



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

7 December 2011

Trial Day 6

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KIM MENGKHY	Khmer
MR. KONG SAM ONN	Khmer
MR. LONG NORIN (TCW-395)	Khmer
MR. LYSAK	English
MR. NHEM SAMNANG	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. ROMAM YUN (TCCP-123)	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. SMITH	English

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

2 (Court opens at 0915H)

3 (Judges enter courtroom)

4 [09.16.13]

5 MR. PRESIDENT:

6 The Court is now back in session.

7 Yesterday, the Chamber advised parties and the public that this
8 morning the Chamber would continue to hear the testimony of Mr.
9 Klan Fit, who is a civil party in the proceedings, and in the
10 afternoon we are going to resume hearing or questioning the
11 accused Nuon Chea.

12 Given the fact that Mr. Klan Fit is not able to attend this
13 morning's hearing due to his health condition, the Chamber
14 decided to postpone the hearing of the testimony of this witness,
15 and the hearing of Mr. Klan Fit's testimony will be resumed at a
16 later date, which the Trial Chamber would advise the parties and
17 the public accordingly.

18 Secondly, as planned, the Chamber has scheduled to hear the
19 testimony of two civil parties at the first segment of trial. So
20 this morning the Trial Chamber decides to hear a witness -- the
21 civil party testimony TCCP-123, since this civil party is present
22 at the ECCC already.

23 [09.18.20]

24 Thirdly, due to the changes yesterday, the Trial Chamber expects
25 that we would hear witness TCW-395, but we could not hear this

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1 witness because of his health condition. That's why the Trial
2 Chamber decided to defer the hearing of the testimony by this
3 witness. And the Trial Chamber is prepared to hear this witness
4 by video-link. Given his advancing age and poor health condition,
5 he was not able to testify this morning. So, from now on, the
6 Trial Chamber would hear the witness TCW-395 by video-link means.
7 Taking into account this witness' health condition, the hearing
8 of this witness may continue until tomorrow.

9 First, the continued questioning of the accused Nuon Chea, which
10 commenced yesterday, we planned to resume the questioning this
11 afternoon, but due to the recent developments, the Trial Chamber
12 decides to defer the questioning of the accused Nuon Chea and the
13 other two Accused to a later date, unless otherwise -- other
14 circumstances arise.

15 [09.20.44]

16 The Trial Chamber reserves the right to revise the schedule of
17 this testimony hearing.

18 Court officer is now instructed to invite TCCP-123 to come to
19 court.

20 MR. KARNAVAS:

21 Mr. President, before the witness comes in, if I may -- or the
22 civil party comes in, if I may make one observation, it is my
23 understanding that yesterday, after the civil party testified
24 partially, and then there was a recess, the civil party then
25 began mingling with others, where they were cheering him on and

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1 patting him, basically, for doing a nice job done.
2 I think, whether it is a civil party or a witness, once they
3 begin testifying, they should have no further contact with anyone
4 else until they finish testifying. It matters not whether they
5 are a civil party or a witness, and I think that would be
6 standard practice with every single -- every single witness.
7 Thank you.

8 MR. PRESIDENT:

9 Thank you, Defence counsel, for your observation.

10 [09.22.40]

11 The Chamber advised parties in relation to this subject matter
12 already, pursuant to Rule 88.3 -- or 88.2 [correction,
13 interpreter], 88.2. So we facilitate with the WESU in order to
14 facilitate this process so as to ensure the favourable result in
15 accordance with the applicable provision before the Court. And we
16 have to note that the large-scale and complex case before us, as
17 well as the observations by the members of the public as well. So
18 we, from time to time, are unable to stick to everything that we
19 have planned to do. So we will have to advise the WESU to
20 organize this accordingly, in relation to the management of the
21 participation of witnesses and civil parties in the future
22 proceedings.

23 [09.23.57]

24 Before I give the floor to parties, I would like to remind the
25 parties that this morning we are going to hear civil party Romam

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1 Yun, and it will take the whole morning, this morning.

2 International Co-Prosecutor, you may now proceed.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you very much, Mr. President. I would like to inform the
5 Chamber, now, and as well as the parties that the Office of the
6 Co-Prosecutors would like to examine witness TCBW-395 (sic) on
7 the entire Case 002 case file, and not only on the first trial
8 segment. And this is for exceptional reasons, relating to the
9 very precarious health status of the witness. This has been
10 expressed in writing. You've told us that the witness' health
11 status is very fragile, and that the witness cannot travel, and
12 that his health status is deteriorating on a daily basis, but the
13 witness is in a position to testify nevertheless, and we think it
14 would be better for the witness to testify on the whole case file
15 -- that is, 002 -- because the witness may not be able to do so
16 later. So, if you grant our request, we would need to adjust our
17 schedule in order not to wear out the witness.

18 [09.25.48]

19 We would have wished to have more time allotted to the parties to
20 enable them to prepare examination of the witness on all issues
21 relating to Case 002, the entire case. Whether the witness is
22 testifying today or tomorrow, we would rely on your decision.
23 Generally speaking, we are of the view that, in the case of the
24 fragile physical or mental health status of a patient -- and I'm
25 thinking of memory lapses -- such circumstances may justify

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1 having the parties examine the witness not only on trial segment
2 1, but on the entire Case 002 to avoid a situation in which the
3 health status of the witness would deteriorate such that you
4 wouldn't be able to examine him or her later on. Thank you.

5 MR. KARNAVAS:

6 Thank you, Mr. President. If I may be heard again -- Good
7 morning, Your Honours, and good morning to everyone in and around
8 the court.

9 [09.27.07]

10 I think these applications need to be made well in advance. And
11 the reasoning that are stated here today were stated back in the
12 informal file management meeting, and there's no need to go into
13 this on each and every occasion to lobby to the Trial Chamber in
14 front of the public. And I believe that is what is happening
15 here.

16 If they want to go into the entire Case 002, they need to ask
17 well in advance, state their reasoning, and state with
18 specificity which parts of the indictment they wish to go into,
19 to allow the other parties to respond.

20 [09.27.43]

21 I leave it to your discretion because far be it for me to try to
22 deny anyone, whether it be a witness or a civil party, from
23 giving evidence in this court, but I do feel that I'm somewhat
24 sabotaged, today, and ambushed with these sorts of requests at
25 the last moment.

6

1 I strongly suggest, Mr. President, and Your Honours that you urge
2 the prosecution and the civil parties and the rest of the parties
3 that, if they wish to go outside the parameters that you have
4 set, that they seek leave well in advance and allow the parties
5 the opportunity to be heard. It is fair and it is proper. It will
6 assist all of us in making sure that we cannot waste -- that we
7 don't waste time in court with these sorts of requests.

8 We should be here taking evidence, not dealing with procedural
9 issues. Thank you.

10 MR. PRESIDENT:

11 We should not continue the exchange.

12 QUESTIONING BY MR. PRESIDENT:

13 Q. Is your name Romam Yun?

14 MR. ROMAM YUN:

15 A. Yes, Your Honour, my name is Romam Yun.

16 Q. Is Khamphy your real alias name?

17 A. Yes, it is, Your Honour. I have two names: Khamphy and Romam
18 Yun.

19 Q. How old are you?

20 A. Seventy.

21 Q. Seventy, that's- Where were you born?

22 A. I was born in Ka Chut village.

23 Q. In which commune and district?

24 A. Andoung Meas district, Rattanakiri province.

25 [09.30.26]

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1 Q. Where do you live?

2 A. I live in the same place, Your Honour.

3 Q. What is your occupation?

4 A. I do farming. I have nothing else to do.

5 Q. Are you married?

6 A. Yes, I am.

7 Q. How many children have you got?

8 A. I have four children, all boys.

9 [09.31.18]

10 MR. PRESIDENT:

11 According to Rule 91 bis of the Internal Rules of the ECCC and
12 according to the memorandum already communicated to the parties,
13 dated on the 23rd of January 2011, Lead Co-Lawyers will be now
14 given the floor to proceed with the questioning to the civil
15 party.

16 [09.31.48]

17 The floor is yours.

18 MR. PICH ANG:

19 Mr. President, Your Honours, the Lead Co-Lawyers would like to
20 ask that counsel Mengkhy put the question to his own client, and
21 followed by -- and his colleague.

22 MR. PRESIDENT:

23 Your request is granted, but please be reminded that we will only
24 hear the civil party this morning session, so the Lead Co-Lawyers
25 will be given only 45 minutes to put questions to the civil

1 party.

2 MR. KIM MENGKHY:

3 Thank you, Mr. President, Your Honours, and the Court.

4 [09.32.55]

5 First of all, before I begin putting the questions to the civil
6 party, allow me to inform the Court with regard to the submission
7 we already filed concerning Mr. Romam Yun, alias Khamphy.

8 He has some problems with memory. He perhaps cannot recall every
9 detail that we wished him to tell the Court, and because he is
10 not very literate and he has health issue as well.

11 On behalf of the civil parties, we also hope that the Chamber
12 will also advise other parties to make sure that their questions
13 are as simple and short as possible and -- before putting to him,
14 and try not to interrupt his course of testimony if possible.

15 [09.34.08]

16 I would like now to proceed with the first question to Mr. Romam
17 Yun.

18 QUESTIONING BY MR. KIM MENGKHY:

19 Q. Could you please tell us, in details, your situation before
20 1975, what you did and where you lived?

21 MR. ROMAM YUN:

22 A. During the Khmer Rouge, I have -- I'm not able to remember the
23 details, but I will do my best to recollect what I can remember.

24 [09.35.06]

25 With the Khmer Rouge, I cannot say that my work with the Khmer

1 Rouge is right or wrong, but the political line was not proper.

2 It was not right. The problem is that we had no rights to

3 contest, to complain, and this is what I witnessed.

4 Secondly, with regard to the practical issues, the Khmer Rouge

5 were too extreme and they violated human rights. They used

6 community forces unwisely. Everyone was gathered; young,

7 adolescent, elderly people, people with children, everyone was

8 gathered to work. If we did not work, we would not be given food

9 to eat, or we had nothing to eat, in other words.

10 [09.36.51]

11 This political line was too radical, it was meant to make people

12 suffer, to make people work too hard without proper or enough of

13 a break; people became very exhausted. Even we were very sick, we

14 had to be compelled to continue working without any complain.

15 With regard to the political stance, we were influenced by their

16 political propaganda. Young people, old people, women, men, and

17 children had to work. We had to work as hard as an animal, which

18 was -- or that were ordered to work. We were treated more like

19 pigs that they could sell at any moment they wished.

20 Thirdly, there was no proper stance, on the side of the Khmer

21 Rouge, to protect human rights, to have some sympathy towards

22 their own people. They seemed to did whatever they wished

23 arbitrarily. I could say that the policy was too extreme.

24 [09.39.28]

25 Fourth, they were like our parents. They supposed to educate us,

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1 to treat us well. Instead, they imprisoned us, they treated us
2 badly. This is what I witnessed. I can say that people were not
3 well taken care of. They mistreated everyone discriminately --
4 indiscriminately, rather.

5 MR. PRESIDENT:

6 Could you please listen to the question put to you by counsel.
7 And, indeed, the Chamber is informed already by your counsel that
8 questions should be short, shorter and precise. But now you seem
9 to have responded to the question which is short, but the
10 response itself is very long. So could counsel be now advised to
11 rephrase the question so that it is shorter and that the response
12 should be more precise?

13 BY MR. KIM MENGKHY:

14 Q. You responded to my question. I asked about your situation
15 before 1975.

16 Could you please reiterate your status, and what you did, and
17 where you lived before 1975?

18 MR. ROMAM YUN:

19 A. At the beginning, I worked as a messenger during the Pol Pot
20 regime, I carried mails to senior cadres. Then I worked at the
21 commune committee, managing several other tasks as assigned to me
22 by the upper echelon. I was tasked with uniting people, improving
23 the solidarity among the people in the village.

24 [09.43.02]

25 When I was able to manage the village very well, I was asked to

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1 step up to the commune management level. I worked there for two
2 years because at that time there were not enough people, and we
3 -- or I, myself, was asked to also join the work force to help
4 the work, and I was appointed. I did not really wish to do that,
5 but I was assigned to do the work for them.

6 [09.44.05]

7 I managed the commune and village affairs. There was a plan to
8 sweep clean the village or commune. I asked them how could we
9 sweep clean the villages or commune if there was no grass, and
10 they said: Well, this means that -- sweeping clean mean to get
11 rid of those who were not good and leaving only the good. And I
12 was surprised because I had never encountered such phenomenon
13 because -- when I was asked to do that.

14 Later, I was asked why I did not attend meetings. I really failed
15 to attend the meetings because I was reluctant to join the
16 meetings.

17 I worked in my own commune, Andoung Meas district, Ka Chut
18 village, Nhang commune.

19 These places were the places I worked; I didn't work elsewhere.

20 Q. Thank you. I would like to proceed to another question.

21 You said you worked as a messenger. Could you please tell the
22 Court, who did you work for?

23 A. I carried mails in villages to the senior people, people in
24 the communes, for example, and I once had to go all the way to
25 the Vietnamese-Cambodian border to carry the mails to them.

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1 [19.46.51]

2 Q. Could you tell us who were the recipients of the mails you
3 carried to?

4 A. We -- I had to carry the mails or letters to communes. I
5 brought the letters to Van at the zone. He was the committee of
6 the zone. He was known as Van.

7 Q. Could you please tell us in which zone Van worked at?

8 A. He worked at the Northeastern Zone -- Northeast.

9 Q. Did you ever happen to know what the letters were about?

10 A. I have no idea because the content of the letters were
11 confidential, and it was none of my business to know any detail
12 of the content of them.

13 [09.48.37]

14 Q. Could you tell us how could you know that these letters could
15 be delivered to Van or from Van, the committee of the zone?

16 A. I was supposed to send those letters to communes or districts.
17 I knew that letters would be sent to Van, because he was working
18 near us, because he had his messenger who also worked with us.

19 Q. Do you remember any names of the messenger of Van?

20 A. I don't remember their names. I only presented -- or delivered
21 the letters, and they took the letters, and that's all.

22 Q. Could you clarify whether Van, the person whom you referred to
23 earlier on, had another name, other than that?

24 A. I have never known that Van could have been another person. I
25 only knew him previously as Van. I just learned that he has

1 another new name now.

2 Q. Thank you. I would like to proceed to another question with
3 regard to your work within the village.

4 [09.50.44]

5 When you indicated that you were asked to work or manage the
6 village or commune, does that mean you were appointed, or you
7 already install automatically as village chief from the
8 beginning?

9 A. The village was established. At that time, my predecessor was
10 Phung, who was the chief of the village. As I indicated at the
11 beginning, there was a village chief already, and they had
12 meetings, and I was not the village chief automatically.

13 Q. As the village chief, who did you report to?

14 A. Another village chief appointed by Angkar. He would come to
15 contact me with regard to some work because he had to work with
16 me to manage the forces in the village.

17 Q. When you referred to the Angkar, what was it?

18 A. This Angkar appointed by the commune. It was a committee.
19 There were Vorn, Yang, two people who were in the committee. I
20 was still managing the village level.

21 [09.53.33]

22 Q. What were you supposed to do, managing that village?

23 A. I was tasked with doing farming, solving local issues.

24 Q. Could you please tell the Court how was the tasks assigned?

25 A. We were asked to improve solidarity among our people in the

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1 village, to do farming, to clean -- to clear grasses, the wheat,
2 for example.

3 Q. Had people not been united or improved solidarity at the early
4 stage that you were asked to really think about it?

5 A. People were divided at the beginning, and that's why Angkar
6 asked us to make sure that people are united and that solidarity
7 among people would be encouraged. A nd we asked to do farming
8 together.

9 Q. Could you please elaborate on the solidarity work?

10 [09.55.28]

11 A. "Solidarity" means we had to help one another doing farming.
12 For example, if we finished our -- planting rice on our fields
13 and that the other people did not yet finish their transplant or
14 production, then we helped them. So it is a mutual help, because
15 we need to help one another very quick before it is too late for
16 the rice season, for example.

17 Q. Thank you. Could you also tell us: After you became village
18 chief before 1975, what position did you hold after that and who
19 appointed you to hold that position?

20 A. The representative of the communes would appoint me. Indeed,
21 the commune committee appointed me as the village chief. The
22 persons who appointed me were the senior people at the commune
23 committee.

24 Q. Could you please elaborate further with regard to the senior
25 commune committee? Who were they?

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1 A. There were Hun -- he already died. Another person who passed
2 away, and a new person was recruited. Then, later on, another
3 person recruited, and it keeps going on. In the commune
4 committee, there were officials, officials who appointed members
5 of the committee and the commune chief. In the village, there
6 were no people who would be able to lead the village, manage the
7 village. That's why I was installed as, first, the village chief
8 and the commune chief, monitoring two places at the same time.

9 [09.58.52]

10 Q. Can you explain to us, concerning the structure of Northeast
11 Zone, who were in the structure of the Northeast Zone?

12 A. The current structure of Northeast Zone were--

13 Q. Could you just please tell us in detail the structure of the
14 Northeast Zone from the beginning, I mean, previously and
15 currently?

16 [09.59.40]

17 A. The person who was in charge of the Northeast Zone, at that
18 time I did not know whether he was also called the governor or
19 provincial committee. Then a new person was appointed. When the
20 former or predecessor had to go, then the successor had to be
21 recruited. They called it a revolution. They called it a
22 revolution. They told us that it was part of the revolution that
23 they had to have committee for the commune, committee for the
24 district and for other upper level. Actually, at that time, the
25 person who was in charge in the committee was me, alone; I didn't

1 remember any other people.

2 Q. Thank you. I wish to interrupt you at this point and move to
3 another question.

4 During your revolutionary struggle, did you remember how many
5 times were you called to attend meetings?

6 A. I cannot remember how many times I attended meetings because
7 there were a lot of meetings. We were asked to join the meetings
8 so that we would be educated on how to manage people, to do
9 farming.

10 [10.02.22]

11 Q. Could you tell us a little bit about the meetings you still
12 recollect? Who called you to the meeting? And what were you
13 supposed to do in the meetings?

14 A. During the revolution, the new revolution, there were people
15 from the zone committee, the person named Van. He was a very
16 senior person and well built. He was called Van. He was
17 Cambodian, but his -- his appearance, his physical appearance, is
18 more like a westerner, a "barang".

19 Q. Could you please tell me about the meetings? What was the
20 meeting about?

21 A. In the meetings, topics are farming or for proper conduct
22 would be discussed.

23 Q. Did you have any -- or did you attend any other meetings?

24 A. I would just go to any meeting after I was called. I just had
25 to attend the meetings.

1 [10.04.22]

2 Apart from the meetings, we were asked to meet them when new
3 plans were to be implemented in the village, in the commune,
4 plans relating to farming, solidarity, health issue, and also how
5 to solve problems properly.

6 Q. Earlier on, you said that you were called to attend meeting
7 where plans would be discussed and you also talked about sweep
8 clean situation. Could you please elaborate on these? What was it
9 about?

10 A. Sweep clean means to make sure that we do the work clean in
11 the village, keep the work in a proper way, for example.

12 Q. What other matters were being discussed during the meetings or
13 decided by the meetings?

14 A. It was part of the revolution. The plans were part of the
15 course of the revolution.

16 We were advised that, for example, in some villages where there
17 were shortcomings, then we would have to help them, to strengthen
18 the committee.

19 [10.06.39]

20 Q. What happened to people who did something deviating from the
21 designed plans?

22 A. I think they would be very mad at us. If we could not do the
23 jobs, we would be rid of or we would be dismissed. These plans
24 were discharged by people named Ya Thuch, for example. That's the
25 second plan. When we could not do our work properly, we would be

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1 accused of being enemies. So any cadres in any particular village
2 who could not perform their duty very well, they would be -- they
3 would end up being accused of being enemies. If we could do it,
4 then we would be spared. Otherwise, we would be killed because we
5 were accused of being against the revolution.

6 Q. You were talking about enemies. And what did they do with the
7 alleged enemy? You said that they would take the enemy out. What
8 do you mean by that?

9 A. Sometimes those people were imprisoned or detained and
10 sometimes they were taken out into the forest. They might have
11 been killed in the forest, because they were mad because we could
12 not meet the plan. At that time, they were really mad, since we
13 could not meet the target, and everyone was very quiet. We could
14 - we just kept numb. We did not say anything at all. We were very
15 frightened. The village was very quiet because everyone well
16 understood that if they said anything wrong, they would be
17 accused of against the revolution.

18 [10.10.56]

19 Q. Thank you. Can you recall the day that the staff member of the
20 Co-Investigating Judges went down to your village and talked with
21 you?

22 A. Yes, I met with them. Yes, yes, the investigator went to meet
23 me in my village.

24 [10.11.40]

25 Q. When they interviewed you, you mentioned about your roles

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1 after 1975, when Pol Pot came to power. So what did they appoint
2 you after 1975?

3 A. I could recollect some of the events. I remember that they
4 appointed me to be the village committee.

5 MR. PRESIDENT:

6 The defense counsel, you may now proceed.

7 MR. PESTMAN:

8 Sorry, the co-lawyer for the civil party is referring to an
9 interview which I'm not familiar with. I know of one interview,
10 but that took place in the Victim Unit, in Phnom Penh, and not in
11 the village of the civil party. Maybe there's a document I'm not
12 aware of. It would be helpful if the number of the document is
13 mentioned, if the victim or the lawyer refers to it. Thank you.

14 [10.13.14]

15 MR. PRESIDENT:

16 Civil party lawyers, could you please indicate the document
17 number?

18 MR. KIM MENGKHY:

19 Thank you, Mr. President. Document D208/3.2, and this document
20 was -- this statement was taken by Mr. Svay Samnang, the
21 investigator, and Mr. Bernard Brun on the 8 of July 2009. And
22 this statement was already -- is already in the case file.

23 MR. PRESIDENT:

24 So you may now proceed with your questions, but please be
25 reminded that you have only five minutes left.

1 BY MR. KIM MENGKHY:

2 Thank you, Mr. President.

3 [10.14.32]

4 Q. Can you elaborate your roles after 1975?

5 MR. ROMAM YUN:

6 A. I could tell some of the work I did, and I actually did work
7 as I was assigned to do. After 1975, I worked in the village. I
8 handled day-to-day tasks in the village and I helped facilitate
9 the farming. I let the farmers in the village to do farming and
10 plantations, and I encouraged them to strengthen solidarity in
11 planting rice as well as other plantations.

12 And if anything went wrong, we would use the Angkar's regulation
13 to handle the problems.

14 [10.16.11]

15 And most importantly, I had to try to encourage people to be more
16 productive and to obtain high yield for cultivation.

17 Q. My last question for you: When you joined the resistance
18 movement, what were the advantages and disadvantages of being
19 members of this resistance movement?

20 A. When I first joined the revolution, we cultivated the crops
21 and other plantations, and actually the plant was grown very well
22 and its yields and blossoms as well, but it was fruitless.

23 So by analogy, the policy of that was very good, but it did not
24 yield in any good thing for the people. For example, they would
25 execute people if people did anything wrong or they went against

21

1 the Angkar, and then they would – they would be subject to
2 execution. So again, by analogy, the tree trunk is very healthy,
3 very good, but it bears no fruit.

4 [10.18.26]

5 In addition, the situation was mixed up, and we did not know who
6 was who, it was actually confusing. People did not know their own
7 parents or siblings, the son would beat his own father. So I
8 thought that it was not a good policy.

9 Now, I think that, in the present day, we have good seeds, the
10 seeds that are growing very well for the next generation. But at
11 that time, of course, the educated people were killed, so we did
12 not have anything.

13 MR. PRESIDENT:

14 Well, is that all for your questions, civil party lawyers?

15 MR. PICH ANG:

16 I am sorry, Mr. President; I did not intend to interrupt the
17 proceedings, but after listening to the questioning of the civil
18 parties, I observe that the civil party is fatigued, or tired.

19 Would you mind let -- would you mind letting the civil party to
20 have a five-minute break before we resume the questioning, Mr.

21 President?

22 MR. PRESIDENT:

23 Thank you.

24 It is now appropriate to take a 20-minute recess from now, and we
25 will resume at 20 to 11.

1 (Judges exit courtroom)

2 (Court recesses from 1021H to 1043H)

3 (Judges enter courtroom)

4 MR. PRESIDENT:

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

6 [10.43.44]

7 MR. KARNAVAS:

8 Just one moment. Again, during the break, I noticed that the
9 civil party lawyer was talking to the civil party who is actually
10 giving evidence at this moment. I think it is improper while the
11 witness -- or civil party is testifying; afterwards, I have no
12 problem with that. But I do find it -- at least where I come
13 from, this would be improper behaviour because one can influence
14 the testimony of a civil party or a witness while they're on the
15 stand. They should have no contact. That should go for the rest
16 of us.

17 I notice that one of the civil party's lawyers is shaking their
18 head; maybe in France it's permissible. But at least I would like
19 to know what the rules are here.

20 MR. PRESIDENT:

21 International Co-Prosecutor, you may now proceed.

22 MR. SMITH:

23 Thank you. Good morning, Your Honours.

24 [10.44.43]

25 I'm not sure what the rules are in France or in Cambodia in

23

1 relation to civil parties being spoken to during their testimony
2 or during the breaks, but certainly we would agree with our
3 friend that, when witnesses are giving evidence, there shouldn't
4 be too much opportunity for counsel to speak to those witnesses
5 to influence the testimony, if that was the case. And I'm sure
6 that wasn't the case in this instance.

7 [10.45.15]

8 But we would also ask, obviously also in relation to the Accused,
9 that, when they're giving their evidence, that there shouldn't be
10 discussion, throughout - throughout that period, on the topic on
11 which they are giving evidence from.

12 MR. PRESIDENT:

13 Thank you, International Co-Prosecutor.

14 Lead Co-Lawyer for the civil parties, you may now proceed.

15 [10.45.48]

16 MS. SIMONNEAU-FORT:

17 Thank you, Mr. President.

18 We certainly need to be clear, once and for all, on this subject.

19 The civil party is not a witness, as Mr. Lavergne explained, and
20 the civil party lawyers can, therefore, talk with the civil
21 parties. This is a rule which exists in this Court and which
22 comes from civil law and Cambodian law.

23 [10.46.16]

24 I don't think we should continue this daily debate on this
25 subject; I think we should accept things as you, yourself, have

24

1 laid it down, and I think we should record once and for all this
2 elementary rule. Thank you.

3 MR. KARNAVAS:

4 Mr. President, just one minor clarification. I didn't object
5 yesterday, when they don't take an oath, because I understand the
6 difference and I understand that, in the French system, which we
7 are more or less practising in, at the end, after the Trial
8 Chamber has all of the evidence, it will decide what -- what
9 weight, if any, to give to any witnesses, including the civil
10 parties' testimony. And it may choose to give less weight because
11 they were not under oath. That's a discretionary decision.

12 [10.47.08]

13 I do find it, however, if we're going to have a clean and proper
14 trial, that when someone is giving evidence, whether it's under
15 oath or otherwise, during that process, that the parties have no
16 communication with that witness or civil party, with the
17 exception of the Accused, which - obviously, they're entitled to
18 consult with their lawyers, but I agree, not in particular with
19 the subject for which they're being questioned. But I don't think
20 it's a good practice if someone is on the stand, and then the
21 civil party then, during the break, coaches the witness on how to
22 answer a question or gives him information. I'm not suggesting
23 that that has happened, but I think that appearances are there,
24 and I'm trying to avoid - or I would like to avoid a situation
25 where, at some other point, I will have to raise that issue.

25

1 The best practice is, when the witness is on the stand or the
2 civil party is on the stand, there should be no communication.
3 Likewise, the civil party should not be mingling with other civil
4 parties while they're still giving evidence. That should be the
5 rule. After they've testified, I have no problem.

6 [10.48.24]

7 There's a simple reason why proofing is not allowed. Now, this
8 Trial Chamber has gone -- has made an effort to allow the
9 witnesses and civil parties to have access to their statements to
10 read, but for the lawyers not to coach, not to advise. The
11 purpose for that is so that you can have the purest evidence from
12 the witnesses' and civil parties' mind. That's the evidence.
13 And while I'm not suggesting that they're doing any coaching, I
14 am suggesting that it is -- it gives the appearance that
15 something improper is occurring, and the best approach is to just
16 forbid it for all sides. Thank you.

17 [10.49.16]

18 MR. PRESIDENT:

19 Counsel Pich Ang, you may proceed.

20 MR. PICH ANG:

21 Mr. President, I think that should not be any provision that is
22 discriminatory against our clients, regardless of clients of the
23 civil parties or the clients of the Defence counsel, because
24 according to the law, clients shall be entitled to have the
25 opportunities to consult with their lawyers at all time.

1 [10.49.52]

2 And if my client is not allowed to consult with his lawyers, we
3 are afraid that there would not be the equal opportunity for each
4 party or, in other words, the equality of arms principle could
5 have been violated.

6 Civil party before us today is weak and fragile, and his
7 knowledge and memories are -- along with his health, are poor.
8 For that reason, we should respect the rights of this civil party
9 to consult with his or her counsel. This right is fundamental and
10 shall be equally treated when it comes to parties before this
11 Chamber, it shall not be discriminated.

12 MR. KIM MENGKHY:

13 Mr. President, Your Honours, I fully object the observation
14 raised by the Defence counsel.

15 This is entirely against the practice under national practice and
16 provisions. Even before this Chamber, civil parties have the
17 right to protect their interests at all stages, so any
18 interaction, communications between the clients and their
19 counsels shall be fully respected, and no party can interfere in
20 such communication. And this right shall also be equally
21 exercised by the clients on the other part here, referring to the
22 accused persons' communication with their counsel. So their
23 rights shall not be violated as well when it comes to such
24 communications.

25 So I would like the Chamber to reconsider this. Thank you.

1 MR. PRESIDENT:

2 According to our national practice and provisions and the
3 Internal Rules, civil party is a party to the proceedings and, as
4 a party, he or she shall be entitled to consult with his or her
5 counsel at all stages during the proceedings.

6 [10.53.13]

7 I would like to also -- to remind the provisions with regard to
8 civil parties and witnesses, Rule 88, paragraph 2, which reads
9 that "the Accused shall not communicate":

10 "The Accused shall not communicate with each other. Whenever
11 possible, experts and witnesses shall stay in a separate room
12 from which they cannot see or hear the proceedings. While in such
13 room, the witnesses shall not communicate with each other."

14 This provision clearly refers to witnesses and experts and the
15 accused persons, and not referring to a civil party.

16 [10.54.21]

17 If counsel wishes to advise the Chamber with regard to any other
18 provision other than the one that has already been indicated,
19 then the counsel needs to substantiate this provision so that the
20 Chamber is well guided.

21 Indeed, the civil party do not really bear the burden of taking
22 an oath before this Chamber, as opposed to witness.

23 Any civil party who cannot participate in the proceeding, the
24 national laws and any internal provision of the Internal Rules of
25 the ECCC does not see any compulsion -- any provision, that

1 compels the civil party to come forward, but witness shall be
2 treated differently when it comes to the forced to appear before
3 the Chamber.

4 Here, at this court, civil party is responsible for claiming for
5 reparation, and that the civil party lawyers are representing
6 them for this cause. Civil parties are supposed to tell the Court
7 about their harms, and such right by the civil party is not
8 really -- or do not really see in the provision with regard to
9 witnesses.

10 [10.56.34]

11 We, at this court -- or our Cambodian provisions are influenced
12 by the French code. I think Judge Lavergne may wish to also
13 enlighten further on this so that everyone is clear and that we
14 should avoid having the same problem in the future.

15 Without further ado, we would like to proceed to the prosecutors
16 to put questions to the civil party.

17 Parties and publics are now advised that the Chamber -- the
18 Chamber will hear testimonies of TCW-395 this afternoon and
19 tomorrow's session.

20 [10.57.49]

21 Due to the health concern of this person and in any event, if the
22 Chamber cannot really examine or hear the testimony of the
23 witness -- this TCW-395 -- fully, we can continue hearing him on
24 the 9th of December.

25 The person is an elderly person and his health is deteriorating.

1 Parties are advised to put questions to the -- to this TCW-395
2 with regard to the facts, the relevant facts that have already
3 been identified.

4 [10.59.02]

5 In another occasion, if any other witness who has the same
6 situation as TCW-395, the Chamber would like to also inform
7 parties to inform the Chamber at their earliest convenience so
8 that the Chamber can notify other parties to be prepared for the
9 examination of the witness fully.

10 We would like to now hand over to the Co-Prosecutors to put
11 questions to the civil party. Prosecutors will be allocated 30
12 minutes for the questioning.

13 [11.00.12]

14 MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President.

16 First of all, regarding the 30-minute timeline you've given us, I
17 would like to request you to be flexible with this timeframe,
18 given the difficulties we may face regarding the understanding of
19 questions in Khmer by the civil party, and also bearing in mind
20 the fact that the burden of proof is on the prosecution.

21 It is possible that we may exceed that period by a few minutes.

22 We do not know how the witness will answer our questions. We do
23 not know whether he will be concise or not.

24 [11.01.12]

25 Good morning, Mr. Romam Yun. Thank you for accepting to come and

30

1 testify in this case, coming from afar. We will put a few
2 questions to you.

3 We are fully aware that Khmer is not your mother tongue. If you
4 do not understand any of our questions, please tell us. If you do
5 not remember anything, please tell us that you do not remember,
6 and we will move to another line of questioning.

7 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

8 Q. I would like us to revisit what you said a while ago. You
9 acknowledged having been questioned by ECCC investigators. Could
10 you please, again, specify where you were interviewed? Was that
11 in Phnom Penh or in your home? We want you to clarify this issue
12 for the record.

13 [11.02.58]

14 MR. ROMAM YUN:

15 A. I won't be long. I just want to be brief as I understand or as
16 I know as a principle. We do not know for sure what the principle
17 is, and I'm afraid I cannot recall any particular points. Or
18 perhaps you can point out that.

19 THE INTERPRETER FOR THE WITNESS:

20 The question is that the investigators used to interview you, and
21 they would like to know whether the interview took place in Phnom
22 Penh or Rattanakiri, that he would like to know where the
23 interview took place.

24 [11.04.11]

25 MR. ROMAM YUN:

31

1 A. It was in Phnom Penh. The record was done in Rattanakiri. Yes,
2 the interview took place in Rattanakiri and then once again in
3 Phnom Penh.

4 Q. If I understood correctly, I believe the civil party filled a
5 victim's form. That was done in Rattanakiri, and then he was
6 subsequently interviewed in Phnom Penh.

7 Now, when you were hired, you were recruited into the
8 revolutionary movement in the Northeast. Do you remember when the
9 Khmer Rouge arrived in the Stung Treng region?

10 A. (No interpretation)

11 THE INTERPRETER FOR THE WITNESS:

12 They asked about the Khmer Rouge.

13 MR. ROMAM YUN:

14 A. I don't remember the year, but I'm speaking -- it's on my
15 understanding that the Khmer Rouge initiated the movement, but I
16 don't know by myself. I heard people talk about the Khmer Rouge
17 revolution. They said they were doing the revolution and they
18 said it was not possible.

19 And why was it not possible? Only those who know about the
20 revolution could continue.

21 MR. DE WILDE D'ESTMAEL:

22 Pardon me, civil party. We are experiencing some difficulties in
23 interpretation, which is long after the beginning of the
24 question. I do not know whether you are answering questions or
25 that I'm -- those I have put to you.

1 [11.07.20]

2 BY MR. DE VILDE D'ESTMAEL:

3 Q. My question to you has to do with the first time when you were
4 persuaded to join the movement. Those persons belonging to the
5 revolutionary movement approached you. What did they tell you to
6 convince you to start fighting or to join their ranks?

7 MR. ROMAM YUN:

8 A. Back then, I was told that we did the revolution in order to
9 serve the nation -- in order to serve the nation, to liberate the
10 nation, to build the country, to build -- to develop the
11 countryside and the next generation. The point is that we
12 couldn't see -- we could not see what it was said. How could the
13 country be built? We could not do anything. It was not done.

14 [11.09.09]

15 Q. Thank you. Did you join the movement voluntarily, or there was
16 some element of coercion? Were you forced to join them?

17 A. At the time, I was also forced, but I also wanted to know. But
18 the leader cadres -- some people understood about the issue, but
19 some did not. And those who did not understand the issue, they
20 were considered as the protesters. Besides, even when we tried to
21 help, we were also considered as bad. We tried to educate people
22 at the commune -- in the community; we wanted them to understand,
23 but some did not want to know about that. It was difficult, it
24 was really difficult.

25 Q. Thank you, sir. Now, let us talk about the time when you were

1 a messenger. If I understood you correctly, you were a messenger
2 before you became village chief. You told us a while ago that,
3 when you were a messenger, you delivered messages to Van. But
4 when you had to convey messages at the level of the commune, your
5 village or your group, did you know what was the provenance of
6 those messages? Who gave you those messages?

7 [11.11.48]

8 A. About this, I only saw Brother One. He went to work. There
9 were messages delivered through the cadres. He was living in his
10 home, near a stream, and there were working cadres there. So I
11 had been doing this job, but I could not see any fruits or
12 outcomes.

13 [11.12.55]

14 Q. Thank you. While you were in that Northeast Zone during that
15 period, how was it organized? Were they -- were there several
16 administrative jurisdictions above the zone or below the zone,
17 right down to the village?

18 A. Cadre committees included the district levels downward to the
19 village levels, but the plan was disseminated through the
20 communication lines.

21 Q. Above the district level, was there another region (sic)?

22 A. At the district levels, we had this education program to
23 re-educate educated people in this district. There was Angkar,
24 so, down from the commune there was a village. For example, in
25 Andoung Meas district, there was order from the province down to

1 the commune, and further to the village.

2 [11.15.41]

3 Q. Thank you. Still with regard to means of communication, when
4 you received instructions, how were they conveyed? Were they
5 conveyed solely by messengers, or there were other means or
6 channels of communication whereby instructions or orders were
7 handed down to you?

8 A. When there was a requirement to call people to attend
9 meetings, there will be announcements in the village. People were
10 called to attend meetings, people were called in communes. There
11 were these lines of communication.

12 [11.17.15]

13 Q. Thank you. I will refer to a word you used a while ago, the
14 word "enemy". You have already explained somewhat what that
15 meant. Before 1975, how was the enemy defined by Angkar? Was the
16 enemy single, or there were several categories of the enemy?
17 If there were several categories, can you explain to us who could
18 have been considered as the enemy?

19 [11.18.18]

20 A. If the villages and the communes were clean, there were no
21 enemies. On the other hand, if they were not clean, there were
22 enemies in there. Cadres, the leading cadres, were considered
23 enemies, but if they were clean, if they were correct, they were
24 not enemies. The opposite was true: if they were not correct,
25 they were enemies.

1 That was what I meant by the damage to the village.

2 Q. Thank you. You told us a while ago that you were promoted from
3 the rank of village chief to the rank of commune chief. After you
4 became commune chief, were you again promoted to another
5 position?

6 [11.19.42]

7 A. I was promoted from the village to -- the village chief to the
8 commune chief and, again, from the commune chief to the district
9 chief.

10 Q. What district was that? What was the number of that district?
11 Do you recall that?

12 A. There were Khmer people who were amongst the district
13 committees, and then I came to be part of them. It was called
14 Andoung Meas District.

15 Q. Thank you. How were you appointed? You told us previously that
16 appointments were made at meetings. It was at a -- was it at a
17 meeting that you were appointed DOUNG MEAS district head --
18 Andoung Meas district head?

19 [11.21.22]

20 A. During the meetings, there were appointments. For example, you
21 were appointed to control how many communes -- that is, how many
22 communes we were appointed to take control over, and that is we
23 were to get the information about the situation from the
24 superiors, and then we further spread the information down to the
25 communes, and they will--

1 Q. At the time, when you were promoted to the position of
2 district chief, which is the authority that appointed you during
3 that meeting?

4 A. The appointments came from the province, and the province --
5 the appointments also came from the districts to the commune.

6 Q. When you say "province", I would understand that to be the
7 equivalent of the zone. Or do you mean something else? That is
8 how I understand it in French.

9 A. Now we call it a province. That is what we call it now, but
10 before we called it a zone.

11 [11.23.42]

12 Q. Do you recall who was the head of the zone or the province at
13 the time as you refer to it-- that is, at the time of your
14 appointment?

15 A. It is on the tip of my tongue, but I cannot recall. I could
16 not recall it.

17 Q. Thank you. This has been referred to in your prior statement,
18 so we can refer to it if your memory deteriorates for that.

19 Let me put another related question to you: In the Northeast
20 Zone, was there a military structure? Was there a division of the
21 army that was stationed there?

22 A. There was - there was division -- there were divisions in
23 provinces.

24 [11.25.30]

25 Q. Do you remember the name or the names of any divisions in the

1 Northeast Zone, referred to by a number, for instance?

2 A. No, I don't remember. I don't remember the number of the
3 division. No, I don't.

4 Q. After you were appointed district chief, were you again
5 promoted to a higher position, or that was your highest position?

6 A. I know that, below the district, there was commune, and below
7 the commune, there was a village.

8 Q. And you said you were district head. Were you again promoted
9 to another position? If yes, please tell us to which position you
10 were promoted.

11 [11.27.05]

12 A. First, I was asked- appointed to be the chief of the village,
13 then commune chief, then chief of the district. And that's all;
14 no further than that.

15 From the district level, indeed there was a sector, but I was not
16 the chief of the sector.

17 Q. Thank you. You said you were not sector chief, but did you,
18 nevertheless, play any role at that level of the sector?

19 A. From the district level, people were supposed to work with
20 those from the sectors as well.

21 Q. Thank you. I would have put a question to you regarding the
22 district. At that level, you may have received instructions from
23 Angkar. Can you tell us what Angkar's position was with regard to
24 religion and the practice of veneration of spirits and other
25 spiritual entities?

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1 A. I do not think I fully understand that situation because it
2 was rather twisting. With regard to religions and religious
3 practice, we had to maintain our practice because -- because
4 minority people still maintain our religion and beliefs. No one
5 asked us to do anything with these religious affairs. Indeed, the
6 communities managed our own affairs when it comes to religions.

7 [11.31.34]

8 MR. DE WILDE D'ESTMAEL:

9 Thank you very much. I'll draw to a close now.

10 I am going to ask my colleague to ask you a few questions about
11 the evacuation of Phnom Penh and the people who came into your
12 zone after that. Thank you very much.

13 MR. PRESIDENT:

14 How many questions are you going to put to the civil parties,
15 since your allocated time appears to have run out?

16 MR. CHAN DARARASMEY:

17 I have a few questions to put if you may allow us.

18 MR. PRESIDENT:

19 Indeed, there will be no more questions because the allocated
20 time has already been used up.

21 [11.32.23]

22 We would like now to proceed to the counsels for the Accused,
23 each of whom has 20 minutes to put questions to the civil party,
24 commencing from Nuon Chea's team, Ieng Sary and Khieu Samphan.
25 International Co-Prosecutor, we note you're on your feet.

1 MR. SMITH:

2 Your Honours, if I can just raise a general point at the moment
3 in relation to time allocations, I think, at the commencement of
4 the hearing, Your Honours had decided to not have time
5 allocations and see how the proceedings progressed. And I
6 understand now that -- it appears with the civil parties and
7 witnesses there will be time allocations.

8 In relation to this witness, the prosecution, in their pleading
9 on the 28th of January, suggested that this witness would take
10 about two and-a-half hours, and on the basis the prosecution
11 would have about a third of that questioning time. And we
12 understand that the time allowed today was a little bit shorter
13 than that.

14 What I would ask Your Honours is that you advise -- if it's
15 possible, that you advise the party's on the length of
16 questioning that they will get in relation to the next - the next
17 witness, and the following - the following witnesses and civil
18 parties to come?

19 [11.34.10]

20 Of course, unless we know that, it's very difficult to prioritize
21 and determine how much - how much would be asked of the witness,
22 whether it would be three hours or half-an-hour or two hours.
23 And I would also ask that, if possible, if Your Honours could
24 make reference to the prosecution's request, and time
25 predictions, that were filed on the 28th of January - it's E9/4.1

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1 -- and ask that the times allowed be consistent with those that
2 were provided.

3 But in any event, if we had advance notice of the timing,
4 particularly for this afternoon and for next week, it would
5 certainly help in our preparation so that we can assist Your
6 Honours as best as possible. Thank you.

7 [11.35.02]

8 MR. PRESIDENT:

9 Thank you very much for your observation.

10 We -- the Chamber reserves our rights to rearrange the time
11 allocation. Indeed, we had some difficulties concerning how time
12 should be allocated, but from now on we will be able to determine
13 how much time would be needed.

14 [11.35.41]

15 Yesterday, we noted that some questions were irrelevant and
16 repeated. Some questions were straying from the relevant
17 paragraphs from the indictment, or Closing Order. A party put
18 questions, for example, to names of commune -- commune A, commune
19 B, for example. That point could not have been raised because it
20 was not part of the structure of the Khmer Rouge. And the time
21 was not really used wisely because the name of the commune could
22 have not been constituted to the committee of the commune, which
23 would be the main part of the structure of the Khmer Rouge. And
24 we noted that the time was not, then, wisely used.

25 And when it comes to the hearing on Witness 395, the hearing

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1 which shall be conducted through video link, and due to the
2 health issue of that individual, we also see the implication with
3 regard to the time allocation.

4 [11.37.06]

5 And we also noted that the accused person, at the beginning, as
6 we expected, he would be able to give testimony during the whole
7 session, but consequently he preferred to be excused every now
8 and then, and this, indeed, make us difficult to correctly say
9 how much time we would need, and indeed we could not really force
10 the Accused to always appear in this courtroom to give testimony
11 when they already indicated that they couldn't do so.

12 And by lesson learned and practice, we believe that by early
13 January, when we convene another hearing on this evidentiary
14 issue, we hope parties will be well informed and that allocation
15 of time will be precisely calculated. And we understand that we
16 are now flexible when it comes to timing.

17 We appreciate your observation, the International Co-Prosecutor,
18 with regard to the time allocation. We take it for consideration.

19 (Judges deliberate)

20 [11.40.55]

21 Time flies and never waits. We still have other tasks to perform,
22 and things have -- appear to be different from what we have
23 scheduled.

24 We are still convinced that the time allocated for the parties
25 has already run out.

42

1 We would like to ask whether the civil party lawyers can advise
2 the Court with regard to the -- to Romam Yun, whether he can also
3 be returned to the courtroom again in the future.

4 MR. PICH ANG:

5 Mr. President, with regard to the schedule for next week, civil
6 party lawyers would not have any problem, and it is up to the
7 Chamber to decide whether to call this witness to appear again in
8 the future. We have no problem.

9 MR. PRESIDENT:

10 Thank you for the indication.

11 [11.42.37]

12 Due to time constraints, and indeed we have been -- we have
13 received some requests from the Co-Prosecutors, and since we had
14 to hear witness testimonies or testimonies from the person before
15 us the whole morning session, Chamber may now grant 15 minutes to
16 the Co-Prosecutor to proceed with the remaining of the questions.

17 QUESTIONING BY MR. CHAN DARARASMEY:

18 Thank you, Mr. President, for allowing me the floor to put
19 questions to Roman Yum.

20 Good morning, Om Romam Yum. We would like to put some further
21 questions with regard to the evacuation of the population.

22 Q. Before the 17th of April 1975, did you receive any information
23 with regard to the evacuation of the population from Phnom Penh?

24 [11.43.54]

25 MR. ROMAM YUN:

1 A. We heard – we heard that people were evacuated, but we did not
2 really witness the evacuation with our own eyes, we just heard
3 about it.

4 Q. How did you hear that? Did you hear the news on radio
5 broadcasts or you heard from other people, from mouth-to-mouth?

6 A. I think the latter is correct. I heard from mouth-to-mouth,
7 from people to another, from the districts to the communes, from
8 the commune to the village, but frankly, I did not really see it
9 with my own eyes.

10 Q. Could you also elaborate: Who told you this news, the news
11 with regard to the evacuation? Could you tell us whether you
12 remember the person's name?

13 A. I'm afraid not.

14 Q. How many people were evacuated from Phnom Penh to your
15 location, the location under your control, in your village?

16 [11.45.33]

17 A. I don't remember the exact number of people. I, indeed, heard
18 that people were evacuated. How could I know? Because no one
19 reported it to me.

20 Q. Could you also tell the Court why people were evacuated, why
21 people were transferred from one location to another?

22 A. People were relocated from one village to another, but this
23 news was heard -- I just heard from others, I never saw such
24 relocation of people. We learned this information through
25 conversation, informal conversation, with friends and neighbours.

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1 There was no actual evidence to prove that such relocation took
2 place.

3 Q. Did you ever hear such evacuation being -- taking place, for
4 example, from anyone? How did you know?

5 A. I really am doubtful why I was not informed about this.

6 [11.47.38]

7 Q. When people from Phnom Penh were being transferred or
8 relocated to other locations, including your location, what was
9 your impression with regard to such living conditions or the --
10 their daily life?

11 MR. KARNAVAS:

12 Excuse me, Mr. President. That fact assumes a lot of evidence,
13 none of which has come from the witness's mouth. Now, he's done
14 this two or three times; I didn't want to interrupt. He's
15 indicated what he heard. Now, he's putting words into the
16 witness's mouth and wants the witness to confirm.

17 I believe he's asked all the questions on the evacuation, and he
18 should move on.

19 You have been gracious enough to grant them 15 minutes. They
20 should not be abusing it by trying to testify in a manner in
21 which the prosecution is doing. Thank you.

22 BY MR. CHAN DARARASMEY:

23 Thank you, Mr. President. I would like now to proceed with
24 further questions.

25 [11.48.51]

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1 Q. Could you please tell us about the policy of the Communist
2 Party of Kampuchea after 1975? Did you ever hear that the
3 Communist Party of Kampuchea discharged some decision and that
4 you were ordered to do this and do that and not to do this and do
5 that, for example, in your location?

6 I am referring to decisions, directives or plans that had been
7 rendered from the upper echelon down to you. Or have you ever
8 been informed of that?

9 MR. ROMAM YUN:

10 A. When I worked in the commune and -- then I was promoted to
11 another position at the district level. At the district level, I
12 was -- I was called to clarify in which party -- or to which
13 party I belonged, and I once even come all the way to Phnom Penh.
14 At that time, when it comes to plans, plans to manage people in
15 the commune, we were told to follow the plans. We were in the
16 commune committee and we had to implement the plans rendered --
17 or given to us. Sometimes, when there were not enough people to
18 assist the work at the district, we would be asked to help.

19 [11.51.48]

20 Q. With regard to marriages during those days in your location,
21 could you tell us what was a marriage like?

22 A. People didn't get married. When people loved one another, they
23 just lived together as partners without marriage; during the Pol
24 Pot time, I'm referring to.

25 Marriages took place before the Pol Pot's time, but during the

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1 Pol Pot's period, marriages were not really assumed.

2 MR. CHAN DARARASMEY:

3 Due to a time limit, I would like to end my questioning now.

4 Thank you, Mr. President and Your Honours.

5 (Judges deliberate)

6 [11.53.52]

7 MR. PRESIDENT:

8 Thank you, Mr. Co-Prosecutor.

9 Indeed, it is time for the Defence counsel to proceed with their
10 questions, but the time is very limited, and we would like to
11 know whether counsel would wish to put any question to this civil
12 party. Could you please advise the Court?

13 [11.54.26]

14 MR. SON ARUN:

15 Mr. President, I, co-lawyer for Nuon Chea, along with my
16 colleagues, we have -- we need half-an-hour to put the question
17 to the civil party.

18 MR. PRESIDENT:

19 Thank you. What about other counsel, please?

20 MR. KARNAVAS:

21 Mr. President, yes, we do have some questions as well.

22 Depending on what the other teams -- well, the Nuon Chea team
23 does, we will decide how much time that we need, but within the
24 20-minute period that you've allocated, we certainly can
25 accomplish what we need. It may take a lot less, but I don't know

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1 until I hear what they have to do. Thank you.

2 MR. PRESIDENT:

3 Counsel for Khieu Samphan?

4 MR. KONG SAM ONN:

5 Mr. President, we do have a few questions in the timeframe of 20
6 minutes.

7 MR. PRESIDENT:

8 Thank you very much.

9 Due to the fact that time is already up and that we shall hear
10 another witness as indicated by the Chamber, we will not hear Mr.
11 Romam Yun in the afternoon.

12 [11.56.10]

13 We thank you, Mr. Romam Yun, very much for your efforts in
14 responding to questions. And since the Chamber cannot continue
15 putting questions to you or hearing you again this morning, we
16 appreciate your presence in the future. We will communicate with
17 the relevant units to make sure that you are informed of your
18 next time for testimony.

19 (Judges deliberate)

20 International Co-Prosecutor, you may now proceed.

21 MR. SMITH:

22 Thank you, Your Honours. Bearing in mind that Your Honours have
23 given the prosecution lead to lead the witness this afternoon --
24 witness 395 -- we would ask for an hour and a half for that
25 examination.

1 [11.57.23]

2 And, also, whilst I'm on my feet, I would ask Your Honours: Do
3 Your Honours envisage any other witness tomorrow -- or Accused -
4 testifying, other than 395? That would really help us with our
5 preparations for tomorrow, and I think the other parties as well.
6 Thank you.

7 MR. PRESIDENT:

8 The Chamber has already noted -- informed that, in the afternoon
9 session and tomorrow morning's session -- and perhaps we need
10 Friday for the hearing on witness 395. And we also should be
11 prepared when technical glitch may happen with regard to the
12 video link or any other incidents that are unexpected.
13 But please be informed that the Court will wisely use any minute
14 of every day of the hearing. For example, if we fail to hear the
15 expected witness; then we may instead hear another available
16 witness. But parties will be informed in due course with regard
17 to any change.

18 [11.58.49]

19 And we should bear in mind altogether that our witnesses are of
20 old age and are not very well, so unexpected things may happen.
21 And the party shall be now informed that the heavy equipment have
22 already been installed at the location where the testimony will
23 be obtained from the witness, and we will see if everything is
24 already installed technically, but the health of the witness is
25 not very good to give testimony. We may have to really resort to

1 Plan B, for example.

2 And we have already been planned that the hearing would be
3 conducted from the 5th to the 16 of December as scheduled.

4 MR. SMITH:

5 Thank you, Your Honour, and I just would ask whether or not Your
6 Honours would grant the application made by the prosecution this
7 morning that, because of the old age and the sickness or the
8 health of witness 395, that he be examined on the full aspects of
9 his statement that relate to the -- relate to the indictment.
10 The prosecution has only made one application on this basis, and
11 also that information was received only a short time ago. And
12 Your Honours explained to us (inaudible) that it would only be in
13 exceptional circumstances and we certainly understand that, but
14 we would hate to lose the testimony of this witness if, in fact,
15 his health continues to deteriorate. Thank you.

16 MR. PRESIDENT:

17 Counsel Ianuzzi, you may now proceed.

18 MR. IANUZZI:

19 Good morning, Your Honours.

20 [12.00.57]

21 What is Plan B? Is that Romam Yun, Klan Fit or Nuon Chea? You
22 mentioned Plan B. What is Plan B?

23 JUDGE CARTWRIGHT:

24 There is no specific Plan B. The Court has to be flexible.

25 Counsel who have been preparing for a considerable period must

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1 also be flexible, given the circumstances.

2 MR. IANUZZI:

3 We are indeed. Thank you, Your Honour.

4 MR. PRESIDENT:

5 On behalf of the President of this Chamber, after we come back
6 from the break, I already informed you, Mr. Co-Prosecutor, that
7 you may ask witness TCW-395 concerning the facts contained in the
8 entire case file. If it is not clear, you may refer to this
9 transcript.

10 It appears that we have a lot of problems. The Chamber would like
11 to continue clarifying what we are going to do after this.

12 [12.02.55]

13 As I examine -- rather, as I said, subject to the availability of
14 the technical equipment, which has been conducted -- or tested
15 several times, the Chamber requires that Mr. Romam Yun be present
16 during the afternoon session for him to prepare in case the
17 technology is not allows for us to retrieve testify -- to
18 retrieve testimony from witness TCW-395. So I hope the parties
19 are informed of this.

20 And it is now appropriate for us to adjourn for lunch break. The
21 Chamber announces the adjournment of the session, and we will
22 come back by 1.30. Parties and the public are advised to come
23 back to the courtroom by 1.30.

24 Security personnel are instructed to bring the Accused back to
25 the holding cells and bring them back to the courtroom by 1.30.

1 THE GREFFIER:

2 All rise.

3 (Judges exit courtroom)

4 (Court recesses from 1205H to 1337H)

5 (Judges enter courtroom)

6 MR. PRESIDENT:

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

8 [13.38.28]

9 Parties have already informed that, this afternoon and tomorrow's
10 session, the Chamber will be hearing testimonies of witness Mr.

11 Long Norin.

12 [13.39.05]

13 Before we proceed to the hearing on his testimonies, the parties
14 are -- and the public are informed that, during these

15 proceedings, and due to the fact that this witness is an elderly
16 person, and who has experienced some health issues, and that the

17 proceedings have to go through the audio-visual link from his

18 residential area to the court, disruption might occur during the

19 course of the proceedings. It could have been resulted from the

20 technical glitch regarding the AV equipment or due to his

21 deteriorating health.

22 [13.40.15]

23 The WESU unit and AV Unit have already been asked to send their

24 people to the location to facilitate this move -- functioning of

25 this portion of the proceedings.

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1 And according to the technicality of the video link and that the
2 witness has to give testimony from a remote area, the
3 simultaneous interpreting service will not be available. The
4 interpretation shall be conducted consecutively.

5 [13.41.15]

6 In light of consecutive interpreting, parties who are putting
7 questions to the witness are advised to be very cautious and
8 mindful that they should be precise and due diligence is paid to
9 the interpreters so that the message can be properly conveyed.

10 MR. PRESIDENT:

11 Good afternoon, Mr. Long Norin. Mr. Long Norin, do you hear us?

12 Mr. Long Norin, do you hear us? Do you hear what I am saying, Mr.
13 Long Norin?

14 Mr. Nhem Samnang -- Are you Nhem Samnang, who is sitting next to
15 Mr. Long Norin?

16 MR. NHEM SAMNANG:

17 Yes, I am.

18 MR. PRESIDENT:

19 Mr. Nhem Samnang, are you representative from the WESU unit?

20 MR. NHEM SAMNANG:

21 Yes, I am.

22 [13.43.14]

23 MR. PRESIDENT:

24 With regard to this remote participation, how many people have
25 been assigned from the ECCC to assist him?

1 MR. NHEM SAMNANG:

2 Mr. President, there are four people assigned to assist this
3 functioning, and that there are two people inside this room and
4 two outside. I am here with TCW-395.

5 QUESTIONING BY MR. PRESIDENT:

6 Q. Mr. Long Norin, is Long Norin your real name?

7 MR. LONG NORIN:

8 A. My name is Long Norin.

9 [13.44.30]

10 Q. Do you have any alias; for example, other name than Long
11 Norin?

12 A. I am also called Rith.

13 Q. Thank you. How old are you this year?

14 A. I was born in 1938. Anyone can do the calculation for me,
15 please?

16 Q. Thank you. Since you told us the exact year you're born, it's
17 even better than tell us how old are you. Where do you live these
18 days?

19 A. I live in Doung village, Malai commune, Malai district,
20 Banteay Meanchey province.

21 Q. Thank you. What is your occupation?

22 [13.45.52]

23 A. I am a farmer. I am a peasant, indeed.

24 Q. What is your father's name?

25 A. Long Phuong. He's deceased.

1 Q. What is your mother's name?

2 A. Mao Theng. She's also deceased.

3 Q. Are you married?

4 A. Yes, I am. I have five children; three daughters -- rather,
5 three sons, two daughters.

6 Q. Mr. Long Norin, according to the report by the greffier of the
7 Trial Chamber, you have no parents, relatives, or relatives at
8 marriage, or other close relative who have been joining as the
9 civil parties; is that correct? Or related to civil parties?

10 [13.48.27]

11 A. No, Your Honour.

12 Q. Thank you. Have you taken an oath?

13 A. Yes, I already have done it.

14 MR. PRESIDENT:

15 In this hearing and as a witness before this Chamber, you can
16 refuse to respond to any questions or make any submission against
17 yourself, or you are entitled with the right not to testify
18 against yourself or self-incrimination. In other words, you can
19 refuse to make any -- or to testify, or to give any testimonies
20 which can be held against you.

21 And, secondly, since the interpretation needs to be conducted
22 consecutively, you are advised to leave a break or to pause so
23 that the interpreters can fully convey your message through their
24 rendition.

25 Do you hear us?

1 MR. LONG NORIN:

2 No, I'm afraid not. I would like to go to the bathroom.

3 MR. PRESIDENT:

4 Please be informed that we understand your situation, aging
5 situation. If you would like to go to the bathroom, indeed you
6 can go immediately as you wish.

7 [13.51.15]

8 Counsel for Ieng Sary, you may proceed.

9 MR. ANG UDOM:

10 Mr. President, could you please put another question to him,
11 because, when you asked whether he has taken an oath already, he
12 seemed to have misunderstood the term "oath", because, in Khmer,
13 the term "oath" is easily mistaken for "letter". And when he
14 responded that he has already done it, perhaps it means he has
15 received the letter rather than has taken an oath.

16 MR. SMITH:

17 Thank you, Your Honours. If I could just take this opportunity,
18 bearing in mind that it's consecutive interpretation rather than
19 simultaneous, it's clearly going to take double the time to
20 examine this witness, and also in relation to the video link and
21 his health.

22 [13.52.26]

23 I would ask, given the time that the prosecution has until the
24 end of the day -- I assume that will be 4 o'clock -- and then, at
25 the end of the day, Your Honours, if we could provide you with an

1 assessment of how long further the prosecution would need.

2 This witness, of course, is quite significant, and we would like
3 to catch all of the knowledge he has on this indictment, if that
4 proposal is acceptable to Your Honours.

5 (Judges deliberate)

6 [13.54.40]

7 MR. PRESIDENT:

8 Good afternoon again, Mr. Long Norin. Mr. Long Norin, I would
9 like to read this again to you. During the course of your
10 testimony you have the right to go to the bathroom, you only need
11 to tell the Court before you leave for the bathroom.

12 [13.55.20]

13 BY MR. PRESIDENT:

14 And with regard to your statement, which is not yet clear, as
15 indicated, we would like to put the same question again whether
16 you have already taken an oath before you are here to give
17 testimony before this Chamber.

18 Do you hear us? Mr. Long Norin, have you already taken an oath?

19 A. Yes, I have indeed taken an oath.

20 Q. When did you do that?

21 A. I have just done it just now.

22 MR. PRESIDENT:

23 Thank you.

24 Mr. Co-Prosecutors, according to Internal Rule 91 and according
25 to the order of the questioning of the witness, you have now been

1 given the floor to, indeed, put questions to this witness.

2 [13.57.12]

3 MR. LYSAK:

4 Good afternoon, Your Honours. Thank you very much.

5 As a preliminary issue before us, because the witness is on the

6 video screen here, I request, respectfully, if it's possible for

7 me to do my questioning seated in this case so that I may see the

8 witness?

9 MR. PRESIDENT:

10 Court officer, could you please assist to make sure that

11 interpreting is already functional?

12 (Short pause)

13 [13.59.20]

14 International Co-Prosecutor, actually, the problem with regard to

15 the interference of the noise in the background has not been

16 resulted from the technicality or the equipment at this place.

17 Indeed, there has been the sound of music in the background

18 because, at that location, there was -- there is a ceremony and

19 that loud speakers projecting on this music could be heard.

20 [13.59.55]

21 Now, they have already asked the organizer of that ceremony to

22 turn away the loud speaker so that we would not hear this

23 background music again.

24 So the witness is allowed to sit -- remain seated while

25 responding to questions. You may now proceed with your questions.

1 MR. LYSAK:

2 Good afternoon, Mr. Long Norin. My name is Dale Lysak and I will
3 be asking you some questions this afternoon on behalf of the
4 Office of Co-Prosecutors.

5 Can you hear me okay? Mr. Long Norin, can you hear me?

6 MR. LONG NORIN:

7 I heard somebody was talking but I didn't know what was it about.

8 MR. LYSAK:

9 Mr. Long Norin, I was introducing myself and I wanted to make
10 sure that you can hear -- hear me okay when I'm asking questions.
11 So if you have any trouble understanding or hearing my questions,
12 please tell us, and I will repeat them. Okay?

13 [14.02.11]

14 Your Honours, I'm not sure whether he can hear me, but I'll
15 start, and we'll see how it works.

16 QUESTIONING BY MR. LYSAK

17 Q. Mr. Long Norin, if you can hear me, the first thing I wanted
18 to ask you about was to tell the Court about your educational
19 background.

20 [14.03.14]

21 Mr. Long Norin, I'm not sure if you heard me, but the first thing
22 -- the first question we have for you is just to tell the Court
23 about the schools that you went to, the education you received
24 when you were younger.

25 MR. PRESIDENT:

1 Mr. Nhem Samnang, can you hear the questions being put by the
2 International Co-Prosecutor? Tell the Court, Mr. Nhem Samnang;
3 you yourself, do you hear this?

4 MR. NHEM SAMNANG:

5 Indeed, Mr. President, I hear what the Co-Prosecutor is asking.

6 MR. PRESIDENT:

7 What about Mr. Long Norin? Does he also hear that?

8 MR. LONG NORIN:

9 I have -- I know that a question is being put but I cannot really
10 understand what it was about.

11 MR. LYSAK:

12 Are you -- is someone translating? Are you hearing my questions
13 in Khmer or are you only hearing them in English?

14 MR. LONG NORIN:

15 (No interpretation)

16 [14.05.48]

17 MR. LYSAK:

18 Your Honour, I'm not getting a translation of what he's saying.

19 Let me try one more time.

20 BY MR. LYSAK:

21 Q. Mr. Long Norin, could you tell us where you went to school
22 when you were young?

23 MR. LONG NORIN:

24 A. When I was young, I went to study in Czechoslovakia.

25 Q. How long did you study in Czechoslovakia?

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1 A. I was there for 10 years.

2 Q. Could you tell us what -- which years?

3 A. I was there in 1960 and I continued to remain there until
4 1971. I went to Beijing because King Sihanouk appealed for people
5 to go to Beijing, and I went there so that I could work in -- for
6 the country.

7 [14.07.46]

8 Q. During the time you were in Czechoslovakia, what did you
9 study?

10 A. I studied gymnastics at the Prague -- the city of Prague.

11 [14.08.24]

12 Q. And during the years that you were in Czechoslovakia, did you
13 have any contact with representatives of the Workers Party of
14 Kampuchea which became the Communist Party of Kampuchea?

15 A. At that time, I did not have any contact with any political
16 parties in Cambodia.

17 Q. Were you invited by anyone particularly to go to Beijing or
18 was that a decision that you made on your own?

19 A. At that time the King -- former King Sihanouk appealed and I
20 had to come to Cambodia through Beijing as a result of that
21 appeal by the King.

22 Q. How long were you in Beijing, Mr. Long Norin?

23 A. I cannot really hear your question.

24 [14.10.24]

25 MR. PRESIDENT:

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1 Mr. Samnang, if you hear the question and that Mr. Long Norin
2 cannot catch the question could you please assist him by
3 repeating the question more clearly so that he can respond?

4 MR. NHEM SAMNANG:

5 Yes, Your Honour, I will exactly follow your instruction.

6 MR. LONG NORIN:

7 I had been in Beijing for six months. I had been there until the
8 government, the GRUNK, returned to Cambodia.

9 BY MR. LYSAK:

10 Q. Did you join the resistance while you were in Beijing?

11 MR. LONG NORIN:

12 A. When I was in Beijing I had joined the resistance, the
13 movement headed by King Norodom Sihanouk.

14 [14.12.13]

15 Q. Perhaps you could just tell the Chamber how is it that you
16 joined the revolution. Was there a process that you had to go
17 through in order to join the revolution?

18 A. I joined the resistance when the resistance was under the
19 Royal Government in Beijing, and I worked at the Foreign Affairs
20 Ministry.

21 Q. Who was it that hired you to work at the Ministry of Foreign
22 Affairs in Beijing?

23 A. At that time the graduate from abroad would be asked to join
24 the Royal Government of National Union of Kampuchea, and His
25 Excellency Sarin Chhak was in charge of the Ministry of Foreign

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1 Affairs. We did not need to apply for the position because people
2 who graduated from school in a foreign country would be able to
3 join at the office in Beijing and that we were supposed to help
4 with the facts, the writing of letter and other tasks.

5 [14.15.10]

6 Q. Do you know Ieng Sary?

7 A. Initially I had never known him. I only knew him when I worked
8 at that Ministry. I knew him very well then.

9 Q. Can you tell the Court when you first met Ieng Sary?

10 A. I met Mr. Ieng Sary when I attended -- or when I worked at the
11 Ministry of Foreign Affairs in Beijing, I used to see him when he
12 returned from France, but it was just a normal contact. I would
13 ask him how he was, but nothing politics were being discussed
14 when I met him before.

15 [14.16.59]

16 Q. Could you tell us -- when you say that you had met -- returned
17 from France, what time -- what years are you talking about?

18 A. I cannot recall the year.

19 Q. When you said that he had returned from France, returned to
20 where? Where was it that you had met Mr. Ieng Sary before the
21 Ministry of Foreign Affairs in Beijing?

22 A. Well, I did not meet him in Beijing. Actually, I met him in
23 Phnom Penh. He was walking with his wife during a ceremony or
24 festival or so, and a friend of mine knew him, so he just told me
25 that that person was Ieng Sary. Then I greeted Ieng Sary on that

1 day and that was all.

2 Q. Was this before you went to Czechoslovakia in 1961?

3 A. No, I cannot recall the year, the exact year I first met Ieng
4 Sary, but we did not say anything at all when we first
5 encountered.

6 Q. That first meeting, the first time that you met Ieng Sary, did
7 you understand -- what was your understanding as to who he was?

8 [14.19.35]

9 A. At that time, they told me that person was Ieng Sary. That was
10 all I knew about him.

11 Q. Who is it that told you -- identified Mr. Ieng Sary for you?

12 A. If my memory serves me well, Thach Chea, who was student from
13 pedagogical school who was in my batch as well.

14 Q. Thank you.

15 Did you have any contact with Mr. Ieng Sary during the 10-year
16 period that you were in Czechoslovakia?

17 A. When I was studying in Czechoslovakia, I did not have any
18 contact at all with Mr. Ieng Sary.

19 [14.21.07]

20 Q. When you met Mr. Ieng Sary in Beijing, what was he doing
21 there?

22 A. When I was in Beijing, Ieng Sary was the special envoy of the
23 Royal Government of the National Union of Kampuchea in charge of
24 foreign affairs.

25 Q. At some point, did you join the Workers Party of Kampuchea or

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1 the Communist Party of Kampuchea?

2 A. I don't remember it, but it was at a later stage, once we
3 conquered the war against the Americans.

4 Q. Who was it that introduced you -- invited you to join the
5 Communist Party of Kampuchea?

6 A. Back then, those who worked for the Ministry of Foreign
7 Affairs, we all together joined in the resistance movement
8 against the Americans. So we all joined the Party. There was no
9 formal invitation, but we voluntarily joined.

10 [14.23.24]

11 Q. Let me clarify something. When you say that you joined the
12 revolution, do you mean by that the same as becoming -- the same
13 thing as becoming a member of the Party?

14 A. Well, we actually joined the Party subconsciously because we,
15 together, joined the Party because Cambodia was, at that time,
16 violated.

17 Q. Could you tell the Chamber what you did during your time in
18 Beijing?

19 A. When I was in Beijing, I worked in the Ministry of Foreign
20 Affairs and my main responsibility was to prepare letters, the
21 diplomatic letters which established links from one movement to
22 another movement across borders.

23 Q. Do you recall when it was that you left Beijing, Mr. Long
24 Norin?

25 A. It was sometime in April but I do not remember the exact date.

1 Q. April of which year? Now, Mr. Long Norin, April -- I don't
2 know if you heard me -- April of which year was it that you left
3 Beijing?

4 A. I left Beijing after the 17 of April, after Cambodia gained
5 independence.

6 Q. Was there a period prior to April 1975 where you lived and
7 worked in Hanoi?

8 A. Upon my return, I went through Hanoi and I met with Her
9 Excellency Ieng Thirith who was working in the radio of the
10 National United Front of Kampuchea. I stopped by Hanoi and I
11 worked for this radio station for about six months, then I came
12 to Cambodia.

13 Q. Could you tell us what the function -- what did that radio
14 station do? What was its function?

15 A. The radio of the United Front of Kampuchea is to broadcast the
16 resistant movement to Cambodians living overseas.

17 Q. How many people worked at that radio, in Hanoi?

18 A. I cannot recall it correctly as to how many people exactly
19 working for the radio station back then, in Hanoi.

20 Q. Was Ieng Thirith in charge of the radio station?

21 A. Yes, that was correct. Ieng Thirith was the director of this
22 radio station.

23 Q. Who asked you to work at the radio station?

24 [14.31.42]

25 A. No one propose me to work at that radio station, but

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1 coincidentally the radio station was in the process of recruiting
2 staff to work for the station and I came by and I joined this
3 radio station.

4 Q. Who was it that recruited you to join and work at the radio
5 station?

6 A. No one propose me or recommended me to this radio station. I
7 voluntarily joined this radio station and Mr. Ieng Sary used to
8 tell me that radio, this radio station, serve the resistance
9 purpose. And he also told me that before I went to Cambodia I
10 should spend some time serving this radio station, so I decided
11 to join this radio station.

12 [14.33.19]

13 Q. What did you do during the period that you worked for the
14 radio station?

15 A. I was translator. I translate my text into Latin and I was
16 also in charge of broadcasting educational programs, educating
17 Cambodian people who were studying in Hanoi. And we also
18 broadcast the idea of creating school for Khmer in Hanoi to
19 study, so I was actually in charge of preparing my programs as
20 well in this radio station.

21 Q. What languages did the radio station broadcast in?

22 A. That station broadcast in Khmer language.

23 Q. You indicated that after you worked at the radio station you
24 returned to Cambodia. When you returned to Cambodia, where did
25 you go?

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1 [14.35.22]

2 A. Upon my return to Cambodia, Cambodia was fully independent. In
3 other words, Cambodia had conquered the war against Americans.

4 Mr. President, may I ask for leave to go to the rest room?

5 [14.36.01]

6 MR. PRESIDENT:

7 Yes, you may go to the rest room.

8 Since it is now an appropriate time to take the adjournment, the
9 Chamber may take 15 minutes break.

10 (Judges exit courtroom)

11 (Court recesses from 1438H to 1458H)

12 (Judges enter courtroom)

13 MR. PRESIDENT:

14 Please be seated.

15 The Court is now back in session. Before we proceed to the
16 Co-Prosecutor to put further questions to the witness, the
17 Chamber would like to inform part -- the civil parties Klan Fit
18 and Roman Yum that you are now accused and can return to your
19 places.

20 WESU, you need -- is now advised or instructed to make sure that
21 the two civil parties can return home safe and sound.

22 The civil parties, both of them, will be summoned again but
23 mostly likely not next week. They will be called sometimes next
24 year on January and parties will be informed in due course when
25 the witnesses -- the civil parties are summoned.

1 We would like to now proceed to the Co-Prosecutor to proceed with
2 the questions to Long Norin.

3 MR. LYSAK:

4 Mr. President, if I could just before -- it obviously has been a
5 little bit difficult to proceed with the examination and I will
6 try to move it along as quickly as we can. But I did want to
7 advise the Court, at this point, that we do expect we will need
8 some time tomorrow morning to finish, given the difficulties with
9 doing the video questioning so I would ask at this time whether
10 we may be provided that time so we can plan to go probably until
11 mid-morning tomorrow if that is acceptable to the Court.

12 [15.01.31]

13 MR. PRESIDENT:

14 Yesterday, International Co-Prosecutor already indicated this to
15 the Chamber. The Chamber will find -- or will see the possibility
16 and the publics have already been informed that the hearing on
17 these civil -- witness will be conducted for a period of one and
18 a half day. And if, due to any technical problem or perhaps we
19 cannot really conduct a full hearing examination of the witness
20 during the scheduled time, then we may take Friday for another
21 hearing of the witness. You may now proceed with the questions.

22 [15.02.49]

23 BY MR. LYSAK:

24 Thank you, Your Honour.

25 Q. Mr. Long Norin, before we talk about the period when you

1 returned to Cambodia, two more questions regarding the radio
2 station. First question is who drafted the materials, the
3 messages that were broadcast on the FUNK radio from Hanoi?

4 MR. LONG NORIN:

5 A. Her Excellency Ieng Thirith was the director of the radio
6 station. It was her who managed this -- who made sure that the
7 radio station functioned properly.

8 Q. Do you know -- was there any communications between the radio
9 station in Hanoi and the leaders of the resistance who were
10 located in Cambodia at the time?

11 A. Yes, I do but there were instructions from within Cambodia
12 with regard to this, even the broadcasting itself.

13 Q. Can you tell us the instructions that you just mentioned --
14 what type of instructions?

15 I'm not sure if you heard my question, Mr. Long Norin, my
16 question is what type of instructions were received from the
17 leaders in Cambodia?

18 A. I'm afraid I don't know about this because such instructions
19 could be sent through telegrams that transferred all the way to
20 the radio station.

21 Q. How did you know that instructions were being provided leaders
22 in Cambodia to the radio station?

23 [15.06.34]

24 A. The communication was channeled through the air. Even the
25 messages or communications to be broadcast on the radio station

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1 had to be prepared from within the -- within Cambodia and sent to
2 the radio station -- I mean news articles.

3 Q. Do you know who it was in Cambodia who was preparing the
4 messages to be broadcast on the radio?

5 A. It's beyond my knowledge because it was the team -- radio team
6 in the country who was in charge. I myself would be in charge of
7 transcribing -- translating the codes into the language that can
8 be broadcast.

9 Q. Thank you. What areas did the radio station broadcast to, what
10 areas or what countries did you broadcast to?

11 [15.08.24]

12 A. The broadcast was meant to be broadcast -- broadcasting was
13 meant to be broadcast both to the -- within the country and to
14 foreign countries.

15 Q. Did you broadcast to Cambodia?

16 A. Yes, broadcasting was also made to Cambodia. The news articles
17 -- news content was prepared in Cambodia, sent to radio station
18 in Hanoi and broadcast back to Cambodia.

19 Q. And do you know, did you broadcast to all of Cambodia or just
20 to the liberated -- liberated zones?

21 A. It depends on the contents of the messages. For example, if it
22 was about the organization of a cooperative then the broadcasting
23 had to be done towards -- to cover the cooperatives.

24 Q. What other types of subjects do you remember being broadcast,
25 in addition to cooperatives?

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1 [15.10.52]

2 A. I'm afraid I don't recollect them because it has been very
3 long time ago.

4 Q. Thank you.

5 Let's talk now about when you returned to Cambodia. When you
6 returned to Cambodia from Hanoi did you go to Phnom Penh or did
7 you go somewhere else in the country first?

8 A. I came to Cambodia through the Ho Chi Minh Trail because I
9 went all the way from Beijing to Hanoi and through the Ho Chi
10 Minh Trail to Stung Treng, Kracheh, Kampong Cham, then Phnom
11 Penh.

12 [15.12.06]

13 Q. Did you spend any time in Kampong Cham working for the party
14 there before you came to Phnom Penh?

15 A. No, I didn't work in Kampong Cham, we only spent overnight
16 there and we then took a car all the way to Phnom Penh.

17 Q. Do you remember an office that was called B-20?

18 A. Could you please repeat your question?

19 Q. My question is whether you ever worked at an office that was
20 known as B-20.

21 A. Immediately upon returning from Hanoi we -- I did not really
22 stop by B-20; I went straight to Kampong Cham to K-1 and to Phnom
23 Penh.

24 Q. Please tell the Court what K-1 was.

25 A. It was B-1, not K-1. It was the Ministry of Foreign Affairs.

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1 Q. And the B-1 Office that you went to when you returned from
2 Hanoi, where was it located?

3 A. B-1 was located at the intersection -- at the villa, at the
4 intersection.

5 Q. You're referring to a location in Phnom Penh; is that correct?

6 [15.15.05]

7 MR. NHEM SAMNANG:

8 Mr. President, could you please ask the Co-Prosecutor to put the
9 question again, please.

10 MR. PRESIDENT:

11 Mr. Co-Prosecutor, could you please repeat the question because
12 the witness seemed to have not catch what you actually asked him.

13 BY MR. LYSAK:

14 Q. I may not have heard your complete answer but the location
15 that you were describing for B-1, could you repeat that location
16 and was this a location in Phnom Penh?

17 MR. LONG NORIN:

18 A. B-1 was located near the Ministry of Social Affairs. It used
19 to be the Cabinet of Ministers but I don't know what it is now
20 because I have never been in Phnom Penh ever since.

21 [15.16.47]

22 Q. Before we talk about the period that you worked at B-1 in
23 Phnom Penh I just want to make sure that before you came to Phnom
24 Penh in April 1975 did you work at an office located in Stung
25 Treng in Kampong Cham province?

1 A. It was at a very late date that I went to work at Stung Treng.

2 Q. When was it that you went to work at Stung Treng?

3 A. It was when Cambodia was in peace already. I stopped by at
4 Stung Treng for a while before I came to Phnom Penh and then
5 moved back to that location.

6 Q. How long were you at Stung Treng and what did you do there?

7 A. I had been in Stung Treng for six months dealing with farming.
8 We planted potatoes, corn, and other crops.

9 Q. And was this before or after the country was liberated on 17
10 April 1975?

11 [15.19.03]

12 A. Could you please repeat the question? I think I don't remember
13 it, response. Because during the liberation day I was not sure if
14 I was in Stung Treng or I already back in Phnom Penh.

15 Q. Do you remember the name of the office that you worked at in
16 Stung Treng?

17 A. In Stung Treng, I worked at B-20. First at B-20 then I moved
18 to work at B-15.

19 Q. What was the function of B-20 and B-15, what did they do?

20 A. At B-20, I did farming, I grew vegetables and eggplant, etc.
21 When I was at B-15 it was more precise, that I planted crops,
22 vegetables, and do farming.

23 Q. Who was in charge of these two sites, B-20 and B-15?

24 [15.20.58]

25 A. They were cadres from the base. I do not remember their names.

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1 Q. During the period you were located at B-20 and B-15, did you
2 have any contact with the leaders of the party?

3 A. Back then, I was a combatant, so I had to obey orders.
4 Whenever they wanted me to go, I had to go, wherever.

5 Q. Did you also at one point work in Preah Vihear?

6 MR. NHEM SAMNANG:

7 Mr. President, witness cannot really hear the translation clearly
8 and now he asked for leave to go to the bathroom.

9 MR. PRESIDENT:

10 You may now go to the bathroom as you wish.

11 (Short pause)

12 [15.25.16]

13 Co-Prosecutor, you may now proceed with your questioning and
14 repeat the final question you put to him.

15 And Mr. Nhem Samnang, could you please listen carefully to the
16 questions and be ready to help him by repeating the question to
17 him if you feel that he may not understand the question? And it
18 would be very helpful and expeditious indeed, because we want to
19 avoid the situation where he cannot understand the question, and
20 you understand the question but you stay idle, so it doesn't help
21 any one of us. So could you please be advised on that?

22 The Co-Prosecutor, you may now proceed.

23 BY MR. LYSAK:

24 Thank you, Mr. President.

25 Q. What I was asking when we had our break, Mr. Long Norin, is

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1 whether -- after you worked at B-20 and B-15 whether you then
2 moved to Preah Vihear and worked -- worked in that area.

3 [15.26.40]

4 MR. LONG NORIN:

5 A. I worked at B-20 then B-15 and Preah Vihear, I did went to
6 work at Preah Vihear.

7 Q. Who asked you to go work in Preah Vihear?

8 A. The head of the office called me to go to Preah Vihear.

9 However, the person who asked me to do thing in Preah Vihear was
10 Nuon Chea and Khieu Samphan, these two people advised me to study
11 from the people -- about the people in Preah Vihear.

12 Q. When did you first meet Mr. Nuon Chea?

13 A. Before I went to Preah Vihear, I met him the first time.

14 Q. Where did you meet him?

15 A. Before moving to Preah Vihear I had to go to B-20 where I met
16 both of them and I was then instructed what to do at Preah
17 Vihear.

18 Q. Had you met either Mr. Nuon Chea or Mr. Khieu Samphan before
19 this occasion?

20 [15.29.27]

21 A. The war at that time was almost over.

22 Q. My question was: Was this the first time that you met Mr. Nuon
23 Chea and Khieu Samphan?

24 A. It was the only first time I met them. I mean that time was
25 the first encounter with them.

1 Q. When you met Nuon Chea and Khieu Samphan at the B-20 office,
2 who did you understand they were? What was your understanding as
3 to what their positions were?

4 A. I did not know what roles they held, I just knew their public
5 role, I knew that they were leaders.

6 Q. Leaders of what?

7 [15.31.23]

8 A. I only knew that they were leaders but leaders of what
9 institution, I'm afraid I don't know.

10 I only knew that I was asked to go down to Preah Vihear to see
11 the people and to find out what people needed and that I was also
12 advised not to ask for a return to Phnom Penh even the war was
13 over, they asked me to remain in that location, I mean in Preah
14 Vihear until I received any further notification from the
15 leaders.

16 Q. Did they explain why they -- did they explain why they wanted
17 you to wait in Preah Vihear until they gave you further notice?

18 A. They did not tell me any further than asking me to wait for a
19 telegram they would send to me before I could return.

20 Q. Where was it that they were able to send telegrams to you in
21 Preah Vihear?

22 A. I did not know how telegrams were sent. When I was in Preah
23 Vihear I stayed at a village chief's house and so the village
24 chief gave me the telegram.

25 Q. Who was the telegram from? And what did it say?

1 [15.34.11]

2 A. The telegram told me to go back to Phnom Penh.

3 Q. Was the telegram sent by Mr. Nuon Chea or Mr. Khieu Samphan?

4 A. In fact, the telegram was not sent to me, it was sent to the
5 village chief, to the cadre and telling me to go back to Phnom
6 Penh.

7 Q. Just so I'm clear, was this a telegram that told all the
8 cadres there to come to Phnom Penh or just you?

9 A. There were others who went to the Preah Vihear with me; in
10 total there were six. But as for me, the village chief told me
11 that -- told me that I did not know that there was an independent
12 celebration at Phnom Penh and now I was told to go back there.

13 Q. When did you first learn that Phnom Penh -- the residents of
14 Phnom Penh had been evacuated?

15 A. I did not know about this.

16 Q. When did you arrive in Phnom Penh when you returned from Preah
17 Vihear?

18 A. As I remember it was in the 20th of May -- rather, April.

19 Q. And were there still people in Phnom Penh at that time, or had
20 the city already been evacuated?

21 [15.37.50]

22 A. The people were not yet evacuated out of Phnom Penh at that
23 time. After I arrived, I saw people were walking out of Phnom
24 Penh, but I did not know where they were heading to.

25 Q. Excuse me. Who was it that took you to Phnom Penh at that

1 time?

2 A. It was the messenger stations in Preah Vihear who brought me
3 to Phnom Penh.

4 Q. Were you surprised when you saw all the people leaving the
5 city?

6 A. Actually, I was not aware that those were the evacuated
7 people; I was not aware of that.

8 Q. Did you ever ask anyone why the city had been evacuated?

9 A. No, I did not.

10 [15.39.48]

11 Q. What were you assigned to do when you arrived in Phnom Penh?

12 A. When I arrived in Phnom Penh, I was told to work -- or I was
13 taken to a curved house behind of which there was a resident's
14 place -- residential place.

15 Q. This curved house, was this part of B-1 or the Ministry of
16 Foreign Affairs?

17 A. The curved house was the Ministry of Foreign Affairs.

18 Q. And is that the location at which you worked from April 1975
19 until January 1979?

20 A. That's right.

21 Q. How many people worked at the Ministry of Foreign Affairs?

22 A. I do not know.

23 Q. Tell us what your role or position was at the Ministry of
24 Foreign Affairs?

25 A. At the Ministry of Foreign Affairs, I typed; that was my work.

1 [15.42.20]

2 Q. What is it that you typed?

3 A. I don't really remember. It has been a long time; I forgot. I
4 don't remember what I typed.

5 Q. Did you have any responsibility for passports during the time
6 you worked for the Ministry of Foreign Affairs?

7 A. At that time, I did help prepare passports; that is to write
8 passports for those who was going to work abroad.

9 Q. And did you have any responsibility related to passports of
10 people from foreign countries who came to Cambodia?

11 A. No, I was not responsible for that job. I just checked the
12 names of those who came from abroad and asked where they were
13 from and why they were coming to Cambodia and what they were
14 working here in Cambodia; that was the job I did.

15 [15.44.28]

16 Q. The people that you're talking about, who came from abroad,
17 where is it that you spoke to these people?

18 A. I did not talk to these people, but when they came, they had
19 their own passports and people who were working at the place --
20 who were cadres -- told me that these people were asking for
21 permission to go to this particular place, for example. It has
22 been 30 years, how could I remember all the things?

23 Q. Did you have any responsibility of keeping trap -- keeping
24 track of foreign diplomats who were visiting Cambodia?

25 A. No, I did not.

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1 Q. During the period you worked at the Ministry of Foreign
2 Affairs, did any of the other people who worked there disappear?

3 [15.46.35]

4 A. I am not sure about that.

5 Q. Do you recall ever seeing any people who were arrested and
6 taken away from the ministry?

7 A. No, I do not. I forget.

8 Q. We will come back to that.

9 Were you ever asked to prepare your own biography while you
10 worked at the ministry of foreign affairs?

11 A. Yes, I was.

12 Q. Tell us about -- who was it that asked you to prepare a
13 biography and why?

14 A. It was my immediate supervisor. We were working together in
15 that section of the ministry.

16 Q. Who was your immediate supervisor? And what is it that he said
17 to you about preparing a biography?

18 [15.48.47]

19 A. At that time, my immediate supervisor was Suong Sikoeun.

20 Q. What did Mr. Suong Sikoeun tell you as to why it was that you
21 had to prepare a biography?

22 A. He did not tell me anything about that. He just asked me to
23 write a biography and so I wrote it.

24 Q. Were you told by anyone that you had been accused of being
25 CIA?

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1 A. No, I don't think so; but Mr. Ieng Sary asked me personally
2 when I joined CIA. I told him I never joined CIA. He asked me
3 whether I know Pach Chea -- Thach Chea, rather, and I said I did.
4 We were study together and we played footballs together. We -- we
5 did exercise together. That's what I told him.

6 Q. When was it that Ieng Sary asked you if you were CIA?

7 A. It was when I was in Hanoi.

8 Q. And the person that Mr. Ieng Sary asked whether you knew, who
9 was that person?

10 [15.52.02]

11 A. Could you please ask again?

12 Q. Yes, I'm sorry. You indicated that Mr. Ieng Sary had asked you
13 whether you were CIA and also asked you whether you knew a
14 certain person. I wanted you to repeat who the person was that
15 Mr. Ieng Sary asked you whether you knew. And what did that
16 person do? Who was that person?

17 A. It was the Ministry of Foreign Affairs. He was the head of the
18 Ministry of Foreign Affairs where I worked.

19 Q. I'm sorry. I wasn't asking you who Mr. Ieng Sary was; I was
20 asking, again, could you repeat the name of the person that Mr.
21 Ieng Sary asked whether you knew.

22 A. He asked about Thach Chea. I told him about Thach Chea.

23 Q. Who is Thach Chea?

24 [15.53.55]

25 A. Thach Chea was -- or he joined -- he went to pedagogical

1 school with me, but we were studying different classes. However,
2 we played sports together; we were in the same team. We played
3 for that school.

4 Q. Why was Mr. Ieng Sary interested in whether you knew Thach
5 Chea? Why was he asking you whether you knew Thach Chea?

6 A. It's probably because he knew that Thach Chea was a CIA, and
7 there was a report that I was close to Thach Chea. That was why
8 Ieng Sary asked me that question.

9 Q. What did Mr. Thach Chea do during the years after -- I'm
10 sorry, what did Mr. Thach Chea do after April 1975? Was he part
11 of the Ministry of Foreign Affairs?

12 A. Thach Chea was a teacher trainee in French -- in French
13 literature.

14 Q. Was he located in Cambodia after April 1975 and, if so, where
15 did he work?

16 A. At that time, he stayed in that pedagogical school. He was a
17 teacher trainee so he was living or staying in that school. He
18 was on a scholarship, but I did not know where he went after
19 that.

20 [15.56.51]

21 Q. Who is it that told you that Thach Chea was CIA?

22 A. I don't know. I don't know why he asked me about Thach Chea.

23 Q. Did Mr. Ieng Sary tell you that Thach Chea had implicated you
24 as a CIA agent?

25 A. No, Mr. Ieng Sary did not say who Thach Chea was.

1 Q. Was it after this conversation with Mr. Ieng Sary that you
2 were asked to prepare your biography?

3 A. After that I was asked to write my detailed biography on that.
4 I had to -- I wrote my biography for one year.

5 MR. LYSAK:

6 We have a document that we've identified that I would like to
7 show to you to find out whether this was your biography or part
8 of the biography that you -- that you prepared.

9 I will just have -- we'll just have to work out the logistics,
10 but at this point, Mr. President, there is a document that we
11 believe is Mr. Long Norin's biography, that we would like, if
12 possible, to show to him.

13 [16.00.19]

14 MR. PRESIDENT:

15 Since it is now an appropriate time for the adjournment, the
16 Chamber would suggest that this production of the document be
17 made tomorrow's session, so we begin tomorrow's session with the
18 presentation of that biography at 9 o'clock.

19 Public and parties to the proceedings are advised to come to the
20 courtroom at 9 o'clock. And Mr. Long Norin, please be advised
21 that you would have to give testimony again at 9 o'clock
22 tomorrow.

23 Security personnels are now instructed to bring the Accused back
24 to the detention facility and return them to the courtroom by 9
25 o'clock.

1 THE GREFFIER:
2 All rise.
3 (Judges exit courtroom)
4 (Court adjourns at 1601H)
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