



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 December 2012

Trial Day 136

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

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Andrew IANUZZI
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. HUN CHHUNLY (TCW-247)	Khmer
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KIM VANNDY (TCCP-59)	Khmer
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MS. TY SRINNA	Khmer
MR. VENG HUOT	Khmer

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 As we scheduled, today the Chamber will continue to hear the
6 testimony of the civil party, Kim Vanndy, and after its
7 conclusion, the Chamber will hear a witness -- that is, TCW-247.
8 Mr. Duch Phary, could you report the attendance of the parties
9 and individuals to today's proceeding?

10 [09.04.46]

11 THE GREFFIER:

12 Good morning, Mr. President.

13 All parties to this case are present, except the accused Ieng
14 Sary, who is present in the holding cell downstairs, due to his
15 health reason.

16 The civil party, Mr. Kim Vanndy, is present in the courtroom.
17 As for the reserved witness for today -- that is, TCW-247 -- has
18 confirmed that to his knowledge and ability, he has no relation
19 by blood or by law to any of the three Accused or any of the
20 civil parties recognized by the Chamber. This witness also took
21 an oath this morning. This witness does not have a duty counsel.
22 The greffier also noticed the presence of Isabelle Durand, an
23 international lawyer for civil parties who has not yet been
24 recognized by the Trial Chamber.

25 Thank you.

2

1 [09.06.11]

2 MR. PRESIDENT:

3 Thank you.

4 The Chamber has heard the participants and the attendance of the
5 parties and individuals to this proceeding, and there is a new
6 international civil party lawyer who has not yet recognized by
7 the Chamber in the proceedings in this case. We need to complete
8 this procedure first, upon the request by the National Lead
9 Co-Lawyer before we continue the commencement of hearing the
10 testimony of Kim Vanddy, pursuant to Internal Rule 22.2(a).

11 Mr. Pich Ang, the National Lead Co-Lawyer for civil parties, be
12 on his feet to request for the recognition of the international
13 civil party lawyer and -- who has not yet been recognized by the
14 Trial Chamber.

15 Mr. Pich Ang, you may take the floor.

16 [09.07.32]

17 MR. PICH ANG:

18 Mr. President, Your Honours, good morning, everyone in and around
19 the courtroom.

20 Sitting behind me is Madam Isabelle Durand. She is a member of
21 the Toulouse Bar Association in France. She has been recognized
22 by the Bar Association of Cambodia and has her name registered on
23 the 27 of June 2008, and she also took an oath before the Court
24 of Appeals on the 16th of July 2009. She's one of the lawyers in
25 the Lawyers without Borders of France.

3

1 We request for Your Honour's recognition so that she can perform
2 her duty before this Chamber. I'm grateful, Your Honour.

3 MR. PRESIDENT:

4 Ms. Isabelle Durand, please stand.

5 Ms. Isabelle Durand, you are hereby recognized as an
6 international civil party lawyers for the purpose of the
7 proceedings before this Chamber, in the Case 002. Pursuant to
8 this recognition, you have the same right and privilege as the
9 national lawyers for civil party.

10 [09.09.02]

11 You can be seated.

12 Mr. Ang Udom, you may proceed.

13 MR. ANG UDOM:

14 Good morning, Mr. President, Your Honours. Good morning, everyone
15 in and around the courtroom; and good morning to the audience in
16 the public gallery.

17 Today -- that is, the 6th of December 2012 -- I believe the
18 Chamber and my team has received a medical report of my client,
19 that in -- for the general situation, my client is stable -- he
20 can sit, for instance -- but he feels fatigued easily with a
21 slight movement. He complains that he did not sleep well last
22 night and that he can sit for long.

23 I request that he be allowed to stay in the holding cell
24 downstairs.

25 I'd like to make some remarks regarding this medical report.

4

1 Only a physician make the recommendation that my client can sit -
2 physically, can sit -- but there is no assessment as whether he
3 is fit, mentally, to participate in the proceedings, since there
4 is no medical report from any of the expert.

5 [09.10.41]

6 And we, as the defence team for Mr. Ieng Sary, require the
7 Chamber to appoint an expert to make an assessment of Mr. Ieng
8 Sary, whether he is fit, mentally, to participate in the
9 proceeding, so that we can be sure that my client can do so.
10 And my second remark is that, in the case that Mr. Ieng Sary
11 falls asleep, the case manager shall wake him up. Regarding this
12 point, in the context of my case manager, there is no duty for
13 him to perform this function -- that is, to wake my client up.
14 His duty is to deal with the work in his office, but he cannot do
15 this on a regular basis.

16 And another point is that, although Mr. Ieng Sary is woken up, he
17 is awake for maybe only one minute and he will fall asleep again.

18 And the third point: if he is awakened up, is it the work that
19 shall be done by the doctor, or whether it has any medical
20 impact? Because, as we notice if we go to visit a patient at a
21 hospital, there usually would be a time allowed for such a visit,
22 as patients need to have some time to rest and to sleep.

23 And if there is a case that my case manager wakes him up and my
24 client has a heart attack, is it a responsibility of my case
25 manager for such an event?

5

1 These are some of the remarks that I'd like to make to the
2 Chamber for your consideration.

3 And I'm grateful, Your Honour.

4 [09.13.04]

5 MR. PRESIDENT:

6 The Prosecution, you may proceed.

7 MR. ABDULHAK:

8 Thank you, Mr. President. We're going to be brief. We're in a
9 slightly disadvantaged position because we don't receive the
10 reports, but I'm going to proceed on the basis of what my learned
11 friend just said.

12 And, again very briefly in response, nothing that we heard this
13 morning engages the Trial Chamber's discretion or obligation to
14 appoint further expert -- or to require further expert opinion.
15 The issues that my learned friend discussed have to do with ways
16 in which one might manage Ieng Sary's well-being and
17 participation from the holding cell.

18 [09.13.50]

19 And to quote my friend, he said there was no assessment of his
20 mental capacity. Well, there has been a recent assessment, an
21 assessment that found that Mr. Ieng Sary is capable of following
22 and participating in the proceedings. Your Honours have - have
23 accepted that assessment and affirmed that Ieng Sary is capable
24 of participating. And of course, as Your Honours are fully aware,
25 the international principles that you've applied don't require an

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1 accused to be monitored on an hour-to-hour basis to ascertain any
2 changes in how his condition evolves. For as long as there is no
3 indication that a fitness issue has arisen, there is no need to
4 appoint further expert and to engage in further inquiries as to
5 fitness to stand trial.

6 Having said that, I want to – I want to also, obviously, affirm
7 that, just as everyone in this courtroom, the Co-Prosecutors are
8 concerned to ensure that the – that all Accused receive proper
9 medical care; Your Honours have made provision for that.

10 Our submission is that it is in your discretion to consider
11 information you receive from the doctors, as you – as you've
12 recently held. Any information given by counsel might be
13 informative, but it's certainly not something that you can act
14 upon by way of evidence. And for as long as the information
15 you're receiving is not requiring you to – as long as that
16 information is sufficient and is not requiring you to open
17 further inquiry, the matter should – should end there.

18 [09.15.31]

19 And, lastly, as to my learned friends' comments on the
20 obligations of the case manager, it's interesting that my learned
21 friend asserts that it's not the case manager's job to assist
22 Ieng Sary, perhaps, by waking him up. By the same token, the
23 Defence have required the case manager to record on an almost
24 minute-by-minute basis Ieng Sary's condition in the holding cell.
25 It's entirely reasonable, we would submit, to require any member

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1 of a defence team to consult with their client to check and to
2 discuss with medical staff his condition to see whether he is
3 asleep, whether he requires assistance. There is absolutely
4 nothing improper about that.

5 And those are our submissions this morning.

6 [09.16.24]

7 MR. PRESIDENT:

8 The International Lead Co-Lawyer, you may proceed.

9 MS. SIMONNEAU-FORT:

10 Good morning, Mr. President. Good morning, Your Honours. Let me
11 add one or two words to what has just been said from the
12 Prosecution bench.

13 While we think it is quite right that we should seriously discuss
14 the capacities of Mr. Ieng Sary, we do believe that sufficient
15 information has been given to us so far.

16 As to whether he is asleep for five minutes, two minutes, half an
17 hour, who's waking him up, who's not waking him up, we find it
18 rather shocking that we have this discussion every morning and we
19 believe that this discussion is simply not pertinent to the real
20 stakes of this trial.

21 Out of respect for the civil parties and for the public, we would
22 like the Chamber to bring a close to these daily discussions
23 which strike us as being both irrelevant and disrespectful. Thank
24 you.

25 [09.17.32]

1 MR. PRESIDENT:

2 Counsel Ang Udom, you may proceed.

3 MR. ANG UDOM:

4 Thank you, Mr. President.

5 Of course we do not want to waste the court's time every morning,
6 not as claimed by the Prosecution. Our wish is for our client,
7 Mr. Ieng Sary, to fully participate in the proceedings, and the
8 only solution to that is to appoint an expert to make a medical
9 assessment -- that is, an expert who is - who has specialty in
10 the mental assessment of my client. And if we have such an expert
11 medical report, then it's easy for us to proceed on -- and make a
12 decision on this case.

13 And, in fact, if it is possible, we also would like to have a
14 mental medical assessment on a daily basis by an expert, as we
15 have had so far -- the medical report by Dr. John Campbell was
16 done for a two-day assessment of my client only, so we cannot say
17 for sure that such a report is accurate. Or it could be accurate
18 at that time, but not at the present day, as the situation of my
19 client is precarious and changes every day.

20 Of course it is not our intention to delay the Court's time. And
21 to solve this issue is for the Chamber to act upon our request.

22 Thank you.

23 (Judges deliberate)

24 [09.21.34]

25 MR. PRESIDENT:

1 I'd like to give the floor to Judge Cartwright to respond to the
2 request made by Counsel Ang Udom, the defence counsel for Ieng
3 Sary. Please take the floor, Judge Cartwright.

4 JUDGE CARTWRIGHT:

5 Thank you, President.

6 The Trial Chamber has conferred and rules as follows.

7 The ruling of yesterday stands. There is no new medical
8 information that would justify any intervention on the part of
9 the Trial Chamber.

10 The Chamber notes, however, that this is the first time that Ieng
11 Sary has made the claim of some mental impairment. If it wishes
12 to proceed with such an application, it must make its application
13 in writing.

14 [09.22.32]

15 The Chamber will not hear oral applications every morning before
16 the trial begins, unless there is something exceptional or new.

17 The Chamber has the medical report from the doctor, and observes
18 that nothing has changed since yesterday.

19 That is the ruling of the Chamber. Thank you.

20 MR. ANG UDOM:

21 Thank you, Judge Cartwright, for the ruling.

22 Of course I respect the ruling, but I do not agree to it.

23 MR. PRESIDENT:

24 The matter has been ruled. You may be seated.

25 The floor is now given to the Lead Co-Lawyers for civil parties

10

1 to continue putting questions to this civil party.

2 You are advised that you have only 40 minutes, a combined time
3 for your team and for the Prosecution, so please try to use the
4 time between the two teams effectively.

5 [09.24.17]

6 QUESTIONING BY MS. TY SRINNA RESUMES:

7 Thank you, Mr. President. Good morning, Mr. President, Your
8 Honours; and good morning, everyone in and around the courtroom.

9 Good morning, Mr. Kim Vanndy.

10 Q. Yesterday you stated that your father was -- had his hands
11 tied to the back and he was taken and executed. How many of those
12 people who came to arrest your father? And what were they? And
13 did you know any of them?

14 MR. KIM VANNDY:

15 A. When my father was arrested, he was arrested by two men, but I
16 did not know the rank or the name of the two people. They wore
17 black uniforms, they had a scarf on their waist, and they carried
18 two guns, and they walked my father until I could no longer see
19 him. And then I turned my eyes to tend to the cows.

20 [09.26.10]

21 Q. After your father was taken away and killed, what happened to
22 your mother and your siblings?

23 A. After my father was killed, my mother and all the siblings
24 knew of what happened. My mother cried, and everyone was sad. We
25 kind of had a small gathering amongst the family members,

11

1 quietly, and we wanted to know the reason why he was killed. We
2 did not know when the militiamen or those people came to sneak at
3 our house. Actually, our house was under a coconut tree, and one
4 of my youngest sister said that we had to be careful because the
5 coconut could fall onto the house, but I told her not to worry
6 and to sleep.

7 So we tried to stay separately and not to make them aware that we
8 had a meeting, or we could be accused of being the children of
9 the traitor. That's how I can recall it.

10 [09.28.15]

11 Q. You stated that after you father was killed, your family was
12 monitored. What other activities did they do toward your family?

13 A. Yes. They then called a meeting for all the 17 April People,
14 and my mother was instructed to pack our belongings so that we
15 would be transferred to the worksite. At that time, I did not
16 even know what a worksite meant. At that time, it was called Prey
17 Phdau Dam; I do not know whether that dam's name has been
18 changed. It was a very large dam. And my mother, who just
19 delivered her baby recently, was forced to carry soil as ordinary
20 people, as healthy people. She protested, but then the 18 April
21 People and the militiamen said that she had too personal
22 properties -- too much personal properties and that she would not
23 fit within the criteria of Angkar that is due to (unintelligible)
24 ownership right.

25 Q. You said that your mother recently delivered a baby. How long

12

1 ago did she deliver the baby? And what kind of work was assigned
2 to her -- whether the work load was as the same as for other
3 healthy people?

4 [09.30.40]

5 A. After delivering a baby for three months, my mother was made
6 to dig some dirt and build the dam. The dam was about 10 metres
7 in width, and they used human beings to build the dam. They did
8 not care whether the workers had just delivered the baby recently
9 or not; they treated everyone equally when it comes to labour
10 force. And my mother was subject to this hard work, and my
11 younger sibling also could not make it and she died because of
12 the overwork.

13 I could say that death, during the regime, was very pathetic,
14 because during the previous regime, when people died, there would
15 be some traditional ceremonies where Buddhist monks would be
16 there to attend the ceremonies. But during this Khmer Rouge
17 regime, when someone died, he or she would be buried or covered
18 with some leaves. They died like the dead animals.

19 [09.32.22]

20 Q. Apart from the execution of your father, did you observe also
21 that other former Lon Nol officials were spied on?

22 A. It happened to the workers. During each meeting, there would
23 be an appeal through commune chief, the person by the name Nau,
24 who would say that everyone who had worked before should come
25 forward and have their names registered so that they could be

13

1 sent to work with Angkar at a higher level. That's what we heard
2 through the meeting. And many people were convinced, although --
3 they were convinced by the appeal, although I did not remember
4 how many of them, exactly, have their name registered. People
5 could be heard talking to one another, whether they have their
6 name registered or not. Some would just say that they would do
7 that at a later date, they would wait for a while -- things like
8 that.

9 Q. Can you tell the Chamber, please, if you remember whether
10 people died at your area and what could have been the cause of
11 their death?

12 [09.34.50]

13 A. So far as I remember, some people died from malnutrition and
14 they also died from being illy treated -- without proper
15 medicine, for example. And some were accused of betraying Angkar,
16 because they had to steal food, and if Angkar found out they did
17 so, then they would be arrested and executed.

18 I once was engaged in stealing the rice, the rice grains. I was
19 sleeping on the dike and I had to eat the grains of rice, raw.
20 And then, on one occasion, people was talking that they noted
21 that some people were suspicious to had been stealing rice from
22 the paddy field because they could follow the trace of the
23 footsteps, but -- they believed that the footsteps belonged to
24 human beings, but the excrement, or the droppings appeared to be
25 belonging to the animals. Indeed, we ate some kind of plant that

14

1 -- it's not doubt that the droppings somehow was those of animals
2 droppings rather than human beings.

3 [09.36.42]

4 Q. You said that the Khmer Rouge would be observing or monitoring
5 the activity of the villagers or workers. Can you tell the
6 Chamber whether it was the case that those who were under
7 surveillance were mainly People of the 17 of April -- the New
8 People rather than the Base People?

9 A. At that time, the militia -- the Khmer Rouge militia -- would
10 set up their network, searching for the 18th of April 1975 and
11 they would follow us. For example, they observe every movement we
12 -- move we made, and they would ask to find out what we did in
13 the past, they would trick us to answer to them, for example what
14 our profession, occupation could have been; they would exchange
15 this information with some food if we would like to do that. But
16 I felt it was not right to tell them these details. I knew
17 something went wrong, although I was very young, I told my mother
18 not to tell anyone any details because we lost our father
19 already, and I told her that I would not wish to lose her also.

20 [09.38.35]

21 Q. During the time when you had been living -- during the regime,
22 indeed, have you ever heard people mention the names of some
23 individuals, including Pol Pot, Nuon Chea, Ieng Sary, for
24 example? If so, where did this happen?

25 A. I remember that on one occasion, after lunch, I saw -- I heard

15

1 from people who talked at the communal eating hall that there
2 would be a film show in Kampot location, which was about 12
3 kilometres from our location, and some people would take the ox
4 carts to see the movie. And, indeed, the film was shown. I was
5 there, as well. I didn't see the movie clearly, but I heard that
6 people had to -- I heard from the movie someone -- some names
7 were mentioned. I couldn't hear this very clearly because it was
8 rather noisy; people were talking while watching the movie, so I
9 couldn't understand quite well what was clearly said during the
10 movie.

11 Q. Do you still remember, what was the movie about?

12 [09.40.47]

13 A. I don't remember what the film was about, but I know that -- I
14 remember part of the movie which was about the liberation of the
15 country. I heard from the movie that the country was liberated
16 from the yoke of the imperialists and that the country was under
17 construction. And I was rather exhausted after a long day at
18 work; I fell asleep when the movie was still being shown.

19 Q. Do you still recall whether the names of individuals I
20 mentioned were mentioned in that film?

21 A. I heard the names being mentioned, but I was very young to
22 take good notice of this. There was a man -- a man behind this
23 film -- who was saying out loud into the loudspeaker, pretending
24 to impersonate the actors in the film, and I heard these names
25 mentioned. I could not find out where this gentleman could have

16

1 been sitting, but I heard from the loudspeaker that was hoisted
2 up above on top of one of the trees in the area.

3 MS. TY SRINNA:

4 Mr. President, with your leave, I would like to use the document
5 that I already mentioned yesterday, document D22/1352, please.

6 [09.43.30]

7 MR. PRESIDENT:

8 You may proceed.

9 However, please tell the Chamber, how much time would you like to
10 use to pose question to this civil party? Because it appears to
11 the Chamber that time is almost running out for your team.

12 MS. TY SRINNA:

13 Thank you, Mr. President.

14 Indeed I have the final question to put concerning this document,
15 and I will then cede the floor to the Prosecution.

16 MR. PRESIDENT:

17 You may proceed.

18 [09.44.00]

19 BY MS. TY SRINNA:

20 Q. I would like to refer to document under ERN in Khmer,
21 00526168, English ERN 00866008. And, again, this document is
22 available only in Khmer and English.

23 By mid-1978, you said your family, with five members, including
24 your mother, your younger siblings, and cousin, Um Mom
25 (phonetic), and some other groups of people, mainly the families

17

1 whose husbands or fathers had been executed, the people including
2 my -- your family had been sent to the cooperative in the
3 province, in Bakan district: "At Bakan district cooperative, the
4 living condition was worse. We were given only very thin gruel
5 for each meal."

6 I would like to seek some clarification concerning this
7 statement. You said that your family and other families whose
8 members -- or whose husbands and father had been executed who
9 went to that cooperative with you--

10 Is it my understanding or our understanding that these groups of
11 people whose fathers or husbands had been executed were those of
12 the 17 of April People?

13 [09.46.13]

14 MR. KIM VANNDY:

15 A. After leaving my place in Kampot for Pursat, the 18 April
16 People had some vehicles where they could travel along, and for
17 our groups - for our families and other people, they had to carry
18 their luggage and walked. And we had to walk to National Road
19 Number 3, all the way to Cardamom Mountain line. I still remember
20 the road where we walked. And we spent some time there. And I
21 also noted that my children and my mother were too exhausted
22 walking -- after walking for a long time.

23 Then we asked the -- one of the vehicles to stop, and the vehicle
24 belonged to the Chinese people, although I couldn't read Chinese
25 characters, but I knew that this car was a truck -- this vehicle

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1 was a truck. And we were offered a lift after all.

2 Q. I am sorry to interrupt you, Mr. Civil Party. Indeed, I am
3 seeking some clarification concerning this particular statement.

4 You said that your family, along with other families, in
5 particular the families whose parents -- or rather whose fathers
6 or husbands had been executed--

7 [09.48.22]

8 Were these people the 17 of April People or were they the Base
9 People? Can you please answer my question? If you remember or you
10 know how to answer this, you may proceed; if you not (sic), it is
11 fine.

12 A. I remember briefly. These people were the 17 of April People,
13 the remaining members of the families who survived the execution,
14 and some of us had to walk and carry some luggage or belongings
15 with us.

16 Q. So, is it fair to say that these people were the 17 of April
17 People?

18 A. Yes, they were, because the 18th of April People would not be
19 walking, they would be transported by vehicles.

20 MS. TY SRINNA:

21 Thank you, Mr. President and Your Honours. I have no more
22 questions to put to this Civil Party.

23 And with that I would like to cede the floor to the Prosecution.

24 [09.49.44]

25 MR. PRESIDENT:

1 The Co-Prosecutor, you may now proceed.

2 QUESTIONING BY MR. ABDULHAK:

3 Thank you, Mr. President; and good morning again, Your Honours;

4 and good morning to you, Mr. Kim Vanndy. Thank you for coming

5 here to tell the Court about your and your family's suffering.

6 My name is Tarik Abdulhak, and I will ask you only a few

7 follow-up questions on behalf of the Co-Prosecutors.

8 Q. I just want to – want to make sure that we have a clear

9 understand as to exactly where you were on the 16th and the 17th

10 of April. And in the interest of time, if I can just summarize to

11 you what I understood you to say yesterday, and if you could just

12 confirm whether that's correct or, if it's not, please correct

13 me.

14 [09.50.45]

15 I believe you said that you lived at Chrouy Changva, which is in

16 Mukh Kampul district. This is adjacent to Phnom Penh, on the

17 other side of the Chrouy Changva Bridge, a bridge that is known

18 today as the Japanese Bridge. On the 16th of April, you and your

19 family crossed the bridge, entered Phnom Penh, and went to your

20 uncle's house in Santhor Mok suburb. And the following morning,

21 on the 17th of April, you saw Khmer Rouge soldiers entering the

22 city.

23 I just want to make sure that I have that correct; if you could

24 please let me know if that's a correct summary of those events?

25 MR. KIM VANNDY:

20

1 A. Yes, it is the correct statement I made, but I wish to also
2 add that my home was on the other side of the river, in the - in
3 the opposite direction of the city.

4 Q. Thank you very much. That's very useful.

5 Now, for those who are not very familiar with the geography of
6 Phnom Penh, if we could just try to place the Santhor Mok area
7 with a bit more precision. Do I understand correctly that this is
8 a part of Phnom Penh that is close to the Russian Boulevard and
9 also close to the Tuol Kork area?

10 [09.52.40]

11 A. Santhor Mok is actually located on Kampuchea Krom Boulevard.

12 Q. Thank you very much.

13 And now, moving on to the event that you described yesterday very
14 briefly, the killing of your uncle, according to my notes, I
15 think you said that your uncle was wearing a military uniform at
16 the time he was - he was shot. And you said you opened the door
17 when you heard the shots and you saw your uncle. As far as you
18 know, from what you observed, was your uncle taking part at that
19 point in time in fighting with the Khmer Rouge soldiers? Or, to
20 be even more specific, was he -- could you see whether he had a
21 gun, whether he had actually been fighting against the Khmer
22 Rouge soldiers that were coming into the city?

23 [09.54.25]

24 A. What I saw was that he was lying dead. I did not know whether
25 he had engaged in any fighting before that. But before Khmer

1 Rouge reached Phnom Penh, he talked to his members of family --
2 and I also overhead this -- that in his capacity or with this
3 rank of his, he would not be worried to engage any fighting
4 because he could just render the order, and his subordinates
5 would do that on his behalf.

6 So, by the time before he died, he was riding a jeep, wearing the
7 military uniform. And later on what we saw was that he was lying
8 dead after being shot by a Khmer Rouge soldier.

9 Q. Thank you. And now, if I can ask you just perhaps one or two
10 more questions on that.

11 If I understand it correctly, this happened on the 17th of April.
12 Apart from the killing of your uncle, were you able to see
13 whether there was other fighting taking place, or had the Lon Nol
14 troops stopped resisting or fighting the Khmer Rouge at that
15 point?

16 [09.56.10]

17 A. Before the 17th of April 1975, which was the day before that,
18 I saw Lon Nol soldiers engaged in the fighting with the Khmer
19 Rouge soldiers. It was a fierce fighting during the last evening,
20 because fighting could be heard at every spearhead, from the
21 airport direction, and Chrouy Changva location. So, gunfire could
22 be heard all across the city.

23 After the bombs being dropped - and, indeed, it was rather quiet
24 -- we had to leave our home for our uncle's house. During that
25 time, in the morning, there was no fierce fighting as it happened

1 the day before; it was more like sporadic fighting.

2 Q. Thank you.

3 I'm going to move on, in the interest of time, to just ask you a
4 few more questions on other topics.

5 When you were describing your family's movement, first north
6 across the Chrouy Changva bridge, and then later you talked - or
7 you described how your family went back to - or, rather, south to
8 the Kampot province, but you went via the area of Udong, and you
9 said you stayed at the Udong Market for two or three days. If you
10 could be very brief on this; could you tell us whether the city
11 of Udong -- whether there was still people living there, as far
12 as you could see, or whether people had left Udong and whether
13 the area was empty, if you like?

14 [09.58.30]

15 A. After leaving Phnom Penh, we went to the ferry - ferry
16 crossing place, and then we crossed the river to Udong and we
17 spent overnight because we had been too exhausted to go on; we
18 had to stop for a while to regain our energy.

19 I saw some people there. I did not know whether they were the 18
20 April People or the 17th of April People, but I saw a few of
21 them.

22 Q. Were you able to see whether people were living in houses like
23 your family lived in your home and people in Phnom Penh before
24 the 17th of April?

25 A. I saw people living there, but it is difficult for me to say

1 whether they were living normal life as what we did at home. I
2 saw them wearing black clothes, wearing some hats. I can't
3 exactly say whether they were civilians or soldiers.

4 Q. Thank you. And I'll to another topic in the time we have
5 remaining.

6 [10.00.20]

7 You have described in detail your father's arrest and his
8 disappearance. Can I ask you -- I think you said he was in the
9 navy of Lon Nol regime, if I - if I understood correctly. Do you
10 know what rank he had in 1975?

11 A. Prior to 1975, I knew that my father was a military officer in
12 the navy. He bore the rank of a colonel. He had his base near Wat
13 Phnom. He also travelled to various other countries by military
14 ship. And his name is Kim El. And, in fact, on the 30 of the --
15 each month, he would have his subordinates coming to fetch my
16 mother to go - to go and get a salary -- his salary at the base.

17 Q. And perhaps just one more question in relation to your late
18 father. In your application, you stated that he was taken to be
19 killed in Wat -- Boeng Angk Pagoda, in Boeng Angk commune, Chhuk
20 district. Would you be able to tell us how you were able to - how
21 you found out that information that your father was taken to this
22 - to this place?

23 [10.02.42]

24 A. When they arrested my father and later on killed him, Nau, the
25 village chief, told me when I asked him where they took my father

1 too. And he said, "How come this day you still use the word
2 'papa'? You cannot use that word during this regime; you should
3 use the local word 'pouk' for your father." I apologized to him
4 and I asked where my father was taken to. He told me he was - he
5 was taken to Boeng Angk Pagoda, at Boeng Chhuk (sic). So I
6 thought he would be okay because he was taken to a pagoda.
7 But later on, while I worked in a mobile unit at the Prey Phdau
8 -- I was in the Economic Section to carry water for the cook to
9 use in their cooking -- then I saw the red "angkang" (phonetic)
10 fruit; I picked the fruits, and then I saw the clothes that my
11 father wore. The clothes were tied on to that "angkang"
12 (phonetic) tree, and I was pretty sure that the clothes and the
13 hat belonged to my father. And later on, at night, I spoke to my
14 mother quietly that I saw the clothes of my father, and she asked
15 me not to speak about that anymore.

16 [10.04.40]

17 And maybe the place where they cooked was on top of the pit that
18 they used to kill people. And I asked the people at the kitchen
19 what happened if it was a pit, and they said it would be okay
20 because we would be helped by the spirits of the dead.

21 Q. Thank you, Mr. Kim Vanndy. And one last matter that I wish to
22 ask you about -- and if you could be very, very brief, because we
23 are running out of time. In your application, you also mentioned
24 that another uncle of yours, whose name was Um Hang and who was
25 over 50 years of age, was killed by the Khmer Rouge in May 1975

25

1 in Angkor Chey village, which is in Angkor Chey commune, in
2 Kampot province, and you indicated that you received that
3 information from your older cousin, No. Could you tell us, if you
4 know -- if you know -- how your cousin received that information
5 about the killing of your uncle, Um Hang?

6 [10.06.11]

7 A. I learned of the information of the killing of my uncle, Um
8 Hang, in Kampot province by No. In 1979, No was a soldier of the
9 front and he actually went on his mission to Pursat province. And
10 through his contact with people and as I did not have rice, I
11 went to ask the front soldiers for rice and I asked whether they
12 - they knew my uncle whose native village was at Angkor Chey, and
13 I was told that he was killed. And later on, after money was
14 introduced and circulated, my mother went again to search for the
15 truth, and we learned that all the properties of my uncle had
16 been gone and that he was indeed killed.

17 Q. And one final question: Was Um Hang also an officer or a
18 soldier in the Lon Nol regime?

19 A. Um Hang was not a soldier. I don't know what he was referred
20 to as, but in fact, he was the chief of a commune.

21 MR. ABDULHAK:

22 Thank you, Mr. Kim Vandy, for coming here and assisting us. We
23 have no further questions.

24 And, Your Honours, thank you for the time allocated to us.

25 [10.08.32]

1 MR. PRESIDENT:

2 Thank you.

3 The floor is now given to Nuon Chea's defence to put questions to
4 this civil party. You may proceed.

5 MR. IANUZZI:

6 Thank you, Mr. President. Good morning, everyone.

7 Thank you for coming, Mr. Civil Party. We have no questions for
8 you and we wish you all the best.

9 Thank you.

10 MR. PRESIDENT:

11 Thank you.

12 The floor is now given to Ieng Sary's defence to put questions to
13 this civil party if you wish to do so.

14 [10.09.12]

15 MR. ANG UDOM:

16 Good morning, Mr. President. Good morning, everyone; and good
17 morning, Mr. Kim Vanndy. My name is Ang Udom, and to my right is
18 my colleague Michael Karnavas. We are defence counsel for Mr.

19 Ieng Sary.

20 At this stage, we do not have any questions for you. However, on
21 behalf of my client, Mr. Ieng Sary, we wish you all the best. And
22 have a safe trip back home.

23 Thank you, Mr. President.

24 MR. PRESIDENT:

25 Thank you.

27

1 The floor is now given to Khieu Samphan's defence to put
2 questions to this civil party.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. Good morning, everyone.

5 Khieu Samphan's defence do not have any question for this civil
6 party. Thank you.

7 [10.10.08]

8 MR. PRESIDENT:

9 Thank you.

10 Mr. Kim Vandy, as we are approaching the conclusion of your
11 testimony, you will be given an opportunity to make your
12 statement of suffering and harms inflicted upon you during the
13 Democratic Kampuchea regime if you wish to do so.

14 You may proceed.

15 MR. KIM VANNDY:

16 Mr. President, I would like to read the statement that I had
17 written quite some time ago.

18 MR. PRESIDENT:

19 Yes, you may do so.

20 [10.11.05]

21 MR. KIM VANNDY:

22 Thank you, Mr. President, for giving me the opportunity to make
23 my statement of suffering that my family and I encountered - that
24 we encountered an experienced during the Khmer Rouge regime. Your
25 Honours, I express the suffering as follows.

1 My family and I suffered a lot during the Khmer Rouge regime. Let
2 me first touch upon the physical suffering suffered by my family.
3 We were moved to be away from our property, our house, and from
4 the school. My family situation was like the rest of the people
5 in the country, and it was the Khmer Rouge who did that; they
6 inflicted that suffering upon my family and myself. We were
7 forced to move away from our house, we were forced to engage in
8 hard labour. We became too exhausted, we were starved, we were
9 deprived of food as in the case of other Cambodian people at the
10 time. And as a result, my younger sister and many of my relatives
11 died of starvation. It was miserable.

12 [10.13.58]

13 They killed my father; they killed my great uncle and my great
14 aunt, as well as many of my relatives, unjustly. As a result, at
15 present, my mother became a widow, and I became a child without a
16 father. Every time I think of what happened, it seems so vivid,
17 living in front of my eyes and it makes me so angry. And as a
18 result, I joined the army; I wanted to take revenge. But I did
19 not succeed in that, so I had to sell my labour for a nominal fee
20 to survive until the present day, until the day I die.

21 Mr. President, Your Honours, please, find justice and punish them
22 appropriately, in proportion to the loss that I incurred, as well
23 as the loss of other Cambodian people. Please punish to the
24 harshest degree as it is possible.

25 And, finally, I wish to express my gratitude and thanks to Your

1 Honours and to everyone else inside and outside the courtroom.

2 And I wish all the best. I'm grateful, Mr. President.

3 [10.16.30]

4 MR. PRESIDENT:

5 Thank you, Mr. Kim Vanndy.

6 The hearing of your testimony has now come to a conclusion, and
7 you are now excused. Mr. Kim Vanndy, your testimony may
8 contribute to ascertaining the truth in this case. You are now
9 free to return to your residence or wherever you wish to. And we
10 wish you all the best, and have a safe trip and peace in your
11 life.

12 Court Officer, in cooperation with visual unit please assist for
13 the arrangement of this civil party to return to his residence or
14 wherever he wishes to go to.

15 Mr. Kim Vanndy, you may now leave the courtroom.

16 (Mr. Kim Vanndy exits courtroom)

17 [10.17.46]

18 The floor is now open to any other parties in this proceeding if
19 you wish to make any observation regarding the testimony of the
20 civil party.

21 It seems that no party wishes to make any observation.

22 We will take a short break, and after we resume we will commence
23 the hearing of the testimony of a
24 witness -- that is, TCW-247.

25 We take a 20-minute break and we shall return at 25 to 11.00.

30

1 THE GREFFIER:

2 (No interpretation)

3 (Court recesses from 1018H to 1038H)

4 MR. PRESIDENT:

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

6 We are going to hear the testimony of TCW-247.

7 Court Officer is now instructed to call in this witness to the
8 courtroom.

9 (Mr. Hun Chhunly enters courtroom)

10 [10.40.10]

11 QUESTIONING BY THE PRESIDENT:

12 Good morning, Mr. Witness.

13 Q. What is your name please?

14 MR. HUN CHHUNLY:

15 A. Good morning, Mr. President and Your Honours. I am Hun
16 Chhunly.

17 Q. Thank you, Mr. Chhunly. How old are you this year?

18 A. (Microphone not activated)

19 Q. Could you please repeat? But then wait until you see the red
20 light on the mic before you proceed to respond.

21 How old are you now, please?

22 A. I am 74 years old.

23 Q. Mr. Chhunly, where were you born?

24 A. I was born in Prey Chhor district of Kampong Cham province.

25 [10.41.18]

1 Q. Where do you live now?

2 A. I now live at Chamkar Mon district, Tuol Svay Prey 1.

3 Q. What do you do for a living?

4 A. (Microphone not activated)

5 Q. Mr. Witness, please wait until you hear the light, please.

6 A. I am a pensioner. I had retired -- or was retired since 2004.

7 Q. What are your parent's names?

8 A. My father is Hun Kean; he passed away. My mother is Say Yun;

9 she also passed away.

10 Q. What is your wife's name? And how many children do you have?

11 A. My wife passed away in 2007. We have two children, a daughter

12 and a son.

13 Q. Thank you.

14 [10.43.10]

15 Mr. Hun Chhunly, according to the report by the greffier of the

16 Trial Chamber, that -- you are not biologically related to any of

17 the civil parties or parties to the proceedings, including the

18 three accused persons, namely Mr. Khieu Samphan, Nuon Chea, and

19 Ieng Sary; is that correct?

20 A. Yes, it is.

21 Q. According to the same report, you had already taken an oath;

22 is that true?

23 A. Yes, it is, Your Honour.

24 Q. Next, the Chamber would like to proceed to informing you of

25 your rights as a witness before the Chamber.

1 Mr. Hun Chhunly, in your capacity as the witness before the
2 Chamber, you can exercise your right against self-incrimination
3 of witnesses; you can refuse to respond to any questions if you
4 believe that in your response you would be incriminating
5 yourself. And as the witness before the Chamber, you are to
6 respond to all the questions put by parties to the proceedings,
7 including those from the Bench. As the witness, you shall only
8 tell the truth, nothing but the truth, and this truth shall
9 always be relevant to the events you have seen or experienced
10 concerning the questions posed to you by parties to the
11 proceedings and the Bench.

12 Do you understand these obligation and rights?

13 [10.45.23]

14 A. Yes, I do, Mr. President.

15 Q. Thank you.

16 Mr. Hun Chhunly, have you ever given any interviews to any of the
17 investigators from the Office of the Co-Investigating Judges of
18 the ECCC?

19 A. No, I haven't, Your Honours.

20 MR. PRESIDENT:

21 Thank you, Mr. Chhunly.

22 The Chamber wishes to inform to the Prosecution that according to
23 Internal Rules of the ECCC, Rule 91bis, concerning the testimony
24 of the witness, Co-Prosecutors will be allowed to pose questions
25 to the witness before other parties. Both the Prosecution and the

1 Lead Co-Lawyers for the civil party will have the whole day to
2 put questions to the witness before us today.

3 You may now proceed.

4 [10.46.54]

5 MR. VENG HUOT:

6 Very good morning, Mr. President and Your Honours. Good morning
7 to everyone and my colleagues in this courtroom; and good
8 morning, Mr. Hun Chhunly. From now on, please, I be allowed to
9 address you as "Lok Krou", or Professor.

10 MR. HUN CHHUNLY:

11 You may call me "Mister", that's all, if you like.

12 MR. VENG HUOT:

13 Thank you, Mr. Chhunly.

14 Before I put some questions to you, with Mr. President's leave, I
15 would like to refer to document concerning -- the book you wrote
16 about the life of a doctor. At that time, there was no proper ERN
17 number in Khmer or English as yet. This book has been placed into
18 the case file and given ERN number. I have noted some of the
19 pages of the book could be different from the actual pages of the
20 book you wrote.

21 Again, Mr. President and Your Honours, with your leave, I would
22 like to put this book to Mr. Chhunly for examination.

23 [10.48.41]

24 MR. PRESIDENT:

25 Mr. Co-Prosecutor, you may proceed.

1 And court officer is now allowed to get the document over to the
2 witness for examination.

3 QUESTIONING BY MR. VENG HUOT:

4 Thank you, Mr. President. I would like to begin putting questions
5 to Mr. Chhunly as follows.

6 Mr. Chhunly can you please tell us, the representatives of the
7 Prosecution – indeed, I am Veng Huot, and my colleague on my
8 right-hand side, Mr. Tarik Abdulhak. I will be putting some
9 questions concerning the book you wrote, the book that I have
10 just referred a moment ago, concerning the life of a doctor
11 during the Khmer Rouge.

12 Q. When did you finish writing this book please?

13 MR. HUN CHHUNLY:

14 A. This book was published on two occasions, first published in
15 the 19th of January 2006 -- that's first publication – edition,
16 and the book in your hand is the first edition -- is the second
17 edition of my book; the same content maintained, but we have
18 changed some wordings. This book finished written in 2010 for the
19 second edition, and ERN number of the book has already been
20 registered, and I have also offered five copies to the National
21 Library. Two of the copies have been delivered to the DC-Cam.

22 [10.51.15]

23 Q. Have you written the book on your own initiative or you have
24 referred to other people to assist you during your writing?

25 A. (Microphone not activated)

1 MR. PRESIDENT:

2 Mr. Witness, could you please hold on? Indeed, we are now using
3 the simultaneous interpreting equipment, and that -- your message
4 will be rendered into two other languages, which is French and
5 English. So please observe some pause so that your message can be
6 fully conveyed through this interpreting service.

7 MR. HUN CHHUNLY:

8 A. I wrote in this book what I saw, what I heard, and I did not
9 add things beyond the facts or the truth I have encountered
10 during the Khmer Rouge regime. Almost all of my colleagues died
11 except me.

12 [10.52.25]

13 BY MR. VENG HUOT:

14 Q. When did you start writing the book?

15 A. During the Khmer Rouge regime, I started to take some notes
16 already; I had a diary. However, because the Khmer Rouge searched
17 my house on several occasions, I had to have them burned down and
18 I had to do my best to find way to recollect the events, in
19 particular the key events during that time.

20 Q. Now we would like to know what happened during the 17th of
21 April 1975.

22 During this date and prior to this date, what had you been doing?

23 [10.53.42]

24 A. Prior to 1975, which is the April 1975, I had joined the army
25 and worked as the military physician at Battambang Hospital.

1 Q. You said you served in the army. What kind of army was that,
2 the army of Lon Nol or other faction?

3 A. I worked for the Lon Nol regime because each official was
4 required to join the army, including the physicians. I had to
5 join the army for a period of at least two years. And I was the
6 lieutenant in rank.

7 Q. As a soldier – how many people were serving as the physicians
8 during that time, in your group?

9 A. At the military hospital at Battambang, it was known also as
10 the Hospital 403. There were about 30 medical personnel.

11 [10.55.19]

12 Q. At your hospital, who were the patients?

13 A. At the military hospital, there were patients who only were
14 the soldiers who wounded and -- got injured.

15 Q. When you said they were soldiers, were these Lon Nol soldiers
16 or the soldiers of the Democratic Kampuchea as well?

17 A. The patients were soldiers of the -- Lon Nol's regime.

18 Q. Thank you.

19 Next question, we now proceed to the 17th of April 1975. Can you
20 please describe to the Chamber the events you still remember,
21 exactly what happened on the day of the 17th of April 1975?

22 A. At 7 a.m. of the 17th of April 1975, Phnom Penh radio
23 broadcast that General Mey Sichan and Lon Nol – Lon Non, the
24 brother of Lon Nol, announced that all soldiers, all Lon Nol
25 soldiers across the country lay down their weapons. And then I

37

1 heard a very frightening sound -- that a cadre of the Khmer Rouge
2 said that the Kampuchean Revolution Army won the victory through
3 armed struggle, not through negotiations.

4 Q. (Microphone not activated)

5 MR. PRESIDENT:

6 Mr. Co-Prosecutor, make sure your mic is activated, please.

7 [10.57.51]

8 BY MR. VENG HUOT:

9 Thank you, Mr. President.

10 Q. Mr. Witness you are now having the book with you. Could you
11 please look at ERN in Khmer -- ERN starting with 00; that is
12 referred to as the ERN number or the Court's purpose. Mr.
13 Witness, here, look at this -- I would like to read this number,
14 and you can find it as follows: ERN 00678788.

15 MR. PRESIDENT:

16 Court Officer is now instructed to assist the witness with this
17 ERN number.

18 MR. VENG HUOT:

19 (Microphone not activated)

20 MR. PRESIDENT:

21 Mr. Co-Prosecutor, make sure you activate you mic.

22 And you can only refer to the witness as "Mister" if you like;
23 that's enough.

24 [10.59.10]

25 BY MR. VENG HUOT:

1 Thank you, Mr. President.

2 The ERN number of the page is 00678758 in Khmer; and in English,
3 00369682; and there is no translation in French.

4 Q. You wrote in your book that on the 19 April 1975 -- that is,
5 the third day -- the Khmer Rouge made an announcement that the
6 Vietnamese people, or all the "Yuon" people, had to return to
7 their country. Also, on the same day, there was an order from the
8 Upper Echelon to all the Lon Nol soldiers from the rank of the
9 Major Lieutenant to gather at a Chinese school in the middle of
10 the city. As for the soldiers in the lower ranks, shall be
11 gathered at So Heu Primary School, near the new bridge. The
12 soldiers came barehanded, with no weapon, and they stayed there
13 day and night at the gathering point.

14 My question is the following: How did the Khmer Rouge make these
15 announcement from the Upper Echelon?

16 [11.01.08]

17 MR. HUN CHHUNLY:

18 A. The Khmer Rouge did not make any official announcement as we
19 currently do. However, their announcement was indeed effective.

20 In fact, we heard the announcement through other people.

21 The announcement was that the - based on such announcement,
22 rather, the Vietnamese people boarded the boats returning back to
23 their country while they were escorted by the Khmer Rouge
24 soldiers. But there was no official announcement, but as I said,
25 it was nonetheless effective.

1 Q. Thank you. Let me touch up on a point of the gathering of the
2 Lon Nol soldiers. How long did they stay at the gathering points?

3 A. Lon Nol soldiers ranking from the Major Lieutenant gathered at
4 a Chinese school in the middle of the city. And those who had the
5 rank below that gathered at a primary school near the new bridge.

6 On the 23rd of April 1979 (sic), at 5 a.m., there was a truck
7 coming to pick all those military officers and all the public
8 servants, all the heads of all departments from Battambang,
9 heading towards National Road Number 5. As for the lower-rank
10 soldiers below Major Lieutenant, they were transported by truck
11 toward Pailin. And it was near the vicinity of Ou Pong Moan, on
12 the way to the Kamping Puoy water reservoir.

13 [11.03.53]

14 Q. Initially, did you know the purpose of gathering all the Lon
15 Nol soldiers?

16 A. They said that the soldiers ranking from Major Lieutenant up
17 would be gathered to go to Phnom Penh in order to receive Prince
18 Sihanouk. And they need not pack many food, as the food would be
19 provided en route.

20 Q. What later was the fate of the military officers and all the
21 Lon Nol civil servants? Do you know what happened to them?

22 A. I learned about their fate about one month later, as I learned
23 it through one of the drivers. He said the soldiers were
24 transported to Thipakdei Mountain and they were executed there.
25 As for the lower rank soldiers below Major Lieutenant who were

40

1 transferred -- transported to Pailin, they were ordered to farm
2 the land near Ou Pong Moan.

3 Q. Do you know the numbers of the military officers and public
4 servants who were executed, or shot dead?

5 [11.05.58]

6 A. I cannot say for sure all the exact numbers. However, there
7 were five truck loads.

8 Q. My next questions will be on the military hospital.

9 In your book -- and the ERN in Khmer is 00678761 to 62; and in
10 English, 00369683 to 84. In your book, you describe about the
11 killing of the Physicians and the medical staff at Military
12 Hospital 403, where you worked. Would you be able to describe the
13 event again to the Chamber?

14 MR. PRESIDENT:

15 Witness, please wait.

16 The International Defence Counsel for Nuon Chea, you may take the
17 floor.

18 MR. PAUW:

19 Thank you, Mr. President. And good morning to everyone in and
20 around the courtroom. My comments relate to the prior line of
21 questioning that deal with the Lon Nol soldiers that were
22 allegedly taken away from Battambang town.

23 [11.07.48]

24 And the prosecutor has asked quite a number of questions but has
25 not asked the most important one, and that is whether this

41

1 witness personally witnessed these events or whether he only
2 heard about them.

3 I know what the Prosecution is going to say. The Prosecution is
4 going to say we will have a chance to question the witness on
5 this specific topic. That is true, but I do think it's simply
6 good practice to want to know how a witness obtains his
7 knowledge.

8 So I would invite the Prosecution -- and I cannot shave it as an
9 objection, but I am requesting the Prosecution to question the
10 witness on the sources or knowledge; did he personally witnessed
11 these events or did he only hear about them? I think it's also an
12 interest for the Prosecution itself to lay that foundation and it
13 will clarify matters for all people in this courtroom.

14 [11.08.58]

15 MR. VENG HUOT:

16 Thank you, Defence Counsel, for his observation.

17 When the time comes my learned colleague can of course ask the
18 question. As for the Prosecution, our time is limited, and of
19 course we decide whatever we wish to question the witness. And in
20 fact, in his document, he stated that more than 200 people were
21 executed.

22 And, Mr. President, with your leave, I may resume my questioning.

23 MR. PRESIDENT:

24 Of course you may.

25 BY MR. VENG HUOT:

1 Thank you, Mr. President.

2 Q. Mr. Witness, just then I asked you to make a description as
3 you state in your book regarding the killing of the 13 military
4 personnel.

5 A. (Microphone not activated)

6 MR. PRESIDENT:

7 Witness, please wait until the microphone is operational.

8 [11.10.30]

9 MR. HUN CHHUNLY:

10 A. On the 20 of April 1975, at 8.30, the chief of the hospital --
11 that is, Colonel Dr. Tan Pok -- convened all the medical
12 personnel. He said that he just came from a meeting at the
13 provincial town hall, and there was a requirement for all the
14 medical staff to take a roster of duty day and night and also to
15 eat in hospital in order to provide better care to the patients.
16 After that, the meeting ended and we went to our respective duty.
17 At 5 p.m., I do not know what happened but I had a strange and
18 unsettling feeling. I was thinking of my two children, my two
19 nephews, and my parents. As for my wife, she was still at Phnom
20 Penh. So then I requested a leave from the Colonel Doctor, the
21 head of the hospital, to return to my house.
22 And next morning -- that is, the 21st of April 1975 -- the Khmer
23 Rouge called all the medical staff with the rank from Major
24 Lieutenant, totalling in 13, to board a vehicle in order to
25 receive a group of the revolutionary medics. However, about 11

1 kilometres from the hospital, at a location called Ou Mal, the
2 vehicle took a turn to the side road, and then the medical staff
3 were ordered to get off the vehicle and shot dead.

4 [11.13.01]

5 I learned of this event later because at night time, on that day,
6 I could not sleep until morning, and in the early morning I
7 walked to a civilian hospital where I used to work, and I entered
8 a building, and then I lied on a bed and I fell asleep. And at 2
9 p.m., I heard a voice calling me, so I woke up and I saw a
10 medical staff there, and the person said, "I survived, because
11 the Khmer Rouge shot dead 13 medical staff at my rice field", and
12 the person said the person only new Tan Pok, and not the rest.

13 [11.14.10]

14 Q. Thank you. In such a situation, did you know the reason for
15 the execution of the 13 medical personnel?

16 A. (Microphone not activated)

17 MR. PRESIDENT:

18 Please wait, Witness, until the microphone is operational.

19 MR. HUN CHHUNLY:

20 A. It is my understanding that it was the policy of the - the
21 health policy of the Khmer Rouge. They would eliminate all the
22 medical staff ranking from the Major Lieutenant, and later on it
23 would be the turn of the civilian medical personnel.

24 BY MR. VENG HUOT

25 Q. Did you know from what level was the execution ordered?

1 MR. HUN CHHUNLY:

2 A. I do not know, so I can't respond to this question; they only
3 talk about the Upper - "Upper Angkar", but we did not know who
4 that was.

5 [11.15.48]

6 Q. What about the patients being treated at the hospital? After
7 they executed all those expert medical staff, what happened to
8 those patients?

9 A. (Microphone not activated)

10 MR. PRESIDENT:

11 Witness, please wait until the microphone is operational.

12 MR. HUN CHHUNLY:

13 A. When I was told that those medical personnel who were my
14 colleagues were executed, I felt compelled to walk to that
15 hospital -- that is, the military hospital -- and I was about to
16 enter through the side entrance, and there was a soldier who
17 grabbed hold of my hand and said, "Don't go in there, because
18 they killed all of us." Then I went to the front entrance; I
19 wanted to get into the hospital as well, but another soldier
20 there grabbed my hand and asked me not to go in. I tried to see
21 if there were any other remaining medical personnel, but I did
22 not. And I saw patients who were walking out of the hospital;
23 some were accompanied by their relatives, and some were put on a
24 cart -- a pedal cart.

25 [11.17.45]

1 BY MR. VENG HUOT:

2 Q. Also related to this point, can you tell us, after the killing
3 of the 13 Lon Nol medical personnel, what happened to other
4 hospitals in the area?

5 MR. HUN CHHUNLY:

6 A. Could you please rephrase your question?

7 Q. After the killing of the 13 medical experts and personnel
8 staff from that military hospital, what happened to the civilian
9 hospital with those civilian medical staff and expert medical
10 staff? What happened to them after the 17 April 1975?

11 A. As for the civilian hospital, they did not do anything yet. As
12 for the patients, there were only patients leaving the hospital;
13 there were no incoming patients. And not for long the civilian
14 personnel -- medical personnel at the civilian hospital were
15 executed starting from 1977.

16 [11.19.32]

17 Q. In the book with the ERN in Khmer 00678763 -- in English,
18 00369685 -- you wrote that although the Phnom Penh radio stopped
19 broadcasting, "news spread among the people, saying that Prince
20 Norodom Sihanouk was coming back very soon from Beijing to Phnom
21 Penh. At the same time, the Khmer Rouge disseminated orders to
22 all senior government civil servants and to all military officers
23 from the rank of first lieutenant, asking them to prepare for the
24 journey by bus to Phnom Penh to great Samdech Euv (that is,
25 Prince Father) at 5 a.m. on the morning of April 23rd, 1975. They

1 stressed that there was no need to bring along too much luggage
2 and that food was available during the travel."

3 My question is: When the Khmer Rouge disseminated that
4 information, how did they do it?

5 MR. PRESIDENT:

6 Witness, please wait.

7 Counsel Ang Udom, you may proceed.

8 MR. ANG UDOM:

9 Thank you, Mr. President. I am not on my feet to express our
10 objection, but I would request that the Prosecution, when
11 referring to that portion of the document -- to have the document
12 projected on the screen so that we can all see it.

13 [11.21.48]

14 MR. VENG HUOT:

15 Mr. President, due to the strict time allocation, we do not have
16 the luxury of time to do so. With your permission, I'd like to
17 continue.

18 MR. PRESIDENT:

19 Yes, you may continue.

20 BY MR. VENG HUOT:

21 Thank you.

22 Q. Mr. Witness, allow me to repeat that portion again in case you
23 cannot recall it well.

24 MR. HUN CHHUNLY:

25 A. Allow me to say that the Khmer Rouge did not use any modern

1 equipment for their dissemination of information or instructions.
2 However, I still wondered, despite the lack of modern equipment,
3 the information they disseminated seemed to be very effective and
4 went through very well.

5 Therefore, on the 23rd of that month, the head of the
6 departments, the senior military officers, and public servants
7 boarded the vehicle to Phnom Penh, as they were told to go and
8 great Samdech Euv. And later on I learned that they were taken
9 and killed or executed by gunshot at Thipakdei Mountain.

10 [11.23.38]

11 Q. Thank you. In your document -- ERN 00678769; and in English,
12 00369689 -- you write that although the situation was known, the
13 residents of Battambang were fearful and shocked in the early
14 morning of the 25th of April 1975. The black-clad soldiers fired
15 their guns everywhere inside the provincial town. Some of them
16 walked in front of the houses and -- making the announcement
17 through loudspeakers to order them to go, to leave their home.
18 My question to you is: How did you learn of the evacuation? Did
19 you learn it through any official announcement?

20 A. As I stated earlier, with the Khmer Rouge no announcement was
21 made official. Nonetheless, it was effective.

22 [11.25.15]

23 Q. Did you know who issued such order for the black-clad soldiers
24 to fire their guns and to shout at the people to leave their
25 home?

1 A. Nobody knew about that; they only talked about the Upper
2 Angkar.

3 Q. In that situation, did anyone appear to claim responsibility
4 for such evacuation?

5 A. No, we only heard gunshots, and people were chased to leave
6 their home.

7 Q. Now I'd like to touch upon the immediate event when there was
8 evacuation.

9 Based on your observation, can you tell us about that?

10 A. In the Battambang provincial town, the evacuation was in multi
11 directions. As on my side, I saw elderly people being evacuated
12 as well, but I did not see anyone die.

13 [11.27.20]

14 Q. During the chaotic situation when gunfires were heard, did any
15 other family make any objection or protest not to leave?

16 A. I did not know but I believed all of them left. Let me say
17 that in Battambang the evacuation was one week after the Lon Nol
18 government was defeated; it was not an immediate evacuation like
19 in Phnom Penh.

20 Q. When people were walking away from their homes, did you see
21 any monks leaving any pagoda?

22 A. As for the monks -- and that is from what I saw -- it was
23 after 1970; it was in 1976 that -- when the monks were asked to
24 leave the pagoda. However, the number of -- the monks were in a
25 limited number, and by 1976 all monks had been asked to leave the

1 pagodas.

2 Q. Allow me to read your book again. ERN in Khmer is 00678759;
3 and in English, 00369682.

4 You wrote that another piece of information which was rather
5 scary was about the bringing away the head of the monks from the
6 pagoda. Achar Sang was a Monk who was well known for his preacher
7 (phonetic) against Sihanouk and he really was a pro (phonetic) of
8 the Republic Government.

9 My question is that: Who actually lead that monk away? And what
10 was the reason for him to be taken away?

11 [11.30.30]

12 A. Prior to the evacuation of the population, Khmer Rouge had
13 taken Abbot Achar Sang and other abbots as well. Mr. Siv Heng,
14 who was Nuon Chea's uncle, was also taken away. Mr. Siv Heng was
15 paralyzed on one side of his body. And later on Abbot Achar Sang
16 was also taken. I have no idea who ordered such removal of these
17 people, though I learned that it was the order from the Upper
18 Echelon.

19 Q. Do you know what happened to the abbot and Mr. Siv Heng?

20 A. They were all killed.

21 MR. PRESIDENT:

22 It appears to us that your message did not go through the mic
23 yet. You may repeat.

24 MR. HUN CHHUNLY:

25 A. The Khmer Rouge brought a vehicle to carry them out to be

1 executed. Both Mr. Siv Heng and Abbot Achar Sang were executed.

2 [11.32.12]

3 BY MR. VENG HUOT:

4 Q. I would read another document in Khmer which is 00678762; and
5 English, 00369685.

6 You said Samdech Pon, who was the Abbot of Po Veal Pagoda, was
7 evacuated - rather, you talk about this monk, but my question is
8 whether he was also evacuated. If so, what happened to him?

9 MR. PRESIDENT:

10 Mr. Witness, please hold on.

11 Counsel for Mr. Nuon Chea, you may proceed first.

12 MR. PAUW:

13 Thank you, Mr. President. And, again, it's the same issue -- or
14 similar issue as the one I was raising earlier. It's about the
15 sources of knowledge of this witness. And I will be a bit more
16 outspoken this time: I object to this line of questioning.

17 The Prosecution is under an obligation to verify what the sources
18 of knowledge of this witness are. When this witness states that
19 these two individuals were executed, the Prosecution needs to ask
20 whether he saw this, whether he heard this, and, if he heard it,
21 when he heard it.

22 [11.33.52]

23 Why is this an obligation for the Prosecution? Witnesses are only
24 allowed to testify as to what they saw or heard at the time. If
25 the Prosecution does not inquire as to when the witness learned

1 about this news, the Trial Chamber cannot verify whether the
2 witness is testifying as to his own knowledge at the time or
3 whether he has possibly heard about these events later or read
4 about them. Witness is clearly an educated man; he may know this
5 information from other sources.

6 Yes, we can verify this under our cross-examination, but it is
7 the Prosecution's obligation to make sure that the witness is
8 testifying as to things that he learned at the time.

9 So, I object to not verifying the specific sources of knowledge
10 of this witness and I request the Trial Chamber to instruct the
11 Prosecution to consistently ask whether the witness saw certain
12 events or whether he heard about them. If he heard about them,
13 when did he hear about them?

14 MR. PRESIDENT:

15 Counsel Karnavas, you may proceed first.

16 [11.35.14]

17 MR. KARNAVAS:

18 Thank you, Mr. President, Your Honours. Good morning to everyone
19 in and around the courtroom.

20 First, let me begin by supporting the remarks and the objection
21 by the Nuon Chea team and also to supplement, somewhat.

22 The gentlemen, on numerous occasions, say "they" - "they said",
23 "they said". He's heard the "they". I - and then the Prosecution
24 goes on to the next question, never identifying who's the "they
25 are".

1 Now, my fundamental objection is this: We're supposed to be --
2 and I say "supposed to be" because I don't know recognize this
3 system anymore -- into this "Civil Law French System", the French
4 model of it, where the Judges are to exhaustively question the
5 witness to get as close to the truth as possible, and then allow
6 the parties. What you have done is, in a sense, turned over your
7 authority to the Prosecution to go forward. And it would seem to
8 us that the Prosecution should be exhaustively asking all the
9 questions that you would have been asking.

10 [11.36.20]

11 Now, let me go on -- because I see that Judge Lavergne seems
12 somewhat amused with my comments. What I find problematic is not
13 that the Prosecution can say to us you can cover this on cross --
14 or when you question. What I find problematic is that we are not
15 allowed to cross-examine. So, in other words, what we have
16 adopted is the worst of both systems. You've subcontracted your
17 obligations to the Prosecution who's supposed to ask the
18 questions to get as close to the truth as possible, then you've
19 tied our hands behind our back, because now you've turned them
20 into a party, an adversarial party, and now you say, "You cannot
21 cross-examine." So, in other words, you take away the greatest
22 legal engine to get as close to the truth as possible in the
23 adversarial system, which is cross-examination, the ability to
24 ask questions that are leading nature. And then we have the time
25 constraints.

1 So, we find that we've adopted -- and I think Judge - Judge
2 Lemonde indicated as much in the press yesterday, that "this is
3 not the dish that we ordered", I believe he said. And I don't
4 understand whether it is a clash of civilizations, of different
5 legal traditions, but I understand both and I've worked in both,
6 and we've adopted the worst kind.

7 [11.37.51]

8 And I would submit, Your Honours, that if we're going to look -
9 if you're going to have to look back at the transcript later on
10 to make sense of it, it only assists you if the Prosecution, when
11 he hears "they", to simply say, "Who is the they?" "I heard from
12 someone, who said such and such" -- "Who is this someone?"
13 I understand, we're in the Civil Law System; hearsay evidence can
14 come in, in abundance, but little value it has unless it can be
15 tied in with our independent indicia, other reliable evidence.
16 And I submit that much of what the gentleman has said to us this
17 far is based on speculation or on what "they" have said, "they"
18 who will never be able to come here in Court, who will never be
19 called into Court, which is also a denial of our right -- our
20 fundamental right -- to confront the evidence.

21 [11.38.48]

22 And so I don't think it takes too much time for the Prosecution
23 to say, "Is this based on your independent knowledge or is this
24 something that you've heard?" And if you heard this, from whom?"
25 If he says, "I don't remember," fine, at least we know. But I

1 think this is the way it should be conducted; I don't think it
2 should be left to us. And I think it's fair trial management; it
3 will - it will make these proceedings much smoother because then
4 it takes away the time that we would require to go back to every
5 question and say, "Who is the they? Who is this person? Where did
6 you get this information?" It can be done very easily from the
7 Prosecution -- and it is there duty. And, in fact, it was only
8 two days ago that Mr. Smith said, how dare I accuse the
9 Prosecution of seeking to get a conviction, when their really
10 trying to get as close to the truth as possible? Well, I'm trying
11 to help them; I'm trying to help them by-

12 [11.39.49]

13 MR. PRESIDENT:

14 Counsel, could you please be more surprise (phonetic) as to the
15 matter being examined before us? Indeed, the matter you are
16 raising now could have been raised during the Court Management
17 Session better.

18 And, according to the Internal Rules, which is Rule 91 of the
19 ECCC, 91bis states very clearly about the orders of questioning
20 -- the proceedings at trial. And we have already discussed this
21 during the Trial Management Meeting, how the proceedings are
22 conducted.

23 If you wish to lodge any application taking issue with any
24 particular matter, make it precisely clear so that the Chamber
25 will have the ground for our ruling. And if you would wish to

1 change the procedural formality or would like to amend parts of
2 the Internal Rules, then you would be allowed to do so. But
3 please be precise.

4 [11.41.08]

5 MR. KARNAVAS:

6 Thank you, Mr. President.

7 I wish I had the power to at least have my voice heard to change
8 the rules.

9 But, be that as it may, my remarks go in support of the objection
10 that was made, which is why we believe you should sustain the
11 objection.

12 Thank you very much. And I appreciate the time giving to me to
13 give a full explanation. Thank you.

14 MR. PRESIDENT:

15 Mr. Co-Prosecutor, you may now proceed.

16 MR. ABDULHAK:

17 Thank you, Mr. President. And if I can respond on behalf of the
18 Prosecution?

19 None of the comments you've just heard from the Defence actually
20 amount to a valid and relevant evidential objection. If the
21 Defence take issue with the Prosecution's lines of questioning or
22 with the extent to which we've uncovered the truth, they're -- as
23 my colleague has already indicated, they're perfectly capable of
24 taking the issue up in their examination of the witness.

25 [11.42.10]

1 They're also, obviously, entitled to make submissions as to the
2 probative value you should attach to any evidence.

3 I think it is improper for the Defence to be interjecting with,
4 effectively, lectures about how witnesses should be questioned.
5 Your Honours are perfectly capable of managing your proceedings;
6 you've exercised your powers under Rule 91, as the President has
7 indicated.

8 There is absolutely nothing improper about this questioning. The
9 Defence are perfectly capable and have in fact examined witnesses
10 extensively. Whether you call it cross-examination or simple
11 examination, what you have seen, Your Honours, for the last 12
12 months, during which we haven't heard these complaints, is
13 vigorous testing of the evidence, very competent questioning of
14 all witnesses. We have not objected, by and large, to such
15 questioning; we consider it appropriate.

16 And I invite Your Honours to reject these objections and to allow
17 us to continue.

18 (Judges deliberate)

19 [11.45.43]

20 MR. PRESIDENT:

21 The objection by counsel concerning the line of questioning by
22 the Prosecution is not sustained.

23 For the time being, the Chamber would not be examining the
24 probative value of the evidence before us.

25 And at the same time, Co-Prosecutors are reminded to make sure

1 that the questions are precisely framed to make sure that they
2 are conducive to ascertaining the truth, because we would like to
3 see that the questions should be helpful to us to consider
4 whether they have probative value or not, at the end.

5 BY MR. VENG HUOT:

6 Thank you, Mr. President.

7 Q. Mr. Chhunly, do you still remember the question I just put to
8 you a moment ago? Indeed, I was asking you -- and I may repeat it
9 as follows.

10 You stated in the book that Samdech Pon Sampheach, who was the
11 Abbot of Po Veal Pagoda -- do you know whether this abbot was
12 evacuated or not after the 17th of April? And do you know what
13 happened to him?

14 MR. HUN CHHUNLY

15 A. Samdech Pon Sampheach was evacuated to his native village of
16 Ou Dambang commune. Later on I met a former Buddhist monk who
17 told me that Khmer Rouge had taken the monk when he was in his
18 robe, and he disappeared ever since.

19 Q. (Microphone not activated)

20 [11.48.23]

21 MR. PRESIDENT:

22 Mr. Co-Prosecutor, your mic is not activated.

23 BY MR. VENG HUOT:

24 Q. I have my final question, but we have a few small points in
25 the question. Under ERN 00678813 in Khmer, English ERN 00369721

1 through 22, in that you wrote as follows:

2 "There was Khieu Samphan, the doctor in economy graduated from a
3 university in Paris. Khieu Samphan read the Constitution of the
4 Democratic Kampuchea that contained only 25 articles, two
5 articles of which are well remembered by I, myself. One of the
6 articles states that 'Cambodian people of both genders have the
7 right to follow any religion of their choice', and another
8 article states that 'Cambodian people of both genders have the
9 right to access to job opportunity, equally'."

10 I would like to ask you a question as follows: Are you sure that
11 it was Khieu Samphan who read out the Constitution? And how did
12 you know Khieu Samphan?

13 [11.50.20]

14 MR. HUN CHHUNLY:

15 A. I knew Khieu Samphan when he worked in Phnom Penh in his
16 capacity as the head of the "L'Observateur" newspaper.

17 And to the point that you just mentioned, it was relevant to then
18 Prince Norodom Sihanouk as well. At that time, the Khmer Rouge -
19 at the Khmer Rouge military hospital where I had been asked to
20 work, the Khmer Rouge tuned into the radio station, and the
21 broadcast was out loud, and people were convened to listen to the
22 radio broadcast. First, Prince Norodom Sihanouk said in Khmer
23 that he would be resigning from his position as the Head of
24 State. Later on he would proceed to speak in French. Then Khieu
25 Samphan was heard appointed as the Head of the State Presidium,

1 and Khieu Samphan was then reading the Constitution, and the two
2 articles that you stated and the two articles that I still
3 remember vividly.

4 Q. Thank you, Mr. Witness. After Mr. Khieu Samphan stating that
5 or pronouncing that both Cambodian of both genders have the right
6 to follow any religion of their choice, did you observe that such
7 statement was somehow maintained and that people could choose to
8 believe what religion of their choice?

9 [11.52.16]

10 A. I already stated earlier that at Battambang, from the New Year
11 of 1976, all Buddhist monks were dispelled from the pagodas.

12 Q. What about Christians? Were they also banned from following
13 their Christianity -- or religion?

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Counsel, please - rather, Witness, please hold on. Wait until you
17 see the red mic - rather, red light.

18 MR. HUN CHHUNLY:

19 A. At Battambang, in the city, there was a church, a big church
20 which was destroyed by the Khmer Rouge. Even a small bit of
21 concrete that was part of the destroyed building would never be
22 left to be seen there.

23 BY MR. VENG HUOT:

24 Q. What about the head of the church, or the bishop? What
25 happened to him?

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1 MR. HUN CHHUNLY:

2 A. (Microphone not activated)

3 [11.53.34]

4 MR. PRESIDENT:

5 Mr. Witness, please be reminded that you can't speak before the
6 red light is activated on the mic.

7 MR. HUN CHHUNLY:

8 A. With regard to the bishop, Samdech Tep Paul Im, I did not see
9 this personally. However, he was killed, and I heard that - I
10 knew that they built a church -- or a school at the place where
11 this bishop was shot dead in Mongkol Borei district.

12 MR. VENG HUOT:

13 Thank you, Mr. Witness. I have no further questions to put to
14 you. And I thank you, Mr. Chhunly, very much for assisting the
15 Office of Co-Prosecutors by responding to my questions.
16 However, my colleague would like to have a few more questions to
17 you, as well.

18 Thank you, Mr. President. I would like now to cede the floor to
19 my colleague, please.

20 [11.55.17]

21 QUESTIONING BY MR. ABDULHAK:

22 Good morning to you, Dr. Hun Chhunly. My colleague has already
23 introduced me. my name is Tarik Abdulhak, and I will continue
24 your questioning on behalf of the Co-Prosecutors.

25 Q. Now, just in the limited time I think we may have before the

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1 break, if I could return to the events of the 17th of April and
2 the days following the 17th of April and see if we can explore
3 additional events that you've discussed in your book. And if I
4 can take you first to the following passage in the book: this is
5 at Khmer ERN 00678765, and English ERN 00369686. And to, perhaps,
6 assist - perhaps, assist you in locating the passage, it is a
7 discussion of a meeting which was held on the 24th of April in
8 1975 at the Civilian Battambang Hospital.

9 And I will read just only one or two passages and see if you
10 could assist us further with that. You mention that "Khek Penn
11 alias Mit Sou came to the Civilian Battambang Hospital and
12 briefly met Dr. Khim Kimsan, Hospital Director, and Dr. Pung
13 Kimsea, the Provincial Health Director".

14 [11.57.28]

15 Following this, a meeting was called and -- I'm paraphrasing now
16 - "Mit Sou chaired the meeting". You indicate that he gave a
17 speech and, following that speech -- or as part of that speech,
18 rather, he said the following:

19 "In this case, Angkar announces the dismissal of the present
20 Hospital Director and requests you to elect a new Hospital
21 Director among janitors and cleaners, because these people are
22 also form the poor peasant's class."

23 You attended this meeting. Could I ask you to describe for us
24 what you understood to be the reason for the dismissal of Dr.
25 Khim Kimsan and appointment -- or, rather, election of a janitor

1 which followed?

2 [11.58.50]

3 MR. HUN CHHUNLY:

4 A. Comrade Sou was also known as Khek Penn. He was a former
5 professor who had been teaching at some high schools in
6 provinces, so he was an intellectual. And during the meeting
7 which he attended, when he convened other medical personnel to
8 attend, no one understood what was being said -- or everyone took
9 that as a surprise, rather. He said that revolution derives from
10 peasant class and he said that peasant class could lead all
11 fields, including the health sector. That's why the head of the
12 hospital was expelled and that another person was installed,
13 without proper medical profession. A lot of medical workers were
14 not happy with this decision, and the next morning they were
15 evacuated to work in the paddy field, and I don't understand what
16 happened exactly.

17 [12.00.29]

18 MR. ABDULHAK:

19 Mr. President, I am mindful of the time; would you like me to
20 continue, or should we take a break?

21 MR. PRESIDENT:

22 Thank you, Mr. Co-Prosecutor.

23 Indeed, it is now appropriate moment for the lunch adjournment.

24 The Chamber will adjourn until 12 - rather, 1.30 p.m.

25 Court officer is now instructed to assist Mr. Witness during this

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1 adjournment and have him returned to the courtroom when the next
2 session resumes.

3 Counsel for Mr. Nuon Chea, you may now proceed.

4 MR. PAUW:

5 Thank you, Mr. President. Nuon Chea is suffering from a headache,
6 back pain, and a lack of concentration and would like to follow
7 this afternoon's proceedings from the holding cell.

8 We have prepared the waiver.

9 [12.02.00]

10 MR. PRESIDENT:

11 The Chamber notes the request by Mr. Nuon Chea through his
12 counsel, in which he has - he has asked that he be excused and
13 allowed to observe the proceedings from his holding cell for the
14 remainder of the day, due to his health concerns.

15 The request is substantiated, and that -- he is now granted such
16 a permission to observe the proceedings from his holding cell
17 through audio-visual means for the remainder of the day.

18 Mr. Nuon Chea has precisely waved his right to be present in the
19 courtroom; the Chamber would like to ask that counsel for Mr.
20 Nuon Chea produce this waiver given a thumbprint or signed by Mr.
21 Nuon Chea in due course.

22 AV booth officers are not instructed to ensure that the
23 audio-visual equipment is well connected to Mr. Nuon Chea's
24 holding cell so that he can observe the proceedings from there.

25 [12.03.04]

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1 Security personnel are now instructed to bring Mr. Nuon Chea and
2 Khieu Samphan to their respective holding cells and have Mr.
3 Khieu Samphan only return to the courtroom by the afternoon, when
4 the next session resumes, at 1.30 pm.

5 The Court is adjourned.

6 (Court recesses from 1203H to 1331H)

7 MR. PRESIDENT:

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

9 The floor is once again given to the Prosecution to continue
10 putting questions to this witness. You may proceed.

11 BY MR. ABDULHAK:

12 Thank you, Mr. President. And good afternoon, Your Honours. Good
13 afternoon, Dr. Hun Chhunly.

14 [13.31.55]

15 Q. Just before the break, we were discussing a meeting that you
16 attended at the then-Civilian Hospital in Battambang, and you
17 described the appointment of a - of a janitor and you testified
18 that the meeting was presided over by Khek Penn, alias Mit Sou.
19 Just to get this fact for the record, do you recall what position
20 in the Khmer Rouge structure Mit Sou held at that time?

21 MR. HUN CHHUNLY:

22 A. During the Khmer Rouge regime, Khek Penn was the original name
23 of Comrade Sou. He was the - he was the Chairman of Sector 4.

24 Q. Thank you.

25 I'm going to ask you a few more questions about the conditions in

1 Battambang and events between the 17th of April and the 25th of
2 April, when you said the city was evacuated, and I might, by way
3 of follow-up, also look at some of the issues you've already
4 mentioned.

5 You told my colleague -- or you've described for my colleague --
6 the disappearance of the 13 military health staff from the --
7 what was then the Battambang Military Hospital. I want to just,
8 by way of clarifying your sources of knowledge, look at one part
9 of your book. And this is at Khmer ERN 00678768; and English,
10 00369688.

11 [13.34.33]

12 And what you describe there, Dr. Chhunly, is a conversation you
13 had with your mother, where she related to you how she had spoken
14 to the mother of one of the 13 people who had been executed. And
15 this lady had, according to your book, said that she had gone and
16 seen her son's body. Can I confirm that that is - that is a
17 corrected statement, that you were informed in these terms by
18 your - by your mother?

19 A. On the 21st April 1975, at 7 -- at 5 a.m., the Khmer Rouge
20 made an announcement that -- made an announcement to gather all
21 the 13 senior military health personnel. They were put onto a
22 vehicle, they were transported out, and later on they were shot
23 dead. That's what I cannot forget.

24 And as for my mother, she kept reminding me so often, because she
25 usually went to the pagoda on the religious holiday every week,

66

1 and usually she would meet with old ladies who came from the
2 Khmer Rouge controlled zones. They said that the Khmer Rouge
3 forced their children to join the armed force, they took away
4 their rights, and they would kill anyone they considered
5 traitors. And they advised us to leave the country if we could,
6 but we didn't take their word. And, of course, sometimes I felt a
7 bit shameful, as, in fact, my mother was intelligent than me, and
8 I should listen to her words.

9 [13.37.30]

10 As for the woman who went to see the dead body of her son, she
11 tried to be strong when she went to see the dead body of her son
12 -- that's according to what my mother was -- my mother told me.
13 She then went to the dead body of her son to put the incense and
14 pray for the soul of her son, and then she returned.

15 Q. Thank you. Now, these 13 health staff in the military
16 hospital, did you know those people?

17 A. They were all my colleagues.

18 Q. And forgive me if I'm asking you an obvious question, but did
19 you ever see any of those 13 individuals ever again, after their
20 disappearance?

21 A. They were all shot dead in the rice field. It was in Ou Mal
22 commune, opposite the Agriculture Department. I only met some of
23 the wives of those people who survived; and some are living here,
24 and some are living overseas.

25 Q. So, just to ensure that I have those facts correct, those 13

1 individuals who were taken away, according to what you heard, you
2 never saw those people again?

3 A. That it is correct; they gone.

4 [13.39.54]

5 Q. Thank you.

6 Another matter which I wish to touch upon -- and we will do this
7 briefly. You discussed the disappearance of an individual whose
8 name was Siv Heng, who you said was a relative of Nuon Chea's.
9 And I'll read a brief passage from your book. This is at Khmer
10 ERN 00678758 to 59; and English, 00369682. You said the
11 following:

12 "We heard that in Wat Kor commune, next to Battambang town, the
13 Khmer Rouge soldiers collected into a military truck Mr. Siv
14 Heng, who lay hemiplegic at home, and drove him away on the
15 national road Battambang-Pailin."

16 And a little bit further down:

17 "Siv Heng was a former senior prominent member of the resistance
18 against French rule in the year 1940s who cooperated with Lao [...] Minh.
19 After the 1954 Geneva Conference which ended the war in
20 Indochina, Siv Heng surrendered to King Norodom Sihanouk and
21 served the Royal Army as colonel. We had no doubt about Siv Heng
22 and his son's fate because the Khmer Rouge always considered as
23 traitors those who left their rank or the revolution."

24 [13.42.01]

25 Can I ask you first, how did you know that Siv Heng had been --

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1 had taken a position as a colonel in the Royal Army before 1975?

2 A. As an intellectual, I knew of the event. Mr. Siv Heng was an
3 old-hand resistant, and after the Geneva Conference, he lobbied
4 Prince Sihanouk and he was promoted to become a colonel.

5 I knew his wife as well. In fact, Siv Heng's wife was the younger
6 sister of Nuon Chea's wife.

7 Q. Thank you. Now, we will come back to Wat Kor commune in a bit
8 more detail later.

9 Now, while we're discussing the -- that time period of 17 to 25th
10 of April 1975, I wanted to ask you about one passage in
11 particular in your - in your book, and this is in a chapter that
12 precedes the evacuation. And the Khmer ERN for this is 00678768;
13 English, 00369688.

14 And you said the following -- I'm reading only an excerpt:

15 "...we, government officials, intellectuals, perhaps had high
16 education, but were stupid and were cheated by the socialist
17 ideology and the Khmer Rouge propaganda. We had hoped to
18 contribute to the reconstruction of the country, under the
19 leadership of new politicians we believed to be progressive and
20 clean intellectuals."

21 [13.44.54]

22 Can I ask you to expand a little bit on that passage? And,
23 particularly, why did you feel cheated by the Khmer Rouge in that
24 period, in those days preceding the evacuation and, perhaps,
25 during and following the evacuation?

1 A. At that time, some Cambodian people, particularly the youth,
2 had a strong belief in Khieu Samphan, Hu Nim, and Hou Youn, as
3 they were considered clean people. So, I did not believe whatever
4 truth that my mother told me. So, later on, I became so
5 disappointed of what happened.

6 Q. I will move on, then, to the evacuation itself. And you
7 already described aspects of the evacuation, and I would wish to
8 just go into a bit more detail.

9 This is at Khmer ERN 00678769; and English, 00369689. It's in
10 Chapter 2 of your book, which is entitled "Exodus". You said,
11 describing the morning of the April - April the 25th -- and I
12 quote:

13 "Khmer Rouge soldiers in black uniform, with krama (Khmer scarf)
14 banded around their heads, were firing in the air everywhere in
15 the city. Others were marching furiously back and forth on the
16 sidewalk in front of the houses and yelling in loudspeakers: 'Get
17 out of the house! Get out of the house!'"

18 [13.47.27]

19 Can I ask you first, is this something you witnessed with your
20 own eyes on the 25th of April?

21 A. (Microphone not activated)

22 MR. PRESIDENT:

23 Witness, please wait until you -- the microphone is operational.

24 MR. HUN CHHUNLY:

25 A. In Battambang, the evacuation took place one week after the

1 Khmer Rouge took control and defeated Lon Nol soldiers.
2 And what happened during the evacuation, I witnessed it
3 personally. The soldiers threatened us by all means, including
4 yelling and shooting into the air and by the announcement through
5 loudspeakers to chase people to get out of the house.

6 [13.48.42]

7 BY MR. ABDULHAK:

8 Q. I'm just going to pause here for a moment and ask you: When
9 you said earlier that your mother and other people had, perhaps,
10 suggested that you should fear the incoming Khmer Rouge forces --
11 if you can say very, very briefly, what were some of the things
12 that people had heard? What was the reason that your mother had
13 feared the arrival of the Khmer Rouge?

14 MR. HUN CHHUNLY:

15 A. Because at that time the Lon Nol soldiers had been defeated
16 subsequently and successively. Some people actually moved to
17 Pailin in order to cross to Thailand, and another group moved
18 Poipet in order to cross to Thailand, as well, but I refused to
19 do so. And I wanted to work and to serve the country with the
20 progressive and clean people.

21 Q. Thank you.

22 So, returning now to the events that you were witnessing on the
23 25th of April, as the Khmer Rouge soldiers were going around town
24 and forcing people or asking -- ordering people to leave, was any
25 reason given for why you had to leave the city?

1 [13.50.48]

2 A. We heard about the reason two or three days earlier. We heard
3 that people had to be evacuated so that they can engage in the
4 rice production in the countryside.

5 Q. At that time, in April 1975, was there a particular food
6 shortage in the city of Battambang? Was there a lack of food or,
7 perhaps, was there a lack of medicine in the city that might have
8 warranted a removal of the population?

9 A. We all brought along the food, rice, sugar, and the fish
10 paste, because it was one week after the Khmer Rouge took control
11 that the evacuation started.

12 Q. Thank you. My question was probably not very clear.
13 At that time, in April, and if you can recall the situation in
14 the city, before the evacuation, was there a - was there a
15 shortage of food? Was there a famine in Battambang?

16 A. I personally didn't experience the food shortage.

17 Q. As the city was being evacuated, what happened to the
18 hospitals in the city of Battambang?

19 [13.53.13]

20 A. When people were evacuated from Battambang, all the patients
21 left the hospital, and the hospital itself was empty, and there
22 were also no - no health staff there.

23 Q. From what you observed, were any exceptions allowed, for
24 example for elderly people or for those who were sick? Could
25 those people stay in the city, given their medical condition?

1 A. No, because at that time the hospital staff also had left, so
2 there was no hope for any patients to remain in the hospital.

3 Q. And, just returning to the issue of reasons for the
4 evacuation, you told me that you heard, two days or so prior to
5 the 25th of April, that the city might be evacuated so that
6 people would be taken to fields to engage in production. Did the
7 soldiers who were forcing people out of the city -- did those
8 soldiers give you any reason as to why you had to leave?

9 A. We heard from other people before the evacuations that we had
10 to leave to work in the fields to contribute in the production.

11 [13.55.54]

12 Q. Do I understand correctly that the soldiers gave you no
13 explanation on the 25th of April?

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Witness, please respond, but you need to make sure you respond
17 after the microphone is operational.

18 MR. HUN CHHUNLY:

19 A. During the evacuation, they did not make any announcement. The
20 only thing we heard was the yelling, the threatening voice, and
21 the gunshots.

22 BY MR. ABDULHAK:

23 Q. Do you recall what the population of the city of Battambang
24 was in April 1975 -- in other words, how many people lived in the
25 city?

1 MR. HUN CHHUNLY:

2 A. Frankly speaking, I did not know the number of the population.

3 Q. Thank you.

4 [13.57.30]

5 We'll move on, then, to your relocation to Damrei Slab village,

6 which you also discuss in your book. And this is generally

7 discussed in Chapter 3 of your - of your book.

8 I wish to ask you first about the new authority structure that

9 you describe. And this is at ERNs: Khmer, 00678774; and English,

10 00369693. And you describe there that you were told that you

11 "were living in Damrei Slab village, Preaek Norint commune, Doun

12 Teav district, or District No. 43, Region 4, Northwest Zone".

13 Could you describe for the Court what you observed in terms of

14 the authority structure -- the new authority structure that was

15 established at village, commune, district, etc., levels?

16 A. I wrote in the book already that the Khmer Rouge structure was

17 categorized into communes and first and second chiefs of the

18 commune, but there was no office as yet; they made use of the

19 house of villagers as the commune office and village office. And

20 for the district, it was far from my location; I never seen it.

21 And after district level, there was no provincial level; it was

22 sector, and then followed by the zone. So, during the Khmer

23 Rouge, there was no term such as "province". And for the

24 district, they would put number for the district, for example

25 Doun Teav district or District 43; or the zone, for example the

1 Northwest Zone.

2 [14.00.34]

3 Q. And just focusing in -- a little bit on the various authority
4 structures, you describe in your book, on the same page that I've
5 mentioned, the establishment of groups that you describe as
6 security guards or spies, or "chlop". Could you describe very
7 briefly what the role of those - of those groups was?

8 A. The village chief also had militias, and these militia or
9 "chlop" were recruited from the very poor peasants who were very
10 determined and brave, those who would be asked to kill people
11 without hesitation -- or could kill people without hesitation.
12 And there were also some undercover militias, for example
13 teenagers who would be asked to work as these -- work these
14 positions. And also, at night, they would sneak under our beds to
15 spy on us.

16 [14.02.10]

17 Q. Again on that - on that same page, you describe the village
18 committee and you give some names of people that were on the
19 village and commune committee. But I just want to clarify one
20 thing. You say: "Each village chief had one chief--"

21 I apologize, I'll rephrase: "Each village committee had one chief
22 who was Khmer Rouge and two deputies selected from among
23 villagers, called 'Old People' or 'Base People'."

24 Is that accurate? Is that an accurate summary of what you saw at
25 the time, that members of the village committees were Old or Base

1 People?

2 A. Yes, it is.

3 Q. And that leads me on to a topic that you also discuss in this
4 - in this section, which is the new classifications that you
5 encountered. And you describe a division of people into 17 April
6 People and Old or Base People.

7 [14.03.44]

8 Can I ask you first, if you know, what was the purpose of that -
9 of that classification of people into these two groups?

10 A. In my own opinion, I believe that the classification was a
11 kind of intention of discrimination by the Khmer Rouge, not by
12 the Cambodian people in general. And even in the village, people
13 were classified into the poor peasants, the very poor peasants,
14 and the poorest peasants. And for the New People, they were
15 classified into New People and another subcategory. And for --
16 this category are people, the Khmer Rouge did not like them, in
17 particular those who have fair complexion. People -- Khmer Rouge
18 believed that these people were those who never exposed to the
19 sunlight.

20 Q. Now, Dr. Hunly (sic), I wish to ask you a little bit about the
21 new rules or policies that you observed and recorded in your
22 book.

23 [14.05.41]

24 Now, before I ask you this question, let me just first say this:
25 We will not be discussing the conditions of life in the

1 cooperatives because this trial is primarily concerned with the
2 authority structures, policies, and forced movements. So, I will
3 not ask you about life in the cooperatives extensively; I wish to
4 ask you a couple of questions, perhaps, about the new rules that
5 you describe in your book and see if you can expand on those for
6 us.

7 This is at page -- or, rather, at ERN, in Khmer, 00678777, and at
8 English ERN 00369695. It's a slightly long passage, but if I can
9 just point to some of the things that you discuss, that the
10 "people forced themselves to wear old or used clothes", that if
11 you had - those who had new clothes tried "to make them old",
12 that boots and sandals were thrown out, that most people "walked
13 barefoot", that women "had their hair cut short". And you also
14 say: "No one dared wear eyeglasses, in order to avoid being
15 noticed as intellectuals."

16 Is that a correct summary of what you were witnessing immediately
17 following the evacuation?

18 A. (Microphone not activated)

19 [14.07.47]

20 MR. PRESIDENT:

21 Please hold on, Mr. Witness. Wait a moment.

22 You may now proceed.

23 MR. HUN CHHUNLY:

24 A. Counsel, it is correct. People who had run out of the old
25 clothes, they had to make use of their new clothes, have them

1 dipped into the mud and have them dried under the sun so that
2 they look old. And for those who had new shoes, they would not
3 dare wear them. And young women did not put on their makeup to
4 look pretty at all.

5 BY MR. ABDULHAK:

6 Q. What did you understand to be the reason for these rules to be
7 put in place?

8 MR. HUN CHHUNLY:

9 A. My understanding is that whatever the Khmer Rouge had done was
10 very negative. They did everything to destroy the country, to
11 destroy or wipe out the country of its population. It was
12 contradictory to what I anticipated or expected.

13 [14.09.33]

14 Q. Why did people hide or not wear their eyeglasses to avoid
15 being noticed as intellectuals? Perhaps I should rephrase this:
16 Why did people hide or wish to hide their background as
17 intellectuals, based on what you observed?

18 A. The Khmer Rouge didn't like educated people; that's first and
19 foremost. And for -- those who were wearing glasses were only
20 intellectuals, those who were not very much liked by the Khmer
21 Rouge. They referred intellectuals to their own -- with their own
22 terms. They're mocking at intellectuals as those who had little
23 intelligence, paradoxically. And people did not dare wear any
24 glasses. Even I, myself, had to abandon my eyeglasses.

25 [14.11.02]

1 Q. And just one or two questions on the – on the new rules that
2 you – that you observed. At page -- or, rather, at ERN, in Khmer,
3 00678779 -- in Khmer -- English 00369696, you describe the
4 collecting of biographies and you say the following:

5 "Three days after the new settlement, the Khmer Rouge started to
6 register all people living in each house, called 'collecting
7 biographies'. They recorded the name, sex, age, and profession of
8 each person. They told people to be honest with Angkar, not to
9 lie, and to tell Angkar only the truth."

10 Again, based on your observations, did you understand a purpose
11 for the collection of these biographies?

12 MR. PRESIDENT:

13 Witness, please hold on.

14 Counsel for Mr. Nuon Chea, you may now proceed.

15 [14.12.42]

16 MR. PAUW:

17 Thank you, Mr. President. I was hesitating to interrupt earlier,
18 but there's now been a whole string of questions where the
19 witness is asked to speculate or to interpret the purpose of
20 certain measures that the witness has no knowledge of other than
21 what he himself has experienced.

22 Asking the witness for the purpose of separating Base People and
23 New People, asking the witness to speculate why they hid their
24 glasses, those questions are interesting, but the witness should
25 be asked about what he, himself, knows and what he experienced.

1 And asking what the purpose was of undefined Khmer Rouge
2 individuals that may have implemented those procedures is not
3 proper. The witness could be asked about how he personally
4 experienced those policies, but he should not – should not be
5 asked to speculate on the purpose.

6 MR. PRESIDENT:

7 Counsel Ang Udom, you may now proceed.

8 [14.14.02]

9 MR. ANG UDOM:

10 In support of the request -- rather, observation made by counsel
11 for Mr. Nuon Chea, I would like to remind the Chamber that, on
12 the 20th of May 2012, the Trial Chamber issued ruling that only
13 the experts who are entitled to speculate; witness is not allowed
14 to do that.

15 That is my observation, Your Honours.

16 MR. ABDULHAK:

17 If I may respond, Mr. President, first of all, I am certainly not
18 asking the witness to speculate; I am asking the doctor to
19 describe events that he, himself, witnessed. It is entirely
20 proper to ask him what he understood, and I was careful in
21 framing my questions. I'm not asking him to opine, as an expert
22 might opine, on broad policies; I am asking him simply about the
23 events he saw and what he understood about those events. One
24 might say one of the distinctions between a human being and a
25 robot is that a human being is able to observe, understand, and

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1 comment on information that they are seeing.

2 [14.15.27]

3 My learned friend is effectively inviting you to restrict the
4 witness's testimony to a robotic recitation of simply the things
5 -- of actual things that were said to him or that he saw with his
6 own eyes, as though a human being is not capable of observing
7 events around them and describing those events.

8 So, I'm -- I invite Your Honours to overrule the objection. The
9 questions are well within the witness's knowledge; they are based
10 on his own experience, and he should be allowed to answer them.

11 MR. ANG UDOM:

12 (No interpretation)

13 MR. PRESIDENT:

14 Counsel Ang Udom, you are not permitted to reply to the
15 Co-Prosecutor because the rule is precisely clear that you are
16 not allowed to do that.

17 (Judges deliberate)

18 [14.17.13]

19 The Chamber rules that the objection by counsel concerning the
20 line of questioning by the prosecutor to this witness is not
21 sustained. The question is relevant to the experience by the
22 witness, who may express what he had lived through the regime.
23 And, please, also be reminded that, Counsel Ang Udom, you may be
24 -- you may misunderstood about the ruling by the Trial Chamber.
25 Indeed, the experts are not permitted to speculate before the

1 Chamber. None -- or no one who is called or summoned to appear
2 before the Chamber is allowed to speculate. This is not the venue
3 for speculation. Witnesses are allowed to make his or her
4 conclusion, but not pure speculation. Please be reminded of this.

5 BY MR. ABDULHAK:

6 Thank you, Your Honours.

7 Q. I'll rephrase my question. In relations to the biographies,
8 Dr. Hun Chhunly, who did you submit your biography to?

9 [14.19.12]

10 MR. HUN CHUNNLY:

11 A. Allow me to respond to this question. And, again, my response
12 will not be based on any speculation; it will rely heavily on the
13 truth. I had been living through the Khmer Rouge regime for
14 almost four years to be able to tell you the truth.

15 The biographies were taken when Khmer Rouge would select a leader
16 of the group to take biographies of people at every village. Our
17 names, occupations, ages would be some of the key items to be
18 included in each of the biographies.

19 For me, I did not say that I used to be a military medic. I said
20 I used to be a physician at Battambang Province Hospital because,
21 at Battambang, everyone knew me -- that I was a civilian doctor
22 or physician, then, a military medic. I had been working as a
23 civilian physician for a long time before I was assigned and
24 given a position as a military medic.

25 [14.20.47]

1 Q. Do you know what the Khmer Rouge did with those biographies --
2 again, based on what you observed and experienced?

3 A. I have no idea where these biographies could have been sent to
4 or analyzed.

5 Q. If I can repeat an earlier question, who did you and your
6 family submit your biographies to?

7 A. We submitted to the head of the group, who came to take our
8 biographies. After the biographies had been completed, we would
9 then submit to them.

10 Q. Thank you.

11 Now, I wish to look at a meeting you attended in May 1975 at
12 Kdaing Ngea Pagoda -- I apologize if my pronunciation is
13 incorrect. This is, again, in your book, at Khmer ERN 00678778 to
14 9, and English ERN 003--

15 MR. PRESIDENT:

16 Mr. Co-Prosecutor, please repeat the ERN number in slower pace,
17 so that it could be well rendered.

18 [14.22.41]

19 BY MR. ABDULHAK:

20 Thank you, Mr. President. Khmer ERN 00678778 to 9; English,
21 00369696.

22 Q. In this section, Dr. Chhunly, you're discussing a meeting in
23 early May 1975, which - at which a long speech was given by Khek
24 Penn alias Mit Sou, the individual we discussed earlier, the
25 Sector 4 Secretary. One of the things that you state there from

1 his speech relates to the Revolutionary Army and it says the
2 following:

3 "...now for the first time in our Cambodian history, under the
4 guidance of our clairvoyant Angkar, the Cambodian Revolutionary
5 Army, born out of the pure peasant's class, has destroyed the
6 capitalist and feudalist regimes and has liberated the Cambodian
7 people from the servants of the American imperialism."

8 And then, a little bit further down, you say, in relation to a -
9 to a plan by Angkar, the following: "This plan requires all of us
10 to change ourselves, our body and our mind, into real peasants
11 and to make great sacrifices, meaning sacrifice of private
12 material property and private mental property."

13 [14.24.46]

14 Can you tell us whether, in your experience, that final
15 instruction was implemented and how it was implemented -- the
16 sacrificing of private mental - "private material property and
17 private mental property"?

18 MR. HUN CHHUNLY:

19 A. During the meeting at Kdaing Ngea Pagoda, Comrade Sou said
20 Angkar had the plan to convert the country into the checked
21 board-like squares so that it could be seen from the air that
22 each paddy field would be formed into this kind of checked board
23 squares and that -- secondly, he said that we were asked to
24 sacrifice our personal ownership right.

25 And at the same time, Sou said Angkar did not need to waste seven

1 years for training doctors, Angkar trained doctors for one week,
2 which is enough already, and that all doctors who were trained
3 for the seven days would be able to appear at work all across the
4 country immediately.

5 That's what I heard from Comrade Sou during such meeting.

6 [14.26.46]

7 And for the implementation, as you already learned, that -- any
8 kind of ownership right -- the right of the -- on the ownership
9 of property had been abandoned, but people did not wish to have
10 them sacrificed easily. We were human beings; we couldn't live
11 without all these rights entirely. And that -- it was impossible
12 for the whole country's paddy fields to be divided into the
13 checked board-like squares. And I couldn't see that it apply
14 across the country.

15 And, again, it was also impossible that doctors could be trained
16 for one week because the former doctors were executed when new
17 doctors were recruited. But that I learned from Comrade Sou who
18 said in the meeting that they did not need seven years to train
19 any doctor, but they would need only one week. And this is the
20 policy employed by the Khmer Rouge to execute every Cambodian
21 citizen.

22 [14.28.29]

23 MR. PRESIDENT:

24 (No interpretation)

25 MR. SON ARUN:

1 Mr. President, the witness should not make any personal
2 presumption or conclusion.

3 MR. PRESIDENT:

4 Thank you.

5 And, witness, you're advised to limit your response to what has
6 been asked of you, and please do not provide any of your
7 subjective conclusion in this proceeding. Try to listen to the
8 question, try to understand it, and limit your response to the
9 question.

10 BY MR. ABDULHAK:

11 Thank you, Mr. President.

12 Q. Dr. Chhunly, we will -- we will need to keep our -- keep your
13 responses brief, if you could, simply for the reason that we have
14 quite a lot of information to cover.

15 [14.29.38]

16 Now, the next event that I wish to discuss very briefly is your
17 transfer to Preaek Luong Hospital. That event took place, I
18 believe, in -- or according to your book, in May 1975.

19 Now, if I can just ask you first, very briefly -- at Khmer ERN
20 00678782, and English 00369699, you discuss receiving a letter
21 with the name of Mit Sou and stamped "Region" or "Sector 4
22 Committee", which invited you to work at the hospital. Is that -
23 is that correct, Dr. Chhunly, that you received a letter from Mit
24 Sou, requiring you to report to Preaek Luong Hospital?

25 MR. HUN CHHUNLY:

1 A. At that time, I was ploughing the rice field, and I did that
2 work for one month, and then I received a letter from Comrade
3 Sou, inviting me to work at the Preaek Luong Hospital. Actually,
4 it was a former college, and then it turned into a hospital.

5 [14.31.28]

6 Q. Now, we're not going to spend a lot of time at all on the
7 hospital. The purpose of my questions is really only, again, to
8 ascertain authority structure and just aspects of policy
9 applicable.

10 Can I ask you first, who was in charge of that hospital, Preaek
11 Luong?

12 A. At Preaek Luong Hospital, the chairman was a female; she was
13 about 25 years old. But I can't recall her name.

14 Q. Was she a medical practitioner? Was she a trained doctor?

15 A. I did not know her past history, so I cannot tell you.

16 Q. Thank you. You only stayed at this hospital, according to your
17 book, until July 1975, but in that period, again according to the
18 book, you visited Moug Ruessei district with an arts troupe.

19 I wish to just clarify one -- one point. You told my colleague
20 earlier that you spoke to a man who had driven one of the buses
21 which took away Lon Nol officials and military officers. In this
22 section of your book, you refer to a - to a person, and I just
23 want to clarify that is the person that you were talking about.

24 [14.34.03]

25 This is at Khmer ERN 00678789; and English, 00369705. You mention

1 a former teacher at the Faculty of Fine Arts in Phnom Penh named
2 Chan. Was this the person who told you about -- that he had
3 driven a truck -- one of the buses carrying Lon Nol officials and
4 military officers to their execution?

5 A. At the time while I was working at the Preaek Luong Hospital,
6 one day, myself and a few other medical staff were instructed to
7 go to Moung Ruessei in order to follow up on the arts group,
8 whose chief of the group was the child of Comrade Sou. It was at
9 Chrey village, in Moung Ruessei.

10 And as for the person by the name of Chan, Chan was a former
11 teacher of fine arts, and the person used to live in Battambang
12 province, and she was one of -- the person was one of the -- of
13 the people in the arts group.

14 [14.35.55]

15 Our vehicle stopped at Chrey Pagoda. Chan, who was the teacher of
16 fine arts, and myself walked to Moung Ruessei together and we met
17 a driver who was sitting on a large piece of rock. At that time,
18 we could smell the stink of dead bodies. And, as he kind of
19 understood our feeling, he told us that there were dead bodies
20 around and they were not properly buried and he continued to say
21 that he was one of the drivers who took the senior military
22 officers and the Lon Nol officers -- officials to be killed at
23 Thipakdei Mountain.

24 Q. Thank you for clarifying the identity of that - of that
25 person.

1 Now, just before we leave Preaek Luong Hospital, you describe
2 something you observed in June 1975, and this is at Khmer ERN
3 00678793; and English, 00369707. You state that "since June 1975,
4 the water level of Sangker River constantly rose. Everyday people
5 saw streaming down the river torn mattresses, pillows, and
6 swollen, naked corpses floating belly-down and on their backs".
7 And a little bit further down you say: "...the floating dead bodies
8 showed that the Khmer Rouge had started killing those people."
9 Can I just ask you, did you personally observe those bodies --
10 those floating bodies that you are describing in that passage?

11 [14.38.30]

12 A. In June 1975, the villagers and myself witnessed this event.
13 Flowing along the river were mattresses, pillows, and dead
14 corpses of male and female. There were no dead cattle, but dead
15 human beings, and the corpses were flowing toward Tonle Sap
16 direction. Nobody actually dared ask what happened or why there
17 were corpses floating along the river; everyone at the time only
18 minded own business, although we were so concerned.

19 Q. Thank you.

20 And now we will move on to the next hospital where you worked,
21 which is the former military hospital in Battambang -- in other
22 words, the hospital which you had worked in prior to April 1975.
23 And you state in your - in your book, at the end of Chapter 4,
24 that you were assigned to this hospital by an individual called
25 Mit Hoeun, who was a member of the Committee of Sector 3.

1 Now, could you describe for us the management of the hospital
2 itself, if you recall? Who were the people in charge of the
3 hospital when you arrived there?

4 [14.40.31]

5 A. After I had worked at the Preaek Luong Hospital for two
6 months, I received a letter with the name of Comrade Hoeun,
7 requesting me to work at the military hospital, which was known
8 as P2 Hospital. And Comrade Hoeun, who made that request, was the
9 younger in-law of Ros Nhim, alias Kev, alias Muol Sambath, who
10 was the chief of the zone.

11 Q. I may have missed your response, your -- last part of your
12 response. Could you repeat, if you have already indicated, who
13 was the Director of the hospital, P2?

14 A. P2 Hospital had a chairman and two deputies, and that P2
15 Hospital was a military hospital.

16 As for the civilian hospital, it was known as a P1 hospital. The
17 structure was the same; there was a chairman and two deputies.
18 Both hospitals were under the control of Comrade Hoeun, who was
19 the Deputy of Sector 3 Committee, and he was also the younger
20 brother-in-law.

21 MR. PRESIDENT:

22 Thank you, the Prosecutor.

23 The time is now appropriate for a short break. We will take a
24 20-minute break and return at 3 p.m.

25 Court Officer, could you assist the witness during the break and

1 have him returned when the Court resumes, at 3 p.m.?

2 THE GREFFIER:

3 (No interpretation)

4 (Court recesses from 1443H to 1506H)

5 MR. PRESIDENT:

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

7 Without further ado, I would like to now hand over to the

8 Prosecution to proceed with some more questions to the witness.

9 [15.06.25]

10 BY MR. ABDULHAK:

11 Thank you, Mr. President.

12 Q. Dr. Chhunly, before the break, we were discussing the

13 authority structure in charge of the hospitals, P1 and P2.

14 Now, if we could, please, move now very quickly, if you could

15 keep your answers brief, because we need to move on to other

16 topics.

17 Am I correct in understanding that the patients who were treated

18 at P2, the military hospital, were soldiers, Khmer Rouge

19 soldiers?

20 MR. HUN CHHUNLY:

21 A. Yes, it is correct.

22 Q. And based on what you observed -- again, very, very briefly --

23 was the medical care provided -- that was being provided in the

24 hospital, was it adequate -- was it a good level of medical care?

25 A. At the beginning we could make use of the leftover medicines

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1 at the hospital, but by 1976 we had some malaria and antibiotic
2 medicine from China. They were enough for supply at the hospital.

3 [15.08.24]

4 Q. Thank you.

5 Now, moving on to just one aspect of the functioning of that
6 hospital, in your book you describe an individual whose name was
7 Phon, who was director of the hospital. And there is one
8 particular event that I wish to ask you about, in which you
9 describe the activities of Phon. This is at Khmer ERN 00678815,
10 and English ERN 00369723.

11 You describe, there, seeing Phon walking hastily in and out of a
12 -- of a surgery room, and you describe seeing a motionless young
13 girl being taken out of that room, and then you say the following
14 - quote: "I quickly understood that Phon had taken the poor girl
15 for doing 'practical and experimental surgery', as I used to hear
16 Khmer Rouge staff talking about the way their 'surgeons' were
17 trained." And I'll stop there.

18 Can you describe for us what you learned about what happened on
19 that occasion with this person?

20 [15.10.26]

21 MR. PRESIDENT:

22 Mr. Witness, could you please hold on?

23 Counsel for Mr. Nuon Chea, you may now proceed.

24 MR. PAUW:

25 Thank you, Mr. President. I object to this question.

1 It is clearly outside the scope of what we should be discussing:
2 it's not related to population movements 1 or 2; it's not related
3 to communication structures or chains of authority. It is a
4 touching episode in the book, we can agree on that, but it's not
5 relevant when we are discussing the facts of the case in Case
6 002/001.

7 [15.11.05]

8 MR. ABDULHAK:

9 If I could respond, Mr. President, in our submission, it is
10 highly relevant to the functioning of the authority structures
11 that were put in place. I am being very selective and asking very
12 few questions. This is relevant because it describes the
13 functioning of a hospital which was, as we heard, under the Khmer
14 Rouge authority structure and it describes, in our submission,
15 some of the policies and practices that were introduced. Those
16 issues are within the scope of this trial. My questions will be
17 very limited. I don't propose to spend significant time on this.
18 So, with your leave, I would seek to question the doctor on this
19 very, very briefly.

20 (Judges deliberate)

21 [15.14.38]

22 MR. PRESIDENT:

23 The objection by counsel is not sustained.

24 However, the Chamber also notes that this question has little
25 relevance. So, Mr. Co-Prosecutor, you are now advised to make

1 sure that your next line of questioning is more relevant.

2 BY MR. ABDULHAK:

3 Thank you, Mr. President.

4 Q. And with that in mind, I will simply limit myself to this one
5 question. And if Dr. Chhunly could describe very, very briefly
6 what happened on this particular occasion at the P2 Hospital?

7 MR. PRESIDENT:

8 Counsel for Mr. Nuon Chea, could you be kind enough to wait until
9 Co-Prosecutor made his question -- pose his question to the
10 witness first? Because the objection was already ruled, and that
11 - we noted that that kind of question was not relevant and that
12 he was advised to rephrase the question to make sure that it is
13 relevant to the facts in Case File 002/1.

14 [15.16.11]

15 MR. PAUW:

16 Mr. President, I did not mean to be impolite, but I think I heard
17 the question posed by the prosecutor, and my new objection would
18 then be that the question is irrelevant, and I find support in
19 that position in your ruling just now that this line of
20 questioning is not relevant.

21 So I would object to this question on the basis of relevance and
22 invite the prosecutor to move on.

23 MR. ABDULHAK:

24 Your Honours, the objection has been overruled. My -- my learned
25 friend is simply restating his initial objection. We could have,

1 by now, dealt with the issue and moved on. My learned friends are
2 really wasting time now.

3 If I could be permitted to continue?

4 [15.16.55]

5 MR. PRESIDENT:

6 Indeed, Mr. Co-Prosecutor, you can proceed putting some more
7 questions to the witness. The objection has already been ruled
8 upon.

9 BY MR. ABDULHAK:

10 Q. So, again, Dr. Chhunly, in very, very brief terms, could you
11 describe the incident?

12 MR. HUN CHHUNLY:

13 A. This event is very vivid in memory of mine, and I never forget
14 it.

15 On one occasion, I saw a young woman who came to the hospital.
16 She was in her late teen year and she was wearing black clothes,
17 and I asked her why she came here, and she said that she was
18 asked to come and help arrange the medicine at the hospital
19 because she could speak French. Then she said she was nervous;
20 she didn't know why. And that time, a female medic of the Khmer
21 Rouge assured her that she would not need to be afraid and she
22 would take her to see the head of the doctor. Later on, she was
23 led away.

24 [15.18.21]

25 But then, a while later, I saw a doctor came with some

1 anaesthetic and the laryngoscope, walking toward the -- my
2 opposite direction. I could see from the window that Phon, the
3 head of the hospital, went into a room. A while later, I saw four
4 Khmer Rouge soldiers carrying that motionless, poor, little girl
5 in a stretcher and have him -- have her loaded on to a waiting
6 vehicle parked in front of the hospital. Then the car drove off.
7 And I noted immediately that the woman had been -- had been going
8 under experimental surgery.

9 Fifteen minutes later, I saw these people coming back to the
10 hospital, and then they asked me for help, they cried in pain,
11 and they said that the car overturned in front of Damrei Sar
12 (phonetic) Pagoda, and I took that head of the hospital to be
13 treated; he got injury on his left hand. And the other staff
14 could be well treated by other medical personnel.

15 At the same time when I was preparing to sew the injury of Phon,
16 and then Khmer Rouge came and asked, "What we should do with that
17 enemy bitch?" And Phon told me (sic) that, "Get rid of her or
18 just execute her." That's what I heard and saw.

19 [15.20.39]

20 And in the late afternoon, personnel staff told -- medical staff
21 told me that the young woman, who was still influenced by the
22 anaesthetic, was taken to a location near Monivong Lycée and was
23 then placed into the crematorium -- crematory oven alive.

24 Q. Thank you, Dr. Chhunly. We will move on to other topics.

25 Now, again, I wish to spend very little time on this. The next

1 hospital where you worked and which you describe in your book was
2 the civilian hospital, P1, the hospital you mentioned earlier. I
3 wish to only ask you a couple of questions about the practices
4 and policies that were in existence.

5 You describe in your book that in this hospital, which was a
6 hospital for the treatment of civilians, not Khmer Rouge soldiers
7 -- that there was a staff member; someone called Ron, whose task
8 you describe as being to spy on the patients to identify enemies.
9 And for the record, this section is at Khmer ERN 00678842; and
10 English, 00369741.

11 Could you tell the Court how you knew that this individual was
12 tasked with spying on people to locate enemies?

13 [15.23.00]

14 A. I had worked at the military hospital for 16 months. Then I
15 worked for the civilian hospital for two months. I left the
16 hospital on the 31st, when the Chinese delegation paid a visit to
17 the hospital, on the 31st of January 1977.

18 Ron did not have a regular work schedule. He was in charge of the
19 laboratory, and there was not much for him to do. Ron was a
20 cheerful person. We could see smile in his face all along, even
21 when he was very angry; the angrier he was, the more smile we see
22 on his face. And he said that by the evening there would be some
23 vehicle who come to pick up some patients out of the hospital,
24 and he would be in charge of helping this.

25 Q. How is it that you knew that people that were being taken away

1 were identified as enemies?

2 A. The vehicles came to the place -- to the hospital. During the
3 Khmer Rouge regime, it was rare to see a vehicle coming to the
4 place. And during the time when I was on duty to guard the
5 hospital or to be on standby, I saw a vehicle came in and left,
6 and then I did not see the patient who would be there a moment
7 ago, before the car came.

8 [15.25.13]

9 Q. And last question on that. At the pages which I indicated
10 earlier, there is a passage which reads as follows -- quote:
11 "When, through his spying activities, he" -- that is, Ron - "had
12 identified 'the enemies of the revolution', like civil servants,
13 intellectuals or so-called capitalists, he reported his findings
14 to the 'upper level'."

15 Is that a correct summary of what you observed or learned during
16 your stay at P1, that people being searched for included "civil
17 servants, intellectuals or so-called capitalists"?

18 A. (Microphone not activated)

19 MR. PRESIDENT:

20 Mr. Witness, could you please pause?

21 You may now proceed.

22 MR. HUN CHHUNLY:

23 A. Report was made to the Upper Echelon. I don't know where the
24 Echelon could have been located, but I saw vehicles coming to the
25 place -- to the hospital.

1 [15.26.37]

2 BY MR. ABDULHAK:

3 Q. Thank you. Now, before we leave the functioning of the
4 hospitals, per se, I wish to ask you about the -- first, the
5 events which took place on the 30th of January 1977, which you
6 mentioned earlier.

7 At that point, you were relieved of your responsibilities. Can
8 you tell the Court very briefly how you were relieved of your
9 responsibilities?

10 MR. HUN CHHUNLY:

11 A. I had nothing to be in charge of the hospital during the Khmer
12 Rouge; I was an ordinary medical staff or, in other words, I am a
13 prisoner of the Khmer Rouge at the hospital. I did not hold any
14 higher position.

15 [15.27.55]

16 However, when soldiers got injured, I would be called to treat
17 them. But for civilian, if anyone was sick, they would not ask me
18 to treat them. So, I did not have any actual position.

19 But on the 30th, the head of the hospital ordered to all medical
20 personnel to clean both in and outside the hospital. In the
21 evening of the 29, at 2 a.m., personnel -- medical personnel
22 would be cleaning the hospital complex without worrying of
23 disturbing the patients. By 8 a.m., the hospital was clean, and
24 there was another order to close all the hospital windows and
25 that no patients or person - medical personnel were allowed to

1 leave the hospital because we were asked to only stay there and
2 have meals at the hospital.

3 At 10 a.m., I could see, from the office where I worked, the
4 vehicle loaded with Chinese delegation coming to the hospital. I
5 saw Chinese people who were wearing white shirt -- white
6 short-sleeved shirt. The car was there for a while -- about an
7 hour -- before it left. It was on the 30th of January 1977.
8 By late afternoon, I was called and told that Angkar would like
9 us to go back to the cooperative. So, by the 31st of January
10 1977, I returned to the cooperative and became the farmer doing
11 farming.

12 [15.30.21]

13 Q. Were you the only doctor who was told to return to the
14 cooperatives on that day, or were there other doctors?

15 A. In Battambang, the Khmer Rouge established a district hospital
16 - it was actually a former school - and one or two health staff
17 were assigned to work there.

18 As for myself, while I was at the P2 Hospital, P2 Hospital
19 belonged to the sector. And after 16 months, I was sent to work
20 at P1 Hospital, which was a civilian hospital. There were four of
21 us: myself, another physician, another x-ray technician, and
22 another repairman or a technician.

23 Q. My question was simply whether other doctors were sent away
24 back to the cooperatives on the same day or around the same
25 period when you were sent away.

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1 A. When I left the hospital, I returned to the cooperative to
2 work the rice field.

3 [15.32.14]

4 Q. I think we may have interpretation issues, but I will move on,
5 in the interests of time.

6 At the end of Chapter 6 of your book, you provide a conclusion as
7 to your experiences at the two hospitals, and this is the last
8 aspect of the hospitals that I wish to ask you about. And this is
9 at Khmer ERN 00678846, and English ERN 00369744. And I will read
10 two brief passages.

11 First, you say:

12 "Most of the patients who came from the cooperatives ended their
13 lives in Hospital P1" -- that is, the civilian hospital -- "and
14 their valuable properties were pillaged by Khmer Rouge staff.
15 Some patients became Khmer Rouge's prey for their criminal
16 'practical and experimental surgery'. Moreover, Civilian Hospital
17 P1 was a Khmer Rouge's spy place to identify and eliminate people
18 who they considered to be 'enemies of the revolution'.

19 "In short, the military hospital was a facility for taking care
20 and for promoting health of Angkar's Khmer Rouge soldiers. The
21 civilian hospital was merely an antechamber of death for
22 Cambodian people."

23 [15.33.57]

24 That last passage where you make a distinction between hospital
25 -- the military hospital and the civilian hospital, is that a --

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1 is that an accurate summary of what you were seeing and your
2 impressions at the two hospitals?

3 A. That is my personal conclusion. At the military hospital,
4 patients who were rather healthy and did not have diseases like
5 diarrhoea or malnutrition, they would be there, at the military
6 hospital, and during a mealtime they would be asked to eat around
7 a table. Although the food was not that adequate, it was almost
8 enough for all the patients.

9 On the contrary, at the civilian hospital, patients were --
10 mostly had these kinds of hygiene disease, including diarrhoea,
11 dysentery, malnutrition, oedema, and they were kind of emaciated.
12 They had two meals per day, while at the military hospital the
13 patients had three meals. And when they were eating, they would
14 eat in a row, not at a round table, and they would put the food
15 in the middle of the row.

16 [15.35.57]

17 Patients at that civilian hospital, when they died, their entire
18 property would be confiscated by the Khmer Rouge. I knew a
19 teacher who had a 7 "chi" of gold. He actually asked to give the
20 gold to me, but I refused to take it.

21 And on that day, two patients died. The dead persons were not
22 moved from their beds until the late evening, when a pedal cart
23 came to pick up the dead bodies, and the properties of those dead
24 patients were confiscated by the Khmer Rouge. Even the medicine
25 -- the medicine that was given by the Chinese -- were not given

1 sufficiently to the patients. The Khmer Rouge would steal some of
2 those medicines. And the Khmer Rouge actually hated any patient
3 with a light complexion.

4 And another point, for surgery. And this is applied to both P1
5 and P2, and this is from my personal experience. There was a
6 woman who was mentally retarded. She sang and then she walked
7 away from the hospital. House staff then whipped her up and took
8 her back into the hospital. Later, the chief of the hospital said
9 that that patient would be sent back to the village, but as I
10 observed, that patient was put on a stretcher and she was put
11 under anaesthetic, and then she was put into a vehicle and left.

12 It is my conclusion that she was sent for an experimental
13 surgery, although I did not witness that experimental surgery
14 myself, but I saw that patient under anaesthetic taken away.

15 [15.38.35]

16 As for the civilian hospital, it was also a dangerous place. It
17 was a place where they searched out for the enemy, including
18 public officials. And when they were targeted as enemies, then
19 they would be taken out.

20 Q. Thank you. Thank you.

21 We will move on to a slightly different topic. You discuss in
22 your book a period in -- I believe it is in August 1975 -- where
23 you had permission to visit your family in the Damrei Slab
24 village, and you describe people who had arrived -- newcomers
25 that arrived in the village. This is at Khmer ERN 00678804 and

1 following, and English ERN 00369716.

2 You discuss here seeing the newcomers in the Battambang region

3 and you say -- I'll just read one brief passage:

4 "I met a physician whose name was similar to mine (Chhinly) and
5 another physician named Long Naret and his wife who used to work
6 in Kampong Cham town. They said the Khmer Rouge loaded people in
7 the train from Phnom Penh and dropped them at different stations,
8 such as Svay Doun Keo, in Pursat province, and then Moug
9 Ruessei, Phnom Tapdae, Battambang town, and other stations on the
10 way to Sisophon."

11 [15.40.50]

12 Can I just have you first confirm, did you, yourself, see some of
13 these newcomers, apart from this individual that you talked to,
14 Mr. Chhinly?

15 A. That was the time the Khmer Rouge transferred people from
16 Phnom Penh to Battambang by train. Some of them were settled in
17 my village.

18 Q. Thank you. I'll - I'll ask you another question. Can you
19 describe for the Court - or, rather, let me ask you first, what
20 were the conditions in which those people were left when they
21 arrived in Battambang? Was there sufficient provision made for
22 their accommodation, food, etc.?

23 A. Those evacuees had to find food by themselves. However, as for
24 the Base People, when they had a free piece of land, those
25 evacuees were allowed to settle in that free plot of land, or

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1 sometime they even shared the houses with the evacuees. But most
2 of the time they would build their shelter or accommodation on
3 the free plot of land.

4 [15.43.12]

5 Q. Thank you very much.

6 Now, further on in your -- in your book, you describe what
7 happened to some of these evacuees. And this is at Khmer ERN
8 00678836, and English ERN 00369736. And I'm paraphrasing, but in
9 that passage you describe a -- in your words, a "starvation" and
10 you also state that, from among approximately 100 Islamic Khmer
11 families who had been displaced, "only about half of them had
12 survived". Could you tell the Court very briefly about what you
13 saw and what was related to you by your family about the
14 starvation which took place and which affected these people?

15 A. Starvation did not exist in 1975, but it was in late 1976, if
16 I am not mistaken, because in 1975 we still had some reserved
17 food. When those people coming from Phnom Penh to settle in my
18 village, I, myself, as well as my mother went looking around in
19 the hope that we would find some of our relatives, but we did
20 not. However, I made some friends.

21 At that time, we could manage to have sufficient food. However,
22 by the end of 1976, a lot of people died. As for the Islam
23 population who settled there, half of them died. And for the sick
24 Cham people who could not go to work, their ration would be cut,
25 and they were also forced to eat pork.

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1 [15.46.08]

2 Q. If I could just ask you a little bit further about the
3 starvation and the circumstances surrounding it.

4 At Khmer ERN 00678822 and English ERN 00369727, you're discussing
5 the period after the Khmer New Year in 1976, and -- in other
6 words, immediately preceding that famine -- and you say the
7 following - quote: "The Khmer Rouge pretended the stock of rice
8 was going to run out. In fact, people saw trucks transporting out
9 regularly rice from the warehouse."

10 Can I ask you first how you were able to learn that information,
11 that rice was regularly transported out of warehouses?

12 A. The Khmer Rouge gathered the people to dismantle wooden houses
13 in Battambang in order to build a commune warehouse to store
14 rice. The villagers and myself saw trucks coming to transport
15 rice from the warehouse outside, although we did not know where
16 the rice was transported to. Villagers, at the time, were
17 distributed rice taken from the warehouse, and later on they said
18 that the warehouse was running out of rice. And that is my
19 personal experience -- that is, seeing trucks coming to take away
20 the rice from the commune warehouse.

21 [15.48.33]

22 Q. Thank you. Now, if we move on to yet another brief topic, and
23 it is your discussion of the people living in Wat Kor commune,
24 and this section starts at Khmer ERN 00678828; and English,
25 00369731. And you first state that -- that you "knew Nuon Chea's

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1 family very well" and that they "lived in a big wooden house at
2 Wat Kor commune".

3 A little bit further down you say the following -- quote: "Under
4 the Khmer Rouge regime, Wat Kor commune enjoyed special
5 treatment. Unlike other communes, Wat Kor residents were not
6 displaced. Moreover, they received sufficient ration."

7 A little bit further down:

8 "While people in other communes were starving, Wat Kor commune's
9 daily food supply never changed.

10 "Nuon Chea's mother also received special treatment. She was
11 regularly given full bag of rice, fishes, sugar, salt, and other
12 supplies."

13 Is that -- are those passages from your personal experience, from
14 the information you obtained during the Khmer Rouge period?

15 [15.50.42]

16 A. I knew Wat Kor village since I worked in Battambang province
17 in 1967. The Wat Kor villagers were kind of a wealthy class, and
18 a number of intellectuals actually came from Wat Kor village, and
19 some government officials also came from the Wat Kor village.

20 I also knew Nuon Chea's family, but in fact, the family of Nuon
21 Chea was a good family, like the rest of the villagers in that
22 village. I used to provide treatment to him and to his family
23 members at the Wat Kor village, and some of the medical staff
24 also came from Wat Kor village.

25 Under the Khmer Rouge regime, one of Nuon Chea's younger

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1 siblings, who was a custom officer, was not taken anywhere. He
2 became a driver during the regime, which was a contrast from
3 other previous regime officials.

4 Secondly, under the Khmer Rouge regime, Wat Kor village
5 residents, regardless whether the person was a young one or an
6 adult, received the same food ration, and wherever there was
7 insufficient food elsewhere in other villages, the food ration in
8 Wat Kor village did not change.

9 I also knew the person who supplied food to Nuon Chea's mother
10 because he was the same person who gave food supply to the
11 hospital where I worked -- that is, P1 and P2 hospitals.

12 [15.53.18]

13 Q. Thank you.

14 Now, if I can ask you about the changes in the authority
15 structure of the Northwest Zone that you describe in your book.
16 And in Chapters 8 and 9, you discuss this extensively, the
17 disappearances of Northwest Zone cadres and arrival of West Zone
18 cadres. And, in fact, you witnessed one such arrest by people
19 arriving on a boat.

20 Time is limited, so I'm going to be selective.

21 Looking at a passage that deals with a meeting that you attended
22 -- now, this is in the period late '77, early 1978; it's in
23 Chapter 10 of your book, and the specific passage is found at
24 Khmer ERN 00678865, and English ERN 00369758. You discuss
25 meetings that you were required to attend at night and some of

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1 the new rhetoric of the Khmer Rouge cadres which you heard. And,
2 according to this passage, there was discussion of the situation
3 of the enemies inside the country and situation of the enemies
4 outside the country.

5 [15.55.14]

6 And if I can quote you here:

7 "Concerning 'the situation of the enemies inside the country',
8 the Khmer Rouge cadres cited 'the internal enemies burrowing
9 through the Party from inside, the CIA agents, the KGB agents,
10 the reactionists, the revisionists among our cadres at all levels
11 ... , who must be destroyed by our great and radical revolution'."

12 Is this a form of -- or let me rephrase that: Is this something
13 you heard personally at meetings that you attended?

14 A. Yes, I heard the phrase with my own ears. At night, after an
15 exhausting day, all workers were required to attend a meeting. I,
16 personally, did not like the meeting, but the same phrase kept
17 repeating itself -- that is, about the situation of the enemies
18 inside the country and outside the country and -- that phrase;
19 and that's why it stuck in my mind.

20 Q. Let me ask you this. Were those meetings taking place in the
21 same period when you observed the disappearance of Southwest --
22 rather, Northwest Zone cadres and their replacement by people
23 from the West Zone? Was that the same period or was it a
24 different time?

25 [15.57.10]

1 A. (Microphone not activated)

2 MR. PRESIDENT:

3 Witness, please wait until the microphone is operational.

4 MR. HUN CHHUNLY:

5 A. I did not see the disappearance of the cadres of the
6 Northwest, but I saw them being replaced by the cadres from the
7 West. And I witnessed one incident where the cadre was arrested
8 and taken by boat, as you stated earlier.

9 BY MR. ABDULHAK:

10 Q. Thank you. Dr. Chhunly, we discussed earlier, the -- an
11 individual whose name was Pech Khen (phonetic) alias Sou Met
12 (phonetic), the Sector 3 Secretary. Do you know what happened to
13 him?

14 MR. PRESIDENT:

15 Prosecutor, could you please rephrase your question? In
16 particular, please mention the names precisely so that the
17 interpreter could interpret it properly.

18 [15.58.37]

19 BY MR. ABDULHAK:

20 Thank you, Mr. President.

21 Q. An individual that we discussed earlier, Khek Penn alias Sou,
22 who was secretary of one of the sectors in the Northwest Zone and
23 a person that you described earlier, do you know what happened to
24 him during the Khmer Rouge period?

25 A. I did not know because at that time it was a period of

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1 screening, or purging, so I did not know what happened to the
2 person.

3 Q. Thank you.

4 Mr. President, with your leave, I would like to show the witness
5 a document to see, simply, whether he can identify the individual
6 mentioned there. And this document is D108/26.104. It is an S-21
7 prisoner list and I simply wish to confirm whether the individual
8 mentions there -- mentioned there corresponds to the individual
9 that our witness has been discussing.

10 [16.00.15]

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 MR. ABDULHAK:

14 And with your leave, I do have a hard copy for the witness. It
15 might be a little bit easier for him to read, if I may hand that
16 to him.

17 MR. PRESIDENT:

18 Court Officer, can you take the hard-copy document for the
19 witness examination?

20 BY MR. ABDULHAK:

21 Thank you, Your Honours.

22 The Khmer ERN, if the court officer could assist, is 00086931.

23 And I'm asking my case manager to project that on the screen so
24 everybody's looking at the same page.

25 [16.00.54]

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1 Q. So, Dr. Chhunly, it's 00086931 -- the document in your copy;
2 the ERN in French is 00864730 to 731; in English, 00837610.
3 Dr Chhunly, if you look at the -- at Section 6 in that document
4 -- I'm reading from the English document, so I hope you can
5 follow me in Khmer -- Section 6 is entitled "Sector 4". The
6 individual listed as number 29 is "Khek Pen alias Sou", "Sector's
7 Secretary". If you can read that, is that the same person? At
8 least as far as the name is concerned, is that the same name as
9 the individual who you were describing earlier today?

10 MR. HUN CHHUNLY:

11 A. I cannot say for sure because he was known as Khek Penn alias
12 Comrade Sou, but here it mention "Khek Pen alias Sou".

13 MR. ABDULHAK:

14 Thank you. That's all we need. We can move on from there.

15 Mr. President, would you like me to stop here?

16 [16.02.41]

17 MR. PRESIDENT:

18 Thank you.

19 Court Officer, can you remove the document from the witness?

20 The time is now appropriate for an adjournment for today's

21 proceeding, and we will resume tomorrow morning, Friday 7

22 December 2012, starting from 9 a.m.

23 For tomorrow's proceeding, we will continue to hear the testimony

24 of Mr. Hun Chhunly.

25 Mr. Hun Chhunly, the hearing of your testimony has not yet

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1 concluded. We will continue to hear your testimony again
2 tomorrow, and you are invited to do so.
3 Court Officer, in cooperation with WESU, could you assist the
4 witness for his return to his residence and have him returned at
5 the courtroom tomorrow morning, at 9 a.m.?

6 [16.03.35]

7 Security guards, you are instructed to take the three Accused to
8 the detention facility and have them return tomorrow morning at
9 the courtroom, before 9 a.m. As for Mr. Ieng Sary, please take
10 him to the holding cell downstairs with the audio-visual link so
11 that he can follow the proceeding remotely.

12 The Court is now adjourned.

13 (Court adjourns at 1604H)

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