



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

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

23 August 2012

Trial Day 101

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Jasper PAUW
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
Matteo CRIPPA
SE Kolvuthy

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

CHAN Dararasmey
Keith RAYNOR
VENG Huot
Vincent DE WILDE D'ESTMAEL

PICH Ang
Élisabeth SIMONNEAU-FORT
VEN Pov
Beini YE
KIM Mengkhy
Christine MARTINEAU

For Court Management Section:

UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. EM OEUN (TCCP-28)	Khmer
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KIM MENGKHY	Khmer
MR. KIM VUN (TCW-338)	Khmer
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 During this morning's session, two counsels for the accused

6 persons will be putting questions to Mr. Kim Vun.

7 Before we proceed to counsels to put questions to the witness,

8 Ms. Se Kolvuthy is now instructed to report on the current

9 presence status of the parties to the proceedings.

10 [09.04.58]

11 THE GREFFIER:

12 Good morning, Mr. President. The parties to the proceedings are

13 all present except Mr. Ieng Sary, who is now in his holding cell.

14 Mr. Ieng Sary has waived his right to directly participate in the

15 Court proceeding for the whole day today. His waiver has been

16 submitted to the greffier of the Trial Chamber through his

17 counsel.

18 The civil party who will be testifying next is TCCP-28. This

19 civil party is available and awaits call from the Chamber.

20 [09.05.52]

21 MR. PRESIDENT:

22 Thank you.

23 The Chamber now rules upon the request by Mr. Ieng Sary through

24 his counsels.

25 The Chamber was seized of the waiver by Mr. Ieng Sary -- or the

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1 request in which he asked that he be allowed to observe the
2 proceedings from his holding cell for the full day proceedings.

3 Dr. Kem Samsan, who has examined Mr. Ieng Sary, indicates that
4 Mr. Ieng Sary is very fatigued or tired when he moves, and he has
5 pain in his legs, and he could not remain seated for a long
6 period of time. The doctor recommends that Mr. Ieng Sary be
7 allowed to observe the proceedings from his holding cell.

8 In light of that, the Chamber grants the request. And, according
9 to the doctor, the Chamber gathers that Mr. Ieng Sary is mentally
10 able to observe the proceedings, although he is not physically
11 very well. And by way of observing the proceedings from the
12 holding cell, Mr. Ieng Sary can communicate with his counsels
13 from there. So the Chamber permits him to observe the proceedings
14 from there for the whole day.

15 AV booth officers are now instructed to ensure that the AV
16 equipment is well connected to Mr. Ieng Sary's holding cell so
17 that he can observe the proceedings from there.

18 Next, without further ado, we would like to proceed to counsels
19 for Mr. Nuon Chea to put questions to the witness.

20 [09.08.15]

21 QUESTIONING BY MR. SON ARUN:

22 Good morning, Mr. President. Good morning, Your Honours, and very
23 good morning to you, Mr. Kim Vun. I am Son Arun, along with my
24 colleague, representing Mr. Nuon Chea. You have been questioned
25 for some time already. However, on behalf of Nuon Chea, I would

3

1 like to pose some questions to you as follows.

2 Q. You testified before the Co-Investigating Judges, with
3 reference to document E3/380. You said you joined the Revolution
4 in 1971. And the investigator asked you another question, why you
5 joined the Revolution.

6 With regard to these questions or statements -- my apologies --
7 you even go further to say that your father was a pro-Samdech
8 Sihanouk Khmer Issarak. I do not quite understand what you mean
9 when you said your father was a pro-Samdech Sihanouk Khmer
10 Issarak. Could you elaborate on that?

11 MR. KIM VUN:

12 A. The resistance to fight the French at that time -- and
13 according to my knowledge acquired through study sessions and
14 elderly people, the Resistance Movement was not composed of just
15 one group; it was -- there were several groups, including the one
16 led by King Sihanouk and by the Viet Minh Khmer. So my whole
17 family was in favour of the Samdech Sihanouk group, not the Viet
18 Minh one.

19 [09.11.00]

20 Q. Thank you.

21 My second question is during the period of 1970. You said you was
22 -- you were 12 years old and you were assigned to be the leader
23 of the 10-house group. Was that during the Lon Nol authority, or
24 were you under the authority of the Khmer Issarak?

25 A. I think even you, yourselves, could have known the response

4

1 already.

2 However, I may wish to respond that it was during the Lon Nol
3 regime because after the coup d'état, the whole country was under
4 the rule of the Lon Nol. So every person, including young people
5 who were former officials, were recruited or asked to go back to
6 work. And I was very young and I was also asked to work because I
7 could read and write and I could be of some assistance to them.
8 And my elder brother was a - was a clerk -- a commune counsellor,
9 in other words -- and he also served the King -- or Samdech.

10 [09.13.06]

11 So, at that time, I felt that only when one was at the age of 18
12 that he could be assigned or recruited, but I was 12 but I was
13 proved to be of some assistance. And because I was in the family
14 where a lot of members worked as the officials in the former
15 regime, that's why I was asked to work.

16 And because of this, I feel that there was some kind of class
17 contradiction. And later on, the zone conquered by the Lon Nol
18 was inflicted with class contradiction. People who came from
19 Hanoi felt that those who were under the control of Lon Nol or
20 under the Sihanouk group would be taken to be executed. So it
21 doesn't matter whether you were young or old, you were perceived
22 to be affiliated with someone. So, if I did not join and work for
23 them, then I would also be executed otherwise, because a lot of
24 family members of mine were executed, including Hin (phonetic)
25 and Sorn (phonetic).

5

1 Q. I would like to interrupt you here -- I'm sorry.

2 I would like to proceed to this question. You said you were young
3 and the head of the 10-house group. But what would - what would
4 be your answer? You're the leader or you're the assistant of the
5 10-house group?

6 [09.15.08]

7 A. (Microphone not activated)

8 MR. PRESIDENT:

9 Witness, could you please hold on before you respond? Otherwise,
10 you could never be heard.

11 You may now proceed.

12 MR. KIM VUN:

13 A. According to my best knowledge, I thought that I was an
14 assistant because I was used as an assistant, as the deputy chief
15 of the 10-house group. I did not understand administrative
16 matters or affairs, but at that time I was allowed to do the job.
17 And when it comes to my age, it's rather confusing because, when
18 the district governor had problems, they also asked me to assist
19 him. I think, if at this moment in time, in modern Cambodia, I
20 would not be legal to go to work because I was too young to work.
21 We were then in a child group and we were assigned into a youth
22 -- or young people group, and we had different groups like the
23 peasants group and other different groups.

24 [09.16.47]

25 As indicated earlier, my relatives who were not yet old enough to

6

1 join the Revolution were seen joining the Revolution ahead of me
2 already.

3 BY MR. SON ARUN:

4 Q. Thank you.

5 In 1971, when the North Vietnamese approached Kratie, Rattanakiri
6 and Mondulkiri provinces, at that time, then Samdech Norodom
7 Sihanouk declared or appealed for the people to go to the maquis
8 jungle.

9 On the 2nd of February 1971, you were assigned by someone from
10 the Centre because you knew someone by the name of Vorng; is that
11 the correct account?

12 MR. KIM VUN:

13 A. Yes, it is.

14 Q. Mr. Vorng was a cadre from the North Vietnam. Can you tell the
15 Court more precisely what nationality was Mr. Vorng? Was he
16 ordinary person or a military or a cadre from Vietnam who came to
17 -- inducted you into - or induct you into the Revolution?

18 [09.18.44]

19 A. I already stated previously concerning my joining the
20 Revolution. After the coup d'état, in the Liberated Zone, no one
21 was allowed to go unemployed. Children had to work. Even the
22 songs were all the pro-Lon Nol regime songs. People were not
23 allowed to sing pro-Sihanouk songs.

24 So there were people coming to the country from the outside, but
25 those -- the majority of whom were from the North Vietnam, from

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1 Hanoi. I asked them how long they had been in Hanoi. Some told me
2 that they had been there more than 10 years before -- or more
3 than 10 years. They went there in 1952 or '53 because they were
4 taken by the Vietnamese. These people were called the Viet Minh
5 group, or network. They went to the North. They did not go to the
6 liberal country, the country with freedom; they went to the
7 communist part of Vietnam.

8 And when it comes to then Prince Norodom Sihanouk, his influence
9 was appalling (sic) and very convincing, and since he appealed
10 for the forces to join forces, we had no choice but be convinced
11 by such appeal. And at that time I was so tied up that I could
12 not choose any other options.

13 [09.21.00]

14 For example, I had only a mother. I am the only child in the
15 family, and this bond tied me up so closely. And at my age, back
16 then, I had to go to school and I had a lot of friends. So I
17 could not decide to go to the jungle. So I was well taken care of
18 by the cadres because I am an orphan. I could be very determined
19 and resolute. I could be a role model. In my family, a lot of
20 members were former officials, and because of this background, I
21 was well considered.

22 So both people at the district level, the governor of Santuk
23 district also convinced me to join the Movement, and Comrade
24 Vorng, from the North Vietnam, from Hanoi, who was Cambodian,
25 also persuaded me to join the Movement.

8

1 So, in a nutshell, I can say that every person was at some point
2 engaged in the Movement, whether you are young or old.

3 [09.22.54]

4 Q. I am sorry to cut you here, but I would like to know Vorng,
5 whether he was Cambodian or Vietnamese, but now I got your answer
6 already.

7 I would like to now proceed to another question. You said you
8 were in Krang Slaeng, Tang Sya, Kampong Speu province -- that was
9 your origin, the place of birth -- but then when you joined the
10 Revolution, you went all the way to Stueng Trang. Why did you go
11 there? Did you go there because of Mr. Vorng?

12 MR. PRESIDENT:

13 Mr. Witness, could you please be reminded again -- wait until you
14 see the red light before you respond. Thank you.

15 You may now proceed.

16 MR. KIM VUN:

17 I think your question has a level of suspicion. Let me clarify.

18 [09.24.06]

19 During the Issarak regime, people had to move places; they could
20 not remain in one place for a long time. And it was not strange
21 anyway when we fought the French, and our family had to change
22 names, places of our residence. And the French people, they had
23 their own commandos and their soldiers -- officials who would
24 like to also hide their identity. So the two groups had to find
25 way to conceal their identity at best.

1 My grandparents originally were from Kampong Speu. However, when
2 I grew up, I knew that I had to move to another location.

3 BY MR. SON ARUN:

4 Q. Thank you.

5 My next question is, at K-25, you stated that "Revolutionary
6 Flag" magazines and "Revolutionary Youth" magazines were printed.
7 At that time, the editor-in-chief, Mr. Chhoy, was in charge of
8 the printing house. Do you know who wrote the two issues, the --
9 both magazines, I mean?

10 MR. KIM VUN:

11 A. With regard to printing, I would like to say that during the
12 five-year period, I was somehow significantly engaged, but during
13 the three-year period, or the Khmer Rouge time, I was more
14 attached to the Photography Section rather than to the printing
15 house, so I do not know much about printing at this moment.

16 [09.26.42]

17 Q. So you are saying that you have no idea who could have been
18 the authors of those magazines; is that correct?

19 A. Yes, it is.

20 Q. You said you helped print the "Revolutionary" and "Youth
21 Flag"-- "Revolutionary Flag" and "Revolutionary Youth" magazines.
22 Now I have another question: Had you ever read the printed
23 magazines? I believe that you have not read all the magazines;
24 but to what extent had you read them?

25 A. These magazines were distributed to some individuals only; I

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1 had not read them much. If I wanted to read any of the magazines,
2 I need to ask Chhoy for a copy. And I read when Koy Thuon
3 confession was printed on the magazine and I also read the
4 content of the magazine in relation to the disappearance of my
5 wife. However, I did not read a lot concerning these magazines.
6 I could have learned from the study sessions already to be able
7 to write very well as a writer, because normally I would go to
8 the bases, or the countryside, and when I came back, we would
9 have a briefing-- debriefing session where we could exchange the
10 information we obtained from the field before we could write. So
11 I was somehow obliged to, every now and then, read the magazines
12 to keep myself abreast of the situation.

13 [09.29.28]

14 Q. Thank you, Mr. Witness. You said you had read some of the
15 magazines. Do you still recollect the physical appearance of the
16 book, of the magazines and the text, whether it was handwritten
17 or it was typed? Could you tell us about this?

18 A. I believe I already stated yesterday, in my testimony, that
19 during the five-year period, the texts were handwritten and
20 people would have to write to contribute in the writing. For
21 example, I would be writing for the Front and other people would
22 be writing for the youth magazines. However, this is -- this was
23 part of the common work for the printing house staff, but we had
24 to divide the labour so that we could focus on each particular
25 area effectively.

11

1 [09.30.54]

2 Q. Just now you said that-- you responded to my question
3 concerning who wrote the magazines, the "Revolutionary Flag"
4 magazines and the "Youth Flag" magazines. You said you did not
5 know who wrote them; you only was in charge of printing. Just now
6 you said you had to contribute to the articles by writing the
7 text.

8 My question again is: Was all the articles or texts in the
9 magazines are handwritten or typed?

10 A. I would like to respond into two sections.

11 When it comes to writing, yes, it is composing, writing on pieces
12 of papers. But here I'm not saying that I was a composer myself,
13 I'm just copying the text so that it could be then printed.

14 And the authors of the text, as I already indicated, were -- was
15 no other person than Ms. Yun Yat, for the "Youth Flag" or "Youth"
16 magazines. And in Phnom Penh, I could also help her in writing
17 some brief news coverage.

18 [09.32.38]

19 When it comes to the "Revolutionary Flag" magazines, it was the
20 sole duty of the Party, and I think I already made it clear in my
21 statement yesterday.

22 Q. What I would like to know was: When you got the "Revolutionary
23 Flag" printed, did you see the copy was handwritten before they
24 were sent for printing, or were they typewritten before they were
25 sent to printing houses?

12

1 A. The original copy was handwritten; there was no typewritten
2 copies. We handwrote those articles, using pen.

3 Q. So, when the "Revolutionary Flag" was sent to the printing
4 house, it was basically handwritten and it was printed in
5 handwritten form; is that correct?

6 MR. PRESIDENT:

7 Counsel, please repeat your question because there is a
8 distinction here between the written -- handwritten document, and
9 they were copied. Then, of course, that document remained
10 handwritten document. And on the other hand, there was a
11 handwritten copy, but those hand copy -- handwritten copies were
12 sent to the printing house, and then the printing house got them
13 typed before printing. So please make a clear distinction between
14 these two in respect of this question.

15 [09.34.58]

16 Those -- the counsel and the witness should make a clear
17 distinction in response to the question or as well as to ask the
18 question, because it can be easily confused.

19 BY MR. SON ARUN:

20 Q. Would you like me to repeat my question or you can respond to
21 it?

22 MR. KIM VUN:

23 A. I still maintain that I have two separate answers to that
24 question.

25 The original copies were handwritten and it was not photocopied,

1 as the President mentioned, because we did not have photocopy
2 machine.

3 [09.35.46]

4 And we used this handwritten original, with the annotation, and
5 it had to be copied using offset, but at that time we did not
6 have access to electricity, so we could not do that; we had to do
7 it by hand -- manually. Even if there was the typewritten
8 document, we did not use them. Instead, we had all of them
9 handwritten.

10 Once we finished writing, we got the staff member to copy them by
11 hand. Then, once they produced many multiple copies, then we
12 could bind them into a book or magazine. That was - that was how
13 we did it.

14 But as for "Revolutionary Flag", we used the paper for newspaper
15 printing. It was a rather good, blank paper. And if we did not
16 have A4 papers or so, then we would use a bigger paper, and we
17 got them copied by hand. We got the equipment supplies by China
18 for copying. That was how we worked with this printing task. It
19 was a technical aspect, purely technical things. It had nothing
20 to do with politics. I think that it was not that difficult to
21 understand.

22 [09.37.59]

23 MR. PRESIDENT:

24 In order to make this issue clearly, the defence counsel should
25 refer specifically to the time period within which your question

1 was referred.

2 BY MR. SON ARUN:

3 Q. You joined the Revolution since you were 12 years of age. It
4 was in 1971; is that correct?

5 MR. KIM VUN:

6 A. Yes, that is correct.

7 Q. Back then, FUNK's revolutionary struggle, you were one of the
8 Sihanoukist members. At that time, the FUNK and the Communist
9 Party of Kampuchea Front started working together. And during
10 that period you mentioned that it was written in stencil, and
11 then it was copied.

12 [09.39.26]

13 A. Yes, that is correct.

14 Q. Now, when you see this "Revolutionary Flag", the ones that was
15 given to you, what distinction can you make? Was it a handwritten
16 printing of the "Revolutionary Flag" or it was the typewritten
17 "Revolutionary Flag" -- the one piece of document you have before
18 you, proffered by the Prosecution?

19 A. This document was the authentic document. It was the
20 typewritten document. It was not handwritten one. This was the
21 typewritten one and it was printed in Sun Heng printing house.

22 Q. So, if it was the case, then, after you got the original
23 handwritten copies, then you would send them to the printing
24 house for typewriting before they were printed. Is that copy -- I
25 know that I am delving on the technical aspect of the printing

15

1 things, but could you please enlighten me on this process of
2 work?

3 [09.41.07]

4 A. Back then, the typewritten document was used by the letter
5 moulds, and that letter moulds were designed for printing
6 purposes. And that was the working process in the printing house.
7 My brother worked in the printing house, and during that period
8 of the Democratic Kampuchea, I also witnessed that. So they would
9 organize different sections in the newspapers, and they were
10 typewritten. And they designed it into different blocks of
11 headings, and once it was prepared, then we -- they could type
12 it. We did not use stencil. At our printing house we did not have
13 access to ink and other modern equipment, so we had to do it by
14 hand.

15 These -- as these documents I see before me, was that the print
16 -- the cover page was printed somewhere else, but we had to use
17 a--

18 Q. That was really technical stuff. I did not want to delve on
19 that, so I would like to move on.

20 When you read some of the magazines, according to you, did you
21 see those magazines in the handwritten form or in the typewritten
22 form as what you are seeing now in front of you?

23 [09.43.40]

24 A. Let me clarify this. I still maintain that my work, way back
25 in 1975, was in the printing house and also Photographic Section.

16

1 So I provided photos and I also prepared clichés or offsetting or
2 so, because at that time the leaders like my handwriting because
3 it was rather nice, and they wanted me to write the heading or
4 headlines of the articles. But of course my handwriting was not
5 like the typewritten one, but it was legible and very deliberate.
6 But I did not read the magazines that much, though, because I had
7 a lot of other work to do and I was not attached to the printing
8 of those magazines anymore.

9 Q. So my question really is -- is this: Did you read the
10 handwritten magazines or the typewritten one? The written one was
11 the one that is being proffered by the Prosecution now and you
12 are having in front of you. Did you read this copy or you read
13 the written copy -- type -- handwritten copy?

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Please wait until your mic is on before you speak.

17 [09.45.23]

18 MR. KIM VUN:

19 A. I did read this copy. They were printed already by the
20 printing house.

21 Actually, I was not involved very much in the - in the magazines.
22 I was actually in -- working in the Newspaper Section. So there
23 was a clear division of work between the magazines and
24 newspapers.

25 Q. I am still not clear. Earlier on, you explained that the

17

1 "Revolutionary Flag" was written by a team of writers and it was
2 also copied by a team of copiers as well. So you must have seen
3 the original form or original text, because if they were written
4 by a team of writers, you must have read the written --
5 handwritten form of the documents.

6 [09.46.31]

7 MR. PRESIDENT:

8 Counsel, the question is rather misleading because -- I would
9 like you to be timed down in your questions. You have to refer
10 specifically to any period of time, whether it was before 1975 or
11 after 1975. So you have to make your question clear with that,
12 because that was a technological development over the period. So
13 you have to be specific in terms of the periods with which you
14 want to ask. So it would be advisable that you divide the time
15 period very clearly in your question so that it -- it's easier to
16 understand.

17 And we have listened to the testimony about this over the last
18 two days, starting from when he was working along the Chinit
19 tributary.

20 And you should be specific with the timeframe and if you try to
21 mix things and times up then it would be confusing. So please
22 make sure that you make a clear distinction in your question.

23 And you have to refer specifically to the location of the
24 printing house or the office where he worked as well.

25 I note the defence counsel for Mr. Khieu Samphan is on her feet.

18

1 So you may proceed – you may proceed, Counsel.

2 [09.48.18]

3 MS. GUISSÉ:

4 Yes. Thank you, Mr. President. Good morning. Good morning to the
5 Chamber and to all of the parties. I am going to raise the issue
6 of translation once again, because these last minutes have been
7 particularly difficult, at least in French, to follow.

8 I'd like to remind you that when we have Khmer speakers, it is
9 important to mark a pause. And today, in the exchange between the
10 President, my colleague, and the witness, it was very, very hard
11 to follow. So I would like to advise you once again how important
12 it is for us to have this pause for the French translation to be
13 complete. Thank you.

14 MR. PRESIDENT:

15 Thank you.

16 Prosecutor, you may proceed.

17 [09.49.18]

18 MR. RAYNOR:

19 Mr. President, I need to clarify again on a translation point. I
20 have written down a sentence: "Back then, the typewritten
21 document was used by the letter [moles]..."

22 I don't know if anyone heard anything different, but I'm not sure
23 what a "letter mole" is.

24 MR. PRESIDENT:

25 It is indifferent because, even in Khmer, I do not understand it

19

1 either because it was the technical part of printing and it was
2 in the printing house. I did not understand how it worked in the
3 printing house. They used -- a "po", for example, I did not know
4 what it - what it was, really. Because I don't think that we
5 expect the Judges to go to the printing house to find out what --
6 how it worked in a printing house. But it would be good enough if
7 we understood the -- how the printing worked at that time and as
8 well at -- as well as at a later date, whether or not the
9 document was typewritten or it was handwritten, and whether those
10 handwritten documents were then copied using stencil or it was
11 copied. We just wanted to know whether or not there was any
12 evolution in terms of the printing techniques in the 19 -- in the
13 early 1970s to the mid 1975 until 1979.

14 [09.51.15]

15 So we have to make a clear distinction between the printing
16 techniques before 1975 and after 1975. Because the technical
17 aspect of the printing would differ, somewhat, in the latter
18 stage, in the second half of 1970s and that of the first half of
19 the 1970s.

20 Counsel, you may proceed.

21 MR. SON ARUN:

22 Q. This particular point is the exculpatory point for this
23 answer--

24 MR. PRESIDENT:

25 Yes, we understand, Counsel. We know that you are representing

20

1 the interest of your client. You are trying to find exculpatory
2 evidence to support your client.

3 But what I would like to emphasize is that you have to make it
4 specifically clear in the terms of the timeframe of the printing
5 work, which is the one before 1975 and the one after 1975.

6 [09.52.41]

7 BY MR. SON ARUN:

8 Thank you, Mr. President. I would like to now move on.

9 Q. You told the Court that this "Revolutionary Flag" was the
10 genuine document from the Democratic Kampuchea. So I would like
11 to ask you again, when did you see this magazine in a handwritten
12 form and when did you see it in the typewritten form as the one
13 you are actually seeing now?

14 MR. KIM VUN:

15 A. The handwritten form of the "Flag" was in -- during the
16 five-year war period before 1975, but after 1975, the magazine
17 were typewritten and using offsetting. So, once again, the format
18 as well as the style of the magazines were -- differs in -- from
19 1975 to 1979 from that in the early 1970s.

20 Q. I did not want to delve on the technical aspect; I just would
21 like to know whether or not you saw the handwritten copy of the
22 magazine or the typewritten copy of the magazines. Did you notice
23 any distinction or so between the typewritten -- the handwritten
24 magazines and the typewritten one, particularly the one that is
25 being proffered by the Prosecution to you now?

1 [09.54.38]

2 A. This document, to my understanding, was printed in 1975, and
3 the handwritten document were mainly on the -- the handwritten
4 one was mainly the headlines, or the cover page. And as for --
5 the magazines, later on, and newspapers were all typewritten.

6 Q. Thank you.

7 If you look at the copy you have in front of you now, did you see
8 this magazine in the first half of the 1970s? And if you compare
9 between the two periods, from 1970 to 1975 and that after 1975 to
10 1979, did you notice any distinction or difference between the
11 copy of this magazine?

12 A. This was a copied magazine, but I can confirm that it is a
13 genuine magazine published in 1975. I know that they engage a
14 more modern printing technology then. And since it could be hand
15 -- or could be typewritten, then you can see that this is a
16 typewritten magazine. And as for the cover, it was printed using
17 offset technique.

18 [09.56.44]

19 Q. If that is the case, then the magazine that you saw during the
20 five-year period before 1975 was different from the one that you
21 later saw printed in 1975 and afterward; is that correct?

22 A. The format is basically the same, but I look at this copy --
23 it is in black and white, but when it was printed using stencil,
24 it was printed in red cover. And it was printed in 1975, and the
25 printing was the same in format except the printing techniques;

1 but the format itself was the same.

2 But in 1977, what is worth noting was that there were no longer
3 five red flags, but there was only one. It was changed in 1977.
4 Even in 1976, it was not changed, there were still five flags on
5 the magazines; but in 1997, one flag was used instead on the
6 cover page of that magazine.

7 Q. Thank you.

8 I now move on to another question. In the same document, E3/370
9 (sic), in your response concerning the structure of the
10 government as well as the People Representative Assembly of the
11 Democratic Kampuchea, you said Nuon Chea was the Chairman of the
12 People's Representative Assembly, Chea Sim was the vice-chairman.
13 This question was asked by the Prosecution, but I would like to
14 expand a little bit on this portion of your answer.

15 [09.59.20]

16 And after Chea Sim, there was Mat Ly, who was also the second
17 vice-chair person of -- below Nuon Chea.

18 The prosecutor asked you that question already, so I would like
19 to expand on it because you only mentioned Chea Sim as the
20 vice-chairman, but now I would like to add one more
21 vice-chairman, that was Mr. Mat Ly. Do you stand by this
22 statement?

23 A. What I was talking about was during that period of time, and I
24 did state that and I stand by the position because it was based
25 on my analysis during the period. My colleagues shared the same

1 view. I do not know whether our thought was wrong, but that's
2 what we thought back then.

3 However, I do not know anything about this document about the
4 structure of the government or the Party. I was not fully aware
5 of this. I had been busy going down to the fields to pay
6 attention to this in detail.

7 But at that time I may be wrong, but that's what every other
8 people around me would be thinking about, but I still feel that I
9 was correct. That's what I thought.

10 And when the question was put to me by the Court at that time, it
11 was referring to that period of time, and I still stand by the
12 position. Again, I do not know the exact organizational structure
13 of -- or the positions of this individual, even though I still
14 maintain what I stated before the co-investigators.

15 [10.01.51]

16 Q. Thank you.

17 In response to another question, you stated before the
18 co-investigators that the Standing Committee - rather, the
19 Central Committee comprised of Mr. Pol Pot as the Secretary of
20 the Party, when Mr. Nuon Chea was the deputy secretary of the
21 Party, and other people. But you did not state the members --
22 other members; you only referred to two individuals. This was
23 your respond -- response to the question by the Central Committee
24 -- in the question of the co-investigators.

25 Now, my question to you is: According to your best knowledge, how

24

1 many people were in the Central Committee? If not, just say no.

2 A. I don't know anything about this, but I knew -- I know for
3 sure that there were Om Number One and Om Number Two in the
4 Central Committee.

5 Q. Thank you. In your response on the same (sic) page -- E3/80 --
6 you said you used to be "a Khmer Rouge cadre. Nuon Chea, Khieu
7 Samphan, and Pol Pot knew me, but I have never known Ieng Sary
8 and Ieng Thirith".

9 [10.04.15]

10 Have you known Pol Pot , Nuon Chea, and Khieu Samphan very well?

11 A. I was not a cadre in the Party; I was in the Youth League or a
12 so-called outside-the-Party cadre. I was in the Front. For our
13 Youth League, they had three committees, and people in charge in
14 the Youth League also called cadres, but not the cadres of the
15 Party. So I can conclude that, when it comes to cadres, we have
16 outside cadres and inside-the-Party cadres. Intellectuals and
17 pillar persons were also considered as cadres, but not the
18 Party's cadres; they were outside-of-the-Party cadres.

19 I was in charge as a cadre, but I did not belong to the Party. I
20 was in charge when Bong Chhoy was absent -- I was in charge of
21 the head of the newspapers. And I was perceived as a cadre by the
22 minister, but technically I was not the inside-of-the-Party
23 cadre, but I was an outside cadre.

24 [10.06.16]

25 Q. Mr. Witness, you said you know the three leaders very well;

25

1 you said this yesterday. When it comes to knowing someone "very
2 well", can you be more precise? Do you know Pol Pot very well?
3 And if so, can you describe him -- his personality? Was he a
4 cruel person, barbaric person or a nationalist, a person who
5 loved his own country, person who had good thought before
6 implementing or making any decision?

7 MR. PRESIDENT:

8 Counsel for the civil party, you may now proceed.

9 And, Witness, could you please hold on?

10 MR. PICH ANG:

11 Mr. President, thank you. National counsel for Mr. Nuon Chea is
12 now asking the witness to give his idea on the character of a
13 person concerned.

14 MR. SON ARUN:

15 I would like to respond. These questions have been asked time
16 again and there was never any objections, but now I put this
17 question and it was objected. But I still insist that the
18 question be responded and I also would like to have follow-up
19 questions with this.

20 MR. PRESIDENT:

21 Mr. Witness, you are now instructed to respond to the question.
22 The objection by the Lead Co-Lawyer for the civil parties is not
23 sustained.

24 [10.08.27]

25 MR. KIM VUN:

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1 A. Having been in contact with him -- or in our daily life with
2 them, I can still say that I know them very well.

3 In respect of the character, I already talked about Mr. Khieu
4 Samphan -- how convincing his messages could have been, how
5 popular he was among the popular mass he had been--

6 MR. PRESIDENT:

7 Mr. Witness, this question is about Pol Pot this time, and this
8 question may link to Nuon Chea, so it is no longer about Khieu
9 Samphan. So please compose yourselves to respond to the question
10 by counsel and try your best to be straight forward to the point
11 in the question rather than making further statements that are
12 not relevant. We are afraid that it is a waste of time by doing
13 so.

14 [10.10.07]

15 And the worst thing is that if you try - if you try to give
16 further statement than needed, then they are not relevant and
17 lack of probative value. Here, during the debate, it is called
18 the examination of a witness, so we are not impeaching the
19 witness. So it's just not a -- it's not difficult if you respond
20 to the question directly.

21 Now he asked about Pol Pot, so answer to that question. If you
22 know him, you know his character, say so. If you don't, say "no".
23 You are not supposed to make any further statement or comments
24 concerning other people or character of other individuals because
25 you're not an expert on this. And I think you have already been

1 apprised of this time and again.

2 MR. KIM VUN:

3 A. I still maintain my position that I know Mr. Pol Pot very
4 well.

5 And let me elaborate. During education sessions in 1976, he came
6 to instruct us and he encouraged us and asked us to do good
7 things. However, I never knew that he committed any other things
8 other than the perceived personality -- or the person whom I
9 know. His instructions were of good things. He talked - he
10 reminded us about the 12-point morality. So I could still see him
11 as a person of good personality -- good character. That was
12 during the five year period.

13 But at a later date, I also observed that he could have made some
14 mistakes because he believed heavily on what he was reported
15 about -- he believed in reports, in other words.

16 BY MR. SON ARUN:

17 Q. Thank you, Mr. Vun. What about Mr. Nuon Chea, the person whom
18 you claim you have known very well? Can you describe his
19 character?

20 [10.13.27]

21 A. Mr. Nuon Chea was a friendly and simple person. He also
22 advised us on good -- how to do good things like other people. So
23 he's - he's an ordinary person like others and he only instructed
24 us to do well at job and to live a good life, for example.

25 Q. Thank you.

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1 You were a middle-level cadre before the CPK regime, and during
2 the CPK period, you also been involved significantly. Can you now
3 tell the Court about the structure of the CPK, whether there was
4 different - there were different bodies, like the executive body
5 -- the government -- the legislative body -- the assembly -- and
6 also another body, whether such bodies existed during the period
7 of Democratic Kampuchea?

8 A. With regard to the Party section, I know that Om Pol was
9 Number One, Om Nuon Chea was Number Two and I don't know the
10 rest.

11 And for the government, Om Pol was still Number One and deputy
12 prime minister, Mr. Ieng Sary in charge of foreign affairs, Son
13 Sen for the national defense, and some other deputy prime
14 ministers that I don't recollect.

15 Q. What about the legislative body? I'm referring to the People
16 Representative Assembly. Do you know who was in charge of the
17 Assembly?

18 [10.16.47]

19 A. I already stated earlier on that -- and I still stand by my
20 position -- it was my belief and what other people felt back
21 then, and that's all the people I knew who had hold the position
22 -- held the position, rather, and I said that I knew Om Chea Sim,
23 and Nuon Chea, and Mat Ly, and I do not know others because we
24 were at the Newspaper Section and we did not pay great attention
25 to people in the Assembly or elsewhere. Some of us did not even

1 remember who would be the leaders of different sections, because
2 at that time the information was limited, it was not like the
3 much read newspapers of current Cambodia.

4 Q. You said Mr. Chea Sim was the head of the People's
5 Representative Assembly. So do you know whether Mr. Chea Sim held
6 any other positions?

7 [10.18.28]

8 MR. PRESIDENT:

9 Mr. Counsel, could you please rephrase your question? Perhaps you
10 could have been mistaken in your line of questioning.

11 BY MR. SON ARUN:

12 Q. I would like to repeat it. You said you know that Mr. Nuon
13 Chea was the chairman of the People Representative Assembly. But
14 apart from his being the People's Representative Assembly, did he
15 have any other function?

16 MR. KIM VUN:

17 A. I already stated that when Ms. Yun Yat was absent, Mr. Nuon
18 Chea was attached to the Propaganda Section on education
19 programs. He was there to disseminate information concerning
20 agriculture, the information he quoted from a thick book by the
21 Chinese expert, and also he instructed people at the Editorial
22 Department in that Propaganda Section.

23 Q. Thank you.

24 I have only final question to put to you. You were the
25 middle-level cadre, as I indicated, during the Khmer Rouge period

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1 -- or in the CPK. Have you ever seen any document pinpointing the
2 structure -- the organizational structure of the CPK?

3 [10.20.48]

4 A. I think I already stated previously that in my group -- and I,
5 myself, did not pay great attention to the organizational
6 structure of the Party or the government. We were busy taking
7 photographs and accompany delegations. I never attended such
8 meetings in the Assembly or in the government. I was
9 concentrating on writing about farming, about building canals,
10 and agriculture. So our newspapers were meant to disseminate
11 information about these confined topics.

12 So, here -- like in the modern Cambodia, the newspapers would
13 capture the traffic accident immediately, but at that time we had
14 to capture immediate information, update information about
15 agriculture, and farming, and building canals.

16 And people felt that Om Nuon Chea was the People's Representative
17 Assembly, when Om Chea Sim was his deputy and Mat Ly was also
18 holding this position, we read from the documents back then; it
19 was not the idea that we just obtained quite recently; it was
20 what we thought back then.

21 [10.22.33]

22 MR. PRESIDENT:

23 Mr. Witness, could you please be more precise to the question?

24 You just say "yes" or "no", "I don't know" or "I know". So you

25 should refrain from making further statements because, if you're

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1 making more statement that are not relevant to the question, then
2 you are repeating yourselves, and we are afraid we cannot move
3 more expeditiously because of that.

4 If you feel that the question is not clear enough, you may ask
5 counsel to repeat the question and then be brief in your
6 response.

7 MR. SON ARUN:

8 Thank you, Mr. President. I have no further questions.

9 I thank you very much, Mr. Witness.

10 I would like now to cede the floor to my colleague.

11 MR. PRESIDENT:

12 Thank you, Counsel, but we are afraid that it is now an
13 appropriate moment for the adjournment already.

14 [10.23.41]

15 We may observe the 20-minute adjournment, and the next session
16 will be resumed accordingly. Court officer is instructed to
17 assist the witness during the break.

18 The next session is resumed by 20 to 11.00.

19 (Court recesses from 1024H to 1042H)

20 MR. PRESIDENT:

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

22 We would like now to hand over to counsel for Mr. Nuon Chea to
23 pose questions to the witness. You may now proceed.

24 [10.43.07]

25 MR. PAUW:

1 Thank you, Mr. President. And good morning to everyone in and
2 around the courtroom and, especially, good morning to you, Mr.
3 Kim Vun.

4 Before I start, Mr. President, slight point of -- of
5 clarification. The defence teams have been given a total of 0.75
6 days. Am I correct in understanding that the defence teams as a
7 whole will have until 12 o'clock today to question this witness?
8 That would be the basis on which I would proceed. My colleague,
9 Mr. Karnavas, will not have more than 30 minutes of questioning,
10 and I, myself, also intend to use no more than 30 minutes of
11 questioning.

12 MR. PRESIDENT:

13 You may proceed.

14 QUESTIONING BY MR. PAUW:

15 Thank you, Mr. President. Mr. Kim Vun, thank you for being with
16 us these days. I understand it is not easy for you, and I -- as I
17 announced, I assume that we will be finishing your questioning
18 this morning.

19 [10.44.22]

20 I will be speaking slowly for the benefit of my French
21 colleagues, but also for the benefit of the translators.

22 And I would first like to ask some follow-up questions on some of
23 the things you have told the Prosecution yesterday.

24 Q. Mr. Kim Vun, you have earlier testified that at a certain
25 moment Yun Yat controlled both the Ministry of Propaganda and

1 Education and the Ministry of Education. Do you remember, Mr. Kim
2 Vun, around which year Yun Yat started to control these two
3 ministries?

4 MR. KIM VUN:

5 A. I do not remember precisely, but she could have been
6 controlling these institutions between 1977 or 1978.

7 Q. And to your knowledge, Mr. Kim Vun, did Yun Yat stay in charge
8 of these two ministries until the Vietnamese arrived in January
9 1979?

10 A. Yes, she did, she stayed in charge until then.

11 Q. Mr. Vun, we have talked about your transfer to the Kampuchea
12 Krom radio station. The Prosecution has asked some questions on
13 this topic already. But do you remember when you were transferred
14 to head this radio station?

15 [10.46.45]

16 A. It was in 1978, so far as I recollect.

17 Q. In your statement before the Co-Investigating Judges, you
18 stated -- and I quote from document E3/381, and the English ERN
19 is 00365526, Khmer ERN is 00357203, and French ERN is 00402996.
20 And on the page with ERN number 00365528 and that has the Khmer
21 ERN number 00357205, you state -- and I quote: "After my wife was
22 arrested in late 1977, they transferred me to work as the
23 chairman of the Kampuchea Krom radio program back under the
24 Ministry of Propaganda and Education."
25 You just told us that you think that you were transferred to

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1 become the head of the radio station in 1978, and in this
2 statement before the Co-Investigating Judges you stated that it
3 happened in -- after your wife was arrested in late 1977. It is,
4 of course, possible that it was 1978, considering the answer that
5 you gave the Co-Investigating judges, but could you clarify for
6 us today whether or not you indeed transferred in 1978, or could
7 it possibly have been late 1977?

8 [10.49.05]

9 A. Allow me to clarify that. When I was first transferred I did
10 not hold any position as yet. But by 1978, the programs were
11 created, and I was installed as the chairman of the Kampuchean
12 Krom radio program. Before that, there was no clear distinction
13 concerning the programs. In -- in late 1977, I was transferred
14 there but I did not have any position clearly. And I had to write
15 programs, but later on, only when -- in 1978, that I became the
16 chairman of the radio program.

17 Q. Thank you for that answer. You have also stated that this
18 Kampuchea Krom radio station fell under the responsibility of the
19 Ministry of Propaganda and Education; is that correct?

20 A. Yes, it is.

21 Q. Yesterday, when the OCP asked you a few questions on the
22 Kampuchea Krom radio station, the following was said. It is on
23 page 37 of the English draft transcript, and it's on page 30 of
24 the Khmer draft transcripts.

25 And I quote, first, the question by the prosecutor: "When you

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1 were the chairman of that program, were you working in one of the
2 ministries in Phnom Penh or elsewhere?"

3 And you answered: "I worked all along in the Propaganda Ministry.
4 The difference is that I worked in different section of the
5 ministry." End of your answer.

6 [10.51.36]

7 My question to you, Mr. Kim Vun, is: When you went to work at the
8 Kampuchea Krom radio station, did you actually move to a
9 different location, either to a different building or to a
10 different part of the same building that you were working in
11 before?

12 A. First, as indicated, I had to be attached to both sides, and
13 there was no clear distinction of my duty; I had to perform my
14 tasks for both functions. But in 1978, our offices were split,
15 although the radio program were the common, or joint program, we
16 had to broadcast Khmer, English, and Vietnamese language
17 programs, and also the Kampuchean Krom programs were part of the
18 daily programs, and we had a separate section after all.

19 Q. And, just so I understand your answer correctly, you say that
20 your "offices were split". Did that mean that there was actual --
21 actually a physical relocation of a certain number of people to a
22 different building?

23 [10.53.26]

24 A. Yes, it is correct.

25 Q. And when you were working in that building, you were spending

1 less time, by force of logic, in the original Ministry of
2 Propaganda; is that a fair assumption?

3 A. Yes, it is.

4 Q. Moving on to a next topic, Mr. Kim Vun, you were asked
5 yesterday by the prosecutor about the role of Nuon Chea at the
6 Propaganda Office. And I will quote again from transcripts. It is
7 page 36 of the English transcript, and it's page 29 of the Khmer
8 transcript. And I will first quote the question by the
9 prosecutor: "You also stated in your previous interviews that
10 there was a time when Nuon Chea was in charge of the Propaganda
11 Office; is that correct?"

12 And you answer: "As a matter of fact, the leadership role was not
13 his task..."

14 [10.54.55]

15 Mr. Kim Vun, do you stand by that statement today, that the
16 leadership role at the Ministry of Propaganda was not Nuon Chea's
17 task?

18 A. In that, only when Ms. Yun Yat was present that he would come
19 and replace her. And with regard to the agricultural programs, he
20 would be the one who was in charge.

21 Q. I will later ask you a few more questions about the
22 agricultural programs.

23 I first want to ask you a different question. I just read out to
24 you the question that was posed to you by the Prosecution, and I
25 will read out the question once more so you understand what I'm

1 talking about.

2 The question by the Prosecution was: "You also stated in your
3 previous interviews that there was a time when Nuon Chea was in
4 charge of the Propaganda Office; is that correct?" End of quote.

5 This was the question that was put to you by the Prosecution.

6 [10.56.43]

7 Mr. Kim Vun, my question to you today is the following: Did you
8 ever tell investigators of the OCIJ that Nuon Chea was in charge
9 of the Propaganda Office?

10 A. I used to say that, but I was saying that he came only to
11 replace Yun Yat when she was absent.

12 Q. And do you remember what you told the investigators about the
13 role of Nuon Chea at the Propaganda Office when he was there?

14 A. I do not remember what he did before that, but Mr. Nuon Chea
15 did not work at the ministry on a permanent basis, and no other
16 ministers would be assigned permanently for the position, other
17 than Ms. Yun Yat. So, when Yun Yat was not present, and -- Nuon
18 Chea would be taking her position.

19 Mr. Kim Vun, did you tell the investigators of the OCIJ that Nuon
20 Chea was mainly involved in education, and that this education
21 related mostly to agriculture?

22 A. The new education programs were about agriculture, it is
23 correct.

24 Q. Yesterday, when you were questioned by Judge Lavergne, you
25 spoke about the agriculture programs -- or about the education

1 programs at first. And I would like to quote from the transcript
2 -- yesterday's transcript; it's page 69 in English and page 55 in
3 Khmer.

4 [10.59.42]

5 Judge Lavergne asked you: "...this morning you told us that Nuon
6 Chea only came on an intermittent basis. So, can you tell us a
7 bit more about what Nuon Chea was doing at the Ministry of
8 Propaganda and Education?"

9 And your answer was: "Actually, Mr. Nuon Chea had a role in the
10 education program. The education program was on agriculture."

11 A bit further down, Judge Lavergne asked you -- and I quote: "Did
12 he replace Ms. Yun Yat or did he simply come to assist her, let's
13 say?"

14 And your answer was: "His fundamental program was the new
15 education on agriculture, and I have no other knowledge of his
16 involvement in other section in writing, in particular, because I
17 had been transferred to the Kampuchea Krom Radio Section, when
18 Mr. Nuon Chea was assigned to the Propaganda Department." End of
19 quote.

20 [11.01.00]

21 So, yesterday you told us that "[Nuon Chea's] fundamental program
22 was the new education on agriculture" and that you have "no other
23 knowledge of his involvement" in other matters -- "in particular,
24 because I had been transferred to the Kampuchean Krom Radio
25 Section".

1 Mr. Kim Vun, my question today is: Is it a fair assumption on my
2 part that you, indeed, did not know about the other tasks of Mr.
3 Nuon Chea because you had been transferred to a different
4 building where you spent a lot of time?

5 A. Yes, it is correct to say so.

6 Q. So, Mr. Kim Vun, you have stated yesterday, when you were
7 questioned by Judge Lavergne, that Mr. Nuon Chea was involved in
8 the Education Section, relating to agriculture. You spoke a
9 little bit about what you remembered about this agriculture
10 program, but in English it's -- the English transcript is not
11 entirely clear if you compare it to the Khmer transcript.

12 For the benefit of all the parties, could you tell us a bit more
13 about the particulars of this agriculture program that Nuon Chea
14 was involved in?

15 [11.03.16]

16 A. Actually, the agricultural education was disseminated with the
17 training manual and -- so there was a -- copies of documents and
18 that was recorded before it was broadcast. And the source of the
19 document was taken from the rice experiment -- or research centre
20 based in Battambang. There was a Chinese expert who prepared this
21 training manual and information booklet for agricultural program.

22 Q. Mr. Kim Vun, in your statements before the OCIJ, you do not
23 seem to mention the fact that the education by Nuon Chea focused
24 on agriculture. In fact, the entire word "agriculture" is not
25 mentioned in your statement -- the statement that you signed and

1 that you stand by.

2 Do you know why the fact that the education by Nuon Chea focused
3 on agriculture is not mentioned in the statements that we have of
4 you by the Co-Investigating Judges?

5 [11.05.39]

6 A. I do not recall it. They did not ask me about that, so I did
7 not answer to that effect. But later on they asked us about
8 education in general, education program, and at that time we also
9 had a program focusing on agricultural education. The
10 investigator at the time did not delve on the agricultural
11 education or the issue as such; they only asked me about the role
12 of Mr. Nuon Chea in relation to Ministry of Propaganda, and then
13 I responded that the task of propaganda was part of his
14 education, too.

15 Q. And just to be clear and simply to avoid confusion, do you
16 remember whether or not you mentioned agriculture in your
17 testimony before the Co-Investigating Judges?

18 A. I do not really recall that. I did not know when you are
19 referring to, which - which interview you are referring to.

20 [11.07.35]

21 Q. I apologize if it's unclear; I'll try to make it more simple.
22 Do you remember whether or not you told the investigators that
23 Nuon Chea's involvement in education related to agriculture?

24 A. As far as the interviews with the Court staff, I did mention
25 about agriculture because they asked me Mr. Nuon Chea's

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1 involvement with the Ministry of Propaganda, and I told them that
2 he went there because there was a new education program relating
3 to agriculture.

4 MR. PAUW:

5 Thank you. Mr. Kim Vun, I have no further questions.

6 For the record, I note that - I not that, indeed, the word
7 "agriculture" does not appear in your statements before the OCIJ,
8 and we will be asking for a transcription of your interview with
9 the investigators.

10 For today, I thank you very much for coming. Again, it is -- must
11 be difficult. And on behalf of the Nuon Chea defence team, I am
12 -- I wish you well. Thank you.

13 [11.09.17]

14 MR. PRESIDENT:

15 Thank you.

16 I now hand over to the defence team for Mr. Ieng Sary for -- to
17 put the questions to the witness.

18 You may proceed.

19 QUESTIONING BY MR. KARNAVAS:

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

23 My name is Michael Karnavas, and with Mr. Ang Udom, we represent
24 Mr. Ieng Sary. I have very few questions, mostly for
25 clarification purposes; it shouldn't take more than 15 minutes.

1 Q. My first question relates to your second statement that you
2 gave on 28th July 2009. And I will be referring to document
3 E3/381, page 4 in English. The Khmer ERN number is 00357206 to
4 07; the French is 00402998 to 999; and English, it's 00365229.
5 [11.10.52]

6 Now, in your statement, a question is posed to you, and this is
7 where I need some clarification. You're asked: "You have said
8 that leaflets have been dropped before So Phim was arrested.
9 Where were the leaflets published?"

10 And then you give your answer.

11 Now, we've listened to the interview that you gave. It's 48
12 minutes 31 seconds long, of a two-hour interview, according to
13 the summary provided by the investigators. We don't know what was
14 said during the missing unrecorded period. But nowhere in the
15 tape do you previously mention leaflets. May I ask, when did you
16 mention the leaflets for the first time to the investigators that
17 came to speak with you?

18 MR. KIM VUN:

19 A. It has been a long time; I cannot recall everything. But to my
20 recollection, I did mention something about leaflet, but
21 precisely when, I do not recall.

22 [11.12.37]

23 Q. Thank you very much.

24 Well, now, if we look at your other statement, which is E3/380,
25 we see that that statement began at 8.38.50 in the morning and

1 ended at 2.30 in the afternoon, so it took approximately 5 hours
2 and 40 minutes, yet the audio recording for that interview is 2
3 hours and 47 minutes and 22 seconds long.

4 May I ask, in the two statements that you gave, were
5 conversations held with the investigators where they asked you
6 questions, you provided answers before actually being tape
7 recorded with questions and answers?

8 A. I did not understand how they arranged the recording at the
9 time. I paid attention to only the questions asked and I merely
10 responded to the questions. But as for the recordings or the
11 preparation of the records of that interview, I did not pay
12 particular attention to it.

13 [11.14.13]

14 Q. Thank you. Well, let me ask you, since it began at 8.50 in the
15 morning and it ended at 12.30, and nothing in what we have here
16 in the statement -- which is E3/381 -- notes that there was a
17 break -- that you took a break during the questioning session,
18 did the questioning actually begin when they first met you and
19 ended at 2.30 in the afternoon, as noted in the - in the summary?

20 A. That, I am not clear. I did not really understand the
21 recording procedures as well as the record keeping procedures.

22 Q. Well, one final question on this. Did at any point they tell
23 you, "Now we're going to start recording", or what is your
24 assumption that everything was being recorded from the moment
25 that you met them -- if you recall?

1 A. That could have been the case, but I do not understand the
2 technical particularity of that procedure; I only responded to
3 the questions.

4 [11.16.01]

5 Q. And one final question about both interviews: During the
6 interviews, did they share with you documents for you to look at
7 and for you to refresh your memory -- if you recall?

8 A. At the time, they could have given me documents, but the
9 interview took a rather long time, so I did not comprehend all
10 the documents.

11 I only recall some of the names of individuals who worked at the
12 Department of Propaganda. And one of my colleagues was not a
13 cadre, she was only an ordinary staff member, but I failed to
14 make that rectification on the record because the interview took
15 rather long, so I was too exhausted at that time to bother to
16 rectify it.

17 Q. And one final question on this issue, just to follow up: When
18 you indicated that you did not remember, did at that point -- do
19 you recall whether they showed you documents to see whether that
20 would assist your memory of the events?

21 A. Generally, they offered me a copy, but I did not go through
22 that document thoroughly, and once -- I did not examine it
23 thoroughly.

24 [11.18.01]

25 Q. Thank you.

45

1 Now, let me move to my last topic; it should be very brief. You
2 were questioned when you first came by the President concerning
3 whether there was two interviews or three interviews, and I want
4 - I want some clarification on that because we do have two
5 statements. But on page -- in Khmer, it would be 34 to 35;
6 English, it would 40 to 41; and French, it would be 45 to 47 of
7 the transcript of the 21st of August - you said: "I had given
8 three interviews. However, there were only two official documents
9 recording these [...] interviews."

10 And then, further down, you do say that:

11 "On the third occasion, I was attending a workshop on planning
12 and development, and the investigators could not wait for me and
13 they had to come back to do -- or to perform other tasks
14 instead."

15 [11.19.12]

16 So I just want to make sure that I - that we all understand. Was
17 it that you met with them three times but only twice you were
18 interviewed, or were you actually interviewed three times but
19 only twice recorded?

20 A. As I said earlier on, there were three interviews undertaken,
21 but only two were recorded with a document.

22 Q. All right. Well, let me - let me ask you, then, to clarify a
23 point on the third interview. Did they ask you questions, and did
24 you provide answers on that third interview which was not tape
25 recorded and for which we do not have a statement -- a summary --

1 if you recollect?

2 A. In the third interview, to be honest, there was some
3 controversy in it because I was very busy at the time, and the
4 investigator went there to meet me. So I had to decide between my
5 personal work and the work of the ECCC. I know that these two
6 things were important; I asked them to wait for me, but since the
7 investigator were less impatient -- patient, they could not wait
8 for me.

9 [11.21.00]

10 So the investigators from the office of OCIJ -- one of whom was a
11 foreigner -- he might have been upset with me. We did not get
12 along well with each other in the last interview. He contempered
13 (phonetic) me, threatening to bring me -- using public force to
14 bring me to Phnom Penh. I think that that was his technical
15 things or so, and I told him that: "How could you use public
16 force to arrest me or to force to come? Because I did not commit
17 any crimes, I did not do anything wrong." So, at that time, that
18 was the controversy. But I did not know the particular
19 nationality of that foreign investigator. I was not afraid -- I
20 was not afraid of anything because I did not do anything wrong
21 because I did not believe that there was any ground for my arrest
22 or so. But then he composed himself saying that he was just
23 joking. But I was rather serious because I think that the work of
24 the Court was not something to be taken lightly.
25 That could have been that reason -- that's why I did not affix my

1 thumbprint to that record.

2 And I did not know who was who actually among those
3 investigators, but I only noticed that he was a foreigner. And I
4 did not even notice which team he came from, either, but it was
5 the third interview I had with them.

6 And I told them that I had already given the previous two
7 interviews, so my later response would not differ anything from
8 the previous two interviews; it would be likely to be the same.

9 [11.22.52]

10 Q. Thank you very much. Now, I just need a couple of more points
11 of clarification in light of what you just told us. When the
12 foreign -- the international investigator for the
13 Co-Investigating Judges' Office was threatening you, was that
14 during the second interview or the third interview?

15 A. It was in the third interview. And he was not the previous
16 investigator who conducted interview with me.

17 Q. Okay, thank you. And did the previous -- did you get along
18 with the previous interviewer -- the previous international
19 investigator? Because now I'm a little confused.

20 A. I did not have any problem with the previous investigator; he
21 was rather polite, courteous, and -- but I remember that he was
22 of black nationality, he -- I did not know his particular
23 nationality, but I got along well with him. But later
24 investigator, I did not know what his nationality was, but I did
25 not really get along well with him.

1 [11.24.33]

2 Q. Okay, thank you. Now, on the third interview -- I know you've
3 told us about this exchange, but did you answer any questions at
4 the time or did the meeting never really -- the questioning never
5 took place because you were busy and they had to go their way?

6 A. At that time, I was very busy. Actually, it was not on the
7 working day. I asked him whether or not he could come on Saturday
8 or Sunday; he said no.

9 Q. I'm merely asking a simple question: Did they ask you any
10 questions, and did you give them any answers on the substance --
11 not whether you could be questioned or not, but did you ever
12 answer any questions? In other words, did they interview you at
13 all?

14 A. Actually, there was a record of -- there was a record of
15 interview, but at that time I told them to wait until 12.00 or
16 so, but they could not wait, so they left.

17 [11.26.08]

18 Q. Okay, thank you.

19 Now, finally, I want to -- in keeping with this third interview,
20 I want to get your comment on this document, D243/4. It's dated
21 13 January 2010. It's an order from the International
22 Investigative Judge, Judge Marcel Lemonde. And on the last page
23 in English, which is 4 -- Khmer is 00439922; French, 00485281;
24 and in English, 00429022 -- Judge Lemonde says the following --
25 this is in paragraph 11, the last part of it:

1 "In October 2009, Kim Vun was approached by the CIJs in order to
2 conduct a third interview to canvass the very issues raised in
3 the Co-Prosecutor's Request. However, despite the previous two
4 interviews, the witness at this stage became wholly uncooperative
5 and refused to be interviewed further, and thus the interview was
6 not able to be conducted."

7 Here you're being characterized, on that third interview, as
8 being "uncooperative" and refusing to answer any questions, "to
9 be interviewed". Is that -- does that correspond with your memory
10 of the events as you experienced them and as you have already
11 described them to us?

12 [11.28.35]

13 A. Actually, the incident was as what I described. I think that
14 if they adopted a proper conduct, I would be happy to work with
15 them, but I found them -- were rather rude. And if they found me
16 uncooperative, I strongly deny that. Of course, we cooperate with
17 the public organization or the Court, but he did not even have
18 the patience to wait for me even if I told them that I was busy.
19 And I know that in the Court there was a mixed composition of
20 national and international staff, and I did tell the investigator
21 that if the international investigator could not wait, then at
22 least the Cambodian investigator be there to take the statement,
23 because they could do the job rather than simply listening to his
24 counterpart.

25 And I think that this was a unsubstantiated allegation against me

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1 that I was "uncooperative". I have no authority, whatever, to go
2 against the Court; the Court was established by the law. But that
3 was because he was unhappy with me. And I do not - I do not
4 accept this observation about my cooperation with them. I know
5 that he must have been upset with me; that was because of his
6 immoral words, as you have just described -- that's why we failed
7 to cooperate with him. I simply asked him to wait; he could not
8 even wait for me.

9 [11.30.39]

10 MR. PRESIDENT:

11 That's enough. And that was the working procedure in the Office
12 of Co-Investigating Judges. And once the Closing Order was done,
13 that was complete in that phase. So we do not need to delve on
14 this.

15 MR. KARNAVAS:

16 Thank you, Mr. President. I was merely pointing out some of the
17 problems again with this particular witness and the summaries.
18 Sir, I have no further questions. On behalf of Mr. Ieng Sary, Mr.
19 Ang Udom and I would like to thank you for coming here to give
20 your evidence, and we wish you safe travels and the best of luck.
21 Thank you.

22 [11.31.31]

23 MR. PRESIDENT:

24 Thank you, Counsel. Thank you, Mr. Kim Vun.

25 Your testimony has come to a conclusion, and you are now excused.

1 You may feel free to go back home.

2 The Chamber would like to express our great thanks to you for
3 giving up so much of your time and travel all the way from your
4 place to give testimony before the Chamber. You have been very
5 patient, and we really appreciate that. Your testimony will
6 contribute to the ascertaining of the truth before the Chamber.

7 We wish you good luck and all the best and safe travel back home.

8 Court officer is now instructed to assist Mr. Kim Vun, with
9 coordination with the WESU unit, so that Mr. Kim Vun can be
10 returned home safe and sound.

11 You may go now. Thank you very much indeed.

12 (Witness Kim Vun exits courtroom)

13 [11.33.23]

14 Next, we would like to proceed to listen -- or to hear the
15 testimony of - rather, of TCCP-28 before we adjourn for lunch.

16 Court officer is instructed to bring in the civil party TCCP-28
17 to the courtroom, please.

18 Ms. Se Kolvuthy, could you please go and call the civil party
19 into the courtroom?

20 (Civil Party Em Oeun enters courtroom)

21 [11.36.30]

22 Good morning, Civil Party. You have already been briefed on how
23 to use the microphone when responding to questions posed to you
24 by parties and the Members of the Bench to you. You are only to
25 respond to any of the questions when you see the red light being

1 activated on the console right before you. Otherwise, your voice
2 can never be heard or be rendered into English and French. We
3 hope you understand this already. So, when speaking, you should
4 observe a pause and wait until you see the red light; then you
5 can proceed with your response.

6 QUESTIONING BY THE PRESIDENT:

7 Q. Mr. Civil Party, what is your name?

8 MR. EM OEUN:

9 A. I am Em Oeun.

10 Q. Do you have any other alias or other names other than Em Oeun?

11 [11.37.45]

12 A. People also called me Iep Lon (phonetic) in the Revolution.

13 Q. Please repeat that name.

14 A. I never used that name again. In the Revolution, I was known
15 as Iep Lon (phonetic).

16 Q. Thank you. How old are you?

17 A. I am 61 years old.

18 Q. Can you tell the Court your birthplace? Where were you born?

19 A. Good morning, Mr. President, and – rather, morning, Mr.
20 President and Your Honours. I would like to response as follows.

21 I am Em Oeun. I was born in Trapeang Thlok, Cheach commune,
22 Kamchay Mear district, Prey Veng province.

23 Q. Where do you live now?

24 A. I live in Chhuk Sa village, Doun Tei commune, Ponhea Kraek
25 district, Kampong Cham province.

1 [11.39.33]

2 Q. What do you do for a living?

3 A. I am a peasant. I do farming as well.

4 Q. From the 17th of April 1975 until the 7th of January 1979,
5 where did you live and what did you do?

6 A. Mr. President, I may have to apologize because I may only be
7 brief on this, as I may have forgotten some things concerning the
8 events.

9 Q. Indeed, you can be brief. Just tell the Chamber what you did
10 during that period and where you lived.

11 A. During this time, from the 17th of April 1975 -- and before
12 that -- I'm sorry - I am -- I was a doctor. After 1975, I
13 remained a medical doctor. I worked at Sector 20. I had been in
14 medical training sessions in Phnom Penh at the 7 (sic) of April
15 Hospital.

16 Q. What is your father's name?

17 A. My father's name is Ouch Saem.

18 [11.41.37]

19 Q. What about your mother's name?

20 A. She is Iep Sren.

21 Q. What is your wife's name?

22 A. She is Sim Y.

23 I would like to also clarify on this before I was asked the
24 question. I got married twice. I got divorced with my first wife,
25 whose name was Ung Neng, and I remarried. The previous wife was

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1 in Kampong Cham, but the current wife, in Doun Sa -- Chhuk Sa,
2 rather, Ponhea Kraek district, Kampong Cham.

3 Q. How many children do you have?

4 A. I have three children.

5 [11.43.04]

6 MR. PRESIDENT:

7 The Lead Co-Lawyer for the civil parties, you may now proceed,
8 but please make sure that you follow Internal Rules. And
9 according to the Internal Rule 91, civil party lawyers are
10 allowed to put questions to Mr. Em Oeun before the other parties.

11 MR. PICH ANG:

12 Thank you, Mr. President, Your Honours, and everyone in the
13 courtroom.

14 Mr. Kim Mengkhy will be putting questions to the - to the civil
15 party, and I will also put some questions, and Ms. Christine also
16 will be putting some questions as well, if needed.

17 MR. PRESIDENT:

18 Indeed, you may now proceed.

19 [11.44.10]

20 MR. KIM MENGKHY:

21 Thank you, Mr. President. Thank you, Your Honours. And good
22 morning to everyone, and very good morning to Em Oeun. I am Kim
23 Mengkhy, representing you. I belong to the "Avocats sans--"
24 rather, Lawyers Without Borders, and I am representing you in
25 Case File 002.

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1 And before I proceed to ask you some questions, I would like to
2 also take this opportunity to briefly tell you about your rights.
3 Before this Chamber, you have the right to be heard. You can
4 describe the account -- the events you saw, you witnessed during
5 the Khmer Rouge regime, and you also have the right to express
6 your emotion and seek reparation.

7 MR. PRESIDENT:

8 Counsel, you may now proceed to put questions to the civil party.
9 Indeed, that position could have been taken by the President of
10 the Chamber, although the President of the Chamber has not yet
11 informed the party - the civil party of this, but it was done
12 intentionally because the Chamber would not wish to make the
13 civil party be confused.
14 We would like to make sure that now questions concerning the
15 substantive matters, as laid out in the Closing Order, be put to
16 the civil party first.

17 [11.46.18]

18 MR. KIM MENGKHY:

19 Thank you, Mr. President, for the clarification.
20 Before this, my client asked me a very surprising question,
21 whether he should take an oath or not. That's why I would take
22 that opportunity to brief him on his rights. And if I did that
23 inappropriately, I would apologize for that.

24 QUESTIONING BY MR. KIM MENGKHY:

25 Q. Mr. Em Oeun, in 2010, you filed an application. Could you tell

1 the Court about your application, why you filed it rather late?

2 [11.47.13]

3 MR. EM OEUN:

4 A. Mr. President, the reason that it was filed belatedly, because
5 at the beginning I did never know about this. I listened to the
6 radio broadcast, but I did not know how my application could be
7 filed.

8 Q. Thank you. Later on, you lost your complaint and, on two
9 occasions, you filed the forms, first on the 25th of 2010, and
10 the second one is on the 29th of January 2010. We would like to
11 know how you lodged this application on two occasions rather than
12 once.

13 A. The reason why I filed my complaints on two occasions, as
14 follows.

15 However, before I respond to any of the questions, I would like
16 to also tell the Court that I have some sore throat, and that's
17 why I will have also some problem concerning the clear voice in
18 my testimony. However, whatever I will be responding will be the
19 truth.

20 Q. Please address me as the counsel, not the judge.

21 A. It was belatedly submitted because, first, I filed a complaint
22 concerning the veracity of the process of the Court, and later on
23 I was asked that I could file another complaint because I could
24 be heard before the Chamber. And I was not properly educated, so
25 I wrote in my application, but my wordings were not properly put.

1 That's why I asked the DC-Cam to help -- or the centre to help me
2 filling my - to fill my application form, and for that reason it
3 was rather late already in its filing.

4 [11.50.18]

5 Q. You stated in your complaint already, however I would like you
6 to briefly recollect your history, your activities before --
7 after 1975. Tell the Court where you lived, what you did.

8 A. Prior to 1975, the 17th of April, I already stated in the
9 application form. Now, allow me to elaborate on that.

10 I never went to school to attend any formal education sessions.

11 However, I wanted to learn about things. My parents were very
12 poor, and I was - or I am the child who had to be responsible for
13 feeding my parents. I came to work as a porter in Phnom Penh for
14 that.

15 Q. Thank you. How old were you when you came to Phnom Penh as a
16 porter?

17 [11.52.00]

18 A. I came to Phnom Penh as a servant. I stayed with my granduncle
19 and I started to acquire some medical skills, because my
20 granduncle was a doctor. I could learn from him to become a
21 doctor. First, I was asked to start treating general patients who
22 were inpatients at that time.

23 Q. How long were you involved in the study -- medical study? And
24 how old were you back then?

25 A. It is difficult to remember the exact date. However, I can

1 describe the probable date when I started that medical matter. I
2 learned from my granduncle. At that time, I was about 10 years
3 old.

4 (Short pause)

5 Counsel, you may continue your questions to me.

6 Q. You said you were about 10 years old, so it was perhaps in
7 1960s. What about in 1965? Could you tell us what you did then?

8 A. After acquiring some medical skills, learning on the job from
9 my granduncle--

10 At that time, the country was in war. The Khmer Rouge was in
11 control of power or was about to take control of the country, and
12 my granduncle was very worried, so he led me home.

13 My father was the leader of the Khmer Issarak Movement, and he
14 would like me to be - to work as a servant to assist my

15 granduncle so that I could learn from him. However, my
16 granduncle, who learned that the war was nearing and that when

17 family members were apart, living in different locations, we
18 would never meet -- so he allowed me to go back home and reunite

19 with my parents.

20 [11.55.56]

21 After leaving Phnom Penh, I was back at home, feeding my family
22 and parents. Again, my father used to be the senior person in the
23 Issarak Movement.

24 And later on, the Khmer Rouge learned that I was the son of a
25 doctor -- a family who had history or who had skills in medicine,

1 so I was asked to work for the Khmer Rouge. And later on the
2 Khmer Rouge noted that my skills were not good enough to put to
3 use, and after consultation with my father, I was allowed to go
4 to training sessions in Vietnam under the direct order from Mr.
5 So Phim, the Secretary of East Zone.

6 Q. Thank you, but I may need some clarification on the dates.
7 You said that you attended training sessions in Vietnam with the
8 Viet Cong. How old were you when you studied medical -- or
9 medicine? And how old were you when you returned to the country
10 after the study sessions?

11 A. Again, I cannot be precise on how old I was back then, but I
12 can say clearly that I was younger than 20. I started medicine
13 and treated patients and, at the same time, feeding my parents.
14 [11.58.26]

15 And the Khmer Rouge war was intensified, and my father asked me
16 to work as a medical doctor with the Khmer Rouge. I started
17 working as the medical doctor at Sector 20, under the supervision
18 of Comrade Khoem . I do not know his family name; I only know him
19 by the name of Khoem. He was also the secretary of that sector.

20 Q. When you studied medicine in Phnom Penh, did you acquire a
21 certificate of completion after the course or not?

22 A. I went to Phnom Penh on two occasions.

23 First, I went to Phnom Penh when I was young, and I learned to
24 become a medical doctor, learning on the job.

25 And later on I went to attend training sessions under Khmer

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1 Rouge. After leaving Vietnam, my father, and Ta So Phim, and Ta
2 Khoem asked me to work as a medical doctor for the sector. And so
3 far as I remember, at that time, I was about 20, 21 or 22 or 23
4 years old. And I'm very sorry if I can't precisely say the exact
5 age, but that's the true story of me.

6 [12.00.24]

7 MR. KIM MENGKHY:

8 Thank you, Mr. Civil Party.

9 Mr. President, I have noted that it is already 12 o'clock. Should
10 I continue putting some questions, or should we observe an
11 adjournment for lunch first?

12 MR. PRESIDENT:

13 Thank you, Counsel. Thank you, Mr. Em Oeun.

14 Indeed, it is an appropriate moment for lunch adjournment. The
15 Chamber will adjourn until 1.30.

16 Court officer is now instructed to assist the Civil Party during
17 this break and make sure that he is returned to the courtroom
18 when the next session resumes -- it is 1.30 p.m., indeed, when he
19 is returned.

20 Counsel for Mr. Nuon Chea, you are on your feet. You may proceed.

21 MR. PAUW:

22 Thank you, Mr. President. Our client would like to follow this
23 afternoon's proceedings from his holding cell. He is suffering
24 from a headache, back pain, and a general lack of concentration.
25 And we have prepared the waiver.

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1 [12.02.02]

2 MR. PRESIDENT:

3 The Chamber has noted the request of Mr. Nuon Chea through his
4 counsel, in which he has requested that he be permitted to
5 observe the proceedings from his holding cell for the remainder
6 of the day due to his health reasons.

7 The Chamber, therefore, grants such request. Mr. Nuon Chea is
8 allowed to observe the proceedings from his holding cell for the
9 remainder of the day, and he has expressly waived his right to
10 directly participate in the courtroom.

11 The Chamber would like counsel for Mr. Nuon Chea to submit the
12 waiver, signed or given thumbprint by Mr. Nuon Chea, to the
13 Chamber in due course.

14 AV booth officers are now instructed to ensure that the
15 audio-visual link is connected to the holding cell so that Mr.
16 Nuon Chea can observe the proceedings from there.

17 [12.03.12]

18 Security personnel are now instructed to bring Mr. Nuon Chea and
19 Khieu Samphan to their respective holding cell and have Mr. Khieu
20 Samphan returned to the courtroom when the next session resumes.

21 The Court is adjourned.

22 THE GREFFIER:

23 (No interpretation)

24 (Court recesses from 1203H to 1331H)

25 MR. PRESIDENT:

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1 Please be seated. The Court is now back in session.
2 Before we proceed to the Lead Co-Lawyers for the civil parties,
3 the Chamber would like to note and also draw the attention of
4 parties to the proceedings that during the trial management
5 meeting, on the 17th of August 2012, the Chamber wished to
6 encourage parties to put questions to a witness or an expert
7 witness or civil party, but the Chamber would like -- or
8 encouraged counsels or parties to nominate one person
9 representing the group to put questions to the witness or civil
10 party in order -- we could expedite our proceedings.

11 So far, counsels for Mr. Ieng Sary has -- have applied this
12 routine by way of appointing or nominating one counsel to
13 represent the team when posing questions to a witness.

14 So we would like counsels for the civil parties to also share
15 with us your impression concerning this practice.

16 [13.33.40]

17 MS. SIMONNEAU-FORT:

18 Yes, Mr. President. We have, indeed, heard the encouragement of
19 the Chamber, like all the parties here present. I believe that
20 all the parties have expressed their opinions, and some opinions
21 are in favour of the hybrid nature of the examination.

22 That said, I would like to reassure the Chamber that three
23 persons will not be examining the witness; only two persons will
24 be doing that.

25 MS. MARTINEAU:

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1 Good morning, Mr. President, Your Honours, and all parties. Of
2 course, Mr. President, I will not cross -- or I will not examine
3 the witness. We have asked Mr. Ang Pich to examine the witness
4 for a simple reason. It is important that a lawyer who speaks
5 Khmer examine the witness. That way, the questions will not be
6 interpreted into Khmer.

7 So, for the convenience of the witness, we will ask our Cambodian
8 colleagues to question him, so I will not question the witness.

9 [13.35.00]

10 MR. PRESIDENT:

11 We thank you for that.

12 The Chamber just wished to remind parties on this because we
13 would like to expedite the proceedings. And thank for expressing
14 your position on this.

15 Counsel, you may now continue.

16 BY MR. KIM MENGKHY:

17 Thank you, Mr. President, Your Honours. And good afternoon to
18 you, Mr. Em Oeun.

19 Q. This morning, before we broke, you talked about the period
20 prior to 1975 concerning your medical training and the time when
21 you returned to your hometown.

22 Could you tell us, please, what you did when you returned to your
23 village?

24 MR. EM OEUN:

25 A. After returning from Phnom Penh to my former workplace, I

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1 started putting to use my medical skill, because at that time
2 there were no medics. And at the same time I had another task, to
3 look after my parents. And later on my father had disappeared. My
4 main duty back then was being a medic.

5 [13.36.55]

6 Q. Thank you.

7 You said you also engaged in medical training in your sector --
8 in the sector. Can you tell the Court more precisely in which
9 sector or location it was?

10 A. At that time, I was in the Sector 20 office, in the East Zone.
11 It was in Chour village, Kranhung commune, Kamchay Mear district,
12 Prey Veng province, and also Sector 20.

13 Q. Can you also clarify or tell us who the Secretary of Sector 20
14 was and who assigned the task as a medic to you in that location?

15 A. From the beginning, since 1979, I was under the supervision of
16 Mr. Khoem, who was a secretary of the sector or the zone --
17 rather, the sector, and then my uncle, alias Tuy, or Mak, who
18 helped me as well.

19 Q. You talked about the location, but that was before 1975. You
20 talk about the sector in the East Zone. Was it the zone during --
21 of the Khmer Rouge or belonged -- it belonged to other groups?
22 Can you please be more precise on this?

23 [13.39.25]

24 A. The truth is that this zone was -- or sector was in my
25 village. It was the Khmer Rouge Liberated Zone. The Lon Nol

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1 Liberated Zone was far from that location.

2 Q. In respect of your assignment to teach medical skills to
3 others, could you tell the Chamber what kind of subject matters
4 being discussed in those sessions that you provided?

5 A. In the unit I worked after being assigned by the sector to
6 teach medical skills to people, at that time I was asked to serve
7 the people in general. I had to be bound by this obligation, the
8 obligation that I had to teach medical skills to other people. I
9 had to impart my knowledge to others who could serve the people.

10 [13.41.10]

11 Q. My question in this area is about your service. How could you
12 treat people? How could you prescribe medicines to people at that
13 time?

14 A. In my teaching as the principle or policy the party, I had to
15 teach people from not being able to do anything to be good at
16 doing the things -- things started from scratch. And I also had
17 to be good at the skill. So I had to teach others to have the
18 code of ethics for when they are doctors or medics. And I noted
19 that the policy by the Party was good and I would like to impart
20 the good things to others. I was teaching them to understand
21 their position. If they were doctors, they had to be fully
22 responsible for treating people because they had to make sure
23 that if people died under their treatment, then they would also
24 be responsible for that.

25 [13.42.47]

1 And I also taught them the causes of the disease and how to treat
2 them. For example, if it is the malaria, so what could have been
3 the cause of malaria and how should it be treated.

4 Q. Could you also, please, explain to the Court, were you
5 teaching on the job or rather than acquiring skills from the kind
6 of sources like materials?

7 A. I may walk you back a little bit to the past. By that, I would
8 like to respond as follows.

9 Before I became a medic, I learned on the job when I worked for
10 my granduncle. At that time, my skill was not recognized by
11 anyone. I became a medic on the job, and never acknowledged by
12 any other professional doctors.

13 [13.44.28]

14 After, people have learned that I acquired medical skill, and
15 they would like me to continue this career, and I got my
16 relatives who all had been medical doctors. And as a doctor -- as
17 having this skill, I was admired by other people and I was asked
18 to be engaged in treating other people -- or teaching other
19 people on this. So, with this background, I couldn't be allowed
20 to pursue my medical training.

21 Q. During the training sessions -- the medical training sessions,
22 had you ever noted that the patients could have died under your
23 treatment or other people's treatment?

24 A. Factually -- and I have to be telling the truth and I will
25 tell the Court the truth, nothing but the truth about this so

1 that everyone is familiar with what happened.

2 At my -- at my workplace, I never used any individual who had no
3 skill to perform medical duties. And as a doctor or medic, they
4 had to be well-trained before they could perform their task. And
5 I had never have any problem with patients dying under my -- or
6 our supervision, because at that time, if any patient could have
7 die under our treatment, then the Party would never condone such
8 act, because if we allowed people to die under our treatment,
9 then the Party could perceive that we were the enemies of the
10 Party by doing that.

11 [13.47.14]

12 Q. I may now move to the topic concerning the Liberated Zone.
13 Could you tell the Chamber on the living condition of people
14 within the Liberated Zone and outside, if you still recollect?

15 A. Dear survivors of the Khmer Rouge regime, when we refer to the
16 Liberated Zone, we refer to the zone under supervision of the
17 Khmer Rouge by the Party. "Liberated Zone" means the zone that
18 was liberated from the enemies and was under the control of the
19 Khmer Rouge. That's based on my recollection.

20 And at that time I did not know whether there is any other zones
21 that were not liberated. I had been living in the Liberated Zone
22 since I was very young.

23 Q. Were there any arrests, punishment, restriction of freedom of
24 movement happening at that time in that zone?

25 A. I would like to talk about this into three different phases.

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1 First, it about Liberated Zone, and then the period of 1975, and
2 another phase after 1975, so please bear with me.

3 [13.49.08]

4 In the Liberated Zone, the general population in the zone had to
5 be grouped into the cooperative to do the mutual assistance
6 farming. And later on the real cooperatives were established. In
7 the Liberated Zone, each cooperative had to listen to the Party.
8 And, in the same Liberated Zone, in 1970, or starting from the
9 coup d'état by Lon Nol, there was another situation that draws my
10 attention. There were separate groups like youth group, the
11 popular mass group, and general group of people. We had
12 progressive people, we have full-right people, and we have people
13 who did not enjoy the full right, so on and so forth. And I was
14 belonging to the Nationalist Youth League. They were the core
15 forces. The "core forces" here or the "full-strength forces" here
16 referred to people who could perform their duty fully,
17 completely; they could even leave homes.

18 So the living condition was decent. People could talk to one
19 another without any problem. But that was in the period of 1970s,
20 before 1975. So people enjoyed freedom as usual. That was the
21 first phase.

22 [13.51.37]

23 By 1975, strange thing happened. We noted there were pillar
24 persons. We have the infiltrated individuals in the Party. So, in
25 1975, people were classified into three categories: we have the

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1 full-right people, the candidate people, and also the enemy of
2 the -- people who were perceived to be enemies of the Party.

3 And the living condition of each respective category of people
4 was different according to this status. And -- correct me if I'm
5 wrong -- from that year until 1975, people--

6 Q. Could you please slow down, Mr. Civil Party?

7 A. --people could live their normal life. As a medic, I provided
8 trainings to people on medical skills and I taught them to
9 understand the morality in daily life and how to treat patients
10 politely and professionally as doctors. So, between 1970 and
11 1975, life was normal, and the work was good, and we could see
12 who would be the rich, who would be the poor, and that is really
13 the truth.

14 [13.53.48]

15 However, in 1975, people, again, as indicated, were classified
16 into three categories, and I was taken off guard because this
17 surprising happened. At that time, I had to be very vigilant. I
18 had to be very careful because I knew bad thing could happen.
19 But after 1975, I was loved by the secretary of the sector, and
20 he tried to conceal my identity by changing my autobiography
21 because he knew that my father had affiliation to the former
22 regime. He changed this biography and he allowed me to attend
23 study sessions in Phnom Penh in 1975, although I don't recollect
24 the exact month.

25 Q. I thank you very much indeed, but in your response, could you

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1 also please observe some pauses so that your response can be
2 fully rendered into the languages concerned?

3 You just now indicated that people were classified into three
4 categories including the full-right people, the candidate people,
5 and the progressive, for example. Could you also be more precise?
6 How were these people treated? If they were not the full-right
7 people, how could they become full-right people?

8 [13.56.05]

9 A. I said people were classified into three categories: the
10 progressive people, the full-right people, and the not yet
11 full-right people.

12 People who lived in their homes and the progressive people were
13 called the popular mass.

14 And then we had the category of pillar persons. "Pillar persons"
15 referred to the people who lived in the base.

16 And then we have the people -- the peasants, in particular -- who
17 were in the association, who treated as the full-right people.

18 Other people would be treated as those who have less right, who
19 had to subject to being asked to do things they wanted them to.

20 Q. You said about the candidate people, the full-right people,
21 and another category of people. I would like you to also
22 elaborate on this.

23 A. Are you asking me about the period before 1975 or after?

24 [13.57.58]

25 Q. Indeed, I was talking about the situation in the Liberated

1 Zone.

2 A. I think I already talked about this.

3 The category of people who regarded as enemy only was noted after
4 1975. Before that, this group of people did not exist. And when
5 -- people who were regarded as the enemies of the Party were
6 mainly the intellectuals and students.

7 Q. Thank you.

8 You also indicated that youth were classified into groups. Could
9 you explain to us, please, on how young people were classified?

10 A. Young people were classified; they were the progressive
11 people. These people had to obey whatever instruction rendered by
12 the Party. These youth group had to leave their parent to join
13 the army as long as the Party wanted, and these people were
14 regarded as progressive people because they had no -- they could
15 not deny the orders.

16 And another group of people were called the group of people that
17 could be used as their servants, their -- these people did not
18 have the right to protest or to complain.

19 [14.00.16]

20 Q. Were these young people encrypted -- or enrolled in the army
21 or were they asked mainly to do farming?

22 A. I also wish to clarify on two points to avoid more curiosity
23 and uncertainty.

24 The youth who were appointed had important roles. These youth
25 were obliged to perform their duty -- those who were 16 years old

1 or above. If the Party wanted them to perform the duties in the
2 Revolution, these people had to do because they -- they had no
3 right, I can say. They're not -- I mean, if the Party wanted them
4 to do anything, they had to. If they had to leave their parent,
5 they had to; they had no choice. So I can say that these people
6 were forced to perform their duties because, if they protest, if
7 they denied or refused to obey the orders, they would be
8 considered as the enemies or adversaries.

9 [14.02.08]

10 And I also wish to emphasize that it's really very sad that -- at
11 that time I loved Buddhism and I loved people, but at that time
12 the Party asked me to smash the pagoda, the Buddha, but I had no
13 choice. I loved Buddhism and I was bestowed with the authority to
14 smash the religion, the Buddha that I once loved and respected,
15 but I had no choice.

16 I was sent to study in Phnom Penh. I was blessed to be offered
17 the opportunity to attend training session in Phnom Penh.

18 Q. The work of the youth were forced, and you said that you were
19 ordered by the Party to destroy Buddhism. How did you do it? And
20 how was the order handed down to you as youth at that time?

21 A. I would like to continue from what I left off just now.

22 Destroying Buddhism took many forms, one of which was the -- was
23 not allowing people to enter monkhood. And they also forbid
24 pagoda construction and building. That was the overall picture of
25 the destruction of Buddhism.

1 And particularly in 1973 and 1974, I kept wondering to myself, if
2 I resist against the order, I would be accused of protesting
3 against the Party, then I would be considered a traitor.

4 And they also said that the Buddhist statues were merely a stone
5 -- a piece of stone, and it could be thrown into the water or the
6 river or the lake or so. That was the case.

7 So I would like to ask those who live during that period, they
8 would be aware of that fact.

9 [14.05.22]

10 MR. PRESIDENT:

11 Counsel, please be advised that you should limit your question to
12 the confine of the case.

13 And the same is true for the witness; witness should try to
14 answer to only the question posed by the counsel. You should
15 avoid having to elaborate further beyond the scope of this.

16 And, Counsel, please be remind that you have only one fourth of a
17 day to put the question to the witness, and that is the time and
18 location to you, Counsel.

19 And please also bear in mind that we are now examining the facts
20 relevant to the first and the second phase of population

21 movement, so please refrain from asking any question that is
22 outside the parameter of the current case before us. It will not
23 be conducive to ascertaining the truth and, in addition, it will
24 not have anything to do with the current crimes alleged with the
25 Accused.

1 [14.06.54]

2 BY MR. KIM MENGKY:

3 Thank you, Mr. President.

4 Q. I would like to now move on to my next question. Then, when
5 the -- Cambodia was liberated in 1975, what did you do? And where
6 did you live?

7 MR. EM OEUN:

8 A. At that time, I live in Sector 20. I was a physician.

9 Q. In Sector 20, where you lived after liberation, did you see
10 the evacuation of people from Phnom Penh into your area?

11 A. To be honest, I did see people coming in. It was not the
12 return of people, but it -- they were the evacuees who left Phnom
13 Penh for the area.

14 Q. What were those people categorized? And what was their living
15 condition like when they got to that place?

16 [14.08.55]

17 A. I can divide my answer into two parts. Following the
18 liberation in 1975, in the East, there were two aspects.
19 First, when So Phim was still there, the organization of the
20 people were normal; there was no segregation between people. They
21 did not label people as progressive or old people or so. That was
22 the fact I witnessed at that time. That was the -- what I witness
23 at that early part of the liberation.

24 Q. Were the people from Phnom Penh called "New People" or they
25 were simply called people like other people in the area as well?

1 A. On this point, not to make the story long, people who came
2 from Phnom Penh were called the "17 April" or the "New People",
3 and at that time they normally called the people from Phnom Penh
4 as "17 April People".

5 [14.10.35]

6 Q. Can you tell the number of evacuees -- the influx of evacuees
7 in Sector 20? Were -- was it a large number, or what?

8 A. It was not the transfer of people, but it was the evacuation
9 of people, and they were mainstream into the Base People. There
10 were many people coming from the -- from Phnom Penh.

11 And, as for the living condition, if the old people had their
12 houses and they would -- at some point they were moved to live
13 with their relatives so that they could vacate one of -- vacate
14 on of the houses to allow it for the New People to settle in.

15 Q. Following the liberation, in 1995 (sic), where did you go?

16 A. Following the liberation, to my recollection, it was under the
17 direction of Khoem, who was the secretary of the sector. He sent
18 me for medical training in Phnom Penh. And I was also attached
19 with the Russian Hospital over - so at that time I was under
20 medical training, and if it was -- if there was a need for
21 personnel and the base, I would be transferred back to the base.
22 So I was on mobile; I could be transferred back to the base
23 anytime when it was warranted.

24 [14.12.58]

25 Q. When you were sent to Phnom Penh, how long did the training

1 last? And who were the trainers? And who invited you or sent you
2 to attend the training course?

3 A. It was the decision of the Party that I be attached in the
4 training program for a year. But in my estimation, I was in Phnom
5 Penh for less than a year -- about 10 months or so. But in
6 principle I had to attend the training for a period of one year,
7 but actually I attended for only nine months or so because, when
8 I was attending the training, there was some involvement in the
9 East Zone, particularly the warfare along the border between
10 Cambodia and Vietnams, so I had to return prematurely.

11 Q. I would like to now expand on your -- on the period when you
12 were attending the training in Phnom Penh for nine months.
13 Can you tell the Court about the impression you had about the
14 training as well as the activities you did during -- throughout
15 the training course.

16 [14.14.51]

17 A. I can describe some of the activities, but at this point I
18 would like to bring up some important facts.

19 The reason that I went to the training, I had to be vigilant for
20 myself as well and I had to observe the situation very closely.
21 And the more we knew about that information we had to be vigilant
22 and we had constant fear. We witnessed things but we could say
23 nothing about it. For example, people -- that -- that was the
24 facts, but I could not speak them out.
25 And during that period -- I could not remember the details, but I

1 could not imagine that Cambodia would be in that situation. At
2 that time, I could not do anything but to save my life.

3 When I was attending the training course, I observed one
4 political involvement and I was influenced by that political
5 movement which was led by the Communist Party of Kampuchea. They
6 wanted to develop the country in a "great leap forward". And the
7 story was very long, but I could hardly say during this Court
8 session. But if the Court permits, then I will elaborate further.

9 Q. I would like to re-phrase my question because I think probably
10 my question was a bit confusing for you.

11 [14.17.01]

12 You said that you had-

13 No, actually, [corrects interpreter], in this Court, of course,
14 you can say anything that you have experienced, you came across,
15 you witnessed it during that period.

16 So my question is that: During the nine months period of
17 training, what did you do? For example, in the first one or two
18 months of the training, what were you required to do in that
19 training course?

20 A. When I left Sector 20 for Phnom Penh, I was designated with a
21 position as the -- as the students' leader. So, as a leader of
22 the students, I had a different task from other ordinary
23 students. I had the privilege to get to know updated information
24 and I had to mainstream that information to people down below. If
25 we fail to understand that information, we would -- I would be at

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1 risk -- my life would be at risk at the time. So I worked under
2 intense pressure at the time, so I had to be vigilant for my own
3 life. That's why I said earlier that if I tell you a complete
4 story, probably it may take the Court's time.

5 I would like to know bring up the things I witnessed myself, and
6 I apologize to the Chamber if what I saw was not some things that
7 is of interest to everyone.

8 Q. So can you -- can you tell what you witnessed or what you saw
9 at that time?

10 [14.19.19]

11 MR. PRESIDENT:

12 The National Counsel for Mr. Nuon Chea, you may proceed.

13 MR. SON ARUN:

14 I am of the opinion that the question being asked by the counsel
15 is leading and highly suggestive. That's why it is -- it confuses
16 the witness.

17 MR. KIM MENGKHY:

18 Mr. President, this is not a leading question, and there is no
19 reason why I try to mislead the civil party. I think that the
20 civil party is in the opinion that his answers might have some
21 implication or so.

22 MR. PRESIDENT:

23 Counsel, please be advised that your question is precise.

24 [14.20.22]

25 If I recollect your questions very well, you ask the witness

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1 about the first one or two months when he came to Phnom Penh to
2 attend the training course. So the witness said he wanted to
3 describe what he saw, and when he said he wanted to elaborate on
4 what he witnessed, then you continue to ask other questions. So
5 please be specific. And the question is not precise enough for
6 the civil party, and that will lead to confusion.

7 Please try to make the question succinct and -- so that the
8 witness will not be led to make a very lengthy response. If he
9 continues to do this, I am afraid it will encroach on the time
10 allocated to you; particularly, it will impact on the time
11 allocated to other parties. That's why the Chamber reminds you
12 that, of -- many questions you ask were not relevant to the
13 relevant facts of the first case, 002/01. We want you to stay
14 within the confine of this current case, so please make sure that
15 you put precise questions to the witness, and make it succinct.

16 [14.22.12]

17 BY MR. KIM MENGKHY:

18 Thank you, Mr. President.

19 Q. I try to rephrase my question: When you first arrived in Phnom
20 Penh, what were you appointed to do? And what did you see,
21 generally -- what did you observe at the hospital?

22 MR. EM OEUN:

23 A. Throughout the training course I attended, actually, the
24 appointment from the sector to me was to become the -- a
25 physician. And at that time I worked as a physician and a student

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1 -- a medical trainee, too, and I attended political training in
2 Borei Keila. And during the political training over there, we
3 learned how to change the mindset of the people, try to transform
4 them to fall in line with the "great-leap-forward" policy.

5 And those training -- political training courses did not last
6 long; it normally lasted for a week or 10 days or so, and it was
7 held once per month or twice per month.

8 And the participants of those political trainings were of the
9 rank equivalent to the present administrative rank of the chief
10 of a district. So I was there -- I was the student leader and I
11 was allowed to participate in those political trainings. And in
12 addition I was also a Party member; that's why I was introduced
13 to attend those political training sessions.

14 [14.24.29]

15 Q. When you were attending those political training sessions what
16 did they teach you?

17 MR. PRESIDENT:

18 Witness, please hold on.

19 Counsel, you may proceed.

20 MS. GUISSÉ:

21 Yes. Thank you, Mr. President. I apologize for interrupting again
22 for the same reason, but is it possible maybe to slow down a
23 little bit between the questions and answers, and especially the
24 -- Em Oeun, who is speaking a bit too fast; it's making the
25 translation a little bit difficult.

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1 MR. KIM MENGKHY:

2 Thank you. Thank you for your observation.

3 Actually, the gentleman before us is not a witness; he is now
4 before us in his capacity as a civil party.

5 And please try to respond slowly, Civil Party.

6 [14.25.50]

7 BY MR. KIM MENGKHY:

8 Q. So my question, again, is: What did they teach you in the
9 political training session you attended?

10 MR. EM OEUN:

11 A. In the session I attended in Borei Keila, to my recollection,
12 there were topics in -- relating to the victory of the Great
13 Revolution of the Communist Party of Kampuchea. So they
14 introduced us what it meant by the "great leap forward", and the
15 lecturers or speakers at the time, they explained that the "great
16 leap forward" was to transform the country from a socialist to a
17 communist country. That's what I noticed in the training course
18 at the time.

19 Q. Who were the usual -- usual speakers during those training
20 sessions?

21 [14.27.16]

22 A. At the time, to my recollection, the training centre opens the
23 political training under the supervision of Minister Yun Yat.

24 Q. Apart from Minister Yun Yat, who were the speakers in those
25 training sessions?

1 A. At the time, I saw -- at the time, I saw comrade Pol Pot and I
2 saw Mr. Nuon Chea, Mr. Khieu Samphan. I am not sure whether or
3 not I saw Mr. Ieng Sary, but at the time I was sure that I saw
4 Mr. Khieu Samphan and Mr. Hu Nim, who were the guest speakers in
5 those political training sessions.

6 Q. Could you also describe to us, please, concerning each speaker
7 in the event -- Pol Pot, Nuon Chea, and Khieu Samphan? What did
8 they say during their speech time?

9 A. At the beginning, there were several people in the leadership
10 position who were seen on the stage -- I only count people I knew
11 -- and the content -- those people included Mr. Nuon Chea, Khieu
12 Samphan, and Ms. Leng Sei; she was from the Social Actions. The
13 person who had the floor first was the leader of the Party, who
14 was Pol Pot.

15 Q. What did Pol Pot say?

16 [14.30.56]

17 A. I think I may be repetitive in this. These people -- these
18 three people had to take turn taking the floor and they linked
19 their speech to one another. For example, if -- I would like to
20 give you just an example. After Mr. Khieu Samphan had said
21 something, then another person who came would say that, "Now, Mr.
22 Khieu Samphan had already said something; did you understand
23 that?", and then he proceeded continue the speech. I couldn't
24 remember the whole speech, each exact word of the word. I can say
25 that these people normally just wrap up what the other speaker

1 first said. He or she summarized the speech of previous speaker
2 before he or she proceeded to make his or her own speech.

3 And, again, the person who started first was Pol Pot and he said,
4 as a Communist, we had to understand clearly our roles so that we
5 could be in line with what -- the "great leap forward" Party
6 wanted. And he also said that every one of us was expected of
7 being in line with the "great leap forward".

8 [14.32.48]

9 And I asked other people about the term "great leap forward",
10 what it means. And it was explained, and we knew that "great leap
11 forward" mean leaping greatly from the communism - sorry, from
12 democratic situation to the communist, without going through
13 socialism. Everyone was expected to have this "great leap
14 forward"; if we couldn't have this "great leap", then we would be
15 considered as enemies. This was the language used by Pol Pot.
16 And when Nuon Chea came to the stage, he picked up a few words
17 from Pol Pot before he began his own speech. Mr. Khieu Samphan
18 also did the same. So, to me, these people had to repeat one
19 another before adding further points.

20 Q. How long was each political session conducted? And how many
21 people attended?

22 A. I cannot remember fully, but I believe that the session could
23 be no longer than 10 days, but no less than seven days. So it's
24 between seven days and 10 weeks - rather, 10 days or two weeks.

25 Q. What about the number of participants? How many attended?

1 A. I never counted them, but I can say that there were
2 approximately 2,000 attendees, because people were invited from
3 the districts; the deputy chief and the secretary of the
4 districts would then be called to attend the sessions.

5 [14.35.53]

6 Q. When Mr. Nuon Chea made his speech, what was the content of
7 such speech after Pol Pot?

8 A. Following Pol Pot, he talked about the policy to strengthen
9 communist. And he was talking about finding individuals who
10 burrow within the Party, and he was very firm and affirmative
11 concerning this. He said that as the leaders, or people in the
12 leadership, we had to know people who were opposing the Party,
13 who were infiltrating in the Party's line.

14 Q. Did Mr. Nuon Chea explain further on who would be categorized
15 as those who were infiltrating the internal Party?

16 A. At that time, I felt that Nuon Chea was referring to people
17 who could have been the soldiers in the previous regimes,
18 including Norodom Sihanouk and Lon Nol regimes, and also they
19 targeted the intellectuals and students, particularly those who
20 graduated abroad.

21 [14.37.54]

22 Q. What about Mr. Khieu Samphan? What did he say in his speech
23 during this training session?

24 A. Mr. Khieu Samphan, before giving his speech, he said that
25 every one of us had to look at how we can change ourselves to

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1 achieve this goal. As good citizens, we had to ensure that our
2 performance was well done, and I could tell that he would like us
3 to start from small things, to look at the practice, look at our
4 daily life and activity. If you see people used things unwisely,
5 these people would be the ones who are opposing the Party
6 already. So start identifying these people by way of looking into
7 their own behaviour and activities.

8 Q. Could you please be more precise on this? When you say that,
9 "people who used things unwisely could be regarded as those who
10 opposed the Party or the Revolution"?

11 A. I think I would like to also touch upon this. What I saw was
12 that he advised us to look at how people behaved. For example,
13 with women, they started to look at how women used the needles.
14 If women used the needles unwisely, carelessly, then this could
15 be the people who opposed the Party. And for those workers who
16 pretended to be sick very often, then these also categorized as
17 people who betray the Party.

18 [14.40.59]

19 MR. PRESIDENT:

20 Thank you very much, Counsel and Civil Party.

21 It is now appropriate moment for the adjournment. The Chamber
22 will adjourn for 20 minutes. The next session will be resumed by
23 3 o'clock.

24 Court officer is instructed to assist Civil Party during this
25 break.

1 THE GREFFIER:

2 (No interpretation)

3 (Court recesses from 1441H to 1501H)

4 MR. PRESIDENT:

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

6 We would like now to hand over to the counsels for the civil
7 parties to continue putting questions to the witness -- civil
8 party. You may now proceed.

9 [15.02.08]

10 BY MR. KIM MENGKHY:

11 Q. Mr. Em Oeun, I have a few more questions.

12 And for the sake of good record, you are also are now asked to
13 talk about the speech by Mr. Khieu Samphan. Apart from what you
14 already indicated earlier on concerning the speech he made during
15 the political session, would you wish to add something else?

16 MR. EM OEUN:

17 A. Could you please ask your question again? What would you like
18 me to add? I mean, when it comes to "additional" or "something
19 else", what do you mean by that?

20 Q. Before we broke, you were talking about Mr. Khieu Samphan
21 remarking in his speech about people who opposed the - opposed
22 the Party, women who used needles carelessly, and workers who
23 used the ploughs unwisely, and those were treated as the enemies
24 or opponents of the Party. We would like you to add, if you wish,
25 on this topic, if you have something else to say.

1 A. I just wish to add only one word to this. He told us to look
2 into people ways of doing things. He said that whatever the Party
3 wanted us to do, we had to.

4 I would like to question someone. I think this is the opportunity
5 I may ask this question to them: What that - what does that mean?
6 [15.04.50]

7 Q. Are you now putting question or you're responding to my
8 question? It appears to me that you are now asking a question,
9 other than responding to my question. Could you please be more
10 precise in this?

11 A. I do not have any additional response to that.

12 Q. You also stated that you attended the political study session
13 for one week. Apart from the one week study session, did you have
14 to work at a hospital in Phnom Penh?

15 A. For the one week study session -- indeed, after this session,
16 I had to go to the hospital. It was my task already to attend
17 study session; I didn't ask for that.

18 Q. Who was the head of the hospital you worked in? And in what
19 section did you serve at the hospital?

20 A. I worked to help in the political education sessions and I
21 also had to study -- had to study hard because the Party
22 appointed me to work and asked -- or sent me to Phnom Penh. I had
23 to learn how to ensure that I improve my skills. Apart from that,
24 I did do nothing else, except looking after the students --
25 medical students.

1 [15.07.54]

2 Q. Were you also asked to be in charge of looking after the
3 patients?

4 A. Every doctor was supposed to look after their patients. We had
5 to take turn serving in the hospital and to take good care of the
6 patients.

7 Q. Could you describe the condition of the patients at the
8 hospital? Who could have been the patients or the inpatients at
9 the hospital?

10 A. The patients at the 17th of April Hospital were mainly
11 workers, employees, and officials who worked in Phnom Penh.

12 Q. How were these people treated? How affected – rather, how
13 effective the treatment was? And had there ever been any patients
14 die because of the treatment?

15 [15.10.00]

16 A. I have never noted this. There was -- it was possible that
17 there could be cases where patients could have died because of
18 the carelessness of the treating doctors, but I never saw this,
19 so I would never want to elaborate further on this.

20 Q. How were medicine prescribed to the patients? Where did this
21 medicine come from?

22 A. At each hospital, there was a place called pharmacy -- the
23 pharmacy section, and person who was in charge of the section
24 would be assigned to offer the medicines to people according to
25 the prescriptions.

1 In my unit, practically, during the period when the East Zone did
2 not change politically, we had decent medicine. We did not have
3 experienced shortages of medicine among the cadres.

4 And I believe that this medicine were left over from the former
5 regimes. We gathered them from various locations and had them
6 stored in our hospital. So we just collected the remaining
7 medicines left over in various pharmacies across Phnom Penh and
8 had them stored in our hospital for treating our patients.

9 [15.12.19]

10 Q. Were there any medical operation conducted on people as part
11 of experiment?

12 A. At the 17 April Hospital -- or Cambodia-Soviet Friendship
13 Hospital -- there were medical doctors who were from Sector 20.
14 It was the largest hospital in the country back then.

15 I did not witness any medical operation, but I did see this
16 happening at the base, when people who were expected to be
17 executed had to go under medical operation as part of the
18 experiment; they were operated on alive.

19 Q. You said that you saw people at the base going on - going
20 under medical operation alive; is that correct?

21 A. The truth is that I was also involved in this. It -- they did
22 not bring the corpse to be operated on; they brought the real
23 human beings for this operation. And I was standing next to the
24 operating table, and people would be laid on a table, and
25 trainees would be asked to look at how the fingers would be cut

1 and removed. So they cut parts of the body, then they only leave
2 one of the hands attached to the dripper, and the operation was
3 on. But the - yes, these people were unconscious already because
4 some kind of medicine was injected to make sure the people were
5 unconscious when the operation was conducted.

6 [15.15.11]

7 This happened in Prey Veng, at Sector 20, and I saw this with my
8 own eyes.

9 Q. Who ordered such operations? And why these people had to be
10 operated on?

11 A. I was told that the majority of these people had been the
12 spies -- these people who remained from the old regime, those
13 people who were classified as those who would be executed
14 according to the slogan of "keeping you is no gain; losing you is
15 no loss".

16 And the whole body would be chopped or operated and cut into
17 pieces and then put in a bag to be discarded.

18 Q. Thank you.

19 You said: "Keeping you is no gain; losing you is no loss." Could
20 you please be more precise on this? What do you mean by that?

21 A. "Keeping you is no gain; losing you is no loss" means that any
22 person who fell in that category were perceived to be dead
23 already and to be executed. So the Party made the decision on
24 these groups of people.

25 [15.17.31]

1 Q. Thank you.

2 I would like to now touch upon the topic of your career at the
3 hospital.

4 During the course of your work there, did you ever see experts --
5 medical experts from a foreign country to give -- offer training
6 sessions there?

7 A. I saw foreigners, Chinese and Koreans who came to provide
8 medical training at the hospital. And Mr. Thiounn Thioeunn was
9 very good at that. I saw him who gave trainings, and I still
10 recognize him if he would be standing here today. He was of a
11 medium build. He taught us about the scientific medical matters,
12 and the Korean and Chinese also assist us with the operation
13 techniques.

14 [15.19.04]

15 And, indeed, people selected people with different expertise to
16 teach us with regard to different kind of specialty. For example,
17 those who specialize in treating T.B. would then be assigned to
18 teach trainees in that relevant section. After each topic of
19 training, then we move onto another field. And several trainers
20 would come and go; I could not remember them all.

21 I still recall another teacher or trainer by the name of Ny, and
22 Mr. Thiounn Thioeunn, as I just indicated, who were my trainers.
23 Ny was good at training people on T.B.

24 [15.20.11]

25 Q. Thank you. Can you also, please, clarify whether in your

1 hospital -- or how many people or staff member at the hospital
2 are they -- alive today?

3 A. I'm afraid none survived. I never met them -- or any. There
4 were a lot of people in the hospital as staff member. I never
5 even know where Mr. Thiounn Thioeunn could have been, let alone
6 the other members of the staff at the hospital. I just know that
7 he's -- he was my trainer and he was specialized in heart
8 operation.

9 Q. Were there any arrests ever been made of the medical staff
10 members?

11 A. I can talk based on what I saw. During the course of my study,
12 members of the -- staff members were arrested; people who came to
13 attend study sessions were also arrested.

14 I did never observe the way people could have been arrested, but
15 I saw this, and those who were at great danger were, at the
16 beginning, people from the East Zone, then the Northwest, the
17 North, and the Northeast Zone.

18 [15.22.32]

19 People would be loaded onto the trucks. And I asked where they
20 could have been taken to; I was told that these people were the
21 enemies of the people -- of the Party or the people who betrayed
22 the Party. And they were tortured when they were being loaded
23 onto the trucks. That was a very tragic moment, and I always cry
24 when I saw this. Women were even badly treated than the male
25 prisoners or kept -- people who were arrested.

1 Q. Uncle, could you please compose yourselves? Indeed, we really
2 need your testimony. Are you consent with me carrying on or would
3 you like some moment before we can proceed? Please let us know.

4 A. I do not wish to stop you from putting more questions, but
5 please bear with me that there will be some moment that I will be
6 very emotional.

7 Q. Thank you, Uncle.

8 I would like to put a few more questions concerning the arrests.
9 When you saw people being arrested, what was your feeling? Did
10 you ever know the reasons behind such arrests?

11 [15.24.52]

12 A. I saw the arrests -- I only saw some of the arrests, not all,
13 but I factually witnessed this. I saw a man who was -- a woman
14 who was in the committee for our school -- Leng Sei. She was in
15 charge of political study sessions. On one occasion, I saw her
16 being loaded onto a truck; she was naked. I asked who she was and
17 I was told that she was Tiv Ol's spouse.

18 Q. Were you aware of the reason behind of the arrest of Ms. Leng
19 Sei?

20 You said she was the wife of Tiv Ol. Do you know who Tiv Ol was?

21 A. Tiv Ol was an intellectual, a writer, but at that time I did
22 not exactly know for sure what he was. I learned at a later date.

23 MR. KIM MENGKHY:

24 Thank you, Uncle. I have no further questions at this time. I
25 thank you very much, indeed, for your clarification and

1 responses.

2 [15.27.05]

3 I would like now to cede the floor to Mr. Pich Ang, who may wish
4 to put a few more questions to you concerning your statement in
5 your complaint.

6 QUESTIONING BY MR. PICH ANG:

7 Good afternoon, Mr. President, Your Honours, and everyone in this
8 courtroom. I would like to proceed with a few more questions. And
9 good afternoon, Mr. Em Oeun.

10 Q. I wish to seek some clarification. When you reached
11 Cambodian-Soviet Hospital, did you start learning -- medical
12 sessions immediately?

13 MR. EM OEUN:

14 A. I may have some reservation on this. I did not remember what I
15 did before I started the medical study sessions, but I remember
16 that I attended some sessions -- perhaps political sessions --
17 before we went to the medical training sessions on operation. So
18 I just could not recollect the main event, whether I first
19 started learning the medical training - attending medical
20 training sessions or I attended the political sessions before
21 that, but I did attend two sessions; I just forgot to
22 re-establish the consequences (phonetic) of the event.

23 [15.29.13]

24 Q. Were you referring to the political sessions elsewhere or at
25 the hospital?

1 A. This political study session was the only political session
2 that I ever attended.

3 Q. Was there any moment that there was the opening ceremony of
4 the sessions being conducted at the Cambodia-Soviet Hospital?

5 A. Before we attended the medical training sessions, there was an
6 opening ceremony -- I mean, the school was - the training session
7 had to be opened before we started.

8 Q. Who chaired the opening ceremony? Who would be in the
9 dignitary composition -- those who chaired the ceremony?

10 A. Before we started the medical training sessions, the opening
11 session was chaired by the head of the hospital -- the 17th of
12 April Hospital, Mr. Leng Sei, Mr. Thiounn Thioeunn, and other
13 medical doctors. All together there were about 10 people who
14 chaired the event.

15 [15.31.26]

16 Q. Were there any other people other than those attendees?

17 A. No, no, there weren't any other people then.

18 Q. Thank you.

19 When you were studying at the Russian Hospital -- when did you -
20 when did you go to study at the political session at Borei Keila
21 after you were attached to the Russian Hospital?

22 A. To my recollection, the political training session I attended
23 was held for approximately one month and a half or two months or
24 so.

25 Q. Following the political training session, how many more months

1 did you continue to stay at the Russian Hospital before you
2 returned to your base?

3 A. Following the completion of the medical training course in
4 Phnom Penh, it was about -- actually, it was about six or seven
5 months after the political training session. Then I returned to
6 the base. But I cannot recollect it that well, it may be - it may
7 be not totally correct.

8 [15.33.59]

9 Q. You said the course was designed for one-year period, but in
10 total you spent only approximately nine months. Did you complete
11 the curriculum designed for the course or did you have to
12 compress the curriculum so that you could finish it earlier?

13 A. No, I don't think that we completed the curriculum, but I was
14 told by the director of the hospital that we had to go back to
15 the base in order to treat injured combatants in the war between
16 Vietnam and Cambodia. So, as trained physicians, we had to return
17 to our respective base in order to treat them. So we could not
18 actually complete the course fully; we studied for only nine
19 months. And originally the course was designed for one full year,
20 but actually we could only study for nine months. We concluded
21 the training session was not because we completed the curriculum
22 as it was designed, but instead because the circumstances at that
23 time justify it. At that time, there was a desperate need for
24 physicians to treat injured combatants.

25 [15.35.36]

1 Q. You mentioned that you had to return to the base to treat
2 injured combatants in the war with Vietnam. Can you tell the
3 Court when, exactly, you went back to the base?

4 A. It was my estimation -- I do not recall exactly when -- but it
5 could have been in late 1977 or early 1978.

6 Q. Thank you for your clarification.

7 And I would like to expand a little further -- I know that my
8 colleague has already asked you about your training course in
9 Borei Keila, and I would like to expand a little bit on this
10 topic so that we can clarify certain points.

11 Can you clarify to us, when you were studying in political
12 session in Borei Keila, how many participants were there in each
13 session? Could you describe the environment, the atmosphere of
14 the training course held over there?

15 A. I attended the political training course in Borei Keila, it
16 was actually conducted in a classroom setting, and they actually
17 constructed a building, a school with a zinc roof.

18 [15.37.38]

19 And as for the participants, there were approximately -- well
20 over 1,000 or a little above 2,000 participants, because, as I
21 said earlier, the participants were those with the equivalent
22 rank of the present civil servant of a district chief or so. So
23 they were from across the country.

24 And, looking at the curriculum of the training course, I did not
25 really understand it very well because I was a trained physician

1 and I was also in charge of student affairs as well. So, sometime
2 I stayed overnight at the -- that political training school, but
3 sometime I stayed at Russian Hospital. So, at that time, I asked
4 myself why I had to be trained over there.

5 But generally I noted that people had to stay in a house
6 collectively. For example, if there were several flats sharing
7 the wall, they would knock down the wall in order to make room
8 for the participants attending the training course.

9 And the curriculum was rather intensive, and we had to make -- we
10 had to study hard.

11 [15.39.07]

12 And as I said earlier, the participants were at the rank of at
13 least a district committee chief or the committee members from
14 the sector, district or -- as well as the directors of the
15 departments subordinate to various ministry in Phnom Penh. So
16 there were around 2,000 or so participants in the training
17 course.

18 And as for eating, we had to eat in the communal hall. We ate
19 collectively, together in the hall. And I, myself, slept
20 anywhere; I did not mind sleeping in the hammock or I slept on
21 the floor. At that time, we had to slept in the communal hall
22 together as well.

23 Q. Now, if we look at the room, the training room -- and you said
24 that there were some 2,000 participants or so. So can you tell
25 the Court what the classroom setting like over there? Why can it

1 accommodate up to 2,000 or so participants?

2 [15.40.33]

3 A. It is not my speculation, but I just want to emphasize that I
4 cannot be exact. Actually, the school I mentioned just now, it
5 was not in a room setting like this, like -- but they actually
6 had one hall for the meeting purpose. It was like at the Russian
7 Hospital as well. We did not study in the school complex;
8 instead, they had one building, one building which was meant for
9 the meeting and training session. And we did not have a lot of
10 space for us; we had small chairs and a small table in front of
11 us to write things down. It is my recollection of it but it was
12 not my speculation, but I believe that that room could
13 accommodate to -- up to 2,000 participants. And there was a hall
14 in the Russian Hospital which could accommodate up to that big
15 numbers of participants as well.

16 Q. You mentioned that one participant were given one table and
17 one chair. How big was the chair and the table then?

18 [15.42.10]

19 A. We had one table to ourself. It is of this size where I'm
20 sitting, but there was a small board in front me, a small -- a
21 very small one where we can place our notebook in front of us.
22 But, of course, the chair was not movable as we are having. It
23 was like the ones the public sit on in the public gallery, but it
24 was not that big, it was like the chair on my left. It can be
25 removed from one place to another. So it was meant for one

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1 student each at a time.

2 MR. PRESIDENT:

3 Counsel, probably you think that you have abundant time to ask
4 the question. If you delve on an issue such as the size of the
5 tables or so, I think that it is too minor an issue to be
6 discussed here. You should ask any question that is relevant to
7 the facts in Case 002/01.

8 [15.43.37]

9 MR. PICH ANG:

10 Thank you, Mr. President, for reminding, but the reason why I
11 asked that question is to ensure that the civil party before us
12 really participated in the training session and he really
13 understood the situation over there. I just want to ask to make
14 sure that there was a veracity in what he said.

15 BY MR. PICH ANG:

16 Q. So I would like to move on now. You have submitted your
17 information form -- Victim Information Form, submitted to the
18 Victim Support Unit. I would like to now show you a document,
19 D22/363 -- ERN in Khmer, 00573979; ERN in English, 0071 -- my
20 apology; 00751867; and ERN in French, 00786186. This document was
21 uploaded on the interface.

22 And I would like to show this document to the civil party, with
23 your permission, Mr. President.

24 MR. PRESIDENT:

25 Yes, you may proceed.

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1 [15.45.33]

2 BY MR. PICH ANG:

3 Q. In this particular page, you mention that, at first, "Mr.
4 Khieu Samphan was a cadre who focussed on the New People in Chea
5 Khlang commune because Khieu Samphan thought that those New
6 People had the mentality of feudalism and Khieu Samphan thought
7 that both the New People and Old People had to be screened in
8 order to find the enemies, to flag out the enemies. So we had to
9 impose the work among those people so that we can single out
10 those enemies hidden from within. If we administer work for them,
11 we would be able to identify them. And then they added that for
12 cadres, especially for friends and colleagues who were studying
13 here, had to comply with this order. And if they resist or
14 protest against this order, they would be considered enemy as
15 well, which -- who will be eventually smashed".

16 So my question to you: The word "New People" - rather, the
17 segregation between the Old and New People during that period,
18 did it exist? And if it did, whether or not that idea were
19 implemented during the Democratic Kampuchea period.

20 [15.48.03]

21 MR. EM OEUN:

22 A. What do you mean by the three-year period? Are you referring
23 to the period after 1975, after the 17 of April 1975 -- three
24 years before the 17 of April 1975?

25 Q. Thank you for seeking clarification with me. I am referring to

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1 the period after the 17 of April 1975 until the 6 of January
2 1979. The Old People and New People were segregated and
3 identified, and I would like to know whether or not that was a
4 treatment or policy implemented in relation to the New People. My
5 main question really was whether or not there was any distinctive
6 policy applied to New People.

7 A. Upon my return from Phnom Penh to my base, as I said,
8 particularly people in Chea Khlang -- Chea Khlang village in Chea
9 Khlang commune -- that village was the medical base for
10 combatants.

11 [15.49.33]

12 When I say that the situation was serious in that village, was
13 because that place was where people were experimented. So I
14 actually witnessed that situation in the hospital with which I
15 was attached. I saw the working environment and the situation
16 over there. And they actually mentioned very clearly that people
17 -- New People -- losing the New People were of no loss and
18 keeping them was of no gain.

19 And as for your question whether or not this policy was
20 implemented, if I say that there was no implementation of that, I
21 think that people would say that I exaggerated it. But if I did
22 not say, then they would accuse me of hiding the facts. But
23 actually, what happened on the ground was that it did happen. And
24 I also mentioned in my document that I actually asked my wife to
25 flee the place because I did not want to witness that.

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1 Q. Coming back to the political training in Borei Keila, do you
2 recall whether Khieu Samphan discussed the affairs or things that
3 were dealt with by the other speakers before him?

4 [15.51.23]

5 A. Before they change the speakers in order to address the topic
6 they were supposed to do, normally they try to recall what the
7 previous speaker mentioned, and they then try to link up from
8 where they left off.

9 Q. I would like to move on to another topic, concerning the
10 period in late 1977 and early 1978. When you returned to Sector
11 20, you went there and worked as a medic or as an ordinary
12 physician -- or general physician?

13 A. Upon my return from Phnom Penh to my base, Sector 20, I went
14 back to my own -- my old office and I was in charge of training
15 of other -- medical training, and I was also in charge of the
16 political training session for people at the base, as well. And I
17 also went to inspect other hospitals, as well, when time
18 permitted; I would go to see if there was an outbreak of diseases
19 - or epidemic diseases in other district hospitals.

20 [15.53.21]

21 Q. You also mentioned in your own information form -- in the
22 preceding page of the portion I just mentioned to you, you said
23 that you were forced to get married. Can you elaborate this a
24 little bit further here, how it happened?

25 A. On this point I would like to apologize in advance to lawyers

1 and the Chamber if I am long-winding on this issue, because if I
2 wanted to describe about the life experience, it will be very
3 long.

4 As a youth, I believe that we want our freedom to choose our own
5 wife, and if you were forced to get married to someone whom you
6 do not love, that was very painful. And at that time the
7 situation was that pressing because they actually suppressed us
8 to get married and they actually arranged that marriage for me,
9 and I had to get married to someone whom I did not love at all.
10 And at that hospital, at the base, I was given the responsibility
11 to oversee the situation in the hospital and I was asked to get
12 married to someone whom I did not love. And I protested, but then
13 they punished me; they transfer me to work in the worksite
14 instead of working in the hospital.

15 [15.55.36]

16 But later on they had to return me back to the hospital because
17 there were -- many patients needed treatment, so I was
18 transferred back.

19 Before they call me back, they ask me again whether or not I
20 agreed to get married to my arranged couple -- arranged wife.
21 Actually, I took serious consideration. It took me approximately
22 two weeks or so. And then, eventually, I decided that I had to
23 get married. Otherwise, my life would be in serious risk. So I
24 had to force myself to accept this arranged marriage; I had to
25 accept it.

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1 But, once again, accepting this proposed or arranged marriage, it
2 was very difficult at the time. My wife did not love me either,
3 so, whenever we stayed together at night, we cry to each other.

4 (Short pause)

5 MR. PICH ANG:

6 With utmost respect, Mr. President, I would like to turn to
7 another topic, on the injuries he suffered during that period,
8 and if I turn to this topic it may take some time. I am in the
9 hands of the President now. I don't know whether or not I should
10 proceed from here.

11 [15.57.58]

12 MR. EM OEUN:

13 (Microphone not activated)

14 MR. PRESIDENT:

15 Can you please repeat your answer? Because the microphone was not
16 on, and if you speak while the microphone is not on, your answer
17 will not get through the sound system and it will not be
18 rendered. Can you respond to the last question posed by counsel?

19 MR. EM OEUN:

20 I will answer to all the questions asked so long as I can answer
21 those questions. I could not hold my tears because, if I recall
22 my past, I sometime cannot hold my tears. And I was a man; I
23 suffer from it, but I could also imagine the feeling of the lady;
24 she was suffering from it as well. And when we -- at night, we
25 discuss to each other, and if we refused, then we would be killed

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1 eventually. So we had to force ourselves in order to satisfy
2 those who arranged for us. So we had to concede to this. It took
3 me approximately two weeks or so to decide to consummate the
4 marriage with my wife. This was the suffering I had to endure at
5 that time.

6 [15.59.41]

7 And to date I cannot forget it, and I could not even find out who
8 ordered this heinous crimes. I did not want to take any revenge,
9 but I want to know who initiated this idea. And I know that this
10 was a very heinous act, and the leaders, even though I -- the
11 leader might not have been aware of that, but they should
12 understand who was actually doing that. I was one of the victims
13 and I believe that there were many more victims.

14 BY MR. PICH ANG:

15 Q. Could you please slow down?

16 After your marriage, were you spied on -- for example, whether
17 you're living with your newlywed couple was being spied on?

18 MR. EM OEUN:

19 A. Mr. Lawyer, I would like to also share with you the reasons. I
20 talked to my wife how we could deal with this. We understood that
21 we would be under constant watch, days and nights, and we thought
22 that we would be killed if we did not express our love to one
23 another, just to pretend we love one another to please the
24 others. So we then got a daughter, against all odds.

25 [16.01.45]

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1 Q. Did you continue to remain marriage - married, I mean, after
2 the Khmer Rouge?

3 A. After the Khmer Rouge regime collapsed, I still maintain our
4 marriage. We lived to have another son - or, rather, another
5 child, because -- I had been very sympathetic for her and I
6 really had a lot of problem maintaining this marriage, but it
7 could last because of my sympathy only, not because of my love to
8 her, and she didn't love me either. So until one day we couldn't
9 stand no more, so we decided to part our ways and got divorced,
10 and I now got married with a new wife.

11 Q. You said you got married on the 17 of April 1977, and on the
12 -- another page of the same document, you indicated so, but you
13 said that in 1977 you studied in Phnom Penh. How could you get
14 married on 17 April 1977 in another location? Could you clarify
15 this for us, please?

16 A. I already apologized to the Court if I could have made some
17 mistakes. I chose the 17th of April as the date when I got
18 married because people who loved me, who attended my marriage,
19 without their support or their presence during my wedding, I
20 would never choose to get married.

21 [16.04.47]

22 So I really got married, but whether I got married on the 17th of
23 April 1977 or 1978, I feel not sure. But, indeed, I could have
24 been married in one of the years. It could be the 17th of April
25 1978 or 1977.

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1 Q. Are you saying that's 17 of April or 17 of July 1977?

2 MR. PRESIDENT:

3 Counsel, when we discuss about the first phase of the trial, the
4 inhumane or other inhumane acts have already been excluded from
5 the first phase. We are now focussing on the forced transfer,
6 phases 1 and 2.

7 So we would like you to frame your questions in line with the
8 first segment of the trial, Case 002/1, please.

9 [16.06.27]

10 MR. PICH ANG:

11 Thank you, Mr. President. I just wished to clarify a few points
12 because there was some discrepancy in the statement.

13 MR. PRESIDENT:

14 Indeed, you are never prohibited from seeking clarification from
15 the civil party or witness, but make sure that your clarification
16 falls within the scope of the alleged facts, not just something
17 not relevant to the facts at issue.

18 BY MR. PICH ANG:

19 Thank you, Mr. President.

20 Q. My next question to you is about your relatives. During the
21 evacuation, were your family members affected by such evacuation,
22 or had you lost any member of the family?

23 MR. EM OEUN:

24 A. My family members were not impacted by the evacuation, but I
25 did lose some members of the family, and it takes me some time to

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1 talk about this loss.

2 [16.08.02]

3 So, on my side, I have lost more than 20 people, including my
4 cousins. That does not include my relatives by marriage. So, on
5 my side, I have lost about 20 or up to 30 people. That's people
6 lost before 1975. And more members of the family also lost after
7 1975.

8 Q. This is my last question to you. Have you been affected by the
9 loss of your loved ones?

10 A. I may talk in length concerning this. Am I allowed to do so,
11 Counsel -- Mr. President? Because I need more time on this.

12 MR. PRESIDENT:

13 Mr. Civil Party, you will be given the opportunity to talk about
14 this, indeed, at the end of the examination. So the injuries and
15 your suffering could be expressed at a later date, indeed.

16 [16.09.48]

17 MR. PICH ANG:

18 Thank you, Mr. President and Your Honours. I have no more
19 questions to put to the civil party.

20 MR. PRESIDENT:

21 Thank you, Mr. Civil Party.

22 Mr. Em Oeun, the testimony session today comes to an end.

23 The Chamber will adjourn. The next session will be resumed on
24 Monday, the 27. Your testimony will continue to be heard, the
25 questions to be put by the Prosecution.

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1 On the afternoon of the 27th, on Monday, the Chamber will not be
2 conducting the hearing. Instead, the trial management meeting
3 will be convened to finish the unresolved matters left over from
4 the previous trial management meeting, and that meeting will be
5 in closed session.

6 Mr. Em Oeun, you are invited to come back to give testimony again
7 on Monday.

8 And court officer is now instructed to ensure that Mr. Em Oeun is
9 properly assisted and accommodated during the period when the
10 Chamber has no sessions and have him return to the courtroom by
11 Monday, at 9 a.m.

12 [16.11.40]

13 Security personnel are now instructed to bring all the three
14 accused persons to the detention facility and have them returned
15 to the courtroom by Monday next week, before 9 a.m.

16 The Court is adjourned.

17 (Court adjourns at 1611H)

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