



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

14 November 2012
Trial Day 131

Before the Judges: NIL Nonn, Presiding
Silvia CARTWRIGHT
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Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
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MR. MEAS SARAN (TCCP-82)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MR. LYSAK	English
MR. MEAS SARAN (TCCP-82)	Khmer
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PE CHUY CHIP SE (TCW-507)	Khmer
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 0901H)

3 MR. PRESIDENT:

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

5 This morning, we will continue to hear the testimony of the
6 witness, Pe Chuy Chip Se, who will be questioned by the defence
7 teams.

8 The Greffier, Ms. Se Kolvuthy, could you report the attendance of
9 the individuals and parties to these proceedings?

10 THE GREFFIER:

11 Good morning, Mr. President.

12 All parties to the case are present except the accused Nuon Chea,
13 who is in the holding cell downstairs due to his health reason.

14 As for the accused Ieng Sary, he's absent due to his health
15 reason. Due to his limited waiver -- letter of waiver, E237 and
16 237/1, the Accused waived his rights during the hearing of
17 certain witnesses and civil parties, including TCW-507, who will
18 be heard today, as well as TCCP-82, who will be heard after the
19 conclusion of the testimony of this witness.

20 The witness is present in the courtroom.

21 As for the TCCP-82, he's awaiting to be called by the Chamber.

22 [09.04.26]

23 MR. PRESIDENT:

24 Thank you.

25 Nuon Chea Defence Team, have you received the report on the

2

1 examination of Nuon Chea conducted by the treating doctor at the
2 ECCC detention facility?

3 MR. PAUW:

4 Yes, Mr. President, indeed, we have.

5 Good morning to everyone in and around the courtroom, to start
6 with.

7 We have received the reports, and Nuon Chea would like to request
8 permission to follow the proceedings from his holding cell during
9 the entirety of the day for the reasons as mentioned in the
10 medical report.

11 And we are in the process of preparing the waiver request, which
12 will be submitted as soon as possible.

13 [09.05.34]

14 MR. PRESIDENT:

15 The Chamber has heard the request made by Nuon Chea through his
16 counsel to follow the proceeding through a remote means for the
17 entire day due to his health reason, as indicated in the report
18 made by the treating doctor at the ECCC detention facility.

19 In that report, which was made by Chhea Kuntheavy, the treating
20 doctor of Mr. Nuon Chea, who confirmed this morning Mr. Nuon Chea
21 has some medical reasons due to backache and diarrhoea and that
22 he could not sleep at night. And he recommends that Nuon Chea
23 shall participate in the proceeding through a remote means from a
24 holding cell downstairs.

25 So the request by Nuon Chea's defence is granted by the Chamber

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1 so that Nuon Chea can follow the proceedings through a remote
2 means in the holding cells downstairs for the entire day's
3 proceeding.

4 And as he, himself, requests to waive his direct presence in this
5 courtroom, the defence team of Nuon Chea is required to deliver
6 immediately the letter of waiver and the waiver request with the
7 signature or the thumbprint of the accused Nuon Chea.

8 And, the AV Unit, you're instructed to link the proceeding
9 through the holding cell downstairs so that Nuon Chea can follow
10 the proceeding. This applies for the entire day's proceeding
11 today.

12 [09.07.39]

13 Any Judges of the Bench has question for this witness?

14 Judge Lavergne, you may proceed.

15 QUESTIONING BY JUDGE LAVERGNE:

16 Thank you very much, Mr. President. Good morning, Mr. Witness.

17 I'm Judge Jean-Marc Lavergne. I have a certain number of
18 questions to put to you in order to bring some clarifications to
19 the answers you provided the Court during your previous testimony
20 -- now, due perhaps to lack of knowledge of the geographical
21 region that you had referred to and that you were from, Siem
22 Reap.

23 Q. You stated that you were working at the Pongro Security
24 Centre. Now, in April 1975, were you indeed employed at the
25 Security Centre of Pongro?

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1 [09.08.47]

2 MR. PE CHUY CHIP SE:

3 A. Yes, in 1975 I was a security staff at Pongro.

4 Q. Is Pongro Security Centre located within the Chi Kraeng
5 district?

6 A. The Pongro Security Centre was located in Chi Kraeng district.

7 Q. And is Chi Kraeng sub-district located within Siem Reap
8 province?

9 A. Yes, that is correct. Chi Kraeng district was located in Siem
10 Reap-Oddar Meanchey.

11 Q. Where was the office of the Chi Kraeng district located?

12 A. The Chi Kraeng Office was located at Kampong -- at the current
13 Kampong Kdei Market. It was located within those old buildings at
14 the - at the town centre of the Kampong Kdei Market.

15 Q. Just the other day, when you spoke of the Chi Kraeng Market
16 Apartments, in fact, those apartments were located within Kampong
17 Kdei; is this correct?

18 [09.10.48]

19 A. The Chi Kraeng Market is the current Kampong Kdei Market; it
20 is one and the same. So the Chi Kraeng Market is the Kampong Kdei
21 Market.

22 Q. Is Kampong Kdei located some 60 kilometres from Siem Reap,
23 along National Road 6? Are we referring to the same location?

24 A. The Kampong Kdei Market is about 60 kilometres from the Siem
25 Reap provincial town.

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1 Q. From what I understood, the zone that surrounds Kampong Kdei
2 was under Khmer Rouge control for a very long time prior to April
3 1975, and that -- there were a certain number of cooperatives
4 that had been operational for a certain period. When exactly did
5 Kampong Kdei fall under the control of the Khmer Rouge?

6 A. Kampong Kdei was controlled by the Khmer Rouge starting from
7 1970 -- that is, after the coup d'état. The location was
8 controlled by the Khmer Rouge.

9 [09.12.44]

10 Q. Therefore, when the Khmer Rouge took control of the area in
11 1970, were the residents of Kampong Kdei evacuated?

12 A. The people at Kampong Kdei -- and only those Chinese
13 Cambodians were evacuated to the distant villages -- that is,
14 they were transferred to about 30 or 40 kilometres away from the
15 Kampong Kdei Market. But the majority of them were Chinese and
16 civil servants, including teachers; they were also transferred.

17 Q. Were you told why the civil servants and those of Chinese
18 ethnicity were evacuated from Kampong Kdei?

19 A. I did not know the reason for the evacuation or why those
20 people had been evacuated.

21 Q. Yesterday (sic), you told the Court that there were soldiers
22 and civil servants who had worked during the Lon Nol Republic who
23 were housed in Chi Kraeng Apartments, which we now gather to be
24 in Kampong Kdei. Were those soldiers from Siem Reap or did they
25 come from the city or district of Kampong Kdei?

6

1 [09.14.55]

2 A. The public servants or the senior military personnel or some
3 of the major provincial leaders were brought in from the Siem
4 Reap Provincial Town, not from Kampong Kdei.

5 Q. I gathered that this was information that you had obtained
6 from other witnesses -- that you, yourself, had ascertained from
7 other witnesses. But were you, yourself, sir, in Kampong Kdei
8 village and were a first-hand witness of the evacuation of the
9 senior civil servants and soldiers?

10 A. I knew about the presence of the soldiers who had been
11 evacuated from Siem Reap through people and -- as well as from
12 through those people who worked at the security. But I, myself,
13 did not witness it.

14 Q. So, were you told why those civil servants and soldiers were
15 being evacuated from Siem Reap to Kampong Kdei, which is located
16 some 60 kilometres from that area? Were you told why they were
17 being taken from one place to another?

18 [09.16.54]

19 A. As for the reason, it was not clear. I only learned of it
20 through the people and through those people who worked at the
21 security office. I was told that they were the ones who betrayed
22 the revolution, and for that reason they had been moved to be
23 re-educated at the Kampong Kdei Market. That's all I knew back
24 then.

25 Q. At the time, during the period of Democratic Kampuchea, were

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1 you in Siem Reap or did you hear about the demise of the
2 population of Siem Reap? Were they forced to leave the city?

3 A. I cannot respond to this question, as I was myself not clear.

4 Q. Yesterday (sic), you stated that you had met with some of the
5 evacuees. Where did the evacuees come from? Were they from Phnom
6 Penh, were they from Siem Reap, or did they come from other
7 regions of Cambodia?

8 [09.18.53]

9 A. I learned about the people who had been evacuated from Siem
10 Reap or from Phnom Penh -- was through mouth -- from one person
11 to another, and that's how I learned of that information. So it
12 was indirect information that I obtained through word of mouth.

13 Q. And you, sir, had you met with any of the evacuees? Did you
14 talk to any of them?

15 A. I met those evacuees. When I left the Khmer Rouge in 1970, I
16 met those evacuees who came to reside in my village, but I
17 couldn't recall how many of them that I met at the time. There
18 were several, but I just can't recall the exact number.

19 Q. And let me ask you a supplementary question just to make sure
20 that we understand each other perfectly. You stated that you met
21 with certain evacuees in 1970. Is that the precise date at which
22 you met them, or did you meet with them only afterwards? So, when
23 exactly did you meet with those who were evacuated?

24 A. Allow me to respond. I met the evacuees after 1975. It was not
25 in 1970, because in 1970 there was no evacuation yet; evacuations

1 only took place after 1975.

2 [09.21.38]

3 Q. When the April 17 People were referred to, was such a label
4 designating only those who had been evacuated from Phnom Penh or
5 did it designate anyone who had been evacuated from a particular
6 city, regardless of the city?

7 A. As for the phrase "April 17 People", it designated for all
8 people who had been evacuated throughout the country. It was
9 meant for the whole lot, not just for a particular group or a
10 province. So, let me repeat: the Khmer Rouge designated that for
11 all those evacuees; they were called the 17 April People.

12 Q. There was a segment of the population that had been evacuated
13 in initial time within your district. Were there any further
14 evacuations? Were there any other further movements of the
15 population, whether people who -- for example, who came from
16 Phnom Penh, forced to travel even further a subsequent time or at
17 any other time that you may have been aware of?

18 [09.23.21]

19 A. I cannot actually respond precisely to your question because,
20 during the evacuation, I was still at the Pongro Security Office,
21 so I learned of the news through the security staff. And I
22 learned that in 1970. There were no 17 April People yet; only the
23 Chinese ethnicity had been evacuated from the market and the
24 province or towns to the outskirts. And later on people from the
25 province or town of Siem Reap had been evacuated also to the

1 outskirts. That's all -- how I've learned of that information.

2 Q. In April 1975, upon Khmer Rouge victory, what was the food
3 situation like in your sector? Were there any problems concerning
4 food rations or sustenance?

5 A. After 1975, there was difficulty with food rations in the
6 district. Those who had been evacuated, some of them died due to
7 starvation, due to hard work, and the situation was difficult and
8 terrible due to the lack of food.

9 [09.25.24]

10 Q. Mr. Witness, was this the situation to which you were a
11 first-hand witness or, again, was this a scenario that had been
12 reported to you?

13 A. I knew of that information through other sources, as I,
14 myself, could not have learned of it personally during the time
15 that I worked with the Khmer Rouge.

16 Q. Prior to April 1975, were there any families of Cham
17 background who resided in your sector?

18 A. Prior to 1975, I did not know about a situation of
19 Cham-related families. I only knew of that information after
20 1975.

21 Q. And what exactly did you know or learn of after April 1975?

22 A. I knew that after 1975 the Cham people were evacuated to my
23 village -- that is, the Pongro Kraom village -- and they were
24 designated to live among the houses of the local villagers and
25 they were forced to eat pork as well. So, in order to survive,

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1 they had to follow the order, they had to do what they were asked
2 or instructed to do. And the Cham people were living a terrible
3 life back then.

4 [09.27.54]

5 Q. Did you know exactly where those who were of Cham descent from
6 (sic)?

7 A. As from where they had been evacuated from, I did not know, as
8 I did not ask them about that or I was not told of that
9 information. I only knew that they had been evacuated to live
10 among the Khmer people in my village.

11 Q. Sir, were you a direct witness of other discriminations
12 practiced against certain categories or segments of the
13 population? If so, which ones?

14 A. In regards to the discrimination against the 17 April People,
15 or the Cham-descent people, or the civil servants from the former
16 regime who had been evacuated, I witnessed that they had been
17 forced to engage in hard labour, to do the harvesting or carrying
18 soil, to dig a canal or to build dams, and they were assigned to
19 engage in difficult tasks or work. And if -- for those 17 April
20 People or the civil servants or the former soldiers or policemen
21 of the former regime, they would be monitored, and if they made
22 any small mistake, they would be accused of it and they would be
23 killed.

24 [09.30.18]

25 Q. The security centre -- the Pongro Security Centre was closed,

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1 you told us, in 1977. However, the discrimination against the
2 populations you spoke about, did they continue after 1977?

3 A. To my observation, the discrimination was still there. There
4 was no noticeable change in population segregation and
5 discrimination. Even if I returned back to the village, I also
6 noticed that the 17 April People were subjected to hard labour
7 and they were provided with small food rations compared to the
8 Base People. That's what I observed at that time.

9 Q. Well, I have a last question to put to you, Witness. After the
10 security centre was closed in Pongro, was another security centre
11 created in the district? And what was this security centre?

12 A. I could respond to this question based on the information I
13 received from the people in the village. Following the closure of
14 Pongro Security Office, it was then transferred and established
15 at Kampong Kdei location. I did not know the detail of that new
16 security office, but what I learned from the people was that the
17 security office was then moved to Kampong Kdei Pagoda.

18 [09.32.42]

19 JUDGE LAVERGNE:

20 Thank you, Witness, for all of this clarification.

21 And I have no further questions to put to the witness.

22 MR. PRESIDENT:

23 Thank you.

24 Now I hand over the floor to the defence team for Mr. Nuon Chea
25 to put the questions to the witness. You may proceed.

12

1 QUESTIONING BY MR. SON ARUN:

2 Good morning, Mr. President. Good morning, Your Honours, and good
3 morning, Mr. Chip Se.

4 I am the national defence counsel for Mr. Nuon Chea, and my name
5 is Son Arun. I have a few questions to ask you this morning.

6 [09.33.39]

7 Q. At the start, I would like to ask you about your personal
8 background, particularly your educational background first.

9 How many years of schooling did you have?

10 MR. PE CHUY CHIP SE:

11 A. I started schooling in the Sangkum Reastr Niyum era. I studied
12 in the Reaksmei Sokun (phonetic), in Stoung district, and I
13 finished grade 4, and then there was a coup d'état. Then I
14 returned to my home village, residing with my family in Ta Poar
15 Leu village, Chi Kraeng district, Siem Reap province.

16 Q. When you gave up schooling, you joined the Revolutionary
17 Forces in 1972; is my understanding correct?

18 A. That is correct.

19 [09.35.06]

20 Q. When you joined army - yesterday (sic), you responded to the
21 questions by the prosecutors and the civil party lawyers; you
22 testified that you joined the Khmer Rouge Liberation Forces in
23 Tang Kouk. At that time, in Tang Kouk, it was a hot battlefield,
24 and the Khmer Rouge named its forces as Chenla II. So -- and
25 then, after that, you fled the army and you returned back to your

1 hometown. Is that correct?

2 A. That is correct. I fled the Chenla II army, and we were
3 fighting with the Lon Nol administration. And I fled the army and
4 I returned to my home town.

5 Q. So, are you saying that at the time you gave up your position
6 in the army? And when did you resume your function in the army
7 again?

8 A. No, I did not serve in the army anymore, but instead I joined
9 the security office; it was Pongro Security Office. I never
10 joined the army again.

11 Q. According to the documents, the records of interview with the
12 OCIJ, you said that you joined the security office because you,
13 at that time, got lost, and then you went off track, and then you
14 were arrested, and then, after that, you were assigned to be the
15 clerk of the security office. Is it a fair summary of what you
16 testified before the OCIJ?

17 [09.37.30]

18 A. That is correct.

19 Q. In 1972 -- at the time, you were around 17 or 18 years of age
20 and you joined the Revolutionary Force. Did you join the army at
21 that time at your own will, or were there any people inducted you
22 to the military forces?

23 A. In 1972, I did not intend to join with the Khmer Rouge forces.
24 At the time, I left my parents because I wanted to continue my
25 study in Siem Reap City. But unfortunately I could not pursue my

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1 study.

2 Then I went on to look for my grand-parents in Kaoh Thum. Then,
3 when I reached Tang Krasang, which was about halfway to my
4 grand-parents' place, the Khmer Rouge soldiers accused me of
5 being the undercover agent. So they arrested me and placed me
6 under custody somewhere around Santuk Mountain. And then, later
7 on, they inducted me into their forces. But it was not from my
8 own will who -- of joining this Khmer Rouge force.

9 [09.39.33]

10 Q. In 1974, according to your statement with the OCIJ, you
11 testified that there were a lot of killings, and those who were
12 killed were accused of bandit and they ranged from children to
13 women. I would like to know whether or not you witnessed the
14 killing of those women and children or you simply overheard it
15 from others?

16 A. The report concerning the killing in 1974 -- I witnessed it
17 myself. They frogmarched -- the prisoners whom they accused of
18 being the bandits were placed in security office -- Pongro
19 Security Office. They placed them -- imprisoned them in a
20 separate cell because they were destined to be executed. So they
21 were separated from other prisoners. For example, prisoners of
22 immoral wrongdoing were imprisoned in different cells.

23 [09.41.00]

24 Q. I would like to clarify a bit. You said that, among those
25 prisoners, there were children and women. Were they the Khmer

15

1 Rouge soldiers who charged them of being bandits?

2 A. Yes, the Khmer Rouge soldiers who alleged them of being the
3 bandits and they told security office at Pongro district that
4 those people took refuge in the forest and they also, at times,
5 came to the village and stole the villagers' food stuff. So,
6 because they took refuge in the forest, the Khmer Rouge soldiers
7 accused them of being bandits.

8 Q. At the time when the Khmer Rouge soldiers accused them, both
9 women and children, as a bandit, where were you at the time? Were
10 you also somewhere among those prisoners who were both women and
11 children or you were somewhere else?

12 A. At the time, I was among the security officers, and those
13 prisoners were being imprisoned in the Pongro Security Office and
14 they were shackled. And they told them that the prisoners were to
15 be placed in the separate cells from others.

16 [09.43.08]

17 Q. You told the OCIJ that, "following the 17 of April 1975, I saw
18 they evacuate soldiers and the former official of Lon Nol
19 administration from Siem Reap, and those people were temporarily
20 housed at Chi Kraeng district, and then, later on, those people
21 were taken away to be executed", but you did not know where those
22 people were killed, exactly.

23 So my question to you is: Did you see the execution of those
24 former officials and soldiers by your own eyes or you only
25 overheard it from others?

16

1 A. I knew this information from the security officers of Pongro
2 district, whom -- who had a good relation with the soldiers. I
3 did not know whether they were the soldiers attached to the
4 district, but those security officers said that they joined force
5 with the military and they told me that those people who were
6 evacuated out of the city of Siem Reap were executed. No one was
7 spared, including their wives and children.

8 [09.44.46]

9 Q. So, is it fair to say that you only heard from others -- you
10 did not witness the killing by yourself? Is that correct?

11 A. Yes, that is correct. Those officers who were involved with
12 the military officers told me about the execution, and I think
13 that that information was reliable.

14 Q. You were working at the Pongro Security Office, and your
15 supervisor was Ta Voan. And then, later on, Ta Kun were -- Ta Kun
16 came to take the place of Ta Voan after Ta Voan was arrested.
17 Did you witness the arrest of Ta Voan or did you only overhear
18 from others? Or could it be the case that Ta Voan was transferred
19 to take charge of a position elsewhere? I would like to ask you
20 to clarify whether or not Ta Voan was actually arrested or he was
21 merely transferred. And how did you know this information?

22 [09.46.26]

23 A. Ta Voan was arrested on charge of betraying the organization,
24 but I did not witness the arrest; I heard it from other.
25 Actually, he was not arrested immediately, but he was first

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1 transferred to be in charge of the construction of water
2 reservoir because he was a technician earlier on, so Khmer Rouge
3 transferred him to take charge of constructing Suong Dam. And
4 later on the Khmer Rouge arrested him.

5 And I did not witness the arrest by myself. I only heard it from
6 the security officers. They told me that Ta Voan was actually
7 arrested by the Khmer Rouge.

8 Q. In document D125/127 -- relevant ERN 00224054; English,
9 00225113 (sic); I do not have the relevant ERN page in French --
10 you told the investigators "that they killed people using the
11 stick, striking the head of the prisoners. And once they fell
12 down, they used the knife to cut through their throat. And then
13 they pushed the dead body into the holes. And then, after that,
14 they would cover the graves with earth".

15 I would like to ask you once again whether or not you witnessed
16 the killing of this nature by your own eye.

17 [09.48.38]

18 A. Well, I did not witness it by my own eyes because the Khmer
19 Rouge would not allow anyone to go close to that area. I merely
20 knew that information about -- from those officers who were
21 involved in that activities; they told me. And I was not in the
22 position to go close to that, so I simply knew from their
23 subordinates who were involved in the execution of such
24 activities.

25 Q. Are you saying that you heard it from others and then you told

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1 the investigator of the OCIJ? So, it is clear that you did not
2 witness it by your own eyes; you only overheard it from others.
3 You were telling the OCIJ -- are you certain that what you heard
4 was accurate and correct?

5 A. To my knowledge, I believe that what they told me was true
6 because, after the regime, there were mass graves, and we all saw
7 those mass graves. And following 1979, the people in that area
8 exhumed those mass graves and then they discovered the bones and
9 skull in those mass graves. So what they have told me must have
10 been true and correct.

11 [09.51.12]

12 Q. In document D83-Annex-0012 (sic) -- ERN 00812867; English,
13 00124158 (sic); and French, 00779387 -- it was an interview --
14 your interview with Monsieur Locard. In that interview, you told
15 Locard that Ta Voan cut open the stomach of the prisoners and
16 then he took the gut liver (phonetic) of the prisoners in order
17 to put it into his wine jar. Did you witness this yourself or you
18 only heard it from others?

19 A. I only heard it from others; I did not see it by myself.

20 Q. Who told you at the time about that?

21 A. He was one of the villagers from Pongro village. He saw Ta
22 Voan, and he was asked by Ta Voan to look for the Khmer gin --
23 rice gin so that he could put the gall-bladder of the prisoner,
24 which he cut off the body of the executed prisoner in.

25 [09.53.28]

1 Q. In the same document, you told Henri Locard that -- in that
2 document, actually, you -- you wrote your name with some
3 abbreviation -- a sort of abbreviation, and then followed by
4 "Chip Se". What do you mean by that abbreviation? Can you
5 elaborate?

6 A. No, actually, I did not know how Henri Locard wrote my name.
7 Actually, he was the one who prepared this interview and written
8 record because at that time, when he was conducting interview
9 with me, there were two interpreters. He conducted interview in
10 French, and I had to respond to him through interpreters. And if
11 you ask me to elaborate how he wrote my name, I did not know. It
12 was up to him who, you know, wrote that in that way.

13 Q. If you do -- did you write it over again after Henri Locard
14 finished the interview? And would you accept -- would you accept
15 what Henri Locard wrote in his record if you did not even read
16 it? Do you find it acceptable to date?

17 [09.55.14]

18 A. I once again wish to tell the Court that I categorically
19 reject the statement that my younger brother joined the Khmer
20 Rouge forces when he was eight years old. That was a misstatement
21 or misrepresentation of what I said. So, I don't find this
22 portion of the record acceptable.

23 Q. In your question and answer throughout the interview with
24 Henri Locard, did you only reject the portion which you mention
25 just now, or -- and as well as the abbreviation of your name? You

20

1 say that you only reject the report or the record of your
2 interview on these two particular points, or are you rejecting
3 the entire record of your interview?

4 MR. PRESIDENT:

5 Witness, please hold on.

6 Mr. Prosecutor, you may proceed.

7 [09.56.42]

8 MR. LYSAK:

9 Thank you, Mr. President.

10 I think this question is inappropriate because the witness was
11 not asked by the OCIJ investigators or in his trial testimony to
12 read his entire statement and confirm the accuracy of every
13 statement.

14 I asked about particular parts of the interview, and he indicated
15 whether they were accurate or not.

16 If counsel has particular parts of the interview that he wishes
17 to ask the witness to confirm, he can do that, but the witness
18 has not been provided an opportunity to read the entire
19 interview, which is about eight pages, so I think it's
20 inappropriate to put a question such as that.

21 MR. SON ARUN:

22 I would like to respond to the objection by the prosecutor.

23 The prosecutor asked a lot of questions based on the interview
24 with Henri Locard, and I think that the prosecutor made use of
25 the time at the time.

21

1 [09.57.52]

2 MR. PRESIDENT:

3 The objection and grounds of objection by the prosecutors are
4 valid, and thus sustained.

5 So, counsel is advised to revisit your questions. If you are
6 going to quote the portion of the interview of this witness with
7 Mr. Henri Locard, you may, of course, ask questions based on this
8 interview, but if you ask any specific point, for example the
9 errors in spelling of names or so in the interview -- sometimes
10 the spelling mistake was made by Mr. Henri Locard, so the witness
11 has nothing to do with that. And if you want to ask, you can ask
12 based on the substance of that interview.

13 Of course, you can quote the substance of that interview and Mr.
14 Henri Locard recorded his interview with the witness in his -- in
15 his record. So you can, of course, based on this report, then ask
16 questions to the witness.

17 [09.59.09]

18 BY MR. SON ARUN:

19 Thank you, Mr. President, for your guidance. Allow me to continue
20 my questioning.

21 Q. You were interviewed by Henri Locard, and in the Khmer
22 spelling, as "Chip Se", you confessed that you executed two
23 prisoners and beat prisoners during the interrogation session. Do
24 you stand by that statement?

25 MR. PE CHUY CHIP SE:

22

1 A. I do not stand by that statement. However, I knew that I beat
2 the prisoners, but I never killed any prisoner because I was not
3 trusted by the Khmer Rouge. For that reason, I cannot stand by
4 that statement.

5 Q. You said that you did beat the prisoners but you did not kill
6 them. How many prisoners did you beat?

7 [10.00.53]

8 A. I beat the prisoner during the interrogation. As for the
9 number of prisoners, I cannot recall.

10 Q. In your written record of interview with the OCIJ -- that is
11 document D125/127, ERN 00224054, and English, 00225213 -
12 yesterday (sic), in your response to the prosecutor, you said
13 that you witnessed the killings only one time.

14 The question is: What was the killing scene like? What did they
15 do before they were killed and what happened after they were
16 killed, and at which location? Can you tell us?

17 A. As for the killing of the prisoners by the Khmer Rouge, before
18 the prisoners were killed, they would be taken to the pit, and
19 the pit had already been dug in advance. And they were not killed
20 near the detention site; it was at a location about one kilometre
21 away from the detention site. They already had the clubs there,
22 and prisoners were tied and they were blindfolded with a black
23 cloth. And upon arrival they were ordered to kneel, and they used
24 the club to beat the prisoners. And when the prisoners died,
25 their throat were cut and they would be thrown into the pit. And

1 after that they covered the pit.

2 [10.03.38]

3 Q. Were the prisoners killed during the daytime or the night
4 time?

5 A. From what I was told by the Khmer Rouge executioners, they
6 were mostly killed during the daytime.

7 Q. When the prisoners were taken to be killed, did you go and
8 witness the killing or did you hear it through somebody else's
9 word?

10 A. Mostly, I heard it through other people who were the ones who
11 walked the prisoners, and they were known as the members of the
12 Youth League of the Khmer Rouge. And they told me of the -- the
13 killing of those prisoners.

14 Q. For every killing of the prisoners from the Pongro Security
15 Centre, did the executioners always tell you after they return
16 from the killing?

17 A. No, not every time. Sometimes they told me. In fact,
18 sometimes, when they were speaking with one another and I was
19 sitting nearby and -- I heard of what they said and what they
20 did, so that's how I learned of the information. They were
21 speaking among themselves. I, myself -- I did not ask them those
22 questions.

23 [10.06.12]

24 Q. Thank you.

25 This is my last question to you. You worked as a clerk of the

1 Pongro Security Centre. How long did you perform that duty? And
2 after that, what else did you do?

3 A. I worked at the Pongro Security Centre starting from 1973
4 until 1977. At that time, people there were accused of betrayal
5 by the Khmer Rouge. They had been arrested, and I told them that
6 I was the clerk. So then they sent me back to live in the
7 village.

8 Since then, I did not engage in any specific role. I was in the
9 mobile unit after 1977.

10 [10.07.19]

11 Q. You worked with the Khmer Rouge first as a soldier, then you
12 worked in the security centre. Until what year did you stop
13 working for the Khmer Rouge?

14 A. I stopped working for the Khmer Rouge in 1977. I did not have
15 any more role in the Khmer Rouge after that year. I became a
16 villager in the cooperative, so I was then under the control of
17 the Khmer Rouge in the cooperative.

18 Q. In what year -- what village were you resided in in that year?
19 Did you move to another village or you reside in your native
20 village?

21 A. After I stopped working for the Khmer Rouge in 1977, I moved
22 to my native village -- that is, Pongro village, Pongro Kraom
23 district, in Siem Reap. So, I moved to my native village.

24 Q. You worked within the framework of the Party of the Democratic
25 Kampuchea starting from 1972 to 1977 -- that is, for a period of

25

1 five years. In your response to the Prosecution then to the Lead
2 Co-Lawyers, you mostly said that -- you referred to them as
3 "they". Can you enlighten us on the word "they" that you used to
4 refer to those people?

5 A. The word "they" that I used refers to the Khmer Rouge. And
6 that's what I meant.

7 [10.09.47]

8 MR. SON ARUN:

9 Thank you, Mr. President. I do not have any further questions for
10 this witness, and I'd like to cede my floor to my international
11 colleague.

12 MR. PRESIDENT:

13 International Counsel, you may proceed.

14 QUESTIONING BY MR. PAUW:

15 Thank you, Mr. President. And good morning to you, Mr. Pe Chuy
16 Chip Se. I am Jasper Pauw. I'm international counsel for Mr. Nuon
17 Chea and I will ask you some further questions on the topic that
18 you have been testifying on for the past two days. I will speak
19 slowly to avoid confusion, but if there is a question you don't
20 understand, please ask me to clarify.

21 [10.10.47]

22 Q. And my first question relates to the situation at Chi Kraeng
23 Market, where, according to you, Lon Nol soldiers were detained
24 in old concrete houses. We have already established this morning
25 that the Chi Kraeng Market is, indeed, the Kampong Kdei Market.

26

1 And my question to you is the following. You have testified that
2 both Lon Nol soldiers and former Lon Nol government officials
3 were transported from the Chi Kraeng Market to be executed. My
4 question is the following: How do you know it was both Lon Nol
5 soldiers and former Lon Nol government officials?

6 MR. PE CHUY CHIP SE:

7 A. Your question is related to the evacuation of the people to
8 the Kampong Kdei Market and whether they were the former
9 government officials or soldiers who had been evacuated by the
10 Khmer Rouge.

11 [10.12.22]

12 I learned of that information through the Khmer Rouge who worked
13 at the Pongro Security Centre; I was told by them, as well as I
14 learned of it through the villagers. As whether I witnessed it
15 personally, I did not. I only heard of that information through
16 other people, that the Lon Nol government officials had been
17 transported to the Kampong Kdei Market and that later on they
18 were executed. I learned of that later part by the Khmer Rouge
19 who worked at the Pongro Security Centre.

20 Q. So, the Khmer Rouge soldiers that worked at the Pongro
21 Security Centre told you about the former Lon Nol government
22 officials that were detained in the Chi Kraeng Market; is that a
23 fair summary of your answer?

24 A. What I just said is correct.

25 Q. And to avoid confusion, you were also told about the detained

1 Lon Nol government officials by the villagers that you just
2 mentioned?

3 A. Could you please repeat your question? You talk about the
4 detention of the people. Can you specify the location?

5 [10.14.30]

6 Q. My apologies; I'll be more specific. Did the villagers also
7 tell you about the Lon Nol government officials that were
8 detained at the Chi Kraeng Market?

9 A. The villagers also told me. As for those people who took away
10 the Lon Nol soldiers -- I mean those who worked at the Pongro
11 Security Centre -- also told me about that.

12 Q. And do you remember how many of the Khmer Rouge soldiers that
13 were affiliated with the Pongro Security Centre told you about
14 the Lon Nol government officials being detained in the market at
15 Chi Kraeng and then were later executed? So, how many soldiers
16 told you about this?

17 A. As for the number, I cannot recall it exactly. Did you mean
18 that -- how many people who worked at the Pongro Security Centre
19 who told me? Could you please rephrase your question, since I am
20 really unclear on it?

21 [10.16.21]

22 Q. Indeed, I would like you to tell the Trial Chamber, if you
23 remember, how many soldiers at the Pongro Security Centre told
24 you about the former Lon Nol officials that were detained in the
25 Chi Kraeng Market. And if you do not remember, please tell us

28

1 whether it was one, two, three, or more?

2 MR. PRESIDENT:

3 Witness, please wait.

4 The Prosecution, you may proceed.

5 MR. LYSAK:

6 Yes, Mr. President, I don't know whether counsel just mis-phrased
7 his question. The witness has not indicated that the people who
8 worked at the security office were soldiers. He's distinguished
9 between soldiers and security personnel at the -- at the office.
10 So, I think that that may be the source of the confusion, and
11 we'd object to the question on -- as presently phrased.

12 [10.17.29]

13 BY MR. PAUW:

14 I'm happy to rephrase the question. And there might be some
15 confusion, indeed.

16 Q. Mr. Witness, you stated that you were told by people working
17 at the Pongro Security Centre about the detention of former Lon
18 Nol government officials at the Chi Kraeng Market. Do you
19 remember how many of these people that were working at the
20 security centre told you about the detention of the Lon Nol
21 government officials?

22 MR. PE CHUY CHIP SE:

23 A. As to the number of those who worked at the security centre
24 and who told me, there were about three of them. Let's say there
25 were three of them who told me about the events that they went

1 with the Khmer Rouge soldiers.

2 Q. And do you remember the names of the three staff members of
3 the Pongro Security Centre that told you about this?

4 A. I cannot recall the three names now. As you know, it has been
5 several years already; I can't recall their names.

6 [10.19.23]

7 Q. And you also stated that villagers told you about the
8 detention of former Lon Nol government officials at Chi Kraeng
9 Market. Could you tell us how many villagers told you about this
10 detention?

11 A. As for the villagers who told me about the Khmer -- the Lon
12 Nol soldiers, I cannot recall the exact figure of those
13 villagers, as my memory, so far, doesn't serve me that well.

14 Q. Can you give us an estimate? Would it have been one or two
15 villagers or more?

16 A. I can say that there are more than two; there were several, in
17 fact, but I just cannot put the exact word to the figure.

18 Q. I'm sorry; I just misheard it in my headphones. Did you say
19 there would be more than two? Or could you correct me if I'm
20 wrong?

21 A. Yes, there were several people who told me. But as I said
22 earlier, I could not -- cannot give you the exact figure as to
23 the number of those villagers because I cannot recall them
24 clearly, but there were several of them who told me about that.

25 [10.21.33]

30

1 Q. So, would it be a fair summary of your answer to say that
2 three soldiers - or, excuse me, three staff members at the Pongro
3 Security Centre as well as several villagers told you about the
4 fact that former Lon Nol government employees were detained at
5 Chi Kraeng Market and were later executed? Is that the fair
6 summary of your answer?

7 A. Yes, that summary is fair.

8 Q. You have also spoken about trucks that took away the former
9 Lon Nol soldiers and government employees and you have also
10 stated that you did not personally see those trucks. Could you
11 tell me who told you that these individuals were indeed taken
12 away in trucks?

13 A. Regarding the transportation of soldiers, I was told by the
14 villagers that soldiers were transported to Tomnob Mkak and they
15 were executed there. That was the words I was told by the
16 villagers.

17 [10.23.38]

18 Q. And do you remember how many villagers told you about this,
19 about the transportation by trucks of these individuals?

20 A. I cannot recall that. For that reason, I cannot give you the
21 exact figure.

22 Q. And do you remember the names of some of the villagers that
23 told you about this event where trucks were used to transport
24 these people?

25 A. When it comes to names, it is even worse; I can't recall any

1 of those names. For that reason, I cannot respond to this
2 question.

3 Q. And when you speak about "villagers", which village are you
4 talking about? Are you speaking about one specific village or are
5 you speaking about several villages where these "villagers" came
6 from?

7 A. I meant the Pongro villagers of the Pongro Kraom commune, Chi
8 Kraeng district. So I referred to one village only.

9 [10.25.56]

10 Q. And was that the village where you were living at during the
11 time that you were working at Pongro Security Centre?

12 A. No, it was not the village that I was living in at the time.
13 It was the village near the security centre; it was about 3
14 kilometres away from the security centre. So it was different
15 from the village that I lived in, although we live in the same
16 commune and district.

17 Q. So, how far away was the village you were living in from the
18 village that these villagers came from? Can you give an estimate?

19 A. I cannot give you a precise answer. However, I can give you an
20 estimation. The distance from the village I live to the Pongro
21 village is about 5 kilometres.

22 [10.27.40]

23 Q. You have stated -- and I'm moving to a new topic, just to
24 clarify -- you have stated that the security centre was
25 abolished, or shut down, in 1977. Do you know why it was shut

1 down?

2 A. I knew the reason for the shutdown. The people who worked in
3 that security centre were accused of betrayal by the Khmer Rouge
4 and that was not only for the Pongro Security Centre. The
5 accusation was nationwide, because from one group to another, the
6 Khmer Rouge always accused all the previous group of betrayal.
7 So, Ta Kun was accused of being betrayal (sic) and he was
8 arrested, as well. So I know that the reason for the centre to be
9 shut down because of that accusation by the Khmer Rouge of
10 betrayal.

11 Q. And when you speak of "betrayal", do you know what sort of
12 betrayal he was accused of? What was he accused of having done or
13 not having done?

14 A. I did not know exactly the nature of the accusation; I was a
15 low-level staff, and that's all I knew, that the accusation was
16 of the betrayal. So, all the staff working at the Pongro Security
17 Centre had their names listed, and the lists would be sent to the
18 upper echelon. And after that the prisoners were released, and
19 the centre was abandoned.

20 [10.30.30]

21 Q. Other witnesses have declared about this period and they also
22 testified that Ta Sok and Ta San arrested Ta Voan, Ta Kun, and Ta
23 Neath and they state that Ta Sok and Ta San then encouraged the
24 people to track down and kill the authorities in the villages and
25 sub-districts who had caused people to starve to death.

33

1 My question to you is: At that time, did you hear people speak
2 about this, where -- certain Khmer Rouge authorities being
3 prosecuted because they had let people starve to death?

4 A. For this particular incident, I did not know for sure because
5 it was the matter handled by the Khmer Rouge.

6 MR. PRESIDENT:

7 Thank you, Counsel, and thank you, Witness.

8 The time is now appropriate for adjournment. The Chamber will
9 adjourn for 20 minutes, and we will resume at 10 to 11.00.

10 Court officer is instructed to arrange the holding room for the
11 witness and his duty counsel during the break and have them back
12 in this courtroom by 10 to 11.00.

13 The Court is now adjourned.

14 THE GREFFIER:

15 All rise.

16 (Court recesses from 1032H to 1051H)

17 MR. PRESIDENT:

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

19 And the floor is once again given to Nuon Chea's defence to
20 continue putting questions to this witness. You may proceed.

21 [10.52.31]

22 BY MR. PAUW:

23 Thank you, Mr. President.

24 Q. Before the break, we talked about the year that the security
25 centre was closed. And in your interview with Mr. Henri Locard,

34

1 you have stated that, when the security centre was closed, its
2 documents were destroyed. Do you know why these documents were
3 destroyed?

4 MR. PE CHUY CHIP SE:

5 A. I knew that the documents at the Pongro Security Centre were
6 destroyed, as the centre itself was located in the forest. The
7 destruction was based on the accusation that the previous Khmer
8 Rouge group was traitorous of the Revolution, so there had to be
9 a change. For that reason, the previous existence of the location
10 had to be destroyed.

11 [10.54.08]

12 Q. And when the centre – when the security centre was destroyed,
13 were people released from this security centre? And if so, can
14 you give us an estimate as to how many people were released?

15 A. At the time the centre was shut down, there were more than 100
16 people -- It was an estimate only. At that time, a meeting was
17 held to announce that all the prisoners were released, and they
18 were not transferred or moved elsewhere. So, then, they returned
19 to their respective villages. That included both the
20 light-offence and the serious-offence prisoners.

21 Q. Mr. Henri Locard has interviewed more people from the region
22 where you were active during those years, and one of these
23 witnesses states that there was indeed a policy change in 1977
24 and that the head of – the head of the district that this witness
25 was living in declared that previous Khmer Rouge were mistaken

1 and that the Khmer Rouge should not have – should not have
2 imprisoned so many people.

3 Did you ever hear something similar, where the new Khmer Rouge
4 staff members that arrived in 1977 -- did they declare that the
5 people before them should not have imprisoned so many people?

6 [10.56.40]

7 A. Yes, I heard them saying that. The announcement made by the
8 Khmer Rouge was to the fact that they changed their policy. They
9 accused the previous group of being the executioners of the
10 people, of them starving the people. And for that reason, what
11 you stated is correct.

12 Q. Thank you.

13 To go back for one moment to the issue of the executions of Lon
14 Nol soldiers and former Lon Nol government officials, do you
15 remember today who was involved in those executions -- who
16 executed those executions?

17 A. According to my recollection, there was those people who were
18 taken from the Pongro Security Centre, and the one who led the
19 execution was probably those sector soldiers, although I am
20 really unclear on this point. That's all how I can say. So, there
21 was the participation of those people working at the Pongro
22 Security Centre in the execution of the former soldiers.

23 [10.58.58]

24 Q. And did you personally see any sector soldiers that were
25 involved in those executions or did you just hear people speak

1 about this?

2 A. I only heard of that through the saying by other people.

3 Q. Thank you.

4 I'll move on to a next topic, and that relates to the interviews
5 you had with the investigators of the OCIJ. The President has
6 asked you on the first day how many interviews you had with the
7 investigators of the OCIJ and you indicated that you were
8 interviewed twice.

9 And my question to you is: Did you speak about your experience at
10 the Pongro Security Centre both times -- so the first time you
11 were interviewed and the second time that you were interviewed?

12 A. I cannot respond to your question, since I am really unclear
13 on the nature of your question. Could you please rephrase your
14 question?

15 Q. I will rephrase my question: You have spoken to OCIJ
16 investigators twice; this is correct, is it not?

17 [11.01.04]

18 A. Yes, that is correct. I met with the investigators on two
19 separate occasions.

20 Q. And did - did the investigators ask you about Pongro Security
21 Centre on both these occasions?

22 A. The investigators asked me all the questions in the first
23 session that I met with them, but since they had a few more
24 questions, so they made an appointment to meet me again for the
25 second time at the primary school. So it was kind of a

1 supplementary to the first interview that I made with them.

2 Q. And do you remember what the follow-up questions were that
3 they asked you?

4 A. I cannot recall the questions I was asked during the second
5 interview.

6 Q. And do you remember whether that second interview was audio
7 recorded or not?

8 A. During the second interview, I can't recall clearly whether it
9 was audio recorded, but -- I think it was not audio recorded, but
10 I am not a hundred per cent certain of that.

11 Q. Do you remember whether the first interview that you had with
12 the investigators was audio recorded?

13 [11.03.37]

14 A. For the first interview, the investigator team composed of
15 several members, and I can recall that I was asked to swear
16 before the interview and I think it was audio recorded, although
17 I am -- I can't recall it clearly.

18 Q. And did the investigators show you any documents during either
19 the first or the second interview?

20 A. I cannot recall it clearly, whether I was given any document
21 by the investigators at the time. I completely cannot recall
22 that.

23 Q. If I can try to refresh your memory, did the investigators,
24 for example, show you other statements from other witnesses or
25 did they read from other statements of other witnesses?

1 A. I can't recall that as well, so I can't respond to this
2 question.

3 Q. The second time that you were interviewed, when they asked you
4 follow-up questions, do you know whether the investigators
5 prepared a written summary of that interview -- the second
6 interview, to be clear?

7 A. I cannot recall whether there was a written record of
8 interview or was any document shown to me. I cannot recall it at
9 all.

10 [11.06.44]

11 Q. The following question is slightly different. And my question
12 is: Did you, yourself, rely on any notes or a notebook during the
13 interview by the Co-Investigating - during the interview by the
14 investigators of the OCIJ?

15 A. When the investigators conducted an interview with me, upon
16 its conclusion, I was given a copy of the written record, but due
17 to the arrangement at my house, as I had to arrange the two
18 marriages for my children, so I lost that written record of
19 interview.

20 Q. My question was slightly different. When you were being
21 questioned by the investigators, did you use or rely on any
22 notebook or notes that you, yourself, prepared?

23 A. When I was interviewed by the investigators, I did not make
24 any advance preparation or have any note in advance; everything
25 was from my recollection.

1 Q. You say you prepared nothing in advance. Did you, perhaps,
2 read notes that were prepared by someone else -- other than you?
3 [11.09.38]

4 A. When I was given a copy of the written record of interview, I
5 carefully read it and I check against its accuracy, but as I said
6 earlier, somehow I misplaced it. But I did read it carefully
7 after it was given to me by the investigators at the time.

8 Q. Mr. Witness, I'm not talking about the written record that was
9 prepared by the OCIJ. I'm talking about notes that either you or
10 someone else prepared before the interview by the OCIJ.

11 My question, again, is: Did you rely on or consult any notes
12 during the questioning by the investigators?

13 A. Allow me to respond to your question.

14 I did not rely on any note or any document during my interview.
15 Everything was based purely on my recollection of the events --
16 that is, the events of the time that I worked for the Khmer
17 Rouge. So, I told them everything from my recollection, without
18 relying on any note or any document. Whatever questions I were
19 asked by - I was asked by the investigators, I responded to them
20 appropriately.

21 [11.11.51]

22 Q. I'm asking this because when my team listened to the audio
23 recording of your interview -- you are asked a certain number of
24 questions, and then it seems that you are saying: "Could I see my
25 notebook?" -- or it could also be translated as "Could I see my

40

1 notes?" The Khmer word would be "sievphov note" (phonetic). And
2 then the investigator says yes, and you then proceed to give a
3 different answer than the one you gave before.

4 So, my question to you is, again: Did you use or rely on any
5 notes during your questioning by the investigators of the OCIJ?

6 MR. PRESIDENT:

7 Witness, please wait.

8 The Prosecution, you may proceed.

9 [11.13.21]

10 MR. LYSAK:

11 Thank you, Mr. President.

12 If counsel is going to make representations about the interview
13 tape, he should provide some reference for the Court, whether
14 it's a reference to the section of an audiotape or that -- but he
15 should not simply, himself, take on the role of testifying in
16 Court. He should refer the Chamber and the witness to specific
17 evidence if he's going to ask him about the audio recording.

18 MR. PAUW:

19 Thank you, Mr. President. I am happy to do so.

20 This particular section can be heard on the audiotape of this
21 witness's interview with the OCIJ at exactly 14.00 minutes. And
22 the recording is rather poor, but upon listening and
23 re-listening, this is what the witness states. And I want to give
24 the witness a chance to clarify whether or not he indeed relied
25 on any notes during the questioning by the investigators.

41

1 [11.14.46]

2 MR. PRESIDENT:

3 The Prosecution, yes, you may take the floor.

4 MR. LYSAK:

5 Well, we would object to the witness being questioned in this
6 manner.

7 If counsel wanted to have a transcript prepared of the audio
8 interview, he had plenty of time to do that. He's now stated to
9 the Court that the audio recording is extremely unclear. At a
10 minimal, if the witness is going to be asked this, he should be -
11 he should have designated the audio recording and be prepared to
12 play the excerpt in Court.

13 It's not appropriate for him to characterize a segment from an
14 audio recording that he states himself is very difficult to hear.

15 [11.15.37]

16 MR. PAUW:

17 Mr. President, I'm not trying to rely on this segment of the
18 audio recording; I want the witness to respond based on what we
19 have heard on this audio recording. These audio recordings are
20 available to all the parties as well as to the Trial Chamber. All
21 the parties could have listened to these recordings.

22 This is what we found. It only now becomes relevant because the
23 witness claims he did not rely on notes. Clearly, we will follow
24 up on this issue, but for now the simple question is: Does this
25 refresh your memory, Mr. Witness? Did you not rely on notes --

1 personal notes -- during your interview with the Co-Investigating
2 Judges?

3 (Judges deliberate)

4 [11.17.04]

5 MR. PRESIDENT:

6 The objections and its ground by the Prosecution is appropriate.

7 The question by the counsel is ungrounded.

8 For that reason, the witness is instructed not to respond to the
9 last question.

10 MR. PAUW:

11 Mr. President, in that case, I make a submission to have the
12 audiotape played in Court. Again, it only became relevant when
13 the witness denied having relied on notes. Because of the unclear
14 nature of the record, we would ask for it to be played two or
15 three times so that it can be properly heard by the Khmer
16 speakers in the room. We have prepared the audio recording and we
17 can play it in the courtroom, and I would suggest that would
18 clarify all confusion.

19 [11.18.02]

20 MR. PRESIDENT:

21 Yes, you may do so.

22 MR. PAUW:

23 I understand that in order to do so, we would need to ask your
24 officer to obtain a copy from the audio recording, and I'm not
25 sure if that can be done.

1 It is ready, so, with your permission, we would play it if indeed
2 the -- your officer has by now received it. And I'm trying to
3 look at--

4 (Short pause)

5 [11.21.40]

6 MR. PRESIDENT:

7 AV Unit, you are instructed to play the portion of the audio as
8 requested by the defence counsel for Nuon Chea.

9 (Audio presentation)

10 "[Unidentified speaker, interpreted from Khmer:] At the end of
11 the shift, a shot would be fired in to the air.

12 "[Unidentified speaker, in English:] So, before -- when one shift
13 finished, they shot one round into the air, and then another
14 group came to guard those soldiers.

15 "(No interpretation, microphones overlapping)"

16 (End of audio presentation)

17 [11.23.19]

18 MR. PAUW:

19 Mr. President, if I may interrupt, I think the relevant segment
20 already passed, and I confirmed with my colleague from the Khieu
21 Samphan team that it was indeed said.

22 So, if we maybe, for clarification, can play it once more? And
23 even I, with my very limited Khmer skills, heard the word "note".

24 So I would ask the translators to focus on that part, which is
25 quite soon after the beginning.

1 So, with your permission, Mr. President, can we play it once more
2 so that it is clear for all the people in the courtroom?

3 MR. PRESIDENT:

4 AV Unit, you're instructed to play the portion of the tape again.

5 (Audio presentation)

6 "[Unidentified speaker, in Khmer:] (No interpretation)

7 "[Unidentified speaker, in English:] So, before -- when one shift
8 finished, they shot one round into the air, and then another
9 group came to guard those soldiers.

10 "[Unidentified speaker, interpreted from Khmer:] Let me look at
11 my notebook."

12 (End of audio presentation)

13 [11.24.49]

14 BY MR. PAUW:

15 Mr. President, that is (inaudible), as far as we are concerned,
16 for this moment.

17 Let me start out by thanking you, Mr. President, for allowing us
18 to play this tape in the courtroom. I think it really adds to the
19 transparency and the fairness of these proceedings. So, first of
20 all, we appreciate that decision.

21 Q. But, Mr. Pe Chuy Chip Se, what we have just heard -- Khmer
22 speakers heard it and--

23 MR. PRESIDENT:

24 The Prosecution, what's the issue you would like to raise?

25 MR. LYSAK:

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1 I just object to counsel characterizing this. I understand from
2 my colleague that the reference is not that clear. It's not clear
3 who's speaking. But he's played the tape. I suggest, rather than
4 characterize it himself, that he now ask the witness if that
5 refreshes his recollection, because I do not believe the tape is
6 this clear. If my Khmer colleague could not hear it, I'm not
7 sure, with your limited Khmer, how you could.

8 [11.26.07]

9 MR. PAUW:

10 If I understand your objection correctly, Mr. Prosecutor, the
11 prosecutor -- the national prosecutor did not hear who was
12 speaking. I suggest -- that will follow later -- that we listen
13 to a slightly larger portion of the tape to make the issue at
14 hand entirely clear.

15 But I do agree with you, and that was exactly what I was going to
16 do.

17 BY MR. PAUW:

18 Q. Mr. Pe Chuy Chip Se, this reference that you just heard, could
19 you describe to us whether or not you were indeed at that moment
20 looking at notes or a notebook?

21 MR. PRESIDENT:

22 Witness, please wait. There is still uncertainty in this issue.

23 (Judges deliberate)

24 [11.27.44]

25 Mr. Chip Se, upon hearing that portion of the audio which has

1 just been played, do you recognize your -- the voice as your own
2 voice?

3 MR. PE CHUY CHIP SE:

4 Upon hearing the tape, it seems that the voice is not my own
5 voice, or it could be because of the strong echo from the tape.

6 MR. PRESIDENT:

7 During the interview, did you ask for any break, for example to
8 relieve yourself?

9 MR. PE CHUY CHIP SE:

10 So far and up to today, I cannot recall whether I asked for
11 permission to go to a bathroom or not.

12 MR. PRESIDENT:

13 Defense Counsel, please move on to another question because it is
14 unclear, even to me as a President.

15 [11.29.07]

16 I heard that he asked for himself to go to bathroom -- that is,
17 to relieve himself -- because the word "note" is not a Khmer
18 word; it is a foreign word. But the word that sounds very similar
19 to the word "note", but in fact is like going to relieve himself.

20 MR. PAUW:

21 Thank you, Mr. President.

22 And I would not dare to argue with you on the Khmer language,
23 obviously, but I would have, then, a follow-up request.

24 The witness did not deny or contradict that what was being said
25 was indeed relating to notes or a notebook. The witness stated

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1 that he did not recognize his own voice.

2 The reason this issue is so crucial to the Defence is the
3 following. In this segment of audiotape, it is very clear that
4 the witness is testifying on the detention and execution of Lon
5 Nol soldiers from the Chi Kraeng Market. And in fact, he starts
6 out by saying -- and it will be my submission, so it cannot be
7 evidence -- he starts out by saying, when asked by the
8 investigators -- "Besides the soldiers, were there any other
9 people, for example public servants?"

10 [11.30.47]

11 And then the witness answers: "According to my observation, there
12 were no public servants." Shortly thereafter, the witness asks,
13 in our understanding, "Could I see my notebook?", and then,
14 immediately in the answer thereafter, says, "And I want to tell
15 you one more thing, there were not only Lon Nol soldiers, but
16 maybe also public servants."

17 This is a clear issue that relates to the sources of knowledge of
18 this witness. We are perhaps unclear as to who is speaking, even
19 though my team and the Khmer speakers on my team identify the
20 witness as, indeed, this witness.

21 So, to clarify this once and for all, I would ask to play this
22 audio segment, which is a little over two minutes. It is --
23 surrounds the excerpt that we just heard, but it makes clear the
24 timeline of events that the witness first states that, according
25 to him, there were no public servants at that detention centre in

1 Chi Kraeng, and then, after he allegedly looks at his notebook,
2 changes that testimony.

3 [11.32.15]

4 So, with your permission, Mr. President -- and I told you -- I
5 told the Court before, I appreciate your decision to allow this
6 technique in the courtroom. It would take two and a half minutes.
7 It would clarify whether, indeed, it is the witness that is
8 talking and it would elucidate his sources of knowledge. So, Mr.
9 President, we would request to have two and a half minutes of
10 audiotape played.

11 MR. LYSAK:

12 Mr. President, I have -- we have no objection to the tape being
13 played, but I continue to -- I object to the continued effort by
14 counsel to misrepresent or characterize himself.

15 The Khmer speakers on our team did not hear the word "notes" or
16 "notebook", the President did not hear it, so counsel should stop
17 pretending like everybody in this courtroom heard the word
18 "notebook". He, himself, is the one who is making that
19 characterization.

20 I'm happy for him to play that if it helps refresh the witness's
21 recollection. There are many people who are present at this
22 interview talking at the same time, including people from the
23 Court, who have a notebook and are taking note. But -- so I think
24 it's improper for him to characterize evidence that is unclear.

25 [11.33.34]

1 We have no objection to the tape being played if the Court wishes
2 to hear it.

3 MR. PAUW:

4 Mr. President, if I may very briefly, it is not me who
5 characterizes this evidence; it is the Court appointed
6 translators that translated this part of the audiotape for all
7 English speakers to hear. So, by now, it has move from the Nuon
8 Chea defence team to the Court appointed translators, and I see
9 no reason to question these translators.

10 Moreover, if indeed it was a question to go relieve himself, as
11 you, Mr. President, suggested, it's not very logical, after he
12 obtains permission, why the interview continues straight away.
13 One would have expected a pause.

14 So, anyway, I think it is now a Canadian and a Dutch person
15 debating the Khmer language. I think the best solution is to play
16 these two and a half minutes of audiotape and put this issue at
17 rest.

18 (Judges deliberate)

19 [11.36.35]

20 MR. PRESIDENT:

21 I hand over to Judge Sylvia Cartwright to respond to the request
22 made by the defence team for Mr. Nuon Chea. Your Honour, you may
23 proceed.

24 JUDGE CARTWRIHT:

25 Thank you, President.

1 As the parties have observed, the Judges have conferred on this
2 matter and are agreed that there is no basis for the submission
3 made by counsel for Nuon Chea that would persuade the Court to
4 hear any more of the tape.

5 There are two fundamental reasons for this: first, it is unclear
6 if it was in fact this witness who used the words referred to by
7 counsel for Nuon Chea; and, secondly, it is unclear whether the
8 word used was in fact a reference to notes.

9 [11.37.38]

10 Therefore, there is nothing to be -- there is no purpose in
11 returning to the tape and trying further to understand what was
12 being said.

13 And the Chamber now asks counsel for Nuon Chea to move to his
14 next line of questioning.

15 Thank you.

16 MR. PAUW:

17 Thank you, Judge Cartwright. And I understand the ruling.

18 I would make a follow-up submission. Considering that the witness
19 has not stated that it is not his voice but has indicated that he
20 doesn't recognize it and that this is possibly due to audio,
21 technical reasons -- because of the "echo", he himself stated --
22 I would request to have a slightly longer portion of the tape
23 played so that the witness and the people in the courtroom can
24 verify whether or not the voices -- the voice is indeed the voice
25 of the witness or not.

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1 I'm not sure why that should be a problem. If indeed we can
2 establish that it is not his voice, fair enough. If indeed this
3 Court would establish that it is his voice, the witness would
4 have further explanations to do.

5 So my follow-up submission is: Can we play a slightly longer
6 portion of the audiotape so that we can at least establish -- and
7 especially the Khmer speakers can establish -- whether this part
8 of the audiotape is indeed spoken by this witness? And I would
9 submit that same segment of two and a half minutes would suffice.

10 (Judges deliberate)

11 [11.39.47]

12 MR. PRESIDENT:

13 Yes, Your Honour, you may proceed.

14 JUDGE CARTWRIGHT:

15 Thank you, President.

16 The Trial Chamber rejects this submission. It is founded on the
17 same principle that it is clear, at least to the Nuon Chea team,
18 that it is the witness speaking. That is unclear to the Trial
19 Chamber and, moreover, it is also unclear what word was used. You
20 are, therefore, simply rephrasing the same submission, but in
21 different ways.

22 So could you please move on, Mr. Pauw?

23 MR. PAUW:

24 Judge Cartwright, I'm sorry I needed to persist, but that
25 unclarity would be solved by listening to the audiotape.

1 [11.40.48]

2 MR. PRESIDENT:

3 Please move on to the next lines of questioning; the issue has
4 already ruled upon.

5 And if you do not have any further questions, I will hand over to
6 the other defence teams because we have only 20 more minutes for
7 the other two defence teams because, actually, we have scheduled
8 to hear the testimony of this witness in question for the whole
9 -- for only one day and we have already given the time to the
10 parties accordingly.

11 MR. PAUW:

12 Thank you, Mr. President.

13 Another follow-up submission would be that this witness would
14 understand whether or not it is him speaking on that audiotape
15 and, if it is indeed him speaking those words, the witness could
16 clarify which words he is speaking.

17 [11.41.44]

18 I'm not sure, if we are searching for the truth here, what the
19 harm would be in having the witness, (a), establish whether or
20 not it is his voice and, (b), if it is his voice, what the
21 meaning of the words are that he spoke. Again, the truth, that is
22 what we are here to find, and this audiotape would be a very
23 strong instrument to do so.

24 So, I'm rephrasing the submission, but the submission would be:

25 Can the witness identify his own voice on the audiotape and then,

1 if he does so, clarify to us what the words are that were spoken
2 by him?

3 MR. PRESIDENT:

4 I hand over to Judge Silvia Cartwright. You may proceed, Your
5 Honour.

6 [11.42.38]

7 JUDGE CARTWRIGHT:

8 Thank you, President.

9 Mr. Pauw, you have just made the identical submission three
10 times, and the ruling remains.

11 And I have to remind you that the President said, if you do not
12 move on, he will have to infer that you have no other questions.

13 BY MR. PAUW:

14 We would not want that to happen, so I will move on, albeit
15 puzzled.

16 Q. Mr. Witness, is it true that at first you thought that there
17 were only -- or mostly Lon Nol soldiers detained in the market at
18 Chi Kraeng, only to later remember that also Lon Nol government
19 officials were being detained?

20 [11.43.58]

21 MR. PE CHUY CHIP SE:

22 A. For question in relation to whether or not there was
23 imprisonment of the Lon Nol soldiers or the officials of Lon Nol
24 administration at the security office, I was not so much certain,
25 but they were the - I was sure about the senior military

1 officials of the Lon Nol administration, but as for the officials
2 - the officials -- civil officials of the Lon Nol administration,
3 I was not certain myself because I only heard it from the people.

4 Q. And do you remember telling the investigators at first that,
5 according to you, there were no civil servants detained at the
6 market in Chi Kraeng?

7 A. Yes, that is correct. I told the Court earlier that those were
8 the military officers of the Lon Nol administration, that's what
9 I made it clear at the time.

10 [11.45.35]

11 Q. So, at first you told the investigators of the
12 Co-Investigating Judges that, according to you, there were no
13 former Lon Nol government officials detained at the Chi Kraeng
14 Market.

15 In your testimony before the OCIJ and in your testimony before
16 this Trial Chamber, you have spoken at length about former Lon
17 Nol government officials being detained at the Chi Kraeng Market.
18 Why did you first tell the investigators of the Co-Investigating
19 Judges that, according to you, there were no public servants in
20 the market -- or detained in the market?

21 MR. PRESIDENT:

22 Witness, please hold on.

23 Mr. Prosecutor, you may proceed.

24 MR. LYSAK:

25 Yes, the objection, Mr. President, is that counsel is misstating

1 what the witness just said.

2 The witness has never said that he told the OCIJ investigators
3 there were no public servants there. What the witness said is
4 that he told the investigators that there were military officials
5 present. So counsel is mischaracterizing what the witness has
6 just stated.

7 [11.47.15]

8 BY MR. PAUW:

9 Q. My question before was -- and I'm happy to repeat the
10 question: Is it correct, Mr. Witness, that according to you--
11 Let me rephrase the question to be absolutely clear: Mr. Witness,
12 is it correct that you told the investigators of the OCIJ at
13 first that, according to you, there were no public servants being
14 detained at the Chi Kraeng Market?

15 MR. PE CHUY CHIP SE:

16 A. Yes, I did tell the investigator as such, but I would also
17 like to clarify that I was not certain whether or not there were
18 civil officials of the Lon Nol administration were detained
19 there. But what I was certain about was that there were military
20 officials of the Lon Nol administration who were detained there.

21 Q. And how are you certain that there were military officers of
22 the Lon Nol regime detained there?

23 [11.48.57]

24 A. The reason why I was certain about it -- because I heard it
25 time and again from the people who told me that the overwhelming

1 majority of the detainees were the former Lon Nol soldiers and
2 military officers who were detained there.

3 Q. Yet, when I read your statements that you provided to the
4 investigators, you state -- and I quote from page 00225210, and
5 Khmer ERN 00164153:

6 "After 17 April 1975, I saw them evacuate soldiers and former Lon
7 Nol government officials from Siem Reap province and put them in
8 old concrete houses at the Chi Kraeng Market, where they were
9 guarded day and night."

10 I will not even go into the point that you have testified before
11 this Trial Chamber that you never saw such a thing. But why did
12 you declare and sign a statement that former Lon Nol government
13 officials were detained at the Chi Kraeng Market if you were not
14 sure about this?

15 [11.51.10]

16 A. When I was testifying at the time, I was uncertain about the
17 issue, myself. I heard it from others. Some of them told me that
18 there were some officials of the Lon Nol administration who were
19 among them, but at other times they told me that the
20 higher-ranking military officers of Lon Nol administration were
21 the ones who were arrested and detained. So, it was all about
22 what I heard from the people. And I, at that time, did not know
23 whether or not it was correct, and then I simply thumb-printed
24 that interview.

25 Q. Thank you.

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1 Did you ever prepare any notes relating to your period that you
2 spent with the Khmer Rouge, for example to avoid forgetting
3 things or to retain memories?

4 A. In compiling this, I actually did not try to recall the
5 memories of my experience in any written form; I simply tell
6 people orally of what I have experienced. I have never compiled
7 anything.

8 Q. And when you speak to people about what you experienced, do
9 these people tell you what they experienced?

10 [11.53.37]

11 A. For those who engage in the conversation with me, they never
12 told their personal experience at that time, so they did not
13 reveal anything at all.

14 Q. Just to clarify, are you stating that when you speak to people
15 about the Khmer Rouge period, they do not speak about what they
16 experienced during the Khmer Rouge regime? Is that your
17 testimony?

18 A. Yes, it is. They never told me about their personal experience
19 during that period, so I did not know their experience. That is
20 all I can respond to your question.

21 Q. Thank you. And just to be clear -- I understand that it may be
22 hard to talk about this period and it may be hard to remember
23 everything correctly, so I certainly don't want to give you the
24 feeling that I think this is easy for you -- but I do have some
25 more follow-up questions.

1 [11.55.28]

2 And you were asked by the prosecutor on Monday about the
3 interview you had with Mr. Henri Locard, and the English
4 transcript states that you mentioned that you had a - "some
5 rapport" with Mr. Henri Locard. Can you explain to us what you
6 mean by that -- what do you mean with having "some rapport" with
7 Mr. Locard?

8 A. My personal relation with Mr. Henri Locard was that I was
9 interviewed by him in Siem Reap province, and he had respect for
10 me and he was serious about his work. For example, he even
11 extended to me his personal contact and address as well, and even
12 if he resides in France, but he ask me to continue to contact
13 with him. And I think that Mr. Henry Locard is a friendly and --
14 person, so I respect him enormously and I personally like him.

15 Q. And since 1991, have you seen Mr. Locard?

16 A. Since 1991, I have never met him, not even once. And the name
17 card he gave to me when we first met, I have lost it, and we have
18 lost our contact since then. Until today, I've never met again.

19 [11.57.58]

20 Q. And did you ever speak to him on the phone since 1991?

21 A. No, not at all. I have never talked to him on the phone
22 because I have lost his contact.

23 Q. And when Mr. Locard interviewed you, after the interview, did
24 he give you his notes or a copy of the interview that he
25 prepared?

1 A. Following his interview with me in 1991, before he left, he
2 did not give - he did not give me any notes or record, nothing he
3 asked me to keep as my record; he only give me his name card.

4 Q. When you were being interviewed by the investigators of the
5 OCIJ, did you tell them about any pressure that may have been
6 exerted on you to testify one way or the other?

7 A. No, there was no pressure whatsoever on me. Mr. Henri Locard
8 was the same. He never asked me -- or he never put any pressure
9 on me. He simply asked me to tell the truth, what I experienced
10 myself, and the same was true for the investigators of the OCIJ
11 as well. They never exerted any pressure; I did not feel any
12 pressure from them at all. They only wanted me to tell the truth.
13 [12.00.36]

14 Q. My apologies, Mr. Witness; I certainly do not want to suggest
15 that Mr. Henri Locard would have put any pressure on you. That
16 was not the purpose of my question.

17 The question is a different one. Did you tell the investigators
18 of the OCIJ about someone else -- an authority figure -- that was
19 putting pressure on you to say certain things?

20 A. (No interpretation)

21 MR. PRESIDENT:

22 The witness need not answer this question because the question is
23 not founded and there is no reason why this question is relevant
24 in the current proceedings.

25 Counsel, can you please advise the Chamber as to how much time

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1 you will need to put questions to the witness? Because the time
2 is now appropriate for lunch break, and the defence teams have
3 run out of time, as well, for questioning the witness. We want to
4 have the indication as for the times they will need to put to the
5 witness.

6 And we also ask the other two defence teams to advise the Chamber
7 whether or not they will need some time to put the questions to
8 the witness in question.

9 [12.02.16]

10 MR. PAUW:

11 Thank you, Mr. President. The Nuon Chea defence team would have
12 about 20 more minutes of questions, the Ieng Sary team has
13 indicated they would have no more than 10 minutes, and the Khieu
14 Samphan team has no questions. So, as far as the Defence is
15 concerned, we could finish half-an-hour after the lunch break,
16 possibly sooner.

17 (Judges deliberate)

18 [12.04.00]

19 MR. PRESIDENT:

20 Thank you for the indication.

21 The time is now appropriate for lunch.

22 There was a bit of an issue of the time allocation for the
23 parties. Actually, initially, we granted one session for each
24 party to put the questions to the witness, and the Chamber has
25 listened to the lines of questioning put by the parties and we

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1 have noted that there were questions which are irrelevant to the
2 current proceedings.

3 So, in light of this, the Chamber has decided to grant another 10
4 minutes of questioning to the defence team for Mr. Nuon Chea
5 following the lunch break.

6 MR. PAUW:

7 Mr. President, if I may briefly respond, I think the math here is
8 pretty simple. The Prosecution used the entire afternoon
9 session--

10 MR. PRESIDENT:

11 This is the ruling, and it is not subject to revision.

12 [12.05.19]

13 Just now you used your time to put questions and -- which were
14 deemed irrelevant, and we have already ruled upon this time
15 allocation. You have 10 more minutes for questioning after lunch
16 break.

17 We -- the Chamber now adjourns for lunch, and we will resume at
18 1.30 this afternoon.

19 Court officer is instructed facilitate the witness and his duty
20 counsel during lunch break and have him back at 1.30.

21 Security guards are instructed to bring Mr. Khieu Samphan down to
22 the holding cell downstairs and have him back in this courtroom
23 before 1.30.

24 The Court is now adjourned.

25 THE GREFFIER:

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1 (No interpretation)

2 (Court recesses from 1206H to 1333H)

3 MR. PRESIDENT:

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

5 The floor is once again given to Nuon Chea's defence to continue
6 putting questions to this witness. You may proceed.

7 [13.34.16]

8 MS. GUISSÉ:

9 Good morning, Mr. President. Good morning, Your Honours.

10 With your leave, Mr. President, I would like to seek
11 clarification in relation to your decision earlier on. Thank you.

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 MS. GUISSÉ:

15 Thank you, Mr. President.

16 First of all, I would like to specify that we repeat that we have
17 no questions to put to this witness, in the Khieu Samphan defence
18 team.

19 However, in relation to the way the time was shared between the
20 defence teams, I believe that this is a problem that may happen
21 again, and this is why I wished to get some clarification on this
22 matter.

23 [13.35.10]

24 When this witness is examined by the Prosecution and by the civil
25 party lawyers, it appears to me that he was -- the examination

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1 started at the end of the afternoon, Monday, and today, if I look
2 at the way the Chamber has organized their time, we were only
3 afforded two hours -- two hours and a few minutes to examine this
4 witness. So, I understand that, initially, the duration of
5 examination for this witness was a half-day on one side and
6 another half-day on the other side, but given the fact that the
7 time has been extended for the civil parties and for the
8 Prosecution and given also the fact that Judge Lavergne took a
9 few minutes from the Defence's time to question the witness, I
10 wanted to make sure that, in the future and today as well -- that
11 we -- there is true parity in terms of time between the parties.

12 [13.36.20]

13 I understand, of course, that you can judge the relevance of the
14 questions that I am raising, but however, in terms of the sharing
15 of time, I think that it's important that this sharing be fair,
16 because the calculation, such as resulting from your decision
17 before lunch, does not seem to be equitable and fair.

18 Thank you.

19 MR. PRESIDENT:

20 The Prosecution, you may proceed.

21 MR. LYSAK:

22 Mr. President, I would just note, for the record, that the
23 morning sessions of this Court are one half hour longer. So, even
24 with the questioning by Judge Lavergne, we had a total of two
25 hours from the afternoon session on Monday; the Defence have had

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1 a total of two hours. So I think that it is incorrect to
2 represent that the Defence have had less time.

3 [13.37.17]

4 I would also note that counsel for Nuon Chea chose to use a
5 half-hour to ask questions about executions at the security
6 office, a matter that is not part of Case 002/01, and chose to --
7 not once, twice, but three times -- repeat a submission and
8 argument that had already been ruled upon by the Court.

9 MR. PRESIDENT:

10 Thank you for the observation.

11 The Chamber would like to inform all the Chambers (sic) that the
12 time allocation is absolute -- for instance, minus one minute or
13 plus one minute -- for any of the parties. We have been in this
14 process for almost a year, and as you have observed, the Chamber
15 tries to reduce the time for all the parties, due to the
16 irrelevant questions put to the witnesses by some of the parties.
17 Of course, the Chamber would like to extend the time to any of
18 the parties if the Chamber considers the questions are of
19 importance and relevance to the case in hand.

20 [13.38.55]

21 This morning, we observed that some questions not relevant or not
22 used to its potential, for example in relations to the questions
23 put to this witness referring to the statement by Henri Locard,
24 as some of the portions from that statement by Henri Locard are
25 unclear regarding its sources. Your questions should be

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1 substantive to the facts before this Court.

2 And the Chamber has reminded all the parties from the beginning
3 that this question can be -- that this witness can be questioned
4 with regarding the facts of the implementation of the policy
5 regarding the first evacuation. And the facts at the Pongro
6 Security Centre is not the one that is stipulated in the Closing
7 Order. And your questions shall be supplementary regarding the
8 local administration. If I'm not mistaken, this has been reminded
9 to all the parties.

10 And, of course, we, Judges of the Bench, considered and discussed
11 extensively whether this witness shall be summonsed to appear
12 before this Chamber. We never take any measure as to the exact
13 minute allocated to any of the parties. This is not what it
14 meant.

15 [13.40.37]

16 Now, the Defence Counsel, you may resume your questioning.
17 We try to be fair to all the parties, and it is, of course, up to
18 the technicality of each party to put the questions to a
19 particular witness. And we try to be patient to allow all the
20 parties to put the question to a particular witness.

21 MR. PAUW:

22 Thank you, Mr. President.

23 And before I proceed, just to make it absolutely clear, is it
24 correct to assume that we, the Nuon Chea defence team, have
25 another 10 minutes, and then the Ieng Sary team will have another

1 10 minutes to pose questions?

2 MR. PRESIDENT:

3 The Chamber already ruled on that. It should have been clear from
4 this morning session, so that kind of question shall not be
5 repeated. It is a waste of time.

6 [13.41.02]

7 MR. PAUW:

8 We all try to be patient, Mr. President.

9 I will proceed under the assumption that I will have 10 minutes
10 to ask further questions.

11 And I will, however, have to start with a brief request for
12 clarification.

13 Before the break, I asked the witness whether or not he had told
14 the investigators of the OCIJ about pressure that had been
15 exerted on him by any authority, and this question was deemed to
16 be irrelevant by you, Mr. President.

17 And, so that I can phrase and frame my questions, could you
18 provide some guidance as to why this is irrelevant? Is it
19 irrelevant to explore whether or not a witness has been pressured
20 at all, or are there certain circumstances in which I could
21 explore this issue?

22 MR. PRESIDENT:

23 In the proceeding of the questioning since we started, from the
24 beginning, there is no evidence that this witness has been
25 pressured by any of the authorities, and in the written record of

1 his interview conducted by the Co-Investigating Judges, there is
2 no such evidence.

3 [13.43.43]

4 For that reason, we did not allow this witness to respond to that
5 question, as there is no base.

6 MR. PAUW:

7 Thank you, Mr. President. That clarifies issues.

8 I agree with you that there is no mention being made in the
9 written record of the OCIJ of any pressure being put on this
10 witness. It, however, does exist on the audio record of the
11 interview that was available to all the parties, including Your
12 Trial Chamber.

13 BY MR. PAUW:

14 Q. And so my question to you, Mr. Witness: Did you speak to the
15 OCIJ investigators about a certain Ta Chun (phonetic)?

16 MR. PE CHUY CHIP SE:

17 A. As for the name of that person, I did not speak of that name.
18 I did not speak of that name to the investigators.

19 Q. And did you speak of any district authority or official that
20 -- whose house you visited?

21 [13.45.29]

22 A. Regarding a visit to the village, I never spoke about it, nor
23 did I speak of any name regarding what you raised.

24 MR. PAUW:

25 Here, becomes evident again the problem of a Dutch person trying

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1 to speak Khmer, so I would kindly ask my national colleague, Mr.
2 Son Arun, to pronounce the name correctly so that you -- there
3 may be no confusion as to which name we are talking about.

4 13.46.12MR. SON ARUN:

5 The name is Chong (phonetic).

6 BY MR. PAUW:

7 Q. So my question, again, is: Did you speak to the investigators
8 of the OCIJ about this person named Chong (phonetic)?

9 MR. PE CHUY CHIP SE:

10 A. The person by the name of Chong (phonetic), in 1991 he
11 introduced me to Henri Locard.

12 [13.47.04]

13 However, I did not speak of this name to the investigator team
14 when I was interviewed. Since my interview with Henri Locard, I
15 never mentioned the name of Chong (phonetic). And let me repeat
16 this: there was a person by the name of Chong (phonetic); he
17 existed during the time that I was interview by Henri Locard.

18 Q. So, did you tell the investigators of the OCIJ that this Mr.
19 Chong (phonetic) pressured you to give statements one way or the
20 other?

21 A. The person by the name of Chong (phonetic) -- and whether I
22 spoke of that name to the investigator team, I can't recall it. I
23 can't recall whether I spoke of that name to the investigator
24 team when I was interviewed by that team.

25 Q. Did you tell the investigators of the OCIJ that this Mr. Chong

1 (phonetic) pressured you?

2 [13.49.04]

3 A. Let me say that I simply cannot recall it, whether I spoke
4 about that or not, so I decline to respond to this question.

5 MR. PAUW:

6 Thank you.

7 Then, I would like to refresh the memory of the witness by
8 playing this short excerpt from his interview with the OCIJ; it
9 is less than one minute. And in this excerpt, the witness speaks
10 about this Mr. Chong (phonetic) and speaks about how he put
11 pressure on him to speak only about good points.

12 And once the audio recording has been listened to, and it's --
13 the witness confirms that it is his voice speaking, of course,
14 perhaps he can shed some light on this issue as to in what way
15 and why he was pressured. Clearly, this is relevant to test the
16 credibility of the witness and the sources of knowledge.

17 [13.50.08]

18 So, our request is to play this short audio transcript (sic) that
19 we have ready to be played in the courtroom.

20 MR. PRESIDENT:

21 The Prosecution, you may proceed.

22 MR. LYSAK:

23 Mr. President, in principle, again, we don't object to the tape
24 being played.

25 However, counsel is referring to an incident that took place in

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1 1991. I think that it is of marginal -- very marginal
2 significance at this time.

3 And there is a procedure if counsel want parts of the audio
4 recording to become part of the record, which is, they're
5 entitled to request that a transcript be created so that we're
6 not here in Court, trying to listen to audio recordings, trying
7 to determine, ourselves, what is said. There is a procedure that
8 can be followed here; a transcript can be created that can become
9 part of the record, and I would suggest that is the better manner
10 to proceed than for counsel to be, at the last minute, trying to
11 play audio recordings in the courtroom.

12 [13.51.25]

13 MR. PAUW:

14 Mr. President, very briefly, the issue of audio recordings has
15 been discussed extensively. It is simply not always clear which
16 audio recordings will become relevant. And everything, of course,
17 depends on the answers of the witness. If this witness had simply
18 acknowledge that he had spoken about a Mr. Chong (phonetic) and
19 that he had spoken about pressure being exerted on him, we would
20 not have had to resort to any playing of the audio records.

21 Things come up during questioning.

22 And, again, I applaud the decision by the Trial Chamber earlier
23 today to listen to these audio recordings, because I think it's
24 crucial that the Trial Chamber and the public understands how
25 these interviews with the OCIJ investigators were being

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1 conducted.

2 So, it does not need to take long. The time that we have now
3 spent discussing it could have been used to play this excerpt;
4 one minute, and everything would have been clear, and we could
5 proceed.

6 So I, again, would request the Trial Chamber to simply play this
7 short excerpt.

8 And I've been informed that the title of the audio recording is
9 "Pressure". So we could proceed very quickly, if you agree Mr.
10 President.

11 [13.52.53]

12 MR. PRESIDENT:

13 Can you indicate to the Chamber what is the exact portion of that
14 -- portion of the audio, at what minute so that, with a proper
15 indication, the Chamber will determine and relay the instruction
16 to the AV Unit?

17 MR. PAUW:

18 It is the Khmer part of the transcripts -- excuse me, it is the
19 audio recording that starts at 1 hour 38 minutes and 40 seconds.
20 And, if I understand correctly, your audio-visual officer already
21 has the relevant excerpt, and it could be played straight away.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 AV Unit, you're instructed to play the portion of the audio as
25 requested by the international counsel for Nuon Chea -- that is,

1 to play the relevant portion at 1 hour 38 minutes and 48 seconds.

2 [13.54.18]

3 (Audio presentation; microphones overlapping, interpretation
4 inaudible)

5 [13.56.08]

6 BY MR. PAUW:

7 Thank you, Mr. President. And, again, thank you to the Trial
8 Chamber to allow us to play this excerpt.

9 Q. And my question is simply a question for clarification. You
10 speak of pressure that was put on you by Mr. Ta Chong (phonetic).
11 Can you explain to the Court, what sort of pressure did -- Mr. Ta
12 Chong (phonetic) exerted?

13 MR. PE CHUY CHIP SE:

14 A. Yes, I heard my voice speaking about the name of the person.
15 Ta Chong (phonetic) pressured me, during my interview with Henri
16 Locard, not to speak in details. Ta Chong (phonetic) said, if I
17 were to give more information to Henri Locard, then I would not
18 benefit by having -- by receiving more money from him. For that
19 reason, he pressured me not to speak in details.

20 And, yes, I recall that I spoke to the investigators on this
21 point, but as I said, my memory does not serve me well; only
22 after hearing the tape I recalled it.

23 [13.58.11]

24 Q. Thank you. This clarifies matters.

25 And I am left with only one last question, if time is still

1 available, and it's the following.

2 Steve Heder was a scholar who was employed by the OCP and the
3 OCIJ. He has written that, "in practice, the most important level
4 on both the chain of command and the hierarchy of [...] authority
5 appears [to generally] have been the district, making district
6 Party Secretaries key figures in responsibility for killings
7 nation-wide".

8 And of course, Mr. Witness, you cannot testify about killings
9 nation-wide and you cannot opine on Mr. Steve Heder's writing,
10 and I will not ask you to do so.

11 But you, yesterday -- or on Monday, stated -- and I quote, it is
12 on page 99 of the English transcripts and page 79 of the Khmer
13 transcripts -- I quote:

14 "As stated, with regard to the log book, this book had to go
15 through the district level to have a final say as to whether each
16 individual had light or serious or heavy offences and that the
17 district level -- the district chief would make the decision on
18 how these people would be treated -- indeed, whether they shall
19 -- should be executed or released or how long these people
20 continued to be detained."

21 [13.59.55]

22 So, my question to you today is: Based on your experience, is
23 that indeed how you experienced reality? That, indeed, the
24 district level was taking the decisions on how people were
25 treated and how they -- and whether or not they would be

1 executed?

2 MR. PRESIDENT:

3 Witness, please wait.

4 The Prosecution, you may proceed.

5 Mr. LYSAK:

6 Mr. President, we would object to this question. There is simply
7 no legitimate reason for counsel to start his question by reading
8 a statement from Steve Heder, other than try to lead, prompt, or
9 encourage the witness to testify in a certain manner. He's been
10 told this numerous times by the Court that this is improper, yet
11 continues to engage in this conduct in this courtroom.

12 [14.00.58]

13 Second of all, he's cherry-picked and misrepresenting the
14 testimony of the witness yesterday (sic). The witness was asked
15 directly whether he knew whether district leaders had to obtain
16 approval from the echelon above them, and indicated that it was
17 beyond his knowledge whether or not they had to do that. So for
18 those two reasons, we would object to the question as phrased by
19 counsel.

20 MR. PAUW:

21 Mr. President, I object strongly to the manner in which this
22 objection was put.

23 The Prosecution has basically just fed the witness an answer,
24 which is that he claims to not have known whether or not the
25 district level was reporting upwards.

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1 I'm not cherry-picking. I am simply asking the witness as to his
2 own personal knowledge. What is his experience? This is what
3 witnesses are supposed to testify on. I know that the
4 Prosecution, at times, wants to assume more knowledge with these
5 witnesses than they actually possess. I am simply asking about
6 his knowledge, and he -- this witness -- can testify very clearly
7 as to what he experienced. The question is simple, and as -- far
8 as he could tell, were decisions as to executions and as to how
9 to treat the prisoners made at district level. Conclusions based
10 on his answer can wait for final submissions.

11 So, Mr. President, I would like the witness to respond.

12 (Judges deliberate)

13 [14.03.30]

14 MR. PRESIDENT:

15 Counsel, please revisit your questions.

16 And you should not link your questions to the publication by
17 Steve Heder. You should ask the question to the witness
18 concerning the local administration with which he was attached.
19 And the question should not be outside of this scope, otherwise
20 the witness may not find it possible to answer your questions,
21 and the Chamber does not have any basis whether to allow you to
22 proceed with that line of questioning.

23 [14.04.14]

24 So, once again, counsel is advised to ask questions in order to
25 get the answer to the best of the knowledge of the witness. For

1 example, the local administration at the district level of the
2 Democratic Kampuchea. And, so far, the witness could only testify
3 to that effect.

4 BY MR. PAUW:

5 Thank you, Mr. President. I will try to simplify the question.

6 Q. Mr. Witness, based on your personal experience during the
7 Khmer Rouge regime, was it your experience that it would be the
8 district chief that would decide on whether or not people were
9 executed and how people were treated?

10 MR. PE CHUY CHIP SE:

11 A. According to the report, in relation to the prisoner list
12 which were forwarded to the district office, I understood that it
13 was not the discretion of the district level. It was forwarded to
14 Ta Kun, and Ta Kun took that prisoner list and then forwarded it
15 to the district office. And I did not know whether or not they
16 forwarded that list to the upper authority in order to decide.
17 That was beyond my knowledge.

18 [14.06.18]

19 But, to my knowledge, that list was forwarded to the district
20 office, and it was up to that district office to decide whether
21 to forward the list for an upper authority decision concerning
22 the fate of those prisoners. But what I knew, in addition, was
23 that those names of prisoners in the list who were marked with a
24 cross -- red -- were destined to be executed. That's what I knew
25 at the time. But, once again, I did not know whether or not that

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1 prisoner list were forwarded or relayed further to the sector
2 level to decide. That was beyond my knowledge.

3 MR. PAUW:

4 Thank you. That is all for the Nuon Chea defence team.

5 On behalf of my national colleague, Mr. Son Arun, and myself, I
6 thank you very much for your answers.

7 [14.07.18]

8 It's probably a moot issue now, but just for the record, the
9 Prosecution did not just have two hours for questioning. In fact,
10 they started in the morning session yesterday (sic), so they had
11 another half hour in which they questioned. And this morning, it
12 was not a couple of minutes that Judge Lavergne questioned the
13 witness; it was a half an hour.

14 So, should there be a time pressure for my colleague from the
15 Ieng Sary, I trust that you take this into account.

16 MR. PRESIDENT:

17 I hand over to Judge Silvia Cartwright. You may proceed, Your
18 Honour.

19 JUDGE CARTWRIGHT:

20 I simply wish to note that this trial involves very serious
21 allegations against the three remaining accused, and time wasted
22 in discussing whether one party or another has three minutes or
23 five minutes or a quarter of an hour to examine a witness is time
24 wasted.

25 We've had the ruling, and the President has made it clear that he

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1 is fair to every party. Can we please stop addressing such minor
2 issues?

3 [14.08.52]

4 MR. PRESIDENT:

5 Next, I hand over to the defence team for Mr. Ieng Sary to put
6 the questions to the witness. You may proceed, Counsel.

7 MR. ANG UDOM:

8 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
9 afternoon to the Prosecution team and parties and members of the
10 public in the public gallery, and good afternoon, Mr. Pe Chuy
11 Chip Se. My name is Mr. Ang Udom, and to my right, Mr. Michael
12 Karnavas. He is my co-counsel for Mr. Ieng Sary. I would like to
13 put a few questions to you. I do not have many questions, and I
14 hope that my question is not repetitive. I ask for clarification
15 from you.

16 But before I proceed with my questions, I would like to concur
17 with the questions of the defence team of Mr. Nuon Chea. I concur
18 with him in the sense that we agreed that we should play this
19 short recording for the parties and the Chamber, and this morning
20 the witness testified that he could not recognize his own voice
21 and he was not certain whether or not that recording belongs to
22 him.

23 [14.10.25]

24 QUESTIONING BY MR. ANG UDOM:

25 Q. And, Mr. Chip Se, you responded to the question put by Judge

1 Nil Nonn and Judge Lavergne, as well as the question put by the
2 defence team for Mr. Nuon Chea. You say that you had two
3 interviews with the investigators of the Office of
4 Co-Investigating Judges and you also further asserted that,
5 before testifying before this Chamber, you also examined the
6 record of interviews with the OCIJ as well, in order to refresh
7 your memory. I would like to ask you, in this respect, how or to
8 what extent have you read your record of interview before you
9 came to testify before this Chamber?

10 MR. PE CHUY CHIP SE:

11 A. Before I came to testify before this Chamber, I read the
12 question and answer in the record of interview. But to what
13 extent, I cannot really tell how much I have read from it. But I
14 did read the record of interview prepared by the investigators of
15 the Office Co-Investigating Judges.

16 [14.11.57]

17 And I do not even recall how many questions and answers there
18 were in that record.

19 MR. ANG UDOM:

20 Thank you.

21 I would like to now go to the substantive matter. I don't want to
22 dwell on it too much, because it concerns mainly on the operation
23 or operational work of the security office. But, unfortunately, I
24 have to mention that the security office is not within the
25 confine of the current case before us. But since party has asked

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1 question concerning this issue, I would like to simply to touch
2 on this issue.

3 And, Mr. President, I would like to seek your leave to present a
4 document to this witness, document D125/125. I would like to ask
5 your leave to present this hard copy document to the witness and
6 have it put up on screen as well. I will not ask any questions
7 concerning the substance of the document, but I would like to
8 simply ask Mr. Chip Se whether or not he knows this witness whose
9 name is in this document.

10 MR. PRESIDENT:

11 You may proceed.

12 [14.13.22]

13 Court officer is instructed to obtain the hard copy document from
14 counsel and hand it over to the witness.

15 BY MR. ANG UDOM:

16 Q. Mr. Chip Se, the documents that I am presenting to you is in
17 document D125/125, Khmer ERN 00224060; English ERN 00240039;
18 French, 00240044.

19 Mr. Chip Se, you responded to the question posed by the President
20 as well as parties to the proceeding that you serve in the
21 security office - Pongro Security Office from 1974 until 1977.
22 And you also asserted that you worked there in the capacity as
23 the security office clerk. Do you stand by this statement?

24 MR. PE CHUY CHIP SE:

25 A. Well, there was no de jure position as a clerk as such. But it

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1 was the title I thought that my position was at that time because
2 I kept a record of the confession of the prisoner detained at
3 that security office. At that time, they – on the de facto basis
4 they consider me as a clerk. I was the one who was in charge of
5 keeping records and document. That's why I have considered myself
6 as a clerk ever since.

7 [14.16.09]

8 Q. So, if you now look at the documents I am presenting to you --
9 please do not mention the name of the witness yet; but on the
10 very first page of this document, do you know this particular
11 witness?

12 A. Yes, I do.

13 Q. Thank you.

14 For your information, this particular witness has provided
15 testimony to the investigators of the OCIJ, and the interview was
16 conducted at the same time or contemporaneously with your
17 interview as well, because this gentleman was interviewed by the
18 investigator in the morning and you were interviewed in the
19 afternoon.

20 And, once again, on the same page, if you look at page 4, to put
21 it bluntly, page 4, I would like to quote some of the statement
22 by that witness.

23 The question asked: "What was the chairman of the security office
24 or security section?"

25 And you say Kun was a person, and Neath was the deputy chairman,

1 and Pe Chuy Chip Se was a member. So it means that you were a
2 member in the Pongro Security Office.

3 How would you comment on this statement by this particular
4 witness which designated you as the member of the security office
5 of Pongro district?

6 [14.18.19]

7 A. Well, there were many people who believed that I was the
8 person who was in charge of Pongro Security Office. Well, because
9 at that time I was close to Ta Kun. That's why many people were -
10 many people understood that I was someone very close. I could
11 have been the deputy chief of Ta Kun at that time. But, once
12 again, as I testify earlier, there was underground organization
13 and in that organization my name was not there. As I said, in
14 this underground organization, the composition were those from
15 the Youth League of the CPK as well as the Party members. So I
16 was there in the security office, but I was not in the
17 underground structure of the Khmer Rouge. So I was not someone
18 who is playing any important (sic) at that time.

19 [14.19.32]

20 Q. Now, if you - you say you know this particular witness. What
21 was his role at the Pongro Security Office?

22 A. For this particular witness, I cannot recall his exact role in
23 the security office. I don't really know what his position was,
24 but he was located somewhere around Prey Svay. Pongro Security
25 Office has a cell - a smaller cell located somewhere in Prey

1 Svay. It was not in Ponlueu Phos village; it was far from the
2 village. And this particular witness was an officer in charge of
3 this security office cell.

4 Q. Thank you. But if you go back a little bit and look at the
5 first answer to the question by the investigators, it is in the
6 same document. He said that after that, in 1975 I was designated
7 to work at the Pongro Security Office.

8 Just now you testified that it could have been a mistake by that
9 particular witness concerning your exact position over there.

10 So I would like to once again ask you whether or not you reject
11 the statement by this particular witness concerning your role at
12 security office. Once you clarify this I will not go further in
13 relation to this matter.

14 [14.21.52]

15 A. The testimony of this particular witness concerning my role at
16 Pongro Security Office, I categorically reject this statement. Of
17 course, I was a clerk at the security office and I was from the
18 petty-bourgeoisie class, so I was not supposed to be in the
19 structure of the Khmer Rouge. So any statement amounting to the
20 fact that I was something - I was holding a position of
21 importance in that security office was wrong.

22 MR. ANG UDOM:

23 Thank you. Thank you, Mr. Witness. And I do not have any further
24 questions. And on behalf of my international co-counsel and
25 myself and the whole defence team for Mr. Ieng Sary, I thank you

1 very much for answering our question, and I wish you the best of
2 luck.

3 MR. PRESIDENT:

4 How about the defence team for Mr. Khieu Samphan? Have you
5 changed your mind? Do you have any questions to put to the
6 witness?

7 [14.23.12]

8 MR. KONG SAM ONN:

9 Thank you, Mr. President. On behalf of the defence team for Mr.
10 Khieu Samphan, I do not have any questions to put to this
11 witness. Thank you.

12 MR. PRESIDENT:

13 Thank you, all parties.

14 Mr. Pe Chuy Chip Se, your testimony before the Chamber has come
15 to a conclusion now, so you are now released. You can go to -- go
16 back home or go to any destination you wish to go.

17 And the Chamber -- on behalf of the Bench, I would like to thank
18 you very much for taking time to testify before this Chamber and
19 I can assure you that your testimony contributes to ascertaining
20 the truth for this case. And I wish you the best of luck and safe
21 journey back home.

22 Security - the court officer is instructed to facilitate the
23 transport of the witness back home.

24 And, Mr. Chip Se, you are now released.

25 And duty counsel is also released. You may go back home.

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1 The time is appropriate for an adjournment. The Chamber will
2 adjourn now until 20 to 3.00, and in the next hearing we are
3 going to hear the testimony of TCCP-82.

4 The Court is now adjourned.

5 (Court recesses from 1424H to 1443H)

6 MR. PRESIDENT:

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

8 As the Chamber informs the Parties and the general public, for
9 the next session we will hear the testimony of a civil party,
10 TCCP-82.

11 And the Chamber also received a request from Ieng Sary, document
12 E23/1, through his defence counsel, to waive his direct presence
13 in hearing the testimony of four civil parties - 14 civil
14 parties, rather, including TCCP-82. As Mr. Ieng Sary requests to
15 waive his direct presence in hearing the testimony of these
16 certain civil parties due to his health reason, the Chamber
17 decides to hear the testimony of these particular civil party --
18 that is, TCCP-82 -- without the presence of Ieng Sary, pursuant
19 through rule 81.5 of the Internal Rules of the ECCC.

20 Court Officer, could you invite the civil party TCCP-82 into the
21 courtroom?

22 (Civil Party enters courtroom)

23 [14.47.11]

24 QUESTIONING BY THE PRESIDENT:

25 Q. Good afternoon, Mr. Civil Party. What is your name?

1 MR. MEAS SARAN:

2 A. My name is Meas Saran.

3 Q. Thank you. Can you tell us your date of birth?

4 A. I was born on the 12th of May 1949.

5 Q. Thank you. Where is your place of birth?

6 A. I was born in Bos Mon village, Bos Mon commune, Rumduol
7 district, Svay Rieng province.

8 Q. Thank you. Mr. Meas Saran where is your current address and
9 occupation?

10 A. I live in Phnom Penh and I work in a medical field.

11 Q. What is your father's name?

12 [14.48.24]

13 A. His name is Meas Kha -- not Khat, as stated in the written
14 information form.

15 Q. Thank you. What is your mother's name?

16 A. Her name is Oum Chhieng.

17 Q. Thank you. Are you married? If so, what is your wife's name?
18 And how many children do you have?

19 A. I am married my wife's name is Mean Kimlik.

20 We had one - we have one child. She was eight month pregnant when
21 Phnom Penh fell.

22 Q. Thank you. So, are you referring to the fact that currently
23 you are a widow?

24 A. I decided not to marry again.

25 [14.49.35]

1 MR. PRESIDENT:

2 Thank you.

3 Lead Co-Lawyers, pursuant through Internal Rule 91bis, the floor
4 will be given first to the Lead Co-Lawyers to put question to
5 this civil party before other Parties.

6 The time and location for the Lead Co-Lawyers and the Prosecution
7 is one session. That is the maximum time and location for the two
8 parties.

9 Mr. Meas Saran, in your capacity as a civil party in this
10 proceeding, you will be given an opportunity to express your
11 statement of suffering and the damages inflicted upon you,
12 including physical, psychological, and material, whether it was a
13 direct consequence of the crimes committed and that it eventually
14 realized and which were the cause for you to apply as a civil
15 party to this case, particularly related to the facts alleged
16 against the Accused -- I refer to the facts and the crimes
17 committed during Democratic Kampuchea regime.

18 The Lead Co-Lawyers for civil party, you may take the floor.

19 [14.51.23]

20 MS. SIMONNEAU-FORT:

21 Thank you, Mr. President.

22 On behalf of the civil parties, it is Christine Martineau who
23 will put questions to the civil party.

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 QUESTIONING BY MS. MARTINEAU:

2 Thank you, Mr. President. Good afternoon, Mr. President, first of
3 all, Your Honours, and all of the assembly here present today,
4 and good afternoon, Mr. Meas Saran.

5 Q. We are going to start by speaking about your situation before
6 17 April 1975.

7 You state in your application referred as – and it's very short
8 record -- D22/119, and the first ERN, 00362203 -- French ERN;
9 Khmer, 00362176; and English, 00362196. And you say that you
10 belong to – or you are a graduate of the 8th class in nursing
11 school. So we therefore can conclude that you went to nursing
12 school. And until 1975 -- or before 1975, you were already a
13 nurse.

14 So, can you provide us – can you tell us – give us your – your
15 professional history before 17 April 1975? What was your
16 professional history before that date?

17 [14.53.22]

18 MR. MEAS SARAN:

19 A. Thank you, Mr. President. I – I attended a state medical
20 school in 1969 and I left in 1972. So I completed my medical
21 education at the time. And after I left that medical school, I
22 worked at the Preah Ket Mealea Hospital in Phnom Penh. I work at
23 the Tuberculosis Building.

24 Q. Thank you. And you stayed in Phnom Penh until 1975 in this
25 hospital. So, what was the hospital, first of all? And – and were

1 you transferred or sent, let's say, to other hospitals
2 afterwards?

3 A. Preah Ket Mealea Hospital was the second largest state
4 hospital in Phnom Penh; it was second after the Soviet Hospital.
5 And I worked in that Preah Ket Mealea Hospital; I did not change
6 until the time that I had to join the military -- that is, to
7 become a soldier. That was in 1973. So, in fact, I stayed and
8 worked at the Preah Ket Mealea until the time that I went to
9 become a soldier.

10 [14.55.47]

11 Q. And when you say that you became a soldier, does this mean
12 that you were - you had joined the army, or were you there as a
13 medic?

14 What was your situation in the army? And where did you do your
15 military service, so to speak?

16 A. It was an obligation demanded by the State that all the
17 medical staff had to become a soldier for 18 months. And as I was
18 a medical staff, when I joined the military, I became a medic to
19 engage in that obligation.

20 Q. Okay. And where were you sent to?

21 A. No, I was not 'sent to'. During the time that I fulfilled that
22 military obligation for 18 months, during my session, there were
23 150 of us; we were sent to the Medical Office, and then there was
24 a recruitment for the selection of the place to be assigned to,
25 starting from number one. I was in the 10th place, as I chose

1 Sisophon because at that time I thought that Sisophon area was
2 not the fierce, intense battlefield, so I decided to select
3 Sisophon as my choice, and I engaged in the training there -
4 military training there.

5 [14.58.00]

6 Q. Did you work as a medic, as well, when you were in the army,
7 or were you just a soldier?

8 A. In the training centre - the military training centre for the
9 Fourth Infantry, there was a kind of an - not really a pharmacy,
10 but a place where I could treat people there, because a lot of
11 newly recruited soldiers were sent there.

12 Q. And when did you return -- when did you - when was your
13 military service over -- when did you return to Phnom Penh? And
14 how did you return to Phnom Penh?

15 A. In late 1974, I concluded my military service for 18 months,
16 so I returned to Phnom Penh. And during the time that I performed
17 my military duty in Sisophon, I met my wife and I got married,
18 and I returned to Phnom Penh in late 1974; I was flown back to
19 Phnom Penh.

20 Q. Did your wife accompany you?

21 A. Yes, she accompanied me. She was pregnant by then.

22 Q. And when you returned to Phnom Penh, what did you do -- where
23 did you work?

24 [15.00.18]

25 A. Upon my arrival in Phnom Penh, I did not return to work at the

1 Calmette Hospital yet. The regulation from Sisophon was that we
2 shall gather all together at a location at Borei Keila, and that
3 was also a location which was similar to a hospital because there
4 were five operating theatres. And I worked there.

5 Q. Now, perhaps it was an oversight on my part or you forgot to
6 mention this, but were you a civil servant? Had you been assigned
7 or transferred by the Administration?

8 A. Yes, I was a civil servant. At the time, the government sent
9 me to Svay Sisophon. And upon my return, the government also
10 included me in the list of civil servants, and I was attached to
11 Borei Keila. It was the surgeon centre, and there were five
12 operative officers over there.

13 Q. Was the centre up and running prior to your departure from
14 Sisophon? I'm referring of course to Borei Keila.

15 A. That, I did not know. When I went to Sisophon, I think that
16 the place was not yet up and running. But upon my return from
17 Sisophon, after 18 months, I came to that place, and that place
18 was new. And I think that that place had just been established.

19 [15.02.48]

20 Q. Can you please provide this Chamber with a few explanations
21 regarding that hospital that was established? Do you believe that
22 in 1974 -- why it was set up, and how it staffed - how it was
23 staffed by the medical personnel in the city?

24 A. Actually, it was not really functioning like a hospital per
25 se; it was the surgeon centre and it was under the control of the

1 soldier - triage, rather. And there were bombardments on Phnom
2 Penh City at that time. So the bombing was everywhere and people
3 were injured and some were killed. So that was the place to
4 receive the victims of the bombardments. So, those who got
5 injured in the bombardments were sent to Borei Keila triage -
6 triage, and that was not actually a hospital, it was a mere
7 centre - an emergency centre to receive the wounded. It was the
8 only place where the wounded were sent.

9 [15.04.46]

10 Q. Let's just refer to it as a hospital. Did it receive only
11 soldiers or did it also treat civilians?

12 A. At that centre, they received all kinds of the wounded. I
13 could not distinguish whether or not the victims were the
14 soldiers or the civilians. The government at that time designated
15 that centre to receive the wounded from the bombardment or those
16 who were the victims of the rocket shelling. So, they received
17 the victims - the wounded regardless of their status, so there
18 could have been both military personnel as well as civilians.

19 Q. How did the hospital operate? You refer to five operating
20 theatres. Now, were there a certain number of surgeons or
21 physicians, health care providers, nurses, medical staff who were
22 employed throughout the hospital?

23 [15.06.28]

24 A. Now, let us assume that that place was the hospital and it was
25 under the control -control by General Ong Song Soeun (phonetic);

1 he was a brigadier general and he was in charge of the operating
2 theatres -- and he was the person in charge.

3 There were many medical personnel. There are, of course, five
4 operating theatres, but that does not necessarily mean that there
5 were only five personnel working there; there were many other
6 medical personnel.

7 And at the time the government made it public announcing to
8 medical school the - to send the students to come and work in
9 this centre. So, at that time, there were many, many medical
10 doctors assisting in this centre, and there were a great influx
11 of patients and the wounded who suffered from the bombardments
12 and fighting in the city.

13 Q. During the days leading up to April 17th, to your mind, what
14 was the situation like? Were you aware of the fact that the Khmer
15 Rouge were poised to capture Phnom Penh? Were you in the midst of
16 preparing for such a possibility, at least within the hospital
17 premises? Were you given any orders, in one manner or another, or
18 any instructions to deal with eventual problems?

19 [15.08.51]

20 A. In the hospital, at the time, there was no special arrangement
21 following the fall of Phnom Penh, but it was -- a few days after
22 the fall of Phnom Penh, the situation - the overall situation in
23 Phnom Penh was indescribable because people were terrified; they
24 were terrified, in the - on the one hand, of the bombardment; and
25 on the other hand, they were also terrified of the influx of

1 people from the country sides. And if you were in that situation,
2 you would see situation was panicky and chaos at that time, and
3 people were terrified; they were afraid of the bombing. And some
4 people were a bit relaxed and happy because they thought that the
5 Khmer Rouge would eventually conquer the city, and then there
6 would be no longer war in the country. So, some of them were
7 happy because they were expecting that the situation would be
8 better after the conquer by the Khmer Rouge.

9 Q. I just wonder if there was a misunderstanding. Are you
10 referring to the situation prior to the 17th of April? Is this
11 correct? Can you just confirm this once again? Because I believe
12 that I heard that you were referring to the situation after the
13 fall of Phnom Penh.

14 [15.10.51]

15 A. If I understand your question correctly, you asked me the -
16 what the situation was like before the 17 of April 1975. And I
17 testified that, prior to the 17 April 1975, the Phnom Penh
18 dweller -- and myself is included, I am still alive now -- at
19 that time, it was on the night of the 16th of April 1975, and the
20 next morning was the 17 of April 1975. That night, I was still
21 working. I came to the upper story of the building and I overlook
22 to Chrouy Changva Bridge. There was a fire burning out over
23 there, and the buildings were being set of fire because of the
24 bombardment, and things like that. And it came to my mind that
25 the situation would be better, the Khmer Rouge would conquer this

1 war.

2 But I also observed the general situation in the city was that
3 people were on constant leave - constant fear because of the
4 ongoing bombardments and shelling of the city. And it was my hope
5 -- and I think that everybody at the time shared my hope, as well
6 -- that there would be no more war once this situation was over.

7 [15.12.29]

8 Q. You talked about the nights of the 16th and 17th of April, and
9 it would appear that you were on duty at the hospital those
10 evenings. On the morning of the 17th of April, how did you learn
11 about the entry of the Khmer Rouge into Phnom Penh? How did the
12 events unfold?

13 A. The whole night of the 16th of April 1975, my colleagues
14 working at the centre at Borei Keila, we received a lot of
15 victims - the wounded -- at that time. There were ongoing influx
16 of victims and there were ambulance going back and forth into the
17 premise of the centre. And the next morning -- well, actually, at
18 night, I heard the gunfire and shelling and bombings everywhere;
19 particularly, toward the end -- or toward the north part of the
20 building and it came from the south as well. So I wanted to know
21 what was going on so I went up to the upper storey of the
22 building. I looked toward the area around Chrouy Changva Bridge
23 because I heard the bombing over there that was getting stronger
24 and stronger and I look at over there and I saw fires everywhere
25 over there, so I saw that the situation was the worst.

1 [15.14.31]

2 And actually I finished my work shift on the 16 of April, but the
3 person who was supposed to change the shift with me had not
4 arrived, so I had to stay behind a little further. And, in
5 addition, there were incoming patients and the wounded, as well,
6 so I had to wait over there for a long time.

7 And I look at the people -- the overall impression of the people
8 around that place; they were all terrified, and some of them had
9 to decide to leave the centre. The medical staff had to pack
10 their stuff and left for their home.

11 But as for me, I had to stay behind because the person who was
12 supposed to come and change the work shift with me had not yet
13 arrived.

14 Q. When did you hear that the Khmer Rouge had entered Phnom Penh?
15 Did you, yourself, see any of the Khmer Rouge enter or did you
16 hear about the capture of Phnom Penh? How did you learn of their
17 entry?

18 [15.16.07]

19 A. On that morning, I worked in the hospital as usual. I
20 continued to treat the wounded who were sent to the hospital.
21 Then on that morning, I continued to hear gunfire -- and if I
22 stood in front of -- I stood facing the Olympic Stadium, I could
23 hear the gunfire from every angle, but I did not believe that it
24 was the exchange of fire, but it was a solo fire by one side or
25 so because I could hear, later on, the fire from only one -- one

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1 side. It was at round 8 o'clock in the morning.
2 I actually, at that time, wanted to know what was going on. I had
3 a lot of work to do at the hospital, but I did also want to know
4 about what was going on. I was quite curious about what people
5 were talking to each other outside the premise of the hospital,
6 so I left the premise of the hospital. I went to the southern
7 part of the hospital and when I got there, I looked through the
8 fence, then I saw the Khmer Rouge soldiers who were marching
9 along the street from the west. And from a far distance from the
10 soldiers, there were more soldiers coming in, as well, so I could
11 see them from a long distance that there were tanks driven in the
12 city as well, and on that tank, there were many soldiers - many
13 Khmer Rouge soldiers some of whom were carrying guns and pointing
14 the guns into the air.

15 [15.17.50]

16 And I also saw some soldiers who were carrying guns, but they
17 were -- they did not wear a proper shirt; they actually were
18 shirt off at that time. So they were marching into the city and
19 they would walk past Borei Keila heading to the eastern part of
20 Borei Keila. That's what I saw at the time.

21 Q. Therefore, when you were outside the hospital, on the street,
22 and you saw the Khmer Rouge pass before you, what did you do
23 afterwards? What did you tell yourself? Were there any other
24 hospital staff members with you? Did they return to the hospital?
25 What happened afterwards?

1 A. When I left the premise of the centre -- actually, it was not
2 that far from the building of the centre, and I looked through
3 the fence, and when I continued to walk a little bit further, I
4 saw from the distance the soldiers marching down.

5 [15.19.13]

6 And I actually saw one of the Khmer Rouge soldiers went into the
7 Borei Keila premise. He was dressed in black and he also had
8 black slipper, as well, and he wear the Maoist cap and he was
9 carrying gun as well. He was walking into the premise of Borei
10 Keila. And when he was inside Borei Keila - actually, in Borei
11 Keila premise, there was one building. If you came from the south
12 entry, you would see that building standing to the right and
13 beside that building there was a natural pond over there. And the
14 Khmer Rouge soldiers who walk into the premise, when he got to
15 the building -- and behind that building there was a pond, as I
16 said, then the Khmer Rouge soldiers threw a -- a grenade into
17 that pond and it exploded.

18 And then he went into the guard post -- guard post in front of
19 the Borei Keila premise. And inside that guarding post, there
20 were the guards; approximately there were five or six or seven
21 people that lived there as a family, then the Khmer Rouge soldier
22 went into that guarding post and I intended to ask the Khmer
23 Rouge soldier because I was very curious about what the Khmer
24 Rouge was -- was doing.

25 [15.20.51]

1 I had never met with the Khmer Rouge soldier. I did have -- I did
2 treat the Khmer Rouge soldier when they were wounded and they
3 were sent to Preah Ket Mealea Hospital and I was a nurse over
4 there; I treated them, but then I wanted to talk to the Khmer
5 Rouge soldier, but unfortunately, I did not have a chance to talk
6 to him because he walked straight into the house.

7 So he went there for quite some time; for about half an hour or
8 so, I did not meet him. I wanted -- I stood there wanting to meet
9 him, but for about half an hour or so, he went into that house
10 and then he left that house. And then he went straight outside of
11 the Borei Keila Hospital. But even if it has been half an hour
12 already, when I look outside, there was still Khmer Rouge soldier
13 marching along the street.

14 And when they went into that -- he went into that building, I saw
15 a young girl and at about eight years old or so and then the
16 small -- the young girl over there was holding her sarong and she
17 was crying and I was a bit terrified as well. I did not know what
18 had happened to her. And I went back to my hospital.

19 [15.22.25]

20 Q. You re-entered the hospital. You returned to the operation --
21 operating theatre. You met with more staff, at that point, and
22 then what happened? What did you do? Did you continue your work?
23 Because in your statement you said: "I was in the midst of
24 operating" That would mean that you returned working and perhaps
25 you were in the middle of operating on people before you left the

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1 hospital.

2 A. Upon my return to the centre, of course people were still
3 working in the operation -- operating theatre. On the ground
4 floor, there were approximately 50 patient beds and there were
5 space between each bed. But then I could also see the wounded who
6 were lying along the corridor of the centre and in front of the
7 buildings, as well, and we could not treat them all.

8 In the Borei Keila centre, for your information, on the 17 of
9 April 1975, I am telling the Court what I saw -- the overall
10 situation I saw on the 17 April 1975. On the 17 of April, the
11 dead bodies (sic) who were actually admitted to the centre for
12 operation, but they could not be saved and they eventually died,
13 so there were many patient who died in the hospital at that time.
14 And on the ground floor, of course, there were newly admitted
15 victims.

16 [15.24.37]

17 So, upon my return from outside, I saw a young girl; her stomach
18 was cut open.

19 (Short pause)

20 I am sorry. When I recall this -- recall my miserable memory. I
21 saw that lady -- that young girl. She had her stomach cut open
22 and her intestines came out of her body. And then I went inside
23 and I took one of small bowl, a clean bowl, and I put the I.V.
24 inside and I tried to insert the intestines back into her
25 stomach. Then I sew off the stomach and I still had a vivid

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1 memory of that scene of misery whenever I recall it.

2 [15.26.17]

3 Then I went on to work in -- in other places. I saw a person who
4 -- whose leg was lost and blood was still coming out of him --
5 and at that time, it was around nine or 10 and I did not see any
6 more incoming wounded, so the wounded patient stayed in that
7 hospital.

8 But at the same time, more and more medical personnel of the
9 centre had to leave the centre because they were all terrified
10 because they heard gunfire and bombings every -- everywhere. So
11 people started to leave the centre, but the patients were still
12 there and they were helpless. And for those who sustained light
13 injury, they had their family taking them out of the hospital.
14 They brought their own means of transport to carry them out of
15 the hospital.

16 I asked the young girl whom I had -- helped her earlier about the
17 fate of her family and she said that her parents were all killed
18 and her brother was lying dead beside her and she was there. So I
19 was, at that time, had a very, very hard time to leave the
20 hospital. There were so many wounded in the hospital so I decided
21 to leave -- to stay behind in order to continue my work in the
22 centre.

23 [15.28.21]

24 Q. Mr. Witness, therefore, you carried on with your work; you
25 weren't alone, even if a good number of medical personnel had

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1 already left. How did you learn that you had to leave the
2 hospital, you had to leave Phnom Penh? Who issued the order? Did
3 the Khmer Rouge storm the hospital and inform you of this or was
4 it other staff members from the hospital who had informed you of
5 this? How did you learn about the evacuation order?

6 A. After that, there were personnel, medical personnel, who came
7 down from the operating theatre and people who left the building;
8 particularly, the building on the south wing of the centre. I do
9 not recall who was who, at that time, and there was a person who
10 talk from behind that there were soldiers forcing them to leave
11 the hospital quickly. He shouted that we had to leave the
12 hospital immediately because the Americans were about to bombard
13 the area. So that's what I heard in Borei Keila at that time. At
14 that time, it was around 10 o'clock.

15 [15.30.06]

16 Q. And then what did you do?

17 A. First, I thought about the young girl -- the young girl that I
18 did not finish my treatment on her because there was no proper
19 hospital for her treatment. The place that I was there was not a
20 proper hospital. She should have been sent to the Preah Ket
21 Mealea Hospital or the Ruessei Keo Hospital. My mind was still
22 thinking about her and what shall I do to assist her.
23 And when I heard about the fact that we shall -- we had to leave,
24 I was thinking of what shall I do because, on one side, I had to
25 go and meet my wife. I should have met her -- I should have left

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1 in early morning, but due to the many wounded, I could not leave.
2 So I did not know what to do in that situation, and that was
3 around 10 o'clock. There were still many patients and that all
4 had to leave.

5 However, at the corner of my mind, I was thinking that if we had
6 to leave -- that is, when the Khmer Rouge arrived, then they
7 would continue to treat -- to provide a treatment to the
8 patients. That's what I was thinking at the corner of my mind.

9 And I was still so pitiful about that young girl and I still can
10 see her face in front of me, but on the other hand, I had to go
11 and meet my wife who is eight months pregnant. So I had to find
12 all means in order to go and meet my wife.

13 [15.32.06]

14 Those people who were at hospital push out the hospital beds with
15 the patients still on -- on the bed and they were pushed outside.
16 However, they were not all of them. I saw some while I walked
17 out.

18 As for the young girl I spoke about, I still can imagine -- I can
19 see her face. She grabbed onto my shirt and begged me to carry
20 her to allow her to go with me -- to come with me, but I did not
21 know what to do. And even now, I still can see her face.

22 So I went for my wife. She was at another corner. It was at the
23 northeast of that hospital as she was at the Pasteur Library. So
24 I went to that direction and I heard some shots being fired from
25 that direction and I saw people fleeing from that direction and I

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1 was told not to go there. Otherwise, I would have been shot.

2 [15.33.27]

3 So people were running to the south and we were asked to head
4 toward National Road Number 1, and I was undecided as I still
5 wanted to go and meet my wife at the Pasteur Road, so I ran along
6 with other people to the street south of the Borei Keila toward
7 the National Road Number 1. But, actually, my house was to the
8 east of Moha Motrey Pagoda and I had to walk past that house.
9 So I brought some -- actually a shirt of my wife, so I brought
10 that shirt with me.

11 Q. Mr. Meas Saran, if I understood you well, because maybe the
12 people here, present, have not understood very well why your wife
13 was on Street 51 while your apartment was in another
14 neighbourhood in the southern part of Phnom Penh. Can you tell us
15 why your wife was then in - at the northern side of Phnom Penh
16 that night and on the morning of 17 April?

17 A. The distance was not that far -- that is, the distance from
18 the Moha Motrey Pagoda to Pasteur Road. But that night, I was on
19 a guard duty and my wife was living in a rental apartment to the
20 east of the Moha Motrey Pagoda. But when I was on guard at night,
21 I did not want her to stay alone as she was also pregnant. So I
22 took her to my relative's house in Pasteur Road and there were
23 many other relatives also living in that house on the Pasteur
24 Road. So I took my wife there and I thought that in the morning I
25 would go to fetch her and I returned her to our rental apartment.

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1 That was the reason why she was there.

2 [15.36.07]

3 Q. Fine. So, of course, this didn't work out because you couldn't
4 go all the way to where your wife was staying and so you came
5 back to your neighbourhood, to your apartment. So what was the
6 situation in your neighbourhood then -- this was the end of the
7 morning or around noon or maybe 1 o'clock in the afternoon, based
8 on what you're telling us -- and were your neighbours still
9 there?

10 Were there Khmer Rouge units in the neighbourhood? Can you give
11 us a quick description of what was going on then?

12 [15.37.00]

13 A. When I broke off from the people who were running away from
14 the Borei Keila compound when there were shots being fired --
15 and, actually, people warned me not to go into that direction. So
16 I reached my house at the east of the Moha Motrey Pagoda. It was
17 10 a.m. -- 10 something and that's -- actually at that -- at that
18 location, it was quiet as people already had left. Those people
19 near my house had already left, so I entered my house. I didn't
20 know what to bring because along the road, before I reach my
21 house, those who were walking on the road in a rather chaotic
22 situation said that we all had to leave for three days and that
23 we had to leave quickly; otherwise, we would be bombarded by the
24 Americans. So upon hearing that, I was scared of the bombardment.
25 I entered my house. I only brought one thing only -- that is, my

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1 wife's shirt and I kept that shirt until I arrived at my wife's
2 native village. So then I made my journey together with the
3 people en masse on the road and we reached the Monivong
4 Boulevard.

5 As for the Khmer Rouge soldiers, they were scattered, but they
6 did not speak to us, and I did not know what they were doing. We
7 saw them walking towards the east direction. So I, amongst other
8 people -- I actually saw the Khmer Rouge soldiers carrying guns.
9 They carrying guns with - aiming towards the air in -- ready to
10 shoot position and I heard sporadic gunshots here and there, but
11 it was not like a shot from fighting; it could be a shot from --
12 from guns being shot into the air. So I walked among other people
13 and upon reaching the Monivong Boulevard, it was so crowded. It
14 was congested on that boulevard.

15 [15.40.14]

16 Q. Mr. Meas Saran, so you left your house and you were then on
17 Monivong, and you saw Khmer Rouge units, and you told us that
18 they didn't threaten you directly. So what was the attitude of
19 the people walking along? Were the people talking to each other?
20 Did you have the feeling that everyone believed that there would
21 really be American bombings? Did you really believe that the city
22 was going to be bombed or did you already suspect that it might
23 be some -- there might be another story behind this?

24 A. I will speak frankly. At that time, I did believe that
25 whatever I was told was the truth -- that there would be a

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1 bombardment. And, of course, I was scared of the bombs.

2 [15.41.13]

3 And those people who were walking together with me, they were
4 talking about the bombardment and we just tried to leave as
5 quickly as we could. Otherwise, there could be some death as a
6 result of the bombardment. And we did not even reach Kbal Thnal
7 and we heard about -- we heard the gunshots. It was the fighting
8 erupted between a Khmer Rouge group and a soldier who did not
9 surrender and that soldier fought with the Khmer Rouge group. So
10 we were all very scared as we would be hit by a stray bullet from
11 that fighting. So for that Khmer Rouge soldier -- there were
12 about seven or eight of them and one Khmer Rouge soldier was
13 wounded and the other soldier was shot and dead.

14 I was trembled from witnessing this fighting. And, of course, in
15 my mind, I saw the situation was precarious, and I had to leave
16 among other people, and it was so crowded and it was very hot as
17 we could not move that fast. By that time, it was around 2 or 3
18 o'clock in the afternoon, and amongst all those people, I saw a
19 family with one old person and that person was abandoned and she
20 was left on a bed nearby - or alongside the road. The family just
21 left that person alone there and left. And we walked until we
22 almost reached the Monivong Bridge.

23 [15.43.16]

24 Q. So, during this journey that lasted several hours, were things
25 organized? Did the Khmer Rouge organize the process to help the

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1 people from Phnom Penh leave the city? Were you given, for
2 example, water or something to eat or were you -- this ail-aged
3 person on -- lying on the bed, was she assisted? Did any of the
4 Khmer Rouge do anything to help this person maybe leave the city?
5 Can you tell us what you remember about this?

6 A. We were told to leave Phnom Penh because of the imminent
7 bombardment by the Americans. That's what we were told by the
8 Khmer Rouge. But, in fact, there was no bombardment, so that was
9 a lie.

10 [15.44.37]

11 And while we were en route, there was no single person who gave
12 us any assistance or support or gave us water or food. We were
13 like a flock of people and nobody assisted anybody until we
14 reached the Monivong Bridge. It was not a well-managed journey.
15 There was zero support.

16 Q. You also say in your application -- it's the same ERN as I
17 mentioned earlier -- that you stayed for two weeks close to the
18 Monivong Bridge -- that is to say that you crossed the Monivong
19 Bridge and you stayed at the lower end of the bridge for about
20 two weeks. Can you explain to us why and how you were able to
21 stay there?

22 And then I will ask you -- well, we'll proceed in steps. I will
23 put further questions to you about this.

24 A. When I almost reached the Monivong Bridge, because of the
25 narrowness of the bridge, the journey became even slower. On the

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1 left side of the bridge, I saw two dead bodies and that even
2 scared me more. And when we crossed the bridge, it took us a long
3 time and it became even almost dark. I, myself, was thinking that
4 the Americans, even if they conducted the bombardment, it would
5 not reach us because we already almost crossed the bridge. And
6 the fact that the Phnom Penh residents were asked to leave Phnom
7 Penh was not well organized. What I wanted to mean is that, they
8 did not care about us at all; they just asked us to leave Phnom
9 Penh and they would do something else after we left Phnom Penh.

10 [15.47.36]

11 So I stayed on the other side of the bridge with a large number
12 of people and still, at the corner of my mind, I'm still thinking
13 that I will be returned in three days. There was still a hope
14 that I would return in three days to Phnom Penh as everybody was
15 told that we should not bring much belongings or clothes because
16 we had to leave only for three days.

17 So I was on the other side of the bridge -- that is, on the east
18 side of the bridge with many people. And on that side, some of
19 the houses were -- were closed and I did not know where the
20 owners had gone to, but it was so crowded.

21 [15.48.30]

22 And as for the Khmer Rouge soldiers, they -- they travelled up
23 and down -- there were some tracks - and some of them were on
24 bicycles, but they did not have any communication with us. And
25 there was no sign indicating that a village chief, for example,

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1 in that area would assist us by giving us water or -- or some
2 food. No, there was no such assistance.

3 Q. For how long did people, let's say, cross the Monivong Bridge?
4 Let us say, how long did -- how long did it take for the Phnom
5 Penh population to leave the city and to cross the Monivong
6 Bridge? Was there a continuous flow for several days or since you
7 were able to see what was going on the bridge from where you were
8 staying?

9 A. I talked about the 17 April, and now that we refer to the late
10 afternoon of 17 April when I already had crossed to the other
11 side of the bridge. And on the west side, there were still people
12 who were attempting to cross the bridge.

13 And I, myself, had to find something to eat because it was
14 already in late afternoon. I had not had my lunch. So when I was
15 at the bridge, there is -- there was a warehouse to the north of
16 the bridge -- that is, on the west side. There was a sugar
17 warehouse and there were other people who went into the warehouse
18 and got some sugar. So I did the same. I got some sugar. Let's
19 say, I stole the sugar. There were heaps of sugar. Everybody got
20 some sugar.

21 [15.51.12]

22 So I carried the sugar with me, and then I crossed the bridge and
23 I stayed there together with other people. And that night, there
24 was still a continuous flow of people. It was so crowded as
25 people were heading toward National Road Number 1.

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1 Q. Can you explain to us how you survived during these two weeks?
2 When you remained on the lower end of the bridge with other
3 people, how did you manage to feed yourself? How did you manage
4 to find water? How did you find a place to sleep? What was the
5 situation during those two weeks?

6 [15.52.27]

7 A. On the first day -- that is, 17 April 1975, it was rather
8 strange as it was raining on that day. I didn't bring anything
9 with me, but I got the -- I got sugar that I took it from the
10 warehouse. And there were some youth who were chasing a pig, then
11 they got that pig. And I did not know what happened to me, but I
12 told those youths that the pig was my pig. So they thought that
13 the pig belonged to me, so they asked me to kill the pig so then
14 we could have some meat. And I said, "Okay, you go ahead." So
15 those youths killed the pig and gave me half of the meat, but I
16 did not take the -- the internal parts of the pig. So I got pork
17 and then I exchanged some pork for rice. And that's how I went by
18 for that evening.

19 Q. And as far as drinking, during those two weeks, you found
20 food, of course, but how did you go about to find something to
21 drink? How did you manage with the people on this bridge to find
22 something to drink or were you helped? Did the Khmer Rouge come
23 to bring you water in jerrycans or -- so that you could drink?

24 A. There was no Khmer Rouge offering us any water. No, there was
25 none. And how can I find water -- actually, I went into the river

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1 to fetch some water. And I went to a nearby house to take a
2 cooking pot and I cooked the pork because, in my mind, I thought
3 that okay, I just try to survive for three days and then I would
4 return to my house in Phnom Penh.

5 [15.54.57]

6 But after three days, there was no news calling us to go back
7 into Phnom Penh, and I started to become suspicious, and I did
8 not hear of any bombardment by then in Phnom Penh. I was thinking
9 that, maybe there could be a few more days before we were allowed
10 to return to Phnom Penh and I was thinking if I was not allowed
11 to go to Phnom Penh, where would I go; whether I should go to
12 find my parents and relatives or to find my wife.

13 There was no Khmer Rouge coming to tell us -- directing us to go
14 here or there or to go and fetch water from here or there. There
15 was no such assistance offered by the Khmer Rouge.

16 [15.56.58]

17 Q. So, after the three to four days when you were still hoping to
18 return home in Phnom Penh, were any announcements made? Did you
19 hear the Khmer Rouge saying something? And people who were with
20 you, did they -- did some people who were with you cross the
21 bridge in the other direction? Did you hear families say that
22 some members of their family had been able to return to Phnom
23 Penh?

24 A. So the three-day period had passed and I still had hope that I
25 would be allowed to return to Phnom Penh. On the fourth day and

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1 the fifth day, there was an announcement on a mobile microphone
2 calling for civil servants, soldiers, senior military officials
3 to return to Phnom Penh to resume their work to rebuild the
4 country because the war was ended.

5 Such an announcement was made on a microphone -- on a
6 loudspeaker, rather, and there were groups of people talking
7 about this and that and then people started to return to Phnom
8 Penh - that is, to return back across the Monivong Bridge. By
9 then the flow of people was almost none -- that is, the flow of
10 people from the west to the east direction.

11 So I could observe that some families decided to return to Phnom
12 Penh based on the announcement made on the loudspeaker.

13 [15.58.23]

14 Q. So you were an official and didn't you answer that call as a
15 civil servant?

16 A. At that time, I was thinking -- I was thinking that -- that we
17 had to leave for three days because due to the imminent
18 bombardment, but that didn't turn out to be true. And for those
19 people, some -- only some family members returned to Phnom Penh
20 and not the entire family, so I suspected that something was
21 going on in Phnom Penh and for that reason, I decided not to
22 return to Phnom Penh in my capacity as a medical staff because to
23 me, the situation was not right. Something was not right in my
24 mind because I considered what they told us that we had to leave
25 only for three days as the planes would bombard Phnom Penh, but

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1 there was no bombardment. There was no plane.

2 [15.59.42]

3 So, when they made an announcement, on the fourth or on the fifth
4 day, for people to return, I did not return because I was
5 suspicious that something was going on. But I observed people
6 started to return to -- return to Phnom Penh, but there were only
7 like some members of the family, not the entire members of the
8 family.

9 Q. And do you know what happened to those who returned -- those
10 who answered the call?

11 A. No, I did not because they went and they -- they were gone and
12 the family members who were left behind were still waiting for
13 them and I did not know what happened to them because I did not
14 see anybody who returned and telling what happened to their
15 family members. They went and they were gone.

16 Q. And why, in your opinion, did they not return to serve under
17 the new regime?

18 A. At that time, I did not think whether those people who
19 returned would serve the new regime. In my mind, and from my
20 observation of the chaotic situation when people were forced out
21 of the city, and that the bombardment turned out to be a lie, I
22 formed my opinion that those people who returned would not be in
23 a position to serve them, but that's just my observation.
24 And I did not see them return at all, so I did not know what
25 happened to them.

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1 [16.02.21]

2 MS. MARTINEAU:

3 Mr. President, I see that it is 4 p.m. Do you wish to conclude
4 today's hearing?

5 MR. PRESIDENT:

6 Thank you, Counsel, for your observation.

7 Lead Co-Lawyers, you are reminded that the time allocation for
8 the Lead Co-Lawyers and the Prosecution is for one full session
9 and now we have consumed more than one hour of the time, so you
10 only have one of half a session for questioning this civil party.
11 Please try to make your questions efficient and more substantive
12 to the facts before this Chamber. And we observe that some of the
13 questions try to elicit the personal opinions of this civil
14 party, so please try to think of the question that you ask even
15 if there was no objection from the defence teams.

16 [16.03.55]

17 The hearing of the testimony of the civil party is now adjourned
18 and will be resumed on Thursday the 22nd of November -- that is,
19 Thursday next week starting from 9 a.m. The Chamber will continue
20 to hear the testimony of Meas Saran and after that we will hear
21 the testimony of a civil party by the pseudonym TCCP-105 who will
22 be first questioned by the Lead Co-Lawyers for civil party.
23 Mr. Meas Saran, the hearing of your testimony has not yet
24 concluded and you will be invited to return next week on
25 Thursday, 22nd of November 2012.

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1 Court Officer, in cooperation with WESU, please assist for the
2 arrangement of the transportation for this civil party to return
3 to his residence and have him returned to this courtroom on the
4 morning of Thursday, 22nd November 2012, at 9 a.m.

5 Security guards, you are instructed to take the two accused, Nuon
6 Chea and Khieu Samphan, to the ECCC detention facility and have
7 them returned to the courtroom on Thursday, 22nd November 2012 --
8 next week -- prior to 9 a.m.

9 The Court is now adjourned.

10 (Court adjourns at 1605H)

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