom Penh people could not move freely,” Mr. Neou explained. “We heard they met with the upper echelon but we did not know where such locations were. Only the people who attended such meetings would know where the locations would be.”

“Did an individual by the name of Chou Chet *alias* Sy ever come to Phnom Penh?” Mr. Abdulhak asked.

Mr. Neou responded, “Chou Chet *alias* Sy was in the Southwest Zone but was transferred to the West Zone later on. However, the West Zone office was not far from the location where I worked. He had been ordained as a Buddhist monk and we had known one another,” Mr. Neou continued. “So occasionally we chit-chatted unofficially as people that had been former Buddhist monks.” Mr. Neou then confirmed that Im Nen *alias* Li was the name of Chou Chet’s wife.

Asked what happened to Chou Chet, Mr. Neou replied, “Later on we heard he disappeared. But I cannot confirm for the purpose of Court records. I just heard this.” He never heard about the fate of Chou Chet’s wife.

Mr. Abdulhak proceeded to inform the Court for the record of three documents in the case file, one that was Chou Chet’s S-21 confession, another relating to the arrest of his wife, and a third that was an S-21 revised prisoner list containing the names of both Chou Chet and Im Nen.

Prosecution Concludes Questioning of Witness Khiev Neou

Although Mr. Abdulhak informed the Chamber that he required fifteen more minutes when proceedings resumed after lunch, President Nonn announced that the prosecution would be allowed only five additional minutes until the floor would be given to the civil parties.

With only five minutes remaining, Mr. Abdulhak questioned Mr. Neou on a few brief topics they had discussed earlier.

Returning to Mr. Neou's meetings with Khieu Samphan, Mr. Abdulhak asked Mr. Neou if he could recall when both meetings took place. Mr. Neou could not recall the exact dates, but estimated that the first meeting might have taken place sometime in late 1977; the second meeting, the one concerning the large flood, most likely occurred in early 1978, although perhaps late 1977 as well. When Mr. Abdulhak asked if he remembered the second meeting occurring before the rainy season or during the rainy season, Mr. Neou replied that it was during the rainy season.

Mr. Abdulhak then moved to the topic of Vorn Vet's disappearance. After referring to Mr. Neou's previous testimony as well as a statement from his OCIJ interview transcript, Mr. Abdulhak asked, "As far as you knew did Khieu Samphan take over any of his responsibilities?" After an objection by International Co-Lawyer for Khieu Samphan Arthur Vercken and some back and forth commentary, President Nonn allowed Mr. Neou to answer the question.

Referring to his statement that Khieu Samphan took over Vorn Vet's position when Vorn Vet disappeared, Mr. Neou explained, "What I said was my conclusion of what I thought ... That was my estimation." He clarified that there was no official information, report, or announcement that said Khieu Samphan was designated to assume Vorn Vet's duties when he was absent.

Mr. Abdulhak thanked Mr. Neou for his time and concluded his examination.

National Civil Party Lawyer Pich Ang Questions the Witness on Pre-Khmer Rouge Communist Movement

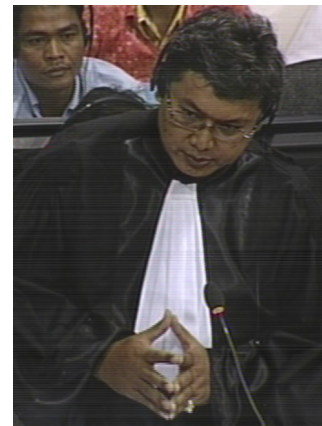
National Civil Party Lead Co-Lawyer Pich Ang took control of the floor and proceeded to ask Mr. Neou a series of questions concerning the Isarak communist movement in Cambodia before the Khmer Rouge took power.

"What did you know about the Isarak movement prior to 1975?" Mr. Ang inquired.

"The movement started in the early 1940s when I was rather young," Mr. Neou explained. "There were various types of Isarak ... and later on the word Isarak was no longer used. Then, in 1967 or 1968 the Khmer Rouge emerged. But if you look carefully, those people were from the former Isarak movement."

"What was the role of the Isarak movement?" Mr. Ang asked.

"In the Isarak movement, when they first entered the area, they asked the villagers and the people about those who were literate and then they were appointed. One of my elder uncle-in-laws was assigned to work as the commune chief ... and he was in that position until the Geneva Convention. After that period concluded, he returned to the village and became an ordinary villager."



Mr. Ang proceeded to read to Mr. Neou a statement he had made in his earlier testimony: “The plan to disrobe the monks was put in place a long time ago and in general the monks knew the communists would not allow the monks to exist. So the monks were not surprised about that.” Mr. Ang then asked how the monks knew the Khmer Rouge would make them disrobe.

“The communist movement was in Cambodia since the 1940s so we knew the Communist movement ... I was ordained during the period of the Geneva Convention and I had some knowledge by reading American magazines. The magazines illustrated the world map and all the countries that practiced Buddhism were colored in yellow,” Mr. Neou explained. “But when I looked at the Soviet countries there was no yellow ... and that was around 1954 ... and that was the base for us to understand the communist movement.”

Witness Khiev Neou Discusses Buddhism and Marriage after 1975

“Were there any Buddhist religious ceremonies held after 1975 or 1976?” Mr. Ang inquired. “No,” Mr. Neou replied. “By that time there were no longer any monks ... We quietly practiced and observed our religion by ourselves. There were no such open ceremonies.”

“What about during marriage?”

“No,” Mr. Neou replied again. “However, as routine, if the senior people or superiors in the commune agreed, we would get married.” He said there was no common marriage practice, however. “I didn’t see any other marriages. I saw my own marriage because Ta Mok organized it for me.”

“Did your spouse know you?” Mr. Ang inquired. Mr. Neou replied, “She knew me but not very clearly.”

“Were you willing to get married?” Mr. Ang followed. Mr. Neou responded, “At a later date I heard from my spouse who said she was tipped off already concerning the marriage, and then we met and we smiled at one another.” After that, he said, the marriage ceremony was performed. No family members were present, he said; only officials were there. However, Mr. Neou stated that no other couples were married along with them.

Witness Khiev Neou Asked About Communal Living But Says “I Had Other Fish To Fry”

Moving on, Mr. Ang asked Mr. Neou, “Can you describe the living condition of those who had been evacuated from Phnom Penh? Were they treated equally to those who had been living in Takeo a long time?”

Mr. Neou replied, “At that time people were asked to build dams, dig canals, eat communally. I would go there every now and then, but only occasionally because I had other fish to fry.” The English translation of Mr. Neou’s response elicited quite a bit of laughter from the English-speaking audience members. Mr. Ang, speaking to the witness in native Khmer, made no change in expression and proceeded on.

“Did you need to have a pass to transport materials from one place to another?” he asked, referring to Mr. Neou’s role with the transport division of the Southwest Zone stationed in Phnom Penh.

Mr. Neou replied, “Every truck meant for transportation had to have a pass because every pass stated clearly the number of people who would be going with the truck. But there was also an open pass that allowed more people to go along with the truck. Without that pass there would have been problems because the trucks would be stopped when they entered Phnom Penh ... sometimes Ta Mok authorized the pass, sometimes the committee was tasked with that,” Mr. Neou concluded.

Mr. Ang then asked Mr. Neou which provinces he travelled to during his time with the transportation unit. Mr. Neou responded, “I had been to Kampong Chhnang. Then when Ta Mok moved to Battambang briefly, I met him there on one occasion. And Takeo was the province where we would travel a lot because we [the Southwest Zone office] were there. We never went to Kampot Province. I don’t remember whether I had ever been to Kampong Speu.”

Attempting to get some information from Mr. Neou on the subject of provincial living conditions, Mr. Ang asked Mr. Neou what impressions he got about the living conditions of the people during his trips to various provinces. However, Mr. Neou replied, “We only contacted the sector economic section in the city. We never reached the people at the base. So the goods and the materials would be unloaded at the sector office.”

“Did you ever discuss the living conditions with the upper echelon or Ta Mok?” Mr. Ang inquired.

“I just talked to him about the shortage of the cloth, the fabrics, and he said that there was no more colored, dark, or black fabrics,” Mr. Neou replied. “He wanted to know more information about the villages and the communes, but I said I did not know because I unloaded the goods at the sector offices only ... I think he only asked me about this on one occasion. And the meeting was very brief. So he did not talk much.”

Witness Khiev Neou Recalls Discussion with Nuon Chea about Musical Instruments for Radio Broadcasts

Referring to an OCIJ interview statement where Mr. Neou mentioned Nuon Chea asking him for musical instruments for the radio station, Mr. Ang asked the witness who managed the radio. Mr. Neou responded, “At that time I did not know. But I wish to also elaborate that the musicians were collected by Ta Mok and I had to transport them. And when there was a shortage of traditional musical instruments and I learned there were some in the state warehouse, I told the musicians to make a request. And I do not know why this information came to Nuon Chea. He stopped the car and approached me and asked whether I knew something about the musical instruments and I said yes, that they were stored in the warehouse. And that is all ... we parted ways in 1979 but we met again at Aoral.”

Mr. Ang thus concluded his examination and President Nonn handed the floor to his colleague, Civil Party Co-Lawyer Barnabé Nekuie.

Khieu Samphan’s International Co-Lawyer Arthur Vercken Objects to Civil Party Co-Lawyer Barnabé Nekuie’s Questioning of Witness Khiev Neou



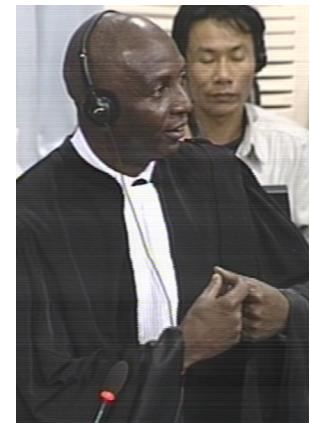
When Mr. Nekuie proceeded to read to Mr. Neou a passage from of his OCIJ interview transcript concerning Khieu Samphan taking over the role of Vorn Vet after Vorn Vet’s disappearance, Mr. Vercken, International Co-Lawyer for Khieu Samphan, stood and objected.

Mr. Vercken, who had informed the Court early that morning of discrepancies between the OCIJ interview transcript and the OCIJ interview audio recording concerning that same passage, informed the Court that it was not prudent to read a statement to Mr. Neou that was clearly incorrectly transcribed.

Mr. Abdulhak argued that Mr. Neou’s statements in the audio recording were irrelevant concerning this particular point because Mr. Neou had just testified before the Chamber to the very same facts in the transcript.

Mr. Nekuie, agreeing with Mr. Abdulhak, explained that he was simply seeking to ask Mr. Neou if the statement in the transcript correlated with his recollection of events – whether Khieu Samphan had replaced Vorn Vet as Minister of the Economy or whether he had not.

After a lengthy argument, with President Nonn ultimately announcing Mr. Vercken’s objection was not sustained and permitting Mr. Neou to answer the question, Mr. Neou stated with a firm voice, “It is my assertion that he replaced him then. But of course I have no official evidence to prove that.”



Judge Lavergne Questions the Witness about his Relationship with Ta Mok

Before handing the floor to the defense teams to put questions to Mr. Neou, President Nonn opened the floor to the judges of the bench. Judge Lavergne proceeded to ask Mr. Neou a few questions, beginning with a series of questions inquiring about the witness’s relationship with Ta Mok.

“Ta Mok was from the same village as I was,” Mr. Neou explained. “And he is also related to me ... But he grew up with his grandmother in Kokeah¹ commune ... I was not close to him back then. When he was a monk I was still very young. Only after he left his monkhood did I become very close to him doing farming.”

“Did he educate you in terms of the political doctrine? In terms of the Communist Party of Kampuchea?” Judge Lavergne inquired. “After the Geneva Convention he quit the Isarak movement and lived in the community as an ordinary person, but we tried to explain and convince one another. I convinced him based on Buddhism and he convinced me on his doctrine.

¹ Spelled phonetically according to ECCC live English interpretation.

However, we were both adamant. We were not easily convinced. However, when he got more power, I was convinced. However, in my background, I still believed in Buddhism. I am superior to him in this,” Mr. Neou concluded.

When asked what Ta Mok said when he discussed “his doctrine,” Mr. Neou replied, “He talked about the communist theory. He said anyone opposed to the communists were all enemies.”

“Was this something he implemented?” Judge Lavergne followed. Mr. Neou responded, “He said enemies had to be attacked. And we had to attack one another. That is what he emphasized.”

“What were the consequences of these directives?” Judge Lavergne inquired. “There was no influence on me in person,” Mr. Neou explained. “However, it was the case for other people, because he could convince a lot of people until he took control and gained authority over that three year period.”

“When Ta Mok said you had to ‘attack the enemies’ did that mean you had to kill them, physically that is to say?” Judge Lavergne asked.

“Attack means fighting, it means grabbing power from one another,” Mr. Neou explained.

Judge Lavergne Questions Witness Khiev Neou on his Contact with Nuon Chea and Khieu Samphan

“Regarding Nuon Chea,” Judge Lavergne began, “you said you had met Nuon Chea in Phnom Penh, that he was looking for musical instruments. You also said you had met Nuon Chea through Ta Mok. Can you tell us a little more about that?”

“I did not meet Nuon Chea through Ta Mok,” Mr. Neou corrected. “Ta Mok was not there when I met Nuon Chea. But Nuon Chea knew where I worked. He stopped his car there and asked me about musical instruments. And asked me to look for them.”

“So did Ta Mok send Nuon Chea to you?” Judge Lavergne asked, seeking clarification.

“It was not from Ta Mok, it was from the musicians,” Mr. Neou replied, “musicians gathered by Ta Mok who worked in the radio stations. The musicians reported to Nuon Chea about this. These musicians were transported from Takeo by Ta Mok.”

Regarding his role in transportation for the Southwest Zone, Judge Lavergne asked, “Concretely speaking was Ta Mok your superior or was it the Ministry of Commerce or was it both?”

“The commerce for the zone was under direct authority of Ta Mok. Ta Mok was the head,” Mr. Neou replied. “Normal delivery of common goods were sent by trucks via letters of authorization. For other goods, however, requests had to be sent to the Commerce Ministry from the zones,” Mr. Neou explained.

“Did any products leaving the state warehouse have to be approved by K-22?” Judge Lavergne inquired.

“I do not know things that happened under state supervision,” Mr. Neou replied. “I have no idea about this, because I worked at the zone.”

Judge Lavergne thus concluded his examination. As no other judges had questions to put to the witness, President Nonn handed the floor over to International Co-Lawyer for Nuon Chea Michiel Pestman to begin examination for the defense.

Nuon Chea’s Defense Team Argues that the Written Record Pertaining to the Witness’s OCIJ Interview Cannot be Relied On

Mr. Pestman informed the Court that he had a couple of announcements to make before he proceeded with his cross-examination.

Mr. Pestman thus proceeded to deliver the following announcement: “I would like to say something in support of what Counsel for Ieng Sary [Mr. Arthur Vercken – Counsel for Khieu Samphan] has said earlier this afternoon about the transcriptions we’ve received of the interview the witness gave in 2009 ... I compared the first four pages of the transcription with the original interview, the summary which is in the file, the written records of the witness interview, and I must say I am quite shocked about the comparison, about the level of the interview, the way the interview was conducted and the way the interview was summarized. It is difficult to describe what happened as an interview. It is more chaotic than that. It is like a conversation between one investigator and the witness and it is so chaotic that as a result it is practically impossible to reconstruct what information came from the witness and what information was fed to the witness by the investigator. And the other problem which occurs is that the summary itself ... is also inaccurate, if not misleading. It is in fact not a summary, but what I would call a highly personal interpretation of what I described as a chaotic conversation. And I only compared four pages with a very short passage in the written interview. As a result we submit that this written record, although it does not contain much relevant information about our client, although it is admitted and put before the Chamber, it cannot be relied upon. I don’t think that any weight can be attributed to this particular written record as we submit. It is simply too unreliable.”



Continuing on with his second point, Mr. Pestman proceeded without interruption, “That’s the first thing I wanted to say. The second thing, the second point I wanted to make – or question that is - whether the Trial Chamber had decided on our request, our Rule 87 request we filed on the 19th of June... Without a decision on this particular request in which we ask, in which we put two new documents before the chamber we cannot continue. So I’m awaiting instructions from the bench.”

Mr. Abdulhak stood and responded to Mr. Pestman’s announcement, “We disagree with our learned friend. What we have ... is a short excerpt from a longer interview. The witness statement is of course a summary. It is difficult to assess exactly the accuracy particularly with only four pages of what would be a much longer document, but more



to the point perhaps, we've all listened to the witness here today and yesterday and I think that if you look at the record, I think it stands. It's accuracy by in large is confirmed by the witness. Witness's that testify to important matters are brought before the Chamber so they can give more comprehensive evidence so they can be examined, and that is exactly what has happened here. We heard additional evidence on a number of matters but I do not think that a submission that the summary is inaccurate or inconsistent or biased stands. If anything, it is largely consistent with what the witness has said in Court."

Judge Silvia Cartwright Delivers Another Warning to Nuon Chea's Defense Team



After convening with his fellow judges, President Nonn gave the floor to Judge Silvia Cartwright to respond to Mr. Pestman: In relation to the Rule 87 motion, "The Trial Chamber received this yesterday. There is no need for the Nuon Chea's defense team to reiterate its regular objections to this Chamber's ruling. We fully understand your concerns. In relation to this document, however, when you advise the Chamber of any of the documents that you wish to use in examining the witness, whether any of those documents have been put before the Chamber or are in any party's lists, then we will rule on this matter. That is a matter for you to do the research on and we await that information. You may be able to give it to us immediately."

Mr. Pestman responded, informing the Court, "We have no list so these documents certainly aren't on our list ... As you know we have consistently taken the position that it is not relevant whether this document is on a list so we don't feel obliged to provide the Trial Chamber with this information."

Judge Cartwright responded to Mr. Pestman again, "You have been directed to comply with the ruling and to inform the Chamber whether the documents you wish to use have been put before the Chamber or are in any party's lists. The Chamber is well aware that the Nuon Chea defense has not supplied comprehensive lists of documents. Are you able to give this information immediately because I do not want to keep doing your research for you or to ask other parties to do so."

After Mr. Pestman informed Judge Cartwright that one document he wished to use was on a list but another was not, Judge Cartwright informed him that he could refer to the first document but not to the second. Though both Judge Cartwright and Mr. Pestman were speaking English to one another, Mr. Pestman informed her that he had not heard what she said because his headset, "the third one that has given out," stopped working.

"Can you hear me without the headset across the Chamber?" Judge Cartwright asked loudly, leaning across the bench and looking at Mr. Pestman. After he said yes, Judge Cartwright repeated the ruling.

Mr. Pestman then replied, "I wish to note that these documents should be seen together and I do not wish to deal with only one document. I want to cross-examine this particular witness on the basis of both documents which support each other and which in our view contain important

exculpatory information and,” Mr. Pestman concluded, “we are now barred from using that information to cross-examine this witness.” With that, Mr. Pestman ceded the floor and sat down.

Neither Khieu Samphan nor Ieng Sary’s defense teams had any questions to put to the witness, but both thanked him for his time, effort, and assistance.

President Nonn Gives Notice that Defense Team Will Be Reported to Bar for Misbehavior
President Nonn thanked Mr. Neou for his participation and informed him his testimony had concluded and was thus excused from any further obligation to the Chamber.

Before adjourning for the day and the following three-week break, President Nonn made an announcement of his own: “Before the adjournment the Chamber would like to issue the following warning. During the proceedings in Case 002/001 the Chamber has observed a consistent pattern of misconduct by the Nuon Chea defense and in particular by the international members of the team. This misconduct has included, but not been limited to, willful violations of the Chamber’s orders, unauthorized disclosure to the press of confidential or strictly confidential material, and statements in Court which are disrespectful of the Court or which otherwise do not accord with the recognized standards and ethics of the legal profession. In consequence, the Chamber provides notice that these and other examples of misconduct will be brought to the attention of the relevant national bar associations for appropriate actions pursuant to internal rule 38. The Trial Chamber also issues a formal warning in accordance with internal rule 38.1 and notes that it may invoke the procedures set out in that rule independently of any action taken by individual bar associations.”

“The proceedings today have come to an end. The court will recess and reconvene on the 16th of July 2012 starting at 9:00 a.m. We will hear the testimony of expert David Chandler on that day.”